

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
Marlena Edwards, Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

AGENDA

April 24, 2018

4:00 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 6:30 p.m.

Call to Order

Invocation and Pledge of Allegiance by Commissioner Charles Oddo

Acceptance of Agenda

PROCLAMATION/RECOGNITION:

1. Proclamation recognizing April 2018 as "Confederate History and Heritage Month" and April 26, 2018 as "Confederate Memorial Day." (pages 3-4)
2. Proclamation recognizing May 2018 as Motorcycle Safety and Awareness Month. (pages 5-6)
3. Presentation to proclaim May 5, 2018 as Sergeant Eric Hunter Day in Fayette County. (page 7)
4. Proclamation recognizing May 7, 2018 as "Water Professionals Appreciation Day." (pages 8-9)

PUBLIC HEARING:**CONSENT AGENDA:**

5. Approval of staff's recommendation to include "Addendum 2" of added events to the Intergovernmental Agreement between the City of Fayetteville and Fayette County for use of county owned property. (pages 10-12)
6. Approval to amend Contract #1418-S with AdaptToSolve, Inc. for the purchase and installation of an additional security camera at the Fayette County Public Library in the amount of \$1,490, using available funding from the Library's LED Lighting project and to close project 7565J, Library LED Lighting. (pages 13-16)
7. Approval of Resolution 2018-09 to adopt the Fayette County 2017 Annual Report on Fire Services Impact Fees (FY2017), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2018-FY2022). (pages 17-30)
8. Approval of the April 12, 2018 Board of Commissioners Meeting Minutes. (pages 31-37)

OLD BUSINESS:

NEW BUSINESS:

9. Consideration of Ordinance 2018-01 to add Section 26-63. -Street authorization in Chapter 26 of Article III, Motorized Carts. (pages 38-53)
10. Consideration of the Water Committee's recommendation and approval of Ordinance 2018-08 to provide for the official formation of the Fayette County Water Committee. (pages 54-61)

PUBLIC COMMENT:

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

COUNTY AGENDA REQUEST

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Department: Commissioners

Presenter(s): Board of Commissioners

Meeting Date: Tuesday, April 24, 2018

Type of Request: Presentation/Recognition #1

Wording for the Agenda:

Proclamation recognizing April 2018 as "Confederate History and Heritage Month" and April 26, 2018 as "Confederate Memorial Day."

Background/History/Details:

Confederate Memorial Day had its start in 1866 when the Ladies Memorial Association of Columbus, Georgia passed a resolution to set aside one day each year memorializing Confederate dead. The date, April 26, was chosen since it signified Confederate General Johnston's final surrender to General Sherman at Bennett Place, North Carolina which, to many, marked the official end of the Civil War.

What action are you seeking from the Board of Commissioners?

Proclamation recognizing April 2018 as "Confederate History and Heritage Month" and April 26, 2018 as "Confederate Memorial Day."

If this item requires funding, please describe:

Not Applicable.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

FAYETTE COUNTY, GEORGIA

CONFEDERATE HISTORY AND HERITAGE MONTH

Proclamation

- WHEREAS,* April was chosen as the month to recognize Confederate History and Heritage because that was the month, in 1861, that the Civil War began in earnest on April 12 when Confederate forces fired upon Fort Sumter, a key fort held by the Union troops in South Carolina; and
- WHEREAS,* The citizen-soldiers who fought for the Confederacy personified the qualities of courage, endurance, and patriotism; maintaining that preservation of liberty and freedom was the motivating factor in the South's decision to fight what they believed to be a Second American Revolution; and
- WHEREAS,* The tenacity which the Confederate soldiers fought underscored their belief in rights guaranteed by the Constitution; and
- WHEREAS,* Fayette County, Georgia sent nearly 1,000 men into battle out of a total county population of around 7,000 citizens, constituting about 14% of county residents, 379 of whom made the ultimate sacrifice for their cause; and
- WHEREAS,* The Sons of Confederate Veterans are preserving the history and legacy of the men and women who both lived and died during the Civil War so that future generations can understand the motives that animated the Southern Cause; and
- WHEREAS,* The Sons of Confederate Veterans encourages all Georgians to learn and understand more about Georgia's rich history revolving around the Civil War;

BE IT THEREFORE PROCLAIMED, the Fayette County Board of Commissioners do hereby proclaim the month of April, 2018, as "**Confederate History and Heritage Month**" and April 26 as "**Confederate Memorial Day**" in Fayette County as part of our continuing effort to recognize the diversity of people who reside in our great county.

So proclaimed this 24th day of April 2018,

Eric K. Maxwell, Chairman

Randy Ognio, Vice Chair

Steve Brown, Commissioner

Charles W. Oddo, Commissioner

COUNTY AGENDA REQUEST

Page 5 of 61

Department: Commissioners

Presenter(s): Board of Commissioners

Meeting Date: Tuesday, April 24, 2018

Type of Request: Presentation/Recognition #2

Wording for the Agenda:

Proclamation recognizing May 2018 as Motorcycle Safety and Awareness Month.

Background/History/Details:

May is Motorcycle Safety Awareness Month. This is the time to remind motorists to be on the alert and to share the road with motorcyclists.

The Board of Commissioners join in this national day of recognition and bring awareness of motorcycle safety to Fayette County.

What action are you seeking from the Board of Commissioners?

Proclamation recognizing May 2018 as Motorcycle Safety and Awareness Month.

If this item requires funding, please describe:

Not Applicable.

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

If so, when?

Is Audio-Visual Equipment Required for this Request? No

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

FAYETTE COUNTY, GEORGIA

MOTORCYCLE AWARENESS MONTH

May 2018

Proclamation

- WHEREAS*, Motorcycles are efficient vehicles that reduce fuel consumption, ease parking shortages and traffic congestion, and are becoming an increasingly popular form of recreation and transportation for thousands of people across the state and nation; and
- WHEREAS*, Increased awareness and safe driving procedures by all vehicles operators can help assure the safety and reduce injuries and fatalities to motorcyclists; and
- WHEREAS*, The latest vehicle mile travel data show motorcyclists are about 27 times as likely as passenger car occupants to die in a motor vehicle traffic crash and 6 times as likely to be injured; and
- WHEREAS*, It is especially important that all the drivers in Georgia be aware of motorcycles on the highways and streets and recognize the need to share the road with these vulnerable vehicles; and
- WHEREAS*, Several creditable organizations are committed to increasing the safe operation of motorcycles by promoting rider safety education programs and by providing safety instruction for Georgia's citizens; and
- WHEREAS*, During the month of May 2018, all street and highway users should unite in the safe sharing of roadways throughout Fayette County and the State of Georgia.
- NOW THEREFORE*, the Fayette County Board of Commissioners do hereby proclaim the month of May 2018, as “**Motorcycle Safety Awareness Month**” in Fayette County, to increase public awareness about motorcycles and to encourage the safe and proper use among motorcycle riders.

So proclaimed this 24th day of April 2018,

Eric K. Maxwell, Chairman

Randy Ognio, Vice Chair

Steve Brown, Commissioner

Charles D. Rousseau, Commissioner

Charles W. Oddo, Commissioner

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Presentation to proclaim May 5, 2018 as Sergeant Eric Hunter Day in Fayette County.

Background/History/Details:

At the October 12, 2017 Board of Commissioners meeting, the Board recognized the Gary Sinise Foundation and the recipient of the Restoring Independence Supporting Empowerment, Sergeant Eric Hunter.

The Board of Commissioners will present a plaque proclaiming May 5, 2018 as Sergeant Eric Hunter Day.

What action are you seeking from the Board of Commissioners?

Proclaiming May 5, 2018 as Sergeant Eric Hunter Day in Fayette County.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Proclamation recognizing May 7, 2018 as "Water Professionals Appreciation Day."

Background/History/Details:

In 2015 Senate Bill 119 was passed designating the first Monday in May as Water Professionals Appreciation Day. This day is to recognize the men and women who work tirelessly to ensure our tap water is safe and that our water resources are protected and properly managed.

What action are you seeking from the Board of Commissioners?

Proclamation recognizing May 7, 2018 as "Water Professionals Appreciation Day."

If this item requires funding, please describe:

N/A

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:

FAYETTE COUNTY, GEORGIA

WATER PROFESSIONALS APPRECIATION DAY

Proclamation

WHEREAS, In 2015 Senate Bill 119 was passed designating the first Monday in May as Water Professionals Appreciation Day; and

WHEREAS, The Georgia Water Quality Control Act was signed into law in 1964; and

WHEREAS, The State established the Georgia Water Quality Control Board, later reconstituted as the Georgia Environmental Protection Division as a result of the 1972 Reorganization of State Government under Governor Jimmy Carter; and

WHEREAS, Due to the dedication and commitment of water professionals Georgia's last known outbreak of waterborne disease was 1989, over 25 years ago; and

WHEREAS, Fayette County Water System Water Professionals provide critical services that are often taken for granted, but that are essential to virtually everything we do; and

NOW THEREFORE, the Fayette County Board of Commissioners do hereby proclaim Monday, May 7, 2018 as **"Water Professionals Appreciation Day"** in Fayette County, a special day of recognition for men and women who work tirelessly in our County to ensure that our tap water is safe and that our water resources are protected and properly managed. Specifically, we want to recognize and thank Lee Pope, Director and the staff of the Fayette County Water System.

So proclaimed this 24th day of April 2018,

Eric K. Maxwell, Chairman

Randy Ognio, Vice Chair

Steve Brown, Commissioner

Charles D. Rousseau, Commissioner

Charles W. Oddo, Commissioner

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's recommendation to include "Addendum 2" of added events to the Intergovernmental Agreement between the City of Fayetteville and Fayette County for use of county owned property.

Background/History/Details:

At the January 11, 2018 Board of Commissioners meeting, the Board approved the Intergovernmental Agreement between the City of Fayetteville and Fayette County for use of county owned property with instructions to bring back to the Board an addendum for any additional non-city events held on county property.

"Addendum 2" is provided as backup.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to include "Addendum 2" of added events to the Intergovernmental Agreement between the City of Fayetteville and Fayette County for use of county owned property.

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:

Addendum 2

**CITY OF FAYETTEVILLE
COUNTY OF FAYETTE**

ADDED FAYETTEVILLE MAIN STREET EVENTS

1. Annual Back to School Expo



**REQUEST FOR USE OF COUNTY-OWNED GROUNDS AND BUILDINGS**Request Submitted By: Becky SmithAddress/City/State/Zip: 185 Bradford Square Suite A Fayetteville, GA 30215Applicant's Name: Fayette FACTORDate Request
ReceivedPhone Number: (770) 716-2797Alternative Phone
Number: (404) 291-1602Request For: Use of GroundsLocation
Requested: Administrative Complex Parking LotFrom Date: 8-4-2018To Date: 8-4-2018This Request is
from a: Not-for-Profit OrganizationHas Proof of IRS Not-for-Profit
Status Been Provided?Yes**Description:**

This is a request for parking lot use for our Annual Back to School Expo. There will be vendors/tents set up on the sidewalks and out in the parking lot, along with inflatables and city or county safety vehicles. We anticipate approximately 300 families coming through during the event - the event will start @ 9 am and be over @ 1pm.

The Applicant has read the County's policy regarding the use of Public Property, agrees to abide by said policy, and to be held responsible for violation of the policy.

YesApplicant's Signature: Becky Smith**COUNTY STAFF USE ONLY**

Does this request meet the terms and conditions of the County's established policy for use of county-owned grounds and buildings?

This Request Has Been:

By:

Date:

Signature: _____

Notes

COUNTY DEPARTMENT AGENDA REQUEST

Page 13 of 61

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval to amend Contract #1418-S with AdaptToSolve, Inc. for the purchase and installation of an additional security camera at the Fayette County Public Library in the amount of \$1,490 using available funding from the Library's LED Lighting project and to close project 7565J, Library LED Lighting.

Background/History/Details:

Due to the high usage of the Fayette County Public Library, and for the safety of the staff and the patrons, Chief Marshal Harold Myers has strongly recommended that an additional camera be installed to observe vehicles entering and leaving the library's parking lot. Chief Myers contacted AdaptToSolve, Inc. and a quote of \$1,490 is requested to install the camera.

What action are you seeking from the Board of Commissioners?

Approval to amend Contract #1418-S with AdaptToSolve, Inc. for the purchase and installation of an additional security camera at the Fayette County Public Library in the amount of \$1,490, using available funding from the Library's LED Lighting project and to close project 7565J, Library LED Lighting.

If this item requires funding, please describe:

The proposed additional security camera to be funded from the LED Library Lighting project (7565J) in the amount of \$1,490. The remaining balance of \$12,924 in Project Contingency.

Has this issue come before the Commissioners in the past?

If so, when?

Do you need audio-visual for the presentation?

Back-up Material Submitted?

STAFF USE ONLY

Approved by Finance

Reviewed by Legal

Approved by Purchasing

Approved by County Clerk

Administrator's Approval

Staff Notes:



Purchasing Department
 140 Stonewall Avenue West, Ste 204
 Fayetteville, GA 30214
 Phone: 770-305-5420
www.fayettecountyga.gov

To: Steve Rapson

From: Ted L. Burgess

Date: April 24, 2018

Subject: Contract #1418-S: Security Cameras for Building & Grounds Property
 Amendment #1: Security Camera for the Library

One of the measures the county has undertaken to assure citizens' well-being was to initiate a plan to install security cameras in the parks. In 2014 three vendors were invited to propose security camera systems for Kiwanis Park, with the understanding that future expansion contracts would be treated as continuation of the project, and awarded to the same vendor. AdaptToSolve was the successful company.

Contract #1418-S was awarded to AdaptToSolve on December 11, 2017 to install security cameras on Building & Grounds Maintenance property within the fenced area.

The Library currently has some cameras inside the building, and some cameras outside covering the parking area. Recently it has become evident that an additional camera is needed, which would be positioned to record license plates of vehicles as they leave the Library area. It is proposed to amend the existing contract to add the camera for the Library.

County Departments are satisfied with previous work done by AdaptToSolve, as documented by the attached Contractor Evaluation Form. Specifics of the proposed contract amendment are as follows:

Contract Name	1418-S: Security Cameras for Building & Grounds Property	
Amendment	Amendment #1: Security Camera for the Library	
Vendor	AdaptToSolve, Inc.	
Contract Amount:		
Original Contract	\$4,998.36	
Amendment #1	<u>1,489.96</u>	
Total	\$6,488.32	

Budget:		
Fund	100	General Fund
Org. Code	10060500	Libraries
Object	542167	Surveillance Equipment
Project	NA	Maintenance & Operating Account
Available Balance	\$1,490.00	Upon approval of transfer from Project 7565J

FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: AdaptToSolve	Contract Number: <i>926-N Kiwanis Park</i> <i>1065-N Kenwood Park</i>
Mailing Address: 11 Airport Parkway	Contract Description or Title: <i>926-N: Video Surveillance for Kiwanis Park</i> <i>1065-N: Cameras + Tag Readers for Kenwood + Kiwanis Parks</i>
City, St, Zip Code: LaGrange, GA 30240	Contract Term (Dates) From: _____ To: _____
Phone Number: 706-298-2734	Task Order Number: N/A
Cell Number:	Other Reference: N/A
E-Mail Address: Jake.Hagler@AdaptToSolve.com	

DEFINITIONS

OUTSTANDING – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

EXCELLENT (Exc) - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.

SATISFACTORY (Sat) - Vendor met minimum contractual requirements or performance expectations of the products/services.

UNSATISFACTORY (UnSat) - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule			X		
2. Condition of delivered products			X		
3. Quality of work			X		
4. Adherence to specifications or scope of work		X			
5. Timely, appropriate, & satisfactory problem or complaint resolution			X		
6. Timeliness and accuracy of invoicing		X			
7. Working relationship / interfacing with county staff and citizens			X		
8. Service Call (On-Call) response time			X		
9. Adherence to contract budget and schedule			X		
10. Other (specify):					
11. Overall evaluation of contractor performance			X		

EVALUATED BY

Signature: <i>Anita Godbee</i>	Date of Evaluation: <i>9/30/17</i>
Print Name: <i>ANITA GODBEE</i>	Department/Division: <i>PARKS + RECREATION</i>
Title: <i>DIRECTOR</i>	Telephone No: <i>770 716 4321</i>

CONTRACTOR PERFORMANCE EVALUATION

Explanation of Outstanding or Unsatisfactory Ratings

Page 2

Company Name:

Contract Number:

EXPLANATIONS / COMMENTS

1. Do not submit page 2 without page 1.
2. Use this page to explain evaluations of *Outstanding* or *Unsatisfactory*.
3. Be specific (include paragraph and page numbers referenced in the applicable contract, etc.). Continue on separate sheet if needed (show company name and contract number or other reference)

Purchasing Department Comments (e.g. did the vendor honor all offers; submit insurance, bonds & other documents in a timely manner; and provide additional information as requested?):

COUNTY AGENDA REQUEST

Page 17 of 61

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of Resolution 2018-09 to adopt the Fayette County 2017 Annual Report on Fire Services Impact Fees (FY2017), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2018-FY2022).

Background/History/Details:

As required by the Georgia Development Impact Fee Act and the Minimum Planning Standards, Fayette County in collaboration with Tyrone, Brooks, and Woolsey, has prepared the "Fayette County 2017 Annual Report on Fire Services Impact Fees (FY2017), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2018-FY2022)." Public hearings were held by the Fayette County Board of Commissioners on January 25, 2018, and by the three (3) towns. Each entity approved the report for transmittal to ARC for coordination of state and regional review.

We have received notifications of compliance from the Georgia Department of Community Affairs and the Atlanta Regional Commission for the 2017 Fire Services Impact Fee Report including amendment to the Capital Improvements Element and Short Term Work Program of the Comprehensive Plan. The next step is for each local government to adopt this report and for the adopting Resolutions to be transmitted to ARC. The deadline for this adoption and transmittal of the adopting Resolutions to ARC is June 30, 2017. These actions are required for each government to retain its Qualified Local Government status.

What action are you seeking from the Board of Commissioners?

Approval of Resolution 2018-09 to adopt Fayette County 2017 Annual Report on Fire Services Impact Fees (FY2017), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2018-FY2022).

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

**COUNTY OF FAYETTE
STATE OF GEORGIA**

RESOLUTION NO. 2018-09

A RESOLUTION TO ADOPT THE FAYETTE COUNTY 2017 ANNUAL REPORT ON FIRE SERVICES IMPACT FEES (FY17), INCLUDING COMPREHENSIVE PLAN AMENDMENTS FOR UPDATES TO THE CAPITAL IMPROVEMENTS ELEMENT AND SHORT-TERM WORK PROGRAM (FY2018 - FY2022)

WHEREAS, Fayette County has in collaboration with the towns of Tyrone, Brooks, and Woolsey prepared the “Fayette County 2017 Annual Report on Fire Services Impact Fees (FY2017), Including, Comprehensive Plan Amendments for Updates to the Capital Improvements Element and the Short-Term Work Program (FY2018-FY2022),” and

WHEREAS, the annual update was prepared in accordance with requirements of the Georgia Development Impact Fee Act and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989; and

WHEREAS, on the 25th day of January, 2018, the Fayette County Board of Commissioners conducted a public hearing on the 2017 Fire Services Impact Fee Report and proposed Comprehensive Plan amendments; approved that report and authorized transmittal to the Atlanta Regional Commission for coordination of regional and state review; and

WHEREAS, the Regional and State reviews have been completed and a notification of compliance has been received from ARC.

BE IT THEREFORE RESOLVED THAT the Fayette County Board of Commissioners does hereby adopt the “Fayette County 2017 Annual Report on Fire Services Impact Fees (FY2017) Including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and the Short-Term Work Program (FY2018-FY2022).”

ADOPTED by the Fayette County Board of Commissioners this 24th day of April, 2018.

**FAYETTE COUNTY
BOARD OF COMMISSIONERS**

Eric K. Maxwell, Chairman
Board of Commissioners

ATTEST:

Clerk/Deputy Clerk



Atlanta Regional Commission

March 8, 2018

Chairman Eric Maxwell
Fayette County
140 Stonewall Avenue West
Fayetteville, Georgia 30214

RE: 2018 Capital Improvements Element (CIE) Annual Update

Dear Chairman Maxwell,

ARC has completed the regional review of the 2018 Joint CIE Annual Update for Fayette County and the Towns of Brooks, Tyrone, and Woolsey. We are pleased to inform you that the Georgia Department of Community Affairs (DCA) has determined that the updates conform to the Development Impact Fee Compliance Requirements.

Renewal of Qualified Local Government (QLG) status is contingent on local adoption of the CIE update, which may take place at any time. Once adopted, please send ARC digital copies of the adoption resolution and the final, "as adopted" CIE update documents, so that we may forward them to DCA. Upon receiving notice that the update has been adopted, DCA will renew the County's and Town's QLG statuses.

I commend Fayette County's leadership and staff for your commitment to the comprehensive planning process. Please contact Robert Herrig at (470) 378-1636 or rherrig@atlantaregional.org if you have any questions or if we can provide further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Samyukth Shenbaga", is written over a light blue horizontal line.

Samyukth Shenbaga, AICP
Manager, Community Development Group

Enclosures

Cc: Peter Frisina, Director, Planning and Zoning

atlantaregional.org

International Tower
229 Peachtree St, NE | Suite 100
Atlanta, Georgia 30303

6. **Consideration of staff's request to adopt Resolution 2018-01 pertaining to the "Fayette County 2017 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Community Work Program (FY2018-FY2022)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs for Regional and State review prior to adoption.**

Mr. Frisina stated that this was the annual report submitted by the county each year. He stated that this year there was a total of \$150,797 for Fayette County, Towns of Brooks, Tyrone and Woolsey. He stated that last year the county collected \$150,125. He gave the breakdown of the impact fees, the county and all the projects funded. He stated that there was the potential to collect over \$7 million over the lifetime of this project to fund all the projects. He stated that this was supplied to him by the finance department and Fire Chief Scarbrough also reviewed it.

He stated that both Woolsey and Brooks have already adopted resolutions and the Town of Tyrone should adopt a resolution at their next meeting.

Commissioner Rousseau asked for a point of clarification. He asked if the potential to collect over \$7 million over the life which was until 2022. Mr. Frisina stated that it continues until the money was collected.

No one spoke in favor or in opposition.

Commissioner Oddo moved to adopt Resolution 2018-01 pertaining to the "Fayette County 2017 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Community Work Program (FY2018- FY2022)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs for Regional and State review prior to adoption. Commissioner Brown seconded. The motion passed 4-0. Chairman Maxwell was absent.

Fayette County and Towns of Brooks, Tyrone, and Woolsey Summary Impact Fee Financial Report FY2017	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2017 By Jurisdiction	
Fayette County	\$110,614.18
Brooks	\$9,609.12
Tyrone	\$28,772.86
Woolsey	\$1,801.71
Total	\$150,797.87
Accrued Interest	\$184.87
(Administrative Other Costs)	(\$4,487.08)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(\$146,495.66)
Impact Fee Fund Balance Ending FY 2017	\$0.00
Impact Fees Encumbered	\$0.00

Fayette County Impact Fee Financial Report FY2017	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2017 By Jurisdiction	
Fayette County	\$110,614.18
Accrued Interest	\$135.58
(Administrative Other Costs)	(\$3,306.72)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(\$107,443.04)
Impact Fee Fund Balance Ending FY 2017	\$0.00
Impact Fees Encumbered	\$0.00

Brooks Impact Fee Financial Report FY2017	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2017 By Jurisdiction	
Brooks	\$9,609.12
Accrued Interest	\$11.78
(Administrative Other Costs)	(\$288.32)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(\$9,332.58)
Impact Fee Fund Balance Ending FY 2017	\$0.00
Impact Fees Encumbered	\$0.00

Tyrone Impact Fee Financial Report FY2017	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2017 By Jurisdiction	
Tyrone	\$28,772.86
Accrued Interest	\$35.30
(Administrative Other Costs)	(\$837.98)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(\$27,970.18)
Impact Fee Fund Balance Ending FY 2017	\$0.00
Impact Fees Encumbered	\$0.00

Woolsey Impact Fee Financial Report FY2017	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2017 By Jurisdiction	
Woolsey	\$1,801.71
Accrued Interest	\$2.21
(Administrative Other Costs)	(\$54.06)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(\$1,749.86)
Impact Fee Fund Balance Ending FY 2017	\$0.00
Impact Fees Encumbered	\$0.00

Fayette County Comprehensive Plan Amendment - Capital Improvement Element - Project Update FY2017 - FY2021

Public Facility - Fire Services

Project Description	FY Project Start	FY Project End	Actual / Estimated Cost of Project	Funding from Impact Fees	Percent By Impact Fees	Other Funding Sources	Current Year Impact Fee Applied	Impact Fee Applied Previous Years	Remaining amount to be funded from impact fees	Status / Remarks
Construct Fire Station 1: SR 279	FY 2002	FY 2002	\$ 872,836	\$ 471,331	54.00%	Fire Tax	na	\$471,331	\$0	Completed in FY 2002
Construct Fire Station 10: Seay Road	FY 2002	FY 2002	\$ 838,295	\$ 687,402	82.00%	Fire Tax	na	\$687,402	\$0	Completed in FY 2002
Construct Fire Station 5: SR 85 South	FY 2002	FY 2003	\$ 1,191,565	\$ 369,385	31.00%	Fire Tax	na	\$369,385	\$0	Completed in FY 2003
Construct Fire Station 7: Hampton Road	FY 2003	FY 2003	\$ 1,066,472	\$ 586,559	55.00%	Fire Tax	na	\$586,559	\$0	Completed in FY 2003
Purchase Acreage for Future Fire Station - McElroy Road	FY 2004	FY 2004	\$ 25,000	\$ 25,000	100.00%	None	na	\$25,000	\$0	Completed in FY 2004
Purchase two (2) Quints	FY 2006	FY 2007	\$ 675,000	\$ 675,000	100.00%	None	\$65,748	\$609,252	\$0	Purchased in FY 2007
Emergency Operations Center	FY 2012	FY 2015	\$ 1,107,921	\$ 131,864	83.50%	Fire Tax / Grant	\$80,748	\$0	\$51,116	Completed in FY15
Construct Fire Training Center (Burn Building)	FY 2018	Future	\$ 1,120,000	\$ 253,680	22.65%	Fire Tax	\$0	\$0	\$ 253,680	Future/Planned
Construct FS2: S.R. 92N	Future	Future	\$ 1,644,000	\$ 164,400	10.00%	Fire Tax	\$0	\$0	\$ 164,400	Future/Planned
Construct FS14: Sandy Creek/Flat Ck	Future	Future	\$ 1,613,773	\$ 1,613,773	100.00%	None	\$0	\$0	\$ 1,613,773	Future/Planned
Construct FS15: Ginger Cake/Graves	Future	Future	\$ 2,061,333	\$ 2,061,333	100.00%	None	\$0	\$0	\$ 2,061,333	Future/Planned
Rescue Truck (1)	Future	Future	\$ 224,334	\$ 224,334	100.00%	None	\$0	\$0	\$ 224,334	Future/Planned
Brush Truck (1)	Future	Future	\$ 57,011	\$ 57,011	100.00%	None	\$0	\$0	\$ 57,011	Future/Planned
Engine/Pumpers (8)	Future	Future	\$ 3,252,082	\$ 3,252,082	100.00%	None	\$0	\$0	\$ 3,252,082	Future/Planned
Totals			\$ 15,749,622	\$ 10,573,155			\$ 146,496	\$ 2,748,929	\$ 7,677,729	

**FAYETTE COUNTY COMPREHENSIVE PLAN
COMMUNITY WORK PROGRAM FY2018- FY2022**

This section presents an updated five-year work program for FY 2018 through FY 2022 to implement the vision and goals of the Fayette County Comprehensive Plan. In addition to the scheduling of projects for the county, the Community Work Program indicates potential sources of funding.

**FAYETTE COUNTY COMPREHENSIVE PLAN
COMMUNITY WORK PROGRAM FY2018-FY2022 - PUBLIC SAFETY**

Goal: Maintain and Improve the Level of Service for **Public Safety**

Plan Element: **Community Facilities**

Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility
Fire and Emergency Medical Services					
Replace SCBA – Breathing Equipment	FY 2018	FY 2019	\$770,500	Fire Fund	Fayette County Emergency Services

**FAYETTE COUNTY COMPREHENSIVE PLAN
COMMUNITY WORK PROGRAM FY2018-FY2022 – GOVERNMENTAL SERVICES**

Goal: Provide Support for Effective and Efficient Delivery of Governmental Services

Plan Element: **Community Facilities**

Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility
Conduct Aerial Photography	FY2017	FY2019	\$90,000	General Fund	Information Systems

**FAYETTE COUNTY COMPREHENSIVE PLAN
COMMUNITY WORK PROGRAM FY2018-FY2022 RECREATION**

Goal: Upgrade Recreation Services

Plan Element: Community Facilities

Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility
Make Enhancements to Kiwanis Park	FY 2018	FY 2022	\$490,000	General Fund	Recreation Dept.
Make Enhancements to McCurry Park	FY 2018	FY 2022	\$ 573,000	General Fund	Recreation Dept.
Make Enhancements to McCurry Park	FY 2018	FY 2019	\$265,000	General Fund	Recreation Dept.

FAYETTE COUNTY COMPREHENSIVE PLAN COMMUNITY WORK PROGRAM FY2018-FY2022 - WATER SYSTEM					
Goal: Upgrade County Water System			Plan Element: Community Facilities		
Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility
Make Enhancements to North Waterline	FY 2018	FY 2022	\$900,000	Enterprise Funds	Fayette County Water System
Update the SCADA System	FY 2019	FY 2020	\$440,000	Enterprise Funds	Fayette County Water System
FAYETTE COUNTY COMPREHENSIVE PLAN COMMUNITY WORK PROGRAM FY2018-FY2022 - PATH SYSTEM					
Goal: Maintain and Improve County Multi-Use Path System			Plan Element: Community Facilities		
Develop Redwine Road & Starr's Mill Multi-Use Path	FY2017	FY2020	\$1,629,000	General Fund & Federal Grant	Fayette County Public Works
FAYETTE COUNTY COMPREHENSIVE PLAN COMMUNITY WORK PROGRAM FY2018-FY2022 - COMPREHENSIVE TRANSPORTATION PLAN					
Goal: Address Traffic Congestion			Plan Element: Needs and Opportunities		
Initiate Comprehensive Transportation Plan	FY2017	FY2019	\$120,000	General Fund	Fayette County Public Works

FAYETTE COUNTY COMPREHENSIVE PLAN COMMUNITY WORK PROGRAM FY2018-FY2022 – PLANNING AND ZONING					
Goal: Growth and development should be consistent with the county comprehensive plan.			Plan Element: Needs and Opportunities		
Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility
Initiate study to determine methods to maintain rural character and promote agri-tourism	FY 2018	FY 2020	Staff Time	General Fund	Fayette County Planning and Zoning Department and Agricultural Community
Evaluate current land development ordinances in relation to septic regulations	FY 2018	FY 2020	Staff Time	General Fund	Fayette County Planning and Zoning Department, Environmental Health, and Local Soil Scientists

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
 Marlena Edwards, Deputy County Clerk

140 Stonewall Avenue West
 Public Meeting Room
 Fayetteville, GA 30214

MINUTES

April 12, 2018

6:30 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 6:30 p.m.

Call to Order

Chairman Eric Maxwell called the April 12, 2018 Board of Commissioners meeting to order at 6:32 p.m. Commissioner Charles Rousseau was absent from the meeting.

Invocation and Pledge of Allegiance by Chairman Eric Maxwell

Chairman Maxwell offered the Invocation and led the audience and Board in the Pledge of Allegiance.

Acceptance of Agenda

Vice Chairman Randy Ognio moved to remove items #12 and #13 from the agenda and to accept the agenda as written. Commissioner Steve Brown seconded. The motion passed 4-0. Commissioner Rousseau was absent.

PROCLAMATION/RECOGNITION:**1. Proclamation for "National Telecommunicators Week" April 8-14, 2018.**

Chairman Maxwell, on behalf of the Board, presented the 911 Telecommunicators with a proclamation. 911 Director Bernard Brown offered comments in support of the telecommunicators that answer the emergency calls in Fayette County.

2. Proclamation recognizing April 2018 as "Safe Digging Month in Fayette County".

Chairman Maxwell, on behalf of the Board, presented Water System Utilities Services Manager Matt Bergen with a proclamation. Mr. Bergen urged citizens to call 811 before digging.

3. Proclamation honoring April as "National Donate Life Month".

Commissioner Charles Oddo, on behalf of the Board, presented LifeLink of Georgia Representative Cynthia Jenkins with a proclamation. Ms. Jenkins gave brief comments regarding the statistics of donating and informed everyone that Fayette County was the only county that allowed citizens to sign up for the organ donor registry when renewing their vehicle registration. She stated that one donor could improve or save the life of up to 75 people.

PUBLIC HEARING: None**CONSENT AGENDA:**

Commissioner Oddo stated that one of the projects that was listed for repair abuts his property, but that there was no conflict of interest.

Commissioner Brown moved to approve the Consent Agenda as written. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

4. **Approval of staff's recommendation to approve Contract #940-P, Public Works Engineer of Record: Task Order #41-Construction Management for Broom Boulevard, Old Senoia Road, Morning Dove Drive, and Mercedes Trail Culvert Replacements; not-to-exceed \$186,627 and to authorize the County Administrator to sign the related documents.**
5. **Approval of staff's recommendation to approve \$158,582 to fund the installation of the water infrastructure for the Sheriff's Training Center.**
6. **Approval of the March 22, 2018 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

7. **Consideration of the Board of Education's request to approve the Fayette County School District (GA) General Obligation (Sales Tax) Bonds, Series 2018 Tax Levy Resolution.**

Mr. Tom Gray, Fayette County School System Assistant Superintendent of Business and Personnel Management, briefed the Board that the package included a resolution for Board consideration. He stated that March 26, 2018 the Board of Education adopted the Bond Resolution for the purpose of issuing \$25 million in General Obligation debt and the bonds would be paid from E-SPLOST refunds. He stated that collection would start at the end of 2018 or the beginning of 2019, depending on when the E-SPLOST II ran out. He stated that the bonds would be used for projects in the E-SPLOST III list starting with the Fayette County High School and the McIntosh High School renovations. He continued that tax levy would most likely have a zero-percentage possibility of having to issue a millage off this bond. He stated that the bonds would be paid back within five years from the collection of the E-SPLOST funds.

Commissioner Brown moved to approve the Board of Education's request to approve the Fayette County School District (GA) General Obligation (Sales Tax) Bonds, Series 2018 Tax Levy Resolution. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

8. **Ratification of the City of Peachtree City's re-appointment of Shayne Robinson to the Fayette County Transportation Committee to serve a term beginning April 1, 2018 and expiring March 31, 2021.**

Vice Chairman Ognio moved to ratify the City of Peachtree City's re-appointment of Shayne Robinson to the Fayette County Transportation Committee to serve a term beginning April 1, 2018 and expiring March 31, 2021. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

9. **Ratification of the Town of Woolsey re-appointment of Gary Laggis to the Fayette County Transportation Committee to serve a term beginning April 1, 2018 and expiring March 31, 2021.**

Vice Chairman Ognio moved to ratify the Town of Woolsey's re-appointment of Gary Laggis to the Fayette County Transportation Committee to serve a term beginning April 1, 2018 and expiring March 31, 2021. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

10. **Ratification of the Town of Brooks re-appointment of Ellen Walls to the Fayette County Transportation Committee to serve a term beginning April 1, 2018 and expiring March 31, 2021.**

Vice Chairman Ognio moved to ratify the Town of Brooks' re-appointment of Ellen Walls to the Fayette County Transportation Committee to serve a term beginning April 1, 2018 and expiring March 31, 2021. Commissioner Oddo seconded.

Mr. Tom Waller stated that it would be nice to have a presentation from the committee chair regarding what the committee did, how many times it met and the accomplishments in the past 12 months that the public should be aware of. He stated that he was referring to all committees that were placed on the agenda for appointments.

Commissioner Brown stated that as a point of information, the purpose and what the committee was charged with was provided in the agenda that was posted on the website. He stated that the accomplishments were not.

Chairman Maxwell stated that he and Vice Chairman Ognio rode to Thomaston to meet with Department of Transportation officials. He stated that Vice Chairman Ognio shared some good ideas during the ride. He stated that one of things that Vice Chairman Ognio shared was that the Board should talk more about the various meetings and what was being discussed. He stated that the information was provided on the website. He stated that Vice Chairman Ognio, who was also the Chairman of the Transportation Committee, could post a quarterly update regarding the committee.

Vice Chairman Ognio stated that the minutes are on the county's website and that it was a public meeting. He stated that there have been many times during "Commissioner Comments" that he had shared what happened in previous Transportation Committee meetings, because he wanted to ensure that the citizens were informed.

Commissioner Oddo stated that this committee was just starting to make some moves and doing things, like organizing the 2004 SPLOST and prioritizing it. He stated that the thing that was unexpected was that the committee had brought together the cities and the county in one place each month. He stated that there was a lot of communication and people are starting to exchange ideas and that it had blossomed into more than a Transportation Committee.

Vice Chairman Ognio moved to ratify the Town of Brooks' re-appointment of Ellen Walls to the Fayette County Transportation Committee to serve a term beginning April 1, 2018 and expiring March 31, 2021. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

11. Ratification of the Town of Tyrone re-appointment of Jaimi Tapp to the Fayette County Transportation Committee to serve a term beginning April 1, 2018 and expiring March 31, 2021.

Vice Chairman Ognio moved to ratify the Town of Tyrone's re-appointment of Jaimi Tapp to the Fayette County Transportation Committee to serve a term beginning April 1, 2018 and expiring March 31, 2021. Commissioner Brown seconded. The motion passed 4-0.

12. Approval of staff's recommendation to implement Third Party Inspections and After-Hours Inspections.

This item was removed from the agenda at the start of the meeting.

13. Approval of staff's recommendation to approve the purchase of software programing services from Sages Networks, Inc. to build permitting modules for Third Party Inspections and After-Hours Inspections and transfer \$7,000 from FY2018 General Fund Project Contingency.

This item was removed from the agenda at the start of the meeting.

14. Update from Joe Scarborough regarding his relief activities in the United States Virgin Island.

Building Safety Director Joe Scarborough gave the Board a brief update on his volunteer trip to the United States Virgin Island (USVI) to assist with relief after two back-to-back category five hurricanes in September. He stated that FEMA requested volunteers to assist with plan reviews and building inspections of the damaged structures in USVI. He shared photos and reported on his experience while there. He stated that the request for volunteers had been extended through the month of May and encouraged others to volunteer.

No vote was taken on this item.

15. Consideration of approval for the Board of Commissioners to authorize staff to acquire all fee simple right-of-way, easements and appraisals for the proposed roundabout at the intersection of Antioch and Goza Roads (2017 SPLOST 17TAO & 2004 SPLOST I-13).

Public Works Director Phil Mallon stated that the Board made the decision to transform the intersection to a roundabout. He stated that the consultant had completed the plans for construction and staff was in the process of giving a final review. He stated that he received the right-of-way plans and he was asking the Board for approval to acquire the easement and right-of-way necessary to start construction.

Commissioner Brown moved to authorize staff to acquire all fee simple right-of-way, easements and appraisals for the proposed roundabout at the intersection of Antioch and Goza Roads (2017 SPLOST 17TAO & 2004 SPLOST I-13). Vice Chairman Ognio seconded.

Commissioner Brown stated that he wanted to send out a press release with the anticipated construction schedule. Mr. Mallon stated that he recognized that this was a good time for an update.

Commissioner Brown asked why money was being drawn from the 2017 SPLOST if money there was still enough in 2004 to cover the project. Mr. Mallon stated that he was including both the 2004 SPLOST and the 2017 SPLOST just to be safe. Commissioner Brown confirmed that the plan was to deplete the 2004 SPLOST and then to use the 2017 SPLOST if needed. Mr. Mallon confirmed that was correct.

Commissioner Brown moved to authorize staff to acquire all fee simple right-of-way, easements and appraisals for the proposed roundabout at the intersection of Antioch and Goza Roads (2017 SPLOST 17TAO & 2004 SPLOST I-13). Vice Chairman Ognio seconded. The motion passed 4-0. Commissioner Rousseau was absent.

16. Consideration of the approval of an Intergovernmental Agreement between Fayette County and the City of Peachtree City for mutual use of the respective fueling stations on an emergency basis.

County Administrator Steve Rapson stated that this was a spin-off from the Service Delivery Strategies (SDS) negotiations. He stated that Peachtree City had approved the agreement and the city would charge the county and the county would charge the city to swap out gas in emergency situations.

Vice Chairman Ognio moved to approve an Intergovernmental Agreement between Fayette County and the City of Peachtree City for mutual use of the respective fueling stations on an emergency basis. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

17. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Stephen Girard for tax year 2015 in the amount of \$238.80.

Assistant County Attorney Patrick Stough briefed the Board that Mr. Stephen Girard made this request based on the belief that the county was taxing his property based on a square footage that was greater than the actual square footage. He continued that on examination it was determined that the county was, in fact, charging more because of an error in the residential appraisal software. He stated that the house was entered in at 4,640 square feet instead of 3,712 square feet. He stated that the error was corrected in tax years 2016 and forward. He stated that because state law only permitted refunds back three years, the only year a refund could be granted was for 2015. The recommendation was for the approval of a refund for tax 2015 in the amount of \$238.80.

Commissioner Brown moved to approve the disposition of tax refund as requested by Stephen Girard for tax year 2015 in the amount of \$238.80. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

18. Discuss County Administrator's usage of county vehicles, his accident in a county vehicle, his non-disclosure of the accident to the full Board of Commissioners, the actions taken following the accident without a vote of the Board of Commissioners.

Commissioner Brown stated that he would like a full Board present to discuss this item. He stated that since Commissioner Rousseau was absent he would like to table this item to the April 24, 2018 Board of Commissioners meeting.

Commissioner Brown moved to move item #18 to the April 24, 2018 Board of Commissioners meeting. Chairman Maxwell seconded. The motion failed 2-2 with Vice Chairman Ognio and Commissioner Oddo voting in opposition.

Commissioner Brown stated that he would withdraw the motion and resubmit this item at a future meeting.

PUBLIC COMMENT:

Ms. Yvonne Smith addressed the Board. She stated that a year ago she requested an amendment to the ordinance to not allow cars on the lawn. She stated that it had been a year and she had not heard anything about this request. She asked if anyone could give her an update on this request. She continued that this was not a commercial resident. She stated that at the last meeting Water System Director Lee Pope was given the okay to go with her to EPD. She stated that Commissioner Rousseau stated that he would also go. She continued that a few days later she phoned Commissioner Brown and asked if he would go and he stated that he would, but he did not want to go over Commissioner Rousseau, so if he was okay then he would go. She stated that no one had contacted her with a date to visit EPD and that she had not heard from Commissioner Rousseau.

ADMINISTRATOR'S REPORTS:

Public Arts Committee:

Mr. Rapson stated that there were three open seats on the Public Arts Committee with one applicant. He stated that staff had not been successful with getting the other applicants and was therefore looking for Board direction.

Chairman Maxwell stated that the retreat was a great time to discuss what to do with that committee. Commissioner Oddo stated that he would like to interview the one applicant before placing them into the appointment.

Response to Ms. Smith's comments:

Mr. Rapson stated that regarding Ms. Smith's comments about parking vehicles on the lawn, the decision was made to remove that from the ordinance prior to 2010. He stated that it would require an amendment to an existing ordinance and would be something that the Board would have to consider.

He stated that as for the selling of cars in the residential neighborhood, he believed Ms. Smith was getting the correct information from Code Enforcement. He stated that there was no way to prove someone was selling a vehicle unless we could actually see that occurring. He stated that so far, Code Enforcement had no indication that was taking place.

He stated that as for the meeting with EPD, it was on Mr. Pope's radar to set that up. He was working to get dates from EPD and Commissioner Rousseau and then he would contact Ms. Smith to set that up.

Commissioner Brown stated that Ms. Smith did ask him to attend that meeting, so if Commissioner Rousseau was okay with that he would attend. He asked Mr. Pope to let him know when the meeting was set.

Mr. Rapson stated that if Ms. Smith had pressure systems, it was one of the reasons for the meeting, because the county was limited in what could be done. He stated that EPD would have to react with the owner of the system and there was not a lot that the county could do.

ATTORNEY'S REPORTS:

Notice of Executive Session: Assistant County Attorney Patrick Stough stated that there were two items involving pending litigation and the review of the Executive Session minutes for March 22, 2018.

COMMISSIONERS' REPORTS:

Commissioner Brown:

Water Guardians: Commissioner Brown stated that the first water event for 2018 was held at Lake McIntosh. He stated that there was a record number in attendance. He continued that he was pleased that over half the participants were under the age of 18 years old. He stated that the youngest person was four years old. He stated that they ran out of food, supplies and almost ran out of t-shirts, but it was a great problem to have. He stated that there were two pickup-trucks full of trash. He stated that the Marshal office always stopped by to introduce themselves and to make sure everyone was aware of the job of the Marshal. He stated that Lake Horton was next.

Vice Chairman Ognio:

Comments: Vice Chairman Ognio stated that it was tax season.

He stated that he hoped everyone had a Happy Easter and Happy April's Fool. He stated that there were some bad jokes that caused some havoc from public announcers that they would have to deal with for a long time. He stated that jokes could be fun, but an issue if used in the wrong place.

High School Safety event: He stated that Whitewater High School had an event regarding school safety. He stated there was one person on the panel that put out statements that were not exactly true. He stated that he did not like to see an elected official not give the citizens the fact. He stated that he just wanted to say, "the citizens are smarter than you think. They dig through and find out what is really going on, so give them the facts."

Commissioner Oddo:

Tax Season: Commissioner Oddo stated that the deadline for filing taxes this year was April 17, 2018 because of some holiday in Washington, DC. He continued that people could file an extension to file by October 15, 2018.

He thanked everyone for coming.

Commissioner Brown reminded everyone that the Board retreat would be held on April 18-20 at the Old Courthouse on the 3rd floor. He stated that there was an opportunity for public conversations related to the topics for discussion.

Chairman Maxwell:

Shout-out to 911 Director Bernard Brown: Chairman Maxwell stated that wanted to give a shout-out to Mr. Brown for being the leader in North America for bringing Carbyne to Fayette County.

Georgia Department of Transportation (GDOT): He stated that he and Vice Chairman Ognio rode down to Thomaston, Georgia and had the opportunity to talk about transportation issues. He stated that they were invited back and that they spoke highly of Mr. Mallon. He stated that there are a number of GDOT projects that are getting ready to start. He stated that the repaving of Highway 54 and there would be a full depth reclamation taking place. He thanked GDOT for doing that. He stated that GDOT was cutting back the branches on Highway 85, so they do great things for Fayette County.

Doctor's release: He stated that he had his final doctor's visit and received the doctor's release.

EXECUTIVE SESSION:

Notice of Executive Session: Assistant County Attorney Patrick Stough stated that there were two items involving pending litigation and the review of the Executive Session minutes for March 22, 2018.

Two Items of Pending Litigation and review of the March 22, 2018 Executive Session Minutes: Commissioner Brown moved to go into Executive Session. Vice Chairman Ognio seconded. The motion passed 4-0. Commissioner Rousseau was absent.

The Board recessed into Executive Session at 7:46 p.m. and returned to Official Session at 8:01 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 passed 4-0. Commissioner Rousseau was absent.

Approval of the March 8, 2018 Executive Session Minutes: Vice Chairman Ognio moved to approve the March 22, 2018 Executive Session Minutes. Commissioner Brown seconded. The motion passed 2-0. Chairman Maxwell abstained because he was absent and Commissioner Rousseau was absent.

ADJOURNMENT:

Chairman Maxwell moved to adjourn the April 12, 2018 Board of Commissioners meeting. Commissioner Brown seconded. The motion passed 4-0. Commissioner Rousseau was absent.

The April 12, 2018 Board of Commissioners meeting adjourned at 8:02 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 24th day of April 2018. Referenced attachments are available upon request at the County Clerk's Office.

Tameca P. White, County Clerk

COUNTY AGENDA REQUEST

Page 38 of 61

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Ordinance 2018-01 to add Section 26-63. -Street authorization in Chapter 26 of Article III, Motorized Carts.

Background/History/Details:

This section previously existed in the Code, but appears to have been inadvertently removed in 2014. The section was previously approved by the Board of Commissioners on July 24, 2008 (see backup).

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2018-01 to add Section 26-63. -Street authorization in Chapter 26 of Article III, Motorized Carts.

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:

LAW OFFICES
McNALLY, FOX, GRANT & DAVENPORT

A PROFESSIONAL CORPORATION

100 HABERSHAM DRIVE

FAYETTEVILLE, GEORGIA 30214-1381


WILLIAM R. McNALLY
PATRICK J. FOX
PHILIP P. GRANT
DENNIS A. DAVENPORT
PATRICK A. STOUGH
MEREDITH F. McCLURE
E. ALLISON IVEY COX

TELEPHONE: (770) 461-2223

FACSIMILE: (770) 719-4832
(770) 461-5863

MEMORANDUM

TO: BOARD OF COMMISSIONERS

FROM: COUNTY ATTORNEY 

RE: ORDINANCE RE: STREET AUTHORIZATION FOR MOTORIZED CARTS

DATE: FEBRUARY 7, 2018

Attached to this memorandum, please find an ordinance to establish a new Section 26-63 in Article III of Chapter 26 of the Code of Ordinances. This section permits the Board of Commissioners to designate certain streets in the unincorporated county as being authorized for the use of motorized carts. This section previously existed in the Code, but appears to have been inadvertently removed in 2014. As a result, staff is now requesting that the language be reinstated.

ARTICLE III. - MOTORIZED CARTS^[3]

Footnotes:

--- (3) ---

Editor's note— Ord. No. 2014-05, § 1, adopted March 27, 2014, repealed the former art. III, §§ 26-56—26-63, and enacted a new art. III as set out herein. The former art. III pertained to similar subject matter and derived from Code 1992, §§ 10-41—10-47; Ord. No. 95-10, 4-27-1995; Ord. No. 2008-05A, § 1, 7-24-2008.

State Law reference— Off-road vehicles, O.C.G.A. § 40-7-1 et seq.

Sec. 26-56. - Findings; definition.

- (a) *Findings.* The board of commissioners finds that certain public streets located within the unincorporated county are designed and constructed so as to safely permit the use thereof by regular vehicular traffic and also the driving thereon of motorized carts. The board of commissioners further finds that recreation paths are designed and constructed so as to safely permit travel thereon by motorized carts.
- (b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

All-terrain vehicle means any motorized vehicle designed for off-road use which is equipped with three or more low pressure tires and with a seat to be straddled by the operator and with handlebars for steering control.

Authorized streets means all such streets which have been authorized for motorized cart travel and are on file with the planning and zoning department. The list of authorized streets is subject to amendment from time to time by the board of commissioners.

Automobile means a passenger vehicle primarily designed to legally travel on the highways of this state that usually has an engine capable of propelling the vehicle over 35 miles per hour.

County means Fayette County, Georgia.

Dealer means a person engaged in the business of buying, selling, or exchanging vehicles who has an established place of business in this state.

Electric bicycle means a device with two or three wheels which has a saddle and fully operative pedals for human propulsion and also has an electric motor. For such a device to be considered an electric assisted bicycle, it shall meet the requirements of the Federal Motor Vehicle Safety Standards, as set forth in 49 C.F.R. Section 571, et seq., and shall operate in such a manner that the electric motor disengages or ceases to function when the brakes are applied. The electric motor in an electric assisted bicycle shall:

- (1) Have a power output of not more than 1,000 watts;
- (2) Be incapable of propelling the device at a speed of more than 20 miles per hour on level ground; and
- (3) Be incapable of further increasing the speed of the device when human power alone is used to propel the device at or more than 20 miles per hour.

Electric personal assistive mobility device or EPAMD means a self-balancing, two non-tandem wheeled device designed to transport only one person and having an electric propulsion system with average power of 750 watts (one horsepower) and a maximum speed of less than 20 miles per hour on a

paved level surface when powered solely by such propulsion system and ridden by an operator who weighs 170 pounds.

Gross weight means the weight of a vehicle without load plus the weight of any load thereon.

Low-speed motor vehicle or LSMV means any four-wheeled electric vehicle whose top speed attainable in one mile is greater than 20 miles per hour but not greater than 25 miles per hour on a paved level surface and which is manufactured in compliance with those federal motor vehicle safety standards for low-speed vehicles set forth in 49 C.F.R. Section 571.500 and in effect on January 1, 2001.

Moped means a motor driven cycle equipped with two or three wheels, with or without foot pedals to permit muscular propulsion, and an independent power source providing a maximum of two brake horsepower. If a combustion engine is used, the maximum piston or rotor displacement shall be 3.05 cubic inches (50 cubic centimeters) regardless of the number of chambers in such power source. The power source shall be capable of propelling the vehicle, unassisted, at a speed not to exceed 30 miles per hour (48.28 kilometers per hour) on level road surface and shall be equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged.

Motorcycle means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor, all-terrain vehicle, dirt bike, and moped.

Motor driven cycle means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower, every bicycle with a motor attached, and every moped.

Motorized cart means every motor vehicle having no less than three wheels and an unladen weight of 1,300 pounds or less and which cannot operate at more than 20 miles per hour. Within this article, the terms "motorized cart," "golf cart" and "cart" shall have the same meanings;.

Motorized play vehicle means a coaster, scooter, pocket bike, any other alternatively fueled device, or other motorized vehicle that is self-propelled by a motor engine, gas or electric, and is not otherwise defined in this code as a "motorized cart", "low speed motor vehicle (LSMV)" "motor vehicle", "motorcycle", "electric bicycle", motorized skateboard", "electric personal assistive mobility device" or "motorized wheelchair".

Motorized skateboard or motorized scooter means a self-propelled device that has a motor, gas or electric, a deck upon which a person may ride, not equipped with a seat, and at least two tandem wheels in contact with the ground and which is not otherwise defined in this Code as a "motor vehicle," "motorcycle," "motorized play vehicle," "electric personal assistive mobility device" or "motorized wheelchair."

Motorized wheelchair means a self-propelled wheelchair that is used by a physically disabled person for mobility.

Pocket motorcycle or pocket bike means a two-wheeled vehicle other than a motor vehicle, bicycle with helper motor or a motorized scooter and which is propelled by an internal combustion engine, electric motor or other mechanical means, is capable of carrying a rider and/or passenger at a speed in excess of 20 miles per hour, and is designed to replicate the general appearance of a motorcycle, regardless of the scale of the replication.

Recreation path means a paved area of generally six feet or more in width that is designed or intended for multi-use such as pedestrians, bicyclists, motorized carts, or any other approved use.

Sidewalk means a paved area of generally five feet in width or less that is designed or intended for the use of pedestrian traffic only.

(Ord. No. 2014-05, § 1(Exh. A), 3-27-2014)

Sec. 26-57. - Registration/transfer requirements.

- (a) *Required.* It shall be the duty of every owner of an electric or gasoline-powered motorized cart or low-speed motor vehicle that is operated over the designated streets, paved recreational paths or sidewalks of the unincorporated portion of the county to register the vehicle with the county within ten business days of the date of purchase. Proof of ownership listing the vehicle must be presented. This is to be accomplished at the county administrative complex where two numerical decals will be issued for each vehicle registered. A record of each vehicle so registered will be completed. The registration will record the name and address of the owner, vehicle manufacturer, model, serial number or VIN, and color.
- (b) *Registration fee.* The registration fee for motorized carts or low-speed motor vehicles owned by residents of the unincorporated portion of the county shall be \$12.00, and the registration shall be effective until the next regular registration period. Registration periods shall occur every five years, beginning in 2011. If the cart is not registered within ten business days of purchase, a \$20.00 penalty will be applied in addition to the registration fee; and the cart shall be considered an unregistered cart after the ten business-day period. In addition, those persons wishing to register a vehicle designed for a disabled person, presentation of medical verification of a disability is required. An annotation will be placed on the registration document. A decal will be issued and must be displayed when utilizing parking designated for the disabled. Upon termination of the disability, this decal must be removed and the vehicle's registration form updated.
- (c) *Revocation.* The registration of gasoline-powered motorized carts will be revoked if the motorized cart is not in compliance with subsection (f) of this section and a new registration will be required upon compliance with subsection (f) of this section.
- (d) *Reciprocal agreement.* A reciprocal agreement exists between the county and the City of Fayetteville and the Town of Tyrone (the "cities"). The county will honor/recognize permits issued from the cities in the unincorporated portion of the county. Residents of the cities will be afforded the same privileges as those permit holders who are residents of the unincorporated portion of the county and all sections of this article will apply to the residents of the cities as well. Notwithstanding anything contained herein to the contrary, the minimum age for operating a motorized cart or low-speed motor vehicle in the unincorporated portion of the county is 12 years old with an accompanying adult and 15 years old with a valid learner's permit.
- (e) *Transfer of ownership.* Upon the sale of a golf cart or low-speed motor vehicle to another person who will operate the vehicle over the streets or paved recreation paths of the unincorporated portion of the county, the registration must be transferred to the new owner within ten business days of the change in ownership. Transfer cost will be \$5.00. If the transfer registration is not accomplished within ten business days, a \$5.00 penalty shall be applied for each month the registration has not been updated. This additional fee shall be capped at \$30.00 and will be in addition to the transfer fee.
- (f) *Gasoline-powered motorized carts.*
 - (1) Every gasoline-powered motorized cart shall at all times be equipped with an exhaust system in good working order and in constant operation, meeting the following specifications:
 - a. The exhaust system shall include the piping leading from the flange of the exhaust manifold to, and including, the muffler(s) and exhaust pipe(s) or include any and all parts specified by the manufacturer.
 - b. The exhaust system and its elements shall be securely fastened, including the consideration of missing or broken brackets or hangers.
 - c. The engine and power mechanism of every gasoline-powered motorized cart shall be so equipped, adjusted and tuned, as to prevent the escape of excessive smoke or fumes.
 - (2) It shall be unlawful for the owner of any gasoline-powered motorized cart to operate, or permit the operation of such cart on which any device controlling or abating atmospheric emissions, which is placed on a cart by the manufacturer, has been altered, rendered unserviceable or removed.

- (g) *Rental motorized carts and low-speed motor vehicles.* Motorized cart and low-speed motor vehicle dealers and distributors, as well as other commercial establishments, may rent golf carts and low-speed motor vehicles to the public for use on the streets and paved recreation paths. Each such establishment renting motorized carts or low-speed motor vehicles shall be required to register each and shall maintain a written record of each person renting a motorized cart or low-speed motor vehicle. Renters shall be required to furnish positive identification and shall be furnished a copy of this article to read. Each renter must be at least 16 years of age and possess a valid driver's license. Registration fees and transfer fees shall be the same as those in subsections (a) and (b) of this section. Motorized carts and low-speed motor vehicles for temporary use by the county during special events are exempt from the requirements of this subsection.
- (h) *Age, number of registrants limited.* Only those persons 18 years of age or older may register a motorized cart or low-speed motor vehicle. Registration may be in one person's name only and the registration form must be signed by that person.

(Ord. No. 2014-05, § 1(Exh. A), 3-27-2014; Ord. No. 2014-13, § 1, 10-10-2014)

Sec. 26-58. - Operating regulations.

- (a) Any person who possesses a valid motor vehicle driver's license may operate a motorized cart or low-speed motor vehicle on the recreation paths and authorized streets of the unincorporated portion of the county.
- (b) Any person who possesses a valid motor vehicle learner's permit and is at least 15 years of age may operate a motorized cart or low-speed motor vehicle on the recreation paths and authorized streets of the unincorporated portion of the county.
- (c) No person less than 15 years of age shall be permitted to operate a motorized cart or low-speed motor vehicle on the recreation paths and authorized streets of the unincorporated portion of the county under any circumstances. Exception: Those persons who are 12 years of age or older may drive a motorized cart or low-speed motor vehicle on designated streets and paved recreation paths of the unincorporated portion of the county if they are accompanied in the front seat by a person at least 18 years of age who holds a valid motor vehicle driver's license.
- (d) All operators of motorized carts and low-speed motor vehicles shall abide by all traffic regulations applicable to vehicular traffic when using the recreation paths and authorized streets of the unincorporated portion of the county. Where recreation paths exist, they must be used in preference to parallel authorized streets.
- (e) Motorized carts and low-speed motor vehicles shall not be operated on sidewalks at any time.
- (f) Motorized carts and low-speed motor vehicles may be operated over authorized streets or recreation paths of the unincorporated portion of the county only during daylight hours, unless such motorized carts or low-speed motor vehicles are equipped with functional headlights and taillights.
- (g) It shall be unlawful for the owner of any motorized cart or low-speed motor vehicle to operate, or permit the operation of, such cart over the recreation paths or authorized streets of the unincorporated portion of the county in violation of this article.

(Ord. No. 2014-05, § 1(Exh. A), 3-27-2014)

Sec. 26-59. - Recreation path users prohibited uses.

Recreation paths shall not be used by:

- (1) Automobiles and trucks, except authorized maintenance vehicles;
- (2) Motorcycles;

- (3) Street and trail motorized bikes (not to include electric bicycles) or vehicles, including, but not limited to, all-terrain vehicles, commonly known as ATVs;
- (4) Minibikes and mopeds;
- (5) Horses, mules or donkeys
- (6) Go-carts.
- (7) Motorized play vehicles;
- (8) Unregistered electric motorized carts; and
- (9) Unregistered gasoline-powered motorized carts.

(Ord. No. 2014-05, § 1(Exh. A), 3-27-2014)

Sec. 26-60. - Hazardous activities and special rules.

No individual or group shall engage in hazardous activities on the recreation paths or authorized streets. Such hazardous activities include, but are not limited to, the following:

- (1) Racing of any kind, except for special events approved by the county.
- (2) Blocking of public access, except for special events approved by the county.
- (3) Pedestrians, skaters and permitted vehicles shall not loiter or park on recreation path bridges or in underpasses.
- (4) Pedestrians should be given due consideration and reasonable right-of-way by other users of the recreation paths to ensure safe passage.
- (5) An audible warning shall be given by operators of motorized carts and low-speed motor vehicles and other users of the recreation paths, such as bicyclists and skaters, when approaching pedestrians from the rear.
- (6) All laws and ordinances relative to alcohol and the use thereof, including open container laws, apply to the recreation paths.

(Ord. No. 2014-05, § 1(Exh. A), 3-27-2014)

Sec. 26-61. - Liability.

Each person using the recreation paths is liable for his or her own actions.

(Ord. No. 2014-05, § 1(Exh. A), 3-27-2014)

Sec. 26-62. - Penalties.

Any person who violates the terms of this article shall be punished as provided in section 1-8 of the county code.

(Ord. No. 2014-05, § 1(Exh. A), 3-27-2014)

Sec. 26-63. – Street authorization.

The Board of Commissioners may designate authorized streets upon its own initiative or by request from a private citizen for the use of motorized carts. The Board of Commissioners may consider

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issues including, but not limited to, the street classification, posted speed limit, speed characteristics of the street as determined by studies, maximum grade of the road, minimum visibility distance, or any other existing conditions particular to the street in their designation subject to safety measures on the street including, but not limited to, the reduction of the posted speed limit, additional signage/markings, and traffic calming devices to improve safety.

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COUNTY DEPARTMENT AGENDA REQUEST

Department/Division:	Planning & Zoning/Community Dev.	Department Head:	Peter A. Frisina
Presenter, if needed:	P. Frisina/Phil Mallon/Bryan Woodie	Preferred Meeting Date:	Thursday, July 24, 2008

Wording for the Agenda:

Consideration of proposed amendments to the Fayette County Code, Chapter 10. Motor Vehicles and Traffic, Article III. Motorized Carts, Sec. 10-42. Street Authorization to be added in its entirety as presented by Planning & Zoning, Public Works, and the Sheriff's Office. (Renumber existing Sec. 10-42. to 10-43. and renumber remaining Sections.)

Background/History/Details:

This issue was discussed at the B.O.C. Retreat in November, 2007. Staff has received inquiries about approving County streets which are not located in a platted/recorded subdivision for golf cart usage. To date, all streets authorized for golf cart use have been within a platted/recorded subdivision with the exception of Quarters Road within the boundaries of Highgrove S/D and a portion of Huiet Drive within the boundaries of WaterLace S/D. Staff has been researching this issue and is now ready to present their findings, including an addition to the Fayette County Code, Chapter 10. Motor Vehicles and Traffic, Article III. Motorized Carts. On 07/02/08, the B.O.C. instructed Staff to prepare the proposed amendments.

Amendments to the Fayette County Code of Ordinances do not require a public hearing.

What action are you seeking from the Board of Commissioners?

Final discussion and subsequent action.

If this item requires funding, please describe:

N/A

Has this issue come before the Commissioners in the past?	Yes	If so, when?	Wednesday, July 2, 2008
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance?	Yes	Reviewed by Legal?	Yes
Approved by Purchasing?	Yes	Approved by Administrative Staff?	Yes

Staff Notes

Administrator's Approval	Yes	Confirmed Meeting Date	Thursday, July 24, 2008
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- ☐ Recognition/Presentation
 ☐ Public Hearing
 ☒ Old Business
 ☐ New Business
 ☐ Consent
 ☐ Report
 ☐ Other

D. Discussion of recommendations for golfcart usage on County streets as presented by Planning and Zoning, Public Works, and the Sheriff's Office. This item was last discussed during the Board of Commissioners' Retreat held in November 2007.

Captain Brian Woodie of the Fayette County Sheriff's Department– Traffic Division, Director of Public Works Phil Mallon, and Mr. Pete Frisina discussed this item with the Board. Mr. Frisina gave brief introduction of this item including a description of what roads currently were permitted to allow golfcart usage, the problems that prompted this discussion, and some criteria used to determine if a road is safe for golfcart use. The criteria spoken about by both Mr. Frisina and Captain Woodie were that no golfcarts would be allowed to use a County road if that road had a speed limit that exceeded 35 miles per hour or had a grade exceeding seven percent. Captain Brian Woodie next gave some explanation about the criteria used to determine the safety of a road for golfcart usage and enforcement problems encountered by the Sheriff's Department concerning the roads. He informed the Commissioners that the Sheriff's Department would prefer that golfcarts not be permitted on any road simply from a safety perspective, that the Sheriff's Department would not recommend golfcarts on roads that exceed the parameters as discussed, and the Sheriff's Department would not want the County to approve a golfcart to be used on County roads unless there was some legal mechanism in place for the Sheriff's Department to conduct speed enforcement on those roads. Some discussion followed regarding what roads could be authorized, difficulties encountered by changing the speed limits on roads, golfcart crossings on County roads, and subdivisions with access to Peachtree City's golfcart path system. There were further questions on whether a road should be authorized for golfcart usage if one person on a street wanted usage but everyone else did not. Chairman Smith said he understood the safety aspect of the situation but that while it seemed to him the Sheriff's Department was saying it did not want golfcarts on County roads they were also saying if there is a reasonable litmus test that could be applied using the parameters as discussed, the assumption of risk would be reasonable to undertake. Captain Woodie said the issue could be looked at from that perspective but added that the Sheriff's perspective was to determine how to charge a person in the event of a fatal crash, if that person could be charged with a felony or misdemeanor. He said the Sheriff's Department did not want golfcarts on a road because they are inherently dangerous, but it also realized that demand will continue to rise due to escalating gas prices and the lure created by people driving their carts through Peachtree City. The consensus of the Board was for County Attorney Scott Bennett and staff to review the County's current code regarding golfcart usage and to bring recommendations back to the Board which are both comprehensive and meet all legal requirements. The Board then directed staff to return to a Thursday night meeting for enactment of the recommendations.



To: Board of Commissioners

From: Pete Frisina, Phil Mallon, Bryan Woodie

Date: June 17, 2008

Subject: Demand for Golf Cart Usage in Unincorporated Fayette County.

The demand for golf cart usage in unincorporated Fayette County is growing among the public. Since Peachtree City was developed on the concept of golf cart accessibility, there has been a demand demonstrated for subdivisions in close proximity to Peachtree City wanting access into Peachtree City via a golf cart. Woodcreek and Jefferson Creek Subdivisions access Peachtree City through the Preserves Subdivision (Peachtree City) located on Redwine Road. Timber Lake Subdivision has accesses to Peachtree City through their recreation area. High Grove Subdivision also accesses Peachtree City through Timber Lake Subdivision with a path along Redwine Road connecting High Grove to Timber Lake.

The County allows golf cart use on roads that have been authorized by the Board of Commissioners. This regulation (Ordinance 95-10) was adopted on April 27, 1995. The majority of roads authorized for golf cart use are interior subdivision streets. The only exceptions have been portions of existing County Roads that are fully within the boundaries of a subdivision. These roads include Quarters Road within the boundaries of Highgrove Subdivision and Huie Drive within the boundaries of Waterlace Subdivision.

We are now getting inquiries for golf cart use on roads which are not within a subdivision. For example, residents of The Landings Subdivision are requesting that a portion of Sumner Road be approved for golf cart use. Sumner Road runs from unincorporated Fayette County into Peachtree City. It is legal to use a golf cart on the Peachtree City portion of Sumner Road. Peachtree City allows golf carts on streets with a speed limit of 35 miles per hour or less unless there is a designated golf cart path in close proximity that can be used instead of a road. According to Mr. M.G. Flynn of The Landings, arrangements were made for residents of the subdivision in 2001 to access Sumner Road through two lots in the subdivision and the Coweta-Fayette EMC property located at the intersection of SR 54 and Sumner Road. In the summer of 2006, the County placed signs at the entrance of subdivisions approved for golf cart use stating that golf carts were not allowed beyond that point. The residents of The Landings Subdivision stopped accessing Sumner Road with golf carts at that time.

Staff (Planning and Zoning, Public Works, and Sheriff's Office) has researched the issue of allowing golf cart use on streets outside of a subdivision and, of course, the major issue is safety. Although the use of a multi-use path is always preferred and should be provided wherever feasible, staff believes the risk associated with golf carts on public roads can be minimized if the following minimum conditions are met:

- Golf cart usage should be limited to Local streets, as indicated on the Fayette County Thoroughfare Plan;
- The posted speed limit should be 35 mph or less;
- The 85th percentile speed should not exceed the posted speed limit by more than 16 mph, as determined by studies performed by the Sheriff's Office;
- The minimum grade of the road should not exceed seven percent; and,
- The minimum sight distance at any location along the road should meet or exceed 200 feet.

In addition to verifying these conditions are met, Staff would also consider any other existing conditions particular to the street in the recommendation. Following a request by property owners, Staff would prepare a report and recommendation to the Board of Commissioners.

The suggested change to the Fayette County Code is as follows:

Fayette County Code

Chapter 10. Motor Vehicles and Traffic, Article III. Motorized Carts, Section 10-42. Street Authorization

Sec. 10-42. Street Authorization

- (a) *The Board of Commissioners may designate authorized streets upon its own initiative or by request from a private citizen for the use of motorized carts. The Board of Commissioners may consider issues including, but not limited to, the street classification, posted speed limit, speed characteristics of the street as determined by studies, maximum grade of the road, minimum visibility distance, or any other existing conditions particular to the street in their designation of an authorized street. The Board of Commissioners may condition approval of the designation subject to safety measures on the street including, but not limited to, the reduction of the posted speed limit, additional signage/markings, and traffic calming devices to improve safety.*

In the situation where conditions change over time on a street authorized for golf cart use making it too dangerous, the County would be faced with two options. The first option would be to remove the street from the authorized list discontinuing golf cart use. The second option would be to reduce the posted speed limit and/or implement additional signage/ markings and traffic calming devices to improve safety.

10/2007 – Discussed at B.O.C. Retreat
07/02/08 – BOC Workshop

Staff's additions to the current ordinance are indicated in **bold**, underline, and *italics*.
Sec. 10-42. Street Authorization – added in its entirety

Fayette County Code
Chapter 10. Motor Vehicles and Traffic, Article III. Motorized Carts

Sec. 10-42. Street Authorization

- (a) *The Board of Commissioners may designate authorized streets upon its own initiative or by request from a private citizen for the use of motorized carts. The Board of Commissioners may consider issues including, but not limited to, the street classification, posted speed limit, speed characteristics of the street as determined by studies, maximum grade of the road, minimum visibility distance, or any other existing conditions particular to the street in their designation of an authorized street. The Board of Commissioners may condition approval of the designation subject to safety measures on the street including, but not limited to, the reduction of the posted speed limit, additional signage/markings, and traffic calming devices to improve safety.***

Renumber Sec. 10-42. Operation of gasoline-powered carts to be renumbered to Sec. 10-43. and renumber remaining Sections.

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2018-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO ESTABLISH PROVISIONS PERTAINING TO THE AUTHORIZATION OF STREETS FOR USE OF MOTORIZED CARTS; 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 MOTORIZED CARTS (ARTICLE III OF CHAPTER 26), BE AMENDED AS FOLLOWS:

Section 1. By adding a new Section 26-63, pertaining to “Street authorization”, in Article III of Chapter 26, to be numbered and read as follows:

Sec. 26-63. Street authorization.

The Board of Commissioners may designate authorized streets upon its own initiative or by request from a private citizen for the use of motorized carts. The Board of Commissioners may consider issues including, but not limited to, the street classification, posted speed limit, speed characteristics of the street as determined by studies, maximum grade of the road, minimum visibility distance, or any other existing conditions particular

to the street in their designation subject to safety measures on the street including, but not limited to, the reduction of the posted speed limit, additional signage/markings, and traffic calming devices to improve safety.

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 _____, 2018.

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 54 of 61

Department: Fayette County Water System

Presenter(s): Lee Pope, Director

Meeting Date: Tuesday, April 24, 2018

Type of Request: New Business #10

Wording for the Agenda:

Consideration of the Water Committee's recommendation and approval of Ordinance 2018-08 to provide for the official formation of the Fayette County Water Committee..

Background/History/Details:

In the past there was no formally created Water Committee. This draft proposal includes all the different things the Committee does as a Board. The recommendation of the proposed membership of the Committee is a total of 7; the County Administrator or his designee, the Director of the Water System, Director of Planning, the Chairman of the Board of Commissioners or his designee, and then 3 Fayette County residents who are Water System customers. The recommended terms for the citizen members are 4 years staggered. The reason for this is if the Water System has a significant capital project, it will stretch over more than 2 years.

What action are you seeking from the Board of Commissioners?

Approval of the Water Committee's recommendation and approval of Ordinance 2018-08 to provide for the official formation of the Fayette County Water Committee.

If this item requires funding, please describe:

Not applicable.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

COUNTY OF FAYETTE

STATE OF GEORGIA

ORDINANCE NO.

2018 -- ____

AN ORDINANCE BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY TO REAFFIRM AN EXISTING ADVISORY COMMITTEE KNOWN AS THE FAYETTE COUNTY WATER COMMITTEE; TO PROVIDE FOR TERMS OF OFFICE; TO PROVIDE FOR THE MEMBERSHIP; TO PROVIDE FOR THE FILLING OF VACANCIES; TO PROVIDE FOR AN OATH OF OFFICE; TO PROVIDE FOR A REQUIREMENT OF REGULAR MEETINGS; TO PROVIDE FOR REMOVAL OF MEMBERS; TO PROVIDE FOR COMPENSATION; TO PROVIDE FOR QUALIFICATIONS; TO PROVIDE FOR OFFICERS; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT ARTICLE VI OF CHAPTER 2 OF THE CODE OF ORDINANCES FOR FAYETTE COUNTY PERTAINING TO THE ESTABLISHMENT OF BOARDS AND COMMISSIONS BE AMENDED BY ADDING A NEW DIVISION TO PROVIDE FOR THE ESTABLISHMENT OF THE FAYETTE COUNTY WATER COMMITTEE AS FOLLOWS:

Section 1. By adding a new division with appropriate sections to Article VI of Chapter 2 to be numbered and to be entitled as follows:

DIVISION __. FAYETTE COUNTY WATER COMMITTEE

Section 2. By adding a section to Division ____ creating the Fayette County Water Committee to be numbered and to read as follows:

Sec. __-____. Created; purpose and intent.

In order to make recommendations to the Board of Commissioners of Fayette County as to the formulation of current and long-range water plans for Fayette County, the Fayette County Water Committee is hereby reaffirmed and re-established. The Fayette County Water Committee shall be organized and empowered as set out in this Division. The Fayette County Water Committee shall be created for the following purposes:

- (a) To fully explore water issues concerning Fayette County citizens;
- (b) To provide recommendations for short- and long-term priorities;
- (c) To advise the Board of Commissioners on the water needs of citizens in the County;
- (d) To assist with identification of funding sources, solicitation of federal funds, grants, etc.;
- (e) To assist with coordination between the County and the municipalities;
- (f) To provide recommendations for long-term goals;
- (g) To work with the County Administrator and staff;
- (h) To provide education in this community about water resources; and
- (i) To provide a forum for citizens to express concerns.

It is the intent of the Board of Commissioners that the Fayette County Water Committee shall fully explore issues concerning water needs and resources and provide information and recommendations to the Board of Commissioners.

Section 3. By adding a section to Division ____ for the organization of the Fayette County Water Committee to be numbered and to read as follows:

Sec. ____-____. Organization.

(a) Membership. The Fayette County Water Committee shall consist of seven (7) members, each of whom shall be appointed as follows:

1. The Board of Commissioners of Fayette County shall appoint the members of the Fayette County Water Committee. Each member, other than the members who serve by virtue of their position with Fayette County, shall be Fayette County residents and customers of the Fayette County Water System.

2. Terms.

a. The terms of the members shall be for four (4) years, except that in the appointment of the first Fayette County Water Committee under the terms of this section, one (1) member shall be appointed for a term of greater than one (1) year, but less than two (2) years, and two members shall be appointed for a term of greater than three (3) years, but less than four (4) years. All successive terms shall be for four (4) years, unless otherwise provided herein.

b. The Board of Commissioners of Fayette County has determined that the makeup of the Fayette County Water Committee shall be as follows: The Chairman of the Fayette County Board of Commissioners, or his/her designee; the County Administrator, or his/her designee; the Director of the Fayette County Water System; the Director of Planning and Zoning; and three (3) citizen members. The terms of all members shall begin immediately upon the approval of this ordinance with the term of one citizen member expiring on December 31,

2019. The terms of the the remaining citizen members shall expire on December 31, 2021. The members, or their designees, as applicable, who serve by virtue of their position with Fayette County shall serve on the Water Committee for so long as they hold their respective positions. Additionally, the Engineer of Record for the Fayette County Water System and the County Attorney for Fayette County shall be non-voting members of the Water Committee. Each shall serve during their respective appointments.

c. Except as otherwise provided herein, all members of the Fayette County Water Committee shall, if necessary, hold over until their successors are appointed and qualified. The successors shall be appointed in the same manner as the initial members in the month immediately preceding the expiration of the members' respective terms of office. Any member of the Fayette County Water Committee may be re-selected and re-appointed to serve a succeeding term.

3. Oath of office. All persons who serve as a member of the Fayette County Water Committee shall first execute and file with the County Clerk an oath obligating himself/herself to faithfully and impartially perform the duties of his/her office with such oath to be administered by the Chairman of the Board of Commissioners.

4. Vacancies; removal. A vacancy in membership shall be filled for the unexpired term in the same manner in which the person creating the vacancy was appointed. The Board of Commissioners shall have the power to remove any member of the Fayette County Water Committee, for cause, by a majority vote of the members of the Board of Commissioners.

5. Compensation. All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties if such expenses are approved by the County Administrator.

6. Quorum. Four (4) members of the Fayette County Water Committee, other than non-voting members, shall constitute a quorum. A vacancy shall not impair the right of the quorum to exercise all rights and perform all the duties of the Fayette County Water Committee.

7. Meetings. The Fayette County Water Committee shall meet on a regular basis with the meetings to occur at least monthly. The minutes of each meeting shall be forwarded to the Board of Commissioners of Fayette County on a regular basis. The Board of Commissioners of Fayette County shall provide a meeting room for the Fayette County Water Committee.

8. Disqualification. Any member who announces or qualifies for an elected office, other than the Chairman of the Board of Commissioners, shall be deemed disqualified to serve as a member of the Fayette County Water Committee upon the occurrence of such announcement or qualifying. Such disqualification shall take effect immediately and the seat shall be deemed vacant.

Section 4. By adding a section to Division ____ for the election of a chairman, the issuance of bylaws, recommending body and allowable expenditures of the Fayette County Water Committee to be numbered and to read as follows:

Sec. ____-____. Election of officers; bylaws; miscellaneous.

The Fayette County Water Committee shall elect a chairman from among its members.

The Fayette County Water Committee shall elect a vice-chairman from among its members. The Water Committee shall appoint a secretary. The secretary need not be a member of the Fayette County Water Committee. Upon approval of this ordinance, the existing officers shall serve in their respective positions until December 31, 2018. Thereafter, all terms for the above officers shall be for a period of one (1) year. The Water Committee shall devise its own bylaws, which shall be supplied to the County Administrator and approved by the Board of Commissioners.

The Water Committee shall be a recommending body and will provide its recommendations to the Board of Commissioners through its chairman. Any incidental expenditures of the Water Committee shall be within the amounts appropriated for such purpose by the Board of Commissioners.

Section 5. By reserving additional sections for future use within this Division, sections ____-____ through ____-____.

Section 6. This ordinance shall become effective as of _____, 20____.

Section 7. All other ordinances and parts of ordinances in conflict with this ordinance shall be deemed repealed.

SO ORDAINED this ____ day of _____, 20____.

**BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA**

(SEAL)

By: _____
ERIC K. MAXWELL, Chairman

ATTEST:

Tameca White, County Clerk

APPROVED AS TO FORM:

County Attorney