

BOARD OF COUNTY COMMISSIONERS

Eric K. Maxwell, Chairman
Randy Ognio, Vice Chairman
Steve Brown
Charles W. Oddo
Charles D. Rousseau

FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Tameca P. White, County Clerk



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

AGENDA

March 23, 2017
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
Invocation by Chairman Eric Maxwell
Pledge of Allegiance

Acceptance of Agenda

PROCLAMATION/RECOGNITION:

1. Recognition of the Fayette Senior Services' Meals On Wheels program and its volunteers. (page 4)

PUBLIC HEARING:

2. Consideration of Ordinance 2017-03, amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-149. - Planned Unit Development concerning Planned Residential and Business Development-Planned Unit Development (PRBD-PUD) zoning district. (pages 5-97)
3. Consideration of Ordinance 2017-04, amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-3.- Definitions., Sec. 110-125. - A-R, Agricultural-Residential District., Sec. 110-142.- O-I, Office-Institutional District, Sec. 110-144. - C-H, Highway- Commercial District, and Sec. 110-169.-Conditional Use Approval, concerning A-R Bed And Breakfast Inn use. (pages 98-134)
4. Consideration of Ordinance 2017-05, amendments to Chapter 22, Article III.-Hotel/Motel Excise Tax of the County Code concerning A-R Bed and Breakfast Inn use. (pages 135-148)
5. Consideration of Ordinance 2017-06, amendments to Chapter 8, Article VI.-Tourist Accommodations of the County Code concerning A-R Bed and Breakfast Inn use. (pages 149-160)

CONSENT AGENDA:

6. Approval of the Election Office's request to enter into an Intergovernmental Agreement with the Town of Brooks allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Brooks in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement. (pages 161-165)

7. Approval of the Election Office's request to enter into an Intergovernmental Agreement with the City of Fayetteville allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Fayetteville in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement. (pages 166-170)
8. Approval of the Election Office's request to enter into an Intergovernmental Agreement with the City of Peachtree City allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Peachtree City in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement. (pages 171-175)
9. Approval of the Election Office's request to enter into an Intergovernmental Agreement with the Town of Tyrone allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Tyrone in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement. (pages 176-180)
10. Approval of the Election Office's request to enter into an Intergovernmental Agreement with the Town of Woolsey allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Woolsey in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement. (pages 181-185)
11. Approval of staff's recommendation to approve Contract #940-P, Public Works Engineer of Record: Task Order #18 – Construction Management for Lee's Mill and Rising Star Culvert Replacements in the not-to-exceed amount of \$96,920 and to authorize the Chairman to sign the related documents. (pages 186-195)
12. Approval of the March 7, 2017 Board of Commissioners Special Called Meeting Minutes. (page 196)
13. Approval of the March 9, 2017 Board of Commissioners Meeting Minutes. (pages 197-204)

OLD BUSINESS:

14. Consideration of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents. This item was tabled at the February 23, 2017 Board of Commissioners meeting. (pages 205-225)

NEW BUSINESS:

15. Consideration of a recommendation from the Selection Committee, comprised of Commissioners Steve Brown and Charles D. Rousseau, to appoint Nancy Holland to the Fayette County Recreation Commission for an unexpired term beginning immediately and expiring March 31, 2020. (pages 226-241)
16. Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Ognio and Commissioner Charles W. Oddo, to re-appoint Cathy Berggren to the Fayette County Department of Family and Children Services Board for a term beginning January 24, 2017 and expiring June 30, 2022. (pages 242-263)
17. Consideration of the County Attorney's recommendation to approve a tax refund of personal and real property taxes to Calpis America Inc. for tax years 2014, 2015 and 2016 in the aggregated amount of \$29,452.87. (pages 264-267)
18. Consideration of the approval to execute a property deed to swap approximately 0.12 acres of right of way to Mr. Michael Becker in exchange for the transfer of 0.14 acres needed to pave a turn-around to provide access for Fayette County safety vehicles. (pages 268-274)

PUBLIC COMMENT:

In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and in need of a wheelchair. The Board of Commissioners Agenda and written material for each item is available on-line through the County's website at www.fayettecountyga.gov. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at www.livestream.com.

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

COUNTY AGENDA REQUEST

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Department: Commissioners

Presenter(s): Commissioner Charles Rousseau

Meeting Date: Thursday, March 23, 2017

Type of Request: Proclamation/Recognition #1

Wording for the Agenda:

Recognition of the Fayette Senior Services' Meals On Wheels program and its volunteers.

Background/History/Details:

The Meals On Wheels program provides meals for homebound seniors and reduced mobility. Fayette Senior Services is the sole provider of Meals On Wheels for Fayette County.

Fayette Senior Services contracts with Open Hand Atlanta to provide meals for the Meals On Wheels program. Open Hand has provided per-packaged meals for the program since 2000. All meals are suitable for diabetics and those who need low sodium diets. There is no charge for Meals On Wheels; however, donations are greatly appreciated.

The Meals On Wheels program currently has over 100 volunteers that deliver over 456,000 nutritious meals to homebound seniors in Fayette County. Volunteers are needed to make the weekly and daily routes. Volunteers use their own car and gas to deliver meals. the average route has 5 to 6 stops and takes approximately 1 to 1.5 hours to complete. Volunteers include permanent drivers, substitute drivers and route teams.

What action are you seeking from the Board of Commissioners?

Recognition of the Fayette Senior Services' Meals On Wheels program and its volunteers.

If this item requires funding, please describe:

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

If so, when?

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

Backup Provided with Request? No

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval Yes

Staff Notes:

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Ordinance 2017-03, amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-149. - Planned Unit Development concerning Planned Residential and Business Development-Planned Unit Development (PRBD-PUD) zoning district.

Background/History/Details:

Staff and Planning Commission were approached by individuals wanting a mixed-use development consisting of a principal single-family residence with an incidental business run from a detached structure on the same property. This currently is not allowed (see backup).

Staff recommends approval of the amendments.

The Planning Commission recommended approval of the amendments.

Brian Haren made a motion to recommend approval of the proposed amendment with corrections. Arnold Martin seconded the motion. The motion passed 4-1. Jim Graw opposed the motion.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2017-03, amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-149. - Planned Unit Development concerning Planned Residential and Business Development-Planned Unit Development (PRBD-PUD) zoning district.

If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Statement from Jim Graw:

During the past few months we have been discussing the development and potential implementation of a new PUD- Planned Residential and Business Development or a PRBD. When we started to put together the details of this new PUD there was something that bothered me but I couldn't put my finger on it.

The intent of the new PUD is to allow mixed use development with a principle single-family residence and incidental business uses. The principal residence business owner would conduct on-site business operations, clients/customers would visit the site, the receipt and shipments of goods and deliveries would occur and non-occupant paid employees could be on site.

About 2 weeks ago I was able to figure out what was bothering me. I drove through Kenwood Business Park in north Fayette County off GA 85 and saw many small business located in this park. Some businesses were related to the movie industry. Some rent office space as well as warehouse space. Many of the buildings have loading docks for trucks. The businesses perhaps have on-site employees and conduct on-site business operations with clients visiting the offices. I believe the land use designation for the business park is industrial and the zoning is M-1.

The first PUD-PRBD would be created on 70 plus acres on Sandy Creek Road. The subject property is land used low density residential (1 unit/1-2 acres) and zoned R 70 (2 acre minimum). To the north and east the properties are in Tyrone. To the south and west (across Sandy Creek Road) the properties are in the county and zoned R 70. In my opinion, this new PUD creates a small business park on land that is land used and zoned residential. This new business park could be complete with some heavy duty truck traffic, warehousing, shipping and receiving of goods and perhaps some non –resident paid employees property. This new zoning could be used in other areas of the county and could also be in primarily residential areas.

The plan is for the owner of the PUD property to bring to the Planning Commission the planned uses for the PUD. The Planning Commission can either approve all or some of the uses or deny them. To this point I have not seen or heard what the criteria, if any, will be for approving or denying the recommended uses. Future Planning Commissions do not have the background information that has gone into the development of this PUD and may recommend approval of uses that are incompatible for the PUD since there are no criteria for determining appropriate uses. Personal preferences should not enter into those decisions.

I would also like to remind the Planning Commission that a petitioner's potential financial loss or gain on a requested zoning or rezoning should not be taken into consideration when making any approval or denial recommendations.

In my opinion, this zoning we are discussing and ready to vote on is unfair to surrounding residential properties not in the PUD and might be considered spot zoning.

I cannot support this PUD for the reasons I have just mentioned and since there are other options available to the petitioner for conducting business.

As a footnote, I do not nor does any member of my family have any interest whatsoever in the Kenwood Business Park.

THE FAYETTE COUNTY PLANNING COMMISSION met on September 15, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

3. Discussion of Home Occupations.

Pete Frisina stated that Debbie Lowe came in and talked to him about a client she has that works in the movie industry. He said that they were asking if it was possible to have a residence and a business on the same property. He added that the closest thing he could get to was the Home Occupation, which allows you to have a business in your home utilizing no more than 25 percent of your home. He stated that what they would like to do is utilize an accessory structure for the business. He said that this business happens to be specialized camera equipment for movies such as cameras on boons, helicopters, or drones to do a certain type of aerial photography. He added that they primarily work with movie industry, and this location is good because it is down the road from Pinewood Studios.

Debbie Lowe stated that there are certain criteria's that they need to have, like being close to an airport, security, privacy and close to Pinewood. She said that this particular piece of property is on the northeast corner of S.R. 74 and Sandy Creek Road across from the church; your land use plan shows it at R-70, and that zoning classification is not going to work for this piece of property. She added that she sent a couple of builders over to talk to Pete Frisina about it, but because of the watershed there are two (2) big ponds on that property plus the pond on the corner, and also the eastern boundary of this property, is the property that when they built Lake Horton was bought by the County for watershed. She stated that there was no sewer in there and they were trying to get septic tanks on two (2) acre lots were just not going to work. She said that when the people with Pinewood contacted her about trying to find a location that worked for them this property came into mind. She added that she has been selling real estate for over 30 years, and unfortunately we are starting to see things that do not fit into the parameters of the box. She stated that we need to be a little bit creative and hopefully make some of these things work, because this property is well suited for them. She asked Pete Frisina had the Planning Commission seen the topography and aerial of this property.

Pete Frisina replied no. He stated that we are in a position where somebody wants to do something that we do not allow. He said that the closest thing we have is a home occupation and it doesn't allow for that with outside structures. He added that our non-residential zoning says you can do residential or you can do business but you can't do them at the same time. He stated that you can live on a residential piece of property but once you convert it to a business you can't live there anymore. He said that the question we need to say is, do we want to work toward something, and where do we start working. He added do we look at the accessory use restrictions in a home occupation, or do we possibly come up with something from another direction. He stated that they want to do 20 acre parcels.

Debbie Lowe stated that they want to divide that 80 acre tract, and right now it is divided into three (3) parcels. She said that the large tract is 68 acres or so, and the tax rolls are showing it zoned agricultural and the land use plan shows it as R-70.

Pete Frisina replied that is a tax designation and it means nothing for zoning. He stated that it means that you are not getting charged as much.

Debbie Lowe stated that she sent Pete Frisina some pictures of their facility in Venice, Florida and what they would like to do here. She said that his accessory structure looks like a huge barn. She added that their camera equipment is extremely expensive, and they have to have access to it all the time; because if something breaks down they have to immediately repair and get it back on line. She stated that it is very important for him to have those cameras where he lives because they may have to work on those cameras all night to get them back up. She said that it is he and his brother that is involved in this with several other principles called Cinemoves. She added that she talked to Pete to see where they stood as far as zoning before they start to put people under contract. She stated that the property suits him fine, it's heavily wooded, and there are pastures that are within there where the structure would most likely go. She said they want three (3) tracts to divide, and the large tract will have frontage on Sandy Creek Road. She added that there will be no access road needed because they will all have their own driveway. She stated the two (2) parcels that Tina and her husband live on which are a two (2) and a four (4) acre tract that fronts on Sandy Creek Road will stay just like it is, because it has a very nice house on it and one (1) of them will utilize that. She said the little three (3) acre parcel that was deeded over to her brother will go back into the 68 acre larger tract. She added that each parcel that is subdivided will look like a fan. She stated if they are able to do what they want to do they will resurvey it into the three (3) parcels. She said they would apply for subdivision and go that route.

Al Gilbert asked why they need three (3) separate parcels.

Debbie Lowe replied that there are two (2) brothers, and there is one (1) other parcel that they may keep for themselves, or they may have some other entity that may want to come in and do something similar. She stated that the nice part about the property is that it has natural boundaries already there, and no one would know it's there.

Chairman Graw asked if the individual wants to buy the 100 acres.

Debbie Lowe replied that it was 80 acres.

Chairman Graw asked Pete Frisina if residential houses can have accessory structures and at what maximum square footage.

Pete Frisina replied yes, and in R-70 if you have more than five (5) acres you can have up to 3600 square feet.

Chairman Graw asked about the square footage for accessory structures with a lot size less than five (5) acres.

Pete Frisina replied 1800 square feet.

Debbie Lowe stated that the building is large, 6,000 square feet and it looks like a huge barn. She said that it is very attractive from the outside.

Al Gilbert said that he assumes all of their work will be done inside those buildings.

Pete Frisina asked if they had employees.

Debbie Lowe stated that they do, but they're never really here; they are with the cameras when they are shipped off.

John Culbreth asked what type of activity would be going in and out for example trucks.

Debbie Lowe replied probably no more than what a farm would have.

John Culbreth stated that there was a subdivision adjacent to the property.

Debbie Lowe replied yes, but the property is very well buffered.

Brian Haren stated that we have a 71.9 acre parcel that is zoned R-70, and then we have two (2) smaller parcels that they could build a house on. He asked if they could live on those two (2) smaller parcels and put the business on the larger 71.9 tract.

Pete Frisina replied no, not under R-70.

Debbie Lowe stated that the simplest thing to her would be to rezone it agriculture. She said that on an agricultural lot you can have a barn or a workshop.

Pete Frisina stated that camera companies are not agricultural.

Arnold Martin stated that you have a farmer with a lot of farm equipment in a very large barn facility that they are constantly working on machinery, and not necessarily selling it retail or anything like that; how does that equipment differ from camera equipment.

Pete Frisina stated that your zoning ordinance allows for agricultural equipment but it doesn't allow for camera equipment.

Debbie Lowe said its semantics.

Al Gilbert stated that it's for farming purposes.

Arnold Martin stated that he is asking the question based on the bigger picture in terms of usage.

Pete Frisina stated that permitted uses in A-R is agriculture. He said that we may be splitting hairs but that is what zoning does all day long. He added that a commercial business like this is not agricultural. He stated that if you wanted an agricultural business in there and you were zoned A-R that's allowable, but what you are doing is moving outside the realm of A-R into something different. He said that it may be very similar and that he understands that; that is what we're playing around with number one (1) how do we want to entertain this; do we want to

entertain it and how do we go about it.

Al Gilbert stated that with this much of property we have the freedom to say it has to be a certain amount of acres.

Chairman Graw stated that R-70 was out, and the potential buyer couldn't what he wanted to with the property. He said that the other option is to rezone the property A-R at which point you can have up to 3600 square feet with five (5) acres, and if you wanted two (2) buildings you can have 1800 square feet for each.

Al Gilbert stated that square footage has nothing to do with the size of the home. He said that he could build a 6,000 square foot home and have a 3,600 square foot accessory building.

Chairman Graw said that what we need to do is amend the Home Occupation ordinance in order to permit him to have one of those accessory structures as part of his home occupation.

Al Gilbert stated that the potential buyer's accessory structures are 6000 square feet.

Bryan Haren asked if we allow a camera equipment company in there what if someone wants to run a trucking business.

Pete Frisina stated that wants you open it up, it's open.

Chairman Graw stated that the rules of Home Occupation would prohibit that. He said that there are a lot of uses that are restricted as home occupations.

Pete Frisina stated that is why you put safeguards in place and try to mitigate the other activities. He said one (1) way to go about this is to say it can only happen under these circumstances, and find things that we think can happen under those circumstances.

Debbie Lowe asked if you have any kind of category called residential large tract which would be 20 acres or more.

Pete Frisina replied that it would have to be created.

Debbie Lowe stated that may be the way to go.

Al Gilbert suggested doing a PUD. He stated that with the PUD we would have some type of control, and the leeway to say if someone wants to bring a different type of business in; we could say that business doesn't fit this area. He said they could say this business fits this area because it's buffered and hidden.

Pete Frisina replied that is one (1) way of going about it.

Chairman Graw stated that you could add those businesses to the ones that are not permitted in the Home Occupation ordinance. He said just think of all the businesses you don't want and add

them into it.

Pete Frisina said that we are going to work toward this.

Al Gilbert stated that for the movie studio we bit off a big bullet when we put it there. He said that he thinks we have an obligation to support it.

Arnold Martin stated that this will not be the last time this is going to come up and if we don't address it now then we will have more challenges. He agreed with Al Gilbert that we made a commitment and we need to stand by it.

Pete Frisina stated that the consensus one (1) is to start reviewing this and figuring something it out.

Chairman Graw suggested some stipulations for the Home Occupation ordinance.

Al Gilbert stated that the buildings are 6000 square feet that they want to put in.

Tina Womack stated that her family has done everything that the County has wanted them to do all of their lives. She said they did not want Pinewood Studios and were against it because it didn't fit what they thought should be there. She added that they made it work and it has been an asset to our community and to the County. She stated that you are going to close a door to us but you easily let that come in. She said that she thinks it fits their property and has proven that nothing else can be put on it. She added when they wanted the property that was not swamp land for Lake Horton they sold because they said they would take it.

Debbie Lowe stated what they want to do doesn't fit anything that we have. She said what they had to cover is nothing that people want nowadays. She said that people want different things today and we need to be open minded about some of these things. She added that they are trying to recreate for other things to come in and knows they are not all going to work. She stated that she really thinks this is a good fit for this piece of property, and you want see any difference from what the property looks like from the road.

Arnold Martin stated that we would need to focus on what their potential needs are for the size of the structures. He said that he understands his proposal is but having heard what Debbie has said if we are going to look at this, this shuts the door on it. He added that if we use the PUD or another idea the focus needs to be on whether or not we will accommodate something like this and other scenarios; what types of structures would you allow and to what size of acreage and therefore how would we categorize it.

Chairman Graw stated that Pete is saying 10 acres is permitted but any number of square footage on any size.

Pete Frisina replied for A-R, yes.

Chairman Graw said all you need to do is add it to the Home Occupation.

Arnold Martin asked if tractor trailers will be moving the equipment in and out.

Debbie Lowe replied no. She stated that right now what they use is a three (3) quarter ton pickup and enclosed equipment trailer to move their cameras from their storage facility and the airport to Pinewood Studios.

Tina Womack said that there are 50-70 of those vehicles that go by my house every day.

Pete Frisina asked Debbie Lowe for more specifics so they can keep pushing through it to see what, where, and how we can do it.

Debbie Lowe agreed with Al Gilbert's idea of a PUD.

Al Gilbert asked what is the least amount of square footage they could get by with for these buildings.

Debbie Lowe replied that she would have to ask them.

Brian Haren asked what the heights of the structures were.

Debbie Lowe replied that they are not higher than 35 feet.

Pete Frisina stated that the structures are just your typical standing seam metal building.

Debbie Lowe stated that it looks like a barn.

Brian Haren asked if they had to store high gantries.

Debbie Lowe replied no, she said a lot of the scaffolding equipment they don't use. She stated they do hook cameras to helicopters and small platforms that fit on the sides of cars.

Brian Haren stated that he would like to go the PUD route.

Debbie Lowe agreed; she said you could be more restrictive with that.

Brian Haren stated that he is worried about the overall impact of A-R if they go the other route.

Debbie Lowe stated that each 20 acre parcel will have a house and an accessory building for the business.

Pete Frisina stated that they want to live next to the building where they keep all of their equipment.

Chairman Graw asked what would be the minimum acreage of the PUD.

Pete Frisina replied 80 acres. He stated that the only reason why he brought out the Home Occupation ordinance was because it was the closest thing he could get. He said that he is not saying that is the only way it can be done, but we had to start somewhere.

Chairman Graw asked what the difference between Home Occupation and PUD.

Pete Frisina replied Home Occupation is not zoning it's a conditional use within all the zoning districts. He stated that you would need to make the determination that these are not Home Occupations but businesses. He said a farmer farms land that is not a home occupation.

Brian Haren stated that it's where the primary business activity takes place.

Pete Frisina stated that this is setup for someone to take your typical residential structure and use it for a home office.

Brian Haren asked if the business aspect takes place in the home structure.

Pete Frisina replied yes. He stated if you are A-R and you have an agricultural business you can use as much property as you want and as many structures as you want. He said we don't sell you an Occupational Tax to be a farmer.

Chairman Graw asked if the gentleman repaired, sold or both.

Debbie Lowe replied that they technically operate all of this equipment, but they also have to repair it when it goes down. She stated that they don't send it out when it goes down; they don't send it out to the camera store when it needs to be repaired, they repair it.

Al Gilbert stated that it is similar to a rental.

Debbie Lowe replied that they do lease out some of their equipment.

Arnold Martin asked what the timeline was going to be.

Pete Frisina asked about next year.

Debbie Lowe stated that they would like to close and start doing some work around March or April.

Brian Haren stated that this gives us some time. He said that once we do our bid it goes to the Board of Commissioners.

Debbie Lowe stated that the need to know before the end of this year on whether they are going to approve this or not.

Brian Haren replied we don't know.

Pete Frisina said that we will get started

THE FAYETTE COUNTY PLANNING COMMISSION met on October 20, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

7. Discussion of PUD's.

Pete Frisina stated that Debbie Lowe sent pictures of the building and site plans for the structures.

Debbie Lowe introduced Michael and Judy Howell and Dennis Womack. She stated that they would be a good one (1) to ask questions to because they're very familiar with the Florida site.

Chairman Graw asked where in Florida this is.

Michael Howell replied Sarasota the south part of the County. He stated that it was a former dolomite plant and where the metal building is was the foundation of the plant. He said they had a horse farm there that they renovated to a living facility. He added that the idea that they would like to have. He stated that there was scale house built there too, where they can drive the trucks on and weigh them.

Pete Frisina asked if the structure was a residence now.

Michael Howell replied yes.

Pete Frisina stated that this is a residence and the horse barn was not.

Chairman Graw asked if the tractor trailers are permanently parked there.

Michael Howell replied that they don't stay anywhere very long. He stated that sometimes they are inside the metal building. He said that he also works as a technician on jobs; he started working on job in January at Pinewood and those trailers didn't come back until three (3) weeks ago. He added that they don't have a retail business, people don't show up. He stated they provide a service and he could be in California, Canada, and he has the luxury to come and go.

Al Gilbert asked if he planned to do three (3) of the structures.

Michael Howell replied no. He stated that they are interested in the Sandy Creek property, but they don't need all that land. He said that his wife and I are interested in the house with the six (6) acres and would like to divide the rest of it up into 15 plus acres. He said that they would be divided into four (4) parcels someone may get more than 15 acres. He added that his brother is interested in taking one (1) of those pieces and building a living facility/attached barn where they can keep their equipment at.

Pete Frisina asked do you have other people in the industry that may be interested in being on the same site with similar business.

Michael Howell replied that he can't say if he knows people that want to build something like that. He stated that he does know people that would be interested in that piece of property. He said that it is a great location for a place to live with 15 plus acres, close to the Pinewood Studios, Patchwork Studios across the way, and Tyler Perry Studios is close to town. He added that a lot of people are moving to the north part of town but the traffic is horrible. He stated he has lived in Newnan for over 30 years and is on exit 51 and could save himself a lot of time by moving to this site.

Al Gilbert asked if he just wanted one (1) of those parcels.

Michael Howell replied yes, and that he could find someone who wanted to do something similar but on a smaller scale. He stated that it would just be something with a barn in the back to keep their gear. He said what they drive is very small like a horse enclosed trailer.

Pete Frisina asked if they pulled it with a dually truck. He asked if it was semi or a tractor trailer truck.

Michael Howell replied that it's a dually and it doesn't cause a lot of traffic.

Arnold Martin stated that his question was going to be about traffic and what type of vehicles will be used and the impact it would have on the roads.

Michael Howell stated that they are just looking for a ranch atmosphere; so when they are not working we are enjoying ourselves and not in a commercial setting.

Arnold Martin asked if the equipment needed to be gated because of its value.

Michael Howell replied that it would be similar to a ranch type gate or an auto gate that probably opens. He stated that why they have the building like it is so everything is locked inside. He said that that the equipment will be out of sight from the road. He added that they plan to build it back in the property where there is already a field clearing and it will be set far enough where it wouldn't be seen from the road.

Pete Frisina asked if someone will want to have agricultural uses on this property.

Michael Howell replied that they would like to, and they have thought of co-opting with some young people for them to sell at the farmers market.

Pete Frisina stated when people have 15 plus acres they usually would like to have agricultural uses.

Michael Howell replied that it wouldn't be commercially only a garden.

Pete Frisina asked about livestock.

Michael Howell replied that he has a horse and cow in Florida.

Pete Frisina asked what kind of zoning is on this property in Florida.

Michael Howell replied that it is agricultural.

Pete Frisina asked what County in Florida.

Michael Howell replied Sarasota County.

Debbie Lowe suggested that Pete Frisina get with the people in Florida to see how they're zoning allowed for that to be there.

Pete Frisina replied he would like to see how they do it.

Judy Howell stated that people on that street do have cattle.

Michael Howell stated that they are fairly close to the Interstate with their house in Florida unlike Sandy Creek. He said there is a lot of development coming to the area with a lot of large tracts.

Pete Frisina asked if he had outside employees come in.

Michael Howell replied that they have local people that he has trained and they have some outside employees.

Pete Frisina asked if they come on a daily basis.

Michael Howell replied that there may be an employee that lives on the property that keeps an eye on the equipment. He stated that his brother would live there as well and would be coming in and out.

Pete Frisina stated that they would want to keep some semblance of how Fayette County is developing. He said they would want to see a principle residential structure and then a detached structure. He added that the house would be the principle structure which is the visible aspect of the property and everything else would be behind it.

Chairman Graw asked if they wanted to subdivide and sell the parcels in the future.

Michael Howell replied yes, maybe it will be one (1) or two (2) lots financially that they may have to sell.

Debbie Lowe stated that the way the property looks right now it may never change.

Pete Frisina stated that when we write the ordinance it applies to everybody. He said that we have to write it with the entire County in mind, and think how we want to handle it in when the next person comes in.

Michael Howell asked Pete Frisina if the detached building had to be a certain amount of feet from the principle structure.

Pete Frisina replied that in the County you basically have a principle structure and that is your home and everything else is an accessory use. He stated that there is no specific distance. He said detached could mean behind the home maybe attached by a breezeway for the convenience of not getting wet. He added that they are creating a new zoning to try and handle that. He stated that part of a PUD is setting loose parameters in the zoning. He said with a Planned Unit Development a developer has some flexibility; and then it is reviewed by staff, Planning Commission, and the Board of Commissioners to see if they like the flexibility. He added that where they may want flexibility we might tighten up a little bit. He reiterated that you have a lot more flexibility with a PUD and that is why it is loosely set up. He stated that the County has a number of PUD's.

Michael Howell stated that when you subdivide the property up and houses are built on it, they will not be visible from the road. He said maybe one (1) would be visible from the road. He added that the other would be further back and not visible from the road because of the driveway.

Pete Frisina stated that they would call it Residential Cottages PUD. He said that he had looked at some other ordinances and he picked and chose some bits and pieces to start the framework. He reads the ordinance:

Residential Cottage Industry PUD

Residential cottage industries can include one or more of the following aspects:

In conjunction with a principal residence conducts on-site business operations
 Clients/customers visit the site
 Has shipment of goods and deliveries
 Employs non-occupant individuals

Development size_____ (70-80 acres)

Residential cottage industries shall not be operated on lots of less than 15 acres.

The cottage industry shall be owned and operated by the occupants of the property upon which the cottage industry operation is conducted.

Including the owner/occupants, no more than _____ persons shall be employed on-site by a cottage industry.

All structures associated with the cottage industry are allowed in the rear yard only behind the principal residence and must be fully enclosed.

All vehicles associated with the cottage industry must be parked in the rear yard only.

All cottage industry structures and operation areas, including business vehicle parking, shall be setback a minimum of 100 feet from all property lines.

All materials, equipment, supplies, and inventory associated with the cottage industry shall be stored, operated and maintained within the cottage industry structure.

The hours of operation, in the context of clients/customers shall be limited to 9:00 a.m. to 7:00 p.m., Monday through Saturday.

Arnold Martin asked if there was any special lighting needed.

Michael Howell replied that the type of work they do at the shop is maintenance of equipment and is usually done on site. He said when they are done working they usually are trying to keep up with the equipment. He added that what they do inside the shop is fabricate new product. He stated that the hours of operation in this business is hard to say because he might be going to work at 10 at night if it's a night shoot.

Pete Frisina stated that the hours are for clients and customers only. He said it doesn't mean you couldn't be in your shop working; we just can't have people coming and going.

Michael Howell replied that it's not that type of business.

Pete Frisina stated that it's for the next the person.

Brian Haren asked if all of the business activity takes place inside the accessory structure.

Michael Howell replied yes.

Brian Haren stated that back to Arnold Martin's question on lighting, we could say residential grade lighting. He said that there is no external activity taking place outside the buildings.

Arnold Martin stated that so often some of the first complaints from people are the lighting; huge lights being on in an area and changing people's lifestyles in an area.

Pete Frisina stated that we could word it to say that the lighting couldn't be more than what a farmer uses.

Chairman Graw asked for Pete Frisina to explain why we have development size of 80 acres and then have residential cottage industries shall not be operated on lots of less than 15 acres.

Pete Frisina replied that the development is 80 acres and you are chopping off lots inside there.

Chairman Graw stated that if someone came in with 40 acres they don't have to chop it up into smaller parcels. He said they could say they want to use these 40 acres as their cottage industry.

Pete Frisina replied not if they don't have the development. He asked what the development size they wanted for a PUD.

Arnold Martin stated that is development is already 80 acres.

Pete Frisina stated lets go with 75 acres. He said there are two (2) ways of looking at this; how do we want to control it, do we want to create a development which is what this is where we have multiple parcels with cottage industries; or do we want to approach this by saying lets deal with this on a case-by-case basis and do it some other way.

Arnold Martin asked if it was possible to put a range.

Pete Frisina replied that it's maximum or minimum only.

Chairman Graw asked if he was planning cottage industries on the other parcels or are you going to sell single family homes, and not worry about them having a cottage industry.

Michael Howell replied no. He stated that his idea was to take those two (2) parcels for themselves and then find someone else who would accommodate moving there.

Chairman Graw stated that defeats the whole idea of cottage industry. He said for you to have an 80 acre parcel and calling it a Residential Cottage Industry PUD that all of the parcels and residences on there would be involved in cottage industries. He added that if you are going to sell the other three (3) parcels as single family homes he has a problem with the PUD.

Michael Howell replied that he would like for it to be similar to us. He stated that he isn't trying to develop it and make money off of it.

Chairman Graw asked if the owner of the PUD would be required to make sure the other people involved are a part of the cottage industry.

Pete Frisina replied that the whole idea is how you want to approach it. He asked do you want to do it as a development or go back to a lot by lot basis.

Arnold Martin stated that you don't want to restrict an entity whether residential or business from our area. He said that we want to promote business within the guidelines of our County and culture. He added that it seems to be a large responsibility to put it on the initial owner for the whole track and say go and find like businesses of the cottage industry. He stated that was a large task and could restrict their ability to purchase or their ability in the future to meet their plans. He said if there was a way to come up with an individual approach or make a statement that the initial purchaser is in the cottage industry and then the remaining parcels will also have a statement. He reiterated that he didn't want to restrict both.

Pete Frisina stated that it seems like a long way to go to make sure one (1) lot has a cottage industry.

Arnold Martin agreed.

Pete Frisina stated that you are assuming that is what you are going to have on the entire parcel. He said that he doesn't know if you have to say every lot has to have a cottage industry, but you're assuming there could be more than one (1), and for their instances it's a one (1) right now not a two (2). He added that maybe we need to go back and see how we handle it on an individual lot basis.

Al Gilbert asked how many acres you and your brother will have.

Michael Howell replied that he would take one (1) of the divisions of the four (4) whether it is the 15 or 20 acres. He stated that they were hoping for the six (6) and taking the remaining property after it had been subdivided into four (4) parcels.

Al Gilbert asked if he meant at least 20 acres.

Michael Howell replied yes.

Judy Howell replied at least 26 acres.

Al Gilbert stated that he thinks we should do 25 acres on what we know for sure is going to happen. He said the rest of the acreage is hemmed up in the air.

Debbie Lowe stated that the problem with the rest of the acreage is that it's not contiguous. She said that it can't be cut in half. She added that the six (6) acre tract is on one (1) end and the property that Scott is going to take is on the other end.

Al Gilbert stated that the (6) acres to him is pulled out because it's really residential. He said that they are trying to come up with acreage for a business that would be the minimum you could do for any project going ahead.

Brian Haren stated that we may be trying too hard to fit this into that circumstance. He asked Pete Frisina in any PUD development must all of the development conform to the intended use of the PUD.

Pete Frisina replied that you have to say what the intended use of the PUD is.

Brian Haren asked if we take that whole 80 acres and make it a PUD for Cottage Industry, does that mean that all further development in those 80 acres must be a cottage industry.

Pete Frisina replied it doesn't say that.

Chairman Graw replied no it doesn't but isn't that the intent of the whole thing.

Pete Frisina stated this was very loosely on that, within this PUD whatever the size may be the lot that has the cottage industry is a minimum of 15 acres and it hasn't gone beyond that. He

said that they have not added any other restrictions.

Dennis Dutton stated that Camp Southern Ground has the campus for the camp, but also within that they have residential. He said that when they developed the PUD that was the plan, the summary of intent stated what they have in certain areas.

Pete Frisina stated the PUD-PRL is specific if you introduce residential it's got to be A-R.

Chairman Graw asked Michael Howell if he wanted 25 acres for his business.

Michael Howell replied 15 plus.

Chairman Graw suggested dividing the 80 acre tract into one (1) 25 acre parcel for the cottage industry, one (1) six (6) acre parcel for Michael Howell's home, and the remaining portion A-R. He stated that they really want to sell it as single family homes anyway.

Michael Howell stated that he has talked to people in his circle that would be possibly interested in doing it. He said they don't have the same amount of trucks, but they have gear that they carry with them.

Pete Frisina stated something similar but not on the same scale.

Michael Howell agreed.

Al Gilbert asked if with the do the whole tract and later on down the road they decide to take 15 acres and build four (4) houses on it; they would have to come back to us at some point.

Pete Frisina stated that we would have to set this up for what is in a PUD for cottage industry. He asked what will the PUD allow, single-family homes by themselves, size of the lots, is it a mixed of residential and cottage industry, could it be for cottage industry and nothing else. He said that it sounds like Michael Howell and his brother would have the main one (1). He added that it wouldn't stop someone else with a similar business to do the same thing as Michael Howell and his brother or if they wanted to just live on 15 acres and not have a business.

Debbie Lowe stated that there may be interest in a dog training business. She said that they train dogs for the movies and for veterans with PTSD. She added that it would be a cottage industry type of business.

Pete Frisina agreed that there are thousands of businesses that people could do. He asked out of those businesses which one (1) are we going to entertain.

Al Gilbert stated that his problem is that he's use to the PUD explaining where everything is going to be laid out. He said that he is not sure that we are going to know that in this case.

Pete Frisina reiterated that this PUD will have to be set on what we will allow, and give the person the ability to draw that plan up and bring it in for approval. He stated that if they say here

are the 10 things I going to do then that's the 10 things they're doing.

Al Gilbert asked if it was a 60 acre development carved into four (4) 15 acre tracts and later on down the road they decide there not going to do that in this 15 acre parcel there going to do something different. He said that he is use to them coming back and the Planning Commission saying yes you can or no you can't.

Pete Frisina replied that he is agrees and that the PUD has to allow that use in it. He said that you have to form it right first.

Al Gilbert stated that when you decide to present this to us you have to go in with a definitive plan saying this is what you are going to do. He said that it doesn't mean you can't change that plan, but we got to when we put this in place allow for any changes you're going to make. He added what if you want to do the same type of business on another 15 acre tract, but down the road you say this isn't working out and we have some people that want to build three (3) houses on five (5) acre each.

Debbie Lowe replied that will never happen. She stated that the way this is set up whatever those tracts are divided into is the final division.

Al Gilbert stated that he wanted to buy 15 acres and put his estate home on it. He said things change. He added that they are going have to set this up as it not being etched in stone but this is what your plans are when it is presented. He stated that they also have to have the leeway to make some changes if it doesn't work the way it's intended.

Debbie Lowe said that's very fair.

Pete Frisina stated that we are back where we started.

Arnold Martin stated that we have made progress of understanding the intent. He said that the greatest emphasis is not only the land and the project but also the future of Fayette County as we make decisions. He added that so much is changing now with the film industry and that there will be more request like this in the future. He apologized for using them as the guinea pig, but believes it will be a great tool for future projects.

Pete Frisina stated that we need to define what it is they do, and then also say that sounds like a great narrow type of business what are other businesses similar in like that we want and what we don't want.

Arnold Martin stated that this was similar to S.R 74 and 85, they came up with a list of suggested businesses and the ones we did not want to see we took it out. He said in doing that it helps to protect scenarios like yours. He added what if they did sell off the other acreage and it went from one (1) set of hands and then all of sudden to another set that has completely different intentions from what you originally wanted. He stated and now all of sudden you've lost control because you no longer own it. He said that's where we come in to protect you as the original owner, and the intent for future projects.

Judy Howell stated that's why we don't want to have anything less than 15 acres. She said she wants there to be one (1) owner on the 15 acre parcel.

Pete Frisina asked should we have cottage industry packed closely to each other. He asked if the development will have like business and like uses in it and specific areas where we want it. He said what if someone comes in wanting to do a cottage industry near Brooks; do we want a cottage industry in the south portion of the County.

Arnold Martin stated that he doesn't have a problem with it. He said that the biggest question goes back to what they've been saying is there is an 80 acre tract and they have said it is cottage industry; what happens if it is subdivided, does it still fall under cottage industry or is it deemed again A-R.

Chairman Graw replied that to him the 80 acres is Cottage Industry PUD. He stated that the entire 80 acres would be required to have cottage industry on it. He said if you are going to zone it 80 acres as a PUD than it's a PUD. He added that is the same thing we did for Zach Brown.

Pete Frisina stated that Zach Brown has houses on the development too.

Chairman Graw stated that he knew that and that they approved it.

Pete Frisina asked if he knew why he has houses in a PUD.

Chairman Graw replied no.

Pete Frisina stated that it's because the PUD allows houses. He asked what they want to allow in it besides cottage industry.

Arnold Martin suggested doing what we have done before, coming up with a comprehensive list. He said that the list would be protective and not restrictive, so people won't be able to go against the original intent.

Pete Frisina stated that we are looking at this as a development on a large piece of property, and going away from looking at this as an individual property. He said we're saying if you want to do this you got to have a certain amount of acreage to allow a cottage industry to be within this PUD. He added if you're going to create a PUD with cottage industry and not put one (1) in; why did you create the PUD. He stated that if this is not what you're looking for you're not going to go through this.

Arnold Martin recommended that they sit down and come up with a list as they have done before come up with a comprehensive list of what they feel would be allowed within that. He stated that it would not restrict his intentions on what he was trying to do, but also have the broader thought on how it will affect the County in a positive way. He said that he would love any suggestions by Michael Howell. He added that with the film industry coming here he would have not thought about the dog training facility, but it would make sense. He stated that things

like that is helpful input.

Judy Howell stated that they bought property in Sarasota County some years ago and there were three (3) residential lots and they said one (1) lot was not built on; they were told if they bought the empty lot along with the lot with their house on it no one could ever develop it. She said that they love that county feel in a residential area. She suggested that they place in the ordinance that the land can never be divided into less than 15 acres.

Pete Frisina replied that we are on the same page, but we have to figure out how to work their six (6) acre tract in it.

Judy Howell stated that they can up the property to 15 acres.

Michael Howell said that the property is already platted.

Pete Frisina stated that at the end of the day you will have four (4) 15 plus acre lots. He said and all the other lines would go away inside there.

Judy Howell said initially they were just going to buy the two (2) and four (4) acre piece with Dennis Womack's home on it, which is six (6) acres and platted, but they are not opposed to making it larger to accommodate the PUD.

Pete Frisina reiterated that at the end of the day you will have four (4) 15 plus acre lots. He said and all the other lines would go away.

Judy Howell replied yes.

Dennis Womack stated that if you look at the plat he has four (4) individual pieces. He said that he has a two (2) acre, a house that sits on four (4) acres, a three (3) acre that his father-in-law cut out for his brother in law, and the balance of that is his father-in-law's estate.

Arnold Martin asked how we proceed.

Pete Frisina replied that he would like to get some more information from the Howell's about related business industries.

Dennis Dutton asked if there were any other business that could tie into this.

Michael Howell replied that there were two (2) individuals that he talked to about this: one (1) was a dog trainer for the movie business and the other gentleman does spider-cam where they film football games and they use them in the movies. He stated the gentleman just has big wench motors and cases. He said he doesn't have a lot of gear and could probably do it anywhere and people not even know. He added that he is very interested because of the location.

Arnold Martin stated that one (1) of the things he pointed out based upon the location is not only the close proximity to Pinewood but the other studios on 85.

Debbie Lowe stated that its close to the airport if they have to fly cameras out overseas. She said another big thing about this particular piece of property is the way its situated because the majority of it is wooded. She added that it has several pasture openings, but the visual from Sandy Creek will not change. She stated that you won't see anything any different than what you see now.

Pete Frisina stated that they may want to think about restricting some areas. He said that he doesn't know if he wants to open the entire County to it.

Chairman Graw asked how many structures you plan on having.

Michael Howell replied three (3) structures; the house, the barn to house the cameras, and a structure to park outside vehicles.

Chairman Graw asked if it would be 3,000 square foot for each.

Michael Howell replied no.

Chairman Graw stated that he saw a letter where he said something about 8,000 square feet.

Michael Howell replied that 8,000 square feet was the ideal size for 6,000 workspace and 2,000 for living space residential. He said that it could be separated or together.

Chairman Graw asked if he was planning living quarters above.

Michael Howell replied that it doesn't have to be above.

Planning Commission replied that Pete Frisina already addressed this and that the living quarters would be separate.

Al Gilbert stated that the building had to be behind the house.

Pete Frisina asked them to send them the information. He asked the Planning Commission if they feel comfortable with moving forward with the PUD.
Planning Commission replied yes.

Al Gilbert asked what would be on the next agenda.

Pete Frisina replied just an amendment, and he would advertise it tomorrow.

Judy Howell stated that the larger building was just a tall one (1) story building and not two (2) stories.

Debbie Lowe suggested limiting the height of the accessory structures.

Pete Frisina replied that everything in the County is limited to 35 feet unless you're in an industrial or office or something. He said that we would have to set that in the PUD.

THE FAYETTE COUNTY PLANNING COMMISSION met on November 17, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

3. Discussion of PUD.

Pete Frisina stated he is putting this into the PUD format. He stated that he has two (2) names and doesn't like either one (1). He asked if they could come up with something better to let him know.

He reiterated that he took the notes from last meeting and put them in form for what the PUD ordinance would be. He added that he received suggestions from Michael and Judy after sending an email out to them. He read the intent and residential uses of the PUD:

(1) Purpose. The intent of a planned _____ development is to allow mixed-use development with principal single-family residential and incidental business uses. The characteristics of a P____D are: in conjunction with a principal residence business owner-occupant conducts on-site business operations, clients/customers visit the site, shipments of goods and deliveries occur, and non-occupant employees will be on site.

(2) Permitted residential uses. Planned ____ development shall contain single-family dwellings and residential accessory buildings and uses shall also be allowed per article III of this chapter.

He stated that since they don't know what types of businesses they want to do, he took the verbiage out of the ordinance they used for the small business PUD's (Storage Xtra). He said when you come in you for your PUD you get the businesses you think will be there, and we approve that list. He added that if you come back a year from now saying here's a business we didn't think about; he said that there will be a public hearing that will amend the summary of intent to add that business. He stated that right now he doesn't have a good feel for what business we need to have. He asked what the Planning Commission thought.

Arnold Martin asked if someone came in with a list stating these are the projected businesses we see going in there, but for some reason it doesn't work out and they move a tenant in there that doesn't meet that. He asked how do we control that from happening.

Pete Frisina replied that it wouldn't happen because we have to have an occupational tax. He stated that we would catch it when it happens, because when you're moving a business into a County space you have to apply for an occupational tax, and it goes through staff review.

Arnold Martin stated that he just wanted to make sure we have some sort of controls.

Chairman Graw stated that because it's a PUD and we're not sure on the uses, we will look at the letter of intent when it comes in. He said that because it's a PUD the Planning Commissioners and the Board of Commissioners can say we reject that use or we accept that use.

Pete Frisina stated that is the same verbiage we used for the small business center we came up with. He said that he added that any business listed as conditional use will have to meet in addition those conditions under conditional use whatever that may be. He read the proposed PUD ordinance:

- b. The proposed development shall be permitted only on a lot which fronts on and accesses a major thoroughfare, as specified by the county thoroughfare plan.
- c. A minimum buffer of 100 feet shall be provided around the side and rear periphery of the development.

Debbie Lowe asked if the perimeter of the two (2) outside lots decided not to have a business there but just a residence could that be waived for them.

Pete Frisina replied no, it's a development that is supposed to contain business and residential. He said that will go around the perimeter of the development which will be the 75 acres.

Chairman Graw asked Pete Frisina if he had a copy of what was sent to us. He asked if everyone received a copy of the letter that was sent by Judy and Michael Howell.

Debbie Lowe said that it was tentative and that the next step is to get a surveyor to see if the conditions are going to work on this property because I personally don't think they are going to get five (5) lots, I think they are only going to get four (4).

Arnold Martin asked why you feel that way.

Debbie Lowe replied if you put five (5) lots in there, they're going to be fairly narrow.

Dennis Womack stated that they're going to have 200 feet of frontage and only 400 feet in the back.

Debbie Lowe stated that to regain the privacy they want to get out of this, I think five (5) is going to make it too narrow. She said that we will just have to see and get a surveyor draw it out and see what will work best. She added that the worst thing you can do is try and jam too much in there, and then have nobody wanting to go for it.

Michael Howell stated that even with the five (5) lots with the 100 foot buffer on the sides its really going to push those outside lots. He said on the one (1) side it's 74 and commercial and on the other side it's a watershed.

Pete Frisina stated that the north end is all subdivision. He said that this lot is driving what we're doing but once we put it in it applies for the whole County.

Chairman Graw stated that this 75-80 acre development will have four (4) maybe (5) lots. He asked if we are saying in the PUD that all lots have to meet the PUD and the usages, or can some be sold as residential without meeting the PUD.

Pete Frisina replied anything in the PUD has to meet the PUD whatever the requirements are in the PUD.

Chairman Graw asked about the meeting the uses.

Pete Frisina replied yes.

Brian Haren asked if an onsite business a may....

Pete Frisina replied that it's not required. He stated that you are setting up this development to have that scenario.

Brian Haren asked if people can purchase lots and not run businesses off of them and just have a residence.

Pete Frisina replied that we are not forcing them to run one (1).

Chairman Graw asked if one (1) or two (2) of these lots cannot be sold as pure residential.

Pete Frisina replied all the lots in the PUD can do what the PUD allows.

Brian Haren asked again if they have to have a business.

Pete Frisina replied no, it's incidental to the principle use which is residential. He stated that we are looking at lot sizes of 15 acres. He said that the minimum lot size was pulled from the A-R lot. He added that under (f) minimum house size is not needed, and the developer should set that. He stated that "we" make a decision on the house size.

Debbie Lowe replied that would be great.

Al Gilbert asked about the limit on the height of the structure.

Pete Frisina replied that we haven't gotten to that part of the discussion.

Chairman Graw asked about the minimum house size.

Pete Frisina replied let's give the developer the flexibility to set it.

Chairman Graw asked if there were minimum house sizes on the Zach Brown PUD.

Pete Frisina replied that it was tied to A-R so it will be 1200.

Chairman Graw asked if we could say the same thing here.

Pete Frisina replied that he didn't care.

Arnold Martin asked what the advantage to that was.

Pete Frisina stated that we can say it meets A-R. He asked if we were going with all the other A-R aspects of it or just the house size.

Chairman Graw replied just the house size.

Pete Frisina stated that Camp Southern Ground those lots get all A-R uses and everything. He asked if they wanted to set the minimum house size or make a decision when the PUD comes.

Chairman Graw asked if someone comes in and buys Lot 1 and builds a 1200 square foot house on it. He stated that it would be inconsistent with the rest of the housing.

Pete Frisina replied that we are not going to set a house size. He stated we are going to let the PUD pick the minimum house size.

Chairman Graw asked what he meant by the PUD picking the minimum house size.

Pete Frisina replied that they will bring it in and say this is the house size we proposed for the PUD, whatever that may be.

Chairman Graw asked if it was for the lot or the entire development.

Pete Frisina replied for the entire development.

Arnold Martin asked if they would come in projecting that the house size would be 3000 square feet. He asked if that is what it will be for the development.

Pete Frisina replied yes.

Arnold Martin stated there will be no differentiation of one (1) person with a 1200 square foot home and a 3000 square foot home because they're setting it as soon as they have the application.

Chairman Graw asked who makes that determination.

Pete Frisina stated that it will be a part of the summary of intent.

Chairman Graw asked who would present it.

Pete Frisina replied the developer. He said they would suggest their house size and the Planning Commission would have to approve it.

Chairman Graw asked if it was for the whole PUD or just one (1) lot.

Pete Frisina replied the whole PUD. He said that it has to be consistent for each lot.

John Culbreth stated that he had no problem with the concept. He said that it gives them the opportunity to review the PUD prior to approval.

Al Gilbert stated that what concerns him is the legalistic part of this; what if he has to go before a judge and he asked why they turned down the 2000 square foot home and he replies that we didn't like it. He said that if we have it in writing what the minimum square footage is he would feel more comfortable defending it.

Pete Frisina stated that we will not turn down the PUD because of the house size. He said that we can approve the PUD on whatever we see as sufficient. He added that in the PRD's we didn't set the size they set it when they came in.

Chairman Graw asked what if a person says they don't like our recommendation and wants to do something else.

Pete Frisina replied that you make the recommendation and the Board of Commissioners make the decision. He stated that if someone comes in and says they want to build 500 square foot homes we will probably say that is too small. He added that they would say that we need it to be at least x.

Arnold Martin stated that if its really small you will also question the intent; it may be a way for them to circumvent what is really intended in that scenario.

Pete Frisina stated that all of our Planned Residential Developments do not have a minimum house size set in the ordinance. He reiterated that it is set by the PUD and we make a decision on whether or not we like the house size. He stated that he doesn't think we would turn the PUD down based on the house size.

Chairman Graw stated that he would like to see a minimum house size and it would make him feel much more comfortable. He said that they did it with the Zach Brown making it equivalent to the A-R, and there is no reason why we couldn't put a minimum in here making it equivalent to the A-R. He added that when you are talking these types of lots and the amount of money it would take to build these you're not going to put in 1500 square foot houses.

Pete Frisina asked if Chairman Graw wanted the same as A-R.

Chairman Graw stated that he didn't have a problem with it being A-R.

Brian Haren stated that he doesn't see anybody building anything smaller than that. He said that if you want to establish at least a legal minimum of 1200 so at least it's consistent with A-R.

Debbie Lowe stated that they don't have a problem with that.

Chairman Graw stated that as long as it is consistent with A-R he had no problems and would honor it. He added we at least have a minimum house size.

Al Gilbert stated that with it being a PUD we can always say we want it bigger than that.

Pete Frisina stated that when you set a minimum you are basically saying that is what you want.

Arnold Martin stated what he hears is that I minimally have to build a home 1200 square feet or larger.

Pete Frisina asked if you set 1200, then what would be your basis for saying you want 2000.

Arnold Martin asked if he meant in terms of review; coming back to them saying 1200 is not going to be enough.

Chairman Graw stated that it is all opinion.

Al Gilbert stated that depending on what area they go in you will have comparable houses in that area that will say homes in this area are 2000 square feet and 1200 is not going to fit in.

Pete Frisina stated that is a dangerous thing. He said it is one thing to mess with zoning it's another thing to mess with house size it's a slippery slope.

Arnold Martin stated that if an appraisal was done on this an appraiser can only go out and compare this to another PUD, because it is completely none conforming. He said that you wouldn't compare this to another 1200 square foot home down the road, because this is a completely different scenario. He added that this is a mix use on the PUD versus a tract that has 40 houses on it at 1200 square feet. He stated that there was no way any appraiser would go in there and use those as comps. He reiterated that they are completely different.

Pete Frisina stated once this thing is completed he would like to see an appraiser find a comp.

Chairman Graw stated that what we are trying to do is to maintain some type of consistency in case there are lawsuits. He said that you can at least point to this over here on why you established this minimum square footage and not that.

Pete Frisina reiterated that under the Planned Residential Development we do not set a minimum house size.

Brian Haren stated so there is a precedent.

Pete Frisina stated under the Planned Retreat and Lodge he doesn't think we set a minimum house size there. He said under the summary of intent we said that it had to meet all the A-R dimensional requirements for the residential lodge.

Chairman Graw stated that it would have been 1200.

Arnold Martin suggested to Chairman Graw that they put it to a vote.

Chairman Graw asked if Arnold Martin was in favor of a minimum square footage or not.

Arnold Martin replied based upon what has been brought out about the legal standpoint he sees the point; other areas do have some sort of minimum and sees how A-R can be the base. He stated that he always thinks in the mindset of people looking at something as a minimum and not necessarily following that. He said that Pete said once you establish a minimum overall that's usually the standard.

Chairman Graw stated that if you said A-R would be the base that you work from.

Pete Frisina stated that he wouldn't say A-R he would just say 1200. He said that the other PUD's that are residential it is part of the summary of intent; you do have the ability to look at it and say it is a good idea or not and make a recommendation to the Board of Commissioners and they will make a decision on whether or not they think it's too small too big or whatever.

Arnold Martin asked based on history has any of this ever been contested in court.

Pete Frisina replied no. He stated that when a PUD comes through nobody has a house size that anyone has a problem with.

Al Gilbert agreed and said that all the PUD's we approved have had good size homes. Chairman Graw stated that he doesn't think he has seen anything 1200 square foot nowadays.

Pete Frisina stated that he thinks the issue we are dealing with is according to the email some homes in there that are 1300 square feet.

Dennis Womack stated that the preexisting home out there is about 1600 square feet.

Pete Frisina asked how many homes are out there right now.

Dennis Womack replied one (1). He stated that there is an old home place that was my wife's father's house.

Pete Frisina asked if that was going to be kept.

Debbie Lowe replied that it may be kept and that is another discussion.

Pete Frisina asked if that was the 1300.

Debbie Lowe replied yes. She stated that the structures that are on there they would like to have grandfathered. She said that they're house is a very nice house but the old farm house is definitely able to be rehabbed.

Chairman Graw asked Debbie Lowe if she would be okay with the minimum house size of 1200 square feet.

Debbie Lowe replied yes.

Pete Frisina suggested under the summary of intent makes some provisions for the existing homes but a different provision for the new home.

Al Gilbert agreed with that.

Pete Frisina stated that he copied that from the last summary of intent for the one (1) out on Ebenezer. He said they should leave it open and let them provide it and will make a decision on it. He reiterated let the developer propose a number and they would work on it from there. He continues to read from the proposed ordinance:

- g. Front yard setback: 75 feet
- h. Side yard setback: 50 feet (except where the 100 foot buffer is applicable).
- i. Rear yard setback: 75 feet (except where the 100 foot buffer is applicable).
Height limit: 35 feet.
- j. Lights shall be established in such a way that adjacent properties and residents are not adversely affected, and that no direct light is cast upon said properties and residents.
- k. The business shall be owned and operated by the occupants of the property upon which the business operation is conducted.
- l. Including the owner/occupants, no more than five (5) persons shall be employed on-site by a business.
- m. All structures associated with the business are allowed in the rear yard only behind the principal residence and must be fully enclosed.
- n. All vehicles associated with the business must be parked in the rear yard only.

Chairman Graw asked if the lots were going to be sold to other people. He stated that he saw the trucks sitting out on the field in the email and was concerned about those trucks being on their property. He said that it would affect the people that will be living next door to him. He added that their job is to protect everybody. He asked how they can assure them that they want have these big rigs parked outside affecting other residents in the area.

Michael Howell replied that what Chairman Graw saw were gooseneck and are no bigger than a horse trailer. He stated that the plan was for his brother to buy two (2) lots and he and his wife were going to buy two (2) lots. He added they're really just talking about one (1) or two (2) extra lots; that they would be finding someone in their same situation that would be willing to live there. He stated that he doesn't see the trucks as a problem and it's no more than a horse trailer.

Chairman Graw stated that there was a semi-tractor trailer parked on the property.

Michael Howell replied that there might have been and then said there wouldn't have been one there. He stated that most people in his line of work would just by a farm and operate it and they would never know.

Pete Frisina replied oh we would find out.

Michael Howell stated that they were trying to do it the right way, and are no different than a farmer or a tree guy. He said they have equipment and they really just need a place to keep it and work on it. He added that the trucks would be inside or behind the building. He stated that the gooseneck trailers are 20 to 30 feet long.

Chairman Graw stated that he has no problem with gooseneck trailers. He asked what he saw in the picture.

Michael Howell stated that he thinks he saw one (1) of the gooseneck trailers.

Brian Haren stated that this is a PUD and if you're going to buy a lot in the PUD you're going to know what the intended and allowed uses are. He said you take your risk and you're going into that because you want to do the same thing that these folks are doing. He added and if someone wants to park the occasional semi on their 15 acres that's okay as long as it is an allowed activity.

Arnold Martin asked about the amount of on-site employees and whether the number three (3) was an arbitrary number. He stated that when you have that amount of acreage you usually have many people on site taking care of the property.

Brian Haren asked if that was three (3) non-residential employees.

Pete Frisina replied three (3) non-occupants.

Arnold Martin stated that if we're talking about 15 acres that's a good amount of acreage. He said not only do you have the employees for the business but other people taking care of the property.

Brian Haren asked if the people taking care of the property are a service provider or direct employees of the business operation.

Arnold Martin stated that he has seen both; people who have a business and they have "ranch-hands" that maintain the property. He said that he was just wondering is that enough employees.

Pete Frisina replied that he found the number three (3) in another ordinance, and he said he doesn't know if three (3) is better than four (4), two (2), or seven (7). He stated that you got to start some place. He said that three is the minimum for occupational tax in the County; at three (3) you're at one (1) of the breaks 0-3. He added it just depends on how many people do we want coming out on a daily basis.

Brian Haren asked if they wanted to go five (5).

Arnold Martin agreed saying he was thinking five (5).

Pete Frisina read the proposed ordinance:

- m. All structures associated with the business are allowed in the rear yard only behind the principal residence and must be fully enclosed.
- n. All vehicles associated with the business must be parked in the rear yard only.

He stated that O will have to be change, because they have the periphery buffer now. He said there are two O's in there and the last one (1) comes from our occupational tax dealing with customers in the home. He added that they talked about limiting the size of the buildings; if this was A-R property at 15 acres they're unlimited for agricultural. He stated that you could have as large or as many buildings as you wanted in A-R for agricultural purposes. He asked for suggestions.

Al Gilbert stated that a barn was one (1) thing but we are talking about business structures and it's a little different than a barn.

Pete Frisina stated that he thinks that it will look like one (1). He asked what the others thought.

Brian Haren replied that he had nothing to go on.

Arnold Martin replied he had nothing to gage it on, because if we say unlimited someone may put this behemoth structure on there.

Dennis Dutton stated that anything over 10 acres than there is no limited on the number and the size.

Pete Frisina stated that between five (5) to 10 acres you're limited to 3600 square feet in agriculture.

Chairman Graw asked that once it hits 10 acres there is no limit on the size of the accessory structure.

Dennis Dutton replied that once you hit 10 there is no limit on the size and amount for farm buildings.

Pete Frisina stated that if you're trying to find a parallel; you can have a 15 acre property you could almost cover it up with greenhouses except for the setbacks.

Dennis Dutton stated that in A-R we have farm outbuildings and auxiliary buildings. He said that auxiliary buildings were basically farm outbuildings that weren't used for farming but were renovated for maybe their collector cars and we treat those the same way. He added that you could technically have an auxiliary building and a farm outbuilding over 10 acres.

Pete Frisina stated that you can ask them to set the limit in the PUD and make a determination based on that, and it will be a part of the summary of intent.

Brian Haren stated that he wouldn't know how to control that.

Pete Frisina stated that if you're on 15 acres; they're probably much wider than 250 feet so you're going to have externally a 100 foot buffer around the property and then internally a 50 foot setback off of each side line.

Brian Haren stated that should control it to some perspective.

Chairman Graw stated that you are forcing everything to the center of the lot. He said that by having the 100 foot buffer and the 50 foot yard side setback you are forcing everything down and in and behind the home.

Pete Frisina stated that we can say that we want the size set in the PUD.

Arnold Martin agreed and said that it will stay uniform with what we set for the residence.

Al Gilbert stated that down the road the type of neighborhood it goes in a huge structure may not fit even in 15 acres.

Pete Frisina stated that we may have to look at that location of the PUD and make that determination.

Al Gilbert stated that he likes his recommendation of putting it in the intent.

Pete Frisina asked if they wanted to designate other areas in the County for this because he didn't get a good feel for it at the last meeting. He asked would they like for this to pop up down in Brooks.

Debbie Lowe stated that they are limiting themselves quite a bit by saying the proposed development shall be permitted only on a lot which fronts on and accesses a major thoroughfare, as specified by the county thoroughfare plan.

Pete Frisina stated that is every big road in the County.

Debbie Lowe stated that the size of the tract is going to limited you drastically. She said there aren't that many real big tracts there are a few but not many. She added that you will find most of your large tract areas in Brooks or the Tyrone area.

Pete Frisina stated that there are scattered big lots around here even on Sandy Creek Road. He said that doesn't mean someone cant assemble two (2) or three (3) 20 acre tracts and put something together.

Chairman Graw stated that we haven't designated where other PUD's go we just look at them when they come in.

Pete Frisina stated that some of the PUD's have to be in A-R first. He said that takes them out of this area because there is nothing A-R.

Chairman Graw stated that he doesn't feel comfortable designated where to put these. He said that he doesn't think we did it for something else.

Pete Frisina replied yes we did; we did it for small business centers.

Chairman Graw stated that those are only on major thoroughfares.

Pete Frisina replied no, they can only be on three (3) highways 314, 85, and something else; but they can't be anywhere else in the County.

Chairman Graw stated that those are major thoroughfares.

Pete Frisina replied no; it's not tied to a major thoroughfare but three (3) roads.

Chairman Graw replied major roads but you're right. He stated that the business centers are tied to major commercial highways and he can see us doing that, but these are residential.

Arnold Martin stated that by tying it to a major thoroughfare it's already shaping where it can be without saying it. He said that there may be an opportunity for someone to put together to assemble, and based upon the definitions where these need to be off of, not every street in the County has that.

Pete Frisina stated that Davis Road is designated as a major thoroughfare based upon the Thoroughfare Plan, because that is going to be its function. He said the reason we do that is because when things come in, we want to get the right-of-way for a major thoroughfare as oppose to a local road.

Chairman Graw asked Pete Frisina where he thought they should be.

Pete Frisina replied he originally thought they should be in the northern part of the County as oppose to the southern part. He stated that he doesn't know where to draw the line.

Arnold Martin asked why that was.

Pete Frisina replied because it more rural and residential. He stated that he doesn't know if it sits well to have that kind of use. He added that he may be wrong and asked them to convince him otherwise.

Arnold Martin stated that 75 acres is already going to be in a rural setting whether north or south. He said that he would see the opportunity for both. He added that his only concern would be pushing this type of development in just a certain part of the County and that is it. He stated that he would like to be open and let the guidelines say where it can be placed.

Brian Haren stated that the way it is written now those can only be fronted on any of these roads currently highlighted.

Pete Frisina replied that anything that is thick and black is a major thoroughfare.

Brian Haren stated that it is going to be self-limiting.

Pete Frisina stated lets go with that then.

Brian Haren asked are we going to address the number of access roads you can have off these parcels.

Pete Frisina replied that each of these things are going to have there on individual driveways, because that is how it is set up. He said if someone wanted to develop one (1) with an internal street that would be find.

Brian Haren asked what if they said they don't want to use their principal residential use driveway to get their equipment in and out, but instead use another driveway.

Pete Frisina replied that they would have to get with the Road Department and see how they want to handle that. He stated that from the guidelines of the County every lot has to have a driveway except for some instances where there is bad site distance and you can share one (1) driveway cut between two (2) properties or to avoid some environmental impacts.

Brian Haren asked if you could have more than one (1).

Pete Frisina replied possibly. He stated that he would have to check with Public Works to see.

Arnold Martin asked if an alley or a main drive has ever been created for people that wanted access their properties from the rear as oppose to the main driveway.

Pete Frisina replied that its normally something that you don't see in residential property; in nonresidential property you see shared driveways and access and that sort of thing. He stated that we don't have any zoning that allows you to mix residential and business to scale we are talking about here. He said that is something that we would consider if they want to bring a plan in showing that.

Arnold Martin stated that it is something to think about, and that he has seen these in California. He said that the front is very residential and the back is agricultural or something else is going on back there; rather than going back through the residential property they have a road that runs behind it so there won't be any interference.

Pete Frisina replied that we can try and figure something out on that.

Brian Haren asked that any sceptic issues per the accessory structures will be related to the building itself.

Pete Frisina stated that Environmental Health will have to make the determination on what the capacity they need is and how it will respond. He said that he needs to look at separate drives

and how many driveways can be put in there.

Judy Howell stated maybe you can look at how many feet the initial driveway can go before it can take a fork to send business around.

Pete Frisina stated that what he needs to do is see what we allow now and how do we vary from it. He said that 911 likes for every house to have a driveway, and that is something that I will need to discuss with them for emergency access purposes.

Dennis Dutton stated the Fire Department/Fire Marshal will have to address the additional building and whether or not to designate it A and B.

Pete Frisina agreed that these buildings will be looked by every department, because they are quasi commercial even though we are using them the same amount as residential they will be developed and regulated as a commercial building.

Arnold Martin asked about the specification for fire hydrants.

Pete Frisina replied that it will have to go through Fire Marshal review and building review; the codes required for business will be different than if it was just a garage or a storage room.

Chairman Graw asked if he was going to be leasing or selling the cameras.

Michael Howell replied that its's a rental.

Pete Frisina stated that we will come back next month and if they have any other suggestions to just call him.

THE FAYETTE COUNTY PLANNING COMMISSION met on December 15, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

3. Discussion of PUD's.

Pete Frisina stated that he finally came up with the name Planned Residential and Business Development which is PRBD-PUD. He said that residential is supposed to be the primary use and the business use is supposed to be secondary. He added that Chairman Graw asked him about the minimum house size. He stated that they decided to allow the developer to bring it in during the summary of intent. He said that he thinks we did it based on the consideration of the one (1) parcel development where they have some older homes that are kind of historic but not large. He added that they talked about the summary of intent saying that older homes will remain in the historic shape but any new homes we can set a higher standard. He stated that is how we decided to handle that.

Chairman Graw stated that last time they spoke about tractor trailers, and he has the pictures that were passed out at the first meeting they had. He said that he does see what looks like a tractor trailer on the property.

Debbie Lowe stated that there is one (1) on the property.

Chairman Graw stated that he was really concerned about that. He said that we have to really make sure that we take into consideration neighbors and properties that are adjacent to any of these properties especially the one (1) the gentleman is going to buy or going to develop into the camera property. He added that he would like some assurances that the neighbors won't be looking at tractor trailer rigs parked in the back of the property for a period of time. He stated that he wouldn't want that around his house and he knows that anybody that would buy these other four (4) lots wouldn't want those either. He said that he needs to see something in the PUD; I don't know what that is that would restrict. He added that he knows that tractor trailers will have to come on the property to load and unload. He said that he wanted to know if the trucks will be staying on the property and parked for a period of time. He reiterated that was his concern and that the pictures don't tell him that they just show him that they are tractor trailers on the property.

Debbie Lowe stated that was the Florida facility and that's not to say they're going to have them here. She said that she thinks the Howell's mention to them that they typically what they use to transport their camera equipment is a dooley truck and something similar to a horse trailer. She added that they do not carry these cameras on tractor trailers. She stated that would be okay with putting a restriction in, because she really doesn't think they will be used here.

Chairman Graw reiterated that he doesn't feel comfortable unless there is something that restricts the big rigs. He stated that there is a picture that shows a big rig in Florida and it doesn't tell him that there won't be one (1) in Fayette County, GA. He said that is his problem, and that he has mentioned it at every meeting we have had, because he is concerned for the neighbors.

Debbie Lowe stated that we are talking about 15 acre tracts of property.

Chairman Graw stated that we are here for them as well as for the gentleman that wants to put his business here.

Debbie Lowe stated that she doesn't think there will be an issue with putting a restriction. She said that they were not little lots, but 15 acre tracts of property. She added that she lives on a 20 acre tract and that she hardly ever sees her neighbors. She stated that the reason they had chosen this particular piece of property is because it is heavenly wooded with clearings in certain areas where it would allow for a home and another structure without being seen from the second lot. She said if you pull an aerial you will see exactly what she is talking about there is lots and lots of buffers.

Chairman Graw stated that he had been by the property a couple of times.
Debbie Lowe stated that you never been in the property.

Chairman Graw agreed he hadn't been in the property but has been buy it.

Debbie Lowe stated that the finish product will not impact the visual integrity of this property at

all. She said that she talked to Pete about some of the concerns the Commissioners brought up. She reiterated that what they are proposing here will have less of an impact on the property than the current R-70 would have.

Chairman Graw stated that the lots are long and narrow. He asked how wide the lots were.

Pete Frisina replied that they all are about 250 feet to 300 feet at the street.

Chairman Graw stated let's say they're 250 wide; you put a house in the middle of these; you're only going to have a 125 feet either side and the next property is going to have 125 feet that means you're only going to have 250 feet in between the homes. He said that's not an awful lot of room between your home and your neighbor. He added that the lot in the corner could have a house on it and be hidden from the neighbors.

Brian Haren stated that he understands that these are heavily wooded lots and there is not really a line of sight from one (1) lot to another. He said that at the end of the day we are creating zoning not just for this, but for the whole County. He added that we have to make sure that there are mechanisms in place to prevent what Jim is trying to address here. He asked how we prevent semi-trailers 30 foot trailers being parked on property for long term. He asked what control mechanism do we have available.

Chairman Graw replied I don't know. He stated that was his problem and that he was trying to think of the wording. He said they could say anything 60 feet or more can't be parked on the property for more than 48 hours. He added that he didn't want to be so restrictive to where the people couldn't do their business, but he still doesn't want the people on either side to come to the County complaining about tractor trailers. He stated that complaints have come to Pete about different items. He said that there hasn't been anything that the Marshals can go out and cite them for. He added that is why he would like to see something in writing that would back up a Marshal if they're going to go out and tell someone to get their stuff out of here.

Al Gilbert stated that he like the wording of 48 hours and if they could come up with something that would suit him fine. He said another problem they are going to run into is a lot of people use trailers for storage. He added that he is not worried about a trailer coming in loading and unloading, but the problem is when it starts to accumulate merchandise.

Chairman Graw asked are they going to be storing cameras in these vehicles.

Debbie Lowe replied no, they're only for transporting. She said that is the whole purpose for trying to do this type of project. She added that these cameras are so expensive they have to be in a secure location at all times. She stated that is why they want to do it this way where they live on the property where these are going to be kept.

Brian Haren stated that he thinks the temporary storage piece is easy to fix if we are trying to avoid the use of trailers. He said it could simply say no temporary storage. He added that a lot of subdivisions covenants say if you own a boat or an RV you can only have it parked in your front yard for a 24 or a 48 hour period. He stated that you can bring it back from the lake and

clean it up and then put it back where it is stored. He said maybe a provision that says no parking of vehicles by a gross weight, commercial registration, or overall vehicle length on the property for more than 48 hours.

Pete Frisina stated that we right now have a regulation in the zoning ordinance that says in any residential zoning district except A-R on lots of 10 acres or larger no business vehicle exceeding 8,000 pounds shall be allowed to be parked. He said that if you have an A-R lot with 10 acres or greater you are allowed to park an 8,000 pound vehicle on your property. He added since it doesn't have an s on it does that mean singular; yes, so if you have an A-R tract with 10 acres or greater you can park one (1) business vehicle exceeding 8,000 pounds curb weight on that property.

Chairman Graw stated that was fine but they can't do it for any longer than 48 hours, because there is going to be tractor trailers coming in and out of that property, isn't there.

Debbie Lowe replied no.

Brian Haren stated that it maybe not for this but I can understand another type of business where he's going to come in and load the trailer and it's going to sit there until morning comes and they pull it out. He added that you have to allow them to conduct their business so to speak.

Al Gilbert stated that sometimes loading and unloading a trailer doesn't happen in a day.

Chairman Graw stated that he is not proposing something to try and hinder any business. He added that he wants to see neighbors treated fairly also.

Brian Haren asked in A-R over 10 acres you can have one (1) commercial vehicle.

Pete Frisina replied since there is no "s" on it I am going to say it's one (1) singular, no business vehicle exceeding 8,000 pounds shall be allowed to park on any residential lots except for A-R lots of 10 acres or greater you can't do it. He stated let's assume that the opposite on an A-R lot that is 10 acres or greater you could have a business vehicle exceeding 8,000 pounds.

Al Gilbert stated that he doubts a trailer weighs 8,000 pounds.

Brian Haren stated that it's the rated capacity.

Al Gilbert stated that he thinks that horse trailers are staying there in some cases.

Pete Frisina replied that those would be on site.

Al Gilbert agreed and said that we have to be careful on how we word this, because he already told us he would have horse trailers.

Brian Haren asked if they were true horse trailers.

Debbie Lowe replied they are equipment trailers which about the same size as a horse trailer.

She said that some are smaller and some are bigger.

Brian Haren asked if they were registered commercial.

Debbie Lowe replied not necessarily you don't have to have a DOT tag on a lot of equipment trailers unless they are used for business purposes; as long as there traveling then you would have to have a DOT tag on them. She said that would be a way to get around it is to say any vehicle requiring a DOT tag.

Chairman Graw stated that since PUD's are unique and we can basically put anything we want in a PUD regardless of what's in the ordinance right now; why don't we take the wording that's in there 8,000 pounds apply it to this and say it can't be parked for more than 48 hours.

Pete Frisina replied that he could put that in there.

Al Gilbert stated that he would like to find out what type of weight load we are talking about on the trailers.

Pete Frisina replied that he would look into getting some typical sizes and weight loads of trailers. He stated that it was written back in the very early 80's. He said that he read the minutes to understand why they wrote it that way and the issue that they had in 1982 was with semi-trailers or large trucks being parked in subdivisions. He added that they were trying to get them out of the subdivisions because at that point the County was just getting into subdivisions because everyone had 10 acres of land out there.

Brian Haren showed a large landscaper truck that weighed 8,000 pounds on his phone.

Debbie Lowe stated that she has a horse trailer and it weighs 7,500 pounds.

Brian Haren stated that we may be talking about two separate things the rate of capacity and the weight of trailer itself.

Chairman Graw asked if it was 15 feet.

Brian Haren replied probably yeah.

Debbie Lowe stated that hers is 20 feet.

Donna Black stated that code enforcement is not going to have a way of knowing how much this weighs and there are no scales around. She said the real concern is what it looks like in someone's back yard. She added that it would seem to make more sense and would be a little bit easier to enforce if you limited it to a size.

Al Gilbert asked how long a typical trailer is.

Brian Haren replied that a typical trailer is between 30-35 feet. He stated that horse trailers are

20 feet.

Chairman Graw said that the trailers are usually 60 feet.

Brian Haren agreed saying the heavy OTR trailers can be up to 55-60 feet. He said the common use one are 30-35 feet. Brian Haren asked what would we like to say; nothing longer than 30 feet for more than 48 hours.

Al Gilbert stated that he wants to find out how long the ones he uses are.

Chairman Graw said that would help you with the horse trailers, but horse trailers aren't going to be 30 feet unless you get one (1) with a six (6) horse trailer including the beds.

Pete Frisina replied that two (2) typical ranges are 48 and 53 for the large semi-tractor trailer.

Debbie Lowe replied theirs is not that big.

He reiterated that 48 and 53 are the standard sizes he is seeing on the computer.

Chairman Graw stated that the room was about 30 feet and would be the same size as a truck. He said when you put the cab on it you're talking about another 8-10 feet; so a 38-40 foot dib.

Brian Haren stated that we are just talking about the trailer itself. He asked what size.

Chairman Graw stated that he thinks they can get done what they need to with a 30 foot trailer.

Debbie Lowe stated that she was texting to see what the size is of the trailer they pull.

Brian Haren asked if they wanted to talk about the quantity of trailers.

Chairman Graw asked how many trailers can be on the property at one (1) time.

Debbie Lowe replied that it varies. She stated that most are out coming and going periodically; they may go on a shoot for four (4) to six (6) weeks and they may go longer, but they all aren't going to be there at one (1) time.

Brian Haren asked if we could say something that says no more than two (2) for more than a 48 hour period.

Chairman Graw stated that there were three (3) and a horse trailer.

Pete Frisina stated that horse trailers range from 15 to 33 feet.

Al Gilbert suggested saying 35 feet so we can catch anything that may be longer than 33 feet.

Brian Haren said that is the trailer size limit.

Debbie Lowe suggested saying anything on the property for more than 48 hours must be parked undercover or inside.

Chairman Graw stated that I saw that written somewhere.

Pete Frisina replied that it says they must be parked in the rear yard only and says nothing about screening. He asked about other vehicle sizes such as panel trucks and what their lengths should be.

Debbie Lowe stated that 24 feet would be the average trailer for her client. He said almost all are that size. She added if they say 30 foot or under they would be good.

Chairman Graw asked if 30 feet would be suitable.

Brian Haren asked how we would word it. He stated no trailers over 30 feet overall length can be parked on the property for more than 48 hours.

John Culbreth asked if a trailer could be there for more than 48 hours for operational purposes.

Brian Haren asked if they wanted to say 72 hours to get them over the weekend.

Debbie Lowe asked if they could say unless sheltered/parked inside. She stated that their building will be large enough where they could park the vehicle.

Chairman Graw stated that if they wanted to park it in the garage that he doesn't have a problem with it.

John Culbreth stated that he couldn't see them moving out every 24 hours.

Al Gilbert suggested they say that any other business related vehicles parked more than 48 hours need to be parked inside.

Chairman Graw asked if they owned any tractor trailers.

Debbie Lowe replied no.

Chairman Graw stated that the only thing that would be business related would be coming from someone else.

Al Gilbert stated that he would say the horse trailers are business related. He said if they are going to park six (6) horse trailers for over a month that would concern him the same way a tractor trailer truck would. He added that he is not saying they would but another business somewhere else might.

Brian Haren asked if they wanted to get in the business of all business vehicles. He asked how many businesses around here run F250's, and are we going to tell them they can only have them on the lots for 48 hours or put them under cover.

Planning Commission replied no.

Al Gilbert stated that we did that with an ambulance service here.

Pete Frisina replied that they had to be parked behind a fence.

Brian Haren stated that a lot of individuals use their business vehicle for business and to run errands. He said that this gets us back where we started. He asked if we regulate on size and then asked how big an F250 was.

Chairman Graw replied that we should just leave that alone. He stated that his intent was not to try and control F250's unless they have the 30 foot trailer on the back that they're hauling.

Al Gilbert asked about wording it as business trailers. He said that he was just trying to get out of having a lot of business trailers parked outside. He reiterated that any business trailers parked on the premise for more than 48 hours need to be inside.

Pete Frisina asked if a person had two (2) trailers would you say that at some instances both of those trailers would need to be parked inside a building.

Brian Haren replied yeah if they are there for more than 48 hours.

Pete Frisina clarified any trailer.

Brian Haren replied yeah any trailer.

Chairman Graw asked how we control it if someone takes it off the property and brings it back on. He asked does the clock start over.

Pete Frisina stated that we have a 100 foot buffer around the entire perimeter of the development; interior to the development these lots are all going to have common uses on them. He said if you move into this PUD and you're not looking to have a residence and a business, you shouldn't be complaining about someone having a residence and a business, because that it is the whole purpose of the PUD. He added that internally he doesn't know if that is an issue. He stated that is why we put such a huge buffer on the outskirts of it to push everything away from it. He said that everything should be parked behind the residence and the residence should be the focal point of it. He added that as oppose to putting it inside a building instead require a fence. He stated that if he had to build a building for his business and to hold his trailers that would be a big building.

Al Gilbert stated that he wouldn't mind the term screened.

Pete Frisina replied that we need to determine what we mean by that. He asked what type of trucks Ryder uses. He asked if they were panel trucks.

Chairman Graw replied panel trucks or box trucks.

Pete Frisina stated that the Ryder trucks can be 12, 16, 22, and 26 feet long. He said that those were standard sizes for those trucks and that the 26 foot truck is probably 10-15 feet high.

Al Gilbert stated based on his experience in the building industry that a lot of those Ryder trucks you can't get a seven (7) foot door through.

Brian Haren stated that they would be taller than eight (8) but less than 15 feet.

Pete Frisina stated that the computer is saying the box truck top is nine (9) feet six (6) inches. He said the trailer is probably going to be about 10 feet tall.

Brian Haren stated that the trailers would be the same height as that.

Debbie Lowe stated that she doesn't think the trailers are that tall. She said that cabinet makers deliver in box trucks and they're taller than the trailers that these people use.

Brian Haren replied that a regular 30 foot commercial over the road trailer is every bit as tall as a box truck.

Pete Frisina stated that he was looking more at the horse trailers.

Brian Haren suggested saying any trailers on the property for more than 48 hours have to be stored in a screened storage area.

Pete Frisina suggested saying as part of the PUD we will take this into consideration through their summary of intent they need to tell us: what kind of vehicles are they going to use; how many are they going to have on sight. He stated then we can handle it on a case by case basis. He reiterated that we need to know these things so we can look at the sight so we can handle it through the PUD.

Chairman Graw stated that he would like to see something in there.

Pete Frisina replied we will. He stated that they could say nothing larger than X then they're done, but we have to state what the number is going to be. He said that not every business is going to use one (1) trailer or two (2) trailers or three (3) or four (4). He added that he could try and do it that way and we can try and see if we feel comfortable handling it in that manner.

John Culbreth stated that he was okay with that.

Chairman Graw asked if the permitted uses allowed in the home occupation ordinance come into the PUD. He stated that they talked about looking at the uses as they come in. He asked what if someone comes in and says tax business.

Pete Frisina replied that you would then have to make a determination. He stated that a home

occupation is a very minimal use inside the home. He said that he doesn't think you would move in here to start a home occupation.

Chairman Graw stated that they may sell these lots to people who have no intent on putting a business in there.

Debbie Lowe stated that they had mentioned that someone may want to live in there and not run a business. She said it was possible but not probable.

Chairman Graw asked if it was possible for someone to buy lot two (2) and open a tax business.

Pete Frisina replied that you have a list of business you are going to approve prior to the PUD being approved. He stated if someone were to move into one (1) of these parcels and they have a business in the back that does something and they also have a side business inside the home where they make baskets to sell at fairs that would not be an issue, because home occupations are allowed.

Chairman Graw stated that he doesn't have a problem with someone having a home occupation. He asked if it would be a problem if someone wanted to open a home occupation in the PUD.

Pete Frisina replied the zoning allows for that to happen. He stated when they did the Planned Small Business Center up on S.R. 85; the whole purpose of creating that zoning category PUD was because they had no way to mix office, commercial, and industrial in one (1) development. He said you either had to have the parcel part zoned O-I, part commercial, or part of it zoned industrial; that's hard to do. He added that they created a PUD where you can pick from those three (3) categories and mix them in a development; but the 20 uses you they bring forth in the summary of intent that they approve those are the 20 uses that are going to go there. He stated if someone wanted to add a 21 uses they have to go back through the process. He said that this will be set up the same way. He added if they want to do a Hollywood base compound with cameras, gaffing, etc.; and someone says that they are a plumber it isn't in the intent of what this development is and if you really want one (1) we are going to go back through that process. He added that to amend a PUD you have to go back through the process, and it is the same as a rezoning.

Chairman Graw stated that he doesn't understand and asked if the gentleman with the 75 acres will bring in the uses.

Pete Frisina replied yes.

Chairman Graw stated that when he comes in and gets his property rezoned to this he is going give us a whole bunch of uses for 75 acres / five (5) lots.

Pete Frisina replied yes.

Chairman Graw asked when the people come in and buy lot two (2) who can't use one (1) of those uses; will they not be able to build there or petition to have their use added to the uses.

Pete Frisina replied that's right.

Chairman Graw stated that this was not a lot by lot basis. He said that this gentleman has all of his uses and lot two (2) when they come in their going to give whole bunch of their uses.

Pete Frisina replied no. He stated that the development has prescribed uses that we adhere to. He said those four (4) or five (5) lots can use those prescribed uses.

Brian Haren stated that he doesn't have a problem with home occupations. He asked will they state in the ordinance that home business are allowed.

Pete Frisina replied that he would put something in there.

Chairman Graw suggested saying that home occupations are permitted.

Pete Frisina stated that there was something in there that he makes a reference to conditional uses; that if one (1) of the permitted business uses they ask for is a conditional use it has to meet the conditions.

Debbie Lowe asked when we list the uses can they be fairly broad. She stated an example would be a woodworker someone who makes furniture or cabinetry that has a shop. She said that people who make tiny homes and put them on chassis would be a good business to have in the PUD. She added that this business is all enclosed.

Al Gilbert suggested a business where they build the scenery for the movies.

Debbie Lowe interjected saying set design. She stated that when you put your mind to it you could come up with all kinds of things that could go in there.

Pete Frisina stated that is something we are going to have to figure out; how broadly and how detail we want to be.

Chairman Graw replied that we might say yes to a broad definition of uses but we don't know what the attorney is going to say. He stated the attorney may say we need to know exactly just in case there is a suit of some kind. He added that if they deny something the attorney may say there needs to be something written down on why we denied it. He stated that the attorney is big on that.

Pete Frisina stated that is something that we will have to work out.

Chairman Graw stated that it is better to have more specific terminology on things than to just let it go.

Pete Frisina stated that he has spoken to four (4) Commissioners on the PUD in general and looking at this site specifically. He said that he has spoken to Commissioner Maxwell who is coming on board, Commissioner Brown, Commissioner Rousseau, and Commissioner Otto. He

added that he has not spoken to Commissioner Oginio. He stated that he gave them a briefing of what we are looking at to get some reactions to what they think. He said that two (2) Commissioners have brought up the issues of the curvature of Sandy Creek Road and the sight distance; they asked how we are going to handle large vehicles coming in and out on that road without causing an issue. He added that he is going to get with Public Works Department to put a tube counter out there, because of Pinewood and it being the major access to S.R. 74 it has seen a lot of traffic. He stated that a couple of commissioners are getting a lot of concern from citizens that live on Sandy Creek Road. He said that two (2) of them have mentioned that they would like to see a central entrance to this development.

Debbie Lowe stated that was impossible.

Pete Frisina stated that the two (2) he has spoken to are usually not on board with each other. He said one (1) of the Commissioners he will speak to usually sides with one (1) of the ones that said that. He added that will be an issue when the site comes up. He stated that Arnold Martin mentioned last time surface drives; and he spoke to Emergency Service and 911. He said that he tried to explain that you will have homes fronting these lots with driveways coming out servicing the homes, but will there be some way of running a service drive through there, to service the large buildings in the back so it has a separate interest. He added that they had some concerns because the way 911 works on a central access point stating where the home and the driveway is that is associated with the house; they have to pad the computer system to know there is a business in the back and the way you get to that business is another method to get back there. He stated that they were not very enthusiastic about that. He said that if that is the direction we are going to have to go, because the lots are larger than five (5) acres the standards go down somewhat. He added that they do not have to have curb and gutter but they do have to have paving to the road. He stated that the County Engineer said that there are some allowances for less than 24 feet of pavement.

Al Gilbert asked if he was talking about putting the road on the backside of the property.

Pete Frisina stated that what he had suggested to him was a small stub street that these lots come off of, because of the curvature of the road and the amount of traffic coming off of this road.

Al Gilbert stated that sub streets will have to be paved too.

Pete Frisina stated that it would be like a little subdivision street. He said then all the lots will front off that central drive like a small subdivision. He added that it would come in and have a cul-de-sac.

Brian Haren stated that any road or cul-de-sac is not going to impact the traffic volume. He said that it will just control the access going in and out.

Pete Frisina agreed. He stated that the other option that may come out of this is that you get more than four (4) or five (5) lots out of it.

Debbie Lowe stated that it would then drop the lot size down.

Pete Frisina asked if the lots are all 15 acres.

Debbie Lowe replied yes. She stated that there is already three (3) driveways there anyway.

Pete Frisina replied but there not pulling these things in and out.

Debbie Lowe stated that is a misconception that a business is going to bring traffic in an out of there all the time that is not so.

Al Gilbert stated that he wonders if they are envisioning traffic-trailer trucks.

Debbie Lowe replied that she really thinks they don't understand.

Pete Frisina interjected that he did try to explain the horse trailer thing.

Debbie Lowe stated that it won't be any more traffic than a regular home.

Brian Haren asked if there is ever a case where a County road bisects a residential lot.

Pete Frisina asked if he meant the road goes through the middle of it.

Brian Haren replied yes.

Pete Frisina stated yes it creates two (2) lots.

Brian Haren suggested maybe cutting a road behind it at their cost.

Chairman Graw stated that he thought the access road Arnold suggested was a great idea. He said that he could also see the point and asked what road you use in case of an emergency.

Brian Haren stated that he listens to 911 dispatch a lot. He said there are a lot of call outs where they give them unique and specific instructions on how to get to the points they need to get to.

Pete Frisina stated that what he gets from the 911 manager is that they would like curtail that to the greatest degree possible.

Al Gilbert stated that the biggest disaster was Whitewater and the emergency vehicles trying to get in there. He said that they had to have a key to get in the gate.

Brian Haren stated that as it is described there is not going to be a big impact on traffic. He said that the site distance may be a concern but there are already residences there.

Al Gilbert stated that it will be the same amount of traffic.

Debbie Lowe stated that across from this on the other side are the church and the cemetery. She said that you pretty much got wide open area over there too as well. She added that it's not like

you have a lot of traffic going in and coming out over there except on Sunday morning.

Chairman Graw stated that you have a lot of school traffic.

Pete Frisina stated that he would get the road department to do a 24 count.

Debbie Lowe interjected saying that school traffic will come from east to west and turn there on the back road.

Pete Frisina stated that the counter will give you east, west, plus size. He said that it can tell you how many vehicles, how many large trucks, east west dispersion, and it times and graphs everything for you.

Chairman Graw stated that the cul-de-sac was not a bad idea. He said that you may not get five (5) lots out of it.

THE FAYETTE COUNTY PLANNING COMMISSION met on January 19, 2017 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

6. Discussion of PUD's.

Pete Frisina stated that he made notes on page two (2) based on their last meeting and they were:

- Notes from last meeting:
- Limit vehicle size/length
- Limit time large vehicles can be site
- Semi-trailers cannot be used for storage
- Trailer size 30 feet if over no more than 48 hours parked outside
- Limit number of trailers
- Screening for vehicles
- Home occupation
- How detailed or broad can uses be?

He said that number four (4) on page one (1) is new and then read it:

(4) Business vehicles. The summary of intent shall specify the type, size and number of business vehicles and trailers proposed per business in the PUD and the anticipated frequency of business vehicular trips. Said vehicles cannot exceed two axles, 22 feet in length, ten feet in height, and/or 8,000 pounds (curb weight).

He stated that the last sentence was once part of five (5) but decided to put it there so it could be in one place. He said that they still have a limit to the size of vehicle and those are going to be more of motor vehicles. He added that there is not a specific limit to the size of trailers. He stated that they need to tell us what they are going to do in their summary of intent, and then we

can make a judgement at that point.

Jim Graw asked if tractor trailers could still come on the property.

Pete Frisina replied that there is nothing that says they can't.

Jim Graw stated that they can come on the site to deliver and can't be parked longer than 48 hours.

Pete Frisina stated that he didn't put that in there. He reiterated that under number four (4) they need to tell us what kind of vehicles they are going to have in conjunction with the business. He said that is his recommendation on how to handle it. He added that they should handle it on a case by case basis with the PUD. He stated that some may never have them. He said that it gets really hard to start counting 48 hours when it comes to enforcement.

Jim Graw stated that it is going to be up to the people that own the property.

Pete Frisina stated that if someone complains we have to be able to enforce it.

Chairman Haren asked if the Planning Commission approved all of the conditions for each PUD.

Pete Frisina replied that the summary of intent sets the parameters for each PUD. He said they are all unique and you would go through each one (1) and say which one (1) do I like and which ones do I not like. He added if someone says they want to have a semi-tractor trailer there we are already pass two (2) axles.

Chairman Haren stated that each PUD is approached and looked at as an individual. He said that's where they can say in this one (1) we don't want trucks there for more than 48 hours, and there may be one (1) depending on location and intent of use where we say we are okay with 72 hours. He added in the approval of the uses of the PUD that's where we get to specify the size of the trucks, the time they are on the property, and all those individual specifications.

Pete Frisina stated that the last sentence precludes a tractor trailer being part of this PUD.

Jim Graw asked where they were talking about putting it.

Pete Frisina replied that in his opinion it's under number four (4) the last sentence. He stated that a tractor trailer exceeds two (2) axels and it is not allowed as part of that business. He said if I own a business and I have a tractor trailer that makes a delivery; he then asked them to turn to page two (2) under Section 110-84. He added this is not applicable to this but read Section 110-84 (a):

(a)

In any residential district, except A-R on lots of ten acres or larger, no business vehicle exceeding 8,000 pounds (curb weight) shall be allowed to park either on lots so zoned or on streets abutting such lots except during daylight hours and only for the purpose of making deliveries, making pickups, and providing services.

He stated that he doesn't know if we want to go to the degree of trying to regulate that.

Arnold Martin stated years ago he was living in one (1) of his first neighborhoods, and one (1) of his neighbors were dating a truck driver and he decided to bring his rig home and park the cab in the driveway every night and he had to wake up to looking at this big tractor trailer. He said that he had to call the County and tell them that it was an unlawful use of a commercial vehicle in his neighborhood. He said the County told him he was right and told his neighbor that he would have to park the rig in the lot across the street. He added that in his circumstances he was looking at the rig every night. He stated that when he call they had Code Enforcement come out and say that this was a violation. He said he wanted them to make sure that we had something clear in the ordinance; not that we are encouraging people to complain.

Pete Frisina asked them to look at page two (2) Section 110-84 subsection (a) again and read: shall be allowed to park either on lots so zoned or on streets abutting such lots except during daylight hours and only for the purpose of making deliveries, making pickups, and providing services.

Debbie Lowe asked if they could put something in the ordinance that says if a tractor trailer has to stay on the property overnight that it has to be housed within the facility.

Arnold Martin asked her to define housed.

Debbie Lowe replied within the building structure.

Arnold Martin stated basically part in the garage.

Pete Frisina stated if they have a building that big.

Al Gilbert stated that if they don't put subsection (a) in you don't have a way of getting a tractor trailer into the premise based on number four (4).

Pete Frisina reiterated that those are hard enforcements.

Al Gilbert stated if a tractor trailer arrives at 4:30 in the afternoon it is not going to get unloaded that afternoon if it is fully loaded. He said that it's going to have to sit there overnight. He added that is something that no one (1) can control when a tractor trailer gets to its destination.

Chairman Haren stated that it could be by the time the driver gets to its destination they have time out and can't ride for another eight (8) hours.

Pete Frisina stated that he could work on subsection (a) where it says daylight hours and only for the purpose of making deliveries, making pickups, providing services, and add if the vehicle remains overnight it must be stored within the business structure.

Jim Graw stated that it has to be parked inside a building. He asked if there building was going

to be that big.

Arnold Martin stated if you are receiving a delivery and this is not a part of your business; just as it was said, it is late in the afternoon and your business does not have that sort of garage or barn. He asked if they are now saying if it is not parked in they are in violation. He added that it is not a part of their business and will be unloaded in the morning.

Chairman Haren replied if it is a third party delivery than it's the responsibility of that service to make sure when that delivery is complete that vehicle is out of there. He stated that he couldn't imagine a FedEx guy would drop off a package at his house and then ask permission to park overnight. He said if it is a vehicle that is actually owned by the business it's got to stay overnight.

Pete Frisina stated that number four (4) would preclude that being used with the business. He said that the intent of subsection (a) is to say that you can't have this on your property, but if it shows up based on a third party providing delivery or services or something that is a different story. He added that it is except during daylight hours. He stated that it means it can't be there overnight and that is its intent. He said that he could take some of the language and craft that and add the caveat if it is to stay overnight then it has to be stored inside the business structure. He added that it's easy for enforcement. He stated that if enforcement goes by at night it's easier to say it needs to be inside the structure or else it has to be gone.

Al Gilbert stated that another way you could handle it is by saying you have 24 hours.

Pete Frisina asked when you start counting 24 hours.

Arnold Martin stated that when we were talking about business that may have a regular flow of tractor trailers and when we also talked about common driveways or roads; should we make any statement on the type of pavement needed. He said that if you have a PUD that is going to have a business in there that has a bunch of deliveries constantly and everything is setup with concrete for your standard driveway. He added that the driveways will be busted it up really quickly, whereas if parts of it need to be specified there must be this type of paving in here. He stated that he doesn't know if this needs to be done on a per PUD basis.

Chairman Haren asked what we currently say about driveway material in residential areas.

Bryan Keller stated that he does work for the Public Works Department also so he can answer some of these questions. He said that there are specifics based on volumes and road type for what you are going to put in there.

Pete Frisina asked if it was for residential.

Bryan Keller replied yes for residential. He stated at one (1) point there were commercial driveway requirements that address certain things like that. He said that he is not seeing that right now.

Pete Frisina asked if it was for road standards or driveway standards.

Bryan Keller stated that these were road standards.

Pete Frisina asked if he had commercial site and he had to build an interior drive within his commercial site to handle a large vehicle do we have things for that. He said it would be similar to parking lot standards.

Bryan Keller replied we do not.

Pete Frisina stated that typically when someone builds something like this parking lot out here where he has seen semi-tractor trailers park or grocery store parking lots where tractor trailers drop off deliveries; we wouldn't have standards for the pavement that goes out there.

Bryan Keller replied no.

Pete Frisian stated that it would be up to the developer to know what he needs to put in there because otherwise he will be replacing it quite often.

Al Gilbert stated that you would be amazed at what a Home Depot tractor trailer with a fork lift with roofing material weighs. He said that they go in and out of subdivisions all the time.

Pete Frisina asked what the standard was for a low volume subdivision street.

Bryan Keller replied that generally the base is six (6) inches unless it's in the cul-de-sac and then you will have a two (2) inch binder which is a coarser type asphalt and then you will have your top coat at a half an inch.

Jim Graw stated that it's about nine (9) to ten inches.

Pete Frisina stated that the actual pavement is about eight (8) in a half.

Bryan Keller replied yes for a current local road.

Arnold Martin asked if you have your PUD and you have one (1) type of business that will have a lot of deliveries and things like that and then you have two (2) or three (3) other business that do not; and in their mind they like nice pea gravel grass type of road that comes in as a combination of a driveway will they all have the same type of driveway. He asked will the business with the deliveries be required to have a certain type of pavement around it and the rest choose something different.

Al Gilbert stated that you will have to have a one size fits all policy, because if one business goes in there today doesn't mean the same business will go in there tomorrow.

Arnold Martin asked if we should be setting the standard or if the standard has already been set here.

Chairman Haren replied that these are not public roads and are the equivalent of connected driveways. He stated that he is not sure if he wants to get into the engineering standards for that unless it already exists in the County ordinance. He said let the developer think that through and then bring that to us when they bring it forth for approval. He added that he thinks that everyone that goes into something like this is going to have the same sort of business activity. He stated it's not like one (1) guy is going to be delivering palletized concrete and another guy is going to have a butterfly delivery business. He said that they will all do roughly the same thing.

Arnold Martin stated that he is just thinking of the two (2) people that are living there and one (1) of them say, hey these people are getting all of these deliveries and its busting up our driveways because this is just your standard concrete and it's not a paved road. He said he was just trying to think of scenarios.

Chairman Haren stated that he would assume that HOA's would go along with something like these things.

Bryan Keller stated that we need to specify private drive versus internal access, because a private road has to meet County standards. He reiterated that they need to be clear on the language if it's a drive, access, or an internal type of access.

Chairman Haren reiterated Bryan's point that if it is a private road it must meet County standards.

Debbie Lowe stated that there will not be a private road in this PUD. She said that she thinks they are going to move it to four (4) lots instead of five (5) and there will be four (4) individual driveways. She added that there were four (4) cuts there as it stands, and that is the way they want to leave it.

Arnold Martin asked how they will have access to the main road with four (4) entry ways.

Debbie Lowe replied yes they will. She said that there are four (4) driveways and that there was a lot of frontage on this road.

Jim Graw stated that all of the driveways are on Sandy Creek Road. He said that Arnold was not at the last meeting and asked Pete to inform him on what one (1) or two (2) of the Commissioner's said about the PUD.

Pete Frisina replied that they want to see a road.

Chairman Haren stated that's their call. He said that their job is to just work on the ordinance. He added if it is an internal access road all we need to do is point back to the existing ordinance and say that it just needs to meet the existing standard for a County road. He added and let the driveway standard issue be worked out as part of the PUD.

Arnold Martin stated that they were talking about tractor trailers and this and that with a whole

different mix of things and not be clear.

Pete Frisina stated that he would take some of subsection (a) on page two (2) and try and lead it into four (4) somehow. He asked if they were good with that.

Planning Commission Members replied yes.

Pete Frisina stated that he added subsection (p) on the second page to the ordinance.

Chairman Haren read subsection (p):

p. All materials, equipment, supplies, and inventory associated with the business shall be stored, operated and maintained within the business structure. Semi-trailers or shipping containers cannot be used for storage.

He said that it meshes well with what we have discussed in the recent past.

Pete Frisina stated that he didn't add anything more for screening. He said that he added a caveat under number two (2) on page one that says: In addition, a home occupation is allowed per article V of chapter 110. He added that this would be over and above the business portion you are running out of the back building. He stated if someone wanted to have a home occupation in conjunction or in addition to it's allowed.

Chairman Haren asked if a home occupation is a situation where everything is in the residence.

Pete Frisina replied yes.

Jim Graw suggested that the second to last sentence where it talks about shipments of goods should say, receipt and shipment of goods occur. He stated take the "and deliveries out."

Pete Frisina stated the next one (1) says how detail or broad can the uses be. He said we are going have to judge those on each one (1) that comes in.

Chairman Haren stated that he agrees and that would be a lot to tease out.

Jim Graw asked under subsection (a) what services the vehicles will provide.

Pete Frisina stated that this is in the ordinance right now. He said let's say you are having some work done on your house for example remodeling or reroofing. He added that the contractor may have one (1) of these vehicles on site while they are doing the work. He stated that it will be daylight hours only.

Chairman Haren stated you're having your front lawn re-sodded. He said they will park a 30 foot trailer with a forklift.

Jim Graw stated that he got it.

Pete Frisina stated that he asked the building department to give him some comments. He said the comments are at the bottom on page two (2). He added that is why he asked Bryan to come because we are moving into a thing where we have a mixture of residential and non-residential. He stated that we have a lot of people who look at development in this County besides the Zoning department and they are geared towards residential and non-residential. He said there will be some issues when we start mixing them. He read the comments from Building Permits and Inspections:

- Business Structure will be based on commercial building codes and practices
- Commercial licensed builder
- Separate electrical service
- Hazardous material storage per Building and Fire Codes
- Fire Marshal sprinkler requirements?
- Fire Marshal ADA requirements?
- Driveway access for Fire Trucks?
- Environmental Health requirements concerning commercial septic issues?
- Environmental Management requirements regarding Stormwater and Erosion Control for commercial structures?

Bryan Keller stated that they look at residential and non-residential a little bit differently. He said that generally all residential if it is just a cut out parcel on the side of the road is exempt from stormwater requirements, but commercial is not. He added that when we have a residential in the front and a commercial in the back we have to figure out how we are going to do that. He stated that if we are to do a subdivision; say a road is required that's a whole other ball game on how the stormwater is going to be handled. He said in that case when we do a subdivision the stormwater has to be on an individual lot not part of the subdivision and has to be owned and maintained by an HOA or another approved entity by the County. He added that a maintenance agreement usually goes with it. He stated that if a road is to be put in private or public they will have to dedicate a lot specifically for stormwater management.

Chairman Haren asked if it was for a retention pond.

Bryan Keller replied retention pond, water quality, and some other crazy stuff we are trying to get out of.

Chairman Haren asked how large does the lot have to be.

Bryan Keller replied it is based on the final use. He stated the best guess is probably whatever maximum area you all allow in the PUD along with some calculations for the drive and the parking. He said that it would be done by engineer, and then they would have to approve it. He added that it could get pretty large depending on how large the buildings get. He stated that impervious area for the drives and the parking lots will be included. He said that is only for a subdivision it has to be on its own lot. He added that it could have multiple ones if you go through subdivisions throughout Fayette County like ones you all have approved they have ponds here, here, and here. He stated that they try to minimize it. He said that large lots get some discounts and can shrink the pond size. He reiterated that if it is a subdivision it will have

to be on its own separate lot. He added that there are reasons for it because when you start talking about maintenance on these facilities we have to have an entity ready to maintain that. He stated that there is an agreement that goes with it. He said going back to the individual lots they don't regulate residential lots generally they are just cut out on the side of the road with no common infrastructure. He added that the commercial aspect is where they would have to pick up and decide where the commercial or nonresidential use start, and then we would have to have each individual lot have some sort of stormwater management on it. He stated be it a bioswale, a retention/detention pond, disconnecting the downspouts, cisterns, or pervious pavers. He said there are a million different ways to handle stormwater, but that would be on each individual lot to have a facility.

Jim Graw asked if someone was to purchase one (1) of these lots, and didn't want to get involved in this business, and just wanted to put a house there knowing that there will be business all around them will they still have to have a retention pond.

Bryan Keller replied no we wouldn't require it until that commercial activity went in. He stated that it would be the time of that building. He said that there is an agreement that goes with that also that runs with the property that whoever is going to own it is going to maintain that facility. He added that one (1) issue they could possibly have in the future is if one (1) person moves out and no longer uses that as a commercial there is still an agreement that runs with that property and that property owner will have to take care of.

Pete Frisian stated because the impervious area doesn't go away.

Bryan Keller agreed because the impervious area doesn't go away the building the building is still there and the agreement runs with the property not the property owner. He stated that it is not undoable it's just working through it. He said that he, Pete, and his boss have talked about doing a distance off the houses where the commercial starts. He added that you don't want to include someone's pool because it's a residence. He stated that they are leaning towards use.

Pete Frisina stated that he thinks one (1) of the things we talked about was having a specified distance between these buildings. He said so they would have some clear demarcation of where they can start regulating.

Arnold Martin asked if it would be a distance between the residential and the commercial.

Bryan Keller replied yes.

Chairman Haren asked if it was calculated outside of the accessory structures.

Bryan Keller replied yes. He stated that they didn't want to count on residential accessory structures because they don't do it now so why would they force them do it on the nonresidential part.

Chairman Haren stated that we just buffer outside the accessory structure however far we decide, and say okay that's the limit of the residential and everything else is commercial.

Bryan Keller stated that is a way to look at it. He said that they were open to suggestion because it is new.

Debbie Lowe stated that what they are planning on doing is not unlike somebody who has twenty or thirty acres and a house with a big barn, and they are not required to have a retention pond.

Bryan Keller replied correct.

Debbie Lowe stated that she feels like there will be some issues with that because their accessory structure for all practical purposes will be like a big barn. She said that it may have a bathroom in it, but that's it. She added that it will be a place to work and store camera equipment and scaffolding and things like that. She stated that she doesn't see in a lot of respects the need for a retention pond or something like that, because they are going to have 15-20 acres of basically woods and pasture.

Bryan Keller replied that the distinction comes with nonresidential use and how their current stormwater ordinance is written. He stated anything over 5000 square feet of impervious area that is nonresidential must have some sort of stormwater management facility to go with it.

Al Gilbert stated that they may hire an engineer that says you don't need a detention pond. He said they may say because of the lay of the land you can put a berm here and a berm there. He added that there is a strong possibility you may need one but the lay of the land a lot of other factors are going to determine it too.

Debbie Lowe stated that there are already two (2) lakes on this property so we don't want to be putting in a whole bunch of ponds.

Chairman Haren asked if a large enough area of permeable surface substitute for a retention pond.

Bryan Keller replied without getting to technical with the calculations that can reduce the size of the pond, but there is still water quality.

Chairman Haren stated that they think they ought to note what they are talking about here and somebody having a barn where they keep horses well that's an agricultural use and is exempted. He said they are addressing commercial use and unfortunately those rules got to apply because I think a lot of the stormwater rules are actually written by the State. He added that we just follow and have no authority to deviate from what the State says.

Bryan Keller stated that there is a caveat if it is a residential large house. He said they have looked at it with a couple but have not followed through of permanent things but they have another one (1) coming up a little bit later. He added that we can require it even for just a single family residential house; so if they were to build another Holyfield situation we could require them to. He added that we can require it on smaller and residential we just generally don't.

Arnold Martin asked there would be a requirement of a hydrant.

Pete Frisina replied that there fairly well could be.

Arnold Martin asked what would be the standard for saying a hydrant is required or a hydrant is not required.

Pete Frisina replied that the Fire Marshal uses standard and that he doesn't know what those standards are. He stated that his experience with him is, bring us a scenario that's going on the ground and we'll make a decision from there. He said that he is not going to do a lot of speculative type of stuff. He added that is just the way they work; we react to the real world not a bunch of things.

Chairman Haren stated that they will probably look at this and say that they want at least one (1) hydrant out there. He asked who pays for hydrants, the developer.

Al Gilbert replied yes, and it is 8,000 dollars to permit it I think. He said that just gets you the permits and it's a double flow back filled type of system that the County furnishes. He added that it's expensive.

Chairman Haren asked if that was all a part of the approval process.

Al Gilbert stated that from owning a business in the County before; the distance with water from a hydrant and the water supply is going to be a determining factor. He said and having 15 acres out in this area you are going to have to have more than one (1) fire hydrant would be his guess.

Jim Graw stated that he doesn't know if we discuss this, but the ordinance will allow up to five (5) employees; are we going to permit living quarters on that property for any of the employees.

Pete Frisina stated that it's not part of it now.

Jim Graw replied that he knows and that he saw it but there is nothing in the ordinance that prohibits it.

Pete Frisina stated that there is nothing that allows it either.

Jim Graw replied that he was questioning it; whether they are going to permit living quarters for employees.

Pete Frisina replied that it wasn't his intent. He said single-family.

Jim Graw asked if someone wants to have a big heart for one (1) of the employees that's having a hard time, and they say okay will build a little apartment on top of the barn here for you; are we going to permit that.

Pete Frisina replied that is not my intent, no.

Jim Graw stated that we need to put it in here that there are no living quarters for employees if

we are not going to permit it.

Al Gilbert stated well if we are not going to put gas pumps are we going to put that in there. He said I don't think you can put something in there to cover everything we don't want.

Pete Frisina stated that it is a single-family residential lot. He asked if I have a single-family lot can I have an apartment on my lot with my house. He replied no. He said under accessory structures which is allowed under residential everybody gets a guest home that is 700 square feet.

Chairman Haren stated that the answer to your question on the commercial portion would be no, but on the residential portion it is allowed.

Jim Graw stated that he understood the residential portion but what he wanted to know dealt with living quarters in the commercial area.

Chairman Haren and Pete Frisina replied no.

Jim Graw asked what prohibits that.

Pete Frisina stated that it's a PUD so if someone was to propose that we would just say it is not a part of the setup.

Jim Graw stated that's what we will say but what happens ten years from now when they are a whole new group of us and they don't know the conversation we are having tonight. He said they may say oh sure that's fine not a problem.

Chairman Haren stated that we can add that.

Al Gilbert stated there are a lot of things we don't allow that we don't write out. He said when things are stated already that it is not allowed, and we know it is not allowed in commercial; why do we need to restate it.

Chairman Haren stated that he understood, but he also understands where Jim is coming from too. He said this is commercial but it's a special kind of commercial, and a stone's throw away you have residential activities going on. He added that you want to make it clear on the commercial portion of this development there are no living quarters.

Al Gilbert stated that what he is getting at is that we wouldn't allow gas pumps to be put out there, but we don't put that down in writing. He said that he could come up with over a hundred things that we don't allow. He added that he thinks they ought to be careful. He stated that it would become redundant with our ordinances sometime; adding stuff that we already don't allow.

Pete Frisina stated that what he could do under number three (3) add a sentence that says business structures cannot be used for residential purposes.

John Culbreth asked how you enforce it.

Pete Frisina replied if someone brought in plans for a building in, and had that sort of thing in there we would say okay that's not allowed. He stated that he would have to get with Phil to discuss how they will handle it. He said they got a good indication but until they see one (1) it is going to be difficult.

Chairman Haren asked if everyone was comfortable with the idea of buffering around all of the accessory structures a certain distance and that is the residential and everything outside of that is the commercial. He asked if they were comfortable with the concept or if they thought something else might work.

Bryan Keller replied the only thing we thought of was the use.

Pete Frisina stated at least having a separation between the residential structure and the business structure.

Chairman Haren stated that you have the house and the pool and you look at the accessory structure that is furthest away from the main residence and then you go another 100-150 feet from there. He said and that forms the line between the commercial and residential.

Bryan Keller asked if we allow the accessory structures to go anywhere on the property. He asked if they could have their big building in the back and right next to it have their 700 square foot house.

Pete Frisina replied that is a good question.

Bryan Keller stated if that is the case the buffer won't work. He said if they have their large building and have their 700 square foot guesthouse 10 feet away from their other structure then how do we separate that.

Pete Frisina replied maybe you don't. He stated that accessory structures have to be in close proximity of the house.

Jim Graw asked if we they were worried about what the residents of that house will be looking at.

Planning Commission replied no.

Jim Graw asked if you are looking at four (4) lots what is the approximated width of each lot.

Debbie Lowe replied that she doesn't have the plat with her.

Jim Graw stated roughly a guess.

Pete Frisina stated that they have to be a minimum of 250 feet.

Debbie Lowe stated that the lots were wide.

Jim Graw stated that she said 250 last meeting when she had five (5) lots with four (4) what do you think it would be roughly.

Debbie Lowe replied that you can't really say because the lots are a lot smaller in the front and fan out in the back. She stated that they get wider as they go back in. She said that the property is mostly wooded with open pastures and is ideally set up for them to do what they want to do. She added that it will be so buffered from the lot next to you won't see anything.

Jim stated if the lots are 300 feet wide at the house width.

Debbie Lowe interjected that it would be much wider than that.

Jim stated let's say 400 feet wide at the house width; you would have 200 feet on either side and then you would have another 200 feet from the next house on the next lot; so you would have 400 feet from one (1) house to the other house on the other lot. He asked do we need buffering when you have 400 feet between two (2) homes.

Chairman Haren replied formally I don't think so, because the intent of buffering is encompassed in those 400 feet for this particular development but there might be other developments where that becomes an issue.

Pete Frisina stated that the way the PUD is set up the development has a 100 foot buffer around the development. He said the individual lots inside are not buffer from each other because they are all a part of that development. He added that they should be like uses and there would be no reason to separate them except for the setbacks. He stated if you have four (4) lots in this PUD the nature / character of these four (4) lots is to have a house and a business so there is no internal buffer from each other. He said that there is on the periphery of the development.

Al Gilbert stated one (1) thing they discussed last meeting about being a PUD was we could take certain things and force certain situations. He said for a PUD we know we allowed them this but you are a lot closer with those distances then the last one (1) we approved.

Pete Frisina stated that is why each PUD stands on its own.

Arnold Martin asked about addressing the items with question marks.

Pete Frisina replied if a developer comes in the Fire Marshal is going to make a determination because it's outside of this. He said if we don't get through this he's not going to be able to make a determination on this. He added or even the Building Inspector. He stated that he just wanted to get some input and that is what he received.

THE FAYETTE COUNTY PLANNING COMMISSION met on February 16, 2017 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville,

Georgia.

2. Discussion of PUD's

Pete Frisina stated that there wasn't much difference with the new document and there were only a few things he added. He said that he sent out what he had on Friday and got with Environmental Management later on in the week. He added that he took all the suggestions from the last meeting and got them in there. He stated that there was a reference made that all business structures should not allow residential. He said that it was under subsection (m).

Chairman Haren read subsection (m):

m. All structures associated with the business are allowed in the rear yard only behind the principal residence and must be fully enclosed and shall not be used for any residential purposes. Business structures shall not be located within 100 feet of the principal residential structure. Pete Frisina stated that came from Bryan Keller on last week. He said that we are mixing residential and nonresidential. He added that Bryan is trying to figure out how we handle stormwater between residential and this business structure. He stated that is the typical setback that we would have if you had an agriculture building. He said that it gave Bryan some comfort to have that separation.

Chairman Haren asked if it was a minimum 100 foot separation.

Pete Frisina replied between the business structure and the residential.

John Culbreth asked front, back, or side.

Pete Frisina replied that these have to be in the rear. He stated that the only thing new to you guys that you don't have is (q) and (r).

Jim Graw asked if they could go back to (o). He asked by excluding Sunday, what have we done.

Pete Frisina replied nothing it's the same thing that's always been there.

Jim Graw asked that by excluding it we are not permitting it.

Pete Frisina replied no, customers on Sunday.

Chairman Haren stated that you conduct business activities but you can't have customers.

Pete Frisian stated that is what is under our Home Occupation ordinance right now and that is our standard. He said that this is a quasi home occupation and that's why it says that. He added that (q) and (r) are the two (2) new things he got from his sit down with Environmental Management this week. He stated that both (q) and (r) were taken from the two (2) other quasi-agricultural uses we worked on: A-R Weddings & A-R Deer Processing. He said that those were

using similar language brought into this ordinance to discuss stormwater requirements and on-street parking. He added that what this does is allow us to not to require a full blown site plan like this were a Wal-Mart shopping center. He stated that what they are trying to find something in-between so they can get what they need by not having one (1) of those humongous drawings, and its similar to what we did with those other two (2) uses. He said that those were the basics and he had made a few other changes such as the residential, but this now addresses the stormwater, addresses parking, and alleviates it from a lot of the heavy regulations that we would put on a full blown nonresidential development. He added that when they changed the development regulations not too long ago they put in exclusions. He stated that if it's excluded somewhere else or exempted it could rely back to this for us.

Chairman Haren asked about the list at the bottom of the page.

Pete Frisina replied that those were just notes. He said that some of those are unanswered because the Fire Department will make a determination about sprinkler systems, ADA requirements, fire truck access, and Environmental Health will look at sceptic system. He added that we are not going to know this until we have a site on the ground.

Chairman Haren stated that if the structure is located in the commercial portion everything in here is going to be inspected in accordance with the commercial regulations.

Pete Frisina replied that is exactly right. He said that at this point it is hard for them to give me concrete answers without something to go by. He added that they are not going to give him speculative answers.

Chairman Haren stated that he knows they have talked a lot about the vehicle issue. He asked if everyone was comfortable with that.

Debbie Lowe stated that is where we have a problem. She stated that the top copy was a picture of an enclosed cargo trailer, which Cinemoves has several of, and the next page is a picture of a 20 foot cargo trailer. She said there is very little difference between the two (2) other than the length and size. She added that this was typical of what they load their equipment on. She stated that its pull by either a three (3) quarter ton or a dually truck.

Jim Graw asked if there was going to be any storage in these at all.

Debbie Lowe replied no, it will be in the building. She asked that they don't limit the size of the trailer or increase it to 30 foot trailers. She stated that an 8,000 pound trailer is a two (2) horse trailer with two (2) horses in it. She added that we will have to increase the weight.

Pete Frisina replied that these requirements are for motor vehicles not trailers. He stated that we don't have a limitation on the size of the trailer. He said that a lot of this is taken from another ordinance

Debbie Lowe stated that they use three (3) quarter ton or one (1) ton pickups.

Pete Frisina stated that she would have to specify those sizes in the PUD and as it goes through the process we will see what happens.

Chairman Haren asked if anyone had any comments.

Al Gilbert asked if they were ready to vote on this to go to Public Hearing.

Pete Frisina asked if they wanted him to put “motor vehicles cannot exceed” instead of said motor vehicles.

John Culbreth agreed motor vehicles will clarify.

Jim Graw stated that it takes care of the problem with tractor-trailer rigs.

Pete Frisina replied that there is not a limit on the trailer size in the ordinance. He said that would have to be proposed in the PUD.

Jim Graw stated that this was intended to cover tractor trailer rigs....I think.

Pete Frisina asked what part of the tractor trailer is the motor vehicle. He replied the tractor not the trailer. He stated that they will have to look at it through the PUD and make a determination when they come in. He said unless you want to put a limit on the trailer size.

Chairman Haren asked if they are going to be there overnight and if so they would have to be enclosed.

Debbie Lowe stated that it was for a time limit and if they were going to be there for that period then they were supposed to be housed.

Pete Frisina stated that he didn't see it there because they talked about it at the last meeting.

Al Gilbert stated that (p) was close to it, because it was talking about storage.

Chairman Haren stated that we talked about having a requirement to make it indoors or a fenced in area shielded visually.

Pete Frisina stated that he didn't anticipate these types of businesses regularly using these types of vehicles in association with the business. He said in his opinion if you are using semi-tractor trailers this is no place for it. He added that we are using motor vehicles that we allow under a home occupation here, that's what this is, and that's not to push it to the next level. He stated that these motor vehicles can only pull a certain size trailer.

Chairman Haren stated that he was concerned that some point down the line in another one of these, someone is going to be putting in semi-trailers back there.

Debbie Lowe stated that each PUD is on its own merit. She said that the next one (1) maybe totally different than this. She added that when you put your application in for your design of the

PUD you are going to stipulate in there, where this one (1) it's not really needed.

Chairman Haren asked what the other Planning Commission members think.

Al Gilbert stated that he agreed with Chairman Haren. He said that he was afraid a business was going to pop up that will use tractor trailers.

Pete Frisina stated that was not the intent we want in this PUD.

Chairman Haren asked what if someone comes in saying I want to do something like this and says by the way my transport vehicles are 35 foot over the road trailers. He stated that they might say this boiler plate doesn't prohibit that.

Pete Frisina replied that you would have to prohibit that through the summary of intent.

Chairman Haren asked what if they say you didn't restrict it to these folks why are you restricting it to me.

Pete Frisina stated that in his opinion he never envisioned that on a regular basis we would have semi-tractor trailers coming in and out of the home office.

John Culbreth asked if they do what is our rationale to deny.

Chairman Haren replied that he understood that they might have vehicles of that size coming in and out of the business, but if you are going to park anything there overnight, so that it is out of view its behind and it's not an eye soar to the rest of the neighborhood.

Pete Frisina stated that size of vehicle will be out of the place in the development.

Jim Graw stated that Debbie Lowe was absolutely right we are going have to look at each PUD as it comes in stands on its own. He said the next PUD that comes in someone may ask to have cars, busses, and trucks specifically for the movie industry much like Ghostlight, Comoyo, and Picture Cars. He added that we may get one of these businesses in the future and we need to look at the possibility in this thing. He stated that Ghostlight provides busses to the motion pictures. He said that we may have to look at something to restrict that type of activity in the future. He added that he hopes they don't get a PUD where they want to put in cars, and get cars prepared for the movie industry on 15 acres.

Debbie Lowe stated that was more of an industrial type of thing.

Pete Frisina stated that he doesn't know how to articulate it, but I just didn't envision that level that intensity in something like this. He said the residential is supposed to be the primary and this is supposed to be secondary to it.

Jim Graw stated that his fear is it's not going to become the secondary it's going to become the primary. He said that he is very tossed around about this whole PUD idea and not convince this

is the way to go.

Chairman Haren stated that he thinks it is a good idea but he wants to make sure that we get it right as much as we can before moving it forward. He asked them to look at the wording in (n). He read (n):

n. All vehicles associated with the business must be parked in the rear yard only.

Chairman Haren asked what defines a rear yard.

Pete Frisina replied the area behind the principle structure. He stated that the arrangement for your semi-tractor trailers is 45, 48, and 53.

Chairman Haren stated that he doesn't care if they park the Star-Trek enterprises back there is it going to be visible to everybody else and everyone that drives back.

Pete Frisina stated that he would have a problem if someone put that in their letter of intent.

Chairman Haren asked if there was anything else.

Pete Frisina stated that he would change that to say motor vehicle. He asked if there was anything else. He asked if they were ready to throw it out there to see what happens.

Jim Graw asked if this goes through and something comes up would they be allowed to amend this.

Pete Frisina replied yes.

Chairman Haren agreed that they may have to amend the ordinance in the future.

Pete Frisina stated that he would advertise they would go to public hearings in March and on the fourth Thursday of the month is when the Board of Commissioners would hear it. He said they would either say it is not a good idea, it is a good idea, or bring it back to the Planning Commission.

Michael Howell stated that they have no customers and are looking for a farm setting to work/live out of as a family compound. He said they are not looking to run a business out of there. He added they don't need customers or anything. He added they are just looking for a better place other than College Park.

Pete Frisina stated that would be a part of your summary of intent. He said because you are making some additional lots that may or may not have additional business on their try to anticipate that. He added that if you didn't get it right in terms of your summary of intent you have the option to go back through that process to try and amend your summary of intent. He stated that it gives you a little bit of flexibility.

Debbie Lowe stated that they have not grasped that the way the property looks now that is the

way it is going to look when it's finished. She said that you will see nothing different from the road and it will all be tucked back in to that property and nobody will ever know it is there. She added that they want it to be that way because of the security.

Chairman Haren stated that he understood that but they are not writing it just for them but everybody else that comes along wanting to do something like this.

Bill Beckwith asked that since there is a concern about the vehicles would they want to put a limitation on the length of a trailer for this specific type of situation.

Chairman Haren stated that he doesn't think so for trailers.

Bill Beckwith stated that is where the concern is going to come out of.

Chairman Haren stated that the concern came from them being there overnight would they be visible from the public roadways. He said that he thinks they have gone passed that.

THE FAYETTE COUNTY PLANNING COMMISSION met on March 3, 2017 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

3. Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-149. - Planned Unit Development concerning Planned Residential and Business Development-Planned Unit Development (PRBD-PUD) zoning district.

Chairman Haren stated that we have talked about this at great length over the last several months. He asked Pete Frisina if he thinks they have the language all set.

Pete Frisina asked them to turn to page four (4). He said that there was a lot of discussion about trucks and length of stay and all that and that he put something in there for discussion tonight. He said that was pull from another section of the ordinance that covers business vehicles. He added that they don't have to include it but he just put it there. He stated that if they feel comfortable with it we can send it through and if they don't we can take it off and send it through without it. He said that is how they left it at the last meeting.

John Culbreth stated that they were concerned about overnight.

Pete Frisina interjected that you were concerned about how long you can stay there, if they were oversized, and that sort of thing. He stated that this is how it is already handled in the zoning ordinance.

Chairman Haren reads:

Vehicles that exceed these parameters shall be allowed only during daylight hours and only for the purpose of making deliveries, making pickups, and providing services.

He asked if it would be more accurate to say only business hours.

Pete Frisina replied that he pulled that out of what is existing.... He stated that it was not a bad suggestions since we have business hours set for this district. He said that he does not have a problem with it.

Al Gilbert asked if it meant a tractor trailer truck.

Pete Frisina stated that it is anything that is over this parameter.

Arnold Martin stated that he likes business hours instead of daylight hours.

Pete Frisina stated because it changes.

John Culbreth asked if it would be nine (9) a.m. to seven (7) p.m.

Chairman Haren replied yes. He stated that he had a question on the second page item 1. He read item 1.

1. Including the owner/occupants, no more than five (5) persons shall be employed on-site by a business.

He asked if it should say including or excluding.

Pete Frisina stated that question is whether or not the owner is counted in the five (5). H

Chairman Haren replied yes.

Pete Frisina stated that he doesn't think that was the intent.

Chairman Haren said that it could be a family of six (6).

Pete Frisina stated that this is for people who don't live there. He said it should be excluding the owner/occupants.

Al Gilbert suggested leaving the "including the owner/occupants" off and then put not including the owner/occupants. He said eliminate "including the owner/occupants" and after a business put not including. He added that excluding and including might get a little confusing.

Pete Frisina stated no more than (5) persons shall be employed on-site by a business not including the owner/occupants. He asked the Planning Commission if that was good.

Chairman Haren replied yes.

Arnold Martin asked out item (o) and the time of the business. He stated that the average business opens at 8:30 a.m.

Pete Frisina stated that was pulled out of the occupational tax code. He said that is how we already do home occupations. He added that he thought these were somewhat related.

Arnold Martin stated that his office opens up at 8:30 a.m. He said all operational people and any office he has worked out of all open up at 8:30 a.m.

Chairman Haren stated that if you are the business owner and you live on site you can still do business activity, you just can't have customers. He asked if anyone would like to speak in favor of this.

Debbie Lowe thanked the Planning Commission for taking the time to try and put something like this together. She stated that initially when those clients approached me and told me what they were looking for she felt bad having to tell them unfortunately Fayette County does not have any type of zoning that would allow you to do what you would like to do. She said even though other parts of the country do we don't. She added that when she called Pete and explained the situation to him he said let's see if the Commission would be willing to sit down and try and work something out. She said that she knows the Commissioners are looking for low density type of developments but is still trying to bring businesses into the County. She added that this would be a great fit for something like that and whether it's the clients that I'm doing or other clients associated with different business around here now that need to have a facility where they

can live and actually do their work. She stated that she appreciated everything that everyone has done to try and make this work and hopefully it will move forward again. She added that the Howell's and Womack's thanked them for taking the time to do this.

Chairman Haren asked if anyone would like to speak in opposition to it. Hearing none, he brought it back before the Planning Commission.

Jim Graw stated that this is one of the areas he had thought so much about. He said at the last meeting he mentioned he was conflicted and had problem. He added that he had a lot of thoughts and have organized and put them on paper. He then read his statement:

During the past few months we have been discussing the development and potential implementation of a new PUD- Planned Residential and Business Development or a PRBD. When we started to put together the details of this new PUD there was something that bothered me but I couldn't put my finger on it.

The intent of the new PUD is to allow mixed use development with a principle single-family residence and incidental business uses. The principal residence business owner would conduct on-site business operations, clients/customers would visit the site, the receipt and shipments of goods and deliveries would occur and non-occupant paid employees could be on site.

About 2 weeks ago I was able to figure out what was bothering me. I drove through Kenwood Business Park in north Fayette County off GA 85 and saw many small business located in this park. Some businesses were related to the movie industry. Some rent office space as well as warehouse space. Many of the buildings have loading docks for trucks. The businesses perhaps have on-site employees and conduct on-site business operations with clients visiting the offices. I believe the land use designation for the business park is industrial and the zoning is M-1.

The first PUD-PRBD would be created on 70 plus acres on Sandy Creek Road. The subject property is land used low density residential (1 unit/1-2 acres) and zoned R 70 (2 acre minimum). To the north and east the properties are in Tyrone. To the south and west (across Sandy Creek Road) the properties are in the county and zoned R 70. In my opinion, this new PUD creates a small business park on land that is land used and zoned residential. This new business park could be complete with some heavy duty truck traffic, warehousing, shipping and receiving of goods and perhaps some non – resident paid employees property. This new zoning could be used in other areas of the county and could also be in primarily residential areas.

The plan is for the owner of the PUD property to bring to the Planning Commission the planned uses for the PUD. The Planning Commission can either approve all or some of the uses or deny them. To this point I have not seen or heard what the criteria, if any, will be for approving or denying the recommended uses. Future Planning Commissions do not have the background information that has gone into the development of this PUD and may recommend approval of uses that are incompatible for the PUD since there are no criteria for determining appropriate uses. Personal preferences should not enter into those decisions.

I would also like to remind the Planning Commission that a petitioner's potential financial loss or gain on a requested zoning or rezoning should not be taken into consideration when making any approval or denial recommendations.

In my opinion, this zoning we are discussing and ready to vote on is unfair to surrounding residential properties not in the PUD and might be considered spot zoning.

I cannot support this PUD for the reasons I have just mentioned and since there are other options available to the petitioner for conducting business.

As a footnote, I do not nor does any member of my family have any interest whatsoever in the Kenwood Business Park.

Chairman Haren asked if there was any other input on this.

John Culbreth asked about the traffic analysis and if he could get those numbers.

Pete Frisina stated that it was 6580 vehicles per day.

Chairman Haren asked if they could put it in context. He asked if it was for an average high or low number for a road of that type here in the County.

Pete Frisina replied that he could not tell him. He stated that if he gave him a few minutes he could look up some other roads. He said this study was done between July and August 2016, and they also did a second one (1).

Chairman Haren asked John Culbreth what his concerns would be with the traffic.

John Culbreth replied would there be substantial amount of increased impacting the 6000; will there be problems with the ingress and egress.

Chairman Haren stated that for this particular one (1) with the types of business going in there I don't think so. He said that there was some concern about the amount of cuts you would be making on to Sandy Creek, but the volume of traffic for the use that your clients are talking about I don't think that's a real issue.

Pete Frisina stated that he had another traffic study upstairs in a hard copy but he doesn't think it differs much from this. He said the issue we are dealing with here is that we are just putting the zoning category out here. He added who knows where it will end up.

Chairman Haren asked the Planning Commission if they had any more questions or comments.

Al Gilbert stated that we have taken a long time to get this where it is tonight.

Chairman Haren stated that we are only making a decision on whether or not to send this to the board.

Arnold Martin asked about the width of the driveways because of the large vehicles. He stated that we have two (2) things going on here; based upon the speed we have on Sandy Creek if you don't have the type of cut that allows a vehicle especially a large vehicle to make a wide turn that could really create a problem. He said that he was just thinking about that.

Chairman Haren replied in this we are not specifically considering the petitioners specific design. He stated that we are really talking about this as an addition to the zoning ordinance to handle everything. He said that they will still have to do a concept study. He added that we would have a look at that when it is ready to come through. He stated that this is just is this ready to take to the board.

Pete Frisina stated that he has two (2) counts on Sandy Creek Road and in this area we have 5180 and a little further to the east we have 4960. He said to give you some relevance to

something else Tyrone Road in one (1) spot has 8400 trips and it goes down to 5690. He added that is a parallel road in the same area. He stated to look at another road that may be similar would be Redwine Road with 5290.

Jim Graw asked if that was traffic going in both directions.

Planning Commission replied yes.

Pete Frisina stated that Tyrone Road looks to have heavier traffic than Sandy Creek right now.

Chairman Haren stated that he doesn't feel in this particular instance that the amount of traffic would put in to Sandy Creek. He said this is really not a big issue. He added the question is do we want to take this language to the board to allow them to review. He stated that he understands and agrees with a lot with what Jim Graw put in there with his concerns about these types of development morphing into office parks. He said that was the statement that really got his attention. He added that he believes that is a concern, but it is our responsibility when we look at these concepts and approve or disapprove them to make sure something like that doesn't happen. He stated that 20 years from now the folks sitting in our chairs have the same understanding of what went on; I do not know; I can't speak for them. He said that he feels we have ground through this enough that we are at the point now where it is time to let the Commissioners have their say in the process.

Jim Graw replied that he understood and that he is not trying to convince someone one way or the other. He stated that he wanted to put his thoughts forward and there is enough concern on his part that he will vote against it. He added that Arnold has brought up a good point that safety is a consideration in zoning matters. He stated that we were appointed to this commission to uphold the health, welfare, and safety of the citizens of the County. He said that safety is an issue and we can say that it is not part of a zoning decision.

Chairman Haren asked if Ms. Ingrid??? Had any comments to make on this.

Ingrid asked what portion of Sandy Creek were you talking about.

Pete Frisina replied just west of Highway 74. He stated that it was very close to Tyrone and surrounded by it.

Ingrid asked if it was by the railroad tracks.

Arnold Martin replied pass the railroad tracks close to Highway 74.

Ingrid replied no, no, no. She said from Highway 74 to...

Al Gilbert asked if she meant by Coastline Road.

Pete Frisina replied that it is way before Coastline Road.

Ingrid stated but closer to 74 where that piece of blank area is.

Pete Frisina said right across from the church. He stated what he did on these vehicles that exceed these parameters shall be allowed only during business hours and I said see (o) below. He added that for the other one (1) he changed it and it said no more than five (5) persons shall be employed on site by a business not including the owner occupant.

Chairman Haren stated that they are not addressing that specific location we're just talking about in general.

Brian Haren made a motion to recommend approval of the proposed amendment with corrections. Arnold Martin seconded the motion. The motion passed 4-1.

Sec. 110-149. - Planned unit development.

- (a) *Purpose.* The intent of this section is to:
- (1) Encourage the development of large lots of land as: planned residential developments (PRD), planned industrial parks (PIP), planned retreats or lodges (PRL), planned entertainment farming (PEF), planned outdoor recreation (POR), and planned small business center (PSBC);
 - (2) Encourage flexible and creative concepts in site planning;
 - (3) Preserve the natural amenities of the land by encouraging scenic and functional open spaces;
 - (4) Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of this chapter;
 - (5) Provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lower development and housing costs; and
 - (6) Provide an environment of stable character compatible with surrounding areas.
- (b) *Development standards.* Each planned unit development shall meet the following standards in addition to any other as hereinafter set forth:
- (1) The development shall utilize creative and flexible design including, but not limited to: varied lot sizes, amenities, mixed uses, etc.;
 - (2) The development shall be compatible with surrounding uses and with the land use plan of the county; and
 - (3) *Paving of roads.* Developers of approved planned unit developments shall be required to pave all new subdivision streets contained within said development in conformance with the rules and regulations of the development regulations of the county (see chapter 104). Improvements to existing county-maintained roads or planned county roads which pass through a Planned Unit Development will be handled conditionally at the time of rezoning or at the time of a revision to a development plan. However, in any planned retreat or lodge (PRL), the developer shall be required to provide for all-weather roads, as approved by public works, suitable for the passage of emergency vehicles.
- (c) *Relation to zoning districts.* An approved planned unit development shall be considered to be a separate zoning district in which the development plan, as approved, establishes the uses, restrictions and regulations according to which development shall occur. Upon approval, the zoning map shall be changed to indicate the area as a planned unit development.
- (1) *Procedures.* The following procedures shall be followed in the establishment of each and every planned unit development:
 - a. *Pre-application conference.* The deadline to submit copies of the development plan and Letter of Intent shall be the first of each month by noon. If the first of the month falls on the weekend or on a holiday, the deadline is automatically extended to the next working day by noon. Prior to filing a rezoning petition for a planned unit development, the applicant shall meet with the technical review committee (TRC) in order to review the general character of the proposed development, including, but not limited to: its scope, nature and location. At this time, the applicant shall be fully advised of the approval procedures contained herein and the various information, studies, etc., which the applicant may need in order to continue with the said procedures.
 - b. *Pre-recommendation meetings.* Prior to filing a rezoning petition for a planned unit development and subsequent to the pre-application conference with the zoning administrator, the applicant shall meet with the planning commission in a plan review session. At this meeting, the applicant shall be required to review any plan with the planning commission and provide preliminary data concerning said plan as required by the planning commission. The planning commission may require additional pre-

recommendation meetings to review said preliminary data prior to their pre-recommendation.

- c. *Rezoning petition.* A rezoning petition for a planned unit development shall only be submitted subsequent to the pre-application conference with the zoning administrator and the pre-recommendation meetings with the planning commission. This petition shall contain a development plan and a written summary of intent, and shall show the relation between the proposed development and the surrounding area, both proposed and existing. A rezoning petition for a planned unit development shall follow the procedures in article VII of this chapter.
- d. *Development plan.* The following information shall be submitted as the development plan:
 1. General location map;
 2. Current topographical map clearly showing existing topographic conditions, including contour intervals of no more than 20 feet based on field survey or photogrammetric methods;
 3. Map showing the existing floodplains and flood soil as indicated by FEMA;
 4. Legal description of the subject property;
 5. Location and use of existing and proposed public, semi-public, or community facilities such as schools, parks and other open space. This will include areas proposed to be deducted or reserved for community or public use;
 6. Elevations of building types for all nonresidential structures which indicate the proposed general architectural style and appearance; and
 7. If a proposed development creates special problems or involves unusual circumstances, additional information may be required in order to properly evaluate the proposal as follows:
 - (i) Off-street parking and loading plan;
 - (ii) Economic feasibility report or market analysis;
 - (iii) Area traffic study and circulation plan within the development and to and from existing thoroughfares;
 - (iv) Hydraulic, hydrologic; and drainage engineering studies;
 - (v) Environmentally sensitive areas, including, but not limited to: watershed protection, wetlands, or groundwater recharge, impact study;
 - (vi) Based on the pre-application meeting with the zoning administrator and/or the pre-recommendation meetings with the planning commission, other information as is deemed necessary may be requested, in addition any of the aforementioned required information (items enumerated in subsections (c)(1)a through h of this section) may be excluded if deemed not applicable.
- e. *Summary of intent.* The written statement submitted with the development plan shall include the following information:
 1. Statement of the present ownership of all land within the proposed development;
 2. Explanation of the character of the proposed development, including, but not limited to: a summary of uses, number and type of dwelling units, a net residential density calculation, and minimum standards for floor area, lot size, yard and spacing requirements;
 3. General statement of the proposed development schedule and progression of unit development or staging; and

4. Agreements, provisions, and covenants which govern the use, maintenance, and protection of the development and any common or open space, including the provisions which will organize, regulate and sustain the property owners' association, where applicable.
- f. *Approval.*
1. After review and public hearing, the board of commissioners may disapprove, approve or approve with modifications the proposed development after receiving the recommendations of the zoning administrator and planning commission.
 2. If the proposed development is approved as submitted, the zoning administrator shall cause the official zoning map to be changed to indicate the planned unit development. If the plan is approved with modifications, the applicant shall file written notice of consent to the modification and a properly revised development plan with the zoning administrator prior to changing the map. The development plan and all other accompanying information shall be properly identified and permanently filed with the zoning administrator.
- g. *Subdivision approval.*
1. At the option of the applicant, a preliminary subdivision plat may be filed along with the development plan in order that tentative approval of the subdivision by the planning commission may be granted, pending the approval by the board of commissioners of the development plan.
 2. In no case shall final subdivision approval precede the approval of the development plan.
 3. Site development regulations, specifications, and procedures governing the platting of a planned unit development and plat approval shall be in accordance with chapter 104, article XV.
- h. *Ownership control.* At the time a final plat or minor subdivision plat is approved and recorded for a planned unit development, as applicable, the land comprising the area for the final plat or minor subdivision plat shall be under one ownership (i.e., an individual, a corporation, or some other single legal entity). Individual lots may be sold only after the final plat or minor subdivision plat has been approved and recorded and the deed contains sufficient covenants assuring the continuance of the planned unit development as originally approved and developed.
- i. *Building and occupancy permits.* The zoning administrator shall approve of the issuance of building permits for buildings and structures in the planned unit development if they are in substantial conformity with the approved development plan, the development schedule, and with all other applicable regulations. A certificate of occupancy shall be issued for any completed building or structure if it conforms to the requirements of the approved development plan and all other applicable regulations.
- j. *Revision of development plan.* Any change in the approved development plan, which affects the intent and character of the development, the density or land use pattern, the approved uses, the location or dimensions of streets, or similar substantial changes, shall be reviewed and approved by the board of commissioners upon the recommendation of the zoning administrator and planning commission. A petition for a revision of the development plan shall be supported by a written statement as to why the revisions are necessary or desirable.
- (d) *Planned residential development.*
- (1) *Purpose.* The intent of a planned residential development (PRD) is to encourage creativity and resourcefulness in residential development and to provide open space, parks and recreational facilities for the residents of the development and/or the general public.

- (2) *Permitted residential uses.* Planned residential developments may contain single-family dwellings, two-family dwellings, townhouses, or a combination thereof. Residential accessory buildings and uses shall also be allowed per article III of this chapter.
- (3) *Permitted recreational uses.* A list of proposed recreational uses shall be submitted with the summary of intent. Only those uses approved through the rezoning process shall be allowed in the PRD.
- (4) *Permitted incidental uses.* The following incidental uses shall be allowed in a PRD:
 - a. Day care facility (including an outdoor play area only);
 - b. Church and/or other place of worship (including a parsonage and outdoor play area only); and
 - c. School, private (including an outdoor play area but excluding housing or a stadium).

The buffers and setbacks for these uses along the exterior boundary of the PRD shall be consistent with the applicable conditional use requirements listed in article V of this chapter.

- (5) *Conditional uses.* The following conditional uses shall be allowed in the PRD zoning district, provided that all conditions specified in article V of this chapter are met:
 - a. Home occupation; and
 - b. Horse quarters (see article III of this chapter).
- (6) *Minimum dimensional and other requirements.* The minimum dimensional requirements in the PRD shall be as follows:
 - a. Development size: 100 contiguous acres located within the A-R and/or residential zoning districts
 - b. Each single-family dwelling shall be placed on a separate lot.
 - c. Side yard setback: 15 feet.
 - d. Rear yard setback: 30 feet.
 - e. Maximum density: Four units per acre (single-family attached); and one unit per acre (single-family detached). For purposes of this section, density shall be interpreted as the number of dwelling units per net acre devoted to residential development.
- (7) *Common open space requirements.* Planned residential developments shall meet the following common open space requirements:
 - a. A minimum of 2,500 square feet per lot shall be reserved for open space. The open space shall not be located in the following areas: street rights-of-way (public or private); all land located within the 100-year floodplain; water impoundments; and all lands proposed to be dedicated to a governing authority.
 - b. The open space may be publicly owned, privately owned, or be deeded to and maintained by the property owners' association, comprised of the residents of the development. When the open space is to be deeded to the property owners' association the initial owner of the development shall be responsible for the organization of said association. The organization, responsibilities and financing of the property owners' association shall be established in appropriate deed covenants, which shall run with the land and which shall appear in each and every deed of property given by the initial owner.
 - c. Approved recreational uses may be located in the open space.
- (8) *General deed covenants.* Appropriate deed covenants, which shall run with the land, shall be made a part of each deed of property given by the initial owner of the development in order to ensure the continuance of the planned residential development in accordance with all approved

plans and this section. A copy of the covenants shall be given to the zoning administrator as a part of the record of the planned residential development.

(e) *Planned industrial park.*

- (1) *Purpose.* The intent of a planned industrial park (PIP) is to encourage the development of a localized industrial park designed to meet light and heavy industrial purposes.
- (2) *Permitted uses.* Only those uses (permitted and conditional) in the M-1 and M-2 zoning districts shall be proposed for the PIP. Only those uses approved through the rezoning process will be allowed in the PIP.
- (3) *Minimum dimensional and other requirements.* The minimum requirements for a PIP shall be as follows:
 - a. Location: M-1 or M-2 Zoning District.
 - b. The development shall have access and egress only to an arterial thoroughfare.
 - c. Development size: ten acres.
 - d. Front, side, and rear yard setbacks along the exterior boundaries of the development shall be consistent with either the M-1 or M-2 zoning district, whichever is applicable.
 - e. Height limit: 35 feet.
 - f. A buffer of 75 feet shall be provided around the periphery of the development.

(f) *Planned retreat and/or lodge.*

- (1) *Purpose.* The intent of a planned retreat and/or lodge (PRL) is to provide a development exclusively designed to accommodate the assembly of groups or organizations for the purpose of association, education, therapy, or instruction through conferences, seminars, and/or camps. Food and lodging may be furnished for a definite and temporary period.
- (2) *Permitted uses.* The following uses may be proposed in a PRL:
 - a. Assembly/meeting facilities (indoor and outdoor);
 - b. Dining facilities;
 - c. Lodges, dormitories, cabins, and/or tent campsites for temporary occupancy;
 - d. Recreational facilities, including, but not limited to: recreational courts/fields, playgrounds, picnic pavilions, swimming pools;
 - e. Caretaker and/or staff housing; and
 - f. Solar farm (limited to a net metered facility only), provided that any inoperative equipment is repaired or disposed of in a reasonable time and manner.

In addition, only those uses (permitted and conditional) allowed in the A-R zoning district may be proposed for a PRL. Only those uses approved through the rezoning procedure will be allowed in the PRL.

- (3) *Minimum dimensional and other requirements.* The minimum requirements for a PRL shall be as follows:
 - a. Location: A-R zoning district.
 - b. Development size: 50 contiguous acres.
 - c. Maximum density: One single-family unit for each ten net acres of the development.
 - d. The proposed site shall be permitted only on a lot which fronts on and accesses a major thoroughfare, as specified by the county thoroughfare plan.

- e. A site plan will be required prior to the construction of structures and/or recreational facilities, as applicable, per chapter 104.
- f. Each structure whose purpose is to provide lodging shall have paved access to a public street. Said access shall meet the requirements of chapter 104.
- g. No structure shall be permitted within 150 feet of the right-of-way (existing or required) of any existing street abutting or bisecting the development.
- h. A minimum buffer of 75 feet shall be provided around the periphery of the development. To provide sufficient separation from proposed uses to alleviate any adverse effect on the use or usability of abutting or nearby properties, said buffer may be increased through the rezoning procedure by the board of commissioners as a condition of approval and shall be indicated on the development plan. Any vehicular or multi-use path access proposed within the buffer shall be approved through the rezoning procedure and indicated on the development plan; conditions of approval may be incorporated by the board of commissioners.
- i. Height limit: 35 feet.

(g) *Planned entertainment farming.*

- (1) *Purpose.* To allow certain incidental uses to an active farming operation to preserve agricultural areas. An active farming operation is defined as any area of 100 or more contiguous acres from which \$10,000.00 or more of agricultural products are grown and sold on an annual basis. Income verification may be required. Agricultural products are defined here as the growing of annual crops, the raising of livestock and/or horses, and dairy farming.
- (2) *Permitted uses.* The following permitted uses shall be allowed in a PEF:
 - a. Single-family dwelling and accessory uses and structures associated with the single-family dwelling exclusively as per article III of this chapter;
 - b. Farm buildings (shall be bona fide structures related to the farming operation);
 - c. Growing of crops;
 - d. Raising and selling livestock;
 - e. Dairy farm and production;
 - f. Greenhouses and shrubbery sales;
 - g. Farmer's market (limited to sales of crops grown on premises by owner of property);
 - h. Pick-your-own produce;
 - i. Processing of agricultural products (shall meet conditional use requirements per the A-R zoning district);
 - j. Horse stables and horseback riding;
 - k. Horse show (by permit, temporary, 14 days per year);
 - l. Rodeo (by permit, temporary, 14 days per year);
 - m. Petting zoo;
 - n. Educational tours;
 - o. Picnic area;
 - p. Sit-down restaurant, banquet facility, bakery and catering (no drive-through, and selling of alcoholic beverages, shall be prohibited) (minimum seating capacity of 50 persons);
 - q. Gift shop in association with restaurant only; and
 - r. Pay fishing and bait sales in association with pay fishing.

- (3) *Conditional uses.* The following conditional use shall be allowed in the PUD PEF zoning district provided that all conditions specified in article V of this chapter are met: home occupation.
- (4) *Minimum dimensional and other requirements.* The minimum requirements for PEF shall be as follows:
- a. Location: A-R zoning district.
 - b. Development size: 100 contiguous acres.
 - c. Single-family dwellings and those accessory uses and structures associated with the single-family dwelling shall meet those requirements established within the A-R zoning district.
 - d. All other nonresidential structures shall meet the following setbacks:
 1. Front yard: 200 feet.
 2. Rear yard: 100 feet.
 3. Side yard: 100 feet.
 - e. A site plan is required indicating the location of all structures/activities per chapter 104.
 - f. All parking and access areas shall be paved and landscaped per chapter 104.
 - g. All service areas shall be screened per article III of this chapter.
 - h. All parking and service areas shall be to the rear of any restaurant building.
 - i. Only structures whose principal purpose is for the storage of farm equipment and/or animals may have a metal facade. All other structures shall have a non-metallic facade.
 - j. Shall comply with all county, (including fire marshal), state and federal requirements.
- (h) *Planned outdoor recreation.*
- (1) *Purpose.* The intent of a planned outdoor recreation development (POR) is to provide the residents of the county adequate recreational opportunities outside of existing public facilities, parks, private recreation and amenity areas.
- (2) *Permitted uses.* The following permitted uses shall be allowed in a POR:
- a. Outdoor athletic fields;
 - b. Outdoor athletic courts;
 - c. Accessory uses:
 1. Picnic and playground areas;
 2. Concession facilities;
 3. Press box facilities;
 4. Restroom facilities;
 5. Maintenance and/or equipment facilities;
 6. Ticket sales facilities;
 7. Bleachers;
 8. Dugouts;
 9. Lights; and
 10. Scoreboards.
- (3) *Prohibited uses.* The following uses shall be prohibited in a POR:

- a. Motorized or other wheeled vehicle sports;
 - b. Swimming pools and water related activities;
 - c. Archery;
 - d. Firearms and target range;
 - e. Explosives and fireworks;
 - f. Paintball and similar activities; and
 - g. Amusement park activities and rides.
- (4) *Minimum dimensional and other requirements.* The minimum requirements for a POR shall be as follows:
- a. Development size: 50 contiguous acres.
 - b. The development shall have ingress and egress only to an arterial thoroughfare as designated by the county thoroughfare plan.
 - c. Maximum number of outdoor athletic fields and/or courts: eight.
 - d. Setbacks:
 - 1. No permitted uses shall be allowed within 100 feet of the right-of-way.
 - 2. No permitted uses shall be allowed within 500 feet from any A-R or residential zoning district.
 - 3. No permitted uses shall be allowed within 50 feet from any nonresidential zoning district.
 - e. A buffer of 100 feet plus the required setbacks shall separate all permitted uses from any A-R or residential zoning district. Off-street parking areas may be located within the setback areas.
 - f. Landscaping and buffer areas shall be planted in accordance with chapter 104.
 - g. Paved access and paved parking shall be provided as follows:
 - 1. 40 spaces per outdoor athletic field; and
 - 2. Ten spaces per outdoor athletic court.
 - h. Hours of operation are to be determined at the time of development plan approval. No play permitted after 10:00 p.m.
 - i. Lights shall be established in such a way that adjacent properties and residents are not adversely affected, and that no direct light is cast upon said properties and residents. No lighting permitted after 10:30 p.m.
 - j. Adequate trash receptacles and grounds maintenance shall be provided to maintain a litter-free recreation area. Dumpsters shall be screened on all sides.
 - k. Outside loudspeaker system use permitted until 10:00 p.m.
 - l. Height limit: 35 feet, with the exception of lights.
- (i) *Planned small business center.*
- (1) *Purpose.* The intent of the planned small business center is to provide a business incubator center through a planned, mixed-use nonresidential development consisting primarily of a mix of office uses, service uses, and light industrial uses, with limited small scale commercial uses as appropriate for the area. A PUD-PSBC will allow innovative and creative design and promote high standards in the development layout to alleviate incompatibility between the internal uses in the development to protect public safety to the greatest degree possible.

- (2) *Uses.* Only those uses (permitted and conditional) allowed in the O-I, C-C, C-H, and M-1 zoning districts shall be proposed for the PUD-PSBC. Only those uses approved through the rezoning process shall be allowed.
- (3) *Minimum dimensional and other requirements.*
 - a. Minimum lot size: minimum of ten acres.
 - b. The proposed site shall be permitted only on a lot which fronts on and accesses a major thoroughfare, as specified by the county thoroughfare plan.
 - c. Front, side, and rear yard setbacks and buffers along the exterior boundaries of the development shall be consistent with either the O-I, C-C, C-H, or M-1 zoning district, as applicable to the use.
 - d. The development plan shall indicate the different use areas for the proposed development. Appropriate separation, buffering, and vehicular circulation between uses internal to the development shall be established to alleviate incompatibility and protect public safety. Vehicular access facilities shall be designed in a manner to preclude large vehicles (semi-tractor trailers, delivery trucks, etc.) from utilizing areas where pedestrians are likely to be present.
 - e. Location: only those areas indicated in the county Comprehensive Plan shall be given consideration for PUD-PSBC.
 - f. Height limit: 35 feet.

(j) Planned residential and business development (PRBD)

- (1) Purpose. The intent of a planned residential and business development is to allow mixed-use development with principal single-family residential and incidental business uses. The characteristics of a PRBD are: in conjunction with a principal residence the occupant conducts on-site business operations, clients/customers visit the site, receipt and shipments of goods occur, and non-occupant employees will be on site.
- (2) Permitted residential uses and structures. Planned residential and business development shall contain single-family dwellings and residential accessory structures and uses shall also be allowed per article III of chapter 110. The summary of intent shall specify the minimum floor area proposed for the single-family dwellings. In addition, a home occupation is allowed per article V of chapter 110.
- (3) Permitted business uses and structures. A list of proposed business uses shall be submitted with the summary of intent. Only those business uses approved through the rezoning process shall be allowed in the PRBD. Any approved business that is listed as a conditional use in Article V shall meet the conditional use requirements, as is applicable. The summary of intent shall specify the list of proposed businesses, number of proposed on-site employees per business, and the number, size and architectural character of the business structures proposed for the individual businesses in the PRBD.
- (4) Business vehicles. The summary of intent shall specify the type, size and number of business vehicles and trailers proposed per business in the PRBD and the anticipated frequency of business vehicular trips. Motor vehicles cannot exceed two axles, 22 feet in length, ten feet in height, and/or 8,000 pounds (curb weight). Vehicles that exceed these parameters shall be allowed only during business hours (see Item o. of Subparagraph (5) below) and only for the purpose of making deliveries, making pickups, and providing services.
- (5) Minimum dimensional and other requirements in the PRBD shall be as follows:
 - a. Development size: 75 contiguous acres.
 - b. The proposed development shall be permitted only on a lot which fronts on and accesses a major thoroughfare, as specified by the county thoroughfare plan.

- c. A minimum buffer of 100 feet shall be provided around the side and rear periphery of the development (see Sec. 110-94).
- d. Minimum lot size: 15 acres.
- e. Minimum lot width: 250 feet.
- f. Front yard setback: 75 feet.
- g. Side yard setback: 50 feet (except where the 100 foot buffer is applicable).
- h. Rear yard setback: 75 feet (except where the 100 foot buffer is applicable).
- i. Height limit: 35 feet.
- j. Lights shall be established in such a way that adjacent properties and residents are not adversely affected, and that no direct light is cast upon said properties and residents.
- k. The business shall be owned and operated by the occupants of the property upon which the business operation is conducted.
- l. No more than five (5) persons shall be employed on-site by a business, not including the owner/occupants.
- m. All structures associated with the business are allowed in the rear yard only behind the principal residence and must be fully enclosed and shall not be used for any residential purposes. Business structures shall not be located within 100 feet of the principal residential structure.
- n. All vehicles associated with the business must be parked in the rear yard only.
- o. The hours of operation, in the context of clients/customers shall be limited to 9:00 a.m. to 7:00 p.m., Monday through Saturday.
- p. All materials, equipment, supplies, and inventory associated with the business shall be stored, operated and maintained within the business structure. Semi-trailers or shipping containers cannot be used for storage.
- q. Stormwater Requirements: In the event that 5,000 or more square feet of impervious surface (including driveways and parking for the business) is added in conjunction with a business structure, a site plan compliant with stormwater requirements of the county development regulations shall be required for that lot. The lot will be exempt from site plan requirements, the nonresidential development landscape requirements and tree retention, protection, and replacement requirements of the county development regulations. In the event that the property is subdivided with an internal street, the development shall comply with stormwater requirements of the county development regulations, as applicable.
- r. Adequate off-street parking shall be required. A prepared surface is required for the parking areas. The parking area shall comply with Article VIII. - Off-Street Parking and Service Requirements of the Development Regulations and must be depicted on a sketch, drawn to scale on a survey of the lot. Gravel parking areas shall be exempt from Nonresidential Development Landscape Requirements of the Fayette County Development Regulations. The following is required for gravel parking areas:
 - (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
 - (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
 - (iii) One (1) canopy tree, six (6) feet high at planting, is required per landscape island.Paved parking areas shall meet the Nonresidential Development Landscape Requirements of the Fayette County Development Regulations.

(Code 1992, § 20-6-25; Ord. of 8-25-2011; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2016-11, § 1, 5-26-2016)

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2017-_____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR FAYETTE COUNTY, GEORGIA; TO ESTABLISH PROVISIONS PERTAINING PLANNED RESIDENTIAL AND BUSINESS DEVELOPMENT (PRBD); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE ZONING ORDINANCE OF FAYETTE COUNTY BE AMENDED AS FOLLOWS:

Section 1. By adding a new Subsection (j) to Section 110-149, pertaining to “Planned unit development”, of Article IV of Chapter 110, to be numbered and read as follows:

(j) Planned residential and business development (PRBD)

(1) *Purpose.* The intent of a planned residential and business development is to allow mixed-use development with principal single-family residential and incidental business uses. The characteristics of a PRBD are: in conjunction with a principal residence the occupant conducts on-site business operations, clients/customers visit the site, receipt and shipments of goods occur, and non-occupant employees will be on site.

- (2) *Permitted residential uses and structures.* Planned residential and business development shall contain single-family dwellings and residential accessory structures and uses shall also be allowed per article III of chapter 110. The summary of intent shall specify the minimum floor area proposed for the single-family dwellings. In addition, a home occupation is allowed per article V of chapter 110.
- (3) *Permitted business uses and structures.* A list of proposed business uses shall be submitted with the summary of intent. Only those business uses approved through the rezoning process shall be allowed in the PRBD. Any approved business that is listed as a conditional use in Article V shall meet the conditional use requirements, as is applicable. The summary of intent shall specify the list of proposed businesses, number of proposed on-site employees per business, and the number, size and architectural character of the business structures proposed for the individual businesses in the PRBD.
- (4) *Business vehicles.* The summary of intent shall specify the type, size and number of business vehicles and trailers proposed per business in the PRBD and the anticipated frequency of business vehicular trips. Motor vehicles cannot exceed two axles, 22 feet in length, ten feet in height, and/or 8,000 pounds (curb weight). Vehicles that exceed these parameters shall be allowed only during business hours (see Item o. of Subparagraph (5) below) and only for the purpose of making deliveries, making pickups, and providing services.

- (5) Minimum dimensional and other requirements in the PRBD shall be as follows:
- a. Development size: 75 contiguous acres.
 - b. The proposed development shall be permitted only on a lot which fronts on and accesses a major thoroughfare, as specified by the county thoroughfare plan.
 - c. A minimum buffer of 100 feet shall be provided around the side and rear periphery of the development (see Sec. 110-94).
 - d. Minimum lot size: 15 acres.
 - e. Minimum lot width: 250 feet.
 - f. Front yard setback: 75 feet.
 - g. Side yard setback: 50 feet (except where the 100 foot buffer is applicable).
 - h. Rear yard setback: 75 feet (except where the 100 foot buffer is applicable).
 - i. Height limit: 35 feet.
 - j. Lights shall be established in such a way that adjacent properties and residents are not adversely affected, and that no direct light is cast upon said properties and residents.
 - k. The business shall be owned and operated by the occupants of the property upon which the business operation is conducted.
 - l. No more than five (5) persons shall be employed on-site by a business, not including the owner/occupants.

- m. All structures associated with the business are allowed in the rear yard only behind the principal residence and must be fully enclosed and shall not be used for any residential purposes. Business structures shall not be located within 100 feet of the principal residential structure.
- n. All vehicles associated with the business must be parked in the rear yard only.
- o. The hours of operation, in the context of clients/customers shall be limited to 9:00 a.m. to 7:00 p.m., Monday through Saturday.
- p. All materials, equipment, supplies, and inventory associated with the business shall be stored, operated and maintained within the business structure. Semi-trailers or shipping containers cannot be used for storage.
- q. Stormwater Requirements: In the event that 5,000 or more square feet of impervious surface (including driveways and parking for the business) is added in conjunction with a business structure, a site plan compliant with stormwater requirements of the county development regulations shall be required for that lot. The lot will be exempt from site plan requirements, the nonresidential development landscape requirements and tree retention, protection, and replacement requirements of the county development regulations. In the event that the property is subdivided with an internal street, the development shall comply with stormwater

requirements of the county development regulations, as applicable.

- r. Adequate off-street parking shall be required. A prepared surface is required for the parking areas. The parking area shall comply with Article VIII. - Off-Street Parking and Service Requirements of the Development Regulations and must be depicted on a sketch, drawn to scale on a survey of the lot. Gravel parking areas shall be exempt from Nonresidential Development Landscape Requirements of the Fayette County Development Regulations. The following is required for gravel parking areas:

- (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
- (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
- (iii) One (1) canopy tree, six (6) feet high at planting, is required per landscape island.

Paved parking areas shall meet the Nonresidential Development Landscape Requirements of the Fayette County Development Regulations.

Section 2. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County.

Section 3. All other ordinances or parts of ordinances in conflict with this ordinance are

hereby repealed.

Section 4. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ENACTED this _____ day of _____, 2017.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY

By: _____
Eric K. Maxwell, Chairman

(SEAL)

ATTEST:

Tameca P. White, County Clerk

Approved as to form:

County Attorney

COUNTY AGENDA REQUEST

Page 98 of 274

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Ordinance 2017-04, amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-3.-Definitions., Sec. 110-125. - A-R, Agricultural-Residential District., Sec. 110-142.-O-I, Office-Institutional District., Sec. 110-144.-C-H, Highway- Commercial District., and Sec.110-169.-Conditional Use Approval., concerning A-R Bed And Breakfast Inn use.

Background/History/Details:

Staff and Planning Commission were approached by individuals wanting to open a bed and breakfast. This currently is not allowed.

Staff recommends approval of the amendments.

The Planning Commission recommended approval of the amendments.

Brian Haren made a motion to recommend approval of the proposed amendments. John Culbreth seconded the motion. The motion passed 5-0.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2017-04, amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-3.-Definitions., Sec. 110-125. - A-R, Agricultural-Residential District., Sec. 110-142.-O-I, Office-Institutional District., Sec. 110-144.-C-H, Highway- Commercial District., and Sec.110-169.-Conditional Use Approval., concerning A-R Bed And Breakfast Inn use.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

THE FAYETTE COUNTY PLANNING COMMISSION met on August 4, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

3. Discussion of Tourist Accommodations.

Pete Frisina stated that he had a person call him that was interested in buying a home in the Woolsey area to live in and operate a bed and breakfast. He said that the County Code was put into place in 2014 and not a part of the zoning ordinance; the part of the ordinance that deals with businesses and tourist accommodations. He added that this is not under the Planning Commission. He stated that this was put in to place to deal with a situation that they were having in the County of somebody using a single family residence as an “Airbnb”; someone could go on the internet and say they were going to be there for a weekend or a week. He said they had nothing to address it in their County Codes, and that is what this was doing. He added that what was going on was creating a huge problem in the neighborhoods because of how they were doing it, they weren’t so much renting it to someone that wanted to stay there for a week; someone would rent it for a weekend and have 50 people there turning it into a frat house. He stated that is why the County put this in place he added that the County saw that they were not prepared for these Airbnb and VRBO kind of arrangements. He said that this is all predicated on rental for less than 30 days; short-term rental the caveat is if you’re renting for less than 30 days it fall under this code. He added that what this code does is annually have you come in and renew that permit and have the home inspected; environmental health has to go out and take a look at it, fire marshal takes a look at it, and this becomes something more than just a single family residence. He said that this relates back to the State definitions for public health state and state hotel and motel taxing; so if someone opens one of the establishments in the County it refers them back to the hotel motel taxes. He added that the one (1) that we have that was causing all of these problems has dissipated, and no one has come back in to do this. He stated that they have a definition for a bed and breakfast and a definition for a hotel. He said that this is not tied to zoning per say; the intent was they assumed this was going to be done in residential structures. He added in the zoning regulations when you look up bed and breakfast it says see hotel; and hotel means a building in which overnight accommodations are provided to the public and the innkeeper. The term “hotel” includes the term “motel” and “bed and breakfast”. He stated that it is allowed in the C-H as a permitted use and O-I as a conditional use, and the conditions are you have to meet the O-I. He said that the first issue is the conflict between the Zoning Ordinance and the County Code. He added the second issue was that she wanted to also have weddings at the bed and breakfast.

John Culbreth stated that’s a special event facility.

Pete Frisina read number 10 under the A-R wedding/event facility:

10. Tourist accommodations shall not be allowed in conjunction with an A-R wedding and event facility.

Pete Frisina stated that when he wrote this up and put that in there this was fresh in his mind in dealing with this issue that we are dealing with. He said that they are trying to limit the hours of these things when they operate, and how can you control it when someone says we’re no longer

at the wedding we're in the house. He added that if we want to go down this road of allowing tourist accommodations in conjunction with A-R Wedding/Event Facility, we need to have some way to really control it and I don't really know if I have a good feel on how to do that. He stated that he doesn't feel comfortable opening up wedding/event facility to this right now. He said that he doesn't have a problem with a bed and breakfast setting in a residential area and figure out if that is something that they want to do, because this implies that.

Chairman Graw stated that the bed and breakfasts are allowed in the O-I and C-H districts. He said that the lady wants to open up a bed and breakfast in the Woolsey area in a residential district.

Al Gilbert stated that it's an A-R district.

Chairman Graw stated that she wants to open up her bed and breakfast in Woolsey with a wedding facility attached to it, so, she wants to make it a commercial establishment.

Pete Frisina stated that a bed and breakfast under the zoning ordinance is allowed in C-H and O-I. He said under this code the attempt was that it would be in a residential area. First issue is to look at the bed and breakfast by itself and second is whether we can use the term tourist accommodations to facilitate that with the A-R Wedding/Event Facility.

Brian Haren asked if we expand the zoning categories where you can have bed and breakfast how far do we take it; is it just A-R.

Pete Frisina replied that's what we have to figure out.

Brian Haren said that it implies that you need parking; most people don't just put up a house and say that it is a bed and breakfast. He stated that there is something that draws them to that location.

Pete Frisina stated that her thing is she believes she can get clientele from the movie industry. He said that he didn't remember what kind of business she was in.

Chairman Graw stated that he doesn't feel comfortable allowing a commercial entity in a residential area. He said that they didn't intend for a bed and breakfast to be attached to a wedding/event facility.

John Culbreth agreed he does not feel comfortable making a bed and breakfast a commercial hotel type of facility. He said that we need to put some more teeth into what a bed and breakfast is and put some limitations on it.

Brian Haren stated that most of the venues he took a look at when his daughter was getting ready to get married had some sort of onsite accommodations. He said the reason being is because the bride's party likes to arrive the day before, so they don't have to worry about getting everything ready for those rooms and schlepping everything to the wedding. He added that he could understand from a business perspective the attraction of adding lodging. He stated that this will

only be five (5) rooms not a Hampton Inn next to a farm wedding venue. He said that he doesn't have a problem with it conceptually; there is an enhancement for the owner of the venue but it's also something that bridal parties are actively looking for at these kinds of event locations.

John Culbreth agreed and stated that he attended a wedding where the bridal party stayed overnight and the facility was on 20 plus acres. He stated that you need to define the amount of land it requires for you to have that.

Brian Haren agreed and stated that if we do this it needs to stay in A-R. He said that is the kind of facility that you would want a minimum five (5) acre lot.

John Culbreth said that we must define the acreage.

Al Gilbert said that we did recreational farming base on acreage and doesn't see why we can't do this based on acreage.

Pete Frisina replied that we already limited it to 15 acres to do A-R Wedding/Event Facility. He stated that he is not sure on how much property she owned. He said if we are going to do it, we need to be very careful on how we do it. He added that the issue we have is that this definition and this definition is not the same.

Chairman Graw asked if a bed and breakfast was a commercial entity.

Pete Frisina replied per the zoning it is and its definition says hotel.

Chairman Graw stated that it is a commercial entity. He said that if you add a bed and breakfast to this, then you would be permitting a commercial entity in an A-R zoning.

Al Gilbert stated that we already do that with weddings.

Brian Haren agreed and says it's commercial.

Pete Frisina stated that the first issue is how we deal with bed and breakfast alone. He said that it seems like we are in a consensus that the bed and breakfast is an A-R type use, big acreage doesn't want it to end up in someone's one (1) acre subdivision. He asked if we would want it to end up in an A-R subdivision. He said that this was limited to the provision where you can't use an internal local street, which then pulls it out of the subdivision. He added that we should create a conditional use in A-R for bed and breakfast alone; it will have nothing to do with wedding/event facilities. He stated that we will have to marry the bed and breakfast and tourist accommodation is some form or fashion in A-R. He said the next thing will be how we accommodate that in this, because not all tourist accommodations are bed and breakfast. He added that we need to figure out what type of tourist accommodations do we want here and how do we want to limit it, because the hotel is not limited under this. He read another term called vacation house:

Vacation home shall mean any residential structure used for transient occupancy not limited to

cabins, single-family dwellings, or other such residential structures as permitted. Occupancy or use by a paying guest or tenant must be for a period of less than 30 consecutive days.

Al Gilbert stated a good example of that is when people rent out there houses for the whole week of the Masters Golf Tournament.

Pete Frisina read the code Tourist Accommodations section (c):

A bed and breakfast inn shall be permitted subject to the following:

- (1) No food preparation, except beverages, is permitted within individual guest rooms.
- (2) Meal service may be provided to registered guests and not open to the public.
- (3) The operator of the bed and breakfast inn shall be a full-time resident of the structure in which the bed and breakfast inn is housed.
- (4) The bed and breakfast inn shall be permitted to rent no more than five guest rooms.

Brian Haren stated that if they wanted to serve to other than registered guest it becomes a restaurant.

Pete Frisina stated that bed and breakfast without A-R wedding/event facility we will look at conditional use in A-R, and will be a permitted use in commercial and a conditional use in O-I. He said the next issue is how we deal with A-R wedding/event facility and tourist accommodations. He then asked if he had an A-R wedding/event facility is there anything that says he has to live there.

Brian Haren replied no.

Pete Frisina asked if he wanted a bed and breakfast does he have to live there.

Brian Haren replied yes.

Pete Frisina asked Brian about the bed and breakfasts he stayed/looked at, and if the operator lived on-site.

Brian Haren replied he only knew of one (1) for sure.

Pete Frisina stated that he could have A-R property with a nice big colonial home on it, and wants to use that as his A-R Wedding/Event Facility. He said that he could have weddings in his colonial home and bedrooms upstairs and people could stay in there, but he has to live there under this code.

Brian Haren stated that there is a place just like that in Luthersville.

Chairman Graw asked what if they wanted to build a separate venue and will the A-R zoning district cover that.

Pete Frisina asked Sylvia Tulka where her property was.

Sylvia Tulka replied that it was off of Hampton Road.

Al Gilbert asked how many acres was the property.

Sylvia Tulka replied 10.

Pete Frisina stated that there was an issue with the amount of acreage for the wedding facility. He said that they have to have 15 acres to do wedding/event facility.

Sylvia Tulka replied that was okay. She said the bed and breakfast was the main thing.

Pete Frisina stated for now scratch the A-R wedding/event facility and tourist accommodations.

Sylvia Tulka stated that they had not bought the property yet.

Al Gilbert asked if they were going to live there.

Sylvia Tulka replied yes. She stated that they had not even thought of a wedding venue until someone said that there was a barn on the property.

Pete Frisina stated that there has been a consensus that we will look at our ordinance and try and take the code we have for tourist accommodations, which talks about bed and breakfast, and look at the zoning ordinance which talks about it in a totally different way. He said that they would try and figure out some way to allow bed and breakfast to be in A-R zoning district, and limit the acreage, and that is what we are going to work towards doing.

Chairman Graw asked if it would be a conditional use in A-R.

Pete Frisina replied yes.

Chairman Graw asked what the conditions would be.

Pete Frisina replied that we haven't figured that out yet.

Brian Haren stated just like the wedding venue we will have to look at parking, lightening, and perhaps signage.

Pete Frisina stated the sign ordinance would take care of signage. He said when we start to develop these sorts of things staff will come up with some suggestions and then bring it before Planning Commission. He said that the Planning Commission meets twice a month and sometimes it takes two (2) meetings or five (5) meetings until everybody is happy. He added that when we get to a point where everybody is happy we then go to a Public Hearing with the Planning Commission. He stated that once their recommendation is given it goes to the Board of Commissioners, and we don't know what's going to happen once it gets there. He said they can say we like it; we don't like it; or take it back and do some more work. He added that as of now he would start work on the conditional use aspect of it and we will meet back on the 18th and see what they think about it.

Ron Tietbohl asked if the process would take between three (3) to six (6) months.

Pete Frisina replied that he would hope we don't take six (6) months but three (3) months would be the minimum. He said once we advertise there is like a six (6) week period of public hearings. He added the way there spaced you have to advertise a certain time before it; you have two (2) public hearings, and then again that second public hearing when we get to the Board of Commissioners will be the first time they have seen it. He stated that he will make a presentation to them and you guys will be there, and then we would go from there.

Sylvia Tulka asked how many bed and breakfast were there presently.

Pete Frisina replied that he was not aware of any.

Brian Haren replied none legally.

John Culbreth asked do they have an option to purchase the property at this time.

Sylvia Tulka said that they are really close to it.

Ron Tietbohl said within the next week to 10 days they should be on their way to what Mr. Frisina just said. He added that three (3) to six (6) months would okay for them.

Pete Frisina stated that they should be aware that the Board of Commissioners may say that they are not interested. He said that is just the way our process works; you never know and you can add to that point and the Board of Commissioners can say, thanks for all your work but we're not interested.

Ron Tietbohl asked about the chances of that happening or of this being approved.

Pete Frisina replied 50/50 chance.

Brian Haren suggested that he make contact with his elected representatives.

Sylvia Tulka asked how many are on the Board of Commissioners.

Pete Frisina replied five (5).

Al Gilbert stated that they may like the idea, but we may put something in the ordinance that they are not in love with it, and they may change the rules to where it is impossible for you to do it.

Pete Frisina stated that there is willingness on their part to work on this and to come up with something. He said that it was a good thing that they have 10 acres.

Ron Tietbohl said that right now we are at a big question mark. He asked if there was someone

he could contact to check on the status of the ordinance.

Pete Frisina replied that they could contact him directly.

Chairman Graw asked if they were considering buying the current home or if they were going to build.

Sylvia Tulka replied that there is a current home on it and there are pictures online. She stated that it is set up for a bed and breakfast and it is beautiful.

Brian Haren asked how old the structure is.

Sylvia Tulka replied that the house was built in 1986. She said the current owners who have lived there for 11 years have completely renovated it. She added that they have put over \$170,000 into the house.

John Culbreth asked what the square footage was on the house.

Sylvia Tulka replied 4552 square feet.

John Culbreth asked how many bedrooms.

Sylvia Tulka replied four (4) bedrooms, three (3) baths and one (1) level with a basement underneath.

Ron Tietbohl stated that it could be five (5) bedrooms.

Pete Frisina stated that part of this is that you will have to go through this annually. He said that it has to be looked at by the health department who will set the limit on the number of occupancy based of the septic system. He added that we have to look at the ordinance in general and get it fixed up and move to a conditional use in A-R for bed and breakfast.

Brian Haren stated that conceptually no one in this room has a problem with it. He said we just need to work out the mechanics of permitted it. He added that once it's out of our hands it is in the hands of your elected officials.

Pete Frisina asked if they couldn't do a bed and breakfast, would they still purchase the property.

Sylvia Tulka replied yes they probably would. She said they would probably look into a store front for Sylvia's Cakes.

Pete Frisina said but not on this property.

Sylvia Tulka replied no.

Pete Frisina stated that Ms. Tulka mentioned possible opportunity with the movie industry.

Sylvia Tulka said that knowing that Pinewood Studios and Pinewood Forest are in the area and having her daughter in the business; it may be a good opportunity.

Pete Frisina asked what the address was.

Sylvia Tulka replied 398 Hampton Road.

Al Gilbert stated that they would get good clientele during race weekends.

Ron Tietbohl stated that the racetrack and the movie studios should draw in customers. He said that the acreage and the lake are really set up for someone to come and visit and enjoy a three (3) – four (4) day vacation. He added that the racetrack and Pinewood Forest could draw a lot of people. He stated that they were kind of on the way to Florida and Savannah; a melting pot of places to branch out from where we are. He said that we are far enough out, and it's away from Atlanta, but not too far from the airport. He added that they would like for this opportunity here to carry them into retirement.

Pete Frisina how many guest room totaled would they have.

Sylvia Tulka replied three is their max.

Chairman Graw asked Pete Frisina if he talked to Mr. Davenport.

Pete Frisina replied yes. He said that Mr. Davenport thought it would be a good idea to look at the bed and breakfast part, but he wasn't so sure about the wedding facility. He added that we are not going to cross that road until we have to. He asked Mr. Haren to give him the names of some of the facilities he was looking at. He said that he wanted to see what they do and how they do it.

THE FAYETTE COUNTY PLANNING COMMISSION met on August 18, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

5. Discussion of Tourist Accommodations.

Pete Frisina showed the piece of property that Sylvia Tulka wants to purchase and turn into a bed and breakfast. He stated that we have tourist accommodations right now in our code and it came out of a State regulations called tourist accommodations. He said that our code is a durative of it and it is not exactly the same.

Arnold Martin asked when it was created.

Pete Frisina replied that it was done in January 2014 for the State and April 2014 for the County.

Arnold Martin asked if it was an updated version or something new.

Pete Frisina replied that it was something new. He stated that there were some things happening in the County that they were not prepared for. He said one (1) of them was this concept of Airbnb. He added that a homeowner was renting out his house and it was causing problems in the neighborhood. He stated the ordinance was created to handle that administratively through code enforcement. He said when Ms. Tulka asked him about the bed and breakfast use he looked it up in the zoning ordinance and the County Code and they didn't line up. He added that the intent was that this was going to be used for homes in a residential area; you would have a home being used for a Airbnb; you might have a bed and breakfast being used in a residential area but when you got to the zoning it said that a bed and breakfast is a hotel and a hotel is only allowed in commercial. He stated that he talked to the County Attorney and they saw the conflict and said if you're going to try and fix this you will need to have the zoning match up with it. He said that started the conversation and that the tourist accommodations in the County Code will still have to be worked on. He added that he has worked on creating a definition for A-R Bed and Breakfast: A bed and breakfast allowed as a conditional use in the A-R zoning district. He stated the Bed and Breakfast commercial district defines it under a commercial vein. He said under tourist accommodations it is limited to five (5) guest rooms, and bed and breakfast's commercial are not limited to an amount of guest rooms.

Arnold Martin asked if there was anything that reference the size of the home.

Pete Frisina replied nothing in here.

Arnold Martin stated that he has seen some very interesting things that people have done when they are even converting their dining room into sleeping quarters.

Pete Frisina stated that to get this you would have go through the building department, fire department, and environmental health and all of that is taking into consideration on the front end. He said what we are trying to do is figure out how to allow it in A-R and tie it back to this, and then amend this one if we have to because in my opinion it has some issues. He added that what he has come up with so far is a conditional use in A-R and a minimum lot size of five (5) acres, would not be permitted on any A-R lot which access what we classify as an internal local road (subdivision street), must meet the requirements of the code, and adequate off street parking shall be required. He stated that he ran this by Environmental Management and they said they don't see a need to do landscaping in this type of setting. He said that Permits and Inspections Department would see this as an R-3 occupancy type and the definition for that is: transient 10 or less occupants for 30 days or less, smoke detectors in each sleeping room, monoxide detectors outside the sleeping rooms, arc fault protection outlets in the bathroom kitchen garage and basement, sleeping quarters windows will have to be a certain size for ingress and egress. He added that he spoke to the Fire Marshal to get his comments and he said that each case is different in regards to what codes apply. He stated that Environmental Health will have to be a part of this because of the septic system and they have to control food storage.

Arnold Martin asked if there were requirements in either codes based upon how many bedrooms you have to the amount of bathrooms you must have.

Pete Frisina replied he doesn't think so, but he would see if there is one (1).

Arnold Martin stated that he lived in Atlanta and saw an abuse of the code from turning dining rooms into bedrooms and packing a lot of people in one (1) bathroom.

Pete Frisina replied that this use requires annual inspections, and the innkeeper must live there.

Chairman Graw stated that he doesn't think that Ms. Tulka realize what they have to go through to open a bed and breakfast. He said that this is a big undertaking that they are going have to go through if they want to undertake this.

Pete Frisina asked if they were comfortable looking at this concept as an A-R conditional use. He stated that Environmental Health is going to limited it by the capacity of the septic system.

John Culbreth asked if he took the special event aspect out of this.

Pete Frisina replied yes, and that Ms. Tulka didn't qualify for it anyway because she didn't have 15 acres. He said that the wedding/event facility specifically says no tourist accommodations could be involved at the wedding facility.

Arnold Martin stated with the culture of Fayette County changing because of Pinewood Studios and I can guarantee that we will see many more of bed and breakfasts. He said that they will see people converting existing homes and building retro type homes.

Chairman Graw stated that he would like to see the minimum lot size as 10 acres instead of five (5). He said that his reason for it was because you would only need to five (5) more acres to have a wedding/event facility. He added that it was like a step up and asked if the other members had a problem with it.

Planning Commission replied no.

Pete Frisina stated that they have found issues with Ms. Tulka's lot because it is in a subdivision. He said that the lot will have to be revised and platted before she would be able to use it.

Al Gilbert asked what are you going to do when someone has nine point fifty (9.5) acres.

Pete Frisina replied that we would treat them like everybody else. He stated if they have four point ninety-nine (4.99) acres it's still not five (5) acres.

Al Gilbert stated that 10 acres is a hefty size lot.

Chairman Graw asked does she have 10 acres.

Al Gilbert replied that he's not sure she had 10 acres to start with.

Pete Frisina replied that the lot use to have 12 acres and somehow it went from 12 with one (1) acre cut out to 10 acres. He stated that the accessor could have done the math wrong but he's not

sure.

Brian Haren asked how long ago that was platted.

Pete Frisina replied many years ago, late 70's early 80's.

Arnold Martin asked if there were any other subdivision in the area.

Al Gilbert replied that Hampton Road is used as the backway to the racetrack.

Pete Frisina showed them two lots that could not build because they front on an internal local street. He stated that the only reason they're allowed to do it is because they front on an exterior street that is an arterial or collector street.

Chairman Graw suggested at number three (3) adding a comma after Article VI and placing County Code after the comma.

Pete Frisina stated that the only thing he doesn't like about the County Code is the definition of the bed and breakfast regulates the number of bedrooms. He said that he doesn't like to put the regulation portion into the definition. He added that in the State Code it's the same wording but its 12.

Arnold Martin asked why was that put into the definitions.

Pete Frisina replied we use the State regulations as a format, and we just changed that number from 12 to five (5). He said that he would rather have a strict definition and have the regulation define something else. He added that he would work on both of them.

Arnold Martin asked when you think we will see these again.

Pete Frisina replied that he was going to talk to Ms. Tulka this week and hopefully have something by the next meeting.

THE FAYETTE COUNTY PLANNING COMMISSION met on September 15, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

4. Discussion of Tourist Accommodations.

Pete Frisina stated that the only thing you see on here that is different is that I sat the minimum lot size to 10 acres. He said everything else is the same. He added that the issue he is having is with Article six (6) Tourist Accommodations and that's the definition a bed and breakfast and a hotel, which still don't coincide with what the zoning ordinance says. He stated that he found another set of regulations for Hotel Motel Excise Tax, which has a different definition and doesn't match the other things we're working on. He asked if they were still good with what we came up with Section 110-169. He said that he would get with the County Attorney to make

sure the other two (2) ordinances are coordinated. He added that he hasn't had time to do that. He asked was there anything else he needed to add to Section 110-69.

Arnold Martin replied no, it speaks to everything we spoke to in our last meeting.

Pete Frisina reiterated that he needs to get with the County Attorney to make sure the two (2) code sections are coordinated.

Chairman Graw asked had Pete Frisina spoke to Sylvia Tulka.

Pete Frisina replied yes. He said that he told her that they are still working on it.

Al Gilbert asked Pete Frisina if he ever came to the conclusion how many acres they have on that property.

Pete Frisina replied that he thinks they have 10 acres.

THE FAYETTE COUNTY PLANNING COMMISSION met on October 20, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

6. Discussion of Tourist Accommodations.

Pete Frisina stated that this is still evolving and that he met with the County Attorney, Environmental Health Specialist, and the Marshal's department who oversees the tourist accommodations. He said that he will have to go back in and fix those as well. He added that we will have three (3) ordinances that deal with this the zoning ordinance, the code for tourist accommodations, and the code for hotel/motel excise tax. He stated that in the meeting with Dennis Davenport he suggested creating Bed and Breakfast in the Zoning Ordinance that is dealing with the A-R district which is would fall under a conditional use. He said he also suggested that they create and separate Bed and Breakfast from commercial and office districts away from just being a hotel, because of tourist accommodations of the State it is defined differently than a hotel. He added that part of that definition for a Bed and Breakfast allows for different kitchen facilities than if you were a hotel. He stated that they're not as stringent for a Bed and Breakfast as it is for a hotel, but under the State tourist accommodations the maximum is 20 rooms. He said if you were in a commercial zoning in the County you just change it to that, which is the same thing.

Arnold Martin asked Pete Frisina where things fall in with the new cottage industry where people rent out their homes to these different sites like Airbnb; where they post their homes on the internet for people to come and stay. He stated that he is seeing people instead of renting out their homes long-term; the home is just a continual rental that is turned over and over. He said that technically that is a hotel.

Chairman Graw asked if he was saying people put their house up on the internet and advertised for an extra bedroom. He added that people just advertise to put people up for \$50.

Arnold Martin replied yes, all over the world not just in the United States. He stated that you make much more turning money over continually. He said that this is going to become a trend especially with studios being here. He added that we will have more short-term requirements and needs than long-term and where does it fall within this.

Pete Frisina stated that about two (2) or so years ago they were dealing with that issue. He said they had a code section written called tourist accommodations, and that is what this refers back to. He added that was an attempt to try and put some regulations for what you just talked about and for bed and breakfasts. He stated when he started to work on this about three (3) months ago he noticed that the ordinances weren't cooperating. He said that he has talked with the County Attorney and that it will need revision because it was not well defined. He added that he is trying to work on all three (3) of these at the same time. He stated that the Hotel/Motel tax has to match up as well. He said he wanted to give them what he has so far from the Zoning Ordinance. He reiterated that the ordinance was an attempt to address that, but now that they see how they did it, it wasn't quite good enough. He added that the ordinance was written because of an issue that they were having with a property in the County. He stated that they needed to have some way to regulate it, and we didn't have the regulations in place; so we had to write it and it's an annual permit. He said that they have no one who has gone through this Article six (6). He added that the property they were having problems with once they put this in place came in and thought about applying, and then decided not to. He stated that he doesn't think they have stop doing it. He said if you are using your home as an Airbnb you should come into us and obtain an annual permit. He added that another problem they are having is people renting their whole house and not renting rooms which is a boarding house. He stated that is a situation that they didn't anticipate as well. He said the Bed and Breakfast Inn is in the A-R district which will be tied to the 10 acre minimum; the Bed and Breakfast Inn has been divorced from the hotel but is now allowed for C-H and O-I districts. He added that only five (5) guest rooms with 10 occupants will be allowed for the Bed and Breakfast Inn A-R. He read the Bed and Breakfast Inn, C-H and O-I:

1. The bed and breakfast inn shall be limited to no more than 20 guest rooms.
2. The operator of the bed and breakfast inn shall be a full-time resident of the structure in which the bed and breakfast inn is housed.
3. These facilities shall meet the requirements of the County Code, Article VI. Tourist Accommodations.

Chairman Graw asked where we will use the one (1) with the 20 rooms.

Pete Frisina replied C-H and O-I. He stated that it is already allowed there now as a hotel.

Chairman Graw said but we are also going to let them use the 20 rooms for a Bed and Breakfast Inn.

Pete Frisina said that is the State cut off for Bed and Breakfast and it has to do with the kitchen facilities.

Chairman Graw reiterated they could only have five (5) rooms in A-R and 20 rooms in C-H and O-I. He said that 20 rooms seem like an awful lot for a Bed and Breakfast and that it sounds like a hotel.

Pete Frisina replied that is the State regulations.

Arnold Martin asked can you have multiple buildings on one (1) lot or do all the units have to be housed under one (1) building.

Pete Frisina replied that he never thought about multiple buildings. He stated that you usually think of a single building with the guestrooms. He added that he thinks 20 rooms is a lot.

Chairman Graw stated that we don't have to be 20 rooms we can be less than that.

Pete Frisina replied I guess we could. He stated that he gave them what the State says and they can start there.

Chairman Graw asked how many rooms the Holiday Inn on the square has.

Brian Haren stated that he would feel more comfortable cutting it back to 10 rooms for the C-H and O-I, and five (5) for A-R.

Chairman Graw agreed. He stated that they are getting into the hotel/motel with the 20 rooms.

Brian Haren stated that conceptually a Bed and Breakfast is single family residence that is turned over to a business, and if you space in a single family residence for 20 bedrooms you have heck of a McMansion.

Pete Frisina stated that back in the day there could have been some big homes built that were turned into a Bed and Breakfast.

Al Gilbert stated some years ago some people wanted to buy Charles Phillips house and do that. He said that it could well be 20 rooms.

Chairman Graw asked why do we even allow it in C-H and O-I.

Pete Frisina replied that it was a hotel before a Bed and Breakfast was consider a hotel in C-H and O-I.

Chairman Graw asked if we could take Bed and Breakfast out of C-H and O-I and just leave hotel.

Pete Frisina replied I guess we could.

Al Gilbert asked what the County Attorney thought about it.

Pete Frisina replied he didn't say we could take it out. He said that the County Attorney wanted it separated. He asked if you are going to allow a hotel what is the

difference.

Chairman Graw asked what the difference is between a hotel and a Bed and Breakfast.

Pete Frisina replied there are some differences in State law on the types of kitchens you can have.

Chairman Graw stated that when he thinks of a Bed and Breakfast he thinks of what that lady brought in to us; a house out in the country where people could stay with five (5) or six (6) rooms that she can convert to guestrooms. He reiterated that a Bed and Breakfast is a small facility, with a family atmosphere, where people are treated individually.

Arnold Martin stated that the Holiday Inn on the square has 60 rooms.

Brian Haren said if you find a nice piece of C-H or O-I and put a Bed and Breakfast there, I could think of worst things to put into C-H and O-I.

Chairman Graw asked about the properties of C-H and O-I on Highway 85.

Brian Haren replied if you can make a go of it than go for it. He reiterated that the concept of 10 room is the most he would want to see in C-H and O-I.

Al Gilbert stated that what you are getting into is the boarding house concept where you had people renting bedrooms in a house and then everybody went down and ate one (1) meal together at a big table.

John Culbreth asked Pete Frisina if someone wanted to build a Bed and Breakfast with 20 rooms and use the State law to get it done can they do that.

Pete Frisina replied that the State is allowing them to have a certain type of kitchen with 20 rooms and we are cutting it back to 10.

Chairman Graw asked with us cutting it back to 10 what does it do to the kitchen facility.

Pete Frisina replied that it will stay that they still would not have to have a commercial kitchen. He stated that you can only serve so many meals under a Bed and Breakfast and you can't serve to people from the outside. He said if you have a hotel you can have a commercial kitchen, bar, restaurant, and much more freedom.

Brian Haren asked are we getting ready to authorized residential construction on C-H and O-I, because the owner has to live on the property.

Pete Frisina replied that it still has to meet all the codes. He stated that we leave that up to the Building Department and the Fire Marshal. He said that it is not uncommon to have commercially zoned property and office zoned property to still have homes on

them.

Chairman Graw asked if everyone was okay with just 10 rooms and keeping everything else the same.

Planning Commission replied yes.

Brian Haren read Section 110-69 Conditional Use, item two (2):

2. The bed and breakfast inn shall be limited to no more than five guest rooms and no more than 10 occupants.

He asked that it be changed to no more than 10 guest occupants.

Al Gilbert stated that he understood and that the owner has to live there.

Arnold Martin asked if any of this has come up as an issue yet.

Pete Frisina replied that he hasn't heard back from the lady, and has tried to call her and tell her that they are still working on it.

Chairman Graw asked once you make those changes what else do you have to do.

Pete Frisina replied that he still has to get with Mr. Davenport and Environmental Health to change the other ordinances and code sections.

Chairman Graw asked if he would be bringing that back to us.

Pete Frisina replied that they don't make vote on the code sections. He stated that he has to get it all lined up.

Chairman Graw asked if they would have a Public Hearing when that's all done.

Pete Frisina replied yes.

THE FAYETTE COUNTY PLANNING COMMISSION met on November 17, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

4. Discussion of Tourist Accommodations.

Chairman Graw asked if there were any changes from the last time we spoke about this.

Pete Frisina replied yes. He stated that there were two (2) other code sections that he works on that they do not review the Hotel Motel code section and the Tourist Accommodations code section. He said that he has amended those and sent them to the County Attorney for review. He added that

what he found is what they did here was totally inconsistent with what they done with one (1) ordinance code section and that code section was inconsistent with the other one (1). He stated that what they have here is a definition for an A-R Bed and Breakfast, a Bed and Breakfast Inn (without the A-R) which is allowed in the C-H and O-I zoning districts, Guestroom because we use that number with the rooms, and a definition of Hotel to kick Bed and Breakfast out. He said under C-H under permitted use; Hotel use to say and/or bed and breakfast that has been taken out. He added that we are going to add Bed and Breakfast Inn as a conditional use under C-H. He stated that under O-I Hotel will move from a conditional use to a permitted use, and the reason why I am doing that is if you go the very back page under C-C; hotel and/or motel was a conditional use under O-I and the conditions were: a minimum 30 foot buffer, plus the required setbacks shall separate all buildings in use areas from residential A-R zoning, off street parking may be allowed in the setback areas. He said that is already allowed, the buffer in O-I is 30 feet, and that plus the setbacks separate everything; off street parking may be allowed in the setbacks so we don't need it. He added that he is moving hotel up to a permitted use in O-I and bed and breakfast inn will stay as a conditional use. He stated that under Section 110-169 there are your specifications for a Bed and Breakfast in A-R. He said that he doesn't think he has changed anything. He read the ordinance:

1. Minimum lot size: ten (10) acres.
2. The bed and breakfast inn shall be limited to no more than five guest rooms and no more than 10 occupants. Maximum permitted capacity shall be set by the Fayette County Health Department and/or Fayette County Fire Marshal, as applicable.

He said that the Health Department and the Fire Marshal may set a lower number of guestrooms and a lower number of guests based on the structure.

Chairman Graw asked if the five (5) bedrooms applied to the people that own the home.

Pete Frisina replied no, that's not a guestroom.

Chairman Graw stated that the 10 occupants will be the guest.

Pete Frisina replied yes. He continues to read the ordinance:

3. The operator of the bed and breakfast inn shall be a full-time resident of the structure in which the bed and breakfast inn is housed.
4. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the County Engineer.
5. These facilities shall meet the requirements of the County Code, Article VI. Tourist Accommodations.
6. Adequate off-street parking shall be required. A prepared surface is not required for the parking areas. Parking areas shall be exempt from Nonresidential Development Landscape Requirements of the Fayette County Development Regulations.

He stated that six (6) was put in by Environmental Management. He said that we have another conditional use for the Bed and Breakfast that is going to be allowed in C-H and O-I. He read that ordinance:

1. The bed and breakfast inn shall be limited to no more than 10 guest rooms. Maximum permitted capacity shall be set by the Fayette County Health Department and/or Fayette County Fire Marshal, as applicable.
2. The operator of the bed and breakfast inn shall be a full-time resident of the structure in which the bed and breakfast inn is housed.
3. These facilities shall meet the requirements of the County Code, Article VI. Tourist Accommodations

He said that he spoke to the lady and that she is still interested in doing it. He added that he told her that we were still working on it and it will probably be next year before we get to a Public Hearing.

Arnold Martin asked where does the concept of these Airbnb's fall within this or something else.

Pete Frisina replied that it's under the tourist accommodations regulations; we don't really have zoning regulations for those we handle those through the tourist accommodation ordinance. He stated that what you find for Airbnb's and vacation rentals; someone makes their entire house available for someone to rent so that other ordinance handles that. He said that's not a zoning issue.

Arnold Martin stated that sometimes people might say they are running a hotel out of this place.

Pete Frisina stated that it is allowed under the tourist accommodations code section.

Al Gilbert asked where we came up with 10 acres, because online most bed and breakfasts are sitting right in residential areas. He stated that it's not like putting a hotel or motel in; you're putting in a house in that in most cases will have two (2) or three (3) cars in the driveway. He said that it won't be a wild party group there because that's not the way a bed and breakfast is set up.

Pete Frisina replied that he originally recommended five (5) but you guys wanted ten (10).

Al Gilbert stated that he thinks that's going against what you normally see for a bed and breakfast because if you go and look they're not located on those types of lots.

Pete Frisina replied you tell me. He stated that they wanted it on the larger lots so they wouldn't proliferate.

Al Gilbert stated that five (5) acres to him was a large lot.

Arnold Martin stated that its basically a minimum down in Brooks where there minimum acreage is five (5) acres.

Al Gilbert stated that you have a bed and breakfast down in Senoia sitting in the middle of a residential area and if you look at most bed and breakfasts that's where they are. He said that he knows that is a City and that is not what we are talking about, but going from a City with a half-

acre or a quarter of an acre lot to going in the County and having to have 10 acres seems excessive.

Arnold Martin agreed with Al Gilbert.

Chairman Graw stated that he believes they talked about the proliferation of these in a smaller area. He said if you make them five (5) acre lots you can have three (3) or four (4) of these things on 20 acres. He added that these could be in a residential area that are not bed and breakfasts and that was the reason for them looking at 10 acres.

Al Gilbert stated that most bed and breakfasts are in residential areas.

Chairman Graw stated that you will have a lot of people going in and out and coming into these things.

Brian Haren stated that when we discussed this one (1) of the big factors they talked about was the impact on the neighbors. He said as lovely and as pastoral as we like to think of bed and breakfast could be and should be; I still don't want to live across from one (1). He added that part of this was to offer some protection to the property owners around it so every other house on the street is not turned into a bed and breakfast.

Al Gilbert stated that on five (5) acres you're not going to have that problem, but on one (1) acre you would.

Brian Haren stated if someone wanted to create a bed and breakfast on a smaller lot then maybe they should go to one (1) of the incorporated cities and do it there, but this is the County and we are trying to retain some sense of a pastoral experience. He said that he is still a supporter of 10 acres.

Chairman Graw agreed with Brian Haren.

Al Gilbert stated that he stills thinks it's a little excessive. He said that it was overkill.

Pete Frisina stated that he doesn't have a problem with it.

Arnold Martin asked if we have anything to compare it to, such as other counties.

Pete Frisian replied that he has a hard time finding anybody that does what we do.

Chairman Graw asked where we go from here.

Pete Frisina replied that he has to wait on the Mr. Davenport to finish his review of those older ordinances.

Chairman Graw stated that once he does that this will go to Public Hearing.

Pete Frisina replied yes. He reiterated that he wanted to make sure that Mr. Davenport was good

with what he did to those other sections. He stated that this won't be going to Public Hearing until next year.

Chairman Graw asked if everyone was okay with what is written on these two (2) pages.

Planning Commission agreed they were okay.

THE FAYETTE COUNTY PLANNING COMMISSION met on March 2, 2017 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

4. Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-3. - Definitions., Sec. 110-125. - A-R, Agricultural-Residential District., Sec. 110-142. - O-I, Office-Institutional District., Sec. 110-144. - C-H, Highway-Commercial District., and Sec. 110-169. - Conditional Use Approval., concerning A-R Bed And Breakfast Inn use.

Chairman Haren asked if anyone would like to speak.

Ingrid stated that the County needs a bed and breakfast as they continue to grow for a small business. She said that tourism, activity, and businesses are pickup and having alternative places for people to stay within the County. She added that the County does not have bed and breakfasts and supports them. She stated that the homes here are really conducive to it.

Chairman Haren asked if she was thinking of having one (1).

Ingrid replied I am thinking of starting one (1). She stated that when she first moved to the area she came to the County to see if they allowed a bed and breakfast. She said, he said no. She added that the fact that they are moving this forward is really a blessing.

Chairman Haren stated that they are only addressing the County not the City.

Ingrid replied yes she understands. She stated that she actually lives in the County.

Pete Frisina stated that he talked to the woman who brought this before them and asked if she was going to be there tonight. He said she replied she couldn't make it. He added that she was still interested and is still probably going to get that house. He stated that her property was close to Woolsey.

Chairman Haren asked if anyone was there in opposition. Hearing none, he brought it back before the Planning Commission.

Al Gilbert stated that he still thinks ten acres is a little bit excessive. He said the reason why five (5) acres will not hurt us is under number four (4):

4. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the County Engineer.

He said for 30 years we have required subdivisions to be developed internally. He added that you are not going to have a great deal of five (5) acre lots sitting in subdivisions fronting on roads for these. He stated that he would not fail to vote one this because its 10 acres, but he thinks they will have to be fair if the 10 acres proofs to be excessive. He said that they may need to come back down the road and reassess this. He restated that he doesn't think five (5) acres

will be that big of a deal. He added that he doesn't see 500 people applying for these since they have five (5) acres.

John Culbreth asked where they got 10 acres from again.

Jim Graw stated that you have a lot of five (5) acre property, and that he personally if he had a piece of five (5) acre property doesn't want to have a bed and breakfast 200 feet from his house.

Al Gilbert replied that on 10 acres it would be the same way.

Jim Graw stated that you are going to have more room in between the homes.

Al Gilbert replied maybe not.

Arnold Martin asked Ingrid how many acres she had.

Ingrid replied 19.8.

Arnold Martin stated that in today's market we are often sitting next to homes that are turning into bed and breakfasts that we don't even know through Airbnb and other entities. He said that these entities don't require a five (5) or 10 acres. He added that most of the times it goes well unless you have excessive vehicle traffic going in and out. He stated that the average five (5) acre tract in the County is pretty isolated. He added that he doesn't believe that bed and breakfasts will be popping up everywhere, and there are probably more than we will ever realize because they are using the Airbnb and other things.

Brian Haren asked if someone does put their house on an Airbnb in the County is that an illegal violation.

Pete Frisina replied that there is a code section that we also looked at called Tourist Accommodations. He said that you are supposed to come in and get a permit as a tourist accommodation if you are renting for less than 30 days. He added that we don't look for these things we react to them when we get complaints. He stated that we are complaint base enforcement. He said to his knowledge we may have some operating but without complaints we don't investigate. He added that this takes it a step further because they are actually creating something in the zoning that actually talks about this. He stated that a bed and breakfast are defined not as a hotel or a restaurant; it is only there to provide accommodations, breakfast, and light meals for those occupants only. He said that it is very traditional and a good place to start. He added that he has been look at what he's been doing with the comp plan and has completed going through the survey material. He stated that some of the questions he had to filter through over 5000 comments and put those in categories; the thing that pops out more than anything is maintaining rural character. He said that he likes what they are doing, by saying here is an opportunity in A-R to create a business and we will help support that and asking for slightly larger lots, because he thinks the rural character is more maintained. He added that five (5) acre lots are the bare minimum for rural character and he would like to push it as far as he can, and if they find out its not feasible than we can come back and look at it.

Al Gilbert said that's what he was saying.

Pete Frisina stated that the predominance of five (5) acre lots is greater than ten, and the opportunity for those to be many more places is greater.

Al Gilbert stated that it troubles him that they look at a five (5) acre lot as if it is a postage stamp. He said that people in Gwinnett County think you're living on an estate if you're on five (5) acres or Cobb County even. He added that he thinks they ought to look beyond just what they think but look at what reality is. He restated that five (5) acres is a big lot just try and cutting the grass on five (5) acres.

Pete Frisina stated that in Fayette County that is medium density.

Chairman Haren stated going back to Jim's comments the 10 acre minimum ensured that we didn't have these things popping up all over A-R and people weren't looking out their windows at cars parked on what use to be a residence and is now basically a small hotel. He said let's start with 10 because we are just making a recommendation to the Board of Commissioners and see what they say; because they may say we like this but we like to see it on five (5) acres. He added that he would personally like to see it at 10 when we recommend this moving forward.

Chairman Haren asked if anyone else had any comments.

Jim Graw stated that if someone with 10 acres and its way out of sight for them and we're finding that happening a lot than maybe we should look at bringing it down to something different to help them out. He agreed that they should start off with 10 and see what happens. He said if they don't get any of these and they find out the reason why they can't afford the lots then find they will look back at it.

Brian Haren made a motion to recommend approval of the proposed amendments. John Culbreth seconded the motion. The motion passed 5-0.

Sec. 110-3. - Definitions. [Portions not set out below remain unchanged]

~~*Bed and breakfast.* (See *Hotel*.) *Bed and breakfast inn* means a bed and breakfast inn allowed as a conditional use in the C-H and O-I zoning districts.~~

~~*Bed and breakfast inn, A-R.* means a bed and breakfast inn allowed as a conditional use in the A-R zoning district.~~

~~*Guestroom* means a room occupied or intended, arranged or designed for occupancy by one or more occupants and used for that purpose and where overnight occupancy is allowed.~~

Hotel means a building in which overnight accommodations are provided to the public and the innkeeper. The term "hotel" includes the terms "motel" ~~and "bed and breakfast."~~

Sec. 110-125. - A-R, Agricultural-Residential District. [Portions not set out below remain unchanged]

- (c) *Conditional uses.* The following conditional uses shall be allowed in the A-R zoning district provided that all conditions specified in article VII of this chapter. Conditional uses, nonconformances, transportation corridor overlay zone, and commercial development standards are met:

(1) Aircraft landing area;

(2) Animal hospital, kennel or veterinary clinic;

(3) ~~A-R bed and breakfast inn;~~

(43) ~~A-R wedding/event facility;~~

(54) ~~Cemetery;~~

(65) ~~Church and/or other place of worship;~~

(76) ~~Colleges and university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;~~

(87) ~~Commercial driving range and related accessories;~~

(98) ~~Child care facility;~~

(109) ~~Deer processing facility.~~

(1140) ~~Developed residential recreational/amenity areas;~~

(1244) ~~Farm outbuildings, including horse stables, auxiliary structures, and greenhouses (permanent or temporary);~~

(1342) ~~Golf course (minimum 18-hole regulation) and related accessories;~~

(1443) ~~Home occupation;~~

(1544) ~~Horse show, rodeo, carnival, and/or community fair;~~

(1645) ~~Hospital;~~

(1746) ~~Kennel (see animal hospital, kennel, and/or veterinary clinic);~~

(1847) ~~Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;~~

(1948) ~~Processing, packaging, or handling of perishable agricultural products (i.e. fruits and vegetables) which are grown on premises;~~

(2049) ~~Recreation centers and similar institutions owned by nonprofit organizations as so registered with the state secretary of state office;~~

- (~~2120~~) Religious tent meeting; and
- (~~2224~~) Shooting range, outdoor.

Sec. 110-142. - O-I, Office-Institutional District. [~~Portions not set out below remain unchanged~~]

- (b) *Permitted principal uses and structures.* The following permitted uses shall be allowed in the O-I zoning district:

- (1) Office;
- (2) Art gallery;
- (3) Bank and/or financial institution;
- (4) College and/or university, including classrooms and/or administration only;
- (5) Educational/instructional/tutorial facilities, including, but not limited to: academic, art, computer, dance, driving and/or DUI, martial arts, music, professional/business/trade, and similar facilities;
- (6) Health club and/or fitness center;
- (~~7~~) Hotel;
- (~~87~~) Insurance carrier, agent, and/or broker;
- (~~98~~) Laboratory, medical, and/or dental;
- (~~109~~) Legal services;
- (~~1140~~) Massage therapy (see chapter 8);
- (~~1244~~) Medical/dental office (human treatment);
- (~~1342~~) Military recruiting office;
- (~~1443~~) Museum;
- (~~1544~~) Performing arts theater;
- (~~1645~~) Private school, including classrooms and/or administration only;
- (~~1746~~) Professional services, including, but not limited to: accounting; advertising and marketing research services; architectural firms; bookkeeping, tax preparation; brokerage firms; computer system software design; consulting services; engineering firms; internet and web hosting firms; payroll services; photographic services; research services; specialized design services; telemarketing; and translation and interpretation services; and
- (~~1847~~) Real estate agent and/or broker.

- (d) *Conditional uses.* The following conditional uses shall be allowed in the O-I zoning district provided that all conditions specified in article V of this chapter are met:

- (1) Adult day care facility;
- (2) Animal hospital and/or veterinary clinic (with no animal boarding or outdoor runs);
- (~~3~~) Bed and breakfast inn;
- (~~43~~) Care home, convalescent center, and/or nursing home;
- (~~54~~) Church and/or other place of worship;
- (~~65~~) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and stadium;
- (~~76~~) Child care facility;

- (~~87~~) Home occupation;
- (~~98~~) Hospital;
- (~~109~~) Hotel and/or bed and breakfast;
- (~~1140~~) Non-emergency medical transport service;
- (~~1244~~) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;
- (~~1342~~) Religious tent meeting; and
- (~~1443~~) Single-family residence and accessory structures and/or uses (see article III of this chapter).

Sec. 110-144. - C-H, Highway Commercial District. Portions not set out below remain unchanged

(b) *Permitted uses.* The following uses shall be permitted in the C-H zoning district:

- (1) Ambulance service, including non-emergency medical transport service;
- (2) Amusement or recreational facility, indoor or outdoor;
- (3) Appliance sales and/or repair;
- (4) Armories, for meetings and training military organizations;
- (5) Art studio;
- (6) Auto parts, tire store/installation, brake installation, muffler repair, off change, tune-up, and emission testing facilities. All service, repairs and diagnostics shall be conducted within an enclosed building;
- (7) Bakery;
- (8) Bank and/or financial institution;
- (9) Banquet hall;
- (10) Bookbinding;
- (11) Building, contracting and related activities, (e.g., sales and storage of building supplies and materials);
- (12) Bus passenger station (pick-up and drop-off only);
- (13) Cabinet manufacturing, sales, repair and/or installation;
- (14) Car wash and/or detailing facility;
- (15) Catering service;
- (16) Church and/or other place of worship excluding outdoor recreation, parsonage, and cemetery or mausoleum;
- (17) Clothing store and/or variety store;
- (18) College and/or university, including classrooms and/or administration only;
- (19) Copy shop;
- (20) Cultural facility;
- (21) Day spa;
- (22) Department store;

- (23) Drug store;
- (24) Educational/instructional/tutoring facilities, including, but not limited to: academic; art; computer; dance; driving and/or DUI; music; professional/business/trade; martial arts; and similar facilities;
- (25) Electronic sales and/or repair;
- (26) Emission testing facility (inside only);
- (27) Engraving;
- (28) Firearm sales and/or gunsmith;
- (29) Flea market, indoor;
- (30) Florist shop;
- (31) Freezer locker service, ice storage;
- (32) Freight express office;
- (33) Funeral home;
- (34) Gift shop;
- (35) Glass sales;
- (36) Grocery store;
- (37) Hardware store;
- (38) Health club and/or fitness center;
- (39) Hotel ~~and/or bed and breakfast~~;
- (40) Jewelry shop;
- (41) Laboratory serving professional requirements, (e.g., medical, dental, etc.);
- (42) Library;
- (43) Magazine publication and/or distribution;
- (44) Manufactured home and/or building sales;
- (45) Medical/dental office (human treatment);
- (46) Messenger/courier service;
- (47) Military recruiting office;
- (48) Movie theatre and/or drive-in;
- (49) Museum;
- (50) Music teaching studio;
- (51) Newspaper publication and/or distribution;
- (52) Office;
- (53) Office equipment sales and/or service;
- (54) Parking garage/lot;
- (55) Pawn shops;
- (56) Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; counseling services; electrolysis and/or hair removal; fitness center; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon;

- (57) Pest control;
 - (58) Plant nursery, growing crops/garden, and/or related sales;
 - (59) Printing, graphics, and/or reproductions;
 - (60) Private clubs and/or lodges;
 - (61) Private school, including classrooms and/or administration only;
 - (62) Recording studio (audio and video);
 - (63) Radio studio;
 - (64) Railroad station;
 - (65) Rent-all;
 - (66) Restaurant, including drive-in and/or drive-through;
 - (67) Retail establishment;
 - (68) Smoking lounge (subject to state and local tobacco sales and smoking laws);
 - (69) Tattoo parlor;
 - (70) Taxidermist;
 - (71) Taxi service/limousine service/shuttle service (no on-site maintenance and/or repair);
 - (72) Television/movie studio;
 - (73) Upholstery shop; and
 - (74) Utility trailers sales and/or rental.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the C-H zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
 - (2) Amphitheater;
 - (3) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
 - (4) Automobile, truck, farm equipment, or motorcycle sales and incidental repairs;
 - (5) Automobile service station, including gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store;
 - (6) Bed and breakfast inn;
 - (76) Campground facilities;
 - (87) Care home, convalescent center, and/or nursing home;
 - (98) Cemetery;
 - (109) Charter motor coach service;
 - (1140) Church and/or other place of worship;
 - (1244) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
 - (1342) Commercial driving range and related accessories;
 - (1443) Child care facility;
 - (1544) Dry cleaning plant;
 - (1645) Experimental laboratory;

- (~~1746~~) Golf course (minimum 18-hole regulation) and related accessories;
- (~~1847~~) Home occupation;
- (~~1948~~) Horse show, rodeo, carnival, and/or community fair;
- (~~2049~~) Hospital;
- (~~2120~~) Laundromat, self-service or otherwise;
- (~~2224~~) Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to bungee and parachute jumping;
- (~~2322~~) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;
- (~~2423~~) Religious tent meeting;
- (~~2524~~) Seasonal sales, outdoor;
- (~~2625~~) Self-storage facility;
- (~~2726~~) Single-family residence and accessory structures and/or uses (see article III of this chapter);
- (~~2827~~) Shooting range, indoor;
- (~~2928~~) Stadium, athletic; and
- (~~3029~~) Temporary tent sales.

Sec. 110-169. - Conditional use approval. [Portions not set out below remain unchanged, other than the renumbering of Subparagraphs within Paragraph (2) of Section 110-169]

Conditional uses include certain uses which are allowed in a particular zoning district, provided that all conditions specified under this chapter are met. The zoning administrator shall issue a conditional use permit for each use listed below upon compliance with all specified conditions and approvals by the appropriate county officials.

(2) *Conditional uses allowed.*

f. A-R bed and breakfast inn. Allowed in the A-R zoning district.

1. Minimum lot size: ten (10) acres.
2. The bed and breakfast inn shall be limited to no more than five guestrooms and no more than 10 occupants. Maximum permitted capacity shall be set by the Fayette County Health Department and/or Fayette County Fire Marshal, as applicable.
3. The operator of the bed and breakfast inn shall be a full-time resident of the structure in which the bed and breakfast inn is housed.
4. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the County Engineer.
5. These facilities shall meet the requirements of the County Code, Chapter 8, Article VI, Tourist Accommodations.
6. Adequate off-street parking shall be required. A prepared surface is not required for the parking areas. Parking areas shall be exempt from Nonresidential Development Landscape Requirements of the Fayette County Development Regulations.

j. Bed and breakfast inn. Allowed in the C-H and O-I zoning districts.

1. The bed and breakfast inn shall be limited to no more than 10 guestrooms. Maximum permitted capacity shall be set by the Fayette County Health Department and/or Fayette County Fire Marshal, as applicable.
 2. The operator of the bed and breakfast inn shall be a full-time resident of the structure in which the bed and breakfast inn is housed.
 3. These facilities shall meet the requirements of the County Code, Chapter 8, Article VI, Tourist Accommodations.
- ~~dd. Hotel and/or bed and breakfast. Allowed in the O-I zoning district. A minimum 30-foot buffer plus the required setbacks shall separate all buildings and use areas from any residential or A-R zoning district. However, off street parking areas may be located within the setback areas.~~

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2017-_____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR FAYETTE COUNTY, GEORGIA; TO ESTABLISH PROVISIONS PERTAINING TO BED AND BREAKFAST INNS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE ZONING ORDINANCE OF FAYETTE COUNTY BE AMENDED AS FOLLOWS:

Section 1. By deleting the definitions of “Bed and breakfast” and “Hotel” from Section 110-3, pertaining to “Definitions”, of Article I of Chapter 110, in their entirety, and by adding the following definitions to Section 110-3 of Article I of Chapter 110:

Bed and breakfast inn means a bed and breakfast inn allowed as a conditional use in the C-H and O-I zoning districts.

Bed and breakfast inn, A-R, means a bed and breakfast inn allowed as a conditional use in the A-R zoning district.

Guestroom means a room occupied or intended, arranged or designed for occupancy by one or more occupants and used for that purpose and where overnight

occupancy is allowed.

Hotel means a building in which overnight accommodations are provided to the public and the innkeeper. The term “hotel” includes the term “motel”.

Section 2. By renumbering Paragraphs (3) through (21) of Subsection (c) of Section 110-125, pertaining to “A-R, Agricultural-Residential District”, of Article IV of Chapter 110, as Paragraphs (4) through (22), respectively, and by adding a new Paragraph (3) to Subsection (c) of Section 110-125 of Article IV of Chapter 110, to be numbered and read as follows:

- (3) A-R bed and breakfast inn;

Section 3. By renumbering Paragraphs (7) through (17) of Subsection (b) of Section 110-142, pertaining to “O-I, Office-Institutional District”, of Article IV of Chapter 110, as Paragraphs (8) through (18), respectively, and by adding a new Paragraph (7) to Subsection (b) of Section 110-142 of Article IV of Chapter 110, to be numbered and read as follows:

- (7) Hotel;

Section 4. By deleting Paragraph (9) of Subsection (d) of Section 110-142, pertaining to “O-I, Office-Institutional District”, of Article IV of Chapter 110, in its entirety, and by renumbering Paragraphs (3) through (8) of Subsection (d) of said Section 110-142 as Paragraphs (4) through (9), respectively, and by adding a new Paragraph (3) to Subsection (d) of Section 110-142 of Article IV of Chapter 110, to be

numbered and read as follows:

- (3) Bed and breakfast inn;

Section 5. By deleting Paragraph (39) of Subsection (b) of Section 110-144, pertaining to “C-H, Highway Commercial District”, of Article IV of Chapter 110, in its entirety, and by replacing it with a new Paragraph (3) in Subsection (b) of Section 110-144 of Article IV of Chapter 110, to be numbered and read as follows:

- (39) Hotel;

Section 6. By renumbering Paragraphs (6) through (29) of Subsection (c) of Section 110-144, pertaining to “C-H, Highway Commercial District”, of Article IV of Chapter 110, as Paragraphs (7) through (30), respectively, and by adding a new Paragraph (6) to Subsection (c) of Section 110-144 of Article IV of Chapter 110, to be numbered and read as follows:

- (6) Bed and breakfast inn;

Section 7. By deleting Subparagraph (dd) of Paragraph (2) of Section 110-169, pertaining to “Conditional use approval”, of Article V of Chapter 110, and by renumbering Subparagraphs (f) through (h) of Paragraph (2) of said Section 110-169 as Subparagraphs (g) through (i), respectively, and by renumbering Subparagraphs (i) through (cc) of Paragraph (2) of said Section 110-169 as Subparagraphs (k) through (ee), respectively, and by renumbering Subparagraphs (ee) through (yy) of said Section 110-169 as Subparagraphs (ff) through (zz), respectively, and by

adding new Subparagraphs (f) and (j) to Paragraph (2) of Section 110-169 of Article V of Chapter 110, to be numbered and read as follows:

- f. *A-R bed and breakfast inn.* Allowed in the A-R zoning district.
 - 1. Minimum lot size: ten (10) acres.
 - 2. The bed and breakfast inn shall be limited to no more than five guestrooms and no more than 10 occupants. Maximum permitted capacity shall be set by the Fayette County Health Department and/or Fayette County Fire Marshal, as applicable.
 - 3. The operator of the bed and breakfast inn shall be a full-time resident of the structure in which the bed and breakfast inn is housed.
 - 4. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the County Engineer.
 - 5. These facilities shall meet the requirements of the County Code, Chapter 8, Article VI, Tourist Accommodations.
 - 6. Adequate off-street parking shall be required. A prepared surface is not required for the parking areas. Parking areas shall be exempt from Nonresidential Development Landscape Requirements of the Fayette County Development Regulations.

- j. *Bed and breakfast inn.* Allowed in the C-H and O-I zoning districts.
 - 1. The bed and breakfast inn shall be limited to no more than 10 guestrooms. Maximum permitted capacity shall be set by the Fayette County Health

Department and/or Fayette County Fire Marshal, as applicable.

2. The operator of the bed and breakfast inn shall be a full-time resident of the structure in which the bed and breakfast inn is housed.
3. These facilities shall meet the requirements of the County Code, Chapter 8, Article VI, Tourist Accommodations.

Section 8. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County.

Section 9. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 10. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional

SO ENACTED this _____ day of _____, 2017.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY

By: _____
Eric K. Maxwell, Chairman

(SEAL)

ATTEST:

Tameca P. White, County Clerk

Approved as to form:

County Attorney

COUNTY AGENDA REQUEST

Page 135 of 274

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Ordinance 2017-05, amendments to Chapter 22, Article III.- Hotel/Motel Excise Tax of the County Code concerning A-R Bed and Breakfast Inn use.

Background/History/Details:

Staff and Planning Commission were approached by individuals wanting to open a bed and breakfast. This is related to Ordinance 2017-04 (see backup for A-R Bed & breakfast).

Staff recommends approval of the amendments.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2017-05, amendments to, Chapter 22, Article III.- Hotel/Motel Excise Tax of the County Code concerning A-R Bed And Breakfast Inn use.

If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

ARTICLE III. - HOTEL/MOTEL EXCISE TAX

Sec. 22-70. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

County shall mean unincorporated Fayette County wherein the county is empowered to impose this tax by O.C.G.A. 48-13-50 et seq.

Finance director shall mean the finance director appointed by the board of commissioners.

Guestroom shall mean a room occupied or intended, arranged or designed for occupancy by one or more occupants and used for that purpose and where overnight occupancy is allowed.

Hotel/Motel shall mean any ~~tourist accommodation. structure or any portion of a structure, including any lodging house, rooming house, motel, bed and breakfast inn, studio hotel, auto court, inn, public club, vacation house or private club containing guestrooms and which is occupied or is intended or designed for occupancy by guests, whether rent is paid in money, goods, labor, or otherwise, or any other place in which rooms, lodging or accommodations are regularly furnished for value. The length of stay for hotels as defined is limited to not more than 30 consecutive days. This term does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention, or other buildings in which human beings are housed and detained under legal restraint. In addition to the foregoing, for purposes of this article, a residence in which accommodations are furnished for rent is also considered a "hotel".~~

Monthly period shall mean any calendar month of any year.

Occupant shall mean any person who, for a consideration, uses, possesses or has the right to use or possess any guestroom in a hotel under any lease, concession, permit, right of access, license to use or other agreement or otherwise.

Operator shall mean any person operating a hotel (as defined in this article) in unincorporated Fayette County, including but not limited to the owner or proprietor of the premises, lessee, sub lessee, lender in possession, or any other person otherwise operating a hotel.

Permanent resident shall mean any occupant as of a given date who has or shall have occupied or shall have the right of occupancy of any guestroom in a hotel for at least 30 consecutive days next preceding that date. The right of occupancy for at least 30 consecutive days is clearly established through the advance payment of 30 days' rent or a lease that has been signed in excess of 30 days.

Rent shall mean the consideration received for occupancy valued in money whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature, and also the amount for which credit is allowed by the operator to the occupant, without any deduction therefrom.

Tax shall mean the tax imposed by this article.

~~Tourist accommodation shall mean any property, facility, or structure providing accommodations for value to the public for not more than 30 consecutive days.~~

(Ord. No. 2014-08, § 2, 4-24-2014)

Sec. 22-71. - Imposition and rate of tax.

There is hereby levied and assessed, and there shall be paid a tax of three percent of the rent for every occupancy of a ~~tourist accommodation guestroom in a hotel, tourist camp, tourist cabin, campground, or any other place, including residences~~, in which rooms, lodgings, or accommodations are furnished for value in the unincorporated area of Fayette County. The tax imposed by this article shall be paid upon any occupancy on and after June 1, 2014, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid, or charged or billed, or falls due on either a weekly, monthly or other less than 30 day basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period from June 1, 2014, and any monthly period thereafter. The proceeds of the lodging tax will be used in accordance with O.C.G.A. § 48-13-51 (a)(2).

(Ord. No. 2014-08, § 2, 4-24-2014)

Sec. 22-72. - Persons liable for tax; extinguishment of liability.

Every person occupying a guestroom in a ~~hotel~~ ~~tourist accommodation~~ in the unincorporated area of Fayette County is liable for the tax. This liability is not extinguished until the tax has been paid to this county except that a receipt from an operator naming a place of business in this county or from an operator who is authorized by the finance director under such rules and regulations as he or she may prescribe, to collect the tax and who is, for the purposes of this article, regarded as an operator maintaining a place of business in the unincorporated area of Fayette County, which receipt is given to the occupancy pursuant to section 22-73, is sufficient to relieve the occupancy from further liability for the tax to which the receipt refers.

(Ord. No. 2014-08, § 2, 4-24-2014)

Sec. 22-73. - Collection of tax by operator; receipt to occupant; rules for collection schedules.

Every operator maintaining a place of business in the unincorporated area of Fayette County, as provided in the next preceding section, and renting guestrooms in the unincorporated area of Fayette County, not exempted under this article shall, at the time of collecting rent from the occupant and on demand shall give to the occupant a receipt therefore. In all cases of transactions upon credit or deferred payment, the payment of tax to the operator may be deferred in accordance therewith, and the operator shall be liable therefore at the time and to the extent that such credits are incurred in accordance with the rate of tax owing on the amount thereof. The finance director shall have the power to adopt rules and regulations prescribing methods and schedules for the collection and payment of the tax.

(Ord. No. 2014-08, § 2, 4-24-2014)

Sec. 22-74. - Unlawful advertising regarding tax.

It is unlawful for any operator to advertise or hold out or state to the public or to any guest directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rental of the guestroom, or that, if added, it or any part thereof, will be refunded.

(Ord. No. 2014-08, § 2, 4-24-2014)

Sec. 22-75. - Exemptions.

No tax shall be imposed hereunder:

- (1) Upon fees, rents, or charges made for continuous use of any ~~guestrooms, lodgings, or tourist~~ accommodations after the first 30 days of continuous occupancy.
- (2) Upon the fees or charges for any ~~guestrooms, lodgings, or tourist~~ accommodations furnished for a period of one or more days for use by state or local government officials or employees when traveling on official business.
- (3) Upon charges made for any ~~guestrooms, lodgings, or tourist~~ accommodations provided to any persons who certify by affidavit that they are staying in such room, lodging, or accommodation as a result of the destruction of their home or residence by fire or other casualty.

(Ord. No. 2014-08, § 2, 4-24-2014)

Sec. 22-76. - Registration of operator; form and contents; execution; certificate of authority.

Every person engaging or about to engage in business as an operator of a ~~hotel~~ ~~tourist accommodation~~ in the unincorporated area of Fayette County shall immediately register with the finance director of the county, on a form provided by the finance director. Persons engaged in such business must so register not later than 15 days after the date this article becomes effective and the tax is imposed as set forth in the ordinance, but such privilege of registration after the imposition of such tax shall not relieve any person from the obligation of payment or collection of tax on and after the date of imposition thereof, regardless of registration. Such registration shall set forth the same name under which such person transacts business or intends to transact business, the location of his or her place or places of business and such other information which would facilitate the collection of the tax as the finance director may require. The registration shall be signed by the owner if a natural person; in case of ownership by an association or partnership, by a member or partner; in the case of ownership by a corporation, by an executive officer or some person specifically authorized by the corporation to sign the registration. The finance director shall, after such registration, issue without charge a certificate of authority to each operator to collect the tax from the occupant. A separate registration shall be required for each place of business of an operator. Each certificate shall state the name and location of the business to which it is applicable and shall prominently display therein so as to be seen and to come readily to the notice of all occupants and persons seeking occupancy. Such certificates shall be non-assignable and nontransferable and shall be returned immediately to the finance director upon the cessation of business at said location.

(Ord. No. 2014-08, § 2, 4-24-2014)

Sec. 22-77. - Determination; returns and payments.

- (a) Due date of taxes. The tax imposed by this Article shall become due and payable from the occupant at the time of occupancy of any ~~hotel~~ ~~tourist accommodation~~ in the unincorporated area of Fayette County. All amount of such taxes collected by any operator shall be due and payable to the finance director monthly on or before the twentieth day of every month next succeeding such respective monthly period as set forth in this ordinance.
- (b) Return; time of filing; persons required to file; execution. On or before the twentieth day of the month following each monthly period a return shall be filed with the finance director in such form as finance director may prescribe, by every operator, liable for the payment of tax hereunder. For purposes of this section, a return shall be deemed filed if postmarked on the twentieth day, or, if the twentieth day falls upon a holiday recognized by the State of Georgia or upon a Saturday or Sunday, then a return postmarked on the next business day shall be regarded as timely filed.
- (c) Contents of return. All returns shall show the gross rent, rent from permanent residents, taxable rent, amount of tax collected or otherwise due for the related period, and such other information as may be required by the finance director.

(Ord. No. 2014-08, § 2, 4-24-2014)

Sec. 22-78. - Delivery of return and remittance.

The person required to file the return shall deliver the return, together with the remittance of the net amount of tax due to the finance department at 140 W. Stonewall Ave Suite 101, Fayetteville, Ga. 30214.

(Ord. No. 2014-08, § 2, 4-24-2014)

Sec. 22-79. - Collection fee allowed operators.

Operators collecting the tax shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if said amount is not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for deductions as provided in O.C.G.A. § 48-13-52, as now or hereafter amended.

(Ord. No. 2014-08, § 2, 4-24-2014)

Sec. 22-80. - Deficiency determinations.

- (a) Recomputation of tax; authority to make; basis of recomputation. If the finance director is not satisfied with the return or returns of the tax or the amount of the tax required to be paid to the county by any person, he or she may compute and determine the amount required to be paid upon the basis of any information within his or her possession or that may come into his or her possession. One or more than one deficiency determinations may be made of the amount due for one or more than one monthly period.
- (b) Interest on deficiency. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof from the twentieth day after the close of the monthly period for which the amount or any portion thereof should have been returned until the date of payment.
- (c) Offsetting of overpayments. In making a determination the finance director may offset overpayments, for a period or periods, against underpayments, for another period or periods, against penalties, and against the interest on underpayments. The interest on underpayments shall be computed in the manner as set forth in subsection (b) of this section.
- (d) Penalty for fraud or intent to evade. If any part of the deficiency for which a deficiency determination is made due to fraud or an intent to evade any provisions of this article or other authorized rules and regulations, a penalty of 50 percent of the total amount of taxes due, exclusive of penalties, shall be added thereto in addition to the other penalties provided in this article.
- (e) Notice of finance director's determination; service of. The finance director, or his or her designated representative, shall give to the operator written notice of his determination. The notice may be served personally or by mail; if by mail such service shall be addressed to the operator at his address as it appears in the records of the finance director. In case of service by mail of any notice required by this article, the service is complete at the time of deposit in the United States Post Office.
- (f) Time within which notice of deficiency determination to be mailed. Except in the case of fraud, intent to evade this article or authorized rules or regulations, or failure to make a return, every notice of a deficiency determination shall be mailed within three years after the 20th day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period should last expire.

(Ord. No. 2014-08, § 2, 4-24-2014)

Sec. 22-81. - Determination if no return made.

- (a) Estimate of gross receipts. If any person fails to make a return, the finance director shall make an estimate of the amount of the gross receipts of the person, or as the case may be, of the amount of the total rentals in the unincorporated area of Fayette County which are subject to the tax. The estimate shall be made for the period or periods in respect to which the person failed to make the return and shall be based upon any information which is or may come to the possession of the finance director. Upon the basis of this estimate the finance director shall compute and determine the amount required to be paid the county, adding to the sum thus determined any applicable penalties. One or more determinations may be made for one or for more than one period.
- (b) Manner of computation; offsets; interest. In making a determination the finance director may offset overpayments for a period or penalties, and against the interest on the under payments. The interest on under payments shall be computed in the manner set forth in this article.
- (c) Interest on amount found due. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof, from the twentieth day of the month following the monthly period, for which the amount or any portion thereof should have been returned, until the date of payment.
- (d) Penalty for fraud or intent to evade. If the failure of any person to file a return is due to fraud or an intent to evade this article or rules and regulations, a penalty of 50 percent of the amount required to be paid by the person, exclusive of penalties, shall be added thereto in addition to the other penalties provided in this article.
- (e) Giving of notice; manner of service. Promptly after making his or her determination, the finance director shall give the person written notice to be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

(Ord. No. 2014-08, § 2, 4-24-2014)

Sec. 22-82. - Penalties and interest for failure to pay tax.

- (a) When any operator fails to make any return or to pay the full amount of the tax imposed by this article, a penalty shall be added to the tax in the amount of three percent or three dollars, whichever is greater, if the failure is for not more than 30 days. An additional penalty of three percent or three dollars, whichever is greater, shall be added for each additional 30 days or fraction of 30 days during which the failure continues. The penalty for any single violation under this section shall not exceed 25 percent or \$25.00 in the aggregate, whichever is greater. The penalty imposed herein shall be in addition to the tax, any other penalties, and interest on the unpaid tax as set forth in this article.
- (b) The amount of the unpaid tax, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof, from the 20th day of the month following the monthly period, for which the amount or any portion thereof should have been returned, until the date of payment.

(Ord. No. 2014-08, § 2, 4-24-2014)

Sec. 22-83. - Collection of tax.

- (a) Security, exaction by finance director; amount; sale of; notice of sale; return of surplus. The finance director, whenever he or she deems it necessary to insure compliance with this article, may require any person subject thereto to deposit with him or her such security as the finance director may determine. The amount of the security shall be fixed by the finance director but shall not be greater than twice the person's estimated average liability for the period for which he files returns, determined in such a manner as the finance director deems proper, or \$5,000.00, whichever amount is the lesser. The amount of the security may be increased by the finance director subject to the

limitations herein provided. The finance director may sell the security at public auction, with the approval of the board of commissioners if it becomes necessary so to do in order to recover any tax or any amount required to be collected, interest or penalty due. Notice of the sale may be served upon the person who deposited the security personally or by mail; if by mail, service shall be made in the manner prescribed for service of a notice of a deficiency determination and shall be addressed to the person at his address as it appears in the records of the finance director. Upon any sale, any surplus above the amounts due shall be returned to the person who deposited the security.

- (b) Action for tax; time for. At any time within three years after any tax or amount of tax required to be collected becomes due and payable and at any time within three years after the delinquency of any tax or any amount of tax required to be collected, the finance director may bring action in the courts of this state, or any other state, or of the United States in the name of the county to collect the amount delinquent together with penalties and interest, court fees, filing fees, attorney's fees and other legal fees incident thereto. The bringing of such an action shall not be a prerequisite for the issuance of a fi. fa. under the provisions of subsection (g) hereof.
- (c) Duty of successors or assignees of operator to withhold tax from purchase money. If any operator liable for any amount under this article sells out his or her business or quits the business, his or her successors or assigns shall withhold a sufficient portion of the purchase price to cover such amount until the former owner produces a receipt from the finance director showing that he or she has been paid or a certificate stating that no amount is due.
- (d) Liability for failure to withhold; certificate of notice of amount due; time to enforce successor's liability. If the purchaser of a business fails to withhold purchase price as required in subsection (c) hereof, the purchaser shall become personally liable for the payment of the unpaid taxes. Within 30 days after receiving a written request from the purchaser for a certificate, the finance director shall either issue the certificate or mail notice to the purchaser at the address as it appears on the records of the finance director of the amount that must be paid as a condition of issuing the certificate. The time within which the obligation of a successor may be enforced shall start to run at the time the operator sells out his or her business or at the time that the determination against the operator becomes final, whichever event occurs the later. Any purchaser that fails to withhold from the purchase price the amount of unpaid taxes or fails to pay any amount of such tax for which it becomes liable as a result of said purchase shall not be permitted to obtain an occupation tax certificate or alcoholic beverage license until all such taxes, including all penalties and interest, have been paid in full.
- (e) Tax credit, penalty or interest paid more than once or erroneously or illegally collected. Whenever the amount of any tax, penalty, or interest has been paid more than once, or has been erroneously or illegally collected or received by the county under this article, it may be offset as provided in section 22-80(c). If the operator or person determines that he or she has overpaid or paid more than once, which fact has not been determined by the finance director, he or she will have three years from date of payment to file claim in writing stating the specific ground upon which claim is founded. The claim shall be audited by the county finance department. If the claim is approved by the finance director, the excess amount paid the county may be credited on any amounts then due and payable from, the person by whom it was paid, or his or her administrators or executors.
- (f) Lien for taxes. The lien of taxes collectible under the provisions of this article shall date from January 1 of the year in which the taxes become due, and the lien of such taxes shall be a special lien on the property upon which the same are due and a general lien against all property of the taxpayer owing same.
- (g) County administrator authorized to issue fieri facias. The county administrator is hereby authorized to issue a fieri facias (fi. fa.) for execution and levy to satisfy the amount of any tax, penalty, or interest due but not paid under the provisions of this article.
- (h) Eligibility for occupational tax and/or alcoholic beverage license. Any person who fails to pay the tax imposed herein to the county or fails to pay any amount of such tax required to be collected and paid to the county shall not be permitted to obtain or renew their occupation tax certificate or alcoholic beverage license until all such taxes, including all penalties and interest, have been paid in full.

(Ord. No. 2014-08, § 2, 4-24-2014)

Sec. 22-84. - Administrator of excise tax.

- (a) Authority of finance director. The finance director shall administer and enforce the provisions of excise tax division of this article for the levy and collection of the tax imposed by this article.
- (b) Rules and regulations. The finance director shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this article, other laws or ordinances of Fayette County and the state, or the constitution of this state or the United States for the administrator and enforcement of the provisions of this article and the collection of the taxes hereunder.
- (c) Records required from operators, etc.; form. Every operator renting guestrooms in the unincorporated area of Fayette County to a person shall keep such records, receipts, invoices, and other pertinent papers in such form as the finance director may require.
- (d) Examination of records; audits. The finance director or any person authorized in writing by the finance director may examine the books, papers, records, financial reports, equipment and other facilities of any operator renting guestrooms to a person and any operator liable for the tax, in order to verify the accuracy of any return made, or if no return is made by the operator, to ascertain and determine the amount required to be paid.
- (e) Authority to require reports; contents. In administering the provisions of this article, the finance director may require the filing of reports by any person or class of persons having in such person's or persons' possession or custody information relating to rentals of guestrooms which are subject to the tax. The reports shall be filed with the finance director when required by the finance director and shall set forth the rental charged for each occupancy, the date or dates of occupancy, and such other information as the finance director may require.
- (f) Disclosure of business of operators, etc.; limitations on rule. The finance director or any person having an administrative duty under this article shall not make known in any manner the business affairs, operations or information obtained by an audit of books, papers, records, financial reports, equipment and other facilities of any operator or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person not having such administrative duty under this article, except in case of judicial proceedings or other proceedings necessary to collect the tax hereby levied and assessed, or as required by the Georgia Open Records Act. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amount of unpaid tax or amounts of tax required to be collected, interest and penalties.

(Ord. No. 2014-08, § 2, 4-24-2014)

Sec. 22-85. - Violations.

- (a) Any person violating any of the provisions of this article shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided in this section of the Code of Ordinances of Fayette County. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this article is committed, continued, or permitted by such person, and shall be punished accordingly.
- (b) Any operator or other person who fails to register as required herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the finance director or who renders a false or fraudulent return shall be deemed guilty of an offense and upon conviction thereof shall be punished as aforesaid. Any person required to make, render, sign,

or verify any report who makes any false or fraudulent report, with intent to defeat or evade the termination of an amount due required by this article to be made shall be deemed guilty of an offense and upon convictions thereof shall be punished as aforesaid.

(Ord. No. 2014-08, § 2, 4-24-2014)

Sec. 22-86. - Proceeds of tax.

The proceeds of the hotel/motel, tax will be used in accordance with the provisions of O.C.G.A. 48-13-51(a)(2).

(Ord. No. 2014-08, § 2, 4-24-2014)

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2017-____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO REVISE PROVISIONS PERTAINING TO HOTEL/MOTEL EXCISE TAX; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO HOTEL/MOTEL EXCISE TAX (ARTICLE III OF CHAPTER 22), BE AMENDED AS FOLLOWS:

Section 1. By deleting the definition of “Hotel” from Section 22-70, pertaining to “Definitions”, of Article III of Chapter 22, in its entirety, and by adding new definitions of “Hotel/Motel” and “Tourist accommodation” to Section 22-70 of Article III of Chapter 22, to be read as follows:

Hotel/Motel shall mean any tourist accommodation.

Tourist accommodation shall mean any property, facility, or structure providing accommodations for value to the public for not more than 30 consecutive days.

Section 2. By deleting the first sentence of Section 22-71, pertaining to “Imposition of rate of tax”, of Article III of Chapter 22, and by replacing it with a new first sentence of Section 22-71 of Article III of Chapter 22, to be read as follows:

There is hereby levied and assessed, and there shall be paid, a tax of three percent of the rent for every occupancy of a tourist accommodation in which rooms, lodgings, or accommodations are furnished for value in the unincorporated area of Fayette County.

Section 3. By deleting the first sentence of Section 22-72, pertaining to “Persons liable for tax; extinguishment of liability”, of Article III of Chapter 22, and by replacing it with a new first sentence of Section 22-72 of Article III of Chapter 22, to be read as follows:

Every person occupying a guestroom in a tourist accommodation in the unincorporated area of Fayette County is liable for the tax.

Section 4. By deleting Section 22-75, pertaining to “Exemptions”, of Article III of Chapter 22, in its entirety, and by replacing it with a new Section 22-75 in Article III of Chapter 22, to be numbered and read as follows:

Sec. 22-75. Exemptions.

No tax shall be imposed hereunder:

- (1) Upon fees, rents, or charges made for continuous use of any tourist accommodation after the first 30 days of continuous occupancy.

- (2) Upon the fees or charges for any tourist accommodation furnished for a period of one or more days for use by state or local government officials or employees when traveling on official business.
- (3) Upon charges made for any accommodations provided to any persons who certify by affidavit that they are staying in such room, lodging, or accommodation as a result of the destruction of their home or residence by fire or other casualty.

Section 5. By deleting the first sentence of Section 22-76, pertaining to “Registration of operator; form and contents; execution; certificate of authority”, of Article III of Chapter 22, and by replacing it with a new first sentence in Section 22-76 of Article III of Chapter 22, to be read as follows:

Every person engaging or about to engage in business as an operator of a tourist accommodation in the unincorporated area of Fayette County shall immediately register with the finance director of the county on a form provided by the finance director.

Section 6. By deleting Subsection (a) of Section 22-77, pertaining to “Determination; returns and payments”, of Article III of Chapter 22, in its entirety, and by replacing it with a new Subsection (a) of Section 22-77 of Article III of Chapter 22, to be numbered and read as follows:

- (a) *Due date of taxes.* The tax imposed by this Article shall become due and payable from the occupant at the time of occupancy of any tourist accommodation in the

unincorporated area of Fayette County. All amount of such taxes collected by any operator shall be due and payable to the finance director monthly on or before the twentieth day of every month next succeeding such respective monthly period as set forth in this ordinance.

Section 7. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County.

Section 8. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 9. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ENACTED this _____ day of _____, 2017.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY

By: _____
Eric K. Maxwell, Chairman

(SEAL)

ATTEST:

Tameca P. White, County Clerk

Approved as to form:

County Attorney

COUNTY AGENDA REQUEST

Page 149 of 274

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Ordinance 2017-06, amendments to Chapter 8, Article VI.-Tourist Accommodations of the County Code concerning A-R Bed and Breakfast Inn use.

Background/History/Details:

Staff and Planning Commission were approached by individuals wanting to open a bed and breakfast. This is related to Ordinance 2017-04 (see backup for A-R Bed & Breakfast).

Staff recommends approval of the amendments.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2017-06, amendments to Chapter 8, Article VI.-Tourist Accommodations of the County Code concerning A-R Bed and Breakfast Inn use.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

ARTICLE VI. - TOURIST ACCOMMODATIONS

Sec. 8-200. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bed and breakfast inn shall mean an establishment ~~of five guest rooms or less~~, which serves food to its registered guests and not to the public at large. This term shall include establishments serving breakfast or a similar early morning meal and an appropriate light snack in which the price of the food is included in the price of the overnight accommodation. The length of stay for bed and breakfast inns as defined is limited to not more than 30 consecutive days. For the purposes of this article, this term shall mean an establishment in which the predominant relationship between the occupants thereof and the owner or operator of the establishment is that of guest and innkeeper.

County shall mean unincorporated Fayette County, Georgia.

~~Hotel shall mean any structure or any portion of a structure, including any lodging house, rooming house, motel, studio hotel, auto court, inn, public club, vacation house or private club containing guest rooms and which is occupied or is intended or designed for occupancy by guests, whether rent is paid in money, goods, labor, or otherwise, or any other place in which rooms, lodging or accommodations are regularly furnished for value. The length of stay for hotels as defined is limited to not more than 30 consecutive days. This term does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention, or other buildings in which human beings are housed and detained under legal restraint. In addition to the foregoing, for purposes of this article, a residence in which accommodations are furnished for rent is also considered a "hotel".~~

Innkeeper shall mean any person who is furnishing for value to the public any room(s), lodging, or accommodations.

Occupancy, transient shall mean occupancy or use by a paying guest or tenant for a period of less than 30 consecutive days or by the offering or advertising of a residence as being available in whole or in part to be used for such occupancy. Such occupancy is characteristic ~~of tourist accommodations hotels, motels, boarding houses, rooming houses~~ or other establishments, by whatever name called.

Operator shall mean any person operating a ~~tourist accommodation hotel~~ (as defined in this section) in unincorporated Fayette County, including but not limited to the owner or proprietor of the premises, lessee, sub-lessee, lender in possession, or any other person otherwise operating a ~~tourist accommodation hotel~~ I.

Overnight guest shall have the same meaning as the term "tourist".

Premises shall mean and include all physical buildings, appurtenances, parking lots, and all property owned and/or used by and for the tourist accommodation.

Special event shall mean an organized occasion such as a social function (ie. wedding, reception, reunion, retreat, meeting, etc.)

Tourist shall mean anyone who has a home address somewhere other than where he or she is spending the night and other than where he or she pays a fee for accommodations.

Tourist accommodation shall mean any property, facility, or structure providing accommodations for value to the public for not more than 30 consecutive days.

~~Tourist accommodation shall mean any facility consisting of two or more rooms or dwelling units providing lodging and/or other accommodations for tourists, travelers or overnight guests including tourist~~

~~cabins, tourist courts, tourist cottages, tourist homes, trailer parks, trailer parks, trailer courts, motels, motor hotels, hotels, vacation homes and any similar place by whatever name called. The length of stay for tourist accommodations as defined is limited to not more than 30 consecutive days.~~

Traveler shall have the same meaning as the term "tourist".

~~Vacation home shall mean any residential structure used for transient occupancy not limited to cabins, single-family dwellings, or other such residential structures as permitted. Occupancy or use by a paying guest or tenant must be for a period of less than 30 consecutive days.~~

(Ord. No. 2014-08, § 1, 4-24-2014)

Sec. 8-201. - Permit required.

- (a) Every person engaging in or about to engage in business as an operator of a ~~hotel or~~ tourist accommodation in the county shall immediately apply and obtained approval for the business with code enforcement on the forms provided by the same for such business. Persons engaged in such business must obtain a permit no later than 30 days after this section becomes effective; but such grace period for registration after the effective date of this section shall not relieve any person from the obligation of payment or collection of such permit fee on and after the date of imposition thereof. The required permit hereunder shall set forth the name under which the operator transacts business, and other such information as would be required by code enforcement. The permit application shall be signed by the owner if a natural person, by a member or partner in case of ownership by partnership, or an officer in the case of corporation.
- (b) A separate permit will be required for each location of business.
- (c) A bed and breakfast inn shall be permitted subject to the following:
 - (1) No food preparation, except beverages, is permitted within individual guest rooms.
 - (2) Meal service may be provided to registered guests and not open to the public.
 - ~~(3) The operator of the bed and breakfast inn shall be a full-time resident of the structure in which the bed and breakfast inn is housed.~~
 - ~~(4) The bed and breakfast inn shall be permitted to rent no more than five guest rooms.~~
- (d) Operators of ~~hotels or~~ tourist accommodations shall be permitted to serve food to guests for sale or otherwise, provided they obtain all state and local permits for the operation of a food service establishment and comply with all state and local rules and regulations for the operation of food service establishments.

(Ord. No. 2014-08, § 1, 4-24-2014)

Sec. 8-202. - Application for permit.

- (a) Each person seeking to obtain a permit to operate a ~~hotel or~~ tourist accommodation shall submit an application to code enforcement on a form provided by the same. Said application shall include:
 - (1) A statement that each applicant is a citizen or legal resident of the United States;
 - (2) The address of the ~~hotel or~~ tourist accommodation;
 - (3) The current set room rates and fees;
 - (4) Consent by each applicant to undergo a criminal background check;
 - (5) Complete set of fingerprints for the applicant(s) taken by the county sheriff's office;

- (6) A copy of a deed showing the applicant to be the owner of the premises for which the permit is sought or a copy of a lease showing any interest the owner of the premises has in the ~~hotel or~~ tourist accommodation for which the license is sought;
 - (7) All state and local permits pertaining to the operation of ~~hotels and~~ tourist accommodations, including approvals of Fayette County Health Department and Fayette County Fire Marshal as to maximum permitted capacity, approvals by the Fayette County Planning & Zoning Department as to zoning of the premises, and approvals of the Fayette County Building Permits & Inspections Department as to compliance with all property maintenance and building codes;
 - (8) Certified plans of the property and structure;
 - (9) Copy of the guest occupancy agreement as required by O.C.G.A. § 43-21-3.2;
 - (10) Documents showing compliance with state and local occupation taxes, excise taxes and sales taxes; and
 - (11) Any other information as required by code enforcement or the board of commissioners.
- (b) All applications for a permit to operate a ~~hotel or~~ tourist accommodation shall be accompanied by the payment of a permit fee as set in a schedule of fees adopted by the board of commissioners.
 - (c) Code enforcement shall review the application and all supporting documents and, shall submit a report to the county administrator. Upon payment by the applicant of the fee described above the county administrator shall schedule a hearing before county board of commissioners for its consideration as to whether a permit can be granted.

(Ord. No. 2014-08, § 1, 4-24-2014)

Sec. 8-203. - Issuance of permit.

- (a) Upon approval of the application for the permit by the board of commissioners and the timely payment of the permit fee, code enforcement shall issue the appropriate permit for the year in which approval was granted.
- (b) No permit shall be issued for any ~~hotel or~~ tourist accommodation where any individual having interest either as an operator, owner, partner, principal stockholder, or licensee, whether such interest is direct or indirect, or beneficial or absolute, has been convicted or has taken a plea of nolo contendere within five years for a felony or any crime involving moral turpitude, or has been convicted or has taken a plea of nolo contendere within two years for any misdemeanor of any state or of the United States or any municipal or county ordinance which would have any effect on the applicant's ability to properly conduct such business, except traffic offenses. The term "conviction" as used in this section shall include adjudication of guilty pea, plea of nolo contendere or forfeiture of a bond when charged with a crime.
- (c) The board of commissioners may, on appeal, waive any conviction as a disqualification if it finds that it would have no material effect upon the applicant's ability to properly conduct its business if such license were granted.

(Ord. No. 2014-08, § 1, 4-24-2014)

Sec. 8-204. - Annual renewal of permits.

All permits issued pursuant to this article are annual permits that run from January 1 to December 31 of each year. Holders of existing permits in good standing shall apply to code enforcement for renewal for the next calendar year by filing a renewal application in proper form and tendering the required fees. Fees for renewal of permits shall be according to a schedule of fees adopted by the board of commissioners.

(Ord. No. 2014-08, § 1, 4-24-2014)

Sec. 8-205. - Transfer of permits.

No permit issued pursuant to this article shall be transferred from one owner to another. Any violation of this section shall constitute due cause for probation, suspension, or revocation of the permit granted by the board of commissioners.

(Ord. No. 2014-08, § 1, 4-24-2014)

Sec. 8-206. - Display of permit.

Every holder of a permit issued pursuant to this article shall keep such permit conspicuously displayed at all places where such business is conducted.

(Ord. No. 2014-08, § 1, 4-24-2014)

Sec. 8-207. - Revocation of permit.

- (a) Grounds. Any permit issued pursuant to this Article may be revoked by the board of commissioners, after notice and hearing, for any of the following causes:
 - (1) Any fraud, misrepresentation or false statement contained in the application for the permit;
 - (2) Any fraud, misrepresentation or false statement made in connection with any transaction;
 - (3) Any violation of this article; or
 - (4) The conducting of the business permitted under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health safety or general welfare of the public.
- (b) Hearing.
 - (1) Notice of hearing for the revocation of a permit issued pursuant to this article shall be given by the county administrator in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. The notice shall be served on the holder of the permit by handing the same personally to the person operating the permitted business, or by mailing the same, postage prepaid, to the holder of the permit at his or her last known address at least five days prior to the date set out for the hearing.
 - (2) The giving of such notice shall suspend the permit pending the outcome of the hearing, and any business conducted under the permit shall cease during said period of suspension.

(Ord. No. 2014-08, § 1, 4-24-2014)

Sec. 8-208. - Records.

Each operator of a ~~hotel or~~ tourist accommodation is required to keep a guest register. Each guest shall register on the date of their arrival, stating their names, current residence, address and description and license plate number of the vehicle they are using. Each operator of a tourist accommodation shall keep for a period of at least three years the above-described register, along with all records, receipts, invoices and other pertinent papers setting forth rental charged for each occupancy, the date or dates of occupancy, and such other information as required by code enforcement. Said records shall be made available for examination by code enforcement, the county health department, or any authorized law enforcement agency.

(Ord. No. 2014-08, § 1, 4-24-2014)

Sec. 8-209. - Standards for health, sanitation and safety.

- (a) All operators of ~~hotels-and~~ tourist accommodations shall comply with all rules and regulations promulgated by the Georgia Department of Public Health and the Fayette County Health Department for the operation of tourist accommodations.
- (b) Toilet, lavatory and bathing facilities shall be provided at all ~~hotels-and~~ tourist accommodations. Such facilities shall be easily accessible, convenient and available to patrons at all times and operated pursuant to all applicable rules and regulations promulgated by the Georgia Department of Public Health and the Fayette County Health Department.
- (c) Public sewer is not available in unincorporated Fayette County, therefore sewage disposal shall be provided to efficiently dispose of all water carried wastes in a sanitary manner pursuant to all applicable rules and regulations promulgated by the Georgia Department of Public Health and the Fayette County Health Department.
- (d) All plumbing in ~~hotels-and~~ tourist accommodations shall comply with all applicable state and local rules and regulations.

(Ord. No. 2014-08, § 1, 4-24-2014)

Sec. 8-210. - Alterations to structure and signs.

No exterior alterations may be made to a residence to indicate that it is being used as a tourist accommodation.

(Ord. No. 2014-08, § 1, 4-24-2014)

Sec. 8-211. - Parking.

- ~~(a) All parking at a location permitted as a hotel or tourist accommodation shall not exceed one vehicle per two overnight guests and one motorcycle per one overnight guest. The number of vehicles and/or motorcycles parked at a residence used as a tourist accommodation shall not exceed half the maximum capacity of the tourist accommodation.~~
- ~~(b) No commercial vehicles over 8,000 lbs and/or over two axles shall be allowed in residentially zoned neighborhoods, except for deliveries being made for a minimum period of time not to exceed 15 minutes.~~

(Ord. No. 2014-08, § 1, 4-24-2014)

Sec. 8-212. - Special events.

- ~~(a) Only lodging may occur at tourist accommodations.~~
- (b) Special events are ~~not~~ permitted at tourist accommodations located in a residential or A-R zoning district ~~commercially-zoned property only.~~

(Ord. No. 2014-08, § 1, 4-24-2014)

Sec. 8-213. - Violations.

- (a) It shall be unlawful for any operator to commit any of the following acts:
 - (1) Fail to keep the guest register and any other records required by this article for the time period so specified;
 - (2) Make any false entry therein;
 - (3) Falsify, obliterate, destroy or remove from his or her place of business such register or records;
 - (4) Refuse to allow any duly authorized law enforcement officer after proper identification to inspect such register or records during the ordinary hours of business or at other reasonable time; or
 - (5) Fail to obtain from any guest the identification required by this article.
- (b) Any person violating any provision of this article shall be subject to a fine not exceeding \$1,000.00 and costs or to imprisonment for a term not exceeding 60 days, or to both such fine and imprisonment, any or all of such penalties to be imposed at the discretion of the judge. The infliction of a penalty under the provisions of this section shall not prevent the revocation of any permit or the taking of other punitive or remedial action where called for or permitted under the provisions of this Code.

(Ord. No. 2014-08, § 1, 4-24-2014)

Secs. 8-214—240. - Reserved.

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2017-____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO REVISE PROVISIONS PERTAINING TO TOURIST ACCOMMODATIONS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO TOURIST ACCOMMODATIONS (ARTICLE VI OF CHAPTER 8), BE AMENDED AS FOLLOWS:

Section 1. By deleting Section 8-200, pertaining to “Definitions”, of Article VI of Chapter 8, in its entirety, and by replacing it with a new Section 8-200 in Article VI of Chapter 8, to be numbered and read as follows:

Sec. 8-200. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bed and breakfast inn shall mean an establishment which serves food to its registered guests and not to the public at large. This term shall include establishments serving breakfast or a similar early morning meal and an appropriate light snack in which the price of the food is included in the price of the overnight accommodation. The length of stay for bed and breakfast inns as defined is limited to not more than 30 consecutive days. For the purposes of this article, this term shall mean an establishment in which the predominant relationship between the occupants thereof and the owner or operator of the establishment is that of guest and innkeeper.

County shall mean unincorporated Fayette County, Georgia.

Innkeeper shall mean any person who is furnishing for value to the public any room(s), lodging, or accommodations.

Occupancy, transient shall mean occupancy or use by a paying guest or tenant for a period of less than 30 consecutive days or by the offering or advertising of a residence as being available in whole or in part to be used for such occupancy. Such occupancy is characteristic of tourist accommodations or other establishments, by whatever name called.

Operator shall mean any person operating a tourist accommodation (as defined in this section) in unincorporated Fayette County, including but not limited to the owner or proprietor of the premises, lessee, sub-lessee, lender in possession, or any other person otherwise operating a tourist accommodation.

Overnight guest shall have the same meaning as the term "tourist".

Premises shall mean and include all physical buildings, appurtenances, parking

lots, and all property owned and/or used by and for the tourist accommodation.

Special event shall mean an organized occasion such as a social function (ie. wedding, reception, reunion, retreat, meeting, etc.)

Tourist shall mean anyone who has a home address somewhere other than where he or she is spending the night and other than where he or she pays a fee for accommodations.

Tourist accommodation shall mean any property, facility, or structure providing accommodations for value to the public for not more than 30 consecutive days.

Traveler shall have the same meaning as the term "tourist".

Section 2. By replacing the phrase “hotel or tourist accommodation” with the phrase “tourist accommodation” throughout Article VI of Chapter 8, as follows:

- In Subsections (a) and (d) of Section 8-201, pertaining to “Permit required”;
- In Subsection (a) and (b) of Section 8-202, pertaining to “Application for permit”, and Paragraphs (2), (6) and (7) of said Subsection (a) of Section 8-202;
- In Subsection (b) of Section 8-203, pertaining to “Issuance of permit”;
- In Section 8-208, pertaining to “Records”; and
- In Subsections (a), (b) and (d) of Section 8-209, pertaining to “Standards for health, sanitation and safety”.

Section 3. By deleting Paragraphs (3) and (4) of Subsection (c) of Section 8-201, pertaining to “Permit required”, of Article VI of Chapter 8, in their entirety.

Section 4. By deleting Section 8-211, pertaining to “Parking”, of Article VI of Chapter 8, in its entirety, and by designating said Section 8-211 as “Reserved”.

Section 5. By deleting Section 8-212, pertaining to “Special Events”, of Article VI of Chapter 8, in its entirety, and by replacing it with a new Section 8-212 in Article VI of Chapter 8, to be numbered and read as follows:

Sec. 8-212. Special events.

Special events are not permitted at tourist accommodations located in a residential or A-R zoning district.

Section 6. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County.

Section 7. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 8. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or

unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ENACTED this _____ day of _____, 2017.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY

By: _____
Eric K. Maxwell, Chairman

(SEAL)

ATTEST:

Tameca P. White, County Clerk

Approved as to form:

County Attorney

COUNTY AGENDA REQUEST

Page 161 of 274

Department: Elections Office

Presenter(s): Floyd L. Jones, Elections Supervisor

Meeting Date: Thursday, March 23, 2017

Type of Request: Consent #6

Wording for the Agenda:

Approval of the Election Office's request to enter into an Intergovernmental Agreement with the Town of Brooks allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Brooks in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement.

Background/History/Details:

The Town of Brooks, along with all Fayette County municipalities, will have elections for its offices in November 2017. Historically, Fayette County, the municipalities, and the Board of Elections have entered into intergovernmental agreements authorizing the Board of Elections to serve as Superintendent of Elections. This agreement has been reviewed by County Attorney Dennis Davenport.

The Town of Brooks along with the Fayette County Board of Elections have reviewed and approved the proposed intergovernmental agreement. Brooks has agreed to operate as superintendent with respect to qualifying candidates. The County is requested to supply all of the necessary manpower, transportation, and supplies to conduct the election. The town has agreed to reimburse the county for all expenses and charges incurred in the performance of said elections and to indemnify the county from any liability or legal expense.

What action are you seeking from the Board of Commissioners?

Approve the Election Office's request to enter into an Intergovernmental Agreement with the Town of Brooks allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Brooks in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement.

If this item requires funding, please describe:

There will be an initial outlay of funding from the county, however, pursuant to the Intergovernmental Agreement, all funds expended for this election will be reimbursed to the county by the Town of Brooks.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

Municipal elections will be held on Tuesday, November 7, 2017 with early elections beginning Monday, October 16 through Friday, November 3, 2017. The last day for a person to register and be eligible to vote in the November election is October 10, 2017.

STATE OF GEORGIA

COUNTY OF FAYETTE

**INTERGOVERNMENTAL AGREEMENT FOR CONDUCTING MUNICIPAL
ELECTIONS**

This Agreement entered into this _____ day of _____ 2017 between the TOWN OF BROOKS, a municipal corporation lying wholly or partially within Fayette County, Georgia, hereinafter referred to as “The Town” and Fayette County, Georgia, a political subdivision of the State of Georgia hereinafter referred to as “The County”.

WITNESSETH:

WHEREAS, the Town in performance of its governmental functions will hold the elections hereinafter described; and,

WHEREAS, under the provisions of the Georgia Election Code, particularly O.C.G.A. § 21-2-45 of the Official Code of Georgia Annotated, the Town may, by ordinance, authorize the County to conduct such elections and the Town has heretofore adopted such an ordinance; and

WHEREAS, the County has staff and equipment to conduct such elections; and

WHEREAS, the County desires to assist said Town in the conduct of its municipal elections.

NOW THEREFORE, for an in consideration of the premises contained herein, it is hereby agreed as follows:

1.

This Agreement shall govern the conduct of the Town of Brook’s general election to be held on November 7, 2017 and any and all run-offs which may be necessary and any special elections that may occur within twelve (12) months of this Agreement.

2.

Fayette County through the Fayette County Board of Elections shall operate as superintendent of the aforementioned elections and shall perform any and all functions of the Town or any of the Town’s officials in connection with the conduct of such elections with the exception of duties pertaining to the qualification of candidates and pertaining to the responsibility of acting as the Qualifying Officer and providing notification to the State Elections Commission concerning candidacy compliance.

3.

A Town official shall operate as the Superintendent with respect to the qualification of candidates. Such official shall perform any and all functions of the Town or any of its officials in connection with the qualifications of candidates in accordance with O.C.G.A. § 21-2-45(C)(2). Further, such official shall be responsible for acting as the Qualifying Officer and for notification to the State Elections Commission concerning candidacy compliance.

4.

The County shall supply all of the necessary manpower and transportation to pick up, deliver, set up, store, and return to the County all of the voting equipment used in the elections along with all ancillary equipment and necessary supplies.

5.

All the voting equipment shall be programmed by the Center for Elections located at Kennesaw State University.

6.

All absentee ballots shall be ordered, issued, mailed, and accounted for by the County.

7.

Staffing for the polling locations and training of the staff shall be provided by the County.

8.

All expenses and charges incurred in the performance of said elections (except for the actual cost of the State-owned voting system and State-owned ancillary equipment) shall be the responsibility of the Town. Said expenses and charges shall include but not be limited to the following: all costs of training and providing personnel for the elections, costs of printing, mailing and processing absentee ballots, the costs of expendable supplies and a pro-rated maintenance cost for the voting equipment. An invoice for the costs and expenses of the elections shall be submitted to the Town and the Town shall remit payment of the invoice to Fayette County within thirty (30) days of receipt of the invoice.

9.

To the extent permitted by law, the Town shall indemnify, defend and hold harmless the County from any liability and/or litigation expenses to which the County may be subjected as a consequence of or as a result of the elections for the Town. The Town will furthermore, to the extent provided by law, reimburse the County for any and all necessary legal representation, by counsel chosen by the County, in any action arising from the conduct of the Town elections. Said reimbursement shall be paid by the Town within thirty (30) days of invoice by the County.

10.

This intergovernmental contract is a full and complete statement of the agreement of the parties as to the subject matter hereof and has been authorized by proper action of the respective parties.

11.

Should any provision of this Agreement or application thereof to any person or circumstance be held invalid or unenforceable, the remainder of this Agreement or the application of such provision to any person or circumstance, other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the full extent permitted by law.

12.

Should it be necessary to comply with any legal requirements, the necessary members of the County's personnel may be temporarily sworn in as officers and employees of the Town.

FAYETTE COUNTY, GEORGIA

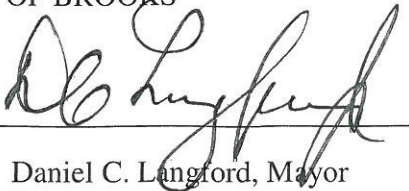
By: _____

Eric K. Maxwell, Chairman

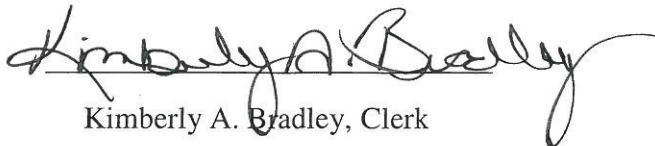
Attest:

Tameca P. White, County Clerk

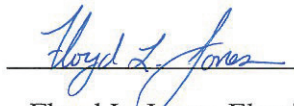
TOWN OF BROOKS

By: 
Daniel C. Langford, Mayor

Attest:


Kimberly A. Bradley, Clerk

Attest:


Floyd L. Jones, Elections Supervisor

COUNTY AGENDA REQUEST

Page 166 of 274

Department: Elections Office

Presenter(s): Floyd L. Jones, Elections Supervisor

Meeting Date: Thursday, March 23, 2017

Type of Request: Consent #7

Wording for the Agenda:

Approval of the Election Office's request to enter into an Intergovernmental Agreement with the City of Fayetteville allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Fayetteville in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement.

Background/History/Details:

The City of Fayetteville, along with all Fayette County municipalities, will have elections for its offices in November 2017. Historically, Fayette County, the municipalities, and the Board of Elections have entered into intergovernmental agreements authorizing the Board of Elections to serve as Superintendent of Elections. This agreement has been reviewed by County Attorney Dennis Davenport.

The City of Fayetteville along with the Fayette County Board of Elections have reviewed and approved the proposed intergovernmental agreement. Fayetteville has agreed to operate as superintendent with respect to qualifying candidates. The County is requested to supply all of the necessary manpower, transportation, and supplies to conduct the election. The city has agreed to reimburse the county for all expenses and charges incurred in the performance of said elections and to indemnify the county from any liability or legal expense.

What action are you seeking from the Board of Commissioners?

Approve the Election Office's request to enter into an Intergovernmental Agreement with the City of Fayetteville allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Fayetteville in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement.

If this item requires funding, please describe:

There will be an initial outlay of funding from the county, however, pursuant to the Intergovernmental Agreement, all funds expended for this election will be reimbursed to the county by the City of Fayetteville.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

Municipal elections will be held on Tuesday, November 7, 2017 with early elections beginning Monday, October 16 through Friday, November 3, 2017. The last day for a person to register and be eligible to vote in the November election is October 10, 2017.

STATE OF GEORGIA

COUNTY OF FAYETTE

**INTERGOVERNMENTAL AGREEMENT FOR CONDUCTING MUNICIPAL
ELECTIONS**

This Agreement entered into this _____ day of _____ 2017 between the CITY OF FAYETTEVILLE, a municipal corporation lying wholly or partially within Fayette County, Georgia, hereinafter referred to as “The City” and Fayette County, Georgia, a political subdivision of the State of Georgia hereinafter referred to as “The County”.

WITNESSETH:

WHEREAS, the City in performance of its governmental functions will hold the elections hereinafter described; and,

WHEREAS, under the provisions of the Georgia Election Code, particularly O.C.G.A. § 21-2-45 of the Official Code of Georgia Annotated, the City may, by ordinance, authorize the County to conduct such elections and the City has heretofore adopted such an ordinance; and

WHEREAS, the County has staff and equipment to conduct such elections; and

WHEREAS, the County desires to assist said City in the conduct of its municipal elections.

NOW THEREFORE, for an in consideration of the premises contained herein, it is hereby agreed as follows:

1.

This Agreement shall govern the conduct of the City of Fayetteville’s general election to be held on November 7, 2017 and any and all run-offs which may be necessary and any special elections that may occur within twelve (12) months of this Agreement.

2.

Fayette County through the Fayette County Board of Elections shall operate as superintendent of the aforementioned elections and shall perform any and all functions of the City or any of the City’s officials in connection with the conduct of such elections with the exception of duties pertaining to the qualification of candidates and pertaining to the responsibility of acting as the Qualifying Officer and providing notification to the State Elections Commission concerning candidacy compliance.

3.

A City official shall operate as the Superintendent with respect to the qualification of candidates. Such official shall perform any and all functions of the City or any of its officials in connection with the qualifications of candidates in accordance with O.C.G.A. § 21-2-45(C)(2). Further, such official shall be responsible for acting as the Qualifying Officer and for notification to the State Elections Commission concerning candidacy compliance.

4.

The County shall supply all of the necessary manpower and transportation to pick up, deliver, set up, store, and return to the County all of the voting equipment used in the elections along with all ancillary equipment and necessary supplies.

5.

All the voting equipment shall be programmed by the Center for Elections located at Kennesaw State University.

6.

All absentee ballots shall be ordered, issued, mailed, and accounted for by the County.

7.

Staffing for the polling locations and training of the staff shall be provided by the County.

8.

All expenses and charges incurred in the performance of said elections (except for the actual cost of the State-owned voting system and State-owned ancillary equipment) shall be the responsibility of the City. Said expenses and charges shall include but not be limited to the following: all costs of training and providing personnel for the elections, costs of printing, mailing and processing absentee ballots, the costs of expendable supplies and a pro-rated maintenance cost for the voting equipment. An invoice for the costs and expenses of the elections shall be submitted to the City and the City shall remit payment of the invoice to Fayette County within thirty (30) days of receipt of the invoice.

9.

To the extent permitted by law, the City shall indemnify, defend and hold harmless the County from any liability and/or litigation expenses to which the County may be subjected as a consequence of or as a result of the elections for the City. The City will furthermore, to the extent provided by law, reimburse the County for any and all necessary legal representation, by counsel chosen by the County, in any action arising from the conduct of the City elections. Said reimbursement shall be paid by the City within thirty (30) days of invoice by the County.

10.

This intergovernmental contract is a full and complete statement of the agreement of the parties as to the subject matter hereof and has been authorized by proper action of the respective parties.

11.

Should any provision of this Agreement or application thereof to any person or circumstance be held invalid or unenforceable, the remainder of this Agreement or the application of such provision to any person or circumstance, other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the full extent permitted by law.

12.

Should it be necessary to comply with any legal requirements, the necessary members of the County's personnel may be temporarily sworn in as officers and employees of the City.

FAYETTE COUNTY, GEORGIA

By: _____

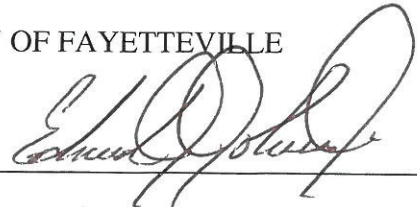
Eric K. Maxwell, Chairman

Attest:

Tameca P. White, County Clerk

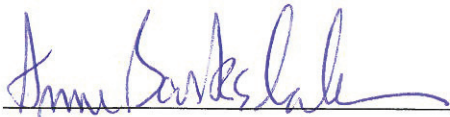
CITY OF FAYETTEVILLE

By: _____

A handwritten signature in black ink, appearing to read "Edward Johnson", written over a horizontal line.

Edward Johnson, Mayor

Attest:

A handwritten signature in blue ink, appearing to read "Anne Barksdale", written over a horizontal line.

Anne Barksdale, Clerk

Attest:

A handwritten signature in blue ink, appearing to read "Floyd L. Jones", written over a horizontal line.

Floyd L. Jones, Elections Supervisor

COUNTY AGENDA REQUEST

Page 171 of 274

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of the Election Office's request to enter into an Intergovernmental Agreement with the City of Peachtree City allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Peachtree City in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement.

Background/History/Details:

The City of Peachtree City, along with all Fayette County municipalities, will have elections for its offices in November 2017. Historically, Fayette County, the municipalities, and the Board of Elections have entered into intergovernmental agreements authorizing the Board of Elections to serve as Superintendent of Elections. This agreement has been reviewed by County Attorney Dennis Davenport.

The City of Peachtree City along with the Fayette County Board of Elections have reviewed and approved the proposed intergovernmental agreement. Peachtree City has agreed to operate as superintendent with respect to qualifying candidates. The County is requested to supply all of the necessary manpower, transportation, and supplies to conduct the election. The city has agreed to reimburse the county for all expenses and charges incurred in the performance of said elections and to indemnify the county from any liability or legal expense.

What action are you seeking from the Board of Commissioners?

Approve the Election Office's request to enter into an Intergovernmental Agreement with the City of Peachtree City allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Peachtree City in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement.

If this item requires funding, please describe:

There will be an initial outlay of funding from the county, however, pursuant to the Intergovernmental Agreement, all funds expended for this election will be reimbursed to the county by the City of Peachtree City.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Municipal elections will be held on Tuesday, November 7, 2017 with early elections beginning Monday, October 16 through Friday, November 3, 2017. The last day for a person to register and be eligible to vote in the November election is October 10, 2017.

STATE OF GEORGIA
COUNTY OF FAYETTE

**INTERGOVERNMENTAL AGREEMENT FOR CONDUCTING MUNICIPAL
ELECTIONS**

This Agreement entered into this _____ day of _____ 2017 between the CITY OF PEACHTREE CITY, a municipal corporation lying wholly or partially within Fayette County, Georgia, hereinafter referred to as “The City” and Fayette County, Georgia, a political subdivision of the State of Georgia hereinafter referred to as “The County”.

WITNESSETH:

WHEREAS, the City in performance of its governmental functions will hold the elections hereinafter described; and,

WHEREAS, under the provisions of the Georgia Election Code, particularly O.C.G.A. § 21-2-45 of the Official Code of Georgia Annotated, the City may, by ordinance, authorize the County to conduct such elections and the City has heretofore adopted such an ordinance; and

WHEREAS, the County has staff and equipment to conduct such elections; and

WHEREAS, the County desires to assist said City in the conduct of its municipal elections.

NOW THEREFORE, for an in consideration of the premises contained herein, it is hereby agreed as follows:

1.

This Agreement shall govern the conduct of the City of Peachtree City’s general election to be held on November 7, 2017 and any and all run-offs which may be necessary and any special elections that may occur within twelve (12) months of this Agreement.

2.

Fayette County through the Fayette County Board of Elections shall operate as superintendent of the aforementioned elections and shall perform any and all functions of the City or any of the City’s officials in connection with the conduct of such elections with the exception of duties pertaining to the qualification of candidates and pertaining to the responsibility of acting as the Qualifying Officer and providing notification to the State Elections Commission concerning candidacy compliance.

3.

A City official shall operate as the Superintendent with respect to the qualification of candidates. Such official shall perform any and all functions of the City or any of its officials in connection with the qualifications of candidates in accordance with O.C.G.A. § 21-2-45(C)(2). Further, such official shall be responsible for acting as the Qualifying Officer and for notification to the State Elections Commission concerning candidacy compliance.

4.

The County shall supply all of the necessary manpower and transportation to pick up, deliver, set up, store, and return to the County all of the voting equipment used in the elections along with all ancillary equipment and necessary supplies.

5.

All the voting equipment shall be programmed by the Center for Elections located at Kennesaw State University.

6.

All absentee ballots shall be ordered, issued, mailed, and accounted for by the County.

7.

Staffing for the polling locations and training of the staff shall be provided by the County.

8.

All expenses and charges incurred in the performance of said elections (except for the actual cost of the State-owned voting system and State-owned ancillary equipment) shall be the responsibility of the City. Said expenses and charges shall include but not be limited to the following: all costs of training and providing personnel for the elections, costs of printing, mailing and processing absentee ballots, the costs of expendable supplies and a pro-rated maintenance cost for the voting equipment. An invoice for the costs and expenses of the elections shall be submitted to the City and the City shall remit payment of the invoice to Fayette County within thirty (30) days of receipt of the invoice.

9.

To the extent permitted by law, the City shall indemnify, defend and hold harmless the County from any liability and/or litigation expenses to which the County may be subjected as a consequence of or as a result of the elections for the City. The City will furthermore, to the extent provided by law, reimburse the County for any and all necessary legal representation, by counsel chosen by the County, in any action arising from the conduct of the City elections. Said reimbursement shall be paid by the City within thirty (30) days of invoice by the County.

10.

This intergovernmental contract is a full and complete statement of the agreement of the parties as to the subject matter hereof and has been authorized by proper action of the respective parties.

11.

Should any provision of this Agreement or application thereof to any person or circumstance be held invalid or unenforceable, the remainder of this Agreement or the application of such provision to any person or circumstance, other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the full extent permitted by law.

12.

Should it be necessary to comply with any legal requirements, the necessary members of the County's personnel may be temporarily sworn in as officers and employees of the City.

FAYETTE COUNTY, GEORGIA

By: _____

Eric K. Maxwell, Chairman

Attest:

Tameca P. White, County Clerk

CITY OF PEACHTREE CITY

By:

A handwritten signature in blue ink, appearing to read "Vanessa Fleisch", written over a horizontal line.

Vanessa Fleisch, Mayor

Attest:

A handwritten signature in blue ink, appearing to read "B. Tyler", written over a horizontal line.

Betsy Tyler, Clerk

Attest:

A handwritten signature in blue ink, appearing to read "Floyd L. Jones", written over a horizontal line.

Floyd L. Jones, Elections Supervisor

COUNTY AGENDA REQUEST

Page 176 of 274

Department: Elections Office

Presenter(s): Floyd L. Jones, Elections Supervisor

Meeting Date: Thursday, March 23, 2017

Type of Request: Consent #9

Wording for the Agenda:

Approval of the Election Office's request to enter into an Intergovernmental Agreement with the Town of Tyrone allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Tyrone in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement.

Background/History/Details:

The Town of Tyrone, along with all Fayette County municipalities, will have elections for its offices in November 2017. Historically, Fayette County, the municipalities, and the Board of Elections have entered into intergovernmental agreements authorizing the Board of Elections to serve as Superintendent of Elections. This agreement has been reviewed by County Attorney Dennis Davenport.

The Town of Tyrone along with the Fayette County Board of Elections have reviewed and approved the proposed intergovernmental agreement. Tyrone has agreed to operate as superintendent with respect to qualifying candidates. The County is requested to supply all of the necessary manpower, transportation, and supplies to conduct the election. The town has agreed to reimburse the county for all expenses and charges incurred in the performance of said elections and to indemnify the county from any liability or legal expense.

What action are you seeking from the Board of Commissioners?

Approve the Election Office's request to enter into an Intergovernmental Agreement with the Town of Tyrone allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Tyrone in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement.

If this item requires funding, please describe:

There will be an initial outlay of funding from the county, however, pursuant to the Intergovernmental Agreement, all funds expended for this election will be reimbursed to the county by the Town of Tyrone.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

Municipal elections will be held on Tuesday, November 7, 2017 with early elections beginning Monday, October 16 through Friday, November 3, 2017. The last day for a person to register and be eligible to vote in the November election is October 10, 2017.

STATE OF GEORGIA

COUNTY OF FAYETTE

**INTERGOVERNMENTAL AGREEMENT FOR CONDUCTING MUNICIPAL
ELECTIONS**

This Agreement entered into this _____ day of _____ 2017 between the TOWN OF TYRONE, a municipal corporation lying wholly or partially within Fayette County, Georgia, hereinafter referred to as "The Town" and Fayette County, Georgia, a political subdivision of the State of Georgia hereinafter referred to as "The County".

WITNESSETH:

WHEREAS, the Town in performance of its governmental functions will hold the elections hereinafter described; and,

WHEREAS, under the provisions of the Georgia Election Code, particularly O.C.G.A. § 21-2-45 of the Official Code of Georgia Annotated, the Town may, by ordinance, authorize the County to conduct such elections and the Town has heretofore adopted such an ordinance; and

WHEREAS, the County has staff and equipment to conduct such elections; and

WHEREAS, the County desires to assist said Town in the conduct of its municipal elections.

NOW THEREFORE, for an in consideration of the premises contained herein, it is hereby agreed as follows:

1.

This Agreement shall govern the conduct of the Town of Tyrone's general election to be held on November 7, 2017 and any and all run-offs which may be necessary and any special elections that may occur within twelve (12) months of this Agreement.

2.

Fayette County through the Fayette County Board of Elections shall operate as superintendent of the aforementioned elections and shall perform any and all functions of the Town or any of the Town's officials in connection with the conduct of such elections with the exception of duties pertaining to the qualification of candidates and pertaining to the responsibility of acting as the Qualifying Officer and providing notification to the State Elections Commission concerning candidacy compliance.

3.

A Town official shall operate as the Superintendent with respect to the qualification of candidates. Such official shall perform any and all functions of the Town or any of its officials in connection with the qualifications of candidates in accordance with O.C.G.A. § 21-2-45(C)(2). Further, such official shall be responsible for acting as the Qualifying Officer and for notification to the State Elections Commission concerning candidacy compliance.

4.

The County shall supply all of the necessary manpower and transportation to pick up, deliver, set up, store, and return to the County all of the voting equipment used in the elections along with all ancillary equipment and necessary supplies.

5.

All the voting equipment shall be programmed by the Center for Elections located at Kennesaw State University.

6.

All absentee ballots shall be ordered, issued, mailed, and accounted for by the County.

7.

Staffing for the polling locations and training of the staff shall be provided by the County.

8.

All expenses and charges incurred in the performance of said elections (except for the actual cost of the State-owned voting system and State-owned ancillary equipment) shall be the responsibility of the Town. Said expenses and charges shall include but not be limited to the following: all costs of training and providing personnel for the elections, costs of printing, mailing and processing absentee ballots, the costs of expendable supplies and a pro-rated maintenance cost for the voting equipment. An invoice for the costs and expenses of the elections shall be submitted to the Town and the Town shall remit payment of the invoice to Fayette County within thirty (30) days of receipt of the invoice.

9.

To the extent permitted by law, the Town shall indemnify, defend and hold harmless the County from any liability and/or litigation expenses to which the County may be subjected as a consequence of or as a result of the elections for the Town. The Town will furthermore, to the extent provided by law, reimburse the County for any and all necessary legal representation, by counsel chosen by the County, in any action arising from the conduct of the Town elections. Said reimbursement shall be paid by the Town within thirty (30) days of invoice by the County.

10.

This intergovernmental contract is a full and complete statement of the agreement of the parties as to the subject matter hereof and has been authorized by proper action of the respective parties.

11.

Should any provision of this Agreement or application thereof to any person or circumstance be held invalid or unenforceable, the remainder of this Agreement or the application of such provision to any person or circumstance, other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the full extent permitted by law.

12.

Should it be necessary to comply with any legal requirements, the necessary members of the County's personnel may be temporarily sworn in as officers and employees of the Town.

FAYETTE COUNTY, GEORGIA

By: _____

Eric K. Maxwell, Chairman

Attest:

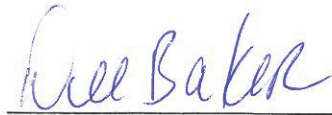
Tameca P. White, County Clerk

TOWN OF TYRONE

By: 

Eric Dial, Mayor

Attest:



Dee Baker, Clerk

Attest:



Floyd L. Jones, Elections Supervisor

COUNTY AGENDA REQUEST

Page 181 of 274

Department: Elections Office

Presenter(s): Floyd L. Jones, Elections Supervisor

Meeting Date: Thursday, March 23, 2017

Type of Request: Consent #10

Wording for the Agenda:

Approval of the Election Office's request to enter into an Intergovernmental Agreement with the Town of Woolsey allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Woolsey in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement.

Background/History/Details:

The Town of Woolsey, along with all Fayette County municipalities, will have elections for its offices in November 2017. Historically, Fayette County, the municipalities, and the Board of Elections have entered into intergovernmental agreements authorizing the Board of Elections to serve as Superintendent of Elections. This agreement has been reviewed by County Attorney Dennis Davenport.

The Town of Woolsey along with the Fayette County Board of Elections have reviewed and approved the proposed intergovernmental agreement. Woolsey has agreed to operate as superintendent with respect to qualifying candidates. The County is requested to supply all of the necessary manpower, transportation, and supplies to conduct the election. The town has agreed to reimburse the county for all expenses and charges incurred in the performance of said elections and to indemnify the county from any liability or legal expense.

What action are you seeking from the Board of Commissioners?

Approve the Election Office's request to enter into an Intergovernmental Agreement with the Town of Woolsey allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Woolsey in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement.

If this item requires funding, please describe:

There will be an initial outlay of funding from the county, however, pursuant to the Intergovernmental Agreement, all funds expended for this election will be reimbursed to the county by the Town of Woolsey.

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

If so, when?

Is Audio-Visual Equipment Required for this Request? No

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

Municipal elections will be held on Tuesday, November 7, 2017 with early elections beginning Monday, October 16 through Friday, November 3, 2017. The last day for a person to register and be eligible to vote in the November election is October 10, 2017.

STATE OF GEORGIA

COUNTY OF FAYETTE

**INTERGOVERNMENTAL AGREEMENT FOR CONDUCTING MUNICIPAL
ELECTIONS**

This Agreement entered into this _____ day of _____ 2017 between the TOWN OF WOOLSEY, a municipal corporation lying wholly or partially within Fayette County, Georgia, hereinafter referred to as “The Town” and Fayette County, Georgia, a political subdivision of the State of Georgia hereinafter referred to as “The County”.

WITNESSETH:

WHEREAS, the Town in performance of its governmental functions will hold the elections hereinafter described; and,

WHEREAS, under the provisions of the Georgia Election Code, particularly O.C.G.A. § 21-2-45 of the Official Code of Georgia Annotated, the Town may, by ordinance, authorize the County to conduct such elections and the Town has heretofore adopted such an ordinance; and

WHEREAS, the County has staff and equipment to conduct such elections; and

WHEREAS, the County desires to assist said Town in the conduct of its municipal elections.

NOW THEREFORE, for an in consideration of the premises contained herein, it is hereby agreed as follows:

1.

This Agreement shall govern the conduct of the Town of Woolsey’s general election to be held on November 7, 2017 and any and all run-offs which may be necessary and any special elections that may occur within twelve (12) months of this Agreement.

2.

Fayette County through the Fayette County Board of Elections shall operate as superintendent of the aforementioned elections and shall perform any and all functions of the Town or any of the Town’s officials in connection with the conduct of such elections with the exception of duties pertaining to the qualification of candidates and pertaining to the responsibility of acting as the Qualifying Officer and providing notification to the State Elections Commission concerning candidacy compliance.

3.

A Town official shall operate as the Superintendent with respect to the qualification of candidates. Such official shall perform any and all functions of the Town or any of its officials in connection with the qualifications of candidates in accordance with O.C.G.A. § 21-2-45(C)(2). Further, such official shall be responsible for acting as the Qualifying Officer and for notification to the State Elections Commission concerning candidacy compliance.

4.

The County shall supply all of the necessary manpower and transportation to pick up, deliver, set up, store, and return to the County all of the voting equipment used in the elections along with all ancillary equipment and necessary supplies.

5.

All the voting equipment shall be programmed by the Center for Elections located at Kennesaw State University.

6.

All absentee ballots shall be ordered, issued, mailed, and accounted for by the County.

7.

Staffing for the polling locations and training of the staff shall be provided by the County.

8.

All expenses and charges incurred in the performance of said elections (except for the actual cost of the State-owned voting system and State-owned ancillary equipment) shall be the responsibility of the Town. Said expenses and charges shall include but not be limited to the following: all costs of training and providing personnel for the elections, costs of printing, mailing and processing absentee ballots, the costs of expendable supplies and a pro-rated maintenance cost for the voting equipment. An invoice for the costs and expenses of the elections shall be submitted to the Town and the Town shall remit payment of the invoice to Fayette County within thirty (30) days of receipt of the invoice.

9.

To the extent permitted by law, the Town shall indemnify, defend and hold harmless the County from any liability and/or litigation expenses to which the County may be subjected as a consequence of or as a result of the elections for the Town. The Town will furthermore, to the extent provided by law, reimburse the County for any and all necessary legal representation, by counsel chosen by the County, in any action arising from the conduct of the Town elections. Said reimbursement shall be paid by the Town within thirty (30) days of invoice by the County.

10.

This intergovernmental contract is a full and complete statement of the agreement of the parties as to the subject matter hereof and has been authorized by proper action of the respective parties.

11.

Should any provision of this Agreement or application thereof to any person or circumstance be held invalid or unenforceable, the remainder of this Agreement or the application of such provision to any person or circumstance, other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the full extent permitted by law.

12.

Should it be necessary to comply with any legal requirements, the necessary members of the County's personnel may be temporarily sworn in as officers and employees of the Town.

FAYETTE COUNTY, GEORGIA

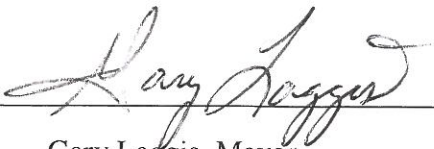
By: _____

Eric K. Maxwell, Chairman

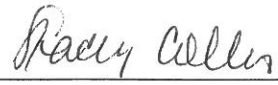
Attest:

Tameca P. White, County Clerk


TOWN OF WOOLSEY

By: 
Gary Laggis, Mayor

Attest:


Stacey Collins, Clerk

Attest:


Floyd L. Jones, Elections Supervisor

COUNTY AGENDA REQUEST

Page 186 of 274

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's recommendation to approve Contract #940-P, Public Works Engineer of Record: Task Order #18 –Construction Management for Lee's Mill and Rising Star Culvert Replacements in the not-to-exceed amount of \$96,920 and to authorize the Chairman to sign the related documents.

Background/History/Details:

On January 14, 2016, the Board of Commissioners reallocated funds to the Stormwater Utility to replace pipes under Lee's Mill Road and Rising Star Road that failed as a result of the Christmas 2015 floods.

Task Order #18 authorizes Tetra Tech, the Engineer of Record for Public Works, to perform project construction management services through project construction, final completion and closeout. This scope budgets for the administration of two (2) construction contracts, each with an estimated four (4) month contract duration.

Contract administration and inspections will be billed using the established hourly rates up to the indicated not-to-exceed amounts of \$44,100 for construction, \$32,920 for construction inspection, and \$19,900 for geotechnical services at the two sites.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to approve Contract #940-P, Public Works Engineer of Record: Task Order #18 –Construction Management for Lee's Mill and Rising Star Culvert Replacements in the not-to-exceed amount of \$96,920 and to authorize the Chairman to sign the related documents.

If this item requires funding, please describe:

Funding for this scope-of-work is available in 50940320 Stormwater Projects: 6509I Lee's Mill Road (\$466,775) and 6509C Rising Star Road (\$391,135).

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



Fayette
COUNTY

"WHERE QUALITY
IS A LIFESTYLE"

PURCHASING DEPARTMENT
140 STONEWALL AVENUE WEST, STE 204
FAYETTEVILLE, GEORGIA 30214
PHONE: 770-305-5420
www.fayettecountyga.gov

To: Steve Rapson

From: Ted L. Burgess

Date: March 23, 2017

Subject: Contract #940-P, Public Works Engineer of Record: Task Order 18 –
Construction Mgt. for Lee's Mill & Rising Star Culvert Replacement

In its meeting of January 14, 2016 the Board of Commissioners approved reallocation of funds to the Stormwater Utility for a number of repairs needed as a result of floods in December 2015. Two of the repair sites are located on Lee's Mill Road and Rising Star Road.

Tetra Tech, Inc. is the current Engineer of Record for the Division of Public Works. Task Order #18 will authorize Tetra Tech to provide construction management services for replacement of existing metal culverts with new box culverts. Separate Invitations to Bid will provide contracts for the actual culvert replacement.

Both Lee's Mill Road and Rising Star Road culvert replacements are included in Category I (Flooding and Safety) of proposed projects for the 2017 Special Purpose Local Option Sales Tax (SPLOST) to be decided by voters on March 21. It is anticipated that Federal funds from the Federal Emergency Management Agency may be available to reimburse part of the costs of this task order.

Specifics of the Task Order are as follows:

Contract Name	940-P: Engineer of Record for Public Works
Task Order	#18: Construction Mgt. for Lee' Mill & Rising Star Culvert Replacement
Contractor	Tetra Tech, Inc.
Not-to-Exceed Amount	\$96,920.00
Budget:	
Organization Code	50940320 Stormwater Projects
Object Code	521316 Technical Services

<u>Project</u>	<u>Available Budget Balance</u>
6509I Lee's Mill Road	\$466,775
6509C Rising Star Road	\$391,135

Scope of Work – Task Order #18

March 1, 2017

Proposal to Fayette County Public Works for Task Order #18: Construction Management Services for Lee's Mill and Rising Star Culvert Replacement Projects

Submitted to:

**Bryan Keller
Fayette County Georgia Administrative Complex
140 Stonewall Ave. West, Suite 203
Fayetteville, Georgia 30214**

**Email: bkeller@fayettecountyga.gov
Phone: (770) 320-6010**

Submitted by:

**Tetra Tech, Inc.
1899 Powers Ferry Road
Suite 400
Atlanta, Georgia 30339**

**Email: brian.watson@tetrattech.com
Phone: (770) 738-6030**

**November 10, 2016
Revised December 16, 2016
Revised January 30, 2017
Revised March 1, 2017**



Scope of Work – Task Order #18

March 1, 2017

A. Introduction

Fayette County Staff have requested a proposal to provide construction management services for the Lee's Mill and Rising Star Culvert Replacement Projects.

Both culvert replacement projects will involve the removal of existing culverts, relocation of existing utilities, installation of a new box culvert, and all associated appurtenances according to the plans and specifications of each project.

As Construction Managers for both projects, Tetra Tech will be responsible for ensuring that the work meets the requirements of the specifications and adheres to the design. Using our knowledge in construction, Tetra Tech will work with the Contractor to identify potential conflicts early on. The contractor will be required to submit an RFI to document observed issues, either potential or actual, and Tetra Tech will work with all parties to resolve it in order to avoid any negative impact on the project schedule and/or cost. Our staff is familiar with the project specifications and will work diligently to ensure that all construction, from concrete quality to soil compaction, meets the project's technical requirements. Any material defects or field issues will be dealt with in a prompt and professional manner to encourage a swift resolution.

B. Scope of Work

This project is being performed under Tetra Tech's Engineer of Record for Public Works (#940-P) contract with the County. Tasks to be completed for this project are further described herein and include:

Task 1 – Construction Management

Tetra Tech shall perform project construction management services through project construction final completion and closeout. This scope budgets for the administration of two (2) construction contracts, each with four (4) month contract durations. Tetra Tech shall perform the following Construction Administration services:

1. Attend and conduct a preconstruction conference with the selected Contractor, subcontractors, and the County and prepare minutes of the conference for each construction project.
2. Conduct up to eight (8) (4 meetings per construction project) monthly progress meetings at the project site or designated meeting location to coordinate work being performed with all stakeholders and provide meeting minutes.
3. Provide interpretation or clarification of the design documents when requested through RFI's (request for information) submitted in writing by the contractor(s).
4. Prepare change orders as required for clarification or minor modification of the Contract Documents.



Scope of Work – Task Order #18

March 1, 2017

5. Review shop drawings and other required Contractor submittals up to two (2) times per submittal for general conformance with the Contract Documents. Additional reviews shall be paid for by the Contractor.
6. Review the Contractor's monthly application for payment and the accompanying data and schedules, determine the amounts owed to the Contractor, and advise the Owner of the recommended payments to the Contractor by the County. Contractor pay applications and monthly progress will be assessed at the monthly site visits.
7. Conduct a substantial completion inspection of the work at each site and develop a punch list of items to be corrected by the Contractor.
8. Conduct a final completion inspection of the work at each site to determine if the punch list items have been completed in accordance with the Contract Documents and if the Contractor's obligations are fulfilled, and recommend final payment to the Contractor.
9. Prepare one (1) set of digital prints of record drawings for the County, incorporating those changes made during construction based on record information furnished by the Contractor. Prepare one (1) hard copy set of record drawings to be furnished to the County.

Deliverables for Task 1 include:

1. A pre-construction conference for each culvert project.
2. Four monthly progress meetings at the project site or designated meeting place for each culvert project.
3. RFI's as needed.
4. Change Orders as needed.
5. Up to two shop drawing reviews per submittal.
6. Review of Contractor's monthly applications for payment for each culvert project.
7. One substantial completion inspection and punch list for each culvert project.
8. One final completion inspection for each culvert project.
9. One set of digital prints of record drawings for each culvert project.
10. One hard copy set of record drawings for each culvert project.

Task 2 – Construction Inspections

Rochester & Associates shall conduct daily site inspections, as needed, throughout construction and until construction is concluded. Tetra Tech will provide weekly progress reports until construction is concluded. For budgeting purposes, a four month construction period is assumed for each project. Construction inspection services will include:

Scope of Work – Task Order #18

March 1, 2017

1. Conduct daily site inspections, as needed, (to be performed by Rochester & Associates) for both culvert replacement projects. Inspections are anticipated to take between 1.5 and 2 hours per site, per day and are to be performed on weekdays only.
2. Weekly progress reports will be provided that summarize the previous weeks site inspections. The reports will also identify construction activities expected to be performed the following week.

A breakdown of the hours is shown below.

Daily Site Inspections

Field Technician = 320 hours

Weekly Progress Reports

Construction Inspector = 72 hours

Deliverables for Task 2 include:

1. Up to 80 daily site inspections at each culvert project during construction.
2. Up to 16 weekly progress reports for each culvert project during construction.

Task 3 – Geotechnical and Construction Materials Testing

Piedmont Geotechnical Consultants shall provide the following geotechnical and construction materials testing services for the Lee's Mill and Rising Star culvert replacement projects:

1. Provide construction material testing for:
 - a. Foundation Construction
 - i. Evaluate subgrades for support of box culverts
 - b. Earthwork and Utility Construction
 - i. Laboratory testing to include proctor tests
 - ii. Perform compaction testing on fill and backfill material, as required
 - c. Concrete Placement all concrete pours along with compaction testing to meet plans and specifications.
 - i. Reinforcing steel inspections
 - ii. Perform necessary on-site slump, air and unit weight tests during concrete pours
 - iii. Monitor concrete temperature and mixing time
 - iv. Mold one set of four (4) cylinders for each 100 CY or fraction thereof of concrete placed in any one day
 - v. Transport cylinders to the lab after 24 hours, store per ASTM requirements, and test 1 specimen at 7 days, 2 specimens at 28 days and 1 specimen at 56 days for compressive strength.



Scope of Work – Task Order #18

March 1, 2017

2. Provide geotechnical recommendations as needed to facilitate the construction of the culverts.

Deliverables for Task 3 include:

1. One subgrade evaluation for each culvert project.
2. Earthwork and compaction testing for up to four weeks for each culvert project.
3. Two Modified Proctor tests for each culvert project.
4. Concrete sampling and testing for two pours for each culvert project.
5. Two sets of four compressive strength test cylinders for each culvert project.

C. Project Cost

An estimate of project costs is provided in the table below. The costs are based on our current understanding of the project requirements and best estimates of level of effort required to perform the basic services and may be subject to change upon agreement between Fayette County and Tetra Tech. Task 1 and Task 2 will be billed using established hourly rates (see attached) up to the indicated Not to Exceed amounts. Task 3 will be billed at a firm fixed price.

Estimated Costs

Task #	Description	Cost
Task 1	Construction Management	NTE of \$44,100
Task 2	Construction Inspection	NTE of \$32,920
Task 3	Geotechnical (2 @ \$9,950)	\$19,900
Totals		\$96,920

Scope of Work – Task Order #18

March 1, 2017

D. Project Schedule

The approximate duration noted for each task is based on our current understanding and best estimates of time required to perform the basic services. The duration shown is not indicative of project duration since some tasks may overlap. The following estimates may be subject to change upon agreement between Fayette County and Tetra Tech.

Task #	Description	Number of Days
Task 1	Construction Management Tasks	18 weeks for each culvert
Task 2	Construction Inspection Tasks	16 weeks for each culvert
Task 3	Geotechnical Tasks	16 weeks for each culvert

E. Assumptions

The scope of services and project costs shown above were developed with the following assumptions and exclusions:

- The construction time for each project will not be more than 4 months.

TETRA TECH TEAM HOURLY RATES VS. PROPOSED STAFF

Position	Hourly Rate	Proposed Staff
Principal/Senior Project Manager	180.00	Brian Watson (Tt) Lee Phillips (RA)
Project Manager 4	165.00	William Hunt (Tt)
Mid-Level Project Manager	150.00	Jillian Jack (Tt)
Project Manager 2	135.00	
Junior Project Manager	115.00	Eric Byrne (Tt)
Senior Engineer	180.00	Lauren Springer (Tt) Michael Schmidt (Tt) Jeff Collins (RA)
Project Engineer 5	160.00	
Project Engineer 4	140.00	Jason Wright (Tt)
Mid-Level Engineer	120.00	
Project Engineer 2	100.00	Catherine Pruitt (Tt)
Junior Engineer	80.00	
Engineer Intern	60.00	
Senior Geotechnical Engineer	155.00	
Geotechnical Engineer	80.00	
Senior Designer	125.00	
Mid-Level Designer	110.00	
Junior Designer	90.00	
Senior Scientist	140.00	
Project Scientist 3	115.00	Erin Lincoln (Tt)
Mid-Level Scientist	100.00	Julie Kaplan (Tt) Jeremy Wyss (Tt)
Junior Scientist	80.00	
Senior CADD Tech	100.00	
Mid-Level CADD Tech	90.00	
Junior CADD Tech	80.00	
Senior GIS Analyst	100.00	Misha Plis (Tt)
Mid-Level GIS Analyst	80.00	
Junior GIS Analyst	65.00	
Senior Architect	180.00	
Architect	155.00	
Construction Inspector	115.00	
Mid-Level Construction Inspector	85.00	
Junior Construction Inspector	70.00	
Senior Surveyor	150.00	Jim Jones (RA)
Surveyor	130.00	
Four Man Field Crew	200.00	

Three Man Field Crew	180.00	
Two Man Field Crew	160.00	
One Man Field Crew	130.00	
One Man Crew (GPS/RTK)	180.00	
Two Man Crew (GPS/RTK)	200.00	
Field Technician	70.00	Nick Jokay (Tt)
Senior Administrative Asst.	80.00	
Administrative Asst.	50.00	

Tt – Tetra Tech, Inc.

RA – Rochester & Associates, Inc.

Reimbursable Expenses:

Hourly rate schedule will be in effect for 3 years after execution of this contract. After the 3rd year, the annual escalation Rate will be 3.5%/year. All reimbursable expenses, including, but not limited to, mileage, courier, special equipment and materials and travel will be billed at cost. Any progress prints, county review drawings, permit drawings or prints for other than in-house use of either Tetra Tech or Rochester & Associates shall be billed at \$0.30 per square foot for black line copies and \$0.75 per square foot for mylars.

Outside Services:

If during the period of this contract, additional goods or services are needed beyond those offered by Tetra Tech or Rochester & Associates to support completion of a task or project, then those goods or services shall be awarded in compliance with the county's policies and procedures, and in conformance with state or other laws. The Fayette County Purchasing Department shall determine which party (Public Works, Tetra Tech, or either) can obtain the quotes based on the scope of work and estimated value of the services. For cases in which informal quotes are obtained, the Public Works Division shall have the authority to obtain the quotes themselves, delegate the work to the Contractor, or have the Purchasing Department obtain the quotes.

Regardless of the procuring party, due diligence shall be exercised to secure a good value for the County and where feasible a minimum of three price quotes shall be provided for any work expected to cost more than the nominal price of \$500.00. Tetra Tech will charge a 3% administrative fee for any additional services billed through them.

In all cases, Federal procurement regulations at 2 CFR 200 and any other Federal rules will be followed.

BOARD OF COUNTY COMMISSIONERS

Eric Maxwell, Chairman
Randy Ognio, Vice Chairman
Steve Brown
Charles W. Oddo
Charles D. Rousseau

FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Tameca P. White, County Clerk



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

**Minutes
Special Called**

March 7, 2017
2:00 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.

1. Call to Order

Chairman Eric Maxwell called the Special Called meeting of the Board of Commissioners to order at 2:01 p.m.

Commissioner Rousseau was absent due a schedule conflict.

2. Participation in discussions with the Transportation Committee and the Georgia Department of Transportation.

The Board observed the meeting of the Transportation Committee. During public comments Commissioner Brown stated that at State Route 74 and Highway 85 interchange the capacity due to the tractor trailer traffic was a major issue. He stated that one of the biggest problems was at 85 south bound when making the left hand turn. He stated that the problem was the trucks that block the turn lanes. He stated that the trucks block an entire center lane of traffic. He stated that he does not know what can be done, but he would like to see if it can be addressed. He continued that he would like to have the path on Highway 54 in Peachtree City looked at for connection to the subdivisions. He stated that the Board submitted a Resolution for consideration of having the bridge near Starr's Mill to be rebuilt to the architectural structure of the historical site.

Georgia Department of Transportation representative Mr. Sam Wellborn confirmed that he did receive the Resolution.

The meeting continued.

3. Adjournment

Commissioner Brown moved to adjourn the March 7, 2017 Special Called meeting. Commissioner Oddo seconded. The motion passed 3-0-2. Commissioner Rousseau was absent.

Tameca P. White, County Clerk

Eric K. Maxwell, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 23rd day of March 2017.

Tameca P. White, County Clerk

BOARD OF COUNTY COMMISSIONERS

Eric Maxwell, Chairman
Randy Ognio, Vice Chairman
Steve Brown
Charles W. Oddo
Charles D. Rousseau

FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Tameca P. White, County Clerk



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES

March 9, 2017
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 Eric Maxwell called the March 9, 2017 Board of Commissioners meeting to order at 7:01 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Commissioner Charles Rousseau

Commissioner Charles Rousseau offered the Invocation and led the audience and Board in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Steve Brown moved to approve the agenda as presented. Vice Chairman Randy Ognio seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:**PUBLIC HEARING:****CONSENT AGENDA:**

Chairman Maxwell removed item #1 and Vice Chairman Ognio removed #2 for discussion.

Commissioner Brown moved to approve the Consent Agenda with the exception of items #1 and #2 for discussion. Commissioner Oddo seconded. The motion passed 5-0.

1. **Approval of the State Court Judge's request for authorization to submit the Fiscal Year 2018 Grant Application for the Fayette County DUI Court up to the award amount of \$137,300 to authorize 10% local match in the amount of \$13,730 utilizing DUI Court fund balance, and authorization for the Chairman to sign all grant-related documents.**

State Court Judge Jason Thompson stated that he wanted to speak to the Commissioners regarding the DUI Court. He stated that the DUI Court was the only DUI Court in the Griffin Judicial Circuit which serves Fayette, Spaulding, Upson and Pike Counties. He briefed the Board on how DUI Court worked. He stated that those who take part in the program have a certain number of DUI charges within a certain number of years. He continued that normally the only tool that a State Court Judge had to address the problem was a lengthy jail sentence and now DUI Court can work with the participant and address the substance abuse issue. He stated that the participants have to meet with him to make sure they are progressing in their treatment. He stated that in order to be in the program the participant had to be employed

which saves jobs. He stated that the DUI Court saved the community \$110,000. He stated that he obtained that number by counting the number of days that participants would have served in jail as a normal sentence and multiplied it by the number of days it takes to house someone. He stated that he compared it to the number of days someone in the program would serve in jail and multiplied it by the same cost to house someone and the difference totaled \$110,000. He stated that he would be recognizing the first graduate of the DUI program on March 10, 2017 at 3:30 pm. and he invited the Commissioners and citizens to attend.

Commissioner Oddo moved to approve the State Court Judge's request for authorization to submit the Fiscal Year 2018 Grant Application for the Fayette County DUI Court up to the award amount of \$137,300 to authorize 10% local match in the amount of \$13,730 utilizing DUI Court fund balance, and authorization for the Chairman to sign all grant-related documents. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

2. **Approval of staff's request to purchase Self-Contained Breathing Apparatus Cylinders as budgeted in the 2017 Capital Improvement Program to accept the low bid from Fisher Scientific Inc. for 188 cylinders at a cost of \$168,717.36 and allow for the appropriate disposal of all replaced cylinders.**

Vice Chairman Ognio stated that he would not be against the County purchasing new cylinders. He stated that if the County had the funds it would be nice to buy the new model cylinders instead of these and having to replace them later.

Chief Scarbrough stated that he would like to put the cylinders and the air pack together in a combined purchase but the department does not have the capital to purchase both. He stated that because the cylinders expire this year there was not a choice except to purchase the cylinder this year. He stated that to do the entire package would cost \$850,000 and based on other departmental needs staff had to sacrifice waiting to purchase the package. He stated that they would purchase the air pack portion in three years because he would have to put the capital aside to make that purchase.

Vice Chairman asked if these cylinders would work with the new style. Chief Scarbrough stated that they would.

Commissioner Rousseau stated that he wanted to raise the issue of staff not getting a complete package. He stated that the public needed to hear that it would not compromise the safety of the men and women in the field. Chief Scarbrough stated absolutely and that safety was not being compromised.

Vice Chairman Ognio moved to approve the purchase Self-Contained Breathing Apparatus Cylinders as budgeted in the 2017 Capital Improvement Program to accept the low bid from Fisher Scientific Inc. for 188 cylinders at a cost of \$168,717.36 and allow for the appropriate disposal of all replaced cylinders. Commissioner Oddo seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

3. **Approval of the wording for the cornerstones at the Kenwood Park Monument and Memorial Garden honoring the late Commissioner Pota Estel Coston.** A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.
4. **Approval of the Public Arts Committee's request for final project and budget approval for the 2nd Annual Chalk Art event and four additional Pop-Up chalk events.** A copy of the request, identified as "Attachment 4," follows these minutes and is made an official part hereof.

5. **Approval of the Public Arts Committee's request for final approval to develop a Lecture Series program in 2017 specific to Art and to approve an honorarium of \$75 to each speaker for a total of \$300.00.** A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.
6. **Approval of the Public Arts Committee's request for final approval to participate in Fayetteville Main Street's Market Day in October, 2017.** A copy of the request identified as "Attachment 6," follows these minutes and is made an official part hereof.
7. **Approval of the Public Arts Committee's request for final approval to develop art programs in partnership with the Southern Conservation Trust.** A copy of the request identified as "Attachment 7," follows these minutes and is made an official part hereof.
8. **Approval of the Public Arts Committee's request for Concept Approval to develop the Church Street Park Mural project, in partnership with Southern Crescent Habitat and the Moms Club.** A copy of the request identified as "Attachment 8," follows these minutes and is made an official part hereof.
9. **Approval of the Public Arts Committee's request for Concept Approval for Earth Day to assist in the development of a mural project and participate in the Earth Day event.** A copy of the request identified as "Attachment 9," follows these minutes and is made an official part hereof.
10. **Approval of the Public Arts Committee's request for Concept Approval to assist in the development of an arts festival in Fayetteville at the Courthouse (Fall, 2017).** A copy of the request identified as "Attachment 10," follows these minutes and is made an official part hereof.
11. **Approval of the Concept Approval Request to expand the Annual Scarecrow Competition.** A copy of the request identified as "Attachment 11," follows these minutes and is made an official part hereof.
12. **Approval of the February 23, 2017 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

13. **Consideration of a recommendation from the Selection Committee, comprised of Commissioner Steve Brown and Commissioner Charles Rousseau, to appoint John Tate to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2017 and expiring December 31, 2019.**

Commissioner Brown stated that he and Commissioner Rousseau interviewed some excellent qualified candidates and it was an honor to interview the applicants. He stated that Mr. Tate was an attorney and that he had a great resume.

Commissioner Brown moved to appoint John Tate to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2017 and expiring December 31, 2019. Commissioner Rousseau seconded.

Mr. Tate thanked the Board for the opportunity and that he appreciated the recommendation to serve. He stated that although he had not been too involved in the community that he felt this was his chance to serve the community and be more involved.

Mr. Tom Mahon stated that he had resided in Fayette County since 1977 and been involved in many civic, local and church organizations. He stated that one of the proudest things that he had the opportunity to be a part of was the Zoning Board of Appeals (ZBA) which he served since 1983. He stated that he was speaking on behalf of himself and Mr. Larry Blanks who had served on the ZBA for over 20 years. He stated that he was asking to keep the Board as it was currently with him, Mr. Tom Waller and Mr. Blanks serving. He stated that over the 33 years he heard many request for variances, special exceptions and with him and Mr. Blanks that was over 50 years of experience, training and knowledge. He stated that over that period of time he did not know of any law suit that was ever lost and no ethics complaints to ever been filed. He stated that they have saved the county a lot of money and he feels ZBA should remain the same.

Chairman Maxwell stated that he had a lengthy conversation with Mr. Therol Brown and he does not know how the vote will turn out. He thanked Mr. Mahon for the work he had done for the county. He stated that this was not an easy board to replace someone and especially not two people with 50 years total experience.

Mr. Tom Waller stated that he was proud to have served on the ZBA for the past three years. He stated that he would like to emphasis civic and service documented by previous efforts of the individual was very important. He stated that the Board should look to see if the person had worked in a volunteer capacity or shown a desire to serve. He stated that this was not the position to put a new person in for the County. He stated that the Board should look at the track record.

Vice Chairman Ognio stated that the Board chose two Commissioners to do the interviews and to bring back their recommendations. He stated that at some point the Board needs to trust what the Selection Committee was doing. He stated that he agreed that it might be hard replacing two long term members at the same time, but that the Selection Committee had their reasons and he would support it.

Commissioner Oddo stated that about six months ago he asked staff to look at the selection process. He stated that he was not good with the process. He stated that these were important positions that would change. He stated that his comments are not personal to the applicants. He stated that he wanted to point out that the Commissioners come and go and that rezoning and zonings are an important part of what the Board decides. He stated that the county had succeeded in part due to the zoning rules and regulations and it was part of the reason people want to come here. He stated that replacing the members would be giving up knowledge of past decisions. He stated that he understands the idea of having fresh ideas on committees, but that the Board should be selective about which committees. He stated that he could not in good conscience make a change with no reason to change.

Commissioner Brown stated that no one from the federal level all the way to the states and counties, should be of the opinion that they are irreplaceable. He stated that he appreciated the tenure of service from Mr. Mahon and Mr. Blanks but he did not support life time appointments. He stated that the County needs to diversify and add new people from time to time to serve. He stated that during the interview Mr. Mahon stated there would be no "hard feelings" if the Selection Committee selected someone else. He stated that he had a document with the approvals and denials made by the ZBA and that there were more approvals than denials and that worries him. He stated that if the way to stay out of a law suit was by approving variances that do not adhere to the law and that was rejected by the Planning Commission, then he had a problem with that.

Commissioner Rousseau stated that for the record this was not a rejection of the service, qualifications or abilities of Mr. Mahon or Mr. Blanks. He stated that was not the issue. He stated that the issue before the Selection Committee was to find qualified individuals who desired to serve the community in this capacity. He stated that he knows from experience the critical nature that zoning boards can generate. He stated that while institutional knowledge was extremely important in some instances, the Board needed to be careful not to send the signal that the individuals selected could not perform

the duties. He stated that he would venture to say that the current individuals did not have the experience when first appointed. He stated that he did not know any of the candidates before interviewing them except for Mr. Waller because he attends the meetings and demonstrates his engagement in the governance process. He stated that he had no preconceived notions and he made his recommendation without fear or favor. He stated that he also had the records pulled and there had been, on average, about five cases a year. He stated that he had confidence in Mr. Frisina to get the new applicants up to speed.

Commissioner Brown moved to appoint John Tate to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2017 and expiring December 31, 2019. Commissioner Rousseau seconded. The motion passed 3-2 with Chairman Maxwell and Commissioner Oddo voting in opposition. A copy of the request identified as "Attachment 12," follows these minutes and is made an official part hereof.

14. Consideration of a recommendation from the Selection Committee, comprised of Commissioner Steve Brown and Commissioner Charles Rousseau, to appoint Therol Brown to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2017 and expiring December 31, 2019.

Mr. Therol Brown stated that whether he was selected or not that it was an honor to be considered for the position. He stated that he was a native of Fayette County and he cared about the county. He stated that he had served on some boards and been active when time allowed. He stated that when he retired he took care of his elderly mother who was 108 years old and was buried earlier today. He stated that he would be honored to serve and any decision would be fine with him.

Commissioner Rousseau moved to appoint Therol Brown to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2017 and expiring December 31, 2019. Commissioner Brown seconded.

Commissioner Brown stated that Mr. Brown was being very humble in his assessment of himself. He stated that Mr. Brown had served in a wide range of active volunteer capacity and was one of the top officials at the Georgia Department of Transportation and had a stellar career. He stated that he and Mr. Brown were related.

Commissioner Rousseau offered condolences to Mr. Brown for the loss of his mother on behalf of the Board.

Commissioner Rousseau moved to appoint Therol Brown to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2017 and expiring December 31, 2019. Commissioner Brown seconded. The motion passed 3-2 with Chairman Maxwell and Commissioner Oddo in opposition. A copy of the request identified as "Attachment 13," follows these minutes and is made an official part hereof.

15. Consideration of a recommendation from the Selection Committee, comprised of Commissioner Steve Brown and Commissioner Charles Rousseau, to re-appoint Thomas "Tom" Waller to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2017 and expiring December 31, 2019.

Commissioner Brown stated that Mr. Waller would be serving a second term and that he does keep current with the happenings in Fayette County and attends the Board meetings.

Commissioner Brown moved to re-appoint Thomas "Tom" Waller to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2017 and expiring December 31, 2019. Commissioner Rousseau seconded.

Mr. Waller thanked the Board for the opportunity to serve on the ZBA for the last three years. He stated that being a volunteer was important.

Commissioner Brown moved to re-appoint Thomas "Tom" Waller to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2017 and expiring December 31, 2019. Commissioner Rousseau seconded. The motion passed 5-0. A copy of the request identified as "Attachment 14," follows these minutes and is made an official part hereof.

16. Consideration of the Peachtree City annexation of 3.5 acres containing the Heritage of Peachtree City Assisted Living Facility, and the rezoning of said property from C-C (Community Commercial) to GR-14 (General Residential).

Community Development Director Pete Frisina stated that this was an annexation for a piece of property located on State Route 54 that contains areas of Peachtree Assisted Living facility and was zoned in 1990 and land use was Community Commercial. He stated that in April of 2016 the Board gave permission for this facility to connect to the sewer system in Peachtree City because the septic systems were failing. He stated that at that time the applicant stated that annexation would be imminent because Peachtree City wanted to offer sewer where the system was failing. He stated that the city was placing this property in a General Residential 14 which was a multi-family district. He stated that it was his understanding that it would allow for a facility like assisted living. He stated that staff recommended that the Board does not object to this annexation.

Vice Chairman Ognio asked Mr. Frisina to let the citizens know why the one area was not creating an island.

Mr. Frisina stated because it contiguous to the unincorporated area across the road.

Commissioner Brown stated that there was no room for the septic system and there was no secondary field to put in a septic system. He stated that when he saw the medical facility that was being put there he wondered where the boundary line would be because they would need parking. He asked how to prevent this from happening in the future.

Mr. Frisina stated that the first facility had approval for a septic system, but half way through they realized they could not get what they wanted and so they asked for the annexation. He stated that the other facility was built many years ago and had two systems.

Commissioner Brown stated that there was a lot being asked of the septic system. He stated that it may mean a conversation with Environmental Health to determine what can be done. He stated that if there was a regulation in place that does not allow secondary fields that would be something worth exploring.

Commissioner Brown moved to approve the Peachtree City annexation of 3.5 acres containing the Heritage of Peachtree City Assisted Living Facility, and the rezoning of said property from C-C (Community Commercial) to GR-14 (General Residential). Vice Chairman Ognio seconded.

Commissioner Oddo asked if the better motion would be "not to object". County Attorney Dennis Davenport stated that technically speaking the Board was not objecting if approving.

Commissioner Brown amended the motion to "not to object" the Peachtree City annexation of 3.5 acres containing the Heritage of Peachtree City Assisted Living Facility, and the rezoning of said property from C-C (Community Commercial)

to GR-14 (General Residential). Vice Chairman Ognio amended the second. The motion passed 5-0. A copy of the request identified as "Attachment 15," follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

ADMINISTRATOR'S REPORTS:

- A. Contract #940-P. Public Works Engineer of Record: Task Order #17, Culvert Design and Bid Services for Broome Boulevard. A copy of the request identified as "Attachment 16," follows these minutes and is made an official part thereof.**

County Administrator Steve Rapson stated that the mentioned contract was one of the projects in the category one stormwater projects that had damage from the 2015 rainfall. He stated that he wanted to brief the public regarding the refurbishing of the Stonewall Administrative Complex parking lot. He stated that early voting ends March 17 and the election was March 21 and currently there are 1,618 votes cast.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one item of real estate acquisition and the review of the Executive Session minutes for February 23, 2017.

COMMISSIONERS' REPORTS:

Commissioners Oddo:

Commissioner Oddo stated that there will be a memorial dedication for the late Pota Coston at Kenwood Park. He stated that she was a valuable member of the Board during her short time on the Board. He stated that those not aware of the Special Purpose Local Option Sales Tax should take the time to look at it. He stated that it was a critical piece for the future of the County whether it was approved or not. He stated that people should vote with knowledge of the SPLOST.

Commissioner Brown:

Commissioner Brown stated that the Water Guardians program would be starting back up and the next one would be in April at Lake McIntosh in Peachtree City and he would like to have anyone who would like to join in cleaning the reservoirs to come out. He stated that citizens can vote at the county in the Public Meeting Room, in Peachtree City and at the Town of Tyrone during the SPLOST election. He asked citizens to exercise the right to vote. He also offered condolences to Mr. Therol Brown for the loss of his mother at 108 years old. He stated that one can only image the history she witnessed. He stated that he appreciated her life and dedication to Fayette County.

Vice Chairman Ognio:

Vice Chairman Ognio thanked Mr. Sam Wellborn from Georgia Department of Transportation for attending the Fayette County Transportation Committee meeting. He stated that the committee and those in attendant was able to discuss some of the concerns and the interest of the county and about some of the projects on GDOT's radar and not on GDOT's radar. He stated that it was a very good meeting. He stated that Mr. Wellborn asked that the committee promote their "Drive Alert, Arrive Alive. #arriveallivega".

In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and in need of a wheelchair. The Board of Commissioners Agenda and written material for each item is available on-line through the County's website at www.fayettecountyga.gov. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at www.livestream.com.

Commissioner Rousseau:

Commissioner Rousseau thanked the Sheriff's department for the quick response at the Kroger incident which highlights the responsiveness and vigilance of the men and women in public safety. He stated that he would like to thank Sheriff Barry Babb and the Major Anthony Rhodes for attending a called meeting with some constitutional officers to look at some critical issues and being able to keep families whole. He stated that part of the discussion dealt with mental health issues and how to get those individuals treatment. He thanked staff for giving up their Saturdays for the SPLOST tour and addressing the concerns at Newton Plantation. He commended staff for the Blended Heritage event at the library and stated that it was an excellent job by staff. He stated that the mundane issue in most minds, but that speaks to the quality of life in the community was the illegal parking of big rigs and trash being dumped. He stated that those are the little things that citizens pay attention to when the County responds. He stated that whether citizens vote yes or no on the SPLOST it was critical that the Board hears the voice of the citizens.

EXECUTIVE SESSION:

One Item of Real Estate Acquisition and Review of the February 23, 2017 Executive Session Minutes: Commissioner Brown moved to go into Executive Session. Commissioner Rousseau seconded. The motion passed 5-0.

The Board recessed into Executive Session at 8:03 p.m. and returned to Official Session at 8:34 p.m.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Vice Chairman Ognio moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Brown seconded the motion. The motion passed 5-0.

Approval of the February 23, 2017 Executive Session Minutes: Vice Chairman Ognio moved to approve the February 23, 2017 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Commissioner Brown moved to adjourn the March 9, 2017 Board of Commissioners meeting. Vice Chairman Ognio seconded the motion. The motion passed 5-0.

The March 9, 2017 Board of Commissioners meeting adjourned at 8:34 p.m.

Tameca P. White, County Clerk

Eric K. Maxwell, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 23rd day of March 2017. Referenced attachments are available upon request at the County Clerk's Office.

Tameca P. White, County Clerk

COUNTY AGENDA REQUEST

Page 205 of 274

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents. This item was tabled at the February 23, 2017 Board of Commissioners meeting.

Background/History/Details:

A local resident cannot drive and has to utilize a van pool to get to work. He approached the county about using a county parking lot at a recreation site to allow him to walk from his neighborhood to his van pool in order to go to work.

Upon board direction, staff developed a carpool application spelling out certain guidelines as well as designating certain parking spots at various parks throughout the county.

Van pool groups will need to complete an application each calendar year. Parking spaces will be assigned on an annual basis at designated locations based on availability. Van pool areas are only available Monday through Friday between 6:00 AM. to 6:00 PM. Participants assume any and all risk of personal injury or property damage arising from participation in the program.

Note: Commissioner Brown has worked with the County Attorney to present a new draft different from what was originally proposed, mirroring the scope and not opening all parking lots to car pools.

What action are you seeking from the Board of Commissioners?

Approval of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



140 STONEWALL AVENUE WEST, STE 100
FAYETTEVILLE, GEORGIA 30214
PHONE: 770-305-5200
www.fayettecountyga.gov

"WHERE QUALITY
IS A LIFESTYLE"

MEMORANDUM

From: Commissioner Steve Brown

To: Board of Commissioners

Date: March 17, 2017

Subject: **Vanpooling agenda item on March 23 BOC meeting agenda**

I have been offered an exciting opportunity by NACo to give a presentation to a national group of attendees on autonomous vehicle freight delivery systems. Therefore, I will not be present for our March 23 Board of Commissioners meeting.

I received the offer to speak well after the vanpooling agenda item was tabled to our March 23 meeting.

The policy framework as drafted by County Attorney Dennis Davenport is excellent work, narrow in scope and creates little burden for the county government.

Please know that I deeply appreciate the feedback from my colleagues on shaping this policy endeavor for the benefit of disabled residents who may require this type of assistance related to vanpooling.

At this juncture, I would ask that you table this agenda item to the next regularly scheduled Board of Commissioners meeting in my absence.

MEMORANDUM

DATE: March 10, 2017

To: Steve Brown

RE: Vanpool

FROM: Dennis A. Davenport

This policy provides for an extension of the use of certain County Parking Areas for Vanpool Origination Sites under the specified circumstances.

A. DEFINITIONS:

1. *County* – Fayette County, Georgia
2. *County Parking Area* – All those areas located upon property owned and operated by the County and held out to the public as available for parking.
3. *Qualifying Disability* – A disability which renders a person entirely incapable of operating a motor vehicle, as attested by a physician.
4. *Vanpool Commuter Group* – A group of people who have assembled for purposes of accomplishing a combined jobsite commute on a regular, recurring basis.
5. *Vanpool Vehicle* – The vehicle used by a Vanpool Commuter Group for its recurring, jobsite commute.
6. *Vanpool Origination Site* – The location at which a Vanpool Commuter Group convenes, parks their personal vehicles, and boards a Vanpool Vehicle bound for their jobsite for the workday. The Vanpool Origination Site is also the point to which the Vanpool Vehicle returns after the workday allowing the commuters to re-enter their personal vehicles and return to their homes. The Vanpool Origination Site is the location of the Vanpool Vehicle when the Vanpool Commuter Group is

not utilizing the Vanpool Vehicle for its jobsite commute. The personal vehicles of the Vanpool Commuter Group are left at the Vanpool Origination Site the for duration of their commute.

B. POLICY: Vanpool Commuter Groups shall be permitted to originate the vanpool commute in County Parking Areas, in accordance with the restrictions set forth below.

C. LIMITATIONS:

1. A Vanpool Commuter Group seeking to utilize a County Parking Area as a Vanpool Origination Site shall have at least one member with a Qualifying Disability; and
2. Any member of the Vanpool Commuter Group possessing a Qualifying Disability shall provide the County with an affidavit from a physician, which attests to the member's complete lack of ability or capacity to operate a motor vehicle as a result of said disability; and
3. County Parking Areas may be used as a Vanpool Origination Site only when no other consenting lot exists between the residence and the county parking area, from which the commute could be originated, within a walking distance from the home of any commuter in the group with a Qualifying Disability; and
4. No County Parking Area that is secured by gates or other blockading mechanism to prevent public access at any time, shall serve as a Vanpool Origination Site; and
5. No County Parking Area that is normally at a volume of 70% or above of capacity, Monday through Friday, 8:00 a.m. to 6:00 p.m. for the usage it was initially intended shall serve as a Vanpool Origination Site; and

6. A County Parking Area may be temporarily closed to the public for any reason, including, but not limited to, repair, hosting of a special event, construction, etc. During the period of such a closure it shall be the duty of the Vanpool Commuter Group to locate an alternate Vanpool Origination Site; and
7. Vanpool Commuter Groups shall submit applications for use of a County Parking Area as its Vanpool Origination Site annually. Said application shall include the following minimum requirements:
 - proof of Qualifying Disability; and
 - the Vehicle Identification Number and tag numbers of all personal vehicles of the Vanpool Commuter Group as well as the Vanpool Vehicle; and
 - a waiver of all liability of the County, signed by each Vanpool Commuter Group member and the owner of the Vanpool Vehicle; and
 - Payment for any applicable fees for processing the application.
8. The Vanpool Vehicle and all personal vehicles of the Vanpool Commuter Group members, shall clearly display a decal, issued by the County, evidencing authorization to be located in the County Parking Area as part of a Vanpool Commuter Group. All costs to obtain this decal shall be borne by the individual members of the Vanpool Commuter Group; and
9. Vanpool Commuter Group members shall coordinate with the County's liaison responsible for the county parking area to determine the appropriate parking places to use away from normal areas of daily parking activity; and
10. The County shall not be responsible for loss or damage to any property or any person utilizing the County Parking Area as a Vanpool Origination Site.

COUNTY AGENDA REQUEST

Page 210 of 274

Department: Commissioners

Presenter(s): Commissioner Steve Brown

Meeting Date: Thursday, February 23, 2017

Type of Request: Old Business

Wording for the Agenda:

Consideration of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents. This item was tabled at the February 9, 2017 Board of Commissioners meeting.

Background/History/Details:

A local resident cannot drive and has to utilize a van pool to get to work. He approached the county about using a county parking lot at a recreation site to allow him to walk from his neighborhood to his van pool in order to go to work.

Upon board direction, staff developed a carpool application spelling out certain guidelines as well as designating certain parking spots at various parks throughout the county.

Van pool groups will need to complete an application each calendar year. Parking spaces will be assigned on an annual basis at designated locations based on availability. Van pool areas are only available Monday through Friday between 6:00 AM. to 6:00 PM. Participants assume any and all risk of personal injury or property damage arising from participation in the program.

Commissioner Brown will ask to table this item until the March 9, 2017 Board of Commissioners meeting.

What action are you seeking from the Board of Commissioners?

Approval of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years? Yes

If so, when? Thursday, February 9, 2017

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents. This item was tabled at the December 8, 2016 Board of Commissioners meeting.

Background/History/Details:

A local resident cannot drive and has to utilize a van pool to get to work. He approached the county about using a county parking lot at a recreation site to allow him to walk from his neighborhood to his van pool in order to go to work.

Upon board direction, staff developed a carpool application spelling out certain guidelines as well as designating certain parking spots at various parks throughout the county.

Van pool groups will need to complete an application each calendar year. Parking spaces will be assigned on an annual basis at designated locations based on availability. Van pool areas are only available Monday through Friday between 6:00 AM. to 6:00 PM. Participants assume any and all risk of personal injury or property damage arising from participation in the program.

What action are you seeking from the Board of Commissioners?

Approval of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

FAYETTE COUNTY

CARPOOL PARKING APPLICATION

To Apply/Renew

1. Designate a carpool "Manager" to distribute information and to collect and return application and renewal forms to the Fayette County Parks and Recreation Department.
2. Each participant must read, complete and sign the application form

Parking Assignment

Fayette County assigns parking spaces at designated locations based on availability. Carpool groups with the highest occupancy receive priority. If applications for a location exceed the number of available spaces, a waiting list will be established.

Renew Permits Yearly

1. Parking areas are assigned on an annual base per calendar year. Each carpool "manager" must renew all forms each calendar year.
2. Each member of the carpool completes and signs the form and returns it to the carpool manager. The manager collects the forms and returns them altogether to the Fayette County Parks and Recreation Department

Basic Rules

One-At-A-Time: Only one of the group member vehicles registered to your carpool group may park in carpool parking areas at any one time.

Changes: Report changes in your carpool group to Fayette County Parks and Recreation Department immediately. New participants must complete an agreement form.

Where to Park: Park only in your area assigned for carpool parking. Do not park in areas not authorized. Parking in designated areas does not exempt a vehicle from normal parking restrictions. Do not block crosswalks, sidewalks or driveways.

Access to Space: Carpool parking areas have posted reserved times between 6:00 a.m. and 6:00 p.m. Monday through Friday. At other times, these areas are available to the general public.

Liability: Participants must agree to assume any and all risks of personal injury or property damage arising from participation in the program.

Frequently Asked Questions:

- **What is a carpool area?**

A carpool area is a designated area within a parking lot that travelers can use as a meeting point to carpool or vanpool to their final destinations.

- **Is there a cost to park at a carpool area?**

As long as you are carpooling or vanpooling, parking areas are free of charge. Application forms are required to park in these areas during designated times.

- **Do I need a permit to park in a carpool area? Do I have a reserved space?**

Vehicle Permits are not used at carpool areas. Carpool areas are assigned to a carpool group on a first come first serve basis on applications received. All group members must have completed an application form to park in these areas during designated times.

- **How long can I leave my vehicle at a carpool area?**

Monday - Friday 6:00 a.m. to 6:00 p.m. Overnight parking is not allowed in any parking lots.

- **Is Fayette County liable for damages to vehicles?**

Fayette County is not liable for any theft or damages that occur as a result of parking in the areas. Carpool area users are encouraged to secure their vehicles, remove valuables from plain sight, and report suspicious activity.

- **Is it illegal for vehicles to be left at a carpool area with FOR SALE signs on them?**

It is illegal for a vehicle to be left at a carpool area with FOR SALE signs in the windows.

- **What kinds of vehicles are allowed at a carpool area?**

Passenger cars, vans, pickup trucks, and motorcycles with valid license plates are allowed. Semi-trucks and semi-trailers, commercial vehicles, and/or vehicles with commercial plates are prohibited. Campers are not allowed, nor are trailers, including those for hauling boats, landscaping equipment, etc.

- **How do I know that my car will be safe?**

It is each commuter's responsibility to park in the designated area and properly secure the contents of their vehicle. This means removing personal items from the passenger compartment, including laptops, navigation aids, cell phones, and other electronic devices, briefcases, handbags, and items of clothing. These should be secured in the trunk or cargo area of the vehicle, and the cargo security shade, if present, should be closed. Lock the vehicle and take the keys with you. Fayette County is not liable for any theft or damages that occur as a result of parking in the areas.

FAYETTE COUNTY
CARPOOL PARKING AREA
APPLICATION & PARTICIPANT FORM

Which Fayette County Park do you wish to park? (circle one)

Brooks Park

Kenwood Park

Kiwanis Park

Lake Kedron

McCurry Park

Carpooler #1/Carpool Manager:

NAME:
RESIDENTIAL STREET ADDRESS:
CITY, STATE, ZIP:
EMAIL ADDRESS:
HOME TELEPHONE NUMBER:
CELL TELEPHONE NUMBER:
VEHICLE LICENSE NUMBER:
MAKE AND MODEL OF VEHICLE:

I hereby certify that the information provided by me on this form is true and authorize Fayette County to verify the information provided by me. I certify that I have read the rules of the car pool parking area and agree to abide by them. I understand that participation is voluntary and agree to waive and release any and all rights and claim for damages against the Fayette County Board of Commissioners and all employees and members of the same, for any claim arising out of any injury, property damage, theft or damages of any kind, which may arise out of my use of the facilities of Fayette County. By signing this release, I consent to such participation and also verify that adequate insurance is in effect during this period.

Signature

Date

FAYETTE COUNTY
CARPOOL PARKING AREA
APPLICATION & PARTICIPANT FORM

Which Fayette County Park do you wish to park? (circle one)

Brooks Park

Kenwood Park

Kiwanis Park

Lake Kedron

McCurry Park

Carpooler #_____

NAME:

RESIDENTIAL STREET ADDRESS:

CITY, STATE, ZIP:

EMAIL ADDRESS:

HOME TELEPHONE NUMBER:

CELL TELEPHONE NUMBER:

VEHICLE LICENSE NUMBER:

MAKE AND MODEL OF VEHICLE:

I hereby certify that the information provided by me on this form is true and authorize Fayette County to verify the information provided by me. I certify that I have read the rules of the car pool parking area and agree to abide by them. I understand that participation is voluntary and agree to waive and release any and all rights and claim for damages against the Fayette County Board of Commissioners and all employees and members of the same, for any claim arising out of any injury, property damage, theft or damages of any kind, which may arise out of my use of the facilities of Fayette County. By signing this release, I consent to such participation and also verify that adequate insurance is in effect during this period.

Signature

Date

Brooks Park Carpool Area



© 2015 Pictometry

Kenwood Park Carpool Area



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Kiwanis Park Carpool Area Option A

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01/31/2015

Kiwanis Park Carpool Area Option B

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01/31/2015

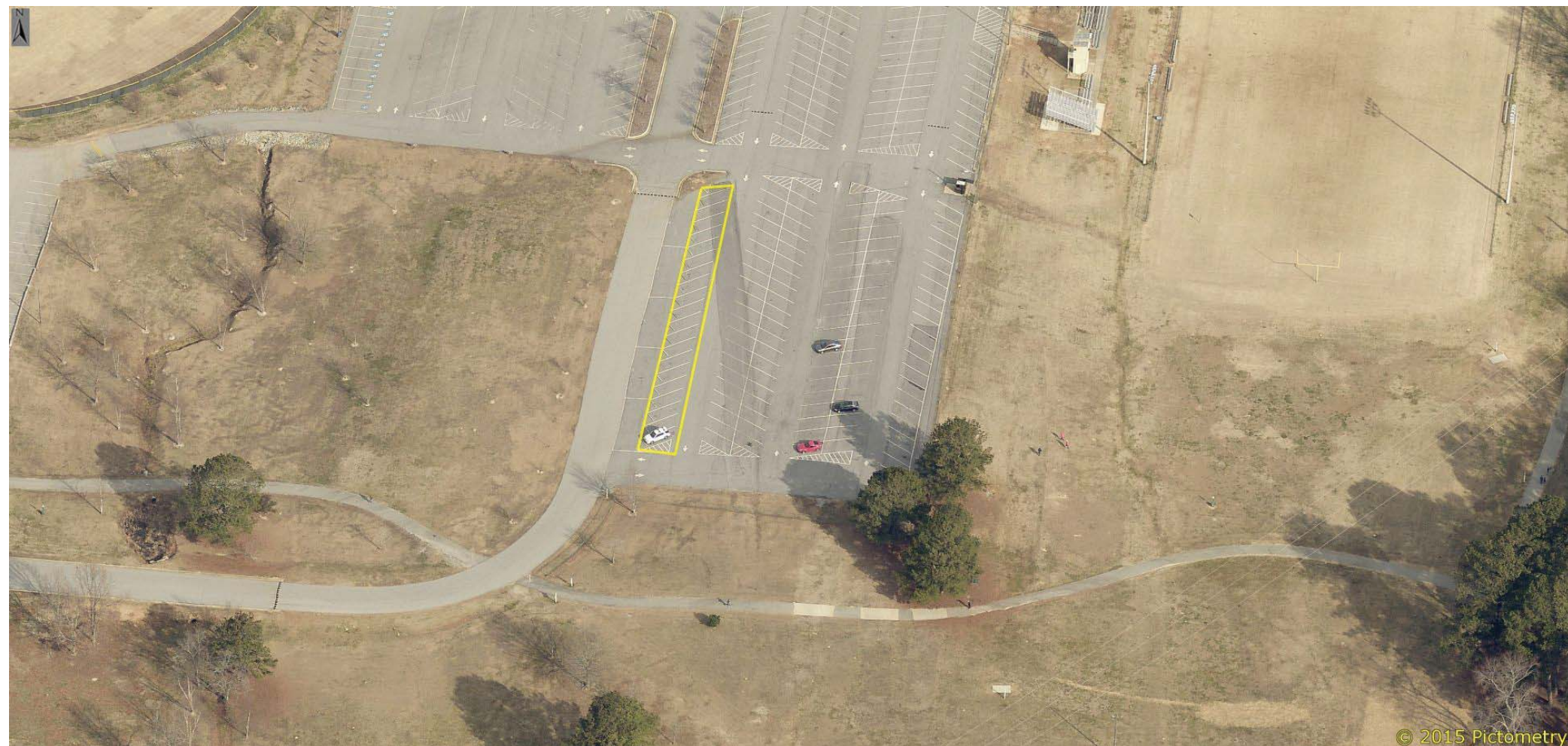
Lake Kedron Carpool Area



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McCurry Park Carpool Area Option A

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01/31/2015

McCurry Park Carpool Area Option B

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01/31/2015

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents.

Background/History/Details:

A local resident is visual impaired and cannot drive. He has to use a van pool to get to work.

He has approached the county about using a county parking lot at a recreation site to allow him to walk from his neighborhood to his van in order to go to work. The resident is visually impaired and cannot drive. He utilizes a van pool to get to work.

There will be no more than (3) three vehicles parking in the parking lot at one time.

What action are you seeking from the Board of Commissioners?

Approval of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents.

If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal


Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

MEMORANDUM

TO: Commissioner Steve Brown
 FROM: McNally, Fox, Grant & Davenport, P.C. 
 Date: November 23, 2016
 Re: Request of Scott K Hopper to utilize the County Field House located at the Fayette County Recreation facilities off Redwine Road and Old Senoia Road as a commuter lot.

Mr. Scott Hopper is a van-pool commuter. The origination point of his commute is a Publix at 840 Glynn Street South. His destination point is the FAA facility at Hartsfield-Jackson Airport. He has joined the van-pool to commute to work each day. The driver of his van-pool has leased the vehicle used for the commute from V-ride. Mr. Hopper has requested the County's assistance in establishing a new site of origination for his commute. He has written, requesting the new location be the County Field House parking lot located at the Fayette County Recreation facilities off Redwine Road and Old Senoia Road.

A brief explanation of the commuter program is necessary to examination of this request. To improve air quality, reduce traffic and save money, many people are carpooling to work. Several private companies have been established to assist commuters in this pursuit. They can accomplish this and operate a successful business by holding an inventory of large passenger vehicles which are offered for lease to commuter pools. This allows commuters to reduce the wear and tear on their personal vehicles. The groups are known as van-pools. Many companies and government agencies offer monetary subsidies to incentivize van-pooling. They further support employees in the formation of these commuter pools at the office in a process known as ride-matching. If an employer does not offer ride-matching, an interested commuter can access the websites of the private van-pool companies to participate in a ride-matching service. The result is a group of commuters with similar work hours and work location that reside in reasonable proximity of one another. They may or may not be acquainted on any other level.

Each commuter group requires a volunteer driver. The leasing company must approve the driver. He or she will sign a private lease agreement with the van-pool company. The driver thereby becomes liable for the operation and care of the van. Operation is strictly limited to commute purposes, this may include individual pick up at commuter residences however, the driver and other commuters usually agree on another location to meet and originate the commute. This is done for the sake of convenience, particularly for the volunteer driver. However, lease terms require the leasing company, in this case V-ride, to approve the site chosen for commute origin. Because the leased vehicles will be left at that location each night and over the weekend unattended, a well-lit and well trafficked area, such as a public shopping center is generally chosen. This decreases the likelihood of damage to the vehicle through vandalism.

The driver meets the van-pool party at the agreed upon and approved origination point. The commuters load the vehicle, drive to the designated parking area and each of the commuters and the driver go to work. All commuters reassemble at the vehicle at the

designated time after work, drive back to the site of origination, return to their personal vehicles, lock up the commuter vehicle and go home. The commuter vehicle will stay, unattended until the commuters assemble for their next trip to the office. At which time the commuter's personal vehicles are left, unattended until the commuters return from their work day.

No specific restriction exists that prevents the County from holding itself out for van-pooling from the requested location. However, the following issues must be addressed:

1. The County may not get approval as a commuter site. The ultimate authority for an origination point for these van-pools is the leasing company. That company is interested in the safety of its property. For this reason, areas frequented by shoppers and guaranteed to be well-lit are generally approved. It is instructional to note, that of the 400 van pool origination sites that V-ride operates, none of them is on government property. A formal request will need to be made to the V-ride company by the driver.
2. A decision allowing this kind of use may subject all County properties to consideration as van-pool origination sites, not merely the one at issue here.
3. If we hold the lots out as a reasonable location to leave commuter cars and leased vans, then it is reasonable to require a waiver of liability signed by the commuters and the van pool company. The County should not be subject to liability for the safety of the vehicles or any articles located therein.
4. In opening the County property for to this use by Mr. Hopper's van-pool, the County must be open to allowing the same use by all Fayette County residents. This will necessitate development of a mechanism to determine how much of the parking in any given lot will be devoted to this use. Creation of a method for selecting which van-pools will use the spots, if demand becomes high, will also be necessary.
5. A resolution will need to be prepared and passed declaring the intentions of the Board of Commissioners to allow this use.

Should you require further information on this issue please let us know.

COUNTY AGENDA REQUEST

Page 226 of 274

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of a recommendation from the Selection Committee, comprised of Commissioners Steve Brown and Charles D. Rousseau, to appoint Nancy Holland to the Fayette County Recreation Commission for an unexpired term beginning immediately and expiring March 31, 2020.

Background/History/Details:

The Fayette County Recreation Commission is a citizen committee, comprised of five volunteers who are appointed by the Fayette County Board of Commissioners to four-year terms, which reviews and evaluates programs, facilities, policies, and other matters and makes recommendations to the Recreation Department, the County Administrator, and the Board of Commissioners concerning capital and operational needs. As an advisory board, the Recreation Commission has no decision-making authority over how county resources are spent or managed.

On June 7, 2016 the Board of Commissioners approved the appointment of Stephen Cox to the Recreation Commission. As of January 10, 2017 Mr. Cox resigned his position. The position was advertised as an unexpired term to fill the vacancy.

The Selection Committee comprised of Commissioners Brown and Rousseau interviewed four applicants that include: Dwaine Thomas, Nicole Nichols, William Ramsey and Nancy Holland.

The Selection Committee recommends the appointment of Nancy Holland to the Recreation Commission with the term to begin immediately and expiring March 31, 2020.

What action are you seeking from the Board of Commissioners?

Approval of the recommendation from the Selection Committee to appoint Nancy Holland to the Fayette County Recreation Commission for an unexpired term beginning immediately and expiring March 31, 2020.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

**SELECTION COMMITTEE
Recreation Commission**

FAYETTE COUNTY, GEORGIA

Commissioner Steve Brown
Commissioner Charles D. Rousseau
Recreation Director Anita Godbee



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

**MINUTES
Recreation Commission
March 9, 2017**

The Selection Committee of the Recreation Commission convened on March 9, 2017 at 9:00 a.m. to conduct the following interviews:

9: 25 - Meeting on interviews called to order

9:30 – Nicole Nichols was interviewed and her credentials were reviewed.

10:00 – William A Ramsey was interviewed and his credentials were reviewed.

10:30 – Dwaine Thomas was interviewed and his credentials were reviewed.

11:00 – Committee recessed for lunch

2:00 – Committee reconvened

2:00 – Nancy Holland was interviewed and her credentials were reviewed.

The Selection Committee reviewed all the applications and selected Nancy Holland to recommend to the Board of Commissioners.

The Selection Committee adjourned at 2:30 p.m.

Signed:

Commissioner Steve Brown

Commissioner Charles Rousseau



APPLICATION FOR APPOINTMENT
Fayette County Recreation Commission

The Fayette County Recreation Commission is a citizen committee, comprised of five volunteers who are appointed by the Fayette County Board of Commissioners for four-year terms, which reviews and evaluates programs, facilities, policies, and other matters and makes recommendations to the Recreation Department, the County Administrator, and the Board of Commissioners concerning capital and operational needs. As an advisory board, the Recreation Commission has no decision-making authority over how county resources are spent or managed.

The Recreation Commission typically meets the second Tuesday of each month at the Parks and Recreation Activities Building that is located at 980 Redwine Road, Fayetteville, Georgia beginning at 7:00 p.m.

Please take a few minutes to complete the form and answer the questions below and return with a resume, if available, to Tameca White, County Clerk, at twhite@fayettecountyga.gov or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 no later than 5:00 p.m. on Friday, February 17, 2017.

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME Nancy Holland

ADDRESS 215 Addison Dr
Fayetteville, GA 30215

TELEPHONE (day) [REDACTED]

(evening) [REDACTED]

(email address) [REDACTED]

Nancy Holland
Signature

2/17/17
Date

Nancy Holland
215 Addison Dr.
Fayetteville, GA 30215

Position for Fayette County Recreation Commission

1. How long have you been a resident of Fayette County?

13 years

2. Why are you interested in serving on the Fayette County Recreation Commission?

I love my community and love the small town feel. It is a great place to raise children. I am health conscious and feel that fitness and being outdoors is a healthy way to live. My children participate in youth sports in Fayette County. We have been part of the Lasers soccer program on and off for 6 years. It's a great way to meet neighbors and be a part of the community. I am passionate about the outdoors and finding fun ways to enjoy the beautiful surroundings that Fayette County has to offer.

3. What qualifications and experience do you possess for appointment to the Recreation Commission?

I am a very self-motivated, dependable person. I have many friends in the county and feel as though I can have a pulse as to what it is our neighbor's are asking for in the recreation field. I put in 100 percent when asked to do something. I am a go getter and enjoy a challenge. I have many different skills that can help in reviewing and evaluating programs, facilities and policies within the Fayette County Recreation Commission.

4. List your recent employment experiences to include name of company and position.

Landmark Christian School- On call substitute teacher

5. Do you have any past experience relating to the Recreation Commission?

No.

6. Are you currently serving on a commission/board/authority or in an elected capacity with any government?

NO.

7. Have you attended any Recreation Commission meetings in the past two years, and if so, how many?

No.

8. Are you willing to attend seminars or continuing education classes at county expense?

Yes.

9. What is your vision of the county's future related to the duties of the Recreation Commission?

My vision would be that Fayette County will continue to make family friendly choices for ALL of Fayette County. Promoting health and fitness is so important nowadays as electronics have taken over many aspects of our lives. Our county has so much potential! Perhaps looking at other counties around the nation to see what they do in terms of walking trails, a splash pond, open spaces for family gatherings, sand volleyball, and other fun activities that will get people outside.

10. Would there be any possible conflict of interest between your employment or your family and you serving on the Recreation Commission?

No.

11. Are you in any way related to a County Elected Official or County employee?

No.

12. Describe your community involvement.

I am a religious education teacher at St. Gabriel Catholic Church. I have done this off and on for over six years. I have also worked in the church nursery.

I was a Girl Scout Leader for three years and I volunteer at Landmark Christian School. I have also substitute taught at Providence Methodist Church. I am currently the Neighborhood Watch chairman in my subdivision and have done this for 10 years. I have served as the Social coordinator for our subdivision. I have been room mother at my children's schools for the past 12 years.

13. Have you been provided a copy of the county's Ethics Ordinance?

Yes.

14. Is there any reason you would not be able to comply with the Ethics Ordinance?

No.

NANCY HOLLAND

215 Addison Drive – Fayetteville, GA 30215

CAREER OBJECTIVE

Exploring career opportunities to utilize Sales/Marketing, Business Operations, Communications, Organizational and Customer Service abilities in a challenging Pharmaceutical Sales Representative assignment.

QUALIFICATIONS

- ◆ B.S., Business Management with Honors.
- ◆ Over four years of successful experience executing sales plans in the pharmaceutical sector.
- ◆ Proven communications, role-modeling and team participation abilities.
- ◆ Expertise in delivery of exceptional customer service.
- ◆ Knowledgeable in marketing of new/start-up pharmaceutical products.
- ◆ Expertise in building relationships with physicians and medical practice management.
- ◆ Proven capacity to develop rapid and effective client rapport.
- ◆ Track record of consistent achievement/over-achievement of goals in highly competitive environments.
- ◆ Have successfully sold to physicians in cardiology, internal medicine, neurology, pain management, vascular surgery and family practice.
- ◆ Skilled in maintaining and expanding repeat customer business.
- ◆ Highly observant, detail oriented individual able to evaluate people.
- ◆ Well organized multi-tasker.
- ◆ Can work independently or as team member.
- ◆ Consistently build revenues and profitability.
- ◆ Outstanding competence in communications and presentations.
- ◆ Notable organizational, time management and presentation skill sets.

PROFESSIONAL EXPERIENCE

Specialty Sales Representative

Sanofi-Aventis Pharmaceuticals, Melbourne, FL

Most Recent

- Recruited as Sales Representative and rapidly won promotion to Specialty Sales role.
- Additionally designated to serve as Divisional Trainer and Quest System Trainer.
- Operated in interdependent partnering with two other Representatives.
- Product responsibility included 50% Plavix, 30% Ambien and 20% Avapro.
- Sold to physician target group of 175 including Cardiologist, Internal Medicine, Neurologist, Vascular Surgeon, Family Practice and Pain Management.
- Received 'Exceeds Expectations' rating on 24-month Wheel Review.
- Achieved #1 Productivity Ranking in a group of nine Sales Representatives.
- Named as 'Star Performer of Outstanding Performance,' August 2002.
- Exceeded Plavix growth objective of 24.2% with production of 31.3%.
- Overproduced market share objective of 77.5% by attaining rate of 81.6%.

Sales Representative

First Horizon Pharmaceutical Corporation, Phoenix/Tucson, AZ

2000-2001

- Retained to market Nitrolingual Pumpspray, Robinul Forte, Tanafed, Protuss DM, Ponstel and Mescolor to physician target group of 200 specialists including Cardiologist, Gastroenterologist, Pediatrics, Allergist and Obstetrics/Gynecology.
- Posted highest increase in sales for month of November/December 2000.
- Overachieved quota by 134% of sales for 2000.
- Sold Nitrolingual Pumpspray to Phoenix Fire Department and multiple local hospitals.

EARLIER BACKGROUND

Prior to 2000, served as Flight Attendant, Southwest Airlines (1995-2000), Phoenix, AZ, and Catering Sales Manager, The Scottsdale Hilton Resort (1994-1995), Scottsdale, AZ. In these assignments, built outstanding, sales, marketing, communications, customer service and problem-solving skill sets.

EDUCATION

University of Phoenix, Tempe, AZ

Bachelor of Science, Business Management, With Honors, 3.85 GPA

APPLICATION FOR APPOINTMENT Fayette County Recreation Commission

The Fayette County Recreation Commission is a citizen committee, comprised of five volunteers who are appointed by the Fayette County Board of Commissioners for four-year terms, which reviews and evaluates programs, facilities, policies, and other matters and makes recommendations to the Recreation Department, the County Administrator, and the Board of Commissioners concerning capital and operational needs. As an advisory board, the Recreation Commission has no decision-making authority over how county resources are spent or managed.

The Recreation Commission typically meets the second Tuesday of each month at the Parks and Recreation Activities Building that is located at 980 Redwine Road, Fayetteville, Georgia beginning at 7:00 p.m.

Please take a few minutes to complete the form and answer the questions below and return with a resume, if available, to Tameca White, County Clerk, at twhite@fayettecountyga.gov or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 no later than 5:00 p.m. on Friday, February 17, 2017.

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME Nicole Nichols

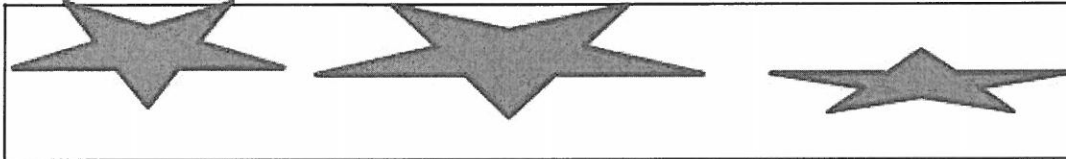
ADDRESS 100 Deer

Chase

TELEPHONE (day) [REDACTED]

(evening)

(email address) [REDACTED]



1. How long have you been a resident of Fayette County (County)? I have been a resident of Fayette County for 9 years.
2. Why are you interested in serving on the Fayette County Recreation Commission? Over the past 2 years, both of my children have been involved in clubs where community service is a key component. I have realized that they will be graduating from Whitewater High School soon. Recently, I have been compelled to become active in the community where I can make an impact to all ages as well.
3. What qualifications and experience do you possess for appointment to the Recreation Commission? With over 12 years of compliance and engineering review experience, I understand the importance of following policies and procedures to ensure municipal and industrial facilities and projects are in accordance with State and Federal regulations. Having an Associate Project Manager's Certificate, I understand planning and scheduling to meet project budget costs.
4. List your recent employment experiences to include name of company and position.
 - a. State of Georgia - DNR EPD, Environmental Engineer, February 16, 2005 to Present
5. Do you have any past experience relating to the Recreation Commission? If so, please describe. I do not have any past experience relating to the Recreation Commission.
6. Are you currently serving on a commission/board/authority or in an elected capacity with any government? Currently, I am not serving on a commission/board/authority or in an elected capacity.
7. Have you attended any Recreation Commission meetings in the past two years and, if so, how many? No, I have not attended any Recreation Committee meetings in the past two years.
8. Are you willing to attend seminars or continuing education classes at county expense? I am willing to attend seminars or continuing education classes at the County's expense.
9. What is your vision of the county's future related to the duties of the Recreation Commission? Having enrolled both of my children in recreational activities in Fulton County, Clayton County, Fayette County, and Peachtree City, my vision for Fayette County residents is to have access to updated facilities and promote health and mental awareness.
10. Would there be any possible conflict of interest between your employment or your family and you serving on the Recreation Commission? There is no conflict of interest between my employment, family, or serving on the Recreation Commission. My employer has been notified of my application for this position.
11. Are you in any way related to a County Elected Official or County employee? If so, please describe. I am not related to a County Elected Official or County employee.
12. Describe your current community involvement. I have been to the Fayette County Youth Basketball Association meetings and I have volunteered during the beginning of the season.
13. Have you been provided a copy of the county's Ethics Ordinance? I have been provided a copy of the County's Ethics Ordinance.
14. Is there any reason you would not be able to comply with the Ethics Ordinance? There is no reason I would not be able to comply with the Ethics Ordinance.

100 Deer Chase • Fayetteville, GA 30215 • C: [REDACTED]

EDUCATION

Auburn University

Bachelor of Science – Chemical Engineering

Auburn, AL

August 2000

PROFESSIONAL EXPERIENCE

Georgia Environmental Protection Division –Watershed Protection Branch

Industrial Compliance Program

Atlanta, GA

January 2009– Present

Senior Environmental Engineer

- Serve as Georgia Permitting Discharge Elimination (GAPDES) and Integrated Compliance Information System (ICIS) evaluation team member for EPA's National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule
- Provide written comments for assigned industrial permits that will be issued NPDES and wastewater land application system permits
- Track, review and evaluate discharge monitoring and operation monitoring reports of assigned plants
- Coordinate audit and field inspections of municipal and industrial facilities to ensure compliance with federal environmental laws and State issued permits
- Manage environmental investigation reports and written notice of violations to plants not in compliance

Georgia Environmental Protection Division - Watershed Protection Branch

Engineering and Technical Support Program

Atlanta, GA

February 2005 – December 2008

Environmental Engineer I, II, III

- Served as Georgia Department of Natural Resources Liaison to the Department of Community Health Technical Review Board
- Developed the State of Georgia's "Guidelines for the Land Application of Domestic Septage"
- Advised local governments of Clean Water State Revolving Fund (CWSRF), Georgia Environmental Finance Authority (GEFA), and American Recovery and Reinvestment Act (ARRA) funding requirements
- Served as lead engineer to review and approve plans and specifications, and engineering reports and analysis of models of hydraulic design of wastewater treatment facilities
- Ensured all assigned wastewater projects were in compliance with federal and state environmental laws and regulations

PROFESSIONAL CERTIFICATION AND TRAINING

- Alabama Engineer Intern - 12570
- Georgia Association of Water Professionals - 22821
- 2016 Georgia Technology Authority - Associate Project Manager Certificate

TECHNICAL EXPERIENCE

Microsoft Office Products (Excel, Word, Project Management & PowerPoint)

Customer Service Oriented

Public Speaking and Writing Skills

Self-Starter

HONORS

State of Georgia Recognition for Exceptional Performance for Outstanding Customer Service

APPLICATION FOR APPOINTMENT
Fayette County Recreation Commission

The Fayette County Recreation Commission is a citizen committee, comprised of five volunteers who are appointed by the Fayette County Board of Commissioners for four-year terms, which reviews and evaluates programs, facilities, policies, and other matters and makes recommendations to the Recreation Department, the County Administrator, and the Board of Commissioners concerning capital and operational needs. As an advisory board, the Recreation Commission has no decision-making authority over how county resources are spent or managed.

The Recreation Commission typically meets the second Tuesday of each month at the Parks and Recreation Activities Building that is located at 980 Redwine Road, Fayetteville, Georgia beginning at 7:00 p.m.

Please take a few minutes to complete the form and answer the questions below and return with a resume, if available, to Tameca White, County Clerk, at twhite@fayettecountyga.gov or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 no later than 5:00 p.m. on Friday, February 17, 2017.

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME William A. Ramsey
ADDRESS 140 Country Squire Drive
Fayetteville, GA 30215
TELEPHONE (day) [REDACTED] cell
(evening) 770-461-1926 Res. (best #)
(email address) [REDACTED]

William A. Ramsey
Signature

2-1-17
Date

WILLIAM ALLEN RAMSEY

2-1-17

140 Country Squire Drive
Fayetteville, GA 30215

P: 770-461-1926 (Res.); [REDACTED] (Cell)
E: [REDACTED]

OBJECTIVE	Not seeking employment; published <i>I'm From Dothan</i> in 2013 & <i>SAFE AT FIRST?</i> in 2015; currently volunteer as a mentor with FCBOE	
EXPERIENCE	Real Time Resolutions	June 2012 – May 2013
	Property Outreach Specialist	
	Bank of North Georgia	Nov 2004 - Feb 2011
	SR <i>Special Assets Analyst</i> , May 2008 - Feb 2011	
	<i>Construction Lender</i> , Nov 2004 - Apr 2008	
	Bank of America	July 2003 – Oct 2004
	<i>Client Manager, Home Builder Division</i> ,	
	Fayette County Board of Education	Sep 2001 - May 2003
	<i>Special Education Para-Professional</i> , Aug 2002 - May 2003	
	<i>Substitute Teacher</i> , Sep 2001 - May 2002	
	Clayton County Board of Education	Aug 2001 - Sept 2001
	6 th Grade Math Teacher	
	A Friend's House	Oct 2000 - Jul 2001
	<i>Academic Coordinator</i>	
	Bank of America (formerly C&S National Bank / NationsBank)	Aug 1973 - Sep 2000
	<i>Lending Specialist Team Leader, Home Builder Division</i> , Jun 1999 - Sep 2000	
	Branch Manager, Home Builder Division, Jun 1987 - Jun 1999	
	<i>Commercial Credit Analyst, Credit Exam Department</i> , Sep 1984 - Jun 1987	
	<i>Credit Manager, Factoring Department</i> , Jan 1976 - Sep 1984	
	Supervisor, Central Recovery Department, Aug 1973 - Jan 1976	
EDUCATION	Bachelor of Science in Business Administration	1970
	Auburn University, Auburn AL	
SERVICE	U.S. Air Force (Air National Guard)	Mar 1970 – Mar 1976
	<i>Honorable Discharge - Rank at Discharge: Sergeant</i>	
PERSONAL	Married 39 Years. 1 Child	
ACTIVITIES	Volunteer, Atlanta Olympic Games, 1996; Mentor, Big Brothers of America & Fayette County Schools (19 Years); Coach & or Board Member, Dothan, AL, Gwinnett County GA, & Fayette County Youth League Baseball, Softball, & Basketball (22 Years); Sunday school Teacher & Youth Leader, Calvary Baptist & Fayetteville First Methodist Church (8 Years) Friendship Program, Atlanta Ministry with International Students (2 Years)	

APPLICATION FOR APPOINTMENT
Fayette County Recreation Commission

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If you have any questions, please call (770) 305-5103.

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NAME Dwaine Thomas

ADDRESS 155 Victor lane

Fayetteville Ga 30214

TELEPHONE (day) [REDACTED]

(evening) same

(email address) [REDACTED]

[Signature]

Signature

2/17/17

Date

1. How long have you been a resident of Fayette County?

- 4 Years

2. Why are you interested in serving on the Fayette County Recreation Commission?

- I would like the opportunity to enhance the programs and activities within Fayette county for all residence.

3. What qualifications and experience do you possess for appointment to the Recreation Commission?

- I worked for Clayton County Parks and Recreation as both a part time maintenance worker and a Athletic Coordinator, currently work for Boys and Girls Club of Metro Atlanta, serve my church as one of the youth program coordinators, and currently sit as President (2nd term) of Fayette County Youth Football at McCurry Park.

4. List your recent employment experiences to include name of company and position.

- Boys and Girls Club Metro Atlanta – Program Specialist
- Fayette County Youth Football – Executive Board President
- Deliverance Tabernacle of Praise – Youth Leader
- Clayton County Parks and Recreation – Athletic Coordinator

5. Do you have any past experience relating to the Recreation Commission? If so, please describe.

- I do not have any current experience related to the commission

6. Are you currently serving on a commission/board/authority or in an elected capacity with any government?

- No

7. Have you attended any Recreation Commission meetings in the past two years and, if so, how many?

- The annual presidents meeting held each January that allow us to give a state of the park analysis to the recreation commission

8. Are you willing to attend seminars or continuing education classes at county expense?

- Yes

9. What is your vision of the county's future related to the duties of the Recreation Commission?

- That we will be able to address the current lack of alternative programming and the lack of usage of county property in some areas that are have no programming entirely and are not being utilized to their maximum potential.

10. Would there be any possible conflict of interest between your employment or your family and you serving on the Recreation Commission?

- No

11. Are you in any way related to a County Elected Official or County employee? If so, please describe.

- No

12. Describe your current community involvement.

- Current President and Youth Coach for the Fayette County Youth Football Program

13. Have you been provided a copy of the county's Ethics Ordinance?

- Yes

14. Is there any reason you would not be able to comply with the Ethics Ordinance?

- No

DWAINE THOMAS

155 VICTOR LANE FAYETTEVILLE, GA 30214



Objective

High-performing management professional with expertise in various management styles and techniques. Seeking a position in an environment that offers challenges, career advancement, and the opportunity to help the company progress efficiently and productively.

Experience

Program Specialist (Athletics) • 2016 - present

Boys & Girls Club of Metro Atlanta • Adamsville Center • Atlanta, GA

- Planned, Organized, Promoted and Implemented diverse programming in two or more of BGCMA's core Healthy Lifestyles program areas
- Planned and implements sport, recreation, cultural and other programs within the organization.
- Created an environment that facilitates the achievement of Youth Development Outcomes.
- Promoted and stimulated daily learning center program participation as well as participation in designated national and special event programs

Selected Accomplishments:

- Organized and implemented summer camp sports programs
- Organized and implemented basketball teams and tournaments, sports camp exposure

Youth Coordinator • 2012 - present

Deliverance Tabernacle of Praise, Inc. • Jonesboro, GA

- Researches and develops programs for youth.
- Plans and implements sport, recreation, cultural and other programs within the organization.
- Researches funding sources and project requirements.
- Recruits, trains and oversees volunteers.

Selected Accomplishments:

- Promoted from Youth Leader to Youth Coordinator after successfully implementing community mentoring program.
- Increased the number of participants in the Youth Program by 60% in a 10 month timeframe.

President 2015- present / Board Member (Volunteer) • 2010 - 2015

Fayette County Youth Football, Inc. • Fayetteville, GA

- Charged with the overall production, compliance of county policies, and future functionality of the youth football and cheer program.
- Facilitates in the recruitment of new board members, managing fundraising events, and the procurement of all equipment and uniforms for both the football and cheer program.
- Conducts registration each fall and the placement of players onto teams for the upcoming season, customer service, conflict resolution, and general community interaction.

Selected Accomplishments:

- Piloted Off-Season Training program with an 89% participant completion rate which resulted in 97% less injuries throughout the season.

- Streamlined team/department operations by employing cost savings activities such as repurposing or selling unused equipment and uniforms.
- Negotiated 2yr contract to host the Autism Bowl and B2C State Championships with "Born to Compete", a youth football tournament provider that determines youth football State Champions each season

Wire Technician • 2008 - 2014

AT&T • Atlanta, GA

- Established Uverse Sync at Vrad Cross Box, Ariel or grounded terminals by installing new bonded pair drop wire to and from residence.
- Installed U-verse service according to the guidelines of training through the use of CAT5 connections and Ethernet connections for set top boxes or home computers.
- Completed separation of signal at the network interface device (N.I.D.) reestablish dial tone and establish Uverse signal as trained according to corporate guidelines.
- Verified that all services are operating properly.
- Educated customers on service features and functionality.
- Ensured compliance with all safety guidelines while in company vehicle and while at customer premises.
- Ensured customer retention, service, and referrals are within Corporate mandates.
- Certified in Pole Climbing.

Selected Accomplishments:

- Promoted after only 3 months in the role.
- Served as the Training Coordinator for new hires.

Claims Specialist / Independent Contractor • 2009 - 2012

Certified Roofing and Gutters • Atlanta, GA

- Assessed storm damage to client properties.
- Interacted with clients' insurance agencies to provide appropriate funds to cover cost of repairs.
- Provided customer service during replacement of damaged roofing and gutters to properties.

Selected Accomplishments:

- Grew customer base by 45%.
- Consistently met deadlines and sales quotas.

Operations Lead • 2004 - 2008

Schwan's Home Service • Stockbridge, GA

- Supported in the management and organization of deliveries for all merchandise and products shipped to and from facility.
- Assisted in the coordination and acquisition of new products through an intra-company data management software system.
- Recorded inventory and inspection of all products stored in facility freezer.
- Maintained facility and records to ensure compliance with company standards and all federal, state, and local regulatory agencies.
- Prepared and maintains daily route vehicles for service.
- Assisted in interviews of hourly candidates for possible hire.
- Trained and supervised employees on the daily requirements of business continuity ensuring that all operations personnel are in compliance with company rules and regulations.
- Contributed in the preparing and maintaining the facility in accordance to corporate inspection mandates.

Selected Accomplishments:

- Promoted regularly throughout tenure at company.
- Increased orders by networking with suppliers to create extended pricing and reduce dependency on quote-lead times.

Athletic Coordinator ▪ 2005 - 2008

Clayton County Parks & Recreation ▪ Jonesboro, GA

- Oversaw the finances of the park. ▪ Accounted for all finances received and disbursed.
- Prepared daily cash reports and made bank deposits. ▪ Conducted registration for Spring and Fall Youth Sports. ▪ Ordered equipment, trophies, and uniforms. ▪ Prepared work orders, incident reports, and weekly activity reports. ▪ Assisted in coordinating coaches meetings and park / player safety clinics. ▪ Conducted inventory and performed assessment of all equipment to ensure the safety of all players and the maintenance of equipment in compliance with Clayton County rules and regulations. ▪ Obtained and managed funds for various teams for throughout the season. ▪ Assisted in addressing all complaints and concerns voiced by parents or coaches.

Selected Accomplishments:

- Successfully oversaw State and County USSSA Tournaments.
- Coordinated skill drills, after school study and tutoring/mentoring programs which led to several players receiving college scholarships for athletic achievements.

Skills

- MS Excel ▪ MS Word ▪ MS PowerPoint ▪ MS Outlook ▪ MS Publisher ▪ MS Visio

Software Proficiencies

- Google Docs ▪ Dropbox

Education

East High School Accelerated Regents Program

Rochester, NY

Monroe Community College (Bachelor's Degree in Music Engineering -Pending)

Rochester, NY

CPR and BLS Training Rural Metro Medical Services

Rochester, NY

CPR Training (2016) Adult / Child Rescue Breathing

Atlanta, GA

COUNTY AGENDA REQUEST

Page 242 of 274

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Ognio and Commissioner Charles W. Oddo, to re-appoint Cathy Berggren to the Fayette County Department of Family and Children Services Board for a term beginning January 24, 2017 and expiring June 30, 2022.

Background/History/Details:

The mission of the Georgia Department of Human Resources is to strengthen Georgia's families by supporting their self-sufficiency and helping them protect vulnerable children and adults by being a resource for families; not a substitute. County Boards help to achieve the mission by making the Division of Family and Children's Services programs more meaningful to the families and children they are designed to serve. With the help of Board Members, the Division of Family and Children Services will help disadvantaged individuals and families progress toward independence in many aspects of their lives.

Fayette County's Board of Family and Children Services is made up of five volunteering citizens from across the county. Each Board member serves as a link between the County's Department of Family and Children's Services (DFCS) and the local Fayette County community.

The Selection Committee recommends the re-appointment of Cathy Berggren. Ms. Berggren's first term appointment was to fill an unexpired term. If appointed, this would be Ms. Berggren's first full term appointment.

Applications for all applicants are included as supporting documents.

What action are you seeking from the Board of Commissioners?

Approval of a recommendation from the Selection Committee, comprised of Vice Chairman Ognio and Commissioner Charles W. Oddo, to re-appoint Cathy Berggren to the Fayette County Department of Family and Children Services Board for a term beginning January 24, 2017 and expiring June 30, 2022.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

SELECTION COMMITTEE
Department of Family & Children Services Board

FAYETTE COUNTY, GEORGIA

Vice Chairman Randy Ognio
Commissioner Charles W. Oddo
DFCS Director Susan Boggs
DFCS Board Chairman Pete Nelms



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES
Department of Family & Children Services Board
March 8, 2017

The Selection Committee for the Department of Family and Children Services (DFCS), comprised of Vice Chair Randy Ognio and Commissioner Charles Oddo, convened at 2:00 pm on Wednesday, March 8, 2017, to interview the first applicant for one open position on the Board of Directors of DFCS. Also attending the interview was Mr. Pete Nelms, Chairman of the Board of Directors of DFCS, and Ms. Susan Boggs, Director of DFCS.

The Selection Committee interviewed Ms. Cathy Berggren (incumbent)

The Selection Committee adjourned at 2:40 pm

Vice Chairman Randy Ognio

Commissioner Charles W. Oddo

SELECTION COMMITTEE
Department of Family & Children Services Board

FAYETTE COUNTY, GEORGIA

Vice Chairman Randy Ognio
Commissioner Charles W. Oddo
DFCS Director Susan Boggs
DFCS Board Chairman Pete Nelms



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES
Department of Family & Children Services Board
March 10, 2017

The Selection Committee for the Department of Family and Children Services (DFCS), comprised of Vice Chair Randy Ognio and Commissioner Charles Oddo, reconvened at 9:00 am on Friday, March 10, 2017, to interview the final three applicants for one open position on the Board of Directors of DFCS.

Also attending the interview was Mr. Pete Nelms, Chairman of the Board of Directors of DFCS, and Ms. Susan Boggs, Director of DFCS.

The Selection Committee interviewed

9:00 am	James Poff
9:30 am	Joshua Shelton
10:00 am	Delvonne Burgess

The Selection Committee adjourned at 10:45 am

Vice Chairman Randy Ognio

Commissioner Charles W. Oddo

SELECTION COMMITTEE
Department of Family & Children Services Board

FAYETTE COUNTY, GEORGIA

Vice Chairman Randy Ognio
Commissioner Charles W. Oddo
DFCS Director Susan Boggs
DFCS Board Chairman Pete Nelms



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES
Department of Family & Children Services Board
March 15, 2017

The Selection Committee for the Department of Family and Children Services (DFCS), comprised of Vice Chair Randy Ognio and Commissioner Charles Oddo, convened at 8:00 am on Wednesday, March 15, 2017, to review the applicant information before making a final recommendation to fill one open position on the Board of Directors of DFCS.

Also attending the interview was Mr. Pete Nelms, Chairman of the Board of Directors of DFCS, and Ms. Susan Boggs, Director of DFCS.

The Selection Committee recommended the appointment of Ms. Cathy Berggren (incumbent) to a full term. Ms. Berggren had previously been appointed to serve the remainder of an unexpired term.

The Selection Committee adjourned at 8:40 am.

Vice Chairman Randy Ognio

Commissioner Charles W. Oddo

APPLICATION FOR APPOINTMENT
Fayette County Board of Family and Children Services

Thank you for your interest in being considered for appointment to the Fayette County Board of Family and Children Services (DFACS).

The Fayette County Board of Family and Children Services is made up of five volunteering citizens from across the county. Each appointment is for a five-year term, or for the unexpired term of a resigning member. Please do not apply if you will be unable to attend a minimum of eighty percent (80%) of all meetings.

Please take a few minutes to complete the form and answer the questions below and return it with a resume, if available, to Tameca White, County Clerk, 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 or twhite@fayettecountyga.gov no later than 5:00 p.m. on Friday, February 17, 2017.

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME Cathy Berggren

ADDRESS 185 Jefferson Woods Dr.
Peachtree City, GA

TELEPHONE (day) 770-631-9334 ext 201

(evening) [REDACTED]

(email address) [REDACTED]

Cathy Berggren
Signature

Feb 2, 2017
Date

1. How long have you been a resident of Fayette County?
Since 1996
2. Why are you interested in serving on the Fayette County DFCS Board?
I am currently serving in this position, with the work I do at the Real Life Center I learn and am able to contribute from what I see.
3. What qualifications and experience do you possess for appointment to the DFCS board?
I have a bachelor of Social Work degree, Masters in Public Administration and over 30 years of community work. The last 13 years I have been the Executive Director of the Real Life Center – helping to create stability for our local families during the hard times.
4. List your recent employment experiences to include name of company and position
Real Life Center - started as a volunteer as it was starting up 1999 to present, became Director in 2003 when we became community based.

Open Door Agency – Adoption consultant, and provided home studies to perspective families

Enid Memorial Hospital – Discharge Planner/Social Worker

Community Action Agency – Oklahoma - Information & Referral Specialist
5. Do you have any past experience with the DFCS Board?
Yes, I have been serving for the last couple of years
6. Are you currently serving on a commission/board/authority or in an elected capacity?
Yes, I currently serve on the DFCS Board, FEMA, Midwest Food Bank
7. Have you attended any DFCS Board meetings in the last two years/how many?
I think I have missed two in the past two years.
8. Are you willing to attend seminars or CE classes at the county expenses?
Yes, if possible with my work schedule
9. What is your vision of the county's future related to the duties of the board?
I would love to be able to help families in our community that are able, to lead stable, Productive lives.
10. Would there be any possible conflict of interest between your employment or your family and serving?
No

11. Are you in any way related ot a County Elected Official? *NO*

12. Describe your community involvement?

Dogwood Church, Vision Team

Women at the Well

Pinewood Breakfast

Host a women's mentoring group

Fayette and Coweta Chamber of Commerce

13. Have you been provided the Ethics Ordinance? *Yes*

14. Is there a reason you would not be able to comply with the Ethics Ordinance? *No*

APPLICATION FOR APPOINTMENT
Fayette County Board of Family and Children Services

Thank you for your interest in being considered for appointment to the Fayette County Board of Family and Children Services (DFACS).

The Fayette County Board of Family and Children Services is made up of five volunteering citizens from across the county. Each appointment is for a five-year term, or for the unexpired term of a resigning member. Please do not apply if you will be unable to attend a minimum of eighty percent (80%) of all meetings.

Please take a few minutes to complete the form and answer the questions below and return it with a resume, if available, to Tameca White, County Clerk, 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 or twhite@fayettecountyga.gov no later than 5:00 p.m. on Friday, February 17, 2017.

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME James Poff

ADDRESS 105 Pine Shoals Trail
Fayetteville, GA 30215

TELEPHONE (day) work: 770-960-5220

(evening) [REDACTED]

(email address) [REDACTED]

James D. Poff 2-7-17

Signature Date

1. How long have you been a resident of Fayette County? *Since 2001, over 15 years*
2. Why are you interested in serving on the Fayette County Board of Family and Children Services (DFACS)? *Would like to serve my community and neighbors much better. This opportunity is especially excellent because of helping the underserved.*
3. What qualifications and experience do you possess for appointment to the DFACS Board? *Served on a Non-profit Social Services Board of Directors 2009-2013. Served as Fayette County Foster Parent 2003-2004. (See Bio)*
4. List your recent employment experiences to include name of company and position. *Clayton County Water Authority for last 28+ years. (See resume)*
5. Do you have any past experience relating to the DFACS Board? If so, please describe. *No*
6. Are you currently serving on a commission/board/authority or in an elected capacity with any government? *City of Fayetteville Ethics Board*
7. Have you attended any DFACS Board meetings in the past two years and, if so, how many? *No*
8. Are you willing to attend seminars or continuing education classes at county expense? *Yes*
9. What is your vision of the county's future related to the duties of the DFACS Board? *My vision aligns with DFCS vision of ① safe and abuse free environments ② self-sufficient families and ③ healthy and well families*
10. Would there be any possible conflict of interest between your employment or your family and you serving on the DFACS Board? *No*
11. Are you in any way related to a County Elected Official or County employee? If so, please describe. *No*
12. Describe your current community involvement. *Neighborhood Homeowners Association, FCBOE schools and PTOs, and Fayetteville Ethics Board.*
13. Have you been provided a copy of the county's Ethics Ordinance? *Yes*
14. Is there any reason you would not be able to comply with the Ethics Ordinance? *No*

Jim Poff**Biography for Fayette County Board of Family & Children Services 2-7-17**

Jim was born and raised in Milwaukee, Wisconsin very near the shores of Great Lake Michigan. He attended the University of Wisconsin at Stevens Point where he majored in Biology and minored in Chemistry. After college, he moved to Clayton County, Georgia in 1988 to take a Chemist position with Clayton County Water Authority (CCWA). He currently serves as Assistant General Manager at CCWA where he manages 223 employees, \$45 million operating budget, and is responsible for \$483 million in capital assets.

On a personal note, Mr. Poff bought a home and moved to Fayetteville in 1995. He later was married to his current wife Melinda in 1996. They have two young children (Lindsey and Kaylee) that are currently in Fayette County School system. In 2001, the family moved to their current location inside Magnolia Ridge subdivision within the Fayetteville city limits.

Jim and Melinda are both active members of the Magnolia Ridge Homeowners Association Board of Directors and various committees. They have both volunteered time over the last several years at both Cleveland Elementary School and Bennett's Mill Middle School, and Fayette County High School with the PTO, School activities, and as individuals in classrooms. Jim has also held many different water utility related leadership positions on local, state, and national levels over the years.

Social Services Experience:

1. Served on the Board of Directors for Clayton County Family Care 2009 to 2013. Clayton County Family Care is a 501(c)3 organization that provides emergency housing and utility assistance to the residents of Clayton County. Served as Finance Committee Chair, Vice Chair and Chair of the Board during my tenure.
2. Served as a Fayette County Foster Parent 2003-2004.

In his spare time, Mr. Poff enjoys hiking, tennis, golf, number & word puzzles, woodworking, yard work, and spending time with his family.

I look forward to the opportunity to serve my county and appreciate your consideration for this Board position.

James G. (Jim) Poff

105 Pine Shoals Trail, Fayetteville, GA 30215

Work Experience

CLAYTON COUNTY WATER AUTHORITY, MORROW, GEORGIA

Assistant General Manager - Operations, February 2014 to July 2014 and January 2017 to present

Manage all operations functions including three Drinking Water Production facilities including reservoirs, 1,300 miles of Water Distribution system including pipes, valves, pump stations and storage facilities, 1,100 miles of Wastewater Conveyance including 42 lift stations, three Water Reclamation facilities including two Natural Treatment Systems, and all associated Maintenance activities. Duties include managing four direct reports (223 employees), annual budget of \$45 million, capital budget of \$14 million, and responsible for \$483 million of capital assets. Manage strategic and capital project prioritization process and level of service reporting.

Assistant General Manager – Support Services, July 2014 to January 2017

Manage all support service functions including Customer Accounts, Meter Services, Information Technology, Finance, Public Relations, Risk Management, Procurement, Safety/Security, Engineering including Storm Water Utility, and Human Resources. Duties include managing seven direct reports (157 employees) annual operating budget of \$35 million, capital budget of \$14 million, and \$667 million of capital assets. Manage strategic and capital project prioritization process and level of service reporting.

Water Reclamation Department Manager, November 2002 to February 2014

Manage an annual budget of \$13 million and responsible for \$265 million of capital assets. Duties include managing seven direct reports (53 employees), three Water Reclamation Facilities, two Natural Treatment Systems, Pelletized Fertilizer Production facility, Central laboratory, and an Environmental Compliance program. Served as Operational lead person in capital improvement program that upgraded all facilities to include PLC instrumentation and SCADA. Managed startups, warranty issues, creation of all new O&M Manuals, SOPs, and newly improved Preventative Maintenance work order system.

Laboratory Director, October 1993 to November 2002

Supervise operation of laboratory including quality assurance, safety, chemical hygiene, and training programs. Responsible for reporting and compliance issues at all water reclamation facilities including three biosolids programs. Evaluate and interpret laboratory data. Assist plant supervisors in troubleshooting and solving operational problems encountered. Trained plant operators on Laboratory Procedures and Biological Nutrient Removal process to be employed at all plants in the future.

Environmental Compliance Coordinator, October 1993 to November 2002

Manage industrial pretreatment program including the county sewer use ordinance, industrial discharge permits, local limits, Fats, Oils, & Grease (FOG) Management program and enforcement response plan. Prepare and maintain extensive records and reports on all aspects of industrial pretreatment, septage, and groundwater remediation. Inspect, monitor, enforce, and communicate with all significant industrial and commercial customers of CCWA. Revised entire program in 1996 and 2001 because of new federal regulations and changed NPDES permits. Developed and implemented an award winning FOG Management program in 2001.

Chemist, October 1988 to October 1993

Developed and implemented quality assurance program, chemical hygiene plan, emergency response procedures, and standard operating procedures. Maintained and calibrated all laboratory instrumentation. Purchased needed equipment and supplies. Performed a wide variety of sampling and analysis on water, wastewater, industrial, soil, and biosolids samples.

LABORATORY CONSULTING SOURCES, JONESBORO, GEORGIA

Part-time Chemist, August 1989 to December 1997

Performed a wide variety of chemical and microbiological analyses in accordance with USEPA and Georgia EPD regulations including NPDES, LAS, 40 CFR 503, SDWA, UST, and RCRA. Responsible for all quality assurance within inorganic analysis section.

MILWAUKEE METROPOLITAN SEWERAGE DISTRICT, MILWAUKEE, WISCONSIN

Field and Laboratory Technician, Summers of 1986 and 1987

Performed various sampling and analysis duties during water quality survey of Milwaukee County Rivers and limnological study of Lake Michigan.

ENVIRONMENTAL TASK FORCE LABORATORY, STEVENS POINT, WISCONSIN

Laboratory Technician, Summer of 1985

Monitored Portage County lakes, drinking water wells, landfill sites, agricultural storm water runoff, and industrial effluents.

Licenses

Georgia Wastewater Operator Class I (014108), Georgia Wastewater Laboratory Analyst (011257), and Georgia Erosion and Sediment Control Class 1A (58236)

Awards

Water Environment Federation "Laboratory Analyst Excellence Award", August 1995

Georgia Association of Water Professionals "Ira C. Kelley Award", June 1996

Toastmasters International, "Competent Toastmaster", April 2001, "Competent Leader", May 2001

Georgia Association of Water Professionals "Top Operator – District 3", April 2013

Georgia Association of Water Professionals "Charles H. Jones Award", August 2013

Water Environment Federation "Arthur Sidney Bedell Award", August 2014

Education

University of Wisconsin-Stevens Point:

Major: Water Resources, Minor: Chemistry, August 1982 - May 1988

Dale Carnegie Institute - *Dale Carnegie Training, June 1998*

Toastmaster International - *"Competent Toastmaster" in April 2001*

Toastmaster International - *"Competent Leader" in May 2001*

Leadership Clayton - *Graduate in class of 2008-2009*

Institute of Georgia Environmental Leadership - *Graduate in class of 2012*

Other Professional Management Training (not including all seminars)

California State University – Sacramento - *Utility Management, May 2000*

Dun & Bradstreet - *The Effective Supervisor, September 1993 and March 1999*

Clayton College and State University - *Public Speaking, April 1994*

Personal Health & Performance (Barbara Banta) - *High Impact Communication Skills, Jan. 1995*

Clayton County Water Authority - *Leadership Skills Training, October 1997*

University of Georgia – *Effective Supervision, August 2000*

Georgia State University – *Lessons in Leadership, November 2000*

Georgia Institute of Technology– *Changing Role of the Supervisor 1&2, October 2001 - March 2002*

Volunteer & Community Experience

Clayton County Water Authority - *Safety Committee 1998-1999, March of Dimes, American Cancer Society, and Operation Christmas Committees.*

Clayton County Family Care – *Board Member, Finance Committee Chair, Vice-Chair, Chair 2009-2013*

Clayton County Public Schools – *Served as Science Fair Judge 1990 to present*

Jim Poff (Page 3 of 3)

Georgia Association of Water Professionals - *Laboratory Committee Chair in 1994, Industrial Pretreatment Committee Chair in 1996 & 2001, Reuse Committee, Wastewater Treatment Committee Chair in 2006, GWEF Nutrient Technical Advisory Committee 2007-2011, GWEF Trustee and President 2011-2015*
 Water Environment Federation - *Lab Practices Committee 1995-2000, MOP 8 Chapter 28 Reviewer, and Delegate-At-Large 2010-2014 (Budget, Audit, and Nominating Committees)*
 Water Environment Research Foundation - *LIFT Member 2013 to present*
 ACF Stakeholders – *Governing Board member and Membership Committee Chair 2009 to present*
 Association of Boards of Certification - *Laboratory Committee 1995 - 2000*
 “Standard Methods...” Committee 1995-2000
 Toastmasters International CCWA Club - *Club Officer 1998-2002, President in 2001*
 Rivercrest Homeowners Association - *Elected/Served as Board member from 1995-2000*
 Magnolia Ridge Homeowners Association - *Elected/Served as Board member from 2002-2004*
 ALTA Tennis Team - *Captain from 1998 to present*
 City of Fayetteville – *Appointed by Mayor to Ethics Commission from January 2012 to present*
 Fayette County Public Schools & PTOs – *Volunteered in various capacities 2005 to present*

Classes and Papers Presented

New Biosolids Regulations (40 CFR 503) at GWPCA Fall Conference, 9 Nov. 1993
Laboratory Analysis of Water and Wastewater at CCWA Mini-Conf., 19 Jan. 1994
Biochemical Oxygen Demand at GWPCA Laboratory Symposium, 7 June 1994
Biosolids Regulations (40 CFR 503) at AOAC Annual Meeting, 6 February 1995
Solids Analysis at GWPCA Laboratory Symposium, 6 June 1995
Total Kjeldahl Nitrogen Analysis at GWPCA Annual Conference, 14 August 1995
The (Re)Cycle of Water at Clayton County High Schools, October 1995 & 1996
Biosolids Regulations (40 CFR 503) at CCWA Mini-Conference, 15 January 1996
Solutions and Dilutions at GWPCA Laboratory Symposium, 17 June 1996
Industrial Pretreatment Program at CCWA Mini-Conference, 14 January 1998
Chemical Hygiene Plans at GWPCA Fall Conference, 4 November 1998
Wastewater Laboratory for Operators & Analysts State Board approved training, Feb. & Mar. 2000
Biological Nutrient Removal State Board approved training, Feb. & March 2001
CCWA Grease Program Education at CCWA Mini-Conference, January 2002
Setting Industrial Surcharge Rates at GWPCA Industrial Conference, March 2002
Are You Ignoring 80% of your Grease? At GWPCA Annual Conference, August 2002
Constructed Wetlands Role in a Sustainable Utility at Southern Environ. Law Center Seminar, Dec. 2009
Constructed Wetlands Role in Treatment Process at GAWP Spring Conference 2010
What is the GAWP Leadership Academy at Louisville WEFMAX, April 14, 2011
What is a Nutrient Technical Planning Group at GAWP Spring Conference 2011
Constructed Wetlands Role in a Sustainable Utility at AWWA National Sustainability Conference 2012
Nutrients, Why Are We Here? at GAWP Nutrient Specialty Conference in August 2013
Planning a Sustainable Future for Clayton County at AWWA Annual Conference in November 2015
Overview of Water Reclamation Biological Nutrient Removal at GAWP District 3 Meeting in December 2016

References

Professional and Personal References are available upon request.

APPLICATION FOR APPOINTMENT
Fayette County Board of Family and Children Services

Thank you for your interest in being considered for appointment to the Fayette County Board of Family and Children Services (DFACS).

The Fayette County Board of Family and Children Services is made up of five volunteering citizens from across the county. Each appointment is for a five-year term, or for the unexpired term of a resigning member. Please do not apply if you will be unable to attend a minimum of eighty percent (80%) of all meetings.

Please take a few minutes to complete the form and answer the questions below and return it with a resume, if available, to Tameca White, County Clerk, 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 or twhite@fayettecountyga.gov no later than 5:00 p.m. on Friday, February 17, 2017.

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME Joshua Shelton

ADDRESS 119 Greensway

TELEPHONE (day) [REDACTED]

(evening) [REDACTED]

(email address) [REDACTED]

[Signature]
Signature

020917
Date

1. How long have you been a resident of Fayette County?

I have lived in Fayette County since 1989. I have lived in Peachtree City the entire time.

2. Why are you interested in serving on the Fayette County Board of Family and Children Services (DFACS)?

The importance of social workers in our community cannot be understated. They are frequently the first to be notified of need in our community. They identify those at risk of poverty and children at risk of abuse. The services they provide are essential to the protection of children and families. That being said, they are overworked and overburdened. Between high caseloads and intense pressure to get it right every time, the room for error is small. The professionals that work for DFACS need a fair shake. This means truly understanding what they do and setting realistic expectations for performance. That being said, there is a basic standard of care which must be met. The community served by DFACS also needs advocacy. I'd like to contribute as a fair and impartial voice who is willing to consider all options and opinions.

3. What qualifications and experience do you possess for appointment to the DFACS Board?

Fairness and empathy are my primary qualifications. I also have more than a decade of experience working directly with DFACS. As a law enforcement officer, I worked hand in hand with social workers to make the best decisions in the interest of children and families. Sometimes, this meant being a thorn in the side of DFACS administrators. I've always held them to a high standard despite their tight budget, high turnover, and occasional unresponsiveness. Working specifically as a detective in crimes against women and children, I learned the challenges which are faced by social work clients. They deserve the best we have to give and though DFACS is a state run organization, Fayette County should do all it can to ensure our concerns and desires are understood. I am also a social entrepreneur. I've organized two charitable organizations here in Fayette County. The first, Shop with a Sheriff is an IRS non-profit committed to providing needy kids with a great Christmas experience while providing a positive interaction with law enforcement. We also provide backpacks at back to school time filled with the highest quality supplies we can find. This year is our tenth anniversary. I also created HNL Inc. We are in the process of seeking non-profit status but this organization is committed to good deeds and improving conditions for people in need. Our latest project is the dignity store. An actual store (all items are free to kids and families) inside Flat Rock Middle School which is for children in need to shop and get needed hygiene items. We do this in a private and dignified way. Our thought is that since kids have very little control over their own living conditions, we want to give them some control over the basic items of life.

4. List your recent employment experiences to include name of company and position.

I am currently a security specialist for FedEx. I've been working in this capacity since leaving the Fayette County Sheriff's Office. I served Fayette County for almost thirteen years from 2002 to 2014. I am also the treasurer for the American Armor Foundation, a Tyrone based non-profit which seeks to purchase body armor for police officers who otherwise go without. In my spare time, I am the director for both Shop with a Sheriff and HNL Inc.

5. Do you have any past experience relating to the DFACS Board? If so, please describe.
I don't think I've ever interacted with the board, only DFACS social workers and administrators.

6. Are you currently serving on a commission/board/authority or in an elected capacity with any government?
I serve on three boards. All mentioned above.

7. Have you attended any DFACS Board meetings in the past two years and, if so, how many?
No.

8. Are you willing to attend seminars or continuing education classes at county expense?
Yes. I think education is the key to professionalism.

9. What is your vision of the county's future related to the duties of the DFACS Board?
I'd like to see the Fayette DFACS Board improve the reputation of DFACS in two ways. Marketing the hard work and successes of DFACS and improving environmental factors for social workers. The high turnover at DFACS is mostly due to burnout. The working conditions at DFACS are brutal. The cases faced by agents are mostly never pleasant and the praise is non-existent. Work satisfaction comes from altruism and peer support. Any way we can make conditions better and provide incentives for case workers should be considered.

10. Would there be any possible conflict of interest between your employment or your family and you serving on the DFACS Board?
No.

11. Are you in any way related to a County Elected Official or County employee? If so, please describe.
No.

12. Describe your current community involvement.
As a self-titled social entrepreneur, I focus on the problems of the community. I believe in focusing on the problem, not the solution. All too often, people fall in love with their perceived solution to the problem without truly understanding the issue. Problems don't always need money; sometimes they need understanding. To me, root-cause analysis and commitment to understanding is the best medicine for a problem. I feel like I have a great understanding of the problems faced by DFACS. I've worked on the front lines with the social workers and have seen the devastation caused by child sexual abuse. I've been with DFACS administrators while they decided to remove a child from a home. I've sat with them for hours upon hours in courtrooms and justified their actions. I'm committed to making positive change in my community and I believe positional power is underutilized by those who have it. I have the experience to understand the issues and the leadership to motivate others into action.

13. Have you been provided a copy of the county's Ethics Ordinance?

Yes.

14. Is there any reason you would not be able to comply with the Ethics Ordinance?

No.

Joshua Shelton

Experience

FedEx Freight

August 2014 – Present

Security Specialist

Responsible for investigating internal policy violations and crimes against the company, my role as a security specialist requires several different skill sets. Representing one of the most recognizable brands in the world, I'm responsible for a three-state district including Alabama, Georgia, and South Carolina. Seeking to ensure the security of both our employees and facilities, I divide my time between reactive investigations and proactive efforts. Conducting such investigations, auditing internal controls, researching internal shipment data, and providing prevention education are my primary activities. I'm also a certified trainer for our organizations investigative software, responsible for educating my peers and transitioning to the latest version of our primary investigative resource.

Fayette County Sheriff's Office

March 2005 – July 2014

Detective

Using both deductive reasoning and enhanced technical skills, I investigated all manner of crimes against people and property. I sought out highly complex and technical cases that required advanced levels of organization and research. In addition to normal case assignments, I received special training for computer forensics, arson investigations, and hostage negotiations. I was also the public information officer for the Fayette County Sheriff's Office from 2012 to 2014. In 2007, I founded Shop with a Sheriff, Inc., a non-profit organization committed to reducing the effects of poverty on less fortunate children.

January 2002 – March 2005

Crime Scene Investigator

Hired as a crime scene investigator, I obtained state crime scene technician certification in 2003. My assignment as a CSI required that I respond to crime scenes to collect multiple forms of physical evidence. My duties also included processing and comparing fingerprints, photographing crime scenes, and presenting my findings in court.

Education

University of the Cumberland	Master of Science	Anticipated class of 2017
Georgia State University	Bachelor of Arts	Class of 2000

Certifications and Training

Association of Certified Fraud Examiners	Certified Fraud Examiner
FedEx eSIMS Investigative Software	Certified Trainer
US Treasury Electronic Crimes Special Agent Program	Graduate
Georgia Peace Officer Standards and Training	Arson Investigator
Georgia Peace Officer Standards and Training	Crime Scene Technician

Honors and Awards

2016 FedEx Bravo Zulu Award – Department website design/construction

2015 FedEx Bravo Zulu Award – Leadership conference performance award

2013 Griffin Judicial Circuit White Collar Investigation Award – Serial arsonist casework

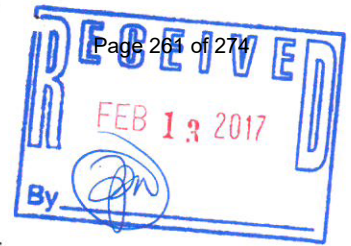
2009 Griffin Judicial Circuit Community Service Award – Shop with a Sheriff

2003 Fayette County Sheriff's Office Meritorious Service Award – Flint River serial murder casework

Organizations and Activities

Association of Certified Fraud Examiners	Member
ASIS	Member
Southeastern Transportation Security Council	Member
Pharmaceutical Cargo Security Coalition	Member
Shop with a Sheriff, Inc.	President
American Armor Foundation, Inc.	Treasurer

10:00 am



APPLICATION FOR APPOINTMENT
Fayette County Board of Family and Children Services

Thank you for your interest in being considered for appointment to the Fayette County Board of Family and Children Services (DFACS).

The Fayette County Board of Family and Children Services is made up of five volunteering citizens from across the county. Each appointment is for a five-year term, or for the unexpired term of a resigning member. Please do not apply if you will be unable to attend a minimum of eighty percent (80%) of all meetings.

Please take a few minutes to complete the form and answer the questions below and return it with a resume, if available, to Tameca White, County Clerk, 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 or twhite@fayettecountyga.gov no later than 5:00 p.m. on Friday, February 17, 2017.

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME Delvonnie M. Burgess

ADDRESS 140 Forest Lake Way
Fayetteville, ga 30215

TELEPHONE (day) [REDACTED]

(evening) [REDACTED]

(email address) [REDACTED]

Delvonnie M. Burgess
Signature

Feb. 13, 2017
Date

Delvonnie M. Burgess, Applicant
Fayette County DFACS Board

1. How long have you been a resident of Fayette County? [18 years](#)
2. Why are you interested in serving on the Fayette County Board of Family and Children Services (DFACS)? [Would like to contribute the use of my skills and talents to help families in Fayette County.](#)
3. What qualifications and experience do you possess for appointment to the DFACS Board? [Atlanta Medical Association Lobbyist for Child Advocacy, Former Board Member of Bloom; School/Law Enforcement/Community Initiative; Education Chair Fayette County NAACP, and Jane Elliott event \(envisioned, developed, coordinated, marketed, and managed a one-day event designed to educate teachers and principals about ways to improve students' outcomes\).](#)
4. List your recent employment experiences to include name of company and position. [Director, PAAWS After School Program, Spaulding Elementary School, Lamar, SC.](#)
5. Do you have any past experiences related to the DFACS Board? If so, please describe. [In April 2000, helped pass the Terrell Peterson Act – child protective custody – SB 315. This bill provide that physicians may retain temporary protective custody of child without court order and parental consent, if the physician has reasonable cause to believe the child's life or health is imminent.](#)
6. Are you currently serving on a commission/board/authority or in and elected capacity with any government? [None](#)
7. Have you attended any DFACS Board meetings in the past two years and, if so, how many? [None](#)
8. Are you willing to attend seminars or continuing education classes at county expense? [Yes, Absolutely.](#)
9. What is your vision of the county's future related to the duties of the DFACS Board? [To provide good reasonable policy for family's health and welfare in Fayette County.](#)
10. Would there be any possible conflict of interest between your employment or your family and you serving on the DFACS Board? [None.](#)

Delvonnie M. Burgess, Applicant
Fayette County DFACS Board

11. Are you in any way related to a County Elected Official or County employee? If so, please describe. [Yes, Spouse \(Fayette County Director of Purchasing\).](#)
12. Describe your current community involvement. [Fayette County Chamber of Commerce SPLOST Committee.](#)
13. Have been given a copy of the county's Ethics Ordinance? [Yes](#)
14. If there any reason you would not be able to comply with the ordinance? [None](#)

COUNTY AGENDA REQUEST

Page 264 of 274

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of the County Attorney's recommendation to approve a tax refund of personal and real property taxes to Calpis America Inc. for tax years 2014, 2015 and 2016 in the aggregated amount of \$29,452.87.

Background/History/Details:

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

A memo from the County Attorney is provided as backup with an explanation to approve tax years 2014, 2015 and 2016 of this request.

What action are you seeking from the Board of Commissioners?

Approval of the County Attorney's recommendation to approve a tax refund of personal and real property taxes to Calpis America Inc. for tax years 2014, 2015 and 2016 in the aggregated amount of \$29,452.87.

If this item requires funding, please describe:

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

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

This refund is based on activity through the Development Authority.

MEMORANDUM

To: Fayette County Board of Commissioners
From: McNally, Fox, Grant & Davenport, P.C.
Date: March 15, 2017
Re: Tax Refund for Calpis America Inc. Real Property Map code
0615031L & Personal Property Map code 104103

In October of 2012, the Fayette County Development Authority, (the Authority) executed an agreement with Calpis Co., Limited (Calpis) to secure the company's move into Fayette County. The move was predicated on certain conditions and bond financing through the Authority on a new facility (the Calpis property). Ownership of all Calpis property (real and personal), would be vested in the Authority throughout the finance period, 10 years. Calpis would lease the Calpis property from the Authority until the termination of the bond financing, through a Lease agreement. The lease was not to commence until the facility was fully built and occupied by Calpis. Calpis would hold no taxable interest under lease or otherwise, in the Calpis property, until that time.

The Board of Tax Assessors (the Assessors) must assess all property (real and personal) within the County, at fair market value, for taxation. In discharging this duty, the Assessors track the ownership of all real property through the County deed records. On November 13 2013, a hearing to validate finance bonds was held. On November 19, 2013, a deed was filed showing transfer of title to the Calpis property to the Authority. Also, recorded that day was a lease back to Calpis, of the same property, by the Authority.

In assessing the leasehold value of the Calpis property for taxation, the Assessors employed the methodology set forth in the Lease agreement. The leasehold value is increased annually by 10%. At the termination of the 10-year term, the value of the leasehold is 100%, the full fair market value of the property. The Authority then transfers title back to Calpis. This method for valuation of a leasehold has been upheld as a reasonable methodology to approximate the fair market value of this sort of leasehold by the Georgia Supreme Court.

The Lease agreement specifies that the lease term will not commence until the new facility is fully built and Calpis takes possession. This allows Calpis to hold no taxable interest whatsoever for the first year of the project. The Assessors were advised to treat the Calpis property as it would all similar situated taxpayers. They were to commence assessment in 2014, the year Calpis acquired a taxable leasehold interest, as evidenced by the deed records. In its refund claim, Calpis has drawn attention to a Georgia Supreme Court ruling. In that case, the court upheld language in a lease that created a year of tax exemption, during buildout, until occupancy by the company involved. The involved property was subject to bond financing through a development authority much like there Calpis property. For Calpis, buildout and possession did not occur until tax year 2015. The Assessors used tax year 2014 as the first year of valuation and taxation. The value placed on the leasehold was 10% of the fair market value of the property. Tax year 1 should have been 2015 under the terms of the Lease agreement and as supported by the Georgia Supreme Court.

A full refund of real and personal property taxes paid on the Calpis property in 2014 is mandated under the refund provisions. All taxes paid in that year were erroneously assessed and collected. Further, the taxes assessed and collected in 2015 and 2016 must be recalculated and a refund given to reflect 2015 as year 1 and 2016 as year 2 under the 10-year valuation methodology set forth in the Lease agreement.

The total refund recommended is \$29,452.87, as follows:

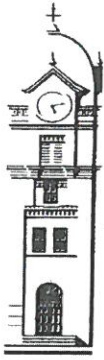
Refund on the Personal Property Account 140103

2014	\$0	
2015	\$9549.40	
2016	\$9279.43	
TOTAL PERSONAL		\$18,828.83

Refund on the Real Property Account 0615031L

2014	\$2513.21	
2015	\$2585.95	
2016	\$5524.88	
TOTAL REAL		\$10,624.04

TOTAL RECOMMENDED REFUND \$29,452.87



Fayette
COUNTY

"WHERE QUALITY
IS A LIFESTYLE"

140 STONEWALL AVENUE WEST, STE 100
FAYETTEVILLE, GEORGIA 30214
PHONE: 770-305-5200
www.fayettecountyga.gov

March 16, 2017

Calpis America Inc.
455 Dividend Drive
Peachtree City, Georgia 30269

RE: Tax Refund Request

Dear Calpis America Inc.:

This letter is to notify you that your request for tax refund has been slated to appear on the Thursday, March 23, 2017 agenda of the regularly scheduled meeting of the Fayette County Board of Commissioners, at 7:00 P.M.

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

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

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

Sincerely,

A blue ink handwritten signature of Tameca P. White.

Tameca P. White, MBA, CCC
County Clerk

Cc: Ali Cox, Assistant County Attorney
Joel Benton, Tax Assessor
Kristi King, Tax Commissioner
Alston & Bird, Attorney for Tax Payer

COUNTY AGENDA REQUEST

Page 268 of 274

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of the approval to execute a property deed to swap approximately 0.12 acres of right of way to Mr. Michael Becker in exchange for the transfer of 0.14 acres needed to pave a turn-around to provide access for Fayette County safety vehicles.

Background/History/Details:

This property swap has been requested by Mr. Michael Becker. Mr. Becker owns property at the terminating end of a partially paved dead end road with no turn-around. Several similar roads exist in the County which are difficult to access with fire trucks, ambulances, etc. To remedy the safety problem the Road Department offers to pave a turn-around if the County is given the property to work upon.

In order to be permitted to build, Mr. Becker must obtain "County maintained road frontage". The County will pave a turn-around at the end of Brown road for this and any future needs. This will be accomplished with a property swap. Fayette will swap Mr. Becker approximately 0.12 acres of unneeded, remaining right of way and Mr. Becker will transfer the 0.14 acre needed for the turn-around.

Mr. Becker will execute the deed to the county. The Board of Commissioners needs to publicly vote to execute the deed to Mr. Becker.

What action are you seeking from the Board of Commissioners?

Approval to execute a property deed to swap approximately 0.12 acres of right of way to Mr. Michael Becker in exchange for the transfer of 0.14 acres needed to pave a turn-around to provide access for Fayette County safety vehicles.

If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Return Recorded Document to:
McNally, Fox, Grant & Davenport, P.C.
100 Habersham Drive
Fayetteville, Georgia 30214

QUIT CLAIM DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, made this ____ day of _____, 20__ between Michael Becker of the county of Fayette, and State of Georgia as party of the first part, hereinafter called Grantor, and THE COUNTY OF FAYETTE COUNTY a political subdivision of the state of Georgia, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN AND 00/100 (\$10.00) DOLLARS** and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey, confirm and hereby QUITCLAIM unto the said Grantee,

ALL that tract or parcel of land lying and being in Land Lot 34 of the 5th District of Fayette County, Georgia and being more particularly described in Exhibit "A" attached hereto and hereby made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee.

IN WITNESS, WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in presence of:

 Witness

 Michael Becker

 Notary Public (SEAL)

Exhibit "A"

All that tract or parcel of land lying and being in Land Lot 34 of the 5th District, Fayette County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the westerly right of way of Redwine Road and the northerly right of way of Brown Road;

Thence westerly along the northerly right of way of Brown Road 985 feet to a $\frac{3}{4}$ " open top pipe, said point being the TRUE POINT OF BEGINNING;

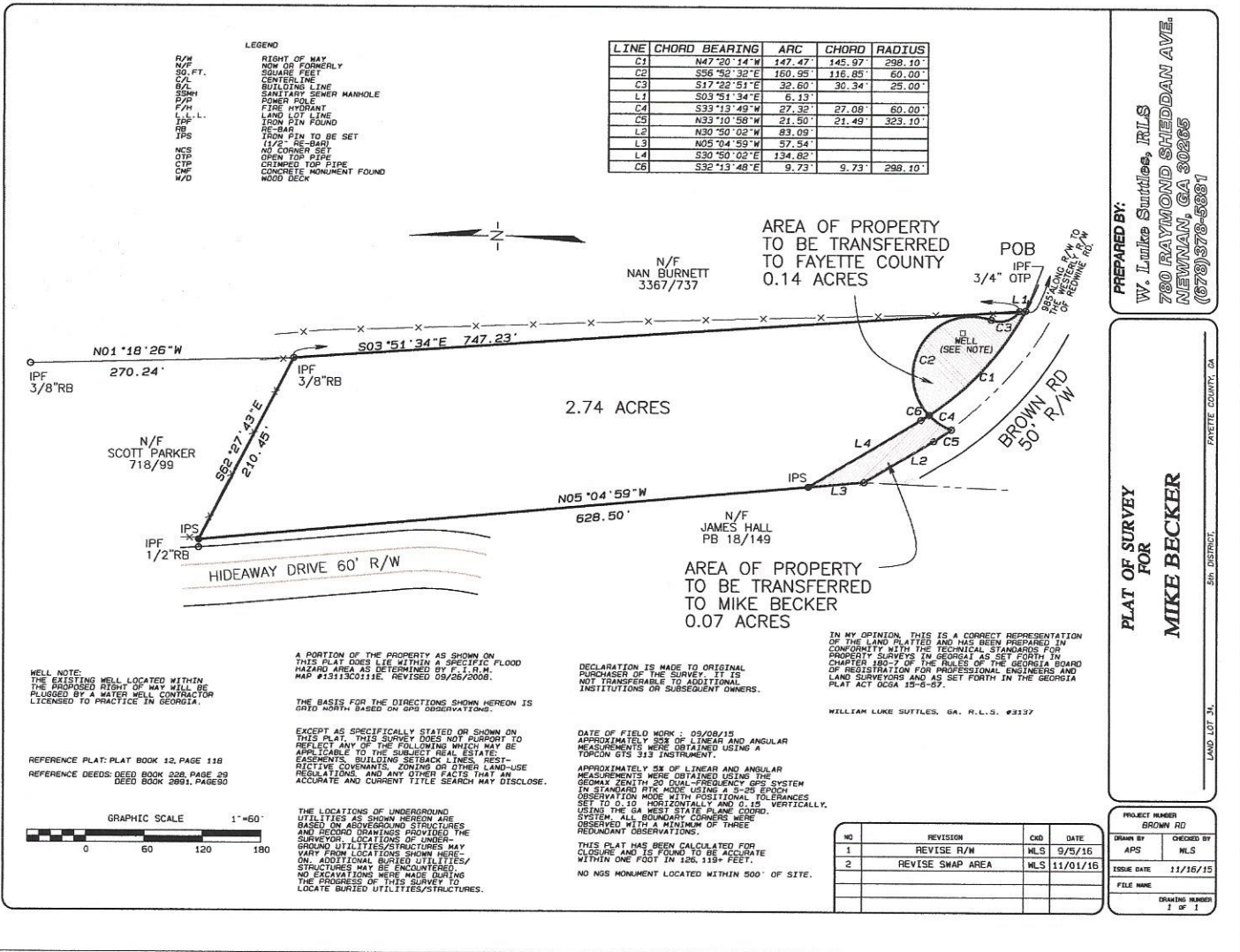
Thence continuing along said right of way along a curve to the right an arc distance of 147.47 feet, said curve having a radius of 298.10 feet and being subtended by a chord which bears North $47^{\circ}20'14''$ West, a distance of 145.97 feet to a point;

Thence along a curve to the right an arc distance of 160.95 feet, said curve having a radius of 60.00 feet and being subtended by a chord which bears South $56^{\circ}52'32''$ East, a distance of 116.85 feet to a point;

Thence along a curve to the left an arc distance of 32.60 feet, said curve having a radius of 25.00 feet and being subtended by a chord which bears South $17^{\circ}22'51''$ East, a distance of 30.34 feet to a point;

Thence South $03^{\circ}51'34''$ East, a distance of 6.13 feet to a point, said point being the TRUE POINT OF BEGINNING;

Said tract or parcel of land contains 0.14 acre (6,246 square feet) and is depicted on a survey for Mike Becker dated 11/16/15.



Return Recorded Document to:
McNally, Fox, Grant & Davenport, P.C.
100 Habersham Drive
Fayetteville, Georgia 30214

QUIT CLAIM DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, made this ____ day of _____, 20__ between
THE COUNTY OF FAYETTE COUNTY a political subdivision of the state of Georgia, as party
or parties of the first part, hereinafter called Grantor, and Michael Becker of the county of Fayette,
and State of Georgia, as party or parties of the second part, hereinafter called Grantee (the words
"Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context
requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN AND 00/100**
(\$10.00) DOLLARS and other good and valuable consideration in hand paid at and before the
sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted,
bargained, sold, aliened, conveyed, and confirmed, and by these presents does grant, bargain, sell,
alien, convey, confirm and hereby QUITCLAIM unto the said Grantee,

ALL that tract or parcel of land lying and being in Land Lot 34 of the 5th district of Fayette
County, Georgia and being more particularly described as the right of way described in Exhibit
"A" attached hereto and hereby made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the
rights, members and appurtenances thereof, to the same being, belonging, or in anywise
appertaining, to the only proper use, benefit and behoof of the said Grantee.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year
above written.

Signed, sealed and delivered in presence of:

Witness

Eric K. Maxwell, Chairman

Notary Public (SEAL)

Exhibit "A"

All that tract or parcel of land lying and being in Land Lot 34 of the 5th District, Fayette County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the westerly right of way of Redwine Road and the northerly right of way of Brown Road;

Thence westerly along the northerly right of way of Brown Road 1,132.47 feet to a point, said point being the TRUE POINT OF BEGINNING;

Thence along a curve to the left an arc distance of 27.32 feet, said curve having a radius of 60.00 feet and being subtended by a chord which bears South $33^{\circ}13'49''$ West, a distance of 27.08 feet to a point;

Thence along a curve to the right an arc distance of 21.50 feet, said curve having a radius of 323.10 feet and being subtended by a chord which bears North $33^{\circ}10'58''$ West, a distance of 21.49 feet to a point;

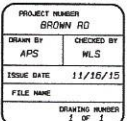
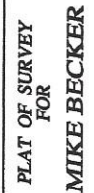
Thence North $30^{\circ}50'02''$ West, a distance of 83.09 feet to a point;

Thence North $05^{\circ}04'59''$ West, a distance of 57.54 feet to a point;

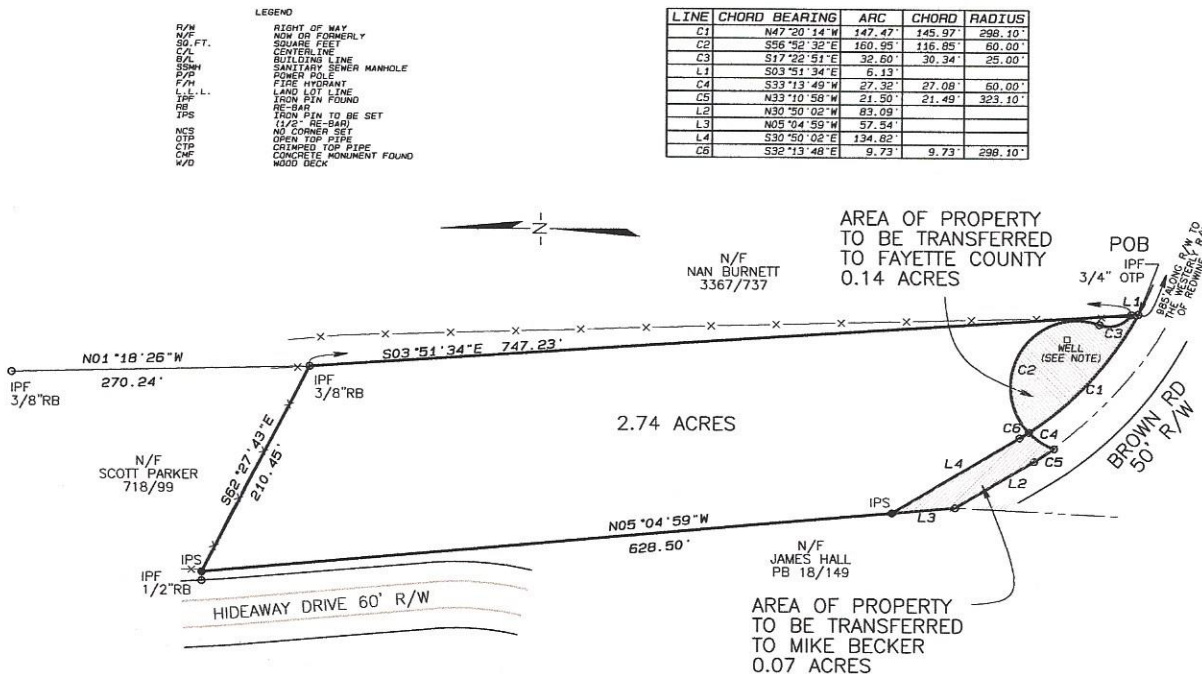
Thence South $30^{\circ}50'02''$ East, a distance of 134.82 feet to a point;

Thence along a curve to the left an arc distance of 9.73 feet, said curve having a radius of 298.10 feet and being subtended by a chord which bears South $32^{\circ}13'48''$ East, a distance of 9.73 feet to a point, said point being the TRUE POINT OF BEGINNING;

Said tract or parcel of land contains 0.07 acre (3,086 square feet) and is depicted on a survey for Mike Becker dated 11/01/16.

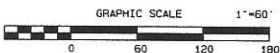


LINE	CHORD BEARING	ARC	CHORD	RADIUS
C1	N47°20'14" W	147.47°	145.97	298.10
C2	S56°52'32"E	160.95	116.85	60.00
C3	S17°22'51"E	32.60°	30.34	25.00
L1	S03°51'34"E	6.13°		
C4	S33°13'49" W	27.32°	27.08	60.00
C5	N33°10'58" W	21.50°	21.49	323.10
L2	N30°50'02" W	83.69°		
L3	N05°04'59" W	97.54°		
L4	S30°50'02"E	134.82°		
C6	S32°13'48"E	9.73°	9.73	298.10



WELL NOTE:
THE EXISTING WELL LOCATED WITHIN
THE PROPOSED RIGHT OF WAY WILL BE
PLUGGED BY A WATER WELL CONTRACTOR
LICENSED TO PRACTICE IN GEORGIA.

REFERENCE PLAT: PLAT BOOK 12, PAGE 118
REFERENCE DEEDS: DEED BOOK 228, PAGE 29
DEED BOOK 2891, PAGE 90



A PORTION OF THE PROPERTY AS SHOWN ON
THIS PLAT DOES LIE WITHIN A SPECIFIC FLOOD
HAZARD AREA AS DETERMINED BY F.I.R.M.
MAP #13113C0111E, REVISED 09/26/2008.

THE BASIS FOR THE DIRECTIONS SHOWN HEREON IS
GRID NORTH BASED ON GPS OBSERVATIONS.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAN, THIS SURVEY DOES NOT PURPORT TO REPRESENT ANY OF THE FOLLOWING WHICH MAY BE AVAILABLE TO THE SUBJECT REAL ESTATE INTERESTS: EASEMENTS, BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVEGROUND STRUCTURES AND RECORD DRAWINGS PROVIDED THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES.

DECLARATION IS MADE TO ORIGINAL
PURCHASER OF THE SURVEY. IT IS
NOT TRANSFERABLE TO ADDITIONAL
INSTITUTIONS OR SUBSEQUENT OWNERS.

DATE OF FIELD WORK : 09/08/15
APPROXIMATELY 95% OF LINEAR AND ANGULAR
MEASUREMENTS WERE OBTAINED USING A
TOPCON GTS 313 INSTRUMENT.

APPROXIMATELY 5% OF LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING THE GEOMAX ZENITH 20 DUAL-FREQUENCY GPS SYSTEM IN STANDARD RTK MODE USING A 5-25 EPOCH OBSERVATION MODE WITH POSITIONAL TOLERANCES OF ± 0.15 HORIZONTAL AND ± 0.15 VERTICALLY, USING THE GAUSS-SEIDEL PLANE COORD. SYSTEM. ALL BOUNDARY CORNERS WERE OBSERVED WITH A MINIMUM OF THREE REDUNDANT OBSERVATIONS.

THIS PLAT HAS BEEN CALCULATED FOR
CLOSURE AND IS FOUND TO BE ACCURATE
WITHIN ONE FOOT IN 126,119+ FEET.

NO NGS MONUMENT LOCATED WITHIN 500' OF SITE.

IN MY OPINION, THIS IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR SURVEYING PRACTICES IN GEORGIA AS SET FORTH IN CHAPTER 180-2 OF THE RULES OF THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT OCGA 15-8-67.

WILLIAM LUKE SUTTLES, GA. R.L.S. #3137