

BOARD OF COUNTY COMMISSIONERS

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

FAYETTE COUNTY, GEORGIA

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



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

AGENDA

April 13, 2017
7:00 p.m.

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

Call to Order
Invocation by Commissioner Charles Oddo
Pledge of Allegiance

Acceptance of Agenda

PROCLAMATION/RECOGNITION:

1. Recognition of the promotion of Jeffery Jarrard and Daniel Lewis to the position of Lieutenant. (page 4)
2. Proclamation recognizing April 9-15, 2017 as "National Telecommunicators Week". (pages 5-6)
3. Proclamation recognizing April as "National Alcohol Awareness Month" in Fayette County. (pages 7-9)
4. Proclamation recognizing April 22, 2017 as "Earth Day" and Fayette County's celebration of Earth Day. (pages 10-11)
5. Proclamation recognizing April 2017 as "Safe Digging Month in Fayette County". (pages 12-13)
6. Proclamation recognizing April 2017 as "Confederate History and Heritage Month" and April 26, 2017 as "Confederate Memorial Day." (page 14)

PUBLIC HEARING:**CONSENT AGENDA:**

7. Approval of staff's recommendation to award Bid #1206-B Lee's Mill Culvert Replacement for Fiscal Year 2017 to the low bidder, Georgia Bridge & Concrete, LLC and authorization for the Chairman to execute the contract and related documents. (pages 15-17)
8. Approval of staff's recommendation for Board of Commissioners to approve the bid from Blount Construction Company, Inc. for Bid #1273-B HA 5, High Density Mineral Bond in the amount of \$157,098.72. (pages 18-21)

9. Approval of staff's request to execute the Georgia Department of Transportation's Contract for Acquisition of Right-of-Way for the pedestrian bridge project over SR 54 near Piedmont Fayette Hospital (PI No. 0012878). (pages 22-46)
10. Approval of staff's request to execute the Design Build Memorandum of Understanding (MOU) between the Georgia Department of Transportation and Fayette County Water System and authorization for the Chairman to execute the contract and related documents. (pages 47-54)
11. Approval of the Public Arts Committee's request for Concept Approval to develop Lantern Parade educational events and host Lantern Parades in partnership with other community events. (pages 55-57)
12. Approval of the Final Project and Budget for the expanded 4th Annual Scarecrow Competition. (pages 58-63)
13. Approval of the Water Committee's recommendation to approve the request for the Dragon Boat Races to be held at Lake McIntosh on September 22, 23, and 24, 2017. (pages 64-65)
14. Approval of the March 23, 2017 Board of Commissioners Meeting Minutes. (pages 66-76)
15. Approval of the March 29, 2017 Special Called Meeting Minutes. (pages 77-78)

OLD BUSINESS:

16. Consideration of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents. This item was tabled at the March 23, 2017 Board of Commissioners meeting. (pages 79-100)

NEW BUSINESS:

17. Consideration of staff's recommendation to increase the level of service on right-of-way mowing on State Routes and local roads and to purchase \$255,879 of equipment for proposed new crew. (pages 101-108)
18. Consideration of staff's recommendation to amend the 2017 Stormwater CIP Budget to reallocate \$75,183 from the 508 Stormwater Contingency Fund to Stormwater Projects-Replacement/Upgrades (5509I.) (pages 109-112)
19. Consideration of Resolution 2017-06 for reimbursement of funds for various projects to be funded by Special Purpose Local Option Sales Tax (SPLOST) proceeds as approved by the March 21, 2017 Special Election. (pages 113-116)
20. Consideration of staff's recommendation to repeal Stormwater Utility. (pages 117-128)
21. Consideration of Ordinance 2017-01; Motorized Carts to amend the Fayette County Code of Ordinance, Article III of Chapter 26, Section 26-57, by deleting Subsection (d) "Registration/transfer requirements" in its entirety, and replacing it with a new Subsection (d) to be approved as presented. (pages 129-134)
22. Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Ritesh Ghimire for tax year 2016 in the amount of \$2,112.06. (pages 135-138)
23. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Jacqueline Maxwell for tax year 2016 in the amount of \$841.10 to be paid to Bank of America as the payor. (pages 139-142)

PUBLIC COMMENT:

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Recognition of the promotion of Jeffery Jarrard and Daniel Lewis to the position of Lieutenant.

Background/History/Details:

Fire and Emergency Services has completed a promotional process for the rank of Lieutenant. Two (2) members have been promoted to Lieutenant. This request is for the Board of Commissioners to recognize these members as they receive their oath of position. Family members will be attending to pin the badges.

The new Lieutenants are Jeffery Jarrard and Daniel Lewis.

What action are you seeking from the Board of Commissioners?

Recognition of the promotion of Jeffery Jarrard and Daniel Lewis to the position of Lieutenant.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

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Department: 911 Communications

Presenter(s): Bernard J. Brown, Director

Meeting Date: April 13, 2017

Type of Request: Proclamation/Recognition #2

Wording for the Agenda:

Proclamation recognizing April 9-15, 2017 as "National Telecommunicators Week".

Background/History/Details:

Thousands of dedicated Telecommunicators serve the citizens of the United States by answering telephone and radio calls for police, fire and emergency medical services, and by dispatching the appropriate assistance as quickly as possible. The Associated Public Safety Communications Officers, Inc., an organization of professionals engaged in the design, installation and operations of emergency response communications, has set aside the second week in April annually to recognize Telecommunicators and their crucial role in the protection of life and property.

What action are you seeking from the Board of Commissioners?

Proclamation recognizing April 9-15, 2017 as "National Telecommunicators Week".

If this item requires funding, please describe:

Not applicable.

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

If so, when?

Is Audio-Visual Equipment Required for this Request? No

Backup Provided with Request? Yes

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Approved by Finance Not Applicable

Reviewed by Legal Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval Yes

Staff Notes:

PROCLAMATION

RECOGNIZING NATIONAL TELECOMMUNICATORS' WEEK

WHEREAS, Each day, citizens dial 911 for help in emergencies; and whether there is a house fire, and auto accident, a sudden heart attack, or an injured child, the prompt response of Public Safety personnel to these desperate calls for help is essential to the continued well-being of our community and its' residents; and

WHEREAS, Fayette County Communications Officers are the first responders who provide a calm and reassuring voice to the caller; who obtain critical information and disseminate the information to the appropriate Fire, Emergency Medical Services, and Law Enforcement personnel when emergencies occur; and

WHEREAS, Public Safety Telecommunicators are more than a calm and reassuring voice, they are devoted, knowledgeable, and highly trained professionals with a relentless willingness to serve their public; and

WHEREAS, Emergencies can strike at any time and we, the community, rely on the vigilance and the preparedness of these individuals 24 hours a day, 365 days a year; and

WHEREAS, The Public Safety community appreciates the critical function of the Communications Officer and recognizes that our health, safety, and well-being are often dependent on the commitment and steadfast devotion of our Public Safety Telecommunicators;

NOW, THEREFORE, WE, **THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA,**

do hereby proclaim the week of April 9 - April 15, 2017, as "National Telecommunicators' Week" in Fayette County, and in doing so express on behalf of our residents and visitors our appreciation to those who are the first point of contact when an emergency, disaster, or other critical incident occurs within our community. We thank you for your willingness to perform a job that often goes unheralded and without thanks, but without which many lives would be affected forever. Thank you for a job well done.

COUNTY AGENDA REQUEST

Page 7 of 142

Department: Commissioners

Presenter(s): Board of Commissioners

Meeting Date: Thursday, April 13, 2017

Type of Request: Proclamation/Recognition #3

Wording for the Agenda:

Proclamation recognizing April as "National Alcohol Awareness Month" in Fayette County.

Background/History/Details:

Fayette FACTOR and AVPride have asked Fayette County to recognize the month of April as "National Alcohol Awareness Month" in Fayette County.

This proclamation is intended to bring awareness to the dangers associated with alcoholism among the youth and in families with children and teenagers.

The last two years, Fayette County has recognized Alcohol Awareness Month proclamations in April. In the last two years, the percent of 12th graders in Fayette county who have had alcohol in the last 30 days has dropped from 32.93% to 23.94%. The remaining 23.94% in the county is more than 4 points higher than the Georgia average of 19.18%.

This proclamation is also seen as a support of the "social hosting" ordinance passed by Fayette County in 2014.

What action are you seeking from the Board of Commissioners?

Proclamation recognizing April as "National Alcohol Awareness Month" in Fayette County.

If this item requires funding, please describe:

Not Applicable.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

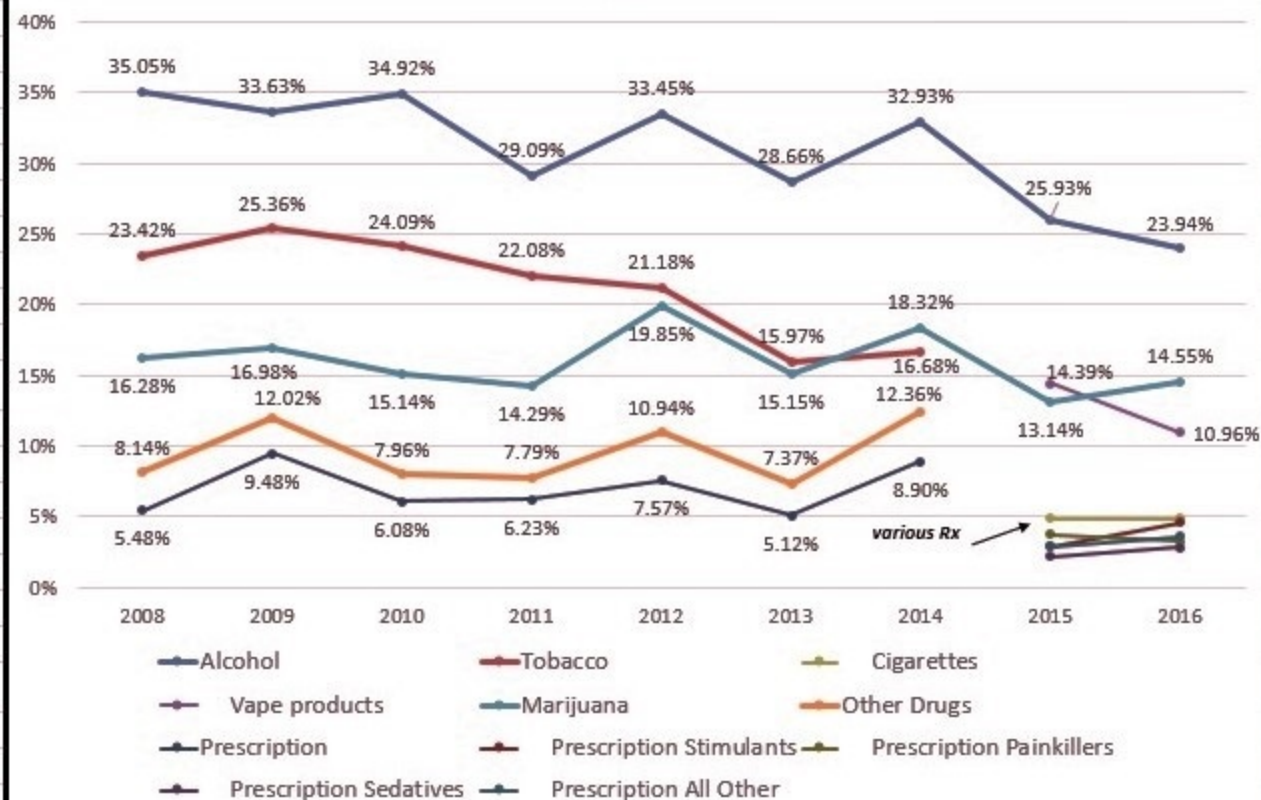
Administrator's Approval

Staff Notes:

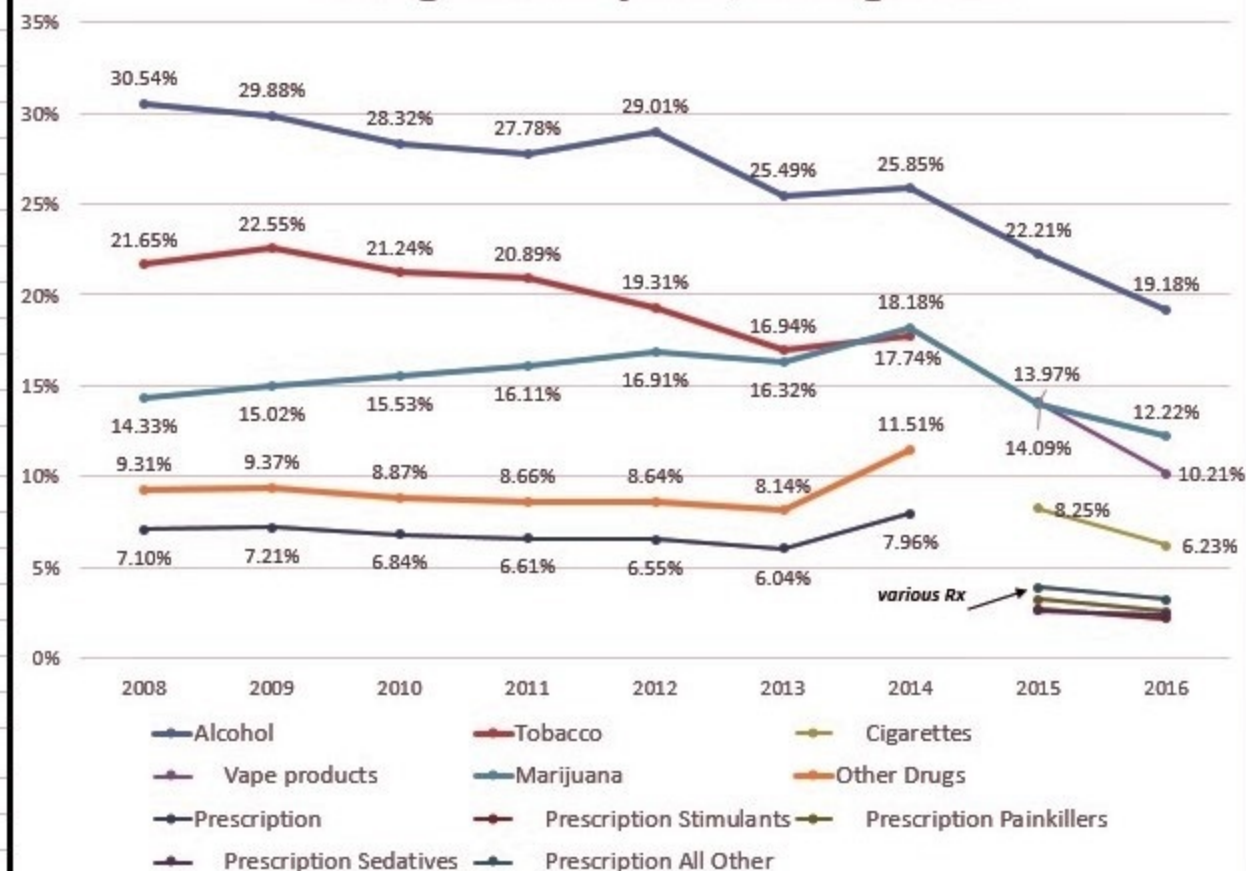
Fayette County vs Georgia, 12th grade substance abuse use in the last 30-days, 2008-2016

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Fayette County 30-day use, 12th graders



Georgia 30-day use, 12th graders



Fayette County Board of Commissioners
NCADD ALCOHOL AWARENESS MONTH 2017
Supporting conversations between Parents and Teenagers
A Proclamation

WHEREAS, excessive drinking is responsible for more than 4,300 deaths among underage youth each year; and

WHEREAS, alcohol is the most commonly used addictive substance in the United States; and

WHEREAS, nearly 10 million young people, ages 12 to 20, report that they've consumed alcohol in the past 30 days; and

WHEREAS, among Fayette County high school seniors, according to the 2016 Georgia Student Health Survey, almost 24% have reported that they have consumed alcohol in the past 30 days; and

WHEREAS, young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21; and

WHEREAS, kids who drink are more likely to be victims of violent crime, to be involved in alcohol-related traffic crashes, and to have serious school-related problems; and

WHEREAS, a supportive family environment is associated with lowered rates of alcohol use for adolescents; and

WHEREAS, kids who have conversations with their parents and learn a lot about the dangers of alcohol and drug use are 50% less likely to use alcohol and drugs than those who don't have such conversations.

NOW THEREFORE, we, The FAYETTE COUNTY BOARD OF COMMISSIONERS, join the National Council on Alcoholism and Drug Dependence, Inc. (NCADD) and do hereby proclaim that April 2017 is Alcohol Awareness Month in Fayette County. We call upon all citizens, parents, governmental agencies, public and private institutions, businesses, hospitals, schools and colleges in Fayette County to support efforts that will provide early education about alcoholism and addiction and increase support for individuals and families coping with alcoholism. Along with the leadership of local nonprofit organizations Fayette FACTOR and AVPRIDE, together we can support strong family environments that prevent the dangers of alcohol misuse.

May it be so decreed.

COUNTY AGENDA REQUEST

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Department: Environmental Management

Presenter(s): Director Vanessa Birrell

Meeting Date: Thursday, April 13, 2017

Type of Request: Presentation/Recognition #4

Wording for the Agenda:

Proclamation recognizing April 22, 2017 as "Earth Day" and Fayette County's celebration of Earth Day.

Background/History/Details:

April 22, 2017 is the worldwide observance and 47th Anniversary of Earth Day. The annual celebration of Earth Day encourages citizens to become involved in improving their local environment and to become aware of global conditions.

The tenth consecutive annual Fayette County Earth Day Festival, as hosted by Fayette County, is on April 22, 2017. The City of Peachtree City, the Town of Tyrone, and Fayette County governmental departments are active supporters and contributors to this event.

The Fayette County Earth Day Festival provides an opportunity for Fayette County citizens to come together for the common good of the environment, and it encourages local communities to contribute to building a healthy society by addressing issues such as energy use, clean water, and waste management.

The goal of the Fayette County Earth Day Festival is to encourage Fayette County residents to contribute to a sustainable environment and economy in their homes and communities while protecting, caring, and appreciating the environment.

What action are you seeking from the Board of Commissioners?

Proclamation recognizing April 22, 2017 as "Earth Day" and Fayette County's celebration of Earth Day.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years? Yes

If so, when? one year ago

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

Fayette County's celebration of Earth Day and its annual Face-to-Face event will take place on Saturday, April 22, 2017 at Fayette County Administrative Complex, which is located at 140 Stonewall Ave., Fayetteville, GA. These events will occur from 10:00 a.m. until 3:00 p.m.

FAYETTE COUNTY BOARD OF COMMISSIONERS

2017 Earth Day

A PROCLAMATION

- WHEREAS,** April 22, 2017 is the worldwide observance and 47th Anniversary of Earth Day; and
- WHEREAS,** The annual celebration of Earth Day encourages citizens to become involved in improving their local environment and aware of global conditions; and
- WHEREAS,** The tenth consecutive annual Fayette County Earth Day Festival, hosted by the City of Fayetteville, is on April 22, 2017; and
- WHEREAS,** The City of Peachtree City, Town of Tyrone and Fayette County governmental departments are active supporters and contributors to this event; and
- WHEREAS,** The Fayette County Earth Day Festival provides an opportunity for Fayette County citizens to come together for the common good of the environment; and
- WHEREAS,** Local communities can contribute to building a healthy society by addressing issues such as energy use, clean water, and waste management; and
- WHEREAS,** The goal of the Fayette County Earth Day Festival is to encourage Fayette County residents to contribute to a sustainable environment and economy in their homes and community while protecting, caring for, and appreciating our environment; and

NOW, THEREFORE, WE, THE FAYETTE COUNTY BOARD OF COMMISSIONERS do proclaim April 22, 2017 as **“Earth Day”** and April 22, 2017 as Fayette County’s celebration of Earth Day and in doing so ask our citizens to support environmental initiatives in Fayette County and encourage others to undertake similar actions.

So proclaimed this 13th day of April 2017,

Eric K. Maxwell, Vice Chairman

Randy Ognio, Vice Chairman

Steve Brown, Commissioner

Charles W. Oddo, Commissioner

Charles D. Rousseau, Commissioner

COUNTY AGENDA REQUEST

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Department: Fayette County Water System

Presenter(s): Utility Services Manager Matt Bergen

Meeting Date: Thursday, April 13, 2017

Type of Request: Proclamation/Recognition #5

Wording for the Agenda:

Proclamation recognizing April 2017 as "Safe Digging Month in Fayette County".

Background/History/Details:

Governor Nathan Deal has proclaimed April as "Safe Digging Month" in Georgia.

Safe Digging Month is designed to bring awareness to the damage, loss of service, environmental damage, and threat to public safety caused by those who have not located underground lines prior to digging.

Damage prevention is a shared responsibility. By using safe digging practices, contractors and homeowners in Fayette County can save time and money while keeping everyone's infrastructure safe and connected.

In an effort to facilitate safe digging practices, the Federal Communications Commissioner 811; a number that provides contractors and homeowners with a simple number to contract utility operators to request the location of underground lines at the intended dig site.

What action are you seeking from the Board of Commissioners?

Proclamation recognizing April 2017 as "Safe Digging Month in Fayette County."

If this item requires funding, please describe:

Not Applicable

Has this request been considered within the past two years? Yes

If so, when? Annually

Is Audio-Visual Equipment Required for this Request? No

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval

Administrator's Approval

Staff Notes:

WHEREAS,

Thousands of times each year, the underground infrastructure in Georgia is damaged by those who do not have underground lines located prior to digging, resulting in service interruption, environmental damage and threat to public safety, and;

WHEREAS,

In 2005, the Federal Communications Commission designated 811 to provide contractors and homeowners a simple number to contact utility operators to request the location of underground lines at the intended dig site, and;

WHEREAS,

The Fayette County Utility Coordinating Committee, a stakeholder-driven organization dedicated to the prevention of damage to underground utilities in Georgia, promotes the National 811 Notification System in an effort to reduce these damages, and;

WHEREAS,

Damage prevention is a shared responsibility; by using safe digging practices, the contractors and homeowners of Fayette County can save time, money and help keep our infrastructure safe and connected, and;

THEREFORE,

I do hereby proclaim, on behalf of Fayette County, the month of April 2017 as;

Fayette County Safe Digging Month

And encourage contractors and homeowners throughout Fayette County to always call 811 before digging. Safe digging is no accident!!

Date

COUNTY AGENDA REQUEST

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Department: Commissioners

Presenter(s): Board of Commissioners

Meeting Date: Thursday, April 13, 2017

Type of Request: Presentation/Recognition #6

Wording for the Agenda:

Proclamation recognizing April 2017 as "Confederate History and Heritage Month" and April 26, 2017 as "Confederate Memorial Day."

Background/History/Details:

Confederate History Month has been annually designated by six state governments in the United States for recognizing and honoring the history of the Confederate States of America. Those six states are: Alabama, Florida, Georgia, Louisiana, Mississippi, Texas, and Virginia.

The Confederacy played a pivotal part of Georgia's and the South's history, and had a direct impact on the citizens of Fayette County.

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

In 1868, General John A. Logan, commander in chief of the Union Civil War Veterans Fraternity, launched the Memorial Day holiday that is currently observed throughout the United States. General Logan's wife stated that her husband borrowed from the practices of Confederate Memorial Day and wrote of him: " . . . it was not too late for the Union men of the nation to follow the example of the people of the South in perpetuating their memory of friends who had died for the cause they thought just and right."

What action are you seeking from the Board of Commissioners?

Proclamation recognizing April 2017 as "Confederate History and Heritage Month" and April 26, 2017 as "Confederate Memorial Day."

If this item requires funding, please describe:

Not Applicable.

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

If so, when?

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

Backup Provided with Request? Yes

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Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's recommendation to award Bid #1206-B Lee's Mill Culvert Replacement for Fiscal Year 2017 to the low bidder, Georgia Bridge & Concrete, LLC and authorization for the Chairman to execute the contract and related documents.

Background/History/Details:

On January 14, 2016, the Board of Commissioners reallocated funds to the Stormwater Utility to replace pipes under Lee's Mill Road that failed as a result of the Christmas 2015 floods.

Staff is recommending to award Bid #1206-B Lee's Mill Culvert Replacement for Fiscal Year 2017 to the low bidder, Georgia Bridge & Concrete, LLC.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to award Bid #1206-B Lee's Mill Culvert Replacement for Fiscal Year 2017 to the low bidder, Georgia Bridge & Concrete, LLC and authorization for the Chairman to execute the contract and related documents.

If this item requires funding, please describe:

Funding for this bid,\$382,700.00, is available in 50940320 Stormwater Projects: 6509I Lee's Mill Road (\$466,775)

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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Approved by Finance

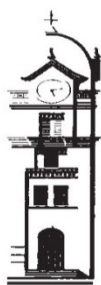
Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



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PURCHASING DEPARTMENT

140 STONEWALL AVENUE WEST, STE 204
FAYETTEVILLE, GEORGIA 30214
PHONE: 770-305-5420
www.fayettecountyga.gov

To: Steve Rapson

From: Ted L. Burgess

Date: April 13, 2017

Subject: Invitation to Bid #1206-B: Lee's Mill Culvert Replacement

In its meeting of January 14, 2016 the Board of Commissioners approved reallocation of funds to the Stormwater Utility for a number of repairs needed as a result of floods in December 2015. One of the repair sites is a culvert on Lees Mill Road.

Tetra Tech, Inc., Public Works' Engineer of Record, prepared technical specifications for an Invitation to Bid (ITB) for the construction work. Subsequently, the Purchasing Department issued ITB #1206-B for this purpose.

Emails were sent to 14 contractors who are registered on the county's bidders' list. Another 357 were contacted through the web-based Georgia Procurement Registry. With potential funding assistance through the Federal Emergency Management Agency, we complied with their requirement by contacting 83 companies on the Small Business Administration's registry for small, minority-owned, or women-owned businesses. Notification was provided via the Fayette News, the county website, Georgia Local Government Access Marketplace (www.glga.org), and Channel 23.

Eight companies submitted bids (please see attached). Environmental Management recommends award to the low bidder, Georgia Bridge & Concrete, LLC, in the amount of \$382,700.00.

Specifics of the proposed contract are as follows:

Contract Name	1206-B: Lee's Mill Culvert Replacement	
Contractor	Georgia Bridge & Concrete, LLC	
Lump Sum Amount	\$382,700.00	
Budget:		
Organization Code	50940320	Stormwater Projects
Object Code	541210	Other Improvements
Project Code	65091	Lee's Mill Road
Available Budget	\$472,975.97	

Invitation to Bid #1206-B
Lee's Mill Culvert Replacement

COMPANY	LUMP SUM BASE BID
SITE ENGINEERING INC	\$674,000.00
RDJE, INC.	\$484,000.00
PIEDMONT PAVING, INC.	\$436,750.00
NORTH GEORGIA CONCRETE, INC.	\$434,798.00
MCLEROY, INC.	\$410,592.00
GEORGIA DEVELOPMENT PARTNERS, LLC	\$395,831.49
CRAWFORD GRADING & PIPELINE, INC.	\$388,466.40
GEORGIA BRIDGE & CONCRETE, LLC	\$382,700.00

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's recommendation for Board of Commissioners to approve the bid from Blount Construction Company, Inc. for Bid #1273-B HA 5, High Density Mineral Bond in the amount of \$157,098.72.

Background/History/Details:

HA5 is a High Density Bond is a pavement preservation treatment that significantly extends pavement life on residential roadways and parking surfaces. The following subdivisions and roads pavement is structurally in good shape but is in the early stages of showing the effects of age and weathering. HA5, High Density Mineral Bond is an unique tool that when installed extends the life of low load/volume pavement at a reduce cost than the traditional asphalt overlay.

The following sub-divisions and roads are listed on this bid:

- 1.) Northern Oaks Subdivision - Northern Oaks Drive, Elderberry Trail and Persimmon Point
- 2.) Northridge Subdivision - North Drive, Benson Circle, Briarlake Court, Trail Point Circle, Heather Ridge, Largo Circle, Lawson Lane and Blackwood Circle
- 3.) Newton Plantation Subdivision - Smithstone Path, Travis Street, Dickson Street and Plantation Circle
- 4.) Felton Court
- 5.) Forest Hall Lane

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation for Board of Commissioners to approve the bid from Blount Construction Company, Inc. for Bid #1273-B HA 5, High Density Mineral Bond in the amount of \$157,098.72.

If this item requires funding, please describe:

Road Department has designated funding of \$360,000 for HA5 in its FY2017 budget, account 10040220-521316.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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Approved by Finance

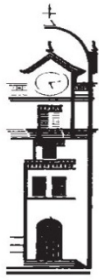
Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



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

To: Steve Rapson

From: Ted L. Burgess

Date: April 13, 2017

Subject: Invitation to Bid #1273-B: High Density Mineral Bond

HA5® is a high density mineral bond road treatment that was developed by Holbrook Asphalt Company in St. George, Utah. It prevents cracking and loss of the bond between the aggregate and the binder, thus extending the life of the road. At this time, it is the only product that complies with a specification produced by the American Public Works Association.

There is currently one HA5 contractor in Georgia – Blount Construction Company, Inc. Even so, the Purchasing Department practiced due diligence by directly notifying eight companies by email. We contacted 77 companies who were registered on the Georgia Procurement Registry. We also notified vendors via the Georgia Local Government Marketplace website (glga.org), Channel 23, and Fayette News. Blount Construction Company submitted the only bid, at \$157,098.72.

Including this Invitation to Bid, the Purchasing Department has issued five solicitations for HA5 application, beginning in June 2015. Each time, only one or two companies responded, as follows:

Date			Blount Construction (Georgia)		Whitaker Contracting (Alabama)		Holbrook Asphalt Co. (Utah)	
Contract	Contract							
<u>Executed</u>	<u>Number</u>	<u>Work Location</u>	<u>Sq Yd</u>	<u>Total</u>	<u>Sq Yd</u>	<u>Total</u>	<u>Sq Yd</u>	<u>Total</u>
6/12/2015	975-A	Lawson Lane & S. Morning Dove Drive	2.62	13,135.88	-	-	5.03	39,453.45
8/25/2015	1005-B	Horseman's Run subdivision	1.98	107,451.48	1.95	92,753.56	-	-
5/4/2016	1093-A	210 Hilo Road & Sr. Center parking lot	2.57	17,191.00	-	-	-	-
10/19/2016	1203-A	Kiwanis Park parking lot	2.65	16,353.90	-	-	-	-
TBD	1273-B	Northern Oaks, Northridge, Newton Plantation, Felton Court, & Forest Hall Lane	1.94	157,098.72	-	-	-	-

In researching who the county's potential HA5 providers are, the Purchasing Department researched providers in this region. The region's providers, plus the HA5 developer, are listed below:

- **Blount Construction Company, Inc., Marietta, Georgia:** Blount Construction has consistently responded to our solicitations.
- **Whitaker Contracting Corporation, Guntersville, Alabama:** Whitaker does work in Georgia. They said they are currently "spread to Florida" with contract work, and would not have sufficient manpower to bid on this project.
- **Jarrett Paving, Nashville, Tennessee:** Jarrett Paving does some work in parts of Georgia, if the project size, time involved, and other considerations make it profitable. They said they would probably not come to this area of the state for work.
- **Holbrook Asphalt Company, St. George, Utah:** As noted above, Holbrook Asphalt was the developer of HA5. They are located in Utah, and the distance makes it difficult for them to compete with closer companies.

The Road Department recommends Blount Construction for this project.

Specifics of the proposed contract are as follows:

Contract Name	1273-B: High Density Mineral Bond
Vendor	Blount Construction Company
Not-to-Exceed Amount	\$157,098.72
Budget:	
Organization Code	10040220 Road Department
Object Code	521316 Technical Services
Project Code	N/A
Available Budget	\$360,000.00

Invitation to Bid #1273-B
High Density Mineral Bond

Bidder: Blount Construction Company, Inc.

	<u>Unit of Measure</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Extended Price</u>
HA5 Application	Sq. Yd.	76,114	\$1.94	\$147,661.16
Crack Seal	Lump Sum	N/A	N/A	6,517.24
Moblization & Traffic Control	Lump Sum	N/A	N/A	<u>2,920.32</u>
Total				<u>\$157,098.72</u>

COUNTY AGENDA REQUEST

Page 22 of 142

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's request to execute the Georgia Department of Transportation's Contract for Acquisition of Right of Way for the pedestrian bridge project over SR 54 near Piedmont Fayette Hospital (PI No. 0012878).

Background/History/Details:

This is a federal-aid project programed through the Atlanta Regional Commission that provides financial assistance for the design of a pedestrian bridge over State Route 54 and associated paths. The project is part of Fayetteville's master plan to provide a path system between existing subdivisions, schools, medical centers, shopping, dining and the Pinewood developments. Design work for the project is nearly complete and the project is ready to enter the land acquisition stage.

Fayette is the official sponsor but the project is managed and funded (local match) by the City of Fayetteville. This relationship was used to help ensure the project would get funding through the Atlanta Regional Commission and to take advantage of the County's "certified" status from the Georgia Department of Transportation to manage these types of projects.

Execution of the attached contract is necessary for the right of way work to begin. The transfer of responsibilities for the ROW phase are governed by the April 17, 2014 Intergovernmental Agreement (IGA) between the City of Fayetteville and Fayette County. A copy of the IGA is provided with the backup.

What action are you seeking from the Board of Commissioners?

Approval of staff's request to execute the Georgia Department of Transportation's Contract for Acquisition of Right of Way for the pedestrian bridge project over SR 54 near Piedmont Fayette Hospital (PI No. 0012878).

If this item requires funding, please describe:

Per the 2014 Intergovernmental Agreement, the City of Fayetteville is responsible for all local funding.

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:



January 24, 2017

The Honorable Eric Maxwell, Chairman
Fayette County Commissioners
140 Stonewall Avenue West
Fayetteville, GA 30214-2198

Dear Chairman Maxwell:

RE: FAYETTE COUNTY

P. I. 0012878

DESCRIPTION: West Fayetteville Path from SR 54 to CS 894/Lester Road

Transmitted for your further handling for execution are four sets of the Contract for Acquisition of Right of Way on the above subject project. **Please omit the date at the top of page one, as this date will be inserted by the Department at the time of execution.** Please return **four** original executed sets to this office for execution by the Commissioner and the Treasurer. Once the contracts have been signed, our office will return a fully executed set to you for your use.

Any questions regarding this matter should be directed to the District Local Government R/W Coordinator, **Jeff D. Franklin, at (706) 646-7551. Any written correspondence should be sent to 115 Transportation Blvd., Thomaston, Georgia 30286-7000.**

Yours very truly,

Michael Presley, P.E.
District Engineer

Adam Smith

By: Adam Smith, P.E.
District Preconstruction Engineer

Enclosures

Revised 4/06/09
Revised 10/07/09
Revised 10/03/16

**CONTRACT FOR ACQUISITION OF RIGHT OF WAY
STATE-AID OR FEDERAL-AID PROJECT
Reimbursable**

**PROJECT: N/A
COUNTY: FAYETTE
STATE ROUTE: N/A
P.I. NO.: 0012878**

STATE OF GEORGIA

COUNTY OF FAYETTE

This Agreement made and entered into this ____ day of _____, ____, by and between the **DEPARTMENT OF TRANSPORTATION** (hereinafter called the **DEPARTMENT**) and the **COUNTY OF FAYETTE** (hereinafter called the **COUNTY**).

- ☒ **CFDA # 20.205 Highway Plan and Construction Cluster**
☐ **CFDA # 20.219 Recreation Trails Program**

WITNESSETH THAT:

WHEREAS, the **DEPARTMENT**, and the **COUNTY**, propose to let to construction the above indicated project located on **WEST FAYETTEVILLE PATH FROM SR 54 TO CS 894/LESTER ROAD**, the rights of way which are to be acquired in the name of the **DEPARTMENT** with the cost of the right of way being distributed between the **COUNTY** and the **DEPARTMENT** as hereinafter specified; and,

WHEREAS, the **DEPARTMENT** is authorized to enter into this contract with the **COUNTY** by virtue of Section 32-2-2(a) of the Official Code of Georgia Annotated; and,

WHEREAS, the **COUNTY** is authorized to enter into this contract by virtue of Sections 32-3-3(e), 32-4-41(6), 32-4-42, 32-4-61 and 32-5-25 of the Official Code of Georgia Annotated and by a certain resolution of the Board of Commissioners, adopted the ____ day of _____, 20____; and

WHEREAS, said rights of way are to be acquired by the **COUNTY** in accordance with certain specified requirements of the Federal-aid Highway Act of 1970, as amended, and regulations of the **DEPARTMENT** in order for the construction cost of said project to be eligible for State or Federal participation.

NOW, THEREFORE, in consideration of Ten (\$10.00) Dollars in hand paid to the **COUNTY**, the receipt of which is hereby acknowledged, and the mutual promises and covenants hereinafter set out, the **DEPARTMENT** and the **COUNTY** agree as follows:

ITEM I

The **DEPARTMENT** agrees to reimburse the **COUNTY** Not to Exceed **\$672,000.00** for eligible right of way costs. Reimbursable right of way expenses include land and improvement costs, relocation expenses and contracted property management costs. Non-reimbursable right of way expenses include, but may not be limited to, manpower, appraisal, administrative, attorney fees and any in-house property management.

Reimbursement of acquisition expenses will be eligible after completion of: all land and improvement acquisition; completion of all property management; completion of all demolition; and, after all occupants have relocated off the project. Further, before any reimbursement of funding occurs, the **COUNTY** shall certify in writing to the **DEPARTMENT** that title to all parcels, whether acquired by deed or condemnation, has been quitclaimed from the **COUNTY** to the **DEPARTMENT**, and that all property management, all demolition and all relocation has been completed. Said certification will include a statement that "All parcels are vacant and immediately available for construction purposes".

Each appraiser utilized on this project must be selected from the **DEPARTMENT's** "Approved Appraiser List". The **DEPARTMENT** shall review and approve each selection prior to the **COUNTY** contracting with the appraiser. All appraisals will be submitted to the **DEPARTMENT** for review, for approval and to establish fair market value prior to negotiations.

Except as specified in ITEM V of this contract, all counter offers, administrative settlements and legal settlements authority above the fair market value must be reviewed and approved by the **DEPARTMENT** if the **COUNTY** expects the **DEPARTMENT** to participate in any increased settlement agreement above the fair market value. It is understood and agreed that the **DEPARTMENT** may participate in a court directed award above the fair market value subject to the availability of funds identified for the **PROJECT**. The **DEPARTMENT** will not be required to participate in any such award increase that is not supported by a court order. It is further agreed between the parties that the **DEPARTMENT** shall be the final arbiter of whether an increase in an award or expense will be reimbursable to the **COUNTY**.

ITEM II

The **DEPARTMENT** will prepare the deeds in the name of the **DEPARTMENT** for use in acquiring the Right of Way. The **COUNTY** shall ensure at the time of closing that the current, approved deed or easement document reflects the latest revised or current required right of way description and/or easement(s) description.

The **COUNTY** will provide, at **COUNTY** expense **with no reimbursement**, all legal counsel associated with acquiring properties by deed.

The **COUNTY**, or its designated representative, will prepare all Condemnation Petitions in the name of the **COUNTY** and will provide all legal counsel and/or litigation associated with acquiring properties through condemnation at **COUNTY** expense.

After receipt of the approved and accepted certification from the **COUNTY** to the **DEPARTMENT** and after all acquired parcels, whether by deed or by condemnation, have been executed, quitclaimed, transferred in name from the **COUNTY** and recorded in the name of the **DEPARTMENT**, the **DEPARTMENT** will reimburse the **COUNTY** pursuant to **ITEM III** herein.

ITEM III

As set forth in **ITEM I** above, the **DEPARTMENT** will reimburse “**Not to Exceed**” **\$672,000.00** of eligible right of way expenses. **The procedure for reimbursement is as follows:**

All files and reimbursement requests shall be directed to the District Local Government Right of Way Coordinator (DLGC) in the **Thomaston District Office**. All reimbursement matters shall first be reviewed at the District Level in accordance with current guidelines and policies. Reimbursement to the **COUNTY** will be issued from the **General Office in Atlanta** following receipt of all approved documents and the accepted and approved **COUNTY** certification.

Three (3) copies of the following items shall be included for each parcel and activity cost to be reimbursed:

- 1) **Reimbursement of eligible expenses associated with properties acquired by deed or easement:**
 - a) **Recorded Deed or Easement**
 - b) **Copy of Completed Negotiation Record**
 - c) **Copy of the Approved Option**
 - d) **Executed Closing Statement**
 - e) **Copy of approved Review Appraisers Report (Form 532)**

- 2) **Reimbursement of eligible expenses associated with properties acquired through condemnation:**
 - a) **Copy of the filed, recorded Condemnation Petition with identified docket number.**
 - b) **Copy of receipt for monies deposited into court.**
 - c) **Copy of Quitclaim Deed from County to Department**

- 3) **Reimbursement of eligible property management costs:**
 - a) **Copy of verifiable and detailed invoice from the contractor and receipt for payment from the COUNTY and any fee contractors employed by the COUNTY for Property Management activities.**

4) Reimbursement of eligible relocation costs:

- a) Copy of Relocation Payment Checks**
- b) Copy of Executed Relocation Claim Forms**
- c) Copy of the Approval Authorization of Payment Amount**

Any deviation from or change in the above described procedure must be approved by the State Right of Way Administrator in the Atlanta General Office.

ITEM IV

The **COUNTY**, at **COUNTY** expense, will ensure the demolition and removal in their entirety of all buildings, walls, fences, gates, underground storage tanks, signs, or any other improvements and structures of any nature or description, lying wholly or partially situated within the right of way and/or easement area, whether surface or subsurface. The demolition and removal shall be in accordance with procedures approved by the **DEPARTMENT**. The **DEPARTMENT** will not remove any improvements or structures as clearing and grubbing items. This is a reimbursable expense to the **COUNTY** except when the **COUNTY** performs any demolition by **COUNTY** forces. The **DEPARTMENT** will only reimburse demolition performed by fee contractors, supported by appropriate, verifiable paid receipts.

Any and all contaminated properties will require the **DEPARTMENT's** approval before being acquired by the **COUNTY**. Removal of underground tanks and other hazardous materials will be in accordance with all current Environmental Protection Agency (EPA), Environmental Protection Division (EPD), State and Federal regulations, laws and procedures.

ITEM V

The **COUNTY** has the authority to approve a counter offer or an administrative settlement up to \$20,000 or 10% above the approved Fair Market Value. On legal settlement authority for condemned parcels, the **COUNTY** authority level is 20% or \$20,000, whichever is greater. All other counter offers, administrative settlements and legal settlement authority on condemned parcels must be reviewed and approved by the **DEPARTMENT**, if the **DEPARTMENT** is to participate in any increased expense. Any modification whatsoever or any special provision included as an agreement to any document must first be approved and appropriately accepted by the **DEPARTMENT**. The DLGC in the **Thomaston District Office** will function as the **COUNTY** liaison with the **DEPARTMENT**. All counter offers, check requests, and any matters to be considered for agreement will be submitted through the DLGC. Once a determination has been made by the General Office, the DLGC will notify the **COUNTY**, in writing, of either approval or rejection of the submitted proposal. The **DEPARTMENT** will not participate in any portion of a counter proposal which is closed prior to **DEPARTMENT** review, approval and acceptance.

ITEM VI

During the life of this contract and prior to completion of the construction work and final acceptance of the project by the **DEPARTMENT**, the **COUNTY** agrees not to use convict labor in any way on the project.

ITEM VII

Once the environmental clearance is obtained and the right of way plans are approved, the **COUNTY** can begin non-reimbursable, pre-acquisition activities; however, no offers can be made until: an acceptable project cost estimate has been submitted, reviewed and approved; ROW funds have been authorized in accordance with CFR 23.710.307; and, the **DEPARTMENT** has issued a Notice to Proceed to the **COUNTY** for any eligible, reimbursable right of way acquisition activities.

The **COUNTY** agrees to defend, at **COUNTY** expense, any and all suits, if any should arise, involving property titles and/or contaminated properties associated with the acquisition of Rights of Way by deed or condemnation.

ITEM VIII

The **COUNTY** will, as required by law, proceed within fifteen (15) days after being notified by the **DEPARTMENT** to acquire the Rights of Way for said project free of all encumbrances by gift, deed, easements or condemnation in accordance with the approved plans.

ITEM IX

The **COUNTY** will, in the right of way acquisition procedure, observe and comply with Title 49 Code of Federal Regulations Part 24; Title 23 Code of Federal Regulations Part 710; Georgia Laws 1972, p. 931, as amended; and, in accordance with the requirements as outlined in the Relocation Assistance Manual prepared by the **DEPARTMENT**. The **COUNTY** will be responsible for making payments to owners as required under this procedure for any incidental expenses for the transfer of real property for rights of way purposes and any other moving and relocation expenses as required under the law and determined to be proper by the **DEPARTMENT**. Appeals of relocation assistance benefits will be submitted to the Department for review. Response to an appeal will be the responsibility of the **DEPARTMENT**. The **COUNTY** will, in their acquisition of the right of way, comply with the procedures set forth in Attachment No. 1 - Memorandum of Instructions, attached. During the performance of this Contract, the **COUNTY** will also comply with the Regulations of the U. S. Department of Transportation relative to nondiscrimination in State Aid or Federally-assisted programs of said Department in accordance with the stipulations as indicated under Appendix "A", attached.

The **COUNTY** shall also comply with all provisions as set forth in ADDENDUM 1, GDOT TITLE VI Assurances as attached, inclusive of APPENDIX A, APPENDIX B and APPENDIX C of attached ADDENDUM 1.

ITEM X

Where determined to be desirable, the **COUNTY** will provide rodent control measures as required by the U. S. Department of Transportation prior to the demolition or removal of improvements located within the right of way of the project. The measures employed shall be in accordance with procedures approved by State and Local laws and regulations governing rodent control. These costs are not reimbursable.

ITEM XI

This Agreement sets forth the entire understanding between the Parties relating to the subject contained herein and supersedes all prior oral and written understandings, arrangements and agreements between the parties relating thereto. It is understood that no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless evidenced by an amendment to this Agreement signed by both the DEPARTMENT and the COUNTY.

ITEM XII

The **COUNTY** shall maintain all books, documents, papers, accounting records, and other evidence pertaining to costs associated with this Agreement and used in support of its activities and shall make such material available at all reasonable times during the period of this Agreement, and for three years from the date of final payment under this Agreement, for inspection by the GDOT, and any reviewing agencies, and copies thereof shall be furnished upon request.

ITEM XIII

TIME IS OF THE ESSENCE IN THIS CONTRACT.

UNLESS OTHERWISE AMENDED BY THE MUTUAL AGREEMENT OF THE PARTIES HERETO, THIS CONTRACT WILL EXPIRE NO LATER THAN THE CONCLUSION OF FY2020.

IN WITNESS WHEREOF, this instrument has been and is executed on behalf of the **DEPARTMENT OF TRANSPORTATION** by the Commissioner and on behalf of _____ **COUNTY** by _____, being duly authorized to do so by the Board of Commissioners of said **COUNTY**.

Executed on Behalf of the
DEPARTMENT OF TRANSPORTATION
this _____ day of _____, 20 ____.

APPROVED:

COMMISSIONER

ATTEST
DEPARTMENT OF TRANSPORTATION:

TREASURER

Executed on Behalf of
_____ **COUNTY**
this _____ day of _____, 20 ____.

CHAIRMAN

_____ **COUNTY BOARD**
OF COMMISSIONERS

This Contract approved by the
County Commission at a meeting
held at _____

the _____ day of _____, 20 ____.

CLERK OF THE BOARD OF
COMMISSIONERS

Witness for the **COUNTY:**

RESOLUTION OF THE COUNTY

STATE OF GEORGIA

FAYETTE COUNTY

BE IT RESOLVED by the FAYETTE COUNTY Board of Commissioners and it is hereby resolved, that the foregoing attached Agreement, relative to Project P.I. 0012878, **WEST FAYETTEVILLE PATH FROM SR 54 TO CS 894/LESTER ROAD**, located in FAYETTE COUNTY be entered into by the FAYETTE COUNTY Board of Commissioners, and that _____ as Chairman, and _____ as Clerk, be and they are, thereby authorized and directed to execute the same for and in behalf of said Board of Commissioners.

PASSED AND ADOPTED, this _____ day of _____, 20 ____.

ATTEST:

CLERK

BY: _____

STATE OF GEORGIA
FULTON COUNTY

I, _____ as Clerk of the County Commissioners do hereby certify that I am custodian of the books and records of the same, and that the above and foregoing copy of the original is now on file in my office, and was passed by the County Commissioners.

Witness by hand and official signature, this the _____ day of _____, 20 ____.

BY: _____
CLERK

ATTACHMENT NO. 1**MEMORANDUM OF INSTRUCTIONS**

These instructions are to set forth the procedures necessary for the Political Subdivisions of the State of Georgia to follow when acquiring right of way on highway projects where it is proposed to acquire or construct said project with Federal participation. The Political Subdivision shall make every effort to acquire expeditiously all real property when authorized to proceed.

The Political Subdivision may, when they consider it appropriate, attempt to secure the right of way by donation. To assure the property owner is fully informed of his rights, the request for donation must be made in writing and also set forth that they are entitled to full just compensation, if they so desire. A letter prepared by the Department will be made available to use as a guide. If a property owner requests payment of just compensation, the provisions of paragraph one (1) must be followed.

Nothing herein shall be construed to prevent a person whose real property is being acquired from making a gift or donation of such property, or any part thereof, or of any compensation paid therefore, after such person has been fully informed of his right to receive just compensation for the acquisition of his property.

1. At the initiation of negotiations each owner must be fully informed of his right to receive just compensation for the acquisition of his property. In order to assure just compensation is being offered, the following steps must be taken:
 - A) A General Certified Appraiser, who is on the Department's approved list, must utilize an appropriate valuation method (appraisal/data book/cost estimate) as determined by the Department.
 - B) The appraiser must give the owner or his designated representative an opportunity to accompany him during his inspection of the property. A statement is to be in the report that this opportunity was provided.
 - C) The report must be adequately documented to support the conclusion of the appraiser and shall be prepared in accordance with the guidelines set forth by the Department.
 - D) The Department must review the appraisal and approve in writing the estimated amount of just compensation to be offered to the property owner.
 - E) The offer must be made in writing for the full amount of the aforesaid estimate of just compensation. Where appropriate, the written offer must state separately the amount for the real property being acquired and the amount attributable to damages to the remaining property
2. No person occupying real property shall be required to move from his home, farm, or business without at least three (3) months written notice.
3. The Department will furnish copies of letters, settlement and disbursements statements and such other forms, as it may deem necessary or desirable.
4. Copies of all letters, forms, deeds and status reports used in the acquisition of Rights of Way for this project must be forwarded to the Department upon request, for future reference.

5. The County will be responsible for determining benefits and preparing relocation assistance packages. Packages must be submitted to the Department for review and approval prior to offers of benefits being made.
6. Any consultant contracted for negotiation services for the acquisition of right of way for the COUNTY must hold either a Real Estate License and be affiliated with a broker, or hold a Real Estate Broker's License in accordance with OCGA Title 43 Chapter 40 unless identified as an exception under OCGA 43-40-29. Said consultant must attend any present and all future mandatory training classes required by the **DEPARTMENT**.

APPENDIX “A”

- A. **COMPLIANCE WITH REGULATIONS:** The contractor shall comply with the regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Codes of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the regulations), which are herein incorporated by reference and made a part of this contract.
- B. **NONDISCRIMINATION:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color or national origin in the selection and retention of sub-contractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the regulations, including employment practices when the contract covers a program set forth in APPENDIX “B” of the regulations.
- C. **SOLICITATIONS FOR SUB-CONTRACTS, INCLUDING PROCUREMENT OF MATERIALS AND EQUIPMENT:** In all solicitation either by competitive bidding or negotiation made by the contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the regulations relative to nondiscrimination on the grounds or race, color or national origin.
- D. **INFORMATION AND REPORTS:** The contractor shall provide all information and reports required by the regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- E. **SANCTIONS FOR NONCOMPLIANCE:** In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, the State Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
1. Withholding of payments to the contractor or under the contract until the contractor complies, and/or
 2. Cancellations, termination or suspension of the contract, in whole or in part.
- F. **INCORPORATION OF PROVISIONS:** The contractor shall include the provisions of Paragraphs “A” through “F” in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contract or procurement as the State Department of Transportation or Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request the State Department of Transportation to enter into such a result of such direction, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

GDOT Title VI Assurances

The Georgia Department of Transportation (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation- Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal Aid Highway Program.

1. That the Recipient agrees that each "program" and each "facility" as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with Federal Aid Highway and in adapted form in all proposals for negotiated agreements:

"The Georgia Department of Transportation in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d-42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award."
3. That the Recipient shall insert the clauses of Appendix A of this Assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over, or under such property.

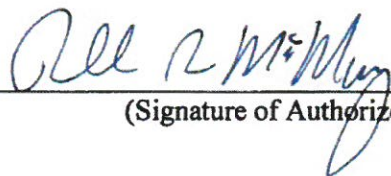
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal Aid Highway Program.
8. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program, as are found by the State Secretary of Transportation or the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub- grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

8-7-15

Date

(Recipient)

by 
(Signature of Authorized Official)

Attachments: Appendices A, B and C.

The text below, in its entirety, is in all contracts entered into by GDOT. All of the text except the final section, entitled "Incorporation of Provisions," should be included in any contract entered into by any GDOT contractor.

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "Contractor"), agree as follows:

1. Compliance with Regulations

The Contractor shall comply with the Regulations relative to nondiscrimination in federally- assisted programs of the Department of Transportation (hereinafter referred to as DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination

The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of material and leases of equipment. The Contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the Contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, or national origin.

4. Information and Reports

The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Georgia Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the Georgia Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance

In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the Georgia Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. Withholding of payments to the Contractor under the contract until the Contractor complies; and/or
- b. Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions

The Contractor shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The Contractor shall take such action with respect to any subcontract or procurement as the Georgia Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance:

Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the Georgia Department of Transportation to enter into such litigation to protect the interests of the Georgia Department of Transportation and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B (of ADDENDUM 1)

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures, or improvements thereon, or interest therein from the United States.

Granting Clause

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Georgia Department of Transportation will accept Title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. .2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Georgia Department of Transportation all the right, Title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

Habendum Clause

TO HAVE AND TO HOLD said lands and interests therein unto Georgia Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Georgia Department of Transportation, its successors and assigns.

The Georgia Department of Transportation, in consideration or the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and]* (2) that the Georgia Department of Transportation shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.¹

¹ Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C (of ADDENDUM 1)

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Georgia Department of Transportation pursuant to the provisions of Assurance 7

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The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land, that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

*[Include in licenses, leases, permits, etc.]**

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the lease, and to re-enter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

*[Include in deed.]**

That in the event of breach of any of the above nondiscrimination covenants, Georgia Department of Transportation shall have the right to reenter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Georgia Department of Transportation and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Georgia Department of Transportation pursuant to the provisions of Assurance 6(b).

The LESSEE for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or he otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of, race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations. Department of Transportation, SubTitle A, Office of the Secretary. Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation- Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

*[Include in licenses, leases, permits, etc.]**

That in the event of breach of any of the above nondiscrimination covenants, The STATE shall have the right to terminate the [license, lease, permit, etc.] and to reenter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

*[Include in deeds]**

That in the event of breach of any of the above nondiscrimination covenants, The STATE shall have the right to reenter said land and facilities there-on, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Georgia Department of Transportation and its assigns.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.



GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT AFFIDAVIT

Contract No. and Name: P.I. 0012878
WEST FAYETTEVILLE PATH FROM SR 54 TO CS 894/LESTER ROAD
 Name of Contracting Entity: FAYETTE

By executing this affidavit, the undersigned person or entity verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with the Georgia Department of Transportation has registered with, is authorized to participate in, and is participating in the federal work authorization program commonly known as E-Verify,* in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91.

The undersigned person or entity further agrees that it will continue to use the federal work authorization program throughout the contract period, and it will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the undersigned with the information required by O.C.G.A. § 13-10-91(b).

The undersigned person or entity further agrees to maintain records of such compliance and provide a copy of each such verification to the Georgia Department of Transportation at the time the subcontractor(s) is retained to perform such service.

EEV / E-Verify™ User Identification Number _____

_____ Date of Authorization

BY: Authorized Officer or Agent _____
 (Name of Person or Entity)

_____ Date

_____ Title of Authorized Officer or Agent

_____ Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN
 BEFORE ME ON THIS THE

_____ DAY OF _____, 201__

[NOTARY SEAL]

_____ Notary Public

My Commission Expires: _____

* or any subsequent replacement operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603

INTERGOVERNMENTAL AGREEMENT
FOR THE ALLOCATION OF AWARDED FUNDS FROM THE TRANSPORTATION
ALTERNATIVES PROGRAM

This Agreement is made by and entered into this 17th day of April, 2014 by and between FAYETTE COUNTY, a political subdivision of the State of Georgia and CITY OF FAYETTEVILLE, a political subdivision and municipality of the State of Georgia, acting by and through its Mayor and Council, hereinafter referred to as the "City", each of whom has been duly authorized to enter into this Agreement to provide for the distribution of federal funds awarded through the Atlanta Regional Commission's (ARC) Transportation Alternatives Program (TAP).

WHEREAS, Fayette County, on behalf of the City, applied for and received an award from ARC for TAP funds to assist with the design and construction of a multi-use bridge and accompanying path system (the Project); and

WHEREAS, Fayette County has applied for and received "Qualification Certification" to administer federal aid projects and meets the eligibility requirements set forth in the Locally Administered Projects (LAP) Manual; and

WHEREAS, Fayette County and the City both realize that time is of the essence with TAP funds and seek to initiate the Project without undue delay; and

NOW THEREFORE, in consideration of the conditions as hereinafter provided, Fayette County and the City hereby agree as follows:

GENERAL

1. As the Project sponsor, Fayette County agrees to receive the awarded federal funds from GDOT for the Project and distribute said funds within 14 calendar days to the City for work completed and submitted in accordance with the terms and conditions specified in the Project Framework Agreement (PFA) between Fayette County and GDOT. A copy of the PFA is provided as **Attachment A** for reference.
2. The City shall be fully responsible for execution of the Project including preliminary engineering, right of way acquisition, and construction costs.
3. The City shall be fully responsible for payment of all local funding match requirements specific to the Project, as well as potential repayment of any expended federal funds if the Project does not proceed forward due to a lack of available funding in future Project phases, change in local priorities or cancellation of the Project by the City without concurrence by GDOT.

SCHEDULE

4. Time is of the Essence. Fayette County and the City agree to adhere to the schedule of activities provided in the PFA and incorporated herein by reference. In the completion of respective commitments contained herein, if a change in the schedule is needed, the City shall notify the County in writing of the proposed schedule change. If both concur, Fayette County shall then request approval of the change from GDOT, who will acknowledge the change through written

response letter; provided that GDOT shall have final authority for approving any change. GDOT may delay Project implementation if the City does not produce acceptable deliverables in accordance with the Project schedule.

INDEMNIFICATION

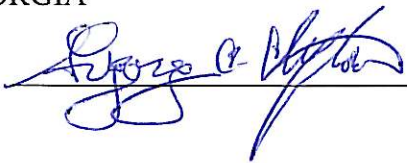
To the fullest extent permitted by law, the City agrees to hereby and does defend, hold harmless and indemnify the County and its officers, directors, employees, agents and representatives from and against any and all claims, damages, demands, actions, judgments, losses, costs, penalties, liabilities, assessments and expenses including, but not limited to attorney's fees, incurred or suffered by the County that arise out of, or result from, the performance of the Work, which are not incurred or suffered due to the negligence of the County.

IN WITNESS THEREFORE, parties have hereunto set their hands and affixed their seals the day and year as first above written.


. **{Signatures Appear on the Following Page}**

CITY OF FAYETTEVILLE,


GEORGIA

BY: 

(SEAL)

Attest: 

FAYETTE COUNTY, GEORGIA

BY: 

(SEAL)



Attest: 

ATTACHMENT A

Framework Agreement between the Georgia Department of Transportation
and FAYETTE County for PI 0012878

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's request to execute the Design Build Memorandum of Understanding (MOU) between the Georgia Department of Transportation and Fayette County Water System and authorization for the Chairman to execute the contract and related documents.

Background/History/Details:

The Starr's Mill Path Project #6220G has transitioned into GDOT PI # 0012624 Design Build Multi Use Path - Redwine Road and Starr's Mill Complex. Under Option 2 in Section 3B, the GDOT contractor would absorb any costs for relocation of facilities if necessary. While no conflicts are evident, field conditions could warrant a potential relocation.

The MOU is provided as backup.

What action are you seeking from the Board of Commissioners?

Approval of staff's request to execute the Design Build Memorandum of Understanding (MOU) between the Georgia Department of Transportation and Fayette County Water System and authorization for the Chairman to execute the contract and related documents.

If this item requires funding, please describe:

None required under 3B, Option 2.

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:

GDOT Design-Build Project Utility Analysis



Project Contact Person - Name Matt Bergen Phone 770-320-6020 E-Mail mbergen@fayettecountyga.gov
 County: Fayette Project #: 0012624 Utility Owner Name: Fayette County Water System Date 3/23/17

Form Purpose

The purpose of this form is to provide proposing Design-Build teams with some additional information regarding possibly affected utilities. This form is in addition to SUE plans and MOUs; and is provided for information only. Days included in this form are Calendar Days. By providing as much of the requested information on one form below for each utility owner, it is expected to reduce some inquiries made by the proposing Design-Build teams by providing consistent information to all proposed bidders.

Existing Conditions (Please complete additional forms for multiple facilities)

- General locations, to include material sizes, casings and other pertinent information: 12" DIP water main along Redwine Road in the right of way.
Gaps in infrastructure exist along proposed route.
- Has the SUE information been verified? ☒ No ☐ Yes
- To the best of your knowledge are there any discrepancies in the SUE information? ☒ No ☐ Yes
 If so, please list: _____
- To the best of your knowledge has anything been changed/added since SUE was completed? ☒ No ☐ Yes
 If yes please list: _____

Proposed Resolutions

- Describe potential conflict points: No potential conflict points have been identified.
- Is there a potential for facilities to be retained? ☐ No ☒ Yes
- Utility information was verified by: Utility Plat Maps/Records ☒ Yes ☐ No Field Located and Surveyed: ☐ Yes ☐ No
- Will test holes be recommended? ☒ No ☐ Yes

Resolution Conditions (As Determined by the Utility Owner)

- Utility Facility is in: ☐ GDOT R/W ☒ Other Public R/W ☐ Easement (attach) ☐ Not in R/W ☐ TBD
 - Seasonal and/or Contractual Limitations? ☒ No ☐ Yes If yes, Describe: _____
 - Do you have any material requirements? ☐ No ☒ Yes, list any utility owner material special requirements or comments:
Pipe replacement must be Class 300 or better DIP.
- Who has material cost responsibility? Utility Owner ☐ DB Contractor ☒
- Estimated number of days required to perform relocation activities: Design: 0 Days Construction: 0 Days
 - Are there Construction Details and/or design manuals unique to this location? ☒ No ☐ Yes, describe: _____
 - Utility facility can only be disconnected for: 0 Days ☒ Hours ☐
 - Estimated Conceptual Cost: Design \$ _____ + Construction \$ _____ = \$ _____
 (Please refer to the MOU for cost responsibility)

Comments Section/Notes: No conflicts are expected on this design build project.

Disclaimer: This form is provided for information only. All attempts have been made to provide reliable information based on the Design-Build costing plans or other Design-Build scoping documents. Refer to the contract documents, which include the Utility MOUs, for the scope of work and for specific contract requirements.

Georgia DOT Project: Design Build Multi Use Path - Redwine Rd and Stars Mill Complex
GDOT P.I. 0012624

DESIGN-BUILD MEMORANDUM OF UNDERSTANDING

between the
Georgia Department of Transportation (hereafter the DEPARTMENT)
and
Fayette County Water (hereafter the OWNER)

Whereas GDOT, hereafter referred to as the DEPARTMENT proposes to undertake a design-build project hereafter referred to as PROJECT to build a 10-ft wide multi-use path along Redwine Road between Foreston Place and Preserve Place, Segment 1, east side of the road (a distance of 3,600 feet) and a similar multi-use path between New Haven Drive and Birkdale Drive, Segment 2, east side of the road (a distance of 4,300 feet). Segment 2 includes crossing improvements near Quarters Road and Birkdale Drive in Fayette County, Georgia by contract through competitive bidding procedures; and,

Whereas the DEPARTMENT will accomplish the PROJECT through a Design Consultant, Design Consultant Team and/or Contractor, hereafter referred to as CONTRACTOR; and the utility owner hereafter referred to as the OWNER, and

Whereas, where OWNER has property rights ("Prior Rights") at the location of the PROJECT, OWNER will provide written evidence as to said prior rights within the area and will provide written documentation of prior rights relating to any individual crossing or Utility Facility, at the location of the PROJECT; and

Whereas, OWNER acknowledges that, generally, absent a showing of prior rights, the costs of relocation, protection, removal, or adjustment performed by OWNER shall be borne by OWNER; and

Whereas, pursuant to O.C.G.A. § 32-6-170(b), DEPARTMENT is authorized to pay or participate in the payment of the costs of relocation, protection, or adjustment of OWNER'S facilities where DEPARTMENT has made the determination that (i) such payments are in the best interest of the public and necessary in order to expedite the staging of the design-build project; and (ii) the costs of the removal, relocation, protection, or adjustment of such facilities are included as part of the Contract between the Department and the Department's roadway contractor for the design-build project; and

1. Type of Utility

OWNER has the following utility facilities which may need to be adjusted or relocated as a result of the proposed PROJECT:

Type of facility or facilities of OWNER:

- ☒ Domestic water mains and distribution lines and associated appurtenances
- ☐ Sanitary Sewer facilities and/or Storm Drainage System
- ☐ Electrical Distribution (overhead and underground) wires, poles, etc.
- ☐ Electrical Transmission (overhead and underground) wires, poles, etc.
- ☐ Natural Gas Distribution Facilities (underground)
- ☐ Natural Gas Transmission Facilities (underground)
- ☐ Petroleum Pipeline (underground)
- ☐ Telecommunications facilities and equipment
- ☐ Cable TV facilities
- ☐ Street Lighting

____ Internet Data Service
____ Other Facilities (Description) _____

2. New Utility Facilities Proposed (Betterment)

OWNER desires the following to be installed as new additional facilities within the PROJECT.
Insert here or attach a detailed description of proposed new additional utility installations:

____ None. _____

3. Assignment of Responsibilities for Design and Construction

This MEMORANDUM OF UNDERSTANDING and the following shall serve as a *basis* for assignment of responsibilities and costs for the DEPARTMENT, CONTRACTOR and the OWNER to enter into a Standard Utility Agreement (SUA) or Contract Item Agreement (CIA), if necessary, with OWNER once the PROJECT is awarded to the CONTRACTOR. For a PROJECT implementation, GDOT will not have in its possession exact costing plans to be utilized to determine exact locations of the removal, relocation, protection, or adjustment. However, Overhead/Subsurface Utility Engineering (SUE) investigations plans exist providing the best information and signifying the layout of known existing facilities. Please use these plans for developing the final determination of services as indicated below. The CONTRACTOR developed plans will be provided to the OWNER after the design build project is awarded by GDOT which shall be used by the CONTRACTOR as the final basis for the SUA or CIA. **Betterment costs will be the OWNER'S responsibility.**

NOTE: Water and Sewer Design and Construction relocation work put in the contract will automatically be accomplished by the DEPARTMENT'S CONTRACTOR. The UTILITY OWNER will still have design approval authority. (No Pre-Approved Contractor/Consultant List required, leave page 6 blank). If you are a Water & Sewer Utility and choose to put your relocation Design and Construction in the contract, please check Design and Construction under Option 2 under 3B. Owner's electing to perform their own design, at their own cost, please select design under 3C.

OWNER hereby intends to:

- 3A. OWNER, at the DEPARTMENT'S cost through an Agreement, will provide the following services for the properties for which it has established prior rights (Check to signify):

Design _____
Construction _____

- 3B. OWNER, at the CONTRACTOR'S cost, for any removal, relocation, protection, adjustment and/or design (Regardless of Prior Rights) will allow their facilities to be placed into the DEPARTMENT'S contract for the following services pursuant to O.C.G.A. § 32-6-170(b). The CONTRACTOR will add the removal, relocation, protection, materials, adjustment and/or design cost, excluding betterment, to the overall PROJECT's cost. (Check to signify):

Option 1: OWNER wants the work to be performed by the OWNER's pre-approved Design Consultants and/or Contractors.

Design _____
Construction _____

Option 2: OWNER wants the DEPARTMENT'S CONTRACTOR to perform the design and/or construction. (Check to signify):

Design X
Construction X

If both are checked, please leave page 6 blank.

As per this section, all work necessary for the removal, relocation, protection, or adjustment of the described utilities in accordance with the plans when approved shall be included in the project contract and accomplished by the CONTRACTOR except as follows (Check none or list any work items to be performed by the OWNER)

None X

Excluded Items _____

Comments: _____

- 3C. OWNER, at OWNER'S cost, will provide the following services (Check to signify):

Design _____
Construction _____

The following is hereby mutually agreed to and understood by both parties:

1. The identification of existing facilities including preparation of Overhead/Subsurface Utility Engineering (SUE) investigations plans will be accomplished by the DEPARTMENT prior to award of the PROJECT and thereafter supplemented by the CONTRACTOR.
2. The CONTRACTOR shall coordinate reviews of the utility relocation information and obtain acceptance from the OWNER and DEPARTMENT when required. However; the OWNER shall apply for and obtain any required permits from the DEPARTMENT and perform any final design or proprietary design needed to administer its own relocation work if the work will not be included in the contract. If the preliminary plans indicate that no conflict exists, and the OWNER concurs with this information, the OWNER shall provide a letter of "no conflict" to the CONTRACTOR.
3. After award of the PROJECT, the CONTRACTOR will research any claimed compensable property interest for each OWNER claiming prior rights under section 3A and present the findings to the DEPARTMENT and OWNER for approval. The plans and estimate for the utility work shall be subject to approval of both the DEPARTMENT and the OWNER prior to construction. If the OWNER chooses to perform its own relocations and the OWNER holds no property interest as stated above; the OWNER shall confirm in writing that the OWNER will relocate its own facilities at no cost to the DEPARTMENT or the CONTRACTOR.
4. All construction engineering and contract supervision shall be the responsibility of the DEPARTMENT and the CONTRACTOR to ensure that all utility work included in the contract is accomplished in accordance with the PROJECT's plans and specifications. The CONTRACTOR will consult with the OWNER before authorizing any changes or deviations which affect the OWNER's facility.
5. For utility work included in the contract, the CONTRACTOR shall ensure that the design/construction and installation of the OWNER'S facilities is performed by a contractor/design consultant pre-approved/registered with both the DEPARTMENT and the OWNER. For any work included in the contract, excluding water and sewer, the OWNER will provide a list of pre-approved/registered contractors/design consultants on page 6 of the MOU.
6. For Utility work included in the contract, the OWNER or the OWNER's Consultant shall have the right to visit and inspect the work at any time and advise the CONTRACTOR and the DEPARTMENT'S Engineer of any observed discrepancies or potential issues. The DEPARTMENT agrees to notify the OWNER when all utility work is completed and ready for final inspection by the OWNER.
7. Upon Maintenance Acceptance or Final Acceptance of the utility work included in the contract and upon certification by the DEPARTMENT'S Engineer and the OWNER that the work has been completed in accordance with the plans and specifications, the OWNER will accept the adjusted, relocated, and additional facilities and will thereafter operate and maintain said facilities located within the PROJECT right of way subject to the DEPARTMENT'S Utility Accommodations Policy and Standards Manual (UAM), current edition" and any agreements in effect without further cost to the DEPARTMENT or its CONTRACTOR.
8. For the purpose of utility coordination, relocation and reimbursement matters, the OWNER shall cooperate with the CONTRACTOR in the same manner as if coordinating directly with the DEPARTMENT in accordance with the laws of the State of Georgia, the DEPARTMENT'S UAM and any agreements in effect between the DEPARTMENT and OWNER. The OWNER agrees to cooperate in good faith with the CONTRACTOR and to respond to all requests for information or meetings required to reach a resolution of any disputed items.

9. All Utility work included in the PROJECT's contract and Utility work completed by the OWNER that is reimbursed by the DEPARTMENT through an agreement shall be in accordance with the BUY AMERICA requirements of the Federal regulations (23 U.S.C. 313 and 23 CFR 635.410) all manufacturing processes for steel and iron products or predominantly of steel or iron (at least 90% steel or iron content) furnished for permanent incorporation into the work on this project shall occur in the United States. The only exception to this requirement is the production of pig iron and the processing, pelletizing and reduction of iron ore, which may occur in another country. Other than there exceptions, all melting, rolling, extruding, machining, bending, grinding, drilling, coating, etc. must occur in the United States.
- a. Products of steel include, but are not limited to, such products as structural steel piles, reinforcing steel, structural plate, steel culverts, and guardrail steel supports for signs, signals and luminaires. Products of iron include, but are not limited to, such products as cast iron frames and grates and ductile iron pipe. Coatings include, but are not limited to, the applications of epoxy, galvanizing and paint. The coating material is not limited to this clause, only the application process.
 - b. A Certificate of Compliance shall be furnished for steel and iron products as part of the backup information with the billing. The form for this certification entitled "Buy America Certificate of Compliance" is attached to this agreement as "Exhibit A." Records to be maintained by the Developer for this certification shall include a signed mill test report and a signed certification by each supplier, distributor, fabricator, and manufacturer that has handled the steel or iron product affirming that every process, including the application of a coating, performed on the steel or iron product has been carried out in the United States of America, except as allowed by this Section. The lack of these certifications will be justification for rejection of the steel and/or iron product or nonpayment of the work.
 - c. The requirements of said law and regulations do not prevent the use of miscellaneous steel or iron components, subcomponents and hardware necessary to encase, assemble and construct the above products, manufactured products that are not predominantly steel or iron or a minimal use of foreign steel and iron materials if the cost of such materials used does not exceed one-tenth of one percent (0.1%) of the total contract price or \$2,500.00, whichever is greater.

The Memorandum of Understanding will be incorporated into the project contract by reference or Exhibit.

APPROVED FOR THE OWNER BY:

(Signature)

(Date)

(Title)

APPROVED FOR THE DEPARTMENT BY:

(Signature)

(Date)

STATE UTILITIES ADMINISTRATOR

Pre-Approved Contractor List

Company Name:
Address:
Phone:
Contact Person:
E-Mail:

Company Name:
Address:
Phone:
Contact Person:
E-Mail:

Company Name:
Address:
Phone:
Contact Person:
E-Mail:

Please provide a minimum of three.

Pre-Approved Design Consultant List

Company Name:
Address:
Phone:
Contact Person:
E-Mail:

Company Name:
Address:
Phone:
Contact Person:
E-Mail:

Company Name:
Address:
Phone:
Contact Person:
E-Mail:

COUNTY AGENDA REQUEST

Page 55 of 142

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of the Public Arts Committee's request for Concept Approval to develop Lantern Parade educational events and host Lantern Parades in partnership with other community events.

Background/History/Details:

The beginning of the Lantern Parade in Georgia was on the Atlanta Beltline Eastside Trail in 2010 with a 2 mile walk at night. Since that time it has grown significantly. To walk in the Parade you must have a Lantern. Participants in the Parade can make their own lantern and decorate it. Some lanterns are a simple globe shape and others can be crafted to make almost any object (character, star, animals, etc.). The Lanterns are lit by LED tap lights.

There are several events that are potential partners for a Lantern Parade - Founders Day in Tyrone, the Christmas Parades, etc.. The Arts Committee can host Lantern Workshops to teach people how to make their Lantern. This is an art project that touches any age, any skill level. It is also an event that brings community together to participate in an activity that is creative, social and fun.

What action are you seeking from the Board of Commissioners?

Approval of Public Arts Committee's request for Concept Approval to develop Lantern Parade educational events and host Lantern Parades in partnership with other community events.

If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

FAYETTE COUNTY PUBLIC ARTS COMMITTEE - PROJECT REQUEST FORM

Project Code: PAC Approval

Project Name:

Lantern Parade

Estimated Total Cost:

Estimated Useful Life:

Project Description:

The beginning of the Lantern Parade in Georgia was on the Atlanta Beltline Eastside Trail in 2010 with a 2 mile walk at night. Since that time it has grown significantly. To walk in the Parade you must have a Lantern. Participants in the Parade can make their own lantern and decorate it. Some lanterns are a simple globe shape and others can be crafted to make almost any object (character, star, animals, etc.). The Lanterns are lit by LED tap lights.

There are several events that are potential partners for a Lantern Parade - Founders Day in Tyrone, the Christmas Parades, etc..

The Arts Committee can host Lantern Workshops to teach people how to make their Lantern. This is an art project that touches any age, any skill level. It is also an event that brings community together to participate in an activity that is creative, social and fun.

Department:

Public Arts Committee

Department Contact(s):

Donna Thompson, Chair

Start Date (estimate):

Completion Date (estimate):

Additional comments:

Anticipated Costs - Direct & Indirect

Materials	\$ Amount
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
Total project cost	\$0

Expenses	
Labor	Hours
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
Total Labor Hours	0.0

Equipment	Hours
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
Total Equipment Hours	0.0

Lantern Parade

Lanterns can be a simple globe shape that is decorated or they can be a very detailed design. This is a great project for any age and any skill level. It bring communities together to participate in a fun and creative event.



COUNTY AGENDA REQUEST

Page 58 of 142

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of the Final Project and Budget for the expanded 4th Annual Scarecrow Competition.

Background/History/Details:

This will be the fourth year of the Scarecrow Competition. It allows participants from across Fayette County to create a Scarecrow for display in October. In 2017 the Arts Committee is expanding the Scarecrow Competition to include a preliminary competition in the Cities. Citizens will participate in the city that is represented by their home address. There will be three winners selected from each of the City competitions and they will advance to the Countywide Scarecrow Competition at the Stonewall Complex.

The preliminary competitions will be at the cost of each participating City. Costs at the City level will include posts and prizes for their three winners. FCPAC will assist with promotion of the event, provide shredded paper for stuffing Scarecrows and be on-site to assist with set-up. FCPAC will work closely with Cities and provide assistance as needed.

FCPAC will be responsible for the posts and prizes for the final Countywide competition. Posts are in storage for this event. Recommended prizes are 1st Place - \$200; 2nd - \$100; 3rd - \$75. By expanding the competition the event will have more participation and be more inclusive as a Countywide event. This event is open to all ages and all skill levels.

What action are you seeking from the Board of Commissioners?

Approval of the Final Project and Budget for the expanded 4th Annual Scarecrow Competition.

If this item requires funding, please describe:

Funding request is \$375 for Prize Awards for the final Countywide part of the competition. (1st - \$200; 2nd - \$100; 3rd - \$75)

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 PUBLIC ARTS COMMITTEE - PROJECT REQUEST FORM

Project Code: PAC Approval

Project Name:

Scarecrow Competition

Estimated Total Cost:

Estimated Useful Life:

Project Description:

This will be the fourth year of the Scarecrow Competition. It allows participants from across Fayette County to create a Scarecrow for display in October. In 2017 the Arts Committee is expanding the Scarecrow Competition to include a preliminary competition in the Cities. Citizens will participate in the city that is represented by their home address. There will be three winners selected from each of the City competitions and they will advance to the Countywide Scarecrow Competition at the Stonewall Complex. The preliminary competitions will be at the cost of each participating City. Costs at the City level will include posts and prizes for their three winners. FCPAC will assist with promotion of the event, provide shredded paper for stuffing Scarecrows and be on-site to assist with set-up. FCPAC will work closely with Cities and provide assistance as needed. FCPAC will be responsible for the posts and prizes for the final Countywide competition. Posts are in storage for this event. Recommended prizes are 1st Place - \$200; 2nd - \$100; 3rd - \$75. By expanding the competition the event will have more participation and be more inclusive as a County-wide event.

Department:

Public Arts Committee

Department Contact(s):

Donna Thompson, Chair
Jeff Mellin, project leader

Start Date (estimate):

Completion Date (estimate):

October, 2017

Additional comments:

Anticipated Costs - Direct & Indirect

Materials	\$ Amount
Prize 1st Place	\$200
Prize 2nd Place	100
Prize 3rd Place	75
Total project cost	\$375

Expenses	
Labor	Hours
Total Labor Hours	0.0

Equipment	Hours
Total Equipment Hours	0.0

Fayette County Public Arts Committee

Scarecrow Competition Guidelines & Entry Form

In 2017, the Scarecrow Competition will expand to include a preliminary competition in the Cities and winners selected from the Cities (1st, 2nd, 3rd) will then move to the Countywide Scarecrow Competition.

Contest Set-Up Dates:

City Competitions: September 30 - October 1, 2017

County-wide Competition: October 14-15, 2017

— Please read the following rules before completing your entry.

— Anyone can enter! Individuals, Groups, Families, Businesses, Organizations or Individuals are welcome



PRIZES AND RECOGNITION

City Competition - Cities will determine their prizes for the 1st, 2nd and 3rd Place winners.

Countywide Competition - The Final the prizes are 1st Place - \$200.00 2nd Place - \$100.00 3rd Place - \$75.00

JUDGING

Any identifying names on or around the Scarecrows will be covered during judging. All judging decisions are final.

City Competition - The Cities will be responsible for securing an unbiased judge to select their three winners (1st, 2nd, 3rd).

Countywide Competition - A "Scarecrow Expert" will judge all competitors and select a 1st, 2nd, and 3rd place for the County. These winners will be announced on October 28, 2017 following the Fayetteville Trick or Treat on Main Street. These winners will be recognized and awards presented at the November 9, 2017 Fayette County Board of Commissioners meeting.

LOCATION

City Competition - Cities will determine the location for their Scarecrows.

Countywide Competition - Heritage Park Fountain Plaza at 140 Stonewall Avenue Fayetteville, GA

SET-UP DATES

City Competitions: September 30 - October 1, 2017

County-wide Competition: October 14 -15, 2017

MATERIALS

The construction of the Scarecrows **must** be durable and all ornamentation securely attached as they may be subjected to severe wind/snow and/or rain. No water absorbent materials may be used for stuffing. No perishable goods may be used in the construction or display. Fayette County Government and/or the participating Cities reserve the right to remove any Scarecrow that does not hold up to natural elements.

City Competition - All scarecrow entries must remain on display from October 1 through November 4, 2017, with the exception of the 1st, 2nd, and 3rd place winners, who will move to the Countywide location.

Countywide Competition - All scarecrow entries must remain on display from October 15 through November 4, 2017.

ARMATURE AND DESIGN

- The Cities or County will supply metal posts in the ground for holding each scarecrow.
- The Fayette County Public Arts Committee will supply shredded paper on-site at both City and County locations.
- Participants are responsible for supplying all other materials.
- Participants are responsible for the installation of their scarecrow(s).
- Scarecrow design and type are completely up to the participants.
- Participants should bring a method for attaching the scarecrow, such as wire or rope.
- Shredded paper will be provided on-site that can be used as stuffing when placed inside plastic bags (either grocery bags or kitchen trash bags).

SIZE LIMIT

Maximum height of 10 feet. Maximum circumference area 8 feet. The entire structure should be the dimension of the scarecrow. Your exhibit may include more than one figure, but not more than three.

BUILDING OR DELIVERY OF SCARECROWS

- Participants may bring their Scarecrow fully assembled or assemble on-site at the City or County location.
- Participants are responsible for clean-up around their post after constructing their Scarecrow at either the City or County location.
- **City Competition:** Scarecrows must be completed by 5:00pm on Sunday, October 1, 2017.
- **Countywide Competition:** Scarecrows must be completed by 5:00pm on Sunday, October 15, 2017
- In the event of rain, contact the Arts Committee representative for alternate dates.

RESTRICTIONS

All entries are subject to limitations of space availability as well as the standards of display as established by Fayette County Public Arts Committee. The Fayette County Public Arts Committee reserves the right to deny entry privileges of displays considered offensive. Scarecrows must be in good taste and not reflect controversial / social / or political situations.

Neither the Fayette County Government, the Fayette County Public Arts Committee, their officers, agents, nor employees will be held responsible for any injury or damage associated with the 2017 Scarecrow Contest.

It is understood that Fayette County Government, the Fayette County Public Arts Committee, their officers, agents, and employees may use photographs of, stories about, and the actual scarecrow entries themselves and entrant names for publicity and promotion of the event.

ENTRY FEE - No fee.

ENTRY FORMS SHOULD BE SUBMITTED TO:

Public Arts Committee
Fayette County Administration Office
140 Stonewall Avenue, Suite 100
Fayetteville, GA 30214

Entries may be dropped off in person at the 140 Stonewall Avenue, Suite 100, Fayetteville, GA 30214 during regular business hours or emailed to fcpac@fayettecountyga.gov

DEADLINE FOR ENTRY FORM

Deadline for entry forms is September 22, 2017.

DURATION

City Competition - Entries will be on display to the public beginning Saturday, September 30, 2017 through Saturday, November 4, 2017

Note: The Arts Committee may 'refresh' any Scarecrows that are showing wear.

Countywide Competition - All City winners will be on display to the public beginning Saturday, October 14, 2017 through Saturday, November 4, 2017

PICK-UP

- Entries must be removed from either location (City or County) on Sunday, November 5, 2017.
- Entries not picked up by their owners after November 5 will become the property of The Fayette County Public Art Committee.

QUESTIONS

Call 770.305.5103 or email the Arts Committee at fcpac@fayettecountyga.gov

Fayette County Public Arts Committee

2017 SCARECROW COMPETITION - - ENTRY FORM

Participant: _____ Individual _____ Group _____ Organization
 _____ Family _____ Business

Participating Location: (city of residence) _____

Name of contact person _____

Name of business or organization _____

Name of scarecrow display _____

Address: _____

Phone: _____ Email: _____

I authorize the release of photos taken of the Scarecrow to the Fayette County Government and the Fayette County Public Arts Committee to use on their website, scrapbook, print advertising, or other media.

I have read and understand the rules and regulations, and I agree to participate in the Scarecrow Competition. I understand the required dates for the scarecrow(s) to be on display as described in the Guidelines.

The Fayette County Government reserves the right to ask that an offensive display be removed. If the owner or contact person fails to remove the offensive exhibit, the Fayette County Government will remove it.

In participation with the Scarecrow Competition, I do hereby understand and assume all risks and responsibilities for myself when installing the scarecrow. The Fayette County Government, the Fayette County Public Arts Committee, their officers, agents, and employees are not responsible for any damages made to my scarecrow.

Furthermore, I agree to, and will at all times, indemnify, save and hold harmless the Fayette County Government, the Fayette County Public Arts Committee, their officers, agents, and employees from all liability, claims, demands and cost of every kind and nature, including attorney's fees at trial or appellate levels and all court costs arising out of injury to, or death of persons, and damage to any and all property including loss thereof, resulting from or in a manner arising out of or in connection with activities or use of the town or county facilities during the Scarecrow Competition.

Signature: _____ Date: _____

Printed Name: _____

COUNTY AGENDA REQUEST

Page 64 of 142

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of the Water Committee's recommendation to approve the request for the Dragon Boat Races to be held at Lake McIntosh on September 22, 23, and 24, 2017.

Background/History/Details:

The City of Peachtree City plans to enhance the dam and spillway on Lake Peachtree. It will be necessary to lower the level of the lake for this work. The lowering of the lake is scheduled for late August or early September, 2017.

The Rotary Club Dragon Boat Races is an annual event raising thousands of dollars for local non-profit charities and is normally held on Lake Peachtree. Due to the dam and spillway project the Rotary Club is requesting the use of Lake McIntosh for the event this year. The Dragon Boat Race event was held at Lake McIntosh in 2015 and was a success.

What action are you seeking from the Board of Commissioners?

Approval of the Water Committee's recommendation to approve the request for the Dragon Boat Races to be held at Lake McIntosh on September 22, 23, and 24, 2017.

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:



Recreation & Special Events
202 Fieldhouse Drive
Peachtree City, GA 30269
www.peachtree-city.org/recreation

March 4, 2017

To Whom It May Concern;

I am sure you are aware of the City of Peachtree City plans to replace and enhance the dam and spillway on Lake Peachtree. This project has been in the making for several years, the design is nearly complete and a schedule for the work is on paper. As part of this project, it will be necessary to lower the level of the lake to accommodate the work to be done. The lowering of the lake is now scheduled for late August or early September.

Unfortunately, one of the largest events on Lake Peachtree is scheduled to take place September 23, 2017. The Rotary Club Dragon Boat Races is an annual event raising thousands of dollars for local non-profit charities. In order for this event to take place in 2017, the Rotary is requesting the use of Lake McIntosh. The event was held at Lake McIntosh in 2015 and the location was a nice temporary solution to the need for open water. Your assistance in accommodating the event in 2015 prevented a lapse in the fundraising efforts of the Rotary. On behalf of the Rotary, and as a representative of the City of Peachtree City, I would like to request the use of the Lake McIntosh for the 2017 race to be held the weekend of September 23, 2017. I have facilitated this event through our Special Events Department for several years and have found the Rotary to be a great, professional group of citizens to work with.

Attached is the completed application for your review, as well as a check for the fee. Upon your decision I ask that you notify me and George Martin so that planning can go forward. Thank you for your consideration in helping to keep the Rotary Club Dragon Boat Races successful for another year.

Best Regards,

Quinn L. Bledsoe
Recreation Administrator, Interim
Peachtree City Recreation and Special Event
202 Fieldhouse Drive
Peachtree City, GA 30269
770-631-2

BOARD OF COUNTY COMMISSIONERS

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

Consent #14

FAYETTE COUNTY, GEORGIA

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



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES

March 23, 2017

7:00 p.m.

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

Call to Order

Chairman Eric Maxwell called the March 23, 2017 Board of Commissioners meeting to order at 7:01 p.m. A quorum of the Board was present. Commissioner Brown was absent.

Invocation and Pledge of Allegiance by Chairman Eric Maxwell

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

Acceptance of Agenda

Commissioner Randy Ognio moved to accept the agenda as presented. Commissioner Rousseau seconded. The motion passed 4-0-1 with Commissioner Brown absent.

PROCLAMATION/RECOGNITION:

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

Commissioner Charles Rousseau recognized the Meals On Wheels program and its volunteers for the services provided in the County. Nancy Meaders, President and CEO of Fayette Senior Services and Natalie Hynson, Meals on Wheels Coordinator were present to accept the recognition. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

PUBLIC HEARING:

Community Development Director Pete Frisina read the *Introduction to Public Hearings for the Rezoning of Property*. A copy Introduction to Public Hearings for the Rezoning of Property, identified as "Attachment 2," follows these minutes and is made an official part hereof.

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

Mr. Frisina stated that this was a new zoning district being recommended for approval. He stated that it was a mixed use that allows for residential and associated business uses. He stated that the difference was that home occupations are allowed, but do not allow an outside structure or detached structure as the basis for the business; this zoning would allow such use. He stated that it also allows customers to come to the site which was also allowed under home occupation, but also allows limited employees to come to the site. He stated that the consideration before the Board was if this scenario would be useful in Fayette County. He stated that part of the recommendation was to create a large tract of land that would be used for the PUD with lot requirements of at least 15 acres to allow enough room for the structure behind the home. He stated that the business had to be conducted in that building and solely within the building and it had to be placed behind the home with sizable setbacks, interior and around the peripheral development that would require a 100 foot buffer. He stated that by requiring larger lots this ordinance would maintain the rural character of the county. He stated that the PUD was open and flexible for the developer and gives them the opportunity to create their own design and dimensional requirements. He stated that this was covered in the Summary of Intent that would be turned in with a Planned Unit Development (PUD) and would be part of what would be approved as well as a development plan. He stated that the vehicle size allowed was already in the current home occupation requirements, stipulations on the number of employees that could be present, the distance from the home structure and the building structure and architectural requirements are all included as part of the requirements.

The following spoke in favor of Ordinance 2017-03:
Jim Fulton and Debbie Lowe

Both Mr. Fulton and Ms. Lowe are realtors who spoke separately in favor of this request. They stated that their individual clients wanted large lots and to have a business on the lot. They both asked that the Board approve the request.

The following spoke in opposition of Ordinance 2017-03:
Tiffany Hankson, a female resident of River Oaks Subdivision (name inaudible), Tim Arnold, Lillian Smith, Brian Gray, Derrick Jackson, James Spray, Tonya Miller, Tommy Hukan, John Reep and Cason Mekeal,

The concerns that were addressed are as follows:

1. That there was not enough information about what the property would look like if the zoning was approved.
2. Do not want commercial lots in the neighborhood and urged the Board to find better use of the property.
3. Want to keep the rural feel of the Town of Tyrone and that it does not become dense.
4. Do not want commercial zoning because it would impact traffic.
5. Not sure what the proposed zoning plan would involve.
6. Concerns regarding a large number of trucks in the area that would bring harm to the community and pollution to the air quality.
7. Concerns regarding the possibility of imminent domain, infrastructure changes, growth and maintaining the quality of life.
8. The lack of signs to tell citizens what was going to be voted on.
9. Consideration of the entire neighborhood.

Vice Chairman Randy Ognio stated that he would like to go over what was being proposed because he got the impression that the citizens had not seen the information provided on the website. He stated that there was a lot of information to restrict but that this ordinance was not to propose a commercial lot. He stated that this would be a residential lot to allow the homeowner to operate a business behind their home. He stated that the Planning Commission had done a good job in defining the requirements. He stated that the building being in sight would be an issue for him unless it would look like a barn or something of that nature. He stated that he understood the concerns expressed and

he was sorry that the citizens had not realized that they could visit the website to see the information presented to get a better understanding of what was being proposed. He stated that he was leaning in favor of the ordinance. He stated that one thing that he would like to clear up under "Item K" that talks about "owned and operated" by the occupant of the property. He stated that he would like to see the minimum house size spelled out and yet he would not want an situation where there was an older house that would have to be torn down to meet the minimum house size because he would like to maintain the character of the area. He stated that he would like to look at the driveways and if they are too close together can there be a shared driveway.

Commissioner Rousseau stated that what the Board was attempting to do was to create an ordinance where one does not exist and to set parameters in place that would protect the integrity as well as the quality of life that was mentioned by the citizens. He stated that since this was a new ordinance many might not know the definitions of PUD's and how they are shaped, conditional use permits and others. He stated that it was important to create more opportunities for residents and potential developer to have dialogue so that the fear factor of the unknown can be addressed. He commended the Planning Commission and Mr. Frisina for outlining and going through deep discussions about this ordinance. He encouraged residents to get a copy of the meeting package. He asked Mr. Frisina to explain what was included in a PUD.

Mr. Frisina explained the PUD to the audience. He stated that the Planned Unit Development (PUD) was to give the developer the flexibility to create a unique zoning category for a particular piece of property. He stated that it includes required minimum standards that would have to be met. He stated that the PUD has two components which are the development plans to include a drawing of the properties showing how it would be developed and a summary of intent where the developer proposes the dimensional requirements, restrictions within the property, the uses, the architectural and the size of the building.

Commissioner Rousseau asked who they would have to present that information to. Mr. Frisina stated that would be part of the rezoning package that would go to the staff for a recommendation, then to the Planning Commission for recommendation and would come before the Board of Commissioners for a final decision. Commissioner Rousseau asked if it was fair to say that a PUD was associated with large tracts that would identify with a subdivision. Mr. Frisina stated that there are residential subdivisions. He stated that its purpose was to develop large pieces of property.

Vice Chairman Ognio stated that was when citizens would see the signs posted.

Commissioner Rousseau stated that the Board was creating this zoning. He stated that staff had done a great job and asking very intimate questions about how this would work. He stated that the members of the Planning Commission are members of the community and would not want to do anything detrimental to the county. He recognized those Planning Commission members that were in attendance. He stated that he was making the comments to allay a degree of the citizen's fears about how the zoning was happening and that it was not just a developer dictating. He stated that he would like to propose a community session. He stated that if approved this would impact the entire county as well.

Commissioner Charles Oddo stated that this was a new zoning classification and not for a business. He stated that the zoning classification would be used throughout the county. He stated that this proposed ordinance gives the county the opportunity to control the growth due to the large tracts of land. He stated that without this there was the potential to build a lot of homes. He stated that there would be a lot of infrastructure that would have to be put in for homes versus a small business and so there was a lot of things to consider. He stated that this was not for retail business, but very low key businesses. He stated that he would like to include to control the drive access to the main road. He stated that he was prepared to vote.

Chairman Maxwell stated that this topic goes back to September 15, 2016. He stated that it had to go through stages before coming before the Board. He stated that it was approved by the Planning Commission with a 4-1 vote. He stated that he would agree with Commissioner Rousseau's suggestion to hold discussions. He stated that half of the comments made was that most spoke on the opposed side, but were not necessarily opposed to the ordinance they were just unsure of what was being proposed. Commissioner Maxwell mentioned that Commissioner Brown did have comments that he had left on the dais.

Commissioner Rousseau stated that the reason he was making the motion was because the citizens are conditioned to look for the "sign". He stated that they do not look to see that the Planning Commission has been meeting since September of last year working on this. He stated that the County needs to find a new mechanism to get as much engagement as possible before the night of a vote. He asked the County Attorney for guidance on how to make the motion to have staff work with residents to explain the steps and language of what was being proposed and to create two meetings to have the document explained.

County Attorney Dennis Davenport explained options for a motion. He stated that one option would be to table the item for a period of at least 30 to 60 days. He stated that would give the opportunities to hold the meetings. He stated that if it was tabled for 30 days, the next meeting would be April 25. He stated that when considering the opportunity for Mr. Frisina to put a work product together and meet deadlines internally, the 30 day tabling probably would not be sufficient. He stated that it would need to be tabled for at least 45 to 60 days. He stated that a second consideration would be to send it back to the Planning Commission. He stated that would allow for the same public hearing before the Planning Commission and then back to the Board of Commissioners again. He stated that process would take about 60 days. He stated that it would go before two bodies and give two opportunities for public hearings.

Commissioner Rousseau stated that he believes the venue of the Planning Commission was the perfect venue.

Commissioner Rousseau moved to send Ordinance 2017-03 back to the Planning Commission with the specific intent to allow more citizen education and awareness regarding the Ordinance. Commissioner Oddo seconded.

Mr. Davenport stated that based on the motion it would go back to the Planning Commission, but it is not limited to just allowing public comments. He stated that Vice Chairman Ognio has made substantive request as well and there may be others. He stated that the motion the way it was made would get it back to the Planning Commission to address the issues.

Commissioner Rousseau stated that would not prevent the Board from attending the meetings and sharing concerns. Mr. Davenport stated that the Board was always open to attend any public meeting.

Chairman Maxwell stated that he understood that Commissioner Rousseau wanted more than one meeting.

Commissioner Rousseau stated that scheduling was an issue or residents. He stated that two opportunities would not hurt, but he did not want to prolong the process. He reiterated that staff and the Planning Commission had done a good job, but that he could not move forward with the degree of uncertainty that exist with the citizens.

Mr. Rapson stated that there would be two meetings; the Planning Commission meeting and the Board of Commissioners meeting.

Commissioner Rousseau amended the motion to send Ordinance 2017-03 back to the Planning Commission meeting to be held on April 20, 2017 at a to-be-determined location with the specific intent to allow more citizen education and

awareness regarding the Ordinance. Commissioner Oddo amended the second. The motion passed 4-0-1 with Commissioner Brown absent. A copy of the request and Ordinance 2017-03, identified as "Attachment 3," follows these minutes and is made an official part hereof.

3. Consideration of Ordinance 2017-04, amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-3.-Definitions., Sec. 110-125. - A-R, Agricultural-Residential District., Sec. 110-142.- O-I, Office-Institutional District, Sec. 110-144. - C-H, Highway- Commercial District, and Sec. 110-169.-Conditional Use Approval, concerning A-R Bed And Breakfast Inn use.

Mr. Frisina stated that staff has been looking at the A-R district and have come up with some uses which included the wedding facility and the deer processing facility. He stated that this ordinance was another business to be added to the A-R district. He stated that this would allow for an A-R Bed and Breakfast. He stated that this requires a minimum 10 acres and it would be a conditional use. He stated that it limits the bed and breakfast to no more than 5 guest rooms and no more than 10 occupants. He stated that he has to go through the Environmental Health and Fire Marshal approvals and would give ability to control parking and they would have to be a registered tourist accommodations. He stated that the bed and breakfast would only be able to serve those who stay at the facility. He stated that he made changes that would happen in A-R and what would happen in the Office-Institutional and Commercial Districts. He stated that with the other two ordinance on the agenda, some of the terminology was not consistent and they are presented as housekeeping items in relation to this ordinance.

The following spoke in favor of Ordinance 2017-04:
Ingrid Moore Barnes

The following spoke in opposition of Ordinance 2017-04:
Derrick Jackson

Vice Chairman Ognio moved to approve Ordinance 2017-04 amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-3.-Definitions., Sec. 110-125. - A-R, Agricultural-Residential District., Sec. 110-142.- O-I, Office-Institutional District, Sec. 110-144. - C-H, Highway- Commercial District, and Sec. 110-169.-Conditional Use Approval, concerning A-R Bed And Breakfast Inn use with the change to the A-R Sec. 110-169 2F3 only to be "owner/operator". Commissioner Oddo seconded. The motion passed 4-0-1 with Commissioner Brown absent. A copy of the request, identified as "Attachment 4," follows these minutes and is made an official part hereof.

4. Consideration of Ordinance 2017-05, amendments to Chapter 22, Article III.-Hotel/Motel Excise Tax of the County Code concerning A-R Bed and Breakfast Inn use.

Mr. Frisina stated that this was a housekeeping measure so that the ordinance will be consistent.

No one spoke in favor or in opposition.

Vice Chairman Ognio moved to approve Ordinance 2017-05, amendments to Chapter 22, Article III.-Hotel/Motel Excise Tax of the County Code concerning A-R Bed and Breakfast Inn use. Commissioner Rousseau seconded. The motion passed 4-0-1 with Commissioner Brown absent. A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.

5. Consideration of Ordinance 2017-06, amendments to Chapter 8, Article VI.-Tourist Accommodations of the County Code concerning A-R Bed and Breakfast Inn use.

Mr. Frisina stated that this was a housekeeping measure so that the ordinance will be consistent.

No one spoke in favor or in opposition.

Commissioner Oddo moved to approve Ordinance 2017-06, amendments to Chapter 8, Article VI.-Tourist Accommodations of the County Code concerning A-R Bed and Breakfast Inn use. Vice Chairman Ognio seconded. The motion passed 4-0-1 with Commissioner Brown absent. A copy of the request, identified as "Attachment 6," follows these minutes and is made an official part hereof.

CONSENT AGENDA:

Commissioner Rousseau moved to approve the Consent Agenda as presented. Vice Chairman Ognio seconded. The motion passed 4-0-1 with Commissioner Brown absent.

- 6. Approval of the Election Office's request to enter into an Intergovernmental Agreement with the Town of Brooks allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Brooks in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.**
- 7. Approval of the Election Office's request to enter into an Intergovernmental Agreement with the City of Fayetteville allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Fayetteville in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement. A copy of the request, identified as "Attachment 8," follows these minutes and is made an official part hereof.**
- 8. Approval of the Election Office's request to enter into an Intergovernmental Agreement with the City of Peachtree City allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Peachtree City in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement. A copy of the request, identified as "Attachment 9," follows these minutes and is made an official part hereof.**
- 9. Approval of the Election Office's request to enter into an Intergovernmental Agreement with the Town of Tyrone allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Tyrone in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement. A copy of the request, identified as "Attachment 10," follows these minutes and is made an official part hereof.**
- 10. Approval of the Election Office's request to enter into an Intergovernmental Agreement with the Town of Woolsey allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Woolsey in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement. A copy of the request, identified as "Attachment 11," follows these minutes and is made an official part hereof.**

11. **Approval of staff's recommendation to approve Contract #940-P, Public Works Engineer of Record: Task Order #18 – Construction Management for Lee's Mill and Rising Star Culvert Replacements in the not-to-exceed amount of \$96,920 and to authorize the Chairman to sign the related documents. A copy of request, identified as "Attachment 12," follows these minutes and is made an official part hereof.**
12. **Approval of the March 7, 2017 Board of Commissioners Special Called Meeting Minutes.**
13. **Approval of the March 9, 2017 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

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

Vice Chairman Ognio stated that Commissioner Brown was absent and that he requested to have this item tabled to the April 13, 2017 Board of Commissioner meeting. Chairman Maxwell seconded. The motion passed 3-1-1 with Commissioner Oddo in opposition and Commissioner Brown absent. A copy of the request, identified as "Attachment 13," follows these minutes and is made an official part hereof.

NEW BUSINESS:

15. **Consideration of a recommendation from the Selection Committee, comprised of Commissioners Steve Brown and Charles D. Rousseau, to appoint Nancy Holland to the Fayette County Recreation Commission for an unexpired term beginning immediately and expiring March 31, 2020.**

Commissioner Rousseau moved to approve to appoint Nancy Holland to the Fayette County Recreation Commission for an unexpired term beginning immediately and expiring March 31, 2020. Vice Chairman Ognio seconded. The motion passed 4-0-1 with Commissioner Brown absent. A copy of the request, identified as "Attachment 14," follows these minutes and is made an official part hereof.

16. **Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Ognio and Commissioner Charles W. Oddo, to re-appoint Cathy Berggren to the Fayette County Department of Family and Children Services Board for a term beginning January 24, 2017 and expiring June 30, 2022.**

Commissioner Oddo stated that he and Vice Chairman Ognio were recommending Cath Berggren to be re-appointed to the Department of Family and Children Services Board. He stated that this was one of the hardest decisions and that the Selection Committee had to reconvene to discuss further.

Commissioner Oddo moved to approve to re-appoint Cathy Berggren to the Fayette County Department of Family and Children Services Board for a term beginning January 24, 2017 and expiring June 30, 2022. Vice Chairman Ognio seconded.

Vice Chairman Ognio stated that he agreed with Commissioner Oddo and there were outstanding candidates. He stated that they looked at how to add members to the Board. He stated that it was incredible the excitement they brought and willingness to serve.

Commissioner Oddo moved to approve to re-appoint Cathy Berggren to the Fayette County Department of Family and Children Services Board for a term beginning January 24, 2017 and expiring June 30, 2022. Vice Chairman Ognio seconded. The motion passed 4-0-1 with Commissioner Brown absent. A copy of the request, identified as "Attachment 15," follows these minutes and is made an official part hereof.

17. Consideration of the County Attorney's recommendation to approve a tax refund of personal and real property taxes to Calpis America Inc. for tax years 2014, 2015 and 2016 in the aggregated amount of \$29,452.87.

Mr. Davenport briefed the Board that the tax refund involved property of a tax abatement program through the Development Authority of Fayette County. He stated that in this particular program with Calpis American Inc. it was scheduled to start in 2015; however the documentation reviewed by the tax assessor office showed that the transfer of the real property from the company to the Development Authority occurred in late 2013, meaning as of January 1, 2014, the tax assessor started that as year one for the tax abatement program which lasts for ten years. He stated that the year one language for the lease agreement was the beneficial occupancy; in other words whenever the company received the Certificate of Occupancy to move into the premises it was in 2015. He stated that he spoke with Mr. Glen Thompson who represents Calpis America, who pointed out that year one should have been 2015 and not 2014. He stated that he presented some case law authority and that he agreed with that position. He stated that the abatement would go forward from 2014 for the next ten years. He stated that an itemized list of numbers; for the real property for 2015 and 2016 totaling \$18,828.83 and for the personal property for 2014, 2015 and 2016 totaling \$10,624.04 for a total of \$29,452.87. He stated that the reason 2015 and 2016 are listed is because when the original program was started in 2014, 2015 would have been 20%, 2016 would have been 30% and so on. He stated that it should have started in 2015 that meant a partial refund for that year as well as 2016.

Chairman Maxwell asked if Mr. Thompson was in agreement. Mr. Davenport stated that he spoke with Mr. Thompson and even shared the memo with him to make sure that if he had any issues he could bring them up and his only question was if he was required to be present at the meeting. He stated that he stated that he was not required to be present, but that he was welcome to attend.

Commissioner Oddo moved to approve a tax refund of personal and real property taxes to Calpis America Inc. for tax years 2014, 2015 and 2016 in the aggregated amount of \$29,452.87. Vice Chairman Ognio seconded. The motion passed 4-0-1 with Commissioner Brown absent. A copy of the request, identified as "Attachment 16," follows these minutes and is made an official part hereof.

18. Consideration of the approval to execute a property deed to swap approximately 0.12 acres of right of way to Mr. Michael Becker in exchange for the transfer of 0.14 acres needed to pave a turn-around to provide access for Fayette County safety vehicles.

Mr. Davenport briefed the Board that this item had to do with real property located on Brown Road. He stated that Brown Road was a prescriptive easement that runs off of Redwine Road just south of Ebenezer Church Road. He stated that Mr. Becker lives at the end of Brown Road. He stated that the reason Mr. Becker was conveying the property to the centerline of Brown Road was because with a prescriptive easement all the county owns was an easement and the underlying property owner which was Mr. Becker owns rights over and above that easement. He stated that in return there was another gray strip across the front of Mr. Becker's property and that was the centerline plus the 30 feet of the prescriptive easement that the county owns. He stated that the county was not going to pave the road past that proposed cul-de-sac because immediately to the left was another subdivision which was developed and so the road would not go through. Mr. Becker had asked for him to convey the property to the county which allow the county to construct a cul-de-sac for easier travel he would like to receive that portion of the prescriptive easement west of that the proposed cul-de-

sac from centerline of Brown Road into his property by 30 feet. He stated that this item would require two motions. Mr. Becker signed the deed to convey the property to the county as shown on the plat and if the Board accepted the deed, the next step would be to authorize the Chairman to sign the deed and the Board would vote to convey the property west of the proposed cul-de-sac which was the remainder of the permanent easement.

Vice Chairman Ognio moved to approve for the Chairman to sign the deed to transfer 0.14 acres from the county to Mr. Becker. Commissioner Oddo seconded. The motion passed 4-0-1 with Commissioner Brown absent.

Vice Chairman Ognio questioned the acres that were presented in the document. Mr. Davenport explained the documents before the Board.

Vice Chairman Ognio moved to amend the prior motion to approve for the Chairman to sign the deed to transfer property from the county to Mr. Becker as indicated in the deed. Commissioner Oddo amended the second. The motion passed 4-0-1 with Commissioner Brown absent.

Vice Chairman Ognio moved to approve to accept the deed conveying property from Mr. Becker to the county as indicated in the deed. Commissioner Oddo seconded. The motion passed 4-0-1 with Commissioner Brown absent. A copy of the request, identified as "Attachment 17," follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Marilyn Watts expressed her gratitude to the Board, County Attorney and County Administrator for their support during the lawsuit against her. She stated that the county would be reimbursed \$30,000 from the plaintiffs in the case that was against her. She also thanked the Board for moving forward with the widening of Highway 54.

Roy Bishop stated that he would like to congratulate the county on passing the SPLOST and good luck on the many projects. He asked Mr. Rapson for an update on the West Fayetteville Bypass.

ADMINISTRATOR'S REPORTS:

Mr. Rapson stated that the County was on the same time table regarding the West Fayetteville Bypass.

He asked Mr. Hoffman to give an update on the parking lot upgrades. Road Department Director Steve Hoffman gave an update.

Mr. Rapson stated that he needs a Selection Committee for the Transportation Committee and the McIntosh Trail Community Service Board.

Vice Chairman Ognio moved to appoint Chairman Maxwell and Commissioner Brown to the Transportation Committee Selection Committee. Commissioner Rousseau seconded. The motion passed 4-0-1 with Commissioner Brown absent.

Vice Chairman Ognio moved to appoint Commissioner Rousseau and Commissioner Oddo to the McIntosh Trail Selection Committee. Chairman Maxwell seconded. The motion passed 4-0-1 with Commissioner Brown absent.

Mr. Rapson gave an update on the SPLOST election.

ATTORNEY'S REPORTS:

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

Notice of Executive Session: County Attorney Dennis Davenport stated that there were three items of real estate acquisition, one pending litigation and for review of the Executive Session minutes for March 9, 2017.

COMMISSIONERS' REPORTS:

Commissioner Rousseau: Commissioner Rousseau commended staff and the county for the outcome of the SPLOST election.

Vice Chairman Ognio: Vice Chairman Ognio reminded citizens that the State Senate was still in session and that citizens can contact the state representatives if there are any items of concern to them. He stated that he was disappointed that he had not heard anything from them regarding some of the items that the Board had asked the representatives to consider. He thanked the citizens for passing the SPLOST and for entrusting the Board to do what it said it would do. He stated that we look forward to getting the projects started as soon as possible.

Mr. Davenport briefed the Board that he was in communication with Representative Bonner and the Residency Requirement issue was out of the House in the Senate. He stated that Senator Seay had questions that he provided information to that hopefully answered her questions. He stated that the expectation was that it would be passed. He stated that the Disabled Veterans Homestead Exemption had gone out of the House and it is in the Senate and has been read at least one time. He stated that it takes two reads before it can be adopted. He stated that this was a general law amendment doing what was required to do to address the issue regarding disabled veterans homestead exemptions. He stated that for the Title Ad Valorem Tax. He stated that there are two different versions of this issues that was going on two different tracks. He stated that he had not absorbed either. He stated that once one was passed he would be able to let the Board know which version passed. He stated that he did not have any information to report of the Boating and Fluoride issues.

Commissioner Oddo: Commissioner Oddo congratulated staff for an outstanding job working on the SPLOST and the municipalities as well. He stated that the business that he works is to minimize taxes. He stated that he has a natural aversion to taxes, but that this was one that was necessary and he knows that the county was well run. He stated that the SPLOST was needed. He stated that while he serves on the Board he will be one that will make sure that the Board does what it says it will do. He thanked everyone for taking interest in the county by getting out to vote.

EXECUTIVE SESSION:

Three Items of Real Estate Acquisition, One Item of Pending Litigation and Review of the March 9, 2017 Executive Session Minutes: Commissioner Oddo moved to go into Executive Session. Vice Chairman Ognio seconded. The motion passed 4-0-1 with Commissioner Brown.

The Board recessed into Executive Session at 9:38 p.m. and returned to Official Session at 9:56 p.m.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Vice Chairman Ognio moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Oddo seconded the motion. The motion passed 4-0-1 with Commissioner Brown.

Approval of the March 9, 2017 Executive Session Minutes: Vice Chairman Ognio moved to approve the March 9, 2017 Executive Session Minutes. Commissioner Oddo seconded the motion. The motion passed 4-0-1 with Commissioner Brown absent.

ADJOURNMENT:

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

Vice Chairman Ognio moved to adjourn the March 23, 2017 Board of Commissioners meeting. Commissioner Oddo seconded the motion. The motion passed 4-0-1 with Commissioner Brown absent.

The March 23, 2017 Board of Commissioners meeting adjourned at 9:57 p.m.

Tameca P. White, County Clerk

Eric K. Maxwell, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 13th day of April 2017. Referenced attachments are available upon request at the County Clerk's Office.

Tameca P. White, County Clerk

BOARD OF COUNTY COMMISSIONERS

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

Consent #15

FAYETTE COUNTY, GEORGIA

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



140 Stonewall Avenue West
 Public Meeting Room
 Fayetteville, GA 30214

Minutes Special Called

March 29, 2017
 10:00 a.m.

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

Call to Order

Vice Chairman Randy Ognio called the March 29, 2017 Special Called Meeting of the Board of Commissioners to order at 10:04 a.m. Chairman Eric Maxwell and Commissioner Charles Rousseau were absent.

Acceptance of Agenda

Commissioner Steve Brown moved to accept the agenda as presented. Commissioner Oddo seconded. The motion passed 3-0-2 with Chairman Maxwell and Commissioner Rousseau absent.

SPECIAL CALLED:

1. **Consideration of the Georgia Department of Transportation's candidate project to replace the Coastline Road Bridge over the CSX Railroad.**

Public Works Director Phil Mallon stated that there was a bit of urgency with this agenda item based on the date of the letter received from Georgia Department of Transportation (GDOT). He stated that by discussing this the County would, hopefully, increase the chance of having the project funded in fiscal year 2018 instead of year 2019. He gave a brief PowerPoint presentation with background information on the bridge. He stated that project location was at the northwest corner of the County and Coastline Road goes from Sandy Creek Road with a section that transitions to gravel and ends at Lees Lake Road. He stated that there was subdivision that utilizes Coastline Road. He stated that GDOT sent a letter and under the program, GDOT would manage the project to include design, permitting, right-of-way acquisition and construction. He stated that GDOT was asking that the County agree to pay half of the right-of-way acquisition cost. He stated that currently he did not have an estimate of cost at this time. He continued that he was not aware of the schedule of scope of the project and the GDOT acknowledges that the CSX Railroad owns the bridge and not Fayette County. He stated that GDOT also acknowledges that the railroad would likely require the bridge to be longer to accommodate a future track and possibly higher to accommodate other rail plans. He stated that the next step was for the Board to respond with a letter stating that the County was committed to providing local funds and we can also identify any concerns such as this is not committing Fayette County to paving or improving a road beyond the approaches which would be part of the bridge replacement project. He stated that the County would receive a Memorandum of Understanding regarding this project possibly in the fall.

County Administrator Steve Rapson asked if the County would be under the right-of-way acquisition by the federal standard through GDOT. Mr. Mallon stated yes, we would be under state rule. He gave some details about the bridge.

Mr. Mallon stated that GDOT has done evaluation of the bridge and this bridge was rated a 15 among a rating of 100 for the best conditions and zero as the worst. He stated that this project was included in the 2003 transportation plan and was eligible using the 2004 Transportation SPLOST.

Commissioner Brown asked would CSX own the bridge after the project was complete. Mr. Mallon stated he was not sure. County Attorney Dennis Davenport stated that he was sure CSX would still own the bridge. He stated that GDOT was trying to elevate a safety issue and not wait for CSX to do so. He stated that they are doing it with CSX permission.

Commissioner Oddo confirmed that the county was not involved in any of the negotiating for the right-of-way. Mr. Mallon stated that was his understanding.

Commissioner Brown confirmed that GDOT oversees the project. Mr. Mallon stated that was correct.

Commissioner Brown moved to approve that the submittal to the Georgia Department of Transportation to replace the Coastline Road Bridge over the CSX railroad. Commissioner Oddo seconded. The motion passed 3-0-2 with Chairman Maxwell and Commissioner Rousseau absent. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

EXECUTIVE SESSION:

2. One Item of Real Estate Acquisition.

One Item of Real Estate Acquisition: Commissioner Brown moved to go into Executive Session. Commissioner Oddo seconded. The motion passed 4-0-2 with Chairman Maxwell and Commissioner Rousseau absent.

The Board recessed into Executive Session at 10:15 a.m. and returned to Official Session at 10:37 a.m.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Commissioner Brown moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Oddo seconded the motion. The motion passed 4-0-2 with Chairman Maxwell and Commissioner Rousseau absent. A copy of the Affidavit, identified as "Attachment 2," follows these minutes and is made an official part hereof.

ADJOURNMENT:

Commissioner Brown moved to adjourn the March 29, 2017 Special Called Meeting. Commissioner Oddo seconded the motion. The motion passed 4-0-2 with Chairman Maxwell and Commissioner Rousseau absent.

The March 29, 2017 Special Called meeting adjourned at 10:38 a.m.

Tameca P. White, County Clerk

Randy Ognio, Vice Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 13th day of April 2017. Referenced attachments are available upon request at the County Clerk's Office.

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COUNTY AGENDA REQUEST

Page 79 of 142

Department: Commissioners

Presenter(s): Commissioner Steve Brown

Meeting Date: Thursday, April 13, 2017

Type of Request: Old Business

Wording for the Agenda:

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

Background/History/Details:

A local resident cannot drive and has to utilize a van pool to get to work. He approached the county about using a county parking lot at a recreation site to allow him to walk from his neighborhood to his van pool in order to go to work.

Upon board direction, staff developed a carpool application spelling out certain guidelines as well as designating certain parking spots at various parks throughout the county.

Van pool groups will need to complete an application each calendar year. Parking spaces will be assigned on an annual basis at designated locations based on availability. Van pool areas are only available Monday through Friday between 6:00 AM. to 6:00 PM. Participants assume any and all risk of personal injury or property damage arising from participation in the program.

Note: Commissioner Brown has worked with the County Attorney to present a new draft different from what was originally proposed, mirroring the scope and not opening all parking lots to car pools.

What action are you seeking from the Board of Commissioners?

Approval of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years? Yes

If so, when? Thursday, February 9, 2017

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

Page 80 of 142

Department: Commissioners

Presenter(s): Commissioner Steve Brown

Meeting Date: Thursday, March 23, 2017

Type of Request: Old Business

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If so, when? Thursday, February 9, 2017

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Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:



140 STONEWALL AVENUE WEST, STE 100
FAYETTEVILLE, GEORGIA 30214
PHONE: 770-305-5200
www.fayettecountyga.gov

"WHERE QUALITY
IS A LIFESTYLE"

MEMORANDUM

From: Commissioner Steve Brown

To: Board of Commissioners

Date: March 17, 2017

Subject: **Vanpooling agenda item on March 23 BOC meeting agenda**

I have been offered an exciting opportunity by NACo to give a presentation to a national group of attendees on autonomous vehicle freight delivery systems. Therefore, I will not be present for our March 23 Board of Commissioners meeting.

I received the offer to speak well after the vanpooling agenda item was tabled to our March 23 meeting.

The policy framework as drafted by County Attorney Dennis Davenport is excellent work, narrow in scope and creates little burden for the county government.

Please know that I deeply appreciate the feedback from my colleagues on shaping this policy endeavor for the benefit of disabled residents who may require this type of assistance related to vanpooling.

At this juncture, I would ask that you table this agenda item to the next regularly scheduled Board of Commissioners meeting in my absence.

MEMORANDUM

DATE: March 10, 2017

To: Steve Brown

RE: Vanpool

FROM: Dennis A. Davenport

This policy provides for an extension of the use of certain County Parking Areas for Vanpool Origination Sites under the specified circumstances.

A. DEFINITIONS:

1. *County* – Fayette County, Georgia
2. *County Parking Area* – All those areas located upon property owned and operated by the County and held out to the public as available for parking.
3. *Qualifying Disability* – A disability which renders a person entirely incapable of operating a motor vehicle, as attested by a physician.
4. *Vanpool Commuter Group* – A group of people who have assembled for purposes of accomplishing a combined jobsite commute on a regular, recurring basis.
5. *Vanpool Vehicle* – The vehicle used by a Vanpool Commuter Group for its recurring, jobsite commute.
6. *Vanpool Origination Site* – The location at which a Vanpool Commuter Group convenes, parks their personal vehicles, and boards a Vanpool Vehicle bound for their jobsite for the workday. The Vanpool Origination Site is also the point to which the Vanpool Vehicle returns after the workday allowing the commuters to re-enter their personal vehicles and return to their homes. The Vanpool Origination Site is the location of the Vanpool Vehicle when the Vanpool Commuter Group is

not utilizing the Vanpool Vehicle for its jobsite commute. The personal vehicles of the Vanpool Commuter Group are left at the Vanpool Origination Site the for duration of their commute.

B. POLICY: Vanpool Commuter Groups shall be permitted to originate the vanpool commute in County Parking Areas, in accordance with the restrictions set forth below.

C. LIMITATIONS:

1. A Vanpool Commuter Group seeking to utilize a County Parking Area as a Vanpool Origination Site shall have at least one member with a Qualifying Disability; and
2. Any member of the Vanpool Commuter Group possessing a Qualifying Disability shall provide the County with an affidavit from a physician, which attests to the member's complete lack of ability or capacity to operate a motor vehicle as a result of said disability; and
3. County Parking Areas may be used as a Vanpool Origination Site only when no other consenting lot exists between the residence and the county parking area, from which the commute could be originated, within a walking distance from the home of any commuter in the group with a Qualifying Disability; and
4. No County Parking Area that is secured by gates or other blockading mechanism to prevent public access at any time, shall serve as a Vanpool Origination Site; and
5. No County Parking Area that is normally at a volume of 70% or above of capacity, Monday through Friday, 8:00 a.m. to 6:00 p.m. for the usage it was initially intended shall serve as a Vanpool Origination Site; and

6. A County Parking Area may be temporarily closed to the public for any reason, including, but not limited to, repair, hosting of a special event, construction, etc. During the period of such a closure it shall be the duty of the Vanpool Commuter Group to locate an alternate Vanpool Origination Site; and
7. Vanpool Commuter Groups shall submit applications for use of a County Parking Area as its Vanpool Origination Site annually. Said application shall include the following minimum requirements:
 - proof of Qualifying Disability; and
 - the Vehicle Identification Number and tag numbers of all personal vehicles of the Vanpool Commuter Group as well as the Vanpool Vehicle; and
 - a waiver of all liability of the County, signed by each Vanpool Commuter Group member and the owner of the Vanpool Vehicle; and
 - Payment for any applicable fees for processing the application.
8. The Vanpool Vehicle and all personal vehicles of the Vanpool Commuter Group members, shall clearly display a decal, issued by the County, evidencing authorization to be located in the County Parking Area as part of a Vanpool Commuter Group. All costs to obtain this decal shall be borne by the individual members of the Vanpool Commuter Group; and
9. Vanpool Commuter Group members shall coordinate with the County's liaison responsible for the county parking area to determine the appropriate parking places to use away from normal areas of daily parking activity; and
10. The County shall not be responsible for loss or damage to any property or any person utilizing the County Parking Area as a Vanpool Origination Site.

COUNTY AGENDA REQUEST

Page 85 of 142

Department: Commissioners

Presenter(s): Commissioner Steve Brown

Meeting Date: Thursday, February 23, 2017

Type of Request: Old Business

Wording for the Agenda:

Consideration of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents. This item was tabled at the February 9, 2017 Board of Commissioners meeting.

Background/History/Details:

A local resident cannot drive and has to utilize a van pool to get to work. He approached the county about using a county parking lot at a recreation site to allow him to walk from his neighborhood to his van pool in order to go to work.

Upon board direction, staff developed a carpool application spelling out certain guidelines as well as designating certain parking spots at various parks throughout the county.

Van pool groups will need to complete an application each calendar year. Parking spaces will be assigned on an annual basis at designated locations based on availability. Van pool areas are only available Monday through Friday between 6:00 AM. to 6:00 PM. Participants assume any and all risk of personal injury or property damage arising from participation in the program.

Commissioner Brown will ask to table this item until the March 9, 2017 Board of Commissioners meeting.

What action are you seeking from the Board of Commissioners?

Approval of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years? Yes

If so, when? Thursday, February 9, 2017

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

Page 86 of 142

Department: Commissioners

Presenter(s): Commissioner Steve Brown

Meeting Date: Thursday, February 9, 2017

Type of Request: Old Business

Wording for the Agenda:

Consideration of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents. This item was tabled at the December 8, 2016 Board of Commissioners meeting.

Background/History/Details:

A local resident cannot drive and has to utilize a van pool to get to work. He approached the county about using a county parking lot at a recreation site to allow him to walk from his neighborhood to his van pool in order to go to work.

Upon board direction, staff developed a carpool application spelling out certain guidelines as well as designating certain parking spots at various parks throughout the county.

Van pool groups will need to complete an application each calendar year. Parking spaces will be assigned on an annual basis at designated locations based on availability. Van pool areas are only available Monday through Friday between 6:00 AM. to 6:00 PM. Participants assume any and all risk of personal injury or property damage arising from participation in the program.

What action are you seeking from the Board of Commissioners?

Approval of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years? Yes

If so, when? Thursday, December 8, 2016

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

FAYETTE COUNTY

CARPOOL PARKING APPLICATION

To Apply/Renew

1. Designate a carpool "Manager" to distribute information and to collect and return application and renewal forms to the Fayette County Parks and Recreation Department.
2. Each participant must read, complete and sign the application form

Parking Assignment

Fayette County assigns parking spaces at designated locations based on availability. Carpool groups with the highest occupancy receive priority. If applications for a location exceed the number of available spaces, a waiting list will be established.

Renew Permits Yearly

1. Parking areas are assigned on an annual base per calendar year. Each carpool "manager" must renew all forms each calendar year.
2. Each member of the carpool completes and signs the form and returns it to the carpool manager. The manager collects the forms and returns them altogether to the Fayette County Parks and Recreation Department

Basic Rules

One-At-A-Time: Only one of the group member vehicles registered to your carpool group may park in carpool parking areas at any one time.

Changes: Report changes in your carpool group to Fayette County Parks and Recreation Department immediately. New participants must complete an agreement form.

Where to Park: Park only in your area assigned for carpool parking. Do not park in areas not authorized. Parking in designated areas does not exempt a vehicle from normal parking restrictions. Do not block crosswalks, sidewalks or driveways.

Access to Space: Carpool parking areas have posted reserved times between 6:00 a.m. and 6:00 p.m. Monday through Friday. At other times, these areas are available to the general public.

Liability: Participants must agree to assume any and all risks of personal injury or property damage arising from participation in the program.

Frequently Asked Questions:

- **What is a carpool area?**

A carpool area is a designated area within a parking lot that travelers can use as a meeting point to carpool or vanpool to their final destinations.

- **Is there a cost to park at a carpool area?**

As long as you are carpooling or vanpooling, parking areas are free of charge. Application forms are required to park in these areas during designated times.

- **Do I need a permit to park in a carpool area? Do I have a reserved space?**

Vehicle Permits are not used at carpool areas. Carpool areas are assigned to a carpool group on a first come first serve basis on applications received. All group members must have completed an application form to park in these areas during designated times.

- **How long can I leave my vehicle at a carpool area?**

Monday - Friday 6:00 a.m. to 6:00 p.m. Overnight parking is not allowed in any parking lots.

- **Is Fayette County liable for damages to vehicles?**

Fayette County is not liable for any theft or damages that occur as a result of parking in the areas. Carpool area users are encouraged to secure their vehicles, remove valuables from plain sight, and report suspicious activity.

- **Is it illegal for vehicles to be left at a carpool area with FOR SALE signs on them?**

It is illegal for a vehicle to be left at a carpool area with FOR SALE signs in the windows.

- **What kinds of vehicles are allowed at a carpool area?**

Passenger cars, vans, pickup trucks, and motorcycles with valid license plates are allowed. Semi-trucks and semi-trailers, commercial vehicles, and/or vehicles with commercial plates are prohibited. Campers are not allowed, nor are trailers, including those for hauling boats, landscaping equipment, etc.

- **How do I know that my car will be safe?**

It is each commuter's responsibility to park in the designated area and properly secure the contents of their vehicle. This means removing personal items from the passenger compartment, including laptops, navigation aids, cell phones, and other electronic devices, briefcases, handbags, and items of clothing. These should be secured in the trunk or cargo area of the vehicle, and the cargo security shade, if present, should be closed. Lock the vehicle and take the keys with you. Fayette County is not liable for any theft or damages that occur as a result of parking in the areas.

FAYETTE COUNTY
CARPOOL PARKING AREA
APPLICATION & PARTICIPANT FORM

Which Fayette County Park do you wish to park? (circle one)

Brooks Park

Kenwood Park

Kiwanis Park

Lake Kedron

McCurry Park

Carpooler #1/Carpool Manager:

NAME:
RESIDENTIAL STREET ADDRESS:
CITY, STATE, ZIP:
EMAIL ADDRESS:
HOME TELEPHONE NUMBER:
CELL TELEPHONE NUMBER:
VEHICLE LICENSE NUMBER:
MAKE AND MODEL OF VEHICLE:

I hereby certify that the information provided by me on this form is true and authorize Fayette County to verify the information provided by me. I certify that I have read the rules of the car pool parking area and agree to abide by them. I understand that participation is voluntary and agree to waive and release any and all rights and claim for damages against the Fayette County Board of Commissioners and all employees and members of the same, for any claim arising out of any injury, property damage, theft or damages of any kind, which may arise out of my use of the facilities of Fayette County. By signing this release, I consent to such participation and also verify that adequate insurance is in effect during this period.

Signature

Date

FAYETTE COUNTY
CARPOOL PARKING AREA
APPLICATION & PARTICIPANT FORM

Which Fayette County Park do you wish to park? (circle one)

Brooks Park

Kenwood Park

Kiwanis Park

Lake Kedron

McCurry Park

Carpooler #_____

NAME:
RESIDENTIAL STREET ADDRESS:
CITY, STATE, ZIP:
EMAIL ADDRESS:
HOME TELEPHONE NUMBER:
CELL TELEPHONE NUMBER:
VEHICLE LICENSE NUMBER:
MAKE AND MODEL OF VEHICLE:

I hereby certify that the information provided by me on this form is true and authorize Fayette County to verify the information provided by me. I certify that I have read the rules of the car pool parking area and agree to abide by them. I understand that participation is voluntary and agree to waive and release any and all rights and claim for damages against the Fayette County Board of Commissioners and all employees and members of the same, for any claim arising out of any injury, property damage, theft or damages of any kind, which may arise out of my use of the facilities of Fayette County. By signing this release, I consent to such participation and also verify that adequate insurance is in effect during this period.

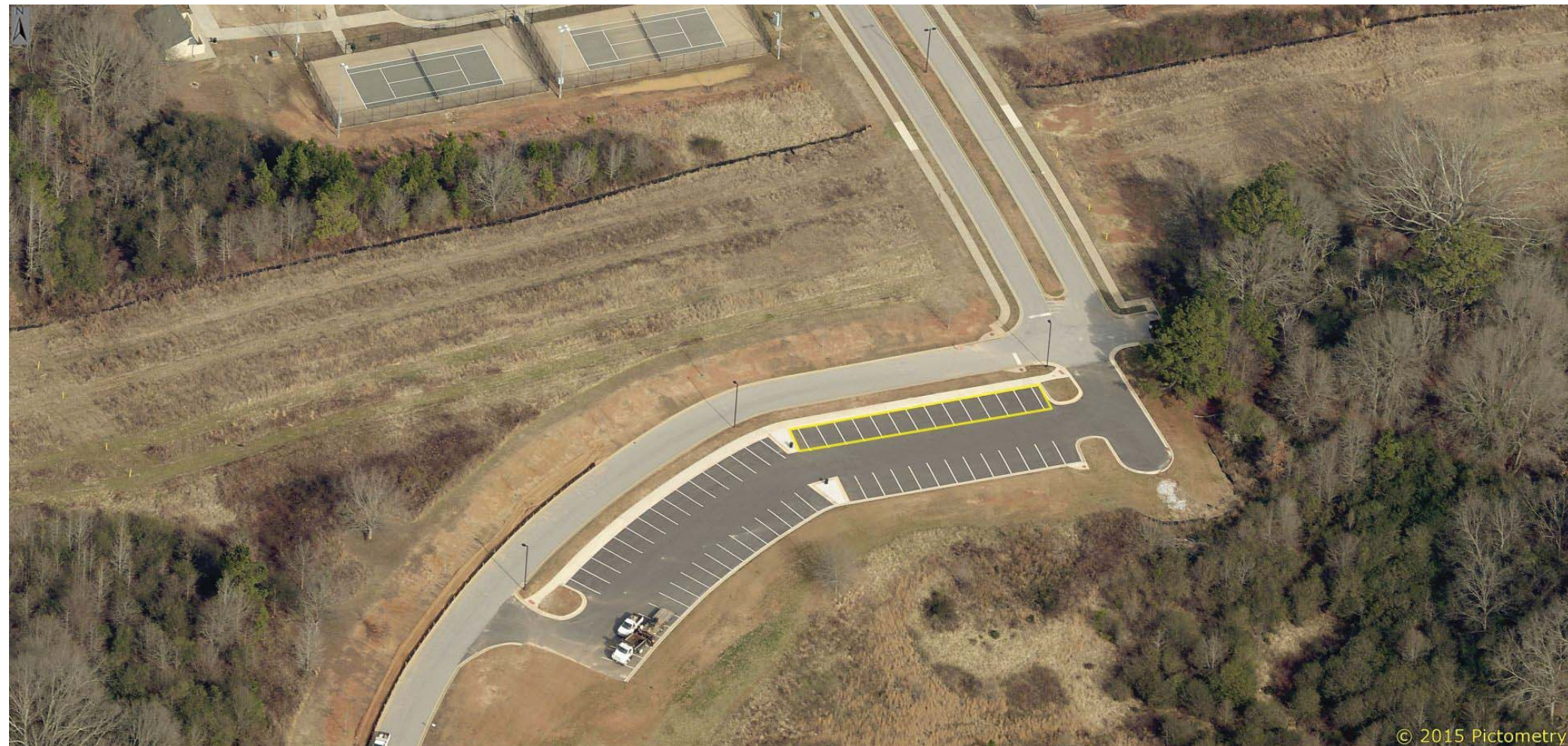
Signature

Date

Brooks Park Carpool Area



Kenwood Park Carpool Area



© 2015 Pictometry

Kiwanis Park Carpool Area Option A



© 2015 Pictometry

Kiwanis Park Carpool Area Option B



Lake Kedron Carpool Area



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McCurry Park Carpool Area Option A

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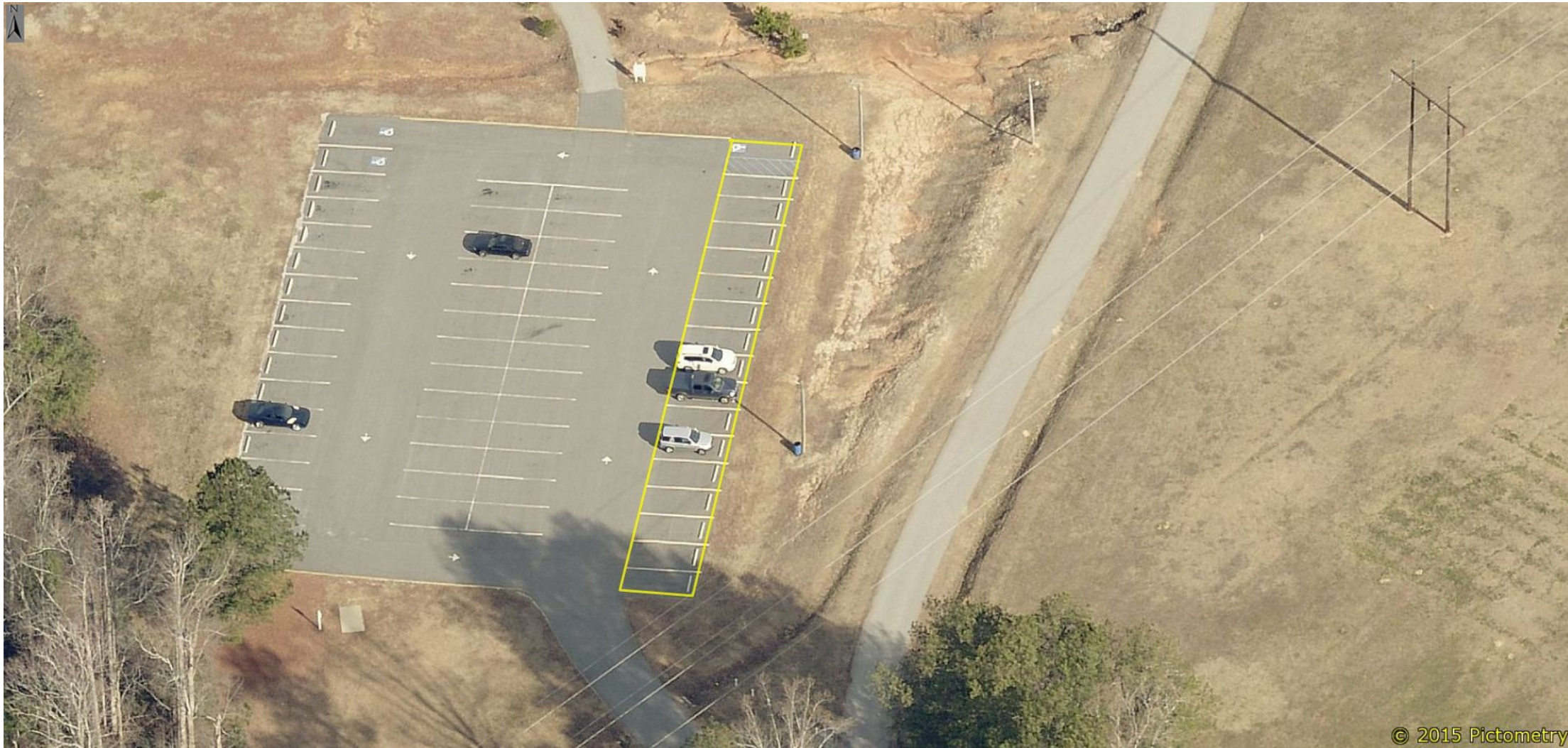


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01/31/2015

McCurry Park Carpool Area Option B

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01/31/2015

COUNTY AGENDA REQUEST

Page 98 of 142

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents.

Background/History/Details:

A local resident is visual impaired and cannot drive. He has to use a van pool to get to work.

He has approached the county about using a county parking lot at a recreation site to allow him to walk from his neighborhood to his van in order to go to work. The resident is visually impaired and cannot drive. He utilizes a van pool to get to work.

There will be no more than (3) three vehicles parking in the parking lot at one time.

What action are you seeking from the Board of Commissioners?

Approval of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents.

If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal


Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

MEMORANDUM

TO: Commissioner Steve Brown
 FROM: McNally, Fox, Grant & Davenport, P.C. 
 Date: November 23, 2016
 Re: Request of Scott K Hopper to utilize the County Field House located at the Fayette County Recreation facilities off Redwine Road and Old Senoia Road as a commuter lot.

Mr. Scott Hopper is a van-pool commuter. The origination point of his commute is a Publix at 840 Glynn Street South. His destination point is the FAA facility at Hartsfield-Jackson Airport. He has joined the van-pool to commute to work each day. The driver of his van-pool has leased the vehicle used for the commute from V-ride. Mr. Hopper has requested the County's assistance in establishing a new site of origination for his commute. He has written, requesting the new location be the County Field House parking lot located at the Fayette County Recreation facilities off Redwine Road and Old Senoia Road.

A brief explanation of the commuter program is necessary to examination of this request. To improve air quality, reduce traffic and save money, many people are carpooling to work. Several private companies have been established to assist commuters in this pursuit. They can accomplish this and operate a successful business by holding an inventory of large passenger vehicles which are offered for lease to commuter pools. This allows commuters to reduce the wear and tear on their personal vehicles. The groups are known as van-pools. Many companies and government agencies offer monetary subsidies to incentivize van-pooling. They further support employees in the formation of these commuter pools at the office in a process known as ride-matching. If an employer does not offer ride-matching, an interested commuter can access the websites of the private van-pool companies to participate in a ride-matching service. The result is a group of commuters with similar work hours and work location that reside in reasonable proximity of one another. They may or may not be acquainted on any other level.

Each commuter group requires a volunteer driver. The leasing company must approve the driver. He or she will sign a private lease agreement with the van-pool company. The driver thereby becomes liable for the operation and care of the van. Operation is strictly limited to commute purposes, this may include individual pick up at commuter residences however, the driver and other commuters usually agree on another location to meet and originate the commute. This is done for the sake of convenience, particularly for the volunteer driver. However, lease terms require the leasing company, in this case V-ride, to approve the site chosen for commute origin. Because the leased vehicles will be left at that location each night and over the weekend unattended, a well-lit and well trafficked area, such as a public shopping center is generally chosen. This decreases the likelihood of damage to the vehicle through vandalism.

The driver meets the van-pool party at the agreed upon and approved origination point. The commuters load the vehicle, drive to the designated parking area and each of the commuters and the driver go to work. All commuters reassemble at the vehicle at the

designated time after work, drive back to the site of origination, return to their personal vehicles, lock up the commuter vehicle and go home. The commuter vehicle will stay, unattended until the commuters assemble for their next trip to the office. At which time the commuter's personal vehicles are left, unattended until the commuters return from their work day.

No specific restriction exists that prevents the County from holding itself out for van-pooling from the requested location. However, the following issues must be addressed:

1. The County may not get approval as a commuter site. The ultimate authority for an origination point for these van-pools is the leasing company. That company is interested in the safety of its property. For this reason, areas frequented by shoppers and guaranteed to be well-lit are generally approved. It is instructional to note, that of the 400 van pool origination sites that V-ride operates, none of them is on government property. A formal request will need to be made to the V-ride company by the driver.
2. A decision allowing this kind of use may subject all County properties to consideration as van-pool origination sites, not merely the one at issue here.
3. If we hold the lots out as a reasonable location to leave commuter cars and leased vans, then it is reasonable to require a waiver of liability signed by the commuters and the van pool company. The County should not be subject to liability for the safety of the vehicles or any articles located therein.
4. In opening the County property for to this use by Mr. Hopper's van-pool, the County must be open to allowing the same use by all Fayette County residents. This will necessitate development of a mechanism to determine how much of the parking in any given lot will be devoted to this use. Creation of a method for selecting which van-pools will use the spots, if demand becomes high, will also be necessary.
5. A resolution will need to be prepared and passed declaring the intentions of the Board of Commissioners to allow this use.

Should you require further information on this issue please let us know.

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of staff recommendation to increase the level of service of right-of-way mowing on the State Routes and local roads and purchase \$255,879 of equipment for proposed new crew.

Background/History/Details:

The current frequency of cutting the right-of-way on the local roads is 3 to 4 rounds per year and to provide additional frequency above the 3 rounds per year currently scheduled by GDOT on portions of SR 54 & SR 74.

This proposal increasing the mowing frequency of local roads to 5 to 6 rounds per year by adding an additional crew and dividing up the County into 3 zones. Each zone will now include cutting the state right-of-way along with the county right-of-way.

This new crew will consist of the following Equipment:

Equipment - Tractor & Batwing Mower (x2), Tractor & Bush Hog, F250 Crew Truck and Weed Eater = \$255,879

The new crew will consist of the following Personnel:

Personnel - Equipment OpPersonnel - Equipment Operator Senior, Equipment Operators (x2) and Road Maintenance Worker = \$140,980

Total Proposed Cost is \$396,859* (Personnel costs are dependent upon FY2018 Budget approval)

What action are you seeking from the Board of Commissioners?

Consideration of staff recommendation to increase the level of service of right-of-way mowing on the State Routes and local roads and purchase \$255,879 of equipment for proposed new crew.

If this item requires funding, please describe:

Funding for this request is from proceeds from February, 23, 2017 Commission action for approval of surplus equipment. Proceeds from that sale were deposited into the Vehicle and Equipment Fund for this purpose. The County received a total of \$337,724.00.

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 new crew cost is \$140,980 and is dependent upon FY2018 Budget approval.

Fayette County Board of Commissioners
By: Fayette County Road Department

Proposed

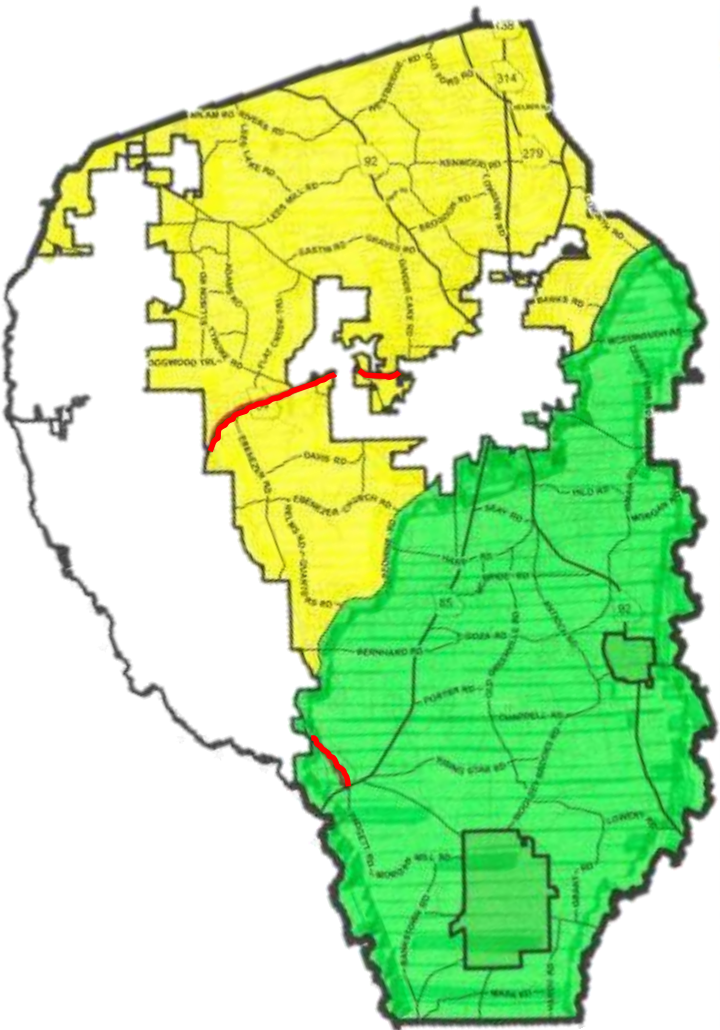
County-Wide Mowing Plan



Road Department's Existing Mowing Plan

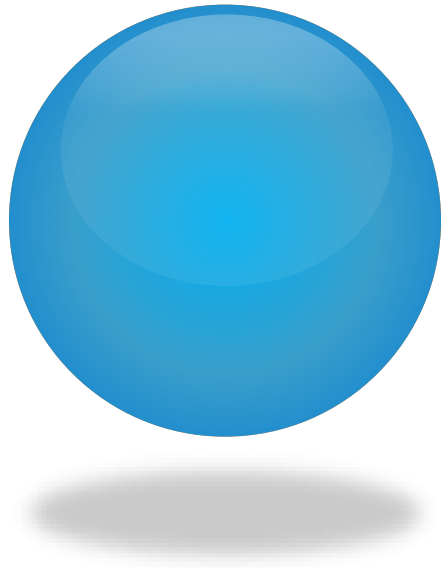
Fayette County Road Department





Existing Mowing Program

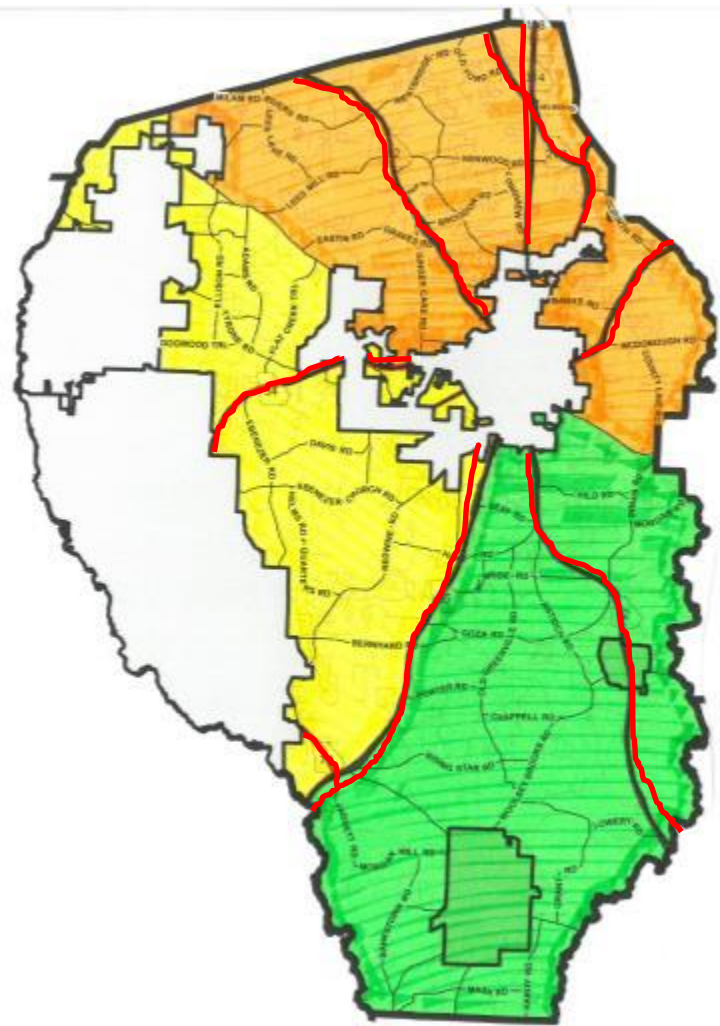
- Current frequency is 3 to 4 rounds per year. The Department uses staff from other crews to supplement additional mowing portions of the State Route median on 54 & 74 beyond the 3 rounds currently scheduled by GDOT.
- **YELLOW** – Crew #1
- **GREEN** – Crew #2
- **RED** – State median mowing



Requested expanded mowing program to increase level of service on the State Routes and Local Roads.

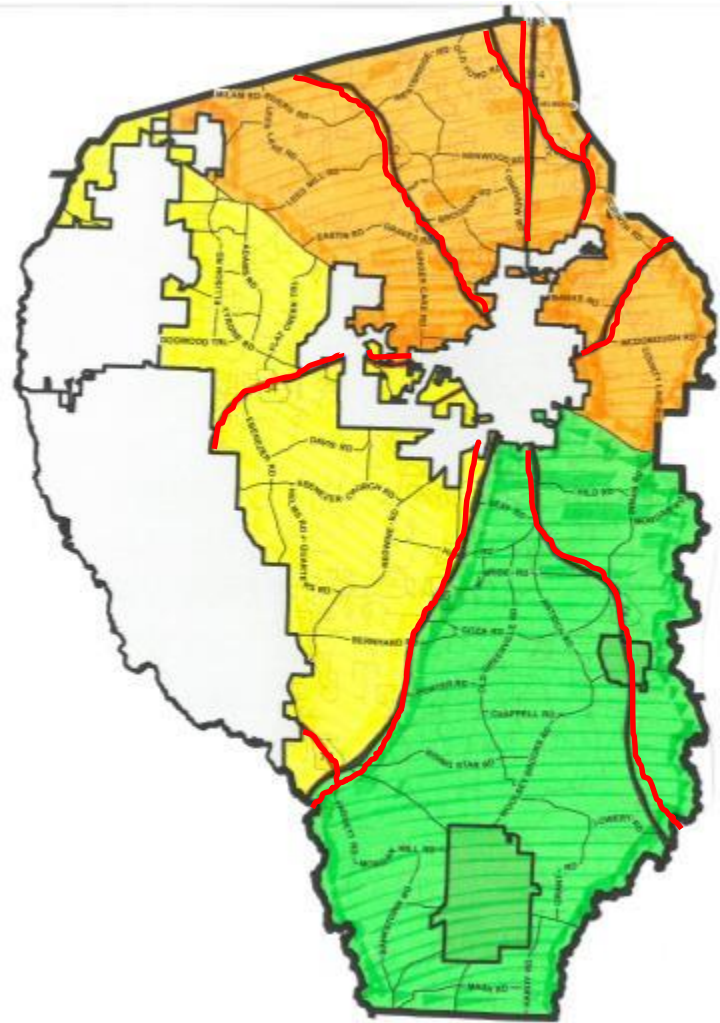
Overview

- Increase mowing of County Roads to 5 or 6 times per year
 - Break County into 3 zones
 - Add 3rd mowing crew
 - Each crew will supplement the current GDOT mowing schedule on all the State Routes in their zone.
-
- **YELLOW** – Crew #1
 - **GREEN** – Crew #2
 - **ORANGE** – CREW #3
 - **RED** – State Routes



Equipment & Staff Needs

- Three new tractors;
- Two batwing mowers;
- One 6-ft “Bush Hog” mower;
- One F-250 crew cab truck;
- One weed eater;
- Four full-time new employees



Costs

- Total Year 1 Cost = \$396,859

Proposed Equipment - \$255,879

Tractor & Batwing Mower (2) - \$182,000

Tractor & Bush Hog - \$43,000

F250 Crew Truck (1) - \$30,579

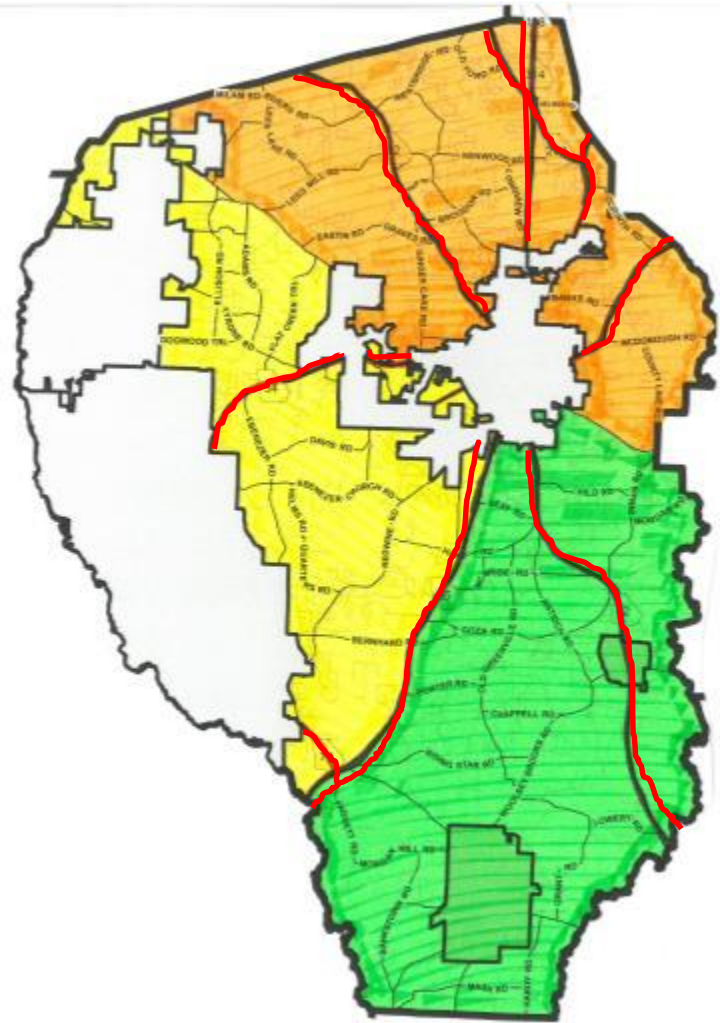
Weed Eater (1) - \$300

Proposed Personnel - \$140,980

Equipment Operator 1 Senior (1) – \$49,352

Equipment Operator - (2) - \$95,036

Road Maintenance Worker - \$44,110



COUNTY AGENDA REQUEST

Page 109 of 142

Department: Environmental Management

Presenter(s): County Administrator Steve Rapson

Meeting Date: Thursday, April 13, 2017

Type of Request: New Business #18

Wording for the Agenda:

Consideration of staff's recommendation to amend the 2017 Stormwater CIP Budget to reallocate \$75,183 from the 508 Stormwater Contingency Fund to Stormwater Projects-Replacement/Upgrades (5509I.)

Background/History/Details:

Staff is recommending \$75,183 be placed in Stormwater CIP account 5509I for installation of 300 linear feet of storm drains on Partridge Point in the Quail Hollow subdivision.

The pipe was identified as failing after the SPLOST list was adopted and has created a safety issue within the County right of way.

This price estimate is based on a similar SPLOST project 175 Deer Trail with minor adjustment based on current site conditions.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to amend the 2017 Stormwater CIP Budget to reallocate \$75,183 from the 508 Stormwater Contingency Fund to Stormwater Projects-Replacement/Upgrades (5509I.)

If this item requires funding, please describe:

The proposed pipe replacement will be funded using Stormwater Contingency funds reallocated to Stormwater Projects-replacement/upgrades (5509I.)

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

If so, when?

Is Audio-Visual Equipment Required for this Request? No

Backup Provided with Request? Yes

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

Approved by Finance Yes

Reviewed by Legal

Approved by Purchasing Not Applicable

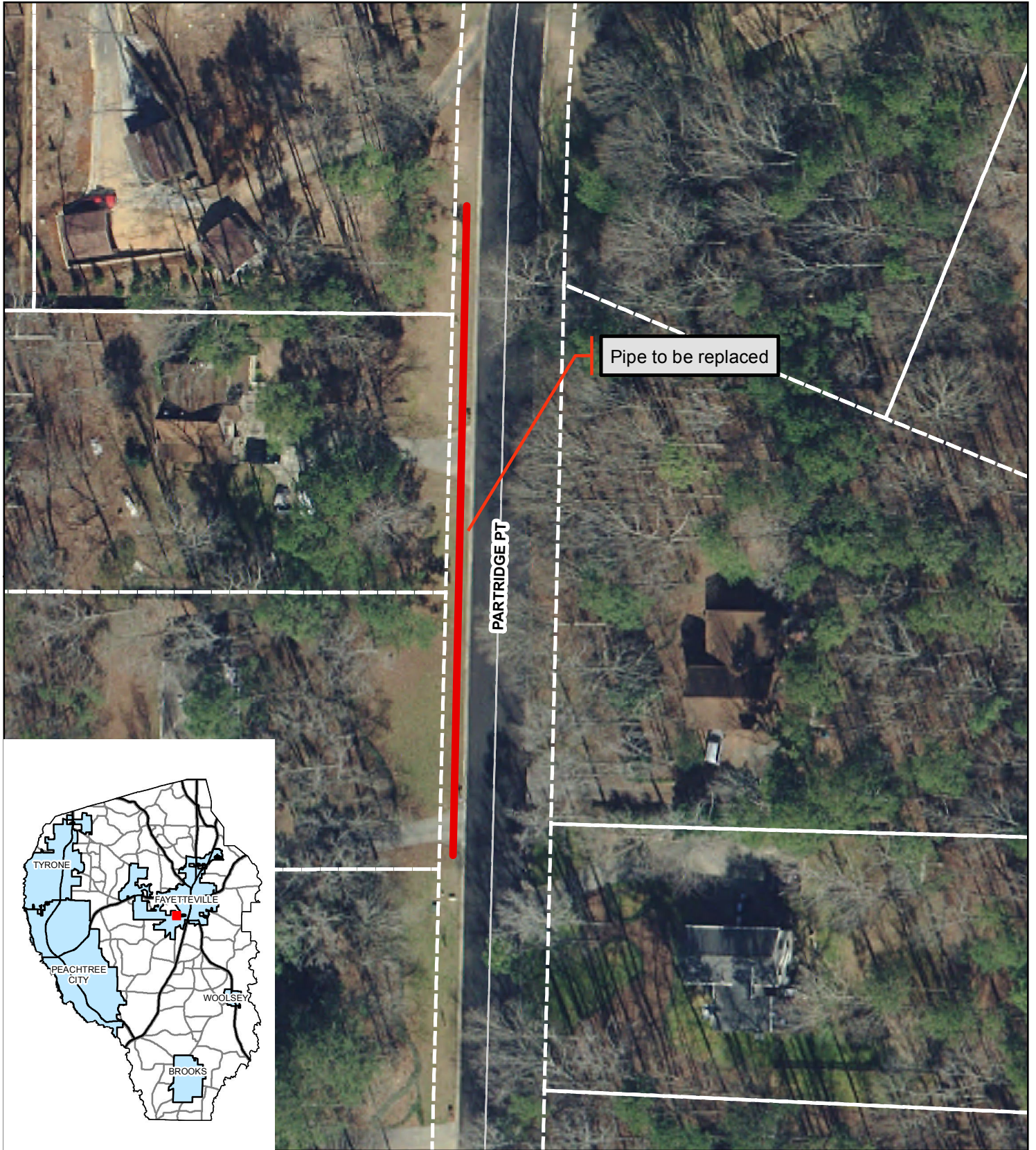
County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

Stormwater Contingency Funds total \$307,722 as of April 6, 2017. This is not one of the 238 stormwater infrastructure projects identified in the approved SPLOST and highlights the need to provide ongoing funding for stormwater projects that may require repairs, replacements and maintenance of the County's stormwater infrastructure.

ENVIRONMENTAL MANAGEMENT DEPARTMENT



1 INCH = 60 FEET

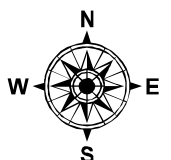




Photo 1: Sink hole caused by pipe.



Photo 2: Sink holes caused by failing pipe system.

Roadway Construction, Utility Relocation and ROW Quantity Calculations

Roadway Construction	Removal Unit Cost	Installation Unit Cost	Amount	Total Cost
Pavement (SF)	\$ 0.73	\$ 4.87	0.00	\$ -
Curb and Gutter (LF)	\$ 28.56	\$ 30.60	100.00	\$ 5,916.00
Drain Inlet (EA)		\$ 3,000.00	0.00	\$ -
4" Sidewalk (SY)	13.56	\$ 36.90	0.00	\$ -
Guardrail (LF)	4.884	\$ 49.09	0.00	\$ -
End Anchorage (EA)		\$ 1,380.00	0.00	\$ -
Subtotal				\$ 5,916.00
Grading Complete (5% of Rwy Items & Drng Total \$)			\$	3,047.65
Roadway Total			\$	8,963.65
Drainage	Removal Unit Cost	Installation Unit Cost	Amount	Total Cost
Trench Excavation (CY)		\$ 14.21	400.00	\$ 5,684.00
36" CMP (LF)	\$ 19.62		300.00	\$ 17,658.00
36" HDPE Pipe		\$ 45.73	300.00	\$ 13,719.00
Class A Conc (CY)		\$ 892.19	12.00	\$ 10,706.26
Steel (lb)		\$ 1.42	0.00	\$ -
Pipe Bedding (CY)		\$ 48.60	67.10	\$ 3,261.06
Trench Backfill (CY)		\$ 3.50	432.90	\$ 1,515.15
Trench Compaction (CY)		\$ 7.20	346.32	\$ 2,493.50
Drainage Total			\$	55,036.97
Signing and Marking		Installation Unit Cost	Amount	Total Cost
Permanent Striping (LF)		\$ 0.71	0	\$ -
Signing and Marking Total			\$	-
Staging		Installation Unit Cost	Amount	Total Cost
Clearing and Grubbing (Acre)		\$ 10,260.00	0.10	\$ 1,026.00
Temporary Pavement				\$ 0
Temporary Drainage (Stream Diversion)		\$ 4,428.00	1.00	\$ 4,428.00
Staging Total			\$	5,454.00
Erosion Control		Installation Unit Cost	Amount	Total Cost
Fine Grading and Seeding (SY)		\$ 4.39	184.00	\$ 808.13
Temporary Grassing (AC)		\$ 855.60	0.00	\$ -
Type C Silt Fence (LF)		\$ 4.24	300.00	\$ 1,270.80
Check Dam Type C Silt Fence (LF)		\$ 6.79	300.00	\$ 2,037.60
Erosion Control Mats (SY)		\$ 1.87	100.00	\$ 187.20
Landscape Mulch (SY)		\$ 3.58	100.00	\$ 357.60
Perm Grassing (AC)		\$ 1,402.20	0.00	\$ -
Rip Rap Type 3 12" (SY)		\$ 60.98	16.00	\$ 975.74
Plastic Filter Fabric (SY)		\$ 5.72	16.00	\$ 91.58
4" Ditch Paving (SY)		\$ 54.65	0.00	\$ -
Erosion Control Total			\$	5,728.66
Construction Cost Total			\$	75,183.27
Traffic Control (8% of Construction Total \$)			\$	-
Construction Cost Grand Total			\$	75,183.27
Utility Relocation	Removal Unit Cost	Installation Unit Cost	Amount	Total Cost
Electric				
Aerial	\$ 11.00	\$ 55.00	\$	-
Buried	\$ 16.50	\$ 82.50	0	\$ -
Wooden Pole	\$ 82.50	\$ 605.00	\$	-
Phone				
Aerial	\$ 11.00	\$ 27.50	\$	-
Buried	\$ 16.50	\$ 55.00	0	\$ -
Wooden Pole	\$ 82.50	\$ 605.00	\$	-
Cable				
Aerial	\$ 11.00	\$ 27.50	\$	-
Buried	\$ 16.50	\$ 55.00	0	\$ -
Wooden Pole	\$ 82.50	\$ 605.00	\$	-
Gas				
4" main	\$ 16.50	\$ 66.00	\$	-
Water				
8" main	\$ 16.50	\$ 93.50	0	\$ -
Relocate Fire Hydrant (EA)		\$ 2,609.22	\$	-
Sewer				
12" main	\$ 16.50	\$ 82.50	0.00	\$ -
Utility Relocation Total			\$	-
Right of Way (Sq Ft)	Cost/ Sq Ft	Sq Ft	Total Cost	
Permanent Easement	\$ 4.00	0	\$	-
ROW Total			\$	-
Total Cost			\$	75,183.27

COUNTY AGENDA REQUEST

Page 113 of 142

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Resolution 2017-06 for reimbursement of funds for various projects to be funded by Special Purpose Local Option Sales Tax (SPLOST) proceeds as approved by the March 21, 2017 Special Election.

Background/History/Details:

The Special Purpose Local Option Sales Tax (SPLOST) was approved by voters during the March 21, 2017 Special Election. The amount identified for projects to be completed by Fayette County total \$64,646,530. (Exhibit A)

On January 14, 2016, the Board of Commissioners approved emergency funding of \$997,529 of the total estimated \$3.6M in the form of a General Fund loan and project reallocation to be used in addressing the Road and Stormwater infrastructure damage, Category 1, resulting from the December, 2015 floods. These projects were included and approved by the voters to be funded by SPLOST.

The County is requesting to reimburse itself with SPLOST proceeds for funds that have been spent prior to receiving collection of the SPLOST proceeds, which is scheduled for late August 2017. This Resolution is to request the reimbursement of funds for the SPLOST projects that are to be funded by the SPLOST proceeds.

What action are you seeking from the Board of Commissioners?

Approval of Resolution 2017-06 for reimbursement of funds for various projects to be funded by Special Purpose Local Option Sales Tax (SPLOST) proceeds as approved by the March 21, 2017 Special Election.

If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

STATE OF GEORGIA

COUNTY OF FAYETTE

RESOLUTION

NO. 2017 - ____

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA APPROVING THE REIMBURSEMENT OF FUNDS FOR VARIOUS PROJECTS TO BE FUNDED BY SPECIAL PURPOSE LOCAL OPTION SALES TAX (“SPLOST”) PROCEEDS AS APPROVED BY THAT CERTAIN REFERENDUM OF MARCH 21, 2017.

WHEREAS, the Board of Commissioners of Fayette County, Georgia (the “County”), is presently commencing various projects which were identified to be funded by SPLOST proceeds in Fayette County, Georgia, with the list of projects more particularly described in Exhibit “A” attached hereto (the “Projects”) with said Exhibit “A” being incorporated herein by this reference hereto; and

WHEREAS, the Projects will require expenditures currently estimated at SIXTY-FOUR MILLION SIX HUNDRED FORTY-SIX THOUSAND FIVE HUNDRED THIRTY (\$64,646,530) Dollars; and

WHEREAS, the SPLOST proceeds will supply the necessary funding to complete the Projects, but it is the County’s intention to begin the Projects prior to receiving the full SPLOST proceeds; and

WHEREAS, the County expects to reimburse itself with the SPLOST proceeds for the funds that have been expended prior to receiving the full collection of the SPLOST proceeds;

and

WHEREAS, after careful study and investigation of the nature of the Projects, the County has determined that it will be acting in furtherance of public purposes and that the County has the power and authority to do so; and

WHEREAS, the method of funding these Projects is through the use of SPLOST proceeds while recognizing that SPLOST proceeds won't begin flowing to the County until the last day of August, 2017, at the earliest; and

WHEREAS, the County has determined that it is in the best interest of the citizens of Fayette County that the planning, design, acquisition, construction, installation and carrying out of the Projects move forward without delay;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Fayette County, Georgia as follows:

1.

In order to facilitate the commencement of the planning, design, acquisition, construction, installation and carrying out of the Projects, the County is hereby authorized to advance funds on the Projects prior to the receipt of SPLOST proceeds with the intention of reimbursing the County from SPLOST proceeds for all funds expended on the Projects by other than SPLOST proceeds.

2.

Once SPLOST proceeds start flowing to the County, the County, consistent with the requirements of law, will use the SPOST proceeds for the Projects, including any reimbursements to the County for funds advanced for the Projects prior to receipt of the

aforementioned SPLOST proceeds.

SO RESOLVED this ____ day of _____, 2017.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

(SEAL)

BY: _____
ERIC K. MAXWELL, Chairman

ATTEST:

Tameca P. White, County Clerk

Approved as to form:

County Attorney

COUNTY AGENDA REQUEST

Page 117 of 142

Department: Environmental Management

Presenter(s): Director Vanessa Birrell

Meeting Date: Thursday, April 13, 2017

Type of Request: New Business #20

Wording for the Agenda:

Consideration of staff's recommendation to repeal the Stormwater Utility.

Background/History/Details:

The Stormwater Utility became effective January 1, 2012, and is a user-based fee, whose only purpose, is to pay for the repair or improvement of stormwater structures. The user fees pay for costs exclusively dedicated to repair and replacement of County stormwater infrastructure.

Since inception, the Utility billed \$3,085,757 over five years and collected \$2,691,316 from approximately 17,000 unincorporated Fayette County property owners. Currently there is \$394,441 of uncollected revenue.

With the passage of the 2017 SPLOST, which includes over \$23,741,641 for 238 Stormwater Utility related projects, staff is recommending the Stormwater Utility be repealed and future repair and maintenance work (beyond the six-year SPLOST) be paid through routine funding from the General Fund.

What action are you seeking from the Board of Commissioners?

Approval to repeal the Stormwater Utility.

If this item requires funding, please describe:

Not Applicable.

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

If so, when?

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

Backup Provided with Request? No

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

**STATE OF GEORGIA;
COUNTY OF FAYETTE**

ORDINANCE NO. 2011-08

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF FAYETTE COUNTY, GEORGIA, CHAPTER 19 UTILITIES, BY ADDING A NEW ARTICLE VI, STORMWATER MANAGEMENT, TO ESTABLISH A STORMWATER UTILITY FOR UNINCORPORATED FAYETTE COUNTY AS A DEDICATED ENTERPRISE ACCOUNTING UNIT, STORMWATER MANAGEMENT DEPARTMENT; TO IDENTIFY THE SERVICE AREA, PURPOSES, AND POWERS OF THE UTILITY; TO PROVIDE DEFINITIONS; TO ESTABLISH GENERAL SERVICE CHARGE RATE POLICIES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO ESTABLISH AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the duly elected Governing Authority of Fayette County is the Board of Commissioners thereof; and

WHEREAS, Fayette County is responsible for the protection and preservation of the public health, safety, and welfare of the community; and

WHEREAS, the Board of Commissioners desires to establish provisions sufficient for management of stormwater throughout the unincorporated areas of Fayette County; and

WHEREAS, the Federal Clean Water Act as amended by the Water Quality Act of 1987 (33 U.S.C. 1251 et seq.) and rules promulgated by the United States Environmental Protection Agency pursuant to the Act place increased emphasis on the role of local governments in developing, implementing, conducting and funding stormwater management programs which address water quality impacts of stormwater runoff; and

WHEREAS, Fayette County commissioned a stormwater funding feasibility analysis by an independent engineering firm from which the Board of Commissioners finds and concludes that substantial stormwater management operational and capital investment needs exist; and

WHEREAS, financial analysis indicates that adequate and stable funding will be essential if the county is to meet the requirements and mandates of future stormwater management operational and capital investment needs; and

WHEREAS, it is the desire of the Board of Commissioners to proceed with the development, implementation, and operation of a utility for stormwater management accounted for in the County's budget as a separate enterprise fund dedicated solely to stormwater management and to institute funding methods associated therewith;

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

Section 1. That the Fayette County Code of Ordinances, as amended, Chapter 19, Utilities, is hereby amended by adding a new Article VI, Stormwater Management, to read as follows:

Sec. 19-96. Findings.

The Board of Commissioners of Fayette County, Georgia makes the following findings:

- (b) An independent professional engineering and financing analyses as prepared by Integrated Science and Engineering, Inc. properly assesses and defines the stormwater management problems, needs, goals, program priorities, and funding opportunities of unincorporated Fayette County.
- (c) Given the problems, needs, goals, program priorities, and funding opportunities identified in the professional engineering and financing analyses, it is appropriate to authorize the formation of an organizational and accounting entity dedicated specifically to the management, maintenance, protection, control, regulation, use, and enhancement of stormwater systems in unincorporated Fayette in concert with other water resource management programs.
- (d) Stormwater management is applicable and needed throughout the unincorporated boundaries of Fayette County. While specific service and facility demands may differ from area to area at any given time, a stormwater management service area encompassing all lands and water bodies within the unincorporated boundaries of Fayette County is consistent with present and future needs of the community.
- (e) The stormwater needs in unincorporated Fayette County include, but are not limited to, protecting the public health, safety, and welfare. Provision of stormwater management programs and facilities renders and/or results in both service and benefit to all properties, property owners, citizens, and residents of Fayette County in a variety of ways as identified in the professional engineering and financial analyses. The service and benefit rendered or resulting from provision of stormwater management systems and facilities may differ depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater systems and programs, and risk exposure.
- (f) Fayette County presently owns and operates stormwater management systems and facilities developed over many years. Future usefulness of existing stormwater systems owned and operated by the County, and of additions and improvements thereto, rests on the ability of the County to effectively manage, protect, control, regulate, use, and enhance stormwater systems and facilities in the County in concert with management of other water resources in the County. In order to do so, the County must have adequate and stable funding for its stormwater management operating and capital investment needs.
- (g) The Board of Commissioners finds, concludes and determines that a Stormwater Utility provides the most practical and appropriate means of properly delivering and funding stormwater management services in unincorporated Fayette County.
- (h) An equitable approach to funding stormwater management services and facilities can be provided by adopting a schedule of service charges upon properties that is related to the burden of stormwater quality control service requirements and costs posed by properties throughout the County. Such schedule of service charges can be complemented by other funding methods which address specific needs, including but not limited to, allocations of special purpose local option sales taxes to stormwater drainage improvement projects. A service charge credit is an appropriate means of adjusting service charges in recognition that private stormwater systems and/or actions can effectively reduce or eliminate the burden of stormwater quantity and quality control service requirements and costs that a property or properties pose for the County. Impervious area is the most important factor influencing stormwater service requirements and costs posed by properties throughout the County, and therefore is an appropriate parameter for calculating stormwater service charges and associated credits. In addition, the value to the stormwater utility of certain actions and practices performed by property owners and other stormwater utility customers may be recognized by credits based on other factors, including but not limited to, the avoided cost of public information and education realized by the utility when public information and education about stormwater management is provided by the public school system.

- (i) A schedule of Stormwater Utility user fee charges based on the area of impervious surface located on each improved property is the most appropriate and equitable means of allocating the cost of stormwater management services throughout the County. Such user fee charges may be complemented by other types of charges which address specific needs, including, but not limited to, special service fees, special assessments, revenue bonds, use of proceeds from special purpose local option sales taxes and other forms of revenue, as deemed appropriate by the Board of Commissioners.
- (j) The existence of privately owned and maintained on-site or off-site systems, facilities, activities or assets that reduce or otherwise mitigate the impact of a particular property on the Stormwater Utility's cost of providing stormwater management services and/or stormwater management systems and facilities, can be taken into account to reduce the user fee charge on that property in the form of a credit, and such credit should be conditioned upon continuing provision of such services, systems, facilities, activities or assets in a manner complying with the standards and codes as determined by the Stormwater Utility Manager.
- (k) It is imperative that the proceeds from all user fee charges for stormwater management services, systems or facilities, together with any other revenues raised or otherwise allocated specifically to stormwater management services, systems or facilities, be dedicated solely to those purposes, and such proceeds of user fee charges and revenues shall therefore be deposited into the enterprise accounting fund of the Stormwater Utility and shall remain in that fund and be dispersed only for stormwater management capital, operating and non-operating costs, lease payments and debt service of bonds or other indebtedness for stormwater management purposes.

Sec. 19-97. Definitions.

Except as specifically defined in this chapter, all words used in this title have their customary dictionary definitions. For the purpose of this title, certain words or terms used are defined as follows:

Credit. A conditional reduction in the amount of a customer's stormwater user fee charge in recognition of a customer's efforts to mitigate the stormwater runoff impact that developed property has on the County stormwater management systems, and/or the efforts of a customer to offset the County's cost for implementation of the stormwater management program activities that include, but not limited to, public education, watershed stewardship, etc.

County. The unincorporated jurisdictional boundaries of Fayette County, Georgia. For purposes of this ordinance may also be referred to in this ordinance as Fayette County or the County.

Developed Land. All real property altered from its natural state by grading, paving, compaction, construction of structures, impervious services, or drainage works so that hydrologic response of the property is changed from that which would occur in the natural undeveloped condition.

Fayette County Stormwater Utility User Fee Credit Manual. A technical guidance manual published by Fayette County that defines user fee credits available to private and public entities that undertake specific stormwater management activities and criteria and procedures for customers to secure and maintain stormwater user fee credit(s). The 'Fayette County Stormwater Utility User Fee Credit Manual' is hereby incorporated by reference.

Georgia Stormwater Management Manual. A stormwater technical guidance manual published by the Atlanta Regional Commission. The 'Georgia Stormwater Management Manual' is hereby incorporated by reference into this ordinance.

Impervious Area/Impervious Surface. Areas or surfaces that prevent or impede the infiltration of stormwater into the soil. The following types of surfaces will be considered "impervious" for purposes of the stormwater utility: the projected area of buildings; asphalt-, concrete-, brick-, or stone-paved areas; improved vehicular drives and parking areas; compacted gravel and soil surfaces; fabric or plastic coverings; and other surfaces that prevent or impede the natural infiltration of stormwater runoff or that change the hydrologic response of the property that existed prior to development.

Hydrologic Response. The manner and means whereby stormwater collects, remains, infiltrates, and is conveyed from a property. It is dependent on several factors including, but not limited to, the presence of impervious area; the size, shape, topographic, vegetative, and geologic conditions of a property; antecedent moisture conditions; and groundwater conditions on a property.

Non-Single Family Residential Property. Developed property that consists of various non-residential land uses including, but not limited to: (1) multi-family, commercial, office/institutional, public, transportation, industrial, manufacturing and storage buildings and facilities; (2) parking lots, parks, public and private schools, universities and hospitals; (3) streets, roads, water and wastewater treatment plants; and (4) any other form of use not specifically defined as a single family residential property.

Service Charge. A periodic rate, fee, or charge applicable to a parcel of land, reflective of the service provided by Fayette County Stormwater Utility. Service charges are based on measurable parameters which influence the stormwater utility's cost of providing services and facilities, with the most important factor being the amount of impervious area on each parcel of land, which is the user-rate fee charge. The use of impervious area as a service charge rate parameter shall not preclude the use of other parameters to determine the impact on the stormwater utility's cost of providing stormwater management services and facilities. Stormwater service charges may also include special charges to the owners of particular properties for services or facilities uniquely related to stormwater management of that property, including but not limited to charges for development plan review, inspection of development projects and on-site stormwater control systems, and enhanced level of stormwater services above those normally provided by the County.

Single-Family Residential Property. Developed property containing at least one dwelling with one (1) or more bedrooms, a bathroom, and cooling facilities, designed for occupancy by one or more persons, regardless of relationship, living as a single-family unit. Improved property may be classified as single-family residential even if supplemental detached dwelling units are present that include but not limited to garages, carports, storage buildings and barns.

Stormwater Customers. All persons, properties, and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension, and improvement of the public stormwater management systems and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served or benefited as a result of the stormwater management program.

Stormwater Drainage Influence Zone. Areas lying downstream of a culvert, or other stormwater management conveyance system. On the downstream side of the conveyance system, the stormwater influence zone will extend for a length of six times the diameter (or width) of the culvert from which runoff is being discharged (Field Manual for Erosion and Sediment Control in Georgia, Third Edition, pg. 99), and within the horizontal limits set forth in the aforementioned field manual. For example, if a 48-inch diameter culvert is discharging to a private property, the stormwater drainage influence zone shall extend 24 feet (six times 48 inches) from the end of the culvert and for the specified width (i.e. typically the width of the creek). The County stormwater utility may perform maintenance and/or capital construction activities only within that portion of the public water influence zone which the County has an ownership interest in, or for which a dedicated easement has been granted to, and accepted by the

County for such purpose.

Stormwater Drainage System. A system designed to provide adequate surface drainage that includes inlets, street and roadway gutters, ditches, small channels, swales and underground piping systems.

Stormwater Management Services. All services provided by the County that relate to the:

1. Transfer, control, conveyance or movement of stormwater runoff through the Fayette County Stormwater Management System;
2. Maintenance, repair and replacement of existing stormwater drainage systems;
3. Regulation of the use of stormwater management services and systems; and,
4. Compliance with applicable state and federal stormwater management regulations and permit requirements.

Stormwater management services may address the quality of stormwater runoff as well as the quantity thereof.

Stormwater Management System. The structural and nonstructural stormwater drainage systems, facilities, operations, and programs that address the issues of drainage management (flooding) and environmental quality (pollution, erosion and sedimentation) of receiving rivers, streams, creeks, lakes, ponds, and reservoirs through improvements, maintenance, regulation and funding of plants, works, instrumentalities and properties used or useful in the collection, retention, detention, and treatment of stormwater or surface water drainage.

Undeveloped Land. Land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have no pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface that would prevent infiltration of stormwater or cause stormwater to collect, concentrate, or flow in a manner materially different than that which would occur if the land was in an unaltered natural state.

Sec. 19-98. Establishment of a Stormwater Utility and Enterprise Fund.

- (a) There is hereby established a Stormwater Utility within the Fayette County Utility Services which shall be responsible for stormwater management services throughout the unincorporated County limits, and shall provide for the management, protection, control, regulation, use, and enhancement of the County's stormwater management system. Such utility shall be under the direction of a Stormwater Management Director.
- (b) The County Administrator and the County Chief Financial Officer shall establish a Stormwater Enterprise Fund in the County budget and accounting system, separate and apart from its General Fund, for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the utility, including but not limited to rentals, rates, charges, fees, and licenses as may be established by the Board of Commissioners. All revenues and receipts of the stormwater utility shall be deposited promptly upon receipt into the Stormwater Enterprise Fund, to be held and invested in trust for the purposes dedicated, and expended exclusively for purposes of the stormwater utility, including capital project construction. No other funds of the County shall be deposited in the Stormwater Enterprise Fund or commingled with dedicated stormwater revenues, except that other revenues, receipts, and resources not accounted for in the Stormwater Enterprise Fund, including, but not limited to, grants, transfers of County funds, loans, and bond proceeds may be combined with and applied to stormwater management as deemed appropriate by the Board of Commissioners, upon recommendation of the County Administrator.

Sec. 19-99. Scope of Responsibility for the Stormwater Utility.

(a) The stormwater utility shall be responsible for stormwater management throughout the unincorporated limits of Fayette County government. The utility shall provide for the conservation, management, protection, control, use, and enhancement of stormwater through planning, acquisition, construction, installation, management, operation, maintenance, regulation, extension, and improvement of the public stormwater drainage systems to collect, control, convey, store, detain, retain, recharge, and treat stormwater and through regulation of stormwater management systems on private property. It shall be the long-term objective of the County to provide a comparable and consistent level of stormwater service to similarly situated properties throughout the service area.

(b) The County owns or has legal access for purposes of operation, maintenance and improvements to those segments of the Fayette County Stormwater Management System that:

(1) Are located within public streets, rights-of-way, and easements;

(2) Are subject to easements, rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, and/or improvement of stormwater drainage systems; or,

(3) Are located on public lands to which the County has adequate access for operation, maintenance, and/or improvement of stormwater drainage systems and facilities.

(c) Operation and maintenance of stormwater management systems located on private property or public property not owned by Fayette County and for which there has been no public dedication and acceptance of such systems and/or facilities for operation, maintenance, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner, or its occupant, except as that responsibility may be otherwise affected by the laws of the State of Georgia and/or the United States of America.

(d) It is the intent of this ordinance to protect the public health, safety and general welfare of all properties and persons in general, but not to create any special duty or relationship with any individual person or to any specified property within or without the boundaries of Fayette County. Fayette County expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the County, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created. To the extent any permit, plan approval, inspection or similar act is required by the County as a condition precedent to any activity by or upon property not owned by the County, pursuant to this or any other regulatory ordinance, regulation or rule of the County or under Federal or State law, the issuance of such permit, plan approval, or inspection shall not be deemed to constitute a warranty, express or implied, nor shall afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages against the County, its officers, employees or agents.

Sec. 19-100. Requirements for Stormwater Systems; Inspections and Enforcement Methods.

The appropriate and efficacious management of the stormwater management system by the County on behalf of all its citizens and in compliance with applicable state and federal law places necessary and appropriate obligations on private property owners as well. The stormwater utility may provide for inspection of private stormwater drainage systems and/or facilities to ascertain that the stormwater drainage systems and/or facilities are functioning as designed and approved by the County.

(a) All property owners of improved property within the incorporated areas of unincorporated Fayette County shall provide, manage, maintain, and operate on-site stormwater management systems sufficient to collect, convey, detain, and discharge stormwater runoff in a safe manner consistent with all applicable County development regulations, ordinances, and State and Federal laws. Any failure to meet

this obligation shall constitute a violation of this article and be subject to citation and prosecution in the Fayette County Municipal Court. Each day such violation exists shall constitute a separate offense, subject to the penalties set forth in Section? of the Code of the Fayette County.

- (b) The County shall have the right, pursuant to the authority of this ordinance, for its designated officers and employees to enter upon private and public property owned by entities other than the County, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance.
- (c) If determined by the Stormwater Management Department, undocumented drainage systems, located on private property that are connected to the County's stormwater drainage system, shall be permitted and improved by the property owner to ensure proper function to the public system. This determination may be based upon on the severity of stormwater problems, current or potential damage to the publicly-owned stormwater management system and potential hazards to the public health, safety and welfare.
- (d) In the event a public nuisance is deemed to exist by the Stormwater Management Department, the County may elect to sue in the Superior Court of Fayette County to abate such nuisance. In the event a public nuisance is found by the court to exist, which the property owner fails to abate within such reasonable time as allowed by the Superior Court, the County may enter upon the property and cause work as is reasonably necessary to be performed, with the actual cost thereof assessed against the property owner in the same manner as a tax levied against the property. From date of filing of such abatement action, the County shall have lien rights which may be perfected, after judgment, by filing a notice of lien on the general execution docket of the Superior Court of Fayette County.
- (e) Any failure to meet the obligations set forth in this Ordinance shall constitute a nuisance and be subject to an abatement action filed by the County in the ? Court. In the event a public nuisance is found by the Court to exist, which the owner fails to properly abate within such reasonable time as allowed by the Court, the County may enter upon the property and cause such work as is reasonably necessary to be performed. The actual cost thereof shall be assessed against the owner in the same manner as a tax levied against the property.
- (f) The County shall have lien rights from the date of the filing of the abatement action by the County, and said lien rights may be perfected through:

- (1) A judgment; and,

- (2) The filing of a writ of fieri facias against all property of the person or entity against whom the assessment was made. Upon issuance of said fi. fa., and forwarding of same to the Sheriff, the Sheriff shall be authorized pursuant to Georgia law to levy same upon the property of the owner to satisfy the amount due on the judgment.

These enforcement methods shall be perfected by filing a notice of lien on the General Execution Docket of the Superior Court of Fayette County. A fi. fa. issued by any court in the State of Georgia can be recorded on the General Execution Docket of the Superior Court of any other county in the state in which the owner possesses property. When the execution has been entered upon the docket, the lien shall date from such entry.

State law reference — O.C.G.A. § 9-12-81(b).

Sec. 19-101. Stormwater Service Charges.

The stormwater management utility shall recover the cost of providing stormwater services and facilities by imposing a stormwater user fee on all developed properties within the service area in a fair and equitable manner. The stormwater management utility shall apportion the cost of delivering stormwater

services to all developed properties based on the demand the property places on the County's stormwater management program and the stormwater services provided by the County.

It shall be the goal of the Board of Commissioners to establish stormwater user fee rates that are fair, equitable and reasonable, and together with other funding sources available to the Fayette County Stormwater Management Utility, such as special service fees and charges deemed appropriate by the Board of Commissioners to customers for services, systems, and/or facilities related to stormwater management (e.g. credit application fees, plan review fees, development inspection fees, regulatory compliance inspection fees, special assessments and other fees related to provision of stormwater management services), are sufficient to support the cost of the stormwater management services, including, but not limited to, the payment of principal and interest on debt obligations, lease payments, operating expenses, capital outlays, non-operating expenses, provisions for prudent reserves and other costs as deemed appropriate by the County.

The basis for calculation of the stormwater user fee rate to all developed property within the County is established in this article. The County shall assign or determine the amount of impervious area and other pertinent factors as may be needed for the fair, reasonable and equitable allocation of the costs to deliver stormwater management services and to calculate the stormwater user fee charges for all developed properties in the County.

(a) User-Fee Rate Calculation.

(1) Properties shall be treated as containing one billing unit for each 1,000 square feet of impervious area located on the property to establish the total number of billing units for billing. The total square footage impervious area will be rounded down to the nearest 1,000 ft. increment. (Ex. A property with 1,990 square feet of impervious area shall contain 1 equivalent runoff unit.)

(2) Gravel and compacted soils shall be calculated as 0.85 equivalent runoff units, because of the hydrologic response characteristics of these materials. (Ex. A property with 2,000 square feet of gravel area shall be equivalent to 1,700 square feet and then rounded down to 1 equivalent runoff unit.)

(b) Calculation of Rate. The periodic stormwater user fee charges imposed on all developed properties shall be a rate of \$0.35 per 1000 square feet of impervious surface per month.

Sec. 19-102. Stormwater User-fee Billing/Collections, and Delinquencies.

(a) Billing and Collections.

(1) The stormwater user fee charge will be billed and collected as deemed most effective and efficient by the County.

(2) Stormwater user fee charges shall begin to accrue (date), and shall be billed periodically, thereafter to customers, except as specific exemptions and credits may apply. A bill for stormwater user fee charges may be sent through the United States Postal Service or by alternative means, notifying the owner of the property being billed of the amount of the stormwater user fee charge, less credits, the date the payment is due and the date when payment is past due.

(b) Delinquencies.

(1) Failure to receive a bill shall not be justification for nonpayment. Regardless of the party

to whom the bill is initially directed, the owner of each developed property subject to stormwater user fee charges shall be obligated to pay stormwater user fee charges and any interest on delinquent stormwater user fee charge payments.

(2) Any service charge or portion of a service charge not paid when due may be recovered in an action at law or equity by the County.

(3) No lien shall be imposed for delinquent collections unless a judgment is first obtained from a court of competent jurisdiction.

(4) Suits for collection shall be commenced by the County in the county of the owner's residence; provided, however, if the owner is not a resident of this state, suit may be filed in the Superior or State Court of Fayette County, Georgia. If a suit is instituted by the County for collection, the owner shall pay court costs, litigation expenses, and reasonable attorney's fees incurred by the County.

(5) If suit is instituted for the collection of any fees due hereunder or for the enforcement of this Ordinance, the owner shall pay the court costs, litigation expenses, and reasonable attorney's fees associated therewith.

Sec. 19-103. Exemptions and Credits Applicable to Stormwater Service Charges.

Except as provided in this section or otherwise provided by law, no public or private property located in the incorporated area of Fayette County shall be exempt from the stormwater user fee charges. No exception, credit, offset, or other reduction in stormwater user fee charges shall be granted based on age, tax status, economic status, race, religion or other condition unrelated to the Stormwater Utility's cost of providing stormwater management services and facilities.

(a) Exemptions to the stormwater user fee charges are as follows:

(1) Railroad rights-of-way (tracks) shall be exempt from stormwater user fee charges. However, railroad stations, maintenance buildings, and/or other improved property used for railroad purposes shall not be exempt from stormwater user fee charges.

(2) Georgia Department of Transportation (GDOT) streets and rights-of-way shall be exempt from stormwater user fee charges. This exemption is in recognition of routine drainage system maintenance and capital construction services undertaken by GDOT in association with GDOT rights-of-way and road systems. However, maintenance buildings and/or other improved property used for GDOT purposes shall not be exempt from stormwater user fee charges. All other State, Federal, and County properties are subject to the user fee charges on the same basis as private properties.

(3) Fayette County owned streets and rights-of-way shall be exempt from stormwater user fee charges. This exemption is in consideration for the County allowing the Stormwater Utility to use the County's existing street, curbs, gutters, drainage ways and ditches, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural and man-made, that controls and diverts surface water for the purposes of collecting, diverting, transporting and controlling surface and storm waters. However, other improved property owned and used for County purposes shall not be exempt from stormwater user fee charges.

(b) The Stormwater Management Department shall grant credits or adjustments based on the technical and procedural criteria set forth in the Stormwater Utility Credit Technical Manual, which shall be

adopted and amended by and at the discretion of the Board of Commissioners as an operating policy of the Stormwater Utility. Copies of the Credit Technical Manual shall be maintained by and available from the Stormwater Management Department.

Sec. 19-104. Effective Date of Stormwater Charges.

Stormwater service charges shall accrue beginning January 1, 2012, and shall be billed periodically, thereafter to customers, except as specific exemptions and credits may apply.

Sec. 19-105. Appeals.

Any customer who believes the provisions of this Article have been applied in error may appeal in the following manner.

- (a) An appeal must be filed in writing with the Fayette County Stormwater Management Director. In the case of service charge appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the property to rainfall events.
- (b) Based on the information provided, a technical review shall be conducted by the Stormwater Management Director of the Stormwater Utility and a written determination will be issued within thirty (30) days stating whether an adjustment to the service charge is appropriate and, if so, the amount of such adjustment.
- (c) In response to an appeal, the Stormwater Management Director may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this chapter.
- (d) A decision of the Stormwater Management Director which is adverse to an appellant may be further appealed to the Director's supervisor within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the Director's supervisor by the appellant, stating the grounds for the appeal. The Director's supervisor shall issue a written decision on the appeal within thirty (30) days. All decisions of the Director's supervisor shall be served on the appellant personally or by registered or certified mail, sent to the billing address of the appellant.
- (e) If the person or entity seeking adjustment or relief from the service charge desires, the decision of the Stormwater Management Director's supervisor may be appealed in writing to the Board of Commissioners. Such appeals must be made within thirty (30) days of the decision of the Director's supervisor and include a written basis for the appeal. The decision of the Board of Commissioners shall be final.
- (f) This appeal process shall not interfere with the rights of the person or entity to seek judicial relief in a court of competent jurisdiction, but shall be exhausted before judicial relief is pursued. Any appeal to the Superior Court of Fayette County must be filed within thirty (30) days of the decision of the Board of Commissioners.
- (g) Notices of the appeal and decisions shall be served personally or delivered by registered or certified mail to the address of record.

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.

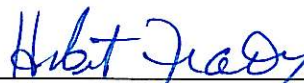
c. In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners 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.

Section 5. The effective date of this Ordinance shall be January 1, 2012.

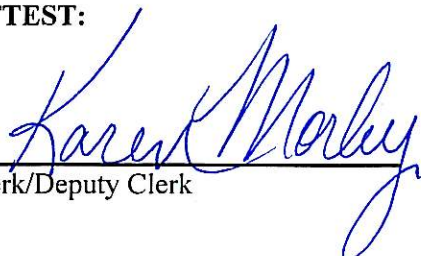
It is so ordained this 22nd day of September, 2011, by the

**BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA**



Herbert E. Frady, Chairman

ATTEST:



Clerk/Deputy Clerk

COUNTY AGENDA REQUEST

Page 129 of 142

Department: Legal

Presenter(s): Dennis Davenport, Attorney

Meeting Date: Thursday, April 13, 2017

Type of Request: New Business #21

Wording for the Agenda:

Consideration of Ordinance 2017-01; Motorized Carts to amend the Fayette County Code of Ordinance, Article III of Chapter 26, Section 26-57, by deleting Subsection (d) "Registration/transfer requirements" in its entirety, and replacing it with a new Subsection (d) to be approved as presented.

Background/History/Details:

The Board of Commissioners approved Ordinance 2014-05 at its March 27, 2014 meeting revising provisions pertaining to Motorized Carts within unincorporated Fayette County to include reciprocal agreements with the Town of Tyrone and the City of Fayetteville. This ordinance amends the text to "honor/recognize permits issued from the City of Fayetteville, the City of Peachtree City and the Town of Tyrone in the unincorporated portion of the county."

What action are you seeking from the Board of Commissioners?

Approval Ordinance 2017-01; Motorized Carts to amend the Fayette County Code of Ordinance, Article III of Chapter 26, Section 26-57, by deleting Subsection (d) "Registration/transfer requirements" in its entirety, and replacing it with a new Subsection (d) to be approved as presented.

If this item requires funding, please describe:

Not Applicable.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

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

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

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

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

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2017-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO REVISE PROVISIONS PERTAINING TO REGISTRATION/TRANSFER REQUIREMENTS FOR MOTORIZED CARTS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO MOTORIZED CARTS (ARTICLE III OF CHAPTER 26), BE AMENDED AS FOLLOWS:

Section 1. By deleting Subsection (d) of Section 26-57, pertaining to “Registration/transfer requirements”, of Article III of Chapter 26, in its entirety, and by replacing it with a new Subsection (d) in Section 26-57 of Article III of Chapter 26, to be numbered and read as follows:

(d) *Reciprocal agreement.* The County will honor/recognize permits issued from the City of Fayetteville, the City of Peachtree City, and the Town of Tyrone (the “Cities”) in the unincorporated portion of the County. Residents of the Cities will be afforded the

same privileges as those permit holders who are residents of the unincorporated portion of the County and all sections of this article will apply to the residents of the Cities as well. Notwithstanding anything contained herein to the contrary, the minimum age for operating a motorized cart or low-speed motor vehicle in the unincorporated portion of the County is 12 years old with an accompanying adult and 15 years old with a valid learner's permit.

Section 2. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County.

Section 3. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ENACTED this _____ day of _____, 2017.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY

By: _____
Eric K. Maxwell, Chairman

(SEAL)

ATTEST:

Tameca P. White, County Clerk

Approved as to form:

County Attorney

COUNTY AGENDA REQUEST

Page 135 of 142

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Ritesh Ghimire for tax year 2016 in the amount of \$2,112.06.

Background/History/Details:

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a Refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

A memo from the County Attorney is provided as backup with an explanation to approve tax year 2016 of this request.

What action are you seeking from the Board of Commissioners?

Approval to deny the disposition of tax refunds, as requested by Ritesh Ghimire for tax year 2016 in the amount of \$2,112.06.

If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

02/10/2017

To,
The County Commissioner
Fayette County, GA



From,

RITESH GHIMIRE
@ 110 Lordship Ct.
Fayetteville, GA 30215

Subject:- Request for re-imbursement of
property taxes of CY16 (2016) based on
the United States Military Disability
(U.S. Military-Veterans Disability)
(of 100%)

RECEIVED

FEB 10 2017

FAYETTE COUNTY
BOARD OF ASSESSORS
FAYETTEVILLE, GEORGIA

Thank You.
[Signature]

LAW OFFICES
McNALLY, FOX, GRANT & DAVENPORT

A PROFESSIONAL CORPORATION

100 HABERSHAM DRIVE

FAYETTEVILLE, GEORGIA 30214-1381

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

TELEPHONE: (770) 461-2223
FACSIMILE: (770) 719-4832
(770) 461-5863

MAILING ADDRESS:
POST OFFICE BOX 849
FAYETTEVILLE, GA 30214-0849

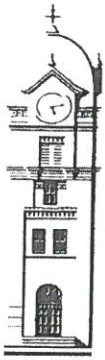
MEMORANDUM**To: Fayette County Board of Commissioners****From: McNally, Fox, Grant & Davenport, P.C.****Date: March 28, 2017****Re: Tax Refund Request –Ritesh Ghimire– Disabled Veterans Homestead
Exemption – Map Code 051005064**

On February 6, 2017, Mr. Ghimire made an application for Disabled Veterans Homestead Exemption. His homestead is at 110 Lordship Court, Fayetteville, Georgia 30215. This has been claimed as his homestead since tax year 2014. To support his claim for exemption, Mr. Ghimire has submitted a letter from the Department of Veterans Affairs, the VA, dated February 6, 2017. Therein, the VA declares him to be rated 100% disabled and contributes this to his service in the military. The disability date of the letter appears to be the date of disability. Currently, no provision of law allows retroactive application of any homestead exemption, including exemption for disabled veterans.

The provisions for refund of local property taxes are specific in the protections they provide. They are a method to address errors or illegality in the assessment process and/or records of the assessor's; or to refund taxes in those instances a was paid but not actually owed, overpayment. The provisions are not meant to create a scenario wherein the tax books of the county are re-opened to address an issue a taxpayer merely wishes had been considered during assessment.

No error or illegality in procedure has occurred in assessing Mr. Ghimire's property taxes for 2016, nor has there been an overpayment. This taxpayer desires consideration of a Disabled Veteran's Homestead Exemption however, application for the exemption was not made until 2017. Current state law requires an application be timely made to receive any exemption from local property tax. At the time of the assessment, the procedure implemented was accurate. No overpayment has occurred, Mr. Ghimire merely paid what was properly due on the account in 2016. The refund requested for tax year 2016 is recommended for denial. However, the Disabled Veterans Homestead Exemption is in place on Mr. Ghimire's property for tax year 2017 and beyond.

Recommended denial for tax year 2016 of \$2112.06.



Fayette
COUNTY

140 STONEWALL AVENUE WEST, STE 100
FAYETTEVILLE, GEORGIA 30214
PHONE: 770-305-5200
www.fayettecountyga.gov

"WHERE QUALITY
IS A LIFESTYLE"

April 4, 2017

Ritesh Ghimire
110 Lordship Court
Fayetteville, GA 30215

RE: Tax Refund Request

Dear Mr. Ghimire:

This letter is to notify you that your request for tax refund has been slated to appear on the Thursday, April 13, 2017 Agenda of the regularly scheduled meeting of the Fayette County Board of Commissioners, at 7:00 P.M.

That meeting will take place in the Public Meeting Room of the Board of Commissioners located at 140 Stonewall Avenue West, Fayetteville 30214.

Your request will be discussed and a decision to grant or deny your request will be made at that meeting.

Should you desire to be heard on the matter, please be present and prepared to address the commissioners at the appropriate time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tameca P. White". The signature is stylized with a large, looping initial 'T'.

Tameca P. White, MBA, CCC
County Clerk

Cc: Ali Cox, Assistant County Attorney
Joel Benton, Tax Assessor
Kristi King, Tax Commissioner

COUNTY AGENDA REQUEST

Page 139 of 142

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Jacqueline Maxwell for tax year 2016 in the amount of \$841.10 to be paid to Bank of America as the payor.

Background/History/Details:

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a Refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

A memo from the County Attorney is provided as backup with an explanation to approve tax year 2016 of this request.

What action are you seeking from the Board of Commissioners?

Approval to approve the disposition of tax refunds, as requested by Jacqueline Maxwell for tax year 2016 in the amount of \$841.10 to be paid to Bank of America as the payor.

If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

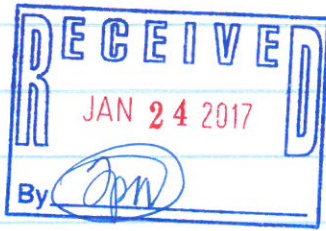
Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Jan 24, 2017



I am Jacqueline C. Maxwell
and I do reside at
120 Argonne Drive
Fayetteville, GA 30214.

The Homestead was removed
in error and I did not receive
any notices. Please refund
the difference in ~~200~~ 2016

Please Change my mailing
address to P O Box 142876
Fayetteville, G 30214

RECEIVED

JAN 24 2017

FAYETTE COUNTY
BOARD OF ASSESSORS
FAYETTEVILLE, GEORGIA

Jacqueline M. Russell

LAW OFFICES
McNALLY, FOX, GRANT & DAVENPORT

A PROFESSIONAL CORPORATION

100 HABERSHAM DRIVE

FAYETTEVILLE, GEORGIA 30214-1381

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MAILING ADDRESS:
 POST OFFICE BOX 849
 FAYETTEVILLE, GA 30214-0849

MEMORANDUM

To: Fayette County Board of Commissioners

From: McNally, Fox, Grant & Davenport, P.C. *all*

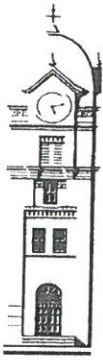
Date: March 28, 2017

Re: Tax Refund Request – Ms. Jacqueline Maxwell – Parcel 053727016

On August 2, 2001, Ms. Maxwell acquired property located at 120 Argonne Drive in Fayetteville, Georgia. She attested to her residency at that address and made an application for homestead exemption, at that time. The assessors recorded that information but, erroneously added a suite number (302) to the address. Suite 302 does not exist at this address. The addition caused no issue until 2014 when tax notices and billings were returned to the assessors. In October of 2014 Ms. Maxwell filed an application to increase her homestead exemption. She became a resident 65 or older. The application for exemption lists her address and homestead at 120 Argonne. She indicated no suite number. The L3 exemption was applied by the assessors for 2015. However, the returned mail raised suspicion and prompted a removal of the homestead exemption for 2016. Notification of the 2016 removal was sent. It was returned. Ms. Maxwell's tax bill was paid through escrow. She discovered the issue when her mortgage company increased her escrow payment. At that time, she inquired into the cause and found that her homestead exemption was removed.

The refund provisions are intended to provide redress when an error or illegality is discovered in the assessment and collection procedure. A refund is not intended to address matters that the taxpayer merely wishes had been considered at the time of assessment. Proper assessment requires accuracy in the records of the assessors. Here, there was an addition of a suite number to the property address. This caused no issue for many years. However, when notifications and billings sent to the suit were returned, the assessment procedure was compromised. The returns triggered the homestead removal which then generated an erroneous assessment that failed to credit the taxpayer for her homestead exemption. Notice never reached Ms. Maxwell, so she had no reason to protest the removal. Ms. Maxwell does in fact still reside at 120 Argonne and has always been eligible for the homestead exemption.

A refund (paid to Bank of America as the payor of the 2016 tax bill through escrow) is recommended for approval for tax year 2016 in a total amount \$841.10.



Fayette
COUNTY

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FAYETTEVILLE, GEORGIA 30214
PHONE: 770-305-5200
www.fayettecountyga.gov

"WHERE QUALITY
IS A LIFESTYLE"

April 4, 2017

Jacqueline C. Maxwell
PO Box 142876
Fayetteville, GA 30214

RE: Tax Refund Request

Dear Ms. Maxwell:

This letter is to notify you that your request for tax refund has been slated to appear on the Thursday, April 13, 2017 Agenda of the regularly scheduled meeting of the Fayette County Board of Commissioners, at 7:00 P.M.

That meeting will take place in the Public Meeting Room of the Board of Commissioners located at 140 Stonewall Avenue West, Fayetteville 30214.

Your request will be discussed and a decision to grant or deny your request will be made at that meeting.

Should you desire to be heard on the matter, please be present and prepared to address the commissioners at the appropriate time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tameca P. White".

Tameca P. White, MBA, CCC
County Clerk

Cc: Ali Cox, Assistant County Attorney
Joel Benton, Tax Assessor
Kristi King, Tax Commissioner