

## BOARD OF COUNTY COMMISSIONERS

Lee Hearn, Chairman  
Edward Gibbons, Vice Chairman  
Eric K. Maxwell  
Charles W. Oddo  
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

September 8, 2022

5:00 p.m.

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Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 5:00 p.m.

Call to Order

Invocation and Pledge of Allegiance by Chairman Lee Hearn

Acceptance of Agenda

### **PROCLAMATION/RECOGNITION:**

### **PUBLIC HEARING:**

### **PUBLIC COMMENT:**

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

### **CONSENT AGENDA:**

1. Request to appoint Fayette County Assistant Fire Chief Scott Roberts to fill the unexpired term of retired Assistant Fire Chief Steven Folden to the West Georgia EMS Council to expire June 30, 2023. (page 3)
2. Approval of the August 11, 2022 Board of Commissioners Meeting Minutes. (pages 4-6)
3. Approval of the August 18, 2022 Millage Rate First Public Hearing Minutes. (pages 7-9)
4. Approval of the August 18, 2022 Millage Rate Second Public Hearing Minutes. (pages 10-18)

### **OLD BUSINESS:**

### **NEW BUSINESS:**

5. Request to approve an Intergovernmental Agreement with the City of Peachtree City allowing for Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Peachtree City for November and December 2022. (pages 19-26)
6. Public update on the March 2023 Special Purpose Local Option Sales Tax (SPLOST) projects and referendum. (pages 27-35)

7. Consideration of Resolution 2022-09; Deannexation Agreement for the deannexation of 9.3 acres of property, owned by Romain Davis and Charlotte Davis, located at 288 Old Norton Road, parcel #0521 027, from the City of Fayetteville into unincorporated Fayette County. (pages 36-49)
8. Request to approve an Intergovernmental Agreement (IGA) between Fayette County and Spalding County for the provision of 911 services on an emergency basis. (pages 50-54)
9. Request to award Contract #1641-S, Change Order #3, to Yancey Power Systems for repairs to the Justice Center / Jail emergency generator in the amount of \$134,243.30 and to transfer \$135,000.00 from CIP #231AA (Roof Repairs) to CIP # 231AE (Justice Center Generator) for this purpose. (pages 55-62)
10. Request to submit a grant application to the Office of the Secretary of Transportation under the Safe Streets and Roads for All (SS4A) discretionary grant program and allocate up to \$100,000 for local match. (pages 63-72)
11. Consideration of the County Attorney's recommendation to deny the disposition of tax refund, as requested by Robert L. Bannister, for tax years 2020 and 2021. (pages 73-76)
12. Consideration of the County Attorney's recommendation to deny the disposition of tax refund, as requested by Alfred Lee Dinger for tax year 2021. (pages 77-89)
13. Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Mae L. London for tax years 2018, 2019 and 2020, in the total amount of \$651.52. (pages 90-93)
14. Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Pinewood Forest, LLC for tax year 2020, in the amount of \$39,195.15. (pages 94-97)

**ADMINISTRATOR'S REPORTS:**

A: Contract #2152-A: Fire Station 7 Generator (pages 98-101)

**ATTORNEY'S REPORTS:**

**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

# COUNTY AGENDA REQUEST

Page 3 of 101

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Request to appoint Fayette County Assistant Fire Chief Scott Roberts to fill the unexpired term of retired Assistant Fire Chief Steven Folden to the West Georgia EMS Council to expire June 30, 2023.

## Background/History/Details:

Fayette County is designated within Region 4 (West Georgia) of the Office of Emergency Medical Services (OEMS) regional system. Region 4 is comprised of 12 counties located south of Atlanta. Each county has designed seats on the professional services council, of which Fayette County has 4 seats. This council is tasked with the oversight of the Emergency Medical Services 911 zoning systems and the Regional communication plan. Appointees to the council meet quarterly to address issues regarding response systems and to disseminate region wide information.

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

Approval of the appointment of Fayette County Assistant Fire Chief Scott Roberts to fill the unexpired term of retired Assistant Fire Chief Steven Folden to the West Georgia EMS Council to expire June 30, 2023.

## 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:

**BOARD OF COUNTY COMMISSIONERS**

Lee Hearn, Chairman  
 Edward Gibbons, Vice Chairman  
 Eric K. Maxwell  
 Charles W. Oddo  
 Charles D. Rousseau

Consent #2

**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

### 1<sup>st</sup> Public Hearing

August 18, 2022  
 10:00 a.m.

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Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 5:00 p.m.

**Call to Order**

Chairman Lee Hearn called the August 18, 2022 Board of Commissioners meeting to order at 10:00 a.m. A quorum of the Board was present. Vice Chairman Gibbons and Commissioner Charles Rousseau were absent.

**Invocation and Pledge of Allegiance**

Chairman Hearn offered the Invocation and Pledge of Allegiance.

**Acceptance of Agenda**

Commissioner Charles Oddo moved to accept the agenda as written. Commissioner Maxwell seconded. The motion passed 3-0. Vice Chairman Gibbons and Commissioner Rousseau were absent.

**PUBLIC HEARING:****1. First Public Hearing to discuss the 2023 Property Tax Millage Rate.**

Fayette County Chief Financial Officer Sheryl Weinmann stated that this was the first of three Property Tax Millage Rate public hearing. She stated that the next hearing would be held later today at 6:00 p.m. and the final hearing would be on August 25<sup>th</sup> at 5:00 p.m. Ms. Weinmann advised the Board that the required newspaper advertisement had been posted in accordance with the law. Ms. Weinmann stated that the justification for not rolling back the millage rate was based upon the recruitment and retention program that was introduced to the Board in November 2021. She stated that the goal of this program was to not only retain but also hire high quality employees who were vital in maintaining the high level of service delivery. She stated that all departments within the county had experienced and continue to experience a downturn in maintaining good staff. The recruitment and retention program increased the pay scale by 10.45% for all county employees beginning January 1, 2022. She added that Public Safety staff received an additional 8.55%, in order to increase the Deputy Sheriff position starting salary from \$42,117 to \$50,117. As a result, Public Safety staff received a total increase of 19%. Ms. Weinmann stated that the recruitment and retention program proposal was unanimously approved by the Board in November 2021. She stated that this program was a huge investment but would come with huge benefits.

Ms. Weinman provided the Board with a brief overview. She stated that the 2021 Digest was about \$7.1 billion. She noted that the real property was growth of 17.89% and the personal property growth was 2.64%. Ms. Weinmann stated that, as seen over the last few years, the motor vehicles had decreased by 8.82% but typically it would run into the 20% -25% increase range. She stated that the exemption had increased and was at a negative \$680K or -0.16% because it would be subtracted out from the tax



digest. Ms. Weinmann stated that the real property reassessment was \$1.058B. She continued that this left a positive change to the digest of \$1.245B making the new digest \$8.367B. Ms. Weinman moved on to discuss the change in the taxable digest noting its continued increase since 2013 from \$4.3M to \$8.367M. She outlined past years variances based upon the previously reviewed digests. Ms. Weinmann noted that in 2017 there was a spike with an increase of \$587M and this year an increase of \$1.245B. She stated that the proposed millage rates for this fiscal year for the General Fund (M & O) would remain the same at 4.034. She stated that even though the millage rate would remain the same, it would have to be advertised as a tax increase because there would be no rollback. Fire Services rate would remain the same at 3.070 and 911 Service rate would remain the same at 0.210. She added that the proposed millage rate for Emergency Medical Services would increase slightly to 0.500. Ms. Weinman stated that the average home value in Fayette County was \$325K based on that, she provided the Board with a sample property tax statement. She noted that with homestead value at 40% the rollback rate would have been 3.524 but the proposal was to maintain the current rate. As a result, the increase on the annual tax bill was \$63.75 for a \$325K home. Ms. Weinmann also noted that based on the slight increase for the Emergency Medical Services millage rate the increase on the annual tax bill was \$5.50 making the total increase \$69.25. Ms. Weinmann provided an overview of a sample property tax statement for Fayette County and each neighboring municipality within the county. She highlighted that with a home value of \$325K unincorporated residents property tax bill would be about \$3,477, with the highest portion \$2,500 or 71.9% going to the school board, \$504 toward the County's M & O, \$382 to the Fire District and \$63 to Emergency Services Management, and \$28 to 911 District. Ms. Weinmann noted that the Town of Tyrone had the highest tax bill at \$3,838 while unincorporated Fayette County tax bill was the cheapest of the municipalities. Ms. Weinmann reviewed the millage rate history since 2014 and stated that only the Town of Brooks and unincorporated Fayette County did not rollback their millage rates twice since 2014, and in 2019 and now in 2022. She noted that the financial impact to the General Fund of the rollback since 2014 had a cumulative effect of \$65.7M savings to citizens. Ms. Weinmann stated that the County was required to have three Public Hearings for the Property Tax Millage Rate. She stated that the next hearing would be held later today at 6:00 p.m. and the final hearing would be on August 25 at 5:00 p.m., where staff would request the BOC to adopt Resolution 2022-06 to levy the County property tax.

Commissioner Maxwell advised the audience that the Board would not be voting on this item until the August 25, BOC Meeting. The purpose of the meeting was to receive the information and garner citizen feedback. Commissioner Maxwell stated that in watching what was happening around us in neighboring jurisdictions its vital that Fayette County remained competitive in attracting new talent and employees. Commissioner Maxwell stated that he was convinced that approving and implementing the Recruitment and Retention Program was the right thing to do. And unfortunately, it was expensive. He stated that the second piece of this related to public safety. He acknowledged the 19% increase for public safety, which was necessary due to the increase in crime, as well as the need to retain employees, and even with the increase, the need to maintain employees was critical. Commissioner Maxwell stated that he may not attend the August 25 meeting but if he were, he would support this item. He stated that if the Board had not move forward with the proposal, he was afraid that the County would begin to loss people and the level of service would decrease. He noted that there was a national concept floating around regarding defunding the police. He stated that he would never defund the police and fully supported law enforcement. Commissioner Maxwell stated that he had received several emails regarding the tax increase and not approving it. He also noted that as a Fayette County citizen he would also have to pay an increase in his taxes along with the other Board members. Commissioner Maxwell stated that although it was an increase it was a minimum amount about \$65 and something he felt the average citizen could afford.

Chairman Hearn stated that in conversation with some of his friends he asked if they would rather the county be safe or see a modest tax increase. And without fail, they all wanted to maintain safety in the county. Chairman Hearn also noted that the County had to remain competitive. He stated that he felt this was a big step but a necessary one that he fully supported and felt was the right thing to do.

No one spoke in favor or opposition.

County Administrator Steve Rapson stated that he thought it was key to highlight that a \$325K home in unincorporated Fayette County would have a tax bill of about \$3,477, but in the Town of Tyrone for the same home value of \$325K their tax bill was \$3,838. He was proud to point out that while unincorporated Fayette County tax bill was the cheapest of the municipalities and was able to maintain the same amount and level of services. Mr. Rapson also highlighted the fact that since 2014 only the Town

of Brooks and unincorporated Fayette County did not rollback their millage rates twice since 2014, in 2019 and now in 2022, which equates to a cumulative effect of \$65.7M in saving for citizens.

**ADJOURNMENT:**

Vice Chairman Gibbons moved to adjourn the August 18, 2022 Property Tax Millage Rate Public Hearing. Commissioner Hearn seconded. The motion passed 3-0. Chairman Gibbons and Commissioner Rousseau were absent.

The August 18, 2022 Board of Commissioners meeting adjourned at 10:24 a.m.

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Marlena M. Edwards, Chief Deputy County Clerk

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Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 8<sup>th</sup> day of September 2022. Attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Chief Deputy County Clerk

**BOARD OF COUNTY COMMISSIONERS**

Lee Hearn, Chairman  
 Edward Gibbons, Vice Chairman  
 Eric K. Maxwell  
 Charles W. Oddo  
 Charles D. Rousseau

Consent #3

**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

### 2<sup>nd</sup> Public Hearing

August 18, 2022  
 6:00 p.m.

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Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 5:00 p.m.

**Call to Order**

Chairman Lee Hearn called the August 18, 2022 Board of Commissioners meeting to order at 6:00 p.m. A quorum of the Board was present. Vice Chairman Edward Gibbons and Commissioner Charles Rousseau were absent.

**Invocation and Pledge of Allegiance**

Commissioner Eric Maxwell offered the Invocation and Pledge of Allegiance

**Acceptance of Agenda**

Commissioner Charles Oddo moved to accept the agenda as written. Commissioner Maxwell seconded. The motion passed 3-0. Vice Chairman Gibbons and Commissioner Rousseau were absent.

**PUBLIC HEARING:**

#### 1. Second Public Hearing to discuss the 2023 Property Tax Millage Rate.

Fayette County Chief Financial Officer Sheryl Weinmann stated that this was the second Property Tax Millage Rate public hearing. She stated that the first public hearing was held at 10:00 a.m. and the third and final public hearing would be held on August 25, 2022 at 5:00 p.m. Ms. Weinmann advised the Board that the required newspaper advertisement had been posted in accordance with the law. Ms. Weinmann stated that the justification for the increase and not rolling the millage rate was based upon the recruitment and retention program that was introduced to the Board in November 2021. She stated that the goal of this program was to not only to retain but also hire high quality employees who are vital in maintaining the high level of service delivery. With the recruitment and retention program, the pay scale was increased on January 1, 2022 to 10.45% higher. Ms. Weinmann stated that all County staff received the 10.45% increase. She added that Public Safety staff received an additional 8.55% increase making the total increase for Public Safety staff 19%. Ms. Weinmann stated that the Public Safety increase was based upon the need to bring the Deputy Sheriff position starting salary from \$42,117 to \$50,117. Ms. Weinmann stated that the recruitment and retention program proposal was unanimously approved by the Board November 2021.

Ms. Weinman provided the Board with a brief overview. She stated that the 2021 Digest was about \$7.1B. She noted that the real property growth was 17.89% and the personal property growth was 2.64%. Ms. Weinmann stated that, as seen over the last few years the motor vehicles had decreased by 8.82% but typically it would run into the -20% to -25% reduction. She stated that the exemption was highlighted at a negative \$680K or -16% because it would be subtracted out from the tax digest. Ms. Weinmann stated that the real property reassessment was \$1.058B. She continued that this left a positive change to the digest of \$1.245B

making the new digest \$8.367B. Ms. Weinman moved on to discuss the change in the taxable digest noting its continued increase since 2013 from \$4.3B to \$8.367B. She outlined past years variances based upon the previously reviewed digests. Ms. Weinmann noted that in 2017 there was a spike with an increase of \$587M and this year an increase of \$1.245B. She stated that the proposed millage rates for this fiscal year for the General Fund (M & O) would remain the same at 4.034. She stated that even though the millage rate remained the same it would have to be advertised as a tax increase because there would be no rollback. Fire Services rate would remain the same at 3.070 and 911 Service rate would remain the same at 0.210. She added that the proposed millage rate for Emergency Medical Services would increase slightly to 0.500. Ms. Weinman stated that the average home value in Fayette County was \$325K based on that she provided the Board with a sample property tax statement. She noted that with homestead value at 40% the rollback rate would have been 3.524 but the proposal was to maintain the current rate. As a result, the increase on the annual tax bill was \$63.75 for a \$325K home. Ms. Weinmann also noted that based on the slight increase for the Emergency Medical Services millage rate the increase on the annual tax bill was \$5.50 making the total increase \$69.25. Ms. Weinmann provided an overview of a sample property tax statement for Fayette County and each neighboring municipality within the county. She highlighted that with a home value of \$325K unincorporated residents property tax bill would be about \$3,477, with the highest portion \$2,500 or 71.9% going to the school board, \$504 toward the County's M & O, \$382 to the Fire District and \$63 to Emergency Services Management, and \$28 to 911 District. Ms. Weinmann noted that the Town of Tyrone had the highest tax bill at \$3,838 while unincorporated Fayette County tax bill was the cheapest of the municipalities and was able to maintain the same amount and level of services. Ms. Weinmann reviewed the millage rate history since 2014 and stated that only the Town of Brooks and unincorporated Fayette County did not rollback their millage rates twice since 2014. She noted that the financial impact to the General Fund of the rollback since 2014 had a cumulative effect of \$65.7M. Ms. Weinmann stated that this was the third and final Property Tax Millage Rate public hearing and asked for Board approval of Resolution 2022-06 adopting the 2022 Property Tax Millage Rate.

No one spoke in favor.

**Alvin Holt of Fayetteville** stated that he did not agree with the tax increase. He stated that he did not feel it was time to increase anything at this point. Mr. Holt stated that the economy was bad, and people were struggling, and this was the wrong time. He suggested that if the film industry paid their actual tax bills and did not receive significant tax breaks, those funds could cover the shortfall needed.

**John Donadeo of Fayetteville** stated that he was not in favor of the proposed tax increase. Mr. Donadeo stated that he agreed with previous commenter Mr. Holt. He stated that it did not seem fair to have the big companies receive tax breaks but have citizens tax bills increase.

**George Deets of Fayetteville** stated that he felt as though the film industry billionaires were reaping all the benefits and county residents had to foot the bill or expense. Mr. Deet expressed his confusion and frustration with the Development Authority and asked how they benefited him as a citizen of Fayetteville. He also expressed his displeasure with the potential data center.

Commissioner Maxwell stated although he could not convince the gentlemen who made comments, he could assure them that he did extensive review and analysis of this proposal. Commissioner Maxwell stated that this was his 10<sup>th</sup> year on the Board and would be the first time he would vote in favor of a tax increase. He stated that this was not something he wanted but was, in his opinion, necessary. Commissioner Maxwell stated that in response to a commenter's question regarding funds received from this, the tax increase would go towards the Recruitment and Retention program. Commissioner Maxwell stated that in watching what was happening around us in neighboring jurisdictions, it's vital that Fayette County remain competitive in attracting new talent and employees. Commissioner Maxwell stated that he was convinced that approving and implementing the recruitment and retention was the right thing to do. And unfortunately, that was expensive. He also stated that if the Board had not move forward with the proposal, he was afraid that the County would begin to lose good people and the level of service would decrease. He noted that there was a national concept floating around regarding defunding the police. He stated that he would never defund the police and fully supported law enforcement. He noted that as a Fayette County citizen, he would also have to pay an increase in his taxes along with the other Board members. Commissioner Maxwell stated that although it was an increase, it was a minimum amount, about \$65, and something he felt the average citizen could afford.

Mr. Rapson stated that the mileage rate was not changing it would remain flat. Based on Georgia law because of certain criteria, this proposal had to be advertised as a tax increase. He continued that over the past ten years, unincorporated Fayette County had only held the millage rate twice, meaning it stayed the same. He stated the mileage rate has never been raised. Mr. Rapson briefly outlined what a tax abatement was and the benefits of it for the county. He stated that Pinewood Studios had a 20-year abatement which was a special deal. He continued that the studios were at an 55% abatement which meant that when they received their tax bill, 55% of it would be abated. Previously, the county received about \$10K of revenue for the land which is now the studios. Conversely with Pinewood in place, the amount was closer to \$900K this year. Mr. Rapson stated that no one expected the digest to grow as quickly as it had over the last two years. With that in mind, when the Recruitment and Retention program was proposed it included an actual tax increase with the mileage set at 4.308, which was 7% high than what was currently before the Board. He stated that they were able to take the digest growth and keep the millage rate flat. To put that into perspective, the property tax associated with the digest growth was an additional \$4.6M; and the impact of increasing the sworn officers was 19% and the remaining employees at 10.45% was \$4M. Staff took the action approved by the Board, and used cash reserves as a stop gap, knowing there would be a tax increase to be able to fund the program perpetually because it was a \$6M adjustment.

Mr. Rapson stated that this proposal was basically the Board ratifying a decision they already made. Mr. Rapson briefly explained the breakdown of tax payment for an annexed property.

Mr. Rapson concluded that it was key to highlight that a \$325K home in unincorporated Fayette County would have a tax bill of about \$3,477, but in the Town of Tyrone for the same home, at a value of \$325K, their tax bill was \$3,838, and the County still provides the same level of service.

Commissioner Oddo stated that when tasked with a big decision as a commissioner he always asked himself if the Board could afford not to do something. He stated that his goal was to try and convey to citizens that the Board did not want to raise taxes but also have the responsibility to provide services to the citizens of the county. It is a delicate balancing act. Commissioner Oddo stated that Fayette County staff was top-notch, and that we want to maintain the level of service citizens expect. He concluded that although a tax increase was not something the Board wanted to do, it was necessary.

Chairman Hearn stated that in conversation with some of his friends he asked if they would be willing to pay an extra \$70 a year or risk being a little less safe. And without fail, they all wanted to maintain safety in the county. Chairman Hearn stated that he wanted the salaries for staff to be competitive to assist with recruitment. This proposal would make the county more competitive. He noted that the County had to remain competitive. He stated that he felt this was a big step but a necessary one that he fully supported and felt was the right thing to do.

#### **ADJOURNMENT:**

Commissioner Oddo moved to adjourn the August 18, 2022 Property Tax Millage Rate Public Hearing. Commissioner Maxwell seconded. The motion passed 3-0. Vice Chairman Gibbons and Commissioner Rousseau were absent.

The August 18, 2022 Board of Commissioners meeting adjourned at 6:57 a.m.

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Marlena M. Edwards, Chief Deputy County Clerk

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Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 8<sup>th</sup> day of September 2022. Attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Chief Deputy County Clerk

**BOARD OF COUNTY COMMISSIONERS**

Lee Hearn, Chairman  
 Edward Gibbons, Vice Chairman  
 Eric K. Maxwell  
 Charles W. Oddo  
 Charles D. Rousseau

Consent #4

**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**

August 25, 2022  
 5:00 p.m.

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**Call to Order**

Chairman Lee Hearn called the August 25, 2022 Board of Commissioners meeting to order at 5:00 p.m. A quorum of the Board was present.

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

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

**Acceptance of Agenda**

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

**PROCLAMATION/RECOGNITION:****PUBLIC HEARING:****1. Final Public Hearing for consideration of Resolution 2022-06 adopting the 2022 Property Tax Millage Rate.**

Fayette County Chief Financial Officer Sheryl Weinmann stated that this was the third and final Property Tax Millage Rate public hearing. She stated that the two previous public hearings were held on August 18, 2022 at 10:00 a.m. and 6:00 p.m. Ms. Weinmann stated that the justification for not rolling back the millage rate was based upon the recruitment and retention program that was introduced to the Board November 2021. She stated that the goal of this program was to not only retain but also hire high quality employees who are vital in maintaining the high level of service delivery. With the recruitment and retention program the pay scale was increased on January 1, 2022 to 10.45% higher. Ms. Weinmann stated that all County staff received the 10.45% increase. She added that Public Safety staff received an additional 8.55% increase making the total increase for Public Safety staff, 19%. Ms. Weinmann stated that the Public Safety increase was based upon the need to bring the Deputy Sheriff position starting salary from \$42,117 to \$50,117. Ms. Weinmann stated that the recruitment and retention program proposal was unanimously approved by the Board in November 2021. Ms. Weinmann advised the Board that the required newspaper advertisement had been posted in accordance with the law.

Ms. Weinman provided the Board with a brief overview. She stated that the 2021 Digest was about \$7.1B. She noted that the real property growth was 17.89% and the personal property growth was 2.64%. Ms. Weinmann stated that, as seen over the last few years, the motor vehicles had decreased by 8.82% but typically it would run into the -20% to -25% reduction. She stated that the exemption was highlighted at a negative \$680K or -16% because it would be subtracted out from the tax digest. Ms. Weinmann stated that the real property reassessment was \$1.058B. She continued that this left a positive change to the digest of \$1.245B

making the new digest \$8.367B. Ms. Weinman moved on to discuss the change in the taxable digest noting its continued increase since 2013 from \$4.3B to \$8.367B. She outlined past years variances based upon the previously reviewed digests. Ms. Weinmann noted that in 2017 there was a spike with an increase of \$587M and this year an increase of \$1.245B. She stated that the proposed millage rates for this fiscal year for the General Fund (M & O) would remain the same at 4.034, she stated that even though the millage rate remained the same it would have to be advertised as a tax increase because there would be no rollback. Fire Services rate would remain the same at 3.070 and 911 Service rate would remain the same at 0.210. She added that the proposed millage rate for Emergency Medical Services would increase slightly to 0.500. Ms. Weinman stated that the average home value in Fayette County was \$325K based on that she provided the Board with a sample property tax statement. She noted that with homestead value at 40% the rollback rate would have been 3.524 but the proposal was to maintain the current rate. As a result, the increase on the annual tax bill was \$63.75 for a \$325K home. Ms. Weinmann also noted that based on the slight increase for the Emergency Medical Services millage rate the increase on the annual tax bill was \$5.50 making the total increase \$69.25. Ms. Weinmann provided an overview of a sample property tax statement for Fayette County and each neighboring municipality within the county. She highlighted that with a home value of \$325K, unincorporated residents property tax bill would be about \$3,477, with the highest portion, \$2,500 or 71.9% going to the school board, \$504 toward the County's M & O, \$382 to the Fire District and \$63 to Emergency Services Management, and \$28 to 911 District. Ms. Weinmann noted that the Town of Tyrone had the highest tax bill at \$3,838 while unincorporated Fayette County tax bill was the cheapest of the municipalities and was able to maintain the same amount and level of services. Ms. Weinmann reviewed the millage rate history since 2014 and stated that only the Town of Brooks and unincorporated Fayette County did not rollback their millage rates twice since 2014. She noted that the financial impact to the General Fund of the rollback since 2014 had a cumulative effect of \$65.7M. Ms. Weinmann stated that this was the third and final Property Tax Millage Rate public hearing and asked for Board approval of Resolution 2022-06 adopting the 2022 Property Tax Millage Rate.

Mr. Rapson stated that a recurring theme he heard from the past meeting was the significant increase in the digest because of the real estate market. He added that the property tax impact based on that, was about \$4.6M and the recruitment and retention program basically spent \$4M of that, so really this approval would ratify the decision the Board made back in November of 2021.

No one spoke in favor.

**Alan Mosk of Fayetteville** stated that regardless of what it was being called, an increase was an increase. In line with inflation and increased cost across the board, this tax increase was being proposed at the wrong time. Mr. Mosk stated that there had to be other areas that the Board could cut or other ways to fund the salary increases instead of burdening the residents.

Vice Chairman Gibbons moved to approve Resolution 2022-06 adopting the 2022 Property Tax Millage Rate. Commissioner Maxwell seconded.

Commissioner Maxwell stated that he relayed comments at the previous two public hearings and encouraged anyone interested, to view his comments. He stated that he would be voting for the proposed property tax millage rate.

Commissioner Oddo stated that as much as he understood citizen concerns, he also felt that the Board needed to take care of the County. He stated that he felt that how much the County had rolled back was sometimes missed or overlooked. Commissioner Oddo stated that the rollback since 2014 had a cumulative effect of \$65.7M. He stated that the county was attempting to make the best use of the funds that were available and provide services.

Chairman Hearn stated that he understood citizen concerns and noted that a tax increase was the last thing he wanted to do. Chairman Hearn stated that in his conversations with the Sheriff he was advised that there were 34 open positions and no applicants but a starting pay for deputies was \$42K annually. Chairman Hearn stated that raising that start rate to \$50K and increases for County staff overall, came at a cost. He stated that it was incumbent on the Board to provide a level of service that the citizens expect.

Vice Chairman Gibbons moved to approve Resolution 2022-06 adopting the 2022 Property Tax Millage Rate. Commissioner Maxwell seconded. The motion passed 5-0.

**PUBLIC COMMENT:**

Mr. Douglas Bradley of Fayetteville expressed his frustration and disappointment regarding an issue with water runoff on his property. He stated that this was an ongoing issue for both he and his neighbor. Mr. Bradley stated that he had spoken with Fayette County as well as the City of Fayetteville with no resolution. Mr. Bradley stated that this issue began as a small crack and has grown into a sinkhole. Mr. Bradley stated that this issue was not his problem but a county problem and he needed the Board's assistance in correcting it. Mr. Bradley stated that he had major concerns about his neighbor's home sinking.

**CONSENT AGENDA:**

Commissioner Oddo moved to accept the Consent Agenda as written. Vice Chairman Gibbons seconded. The motion passed 5-0.

2. **Approval of the Water Committee's recommendation to close Lake McIntosh Park on November 3, 4, 5, and 6, 2022 for the Greater Atlanta Air Show.**
3. **Approval of the Chairman to sign the Equitable Sharing Agreement and Annual Certification as required by the U.S. Department of Justice and the U.S. Department of Treasury.**
4. **Approval of the August 11, 2022 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

**NEW BUSINESS:**

5. **Request to approve the Sheriff's Office's request to purchase a Lenco BearCat G-3 Armored Rescue and Response vehicle for use during various critical incidents, from Lenco BearCat in the amount of \$309,837.**

County Administrator Steve Rapson stated that this request was before the Board from the Sheriff's Office to purchase the Lenco BearCat G-3 Armored Rescue and Response vehicle. He stated that the Sheriff Department had available funds in the Sheriff's Links CIP project and would utilize those funds for this acquisition.

Vice Chairman Gibbons moved to approve the Sheriff's Office's request to purchase a Lenco BearCat G-3 Armored Rescue and Response vehicle for use during various critical incidents, from Lenco BearCat in the amount of \$309,837. Commissioner Oddo seconded.

Commissioner Maxwell extended an invitation to Sheriff Babb to the podium if he would like to speak. He added that he had the opportunity to speak to the Sheriff regarding this request and fully support his efforts.

Sheriff Babb stated that this Armored Rescue and Response vehicle would be used during various critical incidents and stop bullets. He stated that this vehicle would be used to fill in the gaps and help his department do some of the things they cannot do currently. Sheriff Babb stated that the goal was to protect people and keep his staff safe.



Vice Chairman Gibbons moved to approve the Sheriff's Office's request to purchase a Lenco BearCat G-3 Armored Rescue and Response vehicle for use during various critical incidents, from Lenco BearCat in the amount of \$309,837. Commissioner Oddo seconded. The motion passed 5-0.

**6. Request to award Contract #2062-Q, Construction Manager at Risk - Public Health Building, to Hogan Construction Group for the initial contract amount of \$1,188,336.68, to include General Conditions and General Requirements, Pre-construction Costs, and the Construction Manager Fee.**

Tim Symonds stated that the decision was made to use a construction manager at risk for the construction of the Public Health building, which was not the typical construction bid process. Mr. Symonds stated that a selection committee was formed, and a two-step procurement process was used in selecting a vendor. He stated that a total of ten companies, that expressed interest were whittled down to two companies. After the selection committee evaluation, Hogan Construction Group was the most favored. Mr. Symonds stated that the County had not worked with this vendor before but did reach out to references and received favorable recommendations. Mr. Symonds stated that the request was to award Contract #2062-Q, Construction Manager at Risk - Public Health Building, to Hogan Construction Group for the initial contract amount of \$1,188,336.68, to include General Conditions and General Requirements, Pre-construction Costs, and the Construction Manager Fee.

Vice Chairman Gibbons stated as a point of clarification that although the county did not typically use a construction manager at risk for the construction, this process was better in this situation. He stated that normally contractors would submit proposals for the entire facility from start to finish. Unfortunately, in these turbulent times material cost continues to fluctuate. As a result, when vendors submit their proposals they factor in a higher level of risk, or cost. Inflating their overall cost to ensure they could deliver and still make a profit. Vice Chairman Gibbons continued that in using a construction manager the County would be able to procure various materials at a more advantageous price point, in turn, keeping the overall project costs as low as possible, saving the county money. Vice Chairman Gibbons extended his appreciation to staff for recommending this type of construction process.

Commissioner Rousseau expressed his concerns regarding the price differential between the two bids for the project. He asked specifically about the staff budget and why it was nearly double what the competitor's bid.

Mr. Symonds noted that Hogan's Construction Group price for staff was quoted at 52 weeks as opposed to the competitor's bid, that only quoted 20 weeks on site. As a result, the staffing piece of the quote reflected the difference in time spent on-site, which was what the County wanted.

Commissioner Rousseau expressed his concerns about the line item of the quote for purchasing tools and supplies.

Mr. Symonds stated that these were what was called the "general requirements". The vendor provided the county with costs for actually doing the project and included small tools and supplies to perform it. Mr. Symonds stated that this would include wear and tear on blades and typically would be passed down to the subcontractors. He stated that in his experience the quote was very minimal for this size project.

Commissioner Rousseau expressed his concerns as it related to working with construction manager on a project and the need for change orders as the project progressed. He stated that change orders raise his red flag, which he had conversations with the County Administrator about. Commissioner Rousseau asked if this was the first construction manager concept project the County had done.

Mr. Rapson stated yes, this was the first time the County used a construction manager; however not his first time nor the first time in his career working with Hogan Construction Group. He added that he also relayed his concerns of change orders to the vendor.

Vice Chairman Gibbons moved to approve to award Contract #2062-Q, Construction Manager at Risk - Public Health Building, to Hogan Construction Group for the initial contract amount of \$1,188,336.68, to include General Conditions and General Requirements, Pre-construction Costs, and the Construction Manager Fee. Commissioner Oddo seconded. The motion passed 5-0.

**7. Request to approve the Parks and Recreation Selection Committee's recommendation to appoint Patrick Gafford to the Recreation Commission for a term beginning June 1, 2022 and expiring March 31, 2026.**

Mr. Rapson explained that the applicant withdrew his application. No action was taken.

**8. Request to transfer \$503,216 from the General Fund, fund balance for the purchase of tax parcel 05-33-007 for use by the Parks & Recreation Department.**

Park and Recreation Director Anita Godbee stated that this request was to approve transfer of \$503,216 from the General Fund, fund balance for the purchase of tax parcel 05-33-007 for use by the Parks & Recreation Department.

Commissioner Rousseau moved to approve transfer of \$503,216 from the General Fund, fund balance for the purchase of tax parcel 05-33-007 for use by the Parks & Recreation Department. Commissioner Oddo seconded. The motion passed 5-0.

**9. Request to transfer \$250,000 from CIP #206AF to a new Capital Improvement Program (CIP) project for property improvements, and transfer \$50,000 from the remaining funds in CIP #206AF to Parks Contingency for future needs.**

Mrs. Godbee stated that in order to begin development of the previous item approved by the Board (item #8), funding needed to be set aside. She stated that at the location they were envisioning a parking lot, walking trails, and possible fishing pier. Mrs. Godbee also advised that a concept master plan needed to be developed which would help determine where everything could fit. As a result, this request was for approval to transfer \$250,000 from CIP #206AF to a new Capital Improvement Program (CIP) project for property improvements, and transfer \$50,000 from the remaining funds in CIP #206AF to Parks Contingency for future needs.

Commissioner Rousseau moved to approve to transfer \$250,000 from CIP #206AF to a new Capital Improvement Program (CIP) project for property improvements, and transfer \$50,000 from the remaining funds in CIP #206AF to Parks Contingency for future needs. Commissioner Oddo seconded. The motion passed 5-0.

**10. Request to enter into a contract with Badger Meter, Inc. the selected respondent to RFP -2000-P Advanced Metering Infrastructure (AMI) Solution RFP 2000-P, for purchase and installation of 31,654 water meter and cellular endpoints for a not-to-exceed amount of \$13,676,102.**

Water System Director Vanessa Tigert stated that staff was requesting approval to purchase and install 31,654 water meters and cellular endpoints for a not-to-exceed amount of \$13,676,102. She stated that as the Board was aware, since 2018, many of the system's water meters have reached their end of useful life. As a result, in May 2021, the Board approved to replace all the system's water meters with \$9.2M of the County's allocation of the American Rescue Plan funds. Ms. Tigert stated that this project would affect 80% of the County's population. Ms. Tigert presented a brief overview of the AMI project.

As a part of the overview Ms. Tigert provided the project background and goals. Ms. Tigert stated that a few of the project goals included: increasing reliability and accuracy of water meter, reducing water loss system-wide, streamlining the systems meter-to-cash process, and improving customer engagement and customer service.

Janice Lasco with Arcadis presented the Board with an overview of the proposal evaluation process and procurement results. Ms. Lasco stated that the project team worked closely with the Fayette County Purchasing Office. She stated that the RFP (Request for Proposal) went out for solicitation in March and commanded a lot of attention in the market and received seven respondents. As a part of the evaluation process, there were interviews conducted, systems demonstrations were performed, and references called. Ms. Lasco stated that Badger and Delta Municipal were the top two responses after Round 2. She stated that after further evaluation and analysis it was determined that Badger was the preferred vendor for this project.

Mr. Rapson stated that before the Board was the recommendation to enter into a contract with Badger Meter, Inc. for \$13,676,102. He stated that this project would most likely straddle over 2.5 to 3 years. Mr. Rapson stated that the recommendation was structured to have the first 500 meters installed in year zero, 21,000 meters in year one, and the remaining in year three. He stated that this project was being funded via American Rescue Plan funds which was \$9.2M. He stated that the request was for the total cost of the project \$13,676,102 so the project could move forward. However, cash wise, the balance would not be needed until the second and third year. At the same time the installation was occurring, the Water System would begin to reap some of the benefit associated with the new revenue. Mr. Rapson stated that the total project cost was \$13,676,102. He stated that the American Rescue Plan Act would provide \$9.2M, there was \$500K that was currently in the Water Systems Maintenance and Operating (R & E) fund. A project fund would get formulated and be denoted as the Advanced Metering Infrastructure program fund. The ask was for a loan of \$3.9M. Mr. Rapson stated that as the initial 500 meters were replaced, the estimated revenue would be about \$37.5K, the next 21,000 meters, the revenue should be about \$1,612,500. Mr. Rapson stated that after looking at the numbers, the \$2.3M would be the full benefit as the program was uploading. He stated that they would take the undesignated fund balance which was roughly, just shy of \$8M, and carve out the \$9.3M executed contract but would not draw down any of the \$3.9M. As the incremental revenue comes in, they would whittle it on the balance sheet as a transfer and at the same time the \$2.3M was needed there would actually be a budget of \$2.3M to offset it.

Vice Chairman Gibbons moved to approve to enter in a contract with Badger Meter, Inc. the selected respondent to RFP -2000-P Advanced Metering Infrastructure (AMI) Solution RFP 2000-P, for purchase and installation of 31,654 water meter and cellular endpoints for a not-to-exceed amount of \$13,676,102. Commissioner Oddo seconded.

Commissioner Rousseau expressed his frustration and stated that he felt the Board was missing an opportunity to use the American Rescue Fund Act dollars to help with human services issues. He stated that he was aware that upgrading the County's water meter may be needed. However, he felt that spending \$9M on equipment was misguided and wrong. Commissioner Rousseau stated that the funds could even be split with \$4.5M going towards both the Health Center and the Recreation Facilities and directly helping with human services. He stated that serving the citizens should be the goal as opposed to collecting revenue, specifically for an enterprise fund. Commissioner Rousseau stated he would be voting "no" for this proposal.

Commissioner Maxwell asked how the installation process would work and if a neighborhood would be installed at the same time.

Mr. Rapson stated that 21,000 meters would be installed in one year. He added that the biggest bang for your buck was not the residential meters but the commercial and industrial meters and those are the ones that would be targeted first. Mr. Rapson also advised Commissioner Rousseau as the process moved forward, the Engineer of Record would still be going after grants to offset some of these costs. He concluded that they would be replacing entire subdivisions at a time and not piecemealing the installation process.

Commissioner Maxwell asked how many installations can be done in a day.

Ms. Tigert stated that the water disconnection would only be temporary but could range and depended on how many crews were sent out. She advised that the citizens would be notified in advance before their water was turned off and the installation took place.

Commissioner Maxwell stated he would prefer seeing the flashing Boards to advise citizens of the upcoming water meter installation.

Chairman Hearn stated that moving away from the mechanical meters was a good option for the county.

Commissioner Oddo stated that he had concerns in the past regarding water conservation in the County. He added that he viewed this as an opportunity to update a vital system and service the County provided to the citizens and not merely a revenue stream.

Vice Chairman Gibbons moved to approve to enter in a contract with Badger Meter, Inc. the selected respondent to RFP -2000-P Advanced Metering Infrastructure (AMI) Solution RFP 2000-P, for purchase and installation of 31,654 water meter and cellular endpoints for a not-to-exceed amount of \$13,676,102. Commissioner Oddo seconded. Motion passed 4-1, with Commissioner Rousseau voting in opposition.

**11. Request to approve a Billing Services Agreement between Fayette County and the Town of Brooks to set a sewer billing rate from \$1.62 per customer to \$1.82 per customer.**

Vice Chairman Gibbons moved to approve a Billing Services Agreement between Fayette County and the Town of Brooks to set a sewer billing rate from \$1.62 per customer to \$1.82 per customer. Commissioner Oddo seconded. The motion passed 5-0.

**12. Request to approve Ordinance 2022-03 to revise Georgia Code Chapter 26, Article III, Section 26-57, Subsections (b), (d), and (e) revising provisions pertaining to Registration fee, Reciprocal agreement, and Transfer of ownership of motorized carts.**

Ms. Weinmann stated that this request dealt with the golf cart permits that were put into place a few years ago as public safety item that would assist in determining who owns a particular golf cart. She stated that initially the fee for citizens of unincorporated Fayette County was \$12 for a golf cart permit that lasted 5-years. This request would remove the fee requirement from the ordinance, residents would still be required to register the golf cart. This would be a permanent registration, however if the golf cart was sold, ownership was transferred, or address changed the resident would be asked to update the registration. Ms. Weinmann stated that there was an additional change in the language that dealt with the reciprocal agreements with other entities. The entities that were listed were removed and the County will honor the golf permit of a citizen of a neighboring jurisdiction. She concluded by stating that the \$5 golf cart transfer fee was also removed.

Mr. Rapson stated that this was primarily because this was becoming an administrative burden for staff, and he acknowledged that this approach was different than some of the other jurisdictions.

Commissioner Oddo asked if there was a fine issued if a golf was not registered.

Mr. Rapson stated that he would follow up with him regarding that.

Vice Chairman Gibbons moved to approve Ordinance 2022-03 to revise Georgia Code Chapter 26, Article III, Section 26-57, Subsections (b), (d), and (e) revising provisions pertaining to Registration fee, Reciprocal agreement, and Transfer of ownership of motorized carts. Commissioner Oddo seconded. The motion passed 5-0.

## **ADMINISTRATOR'S REPORTS:**

### **A. Contract #1867-P: Water System Engineer of Record; Task Order 23-04: FCWS/CCWSA Water Main Interconnection**

### **B. Contract #2094-B: Annual Pavement Striping (updated)**

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. Mr. Rapson stated that the update included details regarding Redwine Road Multi-Use Path, Parks and Recreation Multi-Purpose Facility, and the Election Building renovation.

Mr. Rapson stated that September 5, 2022, was the upcoming "Labor Day" holiday, and the Administrative Complex would be closed.

### **Recreation Committee**

Commissioner Rousseau moved to appoint himself and Vice Chairman Gibbons to the Recreation Committee selection committee. Vice Chairman Gibbons seconded. The motion passed 5-0.

## **ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were two items for Executive Session. One item involving real estate acquisition and the review of the Executive Session minutes for July 28, 2022.

## **COMMISSIONERS' REPORTS:**

### **Commissioner Maxwell**

Commissioner Maxwell acknowledged the recent fire that occurred in Peachtree City and noted that he was in the area when it started and noticed the Fire equipment rushing to the scene. He stated that it was his understanding that the reciprocal agreement was in effect and appreciated.

### **Commissioner Oddo**

Commissioner Oddo wished everyone a Happy Labor Day and reminded everyone of the pending tax deadlines quickly approaching.

Commissioner Oddo extended a congratulations to Sheriff Babb on the recent 200th Sheriff's Office Anniversary.

### **Commissioner Rousseau**

Commissioner Rousseau acknowledged Peachtree City Mayor and invited her to the podium to speak.

Peachtree City Mayor Kim Learnard thanked the Board for the mutual aid in helping fight the recent 4-alarm fire that occurred the night before.

Commissioner Rousseau reiterated his comments regarding item #6. He added that it was confusing to him when two vendors bidding on the same project submit to vastly different quotes, specifically as it related in this case to the time schedule on site, one at 52 weeks versus 20 weeks.

Commissioner Maxwell stated that he agreed with Commissioner Rousseau in reference to item #6. In reviewing some of the line items outlined in the bids, Commissioner Maxwell highlighted a line item for site toilets that was quoted at \$15K for 50 weeks for a vendor that was not selected. However, the awardee Hogan Construction Group also quoted site toilets for 52 weeks at \$4.8K. That is a big difference.

### **Vice Chairman Gibbons**

Vice Chairman Gibbon recognized the Purchasing Department and Water Department in composing the Water System RFP for

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 August 25, 2022  
 Page Number 9

the water meter project. He noted that was a very difficult process to facilitate. He added that he fully supported what the County was doing with the funding.

Vice Chairman also extended his congratulation to Sheriff Babb for the Sheriff Office 200th Anniversary. He stated that he truly appreciated what the Sheriff's Office did for Fayette County.

Vice Chairman Gibbons concluded expending a job well done to Chief Hill and his team for their responsiveness to Peachtree City in their time of need.

#### **Chairman Hearn**

Chairman Hearn thanked Water Systems Director Vanessa Tigert and her team and their efforts in preparing the Water System RFP for the water meter project and thanked Chief Hill and his team for their collaborative efforts in assisting Peachtree City.

#### **EXECUTIVE SESSION:**

**One item involving pending litigation and the review of the Executive Session minutes for July 28, 2022.** Commissioner Rousseau moved to go into Executive Session. Vice Chairman Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 6:36 p.m. and returned to Official Session at 6:48 p.m.

**Return to Official Session:** Commissioner Oddo moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Vice Chairman Gibbons seconded. The motion passed 5-0.

**Executive Session Minutes:** Commissioner Oddo moved to approve the July 28, 2022 Executive Session Minutes. Vice Chairman Gibbons seconded. The motion passed 5-0.

#### **ADJOURNMENT:**

Commissioner Oddo moved to adjourn the August 25, 2022 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 5-0.

The August 25, 2022 Board of Commissioners meeting adjourned at 6:56 p.m.

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Marlena M. Edwards, Chief Deputy County Clerk

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Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 8<sup>th</sup> day of September 2022. Attachments are available upon request at the County Clerk's Office.

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Marlena M. Edwards, Chief Deputy County Clerk

# COUNTY AGENDA REQUEST

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Department: Elections

Presenter(s): Brian Hill, Director

Meeting Date: Thursday, September 8, 2022

Type of Request: New Business #5

## Wording for the Agenda:

Request to approve an Intergovernmental Agreement with the City of Peachtree City allowing for Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Peachtree City for November and December 2022.

## Background/History/Details:

The City of Peachtree City will have elections for Post 3 Council seat in November 2022. Historically, Fayette County, the municipalities, and the Board of Elections have entered into intergovernmental agreements authorizing the Board of Elections to serve as Superintendent of Elections. This agreement has been reviewed by County Attorney Patrick Stough.

The City of Peachtree City along with the Fayette County Board of Elections have reviewed and approved the proposed intergovernmental agreement. Peachtree City has agreed to operate as superintendent with respect to qualifying candidates. The county is requested to supply all of the necessary manpower, transportation, and supplies to conduct the election. The city has agreed to reimburse the county for all expenses and charges incurred in the performance of said elections and to indemnify the county from any liability or legal expense.

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

Approval an Intergovernmental Agreement with the City of Peachtree City allowing for Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Peachtree City for November and December 2022.

## If this item requires funding, please describe:

There will be an initial outlay of funding from the county; however, pursuant to the Intergovernmental Agreement, all funds expended for this election will be reimbursed to the county by the City of Peachtree City.

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:

STATE OF GEORGIA

COUNTY OF FAYETTE

**INTERGOVERNMENTAL AGREEMENT FOR CONDUCTING MUNICIPAL  
ELECTION**

This Agreement entered this 30<sup>th</sup> day of August, 2022 between the CITY OF PEACHTREE CITY, a municipal corporation lying wholly or partially within Fayette County, Georgia, hereinafter referred to as "The City" and Fayette County, Georgia, a political subdivision of the State of Georgia hereinafter referred to as "The County".

W I T N E S S E T H:

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

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

WHEREAS, the County has staff and equipment to conduct such election; and WHEREAS, the County desires to assist said City in the conduct of its municipal Election.

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

1.

This Agreement shall govern the conduct of the City of Peachtree City Municipal Special Election to be held on November 8, 2022, and any and all run-offs which may be necessary and any special elections that may occur within twelve (12) months of this Agreement.



2.

Fayette County through the Fayette County Board of Elections shall operate as superintendent of the aforementioned election and shall perform any and all functions of the City or any of the City's officials in connection with the conduct of such election with the exception of duties pertaining to the qualification of candidates and pertaining to the Responsibility of acting as the Qualifying Officer and providing notification to the State Elections Commission concerning candidacy compliance.

3.

A City official shall operate as the Superintendent with respect to qualifications of candidates. Such official shall perform any and all functions of the City or any of its officials. In connection with the qualifications of candidates in accordance with O.C.G.A. § 21-2-45(C) (2). Further, such official shall be responsible for acting as the Qualifying Officer and for notification to the State Elections Commission concerning candidacy compliance.

4.

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

5.

All the voting equipment shall be programmed by the County in conjunction with the office of the Secretary of State.

6

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

7.

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

8.

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

9.

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

10.

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

11.

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

12.

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

[SIGNATURES FOLLOW ON NEXT PAGE]

[SIGNATURES FOLLOW ON NEXT PAGE]

FAYETTE COUNTY, GEORGIA

By: \_\_\_\_\_

LEE HEARN, CHAIRMAN

BOARD OF COMMISSIONERS

ATTEST:

\_\_\_\_\_

TAMECA SMITH, COUNTY CLERK

CITY OF PEACHTREE CITY

By:   
\_\_\_\_\_

KIM LEARNARD, MAYOR

ATTEST:

  
\_\_\_\_\_

YASMIN JULIO, CITY CLERK



FAYETTE COUNTY ELECTIONS &  
VOTER REGISTRATION

By: \_\_\_\_\_

AARON WRIGHT, CHAIRMAN

ATTEST:

\_\_\_\_\_

BRIAN W. HILL, DIRECTOR OF ELECTIONS

**RESOLUTION ESTABLISHING DATE FOR A SPECIAL ELECTION  
FOR THE PURPOSE OF ELECTING A COUNCIL MEMBER FOR POST 3;  
ESTABLISHING FEES AND DATE FOR QUALIFYING OF CANDIDATES; ESTABLISHING  
DATES FOR VOTER REGISTRATION; AND FOR OTHER PURPOSES**

**WHEREAS:** A special election shall be conducted on November 8, 2022, for the purpose of electing a council member for Post 3 due to the vacancy created when the council member no longer met the qualifications to hold public office within the city; and,

**WHEREAS:** The candidate elected in said election shall serve the remainder of the term for Post 3, which ends December 31, 2025; and,

**WHEREAS:** Persons eligible to become candidates for said election shall be at least 21 years of age and be a qualified elector of the City who shall have continuously resided and maintained his or her domicile in Peachtree City for at least six months immediately preceding the election; and,

**WHEREAS:** Candidates for said election shall qualify with the City Clerk in City Hall. Qualifying shall open at 8:30 a.m. on the 14th day of September 2022, and shall close at 4:30 p.m. on the 16th day of September 2022; and,

**WHEREAS:** Voter Registration for said election shall close at 5 p.m. on the 11th day of October 2022; and,

**WHEREAS:** The date for a run-off election, if required, shall be December 6, 2022; and

**WHEREAS:** The City Council does hereby declare that the qualifying fee for Council Post 3 shall be \$432.00.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and City Council of Peachtree City that the special election is hereby authorized pursuant to the rules and regulations set out in this Resolution and pursuant to the Georgia Municipal Election Code as amended.

**FURTHER,** the Superintendent of Elections and Absentee Ballot Clerk shall be the Fayette County Board of Elections, who is hereby authorized to provide an appropriate number of poll workers to conduct said election. Polling places within Peachtree City shall be open from 7:00 a.m. to 7:00 p.m. on the day of the general election and on the day of the run-off election, if required, and advance voting locations shall be established in accordance with State law.

Adopted this 30<sup>th</sup> day of August 2022.

  
Kim Learnard, Mayor

  
Phillip Prebor, Councilmember

  
Mike King, Councilmember

  
Frank Destadio, Councilmember

  
Yasmin Julio, City Clerk



# COUNTY AGENDA REQUEST

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Department: Environmental Management

Presenter(s): Bryan Keller, Director

Meeting Date: Thursday, September 8, 2022

Type of Request: New Business #6

## Wording for the Agenda:

Public update on the March 2023 Special Purpose Local Option Sales Tax (SPLOST) projects and referendum.

## Background/History/Details:

County staff has prepared a draft list of projects to be included on the March 2023 Special Purpose Local Option Sales Tax (SPLOST) referendum. The list includes five (5) project categories. Categories include:

1. Justice Center renovation
2. Public Safety
3. Parks, Recreation and Human Services
4. Stormwater Improvement Projects
5. Transportation Project.

The SPLOST budget for transportation projects is estimated to be \$94,728,900.

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

Public update on the March 2023 Special Purpose Local Option Sales Tax (SPLOST) projects and referendum.

## 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

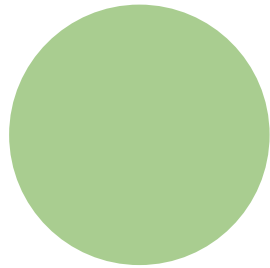
Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

# 2023 SPLOST Update





# SPLOST 2023

Justice Center Renovation - Public Safety - Parks, Recreation and Human Services – Stormwater Infrastructure - Transportation

[www.fayettecountyga.gov/SPLOST-2023.htm](http://www.fayettecountyga.gov/SPLOST-2023.htm)

Fayette County's Board of Commissioners approved a referendum for a one-cent special purpose local option sales tax (SPLOST) that will fund the Justice Center Renovation, Public Safety, Parks, Recreation, and Human Services, Stormwater Infrastructure, and Transportation projects. If approved by the voters on March 21, 2023, the tax will be collected from July 1, 2023 to June 30, 2029.



## 2017 SPLOST Stats\*

### Completed Projects:

- 47 Stormwater
- 7 Transportation
- 3 Fire & EMS

### In Design/Construction

- 20 Stormwater
- 7 Transportation
- 1 Public Safety

\*As of 4/22/2022

**This is an official publication of the  
Fayette County Board of  
Commissioners.**

Lee Hearn, Chairman – District 2

Edward Gibbons, Vice Chairman – District 3

Eric Maxwell, Commissioner – District 1

Charles Oddo, Commissioner– District 5 (At-Large)

Charles Rousseau, Commissioner – District 4

Steven Rapson, County Administrator

## Investing in our Quality of Life

- Justice Center Renovation
- Public Safety
- Parks, Recreation, and Human Services
- Stormwater Infrastructure
- Transportation

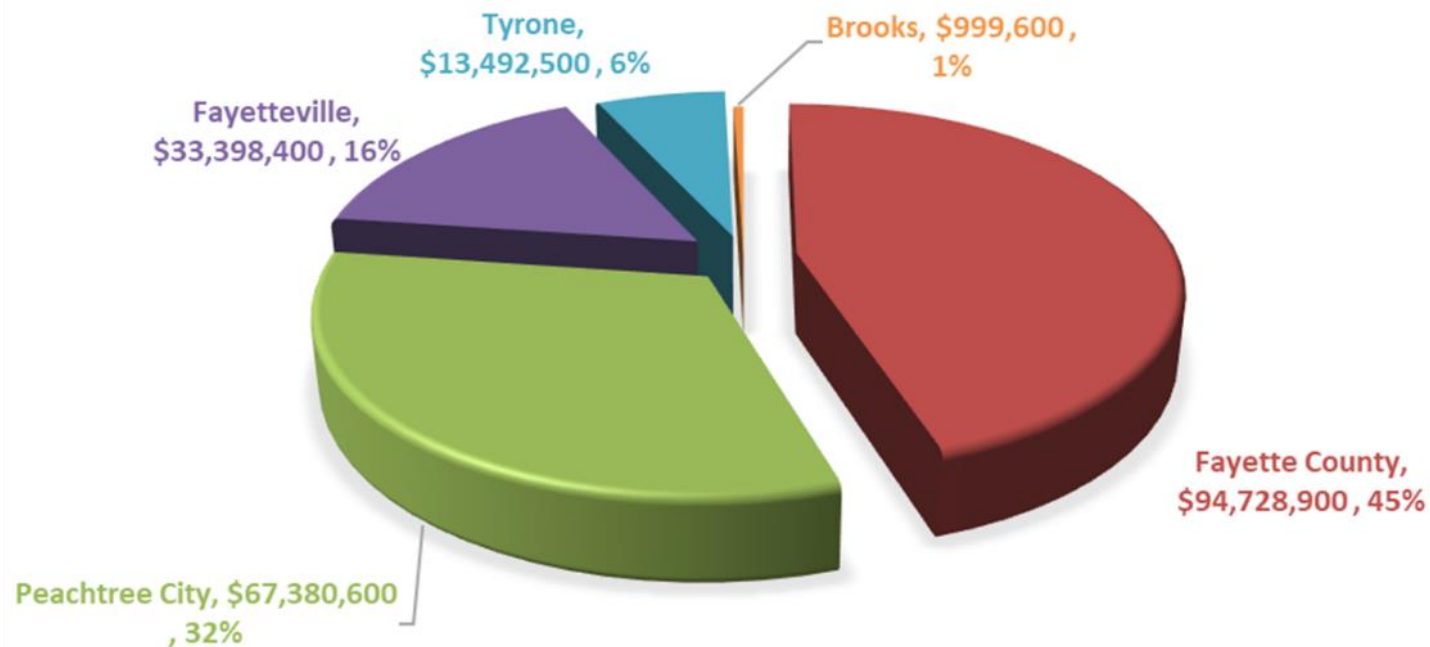
## 2023 SPLOST Distribution

Fayette County	\$94,728,900
Peachtree City	\$67,380,600
Fayetteville	\$33,398,400
Tyrone	\$13,492,500
Brooks	\$999,600

# 2023 SPLOST Proposed Distribution

2023 SPLOST Distribution

Fayette County	\$94,728,900
Peachtree City	\$67,380,600
Fayetteville	\$33,398,400
Tyrone	\$13,492,500
Brooks	\$999,600
Total	\$210,000,000

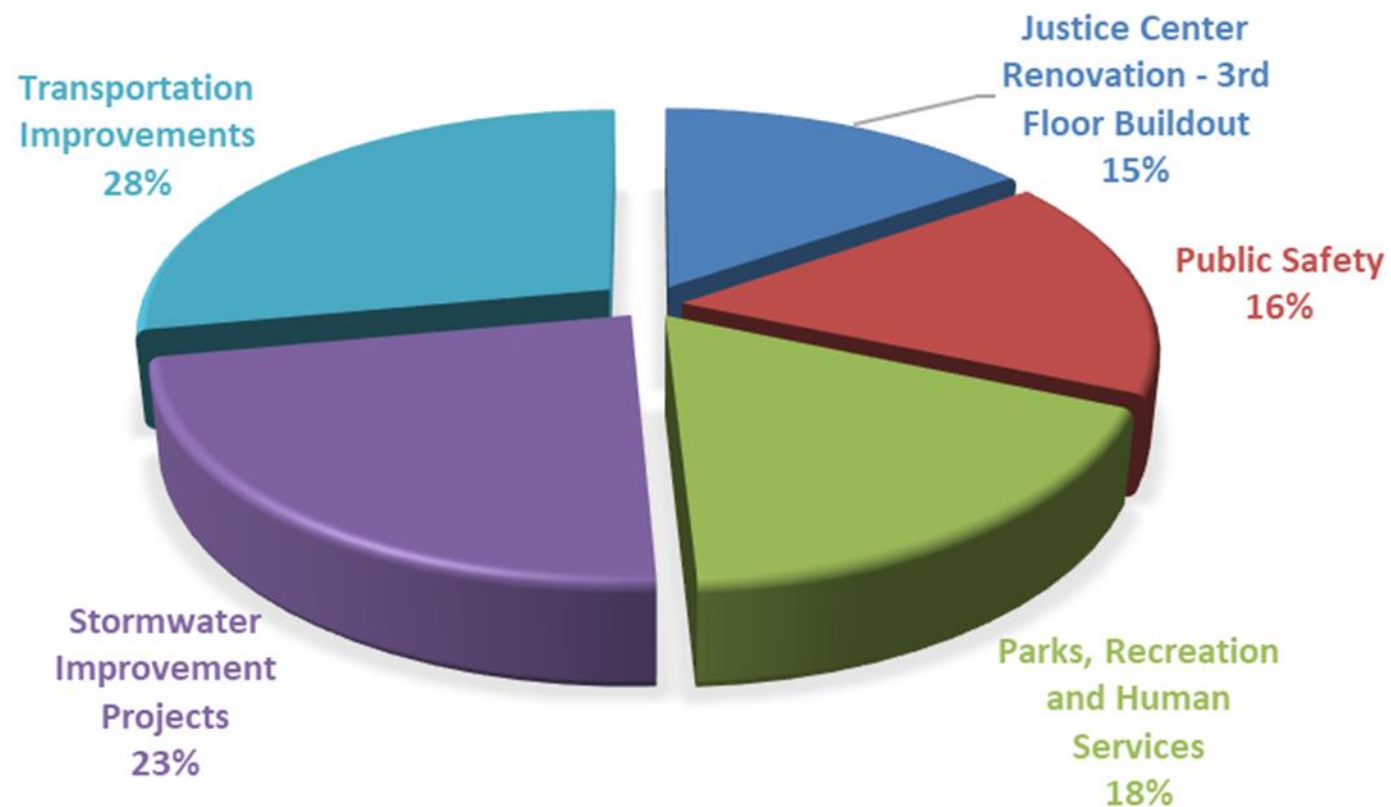


# 2023 SPLOST County Proposed Projects

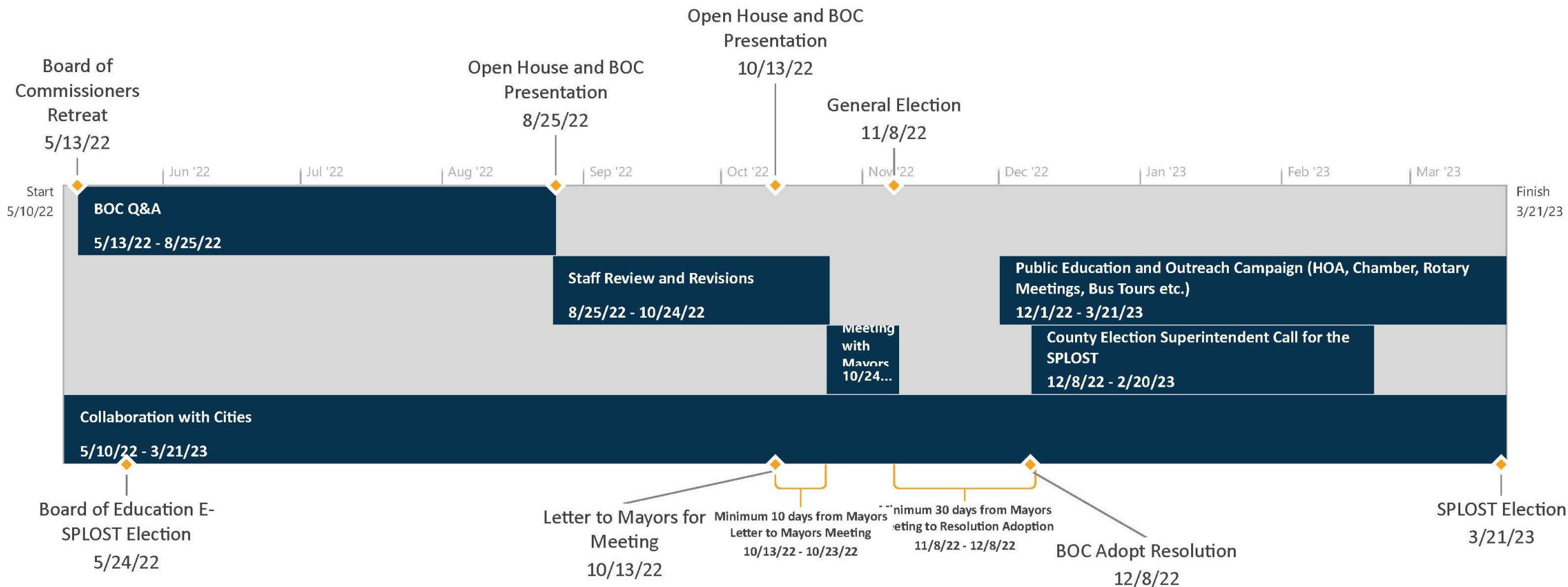
Projects	Cost Estimate
<b>Justice Center Renovation - 3rd Floor Buildout</b>	<b>\$14,500,000</b>
Justice Center Renovation - 3rd Floor Buildout	\$14,500,000
<b>Public Safety</b>	<b>\$15,350,000</b>
Fire/EMS Training Center Buildout	\$2,000,000
Quint Replacement - 2 units	\$3,250,000
Rescue Vehicle Replacement	\$1,900,000
Self-Contained Breathing Apparatus Replacement	\$2,000,000
Ambulance Replacement - 3	\$900,000
Backup 911 center and EOC at South Fayette Treatment Plant	\$1,500,000
Watch Office Reconfiguration with System-wide camera upgrades	\$1,300,000
Sheriff Tactical Driving Course & Mock Village	\$2,500,000
<b>Parks, Recreation and Human Services</b>	<b>\$16,750,000</b>
Recreational Multiuse Facility	\$14,000,000
Senior Services Enhancements - Transport Vehicles, Café & Meals on Wheels	\$1,250,000
Starr's Mill Education Facility	\$1,000,000
Walking Trails and Livestock Building	\$500,000
<b>Stormwater Improvement Projects</b>	<b>\$21,628,900</b>
Category I- Flooding and Safety	\$3,638,000
Category II - Stormwater Infrastructure Preservation	\$17,990,900
<b>Transportation Improvements</b>	<b>\$26,500,000</b>
Infrastructure Preservation and Improvements	\$5,700,000
Corridor Improvements/New Road Construction/Capacity Projects	\$4,000,000
Intersection Improvements	\$11,400,000
Pedestrian, Bicycle, and Multi-Use Path Projects	\$4,400,000
Planning Studies / Concept Reports	\$1,000,000
<b>Grand Total</b>	<b>\$94,728,900</b>

# 2023 SPLOST Project Percentages

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# 2023 SPLOST Timeline



# 2023 SPLOST Education

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## SPLOST Education to begin in November 2022

- Events
  - Chamber of Commerce
  - HOA Meetings
  - Rotary
  - Bus Trips
  - School Events
  - Website Updates/Maps
  - Poster/Flyers
  - Emails
  - Channel 23
  - Newspaper Ads
  - Others



# 2023 SPLOST WEBSITE

<https://fayettecountyga.gov/splost-2023/>



# COUNTY AGENDA REQUEST

Page 36 of 101

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Resolution 2022-09; Deannexation Agreement for the deannexation of 9.3 acres of property, owned by Romain Davis and Charlotte Davis, located at 288 Old Norton Road, parcel #0521 027, from the City of Fayetteville into unincorporated Fayette County.

## Background/History/Details:

On July 11, 2022, Romain Davis submitted a request to the Planning & Zoning Department to request the County approve deannexation and accept this parcel into unincorporated Fayette County.

If approved by the Board of Commissioners, the property owner will present the resolution from the Board to the City of Fayetteville to support his deannexation request from the City.

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

Approval of Resolution 2022-09; Deannexation Agreement for the deannexation of 9.3 acres of property, owned by Romain Davis and Charlotte Davis, located at 288 Old Norton Road, parcel #0521 027, from the City of Fayetteville into unincorporated Fayette County.

## If this item requires funding, please describe:

No funding is required.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

Letter from property owner & legal description of the parcel are attached.



**COUNTY OF FAYETTE**

**STATE OF GEORGIA**

**RESOLUTION NO.**

**2022-\_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA CONSENTING TO THE DEANNEXATION OF CERTAIN PROPERTY WHICH CURRENTLY LIES WITHIN THE INCORPORATED LIMITS OF THE CITY OF FAYETTEVILLE, GEORGIA, AND UPON DEANNEXATION SHALL BE REMOVED FROM SAID INCORPORATED LIMITS AND LIE EXCLUSIVELY WITHIN THE JURISDICTION OF UNINCORPORATED FAYETTE COUNTY, GEORGIA, AND TO DECLARE THE COUNTY’S INTENTION; TO PROVIDE FOR ANY NECESSARY EXTENSION OF SERVICE TO THE SUBJECT AREA; AND FOR OTHER PURPOSES.**

**W I T N E S S E T H:**

**WHEREAS**, a deannexation of certain property was requested by Mr. Romain Davis and Mrs. Charlotte Davis, hereinafter the “Property Owners,” pursuant to the requirements of O.C.G.A. § 36-36-22; and

**WHEREAS**, the Board of Commissioners of Fayette County has determined that such deannexation, upon satisfaction of the below enumerated conditions, will meet the requirements of said law; and

**WHEREAS**, the Board of Commissioners of Fayette County has further determined that the deannexation would be in the best interest of the Property Owners of the area deannexed and of the citizens of Fayette County if said deannexation is conditioned upon appropriate action

being taken by the City of Fayetteville, Georgia, and the execution of a deannexation agreement by Fayette County and the Property Owners. Said deannexation agreement is attached to this Resolution as Exhibit "A" with said Exhibit "A" being incorporated into this Resolution in its entirety by this reference, and pertains to development and appropriate zoning in the subject area.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Commissioners of Fayette County hereby consents to the deannexation of the area described below:

All that tract of parcel of land lying and being in Land Lot 98 of the 5th District, Fayette County, Georgia, and being more fully described as follows:

Starting at an iron pin found at the point of intersection of the Eastern side of Land Lot 98, the Southwestern corner of Land Lot 99 and the Northwestern corner of Land Lot 94; running thence North 00 degrees 10 minutes 56 seconds West, a distance of 243.84 feet to an iron pin found; running thence South 88 degrees 53 minutes 14 seconds West, a distance of 369.88 feet to an iron pin found; said iron pin being the point of beginning for this conveyance.

From the aforesaid point of beginning, running thence South 88 degrees 53 minutes 14 seconds West, a distance of 1,224.76 feet to an iron pin set; running thence Northerly along the Easter side of Old Norton Road a distance of 306.10 feet to an iron pin set; running thence North 88 degrees 35 minutes 14 seconds East a distance of 1,193.92 feet to an iron pin set; running thence South 00 degrees 13 minutes 46 seconds East, a distance of 307.46 feet to an iron pin found and the point of beginning, as per survey by David C. Jones and Ruthie M. Johnson, dated November 11, 1999.

**RESOLVED FURTHER**, that the Board of Commissioners hereby agrees that upon satisfaction of all conditions stated below, the area shall be removed from the City of Fayetteville, Georgia, and henceforth shall lie in unincorporated Fayette County. The consent of the Board of Commissioners is conditioned upon the following events: 1. The proper execution of the deannexation agreement attached hereto by Fayette County and the Property Owners; 2. The recording of said deannexation agreement and a copy of this Resolution in the Deed Records of Fayette County; and 3. Appropriate action by the City of Fayetteville to effect the deannexation.

**RESOLVED FURTHER**, that pursuant to O.C.G.A. § 36-36-2, this deannexation shall not become effective until the first day of the month following completion of all actions upon which this deannexation is conditioned. Deannexation shall not be complete until satisfaction of all foregoing conditions.

**RESOLVED FURTHER**, that upon the effective date of deannexation, all necessary and appropriate government services shall be provided by Fayette County to the deannexed area.

**SO RESOLVED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY, GEORGIA

(SEAL)

By: \_\_\_\_\_  
LEE HEARN, Chairman

ATTEST:

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

Approved as to form:

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

COUNTY OF FAYETTE

STATE OF GEORGIA

# DEANNEXATION AGREEMENT

THIS DEANNEXATION AGREEMENT is entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between Fayette County, Georgia, a political subdivision of the State of Georgia, acting by and through its duly elected Board of Commissioners, hereinafter referred to as the "County," and Romain Davis and Charlotte Davis, hereinafter referred to as the "Property Owners," for the purpose of addressing several issues of concern which arise as a result of the deannexation of certain property from the City of Fayetteville, hereinafter the "Agreement."

## WITNESSETH:

WHEREAS, the Board of Commissioners of Fayette County, Georgia is the duly elected governing authority of the County, being clothed with sufficient authority to enter into this Agreement; and

WHEREAS, the Property Owners are the persons clothed with sufficient authority to enter into this Agreement; and

WHEREAS, the County must consent to any deannexation of property pursuant to O.C.G.A. § 36-36-22 with the deannexation of property into the County consistent with the parameters of law; and

WHEREAS, the Property Owners are the owners of certain property which is adjacent to the jurisdictional limits of the County and which the Property Owners desire to be deannexed from the City of Fayetteville and into the County; and

WHEREAS, said desire to deannex property from the City of Fayetteville has caused the Property Owners to submit an application to deannex certain property from the City of Fayetteville.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the mutual premises contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the County and the Property Owners, the County and the Property Owners hereby agree as follows:

1.

The relationship commenced by this Agreement between the County and the Property Owners is contractual, pertaining to the real property which is the subject of this Agreement as more particularly described in Exhibit "A" attached hereto, with said Exhibit "A" being incorporated into this document in its entirety by this reference. No party to this Agreement is an agent of any other party.

2.

It is the intent of the County and the Property Owners to be bound by the terms of this Agreement concerning certain aspects of the development of the real property described in Exhibit "A" attached hereto, to effect the deannexation of the property from the City of Fayetteville and into the unincorporated County.

3.

The Property Owners will benefit from the deannexation of the subject property through the ability to develop as desired and through the receipt of services from the County which are more appropriate for the Property Owners development than those available in the City of Fayetteville. The County will benefit from the deannexation through the result of development by the Property Owners, that is consistent with the language of this Agreement and all applicable laws, ordinances, and regulations. The County will be required to provide the same level of service to the area as it provides to all other areas of the County, if the deannexation is accomplished. This will result in an increased usage of County resources.

4.

The Property Owners and the County agree that as a portion of the consideration for the deannexation, the Property Owners will develop the area deannexed, in such a way as it conforms to all zoning requirements currently and/or hereafter in place for the development, and in such a way as it conforms to all other County or State rules and procedures which, subsequent to the County's acceptance of the deannexation, are applicable to any development of the area described in Exhibit "A."

5.

The Property Owners agree that no development, land disturbance, or similar activity shall occur on the area deannexed, as described in Exhibit "A" until the Property Owners have sought and received zoning of the area described in Exhibit "A" which is consistent with the Comprehensive Land Use Plan of Fayette County. The Property Owners agree that should such activity be attempted prior to approval of appropriate zoning, this will be a material violation of this Agreement. The County will thereafter refuse issuance of any permit for further development or land disturbance in the deannexed area as further described in Paragraph 6.

6.

The Property Owners agree that should any portion of the development of this deannexed area be constructed in such a way as to fail to comply with the minimum standards set forth in this Agreement, then the Property Owners will be in violation of this Agreement. The Property Owners further agree that any such failure shall constitute a material violation and the Property Owners recognize that in the event that such a material violation occurs, no additional permits for land disturbance, building, certificates of occupancy, or similar activity shall be issued by the

County for development in the subject area unless and until the material violation has been cured.

7.

The Property Owners agree that for so long as they have an ownership interest in the subject property, the Property Owners are responsible for the construction of each structure in any development of the deannexed area whether the Property Owners actually construct said structures or not. The Property Owners further agree that any transfer of ownership in the subject property by the Property Owners will include a reference to this Agreement as a condition running with the land. This Agreement shall be cross-referenced by the Property Owners with any record deed for the subject property to ensure that any future purchaser of the subject property is aware of, and agrees to be bound by, the terms and conditions of this Agreement as if said purchaser were an original party to this Agreement. If said cross reference is properly made by the Property Owners and/or said future purchaser is actually aware of this Agreement and the terms hereof, all responsibility and liability under this Agreement for construction on the transferred property shall shift to the purchaser, and away from the Property Owners. The County will enforce the minimum standards of this Agreement regardless of the transfer of ownership, as if the transferee were an original party to this Agreement. It is the intent of the County and the Property Owners to cause any future purchaser of the subject property to be bound by the same duties applicable to the Property Owners via this Agreement.

8.

This Agreement represents the entire agreement between the County and the Property Owners. No other representations, whether written or oral, have been relied upon to induce any of the parties to enter into this Agreement.

9.

Should any provision of this Agreement be found invalid or unenforceable pursuant to judicial decree or decision, the remainder of this Agreement shall be valid and enforceable according to its terms.

[SIGNATURES TO FOLLOW ON NEXT PAGE]

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals to this Agreement on the date first above written.

BOARD OF COMMISSIONERS  
OF FAYETTE COUNTY, GEORGIA

(SEAL)

By: \_\_\_\_\_  
LEE HEARN, Chairman

ATTEST:

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

Approved as to form:

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

PROPERTY OWNERS

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
RAMAIN DAVIS

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
CHARLOTTE DAVIS

July 11, 2022

288 Old Norton Rd  
Fayetteville, GA 30215

Re: DE annexation of 288 Old Norton Rd Fayetteville, GA 30215

Dear Sir or Madam,

As the property owner of the above referenced property, I am remitting this formal request for the de-annexation of the property located at 288 Old Norton Rd in Fayetteville, GA as described in the attached exhibit. I am submitting this request to you to for inclusion in the next scheduled zoning and planning board meeting.

Thank you for your kind consideration,

  
Romain Davis  
678-789-8634  
Property Owner

288 Old Norton Rd  
Fayetteville, GA 30215

Enclosure



EXHIBIT "A"

File No.: W-10167-21-PC

All that tract or parcel of land lying and being in Land Lot 98 of the 5th District, Fayette County, Georgia, and being more particularly described as follows:

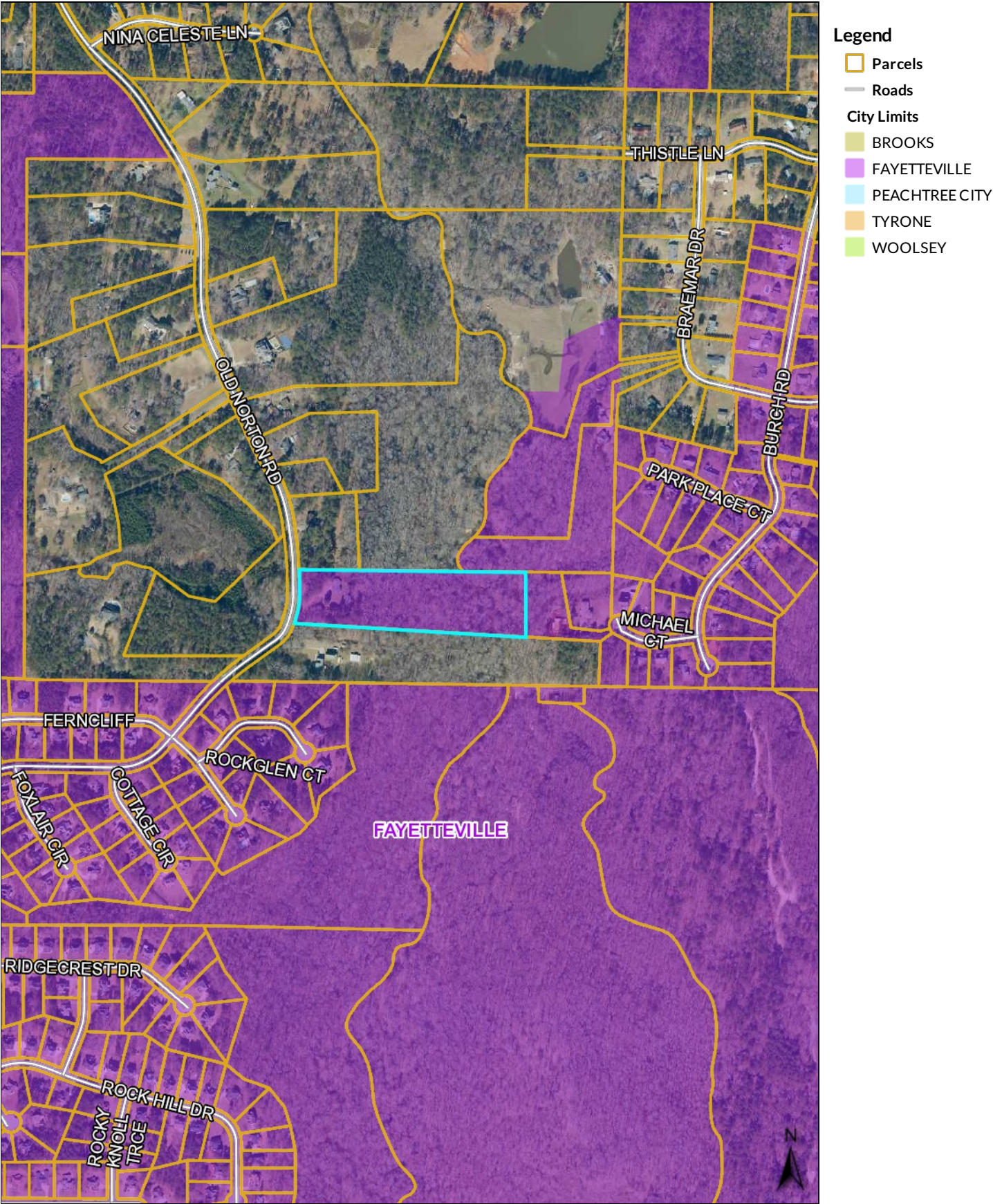
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*TK*  
*22 JUL 21*

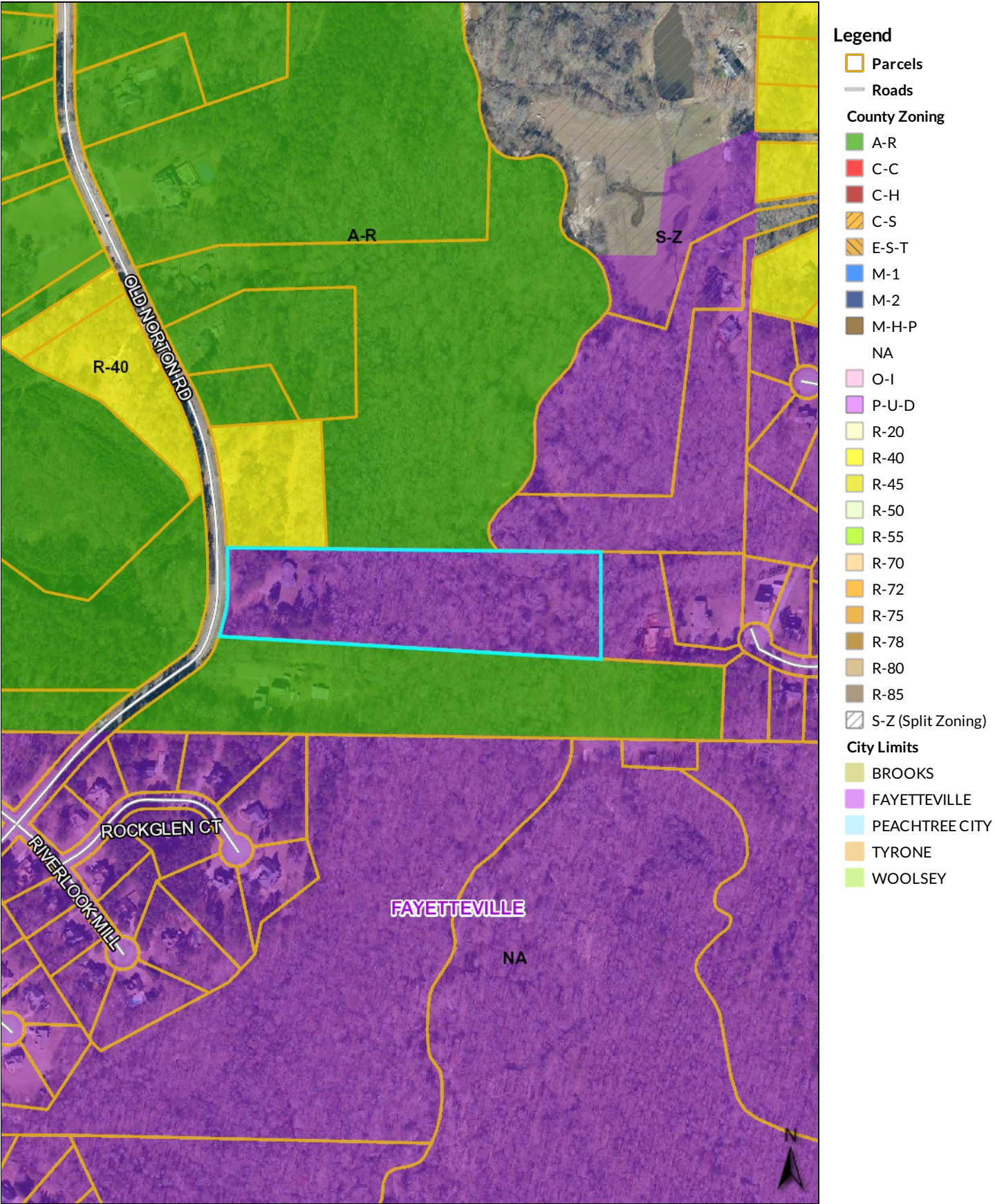
*A*  
*2/22/21*

288 Old Norton Rd

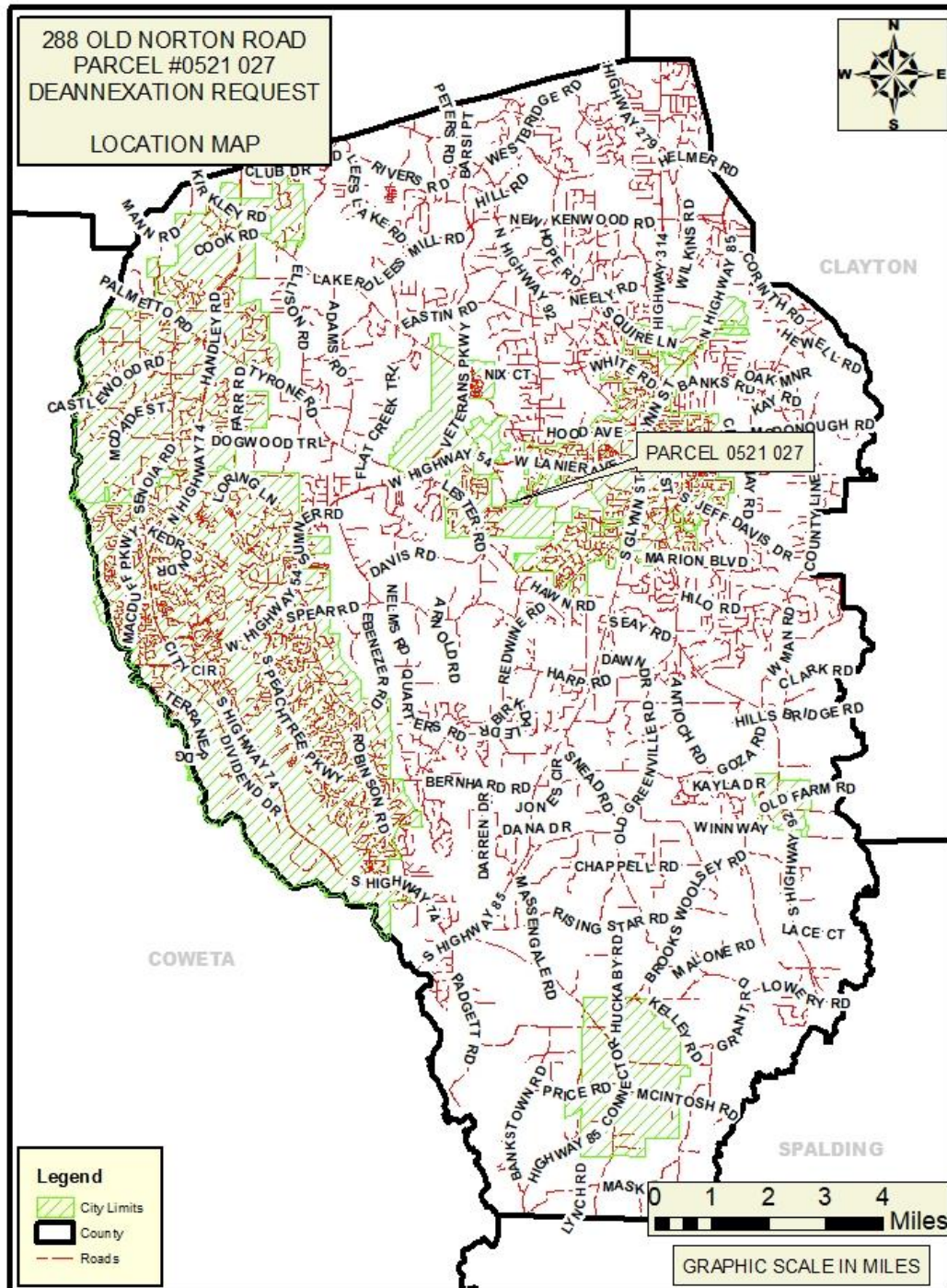




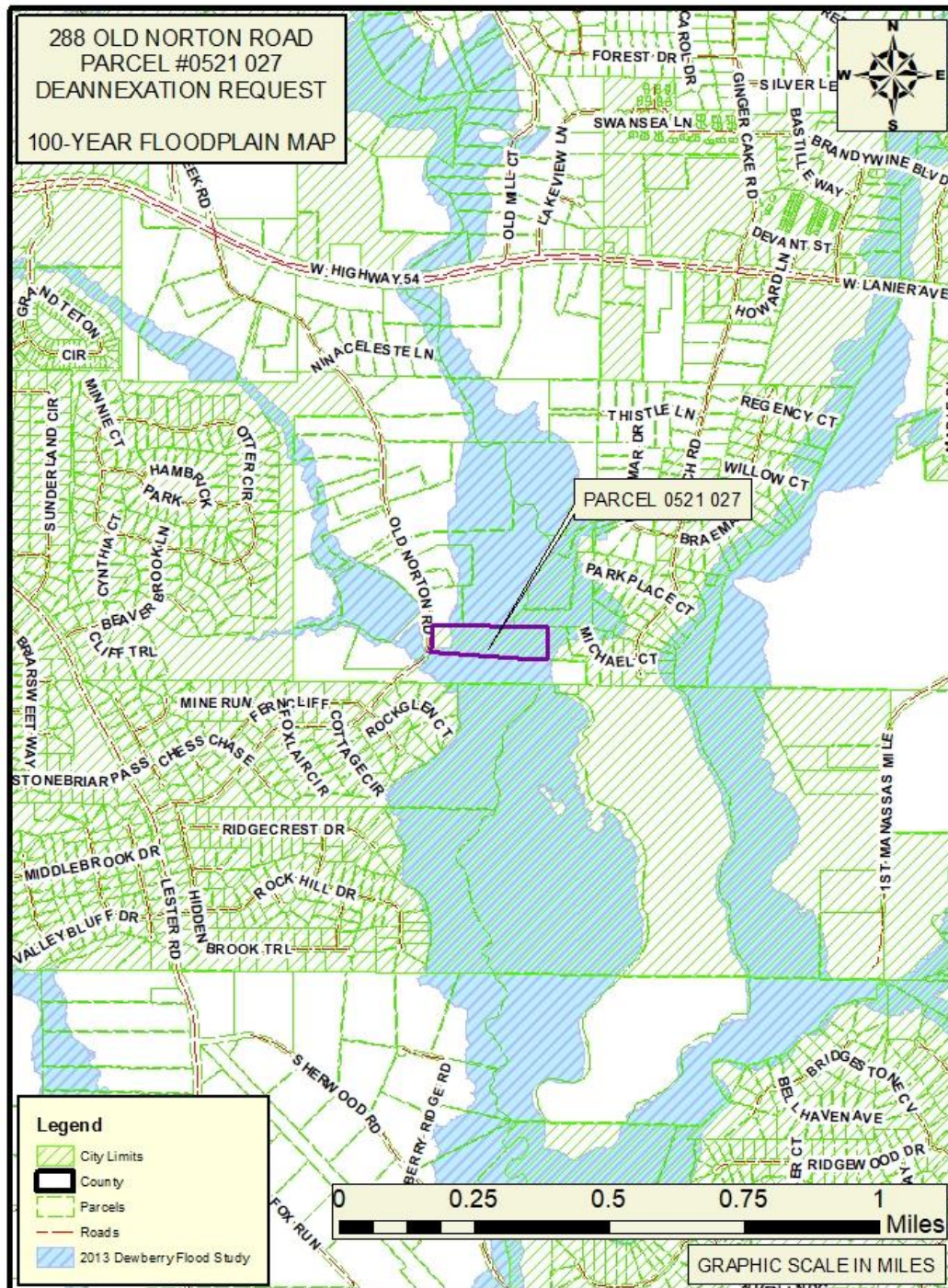
288 Old Norton Rd











# COUNTY AGENDA REQUEST

Page 50 of 101

Department: 911 Communications

Presenter(s): Katye Vogt, Director

Meeting Date: Thursday, September 8, 2022

Type of Request: New Business #8

## Wording for the Agenda:

Request to approve an Intergovernmental Agreement (IGA) between Fayette County and Spalding County for the provision of 911 services on an emergency basis.

## Background/History/Details:

Despite advances in technology, the potential for interruption of 911 services remains a primary concern in any 911 center. A "handshake" agreement has always been in place between Fayette County 911 and Spalding County 911 to be the backup location for the other should such a situation arise.

The need for this type of agreement was reinforced in December 2021. Fayette County experienced a complete phone outage due to a weather event. Although administrative lines were restored quickly, the 911 trunks required repair in several areas. When the extent of the incident was realized, personnel immediately contacted AT&T to route the 911 trunks to Spalding and called their 911 center to advise them of the situation. Three (3) Fayette County personnel responded to Spalding County 911 to take over call-handling for any incident occurring in Fayette County. The information was entered into the CAD, allowing personnel remaining in the Fayette center to dispatch the appropriate response unit(s).

The responsibilities incumbent upon Spalding and Fayette is outlined in the agreement.

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

Approval of the Intergovernmental Agreement (IGA) between Fayette County and Spalding County for the provision of 911 services on an emergency basis.

## If this item requires funding, please describe:

Not applicable.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:



**COUNTY OF FAYETTE**

**STATE OF GEORGIA**

**INTERGOVERNMENTAL AGREEMENT FOR THE  
PROVISION OF 911 SERVICES ON AN EMERGENCY BASIS**

This Agreement entered into this 15th day of August, 2022, by and between Spalding County, Georgia, a political subdivision of the State of Georgia, acting by and through its Board of Commissioners, hereinafter "Spalding County," and Fayette County, Georgia, a political subdivision of the State of Georgia, acting by and through its Board of Commissioners, hereinafter "Fayette County," individually sometimes referred to as "Party," or collectively, sometimes referred to as "Parties," for the purpose of the provision of 911 services on an emergency basis to the requesting Party.

WITNESSETH:

**WHEREAS**, it is recognized that during times of emergency circumstances or other crises within Spalding County or Fayette County, that a call overload or system failure can occur; and

**WHEREAS**, Spalding County and Fayette County desire to work together to minimize those emergency circumstances where a system failure may occur by providing aid to each other during those times of system failure; and

**WHEREAS**, Spalding County and Fayette County believe that this Agreement will provide the framework necessary to minimize the risks associated with future system failures.

**NOW, THEREFORE, FOR AND IN CONSIDERATION** of the mutual premises contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, this Agreement is hereby established to outline a

mechanism for handling communications in the event of system failure by either of the Parties.

The responsibilities incumbent upon Spalding County and Fayette County are set forth as follows:

1. That Spalding County and Fayette County shall accept calls that may be diverted to their respective 911 center during an overload or system failure at the other facility. All calls and communications shall be taken in the manner prescribed by the director of the receiving 911 center consistent with the standard operating procedures of the receiving 911 center; and
2. That the receiving 911 center shall notify the requesting 911 center of its receipt of such calls and communications and will provide information to ensure proper response by public safety units to the location of said call for rendition of services; and
3. That adequate personnel from the requesting 911 center shall travel to the receiving 911 center in the event such overload or system failure exceeds one hour from the initial request. However the director of the receiving 911 center shall determine, in his or her discretion, whether the additional personnel are necessary in order for the receiving 911 center to operate at a sufficient level. Such determination shall be provided in writing to the requesting 911 center. If a written determination is not provided to the requesting 911 center the additional personnel shall be provided as herein set out; and
4. That the director of the receiving 911 center shall, within 3 business days, notify the director of the requesting 911 center of any problems that arose as a result of the overload or system failure; and
5. All areas of service aforementioned will be bilaterally and uniformly incumbent upon Spalding County and Fayette County, by means of this Agreement, at any time one or the



other may be in need of such service under such emergency conditions as contemplated herein; and

6. To the extent allowed by law, each Party agrees to hold the other harmless from any claim for personal property damage by any third party which may arise out of the performance of this Agreement by its employees. Each Party agrees that it shall be responsible for any claims which arise out of the acts or omissions of any of its employees.
7. Any amendments or additions to this Agreement shall not be effective unless approved by both Parties in writing. This document will be reviewed annually and may be revised with the consent of both Parties.
8. The point of contact for Spalding County shall be Ricardo K. McCrary or his successors and/or their designee. The point of contact for Fayette County shall be Katheryne Vogt or her successors and/or their designee.

The Parties have hereunto set their hands and affixed their seals on the date first above written.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY, GEORGIA

(SEAL)

By: \_\_\_\_\_  
LEE HEARN, Chairman

ATTEST:

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

Approved as to form:

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

BOARD OF COMMISSIONERS OF  
SPALDING COUNTY, GEORGIA

By: Clay W Davis  
CLAY DAVIS, Chairman

(ATTEST):

Kathy Gibson  
Kathy Gibson, County Clerk

Approved as to form:

88W-  
County Attorney

# COUNTY AGENDA REQUEST

Page 55 of 101

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Request to award Contract #1641-S, Change Order #3, to Yancey Power Systems for repairs to the Justice Center / Jail emergency generator in the amount of \$134,243.30 and to transfer \$135,000.00 from CIP #231AA (Roof Repairs) to CIP # 231AE (Justice Center Generator) for this purpose.

## Background/History/Details:

This CIP project #231AE consisted of a major preventative maintenance processes which enabled staff to keep the generator in top condition. The maintenance included the cleaning of the radiator, replacing the thermostat and seals, hoses, air filters, site glass, belts, all necessary seals and gaskets and to perform a 4-hour loadbank test.

During the maintenance process, the findings were that an idler assembly had failed and needed to be replaced. The radiator needed to be removed, recored, and re-installed. The generator has been in service for approximately (20) twenty years and this is the first large repair that has occurred. The generator has received proper preventive maintenance over the past (20) twenty years.

Due to the amount of the repair, staff researched the cost of a replacement generator and the cost of the new generator, installation, and delivery were substantially higher than the repair. Staff was also informed that a new generator would not be available for at least (60) sixty weeks.

It is the recommendation of the staff to request additional funds to continue the repairs of the generator.

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

Approval to award Contract #1641-S, Change Order #3, to Yancey Power Systems for repairs to the Justice Center / Jail emergency generator in the amount of \$134,243.30 and to transfer \$135,000.00 from CIP #231AA (Roof Repairs) to CIP # 231AE (Justice Center Generator) for this purpose.

## If this item requires funding, please describe:

Funding of \$135,000 will be transferred from CIP #231AA (Roof Repairs) to the existing Justice Center Generator CIP #231AE to cover these emergency expenses.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:



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

To: Steve Rapson

Through: Ted L. Burgess *TB*

From: Sherry White *SW*

Date: September 8, 2022

**Subject: Contract #1641-S: Caterpillar Inspections  
 Change Order #3: Radiator & Idler Repair**

In Fiscal Year 2020 Buildings and Grounds Maintenance entered into a five-year service agreement with Yancey Power Systems for the inspection and maintenance of the 3516 Caterpillar generator (Please see Attachment 1 for included services).

Change Order #1 was awarded on July 25, 2022 to replace the failing controller.

Change Order #2 was awarded on August 23, 2022 for maintenance on the generator's radiator, which was beyond the scope of the maintenance agreement. Services included cleaning the radiator; replacing the thermostat, seals and gaskets, hoses, air filters, site glass, and belts; and performing a four-hour load bank.

While Change Order #2 work was being performed, a leak in the radiator was discovered. Due to the age of the generator a replacement part is not available. For Change Order #3, Yancey recommends removing the radiator by crane and shipping it to the Yancey facility for repairs. The attached quote contains the repair of the radiator, idler assembly, and lease of a rental generator for two months (Attachment 2).

Since this is an unexpected maintenance request, Building and Grounds Department and Finance is requesting the BOC's approval to move funds from the County's Roof Repair CIP 231AA to the Justice Center Emergency Generator Maintenance CIP 231AE to cover the cost of this repair. Specifics of the proposed change order are as follows:

Contract Name	#1641-S: Caterpillar Inspections
Change Order #3	Radiator & Idler Repair
Contractor	Yancey Power Systems
Contract Amount:	\$22,594.82 (Fiscal Years 2020-2024)
Change Order 1	23,869.22
Change Order 2	18,012.20
<b>This Change Order</b>	<b><u>134,243.30</u></b>
Revised Contract	\$198,719.54

<b>Budget:</b>	Init. Contract	CO #1	CO#2	CO#3
Org Code	10020090	37210565	37210565	37210565
Object	522235	541210	541210	541210 (Other Improvements)
Project	n/a	231AD	231AE	231AE (Generator Maintenance)
Amount	\$22,594.82	\$23,869.22	\$18,012.20	\$134,243.30
Available	n/a	\$25,000.00	\$20,000.00	\$136,987.80(after transfer from 231AA)





### Five-Year Planned Customer Service Agreement

Yancey Power Systems agrees to provide Inspections per Caterpillar Guidelines as listed below. Dates of Inspections listed below are based on customer acceptance.

SERVICE PERIOD	SERVICE LEVEL	SERVICE SCHEDULE
1. QUARTERLY	LEVEL 1	OCTOBER, JANUARY & APRIL
2. ANNUAL	LEVEL 2 or 3	JULY

The Owner remains responsible for weekly exercising of the equipment, (WEEKLY EXERCISING IS AN EVENT WHICH MUST OCCUR IF ANY RELIABILITY IS EXPECTED), and for performing routine maintenance and checks required by the manufacturer's manuals and guidelines. A maintenance record log should be kept which documents this work. An example of a typical log can be supplied upon request. Yancey Power Systems shall not be liable for any loss or damage caused by the failure to perform routine maintenance, checks, or exercising of equipment.

These inspections will be performed on the following equipment during regular working hrs.: 8am-5pm Mon.-Fri.

**Customer Name: Fayette County BOC**

**The equipment is located at: 1 Center Drive, Fayetteville, GA 30214-1540**

**On Site Contact: Jeff Mayo**

**Make: Caterpillar**

**Model #: 3516 1600KW**

**Serial #: FDN00761**

Work to be performed:

(3) Level 1 @ \$543.49

(1) Level 2 GO @ \$2,159.75

**One Year ----- \$4,255.84 (2019-2020)**      Accept X      Decline \_\_\_\_\_

Work to be performed:

(3) Level 1 @ \$543.49

(1) Level 2 @ \$2,159.75

**Two Year ----- \$4,383.51 (2020-2021)**      Accept X      Decline \_\_\_\_\_ (See Comment Below)

Work to be performed:

(3) Level 1 @ \$543.49

(1) Level 2 GO @ \$2,159.75

**(1) Level 3 Full Coolant Flush & Replace @**      Accept X      Decline \_\_\_\_\_ (See Comment Below)

**465.62 (Total expense is averaged over five years)**

**Three Year ----- \$4,515.02 (2021-2022)**      Accept X      Decline \_\_\_\_\_ (See Comment Below)

Work to be performed:

(3) Level 1 @ \$543.49

(1) Level 2 GO @ \$2,159.75

**Four Year ----- \$4,650.47 (2022-2023)**      Accept X      Decline \_\_\_\_\_ (See Comment Below)

Work to be performed:

(3) Level 1 @ \$543.49

(1) Level 2 @ \$2,159.75

**Five Year ----- \$4,789.98 (2024-2025)**

**Total for five (5) year Customer Agreement for Generator-----\*\$22,594.82**

#### COMMENT:

Years two through five are accepted but contingent upon budget approval and availability of funds.

1

Initial \_\_\_\_\_ / \_\_\_\_\_



Yancey Power Systems  
 259 Lee Industrial Blvd.  
 Austell, GA 30168-7405  
 770.941.2424 tel  
 770.941.2411 fax  
 877.278.6235 toll free  
 www.YanceyPower.com

## DESCRIPTION OF SERVICE LEVELS:

### LEVEL 1

- **Before Start-Up Checks (Visual)**
  - Check Anti-freeze and Coolant Level
  - Check Radiator (leaks, damage, blockage)
  - Check Fan Assembly (cracks, bent blades, grease bearings)
  - Check V Belts (proper tension, condition)
  - Check Water Hoses (condition, leaks)
  - Check Fuel System Day Tank (operation, lines, leaks)
  - Check Fuel Injection System (leaks, condition)
  - Check Fuel Priming Pump (operation, leaks, condition)
  - Check Air Cleaner Assembly (leaks, cracks, gaskets)
  - Check Inlet Manifold and Piping (leaks, condition)
  - Check Exhaust Manifold and Piping (leaks, condition)
  - Check Electrical DC Wiring (engine, condition, connections)
  - Service Batteries and Cables (water level, condition, connections)
  - Check Battery Charger (condition, operation, AC/DC)
  - Check Balancer (leaks, condition)
- **Operation Check:**
  - Check Battery Voltage Drop While Cranking (condition)
  - Check Engine Smoke (critical system indicator)
  - Check Safety Shutdowns and Pre-Alarms (condition, operation)
  - Check Fuel Transfer Pump (PSI, condition, leaks)
  - Check Oil Pump (PSI)
  - Check Lubrication System (leaks)
  - Check Entire Cooling System (leaks)
  - Check Temperature Regulators (operation)
  - Check Gauges and Indicators (operation, condition)
  - Check Governor (operation, stability, response, frequency)
  - Check Turbo Charger (operation)
  - Check Aftercooler (leaks)
  - Check Control Panel (condition, operation)
  - Check Electrical Power Generator (operation, voltage)
  - Check Engine Room Ventilation
  - Check Service (Hour) Meter (condition, operation)
  - Transfer Power to GenSet (operation-if permissible by Owner)
  - Perform Minor Adjustments As Necessary
- **At Operating Temperature:**
  - Re-Check Lubrication System (leaks)
  - Re-Check Cooling System (leaks)
  - Re-Check Air Induction System (leaks, condition)
  - Re-Check Exhaust System (leaks)
  - Re-Check Fuel System (leaks)
  - Re-Check Governor (stability, response)
  - Re-Check Voltage and Frequency
  - Perform Minor Adjustments as Necessary





Yancey Power Systems  
 259 Lee Industrial Blvd.  
 Austell, GA 30166-7406  
 770.941.2424 tel  
 770.941.2411 fax  
 877.278.6235 toll free  
 www.YanceyPower.com

#### Level 2:

- All Services Included In Level 1
- Maintenance
  - Check Generator Alignment
  - Grease Generator Bearings (as required)
  - Change Oil Filters
  - Change Oil (Engine Lubricating)
  - Change Fuel Filters
  - Take Oil Sample and Send Evaluation Report

#### Level 3:

- All Services Included In Level 1
- All Services Included In Level 2
- Maintenance:
  - Drain and Refill Cooling System With Caterpillar Type Anti-freeze and Conditioners

All fluids and fluid filters necessary to accomplish Level 2 and 3 are included in the quoted price.

#### Optional Work:

- Resistive Load Test (Load Bank Test)
  - Caterpillar Recommends a Yearly Full Load Test to Determine the Reliability of the GenSet
  - Quote provides for 100 ft of Cable at Ground Level Access
- Generator Cooling System Service
  - Drain Coolant
  - Fill the Cooling System with Caterpillar Cooling System Cleaner/Flush Mixture
  - Start and Operate the Engine for 1 ½ Hours Under 100% Load
  - Stop Engine and Drain Cleaning Solution
  - Refill Engine With Clean Tap Water and Run Engine for 1 Hour Under 100% Load
  - Repeat Previous Two Steps As Necessary Until Engine Is Clean
  - Refill Engine Cooling System With Caterpillar Type Anti-freeze and Conditioners
  - Start and Operate Engine with 100% Load for ½ Hour
  - Stop Engine and Top Off Coolant Level If Necessary





FAYETTE COUNTY BOARD OF COMMISSIONERS

140 STONEWALL AVE W  
FAYETTEVILLE 30214

CUSTOMER NO.	ESTIMATE NO.	DATE	CONTACT
028940	113863	8/8/2022	MR JEFF MAYO
PHONE NO.	FAX NO.	EMAIL	
770.716.4283		jmayero@fayettecountygga.gov	
MODEL	MAKE		SERIAL NO.
3516B	AA		0FDN00761
UNIT NO.	HOURS	WO NO.	P.O. NO.
	833		
ESTIMATE DESCRIPTION: REPLACMENT IDLER ASSEMBLY DUE TO FAILURE			

SEGMENT: 01

110,949.80

ESTIMATE TO PERFORM THE FOLLOWING REPAIRS ON  
YOUR 3516 (SERIAL# FDN00761)

- REPLACE FAILED IDLER ASSEMBLY WITH UPDATED  
VERSION
- REMOVE RE-CORE & REINSTALL RADIATOR ASSEMBLIES.
- REFILL WITH NEW COOLANT.

RADIATOR RECORE WILL TAKE APPROXIMATELY 2-3 WEEKS  
FOR RECOREING AND REASSEMBLY UTILIZING ALL NEW  
PARTS AND PRESSURE TESTING. RADIATOR WILL COME  
WITH A 1 YEAR WARRANTY.

THIS ESTIMATE IS BASED ON WORK BEING PERFORMED  
DURING YANCEY POWER SYSTEMS NORMAL BUSINESS HOURS  
MONDAY THRU FRIDAY 8AM TO 4:40PM

THIS ESTIMATE IS A GOOD FAITH ESTIMATE BASED ON  
THE CONDITION OF THE EQUIPMENT AT THE TIME OF  
INSPECTION. ANY PARTS AND LABOR OUTSIDE OF THE  
ESTIMATED CHARGES WILL BE BILLED IN ADDITION TO  
THE ESTIMATE CHARGES. CUSTOMER WILL BE NOTIFIED  
DURING REPAIR IF ADDITIONAL WORK IS NECESSARY.  
YANCEY WARRANTY FOR LABOR WORK PERFORMED IS THREE  
(3) MONTHS OR 100 RUN HOURS, WHICHEVER COME FIRST

SEGMENT: 02

5,597.55

QUOTATION FOR THE REPLACEMENT OF THE MAIN  
CONTROLLER ON YOUR ASCO 700 ATS (SERIAL#314644)

ESTIMATE TO REPLACE YOUR VOLTAGE REGULATOR WITH AN  
UPGRADED CDVR ON YOUR 3516 GENERATOR (SERIAL#  
FDN00761).

SEGMENT: 04

12,037.30

ESTIMATED RENTAL GENERATOR PRICING FOR 2 MONTHS  
BASED OFF RENTAL QUOTATION #26954

SHOULD ANY DELAYS OUTSIDE OF YANCEYS CONTROL CAUSE  
A RENTAL TO BE REQUIRED BEYOND 2 MONTHS THEN  
ADDITIONAL CHARGES MAY APPLY.

		<b>Total Segments:</b>	134,243.30
<b>SUB TOTAL (BEFORE TAXES)</b>			134,243.30

-This estimate will expire 30 days from the estimate date.  
-Price excludes Freight Charges, Operating Supplies/EPA Fees and Overtime.  
-Terms: Net 30  
-Sales Taxes where applicable are not included with the above prices.

ESTIMATED REPAIR TIME: \_\_\_\_\_ *from start date*  
"The signature is an authorization to proceed with the required repair work as described within the quote"

Issued PO#: \_\_\_\_\_ Authorized Name: \_\_\_\_\_ Please Print

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_.

\_\_\_\_\_  
Signature

Any questions? Please call Chris Morle at Office: (470) 345-5499 Mobile: (470) 345-5499 Fax: (770) 941-2411 Branch:

# COUNTY AGENDA REQUEST

Page 63 of 101

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Request to submit a grant application to the Office of the Secretary of Transportation under the Safe Streets and Roads for All (SS4A) discretionary grant program and allocate up to \$100,000 for local match.

## Background/History/Details:

The proposed grant application is for the development of a Safety Action Plan under the SS4A program. The Federal Department of Transportation (DOT) expects to award hundreds of Action Plan Grants in FY 2022 and having an Action Plan is a prerequisite for submitting an Implementation Plan Grant application in subsequent years. The purpose of the SS4A grants is to "improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries through safety action plan development and implementation focused on ALL users."

To be competitive, the Action Plan must be a comprehensive plan that is supported by all stakeholders, including the unincorporated county, municipalities, Georgia Department of Transportation, Atlanta Regional Commission, etc. The Action Plan shall include the following components: 1) a leadership commitment and goal setting; 2) a planning structure; 3) a safety analysis; 4) public engagement and collaboration; 5) policy and process changes; and 6) a strategy and project selection process for reaching the safety goals.

If awarded, the grant will fund 80% of the project cost.

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

Approval to submit a grant application to the Office of the Secretary of Transportation under the Safe Streets and Roads for All (SS4A) discretionary grant program and allocate up to \$100,000 for local match.

## If this item requires funding, please describe:

Funding is available from the 2017 SPLOST "E.6 - Transportation Studies" category.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

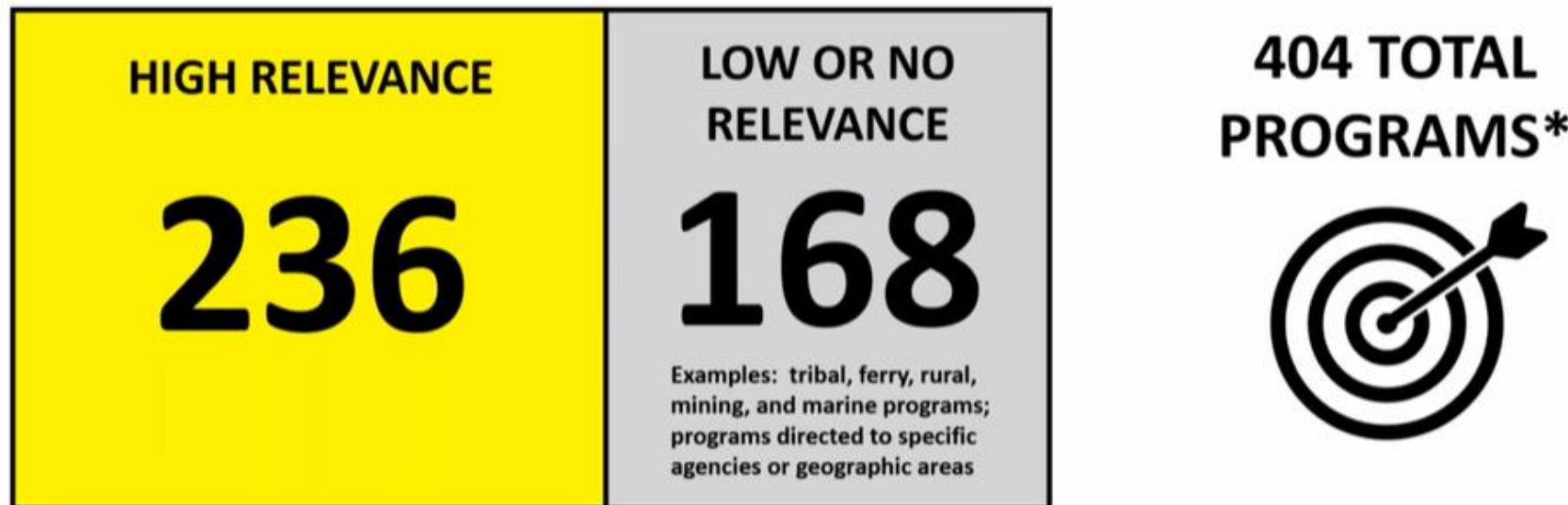
# Fayette County Safety Action Plan Grant Application

BOC Meeting

September 8, 2022

Phil Mallon, Public Works

# Relevance of IIJA Programs to the Atlanta Region



\* The initial count of 404 distinct programs is subject to change as ARC continues to review and organize information from multiple sources. Each program's relevance to the region may also change as official guidance and details become available.

ARC

ARC



# IIJA Programs Relevant to the Atlanta Region



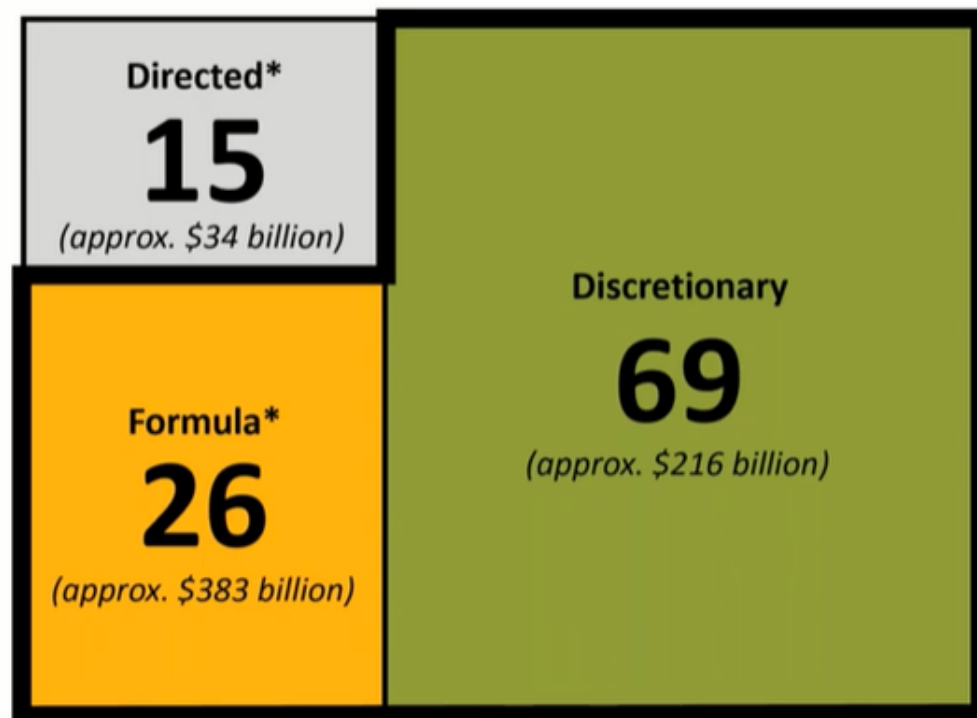
**236 TOTAL  
PROGRAMS**

\* Examples: Natural Gas Distribution Infrastructure Safety and Modernization Grants; Emergency Preparedness Grants; Appalachian Regional Commission Funds; National Geological And Geophysical Data Preservation Program

ARC

ARC

# Relevant IIJA Transportation Programs



**110 TOTAL  
PROGRAMS**  
(approx. \$633 billion)

\* Directed and formula funds are not generally made available to a wide variety of agencies through a national application process, although some funds may ultimately become available via grants, awards, contracts, and procurement activities of the recipient agency.

ARC



ARC

# Currently Open USDOT Notices of Funding Opportunities

Page 68 of 101



**Bridge Investment Program**

**\$2.36 billion**



**Safe Streets and Roads for All**

**\$1.0 billion**



**Railroad Crossing Elimination Program**

**\$573 million**



**Reconnecting Communities Pilot Program**

**\$195 million**



**All Stations Accessibility Program**

**\$343 million**

**ARC**

**Safety Action Plan**

**POND**





# Safe Streets and Roads for All (SS4A) Notice of Funding Opportunity (NOFO) Overview

- New discretionary grant under the Bipartisan Infrastructure Law (BIL)
  - \$1 billion annually for 5 years
  - For each of FY22-26, DOT must award not less than 40% of SS4A funds made available for that fiscal year to develop comprehensive safety action plans
  - 80% federal / 20% local cost share
- Plan Application deadline is September 15, 2022
- Funding supports regional, local, and Tribal initiatives through grants to prevent roadway deaths and serious injuries, “Vision Zero”.
- DOT seeks to make awards based on safety impact, equity, and additional safety considerations

# Minimum Scope of Plan (1/2)

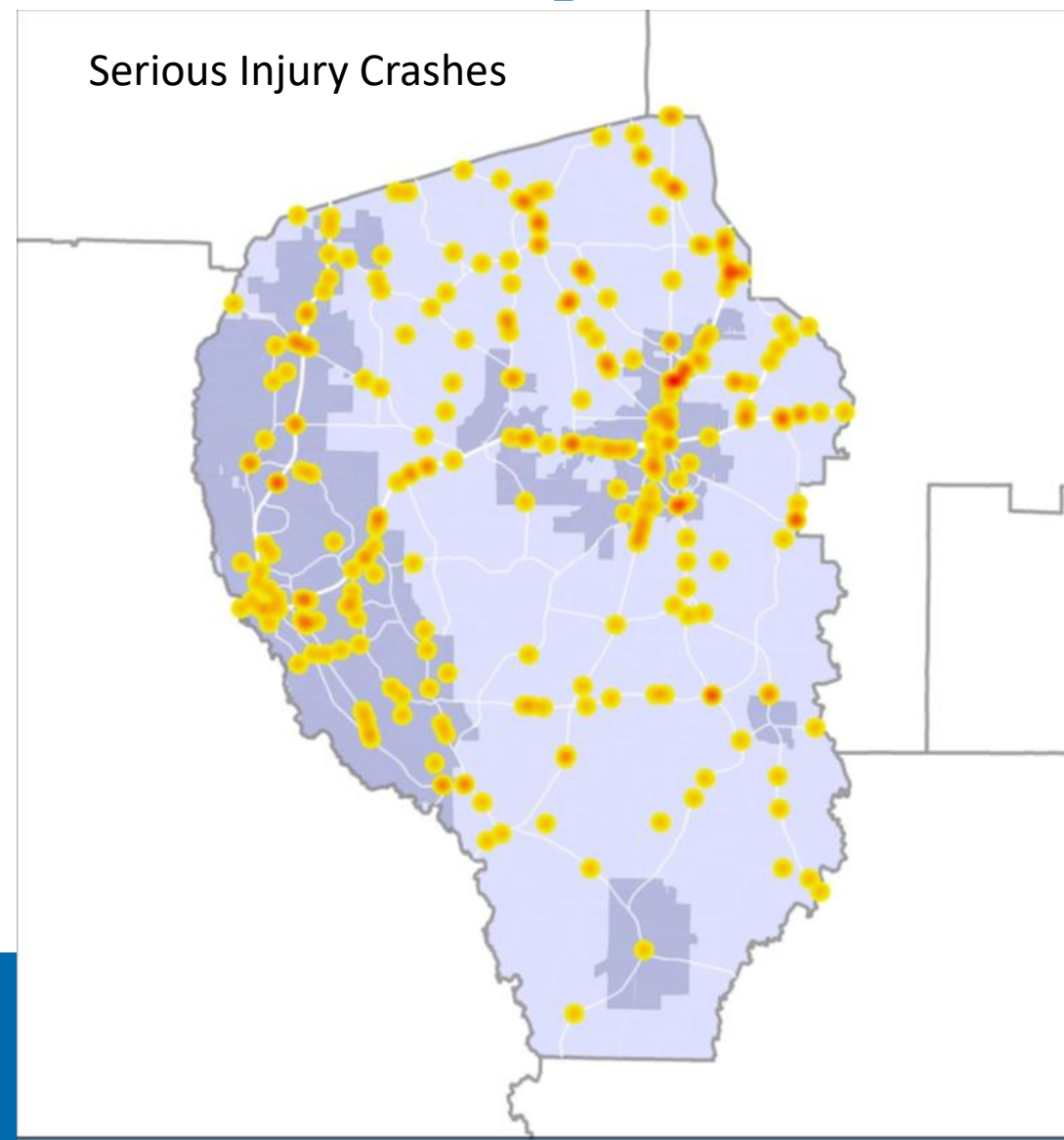
- Commitment by Elected Officials
- Committee, task force, or implementation group for oversight of plan development, implementation, and monitoring
- Safety analysis
  - EC and historical trends for baseline of crashes involving fatalities and serious injuries
  - Locations where are crashes and severity, contributing factors, and crash type
  - Systemic and specific safety needs (high-risk road features, public health approaches, demographics, structural)
  - Geospatial ID of higher-risk locations (high-injury network)
- Public engagement and stakeholders

# Minimum Scope of Plan (2/2)

- Equity considerations
  - Inclusive and representative process
- Assessment of policies, plans, guidelines, standards
  - Plan discuss implementation through adoptions of revised or new policies
- Project/strategy prioritization
  - Time ranges for deployment (short, mid, long range)
  - Should contain interventions focused on infrastructure, behavioral, and operational safety

# Benefits of Comprehensive Participation

- Joint applications are encouraged
- Enables cities and the County to apply for future implementation grants



# COUNTY AGENDA REQUEST

Page 73 of 101

Department: Legal

Presenter(s): County Attorney Dennis Davenport

Meeting Date: Thursday, September 8, 2022

Type of Request: New Business #11

## Wording for the Agenda:

Consideration of the County Attorney's recommendation to deny the disposition of tax refund, as requested by Robert L. Banister, for tax years 2020 and 2021.

## Background/History/Details:

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

A memo from the County Attorney is provided as backup with an explanation to deny this tax refund request.

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

Deny the disposition of tax refund, as requested by Robert L. Banister, for tax years 2020 and 2021.

## If this item requires funding, please describe:

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

Has this request been considered within the past two years? 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

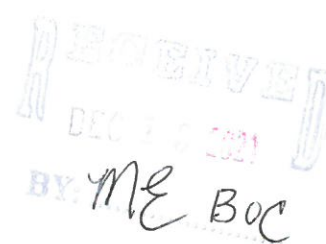
Administrator's Approval

## Staff Notes:

Please remove value of house on Sable Rd -  
Demol & removed 9/11/2019 - refund for  
2020 & 2021

12-15-21

Robert K. Bannister



## MEMORANDUM

To: Fayette County Board of Commissioners  
 From: McNally, Fox, Grant & Davenport, P.C.  
 Date: August 26, 2022  
 Re: Tax Refund Request – Robert Bannister – Parcel 041301003

---

Mr. Robert L. Banister, Sr. acquired property at 143 Gable Road on August 16, 2019. In September 2019, Mr. Banister hired a crew to remove the small residential structure located on that site. On December 15, 2021, Mr. Bannister requested a partial refund of taxes assessed and paid in tax years 2020 and 2021 on the property at 143 Gable Road based on the absence of this structure. The request was accompanied by a receipt for the 2019 removal. The structure has been removed from the record for future assessment purposes.

Each county or municipality may refund to taxpayers any taxes which are determined to have been erroneously or illegally assessed and collected from the taxpayers. However, the error must be one found in the assessment record. Under Georgia law, every property owner is required to file a return of their property, real or personal, for ad valorem assessment each tax year. A taxpayer whom returned or paid taxes for the preceding tax year but failed to return the property for taxation for the current tax year, is deemed to have returned the property for taxation at the same value as the property was returned in the preceding tax year. Under the mass appraisal system this return of value ensures an update to the assessment record following taxpayer revision of real property. Alternatively, the assessors can refer to the permits pulled for property revision in the Fayette County building department to update the assessment record of real property

Although Mr. Banister presented evidence of structure removal in 2019 at the time of his refund request, he neither filed a return of value nor notified the County building department of the demolition at any time previous to the refund request. As such, the assessment of this property accurately reflected the record available to the assessors. It is the duty of the taxpayer to timely file a return, otherwise provide notification of changes made to their property or timely appeal the assessment. The assessors are directed to rely on the previous year's return where the taxpayer does not file for any given tax year. The assessors properly relied on that value in assessing this property.

The refund is recommended for denial as no error in the assessment record can be found.

Year	Amount	Recommendation
2020	\$0	Deny
2021	\$0	Deny

TOTAL RECOMMENDED Refund: \$0



**Tameca P. Smith**  
**BOARD OF COMMISSIONERS**  
140 Stonewall Avenue West, Ste. 100  
Fayetteville, Georgia 30214  
770-305-5400  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

---

August 30, 2022

Robert L. Bannister, Sr.  
17 Village Ln  
Newnan, GA 30265

RE: Tax Refund Request

Dear Mr. Bannister, Sr.:

This letter is to notify you that your request for a tax refund has been slated to appear on the Thursday, September 8, 2022, agenda of the regularly scheduled meeting of the Fayette County Board of Commissioners, at 5:00 P.M.

That meeting will take place in the Public Meeting Room of the Board of Commissioners located at 140 Stonewall Avenue West, Fayetteville 30214.

Your request will be discussed and a decision to grant or deny your request will be made at that meeting. Should you desire to be heard on the matter, please be present and prepared to address the commissioners at the appropriate time.

Sincerely,

A handwritten signature in blue ink that reads "Tameca P. Smith". The signature is fluid and cursive, with the first name being the most prominent.

Tameca P. Smith, MBA, CMC  
County Clerk

Cc: Joel Benton, Chief Tax Assessor  
Kristie King, Tax Commissioner  
Ali Cox, Assistant County Attorney



# COUNTY AGENDA REQUEST

Page 77 of 101

Department: Legal

Presenter(s): County Attorney Dennis Davenport

Meeting Date: Thursday, September 8, 2022

Type of Request: New Business #12

## Wording for the Agenda:

Consideration of the County Attorney's recommendation to deny the disposition of tax refund, as requested by Alfred Lee Dingler for tax year 2021.

## Background/History/Details:

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

A memo from the County Attorney is provided as backup with an explanation to deny this tax refund request.

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

Deny the disposition of tax refund, as requested by Alfred Lee Dingler for tax year 2021.

## If this item requires funding, please describe:

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

Has this request been considered within the past two years? 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:

**From:** [Alfred](#)  
**To:** [Steve Rapson](#); [Jolene Dingler](#)  
**Cc:** [Tameca P. Smith](#)  
**Subject:** Property Tax Refund on 225 N. Jeff Davis, Fayetteville  
**Date:** Tuesday, May 3, 2022 7:17:20 PM  
**Attachments:** [225 N Jeff Davis Tax.docx](#)  
[scan0094.pdf](#)

**RECEIVED BY:**



**\*External Email\*** Be cautious of sender, content, and links

Steve,


Thank you for the talk today, and I am enclosing a letter in one attachment with exhibits in the other attachment.

I am very proud Mrs. Kennedy has already made the adjustments in the future, so this is a one-time situation, and it is within the three-year rule.

We will also mail you and Mrs. Smith a written letter to have an electronic copy and a physical copy.

If you need additional information, please let me know.

Have a great day!



Alfred Lee Dingler, CLU, ChFC  
Financial Planner

**Address for in-person appointments**

225 N Jeff Davis Drive, Fayetteville, GA 30214

**Address for regular mail**

P O Box 628, Manchester, GA 31816

**Address for UPS – FedEx Deliveries**

225 N Jeff Davis Drive, Fayetteville, GA 30214

770-471-8888, Fax 770-471-9390

[www.primefinancialservices.net](http://www.primefinancialservices.net)



## We've expanded our services to better serve you!

For over two decades, the Prime Family of Companies has assisted thousands of families and business as they journey through life's happy moments, challenges and difficult times. Our expanded services help clients deal with their ever changing lives. **We provide all types of insurance, college admission strategies, divorce resources, personal and business branding, and legal-accounting resources. We also offer life celebrations such as weddings, birthday and anniversary parties, bridal and baby showers and corporate and community related seminars and dinners. With two event locations, the Secret Garden and Prime Events at the City Gardens of Southern Oaks, we have helped many individuals and groups plan and host a variety of events. When you are at a crossroad in life, The Prime Family of Companies can provide guidance and direction to the future.**

*The Prime Family of Companies is a name used to market various "Prime" entities and Legal and Accounting service providers located within the Prime Financial Building. The "Prime" companies and the Legal and Accounting professionals are independent businesses, providing unique services and there is no exchange of income between the*

*companies. Legal and Accounting emblems listed indicate service offerings to “Prime” clients by independent, licensed professionals.*

*Alfred Lee Dinger, CLU, ChFC, Financial Planner, is a Registered Representative offering securities and advisory services through Cetera Advisor Networks LLC, member FINRA/SIPC, a broker-dealer and a registered investment advisor. Cetera is under separate ownership from any other named entity. Cetera is under separate ownership from Prime Family of Companies, Prime Financial Services, Legal and Accounting service professionals and subsequent offerings.*

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**[www.primefinancialservices.net](http://www.primefinancialservices.net)**

**Prime Image Properties  
P O Box 628  
Manchester, GA. 31816  
404-431-2192**

Sent via regular mail and electronically to: [rapson@fayettecountyga.gov](mailto:rapson@fayettecountyga.gov) and [tsmith@fayettecountyga.gov](mailto:tsmith@fayettecountyga.gov)

May 3<sup>rd</sup>, 2022

Mr. Steven A. Rapson, CPA  
Fayette County Administrator  
140 Stonewall Avenue West, Suite 100  
Fayetteville, GA 30214

Mrs. Tameca P. Smith, MBA, CMC  
Fayette County Clerk  
140 Stonewall Avenue West, Suite 100  
Fayetteville, GA 30214

**RE: 225 N Jeff Davis Drive, Fayetteville, GA**

Dear Mr. Rapson and Mrs. Smith,

Per the encouragement of Sonya Kennedy, Fayette County Commercial- Industrial Property Appraiser, I am submitting my formal request for a refund of a portion of my 2021 property tax bill for parcel number 052401022. (Exhibit A)

Our situation is straight forward, and we appreciate the work within the last year by Mrs. Kennedy to get 85,875 square feet of our property reclassified as Marginal – Unbuildable. (Exhibit B)

I understand the process for a refund is lengthy and we are willing to work with the County in any manner to assist them. In prior years, (Exhibit B) the tax records reflected a land value of

2018 - \$144,230    2019 - \$144,230    2020 - \$130,100    2021 - \$393,350

Mrs. Kennedy adjusted the value to \$137,630. A decrease of \$255,720 (\$393,250 - \$137,630)

The parcel image (Exhibit C) shows the large unbuildable area running almost 900 feet. In it clear to me the reason the shape of the land is so unusual is due to the marginal land usage. If it was buildable, someone over the past 70 years would have constructed a home.

The reason for the refund is because we paid the bill on time even though it went from \$2,584.83 (Exhibit D) to \$8,189.32. We worked within the guidelines set forth by the County to adjust the value. As a leader in the Community, we believe in due process and working within the guidelines.

Please let me know if I need to do anything else.

Alfred Dingler



# Exhibit A

## 2021 Property Tax Statement

Kristie King  
Fayette County Tax Commissioner  
P. O. Box 70  
Fayetteville, GA 30214

MAKE CHECK OR MONEY ORDER PAYABLE TO:  
Fayette County Tax Commissioner

PRIME IMAGE PROPERTIES LLC  
PO BOX 628  
MANCHESTER, GA 31816

Bill No.	Due Date	Page 82 of 101 TOTAL DUE
2021-33076		.00

Map : 052401022  
Last payment made on: 01/05/2022  
Location: 225 N JEFF DAVIS DR

Printed: 05/03/2022

**ON-LINE PAYMENTS AT:**  
**WWW.FAYETTECOUNTYPAY.COM**  
**THERE WILL BE A FEE OF 2 1/2% FOR CARDS IF PAID ONLINE.**  
**YOUR NET MILLAGE RATE IS EQUAL TO YOUR COUNTY SCHOOL OR CITY MILLAGE RATE LESS THE APPLICABLE SALES TAX CREDIT.**  
**REFER TO THE REVERSE SIDE OF YOUR TAX BILL FOR INFORMATION ABOUT STATE AND LOCAL EXEMPTIONS.**  
**IF THIS BILL IS MARKED "APPEAL" IT IS CALCULATED AT 85% VALUE. AN ADJUSTED BILL WILL BE ISSUED WHEN YOUR APPEAL IS FINALIZED.**

\*

### RETURN THIS PORTION WITH PAYMENT

(Interest will be added per month if not paid by due date)

Kristie King  
Fayette County Tax Commissioner  
P. O. Box 70  
Fayetteville, GA 30214



**Tax Payer:** PRIME IMAGE PROPERTIES LLC  
**Map Code:** 052401022  
**Description:** JEFF DAVIS  
**Location:** 225 N JEFF DAVIS DR  
**Bill No:** 2021-33076  
**District:** 02 FAYETTEVILLE

REAL

Phone: (770) 461-3652 Fax: (770) 461-8443

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good Through		Exemptions	
271,800	393,350	3.0100	665,150						
Entity		Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax
COUNTY M&O		665,150	266,060		266,060	6.0000	1,596.36		1,073.29
COUNTY SALES TAX CREDIT					266,060	-1.9660		-523.07	
EMERGENCY MEDICAL SERVICE		665,150	266,060		266,060	.4560	121.32		121.32
911 SERVICES		665,150	266,060		266,060	.2100	55.87		55.87
COUNTY SCHOOL M&O		665,150	266,060		266,060	19.3340	5,144.00		5,144.00
COUNTY SCHOOL BOND		665,150	266,060		266,060	1.1000	292.67		292.67
CITY - FAYETTEVILLE		665,150	266,060		266,060	9.2940	2,472.76		1,502.17
FAYETTEVILLE SALES TAX CREDIT					266,060	-3.6480		-970.59	
TOTALS						30.7800	9,682.98	-1,493.66	8,189.32

This gradual reduction and elimination of the state property tax millage rate is the result of property tax relief passed by the Governor and the House of Representatives and the Georgia State Senate.



### PAY BY THE DUE DATE TO AVOID PENALTY AND INTEREST CHARGES:

INTEREST WILL ACCRUE EACH MONTH AT AN ANNUAL RATE EQUAL TO 3% PLUS THE FEDERAL PRIME RATE PUBLISHED AS OF JANUARY 1, EACH YEAR.  
A 5% PENALTY WILL BE ADDED 120 DAYS AFTER THE DUE DATE AND AT EACH 120 DAY MARK UNTIL A 20% CAP IS REACHED.

Current Due	8,189.32
Penalty	0.00
Interest	85.30
Other Fees	0.00
Previous Payments	8,274.62
Back taxes	0.00
<b>TOTAL DUE</b>	<b>.00</b>

Printed: 05/03/2022





Fayette County, GA

**"Exhibit B"****Summary**

Parcel Number 052401022  
 Location Address 225 N JEFF DAVIS DR  
 Legal Description JEFF DAVIS  
 Property Class C3 - Commercial Lots  
 Neighborhood 02  
 Tax District 02  
 Zoning C C2  
 Acres 3.0114  
 Homestead N  
 Exemptions

[View Map](#)
**Owner**

[PRIME IMAGE PROPERTIES LLC](#)  
 PO BOX 628  
 MANCHESTER GA 31816

**Assessment**

	2022 Working	2021 Certified	2020 Certified	2019 Certified	2018 Certified
LUC	353	353	105	105	105
Class	C3	C3	C3	C3	C3
+ Land Value	\$137,630	\$393,350	\$130,100	\$144,230	\$144,230
+ Building Value	\$324,600	\$271,800	\$78,900	\$93,500	\$86,800
= Total Value	\$462,230	\$665,150	\$209,000	\$237,730	\$231,030
Assessed Value	\$184,892	\$266,060	\$83,600	\$95,092	\$92,412

**Assessment Notices**
[2021 Assessment Notice \(PDF\)](#)
**Land**

Description	Land Type	Land Code	Square Feet	Acres	Price
MARGINAL	S	MAR	85,875	1.9714	\$1,720
COMMERCIAL	S	C	45,302	1.0400	\$135,910

Total Acres:

3.0114

Total Land-Value:

\$137,630

**Commercial Improvement Information**

Card 1  
 Building No 1  
 Structure OFIC BLD L/R

Units 0  
 Year Built 1900  
 Total Sq Footage 2934



Alfred

Subject:

FW:

"Exhibit C"





# 2020 Property Tax Statement

Kristie King  
Fayette County Tax Commissioner  
P. O. Box 70  
Fayetteville, GA 30214

MAKE CHECK OR MONEY ORDER PAYABLE TO:  
Fayette County Tax Commissioner

PRIME IMAGE PROPERTIES LLC  
240 NORTH JEFF DAVIS DRIVE  
FAYETTEVILLE, GA 30214

## RETURN THIS PORTION WITH PAYMENT

(Interest will be added per month if not paid by due date)

Kristie King  
Fayette County Tax Commissioner  
P. O. Box 70  
Fayetteville, GA 30214



Phone: (770) 461-3652 Fax: (770) 461-8443

Where Quality Is A Lifestyle

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date		Payment Good Through	Exemptions	
78,900	130,100	3.0100	209,000						
Entity		Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax
COUNTY M&O		209,000	83,600		83,600	6.2420	521.83		357.56
COUNTY SALES TAX CREDIT					83,600	-1.9650		-164.27	
EMERGENCY MEDICAL SERVICE		209,000	83,600		83,600	.4560	38.12		38.12
911 SERVICES		209,000	83,600		83,600	.2100	17.56		17.56
COUNTY SCHOOL M&O		209,000	83,600		83,600	19.1500	1,600.94		1,600.94
COUNTY SCHOOL BOND		209,000	83,600		83,600	1.1800	98.65		98.65
CITY - FAYETTEVILLE		209,000	83,600		83,600	9.3900	785.00		472.00
FAYETTEVILLE SALES TAX CREDIT					83,600	-3.7440		-313.00	
TOTALS						30.9190	3,062.10	-477.27	2,584.83

This gradual reduction and elimination of the state property tax millage rate is the result of property tax relief passed by the Governor and the House of Representatives and the Georgia State Senate.

## PAY BY THE DUE DATE TO AVOID PENALTY AND INTEREST CHARGES:

INTEREST WILL ACCRUE EACH MONTH AT AN ANNUAL RATE EQUAL TO 3% PLUS THE FEDERAL PRIME RATE PUBLISHED AS OF JANUARY 1, EACH YEAR. A 5% PENALTY WILL BE ADDED 120 DAYS AFTER THE DUE DATE AND AT EACH 120 DAY MARK UNTIL A 20% CAP IS REACHED.

Current Due	2,584.83
Penalty	0.00
Interest	0.00
Other Fees	0.00
Previous Payments	2,584.83
Back taxes	0.00
<b>TOTAL DUE</b>	<b>.00</b>

Printed: 05/03/2022

Exhibit D

Page 85 of 101

Bill No.	Due Date	TOTAL DUE
2020-32690		.00

Map: 052401022

Last payment made on: 12/01/2020

Location: 225 N JEFF DAVIS DR

Printed: 05/03/2022

ON-LINE PAYMENTS AT:  
[WWW.FAYETTECOUNTYPAY.COM](http://WWW.FAYETTECOUNTYPAY.COM)  
THERE WILL BE A FEE OF 2 1/2% FOR CARDS IF PAID ONLINE.  
YOUR NET MILLAGE RATE IS EQUAL TO YOUR COUNTY SCHOOL OR CITY MILLAGE RATE LESS THE APPLICABLE SALES TAX CREDIT.  
REFER TO THE REVERSE SIDE OF YOUR TAX BILL FOR INFORMATION ABOUT STATE AND LOCAL EXEMPTIONS.  
IF THIS BILL IS MARKED "APPEAL" IT IS CALCULATED AT 85% VALUE. AN ADJUSTED BILL WILL BE ISSUED WHEN YOUR APPEAL IS FINALIZED.

\*

## MEMORANDUM

To: Fayette County Board of Commissioners  
From: McNally, Fox, Grant & Davenport, P.C.  
Date: August 25, 2022  
Re: Tax Refund Request – Alfred Lee Dingler for Prime Image Properties – Parcel 052401022 located at 225 North Jeff Davis Drive

---

Mr. Alfred Lee Dingler is requesting a partial refund on behalf of Prime Image Properties for taxes paid on parcel 052401022, 225 North Jeff Davis Drive, for tax year 2021. The refund is based upon the 2021 classification by the City of Fayetteville of 85,875 square feet of the real property on this parcel as unbuildable. The refund is recommended for denial. The claim appears one appropriate for appeal but fails to assert any illegality or error in the record of assessment which would trigger the refund provisions.

On April 3, 2019, Prime Image Properties, LLC, hereinafter referred to as “Prime Properties,” acquired property located at, 225 North Jeff Davis Drive and two adjoining properties along North Jeff Davis, 205 North Jeff Davis, and 215 North Jeff Davis intending to develop them. The tax year 2021 assessment of 225 North Jeff Davis was made using the Assessors’ mass appraisal system. The mass appraisal value for the 2021 assessment was \$665,150 an increase from \$209,000 in 2020, this increase comes in part from a change in the use of the property from residential to commercial and remodeling done on site.

The assessed value on Parcel 215 North Jeff Davis was appealed for 2021 as it was burdened by parking easements for both parcels 205 North Jeff Davis and 225 North Jeff Davis. The appeal was successful. No appeal of value was filed on the assessed value of 225 North Jeff Davis. However, on May 24, 2022, a refund request was made based on the unbuildable nature of a portion of 225 North Jeff Davis. Mr. Dingler has filed a return of value for 2022 that was accepted by the assessors and this factor has been included in the assessment record for all future tax years. He paid all taxes due on that property for 2021

A claim based on mere dissatisfaction with an assessment, or on an assertion that the assessors, although using correct procedures, did not take into account matters which the taxpayer believes should have been considered is not a claim that asserts that an assessment is erroneous or illegal within the meaning of the refund provisions. The buildability of a given lot is a factor that is relevant as to opinion of the value, but it is not an error or illegality in the record of the assessment that can be addressed with the refund provisions. An illegal or erroneous assessment and collection includes assessment and collection of taxes in violation of law; assessment of exempt property, application of an incorrect millage rate; duplicate payments; collection of property taxes for land that was located in another county or owned by a different person; or a clerical error, such as listing the wrong assessed value.

Mr., Dingler does not allege that the county did not have authority to impose the tax, committed a clerical error, or collected a wrongly assessed tax. Instead, his claim makes the assertion that that the assessors, although using correct procedures, did not take into account

matters he believes should have been considered in determining the assessed value. The remedy was to appeal the assessment to the board of tax assessors and present the facts in support of a lower value, in the same fashion he utilized to appeal the adjacent parcel at 215 North Jeff Davis. Taxpayers cannot use the refund statute, having missed the opportunity for appeal, to gain a belated opportunity to litigate the assessed value of their property. Having received notice of this factor, the assessor's office has applied the factor for future tax years. As such a denial of the requested refund is recommended.

RECOMMENDED REFUND

2021            \$0



**Tameca P. Smith**  
**BOARD OF COMMISSIONERS**  
140 Stonewall Avenue West, Ste. 100  
Fayetteville, Georgia 30214  
770-305-5400  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

---

August 30, 2022

Alfred Dingler  
215 N. Jeff Davis Dr.  
Fayetteville, GA 30214

RE: Tax Refund Request

Dear Mr. Dingler:

This letter is to notify you that your request for a tax refund has been slated to appear on the Thursday, September 8, 2022, agenda of the regularly scheduled meeting of the Fayette County Board of Commissioners, at 5:00 P.M.

That meeting will take place in the Public Meeting Room of the Board of Commissioners located at 140 Stonewall Avenue West, Fayetteville 30214.

Your request will be discussed and a decision to grant or deny your request will be made at that meeting. Should you desire to be heard on the matter, please be present and prepared to address the commissioners at the appropriate time.

Sincerely,

A handwritten signature in blue ink that reads 'Tameca P. Smith'. The signature is fluid and cursive, with the first name 'Tameca' being more prominent.

Tameca P. Smith, MBA, CMC  
County Clerk

Cc: Joel Benton, Chief Tax Assessor  
Kristie King, Tax Commissioner  
Ali Cox, Assistant County Attorney





**Tameca P. Smith**  
**BOARD OF COMMISSIONERS**

140 Stonewall Avenue West, Ste. 100  
Fayetteville, Georgia 30214  
770-305-5400  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

August 30, 2022

Alfred Dingler  
225 N. Jeff Davis Dr.  
Fayetteville, GA 30214

RE: Tax Refund Request

Dear Mr. Dingler:

This letter is to notify you that your request for a tax refund has been slated to appear on the Thursday, September 8, 2022, agenda of the regularly scheduled meeting of the Fayette County Board of Commissioners, at 5:00 P.M.

That meeting will take place in the Public Meeting Room of the Board of Commissioners located at 140 Stonewall Avenue West, Fayetteville 30214.

Your request will be discussed and a decision to grant or deny your request will be made at that meeting. Should you desire to be heard on the matter, please be present and prepared to address the commissioners at the appropriate time.

Sincerely,

A handwritten signature in blue ink that reads "Tameca P. Smith". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Tameca P. Smith, MBA, CMC  
County Clerk

Cc: Joel Benton, Chief Tax Assessor  
Kristie King, Tax Commissioner  
Ali Cox, Assistant County Attorney

# COUNTY AGENDA REQUEST

Page 90 of 101

Department: Legal

Presenter(s): County Attorney Dennis Davenport

Meeting Date: Thursday, September 8, 2022

Type of Request: New Business #13

## Wording for the Agenda:

Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Mae L. London for tax years 2018, 2019 and 2020, in the total amount of \$651.52.

## Background/History/Details:

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

A memo from the County Attorney is provided as backup with an explanation to approve this tax refund request for tax years:

2018 \$146.57  
2019 \$253.84  
2020 \$251.11

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

Approval of the disposition of tax refund, as requested by Mae L. London for tax years 2018, 2019 and 2020, in the total amount of \$651.52.

## If this item requires funding, please describe:

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

Has this request been considered within the past two years? 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:



From: mae london [REDACTED]  
Subject: Tax Over Charges  
Date: Sep 14, 2021 at 10:31:59 AM  
To: [REDACTED]

To: Fayette County Tax Assessors Office  
Fayetteville, Georgia

Re: 607 Hood Ave Fayetteville, GA 30214

Dear Tax Assessor,

It has come to our attention that for the past 30 years we have been over charged on our taxes due to wrong lot size recorded on your files. We have been paying taxes on 2.3 acres and our lot size is only 1.2/3 acres. We are hereby requesting a refund of any taxes overpaid and a copy of corrected tax statement.

Thank you for you help in resolving this matter.  
Your help is much appreciated.

Richard London Jr  
Mae L. London



*Mae London*  
9/16/2021

## MEMORANDUM

To: Fayette County Board of Commissioners  
 From: McNally, Fox, Grant & Davenport, P.C.  
 Date: August 26, 2022  
 Re: Tax Refund Request – London - Parcel 0530 130

---

September 16, 2021, Mae L. London made a request for a partial refund of taxes paid on her property at 607 Hood Avenue based on an error in acreage. The request is recommended for approval

On September 17, 2021, legal made a phone call to Ms. London to gather additional information on this claim. On July 5, 2022, Mr. London returned the call. An August 26, 2022, conversation reveals that on April 25, 1990, the London family purchased property at 607 Hood Avenue. In preparing for a sale of that property in 2021 they became aware of a discrepancy in the acreage of their property as plated and recorded in their deed, 1.23 acres and the acreage assessed, 2.3 acres. Based on this error the Londons made a request for partial refund. The assessors office and the deed record support an error made in the record of the assessment of this parcel, an error in recording the acreage of the property.

The Board of Commissioners must grant a refund where taxes have been assessed and collected either in error or illegally. A qualifying error must exist in the record of the assessment itself, not merely in the opinion of a taxpayer. Here, the record of assessment reveals an error. The recorded plat and transferring deed depict a parcel that is 1.23 acres in size. However, the record of assessment has erroneously reflected a parcel of 2.3 acres in size since the 1990 acquisition by the Ms. London. Ms. London has erroneously been assessed and paid taxes on 1.07 acres of property since 1991, as reflected in the record of assessment. Based on the overpayment by Ms. London a refund is recommended for tax years 2018, 2019 and 2020. Tax year 2021 has been addressed. Any additional tax year cannot be reached as it is time barred by the statute of limitations, three years of tax payments preceding the September 2021 request.

Year	Amount	Recommendation
2018	\$146.57	Approval
2019	\$253.84	Approval
2020	\$251.11	Approval

**TOTAL REFUND RECOMMENDED: \$651.52**



**Tameca P. Smith**  
**BOARD OF COMMISSIONERS**  
140 Stonewall Avenue West, Ste. 100  
Fayetteville, Georgia 30214  
770-305-5400  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

---

August 30, 2022

Mae and Richard London via email

[londonintl@att.net](mailto:londonintl@att.net)

[mlndn\\_607@comcast.net](mailto:mlndn_607@comcast.net)

RE: Tax Refund Request

Dear Mr. and Ms. London:

This letter is to notify you that your request for a tax refund has been slated to appear on the Thursday, September 8, 2022, agenda of the regularly scheduled meeting of the Fayette County Board of Commissioners, at 5:00 P.M.

That meeting will take place in the Public Meeting Room of the Board of Commissioners located at 140 Stonewall Avenue West, Fayetteville 30214.

Your request will be discussed and a decision to grant or deny your request will be made at that meeting. Should you desire to be heard on the matter, please be present and prepared to address the commissioners at the appropriate time.

Sincerely,

A handwritten signature in blue ink that reads "Tameca P. Smith". The signature is fluid and cursive, with the first name being the most prominent.

Tameca P. Smith, MBA, CMC  
County Clerk

Cc: Joel Benton, Chief Tax Assessor  
Kristie King, Tax Commissioner  
Ali Cox, Assistant County Attorney

# COUNTY AGENDA REQUEST

Page 94 of 101

Department: Legal

Presenter(s): County Attorney Dennis Davenport

Meeting Date: Thursday, September 8, 2022

Type of Request: New Business #14

## Wording for the Agenda:

Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Pinewood Forest, LLC for tax year 2020, in the amount of \$39,195.15.

## Background/History/Details:

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

A memo from the County Attorney is provided as backup with an explanation to approve this tax refund request for tax year 2020 in the amount of \$39,195.15.

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

Approval of the disposition of tax refund, as requested by Pinewood Forest, LLC for tax year 2020, in the amount of \$39,195.15.

## If this item requires funding, please describe:

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

Has this request been considered within the past two years? 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:



**Tax Assessor**

140 Stonewall Avenue West, Ste 108  
Fayetteville, GA 30214  
Phone: 770-305-5402  
www.fayettecountyga.gov



To: Board of Commissioners

From: Board of Assessors

Date: November 18, 2021

Subj: Refund Request (Pinewood) 05-19 -019



Parcel 05-35 -001 is the main parcel for Trilith (Pinewood Forest) which contained 185.46 acres for tax year 2019. In the year 2019, plats were filed to split this parcel and new parcel numbers were needed for tax year 2020. In order to create the new parcel for tax year 2020, we must go into a future year to create the split and create a new parcel number. In tax year 2019, parcel 05-19 -019 was created in a future year.

In tax year 2020, this parcel was then split again and parcel 05-19 -019 should have been de-activated when the new parcels were created but was not de-activated. Pinewood is one of the largest tax paying parcels in the county. In tax year 2020, Pinewood paid \$685,522.39 and in tax year 2020, \$833,274.05 will be paid.

Each year we generally meet with Pinewood to review tax bills. This error has just been recognized and a refund for the 2020 tax bill is requested in the amount of \$39,195.15.

attachments

**MEMORANDUM**

To: Fayette County Board of Commissioners  
From: McNally, Fox, Grant & Davenport, P.C.  
Date: August 26, 2022  
Re: Tax Refund Request – Pinewood Forest, LLC – 05-19-019

---

A refund has been requested by the Board of Tax Assessors on behalf of Pinewood Forest, LLC for tax year 2020 based upon duplicate taxation. The refund is recommended in full as follows.

Due to the size and complicated nature of this taxpayer, the assessors meet annually with Pinewood/Trilith officials to review the assessments of its multiple parcels. The 2021 meeting revealed an error that resulted in duplicate taxation of the property referred to as 05-19-019, on Veteran's Parkway. Parcel 05-35-001 is the parent parcel for several smaller Pinewood parcels. In 2019 parcel 05-19-019 was created and split from that parent parcel when several plats were filed. However, for 2020 assessment purposes, parcel 05-19-019 was then re-split requiring assignment of new tax parcel ID numbers for assessment purposes and deactivation of parcel 05-19-019 as an assessable unit. The parcel was not deactivated. As such, assessments were made of the same real property under two tax ID numbers, the new parcel ID numbers and the former parent parcel 05-19-019. The duplicate tax is a result of an error in the record of assessment, an oversight in removal of a parcel number.

This error results in a recommended refund for the 2020 tax bill paid on parcel 05-19-019 in the amount of \$39,195.15.

**RECOMMENDED REFUND**

<b>2020</b>	<b>\$39,195.15</b>
-------------	--------------------



**Tameca P. Smith**  
**BOARD OF COMMISSIONERS**  
140 Stonewall Avenue West, Ste. 100  
Fayetteville, Georgia 30214  
770-305-5400  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

---

August 30, 2022

Pinewood Forest, LLC  
5200 Buffington Rd.  
Atlanta, GA 30349

RE: Tax Refund Request

To whom it may concern:

This letter is to notify you that your request for a tax refund has been slated to appear on the Thursday, September 8, 2022, agenda of the regularly scheduled meeting of the Fayette County Board of Commissioners, at 5:00 P.M.

That meeting will take place in the Public Meeting Room of the Board of Commissioners located at 140 Stonewall Avenue West, Fayetteville 30214.

Your request will be discussed and a decision to grant or deny your request will be made at that meeting. Should you desire to be heard on the matter, please be present and prepared to address the commissioners at the appropriate time.

Sincerely,

A handwritten signature in blue ink that reads 'Tameca P. Smith'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Tameca P. Smith, MBA, CMC  
County Clerk

Cc: Joel Benton, Chief Tax Assessor  
Kristie King, Tax Commissioner  
Ali Cox, Assistant County Attorney



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

To: Steve Rapson

Through: Ted L. Burgess 

From: Natasha M. Duggan 

Date: August 18, 2022

**Subject: Contract #2152-A: Fire Station 7 Generator**

The Purchasing Department issued Request for Quotes #2152-A to secure a contractor to replace the generator, annunciator panel and automatic transfer switch at Fire Station 7. Notice of the opportunity was emailed to 34 companies. Another 226 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity code #28539 (Generators, Stationary Type, Not Automotives). The offer was also advertised through Georgia Local Government Access Marketplace and the County website.

Fire & EMS requested quotes for the generator, annunciator panel and automatic transfer switch and requested a price for trading in the old generator. Three (3) responsive companies submitted quotes (Attachment 1).

Fire and EMS recommends awarding to D & D Electric Company, Inc. in the amount of \$53,600 which reflects a \$900 trade in allowance for the old generator. A Contractor Performance Evaluation is attached (Attachment 2).

Specifics of the proposed contract are as follows:

<b>Contract Name</b>	#2152-A: Fire Station 7 Generator	
<b>Contractor</b>	D & D Electric Company, Inc.	
<b>Contract Amount</b>	\$53,600.00	
<b>Budget:</b>		
<b>Fund</b>	<b>375</b>	<b>CIP</b>
Org Code	37530550	Fire
Object	541210	Other Improvements
Project	233AK	Replacement Generator
Available	\$54,000.00	As of 8/17/2022

Approved by: 

Date: 8/18/22

Place on County Administrator's Report? ☒ Yes ☐ No

On Agenda Dated: 9/8/2022

**RFQ #2152-A: Fire Station 7 Generator  
Tally Sheet**

	Unit Price	Trade-in Allowance	Net Price
Data Power Source	\$ 69,600.00	\$ 1,000.00	\$ 68,600.00
Anderson Power Services	\$ 56,557.30	-	\$ 56,557.30
D&D Electric Company, Inc.	\$ 54,500.00	\$ 900.00	\$ 53,600.00



# FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

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

**VENDOR INFORMATION****COMPLETE ALL APPLICABLE INFORMATION**

Company Name: D&amp;D Electric Company, Inc.

Contract Number: 1753-A

Mailing Address: 374 Hampton Road

Contract Description or Title: Generators for Fire Stations

City, St, Zip Code: Fayetteville, GA 30215

Contract Term (Dates) From: 3/23/2020-8/11/2020

Phone Number: 770-460-9537

Task Order Number: n/a

Cell Number: N/A

Other Reference: for award of Contract 2152-A

E-Mail Address: mypatton@yahoo.com

**DEFINITIONS**

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

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

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

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

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

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

**EVALUATED BY**Signature: 

Date of Evaluation: 8/18/2022

Print Name: Jeffrey W. Hill

Department/Division: Fire/EMS/EMA

Title: Fire Chief

Telephone No: 770-305-5165



1. Do not submit page 2 without page 1.
2. Use this page to explain evaluations of *Outstanding* or *Unsatisfactory*.
3. Be specific (include paragraph and page numbers referenced in the applicable contract, etc.). Continue on separate sheet if needed (show company name and contract number or other reference)

7. Very responsive to department needs and working around our issues. Worked around our need to maintain a functioning Fire Station without interruption.

**Purchasing Department Comments** (e.g. did the vendor honor all offers; submit insurance, bonds & other documents in a timely manner; and provide additional information as requested?):