BOARD OF COUNTY COMMISSIONERS

Randy Ognio, Chairman Charles W. Oddo, Vice Chairman Edward Gibbons Eric K. Maxwell 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

February 28, 2019 6:30 p.m.

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

Call to Order Invocation and Pledge of Allegiance by Commissioner Charles Rousseau Acceptance of Agenda

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

- Consideration of Petition No. 1259-16A, Regina D. Godby, Owner, and Rod Wright, Agent, request to rezone 33.995 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots in conjunction with Petition No. 1259-18B; property located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road and Davis Road. (pages 4-40)
- Consideration of Petition No. 1259-16B, Shelly M. Godby, Owner, and Rod Wright, Agent, request to rezone 5.0 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots in conjunction with Petition No. 1259-18A; property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road. (page 41)
- Consideration of staff's request to adopt Resolution 2019-03 pertaining to the "Fayette County 2018 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Community Work Program (FY2019- FY2023)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs for Regional and State review prior to adoption. (pages 42-50)

CONSENT AGENDA:

- Approval of Resolution 2019-02 to change a street name in Waterlace/Canoe Club Subdivision from "Windsail Pointe" to "Lakeridge Point." (pages 51-62)
- 5. Approval of the Acceptance and Confirmation of Work from Fairburn Ready Mix for the clean-up of property owned by Fayette County adjacent to Fairburn Ready Mix. (pages 63-66)
- 6. Approval of the Election Office's request to enter into an Intergovernmental Agreement with the City of Fayetteville allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Fayetteville in 2019, and authorization for the Chairman to sign said Intergovernmental Agreement. (pages 67-71)

- 7. Approval of the Election Office's request to enter into an Intergovernmental Agreement with the City of Peachtree City allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Peachtree City in 2019, and authorization for the Chairman to sign said Intergovernmental Agreement. (pages 72-76)
- 8. Approval of the Election Office's request to enter into an Intergovernmental Agreement with the Town of Brooks allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Brooks in 2019, and authorization for the Chairman to sign said Intergovernmental Agreement. (pages 77-81)
- 9. Approval of the Election Office's request to enter into an Intergovernmental Agreement with the Town of Tyrone allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Tyrone in 2019, and authorization for the Chairman to sign said Intergovernmental Agreement. (pages 82-86)
- 10. Approval of the Election Office's request to enter into an Intergovernmental Agreement with the Town of Woolsey allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Woolsey in 2019, and authorization for the Chairman to sign said Intergovernmental Agreement. (pages 87-91)
- 11. Approval to adopt Resolution 2019-04 to request sales tax information from the Georgia Department of Revenue pursuant to O.C.G.A. 48-2-15(d.1) and name Chief Finance Officer as Fayette County's designated official for all related purposes through the period ending December 31, 2019. (pages 92-96)
- 12. Approval of staff's recommended Mid-Year Budget Amendments to the FY 2019 budget and approval to close completed Capital Improvement Program (CIP) projects. (pages 97-100)
- 13. Approval of staff's request for the Board of Commissioners to establish the annual Budget Calendar for Fiscal Year 2020 which begins July 1, 2019 and ends June 30, 2020. (pages 101-102)
- 14. Approval of the reappointment of Division Chief Steven Folden and Deputy Fire Chief Thomas Bartlett to the West Georgia EMS Council for a two-year term. (pages 103)
- 15. Approval of the February 14, 2019 Board of Commissioners Meeting Minutes. (pages 104-109)

OLD BUSINESS:

NEW BUSINESS:

- 16. Fayette County State Court's request to approve to complete a Veterans Treatment Court implementation grant from the Council of Accountability Court Judges. (pages 110-116)
- 17. Staff's recommendation to amend an Intergovernmental Agreement between the City of Fayetteville and Fayette County for use of the county owned property and to approve the proposed 2019 Calendar of Events. (pages 177-192)
- Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Charles W. Oddo and Commissioner Charles D. Rousseau, to appoint Bryan Thompson to the Fayette County Recreation Commission for a term beginning January 1, 2019 and expiring December 31, 2022. (pages 193-196)

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. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at www.livestream.com.

- Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Charles W. Oddo and Commissioner Charles D. Rousseau, to appoint Michael Gumbinger to the Fayette County Recreation Commission for an unexpired term beginning immediately and expiring March 31, 2020. (pages 197-207)
- 20. Staff's recommended changes to the "Addendum to Policy & Procedures Section 200.01, Purchasing Goods and Services, Public Works Projects Using Federal Funds, Engineering & Design Related Services". (pages 208-212)
- 21. Consideration of Ordinance 2019-01, amendments to Chapter 4 Alcoholic Beverages, Sec. 4-36 Prohibited distances; sale of alcoholic beverages near churches, schools, or other sites regarding A-R wedding/event facilities. (pages 213)
- 22. Consideration of staff's recommendation to adopt Ordinance 2019-02 that amends Fayette County Code, Chapter 104 Development Regulations, Article VII. Watershed Protection. (pages 218-253)
- 23. Staff's recommendation to approve Resolution 2019-05; Opposing House Bill 302, Preemption of Local Building Design Standards. (pages 254-257)

PUBLIC COMMENT:

Speakers will be given a five (5) minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Speakers must direct comments to the Board. Responses are reserved at the discretion of the Board.

ADMINISTRATOR'S REPORTS:

- A. Contract #1431-P: Transportation Engineer of Record: Task Order 21 Resurfacing Program FY 2019, FC Project Number: 19TAF, GDOT PI 0016058, ARC TIP FA-100A, Surface Transportation Block Grant (STBG) (page 258)
- B. Contract #1431-P: Transportation Engineer of Record: Task Order 22 Resurfacing Program FY 2019, FC Project Number: 19TAG, GDOT PI 0016083, ARC TIP FA-100B, Surface Transportation Block Grant (STBG) (page 259)

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

COUNTY AGENDA REQUEST

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Department:	Planning & Zoning	Presenter(s):	Pete Frisina, Director		
Meeting Date:	Thursday, February 28, 2019	Type of Request:	Public Hearing #1		
Wording for the Agenda:					
Consideration of Petition R-70 to develop a Single		17 lots in conjunction with Petition N	st to rezone 33.995 acres from A-R to o. 1259-18B; property located in Land		
, Background/History/Detai	ils:				
This petition was original petition 1259-16 with two conditions. The petition (1259-18A) Recommended Condition 1. The owner/developer centerline of Ebenezer R Final Plats. (This condition 2. The owner/developer centerline of Davis Road	ly considered by the BOC on July 28 o (2) conditions. The Planning Comm was again considered by the BOC or ns: shall provide, at no cost to Fayette C coad prior to the approval of the Fina on is to ensure the provision of adeq shall provide, at no cost to Fayette C prior to the approval of the Final Pla	uate right-of-way for future road impr County, a quit-claim deed for 40 feet (oning petition 1259-16 with two (2) es). If right-of-way as measured from the be shown on the Preliminary Plat and rovements.) of right-of-way as measured from the hown on the Preliminary Plat and Final		
	ing from the Board of Commissioner				
Approval of Petition No. Family Residential Subd	8	, request to rezone 33.995 acres fron	n A-R to R-70 to develop a Single-		
, If this item requires fundir	ng, please describe:				
Not applicable.					
, Has this request been co	nsidered within the past two years?	Yes If so, when	n? Wednesday, May 10, 2017		
Is Audio-Visual Equipme	nt Required for this Request?*	Yes Backup Pr	rovided 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:			1

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved R-70 **CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

- 1. The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 50 feet of right-of-way as measured from the centerline of Ebenezer Road prior to the approval of the Final Plats and said dedication area shall be shown on the Preliminary Plat and Final Plats. (*This* condition is to ensure the provision of adequate right-of-way for future road improvements.)
- 2. The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 40 feet of right-of-way as measured from the centerline of Davis Road prior to the approval of the Final Plat and said dedication area shall be shown on the Preliminary Plat and Final Plat. (*This condition is to ensure the provision of adequate right-of-way for future road improvements.*)

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Commissioner Rousseau asked for the procedure to make sure that he understood what he had voted for. Mr. Davenport restated the motion. Commissioner Rousseau confirmed that it was for the PUD-PRD. Mr. Davenport confirmed. Commissioner Rousseau confirmed that he voted to deny the petition. He stated that he would had liked to have made a motion to at least discuss the Planning Commission's recommendation for R-80.

Chairman Oddo asked would that be possible. Mr. Davenport stated that once the petition had been denied the six month bar was in place. He stated that as an example, if the motion to deny had been 2-3 it would have automatically been approved and the Board would have had to make another motion to do something with this item. He stated that since the motion to deny was 4-1 that put the six month bar in place to reconsider this property again for rezoning.

The Board recessed at 9:32 p.m. The Board returned from recess at 9:42 p.m.

3. Consideration of Petition No. 1259-16, Shelly M. Godby & Regina D. Godby, Owners, and Rod Wright, Agent request to rezone 38.995 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots located in Land Lots 37 and 60 of the 7th District and fronting on Ebenezer Road and Davis Road with two (2) conditions.

Mr. Frisina briefed the Board that staff had recommended approval with two conditions and the Planning Commission recommended approval with two conditions and both conditions concerned additional right-of-way on Davis Road and additional right-of-way on Ebenezer Road.

Mr. Rod Wright, Agent stated that he was requesting the Board's approval of R-70 zoning. He stated that he believed this request was one that the Board had said it wanted and would approve. He stated that he was concerned with all that was said earlier. He asked for approval of this request.

Chairman Oddo asked if anyone would like to speak in opposition to this petition.

Ms. Sylvia Nolde: Ms. Nolde asked what size lot was for R-70 and what size house would fit in that development.

Mr. Frisina stated that the minimum lot size would be two acres and the minimum square footage is 1,500 square feet (sq. ft.).

Chairman Oddo stated that the minimum house size was not one that developers built in this county. He asked Mr. Wright if he planned to build 1,500 sq. ft. homes. Mr. Wright responded no, the homes will probably be 2,500 to 5,000 sq. ft.

The following spoke in opposition of this petition:

Ms. Lou Jean McKnight: Ms. McKnight stated that she was opposed to this petition. She stated that this property was close to the other property that was denied earlier in the meeting. She stated that she believed this property should also remain zoned as A-R. She stated that she would like to keep this area of the county rural and agricultural. She does not want to see the lot sizes reduced.

Mr. Michael McClellan: Mr. McClellan stated that he was not going to repeat his previous comments but that he would like to ask the Commissioners to stay consistent with the votes.

Mr. Larry McNeil: Mr. McNeil stated that if the Board allowed this petition to go through it would be setting precedent for the 200 acre project when it comes back before the Board in six months.

No one spoke in favor of the petition.

Mr. Wright stated that the area already has R-70. He stated that he was sadden to say that he wants to declare his Constitutional right to appeal the decision in Superior Court/ in the courts of law. He stated that he heard the oppositions.

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Vice Chairman Ognio stated that he does not see a retention pond on the map. Mr. Wright stated that there will be a retention pond if the rezoning is approved. He stated that this was an ideal piece of property for development. Vice Chairman Ognio asked if the location of the mailboxes had been considered. Mr. Wright stated yes and that retention would be addressed in the preliminary plans and in the construction plans.

Chairman Oddo moved to approve Petition No. 1259-16, Shelly M. Godby & Regina D. Godby, Owners, and Rod Wright, Agent request to rezone 38.995 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots located in Land Lots 37 and 60 of the 7th District and fronting on Ebenezer Road and Davis Road with two (2) conditions. Commissioner Rousseau seconded. Discussion followed.

Chairman Oddo stated that the petitioner has asked for the lowest density in this area and there are other R-70 properties in the area. He stated that he does not see a reason why this project could not be approved.

Commissioner Brown stated that the lowest density was A-R. He stated that he was troubled by the fact that it loads and unloads on Ebenezer Road although it fronts Davis Road and there is no entrance on Davis Road. He stated that he thought the County was moving away from one-way in and one-way out situations because of emergency services.

Mr. Frisina stated that it was based on the number. Commissioner Brown stated regardless; if there are two roads, why not use both of the roads as a requirement. He stated that in his opinion that should be common practice. Using the map presented, he stated that the property on the top was low density residential and the property on the bottom was the rural residential. He continued that he does not know what creates that "magical" line. He stated that he would love to discuss this as part of the moratorium. He stated that there are R-70 and R-40 in the area. He stated that if all the property above Davis Road was zoned R-70 then Ebenezer Road would be shut down with traffic. He stated that generally there was not a nexus between transportation planning and land use planning. It was why so many counties had fallen. He stated that the people who move there are going to want the roads paved.

Chairman Oddo stated that currently, one-way in and one-way out was permitted. He stated that he had always thought subdivisions should have two ways in or out. He stated that when the issue comes up in a subdivision, the people in the subdivision do not want multiple entrances. He stated that this proposal does conform to the Land Use Plan, it was the lowest density and there are other R-70 properties in the area and he does not see any negatives. He stated that until the study was complete and a different conclusion was made, then this was what the Board had to go by.

Commissioner Brown stated that the County had not taken a global perspective on the lots and it deserved attention.

Chairman Oddo stated that he agrees about the concerns but that is not the situation with the project being presented.

Mr. Rapson stated that in response to the comments regarding one access or two accesses; the development regulations specify that if the development was over 75 lots then staff would consider two entrances. He stated that from a staff's perspective they follow the guidelines that the Board establishes.

Vice Chairman Ognio mentioned the two conditions are about right-of-way and that the right-of way on Ebenezer is 50 feet and the one on Davis Road is 40 feet, but he thinks they should both be 50 feet.

Mr. Rapson stated that it had to do with development regulations that classified the different road structures and if the road was secondary or collector then the easements would change depending on the road.

Commissioner Brown asked if Davis Road was a collector road. Mr. Rapson stated that it was a secondary collector. Commissioner Brown asked that as a collector does it require 50 feet.

Public Works Director Phil Mallon stated that a collector would get 80 feet and normal roads would get 60 feet.

Commissioner Brown asked under that scale what should be the right-of-way for Davis Road. Mr. Mallon stated that it was 40 from the side. He asked what was the classification for Ebenezer. Mr. Rapson stated that it was an arterial road. Mr. Frisina stated that it was a minor arterial and a major arterial is a state highway. He stated that a minor arterial was how the County classified all its major roads and a collector was the next classification down. He explained that was 100 feet for a minor arterial, 80 feet for a collector, 60 feet for a county local or an internal local.

Chairman Oddo moved to approve Petition No. 1259-16, Shelly M. Godby & Regina D. Godby, Owners, and Rod Wright, Agent request to rezone 38.995 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots located in Land Lots 37 and 60 of the 7th District and fronting on Ebenezer Road and Davis Road with two (2) conditions. Commissioner Rousseau seconded. The motion failed 2-3 with Commissioners Barlow, Brown and Ognio voting in opposition. A copy of the request, identified as "Attachment 4," follows these minutes and is made an official part hereof.

4. Consideration of Ordinance 2016-15, amendments to the Fayette County Code of Ordinances, Chapter 110., Sec. 110-3., Sec. 110-145., Sec. 110-146., Sec. 110-169., Sec. 110-173., and Sec. 110-174.

Mr. Frisina briefed the Board that he would read items 4, 5 and 6 to be discussed simultaneously, but that each item will need to be voted on separately. He stated that this item came to the Board a month ago. He stated that the difference between the two zoning districts is that the Limited Commercial (LC)-2 allows for a commercial convenience establishment with gasoline sales and that LC-1 does not allow that one use. He stated that all the three corners are dedicated to a Land Use of LC-1 and it also has some O&I area, some fringe areas that are now considered a non-residential use and one acre lots to the south and a non-residential area to the north up to Millpond Manor. He stated that at the south east corner that was a piece of property that the Department of Transportation (DOT) purchased when realigning Padgett Road. He stated that it was held by DOT and the old Padgett Road bed was there and there was a high pressured gas line in that area. He stated that it would be used as Land Use as transportation, communication and utilities. He stated that staff believed that was the land use that fits for this area and that it would not be used for anything.

Commissioner Brown asked if that had been made an official designation.

Mr. Frisina stated that it already exists. He continued that the Starr's Mill area was a water system facility so it had the same Land Use designation. He stated that these agenda items had been repackaged to remove that one use out of the intersection. He stated that these items are up for reconsideration.

Commissioner Brown thanked the families of the properties for their patience.

Mr. Davenport noted that on Item 4, the Section 110-146 should read Section 110-145.5.

The following spoke in favor of this request.

Mr. Dennis Shell: Mr. Shell stated that he was representing his parents and that they own the property on the side of Pagett Road. He stated that the last petition showed the area as Limited Commercial (LC)-2 and the Board decided not to approve it as a LC-2. He asked the Board to reconsider. He stated that there was a gas station at the corner that was there before most of the member of the Board moved into the county. He stated that the Board wanted an area where people could visit and those people are going to want to purchase drinks, gas and other things. He stated that the traffic was already present and it gave people a chance to stop and use the restroom and get gas instead of riding to Senoia or Peachtree City. He stated that the property was condemned by the State and he wanted the Board to approve the zoning the way it was previously so there could be a gas station there.

Mr. John Lynch: Mr. Lynch stated that he was not sure if he is for this request or against this request. He stated that his concern was the proposed designation of the DOT right-of-way with a Land Use title specifically for utilities, communications and transportation sounds like he would be vulnerable to in-ground and above ground structures that can be built in front of his property even though it was only right-of-way. He continued that he was also concerned that his property that was sitting

7. Consideration of Petition No. 1259-16A, Regina D. Godby, Owner and Rod Wright, Agent, request to rezone 33.995 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots; property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road and Davis Road.

Chairman Maxwell stated that the next two items involved Rod Wright. He stated that he had recused himself in the past from items concerning Mr. Wright. He and Mr. Wright are friends and he relied on Mr. Wright in matters dealing with a property he owned in Coweta County, therefore he was recusing himself from these items as well. Chairman Maxwell left the meeting chambers.

Vice Chairman Ognio continued the meeting.

Mr. Frisina read both agenda items #7 and #8 and noted that they are separate agenda items that were separately advertised. He stated that the petitions were originally heard by the Board on July 2016 and due to a court order the petitions had to be reheard because of a procedural errors. He stated that there were two conditions that related to the dedication of right-of-way on Ebenezer Road and dedication of right-of-way on Davis Road; quit claim deed for 50 feet from the centerline from Ebenezer Road and 40 feet from the centerline from Davis Road. He stated that the Planning Commission and staff recommended approval with the two conditions.

Attorney Steven Jones of Galloway and Lyndall, represented the petitioners. He stated that Rod Wright was the sole developer under both applications; Rod Wright Corp. He stated that Mr. Wright was the contract purchaser of the subject properties, Shelly Dupree (Godby) was the property owner of the fiveacre tract and Dana (last name inaudible), representing the estate of Regina Godby. He stated that he was there to discuss with the Board making a "consistent" decision based on Mr. Frisina's recommendation for approval with two conditions. He stated that Mr. Frisina analyzed the exclusive rezoning factors in the Fayette County ordinance and he found that each factor weighed in favor of approval. He continued that the Planning Commission also unanimously recommended approval. He stated that the larger tract was 33.995 acres formerly owned by Regina Godby, who had passed away, and was now owned by the estate of Regina Godby. He stated that at the time that the applications were initiated, Ms. Godby was alive; she passed away during the appeal. He stated that Shelly owned five acres and with the larger tract it totaled 38.995 acres. Shelly hoped to dispose of the property, as was her mother's wishes. He stated that Mr. Wright had been a developer in the county since 1997 and had developed many quality subdivisions in Fayette County, including two subdivisions in the subject area. He pointed out the area to the Board. He stated that the subject area was the one and third mile stretch of Ebenezer Road from Davis Road to the highway. He stated that the subject area had a number of R-70 developments. He stated that on May 31, 2016, when the applications were filed, the Fayette County future land use map (FLUM) designated the subject area as "right for low density residential", which was one to two acre lots. He stated that it had done so since 1985. He stated that the future land use map, as it existed at the time of the applications, still applied to this analysis and vote on the applications. He stated that the FLUM had since been amended, but the petitioners stood in the same place as May 31, 2016. He stated that on May 12, 2016, Petition No. 1253-16; Ebenezer Estates, the Board rezoned that petition to R-70. The applicant requested R-50 and the Board expressed its policy and preference for R-70 zoning and rezoned it to R-70. He stated that on July 28, 2016, the Board denied these two rezoning applications. He stated that there was a procedural error and so the petition was back before the Board. He stated that the applications were consistent with the FLUM, as it existed at the time. He stated that there were four factors; (1) was the

proposal in conformity with the land use plan, (2) would the rezoning proposal adversely affect the existing use or usability of the adjacent and nearby property, (3) would the zoning proposal result in the use that will or could cause excessive or burdensome use of existing or planned streets, utilities or schools and (4) whether there were other existing or changing conditions effecting the use and development of the property which gave supporting grounds for either approval or disapproval for the zoning proposal. He stated that staff concluded that existing conditions in the areas continuing development was single-family residential district and it supported the petition.

Ross Fralick spoke in favor. He stated that Regina Godby was his mother-in-law and she wanted to sale the property because there was a need to do that. He stated that he did not understand why there was property before this petition and property after this petition that was rezoned and this one was not. He stated that this was the time to make it right.

Jack Smith stated that there should be a compelling reason to rezone to A-R. He stated that he recommended three changes to the zonings to the Board. He stated that in his humble opinion, in this part of the county, septic should require a two-acre minimum and a well should require a five-acre minimum. He stated that he recommended deleting all zoning that could result in one-acre parcels, like the TTST debacle. He stated that the developer was meeting the master plan and established a two-acre minimum requirement and if the Board was set on changing A-R, then this petition should be approved to re-establish that this part of the county was not going to one-acre homes.

Doug Powell stated that he was seeing a higher density creep into the county on the southside and he was opposed to that. He stated that he served on the Planning Commission in Fayette County for 14 years and he would not approve this petition.

Diane Barlow stated that she relocated to Fayette County from New Jersey and the reason she bought a home on Davis Road was because of the low density. She stated that it was a dirt road on Davis Road and a creek on that road, so what would happen with traffic on the dirt road.

Jere Key stated that he was concerned about the continual creep of smaller and smaller lot sizes on what had historically been A-R zonings. He stated that this was agricultural and one/two lot sizes was not appropriate for this piece of property.

Sylvia Nolde stated that her heart went out to the family. She stated that she implored the Board to rethink the size of the lots. She stated that the county should remain somewhat rural. She stated that it drew families and gave citizens the quality of life that would not come with high density. She stated that paving Davis Road would be burdensome to the residents on Davis Road and to the county.

Mark Shin (sp?) stated that he had a question. He asked where to draw the line; if the Board allowed one to two acres what would come next.

Mr. Jones gave a rebuttal to some of the comments made. He stated that this petition deserved to be heard under the future land use map that exist at the time of the request. He stated that if approved, it would be the last application before the Board, in that area, that would be consistent because of the current future land use map. He stated that this development would not touch Davis Road. He asked those who were in favor of the petition, but did not speak, to raise their hand. A majority of the audience raised their hand.

Commissioner Oddo moved to approve Petition No. 1259-16A, Regina D. Godby, Owner and Rod Wright, Agent, request to rezone 33.995 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots; property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road and Davis Road. Commissioner Rousseau seconded.

Commissioner Oddo stated that there was a land plan in place because the county expected to grow and the county wanted to manage the growth. He stated that when there was a land plan in place, the Board could not expect to not go by the plan when someone made a request. He stated that the petitioners wanted R-50 and the Board wanted R-70 and so the petitioner went to R-70 and the Board still said no. He stated that did not make sense to him. He stated that the purpose behind the land use plan was so that the county did not have over population in unincorporated Fayette County. He continued that the plan was revised and made a lower density, which was after this petition was heard. He stated that it seemed to be a reasonable rezoning for this property. He stated that he was hard-pressed to change his vote from the last time.

Commissioner Brown stated that he appreciated what the family was going through. He stated that he had to take a technical look at this petition. He stated that the Board had consistently taken direct action to make significant changes to the land use plan and preserve some of the transportation corridors. He stated that he had to pay attention to the assets that citizens appreciated in Fayette County and how to preserve those assets in perpetuity. He stated that the way things were heading the county was headed down the path as other counties. He stated that his comments regarding this property are recorded in the previous minutes and he would let that stand. He stated that the new version of the land use plan was the direction that the county needed to head in. He continued that the Board decided to specifically preserve that corridor and lighten the density in an effort to avoid doing modifications. He stated that he stuck to that.

Commissioner Oddo stated that this petition did conform to the land use plan that was put into place with the public's input that was in effect at that time. He stated that Commissioner Brown was not present at the meeting in 2016 where the Board voted to zone the requested R-50 to R-70. He stated that Commissioner Brown asked him to read a statement for the record and at the time he said that he concurred with the majority opinion from the Planning Commission, that R-70 was the appropriate zoning. He stated that nothing had changed since then and if it was the proper zoning for that property it would be the proper zoning for this property.

Commissioner Brown stated that during the previous petition the Board was not heavily engaged in the land use plan and had not received the bulk of the comments from the citizens related to land use and it was the only option in that instance.

Vice Chairman Ognio stated that his concern was that he knew what the land use plan was at the time. He stated that regardless of what the land use plan was, when building out, the next person in the next lot over would say that the Board approved it for one person even though the land planning said something different. He stated that it would become hard to control that. He stated that the other properties were closer to Highway 54 and would make traffic a little better. He mentioned the intersections that were not favorable for sight distance. He stated that there were a lot of citizens that came to the previous meeting to speak in opposition of this rezoning and he had to listen to that. He stated that there were a lot of citizens present in favor of the petition, but he did not know if they lived in the area.

County Attorney Dennis Davenport stated that he did not recall that Commissioner Oddo's motion included the two conditions.

Commissioner Oddo amended the motion to approve Petition No. 1259-16A, Regina D. Godby, Owner and Rod Wright, Agent, request to rezone 33.995 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots; property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road and Davis Road with two conditions as stated. Commissioner Rousseau amended the second. The applicant stated that they agreed to the two conditions. The motion failed 2-2. Vice Chairman Ognio and Commissioner Brown voted in opposition. Chairman Maxwell recused himself.

Commissioner Brown moved to deny Petition No. 1259-16A, Regina D. Godby, Owner and Rod Wright, Agent, request to rezone 33.995 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots; property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road and Davis Road. Vice Chairman Ognio seconded. The motion failed 2-2. Commissioner Rousseau and Commissioner Oddo voted in opposition. Chairman Maxwell recused himself.

Mr. Davenport stated that the County was aware that there was a ruling by the judge that said that the 2-3 vote was not a denial. He stated that based on the makeup of the Board, that would not be changing in the foreseeable future, 2-2 on both votes was it. He stated that the Board's procedures required an affirmative three votes to pass anything. He stated that based on both motions and votes, it was his conclusion, that although there was not three votes majority to do anything, the status quo was not changed so the property would remain at the A-R zoning district.

8. Consideration of Petition No. 1259-16B, Shelly M. Godby, Owner and Rod Wright, Agent, request to rezone 5.0 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots; property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road.

Mr. Jones stated that he heard the concern about the new future land use map (FLUM). He continued that the new FLUM could not legally apply to these applications. He stated that they had a definitive right to be heard and considered under the FLUM that existed at the time that the applications were filed. He continued that a 2-2 vote was not an affirmative to take any action. He stated that if the Board continued to stick with a 2-2 vote, then the Board was back in the same position as it was when the petition started, which was no action had been taken by the Board. He implored the Board, based on the court's direction and the future land use map that existed at the time that the applications were filed and based on the seven developments that exist in the subject area and the outpour of public support, that the Board take an affirmative action by an affirmative vote of at least three commissioners in a favor of a motion. He stated that he wanted to clarify that in order for the Board to take affirmative action, the Board must have three votes supporting a motion. He stated that three votes against a motion did not carry a motion because there was still actions the Board could take under the zoning ordinance.

No one spoke in favor or in opposition.

Commissioner Brown moved to deny Petition No. 1259-16B, Shelly M. Godby, Owner and Rod Wright, Agent, request to rezone 5.0 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots; property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road. Vice Chairman Ognio seconded.

Commissioner Oddo stated that the Board should consider the ramification of the vote. He stated that it would be the last item to come before the Board for a two-acre lot size in that area.

Commissioner Brown stated that he would agree with that until the land next door said that they had vested rights because it was approved for the land next to them.

Commissioner Brown moved to deny Petition No. 1259-16B, Shelly M. Godby, Owner and Rod Wright, Agent, request to rezone 5.0 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots; property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road. Vice Chairman Ognio seconded. The motion failed 2-2. Commissioner Oddo and Commissioner Rousseau voted in opposition. Chairman Maxwell recused himself.

Commissioner Oddo moved to approve Petition No. 1259-16B, Shelly M. Godby, Owner and Rod Wright, Agent, request to rezone 5.0 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots; property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road with two conditions. Commissioner Rousseau seconded. The motion failed 2-2. Vice Chairman Ognio and Commissioner Brown voted in opposition. Chairman Maxwell recused himself.

Mr. Davenport stated that his conclusion was the same based on what happened with item #7, as with item #8 the status quo was not changed so the property would remain as A-R zoning.

Chairman Maxwell returned to the meeting chambers.

STATE OF GEORGIA COUNTY OF FAYETTE

RESOLUTION

NO. 1259-16

WHEREAS, Shelly M. Godby & Regina D. Godby, Owner, and Rod Wright, Agent, having come before the Fayette County Planning Commission on July 7, 2016, 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 38.995 acres from A-R to R-70, in the area of Ebenezer Road, Land Lot 37 & 60 of the 7th District, for the purpose of developing a Residential Subdivision; 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

JIM/GRAW CHAIRMAN

PC SECRETARY

ATTEST:

PLANNING COMMISSION RECOMMENDATION

DATE: July 7, 2016

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1259-16, the application of Shelly M. Godby & Regina D. Godby to rezone 38.995 acres from A-R to

R-70, be: 5-0 Approved	Withdrawn	Disapproved
Tabled until		

This is forwarded to you for final action.

JIM GRAW, CHAIRMAN ARNOLD MARTIN, III, VICE-CHAIRMAN 1. st JOHN CULBRETH GILBERT AF

Remarks: Recommended Conditions 2

6. Consideration of Petition No. 1259-16, Shelly M. Godby & Regina D. Godby, Owners, and Rod Wright, Agent request to rezone 38.995 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots. This property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road and Davis Road.

Chairman Graw stated that the same procedure applies 20 minutes for those in favor and those in opposition.

Rod Wright requesting for the approval of the rezoning as submitted. He stated that he believes he has accommodated two (2) of the Planning Commissions wishes on the last hearing on subject property. He said that he would like to retain the remainder of his time for rebuttal and comments.

Chairman Graw asked if anyone would like to speak in favor of the petition. Hearing none, he asked if anyone would like to speak in opposition.

Jack Smith stated that he does like that they are applying for two (2) acre lots but in the same breath the land use calls for two (2) to three (3) acres. He said that he hadn't seen the layout and doesn't know if they accounted for some larger lots or not. He added that his major concern with it is that R-70 minimum house size is 1500 square feet. He stated that there has not been a 1500 square foot home in Fayette County in over 30 years. He said that a better zoning would be R-72 with a 2100 square foot house.

Chairman Graw asked if there was anyone else who wanted to speak in opposition. Hearing none, he asked Mr. Wright if he wanted to address that.

Rod Wright stated that the zoning is R-70. He said that he hears what the people are saying and understand it because he is a developer; but some of their comments don't pertain to it. He said that he agrees with Jack Smith that a 1500 ft. home has not been built, but most of it deals with setbacks and so forth with that zoning district.

Chairman Graw stated that he would bring it back before the Planning Commission.

Al Gilbert asked Mr. Wright if he saw the two (2) conditions.

Rod Wright replied that he has and he agrees to them.

Al Gilbert reads the two (2) conditions:

- 1. The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 50 feet of right-of-way as measured from the centerline of Ebenezer Road prior to the approval of the Final Plats and said dedication area shall be shown on the Preliminary Plat and Final Plats. (*This condition is to ensure the provision of adequate right-of-way for future road improvements.*)
- 2. The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 40 feet of right-of-way as measured from the centerline of Davis Road prior to the approval of the Final Plat and said dedication area shall be shown on the Preliminary Plat and Final Plat. (*This condition is to ensure the provision of adequate right-of-way for future road improvements.*)

Chairman Graw asked Mr. Wright if he agrees to the two (2) conditions.

Rod Wright replied yes.

Chairman Graw asked if the Planning Commission has any questions for Mr. Wright.

Arnold Martin made a motion to recommend approval for R-70 zoning of Petition No. 1259-16. Motion seconded by John Culbreth. The zoning petition was recommended for approval by a vote of 5-0.

PETITION NO: 1259-16

REQUESTED ACTION: A-R to R-70

PROPOSED USE: Residential Subdivison

EXISTING USE: Undeveloped Land

LOCATION: Ebenezer Road and Davis Road

DISTRICT/LAND LOT(S): 7th District, Land Lot(s) 36, 37, 60 & 61

OWNER: Shelly M. Godby & Regina D. Godby

AGENT: Rod Wright

PLANNING COMMISSION PUBLIC HEARING: July 7, 2016

BOARD OF COMMISSIONERS PUBLIC HEARING: July 28, 2016

APPLICANT'S INTENT

Applicant proposes to develop a Single-Family Residential Subdivison consisting of 17 lots on 38.995 acres.

STAFF RECOMMENDATION

APPROVAL WITH TWO (2) CONDITIONS.

INVESTIGATION

A. **PROPERTY SITE**

The subject property is a 38.995 acre tract fronting on Ebenezer Road and Davis Road in Land Lot(s) 36, 37, 60 and 61 of the 7th District. Ebenezer Road is classified as a Minor Arterial road and Davis Road is classified as a Collector on the Fayette County Thoroughfare Plan. The subject property is undeveloped and currently zoned A-R.

B. SURROUNDING ZONING AND USES

The general situation is a 38.995 acres tract that is zoned A-R. In the vicinity of the subject property is land which is zoned A-R and R-70. See the following table and also the attached Zoning Location Map.

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	18.2	A-R	Undeveloped	Low Density Residential (1 Unit/1 to 2 Acres)
South & West	5.0 5.0	A-R A-R	Single-Family Residence Single-Family Residence	Low Density Residential (1 Unit/1 to 2 Acres)
South (across Davis Road)	12.89 6.32 6.32	A-R A-R A-R	Undeveloped Single-Family Residence Single-Family Residence	
East	7.6 22.0	A-R A-R	Single-Family Residence Undeveloped	Low Density Residential (1 Unit/1 to 2 Acres)
West	2.140 2.414 2.1	R-70 R-70 A-R	Single-Family Residence Single-Family Residence Single-Family Residence	Low Density Residential (1 Unit/1 to 2 Acres)
West (across Ebenezer Road)	5.3 109.6	A-R A-R	Single-Family Residence Undeveloped	

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

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Low Density Residential (1 Unit/1 to 2 Acres). This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone A-R from to R-70 for the purpose of developing a Single-Family Residential Subdivision.

Platting

Should this request be approved, the applicant is reminded that before any lots can be sold or building permits issued for the proposed subdivision, the subject property must be platted per the Fayette County Subdivision Regulations, as applicable.

<u>Right-of-Way Requirements</u>

Per Engineering/Public Works, Ebenezer Road has an 80 foot right-of-way and the Concept Plan indicates the same. As a Minor Arterial, Ebenezer Road requires 100 feet of right of way. As a Collector, Davis Road requires 80 feet of right-of-way. Per Section 104.52 of the Fayette County Development Regulations, should a proposed development adjoin an existing street, the developer shall dedicate additional right-of-way to meet onehalf the minimum right-of-way requirement for the applicable functional classification as indicated on the Fayette County Thoroughfare Plan of the adjoining street.

Access

The Concept Plan submitted indicates one (1) access from Ebenezer Road.

E. REVIEW OF CONCEPT PLAN

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

Deficiencies include, but are not limited to:

Lot 12 -Area along Davis Road is a front yard with a 75 foot setback. Stormwater detention has to be in a common area owned by the home owners association and not on individual lots.

F. DEPARTMENTAL COMMENTS

Water System Access to 20" main on Ebenezer Road.

Public Works/Engineering

Engineer offers the following comments for rezoning request to R-70:

- ROW dedication of 10' along Ebenezer Rd is accurate for an Arterial;
- ROW dedication of 40' from centerline of Davis is also required along back of lot 12 (Davis is Collector);
- Stormwater Detention must be on commonly-owned property; could impact lot yield.

Environmental Management

- **Floodplain** The property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0091E dated Sept 26, 2008.
- Wetlands A wetland study may be required upon staff field inspection. Per Section 8-4 of Fayette County Development Regulations, the applicant must obtain all required permits from the U.S. Army Corps of Engineers <u>prior</u> to issuance of any permits from Fayette County for any phase of development affecting wetlands.
- Watershed Watershed Protection **DOES** apply. All state waters identified are subject to a 50 ft. Watershed Protection buffer measured from wrested vegetation and a 25 ft. setback measured from the Watershed buffer.
- Groundwater The property IS within a groundwater recharge area.
- **Stormwater** This development **IS** subject to the Post-Development Stormwater Management Ordinance.

Environmental Health Department

This department has no objection to the proposed rezoning. If approved, this department will need to complete a departmental required Subdivision review which will include the submission of a Level 3 soils report.

<u>Fire</u>

Must connect to Fayette Co. Water System and provide fire hydrants every 600 feet.

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 developing Residential Subdivsion. Per Section 110-300 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

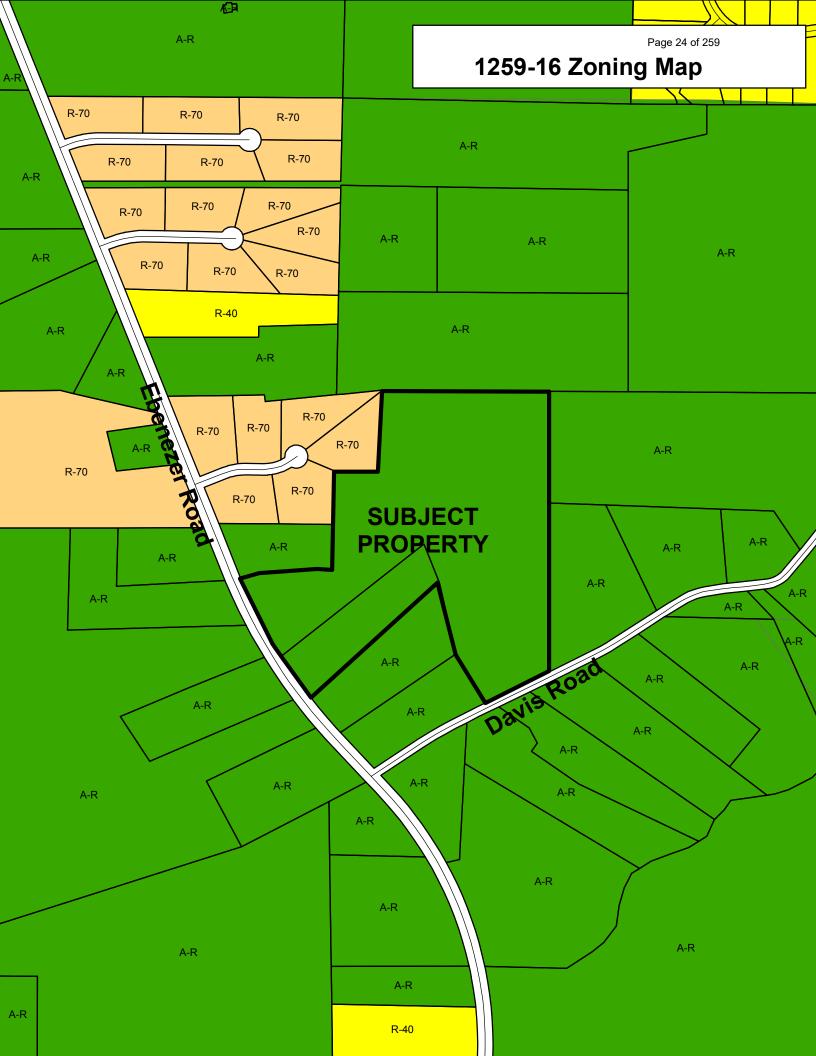
- 1. The subject property lies within an area designated for Low Density Residential (1 Unit/1 to 2 Acres). This request conforms to the Fayette County Comprehensive Plan.
- 2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.
- 3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.
- 4. Existing conditions and the area's continuing development as a single-family residential district support this petition.

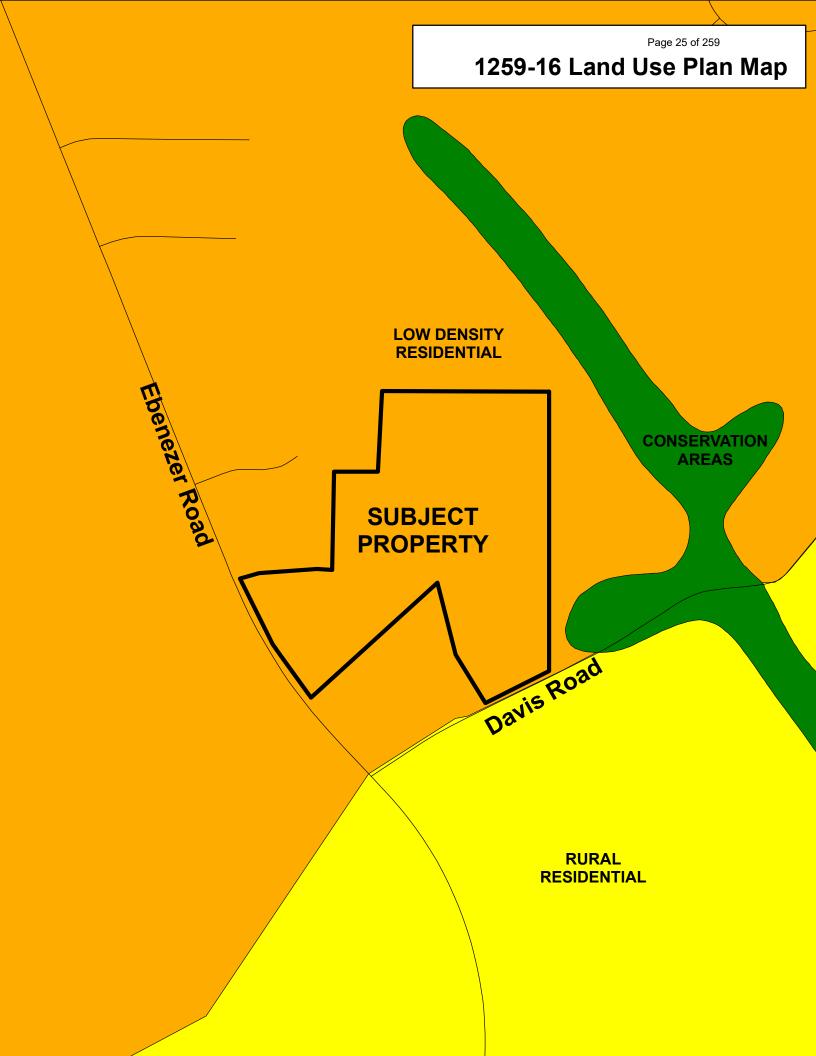
Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL WITH TWO (2) CONDITIONS.**

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved R-70 **CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

- 1. The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 50 feet of right-of-way as measured from the centerline of Ebenezer Road prior to the approval of the Final Plats and said dedication area shall be shown on the Preliminary Plat and Final Plats. (*This condition is to ensure the provision of adequate right-of-way for future road improvements.*)
- 2. The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 40 feet of right-of-way as measured from the centerline of Davis Road prior to the approval of the Final Plat and said dedication area shall be shown on the Preliminary Plat and Final Plat. (*This condition is to ensure the provision of adequate right-of-way for future road improvements.*)









TO AMEN	APPLICA D THE OFFICIAL ZO		AMEND P OF FAYETTE COUNTY, GA
PROPERTY OWNERS: _	Shelly M. Godb	у	
MAILING ADDRESS:	7595 Old Jonesb	oro Rd.,	Fairburn, Ga., 30213
PHONE:		E-MAIL:	
AGENT FOR OWNERS:	RodWrightCorp.,	Rod Wri	ght
MAILING ADDRESS:	P.O. Box 629, Fay	etteville	, Ga. 30214
PHONE: 770-294-7	990	E-MAIL:	thesubdivider@gmail.com
	34	41	

		· 4			
PROPERTY LOCATION:	LAND LOT LAND LOT _	37 & 60	LAND DISTRICT _ LAND DISTRICT _	7th	PARCEL 0714 050 PARCEL
TOTAL NUMBER OF ACI	RES REQUEST	ED TO BE REZ	ONED: <u>5.00</u>		

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

ZONING OF SURROUNDING PROPERTIES: West-(A-R) & (A-R) North-(A-R) South-(A-R) East-(A-R)

PROPOSED USE OF SUBJECT PROPERTY: Residential Subdivision

PRESENT USE OF SUBJECT PROPERTY: Undeveloped Land

LAND USE PLAN DESIGNATION: Low Density Residential

NAME AND TYPE OF ACCESS ROAD: Ebenezer Road - Minor Arterial

LOCATION OF NEAREST WATER LINE: ____ Ebenezer Road - west side

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: ZA - 1259 - 16

[] Application Insufficient due to lack of:_	

by Staff: Date: [Application and all required supporting documentation is Sufficient and Complete by Staff: Kele tuby une Date: _______ 1 | 16 DATE OF PLANNING COMMISSION HEARING: _____/ __/ __/ ___ DATE OF COUNTY COMMISSIONERS HEARING: $\neg |_{a \notin || 6}$ Received from Rod wyicht Long a check in the amount of \$ 450.00/ov for a check in the public hearing sign(s). Receipt Number: 5285902 470.00 57.95907 \$20.00application filing fee, and \$ 40"900 for deposit on frame for public hearing sign(s). Date Paid:

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

	D THE OFFICIAL ZOMING MAP OF FATELIE COUNTI, GA
	Regina D. Godby
MAILING ADDRESS:	7595 Westbridge Rd., Fairburn, Ga., 30213
PHONE:	E-MAIL:
AGENT FOR OWNERS: _	RodWrightCorp., Rod Wright
MAILING ADDRESS:	P.O. Box 629, Fayetteville, Ga. 30214
PHONE: 770-294-79	990 _{E-MAIL:} thesubdivider@gmail.com
TOTAL NUMBER OF AC	LAND LOT 37 & 60 LAND DISTRICT 7th PARCEL 0714 014 LAND LOT LAND DISTRICT PARCEL PARCEL RES REQUESTED TO BE REZONED: 33.995 TRICT: A-R PROPOSED ZONING DISTRICT: R-70
	ING PROPERTIES: West-(R-70) & (A-R) North-(A-R) South-(A-R) East-(A-R)
	JECT PROPERTY: Residential Subdivision
LAND USE PLAN DESIG	NATION: Low Density Residential
NAME AND TYPE OF AC	CESS ROAD: Ebenezer Road - Minor Arterial
LOCATION OF NEARES	T WATER LINE: Ebenezer Road - west side
	IPLETED BY STAFF): PETITION NUMBER:
by Staff:	Date:
	quired supporting documentation is Sufficient and Complete
by Staff:	Date:
DATE OF PLANNING CO	OMMISSION HEARING:
	IMISSIONERS HEARING:
	a check in the amount of \$for 6for deposit on frame for public hearing sign(s). Receipt Number:

NAME:	Regina D. Godby	PETITION NUMBER:
ADDRESS: _	7595 Westbridge Rd., Fairburr	ı, Ga., 30213
		N THE UNINCORPORATED AREAS OF FAYETTE
COUNTY, GI	EORGIA. Regina D. Godby	affirms that he is the owner or the specifically

authorized agent of the property described below. Said property is located in a(n) **A-R** Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$_490.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to **R-70**

This property includes: (check one of the following)

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

[X] Legal description for subject property is as follows:

See Attached

PUBLIC HEARING	7th	day of	
July	, 20 2016 at 7:00 P.M.		

28th PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the _____ day of July , 20 2016 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 31^{st} day of _

NOTARY PUBLIC

ma D, bodly

APPLICANT'S SIGNATURE

NAME:	Shel	ly M. Godby	PETITION N	UMBER:
ADDRESS: _	7595 (Old Jonesboro Rd., Fai	rburn, Ga., 30213	
		NING CERTAIN PROPERTY	IN THE UNINCORPORAT	FED AREAS OF FAYETTE
COUNTY, GI	EORGIA.	Shelly M. Godby	affirms that he is t	the owner or the specifically
authorized ag	ent of the p	roperty described below. Said p	roperty is located in a(n)	A-R Zoning District.

He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of $\frac{270.00}{100}$ to cover all expenses of public hearing. He/She petitions the above named to change its classification to **R-70**.

This property includes: (check one of the following)

 $[\pmb{X}]$ See attached legal description on recorded deed for subject property or

See Attached

[] Legal description for subject property is as follows:

PUBLIC HEARING to b	e held by the Planning Commission of Fayette County on the	<u>7th</u>	day of
July	, 20_2016 at 7:00 P.M.		

SWORN TO AND SUBSCRIBED BEFORE ME THIS $3)^{\text{St}}$ day of

NOTARY PUBLIC

20/6 APPLICANT'S SIGNATURE

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

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

Reg	ID O	•••	1:04	
1100	1110	.	U U	

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0714 014

(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) 37 & 60 of the 7th District, and (if applicable to more than one land district) Land Lot(s) ______ of the _____ District, and said property consists of a total of **33.995** acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

Signature of Property Owner 1

2 Parks Ave, Newnon GA

Signature of Notary Public

Signature of Notary Public

Signature of Property Owner 2

Address

Address

Signature of Property Owner 3

Signature of Notary Public

Address

Signature of Authorized Agent

225 Riveroak DR Address Frayetleville 6A 30215

Date

Date

hard EBatte Signature of Notary Public

Date

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

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

Shelly M. Godby

Please Print Names

0714 050 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) 37 & 60 of the 7th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _______ District, and said property consists of a total of 5.00 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

Signature of Property Owner 1

cri L. Kashane Signature of Notary Public

Address

Signature of Property Owner 2

Address

Date

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address Frageteurle 6A 30215

Signature of Notary Public

Signature of Notary Public

Date

Signature of Notary Public

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AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Regina D. Godby	_, said property owner(s) of subject property requested to be rezoned,		
hereby agree to dedicate, at no cost to Fayette County	,50	feet of right-of-way along		
Ebenezer Road		as measured from the centerline of the road.		
Based on the Future Thoroughfare Plan Map stree	ets have one of the foll	owing designations and the Fayette County		
Development Regulations require a minimum street width as specified below:				
Local Street (Minor Thoroughfare) 60 foot right-of	-way (30' measured from	m each side of road centerline)		
Collector Street (Major Thoroughfare) 80 foot	right-of-way (40' measu	red from each side of road centerline)		
Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)				

Sworn to and subscribed before me this <u>3</u> the day of ______ _,20]6__.

X Regina D. Godley SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

cki L. Kashani

NOTARY PUBLIC

Page 35 of 259

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We,	, said property	owner(s) of subject property requested to be rezoned,
hereby agree to dedicate, at no cost to Fayette	County, <u>50</u>	feet of right-of-way along
Ebenezer Road		as measured from the centerline of the road.
Based on the Future Thoroughfare Plan Ma	ap streets have one of	the following designations and the Fayette County
Development Regulations require a minimum	street width as specifie	ed below:
Local Street (Minor Thoroughfare) 60 foot	right-of-way (30' meas	ured from each side of road centerline)
Collector Street (Major Thoroughfare)	80 foot right-of-way (4	0' measured from each side of road centerline)
Arterial Street (Major Thoroughfare) 100 foot	t right-of-way (50' mea	sured from each side of road centerline)
Sworn to and subscribed before me this	315t day of	
		Shelly Hodby
SIGNATURE OF PROPERTY OWNER		SIGNATURE OF PROPERTY OWNER

Dicki J. Kashani

DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

- A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.
- B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: <u>www.dca.state.ga.us/DR1</u>.
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".
 [X] The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .
 - [] The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this 31	St day of	may	, 20
APPLICANT'S STO	MATURE		

DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

- A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.
- B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: <u>www.dca.state.ga.us/DR1</u>.
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".
 [X] The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds
 - [] The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this _	3157	day of	may	, 20 <u>110</u> .
	A			
4	H	1	<u>_</u>	

APPLICANP'S SIGNATORE

DISCLOSURE STATEMENT

Please check one: Campaign contributions -Yes (see attached disclosure report)

TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

O.C.G.A. § 36-67A-3 (2011)

§ 36-67A-3. Disclosure of campaign contributions

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

HISTORY: Code 1981, § 36-67A-3, enacted by Ga. L. 1986, p. 1269, § 1; Ga. L. 1991, p. 1365, § 1; Ga. L. 1993, p. 91, § 36.

9 REZONING APPLICATION, FAYETTE COUNTY, GA

DISCLOSURE STATEMENT

Please check one: Yes (see attached disclosure report) Campaign contributions -

TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

O.C.G.A. § 36-67A-3 (2011)

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(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

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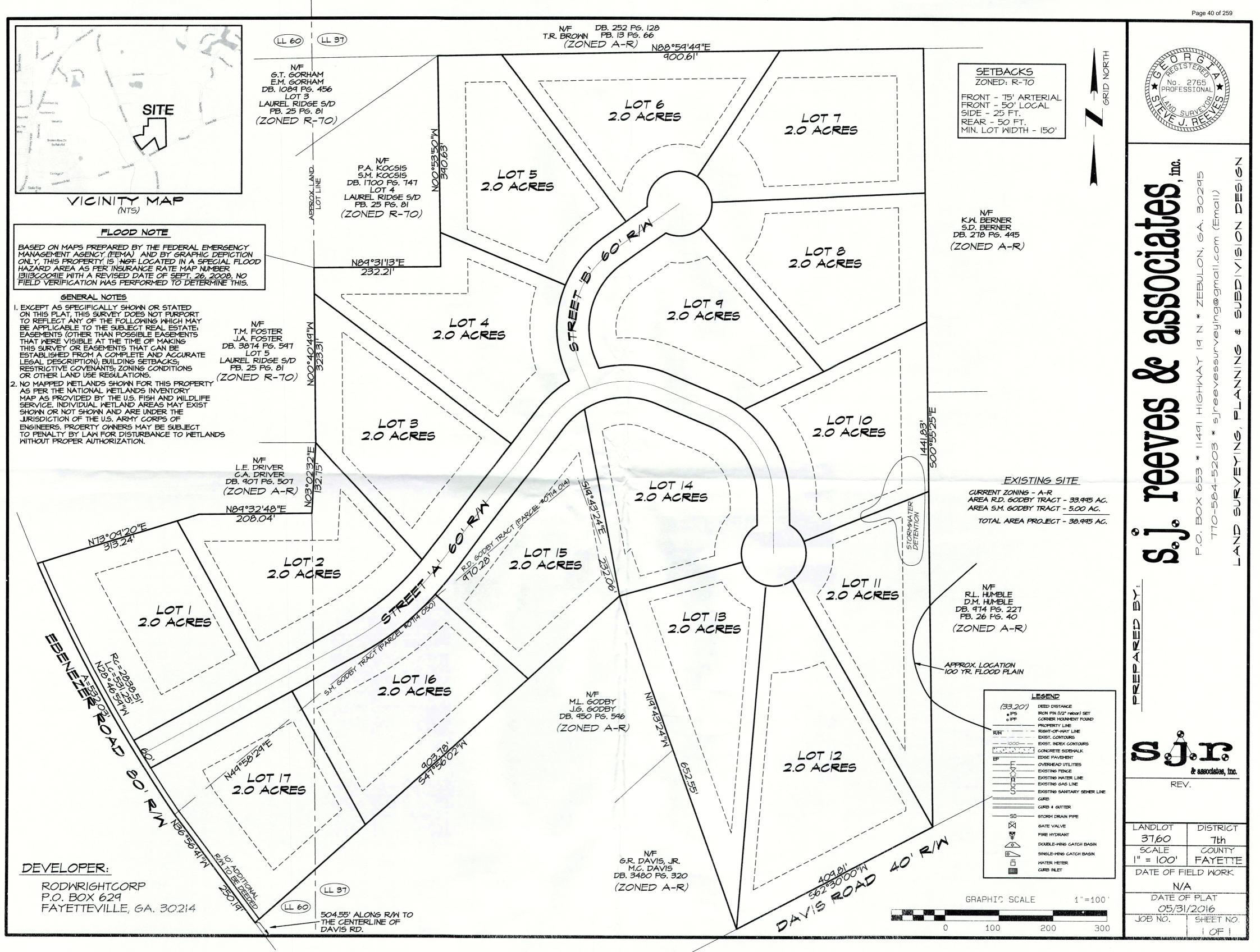
(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

HISTORY: Code 1981, § 36-67A-3, enacted by Ga. L. 1986, p. 1269, § 1; Ga. L. 1991, p. 1365, § 1; Ga. L. 1993, p. 91, § 36.

9 REZONING APPLICATION, FAYETTE COUNTY, GA



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Department:	Planning & Zoning	Presenter(s):	Pete Frisina, Director
Meeting Date:	Thursday, February 28, 2019	Type of Request:	Public Hearing #2
Wording for the Agenda			
Consideration of Petitio to develop a Single-Far	n No. 1259-16B, Shelly M. Godby , Ov		est to rezone 5.0 acres from A-R to R-70 59-18A; property is located in Land Lots
Background/History/Det	ails:		
This petition was originate petition 1259-16 with two conditions.	ally considered by the BOC on July 28 vo (2) conditions. The Planning Comm) was again considered by the BOC or	ission recommended approval of rez	zoning petition 1259-16 with two (2)
centerline of Ebenezer	r shall provide, at no cost to Fayette C	Plats and said dedication area shal	be shown on the Preliminary Plat and
centerline of Davis Roa	er shall provide, at no cost to Fayette C d prior to the approval of the Final Pla to ensure the provision of adequate rig	t and said dedication area shall be s	hown on the Preliminary Plat and Final
What action are you see	king from the Board of Commissioners	s?	
	. 1259-16B, Shelly M. Godby, Owner, y Residential Subdivision with 17 lots i		
If this item requires fund	ing, please describe:		
Not applicable.			
l Has this request been c	onsidered within the past two years?	Yes If so, whe	n? Wednesday, May 10, 2017
Is Audio-Visual Equipme	ent Required for this Request?*	Yes Backup P	rovided with Request? No
	ial must be submitted to the County consibility to ensure all third-party a		

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval			
Staff Notes:			

Page 42 of 259

Department:	Planning & Zoning	Presenter(s):	Pete Frisina, Directo	or
Meeting Date:	Thursday, February 28, 2019	Type of Request:	Public Hearing #3	
Wording for the Agenda:	1	1	1	
Impact Fees, including Co	omprehensive Plan Amendments for	pertaining to the "Fayette County 20 r Updates to the Capital Improvemer n the Atlanta Regional Commission a	its Element and Com	munity Work
Background/History/Details	S:			
for Regional and State rev	view prior to adoption.			
Minimum Planning Standa the Comprehensive Plana FY2023)". This annual up	ards, have prepared the "Fayette Co amendments for updates to the Cap odate was prepared in accordance v	ey, in accordance with the Georgia D bunty 2018 Annual Report on Fire Se bital Improvements Element and Con with requirements of the Georgia Dev prehensive Planning established by	ervices Impact Fees (nmunity Work Progra velopment Impact Fee	FY2018), including m (FY2019 - e Act and the
		ments of the Georgia Development I e Planning established by the Georg		
Approval to adopt Resolut Fees, including Comprehe	ensive Plan Amendments for Update o transmit the document to the Atla	s? rette County 2018 Annual Report on es to the Capital Improvements Elem nta Regional Commission and the De	nent and Community	Work Program
If this item requires funding	g, please describe:			
Has this request been con	sidered within the past two years?	No If so, whe	n?	
Is Audio-Visual Equipment	t Required for this Request?*	Yes Backup P	rovided with Request	? Yes
		Clerk's Office no later than 48 ho udio-visual material is submitted a		0
Approved by Finance	Yes	Reviewed	by Legal	
Approved by Purchasing	Not Applicable	County Cl	erk's Approval	Yes
Administrator's Approval				
Staff Notes:	·			

TRANSMITTAL RESOLUTION 2019-03

WHEREAS, Fayette County, Georgia has prepared an annual update to a Capital Improvements Element and Community Work Program; and

WHEREAS, the annual update of the Capital Improvements Element and Community Work Program was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held on February 28, 2019.

BE IT THEREFORE RESOLVED, that Fayette County, Georgia does hereby submit the annual update of the Capital Improvements Element and Community Work Program covering the five-year period of FY 2019 to FY 2023 to the Atlanta Regional Commission and Georgia Department of Community Affairs for regional review, as per the requirements of the Georgia Planning Act of 1989.

Adopted this 28th day of February, 2019

BY:

ATTEST:

Fayette County and Towns of Brooks, Tyrone, and Woolsey Summary Impact Fee Financial Report FY2018			
	Fire Services		
Total Impact Fee Balance From Previous Fiscal Year	\$0.00		
Impact Fees Collected in FY 2018 By Jurisdiction			
Fayette County	\$127,539.36		
Brooks	\$3,603.42		
Tyrone	\$36,034.20		
Woolsey	\$0.00		
Total	\$167,176.98		
Accrued Interest	\$228.22		
(Administrative Other Costs)	(\$4,851.15)		
(Impact Fee Refunds)	\$0.00		
(Impact Fee Expenditures)	(\$162,554.05)		
Impact Fee Fund Balance Ending FY 2018	\$0.00		
Impact Fees Encumbered	\$0.00		

Fayette County Impact Fee Financial Report FY2018			
	Fire Services		
Total Impact Fee Balance From Previous Fiscal Year	\$0.00		
Impact Fees Collected in FY 2018 By Jurisdiction			
Fayette County	\$127,539.36		
Accrued Interest	\$174.11		
(Administrative Other Costs)	(\$3,696.81)		
(Impact Fee Refunds)	\$0.00		
(Impact Fee Expenditures)	(\$124,016.66)		
Impact Fee Fund Balance Ending FY 2018	\$0.00		
Impact Fees Encumbered	\$0.00		

Fayette County Comprehensive Plan Amendment - Capital Improvement Element - Project Update FY2018 - FY2022

Public Facility - Fire Services											
	FY Project	FY Project	Actual / Estimated	Í	nding from	Percent By Impact	Other Funding	Current Year Impact Fee	Impact Fee Applied	Remaining amount to be funded from	
Project Description	Start	End	Cost of Project		pact Fees	Fees	Sources	Applied	Previous Years	impact fees	Status / Remarks
Construct Fire Station 1: SR 279	FY 2002	FY 2002	\$ 872,836	\$	471,331	54.00%	Fire Tax	na	\$471,331	\$0	Completed in FY 2002
Construct Fire Station 10: Seay Road	FY 2002	FY 2002	\$ 838,295	\$	687,402	82.00%	Fire Tax	na	\$687,402	\$0	Completed in FY 2002
Construct Fire Station 5: SR 85 South	FY 2002	FY 2003	\$ 1,191,565	\$	369,385	31.00%	Fire Tax	na	\$369,385	\$0	Completed in FY 2003
Construct Fire Station 7: Hampton Road	FY 2003	FY 2003	\$ 1,066,472	\$	586,559	55.00%	Fire Tax	na	\$586,559	\$0	Completed in FY 2003
Purchase Acreage for Future Fire Station - McElroy											
Road	FY 2004	FY 2004	\$ 25,000	\$	25,000	100.00%	None	na	\$25,000	\$0	Completed in FY 2004
Purchase two (2) Quints	FY 2006	FY 2007	\$ 675,000	\$	675,000	100.00%	None	na	\$675,000	\$0	Purchased in FY 2007
Emergency Operations Center	FY 2012	FY 2015	\$ 1,107,921	\$	131,864	83.50%	Fire Tax / Grant	\$51,116	\$80,748	\$0	Completed in FY15
Construct Fire Training Center (Burn Building)	FY 2018	Future	\$ 1,120,000	\$	253,680	22.65%	Fire Tax	\$111,438	\$0	\$ 142,242	Future/Planned
Construct FS2: S.R. 92N	Future	Future	\$ 1,644,000	\$	164,400	10.00%	Fire Tax	\$0	\$0	· · · · ·	Future/Planned
Construct FS14: Sandy Creek/Flat Ck	Future	Future	\$ 1,613,773	\$	1,613,773	100.00%	None	\$0	\$0	\$ 1,613,773	Future/Planned
Construct FS15: Ginger Cake/Graves	Future	Future	\$ 2,061,333		2,061,333	100.00%	None	\$0	\$0		Future/Planned
Rescue Truck (1)	Future	Future	\$ 224,334		224,334	100.00%	None	\$0	\$0		Future/Planned
Brush Truck (1)	Future	Future	\$ 57,011		57,011	100.00%	None	\$0	\$0		Future/Planned
Engine/Pumpers (8)	Future	Future	\$ 3,252,082	\$	3,252,082	100.00%	None	\$0	\$0	\$ 3,252,082	Future/Planned
Totals			\$ 15,749,622	\$:	10,573,155			\$ 162,554	\$ 2,895,425	\$ 7,515,175	

FAYETTE COUNTY COMPREHENSIVE PLAN COMMUNITY WORK PROGRAM FY2019- FY2023

This section presents an updated five-year work program for FY 2019 through FY 2023 to implement the vision and goals of the Fayette County Comprehensive Plan. In addition to the scheduling of projects for the county, the Community Work Program indicates potential sources of funding.

FAYETTE COUNTY COMPREHENSIVE PLAN COMMUNITY WORK PROGRAM FY2019-FY2023 - PUBLIC SAFETY Goal: Maintain and Improve the Level of Service for Public Safety Plan Element: Community Facilities Completion Total Initiation Year **Project Description** Year **Estimated** Costs Funding Sources Responsibility **Fire and Emergency Medical Services** Fayette County Links Training Facility Concept Design & Site FY 2019 FY 2021 \$825,000 Fire Fund Emergency Development Services **FAYETTE COUNTY COMPREHENSIVE PLAN** COMMUNITY WORK PROGRAM FY2019-FY2023 – GOVERNMENTAL SERVICES Goal: Provide Support for Effective and Efficient Delivery of Governmental Services Plan Element: Community Facilities Completion Total Initiation Year **Project Description Funding Sources** Responsibility Year **Estimated Costs** Information Conduct Aerial Photography FY2019 General Fund FY2020 \$107,480 Systems FAYETTE COUNTY COMPREHENSIVE PLAN **COMMUNITY WORK PROGRAM FY2019-FY2023 RECREATION** Plan Element: Community Facilities **Goal: Upgrade Recreation Services** Initiation Completion Total Year **Project Description Estimated Costs Funding Sources** Responsibility Year Make Enhancements to Kiwanis Park FY 2019 General Fund FY 2021 \$420,000 Recreation Dept. Make Enhancements to McCurry Park \$1,215,000 Recreation Dept. FY 2020 FY 2022 General Fund

FAYETTE COUNTY COMPREHENSIVE PLAN COMMUNITY WORK PROGRAM FY2019-FY2023 - WATER SYSTEM								
Goal: Upgrade County Water SystemPlan Element: Community Facilities								
Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility			
Make Enhancements to North Waterline	FY 2019	FY 2023	\$1,300,000	Enterprise Funds	Fayette County Water System			
Update the SCADA System	FY 2019	FY 2023	\$1,100,000	Enterprise Funds	Fayette County Water System			
FAYETTE COUNTY COMPREHENSIVE PLAN COMMUNITY WORK PROGRAM FY2019-FY2023 - COMPREHENSIVE TRANSPORTATION PLAN Goal: Address Traffic Congestion Plan Element: Needs and Opportunities								
Complete Comprehensive Transportation Plan	FY2017	FY2020	\$120,000	General Fund	Fayette County Public Works			

FAYETTE COUNTY COMPREHENSIVE PLAN COMMUNITY WORK PROGRAM FY2019-FY2023 – PLANNING AND ZONING

Goal: Growth and development should be consistent with the count	Plan Element: Needs and Opportunities				
Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility
Review County Code regarding A-R Bed and Breakfast and A-R Wedding and Event Facilities	FY 2018	FY 2020	Staff Time	General Fund	Fayette County Planning and Zoning and Marshal's Department
Review County Code regarding Tourist Accommodations	FY 2018	FY 2020	Staff Time	General Fund	Fayette County Planning and Zoning and Marshal's Department

Department:	Planning&Zoning	Presenter(s):	Pete Frisina, Director
Meeting Date:	Thursday, February 28, 2019	Type of Request:	Consent #4
Wording for the Agenda:			
Approval of Resolution 2 Point."	019-02 to change a street name ir	n Waterlace/Canoe Club Subdivision fr	om "Windsail Pointe" to "Lakeridge
Background/History/Detai	ls:		
Final Plat for Canoe Clu brought to the attention of There are currently two residents and the de change.	b at Waterlace Pod A3 was record of the County by a resident of "Wir esidences on "Windsail Pointe." I veloper have submitted letters in s	rded in January of 2007 containing a st ded in May of 2017 containing a street indsail Pointe" who was having difficultly t is recommended that "Windsail Pointe support of the name change (see back support of the name change (see back hers?	named "Windsail Pointe." This was with mail service and utility compare" be changed to "Lakeridge Point." up) and 911 has approved the name
If this item requires fundin	ng, please describe:		
Has this request been co	nsidered within the past two years	i? No If so, whe	n?
Is Audio-Visual Equipmer	nt Required for this Request?*	Yes Backup P	rovided with Request? Yes
		nty Clerk's Office no later than 48 ho y audio-visual material is submitted	, ,
Approved by Finance	Not Applicable	Reviewed	l by Legal
Approved by Purchasing	Not Applicable	County C	lerk's Approval Yes
Administrator's Approval			

Staff Notes:

Return Recorded Document to: Fayette County Planning and Zoning 140 Stonewall Avenue, West Suite 202 Fayetteville, Georgia 30214

STATE OF GEORGIA

FAYETTE COUNTY

RESOLUTION

NO. 2019-02

A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR FAYETTE COUNTY GEORGIA TO RENAME THAT ROAD CURRENTLY PLATTED IN THE CANOE CLUB AT WATERLACE SUBDIVISION, POD A3, AS WINDSAIL POINTE, IN ORDER TO MAKE IT MORE CLEARLY DISTINGUISHABLE FROM OTHER SUBDIVISION STREETS WITH SIMILAR NAMES; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PURPOSES.

BE IT RESOLVED BY THE FAYETTE COUNTY BOARD OF COMMISSIONERS THAT THE ROAD PLATTED IN THE CANOE CLUB AT WATERLACE SUBDIVISION, POD A3, CURRENTLY KNOWN AS WINDSAIL POINTE BE RENAMED AS FOLLOWS:

WHEREAS, the Final Plat of Canoe Club at Waterlace subdivision, Pod A3, fronting on Blue Point Parkway and hereinafter referred to as "Canoe Club at Waterlace," was approved by the Fayette County Planning Commission as a twenty-three-unit R-40, residential development; and

WHEREAS, the Final Plat for Canoe Club at Waterlace was filed with the Fayette County Clerk of Court on May 22, 2017 and recorded at Plat Book 50 pages 5-14; and

1

WHEREAS, the Final Plat of Waterlace subdivision, Pods A2, A4 and B and hereinafter referred to as "Waterlace," was filed with the Fayette County Clerk of Court on January 2, 2007 and recorded at Plat Book 43 pages 121-131; and

WHEREAS, said Final Plats of Canoe Club at Waterlace and Waterlace include the names of every street in these residential developments that will traverse Canoe Club at Waterlace and Waterlace; and

WHERAS, the street system of Canoe Club at Waterlace includes a street named Windsail Pointe and the street system of Waterlace includes a street named Windsail Way; and

WHEREAS, the similarity between the names of these two streets has caused confusion in the identification of the residences thereon; and

WHEREAS, Windsail Pointe is platted to provide for the development of six (6) residential lots; and

WHEREAS, only two of the residential lots on Windsail Pointe have been developed and are inhabited as residences, 130 Windsail Pointe and 110 Windsail Pointe; and

WHEREAS, the residents of both 130 Windsail Pointe and 110 Windsail Pointe have encountered significant difficulty in receiving their mail; and

WHEREAS, a risk to life and safety surrounding the dispatch of life saving services to Windsail Pointe and Windsail Way exists; and

WHEREAS, the residents of 130 Windsail Pointe and 110 Windsail Pointe have submitted letters urging a resolution to the confusion through a change in the name of the road on which their homes are located; and

WHEREAS, the Canoe Club at Waterlace Homeowners Association and Canoe Club Builders, LLC are also in support of resolving any confusion by renaming the street currently known as Windsail Pointe; and

2

WHEREAS, the renaming of Windsail Pointe is a reasonable solution to this problem; and

WHEREAS, the County has been advised that Lakeridge Point is a suitable and available alternative name for Windsail Pointe; and

WHEREAS, Fayette County 911 has considered the name from a safety standpoint and found no conflicting street name in its jurisdiction; and

WHEREAS, the renaming of Windsail Pointe to Lakeridge Point will prevent any further confusion with the street known as Windsail Way.

NOW THEREFORE BE IT RESOLVED THAT the Board of Commissioners for Fayette County does hereby formally resolve that the road named Windsail Pointe in the Canoe Club at Waterlace Subdivision, Pod A3, Plat recorded May 22, 2017 at Plat Book 50 Page 5-14, henceforth be known as Lakeridge Point.

SO RESOLVED this _____ day of February 2019.

BOARD OF COMMISSIONERS FAYETTE COUNTY, GEORGIA

(SEAL)

By:

Randy Ognio, Chairman

ATTEST:

Tameca P. White, County Clerk

APPROVED AS TO FORM:

Dennis A. Davenport, County Attorney

Page 56 of 259

January 27, 2019

TO: Peter Frisina, AICP Director Fayette County Planning & Zoning Department 140 Stonewall Avenue West Suite 202 Fayetteville, GA 30214

FROM ALL CURRENT RESIDENTS OF WINDSAIL POINTE, FAYETTEVILLE, GA:

Dylan Caputo 130 Windsail Pointe Fayetteville, GA 30215

Douglas and Janet Nichols 110 Windsail Pointe Fayetteville, GA 30215

RE: Proposed street name change from Windsail Pointe to Lakeridge Point

Mr. Frisina,

Due to potential life and safety issues with the current confusion between two streets with similar names in Fayette County, Windsail Way and Windsail Pointe, we understand that you plan to propose the above street name change for approval by the Fayette County Commission at either its February 14 or February 28 meeting. Attached as Enclosure (1) are examples of the potential life and safety issues, and daily frustrations resulting from "Windsail" being used in the names for two separate streets in Fayette County. As the only two current resident owners on Windsail Pointe, we support the proposed change of our street name from Windsail Pointe to Lakeridge Point and urge the Commission's approval.

Windsail Pointe is a relatively new cul-de-sac in the Canoe Club development. The plat, a copy of which is attached as Enclosure (2), shows lots assigned the following street numbers on Windsail Pointe: 100, 110, 115, 120, 125 and 130. Except for our homes at 110 and 130, the other 4 lots are vacant and for sale.

We understand that the proposed new street name, Lakeridge Point, has been cleared by the Fayette County 911 Communications Center to ensure no other streets in the County include "Lakeridge" in their names. As residents on the street, we agree with this name change, and understand that the developer, Canoe Club Partners, is in agreement as well.

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We request that the Fayette County Commission approve this name change as soon as possible.

Sincerely,

Dylan Caputo

Douglas Nicho

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Enclosure (1)

The following problems have been experienced by Doug and Janet Nichols who moved to 110 Windsail Pointe at the beginning of January, 2019:

<u>Reported gas leak</u> - We reported a gas leak shortly after moving in. The gas company safety inspector went to 110 Windsail Way before further phone calls brought him to the right address.

<u>Electric and gas suppliers</u> - EMC Coweta-Fayette and True Gas are supplying electric and gas utilities to our correct address, but they persist in sending mail to 110 Windsail Way. This suggests that service calls, including for potentially unsafe conditions, may be delayed by the confusion over whether to go to 110 Windsail Way or 110 Windsail Pointe.

<u>U.S. Post Office</u> - Before moving to Fayetteville from NC we filed a change of address with USPS to 110 Windsail Pointe, but USPS has forward our mail instead to 110 Windsail Way. Despite numerous calls and personal visits to USPS supervisors, USPS has not corrected the problem. Mr. & Mrs. Carter live at 110 Windsail Way and have received some of our mail, and we have received some of their mail. Here is the incorrect address label USPS persists in using to forward mail from our previous address:

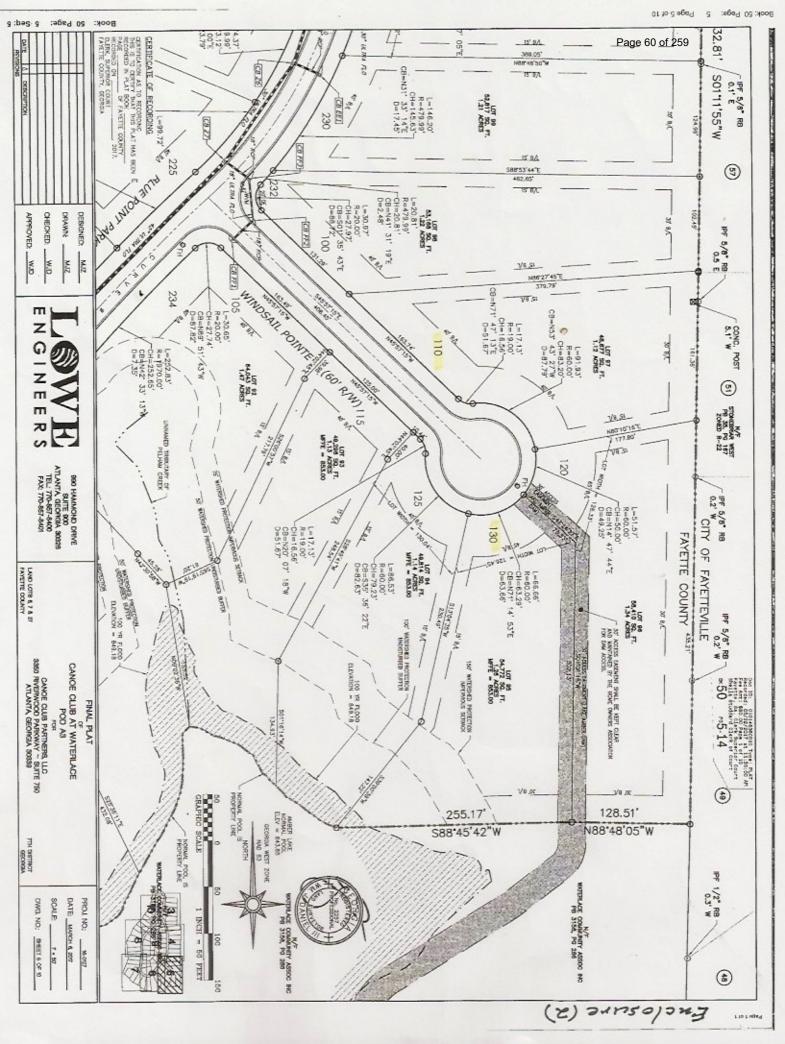
NO! We don't live here 276 NFE 127011910001/ IDER OF NEW ADDRESS NOTIFY SENDER NICHOLS HAY 118 HINDSALL GA 30215-5153 FAYETTEVILLE * 4304-00326-04-31 BC: 30215515310 A REAL PROPERTY OF THE PARTY OF

<u>Credit agencies</u> - Correspondence concerning a freeze we put on our credit reports has been addressed to Windsail Way, and their records are showing us at the wrong address, creating the potential for credit issues for both us and Mr. & Mrs. Carter, because they have us all at the same address. I have written the agencies in an attempt to correct this. <u>Waste management</u> - Requested waste management services have resulted in our waste buckets being delivered to the Carters at 110 Windsail Way (which a relative helped us retrieve and bring to our home), and there have been subsequent failures by waste management to empty recycling buckets because the driver attempted service at the wrong address.

<u>TV cable services</u> - Only after persistent calls from us did AT&T find our address to hook up cable TV and internet. On the advice of the AT&T technician, we ordered Direct TV satellite service. Despite clear directions given to the AT&T dispatcher and several followup calls when the technician did not show in the 8-12 service window, the technician went to the wrong address, determined the Carters did not order this service, and cancelled the appointment. We spent the entire day waiting on this service, resulting in us cancelling other plans for the afternoon. We then ordered DISH satellite TV service, and that technician also went to the wrong address, but called us for directions, which resulted in us meeting him so he could follow us to our home.

<u>Deliveries</u> - Problems like the above are more the norm than the exception for all other deliveries. The Atlanta Constitution and Journal, for example, has yet to make deliveries to our address, two weeks after subscribing.

<u>GPS Mapping Services</u> - Although Fayette County's on-line map shows our correct street address, attempts to correct our address with mapping services like Google Maps have been ignored. Entering our address routinely autocorrects to the similar, but incorrect, address on Windsail Way.





January 28, 2019

Mr. Peter Frisina, AICP

Fayette County Division of Community Services

140 Stonewall Avenue West

Fayetteville GA 30214

RE: Proposed Street Name Change from "Windsail Pointe" to "Lakeridge Point"

Dear Pete:

On behalf of the Canoe Club Homeowners Association and Canoe Club Builders, LLC, I am writing to express support for the street name change from "Windsail Pointe" to "Lakeridge Point." There are 2 existing homeowners and all the other lots on Windsail Pointe are owned by Canoe Club Builders, LLC. All owners are supportive of the street name change.

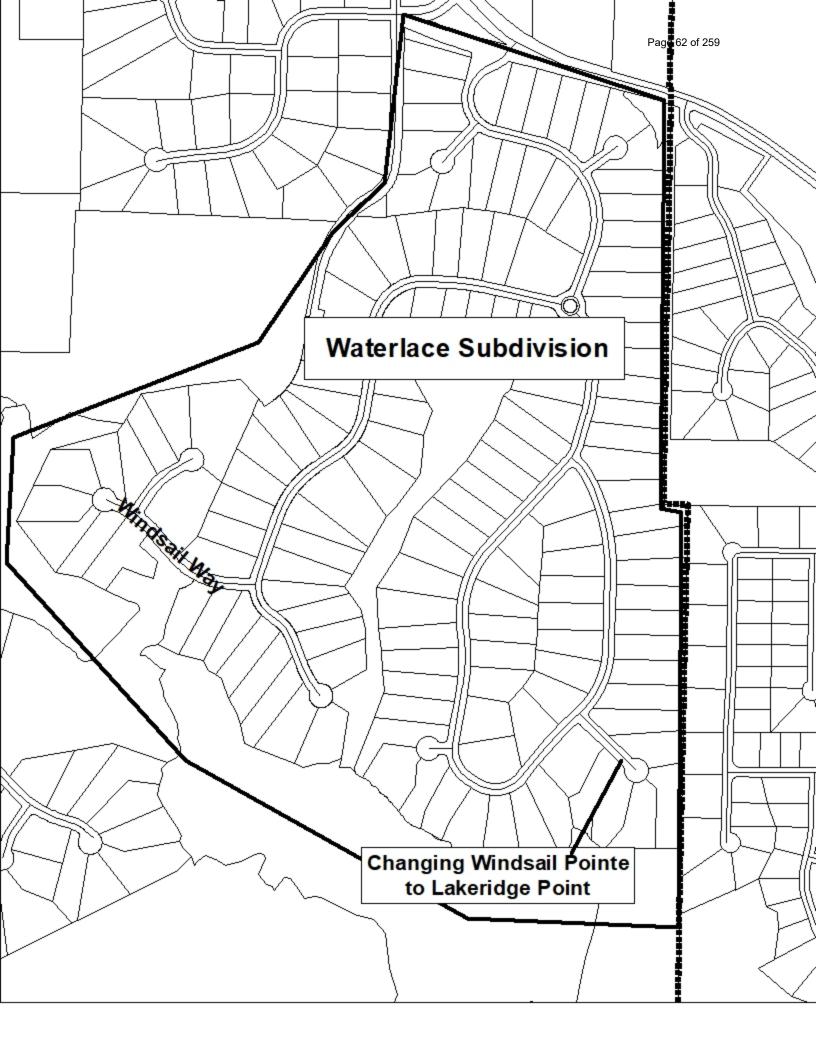
We appreciate the board's consideration in this matter and look forward to their approval on February 28, 2019. Please let me know if you have any questions.

Sincerely,

Dan Fields

Dan Fields **Board of Directors**

Doug Nichols cc: Dylan Caputo



Page 63 of 259

Department:	Environmental Management	Presenter(s):	Vanessa Birrell, D	irector
Meeting Date:	Thursday, February 28, 2019	Type of Request:	Consent #5	
Wording for the Agenda:		51 1	Į	
		airburn Ready Mix for the clean up o	f property owned by	y Fayette County
Background/History/Detail	S:			
County. We visited the si Fayette County requested Ready Mix complied with is acceptable to Fayette C of Work so signifying the What action are you seeki	te and confirmed that the property in d Fairburn Ready Mix to clean up the the County's requests. Fayette Cou	s?	re) was in fact Faye Phase I on the prop ed with Fairburn Rea	tte County property. berty. Fairburn ady Mix that the site
If this item requires funding	g, please describe:			
Has this request been cor	nsidered within the past two years?	No If so, whe	n?	
Is Audio-Visual Equipmen	t Required for this Request?*	No Backup P	rovided with Reque	st? Yes
	5	Clerk's Office no later than 48 hou udio-visual material is submitted a		0
Approved by Finance	Not Applicable	Reviewed	by Legal	Yes
Approved by Purchasing	Not Applicable	County Cl	erk's Approval	Yes
Administrator's Approval				

Staff Notes:

ACCEPTANCE AND CONFIRMATION OF WORK

THIS ACCEPTANCE AND CONFIRMATION OF WORK (this "**Confirmation**") is provided as of February ___, 2019 by Greg M Harrell, an individual residing at 285 New Haven Drive, Fayetteville, GA 30215 ("**Harrell**"), and Fayette County, Georgia ("**County**") which may be relied upon by Sherman Industries LLC, a Delaware limited liability company ("**Sherman**").

WHEREAS, on April 18, 2018, Sherman acquired from Harrell, Fairburn Ready-Mix, Inc., a Georgia corporation, and Harrell Aggregate Hauling, Inc., a Georgia corporation, (collectively, the "**Companies**");

WHEREAS, prior to such acquisition, Sherman and the Companies learned that the Companies had unknowingly used and trespassed on certain real property located adjacent to and to the west of property known as 402 Dividend Drive, Peachtree City, GA 30269 ("**Property**");

WHEREAS, the Property is actually owned by the County;

WHEREAS, the Companies offered to purchase the Property from the County but the County was not interested in selling the Property;

WHEREAS, the Companies and the County agreed that the Companies would remove material deposited and/or stored on the Property by the Companies and return the Property to the County according to the specifications required by the County;

WHEREAS, the Companies, Sherman and Harrell agreed that Harrell would be responsible for removing the material and returning the Property to the County;

WHEREAS, Harrell has caused the Property to be cleaned, the County has inspected the same, and the County is satisfied with the material moved from the Property;

WHEREAS, the County is willing to provide written confirmation to Sherman that it is satisfied with Harrell's material clean-up work and the condition of the Property; and

NOW, THEREFORE, in consideration for the premises, the work performed by Harrell on behalf of the Companies, the assurances contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

- (1) Harrell hereby confirms and certifies to the County that all material identified by the County to be removed has been removed by the Companies.
- (2) The County hereby confirms that it has inspected the Property and is satisfied with the removal of the materials from the Property and is satisfied with the conclusions

stated in the Phase I Environmental Assessment dated December 19, 2018 prepared by Kemron Environmental Services.

- (3) The County and Harrell confirm that Sherman may rely upon this Confirmation and is an intended beneficiary of the conditions and assurances provided herein.
- (4) This Confirmation may be executed in one or more counterparts, each of which shall be regarded as an original and together considered to be one original. The parties may execute this Confirmation electronically.
- (5) The recitals set forth above are incorporated by reference.

(Signatures appear on the following page.)

IN WITNESS WHEREOF, the parties hereto have duly executed this Confirmation as of the date first above written.

Greg M. Harrell

FAYETTE COUNTY, GEORGIA

By: ________Randy Ognio, Chairman

Attest:

(SEAL)

Tameca P. White, County Clerk

ACCEPTED BY:

SHERMAN INDUSTRIES LLC

By:	
Name:	
Title:	

Page 67 of 259

Department:	Elections	Presenter(s):	Floyd L. Jones, Director		
Meeting Date:	Thursday, February 28, 2019	Type of Request:	Consent #6		
Wording for the Agenda:		a			
Fayette County Board of E		governmental Agreement with the C of Elections for all elections held in F	ity of Fayetteville allowing for the ayetteville in 2019, and authorization for		
, Background/History/Details	5:				
Fayette County, the munic Elections to serve as Sup was approved by the Boar	cipalities, and the Board of Elections erintendent of Elections. This agree rd of Elections on January 22, 2019	ement has been reviewed by Assistant.	al agreements authorizing the Board of nt County Attorney Patrick Stough and		
The County agrees to sup	ply all necessary manpower, transp s and charges related to its electior	portation, and supplies to conduct the	nt with respect to qualifying candidates. e election. The city agrees to reimburse of said elections and to indemnify the		
Upon approval and signat Fayetteville for formal agre		ers, the Intergovernmental Agreemer	nt will be provided to the City of		
 What action are you seekir	ng from the Board of Commissioner	s?			
County Board of Elections		vernmental Agreement with the City ons for all elections held in Fayettevil	of Fayetteville allowing for the Fayette le in 2019, and authorization for the		
If this item requires funding	1. please describe:				
There will be an initial out	/ /	0	ntal Agreement, all funds expended for		
, Has this request been con	sidered within the past two years?	No If so, whe	n?		
Is Audio-Visual Equipment	t Required for this Request?*	No Backup P	Provided with Request? Yes		
		Clerk's Office no later than 48 ho udio-visual material is submitted	urs prior to the meeting. It is also at least 48 hours in advance.		
Approved by Finance	Not Applicable	Reviewed	l by Legal		
Approved by Purchasing	Not Applicable	County C	lerk's Approval Yes		
Administrator's Approval					
Staff Notes:					
		19 with early elections beginning Mo be eligible to vote in the November			

STATE OF GEORGIA

COUNTY OF FAYETTE

INTERGOVERNMENTAL AGREEMENT FOR CONDUCTING MUNICIPAL ELECTIONS

This Agreement entered into this _____ day of _____ 2019 between the CITY OF FAYETTEVILLE, a municipal corporation lying wholly or partially within Fayette County, Georgia, hereinafter referred to as "The City" and Fayette County, Georgia, a political subdivision of the State of Georgia hereinafter referred to as "The County".

WITNESSETH:

WHEREAS, the City in performance of its governmental functions will hold the elections hereinafter described; and,

WHEREAS, under the provisions of the Georgia Election Code, particularly O.C.G.A. § 21-2-45 of the Official Code of Georgia Annotated, the City may, by ordinance, authorize the County to conduct such elections and the City has heretofore adopted such an ordinance; and

WHEREAS, the County has staff and equipment to conduct such elections; and

WHEREAS, the County desires to assist said City in the conduct of its municipal elections.

NOW THEREFORE, for an in consideration of the premises contained herein, it is hereby agreed as follows:

1.

This Agreement shall govern the conduct of the City of Fayetteville's general election to be held on November 5, 2019 and any and all run-offs which may be necessary and any special elections that may occur within twelve (12) months of this Agreement.

2.

Fayette County through the Fayette County Board of Elections shall operate as superintendent of the aforementioned elections and shall perform any and all functions of the City or any of the City's officials in connection with the conduct of such elections with the exception of duties pertaining to the qualification of candidates and pertaining to the responsibility of acting as the Qualifying Officer and providing notification to the State Elections Commission concerning candidacy compliance. A City official shall operate as the Superintendent with respect to the qualification of candidates. Such official shall perform any and all functions of the City or any of its officials in connection with the qualifications of candidates in accordance with O.C.G.A. § 21-2-45(C)(2). Further, such official shall be responsible for acting as the Qualifying Officer and for notification to the State Elections Commission concerning candidacy compliance.

4.

The County shall supply all of the necessary manpower and transportation to pick up, deliver, set up, store, and return to the County all of the voting equipment used in the elections along with all ancillary equipment and necessary supplies.

5.

All the voting equipment shall be programmed by the Center for Elections currently located at Georgia's Secretary of State's Office- Election Division.

6.

All absentee ballots shall be ordered, issued, mailed, and accounted for by the County.

7.

Staffing for the polling locations and training of the staff shall be provided by the County.

8.

All expenses and charges incurred in the performance of said elections (except for the actual cost of the State-owned voting system and State-owned ancillary equipment) shall be the responsibility of the City. Said expenses and charges shall include but not be limited to the following: all costs of training and providing personnel for the elections, costs of printing, mailing and processing absentee ballots, the costs of expendable supplies and a pro-rated maintenance cost for the voting equipment. An invoice for the costs and expenses of the elections shall be submitted to the City and the City shall remit payment of the invoice to Fayette County within thirty (30) days of receipt of the invoice.

9.

To the extent permitted by law, the City shall indemnify, defend and hold harmless the County from any liability and/or litigation expenses to which the County may be subjected as a consequence of or as a result of the elections for the City. The City will furthermore, to the extent provided by law, reimburse the County for any and all necessary legal representation, by counsel chosen by the County, in any action arising from the conduct of the City elections. Said reimbursement shall be paid by the City within thirty (30) days of invoice by the County.

This intergovernmental contract is a full and complete statement of the agreement of the parties as to the subject matter hereof and has been authorized by proper action of the respective parties.

11.

Should any provision of this Agreement or application thereof to any person or circumstance be held invalid or unenforceable, the remainder of this Agreement or the application of such provision to any person or circumstance, other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the full extent permitted by law.

12.

Should it be necessary to comply with any legal requirements, the necessary members of the County's personnel may be temporarily sworn in as officers and employees of the City.

FAYETTE COUNTY, GEORGIA

By: ____

Randy C. Ognio, Chairman

Attest:

Tameca P. White, County Clerk

CITY OF FAYETTEVILLE

By: _____

Edward Johnson, Mayor

Attest:

Anne Barksdale, Clerk

Attest:

Floyd L. Jones, Elections Director

Department:	Elections	Presenter(s):	Floyd L. Jones, Dir	ector
Meeting Date:	Thursday, February 28, 2019	Type of Request:	Consent #7	
Wording for the Agenda:	r		r	
Fayette County Board of I		governmental Agreement with the C of Elections for all elections held in P		
Background/History/Details	5:			
Fayette County, the munic Elections to serve as Sup	cipalities, and the Board of Elections	nicipalities, will have elections for its s have entered into intergovernment ment has been reviewed by Assistan	al agreements autho	rizing the Board of
candidates. The County a to reimburse the county for	grees to supply all necessary manp	City agrees to operate as superinten ower, transportation, and supplies to to its election's costs incurred in the	o conduct the election	n. The city agrees
Upon approval and signat Peachtree City for formal		ers, the Intergovernmental Agreemer	nt will be provided to	the City of
What action are you seeki	ng from the Board of Commissioner	\$?		
Fayette County Board of I		vernmental Agreement with the City of Elections for all elections held in P		
I If this item requires funding	1. please describe:			
There will be an initial out		ever, pursuant to the Intergovernmer unty by the City of Peachtree City.	ntal Agreement, all fu	inds expended for
Has this request been con	No If so, whe	en?		
Is Audio-Visual Equipment	Required for this Request?*	No Backup P	rovided with Reques	t? Yes
	5	Clerk's Office no later than 48 ho udio-visual material is submitted a		0
Approved by Finance	Not Applicable	Reviewec	I by Legal	
Approved by Purchasing	Not Applicable	County C	lerk's Approval	Yes
Administrator's Approval				
Staff Notes:				
· ·	5	19 with early elections beginning Mo be eligible to vote in the November of	2	0

STATE OF GEORGIA

COUNTY OF FAYETTE

INTERGOVERNMENTAL AGREEMENT FOR CONDUCTING MUNICIPAL ELECTIONS

This Agreement entered into this _____ day of _____ 2019 between the CITY OF PEACHTREE CITY, a municipal corporation lying wholly or partially within Fayette County, Georgia, hereinafter referred to as "The City" and Fayette County, Georgia, a political subdivision of the State of Georgia hereinafter referred to as "The County".

WITNESSETH:

WHEREAS, the City in performance of its governmental functions will hold the elections hereinafter described; and,

WHEREAS, under the provisions of the Georgia Election Code, particularly O.C.G.A. § 21-2-45 of the Official Code of Georgia Annotated, the City may, by ordinance, authorize the County to conduct such elections and the City has heretofore adopted such an ordinance; and

WHEREAS, the County has staff and equipment to conduct such elections; and

WHEREAS, the County desires to assist said City in the conduct of its municipal elections.

NOW THEREFORE, for an in consideration of the premises contained herein, it is hereby agreed as follows:

1.

This Agreement shall govern the conduct of the City of Peachtree City's general election to be held on November 5, 2019 and any and all run-offs which may be necessary and any special elections that may occur within twelve (12) months of this Agreement.

2.

Fayette County through the Fayette County Board of Elections shall operate as superintendent of the aforementioned elections and shall perform any and all functions of the City or any of the City's officials in connection with the conduct of such elections with the exception of duties pertaining to the qualification of candidates and pertaining to the responsibility of acting as the Qualifying Officer and providing notification to the State Elections Commission concerning candidacy compliance. A City official shall operate as the Superintendent with respect to the qualification of candidates. Such official shall perform any and all functions of the City or any of its officials in connection with the qualifications of candidates in accordance with O.C.G.A. § 21-2-45(C)(2). Further, such official shall be responsible for acting as the Qualifying Officer and for notification to the State Elections Commission concerning candidacy compliance.

4.

The County shall supply all of the necessary manpower and transportation to pick up, deliver, set up, store, and return to the County all of the voting equipment used in the elections along with all ancillary equipment and necessary supplies.

5.

All the voting equipment shall be programmed by the Center for Elections currently located at Georgia's Secretary of State's Office- Elections Division.

6.

All absentee ballots shall be ordered, issued, mailed, and accounted for by the County.

7.

Staffing for the polling locations and training of the staff shall be provided by the County.

8.

All expenses and charges incurred in the performance of said elections (except for the actual cost of the State-owned voting system and State-owned ancillary equipment) shall be the responsibility of the City. Said expenses and charges shall include but not be limited to the following: all costs of training and providing personnel for the elections, costs of printing, mailing and processing absentee ballots, the costs of expendable supplies and a pro-rated maintenance cost for the voting equipment. An invoice for the costs and expenses of the elections shall be submitted to the City and the City shall remit payment of the invoice to Fayette County within thirty (30) days of receipt of the invoice.

9.

To the extent permitted by law, the City shall indemnify, defend and hold harmless the County from any liability and/or litigation expenses to which the County may be subjected as a consequence of or as a result of the elections for the City. The City will furthermore, to the extent provided by law, reimburse the County for any and all necessary legal representation, by counsel chosen by the County, in any action arising from the conduct of the City elections. Said reimbursement shall be paid by the City within thirty (30) days of invoice by the County.

10.

This intergovernmental contract is a full and complete statement of the agreement of the parties as to the subject matter hereof and has been authorized by proper action of the respective parties.

11.

Should any provision of this Agreement or application thereof to any person or circumstance be held invalid or unenforceable, the remainder of this Agreement or the application of such provision to any person or circumstance, other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the full extent permitted by law.

12.

Should it be necessary to comply with any legal requirements, the necessary members of the County's personnel may be temporarily sworn in as officers and employees of the City.

FAYETTE COUNTY, GEORGIA

By: ____

Randy C. Ognio, Chairman

Attest:

Tameca P. White, County Clerk

CITY OF PEACHTREE CITY

By: _____

Vanessa Fleisch, Mayor

Attest:

Betsy Tyler, Clerk

Attest:

Floyd L. Jones, Elections Director

Department:	Elections	Presenter(s): Floyd L. Jones, Director		irector
Meeting Date:	Thursday, February 28, 2019	Type of Request:	Consent #8	
Wording for the Agenda:	,		,	
County Board of Elections		governmental Agreement with the T ons for all elections held in Brooks in		
Background/History/Details	Si			
Fayette County, the munic Elections to serve as Sup	cipalities, and the Board of Election	ities, will have elections for its offices s have entered into intergovernment ment has been reviewed by Assistan	al agreements auth	orizing the Board of
The County agrees to sup reimburse the county for a	pply all necessary manpower, transp	grees to operate as superintendent v portation, and supplies to conduct the its election's costs incurred in the pe	e election. The tow	n agrees to
Upon approval and signat for formal agreement.	ure from the Board of Commissione	ers, the Intergovernmental Agreemer	nt will be provided t	o the Town of Brooks
 What action are you seekir	ng from the Board of Commissioner	s?		
County Board of Elections		vernmental Agreement with the Town ons for all elections held in Brooks in		
 If this item requires funding	g, please describe:			
	lay of funding from the county, how behalf will be reimbursed to the co	ever, pursuant to the Intergovernmen unty by the Town of Brooks.	ntal Agreement, all	funds expended for
Has this request been con	sidered within the past two years?	No If so, whe	en?	
Is Audio-Visual Equipment	t Required for this Request?*	No Backup P	Provided with Reque	est? Yes
	5	Clerk's Office no later than 48 ho udio-visual material is submitted		0
Approved by Finance	Not Applicable	Reviewed	d by Legal	
Approved by Purchasing	Not Applicable	County C	lerk's Approval	Yes
Administrator's Approval				
Staff Notes:				ŋ
· ·	5	19 with early elections beginning Mo be eligible to vote in the November of	5	0 5

STATE OF GEORGIA

COUNTY OF FAYETTE

INTERGOVERNMENTAL AGREEMENT FOR CONDUCTING MUNICIPAL ELECTIONS

This Agreement entered into this _____ day of _____ 2019 between the TOWN OF BROOKS, a municipal corporation lying wholly or partially within Fayette County, Georgia, hereinafter referred to as "The Town" and Fayette County, Georgia, a political subdivision of the State of Georgia hereinafter referred to as "The County".

WITNESSETH:

WHEREAS, the Town in performance of its governmental functions will hold the elections hereinafter described; and,

WHEREAS, under the provisions of the Georgia Election Code, particularly O.C.G.A. § 21-2-45 of the Official Code of Georgia Annotated, the Town may, by ordinance, authorize the County to conduct such elections and the Town has heretofore adopted such an ordinance; and

WHEREAS, the County has staff and equipment to conduct such elections; and

WHEREAS, the County desires to assist said Town in the conduct of its municipal elections.

NOW THEREFORE, for an in consideration of the premises contained herein, it is hereby agreed as follows:

1.

This Agreement shall govern the conduct of the Town of Brook's general election to be held on November 5, 2019 and any and all run-offs which may be necessary and any special elections that may occur within twelve (12) months of this Agreement.

2.

Fayette County through the Fayette County Board of Elections shall operate as superintendent of the aforementioned elections and shall perform any and all functions of the Town or any of the Town's officials in connection with the conduct of such elections with the exception of duties pertaining to the qualification of candidates and pertaining to the responsibility of acting as the Qualifying Officer and providing notification to the State Elections Commission concerning candidacy compliance. A Town official shall operate as the Superintendent with respect to the qualification of candidates. Such official shall perform any and all functions of the Town or any of its officials in connection with the qualifications of candidates in accordance with O.C.G.A. § 21-2-45(C)(2). Further, such official shall be responsible for acting as the Qualifying Officer and for notification to the State Elections Commission concerning candidacy compliance.

4.

The County shall supply all of the necessary manpower and transportation to pick up, deliver, set up, store, and return to the County all of the voting equipment used in the elections along with all ancillary equipment and necessary supplies.

All the voting equipment shall be programmed by the Center for Elections currently located at Georgia's Secretary of State's Office- Election Division.

6.

5.

All absentee ballots shall be ordered, issued, mailed, and accounted for by the County.

7.

Staffing for the polling locations and training of the staff shall be provided by the County.

8.

All expenses and charges incurred in the performance of said elections (except for the actual cost of the State-owned voting system and State-owned ancillary equipment) shall be the responsibility of the Town. Said expenses and charges shall include but not be limited to the following: all costs of training and providing personnel for the elections, costs of printing, mailing and processing absentee ballots, the costs of expendable supplies and a pro-rated maintenance cost for the voting equipment. An invoice for the costs and expenses of the elections shall be submitted to the Town and the Town shall remit payment of the invoice to Fayette County within thirty (30) days of receipt of the invoice.

9.

To the extent permitted by law, the Town shall indemnify, defend and hold harmless the County from any liability and/or litigation expenses to which the County may be subjected as a consequence of or as a result of the elections for the Town. The Town will furthermore, to the extent provided by law, reimburse the County for any and all necessary legal representation, by counsel chosen by the County, in any action arising from the conduct of the Town elections. Said reimbursement shall be paid by the Town within thirty (30) days of invoice by the County.

This intergovernmental contract is a full and complete statement of the agreement of the parties as to the subject matter hereof and has been authorized by proper action of the respective parties.

11.

Should any provision of this Agreement or application thereof to any person or circumstance be held invalid or unenforceable, the remainder of this Agreement or the application of such provision to any person or circumstance, other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the full extent permitted by law.

12.

Should it be necessary to comply with any legal requirements, the necessary members of the County's personnel may be temporarily sworn in as officers and employees of the Town.

FAYETTE COUNTY, GEORGIA

By: ____

Randy C. Ognio, Chairman

Attest:

Tameca P. White, County Clerk

TOWN OF BROOKS

Ву: _____

Daniel C. Langford, Mayor

Attest:

Kimberly A. Bradley, Clerk

Attest:

0

Floyd L. Jones, Elections Director

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Department:	Elections	Presenter(s): Floyd L.	
Meeting Date:	Thursday, February 28, 2019	Type of Request:	Consent #9
Wording for the Agenda:	, 		,
County Board of Elections		governmental Agreement with the T ons for all elections held in Tyrone in	own of Tyrone allowing for the Fayette 2019, and authorization for the
Background/History/Details	2		
Fayette County, the munic Elections to serve as Supe	cipalities, and the Board of Election	ement has been reviewed by Assista	s in November 2019. Historically, al agreements authorizing the Board of nt County Attorney Patrick Stough and
The County agrees to sup reimburse the county for a	ply all necessary manpower, transp	grees to operate as superintendent to portation, and supplies to conduct th its election's costs incurred in the po	
Upon approval and signat for formal agreement.	ure from the Board of Commissione	ers, the Intergovernmental Agreeme	nt will be provided to the Town of Tyrone
	ng from the Board of Commissioner		
County Board of Elections		vernmental Agreement with the Tow ons for all elections held in Tyrone in	n of Tyrone allowing for the Fayette 2019, and authorization for the
I If this item requires funding There will be an initial outl		ever, pursuant to the Intergovernme	ntal Agreement, all funds expended for
this election on the town's	behalf will be reimbursed to the co	unty by the Town of Tyrone.	
Has this request been con	sidered within the past two years?	No If so, whe	en?
Is Audio-Visual Equipment	Required for this Request?*	No Backup F	Provided with Request? Yes
		Clerk's Office no later than 48 ho nudio-visual material is submitted	ours prior to the meeting. It is also at least 48 hours in advance.
Approved by Finance	Not Applicable	Reviewed	d by Legal
Approved by Purchasing	Not Applicable	County C	Clerk's Approval Yes
Administrator's Approval			
Staff Notes:			
· ·	5	19 with early elections beginning Mo be eligible to vote in the November	5

STATE OF GEORGIA

COUNTY OF FAYETTE

INTERGOVERNMENTAL AGREEMENT FOR CONDUCTING MUNICIPAL ELECTIONS

This Agreement entered into this _____ day of _____ 2019 between the TOWN OF TYRONE, a municipal corporation lying wholly or partially within Fayette County, Georgia, hereinafter referred to as "The Town" and Fayette County, Georgia, a political subdivision of the State of Georgia hereinafter referred to as "The County".

WITNESSETH:

WHEREAS, the Town in performance of its governmental functions will hold the elections hereinafter described; and,

WHEREAS, under the provisions of the Georgia Election Code, particularly O.C.G.A. § 21-2-45 of the Official Code of Georgia Annotated, the Town may, by ordinance, authorize the County to conduct such elections and the Town has heretofore adopted such an ordinance; and

WHEREAS, the County has staff and equipment to conduct such elections; and

WHEREAS, the County desires to assist said Town in the conduct of its municipal elections.

NOW THEREFORE, for an in consideration of the premises contained herein, it is hereby agreed as follows:

1.

This Agreement shall govern the conduct of the Town of Tyrone's general election to be held on November 5, 2019 and any and all run-offs which may be necessary and any special elections that may occur within twelve (12) months of this Agreement.

2.

Fayette County through the Fayette County Board of Elections shall operate as superintendent of the aforementioned elections and shall perform any and all functions of the Town or any of the Town's officials in connection with the conduct of such elections with the exception of duties pertaining to the qualification of candidates and pertaining to the responsibility of acting as the Qualifying Officer and providing notification to the State Elections Commission concerning candidacy compliance. A Town official shall operate as the Superintendent with respect to the qualification of candidates. Such official shall perform any and all functions of the Town or any of its officials in connection with the qualifications of candidates in accordance with O.C.G.A. § 21-2-45(C)(2). Further, such official shall be responsible for acting as the Qualifying Officer and for notification to the State Elections Commission concerning candidacy compliance.

4.

The County shall supply all of the necessary manpower and transportation to pick up, deliver, set up, store, and return to the County all of the voting equipment used in the elections along with all ancillary equipment and necessary supplies.

5.

All the voting equipment shall be programmed by the Center for Elections currently located at Georgia's Secretary of State's Office- Elections Division.

6.

All absentee ballots shall be ordered, issued, mailed, and accounted for by the County.

7.

Staffing for the polling locations and training of the staff shall be provided by the County.

8.

All expenses and charges incurred in the performance of said elections (except for the actual cost of the State-owned voting system and State-owned ancillary equipment) shall be the responsibility of the Town. Said expenses and charges shall include but not be limited to the following: all costs of training and providing personnel for the elections, costs of printing, mailing and processing absentee ballots, the costs of expendable supplies and a pro-rated maintenance cost for the voting equipment. An invoice for the costs and expenses of the elections shall be submitted to the Town and the Town shall remit payment of the invoice to Fayette County within thirty (30) days of receipt of the invoice.

9.

To the extent permitted by law, the Town shall indemnify, defend and hold harmless the County from any liability and/or litigation expenses to which the County may be subjected as a consequence of or as a result of the elections for the Town. The Town will furthermore, to the extent provided by law, reimburse the County for any and all necessary legal representation, by counsel chosen by the County, in any action arising from the conduct of the Town elections. Said reimbursement shall be paid by the Town within thirty (30) days of invoice by the County.

This intergovernmental contract is a full and complete statement of the agreement of the parties as to the subject matter hereof and has been authorized by proper action of the respective parties.

11.

Should any provision of this Agreement or application thereof to any person or circumstance be held invalid or unenforceable, the remainder of this Agreement or the application of such provision to any person or circumstance, other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the full extent permitted by law.

12.

Should it be necessary to comply with any legal requirements, the necessary members of the County's personnel may be temporarily sworn in as officers and employees of the Town.

FAYETTE COUNTY, GEORGIA

By: ____

Randy C. Ognio, Chairman

Attest:

Tameca P. White, County Clerk

TOWN OF TYRONE

Ву: _____

Eric Dial, Mayor

Attest:

Dee Baker, Clerk

Attest:

Floyd L. Jones, Elections Director

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Department:	ment: Elections Presenter(s):		Floyd L. Jones, Dir	rector	
Meeting Date:	Thursday, February 28, 2019	Type of Request:	Consent #10		
Wording for the Agenda:		а 			
County Board of Elections		governmental Agreement with the T ons for all elections held in Woolsey			
, Background/History/Details					
Fayette County, the munic Elections to serve as Supe	ipalities, and the Board of Election	alities, will have elections for its offic s have entered into intergovernment ment has been reviewed by Assista	al agreements autho	rizing the Board of	
The County agrees to sup reimburse the county for a	ply all necessary manpower, transp	agrees to operate as superintendent portation, and supplies to conduct the its election's costs incurred in the pe	e election. The town	agrees to	
Upon approval and signate Woolsey for formal agreer		ers, the Intergovernmental Agreeme	nt will be provided to	the Town of	
	g from the Board of Commissioner				
County Board of Elections		vernmental Agreement with the Tow ons for all elections held in Woolsey			
If this item requires funding	, please describe:				
1	ay of funding from the county, how behalf will be reimbursed to the co	ever, pursuant to the Intergovernment of the transmission of Woolsey.	ntal Agreement, all fu	inds expended for	
, Has this request been con:	sidered within the past two years?	No If so, whe	en?		
Is Audio-Visual Equipment	Required for this Request?*	No Backup F	Provided with Reques	t? Yes	
		c Clerk's Office no later than 48 ho udio-visual material is submitted		0	
Approved by Finance	Not Applicable	Reviewed	d by Legal		
Approved by Purchasing	Not Applicable	County C	lerk's Approval	Yes	
Administrator's Approval					
Staff Notes:					
· ·	5	19 with early elections beginning Mo be eligible to vote in the November	2	0 ,	

STATE OF GEORGIA

COUNTY OF FAYETTE

INTERGOVERNMENTAL AGREEMENT FOR CONDUCTING MUNICIPAL ELECTIONS

This Agreement entered into this _____ day of _____ 2019 between the TOWN OF WOOLSEY, a municipal corporation lying wholly or partially within Fayette County, Georgia, hereinafter referred to as "The Town" and Fayette County, Georgia, a political subdivision of the State of Georgia hereinafter referred to as "The County".

WITNESSETH:

WHEREAS, the Town in performance of its governmental functions will hold the elections hereinafter described; and,

WHEREAS, under the provisions of the Georgia Election Code, particularly O.C.G.A. § 21-2-45 of the Official Code of Georgia Annotated, the Town may, by ordinance, authorize the County to conduct such elections and the Town has heretofore adopted such an ordinance; and

WHEREAS, the County has staff and equipment to conduct such elections; and

WHEREAS, the County desires to assist said Town in the conduct of its municipal elections.

NOW THEREFORE, for an in consideration of the premises contained herein, it is hereby agreed as follows:

1.

This Agreement shall govern the conduct of the Town of Woolsey's general election to be held on November 5, 2019 and any and all run-offs which may be necessary and any special elections that may occur within twelve (12) months of this Agreement.

2.

Fayette County through the Fayette County Board of Elections shall operate as superintendent of the aforementioned elections and shall perform any and all functions of the Town or any of the Town's officials in connection with the conduct of such elections with the exception of duties pertaining to the qualification of candidates and pertaining to the responsibility of acting as the Qualifying Officer and providing notification to the State Elections Commission concerning candidacy compliance. A Town official shall operate as the Superintendent with respect to the qualification of candidates. Such official shall perform any and all functions of the Town or any of its officials in connection with the qualifications of candidates in accordance with O.C.G.A. § 21-2-45(C)(2). Further, such official shall be responsible for acting as the Qualifying Officer and for notification to the State Elections Commission concerning candidacy compliance.

4.

The County shall supply all of the necessary manpower and transportation to pick up, deliver, set up, store, and return to the County all of the voting equipment used in the elections along with all ancillary equipment and necessary supplies.

5.

All the voting equipment shall be programmed by the Center for Elections currently located at Georgia's Secretary of State's Office- Elections Division.

6.

All absentee ballots shall be ordered, issued, mailed, and accounted for by the County.

7.

Staffing for the polling locations and training of the staff shall be provided by the County.

8.

All expenses and charges incurred in the performance of said elections (except for the actual cost of the State-owned voting system and State-owned ancillary equipment) shall be the responsibility of the Town. Said expenses and charges shall include but not be limited to the following: all costs of training and providing personnel for the elections, costs of printing, mailing and processing absentee ballots, the costs of expendable supplies and a pro-rated maintenance cost for the voting equipment. An invoice for the costs and expenses of the elections shall be submitted to the Town and the Town shall remit payment of the invoice to Fayette County within thirty (30) days of receipt of the invoice.

9.

To the extent permitted by law, the Town shall indemnify, defend and hold harmless the County from any liability and/or litigation expenses to which the County may be subjected as a consequence of or as a result of the elections for the Town. The Town will furthermore, to the extent provided by law, reimburse the County for any and all necessary legal representation, by counsel chosen by the County, in any action arising from the conduct of the Town elections. Said reimbursement shall be paid by the Town within thirty (30) days of invoice by the County.

This intergovernmental contract is a full and complete statement of the agreement of the parties as to the subject matter hereof and has been authorized by proper action of the respective parties.

11.

Should any provision of this Agreement or application thereof to any person or circumstance be held invalid or unenforceable, the remainder of this Agreement or the application of such provision to any person or circumstance, other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the full extent permitted by law.

12.

Should it be necessary to comply with any legal requirements, the necessary members of the County's personnel may be temporarily sworn in as officers and employees of the Town.

FAYETTE COUNTY, GEORGIA

By: _

Randy C. Ognio, Chairman

Attest:

Tameca P. White, County Clerk

TOWN OF WOOLSEY

Ву: _____

Gary Laggis, Mayor

Attest:

Stacey Collins, Clerk

Attest:

Floyd L. Jones, Elections Director

Department:	Finance	Presenter(s):	Mary S Parrott, CFO	
Meeting Date:	te: Thursday, February 28, 2019 Type of Request: Consent #11			
Wording for the Agenda:		м		
		formation from the Georgia Department nty's designated official for all related		
Background/History/Detail	S:			
vendors who file sales tax validation that taxpayers a	creturns for amounts attributable to are remitting sales tax appropriately	ve July 1, 2018 which allows countie the specific county. In addition, the 0 to the county. A resolution is require d is strictly privileged and confidentia	County's designated	official may request providing such
vendors, with results prov		I be subject to a \$50 fee. Follow-up vany vendor the Department is unable equests providing validation.		
	ear for the initial information and vali ents years will be included on the org	idation would be \$100. ganizational BOC meeting in January	/ of each year.	
What action are you seeki	ng from the Board of Commissioner	s?		
		formation from the Georgia Department nty's designated official for all related		
If this item requires funding	a, please describe:			
		idation would be \$100. Funds are av	ailable in the FY201	9 budget to cover
Has this request been cor	nsidered within the past two years?	No If so, whe	n?	
Is Audio-Visual Equipmen	t Required for this Request?*	No Backup P	rovided with Reque	st? Yes
	5	Clerk's Office no later than 48 ho udio-visual material is submitted		0
Approved by Finance	Yes	Reviewed	l by Legal	
Approved by Purchasing	Not Applicable	County C	lerk's Approval	Yes
Administrator's Approval				

Staff Notes:

RESOLUTION REQUESTING SALES TAX INFORMATION FROM THE GEORGIA DEPARTMENT OF REVENUE PURSUANT TO O.C.G.A. § 48-2-15(d.1) AND NAMING A DESIGNATED OFFICER FOR ALL RELATED PURPOSES

WHEREAS, Georgia Code (O.C.G.A.) § 48-2-15, as amended in 2018, authorizes the Commissioner of the Georgia Department of Revenue (hereinafter the "DOR Commissioner") to provide certain confidential sales tax information to the "designated finance officer or taxing official" of counties and other local governments; and

WHEREAS, more specifically, O.C.G.A. § 48-2-15(d.1) authorizes the DOR Commissioner to provide to a local government's designated officer, upon request, certain information relating to vendors that have submitted sales tax reports within the period of time set forth in that request; and

WHEREAS, O.C.G.A. § 48-2-15(d.1) further allows the local government's designated officer to request that the DOR Commissioner validate, from time to time, the political subdivision to which sales taxes are being remitted by taxpayers with a business location within that local government's boundaries; and

WHEREAS, _____ County desires to obtain the sales tax information described in the above Georgia Code Section;

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

1. The Board of Commissioners hereby designates the following finance or tax official as ______ County's Designated Officer for all purposes described in O.C.G.A. § 48-2-15(d.1):

_____ [name and title of county official]

_____[address]

_____[address]

_____ [telephone number]

_____[email address]

- 2. The Board of Commissioners hereby requests that the DOR Commissioner (or his/her designee) furnish to the above-named Designated Officer all vendor sales tax information described in O.C.G.A. § 48-2-15(d.1)(1) for _____ County for the following time period: _____ [may not exceed one year; earliest beginning date is 7/1/18]
- 3. In accordance with O.C.G.A. § 48-2-15(d.1)(2)(B) and following receipt of the information described in Paragraph 2, above, the Designated Officer is hereby authorized to request validation by the DOR Commissioner of the political

subdivision to which one or more vendors/taxpayers with a business location in _____ County have remitted sales taxes for the designated period, with such validation request to contain the business name and location address of each such vendor/taxpayer and such other information as may assist the DOR Commissioner in responding to such validation request;

- 4. The Designated Officer shall use such information only in the discharge of his/her duties and shall maintain the confidentiality of such information as required by O.C.G.A. § 48-2-15(d.1); and
- 5. The Board of Commissioners shall comply with all confidentiality requirements of O.C.G.A. § 48-2-15(d.1), including, but not limited to, the requirements that 1) such information may only be discussed by members of the Board of Commissioners in executive session and 2) members of the Board of Commissioners shall recuse themselves from such executive session discussions in the event of a conflict of interest as described in the above Georgia Code Section.

BE IT FURTHER RESOLVED, that this Resolution shall become effective upon its approval by the ______ County Board of Commissioners, and the official named above shall remain ______ County's Designated Officer for all purposes under O.C.G.A. § 48-2-15(d.1) until further action of the Board of Commissioners.

BE IT FURTHER RESOLVED, that the _____ County Clerk is hereby directed to provide a certified copy of this Resolution to the Georgia Department of Revenue via email (<u>public.disclosure@dor.ga.gov</u>) or to otherwise transmit a copy of this Resolution as may directed by the Georgia Department of Revenue.

 PASSED AND RESOLVED this _____ day of _____,

 20____.

___ COUNTY BOARD OF COMMISSIONERS

By:

Chairperson

ATTEST:

County Clerk

[Affix Seal]



Georgia Department of Revenue Policy Bulletin ADMIN-2019-02 Sales and Use Tax Information Available to Political Subdivision Designees

Purpose: The purpose of this Policy Bulletin is to clarify the process for political subdivisions to request and receive sales and use tax information in accordance with 2018 Senate Bill 371 ("SB 371"), which was signed into law on May 7, 2018 and became effective on July 1, 2018. Additionally, this Policy Bulletin addresses the confidentiality obligations which political subdivisions must comply with after receipt of any such information.

Issue Date: January 14, 2019.

Authority: O.C.G.A. §§ 48-2-1 and 48-2-15.

Scope: A Policy Bulletin is intended to provide guidance to the public and to Department personnel. It is a written statement issued to apply principles of law to a specific set of facts or a general category of taxpayers. A Policy Bulletin is the Department's position and is binding on agency personnel until superseded or modified by a change in statute, regulation, court decision, or subsequent Policy Bulletin.

Discussion:

1. SB 371 Summary

SB 371 allows counties, municipalities, and consolidated governments (collectively, "political subdivisions") in Georgia to: (1) request a report of vendors who filed a sales tax return with amounts attributable to the political subdivision for a designated period (the "Report"); and (2) after receiving the Report, the political subdivision may request that the Department validate that a taxpayer within the political subdivision is remitting sales tax to the appropriate political subdivision.

2. Sales and Use Tax Filer Report

Before the Department can provide the Report, the political subdivision must request the Report by sending an official resolution to <u>public.disclosure@dor.ga.gov</u>. The resolution must contain the contact information (name, address, phone number, and e-mail address) of a designated official, who must be a finance officer or taxing official of the political subdivision (the "Designee"). The resolution must also state a "designated period" of tax information the Designee wishes to receive, such designated period not to exceed one year. Please note that the Department is only able to include information of vendors for tax periods occurring after July 1, 2018, the effective date of SB 371. The Designee will be the only individual authorized to receive the Report from the Department. Reports provided by the Department will include the sales tax certificate information for vendors who have reported sales tax attributable to the requesting political subdivision in the designated period. Please note that, due to statutory sales and use tax reporting requirements, the Department only has county-level information to provide to municipalities and consolidated governments.

Each political subdivision may make one Report request per year. The Department will charge a fee of \$50.00 to the requesting political subdivisions for providing each Report.

3. Validation of the Report

The initial Report provided to a Designee will list all vendors remitting any sales tax to the requesting political subdivision. After receiving the initial Report, the Designee of each political subdivision may request that the Department validate up to 10 vendors which are located within their political subdivision, whether or not such vendors appeared on the Report.

All validation requests must come from the Designee and contain the business name and location address of each vendor being validated. Additionally, if available, the validation request should include the taxpayer identification number, the reason the validation is being requested, and any other additional information the Designee wishes to include. Validation requests must be emailed to <u>public.disclosure@dor.ga.gov</u>.

Within 30 days of receipt of each validation request, the Department will provide the Designee with a response validating whether each vendor is reporting sales tax attributable to the proper county. For any vendors which the Department was unable to validate, the Department will take other appropriate action as provided by law. The Department will charge a fee of \$50.00 to the requesting political subdivision for providing the validation.

4. Confidentiality of Reports and Validation

Any information furnished pursuant to O.C.G.A. § 48-2-15(d.1) is strictly privileged and confidential. The political subdivision Designee may **NOT** contact any of the taxpayers identified in the confidential information.

It is unlawful for any person to divulge confidential tax information in violation of O.C.G.A. § 48-2-15(d.1). Any person who violates this law is subject to the same penalties that would apply to an employee of the Department of Revenue for the improper divulgence of confidential tax information.

FOR MORE INFORMATION

For more information on this subject, please email <u>public.disclosure@dor.ga.gov</u> or visit the Department's website at <u>dor.georgia.gov</u>.

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Wording for the Agenda: Approval of staff's recomment Improvement Program (CIP) Background/History/Details: Staff is recommending mid-y These adjustments are to act M&O funds - approval to adj Grant Funds - approval to adj Grant Funds - approval to close p other funds to cover project to operating budgets.	0	Type of Request: ents to the FY 2019 budget and appr	Consent #12 oval to close completed Capital
Approval of staff's recomment Improvement Program (CIP) Background/History/Details: Staff is recommending mid-y These adjustments are to ac M&O funds - approval to adj Grant Funds - approval to adj Grant Funds - approval to close p other funds to cover project to operating budgets.	0	ents to the FY 2019 budget and appr	oval to close completed Capital
Approval of staff's recomment Improvement Program (CIP) Background/History/Details: Staff is recommending mid-y These adjustments are to ac M&O funds - approval to adj Grant Funds - approval to adj Grant Funds - approval to close p other funds to cover project to operating budgets.	0	ents to the FY 2019 budget and appr	oval to close completed Capital
Staff is recommending mid-y These adjustments are to ac M&O funds - approval to adj Grant Funds - approval to ac Projects - approval to close other funds to cover project operating budgets.			
Staff is recommending mid-y These adjustments are to ac M&O funds - approval to adj Grant Funds - approval to ac Projects - approval to close other funds to cover project operating budgets.			
M&O funds - approval to adj Grant Funds - approval to ad Projects - approval to close other funds to cover project operating budgets.	year amendments to the fiscal year	ar 2019 original adopted budget.	
Detail entries are shown on	ust the original budget for unexpe djust grant amounts budgeted to g projects that have been complete funding shortages. Approval to re	grant amounts awarded. d, transfer any residual funds to con	
What action are you seeking	from the Board of Commissioners	s?	
	nded Mid-Year Budget Amendme	ents to the FY 2019 budget and appr	oval to close completed Capital
If this item requires funding, p	please describe:		
Not applicable.			
Has this request been consid	dered within the past two years?	Yes If so, whe	n? Thursday, March 8, 2018
Is Audio-Visual Equipment R	equired for this Request?*	No Backup P	rovided with Request? Yes
* All audio-visual material mo your department's responsion			

Approved by Finance	Yes	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval			
Staff Notes:			

	FAYETTE COUNTY, GEORGIA							
			RECOMMENDED MID-YEAR BL	IDGET ADJUSTMENTS TO THE ORIGINA	L FY 2	019 BUDGET		
			FOR FI	SCAL YEAR ENDED JUNE 30, 2019				
						Expenditure	Revenue	Fund Balance
ORG	OBJ	Proj	DEPARTMENT / FUND	ACCOUNT DESCRIPTION		Increase (Dec)	Increase (Dec)	Increase (Dec)
			TEMS		i			
VEHICLE RE						I .		
				included several Road Department Equipr				
-		for the p	urchase of two (2) Chevrolet trucks for	the Road Department. The lowest quote	receive	ea (incluaing optio	ons) total \$51,220) or \$4,064 over
the budgeted	amount.							
Project 194AJ	\$5,500 fo	r the pure	chase of a 20' Tilt Bed Trailer. The quot	e received totaled \$6,000 or \$500 over the	e budg	eted amount.		
Funding is ava	ailable, fro	om saving	s generated from other Road Dept equ	ipment purchases within the Equipment F	Replace	ement fund, to of	fset these shortfa	lls of \$4,564.
Funds are ava	ilable froi	n project	194AG Line Lazer of \$2,850, and project	t 194AI Skid Steer Loader of \$2,034 ((2,85	60+2,03	84)-4,564=320)		
				the Vehicle Equipment Replacement fund				
61040220			Road Department - VER Fund	Road & Construction Equipment		(2,850)		2,850
61040220		194AI	Road Department - VER Fund	Road & Construction Equipment		(1,714)		1,714
Fund 610			Vehicle Equipment Replacement	Fund Balance		(320)		320
61040220		194A.I	Road Department - VER Fund	Vehicles		500		(500)
61040220		194AM	Road Department - VER Fund	Vehicles		4,064		(4,064)
01010220	0.2200					(320)	-	320
						(0-0)		
GENERAL EL			LACEMENT FUND ITEM:					
-				pproved FY2019 General Fund Road depar	rtmont	budgot This due	n trailor was atta	chod to a now E
-			-			-	-	
			icle Equipment Replacement (VER) fun	d. Recommend a transfer of the funding t	the v	VER fund - a net ir	icrease to the Ge	neral Fund and
decrease to t	ne VER fur	nd.						
10040220	542140		Road Department - General Fund	Field Equipment		(8,369)		8,369
61040220	542140		Road Department - VER Fund	Field Equipment		8,369		(8,369)
						-	-	-
SOLID WAST	e fund i	TEM:						
3. Repaving o	f the Tran	sfer Statio	on has been completed and was funde	d for \$108,257 by Waste Management, Fa	yette C	County's solid was	ste transfer vendo	or, under an
existing contr	actual agr	eement.	A budget adjustment is recommended	for the Solid Waste Fund, increasing both	reven	ue and expenses	by \$108.257 - zer	o net impact to
SW Fund bala	-						-,	
		1	Solid Wooto Fund	Other/Missellenseus Bevenue	1	1	109.257	109.257
54000001			Solid Waste Fund Solid Waste	Other/Miscellaneous Revenue		73,208	108,257	108,257 (73,208)
54040500 54040500			Solid Waste	Asphalt & Tack Hauling Services		7,695		(7,695)
								,
54040500	27777		Solid Waste	Labor/Equipment Expenses		27,354	400.057	(27,354)
						108,257	108,257	-
GRANT ITEM								
4. Based on the	ne amoun	t received	I in FY2018, the FY 2019 approved budg	get includes \$25,567 as the amount of gra	nt reve	enue from the GEI	MA/HS Emergenc	y Management
Performance	Grant (EN	1PG), a 50	% match grant. The actual amount reco	eived is \$32,697. A budget adjustment inc	reasing	g grant revenue b	y \$7,130 (\$32,697	-\$25,567) is
recommende	d. The 50%	6 match r	equired from Fayette County is already	included in the salary line-item of the Em	nergen	cy Management d	lepartment - an ir	crease to the
General Fund					-		·	
10010003		1	General Fund	EMA Reimbursements	1	1	7,130	7,130
10010000	001211					-	7,130	7,130
							7,100	7,100
5 EMS receiv	d a grant	award (1	00% - no match required) from the Ge	orgia Trauma Care Network Commission (GTONO) for the nurchase	of trauma relate	d equinment to
	-							
	-		-	per ambulance, for a total of \$5,187. A bu	udget a	idjustment is reco	ommended to inci	ease both
		res - zero	net impact to EMS fund balance.					
27200001			Emergency Medical Services	Grants			5,187	5,187
27230600	542xxx		Emergency Medical Services	Medical/Safety Equipment		5,187		(5,187)
						5,187	5,187	-
6. Project 17T	AH, Redw	ine Road	Multi Use Path, is a 2017 SPLOST proje	ct. The construction of additional multi-us	se path	s along Redwine	is eligible for a Fe	deral-Aid
Project Progra	am throug	h ARC. ar	80/20 grant program. Based on the in	crease of the construction cost, these are	the rea	commended budg	vet adjustments t	o revenue for
	-			t costs - decrease to the 2017 SPLOST func		-	,	
			2017 SPLOST Grant Fund	Grants			463,002	463,002
						70.000	403,002	
32640220			Road Department - 2017 SPLOST	Engineering Services		70,080		(70,080)
32640220			Road Department - 2017 SPLOST	Right-of-Way Acquisition		125,000		(125,000)
32040220	541210	II/IAH	Road Department - 2017 SPLOST	Improvements (Redwine Path)		383,673	400.00-	(383,673)
 						578,753	463,002	(115,751)
		<u> </u>		Trank - dalaharan barrak		¢ ====		
 				Total additional project cost		\$ 578,753		
	-			Less: Grant revenue (80%)		463,002		
				Match required (20%)		\$ 115,751		
7. Project 186	AK Replac	cement of	f Library Roof included \$61,000 funding	from a GA Library System Grant. The pro	ject wa	as completed und	er budget and the	e actual grant
				uce the grant revenue budget line by \$10,				
			Library - CIP	Grants			(10,567)	(10,567)
			Library - CIP	Buildings & Structures		(10,567)		10,567
						(10,567)		
	1	t				(10,001)	(10,001)	
I	1					1	1	

					UDGET ADJUSTMENTS TO THE ORIGINAL FY 2	019 BUDGET		
				FOR F	ISCAL YEAR ENDED JUNE 30, 2019			
		1	1					
						Expenditure	Revenue	Fund Balance
	<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	DEPARTMENT / FUND	ACCOUNT DESCRIPTION	Increase (Dec)	Increase (Dec)	Increase (Dec)
	The actual I	MIG9 gra	nt receiv	ed is greater than the amount approve	ed in the original budget. Grant received is \$837,1	85 and grant inclu	ided in the budge	at is \$825 000
				rant revenue budget line - increase to				
				General Fund	Roads & Bridges Grant	1	12,185	12,185
						-	12,185	12,185
~				2				
	APITAL/CIP				 approx. \$270 per pair) total \$25,000. Budget ame		closing project 10	241 615 000
				fer project funding 193AM Fire Hose, S		enument includes	closing project 15	JSAL, \$15,000,
u				Fire Services - CIP	Other Non-Motor Equipment	(15,000)		15,00
	37530550	542520	193AM	Fire Services - CIP	Safety Equipment	(10,000)		10,00
				Fire Services - Capital	Safety Supplies	25,000		(25,00
						-	-	
n) To transfe	r funding	of \$4 50	0 from the General Fund Information	System's M&O budget to project 187AB SAGE	 S Computer Soft	vare & Ungrades	in order to
	pitalize the			o nom the General i und information	System's mad budget to project 107AD SAGE	o computer oort	ware a opgrades	in order to
	10010535			Information Systems - General Fund	Technical Services	(4,500)		4,50
				Building Safety - CIP	Computer Software & Upgrades	4,500		(4,50
						-	-	
					I Project 19SBO (Davis Road) to 2017 SPLOST	Category I Projec	t 17SAA (Graves	Road) for
)(onstruction			: s. ∣Davis Road	Other Improvements	(38,600)		38,60
				Graves Road	Other Improvements	38,600		(38,60
	02210020	011210				-	-	(00,00
2	. Recomme	nd to tran	sfer \$33,9	942 in available funds in project 3565A	Roof Repairs Admin Bldg to the following project	cts - zero net impa	ct to Capital/CIP	Projects Fund
ba	lance.							
	A. Transfe	r \$17,742	to projec	t 191AA Stonewall Department Reno	vations to fund the painting of the Administrat		as with renovate	
				Building & Grounds - CIP	Building Maintenance	(17,742)		17,74
	37210565	541210	191AA	Building & Grounds - Capital	Other Improvements (Painting)	17,742		(17,74)
	D. Tranafa	- 646 200	10 000100		at of improvements to the Audie Mideo system	in the BOC Meet	- 	
				Building & Grounds - CIP	st of improvements to the Audio/Video system Building Maintenance	(16,200)	ng Room.	16,200
	37510505			Information Systems - CIP	Other Improvements (Audio/Video)	16,200		(16,200
						-	-	(,
С	OMPLETED							
				MMENDED TO BE CLOSED:				
	8. To transfe	r funding	of \$690 fi	rom General Fund State Court Judge's	M&O budget to cover the overage in project 192	AA State Court Of	fice Renovation a	ind to close the
	3. To transfe oject - decre	r funding ease to Ge	of \$690 fr neral Fur	rom General Fund State Court Judge's nd balance and increase to CIP Fund ba	alance.		fice Renovation a	
	B. To transfe oject - decre 10020330	r funding ease to Ge 531114	of \$690 fi eneral Fur	rom General Fund State Court Judge's nd balance and increase to CIP Fund ba State Court Judge - General Fund	Ilance. Office Supplies	(690)	fice Renovation a	690
	3. To transfe oject - decre	r funding ease to Ge 531114	of \$690 fi eneral Fur	rom General Fund State Court Judge's nd balance and increase to CIP Fund ba	alance.		fice Renovation a	690
or	3. To transfer roject - decre 10020330 37520330	r funding ease to Ge 531114 541210	of \$690 fi eneral Fur 192AA	rom General Fund State Court Judge's nd balance and increase to CIP Fund ba State Court Judge - General Fund State Court Judge - CIP	alance. Office Supplies Other Improvements	(690) 690 -	-	690 (690
or	B. To transfer oject - decre 10020330 37520330 B. To transfe	r funding ease to Ge 531114 541210 r available	of \$690 fi eneral Fur 192AA funding	rom General Fund State Court Judge's nd balance and increase to CIP Fund ba State Court Judge - General Fund State Court Judge - CIP of \$475, from project 193AG Jail Came	alance. Office Supplies Other Improvements era System Upgrade to cover the overage in proje	(690) 690 - ect 193AD Taser R	- eplacement Progr	690 (690
0r	B. To transfer roject - decre 10020330 37520330 b. To transfer oth projects.	r funding ease to Ge 531114 541210 r available Net rem	of \$690 fi eneral Fur 192AA funding aining fur	rom General Fund State Court Judge's nd balance and increase to CIP Fund ba State Court Judge - General Fund State Court Judge - CIP of \$475, from project 193AG Jail Camera sin project 193AG Jail Camera Syste	Alance. Office Supplies Other Improvements era System Upgrade to cover the overage in proje m Upgrade, \$1,663, will be moved to General Fun	(690) 690 - ct 193AD Taser R nd Project Conting	- eplacement Progr	690 (690 ram and to close
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or 14	. To transfe oject - decre 10020330 37520330 . To transfe oth projects. 37530326 37530310 37510599 . The follow A. 183A 37530930 10030930 37510599 B. 183A 37230550 27030550 37510599 C. 181A 37210565 10010565 37210565 37210565	r funding pase to Ge 531114 541210 r available Net rem 542165 542510 579000 X EOC - Hi 542530 531106 579000 Q Firefigh 542520 531701 579000 G Stonew 541210 522235 522255 531704	of \$690 fr eneral Fur 192AA funding aining fur 193AG 193AD transformer 193AG 193AD starsformer 183AQ funding ghband A 183AX funding fire fire fire fire fire fire fire fire	rom General Fund State Court Judge's and balance and increase to CIP Fund balance State Court Judge - General Fund State Court Judge - CIP of \$475, from project 193AG Jail Camera State Scheriff's Office Jail - CIP Sheriff's Office Jail - CIP GF Project Contingency e transferred to M&O and then closed, Intenna EMA - CIP EMA - CIP EMA - General Fund GF Project Contingency Ctive Clothing Fire Services - CIP Fire Services Fire Project Contingency State Scherices Fire Project Contingency Ations-County Extension/IT Building & Grounds - Capital Building & Grounds - Capital	Image: Office Supplies Other Improvements Other Improvements era System Upgrade to cover the overage in proje m Upgrade, \$1,663, will be moved to General Fun Other Non-Motor Equipment Firearms & Protective Contingency any residual funding to be transferred to the res Business/Communication Equipment Communication Supplies Contingency Safety Equipment Uniforms & Supplies Contingency Other Improvements Building Maintenance Building Maintenance Flooring/Carpeting	(690) 690 690 601 602 602 603 603 603 603 603 603 603 603 603 603	- eplacement Progr gency. -	690 (691 (7) (1,663) (475) (1,663) (2,156) (15,195) (2,156) (15,195) (15,19

				AVETTE COUNTY CEODOLA		Page 100 c	
				AYETTE COUNTY, GEORGIA IDGET ADJUSTMENTS TO THE ORIGINAL F	V 2019 BUDGET		
				SCAL YEAR ENDED JUNE 30, 2019			
					Expenditure	Revenue	Fund Balanc
ORG	<u>OBJ</u>	<u>Proj</u>	DEPARTMENT / FUND	ACCOUNT DESCRIPTION	Increase (Dec)	Increase (Dec)	Increase (De
. The follow	ing proje	cts have r	esidual funds to be transferred to the	espective Project Contingency account and t	hen closed:		
			oler & Storage Building Buildings & Grounds - CIP	Buildings & Structures	(1,264)		1,26
37510505			GF Project Contingency	Contingency	1,264		(1,26
			<i>i</i> ¥ <i>i</i>		-	-	
			gation System				
37510565 37510599			Buildings & Grounds - CIP GF Project Contingency	Other Improvements Contingency	(3,632) 3,632		3,63
37510599	579000			Contingency	3,032	-	(3,6
C. 193A	B Cat Cage	es					
			Animal Control - CIP	Other Improvements	(513)		5
37510599	579000		GF Project Contingency	Contingency	513		(5
D 1838	 3 Animal C	Control Se	werline		-	-	
			Animal Control - CIP	Other Improvements	(47,868)		47,80
37510599			GF Project Contingency	Contingency	47,868		(47,8
					-	-	
			lidate/Redesign	Computer Equipment	(000)		
37510535			Information Systems - CIP GF Project Contingency	Computer Equipment	(263)		2
51510000	0,0000				-	-	(2
F. 184A	Mobile C						
37540220			Road Department - CIP	Other Improvements	(1,776)		1,7
37510599	579000		GF Project Contingency	Contingency	1,776	-	(1,7
					-	-	
G. 186A	K Library I	Roof Repl	acement				
37560500			Library - CIP	Buildings & Structures	(10,722)		10,72
37510599	579000		GF Project Contingency	Contingency	10,722		(10,7)
	ving projec	cts have b	peen completed and do not have any re	esidual funds left. Staff recommends to close	-	-	(10,77
A. 193A B. 194A	/ing projec C HVAC I	cts have b Equipmen e Camera	peen completed and do not have any re t Replacement Program - Sheriff's Offic - Environmental Management	esidual funds left. Staff recommends to close original funding = \$89,872 original funding = \$15,450	-	-	
A. 193A B. 194A	/ing projec C HVAC I	cts have b Equipmen e Camera	peen completed and do not have any re t Replacement Program - Sheriff's Offic	esidual funds left. Staff recommends to close	-		
A. 193A B. 194A	/ing projec C HVAC I	cts have b Equipmen e Camera	peen completed and do not have any re t Replacement Program - Sheriff's Offic - Environmental Management	esidual funds left. Staff recommends to close original funding = \$89,872 original funding = \$15,450	-		
A. 193A B. 194A C. 184A	ving projec C HVAC I N HD Pol- N Office F	cts have t Equipmer e Camera Remodel -	peen completed and do not have any ro t Replacement Program - Sheriff's Offic - Environmental Management Environmental Management	esidual funds left. Staff recommends to close original funding = \$89,872 original funding = \$15,450 original funding = \$15,500	- the projects.		
A. 193A B. 194A C. 184A . Project 18	ving projec C HVAC I N HD Pol- N Office F 3BC Anim	cts have t Equipmen e Camera Remodel - al Contro	Deen completed and do not have any re t Replacement Program - Sheriff's Office - Environmental Management Environmental Management I Pavilion was originally approved with	esidual funds left. Staff recommends to close original funding = \$89,872 original funding = \$15,450 original funding = \$15,500 a donation of \$10,000. The actual cost of the	the projects.	ation was \$6,000.	Recommend
A. 193A B. 194A C. 184A . Project 18 crease the of 37530910	ring projection C HVAC I IN HD Pole N Office F 3BC Anim donation 1 371009	cts have t Equipmen e Camera Remodel - al Contro revenue t 183BC	been completed and do not have any re t Replacement Program - Sheriff's Offic - Environmental Management - Environmental Management I Pavilion was originally approved with pudget line and the associated expendi Animal Control - CIP	a donation of \$10,000. The actual cost of the ture budget line by \$4,000 and close the proj.	the projects.	ation was \$6,000. to CIP Fund balan (4,000)	Recommend
A. 193A B. 194A C. 184A . Project 18 crease the of 37530910	ring projection C HVAC I IN HD Pole N Office F 3BC Anim donation 1 371009	cts have t Equipmen e Camera Remodel - al Contro revenue t 183BC	Deen completed and do not have any re t Replacement Program - Sheriff's Office - Environmental Management Environmental Management I Pavilion was originally approved with pudget line and the associated expendi	sidual funds left. Staff recommends to close original funding = \$89,872 original funding = \$15,450 original funding = \$15,500 a donation of \$10,000. The actual cost of the ture budget line by \$4,000 and close the proj	the projects.	ation was \$6,000. to CIP Fund balan (4,000)	Recommend
A. 193A B. 194A C. 184A . Project 18 crease the of 37530910	ring projection C HVAC I IN HD Pole N Office F 3BC Anim donation 1 371009	cts have t Equipmen e Camera Remodel - al Contro revenue t 183BC	been completed and do not have any re t Replacement Program - Sheriff's Offic - Environmental Management - Environmental Management I Pavilion was originally approved with pudget line and the associated expendi Animal Control - CIP	a donation of \$10,000. The actual cost of the ture budget line by \$4,000 and close the proj.	the projects.	ation was \$6,000. to CIP Fund balan (4,000)	Recommend
A. 193A B. 194A C. 184A . Project 18 crease the of 37530910	ring project C HVAC I N HD Pole N N Office F 3BC Anim donation 1 371009 541320	al Contro revenue t 183BC	been completed and do not have any re t Replacement Program - Sheriff's Offic - Environmental Management - Environmental Management I Pavilion was originally approved with pudget line and the associated expendi Animal Control - CIP	a donation of \$10,000. The actual cost of the ture budget line by \$4,000 and close the proj.	the projects.	ation was \$6,000. to CIP Fund balan (4,000)	Recommend
A. 193A B. 194A C. 184A - Project 18 crease the of 37530910 37530910 ater System	C HVAC E C HVAC E N HD Pol. N Office F 3BC Anim donation 1 371009 541320	al Contro revenue b 183BC 183BC 183BC	Peen completed and do not have any ro t Replacement Program - Sheriff's Offici- - Environmental Management Environmental Management I Pavilion was originally approved with pudget line and the associated expendi Animal Control - CIP Animal Control - CIP	a donation of \$10,000. The actual cost of the ture budget line by \$4,000 and close the proj.	project and the don ect - zero net impact (4,000) (4,000)	ation was \$6,000. to CIP Fund balar (4,000) (4,000)	Recommend nce. (4,0 4,0
A. 193A B. 194A C. 184A . Project 18 crease the of 37530910 37530910 ater System New project	C HVAC E N HD Pol N Office F 3BC Anim donation 371009 541320 CIP Proj t for the Si	cts have b = quipmer = Qamera Remodel - al Contro revenue b 183BC 183BC 183BC ects: EMS Asse	Peen completed and do not have any ro t Replacement Program - Sheriff's Offici- - Environmental Management Environmental Management I Pavilion was originally approved with pudget line and the associated expendi Animal Control - CIP Animal Control - CIP	sidual funds left. Staff recommends to close original funding = \$89,872 original funding = \$15,450 original funding = \$15,500 a donation of \$10,000. The actual cost of the ture budget line by \$4,000 and close the proj Donations Buildings & Structures tory issues throughout the Water System. This	project and the don ect - zero net impact (4,000) (4,000)	ation was \$6,000. to CIP Fund balar (4,000) (4,000)	Recommend nce. (4,0 4,0
A. 193A B. 194A C. 184A Project 18 crease the of 37530910 37530910 37530910 atter System New project atter System 507	C HVAC E N HD Pol N Office F 3BC Anim donation 371009 541320 CIP Proj t for the SI M&O buc 5424xx	cts have b Equipmer e Camera Remodel - al Contro revenue b 183BC 183BC 183BC 183BC 183BC EMS Asse get - zero TBD	been completed and do not have any re t Replacement Program - Sheriff's Office - Environmental Management Environmental Management I Pavilion was originally approved with budget line and the associated expendi Animal Control - CIP Animal Control - CIP t Management System to address invent o net impact to Water System Fund bala Water System - CIP	a donation of \$10,000. The actual cost of the ture budget line by \$4,000 and close the proj. Donations Buildings & Structures tory issues throughout the Water System. This nce. Computer Equip / Software & Upgrades	the projects. project and the don ect - zero net impact (4,000) (4,000) s project will be funde 36,604	ation was \$6,000. to CIP Fund balar (4,000) (4,000)	Recommend ice. (4,0 4,0 iunds in the (36,6
A. 193A B. 194A C. 184A . Project 18 crease the of 37530910 37530910 37530910 ater System New project ater System	C HVAC E N HD Pol N Office F 3BC Anim donation 371009 541320 CIP Proj t for the Si M&O buc	cts have b = quipmer e Camera Remodel - al Contro revenue b 183BC 183BC 183BC Eds: EMS Asse iget - zero	eeen completed and do not have any re t Replacement Program - Sheriff's Office - Environmental Management Environmental Management I Pavilion was originally approved with oudget line and the associated expendi Animal Control - CIP Animal Control - CIP t Management System to address inven onet impact to Water System Fund bala	sidual funds left. Staff recommends to close original funding = \$89,872 original funding = \$15,450 original funding = \$15,500 a donation of \$10,000. The actual cost of the ture budget line by \$4,000 and close the proj Donations Buildings & Structures tory issues throughout the Water System. This nce.	the projects. project and the don ect - zero net impact (4,000) (4,000) s project will be funde	ation was \$6,000. to CIP Fund balar (4,000) (4,000)	Recommend ice. (4,0 4,0 iunds in the (36,6
A. 193A B. 194A C. 184A Project 18 crease the of 37530910 37530910 37530910 atter System New project atter System 507	C HVAC E N HD Pol N Office F 3BC Anim donation 371009 541320 CIP Proj t for the SI M&O buc 5424xx	cts have b Equipmer e Camera Remodel - al Contro revenue b 183BC 183BC 183BC 183BC 183BC EMS Asse get - zero TBD	been completed and do not have any re t Replacement Program - Sheriff's Office - Environmental Management Environmental Management I Pavilion was originally approved with budget line and the associated expendi Animal Control - CIP Animal Control - CIP t Management System to address invent o net impact to Water System Fund bala Water System - CIP	a donation of \$10,000. The actual cost of the ture budget line by \$4,000 and close the proj. Donations Buildings & Structures tory issues throughout the Water System. This nce. Computer Equip / Software & Upgrades	the projects. project and the don ect - zero net impact (4,000) (4,000) s project will be funde 36,604	ation was \$6,000. to CIP Fund balar (4,000) (4,000)	Recommend nce. (4,0 4,0 funds in the (36,6
A. 193A B. 194A C. 184A Project 18 crease the of 37530910 37530910 37530910 atter System New project atter System 507	C HVAC E N HD Pol N Office F 3BC Anim donation 371009 541320 CIP Proj t for the SI M&O buc 5424xx	cts have b Equipmer e Camera Remodel - al Contro revenue b 183BC 183BC 183BC 183BC 183BC EMS Asse get - zero TBD	been completed and do not have any re t Replacement Program - Sheriff's Office - Environmental Management Environmental Management I Pavilion was originally approved with budget line and the associated expendi Animal Control - CIP Animal Control - CIP t Management System to address invent o net impact to Water System Fund bala Water System - CIP	a donation of \$10,000. The actual cost of the ture budget line by \$4,000 and close the proj. Donations Buildings & Structures tory issues throughout the Water System. This nce. Computer Equip / Software & Upgrades	the projects. project and the don ect - zero net impact (4,000) (4,000) s project will be funde 36,604	ation was \$6,000. to CIP Fund balar (4,000) (4,000)	Recommend ice. (4,0 4,0 iunds in the (36,6
A. 193A B. 194A C. 184A Project 18 crease the of 37530910 37530910 37530910 atter System New project atter System 507	C HVAC I N HD Pol N Office F 3BC Anim donation I 371009 541320 CIP Proj 541320 CIP Proj 5424xx 5xxxxx	cts have b Equipmer e Camera Remodel - al Contro revenue b 183BC 183BC 183BC 183BC 183BC EMS Asse get - zero TBD	Peen completed and do not have any re It Replacement Program - Sheriff's Office - Environmental Management Environmental Management I Pavilion was originally approved with pudget line and the associated expendi Animal Control - CIP Animal Control - CIP t Management System to address invent ponet impact to Water System Fund bala Water System - CIP	a donation of \$10,000. The actual cost of the ture budget line by \$4,000 and close the proj. Donations Buildings & Structures tory issues throughout the Water System. This nce. Computer Equip / Software & Upgrades	the projects. project and the don ect - zero net impact (4,000) (4,000) s project will be funde 36,604	ation was \$6,000. to CIP Fund balar (4,000) (4,000)	Recommend ice. (4,0 4,0 iunds in the (36,6 36,6
A. 193A B. 194A C. 184A Project 18 crease the of 37530910 37530910 37530910 atter System New project atter System 507	C HVAC I N HD Pol N Office F 3BC Anim donation 371009 541320 CIP Proj 541320 CIP Proj 5424xx 5xxxx	al Contro revenue b 183BC 183BC 183BC 183BC 183BC 183BC 183BC 183BC 183BC	Peen completed and do not have any re It Replacement Program - Sheriff's Office - Environmental Management Environmental Management I Pavilion was originally approved with pudget line and the associated expendi Animal Control - CIP Animal Control - CIP t Management System to address invent ponet impact to Water System Fund bala Water System - CIP	a donation of \$10,000. The actual cost of the ture budget line by \$4,000 and close the proj. Donations Buildings & Structures tory issues throughout the Water System. This nce. Computer Equip / Software & Upgrades	e project and the don ect - zero net impact (4,000) (4,000) s project will be funde 36,604 (36,604)	ation was \$6,000. to CIP Fund balar (4,000) (4,000) ed from available f	Recommend ice. (4,C 4,C funds in the (36,6 36,6 Fund Balan
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Department:	Finance	Presenter(s):	Chief Financial Officer, Mary S. Parrot	
Meeting Date:	Thursday, February 28, 2019	Type of Request:	Consent #13	
Wording for the Agenda	:			
	est for the Board of Commissioners to estab	lish the annual Budget Calend	ar for Fiscal Year 2020 which begins	
Background/History/Det	ails:			
Commissioners for their	onducts a budget process for the purpose of r consideration regarding the upcoming fisca Board to adopt the proposed calendar as pre	al year. A recommended budge		
What action are you see	eking from the Board of Commissioners?			
	ne annual Budget Calendar for Fiscal Year 2	020 which begins July 1, 2019	and ends June 30, 2020.	
If this item requires fund	ling, please describe:			
Not applicable.				
Has this request been c	considered within the past two years? Yes	lf so, whe	n? Annually	
Is Audio-Visual Equipm	ent Required for this Request?*	Backup P	Provided with Request? Yes	
	ial must be submitted to the County Cleri consibility to ensure all third-party audio-		, ,	
Approved by Finance	Yes	Reviewec	by Legal	

County Clerk's Approval

Yes

Approved by Purchasing	Not Applicable

Administrator's Approval

Staff Notes:

FY 2020 Proposed Budget Calendar

2019 DAT	'E	PARTICIPANTS	BUDGET TASK
March 11, 2019	Mon	Finance / Departments / Agencies	Budget forms, budget calendar, instructions published. Budget entry available
March 12, 2019	Tue	Finance	Next Year Budget Entry Training - New personnel
March 25, 2019	Mon	Agencies / Finance	Budget requests submissions due from Agencies
March 29, 2019	Fri	Departments / Finance	Budget requests submissions due from County Departments
March 29, 2019	Fri	Human Resources / Finance	Human Resources - Post Salary/Benefits projection to budget projection
April 5, 2019	Fri	Commissioners / County Staff (Open to the Public)	BOC Annual Retreat - Policy and Board of Commissioner Discussions
April 22, 2019	Mon	Finance / County Administrator	Countywide budget requests to the County Administrator
April 26 - 29, 2019	Fri - Mon	Commissioners / County Administrator	2019 Annual ACCG Conference & Commissioners Training - Savannah
May 1 - 3, 2019	Wed - Fri	County Administrator / County Staff	Budget Workshops as necessary
May 29, 2019	Wed	Finance / County Administrator	Publish the FY 2020 Proposed Budget Summary and Public Hearings dates and times in local newspapers and on the County's website. Make available detail binders of the FY 2020 Proposed Budget.
May 30, 2019	Thu		Conduct Special Called Budget Meeting to formally present the FY 2020 Proposed Budget to the Board of Commissioners.
June 13, 2019	Thu	County Staff	Hold first Public Hearing on the FY 2020 Proposed Budget.
June 27, 2019	Thu	(Open to the Public)	Hold second Public Hearing on the FY 2020 Proposed Budget. Request BOC to adopt FY 2020 Budget.

Department:	Fire and Emergency Services	Presenter(s):	David J. Scarbrough, Fire Chief				
Meeting Date:	Thursday, February 28, 2019	Type of Request:	Consent #14				
Wording for the Agenda:							
Approval of the reappointment of Division Chief Steven Folden and Deputy Fire Chief Thomas Bartlett to the West Georgia EMS Council							
for a two-year term.							
, Background/History/Deta	ills:						
	nated within Region 4 (West Georgia)	of the Office of Emergency Medical	Services (OEMS) regional system.				
Region 4 is comprised of 12 counties located south of Atlanta. Each county has designed seats on the professional services council, of							
which Fayette County has 4 seats. This council is tasked with the oversight of the Emergency Medical Services 911 zoning systems and							
the regional communication plan. Appointees to the council meet quarterly to address issues regarding response systems and to							
disseminate region wide information.							
Appointments to the council serve two-year terms. The appointments for Chief Folden and Chief Bartlett expire on June 30, 2019.							
Currently serving in addition to Chief Folden and Chief Bartlett are Chief Baggett and Chief Matheny from Peachtree City Fire/Rescue.							
Chiefs Baggett and Matheny are serving until June of 2020.							
What action are you seel	king from the Board of Commissioners	5?					
Approval of the reappoin	ntment of Division Chief Steven Folde	n and Deputy Fire Chief Thomas Ba	artlett to the West Georgia EMS Council				
for a two-year term.							
, If this item requires funding, please describe:							
Not applicable.							
		· · ·	2				
Has this request been co	onsidered within the past two years?	No If so, whe	n?				
Is Audio-Visual Equipme	ent Required for this Request?*	No Backup P	Provided with Request?				
		По					
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.							
A 11 -		_ · ·					
Approved by Finance	Not Applicable	Reviewed	by Legal				

Approved by Purchasing	Not Applicable	Co	ounty Clerk's Approval	Yes
Administrator's Approval				
Staff Notes:				

Consent #15

BOARD OF COUNTY COMMISSIONERS

Randy Ognio, Chairman Charles W. Oddo, Vice Chairman Edward Gibbons Eric K. Maxwell Charles D. Rousseau



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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 February 14, 2019 6:30 p.m.

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

Call to Order

Chairman Randy Ognio called the February 14, 2019 Board of Commissioners meeting to order at 6:31 p.m.

Invocation and Pledge of Allegiance by Chairman Randy Ognio

Chairman Randy Ognio offered the Invocation.

Acceptance of Agenda

Vice-Chairman Oddo moved to accept the agenda. Commissioner Rousseau seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

CONSENT AGENDA:

Vice-Chairman Oddo moved to accept the Consent Agenda, except for item #3 for discussion. Commissioner Rousseau seconded. The motion passed 5-0.

- 1. Approval to award Bid #1612-B: 2017 SPLOST; Stormwater Category I; Graves Road Culvert Replacement to the low bidder, Crawford Grading & Pipeline, Inc., in the amount of \$298,661.86 and to amend the 2017 SPLOST Stormwater fund (32240320) reallocating \$67,048.79 from Category II (19SBO-118 Davis Road) to Graves Road (17SAA).
- 2. Approval to add Atkins Place subdivision to Fayette County's Street Light Program.

3. Approval of the January 24, 2019 Board of Commissioners Meeting Minutes.

Chairman Ognio stated that the minutes that were originally posted, had been updated. He stated that at the end of item #13 "the motion passed 5-0" was added. Chairman Ognio also stated that the time going into and exiting Executive Session was corrected to reflect the appropriate times.

Vice-Chairman Oddo motioned to approve the January 24, 2019 Board of Commissioners Minutes with the noted corrections. Commissioner Gibbons seconded. The motion passed 5-0.

OLD BUSINESS:

NEW BUSINESS:

4. Staff's recommendation to approve the request from Peachtree City Airport Authority for the conveyance of property at the Crosstown Water Treatment Plant for the purpose of relocating the fence extending toward the taxiway.

County Attorney Dennis Davenport stated that this was a request by the Peachtree City Airport Authority, who needed additional land adjacent to a taxi-way due to the wingspan of certain aircrafts coming into Falcon Field to meet FAA regulations. Mr. Davenport stated that there had been discussions with Peachtree City Airport Authority advising them of the costs associated with doing the survey work, legal work, formatting the documents, and having to put in a new portion of fencing and a gate which totaled about \$12,444.00; Peachtree City Airport Authority did agree to pay those costs with the Boards favorable vote to convey the property to them.

Vice-Chairman Oddo motioned to approve the request from Peachtree City Airport Authority for the conveyance of property at the Crosstown Water Treatment Plant for the purpose of relocating the fence extending toward the taxiway. Commissioner Gibbons seconded. The motion passed 5-0.

5. Chairman Randy Ognio's recommendation to amend Policy 100.19; Board Appointments to appoint the department head of departments directly related to relevant authorities, boards, commissions, committees or similarly established bodies as the Selection Committee for said bodies.

Chairman Ognio stated that the current process was different. Two Board members are nominated to sit on a selection committee and conduct the interviews for the various authorities, boards, commissions, committees or similarly established bodies, then make a recommendation to the Board for approval. Chairman Ognio stated that with the policy amendment, Department Heads are responsible for nominations, interviewing and etcetera. He stated that the Board would still receive applications and would be able to make alternative candidate recommendations if desired.

Commissioner Rousseau stated that he had some concerns specifically that within the amended policy, the Department head, an "individual", is deemed and/or considered the "Selection Committee". He also stated that he wanted to ensure that the Board was not getting dangerously close to abdicating their process and keeping it free from any undue influence and maintaining transparency. Commissioner Rousseau stated that the opportunity to sit on various Selection Committees afforded him the chance to meet additional residents who have willingly applied to be considered for a position. He stated that "he's never experienced us entering those discussion with preset notions of an individual". Commissioner Rousseau stated that the Board could get dangerously close to that when, as he understood the amended policy, the selection committee could be a body of one (the department head). Commissioner Rousseau asked is this a selection committee of "one" individual?

Chairman Ognio answered, "No". Chairman Ognio stated that in the wording of amended policy there is no selection committee.

Commissioner Rousseau stated that he would like that modified as well to ensure the policy is clear. He stated that he wanted to make sure the Board was not abdicating something he enjoyed. Commissioner Rousseau stated that he was aware of the frustration in arranging interviews in a prompt and timely manner. He stated that although there are some challenges, he feels they are workable.

Commissioner Gibbons stated that page 31 of the amended policy reads, "shall have vacancies filled by the head of said respective department receiving, reviewing and recommending an applicant for consideration for appointment to the vacant position(s) to the Board of Commissioners." Commissioner Gibbons stated that the way he understood it the Department Head is making a recommendation to the Board, and the Board had the opportunity to due diligence or to

direct staff to due diligence on that recommendation. Commissioner Gibbons stated that although the Department Heads would be making the recommendation the Board would be the body with appointment authority.

Commissioner Rousseau stated that his concerns was that the individual would singularly interview and make a recommendation and the Board would ratify, hold, or turn down. Commissioner Rousseau stated that "that's a singular act", versus the Board in the current format sitting and meeting with individuals. Commissioner Rousseau stated that this process had been invaluable to him.

County Attorney Dennis Davenport stated that the reason the "selection committee" verbiage was in the agenda item was because the initial amendment to the policy referred to the department head as a selection committee. Mr. Davenport stated that what he pointed out at the time of the initial amendment was that the Board do not want to call this one individual a selection committee; because this was a department head and all the department head was doing was making a recommendation which was part of what the department head does in his/her area of expertise. Mr. Davenport stated that calling it a committee would open up the issues of notice requirements, minutes requirements and publication of agendas. Mr. Davenport stated that this proposed amendment would move away from those requirements. Mr. Davenport stated the Board would move from being one that interviewed people, to relying on someone to make a recommendation not from a "Committee". Mr. Davenport stated that was a different version of the current process and the proposed amended policy was not going to work because it was trying to get out of the committee process and move toward a recommendation process. Mr. Davenport stated that neither process was right nor wrong they are merely differing methodologies; and as such the wording within said policies would reflect those differences.

County Administrator Steve Rapson stated he shared some of the same concerns as Commissioner Rousseau in regard to the individual Department Head recommendation. He stated that his guidance to Department Heads was, that while they were responsible for the recommendation; the intent was to include other members of the respective Board/Authority and/or department staff to participate in the interview process. Mr. Rapson stated it was never meant to be a single individual recommendation.

Commissioner Oddo stated that although he understood Commissioner Rousseau's frustrations, his concern was that as a selection committee member interviewing for a technical position he may not have the expertise needed to interview them. He stated that he can meet, speak with, and get to know an applicant; but the Department Heads would have the technical expertise needed to determine whose best qualified. Commissioner Oddo stated he feels this was worth trying, and doing so would not be delegating authority because the recommendation would be brought before the Board for approval. He stated that if a Board member desired to have a department head present, they would be welcome to sit in on an interview.

Commissioner Gibbons motioned to amend Policy 100.19; Board Appointments to appoint the department head of departments directly related to relevant authorities, boards, commissions, committees or similarly established bodies as the Selection Committee for said bodies. Vice-Chairman Oddo seconded. The motion passed 4-1, with Commissioner Rousseau voting in opposition.

6. Staff's recommendation to approve a five (5) minute time limit for Public Comments on the agenda.

County Administrator Steve Rapson stated that the Board directed staff to review best practices in Georgia regarding what local governments are conducting. Mr. Rapson stated that as a part of the supporting documents for this item we received a two-page letter from the County Attorney that outlined Public Comment and Public Comment during Public Hearings. Mr. Rapson stated that included as supporting documents was an email from the Association County Commissioners of Georgia (ACCG) Executive Director Dave Willis regarding best practices; along with an Atlanta Journal Constitution (AJC) article with a best practices analysis of public comment in Georgia's major cities including: Atlanta, Cobb County, and Clayton County and Fulton and Gwinnett. Mr. Rapson stated that a consensus was that best practices was to have comments somewhere between two and three minutes. As a result staff felt five minutes was a good compromise coming from an unlimited timeframe.

Vice-Chairman Oddo motioned to approve a five (5) minute time limit for Public Comments on the agenda. Commissioner Gibbons seconded.

Commissioner Maxwell stated for clarification that the limit was per speaker and not a limit on the number of speakers. Commissioner Maxwell stated that his concern was that from time to time there will be a speaker that the Board would like to hear more than five minutes from. He asked should the Board give either the Chairman or each Commissioner the ability to give a speaker more time. He continued that with the proposed time limits, someone would have to run a clock, typically the Clerk, to maintain accurate time keeping.

Vice-Chairman Oddo stated that the duties of the Chairman was to run the meeting. Vice-Chairman Oddo stated "would we need to express specifically that the Chairman had the ability to offer an extra few minutes to a speaker during Public Comments" when that was the role he already served.

Vice-Chairman Oddo amended the motion to approve a five (5) minute time limit for Public Comments on the agenda, with discretion given to the Chairman/Board to extend time. Commissioner Gibbons amended the second.

Commissioner Maxwell stated that the problem was that when you have a rule you have to follow it, but when you don't have a rule it would leave room for chaos. Commissioner Maxwell stated that his concern was that a speaker would raise an issue if another speaker was allowed to speak longer than another speaker without a rule in place.

Commission Rousseau stated that the Board would have to be very careful. If the Board did it for one speaker and not for another speaker, it could be perceived the wrong way.

Vice-Chairman Oddo motioned to approve a five (5) minute time limit for Public Comments on the agenda, with discretion given to the Chairman/Board to extend time. Commissioner Gibbons seconded. The motion passed 5-0.

7. Staff's recommendation to approve a twenty (20) minute time limit for each side during Public Hearings.

Mr. Rapson stated that the Board directed staff to review best practices in Georgia regarding what local governments are following. He stated that staff reviewed what was done in the past as a County, the Board recently revised the Public Hearings policy in September 2018 removing any time restriction regarding Public Hearings. Mr. Rapson stated that with that revision the Board amended the Ordinance that said "the policy would drive what the time limits were". Mr. Rapson stated historically the Board allowed twenty (20) minutes per side, where state law requires a minimum of ten (10) minutes. Mr. Rapson stated staff recommendation was a twenty (20) minute time limit per side.

Commissioner Gibbons stated that he would be okay with a ten (10) minute time limit; with the provision that the Chairman have the authority to extend time allocations accordingly. Commissioner Gibbons suggested a three (3) minute time limit for Public Hearing public comments.

Commissioner Maxwell asked how the time limit for Public Hearing was divided between the presenter (requestor, builder, attorney, etc.) and citizen speakers.

Mr. Davenport stated that the Board would be entering dangerous territory by limiting someone's ability to comment on a Public Hearing when the state law stated they are allowed a minimum of ten (10) minutes for Public Hearings per side. Mr. Davenport stated that state law did not provide direction on how to do that, however. Mr. Davenport stated that if only one person was speaking and was limited to three (3) minutes how were they receiving the ten (10) minute requirement per state law per side. Mr. Davenport stated that it would be wise for the Board to develop generalized directions up front to let both sides know they have a maximum of twenty (20) minutes, which is twenty (20) minutes total including presenter (requestor, builder, attorney, etc.) and citizen speakers.

Commissioner Rousseau motioned to approve a twenty (20) minute time limit for each side during Public Hearings. Vice-Chairman Oddo seconded. The motion passed 5-0.

PUBLIC COMMENT:

Donna Thompson, Fayetteville, asked for clarification if the time limits were being given to public comments after each agenda item or only during the Public Comment section of the meeting or both.

Chairman Ognio stated, "Both".

Douglas Brantley, Fayetteville, stated he had two problems. One was flood water in front of his house and on his property. Mr. Brantley stated he had met with "some very nice people in the Environmental Management Department, but he stated that "this has been an ongoing problem for 20-years". He shared his concerns with the Board. Mr. Brantley stated that he had provided pictures to the County and had been told there was nothing the County could do. Mr. Brantley stated that he would like for someone to get back with him in reference to his problems.

ADMINISTRATOR'S REPORTS:

Mr. Rapson in response to Mr. Brantley stated they will follow up with him in reference to his complaints.

Mr. Rapson advised the Board of Contract #1431-P; Transportation Engineer of Record: Task Order 19-Veterans Parkway Intersection at SR 92, Intersection Control Evaluation (ICE) Analysis and Traffic Signal Design.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one item of personnel, one item of threatening litigation, one item of real estate acquisition and the review of the Executive Session minutes for January 24, 2019.

COMMISSIONERS' REPORTS:

Vice-Chairman Oddo wished his wife a Happy Valentine Day.

Commissioner Rousseau stated that he was presented with a petition from citizens regarding Highway 92 and Veterans Parkway which included about 85 signatures, the petition highlighted citizen's concern and asked the Board to expedite that project. He stated that if anyone desired copies of the petition, it would be made available. Commissioner Rousseau stated that he had received numerous phone calls in regards to a border dispute between the City of Fairburn and Fayette County residents with a proposed development. The development had not been approved; however it was causing Fayette County residents great concern of the potential negative impact it could have if approved. He stated that there was not much the Board could do. Commissioner Rousseau extended Happy Valentine day to everyone.

Chairman Ognio stated regarding the Fairburn issue, he attended the Planning Hearing for the City of Fairburn. He stated that the development was unanimously denied. Chairman Ognio stated that it was going before council at an upcoming meeting. He stated that it was concerning because it was definitely in the backyard of some of the citizens. Chairman Ognio thanked Mrs. Thompson for her question. Chairman Ognio asked Mr. Brantley to leave his contact information and someone would reach out to him concerning his complaints. Chairman Ognio wished his wife a Happy Valentine Day.

EXECUTIVE SESSION:

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one item of personnel, one item of threatening litigation, one item of real estate acquisition and the review of the Executive Session minutes for January 24, 2019.

One item of personnel, one item of threatening litigation, one items of Real Estate Acquisition and the review of the **Executive Session minutes for January 24, 2019:** Vice-Chairman Oddo motioned to go into Executive Session. Commissioner Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 7:20 p.m. and returned to Official Session at 8:15 p.m.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Chairman Ognio motioned to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Vice-Chairman Oddo seconded the motion. The motion passed 5-0.

Commissioner Maxwell motioned to create a new contract for the County Administrator Steve Rapson, which would mimic his current amended contract to include the following: new employment agreement for three (3) years and ten (10) months, beginning March 1, 2019 and expiring on December 31, 2022, with a new pay rate increase to total \$191,100.67, beginning March 1, 2019 and in relation to annual increases, the County Administrator would receive an increase of 2.75% only if county staff received an increase that year. Commissioner Gibbons seconded that motion. The motion passed 5-0.

Approval of the January 24, 2019 Executive Session Minutes: Chairman Ognio moved to approve the January 24, 2019 Executive Session Minutes. Vice Chairman Oddo seconded. The motion passed 5-0.

ADJOURNMENT:

Vice Chairman Oddo moved to adjourn the February 14, 2019 Board of Commissioners meeting. Commissioner Gibbons seconded. The motion passed 5-0.

The February 14, 2019 Board of Commissioners meeting adjourned at 8:20 p.m.

Marlena Edwards, Deputy County Clerk

Randy C. Ognio, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 28th day of February 2019. Referenced attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Deputy County Clerk

COUNTY AGENDA REQUEST

_		1	
Department:	State Court	Presenter(s):	Judge Jason B. Thompson
Meeting Date:	Thursday, February 28, 2019	Type of Request:	New Business #16
Wording for the Agenda:			
The Fayette County State implementation grant in the		ommissioners approval to complete a uncil of Accountability Court Judges. es.	
Background/History/Detail	S:		
mental illness who are ch treatment and problem so assessments. The vetera team of court staff, vetera participants for FY 2020. for Case Manager, treatm the VTC will be supported Justice Center. The VTC office will be located in ro CACJ standards and the court for State Court. The the DUI Court program ha rehabilitation, creates a p What action are you seeki The Fayette County State implementation grant in th	arged with misdemeanor criminal of olving model for traditional court proc ans voluntarily participate in a judicia in health care professionals, veterar Grant funding would be requested t nent, testing, surveillance, equipmen d by the Accountability Court Board will be a part of the State Court of F om 256. All court proceedings will Core Competencies created by the e Fayette County DUI Court was cre as saved Fayette County taxpayers ro-social behavior in our community ng from the Board of Commissioners	n peer mentors, and mental health pr to start July 1, 2019. The implement and supplies. In addition to the VT of Advisors (member list attached). Fayette County under the direction of occur in Courtroom 2D (court calend Veterans Administration (attached). eated in January 2016 by Judge Jaso over \$450,000. In addition to the say and strengthens core values. s? ommissioners approval to complete a uncil of Accountability Court Judges.	t docket. The court substitutes a ugh evidence based screening and oped with the veteran; drawing from a ofessionals. The VTC anticipates 10 ation grant would cover PT hourly wage C Team (organizational chart attached), The VTC will be located in the Fayette Judge Jason B. The administrative ar attached). The VTC will follow the The VTC will be the 2nd accountability on B. Thompson. Since it's inception, vings, it reduces recidivism, promotes
If this item requires funding	n nlease describe		
	I through an implementation grant th	nrough the Council of Accountability (Court Judges. The VTC requires no
Has this request been cor	nsidered within the past two years?	No If so, whe	n?
Is Audio-Visual Equipmen	t Required for this Request?*	No Backup P	rovided with Request? Yes
	,	v Clerk's Office no later than 48 ho udio-visual material is submitted a	, .
Approved by Finance	Yes	Reviewed	by Legal
Approved by Purchasing	Not Applicable	County Cl	lerk's Approval Yes
Administrator's Approval			
Staff Notes:			

		General Info	ormation		
Name of person filling out this form:	Martha Hall	Email address:	mhall@fayettecountyga.gov	Phone:	770-716-4328
On April 25 -26, 2018 who v	will be available to answer question shall have any?	is on this grant, if the committee	Martha Hall	Please provide a phone number for this person:	770-716-4328
	the end of the list and select "In multiple selections from the Co dropdown arrow each time you a particular cell. E.G. if you have	ementation court, please scroll to pplementation Court". To make urt Name dropdown, click the want to make a new selection in 3 Adult Drug Courts in your purt Name" for that row 3 times each click.	Veterans Treament Court		
	NOTE : Program is defined by serving that population - i.e. su	in which your court is operating: the type of offender population yo bstance dependent, mentally ill, v e or mental illness, substance dep	our court primarily serves and th reterans, those with a history of	DUI, families with substance	
	Please select the primary progra		Veterans Court		_
	Please select the secondary pro accountability court offers.	gram (if any) that your	Veterans Court		
	Please select your court level.		State		

Total Requested Funds

Please note, the Requested Funds and Total Budgeted Amount will automatically calculate and popuate based on your entries in other tabs. You will need to indicate the Matched Funds manually.

	Requested Funds	Mat	ched Funds	Total Budg	geted Amount
Personnel	\$ 16,2	40.00 \$	2,030.00	\$	18,270.00
Contract Services	\$ 72,0	00.00 \$	9,000.00	Ś	81,000.00
Drug Testing Supplies		72.44 \$	1,946.56		17,519.00
Other Costs		71.11 \$	108.89		980.00
Equipment	r.	55.56 \$	44.44	\$	400.00
Training and Travel	\$	- \$	-	\$	-
Transportation	\$	- \$	-	\$	-

Total CACJ funds	\$	105,039.11 \$	13,129.89 \$	118,169.00
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Other Funding Sources

This sheet is meant to provide CACI with a sense of how sustainable your court program is. Please list the amount your court received from other fund sources for programming and expenses in the previous STATE Fiscal Year. Please disclose all other non-state/CICC funds, both current and anticipated. To make multiple selections from the "How Funds are Used?" dropdown, click the dropdown arrow each time you want to make a new selection in a particular cell. E.G. if you use Bryne-JAG for Personnel, Treatment, and Office Supplies, click the arrow in the "How Funds are Used?" for that row 3 times and select a different category with each click. Make sure to select all applicable options. Please indicate whether the fund source is an annual fund source. If it is not, please provide the end date in the form mm/dd/yyyy. To indicate the "Status" of the fund source, please select current or pending from the dropdown.

Fund Source	Total Funds	How Funds are Used?	Is this an annual fund source?	If no, when is the end date?	Status
Byrne-JAG Funding	\$ -		Select One:		Select One:
Community Service Boards	\$ -	_	Select One:		Select One:
DATE Fund	\$ -		Select One:		Select One:
Financial Donations	\$ -		Select One:		Select One:
Governor's Office of Highway Safety	\$ -		Select One:		Select One:
Independent 501(c)3	\$ -		Select One:		Select One:
Juvenile Justice Incentive Grant	\$ -		Select One:		Select One:
Local Government (Municipal or County)	\$ -		Select One:		Select One:
Competitive BJA Grant	\$ -		Select One:		Select One:
Participant Fees	\$ 24,720.00	All of the above	Yes		Current
Private Foundation Grant	\$ -		Select One:		Select One:
Revenue from Lab	\$ -		Select One:		Select One:
SAMHSA	\$ -		Select One:		Select One:
All other non-CACJ Funds	\$ -		Select One:		Select One:

Personnel Request

Instructions: Please report the Weeks and Hours worked only for the percentage of time that you are requesting. That is, if a staff member is full time, but you are only requesting a portion of their salary, report only the hours and weeks for which you are requesting funds. Additionally, please indicate whether the selected position is new. To make multiple selections from the "Service Area" dropdown, click the dropdown arrow each time you want to make a new selection in a particular cell. E.G. if a position serves two counties, click the arrow in the "Service Area" for that row 2 times and select a different county with each click. Benefits will be calculated based on the salary amount requested. If a position title is not available in the drop down list, this is not an allowable position with CACI grant funds. Please remember to update your Matched Funds on the General Information page to represent Total Personnel Funding for your court.

Position Title	Hours per Week	Hourly Rate	Weeks Requested	Total Salary Requested	New Position?	Service Area
1 Program Case Manager	20	\$ 18.27	50	\$ 18,270.00	Yes	Fayette County
2 Select One:				\$	Select One:	
3 Select One:				\$ -	Select One:	
4 Select One:				\$ -	Select One:	
5 Select One:				\$ -	Select One:	
6 Select One:				\$ -	Select One:	
7 Select One:				\$ -	Select One:	
8 Select One:				\$ -	Select One:	
9 Select One:				\$ -	Select One:	
0 Select One:				\$ -	Select One:	

			Contract Personnel Se	rvices Request			
Position Title	providers, surv	eillance personnel , life s you are asking the C/	skills programming provid ACJ to fund. Please remem	not paying fringe benefits. Thes lers or other professionals. Only iber to update your Matched Fi t Personnel Funding for your co	include the number of unds on the General		
	n Title Rate Unit Rate		Total Units Requested	Anticipated Number of Participants you will be able to serve per rate you choose	Provider Type	Reque	ested Cost
1 Counselor	per Hour				Select One:	\$	
Law Enforcement/ 2 Surveillance Officer	per Hour	\$ 35.00	360	10	Select One:	\$	12,600.00
3 Treatment Coordinator	per Participant	\$ 120.00	450	10	Select One:	\$	54,000.00
Lab Technician/ Drug 4 Screen Collector	per Participant	\$ 120.00	120	10	Select One:	\$	14,400.00
5 Select One:	Select One:	\$ -			Select One:	\$	-
6 Select One:	Select One:	\$ -			Select One:	\$	
7 Select One:	Select One:	\$ -			Select One:	\$	
8 Select One:	Select One:	\$ -			Select One:	\$	-
9 Select One:	Select One:	\$ -			Select One:	\$	
0 Select One:	Select One:	\$ -			Select One:	\$	
1 Select One:	Select One:	\$ -			Select One:	\$	
2 Select One:	Select One:	\$ -			Select One:	\$	
3 Select One:	Select One:	\$ -			Select One:	\$	-
4 Select One:	Select One:	\$ -			Select One:	\$	
5 Select One:	Select One:	\$ -			Select One:	\$	-
6 Select One:	Select One:	\$ -			Select One:	\$	_

Drug Testing Supplies

Instructions: Drug Testing Supplies are divided into Consumables (**NOT** instant tests), Monitoring Equipment, Confirmation or Lab Test, Onsite Devices (Instant Tests go here), and Reagents (separate tab). Onsite Devices are considered to be instant tests. Consumables are items such as: collection ONLY cups (NOT instant tests), gloves, and water. For each section, select the item you wish to purchase from the first column and then the appropriate units you typically purchase for that item. The item and units are provided in dropdown menus. Enter in the cost per unit and the number of units for which you are requesting CACJ funding. The total amount requested will automatically calculate based on your selections. For Confirmation/Lab Testing, Onsite Devices, and Reagents, please also select the company from which you intend to purchase. Additionally, please indicate if your court utlizes or operates a drug lab. Please remember to update your Matched Funds on the General Information page to represent Total Drug Testing Supplies Funding for your court.

Consumm	ables	Ur	nit	Cost per Unit	Total units Requested	Total Amount Requested
Latex Gloves		Item		\$ 5.	00 24	\$ 120.00
Select One:		Select One:		\$	-	\$ -
Select One:		Select One:		\$	-	\$ -
Monitoring Equipme	ent (Select Type)	Ur	nit	Cost per Unit	Total Units Requested	Total Amount Requested
Remote Breathylzer		ltem		\$ 0.	50 3200	\$ 1,600.00
Select One:		Select One:		\$	-	\$ -
Select One:		Select One:		\$	-	\$ -
Select One:		Select One:		\$	-	\$ -
Confirmation Test or		Average Co on on Confirmatio		e select the comp	Tests Requested ony to which you send tests. 25	Total Amount Requested
			57.00	I	23	
Select One:		\$	-			\$ -
Select One:		\$	-			\$ -
Select One:		\$				\$ -
Does Court Utilize or C Lab?	perate Local Drug	No				
Onsite Devices (type)	Company Used	Panels Tested	Cost per Unit	Units	Total Units Requested	Total Requested
Cups	UsDiagnostics	14	\$ 8.00	Item	480	\$ 3,840.00
				Itom	460	\$ 2,300.00
Testing Sticks	Redwood	1	\$ 5.00	nem	400	2,500.00
Testing Sticks Select One:	Redwood Select One:	1 Panels Tested	\$ 5.00	Select One:	400	\$ -

Please use the provided space to provide any additional details regarding drug testing supplies. If you selected "other" as an option on this section of the grant, please indicate what "other" is.

\$

\$

\$

\$

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Reagents Drug Testing Supplies

Instructions: This section is for reagents drug test supplies only. For each section, select the item you wish to purchase from the first column and then the appropriate units you typically purchase for that item. The item and units are provided in dropdown menus. Enter in the cost per unit and the number of units for which you are requesting CACI funding. The total amount requested will automatically calculate bsed on your selections. Please also select the company from which you intend to purchase. Please remember to update your Matched Funds on the General Information page to represent Total Drug Testing Supplies Funding for your court.

Reagents(Select Drug Type)	Company Used	Cost per Unit	Units	Units Per Box	Total Units Requested	Tota	l Request
Typical Drugs	company osca	cost per ome		- Per Bon	Trotal official requested	1010	, neguese
ETG	UsDiagnostics	\$ 8.00	Вох	25	960	\$	7,680.00
Burprenorphine	Redwood	\$ 8.00	Вох	25	20	\$	160.00
Select One:	Select One:	\$ -	Select One:	1		\$	-
Select One:	Select One:	\$ -	Select One:			\$	-
Select One:	Select One:	\$ -	Select One:	1		\$	-
Select One:	Select One:	\$ -	Select One:	1		\$	-
Select One:	Select One:	\$ -	Select One:			\$	-
Select One:	Select One:	\$ -	Select One:		[]	\$	-
Synthetic/Designer Drugs							
Synthetic Cannabinoids (K2/Spice)	UsDiagnostics	\$ 6.00	Item		20	\$	120.00
Synthetic Stimulants (BathSalts)	UsDiagnostics	\$ 6.00	Select One:		20	\$	120.00
Kratom	Other	\$ 77.00	Select One:]	2	\$	154.00
Select One:	Select One:	\$ -	Select One:			\$	-

Please use the provided space to provide any additional details regarding reagents drug supplies. If you selected "other" under synthetic/designer drugs, please indicate what other is.

-

-

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- Select One:

\$

\$

\$

\$

All Other Costs

Cost is less than \$5,000. Please include all other costs here. Other costs may include: medications for participants, housing/relocation assistance, rent, teleconference cost, internet, etc. **Please remember to update your Matched Funds on the General Information page to** represent Total All Non-Drug Testing Supplies Funding for your court.

Other Costs Type	Cost per Unit		Total Units Requested		Total Requested Amount	
-						
Participant Incentives	\$	10.00		48	\$ 480	0.00
Office Supplies	\$	500.00		1	\$ 500	0.00
1	1.			_		
	\$	-			\$	-
			1		A	
	\$	-			\$	-
					A	
	\$	-		_	\$	-
1	ė		1		<u>د</u>	
	\$	-			\$	-

Please use the provided space to provide any additional details regarding all other costs supplies.

Equipment Type	Cost per Unit		Total Units Requested	Total Reques	ted Amount
Computer	\$	200.00	1	\$	200.00
Monitor	\$	100.00	2	\$	200.00
	\$	-		\$	_
	\$	-		\$	
	\$	-	[\$	
	\$	-		\$	
	\$	-		\$	
				\$	-
	\$	-		\$	-
	\$	_		\$	-
ase use the provided sp	ace to provide any addit	ional details	regarding equipment.		

CACJ Annual Conference Training & Travel Budget

Instructions: The 2019 CACJ Annual Training Conference travel costs will calculate based on the conference location (the Classic Center - Athens, GA). Your court is allowed up to 8 attendees, per court (Family Treatment Courts can request up to 10 attendees due to court team makeup). Mileage should be calculated from your court's location to the conference location. Mileage expenses will automatically calculate when the number of miles is entered. Conference parking requests should not exceed \$10 per/day, per/car. Parking requests should be entered manually. Please enter the number of team members attending the conference and please note that the total per diem requested automatically populates within the total anticipated costs. Next, please enter the number of nights your team will stay in a hotel (this number will be 2 or 3 only). Then enter the number of hotel rooms needed to accommodate your team members. Please note that the total anticipated costs increases when you enter the number of hotel rooms. Expenses for the hotel anticipated costs increases of logging per/person, if your court is located more than 51 miles or more from the conference venue; mileage expenses (\$0.58/mile) for attendees to and from the conference venue; figure court is located 151 miles or more from the conference venue; mileage expenses (\$0.58/mile) for attendees to and from the conference venue. Attendees are expected to carpool when able. The CACI will provide breakfast and lunch to conference and please consider using state vehicles, carpooling is expected. The total per diem/per person is \$73.00, which takes into account the meals provided. Fully describe your matched funds (to include calculations) in the narrative section below. Please remember to update your Matched Funds on the General Information page to represent Total Training and Travel Funding for your court. Other In-State Training and Travel Requests should be requested in accordance with the State of Georgia Statewide Funds on the General Information page to represe

				CACI Annual Conference			
Court Team Name	Mileage (roundtrip) Total	Parking Request	No. Team Members	Total Hotel nights per room	No. Hotel Rooms	Total Per Diem Requested	Total Anticipated Cost
Fayette County 1 Veterans	144	\$ 100.00	8	2	8	\$ 464.00	\$ 3,047.52
2 Select One:		\$ -			1	\$-	\$ -
3 Select One:		\$ -				\$-	\$
4 Select One:		\$ -				\$-	\$ -
5 Select One:		\$ -				\$ -	\$ -
6 Select One:		\$ -				\$-	\$ -
7 Select One:		\$ -				\$-	\$ -
8 Select One:		\$ -				\$-	\$ -
9 Select One:		\$ -				\$ -	\$ -
10 Select One:		\$ -				\$ -	\$ -

Please use the provided space to provide any additional details regarding CACI Annual Conference.

CORE COMPETENCIES GUIDE VETERANS TREATMENT COURT PLANNING INITIATIVE TRAININGS

VETERANS TREATMENT COURT JUDGE CORE COMPETENCIES (The following tasks are intended to be illustrative and not all inclusive)

A Veterans Treatment Court judge presides over non-adversarial court appearances for court appearances and leads the Veterans Treatment Court team in creating a participant focused recovery program.

COMPETENCY 1: Participates fully as a Veterans Treatment Court team member, committing him or herself to the program, mission and goals and works as a full partner to ensure their success.

PLANNING PROCESS

- Select team members from each discipline and extend an invitation to take part in veterans treatment court;
- Schedule planning meetings conducive to the schedule of each veterans treatment court team member;
- Develop with team members the structure of program mission; along with goals and objectives during planning process meetings;
- Assure all agreed upon terms of the program structure are memorialized;
- Maintain role as team leader while promoting a productive work environment where each team member can participate without fear

OPERATIONAL VETERANS TREATMENT COURT

- Continues to schedule regular meetings, focused on program structure only
- Regularly revisits program mission and goals & objectives with team to assure there
 efficacy and application
- Schedules team building activities designed to promote and encourage team members

COMPETENCY 2: As part of the Veterans Treatment Court team, in appropriate non-court settings (i.e. staffing), the judge advocates for effective incentives and sanctions for program compliance or lack thereof.

PLANNING PROCESS

- Discuss with the team when staffings will convene
- Participates in client staffings
- Presides over court sessions
- Learn science-based principles regarding the development and usage of incentives and sanctions
- Explores, along with team, community resources available for the imposition of incentives (i.e. gift certificates for local businesses) and sanctions (i.e. community service at local animal shelter)
- Participate in the development of incentives and sanctions to be used in the veterans treatment court program.

- Participates in scheduled staff meetings to review progress of participants
- Presides over court sessions

- Solicits information regarding participant's progress from every team member in attendance
- Remains abreast of research regarding behavior modification techniques and the imposition of incentives and sanctions
- Imposes incentives and sanctions that are consistent while considering the individual needs of each veterans treatment court participants
- Establishes separate meetings to ensure that policy and staffing issues are discussed
- Delivers coordinated response to participants in the courtroom.

COMPETENCY 3: Is knowledgeable of addiction, alcoholism and pharmacology generally and applies that knowledge to respond to compliance in a therapeutically appropriate manner.

PLANNING PROCESS

- Selects treatment provider who is knowledgeable and informed
- Participates in the creation of a memorandum of understanding reflecting the mutual agreements between the veterans treatment court and treatment provider
- Learns about psychopharmacology and addiction.
- Learns about scientific and evidenced based treatment modalities and interventions for the target population.
- Learns about strengths based approaches

OPERATIONAL VETERANS TREATMENT COURT

- Participates in regular cross-trainings with the treatment team
- Focuses on strengths based approaches.

COMPETENCY 4: Is knowledgeable of gender, age and cultural issues that may impact the offender's success.

PLANNING PROCESS

- Selects team members who are culturally competent and familiar with the population from which veterans treatment court participants will be selected
- Engages in cultural awareness training

OPERATIONAL VETERANS TREATMENT COURT

- Participates in on-going cultural awareness training
- Promotes cultural competency among entire team through outside and cross-training activity

COMPETENCY 5: Initiates the planning process by bringing together the necessary agencies and stakeholders to evaluate the current court processes and procedures and thereafter collaborates to coordinate innovative solutions.

- Identifies agencies and stakeholders in the community whom can assist with the development and implementation of the program
- Schedules meetings to bring together all potential agencies and stakeholders

- Participates in open dialogue with community agencies and stakeholders
- Assists in establishment of memoranda of understanding with agencies and stakeholders

 Acts as a mediator to develop and maintain resources and improve interagency linkages

COMPETENCY 6: Becomes a program advocate by utilizing his/her community leadership role to create interest and develop support for the program.

PLANNING PROCESS

- Share of information regarding the efficacy of drug courts with local civic organizations, other members of the judiciary and the community at large
- Seeks opportunities to illuminate media sources about veterans treatment court

OPERATIONAL VETERANS TREATMENT COURT

• Acts as a spokesperson for the veterans treatment court at various community events

COMPETENCY 7: Effectively leads the team to develop all the protocols and procedures of the program.

PLANNING PROCESS

- Schedules regular meetings with team members to create written protocols and procedures
- Promotes dialogue among team members to create protocols and procedures that address the concerns of each discipline

OPERATIONAL VETERANS TREATMENT COURT

- Regularly reviews protocols and procedures to assure there continued applicability and effectiveness
- Monitors veterans treatment court process to ensure protocols and procedures are utilized

COMPETENCY 8: Aware of the impact that substance abuse has on the court system, the lives of offenders, their families and the community at large.

PLANNING PROCESS

- Assist in collection of data regarding the offender population
- Seeks competent Evaluator as key team member who will collect relevant data and disseminate to the team

OPERATIONAL VETERANS TREATMENT COURT

 Assist in collection of data regarding veterans treatment court's impact on offender population

- Request and review process evaluation, ensure to reference original goals and objectives when doing so
- Request and review outcome evaluation, share positive information and address negative information resulting there from

COMPETENCY 9: Contributes to education of peers, colleagues and judiciary in the efficacy of Veterans Treatment Courts.

PLANNING PROCESS

- Informs judiciary and local bar association about veterans treatment court
- Seeks public speaking opportunities to speak about veterans treatment courts
- Discusses veterans treatment courts with colleagues

- Oversees integrity of veterans treatment court program through quality assurance
- Disseminates information about veterans treatment court as frequently as possible

VETERANS TREATMENT COURT COORDINATOR CORE COMPETENCIES (The following tasks are intended to be illustrative and not all inclusive)

A veterans treatment court coordinator oversees the activity of the team, conducts quality assurance of each team member, maintains client data, remains informed regarding budgetary concerns of the veterans treatment court and coordinates services from each discipline, and the local community, in a manner that is most therapeutic to the drug court participant.

COMPETENCY 1: Participates fully as a Veterans Treatment Court team member, committing him or herself to the program mission & goals and works as a full partner to ensure their success.

PLANNING PROCESS

- Assists in scheduling planning meetings conducive to the schedule of each veterans treatment court team member
- Compromises with team members regarding structure of program (including creating a program mission along with goals and objectives) during planning process meetings
- Memorializes all agreed upon terms of the program structure
- Helps to promote a productive work environment where each team member can participate
- Gathers information needed to keep team members informed

OPERATIONAL VETERANS TREATMENT COURT

- Continues to help schedule regular meetings, focused on program structure only
- Regularly revisits program mission, goals & objectives with team to assure there
 efficacy and application
- Arranges team building activities designed to promote and encourage team members
- Remains watchful and informed on formation of the team
- Conducts regular quality assurance of all services from each discipline and the local community

COMPETENCY 2: As part of the Veterans Treatment Court team, in appropriate non-court settings (i.e. staffing), the coordinator reports on previous incentives and sanctions or lack thereof

PLANNING PROCESS

- Assists in selection of veterans treatment court participants
- Works with team to create appropriate incentives and sanctions
- Researches use of incentives and sanctions in other drug courts and collects other data that might assist the team in choosing appropriate incentives and sanctions
- Memorializes selected incentives and sanctions

- Creates file for each veterans treatment court participant
- Maintains ongoing log of incentives and sanctions given to each participant including the date and reason given
- Assures consistency of incentives and sanctions while ensuring each participant is treated as an individual

COMPETENCY 3: Is knowledgeable of addiction, alcoholism and pharmacology generally and applies that knowledge to suggest responses.

PLANNING PROCESS

- Assists in selecting competent and informed treatment provider
- Assists in drafting memorandum of understanding with treatment provider that assures effective information sharing and compliance with all regulations
- Researches effective treatment modalities for offender population
- Creates open dialogue with treatment provider to ensure appropriate treatment
- Gathers information needed to keep team members informed

OPERATIONAL VETERANS TREATMENT COURT

- Continues to research effective treatment modalities
- Conducts regular quality assurance to ensure appropriate treatment
- Actively participates in staffings

COMPETENCY 4: Is knowledgeable of gender, age and cultural issues that may impact the offender's success.

PLANNING PROCESS

- Assists in selecting team members who are gender, age and culturally aware
- Seeks out and arranges training opportunities to inform team members about cultural competence

OPERATIONAL VETERANS TREATMENT COURT

- Continues to seek out and arrange training opportunities to inform team members about cultural competence
- Conducts regular quality assurance to assure application of cultural competence by all team members

COMPETENCE 5: Develops team resource strategy to acquire funding. Writes grant applications and manages the program's budget. Creates opportunities to obtain funding and build linkages by supporting team in community outreach and educational activities

PLANNING PROCESS

- Obtain training on grant seeking and writing
- Create long-term funding plan, with team, not solely dependent upon grant funding
- Research potential funders and other sources of revenue for program
- Investigate how other programs obtained and maintained funding
- Practice grant writing in advance of actually submitting applications
- Create effective book keeping system including an inventory of veterans treatment court supplies

- Build relationships with any potential funder, including private organizations
- Regularly invite potential funders to veterans treatment court events

- Prepare and submit grant applications
- Keep bookkeeping system up-to-date
- Work with Evaluator to obtain persuasive data for potential funders
- Create long term funding strategy

COMPETENCY 6: Participates in the planning process to create and the memorialize program eligibility standards, operating procedures and rules. Assist in the development of the client contract, confidentiality releases and entry procedures. Create memoranda of understanding and linkage agreements.

PLANNING PROCESS

- Assists in scheduling planning meetings conducive to the schedule of each veterans treatment court team member
- Brainstorms with entire team on ideal program structure then compromises with team members regarding structure of program during planning process meetings
- Memorializes all agreed upon terms of the program structure
- Gathers information needed for team members to make informed decisions

OPERATIONAL VETERANS TREATMENT COURT

- Tailor each required document, including client contract, to the needs of the veterans treatment court program
- Work with each discipline to assure all documented procedures, contract, releases, etc. reflect the best, most therapeutic, interest of the client
- Periodically reviews all documents and procedures for continued applicability and efficacy

COMPETENCY 7: Negotiates and monitors treatment and ancillary service contracts. Conducts site visits, reviews progress reports and assists in audits and certification monitoring. Creates and monitors standards for urine collection and compliance reporting. Ensure gender, age and culturally specific treatment services.

PLANNING PROCESS

- Assists in selecting competent team members
- Researches best practices for treatment and ancillary services
- Informs treatment provider about expectations including appropriate progress reports for veterans treatment court purposes
- Works with team members from treatment, community supervision and law enforcement to create most effective urine collection and compliance reporting model for the drug court program then seeks input from other team members before finalizing a method
- Helps to promote a productive work environment where each team member can participate
- Gathers information needed to keep team members informed

- Conducts regular and ongoing quality assurance
- Arranges cultural competence training

COMPETENCY 8: Creates and maintains a data collection system to monitor client compliance, identify trends and provide a basis for evaluation.

PLANNING PROCESS

- Seeks out Management Information Systems (MIS) to collect data
- Works with Evaluator to create an effective method of data collection

OPERATIONAL VETERANS TREATMENT COURT

- Consistently inputs data
- Reviews information collected and shares with team members
- Works with Evaluator to interpret statistical relevance

COMPETENCY 9: Create interagency linkages to address client's ancillary needs in the areas of culture, age and gender needs, medical and mental health provision, educational, vocational, skills training and employment training and placement.

PLANNING PROCESS

- Maps out providers in community
- Arranges meeting with providers to begin process of building a relationship

OPERATIONAL VETERANS TREATMENT COURT

- Develop memoranda of understanding with providers willing too offer services to veterans treatment court clients
- Monitor veterans treatment court participant's involvement with ancillary services

COMPETENCY 10: Develop police and corrections linkages to improve supervision and agency coordination.

PLANNING PROCESS

- Assist in selecting team member who can serve as liaison between the veterans treatment court and law enforcement
- Schedule meetings with local law enforcement officials
- Create mutually beneficial memoranda of understanding

- Keep law enforcement informed about progress of veterans treatment court clients and supervision efforts
- Extend invitations to all veterans treatment court events
- Share statistical data showing positive impact of drug court on local community

COMPETENCY 11: Educate referral sources and the community on eligibility standards and program goals. Encourage team members to educate in their fields and in the community. Develop teambuilding activities and conduct staff replacement training.

PLANNING PROCESS

- Assists in scheduling meetings conducive to the schedule of each veterans treatment court team member
 - Draft eligibility criteria with input of other team members
 - Assist in scheduling presentations to local bar associations and civic organizations
 - Arrange team building activities

OPERATIONAL DRUG COURT

- Maintain community outreach
- Continue to arrange team building activities designed to promote and encourage team members

COMPETENCY 12: Manage daily operations and filing systems. Develop and maintain fee systems.

PLANNING PROCESS

- Create system of organization that keeps track of all participants
- Develop rapport with all team members based on information sharing
- Work with team to determine which fees the veterans treatment court participants will pay

- Oversees collection of fees
- Maintains and updates veterans treatment court participant files

VETERANS TREATMENT COURT PROSECUTOR CORE COMPETENCIES (The following tasks are intended to be illustrative and not all inclusive)

A veterans treatment court prosecutor is usually a "gate keeper" and selects offenders who participate in the program; he/she obtains prior criminal histories of offenders, participates in team meetings and attends non-adversarial court proceedings.

COMPETENCY 1: Participates fully as a Veterans Treatment Court team member, committing him or herself to the program mission & goals and works as a full partner to ensure their success.

PLANNING PROCESS

- Assists in scheduling planning meetings conducive to the schedule of each veterans treatment court team member
- Compromises with team members regarding structure of program (including creating a program mission along with goals and objectives) during planning process meetings
- Assists in gathering data relevant to the population that would be impacted by veterans treatment court
- Develops efficient method of conducting legal screens on potential veterans treatment court participants
- Assures stringency of program along
- Actively demands participant accountability
- Assists in creating and executing all participant waivers and contracts

OPERATIONAL VETERANS TREATMENT COURT

- Promptly conducts legal screens on offenders recommended to veterans treatment court
- Assists in executing all participant waivers and contracts
- Advocates for prompt sanctions in response to negative client behavior
- Protects integrity for veterans treatment court program by monitoring effectiveness of community supervision
- Maintains up-to-date record of participant performance
- Moves for dismissal of participant from program based on factual history of noncompliance (when appropriate)

COMPETENCY 2: The prosecutor, while in Veterans Treatment Court, participates as a team member, operating in a non-adversarial manner, promoting a sense of a unified team presence.

- Attends regularly scheduled planning meetings
- Compromises with team members regarding structure of program (including creating a program mission along with goals and objectives) during planning process meetings
- Assists in gathering data relevant to the population that would be impacted by veterans treatment court
- Develops professional rapport with team members based on information sharing
- Actively participates in team building exercises

- Attends regularly scheduled court staffings
- Solicits information regarding participant progress, or lack thereof, from all team members
- Share information regarding status of the drug court and individual clients with veterans treatment court team members
- Maintains up-to-date record of participant performance

COMPETENCY 3: As part of the Veterans Treatment Court team, in appropriate non-court settings (i.e. staffing), the prosecutor advocates for effective incentives and sanctions for program compliance or lack thereof.

PLANNING PROCESS

- Attends regularly scheduled planning meetings
- Assists in researching use of incentives and sanctions in veterans treatment court setting
- Actively participates in seeking appropriate incentives and sanctions that benefit local community
- Compromises with team in creating incentives and sanctions and assures final decisions are memorialized

OPERATIONAL VETERANS TREATMENT COURT

- Attends regularly scheduled staffings
- Requests appropriate incentives and sanctions, based on participant behavior
- Researches efficacy of veterans treatment court's behavior modification techniques
- Argues for swift response to participant behavior
- Maintains up-to-date record on prior incentives and sanctions given to assure consistency

Competency 4: Ensures community safety concerns by maintaining eligibility standards while participating in a non-adversarial environment which focuses on the benefits of therapeutic program outcomes.

PLANNING PROCESS

- Participates with entire team in creating eligibility criteria for potential veterans treatment court participants
- Analyzes population for whom veterans treatment court might be most effective based on current offender characteristics

- Moves for dismissal of veterans treatment court participants who no longer meet eligibility criteria
- Monitors participant behavior for compliance and continued eligibility

COMPETENCY 5: Monitors offender progress to define parameters of behavior that allow continued program participation and suggest effective incentives and sanctions for program compliance.

PLANNING PROCESS

- Attends regularly scheduled planning meetings
- Builds effective means of information sharing with entire team in order to make informed choices for participants
- Compromises with team in creating program procedures and protocol
- Assures each drug court participant is fully advised of requirements of program prior to agreeing to participate
- Assists in completion of all client contracts and waivers

OPERATIONAL VETERANS TREATMENT COURT

- Attends regularly scheduled staffings
- Solicits information from team members regarding client compliance
- Vehemently encourages sanctions for client noncompliance and seeks incentives for client compliance
- Files motions or other legal document in order to remove noncompliant participants
- Offers encouragement to participants while reminding them of consequences of noncompliance

COMPETENCY 6: Is knowledgeable about addiction, alcoholism and pharmacology generally and applies that knowledge to respond to compliance in a therapeutically appropriate manner.

PLANNING PROCESS

- Attends regularly scheduled planning meetings
- Assists in selecting competent and informed treatment provider
- Assists in drafting memorandum of understanding with treatment provider that assures effective information sharing and compliance with all regulations
- Researches effective treatment modalities for offender population
- Creates open dialogue with treatment provider to ensure appropriate treatment
- Researches and studies publications regarding addiction, alcoholism and pharmacology

- Continues to research effective treatment modalities
- Conducts regular quality assurance to ensure appropriate treatment
- Attends and actively participates in all court sessions and staffing

COMPETENCY 7: Is knowledgeable of gender, age and cultural issues that may impact the offender's success.

PLANNING PROCESS

- Assists in selecting team members who are gender, age and culturally aware
- Attends training opportunities to inform team members about cultural competence

OPERATIONAL VETERANS TREATMENT COURT

Continues to attend training opportunities to inform team members about cultural competence

COMPETENCY 8: Contributes to the team's efforts in community education and local resource acquisition.

PLANNING PROCESS

- Evaluates whether any potential funding sources exist within the prosecutor's office
- With other team members, attends local civic organizations, bar association and other community meetings

OPERATIONAL VETERANS TREATMENT COURT

Assist in researching any potential funding streams

COMPETENCY 9: Contributes to education of peers, colleagues and judiciary in the efficacy of Veterans Treatment Courts.

PLANNING PROCESS

- Informs judiciary and local bar association about veterans treatment courts
- Seeks public speaking opportunities to speak about veterans treatment courts
- Discusses veterans treatment courts with colleagues

- Oversees integrity of veterans treatment court program through quality assurance
- Disseminates information about drug court as frequently as possible

VETERANS TREATMENT COURT DEFENSE COUNSEL CORE COMPETENCIES (The following tasks are intended to be illustrative and not all inclusive)

A veterans treatment court defense counsel informs the veterans treatment court participant about the rigors of drug court, preserves all legal rights of the client, advocates for fair and equal treatment of client, participates in team meetings and attends non-adversarial court proceedings.

COMPETENCY 1: Participates fully as a Veterans Treatment Court team member, committing him or herself to the program mission & goals and works as a full partner to ensure their success.

PLANNING PROCESS

- Attends regularly scheduled planning meetings
- Compromises with team members regarding structure of program (including creating a program mission along with goals and objectives) during planning process meetings
- Assists in gathering data relevant to the population that would be impacted by veterans treatment court
- Assists in development of efficient method of conducting legal screens on potential veterans treatment court participants
- Assures program considers best interest of the client from a legal perspective
- Actively demands participant accountability
- Assists in creating and executing all participant waivers and contracts
- Assures program is not unduly burdensome on client and considers clients integration into law-abiding society

- Promptly recommends offenders to veterans treatment court when appropriate
- Assists in executing all participant waivers and contracts
- Advocates for prompt incentives and sanctions in response to client behavior
- As counsel, shields client from ineffective care; as team member, protects integrity for veterans treatment court program by monitoring effectiveness of all components of client care and supervision
- Maintains up-to-date record of participant performance
- As counsel, serves as "voice of client" in pointing out deficiencies of veterans treatment court program; as team member, seeks productive means of addressing deficiencies
- Attends all staffings and actively listens for undue encroachment upon client liberties or disparate treatment of participants
- While never breaching attorney-client privilege, when appropriate, encourages clients to be forthcoming and honest regarding their recovery process
- Solicits information from veterans treatment court team members regarding client and share relevant information with team members in appropriate and ethical manner

COMPETENCY 2: Evaluates the offender's legal situation and ensures that the offender's legal rights are protected.

PLANNING PROCESS

- Negotiates with prosecutor for optimum incentive to attract potential participants to drug court program
- Contemplates target population, with prosecutor and other team members, considering client's offense and individual circumstances
- Creates waivers and contracts for clients that promotes their best interest
- Prescreens potential veterans treatment court participant for suitability in drug court program including considering likelihood of success
- Assure that completion of veterans treatment court leaves client in more favorable position than normal course of criminal proceedings
- Design format of entry into veterans treatment court that streamlines traditional case processing

OPERATIONAL VETERANS TREATMENT COURT

- Insist that legal and clinical screens are promptly conducted
- Ensures prompt admittance into program and start of rehabilitative treatment
- Advises client regarding rigors of veterans treatment court program
- Advises client regarding all rights waived as participant in veterans treatment court in contrast to rights waived in traditional criminal proceedings
- Assure client understands all waivers and contracts prior to execution of said documents
- Advocates for client to have every opportunity for recovery before involuntary dismissal from program

COMPETENCY 3: While in Veterans Treatment Court, participates as a team member, operating in a non-adversarial manner while in court, promoting a sense of a unified team presence.

PLANNING PROCESS

- Negotiates with prosecutor for optimum incentive to attract potential participants to veterans treatment court program
- Creates and memorializes agreements with prosecutor that are most advantageous to client
- Compromises with team members regarding structure of program
- Attends veterans treatment court planning meetings

- Attends regularly scheduled staffings
- While in court, allows client to address the bench
- Reaches consensus with team regarding effective means of addressing client behavior

COMPETENCY 4: Effectively advises the defendants on their legal rights, legal options, treatment options, program conditions and sentencing outcomes while developing a relationship with the offender that promotes the offender's long term best interest.

PLANNING PROCESS

- Attends regularly scheduled planning meetings
- Compromises with team members regarding structure of program

OPERATIONAL VETERANS TREATMENT COURT

- Prior to recommending client to veterans treatment court, discuss legal options with client in unbiased manner
- Goes through each waiver and contract with client advising client about appropriate course of action.
- Encourages client through out the veterans treatment court process

COMPETENCY 5: Monitors client progress to support full participation and ensure the appropriate provision of treatment and other rehabilitative services.

PLANNING PROCESS

- Research effective treatment modalities in veterans treatment court environment
- Assist in selecting treatment provider for team

OPERATIONAL VETERANS TREATMENT COURT

- Questions client regarding effectiveness of treatment and ancillary services
- Conducts quality assurance of treatment and ancillary services

COMPETENCY 6: As part of the Veterans Treatment Court team, in appropriate non-court settings (i.e. staffing), defense counsel advocates for effective incentives and sanctions for program compliance or lack thereof.

PLANNING PROCESS

- Attends regularly scheduled planning meetings
- Compromises with team members regarding creation of effective incentives and sanctions

- Advocates for prompt incentives and sanctions in response to client behavior
- Advocate for client's general well being and productive recovery without mitigating and defending client's behavior

COMPETENCY 7: Is knowledgeable of gender, age and cultural issues that may impact the offender's success.

PLANNING PROCESS

- Assists in selecting team members who are gender, age and culturally aware
- Attends training opportunities to inform team members about cultural competence

OPERATIONAL VETERANS TREATMENT COURT

Continues to attend training opportunities to inform team members about cultural competence

COMPETENCY 8: Is knowledgeable about addiction, alcoholism and pharmacology generally and applies that knowledge to respond to compliance in a therapeutically appropriate manner.

PLANNING PROCESS

- Assists in selecting competent and informed treatment provider
- Assists in drafting memorandum of understanding with treatment provider that assures effective information sharing and compliance with all regulations
- Researches effective treatment modalities for offender population
- Creates open dialogue with treatment provider to ensure appropriate treatment
- Researches and studies publications regarding addiction, alcoholism and pharmacology

OPERATIONAL VETERANS TREATMENT COURT

- Continues to research effective treatment modalities
- Conducts regular quality assurance to ensure appropriate treatment
- Actively participates in staffings
- Attends all court sessions and staffing

COMPETENCY 9: Contributes to the team's efforts in community education and local resource acquisition.

PLANNING PROCESS

- Assists in seeking potential funding sources
- With other team members, attends local civic organizations, bar association and other community meetings

OPERATIONAL VETERANS TREATMENT COURT

Ongoing research of potential funding streams

COMPETENCY 10: Contributes to education of peers, colleagues and judiciary in the efficacy of Veterans Treatment Courts.

PLANNING PROCESS

- Informs judiciary and local bar association about veterans treatment court
- Seeks public speaking opportunities to speak about veterans treatment courts
- Discusses veterans treatment courts with colleagues

- Oversees integrity of veterans treatment court program through quality assurance
- Disseminates information about veterans treatment court as frequently as possible

VETERANS TREATMENT COURT COMMUNITY TREATMENT PROVIDER CORE COMPETENCIES (The following tests are intended to be illustrative and not all inclusion)

(The following tasks are intended to be illustrative and not all inclusive)

A veterans treatment court treatment provider provides rehabilitative therapy sessions, drug screening, case management and monitoring for veterans treatment court participants in keeping with the holistic recovery of the veterans treatment court participant. Additionally, within the bounds of ethics and legalities, a veterans treatment court treatment provider shares information regarding the progress of a participant in appropriate settings to all veterans treatment court team members.

COMPETENCY 1: Participates fully as a Veterans Treatment Court team member, committing him or herself to the program mission and goals and works as a full partner to ensure their success.

PLANNING PROCESS

- Familiarize treatment team with difference between traditional treatment and treatment within the drug court confines
- Research ethical and legal constraints of participation as drug court team member
- Attend all drug court planning meetings
- Provide information to other team members regarding ability to divulge information
- Compromises with team members regarding structure of program
- Design treatment program that is specific to drug court participants

OPERATIONAL VETERANS TREATMENT COURT

- Attends regularly scheduled staffings
- Provide information regarding veterans treatment court participant's progress to each team member
- Productively communicates with team so each member can make informed choices regarding veterans treatment court participants
- Protects integrity of veterans treatment court program by providing competent treatment
- Remains abreast of best practices of the field.
- Maintains up-to-date record of participant performance

COMPETENCY 2: Ensures that the participant receives the highest level of care available, at a reasonable cost, by all contracted and ancillary service providers. Develop post program services, client outreach, mentor programs and alumni associations.

- Serves as effective consumer by seeking cost efficient services for veterans treatment court participants
- Attends regularly scheduled planning meetings and actively participates in creating therapeutically beneficial treatment program
- Seeks continuing education opportunities which incorporate veterans treatment court training
- Researches mentor and alumni programs

- Conducts regular quality assurance of all treatment and ancillary services
- Performs case autopsy on charts of participants who are discharged from the program as method of quality improvement
- Creates treatment environment that is encouraging and restorative
- Maintains competent staff
- Regularly reviews all client charts and maintains up-to-date record of participant performance

COMPETENCY 3: Ensures that offenders are evaluated in a timely and competent process and that placement and transportation are effectuated in an expedited manner.

PLANNING PROCESS

- Attends all regularly scheduled planning meetings
- Maps, along with other team members, community resources that can assist program participants at little to no cost
- Creates method of conducting treatment screens that are prompt and efficient

OPERATIONAL VETERANS TREATMENT COURT

- Promptly processes referrals to veterans treatment court by completing treatment screens efficiently
- Secures assistance from ancillary services as needed for participants

COMPETENCY 4: Develops effective measure for drug/alcohol testing and treatment progress reporting that provide the team with sufficient and timely information to implement incentives and sanctions systems.

PLANNING PROCESS

- Seeks competent staff, or outside source, to perform regular, random and observed drug screens
- Trains treatment staff and drug court team on appropriate method of drug/alcohol screening
- Researches state of the art and cost effective companies to perform screens
- Develops method of documenting drug screen results

OPERATIONAL VETERANS TREATMENT COURT

- Implements random system of screening for veterans treatment court participants
- Conducts visually monitored screens for each participant
- Maintains up-to-date records of all screens
- Shares information regarding screens with all team members

COMPETENCY 5: Assists in providing advanced training in substance abuse, addiction and treatment methodologies so as to provide the team with a meaningful basis to implement incentives and sanctions systems and design program protocols and procedures.

- Performs in-service training of all team members regarding substance abuse addiction and treatment
- Assists in creating appropriate incentives and sanctions system
- Actively participates in design of program protocols and procedures

- Provides ongoing training to all team members
- Supports most therapeutic application of incentives and sanctions

COMPETENCY 6: As part of the Veterans Treatment Court team, in appropriate non-court settings (i.e. staffing), the treatment provider advocates for effective incentives and sanctions for program compliance.

PLANNING PROCESS

- Assists in creating effective incentives and sanctions
- Attends all planning meetings

OPERATIONAL VETERANS TREATMENT COURT

- Assures incentives and sanctions are given on a consistent and fair basis
- Recommends therapeutic incentives and sanctions
- Considers client behavior and shares relevant information with team

COMPETENCY 7: Is knowledgeable of gender, age and cultural issues that may impact the offender's success.

PLANNING PROCESS

- Assists in selecting team members who are gender, age and culturally aware
- Attends training opportunities to inform team members about cultural competence

OPERATIONAL VETERANS TREATMENT COURT

Continues to attend training opportunities to inform team members about cultural competence

COMPETENCY 8: Is knowledgeable about addiction, alcoholism and pharmacology generally and applies that knowledge to respond to compliance in a therapeutically appropriate manner.

- Assists in selecting competent and informed team members
- Assists in drafting memorandum of understanding with team members that assures effective information sharing and compliance with all regulations
- Researches effective treatment modalities for offender population
- Creates open dialogue with team members to ensure appropriate treatment
- Researches and studies publications regarding addiction, alcoholism and pharmacology

- Continues to research effective treatment modalities
- Conducts regular quality assurance
- Actively participates in staffings
- Attends all court sessions and staffing

COMPETENCY 9: Contributes to the team's efforts in community education and local resource acquisition.

PLANNING PROCESS

- Assists in seeking potential funding sources
- With other team members, attends local civic organizations, bar association and other community meetings

OPERATIONAL VETERANS TREATMENT COURT

Ongoing research of potential funding streams

COMPETENCY 10: Contributes to education of peers, colleagues and judiciary in the efficacy of Veterans Treatment Courts.

PLANNING PROCESS

- Informs judiciary and local bar association about veterans treatment court
- Seeks public speaking opportunities to speak about veterans treatment courts
- Discusses veterans treatment courts with colleagues

- Maintains integrity of veterans treatment court program through quality assurance
- Disseminates information about veterans treatment court as frequently as possible

VETERANS TREATMENT COURT COMMUNITY SUPERVISION CORE COMPETENCIES

(The following tasks are intended to be illustrative and not all inclusive)

A veterans treatment court community supervision officer actively monitors drug court participants outside of the drug court setting including conducting home and job visits. All client contact is documented and visits logged to help encourage positive participant behavior.

COMPETENCY 1: Participates fully as a Veterans Treatment Court team member, committing him or herself to the program mission & goals and works as a full partner to ensure their success.

PLANNING PROCESS

- Attends regularly scheduled planning meetings
- Compromises with team members regarding structure of program (including creating a program mission along with goals and objectives) during planning process meetings
- Assists in gathering data relevant to the population that would be impacted by veterans treatment court
- Assists in development of efficient method of conducting legal screens on potential veterans treatment court participants
- Ensure that criminogenic needs assessment tool is identified.
- Assists in creating all participant waivers and contracts
- Assures program is not unduly burdensome on client and considers clients integration into law-abiding society

OPERATIONAL VETERANS TREATMENT COURT

- Promptly recommends offenders to veterans treatment court when appropriate
- Assists in executing all participant waivers and contracts
- Execute criminogenic risk needs assessment and assessments on-going and ensure that case plan is developed and modified based upon the assessments.
- Share the criminogenic risk needs assessment with the team.
- Advocates for prompt incentives and sanctions in response to client behavior
- Maintains up-to-date record of participant performance
- Attends and participates in client staffings by providing progress reports, making recommendations, and identifying supervision and ancillary services needed.

COMPETENCY 2: Provides coordinated and comprehensive supervision so as to minimize participant manipulation and splitting of program staff. Develop post program services, client outreach, Mentor programs and Alumni Associations.

- Identify community resources to address the needs of the target population.
- Develop comprehensive program policies that govern the supervision of target population that are consistent.
- Assists in the development of an Alumni Association or Mentor Program for target population.

OPERATIONAL VETERANS TREATMENT COURT

- Coordinates continuum of care through regular contact with treatment provider.
- Advocates for continuum of care beyond treatment continuum to be inclusive of other community-based sources.

COMPETENCY 3: Develops effective measures for drug testing and supervision compliance reporting that provide the team with sufficient and timely information to implement incentives and sanctions systems.

PLANNING PROCESS

- Learn the basic methods of testing that limit client manipulation that is reliable and effective.
- Design an effective drug testing protocol based upon the target population.
- Design effective home, field and office visit protocols to assist in supervision of the target population.

OPERATIONAL VETERANS TREATMENT COURT

- Provides progress reports prior to client staffings.
- Conduct home and field visits using strength's based approach.
- Collect alcohol and drug testing in accordance with policy and report results to team in a timely fashion.
- Recommend appropriate incentives and sanctions based upon information gleamed from supervision.
- Continually assess and review supervision and drug testing protocols and terms and conditions of supervision/probation regularly to ensure they are still working for the target population.

COMPETENCY 4: Coordinates the utilization of community-based services such as health and mental health services, victims' services, housing, entitlements, transportation, education, vocational training, job skills training and placement to provide a strong foundation for recovery.

PLANNING PROCESS

- Assist in identifying community resources to meet the diverse needs of the target population.
- Design an effective case management protocol for target population.

OPERATIONAL VETERANS TREATMENT COURT

Makes on-going referrals for target population that is consistent with the treatment case plan.

COMPETENCY 5: Is knowledgeable about addiction, alcoholism, and pharmacology generally and applies that knowledge to respond to compliance in a therapeutically appropriate manner.

PLANNING PROCESS

- Participates in regular cross training.
- Attends training and develop knowledge in the area of addiction, alcoholism, and pharmacology.
- Attends training on Motivational Interviewing and States of Change.

• Attend training on what is relapse and how to identify relapse triggers.

OPERATIONAL VETERANS TREATMENT COURT

- Continues to participate in on-going cross training to remain knowledgeable about addiction, alcoholism, and pharmacology.
- Utilize motivational interviewing techniques when interacting with the target population.
- Note relapse triggers and behaviors in the target population and report in a timely manner to the team.

COMPETENCY 6: Is knowledgeable of gender, age and cultural issues that may impact the offender's success.

PLANNING PROCESS

- Participates in regular cross training.
- Attends training and develop knowledge in the area gender, age and cultural issues that may impact the target population and community.

OPERATIONAL VETERANS TREATMENT COURT

• Continues to participate in on-going cross training to remain knowledgeable about gender, age and cultural issues of the community and target population.

COMPETENCY 7: Contributes to the team's efforts in the community education and local resource acquisition.

PLANNING PROCESS

 Helps to develop PowerPoint's and educational materials for distribution at local and community education opportunities.

OPERATIONAL VETERANS TREATMENT COURT

- Acts a spokesperson to community leaders and organizations.
- Provides statistical information to use for grant writing or other funding acquisition.

COMPETENCY 8: Contributes to the education of peers, colleagues and judiciary in the efficacy of Veterans Treatment Courts.

PLANNING PROCESS

 Helps to develop PowerPoint's and educational materials that are specific about your role to assist with educating peers, colleagues and the judiciary.

OPERATIONAL VETERANS TREATMENT COURT

• Acts a spokesperson to peers, colleagues and the judiciary.

VETERANS TREATMENT COURT COMMUNITY POLICING OFFICER/LAW ENFORCEMENT CORE COMPETENCIES (The following tasks are intended to be illustrative and not all inclusive)

(The following tasks are intended to be illustrative and not all inclusive)

A veterans treatment court community supervision officer actively monitors veterans treatment court participants outside of the veterans treatment court setting including conducting home and job visits. All client contact is documented and visits logged to help encourage positive participant behavior.

COMPETENCY 1: Participates fully as a Veterans Treatment Court team member, committing him or herself to the program mission & goals and works as a full partner to ensure their success.

PLANNING PROCESS

- Attends regularly scheduled planning meetings
- Compromises with team members regarding structure of program (including creating a program mission along with goals and objectives) during planning process meetings
- Assists in gathering data relevant to the population that would be impacted by veterans treatment court
- Assists in development of efficient method of conducting legal screens on potential veterans treatment court participants
- Assists in creating all participant waivers and contracts
- Assures program is not unduly burdensome on client and considers clients integration into law-abiding society

OPERATIONAL VETERANS TREATMENT COURT

- Promptly recommends offenders to veterans treatment court when appropriate
- Assists in executing all participant waivers and contracts
- Advocates for prompt incentives and sanctions in response to client behavior
- Provides up to date information on veterans treatment court clients.
- Attends and participates in client staffings by providing progress reports, making recommendations, and identifying supervision and ancillary services needed.

COMPETENCY 2: Provides information of participant appropriateness from law enforcement sources to the team and makes recommendation to the team.

PLANNING PROCESS

- Ensure that the views of law enforcement are identified and consider in the target population selection process.
- Develop comprehensive program policies that govern the supervision of target population that are consistent.

OPERATIONAL VETERANS TREATMENT COURT

Assist in the identification of potential veterans treatment court participants

COMPETENCY 3: Facilitates the swift delivery of bench warrants for participants who have absconded from the program.

PLANNING PROCESS

Develop written protocols for how drug court warrants will be processed and served..

OPERATIONAL VETERANS TREATMENT COURT

Processes and serves warrants

COMPETENCY 4: Acts as a liaison to police agencies, providing education, information and training on the importance of the drug court program to community safety and the benefits of law enforcement in collaborating with the Veterans Treatment Court.

PLANNING PROCESS

Helps to develop PowerPoint's and educational materials that are specific about your role to assist with educating peers, colleagues, community agencies and the judiciary.

OPERATIONAL VETERANS TREATMENT COURT

• Acts a spokesperson to peers, colleagues, community agencies and the judiciary.

COMPETENCY 5: Is knowledgeable about addiction, alcoholism, and pharmacology generally and applies that knowledge to respond to compliance in a therapeutically appropriate manner.

PLANNING PROCESS

- Participates in regular cross training.
- Attends training and develop knowledge in the area of addiction, alcoholism, and pharmacology.
- Attends training on Motivational Interviewing and States of Change.
- Attend training on what is relapse and how to identify relapse triggers.

OPERATIONAL VETERANS TREATMENT COURT

- Continues to participate in on-going cross training to remain knowledgeable about addiction, alcoholism, and pharmacology.
- Utilize motivational interviewing techniques when interacting with the target population.
- Note relapse triggers and behaviors in the target population and report in a timely manner to the team.

COMPETENCY 6: Is knowledgeable of gender, age and cultural issues that may impact the offender's success.

PLANNING PROCESS

- Participates in regular cross training.
- Attends training and develop knowledge in the area gender, age and cultural issues that may impact the target population and community.

OPERATIONAL VETERANS TREATMENT COURT

 Continues to participate in on-going cross training to remain knowledgeable about gender, age and cultural issues of the community and target population.

COMPETENCY 7: Provides a monitoring function to the team (along with supervision and treatment): i.e. going on joint home visits, reporting on a participant's activities in the community, and supervising participation in community service.

PLANNING PROCESS

- Learn the basic methods of testing that limit client manipulation that is reliable and effective.
- Design an effective drug testing protocol based upon the target population.
- Design effective home, field and office visit protocols to assist in supervision of the target population.

OPERATIONAL VETERANS TREATMENT COURT

- Provides pertinent information about participants in staffings.
- Conduct home and field visits using strength's based approach.
- Conducts home visits and trains peers to enhance supervision of participants.
- Collect alcohol and drug testing in accordance with policy and report results to team in a timely fashion.
- Recommend appropriate incentives and sanctions based upon information gleamed from supervision.
- Continually assess and review supervision and drug testing protocols and terms and conditions of supervision/probation regularly to ensure they are still working for the target population.

COMPETENCY 8: Provides assistance, information and support to participants in the community encouraging them to succeed in the program.

PLANNING PROCESS

- Assist in identifying community resources to meet the diverse needs of the target population.
- Assist community supervision officer in designing an effective case management protocol for target population.

OPERATIONAL VETERANS TREATMENT COURT

 Makes on-going referrals for target population that is consistent with the treatment case plan in conjunction with the community supervision officer.

VETERANS TREATMENT COURT EVALUATOR CORE COMPETENCIES (The following tasks are intended to be illustrative and not all inclusive)

A veterans treatment court evaluator assists the drug court team in developing, capturing, and communicating useful and useable information for key stakeholders and other audiences,

COMPETENCY 1: Get involved in the program during the planning process enabling the effective development of a data collection and evaluation components that collect relevant information critical to the program's survival.

PLANNING PROCESS

- Attends regularly scheduled planning meetings
- Assist teams in ensuring that goals and objectives are measurable and quantifiable.
- Assists in gathering data relevant to the population that would be impacted by veterans treatment court

OPERATIONAL VETERANS TREATMENT COURT

- Promptly recommends offenders to veterans treatment court when appropriate
- Assists in executing all participant waivers and contracts
- Advocates for prompt incentives and sanctions in response to client behavior
- Provides up to date information on veterans treatment court clients.
- Attends and participates in client staffings by providing progress reports, making recommendations, and identifying supervision and ancillary services needed.

COMPETENCY 2: Become an adjunct to the team, familiar with its policies and procedures, the program process and the inner workings of the program.

PLANNING PROCESS

- Attend regularly scheduled planning meetings and provide feedback to team as they develop the program design.
- Become knowledgeable of addiction, alcoholism and pharmacology generally.
- Become knowledgeable of gender, age and cultural issues that may impact the community and target population of the veterans treatment court program.

OPERATIONAL VETERANS TREATMENT COURT

- Attend court sessions to the extent possible to review program design implementation.
- Hold focus groups with participants to the extent possible.
- Interview key stakeholders to the extent possible.

COMPETENCY 3: Utilizes the knowledge and resources of the team to develop a data collection/operating system.

PLANNING PROCESS

• Create with team and maintain data collection and operating system.

OPERATIONAL VETERANS TREATMENT COURT

- Train team on data collection and operating system.
- Maintain data collection and operating system.

COMPETENCY 4: Ensures that the information system assists the team in monitoring the progress of the participant in the program and enhances the ability of the team to act immediately when there is noncompliance.

PLANNING PROCESS

• Helps to develop the management information system that is allows for the quick assimilation of data for evaluation and day to day operations of the program.

OPERATIONAL VETERANS TREATMENT COURT

 Provide reports to the team based upon information gleaned from the management information system.

COMPETENCY 5: The data collection/operational system assist the team in monitoring program protocols and procedures to allow the team to react quickly to program deviations and the development of trends.

PLANNING PROCESS

• Educate the team on trends and ways to monitor goal accomplishment.

OPERATIONAL VETERANS TREATMENT COURT

Continuously provides feedback to team on progress toward goals and trends.

VETERANS MENTOR COORDINATOR CORE COMPETENCIES (The following tasks are intended to be illustrative and not all inclusive)

A Veterans Mentor Coordinator

A veterans treatment court mentor coordinator recruits, trains, supervise and coordinate Mentor.

COMPETENCY 1: Participates fully as a Veterans Treatment Court team member, committing him or herself to the program mission & goals and works as a full partner to ensure their success.

PLANNING PROCESS

- Participates in team planning to help educate the team about the needs of the veterans in the community.
- Compromises with team members regarding structure of program (including creating a program mission along with goals and objectives) during planning process meetings

OPERATIONAL VETERANS TREATMENT COURT

- Recruit, train and supervise Veteran Mentors for the program to include identifying veterans from all branches of the service, different gender and ethnicities.
- Provides training to Veteran Mentors on the program and their role as mentors.

COMPETENCY 2: As part of the Veterans Treatment Court team, in appropriate non-court settings the veteran mentor coordinator assists with obtaining incentives and other needs of the participants

PLANNING PROCESS

- Assists in selection of veterans treatment court participants
- Works with team to create appropriate incentives and sanctions
- Identify and recruit Veteran Service Officers to assist the program.

OPERATIONAL VETERANS TREATMENT COURT

- Creates file for each veterans treatment court participant for the mentors
- Maintains ongoing log of Mentor/Mentee meetings
- Assign veteran mentors to each participant (This could be a Veteran Service Officer)
- Develop a resource guide for veteran mentors to use to assist participants with identifying local resources (VA , social services, colleges, federal/state agencies, pro bono attorney's, etc.)

COMPETENCY 3: Is knowledgeable of addiction, alcoholism and pharmacology generally and applies that knowledge to suggest responses.

PLANNING PROCESS

- Assists in identifying local veteran specific agencies and services to assist program participants.
- Gathers information needed to keep team members informed about treatment resources for the veteran

OPERATIONAL VETERANS TREATMENT COURT

 Gathers information needed to keep team members informed about treatment resources for the veteran

COMPETENCY 4: Is knowledgeable of gender, age and cultural issues that may impact the veteran's success.

PLANNING PROCESS

- Assists in selecting veteran mentors who are gender, age and culturally aware
- Educates the veteran treatment court team members about military cultural competence

OPERATIONAL VETERANS TREATMENT COURT

 Continues to seek out and arrange training opportunities (if possible) to veteran treatment court team members about military cultural competence

COMPETENCE 5: Develops veteran mentor's resource strategy to acquire funding. Writes grant applications and manages the veteran mentor's budget. Creates opportunities to obtain funding and build linkages by supporting veterans in community outreach and educational activities

PLANNING PROCESS

- Obtain training on grant seeking and writing
- Create long-term funding plan, with veteran mentors
- Research potential funders and other sources of revenue to assist with providing veteran treatment court participants with incentives and other needed items
- Investigate how other programs obtained and maintained funding
- Practice grant writing in advance of actually submitting applications
- Create effective book keeping system including an inventory of veterans treatment court supplies. If the Mentor Coordinator cannot do this then have another Mentor who may be more qualified do this task.

OPERATIONAL VETERANS TREATMENT COURT

- Build relationships with any potential funder, including private organizations
- Regularly invite potential funders to veterans treatment court events
- Prepare and submit grant applications
- Keep bookkeeping system up-to-date
- Work with Evaluator to obtain persuasive data for potential funders
- Create long term funding strategy

COMPETENCY 6: Participates in the planning process to create and the memorialize program eligibility standards, operating procedures and rules. Assist in the development of the client contract, confidentiality releases and entry procedures. Create memoranda of understanding and linkage agreements.

PLANNING PROCESS

 Brainstorms with entire team on ideal program structure then compromises with team members regarding structure of program during planning process meetings

OPERATIONAL VETERANS TREATMENT COURT

- Tailor each required document, including client contract, to the needs of the veterans treatment court program
- Work with each discipline to assure all documented procedures, contract, releases, etc. reflect the best, most therapeutic, interest of the client
- Periodically reviews all documents and procedures for continued applicability and efficacy

COMPETENCY 7: Recruit Mentors

PLANNING PROCESS

• Identify mentors in the community. Mentors are veteran advocates.

OPERATIONAL VETERANS TREATMENT COURT

- Recruit mentors from:
 - o Veterans Administration Hospital
 - Military Service Organizations (VVA, VFW, AMVETS, etc.)
 - o County Veteran Departments
 - o State Veteran Affairs Office
 - o Vet Centers
 - o Local Colleges (young vets- Iraq and Afghanistan
 - VA Hospital or Clinics
- Recruit mentors with the following qualities:
 - Active listener
 - o Empathetic
 - Encouraging and supportive
 - Tolerant and respectful of individual differences
 - o Knowledge of Veterans Affairs (VA) services
 - o Knowledge of community services
 - Ensure Mentor Group composition is comprised of
 - o All are Veteran advocates
 - o At least 2 Accredited Service Officers at each court session
 - o Men and Women Mentors
 - At least 2 Women Mentors at each court session; depending on size of court one may be sufficient
 - o Vietnam to OEF/OIF/OND
 - o Family assistance staff from local reserve and national guard units
 - o Military Service Organizations (VVA, VFW, AMVETS, etc.)
 - o Vet Center, Veteran Homeless Program and VA police officer
 - Local college Veteran Directors
- Arranges cultural competence training

COMPETENCY 8: Creates mentoring policies

PLANNING PROCESS

Works with team to develop the mentoring policies

OPERATIONAL VETERANS TREATMENT COURT

- Ensure mentoring policies include the following:
 - o Recruitment
 - o Eligibility
 - Screening policy
 - o Training
 - Assignment of Mentors to Veterans
 - o Documentation and Record Keeping
 - o Recognition and Awards to Mentors
 - Unacceptable behavior
 - Explaining that they are not counselors or lawyers

VETERANS JUSTICE OUTREACH SPECIALIST CORE COMPETENCIES (The following tasks are intended to be illustrative and not all inclusive)

A Veterans Justice Outreach Specialist (VJO)

The VJO provides timely access to VA services for eligible justice-involved Veterans to prevent homelessness and avoid unnecessary criminalization and incarceration of Veteran defendants and offenders with mental illness (including addiction) and/or TBI challenges.

The VJO will outline for you what they can and can't do to provide services for your veterans.

Some common examples of VJOs involvement in Veterans Treatment Court include, but not limited to:

- Attend planning training
- Attend staffing
- Attend court
- Facilitate eligibility determination for services through the Department of Veterans Affairs
- Identify services both substance abuse and mental health offered by the local VA medical center and other nearby VA medical centers

Revised and Agreed Upon by VA on 01/21/14

Veteran Treatment Court Standards

1. Veterans Treatment Courts integrate alcohol and other drug treatment services with justice system case processing.

- 1.1. Pursuant to O.C.G.A. § 15-1-17, each Veterans Treatment Court shall establish a planning group to develop a written work plan for the court. The work plan shall "address the operational, coordination, resource, information management, and evaluation needs" of the court, and shall include all policies and practices related to implementing the standards set forth in this document.
- **1.2.** The Veterans Treatment Court team should include, at a minimum, the following representatives: judge, public defender, prosecutor, program coordinator, post certified law enforcement, certified treatment provider/substance abuse professional, a Veterans Justice Outreach Specialist or representative from the Veterans Administration, and a veteran mentor coordinator. The program coordinator should be a dedicated employee, independent of treatment staff.
- **1.3.** The Veterans Treatment Court team shall collaboratively develop, review, and agree upon all aspects of Veterans Treatment Court operations (mission, goals, eligibility criteria, operating procedures, performance measures, orientation, drug testing, program structure guidelines) prior to commencement of program operations.
- **1.4.** This plan is executed in the form of a Memorandum of Understanding (MOU) between all parties and updated annually as necessary.
- **1.5.** Each of these elements shall be compiled in writing in the form of a Policies and Procedures Manual which is reviewed annually and updated as necessary.
- **1.6.** The goals of Veterans Treatment Court programs in Georgia shall be abstinence from alcohol and other illicit drugs, effective treatment of mental health issues, and promotion of law-abiding behavior in the interest of public safety.
- **1.7.** All members of the Veterans Treatment Court team are expected to attend and participate in a minimum of two formal staffings per month.
- **1.8.** Members of the Veterans Treatment Court team are expected to attend all Veterans Treatment Court sessions.
- **1.9.** Standardized evidence-based treatments, as recommended in the Veterans Treatment Court Treatment Standards (see Section II), shall be adopted by the Veterans Treatment Court to ensure quality and effectiveness of services and to guide practice.
- **1.10.** Veterans Treatment Courts should provide for a continuum of services through partnership with a primary treatment provider(s) to deliver treatment, coordinate other ancillary services, and make referrals as necessary.¹
- **1.11.** The court shall maintain ongoing communication with the treatment providers and the Veterans Administration. The treatment providers should regularly and systematically provide the court with written reports on participant progress; a reporting schedule

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¹ Ideally, treatment providers should be limited to no more than two.

shall be agreed upon by the Veterans Treatment Court team and put in writing as part of the court's operating procedures. Reports should be provided on a weekly basis and within 24 hours as significant events occur. Significant events include but are not limited to the following: death; unexplained absence of a participant from a residence or treatment program; physical, sexual, or verbal abuse of a participant by staff or other clients; staff negligence; fire, theft, destruction, or other loss of property; complaints from a participant or his/her family; requests for information from the press, attorneys, or government officials outside of those connected to the court; and participant behavior requiring attention of staff not usually involved in his/her care.

1.12. Participants should have contact with case management personnel (Veterans Treatment Court staff or treatment representative) at least once per week during the first twelve months of treatment to review status of treatment and progress.

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2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

- 2.1. Prosecution and defense counsel shall both be members of the Veterans Treatment Court team and shall participate in the design, implementation, and enforcement of the program's screening, eligibility, and case-processing policies and procedures.
- **2.2.** The prosecutor and defense counsel shall work to create a sense of stability, cooperation, and collaboration in pursuit of the program's goals.
- **2.3.** The prosecution shall: review cases and determine whether a defendant is eligible for the Veterans Treatment Court program; file all required legal documents; participate in and enforce a consistent and formal system of sanctions in response to positive drug tests and other participant noncompliance; agree that a positive drug test or open court admission of drug use will not result in the filing of additional drug charges based on that admission; and make decisions regarding the participant's continued enrollment in the program based on progress and response to treatment rather than on legal aspects of the case, with the exception of additional criminal behavior.
- 2.4. The defense counsel shall: review the arrest warrant, affidavits, charging document, and other relevant information, and review all program documents (i.e., waivers, written agreements); advise the defendant as to the nature and purpose of the Veterans Treatment Court, the rules governing participation, the merits of the program, the consequences of failing to abide by the rules, and how participation or non-participation will affect his/her interests; provide a list of and explain all of the rights that the defendant will temporarily or permanently relinquish, and ensure the defendant fully understands any rights being waived; advise the participants on alternative options, including all legal and treatment alternatives outside of the Veterans Treatment Court program; discuss with the defendant the long-term benefits of sobriety and mental health treatment; explain that the prosecution has agreed that admission to drug use in open court will not lead to additional charges, and therefore encourage truthfulness with the judge and treatment staff; and inform the participant that they will be expected to take an active role in court sessions, including speaking directly to the judge as opposed to doing so through an attorney.
- 2.5. Pursuant to O.C.G.A. § 15-1-17, Defendants charged with murder, armed robbery, rape, aggravated sodomy, aggravated sexual battery, aggravated child molestation, or child molestation shall not be eligible for entry into the veterans court division, except in the case of a separate court supervised reentry program designed to more closely monitor veterans returning to the community after having served a term of incarceration. Any such court supervised community reentry program for mentally ill offenders shall be subject to the work plan as provided for in this paragraph.
- **2.6.** For any participant whose charges include a property crime, the court must comply with the requirements and provisions set forth in the Crime Victim's Bill of Rights (O.C.G.A. §17-17-1, et seq.).
- 2.7. All participants shall receive a participant handbook upon accepting the terms of participation and entering the program. Receipt of handbook shall be acknowledged

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through a signed form, developed by the Council of Accountability Court Judges, with an executed copy placed in the court file maintained locally.

- **2.8.** Each Veterans Treatment Court shall develop and use a form, or adopt the model created by the Council of Accountability Court Judges to document that each participant has received counsel from an attorney prior to admittance to a Veterans Treatment Court, including the receipt of the local participant agreement with an executed copy placed in the official court file.
- **2.9.** The decision to participate in a Veterans Treatment Court shall be made solely by the eligible participant. There shall be no coerced participation in a Veterans Treatment Court, such as by giving eligible offenders the choice between an onerous disposition and participation in the program.
- **2.10.** The decision to participate in a Veterans Treatment Court shall not be influenced by offering a dispositional alternative more grueling or demanding to eligible offenders than that which is offered in cases where Veterans Treatment Court participation is not an option.
- **2.11.** The judge, on the record, must apprise a participant of all due process rights, rights being waived, any process for reasserting those rights, and program expectations.
- **2.12.** Terminations from Veterans Treatment Court require notice, a hearing, and a fair procedure. Not covered by this requirement is when a participant self-terminates and this situation does not require any type of pre-termination hearing.
- **2.13.** The consequences of termination from a Veterans Treatment Court should be comparable to those sustained in other similar cases before the presiding judge. The sentence shall be reasonable and not excessively punitive solely based on termination from Veterans Treatment Court.
- **2.14.** Termination hearings conducted for Veterans Treatment Court participants shall include all due process rights afforded to any offender serving a probated sentence under the supervision of the Georgia Department of Corrections.
- **2.15.** In jurisdictions where the Veterans Treatment Court judge will also sit as the judge performing a termination hearing, this situation needs to be communicated to offenders in writing at the time where program participation is being considered.
- **2.16.** Pursuant to O.C.G.A. 15-1-17, any plea of guilty or nolo contendere shall not be withdrawn without the consent of the court.

3. Eligible participants are identified early and promptly placed into the Veterans Treatment Court program.

- **3.1.** Participant eligibility requirements/criteria (verified through legal and clinical screening) shall be developed and included in writing as part of the program's policies and procedures.
- **3.2.** Courts may admit eligible participants pre-plea, post-plea, or operate under a hybrid model.
- **3.3.** Screening for program eligibility shall include the review of legal requirements and clinical appropriateness, including the administration of a risk and needs assessment, and verification of veteran status.
- **3.4.** The target population for Veterans Treatment Courts is offenders assessed as low-moderate to high-risk for rearrest and with moderate-to-high treatment needs.
- **3.5.** Members of the Veterans Treatment Court team and other designated court or criminal justice officials shall screen cases for eligibility and identify potential Veterans Treatment Court participants.
- **3.6.** Participants being considered for a Veterans Treatment Court shall be promptly advised about the program, including the requirements, scope, and potential benefits and effects on their case.
- **3.7.** Participants should begin treatment as soon as possible; preferably, no more than 30 days should pass between a participant being determined eligible for the program and commencement of treatment services.
- **3.8.** Assessment for substance abuse and other treatment shall be conducted by appropriately trained and qualified professional staff, using standardized assessment tools.
- **3.9.** Veterans Treatment Courts shall maintain an appropriate caseload based on their capacity to effectively serve all participants according to these standards.
- **3.10.** No potential participant shall be excluded solely on the basis of sex, race, color, religion, creed, age, national origin, ancestry, pregnancy, marital or parental status, sexual orientation, or disability.
- **3.11.** To identify and supervise participants, Veterans Treatment Courts require information about their mental illnesses and treatment plans. When sharing this information, treatment providers and representatives of the Veterans Treatment Court should consider the wishes of defendants. They must also adhere to federal and state laws that protect the confidentiality of medical, mental health, and substance abuse treatment records.
- **3.12.** A well-designed procedure governing the release and exchange of information is essential to facilitating appropriate communication among members of the Veterans Treatment Court team and to protect confidentiality. Release forms should be part of this procedure. They should be developed in consultation with legal counsel, adhere to federal and state laws, and specify what information will be released and to whom. Potential participants should be allowed to review the form with the advice of defense

counsel and treatment providers. Defendants should not be asked to sign release of information forms until competency issues have been resolved (see Standard 5: Informed Choice).

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4. Veterans Treatment Courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

- **4.1.** A Veterans Treatment Court shall require a minimum of 18 months of supervision and treatment for felony offenders to be considered as a Veterans Treatment Court. The minimum length for a misdemeanor program should be 12 months.
- **4.2.** Felony programs should last a minimum of 18 months and should not exceed 24 months. Exceptions to the 24-month maximum may be made based on participant progress following a 24-month evaluation and assessment, to be followed up every four months thereafter and not to exceed a total program length of 36 months. A formal report of each assessment following 24 months shall be added to the participant's file to justify extension of the program.
- **4.3.** The length of Veterans Treatment Court participation should not extend beyond the maximum period of incarceration or probation a defendant could have received if found guilty in a more traditional court process. In addition, program duration should vary depending on a defendant's program progress. Program completion should be tied to adherence to the participant's court-ordered conditions and the strength of his/ her connection to community treatment.
- **4.4.** Veterans Treatment Court programs should be structured into a series of phases. The final phase may be categorized as "aftercare/continuing care."
- **4.5.** Veterans Treatment Court programs shall offer a comprehensive range of core alcohol and drug treatment services. These services include:
 - a) Group counseling
 - b) Individual counseling
 - c) Drug testing
- **4.6.** Veterans Treatment Court programs should ideally offer:
 - a) Family counseling
 - b) Gender specific counseling
 - c) Domestic violence counseling
 - d) Health screening
 - e) Assessment and counseling for co-occurring mental health issues
 - f) Psychosocial Rehabilitation
 - g) Case Management
 - h) Trauma Counseling
 - i) Crisis Intervention Services
- **4.7.** Ancillary services are available to meet the needs of participants. These services may include but are not limited to:
 - a) Employment counseling and assistance
 - b) Educational component
 - c) Medical and dental care
 - d) Transportation
 - e) Housing
 - f) Mentoring, Peer Support, and alumni groups
 - g) Obtaining qualified benefits

5. Abstinence is monitored by frequent alcohol and other drug testing.

- **5.1.** Participants shall be administered a drug test a minimum of twice per week during the first two phases of the program; a standardized system of drug testing shall continue through the entirety of the program.
- **5.2.** Drug testing shall be administered to each participant on a randomized basis, using a formal system of randomization.
- **5.3.** All Veterans Treatment Courts shall utilize urinalysis as the primary method of drug testing; a variety of alternative methods may be used to supplement urinalysis, including breath, hair, and saliva testing and electronic monitoring.
- **5.4.** All drug testing shall be directly observed by an authorized, same sex member of the Veterans Treatment Court team, a licensed/certified medical professional, or other approved official of the same sex.
- **5.5.** Drug screens should be analyzed as soon as practicable. Results of all drug tests should be available to the court and action should be taken as soon as practicable, ideally within 48 hours of receiving the results.
- **5.6.** In the event a single urine sample tests positive for more than one prohibited substance, the results shall be considered as a single positive drug screen.
- **5.7.** A minimum of 90 days negative drug testing shall be required prior to a participant being deemed eligible for graduation from the program.
- **5.8.** Each Veterans Treatment Court shall establish a method for participants to dispute the results of positive drug screens through either gas chromatography-mass spectrometry, liquid chromatography-mass spectrometry, or some other equivalent protocol.
- **5.9.** Creatinine violations and drug screens scheduled and missed without a valid excuse as determined by the presiding judge shall be considered as a positive drug screen.

6. A coordinated strategy governs Veterans Treatment Court responses to participants' compliance.

- **6.1.** A Veterans Treatment Court shall have a formal system of sanctions, including a system for reporting noncompliance, established in writing and included in the court's policies and procedures.
- 6.2. A Veterans Treatment Court shall have a formal system of rewards.
- **6.3.** The formal system of sanctions and rewards shall be organized on a gradually escalating scale and applied in a consistent and appropriate manner to match a participant's level of compliance.
- **6.4.** Courts should implement a system for a minimum level of field supervision for each participant based on their respective level of risk. Field supervision may include unannounced visits to home or workplace and curfew checks. The level of field supervision may be adjusted throughout the program based on participant progress and any reassessment process.
- **6.5.** Regular and frequent communication between all members of the Veterans Treatment Court team shall provide for immediate and swift responses to all incidents of non-compliance, including positive drug tests.
- **6.6.** There shall be no indefinite time periods for sanctions, including those sanctions involving incarceration or detention. Incarceration or detention should only be considered as the last option in the most serious cases of non-compliance.
- **6.7.** Participants shall be subject to progressive positive drug screen sanctions prior to being considered for termination, unless there are other acts of non-compliance affecting this decision.

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7. Ongoing judicial interaction with each Veterans Treatment Court participant is essential.

- 7.1. A dedicated superior court judge, state court judge, or senior superior court judge must preside over an individual Veterans Treatment Court program and should be committed to serving in this role long-term.
- 7.2. A judge of the superior court must preside over a felony Veterans Treatment Court program; provided, however, that a judge from another class of court may be the presiding judge of a felony Veterans Treatment Court program if that judge is specially designated as such by the chief judge of the judicial circuit in which the court operates and is approved for such by the Council of Accountability Court Judges.
- **7.3.** The presiding judge may authorize assistance from other judges, including senior judges and judges from other classes of court, on a time-limited basis when the presiding judge is unable to conduct court.
- **7.4.** The judge shall attend and participate in all pre-court staffings, sessions, and/or meetings.
- 7.5. A regular schedule of status hearings shall be used to monitor participant progress.
- **7.6.** There shall be a minimum of two status hearings per month in the first phase of Veterans Treatment Court programs and, dependent on participant needs, this minimum schedule may continue through additional phases.
- 7.7. Frequency of status hearings may vary based on participant needs and benefits, as well as judicial resources. Status hearings should be held no less than once per month during the last phase of the program.
- **7.8.** Status review shall be conducted with each participant on an individual basis; to optimize program effectiveness, group reviews should be avoided unless necessary based on an emergency basis.²
- **7.9.** The judge, to the extent possible, should strive to spend an average of three minutes or greater with each participant during status review.

² Insufficient time based on program census does not constitute an emergency.

8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

- **8.1.** Participant progress, success, and satisfaction should be monitored on a regular basis through the use of surveys and participant feedback, most importantly at the program entry point and graduation.
- **8.2.** Participant data shall be monitored and analyzed on a regular basis (as set forth in a formal schedule) to determine the effectiveness of the program.
- **8.3.** A process and outcomes evaluation should be conducted by an independent evaluator within three years of implementation of a Veterans Treatment Court program, and in regular intervals as necessary, appropriate, and/or feasible for the program thereafter.
- **8.4.** Feedback from participant surveys, review of participant data, and findings from evaluations should be used to make any necessary modifications to program operations, procedures, and practices.
- **8.5.** Data needed for program monitoring and management are easily obtainable and are maintained in useful formats for regular review by program management.
- **8.6.** Courts should use the preferred case management program, or compatible equivalent, as designated by the Council of Accountability Court Judges, in the interest of the formal and systematic collection of program performance data.
- **8.7.** Courts shall collect, at a minimum, a mandatory set of performance measures determined by the Council of Accountability Court Judges which shall be provided in a timely requisite format to the Standards and Certification Committee as required by the Council of Accountability Court Judges, including a comprehensive end-of-year report. The minimum performance measures to be collected shall include: recidivism (rearrests and reconvictions), number of moderate and high risk participants, drug testing results, drug testing failures, number of days of continuous sobriety, units of service (number of court sessions, number of days participant receives inpatient treatment), employment, successful participant completion of the program (graduations), and unsuccessful participant completion of the program (terminations, voluntary withdrawal, death/other). The court should develop a process to collect recidivism data following participant graduation.

- 9. Continuing interdisciplinary education promotes effective Veterans Treatment Court planning, implementation, and operations.
 - **9.1.** Veterans Treatment Court programs shall have a formal policy on staff training requirements and continuing education including formal orientation and training for new team members.
 - **9.2.** All members of a Veterans Treatment Court team shall receive training through the National Drug Court Institute.
 - **9.3.** Existing programs should participate in Operational Tune-Up, specific to their team, as needed.
 - **9.4.** Court teams, to the extent possible, should attend comprehensive training on an annual basis, as provided by the Council of Accountability Court Judges, the National Association of Drug Court Professionals (NADCP), or Justice for Vets.
 - **9.5.** Veterans Treatment Court judges and staff should participate in ongoing continuing education as it is available through professional organizations [Institute of Continuing Judicial Education (ICJE), NADCP, Georgia Council of Court Administrators (GCCA), etc.].
 - **9.6.** New accountability court judges and coordinators shall attend formal orientation and training administered by the Council of Accountability Court Judges offered annually.

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- 10. Forging partnerships among Veterans Treatment Courts, public agencies, and community-based organizations generates local support and enhances Veterans Treatment Court program effectiveness.
 - **10.1.** Pursuant to O.C.G.A. §15-1-17, each Veterans Treatment Court shall establish a planning group to create a work plan for the court. The work plan shall "address the operational, coordination, resource, information management, and evaluation needs" of the court, and shall include all policies and practices related to implementing the standards set forth in this document.
 - **10.2.** A local steering committee consisting of representatives from the court, community organizations, law enforcement, treatment providers, health providers, social service agencies, the Veterans Administration and Veterans Service Organizations, and the faith community should meet on a quarterly basis to provide policy guidance, fundraising assistance, and feedback to the Veterans Treatment Court program.
 - **10.3.** Veterans Treatment Courts should consider forming an independent 501(c)(3) organization for fundraising and administration of the steering committee.
 - **10.4.** Veterans Treatment Courts should actively engage in forming partnerships and building relationships between the court and various community partners. This may be achieved through facilitation of forums, informational sessions, public outreach, and other ways of marketing.
 - **10.5.** Veterans Treatment Court staff should participate in ongoing cultural competency training on an annual basis.

Veterans Treatment Court Treatment Standards

1. Screening

- **1.1.** Legal: Veterans Treatment Court programs should work with an interdisciplinary team to ensure systematic, early identification, and early engagement of a target population.
- **1.2.** Clinical: Veterans Treatment Courts will enroll participants who meet diagnostic criteria for a Substance-Related Disorder, or a diagnosed mental health disorder, and whose needs can be met by the program. Recommended Tools:
 - a) PTSD Checklist Military Version (PCL-M)
 - b) Trauma Symptom Checklist-40 (TCL-40)
 - c) Veterans Court Cohesion Questionnaire
 - d) Symptom Checklist -90-R (SCL-90-R)
 - e) Texas Christian University, Substance Abuse II (TCUDS)
 - f) Addiction Severity Index-Drug Use Subscale (ASI-Drug)
 - g) Substance Abuse Subtle Screening Inventory-2 (SASSI-2)
 - h) Brief Jail Mental Health Screen, National GAINS Center, LEC-5, PCL-5, TBI Checklist, and Clinical Interviews

2. Assessment

- 2.1. Veterans Treatment Courts will employ an assessment tool that captures offenders' risk of recidivism and treatment needs. This should also include a short assessment for mental health needs. Recommended Tools:
 - a) Level of Service Inventory-R (LSI-R)
 - b) Correctional Offender Management and Profiling Alternative Sanctions (COMPAS)
 - c) Short-Term Assessment of Risk and Treatability (START) for utilization with Veterans Treatment Court participants.
- **2.2.** Appropriate assessment instruments are actuarial tools that have been validated on a targeted population, are scientifically proven to determine a person's risk to recidivate, and to identify criminal risk factors that, when properly addressed, can reduce that person's likelihood of committing future criminal behavior.
- **2.3.** The assessment tool should also be suitable for use as a repeat measure. Programs should re-administer the tool as a measure of program effectiveness and offender progress.

3. Level of Treatment

- **3.1.** Veterans Treatment Courts will offer an appropriate level of treatment for the target population. Recommended Tools:
 - a) ASAM Patient Placement Criteria for the Treatment of Substance-Related Disorders (PPC-2R) for dual diagnosis participants
 - b) Beck Depression Inventory.
- **3.2.** Veterans Treatment Courts will match participant risk of recidivism and needs with an appropriate level of treatment and supervision. The minimum length of a felony program is 18 24 months. Misdemeanor programs should last a minimum of 12 months.

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VTC Standards

4. Addiction Treatment Interventions

- **4.1.** Veterans Treatment Courts will use a manualized curriculum and structured [e.g. Cognitive Behavior Therapy (CBT)] approach to treating addiction. Recommended Tools:
 - a) Relapse Prevention Therapy (RPT)
 - b) Motivational Enhancement Therapy (MET)
 - c) Cognitive Behavioral Interventions Substance Abuse (CBI-SA)
- **4.2.** Aftercare services are an important part of relapse prevention. Aftercare is lower in intensity and follows higher-intensity programming.

5. Mental Health Treatment Interventions (for participants with a mental health diagnosis)

- 5.1. Veterans Treatment Courts will use a manualized curriculum and structured [e.g. Cognitive Behavior Therapy (CBT)] approach when applicable to a participant for treating mental health symptoms. Recommended Tools:
 - a) Wellness Recovery Action Plan (WRAP)
- **5.2.** Veterans Treatment Courts will use a manualized curriculum and structured approach to address trauma/abuse symptoms and will be done in gender-specific groups and/or individual treatment. Recommended Tools:
 - a) Seeking Safety
 - b) Trauma Focused Cognitive Behavior

6. Dual Diagnosis Treatment Interventions

- **6.1.** Mental health courts will use a manualized curriculum and structured (e.g. CBT) approach to treating dual diagnosis. Recommended Tools:
 - a) Relapse Prevention Therapy (RPT)
 - b) Motivational Enhancement Therapy (MET)
 - c) Hazelden Co-Occurring Disorders Program
 - d) TCU MappingEnhanced Counseling
 - e) Integrated Dual Disorders Treatment
- **6.2.** Abstinence is monitored by frequent alcohol and other drug testing. This is the cornerstone of dual diagnosis treatment.

7. Recidivism/Criminality Treatment Interventions

- 7.1. Veterans Treatment Courts will incorporate programming that addresses criminogenic risk factors: those offender characteristics that are related to risk of recidivism. Recommended Tools:
 - a) Moral Reconation Therapy (MRT)
 - b) Thinking for a Change (TFAC)
- 7.2. Criminal risk factors are those characteristics and behaviors that affect a person's risk for committing future crimes and include, but are not limited to, antisocial behavior, antisocial personality, criminal thinking, criminal associates, substance abuse, difficulties with impulsivity and problem-solving, underemployment, or unemployment.

CACJ

8. Treatment/Case Management Planning

- **8.1.** Veterans Treatment Courts will use treatment/case management planning that follows from assessment and systematically addresses core risk factors associated with relapse and recidivism.
- **8.2.** Treatment and case management planning should be an ongoing process and occur in conjunction with one another.

9. Information Management Systems

9.1. Veterans Treatment Courts will employ an information management system that captures critical court and treatment data and decisions that affect participants. The data management approach will promote the integration of court and treatment strategies, enhance treatment and case management planning and compliance tracking, and produce meaningful program management and outcome data. Measures of treatment services delivered and attended by participants should be captured.

10. Oversight and Evaluation

- **10.1.** Veterans Treatment Courts are responsible for oversight of all program components. Regular monitoring of judicial status hearings, treatment, and case management services should occur.
- **10.2.** Meetings with and surveys of participants to assess program strengths and areas for improvement increase legitimacy of the process and lead to improved outcomes.

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				Re	venues									P		Projected	Revenues				
	FY 2016 (February-June)) FY 2017			FY 2018 FY 2019 (Through December)					FY 2	020	FY 2021		FY 2022		FY 2023		FY 2	024		
	Actuals	Actuals	Actual vs Actual FAV (UNFAV)	2016 v 2017 variance FAV (UNFAV)	Actual	Actual vs Actual FAV (UNFAV)	2017 v 2018 variance FAV (UNFAV)	YTD Actual	YTD Projection	Actual vs Actual FAV (UNFAV)	2018 v 2019 estimated variance FAV (UNFAV)	Projected Actual	2019 v 2020 estimated variance FAV (UNFAV)	Projected Actual	2020 v 2021 estimated variance FAV (UNFAV)	Projected Actual	2021 v 2022 estimated variance FAV (UNFAV)	Projected Actual	2022 v 2023 estimated variance FAV (UNFAV)	Projected Actual	2023 v 2020 estimated variance FAV (UNFA)
Date Funds	15,451	105,462	90,011	582.6%	152,029	46,567	44.2%	73,922	147,845	(4,184)	-2.8%	155,237	7,392	162,999	7,762	171,149	8,150	179,706	8,557	188,691	8,98
Donations	-	206	206		718	512	248.5%	450	450	(268)	-37.3%	473	23	496	24	521	25	547	26	574	2
DUI Participant Fees	3,077	27,208	24,131	784.2%	34,680	7,472	27.5%	33,805	67,610	32,930	95.0%	61,800	(5,810)	56,856	(4,944)	51,912	(4,944)	46,968	(4,944)	42,024	(4,944
VTC Participant Fees	-	-	-		-	-		-	-	-		2,060	2,060	2,472	412	2,884	412	3,296	412	3,708	412
Accountability Court Revenues	18,528	132,876	114,348	617.2%	187,427	54,551	41.1%	108,177	215,905	28,478	15.2%	219,569	3,665	222,823	3,253	226,465	3,643	230,517	4,051	234,998	4,483
DUI Grant	46,914	52,567	5,653	12.0%	90,188	37,621	71.6%	51,828	73,176	(17,012)	-18.9%	58,541	(14,635)	46,833	(11,708)	37,466	(9,367)	29,973	(7,493)	23,978	(5,995
VTC Grant	40,514	-	5,055	12.070	50,100	-	71.070	51,820		(17,012)	10.576	118,169	118,169	106,352	(11,817)	95,717	(10,635)	86,145	(9,572)	77,531	(8,615
Grant Revenues	46,914	52,567	5,653	12.0%	90,188	37,621	71.6%	51,828	73,176	(17,012)	-18.9%	176,710	103,534	153,185	(23,525)	133,183	(20,002)	116,118	(17,065)	101,509	(14,609
Total Revenues	65,442	185,443	120,001	183.4%	277,615	92,172	33.2%	160,005	289,080	11,466	4.1%	396,279		376,007		359,648		346,635		336,507	
				Exp	enditures											Projected Ex	openditures				
Salary+Benefits (Martha)	35,040	50,710	(15,669)	-44.7%	50,316	394	0.8%	34,411	57,757	(7,441)	-14.8%	57,757	0	57,757	0	57,757	-	57,757	-	57,757	-
Salary Increase (Martha)												5,000		5,000	0	5,000	0	5,000	0	5,000	(
Salary (PT Case Manager)	-	-	-		-	-		-	-	-		18,270	(18,270)	18,270	0	18,270	-	18,270	-	18,270	
Testing	4,175	6,110	1,935	46.3%	23,115	(17,005)	-278.3%	21,084	42,168	(19,053)	-82.4%	40,060	2,108	38,057	2,003	36,154	1,903	34,346	1,808	32,629	1,717
Treatment	6,500	22,000	15,500	238.5%	50,875	(28,875)	-131.3%	49,500	99,000	(48,125)	-94.6%	94,050	4,950	89,348	4,703	84,880	4,467	80,636	4,244	76,604	4,032
Surveillance	1,845	3,750	1,905	103.3%	5,869	(2,119)		6,440	12,880	(7,011)	-119.5%	12,236	644	11,624	612	11,043	581	10,491	552	9,966	525
Travel	-	1,578	1,578		1,826	(248)	-15.7%	2,623	2,623	(797)	-43.7%	2,600	23	2,600	0	2,600	0	2,600	0	2,600	<u> </u>
Other	8,612	2,570	(6,042)	-70.2%	,	(3,209)		930	1,861	3,918	67.8%	2,000	(139)	2,000	0	2,000	0	2,000	0	2,000	(
DUI Court Expenditures	56,172	86,718	(793)	-1.4%	137,779	(51,061)	-58.9%	114,989	216,289	(78,510)	-57.0%	231,973	(10,683)	224,655	7,317	217,704	6,951	211,100	6,604	204,826	6,274
Salary (PT Case Manager)												18,270		18,270	0	18,270	0	18,270	0	18,270	
Testing												14,400		17,280	(2,880)	20,160	(2,880)	23,040	(2,880)	25,920	(2,880
Drug Testing Supplies												17,519		18,395	(876)	19,315	(920)	20,280	(966)	21,294	(1,014
Treatment												54,000		64,800	(10,800)	75,600	(10,800)	86,400	(10,800)	97,200	(10,800
Surveillance												12,600		12,600	0	12,600	0	12,600	0	12,600	1
Other												1,380		1,000		1,000		1,000		1,000	
VT Court Expenditures												118,169	(21,367)	132,345	79	146,945	(697)	161,590	(1,438)	176,284	(2,147
Expenditures Total	56,172	86,718	(793)	-1.4%	137,779	(51,061)	-58.9%	114,989	216,289	(78,510)	-57.0%	350,142	(32,050)	357,000	7,396	364,649	6,255	372,690	5,166	381,111	4,127
DUI Court Net Change		98,725			139,835				72,791			(33,777)		(39,219)		(42,491)		(44,033)		(44,191)	
Veterans Treatment Net Change							+ +					79,915		58,227		37,491		17,977		(413)	<u> </u>
Net Change	9,269	98,725			139,835				72,791			46,137		19,007		(5,000)		(26,055)		(44,604)	
Ending Fund Balance		107,995			247,830				320,621			366,759		385,766		380,766		354,710		310,106	
					,250				,							,. 30					
1																	or Projections:				

		<u>Assumption</u>
Revenues:		Expenditure
Date Funds	5% growth	DUI Court
Donations	5% growth	VT Court
DUI Participant Fees	2 participant reduction	
VTC Participant Fees	2 participant growth	
DUI Grant	20% reduction	
VTC Grant	10% reduction starting in 2021	

Schedule of Fees Used	
Participant Fees (Fee Per Month)	\$ 206
Testing (Fee Per Month)	\$ 120
Treatment (Fee Per Month)	\$ 450
Surveillance (Hourly Fee / Max 30 hrs.)	\$ 35

enditures:

I Court 5% reduction 2 participant growth

Net Change: DATE Funds & Donations split 50/50 In FY2027, the FB will be negative and require a subsidy of \$117k

Legend for Veterans Treatment Court Amounts related to # of Participants in Veterans Treatment Court Amounts related to new Veterans Treatment Court

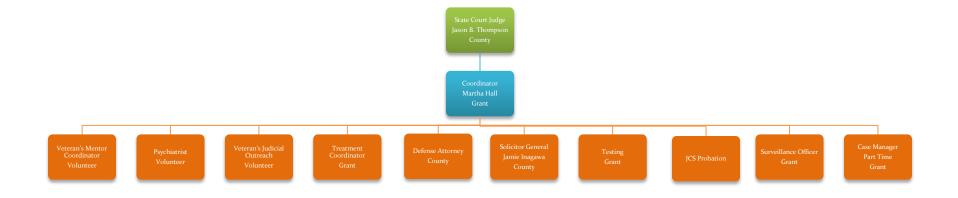
Participant Assumptions

Accountability Court can manage 35 participants total, DUI will start FY2020 with 25 while VTC will reach 10 by the end of the fiscal year.

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Georgia Accountability Court

Fayette County State Court Fayette County Veterans Treatment Court



2019 Accountability Court Board of Advisors:

Jay Griffin, Edwards Jones Investment Edward Johnson, Mayor of Fayetteville Jerry Stapleton, Retired Banking Industry Brian Cooper, Pinewood Studios Michael Mumper, Drug Free Fayette Chuck Chambers, Pastor at Woolsey Baptist Church Kenneth Koon, Retired Military Brandon Perkins, Tyrone City Manager Scott Gray, Chief of Police Fayetteville Nick Smoak, DUI Court Graduate Michael Vigil, Allan Vigil Ford Warren Johnson, Pastor at Guiding Light Ministries General Rock Donahue, Georgia Military College Michael Burnett, Piedmont Fayette Hospital Scott Rowland

Judge Jason B. Thompson, State Court Judge Martha Hall, DUI Court Coordinator

2019 Fayette County Veteran Treatment Court Calendar

TEAM MEETINGS 9:00-10:45 AM / COURT 11:00 AM

Wednesday, July 10, 2019 Wednesday, July 31, 2019

Wednesday, August 7, 2019 Wednesday, August 21, 2019

Wednesday, September 11, 2019 Wednesday, September 25, 2019

Wednesday, October 2, 2019 Wednesday, October 23, 2019

Wednesday, November 6, 2019 Wednesday, November 20, 2019

Wednesday, December 4, 2019 Wednesday, December 18, 2019

Updated: 10/12/2018

COUNTY AGENDA REQUEST

Department:	Administration	Presenter(s):	Steve Rapson, Cou	nty Administrator		
Meeting Date:	Thursday, February 28, 2019	Type of Request:	New Business #17			
Wording for the Agenda:		51 1	1			
Staff's recommendation to	o amend an Intergovernmental Ag nd to approve the proposed 2019	reement between the City of Fayettevi Calendar of Events.	lle and Fayette Coun	ty for use of the		
Background/History/Detail	S:					
At the January 11, 2018		the Board approved the Intergovernme roperty.	ental Agreement betw	veen the City of		
The amended language is	s provided in the attached; Section	n 3.1.				
What action are you seeki	ng from the Board of Commission	ors?				
Approval of the First Ame		Agreement between the City of Fayette	ville and Fayette Cou	unty for use of the		
If this item requires funding	a. please describe:					
Not applicable.						
Has this request been cor	nsidered within the past two years?	? No If so, whe	n?			
Is Audio-Visual Equipmen	t Required for this Request?*	No Backup P	rovided with Request	Yes		
		nty Clerk's Office no later than 48 ho v audio-visual material is submitted a		0		
Approved by Finance	Not Applicable	Reviewed	by Legal			
Approved by Purchasing	Not Applicable	County Cl	erk's Approval	Yes		
Administrator's Approval						

Staff Notes:

CITY OF FAYETTEVILLE

COUNTY OF FAYETTE

FIRST AMENDMENT TO USE OF COUNTY-OWNED PROPERTY AGREEMENT

THIS FIRST AMENDMENT TO USE OF COUNTY-OWNED PROPERTY AGREEMENT made and entered into this ______ day of ______, 2019 by and between the CITY OF FAYETTEVILLE, a municipality duly incorporated in the State of Georgia, acting by and through its duly elected Mayor and Council, hereinafter referred to as the "City," and FAYETTE COUNTY, a political subdivision in the State of Georgia, acting by and through its duly elected Board of Commissioners, hereinafter referred to as the "County," for the use of certain County-owned properties (the "First Amendment").

WITNESSETH:

WHEREAS, the City and County previously entered into that certain agreement entitled to the Use of County Owned Property Agreement on or about January 11, 2018 (the "Agreement"); and

WHEREAS, the City and the County desire to amend the Agreement by modifying the approval process in Section 3.1 of the Agreement;

NOW, THEREFORE, for and in consideration of the mutual premises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by both parties, both parties agree as follows:

Section 1. Section 3.1 of the Agreement currently reads as follows:

3.1 All applications require up to six (6) weeks-notice prior to any City event being held. The City shall notify and get written approval from the County Administrator or his/her designee of any City event not included in this Agreement (See Attachment A). Notice of event dates reflected in Attachment A will be provided at the beginning of each calendar year for scheduling purposes to the County Administrator or his/her designee. All applications for non-City events shall be subject to final review and written approval by the Board of Commissioners or their designee, and shall be considered non-binding until such approval is received.

By the First Amendment, the City and the County agree to modify Section 3.1 and to insert the amended Section 3.1 into the Agreement as follows:

3.1 The City shall notify and get written approval from the County Administrator or his/her designee of any City event not included in this Agreement (See

Attachment A) or any non-City event. Notice of event dates reflected in Attachment A will be provided at the beginning of each calendar year for scheduling purposes to the County Administrator or his/her designee.

Section 2 This Agreement shall constitute the entire First Amendment to the Agreement of the parties. No representations not contained herein have been relied upon or shall be binding upon either of the parties hereto. This Agreement may not be further modified except by written agreement signed by both parties.

IN WITNESSS WHEREOF, the City and the County have caused this Agreement to be executed in their respective corporate names and their respective corporate seals to be hereunto affixed and attested by their duly authorized officers, all as of the date first above written.

BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA

(SEAL)

By:_____

RANDY C. OGNIO, Chairman

ATTEST:

Tameca P. White, County Clerk

MAYOR AND COUNCIL FOR THE CITY OF FAYETTEVILLE

(SEAL)

By:_____

EDWARD JOHNSON, Mayor

ATTEST:

Anne Barksdale, City Clerk

					Requesting Sign		
Date	Name of Organization	Contact Person/Phone #	Time	Location Requested	Approval	Restrooms	Notes
	Corn Hole League - Weekly - dates not confirmed	•		•	••		Brian Wismer is getting
1/1 - 12/31/2019	at this time	Brian Wismer		Historic Courthouse Lawn		N/A	details for this event.
	Fayetteville First United Methodist Church - Set up			Historic Courthouse Lawn and Jack Dettmering			
4/17/2019	Fence around the Courthouse Lawn	Joyce Waits or Carson Thaxton - FFUMC		Way		FFUMC will provide	
	Fayetteville First United Methodist Church will						
	start setting up for EasterPalooza which will mean						
4/19/2018	that Jack Dettmering Way will close at 5:00 p.m.			Jack Dettmering Way will close at 5:00 p.m.			
	Fayetteville First United Methodist Church - Easter			Historic Courthouse Lawn and Jack Dettmering			
4/20/2019	Palooza	Carson Thaxton	3 - 5 p.m.	Way	Yes	FFUMC will provide	
	Fayetteville First United Methodist Church Easter						
4/21/2019	Sunrise Service - Tentative	Carson Thaxton	6:00 a.m.	Historic Courthouse Lawn		FFUMC will provide	
4/26/2019	Lunch on the Lawn - Main Street	Joyce Waits	11:30 - 1:30 p.m.	Historic Courthouse Lawn		N/A	
				Government Complex - Under the Awning - on the			
				Sidewalk - and Parking Lot - 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		JW will coordinate	
	Fayette Master Gardener Association - Set up for			vendors this year and vendors will be set up in the		opening and closing of the	
4/26/2019	Plants	Myriam Cousin -	After 5:00 p.m.	parking lot.		restrooms	
				Government Complex - Under the Awning - on the		JW will coordinate	
4/27/2019	Fayette Master Gardener Association	Myriam Cousin -	8:00 - 2:00p.m.	Sidewalk and Parking Lot		opening and closing of the	
						Porta Potties to be	
5/10/2019	Beer Fest - Suds on the Square SET UP	Sam Rhone/Geneva Weaver	After 5:00 p.m.	Historic Courthouse Lawn	Yes	provided by Renter	
			Event - Noon - 4:00 p.m Clean			Porta Potties to be	
5/11/2019	Beer Fest - Suds on the Square	Sam Rhone or Geneva Weaver	up to go until 6:00 p.m.	Historic Courthouse Lawn	Yes	provided by Renter	
6/7/2019	Taste of Fayette - Set Up - Tents	Joyce Waits	All Day	Historic Courthouse Lawn			
6/9/2019	Taste of Fayette - Vendors Set Up	Joyce Waits	8:00 - 10:30 a.m.	Historic Courthouse Lawn		Porta Potties	
6/9/2019	Taste of Fayette - EVENT	Joyce Waits	Noon - 4:00 p.m.	Historic Courthouse Lawn		Porta Potties	
Date to Be						JW will coordinate	
Determined	Fayette Love Your Pet Event	Joyce Waits /Leah Thompson	10 - 3:00 pm.	Gazebo or may use Train Depot		opening and closing of the	
Date to Be							
determined	Spring Event to include Market Vendors	Joyce Waits	Time to be Determined	Historic Courthouse Lawn		Porta Potties	
Date to Be							
Determined	Spring Event to include Market Vendors	Joyce Waits	Time to be Determined	Historic Courthouse Lawn		Porta Potties	
				Stonewall Government Complex - All governent			
			Event Hours - 9:00 a.m 1:00	vehicles will need to be moved by 6:00 p.m. on		JW will coordinate	
Date to Be	Back to School Expo Event - FACTOR - This is		p.m will be in parking lot	Friday, August 3. Restrooms will need to be stoc		opening and closing of the	
Determined	usually approved by County	No Information at this time	early for set up - Tenative	ked - Tentative		restrooms with Renter	
9/13/2019	Lunch on the Lawn - Main Street	Joyce Waits	11:30 - 1:30 p.m.	Historic Courthouse Lawn		N/A	
			Will start set up around 5:00				
			p.m Movie will start at				
			Sundown, with possible				
0/20/2010	Mavia Night Counthance Laure		entertainment from 6:30 to	Historia Courth surs I surs		Dorto Dattian	
9/20/2019 Date to Be	Movie Night - Courthouse Lawn	Joyce Waits	7:30 p.m.	Historic Courthouse Lawn		Porta Potties	
Date to Be Determined	Sotting Lin Scarocrows Around Fountain	Tameka White County	All Day	Fountain Area - Government Complex			
10/25/2019	Setting Up Scarecrows Around Fountain Pumpkins Arrive at Courthouse	Tameka White - County	All Day Early AM	Fountain Area - Government Complex Historic Courthouse Lawn		Porta Potties	
10/23/2013	Fumpkins Arrive at Courthouse	Joyce Waits		HISTORIC COULTIOUSE LAWIT		Forta Pollies	

			1	
		Sundown, with possible		
		entertainment from 6:30 to		
Movie Night - Courthouse Lawn	Joyce Waits	7:30 p.m.	Historic Courthouse Lawn	Porta Potties
Pumpkin Festival/Partnered with FFUMC - Set up				
Fence and block off Jack Dettmering Way	Joyce Waits	8:00 - 9:30 a.m.	Historic Courthouse Lawn/Jack Dettmering Way	Porta Potties
Pumpkin Festival/Partnered with FFUMC - EVENT	Joyce Waits		Historic Courthouse Lawn	Porta Potties
		-		
		•		
Movie Night - Courthouse Lawn	Joyce Waits	7:30 p.m.	Historic Courthouse Lawn	Porta Potties
			• • •	
			Tree Lighting on December 7 - PLEASE ADVISE ALL	
			COUNTY EMPLOYEES THAT SOME AREAS WILL BE	
			BLOCKED OFF SO THAT WE CAN DECORATE FOR	
			THE EVENT THAT WILL TAKE PLACE ON DECEMBER	Porta Potties will be
Decorating Gazebo and Stage for Tree Lighting	Joyce Waits	All Day	7.	delivered on 11/30/2018
Lighting of the Tree and Visits with Santa and Mrs.				restrooms will be
Claus - Set Up	Joyce Waits	6:00 - 8:00 p.m.	Gazebo, Parking Lot, Fountain	available
·	•	·	· · · ·	
Indicates New Event Entered				
Indicates Event Cancelled				
Updated - January 7, 2019				
	Pumpkin Festival/Partnered with FFUMC - Set up Fence and block off Jack Dettmering Way Pumpkin Festival/Partnered with FFUMC - EVENT Movie Night - Courthouse Lawn Decorating Gazebo and Stage for Tree Lighting Lighting of the Tree and Visits with Santa and Mrs. Claus - Set Up Indicates New Event Entered Indicates Event Cancelled	Pumpkin Festival/Partnered with FFUMC - Set up Fence and block off Jack Dettmering Way Joyce Waits Pumpkin Festival/Partnered with FFUMC - EVENT Joyce Waits Movie Night - Courthouse Lawn Joyce Waits Decorating Gazebo and Stage for Tree Lighting Lighting of the Tree and Visits with Santa and Mrs. Claus - Set Up Joyce Waits	Movie Night - Courthouse Lawn Joyce Waits 7:30 p.m. Pumpkin Festival/Partnered with FFUMC - Set up Fence and block off Jack Dettmering Way Joyce Waits 8:00 - 9:30 a.m. Pumpkin Festival/Partnered with FFUMC - EVENT Joyce Waits 10:00 - 5:00 p.m. Pumpkin Festival/Partnered with FFUMC - EVENT Joyce Waits 10:00 - 5:00 p.m. Will start set up around 5:00 p.m Movie will start at Sundown, with possible entertainment from 6:30 to p.m Movie will start at Sundown, with possible entertainment from 6:30 to Movie Night - Courthouse Lawn Joyce Waits 7:30 p.m. Decorating Gazebo and Stage for Tree Lighting Joyce Waits All Day Lighting of the Tree and Visits with Santa and Mrs. Claus - Set Up Joyce Waits 6:00 - 8:00 p.m. Indicates New Event Entered Indicates Event Cancelled Indicates Event Cancelled	p.m Movie will start at Sundown, with possible entertainment from 6:30 to 7:30 p.m. Historic Courthouse Lawn Pumpkin Festival/Partnered with FFUMC - Set up Fence and block off Jack Dettmering Way Joyce Waits 8:00 - 9:30 a.m. Historic Courthouse Lawn/Jack Dettmering Way Pumpkin Festival/Partnered with FFUMC - EVENT Joyce Waits 10:00 - 5:00 p.m. Historic Courthouse Lawn Pumpkin Festival/Partnered with FFUMC - EVENT Joyce Waits 10:00 - 5:00 p.m. Historic Courthouse Lawn Movie Night - Courthouse Lawn Joyce Waits 10:00 - 5:00 p.m. Historic Courthouse Lawn Movie Night - Courthouse Lawn Joyce Waits 7:30 p.m. Historic Courthouse Lawn Movie Night - Courthouse Lawn Joyce Waits 7:30 p.m. Historic Courthouse Lawn Movie Night - Courthouse Lawn Joyce Waits 7:30 p.m. Historic Courthouse Lawn Movie Night - Courthouse Lawn Joyce Waits 7:30 p.m. Gazebo 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 7 - PLEASE ADVISE ALL COUNTY EMPLOYEES THAT SOME AREAS WILL BE BLOCKNED OFFS OT THAT WE CAN DECORATE FOR THE EVENT THAT WILL TAKE PLACE ON DECEMBER The EVENT THAT WILL TAKE PLACE ON DECEMBER All Day 7. 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 Indicates New Event Entered </td

CITY OF FAYETTEVILLE

COUNTY OF FAYETTE

USE OF COUNTY-OWNED PROPERTY AGREEMENT

THIS AGREEMENT made and entered into this day of day of day of between the CITY OF FAYETTEVILLE, a municipality duly incorporated in the State of Georgia, acting by and through its duly elected Mayor and Council, hereinafter referred to as the "City," and FAYETTE COUNTY, a political subdivision in the State of Georgia, acting by and through its duly elected Board of Commissioners, hereinafter referred to as the "County," for the use of certain County-owned properties (the "Agreement").

WITNESSETH:

WHEREAS, the City holds events on certain County-owned properties, specifically these properties are the Old Courthouse and Square (200 Courthouse Square) and the Fayette County Administrative Complex and grounds including Heritage Park (140 Stonewall Avenue West); and

WHEREAS, the City and the County desire by this writing to set forth the terms of their agreement for the City use of aforementioned County-owned properties;

NOW, THEREFORE, for an in consideration of the mutual premises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by both parties, both parties agree as follows:

Section 1. Legal Authority

1.1 This Agreement shall constitute a binding, legal contract between the parties hereto, in accordance with the authority granted by Article IX, Section III, Paragraph I of the 1983 Constitution of the State of Georgia. Each of the parties herein covenants that it has the requisite legal authority to provide the services, perform the functions, and otherwise do all things necessary, convenient, and expedient to carry out the obligations and responsibilities herein set forth, either expressly or by reasonable implication.

Section 2. Consent of the County

2.1 The County hereby consents to allow the City to hold and coordinate events, and also to coordinate and collect "use of grounds" fees for non-City events, on the aforementioned County-owned properties through this Agreement in return for the City meeting all stipulations set forth in this Agreement. The County has the right of first refusal on any planned events or activities of any kind.

Section 3. Stipulations

3.1 All applications require up to six (6) weeks-notice prior to any City event being held. The City shall notify and get written approval from the County Administrator or his/her designee of any City event not included in this Agreement (See Attachment A). Notice of event dates reflected in Attachment A will be provided at the beginning of each calendar year for scheduling purposes to the County Administrator or his/her designee. All applications for non-City events shall be subject to final review and written approval by the Board of Commissioners or their designee, and shall be considered non-binding until such approval is received.

3.2 The City shall provide security for any event via the Fayetteville Police Department and ensure coordination on such events with the County Marshal's Department.

3.3 The City shall submit a certificate of insurance for all non-City sponsored events to the County Administrator or his/her designee no later than two (2) weeks prior to the event. The County shall be listed with respect to general liability in the amount of \$1,000,000.

3.4 The City shall provide for trash collection and disposal at the event and shall remove all trash and litter from the County-owned properties after the event.

3.5 The City shall reimburse the County on an event basis for bathroom supplies (i.e., toilet paper, soap, paper towels, etc.) used in bathrooms of the Fayette County Administrative Complex based upon the cost reimbursement (See Attachment B). Payments shall be made to the County on a bi-annual basis.

3.6 The City shall not allow for the anchoring of tents and shade tarps that require driving stakes into County property. Tents, tarps and other items used for weekend events shall not block vehicular drive paths at the Stonewall Complex on weekdays. Items used for weekend events shall not be placed in such areas until after 5 p.m. on Friday and shall be removed no later than 10 a.m. on Monday.

3.7 The City shall not allow anchoring tents or shade tarps by tying said items to trees, shrubs, or light poles in or around the aforementioned properties.

3.8 The City shall consult with the County Administrator or his/her designee for any large structures, including large tent covers or stages that are to be located at the aforementioned properties.

3.9 The City shall notify the County of any special needs for electrical power, above and beyond what is currently provided, for the County's review.

3.10 The County shall allow the sale and consumption of malt beverages and wine at events on the aforementioned County-owned properties under the following stipulations:

2

- a. The event shall be a City sponsored event;
- b. The City shall issue the local event permit for the sale of malt beverages and wine, and ensure the vendor meets all applicable laws and regulations of the State of Georgia and the City of Fayetteville; and
- c. The City will ensure that police security is present as needed per event.

3.11 The City shall pay the County an amount equal to twenty-five (25)% of any "use of grounds" fees collected for any non-City events on County property. Payments shall be made to Fayette County no later than thirty (30) days after any such event.

3.12 The City shall consult with the County Administrator or his/her designee regarding the placement of signs at the Historic County Courthouse grounds.

Section 4. Indemnification.

4.1 To the extent allowed by law, the City shall indemnify the County against any losses, damages, judgments, interest, settlements, fines, court costs and other reasonable costs and expenses, including attorney fees, and any other liabilities incurred by, imposed upon, or suffered by the County in connection with or resulting from any claim, action, suit, or proceeding arising out of or in conjunction with the performance by the City of its duties and responsibilities under this Agreement.

Section 5. Term of Contract.

5.1 This Agreement shall begin on the Effective Date as set forth on the Agreement page of the contract, and continue through June 30, 2019. Thereafter, this Agreement may be renewed by the County for one-year renewal terms (each a "Renewal Term" and together with the Initial Term, the "Term"), which renewal will be by letter or other written correspondence from the County to the City sixty (60) days prior to expiration of the Initial Term or the then-current Renewal Term. If the County fails to provide notice of renewal, this Agreement will terminate at the end of the Initial Term or the then-current Renewal Term. This Agreement is subject to the multi-year contractual provisions of O.C.G.A. 36-60-13(a).

Section 6. Miscellaneous.

6.1 This Agreement shall constitute the entire agreement of the parties. No representations not contained herein have been relied upon or shall be binding upon either of the parties hereto. This Agreement may not be modified except by written agreement signed by both parties.

IN WITNESSS WHEREOF, the City and the County have caused this Agreement to be executed in their respective corporate names and their respective corporate seals to be hereunto affixed and attested by their duly authorized officers, all as of the date first above written.

(SEAL)



ATTEST:

Tameca P. White, County Clerk



Anne Barksdale, City Clerk

BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA

By:

MAXWELL, Chairman ERIC K.

MAYOR AND COUNCIL FOR THE CITY OF FAYETTEVILLE

By:

EDWARD JOHNSON, Mayor

Attachment A

CITY OF FAYETTEVILLE

COUNTY OF FAYETTE

AUTHORIZED FAYETTEVILLE MAIN STREET EVENTS

- 1. Fine Art Show on the Old Courthouse Lawn
- 2. Taste of Fayette
- 3. Chili Fest
- 4. Pumpkin Festival / Trick or Treat on Main Street
- 5. Downtown Christmas Parade / Tree Lighting
- 6. Lunch on the Lawn / Dinner on the Lawn
- 7. Fayette Market Days
- 8. Movie nights

Attachment B

CITY OF FAYETTEVILLE

COUNTY OF FAYETTE

STONEWALL INVENTORY COST REIMBURSEMENT

Women's Restroom:

- 1. Rolls toilet tissue \$3.40
- 2. Multi fold packs paper towels \$1.35
- 3. Hard roll paper towels \$3.00
- 4. Bag in box soap \$3.35

Men's Restroom:

- 1. Rolls toilet tissue \$3.40
- 2. Multi fold packs paper towels \$1.35
- 3. Hard roll paper towels \$3.00
- 4. Bag box soap \$3.35

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 Gardner Association
- 5. Fayette Love Your Pet Event

Approved March 22, 2018

CITY OF FAYETTEVILLE COUNTY OF FAYETTE

ADDED FAYETTEVILLE MAIN STREET EVENTS

1. Annual Back to School Expo

Approved April 24, 2018

CITY OF FAYETTEVILLE COUNTY OF FAYETTE

ADDED FAYETTEVILLE MAIN STREET EVENTS

1. James Waldrop Chapter Daughter of the American Revolution Commemorates July 4th

Approved May 24, 2018

CITY OF FAYETTEVILLE COUNTY OF FAYETTE

ADDED FAYETTEVILLE MAIN STREET EVENTS

1. Wedding Ceremony

CITY OF FAYETTEVILLE COUNTY OF FAYETTE

ADDED FAYETTEVILLE MAIN STREET EVENTS

1. Blessing of Animals

Approved September 13, 2018

COUNTY AGENDA REQUEST

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		~	
Department:	Selection Committee	Presenter(s):	Commissioners Oddo/Rousseau
Meeting Date:	Thursday, February 28, 2019	Type of Request:	New Business #18
Wording for the Agenda:			
Consideration of a recom	appoint Bryan Thompson to the Fay	•	Charles W. Oddo and Commissioner of for a term beginning January 1, 2019
Background/History/Detai	ils:		
The Fayette County Rec County Board of Commis makes recommendations and operational needs. A are spent or managed.	reation Commission is a citizen com ssioners to four-year terms, which re s to the Recreation Department, the (views and evaluates programs, facili County Administrator, and the Board Commission has no decision-makin	11 5 5
	e interviewed three applicants. One a	applicant withdrew the application.	
The incumbent was Terra	ance Williamson.		
	ing from the Board of Commissioner In Thompson to the Fayette County F		eginning January 1, 2019 and expiring
If this item requires fundin	ng, please describe:		
Not Applicable.			
Has this request been co	nsidered within the past two years?	No If so, whe	n?
Is Audio-Visual Equipmer	nt Required for this Request?*	No Backup P	rovided with Request? Yes
	l must be submitted to the County nsibility to ensure all third-party a		urs prior to the meeting. It is also at least 48 hours in advance.
Approved by Finance	Not Applicable	Reviewed	by Legal
Approved by Purchasing	Not Applicable	County C	lerk's Approval Yes
Administrator's Approval			
Staff Notes:			



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

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

Please take a few minutes to complete the form and answer the questions below and return with a resume, if available, to Tameca White, County Clerk, via email at <u>twhite@fayettecountyga.gov</u> or 140 **Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214** no later than 5:00 p.m. on Friday, April 6, 2018.

If you have any questions, please call (770) 305-5103.

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

NAME Jeremy Bryan Thompson	
ADDRESS 217 Lynn Drive Fayetteville, GA 30215	
TELEPHONE (day)	
(evening)	
(email address)	
Byon Dypson Signature	<u>3/15/18</u> Date
Doam 16th - tentative may have to	ogo out of town will confirm on 5/



- 1. How long have you been a resident of Fayette County? 14yrs
- 2. Why are you interested in serving on the Fayette County Recreation Commission? Served as FAYETTE COUNTY BASEBALL ASSOCIATION President for past 4yrs and would like to continue working to improve our community
- 3. What qualifications and experience do you possess for appointment to the Recreation Commission? 4yrs as FAYETTE COUNTY BASEBALL ASSOCIATION President and 2yrs on board at PTC Little League
- 4. List your recent employment experiences to include name of company and position. MPINarada – Director of Sales and Marketing
- 5. Do you have any past experience relating to the Recreation Commission? If so, please describe. Yes, 4yrs as FAYETTE COUNTY BASEBALL ASSOCIATION President
- 6. Are you currently serving on a commission/board/authority or in and elected capacity with any government? FAYETTE COUNTY BASEBALL ASSOCIATION Board President ending in June
- 7. Have you attended any Recreation Commission meetings in the past two years and, if so, how many? Yes, 4?
- 8. Are you willing to attend seminars or continuing education classes at county expense? Yes
- 9. What is your vision of the county's future related to the duties of the Recreation Commission? Safer Environments, better facilities, more involvement
- 10. Would there be any possible conflict of interest between your employment or your family and you serving on the Recreation Commission? No
- 11. Are you in any way related to a County Elected Official or County employee? If so, please describe. No
- 12. Describe your current community involvement. FAYETTE COUNTY BASEBALL ASSOCIATION President, league coach of several years



13. Have you been provided a copy of the county's Ethics Ordinance? Yes

14. Is there any reason you would not be able to comply with the Ethics Ordinance? No

COUNTY AGENDA REQUEST

Page 197 of 259

Department:	Selection Committee	P	resenter(s):	Commissioners C	ddo/Rousseau
Meeting Date:	Thursday, February 28, 201	9 T <u>1</u>	ype of Request:	New Business #	19
Wording for the Agenda:					
Consideration of a recom	nmendation from the Selection appoint Michael Gumbinger t March 31, 2020.	•			
, Background/History/Detai	ils:				
County Board of Commis makes recommendations	reation Commission is a citize ssioners to four-year terms, w s to the Recreation Departmen As an advisory board, the Rec	hich reviews and evaluate ht, the County Administrate	s programs, facil or, and the Board	lities, policies, and o d of Commissioners	ther matters and concerning capital
The Selection Committee	e interviewed three applicants	. One applicant withdrew t	he application.		
The incumbent was Brac	lley Klinger.				
	ing from the Board of Commis ael Gumbinger to the Fayette		nission for an un	expired term beginn	ing immediately and
If this item requires fundir	ng, please describe:				
Not Applicable.					
Has this request been co	nsidered within the past two y	ears? No	lf so, whe	en?	
Is Audio-Visual Equipmer	nt Required for this Request?"	No	Backup I	Provided with Reque	st? Yes
	l must be submitted to the onsibility to ensure all third-				
Approved by Finance	Not Applicable		Reviewe	d by Legal	
Approved by Purchasing	Not Applicable		County C	Clerk's Approval	Yes
Administrator's Approval					

Staff Notes:



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

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

Please take a few minutes to complete the form and answer the questions below and return with a resume, if available, to Tameca White, County Clerk, via email at <u>twhite@fayettecountyga.gov</u> or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on Friday, November 16, 2018.**

If you have any questions, please call (770) 305-5103.

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

NAME James Michael ("Mike") G	umbinger	
ADDRESS 140 Hill Ave		
Eagetteville, GA 30215		
TELEPHONE (cell) _	(home)	2
(email address		
Signature	Date	3/18

FAYETTE COUNTY PARKS AND RECREATION COMMISSION CODE OF ETHICS

As a Park and Recreation Commissioner, representing all residents of Fayette County, I recognize that:

I have been entrusted to recommend park, recreation, and leisure services to all residents of Fayette County. These services are available to everyone regardless of age, sex, race, religion, or national origin, including people with disabilities.

I will respect ideas and opinions expressed by fellow board members, professional staff, and citizens to ensure the best interest of the community.

I will respect, and support decisions made by the Parks and Recreation Commission.

I pledge to devote the time and effort necessary to ensure thoughtful and informed decisions by the Parks and Recreation Commission.

I will adhere to the highest standards of integrity and honesty in all my endeavors to safeguard the public trust.

I will work to accomplish the mission of the organization and strive to maintain the trust of those who appointed me and those whom the organization serves.

I will serve the interest of all people, avoid acts of favoritism toward special interest and avoid use of the Parks and Recreation Commission for personal advantage.

I understand that my authority is restricted to official meetings and authorized actions of the Parks and Recreation Commission.

I acknowledge that the Parks and Recreation Commissioners recommend policy while administrators and staff carry out approved policy.

I will support policy that ensures that all Parks and Recreation Commission meetings are open to the public except in cases where closed meetings are explicitly authorized.

Signature

11/8/18

James Gumbinger 140 Hill Ave. Fayetteville, GA 30215

1. How long have you been a resident of Fayette County?

My wife and I have lived in Fayette County for 20+ years.

2. Why are you interested in serving on the Fayette County Recreation Commission?

I would love to have a small part in providing the citizens of Fayette County with the best facilities and opportunities to participate in various physical activities. I was an Athletic Director for almost 35 years and feel that I would have a lot to offer.

3. What qualifications and experience do you possess for the appointment to the Recreation commission?

I was an Athletic Director for almost 35 years and I taught Physical Education for most of those years. I have a Masters Degree in Athletic Administration and obtained the CMAA degree which is the highest certification given by the National Athletic Administrator Association. I am the only Middle School Athletic Director with this certification in the state of Georgia. I served on the board of directors for the Georgia Athletic Directors Association and have taught several classes at the state convention in Savannah. I also have opened two new middle schools in Henry County.

4. List your recent employment experiences to include the name of the company and position.

I am currently retired but was an Athletic Director and Physical Education teacher in Henry County for 23 years. My last school was Dutchtown Middle School where I was the Athletic Director and PE teacher.

5. Do you have any past experience relating to the Recreation Commission? No

6. Are you currently serving on a commission/board/authority or in an elected capacity with and government?

No

7. Have you attended any Recreation Commission meetings in the past two years? No

8. Are you willing to attend seminars or continuing education classes at county expense?

Yes. I am and always have been a firm believer in obtaining new ideas from people and organizations.

9. What is your vision of the county's future related to the duties of the Recreation Commission.

I would like to see the addition of several gyms in the county that would offer full services for the citizens of Fayette County. Several of the surrounding counties have more facilities than Fayette County which does not make any sense as Fayette County is the best county in Metro Atlanta. I would like to see the county take a proactive approach to offer Pickleball throughout the county. This is the fasted growing sport in America and is becoming very popular with our older population because it is less strenuous than tennis or racquetball. The citizens of Fayette County are very active and our Recreation Department should reflect this.

10. Would there be any possible conflict of interest between your employment or your family and serving on the Recreation Commission?

No as I am retired.

11. Are you in any way related to a County Elected Official or County employee? No

12. Describe your current community involvement?

I am a member if Dogwood Church and volunteer with the Orchard Ministry of the church. I am active in the revitalization of the town of Woolsey. My wife and I play Pickleball in Griffin, Henry County and at the Bridge.

- 13. Have you been provided a copy of the county's Ethic Ordinance? Yes.
- 14. Is there any reason you would not be able to comply with the Ethics Ordinance? No

James Michael Gumbinger 140 Hill Ave. Fayetteville, GA 30215

Education:		
2012	National Interscholastic Athletic Adm Certified Master in Athletic Administration	
2010	Concordia University Master's Degree Athletic Administration	Irvine, CA
1994-1995	West Georgia University Middle Grades Certification, 3.67GPA	Carrollton, GA
1972-1976	Florida Bible College Bachelor of Arts-Biblical Education 3.5 GPA Played Baseball and Football for four ye Team captain junior and senior years. Dorm head with full scholarship senior y	
1968-1972	Dixie Hollins High School 3.5 GPA Member of Future Teachers of America	St. Petersburg, FL.
Experience: 2017	Retired from Henry County Schools	
2005-20017	Dutchtown Middle School P. E. Teacher Athletic Director Fastpitch Softball Coach Volleyball Coach	McDonough, GA
1996-2005	Austin Road Middle School P.E. and Health Teacher Athletic Director Fastpitch Softball Coach Founded F.C.A. club	Stockbridge, GA.
1995	Stockbridge Middle School P.E. and Health	Stockbridge, GA.
1992-1994	Delta Airlines Atla Supply Attendant Duties included: Stocking, pulling and delivering of aircraft parts.	nta, GA.

1986-1991	Community Bible Church	Morrow, GA.
	Formerly, Clayton Community Church	
	Church Administrator	
	Duties included: Managing all hourly person accounting department, supervising the main buildings and grounds, heading up several	ntenance of the
1976-1986	Community Christian Academy	Morrow, GA.
	Formerly, Clayton Christian School	2
	P.E., Math, Science and Bible Teacher	
	Athletic Director	
	Coached various sports	
Supplementary:		
Professional	Board of Directors for Georgia Athletic Dire	ectors Association
	CMAA certification from NIAAA	
	Only middle school Athletic Director with the state on Georgia	his certification in the
Personal	Born April 10, 1954; married 49 years; two grandchildren.	children and three
Hobbies	Pickleball and golf; active in church and coa	ching.
References	Available upon request.	

OTHER APPLICANT





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

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

Please take a few minutes to complete the form and answer the questions below and return with a resume, if available, to Tameca White, County Clerk, via email at <u>twhite@fayettecountyga.gov</u> or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on Friday, November 16, 2018.**

If you have any questions, please call (770) 305-5103.

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

NAME WALTER TRICH	2
ADDRESS 280 MF2RCF2DES	TRAIL
FAYEHEVILLE	GA 30214
TELEPHONE (cell)	(home) 770 4.61-3084
(email address)	
Mater Sich	11/16/2018
Signature	Date



How long have you been a resident of Fayette County?

1SVRARS

- 2. Why are you interested in serving on the Fayette County Recreation Commission?
- 3. What qualifications and experience do you possess for appointment to the Recreation Commission? I HAVE MORE HOUSE COLL DEGRER, THAVE COACH
- BASKETBALL IN COUNTRE CREATION GND WOULD LIKETO SEE IT Grow AND
 4. List your recent employment experiences to include name of company and position. IN PROVE BUYETTE BEAUTY FZQUIPMENT, SALE MANAGER, AUCI, 2000
 5. Do you have any past experience relating to the Recreation Commission? If so, please describe. NO NONE IN THIS COUNTY, PARTICIPATE WITH FUILTON COUNTRESS.
- 6. Are you currently serving on a commission/board/authority or in and elected capacity with any government? n 17)
- 7. Have you attended any Recreation Commission meetings in the past two years and, if so, how many? NO
- 8. Are you willing to attend seminars or continuing education classes at county expense?
- 9. What is your vision of the county's future related to the duties of the Recreation Commission? TO HAVE PROGRESSIVE POLICY, TO HELP FAVETE RECEATION
- COMMUSSION TO GROW AND OR ASSET TO RESIDENT 10. Would there be any possible conflict of interest between your employment or your family and you serving on the Recreation Commission? n(0)
- 11. Are you in any way related to a County Elected Official or County employee? If so, please describe. NC
- MEMBER OF NO.GTAFA/ETE 12. Describe your current community involvement. PREIDENT OF GRIER WOOD HOA COMMUNITY ASSOCIATION
- 13. Have you been provided a copy of the county's Ethics Ordinance?

14. Is there any reason you would not be able to comply with the Ethics Ordinance?

FAYETTE COUNTY PARKS AND RECREATION COMMISSION CODE OF ETHICS

As a Park and Recreation Commissioner, representing all residents of Fayette County, I recognize that:

I have been entrusted to recommend park, recreation, and leisure services to all residents of Fayette County. These services are available to everyone regardless of age, sex, race, religion, or national origin, including people with disabilities.

I will respect ideas and opinions expressed by fellow board members, professional staff, and citizens to ensure the best interest of the community.

I will respect, and support decisions made by the Parks and Recreation Commission.

I pledge to devote the time and effort necessary to ensure thoughtful and informed decisions by the Parks and Recreation Commission.

I will adhere to the highest standards of integrity and honesty in all my endeavors to safeguard the public trust.

I will work to accomplish the mission of the organization and strive to maintain the trust of those who appointed me and those whom the organization serves.

I will serve the interest of all people, avoid acts of favoritism toward special interest and avoid use of the Parks and Recreation Commission for personal advantage.

I understand that my authority is restricted to official meetings and authorized actions of the Parks and Recreation Commission.

I acknowledge that the Parks and Recreation Commissioners recommend policy while administrators and staff carry out approved policy.

I will support policy that ensures that all Parks and Recreation Commission meetings are open to the public except in cases where closed meetings are explicitly authorized.

Signature

11/10/1 Date

COUNTY AGENDA REQUEST

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Department:	Public Works	Presenter(s):	Phil Mallon, Director
Meeting Date:	Thursday, February 28, 2019	Type of Request:	New Business #20
Wording for the Agenda		a	
	hanges to the "Addendum to Policy & Funds, Engineering & Design Related		sing Goods and Services, Public Works
Background/History/Det	ails:		
certification from the G established by GDOT. of the Local Public Age Compliance is needed After reviewing Fayette projects using Federal state rules. The propos		We are in the process of getting re- tent of the certification process is to er and execute the policies and proc ticipation." procurement of engineering and des language demonstrating an underst policy document (dated 2/14/19), sa	certified and meeting recent criteria ensure "the resource capacity and ability edures for federal and state compliance. sign related services on transportation anding of the applicable federal and
1	ded changes to Addendum to Policy & Funds, Engineering & Design Related		asing Goods and Services, Public Works
I If this item requires func	ling, please describe:		
No funding required.			
Has this request been c	onsidered within the past two years?	No If so, whe	in?
Is Audio-Visual Equipm	ent Required for this Request?*	No Backup P	Provided with Request? Yes
	ial must be submitted to the County consibility to ensure all third-party a		, ,
Approved by Finance	Not Applicable	Reviewed	by Legal

County Clerk's Approval

Yes

Administrator's Approval

Approved by Purchasing

Yes

Staff Notes:

Updated 10/16/2014 Draft Update 2/15/2019

Fayette County, Georgia Addendum to Policy & Procedures Section 200.01, Purchasing – Procuring Goods and Services Public Works Projects Using Federal Funds Engineering & Design Related Services

PURPOSE: When the county partners with the State of Georgia and the federal government for transportation projects using federal funds, it is the county's obligation to observe and follow rules, regulations, or other requirements that apply. This policy and procedures section provides guidance to county officials in fulfilling that obligation, as it applies to procurement of engineering and design related services.

DEFINITION:

• Engineering and design related services: Program management, construction management, feasibility studies, preliminary engineering, design engineering, surveying, mapping, architectural related services, or similar services with respect to a highway construction project.

POLICY:

The county will maintain and comply with written policies and procedures for the procurement, management, and administration of engineering and design related consultant services, as appropriate for the use of funds granted by the Federal Highway Administration (FHWA). The county will follow requirements of the common grant rule except where inconsistent with the requirements of 23 CFR 172 and other laws and regulations applicable to the Federal-aid highway program (FAHP). The county will procure engineering and design related services in accordance with the qualifications-based selection procedures prescribed in the Brooks Act (40 U.S.C. 1101 et seq.) and will accept and apply consultant indirect cost rates established by a cognizant Federal or State agency in accordance with the Federal Acquisition Regulation cost principles (48 CFR part 31). It will further be county policy to follow other federal or state laws, rules, or regulations that may apply.

PROCEDURES:

- A. The county will use the method of procurement that is most appropriate for the particular situation. Methods may include:
 - 1. *Small purchases*: This method may be used where an adequate number of qualified sources are reviewed, and the total contract costs do not exceed the federal simplified acquisition threshold in force at the time for federal purchases, or does not exceed \$75,000 for state purchases. This requirement applies to the cumulative value of the initial contract plus any contract amendments. A minimum of three consultants will be considered when the small purchase method is used.
 - Competitive Negotiation: This may include Requests for Proposals (RFP), Requests for Qualifications (RFQ), and/or other appropriate forms of competitive negotiation. When using this method, the county will comply with laws, rules, and regulations that apply,

including the Brooks Act, codified under 40 U.S.C. 1101-1104. Costs proposals or elements of cost will be required in a concealed format and separate from technical / qualifications proposals, and not considered in the evaluation, ranking, and selection phase of procurement. *In-state or local preferences* will not be used; however, a *local presence* may be considered where appropriate. Evaluations will consider the qualifications of the prime consultant and any sub-consultants identified within the proposal. The county will conduct interviews or other discussions with at least three of the most highly qualified consultants. Prior to receipt of the most highly qualified consultant's cost proposal, the county will prepare a detailed independent estimate in conformance with federal requirements.

- 3. **Noncompetitive procurement**: When the above-two procurement methods are not appropriate, the county may conduct a noncompetitive procurement. This may involve situations in which the service is available only from a similar single source, an emergency exists, or available competition is inadequate.
- B. To assure compliance with federal and state laws, rules and regulations, procurements of engineering and design related services will address the following:
 - 1. **Scope of work and evaluation factors**: The Originating Department will prepare a *scope of work* that adequately describes the services needed, so that potential consultants clearly understand what is needed, and can respond accordingly. *Evaluation factors* will be included, which will convey to potential consultants those things the county considers important for the project in question.
 - Solicitation of proposals: The county will solicit proposals widely enough so that sufficient competition is generated. Solicitation methods may include printed media, Internet-based tools, the county's website, or other available means of advertising. Solicitations for procurements will be advertised in the Georgia Procurement Registry as required by Georgia Code at O.C.G.A. 36-80-26.
 - 3. **Conflicts of Interest**: The county will maintain a written code of standards of conduct governing the performance of employees, including those employees engaged in the award and administration of engineering and design related services contracts.
 - 4. *Suspension and debarment*: The county will verify suspensions or debarments of consultants as specified in 49 CFR 18.35 and 2 CFR part 180 and 2 CFR part 200.
 - 5. Evaluating proposals and ranking / selection of a consultant: An Evaluation Committee will be formed to rank proposals and recommend a consultant for contract award. The Committee will use evaluation criteria as specified in the RFQ, RFP, or other advertisement. Evaluation factors may include, but are not limited to, technical approach, work experience, specialized expertise, professional licensure, staff capabilities, workload capacity, past performance, or other criteria pertinent to the project at hand. Price or cost related items will not be used as evaluation criteria. The county may conduct interviews or other discussions as appropriate with at least three of the most highly qualified consultants.

- 6. *Independent agency estimate*: Prior to receipt of cost proposals, the county will prepare independent cost estimates as required by federal regulations.
- 7. Contract type, payment method, and provisions:
 - a. The county will use the contract type which is most appropriate for each procurement. It may be a *project-specific contract*, a *multiphase project specific contract*, an *on-call or indefinite delivery / indefinite quantity (IDIQ) contract*, or other as needed.
 - b. The method of payment to be used will be spelled out in the solicitation which, in turn, will become part of the contract. Acceptable methods may include lump sum, cost plus fixed fee, cost per unit of work, specific rates of compensation, or other as may be acceptable to the FHWA and the Georgia Department of Transportation.
 - c. Contract provisions will include those required by the Federal Common Rule at 49 CFR 18.36 Uniform Administrative Requirements at 2 CFR part 200 and Procurement, Management, and Administration of Engineering and Design Related Services – Contracts and administration at 23 CFR 172.9.
- 8. **Contract negotiation**: After potential consultants have been evaluated, the county will negotiate with the most qualified consultant in an attempt to negotiate a contract. If unsuccessful, the county will then negotiate with the next most qualified consultant, and so on until a successful negotiation has been accomplished.
- 9. Elements of costs, indirect cost rates, consultant compliance: The county will use indirect cost rates established by the State Transportation Agency (STA) in establishing contract costs. Rates will not be limited by administrative or de facto ceilings of any kind. The county will compensate for *direct costs* as provided in 23 CFR 172 and other federal regulations and guidelines.
- **10.** Allowable consultant costs: The county will provide reasonable assurance that consultant contract costs are allowable in accordance with federal cost principles, and consistent with the contract terms and acceptability of the consultant's work.
- **11. Monitoring consultant work:** County staff will monitor the consultant's work to provide reasonable assurance of compliance with the terms, conditions, and specifications of the contract.
- **12.** Consultant's performance evaluation: Upon completion of services, county staff will conduct an evaluation of the consultant's performance, to be used in future evaluation and ranking regarding future services. The evaluation report will include, but not be limited to, evaluation of timely completion of work, adherence to contract scope and budget, and quality of the work. The county will provide the consultant a copy of the report, and allow the consultant an opportunity to respond.
- **13. Contract closeout:** The responsible county employee will close out a contract only when the service has been completed to the satisfaction of the county, and all direct or indirect costs have been paid. A complete file will be maintained for the length of time established by law or by policy, whichever applies.

- **14.** *Records retention:* All required records will be retained for at least three years after the county makes final payment and all other pending matters are closed for all contracts and subcontracts.
- **15.** Liability for errors and omissions: Where appropriate, a Certificate of Insurance will be required from the consultant, naming Fayette County, Georgia as an additional insured. The insurance limit of liability shall be determined by the nature of the contract, the risks involved, and other pertinent factors.
- 16. Legal remedies: In case of a legal dispute, the laws of the State of Georgia shall prevail.
- **17.** *Dispute resolution:* The county will be responsible for the settlement of contractual and administrative issues, except for violations of federal law or federal regulations, or other issues reserved for resolution at the federal level.
- **C.** The county will give consideration to Disadvantaged Business Enterprise (DBE) consultants in the procurement of engineering and design related service contract subject to 23 U.S.C. 112(b)(2) in accordance with 49 CFR part 26 and any other laws, rules, or regulations pertinent to DBE.



COUNTY AGENDA REQUEST

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Department:	Planning & Zoning/Marshal	Presenter(s):	Pete Frisina & Har	old Myers
Meeting Date:	Thursday, February 28, 2019	Type of Request:	New Business #2	1
Wording for the Agenda:			,	
Consideration of Ordinan		er 4 – Alcoholic Beverages, Sec. 4-36 garding A-R wedding/event facilities.	- Prohibited distand	ces; sale of
Background/History/Detail	S:			
	the alcohol regulations, these amen	ent facilities where permitted events a dments will exclude an on-site private		
Approval of Ordinance 20 beverages near churches	s, schools, or other sites regarding A	Alcoholic Beverages, Sec. 4-36 - Pro	phibited distances; s	sale of alcoholic
If this item requires funding	g, please describe:			
Has this request been cor	nsidered within the past two years?	No If so, when	n?	
Is Audio-Visual Equipmen	t Required for this Request?*	No Backup Pi	rovided with Reques	st? No
	5	/ Clerk's Office no later than 48 hou nudio-visual material is submitted a		0
Approved by Finance	Not Applicable	Reviewed	by Legal	
Approved by Purchasing	Not Applicable	County Cl	erk's Approval	Yes
Administrator's Approval				
Staff Notes:				

(5) Any distilled spirits, wine, or malt beverages within 100 yards of any private residence. For the purpose of this section only, a "private residence" is defined as a house, dwelling, condominium or duplex wherein not less than one nor more than two families reside and shall not include a mobile home court, an apartment house having facilities for housing more than two families, nor a boardinghouse or roominghouse where there are five or more boarders or roomers. Any building occupied as a residence located within an area zoned for commercial non-residential purposes shall not be construed as a "private residence." For the purposes of this section, the term "private residence" shall not include any building located on the same parcel of property as the structure from which any alcoholic beverage is to be sold, dispensed, distributed, poured or served.

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2019-____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO REVISIONS PERTAINING TO PROHIBITED DISTANCES FOR ALCOHOL SALES; 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 ALCOHOLIC BEVERAGES (CHAPTER 4), BE AMENDED AS FOLLOWS:

- Section 1. By deleting Paragraph (5) of Section 4-36, pertaining to "Prohibited distances; sale of alcoholic beverages near churches, schools, or other sites", of Division 1 of Article II of Chapter 4, in its entirety, and by replacing it with a new Paragraph (5) in Section 4-36 of Division 1 of Article II of Chapter 4, to be numbered and read as follows:
 - (5) Any distilled spirits, wine, or malt beverages within 100 yards of any private residence. For the purpose of this section only, a "private residence" is defined as

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a house, dwelling, condominium or duplex wherein not less than one nor more than two families reside and shall not include a mobile home court, an apartment house having facilities for housing more than two families, nor a boardinghouse or roominghouse where there are five or more boarders or roomers. Any building occupied as a residence located within an area zoned for non-residential purposes shall not be construed as a "private residence." For the purposes of this section, the term "private residence" shall not include any building located on the same parcel of property as the structure from which any alcoholic beverage is to be sold, dispensed, distributed, poured or served.

- **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 ______, 2019.

BOARD OF COMMISSIONERS OF FAYETTE COUNTY

By: _____

Randy Ognio, Chairman

(SEAL)

ATTEST:

Tameca P. White, County Clerk

Approved as to form:

County Attorney

COUNTY AGENDA REQUEST

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Department:	Environmental Management	Presenter(s):	Vanessa Birrell, [Director
Meeting Date:	Thursday, February 28, 2019	- Type of Request:	New Business #	22
Wording for the Agenda:				
	•	2019-02 that amends Fayette Coun	ty Code, Chapter 10	04 - Development
Background/History/Detai	ls:			
requirements to develop also meets the Georgia E This ordinance was revis requirements. This amendment clari and 25 ft., respectively. T Commissioners to hear a Planning Commission he setback requirements arc	water supply reservoirs in Fayette C Environmental Planning Criteria for p ed in 2010 to meet the Metropolitan fies requirements for all lakes and p This reflects current department poli variance request if not granted by ars Watershed Protection variance bund lakes and ponds are further cla	s adopted in 1987 as one of Georgia County. This ordinance protects both protection of large and small water su n North Georgia Watershed Planning bonds to have the minimum state buf cy. Changes to the appeal process in the Environmental Management Dire requests. Activities allowed in the wa arified. Definitions have been added clude changing of the department na	streams and floodp upply watershed that District buffer mod fer and setback req low allowing the Boa ector. Currently, the atershed protection and amended to co	at are publicly owned. The ordinance uirements of 50 ft. ard of Fayette County setback and buffer/ nform with other
	ing from the Board of Commissione 019-02, proposed amendment to Fa	rs? ayette County Code, Chapter 104 - D	evelopment Regula	tions, Article VII.
If this item requires fundin	g, please describe:			
Not Applicable				
Has this request been col	nsidered within the past two years?	No If so, whe	en? November 2	2010
Is Audio-Visual Equipmer	nt Required for this Request?*	No Backup F	Provided with Reque	est? Yes
		y Clerk's Office no later than 48 ho audio-visual material is submitted		0
Approved by Finance	Not Applicable	Reviewe	d by Legal	
Approved by Purchasing	Not Applicable	County C	Clerk's Approval	Yes
Administrator's Approval				

Staff Notes:

STATE OF GEORGIA; FAYETTE COUNTY

ORDINANCE NO. 2010-09

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, FAYETTE COUNTY, GEORGIA CHAPTER 8, DEVELOPMENT REGULATIONS, ARTICLE VII, WATERSHED PROTECTION; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

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

WHEREAS, the governing authority desires to amend the provision that provides for the regulation of soil erosion and sedimentation control for land disturbance activities as allowed by the State of Georgia;

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

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

Section 1. That Chapter & Development Regulations, Article VII. Watershed Protection Ordinance of the Code of Ordinances, Fayette County, is hereby deleted in its entirety and replaced by a new Article VII. entitled "Fayette County Watershed Protection Ordinance" to read as follows:

ARTICLE VII. WATERSHED PROTECTION ORDINANCE

Section 8-201. Introduction

It is hereby determined that buffers adjacent to streams provide numerous benefits including:

- A. Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources,
- B. Removing pollutants delivered in urban stormwater,
- C. Reducing erosion and controlling sedimentation,
- D. Protecting and stabilizing stream banks,
- E. Providing for infiltration of stormwater runoff,
- F. Maintaining base flow of streams,

- G. Contributing organic matter that is a source of food and energy for the aquatic ecosystem,
- H. Providing tree canopy to shade streams and promote desirable aquatic habitat,
- I. Providing riparian wildlife habitat,
- J. Furnishing scenic value and recreational opportunity; and
- K. Providing opportunities for the protection and restoration of greenspace.

Section 8-202. Definitions.

Base Flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year, also known as the 100-year flood.

Base Flood Elevation. The highest water surface elevation anticipated at any given point during the base flood.

Canopy Tree. Any tree having reached a relatively tall height compared to surrounding trees and vegetation and providing shade from its foliage mass; also individual or tree groups forming an overhead cover. Examples include oak, maple, hickory, beech, pecan, sycamore, sweet gum, poplar, ash, river birch, long leaf pine, and lobiolly pine trees.

Ground Cover. A plant with a low-growing, spreading habit, grown specifically to cover the ground, generally not attaining a height of more than two (2) feet.

Impervious Surface. The area where a man-made structure or surface prevents the infiltration of storm water into the ground below the structure and/or surface. Examples include buildings, paved roads, paved driveways, paved parking lots, swimming pools, or patios.

Large Water Supply Watershed. A watershed area which is greater than 100 square miles as defined by the Georgia Department of Natural Resources Environmental Protection Division.

Natural Vegetation. Natural vegetation is a generally undisturbed, maintenance-free, self-perpetuating stand of vegetation comprised of indigenous shrubs, flowers, wild grasses, and trees.

Nitrification Field. A nitrification field shall be any area used for the on-site disposal of wastewater.

Pollutant. Any substance as certain chemicals or waste products, that renders the air, soil, water or other natural resource harmful or unsuitable.

Reservoir. A reservoir shall be an existing or future impoundment of water for water supply purposes as identified by Resolution of the Fayette County Board of Commissioners.

Shrub. A plant with persistent woody stems and a relatively low growth habit, distinguished from a tree by producing several basal stems instead of a single trunk.

Small Water Supply Watershed. A watershed area which is less than 100 square miles as defined by the Georgia Department of Natural Resources Environmental Protection Division.

State Water. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other water bodies of surface or 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 individual, home owners association, partnership, or corporation. (Amended June 9, 2005)

Stream Bank. The uppermost part of the bank marked by a break in slope (as defined by the Georgia Department of Natural Resources Environmental Protection Division). A stream bank is not necessarily the water's edge.

Tree. A self supporting perennial plant having one (1) or more stems or trunks, that, at maturity, has one or more stems or trunks that attain a diameter of at least two (2) inches, a more or less definitely formed crown of foliage; and a height of ten (10) feet or more.

Tributaries and Streams. State waters, whether named or unnamed, that continuously flow to major water supply streams.

Utility. A public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems and railroads or other utilities identified by a local government.

Understory Tree. Any tree, which is of relatively lesser height and spread than surrounding canopy trees, but still provides shade and a degree of protection to the earth and vegetation beneath it. Examples include dogwood, cherry, red bud, sassafras, crabapple, pear, American holly, red cedar, and magnolia trees.

Water Supply Reservoir. A governmentally-owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

Water Supply Watershed The area of land upstream of a governmentally-owned public drinking water intake.

Watershed Buffer. The area of a parcel set aside to provide a separation between the use(s) on the parcel and adjoining parcel(s) and a state waters requiring a buffer through the use of natural vegetation, replanting, and supplemental plantings.

Watershed Setback. The area of a parcel where all structures, septic tanks, nitrification fields and any impervious surfaces shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.

Wrested Vegetation. Wrested vegetation is vegetation that has been disturbed, moved, or removed by flowing water creating a clear demarcation between water flow and vegetative growth.

Section 8-203. General Provisions

A. **Purpose and Intent.** Ordinance is to help ensure the public health, safety, environment, and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; to preserve stream water quality; and to comply with the laws of the State of Georgia pursuant to O.C.G.A. 12-2-8 by provisions :

- 1. Create buffers and setbacks along state waters in Fayette County for stream bank stabilization, water resource protection, and protection of aquatic and riparian habitat.
- 2. Minimize land development within such buffers and setbacks by limiting development activities within these protected areas and by requiring authorization for any such activities.
- B. Applicability. The following large and small water supply watersheds, designated major water supply streams, named tributaries, minor unnamed streams, and waters requiring a state buffer located in and out of the large and small water supply watersheds shall be governed by this Article. This Ordinance shall be applicable to any parcel within unincorporated Fayette County that has been created/reconfigured after May 28, 1987, unless it is a minor revision to a Recorded Final Plat/Minor Subdivision Plat as defined in Article XIII of the Fayette County Developmental Regulations.
- C. Administration of Ordinance. The Stormwater Management Director shall administer and implement the provisions of this ordinance.
- D. **Compatibility with Other Regulations**. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision is more restrictive or impose higher protective standards for human health or the environment shall control.
- E. **Severability.** If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.
- F. Watershed Buffer/Setback Access. Vegetation within a watershed buffer/setback area shall not be disturbed except for access and utilities approved by The Fayette County Stormwater Management Department.
- G. Water Supply Watersheds. Fayette County contains one (1) large water supply watershed and four (4) small water supply watersheds as indicated on the Fayette County Watershed Protection Map,
 - 1. The Flint River is the only large water supply watershed in Fayette County where intakes for Fayette County, Clayton County and the City of Griffin are located. This water supply watershed does not contain a reservoir.
 - 2. The four (4) small water supply watersheds are:

- a. Line Creek Watershed where Fayette County and Coweta County intakes are located. This water supply watershed is the location of the proposed Lake McIntosh (a water supply reservoir);
- b. Flat Creek Watershed where a Fayette County intake is located. Flat Creek is a named tributary that flows into Lake Kedron and then into Lake Peachtree (both are water supply reservoirs);
- c. Whitewater Creek Watershed where Fayette County and the City of Fayetteville intakes are located. This water supply watershed does not contain a reservoir; and
- d. Horton Creek Watershed where a Fayette County intake is located. Antioch Creek and Woolsey Creek are named tributaries that flow into Lake Horton (a water supply reservoir).
- H. **State Waters Determination.** For purposes of this ordinance, the Stormwater Management Department shall make state water determinations, but will not delineate said waters. Recorded drainage easements and ditches/swales used for conveying wet-weather flows (i.e., no base flow) shall not require a watershed buffer.

Section 8-204. Minimum Watershed Protection Requirements. The following watershed buffer and setback requirements shall be required on all state waters requiring a buffer within unincorporated Fayette County.

No sewage treatment facility, dumping, discharging, releasing, spraying, distributing of any toxic or other pollutant is allowed onto the watershed buffer and setback.

Watershed buffer areas may be hand thinned or hand trimmed of vegetation in accordance with the Fayette County Soil Erosion and Sedimentation Control Ordinance.

Pervious hiking traits and picnic areas will be allowed within the natural watershed buffer and setback. Any land disturbance activities are subject to Article IX and Article IV.

The watershed buffer shall only constitute 50 percent of a livestock containment area.

The watershed buffer shall only extend for 1,000 feet from the wrested vegetation of state waters requiring a buffer. If the watershed buffer exceeds the said 1,000 feet then the 1,000 feet will become the watershed buffer and watershed setback will not be applied.

For (c), (d) and (e) only the watershed buffer may be reduced to 100 feet for activities that do not require grubbing or tilling, such as tree harvesting without stump removal, if and only if, a copy of documentation submitted to Forestry Commission is submitted to Fayette County Stormwater Management prior to requesting a reduction in the watershed buffer.

A. The following shall apply to any property within 1,000 feet of a reservoir: The Minimum watershed buffer shall be 150 feet as measured from the normal pool elevation or base flood elevation, whichever is greater.

- B. The following shall apply to Antioch Creek, Flat Creek, Gin Branch, Haddock Creek, Horton Creek, Line Creek, Trickum Creek, and Woolsey Creek located within Lake Horton, Lake Kedron/Lake Peachtree and Line Creek Reservoirs watersheds:
 - 1. Minimum watershed buffer is 100 feet as measured from the wrested vegetation.
 - 2. Minimum watershed setback is 50 feet as measured from the buffer.
- C. The following shall apply to the Flint River, Whitewater Creek and all state waters requiring a watershed buffer within 1,000 feet of the above named streams:
 - 1. Minimum watershed buffer is 400 feet as measured from the wrested vegetation or is the 100 feet from the base flood elevation, whichever is greater.
 - 2. Minimum watershed setback is 50 feet as measured from the buffer.
- D. The following shall apply to Ginger Cake Creek, Pelham Creek, Perry Creek, South Camp Creek, Sandy Creek, Shoal Creek, Tar Creek, and Whitewater Creek within the Whitewater Creek Watershed; Gay Creek, Morning Creek, Murphy Creek, North Camp Creek, and Nash Creek, within the Flint River Watershed, and all other state waters requiring a buffer within 1000 feet of the above named streams:
 - 1. Minimum watershed buffer is 200 feet from wrested vegetation or 100 feet from base flood elevation, whichever is greater.
 - 2. Minimum watershed setback is 50 feet as measured from the buffer.
- E. The following shall apply to all other perennial streams within the Flint River Watershed, the Whitewater Creek Watershed and all state waters requiring a buffer within 1,000 feet of these minor perennial streams: Minimum watershed buffer shall be 100 feet from wrested vegetation of 50 feet from 100-year flood plain elevation, whichever is greater. Minimum watershed setback shall be 50 feet as measured from the buffer.
- F. All state waters requiring a buffer not otherwise protected by Section 208(a)-(e) of this ordinance shall meet the following requirements.
 - 1. Minimum watershed buffer shall be maintained for 50 feet from wrested vegetation measured horizontally from both side of the stream.
 - 2. Minimum watershed setback 25 feet as measured from the buffer.
 - 3. This section of the ordinance shall not apply to the following activities:
 - a. Agricultural operation as defined in Section 8-243(5) of Fayette County's Soil Erosion and Sedimentation Control Ordinance; and
 - b. Forestry land management practices as defines in Section 8-243(6) of Fayette County's Soil Erosion and Sedimentation Control Ordinance.

- G. The following restrictions shall apply specifically to Large Water Supply Watersheds as identified in the ordinance: New facilities located within seven (7) miles of a water supply intake or water supply reservoir, which handle hazardous materials of the types and amounts determined by the Department of Natural Resources, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Department of Natural Resources.
- H. The following restrictions shall apply specifically to Small Water Supply Watersheds as identified in the ordinance:
 - 1. New facilities located within seven (7) miles of a water supply intake or water supply reservoir, which handle hazardous materials of the types and amounts determined by the Department of Natural Resources, shall perform their operations on impermeable surface having spill and leak collection systems as prescribed by the Department of Natural Resources.
 - 2. The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed shall be limited to 25 percent, or existing use, whichever is greater.
 - 3. New hazardous waste treatment or disposal facilities are prohibited.

Section 8-205. Other Water Quality Considerations. Owner Responsibility. It shall be the responsibility of every owner, developer or builder to present required plans and to comply with Article IX.

Section 8-206. Watershed Buffer Protection and Replacement. Vegetation within a watershed buffer, as defined in this Ordinance, shall not be disturbed except as indicated herein. Where a watershed buffer area is otherwise disturbed, it shall be replanted according to this Ordinance.

A. Watershed Buffer Replacement Plan Requirements. A Watershed Buffer Replacement Plan is required for the replacement/replanting of natural vegetation:

A landscape plan shall be prepared by a landscape architect registered in the State of Georgia.

- 2. A landscape plan shall show two (2) canopy trees with a minimum trunk caliper of two and one half (2 ½) inches (at six [6] inches from the ground) for every 1,000 square feet of disturbed buffer area on the site.
- 3. A landscape plan shall show one (1) understory tree with a minimum trunk caliper on one (1) inch (at six [6] inches from the ground) for every 1,000 square feet of disturbed buffer area on the site.
- 4. Required trees shall be randomly placed so that the mature canopy covers the buffer area. All disturbed buffer areas shall be 100 percent covered with deciduous trees, shrubs, and/or ground cover (not requiring mowing).
- B. Watershed Buffer Replacement Plan Check Sheet. A Watershed Buffer Replacement plan shall contain the following information:

- 1. Name, address, and telephone number of property owner.
- 2. Name, address, telephone number, and seal of landscape architect who prepared the plan.
- 3. Site location map, north point, and scale of drawings.
- 4. Show all pertinent site features: buildings, walks, drives, underground utilities, water bodies, etc.
- 5. Show all property lines, distances to bodies of water and/or streams, and the limits of the natural buffer areas.
- 6. Show calculations on the plan for: total area, buffer area disturbed (in inches and square feet). Indicate numbers of canopy and understory trees required by ordinance.
- 7. Planting key: botanical and common name of all plant materials proposed; quantity of each species, size of plant material (caliper, height, width); condition (i.e. balled and burlapped, container grown, bare root, collected, etc.); and
- 8. Submit three (3) copies of plans for review. One (1) will be returned upon approval.

Section 8-207. Variance Procedures. The following variance and appeals procedures shall apply to an owner/operator or developer who has been denied a permit for a development activity or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this ordinance. A request for a variance may be submitted by an owner/operator who has been denied a permit by the Fayette County Stormwater Management Department or by an owner/operator or developer who has not previously applied for a permit for the reasons stated herein above.

Variances will be considered only in the following cases:

- A. When a property's shape, topography or other physical conditions prevents land development unless a buffer/setback variance is granted.
- B. Unusual circumstances, that when strict adherence to the minimal buffer/setback requirements in the ordinance would create an extreme hardship.
 - 1. Requests for variances from the requirements of this ordinance shall be submitted to the Fayette County Stormwater Management Department. All such requests shall be heard and decided in accordance with plan review procedures established by the Fayette County Stormwater Management Department. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
 - Any person adversely affected by any decision of the Fayette County Stormwater Management Department shall have the right to appeal such decision to the Fayette

County Planning Commission as established by Fayette County in accordance with procedures issued by the Fayette County Planning Commission. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.

- Any person aggrieved by the decision of the Fayette County Planning Commission may appeal such decision to the Fayette County State Court, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.
- 4. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Section are met, no reasonable alternative exists, and the development is protected by methods that minimize buffer disturbances.
- 5. In reviewing such requests, the Fayette County Stormwater Management Department and Fayette County Planning Commission shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.
- 6. Conditions for Variances:

b.

- a. A variance shall be issued only when all of the following conditions are met:
 - i. a finding of good and sufficient cause; and
 - ii. A determination that failure to grant the variance would result in exceptional hardship.

Any person to whom a variance is granted shall be given written notice specifying the difference between the current buffer(s) and setback(s) requirements and the buffer(s) and setback(s) allowed by the variance.

The Fayette County Stormwater Management Department shall maintain the records of all appeal actions.

Any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as Fayette County Stormwater Management Department and Fayette County Planning Commission shall deem necessary to the consideration of the request.

- 8. Upon consideration of the factors listed above and the purposes of this Ordinance, Fayette County Stormwater Management Department and the Fayette County Planning Commission may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this Ordinance.
- 9. Variances shall not be issued "after the fact."
- 10. At a minimum, a variance request shall include the following information:

- A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
- b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
- c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
- d. Documentation of unusual hardship should the buffer be maintained;
- e. At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
- f. A calculation of the total area and length of the proposed intrusion;
- g. A stormwater management site plan, if applicable; and,
- h. Proposed mitigation, for the intrusion. If mitigation is not proposed, the request must explain why.
- 11. The following factors will be considered in determining whether to issue a variance:
 - a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - The locations of all streams on the property, including along property boundaries;
 - The location and extent of the proposed buffer or setback intrusion; and,
 - d. Whether alternative designs are possible which require less intrusion or no intrusion;
 - e. The long-term and construction water-quality impacts of the proposed variance; and,
 - f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Section 8-208. Penalties.

a.

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Fayette County Stormwater Management Department shall first notify the owner/operator or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten (10) days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the owner/operator or other responsible person fails to cure such violation after such notice and cure period, the Fayette County Stormwater Management Department may take any one or more of the following actions or impose any one or more of the following penalties.

- A. **Stop Work Order.** The Fayette County Stormwater Management Department may issue a stop work order which shall be served on the owner/operator or other responsible person. The stop work order shall remain in effect until the owner/operator or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the owner/operator or other responsible person to take the necessary remedial measures to cure such violation or violations.
- B. **Suspension, Revocation or Modification of Permit.** The Fayette County Stormwater Management Department may suspend, revolve or modify any permit authorizing any development on the project. A suspended revolved or modified permit may be reinstated after the owner/operator or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Fayette County Stormwater Management Department may deem necessary) to enable the owner/operator or other responsible person to take the necessary remedial measures to cure such violations.
- C. Civil Penalties. For intentional violations of this ordinance or in the event the owner/operator or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days, or such greater period as the Fayette County Stormwater Management Department shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), the Fayette County Stormwater Management Department may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation is not remediated after receipt of the notice of violation.
- D. **Criminal Penalties.** For intentional violations of this ordinance, or in the event the owner/operator or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days, or such greater period as the Fayette County Stormwater Management Department shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), the Fayette County Stormwater Management Department may issue a citation to the owner/operator or other responsible person, requiring such person to appear in Fayette County State Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$2,500.00 per day, per violation or a sentence of imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

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

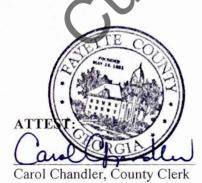
Section 3. a. It is hereby declared to be the intention of the Board of Commissioners that all Sections, paragraphs, sentences, clauses and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

- b. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no Section, paragraph, sentence, clause or phrase of this Article is mutually dependent upon an other Section, paragraph, sentence, clause or phrase of this Article.
- c. In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

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

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

So ordained this 18th day of November, 2010, by the



BOARD OF COMMISSIONERS FAYETTE COUNTY, GEORGIA

Jack. R. Smith, Chairman

PROPOSED ORDINANCE

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2019-____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO REVISE PROVISIONS PERTAINING TO WATERSHED PROTECTION; 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 WATERSHED PROTECTION (ARTICLE VII OF CHAPTER 104), BE AMENDED AS FOLLOWS:

Section 1. By deleting Article VII, pertaining to "Watershed Protection", of Chapter 104, in its entirety, and by replacing it with a new Article VII in Chapter 104, to be numbered and read as follows:

ARTICLE VII. WATERSHED PROTECTION.

Sec. 104-179. Introduction.

It is hereby determined that buffers adjacent to streams provide numerous benefits including:

- Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources;
- (2) Removing pollutants delivered in urban stormwater;
- (3) Reducing erosion and controlling sedimentation;
- (4) Protecting and stabilizing stream banks;
- (5) Providing for infiltration of stormwater runoff;
- (6) Maintaining base flow of streams;
- (7) Contributing organic matter that is a source of food and energy for the aquatic ecosystem;
- (8) Providing tree canopy to shade streams and promote desirable aquatic habitats;
- (9) Providing riparian wildlife habitat;
- (10) Furnishing scenic value and recreational opportunity; and
- (11) Providing opportunities for the protection and restoration of greenspace.

Sec. 104-180. 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:

Base flood elevation means the highest water surface elevation anticipated at any given point during the flood having a one (1) percent chance of being equaled or exceeded in any given year as identified in the Fayette County Flood Insurance Study

published by the Federal Emergency Management Agency dated September 28, 2008. When this study indicates a Zone A the base flood elevation is identified from the 2013 Fayette County Flood Study.

Ephemeral stream means a drainage feature with no evidence of base flows in the stream bank.

Ground cover means a plant with a low-growing, spreading habit, grown specifically to cover the ground, generally not attaining a height of more than two (2) feet.

Impervious surface means any manmade structure or natural surface that prevents the infiltration of stormwater into the ground below the structure and/or surface. Examples include buildings, paved roads, paved driveways, paved parking lots, swimming pools, hardscaping to include gravel (any size) or landscaping rocks, covered structures or patios.

Large water-supply watershed means a watershed area that is greater than 100 square miles upstream of a government-owned public drinking water supply intake as defined by the Georgia Department of Natural Resources.

Natural vegetation means a generally undisturbed, maintenance-free, selfperpetuating stand of vegetation comprised of indigenous shrubs, flowers, wild grasses, and trees.

Nitrification field means any area used for the on-site disposal of wastewater. *Normal pool elevation* means the lowest crest level of overflow on a reservoir or

lake with a fixed overflow level (spillway crest elevation).

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Perennial stream means a stream that flows in a well-defined channel throughout most of the year under normal climatic conditions.

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

Pollution means 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 and other legitimate beneficial uses, or to livestock, wild animals, birds, fish or aquatic life.

Shrub means a plant with persistent woody stems and a relatively low growth habit, distinguished from a tree by producing several basal stems instead of a single trunk.

Small water-supply watershed means a watershed area that is less than 100 square miles as defined by the Georgia Department of Natural Resources.

State water means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other water bodies of surface or 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

individual, homeowners' association, partnership, or corporation.

Tree means a self-supporting woody perennial plant that, at maturity, has one (1) or more stems or trunks that attain a diameter of at least three (3) inches, a more or less definitely formed crown of foliage, and a height of (10) feet or more.

Tributaries and *streams* mean state waters, whether named or unnamed, that continuously flow through major and minor water-supply watersheds.

Understory tree means a tree that, under normal forest conditions, grows to maturity beneath canopy trees and will generally reach a mature height of at least 10 feet, but less than 40 feet. Examples include dogwood, red bud, fringe tree, lusterleaf holly, and red cedar.

Utility means a public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems and railroads or other utilities identified by a local government.

Water supply reservoir means a governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

Water supply watershed means the area of land upstream of a governmentally owned public drinking water intake.

Watershed buffer means the area of a parcel set aside to provide a separation between the uses on the parcel and adjoining parcels and state waters requiring a buffer using natural vegetation, replanting, and supplemental plantings.

Watershed setback means the area of a parcel where all structures, septic tanks, nitrification fields and any impervious surfaces shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.

Wrested vegetation means vegetation that has been disturbed, moved, or removed by flowing water creating a clear demarcation between water flow and vegetative growth.

Sec. 104-181. General provisions.

(a) *Purpose and intent*. The purpose of this article is to protect, maintain and enhance the public health, safety, environment and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; to preserve stream water quality; and to comply with the laws of the state pursuant to O.C.G.A. § 12-2-8 by provisions:

- Create buffers and setbacks along state waters in the county for stream bank stabilization, water resource protection, and protection of aquatic and riparian habitat; and
- (2) Minimize land development within such buffers and setbacks by limiting development activities within these protected areas and by requiring authorization for any such activities.

(b) *Applicability*. The following large and small water supply watersheds, designated major water supply streams, named tributaries, minor unnamed streams, lakes and waters requiring a state buffer located in and out of the large and small water supply watersheds

shall be governed by this article.

(1) This article shall be applicable to any parcel within the unincorporated county that has been created or reconfigured after May 28, 1987, unless it is a minor revision to a recorded final plat/minor subdivision plat as defined in Article XV of this chapter.

(2) It shall be the responsibility of every property owner, developer or builderto present required plans and to comply with Article IX of this chapter.

(c) *Administration of article*. The Environmental Management Director shall administer and implement the provisions of this article.

(d) *Compatibility with other regulations*. This article is not intended to modify or repeal any other ordinance, rule, regulation, statute, easement, covenant, deed restriction 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 is more restrictive or impose higher protective standards for human health or the environment shall control.

(e) *Watershed buffer*. Vegetation within a watershed buffer area shall not be disturbed unless approved by the Environmental Management Department.

(f) *Watershed setback*. All buildings, elevated structures, septic tanks, nitrification
 fields and/or impervious surfaces shall be prohibited within a watershed setback area.
 Grading, filling and earthmoving shall be minimized within the watershed setback area.

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Upon recommendation by the Fayette County Environmental Health Director, the Environmental Management Director may allow for a replacement nitrification field in the setback when a property's recorded final plat defines a watershed buffer and setback and the current septic system is failing.

(g) *Water-supply watersheds*. The county contains one large water-supply watershed and four small water-supply watersheds as indicated on the county watershed protection map.

- (1) The Flint River is the only large water-supply watershed in the county where intakes for Fayette County, Clayton County and the City of Griffin are located. This water-supply watershed does not contain a reservoir.
- (2) The four small water-supply watersheds are:
 - Line Creek Watershed where Fayette County and Coweta County intakes are located. Lake McIntosh (a water-supply reservoir) is located within this watershed.
 - Flat Creek Watershed where a Fayette County intake is located.
 Flat Creek and Gin Branch are named tributaries that flow into Lake Kedron and then into Lake Peachtree (both are water-supply reservoirs).
 - c. Whitewater Creek Watershed where Fayette County and City of Fayetteville intakes are located. This water-supply watershed does not contain a reservoir.
 - d. Horton Creek Watershed where a Fayette County intake is located.

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Antioch Creek and Woolsey Creek are named tributaries that flow into Lake Horton (a water-supply reservoir).

(h) State waters determination. For purposes of this article, the Environmental Management Director shall make state water determinations, but will not delineate said waters. Recorded drainage easements and ditches/swales used for conveying wet weather flows (i.e., ephemeral stream) shall not require a watershed buffer.

Sec. 104-182. Minimum watershed protection requirements.

(a) The following watershed buffer and setback requirements shall be required on all state waters requiring a buffer within the unincorporated county:

- No sewage treatment facility, dumping, discharging, releasing, spraying, distributing of any toxic or other pollutant is allowed onto the watershed buffer and setback.
- (2) Watershed buffer areas may be hand thinned or hand trimmed of vegetation in accordance with the County's Soil Erosion and Sedimentation Control Ordinance (Article IX of this Chapter).
- (3) Pervious hiking trails, four (4) feet wide or less, and pervious picnic areas, 100 square feet or less and with standard-size picnic tables, will be allowed within the watershed buffer and setback, but not within the 25 foot state water buffer unless all federal permits and state variances have been granted. Any land disturbance activities are subject to Articles IV and IX of this chapter.

- (4) The watershed buffer shall only constitute 50 percent of a livestock containment area.
- (5) The watershed buffer shall only extend for 1,000 feet from the wrested vegetation of state waters requiring a buffer. If the watershed buffer exceeds the said 1,000 feet then the 1,000 feet will become the watershed buffer and watershed setback will not be applied.
- (6) For subsections (c), (d) and (e) of this section only the watershed buffer may be reduced to 100 feet for activities that do not require grubbing or tilling, such as tree harvesting without stump removal, if and only if, a copy of documentation submitted to the Georgia Forestry Commission is submitted to the Environmental Management Department prior to requesting a reduction in the watershed buffer.

(b) For any property within 1,000 feet of a water-supply reservoir, the minimum watershed buffer shall be 100 feet as measured from the normal pool elevation. The minimum watershed setback shall be 50 feet as measured from the watershed buffer.

(c) The following shall apply to these major water-supply streams: Antioch Creek, Flat Creek, Gin Branch, Horton Creek, Line Creek, and Woolsey Creek:

- The minimum watershed buffer is 100 feet as measured from the wrested vegetation; ands
- (2) The minimum watershed setback is 50 feet as measured from the buffer.

(d) The following shall apply to these major water-supply streams: Flint River,

Whitewater Creek and all state waters requiring a watershed buffer within 1,000 feet of

the Flint River and Whitewater Creek:

- (1) The minimum watershed buffer is 400 feet as measured from the wrested vegetation or 100 feet from the base flood elevation, whichever is greater; and
- (2) The minimum watershed setback is 50 feet as measured from the buffer.

(e) The following shall apply to these named tributaries: Ginger Cake Creek, Pelham Creek, Perry Creek, South Camp Creek, Sandy Creek, Shoal Creek, Tar Creek, and Whitewater Creek within the Whitewater Creek Watershed; Gay Creek, Morning Creek, Murphy Creek, North Camp Creek, and Nash Creek within the Flint River Watershed, Trickum Creek within the Line Creek Watershed, and all other state waters requiring a buffer within 1,000 feet of the streams set forth in this subsection:

- The minimum watershed buffer is 200 feet from wrested vegetation or 100 feet from base flood elevation, whichever is greater; and
- (2) The minimum watershed setback is 50 feet as measured from the buffer.

(f) The following shall apply to all other perennial streams within the Flint River and Whitewater Creek Watersheds and all state waters requiring a buffer within 1,000 feet of the streams named in this section.

- The minimum watershed buffer shall be 100 feet from wrested vegetation or 50 feet from 100-year floodplain elevation, whichever is greater; and
- (2) The minimum watershed setback shall be 50 feet as measured from the buffer.
- (g) All lakes and state waters requiring a buffer but not otherwise protected by

provisions of this article shall meet the following requirements:

- The minimum watershed buffer shall be 50 feet from wrested vegetation measured horizontally from both sides of the stream;
- (2) The minimum watershed setback shall be 25 feet as measured from the buffer; and
- (3) This section shall not apply to the following activities:
 - a. Agricultural operation as defined in section 104-266(5); and
 - b. Forestry land management practices as defined in section 104-266(6).

(h) The following restrictions shall apply specifically to water-supply watersheds as identified in this article: new facilities located within seven miles of a water-supply intake or water-supply reservoir, which handle hazardous materials of the types and amounts determined by the Department of Natural Resources, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Department of Natural Resources.

(i) The following restrictions shall apply specifically to small water supply watersheds as identified in this article:

(1) New facilities located within seven miles of a water-supply intake or water-supply reservoir, which handle hazardous materials of the types and amounts determined by the Department of Natural Resources, shall perform their operations on impermeable surface having spill and leak collection systems as prescribed by the Department of Natural Resources.

- (2) The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water-supply watershed shall be limited to 25 percent, or existing use, whichever is greater.
- (3) New hazardous waste treatment or disposal facilities are prohibited.

Sec. 104-183. Watershed buffer protection and replacement.

Vegetation within a watershed buffer, as defined in this article, shall not be disturbed except as indicated herein. Where a watershed buffer area is otherwise disturbed, it shall be replanted according to this article.

- (1) Watershed buffer and stream/shoreline mitigation plan. A watershed
 buffer and stream/shoreline mitigation plan is required for the
 replacement/replanting of natural vegetation and shall meet the following
 requirements:
 - a. The plan shall be prepared by a landscape architect registered in the state and approved by the Environmental Management
 Department prior to execution.
 - b. The plan shall show two canopy trees with a minimum trunk
 caliper of two and one-half (2¹/₂) inches (at six (6) inches from the
 ground) for every 1,000 square feet of disturbed buffer area on the
 site.
 - c. The plan shall show one understory tree with a minimum trunkcaliper on one (1) inch (at six (6) inches from the ground) for every

1,000 square feet of disturbed buffer area on the site.

- d. Required trees shall be randomly placed so that the mature
 overstory covers the buffer area. All disturbed buffer areas shall be
 100 percent covered with deciduous trees, shrubs, and/or ground
 cover.
- e. The plan shall show stream bank and shoreline restoration and must follow Georgia Environmental Protection Division
 Streambank and Shoreline Stabilization Guidance.
- f. Within seven (7) days of the plan's execution, a stamped letter
 from the landscape architect who designed the plan shall be
 submitted to Environmental Management.
- (2) Watershed buffer and stream/shoreline mitigation plan requirements. A watershed buffer and stream/shoreline mitigation plan shall contain the following information:
 - a. Name, address, and telephone number of property owner.
 - b. Name, address, telephone number, and seal of landscape architect who prepared the plan.
 - c. Site location map, north point, and scale of drawings.
 - d. All pertinent site features, including buildings, walks, drives, underground utilities, water bodies, etc.
 - e. All property lines, distances to bodies of water and/or streams, and the limits of the natural buffer areas.

- f. Total parcels area, buffer area disturbed (square feet and square)
 (inches) and numbers of canopy and understory trees required by
 (ordinance.)
- g. Planting key with botanical and common names of all plant materials proposed; quantity of each species, size of plant material (caliper, height, width); condition (i.e., balled and burlapped, container grown, bare root, collected, etc.).

Sec. 104-184. Variance procedures and appeals.

(a) The following variance and appeals procedures shall apply to an owner/operator or developer who has been denied a permit for a development activity or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this article:

- (1) A request for a variance may be submitted by an owner/operator who has been denied a permit by the Environmental Management Department or by an owner/operator or developer who has not previously applied for a permit for the reasons stated hereinabove. A request for a variance may not be submitted when the recorded final plat defines a watershed buffer and setback.
- (2) Variances will be considered only in the following cases:
 - a. When there are unusual circumstances, such that strict adherenceto the minimal buffer/setback requirements in this article would

create an extreme hardship.

When necessary for the conduct of a functionally dependent use,
 provided the criteria of this section are met, no reasonable
 alternative exists, and the development is protected by methods
 that minimize buffer disturbances.

(b) *Procedure*. Requests for variances from the requirements of this article shall be submitted to the Environmental Management Department. All such requests shall be heard and decided in accordance with plan review procedures established by the Environmental Management Department. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.

- 1. At a minimum, a variance request application shall include:
 - a. A site map that includes locations of all streams, wetlands,
 floodplain boundaries and other natural features, as determined by
 field survey;
 - A description of the shape, size, topography, slope, soils,
 vegetation and other physical characteristics of the property;
 - c. Locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
 - d. Documentation of unusual hardship should the buffer be

maintained;

- e. At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
- f. A calculation of the total area and length of the proposed intrusion;
- g. A stormwater management site plan, if applicable; and
- h. Proposed mitigation, for the intrusion. If mitigation is not proposed, the request must explain why.
- The following factors will be considered in determining whether any of the conditions identified in Paragraph (2) of Subsection (a) of this section are present:
 - a. (The shape, size, topography, slope, soils, vegetation and other) physical characteristics of the property;
 - b. The locations of all streams on the property, including along property boundaries;
 - c. The location and extent of the proposed buffer or setback intrusion;
 - d. Whether alternative designs are possible which require less intrusion or no intrusion;
 - e. The long-term and construction water quality impacts of the proposed variance; and
 - f. Whether issuance of the variance is at least as protective of natural resources and the environment.

- 3. Any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as the Environmental Management Department and the board of commissioners shall deem necessary to the consideration of the request.
- Upon consideration of the factors listed in Paragraph (2) of this subsection and the purposes of this article, the Environmental Management
 Department (and the Board of Commissioners when considering an appeal pursuant to Subsection (c) of this section) may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this article.
- (5.) In reviewing requests pursuant to this section the Environmental Management Department (and the Board of Commissioners when considering an appeal pursuant to Subsection (c) of this section) shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this article.
- 6. Any person to whom a variance is granted shall be given written notice specifying the difference between the current buffers and setbacks
 requirements and the buffers and setbacks allowed by the variance.
- (c) *Appeals.* Any person adversely affected by any decision of the Environmental Management Department shall have the right to appeal such decision to the Board of Commissioners for the county in accordance with procedures issued by the Board of

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Commissioners. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard. Any person aggrieved by the decision of the Board of Commissioners may appeal such decision by petitioning for writ of certiorari with the Superior Court of Fayette County, as provided in section 5-4-1 of the Official Code of Georgia Annotated (O.C.G.A. § 5-4-1).

Sec. 104-185. Penalties.

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Environmental Management Department shall first notify the owner/operator or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) to cure such violation. In the event the owner/operator or other responsible person fails to cure such violation after such notice and cure period, the Environmental Management Department may take any one or more of the following actions or impose any one or more of the following penalties:

(1) Stop work order. The Environmental Management Department may issue a stop work order which shall be served on the owner/operator or other responsible person. The stop work order shall remain in effect until the

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owner/operator or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided the stop work order may be withdrawn or modified to enable the owner/operator or other responsible person to take the necessary remedial measures to cure such violations.

- (2) Suspension, revocation or modification of permit. The Environmental Management Department may suspend, revoke or modify any permit authorizing any development within the county. A suspended, revoked or modified permit may be reinstated after the owner/operator or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Environmental Management Department may deem necessary) to enable the owner/operator or other responsible person to take the necessary remedial measures to cure such violations.
- (3) Criminal penalties. For intentional violations of this article, or in the event the owner/operator or other responsible person 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 Environmental Management Department shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient), the

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Environmental Management Department may issue a citation to the owner/operator or other responsible person, requiring such person to appear in the Fayette County State Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$2,500.00 per day, per violation or a sentence of imprisonment for up to 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Secs. 104-186—104-210. Reserved.

- 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 ______, 2019.

BOARD OF COMMISSIONERS OF FAYETTE COUNTY

By:_____ Randy Ognio, Chairman

(SEAL)

ATTEST:

Tameca P. White, County Clerk

Approved as to form:

County Attorney

COUNTY AGENDA REQUEST

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Department:	County Administrator	Presenter(s):	Steve Rapson, Co	unty Administrator
Meeting Date:	Thursday, February 28, 2019	Type of Request:	New Business #2	23
Wording for the Agenda: Staff's recommendation t	o approve Resolution 2019-05; Opp	osing House Bill 302, Preemption of	Local Building Desig	gn Standards.
HB 302 Summary: This preemption legislatic regulating "building desig - exterior building colo - type or style of exter - style or materials of r - exterior nonstructura - location or architectu - the number and type - the interior layout of	by the Association of County Commis on, championed by Georgia's home I n elements" in single or double fami r, ior cladding material, roof structures or porches, I architectural ornamentation, iral styling of windows and doors, ind is of rooms,	builder and Realtor associations, pro ly dwellings. Local governments con		
	ng from the Board of Commissioner 019-05; Opposing House Bill 302, Pr g, please describe:		Standards.	
Is Audio-Visual Equipmen	nsidered within the past two years? It Required for this Request?* I must be submitted to the County Insibility to ensure all third-party a	Clerk's Office no later than 48 ho	rovided with Reques	eting. It is also
Approved by Finance Approved by Purchasing Administrator's Approval Staff Notes:		Reviewed	I by Legal lerk's Approval	Yes

A RESOLUTION

Opposing House Bill 302, Preemption of Local Building Design Standards.

WHEREAS, HB 302 would prohibit local governments from regulating "building design elements" in single or double family dwellings, which could negatively impact economic development efforts and harm competitiveness; and

WHEREAS, appropriate local design standards and land use policies create a diverse, stable, profitable, and sustainable residential development landscape; and

WHEREAS, HB 302 is a bill that would undermine self-determination of citizens to establish community standards as illustrated by the following:

- County and municipal officials are elected in part to make decisions about the look and feel of their communities, which fosters economic development, preserves the character of communities; and
- Counties and municipalities use design standards to ensure that the property values of surrounding property owners remain protected from incompatible development; and
- HB 302 would severely erode the ability of all 538 Georgia cities and 159 counties to address unique and community-specific quality of life issues.

WHEREAS, county and municipal governments use building design standards to protect property values, attract high quality builders, and block incompatible development; and WHEREAS, building design standards assure residents and business owners that their investments will be protected, and that others who come behind them will be equally committed to quality; and

WHEREAS, local governments spend a large amount of resources studying, surveying, crafting, and defining their vision and development strategies, and design standards are an integral part of those endeavors to attract residents, businesses, and the much-coveted trained workforce; and

WHEREAS, development and redevelopment efforts should reflect the community and its vision while simultaneously creating a sense of place; and

WHEREAS, county and municipal government officials are elected to make decisions about the look and feel of their communities, and HB 302 would transfer that power from duly-elected local leaders to outside groups with little to no stake in the future or success of Georgia's counties and municipalities, including real estate developers and homebuilders; and

WHEREAS, building design standards neither discourage nor favor affordable housing, nor prevent the availability of certain housing types, as supporters of HB 302 purport; and

WHEREAS, local governments should have the ability to provide more affordable housing options without sacrificing their unique character or threatening economic growth; and

WHEREAS, although historic districts are protected in HB 302, which indicates an understanding that standards do in fact make sense, downtown overlays or other similar special zoning districts are not; and

WHEREAS, local governments should be empowered to enforce building design standards to make today's thriving county areas tomorrow's historic districts; and WHEREAS, by limiting the ability of local governments to enforce building design standards in single or double family dwellings, HB 302 would negatively impact quality-of-life issues, including economic growth and the safety and welfare of the citizens of Georgia and in particular of _____County.

NOW, THEREFORE, BE IT RESOLVED BY THE ______that this governing body voices its opposition to HB 302, Preemption of Local Building Design Standards.

BE IT FURTHER RESOLVED that a copy of this Resolution be delivered to each member of the Georgia House of Representatives and Senate representing_____ County, and made available for distribution to the public and the press.



Purchasing Department

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

To:	Steve Rapson
Through:	Ted L. Burgess
From:	Trina C. Barwicks
Date:	January 30, 2019

Subject: Contract #1431-P: Transportation Engineer of Record: Task Order 21 – Resurfacing Program – FY 2019, FC Project Number: 19TAF, GDOT PI 0016058, ARC TIP FA-100A, Surface Transportation Block Grant (STBG)

The current Transportation Engineer of Record, Croy Engineering has issued Task Order #21 for, resurfacing 11.45 centerline miles of roads within the County and its jurisdictions. The roads were selected based on pavement evaluations. Per the GDOT Functional Classification Map, all of the roads are classified as Major Collectors or above.

Specifics of the Task Order are as follows:

Contract Name:	#1431-P: Transportation Engineer of Record
Task Order:	#21: Resurfacing Program – FY 2019, FC Project Number:
	19TAF, GDOT PI 0016058, ARC TIP FA-100A, Surface
	Transportation Block Grant (STBG)
Contractor:	Croy Engineering
Not to Exceed Amount:	\$75,235.00

Budget:

Organization Code:	32240220 (2017 SPLOST Road Department)
Object Code:	541210 (Other Improvements)
Project:	19TAF (Resurface Program FY2019)
Available Budget:	\$75,235.00 (As of January 30, 2019)

Awarding Authority:

County Administrator

Approval Signature

Date: 1/3/19



Purchasing Department

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

To:	Steve Rapson
Through:	Ted L. Burgess
From:	Trina C. Barwicks
-	

Date: January 30, 2019

Subject:Contract #1431-P: Transportation Engineer of Record: Task Order 22 –
Resurfacing Program – FY 2019, FC Project Number: 19TAG, GDOT
PI 0016083, ARC TIP FA-100B. Surface Transportation Block Grant (STBG)

The current Transportation Engineer of Record, Croy Engineering has issued Task Order #22 for, resurfacing 7.45 centerline miles of roads within the County and its jurisdictions. The roads were selected based on pavement evaluations. Per the GDOT Functional Classification Map, all of the roads are classified as Major Collectors or above.

Specifics of the Task Order are as follows:

Contract Name:	#1431-P: Transportation Engineer of Record
Task Order:	#22: Resurfacing Program – FY 2019, FC Project Number:
	19TAG, GDOT PI 0016083, ARC TIP FA-100B, Surface Transportation Block Grant (STBG)
Contractor:	Croy Engineering
Not to Exceed Amount:	\$67,890.00

Budget:

Organization Code:	32240220 (2017 SPLOST Road Department)
Object Code:	541210 (Other Improvements)
Project:	19TAG (Resurface Program FY2020)
Available Budget:	\$67,890.00 (As of January 30, 2019)

Awarding Authority:

County Administrator

Approval Signature

Date: 1/30/11