

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

October 24, 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 Edward Gibbons

Acceptance of Agenda

PROCLAMATION/RECOGNITION:

1. Recognition of Leah Williamson and J.R. Ramos for their efforts and support of the Water Guardians volunteer program. **(pg. 3)**
2. Recognition of awardees for the Fayette County Public Arts Committee 2019 Scarecrow Competition. **(pgs. 4-20)**
3. Recognition of the Public Works Roads Crew. **(pg. 21)**
4. Presentation and update from the Fayette County Board of Health regarding vaping in Fayette County. **(pg. 22)**

PUBLIC HEARING:

5. Consideration of Petition No. 1288-19, Rebecca A. Handley and Nancy McCord, Handley Family Trust Co-Trustees, Owners and Rod Wright Corp, Agent, request to rezone 5.85 acres from A-R to R-55; property located in Land Lot 31 of the 5th District, and fronts on Redwine Road with two (2) conditions. **(pgs. 23-50)**
6. Consideration of Petition No. RP-073-19, for Bogdan C. Wolfe and Pamela M. Wolfe, Owners, and Randy Boyd, Agent, request to revise the Final Plat of Bogdan C. Wolfe and Pamela M. Wolfe to add one lot to the subdivision; property located in Land Lot 252 of the 4th District and fronts on McBride Road. **(pgs. 51-66)**

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.

CONSENT AGENDA:

7. Approval of the Georgia Department of Transportation (GDOT) Title VI; Non-Discrimination Agreement and Assurances (40 CFR Part 21.7). **(pgs. 67-79)**

8. Approval to amend the 2017 SPLOST Stormwater fund (32240320) reallocating \$57,000 from 2017 SPLOST General allocations to Morning Dove Drive (17SAJ) and to approve Task Order #13 Construction Management: 2017 SPLOST; Stormwater Category II; Morning Dove Drive Culvert Replacement to the current Engineer of Record Pond and Company. **(pgs. 80-86)**
9. Approval to renew the annual bid #1723-B to Hanson Aggregates Southeast LLC as primary vendor for stone for fiscal year 2020 with a not-to-exceed contract amount of \$144,496.75. **(pgs. 87-90)**
10. Approval of staff's recommendation to authorize the Fayette County Solicitor's Office to accept FY2020 VOCA Continuation Base and Comp Advocate funding from the Criminal Justice Coordinating Council, in the amount of \$77,778 for a grant period from October 1, 2019 through September 30, 2020 and authorization for the Chairman to sign grant related documentation. **(pgs. 91-112)**
11. Approval of the October 10, 2019 Board of Commissioners Meeting Minutes. **(pgs. 113-118)**

OLD BUSINESS:

12. Consideration of the County Attorney's recommendation to deny a disposition of tax refund, as requested by Paulette Malloy, for tax year 2016, 2017 and 2018. This item was tabled at the October 10, 2019 Board of Commissioners meeting. **(pgs. 119-121)**

NEW BUSINESS:

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

COUNTY AGENDA REQUEST

Page 3 of 121

Department: Commissioners

Presenter(s): Commissioner Eric Maxwell

Meeting Date: Thursday, October 24, 2019

Type of Request: New Business **Item #1**

Wording for the Agenda:

Recognition of Leah Williamson and J.R. Ramos for their efforts and support of the Water Guardians volunteer program.

Background/History/Details:

Leah Williamson was the first ever volunteer to sign up for the Water Guardians program. She has worked almost every Water Guardians lake clean-up every year that the program has been in existence. In 2019, Leah took over the leadership of the program from former commissioner Steve Brown. Through her hard work and dedication, managing the volunteers, securing the supplies and handling the logistics on-site, the Water Guardians volunteers have removed tons of trash from all of our County water reservoirs over the years.

JR Ramos brings his large grilling and cooking trailer to every Water Guardians clean-up and prepares chef inspired meals for all of the volunteers who work for hours in the hot sun picking up the trash in the lakes. In addition to his elaborate catering trailer, JR has to pack and unload two serving tables, two food prep tables, a tent canopy and boxes of cooking supplies. Remarkably, he does all this work every month at no charge. He simply wants to support and encourage the Water Guardians volunteers.

We thank them for their leadership and dedication towards protecting our valuable drinking water supply. It is inspiring to see how many of our young people have volunteered for Water Guardians, insuring that the next generation is primed for protecting our environment.

What action are you seeking from the Board of Commissioners?

Recognition of Leah Williamson and J.R. Ramos for their efforts and supports of the Water Guardians volunteer program.

If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

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Department: Parks and Recreation

Presenter(s): Cameron LaFoy, Chair

Meeting Date: Thursday, October 24, 2019

Type of Request: Proclamation/Recognition **Item #2**

Wording for the Agenda:

Recognition of awardees for the Fayette County Public Arts Committee 2019 Scarecrow Competition.

Background/History/Details:

The Fayette County Public Arts Committee issued a press release announcing the 6th Annual Scarecrow Competition. The competition allows individuals or groups to design and create a Scarecrow. The Scarecrows are constructed in the area surrounding the Heritage Park Fountain and can be enjoyed during the month of October.

This year there were six (6) scarecrows judged by Sara Hanson, Director of Art Education for Creative Learning Studio and Venue Manager for Town Square Playhouse. All scarecrows were imaginative in their design, were constructed exceptionally well. Some even conveyed a specific message. All artwork was creative in their designs which made selections difficult.

1st Place - Scarasaurus Rex designed by Zach, Rachel, Cayden, and Lennon Harvey

2nd Place - Dr. Frankenstein and his Monster designed by Emily and Lucas Balsam

3rd Place - Sewphie designed by No Business Like Sew Business

What action are you seeking from the Board of Commissioners?

Recognition of awardees for the Fayette County Public Arts Committee 2019 Scarecrow Competition.

If this item requires funding, please describe:

Awards are first place - \$200; Second place - \$100, and Third Place - \$75

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

6th Annual Scarecrow **Competition**





3rd Place goes to...







2nd Place goes to...









1st Place goes to...







COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request: **Item #3**

Wording for the Agenda:

Recognition of the Public Works Roads Crew.

Background/History/Details:

Commissioner Rousseau has requested to recognize the Fayette County Public Works Roads Crew for their work with laying asphalt enduring adverse conditions specifically over the summer throughout the county.

What action are you seeking from the Board of Commissioners?

Recognition of the Public Works Roads Crew.

If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request: **Item #4**

Wording for the Agenda:

Presentation and update from the Fayette County Board of Health regarding vaping in Fayette County.

Background/History/Details:

With the recent concerns throughout the nation regarding e-cigarettes and vaping, Commissioner Rousseau has requested a presentation and update from the Fayette County Board of Health regarding vaping in Fayette County.

What action are you seeking from the Board of Commissioners?

Presentation and update from the Fayette County Board of Health regarding vaping in Fayette County.

If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request: **Item #5**

Wording for the Agenda:

Consideration of Petition No. 1288-19, Rebecca A. Handley and Nancy McCord, Handley Family Trust Co-Trustees, Owners and Rodwright Corp, Agent, request to rezone 5.85 acres from A-R to R-55; property located in Land Lot 31 of the 5th District, and fronts on Redwine Road with two (2) conditions.

Background/History/Details:

Staff recommends approval with two (2) conditions as follows:

1. That the four (4) lots within the area being rezoned, plus the two (2) proposed A-R lots, be limited to no more than four (4) driveway curb cuts and each driveway curb cut shall service no more than two (2) lots. Each driveway shall meet the minimum required sight distance. The locations of the driveway curb cuts shall be approved by the County Engineer.
2. That the Final Plat for the subject property will not be approved until the existing single-family residence is brought into compliance with the R-55 zoning district which can be achieved either by adding additional heated finished floor area to the existing single-family residence to meet the minimum required floor area or through a variance, approved by the Zoning Board of Appeals, to reduce the minimum floor area requirement, or as a third option, removing the existing single-family residence from the subject property prior to Final Plat approval.

Al Gilbert made a motion to recommend approval of Petition No. 1288-19 to rezone 5.85 acres from A-R to R-55 with two (2) conditions to develop a residential subdivision. Arnold Martin III seconded the motion. The motion passed 4-0. Danny England was absent.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1288-19, Rebecca A. Handley and Nancy McCord, Handley Family Trust Co-Trustees, Owners and Rodwright Corp, Agent, request to rezone 5.85 acres from A-R to R-55; property located in Land Lot 31 of the 5th District, and fronts on Redwine Road with two (2) conditions.

If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

**STATE OF GEORGIA
COUNTY OF FAYETTE**

RESOLUTION

NO. 1288-19

WHEREAS, Rebecca A. Handley and Nancy McCord, Handley Family Trust Co-Trustees, Owners, and Rodwrightcorp, Agent, having come before the Fayette County Planning Commission on October 3, 2019, 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 5.85 from A-R to R-55, in the area of Redwine Road, Land Lot 31 of the 5th District, for the purpose of developing a Low-Density Residential; and

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

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

This decision is based on the following reasons:

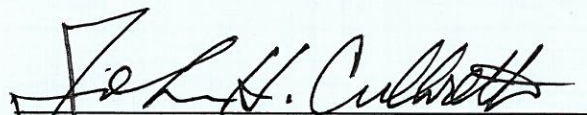
In compliance with the Fayette County Comprehensive Plan.
Compatible with the surrounding area.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:



**HOWARD L. JOHNSON
PLANNING COMMISSION SECRETARY**


JOHN H. CULBRETH, SR., CHAIRMAN

PLANNING COMMISSION RECOMMENDATION**DATE:** October 3, 2019**TO:** Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1288-19, the application of Rebecca A. Handley and Nancy McCord, Handley Family Trust Co-Trustees to rezone 5.85 from A-R to R-55, be:

☒ Approved ☐ Withdrawn ☐ Denied

☐ Tabled until _____


This is forwarded to you for final action.



 JOHN H. CULBRETH, SR, CHAIRMAN

NOT PRESENT

 DANNY ENGLAND, VICE-CHAIRMAN



 AL GILBERT



 BRIAN HAREN



 ARNOLD L. MARTIN, III

Remarks:

THE FAYETTE COUNTY PLANNING COMMISSION met on October 3, 2019 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John H. Culbreth, Chairman
Al Gilbert
Brian Haren
Arnold L. Martin, III

MEMBERS ABSENT: Danny England, Sr., Vice-Chairman

STAFF PRESENT: Pete A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator
Howard Johnson, Planning and Zoning Coordinator

Consideration of Petition No. 1288-19, Rebecca A. Handley and Nancy McCord, Handley Family Trust Co-Trustees, and Rodwright Corp, Agent, request to rezone 5.85 acres from A-R to R-55 for the purpose of developing a Residential Subdivision with four (4) lots. This property is located in Land Lot 31 of the 5th District and fronts Redwine Road

Steven Jones said they would move ahead with the petition. Steven Jones stated that the staff has recommended approval of the rezoning request with two conditions. Steven Jones added that this is the rezoning of 5.85 acres that is part of a larger 40 acre parent tract with four (4) road frontage lots and the remainder of the parent tract will be developed into two (2) A-R lots. Steven Jones said the Concept plan indicates the proposed lots will be one (1) plus acres in size which conforms to the Future Land Use map which designates this area for one (1) unit per one (1) acre density. He added that the two (2) back lots labeled lots 1 and 6 are not subject to this rezoning request since they will remain A-R tracts. He stated that staff found that the rezoning request met all of the factors for rezoning in the zoning ordinance as follows:

1. The subject property lies within an area designated for Low-Density Residential (1 Unit/1 Acre). 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 (as conditioned), utilities, or schools.
4. Existing conditions and the area's continuing development as a single-family residential district support this petition.

He said that staff has recommended two (2) conditions that all six (6) of the proposed lots will be served by no more than four (4) driveways and each driveway shall serve no more than two (2) lots and the applicant consents to that condition. He added that there is a second condition regarding an existing single-family residence on the subject property which does not meet the square footage

requirement of the R-55 zoning district and before the final plat can be approved the residence shall be brought into compliance by adding additional heated finished floor area to the existing single-family residence to meet the minimum required floor area, through a variance, approved by the Zoning Board of Appeals, to reduce the minimum floor area requirement, or removing the existing single-family residence from the subject property and the applicant also consents to that condition. He said that the applicant asks the Planning Commission to recommend approval with conditions as recommended by staff.

Chairman Culbreth asked if there was anyone that would like to speak to the petition. Hearing none he brought it back to the board.

Arnold Martin asked about the shared driveways will be administered.

Steven Jones said the Engineering Department has concerns about the potential number and proximity of new driveway cuts and to alleviate that the Engineering suggested shared driveways.

Arnold Martin asked if there are many communities that have shared driveways.

Steven Jones said there are other developments in the County that have shared driveways.

Arnold Martin asked shared driveways will be a marketing challenge for these lots.

Steven Jones said they did not anticipate a problem.

Rod Wright said the shared portion of the driveway will only be within the right of way and beyond the right of way the driveways will split off at that point.

Arnold Martin asked about the wetlands any Army Corps of Engineers approval that may be required.

Steven Jones said if you refer back to the concept plan which indicates the wetlands and setbacks and there are no structures planned in this area.

Rod Wright said there will be no impact on the wetlands or floodplain.

Al Gilbert made a motion to recommend approval of Petition No. 1288-19 to rezone 5.85 acres from A-R to R-55 to develop a residential Subdivision with two (2) conditions and note that the applicant has stated and agreed to the conditions. Arnold Martin III seconded the motion. The motion passed 4-0. Danny England was absent.

PETITION NO: 1288-19

REQUESTED ACTION: A-R to R-55

PROPOSED USE: Residential Subdivision

EXISTING USE: Residential

LOCATION: Redwine Road

DISTRICT/LAND LOT(S): 5th District, Land Lot(s) 31

OWNER: Rebecca A. Handley and Nancy McCord, Handley Family Trust Co-Trustees

AGENT: Rodwrightcorp

PLANNING COMMISSION PUBLIC HEARING: October 3, 2019

BOARD OF COMMISSIONERS PUBLIC HEARING: October 24, 2019

APPLICANT'S INTENT

Applicant proposes to develop a Residential Subdivision consisting of 4 lots on 5.85 acres.

STAFF RECOMMENDATION

APPROVAL with TWO (2) CONDITIONS

1.

1288-19

INVESTIGATION

A. PROPERTY SITE

The subject property is a 5.85 acre tract fronting on Redwine Road in Land Lot 31 of the 5th District. Redwine Road is classified as a Minor Arterial road on the Fayette County Thoroughfare Plan. The subject property contains a single-family residence.

B. SURROUNDING ZONING AND USES

The general situation is a 5.85 acre tract that is zoned A-R. In the vicinity of the subject property is land which is zoned A-R, PUD and R-40. See the following table and also the attached Zoning Location Map.

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

Direction	Acreage	Zoning	Use	Comprehensive Plan
North, West & South	33.98 (remainder of parent tract)	A-R	Undeveloped	Low-Density Residential (1 Unit/1 Acre)
East (across Redwine Road)	33.38	A-R	Undeveloped	Low-Density Residential (1 Unit/1 Acre)

C. COMPREHENSIVE PLAN

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

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone from A-R to R-55 for the purpose of developing a Residential Subdivision with four (4) lots. Per the concept plan, the applicant is requesting to rezone a 5.85 acre portion of a 40 acre parcel with the remainder of the property being subdivided into two A-R lots (16.9 acres and 17.08 acres).

The subject property contains an existing single-family residence. The R-55 zoning district requires a minimum heated square footage of 2,500 square feet for a single-family residence. Tax Assessor records indicate that the existing single-family residence is 2,046 square feet. Staff will recommend a condition that the Final Plat for the subject property will not be approved until the existing single-family residence is brought into compliance with the R-55 zoning district which can be achieved either by adding additional heated finished floor area to the existing single-family residence to meet the minimum required floor area or through a variance, approved by the Zoning Board of Appeals, to reduce the minimum floor area requirement, or as a third option, removing the existing single-family residence from the subject property.

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.

Access

The Concept Plan submitted indicates six (6) potential lots fronting and directly accessing Redwine Road, four (4) curb cuts within the 5.85 acres being rezoned and two (2) curb cuts on the proposed A-R lots outside of the area being rezoned. To reduce traffic impact on Redwine Road, Staff is recommending a condition that the four lots within the area being rezoned be limited to two (2) driveway curb cuts and each driveway curb cut shall service no more than two (2) lots (see Public Works/Engineering comments below).

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.

F. DEPARTMENTAL COMMENTS

Water System

Water Available

Public Works/Engineering

1. New Trips & Distribution – The additional lots and curb cuts will increase the number of trips to and from the parcels a nominal amount compared to the number of lots available with A-R, but significantly less than the amount of trips to be generated if the entire parcel were re-zoned and subdivided. The number of lots, as proposed, should not have a measurable impact on traffic operations at the nearest intersection on Redwine Road.
2. Redwine Road is an Arterial. A right-of-way dedication shall be made, as needed, to provide 50-ft of R/W as measured from centerline of existing road.
3. The existing, or any new driveways, shall meet all County standards for driveways prior to Final Plat approval.
4. Sight Distance – Because of a vertical curve near the northern side of the property, one or more lots may not have enough sight distance to meet the 500 ft required for a 45-mph speed limit. The owner/developer shall be responsible for having an RLS or PE determine available sight distance and identify suitable driveway locations.
5. In addition to sight distance requirements, Engineering has concerns about the potential number and proximity of new driveway cuts if the property is developed as shown in the concept. To help alleviate, Engineering recommends, as a condition of zoning, the use of at least two shared driveways. The driveways shall be in areas that meet or exceed minimum sight distance requirements (which may dictate which lots have to share driveways).

Environmental Management

Floodplain The property **DOES** contain floodplain per FEMA FIRM panel 13113C0113E and 13113C0094E dated Sept 26, 2008. The property **DOES** contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study. Per Fayette County Floodplain Management Ordinance the elevation of the lowest floor, including basement and building access of any development shall be at least 3 feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. A Floodplain Management Plan is required if any development activities are totally or partially within an Area of Special Flood Hazard as defined by the Floodplain Management Ordinance.

- Wetlands** The property **DOES** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. Per Section 8-4 of Fayette County Development Regulations, the applicant must obtain all required permits from the U.S. Army Corps of Engineers prior to issuance of any permits from Fayette County for any phase of development affecting wetlands.
- Watershed** Whitewater Creek **IS** subject to a Watershed Protection buffer of 100 feet off the FEMA floodplain or 400 feet from rested vegetation (whichever is greater) and a 50 ft. setback from the measured buffer. Any other state waters identified on site are subject to a 50 ft. watershed buffer measured from wrested vegetation and a 25 ft. setback as measured from the buffer.
- Groundwater** The property **IS NOT** within a groundwater recharge area.
- Stormwater** This development **IS NOT** subject to the Post-Development Stormwater Management Ordinance.

Environmental Health Department

No objections to proposed rezoning. Dept. will need a complete Subdivision Review Application. This will require submission of a to-scale red stamped Level 3 Soils Report with Classifier's Certificate of Insurance.

Fire

Approved

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from A-R to R-55 for the purpose of developing Low-Density Residential. Per Section 110-300 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

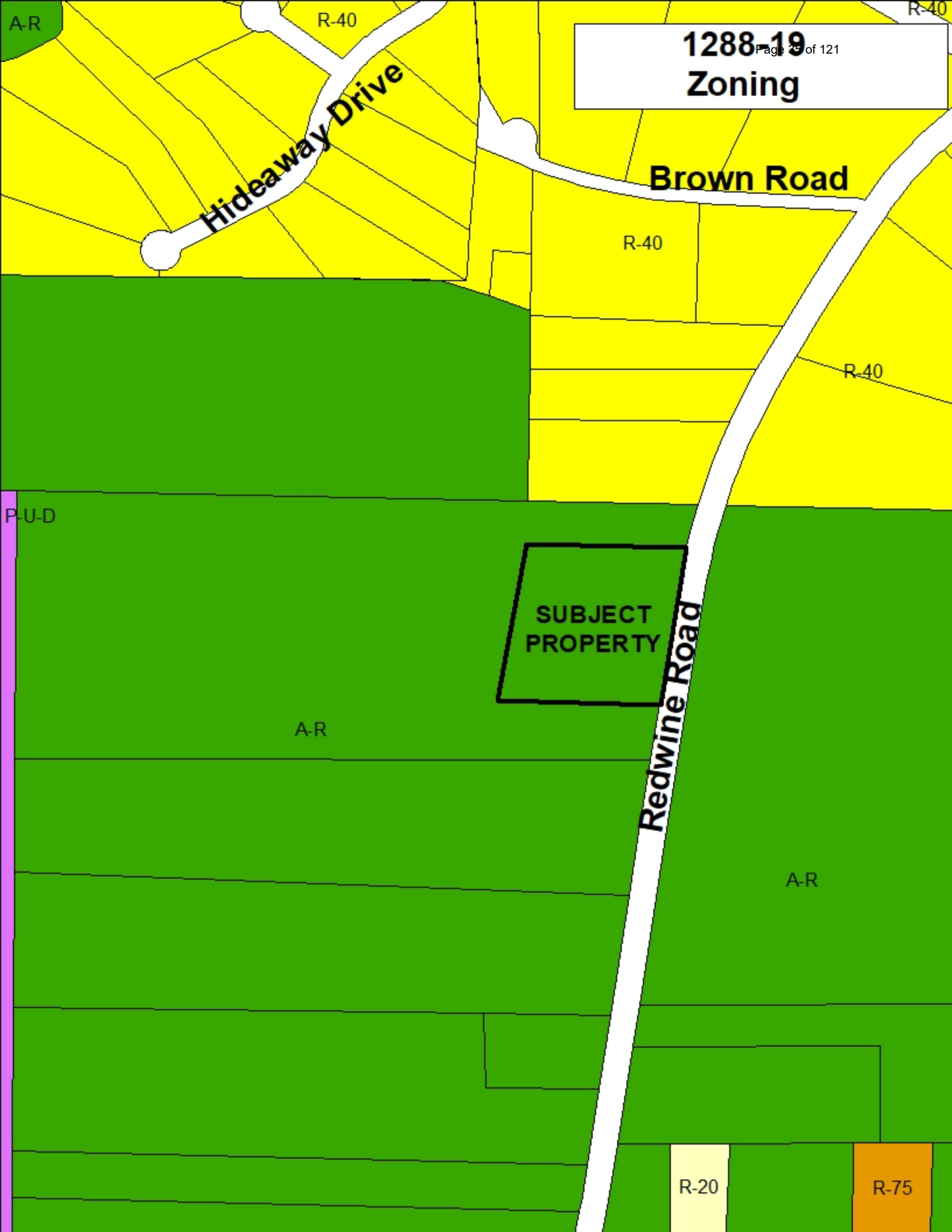
1. The subject property lies within an area designated for Low-Density Residential (1 Unit/1 Acre). This request conforms to the Fayette County Comprehensive Plan.
2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.
3. The proposed rezoning will not result in a burdensome use of roads (as conditioned), 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-55 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. That the four (4) lots within the area being rezoned, plus the two (2) proposed A-R lots, be limited to no more than four (4) driveway curb cuts and each driveway curb cut shall service no more than two (2) lots. Each driveway shall meet the minimum required sight distance. The locations of the driveway curb cuts shall be approved by the County Engineer.
2. That the Final Plat for the subject property will not be approved until the existing single-family residence is brought into compliance with the R-55 zoning district which can be achieved either by adding additional heated finished floor area to the existing single-family residence to meet the minimum required floor area or through a variance, approved by the Zoning Board of Appeals, to reduce the minimum floor area requirement, or as a third option, removing the existing single-family residence from the subject property prior to Final Plat approval.



1288-19
Zoning

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Hideaway Drive

Brown Road

R-40

R-40

**SUBJECT
PROPERTY**

Redwine Road

A-R

A-R

R-20

R-75

P-U-D

R-40

R-40

A-R

Land Use Plan

Hideaway Drive

Brown Road

LOW DENSITY
RESIDENTIAL

SUBJECT
PROPERTY

Redwine Road

ENVIRONMENTALLY
SENSITIVE AREAS

RURAL
RESIDENTIAL
- 2

RURAL
RESIDENTIAL
- 2

1288-19

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Aerials

Hideaway Drive

Brown Road

SUBJECT
PROPERTY

Redwine Road

R-70

A-R

R-40

R-40

R-40

1288-19

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Zoning Proximity

R-20

A-R

A-R

R-40

Lester Road

Brookshire Drive

Ebenezer Church Road

Hideaway Drive

Brown Road

R-40

R-40

R-40

R-50

R-40

R-50

R-72

R-40

A-R

SUBJECT
PROPERTY

Redwine Road

A-R

R-45

A-R

P-U-D

R-20

R-75

Harp Road

R-45

R-72

A-R

A-R

S-1

R-70

Harris Road

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

PROPERTY OWNERS: Rebecca A. Handley and Nancy McCord as Co-Trustees of the Handley Family Trust

(Ms. Handley): 360 Darwin Place, Duluth, Georgia 30096

MAILING ADDRESS: (Ms. McCord): 4381 Quail Ridge Way, Norcross, Georgia 30092

PHONE: 404-824-7734

E-MAIL: _____

AGENT FOR OWNERS: Rodwrightcorp

MAILING ADDRESS: P.O. Box 629, Fayetteville, Georgia 30214

PHONE: 770-294-7990

E-MAIL: thesubdivider@gmail.com

PROPERTY LOCATION: LAND LOT 31 LAND DISTRICT 5 PARCEL 0501 017
LAND LOT _____ LAND DISTRICT _____ PARCEL _____

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 5.85

EXISTING ZONING DISTRICT: A-R PROPOSED ZONING DISTRICT: R-55

ZONING OF SURROUNDING PROPERTIES: A-R, PUD, R-40

PRESENT USE OF SUBJECT PROPERTY: 1 Single-Family, Residential Lots

PROPOSED USE OF SUBJECT PROPERTY: 4 Single-Family, Residential Lots

LAND USE PLAN DESIGNATION: Low Density Residential (1 Unit/1 Acre)

NAME AND TYPE OF ACCESS ROAD: Redwine Road (Minor Arterial)

LOCATION OF NEAREST WATER LINE: Redwine Road in Right-of-Way in front of Subject Property

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1288-19

[] Application Insufficient due to lack of: _____

by Staff: _____

Date: _____

[✓] Application and all required supporting documentation is Sufficient and Complete

by Staff: COS

Date: 9/3/2019

DATE OF PLANNING COMMISSION HEARING: October 3, 2019

DATE OF COUNTY COMMISSIONERS HEARING: October 24, 2019

Received from Rod Wright Corp a check in the amount of \$ 270.00 for

application filing fee, and \$ 250.00 for deposit on frame for public hearing sign(s). 20.00 (sign)

Date Paid: 9/3/19 - CWS

Receipt Number: 6927908-sign

6927905-application

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

Page 40 of 121

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

Rebecca A. Handley and Nancy McCord as Co-Trustees of the Handley Family Trust

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0501 017

(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) 31 of the 5th District, and (if applicable to more than one land district) Land Lot(s) of the District, and said property consists of a total of 5.85 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Rodwrightcorp 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.

Nancy McCord
Signature of Property Owner 1

4381 Quail Ridge Way
Address Norcross GA 30092

Rebecca Handley
Signature of Property Owner 2

3640 Darwin Place
Address Duluth, GA 30096

Signature of Property Owner 3

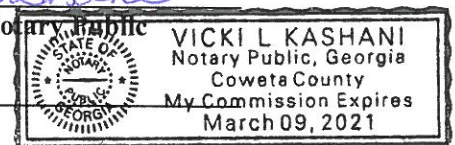
Address

Signature of Authorized Agent

P.O. Box 629, Fayetteville, Georgia 30214
Address

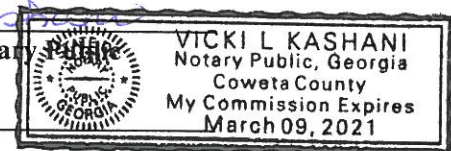
Vicki L. Kashani
Signature of Notary Public

8-23-19
Date



Vicki L. Kashani
Signature of Notary Public

8-23-19
Date

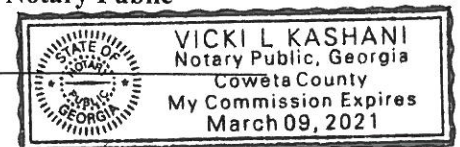


Signature of Notary Public

Date

Vicki L. Kashani
Signature of Notary Public

8-23-19
Date



NAME: Rebecca A. Handley and Nancy McCord as Co-Trustees of the Handley Family Trust

PETITION NUMBER: _____

ADDRESS: (Ms. Handley): 360 Darwin Place, Duluth, Georgia 30096
(Ms. McCord): 4381 Quail Ridge Way, Norcross, Georgia 30092**PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.**

Rodwrightcorp

_____ 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 \$ 350.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to R-55.

This property includes: (check one of the following)

☒ See attached legal description on recorded deed for subject property or
See attached survey

☐ Legal description for subject property is as follows:

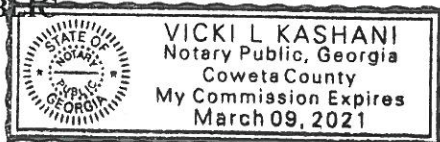
PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 5th day of October, 2019 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 26th day of October, 2019 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 23rd DAY OF August, 2019.

Vicki L. Kashani

NOTARY PUBLIC



APPLICANT'S SIGNATURE

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Rebecca A. Handley and Nancy McCord as Co-Trustees of the Handley Family Trust, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, Fifty (50) feet of right-of-way along Redwine Road (Minor Arterial) as measured from the centerline of the road.

Based on the Future Thoroughfare Plan Map streets have one of the following 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 each side of road centerline)

Collector Street (Major Thoroughfare) 80 foot right-of-way (40' measured from each side of road centerline)

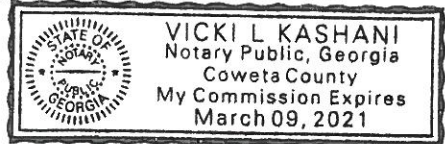
Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 23rd day of August, 2019.

Nancy McCord
SIGNATURE OF PROPERTY OWNER

Rebecca Handley
SIGNATURE OF PROPERTY OWNER

Vicki L. Kashani
NOTARY PUBLIC



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: www.dca.state.ga.us/DRI/.
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".
- ☒ 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 23rd day of August, 2019.

APPLICANT'S SIGNATURE

DISCLOSURE STATEMENT

Please check one:

Campaign contributions - ☒ No ☐ 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.

CONSTITUTIONAL OBJECTION TO CURRENT ZONING

As applied to the property of Rebecca A. Handley and Nancy McCord Co-Trustees of the Handley Family Trust, dated March 31, 2010 which is identified by the Fayette County Tax Assessor as Parcel ID No.: 0501 017 and consists in part of approximately 5.85 acres (the “Subject Property”), subject of the Application to Amend the Official Zoning Map of Fayette County, Georgia (the “Application”) filed simultaneously herewith, the Zoning Ordinance of Fayette County, Georgia as presently applied to the Subject Property, zoned A-R, Agricultural-Residential District (“A-R”), is unconstitutional in that the owner’s and Applicant’s property rights in and to the property have been destroyed without first receiving fair, adequate and just compensation for such property rights. As applied to the Subject Property, the Zoning Ordinance of Fayette County, Georgia deprives the owner and Applicant of constitutionally protected rights in violation of Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States.


Application of the Zoning Ordinance of Fayette County, Georgia to the Subject Property is unconstitutional, illegal, arbitrary, capricious, null and void, constituting a taking of the Subject Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 thereby denying the owner and Applicant an economically viable use of the land while not substantially advancing legitimate state interests.

Inasmuch as it is impossible for the owner and/or Applicant to use the land and simultaneously comply with the Zoning Ordinance of Fayette County, Georgia, the Zoning Ordinance of Fayette County, Georgia constitutes an arbitrary, capricious, and unreasonable act by Fayette County without any rational basis therefore and constitutes an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Application of the Zoning Ordinance of Fayette County, Georgia to the Subject Property is unconstitutional and discriminates against the owner and Applicant in an arbitrary, capricious, and unreasonable manner between the owner as well as the Applicant and others similarly situated in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

WHEREFORE, RODWRIGHTCORP (the "Applicant") requests that Fayette County, Georgia rezone the Subject Property as specified and designated in the Application.

GALLOWAY & LYNDALL, LLP.
Counsel for Applicant



Steven L. Jones
Georgia State Bar No.: 639038

The Lewis-Mills House
406 N. Hill St.
Griffin, GA 30223
(770) 233-6230
sjones@gallyn-law.com

OBJECTION TO ZONING HEARING BASED ON
YORK V. ATHENS COLLEGE OF MINISTRY, INC.

As applied to the property of Rebecca A. Handley and Nancy McCord as Co-Trustees of the Handley Family Trust, dated March 31, 2010, which is identified by the Fayette County Tax Assessor as Parcel ID No.: 0501 017 and consists in part of approximately 5.85 acres (the “Subject Property”), subject of the Application to Amend the Official Zoning Map of Fayette County, Georgia (the “Application”), filed simultaneously herewith, the public hearings before and any action or recommendation by the Fayette County, Georgia Planning Commission (the “Planning Commission”) and/or Board of Commissioners of Fayette County, Georgia (the “Board of Commissioners”) on the same are objected to based on, but not limited to, the reasons set forth herein (collectively, the “York Objection”), in accordance with *York v. Athens College of Ministry, Inc.*, 2018 Ga. App. LEXIS 632, 821 S.E.2d 120 (Ga. Ct. App. 2018):

Contemporaneous with the filing of this *York* Objection, the Applicant is filing a Constitutional Objection to the Current A-R, Agricultural-Residential District (“A-R”) Zoning of the Subject Property, and all objections set forth therein are incorporated herein by reference as if fully restated.

The Applicant objects to any and all members of the public who appear at the public hearings before the Planning Commission and/or Board of Commissioners to the extent that (but not limited to) said individuals (a) do not satisfy the substantial interest-aggrieved citizen test; (b) are not under oath; (c) are not subject to cross-examination; (d) present evidence on and/or make statements that qualify as (or must or should be assessed with the aid of) expert opinion without any or all individuals being qualified as expert witnesses; (e) present evidence on and/or make statements that are not germane to the exclusive factors for rezoning set forth in Section 110-300 of the Zoning Ordinance of Fayette County, Georgia; and/or (f) present evidence and/or make

statements that are founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial and/or lay, nonexpert opinion evidence. Likewise, to the extent that any recommendation by the Planning Commission and/or decision by the Board of Commissioners is a quasi-judicial decision, the Applicant objects to the hearings before the Planning Commission and Board of Commissioners because the time limitation imposed on the presentation of evidence and testimony in support of the Application deprives the Applicant a meaningful opportunity to be heard and preserve issues in violation of the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of Georgia of 1983.


Additionally, the Applicant objects to any recommendation of the Planning Commission and action by the Board of Commissioners that does not approve the Rezoning Application or approves the Rezoning Application with unreasonable conditions to the extent that (but not limited to) the same is: (a) in violation of Section 50-13-19(h) of the Official Code of Georgia Annotated or otherwise: (1) in violation of constitutional, statutory, and/or ordinance provisions; (2) in excess of the constitutional, statutory and/or ordinance authority of the Planning Commission and/or the Board of Commissioners; (3) made upon unlawful procedure; (4) affected by other error of law; (5) clearly erroneous in view of the reliable probative, and substantial evidence on the whole record; and/or (6) arbitrary, capricious and/or characterized by abuse of discretion or clearly unwarranted exercise of discretion; (b) contrary to any Reports and Recommendations for approval of (1) the Fayette County, Georgia Director of Planning and Zoning (or any assigns thereof); (2) the Planning Commission and/or (3) any other Department or agency of Fayette County, Georgia or the State of Georgia; (c) founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial and/or lay, nonexpert opinion evidence; and/or (d) contrary to the exclusive factors

for rezoning set forth in Section 110-300 of the Zoning Ordinance of Fayette County, Georgia, including, but not limited to, the Fayette County, Georgia Comprehensive Plan 2017-2040 and the Fayette County, Georgia Future Land Use Plan.

By and through this *York* Objection, the Applicant hereby preserves all the above and incorporated Objections and asserts them on and within the record before, and for consideration and resolution by, the Board of Commissioners of Fayette County, Georgia.

WHEREFORE, RODWRIGHTCORP (the "Applicant") requests that Fayette County, Georgia rezone the Subject Property as specified and designated in the Application.

GALLOWAY & LYNDALL, LLP
Counsel for Applicant



Steven L. Jones
Georgia State Bar No.: 639038

The Lewis-Mills House
406 N. Hill St.
Griffin, GA 30223
(770) 233-6230
sjones@gallyn-law.com

CONCEPT PLAN

LEGEND
 RBF=REBAR FOUND
 RBS=REBAR SET
 CTP=CRIMP TOP PIPE
 L.L.=LAND LOT
 L.L.L.=LAND LOT LINE
 P.=PROPERTY LINE
 CO=CONSTRUCTION ENTRANCE
 EP=EDGE OF PAVEMENT
 P.O.B.=POINT OF BEGINNING
 B/L=BUILDING SETBACK LINE
 D.E.=DRAINAGE EASEMENT
 N/F=NOW OR FORMERLY
 F.W.P.D.=FIELD WORK PERFORMED DATE
 O/F=OUT OF FLOOD PLAIN
 DB=DEED BOOK
 PG=PAGE
 PB=PLAT BOOK
 (##)=HOUSE NUMBER
 =FIRE HYDRANT
 CTP=CRIMP TOP PIPE

SEP - 3 2019

TOTAL AREA
 39.82 Acres
 D.B. 3669, PG. 24-25
 P.B. 5, PG. 98

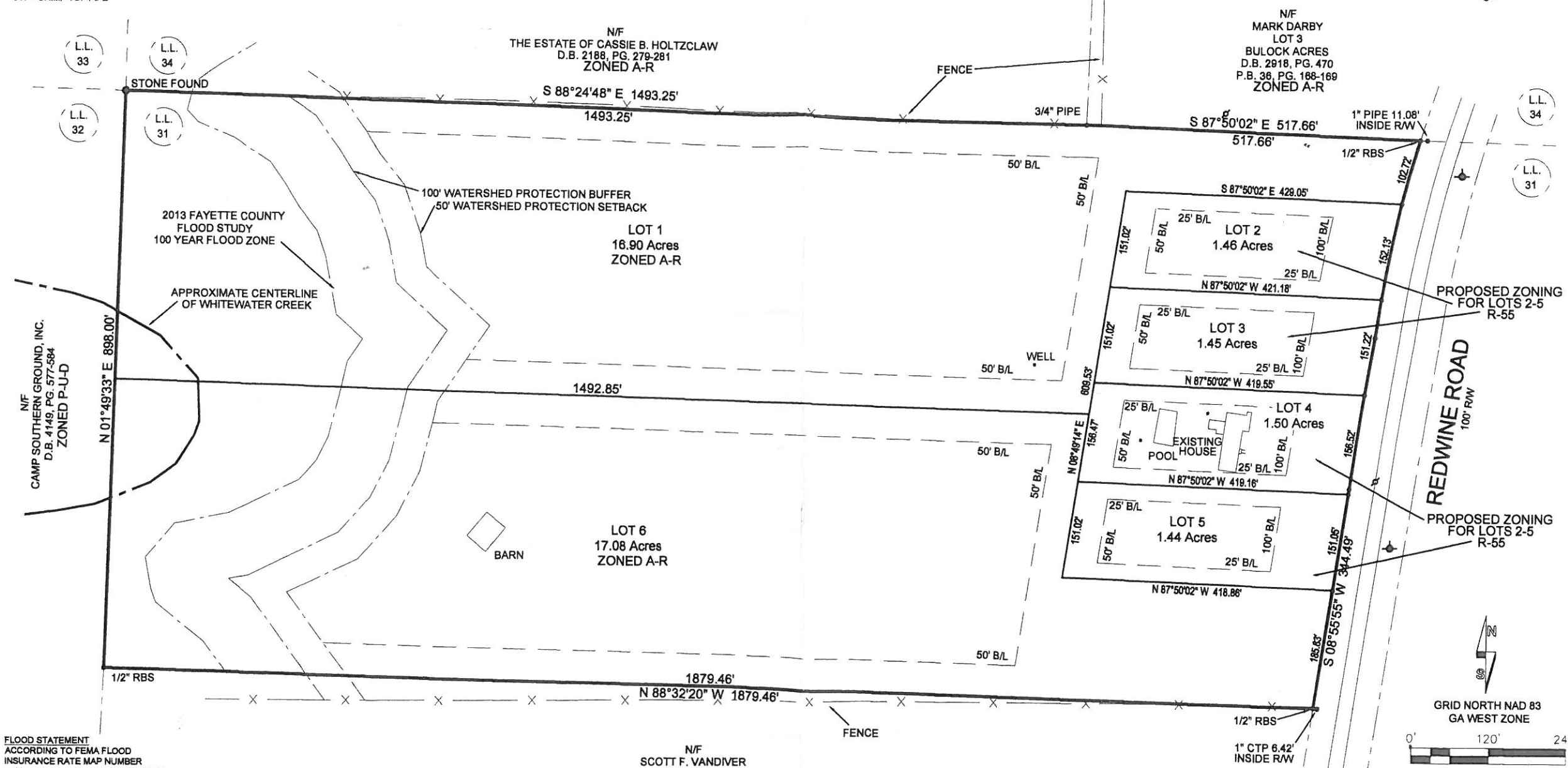
OWNERS: HANDLEY FAMILY TRUST ESTATE
 (DEED BOOK 3669, PAGES 24-25, PLAT BOOK 5, PAGE 98)

AGENT: RODWRIGHTCORP
 PO BOX 629
 FAYETTEVILLE, GA 30214
 770-294-7990

SITE AREA = 5.85 ACRES
 TAX PARCEL NO. 0501 017
 EXISTING ZONING: AR - AGRICULTURAL RESIDENTIAL
 PROPOSED ZONING: R - 55 - SINGLE FAMILY RESIDENTIAL
 LAND USE PLAN DESIGNATION: LOW DENSITY RESIDENTIAL - 1 UNIT/1 ACRE

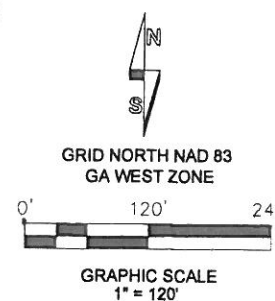
MINIMUM LOT SIZE = 1.00 ACRE
 SETBACKS: FRONT - 100' ARTERIAL
 FRONT - 75' COLLECTOR
 FRONT - 50' LOCAL
 SIDE - 25'
 REAR - 50'

MINIMUM HOUSE SIZE 2500 SQ. FT.
 MINIMUM LOT WIDTH AT BUILDING LINE: 150' COLLECTOR
 EXISTING WATERLINE LOCATED ALONG THE EAST SIDE OF REDWINE ROAD.
 REDWINE ROAD IS CLASSIFIED AS A MINOR ARTERIAL ROAD ON THE FAYETTE COUNTY THOROUGHFARE PLAN, PURSUANT TO CHAPTER 104, ARTICLE III, SECTION 104-52(b) OF THE CODE OF FAYETTE COUNTY, GA. A MINIMUM RIGHT-OF-WAY OF 100 FEET IS REQUIRED FOR A ARTERIAL ROAD.
 POSTED SPEED LIMIT IS 45 MPH IN BOTH DIRECTIONS



FLOOD STATEMENT
 ACCORDING TO FEMA FLOOD
 INSURANCE RATE MAP NUMBER
 13113C0113E, DATED SEPTEMBER 28,
 2006, A PORTION OF THIS PROPERTY
 DOES LIE WITHIN A SPECIAL FLOOD
 HAZARD AREA.

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	315.37'	2025.08'	315.06'	S 12°21'45" W
C2	239.65'	7409.13'	239.64'	S 09°18'52" W



Job No. 19-038
 Drawn By: R.D.G. Reviewed By: R.M.B.
 Issue Date: 07/24/19
 F.W.P.D.: N/A
 Revisions: _____ Date: _____



RODWRIGHTCORP

Property Location
 Land Lot 31 Of The 5th Land District
 Fayette County, Georgia

S.A. GASKINS &
 ASSOCIATES, LLC
 surveyors planners development consultants
 P.O. BOX 303 BROOKS, GA 30205
 678-571-3054
 rdgaskins79@gmail.com

CLOSURE STATEMENT
 THE FIELD DATA UPON WHICH THIS PLAT IS
 BASED HAS A CLOSURE PRECISION OF ONE
 FOOT IN 42,167 FEET AND AN ANGULAR ERROR
 OF 00° 00' 02" PER ANGLE POINT AND HAS BEEN
 ADJUSTED USING THE COMPASS RULE
 METHOD.
 THIS PLAT HAS BEEN CALCULATED FOR
 CLOSURE AND IS FOUND TO BE ACCURATE
 WITHIN ONE FOOT IN 100,000+ FEET.
 ANGULAR & LINEAR MEASUREMENTS WERE
 OBTAINED USING A LIECA 403 TCR TOTAL
 STATION

COUNTY AGENDA REQUEST

Page 51 of 121

Department:

Presenter(s):

Meeting Date:

Type of Request: **Item #6**

Wording for the Agenda:

Consideration of Petition No. RP-073-19, for Bogdan C. Wolfe and Pamela M. Wolfe, Owners, and Randy Boyd, Agent, request to revise the Final Plat of Bogdan C. Wolfe and Pamela M. Wolfe to add one lot to to the subdivision; property located in Land Lot 252 of the 4th District and fronts on McBride Road.

Background/History/Details:

Staff recommends approval of the request.

Brian Haren made a motion to recommend approval of Petition No. RP-073-19 to revise the Final Plat for Bogdan C. and Pamela M. Wolfe. Al Gilbert seconded the motion. The motion passed 4-0. Danny England was absent.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. RP-073-19, for Bogdan C. Wolfe and Pamela M. Wolfe, Owners, and Randy Boyd, Agent, request to revise the Final Plat of Bogdan C. Wolfe and Pamela M. Wolfe to add one lot to to the subdivision; property located in Land Lot 252 of the 4th District and fronts on McBride Road.

If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

**STATE OF GEORGIA
COUNTY OF FAYETTE**

RESOLUTION

NO. RP-073-19

WHEREAS, Bogdan C. & Pamela M. Wolfe, Owners, having come before the Fayette County Planning Commission on RP-073-19, requesting a revision to the Final Plat of Bogdan C. & Pamela M. Wolfe as per Section 104-595 (k) of the Fayette County Subdivision Regulations; and

WHEREAS, said request being as follows: Request in the area of McBride Road, Land Lot 252 of the 4th District, for the purpose of adding property to the subdivision and adding a lot to the 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 with conditions**.

This decision is based on the following reasons:

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

Compatible with the surrounding area.

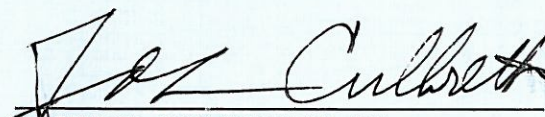
In compliance with the Land Use Plan.

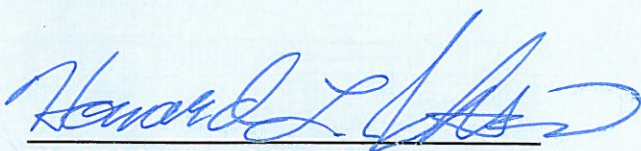
PLANNING COMMISSION

OF

FAYETTE COUNTY

ATTEST:


JOHN H. CULBRETH, SR.
CHAIRMAN


HOWARD L. JOHNSON
PLANNING COMMISSION SECRETARY

PLANNING COMMISSION RECOMMENDATION

DATE: RP-073-19


TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. RP-073-19, a Revision to the Final Plat of Bogdan C. and Pamela M. Wolfe be:

☒ Approved ☐ Withdrawn ☐ Disapproved

_____ Tabled until _____

This is forwarded to you for final action.


JOHN H. CULBRETH, CHAIRMAN

NOT PRESENT
DANNY ENGLAND, VICE-CHAIRMAN

AL GILBERT

BRIAN HAREN

BRIAN HAREN

ARNOLD L. MARTIN, III

Remarks:

THE FAYETTE COUNTY PLANNING COMMISSION met on October 3, 2019 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John H. Culbreth, Chairman
Al Gilbert
Brian Haren
Arnold L. Martin, III

MEMBERS ABSENT: Danny England, Sr., Vice-Chairman

STAFF PRESENT: Pete A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator
Howard Johnson, Planning and Zoning Coordinator

Consideration of Petition No. 1288-19, Rebecca A. Handley and Nancy McCord, Handley Family Trust Co-Trustees, and Rodwright Corp, Agent, request to rezone 5.85 acres from A-R to R-55 for the purpose of developing a Residential Subdivision with four (4) lots. This property is located in Land Lot 31 of the 5th District and fronts Redwine Road

Steven Jones said they would move ahead with the petition. Steven Jones stated that the staff has recommended approval of the rezoning request with two conditions. Steven Jones added that this is the rezoning of 5.85 acres that is part of a larger 40 acre parent tract with four (4) road frontage lots and the remainder of the parent tract will be developed into two (2) A-R lots. Steven Jones said the Concept plan indicates the proposed lots will be one (1) plus acres in size which conforms to the Future Land Use map which designates this area for one (1) unit per one (1) acre density. He added that the two (2) back lots labeled lots 1 and 6 are not subject to this rezoning request since they will remain A-R tracts. He stated that staff found that the rezoning request met all of the factors for rezoning in the zoning ordinance as follows:

1. The subject property lies within an area designated for Low-Density Residential (1 Unit/1 Acre). 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 (as conditioned), utilities, or schools.
4. Existing conditions and the area's continuing development as a single-family residential district support this petition.

He said that staff has recommended two (2) conditions that all six (6) of the proposed lots will be served by no more than four (4) driveways and each driveway shall serve no more than two (2) lots and the applicant consents to that condition. He added that there is a second condition regarding an existing single-family residence on the subject property which does not meet the square footage

requirement of the R-55 zoning district and before the final plat can be approved the residence shall be brought into compliance by adding additional heated finished floor area to the existing single-family residence to meet the minimum required floor area, through a variance, approved by the Zoning Board of Appeals, to reduce the minimum floor area requirement, or removing the existing single-family residence from the subject property and the applicant also consents to that condition. He said that the applicant asks the Planning Commission to recommend approval with conditions as recommended by staff.

Chairman Culbreth asked if there was anyone that would like to speak to the petition. Hearing none he brought it back to the board.

Arnold Martin asked about the shared driveways will be administered.

Steven Jones said the Engineering Department has concerns about the potential number and proximity of new driveway cuts and to alleviate that the Engineering suggested shared driveways.

Arnold Martin asked if there are many communities that have shared driveways.

Steven Jones said there are other developments in the County that have shared driveways.

Arnold Martin asked shared driveways will be a marketing challenge for these lots.

Steven Jones said they did not anticipate a problem.

Rod Wright said the shared portion of the driveway will only be within the right of way and beyond the right of way the driveways will split off at that point.

Arnold Martin asked about the wetlands any Army Corps of Engineers approval that may be required.

Steven Jones said if you refer back to the concept plan which indicates the wetlands and setbacks and there are no structures planned in this area.

Rod Wright said there will be no impact on the wetlands or floodplain.

Al Gilbert made a motion to recommend approval of Petition No. 1288-19 to rezone 5.85 acres from A-R to R-55 to develop a residential Subdivision with two (2) conditions and note that the applicant has stated and agreed to the conditions. Arnold Martin III seconded the motion. The motion passed 4-0. Danny England was absent.

PETITION NUMBER: RP-073-19

REQUESTED ACTION: Request approval to revise the Final Plat for Bogdan C. Wolfe & Pamela M. Wolfe to add one lot to the subdivision by subdividing Lot 1 into two separate lots.

EXISTING USE: Single-Family Residential

ZONING DISTRICT: R-72

LOCATION: 725 McBride Road

LAND LOT/DISTRICT: Land Lot 252 of the 4th District

APPLICANT: Bogdan C. Wolfe & Pamela M. Wolfe

INVESTIGATION

The Final Plat for Bogdan C. Wolfe & Pamela M. Wolfe was recorded on August 31, 2006.

Subdivision Regulations

Sec. 104-595. - Approval of subdivisions.

(2) **Final plat or minor subdivision plat**

j. **Revision to a recorded final plat.**

Revision to a recorded final plat. A revision to a recorded final plat shall show the name, phase (if any), date of the recorded subdivision plat being revised, and the exact citation with regard to the clerk of superior court records and the book and page number wherein said plat is recorded. See [section 104-596](#) for requirements to be indicated on the revised final plat, as applicable. In addition, proposed revisions to a recorded final plat that substantially changes the street and/or utility layout, unless initiated by the county, shall require a revised preliminary plat in accordance with this section. Proposed revisions to a recorded final plat of any existing residential or agricultural-residential subdivisions which add property to, increases the number of platted lots, or changes the principal use on a lot will be considered in public hearings before the planning commission and the board of commissioners. The legal notice shall be advertised at least seven calendar days prior to the public hearing before the planning commission, but not more than 45 calendar days, nor less than 15 calendar days prior to the public hearing before the board of commissioners. In the event that the timeframes above cannot be met with one advertisement, the notice shall be published twice. As applicable, a revised final plat shall comply with the revised preliminary plat and shall be approved by the planning commission.

Final Plat

Should this request be approved, a revised Final Plat must be submitted, approved, and recorded.

Department Comments

Planning and Zoning: The surveyor has indicated to staff that the Contiguous Area cannot be met on the proposed lots. A variance from the Planning Commission will be required prior to Final Plat approval. The current Contiguous Area requirement is .9 acres and it is projected that the Contiguous Area on these lots will be approximately .82 and .85 acres.

Water System: Water not available.

Fire: Approved

Engineering/Public Works: Engineering has no issues with the proposed revision to a recorded plat. The applicant is responsible for ensuring all current County regulations can be satisfied for the Final Plat.

Environmental Management Dept.:

Floodplain The property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0113E and 13113C0094E dated Sept 26, 2008. The property **DOES** contain floodplain delineated in the FC 2013 Future Conditions Flood Study. Per Fayette County Floodplain Management Ordinance the elevation of the lowest floor, including basement and building access of any development shall be a least 3 feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. This applies to lots with floodplain and lots adjacent to floodplain. A Floodplain Management Plan is required if any development activities are totally or partially within an Area of Special Flood Hazard as defined by the Floodplain Management Ordinance.

Wetlands The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. This property **DOES** contain wetlands per Plat Book 43, Page 39. Per Section 8-4 of Fayette County Development Regulations, the applicant must obtain all required permits from the U.S. Army Corps of Engineers prior to issuance of any permits from Fayette County for any phase of development affecting wetlands.

Watershed The stream adjacent to the property **IS** subject to a Watershed Protection Buffer. If the stream is intermittent, there is a watershed buffer of 50 feet from wrested vegetation and a 25 ft. watershed setback measured from the buffer. If the stream is perennial, there is a watershed buffer of 100 ft. from wrested vegetation and a 50 ft. watershed setback measured from the buffer.

Groundwater The property **IS NOT** within a groundwater recharge area.

Stormwater This development **IS NOT** subject to the Post-Development Stormwater Management Ordinance.

Environmental Health Dept.: This Dept. is unable to sign off on current proposal due to the fact that the new proposed line crosses existing drain field. Corrective options include 1) relocate proposed property line so that it is at least 5' from existing drain field or 2) apply for an application to relocate drain field. Option 2 will require submission of a level 3 red stamp Soils report with certificate of insurance attached.

STAFF ANALYSIS

Staff recommends **APPROVAL** of this request so the revision to the Final Plat procedure can begin.

RP-073-19
Zoning

Page 59 of 121

Shamrock Drive

R-40

R-70

A-R

**SUBJECT
PROPERTY** R-72

McBride Road

R-40

A-R

R-70

Land Use Plan

Shamrock Drive

RURAL
RESIDENTIAL

- 2

SUBJECT
PROPERTY

McBride Road

RURAL
RESIDENTIAL

- 3

RP-073-19
Aerials

Page 6 of 21

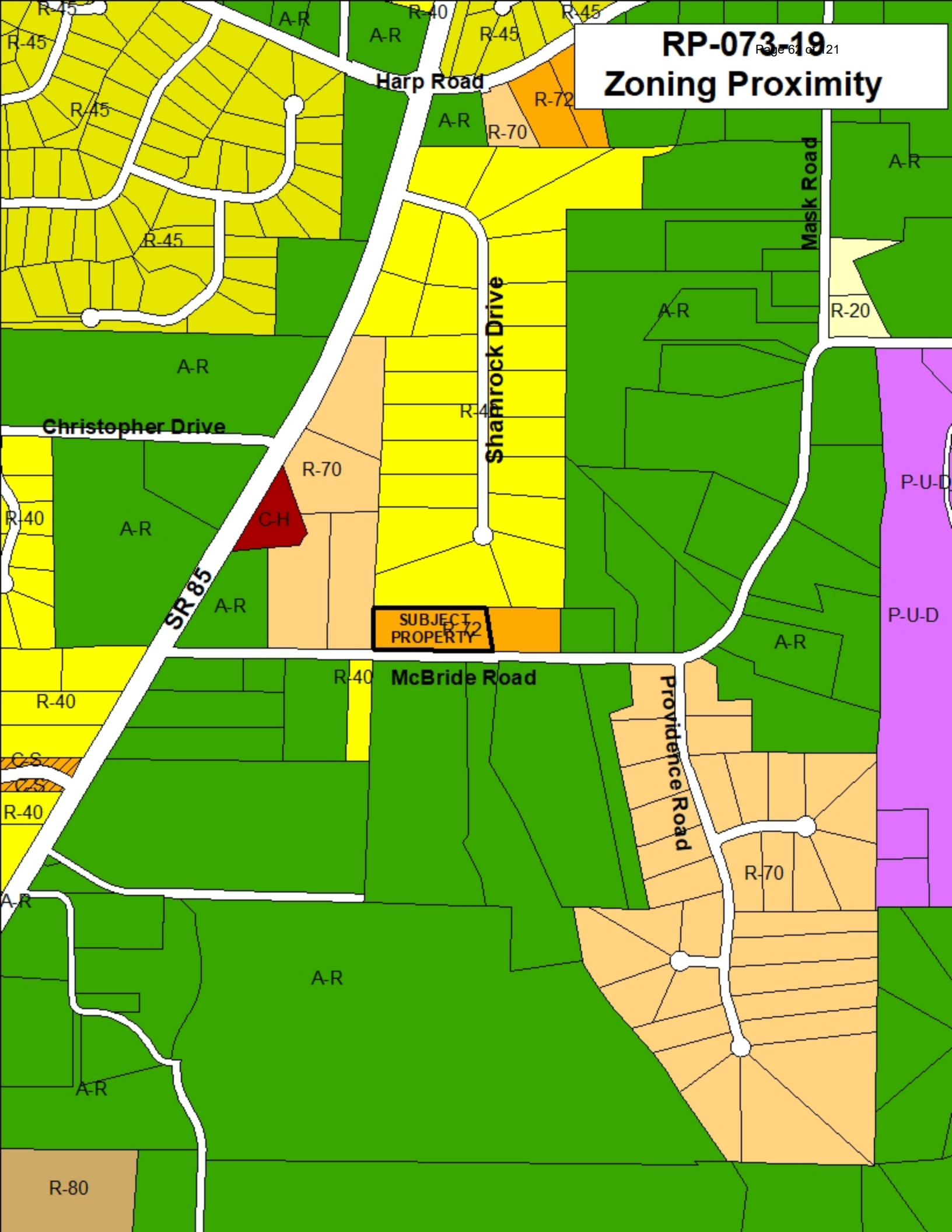
Shamrock Drive

SUBJECT
PROPERTY

McBride Road



Zoning Proximity

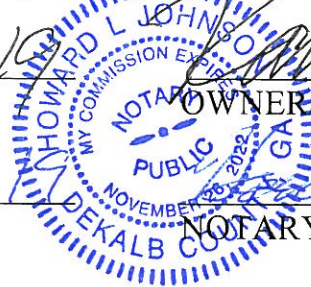


APPLICATION TO REVISE A RECORDED PLAT
(PUBLIC HEARING)PETITION NO: RP- 073 - 19NAME OF RECORDED PLAT: FINAL PLAT FOR BOGDAN & PAMELAOWNER OF PROPERTY: BOGDAN C. & PAMELA M. WOLFE (P.B. 43, PG. 39)MAILING ADDRESS: 725 McBRIDE ROAD FAYETTEVILLE 30215PHONE: 404-275-1677E-MAIL: boyd2227@gmail.comAGENT FOR OWNER: Randy M. BoydMAILING ADDRESS: P.O. Box 64, ZEBULON, GA. 30295PHONE: 404-275-1677E-MAIL: boyd2227@gmail.comLOCATION: LAND LOT(S) 252 DISTRICT 4th ROAD McBRIDE RD.LEGAL DESCRIPTION ATTACHED: ☒ ZONING: R-72 CONDITIONAL

FIFTEEN COPIES OF CONCEPT PLAN ATTACHED: _____

TOTAL NUMBER OF LOTS: 2 TOTAL NUMBER OF ACRES: 4.024DATE OF PLANNING COMMISSION HEARING: OCTOBER 3, 2019DATE OF COUNTY COMMISSIONERS HEARING: OCTOBER 24, 2019REASON FOR REVISION: DIVIDE LOT 1 CONSISTING
OF 4.024 ACRES IN TO 2 LOTS.

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

Sept. 3, 2019  [Signature]
 OWNER/AGENT'S SIGNATURE

September 3rd, 2019 [Signature]
 NOTARY PUBLIC

SIGN FEE

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

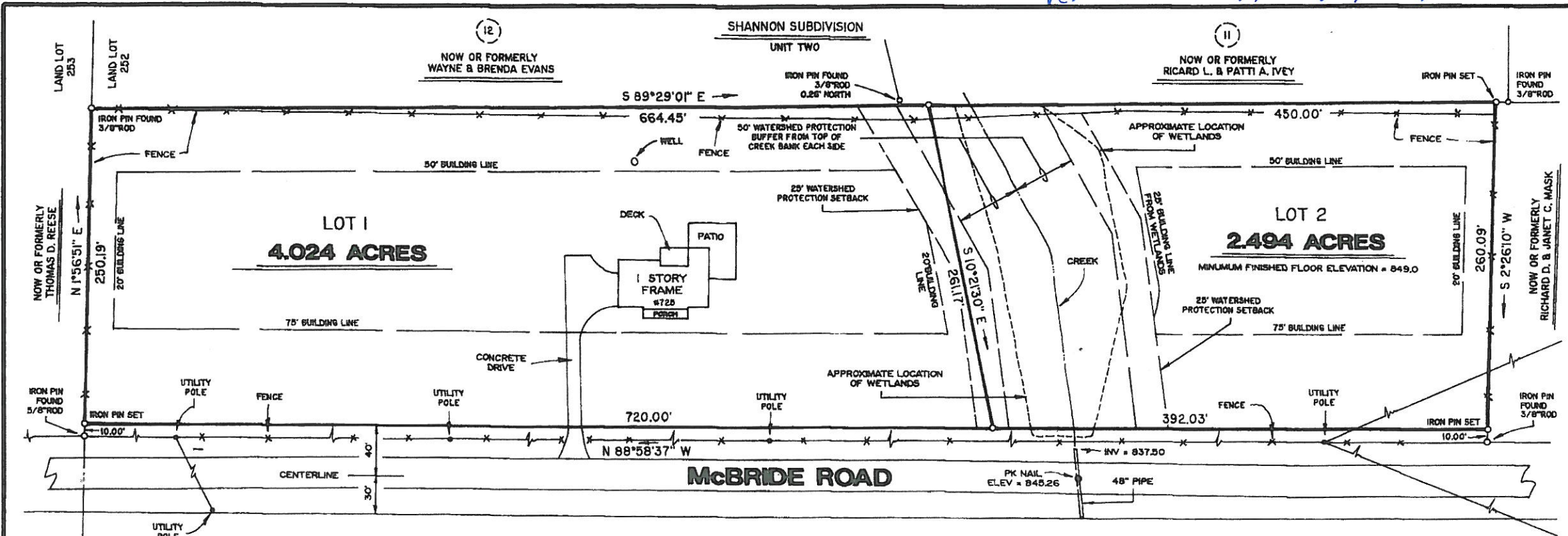
Date Paid: _____

Receipt No. _____

Cash: _____

Check No. _____

RP-073-19 Original Plat



GENERAL NOTES

- TOTAL AREA = 6.518 ACRES
- TOTAL NUMBER OF LOTS = 2
- PROPERTY ZONED = R-72 CONDITIONAL
- MINIMUM LOT SIZE = 2 ACRES
- MINIMUM LOT WIDTH AT BL = 175'
- MINIMUM HOUSE SIZE = 2100 SQ FT
- SETBACKS: FRONT = 75' SIDE = 20' REAR = 50'
- WATER TO BE PROVIDED BY AN INDIVIDUAL WELL.
- SANITARY SEWER TO BE PROVIDED BY INDIVIDUAL SEPTIC TANKS & DRAIN FIELDS.

Doc ID: 007224100001 Type: PLT
 Filed: 08/31/2006 at 12:12:00 PM
 Fee Amt: \$5.00 Page 1 of 1
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK43 PG39

FINAL PLAT FOR
**BOGDAN C. WOLFE &
 PAMELA M. WOLFE**
 LAND LOT 252 4th DISTRICT
 FAYETTE CO., GA

GRAPHIC SCALE
 4/18/06

R.M. BOYD & ASSOCIATES
 LAND SURVEYING & ENGINEERING, INC.
 325 SOUTH LEE STREET
 FAYETTEVILLE, GA 30214
 (770) 461-2417

IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

R.M. Boyd
 REGISTERED LAND SURVEYOR NO. 2227 DATE 4/18/06

BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS FURNISHED BY THE DEPT. OF H.U.D. THROUGH THE FEDERAL INSURANCE ADMINISTRATION, IT IS MY OPINION THAT THE PROPERTY SHOWN HEREON IS OUTSIDE THE FLOOD HAZARD AREA.

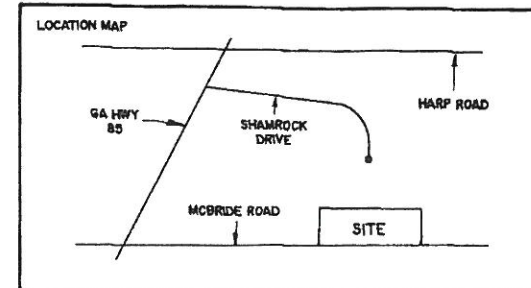
REFERENCE F.I.R.M. NUMBER 13113 0089 D DATE 3/18/96

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 02 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET.

A TOPCON GTS-313 WAS USED TO COMPILE THE ANGULAR AND LINEAR FIELD DATA.

1/2" ROD AT EACH PROPERTY CORNER UNLESS SHOWN OTHERWISE



OWNERS: BOGDAN C. & PAMELA M. WOLFE
 725 MCBRIDE ROAD
 FAYETTEVILLE, GA 30215
 (770) 460-1710

OWNER'S ACKNOWLEDGEMENT

WE, THE UNDERSIGNED OWNERS OF THE PROPERTY SHOWN ON THIS PLAT, HEREBY OFFER TO DEDICATE AND/OR RESERVE FOR PUBLIC USE EASEMENTS, RIGHT-OF-WAY AND ANY OTHER GROUND SHOWN.

Bogdan C. Wolfe
Pamela M. Wolfe
 OWNERS DATE 6/14/06

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR

Patricia Brannen
 SIGNED DATE 7/2/06

APPROVED BY FAYETTE COUNTY PLANNING COMMISSION

Robyn Wilson
 SECRETARY DATE 7/7/06

APPROVED BY FAYETTE COUNTY ENGINEER

ALL AS BUILTS HAVE BEEN APPROVED

P. Mallon
 SIGNED DATE 6/23/06

CONDITION OF ZONING: (RESOLUTION NO. 1163-06, DATED 1/26/06)

AN ADDITIONAL TEN (10) FEET OF RIGHT-OF-WAY IS REQUIRED TO BE DEDICATED BY THE OWNER / DEVELOPER AT NO COST TO FAYETTE COUNTY TO CREATE A TOTAL OF 40 FEET OF RIGHT-OF-WAY, AS MEASURED FROM THE CENTERLINE OF THE STREET FOR FUTURE ROAD IMPROVEMENTS.

APPROVED DEPT. OF PUBLIC HEALTH FAYETTE COUNTY, GEORGIA

[Signature]
 ENVIRONMENTAL HEALTH SPECIALIST IV DATE 7/7/06
 (Approved for plat recording purposes only) SAK

ENGINEER'S ACKNOWLEDGEMENT

I CERTIFY THAT ALL MEASUREMENTS ARE CORRECT AND WERE PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION; THAT MONUMENT LOCATIONS ARE CORRECTLY SHOWN; THAT THE PROPERTY WILL DRAIN AS SHOWN. MONUMENTS SHOWN BY IRON PINS.

R.M. Boyd
 REGISTERED LAND SURVEYOR NO. 2227 DATE 4/18/06
 REGISTERED PROFESSIONAL ENGINEER NO. 19619

APPROVED BY FAYETTE COUNTY FIRE MARSHALL

ALL FIRE HYDRANTS LOCATED AS SHOWN

Dale Seabough
 SIGNED DATE 6/21/2006

THIS PLAT IS SUBJECT TO THE COVENANTS SET FORTH IN THE SEPARATE DOCUMENT(S) ATTACHED HERETO DATED _____

WHICH HEREBY BECOME(S) A PART OF THIS PLAT.

RECORDED IN DEED BOOK _____ PAGE _____

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

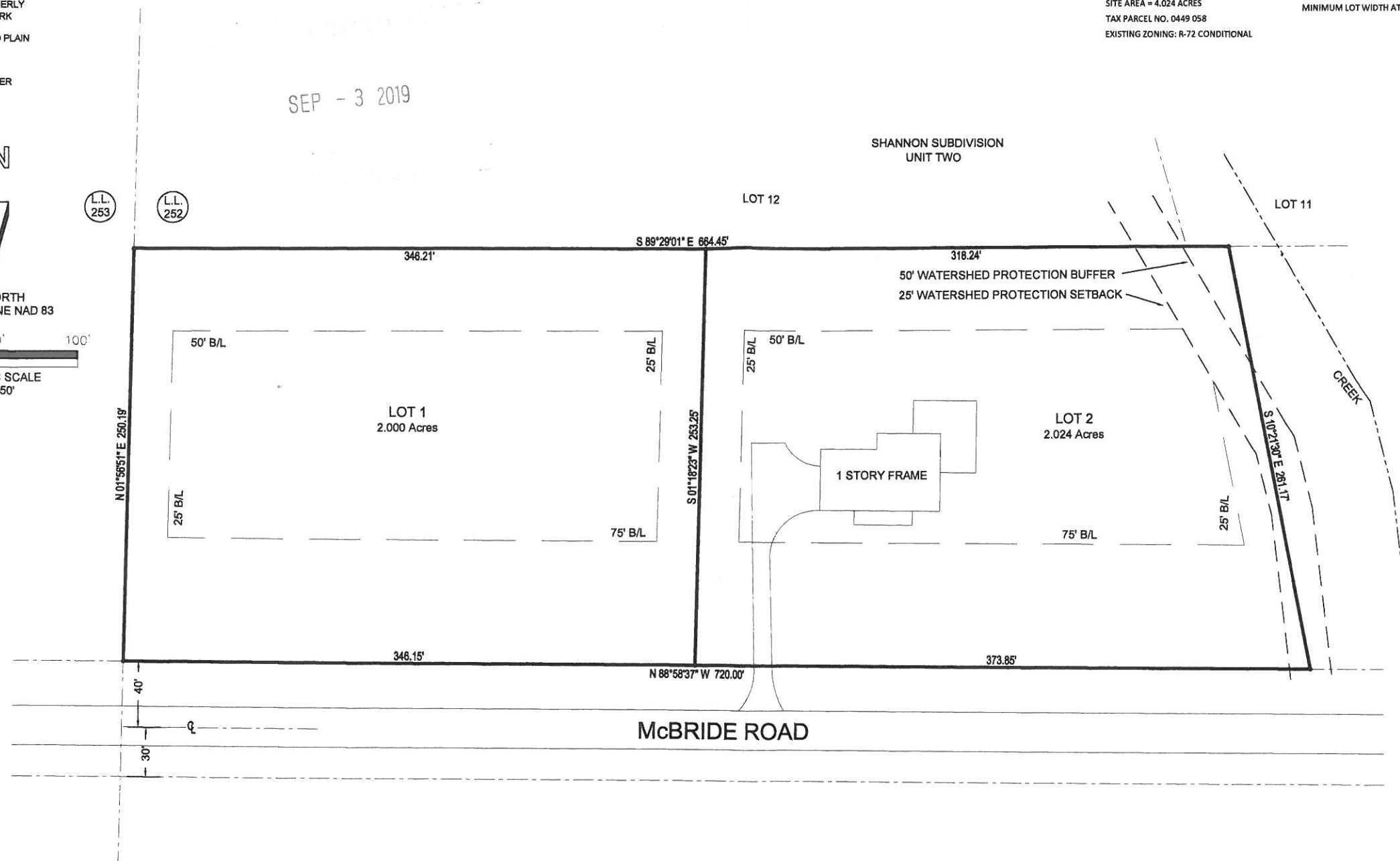
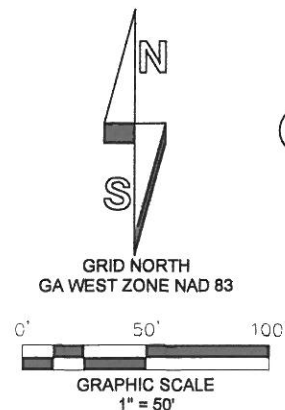
LEGEND
RBF=REBAR FOUND
RBS=REBAR SET
CTP=CRIMP TOP PIPE
L.L.=LAND LOT
L.L.L.=LAND LOT LINE
P.L.=PROPERTY LINE
CO=CONSTRUCTION ENTRANCE
EP=EDGE OF PAVEMENT
P.O.B.=POINT OF BEGINNING
B/L=BUILDING SETBACK LINE
D.E.=DRAINAGE EASEMENT
N/F=NOW OR FORMERLY
F.W.P.D.=FIELD WORK
PERFORMED DATE
O/F=OUT OF FLOOD PLAIN
DB=DEED BOOK
PB=PAGE
PB=PLAT BOOK
###=HOUSE NUMBER

OWNERS: BOGDAN C. & PAMELA M. WOLFE
DB 1345 PG 62
AGENT: RANDY M. BOYD
PO BOX 64
ZEBULON, GA 30295
404-275-1677

MINIMUM LOT SIZE = 2.00 ACRE
SETBACKS: FRONT - 75' ARTERIAL
FRONT - 75' COLLECTOR
FRONT - 50' LOCAL
SIDE - 25'
REAR - 50'

SITE AREA = 4.024 ACRES
TAX PARCEL NO. 0449 058
EXISTING ZONING: R-72 CONDITIONAL

MINIMUM HOUSE SIZE 2100 SQ. FT.
MINIMUM LOT WIDTH AT BUILDING LINE: 175' COLLECTOR



Prepared For:

**BOGDAN C. &
PAMELA M. WOLFE**

Property Location

Land Lots 252 Of The 4th Land District
Fayette County, Georgia

**S.A. GASKINS &
ASSOCIATES, LLC**

surveyors planners development consultants
P.O. BOX 321 BROOKS, GA 30205
678-571-3054
rdgaskins79@gmail.com

Job No. 19-083

Drawn By: R.D.G.	Reviewed By: R.M.B.
Issue Date: 09/03/19	

COUNTY AGENDA REQUEST

Page 67 of 121

Department:

Presenter(s):

Meeting Date:

Type of Request: **Item #7**

Wording for the Agenda:

Approval of the Georgia Department of Transportation (GDOT) Title VI; Non-Discrimination Agreement and Assurances (40 CFR Part 21.7).

Background/History/Details:

One requirement of the GDOT certification process for local governments to administer federal-aid project is for annual adoption of the GDOT Title VI Non-Discrimination Agreement and Assurances. The 12-page form is provided as back-up to this agenda request and the Chairman's signature is required on page 8.

Public Works, Human Resources, and the Purchasing Department work together to ensure the requirements and intent of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 are met and satisfied.

What action are you seeking from the Board of Commissioners?

Approval of the Georgia Department of Transportation (GDOT) Title VI; Non-Discrimination Agreement and Assurances (40 CFR Part 21.7).

If this item requires funding, please describe:

No funding is required.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

TITLE VI NON-DISCRIMINATION AGREEMENT

The Georgia Department of Transportation and

Fayette County, GA

Name of Recipient

Policy Statement

The ***(Name of Recipient)*** Fayette County Board of Commissioners, hereinafter referred to as the “Recipient” assures that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Recipient further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include **all** programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not.

In the event the Recipient distributes federal aid funds to a sub-recipient, the Recipient will include Title VI language in all written agreements and will monitor for compliance.

The Recipient’s ***(Name of person/division)*** Director of Public Works, is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation(CFR) 200 and 49 Code of Federal Regulation 21.

Phil Mallon

Name of Responsible Agency Official (Please Print)

Director of Public Works

Title

10/24/2019

Date

Title VI Program

Organization and Staffing

Pursuant to 23 CFR 200, **(Name of Recipient)** Fayette County has appointed a Title VI Specialist who is responsible for **Attachment 1**, which describes the hierarchy for **(Name of Recipient)'s** Fayette County's Title VI Program, including an organization's chart illustrating the level and placement of Title VI responsibilities.

Assurances

49 CFR Part 21.7

The Fayette County BOC, hereby gives assurances:

1. That no person shall on the grounds of race, color, national origin, and sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the recipient regardless of whether those programs and activities are Federally funded or not. Activities and programs which the recipient hereby agrees to carry out in compliance with Title VI and related statutes include but are not limited to:
 - List all major programs and activities of the recipient and Title VI responsibilities for each one of them. Include information as **Attachment 2** to this Nondiscrimination Agreement.
2. That it will promptly take any measures necessary to effectuate this agreement.
3. That each program, activity, and facility as defined at 49 CFR 21.23(b) and (e), and the Civil Rights Restoration Act of 1987 will be (with regard to a program or activity) conducted, or will be (with regard to a facility) operated in compliance with the nondiscriminatory requirements imposed by, or pursuant to, this agreement.
4. That these assurances are given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the recipient by the Georgia Department of Transportation (GDOT) under the Federally-Funded Program and is binding on it, other recipients, subgrantees, contractors, sub-contractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign these assurances on behalf of the Recipient.
5. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federally-Funded programs and, in adapted form all proposals for negotiated agreements.

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 23 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award.

6. That the Recipient shall insert the clauses of Appendix A of this Agreement in every contract subject to the Act and the Regulations.
7. That the Recipient shall insert the clauses of Appendix B of this Agreement, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
8. That the Recipient shall include the appropriate clauses set forth in Appendix C of this Agreement, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under a Federal Aid Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under a Federal Aid Program.
9. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this agreement.

Implementation Procedures

This agreement shall serve as the recipient's Title VI plan pursuant to 23 CFR 200 and 49 CFR 21.

For the purpose of this agreement, "Federal Assistance" shall include:

1. grants and loans of Federal funds,
2. the grant or donation of Federal property and interest in property,
3. the detail of Federal personnel,
4. the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and
5. any Federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

The recipient shall:

1. Issue a policy statement, signed by the head of the recipient, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
2. Take affirmative action to correct any deficiencies found by GDOT or the United States Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The head of the recipient shall be held responsible for implementing Title VI requirements.
3. Establish a civil rights unit and designate a coordinator who has a responsible position in the organization and easy access to the head of the recipient. This unit shall contain a Title VI Specialist, who shall be responsible for initiating and monitoring Title VI activities and preparing required reports.
4. Adequately staff the civil rights unit to effectively implement the civil rights requirements.
5. Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complainant by race, color, national origin or sex, the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the recipient's report

of investigation, will be forwarded to GDOT's Office of Equal Employment Opportunity (OEEEO) within 10 days of the date the complaint was received by the recipient.

6. Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of the programs and activities conducted by the recipient.
7. Conduct Title VI reviews of the recipient and sub-recipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.
8. Conduct training programs on Title VI and related statutes.
9. Prepare a yearly report of Title VI accomplishments for the last year and goals for the next year.

a) Annual Work Plan

Outline Title VI monitoring and review activities planned for the coming year; state by which each activity will be accomplished and target date for completion.

b) Accomplishment Report

List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI Specialist and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews (internal or external) conducted by the Title VI Specialist. List any major problem(s) identified and corrective action taken. Include a summary and status report on any Title VI complaints filed with the recipient.

Discrimination Complaint Procedure

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with the recipient. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the recipient's Title VI Specialist for review and action.
2. In order to have the complaint consideration under this procedure, the complainant must file the complaint no later than 180 days after:
 - a) The date of alleged act of discrimination; or
 - b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the recipient or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Specialist. If necessary, the Title VI Specialist will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the recipient's investigative procedures.
4. Within 10 days, the Title VI Specialist will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as GDOT and USDOT.
5. The recipient will advise GDOT within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to GDOT:
 - a) Name, address, and phone number of the complainant.
 - b) Name(s) and address (es) of alleged discriminating official(s).
 - c) Basis of complaint (i.e., race, color, national origin or sex)
 - d) Date of alleged discriminatory act(s).
 - e) Date of complaint received by the recipient.
 - f) A statement of the complaint.

- g) Other agencies (state, local or Federal) where the complaint has been filed.
 - h) An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint.
6. Within 60 days, the Title VI Specialist will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the head of the recipient. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.
7. Within 90 days of receipt of the complaint, the head of the recipient will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with GDOT, or USDOT, if they are dissatisfied with the final decision rendered by the Recipient. The Title VI Specialist will also provide GDOT with a copy of this decision and summary of findings upon completion of the investigation.
8. Contact for GDOT's Title VI staff is as follows:

Georgia Department of Transportation
Office of Equal Opportunity, Title VI/ Program
600 West Peachtree Street, N.W. 7th Floor
Atlanta, GA 30308
(404) 631-1497

Sanctions

In the event the recipient fails or refuses to comply with the terms of this agreement, the GDOT may take any or all of the following actions:

- a) Cancel, terminate, or suspend this agreement in whole or in part;
- b) Refrain from extending any further assistance to the recipient under the program from which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient.
- c) Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient.
- d) Refer the case to the Department of Justice for appropriate legal proceedings.

SIGNED FOR THE GEORGIA DEPARTMENT OF TRANSPORTATION:

Signature

EEO Director

Title

Date

NAME OF RECIPIENT:

Signature

Commission Chairman

Title

Date

Appendix A

During the performance of this contract, the contractor/consultant, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. Compliance with Regulations

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

2. Non-discrimination

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

3. Solicitations for Sub-contracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to non-discrimination on the grounds of race, color, sex, or national origin.

4. Information and Reports

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

5. Sanctions for Non-compliance

In the event of the contractor’s non-compliance with the non-discrimination provisions of this contract, the contracting agency shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to:

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

6. Incorporation of Provisions

The contractor shall include the provisions of paragraphs (1) through (5) in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contractor or procurement as the contracting agency or USDOT may direct as a means of enforcing such provisions including sanctions for non-compliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request GDOT enter into such litigation to protect the interests of the state and, in addition, the contractor may request the USDOT enter into such litigation to protect the interests of the United States.

Appendix B

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

GRANTING CLAUSE

NOW THEREFORE, Department of Transportation, as authorized by law, and upon the condition that the state of Georgia will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the United States Department of Transportation and, also in accordance with an in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, the Department of Transportation GDOT (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252: 42 USC 2000d to 2000d - 4) does hereby remise, release, quitclaim, and convey unto the state of Georgia all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

HABENDUM CLAUSE

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

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

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

Appendix C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by (Recipient) pursuant to the provisions of Assurance 8.

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

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

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Georgia State Department of Transportation pursuant to the provisions of Assurance 8.

The LESSEE, or himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex, or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, and national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination in federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

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

COUNTY AGENDA REQUEST

Page 80 of 121

Department:

Presenter(s):

Meeting Date:

Type of Request: **Item #8**

Wording for the Agenda:

Approval to amend the 2017 SPLOST Stormwater fund (32240320) reallocating \$57,000 from 2017 SPLOST General allocations to Morning Dove Drive (17SAJ) and to approve Contract #1504-P, Task Order #13 Construction Management: 2017 SPLOST; Stormwater Category II; Morning Dove Drive Culvert Replacement for \$43,346.00 to the current Engineer of Record Pond and Company.

Background/History/Details:

On March 21, 2017, the citizens of Fayette County voted to enact a Special Purpose Local Option Sales Tax (SPLOST) to replace failing infrastructure throughout the unincorporated area of Fayette County. The Morning Dove Drive Culvert Replacement is listed as a SPLOST Category II, Tier I project. This project replaces two failing 84-inch diameter corrugated metal pipe culverts beneath Morning Dove Drive with 78 linear feet of double 8-ft by 8-ft concrete box culvert and relocating a 6-inch water main.

Staff is recommending to approve Task Order #13: 2017 SPLOST; Stormwater Category II, Tier I; Morning Dove Drive Culvert Replacement Construction Management for FY2019 to the Engineer or Record Pond and Company, in the amount of \$43,364.00 and \$13,636 for outstanding invoices from TetraTech Inc (our previous engineer of record) for review of shop drawings for the project.

What action are you seeking from the Board of Commissioners?

Approval to amend the 2017 SPLOST Stormwater fund (32240320) reallocating \$57,000 from 2017 SPLOST General allocations to Morning Dove Drive (17SAJ) and to approve Contract #1504-P, Task Order #13 Construction Management: 2017 SPLOST; Stormwater Category II; Morning Dove Drive Culvert Replacement for \$43,346.00 to the current Engineer of Record Pond and Company.

If this item requires funding, please describe:

Available funding in 2017 SPLOST; Stormwater Category I; Morning Dove Drive is \$435,389.00. Additional funding of \$57,000 would be transferred from 2017 SPLOST General allocations.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



3500 Parkway Lane, Suite 500
Peachtree Corners, Georgia 30092

T: 678.336.7740 | F: 678.336.7744
www.pondco.com

October 4, 2019

Ms. Courtney Hassenzahl
SPLOST Project Manager
Fayette County Environmental Management
140 Stonewall Avenue – West
Suite No. 203
Fayetteville, Georgia 30214
Phone: 770.305.5229
chassenzahl@fayettecountyga.gov

**Re: *Morning Dove Drive Culvert Replacement
Construction Assistance Services
County Project Number 17SAJ
Task Order 13, POND Contract Number 1504-P
Fayette County, Georgia***

Dear Ms. Hassenzahl,

Pond & Company (Pond) appreciates the opportunity to assist you with providing construction services for the above referenced project. Based on our email communications and the documents provided (Tetra Tech's drawings issued for construction dated 12-21-2018 with specifications), we understand that this will be the thirteenth (13) task order to perform the construction assistance services for the culvert replacement at Morning Dove Drive

Task I - Construction Assistant Support Services

1. Conduct and attend the project pre-construction meeting.
2. Conduct monthly progress meetings onsite, as needed.
3. Prepare agenda(s) and distribute meeting minutes, as needed.
4. Respond to RFI's from the contractor and coordinate requests with County project manager.
5. Provide construction contract administration consisting of:
 - a. Review and recommend the approval of payments due to the contractor.
 - b. Review of construction schedule updates and field progress for county approval.
 - c. Review of change order requests and preparation of change orders, if needed, for county approval.
 - d. Assistance in administration of additional work under the Contract Allowance Bid item, if needed.
 - e. Review record drawings for completeness and accuracy.
6. Coordination of Shop Drawings, Contract Interpretations, and Clarifications with:
 - a. Conducting technical reviews and making decisions regarding interpretation and clarification of Contract Documents for county approval.
 - b. Coordinate decisions and responses with the contractor for county approval.
7. Conduct a substantial completion inspection of the work at the site and develop a punch list of items.
8. Conduct a final inspection of the work at the site to determine if the punch list items have been completed in accordance with the Contract Documents.

9. Prepare one (1) set of digital as-built prints of record drawings for the County, incorporating those changes made during construction, based on record information furnished by the Contractor.

Task II - Construction Observation, Inspection, & Testing

1. Conduct on-site observations and inspections of all construction activities on the project to ensure that all work is completed in accordance with the contract documents as required.
2. Prepare daily reports recording all activities and details related to the work completed each day with photos summarizing inspection as required.
3. Monitor the Contractor's implementation of traffic signing, barriers, and other traffic control measures as required for daily operations.
4. *Daily Quality Control (QC) Inspections* consisting of:
 - a. Perform daily QC inspections of construction activities to document activities performed and assess conformance with contract documents as required from the contractor's supplied weekly work schedule.
 - b. Inspections items may include, but not be limited to rebar and concrete placement, pavement, and traffic control or other related project items.
5. *Construction Materials Testing* - Subconsultant
 - a. Subgrade Evaluations and Field Density Testing: At-grade areas and areas to receive structural fill will be evaluated by proof-rolling with a loaded dump truck, scraper, or other similar rubber-tired equipment and recommendations for dealing with unstable soils if encountered. Our subconsultant will obtain bulk samples of proposed fill or backfill soils and conduct laboratory testing to determine the standard or modified Proctor maximum dry density. They will perform requested field density testing of fill or backfill soils.
 - b. Concrete Testing: Our subconsultant will be present to sample and test structurally significant concrete. Typically, for each sampling event they will perform physical tests to determine the slump, air content, and temperature, and will cast test cylinders for subsequent compressive strength testing. They will transport cylinders to their laboratory for moist-curing and compressive strength testing which will be performed at the required test interval.
 - c. Asphalt Placement Monitoring and Testing: In addition to proof-rolling the pavement subgrade, the subconsultant will provide a technician to measure thickness and density of the prepared aggregate base course. They can also observe asphalt placement for lay down thickness, mat temperatures, and perform nuclear density testing to establish a rolling pattern. They can sample the hot mix asphalt for laboratory testing, core the completed pavement to measure thickness, and perform density testing of the asphalt courses.

CONDITIONS OF SERVICE

Our conditions of service below list our exemptions and conditions for this project.

- A. No permitting is included in the proposal, including revisions to current permits or obtaining new permits, variances, waivers, or permitting fees;
- B. Services not specifically included in the proposal, or material changes after professional services commenced, will be considered additional out of scope services and will be approved via a contract order prior to commencement of the additional work.
- C. We anticipate the construction schedule to be no more than three months planned for the project with the contractor from the Notice to Proceed (NTP). We estimate for each required planned inspection visit, a total maximum time of 8-hours per visit and two visits per week for planned days, that includes travel both ways to the project site from our main office. A total maximum inspection time of 192 hours for the allocated project schedule of 3-months were estimated for this task order. More time may be needed due to contractor's schedule.
- D. Our presence at the job site and our performance of construction materials testing must not be construed as relieving the contractor of its responsibility to comply with the plans and specifications.

- E. Construction materials testing consists of a representative sampling of the construction materials. One must not interpret the test results as a guarantee that the entire work product is represented by the results.
- F. Our services and any observations or recommendations we make must not be construed in any way as relieving the contractor from his responsibilities relating to job site safety.
- G. Our representatives do not have the authority to supervise the work nor to direct the contractor's personnel.
- H. A budgetary cost for the Construction Materials Testing Services for this project was included based on our understanding of the scope. If additional services related to this work is required, then we will bring this to the attention of the County for fee and approval.

FEES AND TERMS OF PAYMENT

Pond & Company proposes to complete the professional services specifically stated above for the fees listed below as a **Not To Exceed (NTE)** Value:

Task I - Construction Assistant Support Services	\$ 12,196
Task II - Construction Observation, Inspection, & Testing	\$ 30,400
ODC	\$ 750
Total Fee:	\$ 43,346

We sincerely appreciate the opportunity of working with you and our continued association. Please do not hesitate to contact us with any questions or comments concerning this proposal, or if we may be of further service.

Sincerely,

Pond & Company



Fred Halterman, PE
Project Manager | Civil Engineer



Bob Williams, PE
Vice President | Community Development



Purchasing Department
 140 Stonewall Avenue West, Ste 204
 Fayetteville, GA 30214
 Phone: 770-305-5420
www.fayettecountyga.gov

To: Steve Rapson

From: Ted L. Burgess

Date: October 24, 2019

**Subject: Contract #1504-P: Public Works Engineer of Record
 Task Order #13: Construction Services – Morning Dove Drive Culvert Replacement**

The voter-approved 2017 SPLOST manual includes replacement of a culvert at 130 Morning Dove Drive. This project has been categorized as a Category II, Tier I project (in need of immediate attention).

Contract #1639-B was awarded to Piedmont Paving, Inc. to serve as general contractor on the project. This Task Order will authorize the county's Public Works Engineer of Record, Pond & Company, to provide construction support, observation, inspection, and testing services.

The Department of Environmental Management has requested the transfer of \$57,000 to Project # 17SAJ to adequately fund this and other expenses related to the project.

A Contractor Performance Evaluation for Pond's previous work is attached.

Specifics of the Task Order are as follows:

Contract Name	1504-P: Public Works Engineer of Record	
Task Order	#13: Construction Services – Morning Dove Drive Culvert Replacement	
Contractor	Pond & Company	
Not-to-Exceed Amt.	\$43,346.00	
Budget:		
Fund	322	2017 SPLOST
Organization Code	32240320	Stormwater
Object Code	541210	Other Improvements
Project	17SAJ	130 Morning Dove Drive
Available Funds	\$43,346.00	After Requested Transfer

FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION**COMPLETE ALL APPLICABLE INFORMATION**

Company Name: Pond & Company	Contract Number: 1504-P
Mailing Address: 3500 Parkway Lane, Suite 500	Contract Description or Title: Public Works Engineer of Record
City, St, Zip Code: Peachtree Corners, GA 30092	Contract Term (Dates) From: 7/1/2019 To: 6/30/2020
Phone Number: 678-336-7740	Task Order Number:
Cell Number: 678-699-8779	Other Reference:
E-Mail Address: WilliamsB@pondco.com	

DEFINITIONS

OUTSTANDING – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

EXCELLENT (Exc) - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.

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

UNSATISFACTORY (UnSat) - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule			X		
2. Condition of delivered products			X		
3. Quality of work			X		
4. Adherence to specifications or scope of work			X		
5. Timely, appropriate, & satisfactory problem or complaint resolution		X			
6. Timeliness and accuracy of invoicing			X		
7. Working relationship / interfacing with county staff and citizens			X		
8. Service Call (On-Call) response time			X		
9. Adherence to contract budget and schedule			X		
10. Other (specify):					X
11. Overall evaluation of contractor performance			X		

EVALUATED BY

Signature: <i>Courtney Hassenzahl</i>	Date of Evaluation: 10/14/2019
Print Name: Courtney Hassenzahl	Department/Division: Environmental Management
Title: SPLOST Project Manager	Telephone No: 770-305-5229

[illegible]

COUNTY AGENDA REQUEST

Page 87 of 121

Department:

Presenter(s):

Meeting Date:

Type of Request: **Item #9**

Wording for the Agenda:

Approval to renew the annual bid #1723-B to Hanson Aggregates Southeast LLC as primary vendor for stone for fiscal year 2020 with a not-to-exceed contract amount of \$144,496.75.

Background/History/Details:

This contract is used to identify vendors for the procurement of various types of stone to be used during FY2020.

A not-to-exceed contract of \$144,496.75.

If approved, this contract will expire on June 30, 2020.

What action are you seeking from the Board of Commissioners?

Approval to renew the annual bid #1723-B to Hanson Aggregates Southeast LLC as primary vendor for stone for fiscal year 2020 with a not-to-exceed contract amount of \$144,496.75.

If this item requires funding, please describe:

Funds are budgeted annually in the Road Department's O&M budget in account 10040220-531173, LMIG9 & LMIG0 or in various CIP or SPLOST project accounts.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



Purchasing Department
 140 Stonewall Avenue West, Ste 204
 Fayetteville, GA 30214
 Phone: 770-305-5420
www.fayettecountyga.gov

To: Steve Rapson

From: Ted L. Burgess

Date: October 24, 2019

Subject: Invitation to Bid #1723-B: Annual Stone Contract

The Road Department uses a number of sizes of stone aggregate for various purposes, such as asphalt mixes, erosion, control, and other uses. Each year, the county enters into an annual price contract for purchases as needed.

The Purchasing Department issued Invitation to Bid (ITB) #1723-B to secure a contract for Fiscal Year 2020, with two options to renew at the same contracted prices, for a total of three years. Notice of the opportunity was emailed to eight companies. Another 84 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity codes #75035 (Crushed Stone, Including Rip Rap) and 75077 (Sand and Gravel). The offer was also advertised through Fayette News, Georgia Local Government Access Marketplace, the county website, and Channel 23.

Two vendors submitted quotes (Attachment 1). Because of the cost of hauling stone, typically only vendors with nearby quarries will compete for contracts. The two bidding companies were the same two that bid for the previous annual contract (#1314-A).

While each of the two companies submitted low bids on specific line-items, the Road Department has determined that it would provide administrative economies if they award to only one vendor, so they recommend award of all items to Hanson Aggregates Southeast, LLC. The ITB Terms and Conditions, Section #19, states "The county reserves the right to make award by items, by group of items, by any combination of items, or by lump sum award."

A Contractor Performance Evaluation is attached for Hanson Aggregates' previous work (Attachment 2). Specifics of the proposed contract are as follows:

Contract Name	1723-B: Annual Stone Contract				
Vendor	Hanson Aggregates Southeast, LLC				
Type of Contract	Annual fixed price, indefinite quantity, indefinite delivery				
Not-to-Exceed Amount	\$144,496.75				
Budget:					
Fund	100	100	100	375	Total
Org. Code	10040220	10040220	10040220	37540220	
Object Code	531173	N/A	N/A	N/A	
Project Code	N/A	LMIG9	LMIG0	194AA	
Available Budget	\$77,140.51	\$196,206.00	\$257,715.00	\$680,101.00	\$1,211,162.51

Invitation to Bid #1723-B Annual Stone Contract

**Hanson Aggregates
Southeast LLC**

Martin Marietta

Type	Est. Tons	Unit Price	Extended Price	Unit Price	Extended Price
Rip Rap Type 3	310	\$22.05	\$6,835.50	\$22.50	\$6,975.00
Surge	20	\$19.75	\$395.00	\$19.00	\$380.00
Graded Aggregate Base	10,100	\$12.50	\$126,250.00	\$13.00	\$131,300.00
#4 Stone	100	\$18.75	\$1,875.00	\$19.00	\$1,900.00
#5 Stone	150	\$19.00	\$2,850.00	\$19.00	\$2,850.00
#57 Stone	240	\$19.25	\$4,620.00	\$19.00	\$4,560.00
#810 Stone	75	\$17.75	\$1,331.25	\$19.00	\$1,425.00
M-10 Screenings	20	\$17.00	\$340.00	\$19.00	\$380.00
Total			\$144,496.75		\$149,770.00

ROCK QUARRY SOURCE
NUMBER

99c

014C

FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: Hanson Aggregates, SE	Contract Number: 1314-A
Mailing Address: 3237 Satellite Blvd., Bldg. 300, Suite 210	Contract Description or Title: Stone Annual Contract
City, St, Zip Code: Duluth, GA 30096	Contract Term (Dates) From: 7/18/2017 To: 6/30/2018
Phone Number: 770-491-2756	Task Order Number:
Cell Number: 470-336-8843	Other Reference:
E-Mail Address: Tyler.morgan@lehighhanson.com	

DEFINITIONS

OUTSTANDING – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

EXCELLENT (Exc) - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.

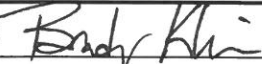
SATISFACTORY (Sat) - Vendor met minimum contractual requirements or performance expectations of the products/services.

UNSATISFACTORY (UnSat) - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule					X
2. Condition of delivered products			X		
3. Quality of work					X
4. Adherence to specifications or scope of work					X
5. Timely, appropriate, & satisfactory problem or complaint resolution			X		
6. Timeliness and accuracy of invoicing					X
7. Working relationship / interfacing with county staff and citizens			X		
8. Service Call (On-Call) response time					X
9. Adherence to contract budget and schedule					X
10. Other (specify):					
11. Overall evaluation of contractor performance			X		

EVALUATED BY

Signature: 	Date of Evaluation: 10-11-19
Print Name: Bradley Klinger	Department/Division: Road
Title: Assistant Director	Telephone No: 6039

COUNTY AGENDA REQUEST

Page 91 of 121

Department:

Presenter(s):

Meeting Date:

Type of Request: **Item #10**

Wording for the Agenda:

Approval of staff's recommendation to authorize the Fayette County Solicitor's Office to accept FY2020 VOCA Continuation Base and Comp Advocate funding from the Criminal Justice Coordinating Council, in the amount of \$77,778 for a grant period from October 1, 2019 through September 30, 2020 and authorization for the Chairman to sign grant related documentation.

Background/History/Details:

Since December 10, 2015 the Fayette County Board of Commissioners has received an annual operating grant in the amount of \$68,000 from the CJCC for Prosecuting Attorney's Office Council (PAC) of Georgia - Funding of Prosecution Based Federal Victims of Crime Act Assistance Grant Program (VOCA) for the period October 1 thru September 30th. Of the \$68,000 total grant award, \$3,400 is volunteer hour credits (non-cash), \$54,400 is Federal funds, and \$10,200 is County matching funds. The \$64,600 cash portion is to be used towards the salary and benefits, and supplies, for the Victim's Advocate position.

Fayette County was awarded Supplemental Competitive Funding for the period of January 1, 2019 through September 30, 2019 in the amount of \$3,715; Federal - \$2,972, County - \$743, increasing the grant amount to \$71,715.

Secondary Supplemental Competitive Funding was awarded for the period of October 1, 2019 through September 30, 2020 in the amount of \$6,063; Federal - \$4,850, County - \$1,213. The Solicitor's Office is seeking acceptance of the secondary Supplemental Competitive Funding which brings the grant total to \$77,778; Federal Funds - \$62,222, County Match - \$15,556.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to authorize the Fayette County Solicitor's Office to accept FY2020 VOCA Continuation Base and Comp Advocate funding from the Criminal Justice Coordinating Council, in the amount of \$77,778 and authorization for the Chairman to sign grant related documentation.

If this item requires funding, please describe:

FY2020 County matching funds \$1,652.75 and FY2021 County matching funds \$303.25. The additional funding for FY2021 will be included with the annual budget. The match amount of \$13,600 for the original award is included with the 2020 original budget.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

	Original 2020 Award	1st Supplemental Award	2nd Supplemental Award	Total Supplements	Revised 2020 Award
Awarded Federal Funds	54,400	2,972	4,850	7,822	62,222
County Cash Match	10,200	557	909	1,467	11,667
County Non Cash Match	3,400	186	303	489	3,889
Total Award	\$68,000	\$3,715	\$6,063	\$9,778	\$77,778



PAC

Prosecuting
Attorneys'
Council of Georgia

Seeking Justice with Honor

PETER J. SKANDALAKIS
Executive Director

October 9, 2019

GEORGE HARTWIG
Chair
District Attorney
Houston Judicial Circuit

Re: Federal Fiscal Year 2020 VOCA Allocation - October 1, 2019 through September 30, 2020

BARRY MORGAN
Vice Chair
Solicitor-General
Cobb County

Dear **Mr. Inagawa**:

SHANNON WALLACE
Secretary
District Attorney
Blue Ridge Judicial Circuit

It is my pleasure to inform you that the Criminal Justice Coordinating Council (CJCC) has approved the Federal Fiscal Year 2020 VOCA Continuation Base and Comp Advocate funding applications as submitted by the Prosecuting Attorneys' Council of Georgia (PAC). Therefore, your office has been selected to receive a portion of those funds. Below are the specifics with regard to your allocation of the statewide grant distribution.

PAUL BOWDEN
District Attorney
Tifton Judicial Circuit

County: **Fayette**

Implementing Prosecuting Attorney: **Solicitor-General Jamie Inagawa**

C.R. CHISHOLM
Solicitor-General
Athens-Clarke County

Grant Period: **October 1, 2019 through September 30, 2020**

GREGORY W. EDWARDS
District Attorney
Dougherty Judicial Circuit

Allocation 1 (Base Funds):

Base Federal Funds: **\$62,222**

Base Match Funds: **\$15,556**

Sub-Grant Number: **C18-8-264**

REBECCA GRIST
Solicitor-General
Macon-Bibb County

MARGARET D. HEAP
District Attorney
Eastern Judicial Circuit

The activation documents (see included checklist for guidelines on submitting documents) must be returned to PAC by November 15, 2019. If you have any questions, please contact Kathy Kemp (kkemp@pacga.org) or at (770) 282-6364.

TIMOTHY G. VAUGHN
District Attorney
Oconee Judicial Circuit

Sincerely,

Peter J. Skandalakis
Executive Director
Prosecuting Attorneys' Council

STATE OF GEORGIA
PROSECUTING ATTORNEYS' COUNCIL OF GEORGIA
Agreement for Funding of Prosecution Based VOCA Program
SUPPLEMENTAL COMPETITIVE FUNDING

County: Fayette

Implementing Prosecuting Attorney: Jamie K. Inagawa

Allocation 1 (Base Funding): CJCC Grant No: C17-8-171

A. Federal Funds:	\$ <u>2,972.00</u>
B. Matching Funds:	\$ <u>743.00</u>
C. Total Funds:	\$ <u>3,715.00</u>

Initial Grant Period: January 1, 2019 to September 30, 2019

THIS MEMORANDUM OF AGREEMENT (hereinafter referred to as the "Agreement") is made by and between the Prosecuting Attorneys' Council of the State of Georgia (hereinafter referred to as "PACGA"), an agency of the Judicial Branch of the State of Georgia, legally empowered to contract pursuant to O.C.G.A. §§ 15-18-40, et. seq., the Fayette County Board of Commissioners (hereinafter referred to as the "County"), a political subdivision of this State and the (District Attorney) (Solicitor-General) for Fayette County (hereinafter referred to as the "Prosecuting Attorney").

1. Between PACGA and the County, this Agreement shall constitute an intergovernmental agreement within the meaning of subsection (a) of Paragraph I of Section III of Article IX of the Georgia Constitution which authorizes intergovernmental agreements and contracts "for any period not exceeding 50 years with each other . . . for the provision of services" provided that such agreements and contracts "must deal with activities, [or] services which the contracting parties are authorized by law to undertake or provide."
2. Period of Agreement: This agreement shall be effective on January 1, 2019 and shall continue in effect until September 30, 2019, unless terminated earlier under other provisions of this Agreement.
3. Purpose of this Memorandum of Agreement.
 - (a) The parties acknowledge and agree that PACGA has received a subgrant from the Georgia Criminal Justice Coordinating Council (CJCC) under the Federal Victims of

Crime Act Assistance Grant Program (hereinafter referred to as “VOCA”). The VOCA Grant Program supports direct services to crime victims, i.e. persons who have suffered physical, sexual, financial, or emotional harm as a result of the commission of a crime. The Office for Victims of Crime (OVC) of the Bureau of Justice Assistance (BJA), U.S. Department of Justice (USDOJ) awards annual formula grants, which in turn are subgranted to local organizations for states to ensure crime victims' rights are upheld and play a meaningful role in the criminal justice process. In Georgia, that organization is CJCC, an agency of the Executive Branch of state government. O.C.G.A. § 35-6A-1, et. seq.

- (b) Effective October 1, 2013, PACGA has been awarded a VOCA subgrant by CJCC to serve as the centralized subgrant recipient on behalf of all prosecuting attorneys in the state. PACGA, in turn, is required to enter into an MOA with participating Counties and the Prosecuting Attorneys for those counties or judicial circuits.
- (c) The CFDA number for this grant program is 16.575.
- (d) Participating Counties and Prosecuting Attorneys are required to fulfill all programmatic and financial reporting requirements by submission through PACGA. PACGA has responsibility for consolidating individual reporting into a single report and submitting to CJCC. Unless specifically referenced in the Agreement or this document, all terms, conditions and policies of CJCC related to performance and reporting remain in full force and effect.

4. PACGA, County and Prosecuting Attorney Contact Information:

- (a) Exhibit “A” contains the name of the point of contact, mailing address, e-mail address(es) and telephone number(s) for all correspondence, reports and other matters relative to this Agreement for PACGA, the County and the Prosecuting Attorney.
- (b) Change of contact information:

The parties agree if there is a change in the point of contact, the mailing address(es), telephone number(s), and e-mail address(es), PACGA will be notified in writing. The County and Prosecuting Attorney will notify PACGA by submitting a Subgrant Adjustment Request (SAR).

5. Scope of Project:

- (a) The purpose of this Agreement shall be to facilitate efficient allocation of VOCA funding for victims’ services by the Prosecuting Attorney within the County.
- (b) The Prosecuting Attorney will make mandated victims’ services available throughout the Prosecuting Attorney’s territorial jurisdiction. At a minimum, the Prosecuting Attorney and the County agree that the Prosecuting Attorney will provide those services specified in PACGA Policy 11.2 (see Exhibit “B”)

- (c) The Prosecuting Attorney will expand provision of services into areas where victims are un-served and/or underserved by utilizing PACGA resources to:
 - (1) Facilitate statewide data collection regarding the type and number of services provided by VOCA advocates;
 - (2) Identify areas where victims are un-served and/or underserved and redirect VOCA funds accordingly.
 - (d) Early Notification Services: For offices that accepted funding in addition to continuation funding for the Federal Fiscal Year 2015-2016, the Prosecuting Attorney agrees to work to develop protocols with law enforcement or courts conducting first appearance hearings within the jurisdiction that will help to identify victims and provide services to victims at or before the defendant's first appearance hearing.
 - (e) Post-Adjudication Services: For offices that accept funding in addition to continuation funding for the Federal Fiscal Year 2016-2017 to provide post-adjudication services, the Prosecuting Attorney agrees to provide services to victims during the post-adjudication phase of the criminal justice process and capture VSSR data related to this service provision.
 - (f) Victims Comp Services: For offices that accept funding in addition to continuation funding for the Federal Fiscal Year 2017-2018 to provide a victims compensation advocate, the Prosecuting Attorney agrees to hire an additional advocate and designate an advocate as the Victims Compensation point-of-contact for the Circuit.
 - (g) PACGA shall, upon the terms and conditions contained herein, allocate to County, and the County hereby accepts, an amount not to exceed the amount designated in the allocation letter to be used solely for the purposes of providing victims services as defined by the approved budget (see 9a).
6. Budget Limitation: The approved budget total (see 9a) may not be exceeded without the written approval of PACGA. The County is responsible for any expenditure that exceeds the approved budget. Any such expenditure may be credited toward meeting the matching fund requirements of the Grant (see 7a) provided those expenditures are included in the approved budget.
7. Matching Funds Requirement:
- (a) The VOCA Federal Grant Program that is the source of the funds used to support this Agreement requires grant recipients to provide matching funds as set forth below. The County agrees to provide such matching funds and to account for the expenditure of such matching funds to PACGA.
 - (b) The matching funds requirement for this MOA is 20% of the total approved Base funding budget.

- (c) A match waiver has been requested on funds provided to hire one or more victims' compensation advocates.
- (d) The Prosecuting Attorney's office may choose to meet a portion or all of the required match in the form of volunteer hours valued at \$15 per hour.

8. Use of Volunteers:

- (a) The Prosecuting Attorney's office must utilize volunteers unless a written waiver request is approved by both CJCC and the Federal Government.

9. Programmatic Reporting Requirements:

During the course of a grant period, the County and the Prosecuting Attorney are required to submit periodic programmatic and financial reports to PACGA. These reports include, but are not limited to:

- (a) Quarterly and Bi-annual Activity Reports - Victim Services Statistical Reports (VSSR); and

The Victim Services Statistical Report (VSSR) programmatic reporting deadlines are as follows:

Quarter 1	October 1 – December 31, 2018	Due: January 15, 2019
Quarter 2	January 1 – March 31, 2019	Due: April 15, 2019
Quarter 3	April 1 – June 30, 2019	Due: July 15, 2019
Quarter 4	July 1 – September 30, 2019	Due: October 15, 2019

- (b) Outcome Performance Measurement Surveys (Bi-annual).

- (1) The Outcome Performance Measurement Survey (OPM) programmatic reporting deadlines are as follows:

Annually	Oct. 1, 2018-Sept. 30, 2019	Due: October 30, 2019

- (2) NOTE: OPM Survey reports are to be submitted directly to CJCC following the instructions as provided at the following website:
<http://surveys.cjcc.ga.gov/mrIWeb/mrIWeb.dll?I.Project=NEWOPM2016>.

10. Financial Reporting Requirements:

- (a) The County will submit budget worksheet(s) to PACGA by February 20, 2019.

Separate budget worksheets are required for Base funding, Comp Advocate funding, and One-Time Costs. A personnel action form and job description for each position funded by the subgrant must be submitted with the budget.

- (b) The County will submit to PACGA a Subgrant Expenditure Report (SER) form within 15 days of the end of each quarter requesting reimbursement for expenses incurred during the grant period. Separate SER forms are required for Base funding and New (victims compensation advocate) funding. Deadlines are as follows:

Quarter 1	October 1 – December 31, 2018	Due: January 15, 2019
Quarter 2	January 1 – March 31, 2019	Due: April 15, 2019
Quarter 3	April 1 – June 30, 2019	Due: July 15, 2019
Quarter 4	July 1 – September 30, 2019	Due: October 15, 2019

- (c) Counties and Prosecuting Attorneys must document volunteer in-kind match hours and submit the documentation with their request for reimbursement as well as the time record reporting form. A volunteer contract for each volunteer must be submitted.
- (d) Counties must submit a Subgrant Adjustment Request (SAR) to notify PACGA of the need to change any of the following:
- (1) The point of contact information;
 - (2) Request to modify budget within currently approved categories;
 - (3) Request for a no-cost extension;
 - (4) Personnel changes (changes in salary/benefits, new hires/terminations, changes in percentage of time spent by such personnel on the grant, etc.).
- (e) All program staff, both paid and volunteers, must keep time sheets documenting total time worked, time worked on grant activities, and the percentage of total time spent on grant activities. Time worked on grant activities must be further broken down into CJCC approved categories.
11. Payment Schedule: PACGA shall pay the County on a reimbursement basis. These funds will be reimbursed by PACGA upon receipt of proper documentation from the County, subject to approval by CJCC. Proper documentation includes copies of all invoices, sales receipts and/or cancelled checks for the items approved. Payment shall be issued to the county in the form of check or Automatic Clearing House (ACH) payment.
12. Accountability: The County agrees to expend said funds granted herein solely in conformance to this Agreement, the Special Conditions set forth by CJCC and in PACGA Policy 11.2, and to account for said funds in accordance with generally accepted accounting principles. An initialed copy of the Special Conditions must be returned to PACGA.
13. Audit: County will allow, obtain and cooperate with any audit or investigation of grant

administration requested or undertaken by PACGA, CJCC or the State Auditor. Upon request, the County agrees to provide PACGA with any information, documents and/or photographs PACGA deems necessary to monitor performance of this Agreement. The County further agrees these funds shall be included in the audit or financial statement of the County until all expenditures have been accounted for. A copy of the audit or financial statement will be returned with the contract. Federal grant dollars will be reported separate from other funds.

14. Records Retention: The County agrees to maintain proper and accurate books, records and accounts reflecting its administration of Agreement funds and compliance with all applicable laws and the Retention Schedules adopted by the State of Georgia pursuant to O.C.G.A. § 50-18-90 et seq. Such documentation shall be retained for at least five years from the completion of said project and shall be made available to PACGA upon request. Personnel records for grant funded positions must be retained as provided by the state retention schedule for Personnel records.
15. Liability to Others: The County shall hold PACGA, their officials and employees harmless from any and all claims including, without limitations, damage claims for injury to persons and/or property arising from the Grant.
16. Conflicts of Interest: The undersigned certify they will in all respects comply with state laws pertaining to conflicts of interest and to all laws related to PACGA officials and employees conducting business with PACGA.
17. Termination:
 - (a) Suspension or termination of this Agreement may occur if the County materially fails to comply with the terms of this Agreement. The Agreement may also be terminated:
 - (1) Due to non-availability of funds. Notwithstanding any other provision of this Agreement, in the event that either of the sources of payment for services under this contract (appropriations from the governing authority of contracting County, appropriations from the General Assembly of the State of Georgia, a Federal agency or the Congress of the United States of America) no longer exist or in the event the sum of all obligations of PACGA incurred under this and all other contracts entered into for this VOCA Grant Program exceeds the balance of such contract sources, then this Agreement shall immediately terminate without further obligation of PACGA as of that moment. Certification by the Executive Director of PACGA of the occurrence of either of the events stated above shall be conclusive.
 - (2) Due to default or for cause. This agreement may be terminated for cause, in whole or in part, at any time by PACGA for failure of the County to perform any of the provisions hereof. Should PACGA exercise its right to terminate this agreement under the provisions of this paragraph, the termination shall be accomplished in writing and specify the reason and termination date. The County will be required to submit the final agreement not later than 45 days after the effective date of written notice of termination. Upon termination of

this agreement, the County shall not incur any new obligations after the effective date of the termination and shall cancel as many outstanding obligations as possible. The above remedies are in addition to any other remedies provided by law or the terms of this agreement.

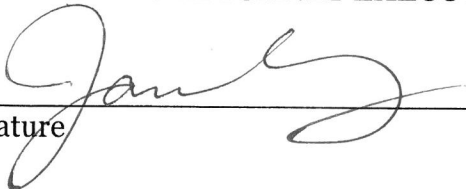
- (3) For Convenience. This Agreement may be canceled or terminated by either of the parties without cause. This Agreement may be terminated by the County for any reason upon 60 days prior written notice to PACGA. This Agreement may be terminated by PACGA for any reason upon 30 days prior written notice to the County and the Prosecuting Attorney.
- (b) Notwithstanding any other provision of this section, this Agreement may be immediately terminated without any opportunity to cure if any of the following events occurs:
 - (1) County violates or fails to comply with any applicable provision of federal or state law or regulation.
 - (2) County knowingly provides fraudulent, misleading or misrepresentative information to PACGA.
 - (3) County has exhibited an inability to meet its financial or services obligations under this agreement.
 - (4) An assignment is made by the County for the benefit of creditors.
 - (5) A proceeding for the appointment of a receiver, custodian, trustee, or similar agent is initiated with respect to the County.
- (c) Any funds allocated to the County under this Agreement, which remain unobligated or unspent upon such termination, shall automatically revert to PACGA.

18. Victims of Crime Act - Funding Conditions:

- (a) County and the Prosecuting Attorney agree to comply with PACGA Policy 11.2 - Victims of Crimes Act - Funding Conditions.
- (b) County and the Prosecuting Attorney shall be subject to all applicable rules, regulations and conditions of the Victims of Crime Act.
- (c) The County and Prosecuting Attorney agree to comply with all Special Conditions set forth by CJCC and PACGA.
- (d) The County and Prosecuting Attorney agree to comply with the most recent edition of the OJP Financial Guide available at: <https://ojp.gov/financialguide/index.htm>

- (e) The County and Prosecuting Attorney hereby assure and certify that it:
- (1) Complies with and will continue to comply with all Federal statutes, regulations, policies, guidelines and requirements, including 2 C.F.R., Part 200 – Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards; 2 C.F.R. Part 180 – Government-wide Debarment and Suspension (Non-procurement); 28 C.F.R. Part 83 – Government-wide Requirements for a Drug-Free Workplace (Grants); 28 C.F.R. Part 69 – Restrictions on lobbying that govern the application, acceptance and use of Federal funds for this federally assisted project;
 - (2) Will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act if applicable;
 - (3) Will comply with all applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789 (d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and the Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.
19. Entire Agreement: This Agreement constitutes the entire agreement among and between parties. There are no representations, oral or otherwise, other than those expressly set forth herein. No amendment or modification of this Agreement shall be binding unless all parties have agreed to said modification in writing.
20. Penalties for Violations: Violation of any of the terms and conditions of this grant can result in penalties including but not limited to: withholding of disbursements or future awards, suspension/termination of awards, suspension/debarment, repayment of reimbursed federal funds, civil lawsuit, or criminal prosecution.
21. IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above,

PROSECUTING ATTORNEY EXECUTION:


 2/14/19
Signature Date signed by Prosecuting Attorney

Jamie K. Inagawa

Printed Name

The Honorable
Solicitor-General, Fayette County

COUNTY EXECUTION:

 2/20/2019
Signature Date signed by County

Randy C. Ognio

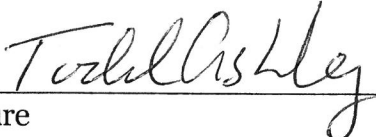
Printed Name

Chairman, Fayette County Board of Commissioners

Title

Designee for Fayette County

PACGA EXECUTION:

 3-8-19
Signature Date signed by Council

~~Peter J. Skandalakis~~ TODD ASHLEY
~~Executive Director~~ DEPUTY DIRECTOR
Prosecuting Attorneys' Council of Georgia
1590 Adamson Parkway, Fourth Floor
Morrow, Georgia 30260-1755

EXHIBIT A
PACGA, County and Prosecuting Attorney Contact
Information

1. The PACGA mailing address, e-mail address and telephone number for correspondence, reports and other matters relative to this contract, except as otherwise indicated, are:

Prosecuting Attorneys' Council of
Georgia Attn: Kathy Kemp
1590 Adamson Parkway, Fourth Floor
Morrow, Georgia 30260-1755
(770) 282-6300
Email: kkemp@pacga.org

2. The County's mailing address, email address and telephone number for correspondence, reports, and other matters relative to this contract are:

Fayette County Finance Dept
Attn: Amanda Schoonover
140 Stonewall Avenue
Fayetteville, Georgia 30214
(770) 305-5112
Email: aschoonover@fayettecountyga.gov

3. The PROSECUTING ATTORNEY'S mailing address, email address and telephone number for correspondence, reports, and other matters relative to this contract are:

Jamie K. Inagawa
Attn: Tina Payne
Fayette Co Solicitor-General Office
Fayette Co Justice Center
1 Center Drive
Fayetteville, Georgia 30214
(770) 716-4256
Email: tpayne@fayettecountyga.gov

STATE OF GEORGIA
PROSECUTING ATTORNEYS' COUNCIL OF GEORGIA
Agreement for Funding of Prosecution Based VOCA Program

County: Fayette

Implementing Prosecuting Attorney: Jamie K. Inagawa

Allocation 1 (Base Funding): CJCC Grant No: C18-8-264

A. Federal Funds:	\$ <u>62,222</u>
B. Matching Funds:	\$ <u>15,556</u>
C. Total Funds:	\$ <u>77,778</u>

Initial Grant Period: October 1, 2019 to September 30, 2020

THIS MEMORANDUM OF AGREEMENT (hereinafter referred to as the "Agreement") is made by and between the Prosecuting Attorneys' Council of the State of Georgia (hereinafter referred to as "PACGA"), an agency of the Judicial Branch of the State of Georgia, legally empowered to contract pursuant to O.C.G.A. §§ 15-18-40, et. seq., the Fayette County Board of Commissioners (hereinafter referred to as the "County"), a political subdivision of this State and the (District Attorney) (Solicitor-General) for the Fayette County (Judicial Circuit) (County) (hereinafter referred to as the "Prosecuting Attorney").

1. Between PACGA and the County, this Agreement shall constitute an intergovernmental agreement within the meaning of subsection (a) of Paragraph I of Section III of Article IX of the Georgia Constitution which authorizes intergovernmental agreements and contracts "for any period not exceeding 50 years with each other . . . for the provision of services" provided that such agreements and contracts "must deal with activities, [or] services which the contracting parties are authorized by law to undertake or provide."
2. Period of Agreement: This agreement shall be effective on October 1, 2019 and shall continue in effect for a period of one (1) year, unless terminated earlier under other provisions of this Agreement.
3. Purpose of this Memorandum of Agreement.
 - (a) The parties acknowledge and agree that PACGA has received a subgrant from the Georgia Criminal Justice Coordinating Council (CJCC) under the Federal Victims of

Crime Act Assistance Grant Program (hereinafter referred to as “VOCA”). The VOCA Grant Program supports direct services to crime victims, i.e. persons who have suffered physical, sexual, financial, or emotional harm as a result of the commission of a crime. The Office for Victims of Crime (OVC) of the Bureau of Justice Assistance (BJA), U.S. Department of Justice (USDOJ) awards annual formula grants, which in turn are subgranted to local organizations for states to ensure crime victims' rights are upheld and play a meaningful role in the criminal justice process. In Georgia, that organization is CJCC, an agency of the Executive Branch of state government. O.C.G.A. § 35-6A-1, et. seq.

- (b) Effective October 1, 2013, PACGA has been awarded a VOCA subgrant by CJCC to serve as the centralized subgrant recipient on behalf of all prosecuting attorneys in the state. PACGA, in turn, is required to enter into an MOA with participating Counties and the Prosecuting Attorneys for those counties or judicial circuits.
- (c) The CFDA number for this grant program is 16.575.
- (d) Participating Counties and Prosecuting Attorneys are required to fulfill all programmatic and financial reporting requirements by submission through PACGA. PACGA has responsibility for consolidating individual reporting into a single report and submitting to CJCC. Unless specifically referenced in the Agreement or this document, all terms, conditions and policies of CJCC related to performance and reporting remain in full force and effect.

4. PACGA, County and Prosecuting Attorney Contact Information:

- (a) Exhibit “A” contains the name of the point of contact, mailing address, e-mail address(es) and telephone number(s) for all correspondence, reports and other matters relative to this Agreement for PACGA, the County and the Prosecuting Attorney.
- (b) Change of contact information:

The parties agree if there is a change in the point of contact, the mailing address(es), telephone number(s), and e-mail address(es), PACGA will be notified in writing. The County and Prosecuting Attorney will notify PACGA by submitting a Subgrant Adjustment Request (SAR).

5. Scope of Project:

- (a) The purpose of this Agreement shall be to facilitate efficient allocation of VOCA funding for victims’ services by the Prosecuting Attorney within the County.
- (b) The Prosecuting Attorney will make mandated victims’ services available throughout the Prosecuting Attorney’s territorial jurisdiction. At a minimum, the Prosecuting Attorney and the County agree that the Prosecuting Attorney will provide those services specified in PACGA Policy 11.2 (see Exhibit “B”)

- (c) The Prosecuting Attorney will expand provision of services into areas where victims are un-served and/or underserved by utilizing PACGA resources to:
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 - (f) Victims Comp Services: For offices that accept funding in addition to continuation funding for the Federal Fiscal Year 2017-2018 to provide a victims compensation advocate, the Prosecuting Attorney agrees to hire an additional advocate and designate an advocate as the Victims Compensation point-of-contact for the Circuit.
 - (g) PACGA shall, upon the terms and conditions contained herein, allocate to County, and the County hereby accepts, an amount not to exceed the amount designated in the allocation letter to be used solely for the purposes of providing victims services as defined by the approved budget (see 9a).
6. Budget Limitation: The approved budget total (see 9a) may not be exceeded without the written approval of PACGA. The County is responsible for any expenditure that exceeds the approved budget. Any such expenditure may be credited toward meeting the matching fund requirements of the Grant (see 7a) provided those expenditures are included in the approved budget.
7. Matching Funds Requirement:
- (a) The VOCA Federal Grant Program that is the source of the funds used to support this Agreement requires grant recipients to provide matching funds as set forth below. The County agrees to provide such matching funds and to account for the expenditure of such matching funds to PACGA.
 - (b) The matching funds requirement for this MOA is 20% of the total approved Base funding budget.

- (c) A match waiver has been requested on funds provided to hire one or more victims' compensation advocates.
- (d) The Prosecuting Attorney's office may choose to meet a portion or all of the required match in the form of volunteer hours valued at \$15 per hour.

8. Use of Volunteers:

- (a) The Prosecuting Attorney's office must utilize volunteers unless a written waiver request is approved by both CJCC and the Federal Government.

9. Programmatic Reporting Requirements:

During the course of a grant period, the County and the Prosecuting Attorney are required to submit periodic programmatic and financial reports to PACGA. These reports include, but are not limited to:

- (a) Quarterly and Bi-annual Activity Reports - Victim Services Statistical Reports (VSSR); and

The Victim Services Statistical Report (VSSR) programmatic reporting deadlines are as follows:

Quarter 1	October 1 – December 31, 2019	Due: January 15, 2020
Quarter 2	January 1 – March 31, 2020	Due: April 15, 2020
Quarter 3	April 1 – June 30, 2020	Due: July 15, 2020
Quarter 4	July 1 – September 30, 2020	Due: October 15, 2020

- (b) Outcome Performance Measurement Surveys (Bi-annual).

- (1) The Outcome Performance Measurement Survey (OPM) programmatic reporting deadlines are as follows:

Annually	Oct. 1, 2019 -Sept. 30, 2020	Due: October 30, 2020

- (2) NOTE: OPM Survey reports are to be submitted directly to CJCC following the instructions as provided at the following website:
<http://cjcc.georgia.gov/outcome-performance-tools-1>.

10. Financial Reporting Requirements:

- (a) The County will submit budget worksheet(s) to PACGA no later than October 4, 2019.

Separate budget worksheets are required for Base funding and Victims Comp Advocate funding. A personnel action form and job description for each position funded by the subgrant must be submitted with the budget.

- (b) The County will submit to PACGA a Subgrant Expenditure Report (SER) form within 15 days of the end of each quarter requesting reimbursement for expenses incurred during the grant period. Separate SER forms are required for Base funding and Victims Comp Advocate funding. Deadlines are as follows:

Quarter 1	October 1 – December 31, 2019	Due: January 15, 2020
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- (c) Counties and Prosecuting Attorneys must document volunteer in-kind match hours and submit the documentation with their request for reimbursement as well as the time record reporting form. A volunteer contract for each volunteer must be submitted.
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- (1) The point of contact information;
 - (2) Request to modify budget within currently approved categories;
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12. Accountability: The County agrees to expend said funds granted herein solely in conformance to this Agreement and the Special Conditions set forth by CJCC and in PACGA Policy 11.2 and to account for said funds in accordance with generally accepted accounting principles. An initialed copy of the Special Conditions must be returned to PACGA.
13. Audit: County will allow, obtain and cooperate with any audit or investigation of grant

administration requested or undertaken by PACGA, CJCC or the State Auditor. Upon request, the County agrees to provide PACGA with any information, documents and/or photographs PACGA deems necessary to monitor performance of this Agreement. The County further agrees these funds shall be included in the audit or financial statement of the County until all expenditures have been accounted for. A copy of the audit or financial statement will be returned with the contract. Federal grant dollars will be reported separate from other funds.

14. Records Retention: The County agrees to maintain proper and accurate books, records and accounts reflecting its administration of Agreement funds and compliance with all applicable laws and the Retention Schedules adopted by the State of Georgia pursuant to O.C.G.A. § 50-18-90 et seq. Such documentation shall be retained for at least three years from the close of said project at the Federal level and shall be made available to PACGA upon request. Personnel records for grant-funded positions must be retained as provided by the state retention schedule for Personnel records.
15. Liability to Others: The County shall hold PACGA, their officials and employees harmless from any and all claims including, without limitations, damage claims for injury to persons and/or property arising from the Grant.
16. Conflicts of Interest: The undersigned certify they will in all respects comply with state laws pertaining to conflicts of interest and to all laws related to PACGA officials and employees conducting business with PACGA.
17. Termination:
 - (a) Suspension or termination of this Agreement may occur if the County materially fails to comply with the terms of this Agreement. The Agreement may also be terminated:
 - (1) Due to non-availability of funds. Notwithstanding any other provision of this Agreement, in the event that either of the sources of payment for services under this contract (appropriations from the governing authority of contracting County, appropriations from the General Assembly of the State of Georgia, a Federal agency or the Congress of the United States of America) no longer exist or in the event the sum of all obligations of PACGA incurred under this and all other contracts entered into for this VOCA Grant Program exceeds the balance of such contract sources, then this Agreement shall immediately terminate without further obligation of PACGA as of that moment. Certification by the Executive Director of PACGA of the occurrence of either of the events stated above shall be conclusive.
 - (2) Due to default or for cause. This agreement may be terminated for cause, in whole or in part, at any time by PACGA for failure of the County to perform any of the provisions hereof. Should PACGA exercise its right to terminate this agreement under the provisions of this paragraph, the termination shall be accomplished in writing and specify the reason and termination date. The County will be required to submit the final agreement not later than 45 days after the effective date of written notice of termination. Upon termination of

this agreement, the County shall not incur any new obligations after the effective date of the termination and shall cancel as many outstanding obligations as possible. The above remedies are in addition to any other remedies provided by law or the terms of this agreement.

- (3) For Convenience. This Agreement may be canceled or terminated by either of the parties without cause. This Agreement may be terminated by the County for any reason upon 60 days prior written notice to PACGA. This Agreement may be terminated by PACGA for any reason upon 30 days prior written notice to the County and the Prosecuting Attorney.
- (b) Notwithstanding any other provision of this section, this Agreement may be immediately terminated without any opportunity to cure if any of the following events occurs:
 - (1) County violates or fails to comply with any applicable provision of federal or state law or regulation.
 - (2) County knowingly provides fraudulent, misleading or misrepresentative information to PACGA.
 - (3) County has exhibited an inability to meet its financial or services obligations under this agreement.
 - (4) An assignment is made by the County for the benefit of creditors.
 - (5) A proceeding for the appointment of a receiver, custodian, trustee, or similar agent is initiated with respect to the County.
- (c) Any funds allocated to the County under this Agreement, which remain unobligated or unspent upon such termination, shall automatically revert to PACGA.

18. Victims of Crime Act - Funding Conditions:

- (a) County and the Prosecuting Attorney agree to comply with PACGA Policy 11.2 - Victims of Crimes Act - Funding Conditions.
- (b) County and the Prosecuting Attorney shall be subject to all applicable rules, regulations and conditions of the Victims of Crime Act.
- (c) The County and Prosecuting Attorney agree to comply with all Special Conditions set forth by CJCC and PACGA.
- (d) The County and Prosecuting Attorney agree to comply with the most recent edition of the OJP Financial Guide available at: <https://ojp.gov/financialguide/index.htm>

- (e) The County and Prosecuting Attorney hereby assure and certify that it:
- (1) Complies with and will continue to comply with all Federal statutes, regulations, policies, guidelines and requirements, including 2 C.F.R., Part 200 – Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards; 2 C.F.R. Part 180 – Government-wide Debarment and Suspension (Non-procurement); 28 C.F.R. Part 83 – Government-wide Requirements for a Drug-Free Workplace (Grants); 28 C.F.R. Part 69 – Restrictions on lobbying that govern the application, acceptance and use of Federal funds for this federally assisted project;
 - (2) Will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act if applicable;
 - (3) Will comply with all applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789 (d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and the Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.
19. Entire Agreement: This Agreement constitutes the entire agreement among and between parties. There are no representations, oral or otherwise, other than those expressly set forth herein. No amendment or modification of this Agreement shall be binding unless all parties have agreed to said modification in writing.
20. Penalties for Violations: Violation of any of the terms and conditions of this grant can result in penalties including but not limited to: withholding of disbursements or future awards, suspension/termination of awards, suspension/debarment, repayment of reimbursed federal funds, civil lawsuit, or criminal prosecution.
21. IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above,

PROSECUTING ATTORNEY EXECUTION:

Signature	Date signed by Prosecuting Attorney
-----------	-------------------------------------

Printed Name

The Honorable
District Attorney, _____ Judicial Circuit
Solicitor-General, _____ County

COUNTY EXECUTION:

Signature	Date signed by County
-----------	-----------------------

Printed Name

Title
Designee for _____ County

PACGA EXECUTION:

Signature	Date signed by Council
-----------	------------------------

Peter J. Skandalakis
Executive Director
Prosecuting Attorneys' Council of Georgia
1590 Adamson Parkway, Fourth Floor
Morrow, Georgia 30260-1755

BOARD OF COUNTY COMMISSIONERS

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

Item #11



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

October 10, 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 August 8, 2019 Board of Commissioners meeting to order at 6:30 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Commissioner Charles Rousseau

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

Acceptance of Agenda

Vice Chairman Charles Oddo moved to accept the agenda as written. Commissioner Edward Gibbons seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. Recognition of Senior Financial Analyst, Amanda Schoonover, for earning the Level 1 Local Finance Officer Certification in pursuing professional development in governmental finance, accounting, budgeting, and public finance topics.

Assistant Chief Financial Officer Sheryl Weinmann, on behalf of the Board, acknowledged Senior Financial Analyst, Amanda Schoonover, for earning the Level 1 Local Finance Officer Certification. Ms. Weinmann commended Amanda for her hard work and dedication.

PUBLIC HEARING:

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.

CONSENT AGENDA:

Commissioner Gibbons moved to accept the Consent Agenda with the exception of item #4. Vice-Chairman Oddo seconded. The motion passed 5-0.

2. Approval of staff's recommendation for Board of Commissioners to approve the bid from Blount Construction Company, Inc. for Bid #1724-B HA 5, High Density Mineral Bond in the amount of \$285,580.74.

3. **Approval of staff's recommendation for Board of Commissioners to approve the bid from C.W. Matthews Contracting Company, Inc. for Bid #1714-B Resurfacing McDonough Road and Ramah Road in the amount of \$594,267.24.**
4. **Approval of the September 26, 2019 Board of Commissioners Meeting Minutes.**

Chairman Ognio stated that there was an error on page 23 of the October 10, 2019 agenda package within the September 26, 2019 Board of Commissioners Meeting Minutes which recorded him as Vice-Chairman rather than Chairman. Chairman Ognio asked to have position corrected.

Chairman Ognio moved to approve the September 26, 2019 Board of Commissioners Meeting Minutes with the correction. Commissioner seconded. The motion passed 5-0.

OLD BUSINESS:

NEW BUSINESS:

5. **Consideration of the County Attorney's recommendation to approve a disposition of tax refund, as requested by Jon and Jaynene Davatz, for tax year 2018 in the amount of \$344.08.**

County Attorney Dennis Davenport stated that the initial property valuation for assessment of Jon and Jaynene Davatz property included a finished basement, however upon a visit to the property it was determined that the basement was unfinished. Mr. Davenport continued stating that based on the error a tax refund was due to Jon and Jaynene Davatz for tax year 2018. Mr. Davenport stated that no tax refund was needed or recommended for tax year 2017 because Jon and Jaynene Davatz were not billed for taxes on the property by Fayette County nor did they pay the taxes to Fayette County.

Commissioner Rousseau moved to approve the County Attorney's recommendation to approve a disposition of tax refund, as requested by Jon and Jaynene Davatz, for tax year 2018 in the amount of \$344.08. Vice-Chairman Oddo seconded. The motion passed 5-0.

6. **Consideration of the County Attorney's recommendation to approve a disposition of tax refund, as requested by Douglas and Iris Gibbs for tax year 2018 in the amount of \$265.06.**

Mr. Davenport stated that Douglas and Iris Gibbs appealed the valuation of their property for tax year 2018, the appeal was resolved triggering a three-year freeze on the property, in accordance with the law. Mr. Davenport stated that due to a system error the three-year freeze was dropped from the 2018 property assessment of Douglas and Iris Gibbs's property. As a result the property value automatically increased. The error, documented in the assessment and appeal record for 2018, caused an increase in the property valuation and tax liability. Mr. Davenport stated that the refund provisions operate to return taxes assessed and collected either in error or illegally or return taxes that were voluntarily or involuntarily overpaid by the taxpayer. Mr. Davenport concluded stating that a partial refund in the amount attributed to the erroneous value increase in 2018 was recommended in the amount of 265.06.

Mr. Gibbs stated that he felt his request was only being half fulfilled and that he had concerns regarding a partial refund for tax year 2017.

Mr. Davenport started that the tax refund request discussed tonight was only for tax year 2018, and that he could review and discuss a partial tax refund request for tax year 2017 offline.

Commissioner Gibbons moved to approve the County Attorney's recommendation to approve a disposition of tax refund, as requested by Douglas and Iris Gibbs for tax year 2018 in the amount of \$265.06. Vice-Chairman Oddo seconded. The motion passed 5-0.

7. Consideration of the County Attorney's recommendation to approve a disposition of tax refund, as requested by Eric Hohenstein, for tax year 2018 in the amount of \$566.82.

Mr. Davenport stated that Eric Hohenstein appealed the valuation of their property for tax year 2017, the appeal was resolved triggering a three-year freeze on the property, in accordance with the law. Mr. Davenport stated that due to a system error the three-year freeze was dropped from the 2018 property assessment of Mr. Hohenstein's property. As a result the property value automatically increased. The error, documented in the assessment and appeal record for 2018, caused an increase in the property valuation and tax liability. Mr. Davenport stated that the refund provisions operate to return taxes assessed and collected either in error or illegally or return taxes that were voluntarily or involuntarily overpaid by the taxpayer. Mr. Davenport concluded stating that a partial refund in the amount attributed to the erroneous value increase in 2018 was recommended in the amount of \$566.82

Vice-Chairman Oddo moved to approve the County Attorney's recommendation to approve a disposition of tax refund, as requested by Eric Hohenstein, for tax year 2018 in the amount of \$566.82. Commissioner Gibbons seconded. The motion passed 5-0.

8. Consideration of the County Attorney's recommendation to approve a disposition of tax refund, as requested by David and Sheree Kern, for tax year 2018 in the amount of \$334.53.

Mr. Davenport stated that David and Sheree Kern appealed the valuation of their property for tax year 2017, the appeal was resolved triggering a three-year freeze on the property, in accordance with the law. Mr. Davenport stated that due to a system error the three-year freeze was dropped from the 2018 property assessment of David and Sheree Kern's property. As a result the property value automatically increased. The error, documented in the assessment and appeal record for 2018, caused an increase in the property valuation and tax liability. Mr. Davenport stated that the refund provisions operate to return taxes assessed and collected either in error or illegally or return taxes that were voluntarily or involuntarily overpaid by the taxpayer. Mr. Davenport concluded stating that a partial refund in the amount attributed to the erroneous value increase in 2018 was recommended in the amount of \$334.53.

Commissioner Maxwell asked for clarification on how the refund requests were being generated.

Mr. Davenport stated that generally a refund request is submitted by an individual taxpayer via the Tax Assessors Office in review of their property file.

Commissioner Maxwell stated that his concern was that the County was waiting for citizens to bring the error to the Tax Assessors attention, he suggested taking a more proactive approach to reach out to the residents that would have been affected by the system error.

County Administrator Steve Rapson stated that in coordination with Tax Assessors Office the County would review those resident who went through the appeal process and may have been affected by the system error and initiate the refund request if applicable.

Vice-Chairman Oddo moved to approve the County Attorney's recommendation to approve a disposition of tax refund, as requested by David and Sheree Kern, for tax year 2018 in the amount of \$334.53. Commissioner Gibbons seconded. The motion passed 5-0.

9. Consideration of the County Attorney's recommendation to deny a disposition of tax refund, as requested by Paulette Malloy, for tax year 2016, 2017 and 2018.

Mr. Davenport stated that from Ms. Malloy tax refund request claimed that she had been assessed for a finished basement. Second, she claimed that she was not informed of her appeal rights. Mr. Davenport stated that in response to the claim of assessment for finished basement, the assessors made a site visit to her property to measure the home. Measurement of the basement revealed a full basement with 325 square feet of finished area. The property record card had the home valued with a full basement with only 300 finished square feet of basement area. They also found a previously unrecorded and unassessed deck. Mr. Davenport stated that Ms. Malloy also claims that she was unaware of her right to appeal her assessment. A record review revealed that in accordance with the law, Ms. Malloy was mailed an assessment notice in each of the tax years at issue. That notice includes a synopsis of taxpayer appeal rights, including instructions on initiation of an appeal. Mr. Davenport concluded stating that a denial of the refund of local property taxes is recommended in this case. No taxes have been assessed and collected either in error or illegally.

Ms. Malloy stated there were some discrepancies in the information presented by Mr. Davenport. She stated that her basement was not finished nor was her garage. Ms. Malloy stated that she discussed this information with the Tax Assessors Office during the property site visit.

Mr. Davenport recommended tabling discussion of this agenda item based on information stated by Ms. Malloy.

Commissioner Gibbons moved to table. Commissioner Rousseau seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

A: Quote #1673-A: Concrete Pipe Annual Contract – Contract Award Approval

Mr. Rapson provided the Public Works "Hot" Project Update stating that:

Graves Road

Graves Road was opened to all traffic on Friday September 20th, 2019. Guardrail installation and final striping would complete this project by the first week of October 2019.

Dogwood Trail – no change

Dogwood Trail is currently closed to thru-traffic. Utility relocations was in progress and expected to be complete by the end of October 2019. Clearing and erosion control activities began this week and are expected to be completed by next week. Some of the drainage structures and smaller pipe have been delivered and would be stored onsite, the arch culvert structure would be delivered and installed in December 2019. The contractor's current schedule showed the road opening in mid-February and a final completion in late February 2020.

Starr's Mill Tunnel (Robinson Road) Project

Tunnel was moved to Robinson Rd based on input from the FCBOE and progress was delayed as staff finalized details with Peachtree City; staff anticipates construction in summer break of 2020.

The SPLOST referendum allocated \$900,000 to the tunnel project. Fayette County and the Consultant had been negotiating scope and cost. A revised Task Order was received for County review on 9/26/19. Fayette County was requesting a pre-design field meeting with Peachtree and the Consultant.

Kenwood School Project

Paving, concrete work, final grading and grassing are complete, mulch would be finished 9/27/19. The striping contractor (Peek) planned to finish the work in stages starting this week and would be complete sometime next week. See pictures of the asphalt, concrete and grading.

Swanson Road Paving Project

Road Department crews have finished all items on the punch list, only thing left is to get some gradual rainfall for the seed to germinate.

Redwine Road Timber Bridge

Road Department has started replacing boards and the work is progressing without problem. Approximately 20% of the decking would be replaced. The work would be completed by end of October.

ATTORNEY'S REPORTS:

County Attorney Dennis Davenport stated that there were no items for executive session.

COMMISSIONERS' REPORTS:

Commissioner Maxwell stated that he appreciated the Public Works "Hot" Project Updates for the various projects through the County.

Commissioner Rousseau thanked both staff for their participation in and his colleagues for their attendance at the HOA Bootcamp on Oct. 5th. Commissioner Rousseau stated that he had received a number of calls with good feedback acknowledging increased traffic flow regarding the North Fayette project queuing lane addition. He commended all those involved in making that project a success.

Chairman Ognio stated that he would like for the Board to begin discussion about the County's Legislative package, he noted design standards as a topic as well as bridge funding. Chairman Ognio stated that he would like to wish Mayor Eric Dial a Happy Birthday.

Commissioner Rousseau stated that he would like to discuss adding to the County's Legislative package concerns regarding the 4% budget cuts the Governor was requesting which would have a serious impact on various Health Services.

EXECUTIVE SESSION:

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.

ADJOURNMENT:

Commissioner Gibbons moved to adjourn the October 10, 2019 Board of Commissioners meeting. Vice-Chairman Oddo seconded. The motion passed 5-0.

The October 10, 2019 Board of Commissioners meeting adjourned at 7:11 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 24th day of October 2019. Referenced attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Deputy County Clerk

COUNTY AGENDA REQUEST

Page 119 of 121

Department:

Presenter(s):

Meeting Date:

Type of Request: **Item #12**

Wording for the Agenda:

Consideration of the County Attorney's recommendation to deny a disposition of tax refund, as requested by Paulette Malloy, for tax year 2016, 2017 and 2018. **This item was tabled at the October 10, 2019 Board of Commissioners meeting.**

Background/History/Details:

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

A memo from the County Attorney is provided as backup with an explanation to deny tax years 2016, 2017 and 2018.

What action are you seeking from the Board of Commissioners?

Deny a disposition of tax refund, as requested by Paulette Malloy, for tax year 2016, 2017 and 2018.

If this item requires funding, please describe:

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

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

Page 120 of 121

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of the County Attorney's recommendation to deny a disposition of tax refund, as requested by Paulette Malloy, for tax year 2016, 2017 and 2018.

Background/History/Details:

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

A memo from the County Attorney is provided as backup with an explanation to deny tax years 2016, 2017 and 2018.

What action are you seeking from the Board of Commissioners?

Deny a disposition of tax refund, as requested by Paulette Malloy, for tax year 2016, 2017 and 2018.

If this item requires funding, please describe:

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

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

LAW OFFICES
McNALLY, FOX, GRANT & DAVENPORT

A PROFESSIONAL CORPORATION

100 HABERSHAM DRIVE

FAYETTEVILLE, GEORGIA 30214-1381

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

TELEPHONE: (770) 461-2223

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

MEMORANDUM

To: Fayette County Board of Commissioners

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

Date: September 25, 2019

Re: Tax Refund Request – Malloy – 073205076

Ms. Paulette Malloy has requested a refund of ad valorem taxes assessed against her residence at 201 Cedar Drive in Peachtree City, Georgia since her acquisition of the property in May of 2000.

Ms. Malloy asserts two claims. First, she claims that she has been assessed for a finished basement. Second, she claims that she was not informed of her appeal rights. In response to the claim of assessment for finished basement, the assessors made a site visit to her property to measure the home. Measurement of the basement revealed a full basement with 325 square feet of finished area. The property record card had the home valued with a full basement with only 300 finished square feet of basement area. They also found a previously unrecorded and unassessed deck.

Ms. Malloy also claims that she was unaware of her right to appeal her assessment. A record review revealed that in accordance with the law, Ms. Malloy was mailed an assessment notice in each of the tax years at issue. That notice includes a synopsis of taxpayer appeal rights, including instructions on initiation of an appeal.

A denial of the refund of local property taxes is recommended in this case. No taxes have been assessed and collected either in error or illegally. Further, no taxes were voluntarily or involuntarily overpaid. No error has been made in the record of this assessment. In fact, a revaluation of the property for the relevant tax years indicates an increase in her home's value which could result in a tax increase for Ms. Malloy. Further, the record indicates proper notification of her appeal rights in each tax year. A denial of the refund claims set forth by Ms. Malloy is recommended based on measurement, proper notification and a bar by the statute of limitations in those years previous to 2016.

Year		Recommendation
2001 through 2015		Barred by Statute of Limitations
2016	\$ 0	Deny
2017	\$ 0	Deny
2018	\$ 0	Deny
TOTAL RECOMMENDED REFUND	\$ 0	