

**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**

March 22, 2018

6:30 p.m.

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Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 6:30 p.m.

Call to Order

Invocation and Pledge of Allegiance by Commissioner Steve Brown

Acceptance of Agenda

**PROCLAMATION/RECOGNITION:****PUBLIC HEARING:**

1. Consideration of Petition No. RP-067-18, Ron Gassman, Owner, request to revise the final plat of Coventry Estates to add a lot to the subdivision by subdividing lot 43; property located in land lot 63 of the 5th District and fronts on Brookshire Drive. The applicant requested to withdraw Petition RP-067-18. (pages 4-8)
2. Consideration of Petition No. 1272-18, James Turner, Owner, and Ron Godwin, Agent, request to rezone 20.033 acres from A-R to R-70 to add to Lot 2 of Tuner Estates Subdivision; property located in land lot 72 of the 7th District. (pages 9-28)
3. Consideration of Petition No. RP-066-18, Larry Turner, Owner, and Ron Godwin, Agent, request to revise Lot 2 of Turner Estates Subdivision to add 20.033 acres; property located in land lot 72 of the 7th District and fronts on Dogwood Trail. (pages 29-33)
4. Consideration of Ordinance 2018-03, Amendments to Chapter 110. Zoning Ordinance, Regarding Section 110-3. – Definitions and Section 110-79. - Accessory Structures and Uses. (pages 34-61)
5. Consideration of Ordinance 2018-04, amendments to Article XV.- Subdivision Regulations, regarding Section 104-593. - Definitions and Section 104-603. -Procedure for the Establishment of Front, Side and Rear Yards on a Flag Lot or a Nonconforming Landlocked Lot. (pages 62-80)

**CONSENT AGENDA:**

6. Approval of staff's recommendation to include "Addendum 1" of added events to the Intergovernmental Agreement between the City of Fayetteville and Fayette County for use of county owned property. (pages 81-86)
7. Approval for the Board of Commissioners to authorize staff to acquire all fee simple right-of-way, easements and appraisals for the 547 Kenwood Road culvert replacement project (2017 SPLOST No. 17SAV). (pages 87-88)

8. Approval of staff's request to accept Hazard Mitigation Grant Program Award from the Federal Emergency Management Agency through Georgia Emergency Management Agency (GEMA) and to update the plan. (pages 89-111)
9. Approval of staff's recommendation to award RFP #1431-P, Public Works' Transportation Engineer of Record to Croy Engineering, LLC for a 15-month contract (approximate) expiring on June 30, 2019 and with provisions for two 12-month extensions. (pages 112-116)
10. Approval of Water Committee recommendation to provide the authority to do the Star Gazing Nights as outlined for Lake Horton on Friday June 22, 2018, 9:00 p.m. to midnight and July 27, 2018, 9:00 p.m. to midnight, to advertise accordingly and notify the Marshal. (pages 117-118)
11. Approval of a single bid received from Middle Georgia Paving, Inc. for RFQ #1460-A Chip Seal service in the amount of \$114,125.00. (pages 119-125)
12. Approval of the responsive bid from Pavement Technology in the amount of \$82,249.60 for Road Departments bid #1461-A Asphalt Rejuvenator. (pages 126-131)
13. Approval of the February 22, 2018 Board of Commissioners Meeting Minutes. (pages 132-146)

**OLD BUSINESS:**

**NEW BUSINESS:**

14. Consideration of Vice Chairman Randy Ognio's recommendation that it be the board's position to not post any employee file information on any published documents, agenda item or website. (page 147)
15. Consideration of staff's request to approve the allocating of \$192,000 from the 911 Fund for the implementation of the Advanced NG911 Technology: Carbyne. (pages 148-158)
16. Consideration of Resolution 2018-07 requesting that the Georgia Department of Transportation cease the widening project for McDonough Road. (pages 159-185)
17. Consideration of whether to object to the Tyrone annexation of property on Farr Road and Dogwood Trail, and the rezoning of said property from A-R (Agricultural-Residential) to R-20. (pages 186-222)
18. Consideration of Ordinance 2018-05, amendments to Article VI. - Tourist Accommodations to remove the requirement that a Tourist Accommodation permit must be granted annually by the Board of Commissioners in a hearing and instead allow the permit to be issued administratively by Code Enforcement when all the requirements are met by the applicant. (pages 223-228)
19. Consideration of staff's recommendation to adopt Ordinance 2018-06 that amends Fayette County Code, Chapter 104 - Development Regulations, Article XIII, Illicit Discharge and Illegal Connections. (pages 229-255)



20. Consideration of the Water Committee's recommendation to consider the Private Water System Emergency (pages 256-283)
  - A. Ordinance 2018-07
  - B. Resolution 2018-06 and related Fee Schedule.
21. Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by PetSmart for tax year 2016 in the amount of \$25.44 for the Peachtree City location and \$322.69 for the Fayetteville location. (pages 284-288)

**PUBLIC COMMENT:**

**ADMINISTRATOR'S REPORTS:**

**ATTORNEY'S REPORTS:**

**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

# COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Petition No. RP-067-18, Ron Gassman, Owner, request to revise the final plat of Coventry Estates to add a lot to the subdivision by subdividing lot 43; property located in land lot 63 of the 5th District and fronts on Brookshire Drive. The applicant requested to withdraw Petition RP-067-18.

## Background/History/Details:

Staff recommends approval of the request to withdraw the petition.

Planning Commission recommends approval of the request to withdraw the petition.

Al Gilbert made a motion to approve the withdrawal of Petition No. RP-067-18. John Culbreth seconded the motion. The motion passed 5-0.

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

Approval of the request to withdraw Petition No. RP-067-18, Ron Gassman, Owner, request to revise the final plat of Coventry Estates to add a lot to the subdivision by subdividing lot 43.

## 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:

**From:** [Robert Gassmann](#)  
**To:** [Pete Frisina](#)  
**Subject:** withdrawal  
**Date:** Wednesday, February 21, 2018 11:07:15 AM

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I would like to formally withdraw my plat revision @ 225 Brookshire Dr. fayetteville, 30215

**THE FAYETTE COUNTY PLANNING COMMISSION** met on March 1, 2018 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

**STAFF PRESENT:** Peter A. Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator  
Chakevia Jones, Planning & Zoning Coordinator

**ZBA MEMBERS PRESENT:** Bill Beckwith, Zoning Board of Appeals

- 3. Consideration of Petition No. RP-067-18, Ron Gassman, Owner, request to revise the final plat of Coventry Estates to add a lot to the subdivision by subdividing lot 43. This property is located in 63 of the 5th District and fronts on Brookshire Drive. The applicant has requested to withdraw Petition RP-067-18.**

Chairman Haren said the petitioner has requested to withdraw the petition and he asked if there is anyone who would like to speak in favor of the withdrawal. Hearing none he asked if there was anyone who would like to speak in opposition of the withdrawal. Hearing none he said he would bring it back to the board.

Al Gilbert made a motion to approve the withdrawal of Petition No. RP-067-18. John Culbreth seconded the motion. The motion passed 5-0.

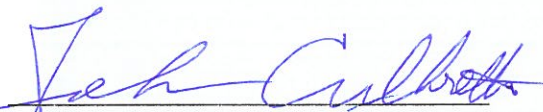
**PLANNING COMMISSION RECOMMENDATION****DATE:** RP-067-18**TO:** Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. RP-067-18, the application of Robert Gassmann for the Revision of the recorded plat to create two (2) lots for resale, be:

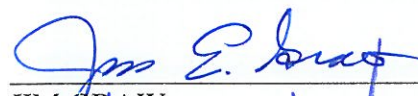
\_\_\_\_\_ Approved    <sup>50</sup>  
                         X Withdrawn    \_\_\_\_\_ Disapproved  
\_\_\_\_\_ Tabled until \_\_\_\_\_

This is forwarded to you for final action.

  
BRIAN HAREN, CHAIRMAN

  
JOHN CULBRETH, VICE-CHAIRMAN

  
AL GILBERT

  
JIM GRAW

  
DANNY ENGLAND

**Remarks:**

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APPLICATION TO REVISE A RECORDED PLAT  
(PUBLIC HEARING)

Page 8 of 288

PETITION NO: RP- 067 - 18

NAME OF RECORDED PLAT: Coventry Estates

OWNER OF PROPERTY: ROBERT GASSMANN

MAILING ADDRESS: 225 BROOKSHIRE DR, FAYETTEVILLE

PHONE: [REDACTED]

E-MAIL: [REDACTED]

AGENT FOR OWNER: \_\_\_\_\_

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

PHONE: \_\_\_\_\_

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

LOCATION: LAND LOT(S) 63 DISTRICT 5 ROAD BROOKSHIRE

LEGAL DESCRIPTION ATTACHED: \_\_\_\_\_ ZONING: RESIDENTIAL

FIFTEEN COPIES OF CONCEPT PLAN ATTACHED: \_\_\_\_\_

TOTAL NUMBER OF LOTS: 2 TOTAL NUMBER OF ACRES: 11.25

DATE OF PLANNING COMMISSION HEARING: March 1, 2018

DATE OF COUNTY COMMISSIONERS HEARING: March 22, 2018

REASON FOR REVISION: Homeowner would like to subdivide

lot to sell.

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

# COUNTY AGENDA REQUEST

Page 9 of 288

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Petition No. 1272-18, James Turner, Owner, and Ron Godwin, Agent, request to rezone 20.033 acres from A-R to R-70 to add to Lot 2 of Turner Estates Subdivision; property located in land lot 72 of the 7th District.

## Background/History/Details:

Staff recommends approval.

Planning Commission recommends approval.

Al Gilbert made a motion to recommend approval of Petition No. 1272-18. John Culbreth seconded the motion. The motion passed 5-0.

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

Approval of Petition No. 1272-18, James Turner, Owner, and Ron Godwin, Agent, request to rezone 20.033 acres from A-R to R-70 to add to Lot 2 of Turner Estates Subdivision; property located in land lot 72 of the 7th District.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:



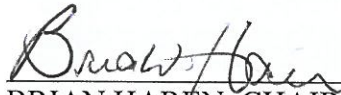
**PLANNING COMMISSION RECOMMENDATION****DATE:** March 1, 2018**TO:** Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1272-18, the application of James Turner to rezone 22.023 acres from A-R to R-70, be:

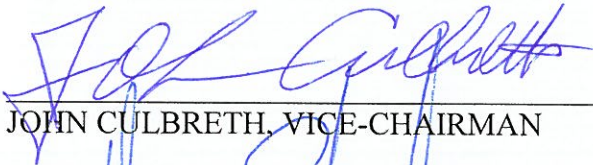
X <sup>50</sup> Approved      \_\_\_\_\_ Withdrawn      \_\_\_\_\_ Denied

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

This is forwarded to you for final action.



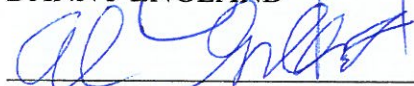
BRIAN HAREN, CHAIRMAN



JOHN CULBRETH, VICE-CHAIRMAN



DANNY ENGLAND



AL GILBERT



JIM GRAW

**Remarks:**

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

**STATE OF GEORGIA  
COUNTY OF FAYETTE**

**RESOLUTION**

**NO. 1272-18**

**WHEREAS**, James Turner, Owner, and Ron Godwin, Agent, having come before the Fayette County Planning Commission on March 1, 2018, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 2010"; and

**WHEREAS**, said request being as follows: Request to rezone 22.023 acres from A-R to R-70, in the area of Dogwood Trail, Land Lot 72 of the 7th District, for the purpose of developing a Residential; and

**WHEREAS**, the Fayette County Planning Commission having duly convened, and considered said request;

**BE IT RESOLVED** that the decision of the Fayette County Planning Commission, that said request be **APPROVED**.

This decision is based on the following reasons:

In compliance with the Fayette County Comprehensive Plan.  
Compatible with the surrounding area.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

  
\_\_\_\_\_  
**BRIAN HAREN, CHAIRMAN**

  
\_\_\_\_\_

**PC SECRETARY**

**THE FAYETTE COUNTY PLANNING COMMISSION** met on March 1, 2018 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

**STAFF PRESENT:** Peter A. Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator  
Chakevia Jones, Planning & Zoning Coordinator

**ZBA MEMBERS PRESENT:** Bill Beckwith, Zoning Board of Appeals

**Welcome and Call to Order:**

Chairman Haren called the Planning Commission Meeting to order.

**PUBLIC HEARING**

\* \* \* \* \*

- 1. Consideration of Petition No. 1272-18, James Turner, Owner, and Ron Godwin, Agent, request to rezone 20.033 acres from A-R to R-70 to add to Lot 2 of Tuner Estates Subdivision. This property is located in land lot 72 of the 7th District.**

Chairman Haren asked if there is anyone who would like to speak in favor of the petition.

Ron Godwin said his client, James Turner, wants to rezone two pieces of property to R-70 so they can be combined with an existing R-70 lot owned by Larry Turner which is in the Turner Estates Final Plat. He said the reason this is being done is to transfer property to Larry Turner who is James Turner's son for estate purposes.

Jim Graw asked if the property could be further subdivided after it is rezoned and combined.

Pete Frisina said as configured the property could not be further subdivided because there is not enough road frontage to subdivide any more lots.

Jim Graw said that James Turner owns a two (2) acre lot to the east and couldn't he sell additional property to give this property more road frontage.

Larry Turner said that is not why we are rezoning this property and he just wants all on the property to be in one (1) lot.

**Page 2**  
**March 1, 2018**  
**PC Meeting**

Pete Frisina said there is a house on James Turner's property but additional property could be obtained from any adjacent property but that is not what is being presented tonight.

Jim Graw asked if R-70 complies with the Land Use Plan.

Pete Frisina said it did comply.

Chairman Haren asked if there was anyone who would like to speak in opposition of the petition. Hearing none he said he would bring it back to the board.

Al Gilbert made a motion to recommend approval of Petition No. 1272-18. John Culbreth seconded the motion. The motion passed 5-0.

**PETITION NO: 1272-18 & RP-066-18**

**REQUESTED ACTION:** A-R to R-70 and Revise Lot 2 of Turner Estates subdivision

**PROPOSED USE:** Residential

**EXISTING USE:** Residential

**LOCATION:** Dogwood Trail

**DISTRICT/LAND LOT(S):** 7th District, Land Lot(s) 72

**OWNERS:** James Turner & Larry Turner

**AGENT:** Ron Godwin

**PLANNING COMMISSION PUBLIC HEARING:** March 1, 2018

**BOARD OF COMMISSIONERS PUBLIC HEARING:** March 22, 2018

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**APPLICANT'S INTENT**

Applicant proposes to rezone 20.033 acres from A-R to R-70 to add to Lot 2 of Turner Estates subdivision for estate purposes.

**STAFF RECOMMENDATION**

**APPROVAL**

1.

1272-18 & RP-066-18

## **INVESTIGATION**

### **A. PROPERTY SITE**

The tracts to be rezoned are a total 20.033 acres consisting of a 0.153 acre tract and a 19.88 acre tract in Land Lot 72 of the 7th District. The tracts to be rezoned are undeveloped and currently zoned A-R. Lot 2 of Tuner Estates subdivision (R-70) contains a single-family residence.

**History:** Rezoning Petition 591-86 (A-R to R-70 for the area of Tuner Estates subdivision) was approved by the Board of Commissioners on August 28, 1986 with one condition as follows:

That the proposed lots share an access driveway from the pavement to the right-of-way at a minimum, and that any future flag lots cut from this property also utilize said access drive.

The Final Plat of Turner Estates was approved and recorded in 1986 (see attached).

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

The general situation is a total of 20.033 acres consisting of a 0.153 acre tract and a 19.88 acre tract that are zoned A-R and Lot 2 of Turner Estates subdivision (R-70). In the vicinity of the subject property is land which is zoned A-R, R-70 and R-40. 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	2.0	A-R	Single-family Residence	Rural Residential – 2 (1 Unit/2 Acres)
	2.0	R-70	Single-family Residence	
	2.0	R-70	Single-family Residence	
South	5.2	A-R	Single-family Residence	Rural Residential – 2 (1 Unit/2 Acres)
	1.0	R-40	Single-family Residence	Low Density Residential (1 Unit/1 Acre)
	1.0	R-40	Single-family Residence	
East	20.9	A-R	Undeveloped	Rural Residential – 2 (1 Unit/2 Acres)
West	30.84	A-R & R-70	Single-family Residence	Low Density Residential (1 Unit/1 Acre)
	16.39	A-R & R-70	Single-family Residence	

### C. COMPREHENSIVE PLAN

The subject property lies in an area designated for Rural Residential – 2 (1 Unit/2 Acres) and Environmentally Sensitive Areas (Floodplain). This request conforms to the Fayette County Comprehensive Plan.

### D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone 20.033 acres from A-R to R-70 for the purpose of adding the property to Lot 2 of Turner Estates subdivision (R-70) for estate purposes.

Lot 2 of Turner Estates subdivision is a nonconforming lot as the road frontage requirement is now 100 feet and the final plat was approved when road frontage requirement was 25 feet. The zoning ordinance allows property to be added to a nonconforming lot as follows:

(a) Nonconforming lots. A legally existing lot of record which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance, shall be considered a legal nonconforming lot and may be utilized for the establishment of uses or the placement of structures and improvements, as long as, all applicable regulations can be met. Where the dimensional requirements of the zoning district cannot be met in terms of the placement of structures and improvements, a variance authorized by the zoning board of appeals shall be required. Any reduction in the land area of a legal nonconforming lot other than an acquisition for a public purpose which serves to make the lot more nonconforming shall result in a loss of the legal nonconforming lot status. However, **any addition of property to a legal nonconforming lot which serves to make the lot more conforming shall not result in the loss of the legal nonconforming lot status.**

### Platting

Revision to the Final Subdivision Plat (RP-066-18)

Sec. 104-595. Approval of subdivisions. (2), j. of the Subdivision Regulations states:

.....Proposed revisions to a recorded final plat of any existing residential or agricultural-residential subdivisions which add property to, increases the number of platted lots, or changes the principal use on a lot will be considered in public hearings before the planning commission and the board of commissioners. The legal notice shall be advertised at least seven calendar 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.....



Should this request be approved, a revision to the final plat for Turner Estates subdivision shall be required to combine the rezoned property with Lot 2.

**E. DEPARTMENTAL COMMENTS**

**Water System**

Water available.

**Public Works/Engineering**

No comments from Engineering/Public Works.

**Environmental Management**

Floodplain Management Ord Applicable Watershed not applicable. State 25' buffer should be applied. May be subject to performing wetland determination prior to final plat.

**Environmental Health Department**

I have looked at this information and our department has no objections to either the proposed rezoning nor the adding the undeveloped property to lot 2 Turner Estates (192 Dogwood Trail). Our department would be in a position to sign the revised final plat for recording purposes when it is developed.

**Fire**

The bureau of fire prevention will neither approve nor deny request that fall outside the scope of ISO requirements.

**Peachtree City**

Thank you for including Peachtree City in your notice. The City has not objection or comment on the proposed rezoning. Thank you. (Robin Cailloux, AICP)

### **STAFF ANALYSIS**

This request is based on the petitioner's intent to rezone said property from A-R to R-70 for the purpose of adding the property to Lot 2 of Turner Estates subdivision (R-70) for estate purposes. Per Section 110-300 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The property to be rezoned from A-R to R-70 lies in an area designated for Rural Residential – 2 (1 Unit/2 Acres) and Environmentally Sensitive Areas (Floodplain). This request conforms to the Fayette County Comprehensive Plan.
2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.
4. Existing conditions and the area's development as a single-family residential district support these petitions.

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

TURNER ESTATES

FINAL - PLAT

Don  
TURNER ESTATES  
GEORGIA & FAYETTE CO  
LL 72 DIST. 7  
SURVEY FOR JAMES TURNER  
1/100 6-27-86  
LEE ENG CO

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County of Fayette, Georgia, this 27th day of June, 1986.

County Engineer, Fayette County, Georgia



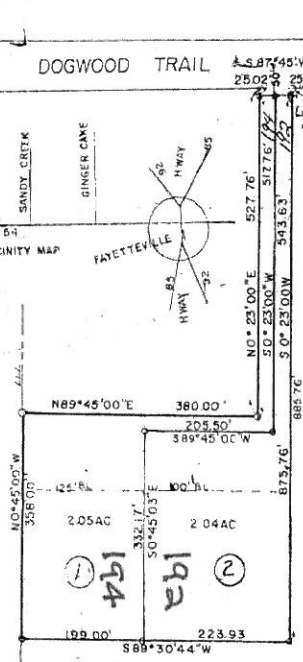
APPROVED BY DEPT. OF HEALTH, FAYETTE CO.  
DATE 6-29-86, SIGNED *[Signature]*  
APPROVED BY COUNTY ENGINEER, FAYETTE CO.  
DATE 6-29-86, SIGNED *[Signature]*  
APPROVED BY FAYETTE CO. PLANNING & ZONING  
DATE 6-22-86, SIGNED *[Signature]*

I CERTIFY THAT ALL MEASUREMENTS ARE CORRECT  
AND WERE PREPARED FROM AN ACTUAL SURVEY OF  
THE PROPERTY AND UNDER MY SUPERVISION THE  
MONUMENT LOCATIONS ARE CORRECTLY SHOWN  
SIGNED *[Signature]* DATE 6-27-86  
THE FIELD DATA UPON WHICH THIS PLAT IS BASED  
HAS A CLOSURE PRECISION EXCEEDING 1/100,000  
AND AN ANGULAR ERROR OF 1/100,000 AND WAS  
ADJUSTED USING THE COMPOUND RULE PLAT CLOSURE  
EXCEEDS 1/100,000  
AN ELECTRONIC DISTANCE MEASURING DEVICE AND  
A ONE SECOND THEODOLITE WERE USED TO OBTAIN  
ANGULAR AND LINEAR MEASUREMENTS

DOGWOOD TRAIL 80' R/W

Limited to one point of access  
on Dogwood Trail

IPS AT ALL CORNERS  
R = 70  
MIN. SIDE YARD = 20'  
REAR = 50'



FAYETTE COUNTY DOES NOT ACCEPT THE  
OWNERSHIP, MAINTENANCE OR RESPONSIBILITY  
FOR ANY DRAINAGE EASEMENT OR OVERALL  
DRAINAGE PLAN, OR THE LACK OF ONE INDICATED  
BY THIS PLAN

WE, THE UNDERSIGNED OWNER(S) AND/OR MORTGAGEE(S) HEREBY OFFER  
TO DEDICATE AND OR RESERVE FOR PUBLIC USE THE RIGHTS OF WAY, &  
EASEMENTS SHOWN ON THIS PLAT

OWNER	DATE	MORTGAGEE	DATE

LL 89 LL 72  
LL 90 LL 71

R-70

4829

1986

**1272-18 &  
RP-066-18  
Zoning**

**Dogwood Trail**

**Sims Road**

**SUBJECT  
PROPERTY**

**20.33 ac  
A-R to R-70**

**Lot 2 of  
Turner  
Estates  
Zoned  
R-70**

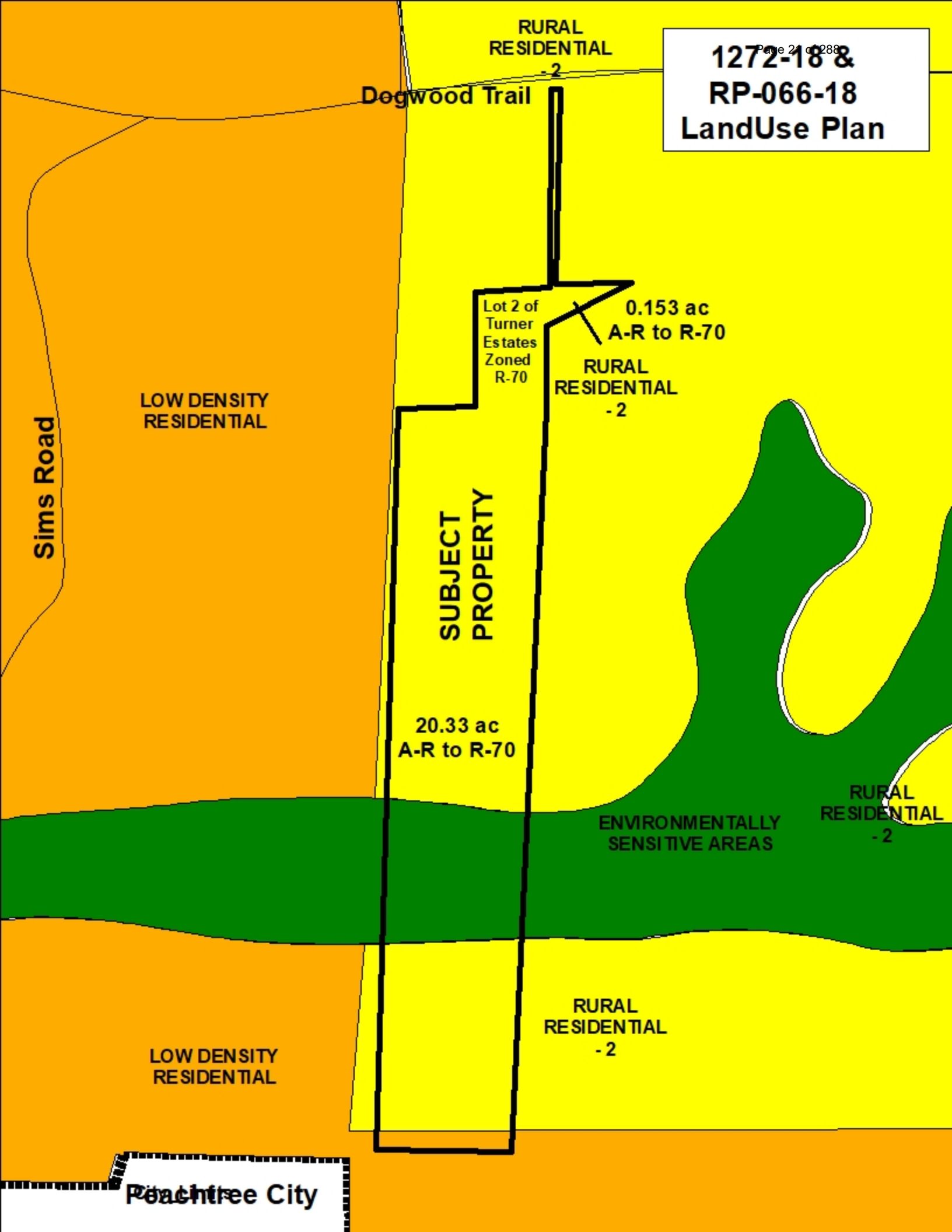
**0.153 ac  
A-R to R-70**

S-Z

**Peachtree City**

R-40 R-40 R-40 R-40 R-40 R-40 R-40 R-40 R-40 R-40

**1272-18 &  
RP-066-18  
LandUse Plan**



Degwood Trail

RURAL  
RESIDENTIAL  
-2

**1272-18 &  
RP-066-18  
LandUse Plan**

LOW DENSITY  
RESIDENTIAL

Sims Road

Lot 2 of  
Turner  
Estates  
Zoned  
R-70

0.153 ac  
A-R to R-70

RURAL  
RESIDENTIAL  
-2

SUBJECT  
PROPERTY

20.33 ac  
A-R to R-70

ENVIRONMENTALLY  
SENSITIVE AREAS

RURAL  
RESIDENTIAL  
-2

LOW DENSITY  
RESIDENTIAL

RURAL  
RESIDENTIAL  
-2

Peachtree City



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**1272-18 &  
RP-066-18  
Aerials**

Dogwood Trail

Sims Road

Lot 2 of  
Turner  
Estates  
Zoned  
R-70

0.153 ac  
A-R to R-70

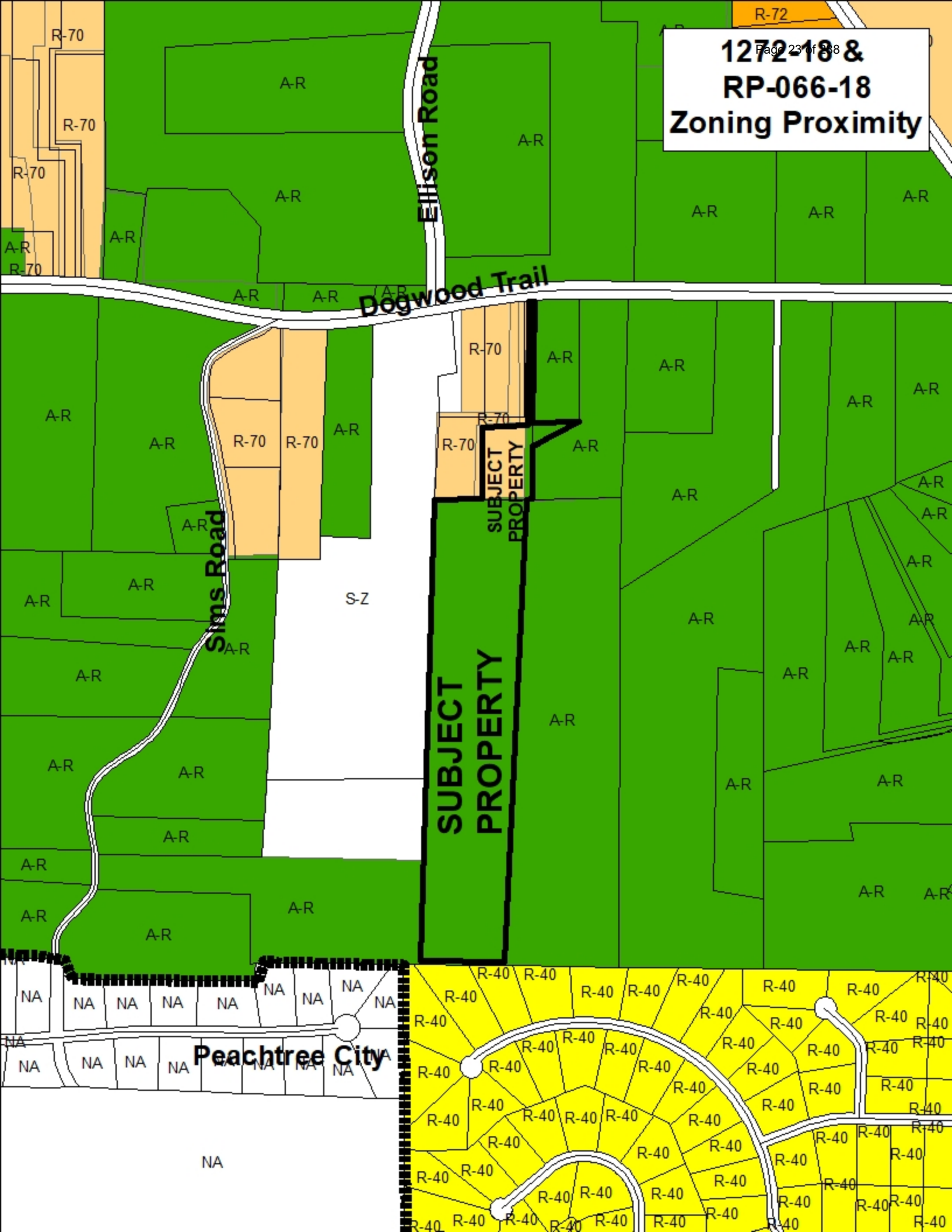
**SUBJECT  
PROPERTY**

20.33 ac  
A-R to R-70

Peachtree City



**1272-18 &  
RP-066-18  
Zoning Proximity**





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

PROPERTY OWNERS: James G Turner

MAILING ADDRESS: 190 Dogwood Tr. Tyrone, Ga 30290

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

AGENT FOR OWNERS: RON GODWIN

MAILING ADDRESS: # 205 CHAPARRAL TRACE TYRONE GA 30290

PHONE: 770 560 3910 E-MAIL: FOUR-CORNERS@BELLSOUTH.NET

PROPERTY LOCATION: LAND LOT 72 LAND DISTRICT 7M PARCEL \_\_\_\_\_  
LAND LOT \_\_\_\_\_ LAND DISTRICT \_\_\_\_\_ PARCEL \_\_\_\_\_

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: \_\_\_\_\_

EXISTING ZONING DISTRICT: AR PROPOSED ZONING DISTRICT: R-70

ZONING OF SURROUNDING PROPERTIES: A-2 & R-70

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: Residential

LAND USE PLAN DESIGNATION: Rural Residential - 2

NAME AND TYPE OF ACCESS ROAD: DOGWOOD TRAIL

LOCATION OF NEAREST WATER LINE: \_\_\_\_\_

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1272-18

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

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

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: C. OB Date: 2/5/18

DATE OF PLANNING COMMISSION HEARING: March 7, 2018

DATE OF COUNTY COMMISSIONERS HEARING: March 22, 2018

Received from Larry G. Turner a check in the amount of \$ 490.00 for application filing fee, and \$ 450.00 for deposit on frame for public hearing sign(s). 20.00

Date Paid: Feb. 3, 2018 Receipt Number: 6135568-sign  
6135564-app

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM Page 25 of 288  
(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:

James G. Turner Louise D. Turner  
Please Print Names

Property Tax Identification Number(s) of Subject Property: \_\_\_\_\_

(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) 72 of the 7<sup>th</sup> 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 Ron Gudwin 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 of permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

James G. Turner  
Signature of Property Owner 1

Address \_\_\_\_\_

Louise D. Turner Power of Attorney  
Signature of Property Owner 2

Address \_\_\_\_\_

Signature of Property Owner 3

Address \_\_\_\_\_

[Signature]  
Signature of Authorized Agent

205 CHADARAL TRACE  
Address TYRONE GA 30280

[Signature]  
Signature of Notary Public  
Date 1-29-18

[Signature]  
Signature of Notary Public  
Date 1-29-18

Signature of Notary Public

Date

[Signature]  
Signature of Notary Public

FEBRUARY 05,  
Date



APPLICATION TO REVISE A RECORDED PLAT  
(PUBLIC HEARING)

Page 26 of 288

PETITION NO: RP- 0616 - 18

NAME OF RECORDED PLAT: TURNER ESTATES

OWNER OF PROPERTY: LARRY TURNER

MAILING ADDRESS: 190 DOGWOOD TRAIL, TYRONE GA 30280

PHONE: [REDACTED]

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

AGENT FOR OWNER: RON GODWIN

MAILING ADDRESS: 205 CHAPARRAL TRACE TYRONE GA 30280

PHONE: 770 560 3910

E-MAIL: RON@FOURCORNERSSURVEYING.COM

LOCATION: LAND LOT(S) 72 DISTRICT 7th ROAD \_\_\_\_\_

LEGAL DESCRIPTION ATTACHED: \_\_\_\_\_ ZONING: AR : R70

FIFTEEN COPIES OF CONCEPT PLAN ATTACHED: \_\_\_\_\_

TOTAL NUMBER OF LOTS: \_\_\_\_\_ TOTAL NUMBER OF ACRES: \_\_\_\_\_

DATE OF PLANNING COMMISSION HEARING: \_\_\_\_\_

DATE OF COUNTY COMMISSIONERS HEARING: \_\_\_\_\_

REASON FOR REVISION: SETTLE ESTATE

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

I respectfully submit this application and certify that the above information is correct and true to the best of my knowledge. I further certify that I am the owner or the specifically authorized agent of the above-referenced property.

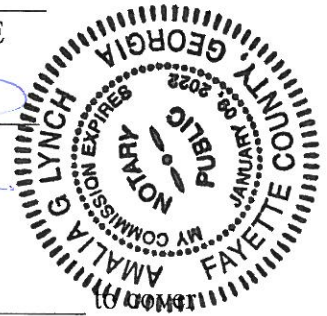
2-05, 2018

[Signature]

OWNER/AGENT'S SIGNATURE

FEBRUARY 05, 2018

[Signature]  
NOTARY PUBLIC



### SIGN FEE

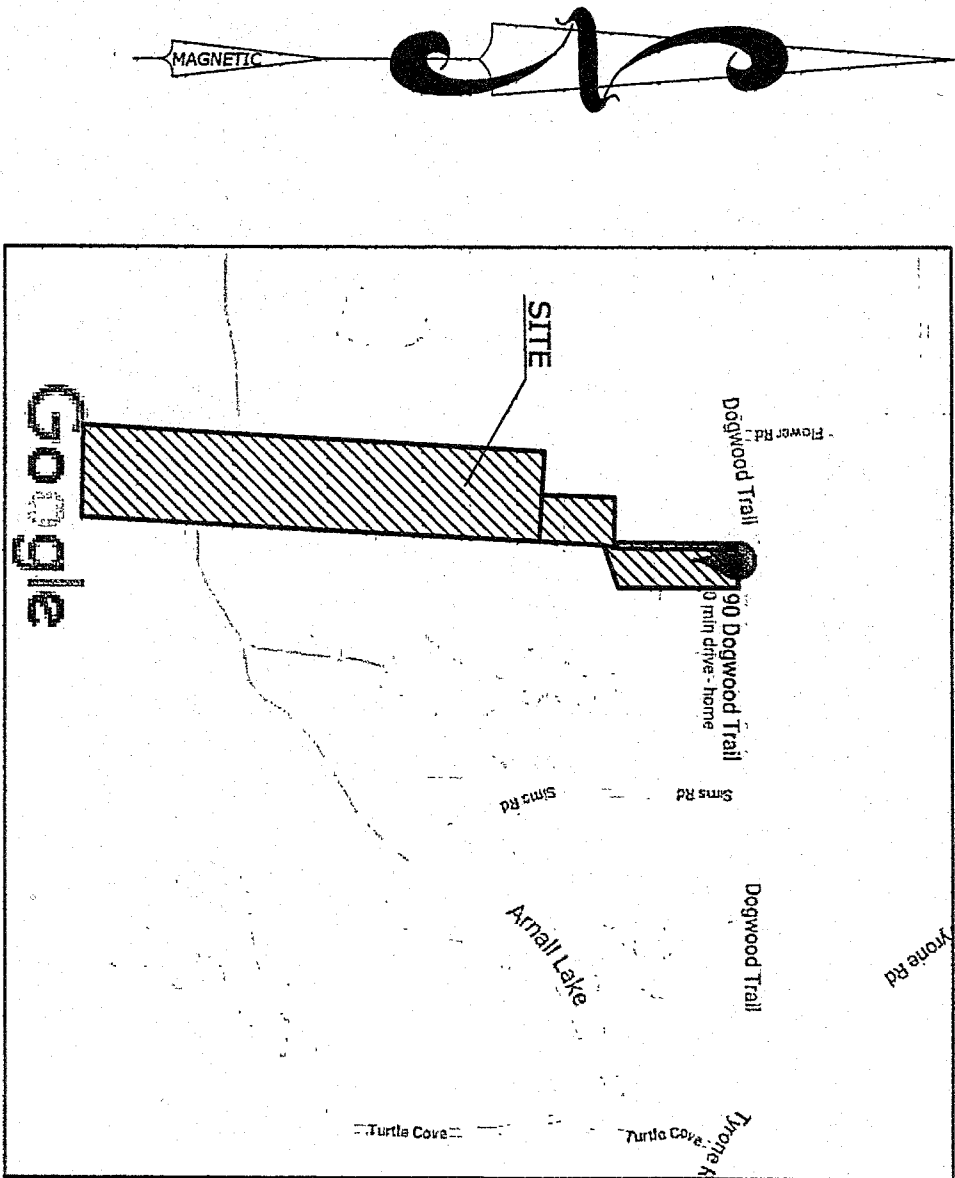
Received from \_\_\_\_\_ the amount of \$ \_\_\_\_\_  
the cost of the sign deposit. Applicant will be billed later for the cost of advertising.

Date Paid: \_\_\_\_\_

Receipt No. \_\_\_\_\_

Cash: \_\_\_\_\_

Check No. \_\_\_\_\_



## VICINITY MAP

NOT TO SCALE

## CONCEPT PLAN

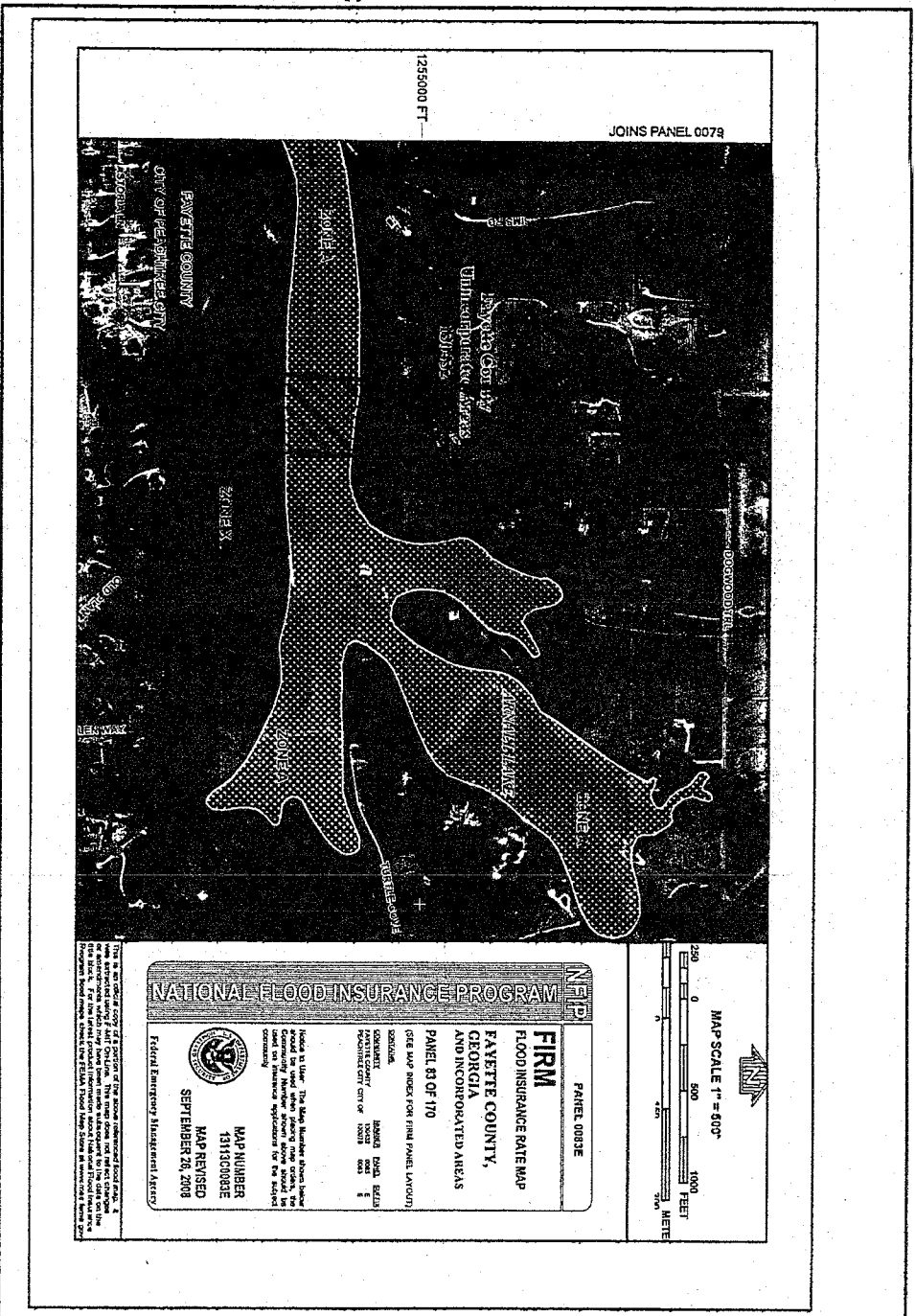
### GENERAL NOTES:

- Owner:  
James G. Turner  
Louise D. Turner  
192 Dogwood Trail  
Tyrone, GA 30290  
Phone (678)416-1040
- Closure Data:  
Field closure= 1' IN 10,000'+  
Angle point error= < 20"  
Equipment used=Topcon Robot  
Adjustment method=N/A.  
Plat closure=1' in 100,000'+
- AR Zoning  
Front Yard = 100'  
Side Yard = 50'  
Rear Yard = 75'
- Existing Zoning: AR  
Proposed Zoning: R-70
- Dimensional requirements:  
R-70 Zoning  
Front Yard = 75'  
Side Yard = 25'  
Rear Yard = 50'

Tax parcel ID# 0720 019

## F.E.M.A. FLOOD MAP

NOT TO SCALE



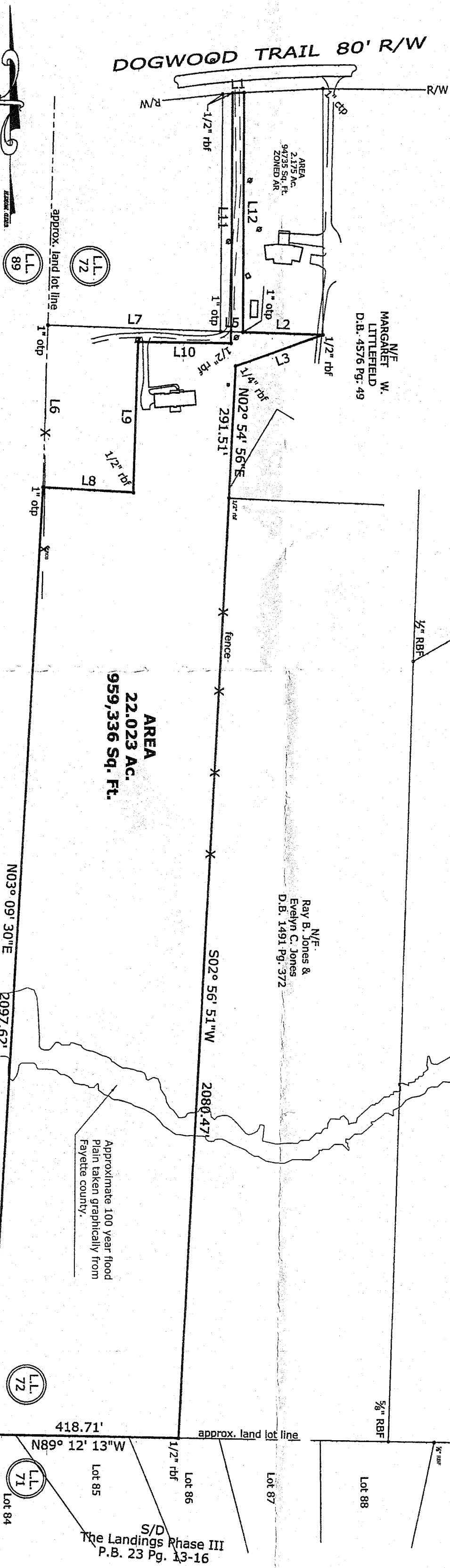
CLOSURE DATA  
FIELD CLOSURE=1IN 10,000'+  
ANGLE POINT ERROR=< 20"  
EQUIPMENT USED=D.M. & THEODOLITE  
ADJUSTMENT METHOD=COMPASS RULE  
PLAT CLOSURE=1IN 100,000'+

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. ALL INFORMATION REGARDING DEEDS, EASEMENTS, ADJOINERS AND OTHER DOCUMENTS THAT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN WERE NOT SUPPLIED TO THIS OFFICE.

A PORTION OF THIS PROPERTY DOES LIE WITHIN A 100 YEAR FLOOD PLAIN ACCORDING F.E.M.A. FLOOD MAP 13113C0083E DATED 9/26/2008  
DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY, ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.  
SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND ORIGINAL SIGNATURE OF SURVEYOR.

Line #	Direction	Length
L1	N87° 02' 20"E	25.20'
L2	S88° 15' 37"E	178.61'
L3	S70° 29' 11"W	205.97'
L5	S88° 13' 50"E	49.71'
L6	N01° 41' 53"E	358.03'
L7	S87° 57' 47"E	380.46'

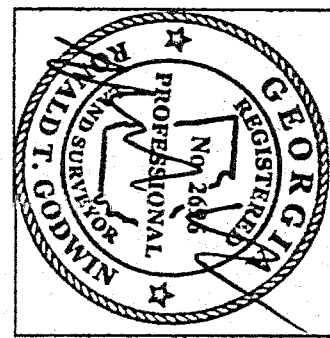
Line #	Direction	Length
L8	S86° 51' 53"E	198.82'
L9	N01° 48' 08"E	332.17'
L10	S89° 16' 17"E	205.50'
L11	N00° 25' 02"E	551.36'
L12	S00° 20' 18"W	528.36'



GRAPHIC SCALE:  
0 20 40 80

### LEGEND

IPF=IRON PIN FOUND  
IPS=IRON PIN SET  
M=MEASURED  
P.O.B.=POINT OF BEGINNING  
B/L=BUILDING LINE  
D.E.=DRAINAGE EASEMENT  
N/F=NOW OR FORMERLY  
F.W.P.D.=FIELD WORK  
PERFORMED DATE



Larry G. Turner

Prepared For:  
Subdivision: 190 & 192 DOGWOOD TRAIL  
Lot: N/A  
Land Lot: 72  
County: FAYETTE, GA  
Scale: 1" = 100'  
Date: 01/19/18  
Job No: 18-015

FOUR CORNERS SURVEYING  
P.O. BOX 15  
Tyrone, GA 30290  
770-560-3910  
770-560-6930  
FOUR.CORNERS@RELSOUTH.NET

# COUNTY AGENDA REQUEST

Page 29 of 288

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Petition No. RP-066-18, Larry Turner, Owner, and Ron Godwin, Agent, request to revise Lot 2 of Tuner Estates Subdivision to add 20.033 acres; property located in land lot 72 of the 7th District and fronts on Dogwood Trail.

## Background/History/Details:

Staff recommends approval.

Planning Commission recommends approval.

Jim Graw made a motion to recommend approval of Petition No. RP-066-18. John Culbreth seconded the motion. The motion passed 5-0.

FOR FULL BACKUP SEE REZONING PETITION 1272-18.

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

Approval of Petition No. RP-066-18, Larry Turner, Owner, and Ron Godwin, Agent, request to revise Lot 2 of Tuner Estates Subdivision to add 20.033 acres; property located in land lot 72 of the 7th District and fronts on Dogwood Trail.

## 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:



**PLANNING COMMISSION RECOMMENDATION**

**DATE:** March 1, 2018

**TO:** Fayette County Commissioners

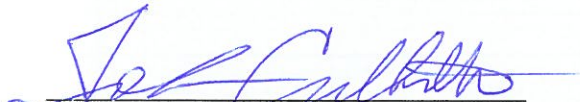
The Fayette County Planning Commission recommends that Petition No. RP-066-18, the application of James Turner to add the property to Lot 2 of Turner Estates subdivision for estate purposes, be:

<sup>50</sup>  
☒ Approved      ☐ Withdrawn      ☐ Disapproved

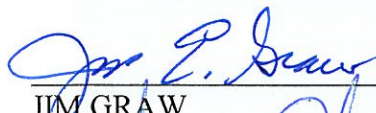
☐ Tabled until \_\_\_\_\_

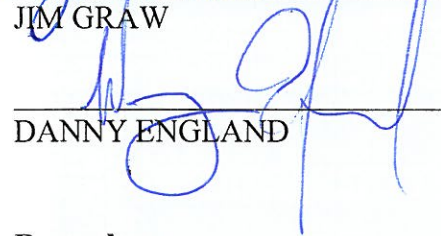
This is forwarded to you for final action.

  
BRIAN HAREN, CHAIRMAN

  
JOHN CULBRETH, VICE-CHAIRMAN

  
AL GILBERT

  
JIM GRAW

  
DANNY ENGLAND

**Remarks:**

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**STATE OF GEORGIA  
COUNTY OF FAYETTE**

**RESOLUTION**

**NO. RP-066-18**

**WHEREAS**, James Turner, Owner, and Ron Godwin, Agent, having come before the Fayette County Planning Commission on March 1, 2018, requesting a revision to a recorded plat as per Section 8-503,(b),7. of the Fayette County Subdivision Regulations; and

**WHEREAS**, said request being as follows: Request to in the area of Dogwood Trail, Land Lot(s) 72 of the 7th District, for the purpose of adding the property to Lot 2 of Turner Estates subdivision for estate purposes; and

**WHEREAS**, the Fayette County Planning Commission having duly convened, and considered said request;

**BE IT RESOLVED** that the decision of the Fayette County Planning Commission, that said request be **approved with conditions**.

This decision is based on the following reasons:

In compliance with the County's regulations and requirements, including availability of County water service.

Compatible with the surrounding area.

In compliance with the Land Use Plan.

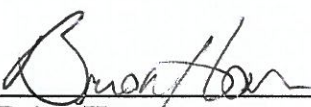
**PLANNING COMMISSION**

**OF**

**FAYETTE COUNTY**

**ATTEST:**

*Chakelia Jones*

  
\_\_\_\_\_  
**Brian Haren**  
**CHAIRMAN**

**THE FAYETTE COUNTY PLANNING COMMISSION** met on March 1, 2018 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

**STAFF PRESENT:** Peter A. Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator  
Chakevia Jones, Planning & Zoning Coordinator

**ZBA MEMBERS PRESENT:** Bill Beckwith, Zoning Board of Appeals

- 2. Consideration of Petition No. RP-066-18, Larry Turner, Owner, and Ron Godwin, Agent, request to revise Lot 2 of Tuner Estates Subdivision to add 20.033 acres. This property is located in 72 of the 7th District and fronts on Dogwood Trail.**

Chairman Haren asked if there is anyone who would like to speak in favor of the petition.

Ron Godwin said they want to combine the property with Lot 2 of Turner Estates Final Plat.

Chairman Haren asked if there was anyone who would like to speak in opposition of the petition. Hearing none he said he would bring it back to the board.

Jim Graw made a motion to recommend approval of Petition No. RP-066-18. John Culbreth seconded the motion. The motion passed 5-0.

APPLICATION TO REVISE A RECORDED PLAT  
(PUBLIC HEARING)

Page 33 of 288

PETITION NO: RP- 066 - 18

NAME OF RECORDED PLAT: TURNER ESTATES

OWNER OF PROPERTY: LARRY TURNER

MAILING ADDRESS: 190 DOGWOOD TRAIL, TYRONE GA 30290

PHONE: [REDACTED]

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

AGENT FOR OWNER: RON GODWIN

MAILING ADDRESS: 205 CHAPARRAL TRACE TYRONE GA 30290

PHONE: 770 560 3910

E-MAIL: RON@FOURCORNERSSURVEYING.COM

LOCATION: LAND LOT(S) 72 DISTRICT 7th ROAD \_\_\_\_\_

LEGAL DESCRIPTION ATTACHED: \_\_\_\_\_ ZONING: AR & R70

FIFTEEN COPIES OF CONCEPT PLAN ATTACHED: \_\_\_\_\_

TOTAL NUMBER OF LOTS: 1 TOTAL NUMBER OF ACRES: 22

DATE OF PLANNING COMMISSION HEARING: 3/1/18

DATE OF COUNTY COMMISSIONERS HEARING: 3/22/18

REASON FOR REVISION: SETTLE ESTATE

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

# COUNTY AGENDA REQUEST

Page 34 of 288

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Ordinance 2018-03, Amendments to Chapter 110. Zoning Ordinance, Regarding Section 110-3. – Definitions and Section 110-79. - Accessory Structures and Uses.

## Background/History/Details:

On September 26, 2017, Bill Beckwith, then ZBA Chairman, sent a letter requesting that the County review the regulations for accessory structures on corner lots due to a number of variance requests for new and existing accessory structures. Staff and the Planning Commission, with the assistance of Bill Beckwith, reviewed the regulations and are recommending amendments.

Staff recommends approval of the amendments.

Planning Commission recommends approval.

Al Gilbert made a motion to recommend approval of Amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-3. – Definitions and Sec. 110-79. - Accessory Structures and Uses. John Culbreth seconded the motion. The motion passed 5-0.

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

Approval of Ordinance 2018-03, Amendments to Chapter 110. Zoning Ordinance, Regarding Section 110-3. – Definitions and Section 110-79. - Accessory Structures and Uses.

## 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:

## ZONING ORDINANCE

### Sec. 110-3. *Definitions*

*Flag lot* means a lot shaped like a flag on a pole with the pole portion of the lot fronting on a street.

Lot, landlocked, means a lot ~~of record~~ having no frontage on a street.

*Lot, corner*, means a lot located at the intersection of two ~~or more~~ streets.

*Yard, front*, means the area between a property line adjacent to a ~~thoroughfare street~~ and the ~~front~~ building line, extending the full width of the lot.

*Yard, rear*, means the area between the rear property line and the rear ~~building-setback~~ line, extending the full width of the lot.

*Yard, side*, means the area between the side property line and the side ~~building-setback~~ line, extending from the front yard to the rear yard ~~or extending from the front yard to the side yard in the case of a corner lot.~~

*Front yard, primary* means on a corner lot, the area between a property line adjacent to a street of which the front door of the principal structure is oriented to or if the front door is not oriented to one street, the street in which the driveway accesses and the front building line, extending the full width of the lot.

*Front yard, secondary* means on a corner lot, the area between a property line adjacent to a street and the front building line outside of the primary front yard.

### Sec. 110-79. - Accessory structures and uses.

- (d) Location on lot. Accessory structures shall conform to the dimensional requirements within each zoning district. ~~No structure shall be located in the front yard except: a detached garage (see subsections (d)(1) and (2) of this section for requirements); well/pump house consisting of 70 square feet or less; or farm outbuildings, including horse stables, auxiliary structures, and greenhouses located in an A-R zoning district, where the lot consists of five acres or more. A well/pump house of 70 square feet or less may be located within the setbacks. On a single frontage lot, the area between the street and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a corner lot, the area between both of the streets and both of the front building lines shall be treated as a primary front yard and a secondary front yard with regard to the location of accessory structures. On a through lot, the area between the street from which the lot is accessed and the front building line shall be treated as a front yard with regard to the location of accessory structures.~~

~~(1) Detached garage located in the front yard of a single frontage lot and a through lot. A detached garage located in the front yard shall meet the following requirements:~~

- ~~a. Shall not exceed 900 square feet of floor area;~~
- ~~b. Located no more than 35 feet from the principal structure;~~

~~(2) Detached garage located in the front yard of a corner lot.~~

- ~~a. Primary front yard. The location of the front door of the principal structure shall establish the primary front yard. If the front door is not oriented to a street, the driveway access shall be utilized to establish the primary front yard. The primary front yard is the area between the street and the front building line in which an accessory structure is prohibited, except in the case of a detached garage which shall comply with the requirements of a single frontage lot; and~~
- ~~b. Secondary front yard. Consequently, the other frontage shall be the secondary front yard. The secondary front yard is the area between the street and the front building line in which an accessory structure is prohibited, except in the case of a detached garage which shall comply with the following requirements:~~
  - ~~1. Shall not exceed 900 square feet of floor area;~~
  - ~~2. Located no more than 35 feet from the principal structure; and~~

~~(3) Architectural standards for a detached garage located in all front yards. The garage shall maintain a residential character. Elevation drawings denoting compliance with the following requirements shall be submitted as part of the building permit application:~~

- ~~a. The design of the garage shall match with the general architectural style inherent in the existing principal structure, including, but not limited to: roof pitch, roof facade, facade, residential windows, and residential doors.~~
- ~~b. The garage shall have at least one opening for vehicular access.~~
- ~~c. A separate electrical meter is not permitted, unless otherwise required per the building permits and inspections department.~~
- ~~d. The garage shall be connected to the principal structure by at least one of the following:~~
  - ~~1. An attached or detached breezeway. Said breezeway shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached breezeway shall be constructed within six inches of the principal structure and the garage;~~
  - ~~2. An attached raised deck. Said attached raised deck shall be a minimum height of 15 inches. The deck shall have a minimum width of six feet. Said deck shall have guard rails measuring a minimum of three feet in height; or~~
  - ~~3. An attached or detached pergola. Said pergola shall consist of parallel colonnades supporting an open roof of beams and crossing rafters, shall~~



~~be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached pergola shall be constructed within six inches of the principal structure and the garage.~~

- (e) *Accessory structures located in a front yard.* On a single frontage lot, the area between the street and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a through lot, the area between the street from which the lot has its addressed access and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a corner lot, the area between the streets and the front building lines shall be treated as a primary front yard or secondary front yard(s) with regard to the location of accessory structures.

No accessory structure shall be located in the front yard except as follows: a well/pump house consisting of 70 square feet or less; a detached garage on a single frontage lot, a through lot or in the primary or secondary front yard of a corner lot (see subsection (1) of this section for requirements); an accessory structure located in a secondary front yard of a corner lot (see subsection (2) of this section for requirements); or an accessory structure on a lot in the A-R zoning district which consists of five or more acres.

- (1) *Detached garage located in the front yard of a single frontage lot, a through lot, the primary front yard on a corner lot, or secondary front yard on a corner lot.* Said garage shall meet the following requirements:

- a. Footprint shall not exceed 900 square feet.
- b. The detached garage shall not be located more than 35 feet from the principal structure.
- c. The design of the garage shall match with the general residential architectural style inherent in the existing principal structure, including, but not limited to: roof pitch, roof facade, facade, residential windows, and residential doors. Elevation drawings denoting compliance with these requirements shall be submitted as part of the building permit application.
- e. The garage shall have at least one opening for vehicular access.
- f. A separate electrical meter is not permitted, unless otherwise required per the Department of Building Safety.
- g. The garage shall be connected to the principal structure by at least one of the following and elevation drawings denoting compliance with the following requirements shall be submitted as part of the building permit application:
  1. *An attached or detached breezeway.* Said breezeway shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached breezeway shall be constructed within six inches of the principal structure and the garage;
  2. *An attached raised deck.* Said attached raised deck shall be a minimum height of 15 inches. The deck shall have a minimum width of six feet.

Said deck shall have guard rails measuring a minimum of three feet in height; or

3. *An attached or detached pergola.* Said pergola shall consist of parallel colonnades supporting an open roof of beams and crossing rafters, shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached pergola shall be constructed within six inches of the principal structure and the garage.
- (2) *Accessory structure located in the secondary front yard of a corner lot.* Said accessory structure, exclusive of a detached garage per (1) above, shall meet the following requirements:
- a. When an accessory structure is located in a secondary front yard adjacent to a street that is designated as an Internal Local the required setback shall be increased by 20 feet.

**(NOTE: All subsequent sections of the ordinance to be reordered as applicable.)**



Bill Beckwith, Chairman  
Fayette County Zoning Board of Appeals (ZBA)

September 26, 2017

Pete Frisina  
Fayette County Planning and Zoning  
140 Stonewall Avenue West  
Fayetteville, GA 30214

RE: Accessory Structures on Corner Lots

Dear Pete,

Over the years, the ZBA has heard many cases involving accessory structures on corner lots, which according the Zoning Ordinance, have two front yards. This has created many issues with the placement of accessory structures as the Zoning Ordinance does not allow an accessory structure in a front yard, the front yard being the area between both of the streets and both of the front building lines as established by the house (principle structure.) Our citizens are not well served by this situation as a large portion of a lot could be restricted in terms of the placement of an accessory based on the location of the house.

Logically, a land owner considers his front yard to be based on the street the house faces or the street where the driveway and mailbox is located and it doesn't occur to them that they have two front yards. Very few homeowners, if any, consult the Zoning Ordinance before having an accessory structure built on the lot and while builders should know the ordinance that is not always the case.

The ZBA is recommending that the Planning and Zoning Department, in collaboration with the Planning Commission and Board of Commissioners, review and amend the zoning ordinance to alleviate this situation. We understand there may be differing conditions regarding properties in subdivisions and others in the county and the amendments could address these situations accordingly.

Thank you for your consideration of our recommendation. I will be willing to meet with the Planning Commission to discuss these recommendations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill", written in dark ink.

Bill Beckwith, Chairman

Fayette County Zoning Board of Appeals

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

**MEMBERS PRESENT:** Brian Haren, Chairman  
Jim Graw  
Danny England  
Al Gilbert

**MEMBERS ABSENT:** John H. Culbreth, Sr., Vice-Chairman

**STAFF PRESENT:** Pete Frisina, Director of Community Services

**2. Discussion of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-79.  
- Accessory structures and uses. concerning corner lots.**

Pete Frisina said this issue was brought up by Bill Beckwith, the Chairman of the Zoning Board of Appeals. He stated that the ZBA has seen a number of variance requests for accessory structures on corner lots and the last request involved a five (5) acre lot with a pool that was built in what is considered a front yard per the zoning. He explained per the zoning ordinance, the front yard is the area between the house and the street and a corner lot has two (2) front yards and an accessory structure cannot be placed in a front yard. He added that a point Bill Beckwith is making that in some cases this makes a large portion of the lot unusable for accessory structures based on the location of the house.

Jim Graw said it appears that the house is set at an angle in relation to the street. He asked if the house was lined up with street or facing the other street would this make a difference in the front yards.

Pete Frisina said it would not make a difference in the front yards. He added that the current zoning ordinance describes a front yard as “a line running parallel to the street which touches the nearest point of the principal structure to the street.” Pete Frisina said the 1971 zoning ordinance defines a corner lot as “A lot having frontage on two or more public streets at their intersection.” He said the 1971 zoning ordinance also states a front yard is “That area of a lot lying between the abutting street right-of-way line and the principal building of the lot and extending across the front of a lot from side lot line to side lot line.” He added the 1971 zoning ordinance had language possibly allowing an accessory structure in the front yard as follows: “Accessory buildings on lots, when located within a front or side yard, shall be located no closer to property lines than would be allowed for a principal building...except that in the case of corner lots, accessory buildings shall be set back from the centerline of an abutting street right-of-way a distance equal to the front yard set-back established for the zoning district in which the accessory buildings are located.” He said the zoning ordinance of 1980 specifically prohibited accessory structures in a front yard but may have allowed them in a front yard on corner lot as follows: “No accessory other than a well or pump house shall be located within a front yard.... except that in the case of corner lots, an accessory shall be set back from an abutting street right-of-way a distance equal to the front yard setback established for the Zoning District in which the accessory is located.” He added that in

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1998 the zoning ordinance went through a comprehensive revision and accessory structures were not allowed in any front yard as follows: "Accessory uses and structures shall conform to the dimensional requirements within each zoning district except that no structure shall be located between the front property line and a residential structure.... On a corner lot, the area between the street adjoining the side or rear property line and the residential structure shall be treated as a front yard with regard to the location of accessory uses and structures." Pete Frisina showed the Planning Commission examples of smaller one acre corner lots where the house had been built to the rear of the lot which limits the area available to place accessory structures. He pointed out on one example the house is placed at an angle fronting both streets equally and one of the suggestions by Bill Beckwith was to look at which street the house is facing or the street where the driveway is located. He discussed other examples of subdivision layouts where on a corner lot the house is built to the rear of the lot and if an accessory structure were allowed in the front yard based on a front yard setback it would be to the side of the house on the adjacent lot and he questioned whether this would detract from the character and sight line of this street if an accessory structure were built in this location. He said we need to examine these situations. He said if we think this is an issue we could look at setting the accessory structure further back on the lot than the adjacent house.

Jim Graw asked does a corner lot have a side yard.

Pete Frisina stated that a typical rectangular corner lot will have two front yards, two (2) side yards and no rear yard.

Jim Graw asked do you think most people with a corner realize they have two (2) front yards.

Al Gilbert said probably not.

Chairman Haren asked do we want to redefine a front yard.

Pete Frisina said if we change our approach we will have to redefine a front yard. He stated that maybe we should look at corner lots based on their zoning and minimum lot size as a five (5) acre lot could be more greatly affected with the loss of buildable area than a one (1) acre lot in a subdivision.

Al Gilbert said we may not be able to accommodate every situation.

Pete Frisina said we may have to look at lot size because you have more flexibility on a larger lot than you do in a more compactly developed one (1) acre subdivision.

Al Gilbert said the concept is to the rear of the house and he has always been in favor of keeping accessory structures to the rear of the house.

Pete Frisina said the current ordinance keeps accessory structures to the rear or side of the house.

Jim Graw asked if you were setting on the front of your house on a corner lot and you looked out what you would say is the front yard and what the side yard is.

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Pete Frisina said he would think most people would say the street their house faces is the front yard and the other street is the side yard. He added that our regulations for a detached garage in the front yard when attached with a breezeway make a distinction between a primary front yard and secondary front yard for corner lots.

Jim Graw said he thinks we need to find a way to permit accessory structures in a front yard on a corner lot in some manner.

Chairman Haren said we have options to consider such as which road the driveway accesses or which way the house faces and there may situations that are so complex that going to the ZBA is the best way to handle the issue.

Al Gilbert said to the average person the front and rear of the house is how they determine front yard and back yard.

Danny England said we may have to come up with different criteria such as direction of the house or driveway location for different situations.

Jim Graw said one of the things he would hate to see happen is an accessory structure in a front yard in front of a house on an adjacent lot like what happened in his neighborhood in Peachtree City.

Pete Frisina said based on the discussion tonight he will look at different zoning/lots sizes, making a distinction between a primary and secondary front yard and the classification of the roads giving preference to higher classification of roads for the placement of an accessory structures while maintaining the same or greater front yard setbacks for accessory structures.

Al Gilbert said he would have reservations of placing an accessory between the street and the front orientation of the house.

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

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

**MEMBERS ABSENT:** Danny England

**STAFF PRESENT:** Pete Frisina, Director of Community Services

**1. Discussion of amendments to the Zoning Ordinance, concerning corner lots and flag lots.**

Pete Frisina said he wanted to talk about flag lots as we have Bill Beckwith (Chairman of the ZBA and Larry Blanks (former member of the ZBA) here tonight and they have a concern with flag lots. Pete Frisina said that there is not a specific area of the zoning ordinance that addresses flag lots and that flag lots area a formation of various portions of the zoning ordinance.

Larry Blanks said it was his understanding that when the County increased the road frontage which was at 25 feet that automatically allowed flag lots.

Chairman Haren asked what the issue is we are concerned with regarding flag lots.

Pete Frisina said it is a similar front yard issue that we are addressing with corner lots and based on the definition of Front Yard it is based on the road frontage. He added that flag lot developments have gone through many stages since they were first developed in the 70's/80's. He stated that initially flag lot subdivisions were developed with each lot having 25 feet of road frontage and a central private drive/road accessing each of the lots. He said in these initial developments the private drive/road was often given a name even though it was not a County maintained road and the address numbers were based on the private drive/road. He added at some point the County required that the addresses would be based on the road frontage and not the private drive/road. He stated that later the 25 foot road frontage was increased to 100 feet but still allowed the private drive/road. He said finally the rules did away with the private drive/road and required each lot to have its own driveway. He added that presently no more than two (2) lots can share a driveway if in the opinion of the County Engineer it will increase safety and/or diminish the environmental impact of two (2) driveways. He stated now we have flag lots depicted on Minor/Final Plats showing the Front Yard where that was not the case on the older subdivision plats as lots of five (5) acres or greater did not require a Minor/Final Plat that would go through a staff review process. He said that an across the board rule change which shifts the orientation of every flag lot ninety degrees could create problems for the recently depicted lots in recent Minor/Final Plats. He said what he is considering is creating a procedure in the Subdivision Regulations where a property owner could come before the Planning Commission to establish the Front Yard on a flag lot based on some criterion.

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Larry Blanks said he shakes his head because only government could be so illogical because a front yard is where the front door, porch, light, etc. is located. He suggested the County use the term “logical front yard” as there are four (4) sides to every home, a front, a back, a left side and a right side.

Pete Frisina said we have Minor/Final Plats that depict the Front Yard and setback based on road frontage and not the orientation of the house.

Larry Blanks said that is government creating its own problems.

Chairman Haren asked if there is currently a mechanism for a property owner to come to the Planning Commission to solve similar problems.

Pete Frisina replied, no.

Larry Blanks said the problem arises every time someone wants to build a garage on a flag lot, corner lot or three (3) corner lot and they have to pay a couple hundred dollars and go through all of this bureaucratic garbage for something that logically should be rubber stamped. He added that it is a burden and expense for the tax payer.

Chairman Haren said it would be difficult to amend the ordinance to address everything going back.

Bill Beckwith asked Randy Boyd if he has any thoughts on the subject determining the Front Yard on flag lots and corner lots.

Randy Boyd said most of the time the orientation of the house will work but when a house is placed at an angle on the lot an aligned to a street it becomes difficult to solve that with a single ordinance. He added that solving one problem often creates new problems.

Jim Graw said several months ago there was a rezoning where a lot was in the back of the property and the developer was required to provide an easement. He asked what does the County do when the access to the flag lot is through an easement and not a personal driveway.

Pete Frisina said that rezoning involved a preexisting land locked property with an existing easement and it was not a flag lot. He added that the developer maintained an easement to the property.

Larry Blanks said what they did in their flag lot subdivision was build a private road and it is maintained by the property owners. He added that he wasn't aware that the County didn't allow private roads anymore and he thinks that is stupid.

Al Gilbert asked Pete Frisina to bring examples of various flag lot subdivisions to the next Planning Commission meeting.

Chairman Haren asked if we establish a mechanism for individuals to come before the Planning Commission won't there need to be criteria developed to evaluate their requests.



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Pete Frisina said criteria should be developed such orientation of the house, is the property accessed be a private road, etc. He added that in the future, since subdivision plats are approved by the Planning Commission, we could also use this procedure to establish the front yards at that time so the recorded plats are correct in terms of lot orientation and setbacks.

Randy Boyd asked if the county would consider a limited number of lots to access an easement instead of requiring a flag lot.

Pete Frisina said the has County been moving away from private drives and requiring each lot to have its own curb cut/driveway for emergency services.

Chairman Haren asked if the Planning Commission establishes a front yard on a property through this proposed procedure will a plat have to be re-recorded to illustrate the change.

Pete Frisina said that is something we have to consider and how do we set the change in record. Pete Frisina stated the points discussed at the previous meeting concerning corner lots include making a distinction between a primary and secondary front yard, consideration of greater front yard setbacks for accessory structures, consideration of the classification of the roads giving preference to higher classification of roads for the placement of an accessory structures, considering different zoning/lots sizes and a reservation with placing an accessory structure directly between the street and the front orientation of the house. He added that the County already makes a distinction of a primary and secondary front yard for detached garages only and these detached garages require a breezeway, deck or pergola connecting the house and detached garage. He said he had created some drawings depicting different scenarios for front yards and secondary front yards. He stated that we could consider allowing a detached accessory structure in the secondary front yard and only allow the detached garage in the primary front yard with the required breezeway, deck or pergola connection. He said another consideration we discussed was increasing the setback for accessory structures on a corner lot so they are not out in front of the house on the adjacent lot. He added that in the newer subdivisions the builders seem to place the house right on the front yard setback line where in older subdivisions the houses could be setback slightly from the front yard setback and the location varied from lot to lot.

Al Gilbert said current builders save money on shorter concrete driveways by placing the house right on the front yard setback.

Chairman Haren asked if we could restrict the type of accessory structure in the secondary front yard.

Pete Frisina said that we could restrict the type of accessory structure in the secondary front yard.

Larry Blanks said consideration should be given to lots with three (3) front yards as a few of those have come before the ZBA.

Pete Frisina said lots with three (3) front yards should be given consideration as well.

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Jim Graw said if a house on an adjacent lot is built back from the front setback an accessory structure built at the front yard setback next door would be in front of that structure.

Pete Frisina said that is why we are considering increasing the front yard setback for an accessory structure in a secondary front yard. He added that he has not fully considered A-R lots because in A-R there is already the ability for farm structures, auxiliary structures and greenhouses to be in the front yard but not the accessory structures allowed under Sec. 110-79 addressing residential accessory structures. He added that he will continue to work on these items.

**THE FAYETTE COUNTY PLANNING COMMISSION** met on January 18, 2018 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Brian Haren, Chairman  
Al Gilbert  
Jim Graw  
Danny England

**MEMBERS ABSENT:** John Culbreth

**STAFF PRESENT:** Peter A. Frisina, Director of Community Services  
Chakevia Jones, Planning & Zoning Coordinator  
Patrick Stough, County Attorney

**5. Discussion of amendments to the Zoning Ordinance, concerning corner lots and flag lots.**

Pete Frisina said that he kept the points from last meeting which were: make a distinction between a primary and secondary front yard; consider greater front yard setbacks for accessory structures; consider the classification of the roads giving preference to higher classification of roads for the placement of an accessory structure; consider different zoning/lots sizes; reservation with placing an accessory structure between the street and the front orientation of the house. He added that front yard, primary means on a corner lot, the area between a property line adjacent to a street of which the front door of the principal structure is oriented to or if the front door is not oriented to one street, the street in which the driveway accesses and the front building line, extending the full width of the lot. He also stated that front yard, secondary means on a corner lot, the area between a property line adjacent to a street and the front building line outside of the primary front yard.

Pete Frisina said he started with accessory structures located in a front yard, on a single frontage lot, the area between the street and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a through lot, the area between the street from which the lot has its addressed access and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a corner lot, the area between the streets and the front building lines shall be treated as a primary front yard or secondary front yard(s) with regard to the location of accessory structures. He stated that when he says primary front yard and secondary front yard with the (s) he's referring to the tri corner lots with three streets.

Chairman Haren asked what a through lane is.

Pete Frisina said it where you have the internal street for a subdivision and you back up to a main road.

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Pete Frisina stated that no accessory structure shall be located in the front yard except as follows: a well/pump house consisting of 70 square feet or less; a detached garage on a single frontage lot, a through lot or in the primary front yard of a corner lot (see subsection (1) of this section for requirements); an accessory structure located in a secondary front yard of a corner lot (see subsection (2) of this section for requirements); or an accessory structure on a lot in the A-R zoning district which consists of five or more acres.

Pete Frisina also added that detached garage located in the front yard of a single frontage lot, a through lot, or the primary front yard on a corner lot. Said garage shall meet the following requirements:

- a. Footprint shall not exceed 900 square feet.
- b. The detached garage shall not be located more than 35 feet from the principal structure.
- c. The design of the garage shall match with the general residential architectural style inherent in the existing principal structure, including, but not limited to: roof pitch, roof facade, facade, residential windows, and residential doors. Elevation drawings denoting compliance with these requirements shall be submitted as part of the building permit application.
- d. The garage shall have at least one opening for vehicular access.
- e. A separate electrical meter is not permitted, unless otherwise required per the Department of Building Safety.
- f. The garage shall be connected to the principal structure by at least one of the following and elevation drawings denoting compliance with the following requirements shall be submitted as part of the building permit application:
  1. An attached or detached breezeway. Said breezeway shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached breezeway shall be constructed within six inches of the principal structure and the garage;
  2. An attached raised deck. Said attached raised deck shall be a minimum height of 15 inches. The deck shall have a minimum width of six feet. Said deck shall have guard rails measuring a minimum of three feet in height; or
  3. An attached or detached pergola. Said pergola shall consist of parallel colonnades supporting an open roof of beams and crossing rafters, shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached pergola shall be constructed within six inches of the principal structure and the garage.

Pete Frisina further stated that an accessory structure located in the secondary front yard of a corner lot. Said accessory structure shall meet the following requirements:

- a. When an accessory structure is located in a secondary front yard adjacent to a street that is designated as an Internal Local, that's an internal subdivision street, the required setback shall be increased by 20 feet.

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He said that in looking at different classifications of roads and different regulations, on an interior street we make that structure setback an extra 20 feet if it's on a corner lot.

Danny England asked what the setback is on the secondary yard if you're on the corner.

Pete Frisina replied that if you're on an interior street it's an additional 20 feet of what is required. He said if it's a one (1) acre lot with a 40 foot setback it would push you back to 60 feet.

Al Gilbert said the he thinks this setback information should be disclosed by the building department when people come in to get a permit.

Pete Frisina stated that when people come in to get a permit it goes through a process and normally we catch it before it happens. It becomes an issue when people build structures without a permit.

He said that he met with Dennis Davenport and they discussed the issue of flag lot and how it's difficult to figure out where the front and rear are. He said the found three (3) basic flag lot development types. He stated that the first was a named private drive inside this flag lot subdivision with a 25 foot strip going out to the road and some kind of easement. He added that Fayette County was naming those private drives as if they were streets and issuing addresses on private drives. He further said that back then if you had a lot greater than five (5) acres you did not have to go through county, but the plats that went through the county were approved based on its orientation to where that 25 foot strip hit the road. He stated that the next level was unnamed private drive with an address on a County road, which meant there was an address for each 25 foot strip. He said some of the plats prior to 2010 may or may not indicate front, side and/or rear setbacks, but final and minor subdivision plats after 2010 do indicate front, side or rear setbacks. He added that the word flag lot does not appear in the zoning ordinance; it's just an interpretation of how lots are oriented. He further said road frontage was changed from 25 feet to 100 feet, and at some point we stopped allowing private drives; each lot with 100 feet of frontage had to have its own drive. He said there is a situation where the Public Works Director will allow two (2) lots if it's for safety reasons or it cuts down on environmental impact.

Pete Frisina stated that land locked properties in the ordinance have to have been land locked prior to November 13, 1980 with the required easement to be considered as nonconforming lots.

Jim Graw asked why the date of November 13, 1980 is significant.

Pete Frisina replied that Fayette County reaffirmed all the established zoning designations.

Pete Frisina said the zoning ordinance defines front yard in relation to street frontage and technically land locked lots do not have street frontage. He added that he would need the Planning Commission to provide some guidance on a procedure for handling land locked properties.

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Danny England asked if a procedure would be establish where applicants come to the Planning Commission to establish their front yard.

Pete Frisina replies yes, a procedure for the establishment of front, side and rear yards on a flag lot or a nonconforming landlocked lot. He stated that due to the various irregular shapes of flag lots and that nonconforming land locked lots have no road frontage, a property owner my request that the planning commission establish the front, side and rear yards on an existing flag lot and a proposed flag lot in conjunction with the Final Plat and Minor Subdivision Plat approval process that would be different than the yards per existing County regulations and establish the front, side and rear yards on a nonconforming land locked lot. He added that this procedure is applicable to existing flag lots, proposed flag lots and nonconforming landlocked lots. He said further that the front, side and rear orientation of the residence (existing or proposed) on the flag lot or nonconforming landlocked lot will be considered in this establishment of front, side and rear yards. He also stated that the establishment of yards through this procedure will require the revision of the Minor Subdivision Plat or Final Plat, as applicable.

Patrick Stough said anything the Planning and Zoning Department can do to keep land locked properties from going to the Planning Commission would be best. He asked if there was a standard established.

Pete Frisina replies that there is not a standard specific to flag lots, but there is a standard specific to lots.

No action was taken on this item and the discussion will be continued at a future meeting.



**THE FAYETTE COUNTY PLANNING COMMISSION** met on February 1, 2018 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

**STAFF PRESENT:** Peter A. Frisina, Director of Community Services

**3. Discussion of amendments to the Zoning Ordinance, concerning corner lots, flag lots and landlocked lots.**

Pete Frisina said the procedure for the Planning Commission to establish the front, side and rear yards on a flag lot (existing and proposed) and establish the front, side and rear yards on a nonconforming land locked lot was the main topic tonight. He added that he had discussed this procedure with the County Attorney who advised him that it would be best to put this procedure in the subdivision regulations with the plat approval functions of the Planning Commission as opposed to the zoning ordinance as the requirement for public notice is greater in the zoning ordinance. He stated that he doesn't have a problem with public notice but this procedure is very internal to the lot and public notice will add more time to the procedure. He said his approach now will be to rewrite this section for the subdivision regulations and get the County Attorneys' response. He stated that there had been some discussion at the last meeting about putting images of lots indicating the front, side and rear yards in the zoning ordinance. He added that the zoning ordinance is in Municode and they weren't excited about images in the code. He said what he is proposing is a pamphlet or brochure with the lot images and having that posted on the website or available to hand out in the office and he had sent an example from San Diego for the Planning Commission's response as to the format.

Danny England said this would be helpful.

Chairman Haren said putting it on the website would be a good idea.

John Culbreth asked what was the past issue with corner lots.

Pete Frisina said a corner lot has two front yards and it limits the area where a property owner could have an accessory structure. He said he would rewrite the procedure and get the County Attorneys' response for the next meeting.

**THE FAYETTE COUNTY PLANNING COMMISSION** met on February 15, 2018 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

**STAFF PRESENT:** Peter A. Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator  
Chakevia Jones, Planning and Zoning Coordinator

**1. Discussion of amendments to the Zoning Ordinance, concerning corner lots, flag lots and landlocked lots.**

Pete Frisina stated that we had agreed to add an additional setback on a structure built in the secondary yard. He said that in certain situations that wouldn't work. He added that there was an allowance in the ordinance that permits a garage in the front yard, but it has to have an attachment to the house. He said this only applies to a garage. He stated that the objective is to make it look like it's a part of the house and that there is a connection.

Donna Black asked if it mattered on a corner lot.

Pete Frisina said that on a corner lot you have two (2) fronts. He added that even on a lot with one (1) front there still has to be a connection if the garage is in the front. He stated that there should also be a procedure in place for residents to come before the Planning Commission to determine front yard placement. Pete said he talked to the county attorney and they agreed to outline that procedure in the subdivision regulation section of the county ordinance. He stated that the Planning Commission will be able to determine where the front yard is on a case by case basis. He added that this procedure should orient the location of the house, but currently the road is the defining factor.

Brian Haren said he was ready to move forward with a public hearing.

**THE FAYETTE COUNTY PLANNING COMMISSION** met on March 1, 2018 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

**STAFF PRESENT:** Peter A. Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator  
Chakevia Jones, Planning & Zoning Coordinator

**ZBA MEMBERS PRESENT:** Bill Beckwith, Zoning Board of Appeals

**4. Consideration of Amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-3. – Definitions and Sec. 110-79. - Accessory Structures and Uses.**

Pete Frisina said these amendments are a result of a letter from Bill Beckwith (ZBA) to the Staff, Planning Commission and Board of Commissioners requesting the review of regulations pertaining to accessory structures and corner lots due to a number of variance requests for new and existing structures. He added that new definitions for flag lots, primary front yard and secondary front yard have been added to the zoning ordinance as well as some minor amendments to existing definitions to provide more clarity. He said the primary front yard on a corner lot is defined by the orientation of the front door of the house to a street or if the house does not face the street then the street with the addressed access will be used. He added that the Secondary Front yard is the area between a property line adjacent to a street and the front building line outside of the primary front yard. He stated there will be greater flexibility in a secondary front yard to place an accessory structure. He added that accessory structures allowed in a front yard include a well/pump house consisting of 70 square feet or less; a detached garage on a single frontage lot, a through lot or in the primary or secondary front yard of a corner lot, an accessory structure located in a secondary front yard of a corner lot, or an accessory structure on a lot in the A-R zoning district which consists of five or more acres.

Bill Beckwith asked if in the flag lot definition it should be stated that a structure cannot be built in the pole portion of the flag lot but must be in the flag portion of the flag lot.

Pete Frisina said the setback probably couldn't be met in the pole portion in A-R and the lot width requirement couldn't be met in the pole portion of a flag lot so house couldn't be constructed there.

Danny England asked if the lot diagrams that were presented to the Planning Commission would be placed in the ordinance.

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Pete Frisina said those corner lot diagrams would not be placed in the zoning ordinance because of limitations with Municode. He added that a document will be produced by the department and be available on line and in hard copy to illustrate corner lots.

Chairman Haren asked if there is anyone who would like to speak in favor of the amendments. Hearing none he asked if there was anyone who would like to speak in opposition of the amendments. Hearing none he said he would bring it back to the board.

Al Gilbert made a motion to recommend approval of Amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-3. – Definitions and Sec. 110-79. - Accessory Structures and Uses. John Culbreth seconded the motion. The motion passed 5-0.

**5. Consideration of Amendments to Article XV. - Subdivision Regulations, Regarding Sec. 104-593. - Definitions and Sec. 104-603. Procedure for the Establishment of Front, Side and Rear Yards on a Flag Lot or a Nonconforming Landlocked Lot.**

Pete Frisina said these amendments to the Subdivision Regulations address creating a procedure for the Planning Commission to establish a front, side and rear yard on an existing or proposed flag lot that that would be different than the yards per existing County regulations and on a nonconforming landlocked lot. He stated that if the orientation of a flag lot is changed by this procedure, the regulations require that any applicable final or minor subdivision plat be revised to show this change. He added these amendments including adding the same definitions as proposed for the zoning ordinance.

Bill Beckwith asked if the front yard can be stamped on the plat.

Pete Frisina said that would be helpful but it may not be possible in every case.

Bill Beckwith asked wouldn't you have to know which the way the house will face when it is built.

Pete Frisina said if a flag lot subdivision iss being proposed and the developer was also going to build the homes then the builder may know how the homes will be oriented and then it could be put on the plat after going through this procedure but the setbacks will also identify the front, side and rear yards.

Al Gilbert said the best time would be to catch it at the building permit stage on corner lots.

Pete Frisina said this procedure is not for corner lots but is for flag lots.

Al Gilbert said when you go to a closing and the buyer is given a plat of the property it would be helpful if the front yards are marked on a corner lot.

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Pete Frisina said he doesn't know if that will always be possible because the orientation of the house may not be known at that time. He added that when a permit comes in sometimes the orientation of the house can be determined and sometimes it can't.

Al Gilbert said he got a plat when he closed on his house and if the homeowner could be given a plat with the front yards marked it would save a lot of heartache in the future.

Pete Frisina said he doesn't know if that happens in every case.

Danny England said sometimes all you get is the boundary of the property.

Pete Frisina said at this time he not sure how the County can make sure every homeowner gets something like that because the permit through to the certificate of occupancy is handled by the builder.

Al Gilbert said for big builders that may be the case but the smaller builders probably don't operate that way.

Pete Frisina said staff would work on something but at this time he doesn't have a solution.

Chairman Haren asked if there is anyone who would like to speak in favor of the amendments. Hearing none he asked if there was anyone who would like to speak in opposition of the amendments. Hearing none he said he would bring it back to the board.

Jim Graw made a motion to recommend approval of Amendments to Article XV. - Subdivision Regulations, Regarding Sec. 104-593. - Definitions and Sec. 104-603. Procedure for the Establishment of Front, Side and Rear Yards on a Flag Lot or a Nonconforming Landlocked Lot. John Culbreth seconded the motion. The motion passed 5-0.

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**ORDINANCE**

**NO. 2018-\_\_\_\_\_**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR FAYETTE COUNTY, GEORGIA; TO REVISE PROVISIONS PERTAINING TO DEFINITIONS; TO REVISE PROVISIONS PERTAINING TO ACCESSORY STRUCTURES AND USES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

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

**Section 1.** By deleting the definitions of “Lot, landlocked”, “Lot, corner”, “Yard, front”, “Yard, rear”, and “Yard, side” from Section 110-3, pertaining to “Definitions”, of Article I of Chapter 110, in their entirety, and by replacing them with new definitions of “Lot, landlocked”, “Lot, corner”, “Yard, front”, “Yard, rear”, and “Yard, side” in Section 110-3 of Article I of Chapter 110, with said definitions to be inserted alphabetically as appropriate and to be read as follows:

*Lot, landlocked*, means a lot having no frontage on a street.

*Lot, corner*, means a lot located at the intersection of two or more streets.

*Yard, front*, means the area between the property line adjacent to a street and the

front building line, extending the full width of the lot.

*Yard, rear*, means the area between the rear property line and the rear setback line, extending the full width of the lot.

*Yard, side*, means the area between the side property line and the side setback line, extending from the front yard to the rear yard or extending from the front yard to the side yard in the case of a corner lot.

**Section 2.** By adding definitions of “Flag lot”, “Front yard, primary”, and “Front yard, secondary” to Section 110-3, pertaining to “Definitions”, of Article I of Chapter 110, with said definitions to be inserted alphabetically as appropriate and to be read as follows:

*Flat lot* means a lot shaped like a flag on a pole with the pole portion of the lot fronting on a street.

*Front yard, primary*, means, on a corner lot, the area between a property line adjacent to a street of which the front door of the principal structure is oriented to or if the front door is not oriented to one street, the street on which the driveway accesses and the front building line, extending the full width of the lot.

*Front yard, secondary*, means, on a corner lot, the area between a property line adjacent to a street and the front building line outside of the primary front yard.

**Section 3.** By deleting Subsection (d) of Section 110-79, pertaining to “Accessory structures and uses”, of Article III of Chapter 110, in its entirety, and by replacing it with a new Subsection (d) in Section 110-79 of Article III of Chapter 110, to be

numbered and read as follows:

- (d) *Location on lot.* Accessory structures shall conform to the dimensional requirements within each zoning district.

**Section 4.** By renumbering Subsections (e) through (n) of Section 110-79, pertaining to “Accessory structures and uses”, of Article III of Chapter 110 as Subsections (f) through (o), respectively, and by adding a new Subsection (e) to Section 110-79 of Article III of Chapter 110, to be numbered and read as follows:

- (e) *Accessory structures located in a front yard.* On a single frontage lot, the area between the street and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a through lot, the area between the street from which the lot has its addressed access and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a corner lot, the area between the streets and the front building lines shall be treated as a primary front yard or secondary front yard(s) with regard to the location of accessory structures.

No accessory structure shall be located in the front yard except as follows: a well/pump house consisting of 70 square feet or less; a detached garage on a single frontage lot, a through lot or in the primary or secondary front yard of a corner lot (see paragraph (1) of this subsection for requirements); an accessory structure located in a secondary front yard of a corner lot (see paragraph (2) of this subsection for requirements); or an accessory structure on a lot in the A-R zoning district which consists of five or more acres.

- (1) *Detached garage located in the front yard of a single frontage lot, a*



*through lot, the primary front yard on a corner lot, or secondary front yard on a corner lot.* Said garage shall meet the following requirements:

- a. Footprint shall not exceed 900 square feet.
- b. The detached garage shall not be located more than 35 feet from the principal structure.
- c. The design of the garage shall match with the general residential architectural style inherent in the existing principal structure, including, but not limited to: roof pitch, roof facade, facade, residential windows, and residential doors. Elevation drawings denoting compliance with these requirements shall be submitted as part of the building permit application.
- e. The garage shall have at least one opening for vehicular access.
- f. A separate electrical meter is not permitted, unless otherwise required per the Department of Building Safety.
- g. The garage shall be connected to the principal structure by at least one of the following and elevation drawings denoting compliance with the following requirements shall be submitted as part of the building permit application:
  1. *An attached or detached breezeway.* Said breezeway shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached breezeway shall be constructed within six inches of the principal structure and the garage;

2. *An attached raised deck.* Said attached raised deck shall be a minimum height of 15 inches. The deck shall have a minimum width of six feet. Said deck shall have guard rails measuring a minimum of three feet in height; or
  3. *An attached or detached pergola.* Said pergola shall consist of parallel colonnades supporting an open roof of beams and crossing rafters, shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached pergola shall be constructed within six inches of the principal structure and the garage.
- (2) *Accessory structure located in the secondary front yard of a corner lot.* Said accessory structure, exclusive of a detached garage per (1) above, shall meet the following requirements:
- a. When an accessory structure is located in a secondary front yard adjacent to a street that is designated as an Internal Local the required setback shall be increased by 20 feet.

**Section 5.** This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County.

**Section 6.** All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 7.** In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

**SO ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY

By: \_\_\_\_\_  
Eric K. Maxwell, Chairman

(SEAL)

ATTEST:

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

Approved as to form:

\_\_\_\_\_  
County Attorney

# COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Ordinance 2018-04, amendments to Article XV.- Subdivision Regulations, regarding Section 104-593. - Definitions and Section 104-603. -Procedure for the Establishment of Front, Side and Rear Yards on a Flag Lot or a Nonconforming Landlocked Lot.

## Background/History/Details:

These amendments stemmed from the discussion of corner lots and variance requests on flag lots concerning front yards.

Staff recommends approval of the amendments.

The Planning Commission recommends approval of the amendments.

Jim Graw made a motion to recommend approval of Amendments to Article XV. - Subdivision Regulations, Regarding Sec. 104-593. - Definitions and Sec. 104-603. Procedure for The Establishment of Front, Side And Rear Yards on a Flag Lot or a Nonconforming Landlocked Lot. John Culbreth seconded the motion. The motion passed 5-0.

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

Approval of Ordinance 2018-04, amendments to Article XV.- Subdivision Regulations, regarding Section 104-593. - Definitions and Section 104-603. -Procedure for the Establishment of Front, Side and Rear Yards on a Flag Lot or a Nonconforming Landlocked Lot.

## 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:

## SUBDIVISION REGULATIONS

### Sec. 104-593. - Definitions.

*Building line, front, means a line running parallel to the street which touches the nearest point of the principal structure to the street.*

*Flag lot means a lot shaped like a flag on a pole with the pole portion of the lot fronting on a street.*

*Lot, corner, means a lot located at the intersection of two or more streets.*

*Lot, landlocked, means a lot having no frontage on a street.*

*Yard means a required open space on a lot that is left unoccupied with structures and facilities, except as otherwise permitted herein.*

*Yard, front, means the area between a property line adjacent to a street and the front building line, extending the full width of the lot.*

*Yard, rear, means the area between the rear property line and the rear setback line, extending the full width of the lot.*

*Yard, side, means the area between the side property line and the side setback line, extending from the front yard to the rear yard or extending from the front yard to the side yard in the case of a corner lot.*

*Front yard, primary means on a corner lot, the area between a property line adjacent to a street of which the front door of the principal structure is oriented to or if the front door is not oriented to one street, the street in which the driveway accesses and the front building line, extending the full width of the lot.*

*Front yard, secondary means on a corner lot, the area between a property line adjacent to a street and the front building line outside of the primary front yard.*

### **Sec. 104-603. Procedure for the establishment of front, side and rear yards on a flag lot or a nonconforming landlocked lot.**

Due to the various development patterns of flag lots in the past and their irregular shapes, and that nonconforming land locked lots have no road frontage, a property owner may request that the planning commission establish the front, side and rear yards on an existing flag lot and a proposed flag lot in conjunction with the Final Plat and Minor Subdivision Plat approval process that would be

different than the yards per existing County regulations, and establish the front, side and rear yards on a nonconforming landlocked lot. This procedure is applicable to existing flag lots, proposed flag lots and nonconforming landlocked lots. The front, side and rear orientation of the residence (existing or proposed) on the flag lot or nonconforming landlocked lot and/or the orientation of the lot access will be considered in this establishment of front, side and rear yards. The establishment of yards through this procedure will require the revision of a Minor Subdivision Plat or Final Plat, as applicable.

**THE FAYETTE COUNTY PLANNING COMMISSION** met on January 18, 2018 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Brian Haren, Chairman  
Al Gilbert  
Jim Graw  
Danny England

**MEMBERS ABSENT:** John Culbreth

**STAFF PRESENT:** Peter A. Frisina, Director of Community Services  
Chakevia Jones, Planning & Zoning Coordinator  
Patrick Stough, County Attorney

**5. Discussion of amendments to the Zoning Ordinance, concerning corner lots and flag lots.**

Pete Frisina said that he kept the points from last meeting which were: make a distinction between a primary and secondary front yard; consider greater front yard setbacks for accessory structures; consider the classification of the roads giving preference to higher classification of roads for the placement of an accessory structure; consider different zoning/lots sizes; reservation with placing an accessory structure between the street and the front orientation of the house. He added that front yard, primary means on a corner lot, the area between a property line adjacent to a street of which the front door of the principal structure is oriented to or if the front door is not oriented to one street, the street in which the driveway accesses and the front building line, extending the full width of the lot. He also stated that front yard, secondary means on a corner lot, the area between a property line adjacent to a street and the front building line outside of the primary front yard.

Pete Frisina said he started with accessory structures located in a front yard, on a single frontage lot, the area between the street and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a through lot, the area between the street from which the lot has its addressed access and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a corner lot, the area between the streets and the front building lines shall be treated as a primary front yard or secondary front yard(s) with regard to the location of accessory structures. He stated that when he says primary front yard and secondary front yard with the (s) he's referring to the tri corner lots with three streets.

Chairman Haren asked what a through lane is.

Pete Frisina said it where you have the internal street for a subdivision and you back up to a main road.



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Pete Frisina stated that no accessory structure shall be located in the front yard except as follows: a well/pump house consisting of 70 square feet or less; a detached garage on a single frontage lot, a through lot or in the primary front yard of a corner lot (see subsection (1) of this section for requirements); an accessory structure located in a secondary front yard of a corner lot (see subsection (2) of this section for requirements); or an accessory structure on a lot in the A-R zoning district which consists of five or more acres.

Pete Frisina also added that detached garage located in the front yard of a single frontage lot, a through lot, or the primary front yard on a corner lot. Said garage shall meet the following requirements:

- a. Footprint shall not exceed 900 square feet.
- b. The detached garage shall not be located more than 35 feet from the principal structure.
- c. The design of the garage shall match with the general residential architectural style inherent in the existing principal structure, including, but not limited to: roof pitch, roof facade, facade, residential windows, and residential doors. Elevation drawings denoting compliance with these requirements shall be submitted as part of the building permit application.
- d. The garage shall have at least one opening for vehicular access.
- e. A separate electrical meter is not permitted, unless otherwise required per the Department of Building Safety.
- f. The garage shall be connected to the principal structure by at least one of the following and elevation drawings denoting compliance with the following requirements shall be submitted as part of the building permit application:
  1. An attached or detached breezeway. Said breezeway shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached breezeway shall be constructed within six inches of the principal structure and the garage;
  2. An attached raised deck. Said attached raised deck shall be a minimum height of 15 inches. The deck shall have a minimum width of six feet. Said deck shall have guard rails measuring a minimum of three feet in height; or
  3. An attached or detached pergola. Said pergola shall consist of parallel colonnades supporting an open roof of beams and crossing rafters, shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached pergola shall be constructed within six inches of the principal structure and the garage.

Pete Frisina further stated that an accessory structure located in the secondary front yard of a corner lot. Said accessory structure shall meet the following requirements:

- a. When an accessory structure is located in a secondary front yard adjacent to a street that is designated as an Internal Local, that's an internal subdivision street, the required setback shall be increased by 20 feet.

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He said that in looking at different classifications of roads and different regulations, on an interior street we make that structure setback an extra 20 feet if it's on a corner lot.

Danny England asked what the setback is on the secondary yard if you're on the corner.

Pete Frisina replied that if you're on an interior street it's an additional 20 feet of what is required. He said if it's a one (1) acre lot with a 40 foot setback it would push you back to 60 feet.

Al Gilbert said the he thinks this setback information should be disclosed by the building department when people come in to get a permit.

Pete Frisina stated that when people come in to get a permit it goes through a process and normally we catch it before it happens. It becomes an issue when people build structures without a permit.

He said that he met with Dennis Davenport and they discussed the issue of flag lot and how it's difficult to figure out where the front and rear are. He said the found three (3) basic flag lot development types. He stated that the first was a named private drive inside this flag lot subdivision with a 25 foot strip going out to the road and some kind of easement. He added that Fayette County was naming those private drives as if they were streets and issuing addresses on private drives. He further said that back then if you had a lot greater than five (5) acres you did not have to go through county, but the plats that went through the county were approved based on its orientation to where that 25 foot strip hit the road. He stated that the next level was unnamed private drive with an address on a County road, which meant there was an address for each 25 foot strip. He said some of the plats prior to 2010 may or may not indicate front, side and/or rear setbacks, but final and minor subdivision plats after 2010 do indicate front, side or rear setbacks. He added that the word flag lot does not appear in the zoning ordinance; it's just an interpretation of how lots are oriented. He further said road frontage was changed from 25 feet to 100 feet, and at some point we stopped allowing private drives; each lot with 100 feet of frontage had to have its own drive. He said there is a situation where the Public Works Director will allow two (2) lots if it's for safety reasons or it cuts down on environmental impact.

Pete Frisina stated that land locked properties in the ordinance have to have been land locked prior to November 13, 1980 with the required easement to be considered as nonconforming lots.

Jim Graw asked why the date of November 13, 1980 is significant.

Pete Frisina replied that Fayette County reaffirmed all the established zoning designations.

Pete Frisina said the zoning ordinance defines front yard in relation to street frontage and technically land locked lots do not have street frontage. He added that he would need the Planning Commission to provide some guidance on a procedure for handling land locked properties.

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Danny England asked if a procedure would be establish where applicants come to the Planning Commission to establish their front yard.

Pete Frisina replies yes, a procedure for the establishment of front, side and rear yards on a flag lot or a nonconforming landlocked lot. He stated that due to the various irregular shapes of flag lots and that nonconforming land locked lots have no road frontage, a property owner my request that the planning commission establish the front, side and rear yards on an existing flag lot and a proposed flag lot in conjunction with the Final Plat and Minor Subdivision Plat approval process that would be different than the yards per existing County regulations and establish the front, side and rear yards on a nonconforming land locked lot. He added that this procedure is applicable to existing flag lots, proposed flag lots and nonconforming landlocked lots. He said further that the front, side and rear orientation of the residence (existing or proposed) on the flag lot or nonconforming landlocked lot will be considered in this establishment of front, side and rear yards. He also stated that the establishment of yards through this procedure will require the revision of the Minor Subdivision Plat or Final Plat, as applicable.

Patrick Stough said anything the Planning and Zoning Department can do to keep land locked properties from going to the Planning Commission would be best. He asked if there was a standard established.

Pete Frisina replies that there is not a standard specific to flag lots, but there is a standard specific to lots.

No action was taken on this item and the discussion will be continued at a future meeting.

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

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

**MEMBERS ABSENT:** Danny England

**STAFF PRESENT:** Pete Frisina, Director of Community Services

**1. Discussion of amendments to the Zoning Ordinance, concerning corner lots and flag lots.**

Pete Frisina said he wanted to talk about flag lots as we have Bill Beckwith (Chairman of the ZBA and Larry Blanks (former member of the ZBA) here tonight and they have a concern with flag lots. Pete Frisina said that there is not a specific area of the zoning ordinance that addresses flag lots and that flag lots area a formation of various portions of the zoning ordinance.

Larry Blanks said it was his understanding that when the County increased the road frontage which was at 25 feet that automatically allowed flag lots.

Chairman Haren asked what the issue is we are concerned with regarding flag lots.

Pete Frisina said it is a similar front yard issue that we are addressing with corner lots and based on the definition of Front Yard it is based on the road frontage. He added that flag lot developments have gone through many stages since they were first developed in the 70's/80's. He stated that initially flag lot subdivisions were developed with each lot having 25 feet of road frontage and a central private drive/road accessing each of the lots. He said in these initial developments the private drive/road was often given a name even though it was not a County maintained road and the address numbers were based on the private drive/road. He added at some point the County required that the addresses would be based on the road frontage and not the private drive/road. He stated that later the 25 foot road frontage was increased to 100 feet but still allowed the private drive/road. He said finally the rules did away with the private drive/road and required each lot to have its own driveway. He added that presently no more than two (2) lots can share a driveway if in the opinion of the County Engineer it will increase safety and/or diminish the environmental impact of two (2) driveways. He stated now we have flag lots depicted on Minor/Final Plats showing the Front Yard where that was not the case on the older subdivision plats as lots of five (5) acres or greater did not require a Minor/Final Plat that would go through a staff review process. He said that an across the board rule change which shifts the orientation of every flag lot ninety degrees could create problems for the recently depicted lots in recent Minor/Final Plats. He said what he is considering is creating a procedure in the Subdivision Regulations where a property owner could come before the Planning Commission to establish the Front Yard on a flag lot based on some criterion.

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Larry Blanks said he shakes his head because only government could be so illogical because a front yard is where the front door, porch, light, etc. is located. He suggested the County use the term “logical front yard” as there are four (4) sides to every home, a front, a back, a left side and a right side.

Pete Frisina said we have Minor/Final Plats that depict the Front Yard and setback based on road frontage and not the orientation of the house.

Larry Blanks said that is government creating its own problems.

Chairman Haren asked if there is currently a mechanism for a property owner to come to the Planning Commission to solve similar problems.

Pete Frisina replied, no.

Larry Blanks said the problem arises every time someone wants to build a garage on a flag lot, corner lot or three (3) corner lot and they have to pay a couple hundred dollars and go through all of this bureaucratic garbage for something that logically should be rubber stamped. He added that it is a burden and expense for the tax payer.

Chairman Haren said it would be difficult to amend the ordinance to address everything going back.

Bill Beckwith asked Randy Boyd if he has any thoughts on the subject determining the Front Yard on flag lots and corner lots.

Randy Boyd said most of the time the orientation of the house will work but when a house is placed at an angle on the lot an aligned to a street it becomes difficult to solve that with a single ordinance. He added that solving one problem often creates new problems.

Jim Graw said several months ago there was a rezoning where a lot was in the back of the property and the developer was required to provide an easement. He asked what does the County do when the access to the flag lot is through an easement and not a personal driveway.

Pete Frisina said that rezoning involved a preexisting land locked property with an existing easement and it was not a flag lot. He added that the developer maintained an easement to the property.

Larry Blanks said what they did in their flag lot subdivision was build a private road and it is maintained by the property owners. He added that he wasn't aware that the County didn't allow private roads anymore and he thinks that is stupid.

Al Gilbert asked Pete Frisina to bring examples of various flag lot subdivisions to the next Planning Commission meeting.

Chairman Haren asked if we establish a mechanism for individuals to come before the Planning Commission won't there need to be criteria developed to evaluate their requests.

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Pete Frisina said criteria should be developed such orientation of the house, is the property accessed be a private road, etc. He added that in the future, since subdivision plats are approved by the Planning Commission, we could also use this procedure to establish the front yards at that time so the recorded plats are correct in terms of lot orientation and setbacks.

Randy Boyd asked if the county would consider a limited number of lots to access an easement instead of requiring a flag lot.

Pete Frisina said the has County been moving away from private drives and requiring each lot to have its own curb cut/driveway for emergency services.

Chairman Haren asked if the Planning Commission establishes a front yard on a property through this proposed procedure will a plat have to be re-recorded to illustrate the change.

Pete Frisina said that is something we have to consider and how do we set the change in record. Pete Frisina stated the points discussed at the previous meeting concerning corner lots include making a distinction between a primary and secondary front yard, consideration of greater front yard setbacks for accessory structures, consideration of the classification of the roads giving preference to higher classification of roads for the placement of an accessory structures, considering different zoning/lots sizes and a reservation with placing an accessory structure directly between the street and the front orientation of the house. He added that the County already makes a distinction of a primary and secondary front yard for detached garages only and these detached garages require a breezeway, deck or pergola connecting the house and detached garage. He said he had created some drawings depicting different scenarios for front yards and secondary front yards. He stated that we could consider allowing a detached accessory structure in the secondary front yard and only allow the detached garage in the primary front yard with the required breezeway, deck or pergola connection. He said another consideration we discussed was increasing the setback for accessory structures on a corner lot so they are not out in front of the house on the adjacent lot. He added that in the newer subdivisions the builders seem to place the house right on the front yard setback line where in older subdivisions the houses could be setback slightly from the front yard setback and the location varied from lot to lot.

Al Gilbert said current builders save money on shorter concrete driveways by placing the house right on the front yard setback.

Chairman Haren asked if we could restrict the type of accessory structure in the secondary front yard.

Pete Frisina said that we could restrict the type of accessory structure in the secondary front yard.

Larry Blanks said consideration should be given to lots with three (3) front yards as a few of those have come before the ZBA.

Pete Frisina said lots with three (3) front yards should be given consideration as well.

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Jim Graw said if a house on an adjacent lot is built back from the front setback an accessory structure built at the front yard setback next door would be in front of that structure.

Pete Frisina said that is why we are considering increasing the front yard setback for an accessory structure in a secondary front yard. He added that he has not fully considered A-R lots because in A-R there is already the ability for farm structures, auxiliary structures and greenhouses to be in the front yard but not the accessory structures allowed under Sec. 110-79 addressing residential accessory structures. He added that he will continue to work on these items.



**THE FAYETTE COUNTY PLANNING COMMISSION** met on February 1, 2018 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

**STAFF PRESENT:** Peter A. Frisina, Director of Community Services

**3. Discussion of amendments to the Zoning Ordinance, concerning corner lots, flag lots and landlocked lots.**

Pete Frisina said the procedure for the Planning Commission to establish the front, side and rear yards on a flag lot (existing and proposed) and establish the front, side and rear yards on a nonconforming land locked lot was the main topic tonight. He added that he had discussed this procedure with the County Attorney who advised him that it would be best to put this procedure in the subdivision regulations with the plat approval functions of the Planning Commission as opposed to the zoning ordinance as the requirement for public notice is greater in the zoning ordinance. He stated that he doesn't have a problem with public notice but this procedure is very internal to the lot and public notice will add more time to the procedure. He said his approach now will be to rewrite this section for the subdivision regulations and get the County Attorneys' response. He stated that there had been some discussion at the last meeting about putting images of lots indicating the front, side and rear yards in the zoning ordinance. He added that the zoning ordinance is in Municode and they weren't excited about images in the code. He said what he is proposing is a pamphlet or brochure with the lot images and having that posted on the website or available to hand out in the office and he had sent an example from San Diego for the Planning Commission's response as to the format.

Danny England said this would be helpful.

Chairman Haren said putting it on the website would be a good idea.

John Culbreth asked what was the past issue with corner lots.

Pete Frisina said a corner lot has two front yards and it limits the area where a property owner could have an accessory structure. He said he would rewrite the procedure and get the County Attorneys' response for the next meeting.

**THE FAYETTE COUNTY PLANNING COMMISSION** met on February 15, 2018 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

**STAFF PRESENT:** Peter A. Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator  
Chakevia Jones, Planning and Zoning Coordinator

**1. Discussion of amendments to the Zoning Ordinance, concerning corner lots, flag lots and landlocked lots.**

Pete Frisina stated that we had agreed to add an additional setback on a structure built in the secondary yard. He said that in certain situations that wouldn't work. He added that there was an allowance in the ordinance that permits a garage in the front yard, but it has to have an attachment to the house. He said this only applies to a garage. He stated that the objective is to make it look like it's a part of the house and that there is a connection.

Donna Black asked if it mattered on a corner lot.

Pete Frisina said that on a corner lot you have two (2) fronts. He added that even on a lot with one (1) front there still has to be a connection if the garage is in the front. He stated that there should also be a procedure in place for residents to come before the Planning Commission to determine front yard placement. Pete said he talked to the county attorney and they agreed to outline that procedure in the subdivision regulation section of the county ordinance. He stated that the Planning Commission will be able to determine where the front yard is on a case by case basis. He added that this procedure should orient the location of the house, but currently the road is the defining factor.

Brian Haren said he was ready to move forward with a public hearing.

**THE FAYETTE COUNTY PLANNING COMMISSION** met on March 1, 2018 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

**STAFF PRESENT:** Peter A. Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator  
Chakevia Jones, Planning & Zoning Coordinator

**ZBA MEMBERS PRESENT:** Bill Beckwith, Zoning Board of Appeals

**5. Consideration of Amendments to Article XV. - Subdivision Regulations, Regarding Sec. 104-593. - Definitions and Sec. 104-603. Procedure for the Establishment of Front, Side and Rear Yards on a Flag Lot or a Nonconforming Landlocked Lot.**

Pete Frisina said these amendments to the Subdivision Regulations address creating a procedure for the Planning Commission to establish a front, side and rear yard on an existing or proposed flag lot that that would be different than the yards per existing County regulations and on a nonconforming landlocked lot. He stated that if the orientation of a flag lot is changed by this procedure, the regulations require that any applicable final or minor subdivision plat be revised to show this change. He added these amendments including adding the same definitions as proposed for the zoning ordinance.

Bill Beckwith asked if the front yard can be stamped on the plat.

Pete Frisina said that would be helpful but it may not be possible in every case.

Bill Beckwith asked wouldn't you have to know which the way the house will face when it is built.

Pete Frisina said if a flag lot subdivision iss being proposed and the developer was also going to build the homes then the builder may know how the homes will be oriented and then it could be put on the plat after going through this procedure but the setbacks will also identify the front, side and rear yards.

Al Gilbert said the best time would be to catch it at the building permit stage on corner lots.

Pete Frisina said this procedure is not for corner lots but is for flag lots.

**Page 2**  
**March 1, 2018**  
**PC Meeting**

Al Gilbert said when you go to a closing and the buyer is given a plat of the property it would be helpful if the front yards are marked on a corner lot.

Pete Frisina said he doesn't know if that will always be possible because the orientation of the house may not be known at that time. He added that when a permit comes in sometimes the orientation of the house can be determined and sometimes it can't.

Al Gilbert said he got a plat when he closed on his house and if the homeowner could be given a plat with the front yards marked it would save a lot of heartache in the future.

Pete Frisina said he doesn't know if that happens in every case.

Danny England said sometimes all you get is the boundary of the property.

Pete Frisina said at this time he not sure how the County can make sure every homeowner gets something like that because the permit through to the certificate of occupancy is handled by the builder.

Al Gilbert said for big builders that may be the case but the smaller builders probably don't operate that way.

Pete Frisina said staff would work on something but at this time he doesn't have a solution.

Chairman Haren asked if there is anyone who would like to speak in favor of the amendments. Hearing none he asked if there was anyone who would like to speak in opposition of the amendments. Hearing none he said he would bring it back to the board.

Jim Graw made a motion to recommend approval of Amendments to Article XV. - Subdivision Regulations, Regarding Sec. 104-593. - Definitions and Sec. 104-603. Procedure for the Establishment of Front, Side and Rear Yards on a Flag Lot or a Nonconforming Landlocked Lot. John Culbreth seconded the motion. The motion passed 5-0.

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**ORDINANCE**

**NO. 2018-\_\_\_\_\_**

**AN ORDINANCE TO AMEND THE SUBDIVISION REGULATIONS FOR FAYETTE COUNTY, GEORGIA; TO REVISE PROVISIONS PERTAINING TO DEFINITIONS; TO CREATE PROVISIONS PERTAINING TO THE ESTABLISHMENT OF FRONT, SIDE AND REAR YARDS ON A FLAG LOT OR A NONCONFORMING LANDLOCKED LOT; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO SUBDIVISION REGULATIONS (ARTICLE XV OF CHAPTER 104), BE AMENDED AS FOLLOWS:**

**Section 1.** By adding the following definitions to Section 104-593, pertaining to “Definitions”, of Article XV of Chapter 104, with said definitions to be inserted alphabetically as appropriate and to be read as follows:

*Building line, front*, means a line running parallel to the street which touches the nearest point of the principal structure to the street.

*Flag lot* means a lot shaped like a flag on a pole with the pole portion of the lot fronting on a street.

*Front yard, primary*, means, on a corner lot, the area between a property line adjacent to a street of which the front door of the principal structure is oriented to or if the front door is not oriented to one street, the street on which the driveway accesses and the front building line, extending the full width of the lot.

*Front yard, secondary*, means, on a corner lot, the area between a property line adjacent to a street and the front building line outside of the primary front yard.

*Lot, corner* means a lot located at the intersection of two or more streets.

*Lot, landlocked* means a lot having no frontage on a street.

*Yard* means a required open space on a lot that is left unoccupied with structures and facilities, except as otherwise permitted herein.

*Yard, front*, means the area between a property line adjacent to a street and the front building line, extending the full width of the lot.

*Yard, rear*, means the area between the rear property line and the rear setback line, extending the full width of the lot.

*Yard, side*, means the area between the side property line and the side setback line, extending from the front yard to the rear yard or extending from the front yard to the side yard in the case of a corner lot.

**Section 2.** By adding a new Section 104-603, pertaining to “Procedure for the establishment of front, side and rear yards on a flag lot or a nonconforming landlocked lot”, to

Article XV of Chapter 104, to be numbered and read as follows:

**Sec. 104-603. Procedure for the establishment of front, side and rear yards on a flag lot or a nonconforming landlocked lot.**

Due to the various development patterns of flag lots in the past and their irregular shapes, and that nonconforming land locked lots have no road frontage, a property owner may request that the planning commission establish the front, side and rear yards on an existing flag lot and a proposed flag lot in conjunction with the Final Plat and Minor Subdivision Plat approval process that would be different than the yards per existing County regulations, and establish the front, side and rear yards on a nonconforming landlocked lot. This procedure is applicable to existing flag lots, proposed flag lots and nonconforming landlocked lots. The front, side and rear orientation of the residence (existing or proposed) on the flag lot or nonconforming landlocked lot and/or the orientation of the lot access will be considered in this establishment of front, side and rear yards. The establishment of yards through this procedure will require the revision of a Minor Subdivision Plat or Final Plat, as applicable.

**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 \_\_\_\_\_, 2018.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY

By: \_\_\_\_\_  
Eric K. Maxwell, Chairman

(SEAL)

ATTEST:

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

Approved as to form:

\_\_\_\_\_  
County Attorney

# COUNTY AGENDA REQUEST

Page 81 of 288

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of staff's recommendation to include "Addendum 1" of added events to the Intergovernmental Agreement between the City of Fayetteville and Fayette County for use of county owned property.

## Background/History/Details:

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

"Addendum 1" is provided as backup.

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

Approval of staff's recommendation to include "Addendum 1" of added events to the Intergovernmental Agreement between the City of Fayetteville and Fayette County for use of county owned property.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

# **Addendum 1**

**CITY OF FAYETTEVILLE**

**COUNTY OF FAYETTE**

## **ADDED FAYETTEVILLE MAIN STREET EVENTS**

1. Fayetteville First United Methodist Church-Easter Palooza
2. Fayetteville First United Methodist Church-Sunrise Service
3. Beer Fest-Suds on the Square
4. Fayette Master Gardener Association
5. Fayette Love Your Pet Event

Date	Name of Organization	Contact Person/Phone #	Time	Location Requested	Restrooms	Notes
3/28/2018	Fayetteville Firt United Methodist Church - Set up Fence around the Courthouse Lawn	Joyce Waits or Carson Thaxton - FFUMC				
3/31/2018	Fayetteville First United Methodist Church - Easter Palooza	Carson Thaxton	3 - 5 p.m.	Historic Courthouse Lawn and Jack Dettmering Way	FFUMC will provide	
4/1/2018	Fayetteville First United Methodist Church Easter Sunrise Service - Tentative	Carson Thaxton	?	Historic Courthouse Lawn		
4/6/2018	Beer Fest - Suds on the Square SET UP	Sam Rhone/Geneva Weaver	After 5:00 p.m.	Historic Courthouse Lawn	Porta Potties to be provided by Renter	
4/7/2018	Beer Fest - Suds on the Square	Sam Rhone or Geneva Weaver	Event - Noon - 4:00 p.m. - Clean up to go until 6:00 p.m.	Historic Courthouse Lawn	Porta Potties to be provided by Renter	
4/27/2018	Lunch on the Lawn - Main Street	Joyce Waits	11:30 - 1:30 p.m.	Historic Courthouse Lawn	N/A	
4/27/2018	Fayette Master Gardener Association	Myriam Cousin	After 5:00 p.m.	<u>Government Complex - Under the Awning - on the Sidewalk - and Parking Lot</u> - They will bring in their plants starting at 5:00 p.m. and will set them up - they will contact the Marshall and have set something up with them for the plants to be watched throughout the night. They have included vendors this year and vendors will be set up in the parking lot.	JW will coordinate opening and closing of the restrooms	
4/28/2018	Fayette Master Gardener Association	Myriam Cousin	8:00 - 2:00p.m.	<u>Government Complex - Under the Awning - on the Sidewalk and Parking Lot</u>	JW will coordinate opening and closing of the restrooms	
5/4/2018	Taste of Fayette - Set Up - Tents	Joyce Waits	All Day	Historic Courthouse Lawn		
5/6/2018	Taste of Fayette - Set Up	Joyce Waits	8:00 - 10:30 a.m.	Historic Courthouse Lawn	Porta Potties	
5/6/2018	Taste of Fayette - EVENT	Joyce Waits	Noon - 4:00 p.m.	Historic Courthouse Lawn	Porta Potties	
5/19/2018	Market Day - Set Up	Joyce Waits	8:00 - 9:30 a.m.	Historic Courthouse Lawn	Porta Potties	
5/19/2018	Market Day - EVENT	Joyce Waits	10 - 3:00 p.m.	Historic Courthouse Lawn	Porta Potties	
5/19/2018	Fayette Love Your Pet Event	Joyce Waits /Leah Thompson	10 - 3:00 p..m.	Gazebo	JW will coordinate opening and closing of the restrooms	
5/25/2018	Memorial Day Event on Monday 5/28	??		Gazebo, Parking Lot, Fountain - All government vehicles will need to be moved by 6:00 p.m. so that the area will be available for the Memorial Day Event scheduled on Monday, May 28.		
5/28/2018	Memorial Day Event	??	Time to be Determined	Gazebo, Parking Lot, Fountain Area	JW will coordinate opening and closing of the restrooms	
6/15/2018	Movie Night - Courthouse Lawn	Joyce Waits	Will start set up around 5:00 p.m. - Movie will start at Sundown, with possible entertainment from 6:30 to 7:30 p.m.	Historic Courthouse Lawn	Porta Potties	
6/22/2018	Lunch on the Lawn - Main Street	Joyce Waits	11:30 - 1:30 p.m.	Historic Courthouse Lawn	N/A	
7/28/2018	Market Day - Set Up (Tentative)	Joyce Waits	8:00 - 9:30 a.m.	Historic Courthouse Lawn	Porta Potties	
7/28/2018	Market Day - EVENT (Tentative)	Joyce Waits	10 - 3:00 p.m.	Historic Courthouse Lawn	Porta Potties	
9/14/2017	Lunch on the Lawn - Main Street	Joyce Waits	11:30 - 1:30 p.m.	Historic Courthouse Lawn	N/A	
9/28/2018	Movie Night - Courthouse Lawn	Joyce Waits	Will start set up around 5:00 p.m. - Movie will start at Sundown, with possible entertainment from 6:30 to 7:30 p.m.	Historic Courthouse Lawn	Porta Potties	

10/26/2018	Pumpkins Arrive at Courthouse	Joyce Waits	Early AM	Historic Courthouse Lawn	Porta Potties	
10/27/2018	Trick or Treat on Main Street/Market Day - Set Up	Joyce Waits	8:00 - 9:30 a.m.	Historic Courthouse Lawn	Porta Potties	
10/27/2018	Trick or Treat on Main Street/Market Day - EVENT	Joyce Waits	10:00 - 5:00 p.m.	Historic Courthouse Lawn	Porta Potties	
11/2/2018	Veterans Day Event - Set Up	Joyce Waits/Bren Briggs/Larry Dell	Time to be Determined	Gazebo, Parking Lot, Fountain - All government vehicles will need to be moved by 6:00 p.m.	Porta Potties	
11/3/2018	Veterans Day Event - Veterans Day Parade	??	Time to be Determined	Gazebo, Parking Lot, Fountain Area	Porta Potties	
11/16/2018	Movie Night - Courthouse Lawn	Joyce Waits	Will start set up around 5:00 p.m. - Movie will start at Sundown, with possible entertainment from 6:30 to 7:30 p.m.	Historic Courthouse Lawn	Porta Potties	
11/30/2018	Decorating Gazebo and Stage for Tree Lighting	Joyce Waits	All Day	Gazebo Parking and Parking Spaces around the Gazebo and Parking Spaces facing the fountain will be closed off so that we can prepare for the Tree Lighting on December 1.	Porta Potties will be delivered on 11/30/2018	
12/1/2018	Lighting of the Tree and Visits with Santa and Mrs. Claus - Set Up	Joyce Waits	6:00 - 8:00 p.m.	Gazebo, Parking Lot, Fountain	Porta Potties and restrooms will be available	
	Indicates New Event Entered					
	Event List Update 2/14/2018					

Vice Chairman Ognio stated that there was a statement in the minutes that was misleading. He stated that he reviewed the video and Mr. Sparks did not say that the county appointed him. What he said was, that he was "attorney paid for by the county in the case representing Marilyn Watts." Vice Chairman Ognio stated that he was getting phone calls and he wanted to have the minutes corrected for historical record keeping.

Chairman Maxwell recused himself from this discussion.

Commissioner Brown moved to approve the April 25, 2017 Board of Commissioner minutes with a revision to the statement made by Attorney John Sparks on page 11 of the minutes. Commissioner Rousseau seconded.

Commissioner Brown stated that he contacted the Clerk and Deputy Clerk to see if the recording had been verified to the context of the statement made and the Clerk's office did agree that it was the proper context.

Commissioner Brown moved to approve the April 25, 2017 Board of Commissioner minutes with a revision to the statement made by Attorney John Sparks on page 11 of the minutes. Commissioner Rousseau seconded. The motion passed 4-0-1. Chairman Maxwell abstained from the vote.

### **NEW BUSINESS:**

#### **13. Consideration of staff's recommendation to amend an Intergovernmental Agreement (IGA) between the City of Fayetteville and Fayette County for use of county owned property.**

County Administrator Steve Rapson stated that this was an amendment to the existing Intergovernmental Agreement for county owned property. He stated that Main Street Fayetteville Director Brian Wismer was present for this item. Mr. Rapson stated that this agreement cleaned up some of the language, incorporated non-city related events and also included the request to add distilled spirits to malt beverages and wines.

Mr. Wismer stated that this agreement was started in 2013 because most of the events that the Clerk's office was scheduling was city events. He stated that there was the occasional outside non-city sponsored event and the city coordinates that on behalf of the county. He continued that the city's ordinance changed to allow distilled spirits as an off-premise catering option and the city asked that it be added in order to be consistent with the city ordinances.

Mr. Rapson stated that he spoke to some of the Commissioners who had concerns with that language. He stated that the agreement could be put in place without the distilled spirits and it could come back to the Board for approval.

Commissioner Brown stated that in section 2.1 it stated, "county consents to allow the city to hold and coordinate events...and also to coordinate and collect use of grounds fees for non-city events". He asked if that was not already being done.

Mr. Wismer stated yes. He stated that he wanted to be sure the language was added so that there would be no misunderstanding that fees were being collected on behalf of the County. Both the city and county get a portion of the revenue collected from the fees.

Commissioner Brown asked why go from a two week notice to a six-week notice. Mr. Wismer stated that it was added to allow time to vet non-city events through the county administrator for final approval. Mr. Rapson stated that there may be non-city events that the city was ok with, but that the county may not be ok with and it would give enough time for review.

Commissioner Brown continued, "all applications for non-city events shall be subject to the final review and written approval by the county administrator and his/her designee." He stated that he would like for that to come before the county commissioners and not the county administrator.

Chairman Maxwell stated that would explain the change from two weeks to six weeks because if it had to come before the Board, it would have to go through pre-agenda meeting and then come to a meeting and that was a ten-day process within itself. Mr. Rapson stated six weeks may not be sufficient. He suggested making it ten-weeks. Chairman Maxwell suggested having any event outside of "Attachment A" to be brought to the Board for approval.

Mr. Wismer stated that there are not many non-city events that come to them. It was the occasional wedding or prayer vigil.

Mr. Rapson stated that if the Board wanted to look at all non-city events then it would come back as a contract modification for any event not listed on "Attachment A".

Commissioner Oddo stated that the Board could approve the agreement and then have anything that "might" be on it come back to be approved so that time would not be wasted.

Mr. Rapson stated that staff would bring back an addendum and replace "Attachment A" with the original contract. He reminded the Board that some of the non-city events that the Board may be thinking of, take place on city property, i.e. the gazebo and was not included in the contract. The contract only covers events at the courthouse grounds.

Commissioner Brown stated that he had no concerns about city events. He stated non-city events could be an issue. He stated that he would change "county administrator" to "county commissioner". He stated that if someone wanted to have a prayer vigil on the county sidewalk, they can come to the county, they did not have to go through the city.

Mr. Wismer stated that if they want to have it on the grounds, the procedure had been that they would be directed to the city to document and reserve the event.

Commissioner Brown stated that he would like for the Board to have right of refusal if the Board did not agree with the event.

County Attorney Dennis Davenport stated that if the Board was going to have the Board be the reviewing body for non-city events, the first sentence in Section 3.1 would have to qualify "any event" to "any city event".

Commissioner Brown moved to approve Intergovernmental Agreement (IGA) between the City of Fayetteville and Fayette County for use of county owned property and in Section 3, Stipulations; the up to six-week notice apply to "city events" and to change "County Administrator" to "Board of Commissioners and/or their designee". Commissioner Rousseau seconded.

Commissioner Oddo asked to remove distilled spirits. Commissioner Brown amended the motion. Commissioner Rousseau amended the second. The motion passed 5-0.

#### **14. Consideration of Resolution 2018-01: Resolution of the Fayette County Commissioners Pledge to Citizens and County Staff on Core Values and Beliefs.**

Chairman Maxwell moved to approve Resolution 2018-01: Resolution of the Fayette County Commissioners Pledge to Citizens and County Staff on Core Values and Beliefs. Vice Chairman Ognio seconded.

Commissioner Brown stated that he wrote this resolution years ago and there have been some years that he doubted that the Board followed it. He stated that paragraph ten, states, "the entire Board, each department director and each individual in our

# COUNTY AGENDA REQUEST

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Department: Environmental Mgt/2017 SPLOST

Presenter(s): Vanessa Birrell, Director

Meeting Date: Thursday, March 22, 2018

Type of Request: Consent #7

## Wording for the Agenda:

Approval for the Board of Commissioners to authorize staff to acquire all fee simple right-of-way, easements and appraisals for the 547 Kenwood Road culvert replacement project (2017 SPLOST No. 17SAV).

## Background/History/Details:

The culvert beneath Kenwood Road near North Fayette Elementary School has been damaged beyond repair and exceeded its serviceable life. The plans call for the installation of double 8' x 8' concrete box culvert. Construction plans are in final design.

This agenda items helps provide the appropriate basis from which the land acquisition activities can be concluded.

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

Approval for the Board of Commissioners to authorize staff to acquire all fee simple right-of-way, easements and appraisals for the 547 Kenwood Road culvert replacement project (2017 SPLOST No. 17SAV).

## If this item requires funding, please describe:

This is a 2017 SPLOST project (No. 17SAV). Funding for ROW acquisition is available from account 322 40320 17SAV, with an available balance of \$209,608.

Has this request been considered within the past two years?

No

If so, when?

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

No

Backup Provided with Request?

Yes

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

Approved by Finance

Yes

Reviewed by Legal

Approved by Purchasing

Not Applicable

County Clerk's Approval

Yes

Administrator's Approval

## Staff Notes:



# LEGEND

BM BENCHMARK	ELECTRIC TRANSFORMER	SPIGOT
ND NAIL & DISK	EVERGREEN TREE	SPRINKLER HEAD
TP TRAVERSE POINT	FIRE HYDRANT	TRAFFIC SIGN
F FOUND IRON (TYPE)	FLAG (AS SHOWN)	UTILITY MARKER (AS SHOWN)
S SET IRON (TYPE)	GUY ANCHOR	UTILITY MANHOLE (AS SHOWN)
F FOUND MONUMENT (TYPE)	LIGHT POLE	UTILITY METER (AS SHOWN)
S SET MONUMENT (TYPE)	MAIL BOX	UTILITY RISER (AS SHOWN)
SC SECTION CORNER	PALM TREE	UTILITY VALVE (AS SHOWN)
CO CLEANOUT	POST	UTILITY POLE (AS SHOWN)
DECIDUOUS TREE	SATELLITE DISH	WELL
SITE PHOTO		

## ABBREVIATIONS

ANT ANTENNA	GM GAS METER	RCP REINFORCED CONC PIPE
APPROX APPROXIMATE	GV GAS VALVE	RR RAILROAD
BM BENCHMARK	INV INVERT	RW RECLAIMED WATER
(C) CALCULATED	IP IRON PIPE	S SET
CO CLEANOUT	IR IRON ROD	SC SECTION CORNER
CONC CONCRETE	IRRV IRRIGATION VALVE	SH SPRINKLER HEAD
CM CONCRETE MONUMENT	JBL JURISDICTIONAL BOUNDARY	SPIG WATER SPIGOT
CMP CORRUGATED METAL PIPE	LINE	SS SANITARY SEWER
CPP CORRUGATED PLASTIC PIPE	LL LAND LOT	SD STORM DRAIN
(D) AS DESCRIBED	(E) MEASURED	SV SANITARY SEWER VALVE
DIP DUCTILE IRON PIPE	MB MAILBOX	TB TELEPHONE RISER
DH DRILL HOLE	MH MANHOLE	TEL TELEPHONE
EB ELECTRIC RISER	MW MONITORING WELL	TP TRAVERSE POINT
ELEC ELECTRIC	ND NAIL & DISK	TSC TRAFFIC SIGNAL CONTROL
EM ELECTRIC METER	NL NAIL	TSP TRAFFIC SIGNAL POLE
ET ELECTRIC TRANSFORMER	OE OVERHEAD UTILITY LINES	TV CABLE TELEVISION
F FOUND	OR OFFICIAL RECORDS	UE UNDERGROUND UTILITY LINES
FDC FIRE DEPT CONNECTION	P POST	W WATER
FF FINISHED FLOOR	(P) PER PLAT	WM WATER METER
FH FIRE HYDRANT	PB PLAT BOOK	WV WATER VALVE
FO FIBER OPTIC	PG PAGE	XC X CUT
G GAS	PK PK NAIL	
	PTP POWER & TELEPHONE POLE	

N/F  
KENWOOD FARM LLC  
D.B. 3107, PG. 627

**PARCEL 1**  
**PROPOSED PERMANENT DRAINAGE EASEMENT**  
**4344.69 SQ. FT.**  
**0.0997 ACRES**

**PARCEL 1**  
**PROPOSED TEMPORARY CONSTRUCTION EASEMENT**  
**6161.75 SQ. FT.**  
**0.1415 ACRES**

**PARCEL 2**  
**PROPOSED TEMPORARY CONSTRUCTION EASEMENT**  
**7158.35 SQ. FT.**  
**0.1643 ACRES**

N/F  
ANGELA & RODNEY MCCULLOUGH  
D.B. 4579, PG. 164

**PARCEL 2**  
**PROPOSED PERMANENT DRAINAGE EASEMENT**  
**1500.21 SQ. FT.**  
**0.0344 ACRES**

**PARCEL 4**  
**PROPOSED TEMPORARY CONSTRUCTION EASEMENT**  
**6321.02 SQ. FT.**  
**0.1451 ACRES**

**PARCEL 3**  
**PROPOSED PERMANENT DRAINAGE EASEMENT**  
**4864.37 SQ. FT.**  
**0.1117 ACRES**

**PARCEL 3**  
**PROPOSED TEMPORARY CONSTRUCTION EASEMENT**  
**6958.85 SQ. FT.**  
**0.1598 ACRES**

N/F  
BRAVID HARRIS IV & LAURIE A. HARRIS  
D.B. 2513, PG. 474  
P.B. 11, PG. 63

N/F  
H & N DEVELOPMENT  
P.B. 11, PG. 63

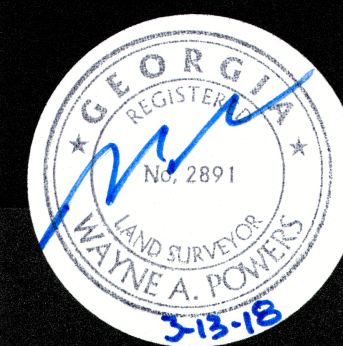
### SURVEY NOTES

- THE HORIZONTAL DATUM FOR THIS SURVEY IS THE NORTH AMERICAN DATUM OF 1983 NAD 83 GEORGIA WEST ZONE AND THE VERTICAL DATUM USED IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) AS DETERMINED BY UTILIZING GPS. THE EQUIPMENT USED TO OBTAIN THIS DATA WAS A DUAL FREQUENCY TRIMBLE R8 GNSS GPS RECEIVER WITH A TRIMBLE TSC3 DATA COLLECTOR RECEIVING RTK CORRECTIONS VIA A WIRELESS NETWORK FROM BASE STATIONS OPERATED BY TRIMBLE. THE AVERAGE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POINTS UTILIZED IN THIS SURVEY WAS 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL. THESE VALUES WERE DERIVED FROM GPS PROCESSING SOFTWARE.
- UTILITY MARKINGS WERE PROVIDED BY UTILITSURVEY, LLC, (404) 312-6912. FIELD MARKINGS WERE COMPLETED AUGUST 23, 2017.
- FIELD WORK WAS COMPLETED ON SEPTEMBER 6, 2017.

**Rochester & Associates, Inc.**  
286 GA Hwy 314, Suite A • Fayetteville, Georgia 30214  
(770) 716-8123 (770) 716-8124 Fax • www.rochester-assoc.com

R/W AND EASEMENT EXHIBIT FOR  
**FAYETTE COUNTY**  
**(KENWOOD ROAD AT CREEKWOOD COURT)**  
LYING IN  
LAND LOT 229, 5TH DISTRICT  
FAYETTE COUNTY, GEORGIA

THIS PLAT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL.



SHEET	DATE	SCALE	JOB NO.	DRAWN BY	DWG NO.
1	3-12-2018	1"=20'	F215005.W3	BLP	F215005.W3
OF					
1					



# COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of staff's request to accept Hazard Mitigation Grant Program Award from the Federal Emergency Management Agency through Georgia Emergency Management Agency (GEMA) and to update the plan.

## Background/History/Details:

The grant will be used to update the Fayette County Multi-Jurisdictional Hazard Mitigation Plan to meet the federal requirements of the Disaster Mitigation Act of 2000. The plan is designed to assess and identify hazards in Fayette County and to provide a blueprint to mitigate those hazards, thereby protecting life and property by reducing or eliminating the hazards identified. FEMA requires that the plan be updated and approved every 5 years as a condition for Fayette County and it's municipalities to qualify for other grants that are offered.

We have the signed letter of intent from each of the municipalities to participate in the revision and update process.

The total approved cost is \$24,000 with a federal share of \$18,000, a state share of \$2,400, and a local share of \$3,600. Local share can be an in-kind match using salary and time of our existing staff.

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

Approval of staff's request to accept Hazard Mitigation Grant Program Award from the Federal Emergency Management Agency through Georgia Emergency Management Agency (GEMA) and to update the plan.

## If this item requires funding, please describe:

The total approved cost is \$24,000 with a federal share of \$18,000, a state share of \$2,400, and a local share of \$3,600. Local share can be an in-kind match using salary and time of our existing staff. Staff salary match is located in 10030930-511105.

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:

**GEORGIA EMERGENCY MANAGEMENT AGENCY  
HOMELAND SECURITY**

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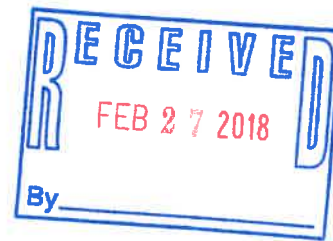
**NATHAN DEAL**  
GOVERNOR



**HOMER BRYSON**  
DIRECTOR

February 8, 2018

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



Dear Commissioner Oddo:

On behalf of Governor Nathan Deal, it is my pleasure to inform you that a Hazard Mitigation Grant Program (HMGP) Award has been approved by the Federal Emergency Management Agency. The grant will be used to update the Fayette County Multi-Jurisdictional Hazard Mitigation Plan to meet the federal requirements of the Disaster Mitigation Act of 2000. The total approved cost is \$24,000 with a federal share of \$18,000, a state share of \$2,400, and a local share of \$3,600.

These funds are subject to the execution of the enclosed Recipient-Subrecipient Agreement. Please keep in mind that your current Hazard Mitigation Plan will expire on September 2, 2020. The end date of this grant is June 30, 2020. In order to keep your current plan active and meet the end date of this grant, please submit an initial draft to your assigned Hazard Mitigation Planner at least six months prior to the earliest of either the plan expiration date or the grant end date.

**Please sign and return both copies of the agreement, and a fully executed copy will be returned to you later for your files.**

Thank you for your commitment to protect Georgia Citizens. I appreciate your efforts to ensure that Georgia continues to be a safer place for us to live and raise our families. By working together, we are continuing to reduce the impacts caused by natural hazards. Should you have any questions regarding this grant, please contact Terry Lunn, Hazard Mitigation Manager, at (404) 635-7016.

Sincerely,

Homer Bryson

hb/kfa

Enclosures

cc: Michael Singleton, Director

Fayette County Emergency Management Agency

Sheri Russo, Area Coordinator

Georgia Emergency Management Agency/Homeland Security

## **HAZARD MITIGATION GRANT PROGRAM Recipient-Subrecipient Agreement**

On October 8, 2016, the President declared that a major disaster exists in the State of Georgia. This declaration was based on damage resulting from severe winter storms. This document is the Recipient-Subrecipient Hazard Mitigation Assistance Agreement for the major disaster, designated FEMA-4284-DR, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288 as amended by Public Law 100-707, 42 USC 5121 et seq. ("The Act"), in accordance with 2 CFR Part 200, Hazard Mitigation Grant Program. Under this Agreement, the interests and responsibilities of the Recipient, herein after referred to as the State, will be executed by the Georgia Emergency Management Agency/Homeland Security (GEMA/HS). The individual designated to represent the State is Mr. Homer Bryson, Governor's Authorized Representative. The Subrecipient to this Agreement is Fayette County. The interests and responsibilities of the Subrecipient will be executed by Fayette County's agent, the Subrecipient's Authorized Representative.

1. The following Exhibits are attached and made a part of this agreement:

- Exhibit "A": Application for Federal Assistance, Standard Form 424
- Exhibit "B": Assurances-Non-Construction Programs, Standard Form 424B
- Exhibit "C": Hazard Mitigation Grant Program Project Administration Guidelines:  
Financial Assistance
- Exhibit "D": Certification Regarding Drug-Free Workplace Requirements
- Exhibit "E": Certification Regarding Lobbying
- Exhibit "F": Scope of Work
- Exhibit "G": HMGP Progress Payment Request Form
- Exhibit "H": Federal Funding Accountability and Transparency Act Certification

2. Pursuant to Section 404 of the Act, funds are hereby awarded to the Subrecipient on a 75 percent federal cost share and 10 percent state cost share basis for the hazard mitigation project(s) described in Exhibits "A" and "F". The Subrecipient shall be responsible for the remaining 15 percent share of any costs incurred under Section 404 of the Act and this Agreement. Allowable costs will be governed by 2 CFR Part 200.
3. If the Subrecipient violates any of the conditions of disaster relief assistance under the Act, this Agreement, or applicable federal and state regulations; the State shall notify the Subrecipient that additional financial assistance for the project in which the violation occurred will be withheld until such violation has been corrected to the satisfaction of the State. In addition, the State may also withhold all or any portion of financial assistance which has been or is to be made available to the Subrecipient for other disaster relief projects under the Act, this or other agreements, and applicable federal and state regulations until adequate corrective action is taken.
4. The Subrecipient agrees that federal or state officials and auditors, or their duly authorized representatives may conduct required audits and examinations. The Subrecipient further agrees that they shall have access to any books, documents, papers

and records of any recipients of federal disaster assistance and of any persons or entities which perform any activity which is reimbursed to any extent with federal or state disaster assistance funds distributed under the authority of the Act and this Agreement.

5. The Subrecipient will establish and maintain an active program of nondiscrimination in disaster assistance as outlined in implementing regulations. This program will encompass all Subrecipient actions pursuant to this Agreement.
6. The Subrecipient agrees that the mitigation planning project contained in this agreement will be completed by Fayette County on or before June 30, 2020. Completion dates may be extended upon justification by the Subrecipient and approval by FEMA and the Governor's Authorized Representative.
7. The written assurances provided by Fayette County pertaining to FEMA's post award approval conditions apply to this Award Agreement and are incorporated by reference.
8. The Subrecipient shall follow Uniform Administrative Requirements for awards found in 2 CFR Part 200 and FEMA HMA (Hazard Mitigation Assistance) program guidance to implement this award
9. There shall be no changes to this Agreement unless mutually agreed upon, in writing, by both parties to the Agreement.

\_\_\_\_\_  
Governor's Authorized  
Representative

\_\_\_\_\_  
Subrecipient's Authorized  
Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**EXHIBIT "A"**  
**APPLICATION FOR FEDERAL ASSISTANCE**

**INSERT CURRENT  
APPLICATION FOR FEDERAL ASSISTANCE**

## Application for Federal Assistance SF-424

**\* 1. Type of Submission:**

- ☐ Preapplication  
☒ Application  
☐ Changed/Corrected Application

**\* 2. Type of Application:**

- ☒ New  
☐ Continuation  
☐ Revision

**\* If Revision, select appropriate letter(s):**

**\* Other (Specify):**

**\* 3. Date Received:**

07/27/2017

**4. Applicant Identifier:**

HHM284013

**5a. Federal Entity Identifier:**

HMGP 4284-0007

**5b. Federal Award Identifier:**

HMGP 4284-0007

**State Use Only:**

**6. Date Received by State:** 07/27/2017

**7. State Application Identifier:** HHM284013

**8. APPLICANT INFORMATION:**

**\* a. Legal Name:** Fayette County Government

**\* b. Employer/Taxpayer Identification Number (EIN/TIN):**

58-6000826

**\* c. Organizational DUNS:**

0996348830000

**d. Address:**

**\* Street1:** 140 Stonewall Avenue

**Street2:** Suite 214

**\* City:** Fayetteville

**County/Parish:**

**\* State:** GA: Georgia

**Province:**

**\* Country:** USA: UNITED STATES

**\* Zip / Postal Code:** 30214-1520

**e. Organizational Unit:**

**Department Name:**

**Division Name:**

**f. Name and contact information of person to be contacted on matters involving this application:**

**Prefix:** **\* First Name:** Michael

**Middle Name:**

**\* Last Name:** Singleton

**Suffix:**

**Title:** EMA Director

**Organizational Affiliation:**

Fayette County EMA

**\* Telephone Number:** 7703055169

**Fax Number:**

**\* Email:** msingleton@fayettecountyga.gov

**Application for Federal Assistance SF-424****\* 9. Type of Applicant 1: Select Applicant Type:**

B: County Government

**Type of Applicant 2: Select Applicant Type:****Type of Applicant 3: Select Applicant Type:****\* Other (specify):****\* 10. Name of Federal Agency:**

Federal Emergency Management Agency

**11. Catalog of Federal Domestic Assistance Number:**

97.039

**CFDA Title:**

Hazard Mitigation Grant Program

**\* 12. Funding Opportunity Number:**

4284

**\* Title:**

Hazard Mitigation Grant Program

**13. Competition Identification Number:****Title:****14. Areas Affected by Project (Cities, Counties, States, etc.):**

Add Attachment

Delete Attachment

View Attachment

**\* 15. Descriptive Title of Applicant's Project:**

Hazard Mitigation Plan Update.

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments



**Application for Federal Assistance SF-424****16. Congressional Districts Of:**\* a. Applicant \* b. Program/Project 

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

**17. Proposed Project:**\* a. Start Date: \* b. End Date: **18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="18,000.00"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="2,400.00"/>
* d. Local	<input type="text" value="3,600.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="24,000.00"/>

**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on
- ☒ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☐ c. Program is not covered by E.O. 12372.

**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

**21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ \*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:  \* First Name:

Middle Name:

\* Last Name:

Suffix:

\* Title: \* Telephone Number:  Fax Number: \* Email: 

\* Signature of Authorized Representative:

\* Date Signed:

**EXHIBIT "B"**

**ASSURANCES – NON-CONSTRUCTION PROGRAMS**

**INSERT CURRENT  
ASSURANCES NON-CONSTRUCTION PROGRAMS**

## ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.



**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

<b>SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL</b> 	<b>TITLE</b> County Administrator
<b>APPLICANT ORGANIZATION</b> Fayette County Government	<b>DATE SUBMITTED</b> 

**EXHIBIT "C"**  
**GEORGIA EMERGENCY MANAGEMENT AGENCY/HOMELAND SECURITY**  
**Hazard Mitigation Grant Program**  
**Project Administration Guidelines: Financial Assistance**  
**4284-0007**

This fact sheet provides a synopsis of information contained in the Recipient-Subrecipient Agreement and other applicable documents. Its purpose is to provide general guidelines for efficient and timely Hazard Mitigation Grant Program project administration.

1. **Project Identification.** The Federal Emergency Management Agency (FEMA) has assigned project number HMGP-4284-0007 to this project. Please reference this number in all correspondence, as doing so will greatly assist us in processing any actions for this project.
2. **Documentation.** You must keep full documentation to get maximum payment for project related expenditures. Documentation will be required as part of the approved Hazard Mitigation Grant Program project file. Documentation consists of:
  - A. Recipient-Subrecipient Agreement.
  - B. Copies of checks, vouchers or ledger statements.
  - C. Contracts awarded.
  - D. Invoices or other billing documents.
  - E. Progress reports.
  - F. Record of advance or progress payments (where applicable).
3. **Funding.** Cost sharing has been established at 75% federal, 10% state, and 15% applicant.
4. **Debarred and Suspended Parties.** You must not make any award or permit any award (subaward or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension".
5. **Procurement Standards.** You may use your own procurement procedures, which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal laws and standards. Below is a summary of key procurement standards that a subrecipient should incorporate as discussed in 2 CFR Sections 200.318 to 200.326.
  - A. **Conflict of Interest Policy**

The subrecipient must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award, and administration of contracts as required in 2 CFR Section 200.318.
  - B. **Procurement**

1. Perform procurement transactions in a manner providing full and open competition
  2. Contracts and Procurements must be of reasonable cost, generally must be competitively bid, and must comply with Federal, State, and local procurement standards. FEMA finds five methods of procurement acceptable:
    - a. Micro-purchase procedures: an informal method for securing services or supplies that do not cost more than \$3,000. Micro-purchases may be awarded without soliciting competitive quotes if the subrecipient considers the price to be reasonable.
    - b. Small purchase procedures: an informal method for securing services or supplies that do not cost more than \$100,000 by obtaining several price quotes from different sources
    - c. Sealed bids: a formal method where bids are publicly advertised and solicited, and the contract is awarded to the responsive bidder whose proposal is the lowest in price
    - d. Competitive proposals: a method similar to sealed bid procurement in which contracts are awarded on the basis of contractor qualifications instead of on price
    - e. Non-competitive proposals: a method whereby a proposal is received from only one source, because the item is available only from a single source; there is an emergency requirement that will not permit delay;
  - C. Maintain sufficient records to detail the significant history of procurement. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, and contractor selection or rejection.
  - D. Take affirmative steps to assure the use of small and minority firms, women's business enterprises, and labor surplus area firms when possible
  - E. Include specific provisions in subrecipients' contracts to allow changes, remedies, changed conditions, access and records retention, suspension of work and other clauses approved by the Office of Federal Procurement Policy.
6. Payments
- A. Progress Payments
- 1) When progress payments are desired, you must submit a written request (on provided form at Exhibit "G") and provide supporting documentation, such as an invoice and copies of check.

- 2) The Mitigation Planning Specialist reviews the request and supporting documentation. The Hazard Mitigation Manager reviews and approves or denies the request.
- 3) If the request is denied, the Hazard Mitigation Manager will inform you in writing that additional documentation is required to support the request.
- 4) If the request is approved, the Hazard Mitigation Manager will authorize payment of the requested amount less final 10%, which will be withheld pending final project completion.
- 5) Quarterly report submissions must be current in order to receive progress payments.

B. Advance Payments - Advance payments will be made on an exception basis only.

7. Subrecipient Performance - The scope of work (see Exhibit F) must be initiated within 90 days of this award notification.

- A. If documentation, inspections or other reviews reveal problems in performance of the scope of work, the Hazard Mitigation Manager will inform you in writing of the deficiencies.
- B. In addition, the State may also withhold all or any portion of financial assistance which has been made available under this agreement until adequate corrective action is taken.

8. Award Expiration Date

- A. The award expiration date runs through June 30, 2020 and has been established based on project milestones established by the applicant in their grant application. The award expiration date is the time during which the Subrecipient is expected to complete the scope of work. You may not expend FEMA or state funds beyond this date. All costs must be submitted for reimbursement within 60 days of the end of the award expiration date.
- B. Requests for time extensions to the Award Expiration Date will be considered but will not be granted automatically. A written request must be submitted to the Hazard Mitigation Manager with an explanation of the reason or reasons for the delay. Without justification, extension requests will not be processed. Extensions will not be granted if the sub-recipient has any overdue quarterly progress reports. If an extension is requested, it must be received 90 days prior to the award expiration date. When fully justified, the Hazard Mitigation Manager may extend the award expiration date.

9. Project Termination

- A. The Recipient, Subrecipient, or FEMA may terminate award agreements upon giving written notice to the other party at least seven (7) calendar days prior to the effective date of the termination. All notices are to be transmitted via registered or certified mail.
- B. The Subrecipient's authority to incur new costs will be terminated upon the date of receipt of the notice or the date set forth in the notice. Any costs incurred prior to the date of the receipt of the notice or the date of termination set forth in the notice will be negotiated for final payment. Close out of the award will commence and be processed as prescribed under final inspection procedures described in this Recipient-Subrecipient Agreement.

10. Equipment/Supplies

- A. The Subrecipient must comply with the regulations listed in 2 CFR 200.313 Equipment and 2 CFR 200.314 Supplies, and must be in compliance with state laws and procedures.

12. Award Modifications

- A. Any award modifications, including deviation from the approved scope of work or budget, must be submitted in writing for approval prior to implementation. Award Modifications include:
  - 1) Any revision which would result in the need for additional funding.
  - 2) Transfers between budget categories.
- B. The subrecipient shall follow prior approval requirements for budget revisions found in 2 CFR 200.308. Transfer of funds between total direct cost categories in the approved budget shall receive the prior approval of FEMA when such cumulative transfers among those direct cost categories exceed ten percent of the total budget.

13. Appeals - You may submit an appeal on any item related to award assistance. Appeals must be submitted to the Hazard Mitigation Manager within 90 days of the action which is being appealed.

14. Progress Reports

- A. Quarterly progress reports are required. The report will be supplied to you by GEMA/HS on a quarterly basis for your completion.
- B. The initial progress report will cover the period through March 31, 2018. It must be submitted no later than April 15, 2018.



- C. Subsequent reports must be filed by you within fifteen days after the end of each calendar quarter (March 31, June 30, September 30, and December 31).

15. Interim Inspections

Interim inspections may be conducted by GEMA/HS staff and/or FEMA staff.

16. Project Closeout

- A. When all work has been completed, you must notify your Mitigation Planning Specialist in writing to request project closeout.
- B. A desk review will be conducted by your Mitigation Planning Specialist.

Audits

- A. If you receive \$750,000 or more in federal assistance from all federal sources, not just this award, during your fiscal year, you are responsible for having an audit conducted as prescribed by the Single Audit Act and sending a copy to the Georgia Department of Audits and Accounts. Mail reports to:

Department of Audits and Accounts  
Non-Profit and Local Government Audits  
270 Washington Street, SW, Room 1-156  
Atlanta, Georgia 30334-8400

If you need additional information or assistance, contact the Hazard Mitigation Division at (404) 635-7522 or 1-800-TRY-GEMA.

## **EXHIBIT "D"**

### **Certification Regarding Drug Free Workplace Requirements**

This certification is required by the regulations implementing Executive Order 12549, This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 29 CFR Part 3001. The regulations require certification by Subrecipients, prior to award, that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to grant the award. False certification or violation of the certification shall be grounds for suspension of payments,

A. The Subrecipient certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Recipient and Subrecipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about--

- (1) The dangers of drug abuse in the workplace;
- (2) The Recipient's policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the award be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the award, the employee will--

- (1) Abide by the terms of the statement; and
- (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing within ten calendar days after receiving notice under subparagraph

(d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position and title, to every award officer or other designee on whose award activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected award;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted--

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq.; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

## **EXHIBIT "E"**

### **CERTIFICATION REGARDING LOBBYING Certification For Contracts, Awards, Loans, and Cooperative Agreements**

This certification is required by the regulations implementing the New Restrictions on Lobbying, 44 CFR Part 18. The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal award, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, award, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, award, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, sub awards, and contracts under awards, loans, and cooperative agreements) and that all Subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

---

Subrecipient Authorized Representative

---

Date

**EXHIBIT "F"****PROJECT SCOPE**

Shown below is the funding level and scope of work for the Hazard Mitigation Program project for Fayette County. Any changes to this spreadsheet must receive prior approval from GEMA/HS and will be maintained by GEMA/HS and shall supersede all previous versions.

<b>Materials</b>	<b>Equipment</b>	<b>Labor</b>	<b>Fees/ Contractor</b>	<b>TOTAL COST</b>
\$0.00	\$0.00	\$6,000	\$18,000	\$24,000

<b>Federal Share</b>	<b>State Share</b>	<b>Local Share</b>	<b>TOTAL COST</b>
\$18,000	\$2,400	\$3,600	\$24,000

**Condition:**

Fayette County and participating municipalities will update their multi-jurisdictional Hazard Mitigation Plan to meet DMA2K five year update requirements of FEMA. The planning process implemented through this grant must comply with the Local Hazard Mitigation Planning requirements contained in 44 CFR 201. A complete draft plan document must be submitted to the State and our office for review and comment at least 6 months prior to completion of the grant such that any necessary revisions may be made prior to adoption and within the period of performance. The final plan documents must be submitted for review and approval prior to the end of the period of performance of the grant, and FEMA approval must be obtained prior to the grant closeout. The plan must be adopted by the governing body of all participating jurisdictions within 6 months of the initial FEMA final approval, in order for participants to obtain eligibility for application to the State for FEMA mitigation grant programs. Fayette County will follow and adhere to all sections of the Scope of work (See Below), and Milestones listed in the associated grant application. Fayette County will include all HAZUS Level II analysis provided by GEMA/HS in their risk assessment and utilize the information to update their goals, objectives and actions steps.

## Scope of Work

The County will update its existing Multi-jurisdictional Pre-disaster Mitigation Plan according to the requirements of the Disaster Mitigation Act of 2000. This Scope of Work was designed in conformance to FEMA Plan Guidance requirements.

The County agrees to have representatives attend and participate in all GEMA/HS and local level mitigation planning meetings and workshops. The County will coordinate as needed with the GEMA/HS representative to utilize the tools necessary and to ensure that the plan meets the most current Federal regulations. Each county will be required to complete the following: Critical Facility Inventory and basic mapping will be established in the Georgia Mitigation Information System, including running reports by jurisdiction for each identified hazard; GEMA/HS Worksheets 3A for each participating jurisdiction for each identified hazard; high level detail for all mitigation action steps as required by FEMA and GEMA/HS; ensure all “recommended revisions” from their previous FEMA Plan review are addressed in the plan update.

Additionally, the County will ensure the plan update is consistent with the most current requirements from FEMA, including:

- **Identify all changes to the plan within each section**
- **Update the Planning Process**
  - List jurisdictions participating in the plan that seek approval.
  - Describe the process used to review and analyze each section of plan, as well as process used to determine if a section warranted an update.
- **Improve the risk assessment**
  - Address any newly identified hazards that pose a more significant threat than was apparent when previously approved plan was prepared.
  - Discuss new occurrences of hazard events and update the probability of future occurrences.
  - Incorporate new information where data deficiencies were identified in the previous plan, or if the data deficiencies remain unresolved, explain why they remain unresolved and include a schedule to resolve the issue.
  - Include current inventory of existing and proposed buildings, infrastructure, and critical facilities in hazard areas, including existing NFIP repetitive loss structures. The community will determine how far into the future they wish to go in considering proposed buildings and Critical Facilities based on and timed with data gathering phase of their comprehensive plan or land use plan update.
  - The loss estimate should be updated to reflect any changes to the hazard profile and/or the inventory of structures. Any changes to analysis methodologies must be noted. Any previously noted data deficiencies should be updated or explained.
  - Include a general overview of land uses and types of development occurring within the community and highlight any new and/or relevant information.
  - If there are changes in the risk assessment or the vulnerability of the community to the hazards, the information must be attributed to the appropriate jurisdiction(s) or to the whole planning area, whichever applies.
  - Continue to use all available tool sets and data as the GMIS is enhanced (for example: repetitive losses...)
- **Analyze, update, and continue development of Goals, Objectives, and Action Steps**
  - Use this update as an opportunity for jurisdictions to reconsider the goals and objectives. For goals and actions that remain, the plan must document that they were re-evaluated and deemed valid and effective.
  - Goals and objectives shall include the community’s strategy for new or continued NFIP participation. Continue to use the “STAPLEE Criteria” (Social, Technical, Administrative, Political, Legal, Economic, and Environmental), or incorporate the STAPLEE Criteria if not previously used to assess the value of and develop an understanding of the cost effectiveness of mitigation action steps. If actions remain unchanged, the updated plan must indicate why changes are not necessary.
  - Shall include evaluation and prioritization for any new mitigation action steps.
- **Update the Plan Maintenance and Implementation**
  - Must include an analysis of whether previously approved plan’s method and schedule for monitoring, evaluating, and updating plan worked, and what elements or processes, if any, were changed; and discuss method and schedule to be used over next five years.
  - Describe other planning mechanisms or ordinances that this plan will be incorporated into, such as Comprehensive Plans.
- **Information Dissemination**
  - Describe how community was kept involved during plan maintenance process over previous five years, within planning process section of plan update.
  - Plan maintenance section shall describe how community will involve public during plan maintenance process over next five years.
- **Adoption and Review**
  - The plan will be submitted for State review and recommendation prior to adoption.
  - Upon recommendation from GEMA/HS, the county and participating municipalities will adopt the plan.
  - The adopted plan will be submitted for FEMA review and approval.

**EXHIBIT "G"**

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

**Fayette County HMGP Progress Payment Request**

**Instructions:** All requests for progress payments must be supported by documentation supporting actual expenditures. Itemize each expenditure below to the fullest detail possible, including a reference to specific sites or elements of work. Attach documentation that supports this progress payment request, such as copies of bills of sale, invoices, receipts, and checks evidencing payment. Do not send originals. Attach a continuation sheet if necessary.

AGREEMENT NUMBER: HMGP-4284-0007FEMA Project Number: HMGP-4284-0007SUBRECIPIENT NAME: Fayette CountyGMS ID. Number: HHM284-013

Site Reference or Element of Work	Approved Amount	Previous Payment	Current Request	Description of Documentation Attached in Support of this Payment Request
<u>Fees / Contractor</u>	<u>\$18,000</u>			<u>Invoice</u> Proof of payment (Check, purchase order, etc.)
<u>Labor</u>	<u>\$6,000</u>			<u>Labor Expense Sheet</u>
<u>Materials</u>	<u>\$0,000</u>			Invoice and Proof of Payment
<u>Equipment</u>	<u>\$0</u>			Invoice and Proof of Payment
(from continuation sheet attached) <b>SUBTOTAL</b>				
<b>TOTAL</b>				
<b>Less Subrecipient Share (15%)</b>				
<b>NET AMOUNT REQUESTED</b>				

Under penalty of perjury, I certify that to the best of my knowledge the data above is correct and that all outlays were made in accordance with the grant conditions, comply with procurement regulations contained within the 2 CFR, Part 200, and that payment is due and has not been previously requested. I am familiar with Section 317 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

\_\_\_\_\_  
Signature of Subrecipient's Authorized Representative (and printed name)

**EXHIBIT "H"**  
**Federal Funding Accountability and Transparency Act Certification**

**In order to remain in compliance with The Federal Funding Accountability and Transparency Act of 2006 (FFATA) reporting, complete Items 1-7 and Items 8-10 if necessary, and certify by an authorized agent.**

Sub-award Number: HHM284-013

Federal Agency Name: **Federal Emergency Management Agency**

CFDA Program Number and Program Title: **97.039 Hazard Mitigation Grant Program (HMGP)**

Sub-award Project Description: **Multi-Jurisdictional Hazard Mitigation Plan**

1. Sub-awardee DUNS Number \_\_\_\_\_
2. Sub-awardee Name \_\_\_\_\_
3. Sub-awardee DBA Name \_\_\_\_\_
4. Sub-awardee Address \_\_\_\_\_
5. If DBA, Sub-awardee Parent DUNS Number \_\_\_\_\_
6. Sub-award Principle Place of Project Performance \_\_\_\_\_
7. In the preceding fiscal year, did the sub-awardee receive 80% of its annual gross revenues from the Federal government?  
Yes \_\_\_\_\_ No \_\_\_\_\_  
If **Yes**, continue to question 8. If **No**, questionnaire is complete.
8. In the preceding fiscal year, were the sub-awardee's annual gross revenues from the Federal government more than \$25 million annual? Yes \_\_\_\_\_ No \_\_\_\_\_  
If **Yes**, continue to question 9. If **No**, questionnaire is complete.
9. Does the public have access to the names and total compensation of the sub-awardee's five most highly compensated officers through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?  
Yes \_\_\_\_\_ No \_\_\_\_\_  
If **No**, continue to question 10. If **Yes**, questionnaire is complete.

10. Please list the names and compensation of the sub-awardee's five most highly compensated officers.

1.	_____	\$	_____
2.	_____	\$	_____
3.	_____	\$	_____
4.	_____	\$	_____
5.	_____	\$	_____

I certify that to the best of my knowledge all of the information on this form is complete and accurate.

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

**This section is for use by the Georgia Emergency Management Agency/Homeland Security Only.**

Sub-award Obligation/Agency Name: \_\_\_\_\_

In accordance with The Federal Funding Accountability and Transparency Act of 2006 (FFATA), this document has been processed in the FFATA Sub-award Reporting System (FSRS) by the undersigned:

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

Sub-award Obligation/Action Date: \_\_\_\_\_



# COUNTY AGENDA REQUEST

Page 112 of 288

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of staff's recommendation to award RFP #1431-P, Public Works' Transportation Engineer of Record to Croy Engineering, LLC for a 15-month contract (approximate) expiring on June 30, 2019 and with provisions for two 12-month extensions.

## Background/History/Details:

Since services performed under this contract will be on an as-needed basis and may include unanticipated tasks as well as projects with federal aid, it was determined that the method prescribed by the federal government for engineering contracts would be an appropriate and equitable method for selecting a firm. That method was followed for this procurement process and Croy Engineering is recommended for approval by the Evaluation Committee. Since this is a contract to establish hourly rates for services as needed, a not-to-exceed amount is not provided.

See attached memorandum for information on the procurement and proposal evaluation process.

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

Approval of staff's recommendation to award RFP #1431-P, Public Works' Transportation Engineer of Record to Croy Engineering for a 15-month contract (approximate) expiring on June 30, 2019 and with provisions for two 12-month extensions.

## If this item requires funding, please describe:

Funding will be provided by the projects using engineering services. Funding sources may include the 2004 SPLOST, the 2017 SPLOST, approved CIPs, regional/state/federal aid projects, and line items within the General Fund.

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:



**Purchasing Department**  
140 Stonewall Avenue West, Ste 204  
Fayetteville, GA 30214  
Phone: 770-305-5420  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

To: Steve Rapson

From: Ted L. Burgess

Date: March 22, 2018

Subject: RFP#1431-P: Transportation Engineer of Record

A function common to county and municipal public work departments is the use of professional engineering services related to infrastructure design, construction management, and other activities associated with ownership and operation of the public right-of-way and publicly owned property. There is an ongoing need for engineering services for both budgeted projects and unplanned situations. Approval of the 2017 SPLOST and associated transportation projects has increased the need for third party engineering support.

To go through a sealed bid or request for proposals (RFP) process each time engineering services are needed would be cumbersome, wasteful, and would delay work that impacts public transportation throughout the county. It is common practice for local governments to contract with a firm to serve as the "on-call engineer" or Engineer of Record. Public Works needs a Transportation Engineer of Record that can provide transportation-related planning, design and construction management services.

The Purchasing Department issued Request for Proposals (RFP) #1431-P to seek an Engineer of Record for a contract through June 30, 2019 with provisions for two 12-month extensions. The Department emailed notices to 44 companies already established as vendors with the county. In compliance with Federal regulations for the use of Federal funds, we emailed six additional companies from the Small Business Administration's list of small, minority, and women's business enterprises. Invitations were extended via the Fayette News, the county website, Georgia Local Government Access Marketplace ([www.glga.org](http://www.glga.org)), the Greater Georgia Black Chamber of Commerce, and Channel 23. An additional 363 vendors were notified through the Internet-based Georgia Procurement Registry.

Nine firms submitted proposals. The Evaluation Committee, composed of staff from Public Works, Environmental Management, and Purchasing, plus a former Engineer from the private sector, scored the proposals using the evaluation criteria in the RFP. The criteria included (1) project team / individual experience, (2) understanding and approach, (3) company experience, and (4) scheduling / resource availability.

Since it is anticipated that some task orders may include Federal funds, all Federal rules were followed in the procurement process. This includes the Brooks Act, which provides that procuring architectural or engineering services must be done using a selection process that does not take price into consideration until the most qualified firm is selected.

The evaluation process resulted in three firms being short-listed (Attachment 1). The short-listed firms gave in-person presentations, where they provided additional information and answered the Evaluation Committee's questions. The Committee scored Croy Engineering, LLC as most qualified for the specific needs of this contract.

The contract will establish hourly rates to be used for all Task Orders. Each Task Order will specify a lump-sum amount or maximum not-to-exceed amount. In compliance with the Brooks Act, after evaluations, presentations, and scoring were completed, the fee proposal for the best-scoring firm (Croy Engineering) was opened. Members of the Evaluation Committee negotiated fee reductions to what was considered a fair and reasonable price (Attachment 2). The hourly fees are inclusive of all costs. Fees are subject to a maximum 3% increase at the time of renewal each year.

It is of interest that the contract includes a stipulation that states "Fayette County reserves the right to competitively solicit other Consultants for tasks with fees anticipated to cost \$150,000 or more, that would otherwise fall within the scope of services specified herein."

Croy Engineering has not had previous contracts with the county, so a Contractor Performance Evaluation is not included.

Specifics of the proposed contract are as follows:

<b>Contract Name</b>	1431-P: Transportation Engineer of Record
<b>Type of Contract</b>	On-demand engineering services
<b>Vendor</b>	Croy Engineering, LLC
<b>Contract Term:</b>	
Initial Term	Terminates June 30, 2019
Renewal Terms	Two 12-month renewal terms
<b>Not-to-Exceed Amount</b>	Amounts established for each Task Order
<b>Budget</b>	Varies, depending on the project or task

## RFP #1431-P: Transportation Engineer of Record

### Summary

		Max Points	Croy Engineering LLC	KCI Technologies Inc.	Lowe Engineers LLC	Moreland Altobelli Assoc, LLC	Heath & Lineback Engineers Inc.	Paragon Consulting Group Inc.	Pond & Company	Vaughn & Melton Consulting Engineers	Volkert Inc.	
SELECTION PROCESS:												
1	Project Team / Individual Experience		20	16.8	11.2	14.9	14.5	16.6	11.0	17.3	14.8	12.4
2	Understanding and Approach		50	42.8	38.2	41.7	16.8	44.9	32.3	40.8	34.3	37.5
3	Company Experience		15	12.6	9.3	10.0	12.3	12.2	9.6	13.1	10.2	10.3
4	Scheduling / Resource	15	12.3	9.4	12.0	9.1	11.3	8.3	12.2	11.5	11.0	
Technical Total			100	84.5	68.1	78.6	52.7	85.0	61.2	83.4	70.8	71.2
	Presentations :											
	Rater #1	30	25.0				18.0		27.0			
	Rater #2	30	24.0				19.0		20.0			
	Rater #3	30	28.0				25.0		29.0			
	Rater #4	30	26.0				21.0		25.0			
	Rater #5	30	30.0				29.0		29.5			
	Rater #6	30	24.0				20.5		29.0			
	Presentation Total			157.0				132.5		159.5		
	Avg. Presentation			26.2				22.1		26.6		
	Technical			84.5				85.0		83.4		
Total			110.7				107.1		110.0			

## Croy Engineering, LLC Fee Schedule

<u>Role</u>	<u>Hourly Fees</u>		<u>PerCent Change</u>
	<u>Original</u>	<u>Negotiated</u>	
Principal	0	0	0.0%
Senior Professional 4	230	230	0.0%
Senior Professional 3	200	200	0.0%
Senior Professional 2	185	185	0.0%
Senior Professional 1	160	160	0.0%
Program Manager*	150	165	10.0%
Assistant Project Manager	140	140	0.0%
Accounting/Contract Specialist	90	90	0.0%
Survey/Mapping Manager (RLS)	160	160	0.0%
Survey Technician	120	120	0.0%
Survey Field Coordinator	105	105	0.0%
3-Man Survey Crew	165	150	-9.1%
2-Man Survey Crew	145	130	-10.3%
Utility Coordinator	150	135	-10.0%
Engineer 3	140	135	-3.6%
Engineer 2	125	120	-4.0%
Engineer 1	110	105	-4.5%
Designer 3	120	115	-4.2%
Designer 2	110	105	-4.5%
Designer 1	100	95	-5.0%
Technician 3	90	85	-5.6%
Technician 2	85	75	-11.8%
Technician 1	80	70	-12.5%
CADD Technician	75	65	-13.3%
Landscape Architect 2	160	160	0.0%
Landscape Architect 1	115	115	0.0%
Planner 3	165	165	0.0%
Planner 2	115	110	-4.3%
Planner 1	90	85	-5.6%
Construction Manager	135	135	0.0%
Field Representative 3	110	110	0.0%
Field Representative 2	100	95	-5.0%
Field Representative 1	90	80	-11.1%
ROW Agent	90	90	0.0%
Administration	85	60	-29.4%
Aquatics Scientist 2	120	120	0.0%
Aquatics Scientist 1	80	80	0.0%
Environmental Scientist	130	130	0.0%
Historian	105	105	0.0%
Archaeologist	100	100	0.0%
Geotechnical Quality Control Technician	85	80	-5.9%
Roadway Testing Technician	65	65	0.0%

*\*The Program Mgr. increase was a correction requested by Croy Engineering.*

# COUNTY AGENDA REQUEST

Page 117 of 288

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of Water Committee recommendation to provide the authority to do the Star Gazing Nights as outlined for Lake Horton on Friday June 22, 2018, 9:00 p.m. to midnight and July 27, 2018, 9:00 p.m. to midnight, to advertise accordingly and notify the Marshal.

## Background/History/Details:

Parks and Recreation has been approached by a telescoping community and they would love to bring something different for our citizens. Last year, with the eclipse, people were very interested. Parks and Recreation wants to bring this into the parks.

There would be over six telescopes set up. These are not your small amateur ones, pretty large size telescopes. They can set it up to look at Mars, which is actually going to be the closest it has been to Earth in over 18 years. They would teach some of the people that come out what they are doing, how they do it, how they can get involved and so forth.

Parks and Recreation will set this up at Lake Horton after hours, from 9:00 p.m. to midnight. People would have to pre-register for the event, there would be a gate check and everyone would register as they show up; and check in. Only people registered for the event would be at this. The Marshal would alter their schedule to cover the event.

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

Approval for the Water Committee recommendation for the Star Gazing Nights to be held at Lake Horton on Friday, June 22, 2018; 9:00 p.m. to midnight and July 27, 2018, 9:00 p.m. to midnight.

## 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:



# Astronomy Nights

## Fayette County Parks and Recreation

**Parks and Recreation Office:**  
980 Redwine Rd.  
Fayetteville, Ga. 30215

**Mailing Address:**  
140 Stonewall Ave. West  
Fayetteville, Ga. 30214

**Phone:** 770-716-4317  
**E-mail:**  
[bjeffery@fayettecountyga.gov](mailto:bjeffery@fayettecountyga.gov)  
**Website:**  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

Join us for a night of stargazing and enjoying one of our parks at night! We will be taking a look at several planets, constellations and Mars, as it is the closest to the Earth it's been in 18 years, as well as watching a meteor shower! In partnership with the Flint River Astronomy Club and their telescopes.

**Day:** Friday  
**Date:** June 22 & July 27  
**Time:** 9:00 p.m.—Midnight  
**Fee:** Free  
**Age:** All Ages  
**Location:** Lake Horton

**Course Code:** 18358, 18359

# COUNTY AGENDA REQUEST

Page 119 of 288

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of a single bid received from Middle Georgia Paving, Inc. for RFQ #1460-A Chip Seal service in the amount of \$114,125.00.

## Background/History/Details:

Chip seal is a pavement surface treatment that combines liquid asphalt with fine aggregate onto an existing pavement then rolled into a smooth pavement surface. This is an alternative to hotmix asphalt paving are typically used on rural roads that carry lower traffic volumes.

Road Department has selected Huckaby Road (1.6 miles with an average traffic count of 350 cars/day) and Robinson Road (0.5 miles, no traffic count available.)

This project is to view the quality of the application process and the final product of this type of pavement surface treatment is worth the estimated savings of \$1.82 per square yard compared to County's material cost per square yard.

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

Approval of a single bid received from Middle Georgia Paving, Inc. for RFQ #1460-A Chip Seal Service in the amount of \$114,125.00.

## If this item requires funding, please describe:

This request has been funded in the FY18 budget under Road Department's technical service account 10040220-521316.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

***\* 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:





**Purchasing Department**  
 140 Stonewall Avenue West, Ste 204  
 Fayetteville, GA 30214  
 Phone: 770-305-5420  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

To: Steve Rapson

From: Ted L. Burgess

Date: March 22, 2018

Subject: RFQ 1460-A: Chip Seal Service

Chip seal is used to seal the surface of pavement, so that it will last longer. It is applied by putting down a thin layer of heated liquid asphalt on a paved surface, followed by a layer of chips (gravel). It can be used as part of a pavement maintenance program, and is said to fill and seal pavement cracks, keep water from penetrating the surface, and provide a skid-resistant surface.

The Road Department proposes to use a contractor to apply chip seal on pavement at the following locations:

- Huckaby Road (1.6 miles) – Rising Star Road to Brooks-Woolsey Road
- Robinson Road (0.5 miles) – Grant Road to McIntosh Road

The Purchasing Department issued Request for Quotes #1460-A to secure a contractor for temporary striping on Antioch, Palmetto, and Sandy Creek Roads. Notice of the opportunity was emailed to 14 companies. Another 124 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity codes #74521 (Asphaltic Concrete, Hot Laid Including Bituminous Materials), 74531 (Bitumens), 74580 (Rubber Asphalt Crack Sealing Compound), and 74584 (Slurry Seal). Notice was sent to the Georgia Local Government Access website ([www.glga.org](http://www.glga.org)) and the Greater Georgia Black Chamber of Commerce.

One company submitted a quote (Attachment 1). It had been stated to us that four Georgia companies do chip seal applications. The four are as follows:

1. Middle Georgia Paving, Inc., Cochran, GA: Submitted a bid.
2. Littlefield Construction, Waycross, GA: Do not do this work in highly populated areas.
3. Dykes Paving & Construction Co., Inc., Norcross, GA: They clarified that they supply cold-mix asphalt, but do not do chip seal application.
4. Epps Brothers, Inc., Dry Branch, GA (near Macon): Did not return our call.

The Road Department recommends award of the contract to Middle Georgia Paving, Inc. in the amount of \$114,125.00. The county has not contracted with this vendor previously, so a Contractor Performance Evaluation is not provided. The references – including Coweta, Henry, and Heard Counties – all provided positive feedback.

Specifics of the proposed contract are as follows:

<b>Contract Name</b>	1460-A: Chip Seal Service
<b>Contractor</b>	Middle Georgia Paving, Inc.
<b>Not-to-exceed amount</b>	\$114,125.00
<b>Budget:</b>	
Fund	100 General Fund
Org Code	10040220 Road Department
Object	521316 Technical Services
Project	NA
Available	\$476,691.28

## Attachment A

**QUOTE #1460-A: CHIP SEAL SERVICE - TALLY SHEET**

ITEM	UNIT	EST. QTY	MIDDLE GEORGIA PAVING, INC.	
			UNIT	TOTAL
TRAFFIC CONTROL	LUMP SUM	1	\$25,000.00	\$25,000.00
Double Surface Treatment, STN Size 7 & 89, GP 2 Only, Include Seal Sand with W 10 and Latex Modified Emulsion	SQ. YARD	27,000	\$3.10	\$83,700.00
Solid Traffic Stripe, 5 in, White	LM	4	\$650.00	\$2,600.00
Solid Traffic Stripe, 5 in, Yellow	LM	4	\$650.00	\$2,600.00
Skip Traffic Stripe , 5 in, Yellow	LM	0.5	\$450.00	\$225.00
<b>Total Project Amount</b>				<b>\$114,125.00</b>













# COUNTY AGENDA REQUEST

Page 126 of 288

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of the responsive bid from Pavement Technology in the amount of \$82,249.60 for Road Departments bid #1461-A Asphalt Rejuvenator.

## Background/History/Details:

This contract will allow the Road Department to place Reclamite a rejuvenating agent composed of petroleum oils and resins emulsified with water on recently paved roads in Fayette County. This spray penetrates into the existing asphalt restoring the original asphalt properties that were lost in the pavement's placement. This improves the durability of the treated road against oxidization and cracking. Reclamite is currently being used by City of Duluth, City of Marietta, City of Roswell and the City of Milton.

In June of 2017 the Road Department did a pilot project on County Line Road. The western travel lane was sprayed with Reclamite (asphalt rejuvenator) and the eastern lane was not. Attached are pictures from an inspection of the road in February 2018.

The road list includes: Kirkley Road, Old Ford Road, Redwine Road, Bohannon Road, Simpson Road and S. Jeff Davis Drive.

Asphalt Systems Ohio also bid an asphalt rejuvenator called Biorestor which uses Agricultural oils and polymers. Road Department is currently unaware of any local governments using Biorestor and is planning on doing a pilot study with this method similar to one completed with Reclamite. Thus allowing more competitive bidding for future asphalt rejuvenating projects.

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

Approval of the responsive bid from Pavement Technology in the amount of \$82,249.60 for Road Departments bid #1461-A Asphalt Rejuvenator.

## If this item requires funding, please describe:

This request has been funded under Road Department's technical service account 10040220-521316 in the FY18 budget.

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:



**Purchasing Department**  
140 Stonewall Avenue West, Ste 204  
Fayetteville, GA 30214  
Phone: 770-305-5420  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

To: Steve Rapson

From: Ted L. Burgess

Date: March 22, 2018

Subject: RFQ 1461-A: Asphalt Rejuvenator

Pavement rejuvenators were developed in the 1960's and have been tested by a number of entities, including the U.S. Corps of Army Engineers and the U.S. Department of Navy. The City of Roswell, Georgia was involved in a study of the effectiveness of rejuvenators. The conclusion of the study was that rejuvenators save money over the life of a road's pavement.

There are a number of rejuvenator products on the market, many being proprietary. The brand Reclamite is a rejuvenator that is appropriate to use when you do not need to re-coat and seal the surface. This proprietary product is available only through one vendor – Pavement Technology, Inc. The City of Duluth and the City of Milton received bids only from Pavement Technology when they solicited for rejuvenator.

In the summer of 2017, the Road Department conducted a demonstration project with Reclamite to determine its effectiveness and cost savings. They contracted with Pavement Technology, Inc. to apply the rejuvenator to one lane on a portion of County Line Road. They have been pleased with the results, and want to expand its use to six additional roads: Kirkley Road, Old Ford Road, Redwine Road, Bohannon Road, Simpson Road, and South Jeff Davis Drive.

The Purchasing Department issued Request for Quotes #1461-A seeking a contractor to apply Reclamite or an equal product. Notice of the opportunity was emailed to 23 companies. Another 56 were contacted through the web-based Georgia Procurement Registry. Notice was sent to the Georgia Local Government Access website ([www.glga.org](http://www.glga.org)) and the Greater Georgia Black Chamber of Commerce.

Two companies submitted quotes (Attachment 1). The low price was quoted by Asphalt Systems Ohio, Inc. The product they offer – Biorestor – is a bio-based product that the county has not used before, and the Road Department has not found any local governments that have experience with it. They were pleased with the outcome of the Reclamite demonstration. They recommend award of the contract to Pavement Technology, Inc. for application of the Reclamite, in the amount of \$82,249.60.

A Contractor Performance Evaluation for Pavement Technology, Inc. is attached.



Specifics of the proposed contract are as follows:

<b>Contract Name</b>	1461-A: Asphalt Rejuvenator	
<b>Contractor</b>	Pavement Technology, Inc.	
<b>Not-to-exceed amount</b>	\$82,249.60	
<b>Budget:</b>		
Fund	100	General Fund
Org Code	10040220	Road Department
Object	521316	Technical Services
Project	NA	
Available	\$476,691.28	

## ATTACHMENT 1

**Request for Quotes #1461-A**  
**Asphalt Rejuvenator**

Vendor	Unit	Qty.	Unit Price	Extended Price	Mobilization	Total	Product Offered
Pavement Technology, Inc.	Sq. Yd.	94,940	\$0.84	\$79,749.60	\$2,500.00	\$82,249.60	RECLAMITE
Asphalt Systems Ohio, Inc.	Sq. Yd.	94,940	\$0.85	\$80,699.00	\$1,000.00	\$81,699.00	BIORESTOR

# 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: Pavement Technology, Inc.	Contract Number: 1331-S
Mailing Address: 24144 Detroit Road	Contract Description or Title: Asphalt Rejuvenation
City, St, Zip Code: Westlake, Ohio 44145	Contract Term (Dates) From: 6/5/2017 To: Project Completion
Phone Number: 800-333-6309	Task Order Number: NA
Cell Number:	Other Reference: NA
E-Mail Address: <a href="mailto:kholton@pavetechinc.com">kholton@pavetechinc.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.

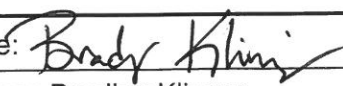
**SATISFACTORY (Sat)** - Vendor met minimum contractual requirements or performance expectations of the products/services.

**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: 3-7-18
Print Name: Bradley Klingler	Department/Division: Road
Title: Assistant Director	Telephone No: 770-320-6039



**COUNTY LINE ROAD – ASPHALT INSPECTION 2-8-18**

Road was resurfaced by County Crews on May 2016

Reclamite sprayed on June 2017



**East Lane – Untreated**

**West Lane – Treated with Reclamite**





**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**

March 8, 2018

6:30 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 6:30 p.m.

**Call to Order**

Chairman Eric Maxwell called the March 8, 2018 Board of Commissioners meeting to order at 6:31 p.m.

All members of the Board were present. Chairman Maxwell announced that he was still under doctor's orders and at 9:30 p.m. he would have to leave the meeting.

**Invocation and Pledge of Allegiance by Commissioner Charles Rousseau**

Commissioner Charles Rousseau offered the Invocation and led the audience in the Pledge of Allegiance.

**Acceptance of Agenda**

Commissioner Steve Brown moved to accept the agenda with a change in the order to Items #17, #21, #22 and #18.

Commissioner Rousseau seconded. The motion passed 5-0.

**PROCLAMATION/RECOGNITION:****PUBLIC HEARING:**

1. **Consideration of staff's recommendation to approve new ownership for the 2018 Retail Alcohol, Beer and Wine License (License #C17-00602 for Alnoor Somani, doing business as County Line Country Store, which is located at 2708 Highway 92S, Fayetteville, Georgia.**

Chief Marshal Harold Myers read the *Introduction to Public Hearings* into the record. He briefed the Board that this request was for new ownership of the store and that the owner was requesting approval of the retail alcohol, beer and wine license. He stated that staff recommended approval.

No one spoke in favor or opposition.

Commissioner Brown moved to approve staff's recommendation to approve new ownership for the 2018 Retail Alcohol, Beer and Wine License (License #C17-00602 for Alnoor Somani, doing business as County Line Country Store, which is located at 2708 Highway 92S, Fayetteville, Georgia.

Commissioner Brown moved to approve the Retail Alcohol, Beer and Wine License (License #C17-00602 for Alnoor Somani, doing business as County Line Country Store, which is located at 2708 Highway 92S, Fayetteville, Georgia. Commissioner Charles Oddo seconded. The motion passed 5-0.

## **CONSENT AGENDA:**

Commissioner Oddo requested that item #4 be removed for discussion. Commissioner Rousseau requested that item #15 be removed for discussion.

Commissioner Brown moved to approve the Consent Agenda, with the exception of items #4 and #15 for discussion. Commissioner Oddo seconded.

Commissioner Brown stated that there were some nice recreation projects at Kenwood and McCurry Park. He stated that he didn't want to let that "skirt by" because the citizen's money was being invested in these projects. He commended the Recreation Commission and the Park and Recreation Department.

Parks and Recreation Director Anita Godbee gave a brief update of the need for the projects.

Tim King gave comments regarding the Relay for Life and thanked the Board for allowing its participation in Fayette County.

Tom Waller stated that he would like to confirm that the Sheriff's Office had adequate staffing to provide security to prevent vandalism for the additional facilities that were being put in. Mr. Rapson stated yes and so do the Marshals.

Terrance Williamson stated, on behalf of the Recreation Commission, that it was great to see the county investing money on facilities. He stated that they were sorely needed and will be well used. He stated that in addition to the security there were also cameras at the parks.

Frank Gardner stated that he wanted to thank the citizens of Fayette County for applying money to these projects.

Commissioner Rousseau stated that he "tipped his hat" to staff for the foresight, in terms of establishing a capital campaign to address these issues. He thanked the Recreation Commission. He stated that the upgrades would accommodate the use at the park. He stated that there will need to be collaboration in terms of the types of uses at Kenwood. He stated that he was asking the elders in the community to "see something, say something" because there was not always staff out there.

Commissioner Brown moved to approve the Consent Agenda, with the exception of items #4 and #15 for discussion. Commissioner Oddo seconded. The motion passed 5-0.

- 2. Approval of staff's recommended Mid-Year Budget Amendments to the FY 2018 budget and approval to close projects that have been completed.**
- 3. Approval for the Board of Commissioners to authorize staff to acquire all fee simple right-of-way, easements and appraisal for the 120 Mercedes Trail culvert replacement project (2017 SPLOST No. 17SAI).**
- 4. Approval for the Board of Commissioners to authorize staff to acquire all fee simple right-of-way, easements and appraisals for the 130 Morning Dove Drive culvert replacement project (2017 SPLOST No. 17SAJ).**

Commissioner Oddo stated that this was a SPLOST project that borders a piece of property that he owned in the area and he wanted to make that public before voting.

Commissioner Oddo moved to approve to authorize staff to acquire all fee simple right-of-way, easements and appraisals for the 130 Morning Dove Drive culvert replacement project (2017 SPLOST No. 17SAJ). Vice Chairman Randy Ognio seconded. The motion passed 5-0.

5. **Approval for the Board of Commissioners to authorize staff to acquire all fee simple right-of-way, easements and appraisals for the Old Senoia Road culvert replacement project (2017 SPLOST No. 6509H).**
6. **Approval of staff's recommendation to contract with Gene Barber Contracting, Inc. to construct a new restroom facility at Kenwood Park (Bid #1329-B) in the amount of \$168,781.00 per the approved CIP project #5110I.**
7. **Approval of staff's recommendation to contract with Buildline, Inc. to construct a new pavilion facility at Kenwood Park (Bid #1435-B) in the amount of \$96,000.00 and allocate \$17,500.00 for tables, benches and trash cans for the Kenwood Park Phase II CIP project #5110I.**
8. **Approval of staff's recommendation to contract with Dynamic sports Construction, Inc. to install a rubberized membrane over the existing asphalt track at Kenwood Park (Bid #1447-A) in the amount of \$113,067.00 per the approved CIP project #186AJ.**
9. **Approval of staff's recommendation to contract with Earth 1st Construction, LLC to construct new restroom facility at McCurry Park Softball fields in the amount of \$187,888.48 per the approved CIP project #6110N.**
10. **Approval of staff's recommendation of the extension of the McCurry Park football complex hours on May 11, 2018 to facilitate the annual Fayette County Relay for Life Event.**
11. **Approval of staff's recommendation to make a budget adjustment to the FY2018 budget to account for the hiring of Temporary Seasonal Employees for the Traditional Day Camps for the Summer of 2018.**
12. **Approval of Water Committee recommendation to participate in the MNGWPD Regional Multi-Family Toilet Rebate Program, to allocate funding of \$100,000.00 starting July 1, 2018 and approval for the Chairman to sign the Memorandum of Agreement.**
13. **Approval of the Water Committee recommendation to close the Lake McIntosh Park on March 17, 2018 from 6:30 a.m. until 4:00 p.m. for the Peachtree City Rowing Club RowRun Biathlon Challenge Special Event.**
14. **Approval to amend existing striping quote #1400-A with Mid-State Striping, Inc. from \$49,989.90 to \$73,599.90 to take advantage of \$17,000 in additional GDOT LIMG7 Off-system funding.**
15. **Approval of the February 22, 2018 Board of Commissioners Meeting Minutes.**

Commissioner Rousseau stated that the corrected minutes was on the dais. He stated that on page 13, second paragraph from the end, the corrections were the word "when" was changed to "where" and the word "avocate" changed to "abdicate".

Commissioner Rousseau moved to approve the February 22, 2018 minutes with the noted changes. Commissioner Brown seconded. The motion passed 5-0.

#### **OLD BUSINESS:**

In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and/or in need of a wheelchair. The Board of Commissioners Agenda and supporting 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).

**NEW BUSINESS:**

**16. Discussion of the proposed GDOT roundabouts on SR 92 (PI 009971 and 009972) and reconsideration of the associated Memorandum of Understanding (MOU) and Agreements.**

Commissioner Rousseau stated that he asked that this item be brought back to the Board for favorable consideration in light of the potential fiscal cost that might be incurred by the county. He stated that he voted against this item in the hopes of achieving a different goal, but in that vote, it may lead to costing the county more money. He stated that without the Memorandum of Understanding (MOU), Georgia Department of Transportation (GDOT) would get a vendor without the county's input and the cost could be sustainably more than the quote from the county. He stated that it was in GDOT's right-of-way and he knew that the county would have to move the utilities and we have received additional assurances that they would proceed with the project.

Commissioner Rousseau moved to approve the proposed GDOT roundabouts on SR 92 (PI 009971 and 009972) and reconsideration of the approval of the associated Memorandum of Understanding (MOU) and Agreements. Chairman Maxwell seconded.

Vice Chairman Ognio stated that he had always voted against the project. He thanked GDOT for the funding, but he did not believe in the project from the beginning and that he was not going to change now.

Commissioner Brown stated that in January 2014, he voted in favor of some conditional support for this project. He stated that the Board did that thinking that the cost would be marginal. He stated that he acknowledged that there was a geometrical problem on the road and that something needed to be done because it was dangerous. He stated that if Mr. Mallon wanted to assure him that GDOT was going to do the roundabout and there was no sense in looking at other projects then he was willing to take a different view from his last vote. He stated that he would like to have seen the options and cost of other options.

Public Works Director Phil Mallon stated that as part of the GDOT process, the staff and GDOT did a lot of work on alternative analysis. He stated that one of the issues with the traffic signal was that it did not meet the "warrants". He stated that the alignment that would be needed would be more impactful to the surrounding properties. He stated that there was not a detailed cost estimate done for the signals, but that it was in the same order of magnitude for the roundabout. He stated that the biggest factor was that this was a safety project and the data showed that roundabouts were the safest. He stated that he spoke with GDOT and they are too far along to make any changes.

Vice Chairman Ognio stated that the alignment of the intersection was odd. He stated that from 2015 to 2017 there have been eleven accidents at that intersection. He stated that it was like 24<sup>th</sup> on the list of state routes in terms of accidents. He stated that the Seay Road intersection at SR16...He continued that when looking at the severity of the accidents, Porter Road and SR85, there have been some fatalities at that intersection. He stated that GDOT had no way of knowing this data before starting the project. He stated that he felt that Antioch and SR92 were the same as Antioch and Goza Roads. He stated that if they are aligned, it might cause more issues. He stated that the previous approval was to move ahead and not to investigate the need for it.

Chairman Maxwell stated that this item was for \$779,510 and when it was before the Board in February it was \$881,185. He asked what was the explanation for the smaller amount difference.

County Administrator Steve Rapson stated that the request was for the \$779,510 amount. He stated that the county would likely beat that with the county's contractor. He stated that the \$881,185 was a bad number. He stated that staff would report back to the Board with a final cost for moving the lines. He stated that the county would not manage the project because it was a GDOT project.



Water System Utility Services Manager Matt Bergen stated that the county would not use the internal contractor. He stated that the MOU was for GDOT to competitively bid with the entire package so that the county would end up with a better price. He stated that staff used the internal contractor to come up with a baseline for an estimate.

Commissioner Rousseau stated that he appreciated staff's input on this item. He stated that he discovered that on projects of this nature, the county needed to get out in front of it in terms of the capital planning. He stated that staff needed to coordinate to set dollars aside because the cost may not have been budgeted. He stated that this was an unexpected cost where staff agreed that they were doing more long-term planning that could have some impact on the bottom line. He stated that it was his attempt to be fiscally responsible and save the county money.

Commissioner Oddo stated that GDOT was still willing to work with the county despite the Board's last vote. He stated that he appreciated GDOT continuing to work with the county.

Vice Chairman Ognio stated that the Transportation Committee, without his vote, voted to move forward with the project.

Commissioner Rousseau moved to approve the proposed GDOT roundabouts on SR 92 (PI 009971 and 009972) and reconsideration of the approval of the associated Memorandum of Understanding (MOU) and Agreements. Chairman Maxwell seconded. The motion passed 4-1 with Vice Chairman Ognio voting in opposition.

**17. Consideration of staff's request to accept RFQ #1457-A for Scott Safety SCBA Products for Scott X3 Pro Self-Contained Breathing Apparatus (SCBA) and associated accessory parts and safety devices from Fisher Scientific for a total cost of \$733,490.82 and accept a trade-in allowance for the departments existing used SCBA in the amount of \$18,000.00 for a net cost of \$715,490.82.**

Fire Chief David Scarbrough stated that this request was to move forward with the purchase of breathing apparatus and associated accessory parts and safety devices. He stated that this was "dovetailing" off the Board's approval of the cylinders last year. He stated that this would complete the project.

Commissioner Brown stated that this was a newer standard and the county started investing in it last year and this was the next phase. Chief Scarbrough stated yes.

Mr. Rapson stated the county received a grant that replaced all the bottles the year before and this was the next phase that completed the project.

Vice Chairman Ognio moved to approve RFQ #1457-A for Scott Safety SCBA Products for Scott X3 Pro Self-Contained Breathing Apparatus (SCBA) and associated accessory parts and safety devices from Fisher Scientific for a total cost of \$733,490.82 and accept a trade-in allowance for the departments existing used SCBA in the amount of \$18,000.00 for a net cost of \$715,490.82. Commissioner Oddo seconded.

Chief Scarbrough thanked Purchasing Director Ted Burgess for a well written memo.

Frank Gardner stated that he would like to hear a statement regarding what upgrading the equipment would improve. How much better would this be over the old system and how many times have the old system been used?

Deputy Fire Chief Tom Bartlett explained that the National Fire Protection Association had standards that are upgraded every five years. He stated that the current breathing apparatus were purchased in 2003. He stated that there had been multiple changes

since that time for the standards. He stated that there had been a lot of uptick in maintenance and that there were also a lot of electronics incorporated. He stated that the units are used at every fire call, IDLA atmospheric...immediate danger to life and health. It is used in areas of low oxygens, carbon monoxide investigations or anywhere there could be containments. He continued that there was a big push for cancer reduction in fire fighters and the current breathing apparatus did not have an effective way to completely decontaminate the apparatus; specifically, the harness. The new model allowed the harness to come off and be decontaminated. He continued to show aspects of the apparatus. He stated that over the last two-year period, between the maintenance and upkeep, the fire department was at \$33,000. He stated that they received a grant for the compressor to recharge the cylinders. He stated that they have reached the point of repair parts not being available on the current equipment. He stated that it was the number one safety protection equipment for the fire fighters. He continued to share the features of the breathing apparatus.

Vice Chairman Ognio asked if the larger tanks were purchased. Deputy Chief Bartlett stated that it was the same size as what they already had. Vice Chairman Ognio stated that this system would allow them to go to the smaller tanks. Deputy Chief Bartlett stated that it would. Vice Chairman Ognio stated that as we purchase tanks in the future, maybe they could purchase the smaller tanks.

Rob Scott stated that there was a new standard change that required a minimum capacity on cylinders for fire fighters. He stated that what the fire department purchased two years ago followed that standard. He stated that with that change in standard, it took away the option to use the smaller cylinders. Vice Chairman Ognio stated that he felt the smaller cylinder would help with mobility.

Vice Chairman Ognio stated that this purchase was just as important as the roads and he thanked staff for making sure the county had the proper equipment for the fire fighters.

Mr. Gardner made comments from the audience. (inaudible)

Mr. Rapson stated that this was a public safety piece of equipment that was necessary to run fire services.

Commissioner Rousseau stated that Mr. Gardner raised the issue of dollars. He stated that thanks to Mr. Burgess using the state-wide contract and the vendor being on that contract, it gave the county a larger latitude of buying power which reduced the county's cost. He thanked Mr. Burgess and Chief Scarbrough for using that to keep the cost down.

Vice Chairman Ognio moved to approve RFQ #1457-A for Scott Safety SCBA Products for Scott X3 Pro Self-Contained Breathing Apparatus (SCBA) and associated accessory parts and safety devices from Fisher Scientific for a total cost of \$733,490.82 and accept a trade-in allowance for the departments existing used SCBA in the amount of \$18,000.00 for a net cost of \$715,490.82. Commissioner Oddo seconded. The motion passed 5-0.

#### **18. Consideration of suggested programming of unallocated 2004 Transportation Special Purpose Local Option Sale Tax (SPLOST) money.**

Mr. Mallon stated that there was a SPLOST that collected money from 2005 to 2010 with a total revenue, to-date of \$74,360,000. He noted that this number changes with interest. He stated that over \$43,000,000 of that money had been spent. He continued that there were projects in process that included the McIntosh Road bridge, a study for SR74, the intersection at Veterans Parkway and Westbridge, the path over Sandy Creek along Veterans Parkway and the East Fayetteville Bypass. He stated that there was \$14,205,000 that was not program. He stated that he was bringing a recommendation from the Transportation Committee on how the money could be programed to complete projects. He stated that the money collected under the 2004

SPLOST, the 321 Funds, can only be used for projects that were identified in the 2003 Transportation Plan. He continued that there are 66 projects in the 2003 plan, 29 are complete, 12 in construction, 5 have been studied and 20 with no further action.

Commissioner Brown asked what was the process for dwindling the number down. Mr. Mallon stated that when this was first submitted to the Transportation Committee, staff wanted to give them an order of magnitude of how big or small of the project would be. He stated that the order in some cases was based on a defined number that was already set and others were rough guesses; some based on the cost estimates in the 2003 Transportation Plan.

Commissioner Brown asked what funding source the money approved for the Antioch and Goza project came from. Mr. Mallon stated that the money for that was being funded from the 2017 SPLOST. He stated that there was money in both.

Commissioner Brown raised concerns about the lighting on the roads at the north part of the county.

Commissioner Rousseau stated that he shared the concern of using money in the "hopes" that the county would receive money for the 2017 SPLOST because it was already allocated.

Commissioner Brown stated that he felt the East Fayetteville Bypass project would be over budgeted and the SR279 would be the same issue.

Mr. Mallon stated that the money set aside for the East Fayetteville Bypass was not to say that there was \$4,750,000 to realign SR279. He stated that it was a starting point and if approved, staff would work to make that a local match against federal funds.

Commissioner Oddo stated that the Transportation Committee was made up of representatives from all over the county and they reviewed the list and tried to portion it. He stated that everyone was looking at what was best for the entire county.

Commissioner Brown stated that he would suggest taking the East Fayetteville Bypass project (R8) and taking it to \$5 million and take the entire sum for Antioch and Goza out of the 2004 SPLOST.

Commissioner Rousseau asked for the cost of the pipe work at Kenwood. Mr. Rapson stated that the CIP project was \$246,000. Commissioner Rousseau stated that his concern was that there was not enough money raised in 2004 than expected and that could happen for the 2017 SPLOST.

Mr. Rapson stated that the Antioch and Goza Road project was funded at \$1,070,000 and there was an additional half million that was flagged as intersection safety improvements. He stated that the 2017 SPLOST was estimated at 1.65% and we are experiencing 5% and 6% currently. He stated that there could be some bad years coming up and he still did not think that the county would be short with the 2017 SPLOST.

Mr. Mallon stated that the Board could remove the Sandy Creek, Sams Drive and Easton Road (I2) completely and that would allow the Board to fully fund Antioch and Goza Road (I13) and put the surplus toward the East Fayetteville Bypass.

Commissioner Brown stated that he would take Antioch and Goza completely out and if Mr. Mallon wanted to drop \$875,000 from project I2, that was fine.

The recommendation was to take the Sandy Creek, Sams Drive and Easton Road (I2) project to \$0, take Antioch and Goza (I13) to \$1,100,000 and add the difference of \$221,000 to the East Fayetteville Bypass (R8) project.

Mr. Mallon stated that in the description for R8 he would remove "the funding is for work beyond (and independent of) existing project scope".

Vice Chairman Ognio stated that he did not agree with dropping the \$875,000 because there might be some safety improvements that need to be done now.

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Commissioner Oddo stated that this could be taken back to the Transportation Committee for discussion.

Mr. Rapson restated the recommendation. The recommendation was that I2 would be lowered from \$875,000, with a residual balance of \$221,500 and I13 would increase to \$1,100,000.

Commissioner Rousseau moved to approve an allocation of \$9,455,000; with Sandy Creek, Sams Drive and Eastin Road (I2) at \$221,500 and Goza Road and Antioch Road (I13) would have an allocation of \$1,100,000 excluding the allocation for East Fayetteville Bypass (R8). Vice Chairman Ognio seconded. The motion passed 5-0.

Commissioner Brown moved to approve the allocation for East Fayetteville Bypass (R8) at \$4,750,000. Commissioner Oddo seconded.

Commissioner Brown amended the motion to approve the allocation for East Fayetteville Bypass (R8) at \$4,750,000 and to strike the language "the funding is for work beyond (and independent of) existing project scope". Commissioner Oddo amended the second. The motion passed 4-1. Chairman Maxwell voted in opposition.

**19. Discussion of citizen's requests for multi-use path access to the Starrs Mill School Complex from the Millpond Manor subdivision.**

Mr. Mallon stated that this project was driven by a group of property owners in Millpond Manor who wanted a legal connection to the school. He stated that Mr. Donnie Walker had led the effort and was now working in Puerto Rico with the recovery efforts and he asked if the Board would take no action until he returned home.

Commissioner Brown stated that best route was to go along the right-of-way of SR74 because we could tie everything in. He stated that he would personally go to GDOT and work with them to try and make it work.

Mr. Mallon stated that he had one other option. He stated that Fayette County owned the land east of the subdivisions. He stated that the Water System had plans to enhance the area. He stated that staff had Tetra Tech to do a concept for a one-mile trail to the school. He stated that the cost was estimated at \$750,000. He stated that there may be some grant opportunities.

Commissioner Brown stated that he would vote for that if that was the last option.

Vice Chairman Ognio stated that the Transportation Committee discussed this with GDOT and they already agreed to let the county put the path on their right-of-way, but the problem was that no one could drive on it unless you had a driver's license. He stated that he was amazed that they came back so quickly with the offer, but that would not help the school kids.

Mr. Mallon stated that he would bring this back at another meeting.

No action was taken.

**20. Update from Public Works on multiple path projects for Veterans Parkway over Sandy Creek, Redwine Road and Starrs Mill Tunnel & Path and a Master Path Plan, at the request of Commissioner Steve Brown.**

Chairman Maxwell left the meeting for medical reasons.

Vice Chairman Ognio chaired the meeting.

Mr. Mallon stated that the Master Path Plan was happening and its goal was to determine where paths are needed. He stated that there were two open houses held and there were 141 people in attendance and 282 comments. He stated that there was a In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and/or in need of a wheelchair. The Board of Commissioners Agenda and supporting 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).

survey still active. He stated that as part of the annexation agreement between Fayette County and the City of Fayetteville, we are committed to providing a multi-use path over Sandy Creek (the water body, not the road) along Veterans Parkway. He stated that the Board authorized staff to do a concept study last fall that was now complete. He stated that the study showed that there were similar shoulders on both sides. He stated that the recommendation was that the path could be put on the existing shoulder and add a section of guardrails for safety and move forward. He stated that he did not have official feedback from the City of Fayetteville, but he heard, indirectly, that they were in favor of this. He stated that it was the same thing with Pinewood Forest. He asked the Board if he should take it to design or wait until further development.

Commissioner Rousseau asked for a recommendation from Mr. Mallon.

Vice Chairman Ognio stated that the county should get with Pinewood Forest to see if they were willing to tie into it. He stated that he thought the county's position was to put a bridge over the creek and now there was a bridge there. He stated that the county could furnish the guardrail and pave that section, but that it would be up to the city to do everything else. He stated that the county only agreed to the bridge and anything else would be additional.

Commissioner Rousseau moved to instruct staff to get with all the vested parties and bring recommendations back to the Board for review. Commissioner Oddo seconded. The motion passed 4-0. Chairman Maxwell left the meeting.

Mr. Mallon stated that the second project was the Redwine Road path project. He stated that this was the building of approximately 1.5 miles of new path to fill in existing gaps along Redwine Road. He continued that the project was behind schedule and underfunded. He stated that he and GDOT thought it was a good decision to make this a design built project to accelerate the project and bring it in cheaper. It did not work that way. He stated that GDOT had tried to make it work. He stated that it had gone out to bid three times and that the current low bid was \$2 million. He stated that the maximum that GDOT would entertain was \$1.8 million, so they had to reject this bid as well. He stated that GDOT would explore internal options and suggested that the county do the same. He stated that the options are to abandon the project, take the design work and provide a cost estimate for the Road Department to build over the next two winters or make it a traditional design and put it out to bid like any other project. He stated that the last one had some appeal because the county would stay in the federal aid program and both GDOT and Atlanta Region Commission stated that the funding had already been raised once. He stated that they may be willing to give the county what was needed to make it whole. He stated that it was delayed and the county was looking at \$80,000 to \$100,000 to take it from its current state to a design package. He stated that he would appreciate any suggestions.

Mr. Mallon stated that the last project was an update on the Starrs Mill school tunnel. He stated that this was a 2017 SPLOST project that was about 60% in design. He stated that it was to provide a tunnel from Redwine Road into the school complex. He stated that staff was pushing to hit construction this summer and that it became apparent that it would not happen about two months ago.

Commissioner Rousseau asked how far away was the project from being 60 to 100 percent complete. Mr. Mallon stated about two months from getting it to 100% design.

Commissioner Rousseau stated that the county was going to face another nightmare with the "small cell tower" bill. He stated that once they move the small cell towers in, the county would have no more authority on the road. He urged citizens to call the local delegation regarding the small cell towers because they are about to proliferate the right-of-way. He stated that the county was about to be impacted.

Commissioner Brown stated that he understood the school's internal traffic, but that they could make that work.

Mr. Mallon stated that he wanted to give it an honest effort and now he just needed to document it.

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Commissioner Brown asked would the Board see this next summer. Mr. Mallon stated that it would be next summer.

**21. Presentation for approval of the completed preliminary design plan prepared by the consultant prior to proceeding with preparation of final construction plans & specifications for the proposed roundabout project at the intersection of Countyline Road, Inman Road, South Jeff Davis Drive and Northridge Road (R-8A).**

The Board recessed at 8:19 p.m. The Board reconvened at 8:30 p.m.

Engineering, Building and Grounds Director Carlos Christian briefed the Board regarding this item. He stated that the \$15.2 million that was previously mentioned would include everything for the East Fayetteville Bypass. He stated that there was no coordination or impact with Clayton County. He stated that staff was asking the Board to approve this recommendation because it was the best option for that intersection to provide a measure of safety, minimize impacts to the surrounding properties and provides the best free-flow of traffic. He continued that the intersection was located adjacent to Clayton County. He stated that because there was one leg of the intersection on the Northridge Road side, there would need to be an intergovernmental agreement with Clayton County and some right-of-way that would need to be purchased. He stated that the Transportation Committee reviewed the project and discussed getting participation from Clayton County and paying for portions of the sidewalk improvement and road improvement that would be in Clayton County. He stated that staff would pursue that.

Mallet Consultant David Jaeger gave an update on the design and schedule of the project. Mr. Jaeger stated that the existing intersection was a four-way stop control and had a mal-alignment. He stated that it has a skew angle and there was a substantial centerline offset. He stated gave statistics for that intersection. He stated that the study conducted recommended a single lane roundabout as a solution to both the malalignment issue and the skew and offset would be corrected by having the roundabout. He stated that it would provide an improved level of service throughout the peak time. He stated that the single lane roundabout would provide improved safety. He stated that he concurred with the traffic study that the roundabout was an optimum solution for the intersection. He stated there was only four parcels to deal with for this project.

Mr. Christian stated that if Countyline Road did go to a four-lane and the county wanted to put in a two-lane roundabout, then staff would need to increase the amount of right-of-way to acquire. He stated that the lighting cost would be an additional \$100 a month. He stated that the landscape in the middle of the roundabouts would take staff time to maintain the areas. He stated that staff spent approximately 10 hours of staff time to maintain these areas.

Chairman Maxwell asked why was there one roundabout that would have lighting and others that do not have lighting. Mr. Christian stated that from a safety stand point it was better to have it lit. Mr. Mallon made comments from the audience. (inaudible).

Mr. Jaeger stated that the current volumes entering the roundabout on Northbridge was 302 vehicles for the a.m. peak, 160 vehicles for the p.m. peak and the projections for 2037 was 338 and 180 respectively.

Commissioner Rousseau moved to approve the completed preliminary design plan prepared by the consultant prior to proceeding with preparation of final construction plans & specifications for the proposed roundabout project at the intersection of Countyline Road, Inman Road, South Jeff Davis Drive and Northridge Road (R-8A) with the caveat that the county would make futuristic plans for the four-lane and acquire the additional right-of-way. Commissioner Brown seconded. The motion passed 5-0.

**22. Project update of environmental documents, roadway alignment, typical section and schedule for the East Fayetteville Bypass (R-8B) roadway project between State Route 54 to County Line Road at County Line Court and Ravens Landing.**

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Mr. Mallon stated that this was an informational agenda item. He stated that based on the scope of work set by the Board in 2014, staff needed to come before the Board on the preliminary alignment that had a list of other things associated with it. He gave a PowerPoint presentation. He stated that some of the key things to point out was that the road was being designed with all the new road construction within a 120-foot right-of-way. He stated that it was a larger foot print than normally used for a two-lane road. He stated that it was being used to allow, if needed in the future, turn lanes or even expand to a four-lane road. He stated that there was no paths or sidewalks included in the budget for this project. He stated that with the 120-foot right-of-way and some of the proposed grading, if in the future, the Board wanted to put along the entire length or a portion, it would be relatively easy to accommodate. He stated that Mallet Consultant David Jaeger had to coordinate with possible McDonough Road widening with GDOT and the existing GDOT widening on SR54 East. He stated that he envisioned that the intersection would be controlled by a traffic signal. He stated that there was less certainty about the intersection at McDonough Road, but he expected it to be a two-way stop control with traffic on the East Bypass stopping on McDonough to remain free-flow. He stated that was under the assumption that the county completes its project before the McDonough Road project. He continued that the GDOT design team would study that intersection and it would likely be a roundabout or traffic signal. He stated that the project included a large bridge construction which was not part of Mallet's scope of work and would be one of the first task orders under the Transportation Engineer of Record. He stated that this was one of the 2017 SPLOST projects that looked to expand in the future and realign with SR279 and possibly extend SR279 into the East Fayetteville Bypass. He stated that on the southside there was money program to see what improvements could be made or needed on Inman Road to possibly increase the posted speed limit, address safety issues and straighten curbs. He stated that an Open House held last May for this project. He stated that there were 74 people in attendance, 43 comment cards and 42% of the comments were opposed to the project, 7% were uncommitted and 51% either supported the project or were supporting it with a range of conditions. He stated that the importance of the project and its long-term value to the county would depend on how well the county could control access. He stated that he was asking the Board to give directive to develop any measures needed in terms of, overlay districts or policies.

Mr. Jaeger stated that the proposed date for the McDonough Road project was 2022. He stated that if this project stayed on schedule it would begin before that project and any realignment would be a part of their project and not the county's. He stated that he did support centering the road. He stated that the traffic data did not support a four-lane road. He provided the Board with a summary of some project milestones. He stated that final construction plan and specification would be done by the end of 2018 and construction would start the spring or summer of 2019. He stated that some of the dates were depending on the time to acquire right-of-way and the time to accomplish the permitting process.

Commissioner Brown stated that this project was much less a project if the connection with SR279 was not made. Mr. Mallon stated that although it would be ultimately a part of a continuous alignment, from a permitting stand point, it needed to be a separate job, otherwise all the work done would bring the project back to square one. He stated that money was available in the 2017 SPLOST to do this type study. Commissioner Brown stated that there was no additional right-of-way programmed for funding for the Corinth section. He asked if the county would just repave or re-mill the road.

Mr. Mallon stated that the only right-of-way or improvement would be in the sharp curb area.

Vice Chairman Ognio stated that the Transportation Committee mentioned the realignment of SR279 to GDOT and they were going to consider it. He stated that in the 2004 SPLOST allocation, there was \$4,750,000 for SR279.

Commissioner Brown stated that if the county had the opportunity to fortify some of the roads...we should eliminate as many curb cuts as possible. He stated that he would like to look at taking some of the money and using it to purchase vital pieces of right-of-way on Corinth Road.

Commissioner Rousseau asked if the county was committed to connectivity with respect to paths within the county. He stated that it would be best to do it now, so that the county would not have to go back later to acquire right-of-way.

Mr. Mallon stated that as proposed the project would not have sidewalk, bike lanes or paths. He stated that it would be easy to put in a sidewalk or multi-use path after the fact.

Commissioner Rousseau asked if staff could show the paths on the design ahead of time. Mr. Mallon stated that we were safe with the paths. He stated that from his experience, federal aid money was not a good fit for path projects. Mr. Mallon acknowledged the difference in the completion dates. He stated that staff pushed it out a year because of right-of-way.

Vice Chairman Ognio asked what was the cost difference in putting the roadbed to one side rather than the middle. He asked what was the benefit of placing it in the center.

Mr. Jaeger stated that by having it in the center it would maintain the ability to handle anything on either side of the road, such as future lane widenings, turn radius and slopes. He stated that it was his belief that if it became a four lane, the county would have already achieved the life span of the pavement that was put down.

Mr. Mallon stated that he wanted to share some concerns of a citizen that had been very involved, but that was unable to attend the meeting. He stated that Mr. Gary McBride spoke to his neighbors and wanted the county to consider making the intersection at Countyline Road a "right-in/right-out only". This would force people to take the East Bypass because they would not be able to make a left. He stated that staff did not support that. He stated that this was a mobility project. He stated that the mobility would go into having connectivity and alternatives.

Vice Chairman Ognio stated that the opinion of the Transportation Committee was that a two-lane should be allowed, but if it were to become a four-lane, it might need to be an R-cut.

Frank Gardner stated that a "sticky" point for him was bicycles. He stated that it had become a major project for him. He stated that staff should start considering putting in a bicycle lane when these type improvements are being made or not to allow the bicycles.

Chairman Maxwell stated that he was involved in the West Fayetteville Bypass. He stated that he picked the Veterans Parkway because he thought it was a better road than the East Fayetteville Bypass. He stated that the East Fayetteville Bypass had been in the plans for a number of years. He stated that the West Fayetteville Bypass was continuing. He stated that he did not support the East Fayetteville Bypass. He stated that part of the reason was because he did not know how the road would finish up at the north part...Corinth curb. He stated that he went there and looked at the neighborhood and business. He stated that he saw no way of putting a four-lane road through the businesses without knocking the buildings down. He stated that he could not understand why we would build the bypass without tying in SR279. He was concerned with who would be using the road. He stated that he felt it would mainly be for out-of-county residence that would use this road. He stated that no one from the east part of the county had contacted him and said that they did not want the bypass and that was going to be important to him. He stated that he did not have enough information to say that he thought it was a great project because he did not know how it would finish at Corinth Road.

Commissioner Oddo stated that the population statistics show that even though Fayette County was slow growing, the surrounding counties are also growing. He stated that Chairman Maxwell was right that it would be for other counties to use, but they would use the roads the county had anyway, so this would help with congestion and hopefully prevent it from becoming like the middle of Peachtree City was currently. He stated that the county could look ahead and plan for what would be. He stated that if nothing was done, it would be worse. He stated that we should minimize the curb cut to move traffic from the south to the

north and it should not be a commercial corridor. He stated that this was the best time to do this. He stated that we do not want to stop this project. He stated that the county had received assistance to conduct studies. He stated that GDOT needed to know that the county had an interest in the project.

No action was taken.

**PUBLIC COMMENT:** None

**ADMINISTRATOR'S REPORTS:**

**GCIP Internship:**

Mr. Rapson advised the Board that the county had been awarded two internships through ACCG's internship program for both the Finance Department and the State Court.

**Selection Committees:**

**Development Authority:** Commissioner Brown moved to appoint Commissioner Brown and Vice Chairman Ognio as the Selection Committee for the Development Authority. Commissioner Rousseau seconded. The motion passed 4-0. Chairman Maxwell left the meeting.

**Hospital Authority:** Commissioner Brown moved to appoint Commissioner Oddo and Commissioner Brown as the Selection Committee for the Hospital Authority. Commissioner Rousseau seconded. The motion passed 4-0. Chairman Maxwell left the meeting.

**Public Arts Committee:** Commissioner Rousseau moved to appoint Commissioner Brown and Vice Chairman Ognio as the Selection Committee for the Public Arts Committee. Commissioner Brown seconded. The motion passed 4-0. Chairman Maxwell left the meeting.

**McIntosh Trail:** Commissioner Rousseau moved to appoint Commissioner Oddo and Commissioner Brown as the Selection Committee for the McIntosh Trail Community Service Board. Commissioner Brown seconded. The motion passed 4-0. Chairman Maxwell left the meeting.

**Transportation Committee:** Letters had been mailed out to the Transportation Committee's municipality representatives for appointment because their terms will end.

**ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there was one item of pending litigation and the review of the Executive Session minutes February 22, 2018.

**COMMISSIONERS' REPORTS:**

**Commissioner Brown:**

Commissioner Brown stated that Dekalb had a 48" water main blow out. He stated that schools had to be canceled and restaurants closed. He stated that the Watershed Director resigned and sent out a letter that said he was instructed to violate state and federal law by his superiors. He stated that from his perspective it was too late to offer a letter of resignation and now

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say someone told him to do the wrong thing. He stated that this had cost their county millions and millions of dollars. He stated that the time to say something was not after the calamity happened.

**Commissioner Rousseau:**

Commissioner Rousseau stated that he wanted to take the opportunity to commend the Transportation Committee. He stated that he attended the open house and that he was proud that the community was responding.

He continued that he had gotten a lot of emails regarding school safety. He stated that the school board was responding considering the issues happening around the country.

He stated that he wanted to reemphasize the issue of small cell towers. He stated that the county was about to be hit and that they were dealing with a bully in the telecommunication industry.

He stated that he had conversations with staff regarding Antioch and SR92 and he made some overtures to them with the previous vote that he made. He stated that they have an agreement to not let it get to that point before having more in-depth conversations. He extended his apologies and thanked staff for working with him on that issue.

He concluded with recognition of International Women's Day.

**Commissioner Oddo:**

Commissioner Oddo stated that his wife was back from handling family situations in Columbia and he was very happy to have her back.

**Vice Chairman Ognio:**

Vice Chairman Ognio stated that he agreed with Commissioner Rousseau regarding the small cell tower issue. He stated that the state took away any control the county would have within the county. He stated that it was interesting that they took out the ability to put the small cell towers on state right-of-way, but they can put it anywhere in the county. He stated that it was crazy that the legislative would do this to the county because it would affect the appearance of the right-of-way, but it would overall affect the cell tower ordinance in the county and that the Board would have to address that.

He stated that St. Patrick's Day was coming up.

**EXECUTIVE SESSION:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there was one item of pending litigation and the review of the Executive Session minutes February 22, 2018.

**One Item of Pending Litigation and review of the February 22, 2018 Executive Session Minutes:** Commissioner Rousseau moved to go into Executive Session. Commissioner Brown seconded. The motion passed 4-0. Chairman Maxwell had to leave the meeting.

The Board recessed into Executive Session at 10:03 p.m. and returned to Official Session at 10:08 p.m.

**Return to Official Session and Approval to Sign the Executive Session Affidavit:** Vice Chairman Ognio moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Brown seconded. The motion passed 4-0. Chairman Maxwell had to leave the meeting.

**Approval of the February 22, 2018 Executive Session Minutes:** Vice Chairman Ognio moved to approve the February 22, 2018 Executive Session Minutes. Commissioner Brown seconded. The motion passed 4-0. Chairman Maxwell had to leave the meeting.

**ADJOURNMENT:**

Commissioner Brown moved to adjourn the March 8, 2018 Board of Commissioners meeting. Commissioner Rousseau seconded. The motion passed 4-0. Chairman Maxwell had to leave the meeting.

The March 8, 2018 Board of Commissioners meeting adjourned at 10:08 p.m.

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Tameca P. White, County Clerk

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Eric K. Maxwell, Chairman

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Randy Ognio, Vice Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 22<sup>nd</sup> day of March 2018. 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 147 of 288

Department: Board of Commissioners

Presenter(s): Vice Chairman Randy Ognio

Meeting Date: Thursday, March 22, 2018

Type of Request: New Business #14

## Wording for the Agenda:

Consideration of Vice Chairman Randy Ognio's recommendation that it be the board's position to not post any employee file information on any published documents, agenda item or website.

## Background/History/Details:

This will not prevent an elected official from publishing the information that has been through the redaction process, but the county should not be responsible for any action taken against said official for publishing them.

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

Approval of Vice Chairman Randy Ognio's recommendation that it be the board's position to not post any employee file information on any published documents, agenda item or website.

## If this item requires funding, please describe:

Not applicable.

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

If so, when?

Is Audio-Visual Equipment Required for this Request? No

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:



# COUNTY AGENDA REQUEST

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Department: 911 Communications

Presenter(s): Bernard J. Brown, Director

Meeting Date: Thursday, March 22, 2018

Type of Request: New Business #15

## Wording for the Agenda:

Consideration of staff's request to approve the allocating of \$192,000 from the 911 Fund for the implementation of the Advanced NG911 Technology: Carbyne.

## Background/History/Details:

Carbyne is a state-of-the-art, proprietary IP-based emergency communication (call handling) platform that seamlessly integrates into existing public safety infrastructure and enhances it to accept real-time video, instant indoor and outdoor location accuracy, call prioritization and text-to-911.

Carbyne's ecosystem has several features that are proven to heighten citizen-government communications, lowering crucial times to dispatch for emergency services, as well as saving money and reducing costly resources.

Fayette County 911 was the first in North America to pilot Carbyne. Testing started in August 2017 and was completed in December of 2017. Multiple agencies throughout the county and municipalities participated in the pilot project.

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

Approval of the allocation of \$192,000 from the 911 Fund for the implementation of the Advanced NG911 Technology: Carbyne.

## If this item requires funding, please describe:

\$192,000 annually from the 911 fund for the duration of the contract (5 years)

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

If so, when?

Is Audio-Visual Equipment Required for this Request? Yes

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal No

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

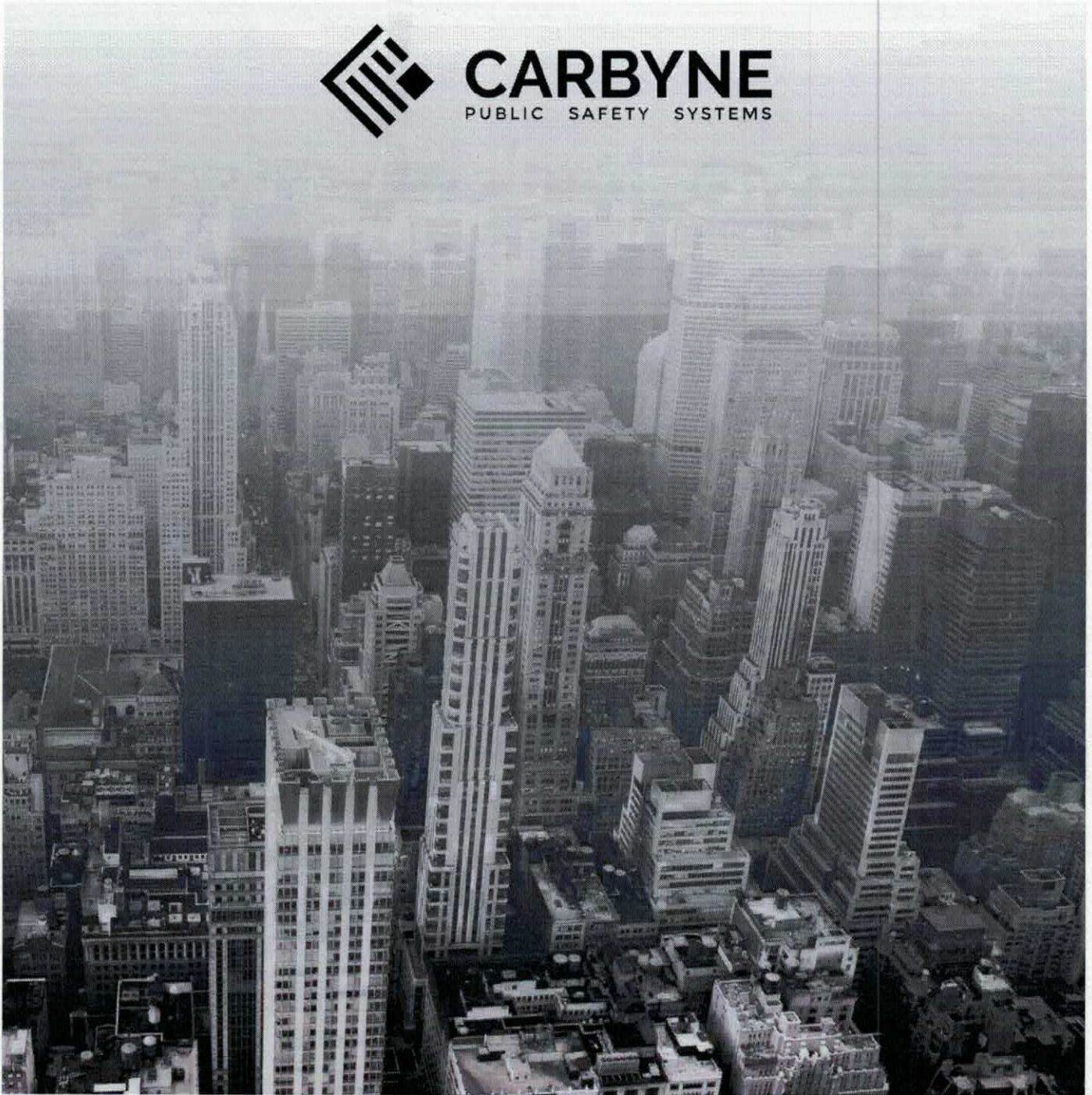
Administrator's Approval Yes

## Staff Notes:

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**CARBYNE**  
PUBLIC SAFETY SYSTEMS



# Public Safety Ecosystem

CARBYNE SOLE SOURCE JUSTIFICATION LETTER

JUNE 2017

To Whom It May Concern:

Carbyne Inc. is the sole source provider of the Reporty Public Safety Ecosystem (PSES) in the United States. Carbyne Inc. acts as a representative on behalf of Reporty and is a wholly owned subsidiary. Carbyne provides product demonstrations, technical and implementation support, and other services to customers, as the exclusive reseller of Reporty technologies in the US. The Reporty PSES is sold only as a direct transaction between Carbyne Inc. and its end customers in the US.

Reporty's PSES combines a state-of-the-art indoor and outdoor positioning system which, coupled with our unique machine learning algorithm, provides an accurate location. Having deployed internationally in several countries has given us an unparalleled insight into the core requirements needed to enhance government-citizen communications. Combining streaming video, call prioritization, our virtual router, and our patented location technology, Reporty's PSES is a paradigm shift in emergency and non-emergency response.

Eyal Elyashiv  
Chief Operating Officer  
Carbyne, Inc.





## PRICE QUOTE (all values in \$USD)

Based on the information provided by Fayette County, Carbyne is providing the following price quotation for deploying our Next Generation call handling Ecosystem as a standalone (not integrated with any other Customer Premise Equipment and/or software) solution.

The cost per month before discounts for annual licensing is \$20,000 and the system includes one (1) c-Events station (fee waived), eight (8) c-Live stations at price of \$2500 per month (\$500 discount per license) and one (1) CRM system (fee waived). Additional stations added to annual licensing will be priced separately. Those prices are for full system deployment including, training; support for right of use of 12 months – including integration to third-parties. Additional developments will be performed on agreed upon terms.

All prices are on NET Carbyne basis, free of any taxes, levies and such.

Total project value is: \$2,000 x 8 Stations at \$16,000 per month = \$960,000 for 60 months.

Payment terms: Down payment of 18% equal to \$172,800 upon signing and \$16,000 per month onward.

Comparing our pricing to work we have performed for other agencies and municipalities of similar size and complexity, below is an inclusive breakdown of costs associated with this project. This document supersedes any verbal, written, or previous pricing arrangements.

	Rate	Notes
<b>Carbyne Technology Licenses</b>	<b>\$240,000</b>	Eight (8) licenses
Text-to-911	-	Included (alt. 3rd party service: ~\$90k)
c-All SMS Charges	\$2,400	Waived
Location	-	Included
c-Events	\$12,000	Waived
c-Reports	\$8,600	Waived
Maintenance	\$24,000	Waived
<b>Total</b>	<b>\$287,000</b>	
Integration	\$100,000	Waived
<b>Subtotal</b>	<b>\$187,000</b>	
33% Fayette Discount	\$94,710	33% off "rack rate" (\$287,000)
<b>Net Price</b>	<b>\$192,000</b>	

On behalf of Carbyne.

On behalf of Customer.

By: \_\_\_\_\_  
Name: Eyal Elyashiv – Carbyne CO

By: \_\_\_\_\_  
Name:

# CARBYNE & FAYETTE COUNTY

## The First, and Final, Step Towards NG911



CARBYNE IS A NATIONAL REAL-TIME EMERGENCY COMMUNICATION  
(CALL HANDLING) PLATFORM LEADING THE MOST ADVANCED  
PUBLIC SAFETY TECHNOLOGY FOR EMERGENCY INFRASTRUCTURE



GLOBAL OPERATION



FOUNDED

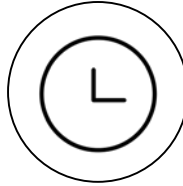


60+ EMPLOYEES



OFFICES IN TEL AVIV  
&  
NEW YORK





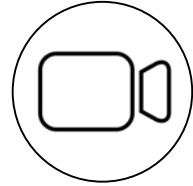
SHORTER CALL  
DURATION



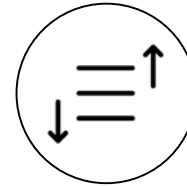
INCREASE STAFF  
EFFICIENCY



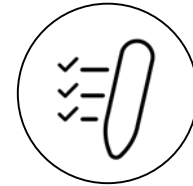
DEVICE BASED  
LOCATION



LIVE VIDEO AND  
TEXT

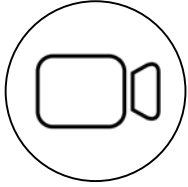


CALL  
PRIORITIZATION

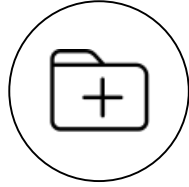


DATA MANAGEMENT

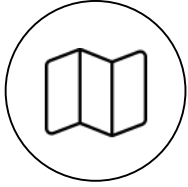
# Benefits for The PSAP



LIVE VIDEO  
REPORT



MEDICAL PROFILE  
SHARE



SEE REPORTS ON  
LIVE MAP



EXACT INDOOR AND  
OUTDOOR LOCATION



ROUTING  
OPTIMIZATION



NOTIFIED WHEN  
FAMILY AND FRIENDS  
REPORT

## Benefits for Citizens



# Features and Prices

	Rate	Fayette County	Notes
<b>Carbyne Technology Licenses</b>	\$240,000	\$192,000	Eight (8) licenses
Text-to-911	-	-	Included (alt. 3rd party service: ~\$90k)
c-All SMS Charges	\$2,400	\$0.00	Waived
Location	-	-	Included
C-Events	\$12,000	\$0.00	Waived
C-Reports	\$8,600	\$0.00	Waived
Maintenance	\$24,000	\$0.00	Waived
<b><i>Integration - one time fee</i></b>	<b><i>\$100,000</i></b>	<b><i>\$0.00</i></b>	<b><i>Waived</i></b>
<b>Total</b>	<b>\$387,000</b>	<b>\$192,000</b>	
<b>First Year Cost</b>	<b>\$387,000</b>	<b>\$192,000</b>	<b>50% discount</b>
<b>Yearly Cost</b>	<b>\$287,000</b>	<b>\$192,000</b>	<b>33% yearly discount</b>

# Five Year Contract Savings

<b>Carbyne Contract</b>	<b>Rate</b>	<b>Fayette County</b>	<b>Savings</b>
<b>First Year</b>	\$387,000	\$192,000	\$195,000
<b>Second Year</b>	\$287,000	\$192,000	\$95,000
<b>Third Year</b>	\$287,000	\$192,000	\$95,000
<b>Forth Year</b>	\$287,000	\$192,000	\$95,000
<b>Fifth Year</b>	\$287,000	\$192,000	\$95,000
<b>Contract Total</b>	\$1,535,000	\$960,000	\$575,000

# Fayette County: Creating A Safer Now

Thank You!



CARBYNE



# COUNTY AGENDA REQUEST

Page 159 of 288

Department: Board of Commissioners

Presenter(s): Commissioner Steve Brown

Meeting Date: Thursday, March 22, 2018

Type of Request: New Business #16

## Wording for the Agenda:

Consideration of Resolution 2018-07 requesting that the Georgia Department of Transportation cease the widening project for McDonough Road.

## Background/History/Details:

Commissioner Brown has asked that this resolution be brought before the Board of Commissioners for a vote.

The backup material includes:

"Exhibit A" provides Resolution 2015-11 and an associated map.

"Exhibit B" provides a section of the September 26, 2013 Board of Commissioners Minutes when Georgia Department of Transportation (GDOT) Board Member Dana Lemon addressed the Board of Commissioners on the widening project. Exhibit B also includes Attachment 24, which is the presentation given by GDOT at the meeting.

"Exhibit C" provides a memo from Public Works Director Phil Mallon to GDOT concerning a Public Information Open House that was held for the widening projects and an associated map.

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

Adoption of Resolution 2018-07 requesting that the Georgia Department of Transportation cease the widening project for McDonough Road.

## If this item requires funding, please describe:

Not Applicable.

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

If so, when?

Is Audio-Visual Equipment Required for this Request? No

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:



County of Fayette;  
State of Georgia

## RESOLUTION 2018-07

### A RESOLUTION REQUESTING THAT GDOT CEASE THE WIDENING PROJECT FOR MCDONOUGH ROAD

- WHEREAS,** Fayette County strives to plan and implement transportation projects that will enhance the quality of life for our citizens in future years; and
- WHEREAS,** Transportation funds are limited at all levels and must be used in the most productive and efficient manner possible; and
- WHEREAS,** The Georgia Department of Transportation (GDOT) has introduced the widening project for McDonough Road, extending road capacity from I-75 to Fayetteville, taking the project out of the control of Fayette County's GDOT District 3 and assigning the project within our county to a neighboring GDOT district; and
- WHEREAS,** There is no citizen demand for the McDonough Road project in Fayette County and no desire for implementation from the Board of Commissioners; and
- WHEREAS,** The road project would have a significant negative community and financial impact on the Water System headquarters, the Public Works facility and the largest recreation area in the county in addition the county utility movement cost; and
- WHEREAS,** The 2007 Regional Strategic Transportation System (RSTS), looking at capacity expansion of strategic arterial facilities, established the realization that capacity is heavily restricted on SR 85 and SR 54 in historic downtown Fayetteville and that creating more traffic flow through increased capacity into that area would create future traffic issues; and
- WHEREAS,** The Board of Commissioners does not want to ruin the rural feel and entice large scale development to the valued rural southern portion of Fayette County; so

**BE IT THEREFORE RESOLVED THAT** the Board of Commissioners of Fayette County does hereby formally request that the Georgia Department of Transportation withdraw any plans to widen McDonough Road within the boundaries of Fayette County and that the funds be used for projects affecting a greater number of Fayette commuters such as the interchange at SR 74 and I-85.

So resolved this 22nd day of March 2018, by the

**BOARD OF COMMISSIONERS  
FAYETTE COUNTY, GEORGIA**

Attest:

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Eric K. Maxwell, Chairman

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Tameca White, County Clerk

# EXHIBIT A

County of Fayette;  
State of Georgia

## RESOLUTION 2015-11

### A RESOLUTION REQUESTING THAT GDOT CEASE THE WIDENING PROJECT FOR MCDONOUGH ROAD AND STATE ROUTE 54-EAST

- WHEREAS,** Fayette County strives to plan and implement transportation projects that will enhance the quality of life for our citizens in future years; and
- WHEREAS,** Transportation funds are limited at all levels and must be used in the most productive and efficient manner possible; and
- WHEREAS,** The Georgia Department of Transportation (GDOT) has introduced the widening project for McDonough Road and State Route 54-East, taking the project out of the control of Fayette County's GDOT District 3 and assigning the project within our county to a neighboring GDOT district; and
- WHEREAS,** There is no citizen demand for the McDonough Road and State Route 54 projects in Fayette County and no desire for implementation from the Board of Commissioners; and
- WHEREAS,** The road project would have a significant negative community and financial impact on the Water System headquarters, the Public Works facility and the largest recreation area in the county in addition the county utility movement cost; and
- WHEREAS,** The 2007 Regional Strategic Transportation System (RSTS), looking at capacity expansion of strategic arterial facilities, established the realization that capacity is heavily restricted on SR 85 and SR 54 in historic downtown Fayetteville and that creating more traffic flow through increased capacity into that area would create future traffic issues; and
- WHEREAS,** The Board of Commissioners does not want to ruin the rural feel and entice large scale development to the valued rural southern portion of Fayette County; so

**BE IT THEREFORE RESOLVED THAT** the Board of Commissioners of Fayette County does hereby formally request that the Georgia Department of Transportation withdraw any plans to widen McDonough Road and State Route 54-East within the boundaries of Fayette County and that the funds be used for projects affecting a greater number of Fayette commuters such as the interchange at SR 74 and I-85. **Be it further resolved,** Fayette County withdraws any county funds for utilities committed to this project.

So resolved this 23<sup>th</sup> day of July 2015, by the

**BOARD OF COMMISSIONERS  
FAYETTE COUNTY, GEORGIA**

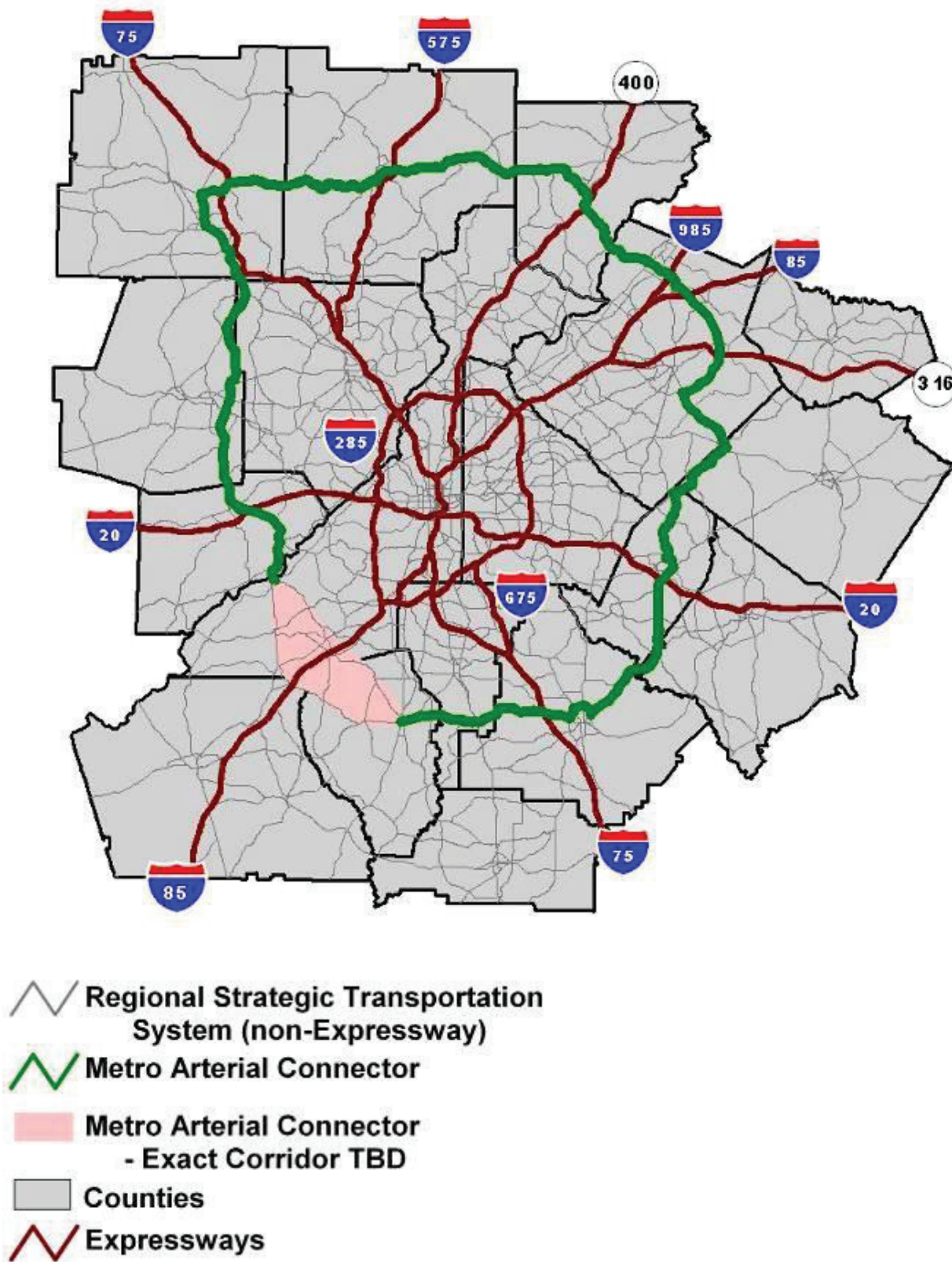
Attest:

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Charles Oddo, Chairman

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Floyd L. Jones, County Clerk



"A critical concept in the RTP is the Regional Strategic Transportation System (RSTS), which supports capacity expansion of strategic arterial facilities."

Atlanta Regional Commission, July 2007

# EXHIBIT B

has a cell tower in the middle of the property. He said staff wants to put something in the County Ordinance that allows the County to work with the property owner in an effort to revise the site plan for that property and to move the cell tower to a different location. He said he wanted to set time limits on how long it would take to move the tower to a different location and to take the existing tower down. He explained that this issue would be mainly a housekeeping effort, but it would allow something to be in place that sets a deadline for the work to be completed since, as some point, there will be two cell towers on the property. Mr. Frisina said staff was looking at about a 108-day period of time, or approximately four months, to get all the equipment moved, get the new tower built, and to take down the existing tower. The Board agreed with Mr. Frisina's request to put all of these changes into one amendment and to handle them all quickly. The Board did not object to Mr. Frisina's request.

The Board directed staff to move forward with public hearings for the proposed amendments. The Board took no action on this item. A copy of the request, identified as "Attachment 23", follows these minutes and is made an official part hereof.

#### **NEW BUSINESS:**

##### **17. Presentation by the Georgia Department of Transportation concerning the department's project to widen McDonough Road.**

Public Works Director Phil Mallon introduced Georgia Department of Transportation (GDOT) Board Member Dana Lemon, who represents the 13<sup>th</sup> Congressional District, and he introduced Georgia Department of Transportation Project Manager Jeremy Busby to the Board. Mr. Mallon explained that the GDOT project was a very large project, and that it would have substantial impact on many of Fayette County's facilities as well as future transportation projects. He said this presentation was for the Board's information only and that shortly after the meeting he would provide each Commissioner a draft set of comments to be officially submitted to the GDOT. He thanked Ms. Lemon and Mr. Busby for taking their time to come to the meeting, and he told the Board that they have sat through many public meetings concerning this project. He told the Board and audience that there is a drawing showing the proposed project, that the drawing was in back of the room, and that he would stay until after the meeting to talk to the citizens about the project.

Representative Lemon thanked the Board and county staff for always being willing to work with the GDOT. She agreed that this is a significant project, but she pointed out that this is a proposed project—and that part of the process was to get feedback from the Board and the citizens. She emphasized that feedback is critical not only for this project but for all of GDOT's projects and she thanked the Board for allowing them to come and for feedback. She said if the GDOT could do anything to support transportation and economic development in the Fayette County community that the GDOT looked forward to the opportunity to help and serve.

GDOT Project Manager Jeremy Busby gave a PowerPoint presentation concerning the GDOT's proposed project to widen McDonough Road. He said the project was intended to be about six-miles long and that it would stretch from State Route 54 in Fayette County to Tara Boulevard in Clayton County. He said the reasons for the proposed widening of McDonough Road were: 1) safety since the geometry of the current road is substandard for the speed and amount of cars on the road, and 2) due to projection for traffic to increase on McDonough Road and the widening will address both current and future congestion. He told the Board that the GDOT was proposing widening McDonough Road from two lanes to four lanes, and that it would have a concrete, raised median that would be about twenty feet wide, and that it would have



bicycle lanes in both directions with sidewalks, and that it would have three additional traffic signals. He said the work would also replace the bridges at the Flint River and Hurricane Creek. He said the GDOT is in the information gathering process for this proposed project, and that the GDOT was conducting utility studies to determine what utilities are currently on the corridor. He said the GDOT was also making right-of-way determinations and was trying to reduce impact as much as possible. He clarified that although the GDOT is looking at right-of-ways, there have been no requisitions at this point in time. He added that the GDOT is also working through environmental studies, historical studies, and that there are schools and churches that have environmental protections, that there is a historic farm, and that there is a historic cemetery from the Civil War. Mr. Busby said the GDOT held a public meeting in the month of July where the project was presented at a local public high school, and that the GDOT did additional outreach throughout the community. He said 199 people attended the outreach and that the GDOT received 107 comments that are currently being reviewed. He said the GDOT will prepare responses to all of the comments it had received, that right-of-way activities should begin as early as 2016, and that the widening project would potentially begin in 2019.

Chairman Brown said Fayette County always appreciated working with its neighboring districts and counties, and he pointed out that Fayette County is involved with the Interstate 85 and State Route 74. He said the south side of metro Atlanta has realized that "we are all in this together and we've got to pull for each other" since "we're competing with gigantic counties on the north side." Chairman Brown pointed out that Fayette County has a lot of infrastructures near the intersection of State Route 54 and McDonough Road. He explained that the County has a huge recreational complex in the area, and at the County's Public Works facilities and the Water System were located along McDonough Road. He told Mr. Busby that one major concern is that the Public Works facility is near the intersection of State Route 54 and McDonough Road, and that it appeared that the current plans called for making a right-hand turn out of the facility and the U-turn to get back to State Route 54. He told Mr. Busby that the trucks that would have to make the U-turn are dump trucks, large trucks carrying large trailers with large pieces of equipment and machinery, and similar-type vehicles, and he said the Board was really worried about not having the capacity to make a U-turn with that type of equipment. He said the County would like to work with the GDOT in exploring the possibility of having an extension road that could take these vehicles to the next logical intersection so that the vehicles could make a legitimate left-hand turn. He said that would keep the County from damaging equipment and possibly harming someone in the process. Chairman Brown also pointed out the County was concerned about access to the ball fields, and that there should be some type of logical entry to the fields so that the families can get in and out of that recreation area. He asked the GDOT to work with the County to help figure out how to get kids in and out of the recreation area. Chairman Brown informed the GDOT that Fayette County is starting an initiative for multi-use paths, in lieu of sidewalks, and that this project would be a great potential corridor for multi-use paths since there are recreation facilities in the area. He thought it would be a good idea for GDOT to look into constructing a multi-use path and a box culvert that could be used to access the ball fields. He concluded that those would be some of the top issues Fayette County would like for the GDOT to work with.

Commissioner Barlow acknowledged that he has not been involved with the relocation of a cemetery, and he asked how that issue would be resolved. Mr. Busby replied that the cemetery would not be relocated, but that the GDOT was looking for ways to avoid the cemetery.

Commissioner Ognio said he was really concerned about the parks along McDonough Road and being able to get in and out of the parks. He explained that he saw there were potential problems with the plans as they are currently proposed, and that there could be safety issues with people making U-turns in an effort to get to the park. Mr. Busby recognized Commissioner Ognio's concerns, and briefly spoke about ways the concerns could be addressed.

The Board thanked Mr. Busby and Representative Lemon for coming to them on this proposed project. The Board gave no direction and took no action in this matter. Copies of the request and PowerPoint presentation, identified as "Attachment 24", follow these minutes and are made an official part hereof.

**18. Consideration of staff's recommendation to adopt Ordinance 2013-12 amending the Code of Ordinances for Fayette County, Georgia; to enact provisions pertaining to registration of vacant or foreclosed real property; to provide an effective date, to repeal conflicting ordinances; to provide for severability, to promote the public health, safety and welfare, and for other purposes.**

Community Service Director Pete Frisina said this recommendation was a procedure that was rectified in State law, and it set standards for how communities set up registries for vacant and foreclosed properties. He reminded the Board that Fayette County has had a lot of vacant and foreclosed properties over the past years, and that they can cause property maintenance issues that are very difficult to resolve. He said many times the County cannot find the owners of the properties. He said this Ordinance would require property owners to register with the County and to maintain a registry, and he said it would give the County the ability to enforce County ordinances much better. Mr. Frisina acknowledged that the hard part would be to get the property owners to register their properties, but that there are penalties involved for those who do not register. He explained that the state has directed that the fee could not be more than \$100 per registrant, and he suggested that Fayette County set the fee at the \$100 maximum. He explained that staff would have to take the applications, maintain them, check on them, and keep up with the properties when they come out of foreclosure. He concluded that the work would involve a lot of staff time since it would entail creating a database and writing letters to industries telling them to submit their properties.

Commissioner Ognio asked if there were penalties involved if a property was not registered. Mr. Frisina replied that there were penalties, and that the penalties were not to exceed \$1,000.00.

Commissioner Barlow moved to accept staff's recommendation to adopt Ordinance 2013-12 amending the Code of Ordinances for Fayette County, Georgia; to enact provisions pertaining to registration of vacant or foreclosed real property; to provide an effective date, to repeal conflicting ordinances; to provide for severability, to promote the public health, safety and welfare, and for other purposes. Commissioners McCarty and Oddo seconded the motion. No discussion followed. The motion passed unanimously.

County Administrator Steve Rapson asked the Board to hold a second vote establishing the fee at \$100.00.

Chairman Brown moved to establish a fee at \$100.00. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and Ordinance 2013-12, identified as "Attachment 25", follow these minutes and are made an official part hereof.

## COUNTY AGENDA REQUEST

Department: Commissioners

Presenter(s): Jeremy Busby, Georgia DOT

Meeting Date: Thursday, September 26, 2013

Type of Request: New Business

## Wording for the Agenda:

Presentation by the Georgia Department of Transportation concerning the department's project to widen McDonough Road.

## Background/History/Details:

The Georgia Department of Transportation (GDOT) is the in public comment phase of a proposed project to widen McDonough Road from State Route 54 to US 19/State Route 3; consisting of approximately 6 miles.

This presentation to the Fayette County Board of Commissioners will be part of GDOT's outreach to stakeholders and constituents in the project area during this public comment period.

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

Presentation by the Georgia Department of Transportation concerning the department's project to widen McDonough Road. No action is requested or required.

## If this item requires funding, please describe:

Not Applicable.

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

If so, when?

Is Audio-Visual Equipment Required for this Request? Yes

Backup Provided with Request?

**\* 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:

# **Proposed Widening Project: McDonough Road Fayette and Clayton Counties – PI 742870**

Jeremy Busby, Project Manager  
Georgia DOT

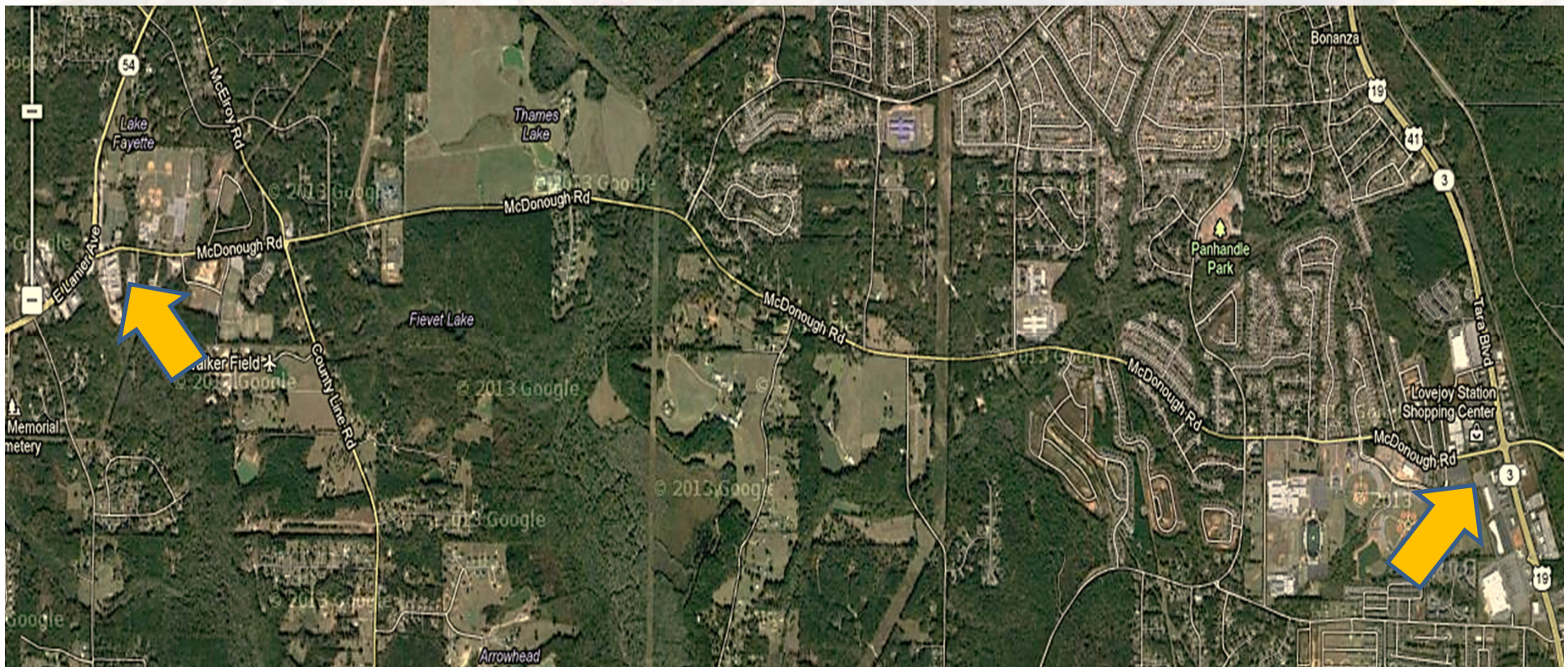




# Proposed McDonough Rd Widening

Approximately 6 miles

McDonough Rd/SR 920 (temp) from SR 54 in Fayette to  
Tara Blvd./SR 3/US 19 in Clayton





# Proposed McDonough Rd Widening

Why is this Project Proposed/Needed?

## 1. SAFETY

- Improve sight distances, eliminate blind curves.
- Address this road's high accident, fatality rates.

## 2. EASE CONGESTION

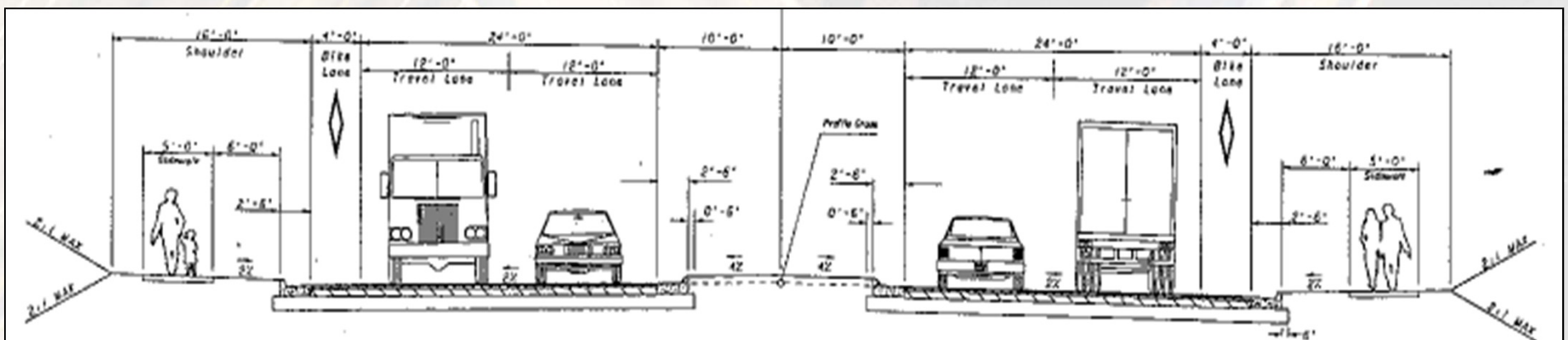
- Provide additional capacity on this congested roadway.
- Enhance pedestrian and vehicular traffic flow from surrounding neighborhoods.



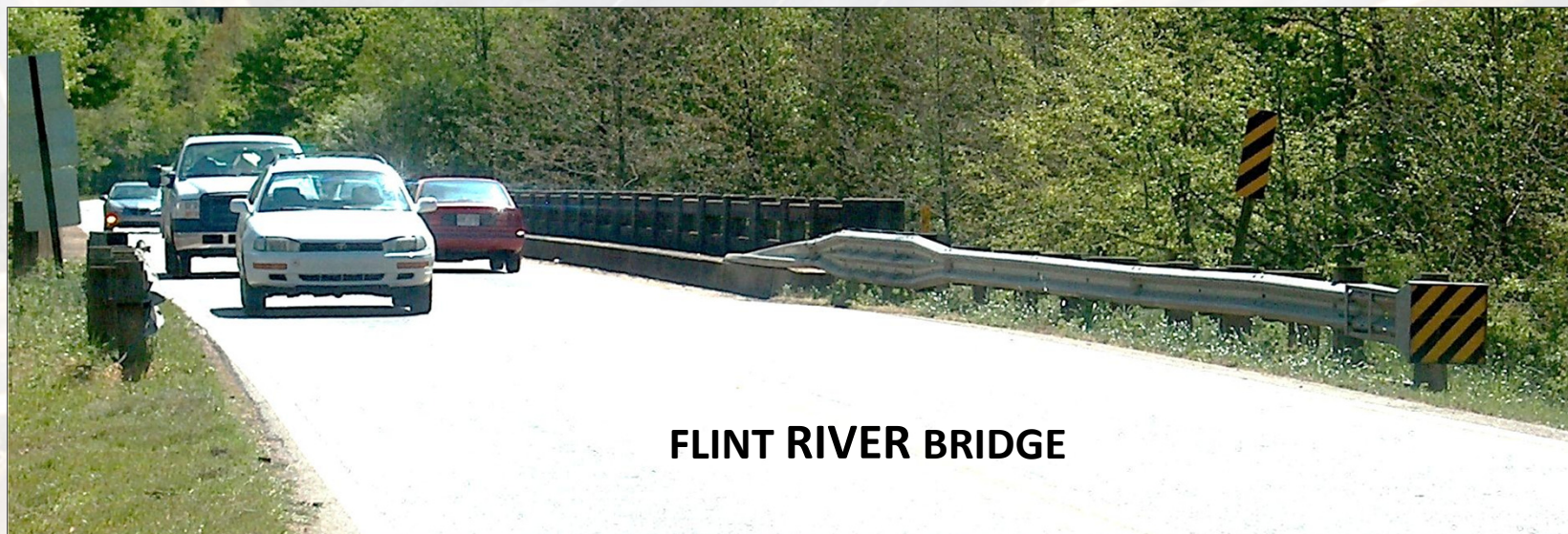


# Proposed McDonough Rd Widening

- Widen existing 2 lanes to 4 lanes (2 in each direction).
- 20-foot wide raised concrete median.
- Bike lanes both directions and 5-foot sidewalks along each side.
- 3 new traffic signals in addition to 3 existing signals.
- Replace bridges at Flint River and Hurricane Creek.









# Proposed McDonough Rd Widening

Where are we in the decision-making process?

- Utility relocations:
  - Gathering information regarding utility facilities on corridor.
- Right of Way determinations:
  - Changes in design reduced residential displacements from 50 to 8.
  - No right of way acquisitions until 2016.

# Proposed McDonough Rd Widening

Where are we in the decision-making process?

- Environmental studies –
  - 4F impacts to school, churches
  - Impacts to stream at South Woods Drive.
  - Impacts to Flint Woods Farm.
  - Historical impacts to and mitigation of Civil War cemetery and remnants near Lovejoy Battlefield





# Proposed McDonough Rd Widening

## Where are we in the decision-making process?

- Public Involvement –
  - Public Information Open House held July 11, 2013 at Lovejoy High School.
  - In addition to standard outreach, we distributed 3500 flyers to area homeowners, businesses and emailed Clayton, Fayette officials to announce PIOH.
  - 199 attendees, 107 comments received and reviewed.
  - Plans for another PIOH and public comment period late September/early October 2013.



### McDonough Road Construction Project

#### Public Information Open House

5-7 p.m. Thursday, July 11, 2013  
Lovejoy High School  
1587 McDonough Road  
Hampton GA 30228

The Georgia Department of Transportation is seeking public input regarding a proposed construction project on McDonough Road, from US 19/41 in Clayton County to SR 54 in Fayette County.

Plans call for the road to be widened to four lanes with a 24-foot wide raised median and the addition of bike lanes, sidewalks and curb/gutters. Bridges at Hurricane Creek and the Flint River would be replaced.

Your input is welcomed and encouraged. Comments will be recorded for the official project record.

# Proposed McDonough Rd Widening

## Anticipated Next Steps:

- Next PIOH – September, October 2013.
- Careful consideration of the public comments.
  - Responses to be prepared and distributed by GDOT.
- Right of Way activities in 2016, 2017 (tentative).
- Project to let, contract award.
- Begin construction in 2019 (tentative)
  - Information to residents, businesses in project area on any traffic interruptions related to construction.



# **Thank you.**

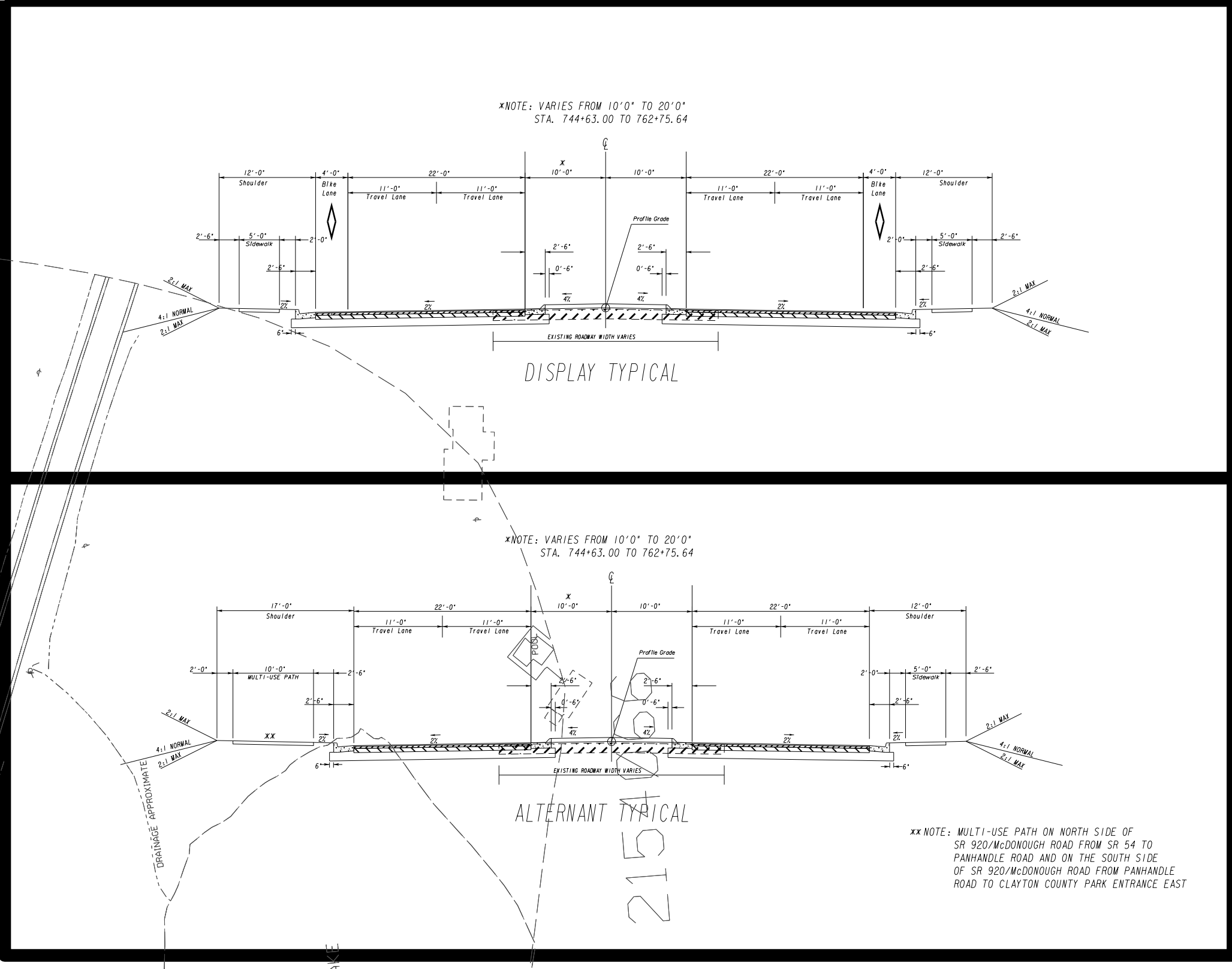
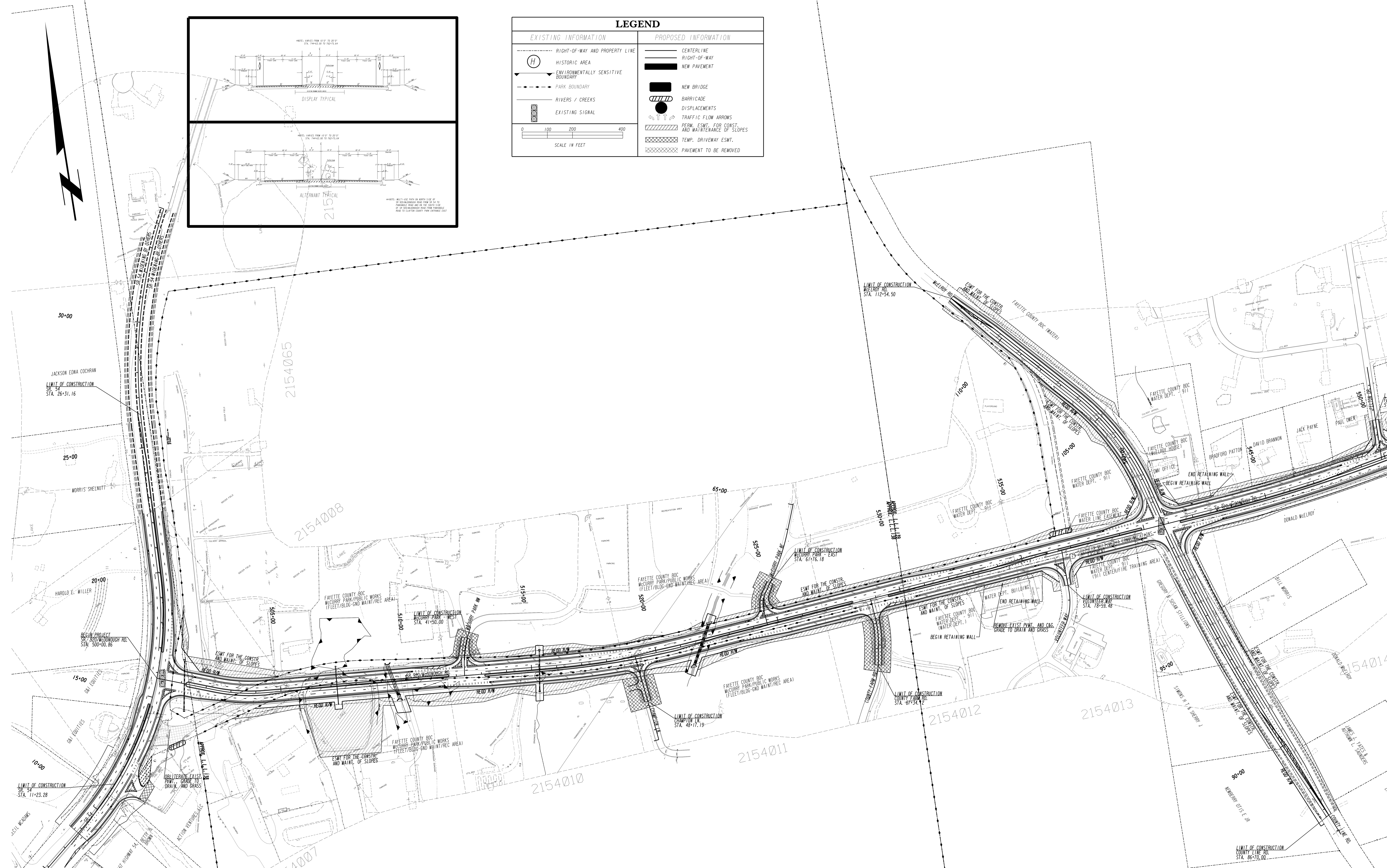
Jeremy Busby, P.E., Project Manager  
Georgia DOT

[jbusby@dot.ga.gov](mailto:jbusby@dot.ga.gov)

404-631-1154

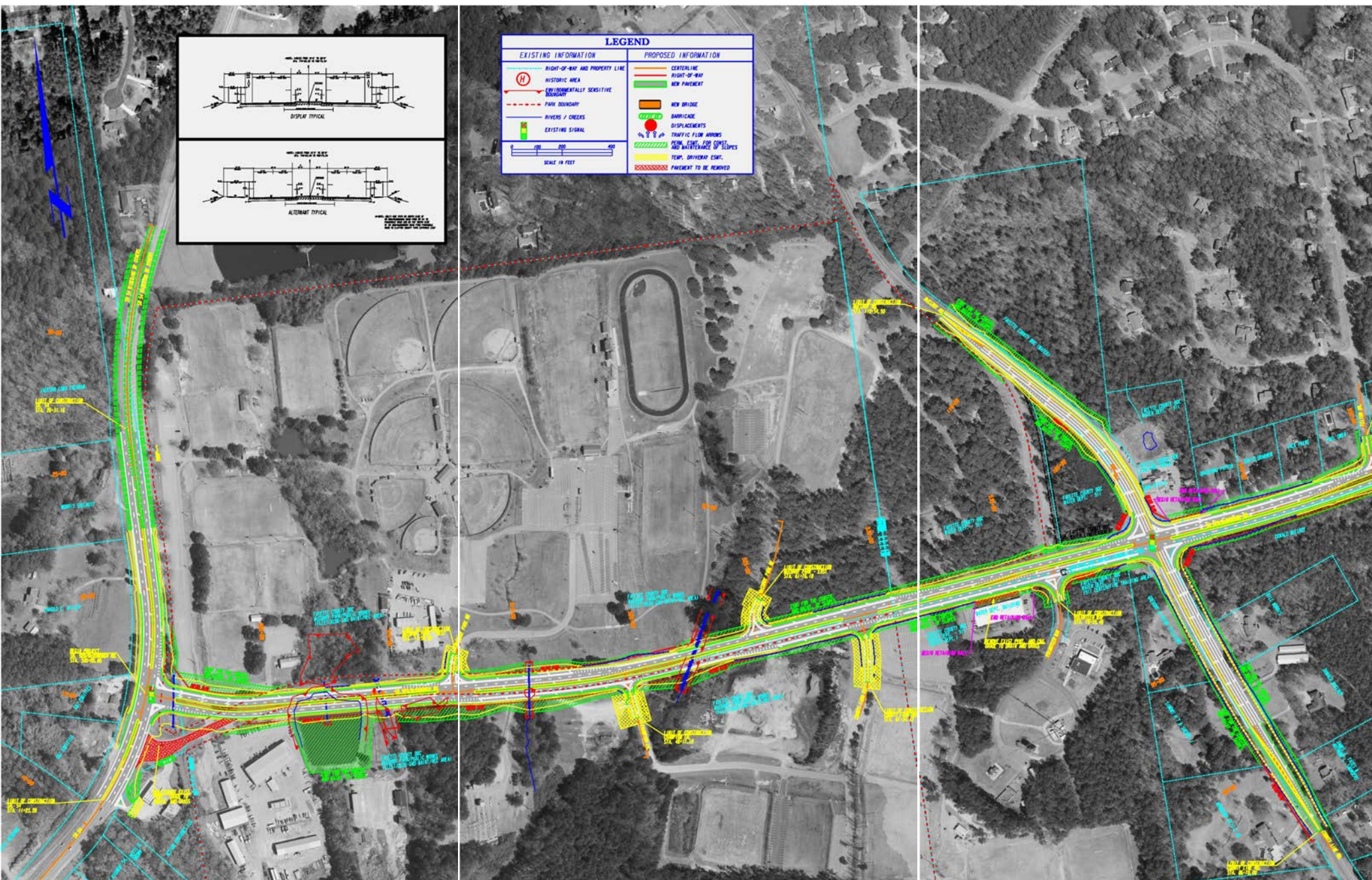
[www.dot.ga.gov](http://www.dot.ga.gov)





LEGEND	
EXISTING INFORMATION	PROPOSED INFORMATION
RIGHT-OF-WAY AND PROPERTY LINE	CENTERLINE
HISTORIC AREA	RIGHT-OF-WAY
ENVIRONMENTALLY SENSITIVE BOUNDARY	NEW PAVEMENT
PARK BOUNDARY	NEW BRIDGE
RIVERS / CREEKS	BARRICADE
EXISTING SIGNAL	DISPLACEMENTS
SCALE IN FEET	TRAFFIC FLOW ARROWS
	PERM. ESMT. FOR CONST. AND MAINTENANCE OF SLOPES
	TEMP. DRIVEWAY ESMT.
	PAVEMENT TO BE REMOVED





# EXHIBIT C





*Where Quality Is A Lifestyle*

TO: GDOT Project Team – PI No. 742870

FROM: Phil Mallon, Fayette County Public Works

DATE: July 11, 2013

RE: Public Information Open House - County comments regarding widening of SR 920 (McDonough Road) from SR 54 to SR 3/US 19.

Thank you for the opportunity to attend the Public Information Open House. Below are comments from Fayette County Public Works on the project. I can be reached at 770-320-6010 or [pmallon@fayettecountyga.gov](mailto:pmallon@fayettecountyga.gov) if any questions.

1. *Need for on-going Coordination* – As a whole, Fayette County supports the widening of McDonough Road, however, many County operations and properties will be significantly impacted. The cost to mitigate these impacts may be substantial and requires appropriate planning and coordination. It is essential that Fayette County and the GDOT develop an understanding of what mitigation (e.g., access road) will be provided as part of the project.
2. *Access* – It is essential to maintain full left and right turn movements for the Public Works, Building & Grounds, McCurry Park North, McCurry Park South, Water System and E911 facilities. Limiting any of these facilities to right-in, right-out would have unacceptable impacts to traffic safety, public safety/emergency response, and traffic efficiency. Fayette supports the two median breaks proposed between SR 54 and McElroy Road, but additional detail is needed on intersection controls and access roads/drives. At least one of the two intersections should be signalized due to the trucks and tractor trailers traveling to and from Public Works each day. The periodic high traffic volumes associated with McCurry Park and youth sport tournaments also necessitate a signal.
3. *Parking* – McCurry Park north and south currently experience parking shortages during weekend games and tournaments. This project will reduce the number of spaces at both the north and south areas and further restrict access into and within the park. A plan is needed to mitigate for the lost parking spaces.
4. *Water System Offices* – The Water System’s administrative office is located at 245 McDonough Road. Customer parking and the main entrance are located in the front of the building. Under the proposed plan the new ROW would be approximately 28 feet from the building. The widening project will remove all front parking and likely require reconfiguration of the building interior to allow customer parking at a new “front” entrance.

Although the facility is not required to meet zoning setbacks because it is a County building, the required A-R front yard setback would be 100 feet if applicable. Significant changes to the building's parking, driveways, landscaping, and septic drain fields may also be required.

5. *Multi-Use Path* – Fayette County prefers the installation of multi-use paths in lieu of sidewalks and bike lanes. Reasons include: safety, consistency with other areas in County, and better opportunity for access to park areas. The paths could be located within the GDOT ROW or possibly on easement areas outside the ROW.
6. *Pedestrian Crosswalks, Tunnel and/or Overpass* – McCurry Park receives heavy traffic from youth soccer, football, baseball and softball. Providing a safe and practical means for people to cross the divided highway is important to maintain connectivity between the fields and amenities on both sides of McDonough Road.
7. *E911 Communications* – The 911 Center is located on Volunteer Way and is the sole communication center for all City and County emergency calls and dispatches. The facility is also the training center for Fire and Emergency Management Services so it is common for emergency response personnel and equipment to be on-site (thus the need for left turn ability from the E911 Center).

A large utility box is located immediately to the east of existing Volunteer Way. It appears to be shown on the drawings and is located near the middle of the proposed eastbound lane. This box is critical to all emergency/public safety dispatch in the County.

Communication to the facility cannot be interrupted. Appropriate planning is needed to ensure continuous power, communication and access to the 911 Center.

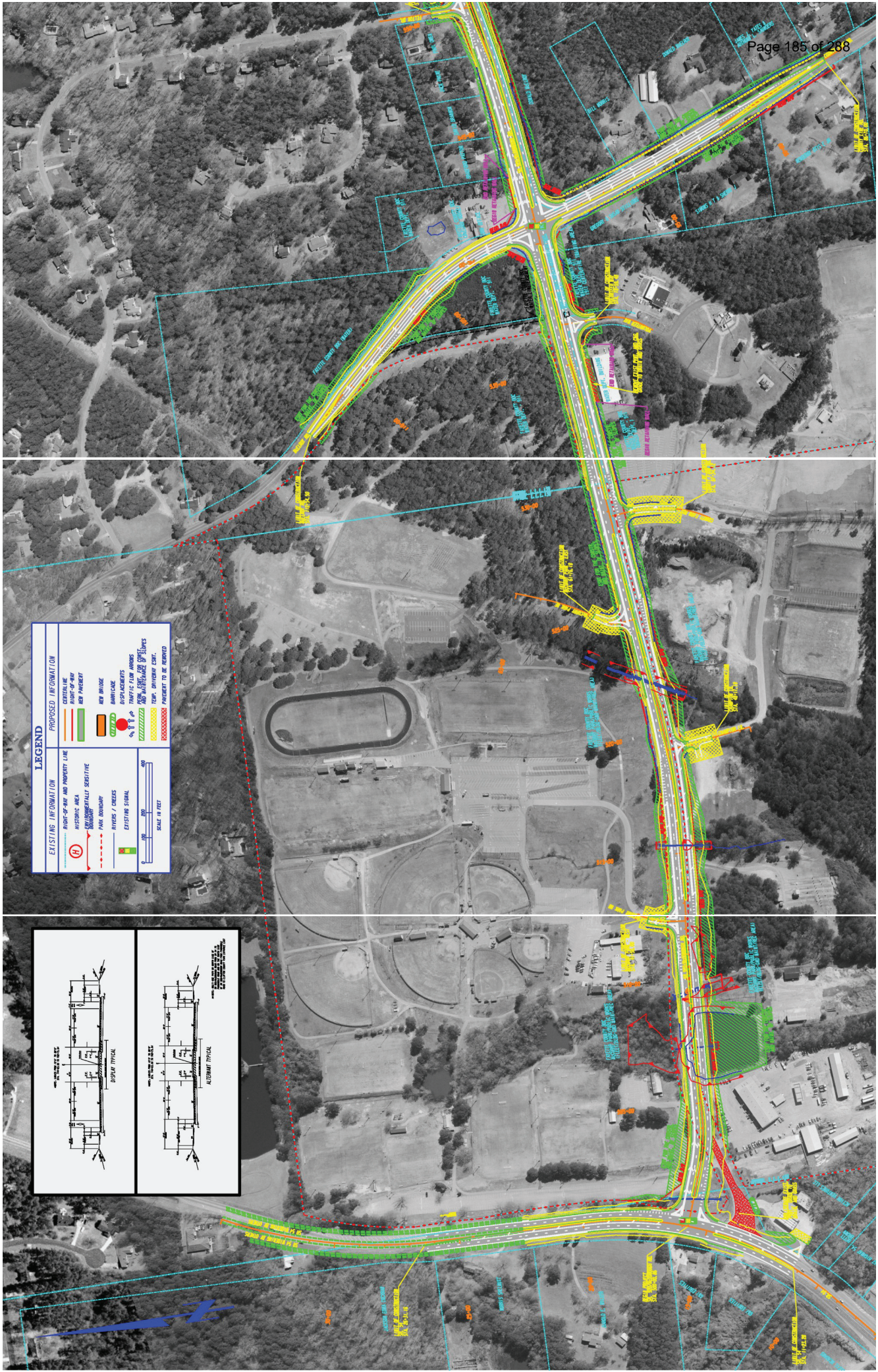
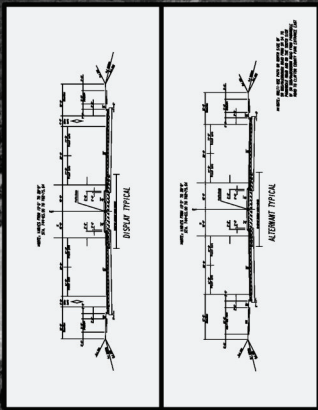
8. *Bedrock and Utilities*– Past County work around the intersections of McDonough Road with Volunteer Way and County Line Road has revealed substantial bedrock outcrops in this area. Besides the extra cost associated with bedrock removal, this is noted because of potential impacts to the E911 utility box and three key water lines in the area: a 24-inch line along McElroy Road; an 8-inch line along north side of McDonough; and a 10-inch line along the south side of McDonough.
9. *Utility Easements at existing McDonough Road and SR 54* – Fayette County's Water System requests that existing ROW at this location be maintained (or protected by easements) to accommodate existing utility infrastructure. The County may also be interested in maintaining this area as landscape green space once the intersection is moved.
10. *Public Works Septic* – Sewage from the Public Works building is pumped under McDonough Road to a septic tank located behind the north soccer concession building. The waste line is 2-inch PVC inside a 4-inch steel casing. Contact us if assistance is needed to locate this line during Subsurface Utility Engineering.
11. *Shooting Range for Law Enforcement* – The Sheriff's Office maintains a shooting range on the south side of McDonough Road. There is concern that shifting McDonough Road further south, especially if a frontage/access road or driveway is also needed across the property, may impact use of this facility. Currently there is 306 feet from the edge of existing pavement to the nearest shooting station. Opportunities exist to modify parking area.



12. *ROW Minimization* – Because of the impacts noted above, Fayette County supports any effort to reduce ROW width and limits of construction. Options for doing so include use of off-system multi-use paths in lieu of bike lanes and sidewalks and use of retaining walls at select areas.
13. *East Fayetteville Bypass* – Fayette County's EFB (Phase 1) project will intersect with McDonough Road near Flintwood Farms. Continued coordination is essential during the environmental and design stage. The EFB is a new road construction project that runs north/south in Fayette County. ARC Project No. FA-236A / GDOT PI No. 0006904
14. *Park Netting / Buffer* – The proposed McDonough Road will shift closer to McCurry Park Soccer Field 1. Nets, fence, and/or landscaping along a portion of the perimeter will be needed for errant soccer balls, safety and aesthetics.



LEGEND	
EXISTING INFORMATION	PROPOSED INFORMATION
RIGHT-OF-WAY AND PROPERTY LINE	CENTERLINE
HISTORIC AREA	RIGHT-OF-WAY
ENVIRONMENTALLY SENSITIVE	NEW ALIGNMENT
PAVE BOUNDARY	NEW BRIDGE
RIVERS / DREDS	ENVIRONMENTAL SENSITIVE
EXISTING SIGNAL	TRAFFIC FLOW ARROWS
SCALE IN FEET	TEMP DIVISION CHG
	PAYMENT TO BE REMOVED





# COUNTY AGENDA REQUEST

Page 186 of 288

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of whether to object to the Tyrone annexation of property on Farr Road and Dogwood Trail, and the rezoning of said property from A-R (Agricultural-Residential) to R-20.

## Background/History/Details:

The Town of Tyrone has notified Fayette County of an application to annex 59.23 acres fronting on Farr Road and Dogwood Trail. The Town has also notified the County of its intention to rezone the property from A-R (Agricultural-Residential) to R-20.

The county's governing authority may either "object" to the annexation by majority vote, or choose not to object to the annexation request.

Per Section 36-36-113 of the Georgia Code, Fayette County must deliver their objection to the annexation by certified mail or statutory overnight delivery not later than the end of the thirtieth calendar day following receipt of the notice. The deadline for delivery of an objection is April 11, 2018.

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

Staff recommends that the Board of Commissioners not object to the annexation and rezoning.

## 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:

To: Board of Commissioners

From: Pete Frisina

Date: March 14, 2018

Re: Tyrone Annexation Request and Rezoning (A-R to R-20) for Two (2) Parcels (07-28-064 and 07-28-015) Located on Farr Road and Dogwood Trail

Tyrone has received a request for the annexation of the above-referenced properties located on Farr Road and Dogwood Trail. The annexation notice from Tyrone indicates the intent to annex and rezone approximately 59.23 acres to R-20. The R-20 zoning district requires a one (1) acre minimum lot. The subject property is currently zoned A-R (Agricultural-Residential District.) in the County. The concept plan indicates 39 lots.

### **General Description**

The subject property is located at the southwest corner of SR 54 West and Burch Road. The proposed annexation would not create an island. The subject property abuts the following:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North		R-12 (Tyrone)	Single-family Res. Subdivision (Cathy Estates)	Rural-Estate Residential (Tyrone)
South	1.0 11.8 66.5	A-R A-R A-R	Single-family Res. Single-family Res. Single-family Res.	Low Density Residential (1 Unit/1 Acre)
South (across Dogwood Trail)	10.0 44.4	A-R A-R	Undeveloped Single-family Res	
East	20.0	A-R	Church	Low Density Residential (1 Unit/1 Acre)
West (across Farr Road)		R-18 (Tyrone)  R-20 (Tyrone)	Single-family Res. Subdivision (Taylor Ridge)  Single-family Res. Subdivision (Stonecrest Preserve)	Rural-Estate Residential (Tyrone)

## **DEPARTMENTAL COMMENTS**

**Planning and Zoning:** The subject property is designated as Low Density Residential (1 Unit/1 Acre) and Environmentally Sensitive Areas (Floodplain) on the Fayette County Future Land Use Plan map. The R-20 (one acre minimum lot) zoning district complies with the Low Density Residential (1 Unit/1 Acre) land use designation.

**Fire/EMS:** No impact on Fire or EMS.

**Water System:** There's access to water on Farr Road. Since necessary infrastructure is provided by the developer, there is no impact to FCWS.

**Sheriff's Office:** No issues here.

**Public Works/Engineering:** Public Works/Engineering has reviewed the annexation requests for 0728-064 and 0728-015. The proposed lot density of one lot per acre matches the County's Land Use Plan for this area, so there is no net change to traffic impacts because of the annexation.

Public Works recommends the following:

1. The project should have no driveways onto Dogwood Trail. All access to the properties should be from Farr Road.
2. If the land were developed within the unincorporated County, the owner/applicant for parcel 0728-015 would be required to provide a quit claim deed for the dedication of 40 feet of right-of-way to Fayette County along the Dogwood Trail and Farr Road frontage. The 40 feet is measured from the centerline of the existing road. The right-of-way dedications are based on the Fayette County Thoroughfare Plan and the donated land is used to facilitate future roadway improvement projects. Public Works recommends Tyrone make similar conditions for the project if it not already required as part of the permitting process.
3. Fayette County and Tyrone should establish an IGA that specifies Tyrone is responsible for all road maintenance of Farr Road from the Town/County border near the Newfield Drive intersection to Dogwood Trail, including frontage along parcel 0728 017.

**Environmental Health:** This department has no objection to proposed annexation request. Our department will need to be involved in approval of proposed future Subdivision as it will be served by septic systems.

**STATE LAW****TITLE 36. LOCAL GOVERNMENT****PROVISIONS APPLICABLE TO MUNICIPAL CORPORATIONS ONLY****CHAPTER 36. ANNEXATION OF TERRITORY****ARTICLE 7. PROCEDURE FOR RESOLVING ANNEXATION DISPUTES****36-36-113. Objection to annexation; grounds and procedures**

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



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

- (a) Not later than the fifteenth calendar day following the date the municipal corporation received the first objection provided for in Code Section 36-36-113, an arbitration panel shall be appointed as provided in this Code section.
- (b) The arbitration panel shall be composed of five members to be selected as provided in this subsection. The Department of Community Affairs shall develop three pools of arbitrators, one pool which consists of persons who are currently or within the previous six years have been municipal elected officials, one pool which consists of persons who are currently or within the previous six years have been county elected officials, and one pool which consists of persons with a master's degree or higher in public administration or planning and who are currently employed by an institution of higher learning in this state, other than the Carl Vinson Institute of Government. The pool shall be sufficiently large to ensure as nearly as practicable that no person shall be required to serve on more than two panels in any one calendar year and serve on no more than one panel in any given county in any one calendar year. The department is authorized to coordinate with the Georgia Municipal Association, the Association County Commissioners of Georgia, the Council of Local Governments, and similar organizations in developing and maintaining such pools.
- (c) Upon receiving notice of a disputed annexation, the department shall choose at random four names from the pool of municipal officials, four names from the pool of county officials, and three names from the pool of academics; provided, however, that none of such selections shall include a person who is a resident of the county which has interposed the objection or any municipal corporation located wholly or partially in such county. The municipal corporation shall be permitted to strike or excuse two of the names chosen from the county officials pool; the county shall be permitted to strike or excuse two of the names chosen from the municipal officials pool; and the county and municipal corporation shall each be permitted to strike or excuse one of the names chosen from the academic pool.
- (d) Prior to being eligible to serve on any of the three pools, persons interested in serving on such panels shall receive joint training in alternative dispute resolution together with zoning and land use training, which may be designed and overseen by the Carl Vinson Institute of Government in conjunction with the Association County Commissioners of Georgia and the Georgia Municipal Association, provided such training is available.
- (e) At the time any person is selected to serve on a panel for any particular annexation dispute, he or she shall sign the following oath: "I do solemnly swear or affirm that I will faithfully perform my duties as an arbitrator in a fair and impartial manner without favor or affection to any party, and that I have not and will not have any ex parte communication regarding the facts and circumstances of the matters to be determined, other than communications with my fellow arbitrators, and will only consider, in making my determination, those matters which may lawfully come before me."

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

- (a) (1) The arbitration panel appointed pursuant to Code Section 36-36-114 shall meet as soon after appointment as practicable and shall receive evidence and argument from the municipal corporation, the county, and the applicant or property owner and shall by majority vote render a decision which shall be binding on all parties to the dispute as provided for in this article not later than the sixtieth day following such appointment. The meetings of the panel in which evidence is submitted or arguments of the parties are made shall be open to the public pursuant to Chapter 14 of Title 50. The panel shall first determine the validity of the grounds for objection as specified in the objection. If an objection involves the financial impact on the county as a result of a change in zoning or land use or the provision of maintenance of infrastructure, the panel shall quantify such impact in terms of cost. As to any objection which the panel has determined to be valid, the panel, in its findings, may establish reasonable zoning, land use, or density conditions applicable to the annexation and propose any reasonable mitigating measures as to an objection pertaining to infrastructure demands.
- (2) In arriving at its determination, the panel shall consider:
  - (A) The existing comprehensive land use plans of both the county and city;
  - (B) The existing land use patterns in the area of the subject property;
  - (C) The existing zoning patterns in the area of the subject property;
  - (D) Each jurisdiction's provision of infrastructure to the area of the subject property;
  - (E) Whether the county has approved similar changes in intensity or allowable uses on similar developments in other unincorporated areas of the county;
  - (F) Whether the county has approved similar developments in other unincorporated areas of the county which have a similar impact on infrastructure as complained of by the county in its objection; and
  - (G) Whether the infrastructure or capital outlay project which is claimed adversely impacted by the county in its objection was funded by a county-wide tax.
- (3) The county shall provide supporting evidence that its objection is consistent with its land use plan and the pattern of existing land uses and zonings in the area of the subject property.
- (4) The county shall bear at least 75 percent of the cost of the arbitration. The panel shall apportion the remaining 25 percent of the cost of the arbitration equitably between the city and the county as the facts of the appeal warrant; provided, however, that if the panel determines that any party has advanced a position that is substantially frivolous,

the costs shall be borne by the party that has advanced such position.

- (5) The reasonable costs of participation in the arbitration process of the property owner or owners whose property is at issue shall be borne by the county and the city in the same proportion as costs are apportioned under paragraph (4) of this subsection.
- (6) The panel shall deliver its findings and recommendations to the parties by certified mail or statutory overnight delivery.
- (b) If the decision of the panel contains zoning, land use, or density conditions, the findings and recommendations of the panel shall be recorded in the deed records of the county with a caption describing the name of the current owner of the property, recording reference of the current owner's acquisition deed and a general description of the property, and plainly showing the expiration date of any restrictions or conditions.
- (c) The arbitration panel shall be dissolved on the tenth day after it renders its findings and recommendations but may be reconvened as provided in Code Section 36-36-116.
- (d) The members of the arbitration panel shall receive the same per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.
- (e) If the panel so agrees, any one or more additional annexation disputes which may arise between the parties prior to the panel's initial meeting may be consolidated for the purpose of judicial economy if there are similar issues of location or similar objections raised to such other annexations or the property to be annexed in such other annexations is within 2,500 feet of the subject property.

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

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

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

If the annexation is completed after final resolution of any objection, whether by agreement of the parties, act of the panel, or court order as a result of an appeal, the municipal corporation shall not change the zoning, land use, or density of the annexed property for a period of one year unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties. Following the conclusion of the dispute resolution process outlined in this article, the municipal corporation and an applicant for annexation may either accept the recommendations of the arbitration panel and proceed with the remaining annexation process or abandon the annexation proceeding. A violation of the conditions set forth in this Code section may be enforced thereafter at law or in equity until such conditions have expired as provided in this Code section.

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

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

**Summary**

Staff finds no material increase in burden upon the county as a result of this annexation and rezoning of the subject property from A-R to R-20. The R-20 (one acre minimum lot) zoning district complies with the Low Density Residential (1 Unit/1 Acre) land use designation. Staff recommends that the Board of Commissioners not object.





TAYLOR  
RIDGE CT.  
950

FARR ROAD  
940

DONEGAL DRIVE

PROPOSED POND

FLOODPLAIN

DOGWOOD TRAIL

GRAPHIC SCALE

(IN FEET)  
1 inch = 100 ft.

25 Years

1991-2017

MOORE BASS CONSULTING

ATLANTA, GA 30325

(770) 944-0999

PROJECT NAME

FARR ROAD / DOGWOOD TRAIL TRACT  
FAYETTE COUNTY, GA

CLIENT NAME

ALLEGIANCE DEVELOPMENT  
100 GLENDALOUGH CRT, SUITE B8  
TYRONE, GA 30290

REVISIONS


MB

DOGWOOD-FARR

ARCHIVE

DATE

10-31-2017

FILE #

CONTRACT #

DRAWN BY

The Drawings, Specifications and other documents prepared by Moore Bass Consulting, Inc. (MB) for this project are instruments of MB for use solely by the project owner. No other use, reproduction, or distribution of these documents without the written consent of MB is permitted. MB shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright.

1350 KEYS FERRY COURT  
MCDONOUGH, GA 30253  
(770) 944-0999

SEAL

SHEET TITLE

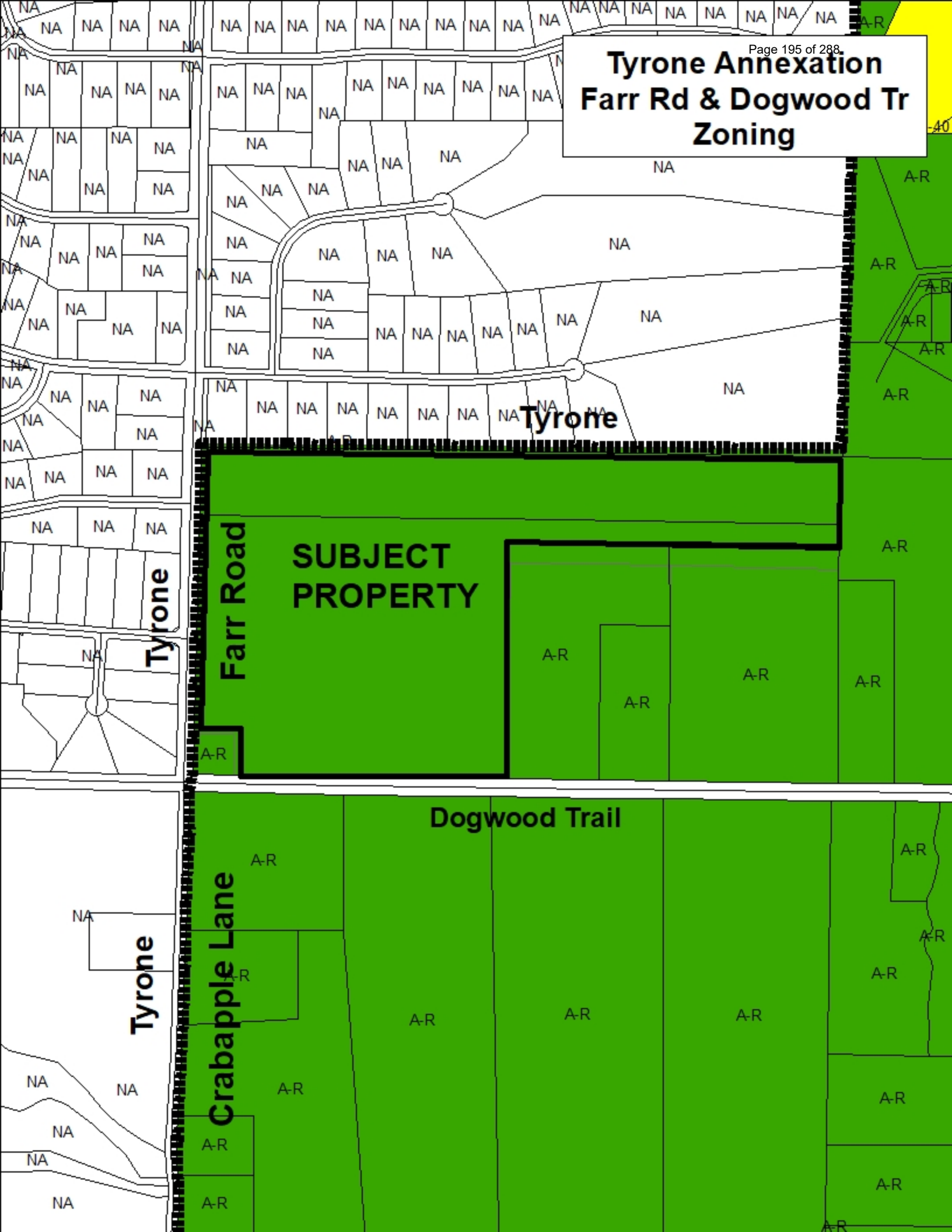
CONCEPTUAL  
LOT YIELD  
PLAN

SHEET

1.0



# Tyrone Annexation Farr Rd & Dogwood Tr Zoning



# Tyrone Annexation Farr Rd & Dogwood Tr Land Use Plan

City Limits

Tyrone

ENVIRONMENTALLY SENSITIVE AREAS

LOW DENSITY RESIDENTIAL

Farr Road

SUBJECT PROPERTY

ENVIRONMENTALLY SENSITIVE AREAS

Tyrone

Dogwood Trail

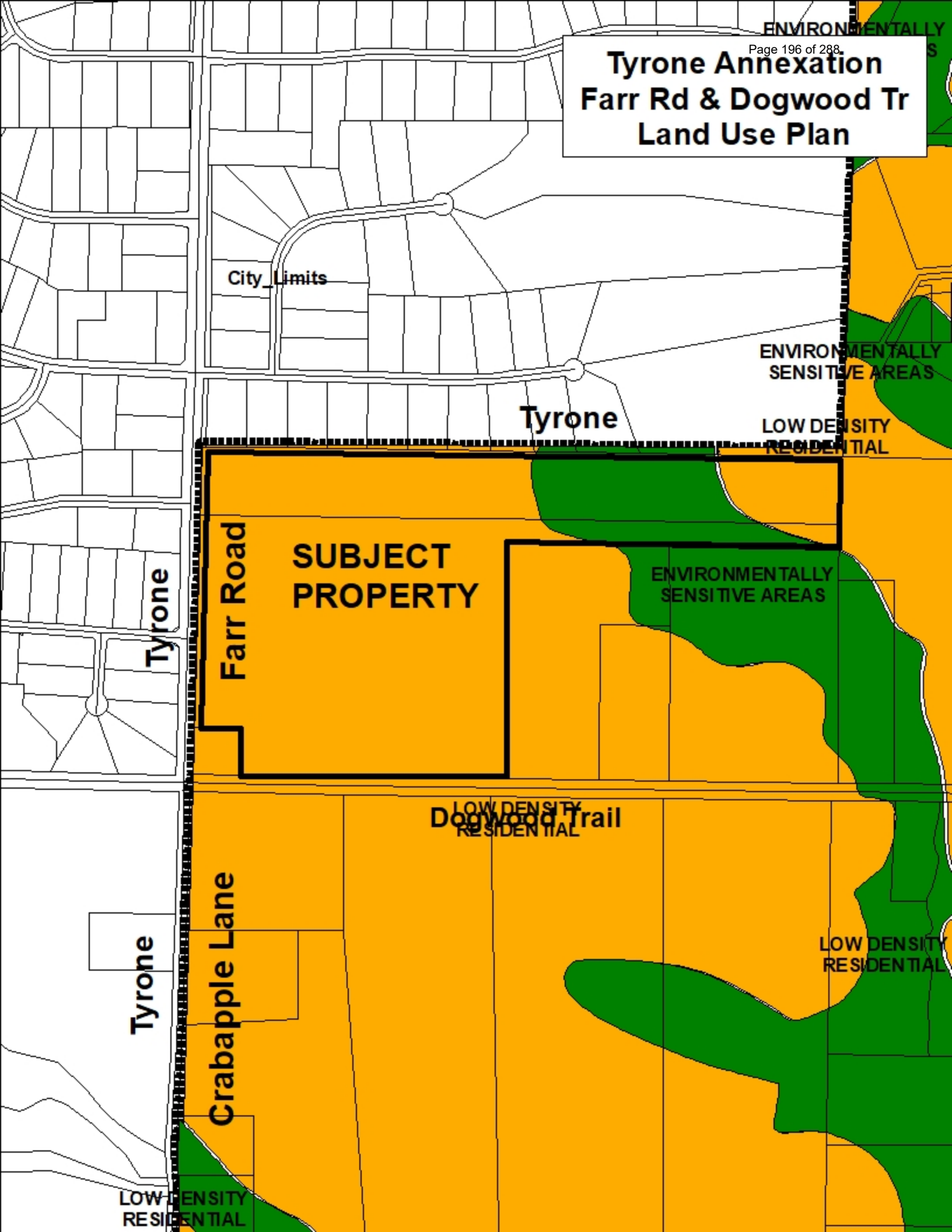
LOW DENSITY RESIDENTIAL

LOW DENSITY RESIDENTIAL

Crabapple Lane

Tyrone

LOW DENSITY RESIDENTIAL





# Tyrone Annexation Farr Rd & Dogwood Tr Aerials



Tyrone

SUBJECT  
PROPERTY

Farr Road

Dogwood Trail

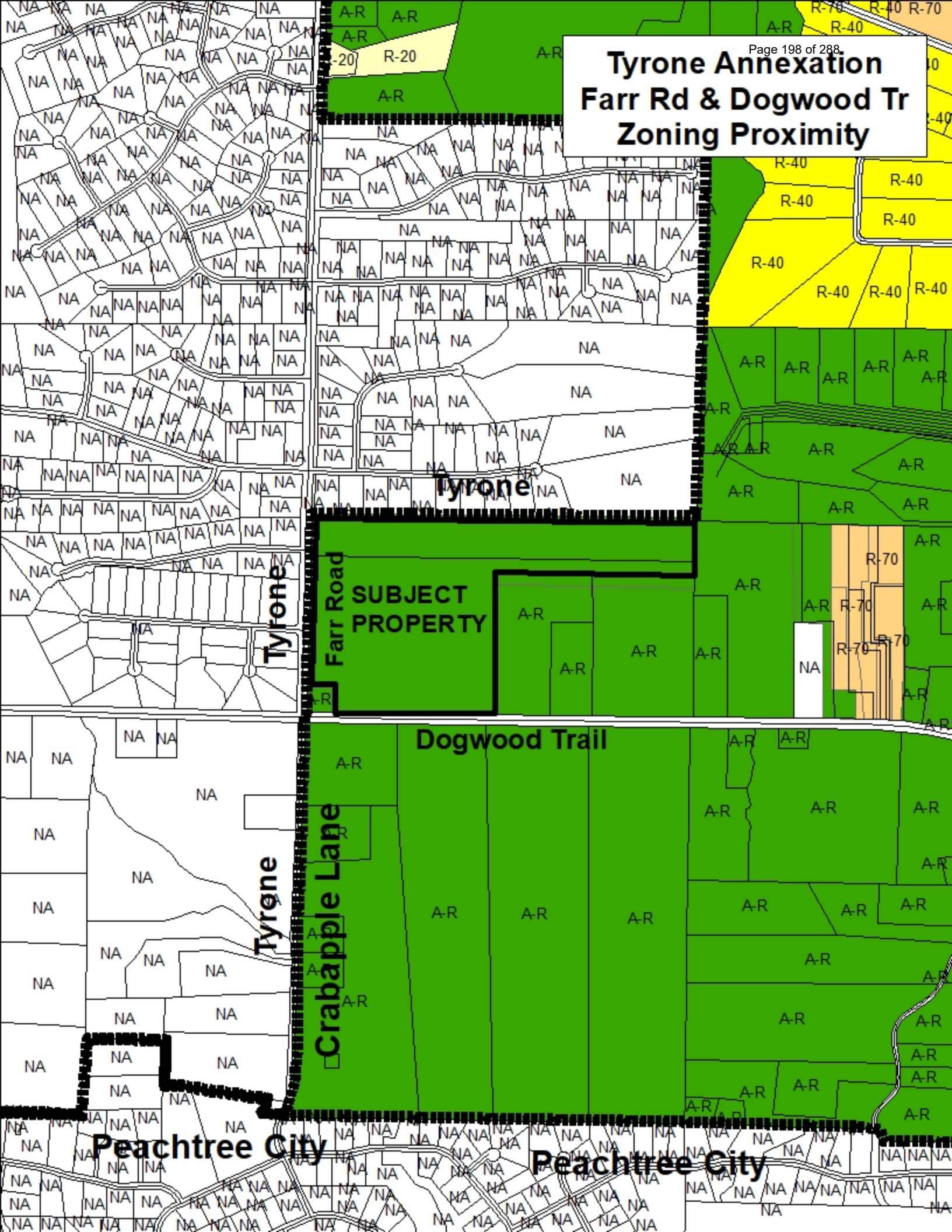
Tyrone

Tyrone

Crabapple Lane



# Tyrone Annexation Farr Rd & Dogwood Tr Zoning Proximity





March 8, 2017

140 Stonewall Avenue West, Suite 100  
The Honorable Eric K. Maxwell  
Chairman, Fayette County Board of Commissioners  
Fayetteville, Georgia 30214

Re: Notice of Annexation – Town of Tyrone

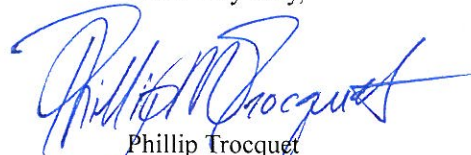
Dear Mr. Maxwell:

Pursuant to O.C.G.A. § 36-36-111, the Town of Tyrone is hereby giving official notice of proposed annexations by said Town. An application for annexation has been received by the Town from Christine Thornton, owner of approximately 20 acres along Far Road. A copy of the annexation petition is included. The annexation of this property, listed below by owner and property tax identification number, shall be accomplished by the ordinance of the Town of Tyrone in a regular meeting of our Mayor and Town Council. This matter will be calendared to appear before the Tyrone Planning Commission and the Mayor and Town Council upon receipt that the Fayette County Board of Commissioners holds no objection to the proposed annexation.

*Parcel ID: 0728 064, Owner: Charlie G Taylor, Rev I Vivos Trust, C/O Charlie Glenford Taylor Trustee*

This property has been petitioned to be zoned to the Town's R-20 (2,000 sq.ft. minimum) zoning district and will be indicated as Rural-Estate Residential on the Town's future land use map. Any further questions about this matter may be directed to the Planning and Zoning Department for the Town of Tyrone.

Yours very truly,

  
Phillip Trocquet  
Planning & Zoning Coordinator  
Town of Tyrone, Georgia

enclosures

cc: Eric Dial, Mayor, Town of Tyrone  
Jonathan Lynn, Tyrone Town Manager  
Steven A. Rapson, Fayette County Administrator  
Pete Frisina, Fayette County Planning Director

Incorporated 1911

---

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





# Requested Annexation Properties

**0728-064**

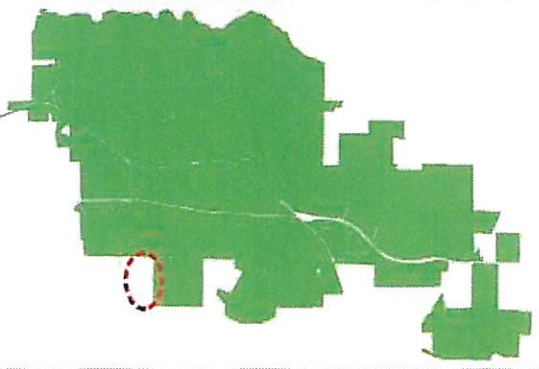
**Owner:** Christine Thornton

**Acreage:** 20 Acres

**0728-015**

**Owner:** Claudine Morris

**Acreage:** 39.23 Acres



## Legend

- R-20 (2000 sq.ft. min)
- R-18 (1800 sq.ft. min)
- R-12 (1200 sq.ft. min)
- AR (Ag Residential)
- Tyrone Roads

Planning & Development  
881 Senoia Road  
Tyrone GA, 30290  
(770) 487-4038

Tax Map Number: 0728-06A Date \_\_\_\_\_

Date Annexation will become effective and official: AS soon AS possible

Address of subject property: Farr Rd.

Owner of Property: Christine Thornton

Owner's Address: 374 Starling Dr. Monticella GA. 31064

Telephone Number: [REDACTED]

Housing Units: \_\_\_\_\_ Other Buildings: \_\_\_\_\_

- A. If the owner and the applicant are not the same, please complete Attachment 1.
- B. Site Plan – Showing the location of existing buildings and other improvements.
- C. Property Description – A legal description and plat.
- D. Meeting Dates and Process of Applications.- See Attachment 2
- E. Fee- No fees required.
- F. Authorization to Inspect Premises – I hereby authorize the Town of Tyrone Council,  
the Planning Commission and their staff to inspect the premises which is the subject  
of this annexation application
- G. Petition Requesting Annexation – Owner must complete Attachment 3.

Christine B. Thornton  
Signature

\_\_\_\_\_  
Signature

# PETITION REQUESTING ANNEXATION

TOWN OF TYRONE, GEORGIA

DATE Feb. 20, 2018

TO THE HONORABLE TOWN COUNCIL OF THE TOWN OF TYRONE, GEORGIA

1. The undersigned, as owner of all real property of the territory described herein, respectfully request that the Town of Tyrone Council annex this territory to the Town of Tyrone, Georgia and extend the City boundaries to include the same.
2. The territory to be annexed abuts the existing boundary of Tyrone, Georgia and the description of such territory area is as follows:

Address/Location of Property:

Farr Rd,

Tax Map Number: 07-28-064

3. It is requested that this territory to be annexed shall be zoned: R20

For the following reasons:

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

WHEREFORE, the Petitioners pray that the Town Council of the Town of Tyrone, Georgia pursuant to the provision of the Acts of the General Assembly of the State of Georgia, Georgia Laws, 1946, do by proper ordinance annex said property to the Town Limits of Tyrone, Georgia.

Respectfully Submitted,

Christie B. Theron

\_\_\_\_\_  
Owners

ATTACHMENT 2



## AUTHORIZATION BY PROPERTY OWNER

I Swear That I Am The Owner Of The Property Which Is The Subject Matter Of The Attached Application, As Is Shown In The Records Of Fayette County, Georgia. I Authorize The Person Named Below To Act As Applicant In The Pursuit Of An Annexation Request Of This Property.

Name of Applicant Christine Thornton

Address 374 Starling Dr.

Monticello GA. 31064  
City State Zip Code

Telephone Number [REDACTED]

Christine B. Thornton

Signature of Owner

ATTACHMENT 3

One (1) original and 10 copies of application and all other required items must be submitted to the Zoning Department. All information to be presented to the Planning Commission and Town Council should be assembled. This application will not be processed any items are missing or if the appropriate fee does not accompany it.

Application Type    100%    60%

Completed application forms signed by 100% of the land owners and/or electors (in the case of existing residential property owners) residing in the area to be annexed and by owners of not less than 100% of the total land area, by acreage. The application contains a "Contiguity Statement" which must be signed by an engineer or surveyor of the month.

Current land survey by a registered surveyor that includes a legal description and lists acreage to be annexed.

Utility Availability Letters – A letter from the following service providers must be obtained: Georgia Power, Atlanta Gas Light, Bell South, Fayette County (water and sewer availability) and Fayette County Board of Education (discussing impact the development will have on schools in the area).

Attach names and addresses of owners of all property within 250 feet of the subject property (from County Tax Assessors Office). Once an application has been accepted for presentation the applicant must also demonstrate that all property owners within 250 feet of the subject property have been notified of the Public Hearings (see sample letter).

Application Fee of \$350.00 - If advertising fee exceeds the \$350.00, you will be billed any additional amount spent on advertising. It is necessary for this fee to be paid prior to any meeting dates. Petitioner will be notified by Certified Mail of the scheduled Public

Petitioner will be notified by Certified Mail of the scheduled Public Hearing for which his/her application will be considered.



We, the undersigned, all of the owners of all real property of the territory described herein respectfully request that the Town Council annex this territory to the Town of Tyrone, Georgia, and extend the town boundaries to include the same.

Name (Print)	Address	Signature	Date (Print)
1. CHRISTINE B. THORNTON	374 STARLING DA	Christine B. Thornton	FEB. 20, 2018
2.	MONTICELLO, GA 31064		
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Property Owner's Authorization

The Undersigned below, or as attached, is the owner of the property which is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a rezoning of the property.

Name of Applicant Christine Thornton

Telephone Number [REDACTED]

Address of Subject Property Farr Rd.

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Fayette County, Georgia.

Christine B Thornton  
Signature of Owner

Personally appeared before me

Christine Thornton

Who swears the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Kathryn M Lord 2-20-18

Notary Public

Date



CONTIGUITY STATEMENT

Contiguous areas means at the time the annexation procedures are initiated, any area that meets the following conditions:

(1) At least one-eighth of the aggregate external boundary, either adjoins directly on the municipal boundary or would directly adjoin the municipal boundary or would directly adjoin the municipal boundary if it were not otherwise separated, in whole or in part, from the municipal boundary by lands owned by the municipal corporation or some other political subdivision, by lands owned by this state or by the definite width of (A) any street or street right-of-way, (B) any creek or river, or (C) any right-of-way of a railroad or other public service corporation which divides the municipal boundary and any area proposed to be annexed;

(2) The entire parcel or parcels of real property owned by the person seeking annexation is being conveyed, provided, however, that lots shall not be subdivided in an effort to evade the requirements of this paragraph; and

(3) The private property annexed, including any right-of-way of a railroad or other public service corporation, complies with the annexing municipality's minimum size requirements, if any, to construct a building or structure occupiable by persons or property under the policies or regulations of the municipal development, zoning, or subdivision ordinances.

I, RONALD T. GORDON, a registered Surveyor in the State of Georgia, hereby certify that the parcel requested to be annexed into the Town of Turin (lying in land lot(s) 105 of the 7th district Fayette County, has a contiguous boundary of 2,816.67 feet with the existing Town limits of the Town of Turin which is at least one-eighth aggregate of the total property to be annexed.

This the 23rd day of FEB 2018

Signature [Signature]

2018  
Georgia Registered Surveyor #



## EXHIBIT "A"

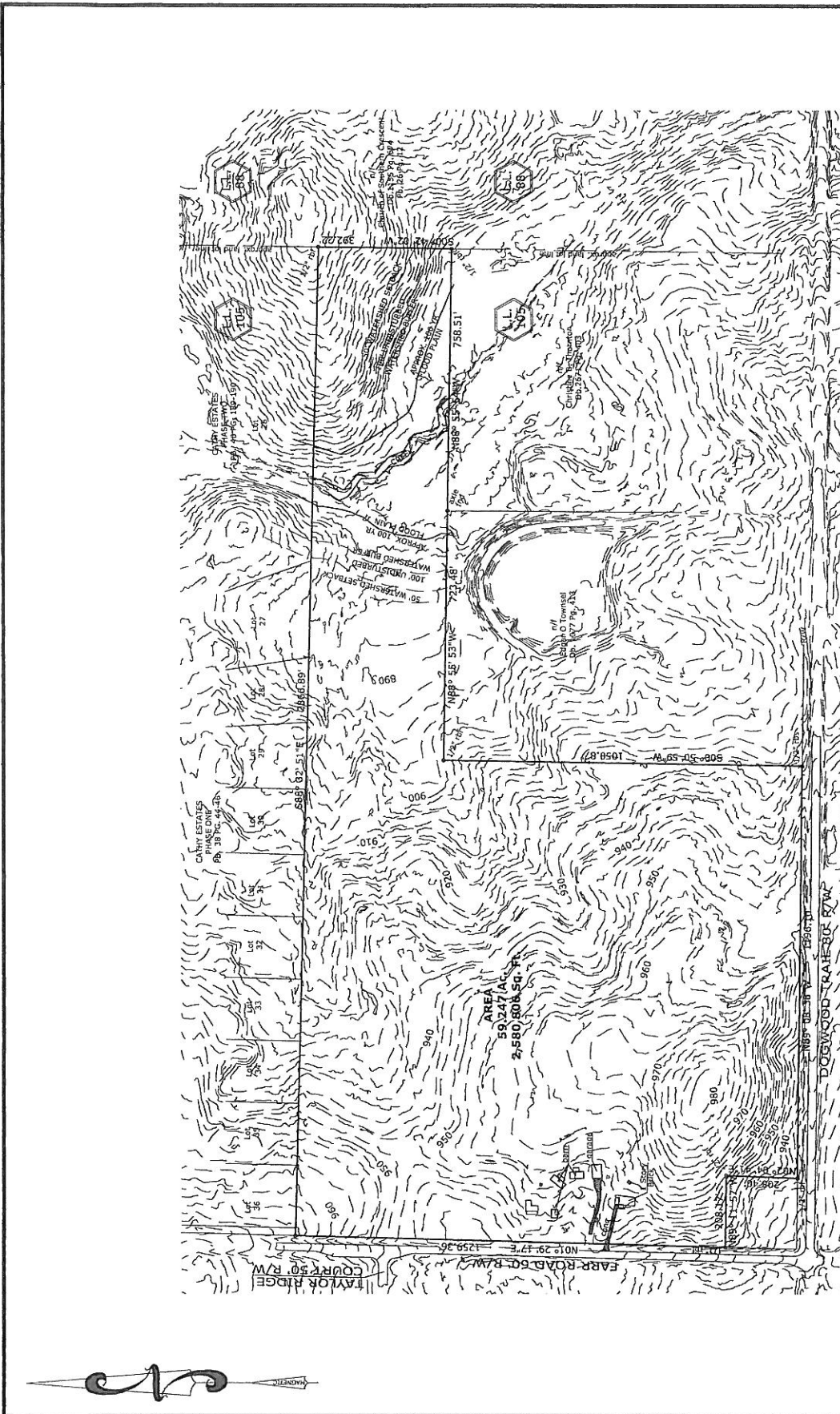
## LEGAL DESCRIPTION

## TRACT I

All that tract or parcel of land lying and being in Land Lot 105 of the 7<sup>th</sup> District, Fayette County, Georgia, containing 20.00 acres, more or less, and being more particularly described as follows:

To find the point of beginning, begin at an iron pin found at the northeast intersection of Dogwood Trail, an 80 foot right-of-way, and Farr Road, a 60 foot right-of-way; thence travel along the eastern boundary of Farr Road North  $01^{\circ}52'11''$  East a distance of 207.57 feet to an iron pin found; thence travel along the eastern boundary of Farr Road North  $00^{\circ}51'47''$  East a distance of 951.82 feet to an iron pin set and the POINT OF BEGINNING; thence North  $00^{\circ}51'52''$  East a distance of 301.22 feet to an iron pin found; thence South  $89^{\circ}45'39''$  East a distance of 565.76 feet to an iron pin found; thence South  $89^{\circ}08'11''$  East a distance of 1,392.99 feet to an iron pin found; thence South  $89^{\circ}08'54''$  East a distance of 409.25 feet to an iron pin found; thence South  $00^{\circ}04'09''$  West a distance of 301.25 feet to an iron pin set; thence North  $89^{\circ}15'43''$  West a distance of 2,872.21 feet to an iron pin set along the eastern boundary of Farr Road and the Point of Beginning.

Said tract or plat of land as shown in the survey prepared for Charlie Glenford Taylor, Trustee of the Charlie Glenford Taylor Revocable Inter Vivos Trust by Angel M. Marrero, RLS # 2642, which is recorded in Plat Book 49 at Page 61 in the Superior Court of Fayette County, Georgia,

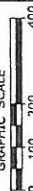


CLOSURE DATA

FIELD CLOSURE=1 IN 10,000+  
ANGLE POINT ERROR=± 20"  
EQUIPMENT USED=EDM, TRANSIT, LEVEL  
PLAT CLOSURE=1 IN 100,000+  
THIS SURVEY DOES NOT CONSTITUTE A TITLE  
SEARCH BY SURVEYOR. ALL INFORMATION  
REGARDING RECORD EASEMENTS AND OWNERS  
IS BASED ON RECORDS ON FILE IN THIS OFFICE.  
THE QUALITY OF TITLE TO TRACT SHOWN  
WAS NOT SUPPLIED TO THIS OFFICE.

A PORTION OF THIS PROPERTY DOES LIE WITHIN  
A 100-YEAR FLOOD PLAIN ACCORDING TO FEMA  
FLOOD MAP 15115-0002E DATED SEPT. 20, 1988.  
DECLARATION IS MADE TO ORIGINAL PURCHASER  
THAT THIS SURVEY WAS MADE BY THEIR PARTIES AT  
THEIR OWN RISK.  
SEAL AND ORIGINAL SIGNATURE OF SURVEYOR

GRAPHIC SCALE



LEGEND  
BPS=IRON PIN FOUND  
TFS=IRON PIN SET  
RW=RIGHT OF WAY  
P.O.B.=POINT OF BEGINNING  
D.E.=DEED EASEMENT  
D.F.=DEED EASEMENT  
NFP=NOW OR FORMERLY  
P.O.B.=POINT OF BEGINNING  
PERFORMED DATE

COGENT CONSTRUCTION

Address: 123 FAIR ROAD  
City: TAYLOR RIDGE, GA 30290  
County: FAYETTE, GA  
State: GA  
Date: 01/23/18

Lot: 49  
Sublot: 105  
Parcel: 710  
Map: 1/23/18  
Date: 01/23/18

P.O. BOX 15  
Tyrone, GA 30290  
770-560-3910  
FOUR\_CORNERS@GMAIL.COM







March 8, 2017

140 Stonewall Avenue West, Suite 100  
The Honorable Eric K. Maxwell  
Chairman, Fayette County Board of Commissioners  
Fayetteville, Georgia 30214

Re: Notice of Annexation – Town of Tyrone

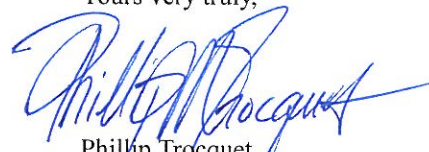
Dear Mr. Maxwell:

Pursuant to O.C.G.A. § 36-36-111, the Town of Tyrone is hereby giving official notice of proposed annexations by said Town. An application for annexation has been received by the Town from Claudine Morris, owner of approximately 39 acres at the corner of Dogwood & Farr Roads. A copy of the annexation petition is included. The annexation of this property, listed below by owner and property tax identification number, shall be accomplished by the ordinance of the Town of Tyrone in a regular meeting of our Mayor and Town Council. This matter will be calendared to appear before the Tyrone Planning Commission and the Mayor and Town Council upon receipt that the Fayette County Board of Commissioners holds no objection to the proposed annexation.

*Parcel ID: 0728 015, 123 Farr Rd, Owner: Morris, Claudine Blair*

This property has been petitioned to be zoned to the Town's R-20 (2,000 sq.ft. minimum) zoning district and will be indicated as Rural-Estate Residential on the Town's future land use map. Any further questions about this matter may be directed to the Planning and Zoning Department for the Town of Tyrone.

Yours very truly,

  
Phillip Trocquet  
Planning & Zoning Coordinator  
Town of Tyrone, Georgia

enclosures

cc: Eric Dial, Mayor, Town of Tyrone  
Jonathan Lynn, Tyrone Town Manager  
Steven A. Rapson, Fayette County Administrator  
Pete Frisina, Fayette County Planning Director

Incorporated 1911

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



# Requested Annexation Properties

**0728-064**

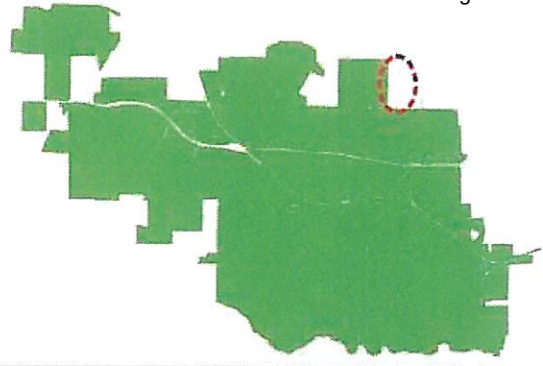
**Owner:** Christine Thornton

**Acreage:** 20 Acres

**0728-015**

**Owner:** Claudine Morris

**Acreage:** 39.23 Acres



## Legend

- R-20 (2000 sq.ft. min)
- R-18 (1800 sq.ft. min)
- R-12 (1200 sq.ft. min)
- AR (Ag Residential)
- Tyrone Roads

## TOWN OF TYRONE

Planning & Development  
 881 Seneca Road  
 Tyrone GA, 30290  
 (770) 467-4033

Tex Map Number: 0728-015 Date FEB. 20, 2018

Date Annexation will become effective and official: AS SOON AS POSSIBLE

Address of subject property: 123 Farr Rd, TYRONE, GA.

Owner of Property: Claudine Morris

Owner's Address: 160 Clayton Rd. Brooks GA. 30205

Telephone Number: [REDACTED]

Housing Units: 1 Other Buildings: 1

- A. If the owner and the applicant are not the same, please complete Attachment 1.
- B. Site Plan - Showing the location of existing buildings and other improvements.
- C. Property Description - A legal description and plat.
- D. Meeting Dates and Process of Applications - See Attachment 2
- E. Fee- No fees required.
- F. Authorization to Inspect Premises - I hereby authorize the Town of Tyrone Council, the Planning Commission and their staff to inspect the premises which is the subject of this annexation application
- G. Petition Requesting Annexation - Owner must complete Attachment 3.

Claudine Morris  
 Signature

\_\_\_\_\_  
 Signature

## PETITION REQUESTING ANNEXATION

TOWN OF TYRONE, GEORGIA

DATE FEB. 20, 2018

TO THE HONORABLE TOWN COUNCIL OF THE TOWN OF TYRONE, GEORGIA

1. The undersigned, as owner of all real property of the territory described herein, respectfully request that the Town of Tyrone Council annex this territory to the Town of Tyrone, Georgia and extend the City boundaries to include the same.
2. The territory to be annexed abuts the existing boundary of Tyrone, Georgia and the description of such territory area is as follows:

Address/Location of Property:

123 Furr Rd., Tyrone, GA.Tax Map Number: 0728-015

3. It is requested that this territory to be annexed shall be zoned: R20

For the following reasons:

WHEREFORE, the Petitioners pray that the Town Council of the Town of Tyrone, Georgia pursuant to the provision of the Acts of the General Assembly of the State of Georgia, Georgia Laws, 1946, do by proper ordinance annex said property to the Town limits of Tyrone, Georgia.

Respectfully Submitted,

Candice Morris

Owners

ATTACHMENT 2

## AUTHORIZATION BY PROPERTY OWNER

I Swear That I Am The Owner Of The Property Which Is The Subject Matter Of The Attached Application. As Is Shown In The Records Of Fayette County, Georgia. I Authorize The Person Named Below To Act As Applicant In The Pursuit Of An Annexation Request Of This Property.

Name of Applicant Claudine Morris

Address 160 Clayton Rd.

Brooks GA. 30205  
City State Zip Code

Telephone Number [REDACTED]

Claudine Morris

Signature of Owner

ATTACHMENT 3



**One (1) original and 10 copies of application and all other required items must be submitted to the Zoning Department. All information to be presented to the Planning Commission and Town Council should be assembled. This application will not be processed any items are missing or if the appropriate fee does not accompany it.**

**Application Type 100% 60%**

**Completed application forms signed by 100% of the land owners and/or electors (in the case of existing residential property owners) residing in the area to be annexed and by owners of not less than 100% of the total land area, by acreage. The application contains a "Contiguity Statement" which must be signed by an engineer or surveyor of the month.**

**Current land survey by a registered surveyor that includes a legal description and lists acreage to be annexed.**

**Utility Availability Letters – A letter from the following service providers must be obtained: Georgia Power, Atlanta Gas Light, Bell South, Fayette County (water and sewer availability) and Fayette County Board of Education (discussing impact the development will have on schools in the area).**

**Attach names and addresses of owners of all property within 250 feet of the subject property (from County Tax Assessors Office). Once an application has been accepted for presentation the applicant must also demonstrate that all property owners within 250 feet of the subject property have been notified of the Public Hearings (see sample letter).**

**Application Fee of \$350.00 - If advertising fee exceeds the \$350.00, you will be billed any additional amount spent on advertising. It is necessary for this fee to be paid prior to any meeting dates. Petitioner will be notified by Certified Mail of the scheduled Public**

**Petitioner will be notified by Certified Mail of the scheduled Public Hearing for which his/her application will be considered.**

Property Owner's Authorization

The Undersigned below, or as attached, is the owner of the property which is the subject of this application. The undersigned does fully authorize the applicant named below to act as applicant in the pursuit of a rezoning of the property.

Name of Applicant Claudine Morris

Telephone Number [REDACTED]

Address of Subject Property 123 Farr Rd, Tyronne, GA.

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Fayette County, Georgia

Claudine Morris  
Signature of Owner

Personally appeared before me

\_\_\_\_\_

Who swears the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Cyndia Ruiz 02-20-2018

Notary Public

Date

(Affix Raised Seal Here)



Contiguous areas means at the time the annexation procedures are initiated, any area that meets the following conditions:

(1) At least one-eighth of the aggregate external boundary either abuts directly on the municipal boundary or would directly abut on the municipal boundary or would directly abut the municipal boundary if it were not otherwise separated, in whole or in part, from the municipal boundary by lands owned by the municipal corporation or some other political subdivision, by lands owned by this state or by the definite width of (A) any street or street right-of-way, (B) any creek or river, or (C) any right-of-way of a railroad or other public service corporation which divides the municipal boundary and any area proposed to be annexed;

(2) The entire parcel or parcels of real property owned by the person seeking annexation is being annexed; provided, however, that lots shall not be subdivided in an effort to evade the requirements of this paragraph; and

(3) The private property annexed, excluding any right of way of a railroad or other public service corporation, complies with the annexing municipality's minimum size requirements, if any, to construct a building or structure occupiable by persons or property under the policies or regulations of the municipal development, zoning, or subdivision ordinances.

I, \_\_\_\_\_, a registered Surveyor in the State of Georgia, hereby certify that the parcel requested to be annexed into the Town of Tyrone lying in land lot(s) \_\_\_\_\_ of the \_\_\_\_\_ district Fayette County, has a contiguous boundary of \_\_\_\_\_ feet with the existing Town limits of the Town of Tyrone which is at least one-eighth aggregate of the total property to be annexed.

This the \_\_\_\_\_ day of \_\_\_\_\_.

Signature \_\_\_\_\_

\_\_\_\_\_  
Georgia Registered Surveyor #

Pursuant to O.C.G.A 36-36-111 Town of Tyrone will give official notice to Fayette County of your intent to annex. The County Commission must vote in an open meeting whether or not to object to the annexation and provide written notice of the vote by certified mail or statutory overnight delivery not later than the end of the 30th day following receipt of the notice of annexation.

The county's objection must be substantiated with evidence of financial impact forming the basis of the objection AND the objection must be based on a material increase in burden upon the county directly related to:

- (1) The proposed change in zoning or land use;
- (2) Proposed increase in density; or
- (3) Infrastructure demand related to the proposed change in zoning or land use.

Additionally, for an objection to be valid, the proposed change in zoning or land use must differ substantially from the uses of the property suggested by the county's comprehensive land use plan or permitted for the property by the county's zoning ordinance AND must result in:

- (1) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; OR (2) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project furnished by the county to the area to be annexed.
- (2) A use which significantly increases the net cost of infrastructure or significantly diminishes the values or useful life of a capital outlay project furnished by the county to the area to be annexed.

We, the undersigned, all of the owners of parcels of property of the territory described herein respectfully request that the Town Council annex this territory to the Town of Tynges, Georgia and extend the town boundaries to include the same.

Name (Print)	Address	Signature	Date (Print)
1. CLAUDINE MOERIS	123 FARR RD.	Claudine	2-21-2018
2.	TYNGES GA.	Moeris	
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			



CONTIGUITY STATEMENT

Contiguous areas means that in the annexation procedures are initiated, any area that meets the following conditions:

(1) At least one-eighth of the aggregate external boundary either abuts directly on the municipal boundary or would directly abut on the municipal boundary or would directly abut the municipal boundary if it were not otherwise separated, in whole or in part, from the municipal boundary by lands owned by the municipal corporation or some other political subdivision, by lands owned by this state or by the definite width of (A) any street or street right-of-way, (B) any creek or river, or (C) any right-of-way of a railroad or other public service corporation which divides the municipal boundary and any area proposed to be annexed;

(2) The entire parcel or parcels of real property owned by the person seeking annexation is being annexed; provided, however, that lots shall not be subdivided in an effort to evade the requirements of this paragraph; and

(3) The private property annexed, excluding any right of way of a railroad or other public service corporation, complies with the annexing municipality's minimum size requirements, if any, to construct a building or structure occupiable by persons or property under the policies or regulations of the municipal development, zoning, or subdivision ordinances.

I, RONALD T. GODWIN, a registered Surveyor in the State of Georgia, hereby certify that the parcel requested to be annexed into the Town of Tyrone lying in (and it is) 103 of the 7th district Fayette County, has a contiguous boundary of 6 feet with the existing Town limits of the Town of Tyrone which is at least one-eighth aggregate of the total property to be annexed.

This the 23rd day of FEB, 2018

Signature RTG

2018  
Georgia Registered Surveyor #



## EXHIBIT "A"

## LEGAL DESCRIPTION

## TRACT 2

All that tract or parcel of land lying and being in Land Lot 105 of the 7<sup>th</sup> District, Fayette County, Georgia, containing 39.23 acres, more or less, and being more particularly described as follows:

To find the point of beginning, begin at an iron pin found at the northeast intersection of Dogwood Trail, an 80 foot right-of-way, and Farr Road, a 60 foot right-of-way; thence travel along the eastern boundary of Farr Road North  $01^{\circ}52'11''$  East a distance of 207.57 feet to an iron pin found and the POINT OF BEGINNING; thence travel along the eastern boundary of Farr Road North  $00^{\circ}51'47''$  East a distance of 951.82 feet to an iron pin set; thence South  $89^{\circ}15'43''$  East (shown as North  $89^{\circ}15'43''$  West on the survey) a distance of 2,872.21 feet to an iron pin set; thence South  $00^{\circ}04'00''$  West a distance of 91.91 feet to an iron pin found; thence North  $89^{\circ}26'53''$  West a distance of 758.83 feet to an iron pin found (axle); thence North  $89^{\circ}30'49''$  West a distance of 723.51 feet to an iron pin found; thence South  $00^{\circ}13'45''$  West a distance of 1,050.87 feet to an iron pin set and the northern boundary line of Dogwood Trail an 80 foot right-of-way; thence North  $89^{\circ}43'59''$  West along the northern boundary of Dogwood Trail a distance of 1,196.91 feet to an iron pin found; thence North  $01^{\circ}29'18''$  East a distance of 208.39 feet to an iron pin found; thence North  $89^{\circ}48'05''$  West a distance of 208.24 feet to the an iron pin found along the eastern boundary of Farr Road, a 60 right-of-way, and the Point of Beginning.

Said tract or plat of land as shown in the survey prepared for Charlie Glenford Taylor, Trustee of the Charlie Glenford Taylor Revocable Inter Vivos Trust by Angel M. Marrero, RLS # 2642, which is recorded in Plat Book 49 at Page 61 in the Superior Court of Fayette County, Georgia.



# COUNTY AGENDA REQUEST

Page 223 of 288

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Ordinance 2018-05, amendments to Article VI. - Tourist Accommodations to remove the requirement that a Tourist Accommodation permit must be granted annually by the Board of Commissioners in a hearing and instead allow the permit to be issued administratively by Code Enforcement when all the requirements are met by the applicant.

## Background/History/Details:

The original regulations were adopted in 2014. To date, no Tourist Accommodation facility has been permitted through this process. The first facility, a bed and breakfast on Sandy Creek Road, is currently going through the permitting procedure. Currently, the regulations require that a Tourist Accommodation permit must be granted annually by the the Board of Commissioners in a hearing.

Staff proposes that the administrative issuance of the permit be done in the same manner as a Personal Care Home which does not have to be approved by the Board of Commissioners as the requirements are similar.

Under Sec. 8-207 the Board of Commissioners has the authority to revoke a Tourist Accommodation Permit in a hearing.

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

Approval of Ordinance 2018-05, amendments to Article VI. - Tourist Accommodations to remove the requirement that a Tourist Accommodation permit must be granted annually by the Board of Commissioners in a hearing and instead allow the permit to be issued administratively by Code Enforcement when all the requirements are met by the applicant.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

## ARTICLE VI. - TOURIST ACCOMMODATIONS

## Sec. 8-200. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bed and breakfast inn* shall mean an establishment which serves food to its registered guests and not to the public at large. This term shall include establishments serving breakfast or a similar early morning meal and an appropriate light snack in which the price of the food is included in the price of the overnight accommodation. The length of stay for bed and breakfast inns as defined is limited to not more than 30 consecutive days. For the purposes of this article, this term shall mean an establishment in which the predominant relationship between the occupants thereof and the owner or operator of the establishment is that of guest and innkeeper.

*County* shall mean unincorporated Fayette County, Georgia.

*Innkeeper* shall mean any person who is furnishing for value to the public any room(s), lodging, or accommodations.

*Occupancy, transient* shall mean occupancy or use by a paying guest or tenant for a period of less than 30 consecutive days or by the offering or advertising of a residence as being available in whole or in part to be used for such occupancy. Such occupancy is characteristic of tourist accommodations or other establishments, by whatever name called.

*Operator* shall mean any person operating a tourist accommodation (as defined in this section) in unincorporated Fayette County, including but not limited to the owner or proprietor of the premises, lessee, sub-lessee, lender in possession, or any other person otherwise operating a tourist accommodation.

*Overnight guest* shall have the same meaning as the term "tourist".

*Premises* shall mean and include all physical buildings, appurtenances, parking lots, and all property owned and/or used by and for the tourist accommodation.

*Special event* shall mean an organized occasion such as a social function (ie. wedding, reception, reunion, retreat, meeting, etc.)

*Tourist* shall mean anyone who has a home address somewhere other than where he or she is spending the night and other than where he or she pays a fee for accommodations.

*Tourist accommodation* shall mean any property, facility, or structure providing accommodations for value to the public for not more than 30 consecutive days.

*Traveler* shall have the same meaning as the term "tourist".

(Ord. No. 2014-08, § 1, 4-24-2014; Ord. No. 2017-06, § 1, 3-23-2017)

## Sec. 8-201. - Permit required.

- (a) Every person engaging in or about to engage in business as an operator of a tourist accommodation in the county shall immediately apply and obtain approval for the business with code enforcement on the forms provided by the same for such business. Persons engaged in such business must obtain a permit no later than 30 days after this section becomes effective; but such grace period for registration after the effective date of this section shall not relieve any person from the obligation of payment or collection of such permit fee on and after the date of imposition thereof. The required permit hereunder shall set forth the name under which the operator transacts business, and other such information as would be required by code enforcement. The permit application shall be signed by the owner if a natural person, by a member or partner in case of ownership by partnership, or an officer in the case of corporation.



- (b) A separate permit will be required for each location of business.
- (c) A bed and breakfast inn shall be permitted subject to the following:
  - (1) No food preparation, except beverages, is permitted within individual guest rooms.
  - (2) Meal service may be provided to registered guests and not open to the public.
  - (3) Reserved.
  - (4) Reserved.
- (d) Operators of tourist accommodations shall be permitted to serve food to guests for sale or otherwise, provided they obtain all state and local permits for the operation of a food service establishment and comply with all state and local rules and regulations for the operation of food service establishments.

(Ord. No. 2014-08, § 1, 4-24-2014; Ord. No. 2017-06, §§ 2, 3, 3-23-2017)

Sec. 8-202. - Application for permit.

- (a) Each person seeking to obtain a permit to operate a tourist accommodation shall submit an application to code enforcement on a form provided by the same. Said application shall include:
  - (1) A statement that each applicant is a citizen or legal resident of the United States;
  - (2) The address of the tourist accommodation;
  - (3) The current set room rates and fees;
  - (4) Consent by each applicant to undergo a criminal background check;
  - (5) Complete set of fingerprints for the applicant(s) taken by the county sheriff's office;
  - (6) A copy of a deed showing the applicant to be the owner of the premises for which the permit is sought or a copy of a lease showing any interest the owner of the premises has in the tourist accommodation for which the license is sought;
  - (7) All state and local permits pertaining to the operation of tourist accommodations, including approvals of Fayette County Health Department and Fayette County Fire Marshal as to maximum permitted capacity, approvals by the Fayette County Planning & Zoning Department as to zoning of the premises, and approvals of the Fayette County Building Permits & Inspections Department as to compliance with all property maintenance and building codes;
  - (8) Certified plans of the property and structure;
  - (9) Copy of the guest occupancy agreement as required by O.C.G.A. § 43-21-3.2;
  - (10) Documents showing compliance with state and local occupation taxes, excise taxes and sales taxes; and
  - (11) Any other information as required by code enforcement or the board of commissioners.
- (b) All applications for a permit to operate a tourist accommodation shall be accompanied by the payment of a permit fee as set in a schedule of fees adopted by the board of commissioners.
- ~~(c) Code enforcement shall review the application and all supporting documents and, shall submit a report to the county administrator. Upon payment by the applicant of the fee described above the county administrator shall schedule a hearing before county board of commissioners for its consideration as to whether a permit can be granted.~~

(Ord. No. 2014-08, § 1, 4-24-2014; Ord. No. 2017-06, § 2, 3-23-2017)

Sec. 8-203. - Issuance of permit.

- (a) Upon approval of the application for the permit ~~by the board of commissioners~~ and the timely payment of the permit fee, code enforcement shall issue the appropriate permit for the year in which approval was granted.
- (b) No permit shall be issued for any tourist accommodation where any individual having interest either as an operator, owner, partner, principal stockholder, or licensee, whether such interest is direct or indirect, or beneficial or absolute, has been convicted or has taken a plea of nolo contendere within five years for a felony or any crime involving moral turpitude, or has been convicted or has taken a plea of nolo contendere within two years for any misdemeanor of any state or of the United States or any municipal or county ordinance which would have any effect on the applicant's ability to properly conduct such business, except traffic offenses. The term "conviction" as used in this section shall include adjudication of guilty plea, plea of nolo contendere or forfeiture of a bond when charged with a crime.
- (c) The board of commissioners may, on appeal, waive any conviction as a disqualification if it finds that it would have no material effect upon the applicant's ability to properly conduct its business if such license were granted.

(Ord. No. 2014-08, § 1, 4-24-2014; Ord. No. 2017-06, § 2, 3-23-2017)

Sec. 8-204. - Annual renewal of permits.

All permits issued pursuant to this article are annual permits that run from January 1 to December 31 of each year. Holders of existing permits in good standing shall apply to code enforcement for renewal for the next calendar year by filing a renewal application in proper form and tendering the required fees. Fees for renewal of permits shall be according to a schedule of fees adopted by the board of commissioners.

(Ord. No. 2014-08, § 1, 4-24-2014)

Sec. 8-205. - Transfer of permits.

No permit issued pursuant to this article shall be transferred from one owner to another. Any violation of this section shall constitute due cause for probation, suspension, or revocation of the permit ~~granted by the board of commissioners.~~

(Ord. No. 2014-08, § 1, 4-24-2014)

Sec. 8-206. - Display of permit.

Every holder of a permit issued pursuant to this article shall keep such permit conspicuously displayed at all places where such business is conducted.

(Ord. No. 2014-08, § 1, 4-24-2014)

Sec. 8-207. - Revocation of permit.

- (a) *Grounds.* Any permit issued pursuant to this Article may be revoked by the board of commissioners, after notice and hearing, for any of the following causes:
  - (1) Any fraud, misrepresentation or false statement contained in the application for the permit;
  - (2) Any fraud, misrepresentation or false statement made in connection with any transaction;

- (3) Any violation of this article; or
- (4) The conducting of the business permitted under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health safety or general welfare of the public.

(b) *Hearing.*

- (1) Notice of hearing for the revocation of a permit issued pursuant to this article shall be given by the county administrator in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. The notice shall be served on the holder of the permit by handing the same personally to the person operating the permitted business, or by mailing the same, postage prepaid, to the holder of the permit at his or her last known address at least five days prior to the date set out for the hearing.
- (2) The giving of such notice shall suspend the permit pending the outcome of the hearing, and any business conducted under the permit shall cease during said period of suspension.

(Ord. No. 2014-08, § 1, 4-24-2014)

Sec. 8-208. - Records.

Each operator of a tourist accommodation is required to keep a guest register. Each guest shall register on the date of their arrival, stating their names, current residence, address and description and license plate number of the vehicle they are using. Each operator of a tourist accommodation shall keep for a period of at least three years the above-described register, along with all records, receipts, invoices and other pertinent papers setting forth rental charged for each occupancy, the date or dates of occupancy, and such other information as required by code enforcement. Said records shall be made available for examination by code enforcement, the county health department, or any authorized law enforcement agency.

(Ord. No. 2014-08, § 1, 4-24-2014; Ord. No. 2017-06, § 2, 3-23-2017)

Sec. 8-209. - Standards for health, sanitation and safety.

- (a) All operators of tourist accommodations shall comply with all rules and regulations promulgated by the Georgia Department of Public Health and the Fayette County Health Department for the operation of tourist accommodations.
- (b) Toilet, lavatory and bathing facilities shall be provided at all tourist accommodations. Such facilities shall be easily accessible, convenient and available to patrons at all times and operated pursuant to all applicable rules and regulations promulgated by the Georgia Department of Public Health and the Fayette County Health Department.
- (c) Public sewer is not available in unincorporated Fayette County, therefore sewage disposal shall be provided to efficiently dispose of all water carried wastes in a sanitary manner pursuant to all applicable rules and regulations promulgated by the Georgia Department of Public Health and the Fayette County Health Department.
- (d) All plumbing in tourist accommodations shall comply with all applicable state and local rules and regulations.

(Ord. No. 2014-08, § 1, 4-24-2014; Ord. No. 2017-06, § 2, 3-23-2017)

Sec. 8-210. - Alterations to structure and signs.

No exterior alterations may be made to a residence to indicate that it is being used as a tourist accommodation.

(Ord. No. 2014-08, § 1, 4-24-2014)

Sec. 8-211. - Reserved.

**Editor's note**— Ord. No. 2017-06, § 4, adopted March 23, 2017, repealed § 8-211, which pertained to parking and derived from Ord. No. 2014-08, § 1, 4-24-2014.

Sec. 8-212. - Special events.

Special events are not permitted at tourist accommodations located in a residential or A-R zoning district.

(Ord. No. 2014-08, § 1, 4-24-2014; Ord. No. 2017-06, § 5, 3-23-2017)

Sec. 8-213. - Violations.

- (a) It shall be unlawful for any operator to commit any of the following acts:
  - (1) Fail to keep the guest register and any other records required by this article for the time period so specified;
  - (2) Make any false entry therein;
  - (3) Falsify, obliterate, destroy or remove from his or her place of business such register or records;
  - (4) Refuse to allow any duly authorized law enforcement officer after proper identification to inspect such register or records during the ordinary hours of business or at other reasonable time; or
  - (5) Fail to obtain from any guest the identification required by this article.
- (b) Any person violating any provision of this article shall be subject to a fine not exceeding \$1,000.00 and costs or to imprisonment for a term not exceeding 60 days, or to both such fine and imprisonment, any or all of such penalties to be imposed at the discretion of the judge. The infliction of a penalty under the provisions of this section shall not prevent the revocation of any permit or the taking of other punitive or remedial action where called for or permitted under the provisions of this Code.

(Ord. No. 2014-08, § 1, 4-24-2014)

Secs. 8-214—240. - Reserved.

# COUNTY AGENDA REQUEST

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Department: Environmental Management

Presenter(s): Vanessa Birrell, Director

Meeting Date: Thursday, March 22, 2018

Type of Request: New Business #19

## Wording for the Agenda:

Consideration of staff's recommendation to adopt Ordinance 2018-06 that amends Fayette County Code, Chapter 104 - Development Regulations, Article XIII, Illicit Discharge and Illegal Connections.

## Background/History/Details:

The Fayette County Illicit Discharge and Illegal Connections Ordinance of one the model ordinances required the Metropolitan North Georgia Watershed Planning District to be administered. Proposed amendments to Article XIII include:

- 1) deleting the state waters reference throughout the ordinance to align with the referenced model ordinance;
- 2) defining operation and maintenance expectations of stormwater systems connected to the County's municipal separate stormwater system; and,
- 3) correcting Scribner errors.

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

Adoption of Ordinance 2018-06 that amends Fayette County Code, Chapter 104 - Development Regulations, Article XIII, Illicit Discharge and Illegal Connections.

## 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:



Subpart B - LAND DEVELOPMENT AND LAND USE  
Chapter 104 - DEVELOPMENT REGULATIONS

ARTICLE XIII. ILLICIT DISCHARGE AND ILLEGAL CONNECTION

## ARTICLE XIII. ILLICIT DISCHARGE AND ILLEGAL CONNECTION

[Sec. 104-532. Introduction.](#)

[Sec. 104-533. Definitions.](#)

[Sec. 104-534. General provisions.](#)

[Sec. 104-535. Prohibitions.](#)

[Sec. 104-536. Industrial or construction activity discharges.](#)

[Sec. 104-537. Access and inspection of properties and facilities.](#)

[Sec. 104-538. Notification of accidental discharges and spills.](#)

[Sec. 104-539. Violations, enforcement and penalties.](#)

[Secs. 104-540—104-556. Reserved.](#)

### Sec. 104-532. Introduction.

- (a) It is hereby determined that discharges to the county's municipal separate storm sewer system (MS4) that are not composed entirely of stormwater runoff contribute to increased nonpoint source pollution and degradation of receiving waters.
- (b) These non-stormwater discharges occur due to spills, dumping and illegal connections to the county's MS4 ~~and state waters~~ from residential, industrial, commercial or institutional establishments.
- (c) These non-stormwater discharges not only impact waterways individually, but geographically dispersed, small volume non-stormwater discharges can have cumulative impacts on receiving waters.
- (d) These impacts of non-stormwater discharges adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters.
- (e) These impacts can be minimized through the regulation of spills, dumping and discharges into the county's MS4 ~~and state waters~~.
- (f) Localities in the state are required to comply with a number of state and federal laws, regulations and permits ~~which~~ that require a locality to address the impacts of stormwater runoff quality and nonpoint source pollution due to improper non-stormwater discharges to the county's MS4.
- (g) Therefore, the county adopts this article to prohibit such non-stormwater discharges to the county's MS4 ~~and state waters~~. It is determined that the regulation of spills, improper dumping and discharges to the county's MS4 ~~and state waters~~ is in the public interest and will prevent threats to public health and safety, and the environment.

(Code 1992, § 8-401; Ord. No. 2012-05, § 1, 3-22-2012)

### Sec. 104-533. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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*Accidental discharge* means a discharge prohibited by this article that occurs by chance and without planning or thought prior to occurrence.

*Clean Water Act* means the Federal Water Pollution Control Act (33 USC 1251 et seq.) and any subsequent amendments thereto.

*Construction activity* means activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES general construction permits. These include construction projects resulting in land disturbance. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

*Illegal connection* means ~~either of~~ the following:

- (1) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4 ~~and/or state waters~~ including but not limited to any conveyances that allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter the MS4 ~~and/or state waters~~, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (2) Any ~~stormwater system including~~ pipe, open channel, ~~or~~ drain ~~or conveyance~~ connected to the county's MS4 not documented in ~~the~~ county-approved plans, maps, or equivalent records and approved by an authorized enforcement agency.

*Illicit discharge* means any direct or indirect non-stormwater discharge to the county's MS4 ~~and/or state waters~~, except as exempted in section 104-535.

*Industrial activity* means activities subject to NPDES industrial permits as defined in 40 CFR 122.26(b)(14).

*Municipal separate storm sewer system (MS4)* means ~~any system designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, street and roadway, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural controls, ditches, swales, natural and manmade or altered drainage channels, reservoirs, and other drainage structures, and which~~ all infrastructure, natural or otherwise, used for collecting and/or conveying stormwater ~~that~~ is:

- (1) Owned ~~or~~ and maintained by the county;
- (2) Not a combined sewer; and
- (3) Not part of a publicly owned treatment works.

*National pollutant discharge elimination system (NPDES) stormwater discharge permit* means a permit issued by the state EPD under authority delegated pursuant to 33 USC 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

*Non-stormwater discharge* means any discharge to the county's MS4 ~~and/or state waters~~ not composed entirely of stormwater.

*Owner and/or operator* means the legal or beneficial owner of a site, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

*Person* means, except to the extent exempted from this article, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the state, any interstate body or any other legal entity.

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*Pollutant* means any liquid, gas, solid, radioactive, hazardous, or other substance, that, when not used and/or disposed of in accordance with manufacturer's instructions, causes or contributes to pollution. Pollutants include, but are not limited to:

- (1) Paints, varnishes, and solvents;
- (2) Petroleum hydrocarbons;
- (3) Automotive fluids;
- (4) Cooking grease;
- (5) Detergents (biodegradable or otherwise);
- (6) Degreasers;
- (7) Cleaning chemicals;
- (8) Nonhazardous liquid and solid wastes and yard wastes;
- (9) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations (that may cause or contribute to pollution);
- (10) Floatables;
- (11) Pesticides, herbicides, and fertilizers;
- (12) Liquid and solid wastes, sewage, fecal coliform and pathogens;
- (13) Dissolved and particulate metals;
- (14) Animal wastes;
- (15) Wastes and residues that result from building construction waste;
- (16) Concrete and cement; and,
- (17) Noxious or offensive matter of any kind.

*Pollution* means the contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to: a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other pollutant into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

*Premises* means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

~~*State waters* means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, stormwater drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state that are not entirely confined and retained completely upon the property of a single owner, homeowners' association, partnership or corporation.~~

~~*Stormwater drainage system* means a system designed to provide adequate surface drainage that~~  
*all infrastructure, natural or otherwise, used for collecting and/or conveying stormwater, e.g.,*  
inlets, street and roadway gutters, ditches, small channels, swales and underground piping systems.

~~*Stormwater structural control* means an engineered stormwater management device that controls stormwater runoff and/or changes mitigates the effects of that increased runoff.~~

(Code 1992, § 8-401; Ord. No. 2012-05, § 1, 3-22-2012)

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**Sec. 104-534. General provisions.**

- (a) *Purpose and intent.* The purpose of this article is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the maximum extent practicable as required by federal law. This article establishes methods for controlling the introduction of pollutants into the county's MS4 ~~and/or state waters~~ in order to comply with requirements of the ~~national pollutant discharge elimination system (NPDES)~~ permit process. The objectives of this article are to:
- (1) Regulate the contribution of pollutants into the county's MS4 ~~and/or state waters~~;
  - (2) Prohibit illicit discharges and illegal connections into the county's MS4 ~~and/or state waters~~;
  - (3) Prevent non-stormwater discharges, generated as a result of spills and inappropriate dumping or disposal, to the county's MS4 ~~and/or state waters~~; and,
  - (4) ~~To~~ eEstablish legal authority to carry out all inspections, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this article.
- (b) *Applicability.* The provisions of this article shall apply throughout the unincorporated area of the county.
- (c) *Designation of article administrator.* The county ~~stormwater~~ environmental management director shall administer, implement, and enforce the provisions of this article except for issues pertaining to human or animal waste (i.e., sewage) ~~which~~ that shall be administered, implemented, and enforced by the county environmental health department.
- (d) *Compatibility with other regulations.* This article is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

(Code 1992, § 8-402; Ord. No. 2012-05, § 1, 3-22-2012)

**Sec. 104-535. Prohibitions.**

- (a) *Prohibition of illicit discharges.* No person, owner or operator shall throw, drain, or otherwise discharge, cause, or allow others under their control to throw, drain, or otherwise discharge into the county's MS4 ~~and/or state waters~~ any pollutants or waters containing any pollutants.
- (b) *Exempted discharges.* The following discharges are exempt from the prohibition provision in subsection (a) of this section:
- (1) Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;
  - (2) Discharges or flows from firefighting, and other discharges specified in writing by the county ~~stormwater~~ environmental management and/or environmental health departments as being necessary to protect public health and safety;

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- (3) Non-stormwater discharges permitted under an NPDES permit or order issued to the discharger and administered under the authority of the state and the federal environmental protection agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or orders and other applicable laws and regulations; written approval has been granted for any discharge to the county's MS4 ~~and/or state waters~~; and.
  - (4) Agricultural operations as defined in section 104-266(5) of the county's soil erosion, sedimentation and pollution control ordinance.
- (c) *Prohibition of illegal connections.* All stormwater systems shall be sufficient to collect convey detain and discharge stormwater runoff in a safe manner consistent with all applicable county development regulations, ordinances, and State and Federal laws. Stormwater systems that are connected to the county's MS4 shall be properly operated and maintained by the respective property owner. The construction, connection, use, maintenance or continued existence of any illegal connection to the county's MS4 ~~and/or state waters~~ is prohibited.
- (1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
    - a. A person violates this article if the person connects a line conveying pollutants, including sewage to the county's MS4 ~~and/or state waters~~, or allows such a connection to continue.
    - b. Illegal connections conveying sewage in violation of this article must shall be disconnected and/or redirected, if necessary, to an approved ~~onsite wastewater management system or other~~ sanitary sewer system upon ~~approval of the~~ county environmental health department approval.
  - (2) Any stormwater system drain or conveyance that has not been documented in plans, maps or equivalent, and ~~that~~ is connected to the county's MS4, shall be permitted ~~according to section 19-100 of the county stormwater management ordinance~~ or relocated by the owner or occupant of that property upon receipt of written notice of violation from the county ~~stormwater~~ environmental management department requiring that such permitting or ~~relocating~~ be completed. Such notice will specify a reasonable period for relocation and/or permitting of the stormwater drain or conveyance system. ~~to be completed.~~

(Code 1992, § 8-403; Ord. No. 2012-05, § 1, 3-22-2012)

### Sec. 104-536. Industrial or construction activity discharges.

Any person, owner, or operator of a facility subject to an industrial or construction activity NPDES stormwater ~~discharge~~ permit shall comply with all provisions of such permit. A copy of the notice of intent submitted to the state environmental protection department shall be submitted to the county ~~stormwater~~ environmental management department.

(Code 1992, § 8-404; Ord. No. 2012-05, § 1, 3-22-2012)

### Sec. 104-537. Access and inspection of properties and facilities.

The county ~~stormwater~~ environmental management ~~department~~ and/or environmental health departments shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this article.

- (1) If a property or facility has security measures in force that requires proper identification and clearance before entry onto premises, the owner and/or operator shall make the necessary arrangements to allow access to representatives of the county ~~stormwater~~



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environmental management ~~department~~ and/or environmental health departments.

- (2) The owner and/or operator shall allow the county ~~stormwater~~ environmental management and/or environmental health departments ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
- (3) The county ~~stormwater~~ environmental management ~~and~~ and/or environmental health departments shall have the right to set up on any property or facility such devices as are necessary in the opinion of the county ~~stormwater~~ environmental management and and/or environmental health departments to conduct monitoring and/or sampling of flow discharges.
- (4) The county ~~stormwater~~ environmental management and and/or environmental health departments may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the county ~~stormwater~~ environmental management and/or environmental health departments. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the county ~~stormwater~~ environmental management and/or environmental health departments and shall not be replaced. The costs of clearing such access shall be borne by the owner.
- (6) Unreasonable delays in allowing the county ~~stormwater~~ environmental management and/or environmental health departments access to a facility is a violation of this article.
- (7) If the county ~~stormwater~~ environmental management and/or environmental health departments has been refused access to any part of the premises from which stormwater is discharged, and the county ~~stormwater~~ environmental management and/or environmental health departments is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the county ~~stormwater~~ environmental management and/or environmental health departments may seek issuance of a search warrant from any court of competent jurisdiction.

(Code 1992, § 8-405; Ord. No. 2012-05, § 1, 3-22-2012)

**Sec. 104-538. Notification of accidental discharges and spills.**

- (a) Notwithstanding other requirements of law, as soon as any owner, operator, and/or person responsible for a facility, activity or owner, operation and/or person responsible, has information of any known or suspected release of any non-~~stormwater~~ discharges from that facility or operation that may result in an illicit discharge into the county's MS4 ~~and/or state waters~~, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release ~~so as~~ to minimize the effects of the discharge. Said person shall notify the authorized enforcement agency in person or by phone, facsimile or in person no later than 24 hours of the nature, quantity and time of occurrence of the discharge. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner and/or operator of such facility, activity, or operation shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. The owner and/or operator shall also take immediate steps to ensure no recurrence of the discharge or spill.

- (b) In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified. Failure to provide notification of

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a release as provided above is a violation of this article.

(Code 1992, § 8-406; Ord. No. 2012-05, § 1, 3-22-2012)

**Sec. 104-539. Violations, enforcement and penalties.**

- (b) *Violations.* It shall be unlawful for any owner and/or person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article, may be subject to enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law. In the event the violation constitutes an immediate danger to public health or public safety, the county ~~stormwater~~ environmental management and/or environmental health departments is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The county ~~stormwater~~ environmental management and/or environmental health departments are authorized to seek costs of the abatement as outlined in subsection (d) of this section.
- (c) *Notice of violation.* Whenever the county ~~stormwater~~ environmental management ~~department~~ and/or environmental health department find that a violation of this article has occurred, the county ~~stormwater~~ environmental management and/or environmental health departments may order compliance by written notice of violation.
- (1) The notice of violation shall contain:
- a. The name and address of the alleged violator;
  - b. The address when available or a description of the building structure or land upon which the violation is occurring or has occurred;
  - c. A statement specifying the nature of the violation; and
  - d. A description of the remedial measures necessary to restore compliance with this article and a time schedule for the completion of such remedial action.
- (2) Such notice may require without limitation:
- a. The performance of monitoring, analyses, and reporting;
  - b. The elimination of illicit discharges ~~and illegal connections~~;
  - c. The elimination and/or permitting of illegal connections;
  - d. That violating discharges, or operations shall cease and desist;
  - e. The abatement of remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  - f. Payment of costs to cover administrative, abatement, and remediation costs; and
  - g. The implementation of pollution prevention practices.
- (d) *Abatement measures.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, then representatives of the county ~~stormwater~~ environmental management and/or environmental health departments may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth in subsection (a) of this section.
- (e) *Costs of abatement of the violation.* Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The county ~~stormwater~~ environmental management and/or environmental health departments may recover attorney's fees, court costs, and other expenses associated with enforcement of this article, including sampling and monitoring expenses. The property owner may file a written protest

Subpart B - LAND DEVELOPMENT AND LAND USE  
Chapter 104 - DEVELOPMENT REGULATIONS

ARTICLE XIII. ILLICIT DISCHARGE AND ILLEGAL CONNECTION

objecting to the assessment or to the amount of the assessment within 15 days of such notice. Written appeals shall be made to the board of commissioners or a party appointed thereby. If the amount due is not paid within 30 days after receipt of the notice, or if an appeal is taken, within 30 days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

- (f) *Citations.* For intentional and flagrant violations of this article, and/or in the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the county ~~stormwater~~ environmental management and/or environmental health departments shall deem appropriate, the county ~~engineering~~ environmental management and/or environmental health department may issue a citation to the alleged violator requiring such person to appear in the state court for the county to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.
- (g) *Violations deemed a public nuisance.* In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public, health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by the injunctive or other equitable relief as provided by law.
- (h) *Remedies not exclusive.* The remedies listed in this article are not exclusive ~~or~~ of any other remedies available under any applicable federal, state or local law and the county ~~stormwater~~ environmental management and/or environmental health departments may seek cumulative remedies.

(Code 1992, § 8-407; Ord. No. 2012-05, § 1, 3-22-2012)

**Secs. 104-540—104-556. Reserved.**

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**ORDINANCE**

**NO. 2018-\_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO REVISE PROVISIONS PERTAINING TO ILLICIT DISCHARGE AND ILLEGAL CONNECTION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO ILLICIT DISCHARGE AND ILLEGAL CONNECTION (ARTICLE XIII OF CHAPTER 104), BE AMENDED AS FOLLOWS:**

**Section 1.** By deleting Article XIII, pertaining to “Illicit Discharge and Illegal Connection”, of Chapter 104, in its entirety, and by replacing it with a new Article XIII in Chapter 104, to be numbered and read as follows:

**ARTICLE XIII. ILLICIT DISCHARGE AND ILLEGAL CONNECTION**

**Sec. 104-532. - Introduction.**

(a) It is hereby determined that discharges to the county's municipal separate storm sewer system (MS4) that are not composed entirely of stormwater runoff contribute to

increased nonpoint source pollution and degradation of receiving waters.

(b) These non-stormwater discharges occur due to spills, dumping and illegal connections to the county's MS4 from residential, industrial, commercial or institutional establishments.

(c) These non-stormwater discharges not only impact waterways individually, but geographically dispersed, small volume non-stormwater discharges can have cumulative impacts on receiving waters.

(d) These impacts of non-stormwater discharges adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters.

(e) These impacts can be minimized through the regulation of spills, dumping and discharges into the county's MS4.

(f) Localities in the state are required to comply with a number of state and federal laws, regulations and permits that require a locality to address the impacts of stormwater runoff quality and nonpoint source pollution due to improper non-stormwater discharges to the county's MS4.

(g) Therefore, the county adopts this article to prohibit such non-stormwater discharges to the county's MS4. It is determined that the regulation of spills, improper dumping and discharges to the county's MS4 is in the public interest and will prevent threats to public health and safety, and the environment.



**Sec. 104-533. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accidental discharge* means a discharge prohibited by this article that occurs by chance and without planning or thought prior to occurrence.

*Clean Water Act* means the Federal Water Pollution Control Act (33 USC 1251 et seq.) and any subsequent amendments thereto.

*Construction activity* means activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES general construction permits. These include construction projects resulting in land disturbance. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

*Illegal connection* means the following:

- (1) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4 including but not limited to any conveyances that allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter the MS4, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (2) Any stormwater system including pipe, open channel, or drain connected to the county's MS4 not documented in county-approved plans, maps, or

equivalent records and approved by an authorized enforcement agency.

*Illicit discharge* means any direct or indirect non-stormwater discharge to the county's MS4, except as exempted in section 104-535.

*Industrial activity* means activities subject to NPDES industrial permits as defined in 40 CFR 122.26(b)(14).

*Municipal separate storm sewer system (MS4)* means all infrastructure, natural or otherwise, used for collecting and/or conveying stormwater that is:

- (1) Owned and maintained by the county;
- (2) Not a combined sewer; and
- (3) Not part of a publicly owned treatment works.

*National pollutant discharge elimination system (NPDES) stormwater discharge permit* means a permit issued by the state EPD under authority delegated pursuant to 33 USC 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

*Non-stormwater discharge* means any discharge to the county's MS4 not composed entirely of stormwater.

*Owner and/or operator* means the legal or beneficial owner of a site, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

*Person* means, except to the extent exempted from this article, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other

political subdivision of the state, any interstate body or any other legal entity.

*Pollutant* means any liquid, gas, solid, radioactive, hazardous, or other substance, that, when not used and/or disposed of in accordance with manufacturer's instructions, causes or contributes to pollution. Pollutants include, but are not limited to:

- (1) Paints, varnishes, and solvents;
- (2) Petroleum hydrocarbons;
- (3) Automotive fluids;
- (4) Cooking grease;
- (5) Detergents (biodegradable or otherwise);
- (6) Degreasers;
- (7) Cleaning chemicals;
- (8) Nonhazardous liquid and solid wastes and yard wastes;
- (9) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations (that may cause or contribute to pollution);
- (10) Floatables;
- (11) Pesticides, herbicides, and fertilizers;
- (12) Liquid and solid wastes, sewage, fecal coliform and pathogens;
- (13) Dissolved and particulate metals;
- (14) Animal wastes;
- (15) Wastes and residues that result from building construction waste;
- (16) Concrete and cement; and
- (17) Noxious or offensive matter of any kind.

*Pollution* means the contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to: a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other pollutant into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

*Premises* means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

*Stormwater drainage system* means all infrastructure, natural or otherwise, used for collecting and/or conveying stormwater, e.g. inlets, street and roadway gutters, ditches, small channels, swales and underground piping systems.

#### **Sec. 104-534. - General provisions.**

(a) *Purpose and intent.* The purpose of this article is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the maximum extent practicable as required by federal law. This article establishes methods for controlling the introduction of pollutants into the county's MS4 in order to comply with requirements of the NPDES permit process. The objectives of this article are to:

- (1) Regulate the contribution of pollutants into the county's MS4;

- (2) Prohibit illicit discharges and illegal connections into the county's MS4;
- (3) Prevent non-stormwater discharges, generated as a result of spills and inappropriate dumping or disposal, to the county's MS4; and
- (4) Establish legal authority to carry out all inspections, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this article.

(b) *Applicability.* The provisions of this article shall apply throughout the unincorporated area of the county.

(c) *Designation of article administrator.* The county environmental management director shall administer, implement, and enforce the provisions of this article except for issues pertaining to human or animal waste (i.e., sewage) that shall be administered, implemented, and enforced by the county environmental health department.

(d) *Compatibility with other regulations.* This article is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

#### **Sec. 104-535. - Prohibitions.**

(a) *Prohibition of illicit discharges.* No person, owner or operator shall throw, drain, or



otherwise discharge, cause, or allow others under their control to throw, drain, or otherwise discharge into the county's MS4 any pollutants or waters containing any pollutants.

(b) *Exempted discharges.* The following discharges are exempt from the prohibition provision in subsection (a) of this section:

- (1) Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;
- (2) Discharges or flows from firefighting, and other discharges specified in writing by the county environmental management and/or environmental health departments as being necessary to protect public health and safety;
- (3) Non-stormwater discharges permitted under an NPDES permit or order issued to the discharger and administered under the authority of the state and the federal environmental protection agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or orders and other applicable laws and regulations; written approval has been granted for any discharge to the county's MS4; and
- (4) Agricultural operations as defined in section 104-266(5) of the county's

soil erosion, sedimentation and pollution control ordinance.

(c) *Prohibition of illegal connections.* All stormwater systems shall be sufficient to collect, convey, detain and discharge stormwater runoff in a safe manner consistent with all applicable county development regulations, ordinances, and State and Federal laws. Stormwater systems that are connected to the county's MS4 shall be properly operated and maintained by the respective property owner. The construction, connection, use, maintenance or continued existence of any illegal connection to the county's MS4 is prohibited.

(1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(a) A person violates this article if the person connects a line conveying pollutants, including sewage, to the county MS4, or allows such a connection to continue.

(b) Illegal connections conveying sewage shall be disconnected and/or redirected, if necessary, to an approved sanitary sewer system upon county environmental health department approval.

(2) Any stormwater system that has not been documented in plans, maps or equivalent and is connected to the county's MS4, shall be permitted or relocated by the owner or occupant of that property upon receipt of written notice of violation from the county environmental management department requiring that such permitting or relocating be completed.

Such notice will specify a reasonable period for relocation and/or permitting of the stormwater drain or conveyance system.

**Sec. 104-536. - Industrial or construction activity discharges.**

Any person, owner, or operator of a facility subject to an industrial or construction activity NPDES stormwater permit shall comply with all provisions of such permit. A copy of the notice of intent submitted to the state environmental protection department shall be submitted to the county environmental management department.

**Sec. 104-537. - Access and inspection of properties and facilities.**

The county environmental management and/or environmental health departments shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this article.

- (1) If a property or facility has security measures in force that requires proper identification and clearance before entry onto premises, the owner and/or operator shall make the necessary arrangements to allow access to representatives of the county environmental management and/or environmental health departments.
- (2) The owner and/or operator shall allow the county environmental management and/or environmental health departments ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that

are required under the conditions of an NPDES permit to discharge stormwater.

- (3) The county environmental management and/or environmental health departments shall have the right to set up on any property or facility such devices as are necessary in the opinion of the county environmental management and and/or environmental health departments to conduct monitoring and/or sampling of flow discharges.
- (4) The county environmental management and and/or environmental health departments may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the county environmental management and/or environmental health departments. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the county environmental management and/or environmental health departments and shall not be replaced. The costs of clearing such access shall be borne by the owner.
- (6) Unreasonable delays in allowing the county environmental management

and/or environmental health departments access to a facility is a violation of this article.

- (7) If the county environmental management and/or environmental health departments has been refused access to any part of the premises from which stormwater is discharged, and the county environmental management and/or environmental health departments is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the county environmental management and/or environmental health departments may seek issuance of a search warrant from any court of competent jurisdiction.

**Sec. 104-538. - Notification of accidental discharges and spills.**

- (a) Notwithstanding other requirements of law, as soon as any owner, operator, and/or person responsible for a facility, activity or owner, operation and/or person responsible, has information of any known or suspected release of any non-stormwater discharges from that facility or operation that may result in an illicit discharge into the county's MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release to minimize the effects of the discharge. Said person shall notify



the authorized enforcement agency in person or by phone, facsimile or in person no later than 24 hours of the nature, quantity and time of occurrence of the discharge. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner and/or operator of such facility, activity, or operation shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. The owner and/or operator shall also take immediate steps to ensure no recurrence of the discharge or spill.

(b) In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified. Failure to provide notification of a release as provided above is a violation of this article.

**Sec. 104-539. - Violations, enforcement and penalties.**

(a) *Violations.* It shall be unlawful for any owner and/or person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article, may be subject to enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law. In the event the violation constitutes an immediate danger to public health or public safety, the county environmental management and/or environmental health departments is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The county environmental management and/or environmental health departments are authorized to seek costs of the

abatement as outlined in subsection (d) of this section.

(b) *Notice of violation.* Whenever the county environmental management department and/or environmental health departments find that a violation of this article has occurred, the county environmental management and/or environmental health departments may order compliance by written notice of violation.

(1) The notice of violation shall contain:

- a. The name and address of the alleged violator;
- b. The address when available or a description of the building structure or land upon which the violation is occurring or has occurred;
- c. A statement specifying the nature of the violation; and
- d. A description of the remedial measures necessary to restore compliance with this article and a time schedule for the completion of such remedial action.

(2) Such notice may require without limitation:

- a. The performance of monitoring, analyses, and reporting;
- b. The elimination of illicit discharges;
- c. The elimination and/or permitting of illegal connections;
- d. That violating discharges, or operations shall cease and desist;
- e. The abatement of remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- f. Payment of costs to cover administrative, abatement, and

remediation costs; and

g. The implementation of pollution prevention practices.

(c) *Abatement measures.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, then representatives of the county environmental management and/or environmental health departments may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth in subsection (a) of this section.

(d) *Costs of abatement of the violation.* Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The county environmental management and/or environmental health departments may recover attorney's fees, court costs, and other expenses associated with enforcement of this article, including sampling and monitoring expenses. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within 15 days of such notice. Written appeals shall be made to the board of commissioners or a party appointed thereby. If the amount due is not paid within 30 days after receipt of the notice, or if an appeal is taken, within 30 days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

(e) *Citations.* For intentional and flagrant violations of this article, and/or in the event

the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the county environmental management and/or environmental health departments shall deem appropriate, the county environmental management and/or environmental health department may issue a citation to the alleged violator requiring such person to appear in the state court for the county to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(f) *Violations deemed a public nuisance.* In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public, health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by the injunctive or other equitable relief as provided by law.

(g) *Remedies not exclusive.* The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and the county environmental management and/or environmental health departments may seek cumulative remedies.

**Secs. 104-540—104-556. - Reserved.**

**Section 2.** This ordinance shall become effective immediately upon its adoption by the

Board of Commissioners for Fayette County.

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

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



**SO ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY

By: \_\_\_\_\_  
Eric K. Maxwell, Chairman

(SEAL)

ATTEST:

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

Approved as to form:

\_\_\_\_\_  
County Attorney

# COUNTY AGENDA REQUEST

Page 256 of 288

Department: Fayette County Water System

Presenter(s): Lee Pope, Director

Meeting Date: Thursday, March 22, 2018

Type of Request: New Business #20

## Wording for the Agenda:

Consideration of the Water Committee's recommendation to consider the Private Water System Emergency Ordinance 2018-07 and Resolution 2018-06 and related Fee Schedule.

## Background/History/Details:

There has been some concern about subdivisions with private well systems having problems providing water to their customers. The Water Committee has researched and discussed some ways, in an emergency the Fayette County Water System could assist these systems in the event of a catastrophic emergency.

After analyzing the size and type of pipe, the age and health of each system, the Fayette County Water System would have the information needed to develop an activation fee to assist them with demands during the down time and require they fix their problem within a specified time period and get back onto their own source(s). They would pay a set rate for the water used during this time. This information is outlined in detail in the Draft Ordinance, the Resolution and the Fee Schedule.

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

Consideration of the draft ordinance, resolution and fee schedule as presented by the Water Committee.

## If this item requires funding, please describe:

Not applicable.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

**STATE OF GEORGIA**

**COUNTY OF FAYETTE**

**ORDINANCE NO.**

2018-\_\_\_\_

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA; TO PROVIDE FOR AN EMERGENCY SUPPLY OF PUBLIC WATER UNDER CERTAIN CIRCUMSTANCES; TO PROVIDE FOR EMERGENCY WATER RATES INCLUDING AN EMERGENCY USE FEE; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA, THAT THE FAYETTE COUNTY CODE OF ORDINANCES SHALL BE AMENDED TO PROVIDE FOR THE USE OF PUBLIC WATER BY PRIVATE WATER CUSTOMERS AS FOLLOWS:

**Section 1.** By adding a new article to Chapter 28 to be known as Article VIII Emergency Water Supply for Private Water Systems to be numbered and to read as follows:

**ARTICLE VIII – EMERGENCY WATER SUPPLY FOR PRIVATE WATER SYSTEMS**

**Sec. 28-251. Purpose and Intent.**

The Board of Commissioners of Fayette County finds that every citizen of Fayette County should have a reliable drinking water source in sufficient quantity for day-to-day living requirements. The Board of Commissioners further acknowledges that not every Fayette County

citizen chooses to purchase drinking water from the Fayette County Water System, although the Fayette County Water System produces more than enough daily volume of drinking water to meet the needs of all the citizens of Fayette County. Some Fayette County citizens choose to obtain drinking water from wells either on or off their property. Other Fayette County systems receive their water from private water systems as defined herein. The purpose and intent of this article in the Fayette County Code is to recognize that a solution should be available for those Fayette County citizens who are part of a private water system and, for whatever reason, are not receiving any drinking water, and to provide that solution. The individual property owner has opportunities available to him or her which are not available to those Fayette County citizens who receive water from a private water system. Individual property owners may drill another well, or hook onto the Fayette County Water Systems at the point nearest their property. Fayette County citizens who purchase water from a private water system, generally, do not have those options available. This article will provide the parameters within which the Fayette County Water System shall make drinking water available to Fayette County citizens who purchase water from a private water system when the private water system no longer provides drinking water for their use.

**Sec. 28-252. Definitions.**

(a) Fayette County Water System – The public water distribution system in Fayette County which provides drinking water to Fayette County citizens. The Fayette County Water System may provide drinking water to other than Fayette County citizens with the appropriate agreements in place.

(b) Private water system – A water system owned by other than a governmental entity which provides drinking water to Fayette County citizens based upon a permit obtained from the state of Georgia.

(c) Water unavailable – The lack of drinking water from the source, e.g., when a private water system has no drinking water available. A private water system or a well experiencing low pressure is not deemed to have water unavailable.

(d) Contaminated water – Drinking water which does not meet the minimum drinking water standards as established by the Clean Water Act as enforced by the Environmental Protection Division of the Department of Natural Resources for the state of Georgia.

**Sec. 28-253. Identification of Private Water Systems; Requirements; Vaults.**

(a) There are twelve (12) permitted private water systems in Fayette County. The private water systems are:

1. Fayette Mobile Home Park, Permit No. GA1130005 for 30 service connections;
2. Dix Lee'On Estates, Permit No. GA1130007 for 214 service connections;
3. Newton Plantation, Permit No. GA1130008 for 124 service connections;
4. Rolling Meadows Estates, Permit No. GA1130009 for 115 service connections;
5. Four Seasons Mobile Home Park, Permit No. GA1130010 for 210 service connections;
6. Long's Mobile Home Park, Permit No. GA1130012 for 35 service connections;
7. Woodland Road Water Association, Permit No. GA1130016 for 15 service connections;



8. Fernwood Mobile Home Park, Permit No. GA1130019 for 61 service connections;
9. Starr's Mill Ridge Subdivision, Permit No. GA1130033 for 52 service connections;
10. Line Creek Estates, Permit No. GA1130034 for 97 service connections;
11. Wendell Coffee Golf Center, Permit No. GA1130035 for 1 service connection; and
12. Corinth Woods Subdivision, Permit No. GA0630008 for 29 service connections.  
[This system is listed as Clayton County with the State and we do not have a Corinth Woods Subdivision in our subdivision list. Corinth Drive comes off of Corinth Road in Fayette County. There are two lots in Fayette County accessing on Corinth Drive. Neither of their deeds makes reference to Corinth Woods Subdivision. The rest of Corinth Drive is in Clayton County.]

Any of these private water systems are eligible to receive from the Fayette County Water System when water is unavailable, as that term is defined herein, within their respective private water system.

(b) Any request for the emergency supply of drinking water from the Fayette County Water System shall be made through the Director of the Fayette County Water System. In order to be eligible to receive emergency water from the Fayette County Water System, the private water system must first comply with any requirements set out in this article in addition to any necessary requirements which, in the opinion of the Water System Director, shall be installed to ensure the safe provision of drinking water to the private water system.

(c) Any private water system comprised of water lines of six (6) inches in diameter or larger will be required to provide the cost for the installation of a vault to facilitate the installation of a water meter on county property to tie in to the private water system. Payment for the installation of the vault, where required, is a precondition to receiving drinking water from the Fayette County Water System when drinking water is unavailable in a private water system.

**Sec. 28-254. Supplying Drinking Water to a Private Water System; Water Meter; Activation Fee; Cost of Water; Duration.**

(a) Whenever a request is made to the Water System Director to provide emergency drinking water to a private water system, and the Water System Director has determined that water is unavailable to the private water system, the Water System Director may cause the emergency water supply to flow to the private water system. The presence of contaminated water may not be sufficient reason for emergency water to be supplied to a private water system.

(b) The Water System Director shall determine what size water meter will be required to supply water to the private water system. The water meter shall be installed on County property at the closest point to the subdivision served by the private water system. Payment for the cost of the water meter and the installation of the water meter shall be borne by the owner of the private water system. The cost of the water meter and the installation of the water meter shall be paid within ten (10) calendar days of installation of same. Of the private water systems listed herein, the closest point from County property to the respective subdivision is as follows:

- (i) Fayette Mobile Home Park: 55 feet;
- (ii) Dix Lee'On Estates: 20 feet;

- (iii) Newton Plantation: 90 feet;
- (iv) Rolling Meadows Estates: 80 feet (Redwine)  
20 feet (Cherokee)
- (v) Four Seasons Mobile Home Park: 650 feet;
- (vi) Long's Mobile Home Park: 55 feet;
- (vii) Woodland Road Water Association: 20 feet;
- (viii) Fernwood Mobile Home Park: 1,782 feet (S.R. 314 North);  
1,950 feet (S.R. 314 South);
- (ix) Starr's Mill Ridge Subdivision: 1,600 feet;
- (x) Line Creek Estates: 2,500 feet;
- (xi) Wendell Coffee Golf Center: 20 feet; and
- (xii) Corinth Woods Subdivision: 80 feet.

(c) Whenever a private water system requests the delivery of emergency drinking water, an activation fee shall be charged for the delivery of the drinking water. The activation fee shall be an amount set from time to time by the Board of Commissioners of Fayette County and shall be on file at the Fayette County Water System. An activation fee shall be charged for every request for emergency drinking water where drinking water is supplied as a result of the request. Any private subdivision may be subject to more than one activation fee depending upon the number of requests made for emergency drinking water which are responded to with a supply of emergency drinking water.

(d) The volume of drinking water provided to a private water system when drinking water is unavailable shall be charged at a rate equal to the amount of three times the water rate currently in place for purchasing drinking water from the Fayette County Water System.

(e) When emergency drinking water is provided to a private subdivision by the Fayette County Water System, the emergency drinking water shall be provided for no more than 60 consecutive days. For purposes of this article, consecutive days are measured from the activation of the water meter to allow drinking water to flow to the private water system to the de-activation of the water meter shutting off the flow of drinking water to the private water system. When emergency drinking water has been provided to a private system for 30 consecutive days, the owner of the private water system shall begin taking appropriate steps to merge his or her private water system into the Fayette County Water System. The owner of the private water system shall pay to the Fayette County Water System an amount equal to the amount it would take for the private water system to be constructed to minimum Fayette County Water System standards.

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

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

**Section 4.** In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or

unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

**SO ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY, GEORGIA

(SEAL)

By: \_\_\_\_\_  
ERIC K. MAXWELL, Chairman

ATTEST:

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

Approved as to form:

\_\_\_\_\_  
County Attorney



**STATE OF GEORGIA**

**FAYETTE COUNTY**

**RESOLUTION**

**NO. 2018-\_\_\_**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR FAYETTE COUNTY; TO ADOPT A SCHEDULE OF FEES PERTAINING TO AN EMERGENCY ACTIVATION FEE; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**WHEREAS**, the Board of Commissioners for Fayette County (the “County”) is the duly elected governing authority for the County; and

**WHEREAS**, Article VIII of Chapter 28 of the Fayette County Code of Ordinances provides for the emergency supply of drinking water to private water systems and wells; and

**WHEREAS**, said Article VIII also provides that certain fees may be assessed against the owner of a private water system or a well for activating the emergency flow of drinking water from the Fayette County Water System to the private drinking water source; and

**WHEREAS**, pursuant to Section 28-254 of said Article VIII, the Board of Commissioners desires to adopt the schedule of fees attached hereto as Exhibit “A”, and made a part hereof by this reference.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners for Fayette County that the Board hereby adopts the schedule of fees attached hereto as Exhibit “A”, with said

fees to be assessed as described in Article VIII of Chapter 28 of the Fayette County Code of Ordinances.

**RESOLVED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

BOARD OF COMMISSIONERS OF  
OF FAYETTE COUNTY, GEORGIA

(SEAL)

By: \_\_\_\_\_  
ERIC K. MAXWELL, Chairman

ATTEST:

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

Approved as to form:

\_\_\_\_\_  
County Attorney

## SCHEDULE OF FEES

(Exhibit A)

(Approved by Board of Commissioners \_\_\_\_\_, 2018)

Emergency Activation Fee is \$20 per service connection as listed on the State permit for the private water system. The activation fee shall be due and payable each time the private water system owner requests an emergency supply of drinking water. The Emergency Activation Fee for each known private water system permit holder is as follows:

- |     |                                  |            |
|-----|----------------------------------|------------|
| 1.  | Fayette Mobile Home Park:        | \$ 600;    |
| 2.  | Dix Lee'On Estates:              | \$4,280;   |
| 3.  | Newton Plantation:               | \$2,480;   |
| 4.  | Rolling Meadows Estates:         | \$2,300;   |
| 5.  | Four Seasons Mobile Home Park:   | \$4,200;   |
| 6.  | Long's Mobile Home Park:         | \$ 700;    |
| 7.  | Woodland Road Water Association: | \$ 300;    |
| 8.  | Fernwood Mobile Home Park        | \$ 1,220;  |
| 9.  | Starr's Mill Ridge Subdivision:  | \$1,040;   |
| 10. | Line Creek Estates:              | \$1,940;   |
| 11. | Wendell Coffee Golf Center:      | \$ 20; and |
| 12. | Corinth Woods Subdivision:       | \$ 580.    |

**WATER COMMITTEE**  
**FEBRUARY 14, 2018**  
**MINUTES**

**MEMBERS PRESENT:**

Pete Frisina, Chairman  
James Preau, Vice Chairman  
Steve Rapson, County Administrator  
Lee Pope, Water System Director  
Commissioner Steve Brown

**ABSENT:**

**NON-VOTING MEMBERS:**

Dennis Davenport, County Attorney  
Harvell Walker, Frank Andre, William Andrews  
Russell Ray, Matt Bergen  
Carrie Gibby, Anita Godbee

**GUESTS:**

**STAFF PRESENT:**

The meeting was called to order by Chairman Pete Frisina at 8:00 A.M.

**I. APPROVAL OF MINUTES FROM THE MEETING ON JANUARY 24, 2018.**

Lee Pope made the motion and Vice Chairman Jimmy Preau seconded, to approve the minutes from the meeting on January 24, 2018. The motion passed unanimously.

**II. PRIVATE WATER SYSTEM EMERGENCY ORDINANCE DISCUSSION.**

Attorney Davenport explained the document before the committee has some minor revisions, supplementing the last meeting. The first change comes up on page 3, Section 28-253, one of the things that we noticed in the permits for example for Fayette Mobile Home Park the permit has it down as a population of 78. We looked at that population of 78 as being 78 connections. It is not 78 households, it is 78 persons. When you convert that to households the connections were actually 30. Every system on this list was a downward adjustment because the population number was not the service connection number. It did not translate one to one. For example, Fayette Mobile Home Park went from 78 to 30, Dix Lee'On went from 556 to 214, Newton Plantation from 300 to 124, Rolling Meadows from 299 to 115, Four Seasons from 600 to 210, Longs Mobile Home Park from 78 to 35, Woodland Road Water Association from 39 to 15, Fernwood from 72 to 61, Starr's Mill Ridge from 151 to 52, Line Creek Estates from 291 to 97, Wendell Coffee from 25 to 1. That answered the age old question of what the 25 was there for the Wendell Coffee Golf Club. Now we know it is one connection. Corinth Woods subdivision is 29; the additional language there is this system is listed as Clayton County with the State. We do not have a Corinth Woods subdivision in our subdivision list; Corinth Drive comes off Corinth Road in Fayette County. There are two lots in Fayette County accessing on Corinth Drive, neither of their deeds make reference to Corinth Woods subdivision, etc. Mr. Davenport said it stays at 29. That translates into different dollars on the resolution.

Mr. Davenport explained there was a minor adjustment on page 6, in section 28-254 paragraph sub-section B line item vii. This was changed from \$2,000 feet to 20 feet as the distance to the nearest county line from the Woodland Road Water Association. He stated that is the extent of the changes from the last meeting.

Chairman Frisina commented this is up for re-consideration for the Committee to look at one more time before going to the Board of Commissioners. Mr. Rapson explained that he took those updated quantities from the permit and where we had used \$10.00 as a jumping point to figure out what the schedule of fees would be, he used \$10.00, \$15.00 and \$20.00 and then sent that to the Board. The majority of the folks he heard back from all said the \$20.00 would be the best, which is what you see in the fee schedule, all based on whatever the quantity is for the permit times \$20.00.

Mr. Davenport stated that fee schedule, even though it is times \$20.00, the numbers you are looking at, except for Fernwood and Corinth, all the others have decreases.

Mr. Harvell Walker with Woodland Road Water Association said on that particular one that is correct they had the wrong numbers. Why jump from \$10.00 to \$20.00, nothing has changed other than there was an error on that. He asked if somebody could explain that to him. He said he knows the dollar amount went down, but that is a hundred percent increase.

Mr. Davenport said to keep in mind there is not any current charge now. This whole process is to determine the baseline information to use to start up a brand new ordinance. The \$10.00 was not set in stone. It was a place setter to begin with and when the numbers were adjusted on the permit figure itself, we looked at the total package of what would be charged to a private water system. A private water system that pays nothing into the water system at all for the water infrastructure; what would be fair and equitable to the balance of the water system customers to allow a private water system to tap on. These numbers with the \$20.00 insert seemed more equitable to the group as opposed to the \$10.00.

Mr. Pope added for clarification that every customer in this Water System pays a meter and tap fee that assists us with the infrastructure required to meet them with services. When you come on as a private water system and bring twenty something customers, none of them paid that \$1,800.00 or whatever the cost for the size of meter, we did not feel it would be fair to charge you \$1,800.00 times twenty something customers. That would have been astronomical, so we tried to come up with a fee to assist with recouping some funds towards the infrastructure to deliver that. He explained infrastructure is the plants, the piping and the tanks in the system that is required to deliver services. Everybody else in the system paid for that service by paying a meter and tap fee. That is part of the capital cost recovery for that infrastructure. He said we tried to come up with a fee that was fair. You are not paying that per customer, so we are trying to come up with a fee that we feel like you did pay in something because potentially those other customers could come and say that water system that I paid \$1,800.00 to be a part of, why is he getting to be part of it for even \$20.00 or \$30.00. We felt like that was a fair amount because you do have some infrastructure on your end.



Mr. Walker asked if that is an average cost for anybody that taps on now, if you have a house and you just want to tap on, is it \$1,800.00 for the meter. Mr. Bergen said the cost for a standard meter is \$1,300.00, and then we have the infrastructure charge of \$3.50 per foot on your road frontage in addition to those fees.

Mr. Walker said he knows they made a correction, but then we go from \$10.00 to \$20.00, is that only because now it is less number because those were wrong before? Mr. Rapson said to keep in mind the \$10.00 was a function of whatever denominator was the number. When you look at this now, of the 12 fees we had, the fees being proposed even though the denominator went from \$10.00 to \$20.00, 10 of those are less than what we had proposed before for the total fee. In your particular case for Woodland Water Association, the original proposal was to charge \$390.00 that has actually been lowered to \$300.00. He said he thinks it is all a function of the math. Since we didn't have the right numerator to begin with it changed the function of the equation.

Mr. Davenport commented it is a fluid starting point for recommendation to the Board of Commissioners. The group selected \$10.00 because of the numbers that were there on the permit. When those numbers came down, the dollars did not work, they worked better with the \$20.00 as opposed to the \$10.00. It is not like we have been doing this for five years and all of a sudden we are going to raise it 100%. We haven't been doing it at all. We are trying to figure what is the right starting point and we figured \$20.00 was the right starting point.

Mr. Walker said he does not know about the other systems, but he knows it is going to be less than the number of houses that are there. They will have one connection, if this goes through and they do it the way it is now. You have one meter and it is probably going to be 4 inch and he knows all the other houses, five of them do have meters and ten of them do not have anything. It is just a flat fee because they quote on the system. They have one meter and that is like one \$1,300.00, he knows this is less than that, but is there any consideration for you are only hooking up at one place in their system if they do this. Has that been thought about? Does that make any difference?

Mr. Davenport responded what makes a difference is what you can have, not what you do have. Your permit allows you to have a particular number and that is what the fee is set at, what you can have. Mr. Walker said they are not going to hook up to the county water. Mr. Davenport said he understands that, we are not going to supply you with water on a regular basis either. This is only for an emergency. Mr. Walker said he understands. Mr. Davenport said you should not need us at all, but if you do, this is what it is going to cost you.

Mr. Pope commented what we are trying to do is get ahead of the curve to put something in place because traditionally water systems continue to age and we generally have to kind of help one another. We are trying to put something in place; we already have things in place with larger systems to assist us and us to assist them. What we are trying to do is take care of those in house right now, that are within the county that have their own water system,

but we are trying to put a vehicle in place so that if you do have an emergency and have to have assistance we have some language to give us direction on that. In the past, we have just said, what do we do? There is no method to the madness. Sometimes they got taps, sometimes they didn't, and there was no organization to it at all. We are trying to put something in place so that if something happens in a water system in this county that is not on the county system what is in place to take care of that system. So, when EPD comes and says "you guys have a problem, and you need to find somewhere else to get water for a few days so you can get this resolved", we have an agreement in place. He said he has only been here four years and he knows in the past there was no organized ordinance or anything to give any direction.

Mr. Pope stated most utilities such as Clayton County are an authority; they don't allow private systems to hook up to their water system because it doesn't meet their infrastructure requirements on minimum standards. Their ordinance says it is not going to happen.

Mr. Walker commented somewhere down the road, if this goes through and they decide to do it, do they just call the Water System and somebody comes out and looks at their system to see whether we can give it to you at some point or do whatever with it. But, somebody will evaluate it to see whether it is up to Fayette County standards?

Mr. Pope responded we are going to evaluate all the private water systems. We did a few through a task order last year that was brought to our attention from Commissioners and people living in the Districts, but this is the County Manager right here and his direction from him moving forward is next year to have all the rest of the systems reviewed. We will have a conditional assessment of where they are at as of today so we can make some plans, so yes, to answer Mr. Walkers question, we will be looking at the condition of your system.

Mr. Davenport commented there is an initial analysis done specifically for tapping on in an emergency basis which is different from what Mr. Pope is talking about. If you need emergency water there is an analysis made by the Water System to determine whether or not you are eligible for emergency water and that is what this ordinance is for. What he is talking about is the next step is you become a part of the system; there is a different analysis for that.

Mr. Rapson suggested discussing the items in the email from Derek Bunch. Mr. Pope asked Matt Bergen to go over the email in detail. Mr. Bergen said Mr. Bunch is with Georgia Community, which is Line Creek Estates and Starr's Mill. He is the owner of those systems.

Mr. Bergen read the email: "Hello, Mr. Pope, I would like you to reconsider your recommendations regarding your proposed stance on supplying the water to privately owned public water systems, it is troubling that a privately owned system will be charged a different rate than publicly owned."

**Mr. Davenport commented that the first statement needs to be corrected. We are not supplying water to privately owned water systems; we are making water available on an emergency basis to privately owned water systems. There is a marked difference in that statement. If we were looking at supplying water to private water systems it is a different discussion.**

**Mr. Bergen continued reading the email: “Additionally, I am unsure why you are treating privately owned systems desiring a connection to the county water any differently than commercial accounts with master meters such as apartment complexes, condos, or subdivisions. “**

**Mr. Rapson commented that he thinks that goes back to what Mr. Davenport just said. Mr. Davenport added the meter cost. Mr. Rapson said this isn’t an apartment complex or commercial complex that is asking us to supply water for them. That would be handled completely different. Mr. Davenport asked about the cost of a meter for a commercial account. Mr. Bergen stated if it is multi-family, again you are looking at somewhere around \$50,000.00 to \$60,000.00 range.**

**Mr. Davenport said if we treated them the same way as a multi-family account we would charge them \$60,000.00. He said he is trying to correct what Mr. Bunch is saying in his email. He is looking at this like all the people that are on the system are paying is the monthly charge. To get on the system, they had to pay \$50,000.00 or \$60,000.00 to get on the system, which is a substantially higher rate than the cost stated in the emergency water ordinance. Mr. Rapson said we would not connect that type of a system to one master meter. When you connect a system to a master meter, and you have a bunch of other folks that are paying money towards that, like it was an HOA, which is inherent to a lot of problems he does not think this Board would want. We bill individual meters, not a master meter; even that scenario is not likely. We probably need to have that discussion with him as well; he is just trying to put it on the record.**

**Mr. Bergen continued with the email from Mr. Bunch: “Regrettably, I was unable to attend the original meeting as I did not receive the letter informing me of the meeting until after the meeting was held. I just learned of this morning’s meeting a few minutes ago. This quick note does not list all of my concerns, but would like you to present them to this morning’s meeting. From the outside looking in, there seems to be a conflict of interest that presents bad optics when the county presents such seemingly harsh guidelines. I think the county system should be pleased if all private systems were connected to yours. Such connections provide additional revenue with very little additional effort, while at the same time, providing the security of additional water to county constituents. However, your proposals make such connections unfeasible. While that may be the goal, it is odd that the county is working hard to sell more water, but when it comes to privately owned systems the county is seemingly doing its best to throw up barriers. Private systems are purchasers of water that the county is then not required to maintain lines, read meters and handle billing. If you are open to discussing this proposal I would be happy to meet with you, please let me know when a convenient time is to meet. Thank you for your consideration. Derek”**

Mr. Davenport stated he would like to expand on what Mr. Pope said earlier. Before this discussion with this ordinance, if Derek wanted to tie on, we would say no. If Derek had an emergency and wanted to tie on we would say no. Anybody with a private water system that wanted to tie on for any reason, we always said no. We didn't allow private systems to tie on simply because of the problems we have been talking about. One of the main reasons he understands we are even discussing this issue right now is because we know there could be an emergency issue arise, where it is necessary to have some type of water source on an emergency basis. Because, quite frankly, if one of your systems ran out of water today and you went to the State; the State would come to us and say "ya'll need to figure something out". That is what would happen. We are trying to figure something out before that happens. It might not be the prettiest thing; it might not cover all the bases. But, we see it as a starting point and we are trying to recognize those emergency situations where we could work with private water systems. We are trying to define what those parameters are. We welcome suggestions, just because we don't agree with some of the opinions doesn't mean that they are wrong. We just need to understand what the lay of the land is. This is a two-step process where we get information for the Water Committee; the Water Committee makes a recommendation to the Board of Commissioners and the Board of Commissioners goes through this whole thing all over again; and they make a final decision. It all points to this process. We welcome public input and he thinks if Mr. Bunch wanted to come to the next meeting, he is welcome to do that. This is a hot button issue. We are trying our best to at least have an alternative for people that are in an emergency situation. This is not your regular run of the mill supply me water. This is emergency situations only.

Mr. Pope commented he thinks that is where there is some confusion. He thinks they either think we are trying to take over their systems or we are trying to force them to have a connection. That is not what is happening at all.

Mr. Rapson said his only concern is he said he was not aware; he did not receive the letter. His question is, is this brand new to him? Mr. Bergen said he was aware. He stated that he did not receive that particular letter until the meeting was held. Mr. Pope commented we have sent two letters. Mr. Rapson said what we need to do as a Board is decide do we want to have a meeting with him prior to making a recommendation to the Board of Commissioners?

Mr. Davenport commented you can respond to him and let him know that we meet the 2nd and 4th Wednesday and he is welcome to come to any meeting and discuss this topic if he wants to. The Water Committee will make a recommendation and if you want to come to the Water Committee, fine, if you want to go to the Board of Commissioners, fine, but we can't stop because one person sends an email because he couldn't make a meeting.

Mr. Pope said we are just a recommendation board, we will make a recommendation and it will be on the Board of Commissioners meeting and he can certainly come to those meetings. Mr. Davenport said he does not know what meetings they will be, but once we make the recommendation Tameca will take that and calendar it at the particular meeting.

She can let the Water Committee know and if the Water Committee wants to let Mr. Bunch know, that is fine. All the meetings are published, all you have to do is look on the web site and find what is going on with all the meetings.

Frank Andre with the Woodland Road Water Association commented he has been a resident and taxpayer of this county for over 35 years. He said he applauds what you gentlemen are trying to do, but he has a couple of questions. He does not agree at all with the definition in the minutes of February 7 about water unavailable. This is sort of a logical question where a private water system or a well experiencing low pressure is not deemed to have water unavailable. That needs a little bit more finesse. He said he does not agree with that. If you gentlemen were all in a line and you have a well in your back yard and you had the end receptacle for water, he might have water pressure and you might have one half psi. Therefore, according to your definition you don't have water. He said that needs to be finessed a little bit.

Mr. Davenport explained the distinction is water not available from the source. In the example, water is available from the source; it becomes a mechanical issue, a pumping issue as opposed to a source issue. If you have water available at the source and you have, as in the example, low pressure for the last guy, get better pumps. If you don't have enough water to get out there because you don't have water at the source, now you have water unavailable. It is a matter of can you fix it, or is it something that is just not available. Mr. Davenport said he is not wed to the particular wording for that definition that is the concept; we don't want to fix a pump problem. We want to address a situation where you don't have water period. That is what we are trying to address; your well is dry.

Mr. Andre commented on the statement that people receiving emergency water haven't paid any of that, so the emergency rate is triple the rate of the normal rate for water system. He said he finds that by definition probably a little punitive. He said he does not see why someone in an emergency situation has to be put to the wall so to speak, and pay a triple rate. They are hurting, they need water. He said he applauds the efforts here to straighten this out; an emergency is something unforeseen by a catastrophic nature. Charging somebody a triple rate in a time of need he does not think is much of a Christian attitude.

Mr. Pope said part of that goes back to us recovering what it costs to put our system in place. We traditionally pay higher rates if we have to purchase water from other systems and what we don't want is for it to become habitual use. He said that is also outlined in the agreement. We don't want people to say, it is going to cost me \$15,000.00 to fix that pump or drill another well, I can just keep buying water and keep supplying to my customers and I have no incentive to fix that well. If you are paying a much higher rate, there will be an incentive there in place to say I need to get off that system as quickly as possible. There is nothing punitive, we are letting you know way in advance what the rate is, so you can put other systems in place to back up. For instance, you may say what I don't ever want to have to do is enact that emergency agreement. So, what I am going to do is buy an extra pump and put it in the warehouse so I never have to worry about it. I can just switch pumps. Or maybe I will put some redundancy in my chemical treatment processes. He



said that is what we do in our plants; we have redundant pumps, so you could put some other things in place in lieu of having to enact this.

Mr. Andre said this is for 30 days, maybe 60 days only, so if it is not going to go past that under the system you guys set up. Mr. Davenport responded practically speaking, yes. But, when you look at a situation with somebody as Mr. Pope just talked about, where the cost to fix your system is \$50,000.00 and I can ride that out for 120 days as opposed to fixing the system. This ordinance says you can't do it for more than 60 days. But, what are we going to do at the end of 60 days? The fact of the matter is, we don't have a whole lot we can do on the back end if we don't take care of it on the front end.

Mr. Davenport said he would argue and contrary to what Mr. Pope is saying, he thinks it is designed to be punitive for two reasons. Number one, you don't pay the tap fee and number two we don't want you on the system for more than 30 days. If we made it easy, you would have an incentive to stay on the system for more than 30 days. You either stay on the private water system or you come to the county system, that is the choice, but there is nothing punitive about charging somebody that rate for a 30 day period when it is a fraction of what everybody else pays that bought into the system. You look at it as punitive because it is coming out of your pocket at that particular time, but it never came out of your pocket on the front end when people paid \$1,500.00 and \$1,800.00 to tap onto the system. They paid for the ability to have a lower rate per month. No one on the private system paid for that ability to have a lower rate per month so you are getting a higher rate. In water contracts with people between jurisdictions for example, governments charge other governments higher rates if they don't pay some type of a tap fee or some type of a operations and maintenance fee. That is common in the industry to charge higher rates for people that don't pay those tap fees. You look at it as punitive and he would agree it looks punitive, but it is that way for a reason; those two reasons that he talked about; you don't pay the tap fee and you shouldn't be on the system for any more than 30 days period. Your system is independent. You are getting potable water and you should be getting it at a pressure level that is consistent with the minimum standards of the State. There is no reason for us to be involved. But, in an emergency, a lot of this is us telling you, folks, lets plan together. Let's get this done. This is what we are looking at here. You may not like the numbers, but it is a source, it is an alternative. Before this, there was no alternative. He said he is not pushing the triple rate. The triple rate is in there to promote this discussion; it may carry the day as far as the Water Committee is concerned. But, we are not trying to keep you on as a customer. We are trying to tell you get off as quickly as you can because this costs you more than it costs everybody else and we want you to go back onto your own system. Because that is how it should be working. You should be on your system, and we are on our system. For those two reasons, he would say yes, it is punitive, but it is punitive for a reason.

Mr. Andre asked Mr. Davenport to define tap fee. Is it just the meter or is it when you pay a tap fee is it really more than just the meter that you are paying the tap fee.

**Mr. Bergen said the \$3.50 per foot on your road frontage helps offset the cost for the pipe, the infrastructure that goes in the ground to serve that parcel. That fee is in addition to your meter and your tap fee.**

**Mr. William Andrews asked about the stipulations for getting off the private water system; as far as getting away from the private system and tap into the county system. Mr. Davenport said it first has to be a desire on the part of the owner of the system to make that happen. Our biggest hurdle right now is the owners of systems want to be paid compensation for their system and we don't desire to pay any compensation to put you on our system because there is a lot that has to be done to put you on the system by way of upgrading of lines.**

**Mr. Pope said the infrastructure does not meet our minimum standards so we would be paying for a system for no benefit to us because we would have to redo the lines. It is almost like we are laying lines for a whole new subdivision.**

**Mr. Walker questioned the ordinance saying your system has to be up to standards and it is the private owner's job to have it up to standards before you can even hook into your system for the long time if you wanted to. Mr. Davenport commented there are two things happening here. The emergency connection; we are telling you where we are, we can say as long as you are a less than 6" line subdivision, you don't need a vault and you pay the emergency activation fee and you pay triple the water rate and you can have water for up to 30 days. That is pretty much all we are going to do. If you get past that thirty days, now you need to tell us what you are doing to fix this, because if you are not, we need to transition you to the county Water System. That takes an evaluation process and we are not going to pay that owner of that system anything for that system because he or she has two choices. He either upgrades and makes the fixes to the system and keeps it private or he transitions it over to us and we don't pay for that. We wind up looking at what that cost is going to be, and we work out whatever we need to work out with the owner of that system without paying him value for the system but get his assistance to give us as much of a contribution to upgrade that system as possible. It is going to be a give and take relationship at that point.**

**Mr. Walker said he understands we are getting aware from the emergency now, we are onto the other, and this is something we need to look at further down the road. Is it the private owner or in their case, the group has to bring their system up to standards to hook up to you forever from now on, or do you all come in and make those corrections, whatever they might be.**

**Mr. Davenport said the easiest process to look at is we would go out and survey your system to determine where you are, what size pipes you have, what is the integrity of the pipes, how old are they, see how that compares to our minimum standards, to the extent it does not meet our minimum standards, we have to evaluate what the cost would be to bring it up to our minimum standards. We can put a dollar amount to that. We can say in order for you to come onto our system it is going to cost you, let's say \$350,000.00. Who pays that cost? First of all, we are not interested in paying that cost, because if it were done like it**

was done from day one, the developer pays for that cost and then gives it to us. That is how it is done traditionally. If you want to get onto our system, if you want us to do the work, it is going to cost you \$350,000.00 for us to do the work. And if you don't want to pay the \$350,000.00 stay a private system.

Mr. Walker commented it is not a matter of wanting, it is a matter of can't do it. Mr. Davenport said he hears him, he is just saying that is the starting point. It is going to be a give and take relationship. We don't have all the answers here for that kind of situation today. But, those are the dollars we are talking about and how it is going to work out.

Mr. Pope said in reality as a private system, you can get a business loan to upgrade your system to minimum standards; or you could try to get grant money to do that. Mr. Walker said there are fifteen people. There is no option. Mr. Pope said USDA could probably get them a grant.

Mr. Andrews asked who oversees the owner of the private water system to ascertain that he has met the requirements from the EPA. Mr. Pope said that would be EPD. Mr. Pope said he has no jurisdiction himself.

Mr. Andrews made a comment that he has met the minimum standard of 20 psi, correct? When your fire truck goes in there, it is not 20 psi, so what is the minimum your fire truck requires to get their system working? Mr. Pope said as long as they can get water in their trucks they can boost the pressure to what they need within the truck. Mr. Andrews said they put the water in the trucks, but they exhaust all that water, so they have to get new water. What is the minimum psi that they must have for the truck to work. Mr. Pope said they actually pump out of onsite pump pool; they have a daisy chain system where trucks come in and dump water into that pool. It is a temporary pool and they pump the water out of that.

Mr. Andrews then asked the 20 psi, is that constant all the time, he can guarantee you, if 50% of residents were to turn their faucets on at the same time; you will not have 20 psi going into the home. If his wife is taking a shower, he waits until she is through. Who is the over seer here to ascertain that the owner maintains that 20 psi constant pressure. Mr. Pope said that would be EPD. That has nothing to do with us. Mr. Andrews said that is the problem he has. His understanding is the owner sits on the Board. He sits on the EPD Board.

Mr. Davenport asked if he is Newton Plantation. Mr. Andrews replied yes. Mr. Davenport stated Senator Rick Jeffares owns that system, correct. Mr. Andrews said yes. Mr. Davenport said he does not think he sits on the Board, but he is a State Senator. Mr. Andrews stated that is a conflict of interest because he owns the system, he has a problem with the system; he has been told there are several violations that have not been corrected. It makes sense he sits on the Board, he is not going to do anything about it. If the county wants to purchase that system he has to get it up to...He keeps hearing this thing about it will cost a million dollars to get this system going over a 30 year period. Now, if your predecessors thought that way, you would not have paved streets today. You wouldn't

have street lighting, and Ford was the first one to make a V8 engine. If he thought about getting a return on his money yesterday or tomorrow, we would not have the V8 engine today. What you are doing is for future generations, not for us. That is a safety issue, for just something that is a situation that is not yours. Say, you go out of town and you have a fire in your subdivision and your house is affected. The fire truck goes there, push into that thing, nothing. This is not welfare. He said he went to a meeting down in your complex and there were animal rights. He said he is a dog lover and he does not see. The money was there. Last Thursday, GDOT, they want something done and the Commissioner tried to hold the money out. It is human life. You cannot put a price on human life. You can do something today, generations down the road, they will benefit from it. He said he thinks it is up to our spokesperson or the EPD who has more power than us, to put some pressure on the owner of the system and get it upgraded or whatever it takes. Month after month, it is just like an exercise in futility, because nothing is done. We don't have enough clout. We can come and speak, but we need people in authority, whether it is the commissioners, the State or what to do something about it. These people pay taxes. He said he was waiting on Mrs. Smith, she is the spokesperson, but she has not arrived. He said those are his concerns.

Mr. Rapson commented that one of the things that he is working with Commissioner Rousseau is we are going to evaluate the remaining systems. Your subdivision has been evaluated in regards to what it would take to bring that infrastructure up to the Water System standards. We have not done all of them, we are going to do a task order to do all of them, once we have all that information, at that point the Water Committee would decide do we want to move forward with trying to replace some of those systems and that would be something we would have to talk to the Board about; whether the Board of Commissioners agrees that that is a logical approach. He said he would agree that those are some of the concerns; you raised valid concerns. Over twenty percent of the county has the same water issues that you have. In your particular case, you may have fire hydrants, but we do not count on that system in regards to fire response any differently than if we go into a neighborhood in areas of the county that do not have any water lines. They handle the dispatch and they handle fire services different in those areas. They don't count on those systems. There isn't any fire suppression issues associated with this because we have already responded with our protocols to make sure that we don't have that issue. Therefore, we daisy chained those pumpers. That is why we have pumpers in the system. One of the things that Mr. Pope is working on in his long term plan is to actually put water lines in and connect those areas where waterlines currently don't exist so that we can get ourselves less and less resistant to having to do those types of protocols. The answer to your question, each of those systems has to be individually analyzed. No different than if there were no homes there and they put a brand new system in; when they get that system done and that system is connected and they put that infrastructure in, that system then is donated over to the county and we assume ownership of that system. In your particular case, he thinks with your subdivision it has been evaluated and they said we would have to replace all those pipes. But, you have to understand, we can't even take over that system because right now it is not part of our water service area, because it is actually delegated to another permit through EPD to that owner, so we have to negotiate with that owner to even

alter that equation. But, before we take that step we really have to know where we are with all the systems and that will be the next step we take.

Mr. Pope commented that he thinks what he is asking is, to clarify, is he is asking for help. What he is saying is we have a private system that is owned by someone who you think is not taking the action to take care of you. That is really not our jurisdiction. It is EPD. Mr. Pope said he can assist with setting up meetings, because it sounds like you need to have a meeting with your system owner and EPD at the same table.

Mr. Andrews said the system owner was present at one of the meetings at the church and he raised that issue with him about the pressure. He said when he got back to his office he would turn it up. Mr. Andrews said he is still waiting. He said thank you for the update and allowing him to speak.

Mr. Rapson recommended that the Water Committee recommend to the Board of Commissioners consideration of this item on the March 22 Board of Commissioners meeting. He said he thinks that is far enough out in advance that if we need to have a couple of more of these meetings with folks that could not make it, then we can provide a better update to the Board of Commissioners for that March 22 meeting. Mr. Pope commented they could also go to that meeting and speak. They could come see us for every meeting we have until then and they can still go that meeting and speak to the actual board.

Mr. Rapson made this a motion and Mr. Pope seconded. The motion passed unanimously.

### **III. MNGWPD REGIONAL MULTI-FAMILY TOILET REBATE PROGRAM.**

Mr. Pope explained when we talked about this last time we all agreed to move forward because it satisfies one of our action items with our agreement with the Metropolitan Planning District. What we did not do is clarify a couple of the blanks that have to filled out in the document. He said he just wanted to inform the Committee of his recommendation. On the second page letter E requires us to set a limit to the number of toilets. The statement (iv) reads be applying to replace at least 30 toilets but not more than, he said he recommends the more than be 400 toilets. That would cover our largest system we have identified. Mr. Rapson agreed with this.

Mr. Pope went on to the next blank which is cost paid by utility, number 3. He recommended we allocate funds in our next budget which would be the next fiscal year beginning July 1, 2018, of \$100,000.00. That would be enough to cover several systems. In fact, just about all the systems if they chose to participate in this program. Moving forward in the fiscal budget we will continue to leave those funds available for those systems. The agreement says that it ends and we always put in there when funds are expended, so we can actually go during a calendar year and add funds should those funds be expended. That is how we have handled the other toilet rebate program. He commented there is an update in every meeting packet on the current toilet rebate program. Today's report shows \$11,170.00 available. Should anyone apply for toilets between now and July 1 we could utilize those funds if those funds became expended as

always, we could come back and say we need to add funds to that. He said he does not anticipate that would happen because he does not think the initiative from Metropolitan Planning District is really going to kick this thing up until later next year anyway.

Mr. Pope said his recommendation is that we make it a maximum of 400 toilets at a time, and we allocate \$100,000.00 in the budget starting July 1 and the terms to be as funds are expended. Mr. Pope said generally they let us know way ahead of time when funds are getting low. Then we will come back to the Committee to let them know we need to add funds. Fortunately, he said he does not think that has happened mid-stream since he has been here.

Mr. Pope made a motion to recommend 400 for the maximum toilets, \$100,000.00 for the funds to fill out the document with those numbers. Vice Chairman Preau seconded. The motion passed unanimously.

#### **IV. WATER PLANT UPDATE.**

Russell Ray reported there has not been much activity lately. Lakeshore has done some cleaning in the pipe gallery and we should be finished in that area, the painting contractor will be back to touch up some more of the pipes in the pipe gallery. The work that was done to correct some problems has been successful, but there is some painting still to be done.

Mr. Ray said two projects at Crosstown were done. A liquid lime system (lime slurry system) was installed. The second system was a chlorine dioxide system; both the companies that represent those products have done an excellent job of working through issues and maintaining that equipment. That is what we had planned on and hoped for. That has continued to happen.

CH will be continuing the plans for our work at the South Fayette Plant which will occur in the next fiscal year. He said he will bring a final slide to the Committee in the near future showing Lakeshores final cost and completion of that contract.

Mr. Pope commented we will schedule a meeting down there once the cleaning and the painting is finished. Everybody will be able to tour the facility and see the new equipment. It is all new and everyone can see the final product.

#### **V. DISCUSSION OF WATER COMMITTEE MEETING MEMBERSHIP.**

Mr. Davenport stated we have talked in the past about how there is no formal template for guidelines for membership of the Water Committee, terms, etc. We have gone back in the history of the county records and really could find nothing since the Water Authority was sought to be established back in the 80's. He said what you have before you is a draft ordinance which is similar to the committees we have put together for Fayette County in the recent past. Specifically the Transportation Committee and the Public Arts Committee; if you look on page 2 you will see how much of a template this is because under



section 2 about 7 lines down it says the Fayette County Senior Water Committee. This is also the planning document for the Senior Services Council. That senior will be omitted, obviously. This is a template to show you the types of issues that need to be addressed by the Water Committee. For example, under section 2, there is a blank there. He said he was hoping to get some input as to what the purpose and goals are of the Water Committee. That is the first issue to deal with. Under section 3 on page 3, membership from conversations he heard Commissioner Brown speak of at the last meeting, he promotes 7 members to the Board. Mr. Davenport said he put in 5 members slash 7 members because he wanted to make you aware that while we don't know what the correct number is until you provide a recommendation, we currently have 6 and 6 is probably not a good number. He said pick one of these, 5 or 7 and it is going to drive everything else. For example, a quorum of 4 members, if you pick 5 a quorum will be 3 members. It is half plus one. He said if there are questions with anything else within the document he will be happy to answer them to the best of his ability. This is our attempt to make this look more like the committees we have recently established.

Mr. Rapson suggested everyone review the document and be prepared to decide what to do with it at the next meeting. Then we will make sure to get a copy of it to Commissioner Brown for his input as well.

Mr. Pope asked if we decide to expand to 7, can we put stipulations on who those 7 are? Can we state they are the head of another department in the county, or could it be another city we could request to place somebody on the Board. Mr. Davenport referred to page 3, paragraph 2B. Mr. Rapson stated right now it is the Chairman, his designee, County Administrator, Director of the Water System, and then Planning and Zoning, and then we are saying 3 residents. If you want to put restrictions, you can say 3 residents and one of the residents has whatever type experience you would like to add to it. He said he is not sure you can be completely restrictive. It is preferable to have residents that have an interest in the Water System, obviously.

Mr. Davenport commented those are the three wild cards as far as the membership that will either be one or three. It can be whoever the Committee thinks will be a good pool to work from. If you want to look at another department head or somebody from Peachtree City, that is when you would put that in, as 2B. Mr. Rapson said the makeup for these three citizens would follow the same process with the Board of Commissioners we currently do for Committee appointments and that is we would ask for two of the Board of Commissioners to be on the flushing Committee and they would go through that process. Obviously, we would encourage them to have the Water Director in those interviews, but that is really up to those two Commissioners to decide. That is the process we have today.

Mr. Pope said we would not consider saying that we wanted our City to place someone on the Board, we would not do that? Mr. Davenport said he is not saying that, he is saying this is where you would take up that recommendation. Right now, it just says 3 residents or Water System customers, that is all it says. Mr. Pope said he is only asking for discussion. Mr. Davenport said it could be one or three.

Mr. Rapson commented we will put that on the next agenda and make sure that everybody understands we will talk about it and finalize it.

## **VI. PUBLIC COMMENT.**

Mr. Walker asked when the minutes are posted. Mrs. Speegle explained the minutes are posted online once they are approved by the Committee. Mr. Pope stated he appreciates the gentlemen being here and if they would like to have agendas sent to them, we could add them to an email list on a regular basis. If a topic is being discussed and they would like to attend, we will always welcome their attendance. They are always welcome to come to any meeting.

Mr. Rapson shared the updated Water Committee meeting schedule with Mr. Walker and commented that we do have a couple of meetings that are at 6:30 at night. Mrs. Speegle stated the meeting schedule is also posted online. Mr. Walker asked about the Commissioners meeting. Mr. Rapson stated the Private Water System Emergency Ordinance will be on the March 22 meeting of the Board of Commissioners. That meeting starts at 6:30 p.m. at Stonewall.

### **Peachtree City Rowing Club RowRun Biathlon Challenge**

Anita Godbee explained she would like to brief the Committee on a Special Event Application that they received from Peachtree City Rowing Club. They are going to have a RowRun Biathlon Challenge on March 17. It will be from 6:30 a.m., which is when they will start setting up that day, and it will end at 3:00 p.m. Basically they will be running within the park and then they will be rowing on land. It will not involve the water reservoir; they will be using the ergs that are inside their storage area. They are anticipating spectators at peak times to be as much as 150 and participants to be 100. She said they have not sent her a site plan yet, this is one thing she is waiting on, to see how they are running, what they are anticipating set up to be. They will have tents set up; a lot of the events will be in the parking lot. She said with the number, we may want to look at closing the park during that time frame. She said she is not sure if the general public can come in to utilize the amenities like they would want to. The general public is welcome to come and watch and participate, they are taking registration now. She said she is here to brief the Committee and see what the Committees wishes would be regarding this event.

Mr. Pope said we definitely would want to get the sign down there from the Road Department. Mr. Rapson said we can put the sign down there, the question is do we want to close the park and go ahead and announce that to everybody. Mr. Pope said he thinks it would be wise to go ahead and close it. He can't see anybody being able to bring a boat in there and be fishing. They will be totally at a loss.

Mr. Pope made a motion to recommend to the Board of Commissioners to close the Lake McIntosh Park on March 17 for this event from 6:30 a.m. until 4:00 p.m. Steve Rapson seconded. The motion passed unanimously.

**VII. ADJOURNMENT.**

Vice Chairman Jimmy Preau made a motion to adjourn the Water Committee February 14, 2018 meeting. Steve Rapson seconded. The motion passed unanimously.

There being no further business, Chairman Pete Frisina adjourned the meeting at 9:00 A.M.

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**Peter A. Frisina**

The foregoing minutes were approved at the regular Water Committee meeting on the 28th day of February, 2018.

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**Lisa Speegle**

# COUNTY AGENDA REQUEST

Page 284 of 288

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by PetSmart for tax year 2016 in the amount of \$25.44 for the Peachtree City location and \$322.69 for the Fayetteville location.

## 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 deny tax year 2016 in the amount of \$25.44 for the Peachtree City location and \$322.69 for the Fayetteville location of this request.

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

Deny the disposition of tax refunds, as requested by PetSmart for tax year 2016 in the amount of \$25.44 for the Peachtree City location and \$322.69 for the Fayetteville location.

## 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:



LAW OFFICES

## McNALLY, FOX, GRANT &amp; DAVENPORT

A PROFESSIONAL CORPORATION

100 HABERSHAM DRIVE

FAYETTEVILLE, GEORGIA 30214-1381

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

TELEPHONE: (770) 461-2223

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

## MEMORANDUM

To: Fayette County Board of Commissioners  
 From: McNally, Fox, Grant & Davenport, P.C. *Ali Cox*  
 Date: March 7, 2018  
 Re: Tax Refund Request – Pet Smart

Pet Smart is requesting a partial refund of business personal property taxes paid in 2016. On March 21, 2016, Pet Smart filed a business personal property tax return declaring the value of its personal property located in Peachtree City to be \$574,734. On March 21, 2016, Pet Smart also filed a business personal property tax return for its property located in Fayetteville. The declared value of its personal property at that location was \$659,500. These returns were accompanied by the “taxpayer’s declaration”, a sworn statement that, “the value placed by me (taxpayer) on the property returned . . . is the true market value thereof . . .” In reliance upon the taxpayer’s sworn return, inventory valued at \$333,759 and furniture/equipment valued at \$240,975 was assessed at the Peachtree City location for taxation. Inventory valued at \$369,919 and furniture/equipment valued at \$290,581 was assessed for taxation at the Fayetteville location, also in reliance upon the taxpayer’s sworn return. Taxes thereon were timely paid.

On December 28, 2017 a request for refund of taxes was received by the Board of Commissioners from Pet Smart. Along with the request the company filed amended returns of business personal property for both the Peachtree City and the Fayetteville locations. The inventory declared at each location remained the same as declared in 2016. However, the value of the furniture/equipment declared at the Peachtree City location has decreased by \$1,910 to \$239,065. The value of the inventory/fixtures declared at the Fayetteville location has decreased by \$26,401 to \$264,180. The taxpayer claims that some of its assets, claimed on the 2016 returns, had been disposed of making them un-taxable at the time of the return.

The refund procedures are available to correct errors of fact or illegality in procedure, that are evidenced in the record of assessment. The provision serves to protect the taxpayer a later-discovered error on the part of the assessor. The error claimed by Pet Smart is one of its own book-keeping. It does not exist within the

records of the assessors nor is it verifiable by the assessors. The assessors accepted the sworn values assigned by the taxpayer and supported by the documents appended to those returns. Without verification of the claim, through audit, this was the best method for valuing Pet Smarts personal property. Every claimed error in taxpayer book-keeping cannot trigger an audit for the purposes of re-assessment.

The refund provision is not meant to create a scenario wherein the tax books of the county are re-opened to address an issue a taxpayer should have corrected during reporting or in the assessment process. Nor is it intended to subvert the procedures available under the appeals provisions.

No error in the record of assessment nor illegality in the procedure of this assessment has been made. Denial of the refunds requested for 2016 in the amount of \$25.44 for the Peachtree City location and \$322.69 for the Fayetteville location of Pet Smart is recommended.





**Board of Commissioners**  
140 Stonewall Avenue West, Ste. 100  
Fayetteville, Georgia 30214  
770-305-5400  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

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March 16, 2018

PetSmart Inc.  
2701 West Highway 54  
Peachtree City, GA 30269

RE: Tax Refund Request

Dear PetSmart,

This letter is to notify you that your request for tax refund has been slated to appear on the Thursday, March 22, 2018 Agenda of the regularly scheduled meeting of the Fayette County Board of Commissioners, at 6:30 P.M.

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tameca P. White'. The signature is fluid and cursive, with a large initial 'T'.

Tameca P. White, MBA, CCC  
County Clerk

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



**Board of Commissioners**  
140 Stonewall Avenue West, Ste. 100  
Fayetteville, Georgia 30214  
770-305-5400  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

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March 16, 2018

PetSmart Inc.  
P. O. Box 4900  
Scottsdale, Arizona 85261

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Sincerely,

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Tameca P. White, MBA, CCC  
County Clerk

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