

## BOARD OF COUNTY COMMISSIONERS

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



## FAYETTE COUNTY, GEORGIA

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

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## AGENDA

October 22, 2015  
7:00 p.m.

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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 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 7:00 p.m.

Call to Order  
Invocation by Commissioner Steve Brown  
Pledge of Allegiance

Acceptance of Agenda

### **PROCLAMATION/RECOGNITION:**

### **PUBLIC HEARING:**

1. Public Hearing on Ordinance 2015-12 to amend the Fayette County Code of Ordinances, Chapter 110, Article V. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Standards, Sec. 110-169. Conditional Use Approval. X. Home Occupation to allow a barber shop or beauty shop as a home occupation.
2. Public Hearing on Ordinance 2015-13, amending Fayette County's Code of Ordinances, Chapter 110. Article III. General Provisions Sec. 110-94. Buffer, eliminating buffers adjacent to places of worship, colleges and universities, hospitals, private schools, child care facilities, cemeteries, recreation centers and similar institutions registered with the Secretary of State and in A-R or residential zoning districts.

### **CONSENT AGENDA:**

3. Approval of staff's recommendation to authorize the Fayette County Juvenile Court to accept a grant award from the Criminal Justice Coordinating Council, in the amount of \$99,000.00 and for a grant period from October 1, 2015 through September 30, 2016, and authorization for the Chairman to sign grant related documentation.
4. Approval of the October 6, 2015 Board of Commissioners Meeting Minutes.

### **OLD BUSINESS:**

5. Consideration of options for prominently displaying the national motto "In God We Trust" in the Public Meeting Room. This request was tabled at the September 24, 2015 Board of Commissioners meeting.

**NEW BUSINESS:**

6. Consideration of a recommendation from the Selection Committee, comprised of Commissioners David Barlow and Steve Brown, to appoint Charles McCollum to the Fayette County Recreation Commission for a four-year term beginning August 31, 2015 and expiring September 1, 2019.
7. Consideration of the Town of Tyrone's annexation of four (4) lots consisting of 337, 341, 349 and 359 Old Senoia Road, and the rezoning of said lots from C-H (Commercial-Highway) to M-1 (Light Industrial.)
8. Consideration of staff's recommendation to award Bid #1030-B: Harp Road at SR 85- Intersection Improvements, to McCoy Grading, Inc. for the bid amount of \$699,497.25, to add auxiliary turn lanes and a traffic signal at the intersection of Harp Road and State Route 85.
9. Consideration of a Fiscal Year 2016 budget amendment of \$471,457.00 to include a two-percent (2%) cost-of-living increase effective November 1, 2015 for eligible County employees.
10. Consideration of staff's request to change protocol on creating and amending county policies and procedures.

**PUBLIC COMMENT:**

**ADMINISTRATOR'S REPORTS:**

**ATTORNEY'S REPORTS:**

**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

# COUNTY AGENDA REQUEST

Public Hearing #1

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Public Hearing on Ordinance 2015-12, amending Fayette County's Code of Ordinances, Chapter 110, Article V. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Standards, Sec. 110-169. Conditional Use Approval. X. Home Occupation to allow a barber shop or beauty shop as a home occupation.

**Background/History/Details:**

In September of 2015, a citizen's request was made to the Planning Commission to amend the Zoning Ordinance to allow in home hair salon/ barbershop as a home occupation once again.

Beauty salons were allowed as a home occupation for many years. The previous County Attorney in 2010, advised staff that beauty salons and barbershops were not appropriate home occupations. An overall revision to the Zoning Ordinance was amended and approved by the BOC in December of 2010. The revision removed beauty salons or barbershops as a home occupation. (see attached)

The text amendment would allow in home beauty salon/barbershops as a Home Occupation with one chair only, no more than two clients at a time nor more than eight clients per day, operating only Monday through Saturday between the hours of 9:00 AM to 7:00 PM.

Staff and the Planning Commission recommend APPROVAL of the proposed amendments to the Zoning Ordinance:

John Culbreth made a motion to recommend approval of the proposed amendments. Arnold Martin seconded the motion. The motion carried 4-1. Al Gilbert voted in opposition based on his concerns about the impact of a beauty salon on residential septic systems.

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

Adoption of Ordinance 2015-12 to amend the Fayette County Code of Ordinances, Chapter 110, Article V. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Standards, Sec. 110-169. Conditional Use Approval. X. Home Occupation to allow a barber shop or beauty shop as a home occupation.

**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:**

See attachment.

## **Attachment to In Home beauty salon/barbershop**

In September of 2015, a citizen's request was made to the Planning Commission for an amendments to the Zoning Ordinance concerning an in home hair salon as a home occupation.

Beauty salons were once allowed as a home occupation for many years. Operating a beauty salon as a home occupation required the applicant to have a state license. The Home Occupation would allow only the resident(s) of the home could operate the beauty salon, and that no more than two (2) clients in the home at one time. Staff was advised by the previous County that beauty salons or barbershops were not appropriate home occupations. An overall revision to the County Zoning Ordinance was amended and approved by the BOC on December 9, 2010. The adopted text to the Zoning Ordinance prohibited beauty salons and barbershops as home occupations.

Approval of the Zoning Ordinance amendment would allow home beauty salon/barbershop as a Home Occupation under the condition of only one chair, and with no more than two (2) clients/customers at no more than eight (8) customers/clients per day. Hours of operation as a Home Occupation would be Monday through Saturday between the hours of 9:00 AM to 7:00 PM.

Staff and the Planning Commission recommend APPROVAL of the proposed amendments to the Zoning Ordinance:

John Culbreth made a motion to recommend approval of the proposed amendments. Arnold Martin seconded the motion. The motion carried 4-1. Al Gilbert voted in opposition based on his concerns about the impact of a beauty salon on residential septic systems.

**STATE OF GEORGIA  
COUNTY OF FAYETTE**

**ORDINANCE NO. 2015 - 12**

AN ORDINANCE TO AMEND THE FAYETTE COUNTY CODE OF ORDINANCES, CHAPTER 110. ZONING ORDINANCE, AS AMENDED, SPECIFICALLY ARTICLE V. CONDITIONAL USES, NONCONFORMANCE, TRANSPORTATION CORRIDOR OVERLAY ZONE, AND COMMERCIAL STANDARDS, SEC. 110-169. CONDITIONAL USE APPROVAL . X. HOME OCCUPATION. TO ALLOW A BARBER SHOP OR BEAUTY SHOP AS A HOME OCCUPATION.

**WHEREAS**, the duly elected governing authority of Fayette County is the Board of Commissioners thereof;

**WHEREAS**, the governing authority desires to amend the provision that provides for the regulation of land development as allowed by the State of Georgia;

**WHEREAS**, the health, safety, and welfare of the citizens of Fayette County, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF:**

**Section 1.** The Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, as amended, is hereby further amended by deleting in its entirety Sec. 110-169 Conditional Use Approval. x. Home Occupation. and replacing it with the following:

**Sec. 110-169. Conditional use approval.**

- x. *Home occupation.* Allowed in A-R, EST, C-S, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, RMF, MHP, PUD-PRD, PUD-PRL, PUD-PEF, O-I, C-C, C-H, L-C, G-B, M-1, M-2, and BTP zoning districts. The intent of these rules and regulations is to protect the health, safety and welfare of the general public and ensure that home occupations are regulated in a manner so they do not adversely impact surrounding residential properties, as residential areas and uses are normally separated from nonresidential areas and uses.
  - 1. *Residents.* Only residents of the dwelling may be engaged in the home occupation within the dwelling. All nonresident individuals, including employees, contractors, or part owners, associated with the home occupation shall not be engaged in the home occupation within the dwelling or on the premises.
  - 2. *Incidental use.* The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.
  - 3. *Display, sale.* No display of products shall be visible from the street, and only products produced on the premises may be sold on the premises. The on-premises sale of products produced off the premises shall be prohibited.
  - 4. *Clients/customers/students.* The number of clients/customers/students on premises shall not exceed more than two at a time nor more than a total of eight clients in any one day and all services rendered shall take place only within the dwelling. The hours

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

5. *Area.* Use of the dwelling, for the purpose of the home occupation, shall not exceed a total of 25 percent of the dwelling.
6. *Number.* No more than four home occupations may be issued per dwelling and the cumulative area devoted to the home occupations shall not exceed 25 percent of the dwelling.
7. *Alterations.* No internal or external alterations inconsistent with the residential use of the building shall be permitted.
8. *Accessory buildings.* No accessory buildings or outside storage shall be used, except as otherwise provided herein.
9. *Instructions and/or tutoring.* Instruction and/or tutoring including, but not limited to: music, art, crafts, dance, academic, computer, martial arts, and speech.
10. *Day care, child/adult.* Daycare shall be limited to no more than three children or three adults at any time.
11. *Vehicles.* Only customary passenger vehicles, vans and pick-up trucks shall be permitted to remain on the premises in association with a home occupation. Said vehicles cannot exceed two axles, 22 feet in length, ten feet in height, and/or 8,000 pounds (curb weight). No tow and/or rollback trucks shall be allowed to remain on the premises. A trailer used in association with the home occupation shall be permitted to remain on the premises. The aforementioned vehicles or trailer used in association with the home occupation may be stored in a detached garage.
12. *In-Home Beauty Salon or Barbershop.* An In-Home Beauty Salon or Barbershop shall be limited to one chair and shall be subject to the Department of Environmental Health's approval. It shall also comply with 4, above, in regards to the number of customers.
13. *Uses.* The following and similar uses shall not be considered home occupations: automobile service station; automobile and related vehicular sales lot on-premises; on-premises automobile, motorcycle, and/or farm/heavy construction equipment repair or service/maintenance; ambulance service; rescue squad; on-premises amusement or recreational activities (commercial); animal hospital; commercial kennel, veterinarian clinic with or without animal boarding place; pawn shops; acid storage and manufacturing; heavy manufacturing; fortune teller; palm reader; taxidermy, on-premises welding; on-premises pet grooming; on-premises medical/dental facilities; on-premises repair service (bicycle, lawn mower, small engine, and appliance); tire sales and storage; tanning salon; funeral services; tattooing; and on-premises massage therapy.

**Section 2.** That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3. a.** It is hereby declared to be the intention of the Board of Commissioners that all Sections, paragraphs, sentences, clauses and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

**b.** It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this

Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no Section, paragraph, sentence, clause or phrase of this Article is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Article.

c. In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 4.** All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed except those provided for herein.

**Section 5.** The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

So ordained this 22nd day of October, 2015, by the

**BOARD OF COMMISSIONERS  
FAYETTE COUNTY, GEORGIA**

\_\_\_\_\_  
**CHUCK ODDO, CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**CLERK/DEPUTY CLERK**

## ARTICLE V. CONDITIONAL USES, NONCONFORMANCES, TRANSPORTATION CORRIDOR OVERLAY ZONE, AND COMMERCIAL DEVELOPMENT STANDARDS

### Sec. 110-169. Conditional use approval.

- x. *Home occupation.* Allowed in A-R, EST, C-S, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, RMF, MHP, PUD-PRD, PUD-PRL, PUD-PEF, O-I, C-C, C-H, L-C, G-B, M-1, M-2, and BTP zoning districts. The intent of these rules and regulations is to protect the health, safety and welfare of the general public and ensure that home occupations are regulated in a manner so they do not adversely impact surrounding residential properties, as residential areas and uses are normally separated from nonresidential areas and uses.
  1. *Residents.* Only residents of the dwelling may be engaged in the home occupation within the dwelling. All nonresident individuals, including employees, contractors, or part owners, associated with the home occupation shall not be engaged in the home occupation within the dwelling or on the premises.
  2. *Incidental use.* The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.
  3. *Display, sale.* No display of products shall be visible from the street, and only products produced on the premises may be sold on the premises. The on-premises sale of products produced off the premises shall be prohibited.
  4. *Clients/customers/students.* The number of clients/customers/students on premises shall not exceed more than two at a time nor more than a total of eight clients in any one day and all services rendered shall take place only within the dwelling. The hours of operation, in the context of clients/customers/students shall be limited to 9:00 a.m. to 7:00 p.m., Monday through Saturday.
  5. *Area.* Use of the dwelling, for the purpose of the home occupation, shall not exceed a total of 25 percent of the dwelling.
  6. *Number.* No more than four home occupations may be issued per dwelling and the cumulative area devoted to the home occupations shall not exceed 25 percent of the dwelling.
  7. *Alterations.* No internal or external alterations inconsistent with the residential use of the building shall be permitted.
  8. *Accessory buildings.* No accessory buildings or outside storage shall be used, except as otherwise provided herein.
  9. *Instructions and/or tutoring.* Instruction and/or tutoring including, but not limited to: music, art, crafts, dance, academic, computer, martial arts, and speech.
  10. *Day care, child/adult.* Daycare shall be limited to no more than three children or three adults at any time.
  11. *Vehicles.* Only customary passenger vehicles, vans and pick-up trucks shall be permitted to remain on the premises in association with a home occupation. Said vehicles cannot exceed two axles, 22 feet in length, ten feet in height, and/or 8,000 pounds (curb weight). No tow and/or rollback trucks shall be allowed to remain on the premises. A trailer used in association with the home occupation shall be permitted to remain on the premises. The aforementioned vehicles or trailer used in association with the home occupation may be stored in a detached garage.

12. ***In-Home Beauty Salon or Barbershop. An In-Home Beauty Salon or Barbershop shall be limited to one chair and shall be subject to the Department of Environmental Health's approval. It shall also comply with 4, above, in regards to the number of customers.***

**13. 42.** *Uses.* The following and similar uses shall not be considered home occupations: automobile service station; automobile and related vehicular sales lot on-premises; on-premises automobile, motorcycle, and/or farm/heavy construction equipment repair or service/maintenance; ambulance service; ~~beauty-salon, barbershop~~, rescue squad; on-premises amusement or recreational activities (commercial); animal hospital; commercial kennel, veterinarian clinic with or without animal boarding place; pawn shops; acid storage and manufacturing; heavy manufacturing; fortune teller; palm reader; taxidermy, on-premises welding; on-premises pet grooming; on-premises medical/dental facilities; on-premises repair service (bicycle, lawn mower, small engine, and appliance); tire sales and storage; tanning salon; funeral services; tattooing; and on-premises massage therapy.

Rhonda Ramos  
738 Harp Road  
Fayetteville, GA 30215

September 3, 2015

Dear sir(s) or madam(s):

I am writing to request to once again allow in home beauty salons. My plans are to operate a one chair/one client salon in my home. This would afford me the opportunity to work a flexible schedule. A daily part-time work schedule outside the home prevents me from caring for my disabled adult son; he is unable to drive and perform many simple everyday task that requires my availability and assistance.

As I understand, in home hair salons were allowed by Fayette County. Years later a new County Attorney's opinion of a home occupation for in home hair salon and that it be treated as its own retail use and not allowed as a home occupation. I'm asking you to please allow this use once again.

I had been receiving my hair services from an in home salon in Peachtree City for years until my hair stylist married and relocated. Peachtree City permits in home hair salons.

Respectfully,

A handwritten signature in cursive script that reads "Rhonda Ramos". The signature is written in black ink and is positioned above the typed name and address.

Rhonda Ramos  
738 Harp Road  
Fayetteville, GA 30215  
678-794-8894



**Olugbenga Obasanjo, MD, PhD, MPH, MBA**

District Health Director  
District 4 Public Health  
122A Gordon Commercial Drive  
LaGrange, GA 30240  
Phone 706-845-4035  
[www.district4health.org](http://www.district4health.org)

**Fayette County Health Department**

140 Stonewall Ave West Suite 200  
Fayetteville, GA 30214  
770-305-5415  
770-305-5183 Fax  
[www.fayettecountyhealthdepartment.org](http://www.fayettecountyhealthdepartment.org)

September 24, 2015

Memorandum

To: Pete Frisina  
Fayette County Planning Committee

From: Robert F. Kurbes *RFK*  
Environmental Health County Manager

RE: Home based hair care operations

This department has 2 general concerns in addressing the suitability of an existing residential septic system for the approval of a home based hair care (beauty parlor, barber shop, hair salon, etc) operation:

- 1) Is the existing septic system capacity or size sufficient to accommodate the additional sewage flow anticipated from a hair care operation?
- 2) Are any of the proposed hair care processes adding products to the septic system that are potentially detrimental to the functioning of the system?

This department currently evaluates each request for approval of a home based hair care operation on a specific evaluation of the capacity and size of the existing septic system and the proposed type of hair care services to be offered. Approval by this department is granted only if the system can be shown to be sufficient to serve the proposed operation, or the system is properly expanded to support the proposed operation.

If you have any questions, please do not hesitate to contact me at 770-305-5147.

Rfk  
Xc: File

Serving Butts, Carroll, Coweta, Fayette, Heard, Henry, Lamar, Meriwether, Pike, Spalding, Troup and Upson Counties



***We Protect Lives.***

**THE FAYETTE COUNTY PLANNING COMMISSION** met on October 1, 2015 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Jim Graw, Chairman  
Brian Haren, Vice-Chairman  
John H. Culbreth  
Al Gilbert  
Arnold L. Martin, III

**STAFF PRESENT:** Pete Frisina, Director of Community Services  
Dennis Dutton, Zoning Administrator  
Chanelle Blaine, Planning and Zoning Coordinator

**Welcome and Call to Order:**

Chairman Graw called the Planning Commission Meeting to order. Chairman Graw introduced the Commission Members and Staff.

\* \* \* \* \*

**1. Consideration of the Minutes of the Meeting held on September 3, 2015.**

Al Gilbert made a motion to approve the minutes. Brian Haren seconded the motion. The motion passed 5-0.

**PUBLIC HEARING**

**2. Consideration of Amendments to the Fayette County Code of Ordinances, Chapter 110, Article V. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Standards, Sec. 110-169. Conditional Use Approval. X. Home Occupation. To allow a barber shop or beauty shop as a home occupation.**

Dennis Dutton stated that at one time the County did allow beauty salons as a home occupation. He added that once the County changed attorneys they felt that beauty salons were no longer an applicable home occupation. He said that the current County Attorney and Environmental Health Department wanted to revisit the issue. He said that Robert Kurbes, Rhonda Ramos and himself met with the County Attorney and Environmental Health to discuss the issues involving the septic tank. Dennis requested to change back to in-home beauty salons as a home occupation. He added that staff also included the verbiage with barbershops as well.

Chairman Graw stated that there was discussion about this issue two (2) weeks ago. He added that there were concerns about chemicals from the various uses. He said there were also concerns about the number of customers that would come through the home occupation on a daily basis. He stated that he understood that Rhonda Ramos could not answer all technical questions about what's in the chemicals.

Chairman Graw asked the public if they had any comment.

Rhonda Ramos said from her research that all hair care products are much less harmful to septic systems. She added that hair care products are created to change the pH balance of the hair just a little, for the normal pH balance is a 7. She stated that hair care products are much less harmful than our normal cleaning supplies like Comet or Clorox. She added that hair care products are just trying to break through the cuticle of the hair. She

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**October 1, 2014**  
**Page 2**

said that Mr. Kurbes stated that her septic system was adequate and he recommended that she add 50 to 75 feet of field line. She stated that Mr. Kurbes said that he would sign off on it. Chairman Graw asked who made the recommendation.

Rhonda Ramos replied Robert Kurbes the Environmental Health Manager.

Chairman Graw asked had he looked at her septic system.

Rhonda Ramos replied yes and he looked at the layout.

Chairman Graw asked Rhonda Ramos if Mr. Kurbes felt comfortable with her adding the 50-75 feet of additional field line the tank would be sufficient.

Rhonda Ramos replied yes.

Chairman Graw asked if Mr. Kurbes went out to look/survey her property.

Rhonda Ramos replied no. She stated that Mr. Kurbes looked at a drawing from the Fayette County file. She added that he did not actually visit the home, but he did review the septic system, field line, and all other documentation that was needed for review when the home was built in 1999.

Chairman Graw asked if Mr. Kurbes had any concerns with the hair dyes and other chemicals that would be used.

Rhonda Ramos said that Mr. Kurbes did not seem concerned about it because of the number of clients she would be servicing. She added that Mr. Kurbes mentioned that household cleaners were strong chemicals that are handled by septic tanks.

Chairman Graw asked how many customers can flow through on a daily basis on an average.

Rhonda Ramos replied that it depends on the service whether it's a haircut or a hair color. She added that for a one chair it can be six (6) to eight (8) clients, maybe. She stated that she has a disabled son and she is not looking to be full time.

Chairman Graw asked if she would be doing it full time.

Rhonda Ramos replied that she is unable to do it full time, but she would like to service as many as four (4) a day if possible.

Chairman Graw asked if six (6) to eight (8) clients would be full time.

Rhonda Ramos replied that six (6) to eight (8) people would be a maximum.

Arnold Martin asked would there be a separate entry from the home for your home occupation

Rhonda Ramos said that she would be using a finished room in her basement. She said that she would be adding double doors and a sidewalk and ramp for another entry.

**PC Meeting**  
**October 1, 2014**  
**Page 3**

Arnold Martin asked does the County have requirements regarding entry being separate from the home in our codes.

Pete Frisina replied that home occupations allow customers, and there is nothing that says they have to come in from a separate entrance.

Brian Haren asked does the activity have to take place in the main residence.

Pete Frisina replies they all have to take place in the main residence.

Brian Haren asked that you can't use a converted garage or detached garage.

Pete Frisina replies that you can't use a detached garage but an attached garage.

Rhonda Ramos replies that she has looked at the guidelines and is willing to stay within those parameters that are outlined. She added that she will abide by the amount of customers, the hours, and the days.

Brian. Haren asked are we only allowing this Monday – Friday.

Pete Frisina Frisina replies that home occupations are allowed Monday – Saturday.

Chairman Graw asked what the hours were.

Rhonda Ramos replied from nine (9) to seven (7) pm.

Chairman Graw apologized that he did not have the time to read the emails Dennis' wife sent him on home occupations. He asked if Dennis would summarize those emails.

Dennis Dutton replies that his wife is a planner that deals with a lot of counties out of Franklin, GA. He asked her to look up the counties that are close to us to see how they deal with the in-home hair salons. He stated that out of nine (9) counties she got seven (7) to respond. He stated that Spalding County does allow for in-home, but they have to do it under an exception. He adds that Carroll County responds that they do allow them. He said that no issues or complaints regarding traffic have come up. He said that out of all the nine (9) counties that all allowed it. He added that Butts County limited the number of stations to one (1).

Chairman Graw stated that they would limit it to being one (1) chair only.

Rhonda Ramos said that she would only be using (1) chair.

Chairman Graw asked Rhonda Ramos if she used a hair dryer.

Rhonda Ramos stated yes sir.

Chairman Graw asked if we were counting the hair dryers as a station.

Dennis Dutton replied no.

Al Gilbert asked Mr. Dutton if his wife asked her contacts in other counties if they were on septic system.

Dennis Dutton replied that the counties were on septic tank.

Al Gilbert replied that Coweta has both. He reiterated that a lot of these counties have both and that was why he asked that question.

Dennis Dutton replied that a lot of the outlying areas in Coweta County are on septic. He stated that Butts and parts of Spalding County are both on septic system.

Al Gilbert asked if Mr. Dutton's wife asked if they had a different way of approving these on septic tank.

Dennis Dutton replied no.

Chairman Graw asked that if all the counties Mr. Dutton's wife talked to allow home occupations as a hair and beauty salon.

Dennis Dutton replied that in some cases they have to go before the board for approval. He stated that when he was in Powder Springs you could have an in-home beauty salon but it had to be approved by the council. He added when he was in Upson County the Environmental Health had to do inspections regularly but they did allow them. He stated that when he was in Haralson County, they also allowed them but the Environmental Health Department was very active with them.

Brian Haren asked if Powder Springs required that approval process for all in-home business or just salons.

Dennis Dutton replied that it was several but that was the one (1) of the few that they required because it was in-customers. He added that they had it broken down one being a home occupation where you didn't have customers, like an office and the other being in-customers.

Brian Haren asked if they were on septic.

Dennis Dutton replied that they were on sewer.

Arnold Martin asked for the background on why this was changed initially.

Al Gilbert replied that they were told at the last meeting the former attorney had some concerns for the environmental impact would have on septic systems and felt that it was best to not have them as home occupancy business.

Pete Frisina said that he doesn't think the attorney thought they were appropriate.

Chairman Graw asked Pete Frisina if the attorney gave him the reason that Mr. Gilbert mentioned.

Pete Frisina replied that he doesn't think the attorney was that specific.

Al Gilbert said that is what he was told from a County Commissioner from back in the day.

Pete Frisina Frisina said that it could have been.

Rhonda Ramos said that it may not matter but she did get the blessing of both of her neighbors.

Brian Haren said it helps.

Chairman Graw read a letter from Robert Kurbes, Environmental Health County Manager regarding home base hair care operations.

The letter stated:

This department has (2) general concerns addressing the suitability of an existing residential septic system for the approval of a home based hair care (beauty parlor, barbershop, hair salon, etc.) operation:

Number one (1) does the existing septic system capacity or size sufficient to accommodate the initial sewage flow anticipated from the hair care operation. Number two (2) are any of the proposed hair care processes adding products to the septic system that are potentially detrimental to the functioning of the system.

This department currently evaluates each request for approval of a home base hair care operation on a specific evaluation of the capacity and size of the existing septic system and the proposed type of hair care services to be offered. Approval by this department is granted only if the system can show to be sufficient to serve the proposed operation or the system is expanded to serve the proposed operation.

If you have any questions please do not hesitate to contact me.

Chairman Graw states that in his opinion it looks like he is going to provide some oversight to this whole operation for this home occupation. He adds that Mr. Kurbes has already looked at the capacity of Rhonda Ramos system.

Rhonda Ramos said yes.

Chairman Graw said he doesn't see in the letter where Mr. Kurbes will be looking at the chemicals that will be used in the operation. He added that he doesn't understand what he means by that.

Rhonda Ramos said that maybe it's based on the septic tank and its services. She adds that Mr. Kurbes said that her septic tank was one of the larger ones and that it was more than adequate outside of some field lines. She added that he said she could have used a smaller system if she wasn't going to offer any color services.

Pete Frisina said that he would make the assumption that Robert is very much attuned to septic system in general and he knows the chemicals that will affect it. He added that obviously he is going to do a thorough job looking at any situation. He stated that was his opinion.

Dennis Dutton said that he discussed with Mr. Kurbes in the past that he would allow it, if they would write a letter stating that there was no water going into the system. Mr. Dutton said the major thing is when you have to cut and wash hair and it fills up the septic system. He added that if you are doing this over a constant period of time that is what's causing the problem. He said that it's like when you wash your clothes all the time, they recommend that you wash your clothes once a week because you are putting too much capacity on your system. He stated that Mr. Kurbes would make them write a letter simply saying that they were only doing dry cuts. He added that the problem that Mr. Kurbes had with the dry cuts were that people would sometimes wash the hair anyway in the bathroom sink, and it would cause problems. He said that for the most

part people were accommodating to cutting the hair dry. He said if that lends anything to it that is one of the services he provides at one (1) time mainly to the cities and through the county.

Chairman Graw asked Rhonda Ramos if that sounds like the kind of hair care services she offers. Rhonda Ramos stated that from a professional standpoint that when you cut hair you shampoo it first then you cut it, so that there wouldn't be any debris from the hair cut going into the sink. She added whether it's a dry cut or wet cut you always shampoo first. She said if you color, you color, shampoo, and then cut.

Chairman Graw stated that backing into the capacity of the septic system. He added that if they continue to wash hair it feels up the septic tank.

Dennis Dutton said yes. He stated that he discussed with the Mr. Kurbes the last time about the number of clients and he was fine with the eight (8). Mr. Dutton said when the County goes through the occupational tax process Mr. Kurbes has taken it on himself to review every application to make sure there are not putting it on a system that is not adequate.

Al Gilbert stated that he has lived in a subdivision with multiple septic tank failures. He says he is concerned about anything that is put into a septic tank besides normal discharge from a house. He said that his neighbor across the street spent more than \$10,000 on repairing his septic tank. He stated that down his street another neighbor has spent the same amount, and he added that two of his neighbors had to get annexed into the city of Fayetteville because there was no solution. He added that the original overview done by the health department stated that everything worked fine and that septic tanks were going to work. He stated that septic tanks are not an exacting science and that was his concern.

Arnold Martin stated that this would fall under the possible cost/risk of doing business for an in-home business. He added if this is not an issue or cost to the county why we are taking this as an issue or concern.

Al Gilbert asked have you ever lived next door to a house where a septic tank failed.

Arnold Martin replied no.

Al Gilbert said you don't want to. He stated that it's a health issue for the neighborhood not just that one (1) house.

Brian Haren understood what Al Gilbert is stating but he says that this is the business owner's septic system. He added that the county would have done its due diligence in evaluating the septic systems for capacity, based on establish engineering principles would have given approval or disapproval. He said that at that point it's the business owner's liability. He added that it's not like they're connected to the county or city sewer and their dumping raw methamphetamines in to it.

Al Gilbert asked about the impact it has on the neighbors.

Arnold. Martin asked if by chance a septic system fails are we then assuming that the individual would not have the finances to fix that.

Al Gilbert said even if its fixed it's not fixed immediately. He added you get such an overflow and a terrible odor you will have raw sewage flowing out into streets. He stated that he doesn't care if the sewage is in the streets for just a day it's still too much.

Arnold Martin stated that septic systems usually fail due to a lack of maintenance and they give a warning.

Al Gilbert said that septic system usually fail due to being an old system and maybe has roots in the lines.

Brian Haren said that whether or not they're cutting hair as a business or they have 12 kids and they're doing eight loads of laundry a day that septic system is going to fail. He added we shouldn't discriminate because one (1) of the septic system's owner happens to be running a business out of their home and the other one (1) is a good Catholic.

Rhonda Ramos reiterated that hair care products are not as strong as some household cleaners such as Drano.

Arnold Martin said that he has lived in homes on septic and that there are usually warning signs when something is wrong. He stated that for example your toilets began to run slower, your showers begin to back up. He said that it is rare that you wake up one day and your system has failed and there has not been any warning. He added that it is on the home owner to take heed to these warning signs. He said that these issues are no different than a cavity; you know that something is wrong, but you choose to ignore it. It's not going to get better it is only going to get worse.

Chairman Graw asked if anyone else would like to speak on this.

**John Culbreth made a motion to recommend approval of the proposed amendments. Arnold Martin seconded the motion. The motion passed 4-1. Al Gilbert voted in opposition of the motion.**

Arnold Martin asked when the ordinance changed did existing in-home hair salons get grandfathered in.

Pete Frisina replied yes, but he doesn't know of one (1).

Arnold Martin stated that he knew of several in-home hair salons.

Pete Frisina said that if they are conducting business they may be doing it illegally.

Chairman Graw asked if the septic tank is not being maintained properly can we void the permit.

Pete Frisina replied if there was a septic tank problem, the business owner would have to fix it, and if they refuse to fix it we could then withdraw the permit but it would have to be with Environmental Health's recommendation.

3. **Consideration of Amendments to the Fayette County Code of Ordinances, Chapter 110. Article III. General Provisions Sec. 110-94. Buffer to eliminate buffers between a Church and/or other place of worship, College and/or university, Hospital, Private school, Child care facility, Cemetery, or Recreation centers and similar institutions owned by nonprofit organizations as so registered with the Georgia Secretary of State office that is in a residential or A-R zoning district.**

Chairman Graw asked Pete Frisina about amending the ordinance.

Pete Frisina replied that he and Dennis Dutton changed some of the verbiage of the proposed ordinance to make it clearer.

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Al Gilbert said with a lease financing may be difficult.

Pete Frisina said the buffer is required as part of a conditional use a so variance is not allowed.

Chairman Graw asked if there is any other situation staff is aware of that is similar to this situation.

Pete Frisina said he is not aware of another situation similar to this.

Brian Haren asked if you could build a playground or athletic field in a buffer and setback.

Pete Frisina said a baseball field would have to out of the buffer and setback.

John Culbreth asked what type of school this is.

John Lee said a private school for home school families that will meet four (4) days a week.

Pete Frisina asked if it is a K through 12<sup>th</sup> grade school.

John Lee said it is a 4<sup>th</sup> grade through 12<sup>th</sup> grade and it is similar to King's Academy in Woodstock.

Brian Haren asked if this property will be big enough.

John Lee said the model is for 250 kids and we want to stay at that level so this property is big enough for our needs.

It was the consensus of the Planning Commission to proceed with Public Hearings for the proposed Zoning Ordinance amendments.

5. **Discussion of allowing in-home beauty salons/barbershops as a Home Occupation in the County Zoning Ordinance.**

Dennis Dutton said we have a letter from a citizen that is interested in having a beauty shop in her home. The County use to allow a beauty shop or barber shop as a home occupation but it was taken out some time back. At that time the County Attorney didn't think it was an appropriate use as a home occupation and there could be issues with a septic tank. He added that he had met with Environmental Health and their concerns are the washing of hair and hair dyes or chemicals that can cause problems with the septic system so they would have to be involved with the approval of these uses.

Al Gilbert said he has a problem with this because he doesn't see how the County will control the number of customers or whether they wash and/or dye hair. He added that a barber shop and beauty shop should not be treated the same because a barber shop is not going to be as environmentally harmful as a beauty shop. He stated that a barber could easily do two to three haircuts an hour and by limiting him to eight (8) customers he probably won't be able to make a living.

Chairman Graw said all Home Occupations are limited to eight (8) customers per day.

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Brian Haren asks who inspects for that.

Dennis Dutton said it is addressed on a complaint basis.

Brian Haren asked what the effect on a septic system is when large amounts of hair dye are used.

Dennis Dutton said that is why Environmental Health will be involved and he doesn't recommend handling barber shops differently than beauty shops.

John Culbreth said he doesn't have a problem as most people want their home to stay residential.

Chairman Graw said you recommend limiting this to one (1) chair but they may also have a hair dryer does that also count as a chair.

Dennis Dutton said a home occupation also limits it to two (2) customers at a time.

Chairman Graw said he has his hair cut by a person in their home in Peachtree City and this person has a few customers on Saturday and a few during the week.

Brian Haren asked if we need to restrict customers on Sunday.

Pete Frisina said a Home Occupation is already limited to Monday through Saturday for customers.

It was the consensus of the Planning Commission to proceed with Public Hearings for the proposed Zoning Ordinance amendments.

Al Gilbert said he still has a problem with this concerning the number of customers and the potential effect on the septic system.

Chairman Graw asked Al Gilbert what he would recommend.

Al Gilbert said he would suggest not allowing it at all.

Brian Haren said if Environmental Health determines the septic system can handle it he doesn't have a problem and he would feel better if we had a letter from Environmental Health.

Chairman Graw said with eight (8) customers per day for six (6) days as currently regulated under Home Occupation that is a potential of 48 customers per week and I don't think that will happen.

It was the consensus of the Planning Commission to proceed with Public Hearings for the proposed Zoning Ordinance amendments.

# COUNTY AGENDA REQUEST

Public Hearing #2

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Public Hearing on Ordinance 2015-13, amending Fayette County's Code of Ordinances, Chapter 110. Article III. General Provisions Sec. 110-94. Buffer, eliminating buffers adjacent to places of worship, colleges and universities, hospitals, private schools, child care facilities, cemeteries, recreation centers and similar institutions registered with the Secretary of State and in A-R or residential zoning districts.

**Background/History/Details:**

In September of 2015, a citizen's request was made to the Planning Commission requesting amendments to the Zoning Ordinance concerning buffer requirements for non-residential uses that abutted a residential or A-R zoning district.

The amendment to the ordinance would eliminate buffer requirements adjacent to a Church and/or other place of worship, College and/or university, Hospital, Private school, Child care facility, Cemetery, or Recreation centers and similar institutions owned by nonprofit organizations located in a residential or A-R zoning district.

Staff and the Planning Commission recommend APPROVAL of the proposed amendments to the Zoning Ordinance.

Al Gilbert made a motion to recommend approval of the proposed amendments to the Zoning Ordinance. Brian Haren seconded the motion. The motion passed 5-0.

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

Adoption of Ordinance 2015-13 to amend to the Fayette County Code of Ordinances, Chapter 110. Article III. General Provisions Sec. 110-94. Buffer to eliminate buffers adjacent to a Church and/or other place of worship, College and/or university, Hospital, Private school, Child care facility, Cemetery or Recreation centers and similar institutions owned by nonprofit organizations as so registered with the Georgia Secretary of State office that is in a residential or A-R zoning district.

**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:**

**STATE OF GEORGIA  
COUNTY OF FAYETTE**

**ORDINANCE NO. 2015 - 13**

AN ORDINANCE TO AMEND THE FAYETTE COUNTY CODE OF ORDINANCES, CHAPTER 110. ZONING ORDINANCE, AS AMENDED, SPECIFICALLY ARTICLE III GENERAL PROVISIONS TO ELIMINATE BUFFERS

**WHEREAS**, the duly elected governing authority of Fayette County is the Board of Commissioners thereof;

**WHEREAS**, the governing authority desires to amend the provision that provides for the regulation of land development as allowed by the State of Georgia;

**WHEREAS**, the health, safety, and welfare of the citizens of Fayette County, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF:**

**Section 1.** The Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, as amended, is hereby further amended by deleting in its entirety Sec. 110-94. Buffer. and replacing it with the following:

**Sec. 110-94. Buffer.**

A buffer shall provide a separation of uses from abutting properties and a visual screen through the use of natural vegetation or other means, including, replanting or supplemental plantings (see chapter 104, development regulations, for planting requirements). Other visual screening elements or noise attenuation devices, such as walls or berms, may be utilized in addition to the vegetation in the buffer. Stormwater retention and detention facilities may be located in a buffer but shall be set back a minimum of 25 feet from the property line. Said 25 feet, as measured from the property line, shall be for the aforementioned required natural vegetation, landscape plantings, and other visual screening elements or noise attenuation devices only. Multi-use path connections and utilities (including underground stormwater piping) may be located anywhere within the buffer (see section 110-93). A buffer shall not be required along the common boundary where the side or rear yard abuts property owned by the board of commissioners, the board of education, a municipality, the state or federal government that is in a residential or A-R zoning district. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Church and/or other place of worship, College and/or university, Hospital, Private school, Child care facility, Cemetery, or Recreation centers and similar institutions owned by nonprofit organizations as so registered with the Georgia Secretary of State Office. These provisions shall apply to all buffers required by the zoning ordinance.

**Section 2.** That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3. a.** It is hereby declared to be the intention of the Board of Commissioners that all

Sections, paragraphs, sentences, clauses and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

**b.** It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no Section, paragraph, sentence, clause or phrase of this Article is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Article.

**c.** In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 4.** All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed except those provided for herein.

**Section 5.** The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

So ordained this 22nd day of October, 2015, by the

**BOARD OF COMMISSIONERS  
FAYETTE COUNTY, GEORGIA**

\_\_\_\_\_  
**CHUCK ODDO, CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**CLERK/DEPUTY CLERK**

## ARTICLE III. GENERAL PROVISIONS

### Sec. 110-94. Buffer.

A buffer shall provide a separation of uses from abutting properties and a visual screen through the use of natural vegetation or other means, including, replanting or supplemental plantings (see chapter 104, development regulations, for planting requirements). Other visual screening elements or noise attenuation devices, such as walls or berms, may be utilized in addition to the vegetation in the buffer. Stormwater retention and detention facilities may be located in a buffer but shall be set back a minimum of 25 feet from the property line. Said 25 feet, as measured from the property line, shall be for the aforementioned required natural vegetation, landscape plantings, and other visual screening elements or noise attenuation devices only. Multi-use path connections and utilities (including underground stormwater piping) may be located anywhere within the buffer (see section 110-93). A buffer shall not be required along the common boundary where the side or rear yard abuts property owned by the board of commissioners, the board of education, a municipality, the state or federal government that is in a residential or A-R zoning district. **A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Church and/or other place of worship, College and/or university, Hospital, Private school, Child care facility, Cemetery, or Recreation centers and similar institutions owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.** ~~This~~ These provisions shall apply to all buffers required by the zoning ordinance.

Arnold Martin stated that septic systems usually fail due to a lack of maintenance and they give a warning.

Al Gilbert said that septic system usually fail due to being an old system and maybe has roots in the lines.

Brian Haren said that whether or not they're cutting hair as a business or they have 12 kids and they're doing eight loads of laundry a day that septic system is going to fail. He added we shouldn't discriminate because one (1) of the septic system's owner happens to be running a business out of their home and the other one (1) is a good Catholic.

Rhonda Ramos reiterated that hair care products are not as strong as some household cleaners such as Drano.

Arnold Martin said that he has lived in homes on septic and that there are usually warning signs when something is wrong. He stated that for example your toilets began to run slower, your showers begin to back up. He said that it is rare that you wake up one day and your system has failed and there has not been any warning. He added that it is on the home owner to take heed to these warning signs. He said that these issues are no different than a cavity; you know that something is wrong, but you choose to ignore it. It's not going to get better it is only going to get worse.

Chairman Graw asked if anyone else would like to speak on this.

**John Culbreth made a motion to recommend approval of the proposed amendments. Arnold Martin seconded the motion. The motion passed 4-1. Al Gilbert voted in opposition of the motion.**

Arnold Martin asked when the ordinance changed did existing in-home hair salons get grandfathered in.

Pete Frisina replied yes, but he doesn't know of one (1).

Arnold Martin stated that he knew of several in-home hair salons.

Pete Frisina said that if they are conducting business they may be doing it illegally.

Chairman Graw asked if the septic tank is not being maintained properly can we void the permit.

Pete Frisina replied if there was a septic tank problem, the business owner would have to fix it, and if they refuse to fix it we could then withdraw the permit but it would have to be with Environmental Health's recommendation.

- ✱ 3. **Consideration of Amendments to the Fayette County Code of Ordinances, Chapter 110. Article III. General Provisions Sec. 110-94. Buffer to eliminate buffers between a Church and/or other place of worship, College and/or university, Hospital, Private school, Child care facility, Cemetery, or Recreation centers and similar institutions owned by nonprofit organizations as so registered with the Georgia Secretary of State office that is in a residential or A-R zoning district.**

Chairman Graw asked Pete Frisina about amending the ordinance.

Pete Frisina replied that he and Dennis Dutton changed some of the verbiage of the proposed ordinance to make it clearer.

Chairman Graw stated that the ordinance with the language change sent out by Pete Frisina is a little different than what was given to them in their packages.

Chairman Graw asked the public if they had any comment.

John Lee said that he was very much in favor of the ordinance.

Chairman Graw asked the board what's their pleasure.

Al Gilbert said that he believed that everyone was in favor of the ordinance from their last discussion.

Pete Frisina said that he and Dennis Dutton made the wording more specific. He added that they used actual terms under the conditional uses. He stated that the way it is written and formatted on their handouts is the way it would appear in the ordinance.

**Al Gilbert made a motion to recommend approval of the proposed amendments. Brian Haren seconded the motion.**

Brian Haren asked Arnold Martin if he had any questions since he was not at the last meeting.

Arnold Martin had a question about the article where it stated storm water detention and retention facilities. He asked for a definition of detention facilities.

Brain Haren replied that it's a storm pond.

Al Gilbert stated that it's where your run-off goes and is collected.

Arnold Martin said he understood how it is used, but the term "detention facility" sounds like a prison.

Pete Frisina clarified that the term is storm water retention and detention.

Brian Haren stated that there is a difference between retention and detention, but he did not know what the difference was.

Pete Frisina said that retention normally doesn't have an outlet on it; it just holds the water and allows it to seep into the ground. He added that detention holds water and allows it to go out at a certain rate.

**Chairman Graw called the question. The motion passed 5-0.**

#### **NEW BUSINESS**

- 4. Demonstration of Fayette County Geographic Information System Maps by Carlo Frate.**

#### **OLD BUSINESS**

- 5. Discussion of the SR 85 and SR 74 intersection.**

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Steve Reeves said there was a minor issue with the location of the septic system but that has been corrected and the reason for the subdivision is to settle an estate.

Chairman Graw asked if there was anyone who would like to make any comments on the technical aspects of the plat. Hearing none he said he would entertain a motion.

Brain Haren said for clarification this is a Minor Subdivision Plat and is that a revision to an existing plat or a new subdivision of land.

Pete Frisina said it is a Minor Subdivision Plat because there are no new roads and the lots are five (5) acres or greater.

Brian Haren made a motion to approve the Minor Subdivision Plat of Larry D. Oldag and Juanita D. Wyatt. Al Gilbert seconded the motion. The motion passed 4-0. Arnold Martin was absent.

✕ 4. **Discussion of exemption from buffers from A-R and residential zoning districts that allow nonresidential uses as a conditional use in the County Zoning Ordinance.**

Dennis Dutton said there is a situation staff is dealing with where a new proposed private school is next to an existing church and buffers are required between to the two (2) uses.

John Lee said they are proposing to build a private school next to Christ's Church at Whitewater on SR 85.

Dennis Dutton said when the school was drawing up plans the buffer issue became apparent. He added that currently the zoning ordinance does not require a buffer when property is adjacent to property owned by a local government, the state or the federal government. He stated that the uses listed in the proposed ordinance amendment are nonresidential uses allowed in an A-R or residential zoning districts as a conditional use. He said in this case with a private school locating on an adjacent lot to the church property a 50 foot buffer and a 50 setback would be required.

Chairman Graw asked if the buffer and setback would be required on both properties.

Dennis Dutton said that was correct. He stated that the approach we are taking is not requiring a buffer between nonresidential uses located in residential zoning districts. He added the nonresidential uses being considered are from the list of Conditional Uses that include a church and/or other place of worship, college and/or university, hospital, private school, child care facility, cemetery, golf course, driving range, or recreation centers and similar institutions owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.

Chairman Graw asked why you are including a child care facility, cemetery, golf course, driving range, or rec-centers in this.

Pete Frisina said those are Conditional uses allowed in A-R and/or residential zoning.

John Culbreth asked what the special exception will be.

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Al Gilbert asked what the school is asking for.

Dennis Dutton said relief from the buffer.

Chairman Graw so not the setback just the buffer.

Dennis Dutton said that is correct. He added that these uses are the more common as Conditional Uses in A-R or residential.

Chairman Graw said you are suggesting a 25 foot buffer and a 50 setback.

Dennis Dutton said he is suggesting no 50 foot buffer but keeping the 50 foot setback.

Brian Haren said what if the church still owned that property and it had not been carved out and something like a kinder care came in and a lot of people have a problem with a kinder care because of the traffic. He said so we make an exception for that but I can see other situations where people would want that buffer in place because they don't want to look out of their window onto to a kinder care.

Pete Frisina said the buffer would not apply where the kinder care abuts a church for example but the buffer would still apply where the kinder care abuts residential property.

Chairman Graw asked if the church owns the property where the private school is planned.

Pete Frisina said that is correct.

Chairman Graw asked what happens if a church sells a portion on their property for residential development and there is no buffer there.

Pete Frisina said when a church abuts residential property developed as residential a buffer will still apply, but for example if two churches were abutting with no buffer and one of the churches were torn down and residential development put there we could not reestablish a buffer but the chances of a church going away is probably slim.

Chairman Graw asked how big the school is going to be.

John Lee said about 30,000 square feet in three (3) buildings.

Brian Haren said he didn't think golf courses and driving ranges need to be included in the list.

Pete Frisina said we can take golf courses and driving ranges out of the list.

Brian Haren asked if the property could be leased from the church.

Pete Frisina said if the property is not subdivided there is no buffer but the school's goal is ownership of the property.

Al Gilbert said with a lease financing may be difficult.

Pete Frisina said the buffer is required as part of a conditional use a so variance is not allowed.

Chairman Graw asked if there is any other situation staff is aware of that is similar to this situation.

Pete Frisina said he is not aware of another situation similar to this.

Brian Haren asked if you could build a playground or athletic field in a buffer and setback.

Pete Frisina said a baseball field would have to out of the buffer and setback.

John Culbreth asked what type of school this is.

John Lee said a private school for home school families that will meet four (4) days a week.

Pete Frisina asked if it is a K through 12<sup>th</sup> grade school.

John Lee said it is a 4<sup>th</sup> grade through 12<sup>th</sup> grade and it is similar to King's Academy in Woodstock.

Brian Haren asked if this property will be big enough.

John Lee said the model is for 250 kids and we want to stay at that level so this property is big enough for our needs.

It was the consensus of the Planning Commission to proceed with Public Hearings for the proposed Zoning Ordinance amendments.

**5. Discussion of allowing in-home beauty salons/barbershops as a Home Occupation in the County Zoning Ordinance.**

Dennis Dutton said we have a letter from a citizen that is interested in having a beauty shop in her home. The County use to allow a beauty shop or barber shop as a home occupation but it was taken out some time back. At that time the County Attorney didn't think it was an appropriate use as a home occupation and there could be issues with a septic tank. He added that he had met with Environmental Health and their concerns are the washing of hair and hair dyes or chemicals that can cause problems with the septic system so they would have to be involved with the approval of these uses.

Al Gilbert said he has a problem with this because he doesn't see how the County will control the number of customers or whether they wash and/or dye hair. He added that a barber shop and beauty shop should not be treated the same because a barber shop is not going to be as environmentally harmful as a beauty shop. He stated that a barber could easily do two to three haircuts an hour and by limiting him to eight (8) customers he probably won't be able to make a living.

Chairman Graw said all Home Occupations are limited to eight (8) customers per day.

# COUNTY AGENDA REQUEST

Consent Agenda #3

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval of staff's recommendation to authorize the Fayette County Juvenile Court to accept a grant award from the Criminal Justice Coordinating Council, in the amount of \$99,000.00 and for a grant period from October 1, 2015 through September 30, 2016, and authorization for the Chairman to sign grant related documentation.

**Background/History/Details:**

The Criminal Justice Coordinating Council has proposed a grant award in the amount of \$99,000 to the Fayette County Board of Commissioners for the Juvenile Justice Delinquency Prevention and Treatment Grant Program.

The Juvenile Court is seeking to accept the grant to continue Strengthening Families Program for another year. The Strengthening Families Program was introduced to the Board on January 22, 2015. It is an evidence-based prevention program that serves 18 to 24 youths and their families and is intended for parents and children who range between 12 and 16 years of age. The Strengthening Families Program consists of parenting skills, adolescent life skills, and family skills training. The program is found to significantly reduce problem behaviors, delinquency, and alcohol and drug abuse in youth while improving social competencies and school performance.

No matching funds are required.

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

Approval of staff's recommendation to authorize the Fayette County Juvenile Court to accept a grant award from the Criminal Justice Coordinating Council, in the amount of \$99,000.00, and authorization for the Chairman to sign grant related documentation.

**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:**

This is an continuation of a grant program approved by the Board of Commissioners in 2013 and demonstrates the County's willingness to work with the Juvenile Court for the betterment of the county's citizens and youths.

NATHAN DEAL  
GOVERNOR



JACQUELINE BUNN  
EXECUTIVE DIRECTOR

October 5, 2015

Katie Cunningham  
Fayette County Juvenile Court  
1 Center Drive  
Fayetteville, Georgia 30214

Dear Ms. Cunningham,

Congratulations! I am pleased to inform you that the Criminal Justice Coordinating Council has awarded a grant to the Fayette County Juvenile Court in the amount of **\$99,000.00** effective October 1, 2015.

The Juvenile Delinquency and Prevention Treatment Programs Grant provides counties with resources to improve juvenile accountability for offending behaviors through increased accountability programming for juvenile offenders and improved juvenile justice system accountability to juvenile offenders.

Enclosed, you will find the award documentation for the federally funded-funded grant award. **Please pay particular attention to the special conditions since they are the terms and conditions which govern your award.** Your completed award package must be returned with, or before, submission of the agency's first request for reimbursement to the Criminal Justice Coordinating Council at the following address:

Delinquency Prevention and Treatment Program  
Criminal Justice Coordinating Council  
104 Marietta Street, Suite 440  
Atlanta, GA 30303

If you have any questions regarding the execution of the enclosed documents or the administration of your project, please feel free to contact **Reginald Boyd, Grant Specialist** at **(404) 657-2073** or **[Reginald.Boyd@cjcc.ga.gov](mailto:Reginald.Boyd@cjcc.ga.gov)**. I look forward to working with you on this exciting initiative and advancing services for our state's juveniles in a truly meaningful way.

Sincerely,

Jacqueline Bunn  
Executive Director

OFFICE OF THE GOVERNOR  
CRIMINAL JUSTICE COORDINATING COUNCIL

SUBGRANT AWARD

SUBGRANTEE: Fayette County Board of Commissioners

IMPLEMENTING

AGENCY: Fayette County BOC

PROJECT NAME: Accountability Programs

SUBGRANT NUMBER: N13-8-004

FEDERAL FUNDS: \$ 99,000

MATCHING FUNDS: \$ 0

TOTAL FUNDS: \$ 99,000

GRANT PERIOD: 10/01/15-09/30/16

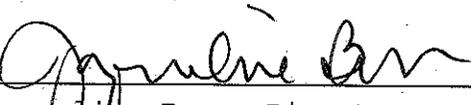
Award is hereby made in the amount and for the period shown above for a Subgrant under the Omnibus Crime Control and Safe Streets Act, Title I-Part R, Chapter 46-Subchapter XII-F: Juvenile Accountability Block Grants (JABG), as administered by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention in order to promote greater accountability in the juvenile justice system.

This award is made in accordance with the plan set forth in the application of the Subgrantee and subject to any attached special conditions.

The Subgrantee has agreed through the executed copy of certified assurances to be subject to all applicable rules, regulations, and conditions of the Juvenile Accountability Block Grant program. This Subgrant shall become effective on the beginning date of the grant period, provided that within forty-five (45) days of the award execution date (below) the properly executed original of this "Subgrant Award" is returned to the Criminal Justice Coordinating Council.

AGENCY APPROVAL

SUBGRANTEE APPROVAL

  
Jacqueline Bunn, Director  
Criminal Justice Coordinating Council

Date Executed: 10/01/15

Signature of Authorized Official Date

Charles Oddo, Chairman

Typed Name & Title of Authorized Official

58-6000826-001

Employer Tax Identification Number (EIN)

\*\*\*\*\*  
INTERNAL USE ONLY

TRANS CD	REFERENCE	ORDER	EFF DATE	TYPE	PAY DATE	INVOICE	CONTRACT #
102	28131	1	10/01/15	9		**	N13-8-004
OVERRIDE	ORGAN	CLASS	PROJECT			VENDOR CODE	
2	46	4	28B13				

ITEM CODE	DESCRIPTION 25 CHARACTERS	EXPENSE ACCT	AMOUNT
1	Accountability Programs	624.41	\$ 99,000

**CRIMINAL JUSTICE COORDINATING COUNCIL**

**SPECIAL CONDITIONS**

**SUBGRANTEE:** Fayette County Board of Commissioners  
**PROJECT NAME:** Accountability Programs  
**SUBGRANT NUMBER:** N13-8-004  
**SUBGRANT AWARD:** \$99,000

1. The subgrantee agrees to abide by Georgia law regarding the utilization of professional counselors, social workers, and marriage and family therapists. (O.C.G.A. § 43-10A-1, et. seq).  
Initials \_\_\_\_\_
2. The subgrantee agrees to abide by Georgia law regarding the utilization of psychologists. (O.C.G.A. § 43-39-1, et. seq).  
Initials \_\_\_\_\_
3. The subgrantee certifies that federal funds will not be used to supplant funds that would otherwise be made available for grant-funded initiatives. Federal funds must be used to supplement existing funds for program activities and not replace funds appropriated for the same purpose. Potential supplanting will be the subject of an application review, as well as a pre-award review, post-award monitoring, and an audit. If there is a potential presence of supplanting, the subgrantee will be required to document that the reduction in non-federal resources occurred for reasons other than the receipt or anticipated receipt of federal funds.  
Initials \_\_\_\_\_
4. The subgrantee must submit Subgrant Adjustment Request #1 with the completed award package. The adjustment request must be accompanied by a detailed project budget that itemizes all projected expenditures. The project budget and summary will not be established, or officially approved, until the subgrantee receives a written approval notice from the Criminal Justice Coordinating Council. All project costs and project activities must coincide with the approved budget, summary, and implementation plan unless subsequent revisions are approved by the Criminal Justice Coordinating Council.  
Initials \_\_\_\_\_
5. The subgrantee must submit subsequent requests to revise the budget, project summary, and implementation plan prior to any substantial changes, but no later than 60 days prior to the end of the subgrant period.  
Initials \_\_\_\_\_
6. All project costs not exclusively related to this approved project must be prorated, and only the costs of project-related activities will be reimbursable under the subgrant award.  
Initials \_\_\_\_\_

7. Non-compliance with any of the special conditions contained within this document, by the authorized official, project officials and/or employees of this grant, will result in a recommendation to the Criminal Justice Coordinating Council that the award be rescinded.  
Initials \_\_\_\_\_
8. The Criminal Justice Coordinating Council will conduct a financial and programmatic review of each grant at the end of the second quarter, and each quarter thereafter. The Council reserves the right to add any conditions to the award and/or retain any unused funds if deemed necessary.  
Initials \_\_\_\_\_
9. The subgrantee agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.  
Initials \_\_\_\_\_
10. The subgrantee agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.  
Initials \_\_\_\_\_
11. The subgrantee understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.  
Initials \_\_\_\_\_
12. The subgrantee must promptly refer to the Department of Justice Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by mail:  
Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530  
E-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)  
Hotline: (contact information in English and Spanish): (800) 869-4499  
or hotline fax: (202) 616-9881  
Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).  
Initials \_\_\_\_\_

13. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the subgrantees are encouraged to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.  
Initials \_\_\_\_\_
14. The subgrantee agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at [www.ojp.gov/funding/confcost.htm](http://www.ojp.gov/funding/confcost.htm).  
Initials \_\_\_\_\_
15. The subgrantee understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.  
Initials \_\_\_\_\_
16. The subgrantee understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.  
Initials \_\_\_\_\_
17. The subgrantee understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.  
Initials \_\_\_\_\_
18. The subgrantee agrees to comply with all Juvenile Accountability Block Grants (JABG) program requirements as outlined in the JABG Program Guidance Manual, Version 3.0 (September 2000) or future JABG Program Guidance Manuals, and JABG program regulations (28 C.F.R. Part 31).  
Initials \_\_\_\_\_
19. The subgrantee acknowledges that the Office of Justice Programs (OJP) reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal purposes: (1) any work subject to copyright developed under an award or subaward; and (2) any rights of copyright to which a subgrantee or sub-subgrantee purchases ownership with Federal support.

Initials \_\_\_\_\_

20. The subgrantee acknowledges that OJP has the right to (1) obtain, reproduce, publish, or otherwise use the data first produced under an award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes. "Data" includes data as defined in Federal Acquisition Regulation (FAR) provision 52.227-14 (Rights in Data - General).

Initials \_\_\_\_\_

21. Any website that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service:

"This Web site is funded through a subgrant from the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)."

Initials \_\_\_\_\_

22. The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.

Initials \_\_\_\_\_

23. The award subgrantee agrees, as a condition of award approval, to comply with the requirements of 28 CFR Part 46 and all other Department of Justice/Office of Justice Program's policies and procedures regarding the protection of human research subjects, including informed consent procedures and obtainment of Institutional Review Board (IRB) approval, if appropriate.

Initials \_\_\_\_\_

24. All courts must use the Department of Juvenile Justice (DJJ) Detention Assessment Instrument (DAI) for any youth considered for detention, as required by the H.B. 242, as passed in the 2013 legislative session of the Georgia General Assembly. The Predisposition Risk Assessment (PDRA) Instrument should be used in all instances where the tool is appropriate for the youth being considered for the evidence-based program (in any instances in which the youth is adjudicated).

Initials \_\_\_\_\_

25. All grant funds must be used to serve youth who have come into contact with the juvenile justice system and would not be considered dependency cases. All youth served by the grant must have a new delinquent charge. No CHINS cases should be served.

Initials \_\_\_\_\_

26. The subgrantee agrees to comply with the guidance contained in 2015 Juvenile

Justice Delinquency Prevention and Treatment Programs Request for Proposals.  
Initials \_\_\_\_\_

27. The subgrantee must comply with the training and evaluation requirements as mandated by the Criminal Justice Coordinating Council.  
Initials \_\_\_\_\_
28. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.  
Initials \_\_\_\_\_
29. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information.  
Initials \_\_\_\_\_
30. 100% of awarded funds must be used for Evidence-Based Program costs associated with contract and direct services.  
Initials \_\_\_\_\_
31. The grantee agrees that no funds shall be expensed outside of the approved budget. In addition, any funds spent under this subgrant award must be expended by the grant end date and not encumbered.  
Initials \_\_\_\_\_
32. This is a reimbursement grant. The grantee agrees to submit requests for reimbursement on either a monthly or quarterly basis, as selected by the grantee at the time of award. Subgrant Expenditure Reports are due 15 days after the end of the month (if reporting monthly) or 15 days after the end of the quarter (if reporting quarterly).  
Initials \_\_\_\_\_
33. Statistical and/or evaluation data describing project performance must be submitted to the Criminal Justice Coordinating Council on a quarterly basis using the prescribed format provided to the Subgrantee. Failure to submit this data on a timely basis will result in the withholding of grant funds on this subgrant and/or any other subgrant administered by CJCC until compliance is achieved. If reports are not received, funds for subsequent quarters may be rescinded.  
Initials \_\_\_\_\_
34. The grantee certifies that 1) title to all equipment and/or supplies purchased with funds under this grant shall vest in the agency that purchased the property; 2) equipment and/or supplies will be maintained in accordance with established local or state procedures as long as the equipment and/or supplies are used for program-related purposes; and 3) once the project concludes and/or equipment is no longer utilized for its grant-funded purpose, the Criminal Justice Coordinating Council will be informed of the available equipment and determine its future use to assure it is utilized in furtherance of the goals and objectives of the grant program and the State of Georgia.  
Initials \_\_\_\_\_

35. The subgrantee agrees that at least 25% of the awarded funds will be spent in the first quarter, 50% in the second quarter and 75% in the third quarter. If this condition is not met, any unused remaining funds from that quarter will be retained by the Council to be managed by the Juvenile Justice Funding Committee.

Initials \_\_\_\_\_

Please be advised that failure to comply with any of the Special Conditions will result in material noncompliance with the Subgrant Agreement, thus subjecting the Subgrant Agreement to possible termination by the Criminal Justice Coordinating Council.

Typed name of

Authorized Official: Charles Oddo Title : Chairman

Signature : \_\_\_\_\_ Date : \_\_\_\_\_

**CRIMINAL JUSTICE COORDINATING COUNCIL  
REIMBURSEMENT SELECTION FORM**

SUBGRANT NUMBER: N13-8-004

AGENCY NAME: Fayette County Board of Commissioners

**1. SELECT A SCHEDULE FOR SUBMITTING REIMBURSEMENTS (CHECK ONE BOX)**

- MONTHLY** (Requests for reimbursement are due 15 days after the end of the month)
- QUARTERLY** (Requests for reimbursement are due 30 days after the end of the quarter)

**2. SELECT A PROCESS FOR RECEIVING REIMBURSEMENT PAYMENTS (CHECK ONE BOX)**

- ELECTRONIC FUNDS TRANSFER** (Reimbursements will be deposited into the bank account listed below. A voided check must be attached to ensure proper routing of funds.)

BANK NAME: \_\_\_\_\_

BANK ROUTING NUMBER: \_\_\_\_\_

BANK ACCOUNT NUMBER: \_\_\_\_\_

AGENCY CONTACT NAME: \_\_\_\_\_

AGENCY CONTACT  
TELEPHONE NUMBER: \_\_\_\_\_

AGENCY AUTHORIZED  
OFFICIAL NAME AND TITLE: \_\_\_\_\_

AGENCY AUTHORIZED  
OFFICIAL SIGNATURE: \_\_\_\_\_

- CHECK** (Reimbursements will be mailed in the form of a check to the address listed below)

MAILING ADDRESS: \_\_\_\_\_

CITY, STATE & ZIP: \_\_\_\_\_

ATTENTION: \_\_\_\_\_

AGENCY AUTHORIZED  
OFFICIAL SIGNATURE: \_\_\_\_\_

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For CJCC Use ONLY

CJCC Auditor:	
Phone Number:	
Grant Award Number:	
GBI Entry Initial/Date:	

**BOARD OF COUNTY COMMISSIONERS**

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

**FAYETTE COUNTY, GEORGIA**

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



140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

**Minutes**

October 6, 2015  
2:00 p.m.

---

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

**Call to Order**

Chairman Oddo called the October 6, 2015 Board of Commissioners meeting to order at 2:00 p.m.

**Invocation by Commissioner Charles D. Rousseau**

Commissioner Rousseau offered the Invocation.

**Pledge of Allegiance**

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

**Acceptance of Agenda**

Commissioner Barlow moved to accept the Agenda. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 5-0.

**PROCLAMATION/RECOGNITION:**

- 1. Recognition of the 125th Anniversary of the Founding of the National Society Daughters of the American Revolution and proclamation of Sunday, October 11, 2015 as "National Daughters of the American Revolution Day of Service" in Fayette County.**

Commissioner Oddo asked representatives from the National Society Daughters of the American Revolution (DAR) to come forth. Commissioner Oddo then read and presented the recognition to Ms. Phyllis King, a representative of the James Waldrop Chapter of the Daughters of the American Revolution. Ms. King thanked the Commissioners and spoke briefly about the organization. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

**PUBLIC HEARING:**

There were no Public Hearing items on the Agenda.

## **CONSENT AGENDA:**

Commissioner Ognio moved to approve the Consent Agenda. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0.

### **2. Approval of the September 24, 2015 Board of Commissioners Meeting Minutes.**

## **OLD BUSINESS:**

There were no Old Business items on the Agenda.

## **NEW BUSINESS:**

### **3. Consideration of staff's recommendation to extend a Site Lease Agreement with Crown Castle, also known as Pinnacle Towers, for two additional five-year terms expiring on December 31, 2025, for the leasing of the county's wireless tower located at 110 Volunteer Way.**

County Administrator Steve Rapson briefed the Board on this request saying it concerned an existing contract with Crown Castle that was entered into in 1999. He stated that the Agenda packet incorrectly read that the tower under consideration is one of two towers based on some confusion on the tower's address; however, he clarified Fayette County has only one tower. Mr. Rapson stated that the proposed extension included a \$10,000.00 bonus payable upon approval. He added that even though the contract was extended about five years ago, the issue was back before the Board since Crown Castle is in the process of negotiating with some of its wireless tenants.

Commissioner Brown moved to deny the request and to have the lease bid out or researched to determine what the market rates are and what other companies would like to participate. Commissioner Ognio seconded the motion.

Commissioner Brown stated that the meeting packet shows the previous contract was approved on August 22, 2010. He said he had a copy of that meeting's minutes, that he attended that meeting, and at the end of the meeting the previous County Administrator pulled a document from a folder and said "By the way, gentlemen, there is another thing we need to approve." He said the Board voted on the document and everyone in the audience was left wondering what happened since something passed that was not on the Agenda. Commissioner Brown maintained that the approval was "unlawful" since the item was required to be on an Agenda, and he told the Board that if he had the votes when he came onto the Board in 2011 he would have nullified the contract at that time. He did not know if the County was getting a good rate since Crown Castle is the only company the county has worked with since 1999, and he asked to see if there was another company willing to pay more money. He clarified that if the research demonstrates that Crown Castle is the best company then he would be willing to consider them. Commissioner Brown said he asked the previous administration why the extension was rushed through the approval process in 2010 and he was told it was due to time sensitivity; even though the contract still had two years left on it. He asked for the Purchasing Department to review the contract to see if a better deal could be reached.

Mr. Rapson replied he had sent two emails to the Board answering many of the questions raised by Commissioner Brown. He stated that staff had looked at the competitive rates, particularly with wireless carriers, and the rates are comparable to surrounding counties. He added that there are five tenants currently on the tower, and he explained that the County has been given free access to another Crown Castle tower per an agreement passed earlier in the year. He said if the County had more than one cell tower then a procurement process might be warranted, however, since Fayette County only has one cell tower the county's leverage in the market is limited. He reported that 50/50 splits are common when there are about eight to ten towers, and he stated that even if staff conducted the research it would probably end up with the same solution as presented today.

Commissioner Ognio said he did not have heartache about this request since he understood one tower results in having a smaller market, and he added the \$10,000.00 bonus was good. He stated that the income from the tower was being directed into the Fire Fund but he wanted to ensure that the General Fund was being made whole due to payments for insurance. Mr. Rapson replied that the tower's insurance policy was about \$3,000.00 and, should the Board desire, that portion of the money could be taken from the Fire Fund and provided to the General Fund so that the General Fund would be made whole.

Commissioner Barlow asked if the Board would waive off the \$10,000.00 bonus if it did not approve the extension. Mr. Rapson replied that it was hard to say. He mentioned that the company appeared to be very honorable and that the County was working through the Crown Castle's attorneys. He said those attorneys handle all of the FCC filings, makes sure the tower is in regulatory compliance, and makes sure the tower boxes for the five tenants are properly managed. He said if there was no contract then it would be county staff managing the tower. Commissioner Barlow asked how much of the "tower portion" was contributed to the county. Mr. Rapson stated the company gave the prime location at the top of the tower to the county thus providing the best coverage to the entire county. Commissioner Barlow asked Mr. Rapson how many companies have approached the county to take over the tower's operations, and Mr. Rapson answered no other company had come to him.

Commissioner Brown replied that if he were Crown Castle he would do all kinds of wonderful things for the County too since it is a strong tower with five tenants. He said Crown Castle has a sweetheart deal that has been locked up since 1999. He emphasized that, as a fiduciary responsibility to the citizens of Fayette County, the Board needs to determine if it can do better with someone else. He repeated that if Crown Castle was the best company he would vote for them but until research is done he would not vote for the extension.

Commissioner Rousseau asked how long it would take to complete the bid solicitation. Mr. Rapson briefly described the various steps required to complete the bid solicitation and some of the potential complications with the process, but he said the County could begin the process if directed.

Chairman Oddo said he understood Commissioner Brown's concerns but he thought it was a good deal.

The motion to deny the request and to have the lease bid out or researched to determine what the market rates are and what other companies would like to participate failed 1-4 with Commissioners Oddo, Ognio, Barlow and Rousseau voting in opposition.

Chairman Oddo moved to approve this recommendation to extend a Site Lease Agreement with Crown Castle, also known as Pinnacle Towers, for two additional five-year terms expiring on December 31, 2025, for the leasing of the county's wireless tower located at 110 Volunteer Way. Commissioner Ognio seconded the motion.

Commissioner Ognio asked for an amendment to the motion to make the \$3,000.00 payment for the tower's insurance policy be returned to the General Fund to make it whole. Chairman Oddo amended his motion to make the General Fund whole. Commissioner Barlow seconded the amendment.

The motion to approve this recommendation to extend a Site Lease Agreement with Crown Castle, also known as Pinnacle Towers, for two additional five-year terms expiring on December 31, 2025, for the leasing of the county's wireless tower located at 110 Volunteer Way, and to make the General Fund whole passed 4-1 with Commissioner Brown voting in opposition. Copies of the request and Site Lease Agreement, identified as "Attachment 2," follow these minutes and are made an official part hereof.

**PUBLIC COMMENT:**

**Fire Chief David Scarbrough:** Chief Scarbrough provided the Board with Breast Cancer Awareness T-shirts for them to wear. Chief Scarbrough shared that the Fire Department did a fund raiser and the proceeds will be given to the Breast Cancer Survivors Network, Inc. in Peachtree City.

**Donald Fowler:** Mr. Fowler stated he has resided in Fayette County for 55 years. He brought an American flag to the podium, suggested that many people do not seem to recognize it, and that he have four years of his life defending the flag. He said 53 years ago he was stationed in Key West, Florida, and he helped the country fight back against a bully whose country was only a few miles away. He concluded that the National Association for the Advancement of Colored People (NAACP) was bullying the citizens of Fayette County and he asked the Board to not give up without a fight.

**Ginga Smithfield:** Mrs. Smithfield stated that the Board of Commissioners and the Board of Education should not settle the NAACP lawsuit before it is decided in court. She provided an informational document to the Board that she said included a statement from Judge Batten's court order that read: "The Court agrees with County Defendants that in contrast to many plaintiffs, these plaintiffs have not proffered evidence relating specifically to discrimination in Fayette County." Mrs. Smithfield said there were compelling reasons not to settle the lawsuit but she thought there was no better reason than Judge Batten's own words.

**Derrick Jackson:** Mr. Jackson said he came to Fayette County in 2004 after serving 22 years in the Navy. He said he respects anybody's patriotism, duty, and service, but he also encouraged the Board to mean what they say and do what they mean. He said if the Board wants to be fiscally responsible then it needs to be fiscally responsible. He said the majority of Georgia's counties operate through District Voting so it makes sense. He said the Board was fighting against a tidal wave while in a canoe and that the people did not want to continue the lawsuit. He said the issue is not about bullying but about doing the right thing for everyone and moving Fayette County forward for all. He pointed out that the business community was already behind the effort and he asked the Board where it would be when the tidal wave hits shore.

**Terrance Williamson:** Mr. Williamson stated that there have been two elections using District Voting and the County has witnessed overwhelming support of the candidates who were elected. He said the candidates were not just selected by black people or Democrats, but by whites and all citizens of District Five who decided on who they wanted as Commissioner. He stated that some of the comments accompanying the newspaper articles about District Voting did not reflect well on Fayette County. He said everyone wants the best for Fayette County but not everyone can be satisfied. He said the Board needs to use wisdom to make the best rational decisions for the County. He added that if there are proposals before the Board then they need to be discussed but kept in private until consensus is reached and brought forward to the public. He said if there is a settlement that prevents the county from spending another one million dollars then that is what the Board needs to do.

**Linda Conley:** Ms. Conley stated that she is for At-large Voting since District Voting disenfranchises four-fifths of the voters of Fayette County. She said South Hampton Village, which is directly across the street from where she lives, did not exist when she moved to Tyrone in 2002. She stated that under the gerrymandered District Voting the residents of South Hampton Village could vote for the County Commissioner while she could not. She expected a say in what goes on in Fayette County for every election, and she said if she cannot have a say then she could and eventually would move away from Fayette County.

**Angela Bean:** Ms. Bean commended the Board for the ability to exercise First Amendment rights in its meetings. She stated that many who are new to the process of local government may not realize that Fayette County is probably the only County Commission that allows unlimited public comments. She said Fayette County is unique not only because it is the most open and transparent government but because it appears that Fayette County is the only county whose members are not under indictment for corruption. She stressed that Fayette County is unique and that people move to Fayette County due to its government, people, property values, schools and safety that other counties with District Voting do not have, and she was unsure why people want to copy other counties when Fayette County is a good county. She stated that when she ran for County Commissioner she had an opportunity to meet many people and she was asked about District Voting and of her support of At-large Voting. She said one questioner indicated that the majority of citizens support District Voting but she did not know where that information was obtained. She continued telling the Board In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and in need of a wheelchair. The Board of Commissioners Agenda and written material for each item is available on-line through the County's website at [www.fayettecountyga.gov](http://www.fayettecountyga.gov). This meeting will be telecast on Comcast Cable Channel 23 and on the internet at [www.livestream.com](http://www.livestream.com).

that as she was campaigning she learned that thousands of Fayette's citizens are not aware of this issue. She said as she enlightened the people she never had a single person express support for District Voting. She added that there were members of the black community who told her they did not support District Voting since they moved from neighboring counties because of the governments, people, and divisions of those counties. She concluded there are thousands of citizens in Fayette County who support the Board, who encourage it to stand fast, and who want their day in court in order for the judge to hear both sides of the argument and make a decision.

**Harold Bost:** Mr. Bost said he has lived in Fayette County since the late 1980s and that he has a beach home in Port St. Joe, Florida. He stated that Gulf County, where Port St. Joe is located, has District Voting and that District Voting is one of the worse things that happened to Gulf County. He said it encouraged three Commissioners to get together and do things that were not in the interest of the County as a whole, and he gave examples of how District Voting hurt Gulf County. Mr. Bost stated District Voting requires people to give up 80% of their voting rights when it comes to voting for County Commissioners since the people can only vote for one of the Commissioners. He hoped that, given the gerrymandering of the district borders that has even splits precincts, the Board would not agree to any settlement. He asked for the case to go to court and for the judge to make a decision.

**Rick Halbert:** Mr. Halbert said he loves Fayette County but this issue was beginning to be an embarrassment to the County. He said he lives, works and worships in Fayette County, but this issue was not a political, patriotic, or white-black thing. He said this was a lawsuit matter that needs to be resolved and that Fayette County needed to take care of its business without being in a public forum. He said he would not move from Fayette County and he encouraged the Board to take available opportunities. He said if the issue goes to court it will embarrass Fayette County and will give the county a black-eye at a time when there are too many good things going on in Fayette County to have a black-eye.

**Charles Bennett:** Mr. Bennett said he had written an opinion to *The Citizen* newspaper since the paper provides great opportunities for people to express opinions. He said his comments followed a congratulatory note to Commissioner Rousseau. He said he was a poll watcher for Precinct 29, which was newly created under the gerrymandered districts and added to the 5<sup>th</sup> District. He reported that he observed Precinct 29 for thirteen hours from the time the machines were opened up, and he reported that he saw 92 people come to vote. He reported that one person took a card to vote but she did not complete the process, and it indicated to him that a person who had the right to vote did not vote. He reported that there were numerous people, including African-Americans, who had certificates for Precinct 29 who came to vote but were unable to vote simply because of where they live, and he concluded that District Voting has disenfranchised many people. Mr. Bennett also commented on Judge Batten's rulings.

**Steve Smithfield:** Mr. Smithfield said many people were in favor of District Voting. He said the Board is responsible for the fiscal well-being of Fayette County and so far the lawsuit has cost more than one million dollars. He said this lawsuit needs to be fought and that the majority of the citizens will salute the Board as long as it continues fighting the lawsuit. He added that there is a lot of news in Fayette County about the settlement of the lawsuit and of Commissioners who know about it. He asked the Board to address the issue since it is October 6 and if the news is that a settlement was known about prior to October 6 then it would not bode well for any of the Commissioners.

**Jane Trammell:** Ms. Trammell said she flew for Eastern Airlines beginning in 1964 affording her the opportunity to meet many important black leaders including Dr. Martin Luther King. She said she adored Dr. King and she had great respect for the NAACP during those years. Ms. Trammell stated that at last year's NAACP gathering, two conservative black people asked to have a display booth but were not allowed to have one. She stated that black conservatives are not allowed to have very much to do with the NAACP. She said the NAACP has not been the NAACP for years but, rather, it is the NAADP or National Association for the Advancement of the Democratic Party. She said the NAACP is now a wing of the Democratic National Committee and that black conservatives are not treated with respect, are not allowed to speak, and are not allowed to be that big a part of it at all. She said so long as the NAACP is working for one political party then she resents it coming into Fayette County and trying to change the county into the type of voting system that they want only to enable a "divide and conquer situation." She resented paying so much money to fight the NAACP and she challenged the NAACP to open its doors and allow black conservatives in nationally.

**Jim Sehirn:** Mr. Sehirn said the Board needs to do what is right. He said he wanted to know who he was voting for and he wanted one person to hold responsible for his vote. He said he did not want to vote for all five Commissioners but only for one Commissioner. He said while the issue is about more than race it all comes down to simple rights.

**Walter Triche:** Mr. Triche said the Special Election was something Fayette County could be proud of. He said it was a democratic process and that a successful county is a place where everyone's voice is heard. He commended the Board on the successful election and he welcomed Commissioner Rousseau to the Board.

**Varner Holmes:** Ms. Holmes said she had heard a lot about District Voting versus At-large Voting. She said she just heard Mr. Triche refer to a fair election and she said it might have been a fair election if it were not for the gerrymandered districts. She said her precinct was divided due to the gerrymandered district. She thought she could vote and she thought she was in District Five only to find out she was not. Ms. Holmes said the big issue is gerrymandering and while she was unsure how the lawsuit would be resolved it would be a waste of money to not see the lawsuit continue to its end. She added that if At-large Voting loses then the County could contend against the gerrymandered districts since the current districts are not fair districts.

**Bonnie Williamson:** Ms. Williamson said the gerrymandering excuse is just an excuse. She said the fight for District Voting is based on a desire for everyone to be represented. She said people can vote for the Commissioner from their district, however, the people should still be able to go to each of the Commissioners sitting on the Board. She said just because she chose Commissioner Rousseau for her district does not mean she is unable to approach any Commissioner when there is a problem since, when the Board votes, it votes as a group. She stated that if there is something going on in a district the people should be able to go to the District Commissioner so it can be taken back to the others. She said if she wanted to complain about a hole in her street then she would talk to her District Commissioner but if she wanted to talk about a larger issue she would talk to each Commissioner since some things concerns some people and other things concern all people. She stated that she is for District Voting and she said the Commissioners should settle. She said the County has spent enough money doing nothing and it is time to stop throwing the money away.

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

There were no Administrator's Reports.

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

**Notification of Executive Session:** County Attorney Dennis Davenport reported that he had one item concerning Real Estate, one item of Pending Litigation, one item of Threaten Litigation, and review of the September 24, 2015 Executive Session Minutes to be considered in Executive Session.

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

Chairman Oddo cautioned care in replying to the public comments due to Pending Litigation.

#### **Commissioner Brown**

**New Definition of Racism:** Commissioner Brown addressed Ms. Smithfield and stated that the video with the commentary on it that was shown at the Board of Elections meeting was disgraceful. He stated that she was holding a campaign sign for a candidate with American flags and she was accused of carrying the Confederate flag and being a racist. He said it was absolutely disgraceful. He said he understood Mrs. Smithfield since he had someone called him a racist while he was making comments at one of the Board meetings. He said he was the only non-black person in his household and a member of the NAACP for ten years in an effort to correct some injustices, and that he was accused of racism under the new definition of racism in Fayette County. He said when the woman accused him of being a racist he saw ten people who he worked with for years sit in silence and not say a word causing Mr. Bernie Coston to stand up and quiet the crowd. He explained that the new definition of racism is "if you don't agree with me you are a racist." He concluded saying he hoped Fayette County would not embrace the new definition of racism.

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**Lawsuit:** Commissioner Brown read the following prepared statement into the record:

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Several days ago, a local television news reporter contacted me saying that the ***“local NAACP president thinks the board is going to settle instead [of pursuing the district voting lawsuit].”*** He was asking me to comment. I have reason to believe Chairman Charles Oddo was having settlement discussions with the Plaintiffs in the lawsuit without the Board of Commissioners’ consent.

Previously, I had asked in writing for the Chairman to provide a written report for the Commissioners and our legal team of any Plaintiffs he had spoken to and detail what was discussed. To the best of my knowledge, nothing has been provided.

It is important to note that executive session is not a protective shield from prosecution for illegal, unethical or improper activities.

In a very hasty interview, crimped by a print deadline, I told a local newspaper reporter that School Board Member and Democrat Party Chairman Leonard Presberg had told a colleague that it appeared the lawsuit would be settled by the county. Mr. Presberg stated that I misconstrued the conversation that he had with his colleague Dr. Barry Marchman. Even though Mr. Presberg and I differ greatly on political ideology, I have always found him to be an open and honest about his positions, so I apologize for mentioning him in my conversation with the reporter if he says he did not discuss a settlement with Dr. Marchman specifically. Mr. Presberg has stated publicly that he has had discussions with Dr. Marchman regarding settlement of the lawsuit, but states he did not say anything about his personally negotiating a settlement.

As many know, Democrat Chairman Presberg is pushing settlement. He said, ***“I haven’t spoken personally with Chuck Oddo since the night the Commission forced the Election Board to make the Special Election voting county-wide.”*** Actually, the Commission did not force anything and Judge Batten said as much in his ruling. Mr. Presberg continued, ***“I urged him [the Chairman] at that meeting to settle. And I hope he’s met with the citizens and the businessmen of the County who also believe in settling.”*** The Democrat Chairman readily admitted, ***“I still strongly advocate for settling and hope the School Board and County Commission do so,”*** (September 30, 2015, <http://www.leonardp.com/blog>).

Mr. Presberg gets points for honesty. On the lawsuit, he says, ***“In the past 50 years, various Court cases and Congressional amendments have provided a three-part test and six general factors to determine whether our at-large system is allowed. I believe that, using this analysis on the 2010 Census figures that the lawsuit is based on, you can make a rational, but not strong, argument that our at-large system isn’t technically illegal.”*** Continuing, ***“Because of some procedural issues, we now have the opportunity to argue the same facts before the same Judge. Could he change his mind? It’s possible, I guess,”*** (February 19, 2015, ([http://www.leonardp.com/voting\\_rights\\_in\\_fayette\\_county](http://www.leonardp.com/voting_rights_in_fayette_county))). I agree with Mr. Presberg, it certainly is possible.

You might recall that an earlier and different version of the Board of Education attempted to settle the lawsuit but mislead the judge and it was overturned. Then-Republican Board Member Terri Smith defected to the Democrat Party to run for re-election.

Local African-Americans came to the podium at the Board of Elections hearing on the Special Election date and stated they wanted to see district voting not because of racial discrimination, but rather to inject more Democrat Party politics into the county. Likewise, prominent local Democrat politician Joel Cowan had a half-page ad in the newspaper asking for a settlement to the lawsuit citing fiscal responsibility and not racism (Citizen, September 30 2015). In his previous ruling, the Federal Judge could not find racism present.

Peachtree City Councilwoman Kim Learnard tried to create a smoke screen around the county filing a Federal appeal calling the effort ***“insanity.”*** She claimed, ***“The notion that Fayette County can be successful in this appeal has no reasonable basis in legal precedent”*** (Citizen, April 1, 2014, “Learnard: ‘Stop the insanity!’”). The county won the appeal.

It would certainly be better if our Democrat friends attempted to convince people that they had an ideology worth following rather than using covert legal tactics to force their way in.

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**Reply to Derrick Jackson:** Referring to Mr. Jackson's public comments, Commissioner Brown replied that he is doing exactly what he said he would do when he was voted At-large and he is doing exactly what he said he would do when he was voted through District Voting. He concluded that if anyone knows of a settlement plan to please let him know what is in it because he does not.

### **Commissioner Ognio**

**Thank You and Congratulations Extended to County Administrator Steve Rapson:** Commissioner Ognio thanked the citizens for attending the meeting in the middle of the day. Commissioner Ognio also congratulated County Administrator on his 30<sup>th</sup> wedding anniversary. He stated that is a milestone worth noting.

**Lawsuit:** Commissioner Ognio stated that he does not know of any backroom deals. He stated that he is at a point that the county cannot continue to go in the way that it is going. He stated that the county needs to look at one another as citizens and not as black or white. He stated that district voting will divide the county and will undo what Dr. Martin Luther King worked for, namely, uniting people.

### **Commissioner Rousseau**

**Congratulations Extended to County Administrator Steve Rapson:** Commissioner Rousseau commended the County Administrator on reaching his 30<sup>th</sup> year wedding anniversary, and he welcomed Mr. Rapson to the club.

**Lawsuit:** Commissioner Rousseau stated that he has received emails regarding District versus At-large Voting and that he will not comment directly or specifically pertaining to this issue because the Board is still in discussions about what to do. He stated that he appreciates the comments from the citizens. He stated that when speaking to citizens he recalled a Mark Twain quote that he would paraphrase: "It is easier to fool people than to convince them that they have been fooled." He stated that "we are to be healers in this situation as oppose to dividers." He said people may find themselves on opposite ends of the spectrum on any given issue, but careful deliberations based on facts help people make the best decisions.

**Staff Commended:** Commissioner Rousseau commended staff for the work that they are doing. He stated that he met with many of them over the last few days. He said he would dig a little deeper but he appreciates what he has seen and the direction toward which the county is moving.

### **Commissioner Barlow**

**Fayette County Ranked Number One in Health Care:** Commissioner Barlow commended Carlotta Ungaro, CEO of Fayette Chamber of Commerce, for her work with the *Fayette Community Source Magazine*. He stated that the magazine reported Fayette County ranks number one in clinical care in Georgia. He stated that people do not hear enough good things about Fayette County but, as a member of the Fayette County Board of Health, he appreciated that report.

**District or At-large Voting:** Commissioner Barlow stated that in 2011 there was a Fayette County forum at the county library and everyone that was running for office that year was on the stage. He stated that Dawn Oparah, who was the moderator, asked all the candidates if they supported District or At-large Voting. He stated that his response was: "What did Jesus say was the number one commandment that we are to follow? And Jesus said, 'That to love the Lord thy God with all thy heart, soul, mind and strength and the second was like unto it. Love thy neighbor as thyself.'" He stated that until we learn to love each other, neither District nor At-large voting would solve anything.

### **Chairman Oddo**

**South Carolina Flooding:** Chairman Oddo asked everyone to remember those in South Carolina since they had up to two feet of rain. He asked everyone to keep them in their prayers.

**Thank you:** Chairman Oddo thanked Chief Scarbrough for the Breast Cancer t-shirts and for the cause.

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**Lawsuit:** Chairman Oddo stated that the lawsuit is ongoing litigation and it is a difficult subject for all. He stated that the Board is doing their best as a group. He emphasized that he has the deepest respect for the citizens of the county, for the rules of this organization and for his colleagues. He stated that at no time has he or will he ever do anything unethical or out-of-bounds. He stated that he is not perfect but that he is working for the betterment of the county. He stated that we don't know where this lawsuit will end, but he is asked for everyone to have tolerance and understanding since "we are all trying to get to a common end that will unify the county."

**EXECUTIVE SESSION:**

**One item of Real Estate Acquisition, one item of Pending Litigation, one item of Threatened Litigation and Review of the September 24, 2015 Executive Session Minutes:** Commissioner Brown moved to recess into Executive Session. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

The Board recessed into Executive Session at 3:21 p.m. and returned to Official Session at 5:16 p.m.

**Return to Official Session and Approval to Sign the Executive Session Affidavit:** Commissioner Ognio moved to exit Executive Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0. A copy of the Executive Session Affidavit, identified as "Attachment 3," follows these minutes and is made an official part hereof.

**Approval of the September 24, 2015 Executive Session Minutes:** Commissioner Ognio moved to approve the September 24, 2015 minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0.

**ADJOURNMENT:**

Commissioner Ognio moved to adjourn the October 6, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0.

The October 6, 2015 Board of Commissioners meeting was adjourned at 5:16 p.m.

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Floyd L. Jones, County Clerk

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Charles W. Oddo, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 22<sup>nd</sup> day of October 2015. Referenced attachments are available upon request at the County Clerk's Office.

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Floyd L. Jones, County Clerk

# COUNTY AGENDA REQUEST

Old Business #5

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of options for prominently displaying the national motto "In God We Trust" in the Public Meeting Room. This request was tabled at the September 24, 2015 Board of Commissioners meeting.

**Background/History/Details:**

On December 11, 2014, the Board of Commissioners unanimously approved Commissioner Allen McCarty's recommendation that the national motto "In God We Trust" be prominently displayed in the Board of Commissioners' Public Meeting Room. The recommendation was based on information received by the Commission from In God We Trust-America, a 501(c)(3) with Ms. Jaquie Sullivan as Founder and President. Ms. Sullivan has served as a City Councilmember in Bakersfield, California. In 2002, she led her city council to "Vote Yes" to display "In God We Trust" in the Council Chamber at City Hall. Since then, other cities and counties throughout the United States have voted to similarly display the motto.

In the months following the Board's approval, several options have been informally discussed by staff, board members, the Public Arts Committee and others, however, there has been no agreement on how to best display the National Motto. During the September 24, 2015 Board of Commissioners Meeting, the Public Arts Committee recommended "Option 4" to the Board but the recommendation was tabled to the October 22, 2015 meeting.

A couple of Board members have asked for several options to be provided for formal consideration. Those options, identified as Options 1 through 14, are provided in support of this request.

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

Direction from the Board concerning how to prominently display the national motto "In God We Trust" in the Public Meeting Room.

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

Funds are available in the Board of Commissioners Public Relations Account.

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

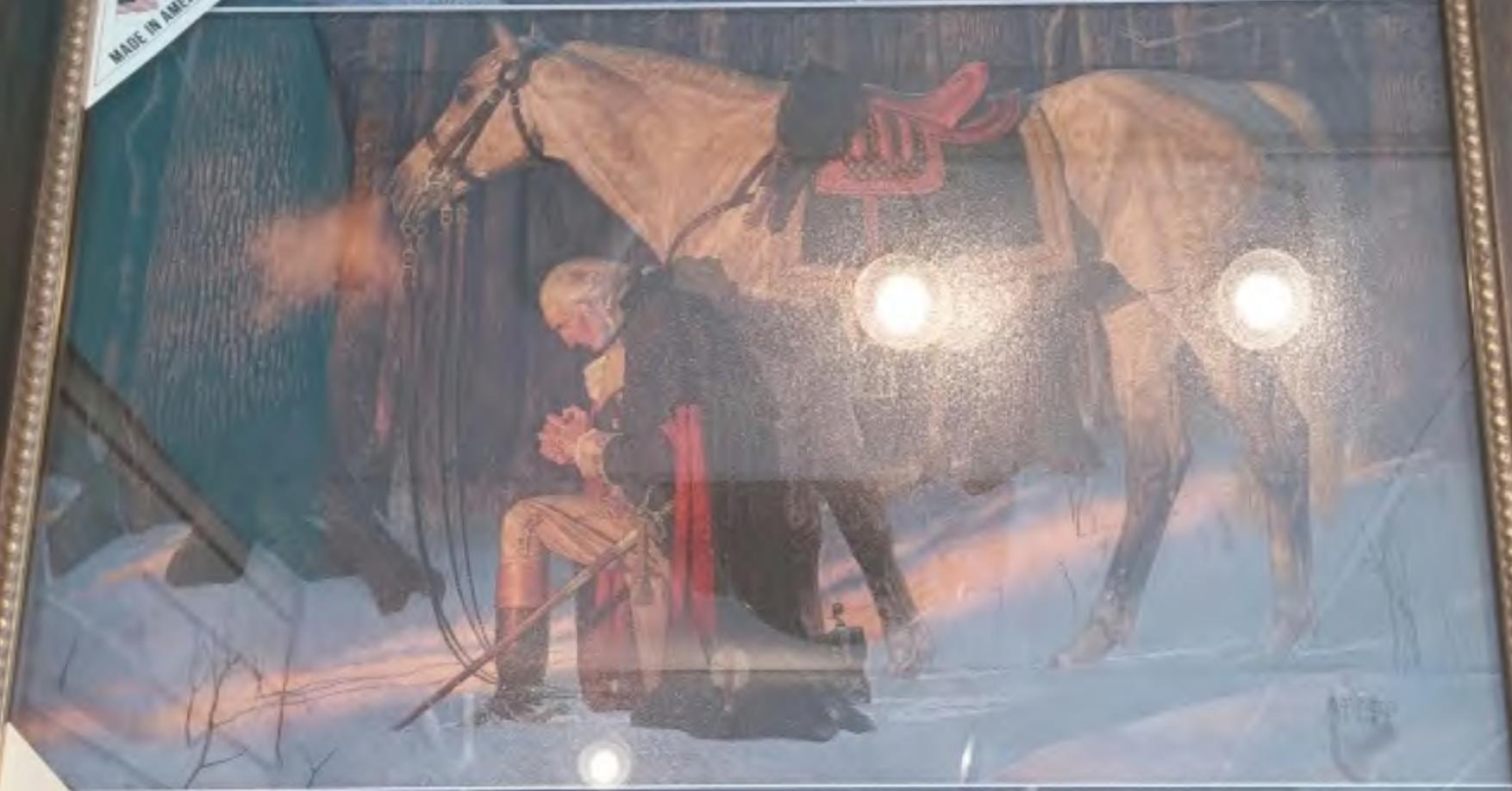
**Staff Notes:**

Capitol Art

DESIGNED & CREATED BY  
ANTHONY MURPHY &  
DAVID WOOD

MADE IN AMERICA

*In our time of trial which must precede our golden jubilee, Americans are to be generous as always; they are to have no property they can not afford to lose. The path of unlearned millions will now depend, not on the energy and persistence of their own efforts, but only on the goodness of the cause and the aid of the "big game" which in these halcyon days is to be secured and necessary as the great and noble art of the*



IN GOD WE TRUST

199.99  
1452516

OPTION 1

THE LEGISLATIVE ARTS COMMISSION  
1000 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20540  
TEL: 202-225-5000  
WWW.LEGISARTS.COM

OPTION 2

**IN GOD**



**WE TRUST**

**DAVID BARLOW**  
Commissioner

OPTION 3

*In God We Trust*



OPTION 4



*In God We Trust*



# OPTION 5



OPTION 6



OPTION 7



OPTION 8



OPTION 9



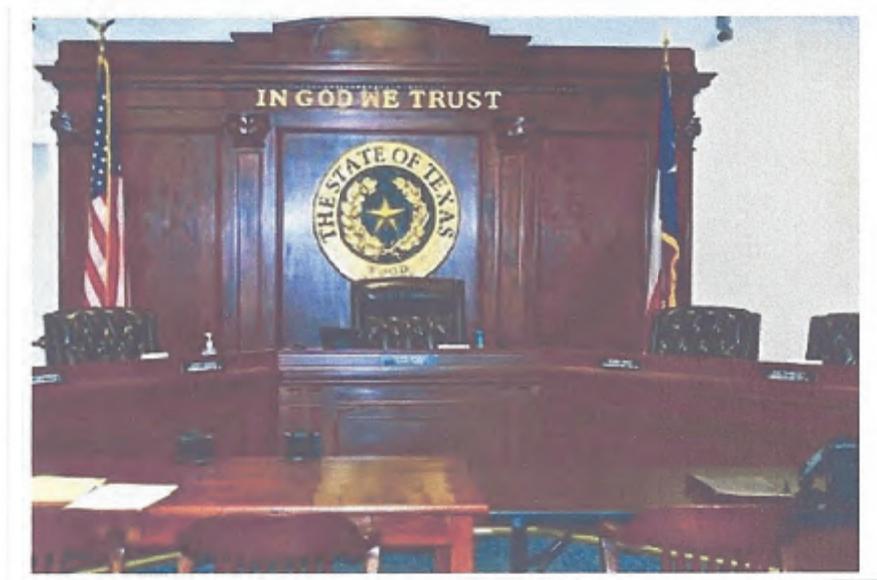
OPTION 10



OPTION 11



## OPTION 12



OPTION 13



# OPTION 14

## RESOLUTION 2015-01

### RESOLUTION OF THE FAYETTE COUNTY COMMISSIONERS PLEDGE TO CITIZENS AND COUNTY STAFF ON CORE VALUES AND BELIEFS

- WHEREAS,** upon the inauguration of the 2015 Fayette County Board of Commissioners, the five commissioners desire to affirm their core values and beliefs to our constituents and county staff; and
- WHEREAS,** the Board of Commissioners acknowledges they were placed in office by the voters of Fayette County and are responsible for conducting the official business of those citizens, looking out for their best interests; and
- WHEREAS,** the Board is determined to give the citizenry ample opportunity to voice their comments and concerns in all meetings; and
- WHEREAS,** the Board respects each individual staff member and believes that members who are treated with respect and given responsibility respond by giving their best; and
- WHEREAS,** although there may not be unanimous consent on every issue, the Board requires complete honesty and integrity in everything we do while valuing everyone's opinion; and
- WHEREAS,** the Board will take its commitments very seriously, and then do its utmost to live up to them, acknowledging the importance of doing what we say we are going to do; and
- WHEREAS,** the Board recognizes that the work performed by each staff member is an important part of their life, and it should be fulfilling and rewarding, so we encourage an open and welcoming workplace; and
- WHEREAS,** the Board vows to be good stewards of the citizen's resources, exercising the same vigilance that we would use to guard and conserve our own personal resources; and
- WHEREAS,** the Board insists that each commissioner and each staff member always give their best effort in everything we undertake, refusing to accept sloppiness or lack of effort; and
- WHEREAS,** the entire Board, each department director and each individual in our organization is expected to understand our mission and our goals realizing that doing so it is extremely critical to our success; and
- WHEREAS,** the Board believes in the Golden Rule, and we will strive to be friendly, courteous, fair and compassionate in all our dealings; and
- WHEREAS,** the Board and our staff members should always feel a sense of urgency on any matters related to our citizens, owning problems and always being responsive

**NOW, THEREFORE, BE IT RESOLVED** that we, the Board of Commissioners of Fayette County, Georgia do hereby pledge our acceptance of these core values and beliefs in the service of our citizens.

So resolved this 8th day of January 2015 by the

**FAYETTE COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
**Steve Brown, Commissioner**

\_\_\_\_\_  
**Charles Oddo, Commissioner**

\_\_\_\_\_  
**David Barlow, Commissioner**

\_\_\_\_\_  
**Pota Coston, Commissioner**

\_\_\_\_\_  
**Randy Ognio, Commissioner**

## “IN GOD WE TRUST”

"In God We Trust" was adopted as the official motto of the United States in 1956 as an alternative or replacement to the unofficial motto of E pluribus unum, which was adopted when the Great Seal of the United States was created and adopted in 1782. "In God we trust" first appeared on U.S. coins in 1864.

# COUNTY AGENDA REQUEST

New Business #6

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of a recommendation from the Selection Committee, comprised of Commissioners David Barlow and Steve Brown, to appoint Charles McCollum to the Fayette County Recreation Commission for a four-year term beginning August 31, 2015 and expiring September 1, 2019.

**Background/History/Details:**

The Fayette County Recreation Commission is a citizen committee, comprised of five volunteers who are appointed by the Fayette County Board of Commissioners to four-year terms, which reviews and evaluates programs, facilities, policies, and other matters and makes recommendations to the Recreation Department, the County Administrator, and the Board of Commissioners concerning capital and operational needs. As an advisory board, the Recreation Commission has no decision-making authority over how county resources are spent or managed.

On July 23, 2015, Fayette County advertised for one upcoming vacancy on the Recreation Commission. Two citizens applied for the position. Commissioners David Barlow and Steve Brown were appointed to the Selection Committee to review the applications and they interviewed both candidates. The Selection Committee recommended the reappointment of Mr. Charles McCollum to Fayette County's Recreation Commission.

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

Approval of a recommendation from the Selection Committee, comprised of Commissioners David Barlow and Steve Brown, to appoint Charles McCollum to the Fayette County Recreation Commission for a four-year term beginning August 31, 2015 and expiring September 1, 2019.

**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:**

10 am

### APPLICATION FOR APPOINTMENT Fayette County Recreation Commission

The Fayette County Recreation Commission is a citizen committee, comprised of five volunteers who are appointed by the Fayette County Board of Commissioners for four-year terms, which reviews and evaluates programs, facilities, policies, and other matters and makes recommendations to the Recreation Department, the County Administrator, and the Board of Commissioners concerning capital and operational needs. As an advisory board, the Recreation Commission has no decision-making authority over how county resources are spent or managed.

The Recreation Commission typically meets the second Tuesday of each month at the Parks and Recreation Activities Building that is located at 980 Redwine Road, Fayetteville, Georgia beginning at 7:00 p.m.

Please take a few minutes to complete the form and answer the questions below and return it with a resume, if available, to Floyd Jones, County Clerk, 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 no later than 5:00 p.m. on Friday, August 21, 2015.

If you have any questions, please call (770) 305-5102.

*NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.*

NAME Charles M<sup>e</sup>Collum

ADDRESS \_\_\_\_\_

\_\_\_\_\_

TELEPHONE (day) \_\_\_\_\_

(evening) \_\_\_\_\_

(email address)

CMC

Signature

7/29/15

Date

1. How long have you been a resident of Fayette County?
2. Why are you interested in serving on the Fayette County Recreation Commission?
3. What qualifications and experience do you possess for appointment to the Recreation Commission?
4. List your recent employment experiences to include name of company and position.
5. Do you have any past experience relating to the Recreation Commission? If so, please describe.
6. Are you currently serving on a commission/board/authority or in an elected capacity with any government?
7. Have you attended any Recreation Commission meetings in the past two years and, if so, how many?
8. Are you willing to attend seminars or continuing education classes at county expense?
9. What is your vision of the county's future related to the duties of the Recreation Commission?
10. Would there be any possible conflict of interest between your employment or your family and you serving on the Recreation Commission?
11. Are you in any way related to a County Elected Official or County employee? If so, please describe.
12. Describe your current community involvement.
13. Have you been provided a copy of the county's Ethics Ordinance?
14. Is there any reason you would not be able to comply with the Ethics Ordinance?

*See attached page for answers to these questions.*

Fayette County Recreation Commission Application Answers:

1. I have been a resident of Fayette County for 50 years.
2. I have been serving on the Recreation Commission since September 1, 2007. My love for sports and fitness has driven me to be a part of the commission. My goal is to serve my county and assist the Parks and Recreation the best I can and for as long as I can. I want to be able to assist the citizens in our county to continue to improve their health and life style by being there to help them in any way we as a commission can.
3. I feel that I have a lot of knowledge and experience in sports and fitness. During my 20 year law enforcement career here in Fayette County I was a certified Health and Wellness Instructor for Law Enforcement Officers which allows me to be able to understand and support the importance of our citizens having facilities for exercise and playing sports. I was on the Board of Directors for the Fayette County Baseball for over 11 years with 8 years as President. I played baseball and football in the Fayette County programs from the age of 6 until I was 16.
4. Fayette County Sheriff's Office for 20 years (1983 – 2003), Aqua Design Systems for the past 12 years (2003 – present)
5. I have been serving as a Recreation Commission for the past 8 years and before then, I attended the meetings while serving as the president of baseball. I assisted in writing the Youth Association Park and Recreation Policy and Procedure Manual and understand what is required to be a recreation commissioner.
6. I am currently the Chairman of the Fayette County Recreation Commission.
7. I have attended the meetings for the past 8 years.
8. Yes. I am always looking for the opportunity to learn and improve.
9. To continue to serve the citizens, Board of Commission, and the staff of the Parks and Recreation in the improvement of our parks and facilities. Offer answers, suggestions, and solutions for the needs of our county to maintain and improve our parks and programs.
10. No conflicts at all.
11. No to being related to an elected official and Yes to County employee. My wife Sheriff Department employee
12. Serving on the Recreation Commission, very active in breast cancer awareness and funding raising. Volunteer through my church with helping local Habitat for Humanity Programs.
13. Yes
14. No problem at all. I have also received a copy of the Recreation Commission Code of Ethics in the Recreation Commission Manual and have no problem complying with it.

# COUNTY AGENDA REQUEST

New Business #7

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of the Town of Tyrone's annexation of four (4) lots consisting of 337, 341, 349 and 359 Old Senoia Road, and the rezoning of said lots from C-H (Commercial-Highway) to M-1 (Light Industrial.)

**Background/History/Details:**

The Town of Tyrone is initiating the annexation and rezoning to M-1, as authorized in O.C.G.A. § 36-36-92, of an unincorporated island consisting of the following properties:

Parcel ID 0736 042, 359 Senoia Road, Parcel ID 0736 032, 349 Senoia Road, Parcel ID 0736 053, 341 Senoia Road, and Parcel ID 0736 049, 337 Senoia Road

Per Section 36-36-113 of the Georgia Code, Fayette County must deliver their objection to the annexation by certified mail or statutory overnight delivery not later than the end of the thirtieth calendar day following receipt of the notice. The deadline for delivery of an Objection is October 27, 2015.

Staff recommends that the Board of Commissioners not object to the annexation and rezoning of the subject properties. (See attached background)

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

Approval of the Town of Tyrone's annexation of four (4) lots consisting of 337, 341, 349 and 359 Old Senoia Road, and the rezoning of said lots from C-H (Commercial-Highway) to M-1 (Light Industrial.)

**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:**



# Town of Tyrone

Incorporated 1911

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September 23, 2015

Hon. Charles W. Oddo, Chairman  
Fayette County Board of Commissioners  
140 Stonewall Avenue W., Suite 100  
Fayetteville, Georgia 30214

Dear Chairman Oddo:

Please be advised that the Town of Tyrone, Georgia, as authorized in O.C.G.A. § 36-36-92, intends to unilaterally annex an unincorporated island of properties contiguous to our existing municipal limit, near our southern border with the City of Peachtree City.

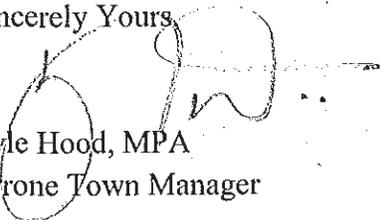
The annexation of these properties, listed below by owner and property tax identification number, shall be accomplished by ordinance of the Town of Tyrone in a regular meeting of our Mayor and Town Council. This matter has been calendared to be taken up by the Tyrone Planning Commission on October 22, 2015 and the Mayor and Town Council on November 5, 2015.

Parcel ID 0736 042, 359 Senoia Road, Owner(s) Edward G. Byce and Ronda J. Bush  
Parcel ID 0736 032, 349 Senoia Road, Owner(s) James L. Dixon  
Parcel ID 0736 053, 341 Senoia Road, Owner(s) Gloria Tynes  
Parcel ID 0736 049, 337 Senoia Road, Owner(s) Nix 337, LLC

It is my understanding that these properties are all currently zoned CH – Commercial Highway. It is proposed for all four parcels that the land use be Light Industrial and the zoning districts be M1; as there are applications by neighboring properties to be rezoned, on the same night, to this zoning category as well.

Please direct any questions or concerns about this matter to my attention for prompt reply.

Sincerely Yours,

  
Kyle Hood, MPA  
Tyrone Town Manager

881 Senoia Road • Tyrone, GA 30290  
Phone: (770) 487-4038 • Fax: (770) 487-4529  
[www.tyrone.org](http://www.tyrone.org)

To: Board of Commissioners  
 From: Pete Frisina  
 Date: October 2, 2015  
 Re: Tyrone Annexation of Unincorporated Island

The Town of Tyrone is initiating the annexation and rezoning to M-1, as authorized in O.C.G.A. § 36-36-92, of an unincorporated island consisting of the following properties:

- Parcel ID 0736 042, 359 Senoia Road, Owner(s) Edward G. Byce and Ronda J. Bush (C-H)
- Parcel ID 0736 032, 349 Senoia Road, Owner(s) James L. Dixon (C-H)
- Parcel ID 0736 053, 341 Senoia Road, Owner(s) Gloria Tynes (M-1)
- Parcel ID 0736 049, 337 Senoia Road, Owner(s) Nix 337, LLC (M-1)

These properties are located on Old Senoia Road.

**History**

Parcel ID 0736 042, 359 Senoia Road was rezoned C-H in 1987 (Petition 626-87). Parcel ID 0736 032, 349 Senoia Road was rezoned C-H in 2012 (Petition 1224-12). Parcel ID 0736 053, 341 Senoia Road and Parcel ID 0736 049, 337 Senoia Road are zoned M-1 but no petition numbers are indicated on the Zoning Map.

**General Description**

The subject property abuts the following:

Direction	Acreage	Zoning	Use	Jurisdiction
North	1.50	C-1	Non- Residential	Tyrone
East	Six lots ranging from .48 acres to .87 acres	R-12	Single-Family Residence	Peachtree City
South	1.20	C-1	Undeveloped	Tyrone
West	1.00	C-1	Non- Residential	Tyrone
West (across Old Senoia Road.)	1.00	C-2	Non- Residential	Tyrone
	1.72	C-1	Non- Residential	Tyrone

## **Current County Land Use**

The subject property is designated as Commercial on the Fayette County Future Land Use Plan map.

## **DEPARTMENTAL COMMENTS**

**Planning and Zoning:** The subject properties comprise an unincorporated island bounded by Tyrone and Peachtree City. This unincorporated island consists of four (4) properties of which two (2) are zoned C-H and two (2) are zoned (M-1). The rezoning of two (2) properties from commercial (C-H) to industrial (M-1) could create a change in zoning and land use that will result in a substantial change in the intensity of the allowable use of the property and a change to a significantly different allowable use (see State Law below).

**Water System:** Water is available.

**Environmental Health:** Environmental Health has no objections to proposed annexation.

## **Environmental Management:**

- |                    |  |
|--------------------|--|
| Floodplain         | The property does NOT contain floodplain per FEMA FIRM panel 13113C0078E.  |
| Wetlands           | The property does NOT contain any wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.   |
| Watershed          | There are NO water bodies subject to the County watershed protection buffers and setbacks.   |
| Groundwater        | The property IS within the groundwater recharge area, as delineated on the Georgia Department of Natural Resources' 1992 Ground-Water Pollution Susceptibility Map of Georgia (Hydrologic Atlas 20). |
| Stormwater         | The development of this property should meet all current stormwater management practices for development. Analysis of the impacts to downstream properties is suggested.                             |
| Stormwater Utility | The County WILL NOT receive stormwater revenue if these parcels are annexed and therefore the stormwater utility is opposed to the rezoning.   |

**STATE LAW**

**TITLE 36. LOCAL GOVERNMENT  
PROVISIONS APPLICABLE TO MUNICIPAL CORPORATIONS ONLY  
CHAPTER 36. ANNEXATION OF TERRITORY  
ARTICLE 6. ANNEXATION OF UNINCORPORATED ISLANDS**

**O.C.G.A. TITLE 36 Chapter 36 Article 6 (2015)**

**36-36-90. Definitions**

As used in this article, the term:

(1) "Contiguous area" means any unincorporated area which, on or after January 1, 1999, had an aggregate external boundary directly abutting a municipal boundary. Any area shall be considered "contiguous" if the aggregate external boundary would directly abut the municipal boundary if not otherwise separated, in whole or in part, from the municipal boundary by lands owned by the municipal corporation, by lands owned by a county, or by lands owned by this state or by the definite width of:

(A) Any street or street right of way;

(B) Any creek or river; or

(C) Any right of way of a railroad or other public service corporation.

(2) "Municipal corporation" means a municipal corporation which has a population of 200 or more persons according to the United States decennial census of 1980 or any future such census.

(3) "Unincorporated island" means:

(A) An unincorporated area in existence on January 1, 1991, with its aggregate external boundaries abutting the annexing municipality;

(B) An unincorporated area in existence as of January 1, 1991, with its aggregate external boundaries abutting any combination of the annexing municipality and one or more other municipalities; or

(C) An unincorporated area in existence as of January 1, 1991, which the county governing authority has by resolution adopted not later than 90 days following July 1, 1992, that identifies any unincorporated area of the county to which the county has no reasonable means of physical access for the provision of services otherwise provided by the county governing authority solely to the unincorporated area of the county.

**§ 36-36-91. Area included in determining aggregate external boundary**

For the purposes of determining the aggregate external boundary of an unincorporated area, all real property in the area to be annexed, which at the time the annexation procedures are initiated, (1) is unincorporated, and (2) is in the same county as the annexing municipal corporation, shall have its area included in determining the aggregate external boundary.

**§ 36-36-92. Annexation of unincorporated islands; procedures; provision of municipal services**

(a) The governing body of each municipal corporation of the state may annex to the existing corporate limits thereof all or any portion of unincorporated islands which are contiguous to the existing limits at the time of such annexation upon compliance with the procedures set forth in this article and in accordance with the procedures provided in Article 1 of this chapter.

(b) Annexation of unincorporated islands as authorized in subsection (a) of this Code section shall be accomplished by ordinance at a regular meeting of the municipal governing authority within 30 days after written notice of intent to annex such property is mailed to the owner of such property at the last known address for such owner as it appears on the ad valorem tax records of the county in which such property is located. After the adoption of the annexation ordinance, an identification of the property annexed shall be filed with the Department of Community Affairs and with the governing authority of the county in which the property is located, in accordance with Code Section 36-36-3.

(c) Annexation of an unincorporated island as authorized by subsection (a) of this Code section, which unincorporated island directly abuts more than one municipality, shall be by the municipality which abuts the unincorporated island along the greatest percentage of its external boundary as provided in this Code section, unless otherwise agreed to by the affected municipalities.

(d) Annexations under this article shall be at the sole discretion of the governing body of each municipality.

(e) Municipal services to the annexed area shall be provided on substantially the same basis and in the same manner as such services are provided within the rest of the municipal corporation; provided, however, the extension of water and sewer services shall be according to the policies in effect in such municipal corporation for extending water and sewer lines to individual lots and subdivisions.

(f) The provisions of this article with regard to annexation of unincorporated islands is severable as to each city and to the annexation of each unincorporated island therein.

**TITLE 36. LOCAL GOVERNMENT  
PROVISIONS APPLICABLE TO MUNICIPAL CORPORATIONS ONLY  
CHAPTER 36. ANNEXATION OF TERRITORY  
ARTICLE 7. PROCEDURE FOR RESOLVING ANNEXATION DISPUTES**

**36-36-113. Objection to annexation; grounds and procedures**

- (a) The county governing authority may by majority vote to object to the annexation because of a material increase in burden upon the county directly related to any one or more of the following:
  - (1) The proposed change in zoning or land use;
  - (2) Proposed increase in density; and
  - (3) Infrastructure demands related to the proposed change in zoning or land use.
- (b) Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in paragraphs (1), (2), and (3) of subsection (a) of this Code section.
- (c) The objection provided for in subsection (a) of this Code section shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection and shall be delivered to the municipal governing authority by certified mail or statutory overnight delivery to be received not later than the end of the thirtieth calendar day following receipt of the notice provided for in Code Section 36-36-111.
- (d) In order for an objection pursuant to this Code section to be valid, the proposed change in zoning or land use must:
  - (1) Result in:
    - (A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or
    - (B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in Code Section 48-8-110, which is furnished by the county to the area to be annexed; and
  - (2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

**36-36-114. Arbitration panel; composition and membership**

- (a) Not later than the fifteenth calendar day following the date the municipal corporation received the first objection provided for in Code Section 36-36-113, an arbitration panel shall be appointed as provided in this Code section.

- (b) The arbitration panel shall be composed of five members to be selected as provided in this subsection. The Department of Community Affairs shall develop three pools of arbitrators, one pool which consists of persons who are currently or within the previous six years have been municipal elected officials, one pool which consists of persons who are currently or within the previous six years have been county elected officials, and one pool which consists of persons with a master's degree or higher in public administration or planning and who are currently employed by an institution of higher learning in this state, other than the Carl Vinson Institute of Government. The pool shall be sufficiently large to ensure as nearly as practicable that no person shall be required to serve on more than two panels in any one calendar year and serve on no more than one panel in any given county in any one calendar year. The department is authorized to coordinate with the Georgia Municipal Association, the Association County Commissioners of Georgia, the Council of Local Governments, and similar organizations in developing and maintaining such pools.
- (c) Upon receiving notice of a disputed annexation, the department shall choose at random four names from the pool of municipal officials, four names from the pool of county officials, and three names from the pool of academics; provided, however, that none of such selections shall include a person who is a resident of the county which has interposed the objection or any municipal corporation located wholly or partially in such county. The municipal corporation shall be permitted to strike or excuse two of the names chosen from the county officials pool; the county shall be permitted to strike or excuse two of the names chosen from the municipal officials pool; and the county and municipal corporation shall each be permitted to strike or excuse one of the names chosen from the academic pool.
- (d) Prior to being eligible to serve on any of the three pools, persons interested in serving on such panels shall receive joint training in alternative dispute resolution together with zoning and land use training, which may be designed and overseen by the Carl Vinson Institute of Government in conjunction with the Association County Commissioners of Georgia and the Georgia Municipal Association, provided such training is available.
- (e) At the time any person is selected to serve on a panel for any particular annexation dispute, he or she shall sign the following oath: "I do solemnly swear or affirm that I will faithfully perform my duties as an arbitrator in a fair and impartial manner without favor or affection to any party, and that I have not and will not have any ex parte communication regarding the facts and circumstances of the matters to be determined, other than communications with my fellow arbitrators, and will only consider, in making my determination, those matters which may lawfully come before me."

**36-36-115. Meetings of arbitration panel; duties; findings and recommendations; compensation**

- (a) (1) The arbitration panel appointed pursuant to Code Section 36-36-114 shall meet as soon after appointment as practicable and shall receive evidence and argument from the municipal corporation, the county, and the applicant or property owner and shall by

majority vote render a decision which shall be binding on all parties to the dispute as provided for in this article not later than the sixtieth day following such appointment. The meetings of the panel in which evidence is submitted or arguments of the parties are made shall be open to the public pursuant to Chapter 14 of Title 50. The panel shall first determine the validity of the grounds for objection as specified in the objection. If an objection involves the financial impact on the county as a result of a change in zoning or land use or the provision of maintenance of infrastructure, the panel shall quantify such impact in terms of cost. As to any objection which the panel has determined to be valid, the panel, in its findings, may establish reasonable zoning, land use, or density conditions applicable to the annexation and propose any reasonable mitigating measures as to an objection pertaining to infrastructure demands.

(2) In arriving at its determination, the panel shall consider:

- (A) The existing comprehensive land use plans of both the county and city;
- (B) The existing land use patterns in the area of the subject property;
- (C) The existing zoning patterns in the area of the subject property;
- (D) Each jurisdiction's provision of infrastructure to the area of the subject property;
- (E) Whether the county has approved similar changes in intensity or allowable uses on similar developments in other unincorporated areas of the county;
- (F) Whether the county has approved similar developments in other unincorporated areas of the county which have a similar impact on infrastructure as complained of by the county in its objection; and
- (G) Whether the infrastructure or capital outlay project which is claimed adversely impacted by the county in its objection was funded by a county-wide tax.

(3) The county shall provide supporting evidence that its objection is consistent with its land use plan and the pattern of existing land uses and zonings in the area of the subject property.

(4) The county shall bear at least 75 percent of the cost of the arbitration. The panel shall apportion the remaining 25 percent of the cost of the arbitration equitably between the city and the county as the facts of the appeal warrant; provided, however, that if the panel determines that any party has advanced a position that is substantially frivolous, the costs shall be borne by the party that has advanced such position.

(5) The reasonable costs of participation in the arbitration process of the property owner or owners whose property is at issue shall be borne by the county and the city in the same proportion as costs are apportioned under paragraph (4) of this subsection.

- (6) The panel shall deliver its findings and recommendations to the parties by certified mail or statutory overnight delivery.
- (b) If the decision of the panel contains zoning, land use, or density conditions, the findings and recommendations of the panel shall be recorded in the deed records of the county with a caption describing the name of the current owner of the property, recording reference of the current owner's acquisition deed and a general description of the property, and plainly showing the expiration date of any restrictions or conditions.
  - (c) The arbitration panel shall be dissolved on the tenth day after it renders its findings and recommendations but may be reconvened as provided in Code Section 36-36-116.
  - (d) The members of the arbitration panel shall receive the same per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.
  - (e) If the panel so agrees, any one or more additional annexation disputes which may arise between the parties prior to the panel's initial meeting may be consolidated for the purpose of judicial economy if there are similar issues of location or similar objections raised to such other annexations or the property to be annexed in such other annexations is within 2,500 feet of the subject property.

### **36-36-116. Appeal**

The municipal or county governing authority or an applicant for annexation may appeal the decision of the arbitration panel by filing an action in the superior court of the county within ten calendar days from receipt of the panel's findings and recommendations. The sole grounds for appeal shall be to correct errors of fact or of law, the bias or misconduct of an arbitrator, or the panel's abuse of discretion. The superior court shall schedule an expedited appeal and shall render a decision within 20 days from the date of filing. If the court finds that an error of fact or law has been made, that an arbitrator was biased or engaged in misconduct, or that the panel has abused its discretion, the court shall issue such orders governing the proposed annexation as the circumstances may require, including remand to the panel. Any unappealed order shall be binding upon the parties. The appeal shall be assigned to a judge who is not a judge in the circuit in which the county is located.

### **36-36-117. Annexation after conclusion of procedures; remedies for violations of conditions**

If the annexation is completed after final resolution of any objection, whether by agreement of the parties, act of the panel, or court order as a result of an appeal, the municipal corporation shall not change the zoning, land use, or density of the annexed property for a period of one year unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties. Following the conclusion of the dispute resolution process outlined in

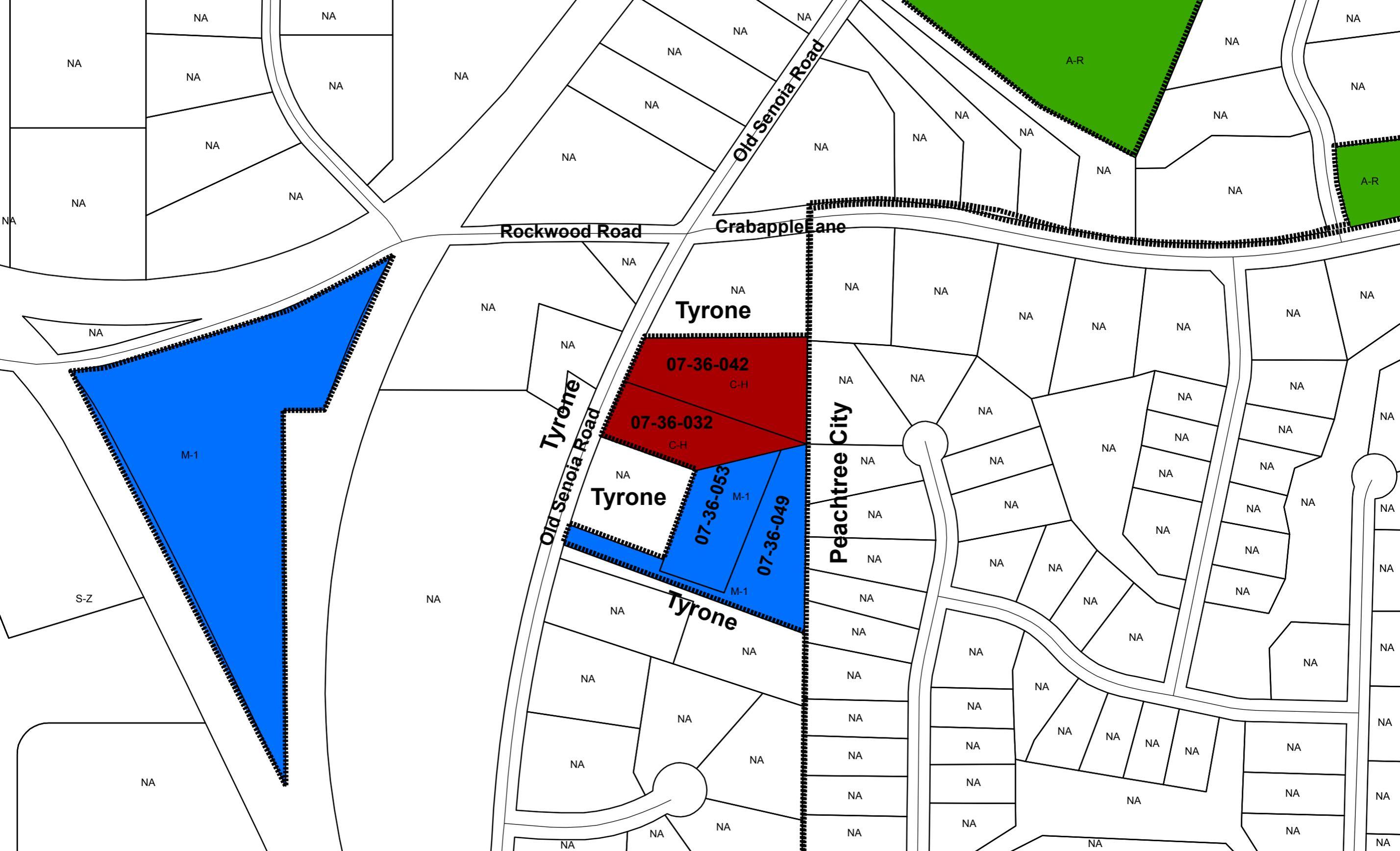
this article, the municipal corporation and an applicant for annexation may either accept the recommendations of the arbitration panel and proceed with the remaining annexation process or abandon the annexation proceeding. A violation of the conditions set forth in this Code section may be enforced thereafter at law or in equity until such conditions have expired as provided in this Code section.

### **36-36-118. Abandonment of proposed annexation; remedies for violations of conditions**

If at any time during the proceedings the municipal corporation or applicant abandons the proposed annexation, the county shall not change the zoning, land use, or density affecting the property for a period of one year unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties. A violation of the conditions set forth in this Code section may be enforced thereafter at law or in equity until such period has expired. After final resolution of any objection, whether by agreement of the parties, act of the panel, or any appeal from the panel's decision, the terms of such decision shall remain valid for the one-year period and such annexation may proceed at any time during the one year without any further action or without any further right of objection by the county.

#### **Summary**

The subject properties comprise an unincorporated island bounded by Tyrone and Peachtree City. Unincorporated islands are not desirable because they can lead to confusion in the delivery of public services. This unincorporated island consists of four (4) properties of which two (2) are zoned C-H and two (2) are zoned (M-1). The rezoning of two (2) properties from commercial (C-H) to industrial (M-1) could create a change in zoning and land use that will result in a substantial change in the intensity of the allowable use of the property and a change to a significantly different allowable use. However, two (2) of the subject properties are currently zoned M-1 in the County and would not create a change in zoning and land use that will result in a substantial change in the intensity of the allowable use of the property and a change to a significantly different allowable use. Given that two (2) properties are currently zoned M-1 in the County and that the four (4) subject properties comprise an island which have no effect on properties in the unincorporated County, The Planning and Zoning Staff recommends that the County not object to the annexation and rezoning. The Environmental Management Department is opposed due to the loss of stormwater utility revenue.



NA

A-R

NA

NA

NA

Rockwood Road

Crabapple Lane

NA

Tyrone

07-36-042

C-H

07-36-032

C-H

Tyrone

07-36-053

M-1

07-36-049

M-1

Peachtree City

M-1

S-Z

NA

NA

Tyrone

NA



# COUNTY AGENDA REQUEST

New Business #8

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of staff's recommendation to award Bid #1030-B: Harp Road at SR 85- Intersection Improvements, to McCoy Grading, Inc. for the bid amount of \$699,497.25, to add auxiliary turn lanes and a traffic signal at the intersection of Harp Road and State Route 85.

**Background/History/Details:**

This is a safety project that will add auxiliary turn lanes and a traffic signal at the intersection of Harp Road and SR 85. It is a joint project between Fayette County and the Georgia Department of Transportation. Local funding is from Fayette County's Transportation Special Purpose Local Option Sale Tax (SPLOST) program. Fayette County is responsible for site design, utility relocation, land acquisition, grading, drainage, and paving work. GDOT is responsible for design and installation of the traffic signal.

The signalized intersection will have left turn, right turn and thru lanes on each of four approaches; pedestrian crossings; and raised concrete islands. The project's limits are approximately 1,000 feet along Harp Road and 1,100 along SR 85. The limits are a function of required auxiliary lane length, tapers and striping.

Construction plans for the grading and asphalt work were prepared by Mallett Consulting, Inc., who also advertised the project for bid (see backup for more information on the procurement process).

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

Approval of staff's recommendation to award Bid #1030-B: Harp Road at SR 85- Intersection Improvements, to McCoy Grading, Inc. for the bid amount of \$699,497.25, to add auxiliary turn lanes and a traffic signal at the intersection of Harp Road and State Route 85.

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

Funding for this project is from the SPLOST 320 fund, project FC-6. Sufficient 320 funds are available for the project.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**



# Fayette COUNTY

"WHERE QUALITY  
IS A LIFESTYLE"

**PURCHASING DEPARTMENT**  
130 STEELWALL AVENUE WEST, STE 204  
FAYETTEVILLE, GEORGIA 30214  
PHONE: 770-305-5420  
www.fayettecountyga.gov

To: Steve Rapson  
From: Ted L. Burgess  
Date: October 6, 2015  
Subject: Award of Invitation to Bid #1030-B: Harp Road at S.R. 85 Intersection Improvement

The intersection at Harp Road and State Route 85 has been selected for improvements. Special Purpose Local Option Sales Tax (SPLOST) funds were set aside to fund the project.

Mallett Consulting, Inc., coordinating with the Purchasing Department, issued Invitation to Bid #1030-B to solicit bids. The project was advertised in the Fayette Daily News on August 26, September 2, September 9, and September 16. The advertisements were posted on Mallett Consulting's website at [www.mallettci.com](http://www.mallettci.com). Plans were sent to three bid houses, including Reed Construction Data, iSqFt/AGC Builders Exchange, and the Construction Journal.

Bids were opened on September 22, 2015 at Mallett's Office in Fayetteville. County Purchasing staff and Public Works staff attending the bid opening. Three contractors submitted bids:

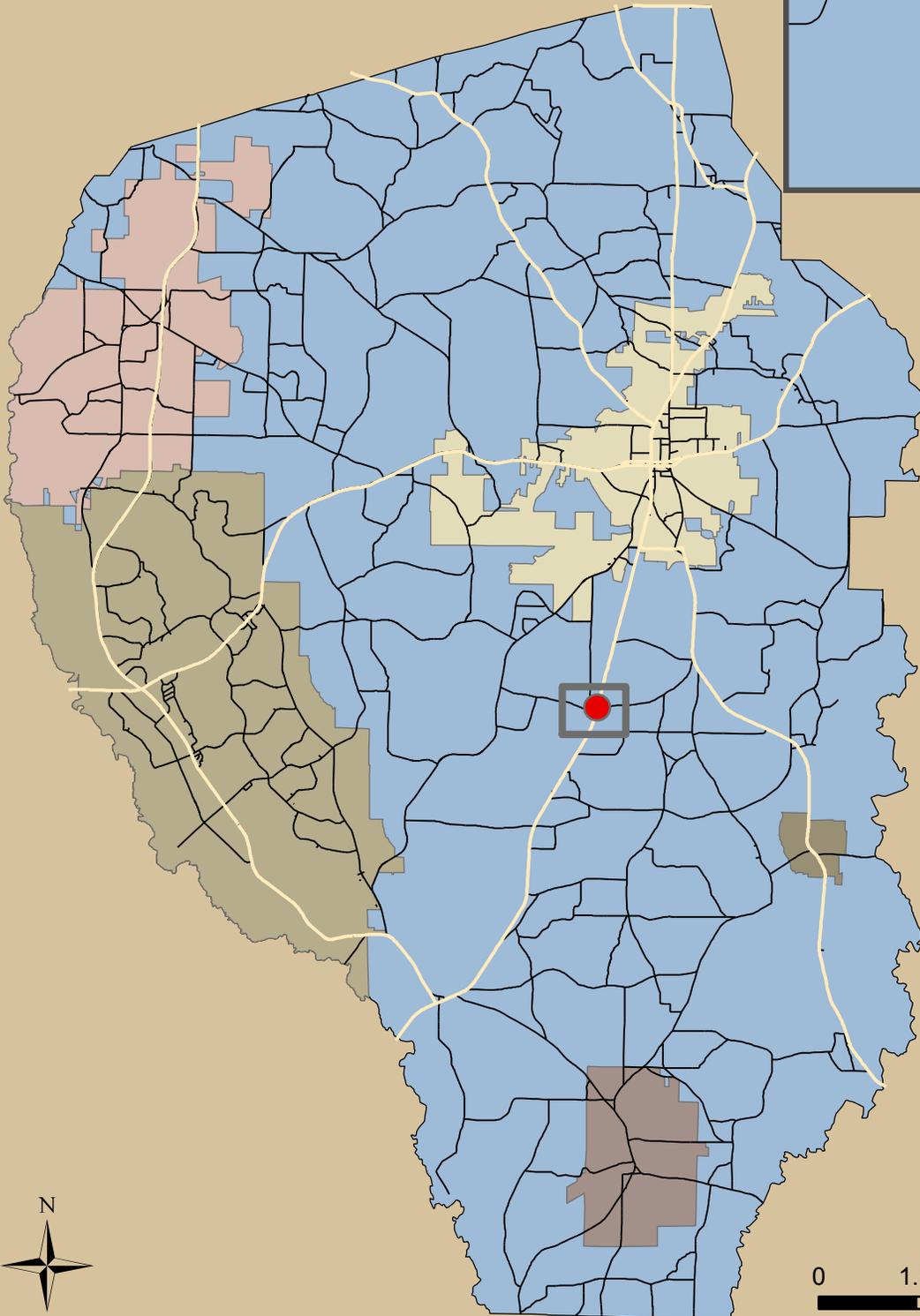
<u>Contractor</u>	<u>Bid Amount</u>
McCoy Grading, Inc.	\$699,497.25
R.J. Haynie & Associates	758,513.00
Southeastern Site Development	899,401.11

Public Works recommends award of the contract to the low bidder, McCoy Grading, Inc. I support their recommendation.

Specifics of the contract are as follows:

Contract number & name:	1030-B; Harp Road @ S.R. 85 Intersection Improvement
Contractor:	McCoy Grading, Inc.
Not-to-exceed amount:	\$699,497.25
Available budget:	
Fund	SPLOST 320 Fund
Project code	FC-6
Available budget	\$799,364.55 as of 10/6/2015

# State Highway 85 at Harp Road



## CITY LIMITS

-  BROOKS
-  FAYETTEVILLE
-  PEACHTREE CITY
-  TYRONE
-  WOOLSEY
-  State Highways





# Mallett Consulting, Inc.

**ENGINEERING - SURVEYING - PROJECT MANAGEMENT**

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Mr. Phil Mallon - Director  
Fayette County Public Works  
115 McDonough Road  
Fayetteville, GA 30214

101 DEVANT STREET, SUITE 804  
FAYETTEVILLE, GEORGIA 30214  
770-719-3333  
770-719-3377 (fax)

Re: Harp Road/SR 85 Intersection Improvements      September 24, 2015  
SPLOST Project FC-6  
Fayette County, Georgia  
Bid Results

Dear Phil:

Please find the attached Bid Tabulation for the above referenced project. The bid was held on September 22, 2015 and was attended by Ms. Trina Barwicks of the Fayette County Purchasing Department. The low bidder is McCoy Grading, Inc at \$699,497.25.

McCoy Grading, Inc. has bid other Fayette County projects in the past, but has not been low bidder until this bid. I have checked the references provided by McCoy Grading and have found each client satisfied with their performance and very willing to work with McCoy again in the future.

In light of this review, we believe McCoy Grading, Inc. to be experienced and competent with respect to the type and scope of work necessary in this project. If funding is available in this amount, it is our recommendation that the County award a contract to McCoy Grading, Inc in the amount of \$699,497.25.

Please let me know if you need any additional information or wish to discuss things further. Thank you for your attention to this matter.

Sincerely,  
Mallett Consulting, Inc.



David Jaeger, PE  
Project Manager

Cc: Mr. Ted Burgess  
File 05110-FC6

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HARP RD @ S.R. 85									
INTERSECTION IMPROVEMENT									
FOR FAYETTE COUNTY, GA									
BID TABULATION									
BID DATE: SEPTEMBER 22, 2015			McCOY GRADING, INC.			R.J. HAYNIE & ASSOCIATES		SOUTHEASTERN SITE	
ITEM #	DESCRIPTION	UNIT	EST. QUANTITY	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
- ROADWAY ITEMS -									
005-0023	ADA Ramps	EA.	16	\$ 648.00	\$ 10,368.00	\$ 753.00	\$ 12,048.00	\$ 1,150.00	\$ 18,400.00
150-1000	Traffic Control (including VMB's)	L.S.	1	LS	\$ 71,100.00	LS	\$ 105,930.00	L.S.	\$ 80,800.00
151-1000	Mobilization	L.S.	1	LS	\$ 62,100.00	LS	\$ 12,010.00	L.S.	\$ 206,638.00
210-0100	Grading Complete, Clearing, Grubbing, Demo, Unsuitables	L.S.	1	LS	\$ 130,211.00	LS	\$ 195,897.00	L.S.	\$ 156,925.00
310-1101	GR AGGR Base CRS, Include. Matl.	TON	2400	\$ 29.00	\$ 69,600.00	\$ 43.00	\$ 103,200.00	\$ 35.45	\$ 85,080.00
402-1812	Recycled Asph. Conc. Leveling, Incl. Bitum Matl. & H lime	Ton	100	\$ 165.10	\$ 16,510.00	\$ 110.00	\$ 11,000.00	\$ 124.95	\$ 12,495.00
402-3103	Recycled Asph. Conc. 12.5mm Superpave, GP 2 Only, Incl. Bitum Matl. & H Lime	Ton	425	\$ 126.05	\$ 53,571.25	\$ 99.00	\$ 42,075.00	\$ 122.06	\$ 51,875.50
402-3190	Recycled Asph. Conc. 19mm Superpave, GP 1 or 2, Incl. Bitum Matl. & H Lime	Ton	530	\$ 123.50	\$ 65,455.00	\$ 94.40	\$ 50,032.00	\$ 108.50	\$ 57,505.00
402-3121	Recycled Asph Conc. 25mm Superpave, GP 1 or 2, Incl. Bitum Matl. & H Lime	Ton	800	\$ 108.40	\$ 86,720.00	\$ 94.40	\$ 75,520.00	\$ 108.50	\$ 86,800.00
413-1000	Bitum Tack Coat	GL	850	\$ 8.80	\$ 7,480.00	\$ 5.00	\$ 4,250.00	\$ 5.75	\$ 4,887.50
441-0014	Driveway Concrete - CL "A"	SY	34	\$ 60.40	\$ 2,053.60	\$ 38.00	\$ 1,292.00	\$ 42.54	\$ 1,446.36
441-0740	Raised Conc. Island, 4 inch.	LF	200	\$ 41.75	\$ 8,350.00	\$ 37.67	\$ 7,534.00	\$ 53.83	\$ 10,766.00
444-2000	Saw cut joints in exist. Pavement - asphalt.	LF	2700	\$ 1.40	\$ 3,780.00	\$ 4.27	\$ 11,529.00	\$ 2.94	\$ 7,938.00
446-2118	Pavement Reinf. Fabric Strips TP2, 18"	LF	2700	\$ 6.30	\$ 17,010.00	\$ 4.42	\$ 11,934.00	\$ 5.50	\$ 14,850.00
634-1200	Conc. Right of Way Markers	EA	16	\$ 124.95	\$ 1,999.20	\$ 124.00	\$ 1,984.00	\$ 131.26	\$ 2,100.16
641-8200	Barrier Fence (Orange), 4 ft.	LF	500	\$ 1.40	\$ 700.00	\$ 1.24	\$ 620.00	\$ 2.09	\$ 1,045.00

- EROSION CONTROL -										
163-0232	Temp. Grassing	AC	5	\$ 383.35	\$ 1,916.75	\$ 633.00	\$ 3,165.00	\$ 488.24	\$ 2,441.20	
163-0240	Mulch	Ton	5	\$ 385.00	\$ 1,925.00	\$ 610.00	\$ 3,050.00	\$ 366.18	\$ 1,830.90	
163-0300	Construction Exit	EA	4	\$ 1,376.20	\$ 5,504.80	\$ 2,603.00	\$ 10,412.00	\$ 1,690.00	\$ 6,760.00	
163-0529	Construct & Remove Baled Straw Check Dams	LF	400	\$ 5.50	\$ 2,200.00	\$ 7.86	\$ 3,144.00	\$ 0.57	\$ 228.00	
165-0030	Maintenance of Silt Fence - Type "C"	LF	3200	\$ 1.00	\$ 3,200.00	\$ 1.82	\$ 5,824.00	\$ 0.87	\$ 2,784.00	
171-0030	Temp. Silt Fence - TP "C"	LF	3200	\$ 3.70	\$ 11,840.00	\$ 3.23	\$ 10,336.00	\$ 3.30	\$ 10,560.00	
603-1300	Rock, Rip-Rap, TP 3	Ton	10	\$ 65.05	\$ 650.50	\$ 88.00	\$ 880.00	\$ 45.77	\$ 457.70	
700-6910	Permanent Grassing	AC	3	\$ 1,187.95	\$ 3,563.85	\$ 1,339.00	\$ 4,017.00	\$ 1,037.52	\$ 3,112.56	
700-7000	Agricultural Lime & Fertilizer	LS	1	L.S.	\$ 1,774.40	L.S.	\$ 1,836.10	L.S.	\$ 610.31	
716-2000	Erosion Contral Mats - Slopes	SY	3,500	\$ 0.95	\$ 3,325.00	\$ 1.45	\$ 5,075.00	\$ 1.16	\$ 4,060.00	
- STORM DRAINAGE -										
550-1150	Storm Drain Pipe, 15in, H 1-10	LF	35	\$ 47.25	\$ 1,653.75	\$ 54.50	\$ 1,907.50	\$ 62.99	\$ 2,204.65	
550-1180	Storm Drain Pipe, 18in, H 1-10	LF	160	\$ 61.50	\$ 9,840.00	\$ 100.00	\$ 16,000.00	\$ 90.93	\$ 14,548.80	
550-1240	Storm Drain Pipe, 24in, H 1-10	LF	20	\$ 65.10	\$ 1,302.00	\$ 65.00	\$ 1,300.00	\$ 77.60	\$ 1,552.00	
550-4215	Flared End Section, 15in, Storm Drain	EA	2	\$ 472.10	\$ 944.20	\$ 605.00	\$ 1,210.00	\$ 738.74	\$ 1,477.48	
550-4218	Flared End Section, 18in, Storm Drain	EA	3	\$ 532.95	\$ 1,598.85	\$ 677.50	\$ 2,032.50	\$ 804.05	\$ 2,412.15	
550-4224	Flared End Section, 24in, Storm Drain	EA	2	\$ 681.10	\$ 1,362.20	\$ 833.50	\$ 1,667.00	\$ 886.32	\$ 1,772.64	
668-5000	Storm Sewer Junc. Box	EA	1	\$ 1,980.15	\$ 1,980.15	\$ 3,077.00	\$ 3,077.00	\$ 2,221.44	\$ 2,221.44	
- SIGNING & MARKING -										
636-1033	Highway Signs, Type 1 Matl. Refl. Sheeting, TP 9	SF	55	\$ 23.15	\$ 1,273.25	\$ 19.00	\$ 1,045.00	\$ 26.24	\$ 1,443.20	
636-2070	Galv. Steel Posts, TP 7	LF	150	\$ 16.85	\$ 2,527.50	\$ 8.61	\$ 1,291.50	\$ 9.58	\$ 1,437.00	
653-0110	Thermoplastic Pvmt Marking, Arrow TP 1	EA	15	\$ 63.10	\$ 946.50	\$ 64.50	\$ 967.50	\$ 122.06	\$ 1,830.90	
653-0120	Thermoplastic Pvmt Marking, Arrow TP 2	EA	16	\$ 73.65	\$ 1,178.40	\$ 75.50	\$ 1,208.00	\$ 122.06	\$ 1,952.96	
653-1501	Thermoplastic Solid Traf. Stripe, 5" White	LF	3750	\$ 0.53	\$ 1,987.50	\$ 0.54	\$ 2,025.00	\$ 0.60	\$ 2,250.00	

653-1502	Thermoplastic Solid Traf Stripe, 5" Yellow	LF	4000	\$ 0.53	\$ 2,120.00	\$ 0.54	\$ 2,160.00	\$ 0.62	\$ 2,480.00
653-1704	Thermoplastic Solid Traf Stripe, 24" White	LF	80	\$ 7.90	\$ 632.00	\$ 8.00	\$ 640.00	\$ 6.11	\$ 488.80
653-3501	Thermoplastic Skip Traf Striping, 5" White	LF	630	\$ 0.42	\$ 264.60	\$ 0.43	\$ 270.90	\$ 0.37	\$ 233.10
653-6004	Thermoplastic Solid Traf Striping, White	SY	1000	\$ 3.70	\$ 3,700.00	\$ 3.77	\$ 3,770.00	\$ 4.85	\$ 4,850.00
653-6006	Thermoplastic Solid Traf Striping, Yellow	SY	500	\$ 3.70	\$ 1,850.00	\$ 3.77	\$ 1,885.00	\$ 5.00	\$ 2,500.00
654-1001	Raised Pvmt Markers TP 1	EA	340	\$ 4.20	\$ 1,428.00	\$ 4.30	\$ 1,462.00	\$ 3.97	\$ 1,349.80
- ALLOWANCES -									
001-4000	Allowance Per Special Conditions	LS	1	LS	\$ 20,000.00	LS	\$ 20,000.00	LS	\$ 20,000.00
<b>TOTAL BASE BID</b>					<b>\$ 699,497.25</b>		<b>\$ 758,513.00</b>		<b>\$ 899,401.11</b>

# COUNTY AGENDA REQUEST

New Business #9

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of a Fiscal Year 2016 budget amendment of \$471,457.00 to include a two-percent (2%) cost-of-living increase effective November 1, 2015 for eligible County employees.

**Background/History/Details:**

The recommended Fiscal Year 2016 budget included funding for a 2% cost of living (COLA) increase. The funding sources were as follows:

General Fund -	\$308,169.00
E-911 -	\$20,033.00
Fire Services -	\$78,543.00
EMS -	\$25,051.00
Water System -	\$39,164.00
Solid Waste -	\$497.00

The approved FY2016 budget removed this COLA.

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

Approve a Fiscal Year 2016 budget amendment of \$471,457.00 to include a two-percent (2%) cost-of-living increase effective November 1, 2015 for eligible County employees.

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

As outlined above.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

The FY2016 Budget included funding of \$707,185.00 for a 2% cost of living (COLA) increase effective July 1, 2015; this request reduces the fiscal impact \$235,728 based upon a November 1, 2015 implementation.

# Social Security

Official Social Security Website

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## Cost-Of-Living Adjustment

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### History of Automatic Cost-Of-Living Adjustments

Automatic benefit increases, also known as cost-of-living adjustments or COLAs, have been in effect since 1975.

The 1975-82 COLAs were effective with Social Security benefits payable for June (received by beneficiaries in July) in each of those years. After 1982, COLAs have been effective with benefits payable for December (received by beneficiaries in January).

COLAs received in 1975-2015 are shown below.

#### Automatic Cost-Of-Living Adjustments

July 1975 -- 8.0%	January 1996 -- 2.6%
July 1976 -- 6.4%	January 1997 -- 2.9%
July 1977 -- 5.9%	January 1998 -- 2.1%
July 1978 -- 6.5%	January 1999 -- 1.3%
July 1979 -- 9.9%	January 2000 -- 2.5% <sup>(1)</sup>
July 1980 -- 14.3%	January 2001 -- 3.5%
July 1981 -- 11.2%	January 2002 -- 2.6%
July 1982 -- 7.4%	January 2003 -- 1.4%
January 1984 -- 3.5%	January 2004 -- 2.1%
January 1985 -- 3.5%	January 2005 -- 2.7%
January 1986 -- 3.1%	January 2006 -- 4.1%
January 1987 -- 1.3%	January 2007 -- 3.3%
January 1988 -- 4.2%	January 2008 -- 2.3%
January 1989 -- 4.0%	January 2009 -- 5.8%
January 1990 -- 4.7%	January 2010 -- 0.0%
January 1991 -- 5.4%	January 2011 -- 0.0%
January 1992 -- 3.7%	January 2012 -- 3.6%
January 1993 -- 3.0%	January 2013 -- 1.7%
January 1994 -- 2.6%	January 2014 -- 1.5%
January 1995 -- 2.8%	January 2015 -- 1.7%

# COUNTY AGENDA REQUEST

New Business #10

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of staff's request to change protocol on creating and amending county policies and procedures.

**Background/History/Details:**

On April 25, 2015, based on Board direction given at the April 5, 2013 Retreat, the Board of Commissioners approved staff's request to delegate authority to amend the Human Resources policies and procedures to the County Administrator and the Human Resources Director, and to delegate authority to amend Finance policies and procedures to the County Administrator and the Chief Financial Officer. Also on April 25, 2015, the Board authorized the Chairman and County Administrator to sign properly procured contracts that are less than \$200,000 and budgeted. The delegations of authority were discussed at the April 9, 2015 Board of Commissioners meeting but were not changed.

After extensive review and effort, staff has completed the warranted revisions and amendments.

Commissioner Ognio has suggested the following revision to the existing Policy 100.03- Commission Agenda to accomplish the same result: "The County Administrator Report shall include awards greater than \$50,000 but less than \$200,000 along with supporting documentation and new or amended policies or procedures (red-lined) which will become effective after being reported."

A copy of the red-lined proposed policy revision is attached for review and consideration.

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

Approval of staff's request to change protocol on creating and amending county policies and procedures.

**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:**

All 141 of the county policies can be reviewed using the following website link: [http://www.fayettecountyga.gov/hum\\_res/index.htm](http://www.fayettecountyga.gov/hum_res/index.htm)

Click the "Policies and Procedures" link on the left of the website page and the county policies will download.

**FAYETTE COUNTY  
POLICIES AND PROCEDURES**

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**ADMINISTRATION  
Commission Agenda  
100.03**

**PURPOSE**

The purpose of this policy is to provide the Board of Commissioners and staff guidance for the establishment of the Board's Public Meeting and Workshop Agendas.

**POLICY**

There shall be a uniform process for the placement of requests on the Agenda requiring Board of Commissioner action during the regularly scheduled meetings of the Board of Commissioners.

**PROCEDURE**

The following procedure shall be adhered to for the establishment of the Board's Agenda.

1. Schedule: All requests for placement of an item on the Boards Agenda shall be submitted a minimum of two weeks in advance of the requested Agenda date.
2. Submittal:
  - a. Division Directors and Department Heads shall have primary responsibility for the placement of their requests on the Board's Agenda.
  - b. Material to be submitted shall consist of an Agenda Request and sufficient background information relative to support the request.
    - All submittals shall be done electronically in a PDF format.
    - Division Directors and Department Heads shall have primary responsibility to ensure that all approvals for the request have been completed.
  - c. Late submittals will be deferred to the next scheduled meeting unless there is a compelling reason to adjust the Board's Agenda (adverse legal consequences, adverse fiscal consequences) etc. and then only upon approval of the County Administrator.
  - d. Staff Reports shall be limited to providing the Board with information only, reports requiring an action by the BOC shall be properly placed on the Agenda.
  - e. The County Administrator Report shall include awards greater than \$50,000 but less than \$200,000 along with supporting documentation and new or amended policies or procedures (red-lined) which will become effective after being reported.
3. Review: The Chairman of the Board of Commissioners, County Administrator and Executive Assistant will conduct a formal review of the proposed Agenda prior to the publication of the Agenda.

**FAYETTE COUNTY  
POLICIES AND PROCEDURES**

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**ADMINISTRATION  
Commission Agenda  
100.03**

4. Publication: The Board's Final Agenda shall be published on the Friday preceding the Scheduled Agenda date. The Agenda shall be made available to the general public via the County Web-Site. Departments can utilize either the Web Site or the Common Drive to review and print the Agenda.