

## BOARD OF COUNTY COMMISSIONERS

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



## FAYETTE COUNTY, GEORGIA

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

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## AGENDA

June 22, 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 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 7:00 p.m.\*

***\*The Board of Commissioners new meeting time will change to 6:30 p.m. effective July 13, 2017.***

Call to Order

Invocation and Pledge of Allegiance by Chairman Eric Maxwell

Acceptance of Agenda

### **PROCLAMATION/RECOGNITION:**

1. Recognition of the Fayette County State Court interns. (page 4)

### **PUBLIC HEARING:**

2. Public Hearing on Fayette County's recommended annual budget for Fiscal year 2018 which begins on July 1, 2017 and ends June 30, 2018, and adoption of Resolution 2017-09 establishing the annual operating, capital and CIP budgets for Fiscal Year 2018. (pages 5-18)
3. Consideration to withdraw Petition No. 1266-17, George Tchaykov & Diliانا Panova, Owners, request to rezone 1.96 acres from R-70 to O-I to develop a Fitness Center located in Land Lot 57 of the 7th District and fronting on Flat Creek Trail. (pages 19-38)
4. Consideration of Ordinance 2017-03, amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-149. - Planned Unit Development concerning Planned Residential and Business Development-Planned Unit Development (PRBD-PUD) zoning district. (pages 39-90)
5. Consideration of Ordinance 2017-11, amendments to Chapter 110. Zoning Ordinance, regarding Articles VII. - Zoning Board of Appeals, Article IX.- Policies, Procedures and Standards Governing Amendments and Article X.- Planning Commission. (pages 91-111)

### **CONSENT AGENDA:**

6. Approval of Resolution 2017-10 to adopt the Fayette County Comprehensive Plan 2017-2040. (pages 112-116)

7. Approval of the revisions to the Parks and Recreation Policy and Procedures Manual as presented by the Fayette County Recreation Commission. (pages 117-183)
8. Approval of staff's recommendation to award annual bid #1300-B to Faultless Business Center as primary vendor with Rock-It Sand & Gravel and Concrete Supply Co. as secondary vendors for dump truck hauling services for fiscal year 2018 with a combined not-to-exceed amount of \$257,595. (pages 184-191)
9. Approval of Contract #923-B, Renewal #2: Atlanta Paving & Concrete Construction Inc. for an annual contract for asphalt milling services to be used on various project throughout fiscal year 2018. (pages 192-196)
10. Approval of staff's recommendation to continue the maintenance agreement (Contract 1122-S) with Motorola for the 800 MHz ASTRO Simulcast System in the amount of \$541,662.36 for the term of July 1, 2017 through June 30, 2018 and to authorize the Chairman to sign the renewal contract. (pages 197-211)
11. Approval of staff's recommendation to award annual bid #1299-B to ER Snell of Tyrone as primary vendor and C.W. Matthews as secondary vendor for asphalt services for fiscal year 2018 with a not-to-exceed amount of \$1,332,716. (pages 212-223)
12. Approval of the June 6, 2017 Board of Commissioners Meeting Minutes. (pages 224-232)

#### **OLD BUSINESS:**

#### **NEW BUSINESS:**

13. Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Randy Ognio and Commissioner Brown to re-appoint Heather Cap to the Fayette County Public Arts Committee to serve a two (2) year term beginning June 1, 2017 and expiring May 31, 2019. (pages 233-244)
14. Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Randy Ognio and Commissioner Brown to nominate Jean Danis to the Fayette County Public Arts Committee to serve a two (2) year term beginning June 1, 2017 and expiring May 31, 2019. (pages 245-255)
15. Consideration of staff's recommendation to award Contract #1229-P, Radio Communications Consultant, to Mission Critical Partners Inc. for a not-to-exceed amount of \$290,000.00 and authorization for the Chairman to sign any related documents. (pages 256-260)
16. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Bobby Grant for tax years 2014, 2015 and 2016 in the amount of \$374.08. (pages 261-264)
17. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by David Scharber for tax years 2014, 2015 and 2016 in the amount of \$201.40. (pages 265-268)

#### **PUBLIC COMMENT:**

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

#### **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](http://www.fayettecountyga.gov). This meeting will be telecast on Comcast Cable Channel 23 and on the internet at [www.livestream.com](http://www.livestream.com).



**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

# COUNTY AGENDA REQUEST

Page 4 of 268

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Recognition of the Fayette County State Court interns.

## Background/History/Details:

Fayette County State Court would like to recognize the hard work of the interns who participated in the 2017 internship program.

Three high school students helped on a daily basis by completing administrative duties for State Court and DUI Court. One undergraduate student assisted with the daily operations of State Court, as well as coordinated community outreach projects. Two law students (funded through the ACCG grant) helped the court's large caseload by performing legal research and writing for outstanding motions.

Honorable Judge Jason Thompson and the Board will recognize interns. They are as follows:

- LaJimmie King
- Siarra Carr
- Sydney Jones
- Carla Whitehead
- Rose Wilson

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

Recognition of the Fayette County State Court interns.

## 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:

# COUNTY AGENDA REQUEST

Page 5 of 268

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Public Hearing on Fayette County's recommended annual budget for Fiscal year 2018 which begins on July 1, 2017 and ends June 30, 2018, and adoption of Resolution 2017-09 establishing the annual operating, capital and CIP budgets for Fiscal Year 2018.

## Background/History/Details:

On May 25, 2017, County Staff presented to the Board of Commissioners the recommended Fiscal Year 2018 Budget. The first Public Hearing was held on June 6, 2017, attached for reference is the Budget Presentation from that hearing.

This is the second Public Hearing on the recommended budget. Details of the budget are available for public review and input is welcome.

The Board will be requested to vote on the recommended Fiscal Year 2018 Budget at the conclusion of the second Public Hearing.

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

Adoption of Resolution 2017-09 establishing the annual operating, capital, and CIP budgets for Fiscal Year 2018.

## 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?

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Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

# **Fayette County GA**

## **FY2018 Budget Presentation First Public Hearing**

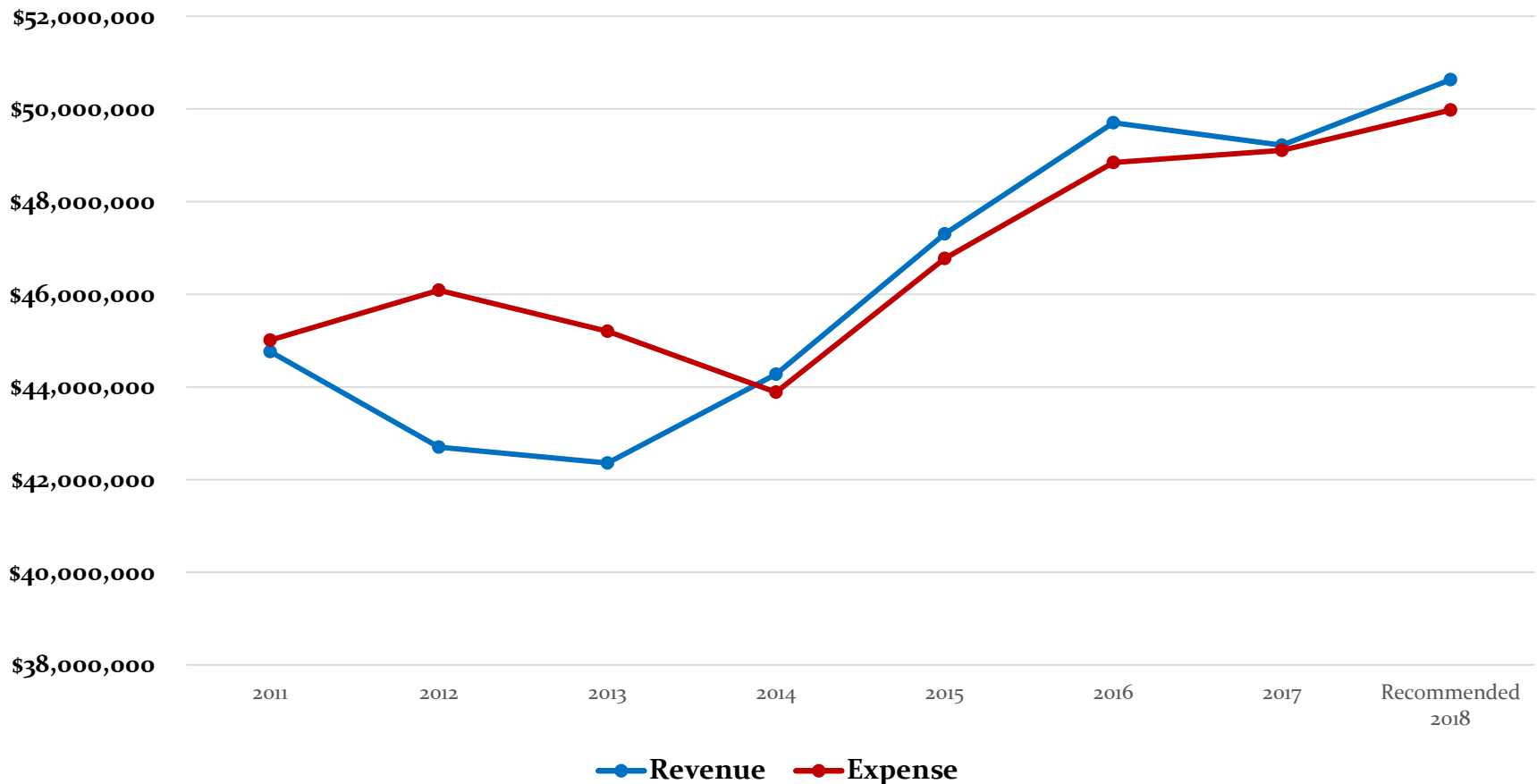
June 6, 2017

# FY2018 Recommended Budget

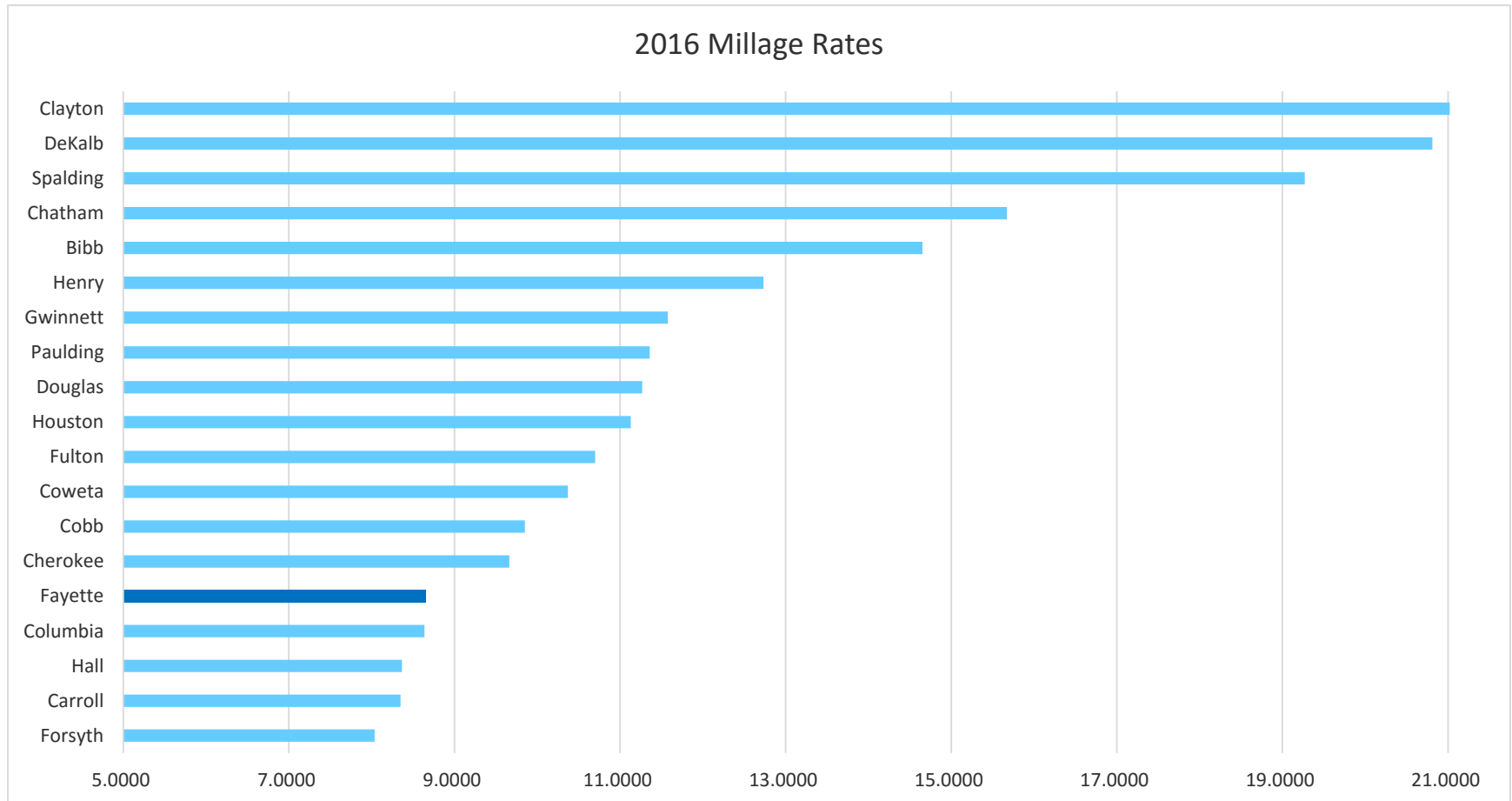
## BUDGET BREAKDOWN - REVENUE, EXPENDITURES WITH ALL TRANSFERS

	FY 2018 BUDGET	Revenue	Transfers In Operating	Transfers In Capital	Total Revenue And Other Sources	Expenditures	Transfers Out Operating	Transfers Out Capital	Total Exp. And Other Uses	Impact to Fund Balance
<b>OPERATING BUDGET</b>										
100	General Fund	50,632,663	-	-	50,632,663	49,189,766	61,000	725,000	49,975,766	656,897
205	Law Library	50,000	-	-	50,000	50,000	-	-	50,000	-
214	State Court - DUI Court	150,000	-	-	150,000	129,649	-	-	129,649	20,351
215	Emergency Phone E-911	3,686,500	-	-	3,686,500	3,010,796	-	-	3,010,796	675,704
216	Jail Surcharge	371,000	61,000	-	432,000	432,000	-	-	432,000	-
217	Juvenile Supervision	16,000	-	-	16,000	19,750	-	-	19,750	(3,750)
218	Victims Assistance	150,800	-	-	150,800	109,163	-	-	109,163	41,637
219	Drug Abuse and Treatment	517,779	-	-	517,779	402,635	-	-	402,635	115,144
270	Fire Services	10,590,100	-	-	10,590,100	8,751,460	-	300,000	9,051,460	1,538,640
271	Street Lights	387,800	-	-	387,800	336,761	-	-	336,761	51,039
272	EMS	3,834,500	-	-	3,834,500	3,165,670	-	150,000	3,315,670	518,830
	Special Revenue Funds	19,754,479	61,000	-	19,815,479	16,407,884	-	450,000	16,857,884	2,957,595
	Governmental	70,387,142	61,000	-	70,448,142	65,597,650	61,000	1,175,000	66,833,650	3,614,492
505	Water System	18,332,500	-	-	18,332,500	15,686,500	-	2,646,000	18,332,500	-
508	Stormwater Management	-	25,000	-	25,000	25,000	-	-	25,000	-
540	Solid Waste & Recycling	76,050	-	-	76,050	210,440	-	-	210,440	(134,390)
	Enterprise Funds	18,408,550	25,000	-	18,433,550	15,921,940	-	2,646,000	18,567,940	(134,390)
	<b>TOTAL OPERATING BUDGET</b>	<b>88,795,692</b>	<b>86,000</b>	<b>-</b>	<b>88,881,692</b>	<b>81,519,590</b>	<b>61,000</b>	<b>3,821,000</b>	<b>85,401,590</b>	<b>3,480,102</b>
<b>CAPITAL/CIP BUDGET</b>										
37_	Capital/CIP Funds (372/375)	-	-	5,919,315	5,919,315	5,919,315	-	-	5,919,315	-
	General Fund Balance	-	-	-	-	-	-	292,915	292,915	(292,915)
	GF Radio/Redwine Funding	-	-	-	-	-	-	1,549,495	1,549,495	(1,549,495)
	GF Project Contingency	-	-	-	-	-	-	649,963	649,963	(649,963)
	911 Project Contingency	-	-	-	-	-	-	40,000	40,000	(40,000)
	Fire Services Fund Balance	-	-	-	-	-	-	2,084,422	2,084,422	(2,084,422)
	Fire Radio Funding	-	-	-	-	-	-	374,867	374,867	(374,867)
	Fire Project Contingency	-	-	-	-	-	-	911,253	911,253	(911,253)
	EMS Radio Funding	-	-	-	-	-	-	16,400	16,400	(16,400)
	Total Governmental	-	-	5,919,315	5,919,315	5,919,315	-	5,919,315	11,838,630	(5,919,315)
507	Water System CIP	-	-	2,646,000	2,646,000	2,646,000	-	-	2,646,000	-
509	Stormwater Project Contingency	-	-	-	-	-	25,000	-	25,000	(25,000)
	Total Enterprise	-	-	2,646,000	2,646,000	2,646,000	25,000	-	2,671,000	(25,000)
610	Vehicles/Equipment	-	1,175,000	-	1,175,000	1,501,169	-	-	1,501,169	(326,169)
	<b>TOTAL CAPITAL BUDGET</b>	<b>-</b>	<b>1,175,000</b>	<b>8,565,315</b>	<b>9,740,315</b>	<b>10,066,484</b>	<b>25,000</b>	<b>5,919,315</b>	<b>16,010,799</b>	<b>(6,270,484)</b>
	<b>TOTAL BUDGET</b>	<b>88,795,692</b>	<b>1,261,000</b>	<b>8,565,315</b>	<b>98,622,007</b>	<b>91,586,074</b>	<b>86,000</b>	<b>9,740,315</b>	<b>101,412,389</b>	<b>(2,790,382)</b>

# General Fund Original Adopted Budget



# Millage Rate Comparison





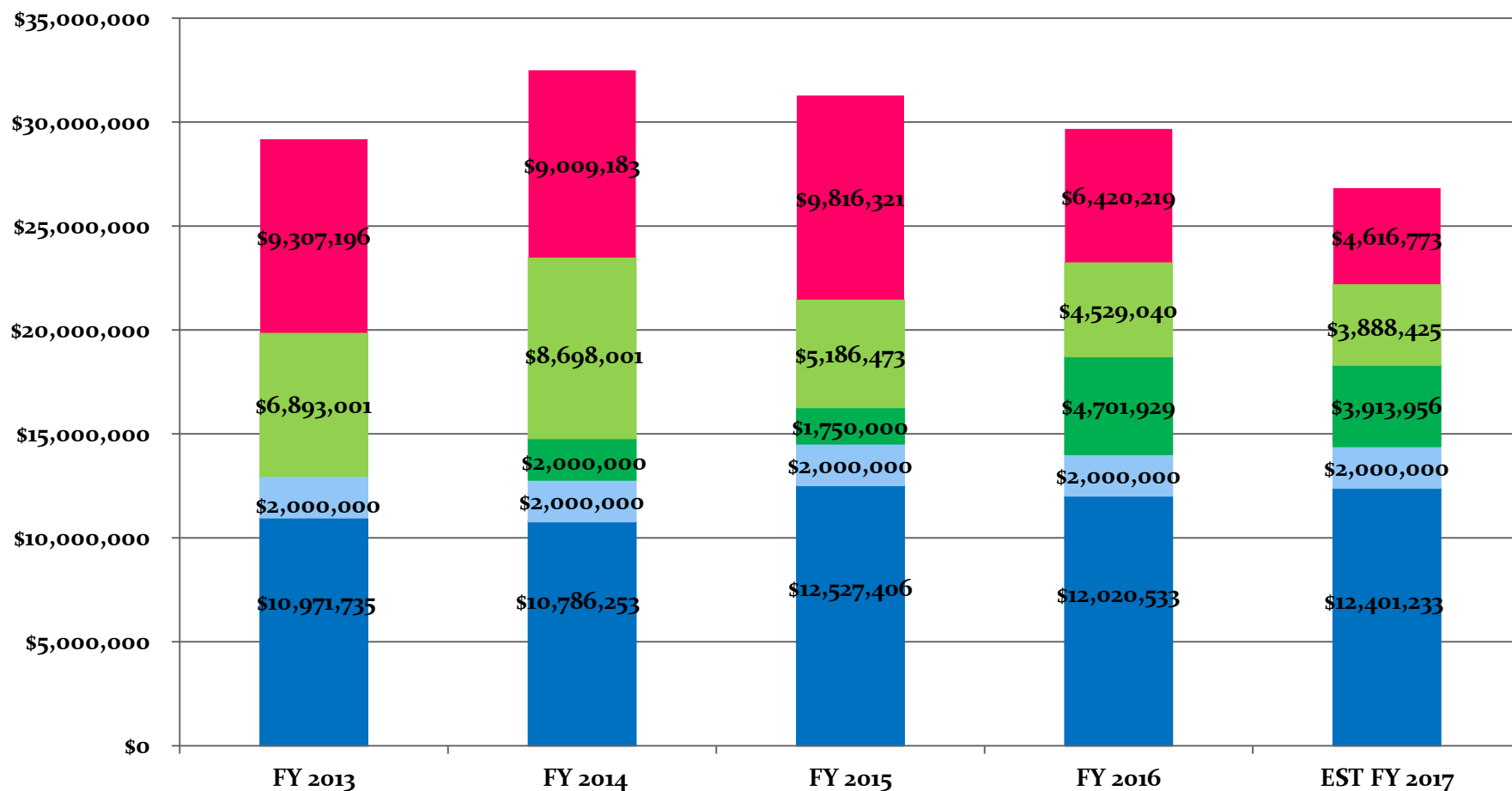
# Population and Staffing



# General Fund

## Fund Balance Trends – Last 5 FY

■ Committed, Stabilization Fund    ■ Assigned, Emergencies    ■ Nonspendable, Stormwater Advance  
 ■ Unassigned    ■ Assigned, Capital Projects



# UGA Solicitor & State Judge Comparison

## SOLICITOR AND STATE COURT JUDGE

Organization	Contact	Title	Date Contacted	Solicitor Compensation Information	State Court Judge Compensation Information	Fayette - State Court Solicitor Information	Fayette - State Court Judge Information	Supplmt	Percent
Clayton County	Carol Lowe	Asst. HR Manager	5/31/2017	1 FT: \$120,710	4 State Court Judges. salaries are: \$134,018; \$150,645; \$156,130; \$157,416	\$114,538.88	\$146,038.50	\$36,000	Existing
Coweta County	Lisa Ward	HR Department	5/31/2017	Solicitor pay is \$112,511. Pay is a percentage of State Court Judge's pay.	2 SC Judges whose salary is \$140,639. Pay is determined as a percentage of Superior Court Judges	\$117,228.88	\$149,638.50	\$40,000	2.4% Increase
Henry County	Karrie Cromer	HR Department	6/1/2017	<b>Elected: \$145,982</b>	4 State Court Judges: 3 earn \$151,556; Lead Judge earns \$156,556	\$119,253.88	\$152,338.50	\$43,000	4.2% Increase
Spalding County	Bill Gay	HR Director	5/31/2017	<b>Elected: \$131,435</b>	\$146,038. which is 90% of Superior Court Judge	\$123,978.88	\$158,638.50	\$50,000	8.4% Increase

# FY2018 Budget Consideration #1

- Increase supplement for Griffin Circuit Superior Court Judges from \$36k:

	\$40k Supplement		\$43k Supplement		\$50k Supplement	
Elected Official	Increase	Percent	Increase	Percent	Increase	Percent
Fayette County State Court Judge	3,600.00	2.5%	6,300.00	4.3%	12,600.00	8.6%
Fayette County State Court Solicitor	2,700.00	2.4%	4,725.00	4.1%	9,450.00	8.3%
Fayette County Clerk Of Superior Court	2,816.45	2.4%	4,928.79	4.2%	9,857.59	8.4%
Fayette County Tax Commissioner	2,167.91	2.4%	3,793.84	4.2%	7,587.68	8.4%
Fayette County Sheriff	2,496.77	2.4%	4,369.35	4.2%	8,738.70	8.4%
Fayette County Probate Court	2,249.30	2.4%	3,936.28	4.2%	7,872.56	8.4%
<b>General Fund Total</b>	<b>16,030.43</b>		<b>28,053.26</b>		<b>56,106.53</b>	
<b>Griffin Circuit Total</b>	<b>8,711.31</b>		<b>15,244.78</b>		<b>30,478.57</b>	
<b>Grand Total</b>	<b>24,741.74</b>		<b>43,298.04</b>		<b>86,585.10</b>	

# FY2018 Budget Consideration #2

- **Fayette FACTOR**

- Requests \$7,000 contribution associated with FACTOR's rent and utilities' costs increase.
- Currently, Fayette County provides no direct funding to FACTOR but the County functions as Fayette FACTOR's fiscal agent allowing the agency's \$48,500 grant to flow through the County budget process.

# FY2018 Budget Consideration #3

- **Fayette Care Clinic**
  - Requests \$14,000 contribution associated with rent increase for Fayette CARE Clinic.
- **Health Department**
  - Budget for increased operations and capital costs associated with the Health Department's need for relocation and expansion. (Discussed at BOC Retreat)

# FY2018 Budget - Highlights

- Proposed Budget increases General Fund Balance \$657k
- No Property Tax Increase while maintaining Superior Service Delivery
- Millage Rate Rollback Savings \$2.44M (Cumulative \$13.99M)
- Includes Rolling 5 Year Capital Improvement Program of \$4.6M
- Changes in Personnel levels protect the existing outstanding service delivery to our Citizens.
- Budget continues to maintain the commitment to balance current year revenues with current year expenses. No use of unassigned fund balance.
- County-Wide departmental cooperation and positive relationship with Constitutional Officers continues to yield constructive results.



# Future Public Hearings

- **Second Public Hearing – Budget Adoption**
  - Thursday, June 22, 2017 at 7:00 p.m.

**STATE OF GEORGIA****COUNTY OF FAYETTE****RESOLUTION NO. 2017-09****BUDGET FOR FISCAL YEAR 2017– 2018**

**WHEREAS**, the Board of Commissioners of Fayette County, Georgia is authorized by Georgia law to establish and adopt a budget for the purpose of providing appropriations for the proper and orderly operation of government in Fayette County, Georgia.

**NOW THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED** by the Board of Commissioners of Fayette County, Georgia, that the Fayette County budget for the 2017-2018 fiscal year be adopted for the purpose of providing appropriations in the following amounts for the proper and orderly operation of government in Fayette County:

	<u><b>Expenditures</b></u>	<u><b>Transfers &amp; Other Uses</b></u>	<u><b>Total Appropriations</b></u>
General Fund	\$ 49,214,508	\$ 786,000	\$ 50,000,508
Law Library	50,000	-	50,000
State Court - DUI Court	129,649	-	129,649
911 Emergency	3,010,796	-	3,010,796
Jail Surcharge	432,000	-	432,000
Juvenile Supervision	19,750	-	19,750
Victims Assistance	109,163	-	109,163
Drug Abuse and Treatment	402,635	-	402,635
Fire Services	8,751,460	300,000	9,051,460
Street Lights	336,761	-	336,761
EMS	3,165,670	150,000	3,315,670
Water System	15,686,500	2,646,000	18,332,500
Stormwater Management	25,000	-	25,000
Solid Waste & Recycling	210,440	-	210,440
Capital/CIP Funds	5,919,315	-	5,919,315
Transfers to Capital/CIP Funds	-	5,919,315	5,919,315
Water System CIP	2,646,000	-	2,646,000
Stormwater Project Contingency	-	25,000	25,000
Vehicles/Equipment	1,501,169	-	1,501,169
<b>TOTAL BUDGET</b>	<b>\$ 91,610,816</b>	<b>\$ 9,826,315</b>	<b>\$101,437,131</b>

**DULY ADOPTED** by the Board of Commissioners of Fayette County, Georgia this 22nd day of June, 2017.

**BOARD OF COMMISSIONERS  
OF FAYETTE COUNTY**

\_\_\_\_\_  
**Eric K. Maxwell, Chairman**

**ATTEST:**

\_\_\_\_\_  
**Tameca P. White, County Clerk**

# COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration to withdraw Petition No. 1266-17, George Tchaykov & Diliانا Panova, Owners, request to rezone 1.96 acres from R-70 to O-I to develop a Fitness Center located in Land Lot 57 of the 7th District and fronting on Flat Creek Trail.

## Background/History/Details:

Staff recommends approval of the request to withdraw.

A representative for the applicants requested that the petition be withdrawn at the Planning Commission meeting.

Th Planning Commission recommended approval of the withdrawal.

Al Gilbert made a motion to approve the Petitioner's request to withdraw. John Culbreth seconded the motion. The motion passed 5-0.

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

Approval to withdraw Petition No. 1266-17, George Tchaykov & Dilianna Panova, Owners, request to rezone 1.96 acres from R-70 to O-I to develop a Fitness Center located in Land Lot 57 of the 7th District and fronting on Flat Creek Trail.

## 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:

**From:** [Pete Frisina](#)  
**To:** [Tameca P. White](#)  
**Subject:** FW: Application withdrawal.  
**Date:** Thursday, June 15, 2017 3:42:27 PM

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**From:** Better Tennis [m [REDACTED]]  
**Sent:** Wednesday, June 14, 2017 5:28 PM  
**To:** Dilliana Panova; Pete Frisina  
**Cc:** Chanelle Blaine  
**Subject:** Application withdrawal.

To whom it may concern:

At this time I would like to rescind my application for rezoning at 224 Flat Creek Trl. Although this is not in my best interest, nor is it in the best interest of the numerous people that I provide my services to, ( about 120 local families) it has become clear to me that opposition by the county and my neighbors will most likely result in the declination of my application. I will revisit this issue in the future should circumstances change that may result in a more favorable outcome.

Sincerely,

George Tchaykov.

On Wed, May 24, 2017 at 1:27 PM Pete Frisina <[pfrisina@fayettecountyga.gov](mailto:pfrisina@fayettecountyga.gov)> wrote:

George,

Please see attached Staff Report for your rezoning.

Peter Frisina, AICP

Fayette County Division of Community Services

140 Stonewall Avenue West

Fayetteville, GA 30214

(770) 305-5160

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Do what's responsible , not what's permissible !

**PLANNING COMMISSION RECOMMENDATION****DATE:** June 1, 2017**TO:** Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1266-17, the application of George Tchaykov & Dieiana Panova to rezone 1.96 acres from R-70 to O-

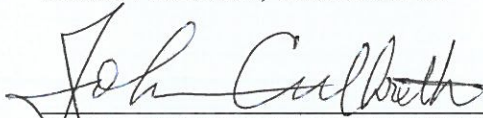
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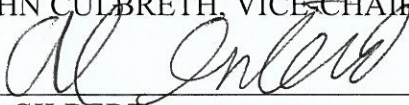
\_\_\_\_ Approved    X Withdrawn <sup>50</sup>    \_\_\_\_ Disapproved

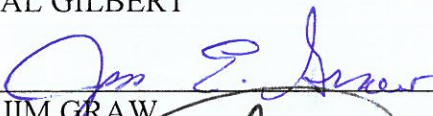
\_\_\_\_ Tabled until \_\_\_\_\_

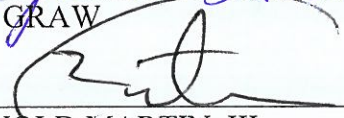
This is forwarded to you for final action.

  
BRIAN HAREN, CHAIRMAN

  
JOHN CULBRETH, VICE-CHAIRMAN

  
AL GILBERT

  
JIM GRAW

  
ARNOLD MARTIN, III

**Remarks:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4. Consideration of Petition No. 1266-17, George Tchaykov & Diliaa Panova, Owners, request to rezone 1.96 acres from R-70 to O-I to develop a Fitness Center. This property is located in Land Lot 57 of the 7th District and fronts on Flat Creek Trail.**

Chanelle Blaine stated that John Reams, Acting Agent for George Tchaykov, would like to withdraw the petition from consideration.

Chairman Haren said that it was the first time he had heard of a petition being withdrawn.

John Culbreth asked if the petitioner wanted to table or withdraw the request.

Jim Graw asked John Reams if he had his request in writing.

*(NOTE: The following speaker made reference to Georgia 85 many times but he is actually referring to SR 54.)* John Reams did not, so he gave a verbal confirmation that he was withdrawing the request to rezone 1.96 acres from R-70 to O-I. He stated that he wanted to show his original intent, and that it was not a waste of time. The site is adjacent to a fire department at the end of Flat Creek Trail, between Tyrone Rd and Georgia 85. As you can see from the zoning map and the larger scale, we have what is a trend, at least at the ends of Flat Creek Trail. We've got one commercial on the north side, and we believe that the trend is to go O-I just like it was on the south side on Georgia 85. We have commercial on the triangle of Georgia 85, and we have that O-I development right there on the lake. So I can see where that entire triangle in the future is going to at least O-I commercial, that type of development. So we're kind of early out of the gate trying to develop this as O-I even though this is a residential use, it is tennis. We have three churches, two office buildings, we have all this zoned O-I right there on Flat Creek Trail. It's more business type use. We believe that's where it's headed.

John Reams said we didn't know we had opposition. I've got Mr. Parrott here and Mr. Reeves here that we didn't know we had opposition. Given that we know that, we're not going to go forward.

Chairman Haren said you made a comment when you were speaking about it, something about a waste of time, please it's never a waste of time if you want to come forward to this board or any other board it's never a waste of time. It's your right and you're exercising it, so don't feel like you're wasting our time. We get paid the big bucks whether we're here or not.

John Reams said I was withdrawing it so fast I didn't want you to think we were coming in here and wasting your time. We didn't know we had opposition.

Chairman Haren said it happens. It doesn't happen often, but it happens.

John Reams said very good, thank you.

Al Gilbert made a motion to approve the request to withdraw Petition No. 1266-17. John Culbreth seconded the motion. The motion passed 5-0.



**PETITION NO: 1266-17**

**REQUESTED ACTION:** R-70 to O-I

**PROPOSED USE:** Fitness Center

**EXISTING USE:** Residential

**LOCATION:** Flat Creek Trail

**DISTRICT/LAND LOT(S):** 7th District, Land Lot(s) 57

**OWNER:** George Tchaykov & Dieiana Panova

**PLANNING COMMISSION PUBLIC HEARING:** June 1, 2017

**BOARD OF COMMISSIONERS PUBLIC HEARING:** June 22, 2017

---

**APPLICANT'S INTENT**

Applicant proposes to develop a Fitness Center consisting on 1.96 acres.

**STAFF RECOMMENDATION**

**DENIAL**

**1.**

**1266-17**

## **INVESTIGATION**

### **A. PROPERTY SITE**

The subject property is a 1.96 acre lot fronting on Flat Creek Trail in Land Lot(s) 57 of the 7th District. Flat Creek Trail is classified as a Collector road on the Fayette County Thoroughfare Plan. The subject property is currently zoned R-70 and contains a single-family residence and athletic courts including tennis courts.

**History:** Petition 1247-15 (A-R to R-70) was approved by the Board of Commissioners on July 23, 2015.

### **B. SURROUNDING ZONING AND USES**

The general situation is a 1.96 acre lot that is zoned R-70. In the vicinity of the subject property is land which is zoned A-R & C-H. See the following table and also the attached Zoning Location Map.

The subject property is bound by the following adjacent zoning districts and uses:

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
North	0.7	C-H	Single-Family Residence	Low Density Residential (1 Unit/ 1 or 2 acres)
	2.3	A-R	Single-Family Residence	Low Density Residential (1 Unit/ 1 or 2 acres)
South & West	3.6	A-R	Fire Station	Low Density Residential (1 Unit/ 1 or 2 acres)
East (across Flat Creek Trail)	3.0	A-R	Single-Family Residence	Low Density Residential (1 Unit/ 1 or 2 acres)

### **C. COMPREHENSIVE PLAN**

The subject property lies within an area designated for Low Density Residential (1 Unit/ 1 or 2 acres) and Public Facilities/Institutional (fire station). This request does not conform to the Fayette County Comprehensive Plan.

### **D. ZONING/REGULATORY REVIEW**

The applicant seeks to rezone R-70 from to O-I for the purpose of developing a Fitness Center.

**Access**

The Concept Plan submitted indicates one (1) access from Flat Creek Trail.

**Site Plan**

Should this petition be approved, the owner/developer must submit a Site Plan as required by Section 8-26., c. of the Development Regulations. Access must comply with the provisions of Section 8-53. of the Development Regulations and the Georgia D.O.T., as appropriate. The subject property must comply with Fayette County ordinances including but not limited to: Sections 5-18. Screening Required and 5-19. Screening Standards of the Fayette County Zoning Ordinance and 8-159. Fayette County Landscape and Buffer Requirements, Article VI. Tree Retention, Protection, and Replacement, and Article VIII. Off-Street Parking and Service Requirements of the Fayette County Development Regulations.

**E. CONCEPT PLAN**

The applicant is advised that the Concept Plan is for illustration purposes only. Any deficiencies must be addressed at the time of submittal of the Preliminary Plat, Final Plat, and/or Site Plan, as applicable.

**F. DEPARTMENTAL COMMENTS****Water System**

Water is available to this parcel.

**Public Works/Engineering**

No Public Works / Engineering comments

**Environmental Management**

EMD has no comments.

**Environmental Health Department**

No objections to rezoning. This department will need to be involved in development of fitness center as the existing structure's septic system was designed for residential use.

## **Fire**

If the occupancy classification of this property changes from single family residential to commercial the following Fire and Life Safety Mandatory Codes Must be met.

### **Mandatory Codes:**

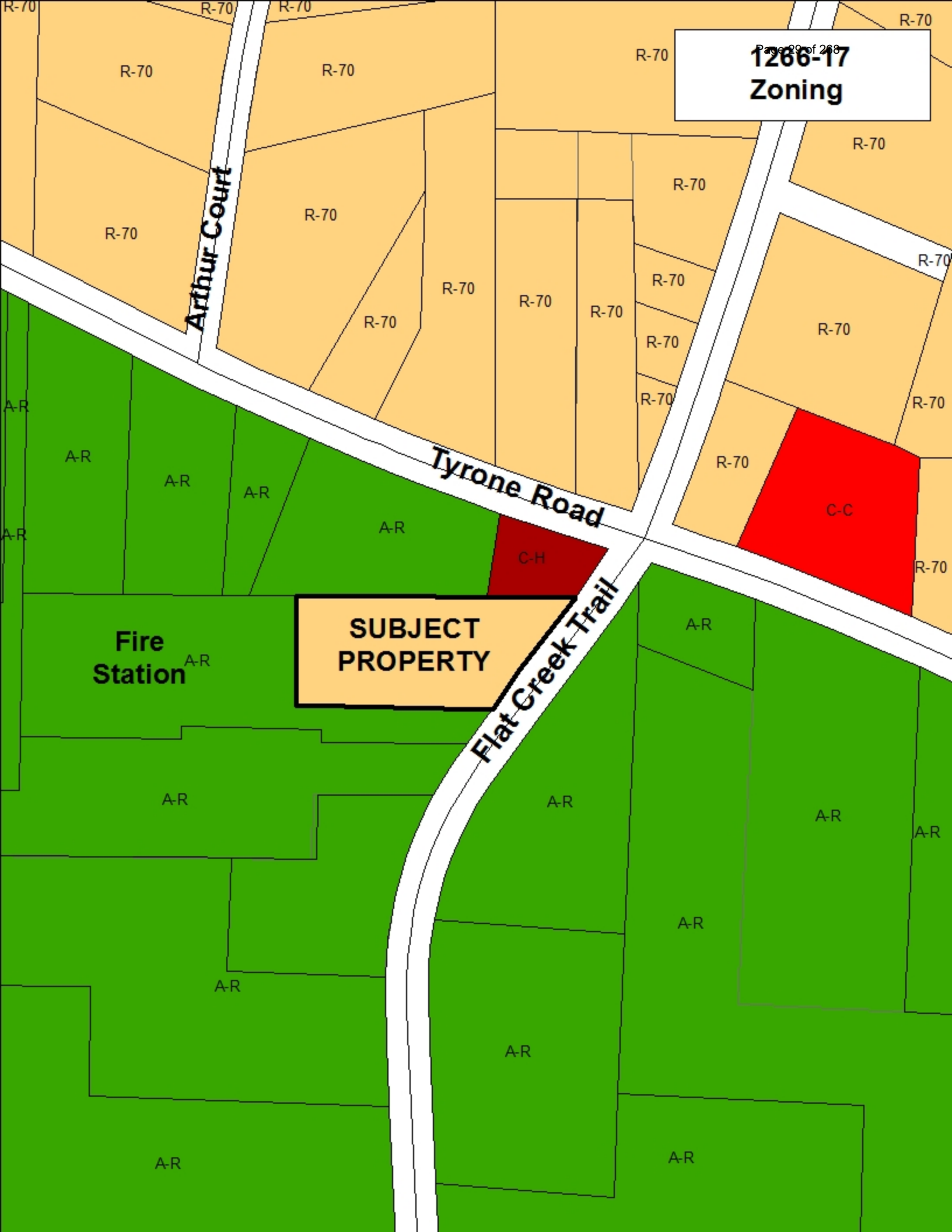
- Georgia State Minimum Standard Building Code (International Building Code 2012 edition with Georgia State Amendments)
- Georgia State Minimum Standard One and Two Family Dwelling Code (International Residential Code 2012 edition for One- and Two-Family Dwellings with Georgia State Amendments)
- Georgia State Minimum Standard Fire Code (International Fire Code 2012 edition with Georgia State Amendments)
- Georgia State Minimum Standard Plumbing Code (International Plumbing Code 2012 edition with Georgia State Amendments)
- Georgia State Minimum Standard Mechanical Code (International Mechanical Code 2012 edition with Georgia State Amendments)
- Georgia State Minimum Standard Gas Code (International Fuel Gas Code 2012 edition with Georgia State Amendments)
- Georgia State Minimum Standard Electrical Code (National Electrical Code 2014 edition with Georgia State Amendments)
- Georgia State Minimum Standard Energy Code (International Energy Conservation Code 2009 edition with Georgia State Supplements and Amendments).
- Georgia State Minimum ADA Standard for Accessibility 2010.
- Life Safety Code NFPA 101– 2012 Edition with Georgia State Supplements and Amendments.

### **STAFF ANALYSIS**

This request is based on the petitioner's intent to rezone said property from R-70 to O-I for the purpose of developing Fitness Center. Per Section 110-300 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject property lies within an area designated for Low Density Residential (1 Unit/ 1 or 2 acres) and Public Facilities/Institutional (fire station). This request does not conform to the Fayette County Comprehensive Plan.
2. The proposed rezoning could adversely affect the existing use or usability of adjacent or nearby property. Approval of this rezoning request could provide legal leverage for the rezoning of adjacent or nearby properties in this area within the Low Density Residential (1 Unit/ 1 or 2 acres) land use area to non-residential zoning districts.
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.
4. While the surrounding area does contain some properties with non-residential zoning (see Zoning Proximity map) and/or non-residential uses (fire station) in the area of the intersection of Flat Creek Trail and Tyrone Road, the Future Land Use Plan map does not indicate any expansion of non-residential zoning in this area.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **DENIAL**.



**1266-17**  
**Land Use Plan**

Arthur Court

Tyrone Road

Flat Creek Trail

**Fire Station** PUBLIC  
FACILITIES/INSTITUTION

**SUBJECT  
PROPERTY**

LOW DENSITY  
RESIDENTIAL



# 1266-17 Aerials

Arthur Court

Tyrone Road

Flat Creek Trail

Fire  
Station

SUBJECT  
PROPERTY



# 1266-17 Zoning Proximity



**APPLICATION TO AMEND  
TO AMEND THE OFFICIAL ZONING MAP OF FAYETTE COUNTY, GA**

PROPERTY OWNERS: George Ichmykov and Dilianna Panova  
MAILING ADDRESS: 527 Merrill Lane, Peachtree city, GA 30269

PHONE: [REDACTED] E-MAIL: [REDACTED]

AGENT FOR OWNERS: N/A

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

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

PROPERTY LOCATION: LAND LOT 57 LAND DISTRICT 7th PARCEL 0713-059  
LAND LOT \_\_\_\_\_ LAND DISTRICT \_\_\_\_\_ PARCEL \_\_\_\_\_

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 1.96 acres

EXISTING ZONING DISTRICT: R 70 PROPOSED ZONING DISTRICT: OI

ZONING OF SURROUNDING PROPERTIES: A-R & C-H

PRESENT USE OF SUBJECT PROPERTY: Single-Family Dwelling

PROPOSED USE OF SUBJECT PROPERTY: Fitness Center

LAND USE PLAN DESIGNATION: Low Density Residential (1 unit/10-20 acres)

NAME AND TYPE OF ACCESS ROAD: Flat Creek Trail - Collector (asphalt)

LOCATION OF NEAREST WATER LINE: Flat Creek Trail & Tyrone Rd.  
224 Flat Creek Tr.

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: ~~0000~~ 1266-17

☐ Application Insufficient due to lack of: \_\_\_\_\_

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

DATE OF PLANNING COMMISSION HEARING: June 1, 2017

DATE OF COUNTY COMMISSIONERS HEARING: June 22, 2017

Received from \_\_\_\_\_ a check in the amount of \$ \_\_\_\_\_ for  
application filing fee, and \$ \_\_\_\_\_ for deposit on frame for public hearing sign(s).

Date Paid: \_\_\_\_\_ Receipt Number: \_\_\_\_\_

Page 34 of 268

**PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM**  
(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

George Tchaykov  
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0713059

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 57 of the 7th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of \_\_\_\_\_ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to \_\_\_\_\_ to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

GG  
Signature of Property Owner 1

527 Merrill Ln  
Address Peachtree City, 30269

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

Lisa Senger  
Signature of Notary Public

Signature of Notary Public

5/1/17  
Date

Date

Signature of Notary Public

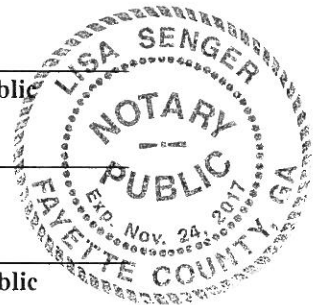
Date

Signature of Notary Public

Date

Signature of Notary Public

Date





NAME: George Tchaykov PETITION NUMBER: \_\_\_\_\_ADDRESS: 224 Flat Creek Trail

## PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.

\_\_\_\_\_ affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) R-70 Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 270.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to OI.

This property includes: (check one of the following)

[ ] See attached legal description on recorded deed for subject property or

[ ] Legal description for subject property is as follows:

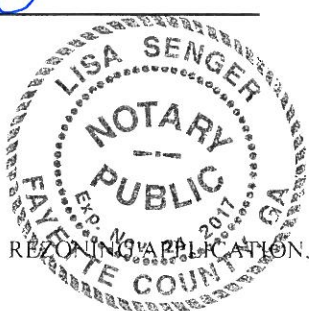
PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 1st day of June, 2017 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 22nd day of June, 2017 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 1 DAY OF May, 2017

Lisa Senger  
NOTARY PUBLIC

[Signature]  
APPLICANT'S SIGNATURE



REZONING APPLICATION, 5  
FAYETTE COUNTY, GA

This letter serves as a declaration of intent regarding my property at 224 Flat Creek Trl. Until fairly recently I have been using this property to conduct tennis instructional classes and clinics, as well as hosting junior tennis matches sanctioned by the United States Tennis Association. It has served me well, but the demand for my services has increased to the point that I am no longer comfortable using the property to conduct all of my tennis related activities. I am aware that since this property is zoned residential, I cannot in good faith continue to create traffic on the property that may cause ill will towards my neighbors, or the county. I have scaled back traffic on the property that limits usage to a small percentage of USTA sanctioned junior matches, and free use of the facility to The Lighthouse School...so that they may use it for their students with physical disabilities. For the last 8 months I have been renting other facilities to conduct all other tennis related activities.

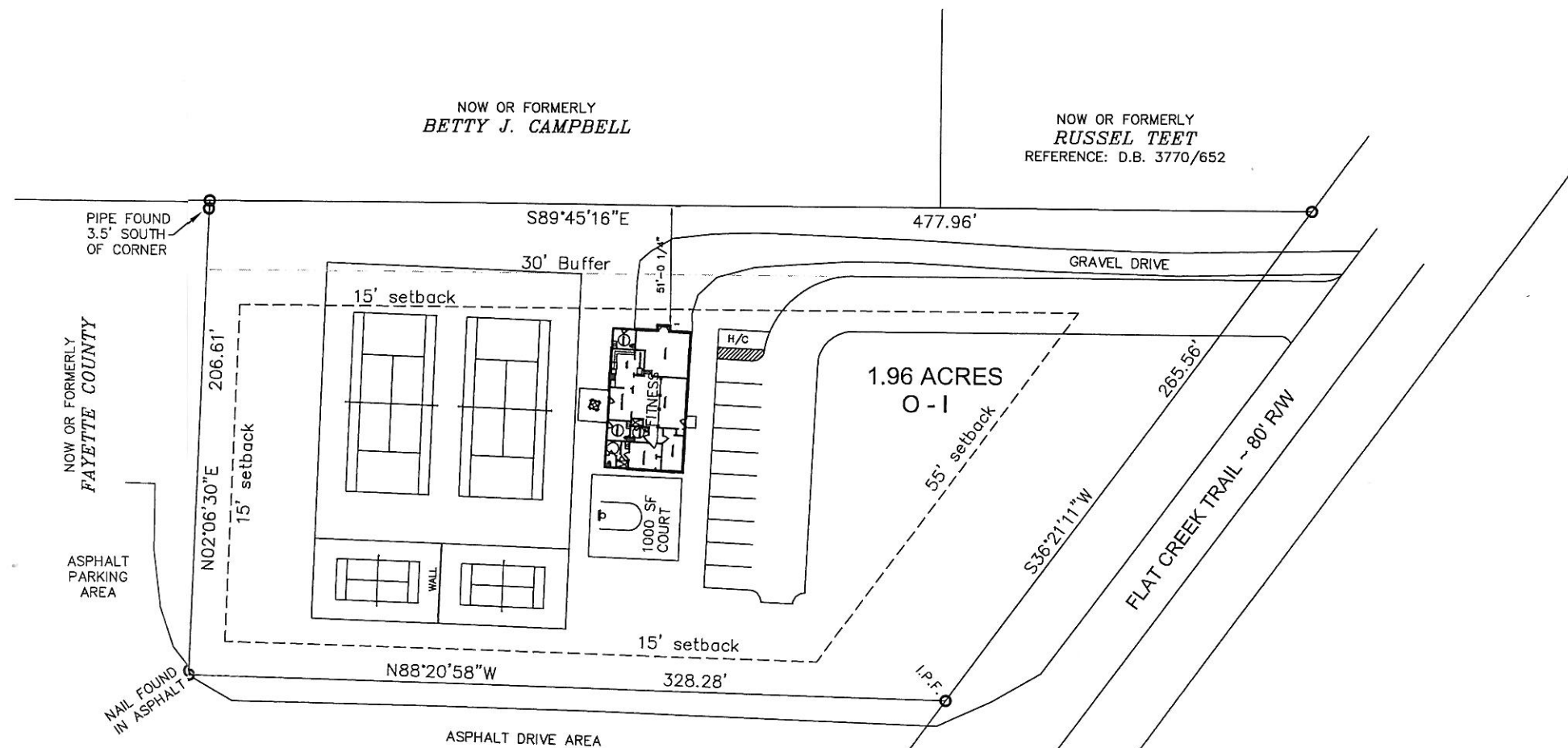
The demand for my services has exceeded my expectations. The kids I work with come from a wide range of cultural and socio-economic backgrounds. Those who can afford our services pay for them. For those who cannot, I reduce, or waive equipment, instructional, and court fees. My goal is to continue with this practice. Fiduciary commitments are making this increasingly difficult. Should you choose to approve my application for re-zoning of this property to I/O, it will put me in a position to conduct all my activities at this location. As such, monies committed to other rental spaces can be used to invest in this space. That will allow for me to increase revenues that I may continue to provide instruction and equipment to those who would otherwise not be able to afford my services, or the services offered by other similar facilities located within our community. Due to my longstanding partnership with the USTA, they have offered financial assistance for improvements to infrastructure should I succeed in my efforts towards re-zoning.

I am committed to continue to provide a safe and healthy space for the children of our community to learn a wonderful game and gain from that, lessons and discipline that will serve them in other areas of their lives. I humbly ask for your assistance in this endeavor.

Sincerely,

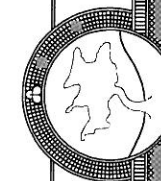
George Tchaykov

AS PER OFFICIAL F.I.R.M. MAP 13113C0083E, DATED 9/26/2008  
THIS PROPERTY IS NOT LOCATED IN A DESIGNATED FLOOD HAZARD AREA.



**John T. Reeves Jr. Architect**  
Commercial and Residential  
Fayetteville / Peachtree City  
770.366.2254

*Acreeage To Eden*



Drawn By: JTR  
Date: 3-29-1  
Job No.: FIT

Sheet No.  
A.2  
of 2 Sheets

Flat Creek Trail - Fitness Ctr Addition

*Acresage To Eden*  
John T. Reeves Jr. Architect  
Commercial and Residential  
Fayetteville / Peachtree City  
770.366.2254

Drawn By: TR	Issue No.
Date: 3-20-77	
Job No. 517	

GRAPHIC SCALE

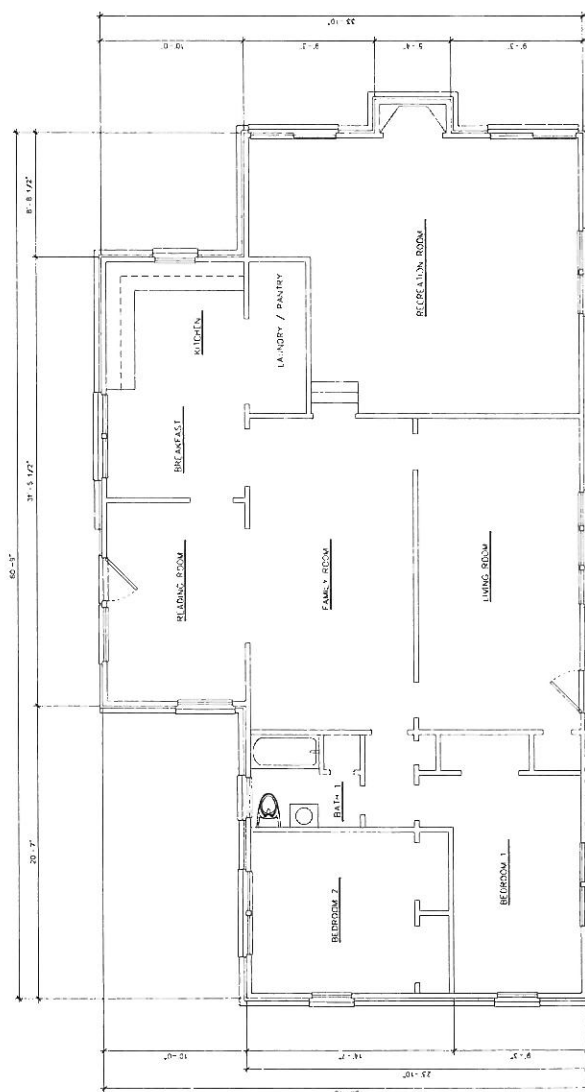
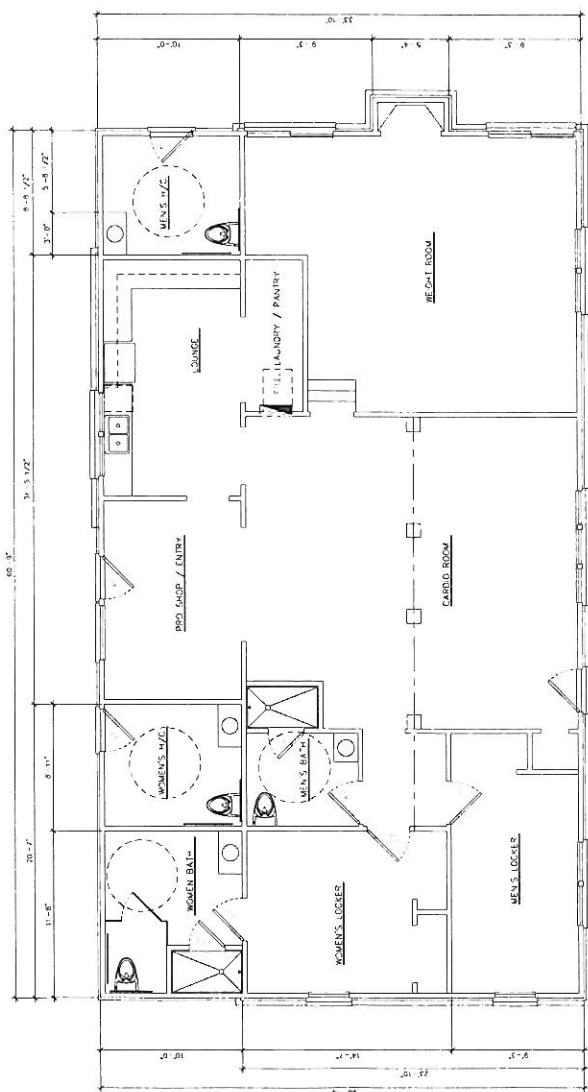
0 5 10

MAIN LEVEL FLOOR PLAN

SCALE 1/4" = 1'-0"

EXISTING  
MAIN LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"





# COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

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

## Background/History/Details:

The Board of Commissioners voted to send Ordinance 2017-03 back to the Planning Commission for further consideration during the March 23, 2017 meeting due to citizen concerns provided at the meeting. The Planning Commission held a public meeting at the Fayette County Library for input from the citizens and held two additional meetings at the Fayette County Complex for further input and consideration.

Staff recommends approval of the amendments.

The Planning Commission recommended approval of the amendments.

Arnold Martin made a motion to recommend approval of the proposed amendments . John Culbreth seconded the motion. The motion passed 4-1. Jim Graw opposed the motion.

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

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

## If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

***\* 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:

## Statement from Jim Graw, Planning Commission

During the past several months we have been discussing the development and potential implementation of a new PUD- Planned Residential and Business Development or a PRBD. Approximately 4-6 weeks ago the Planning Commission recommended approval of the new PUD to the Board of Commissioners by a vote of 4-1

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

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

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

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

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

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

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

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

## Pete Frisina

---

**From:** Carlotta Ungaro <carlotta@fayettechamber.org>  
**Sent:** Thursday, June 8, 2017 12:12 PM  
**To:** Pete Frisina  
**Subject:** cottage industries

The board voted to support the PUD revisions.

--

**Carlotta Ungaro CCE**, President & CEO

p 770.461.9983

c 678.221.8425

[carlotta@fayettechamber.org](mailto:carlotta@fayettechamber.org)

[www.FayetteChamber.org](http://www.FayetteChamber.org)

#FayetteGA #CreateYourStory



**THE FAYETTE COUNTY PLANNING COMMISSION** met on April 20, 2017 at 7:00 P.M. in the Fayette County Library, Fayetteville, Georgia.

**MEMBERS PRESENT:** Brian Haren, Chairman  
John H. Culbreth, Sr., Vice-Chairman  
Jim Graw  
Al Gilbert

**MEMBERS ABSENT:** Arnold Martin, III

**STAFF PRESENT:** Peter A. Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator

**Welcome and Call to Order:**

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

\* \* \* \* \*

**1. Consideration of the Minutes of the meeting held on April, 6, 2017.**

Al Gilbert made a motion to approve the minutes with John Culbreth's correction. Jim Graw seconded the motion. The motion passed 4-0. Arnold Martin was absent from the meeting.

**Old BUSINESS**

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

Pete Frisina presented and explained the following Power Point presentation:

The proposed Planned Residential & Business Unit Development (PRBD) is designed to allow property owners to combine a single family residence and business activity on a single parcel in residential zoning districts

The PRBD is a zoning category and it is a type of *planned unit development*. A planned unit development is designed to:

- Encourage development of large lots of land (to reduce density)
- Encourage flexible and creative concepts in site planning
- Preserve natural amenities by encouraging scenic open spaces
- Accomplish a more desirable environment than would be possible by strictly interpreting existing zoning regulations
- Provide for efficient land use that requires smaller street and utility networks
- Provide a stable land use character that is compatible with surrounding areas
-

Every planned unit development (including this PRBD) must meet stringent minimal requirements designed to protect adjacent landowners and surrounding communities

What Does This PRBD Ordinance Allow?

- Residential and restricted commercial activity on the same lot
- A single family residence and restricted commercial structures
- Commercial activity between the hours of 9:00 am & 7:00 pm
- Up to five (5) non-family employees during business hours
- Limited commercial vehicle activity

PRBD Summary of Intent

No Planned Residential and Business Development is approved unless the developer submits a *summary of intent* that establishes:

- The development layout
- Residential structure sizes and restrictions
- Allowed business activities and number of employees
- Character of the business structures
- Types and sizes of business vehicles

Every summary of intent must be approved by the Planning & Zoning Commission meeting in an open public forum

Regardless of what's put into the developer's summary of intent, every PRBD is subject to the minimum requirements and restrictions spelled out in the proposed ordinance

Key PRBD Requirements

- A minimum of 75 contiguous acres
- Only along major thoroughfares
- A minimum 100' buffer on all sides and rear periphery
- Minimum lot size of 15 acres
- The businesses must be owned and operated by the occupants of the property

Key PRBD Restrictions

- All commercial structures must be located behind the residence
- Commercial structures must be fully enclosed and cannot exceed 35' in height
- All business related materials and supplies must be stored inside the commercial structures – no use of shipping containers or trailers for storage
- All business vehicles must be parked in the rear yard
- No business vehicle can exceed two (2) axles, 22' in length, 10' in height and exceed 8000 lbs curb weight

- Larger vehicles can only be on site during business hours for pick-ups and deliveries or providing other services

Clyde Mason stated that Pete Frisina mentioned that the property has to be owned by the property owners.

Pete Frisina stated that the individual lot would be; the 15 acres.

Clyde Mason asked if the business had to be owned by the property owner.

Pete Frisina replied yes.

Clyde Mason asked if that was 100 percent owned by the property owner.

Pete Frisina replied that the occupant of the property would be the owner of the business. He said that there are people who have partnerships. He stated that a lot of people incorporate just to incorporate their business and do not have multiple owners. He added if that was the case, we want the principle to be the property owner and to reside on the property. He stated that he doesn't think it is going to be a thing where people open a franchise, because most of what they are looking at are what they deal with everyday single proprietors and owners of business; what they have in the County right now that run businesses out of their homes.

Clyde Mason asked if there was a risk that they could have a business owner who is not the majority owner of that business. He stated that shouldn't be the case it would have to be a resident.

Pete Frisina replied yes.

Clyde Mason asked if there were restrictions on the type of advertising.

Pete Frisina replied that the County has an existing sign ordinance that allows it. He stated like the constitution, every property gets a certain amount of signage regardless of the use or what they do, but we do segregate those uses by residential and nonresidential. He said that he mentioned it to the Planning Commission that we would tie it back to the residential signage and not the nonresidential signage.

Clyde Mason asked if the community would have a say so in what particular business are allowed in the district.

Pete Frisina replied that what would happen when you go through this public hearing process the summary of intent would be available to anyone to look through. He stated that is why we go through public hearings because under State law a rezoning requires public input and there is no sense in requiring public input if you are not going to entertain it. He said that you have five (5) individuals in this County that make all the decisions and the Board of Commissioners are always interested in getting public input. He added that they may not always agree but you have two (2)

times to be heard. He stated that whatever you tell these guys is forwarded to the Board of Commissioners.

Chairman Haren stated that they review the summary of intent and make a recommendation to approve it or disapprove it based upon the merits of the summary of intent and it's the Board of Commissioners that make the final decision. He said that they grind through all of the details when reviewing the summary of intent and go back and forth with developers and at the end of the day they have a finite period of time in which they consider this. He added that they vote to recommend approval or not to recommend approval and regardless to how they vote it goes to the Board of Commissioners for them to make their decision. He stated that during their deliberations they are all opened to the public. He said that they get to come, sit, and at some level participate. He added that when it moves to the Board of Commissioners you also have the opportunity to provide your input to your individual Commissioner at the meeting. He added that they do not do anything behind closed doors because legally they are not allowed to do so.

Carol Springsteen asked if they were going to have a list of business that can operate out of their home.

Pete Frisina replied that the developer of the property will submit a list of business proposed for the property. He said what they are going to see are homeowners that want to run a business out the back of their home. He reiterated that the developer would give the list of business proposed for this development and we will go through that list and we may check them this one (1) yes this one (1) no. He added that then they would forward that list to the board.

Carol Springsteen asked how you are going to regulate these businesses.

Pete Frisina replied that they have to come in for an occupational tax certificate. He stated they have to come in when they open a business to pay taxes; we check it then.

Carol Springsteen stated that she thinks these businesses ought to be responsible for the cleanliness of their property. She asked why they have so many Dollar Stores on every corner. She stated that she doesn't mind driving a couple miles to get to one (1). She said that she would like to see more restrictions on the type of business for zoning because a tattoo parlor was able to get into Peachtree City because there was no zoning. She added that she would like to see those types of businesses out.

Garrett Reynolds asked if there was any process where you could rezone a current subdivision and turn it into one (1) of these.

Pete Frisina replied that you would have to have 75 acres to start with. He stated that he doesn't know if you could find a subdivision that somebody can buy every house and that sort of thing.

Garrett Reynolds asked if one (1) person has to own the entire thing.

Pete Frisina replied that you need 75 contiguous acres.



Chairman Haren stated that within those 75 acres every parcel that contains a business and a home has got to be a minimum of 15 acres. He said if somebody goes into a subdivision with one (1) acre parcels they are going to be knocking down a lot of houses.

Garrett Reynolds asked if there is an example in the metro area where this is already in place. He stated that he is having a hard time picturing a house with a gas station. He asked what kinds of businesses would be allowed.

Pete Frisina replied just service businesses that are related to the person that lives in the home.

Garrett Reynolds asked if an insurance agent could be in the development.

Pete Frisina replied the kind of businesses we see is a business that needs a certain amount of materials or tools and goes out and gives service.

Garrett Reynolds asked for an example.

Pete Frisina replied a plumber. He stated that one (1) of the groups we are working with supplies equipment to the movie industry; specialized camera equipment. He said a lot of the movie industry people want to be in Fayette County.

Garrett Reynolds asked if this existed anywhere in metro Atlanta.

Pete Frisina replied that it is only for unincorporated Fayette County. He said that there are similar zoning districts and this is allowed in other places. He added that we're just going about it and doing it in a very strict manner and a planned unit development manner. He stated that they talked about a lot of different ways to do this and we thought this was the best way for the County to see this process from start to finish; to make sure what happens doesn't create a problem.

John Reafe asked about the impact the truck driving will have off Sandy Creek. He stated that they have schools on Sandy Creek and the busses that travel on this road along with regular vehicle traffic. He said that heavy duty trucks traveling up and down that road is going to put a lot of pressure on that road and a lot of traffic is going to be backed up as a result. He asked if they had looked into that and gave it some consideration.

Chairman Haren replied that what the proposal is not for that specific development on Sandy Creek. He said that this is just to put into the County's Zoning Ordinances the ability to create something and one (1) of those somethings could be the development on Sandy Creek. He added that they really don't know the particulars of the Sandy Creek development unless and until this proposal is approved by the Commissioners. He stated what would happen if an individual wants to develop that piece of land on Sandy Creek they would come to us with their concept and that is when we go through the review process and then send it forward to the Board of Commissioners. He said that a lot of people have brought up the traffic issue and that would be the sort of thing where they would say they would need a traffic study to determine the impact.

He added that they look at what the developer wants to do and the estimated traffic that new PUD would generate and adding to the mix what's already happening on Sandy Creek we would look at the affordability, maybe make changes to curb cuts, and stuff like that. He stated that this is further down the road and what we are trying to do first is get this kind of activity allowed in the County Zoning Ordinance and then address the individual request like the Sandy Creek development. He said this is sort of like putting the cart before the horse because you really can't make a decision on that until this first becomes law in the County.

John Reafe asked what a spot PUD like that have on the surrounding areas.

Jim Graw replied the amount of traffic is dependent upon the types of businesses that are approved by the committee for these particular PUD's. He stated that the property on Sandy Creek Road is over 70 acres and that the people that wanted to purchase the property came in and asked for some type of zoning / land use that would permit what they wanted to do because they did the same thing down in Florida. He said they have 70 plus acres that they want to subdivide into four (4) 15 plus acre lots. He added that one (1) of the lots will be theirs and they will sell the other three (3), but we don't know what the other three (3) lots and those businesses will be. He stated that it will be very difficult to project what the traffic flow, traffic patterns, and the amount of traffic that will flow down Sandy Creek Road. He said that it would be almost impossible at this point to tell.

John Reafe stated that he is on the Board of Directors for South Hampton. He said many of the homeowners in his community and surrounding communities are quite concerned; not so much with the Planning Commission's attempt to make this particular chapter a PUD that includes business because our development is a PUD.

John Culbreth asked Pete Frisina if the current zoning on that property is residential only.

Pete Frisina replied R-70 two (2) acres.

John Culbreth asked if a developer could come in now and build a subdivision.

Pete Frisina replied yes.

Al Gilbert stated that on 75 acres and it doesn't matter where they are; two (2) acre lots take out the streets and detention ponds you will probably get 30 houses. He said that the 30 houses will probably have two (2) cars per house, and with teenagers it could be worse, and that is 60 vehicles going back and forth a day. He added that this a lot more traffic than what we are trying to do with this.

John Reafe stated that the only concern he would have would be the type of truck traffic. He said if it is a heavy duty 8,000 pound on a roadway that is very tight.

Chairman Haren stated that his concerns are very well founded, and that the considerations for the traffic study will come once the developer brings in their plan. He said that they can't say

right now what may or may not happen in that Sandy Creek development because right they can't do it because we haven't built that into the ordinance.

Carol Springsteen asked where the 70 acres were located on Sandy Creek.

Pete Frisian replied that it is about a thousand feet east of Highway 74 on Sandy Creek. He stated that about a thousand feet from the highway there is a curb in the road it's in that area and almost in Tyrone.

Pete Frisina asked did she hear about them talking about the signage.

Serrell Lomba replied no.

Pete Frisina stated that he told them her suggestion. He said that all property in Fayette County has the right to have a sign because of the first amendment. He added that we have two (2) sets of signs residential and nonresidential signs. He stated that we would tie these properties to the residential signage which is smaller. He reiterated that every property in the County has the right to a sign.

Serrell Lomba stated that she came in when the gentleman was talking about the trucks and that she does have a concern about it too. She said that 22 feet in length is long.

Pete Frisina interjected saying that is the maximum and that is about the typical pickup trucks, you're dully trucks which people drive every day.

Serrell Lomba stated 22 feet long.

Chairman Haren replied yeah, a long bed dual cab pickup; like an F250 or F350.

Serrell Lomba stated that she was looking at for 22 feet a U-Haul truck and that's not a dually truck.

Pete Frisina stated that you may have to look at the 8000 pound curb weight.

Serrell Lomaba stated that she doesn't agree with that. She said that the length of the truck needs to be shorter and the pounds need to be less; less than 5790. She added that the truck shouldn't be higher than 10 feet. She stated that her others issues are with subsection c the buffer of a 100 feet. She asked how much further from Sandy Creek Road is the business supposed to be.

Pete Frisina replied that you would generally have your home in the front of the property and it has to be 75 feet from the road and this building will have to be 100 feet from that home.

Serrell Lomba asked under subsection m if there were any stipulations on what type of enclosure it could be.

Chairman Haren replied that the concept is a building with four (4) sides; not a pole barn but a fully enclosed structure for commercial activity.

Serrell Lomba stated that she has a problem with the hour of operation 9am-7pm Monday-Saturday. She said that it would be nice if it was 9am-5pm Monday-Friday instead of 7pm. She asked what subsection r off street parking means.

Pete Frisina replied that each of these businesses can have up to five (5) employees so we want to make sure that these five (5) people have a place to park next to the building.

Sorelle Lomba stated that wouldn't be close to Sandy Creek Road.

Pete Frisina replied we want to make sure they have parking space for each of those employees if they have five (5) and that is the max they can have.

Serrell Lomba asked what they meant by gravel roads.

Pete Frisina replied within the property the driveway and the parking could be gravel.

Serrell Lomba asked if there would be gravel that extends to Sandy Creek Road and could possibly spill out into Sandy Creek Road.

Pete Frisina replied that we have people who have gravel driveways now and we don't require you to have a paved driveway on your individual lots.

Serrell Lomba stated but that's for a resident in that area and we're talking about trucks that are going to be coming in and out.

Pete Frisina replied that we do have agricultural operations that have similar vehicles to come out of their property. He stated that it's not really an issue that I have ever run into.

Serrell Lomba stated that she was concern about that as well.

Chairman Haren stated that the gravel driveway issue is one (1) of those things we would take a hard look at when we are reviewing a developer's proposal. He said they would have the authority to say Mr. Developer we didn't anticipate a lot of truck traffic coming in and out on to this road; we understand that you want gravel on your property and that would probably be less expensive and easier for you to maintain but for that throat section that comes out onto the road we want you to pave that. He said they could have that put on if they so desire when they got to that review of the statement that comes with the concept plan.

Serrell Lomba stated going back to subsection l:

1. No more than five (5) persons shall be employed on-site by a business, not including the owner/occupants.

Serelle Lomba asked how many people would be residing at the house. She stated that there could be five (5) persons employed but then I don't know.

Chairman Haren interjected saying that it is a single family resident and we can't control that. He asked how many folks you will need to run a business. He said in our opinion you will need at least five (5) people and most businesses are going to want to bring at least that many in. He added that we had to pick a number and some argued for 10 and others argued for two (2) we said five (5) sounds like a good compromise number.

Serrell Lomba stated that she thinks that's all she has but she is concerned about traffic for Sandy Creek Road.

Chairman Haren stated that it is the number one (1) concern that has been brought up about the Sandy Creek development. She added that there is no traffic light at that intersection.

Chairman Haren stated that the consideration of the potential Sandy Creek development is down the road. He said that they first have to get the rule that allows for this type of development anywhere in the County into the Zoning Ordinance. He added that it's really what we are focusing on here, and once the Board of Commissioners approve this that's when we get into talking about the particulars of the Sandy Creek development, that the developer wants to go forward and any other developments that any other developers want to bring forward to us.

Serrell Lomba stated that she was not in agreement with this zoning proposal especially for that section because it is a residential section and she believes that type of business needs to be closer to an industrial type of businesses that are already around Fayette County. She said that Fayette County has a lot of property and she doesn't know why they are singling this particular area and a highly residential area. She added that she hopes they will take her concerns into their consideration.

Don Martin stated that he was in agreement with the young lady. He said that he was wondering about Veterans Parkway and how they have created more roundabouts. He asked if they could give him some knowledge of what's going on in that area.

Chairman Haren stated that most of that property is in the City of Fayetteville and we don't have any visibility of what the City of Fayetteville is doing out on that stretch. He said that all he can say is there were a lot of intensive development plans for that area. He added that we are the County and you really need to go to one (1) of their Planning & Zoning meetings and bring that issue up to them.

Don Martin stated that the reason he brought it to the floor is because an area like that would be more sufficient for that traveling with trucks going through than our Sandy Creek area.

Charlette Graham stated she lives right across the street from the location; many times tonight I have heard you all say this has nothing to do with the Sandy Creek development. She asked



what prompted this, if that has nothing to do with this, because this seems so geared toward this business. She asked if they had a lot of business that wanted to change their zoning.

Chairman Haren stated that she was right; a developer who was interested in doing this in that Sandy Creek area came to them saying we want to do this here to support the movie industry. He said they look at the zoning ordinance and said we don't allow that here, but if we were to allow it how would we want it to look; how would we control it so it meshes as nicely as possible with how the County looks. He added that is how a lot of these things happen we don't consider changes to Zoning Ordinances until someone says you know what I would like to do this with my property for example we didn't allow bed and breakfast until just last month. He stated that we didn't even know we had a bed and breakfast issue until a property owner came to us and said we would like to start a bed and breakfast in unincorporated Fayette County. He said to her it's a good idea but we don't allow it. He added that the Planning Commission began to think about if they wanted a bed and breakfast how would they control it to protect the adjacent property owners, give them best use of their land, and control traffic. He stated it is the same thing here, a developer came in and said, I have a customer who wants to do this very light commercial and live on the same property like they do in Florida. He said they talked among themselves and said this is probably something we should work on to see if we could shape this so we could allow it, not let it overrun the County, and have the mechanism in place to control how it looks, how its built and that it meets with the character of the area that its going in.

Charlette Graham stated that was definitely one (1) of our concerns and we would like to maintain the integrity of our neighborhood. She said as a resident of Rivercrest she is very curious as to what this would like. She added that she understands that they have to come to the Planning Commission to get approval but she thinks as residents they should have a voice because these are their homes and their values are heavenly impacted. She stated that she was a realtor and this was something she does not take lightly. She asked that they allow them to stay in the loop and they are able to voice their opinions. She said that this doesn't sound general to her and it sounds that this was all prompted because this developer came in and they will have to keep their eyes and ears open.

Pete Frisina stated that once it's in place its open to the entire County.

Charlette Graham replied that she understood that. She stated that this would not have happened if the developer had not come to you and that it what she discovered from this meeting tonight.

Pete Frisina stated that most of our ideas come from the public and had they not come in we probably wouldn't have worked on it. He said it's like if the property owner hadn't come in and asked about bed and breakfasts we probably wouldn't have allowed them.

Charlette Graham stated that she doesn't think this is as far down the line as they are being led to believe.

Pete Frisina replied they can't come in until we put this in. He stated if the Board of Commissioners decide we don't want it they can't bring it in.

Charlette Graham stated that she thinks they should be kept in the loop. She stated that it doesn't stop here it has to go back before the Commissioners.

Pete Frisina replied that it does have to go back before the Board of Commissioners. He stated that if and when property has to be rezoned there is a sign posted. He said that he has known from experience that when the sign goes up people see it and we get phone calls.

Carol Springsteen asked what type of development was petitioned.

Chairman Haren replied that the individual that approached us kind of laid it out in general terms stating: they run a business in Florida right now on a lot where we have a residence and a building in the back where we run the business out of. He said that they provide remote cameras for the movie industry. He added that they have digital cameras setups and cranes to support them. He stated that they go off site and set those things up all over the country. He said that they would do the shoot tear all the equipment down and bring it back, clean it up, and get ready to send it out for the next movie shoot.

Carol Springsteen stated that she would consider that anytime you go to a meeting like that it is a done deal, and if it is a done deal could they make sure that the landscaping and everything is hidden.

Chairman Haren interjected that it wasn't a done deal. He stated that they take public input seriously. He said to finish up what he was saying in reference to her question; they said they like Fayette County and like the same business arrangement where they can live and work on the same piece of property. He added that they said it may be a good idea depending on the type of business, but we don't currently allow it in our Zoning Ordinance so give us an opportunity to discuss it, think about it, and talk about the controls and restrictions we would put in place so you don't end up with a commercial trucking company in your back yard.

Tiffany Tatum asked once it goes through the appropriate approvals what type of time frame are we looking at. She stated that they mentioned about doing some studies and it usually takes a while for studies to see the impact of traffic and the trucks on the road with gravel and driveways. She asked again what type of timeframe we are looking at.

Chairman Haren stated that the studies could take months. He said that they work through it and answer all of their questions with staff and then they vote to approve or disapprove. He added then it goes before the Board of Commissioners and they get a nice package with the studies that have been done, recommendation, and staff report and they make their decisions. He stated that for bed and breakfast we worked on it for six (6) months.

Pete Frisina stated that when someone comes in for a planned unit development a normal rezoning can take roughly two (2) months. He said a planned unit development requires the developer to come in and meet with the staff prior to submitting the rezoning application and also meet with the planning commission prior to submitting a zoning application. He added that we can take a first look at what they are proposing and give them some guidance of what we

would be in favor of and not in favor of. He added that would be like a prelim to actually putting the rezoning through. He stated that the rezoning comes through at the first of the month to be heard by the end of the next month and during that period that is when the signs are posted. He said a rezoning can be tabled for instance: if they come before the Planning Commission and the Planning Commission says we need more work, we table it and see you in 30 days. He added that it can get to the Board of Commissioners and they can say we want some changes bring it back in 30 days. The two (2) month process can end up being four (4) months.

Tiffany Tatum stated that she was thinking something like two (2) years after you go through all the approvals and the appropriate studies. She said that it seems like it is a shorter time frame.

Pete Frisina stated that we could probably get with our Road Department to give us a traffic impact study.

Chairman Haren stated that we worked on the Bed and Breakfast for at least four (4) months.

Pete Frisina stated that we have been working on this for at least six (6) months.

Al Gilbert stated that about a year ago they had farmers come to them saying that they had people that wanted to do weddings on our property. He said that we had nothing on our books that would allow that. He asked how long they worked on it.

Chairman Haren stated that it was almost six (6) months.

Al Gilbert stated that we wanted to help the farmers and they had been looking for a way to utilize their property. He said that people want their weddings on these sites. He added that we took months and months to put it together.

John Culbreth stated that we look forward to have community input into every process that we deliberate on. He said that there is no agenda to push something forward for an individual developer, realtor, or private citizen without the input of the residents. He added that he is glad to see them out asking their questions. He stated as they package it and send it over to the Board of Commissioners we have good input. He said he thinks it makes it a fair place for everybody involved.

Chairman Haren stated that we do recommend disapproval. He said folks may come to us saying we want to do this here and we may say it is not the right use for that property. He added that the adjacent property owners may come in and talk to us and we say no. He stated were not afraid to say no and the public record will show it.

Commissioner Rousseau stated that what has been said shows the dynamics of planning and zoning in our community. He said that he hopes they will go back to their neighborhoods and if they have an HOA designate two (2) people that are retired or have some type of background in land use, and have them come to these meetings so they can share this information. He added the reason why he said two (2) people is so you won't burn that individual out. He stated that



they could rotate where one (1) takes one (1) month that way things don't catch you by surprise. He said one (1) of the challenges we have is we are conditioned to look for that rezoning sign, and in this case with the PUD this is something that has never been on the books so you will never see the sign. He added that is why it is important for you to come to those meetings and gather those tidbits that are happening in the County. He thanked the Planning Commission for their work. He stated that he heard them say there are times they deny because it doesn't fit or is not appropriate for that particular community or that piece of property. He said that he asked for them to hold this public meeting so you all can really look at the work they did to even get to this point. He added that it is pretty labor intensive. He stated that the key part in this is these are your neighbors. He said that these people serve and volunteer. He added that if you are interested in serving we have a spot available. He stated he was just informed that one (1) of the members resigned. He said delve in; get involved; it's pretty labor intensive, but it impacts the quality of life in our community. He encouraged them to come out next week because there are zoning issues on the Board's Agenda for next week that will have some impacts in the various parts of the County. He added that he commended them taking the time out of their busy schedules to come out. He stated that this is critically important do not miss these planning meetings. He said designate some people to get that information out.

Pete Frisina stated that next week we are working on the Comprehensive Plan. He said that part of what we have been doing especially with these types of zoning districts it fits into where I think the County wants to go. He added that we are given people incentives to maintain large lots, and hopefully curb subdivision development to maintain a rural character. He stated that we did a survey to take input from the County and that term rural character came up time and time again. He said that this type of zoning district is the kind of thing we are trying to maintain that rural character; where the house is still the predominate use on the property like on agriculture but these businesses or buildings are secondary to the primary use of the principle structure. He added that we have also done some other zoning amendments that we have talked about bed and breakfast and wedding facilities they all require large lots and it helps to encourage people to maintain large lots in the County. He stated that he thinks that is going to keep us looking the same way when people moved here. He said that they want that rural character to remain and that is what we are trying to do. He added that if they have time come back and look at the map he would be glad to sit back and talk to you about it.

Commissioner Rousseau stated that one (1) of the things that can be disconcerting is we all moved down here and a lot of the subdivisions and lots we live off of didn't have subdivisions before; and people want to say stop them coming in but you all moved in here. He said that is disheartening when we hear that, stop it; sometimes we can and sometimes we can't meaning the property is properly zoned and we have some limited options at our disposal and we have to approve it. He added that is when everybody gets upset saying we didn't hear them. He said attend these meetings are critically important to the vitality and quality of life for this community. He thanked and commended the Planning Commission and staff.

Chairman Haren asked if there were any other questions from the public. Hearing none he brought it back before the Planning Commission. He asked the Planning Commission if they had any comments or concerns.

Al Gilbert replied no, and thanked everyone for showing up.

Jim Graw stated that we talked about it six (6) weeks ago and voted on it about six (6) weeks ago. He said that we voted to send it to the Board of Commissioners and at that time I was in opposition to it and I am still in opposition to it. He added that he wrote down his rationale and my reasons on a page and a half and they are contained in the minutes of our meeting where we voted to send it to the Board of Commissioners. He stated that he would like to read it again tonight to make it a part of the record. He said that he did a little bit of changing but it's still the same thing.

Jim Graw read his letter:

During the past several months we have been discussing the development and potential implementation of a new PUD- Planned Residential and Business Development or a PRBD. Approximately 4-6 weeks ago the Planning Commission recommended approval of the new PUD to the Board of Commissioners by a vote of 4-1

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

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

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

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

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

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

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

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

Chairman Haren asked if there was any further discussion. He stated that they had heard a lot of input and a lot of good input. He said that this is all being put on the record and that this proposal is already going before the Board of Commissioners. He added that they could table it and ask us to hold some more public hearings like this one (1), get more input and to better explain the proposal to the public. He stated that they will look at some of the recommendations that come out of this meeting at the next one (1) that we hold to and incorporate them. He said that they are free to contact the Planning and Zoning Department Mr. Pete Frisina if you have any additional input that you want to give. He asked when the next public meeting.

Pete Frisina replied May 4<sup>th</sup>.

Chairman Haren stated that we are going to do this again on May 4<sup>th</sup> and they are more than welcome to come back. He asked that they let their neighbors know that live in the County or Tyrone that have some concerns about this to come on out.

Chairman Haren asked State Representative Derrick Jackson if he had anything to say.

State Representative Derrick Jackson stated that the three (3) questions his office had been flooded with: One (1) being with this PUD what other locations besides the area you are already looking at could fit this PUD. He asked if this PUD could fit in any other municipalities outside of Tyrone.

Jim Graw replied that this PUD will only be located in the County. He stated that we don't do business for Tyrone, Peachtree City, Woolsey, or anybody else they do their own. He reiterated that this is for the County.

State Representative Derrick Jackson stated that he understands that its for the County but his point is this impacts Tyrone. He asked if this PUD can be placed anywhere else and impact Peachtree City, Brooks or Woolsey.

Planning Commission replied yes.

State Representative Derrick Jackson said his second question was outside of traffic patterns and traffic-density will eminent-domain come into play with this PUD.

Planning Commission replied no.

State Representative Derrick Jackson stated in order to change the traffic scheme on Sandy Creek and Highway 74 where that church is will you have to change the traffic pattern for one (1) to keep it safe and it wont increase the traffic density on the corner.

Jim Graw stated of course for number one (1) and for two (2) it would have to go before the Board of Commissioners to determine that.

State Representative Derrick Jackson stated the final concern that came to him was because this developer is closely related to Pinewood Studios is that the driving force for this PUD. He said if it wasn't for this entity would this Planning Commission be working on this PUD prior to that. He asked before that developer came were you working on this PUD.

Chairmen Haren replied no. but as we explained earlier this happens a lot. He stated that he would go back to the example of bed and breakfast; we weren't giving any thought to bed and breakfast, we had no plan to work on them, until a property owner came to us and said I would like to open one (1) in unincorporated Fayette County; can you folks work on the Zoning Ordinance so it will allow for that activity. He said they said yes and thought that was a good idea. He added that they looked at this one (1) developer who was interested in the Sandy Creek property wanted to do in terms of the mix of residential and commercial and said that might be a good mix for some activity in the County. He stated that it was low density, it allows for the resident to have its business on the property but in a separate building. He said that we already allow home occupations in the County for things like accountants, tax prep services, and now we allow for barber shops. He added that this would just allow us to move that commercial activity out of the residential structure into a light commercial structure behind the resident. He stated that the way the County has grown and the type of business that are coming in are supportive of the film industry; these are service industry; they're not doing deliveries for Amazon. He added that they thought and said lets study and take a look at it and work on the mechanics of how we would want that to look and this is what we came up with and then we sent it over to the Board of Commissioners.

State Representative Derrick Jackson stated that a person can have a bed and breakfast in their residents and not change the infrastructure or the traffic patterns this is very different this changes traffic density and traffic patterns and especially when you start taking about the minimum is 15 acres. He said that structure behind that residents could be a huge warehouse, barn what have you. He added that what we don't want to do is adversely impact the residents that are already there to satisfy the need of a client that you all already have in mind for this PUD.

Chairman Haren stated that is where the summary of intent comes in. He said the developer brings the summary of intent to the County and the Planning and Zoning Staff along with the Planning Commission review that summary of intent work with the developer to make sure those things that you have concerns about the oversized buildings, the excessive traffic, are well controlled or don't take place at all. He added that we make sure that it is a good fit for that area and that piece of property. He stated that its not as though all you have to just meet this as a minimum; this is just a first filter of a series of reviews and approvals that must take place before we recommend approval or disapproval to the Board of Commissioners. He said that it is all done in an open public forum.

State Representative Derrick Jackson asked if this PUD anywhere else. He asked if any

other County has a PUD like this.

Pete Frisina stated that he has found instances where people allow this to happen but not to the degree of the control we are trying to put on it. He said that they mainly allow it as a conditional use.

State Representative Derrick Jackson stated that he would love to know what their feedback is before and after.

Pete Frisina stated that he did not find anybody that was going to this length to put something in place to control it like we are trying to do.

State Representative Derrick Jackson asked if Fayette County would be the first to have a PUD like this.

Pete Frisina replied to his knowledge yes.

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Al Gilbert made a motion to adjourn the meeting. Chairman Haren said the meeting was adjourned at 8:20 pm.

PLANNING COMMISSION  
OF  
FAYETTE COUNTY

  
BRIAN HAREN, CHAIRMAN

ATTEST:

  
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**THE FAYETTE COUNTY PLANNING COMMISSION** met on May 4, 2017 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

Pete Frisina stated that after the last meeting with public input he looked at some of the things that were mentioned not only by the public, but earlier when they took this to the Board of Commissioners. He said that they had made some suggestions that he had put in here; the ordinance is pretty much intact but you can see what he added in red. He added now that we have gone through this whole part of the comprehensive plan and we talked about maintain rural character; as the newspaper article said one (1) of the cornerstones of the plan. He stated that he added some verbiage that talks about the intent and the purpose and how this helps to maintain large lots and the preservations of single-family dwellings maintain rural character. He said that in some of these cases these could be homes that were built 100 years ago so we try to maintain that character. He added that under three (3) this was some suggestions and some discussions we've had that was brought up; he added that the character of the business structure shall be agricultural and wanted to see what the Planning Commission thought of that. He stated that the list of facades that he added was already in our ordinances under residential accessory structures. He said what it gets you from is the standing seam metal building that looks like it should be in the back of a business park. He added that is why we started to put on all of our accessory structure requirements so that is what this is for. He asked them what they thought about the character of these buildings; do you think that it's too vague or should we figure that out when they come in and we asked for the renderings of the buildings through the PUD as the summary of intent.

Arnold Martin asked what if they had someone come in very similar to our situation and in their minds their business style is very contemporary and they have a vision for that PUD and all of the neighbors PUD in a contemporary type of building; how do we address that. He asked are we saying that anyone that goes into a PUD must adhere to an agrarian lifestyle.

Pete Frisina replied that he doesn't know about an agrarian lifestyle. He said going back to this whole rural character which seems to be the important thing. He added that he just through that out for discussion. He stated that he doesn't mind leaving it open but he was trying to give some intent that preferably they want to maintain that kind of rural character. He asked does he want to see that kind of glass and steel structure; not really.

Arnold stated that he was thinking some Frank Lloyd Wright structure. He asked if they were laying down the gauntlet saying it must be in an agricultural style or is it a thing per recommendation per proposal.

Al Gilbert stated that he always envisioned with this was a barn. He said while he is living next door to this would be no different than he living next door to a farm. He added that is what we are trying to maintain with appearances. He said that building done as a farm building is being done to protect neighbors.



Pete Frisina stated that PUD's are supposed to have some flexibility. He said this is about the most inflexible PUD he has ever created. He asked if it would be better to say the architectural character of the business structure is preferred to be agricultural but then leave it open if someone brings in something we like we can approve it but it's preferable that we do that.

Chairman Haren stated that he like what he put down here. He said that he doesn't think it is all that restrictive but drives a stake in the ground that says, if you want to do this you got to make it look a little agriculturally. He added when they consider their proposal they can look at the recommendations they bring forth. He stated that we need to get across to them that this helps to establish the intent of what we are looking at; the commercial side of whatever comes into this property.

Jim Graw asked if they could have a definition of what agricultural is.

Pete Frisina replied that they would have to work on that and they could come up with something.

Arnold Martin stated that he was sitting in the back when this was presented to the Board of Commissioners with some of the residence, and their vision was a big warehouse. He told them no. He asked them to envision a barn. He said he tried to explain that to them. He asked are we saying anything about the style of the primary home.

Pete Frisina replied no, we don't normally control the aesthetics of the home.

Chairman Haren stated that is where they can do the Frank Lloyd Wright thing.

Pete Frisina stated that this is where the large accessory structure we think will be in the back and we want it to blend and to look nice. He said with rural character being our new buzz word this is what it is all about now. He added that he could give some examples of what we're looking at. He stated that architectural structure shall consist of these basic shapes, sizes, etc. He said that he could work on that sort of thing for the next meeting. He asked if they were good with that statement.

Al Gilbert stated that he believes Pete would make his staffs life a lot easier if he leaves this in there because people are going to push you to the wall sometimes wanting their block building, metal building, and this pretty much says to me what we want.

Arnold Martin stated with some definition so they will not be able to say my definition of agricultural is different than you.

Al Gilbert stated that he was referring to your architectural character the materials that you are talking about.

Pete Frisina replied that is already pulled out for what we have for accessory structures.

Chairman Haren stated he had a question about paragraph two (2). He said that he puts in "of existing" and then reads the sentence:

The summary of intent shall specify the minimum floor area proposed for of existing the single-family dwellings.

Pete Frisina replied that they are doing two (2) things: when they look at subsection (i) maintaining existing single-family dwellings as part of that character issue, and what that is trying to say is we need to know the size of those existing family dwellings are if they are actually preserving those. He said that down there under (i) they did not have this in there before any new structure would have to maintain a floor area of 2100 square feet. He added that he pulled that out of one (1) of the R-85 zoning district; one of the larger zoning districts. He stated that is what he is proposing for that and that he could make a differentiation; and he could work on the wording. He said we want the summary of intent to let us know that.

Chairman Haren stated that it makes since now.

Pete Frisina stated under subsection (k) they have discussion of the different business operation owner/occupant scenarios there are two (2) of those. He said that they did tie this under (s) to the signage that is regulated under residential free standing signs. He added that he gave them a copy of it. He stated that this is the standard that all residential lots under our sign ordinance: all residential lots can have up to three (3) signs. He said that they are limited to six (6) square feet in area and four (4) feet in height and if you have a frame around it, it can't be higher than five (5) feet and you can't have more than three (3). He added that is the basis for every lot in the County. He stated that he tied it back to that as oppose to something larger like a commercial style sign.

Jim Graw asked if he could give him an example of a free-standing sign. He said that one (1) can be a permanent sign which we fixed, which leaves two (2) other that can be free-standing. He asked again what the free-standing were.

Pete Frisina replied that all three (3) could be the same size. He stated that the way the ordinance works the free-standing sign is a fixed sign that you need to get a permit for. He said that other two (2) signs are called temporary because you assume those are on a 4x4 post or something of that nature.

Jim Graw asked what would be on a free-standing sign. He said now "open for business".

Pete Frisina replied that we can't control what a sign says.

Jim Graw stated that he knew. He asked what would be a free-standing as an example.

Pete Frisina replied the size.

Jim Graw stated no, what would be on it.

Pete Frisina replied it could be anything. He said you do not want to control the message.



Jim Graw stated that he understood. He asked what a free-standing sign would be.

Al Gilbert stated that a political sign is a free-standing sign.

Jim Graw asked if it was anchored in something.

Pete Frisina replied yes, it could be anchored in the ground. He said it could be sitting on a concrete slab of whatever it is or it could be a 4x4 post in concrete.

Chairman Haren asked Jim Graw if he was uncomfortable with this do you think it is not restrictive enough and tighten it down just for this PUD in terms of the allowable signage.

Jim Graw stated that he understood.

Pete Frisina stated that he would rather rely on regulating signage through the sign ordinance. He said he wanted to clarify that these things are tied to that paragraph. He added that he wanted to be clear that this is what we want. He stated that this is the least amount of signage that we allow on every lot in the County.

Chairman Haren asked when they come in and do their concept plan they will also have to show permanent signage location.

Pete Frisina stated that these are tied to residential lots and are not subdivision entrance signs and is looking for these to be on individual lots.

Arnold Martin asked if they could go back to (k). He recommended that they go back to legal about this verbiage. He stated that the reason being is that this could be a corporation instead of a LLC or an LLP. He said that there are many other factions and if someone really wanted to press it and if it just literally said the word corporation; they could say there not a corporation there and a LLC and therefore not required that person to be an officer. He added that he does not know the exact verbiage but he recommend you take it back to legal.

Pete Frisina stated that he did get their input on this but he would take it back to them though.

Arnold Martin stated if someone really wanted to try and get around it saying well he doesn't live there but it doesn't require me to because this is not a corporation.

Pete Frisina stated that from one (1) of the suggestions from one (1) of the residents he did cut the business hours back from 9-5 for customers.

Al Gilbert asked if that meant the business had to shut down at five (5).

Pete Frisina replied no, it's just for the customers. He stated that there was still some discussion from the Board of Commissioners about frontage road, central drives, interparcel access, a driveway apron came from one (1) of the residents. He said he had another Commissioner talk about whether or not the structure size should be limited to less than 35 feet or somehow controlled based on the size of the home. He asked them if they had any feel for that. He added

that the height limitations for all structures in this district as with all of our districts are 35 feet. He asked how they felt about limiting the height. He stated that the size we will control through the summary of intent. He asked again if they had any feels about that one (1) way or the other.

Arnold Martin asked if it is a two (2) story house with an attic that still has to maintain a 35 foot.

Pete Frisina replied that we measure in a way that is hard to explain. He stated that the way we measure it has changed over time even though we said that your house can't be higher than 35 feet; over the time people have built bigger and bigger houses we decided to measure in different ways. He stated that it is not to the top of the structure. He said that it has this sliding scale depending on if it's a basement or an attic you measure to the middle of both.

Chairman Haren asked about the frontage road, central drives, and the interparcel access and whether the Commissioner who asked is fixated on the Sandy Creek development.

Pete Frisina replied that it wasn't one (1) who mentioned it and that is why there are three (3) things in there; frontage road, central drive, and interparcel access came from more than one (1) source. He stated that one (1) of the residents talked about a driveway apron to try and make sure as you come off of the road there is at least a small portion of that drive that is paved prior to going to gravel or stays paved the whole way. He said that these are things we can look at with each of the developments. He added that he doesn't think he can come up with a set of regulations right now that he can think that would apply to everything. He asked if they wanted him to make some discussion about this that is something else we would need to consider. He stated that it is not like its required it's just those are things we have to look at it in terms of evaluating a development summary of intent.

Chairman Haren stated that he does think it is something we should put on the checklist for the summary of intent. He stated that we discussed this and he asked the question if you have two (2) adjacent parcels and you want to connect them with a road that loops around back you could get into all kinds of issues about you creating an internal road in a subdivision.

Pete Frisina stated that he is still doing some research.

Jim Graw asked who is going to pay for the maintenance all four (4) or just one (1).

Chairman Haren replied that responsibility will be spelled out in the summary of intent.

Pete Frisina stated that he could seed this with the summary of intent. He said that the summary of intent needs to cover this sort of thing and access; so it is at least brought up, and someone knows they need to look at that we can evaluate it when it comes in.

Chairman Haren agreed.

Pete Frisina stated that we could make a determination and he could look at structure and size to see if there is some way to make that a part of the checklist for the summary of intent. He said we want to know the size of these buildings we want to know the height elevations and all that

stuff. He added if we think it is inappropriate than we can make a determination on it.

Arnold Martin asked if we had limited the amount of accessory structures to one (1).

Pete Frisina replied that we have not made that determination yet. He stated what they would be limited to in the residential portion of the lot they would be limited to typical accessory structure you would have with a home a detach garage, pool house, those sorts of things. He said that we would handle the business structure through the summary of intent and look at each of these proposals as they come in and make a determination of whether or not one (1) structure or two (2) structures, the size of those structures, the relationship to them. He stated that one (1) of the things they added there has to be at least a 100 foot separation between the home and this structure; and we will have to do that during the summary of intent.

Jim Graw asked if they were looking at potentially two (2) story structures.

Pete Frisina replied that we don't know at this time.

Jim Graw stated that it says 35 feet. He asked if 35 feet a two (2) story structure.

Pete Frisina replied that it could be. He said that a typical home is 35 feet.

Jim Graw asked what the height of a one (1) story structure was.

Pete Frisina replied that it depends on the roof pitch. He said that it was less than 35 feet.

Jim Graw asked what the height of a one (1) story structure typically.

Pete Frisina replied he didn't know....20 feet. He asked Al Gilbert what he thought.

Al Gilbert stated that was a good guess.

Chairman Haren asked if there was a restriction on the height of single family.

Pete Frisina replied that you could have a single family home with 12 foot ceilings.

Jim Graw stated if it does go through and passes he doesn't think there should be any two (2) story structures on these properties because you have residence all through here. He said that this is a residential area and two (2) story business structures are not fair to the people that are around this. He added that those were his feelings.

Arnold Martin stated that for clarity he was thinking the 35 feet was for the single-family dwelling and not accessory structure.

Pete Frisina replied that all structures are limited to 35 feet.

Chairman Haren stated that the accessory structure which is the business location could be

theoretically a single-story structure that is 35 feet high. He said if we are talking about a large overhead door and moving equipment in and out; it could be a single-story structure that is 35 feet high.

Pete Frisina stated if you build anywhere in the County right now 35 feet is the height limit that we apply across the board. He said the reason why you are probably saying that is because (i) use to be height limit only and he probably needed to drop that down under its own number. He added that it was for the sake of not having to re-alphabetize everything.

Arnold Martin asked is this just the assumption that this applies to all structures.

Pete Frisina replied that it will be written that it does. He stated that it was by itself before, but when he added this in there he just didn't drop it down. He agreed that it should be by itself.

Arnold Martin stated let's say you have a barn like structure that is 35 feet high with a little loft space above; technically its really only one (1) story or it is just something floor to ceiling going up to the rafters that is just all open space and then have shelving or some loft space just for storage, and technically that will be considered a one (1) story structure.

Chairman Haren stated that the limitation is 35 feet.

Arnold Martin stated you could have 10 stories and it be 35 feet high.

Jim Graw stated that his concern when you have a two (2) story structure is that there is a possibility for the employees one (1) or five (5) of those employees could establish residence in there; even though the zoning ordinance says you can't do that.

Al Gilbert stated that you could do that on a single story.

Jim Graw stated without a doubt on a two (2) story you have more of an opportunity to live upstairs where you work.

Chairman Haren stated that is true, but that is where the enforcement piece comes into play. He asked who enforces setting up a bedroom in a commercial structure. He said that there are enforcement mechanisms in the County that will take care of that. He added that he wouldn't let that concern stop something like this from moving forward. He stated that we could limit it to single story and some guy can put up partitions in the back of the building and throw a cot up and call it home.

Derrick Jackson stated that the reason why you don't see a bunch of Tyronians is because he had been designated to come over here while they are at a Tyrone Council Meeting right now. He told Pete that they definitely enjoyed some of the changes and inputs incorporated. He added that the ball is on the 20 yard line and its not in the end zone yet. He stated as he heard their deliberations he was writing some notes. He asked them to go to paragraph two (2). He said because this is a PUD definition he suggested to this body that you may want to have some language in there out of a 15 acre lot; how much of that lot should be designated residential. He

added that he knows they have dimensions in here; much like we have some of our large residential areas in Fayette County clearly you could see where the lots will spell out specifically for residential use out of a 15 acre lot you may want to say minimum two (2) acres are designated for residential use. He stated that the reason why he shared this is because what happens if a developer builds those five (5) lots, 15 acres each, and then someone moves; and then a new resident would like to come in and then that gives them an opportunity to clearly see that their primary residential area is two (2) acres and their other 13 acres will be designated for commercial use. He said that he knows you have dimensions in here but when you look at a 15 acre lot that's huge; he said 35 feet there, 200 feet that really doesn't help when you start to talk about this lot size. He added that he recommended maybe saying minimum residential area should be one (1) acre. He stated where he lived it's CR-2 which is minimum two (2) acres. He said that the other thing for paragraph two (2); Pete you said that it is captured in (i), but for a 15 acre lot we don't want someone building an 1800 square foot home or a 2000 square foot home. He said if you say the minimum primary residence is a minimum 3500 square feet really helps the neighboring properties. He added that the smallest home is about 5500 square feet and the largest house is about 15,000 square feet. He stated that he was thinking about River Oaks in particular, because where this parcel of land is that will impact that subdivision. He said that he recommends you add those items to paragraph two (2). He suggested for paragraph three (3) instead of saying permitted business he recommended that you use the word commercial. He added this is the reason why he suggested commercial is because he does like when he was listening to them about the LLC part; it just prompted the point that instead of just saying permitted businesses we need to say commercial business then you can tie to is this industrial, retail, or recreational. He stated he knows we don't want to make it too restrictive, but he thinks it helps on the communities that are nearby this parcel of land it gives them a better sense of what type; much like the argument you use about going from warehouse to no we are going to have some architectural character he thinks that helped.

Pete Frisina stated in our vernacular when we say commercial we mean retail. He said that he doesn't like that term and that is definitely not what we want there.

Derrick Jackson asked if Pete Frisina could put in parentheses.

Pete Frisina stated that he thinks these are more service industry. He said someone that supplies a service, and is not there to sell things.

Derrick Jackson stated that is accurate for today but let's say five (5) years from now ten (10) years from now. He said that this is what we are saying in terms of a definition of what PUD is, and we do not need to think of only who are interested today, but what happens down the road; because then this body will have to come back and make some amendments if the definition is not broad enough or not tailor to what we want in Fayette County.

Pete Frisina replied that his vision is not retail.

Derrick Jackson said also in paragraph three (3) maybe we should state what that other structure minimum or maximum square footage is. He stated if you are on a 15 acre lot it is not necessarily how high it is but how big it is, because you still have 5 neighbors. He said if Mr.

Martin decides to get one (1) of these lots, and he has this humongous structure in his backyard; do I want to purchase that land right next to him. He added that we have to think about how we can set up this parcel of land to be neighborly. He stated we should include in paragraph three (3) what the minimum and/or maximum of that second structure should be. He added if you go down to five (5); he thinks this is where the frontage road was introduced by three (3) of the neighbors at the last meeting. He said if you look at (b) and (c) this is where the frontage road piece came up. He added that he had no answer for them, but this is the specific points that prompted what that frontage road should be; the concern for the traffic pattern over there off of Sandy Creek. He stated for (f) (g) and (h); he said he was thinking about River Oaks and that their setback is much larger.

Pete Frisina asked more than 100 feet.

Derrick Jackson replied from the curb to the front door of my house is 130 feet, and I'm on three (3) in a half acres. He stated that it makes perfect sense because you may want to have a sidewalk or a golf cart path. He said when you look at the setbacks for 15 acres lots that are relatively small. He added that I'm not saying we make it 120 or 150 but 75, 50, 75 is small. He stated that the other thing we need to address is the elephant in the room is utilities. He asked if this was water, was it on septic, do they have an option to do green energy (i.e. solar, geothermal). He said if you start to talk about commercial use they will be using some kW. He added that this body needs to consider what will be the utilities. He stated that his neighborhood is on septic and they cannot do geothermal; and if we do that for residential and it is very specific around the type of utility services than he thinks the same should be applied in a PUD definition in terms of utility services. He said for (m) he thinks the 100 feet could be solved if we say the minimum residential acreage is one (1) acre (m) would be addressed already. He added that (o) was a noise abatement measure and we appreciate reducing it 5 o'clock for customer service hours but there is got to be a noise abatement measure in here. He stated that all though they may not receive customers after 5 o'clock are they creating a stage at 10 oclock at night; you need to put something around a noise abatement measure for this PUD. He said for (p) the language here is great, but you should also state that it should not be visible to neighbors. He added that if they need to put up a row of trees that is what they need to do. He restated that he is trying to make sure that this PUD is neighborly, because you may not have all five (5) of these landowners know each other. He added for paragraph (r) he really has a problem with gravel so a paved road is what it is. He stated that if you would have come to Fayette County 30 years ago you probably would have had gravel, but not today; you don't need gravel. He said if they want to have a driveway and extend it all the way it has got to be paved. He added that it was not different than the neighborhoods in this surrounding area. He stated last but not least signage; the location is going to be critical because if they put up a sign 6x6 in there front yard and they go through and get the permit and it becomes a permanent structure. He asked is that being neighborly if the sign is in the front yard.

Pete Frisina replied that the sign is 2x3. He stated under our sign ordinance every residential lot in Fayette County has the ability to have this signage. He said inside of the subdivision, everywhere; so this is the minimum signage that is allowed in Fayette County for every residential lot.

Derrick Jackson asked permanent signage in your front yard.

Pete Frisina replied yes.

Al Gilbert stated that they were carried to court several years ago and that was meeting the judge's ruling.

Derrick Jackson stated the reason why he is bewildered is because we have covenants that say for political signage it has to be up out of your yard seven (7) days after the election.

Chairman Haren stated that covenants can be more restrictive than the ordinance.

Derrick Jackson asked if this was going to be designated as a particular community; this is not going to have "Fayette Estates". He asked if it was going to be individual lots with no HOA.

Pete Frisina replied for the individual lot; that is what we are looking for here.

Jim Graw asked if each individual lot could have three (3) signs. He stated that was the point he was trying to get to a little while ago for a total of 12 signs and out of those three (3) signs you can have a permanent sign. He said that you can have four (4) signs that are brick and mortar and one (1) in front of each lot; then you can have two (2) more signs which he doesn't know what they are because Pete want tell me.

Pete Frisina stated that they are signs Jim.

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Jim Graw asked what these signs are.

Pete Frisina replied that they are signs and they can have a message on it.

Jim Graw asked what it could be supported by.

Pete Frisina replied that it could be supported by brick, metal, wood.

Jim Graw stated that was a problem that he has with this whole thing too.

Al Gilbert stated that you could do the same thing right now in a subdivision.

Jim Graw stated that he knows, but he doesn't know of a subdivision that has it right now.

Derrick Jackson stated that with a subdivision you are restricted or bounded by the covenant; so that is the reason you do not have a 2x3 sign in front.

Al Gilbert stated that not every subdivision has covenants. He said that it is relative to the past 20 years and that older subdivisions do not have covenants.

Pete Frisina stated that they probably expired and no one ever renewed it.

Jim Graw stated that when he thinks about subdivisions; he thinks of a sign that's at the entrance of a subdivision; that says xyz subdivision.

Chairman Haren stated that the signage issue is what the ordinance currently allows. He said there is nothing that says in the summary of intent we could say, "Okay guys we want to restrict you to a single sign on the property". He added that we could put that into the summary of intent.

Jim Graw stated that absolutely right. He stated he does not propose what is regulated on the signs; he doesn't want to get into that.

Al Gilbert stated the problem he sees with that that is what the courts told us we could do. He said he would want our County Attorney to say we can do that, because he doesn't want us going against what we've been told by a judge to do.

Chairman Haren stated that is why he says the safe thing is to keep this and tell the developers when they bring in the summary of intent forward and ask them to look at the issue of signage. He said just like a covenant and their okay with it and they say, "Hey we will restrict it in the summary of intent to one (1) sign". He added that is similar to a covenant.

Pete Frisina stated no, we have to enforce that. He said he is very uncomfortable with signage, because we have not done well with some of the challenges we have had. He added that we have an ordinance that seems to not have been challenge for a while. He stated he really doesn't want to go down that road, because we will end up with things we don't want.

Al Gilbert stated that we use to limit one (1) political sign in a person's yard and that is what took us to court. He said when the court started to look at our whole sign ordinance we had to rewrite the whole entire thing.

Pete Frisina stated that is why we have two (2) billboards we didn't have before too.

Derrick Jackson stated that he is a lawmaker and not a lawbreaker, but he does look for loopholes. He asked Pete Frisina; in keeping in a spirit of this saying you can have no more than one (1) permanent sign and no more than two (2) temporary signs. He said that still gives you a composition of three (3).

Pete Frisina replied he thinks that is what this says.

Derrick Jackson stated it says no more than three (3) free-standing signs.

Chairman Haren stated and not more than one (1) such sign can be permanent.

Derrick Jackson stated that I'm okay with it, because you know they are going to have one (1) sign that promotes their business with the name and hours of operation.



Pete Frisina stated that you brought up a good point and he thinks it is something else we need to look at; if one (1) of these developments come in and has an internal street system like a normal subdivision which we don't know is going to happen; we probably want to look at having at least one (1) point of entry sign like we do every other subdivision. He said that was a good point and he will look at that.

Arnold Martin stated based upon Mr. Johnson's comments when you have someone who comes in there and they have a plan and then essentially someone can come up in there and put up a 35 foot high structure that is 200 feet deep. He said going back to our initial discussions in the summary of intent it was my understanding with this that any person submitted a proposal for a PUD that within that proposal there would be a description of essentially the plan for all of the structures so that you have essentially a mini neighborhood that is uniformed. He added that he does see his point where it does look to be a loophole and maybe we should put a dimension. He stated that having so much disparity on design he thinks that the way this is set up you won't have that. He said if the proposal says that one (1) building is going to be 35 feet high 200 feet deep then essentially you should say that all of them are going to be which then allows for this body or some other body to turn it down because it is so monstrous. He added that he does agree with camouflaging so you don't have the site line with the neighbors being able to see the buildings. He stated that there were two (2) other things he wanted to comment on the statement about the utilities: he asked wouldn't that depend upon where this acreage is going to be. He said that Derrick Jackson said where he is it is all sceptic, but on another part of the County it may not be sceptic. He asked if they could put something in their specific about utilities if we don't know where it is going to be. He added that we don't know where the next PUD is going to be we just know where this proposed PUD will be. He stated that the last piece is to Mr. Jackson's statement about the minimum size of the single-family dwelling that he had a question about that. He asked doesn't that meet the minimum standards of our plan as it relates to minimum size of structure. He asked if he was correct and isn't that 2100 square feet the minimum size.

Pete Frisina replied that every residential zoning district has its own house size. He stated that this property is zoned R-70 right now and he thinks the minimum house size for R-70 is 1200 square feet.

Arnold Martin stated that the minimum was 1200 and this was increased. He said that he definitely understands based upon Mr. Jackson's neighborhood, but once again if you take it across town where there are farm houses and the average house size is 1800 square feet; then as you said we have to think about the future. He asked how do we put that in there for the broad standpoint. He stated that he knew very specific to where Mr. Jackson lived but what about the next one (1).

Derrick Jackson stated that was a fair question and much to like we have CR-1 and CR-2.

Pete Frisina interjected saying CR-3 that the minimum house size is 2,000 square feet for your zoning district.

Derrick Jackson said let's say there is another location; and we know about this PUD

specifically.

Pete Frisina interjected saying that this minimum would be across the board for all PUD's.

Derrick Jackson stated that he was with him, but you may say that a PUD could be a CR-1, CR-2, or a CR-3. He asked if they were falling where he was going.

Pete Frisina replied, no.

Derrick Jackson stated that anytime a developer comes and says we want to do a PUD and if they ask the question for single-family dwelling you can say where you want to place this PUD the home size is either going to be a CR-1, CR-2, or a CR-3. He said then this body based on the location you will pull one (1) of those that is applicable for that area. He added that it is just like insulation; for a particular home there are different R ratings that you can have for a house. He stated that we know for a minimum you are going to get insulation but it is up to you the homeowner to select; you can put R-15, R-17 or R-30. He said that the homeowner knows there are four (4) ratings of R insulation that they can select from and so your PUD will have some flexibility. He added that a developer can say, "Which one (1) do I want to choose for this one (1)". He stated that it may not be a 75 acre lot it may be an 80 acre lot. He said that you want to have some flexibility for this PUD for the future for the home size that you already have per Fayette County three (3) or four (4) sizes in mind.

Pete Frisina replied the way we approached it is the minimum is 2,100 they can set the PUD at 3,000; they can set the standard higher than 2,100.

Derrick Jackson stated he thought the one he just mentioned was 1,200.

Pete Frisina replied that what the zoning is right now.

Al Gilbert interjected saying if someone was to come in and build houses there today they could build 1200 square feet houses.

Pete Frisina stated that that your zoning district in Tyrone is CR-3 the minimum house size is 2,000 square feet.

Derrick Jackson stated, no its CR-2.

Pete Frisina replied well its less than 2,000.

Derrick Jackson stated yeah but none of them are.

Pete Frisina stated that its 1800. He said nothing stops you from building 5,000.

Derrick Jackson interjected saying the language that our covenants say, "The homes must be commensurate with existing homes".

Al Gilbert stated that a lot of covenants carry a minimum square footage.

Derrick Jackson stated that you wanted to have some flexibility because this PUD may be applicable to what we are focusing on right now; down the road is another area, and it may not be 75 acres it may be 100 acres.

Pete Frisina replied that the internal lots are still 15. He said that is the minimum size of every lot in the site.

Derrick Jackson asked if they could do a minimum of 2500. He stated that is what's going get Rivers Oaks residence up in arms.

Chairman Haren stated that is where we would look at the summary of intent. He said they would look at the development around there and say you want to do 2100, but everything around you is 2500; so we're going to say for the summary of intent for this PUD we want to see it at 2500. He added that is where the review and the approval of the summary of intent comes into play.

Derrick Jackson stated that if you use River Oaks the minimum house size in that neighborhood is 5000 square feet.

Arnold Martin asked during the review of the summary of intent would be an opportunity for surrounding residents to weigh in and say, "We would want this to be in the PUD".

Pete Frisina replied that it is a part of the public hearing process and the summary of intent is published.

Arnold Martin stated that the challenge that we have is this is for the whole County, and because of that we as this deliberative body cannot say we are focused on River Oaks today but now we're focused here on some other. He said this is an opportunity for neighbors to be knowledgeable about what is going to happen; if there is a hearing that would be the opportunity for people to speak up and say hey minimum around us is 5000 we want something because it is going to affect our property value.

Derrick Jackson stated that you have to have some flexibility in your definitions so that way even if not one (1) residence came to a hearing they already know because of this body made a decision what that minimum is. He said it is no different than when we are passing laws he's not expecting someone from Valdosta come up to the capitol. He added that we create the laws to have enough flexibility that the 159 counties can make the proper decision. He stated that all he is suggesting here is that as we continue to have some dialogue about what that PUD will be for Fayette County we are thinking about today and also the future. He said that he wanted to make sure that this PUD is neighborly. He added so if you have some flexibility already built in residence can look this up and say okay we already know based on these three current ordinances this is the absolute minimum. He stated that they don't have to worry about the structure being two (2) stories or 200 feet deep or looking like a warehouse. He added that the more definitions the more textures we could add to the definition the better we will be.

Chairman Haren stated that texture comes in the summary of intent. He said we take this as the framework and we densify it, build it out. He added that we can't address utilities because we don't know where this PUD is going to go. He stated that we are looking for the framework that allows us to build a quality PUD. He said that he thinks we are pretty close to the framework, and the first one (1) or two (2) of these that we review are going to reveal some of the things we missed and allow us to tighten this up.

Derrick Jackson stated that he gets that part, but the point he is making is we know in certain subdivisions you can't do geothermal, why, because the law prohibits geothermal. He said we know that certain subdivisions only have septic, why, because it states septic. He added that as long as we are thinking about it he just wanted to make sure that we capture this discussion; down the road when you start to have these hearings you will already have a checklist based on the some of the dialogue we have had from the Public Hearings.

Pete Frisina stated that he is not aware of any laws that we have zoning wise that get into the type of heating or cooling you can do. He said that we do allow solar in the County and we would allow it in these as well.

Derrick Jackson stated that he thinks if it came down to EMC and Tyrone because nothing in the covenances prohibited it.

Pete Frisina stated that he had no idea because that isn't something he ever had to deal with.

Jim Graw stated that the very first summary of intent we look at is going to be very important because it will set the stage for everything that follows that. He said that we would have to look at it very closely.

Chairman Haren asked Pete Frisina where we go forward with this.

Pete Frisian replied that we will fiddle with this and talk about it again in two (2) weeks at the next meeting. He said he is thinking we will have one (1) more meeting for input because there are some things to look at and he will see what he can do and the next meeting will be on May 18<sup>th</sup>. He added that he liked some of Mr. Jackson's suggested and he would see what he could figure out. He stated that hopefully we could get back to public hearings in June. He said re-advertise it send it back to you guys for recommendation and to then to the Board of Commissioners. He added that he has no idea what the Board of Commissioners is going to do when it gets there.

**THE FAYETTE COUNTY PLANNING COMMISSION** met on May 18, 2017 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

Pete Frisina said the new Planned Unit Development – Planned Residential and Business Development (PUD-PRBD) zoning category needs to be added to section 100-149, (a), (1).

Arnold Martin asked if any of the suggestion made by Representative Jackson were taken into consideration.

Pete Frisina said some of the amendments are a result of suggestions made by the citizens and Representative Jackson. He said he added “through the use of large lots and the preservation of existing single-family dwellings maintain rural character” based on the direction of the new comprehensive plan of maintaining rural character. He asked, as this is a mixed use development allowing a principal residential use with an incidental business use and do we need to add more qualifying description of these potential businesses such as “service oriented” or “non-retail”?

Al Gilbert said as a PUD the County has the choice to clarify that in each individual PUD.

Pete Frisina said as the business structure shall have an agricultural character he added that the structure shall have a hip, gambrel and gable roof. He asked if the PC were comfortable with the minimum house size of 2,100 square feet.

Chairman Haren said he was comfortable with the minimum house size of 2,100 square feet.

Arnold Martin asked if it should be stated that the house size could be increased if the surrounding area contains larger homes because the subdivision in Tyrone contains very large homes.

Chairman Haren said under the PUD it is stated that the development shall be compatible with surrounding uses and the land use plan so when we review the Summary of Intent we can make recommendations to set such things as the minimum house size if we think a bigger house is more compatible with the surrounding area.

Arnold Martin said the ordinance says “uses” and someone could argue that residential to residential is a compatible use and a smaller house is compatible with a larger house.

Al Gilbert said the surrounding area would be better served by the PUD with 2,100 square foot homes because with the present R-70 zoning you might get 30 lots and the minimum house size in R-70 is 1,500 square feet.

Jim Graw said what if the surrounding area contains 6,000 square foot homes and the PUD is proposing 2,100 square foot homes does the County have the authority to require 6,000 square foot homes.

Pete Frisina said the County could require that but house size is a sensitive subject so the County wouldn't want to be too unreasonable in setting house size.

Patrick Stough asked what the greatest minimum house size is required in the County.

Pete Frisina said he thinks 3,000 square feet.

Patrick Stough said then 3,000 square feet would be the most the County should require.

Arnold Martin said legally if we don't put something specific in this zoning district that says a larger than minimum size house could be required can the County actually require a larger home.

Patrick Stough said he would intend to agree with that if there is not a minimum house size specified.

Pete Frisina said each PUD is a unique zoning district and the development standards are outlined in the Summary of Intent and the BOC has the ability to approve the PUD with different development standards.

Chairman Haren said the review of the Summary of Intent is where the county sets the standards for the development.

Arnold Martin said the citizens are concerned with how a development will affect their property values and they look to the County to protect their property values.

Pete Frisina said there are other ways to mitigate the effect of development and 100 foot buffer around the development will create a separation between the uses and the buffer could be enlarged if the county feels it warranted.

Pete Frisina said the ordinance clarifies that the business operator be the owner/occupant of the property if the business is not owned by a corporation or partnership or if the property and business is owned by a corporation or partnership in which case the operator/occupant shall be an officer of the corporation or a partner in the case of a partnership. He said the hours of operation in the context of customers are now 7:00am to 5:00pm Monday through Sunday per a citizen's suggestion. He added that any subdivision entrance sign would be regulated under the standards for a residential subdivision in the sign ordinance.

Jim Graw said each residential lot gets three signs of which one is permanent and the other two are temporary and is there a time limit for the temporary signs.

Pete Frisina said a permanent sign is permanently affixed to the ground and temporary signs are not and there is not a time limitation on a temporary sign.

Jim Graw said so four (4) lots could have three signs each which is a total of 12 signs and since these lots are business related they are more apt to have the maximum number of signs and this is yet another reason that I am opposed to this whole thing. He said he has voiced his opposition to this new zoning with a statement in two public meeting and they are in the record of why he is opposed to the zoning district. He added that he is opposed to this because you are taking a residential area and putting businesses building in a residential area with three signs per lot.

Arnold Martin said the only thing I can say is that it goes to the spirit that everything is self-contained and the person is buying into this concept. He added that the lots will be served by an internal road so they won't be visible from the main roads.

Chairman Haren said the project on Sandy Creek Road is not proposing an internal road.

Jim Graw said at that last meeting there were citizens that were concerned about his type development next to their subdivision.

Arnold Martin said but with the buffers it probably won't be visible from the surrounding area.

Chairman Haren said three signs are what are allowed on all residential lots per the sign ordinance.

Pete Frisina said while this is a mixed use zoning with residential and business these standards regulate signage in a residential context and not a non-residential context which allows larger signs.

Chairman Haren said we have to allow signage.

Jim Graw said there is a way to control this signage issue and I know you guys are going to get tired of hearing this but you don't approve this PUD. He added that he does not feel comfortable with putting businesses in a residential area because you are taking a Kenwood Business Park which is zoned M-1, Light Industrial and you are putting industrial uses in a residential neighborhood and it is totally unfair to the people that live in that subdivision and I wouldn't want to live there.

It was the consensus of the PC to move ahead to public hearings with these amendments.

Jim Graw said he objected to sending the PUD forward to the BOC for the reasons he had stated in previous minutes of our meetings and for the reasons he had stated at the 5/18 meeting.

**THE FAYETTE COUNTY PLANNING COMMISSION** met on June 1, 2017 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

Chanelle Blaine stated that the staff approves of the amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-149. - Planned Unit Development concerning Planned Residential and Business Development-Planned Unit Development (PRBD-PUD) zoning district.

Chairman Haren said I hope everybody had a chance to review this one last time. Pete did go in and make some of the changes we had talked about. You'll notice those are in red. Very few as far as I can see.

Chairman Haren said that Pete Frisina made some of the changes discussed in a previous meeting. The only substantive change is on the definition under Section 110-149 Paragraph A, he added some verbiage in there to read.

Arnold Martin said what page are you on.

Chairman Haren said I am on page, if you look in the packet this actually page one. And I'll read it out here "The intent of this section is to: (1) Encourage the development of large lots of land as: planned residential developments (PRD), planned industrial parks (PIP), planned retreats or lodges (PRL), planned entertainment farming (PEF), planned outdoor recreation (POR), planned small business center (PSBC), **and planned residential and business development (PRBD).**" So this is just adding that category into the zoning ordinance it's got a mention there. It looks as though everything else remains unchanged from the last time we discussed it.

Arnold Martin said so the other red annotations are from last time. There are several others.

Chairman Haren said I don't see any.

Arnold Martin said on page four (4). It relates to letter C.

Chairman Haren said hold on a second. Oh, so yeah Arnold looking at the next item on the Agenda. So what you're looking at is changes to the verbiage for the zoning ordinance.

Arnold Martin said I'm sorry.

Chairman Haren said yeah, we'll get to that next. So I think our role now is to recommend to go forward with this, and send it back to the Board of Commissioners.

Arnold Martin made a motion to move forward and make a recommendation for the board to accept it. John Culbreth seconded the motion. Jim Graw said after the vote I'd like to take a couple of minutes. The motion passed 4-1.



Jim Graw said he just wanted to summarize his opposition to the PUD. Kenwood Business Park is zoned land use industrial. It is zoned M-1, and the uses in the Kenwood Business Park are probably going to be very similar to the uses that are approved for this new PUD. Of course we don't know that because we don't have any criteria to guide us, or any future Planning Commission, on what uses should go into the new PUD. That's one of my problems. The other problem is that these uses are going to be put into residentially land used areas and zoned residential areas. The property in question is on Sandy Creek Road. It's about 70 acres and they're going to divide that in four (4) pieces of property. The four (4) separate lots, it's about fifteen (15) plus acres. The business uses that could be implemented on these four (4) pieces of property could have heavy truck traffic, could have employees, up to five employees, the same as Kenwood Business Park. The heavy truck traffic on Sandy Creek Road with heavy truck traffic could be a danger to the residents. The residents bought their property knowing it was land use residential, zoned two acres all through whole area. Now we would change that zoning that they thought they were going to have from then on. We're going to change that. It's a surprise to the people; they shouldn't have to be surprised. The other problem is the residential sign ordinance, which permits three (3) signs per piece of property. One sign can be permanent, the other two can be temporary. If all four (4) of those lots on Sandy Creek Road face Sandy Creek Road you could have twelve (12) signs on Sandy Creek Road in a residential area. I think I've probably touched on a lot of the things I have a problem with. I've said these things in all the meetings we've had. I just want to make sure the Planning Commission knows it, and the Commission also, if they do read the minutes, see my objections and the reason for my objections.

Al Gilbert said you're opposed?

Jim Graw said I think so. Of all the years I've been on the planning commission this is the one thing I've been so vehemently opposed to. I've been opposed to a few things, but this one I feel very strongly about.

Chairman Haren said we got that. Well thank you Jim. This is what I call the sausage making process. And you're right, we have ground through this thing endlessly. Jim, your opposition is well founded, and you do have excellent points. Let me say that I have a feeling if the Board of Commissioners does approve this, the Sandy Creek development is going to be the next thing that lands on our desk. It's going to be our responsibility to set the precedence going forward for how we shape that thing so we give the county residents the assurance that we're taking a true hard look at the statement of intent. We're going to make sure it protects the surrounding communities and it meets the intent of this planned residential business development. I think this is the first part of the hard work. The next part is going to come when we look at the Sandy Creek proposal and we start making what are probably going to be several hard decisions. Jim I honestly think this is where you're going to come in and influence a lot of those things that you have concerns about. You're not going to be doing it broad based through the ordinance, but you're going to do it through the approval process for each of those PUDs. So all is not lost.

Jim Graw said we'll see.

Chairman Haren said we'll see. So let's move on.

**The proposed revisions to Section 110-149 would add a new subsection (j). Below is the language that was proposed for subsection (j) earlier this year. The markups show the differences between the earlier language and the revised language being proposed now.**

(j) Planned residential and business development (PRBD)

- (1) *Purpose.* The intent of a planned residential and business development is to allow mixed-use development with principal single-family residential and incidental business uses and, through the use of large lots and the preservation of existing single-family dwellings, to maintain rural character. The characteristics of a PRBD are: in conjunction with a principal residence the occupant conducts on-site business operations, clients/customers visit the site, receipt and shipments of goods occur, and non-occupant employees will be on site.
- (2) *Permitted residential uses and structures.* Planned residential and business development shall contain single-family dwellings and residential accessory structures and uses shall also be allowed per article III of chapter 110. The summary of intent shall specify the minimum floor area proposed for the single-family dwellings. In addition, a home occupation is allowed per article V of chapter 110.
- (3) *Permitted business uses and structures.* A list of proposed business uses shall be submitted with the summary of intent. Only those business uses approved through the rezoning process shall be allowed in the PRBD. Any approved business that is listed as a conditional use in Article V shall meet the conditional use requirements, as is applicable. The summary of intent shall specify the list of proposed businesses, number of proposed on-site employees per business, and the number, size and architectural character of the business structures proposed for the individual businesses in the PRBD. The architectural character of the business structures shall be agricultural in nature with roof types including hip, gambrel and gable. Appropriate facades shall include fiber-cement siding, wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or finished/baked enamel aluminum/metal siding which establishes a horizontal pattern.
- (4) *Business vehicles.* The summary of intent shall specify the type, size and number of business vehicles and trailers proposed per business in the PRBD and the anticipated frequency of business vehicular trips. Motor vehicles cannot exceed two axles, 22 feet in length, ten feet in height, and/or 8,000 pounds (curb weight). Vehicles that exceed these parameters shall be allowed only during business hours (see Item o. of Subparagraph (5) below) and only for the purpose of making deliveries, making pickups, and providing services.
- (5) Minimum dimensional and other requirements in the PRBD shall be as follows:
  - a. Development size: 75 contiguous acres.

- b. The proposed development shall be permitted only on a lot which fronts on and accesses a major thoroughfare, as specified by the county thoroughfare plan.
- c. A minimum buffer of 100 feet shall be provided around the side and rear periphery of the development (see Sec. 110-94).
- d. Minimum lot size: 15 acres.
- e. Minimum lot width: 250 feet.
- f. Front yard setback: 75 feet.
- g. Side yard setback: 50 feet (except where the 100 foot buffer is applicable).
- h. Rear yard setback: 75 feet (except where the 100 foot buffer is applicable).
- i. New single-family dwelling minimum floor area: 2,100 square feet.
- ij. Height limit: 35 feet.
- jk. Lights shall be established in such a way that adjacent properties and residents are not adversely affected, and that no direct light is cast upon said properties and residents.
- kl. ~~The business shall be owned and operated by the occupants of the property upon which the business operation is conducted.~~ The operator of the business shall be one of the following:
  - 1. The business operator is the owner/occupant of the property and the business is not owned by a corporation or partnership; or
  - 2. The property and business is owned by a corporation or partnership in which case the operator/occupant shall be an officer of the corporation or a partner in the case of a partnership.
- lm. No more than five (5) persons shall be employed on-site by a business, not including the owner/occupants.
- mn. All structures associated with the business are allowed in the rear yard only behind the principal residence and must be fully enclosed and shall not be used for any residential purposes. Business structures shall not be located within 100 feet of the principal residential structure.

- ~~no.~~ All vehicles associated with the business must be parked in the rear yard only.
- ~~op.~~ The hours of operation, in the context of clients/customers shall be limited to 9:00 a.m. to ~~7:00~~5:00 p.m., Monday through Saturday.
- ~~pq.~~ All materials, equipment, supplies, and inventory associated with the business shall be stored, operated and maintained within the business structure. Semi-trailers or shipping containers cannot be used for storage.
- ~~qr.~~ Stormwater Requirements: In the event that 5,000 or more square feet of impervious surface (including driveways and parking for the business) is added in conjunction with a business structure, a site plan compliant with stormwater requirements of the county development regulations shall be required for that lot. The lot will be exempt from site plan requirements, the nonresidential development landscape requirements and tree retention, protection, and replacement requirements of the county development regulations. In the event that the property is subdivided with an internal street, the development shall comply with stormwater requirements of the county development regulations, as applicable.
- ~~rs.~~ Adequate off-street parking shall be required. A prepared surface is required for the parking areas. The parking area shall comply with Article VIII. - Off-Street Parking and Service Requirements of the Development Regulations and must be depicted on a sketch, drawn to scale on a survey of the lot. Gravel parking areas shall be exempt from Nonresidential Development Landscape Requirements of the Fayette County Development Regulations. The following is required for gravel parking areas:
- (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
  - (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
  - (iii) One (1) canopy tree, six (6) feet high at planting, is required per landscape island.
- Paved parking areas shall meet the Nonresidential Development Landscape Requirements of the Fayette County Development Regulations.
- t. Signage on individual lots shall be regulated under Sec. 108-135(a). Signage located at the entrance of a subdivision served by an internal local road shall be regulated under Sec. 108-135(b).

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**ORDINANCE**

**NO. 2017- 03**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR FAYETTE COUNTY, GEORGIA; TO ESTABLISH PROVISIONS PERTAINING PLANNED RESIDENTIAL AND BUSINESS DEVELOPMENT (PRBD); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE ZONING ORDINANCE OF FAYETTE COUNTY BE AMENDED AS FOLLOWS:**

- Section 1.** By deleting Paragraph (1) of Subsection (a) of Section 110-149, pertaining to “Planned unit development”, of Article IV of Chapter 110, in its entirety, and by replacing it with a new Paragraph (1) in Subsection (a) of Section 110-149 of Article IV of Chapter 110, to be numbered and read as follows:
- (1) Encourage the development of large lots of land as: planned residential developments (PRD), planned industrial parks (PIP), planned retreats or lodges (PRL), planned entertainment farming (PEF), planned outdoor recreation (POR), planned small business center (PSBC) and planned residential and business development (PRBD);

**Section 2.** By adding a new Subsection (j) to Section 110-149, pertaining to “Planned unit development”, of Article IV of Chapter 110, to be numbered and read as follows:

(j) **Planned residential and business development (PRBD)**

- (1) *Purpose.* The intent of a planned residential and business development is to allow mixed-use development with principal single-family residential and incidental business uses and, through the use of large lots and the preservation of existing single-family dwellings, to maintain rural character. The characteristics of a PRBD are: in conjunction with a principal residence the occupant conducts on-site business operations, clients/customers visit the site, receipt and shipments of goods occur, and non-occupant employees will be on site.
- (2) *Permitted residential uses and structures.* Planned residential and business development shall contain single-family dwellings and residential accessory structures and uses shall also be allowed per article III of chapter 110. The summary of intent shall specify the minimum floor area of existing single-family dwellings. In addition, a home occupation is allowed per article V of chapter 110.
- (3) *Permitted business uses and structures.* A list of proposed business uses shall be submitted with the summary of intent. Only those business uses approved through the rezoning process shall be allowed in the PRBD. Any approved business that is listed as a conditional use in Article V shall meet the conditional use requirements, as is applicable. The summary of

intent shall specify the list of proposed businesses, number of proposed on-site employees per business, and the number, size and architectural character of the business structures proposed for the individual businesses in the PRBD. The architectural character of the business structures shall be agricultural in nature with roof types including hip, gambrel and gable. Appropriate facades shall include fiber-cement siding, wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or finished/baked enamel aluminum/metal siding which establishes a horizontal pattern.

- (4) *Business vehicles.* The summary of intent shall specify the type, size and number of business vehicles and trailers proposed per business in the PRBD and the anticipated frequency of business vehicular trips. Motor vehicles cannot exceed two axles, 22 feet in length, ten feet in height, and/or 8,000 pounds (curb weight). Vehicles that exceed these parameters shall be allowed only during business hours (see Item o. of Subparagraph (5) below) and only for the purpose of making deliveries, making pickups, and providing services.
- (5) Minimum dimensional and other requirements in the PRBD shall be as follows:
  - a. Development size: 75 contiguous acres.
  - b. The proposed development shall be permitted only on a lot which fronts on and accesses a major thoroughfare, as specified by the county thoroughfare plan.



- c. A minimum buffer of 100 feet shall be provided around the side and rear periphery of the development (see Sec. 110-94).
- d. Minimum lot size: 15 acres.
- e. Minimum lot width: 250 feet.
- f. Front yard setback: 75 feet.
- g. Side yard setback: 50 feet (except where the 100 foot buffer is applicable).
- h. Rear yard setback: 75 feet (except where the 100 foot buffer is applicable).
- i. New single-family dwelling minimum floor area: 2,100 square feet.
- j. Height limit: 35 feet.
- k. Lights shall be established in such a way that adjacent properties and residents are not adversely affected, and that no direct light is cast upon said properties and residents.
- l. The operator of the business shall be one of the following:
  - 1. The business operator is the owner/occupant of the property and the business is not owned by a corporation or partnership; or
  - 2. The property and business is owned by a corporation or partnership in which case the operator/occupant shall be an officer of the corporation or a partner in the case of a partnership.

- m. No more than five (5) persons shall be employed on-site by a business, not including the owner/occupants.
- n. All structures associated with the business are allowed in the rear yard only behind the principal residence and must be fully enclosed and shall not be used for any residential purposes. Business structures shall not be located within 100 feet of the principal residential structure.
- o. All vehicles associated with the business must be parked in the rear yard only.
- p. The hours of operation, in the context of clients/customers shall be limited to 9:00 a.m. to 5:00 p.m., Monday through Saturday.
- q. All materials, equipment, supplies, and inventory associated with the business shall be stored, operated and maintained within the business structure. Semi-trailers or shipping containers cannot be used for storage.
- r. Stormwater Requirements: In the event that 5,000 or more square feet of impervious surface (including driveways and parking for the business) is added in conjunction with a business structure, a site plan compliant with stormwater requirements of the county development regulations shall be required for that lot. The lot will be exempt from site plan requirements, the nonresidential development landscape requirements and tree retention, protection, and replacement requirements of the county development

regulations. In the event that the property is subdivided with an internal street, the development shall comply with stormwater requirements of the county development regulations, as applicable.

- s. Adequate off-street parking shall be required. A prepared surface is required for the parking areas. The parking area shall comply with Article VIII. - Off-Street Parking and Service Requirements of the Development Regulations and must be depicted on a sketch, drawn to scale on a survey of the lot. Gravel parking areas shall be exempt from Nonresidential Development Landscape Requirements of the Fayette County Development Regulations.

The following is required for gravel parking areas:

- (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
- (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
- (iii) One (1) canopy tree, six (6) feet high at planting, is required per landscape island.

Paved parking areas shall meet the Nonresidential Development Landscape Requirements of the Fayette County Development Regulations.

- t. Signage on individual lots shall be regulated under Sec. 108-135(a). Signage located at the entrance of a subdivision served by an internal local road shall be regulated under Sec. 108-135(b).

- Section 3.** This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County.
- Section 4.** All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- Section 5.** 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 91 of 268

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Ordinance 2017-11, amendments to Chapter 110. Zoning Ordinance, regarding Articles VII. - Zoning Board of Appeals, Article IX.- Policies, Procedures and Standards Governing Amendments and Article X.- Planning Commission.

## Background/History/Details:

These amendments will address the time change from 7:00pm to 6:30pm for the BOC rezoning public hearings and numerous housekeeping amendments related to the Zoning Board of Appeals, Rezoning Procedures and the Planning Commission.

Staff recommends approval of the amendments.

The Planning Commission recommended approval of the amendments.

Al Gilbert made a motion to recommend approval of the proposed amendments. John Culbreth seconded the motion. The motion passed 5-0.

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

Approval of Ordinance 2017-11, amendments to Chapter 110. Zoning Ordinance, regarding Articles VII. - Zoning Board of Appeals, Article IX. - Policies, Procedures and Standards Governing Amendments and Article X. - Planning Commission.

## If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

ARTICLE VII. - ZONING BOARD OF APPEALS<sup>[2]</sup>

## Footnotes:

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**Editor's note**— Ord. No. 2015-06, § 1, adopted March 26, 2015, repealed the former art. VII, §§ 110-238—110-242, and enacted a new art. VII as set out herein. The former art. VII pertained to similar subject matter and derived from Code 1992, §§ 20-9-1—20-9-5; Ord. No. 2012-09, § 5, 5-24-2012; Ord. No. 2013-13, § 1, 9-26-2013.

## Sec. 110-238. - Membership.

- (a) *Membership and appointments.* The zoning board of appeals shall consist of five members residing within the county and shall be appointed by the board of commissioners. None of the board members shall hold any other public office, except that one member may also be a member of the planning commission. The zoning board of appeals members shall be removed by the board of commissioners for cause, upon written charges, and after public hearing. Any member of the zoning board of appeals shall be disqualified to act upon a matter before the zoning board of appeals with respect to property in which the member has an interest. It may be deemed cause for removal should any zoning board of appeals member fail, without proper reason, to attend three consecutive meetings.
- (b) *Term of office.* The term of office for each member of the zoning board of appeals shall be for three years and the member shall remain on the board until reappointed or a successor is appointed. It is the intent of this section that their terms be staggered with no term limitation.
- (c) *Compensation.* The zoning board of appeals members shall receive compensation for their service as determined by the board of commissioners.

(Ord. No. 2015-06, § 1, 3-26-2015)

## Sec. 110-239. - Rules and procedures.

The zoning board of appeals shall elect one of its members as chairperson and another as vice-chairperson, each serving for one year, or until re-elected, or a successor is elected. The vice-chairperson shall have the authority to act as chairperson in the chairperson's absence. The zoning board of appeals shall appoint a secretary who shall be an employee of the county. The zoning board of appeals shall have authority to adopt rules of procedure. Meetings of the zoning board of appeals may be held at the call of the chairperson. The chairperson may administer oaths and compel the attendance of witnesses by subpoena. The zoning board of appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the planning and zoning department and shall be public record. The decisions of the zoning board of appeals shall contain a statement of the subject matter being considered by the zoning board of appeals, and the grounds for its decision reduced to written form. The full text shall be sent to the appellant/petitioner.

(Ord. No. 2015-06, § 1, 3-26-2015)

## Sec. 110-240. - Administrative assistance.

The planning and zoning department shall provide such technical, administrative, clerical assistance, and office space as is required by the zoning board of appeals to carry out its function under the provisions herein.

(Ord. No. 2015-06, § 1, 3-26-2015)

Sec. 110-241. - Public hearing.

(a) *Place, time, and date.* The public hearings shall be conducted as follows:

- (1) Place: the county administrative complex.
- (2) Time and Date: Fourth Monday, ~~7:00 p.m.~~ at the time designated for its regular meetings.

Any changes from the standard schedule for public hearings will be published in the newspaper which carries legal advertisements for the county in compliance with the requirements for public notification as provided herein.

- (b) *Conduct of hearing.* Public hearings shall be conducted with 20 minutes provided for the appellant/petitioner and proponents and 20 minutes provided for the opponents of an appeal/petition. An appellant/petitioner may reserve part of the allotted time for rebuttal.
- (c) *Notice of hearing shall be given.* Before making its decision on an appeal, a request for a variance, or any other matter within the zoning board of appeals' purview, the zoning board of appeals shall hold a public hearing thereon. A notice of the date, time and place of such hearing shall be sent to the appellant/petitioner by certified U.S. mail to the appellant/petitioner's last known address.
- (d) *Public notice in newspaper.* The zoning board of appeals shall cause public notice of the hearing to be published in the legal organ of the county, at least 15 calendar days but not more than 45 calendar days, prior to the date of the public hearing.
- (e) *Posting of signs.*
  - (1) A sign shall be posted on property. One sign is required for each street frontage of said property. The sign shall be posted consistent with the requirements for newspaper notification.
  - (2) Signs used for posting property shall be a minimum of 18 inches by 18 inches and shall indicate the appeal/petition number, the time, date, and place of the hearing.
  - (3) A refundable sign deposit shall be required for each sign at the time of filing the appeal/petition.
- (f) *Who may appear.* Any party may appear at the public hearing in person or by agent or attorney.
- (g) *Zoning board of appeals' decision.* The zoning board of appeals shall approve, deny, or table each appeal/petition by a public vote. An action to table shall include justification of such action and a specific meeting date at which the appeal/petition is to be reconsidered. If there is not a full zoning board of appeals board present at the public hearing, the appellant/petitioner may request to table the appeal/petition to the next zoning board of appeals public hearing, provided the appellant/petitioner requests to table the agenda item prior to the presentation. A new legal advertisement will be required with an announcement to a specific meeting date if an appeal/petition is tabled. The property shall be reposted with new signage indicating the new public hearing dates.
- (h) *Time limit on zoning board of appeals decision.* The zoning board of appeals shall reach a decision following a public hearing within 45 calendar days or the appeal/petition shall be deemed approved.
- (i) *"Writ of certiorari" (appeal).* An appellant/petitioner has 30 calendar days from the date of the zoning board of appeals' decision to seek a "writ of certiorari" (appeal) with the superior court of the county.

(Ord. No. 2015-06, § 1, 3-26-2015)

Sec. 110-242. - Powers and duties.



- (a) *Appeals from actions of the zoning administrator.* The zoning board of appeals shall hear and decide upon appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of these regulations.
- (1) *Who may appeal.* Appeals to the zoning board of appeals may be taken by any person aggrieved by any decision of the zoning administrator. Such appeals, specifying the grounds thereof shall be filed with the planning and zoning department no later than 30 calendar days after the date of notification of the zoning administrator's decision. The zoning administrator shall forthwith transmit to the zoning board of appeals all the papers constituting the record upon which the action appealed from was taken.
  - (2) *Legal proceedings stayed.* An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the zoning board of appeals that by reason of facts stated in the certificate a stay would, in the zoning administrator's opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed otherwise than by a restraining order from a court of competent jurisdiction.
  - (3) *Extent of the zoning board of appeals' power.* The zoning board of appeals may, in conformity with the provisions of these regulations, reverse or affirm the order, requirement, decision, or determination of the zoning administrator. The zoning board of appeals may direct the issuance of a permit. It shall be the duty of the zoning administrator to carry out the decisions of the zoning board of appeals.
- (b) *Request for a variance .* The zoning board of appeals may authorize, upon appeal in specific cases, a variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. However, no lot is eligible for a variance for reduction in lot size, lot width, or road frontage, unless the variance request is for an improved illegal lot. A variance shall not be granted for any requirements of a conditional use with the exception of a legal nonconforming conditional use (see article V of this chapter), or a use of land, building, or structure that is prohibited in the zoning district at issue, except as otherwise provided herein. In exercising the powers described in this subsection, the zoning board of appeals shall not consider any nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other zoning districts as grounds for the issuance of a variance. A variance may be granted in an individual case upon a finding by the zoning board of appeals that all of the following criteria exist:
- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and
  - (2) The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and
  - (3) Such conditions are peculiar to the particular piece of property involved; and
  - (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein; and
  - (5) A literal interpretation of this chapter would deprive the applicant of any rights that others in the same zoning district are allowed.

In addition to the above factors, if the variance being sought is for an improved lot which is smaller than the minimum lot size for its zoning district, more narrow than the minimum lot width required for its zoning district, or has less road frontage than is required for its zoning district and the lot is an illegal lot as opposed to a nonconforming lot, the zoning board of appeals may consider such a lot for a variance. Should the appellant/petitioner be successful in obtaining a variance, the resulting lot would, for the purposes of this chapter, be deemed to be a nonconforming lot. If the appellant/petitioner successfully

passes the above enumerated factors, the zoning board of appeals shall also employ the following factors for an illegal lot seeking to be deemed a nonconforming lot:

- (1) The transaction giving the appellant/petitioner ownership in the subject property was more than five years from the date of the appeal/petition or if the period of ownership is less than five years the subject property was made illegal more than ten years from the date of the appeal/petition;
  - (2) The appellant/petitioner is not the person, or an immediate family member of the person, who caused the subject property to be an illegal lot. For purposes of these procedures, "immediate family" is defined as the spouse, child, sibling, parent, step-child, step-sibling, step-parent, grandparent, grandchild, aunt, uncle, niece or nephew of the person who caused the subject property to be an illegal lot; and
  - (3) No adjacent property is available to add to the subject property to allow the subject property to meet the minimum requirements for its zoning district. In determining whether adjacent property is available, if adding any adjacent property to the subject property would no longer allow the adjacent property to meet the minimum requirements of the adjacent property's zoning district, then the adjacent property is not available. Additionally, any adjacent property which is part of an illegal lot shall not be deemed available for purposes of these variance procedures, unless the adjacent illegal lot is unimproved and the entirety of the adjacent illegal lot is combined with the subject property. If adjacent property is available, the cost of acquiring the adjacent property shall not be a factor in determining the availability of the adjacent property.
- (c) *Compliance with standards.* Where an appeal/petition to the board is initiated due to an existing violation of this chapter and said appeal/petition is denied, the violation shall be required to be corrected within ~~ten~~ 30 calendar days of such denial, or as specified by the board, if a greater time period is necessary. The maximum extension of the time shall not exceed ~~30~~ 60 calendar days.
- (d) *Forms.* Appeals, requests for variances, or any other matter within the zoning board of appeals' purview shall be made on forms, as applicable, provided by the planning and zoning department; and all information requested on the forms shall be provided by the appellant/petitioner. Forms shall be filed with the planning and zoning department along with the necessary fees. No form shall be accepted by the planning and zoning department unless it contains all pertinent information and is accompanied by the required fee.
- (e) *Request for change of the legal nonconforming use of a structure.* The zoning board of appeals may authorize, upon appeal in specific cases, a change in the legal nonconforming use of a structure in accordance with the provisions herein.
- (f) *Request for extension or enlargement of the legal nonconforming use of a structure.* The zoning board of appeals may authorize upon appeal in specific cases an extension or enlargement of an existing legal nonconforming use which the board is specifically authorized to consider under the terms herein. Said extensions may be granted in an individual case upon a finding by the board that all of the following criteria are present:
- (1) The use is a legal nonconforming use as defined in these regulations; and
  - (2) The legal nonconforming use is in full compliance with all requirements of these regulations applicable to nonconformances; and
  - (3) The extension of said legal nonconforming use will not further injure a permitted use on adjacent property.
- (g) *Continuance of a legal nonconforming use.* The zoning board of appeals may allow a legal nonconforming use to be re-established after discontinuance for six consecutive months where it is deemed by the zoning board of appeals that all of the following criteria are present:
- (1) The design, construction, and character of the land, building, or structure is not suitable for uses permitted in the zoning district in which the legal nonconforming use is situated; and

- (2) Undue hardship to the property owner would result in not allowing the continuance of a legal nonconforming use; and
- (3) Adjacent property would not be unduly damaged by such continuance; and
- (4) The use is to be identical to the prior legal nonconforming use.
- (h) *Conditions on approval.* The zoning board of appeals may impose or require conditions, as may be necessary, to protect the health and safety of workers and residents in the community; to protect the value and use of property in the general neighborhoods: and provided that wherever the board shall find, in the case of any approval, that any of the conditions upon which such approval was granted are not being complied with, said zoning board of appeals shall rescind and revoke such approval after giving due notice to all parties concerned and granting full opportunity for a hearing.
- (i) *Limitation on re-applying.* If the decision of the zoning board of appeals is to deny, an application which seeks the same relief in regard to the same property shall not be accepted for a period of ~~six months~~ 180 calendar days following the date of the decision from the zoning board of appeals.

(Ord. No. 2015-06, § 1, 3-26-2015; Ord. No. 2016-08, § 1, 5-12-2016)

Secs. 110-243—110-262. - Reserved.

## ARTICLE IX. - POLICIES, PROCEDURES AND STANDARDS GOVERNING AMENDMENTS<sup>[3]</sup>

### Footnotes:

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**Editor's note**— Ord. No. 2015-06, § 2, adopted March 26, 2015, repealed the former art. IX, §§ 110-290—110-303, and enacted a new art. IX as set out herein. The former art. IX pertained to similar subject matter and derived from Code 1992, §§ 20-11-1—20-11-14; Ord. No. 2012-09, § 6, 5-24-2012.

Sec. 110-290. - Intent.

The purpose of this article is to describe and establish procedures for making changes to the official zoning map (i.e., rezoning of properties) and amending the text of the ordinance from which this chapter is derived. Such actions require legislative approval by the board of commissioners in order to be enacted.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-291. - Technical evaluation and qualification of properties.

- (a) Every petition for a legislative change shall be subject to a technical evaluation. The evaluation shall be conducted by the planning and zoning department which shall coordinate a review of the proposal with all appropriate county departments and public agencies. Following the evaluation, a report shall

be prepared by the planning and zoning department containing recommendations to be presented to the planning commission and the board of commissioners.

- (b) The planning and zoning department shall distribute copies of applications for amendment to the planning commission and the board of commissioners. In addition, ~~the appropriate county departments and public agencies members of the technical review committee (TRC)~~ shall be supplied with copies of each application. Each department head or his/her designee shall return his/her comments, in writing, ~~to~~ the planning and zoning department per the deadline established by the planning and zoning department.
- (c) Any lots affected by proposed rezonings which are initiated by a party other than the board of commissioners shall each be of sufficient size and shape to meet all requirements of this chapter, except as otherwise provided in article V of this chapter. Combination or division of lots, in accordance with county regulations, shall be accomplished as a condition of approval prior to the approval of any permits or applications.
- (d) A property improved with existing structures which would become nonconforming within the zoning district for which the rezoning is sought may be considered for rezoning (see article V of this chapter).

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-292. - Public hearings.

- (a) ~~Date, place, and time~~Place, time, and date. The public hearings shall be conducted as follows:
  - (1) Place: the county administrative complex.
  - (2) Time and date:
    - a. Planning commission: First Thursday, ~~7:00 p.m.~~at the time designated for its regular meetings.
    - b. Board of commissioners: Second and fourth Thursdays, ~~7:00 6:30 p.m.~~at the time designated for its regular meetings. Any changes from the standard schedule for public hearings will be published in the newspaper which carries legal advertisements for the county in compliance with the requirements for public notification as provided herein.
- (b) *Conduct of hearing.* Public hearings on amendments shall be conducted with ~~20 minutes the opportunity provided~~ for the applicant and proponents and ~~20 minutes provided for~~ the opponents of an ~~application for rezoning amendment to speak~~. An applicant ~~may reserve part of the~~ shall be given ~~allotted time~~ the opportunity for rebuttal. ~~The board of commissioners and planning commission may establish time limits through their individual adopted rules of procedure and such time limit shall not be less than 10 minutes.~~
  - (1) *Decisions.* Recommendations of the planning commission and decisions of the board of commissioners on applications for rezonings shall be made subsequent to the public hearings.
  - (2) *Minutes.* The minutes of any public hearing shall be maintained with the zoning decision entered thereon. The minutes shall be kept as public records.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-293. - Initiation of amendments.

Applications to amend the text of this chapter may be initiated by the planning commission, the board of commissioners, staff, or by a member of the general public. The planning commission, the board of commissioners, a property owner, or the authorized agent of a property owner may initiate an application to amend the official zoning map (rezone property). When an agent is authorized to act on behalf of an

owner, such certificate of authorization shall be notarized on the rezoning application. All information and required fees shall be received by the planning and zoning department by the deadline date for filing.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-294. - Limitation on re-applying and withdrawal.

If the zoning decision of the board of commissioners is to deny a rezoning of property, then an application for the same property may not be re-submitted for rezoning until the expiration of at least ~~six months~~ 180 calendar days immediately following the date of denial. An application for a map amendment shall not be withdrawn by the applicant after the legal advertising as required herein, except as provided herein.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-295. - Appeal.

An applicant has 30 calendar days from the date of the board of commissioners rezoning decision to file an appeal with the superior court of the county.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-296. - Application for amendment.

Any citizen filing an application to amend the text or the official zoning map may obtain an application from the planning and zoning department, applications to amend the text or the official zoning map shall be submitted on forms, as applicable, provided by the planning and zoning department.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-297. - Planning commission recommendation.

- (a) The planning commission shall make a recommendation of approval, denial, table, or withdrawal without prejudice on each application.
  - (1) An action to table shall include a justification of such action and a specific public hearing date at which the application is to be reconsidered.
  - (2) If there is not a full board present at the public hearing, the petitioner may request to table the petition to the next planning commission public hearing, provided the petitioner requests to table the agenda item prior to the presentation. Only one such request may be made.
  - (3) When an application is tabled, a new legal advertisement will be required stating the new public hearing dates and the property shall be reposted with new signage indicating the new public hearing dates.
  - (4) The planning commission may recommend amendments to the applicant's request which would reduce the land area of a rezoning petition (where possible with a legal description only), or change the zoning district requested to one which is less intense, and recommend conditions which may be deemed advisable so that the purpose of this ordinance will be served and the public health, safety, and welfare secured.
- (b) A resolution of the planning commission's recommendation shall be submitted to the board of commissioners. The resolution shall contain the recommendation of the planning commission, all

grounds therefor, and shall be signed and approved by the chairperson or vice-chairperson of the planning commission.

- (c) If the planning commission fails to submit a report within 100 calendar days from the date of the acceptance of the completed amendment application, the application shall be forwarded to the board of commissioners with a positive recommendation. Actions of the planning commission which contribute to the delay, such as the lack of a quorum or a tabling of the petition initiated by the planning commission, shall count toward the 100 calendar days. Actions by the petitioner, such as a request to table or a request to table where there is less than a full board present, shall not count toward the 100 calendar days.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-298. - Public hearing before the board of commissioners.

- (a) After receipt of the planning commission's resolution and recommendation on the proposed amendment, the board of commissioners shall hold a public hearing. The board of commissioners may approve, deny, table an application or allow an application to be withdrawn without prejudice with regards to the waiting period required by a denial.
  - (1) An action to table shall include a justification of such action and a specific public hearing date at which the application is to be reconsidered.
  - (2) If there is not a full board present at the public hearing, the petitioner may request to table the petition to the next board of commissioners' public hearing, provided the petitioner requests to table the agenda item prior to the presentation. Only one such request may be made.
  - (3) When an application is tabled, a new legal advertisement will be required stating the new public hearing dates and the property shall be reposted with new signage indicating the new public hearing dates.
  - (4) The board of commissioners may approve an amendment to the applicant's request which would reduce the land area of a rezoning petition (where possible with a legal description only), or change the zoning district requested to one which is less intense, and recommend conditions which may be deemed advisable so that the purpose of this ordinance will be served and the public health, safety, and welfare secured.
- (b) The decision of the board of commissioners shall be contained in a resolution. The resolution shall contain the decision of the board of commissioners, all grounds therefor, and shall be signed and approved by the chairperson or vice-chairperson of the board of commissioners. The clerk shall provide a copy of the resolution to the planning and zoning department, which copy shall become a part of the application file, and shall send one copy to the applicant by certified mail.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-299. - Conditional approval.

Any application for an amendment may be approved subject to conditions which relate to the ~~use, occupancy, or development of the~~ property contained in the petition. Conditions imposed on the property may only be more restrictive than the requirements of any zoning district and other applicable parts of this chapter as may apply to the property. The following policies shall apply:

- (1) *Consent not required.* Approval of applications subject to conditions may occur with or without the consent of the applicant.
- (2) *Conditions shall be permanent.* All conditions imposed by action of the board of commissioners shall remain on the subject property regardless of changes in ownership.

- (3) *Changes to conditions.* Conditions shall be changed only through the amendment process by which they were established.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing a request for rezoning:

- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;
- (4) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-301. - Public notification.

- (a) *Newspaper.* Notice of scheduled hearings shall be published in the newspaper of general circulation within the county in which are carried the legal advertisements of the county.

- (1) The notice shall be published at least seven days prior to the public hearing before the planning commission, but not more than 45 calendar days, nor less than 15 calendar days prior to the public hearing before the board of commissioners. In the event that the time-frames above cannot be met with one advertisement, the notice shall be published twice.
- (2) The notice shall contain the dates of the public hearings before the planning commission and the board of commissioners.
- (3) Public notification shall include at a minimum the time, date, place, purpose of the hearing, location, boundary description, area of the property, and the current and requested zoning classifications.

- (b) *Posting of signs.*

- (1) A sign shall be posted on property for which the rezoning is sought. One sign is required for each street frontage of said property. The sign shall be posted consistent with the requirements for newspaper notification.
- (2) Signs used for posting property shall be a minimum of 18 inches by 18 inches and shall indicate the application number, the time, date, place, purpose of the hearings, and the current and requested zoning classifications.
- (3) A refundable sign deposit shall be required for each sign at the time of application for rezoning.

- (c) *Applicant notification.*

- (1) Upon certification by the planning and zoning department that an application is complete, a notice giving the date, time, and place of the public hearings shall be provided by certified mail to the applicant.
- (2) The clerk to the board of commissioners shall notify the applicant by mail of any action (including tabling of action) taken by the board of commissioners. All actions of the board of commissioners shall be deemed to be effective as of the date of the action.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-302. - Zoning reversion.

Within three years of the date of rezoning, rezoned property shall be utilized for uses allowed in the new zoning district or substantial development shall be demonstrated toward such utilization. Failure to so utilize or demonstrate substantial development may subject the property to consideration for reversion to the previous zoning classification. In such event, public hearings shall follow the established procedures for rezoning petitions herein and a final decision shall be rendered by the board of commissioners.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-303. - Responsibilities of the ~~zoning administrator~~ planning and zoning department.

The planning and zoning department shall have the following responsibilities associated with receiving and processing all amendment applications:

- (1) Receive all applications and supporting information and collect all fees at the time of initial filing;
- (2) Maintain a log of all applications;
- (3) Return incomplete applications and all supporting information to the applicant upon determination that an application is incomplete with reasons for the determination;
- (4) If the application is complete, issue a notice that lists the dates, times, and places of all hearings that are scheduled for the application;
- (5) Establish and maintain a file for each application which shall contain:
  - a. Copies of all materials submitted by the applicant;
  - b. Correspondence, records, reports, and exhibits produced during processing;
  - c. Minutes and all actions taken by the planning commission and the board of commissioners on an application; and
  - d. All follow-up activities, if any, including re-filing of additional requests, copies of citations or violations and any other significant materials.
- (6) Prepare a map for all map changes (rezoning), which shall show the location and dimensions of the subject property of the petition, all properties within at least 1,000 feet of the subject property, and the zoning districts thereon;
- (7) Transmit to the appropriate departments within five working days after the deadline for submissions, all materials to be evaluated;
- (8) Schedule and provide notice for all public hearings, including the posting of the property, as required herein;
- (9) Transmit the recommendation of the ~~staff and~~ planning commission to the board of commissioners ~~at least 14 calendar days prior to the scheduled public hearing before the board~~



~~of commissioners~~ per the agenda request procedure established by the board of commissioners; and

(10) Update the official zoning map.

(Ord. No. 2015-06, § 2, 3-26-2015)

Secs. 110-304—110-324. - Reserved.

## ARTICLE X. - PLANNING COMMISSION

Sec. 110-325. - Planning commission.

The planning commission consists of that body of members appointed by the board of commissioners to carry out the directives of this and other ordinances and to carry out any other duties which may from time to time be assigned to the planning commission by the board of commissioners.

- (1) *Membership and appointments.* The planning commission shall consist of five members residing within the county and shall be appointed by the board of commissioners of the county. None of the planning commission members shall hold any other public office, except that one member may also be a member of the zoning board of appeals. The planning commission members shall be removed by the board of commissioners for cause, upon written charges, and after public hearing. Any member of the planning commission shall be disqualified to act upon a matter before the planning commission with respect to property in which the member has an interest. It may be deemed cause for removal should any planning commission member fail, without proper reason, to attend three consecutive meetings.
- (2) *Term of office.*
  - a. The term of office for each member of the planning commission shall be three years ~~and the member shall remain on the board until reappointed or a successor is appointed.~~ It is the intent of this section that the terms be staggered with no term limitation.
  - ~~b. A vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.~~
- (3) *Officers; rules and procedures; minutes.*
  - a. The planning commission shall elect one of its members as chairperson and another as vice-chairperson, each serving for one year or until re-elected or a successor is elected. The vice-chairperson shall act as chairperson in the chairperson's absence. The planning commission shall appoint a secretary who shall be an employee of the county.
  - b. The planning commission shall have the authority to adopt rules of procedure.
  - c. Meetings of the planning commission shall be held at the call of the chairperson and as scheduled.
  - d. The planning commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if they are absent or fail to vote, indicating such fact. The planning commission shall keep records of its examinations and other official actions all of which shall be immediately filed in the ~~planning and zoning department office of the planning commission (zoning administrator's office)~~ and shall be public record.

- (4) *Conflict of interest.* Any member of the planning commission shall be disqualified to act upon a matter before the planning commission with respect to property in which the member has an interest.
- (5) *Attendance.* It may be deemed cause for removal should any member of the planning commission fail, without proper reason, to attend three consecutive meetings.

(Code 1992, § 20-12-1; Ord. No. 2010-11, § 12-1, 12-9-2010; Ord. No. 2013-15, § 1, 10-24-2013)

Secs. 110-326—110-353. - Reserved.

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**ORDINANCE**

**NO. 2017-\_\_\_\_\_**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR FAYETTE COUNTY, GEORGIA; TO REVISE PROVISIONS PERTAINING TO THE ZONING BOARD OF APPEALS; TO REVISE PROVISIONS PERTAINING TO PROCEDURES GOVERNING ZONING AMENDMENTS; TO REVISE PROVISIONS PERTAINING TO THE PLANNING COMMISSION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE ZONING ORDINANCE OF FAYETTE COUNTY BE AMENDED AS FOLLOWS:**

**Section 1.** By deleting Paragraph (2) of Subsection (a) of Section 110-241, pertaining to “Public hearing”, of Article VII of Chapter 110, in its entirety, and by replacing it with a new Paragraph (2) in Subsection (a) of Section 110-241 of Article VII of Chapter 110, to be numbered and read as follows:

(2) Time and Date: Fourth Monday, at the time designated for its regular meetings.

**Section 2.** By deleting Subsection (c) of Section 110-242, pertaining to “Powers and duties”,

of Article VII of Chapter 110, in its entirety, and by replacing it with a new Subsection (c) in Section 110-242 of Article VII of Chapter 110, to be numbered and read as follows:

- (c) *Compliance with standards.* Where an appeal/petition to the board is initiated due to an existing violation of this chapter and said appeal/petition is denied, the violation shall be required to be corrected within 30 calendar days of such denial, or as specified by the board, if a greater time period is necessary. The maximum extension of the time shall not exceed 60 calendar days.

**Section 3.** By deleting Subsection (i) of Section 110-242, pertaining to “Powers and duties”, of Article VII of Chapter 110, in its entirety, and by replacing it with a new Subsection (i) in Section 110-242 of Article VII of Chapter 110, to be numbered and read as follows:

- (i) *Limitation on re-applying.* If the decision of the zoning board of appeals is to deny, an application which seeks the same relief in regard to the same property shall not be accepted for a period of 180 calendar days following the date of the decision from the zoning board of appeals.

**Section 4.** By deleting Subsection (b) of Section 110-291, pertaining to “Technical evaluation and qualification of properties”, of Article IX of Chapter 110, in its entirety, and by replacing it with a new Subsection (b) in Section 110-291 of Article IX of Chapter 110, to be numbered and read as follows:

- (b) The planning and zoning department shall distribute copies of applications for

amendment to the planning commission and the board of commissioners. In addition, the appropriate county departments and public agencies shall be supplied with copies of each application. Each department head or his/her designee shall return his/her comments, in writing, to the planning and zoning department per the deadline established by the planning and zoning department.

**Section 5.** By deleting Subsection (a) of Section 110-292, pertaining to “Public hearings”, of Article IX of Chapter 110, in its entirety, and by replacing it with a new Subsection (a) in Section 110-292 of Article IX of Chapter 110, to be numbered and read as follows:

- (a) *Place, time, and date.* The public hearings shall be conducted as follows:
  - (1) Place: the county administrative complex.
  - (2) Time and date:
    - a. Planning commission: First Thursday, at the time designated for its regular meetings.
    - b. Board of commissioners: Second and fourth Thursdays, at the time designated for its regular meetings.

Any changes from the standard schedule for public hearings will be published in the newspaper which carries legal advertisements for the county in compliance with the requirements for public notification as provided herein.

**Section 6.** By deleting Subsection (b) of Section 110-292, pertaining to “Public hearings”, of Article IX of Chapter 110, in its entirety, and by replacing it with a new

Subsection (b) in Section 110-292 of Article IX of Chapter 110, to be numbered and read as follows:

(b) *Conduct of hearing.* Public hearings on amendments shall be conducted with the opportunity for the applicant and proponents and the opponents of an amendment to speak. An applicant shall be given the opportunity for rebuttal. The board of commissioners and planning commission may establish time limits through their individual adopted rules of procedure and such time limit shall not be less than 10 minutes.

(1) *Decisions.* Recommendations of the planning commission and decisions of the board of commissioners on applications for rezonings shall be made subsequent to the public hearings.

(2) *Minutes.* The minutes of any public hearing shall be maintained with the zoning decision entered thereon. The minutes shall be kept as public records.

**Section 7.** By deleting Section 110-294, pertaining to “Limitation on re-applying and withdrawal”, of Article IX of Chapter 110, in its entirety, and by replacing it with a new Section 110-294 of Article IX of Chapter 110, to be numbered and read as follows:

**Sec. 110-294. Limitation on re-applying and withdrawal.**

If the zoning decision of the board of commissioners is to deny a rezoning of property, then an application for the same property may not be re-submitted for rezoning until the expiration of at least 180 calendar days immediately following the date of

denial. An application for a map amendment shall not be withdrawn by the applicant after the legal advertising as required herein, except as provided herein.

**Section 8.** By deleting Section 110-299, pertaining to “Conditional approval”, of Article IX of Chapter 110, in its entirety, and by replacing it with a new Section 110-299 of Article IX of Chapter 110, to be numbered and read as follows:

**Sec. 110-299. Conditional approval.**

Any application for an amendment may be approved subject to conditions which relate to the property contained in the petition. Conditions imposed on the property may only be more restrictive than the requirements of any zoning district and other applicable parts of this chapter as may apply to the property. The following policies shall apply:

- (1) *Consent not required.* Approval of applications subject to conditions may occur with or without the consent of the applicant.
- (2) *Conditions shall be permanent.* All conditions imposed by action of the board of commissioners shall remain on the subject property regardless of changes in ownership.
- (3) *Changes to conditions.* Conditions shall be changed only through the amendment process by which they were established.

**Section 9.** By changing the title of Section 110-303 of Article IX of Chapter 110 to “Responsibilities of the planning and zoning department”, and by deleting Paragraph (9) of said Section 110-303 and replacing it with a new Paragraph (9), to be numbered and read as follows:

- (9) Transmit the recommendation of the staff and planning commission to the board of commissioners per the agenda request procedure established by the board of commissioners; and

**Section 10.** By deleting Paragraph (2) of Section 110-325, pertaining to “Planning commission”, of Article X of Chapter 110, in its entirety, and by replacing it with a new Paragraph (2) of Section 110-325 of Article X of Chapter 110, to be numbered and read as follows:

- (2) *Term of office.* The term of office for each member of the planning commission shall be three years and the member shall remain on the board until reappointed or a successor is appointed. It is the intent of this section that the terms be staggered with no term limitation.

**Section 11.** By deleting Subparagraph d. of Paragraph (3) of Section 110-325, pertaining to “Planning Commission”, of Article X of Chapter 110, in its entirety, and by replacing it with a new Subparagraph d. in Paragraph (3) of Section 110-325 of Article X of Chapter 110, to be numbered and read as follows:

- d. The planning commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if they are absent or fail to vote, indicating such fact. The planning commission shall keep records of its examinations and other official actions all of which shall be immediately filed in the planning and zoning department and shall be public record.



**Section 12.** This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County.

**Section 13.** All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 14.** 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 112 of 268

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of Resolution 2017-10 to adopt the Fayette County Comprehensive Plan 2017-2040.

## Background/History/Details:

The Fayette County Comprehensive Plan 2017-2040 has been reviewed by the Atlanta Regional Commission and the Georgia Department of Community Affairs and found to be in compliance with the minimum Standards and Procedures for Local Comprehensive Planning.

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

Approval of Resolution 2017-10 to adopt the Fayette County Comprehensive Plan 2017-2040.

## 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:

**From:** [Pete Frisina](#)  
**To:** [Tameca P. White](#)  
**Subject:** FW: Comp Plan  
**Date:** Thursday, June 15, 2017 1:42:28 PM

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**From:** Jon West [mailto:[Jon.West@dca.ga.gov](mailto:Jon.West@dca.ga.gov)]  
**Sent:** Wednesday, June 14, 2017 2:42 PM  
**To:** Pete Frisina  
**Subject:** Comp Plan

Hey, Pete,

I thought you'd want to know. The County's revised plan completed review this morning—it'll be approved. Our standard correspondence to that effect will be generated and sent to the ARC sometime between now and Friday. I'll be sure to cc you on it when it goes. Let me know if you need anything else in the interim.

--J



*Learn more about our commitment to [fair housing](#).*

---

**Jon A. West, AICP**

Georgia Department of Community Affairs  
60 Executive Park South, NE  
Atlanta, Georgia 30329

Direct 404-327-6872

Fax 770-302-9703

[Jon.West@dca.ga.gov](mailto:Jon.West@dca.ga.gov)

**From:** [Pete Frisina](#)  
**To:** [Tameca P. White](#)  
**Subject:** FW: Fayette County CIE Annual Update Approval w Advisories  
**Date:** Thursday, June 15, 2017 1:42:04 PM

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**From:** Jared Lombard [mailto:[JLombard@atlantaregional.org](mailto:JLombard@atlantaregional.org)]  
**Sent:** Thursday, June 15, 2017 11:29 AM  
**To:** Pete Frisina  
**Cc:** Andrew Smith  
**Subject:** Fwd: Fayette County CIE Annual Update Approval w Advisories

Pete-

DCA has approved the Comp Plan with the below advisory comments. Because of the move it will take us a few days to send an official letter from ARC but since I knew you were on a tight deadline I wanted to let you know right away.

Jared

Begin forwarded message:

**From:** Jon West <[Jon.West@dca.ga.gov](mailto:Jon.West@dca.ga.gov)>  
**Date:** June 15, 2017 at 10:53:55 AM EDT  
**To:** Jared Lombard <[JLombard@atlantaregional.org](mailto:JLombard@atlantaregional.org)>, Andrew Smith <[ASmith@atlantaregional.org](mailto:ASmith@atlantaregional.org)>, Jonathan Tuley <[JTuley@atlantaregional.org](mailto:JTuley@atlantaregional.org)>  
**Cc:** PEMD OPQG Administration <[pemd.opqga@dca.ga.gov](mailto:pemd.opqga@dca.ga.gov)>, Cam Yearty <[Cam.Yearty@dca.ga.gov](mailto:Cam.Yearty@dca.ga.gov)>  
**Subject:** Fayette County CIE Annual Update Approval w Advisories

Jared, Andrew and Jon,

Our staff has reviewed the comprehensive plan update for Fayette County and determined that it adequately addresses the Minimum Standards for Local Comprehensive Planning. However, we have provided advisory comments that we believe could assist the local government in making its plan more useful. Please review these comments with the local government before they adopt the plan update. If you have any questions about our comments, please contact us at 404-679-5279. As soon as your office provides written notice that the plan has been adopted and provides DCA with a digital copy of the final adopted version of this document, we will award Qualified Local Government status to the local government. Additionally, we have provided advisory comments that we believe could assist the local government in making its plan more useful. Please review these comments with the local government before they move forward with the required revisions.

#### **Advisory Comments to the Community**

The comments below are offered to help improve the quality of the community's plan and provide guidance for future planning processes. DCA is vitally interested in ensuring that all Georgia communities have high-quality plans. We're happy to discuss these comments if desired.

##### *Document Construction*

- In order to ensure that the plan is as usable as possible for local decision-makers, we think it's important for each community to end up with a concise and well-organized plan document. We think plan documents you prepare in the future could be improved by focusing on the following factors:
  - Brevity – include only key information needed by decision-makers in the plan document itself while moving background information, explanatory text, detailed analysis, and in-depth information about community involvement to an appendix.
  - Clarity – draw decision-makers' attention to the highest priority goals and initiatives by focusing on them in an executive summary and highlighting throughout the document.

- Functionality – make it easy to find sections of the plan likely to be referenced most frequently (e.g., the Community Work Program and the Policies) by grouping these together at the front of the document, using tabs or bookmarks, or providing a pull-out “users section” of the plan.

#### *Needs and Opportunities vs. Implementation Items*

- The Needs and Opportunities read as specific implementation activities that would more appropriately be included in the Community Work Program. To ensure that comprehensive plans are as useful and understandable as possible for the community, we think it is important to preserve the distinction between these items as follows:
  - Need or Opportunity = a local problem, issue, or opportunity that may be solved through undertaking an implementation activity, such as “high school drop-out rates in our community are well above the statewide average,” or, “the opening of a new auto-parts manufacturing facility is creating the potential to attract allied businesses.”
  - Implementation Activity = something the community intends to do to address an identified need, opportunity, or to achieve portions of the vision stated in the Community Goals Element of the plan, such as “adopt a tree protection ordinance.” (A general rule of thumb: if it is easy to identify a specific implementation schedule, estimated cost, funding source, and/or assign responsibility for an item, it is likely the type of specific implementation activity that should be included in the Community Work Program.)
- For a community with the size and dynamics of Fayette County, the very limited scope of the Needs and Opportunities Element is surprising. Some of the items in the Community Goals element would typically be better addressed as a need or an opportunity or in a plan element specifically providing policies (general statements of principles intended to guide future decision-making). While, ultimately, the 2/3 of a page of material meets the minimum requirement, we are uncertain that the intent of the element was fully fulfilled. There is no doubt that the few items listed in this element warrant meaningful attention in the short term. However, it may be worth re-examining the document to determine if there are other important areas of concern (positive and negative) that community should focus on over the next few years that were inadvertently omitted from this list.

#### *Miscellaneous*

- Materials associated with Fayette County’s CIE were included with this plan update, particularly, information that could be a CIE Amendment and/or an Annual CIE Update. Note that development impact fees and the planning components/requirements associated with them are addressed through a separate set of standards from those regulating local comprehensive planning. While it is typically acceptable to submit CIE Amendments or the required Annual CIE Updates concurrent with a comprehensive plan update, separate procedural requirements apply. No information pertaining to the CIE materials included with this submittal (e.g. transmittal resolutions, evidence of required public hearings, etc.) were included other than the materials, themselves. As such, these materials were treated simply as additional information included along with the rest of the comprehensive plan. *DCA has not reviewed this as a CIE Amendment or annual CIE Update in compliance with the Development Impact Fee Compliance Requirements.* If these materials are intended to be a CIE Amendment and/or an Annual CIE Update, please resubmit that portion of this document along with the other materials necessary to undertake that process.

Thanks,



Learn more about our commitment to [fair housing](#).

---

**Jon A. West, AICP**

Senior Planner: Local & Intergovernmental Programs

Georgia Department of Community Affairs

60 Executive Park South, NE

Atlanta, Georgia 30329

Direct 404-327-6872

Fax 770-302-9703

[Jon.West@dca.ga.gov](mailto:Jon.West@dca.ga.gov)

# COUNTY AGENDA REQUEST

Page 117 of 268

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of the revisions to the Parks and Recreation Policy and Procedures Manual as presented by the Fayette County Recreation Commission.

## Background/History/Details:

In February of 2009, the Board of Commissioners adopted the Parks and Recreation Policy and Procedures Manual. The manual's purpose is to serve as an agreement between the Youth Associations and the County and outlines certain requirements the Youth Associations should fulfill to conduct their program in a Fayette County Park. These requirements are necessary to assure public confidence in the management and structure of these Youth Associations while ensuring the safety, health, and protection of the participating members. The manual outlines the basic structure of the Youth Associations to ensure all programs are operated consistently with department and national recreation program standards. In April 2012, the Board of Commissioners approved various revisions to the manual.

Each year the Recreation Commission sets an annual workshop with the various Youth Associations to discuss the manual and to entertain any revisions that should be considered. In December 2016, the Parks and Recreation met with the Youth Associations regarding several proposed revisions. In March 2017, the Parks and Recreation Commission approved to recommend the revisions to the manual on pages 4, 12, 36, 44, 54-58, 60 to the Board of Commissioners.

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

Approval of the revisions to the Parks and Recreation Policy and Procedures Manual as presented by the Fayette County Recreation Commission.

## 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:



**Summary of Recommended Revisions to Parks and Recreation Policy and Procedures Manual**

- Financial Reports (pg 4) - Language added where two board members shall have access to bank statements (e.g. President and Treasurer).
- Coaching Certification (pg 12) - Language added stating the county requires all board members and coaches to attend concussion training and mandatory reporter training.
- Background Checks (pg 12) -Language added where checks shall be completed on President and Treasurer before taking office or turning the financial books over to the treasurer.
- Tobacco Use (pg 36) - Language was added prohibiting smoking on all county property, which includes any use of tobacco products, including smokeless tobacco products, as well as non-tobacco products containing nicotine - with the exception of nicotine containing products used as part of a smoking cessation program.
- Wind Chill Chart (pg 44) – this chart provides guidelines and restrictions for corresponding Cold Index Readings.
- Appendix A Forms (pg 54) - mandatory reporter form was included.
- Appendix A Forms (pg 55 & 56) – Parent/Athlete Concussion Information Sheet and Waiver Form was included.
- Accident/Injury Report Form (pg 58) – this form replaces the General Liability Loss Form. The importance of turning this form in was stressed so a record could be kept regarding how an injury was sustained.
- Youth Sports Participation Summary (pg 60) – Rowing was added as a sport.

# **FAYETTE COUNTY PARKS AND RECREATION**

## **POLICY AND PROCEDURES MANUAL**

Amended April 2012  
February 2009

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## **A. YOUTH ATHLETIC ASSOCIATIONS**

Fayette County is fortunate to have volunteers who execute youth recreational sports programs on behalf of the County. In this unique partnership, the County provides staff, budget, and resources to construct and maintain quality sports fields and facilities. Youth Athletic Association (henceforth referred to as YAA), shall have a board of directors to organize, plan, and administer outstanding youth sports programs. Together, this team ensures that wholesome, healthy, and enjoyable recreation activities are available to literally thousands of youth in the County.

This document serves as the agreement between the YAAs and the County and establishes certain requirements the organization must fulfill to conduct its program in a County owned park or facility (hereinafter “Park”). These requirements are necessary to assure public confidence in the management and structure of these organizations while ensuring the safety, health, and protection of the participating members. YAAs agree to abide by the Fayette County Parks and Recreation Department Policy and Procedures Manual. This manual expands on the listed requirements to describe County policies and procedures, as well as outlining the responsibilities of both the Parks and Recreation Department (hereinafter “Department”) and the organization. This handbook outlines the basic structure of the YAAs to ensure all programs are operated consistently with Department and national recreation program standards. Violation of any requirement may constitute cause for revocation of the use of Parks.

Recognizing that Fayette County provides valuable assets that are funded by tax payers and that these assets are utilized by YAAs, YAAs and their competitive/travel programs are required to provide their services in concert with established County policies, ordinances, and good business practices. In addition, situations may arise requiring the County to be involved in issues related to YAA operations. In these instances, the YAAs are required to cooperate with the Parks and Recreation Department and the Recreation Commission to resolve issues in cases not specifically covered by this manual. All grievances, protests, and ethical issues shall follow the YAAs due process procedures. In the event that the YAAs due process does not resolve the issue, a formal request for consideration shall be forwarded to the Director of the Parks and Recreation Department. The Parks and Recreation Director shall investigate the issue and forward the matter to the Recreation Commission for resolution. All decisions by the Recreation Commission regarding appeals are final. Decisions regarding the appeals will be submitted to individuals involved within five (5) business days.

### **1. Not-for-Profit Organization Status**

Each YAA will incorporate and register with the Secretary of State’s Office as a not-for-profit organization. Proof of not-for-profit status must be submitted annually to the Fayette County Parks and Recreation Director by April 1st each year.

### **2. Insurance Coverage**

All YAAs must provide Fayette County a comprehensive general liability insurance coverage package in the amount of \$1,000,000 per occurrence for bodily injury, personal injury, and

property damage. The Certificate of Insurance must list the Fayette County Board of Commissioners as additional insured. Also required is insurance covering the personal property of the organization including equipment and contents. All subcontractors and vendors must provide Fayette County a comprehensive general liability insurance coverage package in the amount of \$1,000,000, which is due to Fayette County before any services or activities are provided or conducted in the park. An updated copy of the current YAA insurance policy is due to the facilitator by January 15 each year. YAA boards shall be permitted to carry an umbrella policy to cover subcontractors as long as it is a comprehensive general liability insurance package in the amount of \$1,000,000 per subcontractor.

The county's insurance covers only the county's buildings and fields. It is the responsibility of the YAA to insure any contents stored in its concession stands, office, and storage buildings on Fayette County property.

### **3. Bylaws/Election of Officers**

The Board of Directors shall be the governing body of each YAA, consistent with the Charter and Bylaws of the YAA, to conduct the affairs of the YAA. Any organization that has a separate Board of Directors (e.g. travel/competitive) will be required to sign and adhere to the terms and conditions of this manual. The YAAs should review and approve their bylaws a minimum of every two (2) years for updates and/or changes. A copy of the Bylaws must be submitted to the Fayette County Parks and Recreation Department Director each year by January 15th and/or after any amendments or changes prior to the issuance of any Facility Use Permit.

Open election of the Board of Directors is mandatory. The following statement must be a part of the YAA Bylaws:

“The President will appoint a nominating committee consisting of three (3) people from the membership and two (2) from the Board of Directors who will select a list of candidates.”

These nominations will be in writing and received by the Secretary at least five (5) days prior to a meeting established for the election of officers. The elections meeting shall be posted publicly for at least 30 days prior to the election meeting period. Nominations will also be accepted from the floor at the election meeting. The names of all nominees for each office will be entered on a single ballot and submitted to the membership present at the elections meeting. Those nominees for each office getting the greatest number of votes will be deemed to have been elected as the new Board of Directors. All of the Board of Director members must be legal U.S. Citizens and reside within Fayette County. If a potential board member resides outside of the county however his/her child/ward resides in Fayette County, then that potential board member would be considered a resident of Fayette County for purposes of serving on the Board of Directors. If after the election process has taken place and a board still have a vacancy to fill, then the YAA shall post a notice to all members for thirty (30) days seeking someone who is a resident of Fayette County to fill the vacancy. If the position is still vacant after the additional thirty (30) day time period, then the YAA shall appoint someone to fill the vacancy (who may be a non-resident of Fayette County). All YAA Boards shall be made up of a majority of Fayette County residents.

In order to prevent a possible conflict of interest, no YAA officer or board member may be employed or otherwise involved with any commercial enterprise that specializes in the type of sport or activity that the YAA provides. Should there be any question as to the eligibility of a potential officer or board member, the Parks and Recreation Department Director must be contacted and involved in the final decision. The number of Directors of the YAA shall be fixed by the Board of Directors, but must be at least six (6). If a YAA has more than one division in their association (e.g. Recreation Division and Travel Division) then the Board of Directors must have representation from each division, however a majority of the Board of Directors must represent the Recreational Division. A list of the names, addresses, email addresses, and phone numbers of the newly elected Board of Directors must be sent to the Parks and Recreation Director within ten (10) days of the election officers.

Board members of the YAAs are volunteers and shall receive no compensation or favoritism for their participation on the Board. Board members must pay registration fees for their child the same as any other member of the YAA. Board members are prohibited from doing business at a profit or for more than others may provide the service with the YAAs to avoid any appearance of a conflict of interest. Services performed at cost, a reduced cost, or free may be accepted with YAA Board approval and the Parks and Recreation Department approval. YAAs shall follow Fayette County purchasing procedures when securing services, (i.e., the acquisition of materials, supplies and services valued at more than \$20,000 shall be obtained by competitive sealed bids. Fayette County Code, § 2-119). Contracts must be no longer than annual contracts.

#### **4. Association Annual Meeting**

All YAAs must hold at least one (1) annual membership meeting each year at a time and place named by the President of the YAA. The annual meeting date of the YAA should be in accordance with the YAA bylaws and should be submitted to the Parks and Recreation Department prior to signing the contract. The agenda for this meeting shall be business as deemed necessary by the YAA. Among the items discussed at this meeting shall be the general condition of the program, summary of the financial state of the program to include an annual statement/budget as well as the current status, and goals for the future of the program. Efforts must be made for all YAA members to be notified thirty (30) days prior to the annual meeting and records maintained of this notification. The Fayette County Parks and Recreation Department must be notified of the annual meeting at least thirty (30) days in advance. It is recommended that YAAs annual meeting date be posted on the YAAs web site, outside of the YAA concession stand building, and at the Parks and Recreation Department Office at least thirty (30) days prior to the meeting.

#### **5. Financial Reports**

The Official Code of Georgia Annotated requires all corporate minutes and books of account be held open for inspection by any member of the YAA at any reasonable time. The YAAs shall assume the financial responsibility for the recreation program it operates. The County assumes no responsibility for maintaining financial stability of the YAAs. Furthermore, the County expressly assumes no responsibility for the financial well-being or outstanding debts of the



YAA. Fayette County Parks and Recreation recommends that each YAA is bonded and that annual internal audits are performed on all checking accounts. A complete copy of a financial report from the previous year (including receipts and disbursements, beginning and ending cash balances, and bank reconciliation) and a proposed budget for the upcoming year must be submitted and approved by the Fayette County Parks and Recreation Department Director annually. Furthermore, all YAAs shall afford Fayette County officials access to any and all records as if Fayette County was a member of the YAA. Failure to provide access to YAA records may result in revocation of the YAA's use privileges of Parks.

The YAAs shall properly maintain records on receipts and disbursements of all funds. The appropriate invoice or documentation shall support all disbursements. Any expenditure over \$1000.00 should have approval of the YAA board. **Two Board Members (e.g. President and Treasurer) shall have access to the bank statements.**

In order to insure that no individual or private entity is profiting from the use of County property, the County reserves the right to conduct an internal audit (conducted by County staff) of the YAAs financial records at any time. Audits can be conducted with no advance notice and the YAA should be prepared to produce the requested information or documentation. Moreover, if warranted by the County based on results of the internal audit, an independent audit (on the cash basis of accounting) by a Certified Public Accounting firm may be required. The YAA will be responsible for the cost associated with this independent audit.

The use of County property for the pecuniary gain of any individual or any for-profit entity is strictly prohibited. Payment of excessive salaries, or any payments in excess of fair market value for any services or supplies shall constitute pecuniary gain. YAAs should strive to avoid obtaining materials, supplies or services from any persons affiliated with the YAA or formerly affiliated with the YAA to avoid the appearance of impropriety (this would include family members of such affiliated persons).

## **6. Bonding of Youth Athletic Association Officers**

All checks signed by the officers of YAAs should bear two (2) signatures of the appropriate officers of the YAA. YAAs are encouraged to acquire a bond for all officers and/or members of the YAA who collect and receive monies for the YAA.

## **7. Board Meetings**

YAAs must provide the Fayette County Parks and Recreation Director a schedule of all meetings of the board. YAAs must contact the Parks and Recreation Director immediately with changes or updates to the meeting schedule. Meetings are open to the public and will be advertised on the County Web Site. It is recommended that meeting schedules also be posted on the YAA's web site.

All YAAs are required to conduct their monthly and annual meeting with an established format and procedure. Example:

- Call to order
- Roll call of members present to declare a quorum
- Reading of minutes of last meeting
- Financial Reports
- Officer reports
- Committee Reports
- Special orders (Important business previously designated for consideration at this meeting)
- Unfinished business
- New business
- Announcement
- Adjournment

The YAAs should develop a procedure by which a Fayette County Parks and Recreation staff member can address the board with comments or concerns and be an integral part of the meeting. The YAAs should develop a procedure by which members can address the board with comments or concerns. It is recommended the board require a written request from the member to be included on the meeting agenda. The request should state clearly the issue or concern to allow the board to prepare a response.

YAAs must provide the Parks and Recreation Department copies of minutes of all meetings within thirty (30) days of each meeting. In addition, the County requests that the YAAs provide copies of any newsletters or special correspondence to its membership.

## **8. Fayette County Meeting Requirements**

Each year Fayette County Parks and Recreation hosts three (3) meetings that each YAA is required to attend. The purpose of these meetings is to increase communication between both parties so that operations will run smoothly and efficiently.

## **9. Individual Youth Athletic Association Meeting**

- Held each year in September and/or October.
- Required attendance from YAA President, Vice President or their representative. This requirement must be met in order for facility use permits to be issued for the next year. Up to six members may attend including those listed above.
- Fayette County representatives in attendance may include: Parks and Recreation Staff, Recreation Commissioner, Building and Grounds Maintenance Staff, and possibly support services staff.

## **10. Annual President's Meeting**

- Held each year in November

- Required attendance from YAA executive officers or their representative.
- Fayette County representatives in attendance may include: Parks and Recreation Staff, Recreation Commissioner, Building and Grounds Maintenance Staff, Marshal Staff & Guest Speakers.

#### **11. Turf & Grounds Assessments**

- FCPR and YAA will assess fields, grounds, and buildings to determine course of action needed to repair problem areas that is most affected and create a timeline for renovation.
- Fall assessments held each year in November/December.
- Spring assessments held each year in April/May.
- Required attendance by YAA President and Vice President or their representative.

#### **12. Participation Requirement**

YAAAs that utilize Parks, must ensure that no persons be denied participation in any park or programs based on race, color, national origin, religious background, sex, or age, and be in compliance with the Americans with Disabilities Act.

#### **13. Facility Use Permits**

Each YAA operating in a Park must obtain a facility use permit from Fayette County, a minimum of thirty (30) days prior and a maximum of one (1) year prior to the opening date of each sport season. For tournaments, a written notification should be received by the Parks and Recreation Director two (2) weeks prior to the association bidding on a tournament.

- This permit is to be obtained on behalf of the YAA by the President and on behalf of Fayette County by the Fayette County Parks and Recreation Director.
- This permit, issued seasonally per sport, specifically identifies facilities to be used by the YAA and the terms and conditions of said use.
- Adherence to all requirements outlined in the Policies and Procedures for YAAAs operating on Fayette County park property is a condition of the facility use permit and is considered as terms of the permit.
- Field use permits are for the sole purpose of sports fields. Passive and open areas are not available for use at any time for organized practice or play. Use of the walking trails for purposes other than running or walking by the YAA is strictly prohibited. YAAAs are responsible for ensuring that walking tracks and trails adjacent to sports fields are clear of spectators during YAA activities. YAAAs may be liable for any incidents related to unauthorized use.

## **14. Permits**

Facility use permits are issued solely for the use of the permittee. Use under the permit is not transferable or assignable. Only the Parks and Recreation Department can issue permits to any person or organization seeking to use a Park. No organization at any time may sublet Park facilities to another organization or permit any separate organization to use a Park under the permittee's name. Violation of this policy will require the forfeiture of any money made as a result of the use of the Park and may result in the revocation of Park use privileges of the permittee.

## **15. Cancellations**

Fayette County Parks and Recreation Department reserves the right to cancel any scheduled activity on County facilities when it determines that such use could potentially cause unsafe conditions for the YAAs, spectators, general public, and/or damage to the facility or grounds. Furthermore, the County maintains the authority to close a facility at any time it deems it to be in the best interest of the public.

## **B. FACILITY USE AND OPERATIONS**

### **1. Parks and Recreation Department Role**

The role of the Fayette County Parks and Recreation Department is to facilitate agreements and permits with those desiring to use Fayette County Parks and Recreation athletic fields and facilities; to implement various youth athletics programs, activities, and events; and to ensure that the recreational assets of Fayette County are utilized effectively and efficiently to allow maximum participation and citizen access. In addition:

- Assist user groups in setting usage dates and times; securing permits; completing significant event notification; collecting insurance and non-profit verification documents from YAAs; collecting impact fees, out-of-county fees, rental fees, deposits, and any other fees associated with facility use;
- Collect team or league rosters; proposed practice, game, and tournament schedules; and program participation reports from YAAs for each season and each sport.
- Attend YAA monthly board meetings and elections and serve in an advisory capacity during these meetings.
- Relay all communication from the YAA to County Administration and vice versa.
- Assist the YAAs with coaching education by offering National Alliance of Youth Sports (NYSCA) certifications for each sport and CPR/AED training.
- Regularly inspect parks, fields, and facilities and communicate issues, concerns, and problems with support services staff and parks ground maintenance staff on behalf of YAAs.
- Disseminate information on field and facility closures for inclement weather or renovation.
- Post YAA announcements on park signage per Fayette County procedures.

- Notify YAAs of mandatory meetings conducted by Fayette County Parks and Recreation Department.
- Ensure YAAs comply with the Policies and Procedures outlined in this manual.

## **2. Sport of Season Guidelines**

Fayette County Parks and Recreation reserves the right to administer field/facility permits to YAAs according to established sport of season priorities. Fayette County Parks and Recreation recognizes and prioritizes field/facility use according to the following guidelines:

*Fall Sports:* Football & Cheerleading is considered the sport of season at parks designated for football use. Soccer is considered the sport of season at all soccer fields and soccer complexes. Baseball/softball is considered the sport of season at all baseball/softball fields and baseball/softball complexes.

*Winter Sports:* Basketball and archery is considered the sport of season during the winter months at all Fayette County Parks and Recreation and Board of Education basketball and indoor facilities.

*Spring Sports:* Soccer is considered the sport of season at all soccer fields and soccer complexes. Baseball/softball is considered the sport of season at all baseball/softball fields and baseball/softball complexes.

Lacrosse and/or other sports as requested may be conducted on stand-alone fields during the various seasons. All county fields may also be rented to organizations or the general public as deemed appropriate by the Fayette County Parks and Recreation Department.

## **3. New Sport or League**

YAAs must notify the Fayette County Parks and Recreation Director of plans to implement any new sport or league. This notification must be a minimum of six (6) months in advance.

## **4. Registration**

Registration for recreational youth sports programs will be open to all youth that meet the age requirements set forth in the specific sport by-laws.

- Registrations must be advertised a minimum of thirty (30) days in advance.
- Registration will be taken until all team roster positions are filled or two (2) weeks prior to the beginning of regular season games.
- All registration must be conducted on an equal opportunity basis prior to the start of the season. YAAs should make every effort to maximize participation and use of facilities.
- YAAs must offer all persons of appropriate age the opportunity to participate in any YAA program regardless of race, color, national origin, religion, sex, age, or disability.

Traveling/competitive team registrations and tryouts must be open to all eligible players. The dates, times and locations for tryouts and registrations must also be advertised in order to notify the YAA membership and the general public.

YAAAs must submit a copy of all travel/competitive team tryout and registration announcement documents to the Parks and Recreation Director at least two (2) weeks prior to the 1st tryout or registration session.

Travel/competitive teams are defined as those teams which are formed to participate outside the normal recreation league program. Travel/competitive team programs must have open and advertised registration and tryouts. Travel/competitive teams must register and conduct tryouts prior to the YAA open registration for recreation players. No child that has adhered to the open registration policy may be denied the opportunity to try out for a travel team. All participants must register and pay on an individual basis. Travel/competitive team participant basic fees must be the same as recreation team participant basic fees and be made payable to the YAA. Each YAA should supply everyone who is registering information as to what basic fees cover during the registration process. Any travel/competitive program with its own board of directors will be required to obtain a Facility Use Permit from the Fayette County Parks and Recreation Department not with a YAA.

YAAAs may not register entire teams or independent travel/competitive teams. All individuals that do not qualify for the travel/competitive program must be offered the opportunity to participate in the YAAAs recreation league.

## **5. Field Scheduling:**

Final decisions regarding field scheduling will be vested in the Parks and Recreation Director. Proposed dates for try outs, practice and league games at Fayette County facilities must be submitted in writing, a minimum of thirty (30) days and a maximum of one (1) year in advance to the Parks and Recreation Director. Once submitted, the Parks and Recreation Director will allocate field space as deemed in the best interest of Fayette County residents. First priority will be given to Fayette County recreation programs, next to traveling or select programs and then to the general public and other organizations.

### *Game Schedules:*

YAAAs must make the scheduling of practices and games for recreation teams their first priority during the scheduling process. Schedules submitted to the Parks and Recreation Director must identify which teams are recreation teams and which teams are competitive/travel teams. All practice times and game times must be approved by the Parks and Recreation Director prior to the start of the practices and games. Upon review of these schedules, should Fayette County Parks and Recreation Department determine that excessive time is allotted for practices, time will be given to other groups in need of space. Unscheduled field time will be scheduled by the Fayette County Parks and Recreation Department as deemed appropriate. Unscheduled field time refers to approved practice and game schedules. Athletic fields will not be prepared and

materials such as line marker paint will not be distributed until the Parks and Recreation Director receives a written practice and/or game schedule.

Youth Athletic Association	Submittal Deadlines
Spring - Baseball	March 1st
Spring - Softball	March 1st
Spring - Soccer	March 1st
Football	August 15th
Fall - Baseball	September 1st
Fall - Softball	September 1st
Fall - Soccer	September 1st
Winter – Basketball	November 15th
Winter - Archery	November 15th
Camps/Clinics	December 1st

## **6. Practice and Game Schedules**

The YAA will supply to the Parks and Recreation Director a final copy of their practice schedule one (1) week prior to the start of practices, and a copy of their game schedule one (1) week prior to opening day for any games.

## **7. Tournaments**

YAAAs must request in writing to the Fayette County Parks and Recreation Director for permission to use Parks for tournaments. This written notification should be received by the Parks and Recreation Director two (2) weeks prior to the association bidding on a tournament. This written request should include tournament dates, times, and specific facilities. In addition, a tournament budget must be submitted and approved by the Parks and Recreation Director prior to bidding on a tournament. The association board must serve as tournament director and accept all monies applicable to the event. Upon approval from Fayette County, the association may proceed with the tournament bid process. Once the association has been notified of the award of the tournament they should confirm tournament dates, times, and tournament needs from the County with the Parks and Recreation Director. Within two (2) weeks of being notified about awarded tournament(s), the County will indicate assistance it can provide concerning the association's request. The tournament/event must take place during the time period allotted to the association by the Department. The department reserves the right to impose a fee for use of the facility if it is determined the event is not directly linked to the normal operations of the primary volunteer organization of the park/facility, whether during the allotted time or not.

Note: Tournaments which are not principally organized and administered by the YAA shall require that the tournament sponsor obtain a use permit and pay applicable use fees directly with the Parks and Recreation Director on behalf of the YAA.

For tournaments where large amounts of people and trash are expected, YAAs should rent adequately sized dumpsters and port-a-johns for the duration of the activity, and ensure that trash bags are deposited in the dumpster (s). Dumpsters and port-a-johns should be removed from the site the last day of or the day after the tournament or activity. If not removed within five (5) business days after the tournament, the YAA must show proof a contact has been made to the appropriate vendor regarding the removal of the equipment.

Following every tournament, a revenue/expense report will be submitted to the Recreation Director within four (4) weeks identifying revenues and expenditures.

All outside organizations wishing to conduct a tournament/event in a park/facility MUST make their request directly to the Parks and Recreation Director. Outside organizations are subject to a fee charge for the usage of the facility. The department reserves the right to change, alter, or cancel the event based on weather conditions or unapproved changes to the structure of the event.

## **8. Camps & Clinics**

YAAs must request in writing to the Fayette County Parks and Recreation Director the use of Parks for any camps and clinics sponsored by the YAA. The written request should be received to the Parks and Recreation Director by December 1st of the year prior to requested date of use. Attached to the written request must be a camp and clinic budget which must be approved by the Parks and Recreation Director by December 1st of the year.

Failure to provide adequate request and notice of scheduled tournaments and/or camps and clinics to the Fayette County Parks and Recreation Director could result in conflicts with county sponsored camps & clinics or field turf renovation projects and rejection of field use permit. Failure to provide notice could also eliminate or reduce Park Maintenance revisions of the facility needs for YAA tournaments and/or camps.

For camps/clinics where a large amount of people and trash are expected, YAAs should rent adequately sized dumpsters and port-a-johns for the duration of the activity and ensure that trash bags are deposited in the dumpster(s). Dumpsters and port-a-johns should be removed from the site the last day of, or the day after, the tournament or activity. If not removed within five (5) business days after the tournament, the YAA must show proof a contact has been made to the appropriate vendor regarding the removal of the equipment.

Following every camp or clinic, a revenue/expense report will be required within four (4) weeks explaining the cost incurred in hosting the camp or clinic and projections of where the revenues are going. Field rental fees will not be assessed by the County so long as it is shown that the camps or clinics are not subsidizing individual income of paid or volunteer staff, and that they are part of the routine activities of the YAA.



## **9. Board of Education Facilities**

Fields, gymnasiums, and other school facilities can be reserved with a Board of Education Facility. Reservation for BOE facilities must be submitted by YAA President or his/her designee to the Parks and Recreation Director. All Board of Education Facility Policies and Procedures regarding opening/closing a facility, usage of the facility and cleanup of a facility must be followed.

## **10. Coaching Certification**

A minimum of two YAA Board Members are required to be CPR/AED certified. In addition, Fayette County encourages associations to require all sport coaches to attend coaching clinics and Heartsaver CPR with AED. **Fayette County requires all board members and coaches to attend concussion training and mandatory reporter training.** Records of certification may be requested by the Parks and Recreation Department, but not a requirement at this time. Fayette County Parks and Recreation staff regularly conducts National Youth Sports Coaching Association (NYSCA) clinics for each sport throughout the year. NYSCA participation is encouraged but is not required. Fayette County Parks and Recreation Staff also regularly conduct Heartsaver CPR with AED Clinics throughout the year.

## **11. Background Checks**

Background checks must be conducted on all board members, coaches, and officials. **Background checks shall be completed on the President and Treasurer before taking office or turning the financial books over to the treasurer.** Fayette County will assist in conducting the background checks. Records of background checks must be turned in and approved prior to the working/coaching/officiating with any minor.

## **12. Conduct**

Fayette County Parks and Recreation encourages all YAAs to support and promote sportsmanship in all of its leagues and programs. Parents should sign a parent's code of ethics during the registration process of each sport season for their child. Coaches and officials should sign the appropriate code of ethics prior to the start of each sport season.

YAAs are responsible for addressing behavior by the officials, coaches, parents, participants, and spectators that is considered harmful to the program. Profanity is not to be tolerated. Any incidents involving negative behavior are to be addressed by the organization's board of directors. All grievances, protest and ethical issues shall follow the YAAs due process procedures prior to being brought to the Parks and Recreation Department or Recreation Commission for resolution.

Fayette County Parks and Recreation Department has a NO TOLERANCE POLICY. When an umpire, referee, or designated official informs an individual or individuals involved in a confrontation or conduct unbecoming to leave the Park and the individual(s) does not leave, or leaves and returns, the appropriate law enforcement authorities shall be summoned.

Constant disagreement and quarreling within an YAA utilizing Fayette County Parks and Recreation facilities shall be grounds for calling the Officers of the offending parties and/or the YAA before the Parks and Recreation Department or Recreation Commission to show cause why the offending parties and/or YAA should not be suspended or permanently barred from using the Fayette County Parks and Recreation facilities.

### **13. Youth Athletic Associations Operations and Maintenance Responsibilities**

YAA's are responsible for collecting litter daily from fields, dugouts, press boxes, restrooms, concession area and breezeway, and placing it into trash receptacles. Trash left in the areas outlined constitutes a violation of the facility use permit and may hinder field/facility preparation. Boxes from the concession stand should be crushed and taken to the park dumpster

YAA's are responsible for field preparation for games/practices and all other maintenance above and beyond regularly scheduled maintenance services provided by the County.

YAA's must post a copy of the Facility/Park Use permit at the park and provide a copy to every coach each season.

Sand, clay, quick dry, and other Fayette County approved material(s) used during inclement weather conditions must be kept at minimal use. Overuse of these types of materials may result in damage to the playing surface and result in closure of the sport field until it can be repaired.

YAA's are responsible for providing all sports equipment and all necessary personnel to operate the program.

YAA's must turn field lights off each evening at the conclusion of activities and ensure that lights are off on fields not in use. Lights should not be used until necessary in the evenings. A monetary penalty may be assessed against the YAA for lights left on unnecessarily. There is a constant and significant expense associated with field lighting that requires constant management by the YAA's. If energy management initiatives are not aggressively pursued by the YAA's, then the YAA's may be responsible for funding the field lighting cost.

Cost to repair damages directly associated with misuse or abuse of park equipment (scoreboard control boxes, fencing, etc.) by YAA members will be the responsibility of the YAA. Fayette County will replace or repair damaged equipment and the YAA will be billed for the expense. Unpaid bills will jeopardize facility use permits.

Scoreboard control boxes must be checked out through the Parks and Recreation Director under the following guidelines:

- YAA President must complete and submit a scoreboard control box checkout agreement to the Parks and Recreation Director.

- Scoreboard control boxes must be turned in to the Parks and Recreation Director within two (2) weeks after the end of the season.
- Scoreboard control boxes, that are damaged, lost or destroyed, must be immediately reported to the Parks and Recreation Director.
- A minimum of thirty (30) days should be expected for all repairs.
- The YAA shall be responsible for the cost of repairs to or purchase of any lost or damaged score board control boxes due to negligence.
- Scoreboard control boxes must be stored at the park in the concession or designated storage area.
- Scoreboard control boxes are mated to specific scoreboards and must remain with their respective mate.
- YAAs must turn field scoreboard off each evening at the conclusion of activities and assure that scoreboards are off on fields not in use. A monetary penalty may be assessed against the YAA for scoreboards left on unnecessarily. There is a constant expense associated with scoreboards that requires constant management by the YAAs. If energy management initiatives are not aggressively pursued by the YAAs, then the YAAs may be responsible for funding the field scoreboard cost.

#### **14. Securing Soccer Goals**

Soccer Associations must secure all soccer goals safely during the soccer season and must secure and lock all soccer goals between seasons.

During the soccer season, soccer goals may be secured by use of sand bags. The sand bags must be purchased from a manufacturer that produces and markets the bags specifically for use as a means of securing soccer goals. Requests to use something other than bags of sand that are not specifically manufactured to secure soccer goals shall be submitted and approved by the Parks and Recreation Director prior to usage.

Each goal must be secured by an appropriate number of bags to prevent the goal from the possibility of tipping or falling. The number of bags required for securing goals would depend on the size and weight of the goal. YAAs are encouraged to err on the side of caution when determining the appropriate number of sand bags for each goal.

#### **15. Advertising and Signage**

YAAs wishing to place signs in the parks for the purpose of announcing program registration and events must obtain approval from the Parks and Recreation Director through written request. If approved, the sign must not be installed earlier than thirty (30) days prior to the event and

must be removed no later than seven (7) days after the occasion. Sponsorship signs located within the park should follow the below guidelines but will not require approval from the Parks and Recreation Director.

## **16. Sponsorship Sign Guidelines**

Team signs may be displayed for games as long as they are removed each day/evening.

Signs for baseball/softball facilities must be placed in fair territory along the left field and right field outfield fence. To avoid the impairing of the batter's vision, no signs should be located in center field.

- Location of signs for football and soccer facilities will be determined on an individual basis. However, signs for football and soccer should generally be located along the sidelines.
- Signs must be centered on the respective ten (10) foot fence paneling. Banners may not be placed on consecutive fence panels. One empty panel must be left between each sign. All banners must also be installed in a way that its location will not impair the play on any field.
- Signs may not cover the top support pole of fencing or the bottom of fencing.
- Signs may not exceed a size of eight (8) feet in width or four (4) feet in height on fencing six (6) feet in height or above. Fencing that is less than six (6) feet in height will be restricted to a sign height of no more than three (3) feet. Other sizes for signs should be approved in advanced by Parks and Recreation Director prior to installation.
- Corrugated plastic material (flute polypropylene) or high quality vinyl is required for all banners unless approved in advanced by Parks and Recreation Director. All corrugated plastic banners must have rounded edges and be a minimum of four (4) millimeters in thickness. There must be a sufficient number of reinforced grommets on each banner to insure that all signs are secured safely. It is recommended that lettering be made of high performance vinyl.
- Signs must be attached with heavy-duty plastic cable zip ties.
- Signs may be left up on a seasonal basis. The signs must be removed by the YAAs no later than fourteen (14) days after the conclusion of the season/event. If upon Fayette County routine inspection it is determined that signs are not visually appealing (e.g. letters missing, faded, torn, etc.), contain improper content or are a safety hazard, the sign will be removed and stored at the Parks and Recreation Department until it is received by the YAA.
- Signs will be approved on an individual basis. It is recommended that the background of each sign be white with green lettering.
- YAAs will only be allowed to post signs of sponsors. No other signs will be allowed.
- YAAs shall not discriminate against a sponsor because of race, religion, age, race, sex or national origin.

Advertising for alcohol, drugs, or tobacco products is prohibited.

Signs cannot be placed on the outside of a fence except within parking lot areas.

### **17. Field Dedication Procedures**

The President of the YAA must submit a request to dedicate a field in writing to the Parks and Recreation Director at least two (2) months in advance. The request must include a biography of the person being honored which includes his/her outstanding contribution to the YAA/Park/Field/or County. The request must be approved by the Fayette County Board of Commissioners before any action is taken to formally dedicate a sports field.

### **18. Concession Health Standards**

Fayette County Parks and Recreation Department recommends that YAAs follow proper health code standards at all times during concession operations. It is required that YAAs place signs in restroom facilities stating: "Concession workers are required to wash hands before returning to work".

YAAs that serve food items should be inspected by Fayette County per guidelines established by the Health Department. A Health Department permit will be required should YAAs continue to not meet guidelines.

### **19. Concession Products**

Due to the support of the Atlanta Coca Cola Bottling Company by providing the Fayette County Parks with scoreboards, ice machines, menu boards and maintenance of each, we ask each YAA to serve only Coca Cola products through concession operations. If the YAA chooses not to purchase their coke products from the correct vendor, the Atlanta Coca Cola Bottling Company will come take their scoreboards and coolers. Then it will be the responsibility of the YAA, and not the County, to furnish scoreboards and coolers.

**\*\*Fayette County recommends that items that create undue trash problems not be made available in the concession building (e.g. condiment packets, paper covered straws). Eliminating these types of items will greatly help both Parks Maintenance and the YAA in keeping the parks clean. Discretion is recommended in choosing items for resale in the concession building.**

YAAs will be responsible for providing, operating and maintaining all concession equipment necessary for their operation. Fayette County assumes no liability for any YAAs concession equipment or health violations. Because the selling of concessions is mainly through exchange of cash, the YAA should set policies for daily documentation of receipts and inventory.

### **20. Outdoor Cooking and Grilling**

All outdoor cooking/grilling must be conducted in a Fayette County Parks and Recreation Department approved location prior to use. This cooking/grilling location must be located at least ten (10) feet away from any combustible structure. No one under the age of 16 shall be permitted to cook or grill.

## **21. Cooking with Grease**

YAAAs cooking with deep-frying greases/oils are required to follow proper removal and disposal guidelines. No grease/oil can be disposed or dumped anywhere on park property.

YAAAs cooking outside of the concession building outdoors are required to protect the ground surface (no matter the surface type) from becoming contaminated by cooking greases/oils. Spill pans or mats need to be used and properly cleaned and maintained according to the above guidelines.

Indoor frying with grease is prohibited except in buildings that contain cooking units with ventilated hoods and a fire suppression system.

No one under the age of 16 shall be permitted to cook or grill.

## **22. Material Storage**

Storage of materials in or around the HVAC area unit adjacent to concession buildings is prohibited. The cost for any damage that is caused by the storage of materials in the HVAC area by YAAAs will be billed to the offending YAA.

## **23. Storm Water Runoff**

Storm Water Run Off is defined as any water that drains naturally into the ground or that is diverted via curbs and gutters into an underground diversion system from parking lots and sidewalks.

- YAA vehicles and equipment washing may only be done on grassy surfaces. This may not be done on gravel or exposed ground.
- YAA vehicles and other motorized equipment are to be maintained in good working condition. These vehicles will not be allowed to leak oil, chemicals, or contaminants into the grass, soil, and paved or concrete surfaces in the park.
- YAA vehicles, and other motorized equipment that require fossil fuels, including oil, gasoline, kerosene or diesel may be serviced on site, however, all used fuels and oils may not be disposed or dumped anywhere on park property. A professional collection and disposal plan is required and a contract must be provided to Fayette County Parks and Recreation Department.

## **24. HVAC Temperature Control**

YAAAs are responsible to help maintain the County's energy management program. This program includes maintaining the temperature control setting in county buildings at 68 degrees in the winter and 78 degrees in the summer. Concession stand buildings should maintain a temperature that is energy efficient but will allow food and candy to be properly maintained.

Abuse of this program (which includes damage to any part of the HVAC system, including the thermostat, thermostat lock out box, condenser, air handler, ducts, etc.) by the YAA (upon final determination by County officials) will result in the YAA being responsible for all repair or replacement costs.

## **25. Use of Community Buildings and Pavilions**

- Requests for use of community buildings and/or pavilions must be approved and processed by the Parks and Recreation Department.
- Use of pavilions, activity rooms, and recreation center facilities at no charge are only allowed and must be used for registration, board meetings, general annual elections, league drafts, uniform distribution, picture days, coaching/official clinics and any type of informational meeting that is for the good of all members of the YAA. YAAs may rent pavilions and/or facilities for additional meetings.
- Fayette County Parks and Recreation facilities may be rented to YAAs for team parties, banquets, team meetings, and other YAA activities.
- YAAs are responsible for set up and take down and to make sure that the facility is left in the same manner, if not better, than it was found.
- Please contact the Parks and Recreation Department with questions concerning the use of Fayette County Parks and Recreation facilities.

## **26. Security**

A designated board member or their representative **MUST** make sure the entire permitted area is secure before leaving the park. All buildings must be closed and locked. All lights and scoreboards must be turned off. All gates must be closed. A monetary penalty may be assessed against the YAA for lights/scoreboards left on unnecessarily.

## **27. Keys**

A set of keys to park facilities will be issued to the President of each YAA at no charge. A set is defined as a full complement of keys to open all doors required by the YAA. The President may disburse them to board members as necessary. The organization must receive permission from the Parks and Recreation Director prior to installing locks on buildings, light boxes, gates, etc. that are not issued by the department. Three keys (one for the Parks and Recreation, one for the Maintenance Department, and one for the Marshal's Department) must be provided to the County for any locks installed by YAA within one (1) business day of lock installation.

## **28. Operation of Motorized Vehicles**

It shall be unlawful for any person to drive any motorized or electric vehicle or equipment in a recreation facility except upon roadways designated and maintained for vehicular traffic, and except upon walkways and fields when permitted and approved by the Parks and Recreation Director. Law Enforcement and Parks and Recreation employees whose duties require them to drive maintenance vehicles and equipment shall be exempt from the limitations set forth in this section.

- No one under the age of 16 shall be permitted to operate a motorized or electric vehicle or equipment.
- Only one (1) passenger shall be allowed in a any 4-wheel motorized vehicle (i.e. golf cart, gator, mule, etc.) and all passengers must remain seated at all times with arms and legs inside. No riders shall be allowed in cargo box or anywhere else on vehicles.
- Horseplay on motorized or electric vehicles or equipment shall be prohibited.
- Maximum speed for all off road vehicles shall be 5 MPH.
- Pedestrians shall have the right of way. Operators should always be on the look out for children. EXTREME CAUTION should be used at all times while operating a motorized vehicle in the Park.
- Turn on headlights during dark periods of the day. Headlights should be left on a half (½) hour after sunrise or be turned on a half (½) hour before sunset.
- Vehicles should avoid sudden starts, stops, or turns.
- Headphones shall not be permitted while operating a vehicle.
- Operators shall park all vehicles on level surfaces, engage the parking brake, stop the engine, and remove the key before departing the vehicle. NEVER LEAVE THE VEHICLE UNATTENDED WITH THE MOTOR RUNNING.
- When filling tanks shut off the motor, do not smoke, keep hose nozzle against the edge of filler pipe, and avoid overfilling.

## **29. Publicity**

The distribution of flyers in schools must be approved and stamped by the Board of Education. YAAs are responsible for printing, bundling, and distributing flyers.

## **30. Public Address System**

Public address systems as defined by Fayette County Parks and Recreation includes: hand held bullhorns, portable “karaoke” systems, portable microphone & speaker combinations, built-in or “house” systems as well as noise makers, air horns, sirens or any other similar devices.

- The use of public address systems by YAAs is permitted in Fayette County Parks, but restricted to the following policies and guidelines;
- YAAs are required to submit a written request to the Parks and Recreation Director to use Public Address systems in County Parks at least two (2) weeks in advance of planned use. The request must describe the days and times of intended use for the public address system. A diagram depicting the fields or directional locations that the amplifiers or speakers are to be projected must accompany the request. The request must include a description of the public address system and the intended use.
- Upon approval, the YAA President is required to sign a Public Address System Use Agreement.
- YAAs are responsible for all expenses associated with public address systems purchase, rental, repair/maintenance, and care. Any damage to County property



due to a public address system fault/damage is the financial responsibility of the YAA.

- Prior to installation the Parks and Recreation Director must approve YAA requests to permanently affix public address systems to county property.
- Public address systems are restricted to the policies and guidelines outlined below.

#### Use of Public Address systems:

- Use will only be permitted between from 8:00 a.m. - 10:00 p.m. Monday – Saturday and 12:00 p.m. -10:00 p.m. Sunday, unless otherwise approved.
- Volume is not to exceed a reasonable level for the immediate listening area and considerate of adjacent neighborhoods.
- The making of any loud noise, which disturbs, annoys, injures or endangers the comfort, repose, peace or safety of other persons in or playing in a recreation area will not be tolerated.

#### Generally Acceptable Use of Public Address systems:

- Opening day ceremony
- Tournament announcements
- Emergency announcements (lost & found, weather, etc.)
- Team/Player introductions
- Only by adults (18 years and older)

#### Prohibited Use of Public Address systems:

- In Depth play by play game announcing
- Promotional announcements
- Ongoing music of any kind
- Non activity music (any kind)
- By anyone under the age of 18.

Failure to abide by these guidelines will result in suspension and/or potential loss of public address system privileges for the remainder of the season.

### **31. Satellite Dish**

YAAAs are required to submit a written request to the Parks and Recreation Director to use a satellite dish in County Parks at least two (2) weeks in advance of planned use. The request must include a description of the satellite dish and the intended use. A diagram depicting the locations of the dish and other equipment associated with the satellite dish must accompany the request. YAAAs are responsible for all expenses associated with satellite dish systems purchase, rental, repair/maintenance, and care. Any damage to county property due to a satellite dish systems

fault/damage is the financial responsibility of the YAA. Prior to installation the Parks and Recreation Director must approve YAA requests to permanently affix satellite dish systems to County property.

### **32. Web Sites**

YAA Web Sites should be utilized to provide information to the public and to the YAA members regarding the scope and administration of all sports programs. Suggested information includes (but not limited to):

- Dates for registration, 1st week of practice, 1st week of games, duration of season, program cost and fees, equipment included in registration cost, equipment provided by players, awards (if any).
- Contact information for Board Members and individual sport commissioners/directors.
- Copy of updated by-laws.
- Schedule of executive board meetings, annual membership meeting, and elections.
- List of fields/facilities with driving directions.
- Rules for each sport.

### **33. Field Light Use**

Field lights are on timers set to turn on 1-hour prior to dusk, and turn off at 11:00 PM. unless the YAA has requested and been approved a permit for a specific use not during this time period.

### **34. Sunday Field Use**

Sunday field use is available to the general public, unless the YAA has requested and been scheduled for a specific use. YAAs currently holding Fayette County facility use permits may request permission to utilize specific field space on Sundays. Sunday play should begin no earlier than 12 noon and conclude no later than dusk. Exception of pre-approved rescheduled rainout games are permitted on fields. YAAs are responsible for field preparation for games and practices and all other maintenance above and beyond regularly scheduled maintenance services provided by the County.

### **35. Litter**

It is the responsibility of the YAA to ensure field areas, parking areas, concessions, dugouts, restrooms, and breezeways are free of trash and litter. Failure to adequately maintain these areas may impair Park Maintenance staff's ability to prepare fields for play and could result in an additional cost to the YAA. All trash (boxes, bags, etc.) should be broken down and deposited in dumpsters in the park immediately after each activity.

## **C. FEES AND CHARGES**

All revenues received by the YAA shall and will be used in accordance with state non-profit rules and regulations. Money should be used to operate the youth sports program or for approved improvements of facilities/athletic fields in County parks.

### **1. Impact Fees**

Impact fees for all participants will be collected. Each YAA utilizing County facilities will collect \$5 per participant per sport per season to be submitted to the Fayette County Parks and Recreation Department along with the rosters and registration list/report. This fee will help cover the costs associated with the regular operation of the parks and any unscheduled maintenance. This fee must be submitted by the YAA within fifteen (15) days after the first regular season game for each sport season.

### **2. Out-of-County Impact Fees**

All program participants who reside outside Fayette County will be assessed with an out-of-county impact fee of twice the approved in county impact fee per person per sport per season. The definition of an out-of-county participant is a person that does not live in Fayette County. This fee is to be above and beyond the normal registration fee charged for someone who resides within the county. Example: Impact fee is \$5 for someone who resides in Fayette County. Therefore, the impact fee for someone who resides outside of Fayette County would be \$10. Associations are not prohibited from charging a higher registration fee for out-of-county residents. Associations are also not prohibited from charging out of county residents a higher fee than the required \$10 impact fee. The impact fees shall be submitted to Fayette County Parks and Recreation Department along with the rosters and registration list/report. It is the responsibility of the YAA to verify the county of residence of each participant. Residency status and out-of-county fees are to be submitted to the Parks and Recreation Director, along with the roster (names, ages, addresses, phone numbers, and school attending) of all YAA athletes fifteen (15) days after the first regular season game for each sport season. Enforcement of the out-of-county fee system and residency status by each YAA is mandatory. Violations may constitute revocation of the Facility Use Permit.

### **3. Refund Policy**

Refund policies will be set by each of the YAAs. Refund policies should be fair and consistent. YAA refund policies **MUST** be handed out to each participant at the time of registration and posted at the registration site. Refunds should be returned in a timely manner.

### **4. Tournament Fees**

YAAs will not be charged fees for hosting tournaments in which teams from outside of Fayette County participate if said tournament is completely organized and implemented by the Fayette County YAA assigned to a particular park and 100% of the money raised by the tournament in excess of costs is used for the YAA's program.

Groups that request field space for tournaments for other organizations that are not an integral part of the Fayette County YAAs sports program (e.g., Board of Education, Atlanta Cup, USSSA), will be required to rent the facility per the Fayette County field rental policy. A field rental contract must be signed and rental fees collected by the Parks and Recreation Department before a permit will be issued.

#### **5. Camp/Clinic Fees:**

YAAs that wish to conduct camps or clinics that are open to the public and require a fee in addition to the league fee for a season of play, must rent the fields or facilities on which the camp will be held. Normal field and facility rental rates will apply. All fees associated with each rental will be due prior to the 1st day of camp.

#### **6. Fund-Raising**

YAAs must inform the Parks and Recreation Department Director, in writing, of all fund raising activities that take place in or out of the Park. This information is used internally to verify the validity of fund-raising activities to the public.

#### **7. Park Admission Fees**

YAAs may ask for “donations” and may charge “admission” fees for sports tournaments. However, in no event shall a tournament organizer require an individual to pay admission for Park access during an event. At the point of collection for any event admission fee, there shall be posted a sign stating that no fee is being charged to any person who is entering the park for purposes other than the event. The department does allow the organization to accept donations to activities if the patron is informed that it is a voluntary basis. No individual may be denied admittance based on non-payment of the donation. All signage must read donation if used. The department reserves the right to warn and/or stop the organization from accepting any monies of this nature if it is determined the organization is in violation of this policy.

If admission fees will be charged for an event, the Fayette County Parks and Recreation Director must be notified and approved two (2) weeks prior to the event. A budget must be turned in and approved by the Parks and Recreation Director prior to set up for the event. This information is used internally to verify the validity of donations and/or admissions to parks to the public.

Parks and Recreation Director must be aware of specific areas that YAAs wish to use in collecting fees. Areas must be approved by Fayette County Parks and Recreation Department prior to the start of the activity in question.

#### **8. Commercial Activity-Vendors**

Commercial activity in a recreation facility is prohibited unless prior approval is given by the Parks and Recreation Director. YAAs may have vendors in the area contracted by the YAA only during their scheduled activities if the following guidelines are met:

- Authorization for outside vendors must be obtained from the Parks and Recreation Director.
- Vendors must provide a \$1,000,000 comprehensive general liability insurance policy, naming Fayette County Board of Commissioners and the YAA as additional insured.
- Certificate of Insurance must be forwarded to the Parks and Recreation Director, two (2) weeks prior to the vendor operating in the park for authorization and verification.
- Background checks must be conducted on all vendors. Fayette County will assist in conducting the background checks. Background checks must be turned in and approved prior to a vendor being issued a permit.
- Vendors should be supportive of the YAA.
- A vendor fee of \$100 /per season payable to Fayette County Parks and Recreation Department will be assessed. 100% of this fee will be due when the vendor is secured.
- Vendors may also be added as a rider to your existing policy if that option is available from your insurance provider.

## **9. Cleanup Fee Deposit**

A cleanup deposit of \$250 will be assessed at the beginning of each Association's season. If cleanup for each event is not done within one (1) business day of the event and the County is required to do the cleanup, then the deposit will be forfeited to the County. If excessive cleanup or maintenance is required an additional fee will also be charged. YAAs may roll over deposits from seasons, tournaments or camps.

A cleanup deposit of \$500 will be assessed at the beginning of each camp/clinic/tournament. If cleanup for each event is not done within one (1) business day of the event and the County is required to do the cleanup, then the deposit will be forfeited to the County. If excessive cleanup or maintenance is required an additional fee will also be charged. YAAs may roll over deposits from season's tournaments or camps.

## **10. Player Scholarships**

YAAs should consider assistance to families that demonstrate financial hardship.

### **Participant Scholarship Recommended Guidelines**

- Youth age 19 and under.
- Fayette County resident.
- Financial assistance needed, as defined by a letter from Department of Family and Children Services.
- Completed Scholarship Application Form (including supplemental information).
- Application must meet deadline requirements.
- Scholarships should be limited per participant.

- Registration fees should be covered partial/fully depending on availability of funds.
- All awarded scholarship participants must meet all other YAA eligibility, guidelines and class/program/camp/sports requirements.
- Priority should be given to first time applicants.
- Scholarships awarded are intended to subsidize class/program/camp/sports registration fees.
- Incomplete or misleading applications should be rejected.
- Misleading application information or expulsion from class/program/camp/sports will result in placement on scholarship probation for a period of one year from the date of application.

### *Scholarship Panel*

A pool of YAA board members should be created, in which members will meet prior to the season to review scholarship applications. Responsibilities include:

- Collecting and processing applications.
- Calling review panel meetings and preparing materials and funding availability.
- Maintaining ongoing database of all applications.
- Maintaining deadlines for scholarship approval periods.
- Notifying all recipients of award by phone or mail.
- Maintaining maximum confidentiality with regards to all scholarship information.
- Keeping Parks and Recreation Director informed on the status of the scholarship fund activity (i.e., dollars generated and awarded, number of participants and their demographics, program areas requested, etc.).

## 11. Fee Schedule:

**YAA Impact Fees:** \$5 per participant per sport per season

**YAA Out-of-County Fees:** \$10 per participant per sport per season. Associations may charge non-residents more than the required \$10 impact fee.

**YAA Clean Up Deposit for Regular Sport Season:** \$250 per sport per season

**YAA Clean Up Deposit for Camps, Clinics, or Tournaments:** \$500 per sport per camp, clinic, tournament

### Rental Fees:

	Resident			Non - Resident		
	Per Hour Per Court/Field	Per Day Per Court/Field	Deposit Per Court/Field	Per Hour Per Court/Field	Per Day Per Court/Field	Deposit Per Court/Field
Basketball (Outdoor) and Tennis Practices or Single Game without lights	\$25	n/a	\$250	\$50	n/a	\$250
Athletic Fields Practices or Single Game without lights	\$50	n/a	\$250	\$100	n/a	\$250
Light usage fee for Practices or Single Game	\$25	n/a	n/a	\$50	n/a	n/a
Tournaments, Camps, Clinics hosted by YAA Governing Bodies (e.g. Ga. State Soccer, USSSA, ASA, etc.)	n/a	\$100	\$500 per tournament	n/a	n/a	n/a
Tournaments, Camps, Clinics	n/a	\$200	\$500 per tournament	n/a	\$400	\$500 per Tournament
Light usage fee for Tournaments, Camps, Clinics	n/a	\$25 per hour per court/ field	n/a	n/a	\$50 per hour per court/ field	n/a

- YAA's will not be charged rental fees if said practice, game, or tournament is completely organized and implemented by the Fayette County YAA assigned to a particular park. YAA's must serve as event directors and accept/disburse all monies applicable to the event.
- Each YAA will be allowed to host one (1) and only one (1) tournament per year in conjunction with a YAA governing body without having to pay the impact fee. The YAA must submit to the Parks and Recreation Department the name and date of the one (1) tournament without the impact fee at the start of the calendar year along with an explanation as to how the funds from the tournament will be allocated.
- Reservations are made on a first come first serve basis & facilities may only be reserved once every six weeks.
- Refunds for the reservation fee will not be given; however, if your event is cancelled due to inclement weather, the Recreation Department will reschedule your event based on availability.

## **D. MAINTENANCE AND RESPONSIBILITIES GUIDELINES**

### **1. Facility Maintenance/Operations Standards**

Facility Maintenance and Operations responsibilities are broken down into two categories.

- a. County provided facilities: These include concession buildings with restrooms, storage rooms or meeting spaces.
- b. YAA funded, Fayette County Parks and Recreation approved, and Fayette County permitted storage or grilling facilities.

The above requires the YAA perform routine maintenance tasks, (e.g., regular cleaning, neat storage of materials, hazard free, proper energy management procedures maintaining temperature of 68 degrees in Winter and 78 in Summer, no excessive power or water use and basic adherence to Fayette County codes and regulations); the YAA does have an added responsibility to items that fall under the (2) category.

Items under number (2) require that the YAA maintain these facilities in accordance with and as directed by Parks & Recreation. This maintenance includes affording the associated cost to include repairs, painting, roofing, fencing, upgrade or repairs to electrical components, plumbing components, and irrigation components. Failure to properly maintain any structure may result in Fayette County Parks & Recreation removing the structure from the property.

Fayette County is responsible for all facility electrical, HVAC, and plumbing work or repairs. Fayette County will maintain the playing fields and passive areas on a regularly scheduled basis and pay all utility bills associated with the park's facility operations.

Most work orders will be completed within thirty (30) working days of receipt of work order. If the work order is unable to be completed within thirty (30) days the Parks and Recreation Director will contact the YAA representative. The YAA is encouraged to submit post-season work orders to allow Fayette County the opportunity to deal with major requests during the off season and/or to request funds in the next year's budget.

### **2. Youth Athletic Associations Operations and Maintenance Responsibilities**

YAAAs are responsible for collecting litter daily from fields, dugouts, press boxes, restrooms, concession area and breezeway, and placing it into trash receptacles. Trash left in the areas outlined constitutes a violation of the facility use permit and may hinder field preparation

YAAAs are responsible for field preparation for games and practices and all other maintenance above and beyond regularly scheduled maintenance services provided by the County.



Sand, quick dry, clay and other Fayette County approved material(s) used during inclement weather conditions must be kept at minimal use. Over use of these types of materials may result in damage to the playing surface and result in closure of the sport field until it can be repaired.

YAAAs are responsible for providing all sports equipment and all necessary personnel to operate the program.

YAAAs must turn field lights off each evening at the conclusion of activities and ensure that lights are off on fields not in use. Lights should not be used until necessary in the evenings. A monetary penalty may be assessed against the YAA for lights left on unnecessarily. There is a constant and significant expense associated with field lighting that requires constant management by the YAAAs. If energy management initiatives are not aggressively pursued by the YAAAs, the YAAAs may be responsible for funding the field lighting cost.

### **3. Incident Report**

The Fayette County Parks and Recreation and Marshal's Office must be notified immediately of any serious injury, death, property damage, or vandalism and provided with a written report the next business day. This report will help improve safety in parks, as well as document the incident should the County receive a claim.

### **4. Scoreboards and Bulbs**

Fayette County will repair scoreboards and replace light bulbs on scoreboards upon receipt of a service request. Scoreboard repair is not considered an emergency repair by Fayette County Parks and Recreation.

### **5. Athletic Field Painting, Lining, and Prep Procedures**

#### *Baseball / Softball Fields*

When dragging fields, YAAAs should never drag faster than one can walk and should always stay at least one (1) foot away from the edge of the grass. All field lining is the responsibility of the YAA. Infield dirt should be chalked with two (2) inch lines. Outfield grass should be painted once per week. Materials provided to YAAAs by Fayette County (i.e. chalk and paint) will be in accordance to these procedures. YAAAs do not have the authority to allow other organizations to use the supplies, or to use the supplies as barter for in-kind trade.

#### *Football / Lacrosse Fields*

Painting of the field is the responsibility of the YAA. Main playing lines on fields should be painted once per week. Materials provide to YAAAs by Fayette County will be in accordance to these procedures. YAAAs do not have the authority to allow other organizations to use the supplies, or to use the supplies as barter for in-kind trade. Painting (including purchase of paint and labor) of logos or other designs not required by the playing rules will be the responsibility of

the YAA. YAAs that wish to paint a logo or design must have paint specs approved by the Parks and Recreation Director prior to implementation.

### *Soccer Fields*

Painting of the field is the responsibility of the YAA. Main playing lines on fields should be painted once per week. Materials provided to YAAs by Fayette County will be in accordance to these procedures. YAAs do not have the authority to allow other organizations to use the supplies, or to use the supplies as barter for in-kind trade.

### *Securing Soccer Goals*

Soccer Associations must secure all soccer goals safely during the soccer season and must secure and lock all soccer goals between seasons.

During the soccer season, soccer goals should be secured by use of sand bags. The sand bags must be purchased by a manufacturer that produces and markets the bags specifically for use as a means of securing soccer goals. Request to use something other than bags of sand that are not specifically manufactured to secure soccer goals shall be submitted and approved by the Parks and Recreation Director prior to usage.

Each goal must be secured by an appropriate number of bags to prevent the goal from the possibility of tipping or falling. The number of bags required for securing goals would depend on the size and weight of the goal. YAAs are encouraged to err on the side of caution when determining the appropriate number of sand bags for each goal.

## **6. Emergency / Safety / Work Request Procedures**

The YAA President should report safety situations and work requests to the Parks and Recreation Director immediately.

## **7. Field Closure**

Fayette County reserves the right to cancel any scheduled activity at County facilities when it is determined that such use would severely damage the field condition or endanger the safety of the participants. (See § A.15)

## **8. Turf Grass Policy**

Fayette County Parks and Recreation shares the responsibility with YAAs for establishing, maintaining, and renovating turf grass for sports fields at its parks. All sports fields will be generally maintained by Fayette County Parks and Recreation in the following manner:

- March/April/May – Pre-emergence for summer weeds
- April through September - Fertilizer application
- May through August – Sod renovation, seeding and sprigging

- May through September – Aerate & Top-dress
- July/August/September – Post-emergence for summer weeds
- September/October/November – Pre-emerge for winter weeds
- Winter/dormancy months – Lime application
- December & April - Sports field renovation needs assessment

Turf grass maintenance may be modified due to weather or soil conditions. YAAs that wish to supplement the routine maintenance of turf-grass should contact the Grounds Maintenance Director for more information.

## **9. Sports Turf, Grounds, Scoreboard, and Facilities Assessment**

During the months of December and May the Fayette County Parks and Recreation Staff will work with each YAA to assess the damage and impact to grounds, fences, buildings and scoreboards during the sports season. A preliminary plan of action will be developed to repair damaged areas and to re-establish the turf grass during the summer. The plan of action will include anticipated field closure dates, anticipated re-establishment methods (sod, sprig, rest), and estimated division of cost for re-establishment. YAAs must consider turf grass re-establishment plans when programming summer camps, clinics, and tournaments. Field use permits may be impacted by field renovation and turf grass re-establishment.

Field closure and turf renovation plans may be adjusted, depending on the outcome of the spring turf and grounds assessments. Schedules for renovation set at the spring assessment must be adhered to by YAA; if not field re-establishment for the fall season will be affected.

## **10. Sod Procedure**

It is the responsibility of the YAA to monitor field conditions in the evenings and weekends. Cost for damage caused by play or practice during inclement weather is the responsibility of the YAA. Should games or practices be cancelled due to inclement weather the YAA must leave the Parks and Recreation Director a voice message at the time of cancellation, to ensure that the Fayette County staff can determine responsibility if damages occur.

If damage to turf grass occurs because of misuse or abuse (misuse to include: failure to rotate goals, practice or play in inclement weather conditions) by the YAA, Fayette County will require the YAA to purchase replacement sod and incur any other cost necessary to repair the damaged area and to make the playing fields safe. The Grounds Maintenance Director will determine sod renovation needs.

## **11. Baseball/Softball Outfields**

YAAs are responsible for teaching baseball/softball players the importance of protecting the outfield turf. YAAs will be billed for purchase and installation of any sod that is required to repair spots in baseball/softball outfields that are severely damaged by baseball/softball use or result in unsafe conditions.

Fayette County will purchase and lay sod on fields only in the following instances:

Areas damaged to the extent that they cannot be re-established through sprigging or rest and were not damaged as a result of over-use or unusual use by the YAA holding field use permits at the Park.

YAA's may purchase additional sod for installation at Fayette County parks. A written request must be received by the Grounds Maintenance Director, and then approved by the Grounds Maintenance Director prior to the purchase and/or installation of sod.

### *Sprigging to Repair Field Turf*

It is common practice for Fayette County to utilize sports turf sprigs to repair fields damaged by routine play. Sprigging fields is an effective technique for healthy re-establishment of turf grass and turf grass root systems.

In order for the process to be effective, fields should be closed for a period of at least six to eight (6-8) weeks during the peak-growing season for Bermuda grass (June-September).

Fayette County staff will meet with YAA's in November/December and April/May to evaluate the sprigging/sod needs at each park and design a renovation plan that considers the programming needs of the YAA and the field recovery requirements.

YAA's are encouraged to schedule as few activities as possible during the months of late May, June and July to provide the best conditions for turf grass re-establishment.

Maintenance buildings, concession buildings, storage areas and other park facilities used during a sport season should be returned to their original condition by the YAA by the end of each season. Refrigerators and coolers must be cleaned and food removed so units may be unplugged to conserve energy.

YAA's must ensure that the restrooms are in a clean sanitary condition at the conclusion of each scheduled day. All toilets need to be flushed, paper off the floor, and tissue replaced. Hourly inspections are suggested to ensure that their members are not purposely or inadvertently causing damage to the facilities. Repairs to damage that can be specifically tracked to YAA members will result in forfeiture of the security deposit.

## **E. PARK IMPROVEMENTS AND ADDITIONS**

The Fayette County Parks and Recreation Department encourages YAA's to pursue improvements to park facilities that will enhance the program as well as upgrade the amenities in the park. YAA's shall submit in writing to the Parks & Recreation Director any and all requests for permission to move, change, add to, construct, paint, or detach any part of any facility (this includes shelving, electrical, etc.). Consideration and approval or denial of all written requests will come from the Parks & Recreation Director. The YAA president will receive confirmation of receipt of the request within five (5) working days. Staff will review all requests and an approval or denial will be communicated as soon as possible. Plans must meet all Federal, State

and local Building Codes and are subject to the approval of the Fayette County Building Permits and Inspections. Work may proceed only after approval. All work will be monitored and inspected by Fayette County. All contractors are required to obtain a \$1,000,000 liability insurance policy, naming Fayette County Board of Commissioners and the YAA as additional insured. Certificate of Insurance should be faxed to (770) 460-1931 prior to any work being done. Any facility or field donated or constructed by a YAA on Fayette County property is considered to be County property.

If a YAA is willing to fund a request, the guidelines in this document must be followed. After approval of the request, work may proceed. Any special requests in which Fayette County will be asked to provide funding must be submitted prior to January 1 of each year. These requests will be reviewed and if approved, funds will be proposed in future year(s) budgets.

If a YAA fails to follow these procedures Fayette County reserves the right to dismantle and remove unapproved alterations, additions, changes, etc. made to the facilities and revoke the use of facilities

## **1. Build and Design Procedures**

YAA submits written request to Parks and Recreation Director, along with diagram/layout (hand drawn is suitable) for proposed building and its location.

Fayette County will review proposed building and location(s) for utility conflicts and utility connections, future development, and vehicle circulation, etc. Staff will review all requests and an approval or denial will be communicated as soon as possible.

YAA then submits a Building Permit application to Fayette County Building Permits and Inspection Department (in person) at the Fayette County Administration Complex, 140 W. Stonewall Ave., Fayetteville, on the second floor. For further information on this entire process, contact Building Permits Department directly at 770-305-5403.

YAA will be required to obtain the building permit from Fayette County Building Permits and Inspection Department (same as above). Permit cards must be posted at construction location at all time. All required inspections must be obtained (you will be notified of the required inspections during the permitting process). All Fayette County Building Permits and Inspection procedures are to be adhered to according to the instructions received during permit approval process and/or in general per ordinance or law. YAA contractors must provide a certificate of insurance prior to work beginning to Fayette County Parks and Recreation Director. Fayette County Board of Commissioners shall be named an additional insured.

## **F. SAFETY AND SECURITY**

### **1. Incidents Involving Vandalism and Accident/Injury**

Vandalism must be reported to the Marshal's Office immediately by calling 911. The YAA is responsible for submitting a loss liability report to the Parks and Recreation Director for any

vandalism, injury and serious incidents to within twenty-four (24) hours or next business day after the incident. YAAs must report damage to Fayette County facilities or buildings to the Parks and Recreation Director immediately. Damaged facilities must be secured to prevent further damage or loss.

If damage is a result of the YAAs negligence or failure to comply with accepted operational or security measures, the YAA may be held responsible for reimbursing the County for all or part of repair cost. Flip drills or soft tosses are not allowed on fences and only can be done in designated areas!

## **2. Safety and Loss Prevention**

YAAs are responsible for operating programs in a safe environment. The YAAs are required to inspect all fields, equipment and other facilities before each use to ensure safe conditions and proper maintenance. All sports equipment should meet national safety standards and regular inspections of the equipment condition should be performed. This includes equipment rented or loaned to participants by the Association.

*Field Conditions* - All fields should be inspected before each use to insure a safe environment. Fayette County reserves the right for any Parks and Recreation staff to close any facility for the safety of participants or conditions of the facility. After the fields are closed by Fayette County, the YAA may decide to play, but will be responsible for all damages and repair to the facility. If a YAA cancels games or practice due to inclement weather, it is their responsibility to leave the Parks and Recreation Director a voice message at the time of cancellation. The YAA must immediately notify the Parks and Recreation Director of any damages or hazardous conditions.

*Weather Conditions* – refer to pages 38-45 of this document for weather procedures.

*Adult Supervision* – YAAs that conduct youth activities in Fayette County facilities must have a sufficient number of adults as set by each YAA present to supervise all scheduled activities from the time the youth arrive until every boy or girl has left the area.

*Fire Codes* - Adherence to Fayette County Health and Fire Codes shall be the responsibility of the YAA. All concession operations must be conducted in safe and clean manner and concession equipment regularly inspected and thoroughly cleaned.

## **3. Adherence to County Park Rules**

YAAs are responsible for adherence to all County Public Codes and Park Rules.

- Propane gas tanks must be stored in a Fayette County approved, vented area located outside of the concession stand building.

## **4. Emergency Service Procedure**

Evening, Weekends, and Holidays

### *PARKS & PARK FACILITIES*

For emergencies involving Park Facilities (e.g. water or flooding problems, loss of lights or electrical power, hazardous conditions, vandalism, storm drainage, etc.):

Please call:

1. YAA President
2. Parks and Recreation Director

For all other emergencies involving injuries, loss of life, etc.:

Please call:

1. 911
2. Parks and Recreation Director

### *SCHOOL FACILITIES, PARK FACILITIES, & PAVILIONS*

For emergencies involving Park and School Facilities (e.g. school and park access, inability to open locked doors, gates locked, scheduling conflicts, etc.):

Please call:

YAA President  
School Administration for each particular facility

## **G. PARK PROHIBITIONS**

### **1. Littering**

It shall be prohibited for any person to throw or deposit litter on the grounds, streets, sidewalks, fountain, pond, lake, stream or other body of water in any recreation facility, except within public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the recreation facility. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and shall be properly disposed of elsewhere. It shall be prohibited to take into, carry through, or put into a recreation facility, any litter generated outside the recreation facility.

### **2. Weapons prohibited**

It shall be prohibited for any person to discharge any weapon or similar device in a recreation facility.

It shall be prohibited for any person to take on a recreational facility any weapon, or to use, carry or employ any weapon or similar device in a recreational facility. On-duty law enforcement employees shall be exempt from the limitations set forth in this section.

### **3. Laser Lights prohibited**

It shall be prohibited for any person to operate a laser light or similar device in a recreation facility unless used in the production of an overhead/power point presentation.

### **4. Throwing objects prohibited**

It shall be prohibited for any person to throw any stone or missile at any person or at any public or private building in a recreation facility.

### **5. Annoying noises prohibited**

It shall be prohibited for any person to whistle, hiss or holler at another person in a boisterous, unbecoming or erring manner or make any loud, unnecessary or unusual noise or any noise or display, play or operate any sound amplification device including radios, television sets, public address systems, musical instruments, CD players and the like in such a way which either annoys, disturbs, injures or endangers the comfort, repose, peace or safety of other persons in a recreation facility to the exclusion of others by written permit of the Parks and Recreation Director.

### **6. Personal Conduct**

It shall be prohibited for any person to engage in any violent, abusive, loud, boisterous, vulgar, wanton, obscene or otherwise disorderly conduct, disturb or annoy others, or engage in any activity that could cause injury to other persons while on or in connection with a recreation facility. No person shall upon or in connection with a recreation facility by act or speech willfully or unreasonably hinder, interrupt or interfere with any duly permitted activity or unreasonably or willfully intrude on any areas or into the structures designated for the use of a certain person or persons to the exclusion of others by written permit of the Parks and Recreation Director. It is the responsibility of all the YAAs to enforce all NYSCA Code of Conducts.

### **7. Fires restricted**

It shall be prohibited for any person to build or maintain a fire in a recreation facility except in designated areas which are clearly marked by signs or defined with fire rings or grills placed by Parks and Recreation employees or by written permit for propane gas or other grills by the Parks and Recreation Director or the Parks and Recreation Director's agent.

### **8. Damaging or removal of any park property or vegetation prohibited**

It shall be unlawful for any person to deface, graffiti, harm or damage any park buildings, wildlife, property, equipment or signs; or dig up, cut, damage or remove any trees, tree limbs, shrubbery, flowers, rocks, mulch, water, historical artifacts or other vegetation in a recreation facility.



## **9. Possession, use or consumption of alcoholic beverages**

It shall be prohibited for any person to possess, use, or consume any alcoholic beverage in a recreation facility.

## **10. Tobacco use**

Smoking is prohibited on all county property. Smoking is considered the use of any tobacco products, including smokeless tobacco products, as well as non-tobacco products containing nicotine, with the exception of nicotine containing products used as part of a smoking cessation program. ~~within sports complexes. Smoking or tobacco products allowed in paved parking areas only. Persons under 18 years of age in possession of cigarettes or other tobacco related objects can and will be charged under State law.~~

## **11. Vehicles restricted**

It shall be prohibited for any person to drive any motorized or electric vehicle in a recreation facility except upon roadways designated and maintained for vehicular traffic, and except upon walkways and fields when permitted and approved by the Parks and Recreation Director. Law Enforcement and Parks and Recreation employees whose duties require them to drive maintenance vehicles and equipment shall be exempt from the limitations set forth in this section.

## **12. Parking restricted**

It shall be prohibited to park a vehicle in a recreation facility except in those areas designated by the appropriate signs as vehicle parking areas or in marked parking spaces. Parking around concession stands and in the grass is prohibited. It shall be prohibited to leave a vehicle standing or parked in a recreation facility during hours when the recreation facility is closed. In such instances, the vehicle may be towed from the recreation facility at the owner's expense.

## **13. Parking limited to recreation facility users**

It shall be prohibited for any person to park in a recreation area if the owner of the vehicle is not utilizing the recreation facility unless authorized by the Parks and Recreation Director or the Parks and Recreation Director's agent. It shall be prohibited for persons to congregate within a parking area of a recreation facility so as to disrupt traffic or other persons, or so as to create a safety hazard.

## **14. Commercial activity restricted**

It shall be prohibited for any person to sell or offer for sale any merchandise or operator attempt to operate a concession or engage in any commercial or charitable activity in a recreation facility unless approved by permit, by the Parks and Recreation Director.

### **15. Temporary Amusement Activities**

It shall be prohibited for anyone to erect or use any temporary carnival or amusement ride or inflatables in a recreation facility unless approved by permit, by the Parks and Recreation Director.

### **16. Hours open to public restricted**

It shall be prohibited for any person or vehicle to enter or be within a recreation facility outside of the posted hours of operation unless approved by permit, by the Parks and Recreation Director or unless such person is participating in authorized and scheduled programs, classes, special events or meetings.

Park hours of operation are sunrise until sunset, unless participating in a scheduled activity or athletic event posted otherwise as authorized by the Parks and Recreation Director.

### **17. Golfing regulated**

It shall be prohibited for any person to practice, play or otherwise participate in the game of golf, except at a recreation facility designated for such use and only in accordance with the rules, regulations and restrictions promulgated by the Parks and Recreation Director.

### **18. Swimming and watercraft regulated**

It shall be prohibited for any person to launch or travel in watercraft, swim, bathe, or wade in any body of water in a recreation facility unless designated for such use and then only in accordance with the rules, regulations, and restrictions promulgated and posted at the recreation area.

### **19. Violation of facility regulations**

It shall be prohibited for any person to violate any rules or regulations relating to the use of the recreation facility as established by the Parks and Recreation Director or by the Board of Commissioners.

### **20. Animals Restricted**

It shall be the duty of every animal owner or custodian whose animal is in a recreation facility to have physical control of the animal by leash or lead line at all times unless in designated dog park areas where off leash is permitted or approved otherwise, by permit, by the Parks and Recreation Director. It shall be prohibited for any person with an animal, other than Seeing Eye dogs as necessary, to access areas of a recreation facility which are restricted to animals. It shall be the duty of every animal owner or custodian of any animal whose animal is in a recreation facility to immediately and properly dispose of waste deposited by the animal.

It shall be the duty of every animal owner or custodian of any animal whose animal is in a recreation facility to have current rabies vaccination for their animal.

## **21. Pyrotechnics restricted**

It shall be prohibited for any person to possess, display, use, set off, or attempt to ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns, or other pyrotechnics, unless approved by written permit by the Parks and Recreation Director or Fire Marshal.

## **22. Engine Powered Models or Toys restricted**

It shall be prohibited for any person to start, fly, or use any fuel powered engine, jet-type or electric powered model aircraft, boat or rocket or like powered toy or model, except at those areas designated by the Parks and Recreation Director for such use and then only in accordance with such rules, regulations, and restrictions promulgated by the Parks and Recreation Director.

## **23. Launching Hot Air Balloons and hobby rockets restricted**

It shall be prohibited for any person to launch hot air balloons and hobby rockets from a recreation facility unless approved by written permit by the Parks and Recreation Director.

## **24. Recreation Facility Restrictions**

It shall be prohibited for anyone to enter locked or closed (by field closed signage) any sport field for recreation use unless approved by permit, by the Parks and Recreation Director.

## **H. INCLEMENT WEATHER CONDITIONS**

In the event of inclement weather it may be necessary to require a specific field or park complexes to be closed.

Each Park location will be furnished with a sign(s) stating PLEASE DON'T LITTER. During unsuitable playing conditions these signs will be flipped open to display the statement FIELDS CLOSED. The purpose of the signs is to notify park patrons and Marshal's Office that the sports fields are unsuitable for play.

The following is the process/procedures for field closings due to inclement weather/field conditions:

### *FCPR Staff Weekday Business Hours*

During normal weekday hours (Mon-Fri 7:00 am - 3:00 pm), Fayette County staff will monitor and determine the playing condition of all sports fields. If in the opinion of Fayette County staff, field conditions are not suitable for play, the staff member will contact the appropriate YAA and the Marshal's Office and close the fields. Fayette County staff may monitor and determine the playing condition of any sports fields in non-business hours. If Fayette County staff determines that the fields are not suitable for play at any time, the fields shall be closed.

*Non- FCPR business days (e.g. holidays, weekends, and after 3:00 p.m. daily)*

It is the responsibility of the YAA to inspect and determine if the fields are safe and playable. If the YAA determines that the fields are unsafe or unplayable they are to call the Fayette County Parks and Recreation Department staff and leave a voice mail that the fields are unsuitable for play and they are to display the FIELD CLOSED sign(s).

It is the responsibility of the YAA to inspect and reopen fields that were closed the previous day if it falls on a Non-Fayette County business day. The inspection and re-opening of the field should occur the following morning by 9 a.m. Once the fields are deemed playable, the YAA should flip the sign to "Please do not litter."

Voicemail notification should include the following:

- Specific date
- Time
- Field(s) affected
- Reason for closure
- Person leaving message
- Phone number at which you can be reached the next business day

These rules are designed to provide residents with safe playable surfaces. Failure to comply or abuse these procedures by a user group may result in Fayette County revoking the use of the facility.

## **25. Weather Procedures**

The following guidelines for heat related illness, extreme cold temperatures, and lightning safety are suggested, though each participant and situation is unique, and may not require every step listed or may call for different or additional measures.

## **26. Warning Sirens**

When YAAs hear the emergency warning sirens in a Fayette County Parks and Recreation area, then YAAs should take immediate action. Each YAA shall identify a safe area for their particular sport complex and notify coaches/managers of these areas at the coaches/managers meetings. The Fayette County 911 Center will sound these sirens when:

- The National Weather Service issues a significant weather advisory accompanied by lightning, hail and strong winds. There is no tone with this alert. It is voice activation only.
- The National Weather Service issues a severe thunderstorm warning with expected wind speed of less than 80 mph and or hail less than 2.3 inches in diameter. There is no tone with this alert. It is voice activation only.
- The National Weather Service issues a severe thunderstorm warning with winds of 80 mph or greater and/or hail greater than 2.5 inches in diameter.
- The National Weather Service issues a tornado warning.

Immediate Actions should include:

- When siren sounds immediately leave the playing field and seek shelter in a safe area.
- If during a storm and you are outside in open areas away from a shelter or shelters are not available lie flat on the ground away from trees until the storm passes.
- Tune to local radio station for weather updates. Each YAA should monitor weather radio which should be located in each concession stand.
- Do not call 911 to ask why the sirens are sounding as this can overload the 911 emergency response system. Only call 911 in an emergency.

Due to an alarming rise in weather related casualties in recreation sport settings in recent decades, the National Athletic Trainers' Association has released the following guidelines to follow when participating in outside athletic or recreation activities.

- Establish a chain of command that identifies who is to make the call to remove individuals from the field. Each YAA should submit the names of the persons making the call to remove individuals from the field to the Parks and Recreation Department prior to each season.
- Name a designated weather watcher. (A person who actively looks for the signs of threatening weather and notifies the chain of command if severe weather becomes dangerous.) Each YAA should submit the names of the persons making the call to remove individuals from the field to the Parks and Recreation Department prior to each season.
- The official sound to warn officials, league directors, coaches, managers, players and spectators of the need to clear the fields in a timely manner will be three consecutive five (5) second blasts from the hand held distress device

If the press box is occupied an announcement will be made that acknowledges the need to clear the fields and that all play is suspended. No one will be allowed to resume play or be allowed on the fields until the officials or league director makes the determination that it is safe for play to resume. Coaches/managers should be informed what the official warning sound will be at the coaches/managers meetings.

- Designate a safe shelter for each venue, and notify coaches/managers of these areas at the coaches/managers meetings. Unsafe places are near metal or aluminum, under trees, on hills, and near electrical/electronic equipment.
- Have a means of monitoring local weather forecasts. Know weather definitions:
  - Watch indicates conditions are favorable for severe weather
  - Warning means severe weather has been detected in the area, and all persons should take the necessary precautions
- Severe Weather Watch: Once a severe weather watch is announced, the YAAs will prepare to stop play and secure the facilities. The organization officials will monitor the weather conditions to determine playability and safety of the facilities and its users.

- Severe Weather Warning: ALL PLAY WILL STOP! All players, spectators, coaches and league officials must leave the facility in an orderly manner. The facility will be closed until there is notification that weather conditions have cleared enabling safe usage.
- Lightning Recommendations: Use the Flash-to Bang (lightning to thunder) count to determine when to go to safety. By the time the flash-to-bang count approaches thirty seconds all individuals should be inside a safe structure.
- Once activities have been suspended, wait at least thirty minutes following the last sound of thunder or lightning flash prior to resuming an activity or returning outdoors.
- Avoid being on the highest point in an open field, in contact with, or proximity to the highest point, as well as being on open water. Do not take shelter under or near trees, flagpoles, or light poles.
- Assume the lightning safe position (i.e. crouched on the ground, weight on the balls of the feet, feet together, head lowered, and ears covered) for individuals who feel their hair stand on end, skin tingle, or hear “crackling” noises. Do not lie flat on the ground.
- Observe the following basic first aid procedures in managing victims of a lightning strike:
  - Survey the scene for safety.
  - Activate local EMS by calling 911.
  - Lightning victims do not ‘carry a charge’ and are safe to touch.
  - If necessary, move the victim with care to a safer location.
  - Evaluate airway, breathing, and circulation, and begin CPR if necessary.
  - Evaluate and treat for hypothermia, shock, fractures, and/or burns.
- All individuals have the right to leave an athletic site in order to seek a safe structure if the person feels in danger of impending lightning activity without fear of repercussions or penalty from anyone.

## 27. Hot Weather Recommendations

The Heat Index (HI) is the temperature the body feels when heat and humidity are combined. The heat index provides general guidelines for assessing the potential severity of heat stress. Individual reactions to heat will vary. It should be remembered that heat illness could occur at lower temperatures. Studies indicate that susceptibility to heat illness tends to increase with age.

HEAT INDEX TABLE

HEAT INDEX	EFFECTS ON THE HUMAN BODY
90 to 105	Cramps or heat exhaustion possible
105 to 130	Cramps or heat exhaustion likely, heat stroke possible
130 and above	Heat stroke highly likely

The following are recommended guidelines for coaches and board members to follow. In responding to each situation that arises, coaches and board members should use their best judgment.

1. Approximately thirty (30) minutes prior to the start of activity, temperature and heat index reading should be taken at the practice or competition website from [www.weather.com](http://www.weather.com) or a comparable source.

## HEAT INDEX WARNING LEVEL GUIDELINES

LEVEL	HEAT INDEX TEMPERATURES	EFFECTS ON BODY	PRACTICE HOURS	BREAKS	FLUIDS
Caution	80 – 89 F	Some dehydration may occur	Use Caution. Watch/monitor athletes carefully for necessary action	Remove Helmets. 5 Minute breaks every 20 Minutes. Ice down towels for cooling	Cold Water
Extreme Caution	90 – 104 F Re-check the temperature and heat index approximately every 30 minutes to monitor for increased risks	Cramps or heat exhaustion possible	Use Extreme Caution. Helmets and other possible equipment removed if not involved in contact or necessary for safety. Watch/monitor athletes carefully for necessary action	Remove Helmets. 5 Minute breaks every 15 Minutes. Ice down towels for cooling	Cold Water
Danger	105 – 129 F Re-check the temperature and heat index approximately every 30 minutes to monitor for increased risks	Cramps or heat exhaustion likely, heat stroke possible	Helmets, t- shirts and shorts. No shoulder pads. Alter uniforms by removing items where feasible. Practice time should be shortened with low intensity and limited conditioning. Watch/monitor athletes carefully for necessary action	Remove Helmets. 5 minute breaks every 10 Minutes. Ice down towels for cooling	Cold Water
Extreme Danger	130 F and Above	Heat stroke highly likely	NO PRACTICE	NO PRACTICE	Cold Water

2. These guidelines are to be applied to all practices that take place on/off park property.
3. Practices and games should be held early in the morning and/or later in the evening to avoid times when environmental conditions are generally more severe.
4. An unlimited supply of water shall be available to participants during practices.
  - Coaches should be made aware of the water source location at each YAA sport facility prior to practices or games.
  - Coaches/Board Members shall inform all participants that water is always available or accessible, and they will be given permission anytime he/she asks for water.
  - Hydration and fluid replacement is a daily process. Participants and parents should be informed to hydrate themselves before, during, and after practice. Participants and parents should also be informed that meals should include an appropriate amount of fluid intake in addition to a healthy diet. Teach participants about the dangerous heat illness signs and symptoms and how to monitor each.
5. Give adequate rest periods. Remove appropriate equipment or clothing when possible. Exposed skin cools more efficiently. Remind participants to wear clothes that are light in weight and color.
6. Gradually acclimatize participants to the heat.
  - Research indicates 80% acclimatization may be achieved in seven to ten (7-10) days, but could take up to fourteen (14) days. In some cases, it may take several weeks to become fully acclimated.
  - The length and intensity of practice should be adjusted according to the Heat Index until acclimatization occurs.
7. Participants that coaches need to carefully monitor include:
  - Participants who have recently had a flu illness (e.g. intestinal viruses).
  - Participants who are overweight or have weight control problems.
  - Participants whose parents have informed coaches that they are taking over-the-counter and prescription medication/supplements.
  - Participants who have done absolutely no exercise at all or participants who you know little about.

## **28. Cold Weather Recommendations**

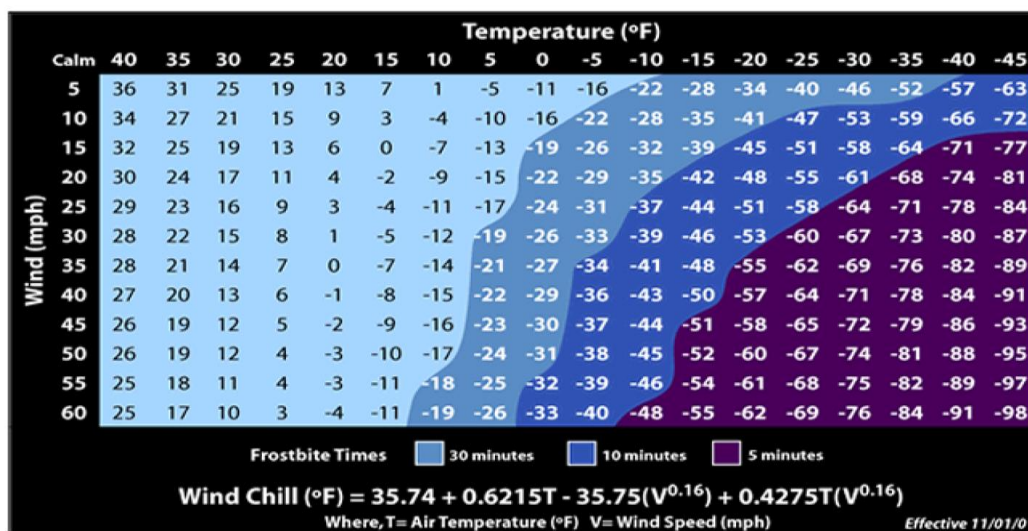
- The wind chill factor should be used to determine the severity of the cold temperatures NOT just the temperature alone.
- Warm-up and properly stretch participants until immediately before the competition or practice.
- Participants and parents should be informed.
- Clothing should be selected for comfort.
- Do not overdress.
- Multiple layers provide good insulation.



- Properly cover the head, neck, legs, and hands. Extreme cold blocks some sensations of pain. Thus, frostbite can easily affect the fingers, toes, ears, and facial areas.
- Drink plenty of water or warm fluids if possible.
- Avoid caffeine and alcohol.
- Stay active to maintain body heat.
- Have high-energy foods available, such as a chocolate bar. Sugar stimulates shivering which is the body's mechanism for re-warming itself.
- Do not start an activity in an extremely wet and cold environment.



## Wind Chill Chart



The Wind Chill Chart above includes a frostbite indicator, showing the points where temperature, wind speed and exposure time will produce frostbite on humans. The chart above includes three shaded areas of frostbite danger. Each shaded area shows how long (30, 10 and 5 minutes) a person can be exposed before frostbite develops. **(For example, a temperature of 0 degrees and a wind speed of 15mph will produce a wind chill temperature of -19 Degrees. Under these conditions, exposed skin can freeze in 30 minutes)**

The following are the Fayette County Parks and Recreation guidelines and restrictions for corresponding Cold Index Readings.

**0 or below-Danger! Discontinue practice or cancel practice. Make sure all athletes get to a warm location**

**1 to 10 Degrees-Extreme Caution! Very short, restricted practice is permitted (1 hour time limit) Observe athletes carefully for signs of cold injuries. Make sure all athletes have layers of clothing on. Proper clothing examples: (Gloves, Hats, Sweaters)**

**11 to 40 Degrees -Warning! Limit practice to 1.5 hour**

**40 Degrees & Above- No restrictions. Monitor the cold index for decreases in temperature.**

## **29. Smog Alert Recommendations**

- Air Quality Index during the Smog Season, which is currently identified, as May 1 through September 30, should be used for assessing the potential severity of the smog. This information is available at the State of Georgia Department of Natural Resources, Air Pollution Control website [www.air.dnr.state.ga.us](http://www.air.dnr.state.ga.us).
- Check for “Smog Alert Days” prior to every practice and game.
- On “Smog Alert Days”, plan limited outdoor practice and games during the hours of 2:00 p.m. and 7:00 p.m. when smog levels tend to be the highest.

### *On Code Orange days:*

- For the Elementary and Middle School Age Participants, limit outdoor activities by holding activities in the morning, reducing the normal length of the activity, and/or doing activities which require moderate to low levels of exertion.
- For High School Age Participants, coaches should inform parents and participants the potential health risk related to outside activities during the alert days. The participant/parent shall be responsible for the participation limitation of outside activities without fear of repercussions or penalty from anyone.

### *On Code Red days:*

- For Elementary and Middle School Age Participation, NO OUTDOOR ACTIVITIES.
- For High School Age Participants, coaches should inform parents and participants the potential health risk related to outside activities during the alert days. The participant/parent shall be responsible for the participation limitation of outside activities without fear of repercussions or penalty from anyone. Limit planned outdoor activities and those, which are planned, should be moderate to low exertion levels. Practices and games should be held early in the morning and or/later in the evening to avoid times when environmental conditions are generally more severe.

### *On Code Purple and Code Black days:*

NO OUTDOOR ACTIVITIES FOR ALL AGE GROUPS. Each YAA is responsible to enforce this rule.

## **30. Board of Education Facilities**

When Board of Education Schools are CLOSED due to weather conditions then all sports activities on Board of Education property are cancelled for that evening. Weekend activities will be decided on a case-by-case basis, consulting with YAA and school personnel.

## I. APPENDIX A FORMS

### YOUTH RECREATION SCHOLARSHIP PROGRAM APPLICATION

Offered through Fayette County Youth Association:

Scholarships are limited to two (2) awards for YAA administered classes / programs and two (2) awards for YAA administered camps per participant, yearly. Incomplete or misleading applications will be rejected. Misleading application information or expulsion from a program will result in placement on scholarship probation for a period of one (1) year from the date of application. Priority will be given to first time applicants. All scholarships are awarded based on available funding. I understand that such participation may include being photographed for publicity purposes.

Registration Information: Recipients will be notified no later than two (2) weeks after the deadline for the registration for which they are applying. If approved, recipients will be issued a confirmation number when proceeding with the registration process and in compliance with YAA's standard registration procedures. The scholarship program is separate from the registration process and application of a scholarship does not guarantee space into a class, program or camp.

Applications that do not meet the minimum criteria below, will not be considered.

Participant Scholarship Recommended Guidelines: In need of financial assistance as indicated by a letter from Fayette County Family and Children Services, age is 19 and under, Fayette County resident, complete application (including supplemental information), meet deadline requirements above, meets all other YAA eligibility, guidelines and class requirements, has not been placed on scholarship probation.

Application Instructions (Complete one application per child): Parent or legal guardian complete the questions below → Include all required supplemental paperwork as required → Sign and date the application → Return the application for consideration, prior to the deadline above to the YAA assistance is being applied for.

Participant's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

League/Activity/Sport/Camp Desired: \_\_\_\_\_ Class Day(s): \_\_\_\_\_

Date/Season: \_\_\_\_\_ Location/Park: \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Parent/Legal Guardian: \_\_\_\_\_ Home Phone: (\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

I request a scholarship in the amount of: \$ \_\_\_\_\_

Participant has received a YAA Scholarship before: No \_\_\_\_\_ Yes \_\_\_\_\_ If yes, when: \_\_\_\_\_

In your own words, briefly explain why this applicant should be considered for scholarship assistance:

\_\_\_\_\_

I, \_\_\_\_\_, have completed this application on behalf of, \_\_\_\_\_. I understand that this application form does not guarantee an opening or acceptance into the league/camp desired or scholarship award. I also attest, to the best of my knowledge, that the information contained herein is accurate and truthful.

\_\_\_\_\_  
Legal Parent/Guardian/Caregiver Signature

\_\_\_\_\_  
Date

All eligible applications will be reviewed prior to the registration date for that quarter. FC YAA will notify applicants by mail or phone. Please do not call for information as this information is treated with confidentiality and persons answering phones are not aware of the applicants or the status of approvals.

**SCOREBOARD CONTROL BOXES CHECKOUT PERMIT**

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, this permit is issued to

User Group Name

User Group Representative

Address

City

Zip

Phone number

The Fayette County Parks and Recreation Department does hereby permit the user, described above, the use of the scoreboard control box during the following dates:

to \_\_\_\_\_ 20\_\_\_\_ at \_\_\_\_\_

The user group will require the use of \_\_\_\_\_ scoreboard control boxes.

\*\*\*\*\*

The user group described above will agree to the following rules and regulations set forth by the Fayette County Parks and Recreation Department:

1. Scoreboard control boxes to be turned in to Parks and Recreation Department within two (2) weeks of ending date listed above.
2. Scoreboard control boxes that are damaged, lost, or destroyed should be reported to Parks and Recreation Department immediately.
3. The user group will be responsible for the purchase of a new scoreboard control box if it is lost or destroyed beyond repair due to negligence of the YAA to store properly.
4. All scoreboard control boxes will be stored at YAA designated park either in the concession stand or storage areas.
5. Any damage must be paid or repaired for prior to the next sport season. Damages that pose a safety issue must be repaired immediately.

\_\_\_\_\_  
Signature of Parks & Recreation Representative

\_\_\_\_\_  
Signature of User Group Representative

Date

Date

Signatures of this document indicate that the signers have read, understood, and agree to abide by the rules and regulations outlined herein in the document entitled.

**SIGN/ADVERTISING AGREEMENT**

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Association:

Park:

Advertiser/Sponsor:\_\_\_\_\_

Sport Responsibility:

Date of Installation:

Locations

Field No.\_\_\_\_ Field No.\_\_\_\_ Field No.\_\_\_\_ Field No.\_\_\_\_ Field No.\_\_\_\_ Field No.\_\_\_\_  
 Field No.\_\_\_\_ Field No.\_\_\_\_ Field No.\_\_\_\_ Field No.\_\_\_\_ Field No.\_\_\_\_ Field No.\_\_\_\_

General Area (e.g. concession, football field, etc.)

Any other information:

The following specifications and rules must be adhered to:

1. A copy of information to be displayed on the banner or sign must be sent to the Parks and Recreation Director along with this agreement.
2. All requests should be submitted a minimum of thirty (30) days prior to desired date of installation.
3. For more details, please see the Policies and Procedures Manual.

\_\_\_\_\_  
Signature of President\_\_\_\_\_  
Signature of Parks and Recreation Representative\_\_\_\_\_  
Date\_\_\_\_\_  
Date\_\_\_\_\_  
Phone

Signatures of this document indicate in that the signers have read understood, and agree to abide by the rules and regulations outlined herein in the document entitled.

## YOUTH ATHLETIC ASSOCIATION BALLOTT

ASSOCIATION: \_\_\_\_\_

DATE OF ELECTION: \_\_\_\_\_

Nominee's name _____	Nominee's name _____
Nominee's name _____	Nominee's name _____
Nominee's name _____	Nominee's name _____
Nominee's name _____	Nominee's name _____
Nominee's name _____	Nominee's name _____
Nominee's name _____	Nominee's name _____
Nominee's name _____	Nominee's name _____
Nominee's name _____	Nominee's name _____
Nominee's name _____	Nominee's name _____
Nominee's name _____	Nominee's name _____

Nominations from the floor \_\_\_\_\_

Nominations from the floor \_\_\_\_\_

Nominations from the floor \_\_\_\_\_

Nominations from the floor \_\_\_\_\_

Nominations from the floor \_\_\_\_\_

**YOUTH ATHLETIC ASSOCIATION SEASON INFORMATION FORM**

\*\*\*\*\*

Please answer (PRINT) the following questions as completely as possible. Estimate information that may not be exact at this point. This information will be provided to the general public.

Return form to: Fayette County Parks and Recreation  
c/o: Parks and Recreation Director  
140 W. Stonewall Ave.  
Fayetteville, Georgia 30214

Or FAX to: 770-460-1931

Association: \_\_\_\_\_

Sport: \_\_\_\_\_ Season: \_\_\_\_\_ Year: \_\_\_\_\_

Cost per child:  
(Breakdown by division or age group if it is different)

Includes (e.g. shorts, pants, etc.):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Must bring to Registration (Birth Certificate, etc.) \_\_\_\_\_

Registration Dates, Times and Locations: \_\_\_\_\_

Practice begins: \_\_\_\_\_ Season begins: \_\_\_\_\_ Season ends: \_\_\_\_\_

Age Groups Offered: Boys \_\_\_\_\_

Girls \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_ \* Email: \_\_\_\_\_

Additional Information: (attach sheets as necessary)

## YOUTH ATHLETIC ASSOCIATIONS GRILL USAGE GUIDELINES

All outdoor cooking/grilling must be conducted in a Fayette County Parks and Recreation approved location prior to use. This cooking/grilling location must be located at least ten (10) feet away from all combustible structures. YAAs cooking outside are required to protect the ground surface (no matter the surface type) from becoming contaminated by cooking greases/oils. Spill pans or mats need to be used and properly cleaned and maintained. No one under the age of 16 shall be permitted to cook or grill.

There are some key issues related to the dangers of the propane gas cylinders used with barbeque grills. The primary danger of course is fire or explosion. Gas grills may routinely be present at shops, barns, warehouses, field offices and where groups such as athletic associations or large gatherings use county facilities such as concession stands.

Please note and observe the following with regard to all propane gas cylinders including those that are connected to grills or those thought to be empty:

Always store them outside, not inside, of our buildings where gas can leak, collect and explode. If necessary, build a cage for extra cylinders, which allows full ventilation and protects them from theft and direct sunlight.

At home, do not leave them in storerooms, garages, or inside the house.

Do not allow non-employees or others to store propane cylinders inside of County buildings.

Always store cylinders in an upright position.

Keep the cylinders out of the reach of children.

If you smell gas, get away from the cylinder and call the fire department.

Close the cylinder valve when you are not using the gas.

### Grill Use Request

Date Submitted: \_\_\_\_\_ Park: \_\_\_\_\_

Youth Athletic Association Name: \_\_\_\_\_

Dates/Times of planned usage:

Activity:

Location of Grill:

Youth Association President/Vice President Name: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Other Phone: \_\_\_\_\_

SIGNATURE OF PERSON REQUESTING USE: \_\_\_\_\_ Date: \_\_\_\_\_



## YOUTH ATHLETIC ASSOCIATIONS PUBLIC ADDRESS SYSTEM GUIDELINES

Public Address Systems definition includes hand held bullhorns, portable “karaoke” systems, portable microphone & speaker combinations, built-in or “house” systems, as well as noise makers, air horns, sirens or any other similar devices.

The use of public address systems by Youth Athletic Associations is permitted in Fayette County Parks, but restricted to the following policies and guidelines;

### Use of Public Address systems:

- Use will be permitted between 8:00 a.m. - 10:00 p.m. Monday-Saturday and 12:00-10:00 p.m. on Sunday, unless otherwise approved.
- Volume not to exceed a reasonable level for the immediate listening area
- It shall be prohibited for any person to make any loud noise, which, disturbs, annoys, injures or endangers the comfort repose, peace or safety of other persons in a recreation area and surrounding neighborhoods.
- Opening day ceremony announcements
- Tournament announcements
- Emergency announcements (lost & found, weather, etc.)
- Team/Player introductions
- Only adults (18 yr. and over) are permitted to use

### Prohibited Use of Public Address systems:

- In depth play by play game announcing
- Promotional announcements
- Ongoing music of any kind is prohibited
- Non activity music (any kind)
- By anyone under the age of 18 yr.

Failure to abide by these guidelines will result in suspension and or potential loss of public address system privileges for the remainder of the season.

### Public Address System Use Request

Date Submitted: \_\_\_\_\_ Park: \_\_\_\_\_

Youth Athletic Association Name: \_\_\_\_\_

Dates/Times of planned usage: \_\_\_\_\_

Activity: \_\_\_\_\_

Youth Association President/Vice President Name: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Other Phone: \_\_\_\_\_

SIGNATURE OF PERSON REQUESTING USE: \_\_\_\_\_ Date: \_\_\_\_\_

## PARK HAZARD NOTICE

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

Park: \_\_\_\_\_

Facility: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Home Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Brief description of potential hazard(s) or suspicious activity/action(s) at Park:

Specific Location(s) in Park (Attach map or diagram):

Approximate time of day/night:

Approximate day(s) of week:

List any action taken:

FAX to the Fayette County Park and Recreation at (7/460-1931) the following business day.

## REPORT OF SUSPECTED CHILD ABUSE

Within 24 hours of making an oral report, a mandated reporter shall complete and submit a written report to the Fayette County Parks and Recreation Director. Use other paper if necessary and label accordingly. **Please print or type.**

CHILD'S NAME	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	AGE OR BIRTH DATE
CHILD'S ADDRESS		
NAME OF PARENT OR GUARDIAN	ADDRESS	PHONE NUMBER
WHERE IS CHILD STAYING PRESENTLY IF NOT AT HOME?		PHONE NUMBER
NAME OF DFCS WORKER TO WHOM ORAL REPORT WAS MADE	DATE OF ORAL REPORT	DATE AND TIME OF SUSPECTED ABUSE
NAME OF SUSPECTED PERPETRATOR, IF KNOWN	ADDRESS OR PHONE NUMBER, IF KNOWN	RELATIONSHIP TO CHILD
NATURE AND EXTENT OF THE CHILD'S INJURIES, MALTREATMENT OR NEGLECT		
INFORMATION CONCERNING ANY PREVIOUS INJURIES, MALTREATMENT OR NEGLECT		
LIST NAMES AND AGES OF SIBLINGS, IF KNOWN		
DESCRIBE THE CIRCUMSTANCES IN WHICH THE INJURIES, MALTREATMENT OR NEGLECT CAME TO BE KNOWN TO THE REPORTER		
WHAT ACTION, IF ANY, HAS BEEN TAKEN TO TREAT, PROVIDE SHELTER OR OTHERWISE ASSIST THE CHILD?		
REPORTER'S NAME AND AGENCY	ADDRESS	PHONE NUMBER
REPORTER'S SIGNATURE	POSITION	DATE



## Parent/Athlete Concussion Information Sheet

A concussion is a type of traumatic brain injury that changes the way the brain normally works. A concussion is caused by bump, blow, or jolt to the head or body that causes the head and brain to move rapidly back and forth. Even a “ding,” “getting your bell rung,” or what seems to be a mild bump or blow to the head can be serious.

### WHAT ARE THE SIGNS AND SYMPTOMS OF CONCUSSION?

Signs and symptoms of concussion can show up right after the injury or may not appear or be noticed until days or weeks after the injury.

If an athlete reports **one or more** symptoms of concussion listed below after a bump, blow, or jolt to

#### Did You Know?

- Most concussions occur *without* loss of consciousness.
- Athletes who have, at any point in their lives, had a concussion have an increased risk for another concussion.
- Young children and teens are more likely to get a concussion and take longer to recover than adults.

the head or body, s/he should be kept out of play the day of the injury and until a health care professional, experienced in evaluating for concussion, says s/he is symptom-free and it's OK to return to play.

SIGNS OBSERVED BY COACHING STAFF	SYMPTOMS REPORTED BY ATHLETES
Appears dazed or stunned	Headache or “pressure” in head
Is confused about assignment or position	Nausea or vomiting
Forgets an instruction	Balance problems or dizziness
Is unsure of game, score, or opponent	Double or blurry vision
Moves clumsily	Sensitivity to light
Answers questions slowly	Sensitivity to noise
Loses consciousness ( <i>even briefly</i> )	Feeling sluggish, hazy, foggy, or groggy
Shows mood, behavior, or personality changes	Concentration or memory problems
Can't recall events <i>prior</i> to hit or fall	Confusion
Can't recall events <i>after</i> hit or fall	Just not “feeling right” or “feeling down”

## CONCUSSION DANGER SIGNS

In rare cases, a dangerous blood clot may form on the brain in a person with a concussion and crowd the brain against the skull. An athlete should receive immediate medical attention if after a bump, blow, or jolt to the head or body s/he exhibits any of the following danger signs:

- One pupil larger than the other
- Is drowsy or cannot be awakened
- A headache that not only does not diminish, but gets worse
- Weakness, numbness, or decreased coordination
- Repeated vomiting or nausea
- Slurred speech
- Convulsions or seizures
- Cannot recognize people or places
- Becomes increasingly confused, restless, or agitated
- Has unusual behavior
- Loses consciousness (*even a brief loss of consciousness should be taken seriously*)

## WHY SHOULD AN ATHLETE REPORT THEIR SYMPTOMS?

If an athlete has a concussion, his/her brain needs time to heal. While an athlete's brain is still healing, s/he is much more likely to have another concussion. Repeat concussions can increase the time it takes to recover. In rare cases, repeat concussions in young athletes can result in brain swelling or permanent damage to their brain. *They can even be fatal.*

### Remember

Concussions affect people differently. While most athletes with a concussion recover quickly and fully, some will have symptoms that last for days, or even weeks. A more serious concussion can last for months or longer.

## WHAT SHOULD YOU DO IF YOU THINK YOUR ATHLETE HAS A CONCUSSION?

If you suspect that an athlete has a concussion, remove the athlete from play and seek medical attention. Do not try to judge the severity of the injury yourself. Keep the athlete out of play the day of the injury and until a health care professional, experienced in evaluating for concussion, says s/he is symptom-free and it's OK to return to play.

Rest is key to helping an athlete recover from a concussion. Exercising or activities that involve a lot of concentration, such as studying, working on the computer, or playing video games, may cause concussion symptoms to reappear or get worse. After a concussion, returning to sports and school is a gradual process that should be carefully managed and monitored by a health care professional.

It's better to miss one game than the whole season. For more information on concussions, visit: [www.cdc.gov/Concussion](http://www.cdc.gov/Concussion).

\_\_\_\_\_  
Student-Athlete Name Printed

\_\_\_\_\_  
Student-Athlete Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent or Legal Guardian Printed

\_\_\_\_\_  
Parent or Legal Guardian Signature

\_\_\_\_\_  
Date

**GENERAL LIABILITY LOSS NOTICE**

FOR INJURY OR PROPERTY DAMAGE TO MEMBER OF THE PUBLIC

FACILITY: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_  
\_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

CLAIMANT'S NAME: \_\_\_\_\_

Last First

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

Street City State Zip

TELEPHONE NUMBER: Home \_\_\_\_\_ Work/Cell \_\_\_\_\_

DATE OF LOSS: \_\_\_\_\_ TIME OF LOSS: \_\_\_\_\_ AM PM

LOCATION OF LOSS: \_\_\_\_\_

Street City State Zip

GIVE DETAILED DESCRIPTION OF LOSS:

NATURE/TYPE OF LOSS:

(Circle One) Property Damage Bodily Injury Other (Describe) \_\_\_\_\_

WITNESSES (include names of county employees):

Name Address Phone Number

Date First Reported to Department: \_\_\_\_\_

Completion Date: \_\_\_\_\_

Comments: \_\_\_\_\_

(Please Print) \_\_\_\_\_

Name of Person Submitting Report Signature

\*\*\*\*\*

SUPERVISOR'S PORTION

WHAT CAN BE DONE TO PREVENT THIS TYPE OF LOSS IN THE FUTURE? \_\_\_\_\_

DO YOU FEEL FURTHER INVESTIGATION IS NECESSARY? \_\_\_\_\_ If so, please explain:

Supervisor's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Management Review By: \_\_\_\_\_ Date: \_\_\_\_\_

**ACCIDENT/INJURY REPORT**

INJURED PERSON'S NAME: \_\_\_\_\_

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

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

SEX: \_\_\_\_\_ AGE: \_\_\_\_\_ HOME PHONE: \_\_\_\_\_ CELL PHONE: \_\_\_\_\_

GUARDIANS NAME IF INJURED PERSON IS A MINOR: \_\_\_\_\_

GUARDIAN'S HOME PHONE #: \_\_\_\_\_ CELL PHONE #: \_\_\_\_\_

GUARDIAN'S ADDRESS: \_\_\_\_\_

WITNESS NAME: \_\_\_\_\_ PHONE # \_\_\_\_\_

WITNESS NAME: \_\_\_\_\_ PHONE # \_\_\_\_\_

DATE OF ACCIDENT: \_\_\_\_\_ TIME: \_\_\_\_\_

LOCATION OF ACCIDENT (SPECIFIC): \_\_\_\_\_

DESCRIBE ACCIDENT/INJURY: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

WAS FIRST AID REQUIRED? \_\_\_\_\_ WHAT FIRST AID SUPPLIES WERE USED? \_\_\_\_\_

WAS LAW ENFORCEMENT NOTIFIED? \_\_\_\_\_ WAS EMS NOTIFIED? \_\_\_\_\_

WAS PROFESSIONAL MEDICAL TREATMENT REQUIRED? \_\_\_\_\_ IF SO WHAT? \_\_\_\_\_

DID THE INJURED PARTY WAIVE TREATMENT: \_\_\_\_\_

WERE PHOTOS OF ACCIDENT/INJURY SITE TAKEN: \_\_\_\_\_

WHAT RECOMMENDATIONS DO YOU HAVE TO PREVENT OTHER ACCIDENTS OF THIS NATURE?

\_\_\_\_\_

REPORT PREPARED BY/POSITION: \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

REPORT WAS RECEIVED BY FCPRD: DATE \_\_\_\_\_ TIME: \_\_\_\_\_

NOTE: This report must be accurate, precise, and submitted to Fayette County Parks and Recreation Department (FCPRD) within one business day. Serious accidents must be reported to FCPRD immediately, as well as reported to Law Enforcement.

**PARK SIGNIFICANT EVENT REQUEST**

MAIL TO: Fayette County Parks & Recreation  
 ATTENTION: Parks and Recreation Director  
 140 W. Stonewall Ave., Fayetteville, GA 30214  
 FAX TO: 770-460-1931

Event Contact Name/Title: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work/Cell: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Association: \_\_\_\_\_

## Event Information:

## Type of Event:

Tournament      Festival      Jamboree      Opening Day      Other

Title: \_\_\_\_\_

Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ to \_\_\_\_\_ Estimated Participation: \_\_\_\_\_

Estimated Number of Fayette County YAA Teams Participating: \_\_\_\_\_

## Brief Description of Event:

## Event Checklist:

\_\_\_\_\_ Vendor Liability Insurance naming YAA and Fayette County Board of Commissioners  
 as additional insured (due at least 10 days prior to event)

\_\_\_\_\_ Proposed Budget

\_\_\_\_\_ Special Requests/Information



**FAYETTE COUNTY YOUTH SPORTS PARTICIPATION SUMMARY**

YEAR: \_\_\_\_\_

This summary must be submitted with completed participation reports, impact fees and all out of county fees no later than March 15th for the Spring season, September 15th for the Fall season and December 15th for the Winter season. The department reserves the right to request rosters (including each participants name and address) to verify the accuracy of the registration figures.

ASSOCIATION \_\_\_\_\_ DATE SUBMITTED \_\_\_\_\_

SPORT	___ BASEBALL	SEASON	___ SPRING
	___ SOFTBALL		___ FALL
	___ SOCCER		___ WINTER
	___ FOOTBALL		
	___ CHEERLEADING		
	___ BASKETBALL		
	<b>___ ROWING</b>		
	___ OTHER _____		

**COMPLETE THE FOLLOWING INFORMATION:**

AGE DIVISION	# OF PARTICIPANTS	# OF TEAMS
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

TOTAL OF FAYETTEVILLE PARTICIPANTS \_\_\_\_\_  
 TOTAL OF UNINCORPORATED FAYETTE COUNTY PARTICIPANTS \_\_\_\_\_  
 TOTAL OF BROOKS PARTICIPANTS \_\_\_\_\_  
 TOTAL OF PEACHTREE CITY PARTICIPANTS \_\_\_\_\_  
 TOTAL OF TYRONE PARTICIPANTS \_\_\_\_\_  
 TOTAL OF WOOLSEY PARTICIPANTS \_\_\_\_\_  
 TOTAL OF NON-FAYETTE COUNTY PARTICIPANTS \_\_\_\_\_  
 TOTAL PARTICIPANTS \_\_\_\_\_

PARTICIPANTS RECEIVING SCHOLARSHIP \_\_\_\_\_

I, \_\_\_\_\_, certify that the above information is correct. Date \_\_\_\_\_

SUBMIT PAYMENT FOR IMPACT FEES AND NON-RESIDENTS FEES BY CHECK MADE  
 PAYABLE TO:

Fayette County Parks and Recreation  
 Attn: Parks and Recreation Director  
 140 W. Stonewall Ave., Fayetteville, Ga. 30214

## YOUTH ATHLETIC ASSOCIATION TERMS OF FACILITY USE PERMIT

User/Group:

Representative:

Address:

Home Phone:

Cell Phone:

Event Name:

Facility:

Dates Reserved:

Hours Reserved:

- The YAA has received and agrees to abide by the regulations herein provided and understands that the violation of any of the regulations would cause the YAA to be barred from the use of the facility.
- Prior to issuance of this permit, the YAA must meet the requirements as issued in the YAA Policies and Procedures Manual.
- Insure that no persons shall be denied participation in any park or programs based on race, color, national origin, religious background, sex or age and be in compliance with the Americans with Disabilities Act.
- YAAs conduction of youth activities on Fayette County facilities must have a sufficient number of adults present to supervise all scheduled activities from the time the youth arrive until every boy or girl has left the area.
- The YAA is responsible for any damage incurred to the facilities while in use by said YAA. Persistent damage could ultimately result in revocation of a portion of or the entire permit.
- The YAA is responsible for spectators, parents, coaches and participants. A display of conduct that is unbecoming while said YAA is using County facilities could result in written reprimand or revocation of this contract.
- The YAA shall not and cannot reassign this contract.
- The organization shall not and cannot sublet county facilities to outside organizations.
- Fayette County Parks and Recreation reserves the right to alter this contract at any time.
- The YAA will provide county officials with proposed practice and game schedules along with a proposed budget prior to being approved for any authorized use of fields and/or facilities.
- The YAA understands that the Director of Parks and Recreation is the final authority on field scheduling and may assign fields to other organizations as deemed appropriate.

---

Signature of User Group Representative

---

Date

---

Signature of Parks and Recreation Director

---

Date

# COUNTY AGENDA REQUEST

Page 184 of 268

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of staff's recommendation to award annual bid #1300-B to Faultless Business Center as primary vendor with Rock-It Sand & Gravel and Concrete Supply Co. as secondary vendors for dump truck hauling services for fiscal year 2018 with a combined not-to-exceed amount of \$257,595.

## Background/History/Details:

The intent of this annual contract is to identify a vendor to provide on-call dump truck hauling services. These services are intended to be used only when additional services over and above the capabilities of the Road Department are needed. Typically the materials hauled would be asphalt, gravel or soil on various projects undertaken by the Department.

Faultless has only eight total trucks and sometimes only five are available with a 12 hour notice. Rock-It has ten trucks but only five available with a 12 hour notice. Concrete Supply has 40 trucks with ten available with a 12 hour notice. Department averages six to nine lease trucks on a normal paving day with some projects requiring ten lease trucks.

If approved, this contract will expire on June 30, 2018.

A not-to-exceed amount of \$257,595.

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

Approval of staff's recommendation to award annual bid #1300-B to Faultless Business Center as primary vendor with Rock-It Sand & Gravel and Concrete Supply Co. as secondary vendors for dump truck hauling services for fiscal year 2018 with a combined not-to-exceed amount of \$257,595

## If this item requires funding, please describe:

Funds are budgeted annually in the Road Department's O&M budget in account 10040220-522111 & 10040220-522111LMIG8 or in various CIP or SPLOST project accounts.

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

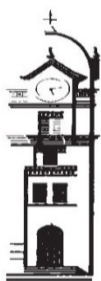
Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:



*Fayette*  
COUNTY

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**PURCHASING DEPARTMENT**  
140 STONEWALL AVENUE WEST, STE 204  
FAYETTEVILLE, GEORGIA 30214  
PHONE: 770-305-5420  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

To: Steve Rapson

From: Ted L. Burgess

Date: June 22, 2017

Subject: Invitation to Bid #1300-B: Hauling

At times, the Road Department needs to haul more materials – such as asphalt, stone, soil, or gravel – that they can haul with their existing trucks. To meet the excess demand, they contract each year with companies for occasional hauling services. The contracts call for tandem axle dump trucks, because of the weight of the loads. Due to fluctuations in need, the county has historically entered into a primary contract and a secondary contract.

The Purchasing Department issued Invitation to Bid #1300-B to secure hauling services for Fiscal Year 2018. Notice of the opportunity was emailed to 17 companies. Another 245 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity code #96239 (Hauling Services). The offer was also advertised through Fayette News, Greater Georgia Black Chamber of Commerce, Georgia Local Government Access Marketplace, the county website, and Channel 23.

The price the vendor charges each month is based on the Fuel Price Index for that month, as published by the Georgia Department of Transportation. Index trends are shown on Attachment 1. As can be seen, recent experience has been that the price index tended to range between 2.000 and 4.000. For this reason, bids in this price range were weighted more heavily than prices on the extremes of the Index. While weights were used for determining the bid most favorable to the county, the actual prices bid will be used to pay for hauling services.

Four companies submitted bids (Attachment 2). More than one contract is traditionally awarded for this service, because the need for hauling can exceed the capacity of any one company. The Road Department recommends award of a primary contract to Faultless Business Center, Inc., and secondary contracts to both Rock-It Sand & Gravel and Concrete Supply Company, Inc.

Contractor Performance Evaluations are attached for the companies with which the county has previously done business. This is the first contract with Rock-It Sand & Gravel, Inc.

Specifics of the proposed contracts are as follows:

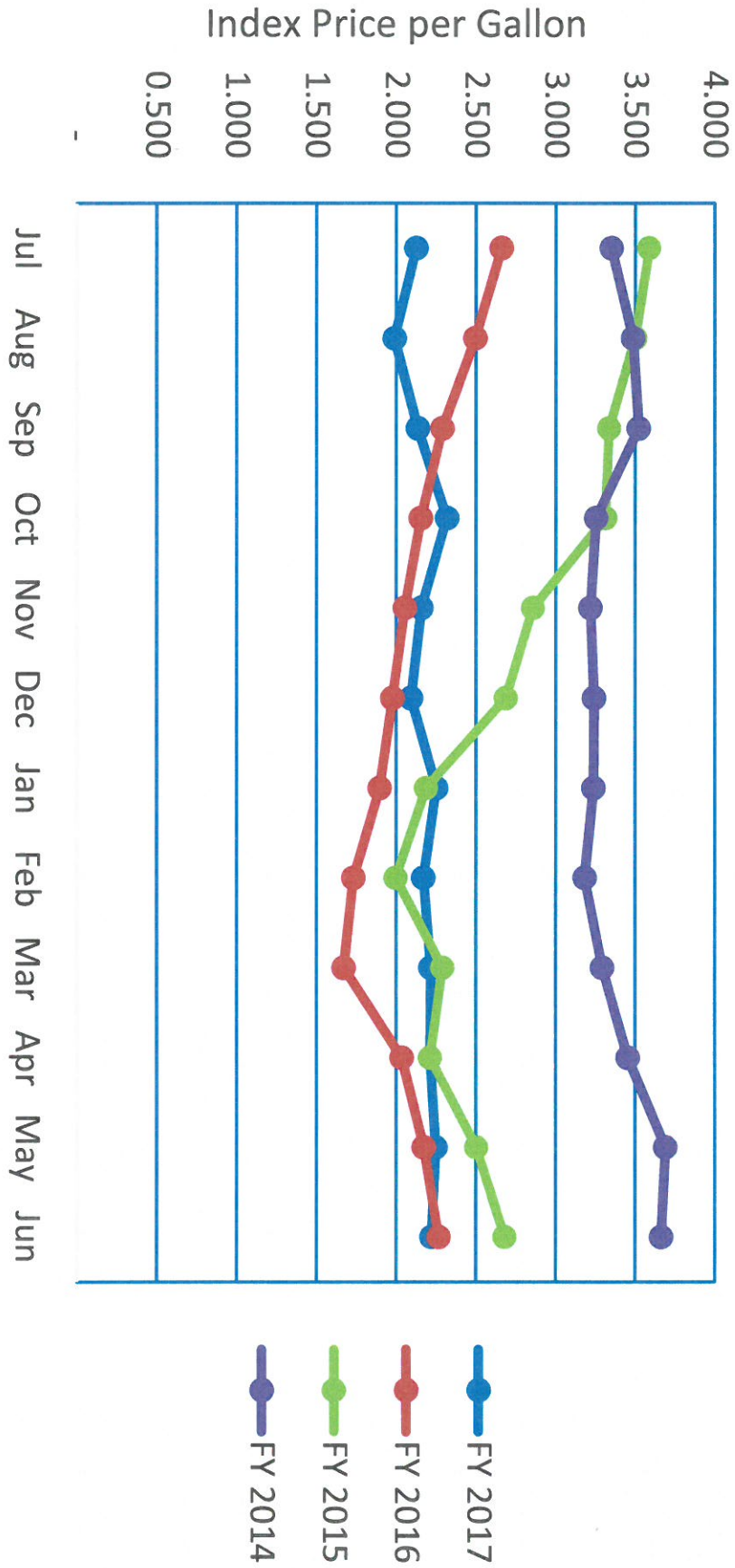
<b>Contract Name</b>	1300-B: Hauling
<b>Primary Contractor</b>	Faultless Business Center, Inc.
<b>Secondary Contractors</b>	Rock-It Sand & Gravel, Inc. and Concrete Supply Co., Inc.
<b>Not-to-exceed amount</b>	\$257,595 combined for three contracts

**Budget:**

10040220 – Maintenance & Operating	\$70,050.00	Proposed FY 2018 Budget
10040220 LMIG8	115,580.00	Proposed FY 2018 Budget
Swanson Road CIP 7220G	136,957.00	FY 2017 Capital Project
FY 2018 CIP Public Works Parking Lot	18,568.00	Proposed FY 2018 Budget
FY 2018 Sheriff's Parking Lot	<u>5,984.00</u>	Proposed FY 2018 Budget
Total	<u>\$347,139.00</u>	

Attachment 1

## GDOT Fuel Price Index



## Bid #1300-B: Hauling

GDOT Fuel Price Index	Weight	Concrete Supply Co, Inc.		DYM Enterprise, LLC		Faultless Business Center, Inc		Rock-It Sand & Gravel, Inc	
		Hourly Rate Bid	Weighted Rate	Hourly Rate Bid	Weighted Rate	Hourly Rate Bid	Weighted Rate	Hourly Rate Bid	Weighted Rate
\$0.50 to \$0.99	0.50	\$80.00	\$40.00	\$120.99	\$60.50	\$74.94	\$37.47	\$75.00	\$37.50
\$1.00 to \$1.49	0.50	80.00	40.00	121.49	60.75	74.94	37.47	75.00	37.50
\$1.50 to \$1.99	0.75	80.00	60.00	121.99	91.49	74.94	56.21	75.00	56.25
\$2.00 to \$2.49	1.00	80.00	80.00	122.49	122.49	74.94	74.94	75.00	75.00
\$2.50 to \$2.99	1.00	80.00	80.00	122.99	122.99	74.94	74.94	75.00	75.00
\$3.00 to \$3.49	1.00	85.00	85.00	123.49	123.49	74.94	74.94	80.00	80.00
\$3.50 to \$3.99	1.00	85.00	85.00	123.99	123.99	74.94	74.94	80.00	80.00
\$4.00 to \$4.49	0.75	90.00	67.50	124.49	93.37	74.94	56.21	80.00	60.00
\$4.50 to \$4.99	0.75	90.00	67.50	124.99	93.74	74.94	56.21	85.00	63.75
\$5.00 to \$5.40	0.50	90.00	45.00	125.40	62.70	74.94	37.47	90.00	45.00
\$5.50 to \$5.99	0.50	95.00	47.50	125.99	63.00	74.94	37.47	95.00	47.50
<b>Total Weighted Price</b>			<b>\$697.50</b>		<b>\$1,018.50</b>		<b>\$618.26</b>		<b>\$657.50</b>

## FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

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

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: Faultless Business Center Inc	Contract Number: #1106-B
Mailing Address: 425 New Morn Drive	Contract Description or Title: Hauling Services
City, St, Zip Code: McDonough, GA 30253	Contract Term (Dates) From: July 1, 2017 To: June 30, 2016
Phone Number: 404-886-2113	Task Order Number:
Cell Number: 404-886-2113	Other Reference:
E-Mail Address: <a href="mailto:pointberge@gmail.com">pointberge@gmail.com</a> <a href="mailto:faultlessbcinc@gmail.com">faultlessbcinc@gmail.com</a>	

### DEFINITIONS

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

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

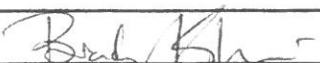
**SATISFACTORY (Sat)** - Vendor met minimum contractual requirements or performance expectations of the products/services.

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

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

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

### EVALUATED BY

Signature: 	Date of Evaluation: 6-8-17
Print Name: Bradley Klinger	Department/Division: Road Department
Title: Assistant Director	Telephone No: 770-320-6039



## Page 2

Contract Number:

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

Have occasional issues with their drivers being able to be as productive as the County in-house drivers.

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

## FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

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2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: Concrete Supply Co, Inc.	Contract Number: #1106-B
Mailing Address: P. O. Box 313	Contract Description or Title: Hauling Services
City, St, Zip Code: Fayetteville, GA 30214	Contract Term (Dates) From: July 1, 2016 To: June 30, 2017
Phone Number: 770-692-2620	Task Order Number:
Cell Number: 404-319-4840	Other Reference:
E-Mail Address: jmasler@cscga.com	

### DEFINITIONS

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

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

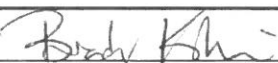
**SATISFACTORY (Sat)** - Vendor met minimum contractual requirements or performance expectations of the products/services.

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

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

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

### EVALUATED BY

Signature: 	Date of Evaluation: 6/8/17
Print Name: Bradley Klingler	Department/Division: Road Department
Title: Assistant Director	Telephone No: 770-320-6039

# COUNTY AGENDA REQUEST

Page 192 of 268

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of Contract #923-B, Renewal #2: Atlanta Paving & Concrete Construction Inc. for an annual contract for asphalt milling services to be used on various project throughout fiscal year 2018.

## Background/History/Details:

This annual contract will be used to procure asphalt milling services for use throughout the year on various road maintenance projects, primarily asphalt resurfacing projects. Asphalt milling is a widely used method of removing failing sections of road to allow for patching and repair prior to resurfacing. This operation provides a better quality final product and a significant time savings as compared to dig out and removal with excavator type equipment.

If approved, this contract will expire June 30, 2018.

Estimated not-to-exceed contract amount of \$210,190.

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

Approval of Contract #923-B, Renewal #2: Atlanta Paving & Concrete Construction Inc. for an annual contract for asphalt milling services to be used on various project throughout fiscal year 2018.

## If this item requires funding, please describe:

Funding for asphalt milling is budgeted in the Road Department's O&M Technical Services account 10040220-521316, LMIG and CIP accounts.

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:



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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: June 22, 2017

Subject: Contract #923-B, Renewal #2: Asphalt Milling Price Contract

Asphalt milling (also called cold planing, pavement milling, or profiling) is the process of removing part of the surface of a paved road in preparation for patching or repair prior to road resurfacing. This can remove distresses from the road surface, and lengthen roadway life.

Contract #923-B was awarded to Atlanta Paving and Concrete Construction, Inc. on February 24, 2015 for this purpose, with a not-to-exceed amount of \$193,770. It was reported to the Board of Commissioners in the County Administrator's report on May 14, 2015. Contracted milling prices are as follows:

	Unit Of <u>Measure</u>	Current Unit Price
<b>A. Street Milling</b>		
10,000 SY & Under	Hour	485.00
10,001 to 30,000 SY	Sq Yd	1.16
30,001 to 60,000 SY	Sq Yd	1.02
60,001 & Over SY	Sq Yd	0.85
<b>B. Milling for Patching</b>		
Six-foot wide miller	Hour	485.00
Four-foot wide miller	Hour	450.00
<b>C. Asphalt Milling Mobilization</b>		
Initial Mobilization	Each	550.00
Subsequent Mobil.	Each	300.00
<b>D. Optional Items</b>		
Vacuum Sweeper Truck	Hour	120.00
Skid Steer Milling	Hour	90.00
Traffic Control	Hour	105.00
Clean-Up	Hour	265.00
Contractor Haul-Off	Hour	80.00

The Road Department recommends award of the second and final annual renewal under this contract. While the contracted unit prices will remain the same, the anticipated total amount of work to be done will increase somewhat. This means that the not-to-exceed price for the upcoming year will be \$210,190.00.

A Contractor Performance Evaluation is attached.

Specifics of the proposed contract renewal are as follows:

Contract Name	923-B Asphalt Milling Services
Renewal Number	Renewal #2
Type of Contract	Annual price agreement
Vendor	Atlanta Paving & Concrete Construction, Inc.
Not-to-Exceed Amount	\$210,190.00
Budget:	

	Proposed
	FY 2018
	Budget
10040220-521316 M&O	\$102,300.00
10040220-521316 LMIG8	\$220,160.00
FY 18 CIP Public Works Parking Lot	32,483.00
FY 2018 Sheriff's Parking	3,460.00
Total	<u>\$358,403.00</u>

## FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

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

**VENDOR INFORMATION****COMPLETE ALL APPLICABLE INFORMATION**

Company Name: Atlanta Paving	Contract Number: #923-B
Mailing Address: 6825 Jimmy Carter Blvd., Suite 1400	Contract Description or Title: Asphalt Milling Services
City, St, Zip Code: Norcross, GA 30071	Contract Term (Dates) From: July 1, 2016 To: June 30, 2017
Phone Number: 770-220-0228	Task Order Number:
Cell Number:	Other Reference:
E-Mail Address: wboatright@atlantapaving.com	

**DEFINITIONS**

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

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

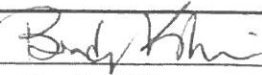
**SATISFACTORY (Sat)** - Vendor met minimum contractual requirements or performance expectations of the products/services.

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

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

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

**EVALUATED BY**

Signature: 	Date of Evaluation: 6/8/17
Print Name: Bradley Klinger	Department/Division: Road Department
Title: Assistant Director	Telephone No: 770-320-6039

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

Contractor has done an amazing job with working their schedule around the needs of Fayette County.

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

# COUNTY AGENDA REQUEST

Page 197 of 268

Department: 911 Communications

Presenter(s): Bernard J. Brown Director

Meeting Date: Thursday, June 22, 2017

Type of Request: Consent #10

## Wording for the Agenda:

Consideration of staff's recommendation to continue the maintenance agreement (Contract 1122-S) with Motorola for the 800 MHz ASTRO Simulcast System in the amount of \$541,662.36 for the term of July 1, 2017 through June 30, 2018 and to authorize the Chairman to sign the renewal contract.

## Background/History/Details:

This annual service agreement and contract renewal provides for the ongoing maintenance of the Fayette County, Georgia 800 MHz ASTRO Simulcast System.

Motorola is the "proprietary source" of these services due to the nature of the equipment. Motorola's service technicians not only maintain the system, but they have an intimate knowledge of the system since they installed it. The original contract was approved with the implementation of the Simulcast System, and the contract identifies the costs for the 2017-2018 term.

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

Approval of staff's recommendation to continue the maintenance agreement (Contract 1122-S) with Motorola for the 800 MHz ASTRO Simulcast System in the amount of \$541,662.36 for the term of July 1, 2017 through June 30, 2018 and to authorize the Chairman to sign the renewal contract.

## If this item requires funding, please describe:

Funds for this renewal are included in the Fiscal Year 2018 Communications M&O budget.

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 Yes

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

This request includes a discount of \$40,405 or 6.94%, negotiated by County Administrator Steve Rapson and 911 Communications Director Bernard J. Brown, of the full contract value of \$582,067. The discount includes \$27,736 for early payment (4.77%) with the remaining \$12,669 for customer loyalty (2.17%).





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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: June 22, 2017

Subject: Contract #1122-S Renewal: Motorola Maintenance Agreement for Fiscal Year 2018

The county entered into maintenance and support agreements in 2004 with Motorola Corporation for various technology systems within the 911 Communications Department. The agreements include support for the radio system, uninterrupted power source, talk-around channel, weather warning siren system, and 911 phone system. Because of the nature of emergency communications, and the need for compatibility and continuity, the county does not routinely solicit bids from other vendors for the support services.

Attachment 1 to this memorandum is a display showing the system components covered by the agreement, and their historical costs. Attachment 2 is the Contractor Evaluation Form for the previous 12-month period.

911 Communications recommends renewal of the agreement with Motorola Corporation for Fiscal Year 2018. Specifics of the proposed contract are as follows:

Contract Name	1122-S: Motorola Maintenance Agreement		
Vendor	Motorola Solutions		
Contract Amount	\$541,662.36 after loyalty & prepayment discounts		
Available Budget:	Included in the FY 2018 budget proposal, as follows:		
Project Code	N/A		
Organization Code	21530800 911 System		
Object Code	522231 Office Equip. Services	\$55,294.00	
	522232 Operating Eq. Services	<u>486,370.00</u>	
	Total		<u>\$541,664.00</u>

Attachments

**Fayette County, Georgia**  
**9-1-1 Communications**  
**Motorola Maintenance Agreement**  
**Contract #1122-S: FY 2018 Renewal**

Maintenance Component	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Proposed FY 2018	Change FY17-18	FY 2018 Budget Account
<b>SmartZone 4.1. System</b>								
<b>Infrastructure Maint:</b>	\$412,693.34	\$412,693.34	\$447,446.46	\$460,869.85	\$463,174.87	\$474,438.01	2.4%	21530800-522232
<i>Radio system*</i>								
<b>UPS Maintenance:</b>	21,835.68	21,835.68	23,674.48	24,384.71	25,603.94	26,395.81	3.1%	21530800-522232
<i>Uninterrupted power source</i>								
<b>ITAC Maintenance:</b>	8,144.22	8,144.22	8,830.06	9,094.94	9,549.68	9,845.03	3.1%	21530800-522232
<i>Talk around channel</i>								
<b>MOSCAD / Sirens Maintenance:</b>	13,314.35	13,314.35	14,435.55	14,868.61	15,612.04	16,094.88	3.1%	21530800-522232
<i>Weather warning siren system</i>								
<b>Cassidian Services Maintenance:</b>	<u>34,892.31</u>	<u>34,892.31</u>	<u>37,830.60</u>	<u>12,903.32</u>	<u>53,634.70</u>	<u>55,293.50</u>	<u>3.1%</u>	21530800-522231
<i>911 phone system**</i>								
Sub-Total	\$490,879.90	\$490,879.90	\$532,217.15	\$522,121.43	\$567,575.23	\$582,067.23	2.6%	
Customer Loyalty Discount	N/A	N/A	N/A	N/A	N/A	(\$12,668.53)		
Prepayment Discount	<u>{Included}</u>	<u>{Included}</u>	<u>(26,610.86)</u>	<u>(26,106.07)</u>	<u>(28,378.76)</u>	<u>(27,736.34)</u>		
Total Maintenance Charges	<u>\$490,879.90</u>	<u>\$490,879.90</u>	<u>\$505,606.29</u>	<u>\$496,015.36</u>	<u>\$539,196.47</u>	<u>\$541,662.36</u>	0.5%	

\*Includes network monitoring, dispatch service, onsite infrastructure response, technical support, infrastructure repair, and network preventative maintenance.

\*\* A new, upgraded phone system was installed on February 27, 2015, which included warranties. The price of maintenance was lower during the warranty period.

# FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

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

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: Motorola Solutions	Contract Number: 1122-S
Mailing Address: 1307 East Algonquin Road	Contract Description or Title: Motorola Maintenance Agreement
City, St, Zip Code: Schaumburg, IL 60196	Contract Term (Dates) From: July 1, 2016 <span style="float: right;">To: June 30, 2017</span>
Phone Number: 800-247-2346	Task Order Number:
Cell Number: 770-823-2288	Other Reference:
E-Mail Address: johnbyrd@motorolasolutions.com	

## DEFINITIONS

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

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

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

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

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

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

## EVALUATED BY

Signature:	Date of Evaluation: June 1, 2017
Print Name: Bernard J. Brown	Department/Division: 911
Title: Director	Telephone No: 770-320-6051

E-Verify Affidavit and other information were provided in a timely manner.




Ver. 4.8 Build 1000

Attn: National Service Support  
1307 East Algonquin Road  
Schaumburg, IL 60196  
(800) 247-2346

Date: 3/30/2017

**SERVICE AGREEMENT**

Agreement Order #: S00001011708

Agreement Modifier: RN23-MAR-17 10:36:59

Required P.O.: No

Customer #: 1035083203

Bill to Tag #: 0022

Contract Start Date: 07/01/2017

Contract End Date: 06/30/2018

Anniversary Date: June 30th

Payment Cycle: Annual

Tax Exempt: Exempt From All Taxes

PO #:

Company Name: Fayette County Board Of Comm
Attn:
Billing Address: 140 W Stonewall Ave W Ste 101
City, State, Zip: Fayetteville, GA, 30214
Customer Contact: Bernard Brown
Phone: (770) 461-4357
Fax: (770) 461-5935

Qty	Model/Option	Description	Monthly Ext	Extended
1		<b>4.1 System Maintenance</b> Network Monitoring Dispatch Service Onsite Infrastructure Response - Premier Technical Support Infrastructure Repair Network Preventative Maintenance	\$ 39,619.83	\$ 474,438.01
1		<b>UPS Maintenance</b>	\$ 2,199.65	\$ 26,395.81
1		<b>ITAC Maintenance</b>	\$ 820.41	\$ 9,845.03
1		<b>MOSCAD/Sirens Maintenance</b>	\$ 1,341.24	\$ 16,094.88
1		<b>Airbus (Plant) Services</b> Software/Firmware Support Mission Control	\$ 4607.79	\$ 55,293.50

SPECIAL INSTRUCTIONS - ATTACH STATEMENT OF WORK FOR PERFORMANCE  
DESCRIPTIONS

\*\*\* This contract includes a Customer Loyalty discount and a 5% annual Pre-Pay discount. \*\*\*

SUBTOTAL - RECURRING SERVICES	\$ 48,505.60	\$ 582,067.23
CUSTOMER LOYALTY DISCOUNT		\$ (12,668.53)
TOTAL	\$ 48,505.60	\$ 569,398.70
TAXES	\$0.00	\$0.00
ANNUAL PRE-PAY DISCOUNT		\$ (27,736.34)
GRAND TOTAL		\$ 541,662.36

THIS SERVICE AMOUNT IS SUBJECT TO STATE & LOCAL TAXING  
JURISDICTIONS, TO BE VERIFIED BY MOTOROLA.

SUBCONTRACTOR(S)	CITY	STATE
Motorola - SSC Network Management (DO067)	Schaumburg	IL
Motorola - SSC Call Center (DO066)	Schaumburg	IL
Motorola - SSC Technical Support (DO068)	Schaumburg	IL
Diversified Electronics	Forest Park	GA

Motorola's Service Terms & Conditions, a copy of which is attached to this Service Agreement, is incorporated herein by this reference

AUTHORIZED CUSTOMER SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

CUSTOMER (PRINT NAME) \_\_\_\_\_

MOTOROLA REPRESENTATIVE (SIGNATURE) \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

Keya Rajabi (678) 938-5299

(866) 769-2468

MOTOROLA REPRESENTATIVE (PRINT NAME) \_\_\_\_\_

PHONE

FAX



## **Service Terms and Conditions**

Motorola Solutions Inc. ("Motorola") and the customer named in this Agreement ("Customer") hereby agree as follows:

### **Section 1. APPLICABILITY**

These Maintenance Service Terms and Conditions apply to service contracts whereby Motorola will provide to Customer either (1) maintenance, support, or other services under a Motorola Service Agreement, or (2) installation services under a Motorola Installation Agreement.

### **Section 2. DEFINITIONS AND INTERPRETATION**

2.1. "Agreement" means these Maintenance Service Terms and Conditions; the cover page for the Service Agreement or the Installation Agreement, as applicable; and any other attachments, all of which are incorporated herein by this reference. In interpreting this Agreement and resolving any ambiguities, these Maintenance Service Terms and Conditions take precedence over any cover page, and the cover page takes precedence over any attachments, unless the cover page or attachment states otherwise.

2.2. "Equipment" means the equipment that is specified in the attachments or is subsequently added to this Agreement.

2.3. "Services" means those installation, maintenance, support, training, and other services described in this Agreement.

### **Section 3. ACCEPTANCE**

Customer accepts these Maintenance Service Terms and Conditions and agrees to pay the prices set forth in the Agreement. This Agreement becomes binding only when accepted in writing by Motorola. The term of this Agreement begins on the "Start Date" indicated in this Agreement.

### **Section 4. SCOPE OF SERVICES**

4.1. Motorola will provide the Services described in this Agreement or in a more detailed statement of work or other document attached to this Agreement. At Customer's request, Motorola may also provide additional services at Motorola's then-applicable rates for the services.

4.2. If Motorola is providing Services for Equipment, Motorola parts or parts of equal quality will be used; the Equipment will be serviced at levels set forth in the manufacturer's product manuals; and routine service procedures that are prescribed by Motorola will be followed.

4.3. If Customer purchases from Motorola additional equipment that becomes part of the same system as the initial Equipment, the additional equipment may be added to this Agreement and will be billed at the applicable rates after the warranty for that additional equipment expires.

4.4. All Equipment must be in good working order on the Start Date or when additional equipment is added to the Agreement. Upon reasonable request by Motorola, Customer will provide a complete serial and model number list of the Equipment. Customer must promptly notify Motorola in writing when any Equipment is lost, damaged, stolen or taken out of service. Customer's obligation to pay Service fees for this Equipment will terminate at the end of the month in which Motorola receives the written notice.

4.5. Customer must specifically identify any Equipment that is labeled intrinsically safe for use in hazardous environments.

4.6. If Equipment cannot, in Motorola's reasonable opinion, be properly or economically serviced for any reason, Motorola may modify the scope of Services related to that Equipment; remove that Equipment from the Agreement; or increase the price to Service that Equipment.

4.7. Customer must promptly notify Motorola of any Equipment failure. Motorola will respond to Customer's notification in a manner consistent with the level of Service purchased as indicated in this Agreement.

### **Section 5. EXCLUDED SERVICES**

5.1. Service excludes the repair or replacement of Equipment that has become defective or damaged from use in other than the normal, customary, intended, and authorized manner; use not in compliance with applicable industry



standards; excessive wear and tear; or accident, liquids, power surges, neglect, acts of God or other force majeure events.

5.2. Unless specifically included in this Agreement, Service excludes items that are consumed in the normal operation of the Equipment, such as batteries or magnetic tapes.; upgrading or reprogramming Equipment; accessories, belt clips, battery chargers, custom or special products, modified units, or software; and repair or maintenance of any transmission line, antenna, microwave equipment, tower or tower lighting, duplexer, combiner, or multicoupler. Motorola has no obligations for any transmission medium, such as telephone lines, computer networks, the internet or the worldwide web, or for Equipment malfunction caused by the transmission medium.

#### **Section 6. TIME AND PLACE OF SERVICE**

Service will be provided at the location specified in this Agreement. When Motorola performs service at Customers location, Customer will provide Motorola, at no charge, a non-hazardous work environment with adequate shelter, heat, light, and power and with full and free access to the Equipment. Waivers of liability from Motorola or its subcontractors will not be imposed as a site access requirement. Customer will provide all information pertaining to the hardware and software elements of any system with which the Equipment is interfacing so that Motorola may perform its Services. Unless otherwise stated in this Agreement, the hours of Service will be 8:30 a.m. to 4:30 p.m., local time, excluding weekends and holidays. Unless otherwise stated in this Agreement, the price for the Services exclude any charges or expenses associated with helicopter or other unusual access requirements; if these charges or expenses are reasonably incurred by Motorola in rendering the Services, Customer agrees to reimburse Motorola for those charges and expenses.

#### **Section 7. CUSTOMER CONTACT**

Customer will provide Motorola with designated points of contact (list of names and phone numbers) that will be available twenty-four (24) hours per day, seven (7) days per week, and an escalation procedure to enable Customer's personnel to maintain contact, as needed, with Motorola.

#### **Section 8. PAYMENT**

Unless alternative payment terms are stated in this Agreement, Motorola will invoice Customer in advance for each payment period. All other charges will be billed monthly, and Customer must pay each invoice in U.S. dollars within twenty (20) days of the invoice date. Customer will reimburse Motorola for all property taxes, sales and use taxes, excise taxes, and other taxes or assessments that are levied as a result of Services rendered under this Agreement (except income, profit, and franchise taxes of Motorola) by any governmental entity.

#### **Section 9. WARRANTY**

Motorola warrants that its Services under this Agreement will be free of defects in materials and workmanship for a period of ninety (90) days from the date the performance of the Services are completed. In the event of a breach of this warranty, Customers sole remedy is to require Motorola to re-perform the non-conforming Service or to refund, on a pro-rata basis, the fees paid for the non-conforming Service. MOTOROLA DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

#### **Section 10. DEFAULT/TERMINATION**

10.1. If either party defaults in the performance of this Agreement, the other party will give to the non-performing party a written and detailed notice of the default. The non-performing party will have thirty (30) days thereafter to provide a written plan to cure the default that is acceptable to the other party and begin implementing the cure plan immediately after plan approval. If the non-performing party fails to provide or implement the cure plan, then the injured party, in addition to any other rights available to it under law, may immediately terminate this Agreement effective upon giving a written notice of termination to the defaulting party.

10.2. Any termination of this Agreement will not relieve either party of obligations previously incurred pursuant to this Agreement, including payments which may be due and owing at the time of termination. All sums owed by Customer to Motorola will become due and payable immediately upon termination of this Agreement. Upon the effective date of termination, Motorola will have no further obligation to provide Services.

#### **Section 11. LIMITATION OF LIABILITY**

Except for personal injury or death, Motorola's total liability, whether for breach of contract, warranty, negligence, strict liability in tort, or otherwise, will be limited to the direct damages recoverable under law, but not to exceed the price of twelve (12) months of Service provided under this Agreement. ALTHOUGH THE PARTIES ACKNOWLEDGE THE POSSIBILITY OF SUCH LOSSES OR DAMAGES, THEY AGREE THAT MOTOROLA WILL NOT BE LIABLE FOR ANY COMMERCIAL LOSS; INCONVENIENCE; LOSS OF USE, TIME, DATA, GOOD WILL, REVENUES, PROFITS OR SAVINGS; OR OTHER SPECIAL, INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES IN ANY WAY RELATED



TO OR ARISING FROM THIS AGREEMENT OR THE PERFORMANCE OF SERVICES BY MOTOROLA PURSUANT TO THIS AGREEMENT. No action for contract breach or otherwise relating to the transactions contemplated by this Agreement may be brought more than one (1) year after the accrual of the cause of action, except for money due upon an open account. This limitation of liability will survive the expiration or termination of this Agreement and applies notwithstanding any contrary provision.

## **Section 12. EXCLUSIVE TERMS AND CONDITIONS**

12.1. This Agreement supersedes all prior and concurrent agreements and understandings between the parties, whether written or oral, related to the Services, and there are no agreements or representations concerning the subject matter of this Agreement except for those expressed herein. The Agreement may not be amended or modified except by a written agreement signed by authorized representatives of both parties.

12.2. Customer agrees to reference this Agreement on any purchase order issued in furtherance of this Agreement, however, an omission of the reference to this Agreement will not affect its applicability. In no event will either party be bound by any terms contained in a Customer purchase order, acknowledgement, or other writings unless: the purchase order, acknowledgement, or other writing specifically refers to this Agreement; clearly indicate the intention of both parties to override and modify this Agreement; and the purchase order, acknowledgement, or other writing is signed by authorized representatives of both parties.

## **Section 13. PROPRIETARY INFORMATION; CONFIDENTIALITY; INTELLECTUAL PROPERTY RIGHTS**

13.1. Any information or data in the form of specifications, drawings, reprints, technical information or otherwise furnished to Customer under this Agreement will remain Motorolas property, will be deemed proprietary, will be kept confidential, and will be promptly returned at Motorola's request. Customer may not disclose, without Motorola's written permission or as required by law, any confidential information or data to any person, or use confidential information or data for any purpose other than performing its obligations under this Agreement. The obligations set forth in this Section survive the expiration or termination of this Agreement.

13.2. Unless otherwise agreed in writing, no commercial or technical information disclosed in any manner or at any time by Customer to Motorola will be deemed secret or confidential. Motorola will have no obligation to provide Customer with access to its confidential and proprietary information, including cost and pricing data.

13.3. This Agreement does not grant directly or by implication, estoppel, or otherwise, any ownership right or license under any Motorola patent, copyright, trade secret, or other intellectual property, including any intellectual property created as a result of or related to the Equipment sold or Services performed under this Agreement.

## **Section 14. FCC LICENSES AND OTHER AUTHORIZATIONS**

Customer is solely responsible for obtaining licenses or other authorizations required by the Federal Communications Commission or any other federal, state, or local government agency and for complying with all rules and regulations required by governmental agencies. Neither Motorola nor any of its employees is an agent or representative of Customer in any governmental matters.

## **Section 15. COVENANT NOT TO EMPLOY**

During the term of this Agreement and continuing for a period of two (2) years thereafter, Customer will not hire, engage on contract, solicit the employment of, or recommend employment to any third party of any employee of Motorola or its subcontractors without the prior written authorization of Motorola. This provision applies only to those employees of Motorola or its subcontractors who are responsible for rendering services under this Agreement. If this provision is found to be overly broad under applicable law, it will be modified as necessary to conform to applicable law.

## **Section 16. MATERIALS, TOOLS AND EQUIPMENT**

All tools, equipment, dies, gauges, models, drawings or other materials paid for or furnished by Motorola for the purpose of this Agreement will be and remain the sole property of Motorola. Customer will safeguard all such property while it is in Customers custody or control, be liable for any loss or damage to this property, and return it to Motorola upon request. This property will be held by Customer for Motorola's use without charge and may be removed from Customers premises by Motorola at any time without restriction.

## **Section 17. GENERAL TERMS**

17.1. If any court renders any portion of this Agreement unenforceable, the remaining terms will continue in full force and effect.

17.2. This Agreement and the rights and duties of the parties will be interpreted in accordance with the laws of the State



in which the Services are performed.

17.3. Failure to exercise any right will not operate as a waiver of that right, power, or privilege.

17.4. Neither party is liable for delays or lack of performance resulting from any causes that are beyond that party's reasonable control, such as strikes, material shortages, or acts of God.

17.5. Motorola may subcontract any of the work, but subcontracting will not relieve Motorola of its duties under this Agreement.

17.6. Except as provided herein, neither Party may assign this Agreement or any of its rights or obligations hereunder without the prior written consent of the other Party, which consent will not be unreasonably withheld. Any attempted assignment, delegation, or transfer without the necessary consent will be void. Notwithstanding the foregoing, Motorola may assign this Agreement to any of its affiliates or its right to receive payment without the prior consent of Customer. In addition, in the event Motorola separates one or more of its businesses (each a "Separated Business"), whether by way of a sale, establishment of a joint venture, spin-off or otherwise (each a "Separation Event"), Motorola may, without the prior written consent of the other Party and at no additional cost to Motorola, assign this Agreement such that it will continue to benefit the Separated Business and its affiliates (and Motorola and its affiliates, to the extent applicable) following the Separation Event.

17.7. THIS AGREEMENT WILL RENEW, FOR AN ADDITIONAL ONE (1) YEAR TERM, ON EVERY ANNIVERSARY OF THE START DATE UNLESS EITHER THE COVER PAGE SPECIFICALLY STATES A TERMINATION DATE OR ONE PARTY NOTIFIES THE OTHER IN WRITING OF ITS INTENTION TO DISCONTINUE THE AGREEMENT NOT LESS THAN THIRTY (30) DAYS OF THAT ANNIVERSARY DATE. At the anniversary date, Motorola may adjust the price of the Services to reflect its current rates.

17.8. If Motorola provides Services after the termination or expiration of this Agreement, the terms and conditions in effect at the time of the termination or expiration will apply to those Services and Customer agrees to pay for those services on a time and materials basis at Motorolas then effective hourly rates.

17.9. This Agreement may be executed in one or more counterparts, all of which shall be considered part of the Agreement. The parties may execute this Agreement in writing, or by electronic signature, and any such electronic signature shall have the same legal effect as a handwritten signature for the purposes of validity, enforceability and admissibility. In addition, an electronic signature, a true and correct facsimile copy or computer image of this Agreement shall be treated as and shall have the same effect as an original signed copy of this document.

Revised Oct 15, 2015

## Maintenance

### System Maintenance Services

The maintenance services for this year on the Fayette County System begins on July 1<sup>st</sup>, 2017 and includes all below listed maintenance services, including parts and labor, during the one-year contract period.

Listed below are brief descriptions of the services provided under the Maintenance Service Agreement for Motorola equipment.

### Overview of Services

You can be confident of receiving the highest level of service, as you would expect from the world's communication leader. In 1988, Congress and the Department of Commerce recognized Motorola's commitment to corporate quality by being awarded the first Malcolm Baldrige National Quality Award. This same recognition was again awarded in 2002. Our commitment to quality assures our customers of the very finest and most timely service available.

Recently, Motorola introduced a major corporate-wide initiative -- 5NINES: SYSTEM AVAILABILITY. Our ability to provide highly available, easy-to-use systems is critical to our fundamental objective of Total Customer Satisfaction and our position as a communications industry leader. 5NINES, or 99.999% availability (less than 5 minutes of total downtime per year), is the telephony standard to which all Motorola wireless systems aspire. The Corporation has committed to a new design culture, ease of use and operational simplicity, robustness metrics, and common platforms and network architecture.

### Maintenance Personnel

The Motorola Maintenance Program proposed for Fayette County combines the services of a local System Service Team with additional Motorola technical, engineering, and administrative support as required. This approach allows for maximum utilization of resources.

There are 29 Authorized Motorola Service Shops located in Georgia. These centers combine the resources of a national organization with the convenience of local service. Because of the capabilities and qualifications of these centers and the extensive Motorola support structure Motorola can provide Fayette County with the highest levels of communications quality and availability.

There are advantages of proximity and quick response times in working with a local company. There are also advantages of size, reliability, financial stability, and expertise in working with an international company. With Motorola you get the benefits of both.

Motorola has designated Diversified Electronics as the authorized Service Elite Specialist (SES) to provide maintenance services for the Fayette County System. Diversified Electronics is located at 309C Agnew Drive, Forest Park, GA.





As a SES, Diversified Electronics is a Motorola Authorized Service Provider and has a strong relationship with Motorola, a leader in communications and the most comprehensive service organization in the land mobile radio industry.

To better serve Fayette County, Diversified Electronics' Technicians and Management have a strong relationship with Motorola in working with Motorola customers. Motorola SESs have access to Motorola's vast resources including Technical Support, Engineering, and System Technologists. SES Technicians are required to meet or exceed stringent technical requirements industry technical certifications. They are continually trained on new Motorola products and systems through field and factory supported national training programs and assessments. These assessments are conducted annually and review areas such as Quality Programs, Customer Interface, Operational Processes, Service Measurements, Conditions of facilities and test equipment, and other metrics. Motorola SES' are also required to have Environmental Health & Safety (EHS) Programs and adequate liability insurance. Motorola assures that this documentation is kept current.

In addition, Motorola provides a local Customer Support Manager (CSM) who serves as a liaison between Fayette County, Diversified Electronics, and Motorola's resources. The CSM will ensure compliance of system's service provided under the warranty and system life-cycle account management. The CSM will serve as the defined point of contact for the following:

- Issuing resolution and escalation.
- Monitoring of contractual performance.
- Providing review and analysis of any problems/issues and fostering a partnership for continuous improvement.

The CSM will also provide Diversified Electronics with updated service information, training, engineering assistance, and computer aided resources so that the services Fayette County receives are of the highest quality and always on the leading edge of technology.

### **Dispatch Service**

The System Support Center's (SSC) Call Center Operations is the central point of contact for all your technical customer service requests. Their function is to manage all calls so the request will be tracked and monitored from beginning to end, via the Case management process. With detailed accounts of each customer system at our fingertips, Customer Support Representatives are trained to prompt the caller for information necessary to understand the situation and determine the next steps to be taken. The team tracks the status of your Case and ensures that all personnel involved have access to your information. If a problem is experienced during the Case management process, the Customer Support Representative may escalate the issue to the appropriate service management team. Appropriate action will be taken to resolve the issue and ensure customer satisfaction and Motorola compliance to our contracted commitments.

Motorola will respond to fixed equipment failures within two hours. This response may be in the form of having a local technician on site or a remote response through dial-up. Repairs will be performed in the most expeditious manner possible either by the Motorola System Support Center remotely or locally by Diversified Electronics utilizing a Field Replacement Unit (FRU).

**MOTOROLA SOLUTIONS**



If it is determined that the necessary replacement unit is not available locally it will be shipped overnight from our inventory at the Motorola System Support Center.

### Technical Support

Technical Support is available 7 days a week, 24 hours a day, 365 days a year. The Motorola System Support Center's staff will work with your local service organization or technicians to handle questions related to your Motorola 2-way communications system. The SSC's System Technologists may dial into a system to more clearly define a problem and determine the area of failure in order to decide on the most suitable action plan. If the problem is beyond the scope of the SSC's staff, they will contact key personnel who are involved with the design, development, and manufacture of your communication products for resolution. **Technical Support service terminates 12/31/2016.**

### Network Monitoring

Network Monitoring Service electronically monitors specific elements of the System for Events and when detected are forwarded to the Motorola System Support Center using system specific monitoring tools. The System Support Center is staffed with trained technologists, who acknowledge the Event, run available diagnostic routines, and initiate an appropriate response.

### OnSite Infrastructure Response

If the Call Center Operations determines that hands-on support is needed to resolve the problem, they will dispatch Diversified Electronics to perform repairs, such as exchange FRUs, or take other appropriate action.

OnSite Infrastructure Response provides for on-site response as determined by pre-defined severity levels and response times. Severity 1 issues are dispatched twenty-four (24) hours a day, three hundred sixty five (365) days a year including holidays.

### Infrastructure Repair

In the event Diversified Electronics finds a malfunctioning board/unit at the site location, Diversified Electronics will contact the System Support Center's Call Center to request a return authorization (RA) number. Diversified Electronics will remove the malfunctioning board/unit and ship to the SSC for repair. Many of the components in the Fayette County radio network are end of life and can only be repaired on a commercially reasonable effort.

Upon receipt of malfunctioning equipment, the SSC may fully system test and repair malfunctioning Motorola manufactured boards/units down to the component level utilizing automated test equipment. A system test is performed to ensure that all software and hardware is set to current customer configuration. If the unit is not manufactured by Motorola, the unit may be returned to the Original Equipment Manufacturer (OEM) for repair.

Once the equipment is received from the SSC, Diversified Electronics will either re-install the equipment or return to Fayette County's spare inventory.

**MOTOROLA SOLUTIONS**



## UPS Maintenance

The UPS Maintenance services on the Fayette County System will maintain all the UPS units that was originally sold on Fayette County's Astro 4.1 800 MHz System. This service will include an annual inspection by Motorola and its selected UPS contractor on Fayette County 4.1 Astro 800 MHz System. This service would also include parts, labor and travel the above mentioned UPS units.

Motorola will provide maintenance to the UPS units due to normal wear and usage type outages. Scheduled services recommended by the manufacturer will also be provided. Motorola will provide first echelon 2-hr., 24x7 response to all major alarms or emergency services requests pertaining to UPS units. Minor alarms or service problems reported not requiring a major response will be serviced 8am-5pm, Monday through Friday (excluding holidays) first echelon, 4-hr. response by Motorola.

Any UPS outage or damage that is caused by fire, flooding, lightning, commercial power surges, vandalism, physical abuse or other acts of God are not covered during the maintenance plan. Any major failure requiring whole replacement assemblies and UPS's are covered during the maintenance plan. Any parts, labor, or travel associated with this type of work, after the initial diagnosis, will be covered.

The annual inspection will be given to ensure optimum performance to Fayette County. This inspection will include a Motorola representative as well as Motorola's UPS contractor. This inspection will be of all UPS units sold with the Astro 4.1 800 MHz System. After the inspection a report will be provided to Fayette County describing the findings.

## Availability of Maintenance Parts

Together with Fayette County, Motorola expects a life cycle management plan to provide service support, replacement parts, and support solutions throughout the life of the system. Motorola will use commercially reasonable efforts to provide replacement parts for Motorola manufactured subscriber equipment for five (5) years and for Motorola manufactured fixed infrastructure equipment for seven (7) years from the date of last manufacture.

High usage and critical parts are stocked locally at Fayette County locations or Diversified Electronics. A complete inventory of replacement parts for Motorola Manufactured equipment is maintained at the Motorola parts depot and is available to the local service center 7X24. When needed, these parts can be shipped to arrive at Diversified Electronics overnight.

Motorola has made every effort to provide a list of the major assemblies and recommended spare assemblies, FRUs and sub-assemblies within this communications system. Due to the complexity of this system, which includes numerous non-Motorola manufactured assemblies, a complete reliable listing of individual component parts making up all of the assemblies with pricing is not available.



**MOTOROLA SOLUTIONS**

**Maintenance Pricing**

Critical Services are on a 24 by 7 basis through Motorola and Diversified Electronics. You will also have a Local Motorola Customer Support Manager available to work as a liaison for Fayette to Motorola, including applicable third party contractors.

**Notes:**

- Infrastructure Repair with Advanced Replacement is no longer available on the SmartZone 4.1. radio system. Components will be repaired and returned as possible, based on parts availability.

**MOTOROLA SOLUTIONS**

# COUNTY AGENDA REQUEST

Page 212 of 268

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of staff's recommendation to award annual bid #1299-B to ER Snell of Tyrone as primary vendor and C.W. Matthews as secondary vendor for asphalt services for fiscal year 2018 with a not-to-exceed amount of \$1,332,716.

## Background/History/Details:

This contract is used to identify vendors for the procurement of various asphalt mixes during the FY2018 paving season.

A not-to-exceed contract of \$1,332,716.

If approved, this contract will expire on June 30, 2018.

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

Approval of staff's recommendation to award annual bid #1299-B to ER Snell of Tyrone as primary vendor and C.W. Matthews as secondary vendor for asphalt services for fiscal year 2018 with a not-to-exceed amount of \$1,332,716.

## If this item requires funding, please describe:

Funds are budgeted annually in the Road Department's O&M budget in account 10040220-531171 & 10040220-531171LMIG8 or in various CIP or SPLOST project accounts.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

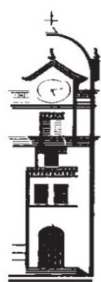
Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:



*Fayette*  
COUNTY

"WHERE QUALITY  
IS A LIFESTYLE"

**PURCHASING DEPARTMENT**  
140 STONEWALL AVENUE WEST, STE 204  
FAYETTEVILLE, GEORGIA 30214  
PHONE: 770-305-5420  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

To: Steve Rapson

From: Ted L. Burgess

Date: June 22, 2017

Subject: Invitation to Bid #1299-B: Asphalt for Fiscal Year 2018

Each year, the Road Department contracts for the purchase of various mixes of asphalt on an as-needed basis. The contracted asphalt mixes are called Superior Performing Asphalt Pavements (Superpave), which was the result in 1993 of research by the U.S. Strategic Highway Research Program.

The Purchasing Department issued Invitation to Bid (ITB) #1299-B to establish prices for calendar year 2018. Invitations were emailed to 5 vendors. Another 123 were contacted through the web-based Georgia Procurement Registry. In addition, invitations were extended via the Fayette News, the county website, the Greater Georgia Black Chamber of Commerce, Georgia Local Government Access Marketplace ([www.glga.org](http://www.glga.org)), and Channel 23. Two vendors responded with bids for four quarries.

Due to the cost of transporting the product, the number of vendors that can compete is limited. The county typically receives bids from two companies. A third company – Baldwin Paving Co., Inc. – had unsuccessfully bid in the past, but said last year that they could not get their prices low enough to compete.

Vendors are asked to bid prices assuming various levels of the Asphalt Cement Price Index (ACPI). The Index is produced by the Georgia Department of Transportation, and is updated monthly (Attachment 1). The ITB covers a wide range of possible Index values, so that the resulting contract will be valid in case of unusually large fluctuations. However, it is anticipated that the Index will actually stay within a more narrow range than that which is included on the bid sheet. Specifications in the ITB say:

"For purposes of selecting the lowest bid, the county reserves the right to select a "relevant range" from the Asphalt Cement Price Index (ACPI) column of the bid sheet. Individual prices will be totaled for the selected price range, and the low bid will be determined from this calculation. The relevant range will be determined based on recent price trends shown in the GDOT Asphalt Price Index."



Based on recent trends, it is anticipated that the Fiscal Year 2018 Index will fall between \$250 and \$500 each month.

E.R. Snell Contractor, Inc. submitted the lowest bids, both in the relevant Index range and within the full price range (Attachment 2). The Road Department recommends E.R. Snell Contractor for the primary contract. They also recommend C.W. Matthews (Griffin, Forest Park, and Tyrone locations) for a secondary contract, to be available in the event the Road Department needs more material than the primary vendor can supply. The contracts will be renewable for two additional one-year terms, with the agreement of both parties.

Attachments 3 and 4 are Contractor Performance Evaluations for the two companies.

Specifics of the proposed contracts are as follows:

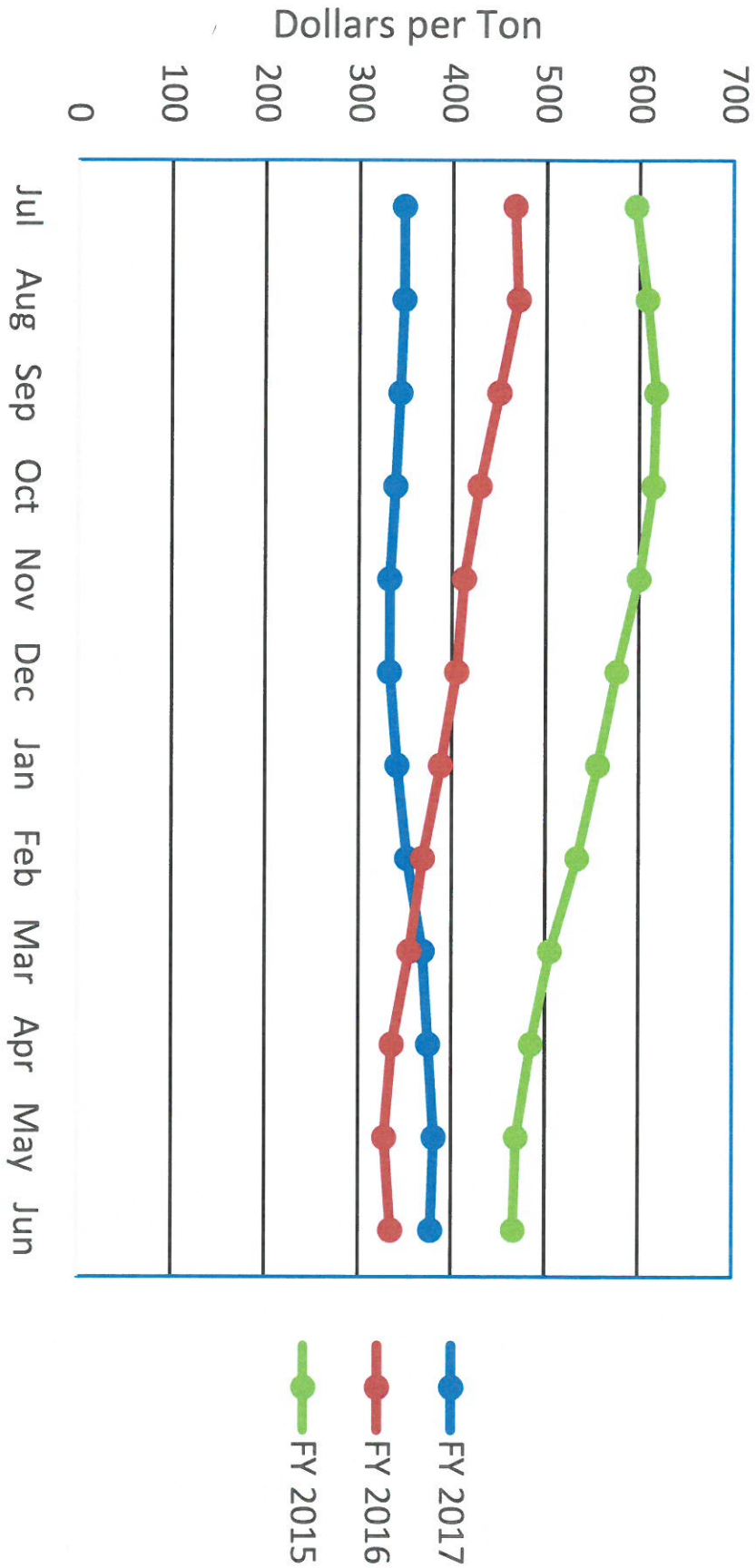
<b>Contract Name</b>	1299-B: Asphalt
<b>Type of Contract</b>	Indefinite Quantity, Fixed Price Contract
<b>Vendors:</b>	
Primary Vendor	E.R. Snell Contractor, Inc.
Secondary Vendor	C.W. Matthews Contracting Co., Inc.
<b>Not-to-Exceed Amount</b>	\$1,332,716
<b>Budget:</b>	

10040220-531171 M&O	\$552,730.00	Proposed FY 2018 Budget
10040220-531171 LMIG8	654,930.00	Proposed FY 2018 Budget
Swanson Road CIP 7220G	79,822.00	FY 2017 Capital Project
FY 18 Public Works Parking Lot	25,960.00	Proposed FY 2018 Budget
FY 2018 Sheriff's Parking	19,274.00	Proposed FY 2018 Budget
Total	<u>\$1,332,716.00</u>	

Attachments (4)

# Asphalt Cement Price Index

Attachment 1



## Invitation to Bid #1299-B: Asphalt

All Mixes are GDOT Super Pave Mix Designs (With Lime)

### 4.75 MM

Relevant Range

ACPI Index	C.W. Matthews Contracting Co., Inc. Plant #04 Griffin	C.W. Matthews Contracting Co., Inc. Plant #56 Forest Park	C.W. Matthews Contracting Co., Inc. Plant #64 Tyrone	E.R. Snell Contractor, Inc.
150-175	\$46.77	\$43.24	\$37.97	\$35.76
176-200	\$48.09	\$44.51	\$39.24	\$37.04
201-225	\$49.41	\$45.78	\$40.51	\$38.32
226-250	\$50.73	\$47.05	\$41.78	\$39.60
251-275	\$52.05	\$48.32	\$43.05	\$40.88
276-300	\$53.37	\$49.59	\$44.32	\$42.16
301-325	\$54.69	\$50.86	\$45.59	\$43.44
326-350	\$56.01	\$52.13	\$46.86	\$44.72
351-375	\$57.33	\$53.40	\$48.13	\$46.00
376-400	\$58.65	\$54.67	\$49.40	\$47.28
401-425	\$59.97	\$55.94	\$50.67	\$48.56
426-450	\$61.29	\$57.21	\$51.94	\$49.84
451-475	\$62.61	\$58.48	\$53.21	\$51.12
476-500	\$63.93	\$59.75	\$54.48	\$52.40
501-525	\$65.25	\$61.02	\$55.75	\$53.68
526-550	\$66.57	\$62.29	\$57.02	\$54.96
551-575	\$67.89	\$63.56	\$58.29	\$56.24
576-600	\$69.21	\$64.83	\$59.56	\$57.52
601-625	\$70.53	\$66.10	\$60.83	\$58.80
626-650	\$71.85	\$67.37	\$62.10	\$60.08
651-675	\$73.17	\$68.64	\$63.37	\$61.36
676-700	\$74.49	\$69.91	\$64.64	\$62.64
701-725	\$75.81	\$71.18	\$65.91	\$63.92
726-750	\$77.13	\$72.45	\$67.18	\$65.20
751-775	\$78.45	\$73.72	\$68.45	\$66.48
776-800	\$79.77	\$74.99	\$69.72	\$67.76
801-825	\$81.09	\$76.26	\$70.99	\$69.04
826-850	\$82.41	\$77.53	\$72.26	\$70.32
851-875	\$83.73	\$78.80	\$73.53	\$71.60
876-900	\$85.05	\$80.07	\$74.80	\$72.88

## 9.5 MM, Type I

Relevant Range	ACPI Index	C.W. Matthews Contracting Co., Inc. Plant #04 Griffin	C.W. Matthews Contracting Co., Inc. Plant #56 Forest Park	C.W. Matthews Contracting Co., Inc. Plant #64 Tyrone	E.R. Snell Contractor, Inc.
	150-175	\$47.59	\$42.71	\$38.00	\$34.33
	176-200	\$48.87	\$43.85	\$39.20	\$35.54
	201-225	\$50.15	\$44.99	\$40.40	\$36.74
	226-250	\$51.43	\$46.13	\$41.60	\$37.94
	251-275	\$52.71	\$47.27	\$42.80	\$39.14
	276-300	\$53.99	\$48.41	\$44.00	\$40.34
	301-325	\$55.27	\$49.55	\$45.20	\$41.54
	326-350	\$56.55	\$50.69	\$46.40	\$42.74
	351-375	\$57.83	\$51.83	\$47.60	\$43.94
	376-400	\$59.11	\$52.97	\$48.80	\$45.14
	401-425	\$60.39	\$54.11	\$50.00	\$46.34
	426-450	\$61.67	\$55.25	\$51.20	\$47.54
	451-475	\$62.95	\$56.39	\$52.40	\$48.74
	476-500	\$64.23	\$57.53	\$53.60	\$49.94
	501-525	\$65.51	\$58.67	\$54.80	\$51.14
	526-550	\$66.79	\$59.81	\$56.00	\$52.34
	551-575	\$68.07	\$60.95	\$57.20	\$53.54
	576-600	\$69.35	\$62.09	\$58.40	\$54.74
	601-625	\$70.63	\$63.23	\$59.60	\$55.94
	626-650	\$71.91	\$64.37	\$60.80	\$57.14
	651-675	\$73.19	\$65.51	\$62.00	\$58.34
	676-700	\$74.47	\$66.65	\$63.20	\$59.54
	701-725	\$75.75	\$67.79	\$64.40	\$60.74
	726-750	\$77.13	\$68.93	\$65.60	\$61.94
	751-775	\$78.31	\$70.07	\$66.80	\$63.14
	776-800	\$79.59	\$71.21	\$68.00	\$64.34
	801-825	\$80.87	\$72.35	\$69.20	\$65.54
	826-850	\$82.15	\$73.49	\$70.40	\$66.74
	851-875	\$83.43	\$74.63	\$71.60	\$67.94
	876-900	\$84.71	\$75.77	\$72.80	\$69.14

## 9.5 MM, Type II

Relevant Range	ACPI Index	C.W. Matthews Contracting Co., Inc. Plant #04 Griffin	C.W. Matthews Contracting Co., Inc. Plant #56 Forest Park	C.W. Matthews Contracting Co., Inc. Plant #64 Tyrone	E.R. Snell Contractor, Inc.
	150-175	\$47.32	\$42.79	\$37.48	\$34.52
	176-200	\$48.52	\$43.91	\$38.60	\$35.66
	201-225	\$49.72	\$45.03	\$39.72	\$36.81
	226-250	\$50.92	\$46.15	\$40.84	\$37.96
	251-275	\$52.12	\$47.27	\$41.96	\$39.11
	276-300	\$53.32	\$48.39	\$43.08	\$40.26
	301-325	\$54.52	\$49.51	\$44.20	\$41.41
	326-350	\$55.72	\$50.63	\$45.32	\$42.56
	351-375	\$56.92	\$51.75	\$46.44	\$43.71
	376-400	\$58.12	\$52.87	\$47.56	\$44.86
	401-425	\$59.32	\$53.99	\$48.68	\$46.01
	426-450	\$60.52	\$55.11	\$49.80	\$47.16
	451-475	\$61.72	\$56.23	\$50.92	\$48.31
	476-500	\$62.92	\$57.35	\$52.04	\$49.46
	501-525	\$64.12	\$58.47	\$53.16	\$50.61
	526-550	\$65.32	\$59.59	\$54.28	\$51.76
	551-575	\$66.52	\$60.71	\$55.40	\$52.91
	576-600	\$67.72	\$61.83	\$56.52	\$54.06
	601-625	\$68.92	\$62.95	\$57.64	\$55.21
	626-650	\$70.12	\$64.07	\$58.76	\$56.36
	651-675	\$71.32	\$65.19	\$59.88	\$57.51
	676-700	\$72.52	\$66.31	\$61.00	\$58.66
	701-725	\$73.72	\$67.43	\$62.12	\$59.81
	726-750	\$74.92	\$68.55	\$63.24	\$60.96
	751-775	\$76.12	\$69.67	\$64.36	\$62.11
	776-800	\$77.32	\$70.79	\$65.48	\$63.26
	801-825	\$78.52	\$71.91	\$66.60	\$64.41
	826-850	\$79.72	\$73.03	\$67.72	\$65.56
	851-875	\$80.92	\$74.15	\$68.84	\$66.71
	876-900	\$82.12	\$75.27	\$69.96	\$67.86

## 12.5 MM

Relevant Range

ACPI Index	C.W. Matthews Contracting Co., Inc. Plant #04 Griffin	C.W. Matthews Contracting Co., Inc. Plant #56 Forest Park	C.W. Matthews Contracting Co., Inc. Plant #64 Tyrone	E.R. Snell Contractor, Inc.
150-175	\$46.82	\$42.39	\$37.59	\$33.92
176-200	\$47.97	\$43.41	\$38.69	\$34.96
201-225	\$49.12	\$44.43	\$39.79	\$35.99
226-250	\$50.27	\$45.45	\$40.89	\$37.02
251-275	\$51.42	\$46.47	\$41.99	\$38.05
276-300	\$52.57	\$47.49	\$43.09	\$39.08
301-325	\$53.72	\$48.51	\$44.19	\$40.11
326-350	\$54.87	\$49.53	\$45.29	\$41.14
351-375	\$56.02	\$50.55	\$46.39	\$42.17
376-400	\$57.17	\$51.57	\$47.49	\$43.20
401-425	\$58.32	\$52.59	\$48.59	\$44.23
426-450	\$59.47	\$53.61	\$49.69	\$45.26
451-475	\$60.62	\$54.63	\$50.79	\$46.29
476-500	\$61.77	\$55.65	\$51.89	\$47.32
501-525	\$62.92	\$56.67	\$52.99	\$48.35
526-550	\$64.07	\$57.69	\$54.09	\$49.38
551-575	\$65.22	\$58.71	\$55.19	\$50.41
576-600	\$66.37	\$59.73	\$56.29	\$51.44
601-625	\$67.52	\$60.75	\$57.39	\$52.47
626-650	\$68.67	\$61.77	\$58.49	\$53.50
651-675	\$69.82	\$62.79	\$59.59	\$54.53
676-700	\$70.97	\$63.81	\$60.69	\$55.56
701-725	\$72.12	\$64.83	\$61.79	\$56.59
726-750	\$73.27	\$65.85	\$62.89	\$57.62
751-775	\$74.42	\$66.87	\$63.99	\$58.65
776-800	\$75.57	\$67.89	\$65.09	\$59.68
801-825	\$76.72	\$68.91	\$66.19	\$60.71
826-850	\$77.87	\$69.93	\$67.29	\$61.74
851-875	\$79.02	\$70.95	\$68.39	\$62.77
876-900	\$80.17	\$71.97	\$69.49	\$63.80

## 19 MM

Relevant Range	ACPI Index	C.W. Matthews Contracting Co., Inc. Plant #04 Griffin	C.W. Matthews Contracting Co., Inc. Plant #56 Forest Park	C.W. Matthews Contracting Co., Inc. Plant #64 Tyrone	E.R. Snell Contractor, Inc.
	150-175	\$46.51	\$41.39	\$36.62	\$34.03
	176-200	\$47.48	\$42.26	\$37.54	\$34.90
	201-225	\$48.45	\$43.13	\$38.46	\$35.77
	226-250	\$49.42	\$44.00	\$39.38	\$36.64
	251-275	\$50.39	\$44.87	\$40.30	\$37.51
	276-300	\$51.36	\$45.74	\$41.22	\$38.38
	301-325	\$52.33	\$46.61	\$42.14	\$39.25
	326-350	\$53.30	\$47.48	\$43.06	\$40.12
	351-375	\$54.27	\$48.35	\$43.98	\$40.99
	376-400	\$55.24	\$49.22	\$44.90	\$41.86
	401-425	\$56.21	\$50.09	\$45.82	\$42.73
	426-450	\$57.18	\$50.96	\$46.74	\$43.60
	451-475	\$58.15	\$51.83	\$47.66	\$44.47
	476-500	\$59.12	\$52.70	\$48.58	\$45.34
	501-525	\$60.09	\$53.57	\$49.50	\$46.21
	526-550	\$61.06	\$54.44	\$50.42	\$47.08
	551-575	\$62.03	\$55.31	\$51.34	\$47.95
	576-600	\$63.00	\$56.18	\$52.26	\$48.82
	601-625	\$63.97	\$57.05	\$53.18	\$49.69
	626-650	\$64.94	\$57.92	\$54.10	\$50.56
	651-675	\$65.91	\$58.79	\$55.02	\$51.43
	676-700	\$66.88	\$59.66	\$55.94	\$52.30
	701-725	\$67.85	\$60.53	\$56.86	\$53.17
	726-750	\$68.82	\$61.40	\$57.78	\$54.04
	751-775	\$69.79	\$62.27	\$58.70	\$54.91
	776-800	\$70.76	\$63.14	\$59.62	\$55.78
	801-825	\$71.73	\$64.01	\$60.54	\$56.65
	826-850	\$72.70	\$64.88	\$61.46	\$57.52
	851-875	\$73.67	\$65.75	\$62.38	\$58.39
	876-900	\$74.64	\$66.62	\$63.30	\$59.26

## 25 MM

Relevant Range

ACPI Index	C.W. Matthews Contracting Co., Inc. Plant #04 Griffin	C.W. Matthews Contracting Co., Inc. Plant #56 Forest Park	C.W. Matthews Contracting Co., Inc. Plant #64 Tyrone	E.R. Snell Contractor, Inc.
150-175	\$45.85	\$40.87	\$35.23	\$32.49
176-200	\$46.75	\$41.69	\$36.02	\$33.23
201-225	\$47.65	\$42.51	\$36.81	\$33.97
226-250	\$48.55	\$43.33	\$37.60	\$34.71
251-275	\$49.45	\$44.15	\$38.39	\$35.45
276-300	\$50.35	\$44.97	\$39.18	\$36.19
301-325	\$51.25	\$45.79	\$39.97	\$36.93
326-350	\$52.15	\$46.61	\$40.76	\$37.67
351-375	\$53.05	\$47.43	\$41.55	\$38.41
376-400	\$53.95	\$48.25	\$42.34	\$39.15
401-425	\$54.85	\$49.07	\$43.13	\$39.89
426-450	\$55.75	\$49.89	\$43.92	\$40.63
451-475	\$56.65	\$50.71	\$44.71	\$41.37
476-500	\$57.55	\$51.53	\$45.50	\$42.11
501-525	\$58.45	\$52.35	\$46.29	\$42.85
526-550	\$59.35	\$53.17	\$47.08	\$43.59
551-575	\$60.25	\$53.99	\$47.87	\$44.33
576-600	\$61.15	\$54.81	\$48.66	\$45.07
601-625	\$62.05	\$55.63	\$49.45	\$45.81
626-650	\$62.95	\$56.45	\$50.24	\$46.55
651-675	\$63.85	\$57.27	\$51.03	\$47.29
676-700	\$64.75	\$58.09	\$51.82	\$48.03
701-725	\$65.65	\$58.91	\$52.61	\$48.77
726-750	\$66.55	\$59.73	\$53.40	\$49.51
751-775	\$67.45	\$60.55	\$54.19	\$50.25
776-800	\$68.35	\$61.37	\$54.98	\$50.99
801-825	\$69.25	\$62.19	\$55.77	\$51.73
826-850	\$70.15	\$63.01	\$56.56	\$52.47
851-875	\$71.05	\$63.83	\$57.35	\$53.21



## FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

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

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: C.W. Matthews Contracting Co.	Contract Number: 1137-B
Mailing Address: P.O. Drawer 970	Contract Description or Title: Bid #1137-B: Asphaltic Concrete
City, St, Zip Code: Marietta, GA 30061	Contract Term (Dates) From: July 1, 2016 To: June 30, 2017
Phone Number: 770-422-7520	Task Order Number:
Cell Number: 404-277-3637	Other Reference:
E-Mail Address: mikek@cwmatthews.com	

### DEFINITIONS

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

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

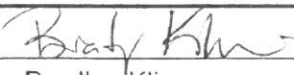
**SATISFACTORY (Sat)** - Vendor met minimum contractual requirements or performance expectations of the products/services.

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

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

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

### EVALUATED BY

Signature: 	Date of Evaluation: 6-8-17
Print Name: Bradley Klinger	Department/Division: Road Department
Title: Assistant Director	Telephone No: 770-320-6039

# FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

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

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: E. R. Snell Contractor, Inc.	Contract Number: 1137-B
Mailing Address: 1785 Oak Rd	Contract Description or Title: Bid #1137-B: Asphaltic Concrete
City, St, Zip Code: Snellville, GA 30078	Contract Term (Dates) From: July 1, 2016 To: June 30, 2017
Phone Number: 770-985-0600	Task Order Number:
Cell Number: 404-392-4517	Other Reference:
E-Mail Address: nmurphy@ersnell.com	

## DEFINITIONS

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

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

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

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

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

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

## EVALUATED BY

Signature: <i>Bradley Klinger</i>	Date of Evaluation: 6-8-17
Print Name: Bradley Klinger	Department/Division: Road Department
Title: Assistant Director	Telephone No: 770-320-6039

**BOARD OF COUNTY COMMISSIONERS**

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

**FAYETTE COUNTY, GEORGIA**

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



140 Stonewall Avenue West  
 Public Meeting Room  
 Fayetteville, GA 30214

**MINUTES**

June 6, 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 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 7:00 p.m.\*

***\*The Board of Commissioners new meeting time will change to 6:30 p.m. effective July 13, 2017.***

**Call to Order**

Chairman Eric Maxwell called the June 6, 2017 Board of Commissioners meeting to order at 7:01 p.m.

**Invocation and Pledge of Allegiance by Commissioner Steve Brown**

Commissioner Steve Brown offered the Invocation and led the Board and audience in the Pledge of Allegiance.

**Acceptance of Agenda**

Commissioner Brown moved to accept the agenda as presented. Vice Chairman Randy Ognio seconded. The motion passed 5-0.

**PROCLAMATION/RECOGNITION:**

1. **Presentation of Government Finance Officers Association Certificates of Achievement for Excellence in Financial Reporting for Fayette County's Comprehensive Annual Financial Reports (CAFR) for the fiscal year ended June 30, 2016.**

Chief Financial Officer (CFO) Mary Parrott reported to the Board that the Finance Department received notification from the Government Finance Officers Association that the Finance Department had been awarded the Certificate of Achievement for Excellence in Financial Reporting for the twenty-fourth year in a row. She commended her staff for doing an awesome job. The department also received a perfect score from the state office as well. Assistant CFO Sheryl Weinmann accepted the award on behalf of the staff. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part thereof.

2. **Presentation of the Government Finance Officers Association Distinguished Budget Award for Fayette County's annual budget document for the fiscal year beginning July 1, 2016 and ending June 30, 2017.**

CFO Mary Parrott reported that the Finance Department also received the Distinguished Budget Award for the county's annual budget document for the twentieth year in a row. Budget Officer Sergio Acevedo and Finance Analyst Amanda Schoonover accepted the award on behalf of the staff. County Administrator Steve Rapson expressed that the finance

department was doing a great job. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part thereof.

### **PUBLIC HEARING:**

3. **First of Two Public Hearings on Fayette County's recommended annual budget for Fiscal Year 2018 which begins on July 1, 2017 and ends June 30, 2018. A copy of the request and PowerPoint presentation, identified as "Attachment 3", follows these minutes and is made an official part thereof.**

CFO Mary Parrott briefed the Board regarding the fiscal year 2018 annual budget. This was the first of two public hearings regarding the budget. She stated that the General Fund revenues included \$656,897, the 911 services was \$675,704, Fire services was \$1,538,640 and Emergency Medical was \$518,830 in fund balance. Ms. Parrott reported that the expenditure overage for Juvenile Supervision was (\$3,750) and to-date the fund balance was \$95,000 so there was ample money to cover that shortage. The Solid Waste fund also included an overage of (\$134,390) and to-date that fund balance was \$492,000 to cover that shortage. There was a recommendation of \$5,919,315 for capital projects, \$2,791,000 for the enterprise fund (Water System) and for vehicle and equipment the recommendation was \$1,501,169 included in the proposed budget.

The proposed budget included a rollback of the millage rate, three months of stabilization fund (\$12,401,233), assigned emergency fund (\$2,000,000), Stormwater advance (\$3,913,956) and unassigned fund (\$3,888,425).

County Administrator Steve Rapson presented to the Board the results from University of Georgia regarding compensation comparison for the Solicitors and State Court Judges of Clayton, Coweta, Henry and Spalding. He stated that this was one of the items that remained for the Board to decide how to proceed. The proposed increases were \$3,600 for a \$40,000 supplement; \$6,300 increase for a \$43,000 supplement and \$12,600 increase for a \$50,000 supplement. The State Court Judges' salary was 90% of the supplement for the Superior Court Judge. The supplements are paid from the Griffin Circuit total. The associated increase to the General Fund would be providing the 2.4% increase for the remaining Constitutional officers that receive supplements. Staff's recommendation was to increase all six Constitutional officers who receive supplements.

The Board made comments about the Memorandum of Understanding between the judges and the county regarding not hiring court reporters (transcriptionist). Vice Chairman Ognio pointed out that the Superior Court judges are scheduled to receive an increase from the State in January of 2018.

Vice Chairman Ognio moved to approve the 2.4% increase for all six Constitutional officers who receive supplements. Commissioner Charles Oddo seconded. Discussion followed.

Mr. Ted Toles stated that when there are loyal dedicated employees it is a good incentive for a job well done to receive an increase and it is impactful over time on how the employee performs.

Chairman Maxwell stated that the State pays the Superior Court Judge and gives the county the power to decide whether to give a supplement or not in addition to that payment. He stated that it was not required. He stated the four counties in the Judicial Circuit would have to work together to determine what should be the supplement. The proposed supplement amounts per county were determined based on a percentage of the number of cases for each county. He stated that he would prefer that the judges' supplements at least match the proposed increases for county staff. Vice Chairman Ognio reiterated that there was a proposed 2% increase from the State for the judges for the beginning of 2018.

Mr. Rapson stated that the supplement for the judges was in the Griffin Circuit fund and that the salary was paid by the State. He explained that there would be an impact to the General Fund due to the other six increases that would be impacted.

Commissioner Brown wanted to clarify two points. The first point was does an increase for the Judges mean an increase for the Board of Commissioners. Mr. Rapson stated that the State of Georgia was approving that increase and that the Board was doing nothing but receiving it by the mechanics of how the allocation is distributed.

Commissioner Brown's second point was even if the supplement was agreed upon at this meeting it would not be official until the budget was approved at the next meeting. Mr. Rapson stated that was correct.

Vice Chairman Ognio moved to approve the 2.4% increase for all six Constitutional officers who receive supplements. Commissioner Charles Oddo seconded. The motion passed 4-1. Commissioner Rousseau voted in opposition noting that he was not against the motion, however he wanted to wait to see how the Board would vote regarding increases for the employees which was the primary responsibility of the Board.

The second outstanding item for consideration before the Board involved a request from Fayette FACTOR for \$7,000 to cover the increase in rent.

Commissioner Oddo recused himself from any discussion regarding this item, due to a potential conflict of interest because his family has keen interest and relationship with FACTOR and therefore he would not participate in the discussion or vote regarding Fayette FACTOR. He stated that he would participate in the discussions regarding the budget, just not specifically about Fayette FACTOR.

Ms. Parrott stated that the county had not funded FACTOR in the past and that the county had only acted as a fiscal agent to coordinate their grant. She asked the Board how they would like to move forward with the request.

Commissioner Brown stated that the county did provide space for Fayette FACTOR in years past. Mr. Rapson stated that FACTOR had space in the old Department of Drivers Services building until 2006. He stated that since that building was now vacant he suggested that FACTOR take a look at the building. FACTOR declined to use the building because of the substantial renovation cost needed to make the building feasible for their need.

The third item for consideration before the Board involved a request from Fayette Care Clinic for \$14,000 to cover the increase in rent. There was also conversation regarding a facility for the Health Department.

Commissioner Rousseau stated that he recognizes that the discussions about the Community Development Block Grant (CDBG) was a negative one because of the county's income levels. He stated that regarding public health there may be opportunities available despite the county's income level and that there should be application made for the CDBG. Commissioner Brown stated it was important to point out that the Health Department does not just see Fayette County residents and that they service Clayton and Fulton and other surrounding counties; therefore those counties income levels could be considered in favor of applying for the grant.

Commissioner Rousseau stated that he recognizes that it was precarious to open the door in assisting with tax payers dollars for Fayette Care Clinic, but he knows there can be an argument made based on the services provided and because they fall under the umbrella of Fayette FACTOR and there was a reciprocal relationship with the Health Department for those who may not have adequate access to health care.

There were no comments from the public.

Commissioner Brown that he was trying to link the provisions to assist Fayette Care Clinic to a mandate. He suggested that there may be a program for Fayette Care Clinic to partner with the hospital. Commissioner Rousseau stated that he was open to exploring opportunities to assist and he would like to give the County Administrator instructions to explore some opportunities. Commissioner Brown stated that he did not see an issue with the Fayette FACTOR request because the county has assisted them in the past, but that Fayette Care Clinic he would like to have staff look into grants.



Mr. Rapson stated that he would instruct the Grant Coordinator to research grants for servicing the county needs.

Commissioner Brown moved to include the request for \$7,000 as a contribution for Fayette FACTOR and not necessarily for rent, but as a contribution for their services and that they are a state chartered organization and the county has consistency provided space for FACTOR in the past which does have a monetary value that far exceeds the \$7,000. The motion died for a lack of a second.

Vice Chairman Ognio stated that he knows FACTOR shares the space with someone else and he does not know who or how this payment would benefit the "someone else". He stated that he would like to know who that is. Mr. Rapson stated that he would find out and let the Board know.

Ms. Parrott gave a budget highlight. There was no proposed property increase in the budget. Mr. Rapson stated that this was a cumulative total over the past years of \$14,000,000 that the residents did not have to pay because there had been five rollbacks. Ms. Parrott continued that a 5 year Capital Improvement Plan (CIP) was included in the proposed budget and also some personnel changes. She pointed out that the unassigned fund was not being used to balance the budget. She stated that working together with the Constitutional officers and the departments was refreshing.

Ms. Parrott concluded the presentation by reminding the Board and audience that the second public hearing was scheduled for June 22, 2017 at 7:00 p.m.

There were no public comments.

Commissioner Brown made a request for consideration of the Board to fund a launch boat for the rowing program due to concerns for safety on the lake. He stated that Meagan Gray was in charge of the rowing program at Lake McIntosh. He stated that he was looking at ways to assist the program with purchasing the launch boat. He stated that he had some suggestions of what funding lines the funds could come from to make it a budget neutral request. He stated that there was a safety issue with the participants using the jon boats. He stated that he had the electric motors donated. He stated that it would be approximately \$48,000 to purchase the boat. He suggested that before starting new programs such as the dog park and the equestrian park that the Board would take care of this current program first.

Commissioner Rousseau asked if there was registration fees associated with this program. Mr. Rapson explained that all recreation associations pay \$5 per resident. He stated that the county purchasing a boat to be used by the program would create some liability for the county. He stated that there was more than one reservoir and would the Board purchase one for each reservoir. He stated that the funds could be taken from the CIP Water System.

Commissioner Brown stated that there was no rowing programs at the other lakes so there would not be a need to purchase a boat for the other reservoirs. He stated that the safety issue was paramount and that the County does provide athletic fields, concession stands and other things for the other associations. He stated that safety was why the County was replacing the light poles at the fields. Mr. Rapson stated that the issue would be the liability to the county. He stated that if there was ever a safety concern with any program he would shut it down immediately as not to allow safety issues to continue.

Mr. Rapson stated that the course of action for staff would be to have the Parks and Recreation Director work with the Water System Director to speak with the Recreation Commission and to determine which policies or agreements would have to be amended.

Commissioner Oddo stated that the safety issues were not discussed when this was brought to the Board. He stated that the Board was giving the rowing club the opportunity to use the County's reservoir. He stated that there are restrictions on the reservoirs that have to be considered. He stated that the county did not get involved with the program to spend money. He stated that the rowing program needs to figure out how to do what needs to be done.

Commissioner Brown moved to another issue. He stated that he had been pinged regarding compensation issues for the staff in the past twelve years. He wanted to ensure that the following points be included in the minutes:

- The County reduced the amount of the insurance premium paid by the employees significantly. The county covers 79.4% of the insurance premiums.
- The County funded \$1,910,809 in incentive bonuses for employees.
- Job reclassifications to get staff to proper levels, prior to the recent compensation and pay study at the amount of \$55,242. This is an annual expense.
- Carl Vinson Institute certifications at \$10,800 which does not include the cost paid for hotel and travel. This is an annual expense and will grow as more staff get reclassified for the additional stipend.

He stated that when there is almost \$2,000,000 in bonuses and over \$66,000 in increases related to training incentives, significant savings to employees on insurance premiums. He stated that there was a huge gap on vehicle, equipment and technology and the Board has bridged that gap by doing what needed to be done. He stated that it had not been an all or nothing gain and the Board had done an admirable job in the midst of the trying circumstances in terms of capital improvements. He stated that a lot of people are worried about the assessments and he would like to have staff look into what Fulton County was doing about recent concerns with their assessments and to give a report to the Board. He stated that the Board had done a lot under the circumstances in the past 12 years. He stated that the Board was working to get additional staff when it could. He stated that there were gaps in 911 and the Fire Department regarding keeping employees, but that the Board was addressing that issue. He stated further stated that he had no problem with a millage rate rollback.

Vice Chairman Ognio stated that Fulton County's property values have been going up and their Board had not rolled the millage rate back. He stated that some Fayette citizens would see a slight increase even though the millage rate would be rolled back.

Mr. Rapson stated that it was true that the county was paying 79% of the insurance premiums for employees. He stated that when he started working for the county in 2013 it was close to 82%. That had not changed substantially over the past five years. He stated that from an employee perspective, what had changed was that the standard deductibles had increased and the medical plan had enhancements added that included surcharges to offset the cost. He stated that the savings depended on the employee. He continued that if an employee did not use the medical coverage often then it had been a flat premium over the past four or five years. He stated that an employee who utilizes the medical coverage would have a substantial increase to medical cost over the last four to five years. He stated that the \$1,910,809 for incentive bonuses was referring to the one-time 2% increases that were given in 2014, 2015 and 2016. He stated that he agreed that this was money in the employee's pocket, but it did not change the employee's base salary. He stated that in the past 10 (ten) years employees had two 2% cost of living adjustment (COLA) increases which means that the employee's base salary only adjusted by 4%. He stated that the \$1.9 million sounds like a lot, but it should be looked at in perspective to the county's budget. The \$55,242 was not a lot for a county the size of Fayette. He stated that there was still pay and classification and pay parity issues in the county and a part of that was due to a number of employees with 20 plus years of employment. He stated that there had been an increase in training and technology. He continued that was one of the reasons why the staffing was approaching the same as they were in 2006 where there were more employees than there are currently. He stated that Fayette County did not have the issues that Fulton County had. There are citizens who are upset about the assessment increase, but those citizens realize that the home could sell for the assessed amount. Citizens have an appeal process available. He stated that he was proud of the work that staff was doing. He stated that he felt a merit increase was important because the County had to keep up with the environment. He stated that the County was losing fire fighters to the City of Fayetteville because the city did not stop COLA increases and merit increases over the last four or five years when the county did. He stated that he did not think the proposal from Commissioner Brown regarding the launch boat was insurmountable but that it should be approached logically and rationally before being implemented.

Commissioner Oddo stated that he did not have a lot of people saying the Board did not do a lot for them and that they are appreciative of what had been done. He stated that when he was elected to serve, the Board "clamped down" on the Defined

Benefit Plan and it did not sit well with staff, but they accepted it. He stated that things appear to be getting better and that should be recognized.

No action was taken.

#### **CONSENT AGENDA:**

Commissioner Brown moved to approve the Consent Agenda as written. Vice Chairman Ognio seconded. The motion passed 5-0.

4. **Approval of staff's recommendation to award 2018 Property & Casualty Insurance coverage at \$525,055 to OneBeacon, and Sheriff's Office AD&D at \$2,035 and Commissioners' Travel Accident at \$750 to The Hartford, for a total award of \$527,840. A copy of the request identified as "Attachment 4", follows these minutes and is made a part thereof.**
5. **Approval of staff's recommendation to add Canoe Club at Waterlace A3 subdivision to Fayette County's Street Light Program. A copy of the request identified as "Attachment 5", follows these minutes and is made a part thereof.**
6. **Approval of the May 15, 2017 Departmental Overview Minutes.**
7. **Approval of the May 25, 2017 Budget Workshop Minutes.**
8. **Approval of the May 25, 2017 Board of Commissioners Meeting Minutes.**

#### **OLD BUSINESS:**

#### **NEW BUSINESS:**

Chairman Maxwell announced that the Board of Commissioners approved to move the meeting time to 6:30 p.m. and that this would begin on July 13, 2017.

9. **Consideration to adopt Resolution 2017-08 to approve the revision of the schedule of the Board of Commissioners regular meetings to reflect a start time of 6:30 p.m.**

County Attorney Dennis Davenport briefed the Board that the approval of this Resolution would move the meeting time from 7:00 p.m. to 6:30 p.m.

Commissioner Brown moved to approve Resolution 2017-08 to approve the revision of the schedule of the Board of Commissioners regular meetings to reflect a start time of 6:30 p.m. Commissioner Oddo seconded. The motion passed 4-0-1. Commissioner Rousseau stepped out the meeting. A copy of the request identified as "Attachment 6", follows these minutes and is made a part thereof.

10. **Consideration of the approval of the County Clerk's recommendation to re-adopt the 2017 County Commissioner Meeting Schedule to reflect the meeting time change to 6:30 p.m.**



This item was to re-adopt the originally approved calendar for the Board of Commissioner meeting to reflect the change of meeting time to 6:30 p.m.

Commissioner Brown moved to approve to re-adopt the 2017 County Commissioner Meeting Schedule to reflect the meeting time change to 6:30 p.m. Commissioner Oddo seconded. The motion passed 4-0-1. Commissioner Rousseau stepped out the meeting. A copy of the request identified as "Attachment 7", follows these minutes and is made a part thereof.

**11. Consideration of Ordinance 2017-09 to amend the time to set forth for notice given to the public pertaining to the hearings conducted by the Board of Commissioners for consideration alcoholic beverage permits.**

Mr. Davenport stated that this was part of the code that referenced the meeting time regarding public hearings for the consideration of alcoholic beverage licenses. He stated that the document in the meeting package stated that the new meeting time would be advertised at 6:30 p.m. He stated that during the pre-agenda meeting Commissioner Oddo suggested that it should instead state that the hearings would be at the regular meeting time and place of the Board of Commissioners.

Vice Chairman Ognio moved to approve Ordinance 2017-09 to amend the time to set forth for notice given to the public pertaining to the hearings conducted by the Board of Commissioners for consideration alcoholic beverage permits with the generic meeting time. Commissioner Oddo seconded.

Commissioner Oddo asked were there any other meetings that follow the same situation. Mr. Davenport responded that the zoning code also followed the same situation and was scheduled to come before the Board at a later meeting. Vice Chairman Ognio requested that the language for those meetings also be changed to reflect the generic meeting time.

Vice Chairman Ognio moved to approve Ordinance 2017-09 to amend the time to set forth for notice given to the public pertaining to the hearings conducted by the Board of Commissioners for consideration alcoholic beverage permits with the generic meeting time. Commissioner Oddo seconded. The motion passed 5-0. A copy of the request identified as "Attachment 8", follows these minutes and is made a part thereof.

**12. Consideration to adopt Ordinance 2017-10 to amend the terms of the remaining offices and reduce the number of members necessary to achieve a quorum of the Public Arts Committee.**

Mr. Davenport briefed the Board that at the retreat the Board requested that this committee be reduced from an eleven-member committee to a seven-member committee. He stated that Table 2 of the Ordinance showed the staggering of the seats. That was accomplished by extending Donna Thompson's seat to expire 2019 instead of 2018. He stated that Mrs. Thompson agreed to serve that term. He continued that there were changes to be addressed on Table 2 that included:

1. Robert Sibaja should read Roger Sibaja.
2. Table 2 was renumbered to show 1-7.
3. Table 1 was revised to remove the word "vacant".

Commissioner Brown stated that there was an applicant that would come before the Board for a recommendation in the upcoming Board meeting to fill the one vacant seat.

Commissioner Brown moved to adopt Ordinance 2017-10 to amend the terms of the remaining offices and reduce the number of members necessary to achieve a quorum of the Public Arts Committee and to include the changes as presented. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request identified as "Attachment 9", follows these minutes and is made a part thereof.

**13. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Debbie Hollis for tax years 2014, 2015 and 2016 in the amount of \$254.28.**

Mr. Davenport briefed the Board that this tax refund request submitted by Debbie Hollis was related to a foreclosure proceeding that occurred in Superior Court. The foreclosure caused the tax assessor to remove an exemption, the order from the judge cause the exemption to be put back in place and it could not be done retroactively so the tax payer made the request.

Ms. Hollis was not present.

Commissioner Brown moved to approve the disposition of tax refunds, as requested by Debbie Hollis for tax years 2014, 2015 and 2016 in the amount of \$254.28. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request identified as "Attachment 10", follows these minutes and is made a part thereof.

**PUBLIC COMMENT:** None

**ADMINISTRATOR'S REPORTS:**

**Balloons Over Fayette:** Mr. Rapson announced that the Balloons Over Fayette will be held on June 17 and that volunteers are needed to work the ticket booth and to work the parking lot.

**NASA Astronaut:** Monday, June 19 from 10 a.m. to 2 p.m. we will Skype with a NASA Astronaut. Library Director Chris Snell and Librarian Gina Martin are spearheading the efforts.

**New Board meeting time:** Reiterated that the Board of Commissioners' new meeting time is 6:30 p.m. starting July 13.

**ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there was one item of pending litigation and for the review of the Executive Session minutes for May 25, 2017.

**COMMISSIONERS' REPORTS:**

**Vice Chairman Ognio:**

**Antique Truck Show:** Vice Chairman Ognio stated that on June 18, 2017 it is the 8<sup>th</sup> Annual Antique Truck Show at Inman.

**D-Day:** June 6 was the anniversary of D-Day.

**Commissioner Oddo:**

**D-Day:** Commissioner Oddo also reminded that June 6 marked the anniversary of D-Day.

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

**Fayetteville Fire Marshal:** Extended condolences on behalf of the County to the family of the City of Fayetteville Fire Marshal Marty Mundok and to the City of Fayetteville.

**EXECUTIVE SESSION:**

**One item of Pending Litigation and Review of the May 25, 2017 Executive Session Minutes:** Commissioner Brown moved to go into Executive Session. Vice Chairman Ognio seconded. The motion passed 5-0.

The Board recessed into Executive Session at 9:11 p.m. and returned to Official Session at 9:42 p.m.

**Return to Official Session and Approval to Sign the Executive Session Affidavit:** Vice Chairman Ognio moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Brown seconded the motion. The motion passed 5-0. A copy of the Executive Session Affidavit identified as "Attachment 11", follows these minutes and is made a part thereof.

**Approval of the May 25, 2017 Executive Session Minutes:** Vice Chairman Ognio moved to approve the May 25, 2017 Executive Session Minutes. Commissioner Brown seconded. The motion passed 5-0.

**ADJOURNMENT:**

Commissioner Brown moved to adjourn the June 6, 2017 Board of Commissioners meeting. Commissioner Rousseau seconded the motion. The motion passed 5-0.

The June 6, 2017 Board of Commissioners meeting adjourned at 9:43 p.m.

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Tameca P. White, County Clerk

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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 6<sup>th</sup> day of June 2017. Referenced attachments are available upon request at the County Clerk's Office.

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Tameca P. White, County Clerk

# COUNTY AGENDA REQUEST

Page 233 of 268

Department: Board of Commissioners

Presenter(s): Commissioners Ognio and Brown

Meeting Date: Thursday, June 22, 2017

Type of Request: New Business #13

## Wording for the Agenda:

Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Randy Ognio and Commissioner Brown to re-appoint Heather Cap to the Fayette County Public Arts Committee to serve a two (2) year term beginning June 1, 2017 and expiring May 31, 2019.

## Background/History/Details:

The Public Arts Committee was established in 2014 with the purpose of finding ways to use art to enhance the County's reputation, to contribute to the civic environment, and to enrich the lives of citizens and visitors through the involvement of amateur and professional artists.

On March 10, 2016 the Board of Commissioners approved an ordinance to provide for an advisory committee to be known as the Fayette County Public Arts Committee, to provide for terms of office, the initial membership, the filling of vacancies, the taking of an oath, the requirement of regular meetings, the removal of members, and compensation and qualifications of officers.

The PAC position was posted and four applicants applied. One applicant later withdrew. Interviews for the positions were conducted and the Selection Committee is recommending Heather Cap for appointment to this committee in accordance to the ordinance; to serve a term of two (2) years expiring May 31, 2019.

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

Approval of a recommendation from the Selection Committee, comprised of Vice Chairman Randy Ognio and Commissioner Brown to re-appoint Heather Cap to the Fayette County Public Arts Committee to serve a two (2) year term beginning June 1, 2017 and expiring May 31, 2019.

## 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:

APPLICATION FOR APPOINTMENT  
Fayette County Public Arts Committee

Fayette County's Public Arts Committee has been established by the Fayette County Board of Commissioners. The purpose of the Public Arts Committee is to make recommendations to the Board of Commissioners of Fayette County as to find ways to use art to enhance the County's reputation, to contribute to the civic environment, to enrich the lives of citizens and visitors through the involvement of amateur and professional artists, and to integrate public arts throughout Fayette County. The Public Arts Committee aims to acquire, cultivate, and perform responsible stewardship of public arts, to enhance the dignity of Fayette County through the commitment to artists and their disciplines as integral elements of economic vitality and development. Fayette County's Public Arts Committee offers opportunities and support to citizens, emerging students, amateur and professional artists, arts education resources, and public beautification arts projects. Its mission is to change the way the Fayette County community approaches arts and culture. The goal of the Fayette County Public Arts Committee is to become a leader in the arts through conceptualizing, implementing, organizing, and executing art projects and programs for the citizens.

The Public Arts Committee will meet on the first Wednesday and the third Monday of each month at 140 Stonewall Avenue West, Fayetteville, Georgia in the Conference Room.

Please take a few minutes to complete the form and answer the questions below and return it with a resume, if available, to Tameca White, County Clerk, 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 no later than 5:00 p.m. on Friday, March 31, 2017.

If you have any questions, please call (770) 305-5103.

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

NAME Heather Cap

ADDRESS 105 Cottage Circle  
Fayetteville GA 30215

TELEPHONE (day) [REDACTED]

(evening) Same

(email address) [REDACTED]

Heather Cap  
Signature

3/24/17  
Date

1. How long have you been a resident of Fayette County? **3 years**
2. Why are you interested in serving on the Fayette County Public Arts Committee? ***I am currently on the committee and would like to continue to serve Fayette County by continuing to bring art and arts events to the community.***
3. What qualifications and experience do you possess for appointment to the Public Arts Committee? ***I have been on the committee for almost a year. I have worked closely with the Chairwoman to assist in the budgeting and approval process for several projects. I have been hands on working with other members of the committee at events. I have worked closely with county and city officials through planning, budgeting, and scheduling in order to bring arts projects to the citizens of Fayette County.***
4. List your recent employment experiences to include name of company and position. ***I am the owner/operator of an upholstery business called No Business Like Sew Business. I also work on various film, theatre, and television projects as needed. I am also currently teaching a sewing class at Saville Studios once a week.***
5. Do you have any past experience relating to the Public Arts Committee? If so, please describe. ***Yes. I am currently a committee member and the Vice-Chair of the committee. I have assisted on the Birdhouse building project, the fall Scarecrow Competition, and will be leading the Earth Day Mural building as well as several Chalk Art events throughout Fayette County. I am also assisting in the planning of 2 new arts festivals in Fayette County.***
6. Are you currently serving on a Committee/board/authority or in an elected capacity with any government? ***Yes, I am currently the Vice-Chair of the Public Arts Committee***
7. Have you attended any Public Arts Committee meetings in the past two years and, if so, how many? ***Yes, I have been at all but 2 of the meetings, 16 total.***
8. Are you willing to attend seminars or continuing education classes at county expense? ***Yes***
9. What is your vision of the county's future related to the duties of the Public Arts Committee? ***I would like to continue to grow the events we currently have in place ie; Scarecrow Contest or Chalk Art into larger events as well as helping bring more arts events to Fayette County. I would like to help enhance the reputation of Fayette County by encouraging artists to come share their works and expertise here. I would also like to showcase our own talent more. In short, I would like to see every person in Fayette County to have access to the arts.***
10. Would there be any possible conflict of interest between your employment or your family and you serving on the Public Arts Committee? ***No***
11. Are you in any way related to a County Elected Official or County employee? If so, please describe. ***No***

12. Describe your current community involvement. ***I am currently an active member on the Public Arts Committee, I have 2 children that attend Fayette County schools so I volunteer at the schools, I am a small business owner, and a teacher at a local art studio.***

13. Do you have any concerns with attending the two scheduled Public Arts meetings a month? **No**

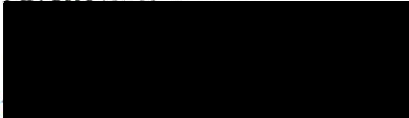
14. Have you been provided a copy of the county's Ethics Ordinance? **Yes**

15. Is there any reason you would not be able to comply with the Ethics Ordinance? **No**



**HEATHER CAP**

105 Cottage Circle  
Fayetteville, GA 30215



**Vice-Chairman** Fayette County Public Arts Committee 2016-Present

**Owner/Operator** No Business Like Sew Business, LLC 2011-present  
Custom upholstery, draperies, alterations, costumes, and other specialty sewing.

**FILM/TELEVISION**

Artist	Valor, Pilot	CBS	2017
Props	Rampage	Warner Brothers	2017
Upholstery/Draper	Dynasty, Pilot	Eye Productions	2017
Specialty Projects	Jumanji	Sony Pictures	2016
Draper	24 Legacy	Fox	2016
Draper	Logan Lucky	FilmNation	2016
Specialty Projects	MacGyver, Season 1	CBS	2016
Draper	Killing Regan	National Geographic	2016
Draper	Game of Silence, Season 1	Sony Pictures	2016
Draper	Barbershop: The Next Cut	MGM	2015
Draper	The Fundamentals of Caring	Netflix	2015

**PROPS ARTISAN** ARIZONA THEATRE COMPANY 2000-05/2009-14  
Responsible for all areas of soft goods including upholstery, window treatments, dyeing and distressing fabrics. Assist with research of period/modern props and furniture, construction of hand, paper, specialty props, and shopping. Construction of scenic soft goods, including masking and specialty drapes. Assist in transfer of productions between Tucson and Phoenix. Maintain and improve shop equipment and facilities.

**PROP MASTER** UNIVERSITY OF ARIZONA Nov99-Feb00  
Supervised undergraduate and graduate students in the research, building, and purchasing of props, and set dressing. Attended all design meetings, production meetings, and technical rehearsals. Coordinated with professors and students

**PROP MASTER** CHILDSPLAY 1999-2000  
Purchased, built, and rented all props for 4 children's productions in two theatres. Attended all production meetings and technical rehearsals. Worked closely with designers, directors, and stage managers to produce quality productions for children.

**PROP MASTER** MUSIC THEATRE OF WICHITA 1999-2000  
Supervised a staff of four artisans and rotating apprentices, implemented designs for three shows, produced daily work schedules, work calls, and construction assignments, coordinated all stage load-ins, strikes, truck packs, rentals and return of props, worked closely with designers, directors, and choreographers to mount large shows within extreme time constraints and within budget.



**PROP MASTER****THE CHILDREN'S PLAY HOUSE**

1998-1999

Planned and implemented designs, budgets, construction and maintenance of all rehearsal and show props. Worked closely with other designers and directors to produce the desired effects within budget and time constraints.

**PROPS ARTISAN****THE CLEVELAND PLAY HOUSE**

1996-1999

Responsible for all areas of soft goods including upholstery, window treatments, dyeing and distressing fabrics. Assist with research of period props and furniture, construction of paper and hand props. Coordinate with prop master and designers on materials, fabric treatment and selection. Maintain and improve shop equipment and facilities.

**PROPS ARTISAN****AMERICAN PLAYERS THEATRE**

1996-1999

Assist the prop master and designers with faux finishing, stripping and refinishing furniture for a large outdoor theatre. Specialty projects include foam carving, fabric dyeing and painting.

**COSTUME CRAFTS****SANTA FE STAGES**

1996-1998

Coordinated with shop supervisor and designers on construction of all hats, shoes, jewelry, purses, and other specialty crafts. Also responsible for all dyeing, distressing, and painting of fabrics and finished costumes. Attending fittings and working with actors and designers in order to achieve both artistic goals and comfort.

**COSTUME CRAFTS/STITCHER ALABAMA SHAKESPEARE FESTIVAL 1994-1996**

Assisted crafts master in implementing jewelry, masks, armor, painting and dyeing fabric. Worked with milliner constructing and decorating hats and specialty headgear. Worked with two drapers constructing and altering clothing in accordance with designs.

**ASSOCIATED SKILLS**

Budgeting and time/cost estimating, shop health and safety, excellent communication skills. Knowledgeable with Adobe, Photoshop and online photo editing programs. Experienced in all types of fabric construction, dyeing and painting fabrics. Scenic painting/staining techniques. Experienced with full head casting and body molds. Mask construction including latex, paper mache, foam, plastic and leather. Soft sculpture, foam carving, and puppetry. Knitting and crocheting. Valid GA driver's license and can drive a manual automobile. Punctual and patient.

**EDUCATION**

Bachelor of Arts in Theatre; DeSales University, May 1993

**REFERENCES**

David Ira Goldstein  
Artistic Director  
Arizona Theatre Company  
[dgoldstein@arizonatheatre.org](mailto:dgoldstein@arizonatheatre.org)  
(602) 418-6673

Joe Martin  
Production Manager  
Cleveland Playhouse  
[jmartin@clevelandplayhouse.com](mailto:jmartin@clevelandplayhouse.com)  
(216) 862-5445

Drew Boughton  
Production Designer/Art Director  
Current-The Man in the High Castle  
[REDACTED]  
(213)713-1990

Vicki Smith  
United Scenic Artists, Local 829  
Scenic Designer  
[REDACTED]  
(612)722-1501

APPLICATION FOR APPOINTMENT  
Fayette County Public Arts Committee

Fayette County's Public Arts Committee has been established by the Fayette County Board of Commissioners. The purpose of the Public Arts Committee is to make recommendations to the Board of Commissioners of Fayette County as to find ways to use art to enhance the County's reputation, to contribute to the civic environment, to enrich the lives of citizens and visitors through the involvement of amateur and professional artists, and to integrate public arts throughout Fayette County. The Public Arts Committee aims to acquire, cultivate, and perform responsible stewardship of public arts, to enhance the dignity of Fayette County through the commitment to artists and their disciplines as integral elements of economic vitality and development. Fayette County's Public Arts Committee offers opportunities and support to citizens, emerging students, amateur and professional artists, arts education resources, and public beautification arts projects. Its mission is to change the way the Fayette County community approaches arts and culture. The goal of the Fayette County Public Arts Committee is to become a leader in the arts through conceptualizing, implementing, organizing, and executing art projects and programs for the citizens.

The Public Arts Committee will meet on the first Wednesday and the third Monday of each month at 140 Stonewall Avenue West, Fayetteville, Georgia in the Conference Room.

Please take a few minutes to complete the form and answer the questions below and return it with a resume, if available, to Tameca White, County Clerk, 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 no later than 5:00 p.m. on Friday, March 31, 2017.


If you have any questions, please call (770) 305-5103.


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

NAME Barbara S. Oliver

ADDRESS 770 Birkdale Drive  
Fayetteville, GA 30215-2726

TELEPHONE (day) 

(evening) 

(email address) 

Barbara S. Oliver  
Signature

3/10/2017  
Date

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

*- See attached -*

## Questionnaire

1. I have been a resident of Fayette County since 2001, about 16 years.
2. I am interested in serving on the Fayette County Public Arts Committee so I may make a positive contribution to our community. I realize the position requires time and effort on a volunteer basis for no compensation which is something I can afford to do at this point in my life.
3. I have a Bachelor of Science degree in Architecture and Urban Planning from the University of Michigan. After obtaining my degree I worked as a Captain in the United States Air Force where I was the Base Architect, Landscape Architect and Base Community Planner among other duties. This government experience makes me uniquely qualified to understand public planning for a community at large. Additionally I've been in art shows myself displaying my own artwork.
4. I'm employed as the Principal Broker at Tellus Realty, Inc. since 2005 and as the Director of The Kobold School of Real Estate since 2016. The duties include management of contracts, personnel, facilities, financial accounts and day to day operations.
5. I do not have any past experience relating to the Public Arts Committee.
6. I am not currently serving on a Committee/board/authority or in an elected capacity with any government.
7. I have only attended one Public Arts Committee meeting in the past.
8. I am willing to attend seminars and continuing education classes at the county expense.



9. My vision for the future of the Public Arts Committee as it relates to the county's future is to continue the county's efforts to attract younger residents to Fayette County. The Public Arts Committee can accomplish this through innovative programs to enhance the beauty of the county not only through art shows, festivals and music programs but also Arbor Day Philanthropic Events, or a youth sporting event akin to a Junior Olympics. The arts can include a variety disciplines and a variety of sponsors. Not only can local business or non-profits participate but State and Federal opportunities can be explored with grant proposals and legislative promotions.
10. I have no possible conflict of interest between my employment and family in serving on the Public Arts Committee.
11. I am not related to any County Elected Official or County Employee.
12. Most of my current community involvement is related to sports. I am a full member of the ClubCorp Clubs of Peachtree City. I'm not currently on the golf team but I still play recreationally. I was on the steering committee a few years ago. I was also on the Architectural Committee for the White Water Creek Subdivision.
13. I have no concerns with attending two scheduled Public Arts meeting a month.
14. I have been provided a copy of the county's Ethics ordinance.
15. There is no reason that I cannot comply with the Ethics ordinance in fact I teach a six hour Ethics Course in Real Estate.

**SELECTION COMMITTEE  
Public Arts Committee**

**FAYETTE COUNTY, GEORGIA**

Vice Chairman Randy Ognio  
Commissioner Steve Brown

Public Arts Chairwoman Donna Thompson



140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

**MINUTES  
Selection Committee  
Public Arts Committee  
May 9, 2017**

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Selection Committee  
Public Arts Committee

May 9, 2017

The Committee consisted of Vice Chairman Randy Ognio and Commissioner Steve Brown. Public Art Committee Chairman Donna Thompson sat-in on the interviews.

The meeting began at 9:00 a.m.

Jean Danis was interviewed. The committee reviewed her credentials and questioned her related to her interest on the Public Arts Committee.

Heather Cap was interviewed. The committee reviewed her credentials and questioned her related to her interest on the Public Arts Committee.

Barbara Oliver was interviewed. The committee reviewed her credentials and questioned her related to her interest on the Public Arts Committee.

The committee discussed the applicants and agreed to recommend Jean Danis and Heather Cap to the Board of Commissioners.

The committee is also recommending that the County Clerk not advertise any remaining vacancies pending potential changes to the number of Public Arts Committee members as requested by the Board of Commissioners at the Annual Retreat.

The meeting adjourned.

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Vice Chairman Randy Ognio

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Commissioner Steve Brown



# COUNTY AGENDA REQUEST

Page 245 of 268

Department: Board of Commissioners

Presenter(s): Commissioners Ognio and Brown

Meeting Date: Thursday, June 22, 2017

Type of Request: New Business #14

## Wording for the Agenda:

Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Randy Ognio and Commissioner Brown to nominate Jean Danis to the Fayette County Public Arts Committee to serve a two (2) year term beginning June 1, 2017 and expiring May 31, 2019.

## Background/History/Details:

The Public Arts Committee was established in 2014 with the purpose of finding ways to use art to enhance the County's reputation, to contribute to the civic environment, and to enrich the lives of citizens and visitors through the involvement of amateur and professional artists.

On March 10, 2016 the Board of Commissioners approved an ordinance to provide for an advisory committee to be known as the Fayette County Public Arts Committee, to provide for terms of office, the initial membership, the filling of vacancies, the taking of an oath, the requirement of regular meetings, the removal of members, and compensation and qualifications of officers.

The PAC position was posted and four applicants applied. One applicant withdrew. Interviews for the positions were conducted and the Selection Committee is recommending Jean Danis for appointment to this committee in accordance to the ordinance; to serve a term of two (2) years expiring May 31, 2019.

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

Approval of a recommendation from the Selection Committee, comprised of Vice Chairman Randy Ognio and Commissioner Brown to nominate Jean Danis to the Fayette County Public Arts Committee to serve a two (2) year term beginning June 1, 2017 and expiring May 31, 2019.

## 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:



Jean M. (Heidi) Danis

APPLICATION FOR APPOINTMENT Fayette County Public Arts Committee

Fayette County's Public Arts Committee has been established by the Fayette County Board of Commissioners. The purpose of the Public Arts Committee is to make recommendations to the Board of Commissioners of Fayette County as to find ways to use art to enhance the County's reputation, to contribute to the civic environment, to enrich the lives of citizens and visitors through the involvement of amateur and professional artists, and to integrate public arts throughout Fayette County. The Public Arts Committee aims to acquire, cultivate, and perform responsible stewardship of public arts, to enhance the dignity of Fayette County through the commitment to artists and their disciplines as integral elements of economic vitality and development. Fayette County's Public Arts Committee offers opportunities and support to citizens, emerging students, amateur and professional artists, arts education resources, and public beautification arts projects. Its mission is to change the way the Fayette County community approaches arts and culture. The goal of the Fayette County Public Arts Committee is to become a leader in the arts through conceptualizing, implementing, organizing, and executing art projects and programs for the citizens.

The Public Arts Committee will meet on the first Wednesday and the third Monday of each month at 140 Stonewall Avenue West, Fayetteville, Georgia in the Conference Room.

Please take a few minutes to complete the form and answer the questions below and return it with a resume, if available, to Tameca White, County Clerk, 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 no later than 5:00 p.m. on Friday, March 31, 2017.

If you have any questions, please call (770) 305-5103.

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

NAME

Jean M. (Heidi) Danis

ADDRESS

115 Drennan Drive, Fayetteville, GA 30215

TELEPHONE (day)

Cell

(evening) Same

(email address)

Jean M. (Heidi) Danis Signature

Date: March 24, 2017

1. How long have you been a resident of Fayette County? Eight years.
2. Why are you interested in serving on the Fayette County Public Arts Committee?

Jean M. (Heidi) Danis

By serving on the Fayette County Public Arts Committee, I'll be doing my part to help Fayette County thrive.

This is a County which is currently in a remarkable growth period. Including cultural and public arts in its many forms is a natural and necessary part of our community growth. Public Arts will help to bring younger people, families with children, and assist in retaining our current population - all of whom will stay in town to spend their money on community events - be they art exhibits, concerts, park festivals, etc. Arts will entertain residents, bring visitors, generate revenue and encourage new businesses. In short, arts bring opportunities. It would bring visitors and new money into the coffers.

3. What qualifications and experience do you possess for appointment to the Public Arts Committee?

Visual and Performing Arts have been at the center of my professional life for 25 years. I have marketed major international festivals, held executive positions for symphony orchestras, published public relations programs for university departments and programs including many art exhibitions. I love all forms of public arts and see the arts, both visual and performing, as a very necessary part of our County life. My experience leads me to understand that the Arts can bring us together in a mingling and joyful way. The Arts give a community a warm and welcoming heart.

4. List your recent employment experiences to include name of company and position.  
See the attached lists.

5. Do you have any past experience relating to the Public Arts Committee? If so, please describe.

Yes, I have worked with the the Fayette County Library and the County Public Schools in presenting programs in literature and the arts, and participated in school and public arts events. Currently, I am the Cultural Arts Chair for the PTO at Whitewater Middle School, working with the school and the private sector to bring programs of educational and entertainment interest to the students. Additionally, in other communities, such as Hollywood, Florida, I worked with the Art and Cultural Center of Hollywood to bring Mikail Baryshnikov to an On-The-Beach performance in a three day event that included several other programs in the city of Hollywood. Also, I have worked with the City of Fort Lauderdale on City Visual Arts Event and Children's Theater program, through Bailey Concert Hall.

6. Are you currently serving on a Committee/board/authority or in an elected capacity with any government? No

7. Have you attended any Public Arts Committee meetings in the past two years and, if so, how many?

No, however I am currently very enthusiastic about doing my civic duty and have attended many other County meetings. Fayette County is now my home and will be for the rest of my life. I have a vested interest in seeing that it is a fine City with an engaging cultural and Public Arts emphasis.

Jean M. (Heidi) Danis

8. Are you willing to attend seminars or continuing education classes at county expense?

Yes. Education programs enhance my knowledge and keep me current.

9. What is your vision of the county's future related to the duties of the Public Arts Committee?

A Public Arts Committee is vital to a growing county. My vision for Fayette County is a county with a variety of options in the visual and performing arts - expanding what is already in place, including concerts, festivals, art exhibits - both permanent and traveling exhibitions, literary events and multi-ethnic celebrations. The Committee could perhaps take a current assessment of what is really going on in Fayette County. So much of what happens is not known to all. Create an information source. Promote the use of that source to encourage community members and guests to follow-up and to participate. Secondly, take a survey of what the community - the people - would like to have for various arts. Ideally, work to add the creation of a Performing Arts Center, based on the survey and some specific research. With the Pinewood Forest Performing Arts Center a possibility, we have a unique opportunity to bring an even greater and more diverse format of visual and performing arts to the County. And thereby increasing our visibility locally, nationally and internationally.

10. Would there be any possible conflict of interest between your employment or your family and you serving on the Public Arts Committee?

No, I am retired.

11. Are you in any way related to a County Elected Official or County employee? If so, please describe. No.

12. Describe your current community involvement.

Volunteering at Whitewater Middle School is a commitment I cherish. I am the Cultural Arts Chair for the PTO. Also, I have been visiting meetings of the Board of Education, County Commissioners, City of Fayetteville planning meetings, participated in the City and County Survey Planning, and City Council meetings.

13. Do you have any concerns with attending the two scheduled Public Arts meetings a month?

No concerns. I would be grateful for an opportunity to serve the Public Arts Committee in a significant way, utilizing my skills and many years of experience as a professional executive, and business owner in the Arts.

14. Have you been provided a copy of the county's Ethics Ordinance?

Yes, I have read it on this website.

15. Is there any reason you would not be able to comply with the Ethics Ordinance?

Absolutely not.



## **HEIDI DANIS**

### ***Performing Arts Management – Highlights***

**GOLD COAST JAZZ SOCIETY**, Ft. Lauderdale, FL – (Executive Director - Interim) Managed Mainstage concert series at the BCPA to sell-out audience, mini series at FIU; SEAS and in-school concerts for 3000 students. Created advertising, PR and promotion in print and electronic media for concerts, events and educational programs. Administered all pending and new grants; managed all aspects of current and next season's artists contracts, bookings and marketing educational programs, reporting to a Board of Directors and Executive Committee on artistic, financial and marketing/management matters.

**FLORIDA ATLANTIC UNIVERSITY**, Boca Raton, Florida – (Public Affairs Associate – College of Arts & Letters) In partnership with the Director, created public relations, marketing, advertising and promotional campaigns, resulting in 160% increase in record-breaking media coverage; 275% increase in audience attendance and ticket sales; and the highest level of sell-out performances to date. Responsible for PR and marketing for 20 departments and numerous certificate programs (in the Arts and Humanities), writing press releases, programs, brochures, advertisements - radio, TV and print, etc. totally more than 500 pieces in two years.

**ART AND CULTURE CENTER OF HOLLYWOOD**, Hollywood, Florida – (Public Relations Consultant / Interim Director of Performing Arts) Created unprecedented, successful media campaign for "*Ocean Dance 2000*," featuring Mikhail Baryshnikov with the White Oak Dance Project and the Klein Dance Company, resulting in 30,000 viewers 'on the beach' in Hollywood. Coverage included the cover and major stories in the *Sun Sentinel's* "ShowTime" and *The Miami Herald's* "Weekend"; and for the event fundraising gala, the cover and story in *Sun Sentinel's* "Society East." In June 2000, also became producer of the Performing Arts programming for the Center's newly acquired contract with the City of Hollywood.

**BAILEY CONCERT HALL**, Ft. Lauderdale, Florida - (Marketing Associate) – Developed and implemented marketing strategies for the 1998–1999 national tour series. Produced special programs including: *Arte Corale*, *Aman International*, and *Beauty and the Beast Ballet*, directing marketing and implementation of a high-profile speakers lecture series, teacher workshops, in-school performances, special school and senior citizen outreach program, community events and special events. These marketing strategies resulted in high visibility media coverage, community support, and exceeded expectations.

**FLORIDA SYMPHONIC POPS d.b.a. BOCA POPS ORCHESTRA**, Boca Raton, Florida - (Executive Director) - executed major organizational change, creating "team management" of eight staff and 70 musicians, with a 30-member Board of Directors. Negotiated annual salaries, restructured staff; managed a \$2.1 million budget - significantly reducing costs and increasing revenues (e.g. 16% increase in subscription sales). Created new, expanded tri-county marketing program, negotiating no-cost and low-cost 'deals' with all media. Implemented new financial/donor development program, including marketing kit and award recognition program. Increased corporate donations and participation.

**LONDON SYMPHONY ORCHESTRA Pops Concert**, Daytona Beach, Florida - (Director, Marketing and Public Relations) catalyst to the completion of contractual agreement with Florida International Festival (1995) and the London Symphony Orchestra with Ken Kragen & Associates, manager of Trisha Yearwood, resulting in filming of the live, pops concert performance of the London Symphony Orchestra, Mark Watters conducting, featuring Trisha Yearwood; creating a 60-minute television show, which aired nationally on TBS, July 1996. (Received screen credit recognition.)

**LONDON SYMPHONY ORCHESTRA**, Daytona Beach, Florida - For the 1995 Florida International Festival, spearheaded negotiations with the LSO and public television station WCEU-TV, Channel 15, Daytona Beach, resulting in a 60-minute video tape of a concert of its LSO Brass Ensemble, for national distribution.

**FLORIDA INTERNATIONAL FESTIVAL**, Dayton Beach Florida – (Director, Marketing and Public Relations) Created and implemented a marketing plan, resulting in a record-breaking season. The two-week Festival, featuring the London Symphony Orchestra and numerous notable performers, presented 60 events in 15 different locations -- 20 out of the 40 concerts were sell-outs. Media campaign and marketing strategies resulted in creating 104% of ticket sales goal. Responsibility included budget management - negotiating media contracts and promotions throughout Florida, with under-budget results.

**ORANGE COUNTY SYMPHONY**, Orange County, California - (Director of Marketing and Fund Raising) Negotiated with actor Patrick Stewart -- of "Star Trek: The Next Generation" fame, and a member of the Royal Shakespeare Theatre, London -- to be host of a 5-hour LIVE telethon, with 25 noted performers, resulting in unprecedented public awareness in business and individual financial support.

I have been a member of the performing arts in America since age 12. Professionally: performing as a singer, dancer, and actress-- primarily in Hollywood, California. I am an inactive member of the Screen Actors Guild (SAG/SEG), and American Guild of Variety Actors (AGVA). Education: Business Administration of the Performing Arts -University of Southern California, Los Angeles, California and University of Massachusetts, Amherst, Massachusetts.

For information regarding my business and financial acumen, please refer to my resume. For interpersonal skills, please refer to my letters-of-recommendation.

APPLICATION FOR APPOINTMENT  
Fayette County Public Arts Committee

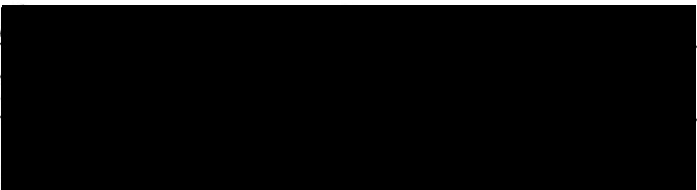
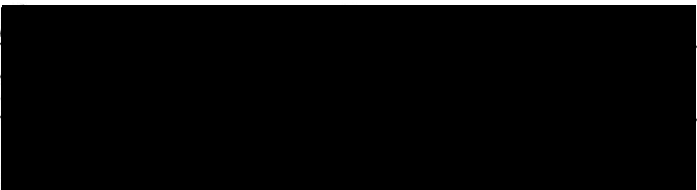
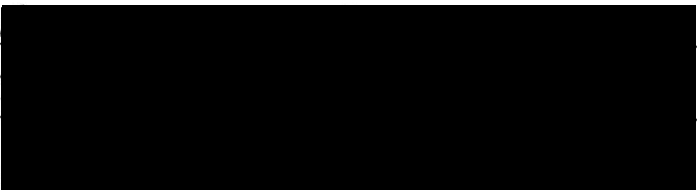
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NAME Barbara S. Oliver  
ADDRESS 770 Birkdale Drive  
Fayetteville, GA 30215-2726  
TELEPHONE (day)   
(evening)   
(email address) 

Barbara S. Oliver  
Signature

3/10/2017  
Date

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

*- See attached -*

## Questionnaire

1. I have been a resident of Fayette County since 2001, about 16 years.
2. I am interested in serving on the Fayette County Public Arts Committee so I may make a positive contribution to our community. I realize the position requires time and effort on a volunteer basis for no compensation which is something I can afford to do at this point in my life.
3. I have a Bachelor of Science degree in Architecture and Urban Planning from the University of Michigan. After obtaining my degree I worked as a Captain in the United States Air Force where I was the Base Architect, Landscape Architect and Base Community Planner among other duties. This government experience makes me uniquely qualified to understand public planning for a community at large. Additionally I've been in art shows myself displaying my own artwork.
4. I'm employed as the Principal Broker at Tellus Realty, Inc. since 2005 and as the Director of The Kobold School of Real Estate since 2016. The duties include management of contracts, personnel, facilities, financial accounts and day to day operations.
5. I do not have any past experience relating to the Public Arts Committee.
6. I am not currently serving on a Committee/board/authority or in an elected capacity with any government.
7. I have only attended one Public Arts Committee meeting in the past.
8. I am willing to attend seminars and continuing education classes at the county expense.

9. My vision for the future of the Public Arts Committee as it relates to the county's future is to continue the county's efforts to attract younger residents to Fayette County. The Public Arts Committee can accomplish this through innovative programs to enhance the beauty of the county not only through art shows, festivals and music programs but also Arbor Day Philanthropic Events, or a youth sporting event akin to a Junior Olympics. The arts can include a variety of disciplines and a variety of sponsors. Not only can local business or non-profits participate but State and Federal opportunities can be explored with grant proposals and legislative promotions.
10. I have no possible conflict of interest between my employment and family in serving on the Public Arts Committee.
11. I am not related to any County Elected Official or County Employee.
12. Most of my current community involvement is related to sports. I am a full member of the ClubCorp Clubs of Peachtree City. I'm not currently on the golf team but I still play recreationally. I was on the steering committee a few years ago. I was also on the Architectural Committee for the White Water Creek Subdivision.
13. I have no concerns with attending two scheduled Public Arts meeting a month.
14. I have been provided a copy of the county's Ethics ordinance.
15. There is no reason that I cannot comply with the Ethics ordinance in fact I teach a six hour Ethics Course in Real Estate.



**SELECTION COMMITTEE  
Public Arts Committee**

**FAYETTE COUNTY, GEORGIA**

Vice Chairman Randy Ognio  
Commissioner Steve Brown

Public Arts Chairwoman Donna Thompson



140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

**MINUTES  
Selection Committee  
Public Arts Committee  
May 9, 2017**

---

Selection Committee  
Public Arts Committee

May 9, 2017

The Committee consisted of Vice Chairman Randy Ognio and Commissioner Steve Brown. Public Art Committee Chairman Donna Thompson sat-in on the interviews.

The meeting began at 9:00 a.m.

Jean Danis was interviewed. The committee reviewed her credentials and questioned her related to her interest on the Public Arts Committee.

Heather Cap was interviewed. The committee reviewed her credentials and questioned her related to her interest on the Public Arts Committee.

Barbara Oliver was interviewed. The committee reviewed her credentials and questioned her related to her interest on the Public Arts Committee.

The committee discussed the applicants and agreed to recommend Jean Danis and Heather Cap to the Board of Commissioners.

The committee is also recommending that the County Clerk not advertise any remaining vacancies pending potential changes to the number of Public Arts Committee members as requested by the Board of Commissioners at the Annual Retreat.

The meeting adjourned.

---

Vice Chairman Randy Ognio

---

Commissioner Steve Brown



# COUNTY AGENDA REQUEST

Page 256 of 268

Department: 911 Communications

Presenter(s): Bernard J. Brown, Director

Meeting Date: Thursday, June 22, 2017

Type of Request: New Business #15

## Wording for the Agenda:

Consideration of staff's recommendation to award Contract #1229-P, Radio Communications Consultant, to Mission Critical Partners Inc. for a not-to-exceed amount of \$290,000.00 and authorization for the Chairman to sign any related documents.

## Background/History/Details:

Under the direction of the County Administrator an Evaluation Committee was formed and was made up of the Fayette County Fire Chief David Scarbrough, Fayette County Sheriff's Office Lieutenant Terry Black, Peachtree City Police Chief Janet Moon, Fulton County 911 Director Joseph Barasoain, Fayette County 911 Director Bernard J. Brown. Twelve firms submitted responses. Eleven of them met the criteria, one was non-responsive. The initial review of the committee was on the technical evaluation and price proposals which narrowed the selection down to the top three. Those three were brought in for an in-person interview and presentation. Once completed, the committee scored the three firms and the committee unanimously selected Mission Critical Partners Inc. as the best selection overall for Fayette County's needs for the Public Safety Radio System Project.

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

Approval of staff's recommendation to award Contract #1229-P, Radio Communications Consultant, to Mission Critical Partners Inc. for a not-to-exceed amount of \$290,000.00 and authorization for the Chairman to sign any related documents.

## If this item requires funding, please describe:

This project is part of the 2017 Fayette County SPLOST. The initial cost of \$108,554.00 will be paid between July 1, 2017 and December 1, 2017 out of the \$150,000.00 allocated for the year. The additional \$181,446.00 will be allocated out of 2018 SPLOST 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:



"WHERE QUALITY  
IS A LIFESTYLE"

To: Steve Rapson

From: Ted L. Burgess

Date: June 22, 2017

Subject: RFP #1229-P: Radio Communications Consultant

Fayette County, Georgia operates a Public Safety radio system which is housed at the 911 Communications Center, and provides services to the Cities of Fayetteville and Peachtree City, the Town of Tyrone; Fayette County Board of Education; Fayette County Sheriff's Office and Marshal's Office; and Fire and Emergency Medical Services. The current system is a Motorola Astro 4.1 trunked simulcast system, with seven radio tower sites.

A consulting firm will be needed to provide an operational assessment of radio communications requirements; recommendations for upgrading the communications network including plans and designs; procurement support for equipment, materials, or other services; and implementation support and project management services.

The Purchasing Department issued Request for Proposals (RFP) #1229-P to select a consulting firm. The Department emailed notices to 25 firms. Invitations were extended via the Fayette News, the county website, Georgia Local Government Access Marketplace ([www.glga.org](http://www.glga.org)), Channel 23, and the Greater Georgia Black Chamber of Commerce. To assure an adequate number of competitive responses, 2,468 vendors were notified through the Internet-based Georgia Procurement Registry using Commodity Codes 83845 (Emergency Radio/Telephone Systems, 411, 911, Dispatch), 91824 (Communications Consulting), 91832 (Consulting Services Not otherwise Classified), 91890 (Strategic Planning & Consulting), and 91895 (Telecommunications Consulting).

Twelve companies submitted proposals. An Evaluation Committee was established, with Committee members representing Fayette County 911, Fulton County 911, Peachtree City Police Department, Fayette County Sheriff's Office, and the Fire & EMS Department.

It was determined that one proposal – NeoGeneration Wireless Services – was non-responsive. While there were a number of concerns (e.g. their proposal does not show that they have public safety communications experience), a major concern was that they did not provide proposed prices as required by the RFP. They only provided the hourly rates for and RF Engineer III, Project Manager, and Construction Manager.

The technical review, evaluation, and scoring process were conducted as follows:

**TECHNICAL REVIEW:** The Evaluation Committee reviewed each proposal. Seventy percent of each firm's score was awarded based on technical merit. Scores were assigned using the following criteria, as stated in the RFP.

- **Understanding and Approach:** Considered such things as the firm's stated understanding of the services required; their approach to addressing the need; identification of major milestones in the project; level of expertise with public safety answering points, computer aided dispatch, records management systems, Next Generation 911 or other Internet protocol-based systems, and GIS. Also considered were the firm's background, size legal status, and professional credentials.
- **Project Team:** Took into account key project team members and their resumes, licenses or certifications, experience with comparable projects, and similar facts.
- **Firm's Expertise and Experience:** Required a list of similar relevant projects. Asked for a description of any specialization or unique capabilities of the firm, which may include technical innovation, cost effectiveness, community outreach, or other areas in which the firm excelled.
- **Quality of Written Proposal:** Considered such factors as effectiveness of the firm's communication, relevance of the information provided, or other factors as may have been discovered in the technical review.

**PRICE PROPOSALS:** Thirty percent of the initial score was awarded for price. Responding firms were asked to propose prices for each of four phases in the project:

Phase 1: Operational assessment of radio communications requirements

Phase 2: Recommendations for upgrading the communications network, including plans and designs

Phase 3: Procurement support for equipment, materials, or other services

Phase 4: Implementation support and project management services

The majority of firms submitted firm fixed prices, or not-to-exceed prices, for Phases 1-3 but noted that Phase 4 prices would depend on the amount, type, and complexity of work determined to be needed in the first three phases. For Phase 4, they submitted estimated costs, partial costs, ranges of costs, or a note that the amount was to be determined. This led to the conclusion that it would be fair and equitable to score prices on Phases 1-3 where comparison could accurately be made.

**PRESENTATIONS:** Scores from the technical review and price proposal evaluations resulted in a short list of the three top companies. They were Mission Critical Partners, Inc., Omnicom Consulting Group, Inc., and Pallans Associates Communications Consultants. The short-listed firms made in-person presentations on May 17, 2017. The Committee evaluated and scored the presentations, and resulting points were added to their evaluation scores.

As a result of the evaluation process, the Evaluation Committee recommends award of the contract to Mission Critical Partners, Inc. Their prices for the project are as follows:

• Phase 1 – Operational Assessment	\$28,661
• Phase 2 – Recommendations	31,117
• Phase 3 – Procurement Support	48,776
• Phase 4 – Implementation & Project Support (Min & Max)	151,446 to <u>181,446</u>
Total Not-to-Exceed Amount	<u>\$290,000</u>

Mission Critical Partners have not previously contracted with the county, so no Contractor Performance Evaluation will accompany this recommendation.

Specifics of the proposed contract are as follows:

Contract Name	1229-P: Radio Communications Consultant
Vendor	Mission Critical Partners, Inc.
Not-to-Exceed Price	\$290,000
Budget:	
Funding	Approved 2017 SPLOST Funding
Allocated Amount	\$15,000,000

**PROPOSAL #1229-P: RADIO COMMUNICATIONS SYSTEM CONSULTANT  
EVALUATION SCORES**

		Max Pts	ACD Telecom	AECOM Technical Services, Inc.	Black & Veatch Corp	Deltawrx, LLC	Didonato Consulting Services, Inc.	Elert & Associates Networking Division, Inc	Engineering Assoc, LLC	Federal Engineering, Inc	Mission Critical Partners, Inc.	NeoGen- eration Wireless Services	OmniCom Consulting Group	Pallans Associates Communi- cation Consultants
<b>TECHNICAL REVIEW:</b>														
1	Understanding and Approach	40	25.0	31.0	31.8	27.6	27.8	26.6	31.6	30.8	35.0	Non-Responsive	29.8	28.4
2	Project Team	30	17.0	23.0	21.8	20.8	19.0	18.4	20.6	20.0	26.0		21.8	21.0
3	Firm's Expertise and Experience	20	12.0	16.2	15.8	15.0	14.8	14.4	14.8	13.6	16.0		15.0	13.0
4	Quality of Written Proposal	10	5.4	6.4	7.4	6.0	6.6	6.2	7.0	7.2	8.0		7.4	5.6
	Average	100	59.4	76.6	76.8	69.4	68.2	65.6	74.0	71.6	85.0		74.0	68.0
	<b>Technical Score</b>	<b>70%</b>	<b>41.6</b>	<b>53.6</b>	<b>53.8</b>	<b>48.6</b>	<b>47.7</b>	<b>45.9</b>	<b>51.8</b>	<b>50.1</b>	<b>59.5</b>		<b>51.8</b>	<b>47.6</b>

PRICE PROPOSALS:													
Operational Assessment		32,500	48,475	35,480	63,000	-	38,900	48,000	44,172	28,661		15,000	15,552
Recommendations		16,500	64,575	30,900	31,000	-	16,000	31,200	33,989	31,117		10,000	1,920
Procurement Support		52,500	49,850	37,970	114,000	-	20,000	27,600	11,388	48,776		25,000	25,200
Total Phases 1-3		101,500	162,900	104,350	208,000	178,421	74,900	106,800	89,549	108,554		50,000	42,672
Score for Price	30%	12.6	7.9	12.3	6.2	7.2	17.1	12.0	14.3	11.8		25.6	30.0

SUMMARY - TECHNICAL REVIEW + PRICE:													
		54.2	61.5	66.0	54.7	54.9	63.0	63.8	64.4	71.3		77.4	77.6

PRESENTATIONS BY SHORT-LISTED FIRMS:													
Avg. Presentation Score	50									42.0		31.0	7.0

SUMMARY - TECHNICAL REVIEW, PRICE, AND PRESENTATION:												
									113.3		108.4	84.6

# COUNTY AGENDA REQUEST

Page 261 of 268

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 Bobby Grant for tax years 2014, 2015 and 2016 in the amount of \$374.08.

## Background/History/Details:

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

A memo from the County Attorney is provided as backup with an explanation to approve tax years 2014, 2015 and 2016 of this request.

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

Approval of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Bobby Grant for tax years 2014, 2015 and 2016 in the amount of \$374.08.

## 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:



Board of Accessor

Reference : Refund for overpayment of 3  
Acres of taxes

Tax years 2016, 2015 + 2014

Parcel # 0414 006      ↑      160,980      ↑      159,370      ↑      159,370

Thanks,

Mia Mundock

c/o Bobby Grant



255 Bertis Hunter Rd  
Seneca, Ga 30276

RECEIVED

MAR 24 2017

FAYETTE COUNTY  
BOARD OF ASSESSORS  
FAYETTEVILLE, GEORGIA

A handwritten signature in blue ink, appearing to be "Jill", written over the official stamp.

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. *Ali Cox*

Date: June 7, 2017

Re: Tax Refund Request – Mr. Bobby Grant - parcel 0414006

On March 24, 2017 Mr. Bobby Grant requested a refund of taxes for years he was assessed and paid taxes on property he did not own. On May 5<sup>th</sup>, 1997, Mr. Grant acquired 32.4 acres of land located at 133 Robinson Road. A small structure exists on the site. The structure is described in the tax records as occupying a “home site” of 1 acre. In addition, the site contains 2 acres of road frontage, as described in tax records. In total, the parcel is 32.4 acres. However, for assessment the site is described as a parcel of 35.4 acres.

A refund of local property taxes is recommended in 2 scenarios. First, taxes have been assessed and collected either in error or illegally. Second, taxes were voluntarily or involuntarily overpaid. The correction of an error, discovered after payment of taxes, in the record of assessment is precisely the protection the refund provisions were crafted to provide. An error has occurred in the calculation of the acreage of Mr. Grant’s parcel. The exact point of the error is unknown. It appears that in calculating the total acreage for assessment, the 2 acres of road frontage plus the 1 acre home site were added to the total acreage. These 3 acres are merely pieces of the whole 32.4 acres. It appears that data was entered showing the 2 acres of road frontage and the 1 acre home site were pieces in addition to the 32.4 acres transferred to Mr. Grant in 1997. The assessed taxes have been paid on these 3 acres since this error was made. A refund is recommended for tax years 2014, 2015 and 2016 based on this error in the record. Although the error resulted in incorrect assessment in other years, the 3-year statute of limitations bars any further claim.

Mr. Grant has requested a refund based upon overpayment of taxes in 2014, 2015, and 2016. The error has been amended for 2017 and beyond. A refund is recommended in the following amounts.

2014	\$133.56	Approval
2015	\$131.04	Approval
2016	\$109.48	Approval

Total recommended refund of \$374.08





*Fayette*  
COUNTY

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

"WHERE QUALITY  
IS A LIFESTYLE"

June 14, 2017

Mr. Bobby Grant  
255 Bertis Hunter Road  
Senoia, GA 30276

**RE: Tax Refund Request**

Dear Mr. Grant:

This letter is to notify you that your request for tax refund has been slated to appear on the Thursday, June 22, 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

# COUNTY AGENDA REQUEST

Page 265 of 268

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 David Scharber for tax years 2014, 2015 and 2016 in the amount of \$201.40.

## Background/History/Details:

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

A memo from the County Attorney is provided as backup with an explanation to approve tax years 2014, 2015 and 2016 of this request and to deny years 2012 and 2013 of the request.

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

Approval of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by David Scharber for tax years 2014, 2015 and 2016 in the amount of \$201.40.

## 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:

May 22, 2017

Dear Fayette County Board of Assessors C/O Gloria,

Per our conversation today, I am following up regarding the recent realization that we have not received our Homestead Exemption since 2012. We applied for our Homestead Exemption in 2009 when we purchased our home, and have lived in this home ever since. There is no reason why it should have dropped off of our yearly assessment.


We understand that we were sent a letter to notify us that we would lose our Homestead Exemption, but it was returned to your office undeliverable. I can only assume this was due to clerical error because we have never had trouble receiving our mail at this address, in fact we have received all of the assessments you have sent us. Had we received that letter we would have corrected this at the time.

As a result we were charged the incorrect amount for several years and would like to be reinstated for the Homestead Exemption for each year it was left off. We should not be penalized for an error that we did not make, and that we never received notification of.

We appreciate your assistance with this matter. (I've noticed that sometimes you address our letters to 224 Creekstone BND, and other times 224 Creekstone BEND, not sure if that could have caused any clerical confusion but it might be something to look at...thanks!)

Warmest,

Abriel Rose and David Scharber



██████████  
224 Creekstone Bnd  
Peachtree City, GA 30269

**RECEIVED**

MAY 25 2017

FAYETTE COUNTY  
BOARD OF ASSESSORS  
FAYETTEVILLE, GEORGIA



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. *McG*

Date: June 7, 2017

Re: Tax Refund Request – Mr. David Scharber

On May 25, 2017 Mr. Scharber made a request for a refund of local property taxes based on assessment and payment absent the application of a homestead exemption. Mr. Scharber and Abriel Rose acquired a home at 224 Creekstone Bend in Peachtree City on July 9, 2009. As residents of that home they filed for and received a homestead exemption commencing in 2010. In 2011, triggered by a notification from Peachtree City, the assessors sent notice to Mr. Scharber of intent to remove the homestead exemption. Mr. Scharber never contacted the assessors. The homestead exemption was removed commencing in tax year 2012.

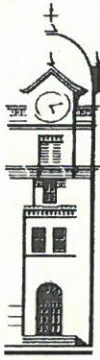
Qualification for homestead exemption requires residency and ownership of the homesteaded property. In order to remove a homestead exemption, one of these two requisites must fail. The assessment record reveals that in 2011 the assessors received notice from Peachtree pertaining to the homestead of Mr. Scharber. The notice triggered the county to remove the homestead exemption on October 3, 2011. Unfortunately, the record does not reflect the reason for the City's recommendation. A transfer of ownership or a failure of residency would cause removal. However, neither scenario is cited for the removal. No evidence can be found to support the removal. As such, the homestead exemption should be reapplied. The removal was in error.

The refund provisions operate in two scenarios. First, to return taxes that have been assessed and collected either in error or illegally. Second, to return those taxes that were voluntarily or involuntarily overpaid by the taxpayer. There is an error in the record of this assessment and the subsequent collection, sufficient to trigger the refund provisions.

Mr. Scharbert has requested a refund based on application of homestead exemption for 2012, 2013, 2014, 2015, and 2016. The error has been amended for 2017 and beyond. A refund is recommended for 2014, 2015, and 2016 in the amounts set forth below. However, the statute of limitation bars any claim to taxes paid for 2012 and 2013.

2012	\$69.65	Denial	
2013	\$69.91	Denial	
2014	\$69.26	Approval	
2015	\$67.01	Approval	
2016	\$65.13	Approval	
			Total recommended denial = \$139.56
			Total recommended refund = \$201.40





*Fayette*  
COUNTY

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

"WHERE QUALITY  
IS A LIFESTYLE"

June 14, 2017

Mr. David Scharber  
244 Creekstone Bend  
Peachtree City, GA 30269

**RE: Tax Refund Request**

Dear Mr. Scharber:

This letter is to notify you that your request for tax refund has been slated to appear on the Thursday, June 22, 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", with a long horizontal flourish extending to the right.

Tameca P. White, MBA, CCC  
County Clerk

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