

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. Smith, County Clerk
Marlena Edwards, Chief Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

AGENDA

December 10, 2020
2:00 p.m.

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

Call to Order

Invocation and Pledge of Allegiance by Commissioner Charles Rousseau

Acceptance of Agenda

PROCLAMATION/RECOGNITION:

1. Recognition of Commissioner Chairman Randy C. Ognio for eight (8) years of service on the Fayette County Board of Commissioners. (page 4)
2. Presentation from Judge Jason B. Thompson regarding Fayette County's Accountability Court programs. (pages 5-12)

PUBLIC HEARING:

3. Consideration of staff's recommendation to approve a new 2021 Retail Alcohol Beer and Wine License (C20-00657) for Edward Wyatt, doing business as South Fayette Station, which is located at 1552 Hwy 85 S, Fayetteville, Georgia 30215. (pages 13-52)
4. Consideration of Petition No. 1297-20, Estate of Norma R. Simmons, Owner, and, Nancy S. Lindsey, Executor, Agent, request to rezone 5.651 acres from A-R to R-75 to develop two (2) residential lots; property located in Land Lot 9 of the 5th District and fronts on SR 92 South and McBride Road. (pages 53- 0)
5. Consideration of Petitions 1298-20 A, B, C, D, E & F, R. Alexander Family Limited Partnership & Smith Living Trust, Owner, and, Trent Foster, Allegiance Development Group, LLC, request to rezone a total of 90.03 acres from A-R to R-50 for a residential subdivision; property located in Land Lot 104 of the 7th District and fronts on Dogwood Trail and Crabapple Lane. (pages 1-101)

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.

6. Consideration of Petition No. 1299-20, Robert John Bracewell and Christina Celeste Bracewell, Owners, request to rezone 1.515 acres from A-R to R-20 to develop one (1) residential lot; property located in Land Lot 227 of the 13th District and fronts on Kite Lake Road. (pages 102-11)
7. Consideration of Petition No. 1300-20, George Tchaykov and Diliانا Panova, Owners, request to rezone 1.96 acres from R-70 to O-I to develop a fitness center/tennis instruction facility; property located in Land Lot 57 of the 7th District and fronts on Flat Creek Trail. (pages 120-141)
8. Consideration of Petition No. 1301-20, Wayne Damron Jr, Trustee for Wayne Damron, Jr Revocable Trust, requests to rezone 21.71 acres from R-20 to A-R; property located in Land Lot 118 of the 5th District and fronts on County Line Road. (pages 142-15)

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:

9. Approval of staff's recommendation to approve Contract 1900-S to Steelcase, Inc., C/O DeKalb Office Environments, Inc. in the amount of \$50,987.89 to design, supply and install containment partitions at the Fayette County Justice Center and to transfer \$51,000 from the General Fund Contingency for this purpose. (pages 15 -1 0)
10. Approval of Fayette County Fire & Emergency Services' request to enter an Automatic and Mutual Aid agreement with the City of South Fulton Fire Department. (pages 1 1-205)
11. Approval to authorize staff to acquire all fee simple right-of-way and easements for the Veterans Parkway Waterline Loop Completion project. (pages 20 -20)
12. Approval of amendments to Fayette County Code, Chapter 104 Article XIV Post-Development Stormwater Management for New Development and Redevelopment as required by the Georgia Environmental Protection Division and the Metropolitan North Georgia Water Planning District. (pages 20 -2)
13. Approval of the County Clerk's revision to the 2021 County Commissioner Meeting Schedule. (page 2)
14. Approval of the November 12, 2020 Board of Commissioners Meeting Minutes. (pages 2 1-301)

OLD BUSINESS:

NEW BUSINESS:

15. Consideration and approval to amend the Defined Contribution Retirement Plan to allow for the Juvenile Court Judge to participate in the 457(b) plan and to authorize the chairman to sign all associated documents. (pages 302-305)
16. Consideration of Chairman Randy Ognio's request to increase the Sheriff's salary \$10,232.66, or 9.09%, to mirror the competitive salary adjustment implemented in FY2019 to all other public safety employees. (pages 30)

17. Consideration of staff's recommendation to acquire a 4.7 acre parcel from the Peachtree City Water and Sewerage Authority that is located on State Route 74 South in Peachtree City along with two (2) access easements for \$71,400. (pages 30 -335)
18. Consideration of the Fayette Chamber's request to approve Resolution 2020-15 in Support of Continuation of the Tax Credit Program for Film and Television Production. (pages 33 -33)
19. Consideration of the approval to present Resolution 2020-12; in support of the 2021 Policy Agenda of the Association County Commissioners of Georgia (ACCG). (pages 33 -34)
20. Consideration of the approval to present Resolution 2020-13; Fluoride, in the 2020 Legislative Package to the Georgia General Assembly for consideration at its upcoming session. (pages 34 -350)
21. Consideration of the approval to present Resolution 2020-14; Objection to reducing the state's health care budget during a national pandemic or state of emergency, in the 2020 Legislative Package to the Georgia General Assembly for consideration at its upcoming session. Commissioner Rousseau has requested to remove this item from the agenda. (pages 351-353)
22. Consideration of the appointment of an elected official, or their designee, to the Transportation Committee with a term beginning January 1, 2021. (pages 354-361)

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

COUNTY AGENDA REQUEST

Page 4 of 353

Department: Board of Commissioners

Presenter(s): Commissioners

Meeting Date: Thursday, December 10, 2020

Type of Request: Proclamation/Recognition 1

Wording for the Agenda:

Recognition of Commissioner Chairman Randy C. Ognio for eight (8) years of service on the Fayette County Board of Commissioners.

Background/History/Details:

Randy Ognio was elected to serve Fayette County in November 2012 and served his second term in office in November 2016. On January 10, 2019 the Board of Commissioners elected Commissioner Ognio to serve as Chairman until the end of his term.

Since being sworn into office in January 2013, Commissioner Ognio has achieved Certified Commissioner status and continues with advanced training through the Association County Commissioners of Georgia (ACCG). He has served as the Fayette County elected official on the Atlanta Region Commission and also as the chairman of the Fayette County Transportation Committee, helping to improve the dialogue with Georgia Department of Transportation on projects that affect Fayette County.

What action are you seeking from the Board of Commissioners?

Recognition of Commissioner Chairman Randy C. Ognio for eight (8) years of service on the Fayette County Board of Commissioners.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

Page 5 of 353

Department: Accountability State Court

Presenter(s): Judge Jason B. Thompson

Meeting Date: Thursday, December 10, 2020

Type of Request: Proclamation/Recognition 2

Wording for the Agenda:

Presentation from Judge Jason B. Thompson regarding Fayette County's Accountability Court programs.

Background/History/Details:

The Fayette County DUI/Drug and Veteran's Treatment Courts offer alternative sentencing to defendants who have non-violent misdemeanor charges. The defendant must be approved by the Accountability Court team and spend a minimum of 12 months in an intense recovery program managed by the court. Over the last four years, Fayette County's DUI/Drug and Veteran's Treatment Courts have not only invested in citizens that might otherwise get overlooked providing them with the treatment, testing, surveillance, and support needed to recover from their pasts. Nationwide these courts are also proven to be among the most cost-effective options in the criminal justice system.

Judge Jason B. Thompson would like the opportunity to speak to both citizens and the Board of Commissioners to showcase all that these courts have accomplished over the last four years and what the future for Fayette County Accountability Courts looks like.

What action are you seeking from the Board of Commissioners?

Presentation from Judge Jason B. Thompson regarding Fayette County's Accountability Court programs.

If this item requires funding, please describe:

Not applicable.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

Fayette County Accountability Courts

2020 Recap



WHAT?

Accountability Courts

DUI/Drug Court

Veteran's Treatment Court





WHY?

- To increase public safety, reduce recidivism and community costs, focus on accountability and promote a prosocial abuse treatment professionals

WHO?

- Fayette County Citizens struggling with:
 - PTSD
 - Substance Abuse



HOW?

The Accountability Court programs are a team concept





MEET THE TEAM

- Judge Jason B. Thompson
- The Solicitor General's Office
- Private attorney's
- Law Enforcement
- The Public Defender's Office
- Court Coordinator
- Probation Officers
- Case managers
- Community liaisons
- Licensed substance abuse treatment professionals
- Licensed testing professionals

RESULTS

- Since 2016:
 - 119 saved lives, jobs, & families
 - Reduced recidivism by 15%



COUNTY AGENDA REQUEST

Page 13 of 353

Department: Code Enforcement

Presenter(s): Harold Myers, Chief Marshal

Meeting Date: Thursday, December 10, 2020

Type of Request: Public Hearing 3

Wording for the Agenda:

Consideration of staff's recommendation to approve a new 2021 Retail Alcohol Beer and Wine License (C20-00657) for Edward Wyatt, doing business as South Fayette Station, which is located at 1552 Hwy 85 S, Fayetteville, Georgia 30215.

Background/History/Details:

The applicant submitted an application to be reviewed and approved by county staff.

The applicant has met all requirements per the Fayette County Code of Ordinances.

The applicant has been approved by the following departments: Code Enforcement, Fire Marshal Office, and the Planning and Zoning Department.

There are no outstanding violations prohibiting this applicant from consideration before Board of Commissioners.

What action are you seeking from the Board of Commissioners?

Approval of a new 2021 Retail Alcohol Beer and Wine License (C20-00657) for Edward Wyatt, doing business as South Fayette Station, which is located at 1552 Hwy 85 S, Fayetteville, Georgia 30215.

If this item requires funding, please describe:

Not applicable.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

Legal Notice Number:

**NOTICE OF PUBLIC HEARING FOR THE APPROVAL OF A RETAIL
LICENSE TO SELL ALCOHOLIC BEVERAGES.**

PUBLIC HEARING to be held before the Fayette County Board of Commissioners on **December 10, 2020**, in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia at 2:00 P.M.

An application has been submitted to the Fayette County Board of Commissioners for a retail license to sell alcoholic beverages at the following location: 1552 Hwy 85 South, Fayetteville, Georgia 30215. The business name is South Fayette Station, Edward Wyatt has requested to be appointed as the licensee. The Board of Commissioners will consider the proposed application on Thursday, December 10, 2020 at 2:00 P.M.

A copy of the above is available in the office of the Fayette County Planning and Zoning Department, 140 Stonewall Avenue West, Suite 202, Fayetteville, Georgia.

This 19th day of November 2020.

Frank Winfrey, Code Enforcement Officer
Division of the Marshal's Office

Ad to run: 11/25/2020

NOTICE OF PUBLIC HEARING FOR
THE APPROVAL OF A RETAIL
LICENSE TO SELL ALCOHOLIC
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This 19th day of November 2020

Frank Winfrey, Code Enforcement
Officer

Division of the Marshal's Office

11/25

Fayette County Code Enforcement Department

Departmental Check List for Alcohol Beverage License

Address : 1552 Hwy 85, City: Fayetteville, GA

Contact Person : John Cook Phone Number : 770-231-0168

1. Planning and Zoning Department - (Suite 202) 770-305-5421

Printed Name:

Reviewed By: [Signature] Date: 10/20/20 Approved: ✓ Denied: _____ N/A: _____

2. Fire Marshal Office - (Suite 214) 770-305-5414

Printed Name:

Reviewed By:

~~James D. Hall~~ / Anthony S. Korando Date: 11/9/20 Approved: ✓ Denied: _____ N/A: _____

3. Code Enforcement - (Suite 202) 770-305-5417

Printed Name: Frank Wintrey

Reviewed By: Frank Wintrey Date: 11/18/2020 Approved: ✓ Denied: _____

Fayette County
 620-00657

ALCOHOLIC BEVERAGE LICENSE APPLICATION

Date Received: _____ Date sent to Comm. Off. _____

FAYETTE COUNTY
CODE ENFORCEMENT

140 Stonewall Ave. West
Suite 202
Fayetteville, GA 30214

Phone: 770-305-5417
Fax: 770-305-5305

E-mail:
CODEVIOLATIONS@FAYETTECOUNTY.GA

Office Use Only

- ☐ Approved
☐ Denied

Officer's Initials _____

Remarks _____

Fees

Retail Package Sales

- ♦ Beer and Wine License - \$1,000.00
- ♦ Beer only - \$750.00
- ♦ Wine only—\$400.00

- ♦ On-Premise (Beer Only) - \$750.00
- ♦ On-Premise (Distilled Spirits) - \$1500.00
- ♦ OnPremise(distilled,malt,wine) \$2500.00

Alcohol beverage catering—\$250.00 annual
 Malt/wine—\$25.00 per event
 Distilled Spirits—\$50.00 per event
 Malt/wine/distilled spirits—\$ 75.00 per event

Approved on premises location fee-

Application fee—\$200.00
 Annual Fee—\$200.00
 Special Event fee- Limit 3 times annually
 Malt—\$75.00
 Wine - \$50.00
 Distilled—\$ 125.00
 Malt/wine/distilled \$ 200.00

OTHER FEES

Administrative/Investigative fee \$200.00
 (non refundable)
 Employee Permits—\$ 30.00
 Fingerprint fee - \$44.25

☐ Alcohol beverage Catering ☐ On premises approved location

☐ On-Premise ☐ Brew Pub ☐ Wholesale ☒ Retail Package Sales ☐ Alcohol catering
☐ Alcohol beverage catering ☐ Approved location—on premise catering

1. Occupational Tax No: 104643
2. Trade name of business for which license is applied: South Fayette Station
3. Business Name and Store Number: South Fayette Station
4. Street Address: 1552 Hwy 85 south
 City: Fayetteville State: GA Zip Code 30215
5. Mailing Address: P.O. Box 127
 City: FAIRBURN State: GA Zip Code 30213
6. Phone Number: 770-964-6125
7. Fax Number: 770-964-1507
8. E-mail Address: jmcook@greenoilco.com
9. Web Address: www.greenoilco.com

10. Name and address of each person, firm and corporation having any ownership interest in business and the amount of such interest:

Name	Residence	Interest
Ed Wyatt	362 Lee's Mill - 30215	50%
Bill Wyatt	386 Lee's Mill - 30215	50%

Name	Residence	Interest

11. How much of the capital of this business is borrowed and from: (Attach exhibits if necessary)

Amount	Lender	Interest
NONE		

12. (A) Will this business be owned by the applicant as a sole proprietorship? (Circle) Yes ☐ No ☒

(B) If this business will be owned in whole or in part by a partnership, , list the names and address of all general partners, as well as the name and addresses of the licensee, and the license representative.

Name	Address	Interest
Ed Wyatt	362 Lee's Mill - 30215	50%
Bill Wyatt	386 Lee's Mill - 30215	50%

13. If business is operated by a close corporation list names and addresses of all officers, directors and stockholders, as well as the names and addresses of the licensee and the license representative

Name	Address	City	State	Title
N/A				

14. If business is operated by a corporation, other than a close corporation, the name of the corporation, the address of the corporate office, the name and address of the registered agent for service of process for the corporation and the names and addresses of the licensee and the license representative

GEO. H. GREEN OIL, Inc - 41 Dodd St. - FAIRBURN, GA 30213

R/A - Doug WARNER - 900 Westpark Dr. - Suite 210 - Peachtree City, GA 30269

15. Has applicant and/or licensee ever had its/his/her license to sell alcoholic beverage suspended two or more times during the past five years or revoked by any state or political subdivision hereof; and provide any such other appropriate information as may be required by the governing body or Code Enforcement

NO

16. Copy of Secretary of State registration. Attach current copy ✓

17. (A) Is the applicant and/or license holder the owner of the building where business is to be conducted?

☒ Yes
☐ No

(B) Are you also the owner of the land?

☒ Yes
☐ No

(C) If your answer is "NO", to either question, state whether you lease, sub-lease, and/or rent the building and whether you lease, or sub-lease the land or both.

N/A

18. State the full name and address of the owner of the building and the name and address of the owner of the land and the name and address of all lessors and sub-lessors and attach copies of all lease agreement.

WJW Realty Co. LLC - (Ed & Bill Whatterson)
P.O. Box 127
FAIRBURN, GA 30213

19. Has the applicant and/or license holder entered into an agreement or contract with either the owner or owners, lessors and sub-lessors for either the building or land or both, which provides for the payment of rent on a percentage or profit sharing basis? (Circle) Yes No

20. Name the manager of the business for which this application is filed and state how he is compensated.

John Cook - 41 Dodd St Fairburn Ga 30215
 Name Address

3MAM
 Compensation

21. Has any place of business engaged in the sale of distilled spirits, wine or beer with which you have been associated ever been cited or charged at any time with any violation of Georgia law or federal law or municipal law or any rule or regulation or ordinance concerning the sale of such products?

NO

Date	Authority Issuing Citation	Violation	Alleged Result

Fayette County

ALCOHOLIC BEVERAGE LICENSE LICENSEE APPLICATION

PART 2

INSTRUCTIONS:

Fill in all blanks with complete and accurate information or your application will not be processed and your fee will be forfeited.

1. Last Name: Wyatt First: EDWARD Middle: C
2. List maiden name and all married names: _____
3. Age: 69 Date of Birth: 50 Social Security No: [REDACTED]
4. Place of Birth: College Park State: GA Country: USA
5. U.S. Citizen: Yes ☒ No ☐ Alien Registration No: _____
6. Date and Port of Entry: _____
7. If naturalized, when: _____
8. Business Name and Address where you are employed and the permit is required:
 Business Name: Geo. H. Green Oil, Inc.
 Street Address: 41 Dodd
 City: NEWNAN State: GA Zip Code: 30213
9. Your position or job at the above address: Owner
10. Your home street address: 362 LEE'S Mill Rd.
 City: Fayetteville State: GA Zip Code: 30214
11. Your home telephone number: 770 964-4943 Work: 770 964 6125
12. Your e-mail address: Edwyatt@greenoilco.com
13. Your mailing address: 362 Lee's Mill Rd.
 City: Fayetteville State: GA Zip Code: 30214
14. Resident of: Fayetteville County: Fayette State: GA
15. Is the above address your bona fide place of domicile? (Circle) ☒ Yes ☐ No
16. How long have you lived at the above address? 25+ years
17. If less than 10 years, give your previous and legal address and the length of time you resided at said residence? _____

Verification

I, EDWARD C. WYATT,
applicant, do solemnly swear, subject to criminal penalties for false swearing,
that the statements and answers made by me to the foregoing questions in
this application for a County of Fayette license as a dealer in alcoholic
beverages, are true, and no false or fraudulent statement or answer is made
therein to procure the granting of such license.



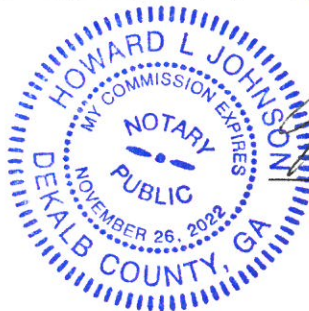
[Signature]

Applicant's Signature
(full name signed in ink)

I certify that EDWARD CHARLES WYATT has
provided me with proper documentation as verification of his/her identity;
documentation being: GEORGIA DRIVERS LICENSE. I also certify that
he/she signed his/her name to the foregoing application after stating to me
that he/she knew and understood all statements and answers made therein,
and under oath actually administered by me, has sworn that said statements
and answers are true.

This 30th day of OCTOBER, 2020.

(Affix Seal)



[Signature]

Notary Public

12. In the spaces provided below, list all convictions including pleas of nolo contendere, first offender, forfeiture of bond, etc., for any felony or misdemeanor, relating to the sale or use of alcoholic beverages, crimes of moral turpitude, gambling, sexual offenses, assault, battery, Family Violence, or illegal drugs within the five years prior to the date of application:

Date of Offense	Place of Offense	Type	Disposition
1.	N/A		
2.			
3.			
4.			

If additional space is required, attach a sheet with the additional offenses and information concerning

Under Georgia Criminal Code Section 16-10-20, any person who knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or device, makes a false, fictitious, or fraudulent statement or representation, shall, upon conviction therefore, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one year nor more than five years, or both.

[Signature] You must initial that you have read this statement.

I have read and understand that any falsehood or half-truth submitted in this application is a felony and will render me ineligible to serve alcoholic beverages in this County. I also understand that any falsehood or half-truth discovered by investigators during the term of this permit (which is one year from the date of the application) is grounds for its revocation and my subsequent prosecution.

Edward C. Wyatt Signature of Applicant 08/30/2020 Date

I hereby authorize the Fayette County Marshal's Office to receive any criminal history record information pertaining to me which may be in the files of any state or local criminal justice agency in Georgia.

Edward C. Wyatt
Full Name Printed

362 LEE'S Mill Rd., Fayetteville, GA 30214
Address

Sex: M Race: W Date of Birth: [Redacted] 50 Social Security No. [Redacted]

Notary: Howard L. Johnson Date: 10-30-2020

Alcoholic Beverage Ordinance

- ◆ My signature acknowledges that I have received a copy of the New Fayette County Alcoholic Beverage License Ordinance.
- ◆ It is my responsibility to know its content.
- ◆ This ordinance is strictly enforced.

Should you have any questions, please call this office at 770-305-5417.

X 

Applicant's Signature
(full name signed in ink)

GEORGIA CRIMINAL HISTORY FORM AND RESULTS



Fayette County Sheriff's Office

BARRY H. BABB
SHERIFF

Randall Johnson Law
Enforcement Center
155 Johnson Avenue
Fayetteville, Georgia
30214
(770) 461-8353
EMERGENCY: 9-1-1

AUTHORIZATION FOR RELEASE OF INFORMATION

I hereby authorize the Fayette County Sheriff's Office to receive any Georgia criminal history record information obtained through the Georgia Crime Information Center (GCIC). All information must be completely filled out.

WYATT EDWARD CHARLES
LAST FIRST MIDDLE MAIDEN
362 LEES MILL ROAD, FAYETTEVILLE GA 30214
STREET ADDRESS CITY STATE ZIP
1950 M [REDACTED]
DATE OF BIRTH SEX SOCIAL SECURITY NUMBER

RACE: ☐ AMERICAN INDIAN ☐ ASIAN ☐ BLACK ☒ WHITE

(Per GCIC/CIC guidelines, only the above races will be accepted for Criminal History purposes by the Georgia Crime Information Center.)

Name the person and company/organization that will be receiving this information.
Please check N/A if this does not apply.

Officer Brian Hitchcock
Name of Requestor

Fayette County Code Enforcement
Name of Company/Organization

N/A

Please check all that applies:

- ☐ Employment/volunteer work with children (Purpose code 'W')
☐ Employment/volunteer work with elder care (Purpose code 'N')
☐ Employment/volunteer work with mentally disabled (Purpose code 'M')

**Fingerprints and
Georgia Criminal History**

One of the following must be checked:

☐ This authorization is valid for 90/180/ (circle one) days from date of signature.

☒ I, Edward Charles Wyatt give consent to the above named to perform periodic criminal history background checks for the duration of my employment with this company.

SIGNATURE [Signature] DATE 11-2-20

No Georgia Record Found
Fayette County Sheriff's Office
Date: November 2, 2020
C.T.O.: [Signature]



Georgia Bureau of Investigation
3121 Panthersville Road
Decatur, Georgia 30034
404-244-2639

LSTCN:2240019633
GBITCN:03072156089993
DATE/TIME:2020-11-02 17:30:26
NAME:WYATT, EDWARD CHARLES
PHOTO:PHOTO NOT AVAILABLE

NO GEORGIA OR FBI NATIONAL CRIMINAL HISTORY RECORD FOUND

2020 OCCUPATIONAL TAX CERTIFICATE

CORPORATION REGISTRATION

LIMITED LIABILITY PARTNERSHIP ELECTION



Fayette County
Finance Department
140 Stonewall Avenue West
Suite 101
Fayetteville, GA 30214
Phone: 770-305-5413

2020

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**OCCUPATIONAL TAX
CERTIFICATE**

**** NOTICE ****

This certificate becomes null & void if ownership changes. We must be notified in writing within 5 days of such change or transfer. A fee of \$35.00 will apply.

Account Number
104643
Type
CONVENIENCE STORE

Certificate Number
8205
Issued
03/06/2020
Expires
12/31/2020

Business Location:
1552 HWY 85 SOUTH
Customer # 129568

SOUTH FAYETTE STATION
PO BOX 127
FAIRBURN, GA 30213

Tax Amount	75.00
Reinstatement Fee and Penalty	.00
Interest	.00
Total Amount	75.00

BY: _____

***** POST THIS CERTIFICATE IN A CONSPICUOUS PLACE *****

Office Copy Only

**** NOTICE ****

This certificate becomes null & void if ownership changes. We must be notified in writing within 5 days of such change or transfer. A fee of \$35.00 will apply.

2020

**OCCUPATIONAL TAX
CERTIFICATE**

Business Location: 1552 HWY 85 SOUTH

Customer # 129568

Account Number	Tax Amount	75.00	Certificate Number
104643			8205
Type	Reinstatement Fee and Penalty	.00	Issued
CONVENIENCE STORE	Interest	.00	03/06/2020
	Total Amount	75.00	Expires
			12/31/2020

SOUTH FAYETTE STATION
PO BOX 127
FAIRBURN, GA 30213



Fayette County
Finance Department
140 Stonewall Avenue West
Suite 101
Fayetteville, GA 30214
Phone: 770-305-5413



Thank you. The following payment has been successfully submitted.

Payment Submitted

Confirmation
number: **410024831**
Payment Date: **Mar 6, 2020, 1:16:22 PM**
Payment type: **OTC - 316100**
Account number: **316100**
Payment method: **Visa**
Card number: *******8889**
Payment amount: **\$75.00**
Processing fee: **\$1.76**
Total amount
charged: **\$76.76**

X

A handwritten signature in black ink, appearing to be "John Doe", written over a horizontal line.

FAYETTE COUNTY BOARD OF COMMISSIONERS
140 Stonewall Avenue, West
FAYETTEVILLE GA 30214

A/R RECEIPT
DATE/TIME
CLERK
INVOICE

Page 31 of 353
7192957
03/06/20 13:16
9597dmil
129860

CUST: 129568 SOUTH FAYETTE STATION

01 EMPLOYEE COUNT

75.00

PREV BALANCE	75.00
AMOUNT PAID	75.00
ADJUSTMENTS	.00
NEW BALANCE	.00

PMT TYPE	QTY	REF
CREDIT CAR	1	

AMOUNT

SSN/FID: *****5611

DBA: SOUTH FAYETTE STATION

STATE OF GEORGIA

Secretary of State
Corporations Division
313 West Tower
2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

ANNUAL REGISTRATION

Electronically Filed
Secretary of State
Filing Date: 1/14/2020 2:04:39 PM

BUSINESS INFORMATION

CONTROL NUMBER	J207061
BUSINESS NAME	GEO. H. GREEN OIL, INC.
BUSINESS TYPE	Domestic Profit Corporation
EFFECTIVE DATE	01/14/2020
ANNUAL REGISTRATION PERIOD	2020

PRINCIPAL OFFICE ADDRESS

ADDRESS	PO BOX 127, FAIRBURN, GA, 30213-0127, USA
---------	---

REGISTERED AGENT

NAME	ADDRESS	COUNTY
DOUGLAS B WARNER	900 WESTPARK DR, SUITE 210, PEACHTREE CITY, GA, 30269, USA	Fayette

OFFICERS INFORMATION

NAME	TITLE	ADDRESS
EDWARD C WYATT	CEO	362 LEES MILL ROAD, FAYETTEVILLE, GU, 30214, USA
WILLIAM P WYATT	CFO	386 LEES MILL ROAD, FAYETTEVILLE, GA, 30214, USA
WILLIAM P WYATT	SECRETARY	386 LEES MILL ROAD, FAYETTEVILLE, GA, 30214, USA

AUTHORIZER INFORMATION

AUTHORIZER SIGNATURE	GINA PONTILLO
AUTHORIZER TITLE	Authorized Person

This Limited Liability Partnership Election ("Limited Liability Partnership Election") is made and executed this 9th of April, 2001, pursuant to O.C.G.A. § 14-8-62.

1. Effective with the filing of this Limited Liability Partnership Election, the name of the partnership shall be W & W Realty Co., LLP (the "Partnership").
2. The business, profession or other activity in which the Partnership engages is real estate development, ownership and investment.
3. The Partnership hereby elects to become a limited liability partnership.
4. This Limited Liability Partnership Election has been duly authorized by the partners of the Partnership.

IN WITNESS WHEREOF, the undersigned have executed this Limited Liability Partnership Election on the day and year first above written.

Sworn to and subscribed before me this
9th day of April, 2001.

W & W REALTY CO.

Lerah M Moore
Witness

By: Edward C. Wyatt
Edward C. Wyatt, as General Partner

Lail J Brown
Notary Public Notary Public, Fulton County, Georgia
My Commission Expires Oct. 15, 2001
My Commission Expires:

[NOTARIAL SEAL]

[SIGNATURES CONTINUED ON NEXT PAGE]

Sworn to and subscribed before me this
9th day of April, 2001.

Lerach M Moore
Witness

By: William P. Wyatt
William P. Wyatt, as General Partner

Gail J Brown

 Notary Public
 Notary Public, Fulton County, Georgia
 My Commission Expires Oct. 15, 2001
 My Commission Expires:

[NOTARIAL SEAL]

State of Georgia
County of Fayette

PARTNERSHIP AGREEMENT

This agreement, made and entered into this 12 day of December, 19 85, by and between Edward C. Wyatt, resident of Fayette County, Georgia, (hereinafter referred to as "Ed"), and William P. Wyatt, resident of Fayette County, Georgia, (hereinafter referred to as "Bill").

WITNESSETH, for and in consideration of the mutual covenants and promises set forth herein and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Purpose, Ownership, and Name. The purpose of the partnership shall be to own, hold and operate real property, including to manage, lease, and possibly resell same at a later date; and to perform such other enterprises as the partners shall from time to time agree. Ed shall own a fifty per cent undivided interest in the property and the partnership, and Bill shall own a fifty per cent undivided interest in the property and the partnership. During the existence of the partnership, all net income, net losses, or cash flow shall be allocated as of the last day of each year to the partners in accordance with their ownership percentages above. The name of the partnership shall be "W & W Realty ~~Company~~", which shall be a registered trade name

in Fayette and Fulton Counties, State of Georgia.

2. Capital Contributions. Ed and Bill agree to initially contribute to the partnership, proportionately, such amount as is necessary to acquire and close the purchase of the properties to be owned by the partnership. With respect to the future holding of the property and/or the operation of the partnership, each partner hereby agrees to contribute, as needed, his proportionate share of any and all capital necessary to operate the partnership, including, but not limited to the following: mortgage payments, insurance, taxes, utilities, repairs, upkeep, salaries, and other such miscellaneous overhead expenses pertaining to the successful operation of the partnership.

3. Allocation Upon Sale or Refinancing. Upon sale or refinancing of the property, or any portion thereof, any cash realized from such sale or exchange, placing or refinancing of any mortgage on the property, liquidation of the assets of the partnership, from hazard insurance in excess of any restoration or repairs, or any awards from condemnation in excess of partnership obligations, shall be distributed to the partners in accordance with their ownership interest.

4. Management of the Property. With respect to voting and management of the property and the partnership, decisions shall be by vote of the partners, the majority in interest controlling such decisions. All funds for the partnership shall be placed

into a checking account under the name "W & W Realty Company", and either partner may sign on such checking account. The books and records of the partnership shall be open to either partner, upon reasonable notice to the other.

5. Right of First Refusal. The partners shall have the right of first refusal on the sale of an interest in the partnership. No partner shall sell or transfer his interest in the partnership or property without first allowing the other partner to purchase that interest at the same price and terms being offered by one not a party to this agreement. Any sale of a partner's interest shall be offered in writing to the remaining partner in proportion to his interest in the partnership. Partners shall have sixty days to exercise their right of first refusal on any sale of a partner's interest, after proper written notice of intent to sell has been given.

6. Death of a Partner. This agreement shall not be canceled or affected by the death of one of more of the partners. The heirs of administrators of a deceased partner shall assume the full obligations and benefits of the deceased partner and shall be bound by this agreement as though a party hereto, including the foregoing paragraph concerning right of first refusal on sale of partnership interest.

7. Notification. Notification as may be required shall be hand delivered or sent by certified or registered mail to the

following addresses, or as may be changed from time to time by written notice to all partners:

Edward C. Wyatt
c/o Geo. H. Green Oil, Inc.
41 Dodd Street
Fairburn, Georgia 30213

William P. Wyatt
c/o Geo. H. Green Oil, Inc.
41 Dodd Street
Fairburn, Georgia 30213

8. Partition and Accounting. No partner shall, either directly or indirectly file any complaint, institute any proceeding at law or in equity, or take any action to partition the property, each partner hereby waiving any such right to partition. The books shall be kept on the accounting basis as is deemed to be in the best interests of the majority of the partners.

9. Limited Purpose. This partnership is formed for the purpose of acquiring, holding, managing, and possibly reselling real property and incidental services related to the operation of the property, as well as all other purposes agreed upon by the partners unanimously. Except as provided herein, no partner is authorized to act as an agent for the partnership or any other partner, nor to incur obligations with respect to the partnership or the property. The signatures of both partners shall be required on all warranty deeds, closing statements, and other documents or instruments given in connection with the sale,

transfer, or conveyance of any of the partnership property.

10. Miscellaneous. The partners hereby agree that they shall be bound by this agreement for purposes of purchasing, owning, managing, operating, and possibly reselling the property, and operating the partnership. This agreement shall be construed under the laws of the state of Georgia, and shall be binding upon the parties, their successors, heirs, executors, and assigns. This agreement may be amended only by a writing signed by both of the partners.

IN WITNESS WHEREOF, the undersigned partners have hereunto set their hands and seals, the day and year first above written.

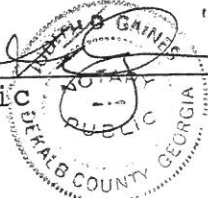
Edward C. Wyatt (SEAL)
Edward C. Wyatt, General Partner

William P. Wyatt (SEAL)
William P. Wyatt, General Partner

Signed, sealed and delivered
in the presence of:

CW Burkholder
Witness

James H. Gaines
Notary Public

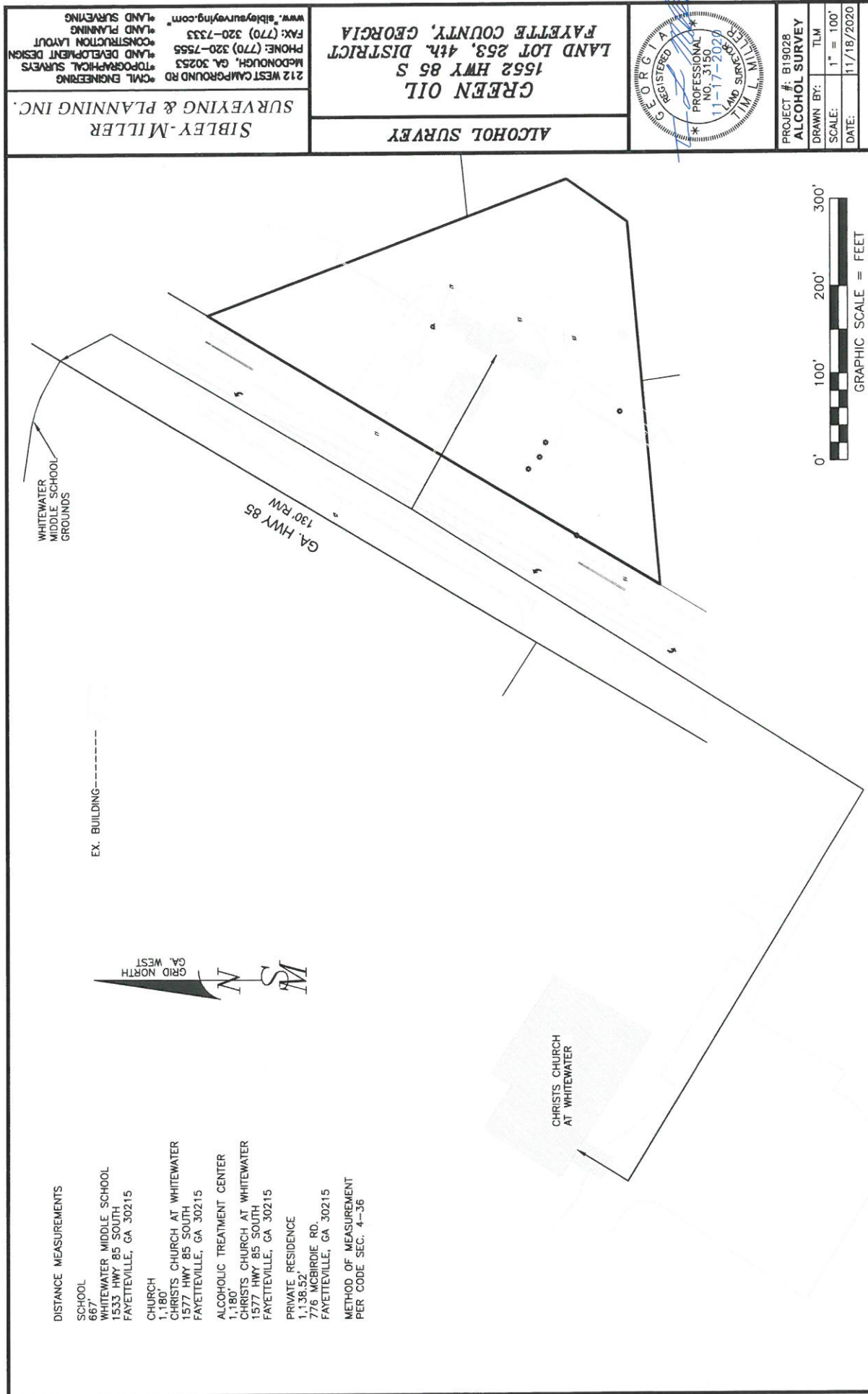


My Commission Expires
July 19, 1928

ALCOHOL SURVEY SHOWING

- **A SCALE DRAWING**
- **DISTANCE TO A CHURCH**
- **DISTANCE TO A SCHOOL**

WARRANTY DEED



Beer & Wine License Request



Whitewater Middle
School

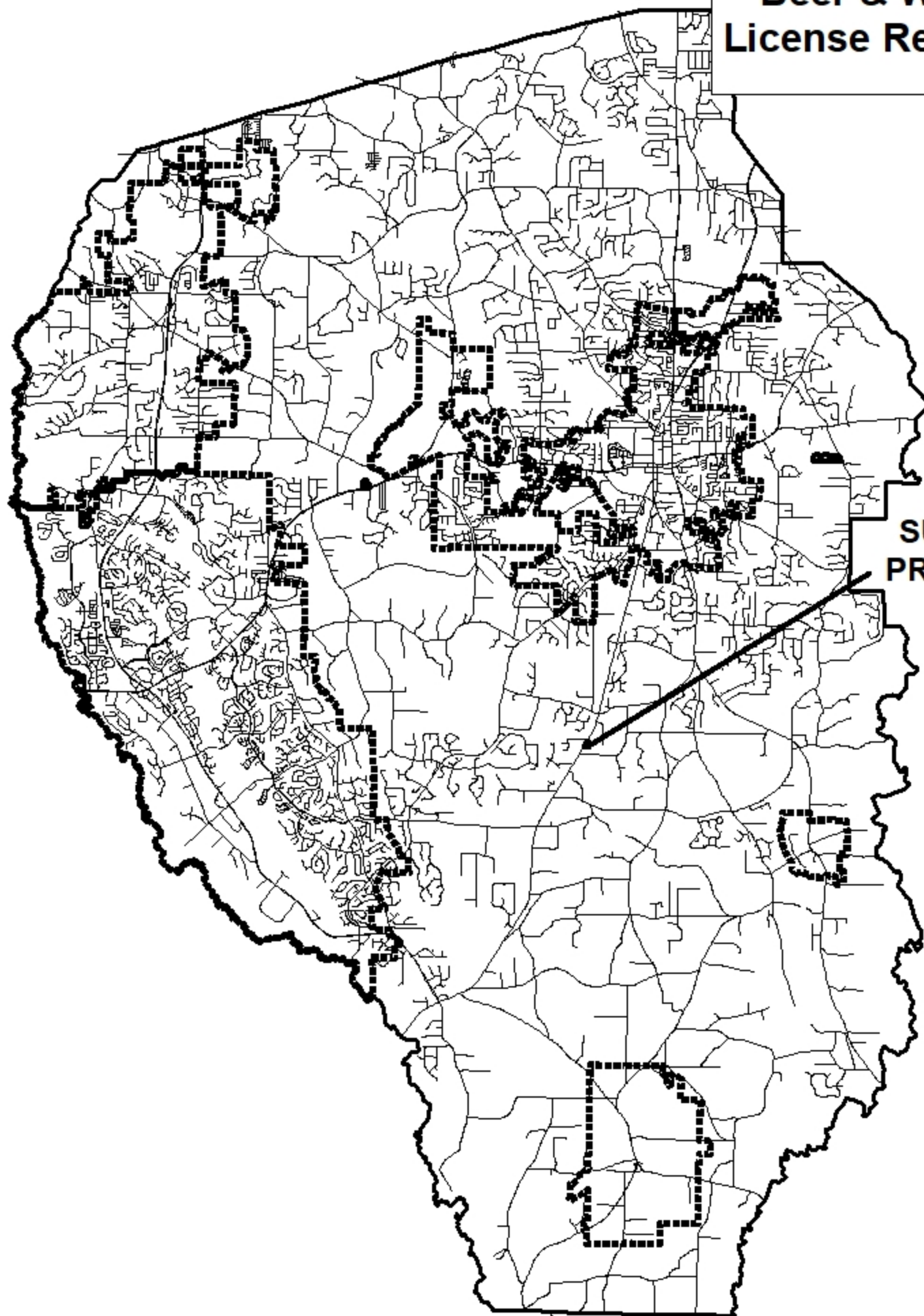
SR 85 South

SUBJECT
PROPERTY

Church

Mask Road

Beer & Wine License Request



**SUBJECT
PROPERTY**

Doc ID: 008896910001 Type: WD
 Recorded: 08/07/2012 at 09:05:00 AM
 Fee Amt: \$350.00 Page 1 of 1
 Transfer Tax: \$340.00
 Fayette Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 3927 PG 640

Record and Return to:
Glover & Davis, P.A.
 1125 Commerce Drive, Suite 300
 Peachtree City, GA 30269
 12P22018 Co.

WARRANTY DEED

STATE OF GEORGIA
 COUNTY OF FAYETTE

THIS INDENTURE, made the 30th day of July, 2012, between **T & D Grocery & Gas, Inc.**, a Georgia Corporation, as party or parties of the first part, hereinafter called Grantor, and **W & W Realty Co., LLP**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100 (\$10.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, and for other valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT or parcel of land lying and being in Land Lot 253 of the 4th District of Fayette County, Georgia, being more particularly described as follows:

BEGINNING AT A POINT on the southeasterly right-of-way of Georgia Highway 85 (130-foot right-of-way) which said point is located 881.22 feet Southwesterly, as measured along the Southeasterly right-of-way of said Georgia Highway 85, from the intersection of the southeasterly right-of-way of said Georgia Highway 85 with the North line of said Land Lot 253, said District, thence South 21 degrees 13 minutes 05 seconds East a distance of 440.05 feet to a point; thence South 29 degrees 15 minutes 51 seconds West a distance of 85 feet to a point; thence South 84 degrees 56 minutes 03 seconds West a distance of 411.27 feet to a point on the Southeasterly right-of-way of said Georgia Highway 85; thence North 29 degrees 15 minutes 51 seconds East along the southeasterly right-of-way of said Georgia Highway 85 a distance of 596.89 feet to the Point of Beginning, being improved property with a retail store and gasoline station located thereon.

SUBJECT to restrictive covenants and general utility easements of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered
 in the presence of:

Witness

Notary Public

T & D Grocery & Gas, Inc.

Dean H. Pope, President

(CORPORATE SEAL)

PT-61 (Rev. 11/04)

To be filed in **FAYETTE COUNTY****PT-61 056-2012-002839**

SECTION A – SELLER'S INFORMATION (Do not use agent's information)				SECTION C – TAX COMPUTATION	
SELLER'S BUSINESS / ORGANIZATION / OTHER NAME T & D Grocery & Gas, Inc.				Exempt Code If no exempt code enter NONE	
MAILING ADDRESS (STREET & NUMBER) 1552 Highway 85 South				1. Actual Value of consideration received by seller Complete Line 1A if actual value unknown	
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Fayetteville, GA 30215 USA				DATE OF SALE 7/30/2012	
1A. Estimated fair market value of Real and Personal property				\$0.00	
SECTION B – BUYER'S INFORMATION (Do not use agent's information)				2. Fair market value of Personal Property only	
BUYER'S BUSINESS / ORGANIZATION / OTHER NAME W & W Realty Co., LLP				3. Amount of liens and encumbrances not removed by transfer	
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) 41 Dodd Street				4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)	
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Fairburn, GA 30231 USA				5. TAX DUE at .10 per \$100 or fraction thereof (Minimum \$1.00)	
Check Buyers Intended Use () Residential (X) Commercial () Agricultural () Industrial				\$340.00	
SECTION D – PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))					
HOUSE NUMBER & EXTENSION (ex 265A) 1552		PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION Highway 85 South			SUITE NUMBER
COUNTY FAYETTE		CITY (IF APPLICABLE)		MAP & PARCEL NUMBER 0450-070	ACCOUNT NUMBER
TAX DISTRICT	GMD	LAND DISTRICT 4th	ACRES	LAND LOT 253	SUB LOT & BLOCK
SECTION E – RECORDING INFORMATION (Official Use Only)					
DATE	DEED BOOK 3927	DEED PAGE 640	PLAT BOOK	PLAT PAGE	

ADDITIONAL BUYERS

None

**FAYETTE COUNTY FIRE
SAFETY COMPLIANCE
CERTIFICATE & SUPPORTIVE
DOCUMENTS**

2020_0021

Fayette County Fire

Fire Safety Compliance Certificate

South Fayette Station

1552 Hwy 85 S

This permit is subject to the condition(s) cited below:

Valid, provided the internal or external features of the building are not materially altered, the type of occupancy remains unchanged or there has been no fire of serious consequence, or other hazard discovered. Certificate not transferable.

Effective: 2/6/2020

Expires: 2/6/2070

Fee \$50

X *A. Koranda*

A. Koranda, Capt./Fire Marshal



February 5, 2020

South Fayette Station
1552 Hwy 85 S
Fayetteville, GA 30215

RE: CERTIFICATE OF FIRE SAFETY COMPLIANCE

Dear Owner/Occupant:

Enclosed is your Certificate of Fire Safety Compliance for your business. Please display this with your business license. The certificate will be issued only once and it must be posted in plain view and remain on premises at all times.

Sincerely,

Fayette County Bureau of Fire Prevention

Anthony S. Koranda
Captain/Fire Marshal

Enclosure

MISCELLANEOUS PAYMENT RECPT#: 7180388
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 02/26/20 TIME: 11:55
CLERK: 9597cano DEPT: FIRE SRVCS
CUSTOMER#: 0

PARCEL: CFSC FEE_2020

CHG: INSP-F INSPECTION FEES 50.00

AMOUNT PAID: 50.00

PAID BY: GEO H. GREEN OIL, IN
PAYMENT METH: CHECK

REFERENCE: CK# 132186
CFSC_2020

AMT TENDERED: 50.00
AMT APPLIED: 50.00
CHANGE: .00



February 27, 2020

Geo H. Green Oil, Inc.
41 Dodd Street
Fairburn, GA 30213-0124
Attn: Deanna Waldrip

RE: PERMIT FOR FLAMMABLE/COMBUSTIBLE USE C1 LIQUIDS
South Fayette Station – 1552 Hwy 85 S
Fayetteville, GA 30215

Dear Owner:

Enclosed is your annual **Permit for Flammable/Combustible C1 Liquids**.
Please post this in plain view along with your Certificate of Fire Safety
Compliance, and business license.

Sincerely,

Fayette County Bureau of Fire Prevention

Anthony S. Koranda
Capt./Fire Marshal

AK: cn

Enclosure

2020_0032

Fayette County Fire

Flammable/Combustible Use C1

South Fayette Station

1552 Hwy 85 S

This permit is subject to the condition(s) cited below:

Valid, provided the internal or external features of the building are not materially altered, the type of occupancy remains unchanged or there has been no fire of serious consequence, or other hazard discovered. Certificate not transferable.

Effective: 3/1/2020

Expires: 3/1/2021

Fee \$25

X A. Koranda
A. Koranda, Capt./Fire Marshal

MISCELLANEOUS PAYMENT RECPT#: 7180397
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 02/26/20 TIME: 12:05
CLERK: 9597cano DEPT: FIRE SRVCS
CUSTOMER#: 0

PARCEL: UGST FEE_2020

CHG: INSP-F INSPECTION FEES 25.00

AMOUNT PAID: 25.00

PAID BY: GEO H. GREEN OIL, IN
PAYMENT METH: CHECK

REFERENCE: CK# 132187
UGST_2020

AMT TENDERED: 25.00
AMT APPLIED: 25.00
CHANGE: .00

COUNTY AGENDA REQUEST

Page 53 of 353

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. 1297-20, Estate of Norma R. Simmons, Owner, and, Nancy S. Lindsey, Executor, Agent, request to rezone 5.651 acres from A-R to R-75 to develop two (2) residential lots; property located in Land Lot 9 of the 5th District and fronts on SR 92 South and McBride Road.

Background/History/Details:

Staff recommends approval of Petition 1297-20.

The Planning Commission recommended approval of Petition 1297-20.

Brian Haren made a motion to recommend approval of Petition 1297-20. Danny England seconded the motion. The motion passed 4-0.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1297-20, Estate of Norma R. Simmons, Owner, and, Nancy S. Lindsey, Executor, Agent, request to rezone 5.651 acres from A-R to R-75 to develop two (2) residential lots; property located in Land Lot 9 of the 5th District and fronts on SR 92 South and 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. 1297-20

WHEREAS, Estate of Norma R. Simmons, Owner, and Nancy S. Lindsey, Executor, Agent, having come before the Fayette County Planning Commission on November 5, 2020, 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 5.651 from A-R to R-75, in the area of Highway 92 South, McBride Road, Land Lot 9 of the 5th District, for the purpose of developing a Residential; and

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

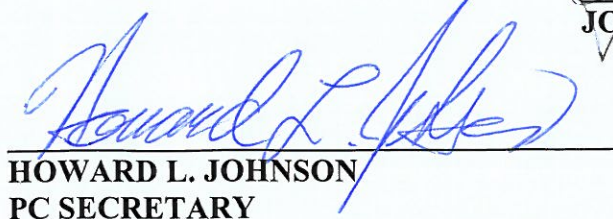
BE IT RESOLVED that the decision of the Fayette County Planning Commission, that said request be **APPROVED**.

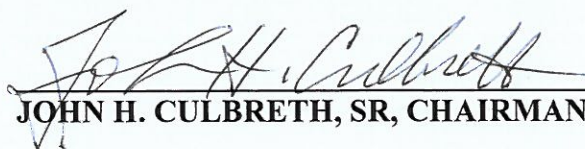
This decision is based on the following reasons:

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

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:


HOWARD L. JOHNSON
PC SECRETARY


JOHN H. CULBRETH, SR, CHAIRMAN

THE FAYETTE COUNTY PLANNING COMMISSION met on November 5, 2020 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John H. Culbreth, Chairman
Danny England, Vice-Chairman
Brian Haren (via *teleconference*)
Arnold Martin (via *teleconference*)

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

PUBLIC HEARING

- 1. Consideration of Petition No. 1297-20, Estate of Norma R. Simmons, Owner, and, Nancy S. Lindsey, Executor, Agent, request to rezone 5.651 acres from A-R to R-75 to develop two (2) residential lots. This property is located in Land Lot 9 of the 5th District and fronts on SR 92 South and McBride Road.**

Nancy Lindsey said this was her mother's property and her mother had recently passed away and for estate purposes they want to subdivide the property into two lots. She added that to subdivide they have to rezone the property. She said that from the staff report it was mentioned by GDOT that the existing driveway on SR 92 would need to be relocated and shared with the new lot but since the new lot would have to access McBride Road this would no longer be required.

Pete Frisina confirmed this was correct and that is why the second sentence under GDOT Comments states they support the new lot accessing McBride Road.

Chairman Culbreth asked if there were anyone present that would like to comment on the rezoning.

Philip Rossignol said he lived across McBride Road from the subject property and he was against the rezoning because every time it rains it floods McBride Road in front of his house so he does not want to see any additional houses and driveways on McBride Road. He added that all of this area is a five acre area and one time someone tried to get one acre lots and we all came up here and that didn't get approved. He stated that if this rezoning gets approved everybody else will want to rezone and subdivide their lots which will create more flooding issues. He said getting two more houses and all of those driveways on that property will be bad for us living on McBride Road and it will increase the flooding on my property from the road.

The Chairman asked if there was anyone else present that would like to make a comment

Page 2
November 5, 2020
PC Meeting

concerning the petition. Hearing none, he asked if there was anyone in the live streaming audience that would like to call into the meeting to make a comment. Hearing none after approximately one minute the Chairman said he would bring the item back to the board.

Danny England said there were a number of variances that would be required to subdivide the property and asked if the applicant was aware of the variances that would be need.

Nancy Lindsey acknowledged from the audience that she was aware.

Arnold Martin said he wanted to confirm that the opposition to this rezoning mentioned earlier was that building an additional home will increase flooding and is this flooding presently occurring on other properties in the area.

Philip Rossignol said his son lives next door and he also has to drive through all of the deep water on McBride Road to get to SR 92. He added that three or four new driveways will add a whole lot more problems because McBride Road is a cut through road. He said when the road floods they have to call the County to clear the pipes.

Arnold Martin asked Mr. Rossignol if he had any solutions to these problems that he has recommended to the County or has the County suggested anything to fix these problems.

Phillip Rossignol said the County needs to install a bigger pipe under McBride Road and make the ditches deeper.

Brian Haren said it sounds like the problem is the drainage capacity on the road and if that is the case it is not a problem with the property it is an issue for the County and one more driveway on McBride Road should not be a problem.

Phillip Rossignol said there is 100 acre area that drains down through this area and more driveways will make it worse. He added that if she is moving the driveways off of SR 92 to McBride Road because there are already two house on those properties and if they make two new lots that's four driveways on McBride Road.

Nancy Lindsey said the new lot is the only lot that will go out on McBride Road and the existing house would keep the current driveway on SR 92.

Danny England said water runoff is an engineering issue and not a zoning issue.

Phillip Rossignol said that's one driveway of McBride road and if they get a variance they could have more driveways on McBride Road.

Danny England said there is only one lot that will access McBride Road and that is the new lot.

Phillip Rossignol said I thought they were creating two new lots with two new driveways on McBride Road.

Page 3
November 5, 2020
PC Meeting

Danny England said the one of the lots contains an existing home and the home will keep the current driveway on SR 92.

Phillip Rossignol said his concerned that they will move the existing driveways from SR 92 to McBride Road.

Danny England said there will be one new driveway on McBride Road and drainage issues are an engineering issue not a zoning issue.

Phillip Rossignol said it's still going to create more drainage problems.

Chairman Culbreth said he can appreciate the issues with flooding but the Planning Commission's task is to consider the rezoning request.

Phillip Rossignol said this a five acre area.

Danny England said the zoning in the area is five acres but the Comprehensive Plan calls for two acre density north of McBride Road and three acre density south of McBride road.

Phillip Rossignol said that means that everybody with five acres could subdivide and that is going to create more problems if that happens.

Brian Haren made a motion to recommend approval the Petition No. 1297-20. Danny England seconded the motion. The motion passed 4-0.

PETITION NO: 1297-20

REQUESTED ACTION: A-R to R-75

PROPOSED USE: Residential

EXISTING USE: Residential

LOCATION: SR 92 South and McBride Road

DISTRICT/LAND LOT(S): 5th District, Land Lot(s) 9

OWNER: Estate of Norma R. Simmons

AGENT: Nancy S. Lindsey, Executor

PLANNING COMMISSION PUBLIC HEARING: November 5, 2020

BOARD OF COMMISSIONERS PUBLIC HEARING: December 10, 2020

APPLICANT'S INTENT

Applicant proposes to develop two (2) residential lots on 5.651 acres.

STAFF RECOMMENDATION

APPROVAL

1.

1297-20

INVESTIGATION

A. PROPERTY SITE

The subject property is a 5.651 acre tract fronting on SR 92 South and McBride Road in Land Lot 9 of the 5th District. SR 92 South is classified as a Major Arterial and McBride Road is classified as a Minor Arterial on the Fayette County Thoroughfare Plan. The subject property contains a single-family residence.

B. SURROUNDING ZONING AND USES

The general situation is a 5.651 acre tract that is zoned A-R. In the vicinity of the subject property is land which is zoned A-R and R-80. 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 (across SR 92)	26.34	A-R	Single-Family Residential	Rural Residential – 2 (1 Unit/2 Acres)
South (across McBride Road)	5.00	A-R	Single-Family Residential	Rural Residential – 3 (1 Unit/3 Acres)
	5.00	A-R	Single-Family Residential	Rural Residential – 3 (1 Unit/3 Acres)
	5.00	A-R	Single-Family Residential	Rural Residential – 3 (1 Unit/3 Acres)
East	3.90	R-80	Single-Family Residential	Rural Residential – 2 (1 Unit/2 Acre
West	5.02	A-R	Single-Family Residential	Rural Residential – 2 (1 Unit/2 Acre

C. COMPREHENSIVE PLAN

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

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone 5.651 acres from A-R to R-75 for the purpose of developing two (2) residential lots. There are three detached accessory structures on the subject property that are proposed to be on Tract 2. These accessory structures consist of a barn (1,741 sq. ft.) and shed (330 sq. ft.) indicated on the Concept Plan, and a well pump house (96 sq. ft.) not indicated on the Concept Plan but visible on aerials. This a total of three (3) accessory structures with a combined total square footage of 2,167 square feet which is compliant on a five (5) acre lot. The Concept Plan indicates that these three (3) accessory structures are proposed to be on a 3.083 acre lot which would make these accessory structures noncompliant as a 3.083 acre lot is limited to two (2) accessory structures and a limit of 1,800 total square feet. The Concept Plan also indicates that the barn and shed encroach into the setback.

Before a Minor Final Plat can be approved by staff, the owner/applicant must take measures to address the compliance of the accessory structures by either removing structures or seeking variances from the Zoning Board of Appeals as is applicable for compliance. Variances could include the following:

1. Variance to increase the number of accessory structures from two (2) to three (3);
2. Variance to increase the square footage from 1,800 square feet to 2,170 square feet;
3. Variances for the barn and shed to encroach into the setback.

Prior to the application of any variances distances will need to be certified by a surveyor for accuracy. Variances for architectural standards may also be required.

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.

E. DEPARTMENTAL COMMENTS

Water System

Fayette County Water System has reviewed the above referenced petition. The petition plat makes no mention of water service to this property. There is a 10" DIP water main along Hwy 92 at this location.

Public Works/Engineering

Although there are no recommended conditions of rezoning, Engineering offers the following information that may be helpful during consideration of this rezoning request and, if approved, the subsequent subdivision of the property.

1. All permitting or other requirements associated with SR 92 would be set by the Georgia Department of Transportation.
2. McBride Road is a collector. Fayette County would require right-of-way dedication along the frontage of McBride to provide 40 feet of right-of-way as measured from the road's centerline to the property line(s).
3. Fayette County's development regulations limit a shared driveway to serving two homes. As such, the existing drive can't serve 1475 Hwy 92 S, 1473 Hwy 92 S and the proposed Tract 1.
4. Fayette County's development regulations also require homes on parcels with multiple road frontages to provide access on the lower classification road. Therefore, the access to Tract 1 shall be from McBride Road.
5. Sight distance requirements for creation of a new lot shall also be satisfied.

Environmental Management

EMD has no comment on 1297-20.

Environmental Health Department

This Dept. has no objection to the proposal.

Fire

Approved

Georgia Department of Transportation

If this subdivision of property is approved, GDOT is requesting that the current driveway be relocated to the “new” property line and this one joint use access will service the two “new” residential properties and the existing corner lot will have to obtain an access agreement to connect to this new driveway. The property owner should be made aware of these stipulations.

GDOT would support that the new lot have access off of McBride Road, the applicant should be made aware that an additional access will not be granted from the state route.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from A-R to R-75 for the purpose of developing 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 Rural Residential -2 (1 Unit/2 Acres). This request conforms to the Fayette County Comprehensive Plan.
2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.
4. Existing conditions and the area's continuing development as a single-family residential district support this petition.

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

1297-20 Zoning

A-R

SR 92

A-R

**SUBJECT
PROPERTY**

R-80

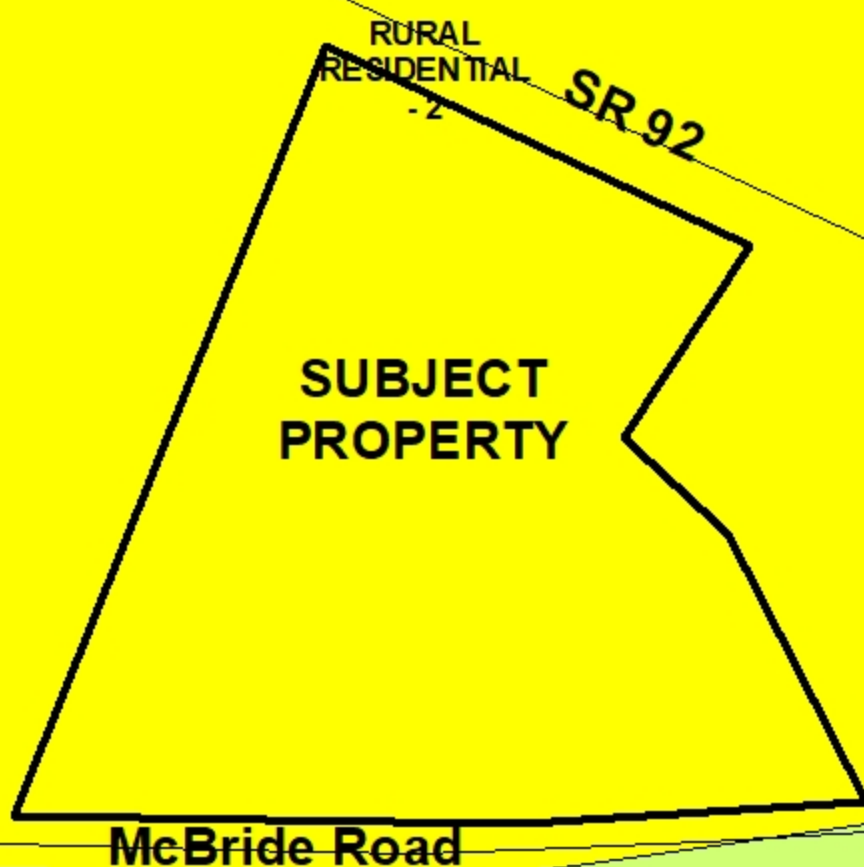
McBride Road

A-R

A-R

Jericho Lane

1297-20 Land Use Plan

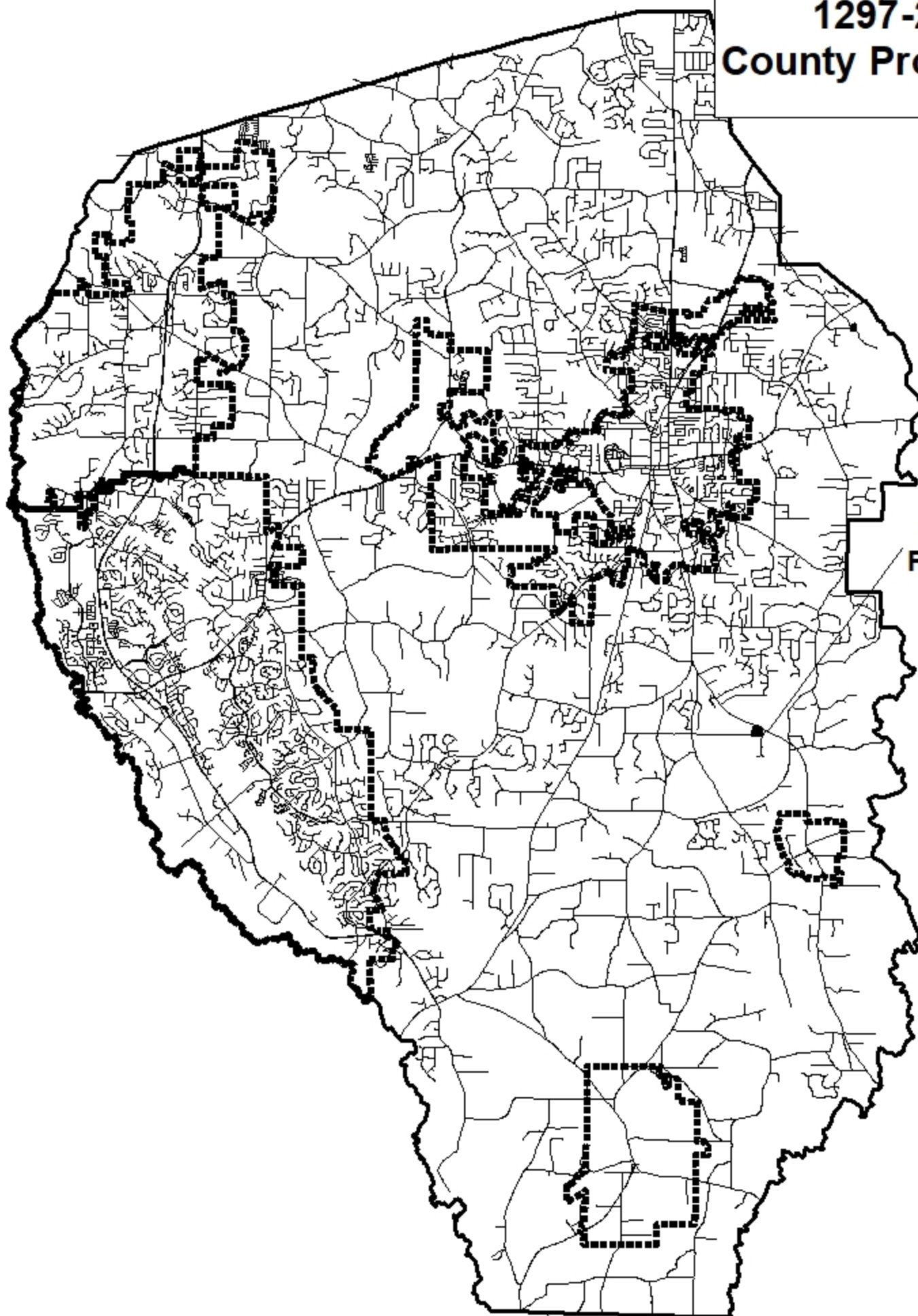


1297-20 Aerials



1297-20

County Proximity



**SUBJECT
PROPERTY**

1297-20

REZONING PLAT FOR 1473
HIGHWAY 92 S. FAYETTEVILLE, GA.

CURRENT ZONING - AR
PROPOSED ZONING - R-75
McBRIDE RD. CLASSIFICATION - COLLECTOR

TOTAL AREA
5.651 Acres
246152.9 S.F.

THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT.

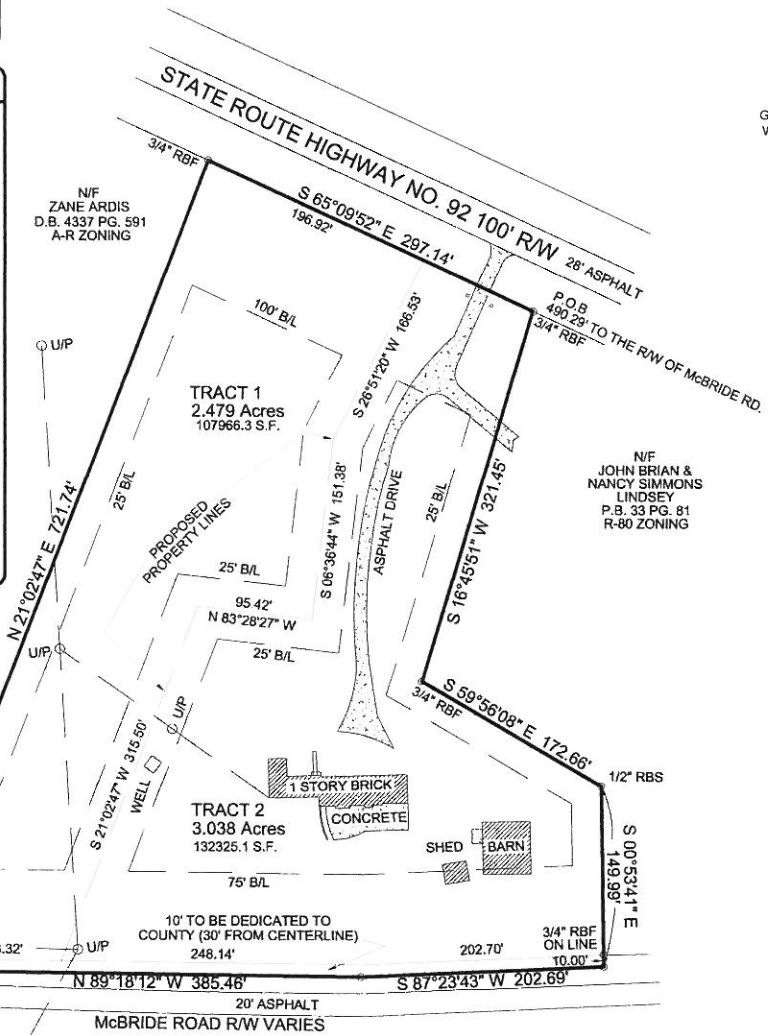
SURVEYORS CERTIFICATION

AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION 15-6-67, THE REGISTERED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP, PLAT, OR PLAN HAS BEEN APPROVED FOR FILING IN WRITING BY ANY AND ALL APPLICABLE MUNICIPAL COUNTY OR MUNICIPAL-COUNTY PLANNING COMMISSIONS OR MUNICIPAL OR COUNTY GOVERNING AUTHORITIES OR THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING THAT APPROVAL IS NOT REQUIRED. FINAL SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-6-67).

BY: SWINSON A. GASKINS, Sr. GEORGIA
REGISTERED LAND SURVEYOR NO.1620

DATE 08 / 24 / 2020



FLOOD STATEMENT
ACCORDING TO FEMA FLOOD INSURANCE RATE MAP OF FAYETTE COUNTY AND UNINCORPORATED AREAS DATED SEPTEMBER 26, 2008 MAP NUMBER 13113C0113E. NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA.

CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 29,242 FEET AND AN ANGULAR ERROR OF 00° 00' 01" 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 TS02 TOTAL STATION & GEOMAX CHAMPION PRO GPS ON THE TRIMBLE NETWORK.

LEGEND

- B/L=BUILDING LINE
- CL=CENTERLINE
- CTP=CRIMP TOP PIPE
- D.B.=DEED BOOK
- D.E.=DRAINAGE EASEMENT
- ESMT.=EASEMENT
- EP=EDGE OF PAVEMENT
- F.W.P.D.=FIELD WORK PERFORMED DATE
- L.L.=LAND LOT
- L.L.L.=LAND LOT LINE
- N/F=NOW OR FORMERLY
- P.B.=PLAT BOOK
- PG.=PAGE
- P.O.B.=POINT OF BEGINNING
- P/P=POWER POLE
- RBF=REBAR FOUND
- RBS=REBAR SET
- R/W=RIGHT OF WAY
- U/P=UTILITY POLE
- O/H=OVER HEAD

Prepared For: NANCY LINDSEY			
F.W.P.D.: 08/14/20	Date: 08/24/20		
Scale: 1" = 100'	Job No: SA20-106A		
County: FAYETTE, GA	Land Lot: 9	District: 5TH	

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

PROPERTY OWNERS: Norma R. Simmons (Estate) OF

MAILING ADDRESS: 1473 Hwy 92 South, Fayetteville, GA 30215

PHONE: NA E-MAIL: N/A

AGENT FOR OWNERS: Nancy S. Lindsey, Executor

MAILING ADDRESS: 1475 Hwy 92 South, Fayetteville, GA 30215

PHONE: 770-310-5193 E-MAIL: 

PROPERTY LOCATION: LAND LOT 9 LAND DISTRICT 5th PARCEL d5d5d26
LAND LOT _____ LAND DISTRICT _____ PARCEL _____

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 5.651

EXISTING ZONING DISTRICT: A-R PROPOSED ZONING DISTRICT: A-75

ZONING OF SURROUNDING PROPERTIES: A-R ; R-80 (WEST)

PRESENT USE OF SUBJECT PROPERTY: SINGLE FAMILY RESIDENTIAL

PROPOSED USE OF SUBJECT PROPERTY: SINGLE FAMILY RESIDENTIAL

LAND USE PLAN DESIGNATION: RURAL RESIDENTIAL 2 (1 Unit / 2 Acres)

NAME AND TYPE OF ACCESS ROAD: State Hwy 92, McBride Road

LOCATION OF NEAREST WATER LINE: State Route 92

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1297-20

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: Harold L. [Signature] Date: 9/21/2020

DATE OF PLANNING COMMISSION HEARING: NOVEMBER 5th, 2020

DATE OF COUNTY COMMISSIONERS HEARING: NOVEMBER 10th, 2020 2 PM

Received from Nancy S. Lindsey a check in the amount of \$ 250.00 for application filing fee, and \$ 40.00 for deposit on frame for public hearing sign(s).

Date Paid: 9/21/2020 Receipt Number: _____

1297-20

Page 68 of 353

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

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

Norma R. Summons (Estate of)

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0505 626

(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) 9 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 5.65 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Nancy S. Lindsey, Executor 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 S. Lindsey, Executor
Signature of Property Owner 1

1475 Hwy 92 South
Address Fayetteville GA
30215

[Signature]
Signature of Notary Public

9/21/2024
Date

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Property Owner 3

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

NAME: Norma R. Simmons (Estate of) PETITION NUMBER: _____

ADDRESS: 1473 Hwy 92 South Fayetteville, GA 30215

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

Nancy S. Lindsey (Executor) 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 \$ _____ to cover all expenses of public hearing. He/She petitions the above named to change its classification to R-75.

This property includes: (check one of the following)

☐ See attached legal description on recorded deed for subject property or

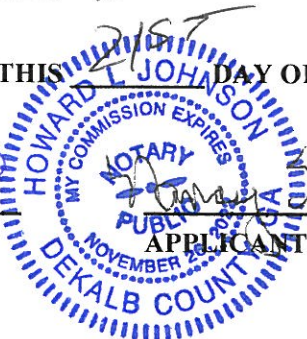
☐ Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 5th day of NOVEMBER, 2020 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 10th day of NOVEMBER, 2020 at 12:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 21ST DAY OF SEPTEMBER, 2020

Howard L. Johnson
NOTARY PUBLIC



Nancy S. Lindsey, Executor
APPLICANT'S SIGNATURE

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Norma R. Simmons (Estate of), said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, 10' feet of right-of-way along MCBAIDE ROAD 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:

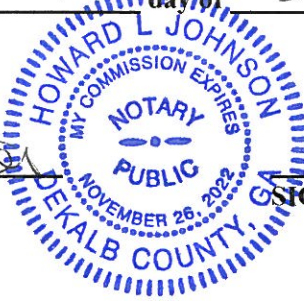
Local Street (Minor Thoroughfare) 60 foot right-of-way (30' measured from each side of road centerline)

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 21ST day of SEPTEMBER, 2020.

Nancy J. Lindsey, Executive
SIGNATURE OF PROPERTY OWNER



SIGNATURE OF PROPERTY OWNER

Howard L. Johnson
NOTARY PUBLIC

COUNTY AGENDA REQUEST

Page 71 of 353

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petitions 1298-20 A, B, C, D, E & F, R. Alexander Family Limited Partnership & Smith Living Trust, Owner, and, Trent Foster, Allegiance Development Group, LLC, request to rezone a total of 90.03 acres from A-R to R-50 for a residential subdivision; property located in Land Lot 104 of the 7th District and fronts on Dogwood Trail and Crabapple Lane.

Background/History/Details:

This rezoning request is an assemblage of six (6) tracts to develop a residential subdivision with 50 lots. Each individual tract will require a separate public hearing. Staff recommends approval of Petitions 1298-20 A-F with Conditions
Brian Haren made a motion to recommend approve the Petition No. 1298-20A with Conditions. Danny England seconded the motion. The motion passed 4-0.
Brian Haren made a motion to recommend approve the Petition No. 1298-20B with Conditions. Danny England seconded the motion. The motion passed 4-0.
Brian Haren made a motion to recommend approve the Petition No. 1298-20C with Conditions. Danny England seconded the motion. The motion passed 4-0.
Brian Haren made a motion to recommend approve the Petition No. 1298-20D with Conditions. Danny England seconded the motion. The motion passed 4-0.
Brian Haren made a motion to recommend approve the Petition No. 1298-20E with Conditions. Danny England seconded the motion. The motion passed 4-0.
Brian Haren made a motion to recommend approve the Petition No. 1298-20F with Conditions. Danny England seconded the motion. The motion passed 4-0.

What action are you seeking from the Board of Commissioners?

Approval of Petitions 1298-20 A, B, C, D, E & F, R. Alexander Family Limited Partnership & Smith Living Trust, Owner, and, Trent Foster, Allegiance Development Group, LLC, request to rezone a total of 90.03 acres from A-R to R-50 for a residential subdivision; property located in Land Lot 104 of the 7th District and fronts on Dogwood Trail and Crabapple Lane.

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. 1298-20-A

WHEREAS, , Owner, and Trent Foster, Allegiance Development Group, LLC, Agent, having come before the Fayette County Planning Commission on November 5, 2020, 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 9.661 acres from A-R to R-50, in the area of Dogwood Trail, Land Lot 104 of the 7th District, for the purpose of developing a Residential; and

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

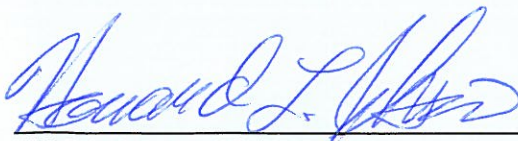
BE IT RESOLVED that the decision of the Fayette County Planning Commission, that said request be **APPROVED**.

This decision is based on the following reasons:


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

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:



HOWARD L. JOHNSON
PC SECRETARY



JOHN H. CULBRETH, SR, CHAIRMAN

**STATE OF GEORGIA
COUNTY OF FAYETTE**

RESOLUTION

NO. 1298-20-B

WHEREAS, , Owner, and Trent Foster, Allegiance Development Group, LLC, Agent, having come before the Fayette County Planning Commission on November 5, 2020, 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 43.847 acres from A-R to R-50, in the area of Dogwood Trail, Land Lot 104 of the 7th District, for the purpose of developing a Residential; and

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

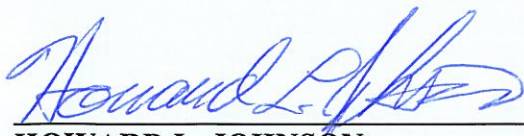
BE IT RESOLVED that the decision of the Fayette County Planning Commission, that said request be **APPROVED**.

This decision is based on the following reasons:

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

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:



HOWARD L. JOHNSON
PC SECRETARY



JOHN H. CULBRETH, SR, CHAIRMAN

**STATE OF GEORGIA
COUNTY OF FAYETTE**

RESOLUTION

NO. 1298-20-C

WHEREAS, , Owner, and Trent Foster, Allegiance Development Group, LLC, Agent, having come before the Fayette County Planning Commission on November 5, 2020, 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 5.00 acres from A-R to R-50, in the area of Dogwood Trail, Land Lot 104 of the 7th District, for the purpose of developing a Residential; and

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


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

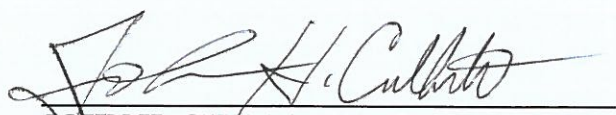
This decision is based on the following reasons:

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

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:


HOWARD L. JOHNSON
PC SECRETARY


JOHN H. CULBRETH, SR, CHAIRMAN

**STATE OF GEORGIA
COUNTY OF FAYETTE**

RESOLUTION

NO. 1298-20-D

WHEREAS, , Owner, and Trent Foster, Allegiance Development Group, LLC, Agent, having come before the Fayette County Planning Commission on November 5, 2020, 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 27.519 acres from A-R to R-50, in the area of Dogwood Trail, Land Lot 104 of the 7th District, for the purpose of developing a Residential; and

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


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

This decision is based on the following reasons:

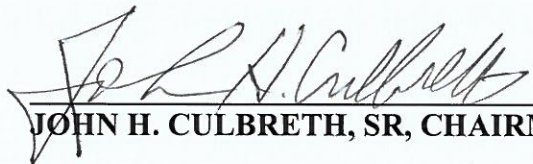
In compliance with the Fayette County Comprehensive Plan.
Compatible with the surrounding area.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:



HOWARD L. JOHNSON
PC SECRETARY



JOHN H. CULBRETH, SR, CHAIRMAN

**STATE OF GEORGIA
COUNTY OF FAYETTE**

RESOLUTION

NO. 1298-20-E

WHEREAS, , Owner, and Trent Foster, Allegiance Development Group, LLC, Agent, having come before the Fayette County Planning Commission on November 5, 2020, 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 2.025 acres from A-R to R-50, in the area of Dogwood Trail, Land Lot 104 of the 7th District, for the purpose of developing a Residential; and

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

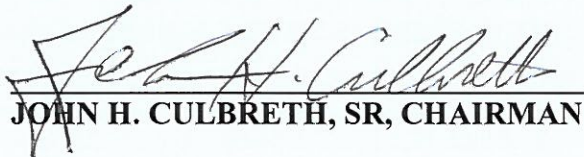
BE IT RESOLVED that the decision of the Fayette County Planning Commission, that said request be **APPROVED**.


This decision is based on the following reasons:

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

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:


JOHN H. CULBRETH, SR, CHAIRMAN


HOWARD L. JOHNSON
PC SECRETARY

STATE OF GEORGIA

**STATE OF GEORGIA
COUNTY OF FAYETTE**

RESOLUTION

NO. 1298-20-F

WHEREAS, , Owner, and Trent Foster, Allegiance Development Group, LLC, Agent, having come before the Fayette County Planning Commission on November 5, 2020, 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 1.977 acres from A-R to R-50, in the area of Dogwood Trail, Land Lot 104 of the 7th District, for the purpose of developing a Residential; and

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

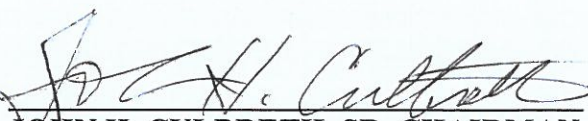
BE IT RESOLVED that the decision of the Fayette County Planning Commission, that said request be **APPROVED**.

This decision is based on the following reasons:

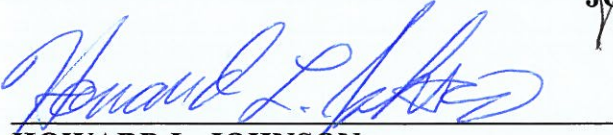
In compliance with the Fayette County Comprehensive Plan.
Compatible with the surrounding area.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:



JOHN H. CULBRETH, SR, CHAIRMAN



**HOWARD L. JOHNSON
PC SECRETARY**

STATE OF GEORGIA

THE FAYETTE COUNTY PLANNING COMMISSION met on November 5, 2020 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John H. Culbreth, Chairman
Danny England, Vice-Chairman
Brian Haren (via *teleconference*)
Arnold Martin (via *teleconference*)

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

PUBLIC HEARING

- 5a. Consideration of Petition No. 1298-20A, R. Alexander Family Limited Partnership & Smith Living Trust, Owner, and, Trent Foster, Allegiance Development Group, LLC, request to rezone 9.661 acres from A-R to R-50 for a residential subdivision. This property is located in Land Lot 104 of the 7th District and fronts on Dogwood Trail and Crabapple Lane.**
- 5b. Consideration of Petition No. 1298-20B, R. Alexander Family Limited Partnership & Smith Living Trust, Owner, and, Trent Foster, Allegiance Development Group, LLC, request to rezone 48.837 acres from A-R to R-50 for a residential subdivision. This property is located in Land Lot 104 of the 7th District and fronts on Dogwood Trail and Crabapple Lane.**
- 5c. Consideration of Petition No. 1298-20C, R. Alexander Family Limited Partnership & Smith Living Trust, Owner, and, Trent Foster, Allegiance Development Group, LLC, request to rezone 5.00 acres from A-R to R-50 for a residential subdivision. This property is located in Land Lot 104 of the 7th District and fronts on Dogwood Trail and Crabapple Lane.**
- 5d. Consideration of Petition No. 1298-20D, R. Alexander Family Limited Partnership & Smith Living Trust, Owner, and, Trent Foster, Allegiance Development Group, LLC, request to rezone 27.519 acres from A-R to R-50 for a residential subdivision. This property is located in Land Lot 104 of the 7th District and fronts on Dogwood Trail and Crabapple Lane.**
- 5e. Consideration of Petition No. 1298-20E, R. Alexander Family Limited Partnership & Smith Living Trust, Owner, and, Trent Foster, Allegiance Development Group, LLC, request to rezone 2.025 acres from A-R to R-50 for a residential subdivision. This property is located in Land Lot 104 of the 7th District and fronts on Dogwood Trail and Crabapple Lane.**

- 5f. Consideration of Petition No. 1298-20F, R. Alexander Family Limited Partnership & Smith Living Trust, Owner, and, Trent Foster, Allegiance Development Group, LLC, request to rezone 1.997 acres from A-R to R-50 for a residential subdivision. This property is located in Land Lot 104 of the 7th District and fronts on Dogwood Trail and Crabapple Lane.**

Pete Frisina explained that this rezoning involves six properties that have been assembled to create one residential subdivision. He added that each individual property/petition will need to be voted on separately. He suggested that the rezoning petitions be discussed in their totality under this first petition and if the public wanted to make comments under each individual petition they would be free to do so.

Trent Foster said this is a request to rezone 90 acres to develop a residential subdivision with one acre lots. He added that the request complies with the new Comprehensive Plan for one acre density in this area and he always asks for what the Comprehensive Plan has in place. He stated that he has two one acre subdivisions just north across Dogwood Trail in the Town of Tyrone. He added that he is developing a one acre subdivision on the adjacent property to the east that is in the County. He said that they are in agreement with the recommended conditions of rezoning including no new driveway cuts on Crabapple Lane and dedicating an easement for the storm water SPLOST project on Crabapple Lane. He added that when you develop a subdivision the project has to be engineered to maintain the existing storm water flow which is released over time which can be better controlled.

Chairman Culbreth asked if there were anyone present that would like to comment on the rezoning 1298-20A.

Amanda Ott said she resides in Kedron Hills Subdivision to the south in Peachtree City and previously this property was up for annexation into Peachtree City proposed with lots that were comparable to the lots in Kedron Hills and they were not comparable. She added that she has no problem with the dirt road (Crabapple Lane) but if that gets paved with how many homes and you are going to have people cutting through Kedron Hills with over 200 homes to get into Peachtree City. She said Dogwood Trail is getting more traffic as it is used as a cut through from SR 54 to SR 74 and more subdivisions will add to this problem.

Mark Ott said he resides in Kedron Hills Subdivision to the south in Peachtree City and he is concerned with the traffic in the area. He added that he is concerned that the dirt road will be paved bringing more traffic into Kedron Hills Subdivision as a cut through from Peachtree Parkway. He stated if you rezone 90 acres for 90 new homes and everybody has two cars that's 180 cars that will create traffic issues.

Pete Frisina said while there are 90 acres in the rezoning only about 50 homes are being proposed which is density slightly less than two acres per home.

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PC Meeting

Mark Ott said that is still 50 homes that will add to the traffic problem. He added that they already have a problem in Kedron Hills with people cutting through the subdivision and speeding.

The Chairman asked if there was anyone else present that would like to make a comment concerning the petition 1298-20A. Hearing none, he asked if there was anyone in the live streaming audience that would like to call into the meeting to make a comment. Hearing none after approximately one minute the Chairman said he would bring the item back to the board.

Pete Frisina said we will go through all of the petitions for public comments. He asked if there was anyone else present that would like to make a comment concerning the petition 1298-20B. Hearing none, he asked if there was anyone in the live streaming audience that would like to call into the meeting to make a comment. Hearing none after approximately one minute he said we will move on to the next petition.

Pete Frisina asked if there was anyone else present that would like to make a comment concerning the petition 1298-20C. Hearing none, he asked if there was anyone in the live streaming audience that would like to call into the meeting to make a comment. Hearing none after approximately one minute he said we will move on to the next petition.

Pete Frisina asked if there was anyone else present that would like to make a comment concerning the petition 1298-20D. Hearing none, he asked if there was anyone in the live streaming audience that would like to call into the meeting to make a comment. Hearing none after approximately one minute he said we will move on to the next petition.

Pete Frisina asked if there was anyone else present that would like to make a comment concerning the petition 1298-20E. Hearing none, he asked if there was anyone in the live streaming audience that would like to call into the meeting to make a comment. Hearing none after approximately one minute he said we will move on to the next petition.

Pete Frisina asked if there was anyone else present that would like to make a comment concerning the petition 1298-20F. Hearing none, he asked if there was anyone in the live streaming audience that would like to call into the meeting to make a comment. Hearing none after approximately one minute he said that are all of the petitions.

Arnold Martin asked if Mr. Foster would like to comment on the issue of traffic.

Trent Foster said the topic of paving Crabapple Lane came from the annexation discussion with Peachtree City. He said that annexation was not approved by Peachtree City. He stated one of the recommended conditions on this rezoning is to build a multi-use path connecting to Crabapple Lane which will allow bicycle or golf cart access to Peachtree City.

Danny England stated that there are recommended conditions for these petitions and do we need to read them for each separate petition.

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Pete Frisina said the conditions are in the staff report so they are part of the record and Mr. Foster had stated earlier that he was in agreement with the recommended conditions so we don't have to read them.

Brian Haren made a motion to recommend approve the Petition No. 1298-20A with conditions. Danny England seconded the motion. The motion passed 4-0.

Brian Haren made a motion to recommend approve the Petition No. 1298-20B with conditions. Danny England seconded the motion. The motion passed 4-0.

Brian Haren made a motion to recommend approve the Petition No. 1298-20C with conditions. Danny England seconded the motion. The motion passed 4-0.

Brian Haren made a motion to recommend approve the Petition No. 1298-20D with conditions. Danny England seconded the motion. The motion passed 4-0.

Brian Haren made a motion to recommend approve the Petition No. 1298-20E with conditions. Danny England seconded the motion. The motion passed 4-0.

Brian Haren made a motion to recommend approve the Petition No. 1298-20F with conditions. Danny England seconded the motion. The motion passed 4-0.

PETITION NO: 1298-20 A-F

REQUESTED ACTION: A-R to R-50

PROPOSED USE: Residential

EXISTING USE: Residential

LOCATION: Dogwood Trail & Crabapple Lane

DISTRICT/LAND LOT(S): 7th District, Land Lot 104

OWNER: R. Alexander Family Limited Partnership & Smith Living Trust

AGENT: Trent Foster, Allegiance Development Group, LLC

PLANNING COMMISSION PUBLIC HEARING: November 5, 2020

BOARD OF COMMISSIONERS PUBLIC HEARING: December 10, 2020

APPLICANT'S INTENT

Applicant proposes to rezone 90.03 acres from A-R to R-50 for a residential subdivision.

STAFF RECOMMENDATION

APPROVAL WITH SIX (6) CONDITIONS

1.

1298-20

INVESTIGATION

A. PROPERTY SITE

The subject property is a 90.03 acre tract fronting on Dogwood Trail and Crabapple Lane in Land Lot 104 of the 7th District. Dogwood Trail is classified as a Collector road and Crabapple Lane is classified as a County Local road on the Fayette County Thoroughfare Plan. The subject property contains four (4) single-family residences.

B. SURROUNDING ZONING AND USES

The general situation is a 90.03 acre tract that is zoned A-R. In the vicinity of the subject property is land which is zoned A-R, R-50, R-22 (PTC), R-20 (Tyrone) and A-R (Tyrone). 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 (across Dogwood Trail)	1.0 Nine – 1 + acre lots in Stone- crest Sub- division (Tyrone)	A-R R-20 (Tyrone)	Single-Family Residence Single-Family Subdivision (Tyrone)	Low Density Residential (1 Unit/1 Acre) Potential Annexation Area (Tyrone Future Development Map)
South	Nine - ½ + acre lots in Kedron Hills Sub- division (PTC)	R-22 (PTC)	Single-Family Subdivision (PTC)	Single Family Medium (.25 to 1.0 acres) (PTC)
East	49.9	R-50	Developing Single- Family Subdivision	Low Density Residential (1 Unit/1 Acre)
West (across Crabapple Lane in Tyrone)	31.0 10.86	A-R (Tyrone) A-R (Tyrone)	Single-Family Residence Single-Family Residence	Rural-Estate Residential (Tyrone)

C. COMPREHENSIVE PLAN

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

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone A-R from to R-50 for the purpose of developing a Residential Subdivision. The subject property consists of six (6) assembled lots. A 7.998 acre tract was excluded from the rezoning to remain A-R due to an existing cell tower. A cell tower is not permitted in the R-50 Zoning District. Staff will recommend a condition that the 7.998 acre tract be platted as a Minor Final Plat in conjunction with the Major Final Plat for the proposed subdivision. The Minor Final Plat for the cell tower tract shall indicate that the cell tower meets the dimension requirements of the new lot.

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.

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.

The Concept Plan depicts a Proposed Mailbox Cluster within the subdivision near the entrance on Dogwood Trail. Mail Cluster Box Units (CBUs) are regulated in the Zoning Ordinance as follows:

Sec. 110-107. Mail Cluster Box Units (CBUs)

CBUs and associated shelter structures shall be prohibited within the public right-of-way and shall not be placed on private property within a subdivision. CBUs shall be placed on a lot (see Sec. 110-170., (c)) under the ownership of the homeowners' association (HOA) in a residential subdivision, or a property owner's association (POA) or developer/property management entity in a nonresidential subdivision. Any shelter structure shall fit within the aforementioned lot. Mail CBUs do not have to meet setbacks.

F. DEPARTMENTAL COMMENTS

Water System

Fayette County Water System has reviewed the above referenced petition. The concept plan makes no mention of water service to this proposed development. FCWS has no further comment at this time.

Public Works/Engineering

Recommended Conditions of Rezoning

1. There shall be no direct residential access onto Dogwood Trail.
2. There shall be no new direct residential access onto Crabapple Lane. The three existing driveways onto Crabapple Lane may remain.
3. Developer shall provide a 10-ft wide asphalt multi-use path connecting an internal street of the subdivision to Crabapple Lane. The path shall be within a minimum 20-wide permanent access easement that is provided for public use.

The purpose of conditions 1 & 2 is to prevent the construction of multiple homes and driveways onto Crabapple Lane and Dogwood Trail. The proposed concept plan shows five drives onto Crabapple Lane (including the three existing) and none onto Dogwood Trail.

General Comments

In addition to the recommended conditions, Engineering offers the following information that may be helpful during consideration of this rezoning request and, if approved, the subsequent subdivision of the property.

1. Dogwood Road is a collector. For Final Plat approval, Fayette County will require a ROW dedication along the Dogwood Trail frontage to provide 40 feet of ROW as measured from the existing road centerline.
2. Crabapple Lane is a local road. For Final Plat approval, Fayette County will require a ROW dedication along the Crabapple Lane frontage to provide 30 feet of ROW as measured from the existing road centerline.
3. Access to Dogwood Trail for these lots will be predominately from SR 74 and Tyrone Road. There is a traffic signal at Dogwood Trail and SR 74. The intersection of Dogwood Tr. and Tyrone is stop-controlled on Dogwood.
4. According to GDOT on-line traffic data, the annual average daily traffic for the east side of Dogwood Trail in 2019 was 3,440 trips.

5. The project, with 53 lots, would add 498 trips per day. This would increase the existing traffic on Dogwood Trail by 14.5%. This assumes all lots have ingress/egress onto Dogwood Trail.
6. Minimum sight distances will have to be satisfied for the proposed new road intersection. Engineering has not field checked at this time.

Environmental Management

Recommended Conditions of Rezoning

1. Require a permanent easement be dedicated to Fayette County for the construction of an approved 2017 SPLOST project. The location shall be adjacent to the twin 72-inch culverts located under Crabapple Road extending onto the subject property. The easement shall begin at the newly dedicated right-of-way line and shall be 40 foot wide (west to east) and 100 foot long (north to south) and centered along the stream.
2. The buffer and setback along the creek remain as shown on the concept plan provided as a 100-foot buffer and a 50-foot impervious area setback. This is consistent with the environmental planning criteria and Peachtree City's watershed protection buffer requirements. Based on Fayette County's Watershed protection ordinance currently the stream would have a 50-foot buffer with a 25-foot setback.

General Comments

- Floodplain** The property DOES contain floodplain per FEMA FIRM panel 13113C0079E dated Sept 26, 2008. The property DOES contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study.
- Wetlands** The property DOES NOT contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map, but a wetlands delineation will be required as part of development of the subdivision.
- Groundwater** The property IS within a groundwater recharge area.
- Stormwater** This development WILL BE subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed as a common development.

Environmental Health Department

No objection to proposal. However, prior to obtaining this department's signature for the Final Plat the following items will need to be addressed. For lots 10 and 17 the well and septic lines will need to be located as they are likely crossing the proposed property lines. The same is likely of lots 52 and 53 however, they are not in our records. A subdivision review application will need to be submitted (\$300 + \$50 per lot) along with a to-scale red stamped level 3 soils report, with certificate of insurance. Note) Lot 53 should be listed on #6 of the general site data.

Fire

Approved

Peachtree City

- FEMA Zone A floodplain on property, detailed study needs to be performed for existing and future conditions down to drainage basin of 100 Acres.
- Streams and wetlands exist and need to be identified and protected. Our ordinance would have 100 ft undisturbed buffer plus 50 ft no impervious setback from Tributary 8 to Lake Kedron, others would be 50 and 75 respectively. Wetlands would have 25ft undisturbed buffer around them.
- Part of development is in groundwater recharge area and would have to comply with the Groundwater Recharge ordinance section 1008. Deals with septic lots, etc.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from A-R to R-50 for the purpose of developing a Residential Subdivision. 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) and Environmentally Sensitive Areas (floodplain). This request conforms to the Fayette County Comprehensive Plan.
2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.
4. Existing conditions and the area's continuing development as a single-family residential district support this petition.

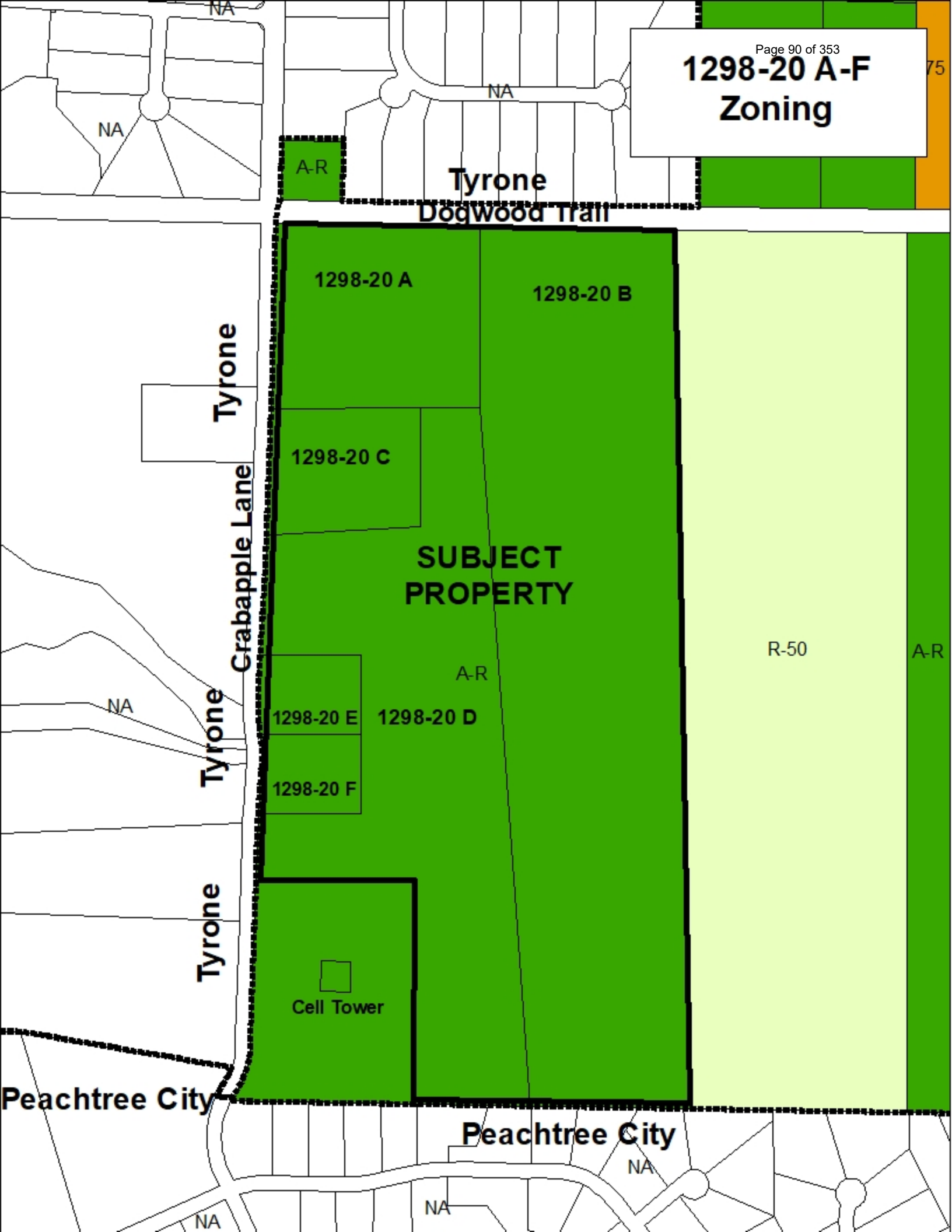
Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL WITH SIX (6) CONDITIONS.**

RECOMMENDED CONDITIONS

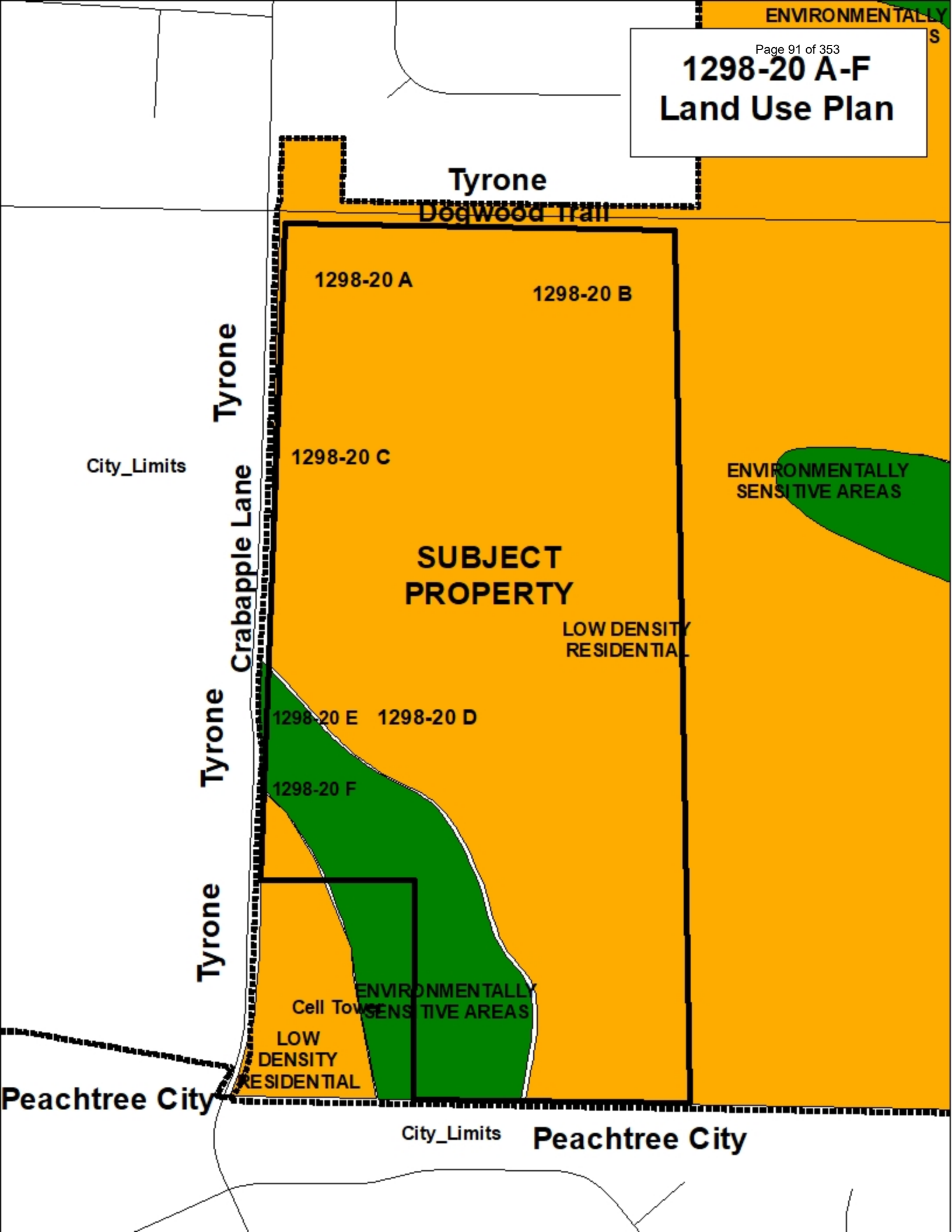
If this petition is approved by the Board of Commissioners, it should be approved **R-50 CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. That the 7.998 acre A-R cell tower tract be platted as a Minor Final Plat in conjunction with the Major Final Plat for the proposed subdivision. The Minor Final Plat for the cell tower tract shall illustrate that the cell tower meets the dimension requirements of the new lot.
2. That no lot shall have direct driveway access onto Dogwood Trail. *(This condition will be enforced by the Engineering/Public Works Department.)*
3. That with the exception of the three (3) existing driveways on Crabapple Lane, no new driveways cuts shall be allowed on Crabapple Lane. *(This condition will be enforced by the Engineering/Public Works Department.)*
4. That the developer shall provide a 10-ft wide asphalt multi-use path connecting an internal street of the subdivision to Crabapple Lane. The path shall be within a minimum 20-wide permanent access easement that is provided for public use. Said 10-ft wide asphalt multi-use path and 20-wide permanent access easement shall be indicated on the Major Final Plat. *(This condition will be verified by the Engineering/Public Works Department.)*
5. That a permanent easement be dedicated at no cost to Fayette County for the construction of an approved 2017 SPLOST project. The location shall be adjacent to the twin 72-inch culverts located under Crabapple Road extending onto the subject property. The easement shall begin at the newly dedicated right-of-way line and shall be 40 foot wide (west to east) and 100 foot long (north to south) and centered along the stream. Said permanent easement area shall be depicted on the Major Final Plat and a related permanent easement recorded with the Fayette County Clerk of Courts. *(This condition will be verified by the Environmental Management Department.)*
6. That the buffer and setback along the creek remain as shown on the concept plan provided as a 100-foot buffer and a 50-foot impervious area setback. This is consistent with the environmental planning criteria and Peachtree City's watershed protection buffer requirements. Based on Fayette County's Watershed protection ordinance currently the stream would have a 50-foot buffer with a 25-foot setback. Said buffer and setback shall be indicated on the Major Final Plat. *(This condition will be verified by the Environmental Management Department.)*

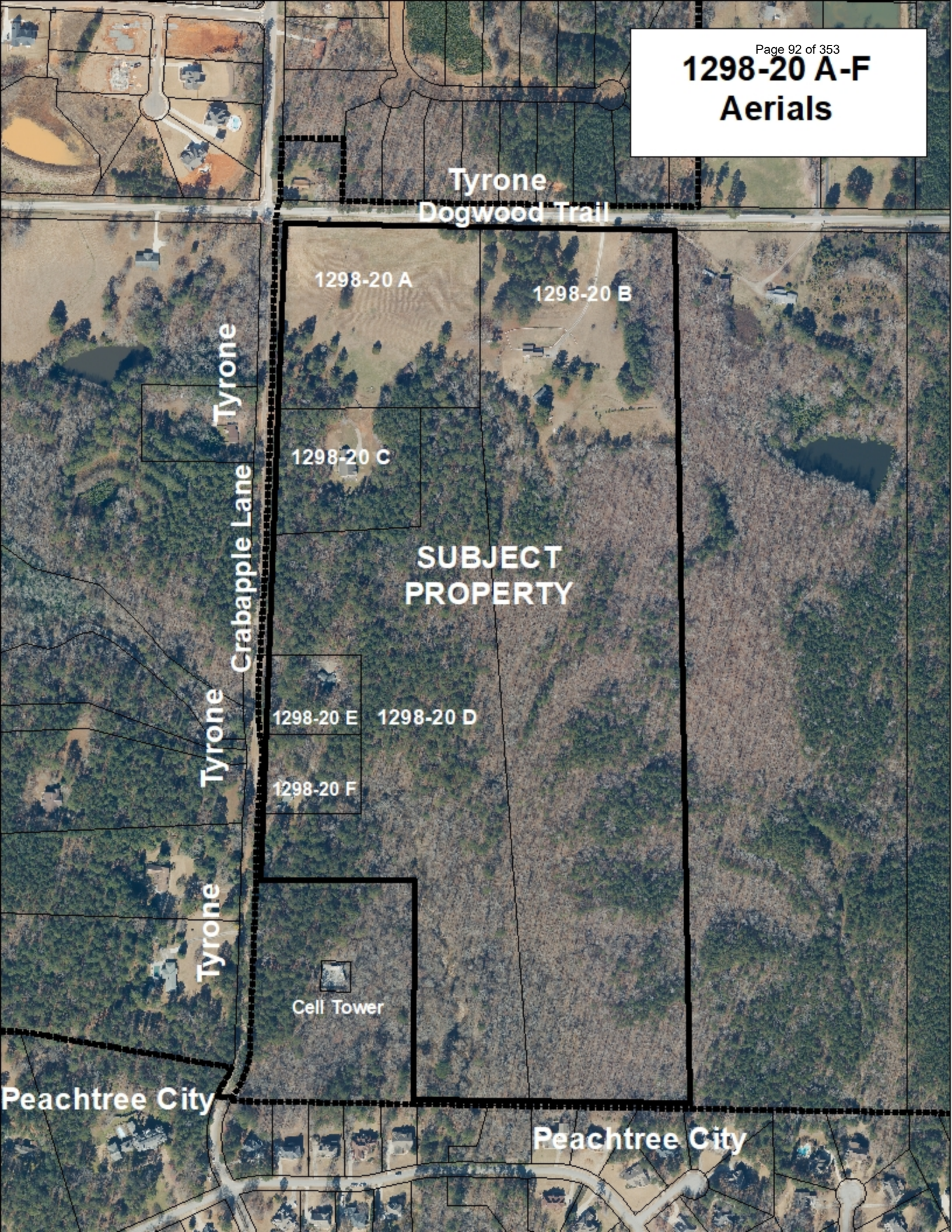
1298-20 A-F Zoning



1298-20 A-F Land Use Plan



1298-20 A-F Aerials



Tyrone
Dogwood Trail

1298-20 A

1298-20 B

1298-20 C

SUBJECT
PROPERTY

1298-20 E

1298-20 D

1298-20 F

Cell Tower

Tyrone

Crabapple Lane

Tyrone

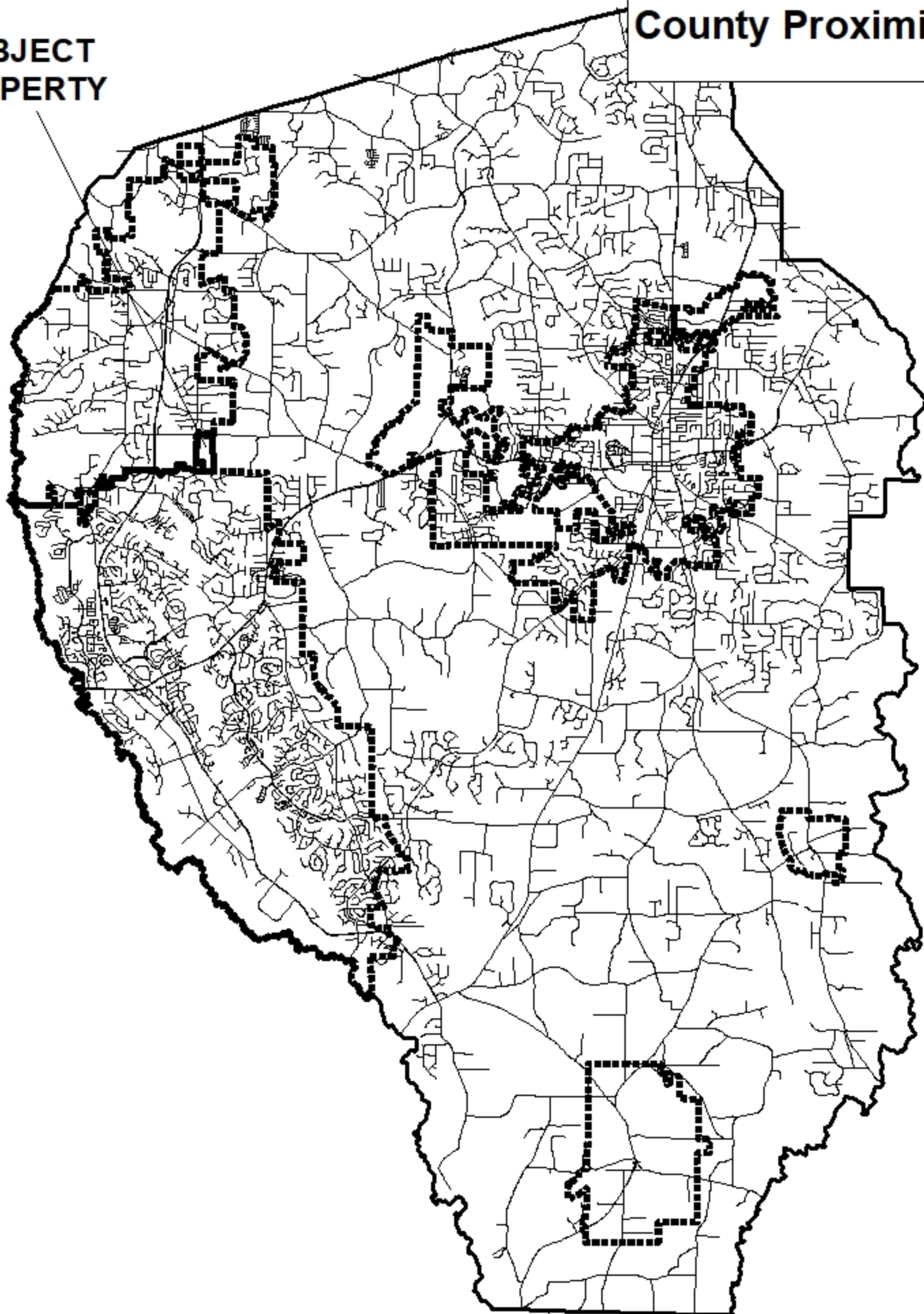
Tyrone

Peachtree City

Peachtree City

1298-20 A-F County Proximity

**SUBJECT
PROPERTY**



CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	32.55'	304.67'	32.53"	N 23°04'30" E
C2	174.49'	539.50'	173.73'	N 15°44'45" E
C3	371.64'	3713.64'	5.50'	N 06°29'55" E
C4	151.86'	3713.64'	151.85'	N 05°17'05" E
C5	113.93'	595.60'	113.75'	N 00°57'44" W
C6	28.60'	595.60'	28.60'	N 07°49'04" W
C7	119.58'	443.13'	119.22'	N 02°38'33" W
C8	117.73'	1950.22'	117.71'	N 03°35'16" E
C9	53.52'	1950.22'	53.51'	N 06°06'12" E

GENERAL SITE DATA:

1. TOTAL AREA OF SITE: 98.028 ACRES
2. TOTAL AREA OF SITE PROPOSED ZONING R-50: 90.030 ACRES (LOT 1-6)
3. TOTAL AREA OF SITE TO REMAIN ZONING A-R: 7.998 ACRES (LOT 7)
4. TOTAL AREA OF SITE TO REMAIN ZONING R-50 (SINGLE-FAMILY RESIDENTIAL DISTRICT)
5. PROPERTY CURRENT ZONING: A-R (AGRICULTURAL-RESIDENTIAL DISTRICT)
6. PROPERTY PROPOSED ZONING: R-50 (SINGLE-FAMILY RESIDENTIAL DISTRICT)
7. MIN. LOT AREA: 43,560 S.F. (1.00 ACRE)
8. MIN. LOT WIDTH: 125'
9. MIN. LOT DEPTH: 35'
10. MIN. LOT AREA: 2,100 S.F.
11. MIN. REAR SETBACK: 30'
12. MIN. FRONT SETBACK: 35'
13. MIN. SIDE SETBACK: 20'
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193. MIN. LOT AREA: 2,100 S.F.
194. MIN. LOT WIDTH: 125'
195. MIN. LOT DEPTH: 35'
196. MIN. LOT AREA: 2,100 S.F.
197. MIN. LOT WIDTH: 125'
198. MIN. LOT DEPTH: 35'
199. MIN. LOT AREA: 2,100 S.F.
200. MIN. LOT WIDTH: 125'
201. MIN. LOT DEPTH: 35'
202. MIN. LOT AREA: 2,100 S.F.
203. MIN. LOT WIDTH: 125'
204. MIN. LOT DEPTH: 35'
205. MIN. LOT AREA: 2,100 S.F.
206. MIN. LOT WIDTH: 125'
207. MIN. LOT DEPTH: 35'
208. MIN. LOT AREA: 2,100 S.F.
209. MIN. LOT WIDTH: 125'
210. MIN. LOT DEPTH: 35'
211. MIN. LOT AREA: 2,100 S.F.
212. MIN. LOT WIDTH: 125'
213. MIN. LOT DEPTH: 35'</

CONCEPT PLAN
FOR
ALLIANCE DEVELOPMENT, LLC
THE ENCLAVE AT STONECRESS
LAND LOT 104 ~ 7TH DISTRICT
DOGWOOD TRAIL - FAYETTE COUNTY
CONCEPT PLAN

GEORGIA811
www.Georgia811.com

DRAWN BY:
M. GRAY

DESIGNED BY:
D. HOVEY

CHECKED BY:
D. HOVEY

ISSUE DATE
09/28/2020

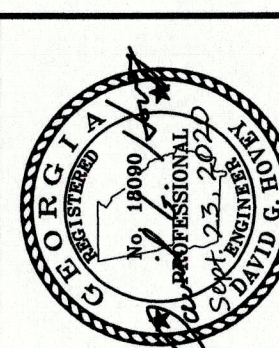
PROJECT NUMBER

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5
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7

0/12/2020					
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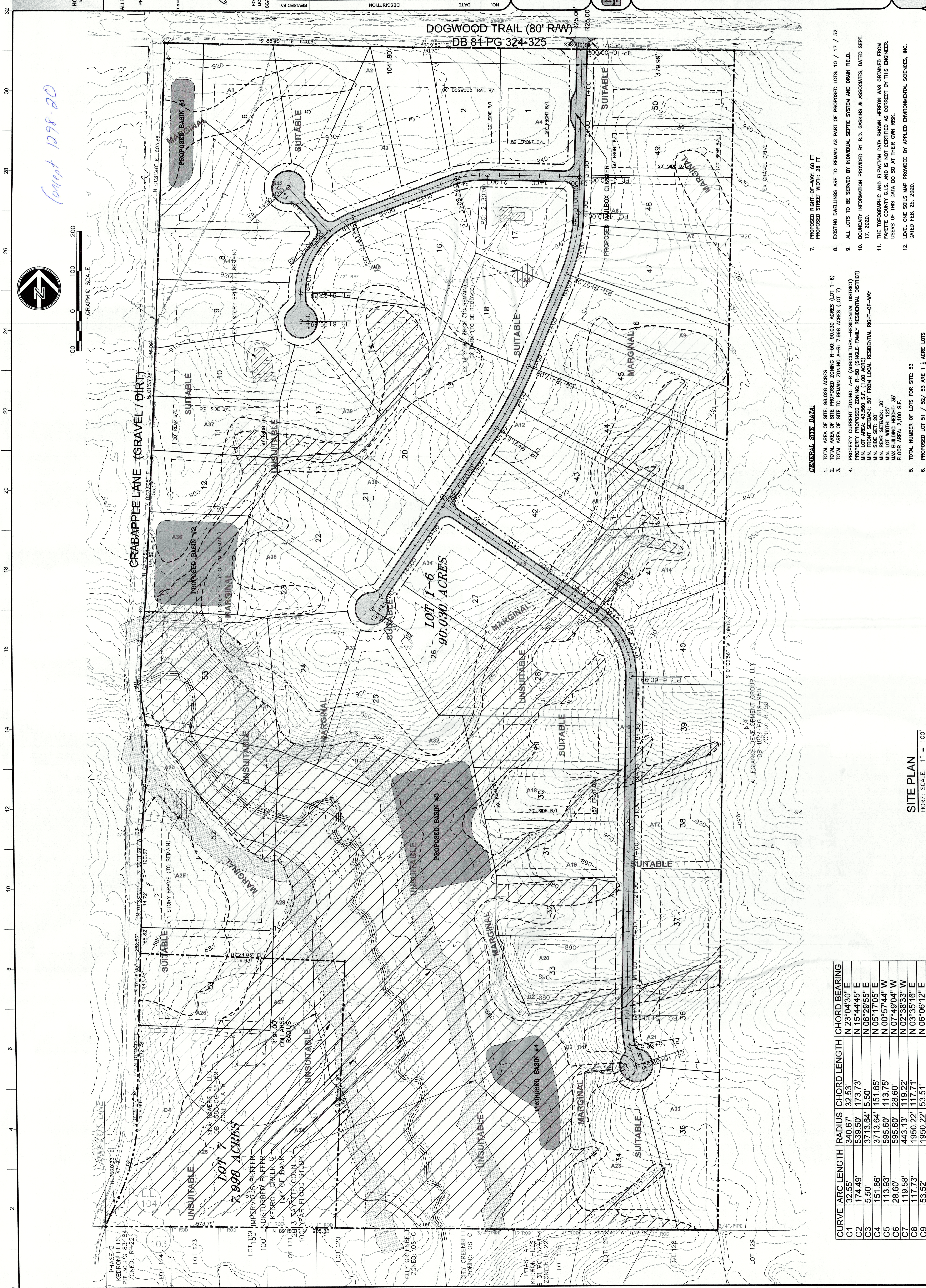
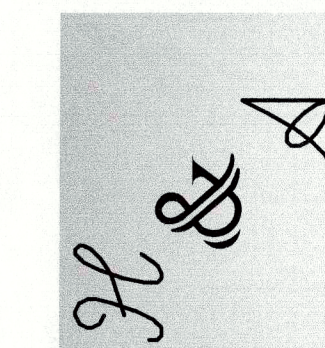
ADVISER PER FAYETTE COUNTY COMMENTS

WEY & ASSOCIATES, INC.	ACTIVE
#PEF003647	
FILE: HORIZONTAL	1" = 100'
VERTICAL	N/A



PREPARED FOR:
REGIANCE DEVELOPMENT, LLC
P.O. BOX 3852
EACHTREE CITY, GA 30269
24 HOUR CONTACT:
NAME: TRENT FOSTER
PHONE: 678-633-9928
EMAIL:
TRENTFOSTER@EACHTREECITYGA.COM

DVEY & ASSOCIATES INC.
ENGINEERING CONSULTANTS
130 HOWARD LANE SUITE B
FAYETTEVILLE, GA 30215
PHONE: 770-460-2200



1298-20

Page 95 of 353

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

PROPERTY OWNERS: Charles D Smith, Franklin J Smith, Ruth A Smith, Byron L Smith

MAILING ADDRESS: 178 Crabapple Lane, Tyrone, GA 30290

PHONE: 770-656-3662 (Danny) E-MAIL: [REDACTED]

AGENT FOR OWNERS: Allegiance Development Group, LLC

MAILING ADDRESS: P.O. Box 3852, Peachtree City, GA 30269

PHONE: 678-633-9928 E-MAIL: trent.foster@allegiandedgroup.com

PROPERTY LOCATION: LAND LOT	<u>104</u>	LAND DISTRICT	<u>7th</u>	PARCEL	<u>0729016</u>
					<u>0729008</u>
					<u>0729007</u>
					<u>0729028</u>
					<u>0729027</u>
					<u>0729040</u>

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 98.57

EXISTING ZONING DISTRICT: AR PROPOSED ZONING DISTRICT: R-50

ZONING OF SURROUNDING PROPERTIES: AR | 1 unit per acre | ATC High Density

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: Single Family Development

LAND USE PLAN DESIGNATION: 1 unit per 1 acre

NAME AND TYPE OF ACCESS ROAD: Dogwood Trail | County

LOCATION OF NEAREST WATER LINE: Dogwood Trail

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1298-20

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF PLANNING COMMISSION HEARING: _____

DATE OF COUNTY COMMISSIONERS HEARING: _____

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

Date Paid: _____ Receipt Number: _____

NAME: Trent Foster PETITION NUMBER: _____

ADDRESS: 100 Glendalagh Crt. B8 Tyrone, GA. 30290

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

Trent Foster affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) AR Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 470 to cover all expenses of public hearing. He/She petitions the above named to change its classification to R-50.

This property includes: (check one of the following)

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

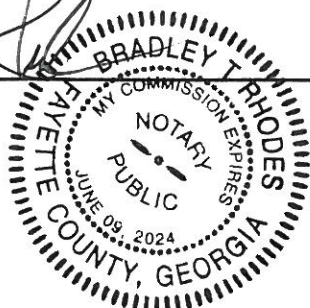
☐ Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the _____ day of _____, 20____ at 7:00 P.M.

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

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 20____,

[Signature]
NOTARY PUBLIC



[Signature]
APPLICANT'S SIGNATURE

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

R. Alexander Family Limited Partnership - Charles D. Smith
 Smith Living Trust - Franklin J. Smith and Ruth A. Smith
 Charles D. Smith

We, Byron Lee Smith, said property owner(s) of subject property requested to be rezoned,

hereby agree to dedicate, at no cost to Fayette County, 60 feet of right-of-way along

Dogwood Trail / Crabapple Ln.

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 27 day of September, 2020.

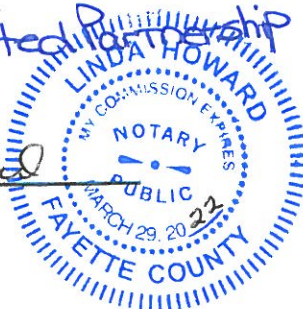
Charles D. Smith

SIGNATURE OF PROPERTY OWNER

R. Alexander Family Limited Partnership
 Charles D. Smith

Linda M. Howard

NOTARY PUBLIC



Charles D. Smith

SIGNATURE OF PROPERTY OWNER

178 Crabapple Lane
 Charles D. Smith

Byron Lee Smith

Signature of Property Owner
 158 Crabapple Lane
 Byron Lee Smith

Ruth A. Smith

Signature of Property Owner
 Smith Living Trust
 RUTH A. SMITH

Franklin J. Smith


Signature of Property Owner
 Smith Living Trust
 Franklin J. Smith

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 _____ day of _____, 20_____.



APPLICANT'S SIGNATURE

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

R Alexander Family Limited Partnership (Charles D. Smith)
Smith Living Trust (Ruth A. Smith + Franklin J. Smith)

Please Print Names Charles D. Smith - 178 Crabapple Lane 0729-040
Byron Lee Smith - 158 Crabapple Lane 0729-008

Property Tax Identification Number(s) of Subject Property: 0729-027; 0729-028; 0729-016; 0729-007

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

(I) (We) hereby delegate authority to Allegiance Dev. Group LLC 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.

Charles A. Smith

Signature of Property Owner 1

Charles D. Smith (R Alexander Family Limited Partnership)

Parcel 0729-007 (10 Acres) 0729-008 (35.17)

Franklin J. Smith / Ruth A. Smith

Signature of Property Owner 2

Franklin J. Smith + Ruth A. Smith

Smith Living Trust - Parcel 0729-016

Address

Charles D. Smith

Signature of Property Owner 3

Charles D. Smith

Parcel 0729-027 (2 Acres)

Address 178 Crabapple Lane

Linda M. Howard

Signature of Notary Public

9/27/20

Date

Linda M. Howard

Signature of Notary Public

9/27/20

Date

Linda M. Howard

Signature of Notary Public

9/27/20

Date


Signature of Authorized Agent

Address

Signature of Notary Public

Date

SEE Additional Signatures
NEXT Page



Signature of Property Owner 1
Byron Lee Smith
Parcel 0729-028 (2 Acres)
Address 158 Crabapple Lane

Signature of Property Owner 2


Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

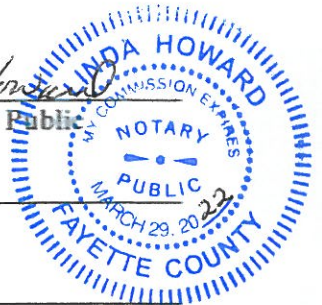
Address



Signature of Notary Public

9/27/20

Date



Signature of Notary Public

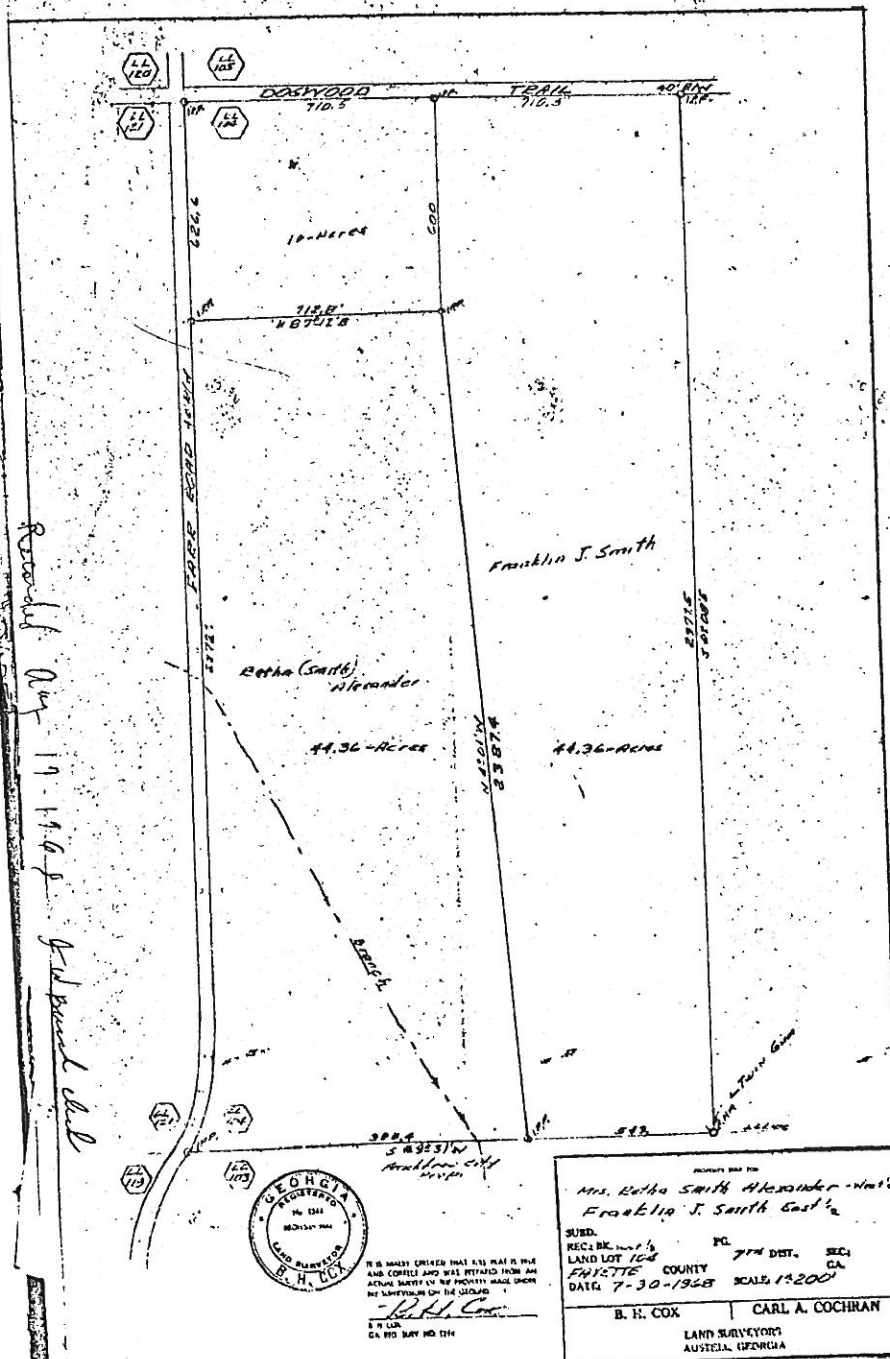
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



Roswell Aug 19 1968 Civil Control Club

BOOK 4 PAGE 135

N

Page 124
Palmetto Co.

2-10-58
1-1-58
1-1-58

COUNTY AGENDA REQUEST

Page 102 of 353

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. 1299-20, Robert John Bracewell and Christina Celeste Bracewell, Owners, request to rezone 1.515 acres from A-R to R-20 to develop one (1) residential lot; property is located in Land Lot 227 of the 13th District and fronts on Kite Lake Road.

Background/History/Details:

Staff recommends approval of Petition 1299-20.

The Planning Commission recommended approval of Petition 1299-20.

Danny England made a motion to recommend approval of Petition 1299-20. Brian Haren seconded the motion. The motion passed 4-0.

Staff recommends the following condition:

If the existing driveway/curb cut is to serve the two proposed lots as a shared driveway/curb cut, or if it is to remain and only serve Lot 1, the Minor Final Plat shall indicate the driveway/curb cut easement area on Lot 2 serving as access to Lot 1 and an easement granting Lot 1 access over Lot 2, as indicated on the Minor Subdivision Plat, shall be recorded prior to the issuance of any building permits on Lots 1 and 2.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1299-20, Robert John Bracewell and Christina Celeste Bracewell, Owners, request to rezone 1.515 acres from A-R to R-20 to develop one (1) residential lot; property is located in Land Lot 227 of the 13th District and fronts on Kite Lake Road.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

**STATE OF GEORGIA
COUNTY OF FAYETTE**

RESOLUTION

NO. 1299-20

WHEREAS, Robert John Bracewell and Christina Celeste Bracewell, Owner, and , Agent, having come before the Fayette County Planning Commission on November 5, 2020, 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 1.515 from A-R to R-20, in the area of Kite Lake Road, Land Lot 227 of the 13th District, for the purpose of developing a Residential; and

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


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

This decision is based on the following reasons:


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

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:



JOHN H. CULBRETH, SR, CHAIRMAN



**HOWARD L. JOHNSON
PC SECRETARY**

THE FAYETTE COUNTY PLANNING COMMISSION met on November 5, 2020 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John H. Culbreth, Chairman
Danny England, Vice-Chairman
Brian Haren (via *teleconference*)
Arnold Martin (via *teleconference*)

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

PUBLIC HEARING

- 6. Consideration of Petition No. 1299-20, Robert John Bracewell and Christina Celeste Bracewell, Owners, request to rezone 1.515 acres from A-R to R-20 to develop one (1) residential lot. This property is located in Land Lot 227 of the 13th District and fronts on Kite Lake Road.**

Christina Bracewell said she and her husband live at 162 Kite Lake Road on about 20 acres and they plan cut out a piece of property for the existing home so they can build a new house on the remaining acreage.

The Chairman asked if there was anyone present that would like to make a comment concerning the petition. Hearing none, he asked if there was anyone in the live streaming audience that would like to call into the meeting to make a comment. Hearing none after approximately one minute the Chairman said he would bring the item back to the board.

Brian Haren said the audio was dropping out but is it his understanding the applicant is proposing to build a new house on the A-R portion of the property and to do that they need to rezone and then subdivide out a lot for the existing house.

Christina Bracewell said that was correct because they can't have two houses on one lot.

Brain Haren said thank you for the clarification.

Danny England made a motion to recommend approve the Petition No. 1299-20. Brian Haren seconded the motion. The motion passed 4-0.

PETITION NO: 1299-20

REQUESTED ACTION: A-R to R-20

PROPOSED USE: Residential

EXISTING USE: Residential

LOCATION: Kite Lake Road

DISTRICT/LAND LOT(S): 13th District, Land Lot 227

OWNER: Robert John Bracewell and Christina Celeste Bracewell

PLANNING COMMISSION PUBLIC HEARING: November 5, 2020

BOARD OF COMMISSIONERS PUBLIC HEARING: December 10, 2020

APPLICANT'S INTENT

Applicant proposes to rezone 1.515 acres to develop one (1) residential lot.

STAFF RECOMMENDATION

APPROVAL

1.

1299-20

INVESTIGATION

A. PROPERTY SITE

The subject property is a 1.515 acre tract fronting on Kite Lake Road in Land Lot 227 of the 13th District. Kite Lake Road is classified as a Collector 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 1.515 acre tract that is zoned A-R. In the vicinity of the subject property is land which is zoned A-R and R-45. 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
Northeast and South	23.00	A-R	Undeveloped (remainder of parent tract)	Low Density Residential (1 Unit/1 Acre)
West (across Kite Lake Road)	0.94	A-R	Undeveloped	Low Density Residential (1 Unit/1 Acre)
Northwest	4.00	R-45	Single-Family Residential	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 1.515 acres from A-R to R-20 for the purpose of developing one (1) residential lot. The subject property contains a single-family residence is a portion of a 28 acre parcel owned by the applicants which will remain A-R.

The Concept Plan shows that the existing driveway to the single-family residence is located on the remainder of the parent tract shown as Lot 2. *Sec. 110-67. - Street frontage for access.* of the Zoning Ordinance requires that a new driveway curb cut be established on proposed Lot 1 and the existing driveway curb cut would serve proposed Lot 2. Exceptions can be made for a shared driveway curb cut per *Sec. 104-55. - Driveway and encroachment control.* of the Development Regulations for insufficient sight distance or to minimize environmental impact based on authorization of the County Engineer.

A detached structure, not shown on the Concept Plan but visible on the aerials, is located behind the single-family residence. It is the intent of the applicant/owner to remove the detached structure (see attached email). Staff will require surveyor certification that the structure has been removed at the time of the Minor Final Plat.

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.

E. DEPARTMENTAL COMMENTS

Water System

Fayette County Water System has reviewed the above referenced petition. The petition plat indicates water service is to be by individual well. There is a 6" water main along approximately 180 LF from Lot 1.

Public Works/Engineering

No Engineering comments on the proposed rezoning.

Environmental Management

EMD has no comment on 1299-20.

Environmental Health Department

Received updated plat from Pete Frisina. No objection to proposed rezoning. This dept. is in position to sign off on the Final Plat for recording purposes.

Fire

Approved

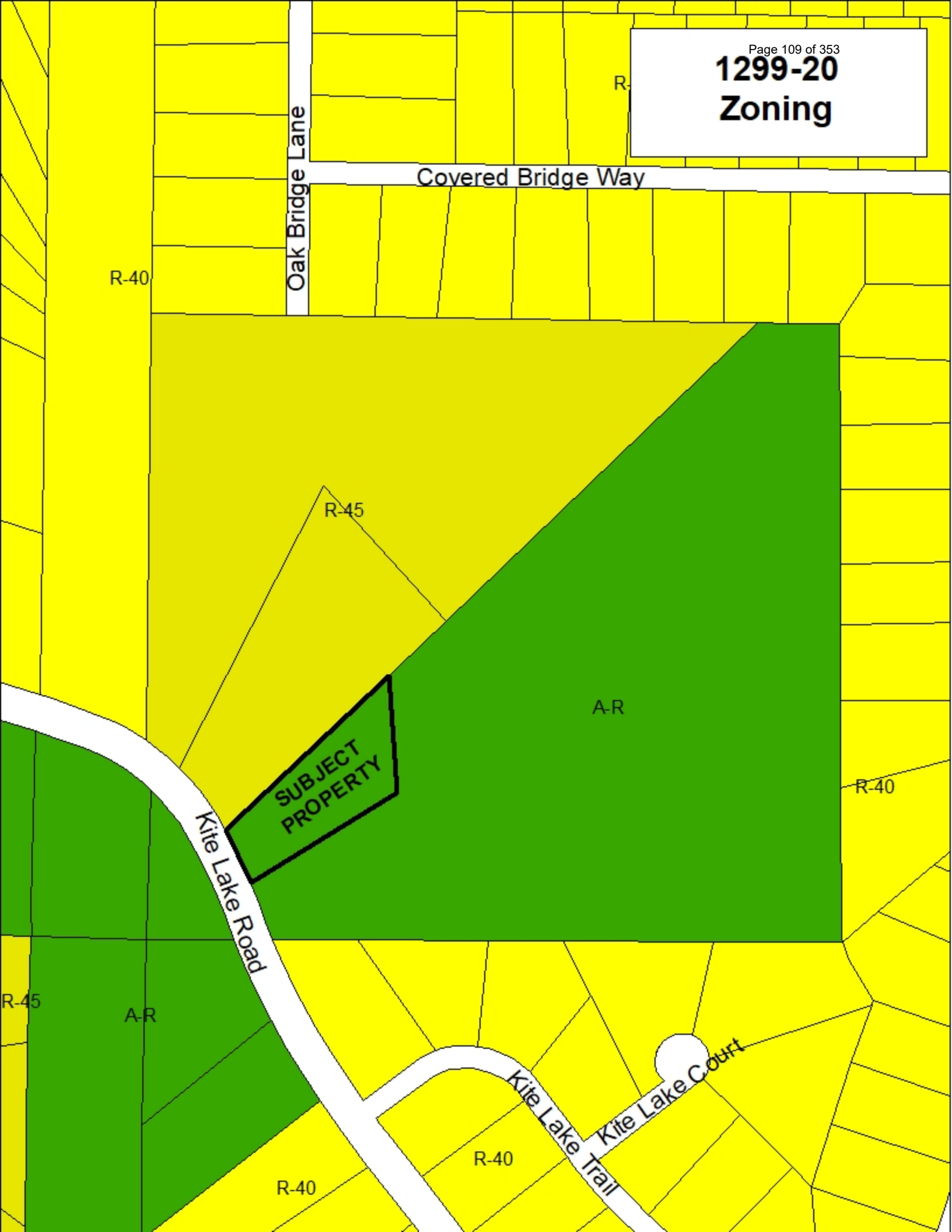
STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from A-R to R-20 for the purpose of developing one (1) residential lot. 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, 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**.

1299-20 Zoning



1299-20 Land Use Plan

Oak Bridge Lane

Covered Bridge Way

LOW DENSITY
RESIDENTIAL

SUBJECT
PROPERTY

Kite Lake Road

RURAL
RESIDENTIAL
- 2

Kite Lake Trail
Kite Lake Court

1299-20 Aerials

Oak Bridge Lane

Covered Bridge Way

SUBJECT
PROPERTY

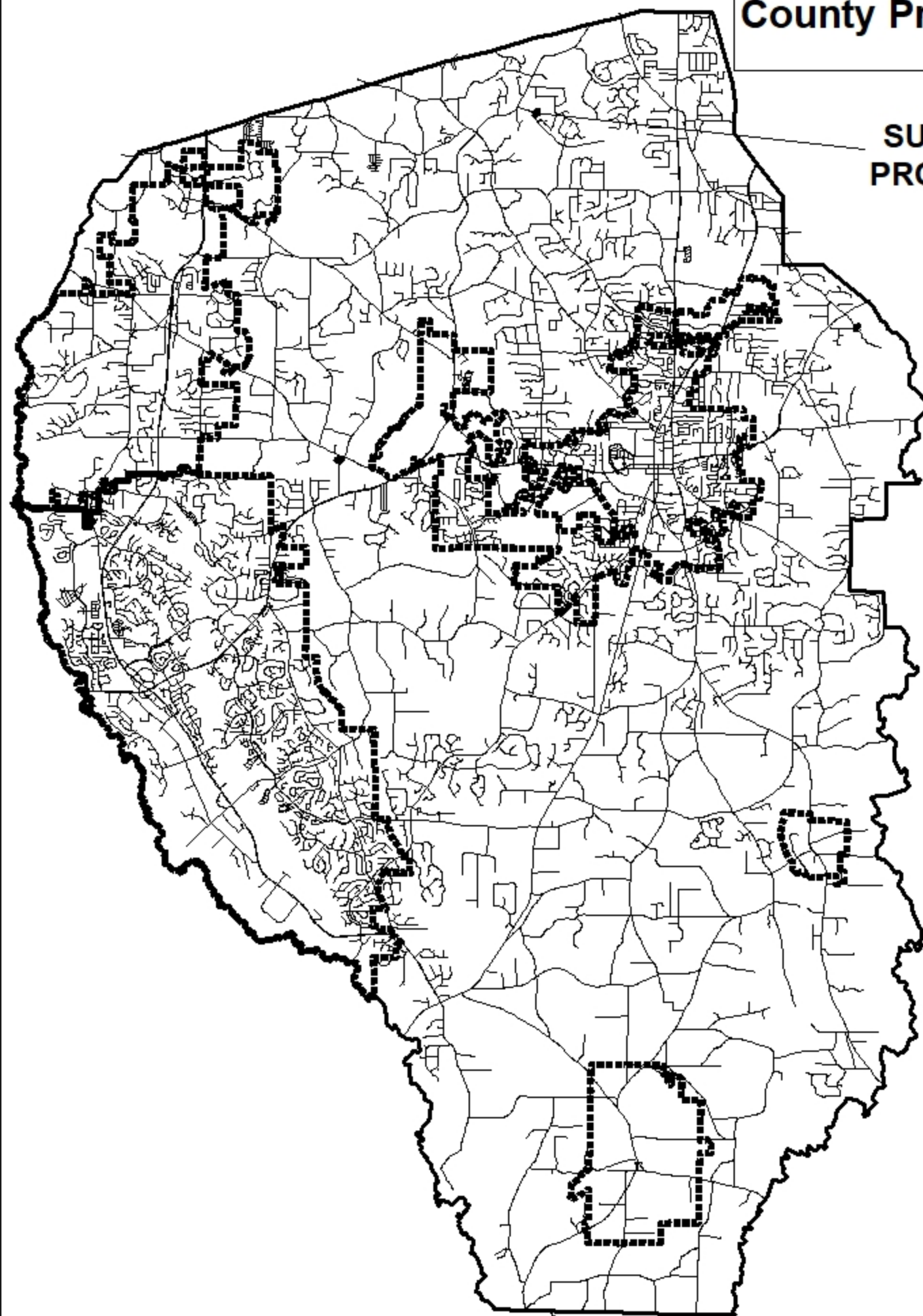
Kite Lake Road

Kite Lake Trail
Kite Lake Court

1299-20

County Proximity

**SUBJECT
PROPERTY**



Legend

OTP=Open Top Pipe
 RBF=Rebar Found
 RBS=Rebar Set
 R/W=Right of Way
 IPF= Iron Pin Found
 P.O.B.=Point of Beginning
 B/L=Building Line
 D.E.=Drainage Easement
 N/F=Now or Formerly
 F.W.P.D.=Field Work Performed Date
 * = Gas Valve
 * = Water Meter
 * = Utility Pole
 * = Drop Inlet
 * = Fire Hydrant
 * = Light Pole
 * = Fence
 * = Drainage Manhole
 * = Over Head Electric Line

This Box reserved for the Clerk of the Superior Courts.
GENERAL NOTES:

1. **OWNER/DEVELOPER:**
 Robert & Christina Bracewell
 162 Kite Lake Road
 Fayetteville, GA 30214
 Phone (251)259-8076

2. **SURVEYOR:**
 Four Corners Surveying, L.L.C.
 P.O. Box 15
 Tyrone, GA 30290
 770-560-3910
 770-823-9377
 four_corners@bellsouth.net

3. **CLOSURE DATA:**
 Field Closure=1" IN 10,000+
 Angle Point Error=< 20"
 Equipment Used=Topcon 3005W, Sokkia SX, & Topcon Hyper GA GPS System
 Adjustment Method=Compass Rule
 Plat Closure=1" IN 100,000+

4. **SITE DEVELOPMENT DATA:**
 Location: Land Lot 227 of the 13th District, Fayette County, Georgia
 Site Data = 1 Lot
 Total area of project = 1.544 Acres 67,252 Sq. Ft.

5. Tax Parcel ID: South part of #1302 003

6. **MINIMUM DIMENSIONAL ZONING REQUIREMENTS:**

Current Zoning

For A-R Zoning district
 Minimum lot width at front setback line = 250'
 Minimum floor area of house = 1,200 Sq. Ft.
 Minimum lot size = (5 Acres) 217,800 Sq. Ft.
 Front yard = 100' (Arterial) - 100' (Collector) - 75' (Local)
 Side yard = 50'
 Rear yard = 75'
 Maximum height of structure = 35'

Proposed Zoning

For R-45 Zoning district
 Minimum lot width at front setback line = 125'
 Minimum floor area of house = 1,800 Sq. Ft.
 Minimum lot size = (1 Acres) 43,560, Sq. Ft.*
 Minimum lot size = (1.5 Acres) 65,340 Sq. Ft.**
 Front yard = 60' (Arterial) - 60' (Collector) - 40' (Local)
 Side yard = 20'
 Rear yard = 40'
 Maximum height of structure = 35'
 * (County Water/ Septic)
 ** (Well/Septic)

- All deed book references shown hereon are recorded in the Clerk of Superior Court's office of Fayette County, Georgia.
- Capped 1/2" re-bar to be set at all lot corners unless otherwise noted.
- In my opinion this property appears not to lie within a 100 year flood plain according to Fayette County's MNGWPD 2013 Limited Detail Study. (F.I.R.M. #13113C0038E Dated 09/26/2008)
- This property is located in a groundwater recharge area.
- There are no state waters on this property.
- There are no wetlands on this property as per The U.S. Fish & Wildlife Service National Wetlands Inventory Wetlands Mapper. All wetlands are under the jurisdiction of the U.S. Army Corps of Engineers and/or the state of Georgia Department of Natural Resources. Lot owners are subject to penalty by law for disturbance to these protected areas without the proper permit application and approval.
- There were no recorded easements found associated with the property. This survey as performed without the benefit of a current and accurate title search, therefore any covenants, easements, and restrictions of record are to be incorporated with this plat.
- Sewer service is provided by individual septic systems on each lot.
- Lot water service is provided by individual well.
- All distances shown are horizontal ground distance. No conversion factor used.
- All existing structures, buildings, or improvements on this property to remain.
- Fayette county does not accept the ownership maintenance or responsibility for any drainage easement or overall drainage plan or the lack of one indicated by this plat.
- Declaration is made to original purchaser of the survey. Any use by third parties is at their own risk. Survey is valid only if print has original seal and original signature of surveyor.
- No new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required.
- Topographic data shown on plat was taken graphically from Fayette County GIS site.
- Each residential building lot has a minimum contiguous area of 0.3 Acres that is free and clear of zoning buffers setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind.

Owner's Acknowledgment:

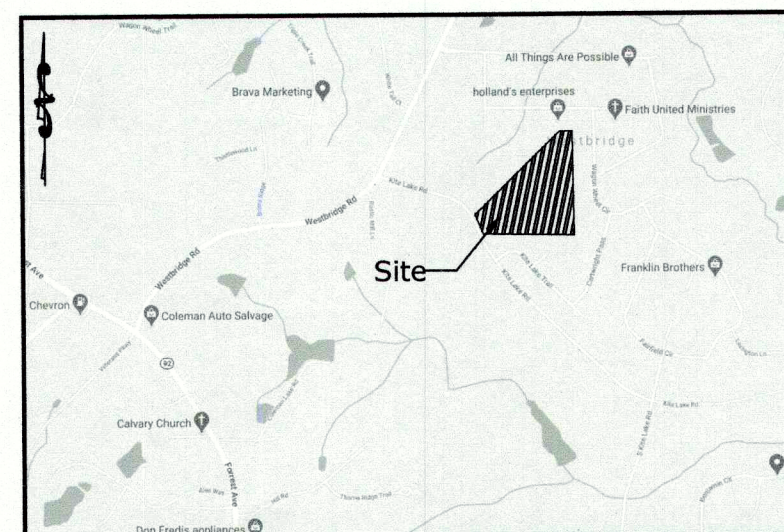
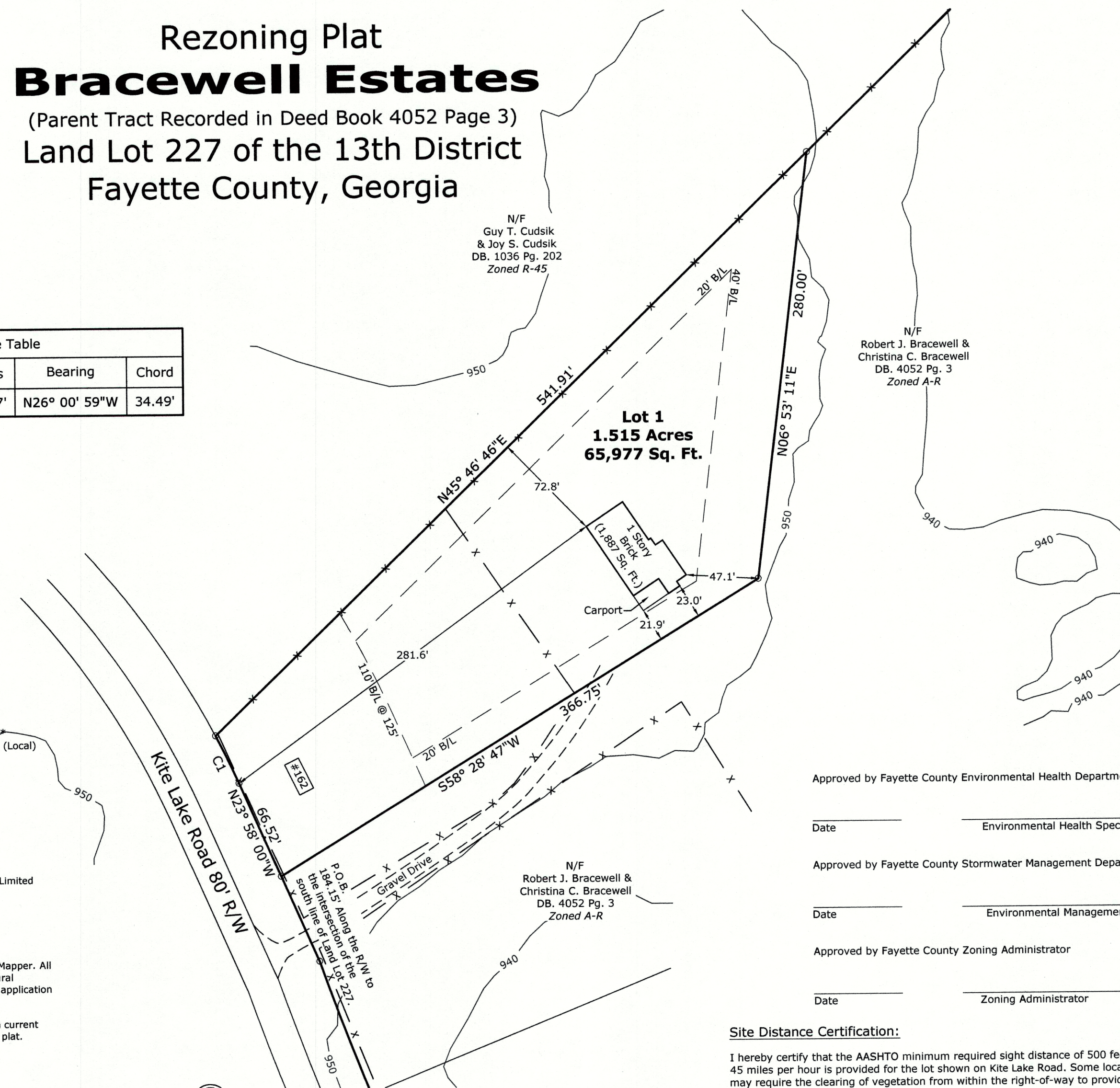
The owner of the land shown on this plat and whose name is subscribed hereto, and in person or through a duly authorized agent, acknowledges that this plat was made from an actual survey, and that he or she is aware and acknowledges the changes shown on this plat.

Owner/Agent
 Robert J. Bracewell
 Christina C. Bracewell
 Date
 10/1/2020
 10/1/2020

Rezoning Plat Bracewell Estates

(Parent Tract Recorded in Deed Book 4052 Page 3)
 Land Lot 227 of the 13th District
 Fayette County, Georgia

Curve Table				
Curve #	Length	Radius	Bearing	Chord
C1	34.50'	574.77'	N26° 00' 59"W	34.49'



Vicinity Map
 (Not to Scale)

Approved by Fayette County Environmental Health Department

Date _____ Environmental Health Specialist

Approved by Fayette County Stormwater Management Department

Date _____ Environmental Management Director

Approved by Fayette County Zoning Administrator

Date _____ Zoning Administrator

Site Distance Certification:

I hereby certify that the AASHTO minimum required sight distance of 500 feet for 45 miles per hour is provided for the lot shown on Kite Lake Road. Some locations may require the clearing of vegetation from within the right-of-way to provide the necessary required sight distance.

BY: [Signature] 2696 09/29/2020
 GA R.L.S. Ronald T. Godwin License NO. Date

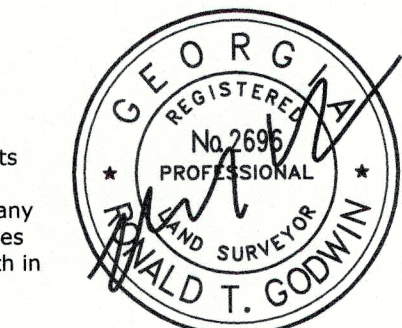
The term "Certification" as used in Rule "180-6-.09(2) and (3)" and relating to professional engineering or land surveying services, as defined in O.C.G.A. 43-15-2(6) and (11), shall mean a signed statement based upon facts and knowledge known to the registrant and is not a guarantee or warranty, either expressed or implied.

This survey complies with both the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and the Official Code of Georgia Annotated (OCGA) 15-6-67, in that where a conflict exists between those two sets of specifications, the requirements of law prevail.

Surveyor's Certificate:

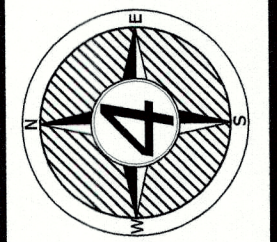
As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

BY: [Signature] 2696 09/29/2020
 GA R.L.S. Ronald T. Godwin License NO. Date



GRAPHIC SCALE 1" = 60'
 0 30 60 120

**FOUR CORNERS
 SURVEYING**



Page:	3
Plat/Deed Book DB: 4052	

Bracewell Estates
 162 Kite Lake Road
 Land Lot 227 of the 13th Land District
 Fayette County, Georgia

Robert J. Bracewell
 & Christina C. Bracewell

Job #: 20-212
 Drawn By: JCB
 Reviewed By: RTG
 Date: 09/29/2020
 F.W.P.D.: 09/25/20
 Scale: 1" = 60'
 Sheet: 1 of 1

Job #:	20-212
Drawn By:	JCB
Reviewed By:	RTG
Date:	09/29/2020
F.W.P.D.:	09/25/20
Scale:	1" = 60'
Sheet:	1 of 1

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

PROPERTY OWNERS: Robert John Bracewell, Christina Celeste Bracewell

MAILING ADDRESS: 162 Kite lake Rd, Fayetteville GA 30214

PHONE: 251-259-8076

E-MAIL: [REDACTED]

AGENT FOR OWNERS: As same as above

MAILING ADDRESS: _____

PHONE: _____

E-MAIL: _____

PROPERTY LOCATION: LAND LOT 227 LAND DISTRICT 13 PARCEL 1302-003
LAND LOT _____ LAND DISTRICT _____ PARCEL _____

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 1.515

EXISTING ZONING DISTRICT: A-R PROPOSED ZONING DISTRICT: R-20

ZONING OF SURROUNDING PROPERTIES: R-45

PRESENT USE OF SUBJECT PROPERTY: Single family residential

PROPOSED USE OF SUBJECT PROPERTY: single family residential

LAND USE PLAN DESIGNATION: low density residential - 1 unit per acre

NAME AND TYPE OF ACCESS ROAD: Kite lake Rd

LOCATION OF NEAREST WATER LINE: Kite lake Rd

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1299-20

☐ Application Insufficient due to lack of: _____

by Staff: _____

Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature]

Date: 10/1/2020

DATE OF PLANNING COMMISSION HEARING: NOVEMBER 15th, 2020

DATE OF COUNTY COMMISSIONERS HEARING: NOVEMBER 10th, 2020

Received from ROBERT & CHRISTINA BRACEWELL a check in the amount of \$ 2500 for application filing fee, and \$ 200 for deposit on frame for public hearing sign(s).

Date Paid: _____

Receipt Number: _____

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM Page 116 of 353
(Applications require authorization by ALL property owners of subject property).

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



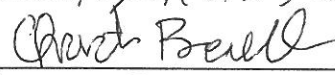

Robert + John Bracewell, Christina Celeste Bracewell
Please Print Names

Property Tax Identification Number(s) of Subject Property: 1302 003

(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) 227 of the 13th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of _____ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

 Signature of Property Owner 1	 Signature of Notary Public
<u>162 Kite Lake Rd.</u> Address <u>Fayetteville, GA 30214</u>	<u>10/1/2024</u> Date
 Signature of Property Owner 2	 Signature of Notary Public
<u>162 Kite Lake Rd</u> Address <u>Fayetteville GA 30214</u>	<u>9/30/2024</u> Date
_____ Signature of Property Owner 3	_____ Signature of Notary Public

_____ Address	_____ Date
------------------	---------------

_____ Signature of Authorized Agent	_____ Signature of Notary Public
--	-------------------------------------

_____ Address	_____ Date
------------------	---------------

NAME: Christina Bracell PETITION NUMBER: _____ADDRESS: 162 Kite Lake Rd Fayetteville GA

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

Christina Bracewell 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 \$ 270⁰⁰ to cover all expenses of public hearing. He/She petitions the above named to change its classification to R-45.

This property includes: (check one of the following)

☐ See attached legal description on recorded deed for subject property or

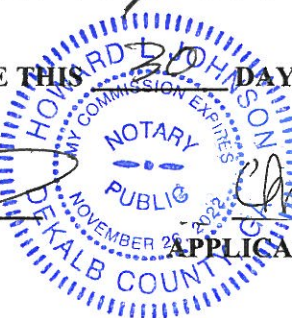
☐ Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 5th day of NOVEMBER, 20 20 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 10th day of NOVEMBER, 20 20 at 7:00 P.M. 2:00 PM

December
SWORN TO AND SUBSCRIBED BEFORE ME THIS 20 DAY OF NOVEMBER, 20 20

Howard L. Johnson
NOTARY PUBLIC



Christina Bracell
APPLICANT'S SIGNATURE

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Christina Bracewell, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, _____ feet of right-of-way along Kite Lake Rd 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)

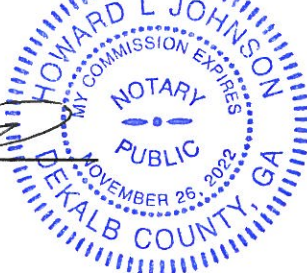
Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 1ST day of OCTOBER, 2020.

[Signature]
SIGNATURE OF PROPERTY OWNER

Chack Brull
SIGNATURE OF PROPERTY OWNER

Howard L. Johnson
NOTARY PUBLIC



DISCLOSURE STATEMENT**Please check one:**

Campaign contributions - X **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.

COUNTY AGENDA REQUEST

Page 120 of 353

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. 1300-20, George Tchaykov and Diliانا Panova, Owners, request to rezone 1.96 acres from R-70 to O-I to develop a fitness center/tennis instruction facility; property located in Land Lot 57 of the 7th District and fronts on Flat Creek Trail.

Background/History/Details:

Staff recommends approval of Petition 1300-20 with one Condition.

The Planning Commission recommended approval of Petition 1300-20 with one Condition .

Arnold Martin made a motion to recommend approve the Petition No. 1300-20 with one Condition. Danny England seconded the motion. The motion passed 4-0.

RECOMMENDED CONDITION

1. That the driveway location be approved by the County Engineer in conjunction with the Site Plan review/approval process.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1300-20, George Tchaykov and Diliانا Panova, Owners, request to rezone 1.96 acres from R-70 to O-I to develop a fitness center/tennis instruction facility with one condition; property located in Land Lot 57 of the 7th District and fronts on Flat Creek Trail.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

**STATE OF GEORGIA
COUNTY OF FAYETTE**

RESOLUTION

NO. 1300-20

WHEREAS, George Tchaykov & Diliانا Panova, Owner, and , Agent, having come before the Fayette County Planning Commission on November 5, 2020, 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 1.96 from R-70 to O-I, in the area of Flat Creek Trail, Land Lot 57 of the 7th District, for the purpose of developing a Fitness Center (Tennis Instruction); 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:


JOHN H. CULBRETH, SR, CHAIRMAN


**HOWARD L. JOHNSON
PC SECRETARY**

THE FAYETTE COUNTY PLANNING COMMISSION met on November 5, 2020 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John H. Culbreth, Chairman
Danny England, Vice-Chairman
Brian Haren (via *teleconference*)
Arnold Martin (via *teleconference*)

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

PUBLIC HEARING

- 6. Consideration of Petition No. 1300-20, George Tchaykov and Diliaa Panova, Owners, request to rezone 1.96 acres from R-70 to O-I to develop a fitness center/tennis instruction facility. This property is located in Land Lot 57 of the 7th District and fronts on Flat Creek Trail.**

George Tchaykov said they would like to rezone their property to O-I.

The Chairman asked if there was anyone present that would like to make a comment concerning the petition. Hearing none, he asked if there was anyone in the live streaming audience that would like to call into the meeting to make a comment. Hearing none after approximately one minute the Chairman said he would bring the item back to the board.

Arnold Martin made a motion to recommend approve the Petition No. 1300-20 with one condition that the driveway location be approved by the County Engineer in conjunction with the Site Plan review/approval process.

Chairman Culbreth asked the applicant if he agreed with the recommended condition.

The applicant signified that he did.

Danny England seconded the motion. The motion passed 4-0.

PETITION NO: 1300-20

REQUESTED ACTION: R-70 to O-I

PROPOSED USE: Fitness Center/Tennis Instruction

EXISTING USE: Residential

LOCATION: Flat Creek Trail

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

OWNER: George Tchaykov & Diliaana Panova

PLANNING COMMISSION PUBLIC HEARING: November 5, 2020

BOARD OF COMMISSIONERS PUBLIC HEARING: December 10, 2020

APPLICANT'S INTENT

Applicant proposes to rezone one (1) lot on 1.96 acres from R-70 to O-I to develop a fitness center/tennis instruction facility.

STAFF RECOMMENDATION

APPROVAL WITH ONE (1) CONDITION

1.

1300-20

INVESTIGATION

A. PROPERTY SITE

The subject property is a 1.96 acre tract fronting on Flat Creek Trail in Land Lot 57 of the 7th District. Flat Creek Trail is classified as a Collector road on the Fayette County Thoroughfare Plan. The subject property currently contains a single-family residence.

History: On July 23, 2015 the Board of Commissioners approved rezoning petition 1247-15 (A-R to R-70) with the following Conditions:

1. That the applicant brings the existing accessory structure (labeled as Building) into compliance with the R-70 zoning district. This can be achieved either through:
 - (1) The full removal of the existing accessory structure or, if the accessory is to remain, that portion of the accessory structure in the side yard setback must be removed within 180 days from the effective date of this rezoning; or
 - (2) A variance, obtained from the Zoning Board of Appeals, for the existing accessory structure to remain in the side yard setback. If the owner pursues a variance, said variance shall be obtained from the Zoning Board of Appeals within 180 days from the effective date of this rezoning. If the variances are denied, the owner agrees to take all necessary action consistent with the direction of the Zoning Board of Appeals.

The property owner removed the accessory structure.

B. SURROUNDING ZONING AND USES

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

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

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	0.70 2.30	C-H A-R	Single-Family Residential Single-Family Residential	Rural Residential – 2 (1 Unit/2 Acres) & Flat Creek Overlay District
South and West	3.80	A-R	Fire Station #8	Rural Residential – 2 (1 Unit/2 Acres) & Flat Creek Overlay District
East (across Flat Creek Trail)	3.00	A-R	Single-Family Residential	Rural Residential – 2 (1 Unit/2 Acres) & Flat Creek Overlay District

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Rural Residential - 2 (1 Unit/2 Acres) and Flat Creek Trail Overlay District. This request conforms to the Fayette County Comprehensive Plan in terms of the Flat Creek Trail Overlay District which states:

Maintain the underlying land use designation of Rural Residential - 2 (1 unit/2 acres) with the consideration of O-I zoning for lots fronting Flat Creek Trail within the Flat Creek Trail Overlay District for conversion of existing homes and construction of new office buildings.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone R-70 from to O-I for the purpose of developing a fitness center/tennis instruction facility. The O-I Zoning District allows the following Permitted Uses:

(6) Educational/instructional/tutorial facilities, including, but not limited to: academic, art, computer, dance, driving and/or DUI, martial arts, music, professional/business/trade, and similar facilities;

(7) Health club and/or fitness center;

The subject property will also have to comply with the Flat Creek Trail Overlay Zone.

Site Plan

Should this petition be approved, the owner/developer must submit a Site Plan as required by Section 8-26., c. of the Development Regulations.

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 Site Plan.

The Concept Plan indicates a tennis court which appears to be encroaching into the setback. Aerial photos, while relative in accuracy, could indicate greater encroachments. The Site Plan will indicate any existing courts and their location on the subject property. At that point staff can make a determination of any variances that will need to be approved by the ZBA prior to approval of the Site Plan.

The proposed building depicted on the Concept Plan is approximately 10,000 square feet in size with 25 parking spaces. The Site Plan will indicate the exact size of proposed structures and the internal square footage associated with the various uses and at that point staff can make a determination of the number of required parking spaces. In addition, the O-I Zoning District has a lot coverage limit of 60 percent for structures and parking areas.

F. DEPARTMENTAL COMMENTS

Water System

Fayette County Water System has reviewed the above referenced petition. FCWS has no comment at this time.

Public Works/Engineering

Permitting of a non-residential drive for this parcel must consider the location of the existing commercial driveway for the Fire Station, the commercial parcel to the northeast, and the proximity to the Flat Creek Trail and Tyrone Road intersection. In addition, Fayette County has plans to signalize the Tyrone Road intersection or convert it to a roundabout.

The parcel's location relative to the above-noted features and its 265 feet of road frontage does not allow for installation of a non-residential driveway that meets all design criteria. As such, Engineering recommends the following conditions of zoning:

The non-residential driveway shall be located at a point:

1. Approved by the County Engineer; and
2. At a location that provides a minimum of 185 feet between the driveway's return radius and the Tyrone Road right-of-way. The distance shall be measured along the Flat Creek Trail edge-of-pavement.

Environmental Management

Floodplain The property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0083E dated Sept 26, 2008. The property **DOES NOT** contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study.

Wetlands The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.

Watershed There are **NO** state waters located on the subject property.

Groundwater The property **IS** within a groundwater recharge area.

Stormwater This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surfaces.

Environmental Health Department

No objection to proposed rezoning. This Dept. will need to be involved in development of fitness center as existing septic system structure was designed only for residential use.

Fire

Approved

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from R-70 to O-I for the purpose of developing a Fitness Center/Tennis Instruction. 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 Rural Residential - 2 (1 Unit/2 Acres) and Flat Creek Trail Overlay District. This request conforms to the Fayette County Comprehensive Plan in terms of the Flat Creek Trail Overlay District which states:

Maintain the underlying land use designation of Rural Residential - 2 (1 unit/2 acres) with the consideration of O-I zoning for lots fronting Flat Creek Trail within the Flat Creek Trail Overlay District for conversion of existing homes and construction of new office buildings.
2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.
4. Existing conditions and the area's continuing development as a single-family residential and office/institutional district support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL WITH ONE (1) CONDITION.**

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved **O-I 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 driveway location be approved by the County Engineer in conjunction with the Site Plan review/approval process.

Dear commissioners,

This letter of intent is in support of our current application for rezoning.

I have been successfully teaching and growing the game of tennis for the past 10 years locally and beyond. Currently, I have about 100 junior players who are attending classes on courts that I lease from hotels and neighborhoods.

It became very hard to keep things together and on schedule after COVID restrictions limited our access to those facilities.

Improvements to our property like adding an indoor playing surface will make a tremendous difference in revenue, quality of instruction, and opportunities for competition. Independence from weather conditions will make practice schedules more effective.

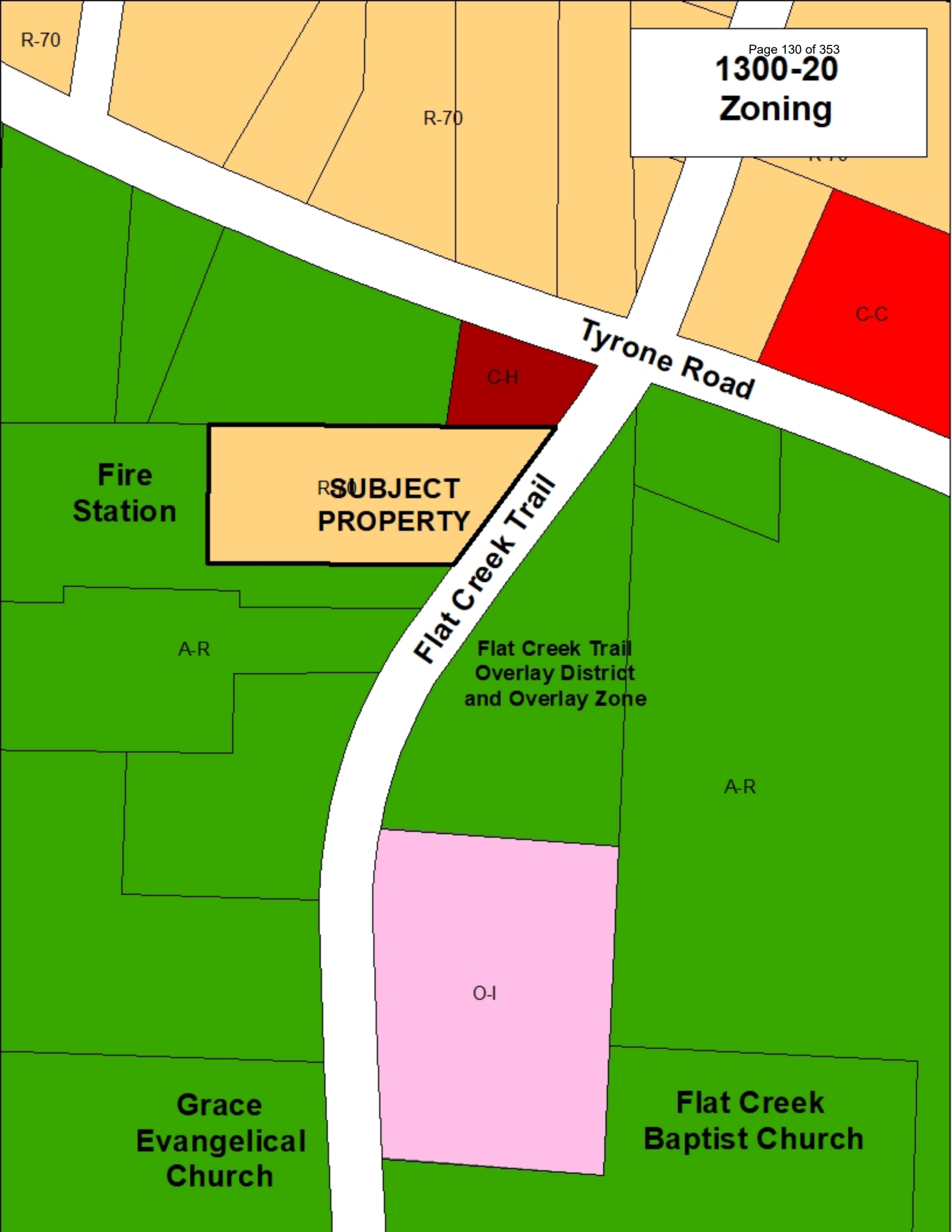
Finally, the property will become an affordable option for locals to exercise or learn the sport at great convenience.

Best regards,

George and Diliaana.

Property owners of 224 Flat Creek Trail Fayetteville GA , 30214.

1300-20 Zoning



R-70

R-70

C-C

CH

Tyrone Road

Flat Creek Trail

**SUBJECT
PROPERTY**

**Fire
Station**

A-R

Flat Creek Trail
Overlay District
and Overlay Zone

A-R

O-I

**Grace
Evangelical
Church**

**Flat Creek
Baptist Church**

1300-20 Land Use Plan

RURAL
RESIDENTIAL
- 2

Tyrone Road

PUBLIC
FACILITIES/INSTITUTION
**Fire
Station**

**SUBJECT
PROPERTY**

Flat Creek Trail

Flat Creek Trail
Overlay District
and Overlay Zone

RURAL
RESIDENTIAL
- 2

**Grace
Evangelical
Church**

**Flat Creek
Baptist Church**

1300-20 Aerials



**Fire
Station**

**SUBJECT
PROPERTY**

Tyrone Road

Flat Creek Trail

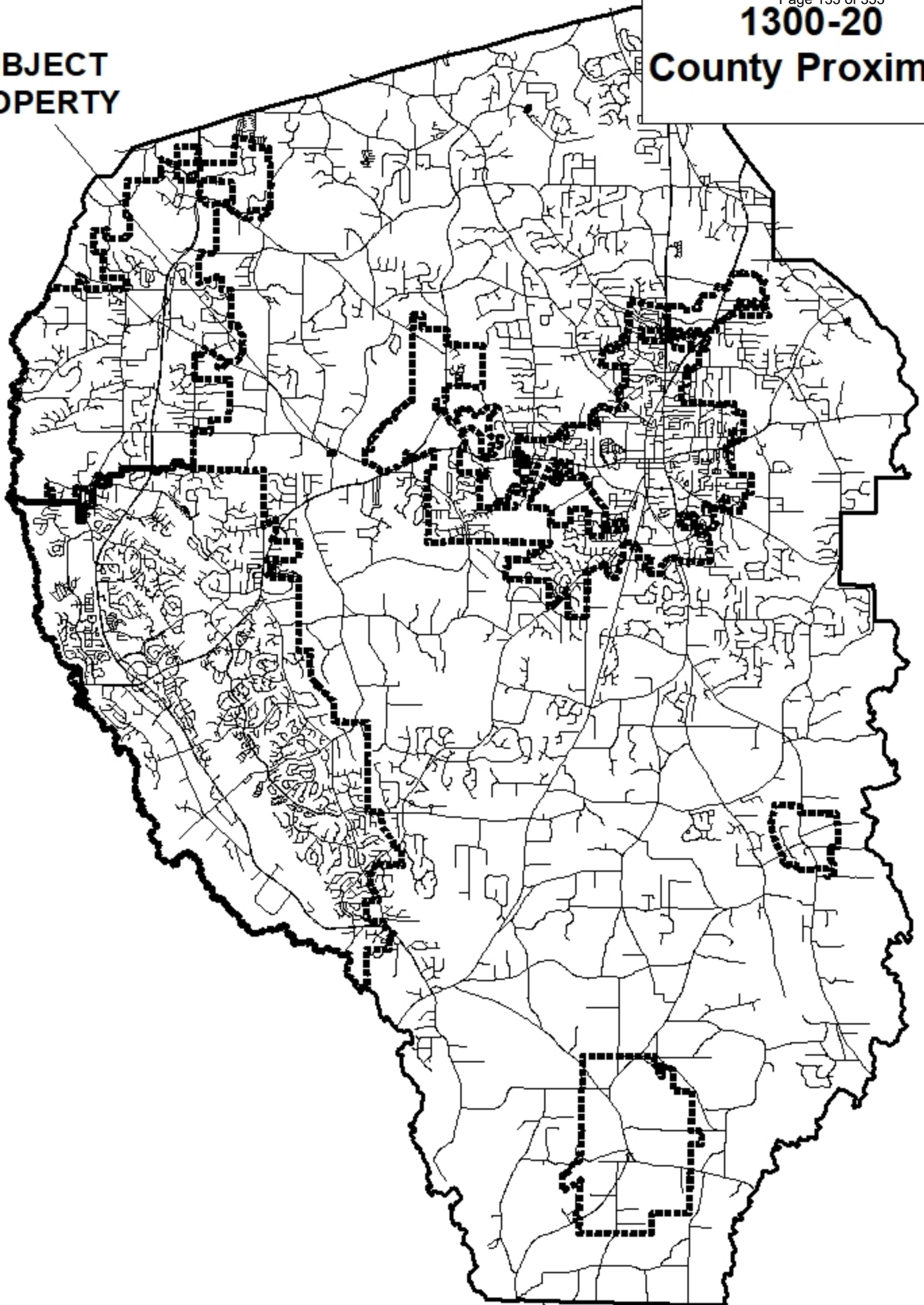
**Grace
Evangelical
Church**

**Flat Creek
Baptist Church**

1300-20

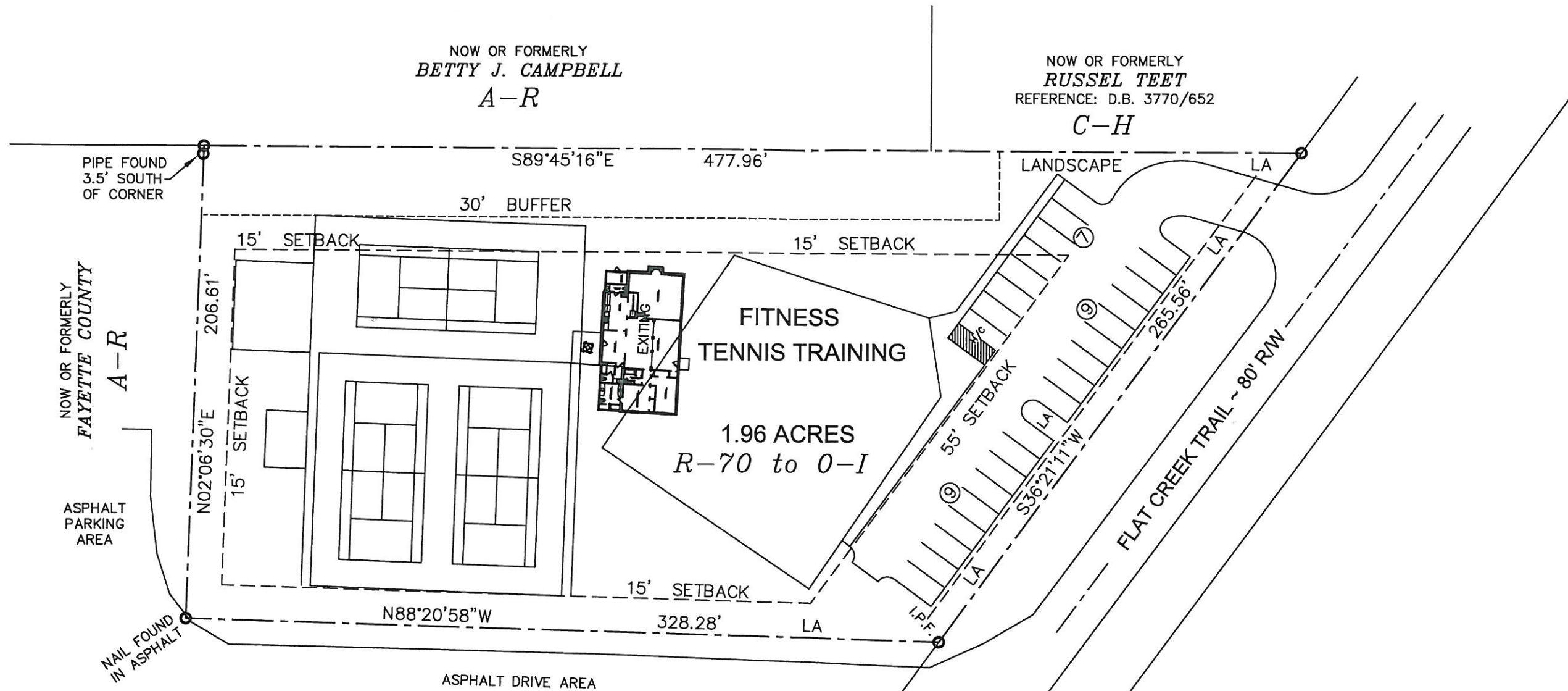
County Proximity

**SUBJECT
PROPERTY**



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

Concept 1300-20



SURVEY FOR
GEORGE TCHAYKOV
LOCATED IN LAND LOT 57 - 7TH DISTRICT
FAYETTE COUNTY GEORGIA

SCALE: 1"=50' DATE: MARCH 17, 2015

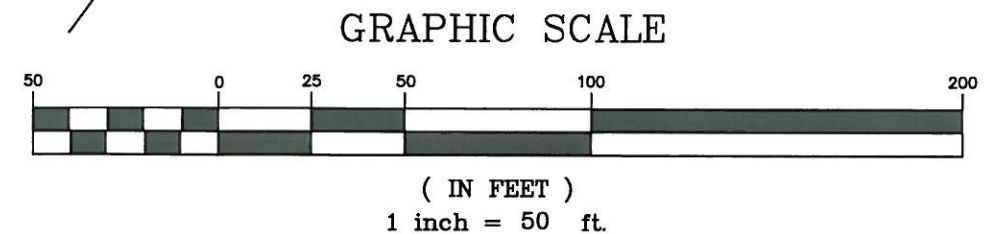
PROJECT NAME: 15-094

JOB NUMBER: 15-094

NOW OR FORMERLY
FAYETTE COUNTY
A-R

PREPARED BY
McLAIN SURVEYING, INC.

LAND SURVEYING LAND PLANNING ENGINEERING SERVICES
6 MADISON STREET NEWNAN, GEORGIA 30263
PHONE: 770-251-8523 - FAX: 770-254-8905 - EMAIL: tmclain@numail.org



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

Acreeage To Eden

224 Flat Creek Trail - Ranch House Addition
FAYETTEVILLE, GEORGIA

Drawn By: JTR
Date: 9-30-20
Job No.: 2024

Sheet No.

AS.1

Of 1 Sheets

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

PROPERTY OWNERS: GEORGE TCHAYKOV AND ^{Diliana} SIDIANA PANOVA
MAILING ADDRESS: 527 MERRILL LANE, PEACHTREE CITY, GA 30269
PHONE: 770-596-6418 E-MAIL: [REDACTED]
AGENT FOR OWNERS: N/A
MAILING ADDRESS: _____
PHONE: _____ E-MAIL: _____

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

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 1.96 ACRES

EXISTING ZONING DISTRICT: R-70 PROPOSED ZONING DISTRICT: O-I

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

PRESENT USE OF SUBJECT PROPERTY: SINGLE-FAMILY DWELLING

PROPOSED USE OF SUBJECT PROPERTY: FITNESS CENTER - TENNIS INSTRUCTION

LAND USE PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (1 UNIT / 1-2 ACRES)

NAME AND TYPE OF ACCESS ROAD: FLAT CREEK TRAIL - COLLECTOR (ASPHALT)

LOCATION OF NEAREST WATER LINE: FLAT CREEK TRAIL + TYRONE RD
224 FLAT CREEK TR

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1300-20

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF PLANNING COMMISSION HEARING: NOVEMBER 5, 2020

DATE OF COUNTY COMMISSIONERS HEARING: NOVEMBER 10, 2020 (2pm)

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

Date Paid: _____ Receipt Number: _____

1300-20

Page 136 of 353

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

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

GEORGE TCHAYKOV

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0713 059

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

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

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

[Signature]
Signature of Property Owner 1

527 MERRILL LANE
Address PEACHTREE CITY. 30269

[Signature]
Signature of Property Owner 2

527 Merrill Ln
Address

PTC GA 30269

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

[Signature]
Signature of Notary Public

10 02 2020
Date

[Signature]
Signature of Notary Public

10 02 2020
Date

Catherine Houston Adams
NOTARY PUBLIC

Signature of Notary Public
My Commission Expires 01/19/2024

Date

Signature of Notary Public

Date

1300 20
Page 137 of 353
PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM
(Applications require authorization by ALL property owners of subject property).

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

George S. Terrykov

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0713 059

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

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Signature of Property Owner 1

527 Merrill Lane
Address Peachtree City GA
30263

Signature of Notary Public

Date

10-2-2020

Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Property Owner 3

Address

Signature of Notary Public

Date

Signature of Authorized Agent

Address

Signature of Notary Public

Date

NAME: GEORGE TCHAYKOV PETITION NUMBER: _____

ADDRESS: 224 FLAT CREEK TRAIL

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

_____ affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) R-70 Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 250.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to O-I.

This property includes: (check one of the following)

☐ See attached legal description on recorded deed for subject property or

☐ Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 5th day of NOVEMBER, 20 20 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 12th day of NOVEMBER, 20 20 at 7:00 P.M.
December

SWORN TO AND SUBSCRIBED BEFORE ME THIS 2nd DAY OF October, 20 20

Catherine Houston Adams
NOTARY PUBLIC

[Signature]
APPLICANT'S SIGNATURE

Catherine Houston Adams
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 01/19/2024

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Diliana Panova and George Tchaykov, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, _____ feet of right-of-way along _____ 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 2nd day of October 2020, 20____.



SIGNATURE OF PROPERTY OWNER



SIGNATURE OF PROPERTY OWNER



NOTARY PUBLIC

Catherine Houston Adams
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 01/19/2024

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 2nd day of October, 2020.



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.

COUNTY AGENDA REQUEST

Page 142 of 353

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. 1301-20, Wayne Damron Jr, Trustee for Wayne Damron, Jr Revocable Trust, requests to rezone 21.71 acres from R-20 to A-R; property located in Land Lot 118 of the 5th District and fronts on County Line Road.

Background/History/Details:

Staff recommends approval of Petition 1301-20.

The Planning Commission recommended approval of Petition 1301-20.

Danny England made a motion to recommend approve the Petition No. 1301-20. Brian Haren seconded the motion. The motion passed 4-0.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1301-20, Wayne Damron Jr, Trustee for Wayne Damron, Jr Revocable Trust, requests to rezone 21.71 acres from R-20 to A-R; property located in Land Lot 118 of the 5th District and fronts on County Line Road.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

**STATE OF GEORGIA
COUNTY OF FAYETTE**

RESOLUTION

NO. 1301-20

WHEREAS, Wayne Damron Jr, Trustee, Owner, and , Agent, having come before the Fayette County Planning Commission on November 5, 2020, 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 21.71 from R-20 to A-R, in the area of County Line Road, Land Lot 118 of the 5th District, for the purpose of developing a Residential; and

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

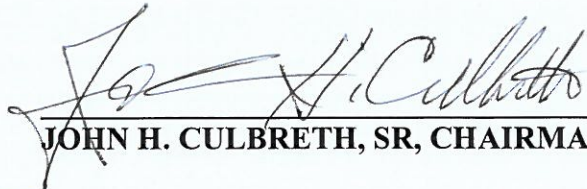
BE IT RESOLVED that the decision of the Fayette County Planning Commission, that said request be **APPROVED**.


This decision is based on the following reasons:

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

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:


JOHN H. CULBRETH, SR, CHAIRMAN


**HOWARD L. JOHNSON
PC SECRETARY**

THE FAYETTE COUNTY PLANNING COMMISSION met on November 5, 2020 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John H. Culbreth, Chairman
Danny England, Vice-Chairman
Brian Haren (via *teleconference*)
Arnold Martin (via *teleconference*)

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

PUBLIC HEARING

- 6. Consideration of Petition No. 1301-20, Wayne Damron Jr, Trustee for Wayne Damron, Jr Revocable Trust, requests to rezone 21.71 acres from R-20 to A-R. This property is located in Land Lot 118 of the 5th District and fronts on County Line Road.**

Wayne Damron said he would like to rezone his property to A-R

The Chairman asked if there was anyone present that would like to make a comment concerning the petition. Hearing none, he asked if there was anyone in the live streaming audience that would like to call into the meeting to make a comment. Hearing none after approximately one minute the Chairman said he would bring the item back to the board.

Brian Haren asked why the applicant is taking the property back to A-R.

Wayne Damron said he is not aware that the property was ever zoned A-R before so he basically rezoning the property to A-R.

Brian Haren said thank you for the clarification.

Danny England made a motion to recommend approve the Petition No. 1301-20. Brian Haren seconded the motion. The motion passed 4-0.

PETITION NO: 1301-20

REQUESTED ACTION: R-20 to A-R

PROPOSED USE: Residential

EXISTING USE: Residential

LOCATION: County Line Road

DISTRICT/LAND LOT(S): 5th District, Land Lot 118

OWNER: Wayne Damron Jr, Trustee for Wayne Damron, Jr. Revocable Trust

PLANNING COMMISSION PUBLIC HEARING: November 5, 2020

BOARD OF COMMISSIONERS PUBLIC HEARING: December 10, 2020

APPLICANT'S INTENT

Applicant intends to rezone 21.71 acres from R-20 to A-R.

STAFF RECOMMENDATION

APPROVAL

1.

1301-20

INVESTIGATION

A. PROPERTY SITE

The subject property is a 21.71 acre tract fronting on County Line Road in Land Lot 118 of the 5th District. County Line Road is classified as a Minor Arterial on the Fayette County Thoroughfare Plan. The subject property contains a single-family residence.

History: The Minor Final Plat of Damron Estates was approved by the Planning Commission on July 16, 2020. The subdivision consists of three (3) lots. The subject property is Lot 1.

B. SURROUNDING ZONING AND USES

The general situation is a 21.71 acre tract that is zoned R-20. In the vicinity of the subject property is land which is zoned R-20 and A-R. 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	25.6	R-20	Undeveloped	Low Density Residential (1 Unit/1 Acre)
	1.44	R-20	Single-Family Residential	
	2.96	R-20	Undeveloped	
South	11.9	R-20	Single-Family Residential	Low Density Residential (1 Unit/1 Acre)
East (across County Line Road)	3.1	R-20	Single-Family Residential	Low Density Residential (1 Unit/1 Acre)
	4.8	R-20	Single-Family Residential	
	2.0	R-20	Single-Family Residential	
West	5.0	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 in terms of residential density.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone 21.71 acres from R-20 to A-R.

Platting

Should this request be approved, the applicant is reminded that before any building permits can be issued for the subject property a Minor Revision to a Minor Final Plat for Lot 1 depicting the dimensional requirements of the A-R zoning district must be approved per the Fayette County Subdivision Regulations.

E. DEPARTMENTAL COMMENTS**Water System**

Fayette County Water System has reviewed the above referenced petition. We have no comment on this petition.

Public Works/Engineering

There are no Engineering comments for this proposed rezoning of 21.71 acres to A-R.

Environmental Management

- | | |
|--------------------|--|
| Floodplain | The property DOES NOT contain floodplain per FEMA FIRM panel 13113C0108E dated Sept 26, 2008. The property DOES NOT contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study. |
| Wetlands | The property DOES NOT contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. |
| Watershed | There are ARE state waters located on the subject property. The buffers are indicated on the final plat recorded in Book 100 PG 355. |
| Groundwater | The property IS within a groundwater recharge area. |
| Stormwater | This development IS NOT subject to the Post-Development Stormwater Management Ordinance. |

Environmental Health Department

No objection to proposed rezoning.

Fire

Approved

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from R-20 to A-R for the purpose of developing 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 in terms of residential density.
2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.
4. Existing conditions and the area's continuing development as a single-family residential district support this petition.

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

1301-20 Zoning

A-R

R-20

**SUBJECT
PROPERTY**

R-20

County Line Road

R-20

R-40

Den Creek Trail

1301-20 Land Use Plan

PUBLIC
FACILITIES/INSTITUTION

County Line Road

SUBJECT
PROPERTY

LOW DENSITY
RESIDENTIAL

ENVIRONMENTALLY
SENSITIVE AREAS

Den Creek Trail

1301-20 Aerials

County Line Road

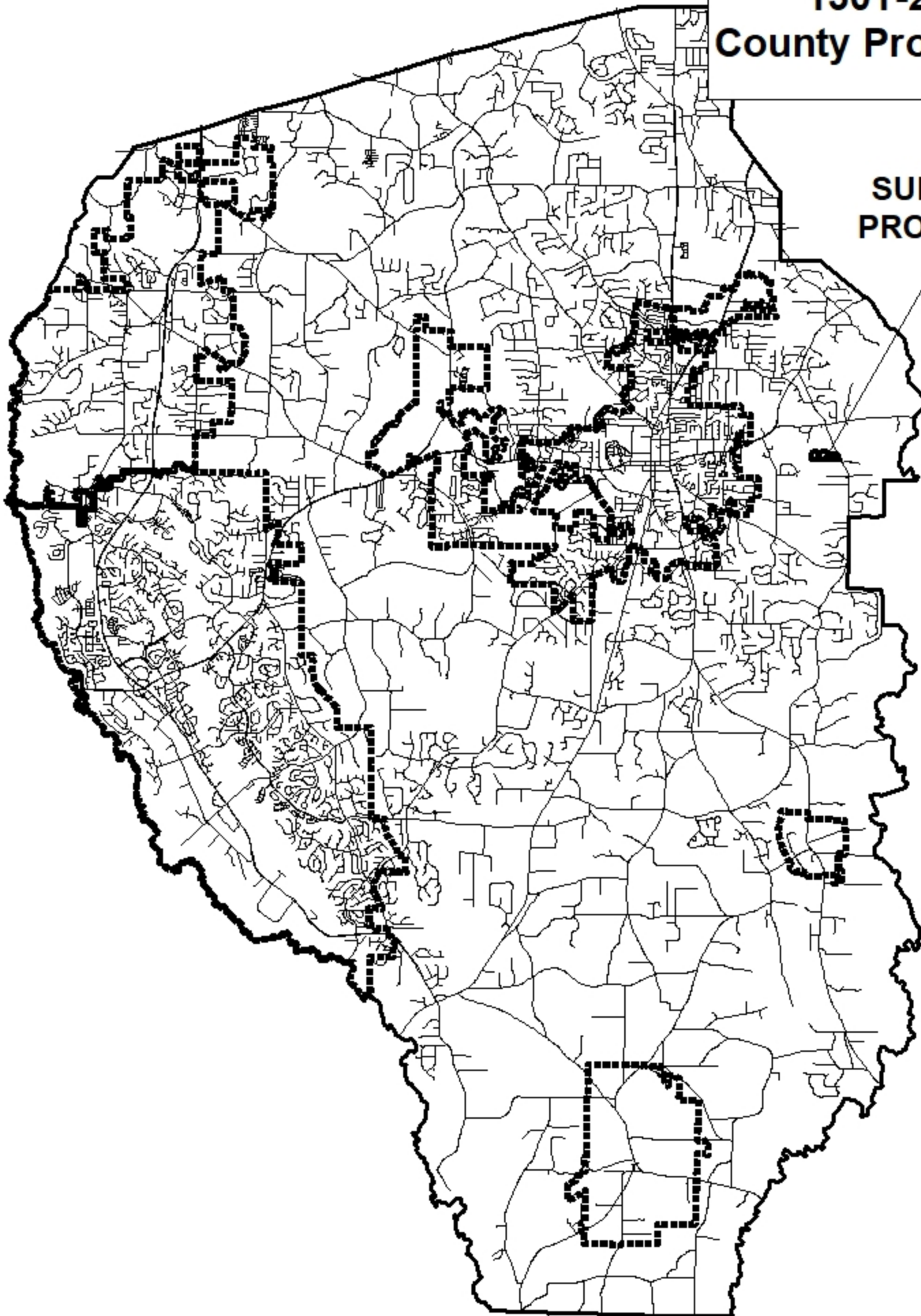
SUBJECT
PROPERTY

Den Creek Trail

1301-20

County Proximity

**SUBJECT
PROPERTY**



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APPLICATION TO AMEND
TO AMEND THE OFFICIAL ZONING MAP OF FAYETTE COUNTY, GAPROPERTY OWNERS: Wayne Damon Jr as Trustee of Wayne Damon Jr Revocable TrustMAILING ADDRESS: 227 County Line Rd Fayetteville GA 30215PHONE: 7703354728 E-MAIL: AGENT FOR OWNERS: selfMAILING ADDRESS: 227 County Line Rd - Fayetteville

PHONE: _____ E-MAIL: _____ 30215

PROPERTY LOCATION: LAND LOT 118 LAND DISTRICT 5th PARCEL 0526 081
LAND LOT _____ LAND DISTRICT _____ PARCEL _____TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 21.71EXISTING ZONING DISTRICT: R20 PROPOSED ZONING DISTRICT: ARZONING OF SURROUNDING PROPERTIES: R20/ARPRESENT USE OF SUBJECT PROPERTY: ResidentialPROPOSED USE OF SUBJECT PROPERTY: ResidentialLAND USE PLAN DESIGNATION: Low density residential (1 unit/acre)NAME AND TYPE OF ACCESS ROAD: artery - County Line RdLOCATION OF NEAREST WATER LINE: County Line Rd(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1301-20☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Completeby Staff: Harold F. [Signature] Date: 9/30/2020DATE OF PLANNING COMMISSION HEARING: NOVEMBER 5th, 2020DATE OF COUNTY COMMISSIONERS HEARING: December 10th, 2020 2PMReceived from WAYNE DAMON JR, Trustee a check in the amount of \$ 45000 for application filing fee, and \$ 2000 for deposit on frame for public hearing sign(s).Date Paid: 9/30/2020 Receipt Number: _____

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property).

Page 155 of 353

1301-20

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

WAYNE DAMRON, JR., TRUSTEE OF WAYNE DAMRON, JR. REVOCABLE TRUST

Please Print Names

Property Tax Identification Number(s) of Subject Property:

0526081

(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) 118 of the 5th District, and (if applicable to more than one land district) Land Lot(s) 118 of the 5th District, and said property consists of a total of 2.21 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Fayette County 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.

Wayne Damron Jr. (Trustee)
Signature of Property Owner 1

Signature of Notary Public

227 County Line Rd
Address Fayetteville, GA

Date 9/30/2020

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Property Owner 3

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

1301-20
NAME: Wayne Damron Executor PETITION NUMBER: Page 156 of 353

ADDRESS: 222 County Line Rd Fayetteville GA 30215

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

Wayne Damron, Executor affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) 5th Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 470 to cover all expenses of public hearing. He/She petitions the above named to change its classification to AR.

This property includes: (check one of the following)

☐ See attached legal description on recorded deed for subject property or

☒ Legal description for subject property is as follows:

see attached

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 5th day of November, 20 20 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 10th day of December, 20 20 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 20____,

NOTARY PUBLIC

APPLICANT'S SIGNATURE

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Wayne Dameron, Trustee, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, 10 feet of right-of-way along County Line Road 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:

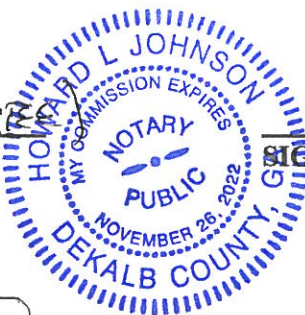
Local Street (Minor Thoroughfare) 60 foot right-of-way (30' measured from each side of road centerline)

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 30th day of SEPTEMBER, 2020.

Wayne Dameron, Trustee
SIGNATURE OF PROPERTY OWNER



SIGNATURE OF PROPERTY OWNER

Howard L. Johnson
NOTARY PUBLIC

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.

COUNTY AGENDA REQUEST

Page 159 of 353

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's recommendation to approve Contract 1900-S to Steelcase, Inc., C/O DeKalb Office Environments, Inc. in the amount of \$50,987.89 to design, supply and install containment partitions at the Fayette County Justice Center and to transfer \$51,000 from the General Fund Contingency for this purpose.

Background/History/Details:

This request facilitates the Justice Center following the Statewide Judicial State of Emergency standards and procedures for conducting jury trials.

Steelcase, Inc. offers the design, supply and installation of containment partitions through Sate of Georgia Contract 99999-SPD0000100-0085. DeKalb Office Environments, Inc. is assigned this region.

Physical barriers such as plexiglass partitions are thought to help contain the spread of COVID-19, in conjunction with other strategies, like social distancing and mask compliance. Since this was an expense item that would not have been known at budget preparation time, it is requested that \$51,000 be transferred from General Fund Contingency to cover the cost of the contract.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to approve Contract 1900-S to Steelcase, Inc., C/O DeKalb Office Environments, Inc. in the amount of \$50,987.89 to design, supply and install containment partitions at the Fayette County Justice Center and to transfer \$51,000 from the General Fund Contingency for this purpose.

If this item requires funding, please describe:

\$51,000 is to be transferred from General Fund Project Contingency to set up a capital project in Fund 375.

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: December 10, 2020

Subject: Contract #1900-S: COVID-19 Containment Partitions for Courts

Physical barriers such as plexiglass partitions are thought to help contain the spread of COVID-19, in conjunction with other strategies, like social distancing and mask compliance. The Clerk of Courts has requested plexiglass containment partitions for areas where employees work in close proximity with the public or to each other. The areas include Clerk of Courts offices; Superior Court Rooms A, B, and C; State Court Room D; Magistrate Court; Probate Court; Juvenile Court; and the Jury Assembly Room and reception room.

Steelcase, Inc. offers the design, supply, and installation of containment partitions through State of Georgia Contract 99999-SPD0000100-0085. Steelcase provides their products and services through a network of regional companies, each serving their assigned region. DeKalb Office Environments, Inc. is assigned this region. They have quoted the price of \$50,987.89 to do the requested work.

The Clerk of Courts recommends that the county contract with Steelcase Inc. / DeKalb Office Environments, Inc. for this work. Since this was an expense item that would not have been known at budget preparation time, it is requested that \$51,000.00 be transferred from General Fund Contingency for this purpose.

The county has not contracted with Steelcase in the past, so a Contractor Performance Evaluation is not available. Specifics of the proposed contract are as follows:

Contract Name	1900-S: COVID-19 Containment Partitions for Courts		
Contractor	Steelcase, Inc., C/O DeKalb Office Environments, Inc.		
Amount	\$50,987.89		
Budget:			
Org Code	TBD		
Object	TBD		
Project	TBD		CIP Number to be Assigned
Available	\$51,000.00		After transfer from General Fund Contingency
General Fund Contingency Balance	\$278,321.00 As of 11/18/2020		

**DEKALB OFFICE****1320 Ridgeland Parkway, Alpharetta, GA 30004 (p:) 770.360.0200 (f:) 770.360.0305**
112 28th St. S, Birmingham, AL 35233 (p:) 205.933.9100 (f:) 205.933.8607

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Quote	Quote Date	Customer Order	Customer	Account Representative	Project
246714	11/17/20	BUDGET C/D/D/	SC1326	Tracy Holley	C27545

Quote ToLarry Mitchell
FAYETTE COUNTY JUSTICE CENTER
1 Center Drive
Fayetteville GA 30214**Ship To**Larry Mitchell
FAYETTE COUNTY JUSTICE CENTER
1 Center Drive
Fayetteville GA 30214**Phone** +1 (757) 287-2899
lmitchell@fayettecountyga.gov
Terms NET 30 DAYS**Phone** +1 (757) 287-2899
lmitchell@fayettecountyga.gov
Sales Location DEKALB OFFICE Georgia**Expiration Date** 12/09/20

C27545_FAYETTE COUNTY PRELIM B

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
<p>Proposal priced per State of Georgia contract 99999-SPD0000100-0085. Per State of Georgia Contract terms, please issue a Purchase Order to Steelcase and provide a Tax Exemption Certificate (TEC) Per State of Georgia Contract terms, please issue a Purchase Order to Steelcase</p> <p>Purchase order to read: Steelcase, Inc. C/O DeKalb Office 904 44th Street, SE Grand Rapids, MI 49508</p> <p>If you have any questions please contact your Account Manager Tracy Holley at:tholley@dekalboffice.com</p>				
BEG	Subsection	ADDL STORAGE UNIT		
1	2	LOCK9201FR STEELCASE Lock Cylinder-FR Series, Polished Chrome LOCK :9201 POLISHED CHROME KEYS :SK SPEC 2-FR311 STOR ADDL STORAGE UNIT	N/C	N/C
	Tag For			

We accept Visa, MasterCard, American Express and Discover
(5% Processing fee will be charged on all Credit Card Payments)**Clients signature on quotation indicates agreement to Quotation and Dekalb's Terms and Conditions****Accepted By:** _____ **Title:** _____ **Date:** _____



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(cont'd)

Quote	Quote Date	Customer Order	Customer	Account Representative	Project
246714	11/17/20	BUDGET C/D/D/	SC1326	Tracy Holley	C27545

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
2	1	RWV30155CP STEELCASE Tower-Workstation vertical, 4 12H drawers, Lift up door, Proud steel front, 30D x 15W x 65 1/2H BASIC :4799 PLATINUM METALLIC LOCK :9201 POLISHED CHROME KEYS :SK PLUG OPTIONS ** OPTIONS ** TOP OPT *OPT:TOP OPTIONS STL TOP STD:1" STEEL TOP PULLS *OPT:PULL OPTIONS C PULL C:SCAPE PULL PULL PULL STD PNT *PULL:STANDARD PAINT 4799 PLATINUM METALLIC LOCK OPT *OPT:DRAWER LOCK OPTIONS CENTRAL STD:CENTRAL LOCKING DWR Tag For ADDL STORAGE UNIT VC/65	1,253.16	1,253.16
Subsection Sub Total				1,253.16
Subsection Total				1,253.16
END	Subsection			
BEG	Subsection	COURTROOMS		
3	11	847400202SR STEELCASE Top Cap - Junction, Universal, Square, Wood WOOD :3412 FC/OP NATURAL CHERRY Tag For COURTROOMS	70.73	778.03
4	3	890900136MP STEELCASE Aligner-Top Cap, In-Line, Square, Quantity 10 Tag For COURTROOMS	45.36	136.08
5	3	890900157MP STEELCASE Aligner-Top Cap, Corner, Square, Quantity 10 Tag For COURTROOMS	45.36	136.08

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(cont'd)

Quote	Quote Date	Customer Order	Customer	Account Representative	Project
246714	11/17/20	BUDGET C/D/D/	SC1326	Tracy Holley	C27545

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
6	3	TS71224SFG STEELCASE Screen-Frameless glass, Square trim, Clip, 12H x 24W BRACKET :4798 STERLING METALLIC OPTIONS ** OPTIONS ** TC OPT *OPT:TOP CAP OPTIONS WOOD CAP WD Top Cap WOOD WOOD WOOD *WOOD:WOOD 3412 FC/OP NATURAL CHERRY GLAS OPT *OPT:GLASS OPTIONS FRMLS GL STD:GLASS OPTION Tag For COURTROOMS FG/24-S	286.69	860.07
7	1	TS71248SFG STEELCASE Screen-Frameless glass, Square trim, Clip, 12H x 48W BRACKET :4798 STERLING METALLIC OPTIONS ** OPTIONS ** TC OPT *OPT:TOP CAP OPTIONS WOOD CAP WD Top Cap WOOD WOOD WOOD *WOOD:WOOD 3412 FC/OP NATURAL CHERRY GLAS OPT *OPT:GLASS OPTIONS FRMLS GL STD:GLASS OPTION Tag For COURTROOMS FG/48-S	347.88	347.88
8	2	TS71260SFG STEELCASE Screen-Frameless glass, Square trim, Clip, 12H x 60W BRACKET :4798 STERLING METALLIC OPTIONS ** OPTIONS ** TC OPT *OPT:TOP CAP OPTIONS WOOD CAP WD Top Cap WOOD WOOD WOOD *WOOD:WOOD 3412 FC/OP NATURAL	415.91	831.82

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(cont'd)

Quote	Quote Date	Customer Order	Customer	Account Representative	Project
246714	11/17/20	BUDGET C/D/D/	SC1326	Tracy Holley	C27545

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
9	5	CHERRY GLAS OPT *OPT:GLASS OPTIONS FRMLS GL STD:GLASS OPTION Tag For COURTROOMS FG/60-S	450.58	2,252.90
		TS71272SFG STEELCASE Screen-Frameless glass, Square trim, Clip, 12H x 72W BRACKET :4798 STERLING METALLIC OPTIONS ** OPTIONS ** TC OPT *OPT:TOP CAP OPTIONS WOOD CAP WD Top Cap WOOD WOOD WOOD *WOOD:WOOD 3412 FC/OP NATURAL CHERRY GLAS OPT *OPT:GLASS OPTIONS FRMLS GL STD:GLASS OPTION Tag For COURTROOMS FG/72-S		
10	2	TS7STLS10 STEELCASE In line-Spanning Top Cap, Package quantity 10, Lightseal Tag For COURTROOMS LS/10 PKG	72.74	145.48
11	8	847400208SR STEELCASE Junction Cap-End Of Run and In-Line Change of Height Slim, Square, Wood WOOD :3412 FC/OP NATURAL CHERRY Tag For COURTROOMS	48.60	388.80
Subsection Sub Total				5,877.14
Subsection Total				5,877.14
END	Subsection			
BEG	Subsection	PROBATE COURT		
12	1	TS71830SPW STEELCASE	287.97	287.97

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Quote	Quote Date	Customer Order	Customer	Account Representative	Project
246714	11/17/20	BUDGET C/D/D/	SC1326	Tracy Holley	C27545

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
13	1	Window-Single pane, 18H x 30W GLASS :6530 FROSTED TRIM :4799 PLATINUM METALLIC Tag For PROBATE COURT PANELS TS71842SPW STEELCASE	319.64	319.64
14	1	Window-Single pane, 18H x 42W GLASS :6530 FROSTED TRIM :4799 PLATINUM METALLIC Tag For PROBATE COURT PANELS TS724THF STEELCASE Frame, Horizontal package, Thin, 24W BASIC :4798 STERLING METALLIC OPTIONS ** OPTIONS ** TC OPT *OPT:TOP CAP OPTIONS STD CAP STD:Std Top Cap CABLEOPT *OPT:CABLE TRAY OPTION NO TRAY NO CABLE TRAY BASE OPT *OPT:BASE TRIM OPTIONS KO BOTH STD:KNOCKOUT BASE BOTH SIDES TRAY OPT *OPT:BASE TRAY OPTION NO TRAY NO BASE TRAY Tag For PROBATE COURT PANELS 24/42	40.65	40.65
15	1	TS730THF STEELCASE Frame-Horizontal package, Thin, 30W BASIC :4798 STERLING METALLIC OPTIONS ** OPTIONS ** TC OPT *OPT:TOP CAP OPTIONS STD CAP STD:Std Top Cap CABLEOPT *OPT:CABLE TRAY OPTION NO TRAY NO CABLE TRAY BASE OPT *OPT:BASE TRIM OPTIONS KO BOTH STD:KNOCKOUT BASE BOTH SIDES TRAY OPT *OPT:BASE TRAY OPTION NO TRAY NO BASE TRAY Tag For PROBATE COURT PANELS 30/66	43.22	43.22

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Quote	Quote Date	Customer Order	Customer	Account Representative	Project
246714	11/17/20	BUDGET C/D/D/	SC1326	Tracy Holley	C27545

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
16	1	TS742THF STEELCASE Frame, Horizontal package, Thin, 42W BASIC :4798 STERLING METALLIC OPTIONS ** OPTIONS ** TC OPT *OPT:TOP CAP OPTIONS STD CAP STD:Std Top Cap CABLEOPT *OPT:CABLE TRAY OPTION NO TRAY NO CABLE TRAY BASE OPT *OPT:BASE TRIM OPTIONS KO BOTH STD:KNOCKOUT BASE BOTH SIDES TRAY OPT *OPT:BASE TRAY OPTION NO TRAY NO BASE TRAY Tag For PROBATE COURT PANELS 42/66	51.35	51.35
17	1	TS742TEPJ STEELCASE Junction-End of run, Thin, 42H OPTIONS ** OPTIONS ** TRIM *OPT:TRIM PACKAGE PAINT PAINTED TRIM PKG UPRIGHT UPRIGHT METALLIC *UPRIGHT:METALLIC PAINT 4788 GOLD DUST METALLIC Tag For PROBATE COURT PANELS E42	50.92	50.92
18	1	TS742WPJ STEELCASE Junction-Wall start, 42H Tag For PROBATE COURT PANELS WS42	96.28	96.28
19	1	TS766TEPJ STEELCASE Junction-End of run, Thin, 66H OPTIONS ** OPTIONS ** TRIM *OPT:TRIM PACKAGE PAINT PAINTED TRIM PKG UPRIGHT UPRIGHT METALLIC *UPRIGHT:METALLIC PAINT 4788 GOLD DUST METALLIC	50.92	50.92

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(cont'd)

Quote	Quote Date	Customer Order	Customer	Account Representative	Project
246714	11/17/20	BUDGET C/D/D/	SC1326	Tracy Holley	C27545

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
20	1	Tag For PROBATE COURT PANELS E66 TS766TLPJ STEELCASE Junction-L, Thin, 66H OPTIONS ** OPTIONS ** TRIM *OPT:TRIM PACKAGE PAINT PAINTED TRIM PKG UPRIGHT UPRIGHT METALLIC *UPRIGHT:METALLIC PAINT 4788 GOLD DUST METALLIC	76.60	76.60
21	1	Tag For PROBATE COURT PANELS L66 TS766WPJ STEELCASE Junction-Wall start, 66H	96.28	96.28
22	2	Tag For PROBATE COURT PANELS WS66 TS73624TK STEELCASE Panel skin-Tackable acoustical, 36H x 24W SURFACE :P525 POLAR OPTIONS ** OPTIONS ** FAB DIR *OPT:FABRIC DIRECTION HORZ STD:HORIZONTAL APPLICATION	73.60	147.20
23	2	Tag For PROBATE COURT PANELS TS74230TK STEELCASE Panel skin-Tackable acoustical, 42H x 30W SURFACE :P525 POLAR OPTIONS ** OPTIONS ** FAB DIR *OPT:FABRIC DIRECTION HORZ STD:HORIZONTAL APPLICATION	79.59	159.18
24	2	Tag For PROBATE COURT PANELS TS74242TK STEELCASE Panel skin-Tackable acoustical,	93.28	186.56

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Quote	Quote Date	Customer Order	Customer	Account Representative	Project
246714	11/17/20	BUDGET C/D/D/	SC1326	Tracy Holley	C27545

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
		42H x 42W SURFACE :P525 POLAR OPTIONS ** OPTIONS ** FAB DIR *OPT:FABRIC DIRECTION HORZ STD:HORIZONTAL APPLICATION Tag For PROBATE COURT PANELS		
			Subsection Sub Total	1,606.77
			Subsection Total	1,606.77
END	Subsection			
BEG	Subsection	Z		
25	1	INSTALLATION DEKALB Labor is accounted for on quote# 246873 for the following: TO INSTALL STC GLASS AT (20) EXISTING AVENIR STATIONS AT SPINE AND WING PANELS PER PLAN, FRIENT GLASS WILL BE MOUNTED TO PANEL TOP CAPS. (4) EXISTING ANSWER STATIONS TO RECEIVE NEW SQUARE TRIM AND GLASS. (4) NEW FREESTANDING ACRYLIC SCREENS WILL BE INSTALLED AT COURTROOMS AND WILL RECEIVE TINTED FILM. (7) FREESTANDING SCREENS TO BE INSTALLED AT EXISTING FURNITURE. (48) TRI-FOLD SCREENS TO BE INSTALLED AT JURY TABLES IN FOUR COURTROOMS. (1) NEW 30"D X 65.5"H STORAGE TOWER TO BE INSTALLED. Tag For Z	N/C	N/C
			Subsection Sub Total	0.00
			Subsection Total	0.00
END	Subsection			

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Quote	Quote Date	Customer Order	Customer	Account Representative	Project
246714	11/17/20	BUDGET C/D/D/	SC1326	Tracy Holley	C27545

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
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QUOTATION TOTALS

Sub Total	8,737.07
Grand Total	8,737.07

End of Quotation

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Accepted By: _____ Title: _____ Date: _____



DEKALB OFFICE

1320 Ridgeland Parkway, Alpharetta, GA 30004 (p:) 770.360.0200 (f:) 770.360.0305
 112 28th St. S, Birmingham, AL 35233 (p:) 205.933.9100 (f:) 205.933.8607

Page 170 of 353
Quotation

Page 10 / 10
 (cont'd)

Quote	Quote Date	Customer Order	Customer	Account Representative	Project
246714	11/17/20	BUDGET C/D/D/	SC1326	Tracy Holley	C27545

Terms & Conditions (Terms) for Dekalb Office Quote

- For Order placement, the DeKalb Office Quote # must appear on your Purchase Order. Orders without a referenced Quote cannot be accepted.
- All Quotes are valid for 30 days. Any changes to this Quote must be approved by buyer prior to Order placement.
- Placement of an Order from this Quote acknowledges that the above Quote has been reviewed and accepted as is.
- Delivery will be based on manufacturer's lead time at Order placement. Every effort will be made to meet your requested delivery date.
- Cancellation and Order changes must be confirmed in writing and are subject to DeKalb's approval. Buyer will pay all additional charges for Order changes, to include changes to Order quantities, scope of work, product finishes or fabric, and product.
- Express ship Orders cannot be changed or cancelled. All products are manufactured to Buyer's specifications and therefore, cannot be cancelled or returned. Restocking programs are not available.
- The job site shall be ready for delivery and installation, clean and free of debris and properly secured prior to delivery or installation. Buyer agrees to use its best efforts to avoid delay in delivery or installation for any period of time or for any reason whatsoever. Buyer will be responsible to pay any additional charges billed by DeKalb for excessive handling, transportation etc. due to site conditions not ready.
- If the job site is not available on mutually agreed upon Buyer requested date, DeKalb will invoice buyer and buyer will be obligated to pay the Invoice per the payment terms noted herein. DeKalb will store the product and buyer will be obligated to pay storage fees at the current rate per square foot of product stored until the job site is available.
- DeKalb will be excused from its inability to perform in the event of acts beyond its reasonable control, such as delays caused by flood, fire, labor disputes, war, etc.
- Delivery and installation is quoted based on normal business hours (8 am to 5 pm, Monday through Friday excluding Holidays). Buyer will be charged a premium for work performed after normal hours at buyer's request.
- Buyer shall have rights to any warranties extended by the manufacturer for the products purchased.
- DeKalb will invoice the buyer when the product delivers to the Buyer's site. Installation labor that is listed on a separate line on the order will be billed after the installation is complete, but before punch. Installation labor included in the product price will be billed at delivery.
- Invoices are due in full net 30 days from the Invoice date. The buyer can withhold up to 10% of the total Invoice until punch items are completed. Invoices not paid within 30 days will be assessed a finance charge of 1 1/4% of the invoiced amount per month or the if less the maximum amount allowed by Georgia law.
- An advance payment is required of 50% for all Orders greater than \$5,000 prior to Order placement
- Payment By Check: All Orders not paid by check will be assessed a 5% handling fee.
- Buyer acknowledges use of product is for their own use and not to be resold.
- Title to Dekalb Office/manufacturer goods and products delivered to Buyer for installation (Products) remains in Dekalb Office until full payment by Buyer for the Products under this Quotation.
- Unless otherwise agreed to by Dekalb Office in writing, these Terms supersede the terms and conditions in all other purchase orders and documents provided by buyer.
- THIS DOCUMENT IS THE SOLE AND EXCLUSIVE PROPERTY OF DEKALB OFFICE. THIS QUOTE SHALL NOT BE DIRECTLY/INDIRECTLY DISCLOSED TO OR USED BY ANY OTHER PERSON, FIRM OR CORPORATION WITHOUT WRITTEN CONSENT OF DEKALB OFFICE.**

{00290080.DOCX /4 }

We accept Visa, MasterCard, American Express and Discover
 (5% Processing fee will be charged on all Credit Card Payments)

Clients signature on quotation indicates agreement to Quotation and Dekalb's Terms and Conditions

Accepted By: _____ Title: _____ Date: _____



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112 28th St. S, Birmingham, AL 35233 (p:) 205.933.9100 (f:) 205.933.8607

Page 1 / 7

Quote	Quote Date	Customer Order	Customer	Account Representative	Project
246873	11/17/20	BUDGET C/D/D/	130267	Tracy Holley	C27545

Quote To

Larry Mitchell
FAYETTE COUNTY JUSTICE CENTER
1 Center Drive
Fayetteville GA 30214

Ship To

Larry Mitchell
FAYETTE COUNTY JUSTICE CENTER
1 Center Drive
Fayetteville GA 30214

Phone +1 (757) 287-2899
lmitchell@fayettedecountyga.gov
Terms NET 30 DAYS

Phone +1 (757) 287-2899
lmitchell@fayettedecountyga.gov
Sales Location DEKALB OFFICE Georgia

Expiration Date 12/09/20

C27545_FAYETTE COUNTY PRELIM B

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
<p>***** Budgetary Pricing*****</p> <p>Purchase order to read: DeKalb Office 1320 Ridgeland Pkwy Alpharetta, Ga. 30004</p> <p>If you have any questions please contact your Account Manager Tracy Holley at:tholley@dekalboffice.com</p>				
BEG	Subsection	COURTROOMS		
1	4 *	01-6224PPSCA INDIANA FU 01-6224PPSCA 62"W Clear Acrylic Privacy Panel w/Trans. Slot 62" X .25" X 23.5"	482.86	1,931.44
	Tag For	ALUMINUM FINISH COURTROOMS		
2	2 *	H-3446 ULINE FILM APPLICATION TOOL KIT	40.00	80.00
	Tag For	COURTROOMS		
3	2 *	S-18270 ULINE	245.71	491.42

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DEKALBOFFICE

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112 28th St. S, Birmingham, AL 35233 (p:) 205.933.9100 (f:) 205.933.8607

Page 2 / 7
(cont'd)

Quote	Quote Date	Customer Order	Customer	Account Representative	Project
246873	11/17/20	BUDGET C/D/D/	130267	Tracy Holley	C27545

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
		Window Tint Film Roll - 36" x 25', Light		
	Tag For	COURTROOMS		
4	2 *	S-18276 ULINE	10.00	20.00
		FILM SOLUTION		
	Tag For	COURTROOMS		
5	1 *	FREIGHT ULINE	70.00	70.00
		FREIGHT: Uline		
		Subsection Sub Total		2,592.86
		FAYETTE, COUNTY OF		77.78
		GEORGIA, STATE OF		103.72
		Subsection Total		2,774.36
END	Subsection			
BEG	Subsection	JURY ASSEMBLY		
6	1 *	01-2824PPCA INDIANA FU	269.71	269.71
		01-2824PPCA 28"W Clear Acrylic Extended Privacy Panel 28" X .25" X 23.5"		
		ALUMINUM FINISH		
	Tag For	JURY ASSEMBLY		
7	1 *	01-2WAY180 INDIANA FU	8.00	8.00
		Straight Connector Clip 1.875"x.875" x .8125"		
	Tag For	JURY ASSEMBLY		
8	1 *	01-2WAY90 INDIANA FU	13.71	13.71
		Corner Connector Clip 1.25" x 1.25" x .875"		
	Tag For	JURY ASSEMBLY		
9	1 *	01-5624PPSCA INDIANA FU	453.71	453.71
		01-5624PPSCA 56"W Clear Acrylic Privacy Panel w/Trans. Slot 56" X .25" X 23.5"		
		ALUMINUM FINISH		
	Tag For	JURY ASSEMBLY		

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Page 3 / 7
(cont'd)

Quote	Quote Date	Customer Order	Customer	Account Representative	Project
246873	11/17/20	BUDGET C/D/D/	130267	Tracy Holley	C27545

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
10	1 *	01-6224PPSCA INDIANA FU 01-6224PPSCA 62"W Clear Acrylic Privacy Panel w/Trans. Slot 62" X .25" X 23.5" ALUMINUM FINISH Tag For JURY ASSEMBLY	482.86	482.86
Subsection Sub Total				1,227.99
FAYETTE, COUNTY OF				36.84
GEORGIA, STATE OF				49.12
Subsection Total				1,313.95
END	Subsection			
BEG	Subsection	JURY SCREENS		
11	40 *	01-3WAY90 INDIANA FU 01-3WAY90 Acrylic Connector Clips ? For Use with 3-Way, T Connections? Constructed of Metal with a Chrome Finish? For Use with 1/4" hick Clear and Frosted Acrylics? Provides a Clean Connection For Adjacent Panels and Screens? SIN NEW Tag For JURY SCREENS	9.71	388.40
12	56 *	S01-1618PPCA INDIANA FU 01-2224PPCA Made 16"W x 18"H Privacy Panel.? Sets on Surface; Comes with Non-Marring, Removable Adhesive Strip for Surface Attachment? Available in Clear Acrylic? Decorative Support Blocks; Must Specify: Aluminum (ALUM) or Chrome (CHRM)? Some Assembly Required? SIN NEW ALUMINUM FINISH Tag For JURY SCREENS	241.71	13,535.76
13	48 *	S01-3018PPCA INDIANA FU 01-2824PPCA Made 30"W x 18"H Privacy Panel.? Sets on Surface; Comes with Non-Marring, Removable Adhesive Strip for Surface Attachment? Available in Clear Acrylic? Decorative Support Blocks; Must Specify: Aluminum (ALUM) or Chrome	289.14	13,878.72

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(cont'd)

Quote	Quote Date	Customer Order	Customer	Account Representative	Project
246873	11/17/20	BUDGET C/D/D/	130267	Tracy Holley	C27545

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
		(CHRM)? Some Assembly Required? SIN NEW		
	Tag For	ALUMINUM FINISH JURY SCREENS		
		Subsection Sub Total		27,802.88
		FAYETTE, COUNTY OF		834.08
		GEORGIA, STATE OF		1,112.12
		Subsection Total		29,749.08
END	Subsection			
BEG	Subsection	JUVENILE COURT		
14	2 *	FPSP.1424-CL FRIANT Sheild Acrylic Screen, Panel Mounted- 24" W x 14" H Clear	125.40	250.80
	Tag For	JUVENILE COURT		
15	2 *	FPSP.1430-CL FRIANT Sheild Acrylic Screen, Panel Mounted- 30" W x 14" H Clear	129.60	259.20
	Tag For	JUVENILE COURT		
16	2 *	FPSP.1448-CL FRIANT Sheild Acrylic Screen, Panel Mounted- 48" W x 14" H Clear	143.10	286.20
	Tag For	JUVENILE COURT		
		Subsection Sub Total		796.20
		FAYETTE, COUNTY OF		23.89
		GEORGIA, STATE OF		31.85
		Subsection Total		851.94
END	Subsection			
BEG	Subsection	PROBATE COURT		
17	1 *	01-2224PPCA INDIANA FU 01-2224PPCA 22"W Clear Acrylic Extended Privacy Panel 22" X .25" X 23.5"	241.71	241.71

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**DEKALB**OFFICE

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Quotation

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Quote	Quote Date	Customer Order	Customer	Account Representative	Project
246873	11/17/20	BUDGET C/D/D/	130267	Tracy Holley	C27545

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
18	2 *	ALUMINUM FINISH Tag For PROBATE COURT 01-5024PPSCA INDIANA FU 01-5024PPSCA 50"W Clear Acrylic Privacy Panel w/Trans. Slot 50" X .25" X 23.5"	373.14	746.28
19	1 *	ALUMINUM FINISH Tag For PROBATE COURT 01-6224PPSCA INDIANA FU 01-6224PPSCA 62"W Clear Acrylic Privacy Panel w/Trans. Slot 62" X .25" X 23.5"	482.86	482.86
20	3 *	ALUMINUM FINISH Tag For PROBATE COURT 01-2WAY180 INDIANA FU Straight Connector Clip 1.875"x.875" x .8125"	8.00	24.00
		Tag For PROBATE COURT		
Subsection Sub Total				1,494.85
FAYETTE, COUNTY OF				44.85
GEORGIA, STATE OF				59.79
Subsection Total				1,599.49
END	Subsection			
BEG	Subsection	Z		
21	1	INSTALLATION DEKALB LABOR TO INSTALL GLASS AT (20) EXISTING AVENIR STATIONS AT SPINE AND WING PANELS PER PLAN, FRIENT GLASS WILL BE MOUNTED TO PANEL TOP CAPS. (4) EXISTING ANSWER STATIONS TO RECEIVE NEW SQUARE TRIM AND GLASS. (4) NEW FREESTANDING ACRYLIC SCREENS WILL BE INSTALLED AT COURTROOMS AND WILL RECEIVE TINTED FILM. (7) FREESTANDING SCREENS TO BE INSTALLED AT EXISTING FURNITURE. (48)	3,337.00	3,337.00

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(cont'd)

Quote	Quote Date	Customer Order	Customer	Account Representative	Project
246873	11/17/20	BUDGET C/D/D/	130267	Tracy Holley	C27545

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
22		TRI-FOLD SCREENS TO BE INSTALLED AT JURY TABLES IN FOUR COURTROOMS. (1) NEW 30"D X 65.5"H STORAGE TOWER TO BE INSTALLED.		
		Steelcase product is on quote# 246873		
	Tag For	Z		
	35	DESIGN SERVICES DEKALB DESIGN SERVICES PROJECT#C27545	75.00	2,625.00
	Tag For	Z		
			Subsection Sub Total	5,962.00
			Subsection Total	5,962.00
END	Subsection			

QUOTATION TOTALS

Sub Total	39,876.78
ULINE Misc	0.00
FAYETTE, COUNTY OF	1,017.44
GEORGIA, STATE OF	1,356.60
Grand Total	42,250.82

End of Quotation

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Quotation

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 (cont'd)

Quote	Quote Date	Customer Order	Customer	Account Representative	Project
246873	11/17/20	BUDGET C/D/D/	130267	Tracy Holley	C27545

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Accepted By: _____ Title: _____ Date: _____



1320 Ridgeland Parkway
Alpharetta, GA 30004
(770) 360-0200

GENERAL NOTES:

PRELIMINARY
SHOP
DRAWING
FOR DESIGN
APPROVAL.

PRICE
SUBJECT TO
CHANGE
UPON FINAL
FIELD
VERIFICATION.

THE INFORMATION CONTAINED IN THESE DRAWINGS IS PROPRIETARY TO DEKALB OFFICE. THE DRAWINGS ARE PREPARED FOR A SPECIFIC SITE AND INCORPORATES CALCULATIONS BASED ON DATA AVAILABLE FROM THE CLIENT AT THIS TIME. BY ACCEPTING AND USING THESE DRAWINGS, THE RECIPIENT AGREES TO PROTECT ITS CONTENTS FROM FURTHER DISSEMINATION (OTHER THAN THAT WITHIN THE ORGANIZATION NECESSARY TO EVALUATE SUCH SPECIFICATION) WITHOUT THE WRITTEN PERMISSION OF DEKALB OFFICE. THE CONTENTS OF THESE DRAWINGS ARE NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART.

CLIENT:
CUSTOMER NAME

DRAWING TITLE:
COVER SHEET

DATE: 11/19/2020	DESIGNER: T. HOLLEY	ACCOUNT FOR:T. HOLLEY
SCALE: x/x"=x"x"	PRIESTLY: C27545	SHEET NO: 1/10

All information on this document is proprietary to Dekalb Office Environments. Duplicates in whole or in part, cannot be made without permission from the Design Manager of Dekalb Office Environments.

PROJECT:
d:\DropBox\Dropbox (Personal)\Dropbox\DEKALB PROJECTS\C27545 - Fayette County Justice Center (T.Holley)\02_Drawings (CAD's & PDF's)\CET\Fayette County

ARCHITECTURAL SOLUTIONS PROGRAM

FAYETTE JUSTICE CENTER

C27545

PRIVACY WALL

Version 1 - Revision X

MONOLITHIC GLASS PRIVACY WALL WITH GRADE 2 WHITE LAMINATED
GLASS AND GRADE 1 TEXTURED PAINT.

SIGN OFF

Dekalb Office Environments (DOE) submits these drawings detailing the design, location, dimensions, and other data specifically prepared for the proposed solution. These drawings represent our interpretation of the design intent and serve as our shop drawings for manufacturing purposes. The drawings show what will be produced by ENTER VENDOR NAME and delivered to site to create the final product.

Approval of this drawing package by the client, client's general contractor or any other required parties must be received prior to start of manufacturing. All additions, changes or deviations from the approved drawing package will be regarded as a change order and processed accordingly.

CHECK ONE:

- ☐ Approved as submitted
- ☐ Approved, except as noted on the drawings. Resubmission not required.
- ☐ Disapproved. refer to attached comments. Revise and resubmit.

The undersigned certifies that the submitted items have been reviewed in detail for conformance with the contract specifications. Approval signifies that shop drawings are acceptable for release for manufacturing.

Signature of Approving Authority: _____

Print name: _____

Title: _____

Company: _____

Date: _____

Ceiling Height: 8'
Ceiling Channel Type: TBD
Fastener Type: TBD

Panel Type:
Front: Glass Monolithic
Glass: 1/4" Clear Tempered Glass
Muntins: None
Crossrun: None
Glass: Clear Glass
Muntins: None

Door Type: None
Low Voltage Light Switch: None
Low Voltage Light Switch: None
Power: None

DISCLAIMER

The job site must have all floors, ceilings and adjacent walls finished prior to commencement of installation. Delays in site readiness may result in warehousing or other activities that could result in an increase in price.

All product to be installed by Dekalb Office Environments (DOE) on a straight time basis during normal working hours, after the site is ready.

All material is installed over finished floor, under ceiling and to adjacent walls.

The use of freight elevators shall be provided to DOE with cost for equipment or operator after regular hours included in price. Should we have to rent or purchase additional hoisting equipment and/or labor, due to unusual hoisting conditions, additional expenses will be incurred.

Preoccupancy wash down of panels and glass is included. Project will be left broom clean. Packaging and scrap will be removed to dumpsters provided, unloaded and removed by Dekalb for their exclusive use.

Changes by the customer or their representative to scope, specification or schedule may result in an increase in price and or may affect the time of completion.

All furniture dimensions are end to end unless noted otherwise.
All dimensions are to be field verified prior to installation.
All dimension are to be held +/- 1/2".
Overall height tolerance is +/- 1-1/4"

All symbols, shading, hatching, etc, in no way represents the actual appearance of the product.

PEOPLE & LOCATIONS

DEKALB CONTACTS:

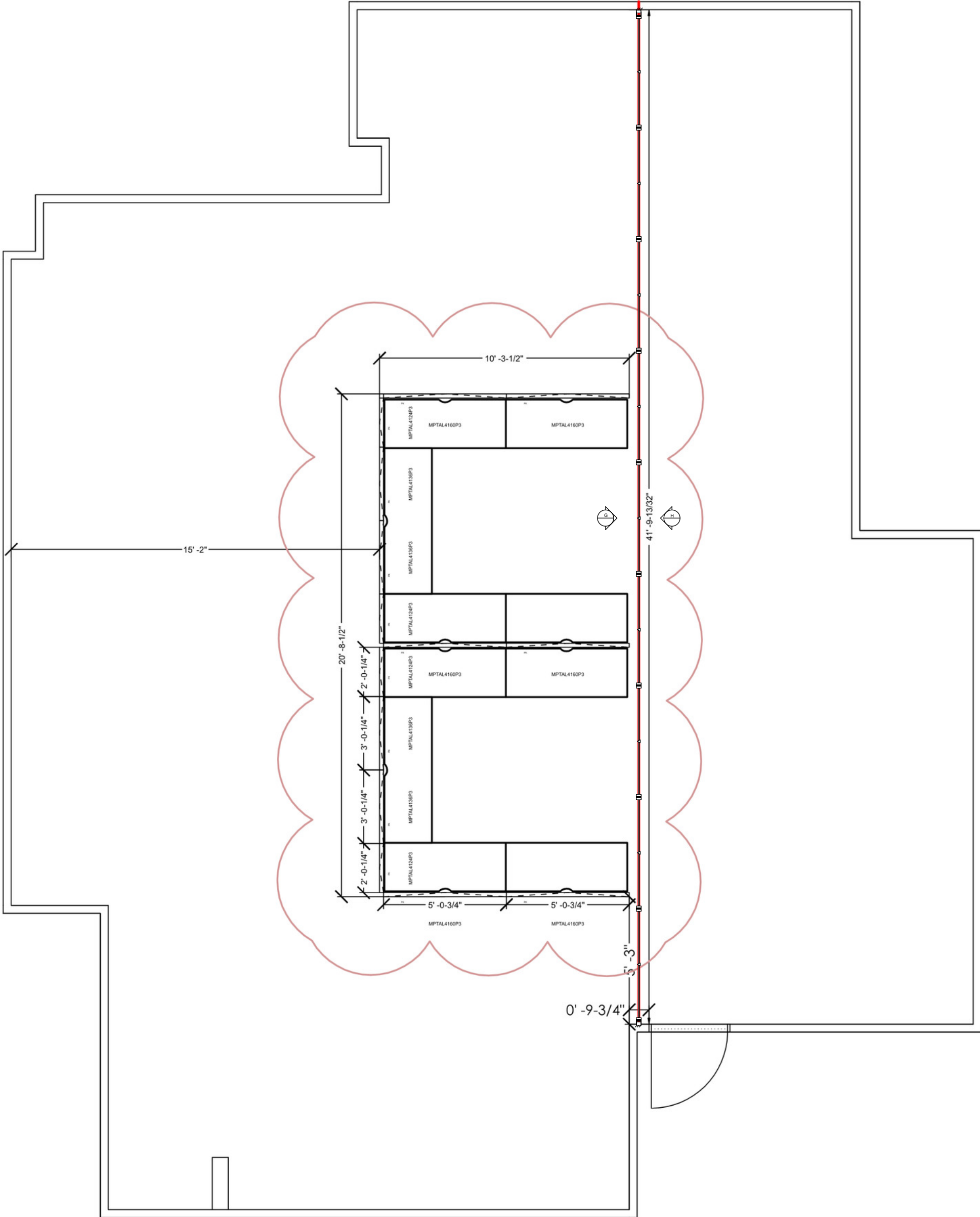
CLIENT RELATIONSHIP MANAGER T. HOLLEY THolley@dekalboffice.com	ARCHITECTURAL BRAND MANAGER Karlee Brown kbrown@dekalboffice.com	CUSTOMER FAYETTE COUNTY 1234 Sold To Rd. City, ST, Zipcode	LOCATION FAYETTE COUNTY 1234 Delivery Address St. City, ST, Zipcode
PROJECT MANAGER Name (TBD) pm@dekalboffice.com	ARCHITECTURAL DESIGNER Whitney McMakin wacmcmakin@gmail.com	CONTACT PERSON Contact Person (123)456-7890 contact@email.com	SITE CONTACT Site Contact Person (123)456-7890 sitecontact@email.com

SOLD TO:

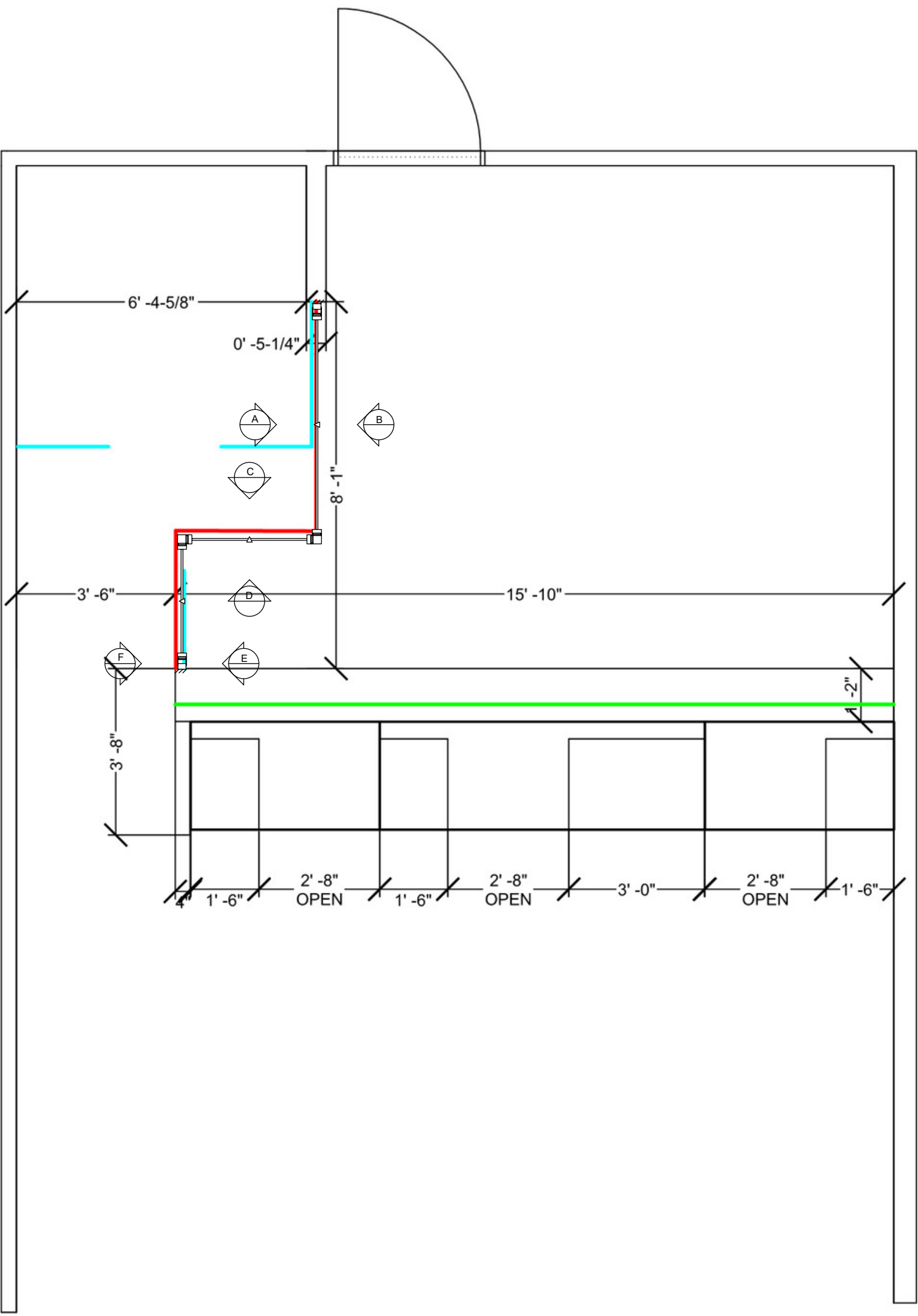
SHIP TO:

PRICING FOR:

FAYETTE COUNTY JUSTICE CENTER



AREA 1
Not To Scale




AREA 2
Not To Scale

REVISION DESCRIPTION

REV | DESCRIPTION | DWN | DATE

FOR PRELIMINARY USE ONLY

SHOP STAMP AREA



DEKALB OFFICE ENVIRONMENTS

1320 Ridgeland Pkwy
Alpharetta, GA 30004
(770) 360-0200

SHEET INDEX

PG.#	TITLE
0.0	Lead Sheet
0.1	Symbols & Notes
0.2	Schedules & Legends
1.1	Master Floor Plan
2.1	Master Reflected Ceiling Plan
3.1A	Enlarged Plan, Area A
3.1B	Structure Elevations, Area A
3.1C	Electrical Elevations, Area A
4.1	Wall Sections
5.1	Detail
5.2	Details, cont.

FAYETTE JUSTICE CENTER
PRIVACY WALL
Version 1 - Revision X

FAYETTE COUNTY JUSTICE CENTER
1234 Delivery Address St.
City, ST, Zipcode

COVER SHEET

CLIENT APPROVAL

☐ APPROVED

☐ APPROVED AS NOTED

☐ REVISE & RESUBMIT

APPROVED BY & DATE:

PROJECT MANAGER:
Name (TBD)

SALES CONSULTANT:
T. HOLLEY

APPLICATIONS CONSULTANT:
wacmc

ARCHITECTURAL DESIGNER:
Whitney McMakin

PROJECT NUMBER:
C27545

DRAWING LOCATION:
d:\DropBox\Dropbox (Personal)\Dropbox\DEKALB
PROJECTS\C27545 - Fayette County Justice Center

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DO NOT SCALE

REVISIONS

REV | DWN | DATE

PRINT DATE: 11/19/2020

Page No: 0.0

SYMBOLS		NOTES																																																													
PW/GS SYMBOLS		PROJECT INFORMATION - PW / GS																																																													
<div><div>PRIVACY WALL PANEL LEGEND</div><div>LABELS</div><table><tr><td rowspan="4"><div><div>*48/96</div><div></div></div></td><td>*=W FOR PRIVACY WALL</td></tr><tr><td>*=GS FOR GLASS SELECTIONS</td></tr><tr><td>48=WIDTH</td></tr><tr><td>96=HEIGHT</td></tr><tr><td><div><div>*.W/48/96</div><div></div></div></td><td>* = SPECL: FOR SPECIAL</td></tr><tr><td><div><div>W/48*/96</div><div></div></div></td><td>*=M FOR MODULAR</td></tr><tr><td><div><div>W/48/96</div><div></div></div></td><td>CUT SOLID WALL</td></tr><tr><td><div><div>W/48/96-C</div><div></div></div></td><td>CLERESTORY</td></tr><tr><td rowspan="5"><div><div>W/48/96-**</div><div></div></div></td><td>GLASS WALL WITH LITES</td></tr><tr><td>2T = 2 TRANSOM ALIGNED LITES</td></tr><tr><td>3E = 3 EQUAL LITES</td></tr><tr><td>4E = 4 EQUAL LITES</td></tr><tr><td>4T = 4 TRANSOM ALIGNED LITES</td></tr><tr><td rowspan="4"><div><div>WC*</div><div></div></div></td><td>WC=WALL CHANNEL</td></tr><tr><td>* = 1 FOR WC1 (1/4" TO 1/2")</td></tr><tr><td>* = 2 FOR WC2 (3/8" TO 1-5/16")</td></tr><tr><td>* = 3 FOR WC3 (3/8" TO 3-1/16")</td></tr><tr><td rowspan="4"><div><div>ME*</div><div></div></div></td><td>ME=MINI-END</td></tr><tr><td>* = S FOR SMALL (1-1/2" TO 2-1/8")</td></tr><tr><td>* = M FOR MEDIUM (2-1/8" TO 3-1/2")</td></tr><tr><td>* = L FOR LARGE (3-1/2" TO 6")</td></tr><tr><td colspan="2">ADAPTERS & POSTS</td></tr><tr><td rowspan="2">A*</td><td>A*=ADAPTER</td></tr><tr><td>P*=POST</td></tr><tr><td rowspan="5">P*</td><td>*=L FOR L</td></tr><tr><td>*=T FOR T</td></tr><tr><td>*=X FOR X</td></tr><tr><td>*=I FOR IN-LINE POST</td></tr><tr><td>*=E FOR FINISHED END ADAPTER</td></tr><tr><td colspan="2">PRIVACY WALL ELECTRICAL LEGEND</td></tr><tr><td colspan="2">ELEVATION ZONES</td></tr><tr><td colspan="2">BASE HEIGHT</td></tr><tr><td><div><div></div></div></td><td>POWER 15 AMP</td></tr><tr><td><div><div></div></div></td><td>POWER 20 AMP</td></tr><tr><td><div><div></div></div></td><td>COMMUNICATION</td></tr><tr><td colspan="2">MODULAR POWER</td></tr><tr><td rowspan="2">A*<div><div></div></div></td><td>A=LINE</td></tr><tr><td>*=I FOR ISOLATED GRD (SYSTEM STD)</td></tr><tr><td>HM36</td><td>MODULAR HARNESS, 36=LENGTH</td></tr></table></div>		<div><div>*48/96</div><div></div></div>	*=W FOR PRIVACY WALL	*=GS FOR GLASS SELECTIONS	48=WIDTH	96=HEIGHT	<div><div>*.W/48/96</div><div></div></div>	* = SPECL: FOR SPECIAL	<div><div>W/48*/96</div><div></div></div>	*=M FOR MODULAR	<div><div>W/48/96</div><div></div></div>	CUT SOLID WALL	<div><div>W/48/96-C</div><div></div></div>	CLERESTORY	<div><div>W/48/96-**</div><div></div></div>	GLASS WALL WITH LITES	2T = 2 TRANSOM ALIGNED LITES	3E = 3 EQUAL LITES	4E = 4 EQUAL LITES	4T = 4 TRANSOM ALIGNED LITES	<div><div>WC*</div><div></div></div>	WC=WALL CHANNEL	* = 1 FOR WC1 (1/4" TO 1/2")	* = 2 FOR WC2 (3/8" TO 1-5/16")	* = 3 FOR WC3 (3/8" TO 3-1/16")	<div><div>ME*</div><div></div></div>	ME=MINI-END	* = S FOR SMALL (1-1/2" TO 2-1/8")	* = M FOR MEDIUM (2-1/8" TO 3-1/2")	* = L FOR LARGE (3-1/2" TO 6")	ADAPTERS & POSTS		A*	A*=ADAPTER	P*=POST	P*	*=L FOR L	*=T FOR T	*=X FOR X	*=I FOR IN-LINE POST	*=E FOR FINISHED END ADAPTER	PRIVACY WALL ELECTRICAL LEGEND		ELEVATION ZONES		BASE HEIGHT		<div><div></div></div>	POWER 15 AMP	<div><div></div></div>	POWER 20 AMP	<div><div></div></div>	COMMUNICATION	MODULAR POWER		A* <div><div></div></div>	A=LINE	*=I FOR ISOLATED GRD (SYSTEM STD)	HM36	MODULAR HARNESS, 36=LENGTH	<div>Ceiling Height: 8' Ceiling Channel Type: TBD Fastener Type: TBD</div> <div>Panel Type: Front: Glass Monolithic Glass: 1/4" Clear Tempered Glass Muntins: None Crossrun: None Glass: Clear Glass Muntins: None</div> <div>Door Type: None Low Voltage Light Switch: None Low Voltage Light Switch: None Power: None</div>		<div><div><div><div><div></div><div></div></div><div>DEKALBOFFICE</div></div></div><div>DEKALB OFFICE ENVIRONMENTS</div><div>1320 Ridgeland Pkwy Alpharetta, GA 30004 (770) 360-0200</div><div><div>FAYETTE JUSTICE CENTER PRIVACY WALL Version 1 - Revision X</div><div>FAYETTE COUNTY JUSTICE CENTER 1234 Delivery Address St. City, ST, Zipcode</div><div>SYMBOLS & NOTES</div></div><div>CLIENT APPROVAL</div><div><div><div><input type="checkbox"/> APPROVED</div><div><input type="checkbox"/> APPROVED AS NOTED</div><div><input type="checkbox"/> REVISE & RESUBMIT</div></div></div><div>APPROVED BY & DATE:</div><div>PROJECT MANAGER: Name (TBD)</div><div>SALES CONSULTANT: T. HOLLEY</div><div>APPLICATIONS CONSULTANT: wacmc</div><div>ARCHITECTURAL DESIGNER: Whitney McMakin</div><div>PROJECT NUMBER: C27545</div><div>DRAWING LOCATION: d:\DropBox\Dropbox (Personal)\Dropbox\DEKALB PROJECTS\C27545 - Fayette County Justice Center</div><div>REVISIONS</div><div>REV DWN DATE</div><div></div><div>PRINT DATE: 11/19/2020</div><div>Page No: <div>0.1</div></div></div>
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Frame Side Types

6541

A

Qty: 2

H:96 W:30

6541

B

Qty: 2

H:96 W:33

6541

C

Qty: 18

H:96 W:55

6541

D

Qty: 2

H:96 W:58

FRAME & PANEL TYPES

Scale: 1" = 1'-0"

AREA 1

Linear Footage Legend	
Privacy Wall Solid Hollow Core Panel	0"
Privacy Wall Solid Enh Core Panel	0"
Privacy Wall Glass Panel	41'3"
Privacy Wall Clerestory Panel	0"
Privacy Wall Swing Door	0"
Privacy Wall Slider Door	0"
Privacy Wall and GS Junctions and Mini-Ends	5.7"
Total Linear Footage	41'8.7"
Total Privacy Wall/Glass Selections	11

AREA 2

Linear Footage Legend	
Privacy Wall Solid Hollow Core Panel	0"
Privacy Wall Solid Enh Core Panel	0"
Privacy Wall Glass Panel	10'1"
Privacy Wall Clerestory Panel	0"
Privacy Wall Swing Door	0"
Privacy Wall Slider Door	0"
Privacy Wall and GS Junctions and Mini-Ends	11.06"
Total Linear Footage	11'0.06"
Total Privacy Wall/Glass Selections	7

ALL

Linear Footage Legend	
Privacy Wall Solid Hollow Core Panel	0"
Privacy Wall Solid Enh Core Panel	0"
Privacy Wall Glass Panel	51'4"
Privacy Wall Clerestory Panel	0"
Privacy Wall Swing Door	0"
Privacy Wall Slider Door	0"
Privacy Wall and GS Junctions and Mini-Ends	1'4.76"
Total Linear Footage	52'8.76"
Total Privacy Wall/Glass Selections	18

FINISH CODE SUMMARY	
GLASS- WHITE LAMINATED	
6541	6541: WHITE LAMINATED
PAINT- TEXTURED	
7236	7236: FOG

DEKALBOFFICE

DEKALB OFFICE ENVIRONMENTS

1320 Ridgeland Pkwy
Alpharetta, GA 30004
(770) 360-0200

FAYETTE JUSTICE CENTER
PRIVACY WALL
Version 1 - Revision X

FAYETTE COUNTY JUSTICE CENTER
1234 Delivery Address St.
City, ST, Zipcode

SCHEDULES & LEGENDS

CLIENT APPROVAL

☐ APPROVED

☐ APPROVED AS NOTED

☐ REVISE & RESUBMIT

APPROVED BY & DATE:

PROJECT MANAGER:
Name (TBD)

SALES CONSULTANT:
T. HOLLEY

APPLICATIONS CONSULTANT:
wacmc

ARCHITECTURAL DESIGNER:
Whitney McMakin

PROJECT NUMBER:
C27545

DRAWING LOCATION:
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FAYETTE JUSTICE CENTER
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FLOOR PLAN

CLIENT APPROVAL

- ☐ APPROVED
- ☐ APPROVED AS NOTED
- ☐ REVISE & RESUBMIT

APPROVED BY & DATE:

PROJECT MANAGER:
Name (TBD)

SALES CONSULTANT:
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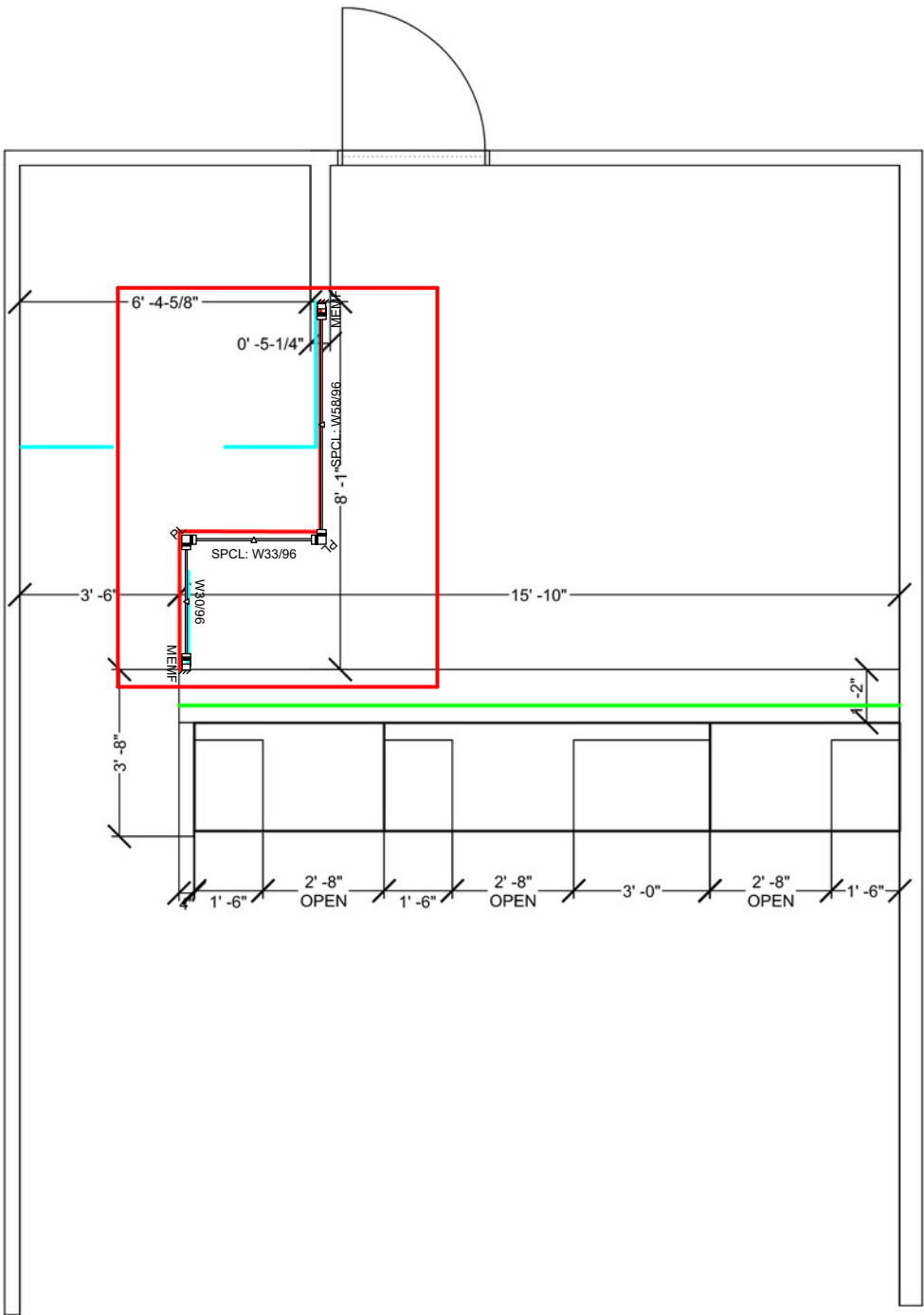
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C27545

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FLOOR PLAN LEVEL 1

Scale: NTS



FURNITURE LAYOUT FOR REFERENCE ONLY

KEYED NOTES

A

LEGEND



Walls Scope of Work

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ENLARGED PLAN - AREA 1

CLIENT APPROVAL

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- ☐ APPROVED AS NOTED
- ☐ REVISE & RESUBMIT

APPROVED BY & DATE:

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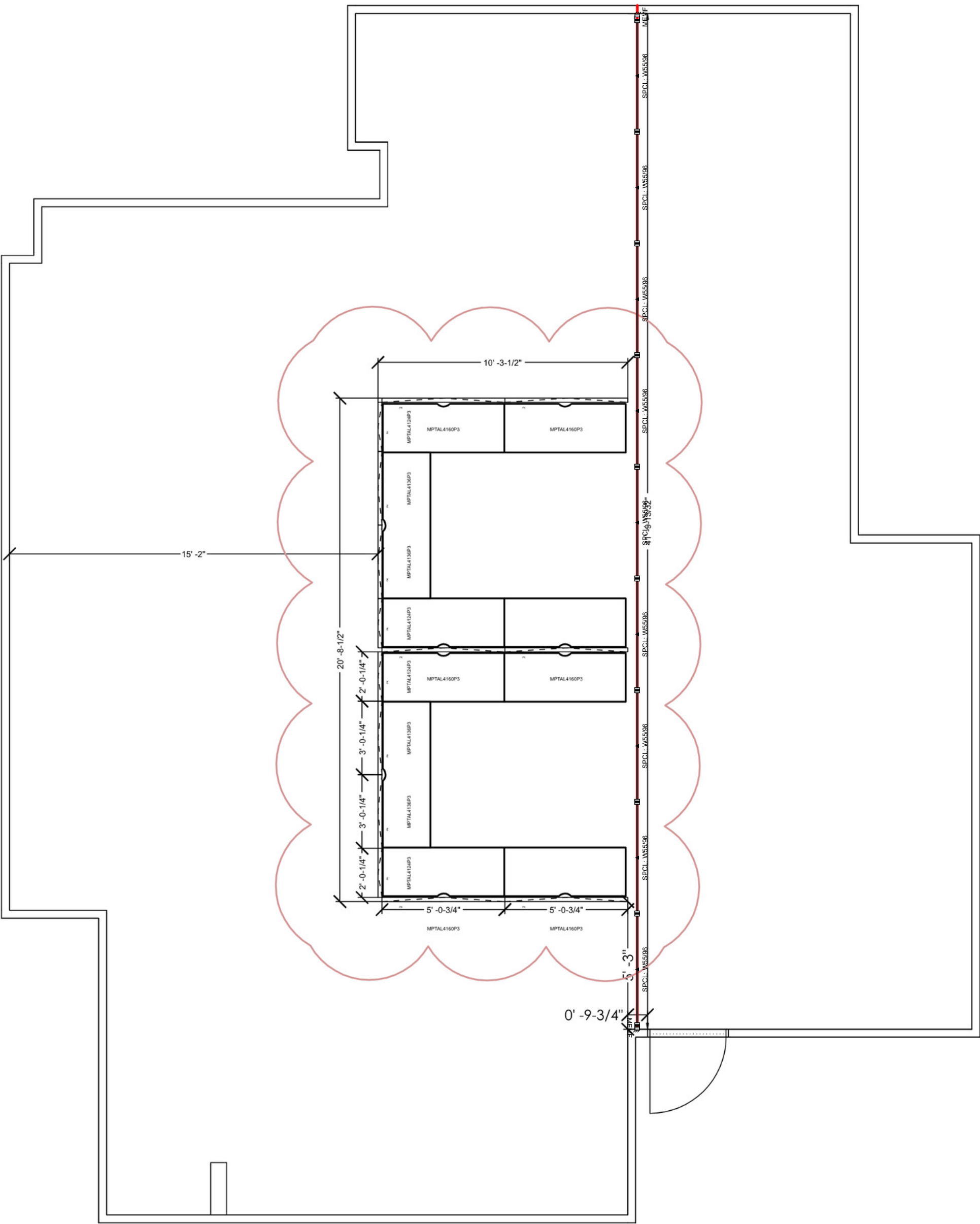
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PRINT DATE: 11/19/2020

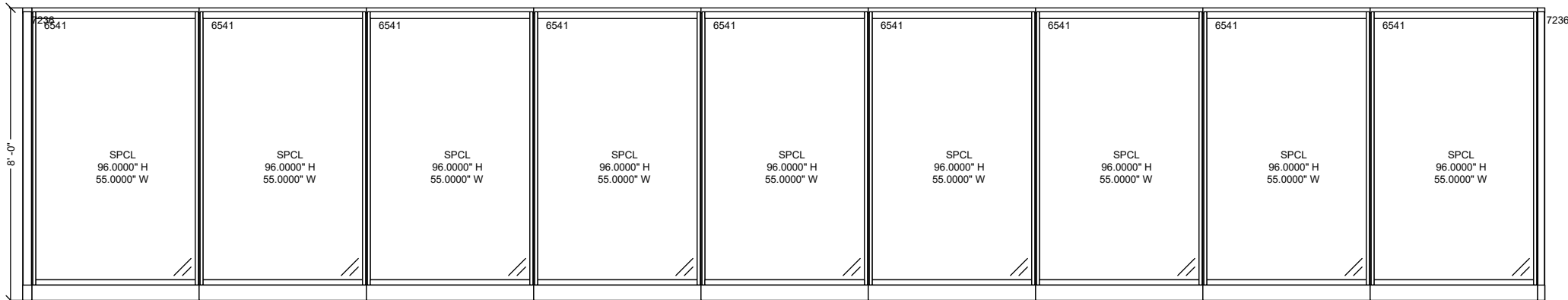
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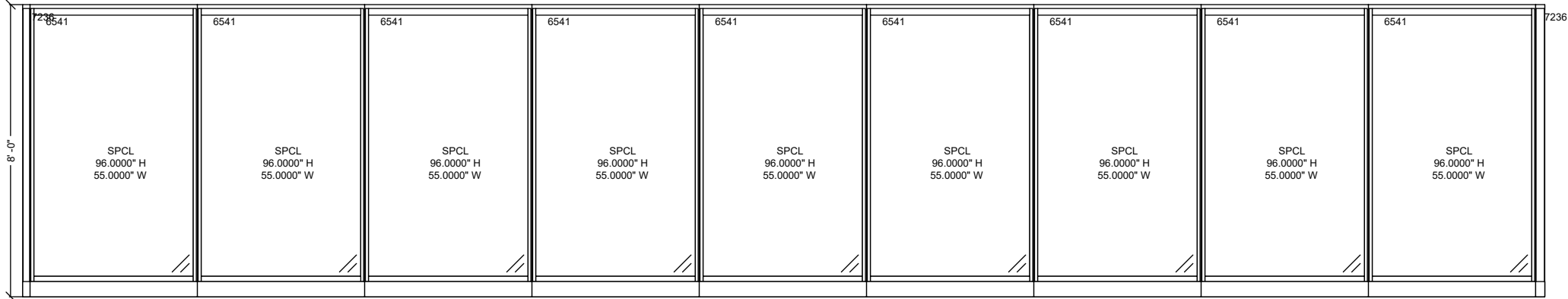


ENLARGED FLOOR PLAN - AREA 1

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



Elevation G

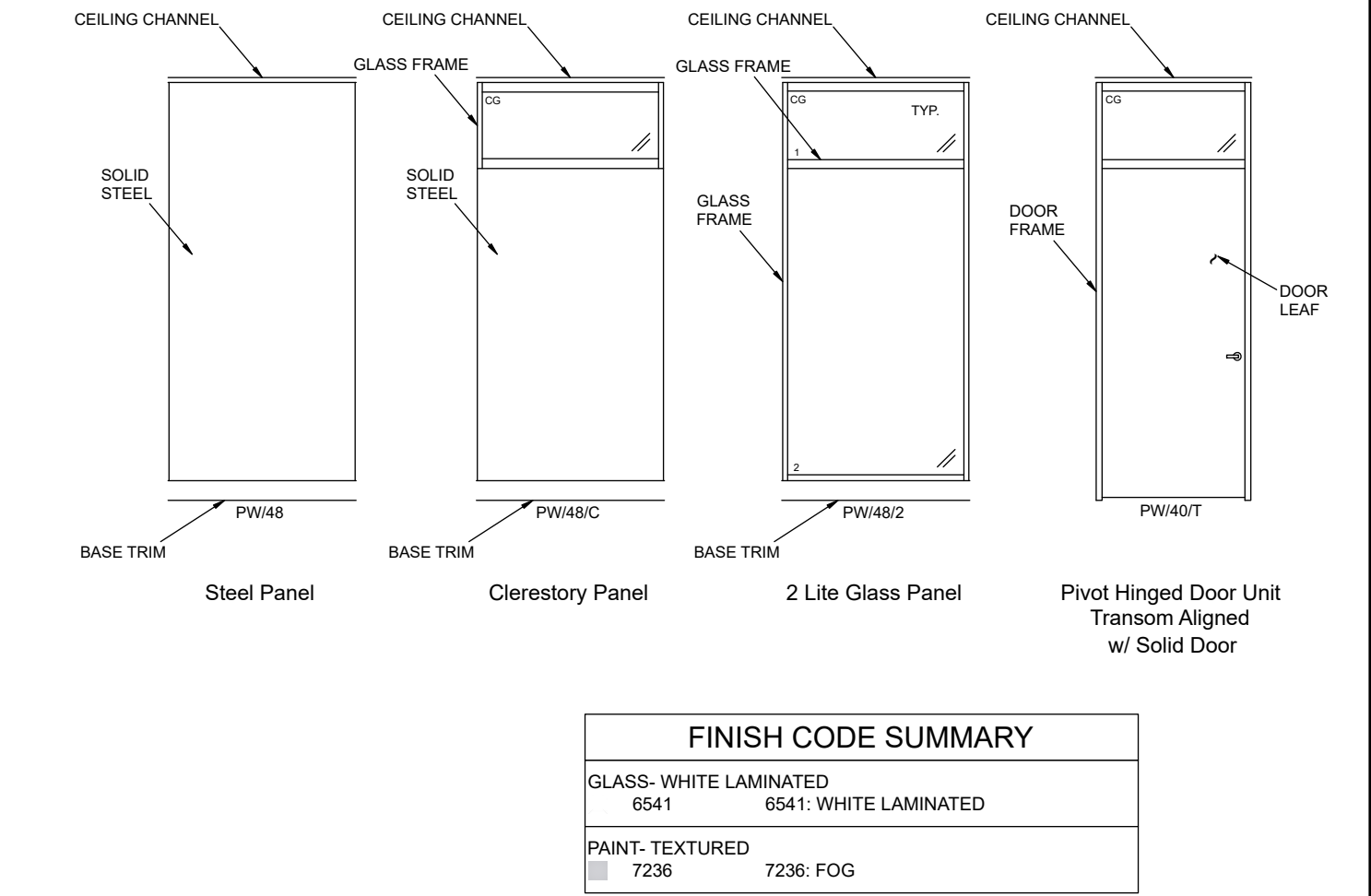


Elevation H

SKIN ELEVATIONS - AREA 1

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

ELEVATION LEGEND





DEKALB OFFICE ENVIRONMENTS

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FAYETTE JUSTICE CENTER
PRIVACY WALL
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FAYETTE COUNTY JUSTICE CENTER
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ENLARGED PLAN - AREA 2

CLIENT APPROVAL

- ☐ APPROVED
- ☐ APPROVED AS NOTED
- ☐ REVISE & RESUBMIT

APPROVED BY & DATE:

PROJECT MANAGER:
Name (TBD)

SALES CONSULTANT:
T. HOLLEY

APPLICATIONS CONSULTANT:
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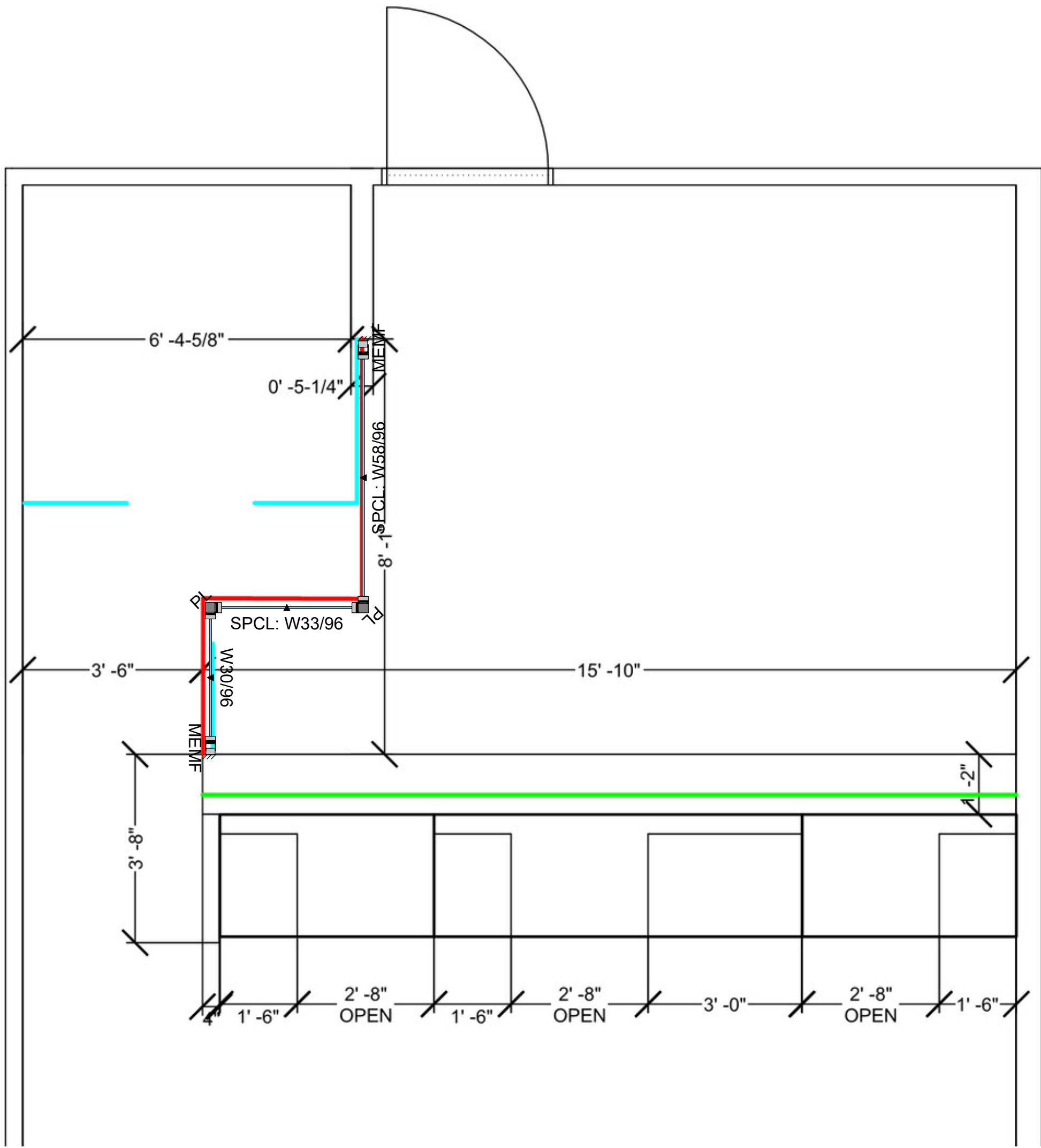
REVISIONS

REV	DWN	DATE
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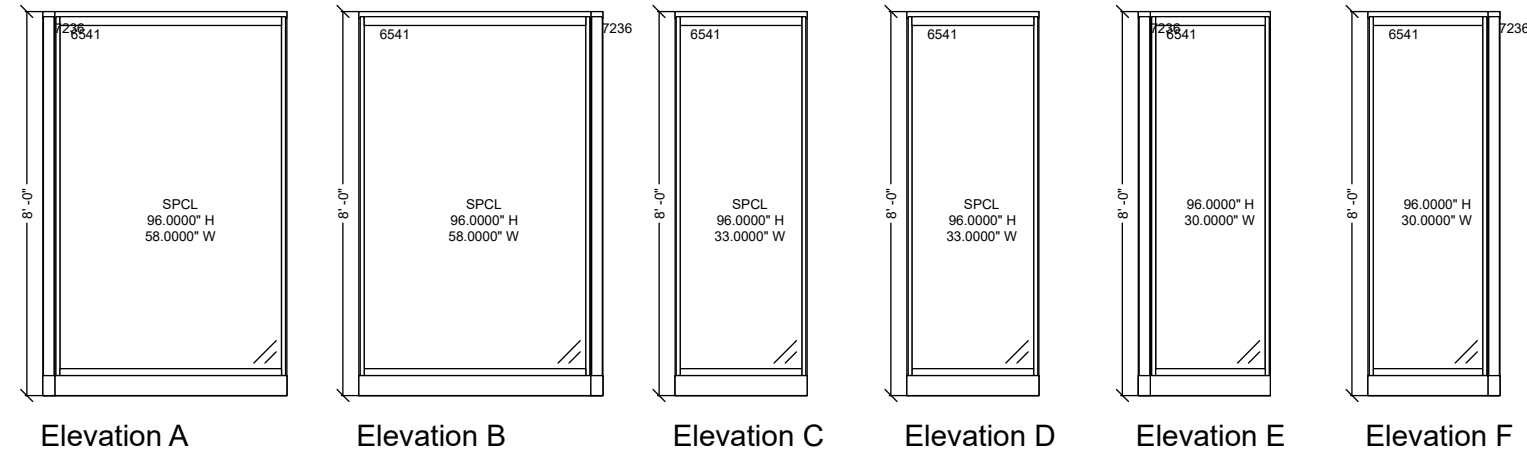
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ENLARGED FLOOR PLAN - AREA 1

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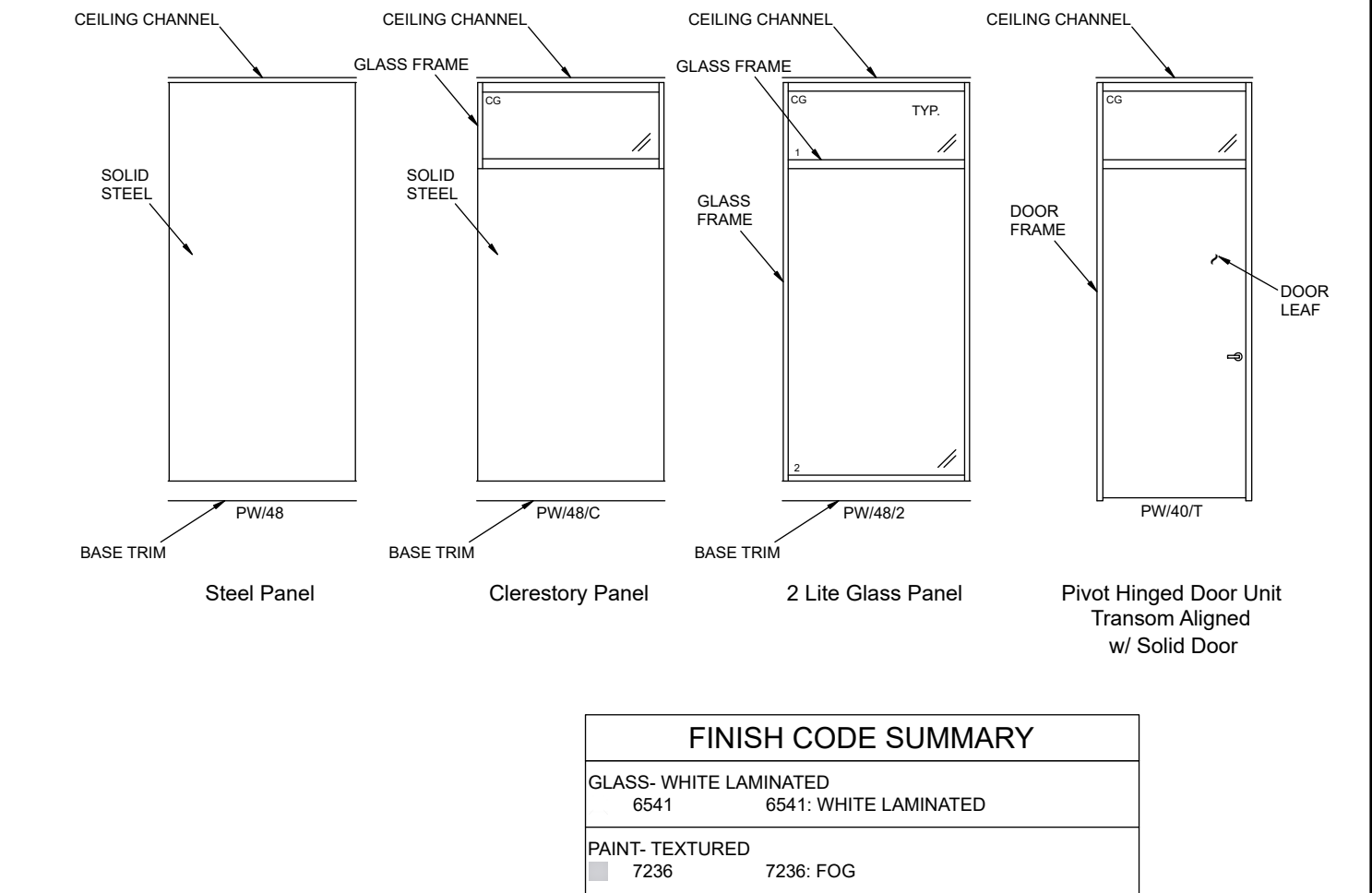
Automatic Elevations

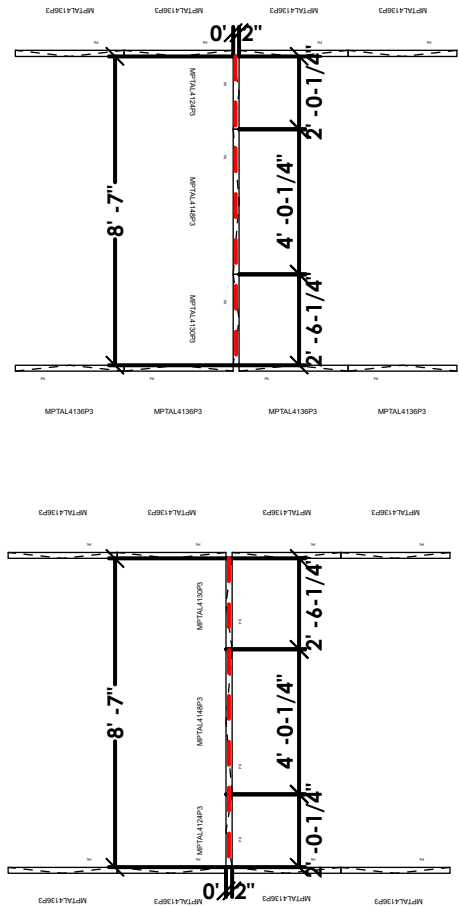


SKIN ELEVATIONS - AREA 1

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

ELEVATION LEGEND





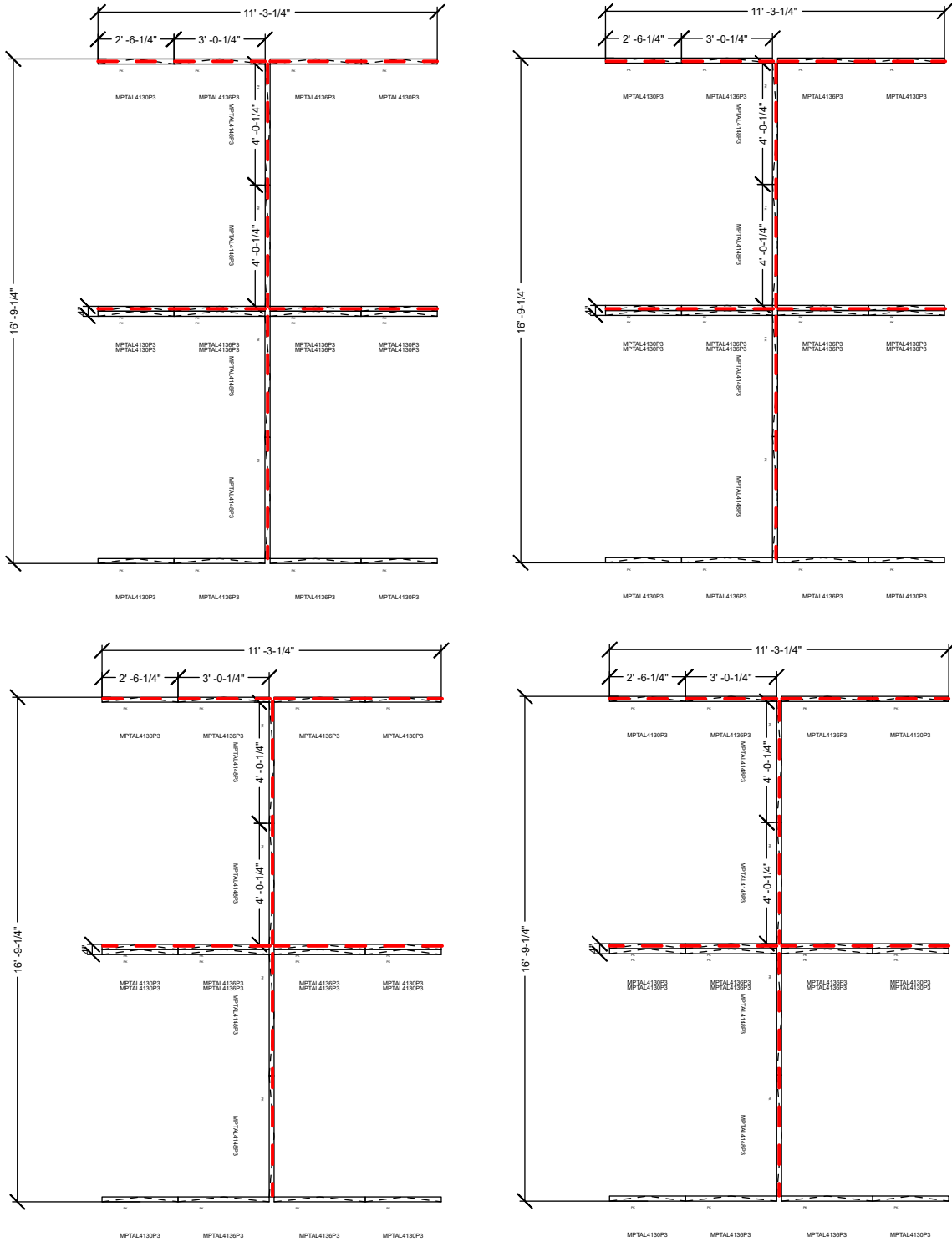
14"H CLEAR GLASS TO BE ADDED TO (4) EXISTING WORKSTATIONS AT SPINE PANELS ONLY.

GLASS SCREENS

DEKALB OFFICE
1320 Ridgeland Parkway
Alpharetta, GA 30004

CLIENT: FAYETTE COUNTY
PROJECT: FAYETTE COUNTY COURTHOUSE
ACCOUNT REP: TRACY HOLLEY
DESIGNER: PAULA POWELL
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PROJECT #: C27545
OPTION:
JUVENILE COURT



14"H CLEAR GLASS TO BE ADDED TO (16) EXISTING WORKSTATIONS.

GLASS SCREENS

DEKALB OFFICE

1320 Ridgeland Parkway
Alpharetta, GA 30004

CLIENT: FAYETTE COUNTY

PROJECT: FAYETTE COUNTY COURTHOUSE

ACCOUNT REP: TRACY HOLLEY

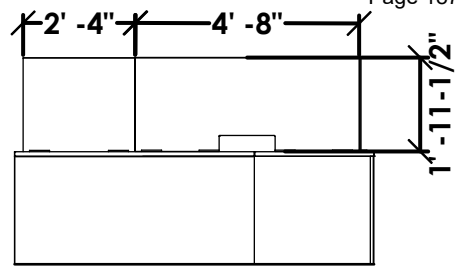
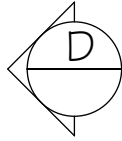
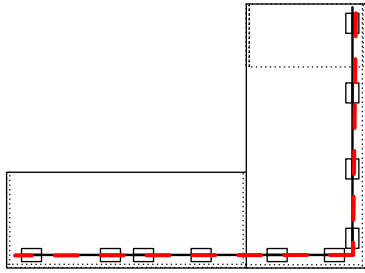
DESIGNER: PAULA POWELL

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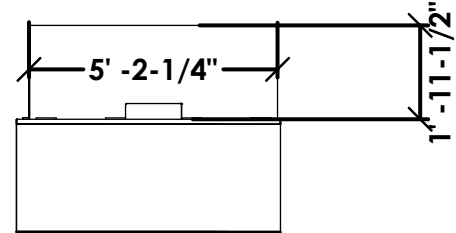
PROJECT #: C27545

OPTION:

SUPERIOR COURT



Elevation C



Elevation D

ACRYLIC SCREENS



ACRYLIC SCREENS SHOWN MOUNTED DIRECTLY TO SURFACE OF FREESTANDING DESK. SHOWN WITH TWO TRANSACTION SLOTS.

DEKALB OFFICE

1320 Ridgeland Parkway
Alpharetta, GA 30004

CLIENT: FAYETTE COUNTY

PROJECT: FAYETTE COUNTY COURTHOUSE

ACCOUNT REP: TRACY HOLLEY

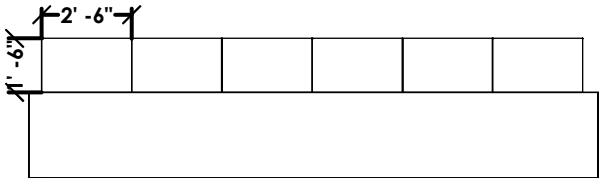
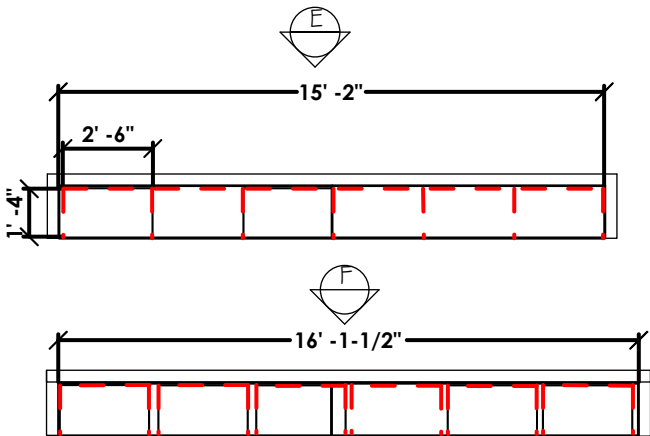
DESIGNER: PAULA POWELL

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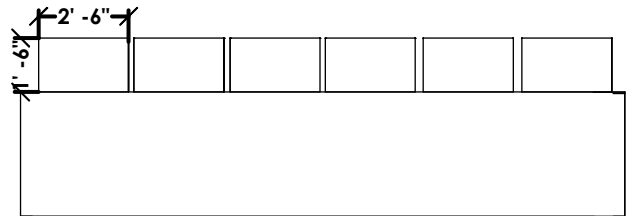
PROJECT #: C27545

OPTION:

JURY ASSEMBLY

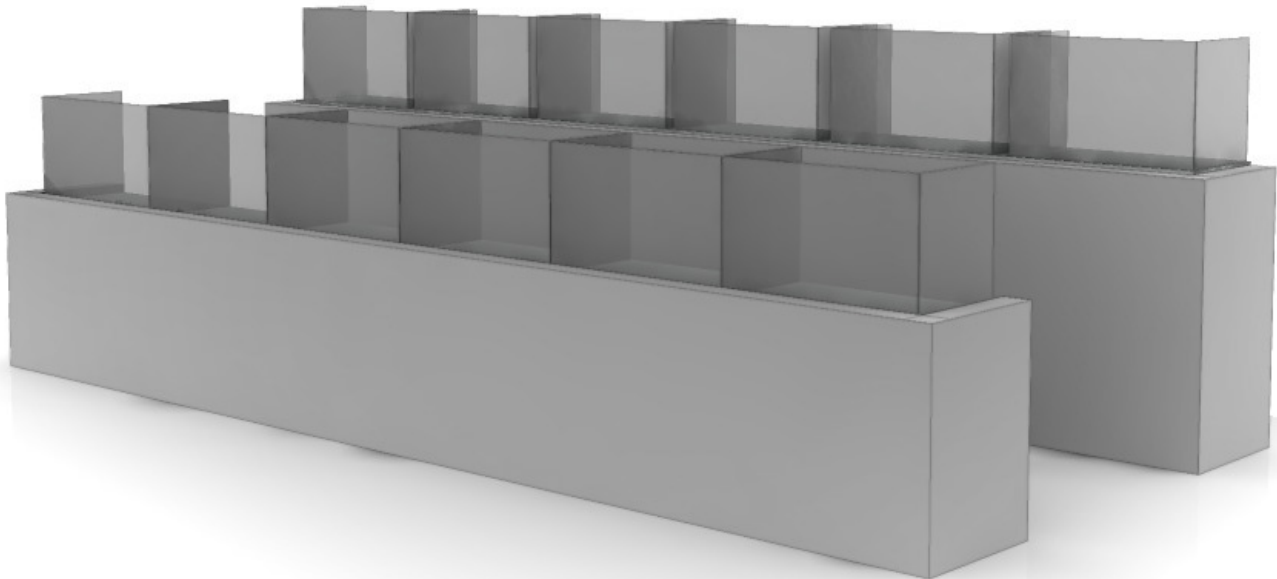


Elevation E



Elevation F

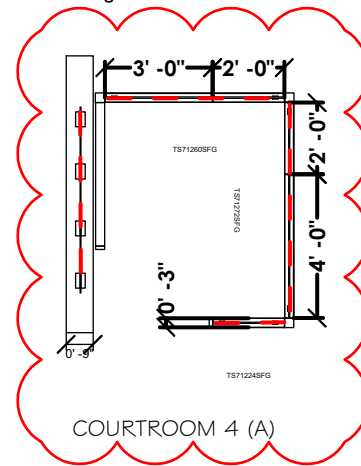
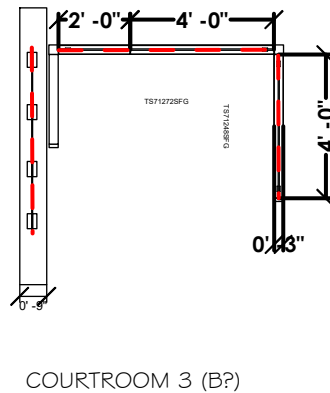
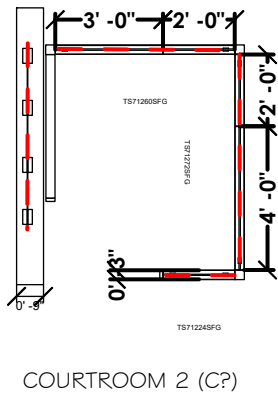
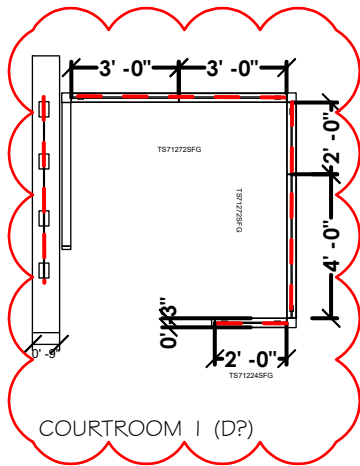
ACRYLIC SCREENS



FREESTANDING CLEAR ACRYLIC SCREENS AT 18"H x 30"W. SIDE PANELS AT 16"W TO FIT DEPTH OF SURFACES.

(48) SCREENS TO BE INSTALLED AT FOUR COURTROOMS FOR JURORS.

<div>DEKALB OFFICE</div> <div>1320 Ridgeland Parkway</div> <div>Alpharetta, GA 30004</div>	CLIENT: FAYETTE COUNTY	PROJECT #: C27545
	PROJECT: FAYETTE COUNTY COURTHOUSE	OPTION:
	ACCOUNT REP: TRACY HOLLEY	<div>JUROR SCREENS</div>
	DESIGNER: PAULA POWELL	
	THE INFORMATION CONTAINED IN THESE DRAWINGS IS PROPRIETARY TO DEKALB OFFICE. THE DRAWINGS ARE PREPARED FOR A SPECIFIC SITE AND INCORPORATES CALCULATIONS BASED ON DATA AVAILABLE FROM THE CLIENT AT THIS TIME. BY ACCEPTING AND USING THESE DRAWINGS, THE RECIPIENT AGREES TO PROTECT ITS CONTENTS FROM FURTHER DISSEMINATION, OTHER THAN THAT WITHIN THE ORGANIZATION NECESSARY TO EVALUATE SUCH SPECIFICATION. WITHOUT THE WRITTEN PERMISSION OF DEKALB OFFICE THE CONTENTS OF THESE DRAWINGS ARE NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF DEKALB OFFICE.	



CONFIRM COURTROOM 4 (A) WORKSTATION IS SAME SIZE AS COURTROOM 1 (D?) WORKSTATION.

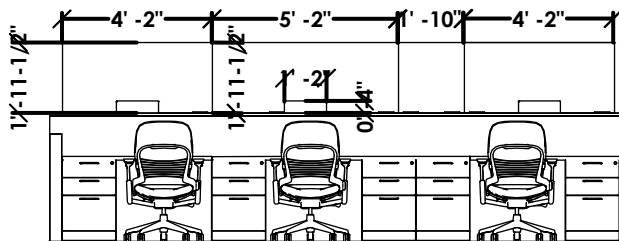
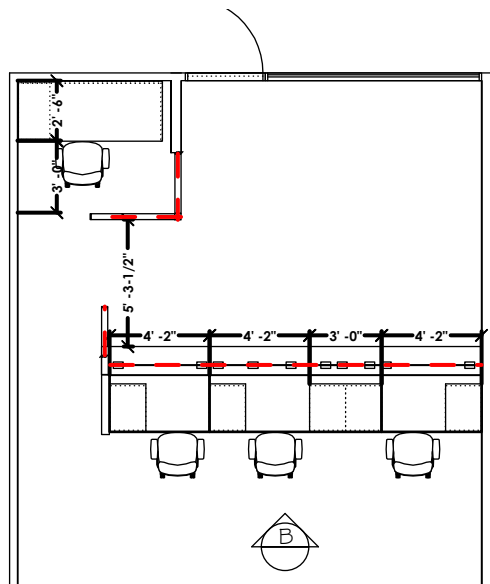
GLASS/ACRYLIC SCREENS

WORKSTATION TRIM FINISH TO BE VERIFIED PRIOR TO ORDER.



(4) EXISTING ANSWER STATIONS AT FOUR COURTROOMS TO RECEIVE NEW SQUARE TRIM AND GLASS STACKERS. (4) NEW FREESTANDING ACRYLIC SCREENS WILL RECEIVE TINTED FILM.

<div>DEKALB OFFICE</div> <div>1320 Ridgeland Parkway</div> <div>Alpharetta, GA 30004</div>	CLIENT: FAYETTE COUNTY	PROJECT #: C27545
	PROJECT: FAYETTE COUNTY COURTHOUSE	OPTION:
	ACCOUNT REP: TRACY HOLLEY	COURTROOMS
	DESIGNER: PAULA POWELL	
	THE INFORMATION CONTAINED IN THESE DRAWINGS IS PROPRIETARY TO DEKALB OFFICE. THE DRAWINGS ARE PREPARED FOR A SPECIFIC SITE AND INCORPORATES CALCULATIONS BASED ON DATA AVAILABLE FROM THE CLIENT AT THIS TIME. BY ACCEPTING AND USING THESE DRAWINGS, THE RECIPIENT AGREES TO PROTECT ITS CONTENTS FROM FURTHER DISSEMINATION, OTHER THAN THAT WITHIN THE ORGANIZATION NECESSARY TO EVALUATE SUCH SPECIFICATION, WITHOUT THE WRITTEN PERMISSION OF DEKALB OFFICE THE CONTENTS OF THESE DRAWINGS ARE NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF DEKALB OFFICE.	



Elevation B

ACRYLIC SCREENS / FREESTANDING PANELS



PANELS ADDED TO PROVIDE PRIVACY AT FRONT DESK AND (1) PANEL ADDED AT COUNTER TO PROVIDE A BARRIER FOR VISITORS.

**CLIENT TO CONFIRM PANELS OR WALLS TO BE ADDED - SEE WALL DRAWING.



ACRYLIC SCREENS SHOWN SURFACE MOUNTED AT COUNTER WITH TRANSACTION SLOTS TO CORRESPOND WITH SEATS BEHIND COUNTER.

DEKALB OFFICE

1320 Ridgeland Parkway
Alpharetta, GA 30004

CLIENT: FAYETTE COUNTY

PROJECT: FAYETTE COUNTY COURTHOUSE

ACCOUNT REP: TRACY HOLLEY

DESIGNER: PAULA POWELL

THE INFORMATION CONTAINED IN THESE DRAWINGS IS PROPRIETARY TO DEKALB OFFICE. THE DRAWINGS ARE PREPARED FOR A SPECIFIC SITE AND INCORPORATES CALCULATIONS BASED ON DATA AVAILABLE FROM THE CLIENT AT THIS TIME. BY ACCEPTING AND USING THESE DRAWINGS, THE RECIPIENT AGREES TO PROTECT ITS CONTENTS FROM FURTHER DISSEMINATION, OTHER THAN THAT WITHIN THE ORGANIZATION NECESSARY TO EVALUATE SUCH SPECIFICATION, WITHOUT THE WRITTEN PERMISSION OF DEKALB OFFICE THE CONTENTS OF THESE DRAWINGS ARE NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF DEKALB OFFICE.

PROJECT #: C27545

OPTION:

PROBATE COURT

COUNTY AGENDA REQUEST

Page 191 of 353

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of Fayette County Fire & Emergency Services' request to enter an Automatic and Mutual Aid agreement with the City of South Fulton Fire Department.

Background/History/Details:

Fayette County Fire & Emergency Services previously had an Automatic and Mutual Aid agreement with Fulton County Fire Department. With the creation of the City of South Fulton, and the disbanding of the Fulton County Fire Department, there is a need to reestablish an aid agreement with the new governmental body now known as the City of South Fulton. This new agreement would continue the same pre-designated area for Automatic Aid as before, and limit the area of the Mutual Aid to the city limit boundaries of the City of South Fulton. Within the pre-designated area Fayette County Fire & Emergency Services will provide one (1) Engine or Quint.

Fire & Emergency Services currently has other agreements of this nature with surrounding jurisdictions.

Insurance Services Office (ISO) grants credit for response personnel when outlined in a pre-existing agreement.

What action are you seeking from the Board of Commissioners?

Approval of Fayette County Fire & Emergency Services' request to enter an Automatic and Mutual Aid agreement with the City of South Fulton Fire Department.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

**AN AGREEMENT OF MUTUAL AID
AND AUTOMATIC AID BETWEEN
FAYETTE COUNTY AND CITY OF SOUTH FULTON**

This Agreement is made and entered into this _____ day of _____ 20 ____,
by and between Fayette County, a political subdivision of the State of Georgia, acting by
and through its duly elected Board of Commissioners (hereinafter “Fayette County”), and
City of South Fulton, a political subdivision of the State of Georgia, acting by and
through its duly elected Mayor and Council (hereinafter “City of South Fulton”),
 (“Fayette County” and “City of South Fulton” may be referred to collectively as
 “Parties”);

WITNESSETH:

WHEREAS, Fayette County and City of South Fulton are contiguous; and

WHEREAS, Fayette County and City of South Fulton each maintain and staff a
fire department for the purpose of fire prevention, fire suppression, emergency medical,
hazardous material, technical rescue, and support services (“Fire Services”); and

WHEREAS, Fayette County and City of South Fulton have determined that it is
to the mutual advantage and benefit of each of the Parties hereto that they render
supplemental Fire Services in the event of a fire, emergency medical, hazardous material,
or technical rescue incident or other local emergency, and to take part in joint training
exercises; and

WHEREAS, it is the desire of the Parties hereto to enter into this agreement for
Mutual Aid and Automatic Aid (Mutual Response) pursuant to the 1983 Constitution of
The State of Georgia, Article IX, Section 11, Paragraph 3 and the Official Code of
Georgia Annotated O.C.G.A. 8 36- 69- I, ct. seq. – “The Georgia Mutual Aid Act.”

NOW THEREFORE, in consideration, of the mutual covenants contained herein, and for other good and valuable consideration, the Parties hereunto agree as follows:

ARTICLE 1- DEFINITIONS

For purposes of this Agreement, the following terms and expressions shall apply:

1. **"Acting Officer"** means the highest rank of company or chief officer available and capable of serving as Incident Commander for the jurisdiction.
2. **"Assistance"** includes personnel, equipment, facilities, services, supplies and other resources furnished to a Requesting Party pursuant to this agreement.
3. **"Assisting Party"** means a Party that provides assistance pursuant to this agreement.
4. **"Emergency Incident"** includes all requests for emergency services including fire, medical, hazardous material, technical rescue, or any other local emergency occurring in the response district.
5. **"Fire Services"** means fire prevention, fire suppression, emergency medical, hazardous material, technical rescue, and related support services.
6. **"Incident Commander"** means the individual responsible for the management of all incident operations for each Emergency Incident.
7. **"Party"** means Fayette County or City of South Fulton of this agreement by their approval and execution of this agreement in the singular.
8. **"Requesting Party"** means a Party that requests assistance pursuant to this agreement.

ARTICLE 2- AUTOMATIC AID (MUTUAL RESPONSE)

Paragraph 2.0 The Parties shall establish a mutually beneficial response district (hereinafter "Response District") which shall exist within and up to certain feasible boundary limits as designated and agreed upon by the Fayette County Fire Chief and the City of South Fulton Fire Chief. Said agreed upon bounds will be recorded in a

document written and signed by both the Fayette County Fire Chief and the City of South Fulton Fire Chief. Subsequently, that document shall be attached and incorporated into this Agreement as Addendum A. The Response District may be changed to reflect additions or deletions of response areas with the written approval of both Fire Chief's.

Paragraph 2.1 In the event of any fire, emergency medical, hazardous material, or technical rescue incident, or other local emergency occurring in the Response District, the Parties shall furnish Fire Services as may be reasonably required to cope with such emergency, in addition to the first response assignment, but subject to the limitations hereinafter set forth in this Agreement.

Paragraph 2.2 The level of Automatic Aid (Mutual Response) shall exist at a level mutually agreed upon by the Fayette County Fire Chief and the City of South Fulton Fire Chief, and shall be attached to this Agreement and included in Addendum A.

ARTICLE 3- MUTUAL AID

Paragraph 3.0 The level of Mutual Aid shall exist at a level agreed upon in writing and signed by both the Fayette County Fire Chief and the City of South Fulton Fire Chief. Said document shall be incorporated into this Agreement as Addendum B. Upon approval from the Fire Chief of the jurisdiction furnishing Mutual Aid, or his designee, the party furnishing Mutual Aid shall determine the actual amount of equipment and staffing it will send based on the available personnel, equipment, and local conditions at the time of the request.

Paragraph 3.1 It is expressly agreed that the Mutual Aid actually furnished may be recalled by the Assisting Party at the discretion of the Fire Chief, Acting Chief Officer, or his designee.

Paragraph 3.2 It is further agreed that the Parties will participate in joint training exercises at least annually to promote standardization of operations and philosophy. The extent of joint training necessary to accomplish this goal shall be determined and agreed upon in Addendum A and signed by the Fayette County Fire Chief and the City of South Fulton Fire Chief.

ARTICLE 4- SUPERVISION

Paragraph 4.0 The jurisdiction furnishing Automatic Aid or Mutual Aid shall dispatch an Acting Officer. The Acting Officer shall coordinate the resources of the furnishing/responding jurisdiction and shall report to the Incident Commander of the jurisdiction having authority over the incident.

Paragraph 4.1 When the furnishing/ responding jurisdiction's Acting Officer arrives prior to the arrival of the unit(s) of the jurisdiction receiving Automatic Aid or Mutual Aid, then the Acting Officer of the furnishing/ responding jurisdiction shall assume the duties of the Incident Commander as if the incident had occurred in the furnishing/ responding jurisdiction's own jurisdiction. This Acting Officer shall be the temporary Incident Commander until a transfer of command can occur between the temporary Incident Commander and the officer to be in command for the jurisdiction receiving Automatic Aid or Mutual Aid.

Paragraph 4.2 Personnel from the furnishing/ responding jurisdiction will take commands specific to their performance from the Incident Commander, or his designee; and will work with their own equipment in all possible circumstances.

Paragraph 4.3 The commanding officers of the jurisdiction receiving the Automatic Aid or Mutual Aid except as provided in Paragraph 3.1 will give all general direction for handling the incident.

Paragraph 4.4 Any incidents occurring within Fayette County or the City of South Fulton will be managed utilizing the National Incident Management System.

ARTICLE 5- LIABILITY

Paragraph 5.0 There shall be no liability imposed on any party or its personnel for failure to respond to an incident due to resource limitations.

Paragraph 5.1 Every employee shall be deemed to be the employee and agent of their regular employer, and under no circumstances shall any employee be deemed to be an employee or agent of any entity other than their regular employer.

Paragraph 5.2 All damages or repairs to any equipment or apparatus shall be the responsibility of the jurisdiction which owns said equipment or apparatus. However, in cases where State or Federal assistance is made available, all responding jurisdictions shall be treated as if they were a part of the jurisdiction receiving Automatic Aid or Mutual Aid for the purpose of the distribution of resources or reimbursements. Said disbursement shall be proportionate to the level of actual involvement in the incident that precipitated the receipt of Automatic Aid or Mutual Aid.

Paragraph 5.3 Nothing contained in this Agreement shall be construed to be a waiver of either Fayette County or City of South Fulton's sovereign immunity, any individual's qualified immunity, official immunity, or any other immunity or exemption from liability provided for by law.

ARTICLE 6- CONSIDERATIONS

Paragraph 6.0 No party under this Agreement will be required to pay any compensation to any other party under this Agreement for services rendered pursuant to this Agreement.

Paragraph 6.1 It is expressly agreed that the mutual advantage and protection afforded by this Agreement is adequate consideration to both Parties for services rendered pursuant to this Agreement.

Paragraph 6.2 Each party to this Agreement shall comply with the Workers Compensation laws of the State of Georgia at no cost to the other party.

Paragraph 6.3 Each party shall pay the salaries, benefits, and all other compensation of its own personnel at no cost to the other party.

ARTICLE 7- RELEASE OF CLAIMS

Paragraph 7.0 Each party agrees to release the other party from any and all liabilities, claims, judgments, costs, or demands for damage to its own property whether directly or indirectly arising out of the use of any vehicle, equipment, or apparatus by the party to which said property does not belong during the provision of service pursuant to this Agreement.

ARTICLE 8- INJURIES TO PERSONNEL

Paragraph 8.0 Any damage or other compensation which is required to be paid to any employee by reason of an injury occurring while their services are being utilized by the responding and/ or receiving jurisdictions pursuant to this Agreement shall be the sole liability and responsibility of the party regularly employing that employee.

ARTICLE 9- NO THIRD PARTY BENEFICIARIES

Paragraph 9.0 This Agreement shall not be construed as, or deemed to be, an agreement for the benefit of any third party or Parties. No third party or Parties shall have any right of action hereunder for any cause whatsoever.

ARTICLE 10- TERM

Paragraph 10.0 This Agreement shall be effective between the Parties immediately upon execution of this Agreement and shall terminate on December 31, 2020. This Agreement shall automatically be renewed immediately thereafter, and each year thereafter, at the same time for successive one year terms without further action of any party hereto for a period not exceeding fifty (50) years from the date of execution of this Agreement. Either party of this Agreement may terminate this Agreement by providing a sixty (60) days written notice to the other party.

Paragraph 10.1 Nothing in this Article shall preclude termination pursuant to Article 15.

ARTICLE 11- DISPATCHING OF ALARM- AUTOMATIC AID

Paragraph 11.0 The dispatcher of the jurisdiction having command over the Emergency Incident will dispatch the Requesting Party's pre- assigned apparatus first.

Paragraph 11.1 The dispatcher of the jurisdiction having command over the Emergency Incident will then contact the Assisting Party to advise of the need for Automatic Aid.

Paragraph 11.2 When dispatching apparatus to a location involving the use of Automatic Aid, each party's dispatcher will make the other party and responding personnel aware that Automatic Aid is responding. This will enable the potential Incident Commander to know precisely what equipment he or she can expect to arrive on the scene.

ARTICLE 12- INCIDENT SCENE COMMUNICATIONS

Paragraph 12.0 The officer in command of the jurisdiction having authority over the incident shall provide specific instructions to the officer in command of the

jurisdiction responding to the incident with Automatic Aid or Mutual Aid services unless and until a more sophisticated fire scene communications system can be provided for the Automatic Aid or Mutual Aid system.

Paragraph 12.1 Whenever possible, the officer in command of the jurisdiction having authority over the incident shall provide the officer in command of the jurisdiction responding to the incident with Automatic Aid or Mutual Aid services with a portable radio for use during the incident.

Paragraph 12.2 Upon arriving on the incident scene, the officer in command of the jurisdiction responding with Automatic Aid or Mutual Aid and the officer in command of the jurisdiction receiving Automatic Aid or Mutual Aid shall keep his or her respective department informed of the status of the operation. If it appears that the Automatic Aid or Mutual Aid equipment will be needed at the incident scene for an extended period of time, the officer in command of the forces of both the responding and receiving jurisdictions shall so advise his or her dispatcher.

ARTICLE 13- MOVE UP OF EQUIPMENT- MUTUAL AID

Paragraph 13.0 Each party agrees and acknowledges that it will be the responsibility of each party to provide the back up coverage necessary for the operations of its own department.

Paragraph 13.1 In the event that a jurisdiction determines that it has deployed a substantial portion of its fire suppression or specialized equipment on a single incident, then the jurisdiction may request Mutual Aid to cover vacant areas. Such Mutual Aid would be rendered at the discretion of the jurisdiction requested to render assistance by moving up units into the vacant areas of the jurisdiction requesting Mutual Aid.

ARTICLE 14- ADMINISTRATION

Paragraph 14.0 The Fayette County Fire Chief and the City of South Fulton Fire Chief agree to cooperate and be jointly responsible for the proper administration of this Agreement.

ARTICLE 15- ENTIRE AGREEMENT

Paragraph 15.0 This Agreement and the attached addenda shall constitute the entire agreement between the Parties and no modification thereof shall be binding unless evidenced by a subsequent written agreement signed by the Fayette County Fire Chief and the City of South Fulton Fire Chief.

Paragraph 15.1 This Agreement shall be the instrument which controls the provision of any emergency fire service, Automatic Aid, or Mutual Aid between the Parties.

ARTICLE 16- SEVERABILITY OF TERMS

Paragraph 16.0 In the event any part or provision of this Agreement is held to be invalid, the remainder of this Agreement shall not be affected thereby and shall continue in full force and effect.

ARTICLE 17- NOTICES

Paragraph 17.0 All notices or other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly delivered to the party intended to receive said notice or communication when delivered

personally, in hand, or when mailed by certified or registered mail, return receipt requested with proper postage prepaid and addressed to the appropriate party at the appropriate address.

Notice should be provided to the County Administrator and the Fire Chief of Fayette County at the following address:

140 Stonewall Avenue West, Suite 100
Fayetteville, Georgia 30214

Notice should also be provided to the City Manager and the Fire Chief for the City of South Fulton at the following address:

5440 Fulton Industrial Blvd. SW
City of South Fulton, Georgia 30336

ARTICLE 18- GOVERNING LAW

Paragraph 18.0 This Agreement shall be governed in all respects by the laws of the State of Georgia. Any dispute or litigation arising under the provisions of this Agreement or related to this Agreement shall be submitted to the State or Superior Court of Fayette County, Georgia. The Parties expressly consent to venue and jurisdiction therein.

SO RESOLVED this _____ day of _____ 20_____.

Mayor,
City of South Fulton Mayor and Council

Fire Chief, City of South Fulton

City Clerk
City of South Fulton

SO RESOLVED this _____ day of _____ 20_____.

Chairman,
Fayette County Board Of Commissioners

Fire Chief, Fayette County

County Clerk,
Fayette County

Addendum A

Automatic Aid (Mutual Response)

The attached maps will serve as the Response District for Automatic Aid as prescribed by this Agreement.

Training will be conducted with all companies that would normally respond together for scene operations. This training would be coordinated by the respective training divisions and would occur for all three shifts.

Response apparatus for this district will be dictated by the requesting agency. One (1) Engine will be supplied for structural fires.

Fire Chief, Fayette County

Fire Chief, City of South Fulton

Date

Date

Addendum B

Mutual Aid

The Response District as prescribed by this Agreement for Mutual Aid will be governed by the corporate limits of the City of South Fulton and Fayette County.

Response apparatus for this district will be dictated by the requesting agency and governed by the limitations prescribed by the Agreement.

Fire Chief, Fayette County

Fire Chief, City of South Fulton

Date

Date



COUNTY AGENDA REQUEST

Page 206 of 353

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval to authorize staff to acquire all fee simple right-of-way and easements for the Veterans Parkway Waterline Loop Completion project.

Background/History/Details:

The Veterans Parkway loop completion from SR 54 to Georgia Military College will provide redundancy for water service for Piedmont Fayette Hospital when they develop the infrastructure for the proposed entrance off Veteran's Parkway. In addition, it could potentially provide better access to water for the proposed data center poised to occupy the Lester Family property in the immediate vicinity. The easement will allow for avoidance of other utilities at that location, reduce the number of fittings required and provide better access for maintenance.

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

What action are you seeking from the Board of Commissioners?

Approval to authorize staff to acquire all fee simple right-of-way and easements for the Veterans Parkway Waterline Loop Completion project.

If this item requires funding, please describe:

Project funding for easement acquisition is available in 507-117607 - 8NWEF.

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:



HIGHWAY 54
(160 R/W)

ARC ENTERPRISES LLLP ET AL
N/F
DB 2634, PG 88

PROPOSED
PERMANENT
WATER EASEMENT
1831 SQUARE FEET

N12°37'38"E
CHD=32.07
ARC=32.08
RAD=651.000

PROPOSED
TEMPORARY
CONSTRUCTION
EASEMENT
(721 SQUARE FEET)

N25°57'07"W 64.36'

N59°53'14"W 30.06

-S66°01'52"W 3.22'

GRAPHIC SCALE

A horizontal scale bar with alternating black and white segments. The segments are labeled 0', 25', 50', and 100' at the bottom. The bar is divided into four equal segments of 25 feet each.

SHEET	OF
1	1

DATE 2/12/2020
SCALE 1"=50'
JOB NO. F214013.W18
DRAWN BY: RJM
FILE NO. TOP001.DWG

FAYETTE COUNTY WATER LINE EXTENSION

LYING IN
LAND LOT 8, OF THE 7TH LAND DISTRICT
FAYETTE COUNTY, GEORGIA



286 GA Hwy 314, Suite A
Fayetteville, Georgia 30214
(770)716.8126 (770)716.8124 Fax
www.rochester-assoc.com

COUNTY AGENDA REQUEST

Page 208 of 353

Department: Environmental Management

Presenter(s): Bryan Keller, Director

Meeting Date: Thursday, December 10, 2020

Type of Request: Consent 12

Wording for the Agenda:

Approval of amendments to Fayette County Code, Chapter 104 Article XIV Post-Development Stormwater Management for New Development and Redevelopment as required by the Georgia Environmental Protection Division and the Metropolitan North Georgia Water Planning District.

Background/History/Details:

In 2005 the Fayette County Board of Commissioners adopted a Post-Development Stormwater Management for New Development and Redevelopment ordinance based on the Metropolitan North Georgia Water Planning District model ordinance. This model ordinance was developed to insure compliance with the Georgia Environmental Protection Division (GAEPD) Nation Pollutant Discharge Elimination Detection Systems (NPDES) Permit and the Georgia Stormwater Management Manual. The ordinance was last updated in 2010 for minor revisions and general housekeeping.

In December 2017 the GAEPD issued an updated NPDES Permit. Fayette County is required to follow this permit based on the Georgia Water Quality Control Act and the Federal Clean Water Act.

The revised NPDES permit included mandatory updates for the Post-Development Stormwater Management for New Development and Redevelopment regulations, which must be enforce by December 2020. The most significant change is all new development and re-development will be required to retain the first 1.0 inch of rainfall on the site, to the maximum extent practicable, unless it is found to be infeasible. Other changes include general housekeeping, changing Stormwater Management Department to Environmental Management Department, addition of definitions and other minor changes to align the ordinance with other County regulations.

What action are you seeking from the Board of Commissioners?

Approval of amendments to Fayette County Code, Chapter 104 Article XIV Post-Development Stormwater Management for New Development and Redevelopment as required by the Georgia Environmental Protection Division and the Metropolitan North Georgia Water Planning District.

If this item requires funding, please describe:

Not applicable.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

ARTICLE XIV. - ~~POST-DEVELOPMENT~~POST-CONSTRUCTION STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT

Sec. 104-557. - Introduction.

It is hereby determined that:

- (1) Land development projects and other land-use conversions, and their associated changes to land-cover, permanently alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which in turn increase flooding, stream channel erosion, and sediment transport and deposition;
- (2) Land development projects and other land-use conversions also contribute to increased nonpoint source pollution and degradation of receiving water;
- (3) The impacts of ~~post-development~~post-construction stormwater runoff quantity and quality can adversely affect public safety, public and private property, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of land and water;
- (4) These adverse impacts from new development and redevelopment can be controlled and minimized through the regulation of stormwater runoff quantity and quality by the use of both structural facilities as well as nonstructural measures; and
- (5) Localities in the state must comply with state and federal laws, regulations and permits that require impacts of ~~post-development~~post-construction stormwater runoff quality and nonpoint source pollution be addressed.

Therefore, the county has established this set of stormwater management policies to provide reasonable guidance regulating ~~post-development~~post-construction stormwater runoff to control and minimize increases in stormwater runoff rates and volumes, post-construction soil erosion and sedimentation, stream channel erosion, and nonpoint source pollution associated with ~~post-development~~post-construction stormwater runoff.

(Code 1992, § 8-450; Ord. No. 2010-08, § 4, 8-26-2010)

Sec. 104-558. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the appointed entity to administer and implement this Article on Post-Construction Stormwater Management for New Development and Redevelopment.

Applicant means a person submitting a ~~stormwater management application~~ land development application for approval.

Basin means an area of land that drains to a single outlet and is separated from other basins by a divide (i.e., a watershed).

Best Management Practices ("BMP") means structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

BMP landscaping plan means a design for vegetation and landscaping that is critical to the performance and function of the BMP including how the BMP will be stabilized and established.

Channel means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

Common plan of development means a contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or scale.

Conservation easement means an agreement between a land owner and the county, other government agency or land trust that legally protects a designated natural conservation area for purposes of better stormwater management site design on the owner's land in perpetuity by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

Construction sequencing plan means a document noting the sequence of construction and identification of infiltration zones for protection during staged installation of permanent post construction BMPs to ensure suitable site conditions such as avoiding soil compaction by heavy equipment in areas designated for infiltration BMPs.

Detention means the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

Development means new development or redevelopment.

Developer means a person who undertakes land development activities.

Drainage easement means an easement appurtenant attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Erosion and sedimentation control plan means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

Extended detention means the detention of stormwater runoff for an extended period, typically 24 hours or greater.

Extreme-flood protection means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

Flooding means a volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

Georgia Stormwater Management Manual ("GSMM") means a stormwater technical guidance manual, also known as "the Blue Book" published by the Atlanta Regional Commission. The "Georgia Stormwater Management Manual" is hereby incorporated by reference into this article.

Hotspot means a land use or activity on a site that has the potential to produce higher than normally found levels of pollutants in stormwater runoff. As defined by the administrator, hotspot land use may include gasoline stations, vehicle service and maintenance areas, industrial facilities (both permitted under the Industrial Stormwater General Permit and others), material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

Impervious cover means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface (excludes porous pavements).

Industrial Stormwater General Permit means the National Pollutant Discharge Elimination System (NPDES) permit issued by Georgia Environmental Protection Division to an industry for stormwater discharges associated with industrial activity. The permit regulates pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies based on Standard Industrial Classification (SIC) Code.

Infiltration means the process of stormwater runoff percolating into the subsoil.

Inspection and maintenance agreement means a written agreement approved by the county board of commissioners providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

Jurisdictional wetland means an area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

Jurisdictional wetlands determination means a delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by section 404 of the Clean Water Act, 33 USC 1344, as amended.

Land development ("development") means any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Land development application means the application for a land development permit on a form provided by Fayette County along with the supporting documentation required in [Section 104-561](#)

Land development permit means the authorization necessary to begin construction related, land disturbed activity

Land development activities means those actions or activities that comprise, facilitate or result in land development.

Land development project ("project") means a discrete land development undertaking.

Land Disturbing Activity mean any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including but not limited to clearing, dredging, grading, excavating, and filling of land. Land disturbing activity does not include agricultural practices as described O.C.G.A. 12-7-17(5) or silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities.

Linear Feasibility Program means the feasibility program developed by Fayette County and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria for determining when implementation of stormwater management standards for linear transportation projects being constructed by Fayette County is infeasible.

Linear Transportation Projects means construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

MS4 Permit means the NPDES permit issued by Georgia Environmental Protection Division for discharges from the Fayette County's municipal separate storm sewer system.

Natural conservation area means a legally protected area of the site that is perpetually preserved in a natural state thereby retaining the predevelopment hydrologic and water quality characteristics. This area shall be a minimum contiguous area of 10,000 square feet.

New development means a land development activity, structural development (construction, installation or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.~~on a previously undeveloped site~~

Nonpoint-source pollution means a form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease bacteria, organic materials and other contaminants from land to surface water ~~and~~ groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint-source pollution is a byproduct of land-use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Off-site system means a stormwater management system located outside the boundaries of the site.

Overbank and extreme flood protection means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e., flow events that exceed the capacity of the channel and enter the floodplain) ~~and that are intended to protect downstream properties from flooding for the two-year through 25-year frequency storm events.~~

Owner means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

Permit means the permit issued by the county ~~environmental stormwater~~ management department to the applicant, which is required for undertaking any land development activity.

Person means, except to the extent exempted from this article, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the state, any interstate body or any other legal entity.

~~*Post-development*~~*Post-construction* means ~~the time period, or the conditions that may reasonably be expected or~~ anticipated to exist ~~on-site, immediately~~ after completion of the ~~proposed~~land development activity on a site as the context may require.

Post-development means the conditions anticipated to exist on site immediately after completion of the proposed development.

Practicability policy means the latest edition of the Metropolitan North Georgia Water Planning District's Policy on Practicability Analysis for Runoff Reduction.

Pre-development means ~~the time period, or the conditions that existed, on a site prior to the commencement immediately before implementation of the proposed development~~any land development project and ~~at the time that plans for the land development of a site are approved by the plan stormwater management department.~~ Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time ~~before~~prior to the first item being approved or permitted shall establish predevelopment conditions.

Pre-development hydrology means (a) for new development, the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before implementation of the proposed development; and (b) for redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property.

Redevelopment means a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint-source pollution.

Routine maintenance means activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Runoff means stormwater runoff.

Regional stormwater management facility/regional facility means any stormwater management system designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Site means the parcel of land being developed, or the portion thereof on which the land development project is located.

Stormwater better site design means nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and, reducing impervious cover and using natural features for stormwater management.

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

Stormwater management means the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public's health, safety and general welfare.

Stormwater management facility means an engineered facility designed to reduce and/or treat stormwater runoff, which mitigate the effects of increased stormwater runoff peak rate, volume, and velocity

Stormwater management plan means a plan for post-construction stormwater management at the site that meets the requirements of Section 104-561 and is included as part of the land development application. means a document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this article.

Stormwater management standards means those standards set forth in Section 104-559.

Stormwater management system means the entire set of non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner designed to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare. means the entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

Stormwater nonstructural practice means a nonstructural component of the stormwater management system that provides enhanced stormwater quantity and/or quality control or other benefits, including, but is not limited to, riparian buffers, natural conservation areas, overland flow filtration areas, natural depressions, and vegetated channels.

Stormwater runoff means the flow of surface water resulting from precipitation.

Stormwater structural control means an engineered stormwater management device that controls and mitigates the effects of increased stormwater runoff.

Subbasin means the hydrologic divisions of a watershed that are relatively homogeneous

Subdivision means ~~means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway. all divisions of a tract of land into a minimum of two or more lots.~~

(Code 1992, § 8-451; Ord. No. 2010-08, § 4, 8-26-2010)

Sec. 104-559. - General provisions

- (a) *Purpose and intent.* The purpose of this article is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased ~~post-development~~post-construction stormwater runoff and nonpoint-source pollution associated with new development and redevelopment. Additionally, Fayette County is required to comply with several State and Federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quantity, velocity, and quality of post-construction stormwater runoff. This article seeks to meet that purpose through the following objectives:

- (1) Establish decision-making processes surrounding land development activities that protect and preserve the health of water resources;
- (2) Require new development and redevelopment maintain the pre-development hydrologic response in their ~~post-development~~post-construction state as nearly as practicable in order to reduce flooding, streambank erosion, nonpoint source pollution, increases in stream temperatures, and preserve stream channel integrity and aquatic habitats;
- (3) Establish minimum ~~post-development~~post-construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;

- (4) Establish design criteria for the construction and use of stormwater structural control facilities that can be used to meet the minimum ~~post-development~~post-construction stormwater management standards;
- (5) Encourage nonstructural stormwater management and stormwater better site design practices, such as establishing natural conservation areas, to the maximum extent practicable;
- (6) Establish provisions for the long-term responsibility and maintenance of stormwater management systems to ensure that they continue to function as designed, and are maintained, and pose no threat to public safety; and
- (7) Establish administrative procedures for the submission, review, and approval of stormwater management applications, and inspection procedures of approved applications, for both construction and post-construction phases.

(b) Administration of article. The county environmental management department ("administrator") shall administer and implement the provisions of this article.

(cb) Applicability ~~criteria for Stormwater Management Standards~~. This article shall be applicable to any new or redevelopment project within the unincorporated county that meets one or more of the following criteria, ~~unless specifically exempted below~~:

- (1) —The project creates ~~or adds~~ 5,000 square feet or more of impervious cover; ~~or~~
- (2) —The project disturbs one acre or more of land; or
- (3) — ~~The project is part of a subdivision or other common plan of development, and the sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the threshold in (a) and (b) above; or~~
- (4) Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot land use as defined in this Article; or
- (5) Linear transportation projects that exceed the threshold in (1) or (2) above. The project is part of a larger common plan of development, even though it individually may not meet the criteria set forth above and the multiple separate and distinct land development activities may take place at different times. The following activities are exempt from this article:
 - a. ~~Individual single-family or duplex residential lots that are not part of a larger common plan of development;~~
 - b. ~~Individual single-family or duplex residential lots that are part of a larger common plan of development (e.g., a subdivision or minor subdivision) but have no new roads (public or private) or other common structures associated with the subdivision or phased development. This exemption, however, may be waived by the stormwater management department if it is determined the project may have significant adverse impacts on downstream properties;~~
 - c. ~~Additions or modifications to existing single-family or duplex residential structures;~~
 - d. ~~Agricultural or silvicultural land management activities within areas zoned for these activities; and~~
 - e. ~~Repairs to any stormwater management facility or practice deemed necessary by the stormwater management department.~~

(d) Exemptions from Stormwater Management Standards. This Article does not apply to the following activities:

- (1) Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs;
- (2) Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;

- (3) Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;
 - (5) Individual single-family or duplex residential lots that are not part of a larger common plan of development as long as downspout disconnects are provided per GSMM Section 4.4; This exemption, however, may be waived by the environmental management department if it is determined the project may have significant adverse impacts on downstream properties;
 - (6) Land disturbance for individual single-family or duplex residential lots that are part of a larger common plan of development (e.g., a subdivision or minor subdivision) but have no new roads (public or private) or other common structures associated with the subdivision or phased development downspout disconnects are provided per GSMM Section 4.4. This exemption, however, may be waived by the environmental management department if it is determined the project may have significant adverse impacts on downstream properties;
 - (7) Repairs to any stormwater management system deemed necessary by the administrator;
 - (8) Agricultural practices as described O.C.G.A. 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in **Section 104-559 (c) 1 or 2**;
 - (9) Silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in **Section 104-559 (c) 1 or 2**;
 - (10) Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and
 - (11) Linear transportation projects being constructed by Fayette County to the extent the administrator determines that the stormwater management standards may be infeasible to apply, all or in part, for any portion of the linear transportation project. For this exemption to apply, an infeasibility report that is compliant with the Fayette County linear feasibility program shall first be submitted to the administrator that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the administrator.
- ~~(c) Administration of article. The county stormwater management department shall administer and implement the provisions of this article.~~
- (ed) Compatibility with other regulations. This article is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.
- (fe) Effective date. The effective date of the ordinance from which this article is derived, known as the county's "Post-Development Stormwater Management for New Development and Redevelopment Ordinance," is August 1, 2005, and shall apply to all developments that have preliminary plats or site development plans initially received by the county zoning department on or after this date.
- (f) Stormwater design manual. The ~~environmental stormwater~~ management department will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the state stormwater management manual and any relevant local addenda. The manual may be

updated and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience. The ~~environmental~~stormwater management department may publish an addendum to the state stormwater management manual to:

- (1) —Clarify discrepancies between the manual and any section of the county's development regulations;
- (2) —Specify requirements where options/alternatives are provided;
- (3) —Establish minimum design standards; or
- (4) —Further describe submittal requirements.

The criteria within the addendum shall be considered minimum design standards and, in the event of a conflict, supersede design standards set forth in the state stormwater management manual. Addendum shall be available from the ~~environmental~~ stormwater-management department.

(Code 1992, § 8-452; Ord. No. 2010-08, § 4, 8-26-2010)

Sec. 104-560. - ~~Post-development~~Post-construction stormwater management ~~standards~~performance ~~criteria~~.

The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this article:

- (1) *Design of Stormwater Management System.* The design of the stormwater management system shall be in accordance with the applicable sections of the GSMM as directed by the administrator. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable and article X of this chapter.-
- (2) *Natural Resources Inventory.* Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the Stormwater Management Plan, shall include, at a minimum (as applicable):
 - a. Topography (minimum of 2-foot contours) and Steep Slopes (i.e., Areas with Slopes Greater Than 15%).
 - b. Natural Drainage Divides and Patterns.
 - c. Natural Drainage Features (e.g., swales, basins, depressional areas).
 - d. Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas and river corridors.
 - e. Predominant soils (including erodible soils and karst areas), and
—Existing predominant vegetation including trees, high quality habitat and other existing vegetation.
- (3) - *Stormwater Runoff Quality/Reduction.* Stormwater Runoff Quality/Reduction shall be provided by using the following:
 - a. For development with a stormwater management plan submitted before [insert applicable date], the applicant may choose either (A) Runoff Reduction or (B) Water Quality.
 - b. For development with a stormwater management plan submitted on or after [insert applicable date], the applicant shall choose (A) Runoff Reduction and additional water quality shall not be required. To the extent (A) Runoff Reduction has been determined to be infeasible for all or a portion of the site using the Practicability Policy[BM1], then (B)

Water Quality shall apply for the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.

- i. Runoff Reduction - The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.
- ii. Water Quality – The stormwater management system shall be designed to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2 inch rainfall event.
- iii. If a site is determined to be a hotspot as detailed in **Section 104-559**, Fayette County may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.

(41) *Drainage system guidelines stormwater management system criteria.* May include, catchbasins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided, when necessary, for the protection of public right-of-way and private properties adjoining project sites and/or right-of-ways. Stormwater management systems that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:

- a. Methods to calculate stormwater flows shall be in accordance with the stormwater design manual;
- b. Design and construction of stormwater management systems shall be in accordance with the criteria and specifications found in the stormwater design manual;
- c. If a project is developed in phases, the stormwater management system in an initial phase must be sized and constructed to handle the quantity and effects of stormwater that may flow into that system subsequent phases.

(52) *New street construction design criteria.* All new streets constructed within the county except those constructed to serve subdivisions in which all lots are five acres or larger, shall have curbs and gutters. Rolled-back curbs are not acceptable, only straight-back curbs are allowed. A curb shall be six inches high and a gutter shall be 24 inches from face of the gutter to back of the curb.

- a. Curb inlets shall conform to the Georgia Department of Transportation (GDOT) specifications. Spacing of inlets shall not exceed 500 feet on a continuous grade and shall be sized to intercept a minimum of 85 percent of the flow in the gutter section.

Inlets shall be located to prevent stormwater from crossing an intersection, but may not be located in a radius for the intersections.

Inlets located in a sag shall be sized to prevent gutter spread from covering more than half of the road's travel surface during the 25-year storm event.

If grates are proposed for inlet devices, the bars must be perpendicular to the road and shall pose no hazard to bicycle traffic. In any case, throat height shall not exceed eight inches.

All stormwater structures requiring inverts shall be paved.

- b. Only reinforced concrete shall be used for storm drain structures under the roadway including curb and gutter, publicly owned right-of-way and in applications to create buildable lots. The pipe must be designed and installed to meet the requirements in the latest edition of the concrete pipe design manual. A third-party pipe standardized

installation inspection report is required for all pipes being placed in the ground prior to final plat. Additional information may be requested for the pipe installation report. ~~—What are others doing????~~

- c. Other pipe materials may be used in applications approved by GDOT.
- d. Cross drains, laterals and outfalls that are part of a street drainage system shall be sized for subcritical gravity flow. The design engineer must provide calculations to show that any pipes are not flowing under pressurized conditions and that the hydraulic grade lines are below finished grade at all points for the 25-year storm event. Calculations determining the headwater elevation (inlet or outlet controlled) for the 100-year storm event shall be provided by the design engineer. The backwater area inundated by the 100-year storm event shall be shown and designated on the final plat as an area of special flood hazard area. It shall be based on as-built road conditions and shall be subject to the same conditions and limitations as any other area of special flood hazard (article IV of this chapter). ~~—Table? LOS—Define~~
- e. Storm drains shall not exceed 500 feet of continuous length between an inlet, manhole or junction box access. All junction boxes shall be installed with accesses at grade.
- ~~f. In residential subdivisions, outfall piping from catch basins shall, at a minimum, extend from the street to a point 30 feet behind the front building setback line or to the 100-year floodplain, whichever is less.~~
- f. Easements shall extend to receiving waters and/or next stormwater system.
- g. For bridges crossing streams with a regulatory floodway and or floodplain, the bridge must meet criteria set forth in the county development regulations, article IV of this chapter.
- h. All culverts and storm drain system inlets and outfalls shall have headwalls or tailwalls. Flared and, vertical wall or vertical wall with wing-walled outfall types are acceptable.
- i. All outlets must be designed with energy dissipaters if outlet velocities are greater than four feet per second during the 25-year storm event.
- j. Drainage ditches shall have a minimum bottom width of two feet and shall have 3:1 side slopes. Ditches must be designed to handle the 100-year flow rate and lined with an appropriate erosion control matting capable of withstanding the 25-year flow velocity.
- k. Upon completion of the construction activities, the applicant shall submit as-built plans for all stormwater management facilities and practices associated with the project. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a professional engineer registered in the state. The as-built plan shall also include stage/storage data for all detention or retention structures. These data shall be provided and certified by a registered land surveyor. A final inspection by the stormwater department is required before the release of any performance securities can occur.
- l. Lots requiring a driveway culvert, either non-curb and guttered subdivisions or lots deemed by the environmental management department, shall be designed by a professional engineer registered in the state of Georgia.

- (63) *Stormwater structural controls.* All stormwater structural controls shall be selected and designed using the appropriate criteria from the stormwater design manual. All structural stormwater controls must be and designed appropriately to meet their intended function. For other stormwater structural controls not included in the, stormwater design manual or for which pollutant removal rates have not been provided, the effectiveness and of the pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the ~~stormwater management department~~environmental

management department before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land-use activities warrant greater control than that provided by the minimum control requirements, the ~~stormwater management department~~environmental management department may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint-source pollution loads created on the development.

- a. The outlet control structure shall be designed so as not to be submerged due to downstream conditions.
- b. Detention basins shall be located far enough from any property line to allow non-erosive dissipation of the discharge, unless the basin discharges directly into a receiving stream. In either case, erosion control considerations shall be addressed in the erosion and sedimentation control plan.
- c. An emergency spillway shall be provided to bypass flows for the 100-year storm in the event that the principal outlet structure gets blocked.
- d. Unless otherwise approved by the environmental management department, aAny stormwater ~~management facility~~detention basin that poses a threat to public safety or constitutes an "attractive nuisance" shall be fenced to prevent access to the basin. A gate shall be provided for maintenance access. The gate shall be large enough to accommodate trucks or excavation equipment. ~~Unless otherwise approved by the Environmental management Department.~~
- e. A stormwater ~~management system~~ detention basin shall not be constructed on state waters, unless all federal, state and local environmental permits have been acquired.
- f. If detention is to be provided by a lake or pond, adequate storage must be provided, or be available in the case of existing lakes or ponds, to manage the runoff from the 100-year storm. In addition to these requirements, ponds or lakes must meet the requirements articles IV and X of this chapter and all applicable federal and state and local regulations.
- g. Water quality requirements cannot be satisfied by existing or proposed lakes or ponds.
- h. In common residential developments (e.g., subdivisions), all stormwater management systems except those used exclusively for water conveyance (e.g., swales, ditches, and storm pipes) shall be on common property owned by a homeowners' association, or other entity if approved by the ~~stormwater management department~~environmental management department, and not counted as an area for an individual lot.
- i. The ~~stormwater management department~~environmental management department shall require documentation and calculations beyond the original submittal if, in their opinion, the plan does not satisfy the purpose as stated in this article. The approval of the plan does not preclude the necessity for field changes once construction has begun. Any such amendments to the approved plan shall be submitted to the ~~stormwater management department~~environmental management department on revised drawings and shall be supported by such documentation as is appropriate
- j. Applicants shall consult the stormwater design manual for guidance on the factors that determine site design feasibility when selecting and locating a stormwater structural control.

(74) *Modifications for off-site facilities.* The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of

the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site system. A stormwater management plan must be submitted to the ~~stormwater management department~~environmental management department that shows the adequacy of the off-site or regional facility. To be eligible for a modification, the applicant must demonstrate to the ~~stormwater management department~~environmental management department that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:

- a. Increased threat of flood damage to public health, life, and property;
- b. Deterioration of existing culverts, bridges, dams, and other structures;
- c. Accelerated streambank or streambed erosion or siltation;
- d. Degradation of in-stream biological functions or habitat; or
- e. Water quality impairment in violation of state water quality standards, and/or violation of any state or federal regulations.

(85) ~~*Post-development downstream analysis.*~~ Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises 10% of the total drainage area in accordance with Section 3.1.9 of the GSMM. This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned upstream land-use changes. The analysis shall be in accordance with the Stormwater Design Manual. All downstream stormwater systems (eg. road culverts) within the analysis area shall be studied for the impacts of the development. ~~A downstream peak flow analysis that includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This analysis area shall evaluate all effected stormwater management systems extending downstream from the project to a point in the drainage basin where the project area is ten percent of the total basin area. For example, if the project area is seven acres, the post-development downstream analysis should extend downstream to a point where the drainage area is 70 acres or greater. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned upstream land-use changes. The analysis shall be in accordance with the stormwater design manual.~~

(96) *Water quality.* All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:

- a. It is sized to treat the prescribed water quality treatment volume from the site, as defined in the stormwater design manual; and
- b. Appropriate stormwater structural controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the stormwater design manual.

(107) *Stream channel protection.* Stream channels shall be protected from bank and bed erosion and degradation by providing all of the following three approaches:

- a. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer, as established in articles VII and IX of this chapter; and

- b. 24-hour extended detention storage of the one-year, 24-hour storm event. ~~;~~ ~~and.~~ This requirement may be adjusted or waived by the ~~environmental management~~ ~~stormwater management~~ department for sites that discharge directly into larger perennial streams, rivers, jurisdictional wetlands, or lakes, if the applicant can demonstrate that the reduction in these flows will not have an impact on upstream or downstream streambank or channel integrity; and
 - c. Erosion prevention measures such as energy dissipaters that control velocity.
- (118) *Overbank and extreme flood protection.* Downstream overbank flood and property protection shall be provided by controlling (attenuating) the ~~post-development~~~~post-construction~~ peak-discharge rate to the predevelopment rate for the 25-, 50-, and 100-year, 24-hour storm events. If control of the one-year, 24-hour storm events under subsection (7)b of this section is exempted, then peak discharge rate attenuation of the two-year through the 25-year return frequency storm event shall also be provided, (i.e., the two-, five-, ten- and 25-year storm events). Overbank and extreme flood protection shall be provided for all drainage basins within a development. The procedures for providing overbank and extreme flood protection shall follow the criteria specified in the stormwater design manual. This requirement may be adjusted or waived by the ~~stormwater management department~~~~environmental management department~~, on a sub-watershed by sub-watershed basis, for sites where the ~~post-development~~~~post-construction~~ downstream analysis shows that uncontrolled ~~post-development~~~~post-construction~~ conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled ~~post-development~~~~post-construction~~ conditions.
- (129) *Site design credits for nonstructural measures.* The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under subsection (6) of this section. The applicant may, if approved by the ~~stormwater management department~~~~environmental management department~~, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements, which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the stormwater design manual. All applicable documentation requirements shall be submitted and approved by the ~~stormwater management department~~~~environmental management department~~ prior to issuance of a certificate of occupancy or final plat approval.
- (139) *Drainage easements.* Drainage easements shall be provided for all stormwater management facilities designated for water conveyance. These easements shall generally be 20 feet in width, except where existing streams or creeks or constructed basins require greater width. Such easement shall be shown on plans and plats as required by other sections of the county's ordinances. Since these easements are part of an overall system for the development, neither the easement location nor the system element located in it may be modified without the approval of the ~~stormwater management department~~~~environmental management department~~.
- (144) *Maintenance access easements.* The applicant must ensure access from public right-of-way to stormwater management systems requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property and All maintenance access easements shall be inspected and maintained as part of the annual operations and maintenance program.
- (152) *—Stormwater Management System Inspection and Maintenance.* The components of the stormwater management system that will not be dedicated to and accepted by Fayette County, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare

a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This plan shall be written in accordance with the requirements in Section 104-561. ~~Dam design guidelines. Any land-disturbing activity that involves a site that proposing dam construction shall comply with the Georgia Safe Dams Act of 1978 (O.C.G.A. § 12-5-370 et seq.) and Rules for Dam Safety, as applicable, and article X of this chapter.~~

Sec. 104-561. Stormwater management application submittals and procedures.

(a) Unless specifically exempted by this article, any owner or developer proposing a land activity shall submit the following items to the ~~stormwater management department~~environmental management department:

- (1) Stormwater management plan;
- (2) Operations and maintenance plan;
- (3) Inspection and maintenance agreement;
- (4) Stormwater assessment area;
- (5) Application review fees;
- (6) Application procedure; and
- (7) Other submittals.

Each of the submittals in this subsection shall be in accordance with the criteria specified in the following subsections.

(be) *Stormwater management plan.* The stormwater management plan shall detail how ~~post-development~~post-construction stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this article, including the performance criteria set forth in section 104-560. This plan shall be submitted under the stamp and signature of a professional engineer licensed in the state. In addition, the professional engineer shall provide written certification that the plan meets the design criteria established in this article and the stormwater design manual. Any revisions to the stormwater management plan, including, but not limited to, installation of new stormwater structures, additions to approved stormwater structures, or modifications of existing structures, shall be submitted with the stamp and seal of a professional engineer licensed in the state and receive written approval from the ~~stormwater management department~~environmental management department prior to implementation. The stormwater management plan shall include, at a minimum, the following information and be presented in the order set forth as follows:

- (1) Common address and description of site. The description of the site shall include the metes and bounds of the property, via a survey or written legal description, and identification of all adjacent property owners.
- (2) Vicinity map.
- (3) Natural resource inventory.
- (4) Stormwater concept plan.
- (5) Existing conditions hydrologic analysis. The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities shall include:
 - a. —A topographic map of existing site conditions with each drainage basin boundary indicated. Drainage divides and downstream receiving waters shall be clearly delineated on the topographic map;
 - b. Acreage, soil types and land cover of areas for each subbasin affected by the project;
 - c. All perennial and intermittent streams, jurisdictional wetlands, and other surface water features;

- d. All existing stormwater management systems;
- e. Direction of flow and exits from the site;
- f. Analysis of runoff provided by off-site areas upstream of the project site; ~~and~~
- g.- Methodologies, assumptions, site parameters and supporting design calculations used ~~in analyzing the existing conditions site hydrology-;~~
- h. Cumulative impervious cover since adoption of original ordinance(for projects adding impervious including phased construction projects); and
- i. ConsturctionConstruction sequencing plan.

For redevelopment sites, pre-development conditions for the portion of the site undergoing land development activities shall be based on field conditions prior to any structural or impervious improvements. Predevelopment conditions for the portion of the site outside the land development activities shall be based on the conditions present when the stormwater management plan is submitted to the county.

- (6) —Post-development hydrologic analysis. The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities shall include:
- a. A topographic map of developed site conditions (i.e., proposed contours) with the post-development drainage basin boundaries indicated. Drainage divides and downstream receiving waters shall be clearly delineated on the topographic map;
 - b. Total area of post-development impervious surfaces and other land cover areas for each subbasin affected by the project;
 - c. Calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet the post-development stormwater management performance criteria in section 104-560;
 - d. Location and boundaries of proposed natural feature protection and conservation areas;
 - e. Documentation and calculations for any applicable site design credits that are being used; and
 - f. Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.

If the land development activity on a redevelopment site constitutes more than 50 percent of the site, then the stormwater runoff performance criteria in section 104-560 must be met for the entire site.

- (7) —Stormwater management system. The description, scaled drawings and design calculations for the proposed ~~post-development~~post-construction stormwater management system, shall include the following:
- a. A map and drawing of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed stormwater structural controls. Design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes for all structural controls shall be indicated;
 - b. Cross section and profile drawings and design details for each of the stormwater structural controls in the system, including supporting calculations to show that the system is designed according to the applicable design criteria;

- c. A hydrologic and hydraulic analysis of the stormwater management system for all applicable storms events (including stage-storage or outlet rating curves, and inflow and outflow hydrographs);
- d. Documentation and supporting calculations to show that the stormwater management system adequately meets the ~~post-development~~post-construction stormwater management performance criteria in section 104-560;
- e. Drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyances including stormwater drains, pipes, culverts, catchbasins, channels, swales, ditches and areas of overland flow; and
- f. Where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans.

(8) Downstream analysis.

(9) Erosion and sedimentation control plan.

(10) Determination of infeasibility (if applicable).

(cf) *Operations and maintenance plan.* Property owners are responsible for performing operation and maintenance activities for stormwater management facilities and practices located on their property; see section 104-563, for additional information. The applicant shall provide a project-specific operations and maintenance plan that includes detailed descriptions of required operations and maintenance procedures for the project's stormwater management facilities and practices to ensure their continued function as designed and constructed. The plan shall identify the parts or components of each stormwater management facility or practice that needs to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary for this work. The plan shall include a detailed inspection and maintenance schedule, a list of all maintenance tasks, and identify the responsible parties for all maintenance, funding access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall also be included in the plan. Checklists shall be provided, as appropriate. Any revisions to the operations and maintenance plan shall be submitted with the stamp and seal of a professional engineering licensed in the state and receive written approval from the county ~~stormwater management department~~environmental management department.

(dg) *Inspection and maintenance agreements.* The applicant or owner of the land involved in a land development project requiring a stormwater management facility or practice hereunder and for which the county requires ongoing maintenance must execute a stormwater management inspection and maintenance agreement, as defined in this article (appendix A) and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site or any portion thereof.

- (1) The stormwater management inspection and maintenance agreement shall require approval by the ~~stormwater management department~~environmental management department prior to final plat approval or issuance of a certificate of occupancy. A covenant running with the land will describe said agreement and the obligation of all present and future holders of any interest in the development or any portion thereof. Said covenant shall be recorded on the deed of every parcel of property and/or lot that is derived in any way from the land development activity. Thereafter, each deed shall be recorded in the county deed records by the applicant.
- (2) The stormwater management inspection and maintenance agreement shall identify by name and official title, if applicable, the persons bound by said agreement to cause said inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice shall remain that of the party which executed the stormwater management inspection and maintenance agreement unless and until such time as the duties hereunder are properly assumed by a homeowners' association which is created as specified in this article. Evidence of the assumption of such duties shall be in a writing executed by the party assigning said duties and the homeowners association and agreed to by the county.

- (3) The duties created under the inspection and maintenance agreement shall transfer to each and every subsequent owner/applicant, or homeowners' association (where one is established and duties are assigned thereto, in accordance with this article), or similar holders of interest in the development or any portion thereof. Upon transfer, each owner/applicant, homeowners' association, or similar interest holder shall cause the deed of transfer to be marked upon its face with notice of obligations of the stormwater management inspection and maintenance agreement through use of a restrictive covenant, as previously described. Each successor in title shall be bound by the stormwater management inspection and maintenance agreement to all the duties of his predecessor there under. The stormwater management inspection and maintenance agreement shall incorporate by reference the project's operation and maintenance plan and account for all the work requirements specified in the plan.
- (4) In addition to enforcing the terms of the inspection and maintenance agreement, the ~~stormwater management department~~environmental management department may also enforce all of the provisions for ongoing inspection and maintenance in section 104-563.
- (eh) *Residential subdivisions.* Prior to final plat approval, the developer of a subdivision, which is subject to the provisions of this article, shall create a homeowners' association for the residential subdivisions for which the developer is requesting approval. All property owners within the subdivision shall be members of the homeowners' association. The homeowners' association shall be the legal entity to which all correspondence and notice, required under or related to this article is given by the county and from which the county will accept the same.
- (fi) *Stormwater assessment area.* Prior to final plat approval, the developer of any common development subject to the provisions of this article shall establish a stormwater assessment area that shall thereafter encompass the development, each subdivision thereof, and any other property that is alleged to be covered/served by the stormwater management plan. The stormwater assessment area shall be established through covenants running with each parcel of land in the assessment area, as evidenced through a recording in county deed records. The recording shall cause notice of the existence of the stormwater assessment area to transfer front one interest holder to the next with each sale of any parcel in the stormwater assessment area, until the stormwater management plan is replaced with a new plan or said plan is found to be inapplicable by the ~~stormwater management department~~environmental management department. Property owners within a stormwater assessment area may be billed annually for the cost to the county to perform maintenance and repair activities on privately owned stormwater management systems. The rate for stormwater assessment areas shall be determined based on the total cost incurred by the county in repairing and maintaining these systems divided by the number of nonexempt parcels that exist in the applicable stormwater assessment area.
- (gj) For redevelopment and to the extent existing stormwater management structures are being used to meet stormwater management standards the following must also be included in the stormwater management plan for existing stormwater management structures:
- (1) As-built Drawings
 - (2) Hydrology Reports
 - (3) Current inspection of existing stormwater management structures with deficiencies noted
 - (4) BMP Landscaping Plans
- (hk) *Other submittals.*
- (1) BMP landscaping plan. A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to any stormwater management system. This plan may be included with the land development landscaping plan required in article V of this chapter. The landscaping plan shall include:
 - a. The arrangement of planted areas around the stormwater management systems;
 - b. Information necessary to construct the landscaping elements shown on the plan drawings;

- c. Descriptions and standards for the methods, materials and vegetation that are to be used in the landscaping;
 - d. Density of plantings;
 - e. Descriptions of the stabilization and management techniques used to establish vegetation; and
 - f. A description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility system and what practices will be employed to ensure that adequate vegetative cover is preserved.
- (2) *Maintenance bonds.* The applicant shall provide the appropriate maintenance bond as specified in article XV of this chapter~~this article~~.
- (3) *As-builts.* Upon completion of the construction activities, the applicant shall submit as-built plans for all stormwater management systems. The plan must show the final design specifications for all stormwater management systems must be certified by a professional engineer registered in the state. The as-built plan shall also include stage/storage data for all detention or retention structures. These data shall be provided and certified by a registered land surveyor. A final inspection by the ~~stormwater management department~~environmental management department is required before the release of any performance securities can occur.
- (4) *Post stormwater pipe inspections.* All pipes within the County Right-of-way will require an inspection consistent with Georgia Department of Transportation (GDOT) GDT 136 and GDOT Specification Section 550. This inspection shall be conducted after utilities are installed, unless a variance is granted by the planning commission to not install the utilities.
- (54) *Evidence of acquisition of applicable local and nonlocal permits.* The applicant shall certify and provide documentation to the county ~~stormwater management department~~environmental management department that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.
- (ih) *Application review fees.* The fee for review of any stormwater management application shall be based on the fee structure established by the county board of commissioners and shall be made prior to the issuance of any building permit for the development.
- (ii) *Application procedure.*
- (1) Two copies of the stormwater management plan, the inspection and maintenance agreement, and all applicable documents (conservation easements, etc.) shall be submitted to the ~~stormwater management department~~environmental management department with the project's construction drawings or commercial site plan.
 - (2) The ~~stormwater management department~~environmental management department shall inform the applicant whether the submittals are approved or disapproved.
 - (3) If the deliverables required by this article are not approved, the ~~stormwater management department~~environmental management department shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event this subsection and subsection (i)(2) of this section shall apply to such resubmittal.
 - (4) A land-disturbance permit for a project shall not be issued by the ~~stormwater management department~~environmental management department until all applicable sections of this article are satisfied and approved by the ~~stormwater management department~~environmental management department.
 - (5) Developments requiring a final plat. All remaining submittal requirements (e.g., creation of a stormwater assessment area) shall be submitted to the ~~stormwater management department~~environmental management department with or prior to the project's final plat. The ~~stormwater management department~~environmental management department shall inform the

applicant whether the submittals are approved or disapproved. If any deliverable submittal is not approved, the ~~stormwater management department~~environmental management department shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event this subsection shall apply to such resubmittal. The final plat shall not be approved by the ~~stormwater management department~~environmental management department until all submittal requirements are satisfied.

- (6) Developments not requiring a final plat. All remaining submittal requirements shall be submitted to the ~~stormwater management department~~environmental management department prior to issuance of a certificate of occupancy by the county permits and inspections department. The ~~stormwater management department~~environmental management department shall inform the applicant whether the submittals are approved or disapproved. If any deliverable is not approved, the ~~stormwater management department~~environmental management department shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event this subparagraph shall apply to such resubmittal. The county permits and inspections department shall not issue the certificate of occupancy until all submittal requirements are satisfied.
- (k) *Notwithstanding the issuance of a land-disturbance permit.* In conducting the land development project, the applicant or other responsible person shall be subject to the following requirements:
 - (1) The applicant shall comply with all applicable requirements of the approved plan and this article and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;
 - (2) The land development project shall be conducted only within the area specified in the approved plan;
 - (3) The ~~stormwater management department~~environmental management department shall be allowed to conduct periodic inspections of the project using the approved stormwater management plan and the construction sequencing plan for establishing compliance;
 - (4) No changes may be made to an approved plan without review and written approval by the ~~stormwater management department~~environmental management department; and
 - (5) Upon completion of the project, the applicant or other responsible person shall submit the engineers report and certification and as-built reports as required by this section.

(Code 1992, § 8-454; Ord. No. 2010-08, § 4, 8-26-2010)

Sec. 104-562. - Construction inspections of ~~post-development~~post-construction stormwater management system.

- (a) *Inspections to ensure plan compliance during construction; storm sewer installation report.* A third-party pipe installation inspection report shall be required for all pipes placed in the ground and shall include the following information:
 - (1) Description of subgrade and bedding used in installation;
 - (2) Pipe material certifications;
 - (3) Description of backfill methods used;
 - (4) A summary of all field inspections, including the name and affiliation of the inspector, date and time of visits, and summary of activities observed; and
 - (5) Certification from a registered professional engineer that the pipe was installed in accordance to the approved construction plans and any applicable Georgia DOT, AASHTO or American Concrete Pipe Association Standards.

- (b) *Periodic inspections.* Periodic inspections of the stormwater management system construction shall be conducted and certified by a professional engineer registered in the state. Construction inspections shall utilize the approved stormwater management plan for establishing compliance. The minimum number and schedule of inspections shall be based on the proposed design and established by the ~~stormwater management department~~environmental management department during the project's preconstruction meeting. All inspections shall be documented with written reports that contain the following information:
- (1) The name of the inspector, the date and location of the inspection, and a summary of the activities observed;
 - (2) A determination if the construction activities are in compliance with the approved stormwater management plan;
 - (3) Variations from the approved construction specifications; and
 - (4) Any other variations or violations of the conditions of the approved stormwater management plan.

If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions.

(Code 1992, § 8-455; Ord. No. 2010-08, § 4, 8-26-2010)

Sec. 104-563. - Ongoing inspection and maintenance of stormwater facilities and practices.

- (a) *Long-term maintenance and inspection of stormwater management systems.* Stormwater management systems identified in a stormwater management plan that are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this article. The responsible person, as designated in the approved inspection and maintenance agreement, shall inspect the stormwater management system on a periodic basis. In the event that the stormwater management system has not been maintained and/or becomes a danger to public safety or public health, the ~~stormwater management department~~environmental management department shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the ~~stormwater management department~~environmental management department may correct the violation as provided in section 104-564. Inspection programs by the ~~stormwater management department~~environmental management department may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.
- (b) *Right-of-entry for inspection.* The terms of the inspection and maintenance agreement shall provide for the ~~stormwater management department~~environmental management department to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this article is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this article.

- (c) *Records of maintenance activities.* Parties responsible for the operation and maintenance of a stormwater management system shall provide records of all maintenance and repairs to the ~~stormwater management department~~environmental management department on an annual basis.
- (d) *Failure to maintain.* If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the ~~stormwater management department~~environmental management department, after 30 days' written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. Recovery of costs associated with the performance of said work shall be through the stormwater assessment area established in section 104-561(d). Alternatively, the ~~stormwater management department~~environmental management department may issue citations to help force compliance with the inspection and maintenance agreement.

(Code 1992, § 8-456; Ord. No. 2010-08, § 4, 8-26-2010)

Sec. 104-564. - Violations, enforcement and penalties.

Any action or inaction which violates the provisions of this article or the requirements of an approved stormwater management application may be subject to the enforcement actions outlined in this section. Any such action or inaction, which is continuous with respect to time, is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described as follows shall not prevent such equitable relief:

- (1) *Notice of violation.* If the ~~stormwater management department~~environmental management department determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this article, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this article without having first secured a permit, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:
 - a. The name and address of the owner or the applicant or the responsible person;
 - b. The address or other description of the site upon which the violation is occurring;
 - c. A statement specifying the nature of the violation;
 - d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this article and the date for the completion of such remedial action; and
 - e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed.
- (2) *Penalties.* In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the ~~stormwater management department~~environmental management department shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the ~~stormwater management department~~environmental management department may take any one or more of the following actions or impose any one or more of the following penalties.

- a. *Stop work order.* The ~~stormwater management department~~environmental management department may issue a stop work order that shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- b. *Withhold certificate of occupancy.* The ~~stormwater management department~~environmental management department may recommend that the county permits and inspection department refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- c. *Suspension, revocation or modification of permit.* The ~~stormwater management department~~environmental management department may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violations or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the ~~stormwater management department~~environmental management department may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- d. *Citations.* For intentional and flagrant violations of this article, or in the event the applicant or other responsible person fails to take the remedial measures set forth in previously issued notice of violations or otherwise fails to cure the violations within ten days, the ~~stormwater management department~~environmental management department may issue a citation to the applicant or other responsible person, requiring such person to appear in state court of the county to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Code 1992, § 8-457; Ord. No. 2010-08, § 4, 8-26-2010)

Secs. 104-565—104-591. - Reserved.

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2020-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO REVISE PROVISIONS PERTAINING TO POST-DEVELOPMENT OR POST-CONSTRUCTION STORMWATER MANAGEMENT; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO POST-DEVELOPMENT STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT (ARTICLE XIV OF CHAPTER 104), BE AMENDED AS FOLLOWS:

Section 1. By deleting Article XIV, pertaining to “Post-Development Stormwater Management for New Development and Redevelopment”, from Chapter 104, in its entirety, and by replacing it with a new Article XIV in Chapter 104, to be numbered and read as follows:

ARTICLE XIV. POST-CONSTRUCTION STORMWATER MANAGEMENT

FOR NEW DEVELOPMENT AND REDEVELOPMENT.

Sec. 104-557. Introduction.

It is hereby determined that:

- (1) Land development projects and other land-use conversions, and their associated changes to land-cover, permanently alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which in turn increase flooding, stream channel erosion, and sediment transport and deposition;
- (2) Land development projects and other land-use conversions also contribute to increased nonpoint source pollution and degradation of receiving water;
- (3) The impacts of post-construction stormwater runoff quantity and quality can adversely affect public safety, public and private property, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of land and water;
- (4) These adverse impacts from new development and redevelopment can be controlled and minimized through the regulation of stormwater runoff quantity and quality by the use of both structural facilities as well as nonstructural measures; and
- (5) Localities in the state must comply with state and federal laws, regulations and permits that require impacts of post-construction stormwater runoff quality and nonpoint source pollution be addressed.

Therefore, the county has established this set of stormwater management policies to provide reasonable guidance regulating post-construction stormwater runoff to control and minimize increases in stormwater runoff rates and volumes, post-construction soil erosion and sedimentation, stream channel erosion, and nonpoint source pollution associated with post-construction stormwater runoff.

Sec. 104-558. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the appointed entity to administer and implement this Article on Post-Construction Stormwater Management for New Development and Redevelopment.

Applicant means a person submitting a land development application for approval.

Basin means an area of land that drains to a single outlet and is separated from other basins by a divide (i.e., a watershed).

Best Management Practices (“BMP”) means structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

BMP landscaping plan means a design for vegetation and landscaping that is

critical to the performance and function of the BMP including how the BMP will be stabilized and established.

Channel means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

Common plan of development means a contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or scale.

Conservation easement means an agreement between a land owner and the county, other government agency or land trust that legally protects a designated natural conservation area for purposes of better stormwater management site design on the owner's land in perpetuity by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

Construction sequencing plan means a document noting the sequence of construction and identification of infiltration zones for protection during staged installation of permanent post construction BMPs to ensure suitable site conditions such as avoiding soil compaction by heavy equipment in areas designated for infiltration BMPs.

Detention means the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

Development means new development or redevelopment.

Developer means a person who undertakes land development activities.

Drainage easement means an easement appurtenant attached to a tract or parcel of

land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Erosion and sedimentation control plan means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

Extended detention means the detention of stormwater runoff for an extended period, typically 24 hours or greater.

Extreme-flood protection means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

Flooding means a volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

Georgia Stormwater Management Manual ("GSMM") means a stormwater technical guidance manual, also known as "the Blue Book" published by the Atlanta Regional Commission. The "Georgia Stormwater Management Manual" is hereby incorporated by reference into this article.

Hotspot means a land use or activity on a site that has the potential to produce higher than normally found levels of pollutants in stormwater runoff. As defined by the administrator, hotspot land use may include gasoline stations, vehicle service and maintenance areas, industrial facilities (both permitted under the Industrial Stormwater General Permit and others), material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

Impervious cover means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface (excludes porous pavements).

Industrial Stormwater General Permit means the National Pollutant Discharge Elimination System (NPDES) permit issued by Georgia Environmental Protection Division to an industry for stormwater discharges associated with industrial activity. The permit regulates pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies based on Standard Industrial Classification (SIC) Code.

Infiltration means the process of stormwater runoff percolating into the subsoil.

Inspection and maintenance agreement means a written agreement approved by the county board of commissioners providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

Jurisdictional wetland means an area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

Jurisdictional wetlands determination means a delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by section 404 of

the Clean Water Act, 33 USC 1344, as amended.

Land development ("development") means any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Land development application means the application for a land development permit on a form provided by Fayette County along with the supporting documentation required in Section 104-561

Land development permit means the authorization necessary to begin construction related, land disturbed activity

Land development activities means those actions or activities that comprise, facilitate or result in land development.

Land development project ("project") means a discrete land development undertaking.

Land Disturbing Activity mean any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including but not limited to clearing, dredging, grading, excavating, and filling of land. Land disturbing activity does not include agricultural practices as described O.C.G.A. 12-7-17(5) or silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities.

Linear Feasibility Program means the feasibility program developed by Fayette

County and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria for determining when implementation of stormwater management standards for linear transportation projects being constructed by Fayette County is infeasible.

Linear Transportation Projects means construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

MS4 Permit means the NPDES permit issued by Georgia Environmental Protection Division for discharges from the Fayette County's municipal separate storm sewer system.

Natural conservation area means a legally protected area of the site that is perpetually preserved in a natural state thereby retaining the predevelopment hydrologic and water quality characteristics. This area shall be a minimum contiguous area of 10,000 square feet.

New development means a land development activity, structural development (construction, installation or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

Nonpoint-source pollution means a form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease bacteria, organic materials and other contaminants from land to surface water

or groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint-source pollution is a byproduct of land-use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Off-site system means a stormwater management system located outside the boundaries of the site.

Overbank and extreme flood protection means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e., flow events that exceed the capacity of the channel and enter the floodplain).

Owner means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

Permit means the permit issued by the county environmental management department to the applicant, which is required for undertaking any land development activity.

Person means, except to the extent exempted from this article, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the state, any interstate body or any other legal entity.

Post-construction means the conditions anticipated to exist on-site immediately after completion of the proposed development.

Post-development means the conditions anticipated to exist on site immediately

after completion of the proposed development.

Practicability policy means the latest edition of the Metropolitan North Georgia Water Planning District's Policy on Practicability Analysis for Runoff Reduction.

Pre-development means the conditions that exist on a site immediately before implementation of the proposed development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time before the first item being approved or permitted shall establish predevelopment conditions.

Pre-development hydrology means (a) for new development, the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before implementation of the proposed development; and (b) for redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property.

Redevelopment means a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint-source pollution.

Routine maintenance means activities to keep an impervious surface as near as

possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Runoff means stormwater runoff.

Regional stormwater management facility/regional facility means any stormwater management system designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Site means the parcel of land being developed, or the portion thereof on which the land development project is located.

Stormwater better site design means nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and, reducing impervious cover and using natural features for stormwater management.

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

Stormwater management means the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood

damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public's health, safety and general welfare.

Stormwater management facility means an engineered facility designed to reduce and/or treat stormwater runoff, which mitigate the effects of increased stormwater runoff peak rate, volume, and velocity.

Stormwater management plan means a plan for post-construction stormwater management at the site that meets the requirements of Section 104-561 and is included as part of the land development application. Stormwater management standards means those standards set forth in Section 104-559.

Stormwater management system means the entire set of non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner designed to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater nonstructural practice means a nonstructural component of the stormwater management system that provides enhanced stormwater quantity and/or quality control or other benefits, including, but is not limited to, riparian buffers, natural conservation areas, overland flow filtration areas, natural depressions, and vegetated channels.

Stormwater runoff means the flow of surface water resulting from precipitation.

Stormwater structural control means an engineered stormwater management

device that controls and mitigates the effects of increased stormwater runoff.

Subbasin means the hydrologic divisions of a watershed that are relatively homogeneous

Subdivision means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Sec. 104-559. General provisions.

(a) *Purpose and intent.* The purpose of this article is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-construction stormwater runoff and nonpoint-source pollution associated with new development and redevelopment. Additionally, Fayette County is required to comply with several State and Federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quantity, velocity, and quality of post-construction stormwater runoff. This article seeks to meet that purpose through the following objectives:

- (1) Establish decision-making processes surrounding land development activities that protect and preserve the health of water resources;

- (2) Require new development and redevelopment maintain the pre-development hydrologic response in their post-construction state as nearly as practicable in order to reduce flooding, streambank erosion, nonpoint source pollution, increases in stream temperatures, and preserve stream channel integrity and aquatic habitats;
- (3) Establish minimum post-construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- (4) Establish design criteria for the construction and use of stormwater structural control facilities that can be used to meet the minimum post-construction stormwater management standards;
- (5) Encourage nonstructural stormwater management and stormwater better site design practices, such as establishing natural conservation areas, to the maximum extent practicable;
- (6) Establish provisions for the long-term responsibility and maintenance of stormwater management systems to ensure that they continue to function as designed, and are maintained, and pose no threat to public safety; and
- (7) Establish administrative procedures for the submission, review, and approval of stormwater management applications, and inspection procedures of approved applications, for both construction and post-construction phases.

(b) *Administration of article.* The county environmental management department (“administrator”) shall administer and implement the provisions of this article.

(c) *Applicability criteria for Stormwater Management Standards.* This article shall be applicable to any new or redevelopment project within the unincorporated county that meets one or more of the following criteria:

- (1) The project creates or adds 5,000 square feet or more of impervious cover;
or
- (2) The project disturbs one acre or more of land; or
- (3) The project is part of a subdivision or other common plan of development, and the sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the threshold in (a) and (b) above; or
- (4) Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot land use as defined in this Article; or
- (5) Linear transportation projects that exceed the threshold in (1) or (2) above.

(d) *Exemptions from Stormwater Management Standards.* This Article does not apply to the following activities:

- (1) Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs;

- (2) Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;
- (3) Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;
- (4) Individual single-family or duplex residential lots that are not part of a larger common plan of development as long as downspout disconnects are provided per GSMM Section 4.4; This exemption, however, may be waived by the environmental management department if it is determined the project may have significant adverse impacts on downstream properties;
- (5) Land disturbance for individual single-family or duplex residential lots that are part of a larger common plan of development (e.g., a subdivision or minor subdivision) but have no new roads (public or private) or other common structures associated with the subdivision or phased development downspout disconnects are provided per GSMM Section 4.4. This exemption, however, may be waived by the environmental management department if it is determined the project may have significant adverse impacts on downstream properties;
- (6) Repairs to any stormwater management system deemed necessary by the administrator;

- (7) Agricultural practices as described O.C.G.A. 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in Section 104-559 (c) 1 or 2;
 - (8) Silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in Section 104-559 (c) 1 or 2;
 - (9) Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and
 - (10) Linear transportation projects being constructed by Fayette County to the extent the administrator determines that the stormwater management standards may be infeasible to apply, all or in part, for any portion of the linear transportation project. For this exemption to apply, an infeasibility report that is compliant with the Fayette County linear feasibility program shall first be submitted to the administrator that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the administrator.
- (e) *Compatibility with other regulations.* This article is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements

of this article are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

(f) *Effective date.* The effective date of the ordinance from which this article is derived, known as the county's "Post-Development Stormwater Management for New Development and Redevelopment Ordinance," is August 1, 2005, and shall apply to all developments that have preliminary plats or site development plans initially received by the county zoning department on or after this date.

(g) *Stormwater design manual.* The environmental management department will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the state stormwater management manual and any relevant local addenda. The manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience. The environmental management department may publish an addendum to the state stormwater management manual to:

- (1) Clarify discrepancies between the manual and any section of the county's development regulations;
- (2) Specify requirements where options/alternatives are provided;
- (3) Establish minimum design standards; or

- (4) Further describe submittal requirements.

The criteria within the addendum shall be considered minimum design standards and, in the event of a conflict, supersede design standards set forth in the state stormwater management manual. Addendum shall be available from the environmental management department.

Sec. 104-560. Post-construction stormwater management standards.

The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this article:

- (1) *Design of Stormwater Management System.* The design of the stormwater management system shall be in accordance with the applicable sections of the GSMM as directed by the administrator. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable and article X of this chapter.
- (2) *Natural Resources Inventory.* Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the Stormwater Management Plan, shall include, at a minimum (as applicable):
 - a. Topography (minimum of 2-foot contours) and Steep Slopes (i.e., Areas with Slopes Greater Than 15%),

- b. Natural Drainage Divides and Patterns,
- c. Natural Drainage Features (e.g., swales, basins, depressional areas),
- d. Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas and river corridors, and
- e. Predominant soils (including erodible soils and karst areas).

(3) *Stormwater Runoff Quality/Reduction.* Stormwater Runoff

Quality/Reduction shall be provided by using the following:

- a. For development with a stormwater management plan submitted before [insert applicable date], the applicant may choose either (A) Runoff Reduction or (B) Water Quality.
- b. For development with a stormwater management plan submitted on or after [insert applicable date], the applicant shall choose (A) Runoff Reduction and additional water quality shall not be required. To the extent (A) Runoff Reduction has been determined to be infeasible for all or a portion of the site using the Practicability Policy , then (B) Water Quality shall apply for the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as

defined in the GSMM.

- i. Runoff Reduction - The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.
 - ii. Water Quality – The stormwater management system shall be designed to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2 inch rainfall event.
 - iii. If a site is determined to be a hotspot as detailed in Section 104-559, Fayette County may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.
- (4) *Drainage system guidelines stormwater management system criteria.* May include, catchbasins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided, when necessary, for the protection of public right-of-way and private properties adjoining project sites and/or right-of-ways. Stormwater management systems that are designed to carry runoff from more than one parcel,

existing or proposed, shall meet the following requirements:

- a. Methods to calculate stormwater flows shall be in accordance with the stormwater design manual;
- b. Design and construction of stormwater management systems shall be in accordance with the criteria and specifications found in the stormwater design manual;
- c. If a project is developed in phases, the stormwater management system in an initial phase must be sized and constructed to handle the quantity and effects of stormwater that may flow into that system subsequent phases.

(5) *New street construction design criteria.* All new streets constructed within the county except those constructed to serve subdivisions in which all lots are five acres or larger, shall have curbs and gutters. Rolled-back curbs are not acceptable, only straight-back curbs are allowed. A curb shall be six inches high and a gutter shall be 24 inches from face of the gutter to back of the curb.

- a. Curb inlets shall conform to the Georgia Department of Transportation (GDOT) specifications. Spacing of inlets shall not exceed 500 feet on a continuous grade and shall be sized to intercept a minimum of 85 percent of the flow in the gutter section. Inlets shall be located to prevent stormwater from crossing an

intersection, but may not be located in a radius for the intersections.

Inlets located in a sag shall be sized to prevent gutter spread from covering more than half of the road's travel surface during the 25-year storm event.

If grates are proposed for inlet devices, the bars must be perpendicular to the road and shall pose no hazard to bicycle traffic. In any case, throat height shall not exceed eight inches.

All stormwater structures requiring inverts shall be paved.

- b. Only reinforced concrete shall be used for storm drain structures under the roadway including curb and gutter, and in applications to create buildable lots. The pipe must be designed and installed to meet the requirements in the latest edition of the concrete pipe design manual. A third-party pipe standardized installation inspection report is required for all pipes being placed in the ground prior to final plat. Additional information may be requested for the pipe installation report.
- c. Other pipe materials may be used in applications approved by GDOT.
- d. Cross drains, laterals and outfalls that are part of a street drainage system shall be sized for subcritical gravity flow. The design

engineer must provide calculations to show that any pipes are not flowing under pressurized conditions and that the hydraulic grade lines are below finished grade at all points for the 25-year storm event. Calculations determining the headwater elevation (inlet or outlet controlled) for the 100-year storm event shall be provided by the design engineer. The backwater area inundated by the 100-year storm event shall be shown and designated on the final plat as an area of special flood hazard area. It shall be based on as-built road conditions and shall be subject to the same conditions and limitations as any other area of special flood hazard (article IV of this chapter).

- e. Storm drains shall not exceed 500 feet of continuous length between an inlet, manhole or junction box access. All junction boxes shall be installed with accesses at grade.
- f. Easements shall extend to receiving waters and/or next stormwater system.
- g. For bridges crossing streams with a regulatory floodway and or floodplain, the bridge must meet criteria set forth in the county development regulations, article IV of this chapter.
- h. All culverts and storm drain system inlets and outfalls shall have headwalls or tailwalls. Flared and, vertical wall or vertical wall

with wing-walled outfall types are acceptable.

- i. All outlets must be designed with energy dissipaters if outlet velocities are greater than four feet per second during the 25-year storm event.
- j. Drainage ditches shall have a minimum bottom width of two feet and shall have 3:1 side slopes. Ditches must be designed to handle the 100-year flow rate and lined with an appropriate erosion control matting capable of withstanding the 25-year flow velocity.
- k. Upon completion of the construction activities, the applicant shall submit as-built plans for all stormwater management facilities and practices associated with the project. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a professional engineer registered in the state. The as-built plan shall also include stage/storage data for all detention or retention structures. These data shall be provided and certified by a registered land surveyor. A final inspection by the stormwater department is required before the release of any performance securities can occur.
- l. Lots requiring a driveway culvert, either non-curb and guttered subdivisions or lots deemed by the environmental management department, shall be designed by a professional engineer registered

in the state of Georgia.

- (6) *Stormwater structural controls.* All stormwater structural controls shall be selected and designed using the appropriate criteria from the stormwater design manual. All structural stormwater controls must be and designed appropriately to meet their intended function. For other stormwater structural controls not included in the, stormwater design manual or for which pollutant removal rates have not been provided, the effectiveness and of the pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the environmental management department before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land-use activities warrant greater control than that provided by the minimum control requirements, the environmental management department may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint-source pollution loads created on the development.
- a. The outlet control structure shall be designed so as not to be submerged due to downstream conditions.
 - b. Detention basins shall be located far enough from any property line

to allow non-erosive dissipation of the discharge, unless the basin discharges directly into a receiving stream. In either case, erosion control considerations shall be addressed in the erosion and sedimentation control plan.

- c. An emergency spillway shall be provided to bypass flows for the 100-year storm in the event that the principal outlet structure gets blocked.
- d. Unless otherwise approved by the environmental management department, any stormwater management facility shall be fenced to prevent access to the basin. A gate shall be provided for maintenance access. The gate shall be large enough to accommodate trucks or excavation equipment.
- e. A stormwater management system shall not be constructed on state waters, unless all federal, state and local environmental permits have been acquired.
- f. If detention is to be provided by a lake or pond, adequate storage must be provided, or be available in the case of existing lakes or ponds, to manage the runoff from the 100-year storm. In addition to these requirements, ponds or lakes must meet the requirements articles IV and X of this chapter and all applicable federal and state and local regulations.

- g. Water quality requirements cannot be satisfied by existing or proposed lakes or ponds.
 - h. In common residential developments (e.g., subdivisions), all stormwater management systems except those used exclusively for water conveyance (e.g., swales, ditches, and storm pipes) shall be on common property owned by a homeowners' association, or other entity if approved by the environmental management department, and not counted as an area for an individual lot.
 - i. The environmental management department shall require documentation and calculations beyond the original submittal if, in their opinion, the plan does not satisfy the purpose as stated in this article. The approval of the plan does not preclude the necessity for field changes once construction has begun. Any such amendments to the approved plan shall be submitted to the environmental management department on revised drawings and shall be supported by such documentation as is appropriate
 - j. Applicants shall consult the stormwater design manual for guidance on the factors that determine site design feasibility when selecting and locating a stormwater structural control.
- (7) *Modifications for off-site facilities.* The stormwater management plan for each land development project shall provide for stormwater management

measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site system. A stormwater management plan must be submitted to the environmental management department that shows the adequacy of the off-site or regional facility. To be eligible for a modification, the applicant must demonstrate to the environmental management department that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:

- a. Increased threat of flood damage to public health, life, and property;
- b. Deterioration of existing culverts, bridges, dams, and other structures;
- c. Accelerated streambank or streambed erosion or siltation;

d. Degradation of in-stream biological functions or habitat; or

e. Water quality impairment in violation of state water quality

standards, and/or violation of any state or federal regulations.

- (8) *Downstream analysis.* Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises 10% of the total drainage area in accordance with Section 3.1.9 of the GSMM. This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned upstream land-use changes. The analysis shall be in accordance with the Stormwater Design Manual. All downstream stormwater systems (eg. road culverts) within the analysis area shall be studied for the impacts of the development.
- (9) *Water quality.* All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:

- a. It is sized to treat the prescribed water quality treatment volume from the site, as defined in the stormwater design manual; and
 - b. Appropriate stormwater structural controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the stormwater design manual.
- (10) *Stream channel protection.* Stream channels shall be protected from bank and bed erosion and degradation by providing all of the following three approaches:
- a. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer, as established in articles VII and IX of this chapter; and
 - b. 24-hour extended detention storage of the one-year, 24-hour storm event. This requirement may be adjusted or waived by the environmental management department for sites that discharge directly into larger perennial streams, rivers, jurisdictional wetlands, or lakes, if the applicant can demonstrate that the reduction in these flows will not have an impact on upstream or downstream streambank or channel integrity; and
 - c. Erosion prevention measures such as energy dissipaters that control velocity.

- (11) *Overbank and extreme flood protection.* Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-construction peak-discharge rate to the predevelopment rate for the 25-, 50-, and 100-year, 24-hour storm events. If control of the one-year, 24-hour storm events under subsection (7)b of this section is exempted, then peak discharge rate attenuation of the two-year through the 25-year return frequency storm event shall also be provided, (i.e., the two-, five-, ten- and 25-year storm events). Overbank and extreme flood protection shall be provided for all drainage basins within a development. The procedures for providing overbank and extreme flood protection shall follow the criteria specified in the stormwater design manual. This requirement may be adjusted or waived by the environmental management department, on a sub-watershed by sub-watershed basis, for sites where the post-construction downstream analysis shows that uncontrolled post-construction conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-construction conditions.
- (12) *Site design credits for nonstructural measures.* The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under subsection (6) of this section. The applicant may, if approved by the environmental management department,

take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements, which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the stormwater design manual. All applicable documentation requirements shall be submitted and approved by the environmental management department prior to issuance of a certificate of occupancy or final plat approval.

- (13) *Drainage easements.* Drainage easements shall be provided for all stormwater management facilities designated for water conveyance. These easements shall generally be 20 feet in width, except where existing streams or creeks or constructed basins require greater width. Such easement shall be shown on plans and plats as required by other sections of the county's ordinances. Since these easements are part of an overall system for the development, neither the easement location nor the system element located in it may be modified without the approval of the environmental management department.
- (14) *Maintenance access easements.* The applicant must ensure access from public right-of-way to stormwater management systems requiring regular maintenance at the site for the purpose of inspection and repair by

securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property and All maintenance access easements shall be inspected and maintained as part of the annual operations and maintenance program.

- (15) *Stormwater Management System Inspection and Maintenance.* The components of the stormwater management system that will not be dedicated to and accepted by Fayette County, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This plan shall be written in accordance with the requirements in Section 104-561.

Sec. 104-561. Stormwater management application submittals and procedures.

- (a) Unless specifically exempted by this article, any owner or developer proposing a land activity shall submit the following items to the environmental management

department:

- (1) Stormwater management plan;
- (2) Operations and maintenance plan;
- (3) Inspection and maintenance agreement;
- (4) Stormwater assessment area;
- (5) Application review fees;
- (6) Application procedure; and
- (7) Other submittals.

Each of the submittals in this subsection shall be in accordance with the criteria specified in the following subsections.

(b) *Stormwater management plan.* The stormwater management plan shall detail how post-construction stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this article, including the performance criteria set forth in section 104-560. This plan shall be submitted under the stamp and signature of a professional engineer licensed in the state. In addition, the professional engineer shall provide written certification that the plan meets the design criteria established in this article and the stormwater design manual. Any revisions to the stormwater management plan, including, but not limited to, installation of new stormwater structures, additions to approved stormwater structures, or modifications of existing structures, shall be submitted with the stamp and seal of a professional engineer licensed in the state and receive written approval from the environmental management department prior to

implementation. The stormwater management plan shall include, at a minimum, the following information and be presented in the order set forth as follows:

- (1) Common address and description of site. The description of the site shall include the metes and bounds of the property, via a survey or written legal description, and identification of all adjacent property owners.
- (2) Vicinity map.
- (3) Natural resource inventory.
- (4) Stormwater concept plan.
- (5) Existing conditions hydrologic analysis. The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities shall include:
 - a. A topographic map of existing site conditions with each drainage basin boundary indicated. Drainage divides and downstream receiving waters shall be clearly delineated on the topographic map;
 - b. Acreage, soil types and land cover of areas for each subbasin affected by the project;
 - c. All perennial and intermittent streams, jurisdictional wetlands, and other surface water features;
 - d. All existing stormwater management systems;
 - e. Direction of flow and exits from the site;
 - f. Analysis of runoff provided by off-site areas upstream of the

- project site;
- g. Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology;
- h. Cumulative impervious cover since adoption of original ordinance; and
- i. Construction sequencing plan.

For redevelopment sites, pre-development conditions for the portion of the site undergoing land development activities shall be based on field conditions prior to any structural or impervious improvements.

Predevelopment conditions for the portion of the site outside the land development activities shall be based on the conditions present when the stormwater management plan is submitted to the county.

- (6) Post-development hydrologic analysis. The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities shall include:
 - a. A topographic map of developed site conditions (i.e., proposed contours) with the post-development drainage basin boundaries indicated. Drainage divides and downstream receiving waters shall be clearly delineated on the topographic map;
 - b. Total area of post-development impervious surfaces and other land cover areas for each subbasin affected by the project;

- c. Calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet the post-development stormwater management performance criteria in section 104-560;
- d. Location and boundaries of proposed natural feature protection and conservation areas;
- e. Documentation and calculations for any applicable site design credits that are being used; and
- f. Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.

If the land development activity on a redevelopment site constitutes more than 50 percent of the site, then the stormwater runoff performance criteria in section 104-560 must be met for the entire site.

- (7) Stormwater management system. The description, scaled drawings and design calculations for the proposed post-construction stormwater management system, shall include the following:
 - a. A map and drawing of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed stormwater structural controls. Design water surface elevations, storage volumes available from

- zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes for all structural controls shall be indicated;
- b. Cross section and profile drawings and design details for each of the stormwater structural controls in the system, including supporting calculations to show that the system is designed according to the applicable design criteria;
 - c. A hydrologic and hydraulic analysis of the stormwater management system for all applicable storms events (including stage-storage or outlet rating curves, and inflow and outflow hydrographs);
 - d. Documentation and supporting calculations to show that the stormwater management system adequately meets the post-construction stormwater management performance criteria in section 104-560;
 - e. Drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyances including stormwater drains, pipes, culverts, catchbasins, channels, swales, ditches and areas of overland flow; and
 - f. Where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection

plans.

- (8) Downstream analysis.
- (9) Erosion and sedimentation control plan.
- (10) Determination of infeasibility (if applicable).

(c) *Operations and maintenance plan.* Property owners are responsible for performing operation and maintenance activities for stormwater management facilities and practices located on their property; see section 104-563, for additional information. The applicant shall provide a project-specific operations and maintenance plan that includes detailed descriptions of required operations and maintenance procedures for the project's stormwater management facilities and practices to ensure their continued function as designed and constructed. The plan shall identify the parts or components of each stormwater management facility or practice that needs to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary for this work. The plan shall include a detailed inspection and maintenance schedule, a list of all maintenance tasks, and identify the responsible parties for all maintenance, funding access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall also be included in the plan. Checklists shall be provided, as appropriate. Any revisions to the operations and maintenance plan shall be submitted with the stamp and seal of a professional engineering licensed in the state and receive written approval from the county environmental management department.

(d) *Inspection and maintenance agreements.* The applicant or owner of the land involved in a land development project requiring a stormwater management facility or practice hereunder and for which the county requires ongoing maintenance must execute a stormwater management inspection and maintenance agreement, as defined in this article (appendix A) and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site or any portion thereof.

- (1) The stormwater management inspection and maintenance agreement shall require approval by the environmental management department prior to final plat approval or issuance of a certificate of occupancy. A covenant running with the land will describe said agreement and the obligation of all present and future holders of any interest in the development or any portion thereof. Said covenant shall be recorded on the deed of every parcel of property and/or lot that is derived in any way from the land development activity. Thereafter, each deed shall be recorded in the county deed records by the applicant.
- (2) The stormwater management inspection and maintenance agreement shall identify by name and official title, if applicable, the persons bound by said agreement to cause said inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice shall remain that of the party which executed the stormwater management inspection and maintenance agreement unless and until such

time as the duties hereunder are properly assumed by a homeowners' association which is created as specified in this article. Evidence of the assumption of such duties shall be in a writing executed by the party assigning said duties and the homeowners' association and agreed to by the county.

- (3) The duties created under the inspection and maintenance agreement shall transfer to each and every subsequent owner/applicant, or homeowners' association (where one is established and duties are assigned thereto, in accordance with this article), or similar holders of interest in the development or any portion thereof. Upon transfer, each owner/applicant, homeowners' association, or similar interest holder shall cause the deed of transfer to be marked upon its face with notice of obligations of the stormwater management inspection and maintenance agreement through use of a restrictive covenant, as previously described. Each successor in title shall be bound by the stormwater management inspection and maintenance agreement to all the duties of his predecessor there under. The stormwater management inspection and maintenance agreement shall incorporate by reference the project's operation and maintenance plan and account for all the work requirements specified in the plan.
- (4) In addition to enforcing the terms of the inspection and maintenance agreement, the environmental management department may also enforce

all of the provisions for ongoing inspection and maintenance in section 104-563.

- (e) *Residential subdivisions.* Prior to final plat approval, the developer of a subdivision, which is subject to the provisions of this article, shall create a homeowners' association for the residential subdivisions for which the developer is requesting approval. All property owners within the subdivision shall be members of the homeowners' association. The homeowners' association shall be the legal entity to which all correspondence and notice, required under or related to this article is given by the county and from which the county will accept the same.
- (f) *Stormwater assessment area.* Prior to final plat approval, the developer of any common development subject to the provisions of this article shall establish a stormwater assessment area that shall thereafter encompass the development, each subdivision thereof, and any other property that is alleged to be covered/served by the stormwater management plan. The stormwater assessment area shall be established through covenants running with each parcel of land in the assessment area, as evidenced through a recording in county deed records. The recording shall cause notice of the existence of the stormwater assessment area to transfer front one interest holder to the next with each sale of any parcel in the stormwater assessment area, until the stormwater management plan is replaced with a new plan or said plan is found to be inapplicable by the environmental management department. Property owners within a stormwater assessment area may be billed annually for the cost to the county to perform maintenance and repair

activities on privately owned stormwater management systems. The rate for stormwater assessment areas shall be determined based on the total cost incurred by the county in repairing and maintaining these systems divided by the number of nonexempt parcels that exist in the applicable stormwater assessment area.

(g) For redevelopment and to the extent existing stormwater management structures are being used to meet stormwater management standards the following must also be included in the stormwater management plan for existing stormwater management structures:

- (1) As-built Drawings;
- (2) Hydrology Reports;
- (3) Current inspection of existing stormwater management structures with deficiencies noted; and
- (4) BMP Landscaping Plans.

(h) *Other submittals.*

- (1) BMP landscaping plan. A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to any stormwater management system. This plan may be included with the land development landscaping plan required in article V of this chapter. The landscaping plan shall include:
 - a. The arrangement of planted areas around the stormwater management systems;

- b. Information necessary to construct the landscaping elements shown on the plan drawings;
 - c. Descriptions and standards for the methods, materials and vegetation that are to be used in the landscaping;
 - d. Density of plantings;
 - e. Descriptions of the stabilization and management techniques used to establish vegetation; and
 - f. A description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility system and what practices will be employed to ensure that adequate vegetative cover is preserved.
- (2) Maintenance bonds. The applicant shall provide the appropriate maintenance bond as specified in article XV of this chapter.
- (3) As-builts. Upon completion of the construction activities, the applicant shall submit as-built plans for all stormwater management systems. The plan must show the final design specifications for all stormwater management systems must be certified by a professional engineer registered in the state. The as-built plan shall also include stage/storage data for all detention or retention structures. These data shall be provided and certified by a registered land surveyor. A final inspection by the environmental management department is required before the release of

any performance securities can occur.

- (4) Post stormwater pipe inspections. All pipes within the County Right-of-way will require an inspection consistent with Georgia Department of Transportation (GDOT) GDT 136 and GDOT Specification Section 550. This inspection shall be conducted after utilities are installed, unless a variance is granted by the planning commission to not install the utilities.
- (5) Evidence of acquisition of applicable local and nonlocal permits. The applicant shall certify and provide documentation to the county environmental management department that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.
 - (i) *Application review fees.* The fee for review of any stormwater management application shall be based on the fee structure established by the county board of commissioners and shall be made prior to the issuance of any building permit for the development.
 - (j) *Application procedure.*
 - (1) Two copies of the stormwater management plan, the inspection and maintenance agreement, and all applicable documents (conservation easements, etc.) shall be submitted to the environmental management department with the project's construction drawings or commercial site plan.

- (2) The environmental management department shall inform the applicant whether the submittals are approved or disapproved.
- (3) If the deliverables required by this article are not approved, the environmental management department shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event this subsection and subsection (i)(2) of this section shall apply to such resubmittal.
- (4) A land-disturbance permit for a project shall not be issued by the environmental management department until all applicable sections of this article are satisfied and approved by the environmental management department.
- (5) *Developments requiring a final plat.* All remaining submittal requirements (e.g., creation of a stormwater assessment area) shall be submitted to the environmental management department with or prior to the project's final plat. The environmental management department shall inform the applicant whether the submittals are approved or disapproved. If any deliverable submittal is not approved, the environmental management department shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event this subsection shall apply to such resubmittal. The final plat shall not be approved by the environmental

management department until all submittal requirements are satisfied.

- (6) *Developments not requiring a final plat.* All remaining submittal requirements shall be submitted to the environmental management department prior to issuance of a certificate of occupancy by the county permits and inspections department. The environmental management department shall inform the applicant whether the submittals are approved or disapproved. If any deliverable is not approved, the environmental management department shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event this subparagraph shall apply to such resubmittal. The county permits and inspections department shall not issue the certificate of occupancy until all submittal requirements are satisfied.

- (k) Notwithstanding the issuance of a land-disturbance permit. In conducting the land development project, the applicant or other responsible person shall be subject to the following requirements:

- (1) The applicant shall comply with all applicable requirements of the approved plan and this article and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;
- (2) The land development project shall be conducted only within the area

- specified in the approved plan;
- (3) The environmental management department shall be allowed to conduct periodic inspections of the project using the approved stormwater management plan and the construction sequencing plan for establishing compliance;
 - (4) No changes may be made to an approved plan without review and written approval by the environmental management department; and
 - (5) Upon completion of the project, the applicant or other responsible person shall submit the engineers report and certification and as-built reports as required by this section.

Sec. 104-562. Construction inspections of post-construction stormwater management system.

(a) *Inspections to ensure plan compliance during construction; storm sewer installation report.* A third-party pipe installation inspection report shall be required for all pipes placed in the ground and shall include the following information:

- (1) Description of subgrade and bedding used in installation;
- (2) Pipe material certifications;
- (3) Description of backfill methods used;
- (4) A summary of all field inspections, including the name and affiliation of the inspector, date and time of visits, and summary of activities observed;

and

- (5) Certification from a registered professional engineer that the pipe was installed in accordance to the approved construction plans and any applicable Georgia DOT, AASHTO or American Concrete Pipe Association Standards.

(b) *Periodic inspections.* Periodic inspections of the stormwater management system construction shall be conducted and certified by a professional engineer registered in the state. Construction inspections shall utilize the approved stormwater management plan for establishing compliance. The minimum number and schedule of inspections shall be based on the proposed design and established by the environmental management department during the project's preconstruction meeting. All inspections shall be documented with written reports that contain the following information:

- (1) The name of the inspector, the date and location of the inspection, and a summary of the activities observed;
- (2) A determination if the construction activities are in compliance with the approved stormwater management plan;
- (3) Variations from the approved construction specifications; and
- (4) Any other variations or violations of the conditions of the approved stormwater management plan.

If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions.

Sec. 104-563. Ongoing inspection and maintenance of stormwater facilities and practices.

(a) *Long-term maintenance and inspection of stormwater management systems.*

Stormwater management systems identified in a stormwater management plan that are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this article. The responsible person, as designated in the approved inspection and maintenance agreement, shall inspect the stormwater management system on a periodic basis. In the event that the stormwater management system has not been maintained and/or becomes a danger to public safety or public health, the environmental management department shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the environmental management department may correct the violation as provided in section 104-564. Inspection programs by the environmental management department may be established on any reasonable basis, including but not limited to: routine inspections; random

inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws.

Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

(b) *Right-of-entry for inspection.* The terms of the inspection and maintenance agreement shall provide for the environmental management department to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this article is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this article.

(c) *Records of maintenance activities.* Parties responsible for the operation and maintenance of a stormwater management system shall provide records of all maintenance and repairs to the environmental management department on an annual basis.

(d) *Failure to maintain.* If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the environmental management department, after 30 days' written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient), may correct a violation of the design standards or maintenance

requirements by performing the necessary work to place the facility or practice in proper working condition. Recovery of costs associated with the performance of said work shall be through the stormwater assessment area established in section 104-561(d).

Alternatively, the environmental management department may issue citations to help force compliance with the inspection and maintenance agreement.

Sec. 104-564. Violations, enforcement and penalties.

Any action or inaction which violates the provisions of this article or the requirements of an approved stormwater management application may be subject to the enforcement actions outlined in this section. Any such action or inaction, which is continuous with respect to time, is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described as follows shall not prevent such equitable relief:

- (1) *Notice of violation.* If the environmental management department determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this article, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this article without having first secured a permit, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the

site. The notice of violation shall contain:

- a. The name and address of the owner or the applicant or the responsible person;
- b. The address or other description of the site upon which the violation is occurring;
- c. A statement specifying the nature of the violation;
- d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this article and the date for the completion of such remedial action; and
- e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed.

- (2) *Penalties.* In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the environmental management department shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except, that in the event

the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the environmental management department may take any one or more of the following actions or impose any one or more of the following penalties.

- a. *Stop work order.* The environmental management department may issue a stop work order that shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- b. *Withhold certificate of occupancy.* The environmental management department may recommend that the county permits and inspection department refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has

otherwise cured the violations described therein.

- c. *Suspension, revocation or modification of permit.* The environmental management department may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violations or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the environmental management department may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- d. *Citations.* For intentional and flagrant violations of this article, or in the event the applicant or other responsible person fails to take the remedial measures set forth in previously issued notice of violations or otherwise fails to cure the violations within ten days, the environmental management department may issue a citation to the applicant or other responsible person, requiring such person to appear in state court of the county to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each

act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Secs. 104-565 – 104-591. Reserved.

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

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

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

SO ENACTED this _____ day of _____, 2020.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY

By: _____
Randy Ognio, Chairman

(SEAL)

ATTEST:

Tameca P. Smith, County Clerk

Approved as to form:

County Attorney

COUNTY AGENDA REQUEST

Page 289 of 353

Department: Board of Commissioners

Presenter(s): Tameca P. Smith, County Clerk

Meeting Date: Thursday, December 10, 2020

Type of Request: Consent 13

Wording for the Agenda:

Approval of the County Clerk's revision to the 2021 County Commissioner Meeting Schedule.

Background/History/Details:

At the November 12, 2020 meeting the Board of Commissioners approved the 2021 County Commissioners Meeting Schedule.

There has subsequently been a changed made to move the November 11 Board meeting to Tuesday, November 9 to reflect the office being closed for the Veterans Day holiday.

What action are you seeking from the Board of Commissioners?

Approval to revise the 2021 County Commissioner Meeting Schedule.

If this item requires funding, please describe:

Not Applicable.

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

If so, when?

Is Audio-Visual Equipment Required for this Request? No

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

2021 *County Commission* MEETING SCHEDULE

REGULAR MEETINGS ARE HELD ON THE 2ND AND 4TH THURSDAY OF EACH MONTH AT 6:30 P.M.

AND ARE HELD AT 140 STONEWALL AVENUE WEST, PUBLIC MEETING ROOM, FAYETTEVILLE, GA 30214

Agendas for these "Regular" meetings can include any subject but in particular, matters of interest to the general public such as public hearings on rezoning petitions, budget discussions, and requests from County Departments that require action by the Board, etc. Thursday meetings include a time for "Public Comment" when attendees can speak for up-to 5 minutes to the Board on any subject not on the meeting's agenda. Meetings are open to the public and are sometimes attended by members of the Press. Canceled meetings, special called meetings and special topic workshops are announced in accordance with requirements of State law. ***PLEASE NOTE THAT DURING THE MONTHS OF NOVEMBER AND DECEMBER, MEETING DATES ARE ALTERED TO ACCOMMODATE THE HOLIDAY SCHEDULES.**

DATE	TIME	NOTES		DATE	TIME	NOTES
January 14	6:30 p.m.	<i>Organizational Meeting</i>		July 8	6:30 p.m.	
January 28	6:30 p.m.			July 22	6:30 p.m.	
February 11	6:30 p.m.			August 12	6:30 p.m.	
February 25	6:30 p.m.			August 26	6:30 p.m.	
March 11	6:30 p.m.			September 9	6:30 p.m.	
March 25	6:30 p.m.			September 23	6:30 p.m.	
April 8	6:30 p.m.			October 14	6:30 p.m.	
April 20 Tuesday	6:30 p.m.	ACCG Annual Conference April 23-26		October 28	6:30 p.m.	
May 13	6:30 p.m.			November 9 Tuesday	2:00 p.m.	Veterans Day November 11
May 27	6:30 p.m.			*November 25	No Meeting	Thanksgiving Day
June 10	6:30 p.m.			December 9	2:00 p.m.	
June 24	6:30 p.m.			*December 23	No Meeting	Christmas Holiday

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. Smith, County Clerk
 Marlena Edwards, Chief Deputy County Clerk

140 Stonewall Avenue West
 Public Meeting Room
 Fayetteville, GA 30214

MINUTES

November 12, 2020

2:00 p.m.

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

Call to Order

Chairman Randy Ognio called the November 12, 2020, Board of Commissioners meeting to order at 2:00 p.m. A quorum of the Board was present. Commissioner Charles Rousseau attended the meeting virtually via Microsoft Teams as allowed during the pandemic.

Invocation and Pledge of Allegiance by Chairman Randy Ognio

Chairman Ognio 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 Government Finance Officers' Association Certificates of Achievement for Excellence in Financial Reporting for Fayette County's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2019.**

On behalf of the Board, County Administrator Steve Rapson, recognized Fayette County Finance department for the Government Finance Officers' Association Certificates of Achievement for Excellence in Financial Reporting for Fayette County's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2019. County Chief Financial Officer Sheryl Weinmann stated that receiving this commendation was an accomplishment that was a team effort requiring hard work and dedication. Ms. Weinmann, along with Assistant Chief Financial Officer Lee Ann Bartlett, and Accounting Manager Amanda Schoonover accepted the Certificate of Achievement on behalf of the Finance department.

- 2. Recognition of Government Finance Officers' Association Certificates of Achievement for Excellence in Financial Reporting for Fayette County Water System Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2019.**

On behalf of the Board, County Administrator Steve Rapson, recognized Fayette County Finance department and the Fayette County Water System for the Government Finance Officers' Association Certificates of Achievement for Excellence in Financial Reporting for Fayette County Water System Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2019. Ms. Weinmann, Assistant Chief Financial Officer Lee Ann Bartlett, Accounting Manager Amanda Schoonover and Water

Systems Director Vanessa Tigert accepted the Certificate of Achievement on behalf of the Finance department and the Water System.

3. Recognition of Building Safety Director Steve Tafoya for receiving the International Code Council (ICC) award for Excellence in Public Safety.

On behalf of the Board, Community Development Director Pete Frisina, recognized Building Safety Director Steve Tafoya for receiving the International Code Council (ICC) award for Excellence in Public Safety. Mr. Frisina stated that the International Code Council (ICC) Excellence in Public Safety Award was presented to a member of the building industry who consistently demonstrates the qualities of integrity, professionalism and dedication in his or her services to the profession and whose personal standards represent the spirit of public service to the development of codes and standards in the interest of public safety. Mr. Frisina stated that the award was given to one selected member of the International Code Council (ICC) after going through a selection process narrowed down to the most elite members of the ICC community which included thousands of members.

PUBLIC HEARING: None.

PUBLIC COMMENT: None.

CONSENT AGENDA:

Commissioner Gibbons moved to remove item #7 for discussion and to accept the Consent Agenda items #4 - #6. Vice Chairman Oddo seconded. The motion passed 5-0.

- 4. Approval of staff's recommendation to adopt Resolution 2020-11; Updated 2020 Fayette County Hazard Mitigation Plan as required by the Federal Emergency Management Agency's Disaster Mitigation Act of 2000 and to allocate \$1,800 to project from General Fund Balance to cover FY2021 expenses.**
- 5. Approval of staff's recommendation to amend Contract #1861-S to Sound Principles for change orders #1 and #2 in the amount of \$20,916.03 to provide and install A/V equipment in the courtrooms, and to reallocate \$21,000 from General Fund Project Contingency to the A/V Upgrades Judicial & Jail project to meet the funding needs for these change orders.**
- 6. Approval of the County Clerk's recommendation to adopt the 2021 County Commissioner Meeting Schedule.**
- 7. Approval of the October 22, 2020 Board of Commissioners Meeting Minutes.**

Chairman Ognio stated that the October 22, 2020 Board of Commissioners Meeting Minutes stated that the public was asked for input regarding Petition No. 1295-20, but because this item had been requested to be withdrawn there was no request for public input. Chairman Ognio stated that that language needed to be removed.

Commissioner Rousseau stated that as a part of Commissioners Comments in the October 22, 2020 Board of Commissioners Meeting Minutes he made remarks regarding "Grierwood" subdivision, however the minutes stated "Brierwood" subdivision. Commissioner Rousseau stated that the minutes should be revised to include the correct subdivision name.

OLD BUSINESS:

NEW BUSINESS:

- 8. Consideration of staff's recommendation to purchase the 4.7 acre site adjacent to the Peachtree City Water and Sewerage Authority location for \$71,400 which includes the \$3,575 earnest money to be paid within five days after the execution of the agreement.**

County Administrator Steve Rapson stated that this item was a recommendation for approval to purchase the 4.7 acre site adjacent to the Peachtree City Water and Sewerage Authority. Mr. Rapson stated that initially the land swap was for 4.2 acres but was increased to 4.7 acres to account for wetlands on the property. Mr. Rapson stated that this request had been reviewed by staff and that a draft Memorandum of Understanding was provided regarding the purchase of the property. Mr. Rapson stated that at the December 10th Board of Commissioners Meeting the Board would receive a completed agreement from Peachtree City finalizing the transactions. Mr. Rapson stated as a reminder that this project was dealing with two separate entities Peachtree City and Peachtree City Water and Sewer Authority (WASA). Mr. Rapson stated that this request was with Peachtree City Water and Sewer Authority (WASA) for the purchase of the land.

Commissioner Maxwell asked for an overview of why the County was purchasing this property, for member of the public who may be unaware. Commissioner Maxwell stated that this was a very good project for the County.

Mr. Rapson stated that Fayette County would be relocating the Animal Shelter to the 4.7 acre site adjacent to the Peachtree City Water and Sewerage Authority. He stated that the new Animal Shelter would be a \$1M building and would carry the County for the next 10-15 years. The building of the new facility had been approved, however had been delayed until all the agreements from each entity was finalized. He stated that Peachtree City had graciously entered into a \$1 lease for the current Animal Shelter until the new Animal Shelter Building construction was completed. Once the new Animal Shelter was completed Peachtree City would be using the property to enhance their public safety and converting it into an Emergency Management Operation facility. Mr. Rapson stated that this was a great opportunity for both the County and Peachtree City and benefited the citizens.

Vice Chairman Oddo moved to approve staff's recommendation to purchase the 4.7 acre site adjacent to the Peachtree City Water and Sewerage Authority location for \$71,400 which includes the \$3,575 earnest money to be paid within five days after the execution of the agreement. Commissioner Gibbons seconded. The motion passed 5-0.

9. Consideration of staff's recommendation to approve the bid from Blount Construction Company, Inc. for Bid #1873-B HA 5, High Density Mineral Bond in the amount of \$255,078.84.

Chairman Ognio stated that although this contract amount sounded like a lot of money it actually saved the County a lot of money in the long run.

Vice Chairman Oddo moved to approve staff's recommendation to approve the bid from Blount Construction Company, Inc. for Bid #1873-B HA 5, High Density Mineral Bond in the amount of \$255,078.84. Commissioner Gibbons seconded. The motion passed 5-0.

10. Consideration of staff's recommendation to approve the bid from Asphalt Paving Systems, Inc. for Bid #1870-B Micro Surfacing in the amount of \$457,577.08.

Road Director Steve Hoffman stated that micro surfacing was an alternative to resurfacing road conventionally. He stated that this request was to approve the bid from Asphalt Paving Systems, Inc. for Bid #1870-B Micro Surfacing in the amount of \$457,577.08.

Commissioner Gibbons stated for clarification that the objective for both items #9 and #10 was to take roadways that were in decent condition and extend the life of the road. He stated that by using these processes and not allowing the roadways to deteriorate, the County would be saving money by avoiding a complete resurfacing.

Mr. Hoffman agreed stating that these processes would be binding life to the existing roadway, saving about half of what conventional surfacing costs.

Commissioner Gibbons moved to approve staff's recommendation to approve the bid from Asphalt Paving Systems, Inc. for Bid #1870-B Micro Surfacing in the amount of \$457,577.08. Vice Chairman Oddo seconded. The motion passed 5-0.

11. Consideration of staff's recommendation to approve Change Order #1 request from contractor, C.W. Matthews Contracting Co., in the amount of \$259,682.50 for the Sandy Creek Road portion of the Fayette County Resurfacing FY 2019 Project (2017 SPLOST 19TAF and GDOT PI 0016058).

Public Works Director Phil Mallon stated that the purpose of this item was to increase the contract amount for C.W. Matthews Contracting Co., the prime contractor doing the 11.5-mile resurfacing project. He stated that as of November 12, Robinson Road, as well as the County portion of Peachtree Parkway, was completed with the exception of clean-up and punch list items. Mr. Mallon continued that work down Hampton Road was about 40% complete, and work along Grady Road had commenced and being performed in the evenings. Mr. Mallon stated that once work was completed on Hampton Road, work would begin on Sandy Creek, which would be the last road that was part of this contract. Mr. Mallon stated that the change order was needed because it was determined that from the time the scope of work was prepared, about two years ago, until the time the contractor began working, the roadways had further deteriorated, substantially. Mr. Mallon stated that getting through the federal aid permitting and approval process was extremely cumbersome and changing a scope of work would set a project back significantly. He stated that the decision was made to proceed as outlined and to make a construction adjustment in the future. Mr. Mallon stated that the \$259,682.50 would be to add an extra layer of asphalt for the roadways to cover-up cracks. This was a solution agreed upon by the engineer, the contractor, and the Road Department. If approved by the Board, Mr. Mallon asked if additionally, the Board would approve staff to seek additional federal aid to cover up to 80% of the cost from the Atlanta Regional Commission (ARC). Mr. Mallon stated that there was no guarantees that additional aid would be granted but he stated that he would like to put the request in.

Commissioner Maxwell asked for clarification if this request was for Veterans parkway west to Highway 74 or out of City of Fayetteville city limits west.

Mr. Mallon confirmed that it would be at the city of Fayetteville city limits.

Commissioner Maxwell asked what the roads looked like from the city limits coming back east to Veterans Parkway. He asked if the County would be fixing its portion of the roadway and the City of Fayetteville not addressing theirs.

Mr. Mallon stated that that was correct. He stated that at the time this project was being established the County did reach out to the City of Fayetteville and they declined to be a part of the project.

Commissioner Maxwell stated that it was disheartening that the County was going to spend this amount of money to fix its portion of the road, but the City of Fayetteville was not. He stated that he recently attended a meeting where a City of Fayetteville official stated that there was no cooperation between Fayette County and the City of Fayetteville. He noted that he did not challenge the comments because it was not the appropriate forum to do so. Commissioner Maxwell stated that this project could have been a collaborative effort for Fayette County and the City of Fayetteville. He suggested that Chairman Ognio or Mr. Rapson write a letter to the City of Fayetteville regarding this resurfacing project.

Mr. Mallon did acknowledge that the City of Fayetteville was a part of the resurfacing project overall with other roadway being resurfaced, however Sandy Creek was not one of their roads selected.

Commissioner Gibbons asked when the last communication was made to the City of Fayetteville regarding the resurfacing of their portion of Sandy Creek.

Mr. Mallon stated that it was at the establishment of the project over two years ago. Mr. Mallon added that at this point even if the City of Fayetteville agreed to add their portion of Sandy Creek Road to the resurfacing project, it was too late. It could be done but it would be a separate project. He also noted that because of the Pinewood Forrest development there had been some road work done and the City of Fayetteville determined it to be in an acceptable condition that did not justify resurfacing at the time.

Commissioner Rousseau added that due to continuous construction in the area the City of Fayetteville may be waiting to perform the road work to avoid the roads being damaged and tore up prematurely.

Commissioner Gibbons moved to approve staff's recommendation to approve Change Order #1 request from contractor, C.W. Matthews Contracting Co., in the amount of \$259,682.50 for the Sandy Creek Road portion of the Fayette County Resurfacing FY 2019 Project (2017 SPLOST 19TAF and GDOT PI 0016058). Commissioner Maxwell seconded. The motion passed 5-0.

Commissioner Gibbons moved to approve staff to seek additional federal aid to cover up to 80% of the cost from the Atlanta Regional Commission (ARC) in the amount of \$207K as outlined by Public Works Director Phil Mallon. Vice Chairman Oddo seconded. The motion passed 5-0.

12. Consideration of staff's recommendation to award Bid #1844-B, Redwine Road & Starrs Mill School Complex Multi-Use Path project (SPLOST 17TAH) to A1 Contracting, LLC. in the amount of \$1,460,196.00 and approval for the Chairman to execute related agreements, as needed, with the Georgia Department of Transportation (GDOT) to issue a Notice to Proceed.

Mr. Mallon stated that this item was to award Bid #1844-B, Redwine Road & Starrs Mill School Complex Multi-Use Path project (SPLOST 17TAH). She added that this project had been in the works for many years and he was proud to be bringing it before the Board for approval. He stated that if the project were approved, he had a press release that would be issued advising the public of the upcoming project. This project would provide a continuous path along one or both sides of Redwine Road, from Starrs Mill School Complex to Quarters Road. Mr. Mallon stated that a portion of the proposed project was in the City of Peachtree City, and an Intergovernmental Agreement (IGA) had been established outlining how the project would be handled by each entity. He stated that the project would provide one at-grade signalized crossing, identical to the crossing on Rockaway Road heading into Senoia from Peachtree City. Mr. Mallon stated that this project was opened for bid in accordance to all federal rules and that the recommendation was to award Bid #1844-B, Redwine Road & Starrs Mill School Complex Multi-Use Path project (SPLOST 17TAH) to A1 Contracting, LLC. in the amount of \$1,460,196.00.

Commissioner Maxwell asked how pedestrians would cross over Redwine Road.

Mr. Mallon stated that an at-grade signalized crossing would be added, south of White Water. He stated that crossing was intentionally moved away from the intersection so pedestrians would not have to navigate turning vehicles. He stated that about 200 ft. south of the intersection the path would be tied into the road, stripped, and either poles or mast arm signals added to ensure pedestrians can cross the roadway safely.

Commissioner Maxwell stated that pedestrian safety was a big concern for him, especially considering the golf course along that same roadway. He also asked how the Starrs Mill students were crossing Redwine Road.

Mr. Mallon stated that currently students cross at Foreston Place with an at-grade crossing with not signal. He added that at peak hours an officer was present to assist with traffic. He stated that this was an area of concern and stated that there was a tunnel project being designed that would create a permanent crossing for students to utilize.

Commissioner Maxwell asked what was the status of the project.

Mr. Mallon stated that the tunnel project design was about 50% complete, with the consultant optimistic that the project could be in the construction phase by summer 2021 which was a targeted non-school timeframe.

Commissioner Maxwell congratulated Mr. Mallon on getting the project to this point. He acknowledged that this was an expensive project but a highly anticipated one. Commissioner Maxwell stated that his goal was to create functionality and ensure safety between pedestrians, students, and the golf carts that utilize the paths and roadways.

Commissioner Gibbons asked if the 80% of the construction cost programed through the Atlanta Regional Commission (ARC) project was guaranteed funding.

Mr. Mallon confirmed that it would be guaranteed funding.

Commissioner Gibbons asked for clarification and to truly highlight how diligently the County worked to acquire federal aid. He asked if the total amount provided was the final cost or would the County receive 80% of the cost provided back.

Mr. Mallon confirmed that the \$1,460,196.00 was the total cost for construction and the County would receive 80% back from the Atlanta Regional Commission (ARC).

Chairman Ognio stated that this project had been priced out several times and always came back over budget. Chairman Ognio commended Mr. Mallon for his efforts in getting the cost down within budget.

Mr. Mallon humbly accepted the commendation and acknowledge that it was a team effort.

Commissioner Gibbons moved to approve staff's recommendation to award Bid #1844-B, Redwine Road & Starrs Mill School Complex Multi-Use Path project (SPLOST 17TAH) to A1 Contracting, LLC. in the amount of \$1,460,196.00 and approval for the Chairman to execute related agreements, as needed, with the Georgia Department of Transportation (GDOT) to issue a Notice to Proceed. Vice Chairman Oddo seconded. The motion passed 5-0.

13. Consideration of the approval to direct the county attorney to prepare resolutions for the purpose stated to be presented in the 2020 Legislative Package to the Georgia General Assembly for consideration at its upcoming session:

County Attorney Dennis Davenport stated that at the last Board of Commissioners meeting he received general direction from the Board to assemble the Legislative Package to send to the General Assembly in 2021. Mr. Davenport continued stating that not a lot of direction was provide besides the topic that the Board wanted included. Mr. Davenport stated that he needed further direction to flush out the topics.

A. Support of the 2021 Policy Agenda of the Association County Commissioners of Georgia (ACCG)

Mr. Rapson stated that this item was in support of the Association County Commissioners of Georgia (ACCG) 2021 Policy Agenda. He stated that on September 15th the Board was sent an email that identified the Policy Objectives eligible to become 2021 Legislative Priorities. Mr. Rapson stated that the Policy Objectives were: the Georgia Broadband Deployment Initiative, Election Law Revisions, Increase Reimbursement for EMS Services, Authorize Public Hearings via Teleconference, Business and Redevelopment Initiative, Redirect of Environmental Trust Fund Fees, Authorize Judicial Proceedings Via Videoconference, Public Notification of Tax Increase, Short-term Rentals, Federal Medicaid and Medicare-Federal Benefit Inmate Exclusion, Federal Infrastructure Investment Truck Weight Increases and Federal Broadband and Telecommunications. Mr. Rapson stated that staff had done an analysis on all twelve objectives and was in support.

Mr. Davenport stated that he could assemble a resolution adopting the aforementioned topics as pushed forward by ACCG, if directed by the Board.

Commissioner Maxwell stated that he and Vice Chairman Oddo had the opportunity to participate in the ACCG Virtual Legislative Roundtable and these were analyzed and discussed at length by members of ACCG as well as state Senators and Representative. He stated that the ACCG was our union and this item was a 'no-brainer' for Board support.

Commissioner Maxwell moved to approve to direct the county attorney to prepare a resolution in support of the 2021 Policy Agenda of the Association County Commissioners of Georgia (ACCG), to be presented to the Board at the December 10th BOC Meeting. Commissioner Gibbons seconded. The motion passed 5-0.

B. Objection to Reducing the State's Health Care Budget During a National Pandemic or State of Emergency

Commissioner Rousseau stated that because of the current national pandemic and statewide state of emergency he offered this item for consideration, stating that the State health care budget should not be susceptible to budget cuts at such a critical time. He stated that it does not make sense that in the midst of a State of Emergency declaration the State health care budget would experience cuts. He stated that he was aware that budget restraints were necessary, however, over the years the State had been able to move funds for important items. He stated that he felt it was important that the State's public health care workers not be put in a predicament as a result of budget reductions.

Commissioner Maxwell asked if any documentation or backup email had been provided that outlined the details of this item.

Mr. Rapson stated that initially the State recommended a 15% cut across the board, which included State Healthcare/ Public Health. Mr. Rapson stated that this item subsequently would dictate that if the State declared a State of Emergency due to a pandemic, it probably would not be the ideal time to require budgetary cuts. Mr. Rapson stated that a resolution to that affect would be drafted and sent for them to take that factor into consideration.

Commissioner Rousseau reiterated his previous comments stating that once a State of Emergency is declared, state legislature would provide guidance to the Governor not to touch that budget.

Commissioner Gibbons stated that across the board budget cuts do not sufficiently work.

Commissioner Maxwell asked what this item does for Fayette County.

Commissioner Rousseau stated that he was not thinking as myopically and microscopically as Fayette. Commissioner Rousseau stated that he was thinking of the total health care system. The State health care system was a statewide agency, Georgia citizens can visit neighboring health departments to receive services, as a result, this would have a larger statewide impact than just in our backyard.

Commissioner Maxwell asked if this was something Legislators did in the Special Session.

Commissioner Rousseau stated that when the Governor established guidelines for his statewide budget, he initiated an across the board 15% budget cut. Commissioner Rousseau stated that shortly after that a statewide state of emergency was declared because of COVID-19; yet the requirement for a budgetary reduction still loomed. Commissioner Rousseau stated that those cuts if required equated to the potential loss of funding for Personal Protective Equipment (PPE) or potential loss of funding for COVID testing sites and other unintended consequences. He stated that he did not feel it was prudent that in the midst of a State of Emergency declaration the State health care budget would experience cuts.

Mr. Rapson stated that the Governor recommended a 15% cut across the board, which included State Public Health. Mr. Rapson continued stated that after about 60 days agencies began to outline the ramification of a 15% reduction, specifically during a pandemic. He stated that at that point, the Governor reversed his position and began excluding various agencies from the budgetary restraints which included public health.

Commissioner Maxwell stated that to him it felt like we were trying to avoid something that did not happen.

Commissioner Rousseau stated that the goal was to prevent something happening in the future by provide guidance and restraints.

Mr. Rapson stated that the County was a function of the State just like the Health Department. Mr. Rapson stated that the County provides a facility for the Health Department and pay their utilities and coordinated hand-in-hand with the Health Department. He stated that had the budget reductions gone through it would have meant less nurses being available to perform various services and facilitating the Health Department programs.

Vice Chairman Oddo asked if we knew our delegations' position on this item. He asked if the delegation had an opinion on this or even considered it an issue, because it seemingly is a State issue.

Commissioner Rousseau stated yes members of our delegation do see this as a potential problem.

Vice Chairman Oddo stated that he had some concerns. He expressed his need to appropriately vet a topic before giving his approval and stated that he had apprehension about this topic although seemingly noble he had not had an opportunity to thoroughly review and analyze the information. Vice Chairman Oddo additionally stated that he had not had an opportunity to discuss and gain input from our delegation beforehand. He stated that he personally felt this may be a more appropriate item sent for discussion during a legislative session further into 2021.

Chairman Ognio asked if the goal of this item was to create legislation or to send a message not to cut the health care system budget during a state of emergency.

Commissioner Rousseau stated as an example that a few years ago he offered to the Board an item dealing with Veterans who were waiting for their military benefit declaration and could not receive a homestead exemption over a certain number of years. He stated that this item was sent as a part of the County's Legislative Package to the State Legislature and as a result state law was created for veterans in that situation. He stated that this item, in his humble opinion, was similar. He stated that cutting services for individuals in great need was an issue. He stated that although COVID-19 was the current focus, the public health system provides a wide range of services and programs. Commissioner Rousseau stated that he would leave the decision to create legislature up to the legislators, in response to Chairman Ognio's question regarding whether the goal of the item was to create legislature.

Mr. Davenport stated that he could assemble a resolution adopting the aforementioned item to be voting at the December 10 Board of Commissioners Meeting.

Vice Chairman Oddo reiterated his hesitations, stating he needed to appropriately vet a topic before giving his approval. He stated that he was seeing the item for the first time and had an opportunity to thoroughly analyze and review the information.

Commissioner Rousseau stated that this was not the first time the Board was seeing this item. He stated that Mr. Rapson read out a listing of topics being offered for consideration in the Legislative Package at the October 22nd Board of Commissioners Meeting. Commissioner Rousseau stated that he was open to a dialogue if any member of the Board had questions or concerns and received neither.

Commissioner Gibbons moved to approve to direct the county attorney to prepare a resolution in objection to reducing the State's Health Care Budget during a National Pandemic or State of Emergency to be presented to the Board at the December 10th BOC Meeting. Commissioner Rousseau seconded. The motion passed 4-1, with Vice Chairman Oddo voting in opposition.

C. Statewide Review/Revision of Citizen's Arrest Laws in the State of Georgia.

Commissioner Rousseau stated that this item was simple the goal is to have State Legislature review and/or revise the Citizen's Arrest Laws in the State of Georgia to mitigate some of the issues that have been occurring across the state.

Mr. Davenport stated that if no additional language, information, or guidance is provided the resolution would simple say that the Board is urging State Legislature to review and/or revise the Citizen's Arrest Laws.

Commissioner Maxwell stated that he needed more information that he could review and understand in order to authorize approval of an item. Commissioner Maxwell stated that he would vote to have the County Attorney draft the resolution, however, if no additional information is provided he could not vote to approve it.

Chairman Ognio stated that from the information provided it cannot be determined if the Board was in favor of the current citizen's arrest laws or wanting them more stringent. He stated that from what was presented he was not in favor of paying the County Attorney to draft a resolution they would not be approved.

No motion was made.

D. Fluoride resolution to provide that communities may impose or remove fluoridation by referendum under certain circumstances.

Chairman Ognio stated that the Board had included a Fluoride resolution in the Legislative Package in the past. Chairman Ognio stated that the request of this item was to have the Legislature remove the petition requirement which would allow Fayette County citizens the opportunity to decide to impose or remove fluoridation.

Chairman Ognio moved to approve direct the county attorney to prepare a Fluoride resolution to provide that communities may impose or remove fluoridation by referendum under certain circumstances to be presented to the Board at the December 10th BOC Meeting. Commissioner Maxwell seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

A. Contract #1504-P; Public Works Engineer of Record – Task Order 3: 130 Darren Drive Culvert Replacement – Change Order 2: GDOT Bridge Foundation Investigation

Hot Projects

County Administrator Steve Rapson advised that an updated "Hot Projects" listing was sent out via email to the Board to keep them abreast of the status of various projects throughout the county. He highlighted the Kenwood Road culvert replacement, Mercedes Trail culvert replacement, and Fire Station #2. Mr. Rapson stated that he would also begin providing updates on the Starrs Mill tunnel project.

Elections

Mr. Rapson stated that the County Elections Office would be conducting a ballot recount. He added that he had received clarification from the Secretary of State Office regarding the ballot recount process. He stated that the official start of the recount would be no later than 9:00 a.m. November 13, with the recount having to be completed by midnight on Wednesday November 18. He added that the runoff had been postponed until January 5, 2021. The Secretary of State suggested that the Board may want to Livestream the recount.

Commissioner Gibbons moved to approve that the County comply with state law as it related to a ballot recount and forego the suggestion from the Secretary of State Office to Livestream the recount. Chairman Ognio seconded. The motion passed 5-0.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated there were nine items for executive session. There were four items of Real Estate acquisition, two items of Pending Litigation, 2 items of Threatened Litigation and the review of the Executive Minutes from October 22, 2020 for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Gibbons

Commissioner Gibbons extended his appreciation for all military service men and service women. Commissioner Gibbons stated that he was proud to have served with some amazing Veterans. He stated that he wanted to remember those who had been lost, those who had served and those who were currently serving.

Commissioner Maxwell

Commissioner Maxwell stated that he looked forward to next four years serving with the Board. He stated that he was happy to have been re-elected. He stated that he would do the best he could to address the issues of the County and this would be his third term and he was excited about serving. He stated that he would continue to put forth the effort to be available to the community in addressing concerns. He congratulated Vice Chairman Oddo on his re-election and stated that he was sorry to see Chairman Ognio go. He expressed his appreciation for his service and hard work.

Vice Chairman Oddo

Vice Chairman Oddo congratulated Commissioner Maxwell on his re-election. Vice Chairman Oddo thanked Fayette County citizens for giving him the opportunity to return as a Commissioner. He stated that his goal was to service everybody. Vice Chairman Oddo congratulated all the candidates, because it took a lot to run a campaign and want to serve your community. Vice Chairman stated that Chairman Ognio would be missed. He wished a Happy Veterans Day to all the Veterans.

Commissioner Rousseau

Commissioner Rousseau expressed his appreciation to all Veterans. He extended commendation to county staff who were presented before the Board with awards and certifications, for a job well done. He congratulated his colleagues on their re-election. Commissioner Rousseau stated that he agreed with sentiments expressed regarding those who desire to be public servants, although rewarding it does come with ridicule and challenges. He also reiterated Commissioner Maxwell's thoughts regarding the challenges of responding to residents and citizen's request and concerns it was a grind and can be time consuming but it's a part of the job. He stated that he too would miss the working relationship that he had developed with Chairman Ognio.

Chairman Ognio

Chairman Ognio thanked all Veterans and wished them a happy belated Veterans Day. Chairman Ognio asked staff to add name plates to past Board of Commissioners pictures displayed in the back of the Commissioners Chambers. Chairman Ognio congratulated Commissioner Maxwell and Vice chairman Oddo on their re-election as well as all other candidates that were re-elected. Chairman Ognio advised the public that there was a new traffic light being installed at Sandy Creek and Highway 74 and wanted everyone to be aware of the change. He stated that with Thanksgiving approaching we should all remember all the things we are grateful for. Chairman Ognio stated that Atlanta Regional Commission (ARC) State of the Region Breakfast would be held virtually, with the theme "Finding Our Courage".

EXECUTIVE SESSION:

Four items of Real Estate acquisition, two items of Pending Litigation, Two items of Threatened Litigation and the review of the Executive Minutes from October 22, 2020 for consideration in Executive Session. Vice Chairman Oddo moved to go into Executive Session. Commissioner Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 3:18 p.m. and returned to Official Session at 3:44 p.m.

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

Approval of the October 22, 2020 Executive Session Minutes: Chairman Ognio moved to approve the October 22, 2020 Executive Session Minutes. Vice Chairman Oddo seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Chairman Ognio moved to adjourn the November 12, 2020 Board of Commissioners meeting. Vice Chairman Oddo seconded the motion. The motion passed 4-0. Commissioner Rousseau lost video connection.

The November 12, 2020 Board of Commissioners meeting adjourned at 3:45 p.m.

Marlena M. 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 10th day of December 2020. Documents are available upon request at the County Clerk's Office.

Marlena M. Edwards, Deputy County Clerk

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration and approval to amend the Defined Contribution Retirement Plan to allow for the position of Juvenile Court Judge to participate and to authorize the chairman to sign all associated documents.

Background/History/Details:

When the defined contribution plan was put in place in 2009 the position of Juvenile Court Judge was a Griffin Judicial Circuit position and therefore was not included for participation in the plan. Since Fayette County has assumed the administrative responsibilities for the circuit the Juvenile Court Judge is now paid through Fayette County. The plan provides for all elected and constitutional officers including the Board of Commissioners to participate in the defined contribution plan.

The Retirement Committee discussed this matter at their November 17, 2020 quarterly meeting and voted in favor of making this amendment to the defined contribution plan in order to treat all elected and constitutional officers who are paid through the County in the same manner. Superior Court Judges who receive a monthly supplement from the County are considered state employees as they receive their base pay directly from the state and are therefore not eligible to participate. Staff recommends that the the board approve the recommendation of the Retirement Committee to amended the defined contribution plan to include the Juvenile Court Judge position.

The minutes from the Retirement Committee's November 17th meeting are attached for reference.

What action are you seeking from the Board of Commissioners?

Consideration and approval to amend the Defined Contribution Retirement Plan to allow for the position of Juvenile Court Judge to participate and to authorize the chairman to sign all associated documents.

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:



Minutes

Retirement Pension Committee

Tuesday, November 17, 2020

10:30 am

The Retirement Pension Committee met on Tuesday, November 17, 2020 in the Public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia and also virtually via Microsoft Teams.

Committee Present: Sheryl Weinmann, Chief Financial Officer
Lewis Patterson, Human Resources Director
Jeff Hill, Interim Chief of Fire & EMS
Vanessa Tigert, Water System Director
Michelle Walker, Sheriff's Department

Committee Absent: Charles Oddo, Commissioner
Steve Rapson, County Administrator

Staff Present: Lori Smith, HR Benefits Manager
Kennya Carter, HR Generalist

Retirement Representatives Present:

Alice Davis, Atlanta Retirement Partners – via Teams
David Griffin, Atlanta Retirement Partners
Kale Hodges, ACCG – via Teams
Ray Vuicich, UBS Inst Consulting Group – via Teams

Call to Order: Motion was made to call to order the Quarterly Retirement meeting by Vanessa Tigert and seconded by Jeff Hill. Motion was approved.

Approval of Minutes – Motion was made to approve the minutes for 8/26/2020 by Sheryl Weinmann and seconded by Jeff Hill. Motion was approved.

Old Business:

N/A

New Business:

Proposed Amendment

Discussion to amend the plan to permit Juvenile Court Judges to participate in the 457(b) plan. It will be brought before the board. Motion was made to amend the plan by Sheryl Weinmann and seconded by Vanessa Tigert. Motion was approved.

Empower Merger with Mass Mutual

David Griffin reviewed the plans for Empower Retirement to acquire Mass Mutual. He reviewed the two plans from Empower (GW FA or Putnam SV) along with the time frame and the costs involved. A special meeting to discuss the available options will be scheduled soon.

Core Bond SAGIC Rate

The Core SAGIC Bond Rate is 2.85%. Reviewed by David Griffin, Atlanta Retirement Partners.

Investment Performance Review

David Griffin reviewed the 3QT20 Investment review prepared for Fayette County. The report was broken down by Market Commentary, Executive Summary, Performance Summary, Asset Allocation by Fund, Plan Investment Performance, and Score Cards.

Market Commentary

David Griffin provided a summary of the Market Commentary provided in the investment review.

Q3 Gains Push Stocks Into The Green For The Year

- Solid third quarter for stocks as the economic recovery continued.
- More economically sensitive and less interest-rate sensitive fixed income sectors fared best.
- Strong quarter but commodities still digging out of their 2020 hole.

A look forward – Our 2020 base case forecast calls for a 3–5% contraction in US gross domestic product (GDP), though as the fourth quarter began, the growth appeared to be tracking toward the upper end of our forecast. We expect economies in Europe to contract more than the United States or Japan in 2020, while China's economy has led the way out of the global recession and is expected to deliver modest 2% growth in GDP in 2020, based on the latest Bloomberg consensus forecasts.

Our year-end S&P 500 fair value target range is 3,450–3,500, based on a price-to-earnings ratio (PE) near 21 and our normalized earnings per share (EPS) estimate for the S&P 500 of \$165. We believe this level of earnings power is achievable post-pandemic, potentially beginning in mid-2021. We anticipate further gains for this young bull market as the new economic expansion continues. We acknowledge the election is a wildcard, but history tells us election-related volatility tends to be temporary. We see a low probability of renewed widespread lockdowns to contain COVID-19, though the recent increase in cases bears watching.

We expect interest rates to remain at historically low levels, but the direction may be higher over the rest of 2020. Our year-end base-case forecast for the 10-year US Treasury yield is 1–1.5%, which would be the lowest level to end a year on record if realized and may result in little return from bonds over the rest of the year. We expect the Federal Reserve to remain highly accommodative with monetary policy for the foreseeable future.

Executive Summary

Funds on watch.

- Pioneer Fundamental Growth – Large Growth, showing 6 of 12 on the LPL Scorecard.
- Mass Mutual Premier High Yield – High Yield Bond, showing 4 of 12 on the LPL Scorecard.

Performance Summary

David Griffin reviewed the performance summary with the committee.

Asset Allocation by Fund

David Griffin reviewed the asset allocation by fund with the committee. He called attention to the funds on watch (W).

- (W) Pioneer Fundamental Growth - \$3,889,143 in assets (8.34%).
- (W) Mass Mutual Premier High Yield - \$128,290 in assets (0.28%).

Plan Investment Performance

Overall Performance for the plan was 4.55% YTD, 10.51% 1YR, 8.20% 3YRS, and 9.51% 5YRS.

Score Cards

David Griffin reviewed the Score Cards with the committee.

ACCG 3rd Qtr 2020 Performance Report

Ray Vuicich reviewed the ACCG Quarterly Performance Report.

Kale Hodges went over ACCG administration updates.

Additional Items:

The next meeting is scheduled Tuesday, February 23, 2021 at 10:30am.

Adjournment:

A Motion as made by Sheryl Weinmann and seconded by Vanessa Tigert. Motion was approved. The meeting was adjourned.

Minutes prepared by Alice Davis, Retirement Plan Consultant – Atlanta Retirement Partners.

The minutes were duly approved at an official meeting of the Retirement Pension Board of Fayette County, Georgia held on Tuesday, February 23, 2021.

COUNTY AGENDA REQUEST

Page 306 of 353

Department: Commissioner

Presenter(s): Steve Rapson, County Administrator

Meeting Date: Thursday, December 10, 2020

Type of Request: New Business 1

Wording for the Agenda:

Consideration of Chairman Randy Ognio's request to increase the Sheriff's salary \$10,232.66, or 9.09%, to mirror the competitive salary adjustment implemented in FY2019 to all other public safety employees.

Background/History/Details:

During FY2019 Budget, the Board of Commissioners, in response to Public Safety Agencies nationwide seeing an overall downturn in applicants and an enhanced competitive recruitment climate, approved a competitive salary & retirement adjustment for all public safety employees.

Each of the employees in the Sheriff Office, Fire, EMS; Marshal and 911 departments had their base salaries, which represents 53.5% of the workforce, increased 9.09% with the remainder of workforce being eligible for a 5.0% merit increase. The Sheriff's salary was not impacted by either of these actions.

The Sheriff position salary would be increased \$10,232.66, or 9.09%, to mirror the competitive salary adjustment implemented to all other public safety employees.

This proposed increase is consistent with salaries within the Sheriff Office and funds are available within the Sheriff office to fund this request.

What action are you seeking from the Board of Commissioners?

Approval of Chairman Randy Ognio's request to increase the Sheriff's salary \$10,232.66, or 9.09%, to mirror the competitive salary adjustment implemented in FY2019 to all other public safety employees.

If this item requires funding, please describe:

Funds are available within the Sheriff office to fund this request.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

Page 307 of 353

Department: Administration

Presenter(s): Steve Rapson, County Administrator

Meeting Date: Thursday, December 10, 2020

Type of Request: New Business 1

Wording for the Agenda:

Consideration of staff's recommendation to acquire a 4.7 acre parcel from the Peachtree City Water and Sewerage Authority that is located on State Route 74 South in Peachtree City along with two (2) access easements for \$71,400.

Background/History/Details:

On October 8, 2020, the Board of Commissioners approved Resolution 2020-10 to express the intent to acquire this 4.7 acre parcel from Peachtree City Water and Sewerage Authority (WASA).

Peachtree City has proposed to relocate the Animal Shelter from our existing location to a site adjacent to the Peachtree City WASA location. Peachtree City desires to convert the location for public safety reasons – creating a Quick-Response EMS type location – which has several advantages based upon location and access.

Staff has completed our analysis and recommends approval of the proposed purchase of the 4.7 acre site adjacent to the Peachtree City Water and Sewerage Authority location for the new animal shelter property for \$71,400. (Exhibit A)

What action are you seeking from the Board of Commissioners?

Approval to purchase the 4.7 acre site adjacent to the Peachtree City Water and Sewerage Authority location for \$71,400.

If this item requires funding, please describe:

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Yes

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

This purchase allows the relocation the existing Animal Shelter to the site adjacent to the Peachtree City Water and Sewerage Authority location.

STATE OF GEORGIA)
)
 COUNTY OF FAYETTE)

**MEMORANDUM OF AGREEMENT BETWEEN FAYETTE COUNTY,
 GEORGIA AND PEACHTREE CITY WATER AND SEWERAGE AUTHORITY**

THIS AGREEMENT, is made and entered into this ____ day of _____, 2020 and hereinafter referred to as, “Agreement”, by and between FAYETTE COUNTY, a political subdivision of the State of Georgia (“County”), and PEACHTREE CITY WATER AND SEWERAGE AUTHORITY, a public body corporate and politic (the “Authority”).

W I T N E S S E T H

WHEREAS, the Parties have the ability to contract with each other; and

WHEREAS, the parties have entered an agreement for the sale of approximately 4.7 acres of property by the Authority to the County; and WHEREAS, the Parties desire to enter into an agreement for establishing a framework to govern the ongoing relationship between the parties following the sale/purchase of the approximately 4.7 acres of real property; and

WHEREAS, the sale/purchase agreement encompasses the real property and easements described in Exhibit A and Exhibit B attached hereto and hereby incorporated herein; and

NOW, THEREFORE, for and in consideration of the promises and undertakings as hereinafter set forth and other good and valuable consideration, the receipt and

sufficiency of which are hereby acknowledged, the County and the Authority do hereby agree, as follows:

This Agreement shall become effective upon the date as written above and shall remain in effect for so long as Fayette County owns the real property described in Exhibit A and Exhibit B attached hereto, hereinafter referred to as the "County Property".

2.

The County agrees as follows:

- (a) To provide a water supply to and for fire protection for the County Property from a Fayette County water.
- (b) To provide power from power company lines to the County Property.
- (c) To contribute an amount not to exceed Five Thousand dollars (\$5,000.00) towards the construction of monument signage at the entrance of the Authority/County Property Control complex off of Highway 74.
- (d) To construct, at its own expense, all directional signage within the Authority property necessary to guide the public to the County Property across, over and/or through Easement A and Easement B, depicted in the Attached Exhibit B. County shall maintain said signage, at its own expense.

(e) Following the depletion of the initial Five Thousand Dollars (\$5,000.00) contributed by the County in accordance with sub section (c) of this part 2, County shall equally share the cost of construction and maintenance of the monument signage at the entrance of the Authority/County Property complex off of Highway 74.

(f) To operate and maintain the roadway described as Easement "A" on the attached Exhibit B, at County expense.

(g) Upon completion of the construction/installation of the manhole, sewer connection and grinder lift station described in Part 3(d) hereof, and the certification thereof for use, County shall contribute an amount not to exceed forty thousand dollars (\$40,000) to compensate the Authority for the cost of said construction/installation.

(h) To construct the facilities necessary to the use of the property by the County, at its own expense and provide all inspection of construction and certification thereof.

3.

The Authority agrees as follows:

(a) To construct monument signage at the entrance to the Authority/County Property complex off of Highway 74.

(b) To allow access to Authority property for construction and placement of all directional signage within Authority property that is

necessary to guide the public to the County Property across, over and/or through Easement A and Easement B, depicted in the Attached Exhibit B.

- (c) Following the depletion of the initial Five Thousand Dollars (\$5,000.00) contributed by the County in accordance with sub section (c) of part 2 hereof, to equally share the cost of construction and maintenance of the monument signage at the entrance of the Authority/County Property complex off of Highway 74(d) To operate and maintain the roadway described as Easement "B" on the attached Exhibit B, at Authority expense.
- (d) The property cannot be serviced by conventional gravity sewer. The Authority shall construct/install and maintain a manhole, sewer connection, private grinder pump station and force main to service the County Property. Construction shall be complete, inspected and certified by County officials for use and/or occupancy within 120 days of closing on the County Property.
- (e) To construct all new signage, including a monument sign at the Authority/County Property complex entrance off of Highway 74 and all necessary directional signage within Authority property in accordance with all City of Peachtree City ordinances.

4.

The Authority and the County agree as follows:

(a) Should any phrase, clause, sentence, or paragraph herein contained be held invalid or unconstitutional, it shall in no way affect the remaining provisions of this Agreement. Said provisions shall remain in full force and effect.

(b) This Agreement may be executed in several counterparts, each of which shall be an original, but all of which shall constitute but one and the same instrument.

(c) This Agreement shall be construed and enforced in accordance with the laws of the State of Georgia. Any disputes arising hereunder shall be subject to the jurisdiction of the courts of Fayette County, Georgia or the Northern District of Georgia.

(d) This Agreement may not be effectively amended, changed, modified, altered or terminated except with the written consent of the Authority and the County.

.

(SIGNATURES TO FOLLOW ON NEXT PAGE)

IN WITNESS WHEREOF, the parties hereto, acting by and through their duly authorized officers, have caused this Agreement to be executed in multiple counterparts under seal, as of the day and year first above written.

[SEAL]

FAYETTE COUNTY, GEORGIA

By: _____
Randy Ognio, Chairman

Attest:

Tameca P. Smith, Clerk

Approved as to Form:

County Attorney

[SEAL]

PEACHTREE CITY WATER AND SEWERAGE
AUTHORITY

By: _____
Vanessa Fleisch, Chairman

Attest:

Secretary

Approved as to Form:

Authority Attorney

EXHIBIA “A”

Legal Description

Fayette County Purchase from WASA as shown on the Plat attached as Exhibit “B”

Tract 1-B

All that tract or parcel of land lying and being in Land Lot 33 of the 6th District, City Peachtree City, Fayette County, Georgia and being more particularly described as follows:

To arrive at the **Point of Beginning, Commence** at an axle found at the Southeast corner of Land Lot 33 which is the common corner of Land Lots 29, 30, and 32; THENCE along the East line of Land Lot 33 North 01 degrees 12 minutes 17 seconds East a distant of 104.09 feet to the **Point of Beginning**; THENCE leaving said Land Lot line North 89 degrees 13 minutes 52 seconds West a distance of 295.04 feet to a point; THENCE North 50 degrees 24 minutes 35 seconds West a distance of 301.65 feet to a point; THENCE North 36 degrees 31 minutes 43 seconds East a distance of 399.88 feet to a point on a curve on the Southerly right-of-way of Georgia State Route No. 74 (right-of-way varies); THENCE along said right-of-way along a curve to the left having a radius of 857.54 feet, an arc length of 303.94 feet, and a chord which bears South 82 degrees 03 minutes 58 seconds East having a chord distance of 302.35 feet to a point on the East line of Land Lot 33; THENCE leaving the Southerly right-of-way of Georgia State Route No. 74 and along the East line of Land Lot 33 South 01 degrees 12 minutes 17 seconds West a distance of 475.90 feet to a point which is the **POINT OF BEGINNING**, and containing 4.70 acre(s) of land, more or less. AND

Easement “A”

All that tract or parcel of land lying and being in Land Lot 33 of the 6th District, City Peachtree City, Fayette County, Georgia and being more particularly described as follows:

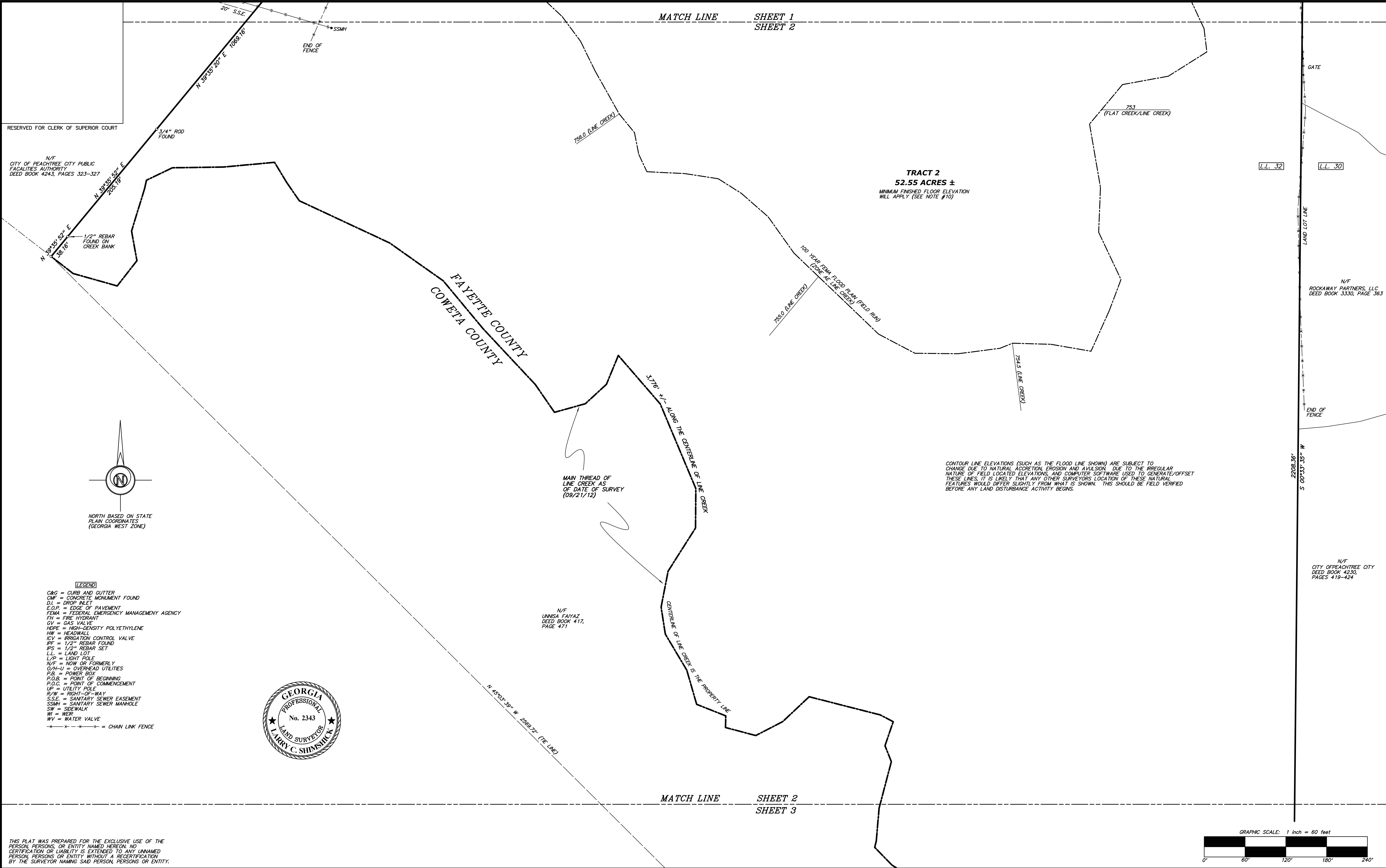
To arrive at the **Point of Beginning, Commence** at an axle found at the Southeast corner of Land Lot 33 which is the common corner of Land Lots 29, 30, and 32; THENCE North 66 degrees 12 minutes 30 seconds West a distance of 565.65 feet to the **Point of Beginning**, THENCE North 47 degrees 17 minutes 02 seconds West a distance of 255.23 feet to a point of curve; THENCE along a curve to the left having a radius of 985.00 feet, an arc length of 64.54 feet, and a chord which bears North 49 degrees 09 minutes 39 seconds West having a chord distance of 64.53 feet to a point of tangency; THENCE North 51 degrees 02 minutes 17 seconds West a distance of 184.20 feet to a point; THENCE North 39 degrees 34 minutes 31 seconds East a distance of 40.00 feet to a point; THENCE South 51 degrees 02 minutes 17 seconds East a distance of 183.77 feet to a point of curve; THENCE along a curve to the right having a radius of 1,025.00 feet, an arc length of 67.16 feet, and a chord which bears South 49 degrees 09 minutes 39 seconds East having a chord distance of 67.15 feet to a point of tangency; THENCE South 47 degrees 17 minutes 02 seconds East a distance of 201.52 feet to a point; THENCE North 36 degrees 31 minutes 43 seconds East a distance of 7.77 feet to a point; THENCE South 50 degrees 24 minutes 35 seconds East a distance of 100.00 feet to a point;

THENCE South 83 degrees 08 minutes 32 seconds West a distance of 69.86 feet to a point which is the **POINT OF BEGINNING**, and containing 0.50 acre(s) of land, more or less. AND

Easement "B"

All that tract or parcel of land lying and being in Land Lot 33 of the 6th District, City Peachtree City, Fayette County, Georgia and being more particularly described as follows:

To arrive at the **Point of Beginning, Commence** at an axle found at the Southeast corner of Land Lot 33 which is the common corner of Land Lots 29, 30, and 32; THENCE North 37 degrees 42 minutes 19 seconds West a distance of 1,074.24 feet to a point on Southerly right-of-way of Georgia State Route No. 74 (right-of-way varies) and the **Point of Beginning**; THENCE South 39 degrees 34 minutes 31 seconds West a distance of 376.95 feet to a point; THENCE North 51 degrees 02 minutes 17 seconds West a distance of 50.05 feet to a point; THENCE North 39 degrees 33 minutes 53 seconds East a distance of 38.08 feet to a ½" rebar; THENCE South 50 degrees 35 minutes 03 seconds East a distance of 10.05 feet to a point; THENCE North 39 degrees 34 minutes 31 seconds East a distance of 339.38 feet to a point on the Southerly right-of-way of Georgia State Route No. 74 (right-of-way varies); THENCE along said right-of-way South 50 degrees 24 minutes 44 seconds East a distance of 40.00 feet to a point which is the **POINT OF BEGINNING**, and containing 0.35 acre(s) of land, more or less.



W.D. Gray and Associates, Inc.
LSF000701

land surveyors - planners
160 GREENCASTLE ROAD
GEORGIA
PH. 770-486-7552
SUITE B TYRONE
30290
FAX 770-486-0496

PREPARED FOR:

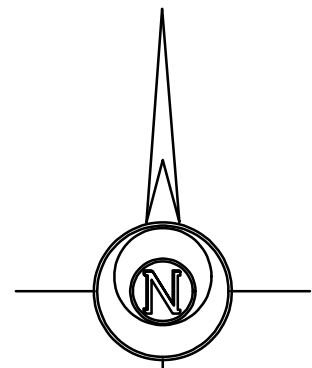
PEACHTREE CITY WATER AND SEWERAGE AUTHORITY

SURVEY TO DIVIDE PROPERTY

SHEET 2 OF 3

LAND LOTS: 32 & 33	DATE OF SURVEY: 09/21/12
6th DISTRICT	LAST DATE OF FIELD WORK: 10-14-20
CITY OF PEACHTREE CITY FAYETTE COUNTY, GA.	DATE OF DRAWING: 09/26/12, REVISED: 10/14/20, AND REVISED: 10/23/20 TO REVISE TRACT 1-B, TRACT 2 AND EASEMENT "A"
SCALE: 1" = 60'	JOB NO. 1109007

RESERVED FOR CLERK OF SUPERIOR COURT



NORTH BASED ON STATE
PLAIN COORDINATES
(GEORGIA WEST ZONE)

LEGEND

C&G = CURB AND GUTTER
CMP = CONCRETE MONUMENT FOUND
DI = DROP INLET
E.O.P. = EDGE OF PAVEMENT
FEMA = FEDERAL EMERGENCY MANAGEMENT AGENCY
FH = FIRE HYDRANT
GV = GAS VALVE
HDPE = HIGH-DENSITY POLYETHYLENE
HW = HEADWALL
ICV = IRRIGATION CONTROL VALVE
IPF = 1/2" REBAR FOUND
IPS = 1/2" REBAR SET
LL = LAND LOT
LP = LIGHT POLE
N/F = NOW OR FORMERLY
O/H-U = OVERHEAD UTILITIES
P.B. = POWER BOX
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
UP = UTILITY POLE
R/W = RIGHT-OF-WAY
S.S.E. = SANITARY SEWER EASEMENT
SSMH = SANITARY SEWER MANHOLE
SW = SIDEWALK
WI = WEIR
WV = WATER VALVE
*- - *- = CHAIN LINK FENCE



THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE
PERSON, PERSONS, OR ENTITY NAMED HEREON NO
CERTIFICATION OR LIABILITY IS EXTENDED TO ANY UNNAMED
PERSON, PERSONS, OR ENTITY WITHOUT A RECERTIFICATION
BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

W.D. Gray and
Associates, Inc.

LSF000701

land surveyors - planners

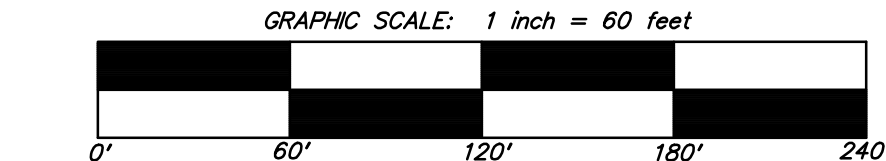
160 GREENCASTLE ROAD SUITE B TYRONE
GEORGIA 30290
PH. 770-486-7552 FAX 770-486-0496

PREPARED FOR:

PEACHTREE CITY WATER AND SEWERAGE AUTHORITY

SURVEY TO DIVIDE PROPERTY

SHEET 3 OF 3



LAND LOTS: 32 & 33	DATE OF SURVEY: 09/21/12
6th DISTRICT	LAST DATE OF FIELD WORK: 10-14-20
CITY OF PEACHTREE CITY FAYETTE COUNTY, GA.	DATE OF DRAWING: 09/26/12 REVISED: 10/14/20, AND REVISED: 10/23/20 TO REVISE TRACT 1-B, TRACT 2 AND EASEMENT "A"
SCALE: 1" = 60'	JOB NO. 1109007

FAYETTE COUNTY, GEORGIA
 REAL ESTATE TRANSFER TAX
 PAID _____
 DATE 12-5-01
Sheila Studdard
 CLERK OF SUPERIOR COURT

BOOK 1757 PAGE 698

FILED & RECORDED
 STATE OF GEORGIA FAYETTE COUNTY, GA

COUNTY OF FAYETTE 31 DEC 5 PM 4 41

SHEILA STUDDARD, CLERK
LIMITED WARRANTY DEED

THIS INDENTURE is made and entered into this the 30th day of November, 2001, between PEACHTREE CITY HOLDINGS, L.L.C., a Georgia Limited Liability Company as party of the first part, hereinafter called "Grantor", and Peachtree City Water and Sewerage Authority, a political subdivision of the State of Georgia, as party of the second part, hereinafter collectively called "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH THAT: Grantor, for and in consideration of the sum of TEN AND NO/100THS DOLLARS (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, its successors and assigns, subject to the reservations and restrictions hereinafter stated, unto the following described property:

ALL THOSE TRACTS or parcel of land lying and being in Land Lots 33, 45 and 46 of the 6th Land District of Fayette County, Georgia and being more particularly described on Exhibit "A" attached hereto and made a part hereof.

This conveyance and the limited warranty of title herein are expressly made subject to the following:

- (i) All zoning ordinances and governmental restrictions affecting the above described property;
- (ii) The Deed Restrictions attached hereto as Exhibit "B";
- (iii) General utility, sewerage, drainage, and access easements and pedestrian or cart paths now affecting the Property; and
- (iv) Those matters that would be revealed by a survey, or physical inspection, of the Property if such survey or inspection were made;

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

LINK 1

Book: 1757 Page: 698 Seq: 1

AND THE SAID Grantor, for itself, its successors and assigns, will warrant and forever defend the right and title to the above described property unto the said Grantee, its successors and assigns only, against the claims of all persons claiming under, by or through Grantor and no other.

IN WITNESS WHEREOF, the Grantor has caused this indenture to be executed by and through its duly authorized officer on this the day and year first above written.

Signed, sealed and delivered
in our presence this 30th day
of November, 2001

PEACHTREE CITY HOLDINGS, L.L.C.

B. Paul Hay
Unofficial Witness
Ruth Arthur
Notary Public

By: Joseph S. Black (SEAL)
Joseph S. Black, Chief Executive Officer,
President



BOOK 1757 PAGE 699

Tract I
29.30 acres

BOOK 1757 PAGE 700

All that tract or parcel of land lying and being in Land Lots 45 and 46 of the 6th District of Fayette County, Georgia, being more particularly described as follows:

Beginning at an iron pin located on the existing westerly right of way of Seaboard Coastline Railroad (a 100 foot right of way), which iron pin is located 4,607.2 feet South of the intersection of said railroad right of way with the existing southerly right of way of Dividend Drive (an 80 foot right of way), as measured along said railroad right of way; running thence South 01 degree 35 minutes 44 seconds West along said railroad right of way 1,984.95 feet to a point where said right of way intersects the centerline of Line Creek; running thence northwesterly along the centerline of Line Creek, and following the meanderings thereof, the following courses and distances:

Course 1 bearing North 61 degrees 32 minutes 14 seconds West 197.38 feet
 Course 2 bearing North 32 degrees 13 minutes 38 seconds West 115.04 feet
 Course 3 bearing North 39 degrees 16 minutes 41 seconds West 78.45 feet
 Course 4 bearing North 48 degrees 34 minutes 55 seconds West 92.13 feet
 Course 5 bearing North 43 degrees 02 minutes 11 seconds West 95.03 feet
 Course 6 bearing North 28 degrees 22 minutes 23 seconds West 74.65 feet
 Course 7 bearing North 01 degrees 42 minutes 51 seconds East 45.60 feet
 Course 8 bearing North 11 degrees 20 minutes 34 seconds West 81.84 feet
 Course 9 bearing North 22 degrees 15 minutes 52 seconds West 44.68 feet
 Course 10 bearing North 29 degrees 56 minutes 48 seconds West 52.65 feet
 Course 11 bearing North 34 degrees 29 minutes 48 seconds West 85.57 feet
 Course 12 bearing North 44 degrees 45 minutes 28 seconds West 41.80 feet
 Course 13 bearing North 80 degrees 13 minutes 55 seconds West 36.01 feet
 Course 14 bearing South 68 degrees 46 minutes 36 seconds West 23.37 feet
 Course 15 bearing South 25 degrees 38 minutes 03 seconds West 37.88 feet
 Course 16 bearing South 63 degrees 01 minutes 51 seconds West 46.28 feet
 Course 17 bearing South 86 degrees 01 minutes 43 seconds West 51.55 feet
 Course 18 bearing North 78 degrees 57 minutes 16 seconds West 32.36 feet
 Course 19 bearing North 27 degrees 15 minutes 51 seconds West 29.10 feet
 Course 20 bearing North 37 degrees 07 minutes 25 seconds West 76.52 feet
 Course 21 bearing North 35 degrees 50 minutes 10 seconds West 74.02 feet
 Course 22 bearing North 43 degrees 44 minutes 41 seconds West 108.51 feet
 Course 23 bearing North 86 degrees 40 minutes 36 seconds West 23.63 feet
 Course 24 bearing North 37 degrees 01 minutes 14 seconds West 74.27 feet
 Course 25 bearing North 33 degrees 21 minutes 44 seconds West 76.53 feet
 Course 26 bearing South 63 degrees 49 minutes 50 seconds West 28.23 feet
 Course 27 bearing South 43 degrees 28 minutes 59 seconds West 40.04 feet
 Course 28 bearing North 58 degrees 14 minutes 23 seconds West 26.78 feet

to a point; running thence North 42 degrees 43 minutes 10 seconds East 1,388.18 feet to an iron pin; running thence South 76 degrees 20 minutes 15 seconds East 273.06 feet to the point of beginning; said tract containing 29.30 acres, as per Plat of Survey dated August 30, 2001, by Welborn Land Surveying, Inc., Registered Land Surveyor, Certificate Number 2711; Job Number WLS-01-0741; a copy of said plat being attached as Exhibit "A-1" hereto and incorporated herein by reference; and said plat being recorded in Plat Book 35, Page 113, records of the Clerk of Superior Court of Fayette County.

TRACT II
8.757 acres

All that tract or parcel of land lying and being in Land Lot 33 of the 6th District of Fayette County, Georgia, being more particularly described as follows:

Beginning at the common corner of Land Lot 29, Land Lot 30, Land Lot 32, and Land Lot 33; running thence North 89 degrees 14 minutes 33 seconds West along the South Land Lot Line of Land Lot 33 164.91 feet to a steel rod; running thence North 50 degrees 25 minutes 18 seconds West 909.52 feet to an iron pin; running thence North 39 degrees 33 minutes 34 seconds East 309.59 feet to an iron pin; running thence North 84 degrees 33 minutes 34 seconds East 42.43 feet to an iron pin located on the existing southwesterly right of way of Georgia State Highway No. 74 (100 foot right of way); running thence South 50 degrees 26 minutes 26 seconds East along said right of way 76.45 feet to a point; continuing thence southeasterly along said right of way, and following the curvature thereof, an arc distance of 625.45 feet (said arc having a chord running South 71 degrees 20 minutes 06 seconds East a chord length of 611.68 feet; and a left radius of 857.54 feet); to an iron pin located at the intersection of said right of way with the East Land Lot Line of Land Lot 33; running thence South 01 degree 10 minutes 50 seconds West along said Land Lot Line 580.04 feet to the point of beginning; said Tract containing 8.757 acres, as per Plat of Survey dated August 15, 2001 by Welborn Land Surveying, Inc., Registered Land Surveyor Certificate No. 2711, Job No. WLS-01-0691; a copy of said plat being attached as Exhibit "A-2" hereto and incorporated herein by reference; and said plat being recorded in Plat Book 35, Page 114, records of the Clerk of Superior Court of Fayette County.

BOOK 1757 PAGE 701

Exhibit "A"
Page 2 of 2

Book: 1757 Page: 698 Seq: 4

BOOK 1757 PAGE 702

EXHIBIT " B" TO LIMITED WARRANTY DEED**GENERAL INDUSTRIAL DEED RESTRICTIONS****A. CONSTRUCTION**

1. No alterations shall be made to the property until site plans and grading plans have been approved in writing by Grantor, which shall have the right to establish and amend procedures and standards to guide its review of such plans. In particular, no clearing or grading shall take place on the property until Grantor has given written approval of the proposed ingress and egress, on-site circulation and parking, building location, and all areas where it is proposed to remove existing trees. No trees on the site with a diameter of at least six (6) inches may be removed without specific written approval of Grantor.

2. No structure shall be erected or placed on the property until the building plans, drainage and grading plans, specifications, and site plans for such structure have been approved in writing by Grantor. As a minimum, final plans and specifications shall show the nature, kind, shape, dimensions, materials, basic exterior finishes and colors, location, floor plans, and elevations of the proposed structure. Exterior alterations or additions shall be subject to the original restrictions and shall conform essentially to the original architectural design. All structures which are erected or placed on such land and all alterations which are made to such structures shall conform to the approved plans, specifications and site plans.

3. Any proposed change in the color scheme of the exterior of any buildings or improvements in the site must be approved in writing by Grantor.

4. No part of any structure shall be erected or placed on the aforesaid land less than fifty (50) feet from the right-of-way of any street; no less than fifty (50) feet from the rear property line; and no less than twenty (20) feet from any side property line.

5. Grantee, its successors or assigns, except as hereinafter provided, shall not erect structures on more than forty percent (40%) of the area of the land conveyed by this deed, nor shall Grantee, its successors or assigns, construct paved areas for parking or storage on more than forty percent (40%) of the property conveyed by this deed. If Grantee, its successors or assigns, becomes the owner of any property abutting the property conveyed hereby, the land conveyed hereby and such abutting property, at the option of the then owner, shall be combined as one parcel for the purposes of this restriction. In such event the then owner of such combined parcel shall not erect structures on more than forty percent (40%), nor construct paved areas for parking or storage on more than forty percent (40%), of the area of such combined parcel. The construction by the then owner of the property conveyed hereby and the adjacent property of structures covering more than forty percent (40%), or areas for parking or storage covering more than forty percent (40%), of the property conveyed hereby shall be sufficient, without any other action on the part of such owner, to establish that the

property conveyed hereby and such abutting property have been combined as one parcel for the purposes of this restriction. Once a property has been established as a combined parcel for the purposes of this restriction, any further acquisition of property adjacent to the combined parcel by the then owner of such combined parcel may likewise be combined for the purposes hereof in accordance with the provisions of this paragraph.

6. Plans and specifications for the construction, installation, or alteration of all outdoor signs, lighting or fences shall be submitted to and have the written approval of Grantor, its successors or assigns, which approval shall not be unreasonably withheld.

7. It will be the responsibility of Grantee, its successors or assigns, or other persons holding under Grantee, to provide adequate off-street parking for employees, tenants, customers and visitors within property lines. All such parking areas shall be covered with a hard, dust-free, paved surface.

8. Prior to the occupancy of a building on the property, proper and suitable provision shall be made for the disposal of sewage by connection with the sewer mains of Peachtree City Water and Sewerage Authority or any other company providing such services, whose prior written approval Grantee shall obtain for the conducting on the property of any process which involves the generation of sewage effluent other than normal domestic waste.

B. USE

9. The land shall not be used for any purpose or business which is considered dangerous or unsafe, or which constitutes a nuisance, or is noxious or offensive by reason of emission of dust, odor, gas, smoke, fumes, or noise. Grantor and Grantee acknowledge that certain odors may result from the processing of sewage on Tract I.

10. Without specific written approval from Grantor, no portion of the property shall be used except for industrial, manufacturing, warehousing, distribution and office purposes. No retail or commercial business inviting the general public shall be permitted. The foregoing will not limit Grantee's right to sell at retail those items which it manufactures, produces or assembles on these premises or others; nor shall it limit Grantee's right to sell consumer-type goods to its own employees. A minimum of fifty percent (50%) of the building shall be owner occupied.

11. The property shall not be subdivided in any way for sale, resale, gift, transfer, or other purpose, except with the written approval of Grantor.

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C. APPEARANCE

12. Any outdoor storage facility and trash containers shall be effectively screened from all street frontage.

13. No building or structure on the property shall be permitted to fall into disrepair and each such building or structure shall at all times be kept in good condition and repair, and adequately painted or otherwise maintained. Should Grantee fail to remedy any deficiency in the condition of its buildings or structures within thirty (30) days of written notification from Grantor, Grantor hereby expressly reserves the right, privilege and license, but not the duty, to make any and all corrections or improvements to such buildings or structures at the expense of Grantee. Any such expense incurred by Grantor on behalf of Grantee shall be payable on demand.

14. Grantee shall at all times keep the landscaping in good order and condition. Should Grantee fail to remedy any deficiency in the maintenance of the landscaping of the premises after thirty (30) days prior written notification, the Grantor hereby expressly reserves the right, privilege, and license, but shall not have the duty, to make any and all corrections or improvements in landscaping maintenance at the expense of Grantee. Any such expense incurred by Grantor on behalf of Grantee shall be payable on demand.

15. No vending machine, product display, or advertising shall be placed on the property outside a building and in the public view without written approval from Grantor. No fuel tanks or similar storage receptacles shall be exposed to public view on the property; such receptacles must be buried. Any exterior installation is subject to Grantor's approval.

D. GENERAL CONDITIONS

16. Invalidity of any of these restrictions or any part thereof, by judgment or court order, shall in no way affect any of the other restrictions, which shall remain in full force and effect.

17. These restrictions shall be covenants running with the land and shall be binding upon the Grantee and all persons claiming all or any part of the aforesaid land under Grantee, unless waived as above provided; however, that such covenants shall not run for more than twenty (20) years after the execution and delivery of this deed.

18. For the purposes of these restrictions, any written consents or approvals as may be necessary or required hereunder may be given by such person or entity as the Grantor may from time to time designate in writing, which designation will be filed in the public records maintained by the Clerk of the Superior Court of Fayette County, Georgia, and which will be effective until the same is revoked in like manner.

19. Nothing contained in these restrictions shall be construed to prevent the erection or maintenance by Grantor, or its duly authorized agents, of structures, improvements, or signs necessary or convenient to the development, sale, operation, or other disposition of Grantor's property within Peachtree City.

20. The approval of plans or specifications submitted for approval as herein specified for use on the property shall not be deemed to be a waiver of Grantor's right to object to any

of the features or elements embodied in any such plans and specifications, if or when the same features are embodied in any subsequent plans and specifications submitted for approval.

21. The failure of Grantor or its successors or assigns to enforce any covenant, condition, or restriction shall in no event be deemed to be a waiver of the right to do so thereafter nor of the right to enforce any other covenant, condition, or restriction.

22. Every person who now or hereafter owns or acquires any right, title, estate, or interest in the land or portion of the land is and shall be conclusively deemed to have consented and agreed to every limitation, restriction, easement, condition and covenant contained herein, whether or not any reference to these restrictions is contained in the instrument by which such person acquired an interest in said land or any portion of the land.

23. Grantor may, from time to time, at any reasonable hour or hours, enter upon and inspect the property for the purpose of ascertaining compliance herewith.

24. Grantor shall not be liable to any person whomsoever for any violation of these restrictions, and Grantor does not warrant to Grantee or any other present or future owner that these restrictions will be enforced with regard to this property. The initiation and enforcement from time to time by Grantor of the above restrictions is for its sole benefit and control, and Grantor specifically disavows any obligations, implied or otherwise, to maintain these restrictions.

25. Grantee shall not create, cause or permit hazardous materials or toxic wastes, as those terms are now or may hereafter be used or referred to in any rule, regulation or other promulgation of the Environmental Protection Agency or any successor thereto or any state or local agency or entity having jurisdiction over environmental matters, to be used, stored or accumulated in or on the property or any improvements now or hereafter located thereon except as such use, storage or accumulation may be permitted by such agencies or entities and then only if full compliance with the rules and regulations established by such agencies or entities and Grantee shall indemnify Grantor harmless from any and all claims arising out of or resulting from the violation of this restriction.



**COMMITMENT FOR TITLE INSURANCE
ISSUED BY
CHICAGO TITLE INSURANCE COMPANY
NOTICE**

IMPORTANT-READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Chicago Title Insurance Company, a Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
 - (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
 - (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
 - (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
 - (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
 - (h) "Title": The estate or interest described in Schedule A.
2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
3. The Company's liability and obligation is limited by and this Commitment is not valid without:
- (a) the Notice;
 - (b) the Commitment to Issue Policy;
 - (c) the Commitment Conditions;
 - (d) Schedule A;
 - (e) Schedule B, Part I-Requirements;
 - (f) Schedule B, Part II-Exceptions; and
 - (g) a counter-signature by the Company or its issuing agent that may be in electronic form.
4. **COMPANY'S RIGHT TO AMEND**
- The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.
5. **LIMITATIONS OF LIABILITY**
- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I-Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.

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- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

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Transaction Identification Data for reference only:

Issuing Agent: Lawson & Beck, LLC
Issuing Office: 1125 Commerce Drive, Suite 300, Peachtree City, GA 30269
Issuing Office's ALTA® Registry ID: 1090321
Loan ID Number:
Commitment Number: 20-LAW-3561
Issuing Office File Number: 20-LAW-3561
Property Address: 1127 Hwy 74 S, Peachtree City, GA 30269

SCHEDULE A

1. Commitment Date: October 21, 2020
2. Policy to be issued:
 - (a) ALTA® 2006 Owner's policy with Georgia modifications
Proposed Insured: The Board of Commissioners for Fayette County, Georgia
Proposed Policy Amount: \$ 71,400.00
3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple.
4. The Title is, at the Commitment Date, vested in:
Peachtree City Water and Sewerage Authority
5. The Land is described as follows:
SEE EXHIBIT A ATTACHED HERETO

Lawson & Beck, LLC

By: _____
Lawson & Beck, LLC

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SCHEDULE B, PART I
Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
 - a. from Peachtree City Water and Sewerage Authority to The Board of Commissioners for Fayette County, Georgia
5. If any party to the transaction is an artificial person, proof satisfactory to the Company that it is legally formed, in existence and in good standing, that the transaction has been duly authorized and that the persons who will execute the documents have been authorized to do so.
6. Payment of all taxes and assessments assessed against the Land which are due and payable, to-wit: \$0.00
NOTE FOR INFORMATION ONLY:
Fayette County Tax Parcel No. 0609 016 is EXEMPT from real property taxation.
7. Payment of all charges or assessments which are due and payable for water, sewer, sanitary services, garbage, or other utilities or services for which the county or municipality in which the Land is located has a lien.
8. The following must be furnished in form and substance satisfactory to the Company to delete or amend (in accordance with the facts established) the Standard Exceptions set forth on Schedule B, Part II:
 - a. As to Exception Numbers 3 and 4: Receipt of a current accurate survey and surveyor's inspection report on the Land.
 - b. As to Exception Number 5: Receipt of satisfactory proof in affidavit form establishing who is in possession of Subject Property, and under what right.
 - c. As to Exception Number 6: (i) Satisfactory proof that improvements and/or repairs or alterations to the Land are completed; that contractors, subcontractors, laborers and materialmen are paid in full at the agreed price or (ii) if the loan is a construction loan, satisfactory proof that no work has begun, no materials delivered, no tools or equipment furnished and no services rendered on or with respect to the Land.
 - d. As to Standard Exception Numbers 2 and 7: Receipt of satisfactory proof of payment of all taxes, charges, assessments, levied and assessed against the Land, which are due and payable, together with an affidavit from the owner of the Land, as of the date of insured instrument, stating that all taxes, charges, assessments, levied and assessed against the Land which are due and payable have been paid, and that said owner has no knowledge of any pending assessments.

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Commitment Number: 20-LAW-3561

9. In all purchase transactions, the Company requires the execution of a Georgia Department of Revenue Seller's Affidavit and accompanying documents to comply with Official Code of Georgia Section 48-7-128 regarding the withholding of tax on the sale of real property by a nonresident. If the Seller does not meet the requirement of the statute, a withholding tax will be withheld from the proceeds of the sale and remitted to the Georgia Department of Revenue.
10. The Company must be furnished the following:
 - (a) Certification from the Secretary of State that Peachtree City Water and Sewerage Authority has properly filed its articles of organization.
 - (b) A copy of the articles of organization, together with any amendments thereto;
 - (c) A copy of the operating agreement, if any, together with any amendments thereto;
 - (d) A list of incumbent managers or of incumbent members if managers have not been appointed, and
 - (e) Certification that no event of dissolution has occurred.
11. The Company must be furnished a Certificate of Existence and Good Standing from the Secretary of State of the state of incorporation/formation of Peachtree City Water and Sewerage Authority.
12. The Commercial Real Estate Broker Lien Act applies to a sale, lease, option, loan or other transfer of commercial real estate; therefore, disclosure from the Seller and Buyer or from the Borrower when there is no sale required, in affidavit form stating (1) whether or not Broker's services have been engaged with regard to the management, sale, purchase, lease, option or other conveyance of any interest in the subject commercial real estate, and (2) whether or not a notice of lien for any such services has been received.
Where the possibility of a right to file a Broker's lien exists, satisfaction (waiver, estoppel statement and payment) of such lien right must occur prior to or at closing. If not so satisfied, an exception to any such right to a Broker's lien will appear in Schedule B of the Policy.
13. Proof satisfactory to the Company that the officer(s)/member(s)/partner(s)/trustee(s) executing the above required documents have been authorized by resolution, duly attested by corporate secretary/managing members/managing partners/managing trustees, reciting the grantee, date and terms of conveyance.
14. Satisfactory Indemnity and Undertaking Agreement for defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Commitment Date but prior to the date of recording of the instruments under which the Proposed Insured acquires the estate or interest or mortgage covered by this commitment must be provided. Note: Due to office closures related to COVID-19 we may be temporarily unable to record documents in the normal course of business

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(20-LAW-3561.PFD/20-LAW-3561/5)



SCHEDULE B, PART II
Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.
2. All taxes for the year 2021 and subsequent years, not yet due and payable, and any additional taxes for the current year or any prior years resulting from a reassessment, amendment or re-billing of city or county taxes subsequent to the date herein.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
4. Easements or claims of easements, not shown by the Public Records.
5. Rights or claims of parties in possession not shown by the Public Records.
6. Liens or rights to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
7. Taxes or special assessments which are not shown as existing liens by the Public Records.
8. This policy does not insure the exact amount of acreage contained within the Land.
 1. Riparian rights incident to the premises.
 2. Rights of tenants in possession as tenants only under unrecorded leases.
 3. This policy does not insure any coverage for governmental approvals of any kind, including subdivision of property.
 4. All matters as shown on that certain plat recorded in Plat Book 35, Pages 113, as recorded in Fayette County, Georgia records.
 5. All matters as shown on that certain plat recorded in Plat Book 35, Page 114, as recorded in Fayette County, Georgia records.
 6. Deed Restrictions contained in that certain Limited Warranty Deed recorded at Deed Book 1757, Page 698, aforesaida records.
 7. Right of Way Deed as recorded in Deed Book 3336, Page 170, Fayette County, Georgia records.
 8. Construction and Maintenance Easement as recorded in Deed Book 3372, Page 59, Fayette County, Georgia records.

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SCHEDULE B, PART II
(Continued)

Page 334 of 353

Commitment Number: 20-LAW-3561

9. Easement in favor of Georgia Power Company as recorded in Deed Book 3433, Page 159, Fayette County, Georgia records.
10. Easement in favor of Georgia Power Company as recorded in Deed Book 3433, Page 163, Fayette County, Georgia records.
11. Spur Track Easement as recorded in Deed Book 93, Page 300, Fayette County, Georgia records.
12. Easement in favor of Georgia Power Company as recorded in Deed Book 128, Page 183, Fayette County, Georgia records.
13. Railroad Right of Way Easement as recorded in Deed Book 146, Page 362, Fayette County, Georgia records.
14. Indemnity Agreement with Georgia DOT recorded at Deed Book 699, Page 586, aforesaid records.
15. Easement in favor of Fayette County as recorded in Deed Book 777, Page 308, Fayette County, Georgia records.

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EXHIBIT A

The Land referred to in this Commitment is described as follows:

COUNTY AGENDA REQUEST

Page 336 of 353

Department: Administration

Presenter(s): Steve Rapson, County Administrator

Meeting Date: Thursday, December 10, 2020

Type of Request: New Business 1

Wording for the Agenda:

Consideration of Resolution 2020-15 in Support of Continuation of the Tax Credit Program for Film and Television Production.

Background/History/Details:

The Georgia Entertainment Industry Investment Act grants an income tax credit of 20 percent to qualified productions which include feature films, television movies or series, commercials, music videos, interactive entertainment and animated projects that spend \$500,000 or more on production and post-production in Georgia, either in a single production or on multiple projects. Feature films, television projects, music videos and interactive entertainment are also eligible to receive an additional 10 percent tax credit for including an embedded Georgia Entertainment Promotion Logo in the end credits of the finished product and include a link to <http://www.tourgeorgiafilm.com> on the landing page of their promotional website.

The Fayette County Chamber supports the continuation of the tax credit program for film and television production and has requested that each local government pass a resolution in support of this statement. The Town of Brooks and City of Peachtree City have approved a resolution in support.

"Fayette County has benefited tremendously from the film industry and we should all speak with one voice on this." - Colin Martin, Chamber President & CEO

What action are you seeking from the Board of Commissioners?

Approval of Resolution 2020-15 in Support of Continuation of the Tax Credit Program for Film and Television Production.

If this item requires funding, please describe:

Not applicable

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

**STATE OF GEORGIA
FAYETTE COUNTY**

**RESOLUTION
NO. 2020-_____**

**A RESOLUTION TO SUPPORT CONTINUATION OF THE TAX CREDIT
PROGRAM FOR FILM AND TELEVISION PRODUCTION IN GEORGIA**

WHEREAS, Georgia is a production-friendly state and offers production companies strong financial tools that make working in Georgia the smart choice; and

WHEREAS, The Georgia Entertainment Industry Investment Act grants an income tax credit of 20 percent to qualified productions which include feature films, television movies or series, commercials, music videos, interactive entertainment and animated projects that spend \$500,000 or more on production and post-production in Georgia, either in a single production or on multiple projects; and

WHEREAS, Feature films, television projects, music videos and interactive entertainment are also eligible to receive an additional 10 percent tax credit for including an embedded Georgia Entertainment Promotion Logo in the end credits of the finished product and include a link to <http://www.tourgeorgiafilm.com> on the landing page of their promotional website; and

WHEREAS, The Fayette County Board of Commissioners supports the mission of creating an environment that attracts businesses and promotes interest in the filming industry, such as Trilith Studios located in Fayetteville, Georgia and the many film and television contractors that choose Fayette County to create their story.

NOW, THEREFORE BE IT RESOLVED, by the Fayette County Board of Commissioners, to express support of the continuation of the Tax Credit Program for Film and Television Production in Georgia.

(SIGNATURES FOLLOW ON NEXT PAGE)

SO RESOLVED this _____ day of _____ 2020.

**BOARD OF COMMISSIONERS
FAYETTE COUNTY**

(Seal)

By: _____
Randy C. Ognio, Chairman

ATTEST:

Tameca P. Smith, County Clerk

Approved as to form:

County Attorney

COUNTY AGENDA REQUEST

Page 339 of 353

Department: Legal

Presenter(s): Dennis Davenport, County Attorney

Meeting Date: Thursday, December 10, 2020

Type of Request: New Business 1

Wording for the Agenda:

Consideration of the approval to present Resolution 2020-12; in support of the 2021 Policy Agenda of the Association County Commissioners of Georgia (ACCG) in the 2020 Legislative Package to the Georgia General Assembly for consideration at its upcoming session.

Background/History/Details:

Resolution 2020-12 is in support of the Policy Agenda of the Association County Commissioners of Georgia (ACCG). ACCG has developed a proposed policy agenda for the 2020 legislative year and the Board of Commissioners would like to show official support through Resolution.

The policy objectives are outlined in Exhibit "A" of the backup information.

What action are you seeking from the Board of Commissioners?

Approval to present Resolution 2020-12; in support of the 2021 Policy Agenda of the Association County Commissioners of Georgia (ACCG) in the 2020 Legislative Package to the Georgia General Assembly for consideration at its upcoming session.

If this item requires funding, please describe:

Not applicable.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

STATE OF GEORGIA

FAYETTE COUNTY

RESOLUTION

NO. 2020-__

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA; TO SUPPORT THE 2021 POLICY AGENDA OF THE ASSOCIATION COUNTY COMMISSIONERS OF GEORGIA (ACCG); TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners for Fayette County, Georgia (the “County”) is the duly elected governing authority for the County; and

WHEREAS, the Association County Commissioners of Georgia (“ACCG”) is a nonprofit instrumentality of Georgia’s county governments which works to ensure that the counties can provide the necessary leadership, services and programs to meet the health safety and welfare needs of Georgia’s citizens; and

WHEREAS, as part of its mission statement, ACCG seeks to provide the state legislature with information necessary for the development of sound legislation of benefit to the state and the counties; and

WHEREAS, ACCG has developed a proposed policy agenda for the 2021 legislative year (hereinafter the “Policy Agenda”); and

WHEREAS, the Board of Commissioners desire to express their support for the Policy Agenda, which is attached hereto as Exhibit “A” and made a part hereof by this reference.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners hereby expresses its support for the proposed policy agenda developed by ACCG for the 2021 legislative year and adopts as its own said policy agenda, which is attached hereto as Exhibit “A” and made a part hereof by this reference.

SO RESOLVED this ____ day of _____, 2020.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

By: _____
Randy Ognio, Chairman

(SEAL)

ATTEST:

Tameca P. Smith, County Clerk

Approved as to form:

County Attorney



2021 ACCG Policy Agenda: Top Three Legislative Priorities

1. Funding Broadband Deployment in Georgia

ACCG recognizes the vital importance of expanding affordable, reliable and enhanced broadband access throughout Georgia. The association has worked with and commends the state for adopting several laws and policies in recent years to facilitate this development, particularly the 2018 creation of the “Georgia Broadband Deployment Initiative”. The model program provides for broadband expansion through state and local broadband planning policies, innovative and detailed mapping of unserved and underserved areas in the state, and coordinates federal and state grants/loans to fund broadband expansion.

ACCG asks the Georgia General Assembly to appropriate funds to the state grant program in order to help eligible local governments and their private sector partners provide broadband services to unserved and underserved areas. Furthermore, ACCG supports authorizing local development authorities to issue revenue bonds to fund broadband infrastructure.

2. Election Law Revisions

ACCG commends the General Assembly for calling for, and funding, the replacement of Georgia’s dated voting equipment. ACCG encourages the state to continue working with, and providing funding to, counties to adequately train local election officials and the public on the use of the new technology; keep the equipment’s software, warranties and maintenance updated; and ensure machines’ replacement, when necessary.

Furthermore, Georgia counties have learned valuable lessons from having now implemented the state’s new voting system; conducting elections during the 2020 COVID-19 pandemic; and the effects both have had on proper social distancing, securing adequate polling personnel and locations, effectively administering an expanded absentee ballot voting process, and conducting successful elections overall. Following the recommendations of an ACCG 2020 Elections Subcommittee, the association supports changes in state law to:

- Provide counties the flexibility to reduce the 1/250 ratio (voting machine per registered voter, per precinct) during non-general elections, recognizing that not every election is the same;
- Remove references to old direct-recording electronic voting equipment, which is no longer used;



- Sync up the federal and state deadlines for registering for Georgia's primary runoff election;
- Allow voters the option to provide a photocopy of their ID with their absentee ballot, as a backup, in order to prevent their absentee ballot from being rejected due to a signature mismatch;
- Allow persons to serve as poll workers outside of the county in which they live or are employed, so long as safeguards are incorporated to help ensure that this does not have the unintended consequence of draining other counties' recruitment pools;
- Revise the deadline by which counties must receive/accept absentee ballot applications in order to better ensure that voters' absentee ballots will be counted;
- Authorize counties to begin scanning absentee ballots on the third Monday prior to an election;
- Allow counties to have the option of employing absentee ballot drop boxes for future elections; and
- Authorize counties to establish vote centers on election day.

3. Increase Reimbursement for EMS Services

There has not been an increase in reimbursement for EMS in recent history, however the responsibilities of the Ambulance Service have changed tremendously. Specifically, the following needs addressing:

- Change the mileage reimbursement to include all miles travelled. Currently the mileage reimbursement does not begin until the 11th mile.
- Correct all coding conflicts within the CMS and implement a process by which the manual is reviewed and corrected on an annual basis. Outdated information in the manual results in denial of claims.
- Increase maximum reimbursement for Treatment in Place to more adequately reflect the amount of time spent providing the service. Fears of the COVID-19 virus have resulted in a significant increase in calls from individuals who are afraid to go to the hospital, so they call EMS and refuse to be transported to the hospital. Providers are currently only reimbursed \$48.00 for each of those visits with no mileage reimbursement.
- Aid in acquiring additional PPE and disinfectant supplies to ensure protection for EMS staff.



2021 ACCG Policy Agenda: Objectives

Authorize Public Hearings via Teleconference

To properly address social distancing and other safeguards during the COVID-19 epidemic (an emergency situation) many counties successfully held public meetings by teleconference - as is authorized in the Open Meetings Act. However, counties remain uncertain of the legality of holding various public hearings by teleconference. The result has been that many public hearings, and attendant county actions, have been delayed indefinitely. ACCG first requests that the Georgia Attorney General (AG) provide an opinion as to whether holding public hearings via a teleconference is authorized by state law. Absent an AG opinion, or an opinion that this is not legal, ACCG asks the General Assembly to amend the Open Meetings Act to authorize counties to hold public hearings by teleconference during emergency situations, provided that the public is afforded the opportunity to participate and provide input at the hearing.

Business and Redevelopment Incentives

Enhancing Georgia's competitive position in the global market is crucial to economic development in counties. ACCG supports targeted state incentives to promote business development and recruit companies to the state. ACCG supports extending the jobs tax credit program (or other state-led incentives) to disaster-impacted businesses that rebuild in counties declared a "Federally Declared Disaster Area" and supports flexibility in use of said incentives to businesses impacted by the COVID-19 pandemic.

Redirection of Environmental Trust Fund Fees

The Georgia General Assembly should appropriate fees and revenues collected for the Hazardous Waste Trust Fund (HWTF) and the Solid Waste Trust Fund (SWTF) for their statutorily intended use.

ACCG has long advocated for the General Assembly to dedicate statutorily-intended fees to the HWTF and the SWTF as these funds support such efforts as the clean-up of abandoned contaminated sites, leaking landfills, scrap tire piles and illegal dumps. Funds also go towards waste reduction and recycling programs. Regrettably, for the past 10 years, 63 percent of the HWTF fees and 69 percent of the SWTF fees have been redirected to the state's General Fund to be spent on other purposes.

Voter approval of a constitutional amendment on the November 2020 ballot would allow the Georgia General Assembly to establish, by statute, true and dedicated trust funds whereby fees collected for a specific purpose must go to that purpose rather than be redirected to the state's General fund. The approval of the constitutional amendment



would allow the General Assembly to take steps in the right direction to "put the trust in trust funds."

Should the Constitutional Amendment receive voter approval, ACCG urges the Georgia General Assembly to pass legislation to truly dedicate intended fees to the Hazardous Waste Trust Fund and the Solid Waste Trust Fund.

Authorize Judges to Conduct Certain Proceedings Via Video Conferencing

There are extreme backlogs in all levels of court due to the COVID-19 Pandemic. New technologies and business processes will be critical for the judicial system to recover and perform more efficiently and safely. Allowing certain proceedings via videoconferencing will ensure access to justice; save valuable time and resources for sheriff's departments; and public defender offices and private counsel access to their clients without traveling to the Jail. Additionally, transporting offenders for production orders can place public safety and court officials at risk.

Legislation with clear guidance on conducting video conferencing for court hearings is critical to the judicial system and our correctional facilities and staff.

Public Notification of Tax Increase

The tax increase notice required under the Taxpayer Bill of Rights has created great confusion about tax increases for the public. To promote public notification of tax increases, ACCG requests that the notification required by the Taxpayer Bill of Rights and the five-year history be replaced with one annual notification that is simple for the taxpayer to understand. Additionally, the General Assembly should consider exempting those local governments with "floating" homestead exemptions from compliance with these additional notification steps, in the same manner as the General Assembly has exempted the City of Atlanta.

Short Term Rentals

The new "sharing economy" is significantly disrupting a number of industries, including the hotel/motel industry. It is not practical to rely on the private individuals renting out their extra space to register and collect hotel/motel taxes that are due on these rentals. Additionally, it is impractical to expect local governments to effectively track such rentals and enforce those payment obligations. To ensure the taxes due on such services are collected properly and efficiently, ACCG asks the General Assembly to require any business that provides an online or other platform providing short-term rentals to collect and remit hotel/motel taxes to the relevant local jurisdictions.



Federal - Medicaid/Medicare/Federal Benefit Inmate Exclusion

ACCG requests the federal government to allow Medicaid/Medicare coverage and other federal benefits for eligible inmates/detainees in local jails pre-adjudication and for hospital stays of more than 24 hours post adjudication. The inmate exception rule must be rescinded for those awaiting trial that have not been convicted. Those accused should not lose their Medicaid/Medicare/Federal benefits until the adjudication process is complete for those individuals in a pretrial status.

Federal - Infrastructure Investment / Truck Weight Increases

Counties play a critical role in our state's transportation system with local governments owning and maintaining 80 percent of all public roads in Georgia. ACCG encourages Congress to allocate funding for locally owned public infrastructure, which includes surface transportation projects, bridges, transit systems and airports and involve local governments in the decision-making process. In addition, ACCG urges Congress to refrain from passing legislation that increases allowable weight limits on local roads and bridges. Increasing the weight limits contributes to the rapid deterioration of local road and bridge infrastructure.

Federal - Broadband/Telecommunications

ACCG recognizes the critical importance of, and fully supports, expanding affordable broadband access throughout Georgia and stands ready to work with our federal, state and industry partners to facilitate this deployment. ACCG supports federal grant and loan programs in order to help eligible local governments and their private sector partners provide broadband services to unserved and underserved areas.

While accommodating broadband equipment in the public's right of way (ROW) may play a critical role in enhancing broadband connectivity, counties must maintain their ability to balance this access with their role of protecting the public health, safety and welfare and managing the taxpayer's ROW investment. Accordingly, ACCG opposes any federal legislation or rules which preempt or otherwise diminish counties' ability to regulate their community's ROW and land use.

COUNTY AGENDA REQUEST

Page 347 of 353

Department:

Presenter(s):

Meeting Date:

Type of Request: 20

Wording for the Agenda:

Consideration of the approval to present Resolution 2020-13; Fluoride, in the 2020 Legislative Package to the Georgia General Assembly for consideration at its upcoming session.

Background/History/Details:

The Board of Commissioners approved Resolution 2014-19; Resolution Requesting the Fayette County Legislative Delegation to Consider Offering Changes to the Statue Governing the Use of Fluoride in Drinking Water on December 11, 2014.

The Board of Commissioners later approved Resolution 2016-18; to amend O.C.G.A. Sec. 12-5-175 to provide that communities may impose or remove fluoridation by referendum under certain circumstances.

The 2018 Legislative Package included Resolution 2018-17; Fluoride, which was approved by the Board and in 2019, Resolution 2019-11 failed, 2-3 with Commissioners Maxwell, Rousseau and Gibbons voting in opposition.

The proposed 2020 Legislative Package would consist of Resolution 2020-13; Fluoride; to provide that communities may impose or remove fluoridation by referendum under certain circumstances, if approved.

What action are you seeking from the Board of Commissioners?

Approval to present Resolution 2020-13; Fluoride, in the 2020 Legislative Package to the Georgia General Assembly for consideration at its upcoming session.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

STATE OF GEORGIA

FAYETTE COUNTY

RESOLUTION

NO. 2020-__

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA; TO REQUEST THAT THE GENERAL ASSEMBLY FOR THE STATE OF GEORGIA ENACT AN AMENDMENT TO O.C.G.A. § 12-5-175 TO PROVIDE THAT COMMUNITIES MAY IMPOSE OR REMOVE FLUORIDATION BY REFERENDUM UNDER CERTAIN CIRCUMSTANCES; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners for Fayette County, Georgia (the “County”) is the duly elected governing authority for the County; and

WHEREAS, O.C.G.A. § 12-5-175(a) provides that the Board of Natural Resources for the State of Georgia has the power to require, by regulation, fluoridation of potable public water supplies in incorporated communities lying wholly within this state, provided that in no case should such fluoridation be required at a level greater than one part per million parts of water (hereinafter the “fluoridation requirements”); and

WHEREAS, said statute further provides that any municipality or county and its water system can remove themselves from the terms of said statute by referendum called by petition of 10 percent of the registered voters in such political subdivision who voted in the last general election; and

WHEREAS, the Board of Commissioners believes that communities should have the ability to opt out of the fluoridation requirements imposed by the Board of Natural Resources if that is the will of the electors in such communities; and

WHEREAS, the Board of Commissioners further believes that the aforementioned provision permitting a community to opt out of the fluoridation requirements upon a referendum called by a petition of 10 percent of the registered voters who voted in the last general election is too burdensome to adequately permit communities to submit the issue to the electors; and

WHEREAS, the Board of Commissioners note that certain other provisions of state law that require questions to be submitted to the electors through referenda permit a municipality or county to call for such referenda by resolution of the governing authority in the absence of a petition signed by a certain percentage of the electors; and

WHEREAS, the Board of Commissioners therefore believes that, by amending O.C.G.A. § 12-5-175(a) to permit a municipality or county to call by resolution of the governing authority of said municipality or county for a referendum on whether said municipality or county and its water system shall remove itself from the fluoridation requirements, the General Assembly would be furthering the aims of democracy by removing obstacles to the electors' ability to decide whether or not such fluoridation requirements are appropriate for their communities.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners hereby requests that the General Assembly adopt legislation amending O.C.G.A. § 12-5-175(a) to permit a municipality or county to call by resolution of the governing authority of said municipality or county for a referendum on whether said municipality or county and its water system shall remove itself from the fluoridation requirements imposed by the Board of Natural Resources.

SO RESOLVED this ____ day of _____, 2020.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

By: _____
Randy Ognio, Chairman

(SEAL)

ATTEST:

Tameca P. Smith, County Clerk

Approved as to form:

County Attorney

COUNTY AGENDA REQUEST

Page 351 of 353

Department: Legal

Presenter(s): Dennis Davenport, County Attorney

Meeting Date: Thursday, December 10, 2020

Type of Request: New Business 21

Wording for the Agenda:

Consideration of the approval to present Resolution 2020-14; Objection to reducing the state's health care budget during a national pandemic or state of emergency, in the 2020 Legislative Package to the Georgia General Assembly for consideration at its upcoming session. Commissioner Rousseau has requested to remove this item from the agenda.

Background/History/Details:

This resolution is to object to reducing the state's health care budget during a national pandemic or state of emergency.

What action are you seeking from the Board of Commissioners?

Approval to present Resolution 2020-14; Objection to reducing the state's health care budget during a national pandemic or state of emergency, in the 2020 Legislative Package to the Georgia General Assembly for consideration at its upcoming session.

If this item requires funding, please describe:

Not applicable.

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

If so, when?

Is Audio-Visual Equipment Required for this Request? No

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

STATE OF GEORGIA

FAYETTE COUNTY

RESOLUTION

NO. 2020-__

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA; TO OBJECT TO ANY REDUCTION IN THE STATE’S HEALTHCARE BUDGET DURING A NATIONAL PANDEMIC OR STATE OF EMERGENCY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners for Fayette County, Georgia (the “County”) is the duly elected governing authority for the County; and

WHEREAS, the Board of Commissioners objects to any action by the General Assembly to reduce the State’s healthcare budget during a national pandemic or state of emergency.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners hereby requests that the General Assembly take no action to reduce the healthcare budget of the State of Georgia during a national pandemic or state of emergency.

SO RESOLVED this ____ day of _____, 2020.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

By: _____
Randy Ognio, Chairman

(SEAL)

ATTEST:

Tameca P. Smith, County Clerk

Approved as to form:

County Attorney

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of the appointment of an elected official, or their designee, to the Transportation Committee with a term beginning January 1, 2021.

Background/History/Details:

On January 28, 2016 the Board of Commissioners adopted Ordinance 2016-03- Transportation Committee.

The purpose of the Transportation Committee is to: a) identify traffic problems in the County; b) provide recommendations to the Board of Commissioners for short-and long-term priorities; c) provide input on project alignments and alternatives; d) assist with identification of funding sources, solicitation of federal funds, grants, etc., e) assist with coordination of projects between the County and municipalities; f) provide appropriate focus on projects to ensure accountability of staff and consultants, g) provide recommendations for long-term goals; h) identify and support safety initiatives; and i) assemble information and facilitate communication of the County's views and concerns to the Georgia Department of Transportation (GDOT) and the Atlanta Regional Commission (ARC.)

The term of Commissioner Randy Ognio will expire on December 31, 2020. He has served on the Transportation Committee as the Chairman since its inception.

What action are you seeking from the Board of Commissioners?

Appoint an elected official, or their designee, to the Transportation Committee with a term beginning January 1, 2021.

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 OF FAYETTE

STATE OF GEORGIA

ORDINANCE NO.

2016 -- 03

AN ORDINANCE BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY TO PROVIDE FOR AN ADVISORY COMMITTEE TO BE KNOWN AS THE FAYETTE COUNTY TRANSPORTATION COMMITTEE; TO PROVIDE FOR TERMS OF OFFICE; TO PROVIDE FOR THE INITIAL MEMBERSHIP; TO PROVIDE FOR THE FILLING OF VACANCIES; TO PROVIDE FOR THE TAKING OF AN OATH; TO PROVIDE FOR A REQUIREMENT OF REGULAR MEETINGS; TO PROVIDE FOR REMOVAL OF MEMBERS; TO PROVIDE FOR COMPENSATION; TO PROVIDE FOR QUALIFICATIONS; TO PROVIDE FOR OFFICERS; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT ARTICLE VI OF CHAPTER 2 OF THE CODE OF ORDINANCES FOR FAYETTE COUNTY PERTAINING TO THE ESTABLISHMENT OF BOARDS AND COMMISSIONS BE AMENDED BY ADDING A NEW DIVISION TO PROVIDE FOR THE ESTABLISHMENT OF THE FAYETTE COUNTY TRANSPORTATION COMMITTEE AS FOLLOWS:

Section 1. By adding a new division with appropriate sections to Article VI of Chapter 2 to be numbered and to be entitled as follows:

DIVISION 3. FAYETTE COUNTY TRANSPORTATION COMMITTEE

Section 2. By adding a section to Division 3 creating the Fayette County Transportation Committee to be numbered and to read as follows:

Sec. 2-476. Created; purpose and intent.

In order to make recommendations to the Board of Commissioners of Fayette County as to the formulation of current and long-range plans for transportation issues within Fayette County, including, but not limited to, traffic congestion, road conditions, etc., the Fayette County Transportation Committee is hereby created and established. The Fayette County Transportation Committee shall be organized and empowered as set out in this Division. The Fayette County Transportation Committee shall be created for the following purposes:

- (a) To identify traffic problems in the County, e.g., safety, congestion, alternatives (multiuse paths), and other issues;
- (b) To provide recommendations for short- and long-term priorities;
- (c) To provide input, including recommendations and suggestions, on project alignments and alternatives;
- (d) To assist with identification of funding sources, solicitation of federal funds, grants, etc.;
- (e) To assist with coordination of projects between the County and the municipalities;
- (f) To provide appropriate focus on projects to ensure accountability of staff and consultants;
- (g) To provide recommendations for long-term goals (capacity, paths, senior services, etc.);
- (h) To identify and support safety initiatives; and

(i) To assemble information and to facilitate communication of the County's views and concerns to GDOT and the Atlanta Regional Commission upon approval of the Board of Commissioners of Fayette County.

It is the intent of the Board of Commissioners that the Fayette County Transportation Committee shall fully explore traffic issues and provide information and recommendations to the Board of Commissioners.

Section 3. By adding a section to Division 3 for the organization of the Fayette County Transportation Committee to be numbered and to read as follows:

Sec. 2-477. Organization.

(a) Membership. The Fayette County Transportation Committee shall consist of eleven (11) members who shall be appointed as follows:

1. Two (2) members shall be selected by the Board of Commissioners from County staff;
2. Two (2) members shall be current members of the Board of Commissioners, or their designees;
3. Five (5) members shall come from the municipalities within Fayette County (one (1) each);
4. One (1) member shall come from the Fayette County Sheriff's Office; and
5. One (1) member shall be a Fayette County citizen with technical expertise which is consistent with the Committee's purposes.
6. Terms.

a. The terms of the members shall be for three (3) years, except that, in the appointment of the first Fayette County Transportation Committee under the terms of this section, five (5) members (the two members from the Board of Commissioners, the two members from the County staff, the member from the Sheriff's Office) shall be appointed for a term of three (3) years; five (5) members (the five members from the municipalities) shall be appointed for a term of two (2) years, and one (1) member (the Fayette County citizen with technical expertise) shall be appointed for one (1) year.

b. The Board of Commissioners of Fayette County, within 60 days of the passage of this ordinance, shall appoint the following members: Two (2) members from the Board of Commissioners; two (2) County staff members; and one (1) Fayette County citizen with technical expertise. The terms of all members shall begin on the first day of the month following the month in which the Fayette County Transportation Committee is activated.

c. Except as otherwise provided herein, all members of the Fayette County Transportation Committee shall, if necessary, hold over until their successors are appointed and qualified. The successors shall be appointed in the same manner as the initial members in the month immediately preceding the expiration of the members' respective terms of office. Any member of the Fayette County Transportation Committee may be re-selected and re-appointed to serve a succeeding term. All elected officials are eligible to serve so long as they remain in office. Should any elected official no longer hold his/her elected office, his/her seat shall be deemed vacant upon the end of the term of the elected office.

The occurrence of any vacancy due to an elected official no longer being in office shall be filled by the municipality where the vacancy occurred in the same manner as the original appointment was made for the remainder of the unexpired term.

7. Oath of office. All persons who serve as a member of the Fayette County Transportation Committee shall first execute and file with the County Clerk an oath obligating himself/herself to faithfully and impartially perform the duties of his/her office with such oath to be administered by the Chairman of the Board of Commissioners.

8. Vacancies; removal. A vacancy in membership shall be filled for the unexpired term in the same manner in which the person creating the vacancy was appointed. The Board of Commissioners shall have the power to remove any member of the Fayette County Transportation Committee who was appointed by the Board of Commissioners, for cause, by a majority vote of the members of Board of Commissioners.

9. Compensation. All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties if such expenses are approved by the County Administrator.

10. Quorum. Six (6) members of the Fayette County Transportation Committee shall constitute a quorum. A vacancy shall not impair the right of the quorum to exercise all rights and perform all the duties of the Fayette County Transportation Committee.

11. Meetings. The Fayette County Transportation Committee shall meet on a regular basis with the meetings to occur at least monthly. The minutes of each

meeting shall be forwarded to the Board of Commissioners of Fayette County on a regular basis. The Board of Commissioners of Fayette County shall provide a meeting room for the Fayette County Transportation Committee.

12. Disqualification. Any member who announces or qualifies for an elected office shall be deemed disqualified to serve as a member of the Fayette County Transportation Committee upon the occurrence of such announcement or qualifying. Such disqualification shall take effect immediately and the seat shall be deemed vacant.

Section 4. By adding a section to Division 3 for the election of a chairman, the issuance of bylaws, recommending body and allowable expenditures of the Fayette County Transportation Committee to be numbered and to read as follows:

Sec. 2-478. Election of chairman; bylaws; miscellaneous.

The Fayette County Transportation Committee shall elect a chairman from among its members. The term of the chairman shall be for one (1) year. The Committee shall appoint a secretary. The Committee shall devise its own bylaws, which shall be supplied to the County Administrator and approved by the Board of Commissioners. The Committee shall be a recommending body and will provide its recommendations to the Board of Commissioners through its chairman. Any incidental expenditures of the Committee shall be within the amounts appropriated for such purpose by the Board of Commissioners.

Section 5. By reserving additional sections for future use within this Division, sections 2-479 through 2-500.

Section 6. This ordinance shall become effective as of March 28, 2016.

Section 7. All other ordinances and parts of ordinances in conflict with this ordinance shall be deemed repealed.

SO ORDAINED this 28th day of January, 2016.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

(SEAL)



By: Charles W. Oddo
CHARLES W. ODDO, Chairman

ATTEST:

Floyd L. Jones
Floyd L. Jones, County Clerk

APPROVED AS TO FORM:

[Signature]
County Attorney