

## 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

January 26, 2023  
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 Vice Chairman Edward Gibbons

Acceptance of Agenda

### **PROCLAMATION/RECOGNITION:**

1. Recognition of Thomas "Tom" Waller for his years of service on the Fayette County Zoning Board of Appeals. (page 4)
2. Presentation from State Court Judge Jason Thompson of the Accountability Court updates and strategic planning efforts for Fiscal Year 2023 and Fiscal Year 2024. (pages 5-28)

### **PUBLIC HEARING:**

3. Consideration of Petition No. 1326-22; Amina Zakaria, Omar Zakaria, Saed Zakaria & Hassan Zakaria, Owners; Nizam Khan, Applicant, Steven Jones, Attorney, Agent, request to rezone 13.035 acres from O-I to C-H to develop a truck parking facility; property located in Land Lot(s) 233 of the 5th District. This petition was tabled at the December 8, 2022 Board of Commissioners meeting. (pages 29-105)
4. Consideration of Petition No. 1328-22; Golden Development Company, LLC, Owners; CK Spacemax, LLC, Applicant; Ellen W. Smith, Attorney, Agent, request to rezone 9.022 acres from A-R to C-H to develop a self-storage facility; property located in Land Lot(s) 137 of the 5th District and fronts on Highway 54 East. This petition was tabled at the December 8, 2022 Board of Commissioners meeting. (pages 106-148)

### **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:**

5. Approval of the January 12, 2023 Board of Commissioners Meeting Minutes. (pages 149-156)

### **OLD BUSINESS:**

### **NEW BUSINESS:**

6. Request to approve the Planning Commission Selection Committee's recommendation to reappoint John Culbreth to the Planning Commission for a term beginning January 1, 2023 and ending December 31, 2025. (pages 157-161)
7. Request to approve the Planning Commission Selection Committee's recommendation to appoint John J. Kruzan to the Planning Commission for a term beginning January 1, 2023 and ending December 31, 2025. (pages 162-166)
8. Request to approve the Zoning Board of Appeals Selection Committee's recommendation to reappoint John Tate to the Zoning Board of Appeals for a term beginning January 1, 2023 and ending December 31, 2025. (pages 167-169)
9. Request to approve the Zoning Board of Appeals Selection Committee's recommendation to appoint Brian Haren to the Zoning Board of Appeals for a term beginning January 1, 2023 and ending December 31, 2025. (pages 170-173)
10. Request to approve Ordinance 2023-01, to amend Chapter 6 - Animals, Article II. - Keeping Animals; Animal Shelter, Section 6-23. - Restraint of animals - While on property, to include tethering restriction. (pages 174-185)
11. Discussion and overview of the proposed upgrade to the hardware and software of the Supervisory control and Data Acquisition (SCADA) System for the Water System's Water Treatment Plants. (pages 186-215)
12. Request to award Contract #2216-S to J. K. Duren to upgrade the hardware and software of the SCADA (Supervisory Control and Data Acquisition) System in the amount of \$60,400. (pages 216-221)
13. Request to award Contract #2206-S to ITAC/Filter Magic to upgrade the hardware and software of the SCADA (Supervisory Control and Data Acquisition) System in the amount of \$140,000. (pages 222-230)
14. Request to renew the annual agreement with the U.S. Department of the Interior Geological Survey (USGS) for surface water monitoring in the amount of \$212,600. (pages 231-239)
15. Request to renew Contract #1477-S, Renewal 2 for Carbyne, Inc. in the amount of \$285,500 to provide maintenance and support for continued operation of the 911 phone system. (pages 240-241)
16. Request to approve Alternative 1 (ALT 1) or Alternative 2 (ALT 2) as the preferred realignment for the SR 279 Realignment Project - GDOT PI 0017813 (17TAD). (pages 242-271)
17. Request to approve a Supplemental Agreement with Georgia Department of Transportation (GDOT) to accept an additional \$587,976.80 in federal aid for the SR 279 Realignment Project - GDOT PI 0017813 (17TAD), increasing the total funding for the design (PE) phase to \$1,000,000. (pages 272-276)
18. Request to approve Option #1; the renovation of East Fayette Elementary to provide for a new Department of Public Health building or Option #2; the reallocation of American Rescue Plan Act (ARPA) funds to Fire/EMS Training Facility, Sheriff's Tactical Training Course and \$1.5M towards renovating the existing Department of Public Health at Stonewall. (pages 277-290)
19. Consideration of the "Master Terms and Conditions of Engagement", from law firm Freeman, Mathis & Gary, LLP, to set forth a clear, mutual understanding of the services provided and the scope, terms and conditions under which those services are to be performed. (pages 291-298)

**ADMINISTRATOR'S REPORTS:**

A: Contract #1867-P: Water System Engineer of Record; Task Order #22-12: South Fayette Clearwell Leak Investigation & Roof Assessment; Change Order #1: Clearwell Inspection & Repair (pages 299-301)

**ATTORNEY'S REPORTS:**

**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Recognition of Thomas "Tom" Waller for his years of service on the Fayette County Zoning Board of Appeals.

**Background/History/Details:**

Mr. Thomas "Tom" Waller was appointed to the Zoning Board of Appeals (ZBA) in 2014 by the Board of Commissioners. He has completed three terms on the ZBA.

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

Recognition of Thomas "Tom" Waller for his years of service on the Fayette County Zoning Board of Appeals.

**If this item requires funding, please describe:**

Not applicable.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Presentation from State Court Judge Jason Thompson of the Accountability Court updates and strategic planning efforts for Fiscal Year 2023 and Fiscal Year 2024.

**Background/History/Details:**

This presentation will consist of an overview of DUI/Drug and Veterans Treatment Court growth and the strategic planning efforts for FY24. These efforts will display a foundation to explore growth and an increase in evidence-based therapies.

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

Presentation from State Court Judge Jason Thompson of the Accountability Court updates and strategic planning efforts for Fiscal Year 2023 and Fiscal Year 2024.

**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:**

# Fayette County Accountability Court

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January 26, 2023

# Introduction to Accountability Courts



# The Programs

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## DUI/Drug Court

- Intensive program that requires an 15 month minimum commitment.
- 4 phases of treatment
- Drug screens, counseling, and regular court appearances.

## Veterans Treatment Court

- Minimum 18 month commitment
- 5 phase of treatment
- Serve veterans struggling with addiction, serious mental illness and/or co-occurring disorders.



# Current Census

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- 25 active participants in DUI/Drug court
  - 67 graduates of the program
- 5 active participants in Veterans Treatment Court
  - 3 graduates of the program



# Easter Basket for the Children of our Participants

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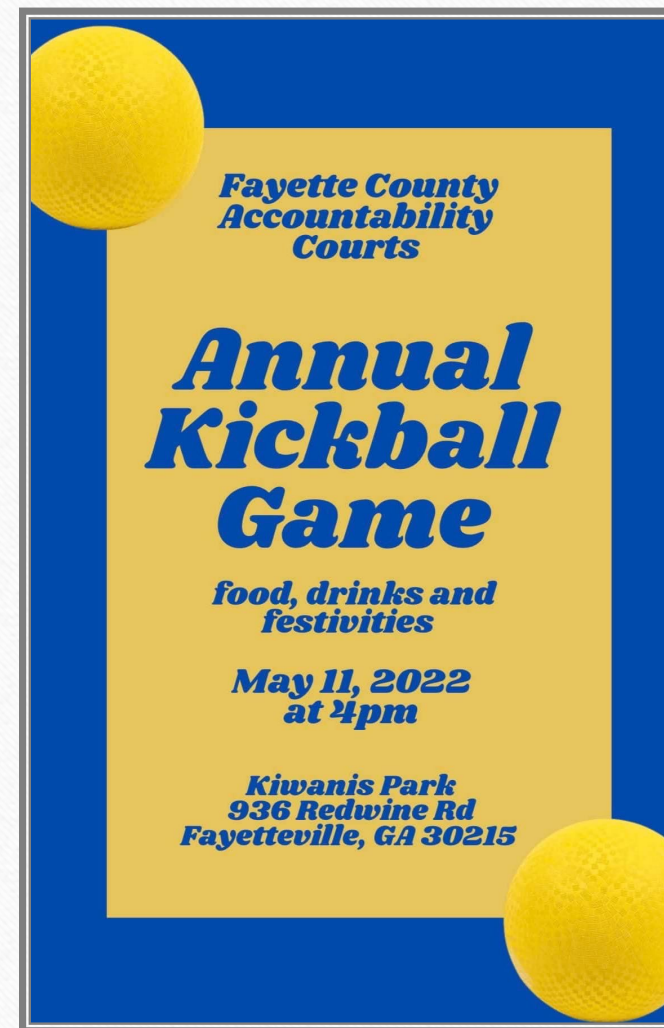
# Recovery and Paint Event: 4/20/22

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# Annual Kickball Game:

## 5/11/22

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# Rotary Club Donation: June 2022





Overdose Awareness Day: 8/31/22

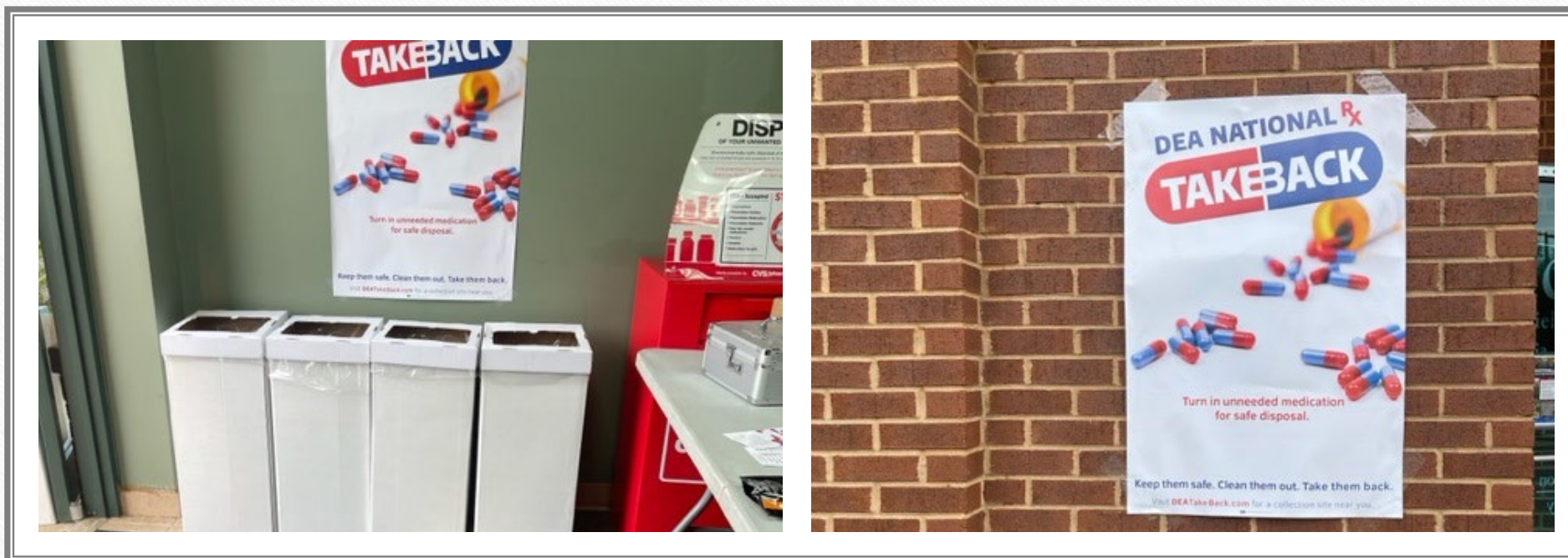
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# Dragon Boat Race – September 2022

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Our participants  
won 2<sup>nd</sup> place





# DEA Take Back: October 2022

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# Walk for Addiction: November 2022





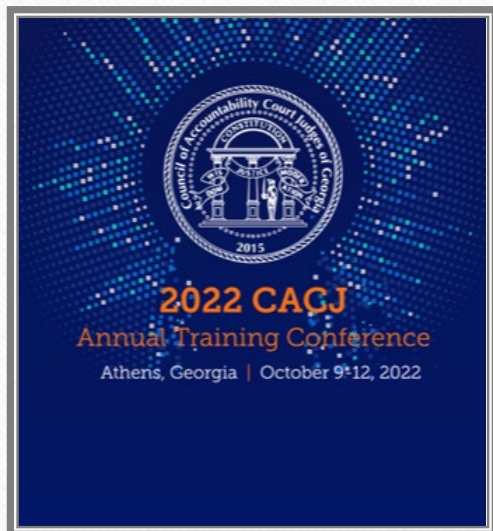
# Holiday Giveback

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# Trainings

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## DUI Court Tune-up CACJ Conference



# GRADUATIONS

## 20<sup>th</sup> Graduation Ceremony



### Fayette County DUI/Drug Court

On September 7, 2022, Fayette County DUI/Drug Court, with the honorable Judge Jason B. Thompson presiding, held its 20<sup>th</sup> commencement ceremony, where [redacted] received a certificate of graduation for successfully completing the program. The keynote speaker, Matthew Groover, CACII, delivered an inspirational message offering encouragement and guidance to the graduate and active participants. [redacted] joined the program March 24, 2021 with determination to change his life. [redacted] went through the program embodying the mindset of change and seeking recovery. While in the program, [redacted] successfully earned his G.E.D. and passed the real estate exam. [redacted] has committed himself to remain involved in the Fayette County R.I.S.E. Alumni Group as a peer mentor and program advocate.

***Submitted by Christa Grayson, Fayette County DUI/Drug Court Coordinator***

## Fayette County DUI/Drug Court Graduation and Holiday Party

On December 7, 2022 Fayette County DUI/Drug held its final graduation of 2022 with four participants crossing over as program alumni. Additionally, the program Board of Advisors sponsored the first Annual Holiday Party.

*Submitted by Christa Grayson, Fayette County DUI/Drug Court Coordinator*



Keynote Speaker

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Peachtree  
City's Chief  
of Police  
Janet Moon





# 1st Annual Holiday Party

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# 1<sup>st</sup> Annual Holiday Party

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# Want to support the Fayette County Accountability Courts?

Make donations by making a check payable to  
**Fayette Accountability Courts Team** to be  
deposited at Heritage Bank



**Fayette County Accountability  
Courts Team is a non-profit  
organization ( 5013C )**

# Contact Information

For more information about:

- Accountability Court Eligibility
- Court Visitations
- Speaking Engagements
- Donations

Jason B. Thompson  
State Court Judge



**Christa Grayson**  
ACCOUNTABILITY COURTS COORDINATOR  
Fayette County State Court

Phone: 770-716-4328  
Fax: 770-716-4859  
cgrayson@fayettecountyga.gov

Justice Center  
1 Center Drive  
Fayetteville, GA 30214

Visit:

**FAYETTECOUNTYACCOUNTABILITYCOURTS.COM**

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of Petition No. 1326-22; Amina Zakaria, Omar Zakaria, Saed Zakaria & Hassan Zakaria, Owners; Nizam Khan, Applicant, Steven Jones, Attorney, Agent, request to rezone 13.035 acres from O-I to C-H to develop a truck parking facility; property located in Land Lot(s) 233 of the 5th District and fronts on Highway 85 North. This item was tabled at the December 8, 2022 Board meeting.

**Background/History/Details:**

The subject property is a 13.035-acre tract. The tract fronts on State Route 85 and is undeveloped. The parcel is currently zoned O-I, Office-Institutional. The area is designated for Commercial uses in the Land Use Plan, Fayette County Comp Plan. On November 3, 2022, Planning Commission voted 4-0 to recommend denial of request. Staff recommends CONDITIONAL APPROVAL of request for a zoning of C-H, Highway Commercial, because the request is consistent with the Fayette County Comprehensive Land Use Plan & surrounding land uses.

RECOMMENDED CONDITIONS 1. A 75-foot vegetated buffer shall be provided adjacent to residentially zoned parcel(s) to the west of the project. 2. The full 50-foot front buffer required by SR 85 N Transportation Overlay shall be vegetated buffer & is not to be used for septic systems or other site utilities. 3. A 200-foot x 10-foot linear strip on the south edge of the property along the proposed road extension shall be a planted evergreen buffer to screen the view of lot from SR 85. 4. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures. 5. The existing shared detention pond will require hydrological study to demonstrate it has sufficient design capacity to serve the addition of the proposed project. 6. The new development must continue to allow this pond to serve the stormwater detention requirements of the original commercial development to the north, with a site plan approved January 26, 1990. 7. The owner of the new project must provide a stormwater maintenance agreement; this agreement shall conform to the county's standard stormwater facility maintenance agreement. 8. Omit tree island requirements for southern end of parking lot.

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

Approval of Petition No. 1326-22; Amina Zakaria, Omar Zakaria, Saed Zakaria & Hassan Zakaria, Owners; Nizam Khan, Applicant, Steven Jones, Attorney, Agent, request to rezone 13.035 acres from O-I to C-H to develop a truck parking facility; property located in Land Lot(s) 233 of the 5th District and fronts on Highway 85 North with eight (8) conditions.

**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:**

Please see staff report for full text of recommended conditions.

**PLANNING COMMISSION RECOMMENDATION**

**DATE:** November 3, 2022

**TO:** Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1326-22, the application of Amina, Omar, Saed and Hassan Zakaria to rezone 13.035 acres from O-I to

C-H, be:

3-1-0

Approved

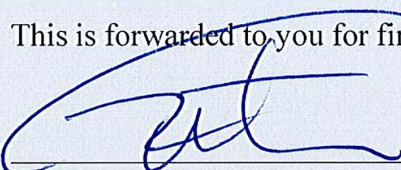
Withdrawn

Denied

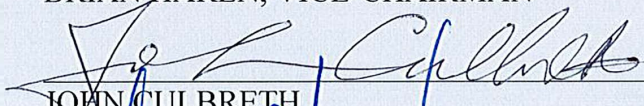
Tabled until \_\_\_\_\_


Approved with Conditions \_\_\_\_\_

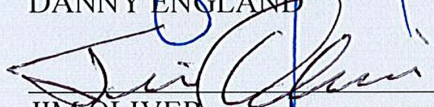
This is forwarded to you for final action.

  
\_\_\_\_\_  
ARNOLD MARTIN, CHAIRMAN

\_\_\_\_\_  
BRIAN HAREN, VICE-CHAIRMAN

  
\_\_\_\_\_  
JOHN CULBRETH

  
\_\_\_\_\_  
DANNY ENGLAND

  
\_\_\_\_\_  
JIM OLIVER

**Remarks:**

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

**STATE OF GEORGIA  
COUNTY OF FAYETTE**

**RESOLUTION**

**NO. 1326-22**

**WHEREAS**, Amina, Omar, Saed and Hassan Zakaria, Owner, and Taylor English Duma, LLP (Steven L. Jones), Agent, having come before the Fayette County Planning Commission on November 3, 2022, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 2010"; and

**WHEREAS**, said request being as follows: Request to rezone 13.035 acres from O-I to C-H, in the area of Highway 85 North, Land Lot 233 of the 5th District, for the purpose of developing a Truck Parking Facility; and

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

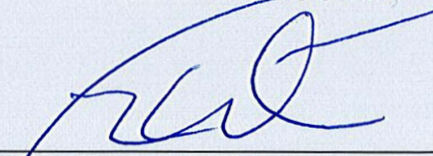
**BE IT RESOLVED** that the decision of the Fayette County Planning Commission, that said request be **DENIED**.

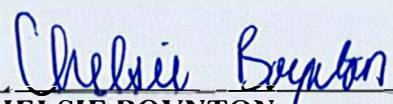
This decision is based on the following reason:

Not compatible with the surrounding area.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

  
\_\_\_\_\_  
**ARNOLD MARTIN, CHAIRMAN**

  
\_\_\_\_\_  
**CHELSIE BOYNTON  
PC SECRETARY**

# Meeting Minutes 11/3/22

THE FAYETTE COUNTY PLANNING COMMISSION met on November 3<sup>rd</sup>, 2022 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Arnold Martin, Chairman  
John H. Culbreth  
Jim Oliver  
Danny England

**MEMBERS ABSENT:** Brian Haren, Vice-Chairman

**STAFF PRESENT:** Deborah Bell, Planning and Zoning Director  
Deborah Sims, Zoning Administrator  
Chelsie Boynton, Planning and Zoning Coordinator  
E. Allison Ivey Cox, County Attorney

## NEW BUSINESS

### 1. Consideration of the Minutes of the meeting held on October 6<sup>th</sup>, 2022.

*John Culbreth Sr. made a motion to approve the minutes of the meeting held on October 6th, 2022. Danny England seconded the motion. The motion passed 4-0. Brian Haren was absent.*

### 2. Consideration of a Preliminary Plat for Huntcliff Manor.

Deborah Bell, Planning and Zoning Director, stated this is a renewal of an existing preliminary plat and the developer is in the plan review process. She continued it has been reviewed and approved by staff and the developer is in the review process, but this administrative part had to be taken care of.

*Danny England made a motion to approve the Preliminary Plat for Huntcliff Manor. Jim Oliver seconded the motion. The motion passed 4-0. Brian Haren was absent.*

### 3. Consideration of a Minor Final Plat for Iris Williams 1019 South Jeff Davis Drive.

Deborah Bell stated this is a creation of two (2) parcels from one (1) single parcel. She continued it has been reviewed by staff and has met all the County requirements. She concluded all staff has approved it.

*Danny England made a motion to approve the Minor Final Plat for Iris Williams 1019 South Jeff Davis Drive. John Culbreth Sr. seconded the motion. The motion passed 4-0. Brian Haren was absent.*

## PUBLIC HEARING



Page 2  
November 3<sup>rd</sup>, 2022  
PC Meeting

4. **Consideration of Petition No. 1326-22, Amina, Omar, Saed and Hassan Zakaria, Owner, and Taylor English Duma LLP (Steven L. Jones), Agent, request to rezone 13.035 acres from O-I to C-H to create Truck Parking Facility. This property is located in Land Lot 233 of the 5<sup>th</sup> District and fronts on Highway 85 North.**

Deborah Bell stated the County has been working with GDOT to create traffic improvements to either realign Highway 279 and Corinth Road or create intersection improvements that will help traffic flow better. She continued that she has spoken with Phil Mallon, Director of Public Works, and the current plan is to create intersection improvements at the traffic light at Corinth Road that will include creating a new road across from Corinth Road that will be extended to Kenwood Business Park. She added that this will have some impact on this parcel in terms of property acquisition needs for the road and that has affected the way some of the recommended conditions were written. The recommended conditions are:

1. A 100' vegetated buffer shall be provided adjacent to residentially zoned parcel(s) in unincorporated Fayette County to the west of the project.
2. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture. Fixtures shall be designed or shielded to prevent light trespass on other properties or roads.
3. The existing shared detention pond will require hydrological study to demonstrate it has sufficient design capacity to serve the addition of the proposed project.
4. The new development must continue to allow this pond to serve the stormwater detention requirements of the original commercial development to the north, with a site plan approved January 26, 1990.
5. The owner of the new project must provide a stormwater maintenance agreement since the detention pond is contained within that parcel. This agreement shall conform to the county's standard agreement for stormwater facility maintenance.
6. Omit tree island requirements for southernmost end of parking lot to accommodate the future County road project.

Steven Jones introduced himself and displayed a PowerPoint presentation. He spoke about a revised concept plan that was created upon learning about the Corinth Road improvement. He stated the road will take significant part of the property but will be beneficial to the development. He continued the initial proposal had a right in right out on Highway 85. He displayed the plans of a four (4) way intersection at Corinth Road that he received from Fayette County Public Works. He stated Corinth Road will be moved to the north which will result in full access to the facility from Highway 85. Mr. Jones continued they are proposing a Truck Parking Facility to give drivers a place to store and park their trucks. He stated they are requesting rezoning to C-H based on the site conditions, Comprehensive Plan, and the development and zoning trends in the area. He added with this area being annexed to the Business Park it will be better suited for M-1 zoning as well, though his application remains a request for C-H. He concluded they consent to all staff recommendations except number one (1). He requested that it be reduced from 100 feet to 75 feet. He stated he presumes it is a visual

**Page 3**  
**November 3<sup>rd</sup>, 2022**  
**PC Meeting**

and auditory buffer and believes the same goal can be accomplished with a double staggered row of evergreens and fencing.

No one spoke in favor or opposition. Chairman Martin brought the discussion back to the Board.

Danny England stated the buffer for C-H is normally 50 feet. He confirmed that Mr. Jones was okay with a compromise of 75 feet.

Mr. Jones stated yes.

Danny England stated Highway 85 is the welcome mat of Fayette County from the north. He continued that he'd like the Board to spend time considering protecting the frontage along State Route 85. He added that the use is a good use, but he wishes it was deeper in the park where you couldn't see it.

Chairman Martin asked where is this property in relation to Fun Spot?

Danny England stated it is just south of this property.

Chairman Martin added to Mr. England's point. He stated Highway 85 is the welcome mat of Fayette County and there is currently a roller coaster that welcomes our County with not as much of a buffer.

Jim Oliver expressed his concerns about the facility. He asked if the trucks are sitting idle?

Mr. Jones stated no. He continued this is for storage and for a driver who needs to store his truck.

Jim Oliver stated he is familiar with some other locations in Clayton County and he knows that they have had some issues about minor repair being done on the lot or the refrigerated trucks idling and leading to noise concerns. He continued he knows the applicant is trying address noise concern with having the evergreens as the buffer but he doesn't know how he can address the repair other than saying it's not a permitted in their written agreements with the drivers. He stated that his second concern is the location. He continued this is needed but hearing about realigning Corinth Road, he sees Corinth Road becoming the cut through from Highway 54. He added Corinth Road is already a narrow road and this will be adding a lot of 18 wheelers coming on that road. Commissioner Oliver stated this is something the County can control but it is at the front door of the County. He added it's a needed entity but maybe this isn't the right location. He stated he could not support it.

Mr. Jones stated he understood his concerns. He continued that this facility will keep trucks traveling south on Highway 85 from entering more populated or more traveled areas. He added it will keep trucks from traveling through town and hitting any other major arterial roads or local roads. He stated they will be able to park here and head towards Atlanta.

**Page 4**  
**November 3<sup>rd</sup>, 2022**  
**PC Meeting**

Jim Oliver stated he understood it is needed.

Danny England stated it's a great use at a bad location.

Jim Oliver agreed.

Mr. Jones stated it is across from the business park and it is meant to serve the business park. He continued they've taken active measures to screen this from Highway 85. He added that if the concern is the visual impact, that can be mitigated by additional screening. He referenced the site plan and pointed out the double staggered row of evergreens and the 25 feet behind them.

Jim Oliver asked if it will be fenced?

Mr. Jones stated yes.

Danny England asked will the fence be on Highway 85?

Mr. Jones stated it would be on the inside of the evergreen trees. He stated the applicant would not be overly concerned about fencing the front, but it is something they can consider. He continued that there would be an attendant building on site and the attendant will be there during regular business hours.

John Culbreth Sr. agreed that there is a need for the facility but that this is the entrance to Fayette County. He stated that they don't want to have ingress and egress congestions with the trucks. He then stated his concern on the cut through. He continued they have to keep in mind what the traffic impact will be with a lot of trucks knowing this facility is here and they are going in and out daily. He added that is a lot of truck traffic in this part of the County. John Culbreth Sr. asked if the applicant currently owned the land?

Mr. Jones stated it is under contract dependent on the proposal being approved. Mr. Jones continued that this facility is designed to serve those who live in the community. He continued there will be week long, month long, and year long leases. He stated this is a place to keep their truck. He added this is not where they will spend the nights for multiple nights.

John Culbreth Sr. confirmed that he's hearing that a trucker would be excluded from renting a space.

Mr. Jones stated that's not the business. He stated there's not someone on site with tickets handing out parking stubs. He continued a person will be assigned a spot on the site depending on their lease term. He stated that tenants are not everyday hauls, many are long term haulers that own their own truck. He stated according to his client, the applicant, the minority are the daily haulers. He added the majority only pull the truck out a few times a week.

**Page 5**  
**November 3<sup>rd</sup>, 2022**  
**PC Meeting**

John Culbreth Sr. asked the Planning Commission how would that be regulated?

Danny England stated he doesn't think they can. He stated it would be up to the business owner to self-regulate.

Chairman Martin agreed that people do often see trucks parked alongside the road at exits and there is a need for the facility. He asked if there will be any other amenities being offered aside from a parking space?

Mr. Jones stated this is not a truck stop. He stated they do not cater to those parked along the road who only need to store a truck for 24 hours. He stated this is for drivers and operators who need somewhere to store their trucks on a consistent basis.

Danny England asked if there was a provision in the business plan for someone driving through who saw the facility and needed to park temporarily?

Mr. Jones stated no.

Chairman Martin asked how the GDOT changes are impacting the client's timeline?

Mr. Jones said they are at the mercy of Public Works. He stated until the extension gets built they are hindered in development.

Chairman Martin asked does it impact the client's decision to press forward? He stated with GDOT projects could be five (5) years. He confirmed that the project was dependent on the changes from GDOT.

Mr. Jones stated yes and no. He continued that they did not know about the extension when they originally applied for the rezoning. He stated Corinth Road adds value to the project. He added this was a hand they were dealt and they have to deal with it. He stated that this is a Fayette County Public Works project and he hopes Fayette County Public Works would move faster than GDOT.

Danny England stated they've focused more on planning than zoning. He stated the buffer along Highway 85 and the 10 foot landscape strip that is on the yet to built new section of Corinth Road is anemic. He added they would want more of a screen there. He asked if the 10 foot buffer meets the Commercial requirements?

Deborah Bell said she would verify but she believes it would. She continued that along Highway 85 they have the Highway 85 Overlay which calls for a 50 foot buffer. She added 25 feet of that has to be landscape. She stated the 25 feet is available to be used for stormwater detention or septic system. She continued that as a note for the evergreen, staff no longer approves Leland Cyprus. She stated their subject to several different diseases.

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Danny England asked what's the new go to?

Deborah Bell stated there are a variety of other options.

Danny England stated he would require for the 50 foot setback from the State Route 85 be planted with the same evergreens. He suggested they also consider lower types of vegetation from zero (0) to ten feet. He added this strategy should probably wrap around to Corinth Road to avoid staring at the corner of the new facility while at the new intersection of Corinth Road and State Route 85.

Deborah Bell stated they can specify wrapping the buffer around the south side to encompass the outside and maybe the first interior aisle. She referenced the site plan and stated wrapping the buffer around would effectively screen visually.

Danny England stated that would be a minimum and added as condition number seven (7).

*Jim Oliver made a motion to recommend denial of Petition No.1326-22, request to rezone 13.035 acres from O-1 to C-H to create Truck Parking Facility. John Culbreth Sr. seconded the motion. The motion carried 3-1. Chairman Martin voted in opposition of denial. Brian Haren was absent.*

- 5. Consideration of Petition No. 1327-22, 130 Carnes Drive, LLC, Owner, and David Weinstein, Agent, request to rezone 1 acre from C-H to M-1 to create paint and body work. This property is located in Land Lot 217 of the 5<sup>th</sup> District and fronts on Carnes Drive and Walter Way.**

David Weinstein stated this is a 1 (one) acre lot in the business park him and his partner have owned for about a year. He added there is a tenant that buys and sells bucket trucks. He stated their lease is ending soon and there are new tenants who plan to take it over and restore classic cars. He continued the Zoning ordinance allows vehicle and boat sales in C-H and allows paint and body in M-1 but was not clear if C-H allowed it also. He stated they decided it was best to request rezoning to avoid any gray area.

No one spoke in favor or opposition.

Danny England stated the adjacent property does the same kind of work. He added this is the spot in the County where this is supposed to be. He stated he didn't see a reason to say no to this.

Chairman Martin stated they are seeing a lot of relationship with the studios as well. He continued they provide a lot of classic and period cars. Chairman Martin asked if there was a motion.

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*Danny England made a motion to recommend approval of Petition No. 1327-22, request to rezone 1 acre from C-H to M-1 to create paint and body workshop. John Culbreth Sr. seconded the motion. The motion carried 4-0. Brian Haren was absent.*

**6. Consideration of Petition No. 1328-22, Golden Development Company, LLC, Owner, and CK SPACEMAX, LLC (c/o Ellen W. Smith) Parker Poe Adams and Bernstein LLP, Agent, request to rezone 9.022 acres from A-R to C-H to create Self-Storage Facility. This property is located in Land Lot 137 of the 5<sup>th</sup> District and fronts on Highway 54 E.**

Ellen Smith, an attorney with Parker Poe Adams and Bernstein LLP, gave a presentation on the aesthetic, setbacks, quality and need of the self-storage facility. She referenced the concept plan of the facility and stated the client is under contract for the property. She spoke of residential zoning districts nearby and McCurry Park across the street from the location. She continued the facility will meet all setback requirements. She stated it will be one (1) three (3) story building with internal access climate control and there will be six (6) other one story buildings. She stated the tallest building will be furthest away from the residential building and closest to commercial. She added the property surrounding the lot is not developed. She stated there is one (1) house on a 19-acre lot and no houses on the 170-acre lot nearby. She continued they are a lower intense use than an office in the traffic and user perspective. She added it will meet all the requirements the County has for this zoning and use. She stated staff has recommended a 100-foot buffer. She continued that with a 100-foot buffer would eliminate and be a significant impact to the project due to the flood plain of the nearby lake. She requested that the 100-foot buffer be removed as a condition.

Carrie Guthrie spoke in favor. She stated she supports the project.

Chris Poholek spoke in favor. He stated they have found there are two (2) types of people who are looking for storage. Those looking for climate control and those who are looking for non-climate control. He stated the buildings are built in a way where as you drive pass you will see a class a product, mostly brick. He explained the facility will be secure. He stated the first stop will be the main office and there are codes as well as security cameras around the property. He added it is a very quiet use. He stated people will come to store their stuff and may not come back for a month or so. He continued there's no noise or obnoxious odors and supports the transition to commercial from residential.

No one spoke in opposition.

Jim Oliver stated he likes the project and doesn't have any problems with where it is. He continued he appreciated the 65 foot buffer on the rendering and agrees the 100 foot buffer would be difficult. He stated he supports the project.

Chairman Martin asked about the feasibility. He asked if another storage facility was needed? He stated the Board sees storage facilities come before them often. He stated his concerns about oversaturation.

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Mr. Poholek stated there was an overbuilding of storage facilities before the pandemic. He continued the pandemic helped the storage business because their business is driven by change. He stated during the pandemic people were moving things out of their home to make room for a home office or were moving back in with their parents. He stated many were buying and selling homes, so the overbuilding was fully absorbed. He stated it's possible they will be overbuilt again moving forward but because the building process is an extended and long process in the County, he doesn't think there will be enough facilities built in enough time to be overbuilt at least within the next couple of years.

Chairman Martin stated this is another gateway to the County. He stated this is the southeastern gateway and the County has a lovely park that is there. He stated his concern is having a roller coaster and possibly a trucking facility at one gateway and potentially a storage facility at another gateway. He asked if as a County do we want one gateway to be a storage facility?

Mr. Poholek stated they can make the buildings look however the County wants them to look. He continued they've been asked in the past if they were building a hotel. He stated they can make it completely brick and add more windows. He continued the product they can build today is of more quality.

John Culbreth Sr. stated he's inclined to support staff's recommendation of denial. He stated they need to look at what is needed, and housing is needed. He continued he could not support changing from agricultural to commercial.

Chairman Martin asked for any final comments or a motion.

Danny England made a note for staff and Planning Commission to review architectural controls in this area at the next workshop.

***John Culbreth Sr. made a motion to recommend denial of Petition No. 1328-22, request to rezone 9.022 acres from A-R to C-H to create Self-Storage Facility. Danny England seconded the motion. The motion carried 3-1. Jim Oliver voted in opposition of denial. Brian Haren was absent.***



***John Culbreth Sr. made a motion to adjourn. Danny England seconded. The motion passed 4-0. Brian Haren was absent.***

The meeting adjourned at 8:16pm.

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**November 3<sup>rd</sup>, 2022**  
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**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

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**ARNOLD MARTIN, CHAIRMAN**

**ATTEST:**

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**CHELSIE BOYNTON**  
**PLANNING COMMISSION SECRETARY**



**PETITION NO: 1326-22**

**REQUESTED ACTION:** O-I to C-H

**PROPOSED USE:** Truck Parking Facility

**EXISTING USE:** Vacant, undeveloped land

**LOCATION:** S.R. 85 north of Carnes Drive

**DISTRICT/LAND LOT(S):** 5<sup>th</sup> District, Land Lot 233

**OWNERS:** Amina Zakaria, Omar Zakaria, Saed Zakaria and Hassan Zakaria

**AGENT:** Steven L. Jones, representing Nizam Khan

**PLANNING COMMISSION PUBLIC HEARING:** November 3, 2022

**BOARD OF COMMISSIONERS PUBLIC HEARING:** December 8, 2022 (Tabled)  
January 26, 2023

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**APPLICANT'S INTENT**

Applicant proposes to rezone 13.035 acres from O-I to C-H to develop a truck parking facility.

**PLANNING COMMISSION RECOMMENDATION**

**Agenda of Actions, Fayette County Planning Commission, November 3, 2022**

Consideration of Petition No. 1326-22, Amina, Omar, Saed and Hassan Zakaria, Owner, Taylor English Duma LLP (Steven L. Jones), Agent, request to rezone 13.035 acres from O-I to C-H to create Truck Parking Facility. This property is located in Land Lot 233 of the 5<sup>th</sup> District and fronts on Highway 85 North.

*Jim Oliver made a motion to recommend denial of Petition No.1326-22, request to rezone 13.035 acres from O-I to C-H to create Truck Parking Facility. John Culbreth Sr. seconded the motion. The motion carried 3-1. Brian Haren was absent.*

**STAFF RECOMMENDATION**

As defined in the Fayette County Comprehensive Plan, the C-H – Highway Commercial District - is designated for this area. Should this petition be approved, the owner/developer must submit a site development plan as required by Chapter 104, Development Regulations. Approval of this zoning petition does not constitute approval of the conceptual site plan.

Based on the Investigation and Staff Analysis, Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of C-H – Highway Commercial District.

**RECOMMENDED CONDITIONS**

1. A 75-foot vegetated buffer shall be provided adjacent to residentially zoned parcel(s) to the west of the project. Additional planting should be added in areas where existing vegetation does not provide an adequate screen. This shall not prevent a septic system or the existing or future stormwater facilities from remaining or being located in this buffer, as prescribed by Sec. 110-93 and Sec. 110-94, respectively.
2. The full 50-foot front (east property line) buffer required by the SR 85 N Transportation Overlay shall be a vegetated buffer. Additional planting should be added in areas where existing vegetation does not provide an adequate screen. This area is not to be used for septic systems or other site utilities. This buffer shall not prevent use of the existing curb cut on SR 85; this access point is subject to GDOT approval.
3. A 200-foot x 10-foot linear strip on the south edge of the property along the proposed road extension shall be a planted evergreen buffer to screen the view of the lot from State Route 85.
4. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture. Fixtures shall be designed or shielded to prevent light trespass on other properties or roads.
5. The existing shared detention pond will require hydrological study to demonstrate it has sufficient design capacity to serve the addition of the proposed project.
6. The new development must continue to allow this pond to serve the stormwater detention requirements of the original commercial development to the north, with a site plan approved January 26, 1990.
7. The owner of the new project must provide a stormwater maintenance agreement since the detention pond is contained within this parcel. This agreement shall conform to the county's standard agreement for stormwater facility maintenance.
8. Omit tree island requirements for southernmost end of parking lot.

**INVESTIGATION****A. GENERAL PROPERTY INFORMATION**

The subject property is a 13.035-acre tract. The tract fronts on S.R. 85 in Land Lot 233 of the 5<sup>th</sup> District. S.R. 85 is classified as a Major Arterial on the Fayette County Thoroughfare Plan. The property is vacant, undeveloped land.

The parcel is currently zoned *O-I, Office-Institutional*.

This property is located in the SR 85 North Overlay Zone, which has specific development standards that are applied in addition to the underlying zoning district requirements and development regulations (*Sec. 110-173.-Transportation Corridor Overlay Zone. (3) SR 85 North Overlay Zone*).

**Rezoning History:** On September 14, 1989, the Board of Commissioners adopted a new zoning district called L-B (Limited Business). The intent was to provide planned, large-scale, mixed-use development along the major thoroughfares where sewer was planned, and particularly along SR 85 North.

On September 13, 1990, the Board of Commissioners amended the L-B zoning district and blanket zoned approximately 830 acres (including the subject property) in the SR 85 North corridor from A-R (Agricultural-Residential) to L-B. From 1991 through 1997 no one had ever developed under the L-B zoning district, because sewer was not forthcoming in the corridor. The L-B zoning district was deleted from the Fayette County Zoning Ordinance on January 14, 1998. Therefore, all properties that were zoned L-B were rezoned to a valid zoning district.

The rezoning Petition #974-98 for O-I zoning was approved by the Board of Commissioners on April 9, 1998.

**B. SURROUNDING ZONING AND USES**

Near the subject property is land which is zoned C-H, M-1 and A-R. See the following table and the attached Zoning Map. The subject property is bounded by the following adjacent zoning districts and uses:

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
North	6.9	C-H	Commercial	Commercial; SR 85 North Overlay Zone
South	4.85	M-1	Light Industrial (3 parcels)	Commercial; SR 85 North Overlay Zone
East	5.1	A-R	Single-Family Residential (3 parcels)	Light Industrial
West (across S.R. 85)	55.8	C-H	Vacant, undeveloped land	Commercial; SR 85 North Overlay Zone

## C. COMPREHENSIVE PLAN

**Future Land Use Plan:** The S.R. 85 North Corridor is designated for Commercial on the Future Land Use Plan map. This request conforms to the Fayette County Comprehensive Plan in terms of the SR 85 North of Fayetteville commercial area description which states:

SR 85 North of Fayetteville: A nonresidential corridor, this area extends from the city limits of Fayetteville north to the county line. **It provides an area where a variety of nonresidential uses including commercial, office, and light industrial are appropriate.** The area contains opportunity for infill, redevelopment and new development.

## D. ZONING/REGULATORY REVIEW

### Access & Right-of Way

The Concept Plan submitted indicates access from S.R. 85, which is managed by Georgia Department of Transportation.

**Site Plan** – The proposed site plan indicates parking for tractor-trailer trucks. The concept plan does not meet all the County’s Development Regulations, including but not limited to stormwater, overlay buffer requirements, zoning buffer requirements and screening standards. Approval of this rezoning request does not constitute approval of the conceptual site plan. Plans will be reviewed for compliance when they are presented for a site development permit.

Should this petition be approved, the owner/developer must submit a Site Plan as required by Section 104-28 of the Development Regulations. Access must comply with the provisions of Section 104-55. of the Development Regulations and the Georgia D.O.T., as appropriate. The subject property must comply with all applicable Fayette County Code regulations.

## F. DEPARTMENTAL COMMENTS

- Water System** - FCWS has no objection to this rezoning. Water is available in a 10" PVC water main along west side of Hwy 85 and in a 20" DIP water main along east side of Hwy 85. Connection to Fayette County Water System will be required within the county right-of-way or in a developer provided deeded easement as necessary.
- Public Works/Environmental Management**
  - **Transportation** – This property is adjacent to a future transportation project that is in the planning & design phase, with a proposed road on the south side of the parcel.
  - **Floodplain Management** - The subject property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0043E dated September 26, 2008, or the FC 2013 Future Conditions Flood Study.
  - **Wetlands** - The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
  - **Watershed Protection** - There **ARE NO** known state waters located on the subject property.
  - **Groundwater** – The property **IS NOT** within a groundwater recharge area.
  - **Stormwater Management** – The detention pond located on the northwest corner of the subject property also serves the commercial development to the north. The new development must continue to allow this pond to serve the stormwater detention requirements of the parcel to the north. The owner of this project must provide a maintenance agreement for the entire stormwater detention system that is located on the subject parcel.
- Environmental Health Department** – This office has no objection to the proposed rezoning. However, if grading and paving occurs over the majority of the property, then future use or additions may be limited for septic use.

- Fire** – No concerns with this development at this time. There are no fire code requirements for open parking lots. Access shouldn't be an issue as the lot should be designed for tractor trailers to easily navigate.
- GDOT** – all access to SR 85 will be reviewed and approved by GDOT.

**STANDARDS****Sec. 110-300. - Standards for map amendment (rezoning) evaluation.**

All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing a request for rezoning:

- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;
- (4) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

**STAFF ANALYSIS**

1. The subject property lies within an area designated for Commercial and Light Industrial Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use and proposed lot size.
2. The area around the subject property is an area that already has various commercial, light industrial and single-family zoning and uses. It is staff's opinion that the zoning proposal would not adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities or schools.
4. The proposal is consistent in character and use with the surrounding uses as highway commercial. Staff is not aware of other changes that would have an adverse impact on this type of development in the general area. An enhanced buffer is recommended adjacent to existing residential to the east.

**ZONING DISTRICT STANDARDS****Sec. 110-144. C-H, Highway Commercial District.**

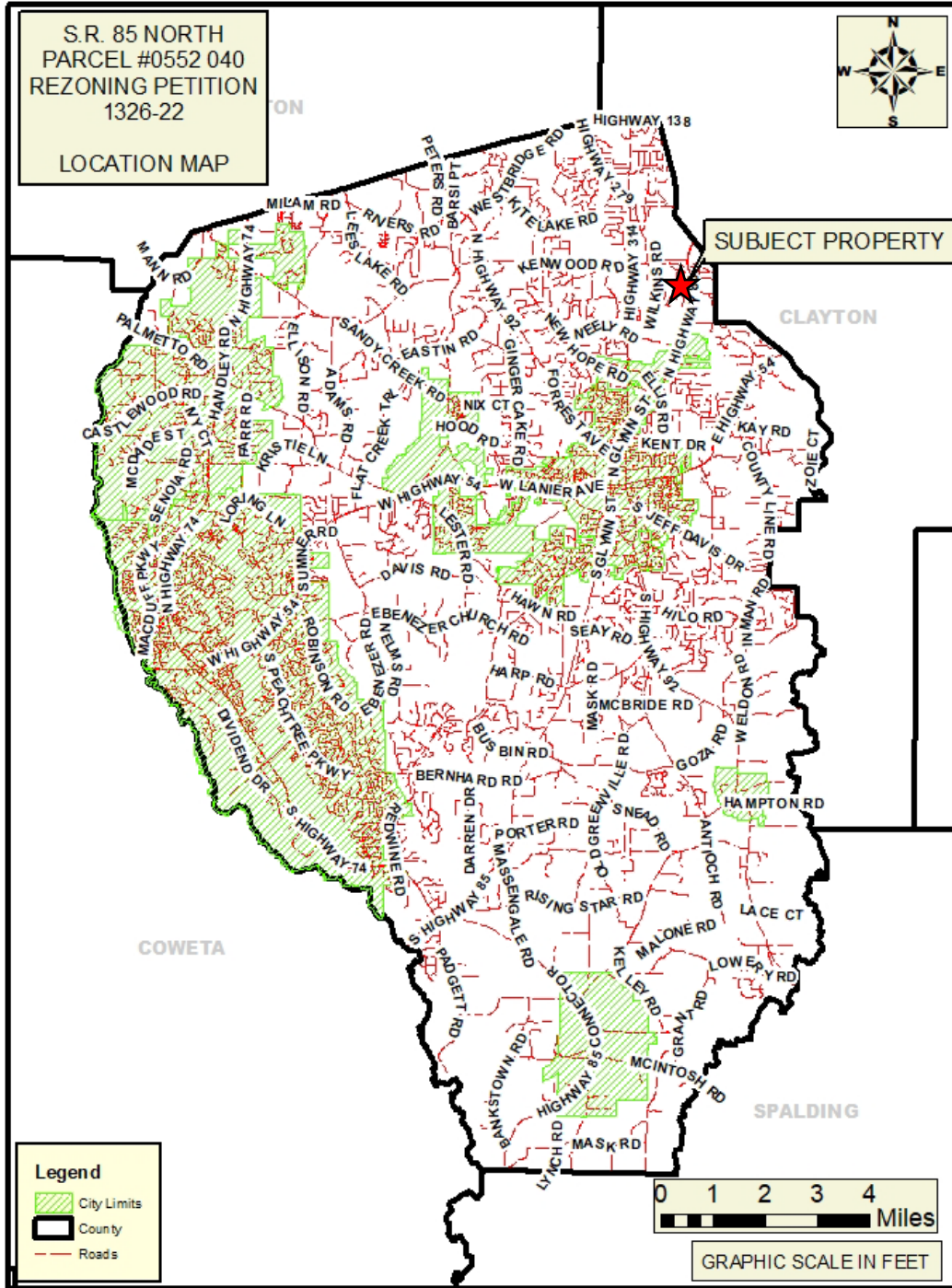
- (a) *Description of district.* This district is composed of certain lands and structures to provide and encourage proper grouping and development of roadside uses, which include a wide variety of sales and services that will best accommodate the needs of the county and the traveling public, reducing traffic congestion, hazards and blight along the public streets.
- (b) *Permitted uses.* The following uses shall be permitted in the C-H zoning district:
- (1) Ambulance service, including non-emergency medical transport service;
  - (2) Amusement or recreational facility, indoor or outdoor;
  - (3) Appliance sales, installation and/or repair;
  - (4) Armories, for meetings and training military organizations;
  - (5) Art studio;
  - (6) Auto/vehicle repair. All service, repairs and diagnostics, with the exception of emissions testing, shall be conducted within an enclosed building;
  - (7) Bakery;
  - (8) Bank and/or financial institution;
  - (9) Banquet hall/event facility;
  - (10) Bookbinding;
  - (11) Building/development, contracting, and related activities (including, but not limited to: door and window sales and/or installation, electrical, flooring sales and/or installation, entertainment system sales and/or installation, general contractor, grading, gutter sales and/or installation, insulation sales and/or installation, landscaping, lighting sales and/or installation, painting, pressure washing, plumbing, remodeling, roofing sales and/or installation, siding sales and/or installation, sales and storage of building supplies and materials, security system sales, installation and service, solar and wind equipment sales and/or installation, and incidental contractor equipment maintenance);
  - (12) Bus passenger station (pick-up and drop-off only);
  - (13) Cabinet manufacturing, sales, repair and/or installation;
  - (14) Car wash and/or detailing facility;
  - (15) Catering service;
  - (16) Church and/or other place of worship excluding outdoor recreation, parsonage, and cemetery or mausoleum;
  - (17) Clothing store and/or variety store;
  - (18) College and/or university, including classrooms and/or administration only;
  - (19) Copy shop;
  - (20) Cultural facility;
  - (21) Day spa;
  - (22) Department store;
  - (23) Drug store;
  - (24) Educational/instructional/tutoring facilities, including, but not limited to: academic; art; computer; dance; driving and/or DUI; music; professional/business/trade; martial arts; and similar facilities;
  - (25) Electronic sales and/or repair;
  - (26) Emission testing facility (inside only);
  - (27) Engraving;
  - (28) Firearm sales and/or gunsmith;

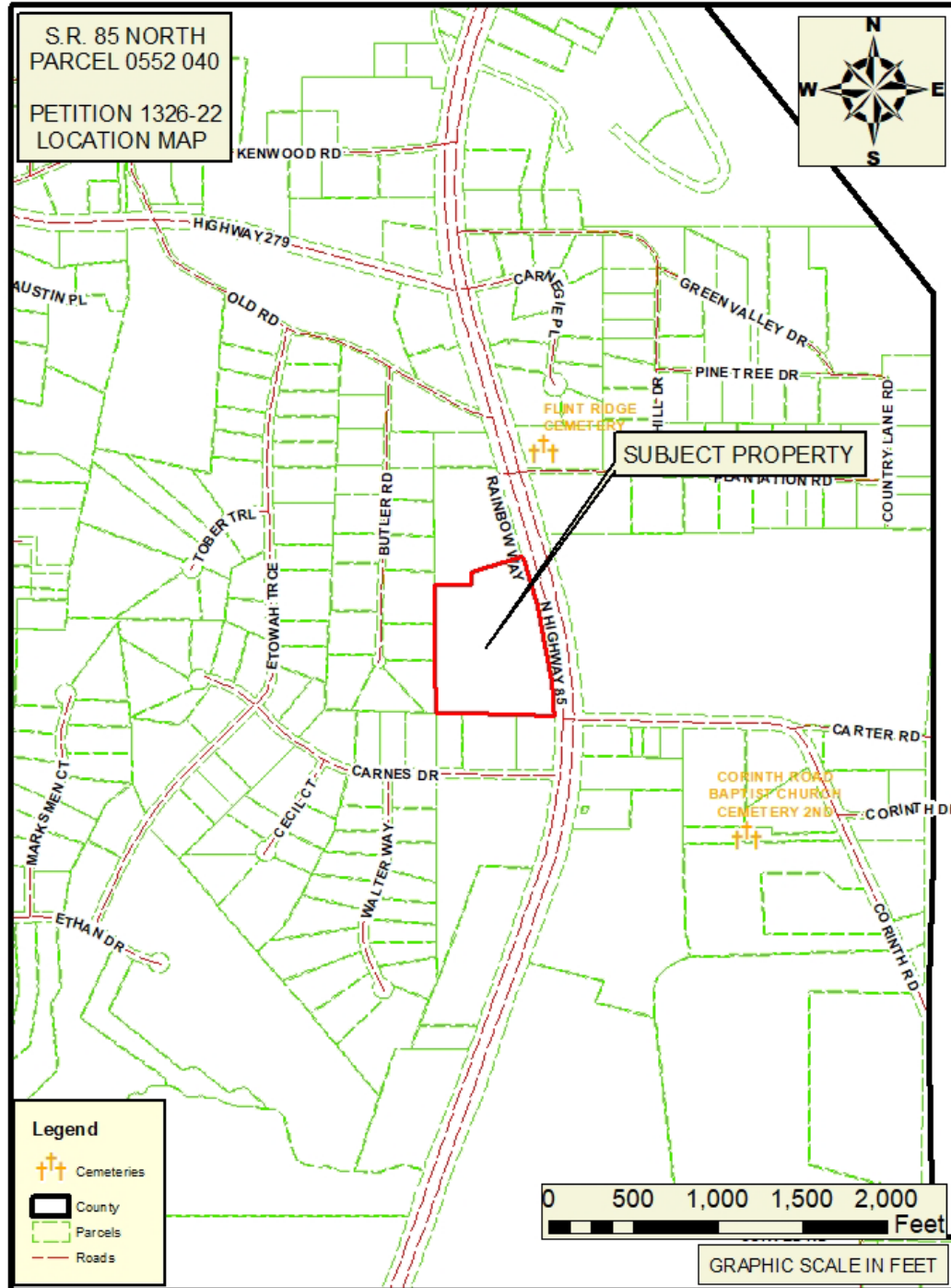
- (29) Flea market, indoor;
- (30) Florist shop;
- (31) Freezer locker service, ice storage;
- (32) Freight express office;
- (33) Funeral establishment (where funeral services, excluding a crematorium, may be provided);
- (34) Gift shop;
- (35) Glass sales;
- (36) Grocery store;
- (37) Hardware store;
- (38) Health club and/or fitness center;
- (39) Hotel;
- (40) Jewelry shop;
- (41) Laboratory serving professional requirements, (e.g., medical, dental, etc.);
- (42) Library;
- (43) Magazine publication and/or distribution;
- (44) Manufactured home and/or building sales;
- (45) Medical/dental office (human treatment);
- (46) Messenger/courier service;
- (47) Military recruiting office;
- (48) Movie theatre and/or drive-in;
- (49) Museum;
- (50) Music teaching studio;
- (51) Newspaper publication and/or distribution;
- (52) Office;
- (53) Office equipment sales and/or service;
- (54) Parking garage/lot;
- (55) Pawn shops;
- (56) Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; counseling services; electrolysis and/or hair removal; fitness center; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon;
- (57) Pest control;
- (58) Plant nursery, growing crops/garden, and/or related sales;
- (59) Printing, graphics, and/or reproductions;
- (60) Private clubs and/or lodges;
- (61) Private school, including classrooms and/or administration only;
- (62) Recording studio (audio and video);
- (63) Radio studio;
- (64) Railroad station;
- (65) Rent-alls;
- (66) Restaurant, including drive-in and/or drive-through;
- (67) Retail establishment;
- (68) Smoking lounge (subject to state and local tobacco sales and smoking laws);
- (69) Tattoo parlor;
- (70) Taxidermist;
- (71) Taxi service/limousine service/shuttle service (no on-site maintenance and/or repair);

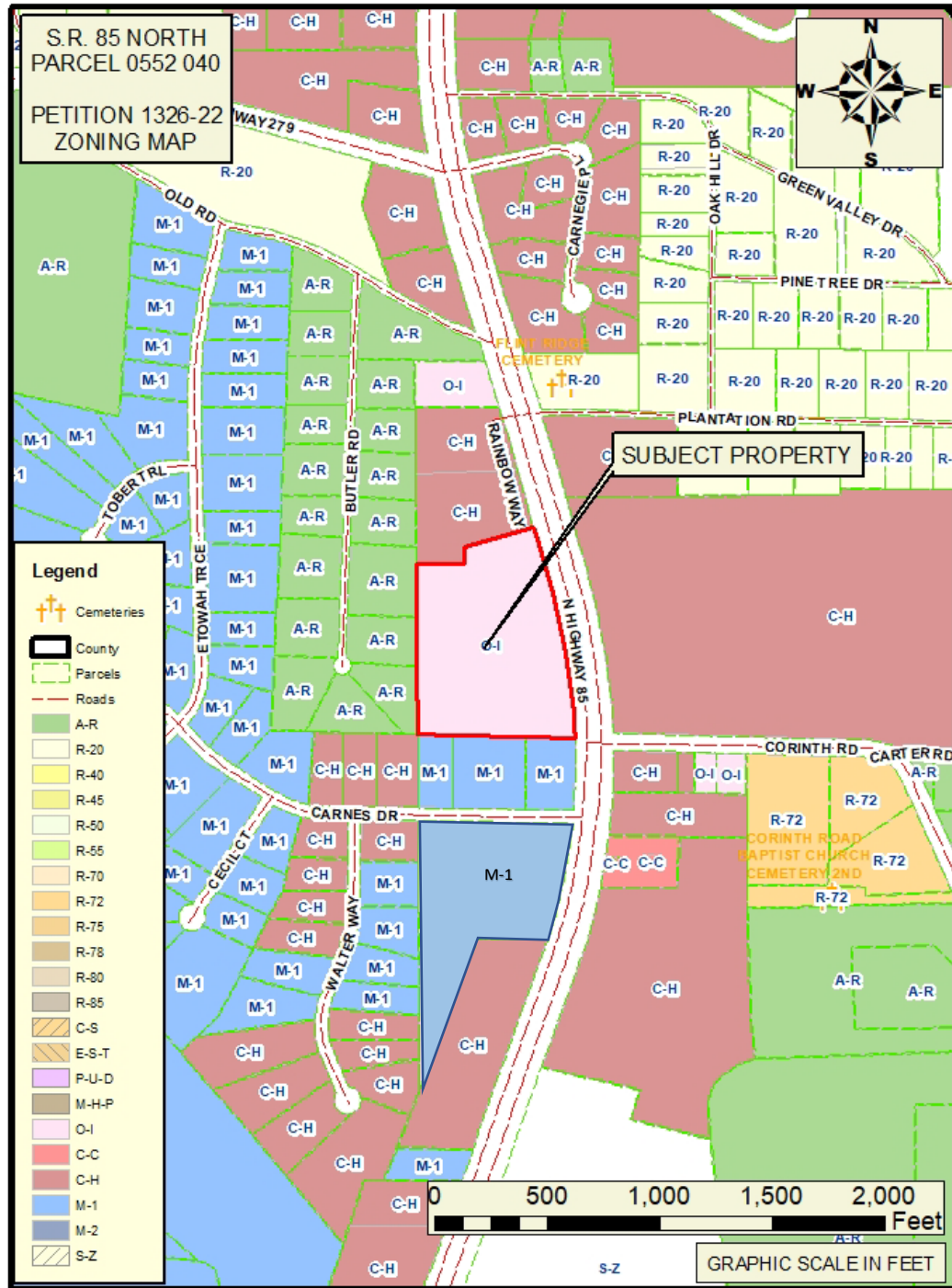


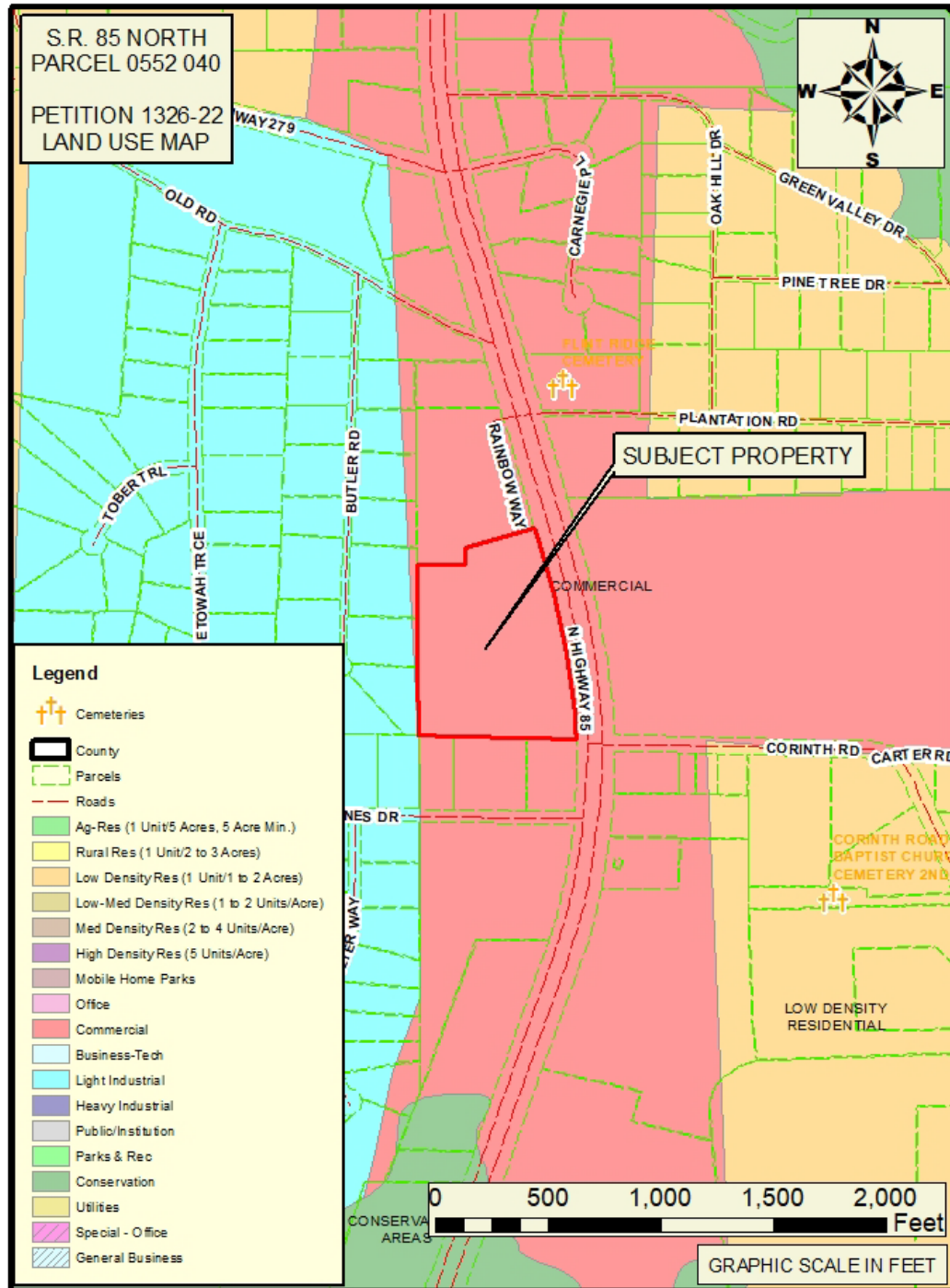
- (72) Television/movie studio;
- (73) Upholstery shop; and
- (74) Utility trailers sales and/or rental.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the C-H zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
  - (2) Amphitheater;
  - (3) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
  - (4) Automobile service station, including gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store;
  - (5) Campground facilities;
  - (6) Care home, convalescent center, and/or nursing home;
  - (7) Cemetery;
  - (8) Charter motor coach service;
  - (9) Church and/or other place of worship;
  - (10) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
  - (11) Commercial driving range and related accessories;
  - (12) Child care facility;
  - (13) Dry cleaning plant;
  - (14) Experimental laboratory;
  - (15) Golf course (minimum 18-hole regulation) and related accessories;
  - (16) Home occupation;
  - (17) Horse show, rodeo, carnival, and/or community fair;
  - (18) Hospital;
  - (19) Laundromat, self-service or otherwise;
  - (20) Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to bungee and parachute jumping;
  - (21) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;
  - (22) Religious tent meeting;
  - (23) Seasonal sales, outdoor;
  - (24) Self-storage facility (external and/or internal access);
  - (25) Single-family residence and residential accessory structures and/or uses (see article III of this chapter);
  - (26) Shooting range, indoor;
  - (27) Stadium, athletic; and
  - (28) Temporary tent sales.
  - (29) Vehicle/boat sales.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the C-H zoning district shall be as follows:
- (1) Lot area:
    - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
    - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).
  - (2) Lot width: 125 feet.

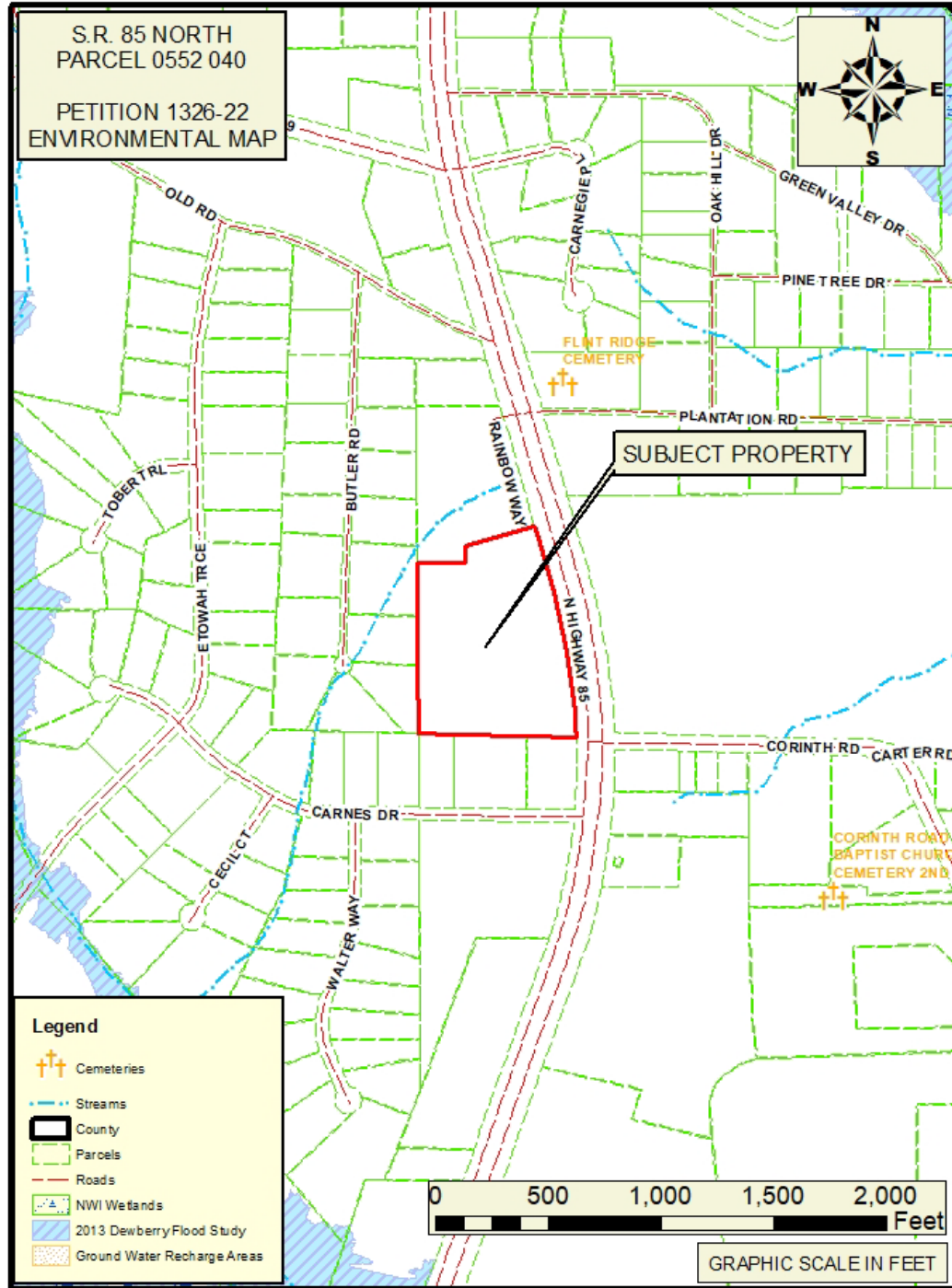
- (3) Front yard setback:
  - a. Major thoroughfare:
    1. Arterial: 75 feet.
    2. Collector: 70 feet.
  - b. Minor thoroughfare: 65 feet.
- (4) Rear yard setback: 15 feet.
- (5) Side yard setback: 15 feet.
- (6) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.
- (7) Height limit: 35 feet.
- (8) Screening dimensions for parking and service areas as provided in article III of this chapter and chapter 104.
- (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.

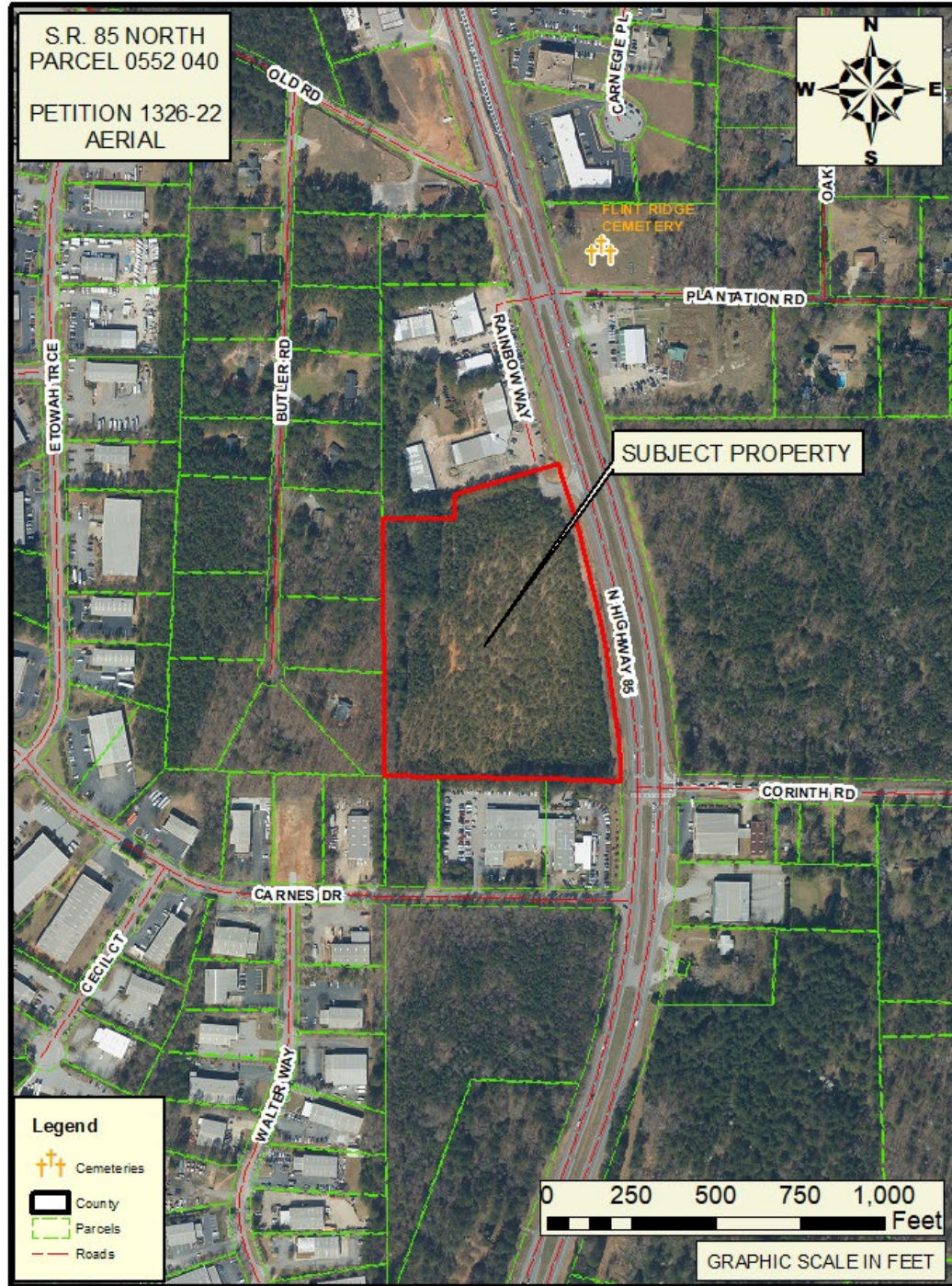




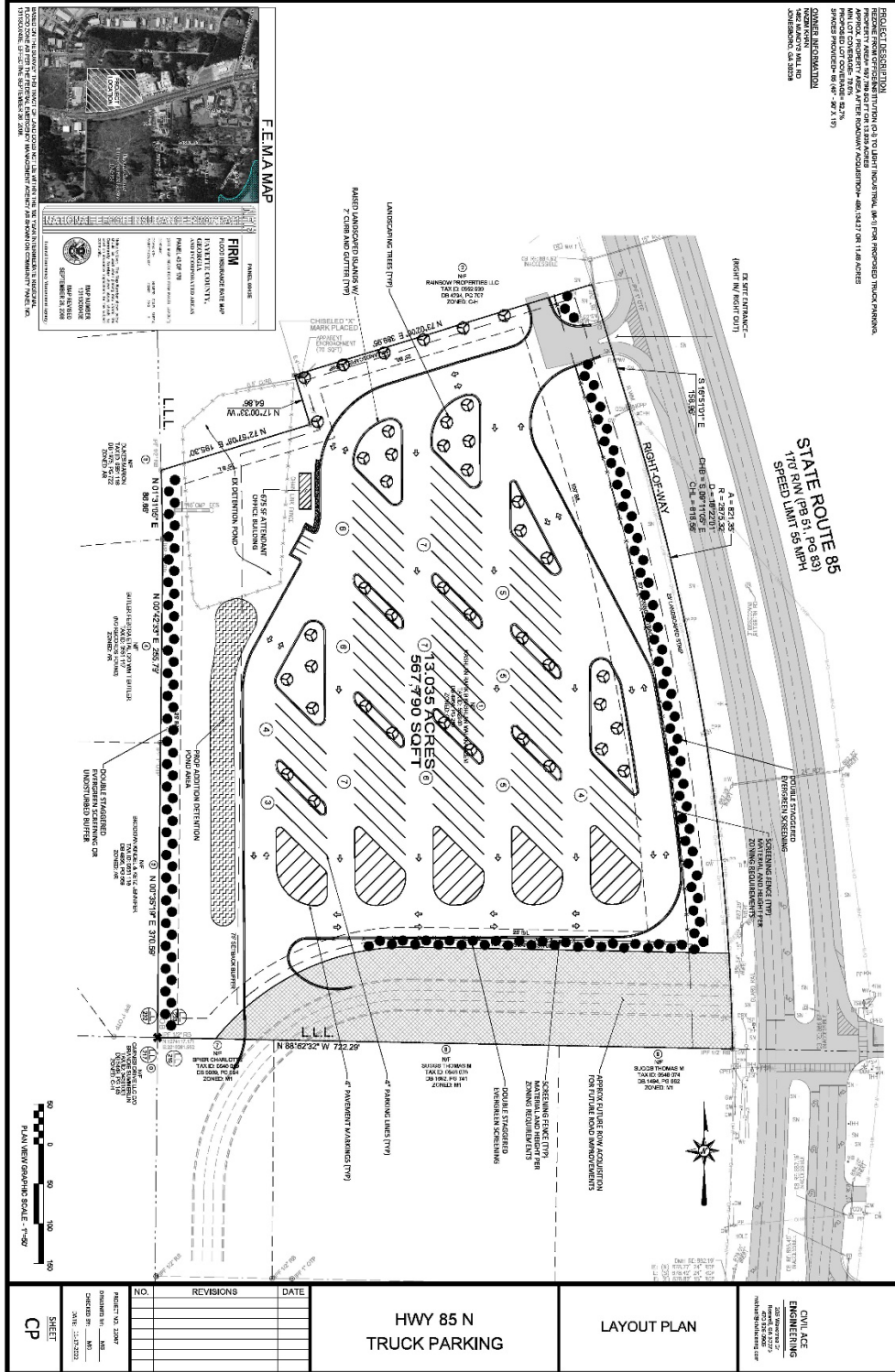












**FEM MAP**

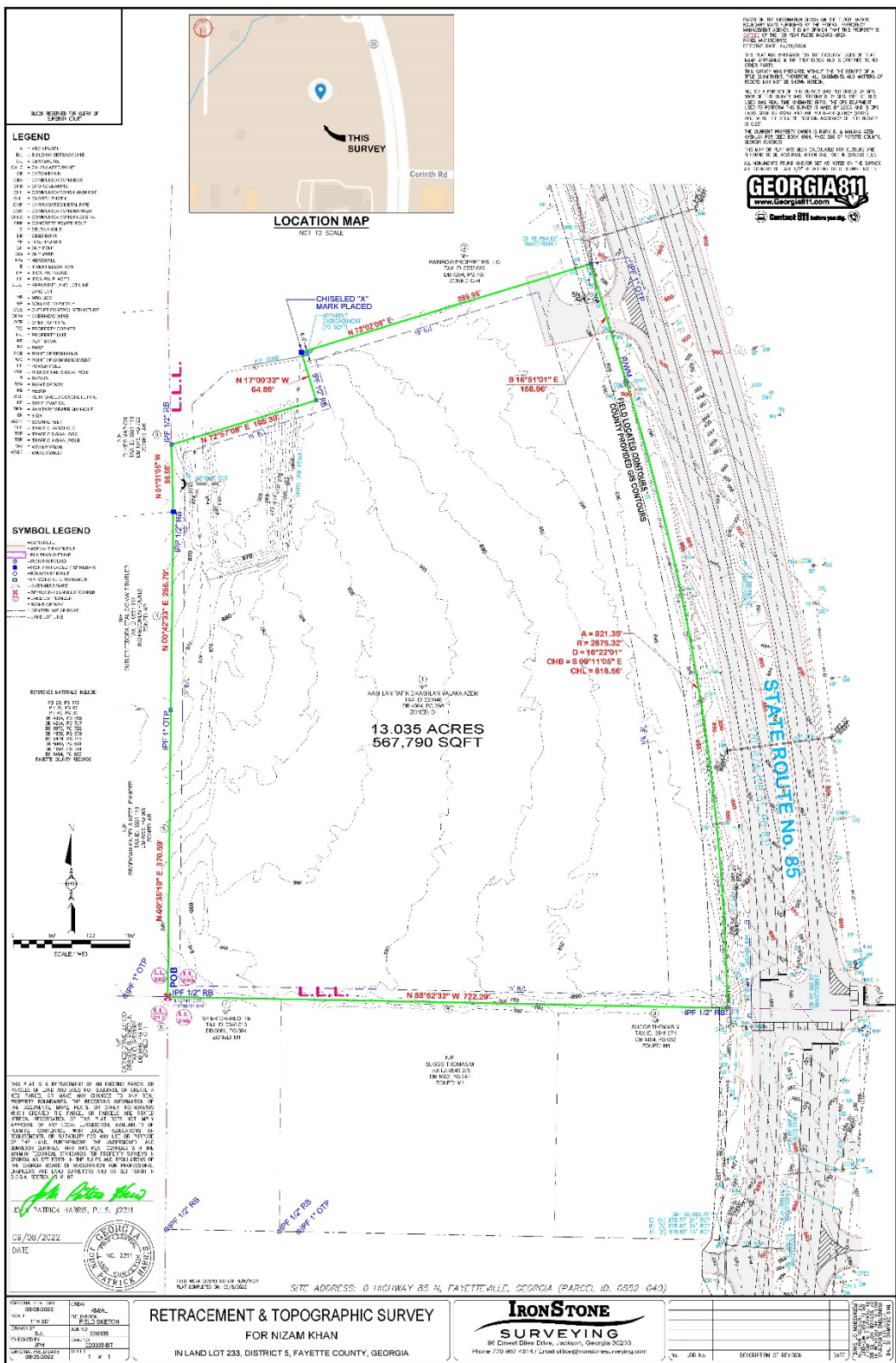
**FRM**  
FLOOD RESISTANCE MAP  
FEMA LETTER NUMBER  
ANNE ARUNDEL COUNTY  
APPROVED FOR THE PROJECT  
DATE: 10/15/2020

**PROJECT INFORMATION**  
PROJECT: HWY 85 N TRUCK PARKING  
DATE: 10/15/2020  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: 1/8"=1'-0"

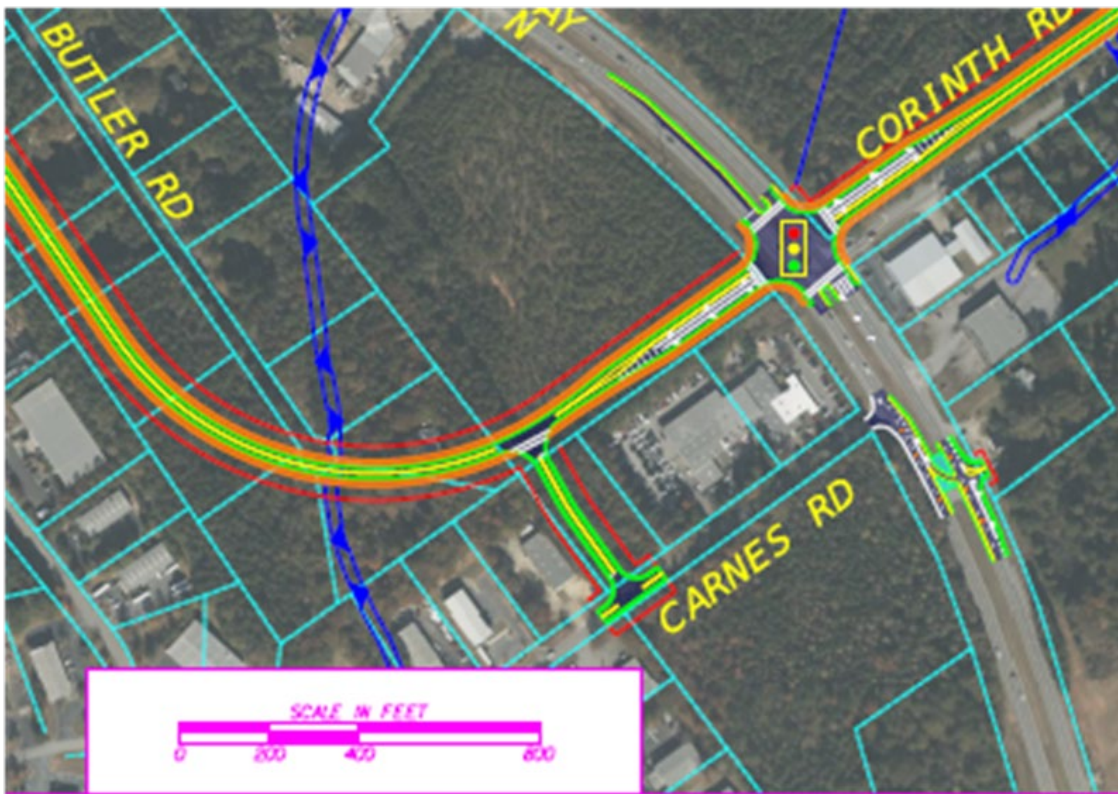
**PROJECT DESCRIPTION**  
PROPOSED CONSTRUCTION OF A 130,000 SQ FT TRUCK PARKING LOT WITH IMPROVED TRUCK ACCESS.  
PROJECT AREA: 13.035 ACRES (567,790 SQ FT)  
SITE LOCATION: HWY 85 N, ANNAPOLIS, MD 21403  
OWNER INFORMATION  
ANNAPOLIS CITY AND COUNTY  
ANNAPOLIS, MD 21403

<b>CIVIL ACE ENGINEERING</b> <small>305 HANOVER ST ANNAPOLIS, MD 21403 TEL: 410-291-1111</small>	<b>LAYOUT PLAN</b>	<b>HWY 85 N TRUCK PARKING</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>REVISIONS</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	REVISIONS	DATE						
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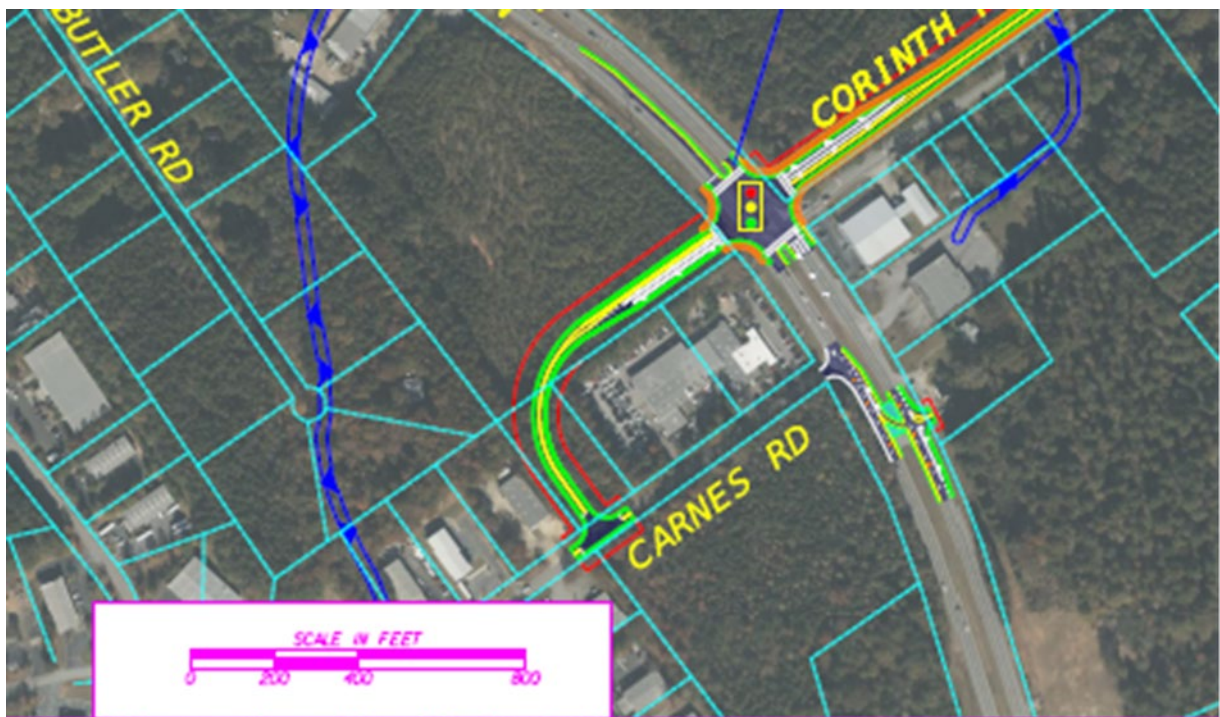
**REVISED SITE PLAN WITH CONNECTION TO PROPOSED ROAD AND REALIGNED INTERSECTION WITH TRAFFIC SIGNAL**



### SURVEY



**OPTIONS PROPOSED FOR INTERSECTION IMPROVEMENTS & CORINTH ROAD EXTENSION**



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

PROPERTY OWNERS: Amina Zakaria, Omar Zakaria, Saed Zakaria, and Hassan Zakaria

MAILING ADDRESS: 0 Highway 85 N.

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

AGENT FOR OWNERS: Nazim Khan c/o Steven L. Jones, Taylor English Duma LLP

MAILING ADDRESS: 1600 Parkwood Circle, Suite 200, Atlanta, Georgia 30338

PHONE: 404-218-2756 E-MAIL: sjones@taylorenghish.com

PROPERTY LOCATION: LAND LOT 233 LAND DISTRICT 5th PARCEL 0552 040  
LAND LOT \_\_\_\_\_ LAND DISTRICT \_\_\_\_\_ PARCEL \_\_\_\_\_

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 13.035

EXISTING ZONING DISTRICT: 0-1 PROPOSED ZONING DISTRICT: M-1 C-H

ZONING OF SURROUNDING PROPERTIES: C-H, C-H, M-1, A-R

PRESENT USE OF SUBJECT PROPERTY: Vacant

PROPOSED USE OF SUBJECT PROPERTY: Truck Parking Facility

LAND USE PLAN DESIGNATION: Commercial

NAME AND TYPE OF ACCESS ROAD: Highway 85 N.

LOCATION OF NEAREST WATER LINE: Highway 85 N.

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1326-22

[ ] Application Insufficient due to lack of: \_\_\_\_\_

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

Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: SEP 1, 2022

DATE OF PLANNING COMMISSION HEARING: OCT 6, 2022

DATE OF COUNTY COMMISSIONERS HEARING: OCT 27, 2022

Received from Taylor English Duma LLP a check in the amount of \$ 370.00 for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).

Date Paid: SEP 6, 2022 Receipt Number: 015816  
TORAC PAID \$370.00

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

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

Amina Zakaria, Omar Zakaria, Saed Zakaria, and Hassan Zakaria

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0552 040

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 216 of the 5th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of 16.928+/- acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

Signature of Property Owner 1

1275 VINTAGE CLUB DR DUBLIN GA 30127

Address

Hassan Sheikh

NOTARY PUBLIC

Fayette County, GEORGIA

Signature of Notary Public Expires 04/30/2023

8/31/2022

Date

Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Property Owner 3

Address

Signature of Notary Public

Date

Signature of Authorized Agent

Address

Signature of Notary Public

Date

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*Omar Zakaria*

Signature of Property Owner 1

1275 VINTAGE CLUB DR

Address

n/a

Signature of Property Owner 2

Address

n/a

Signature of Property Owner 3

Address

n/a

Signature of Authorized Agent

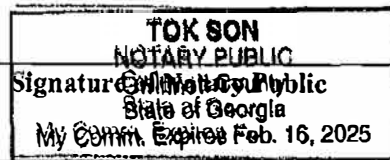
Address

*[Signature]*

Signature of Notary Public

Date

Aug 31, 2022



Date

Signature of Notary Public

Date

Signature of Notary Public

Date

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[Signature]  
Signature of Property Owner 1

10665 Branham Fields Rd, Johns Creek, GA  
Address

n/a  
Signature of Property Owner 2

Address

n/a  
Signature of Property Owner 3

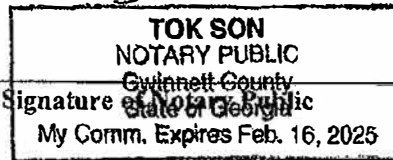
Address

n/a  
Signature of Authorized Agent

Address

[Signature]  
Signature of Notary Public

Aug 31, 2022  
Date



Date

Signature of Notary Public

Date

Signature of Notary Public

Date

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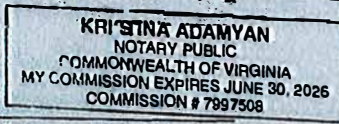
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[Signature]  
Signature of Property Owner 1  
3101 Winterfield Rd.  
Address Midlothian VA 23113

[Signature]  
Signature of Notary Public  
8/31/2022  
Date



\_\_\_\_\_  
Signature of Property Owner 2  
\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature of Notary Public  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner 3  
\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature of Notary Public  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Agent  
\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature of Notary Public  
\_\_\_\_\_  
Date



NAME: Amina Zakaria, Omar Zakaria, Saed Zakaria, and Hassan Zakaria

PETITION NUMBER: 1326-22

ADDRESS: 0 N. Highway 85 / TPN 0552 040

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

Nazim Khan affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) O-1 Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 370.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to Res C-H.

This property includes: (check one of the following)

See attached legal description on recorded deed for subject property or

Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 6<sup>th</sup> day of October, 2022 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 27 day of October, 2022 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
APPLICANT'S SIGNATURE

**AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY**

I/We, Amina Zakaria, Omar Zakaria, Saad Zakaria, and Hassan Zakaria, said property owner(s) of subject property requested to be rezoned hereby agree to dedicate, at no cost to Fayette County, 50' feet of right-of-way along Highway 85 N. as measured from the centerline of the road.

Based on the Future Thoroughfare Plan Map streets have one of the following designations and the Fayette County Development Regulations require a minimum street width as specified below:

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

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

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

Sworn to and subscribed before me this 31<sup>st</sup> day of August, 2022

[Signature]  
SIGNATURE OF PROPERTY OWNER

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

[Signature]  
Hassan Sheikh  
NOTARY PUBLIC  
Fayette County, Georgia  
NOTARY PUBLIC  
My Commission Expires 04/30/2023

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

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

Sworn to and subscribed before me this 31 day of AUGUST, 2022.



SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER



NOTARY PUBLIC

SIGNATURE OF PROPERTY OWNER

TOK SON  
NOTARY PUBLIC  
Gwinnett County  
State of Georgia  
My Comm. Expires Feb. 16, 2025

SIGNATURE OF PROPERTY OWNER

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

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Sworn to and subscribed before me this 31 day of August, 2022.

[Signature]  
SIGNATURE OF PROPERTY OWNER

n/a  
SIGNATURE OF PROPERTY OWNER

[Signature]  
NOTARY PUBLIC

n/a  
SIGNATURE OF PROPERTY OWNER

TOK SON  
NOTARY PUBLIC  
Gwinnett County  
State of Georgia  
My Comm. Expires Feb. 16, 2025

n/a  
SIGNATURE OF PROPERTY OWNER

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Sworn to and subscribed before me this 31<sup>st</sup> day of August, 2022

[Signature]  
SIGNATURE OF PROPERTY OWNER

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

[Signature]  
NOTARY PUBLIC

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

KRISTINA ADAMYAN  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES JUNE 30, 2026  
COMMISSION # 7997508

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

**DEVELOPMENTS OF REGIONAL IMPACT (DRI)**

**Rezoning Applicant:**

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

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
APPLICANT'S SIGNATURE

## Developments of Regional Impact

### Tiers and Development Thresholds

Type of Development	Metropolitan Regions	Non-metropolitan Regions
(1) Office	Greater than 400,000 gross square feet	Greater than 125,000 gross square feet
(2) Commercial	Greater than 300 000 gross square feet	Greater than 175,000 gross square feet
(3) Wholesale & Distribution	Greater than 500 000 gross square feet	Greater than 175,000 gross square feet
(4) Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 200 new beds; or generating more than 250 peak hour vehicle trips per day
(5) Housing	Greater than 400 new lots or units	Greater than 125 new lots or units
(6) Industrial	Greater than 500,000 gross square feet; or employing more than 1, 600 workers; or covering more than 400 acres	Greater than 175,000 gross square feet; or employing more than 500 workers; or covering more than 125 acres
(7) Hotels	Greater than 400 rooms	Greater than 250 rooms
(8) Mixed Use	Gross square feet greater than 400,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 120 acres; or if any of the individual uses meets or exceeds a threshold as identified herein	Gross square feet greater than 125,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 40 acres; or if any of the individual uses meets or exceeds a threshold as identified herein
(9) Airports	All new airports runways and runway extensions	Any new airport with a paved runway; or runway additions of more than 25% of existing runway length
(10) Attractions & Recreational Facilities	Greater than 1, 500 parking spaces or a seating capacity of more than 6, 000	Greater than 1, 500 parking spaces or a seating capacity of more than 6, 000
(11) Post-Secondary School	New school with a capacity of more than 2,400 students or expansion by at least 25 percent of capacity	New school with a capacity of more than 750 students or expansion by at least 25 percent of capacity
(12) Waste Handling Facilities	New facility or expansion of use of an existing facility by 50 percent or more	New facility or expansion of use of an existing facility by 50 percent or more
(13) Quarries, Asphalt &, Cement Plants	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(14) Wastewater Treatment Facilities	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(15) Petroleum Storage Facilities	Storage greater than 50, 000 barrels if within 1, 000 feet of any water supply; otherwise storage capacity greater than 200, 000 barrels	Storage greater than 50, 000 barrels if within 1, 000 feet of any water supply; otherwise storage capacity greater than 200, 000 barrels
(16) Water Supply, Intakes/Reservoirs	New Facilities	New Facilities
(17) Intermodal Terminals	New Facilities	New Facilities
(18) Truck Stops	A new facility with more than three diesel fuel pumps; or spaces.	A new facility with more than three diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces.
( 19 ) Any other development types not identified above (includes parking facilities)	1000 parking spaces	1000 parking spaces

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**DISCLOSURE STATEMENT**

**Please check one:**

**Campaign contributions -**      X   No                           Yes (see attached disclosure report)

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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



**CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR REZONING REQUEST***(All applications/documentation must be complete at the time of application submittal or the application will not be accepted)*

- 1. Application form and all required attachments completed, signed, and notarized, as applicable.
- 2. Copy of latest recorded deed, including legal description of the boundaries of the subject property to be rezoned.
- 3. Boundary Survey (1 copy if separate from Conceptual Plan), drawn to scale, showing north arrow, land lot and district, dimensions, and street location of the property, prepared (signed & sealed) by a land surveyor. The Boundary Survey and Concept Plan may be combined.
- 4. Conceptual Plan (20 copies if larger than 11" x 17"). The Conceptual Plan is not required to be signed and sealed by a registered surveyor, engineer or architect. The Conceptual Plan may be prepared on the boundary line survey, however it is required to be drawn to scale, and include all applicable items below:
  - a. The total area of the subject property to be rezoned (to the nearest one-hundredth of an acre), the existing zoning district(s) of the subject property, and the area within each zoning district if more than one district.
  - b. Approximate location and size of proposed structures, use areas and improvements (parking spaces, and aisles, drives, etc.) on the subject property for non-residential rezoning requests, including labeling the proposed use of each proposed structure/use area.
  - c. General layout of a proposed subdivision (residential or non-residential) including the delineation of streets and lots. The items of b. above are not required in this instance but may be included if known.
  - d. Approximate location and size of existing structures and improvements on the parcel, if such are to remain. Structures to be removed must be indicated and labeled as such.
  - e. Minimum zoning setbacks and buffers, as applicable.
  - f. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating type and width of existing and proposed easements and centerline of streets including width of right-of-way.
  - g. Location and dimensions of exits/entrances to the subject property.
  - h. Approximate location and elevation of the 100-year flood plain and Watershed Protection Ordinance requirements, as applicable.
  - i. Approximate location of proposed on-site stormwater facilities, including detention or retention facilities.
- 5. A letter of intent for a non-residential rezoning request, including the proposed use(s).

### YIELD PLAN CHECKLIST

**Project:** \_\_\_\_\_ Not applicable \_\_\_\_\_

**Applicant:** \_\_\_\_\_

(Items marked with \* are missing or deficient)

#### Planning & Zoning

- \_\_\_\_\_ 1. Show name of subdivision, scale of plat (not to exceed 1@ = 100=), north arrow, date, and vicinity map.
- \_\_\_\_\_ 2. Show name, address, and telephone number of owner and/or developer.
- \_\_\_\_\_ 3. Show name, address, and telephone number of the design professional.
- \_\_\_\_\_ 4. Provide registration number, seal, and signature of an engineer, surveyor, or architect license in the State of Georgia.
- \_\_\_\_\_ 5. Show property lines with bearings and distances of subject property. Provide a matching legal description of property (this will be used to advertise the property during the rezoning process).
- \_\_\_\_\_ 6. Provide total acreage of tract, acreage in lots, acreage in right-of-way and acreage used for stormwater management. Calculate net density (units/acre) using the total area less the area for R/W and stormwater.
- \_\_\_\_\_ 7. Indicate current zoning and proposed zoning of property. Provide zoning of all adjacent properties.
- \_\_\_\_\_ 8. Identify all existing structures and label as Ato remain@ or Ato be removed@. Structures to remain must be shown on individual lots and meet all applicable zoning requirements. Provide a note if there are no existing structures on the property.
- \_\_\_\_\_ 9. Show location, purpose, and width of any easements of record. Provide a note if there are no existing easements associated with the property.
- \_\_\_\_\_ 10. Provide the area of each lot and contiguous area (see Sub Regs, Section 104-597) to the 1/100th acre; label the lot numbers; and show the dimensions of all lot lines.
- \_\_\_\_\_ 11. Show front, side, and rear setback lines as dashed lines. Show minimum lot width at the building line.

#### Comments:

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\_\_\_\_\_  
Planning & Zoning Department Resubmit

\_\_\_\_\_  
Planning & Zoning Department Approval

### YIELD PLAN CHECKLIST

**Project:** Not applicable

**Applicant:** \_\_\_\_\_

(Items marked with \* are missing or deficient)

**Environmental Management**

- \_\_\_\_\_ 1. Show existing land contour lines at ten (10) foot intervals. Label the contours. Indicate source of topographic data.
- \_\_\_\_\_ 2. Delineate soil type boundaries per Soil Conservation Service Maps. Include a soil legend. For clarity, this information may be provided on a separate sheet.
- \_\_\_\_\_ 3. Delineate and label all state waters requiring watershed protection buffers and setbacks on the property and adjacent to the property where any watershed buffers and/or setbacks extend onto the property. Provide a note if there are no state waters requiring a watershed buffer. Label as "Watershed Protection Buffer," and "Watershed Protection Setback."
- \_\_\_\_\_ 4. Delineate FEMA 100-year floodplain, the Future Conditions Floodplain (available through Stormwater Management) and the 100-year flood elevation for any ponds, lakes or other man-made flood hazards on the property. Provide a note if there is no floodplain on the property. Reference the FIRM panel number.
- \_\_\_\_\_ 5. Identify all wetlands per the latest U.S. Department of the Interior, Fish and Wildlife Service National Wetland Inventory Map. Field delineation in accordance with Army Corps of Engineers guidance may be required in select areas. Provide a note if there are no wetlands on the property.
- \_\_\_\_\_ 6. Indicate if the property is in a Groundwater Recharge Area
- \_\_\_\_\_ 7. Clearly delineate drainage basins across the project area.
- \_\_\_\_\_ 8. For each basin, provide the drainage area, existing and proposed CN values, and required storage to attenuate the 100-yr storm. Detailed studies are not required; reasonable approximations are sufficient.
- \_\_\_\_\_ 9. Show offsite area and peak flow (Q<sub>10</sub> and Q<sub>100</sub>) for drainage areas passing through site.
- \_\_\_\_\_ 10. Delineate and label areas to be used for stormwater management B areas should be consistent with the hydrologic data provided above.
- \_\_\_\_\_ 11. Provide a narrative describing how water quality, stream channel protection, overbank and extreme flood protection criteria would be satisfied.
- \_\_\_\_\_ 12. All stormwater management control structures shall be on common property.

**Comments:**

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\_\_\_\_\_  
Environmental Management Department Resubmit

\_\_\_\_\_  
Environmental Management Department Approval

### YIELD PLAN CHECKLIST

**Project:** Not applicable

**Applicant:** \_\_\_\_\_

(Items marked with \* are missing or deficient)

#### **Public Works/Engineering**

- 1. Corner Lots – Fillet (20 foot radius) or chamfer corner property lines at street intersections.
- 2. Street Length – Indicate the length of each street in the subdivision.
- 3. Entrances – Subdivision entrances shall meet sight distance requirements and minimum distance between intersection requirements (both sides of street.) Provide appropriate data on the yield plan.
- 4. Show all existing and proposed streets on and adjacent to property. Label R/W widths; provide R/W dedication, as needed.

#### **Comments:**

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\_\_\_\_\_  
Public Works/Engineering Department Resubmit

\_\_\_\_\_  
Public Works/Engineering Department Approval



Doc ID: 010817620002 Type: QCD  
Recorded: 01/27/2020 at 09:00:00 AM  
Fee Amt: \$25.00 Page 1 of 2  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court  
BK 4984 PG 541-542



Doc ID: 010790210001 Type: QCD  
Recorded: 12/11/2019 at 10:30:00 AM  
Fee Amt: \$10.00 Page 1 of 1  
Transfer Tax: \$0.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court  
BK 4964 PG 266

Return Recorded Document to:  
WESSELS & GERBER, P.C.  
5491 ROSWELL ROAD 2ND FLOOR  
ATLANTA, GEORGIA 30342

**QUITCLAIM DEED**

*\* This Deed is being re-recorded for the purpose of adding the Exhibit "A"*

STATE OF GEORGIA  
COUNTY OF FULTON

**THIS INDENTURE**, Made the 6th day of **December, 2019**, between **PALMYRA CORPORATION**, of the State of **Georgia**, as party or parties of the first part, hereinafter called Grantor, and **AMINA ZAKARIA**, as to an undivided **55% interest**, **OMAR ZAKARIA**, as to an undivided **15% interest**, **SAED ZAKARIA**, as to an undivided **15% interest**, and **HASSAN ZAKARIA**, as to an undivided **15% interest**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

**WITNESSETH** that: Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever **QUITCLAIM** unto the said Grantee,

**ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 216 OF THE 5<sup>TH</sup> DISTRICT, FAYETTE COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, SAID PROPERTY BEING THE SAME AS PER THAT CERTAIN DEED RECORDED IN DEED BOOK 815, PAGE 679, IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF FAYETTE COUNTY, GEORGIA, WHICH PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE.**

**Tax Parcel # 0552 040**

**TO HAVE AND TO HOLD** the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right to title to said premises or appurtenances, or any rights thereof.

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

Signed, sealed and delivered in the presence of:

Witness \_\_\_\_\_  
*[Signature]*

**PALMYRA CORPORATION**  
*[Signature]* (SEAL)  
**AMINA ZAKARIA, PRESIDENT**

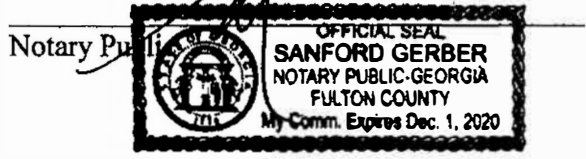


EXHIBIT "A"

All that tract or parcel of land lying and being in Land lot 233 of the 5th District of Fayette County, Georgia, being 16.928 acres, more or less, and being more particularly described as follows: BEGINNING at a point located at the Southwesterly original corner of Land Lot 233, and running thence North 01 degrees 39' 10" West a distance of 626.09 feet to a point; running thence North 03 degrees 47' 50" West a distance of 247.37 feet to a point; running thence North 00 degrees 30' 43" West a distance of 200.01 feet to a point; running thence North 00 degrees 31' 09" West a distance of 63.35 feet to a point, which point is located on the Southerly line of the property now or formerly owned by Grover P. and Betty D. Kneece, running thence North 79 degrees 58' 49" East, and following along the said Southerly boundary of said Kneece property, a distance of 463.99 feet to a point, which point is located on the Southwesterly right-of-way of State Route 85 (175' right-of-way); running thence South 19 degrees 13' 52" East, and following along said right-of-way, for a distance of 424.03 feet to a point; continuing thence in a Southeasterly direction, and following along the Southwesterly right-of-way of State Route 85, along the arc of a curve to the right, an arc distance of 821.47 feet (chord bearing South 11 degrees 24' 23" East in a chord length of 818.68 feet) to a point, which point is located at the Intersection of the Southwesterly right-of-way of State Route 85 with the Southerly land lot line of Land Lot 233; running thence South 88 degrees 54' 01" West a distance of 721.82 feet to a point and the POINT OF BEGINNING.

Form 10-7—Rev. 10-61

QUITCLAIM DEED

RECORDED  
FAYETTE COUNTY, GA.

STATE OF GEORGIA

'93 JUN 3 PM 2 16

COUNTY OF

CLERK OF SUPERIOR COURT

THIS INDENTURE, made the day of May in the year one thousand nine hundred and ~~sixty~~ ninety three, between

DON LANGLEY AKA DONALD A. LANGLEY

of the County of Cobb, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

PALMYRA CORPORATION, KAFIK B. KASHLAN and MALAKA AZEM KASHLAN

of the County of, and State of, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said grantee

All that tract or parcel of land lying and being in Land Lot 233 of the 5th District of Fayette County, Georgia, being 16.928 acres, more or less, and being more particularly described as follows:

BEGINNING at a point located at the Southwesterly original corner of Land Lot 233 and running thence North 01° 39' 10" West a distance of 626.09 feet to a point; running thence North 03° 47' 50" West a distance of 247.37 feet to a point; running thence North 00° 30' 43" West a distance of 200.01 feet to a point; running thence North 00° 31' 09" West a distance of 63.35 feet to a point, which point is located on the Southerly line of the property now or formerly owned by Grover P. and Betty D. Kneece, running thence North 79° 58' 49" East, and following along the said Southerly boundary of said Kneece property, a distance of 463.99 feet to a point, which point is located on the Southwesterly right-of-way of State Route 85 (175' right-of-way); running thence South 19° 13' 52" East, and following along said right-of-way, for a distance of 424.03 feet to a point; continuing thence in a Southeasterly direction, and following along the Southwesterly right-of-way of State Route 85, along the arc of a curve to the right, an arc distance of 821.47 feet (chord bearing South 11° 24' 23" East in a chord length of 818.68 feet) to a point, which point is located at the intersection of the Southwesterly right-of-way of State Route 85 with the Southerly land lot line of Land Lot 233; running thence South 88° 04' 17" West a distance of 721.82 feet to a point and the POINT OF BEGINNING.

The purpose of this instrument is to evidence all payments of principal and interest due the grantor have been paid in full, and said grantor hereby releases all his individual interest in the Security Deed dated 5/6/87, recorded in Deed Book 445 page 454, Fayette County Records, and Note of even date therewith. Said Note and Security Deed remains in full force and effect as to the outstanding principal balance and interest secured thereunder, owing to the remaining parties.

BOOK 815 PAGE 679

TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

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

Signed, sealed and delivered in the presence of:

*Donald A. Langley* (Seal)  
Don Langley  
also known as Donald A. Langley (Seal)

*Keith M. Cole*  
(Notary Public)  
*Don C. Wood*  
(Notary Public) Sept. 24.96

(Seal)

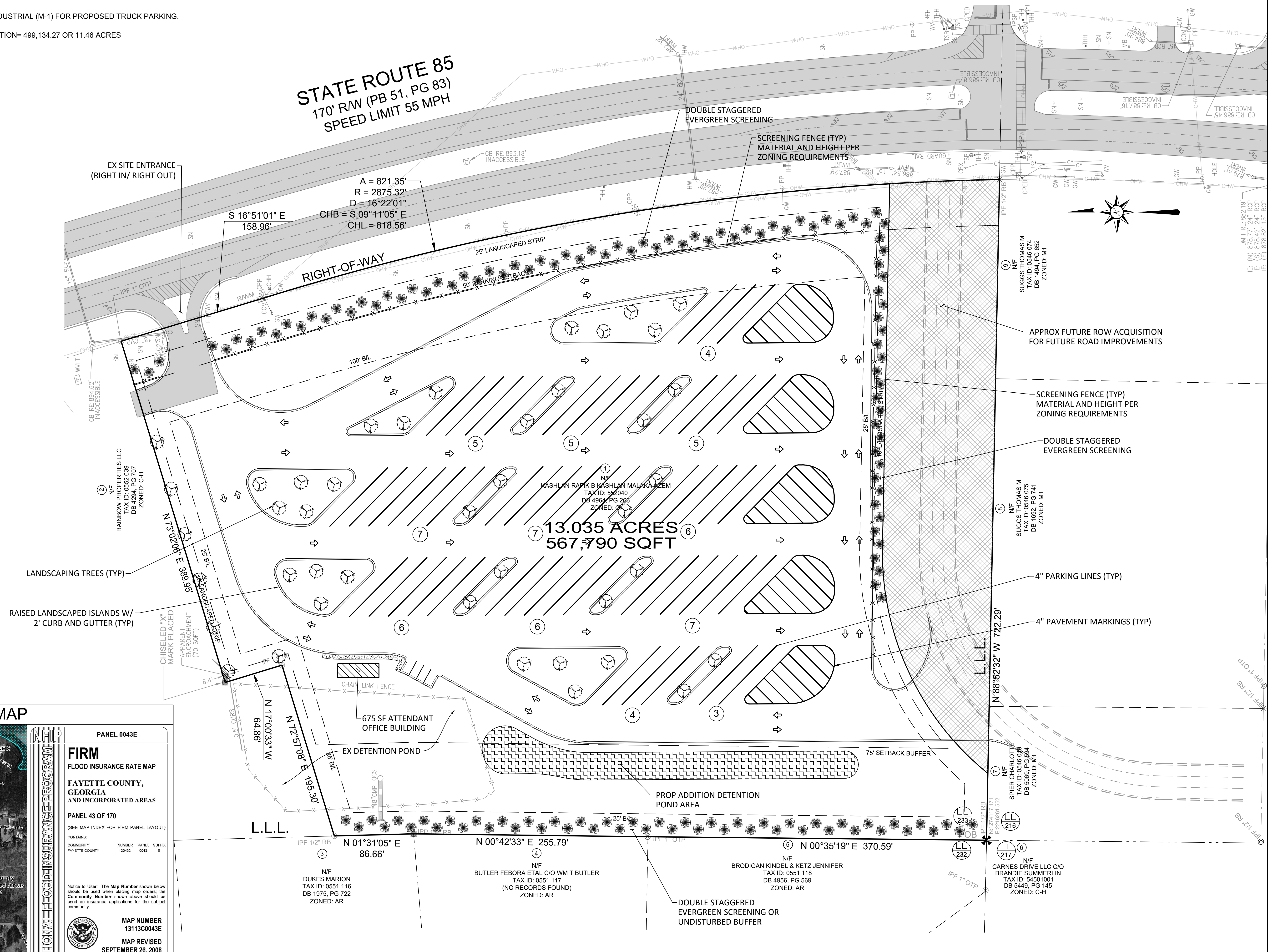
(Seal)

**PROJECT DESCRIPTION**  
 REZONE FROM OFFICE/INSTITUTION (O-I) TO LIGHT INDUSTRIAL (M-1) FOR PROPOSED TRUCK PARKING.  
 PROPERTY AREA= 567,790 SQ FT OR 13.035 ACRES  
 APPROX. PROPERTY AREA AFTER ROADWAY ACQUISITION= 499,134.27 OR 11.46 ACRES  
 MIN LOT COVERAGE= 70.0%  
 PROPOSED LOT COVERAGE= 52.7%  
 SPACES PROVIDED= 65 (45' - 90' X 15')

**OWNER INFORMATION**  
 NAZIM KHAN  
 1462 MUNDYS MILL RD  
 JONESBORO, GA 30238

**CIVIL ACE ENGINEERING**

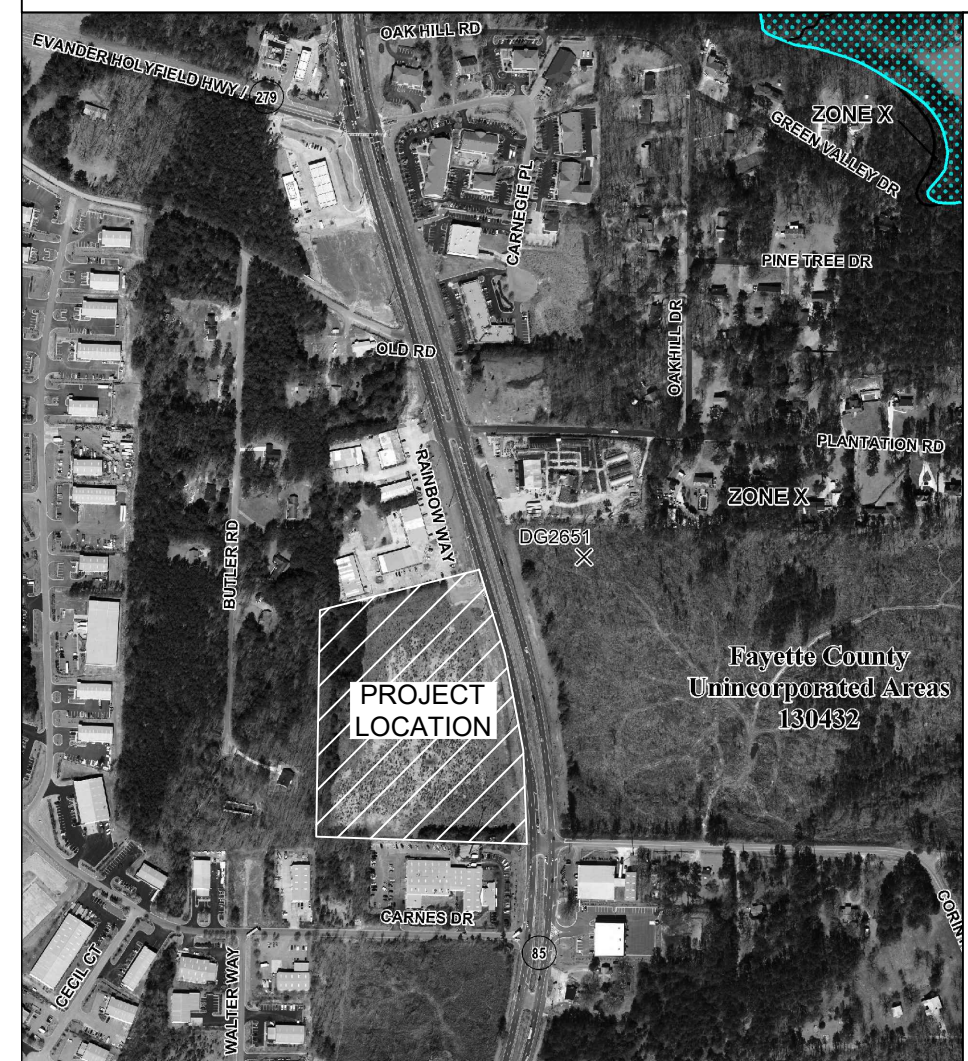
205 Wavetree Dr  
 Roswell, GA 30075  
 470-926-0905  
 michael@civlaceeng.com



LAYOUT PLAN

HWY 85 N  
 TRUCK PARKING

**F.E.M.A MAP**



**NATIONAL FLOOD INSURANCE PROGRAM**

PANEL 0043E

**FIRM**  
 FLOOD INSURANCE RATE MAP

FAYETTE COUNTY,  
 GEORGIA  
 AND INCORPORATED AREAS

PANEL 43 OF 170  
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:  
 COMMUNITY NUMBER PANEL SUFFIX  
 FAYETTE COUNTY 130432 0043 E

Notice to User: The Map Number shown below should be used when placing map orders. The Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER  
 13113C0043E

MAP REVISED  
 SEPTEMBER 26, 2008

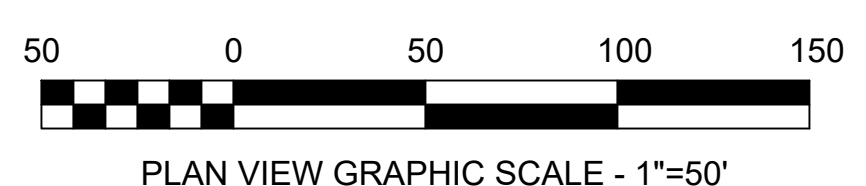
Federal Emergency Management Agency

BASED ON THE SURVEY THIS TRACT OF LAND DOES NOT LIE WITHIN THE 100 YEAR INTERMEDIATE REGIONAL FLOOD ZONE AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY PANEL NO. 13113C0043E, EFFECTIVE SEPTEMBER 26, 2008.

NO.	REVISIONS	DATE

PROJECT NO. 22047  
 DESIGNED BY: MG  
 CHECKED BY: MG  
 DATE: 11-17-2022

SHEET  
**CP**





Steven L. Jones | Partner  
Direct Dial: 678.336.7282  
Cell Phone: 404.218.2756  
E-mail: sjones@taylorenglish.com

December 7, 2022

**VIA EMAIL: tsmith@fayettecountyga.gov & dbell@fayettecountyga.gov**

Board of Commissioner of Fayette County, Georgia (the “BOC”)

c/o Tameca P. Smith, MBA, CMC, County Clerk &

Deborah Bell, RLA, Director, Community Development Department

140 Stonewall Avenue, West

Suite 100

Fayetteville, Georgia 30214

**Re: Fayette County Parcel Identification Number (“TPN”): 0552 040 (the “Property”);  
Petition No. 1326-22 (the “Application”) of Mr. Nazim Khan (the “Applicant”).**

Dear Mmes. Bell and Smith:

This letter serves to supplement and amend the Application. Enclosed with this letter—as **Attachment “A”**—is an updated site/concept plan for the proposed truck (and other vehicle) parking facility (the “Development”) on the Property. The revised site plan addresses the concern of the Fayette County Planning Commission regarding screening of the Development from adjacent roadways by (1) adding two rows of staggered evergreen vegetative screening along the future Corinth Road realignment, in addition to the initial proposed two rows of staggered evergreen vegetative screening along State Route (i.e., Highway) 85; and (2) making it clear that the Development will also include a screening fence along all road frontages. Finally, the revised site plan incorporates Staff’s recommended conditions of approval.

Further enclosed with this letter as **Attachment “B”** and **Attachment “C”**, respectively, and for consideration by the BOC prior to its official action on the Application regarding the Property are the following (collectively, the “Objections”) (1) a Constitutional Objection to Current Zoning; and (2) Objections to and for Zoning Hearing Based on York v. Athens College of Ministry, Inc. Decisions of Georgia’s appellate courts require the Applicant to present the Objections to the BOC for consideration prior to its vote on the Application. The attached are standard, procedural, and intended solely to preserve all the constitutional, procedural, statutory, and common law rights of the Applicant.

Should you have any questions/concerns regarding this letter, its attachments/enclosures, and/or the Application, please do not hesitate to contact me.

Sincerely,



Steven L. Jones

Enclosures

cc: Applicant; Dennis Davenport, County Attorney (by email)

**ATTACHMENT "A"**

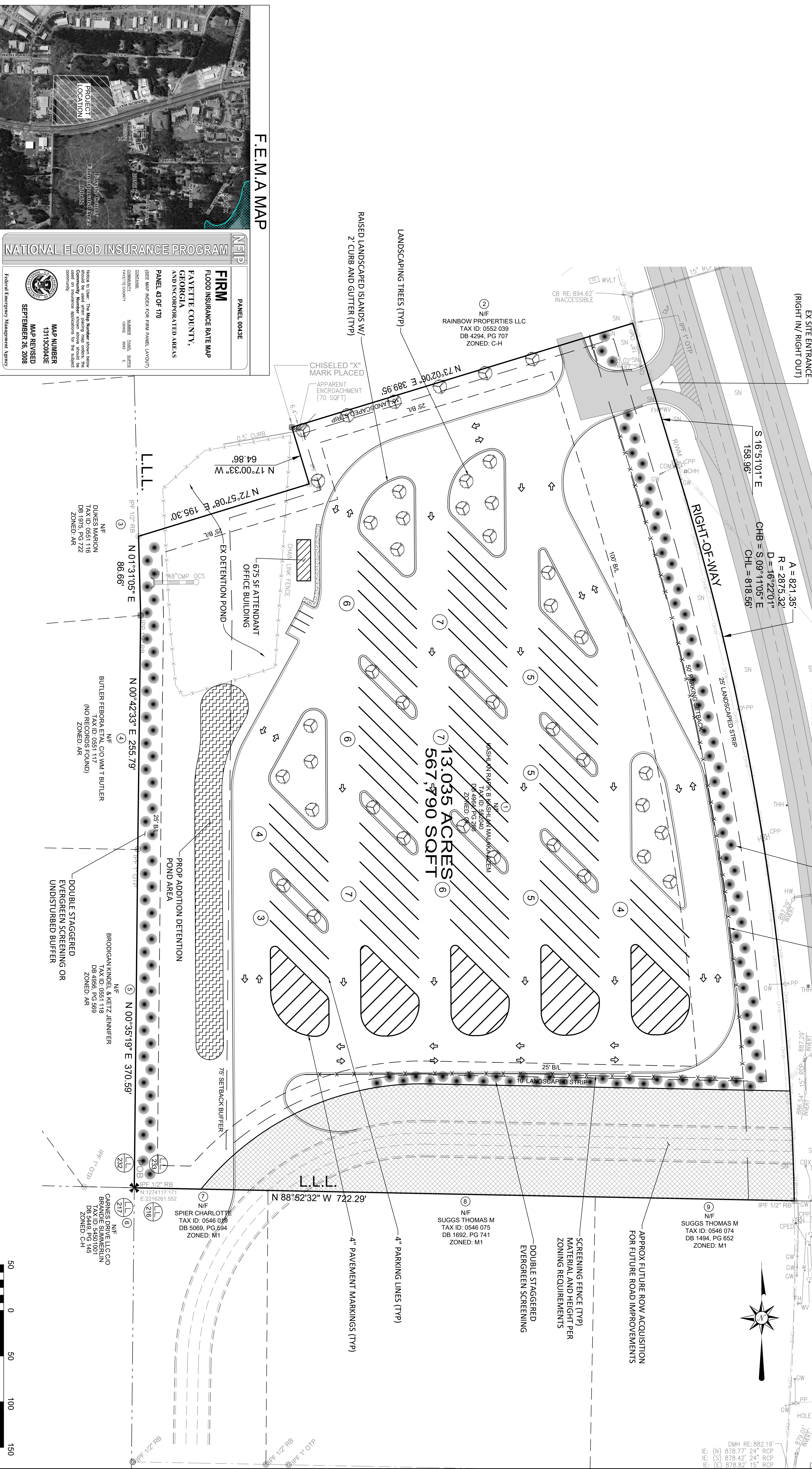
**SITE PLAN**

**Begins on Next Page**

**PROJECT DESCRIPTION**  
 REZONE FROM OFFICE/INSTITUTION (O-I) TO LIGHT INDUSTRIAL (M-1) FOR PROPOSED TRUCK PARKING.  
 PROPERTY AREA= 567,790 SQ FT OR 13.035 ACRES  
 APPROX. PROPERTY AREA AFTER ROADWAY ACQUISITION= 499,134.27 OR 11.46 ACRES  
 MIN LOT COVERAGE= 70.0%  
 PROPOSED LOT COVERAGE= 52.7%  
 SPACES PROVIDED= 65 (45' x 90' X 15')

**OWNER INFORMATION**  
 NAZIM KHAN  
 1462 MUNDY'S MILL RD  
 JONESBORO, GA 30238

**STATE ROUTE 85**  
 170' RW (PB 51, PG 83)  
 SPEED LIMIT 55 MPH



**F.E.M.A. MAP**

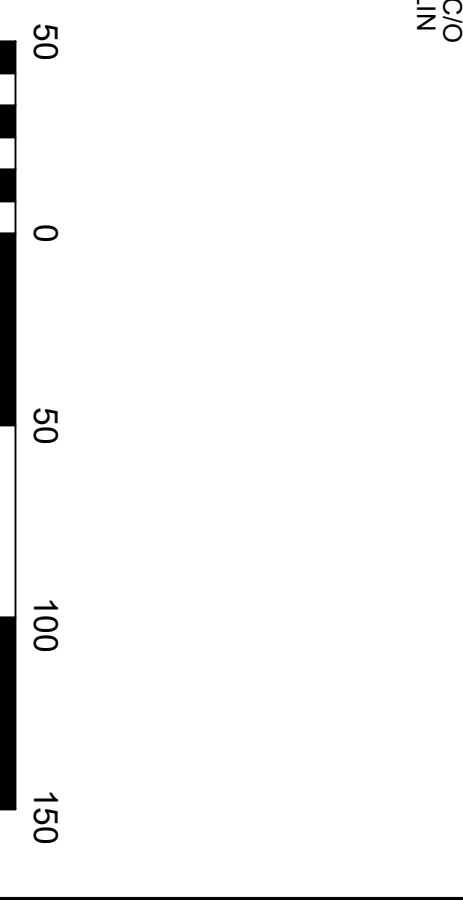
**NATIONAL FLOOD INSURANCE PROGRAM**

**FIRM**  
 PANEL 0043E  
 FLOOD INSURANCE RATE MAP  
 FAYETTE COUNTY,  
 GEORGIA  
 AND INCORPORATED AREAS  
 PANEL 43 OF 170  
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

**MAP NUMBER**  
 131130043E  
**MAP REVISED**  
 SEPTEMBER 26, 2008

**Map Note:** The Map Number shown below the Community Number shows the specific Flood Hazard Panel used in the insurance application for the subject property.

Federal Emergency Management Agency



NO.	REVISIONS	DATE

PROJECT NO. 22047  
 DESIGNED BY: MG  
 CHECKED BY: MG  
 DATE: 11-17-2022

## HWY 85 N TRUCK PARKING

## LAYOUT PLAN

**CIVIL ACE ENGINEERING**  
 205 Warene Dr  
 Fayetteville, GA 30215  
 470-926-0905  
 micha@civilaceeng.com

**ATTACHMENT “B”****CONSTITUTIONAL OBJECTION TO CURRENT ZONING**

As applied to the real property of Amina Zakaria, et al. (collectively the “Owner”), which is identified as Fayette County Tax Assessor Parcel No.: 0552 040 (the “Subject Property”) and is the subject of the previously-filed rezoning application styled as Petition No. 1326-22 (the “Application”) of Mr. Nazim Khan (the “Applicant”), and facially, the Zoning Ordinance of Fayette County, Georgia (the “Zoning Ordinance”), codified at Chapter 110 of the Code of Ordinances of Fayette County, Georgia (the “Code of Ordinances”) is unconstitutional in that the Applicant’s (and the Owner’s) property rights in and to the Subject Property, which is currently zoned O-I, Office-Institutional District (“O-I”) under the Zoning Ordinance, have been destroyed without first receiving fair, adequate, and just compensation for such property rights. As applied to the Subject Property, the Zoning Ordinance deprives the Applicant (and the Owner) of constitutionally protected rights in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States of America.

Application of the Zoning Ordinance to the Subject Property is unconstitutional, illegal, arbitrary, capricious, null, and void, constituting a taking of the Subject Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States of America thereby denying the Applicant (and the Owner) of an economically

**ATTACHMENT “B”**

viable use of the Subject Property while not substantially advancing legitimate state interests.

Inasmuch as it is impossible for the Applicant (and/or the Owner) to use the Subject Property and simultaneously comply with the Zoning Ordinance, the Zoning Ordinance constitutes an arbitrary, capricious, and unreasonable act by Fayette County, Georgia without any rational basis therefor and constitutes an abuse of discretion in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States of America.

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

Failure to approve the Application, with only those conditions consented to by the Applicant, would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia of 1983.

WHEREFORE, the Applicant requests that the Board of Commissioners of Fayette County, Georgia approve the Application, as specified and designated therein, with only conditions consented to by the Applicant.

Respectfully submitted this 7th day of December 2022.

**ATTACHMENT “B”**

**TAYLOR ENGLISH DUMA LLP**  
Counsel for Applicant

/s/ Steven L. Jones

Steven L. Jones

Georgia State Bar No.: 639038

1600 Parkwood Circle  
Suite 200  
Atlanta, Georgia 30339  
(678) 336-7282  
sjones@taylorenghish.com

## ATTACHMENT “C”

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

As applied to Mr. Nazim Khan (the “Applicant”) and the real property of Amina Zakaria, et al. (collectively the “Owner”), which is identified as Fayette County Tax Assessor Parcel No.: 0552 040 (the “Subject Property”) and is the subject of the previously-filed rezoning application styled as Petition No. 1326-22 (the “Application”) of the Applicant, any public hearing regarding, and any Board of Commissioners of Fayette County, Georgia (“BOC”) action (including, but not limited, any final action on the Application) on, the Application are objected to by Applicant based on, but not limited to, the reasons set forth herein (collectively the “York Objection” and each an “Objection”), in accordance with *York v. Athens College of Ministry, Inc.*, 348 Ga. App. 58, 821 S.E.2d 120 (Ga. Ct. App. 2018):

Contemporaneous with the filing of this *York* Objection, the Applicant is filing a Constitutional Objection to the O-I, Office-Institutional District (“O-I”) zoning district currently applied the Subject Property, and all Objections set forth therein are incorporated herein by reference as if fully restated.

The Applicant objects to the hearing before the BOC because the time limitation, if any, imposed on the presentation of evidence and testimony in support of, as well as in rebuttal to opposition evidence, comments, and/or testimony to, the Application deprives the Applicant a meaningful opportunity to be heard and preserve issues, in violation of the Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of Georgia of 1983. Likewise, the Applicant objects to any and all members of the public (and/or other persons) who appear (or otherwise give testimony and/or opinion) at the public hearing before the BOC to the extent that (but not limited to) said individuals (a) do not have standing to appeal the BOC’s decision on the Application (i.e., do not satisfy the

**ATTACHMENT “C”**

substantial interest-aggrieved citizen test); (b) are not under oath; (c) are not subject to cross-examination; (d) present evidence on and/or make statements that qualify as (or must or should be assessed with the aid of) expert opinion testimony without any or all individuals being qualified as expert witnesses; (e) present evidence on and/or make statements that are not germane to the exclusive factors for consideration of the Application set forth in the Zoning Ordinance of Fayette County, Georgia (the “Zoning Ordinance”), codified at Chapter 110 of the Code of Ordinances of Fayette County, Georgia (the “Code of Ordinances”); (f) present evidence and/or make statements that are founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, and/or lay, nonexpert opinion evidence; and/or (g) fail to disclose any and every campaign (or other) contribution to any member of the BOC.

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



**ATTACHMENT “C”**

lay, nonexpert opinion evidence; (d) contrary to, or based, in whole or in part, on factors or considerations other than, the exclusive factors or procedure for consideration of the Application set forth in the Zoning Ordinance; (e) based, in whole or in part, on evidence and/or information received by the BOC (1) outside of the public hearing on the Application; (2) by ex parte or other similar means; and/or (3) otherwise in a manner which does not afford the Applicant a right to respond to or otherwise confront all evidence considered by the BOC in its evaluation of the Application; (f) otherwise not made pursuant and in conformance with the Code of Ordinances; the Zoning Ordinance; the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*; and/or any other law, including the Constitutions of the State of Georgia or the United States of America; and/or (g) pursuant to an ordinance, resolution, zoning map, and/or the like not adopted in compliance with the Code of Ordinances; the Zoning Ordinance; the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*; and/or any other law, including the Constitutions of the State of Georgia or the United States of America, which the Applicant contends is the case for the applicable ordinances, resolutions, and maps, including, but not limited to, the Zoning Ordinance.

By and through this *York* Objection, the Applicant hereby preserves all the above and incorporated Objections, and any and all evidence, arguments, and objections made and/or tendered at any hearing, and/or prior to the BOC’s final action, on the Application, and asserts them on and within the record before, and for consideration and resolution (prior to any formal decision) by, the BOC.

WHEREFORE, the Applicant requests that the Board of Commissioners of Fayette County, Georgia approve the Application, as specified and designated therein and without any conditions not consented to by the Applicant.

[SIGNATURE ON FOLLOWING PAGE]

**ATTACHMENT "C"**

Respectfully submitted this 7th day of December 2022.

**TAYLOR ENGLISH DUMA LLP**  
Counsel for Applicant

/s/ Steven L. Jones

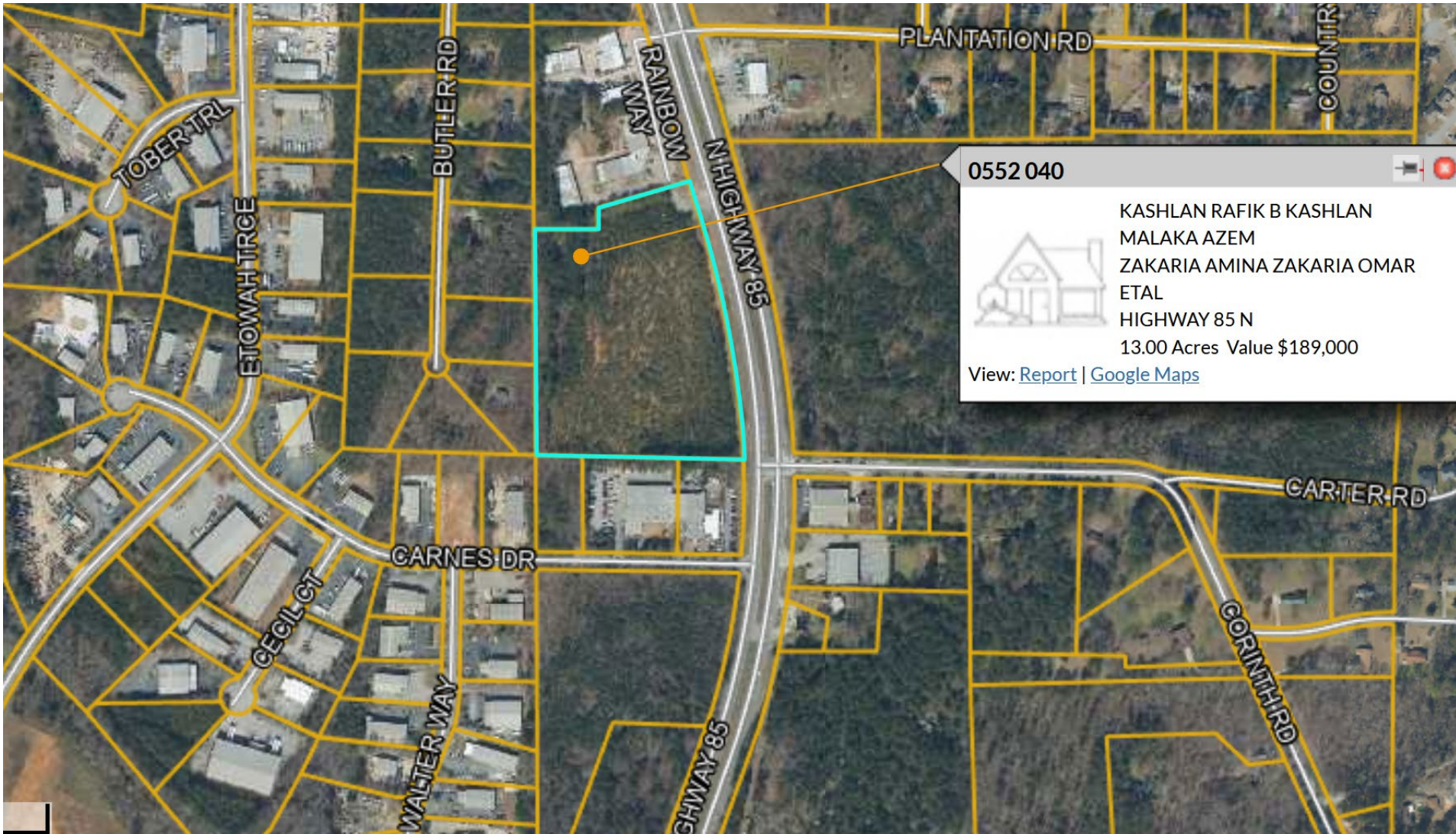
Steven L. Jones  
Georgia State Bar No.: 639038

1600 Parkwood Circle  
Suite 200  
Atlanta, Georgia 30339  
(678) 336-7282  
sjones@taylorenghish.com

# Petition No. 1326-22

By: Steven L. Jones  
Partner | Taylor English Duma LLP  
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(678) 426-4628

taylor | english

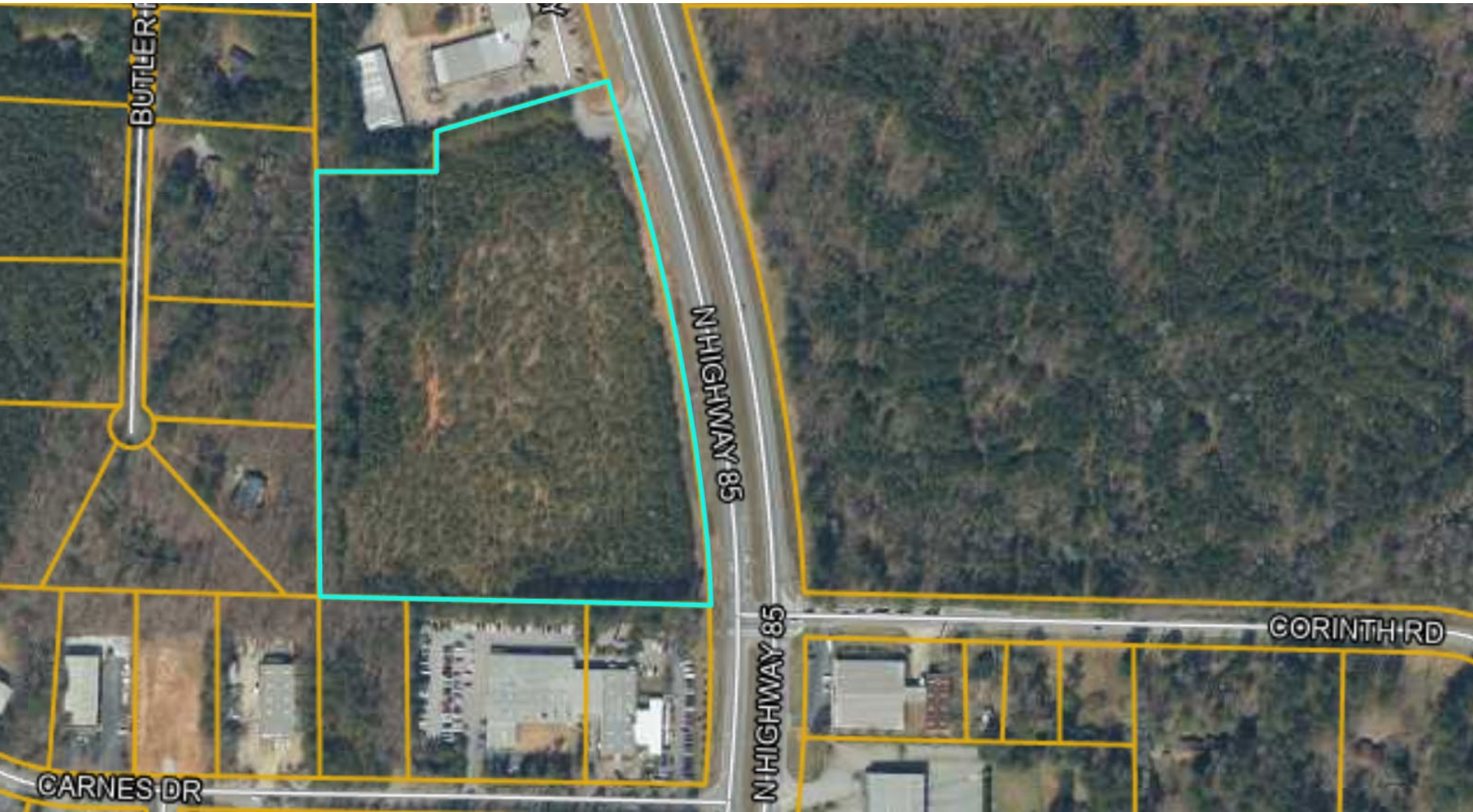


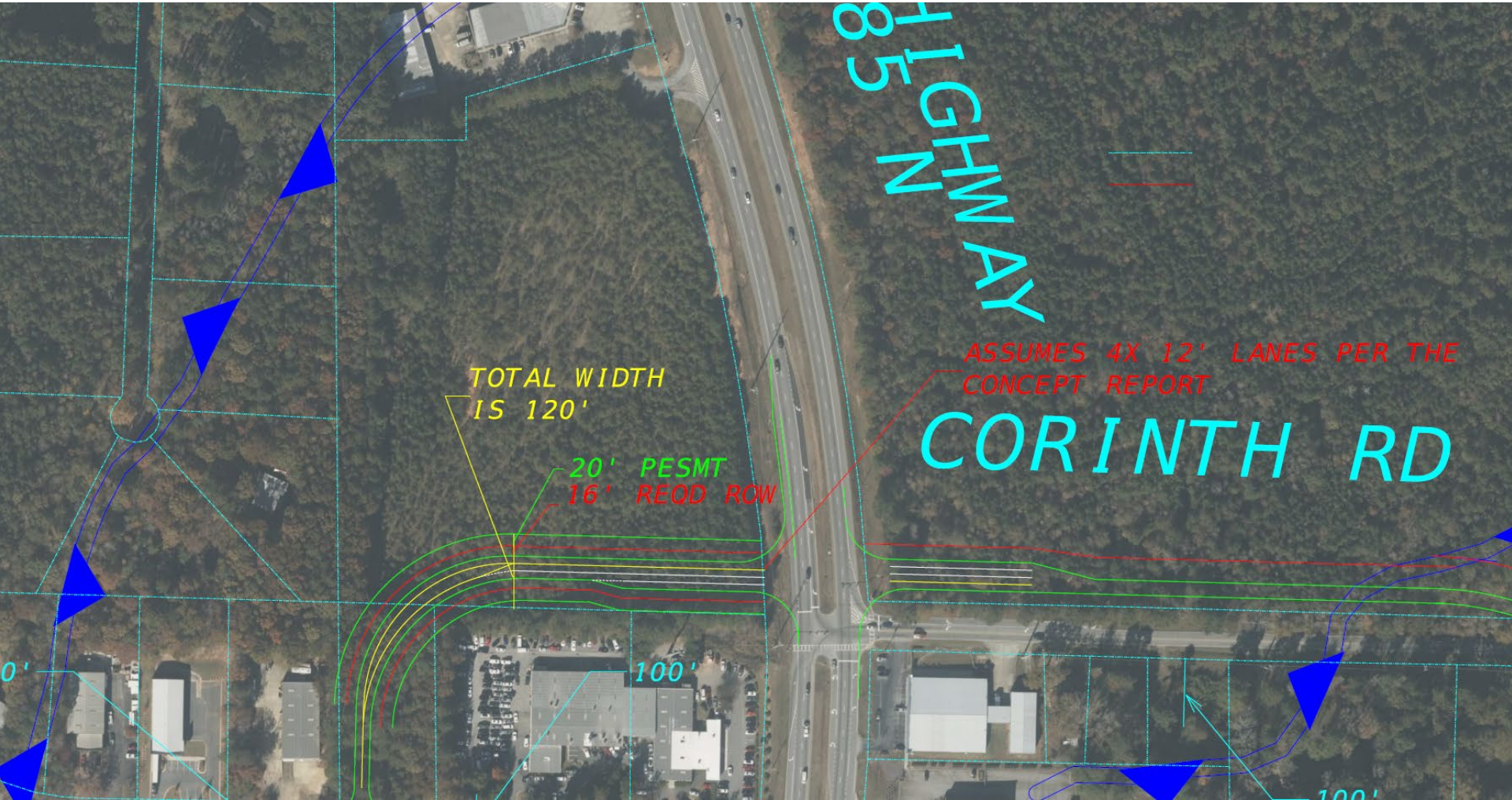
0552 040



KASHLAN RAFIK B KASHLAN  
MALAKA AZEM  
ZAKARIA AMINA ZAKARIA OMAR  
ETAL  
HIGHWAY 85 N  
13.00 Acres Value \$189,000

View: [Report](#) | [Google Maps](#)





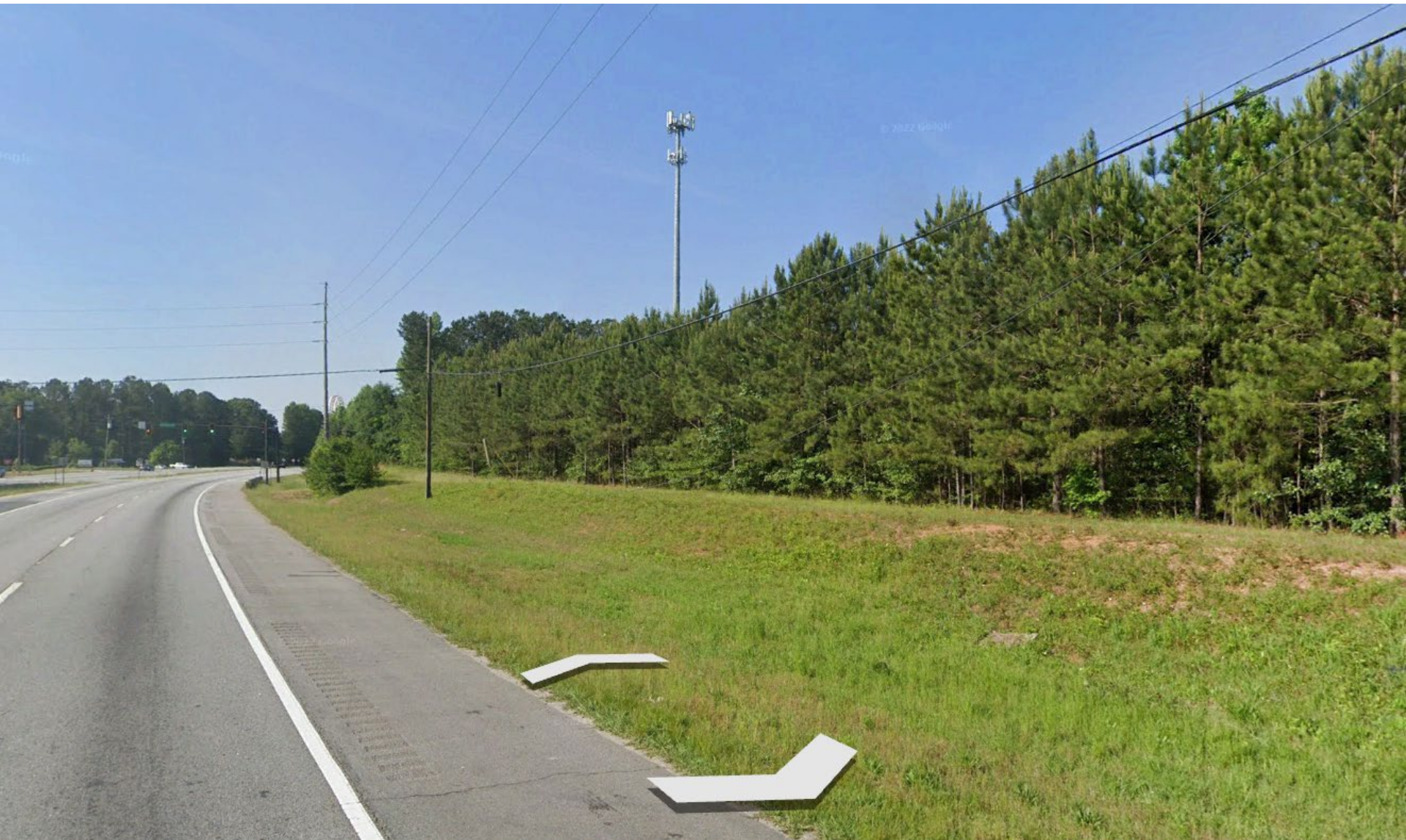








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**CIVIL ACE ENGINEERING**  
 205 Westmore Dr  
 Roswell, GA 30075  
 404-584-0468  
 michael@civaceeng.com

LAYOUT PLAN

HWY 85 N  
 TRUCK PARKING

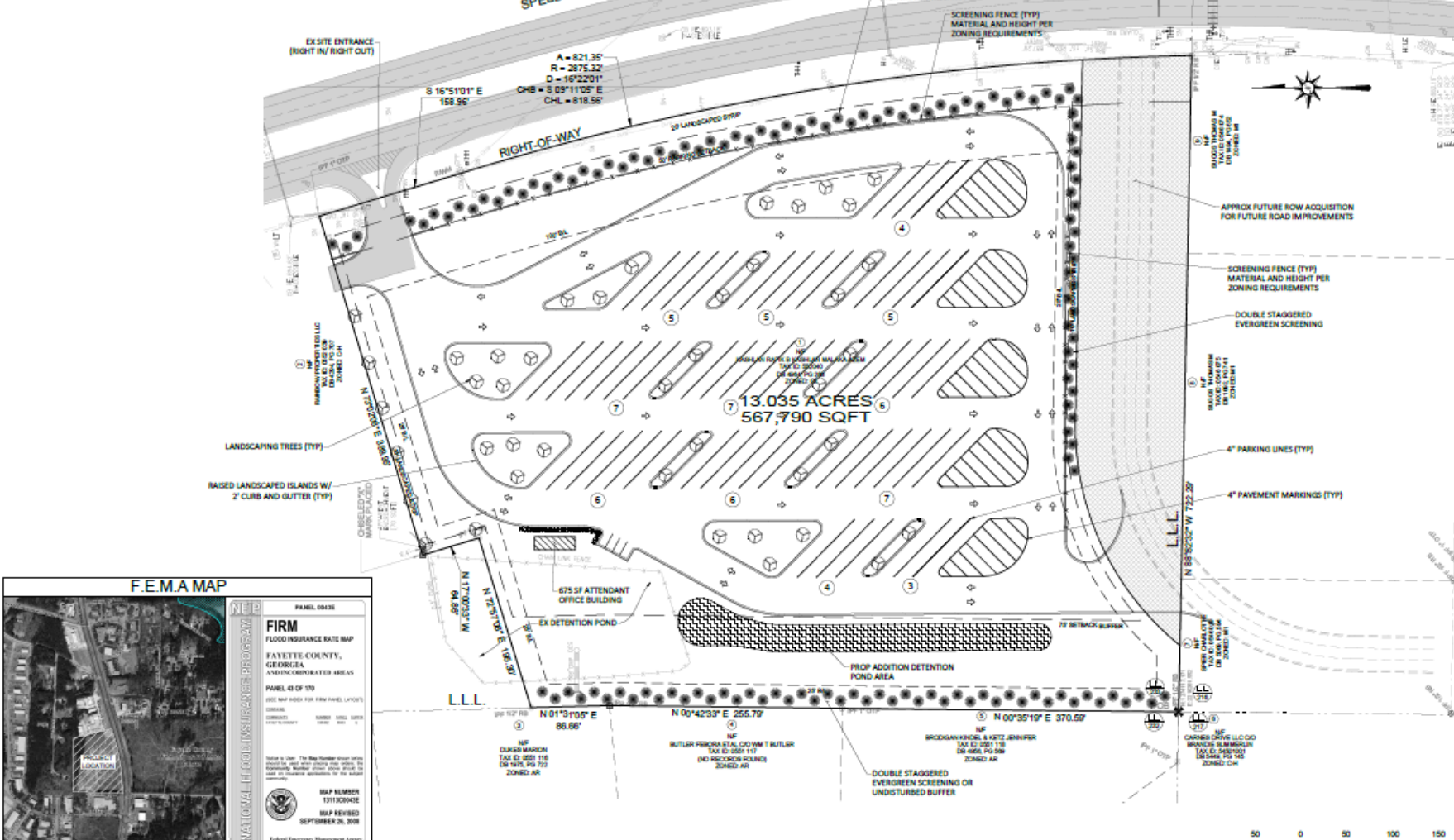
NO.	DATE	REVISIONS

PROJECT NO. 22047  
 DESIGNED BY: MSJ  
 CHECKED BY: MSJ  
 DATE: 11-27-2022

SHEET  
 CP

**PROJECT DESCRIPTION**  
 REZONE FROM OFFICE/INSTITUTION (O-3) TO LIGHT INDUSTRIAL (M-1) FOR PROPOSED TRUCK PARKING.  
 PROPERTY AREA= 567,790 SQ FT OR 13.035 ACRES  
 APPROX. PROPERTY AREA AFTER ROADWAY ACQUISITION= 496,134.27 OR 11.46 ACRES  
 MIN LOT COVERAGE= 70.0%  
 PROPOSED LOT COVERAGE= 52.7%  
 SPACES PROVIDED= 85 (47' x 27' X 15')

**OWNER INFORMATION**  
 NAZIM KISAN  
 1402 MUNDY'S MILL RD  
 JONESBORO, GA 30238



**F.E.M.A MAP**

PANEL 0826

**FIRM FLOOD INSURANCE RATE MAP**

FAYETTE COUNTY, GEORGIA AND INCORPORATED AREAS

PANEL 43 OF 170

2002 MAP BASE FOR FIRM PANEL LOCUS

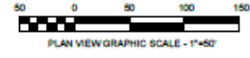
DATE: 09/28/2008

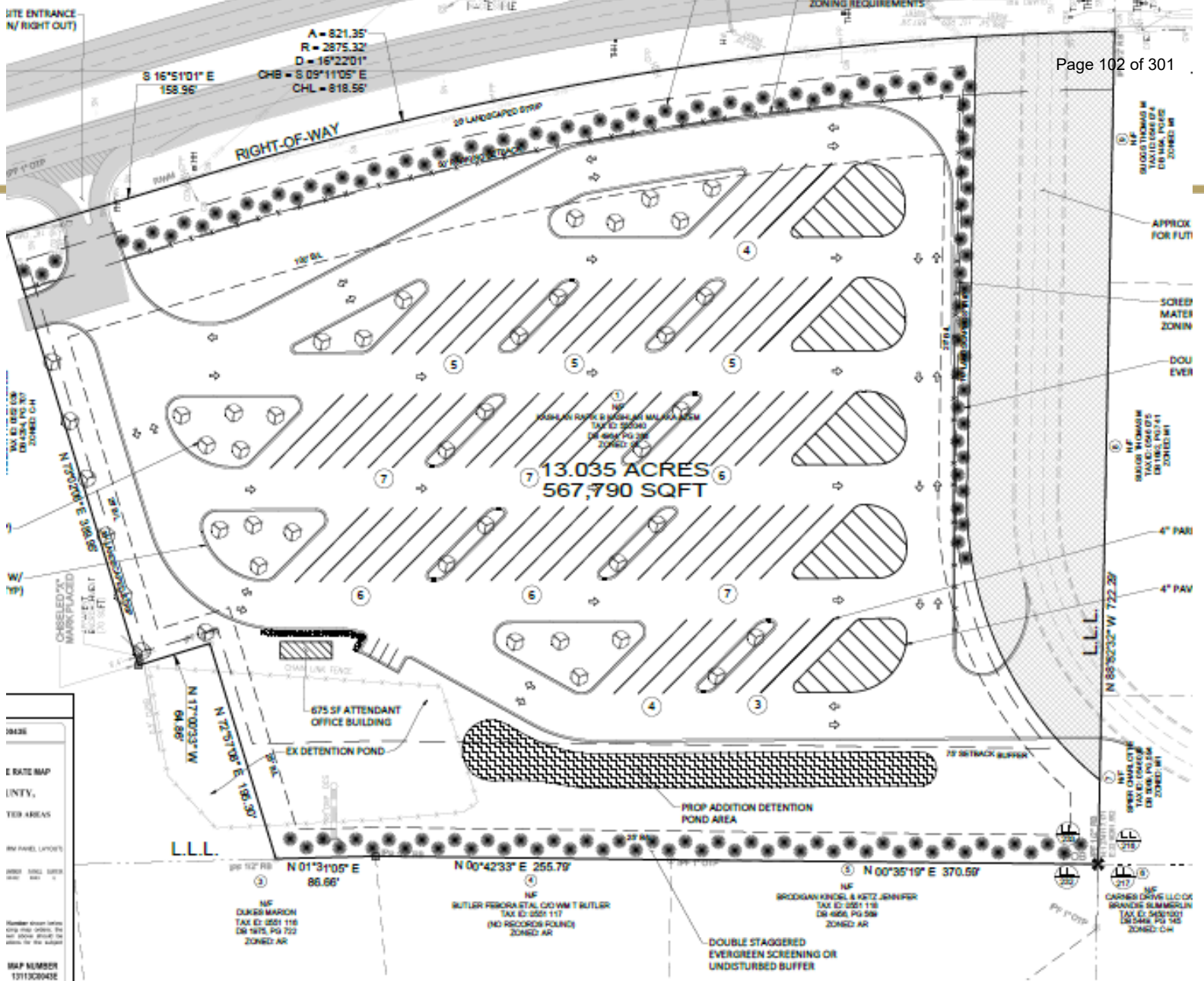
MAP NUMBER: 13130343E

MAP REVISED: SEPTEMBER 28, 2008

Federal Emergency Management Agency

BASED ON THE SURVEY THIS TRACT OF LAND DOES NOT LIE WITHIN THE 100-YEAR INTERMEDIATE REGIONAL FLOOD ZONE AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY PANEL NO. 131130343E, EFFECTIVE SEPTEMBER 28, 2008.





14240

E RATE MAP

UNTV.

TERR AREAS

HWY PANEL LAYOUT

OWNER INFO

Number shown below  
dip may indicate the  
site shown above the  
sites for the subject

MAP NUMBER  
1311303042

- (8) NF BRIDGMAN KNOLL & KATZ, JENNIFER  
ZONED WF
- APPROX FOR FUTURE
- SCREENED MATERIAL ZONING
- DOUBLE
- (4) NF BRIDGMAN KNOLL & KATZ, JENNIFER  
ZONED WF
- 4' PAV
- 4' PAV
- (7) NF BRIDGMAN KNOLL & KATZ, JENNIFER  
ZONED WF
- (8) NF BRIDGMAN KNOLL & KATZ, JENNIFER  
ZONED WF

A = 821.35'  
R = 2875.32'  
D = 16°22'01"  
CHB = S 09°11'05" E  
CHL = 818.56'

S 16°51'01" E  
158.96'

13.035 ACRES  
567,790 SQFT

N 01°31'05" E  
88.66'

NF DUKER MARION  
TAX ID: 0551 116  
DB 1975, PG 722  
ZONED AR

N 00°42'33" E 255.79'

NF BUTLER FRONZ STAL, CO WM T BUTLER  
TAX ID: 0551 117  
(NO RECORD FOUND)  
ZONED AR

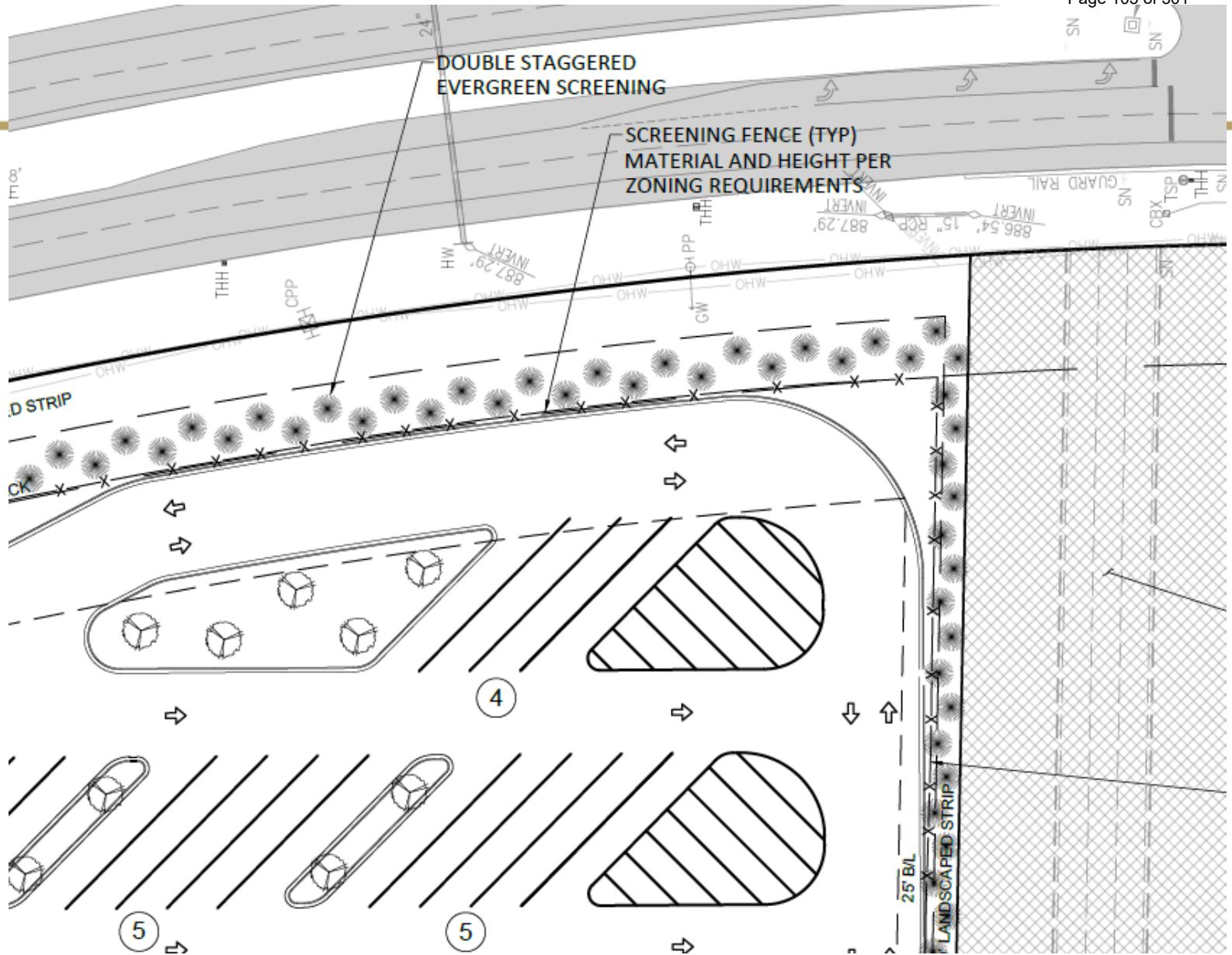
N 00°35'19" E 370.60'

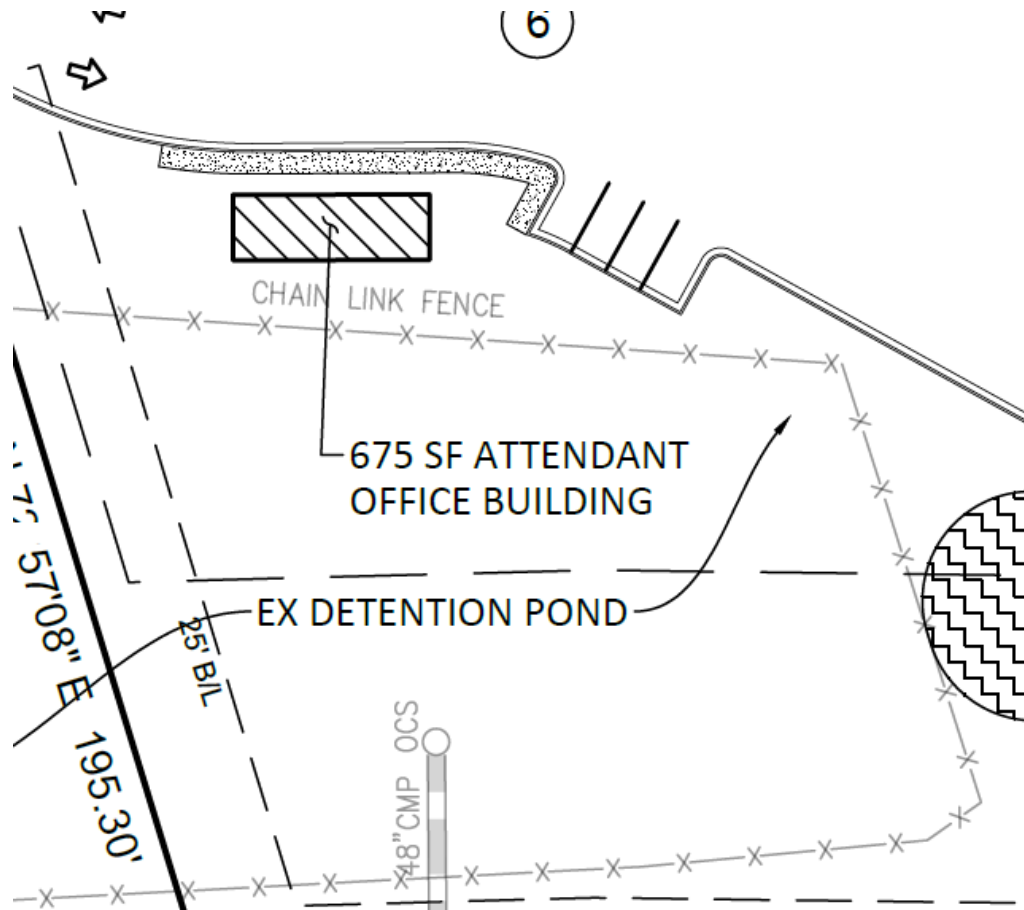
NF BRIDGMAN KNOLL & KATZ, JENNIFER  
TAX ID: 0551 118  
DB 1985, PG 509  
ZONED AR

N 88°30'37" W 722.29'

NF BRIDGMAN KNOLL & KATZ, JENNIFER  
TAX ID: 0551 119  
DB 1985, PG 509  
ZONED AR

NF CARRIS DRIVE LLC  
BRANDE SUMMERSLIN  
TAX ID: 0551 120  
DB 1985, PG 142  
ZONED CH

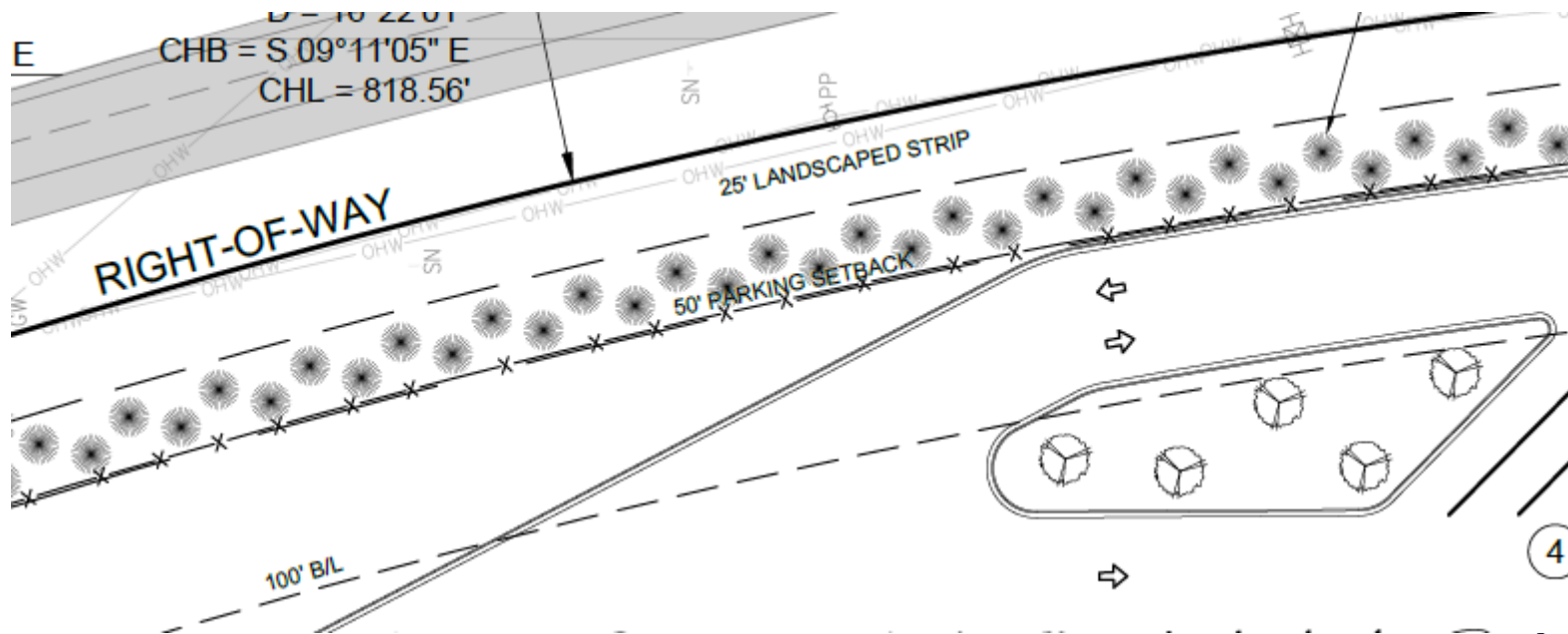






# Undisturbed & Planted Screening

- 25' Landscape Strip – Undisturbed Screening
  - Existing, mature, evergreen trees to remain undisturbed
- 50' Setback - Planted Evergreen Screen
  - Double row of staggered evergreen trees to be planted between the parking facility and the 25' landscaped strip



# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of Petition No. 1328-22; Golden Development Company, LLC, Owners; CK Spacemax, LLC, Applicant; Ellen W. Smith, Attorney, Agent, request to rezone 9.022 acres from A-R to C-H to develop a self-storage facility; property located in Land Lot(s) 137 of the 5th District and fronts on Highway 54 East. This petition was tabled at the December 8, 2022 Board of Commissioners meeting.

**Background/History/Details:**

The subject property is a 9.022-acre tract. The tract fronts on State Route 54 E. in Land Lot 137 of the 5th District. S.R. 54 is a major thoroughfare on the Fayette County Thoroughfare Plan and access is regulated by Georgia DOT. The property is currently a residential use and is currently zoned A-R, Agriculture-Residential. This property is located in the General State Route Overlay Zone, which provides specific standards for nonresidential development. The subject property lies within an area designated for Low Density Residential and Office uses on the Future Land Use Plan. This request does not conform to the Fayette County Comprehensive Plan.

On November 3, 2022, Planning Commission voted 3-1 to recommend denial of the request to rezone from A-R to C-H.

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

Denial of Petition No. 1328-22; Golden Development Company, LLC, Owners; CK Spacemax, LLC, Applicant; Ellen W. Smith, Attorney, Agent, requests to rezone 9.022 acres from A-R to C-H to develop a self-storage facility; property located in Land Lot(s) 137 of the 5th District and fronts on Highway 54 East.

**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:**

Please see staff report for full text of recommended conditions if approved.

**PLANNING COMMISSION RECOMMENDATION**

**DATE:** November 3, 2022

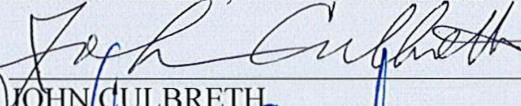
**TO:** Fayette County Commissioners

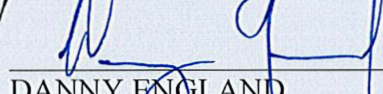
The Fayette County Planning Commission recommends that Petition No. 1328-22, the application of Golden Development Company, LLC to rezone 9.022 acres from A-R to C-H, be:

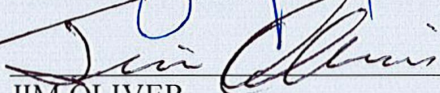
Approved       Withdrawn       Denied  
 Tabled until \_\_\_\_\_  
 Approved with Conditions \_\_\_\_\_

This is forwarded to you for final action.

  
\_\_\_\_\_  
HAROLD MARTIN, CHAIRMAN

\_\_\_\_\_  
BRIAN HAREN, VICE-CHAIRMAN  
  
\_\_\_\_\_  
JOHN CULBRETH

  
\_\_\_\_\_  
DANNY ENGLAND

  
\_\_\_\_\_  
JIM OLIVER

**Remarks:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**STATE OF GEORGIA  
COUNTY OF FAYETTE**

**RESOLUTION**

**NO. 1328-22**

**WHEREAS**, Golden Development Company, LLC, Owner, and CK Spacemax, LLC c/o Ellen W. Smith, Parker Poe & Bernstein LLP, Agent, having come before the Fayette County Planning Commission on November 3, 2022, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 2010"; and

**WHEREAS**, said request being as follows: Request to rezone 9.022 acres from A-R to C-H, in the area of Highway 54 E, Land Lot 137 of the 5th District, for the purpose of developing a Self-Storage Facility; and

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

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

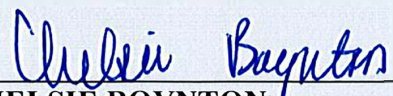
This decision is based on the following reason:

Not compatible with the surrounding area.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

  
\_\_\_\_\_  
**ARNOLD MARTIN, CHAIRMAN**

  
\_\_\_\_\_  
**CHELSIE BOYNTON  
PC SECRETARY**

# Meeting Minutes 11/3/22

THE FAYETTE COUNTY PLANNING COMMISSION met on November 3<sup>rd</sup>, 2022 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Arnold Martin, Chairman  
John H. Culbreth  
Jim Oliver  
Danny England

**MEMBERS ABSENT:** Brian Haren, Vice-Chairman

**STAFF PRESENT:** Deborah Bell, Planning and Zoning Director  
Deborah Sims, Zoning Administrator  
Chelsie Boynton, Planning and Zoning Coordinator  
E. Allison Ivey Cox, County Attorney

## NEW BUSINESS

### 1. Consideration of the Minutes of the meeting held on October 6<sup>th</sup>, 2022.

*John Culbreth Sr. made a motion to approve the minutes of the meeting held on October 6th, 2022. Danny England seconded the motion. The motion passed 4-0. Brian Haren was absent.*

### 2. Consideration of a Preliminary Plat for Huntcliff Manor.

Deborah Bell, Planning and Zoning Director, stated this is a renewal of an existing preliminary plat and the developer is in the plan review process. She continued it has been reviewed and approved by staff and the developer is in the review process, but this administrative part had to be taken care of.

*Danny England made a motion to approve the Preliminary Plat for Huntcliff Manor. Jim Oliver seconded the motion. The motion passed 4-0. Brian Haren was absent.*

### 3. Consideration of a Minor Final Plat for Iris Williams 1019 South Jeff Davis Drive.

Deborah Bell stated this is a creation of two (2) parcels from one (1) single parcel. She continued it has been reviewed by staff and has met all the County requirements. She concluded all staff has approved it.

*Danny England made a motion to approve the Minor Final Plat for Iris Williams 1019 South Jeff Davis Drive. John Culbreth Sr. seconded the motion. The motion passed 4-0. Brian Haren was absent.*

## PUBLIC HEARING

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**November 3<sup>rd</sup>, 2022**  
**PC Meeting**

- 4. Consideration of Petition No. 1326-22, Amina, Omar, Saed and Hassan Zakaria, Owner, and Taylor English Duma LLP (Steven L. Jones), Agent, request to rezone 13.035 acres from O-I to C-H to create Truck Parking Facility. This property is located in Land Lot 233 of the 5<sup>th</sup> District and fronts on Highway 85 North.**

Deborah Bell stated the County has been working with GDOT to create traffic improvements to either realign Highway 279 and Corinth Road or create intersection improvements that will help traffic flow better. She continued that she has spoken with Phil Mallon, Director of Public Works, and the current plan is to create intersection improvements at the traffic light at Corinth Road that will include creating a new road across from Corinth Road that will be extended to Kenwood Business Park. She added that this will have some impact on this parcel in terms of property acquisition needs for the road and that has affected the way some of the recommended conditions were written. The recommended conditions are:

1. A 100' vegetated buffer shall be provided adjacent to residentially zoned parcel(s) in unincorporated Fayette County to the west of the project.
2. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture. Fixtures shall be designed or shielded to prevent light trespass on other properties or roads.
3. The existing shared detention pond will require hydrological study to demonstrate it has sufficient design capacity to serve the addition of the proposed project.
4. The new development must continue to allow this pond to serve the stormwater detention requirements of the original commercial development to the north, with a site plan approved January 26, 1990.
5. The owner of the new project must provide a stormwater maintenance agreement since the detention pond is contained within that parcel. This agreement shall conform to the county's standard agreement for stormwater facility maintenance.
6. Omit tree island requirements for southernmost end of parking lot to accommodate the future County road project.

Steven Jones introduced himself and displayed a PowerPoint presentation. He spoke about a revised concept plan that was created upon learning about the Corinth Road improvement. He stated the road will take significant part of the property but will be beneficial to the development. He continued the initial proposal had a right in right out on Highway 85. He displayed the plans of a four (4) way intersection at Corinth Road that he received from Fayette County Public Works. He stated Corinth Road will be moved to the north which will result in full access to the facility from Highway 85. Mr. Jones continued they are proposing a Truck Parking Facility to give drivers a place to store and park their trucks. He stated they are requesting rezoning to C-H based on the site conditions, Comprehensive Plan, and the development and zoning trends in the area. He added with this area being annexed to the Business Park it will be better suited for M-1 zoning as well, though his application remains a request for C-H. He concluded they consent to all staff recommendations except number one (1). He requested that it be reduced from 100 feet to 75 feet. He stated he presumes it is a visual

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**November 3<sup>rd</sup>, 2022**  
**PC Meeting**

and auditory buffer and believes the same goal can be accomplished with a double staggered row of evergreens and fencing.

No one spoke in favor or opposition. Chairman Martin brought the discussion back to the Board.

Danny England stated the buffer for C-H is normally 50 feet. He confirmed that Mr. Jones was okay with a compromise of 75 feet.

Mr. Jones stated yes.

Danny England stated Highway 85 is the welcome mat of Fayette County from the north. He continued that he'd like the Board to spend time considering protecting the frontage along State Route 85. He added that the use is a good use, but he wishes it was deeper in the park where you couldn't see it.

Chairman Martin asked where is this property in relation to Fun Spot?

Danny England stated it is just south of this property.

Chairman Martin added to Mr. England's point. He stated Highway 85 is the welcome mat of Fayette County and there is currently a roller coaster that welcomes our County with not as much of a buffer.

Jim Oliver expressed his concerns about the facility. He asked if the trucks are sitting idle?

Mr. Jones stated no. He continued this is for storage and for a driver who needs to store his truck.

Jim Oliver stated he is familiar with some other locations in Clayton County and he knows that they have had some issues about minor repair being done on the lot or the refrigerated trucks idling and leading to noise concerns. He continued he knows the applicant is trying address noise concern with having the evergreens as the buffer but he doesn't know how he can address the repair other than saying it's not a permitted in their written agreements with the drivers. He stated that his second concern is the location. He continued this is needed but hearing about realigning Corinth Road, he sees Corinth Road becoming the cut through from Highway 54. He added Corinth Road is already a narrow road and this will be adding a lot of 18 wheelers coming on that road. Commissioner Oliver stated this is something the County can control but it is at the front door of the County. He added it's a needed entity but maybe this isn't the right location. He stated he could not support it.

Mr. Jones stated he understood his concerns. He continued that this facility will keep trucks traveling south on Highway 85 from entering more populated or more traveled areas. He added it will keep trucks from traveling through town and hitting any other major arterial roads or local roads. He stated they will be able to park here and head towards Atlanta.

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Jim Oliver stated he understood it is needed.

Danny England stated it's a great use at a bad location.

Jim Oliver agreed.

Mr. Jones stated it is across from the business park and it is meant to serve the business park. He continued they've taken active measures to screen this from Highway 85. He added that if the concern is the visual impact, that can be mitigated by additional screening. He referenced the site plan and pointed out the double staggered row of evergreens and the 25 feet behind them.

Jim Oliver asked if it will be fenced?

Mr. Jones stated yes.

Danny England asked will the fence be on Highway 85?

Mr. Jones stated it would be on the inside of the evergreen trees. He stated the applicant would not be overly concerned about fencing the front, but it is something they can consider. He continued that there would be an attendant building on site and the attendant will be there during regular business hours.

John Culbreth Sr. agreed that there is a need for the facility but that this is the entrance to Fayette County. He stated that they don't want to have ingress and egress congestions with the trucks. He then stated his concern on the cut through. He continued they have to keep in mind what the traffic impact will be with a lot of trucks knowing this facility is here and they are going in and out daily. He added that is a lot of truck traffic in this part of the County. John Culbreth Sr. asked if the applicant currently owned the land?

Mr. Jones stated it is under contract dependent on the proposal being approved. Mr. Jones continued that this facility is designed to serve those who live in the community. He continued there will be week long, month long, and year long leases. He stated this is a place to keep their truck. He added this is not where they will spend the nights for multiple nights.

John Culbreth Sr. confirmed that he's hearing that a trucker would be excluded from renting a space.

Mr. Jones stated that's not the business. He stated there's not someone on site with tickets handing out parking stubs. He continued a person will be assigned a spot on the site depending on their lease term. He stated that tenants are not everyday hauls, many are long term haulers that own their own truck. He stated according to his client, the applicant, the minority are the daily haulers. He added the majority only pull the truck out a few times a week.



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John Culbreth Sr. asked the Planning Commission how would that be regulated?

Danny England stated he doesn't think they can. He stated it would be up to the business owner to self-regulate.

Chairman Martin agreed that people do often see trucks parked alongside the road at exits and there is a need for the facility. He asked if there will be any other amenities being offered aside from a parking space?

Mr. Jones stated this is not a truck stop. He stated they do not cater to those parked along the road who only need to store a truck for 24 hours. He stated this is for drivers and operators who need somewhere to store their trucks on a consistent basis.

Danny England asked if there was a provision in the business plan for someone driving through who saw the facility and needed to park temporarily?

Mr. Jones stated no.

Chairman Martin asked how the GDOT changes are impacting the client's timeline?

Mr. Jones said they are at the mercy of Public Works. He stated until the extension gets built they are hindered in development.

Chairman Martin asked does it impact the client's decision to press forward? He stated with GDOT projects could be five (5) years. He confirmed that the project was dependent on the changes from GDOT.

Mr. Jones stated yes and no. He continued that they did not know about the extension when they originally applied for the rezoning. He stated Corinth Road adds value to the project. He added this was a hand they were dealt and they have to deal with it. He stated that this is a Fayette County Public Works project and he hopes Fayette County Public Works would move faster than GDOT.

Danny England stated they've focused more on planning than zoning. He stated the buffer along Highway 85 and the 10 foot landscape strip that is on the yet to built new section of Corinth Road is anemic. He added they would want more of a screen there. He asked if the 10 foot buffer meets the Commercial requirements?

Deborah Bell said she would verify but she believes it would. She continued that along Highway 85 they have the Highway 85 Overlay which calls for a 50 foot buffer. She added 25 feet of that has to be landscape. She stated the 25 feet is available to be used for stormwater detention or septic system. She continued that as a note for the evergreen, staff no longer approves Leland Cyprus. She stated their subject to several different diseases.

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Danny England asked what's the new go to?

Deborah Bell stated there are a variety of other options.

Danny England stated he would require for the 50 foot setback from the State Route 85 be planted with the same evergreens. He suggested they also consider lower types of vegetation from zero (0) to ten feet. He added this strategy should probably wrap around to Corinth Road to avoid staring at the corner of the new facility while at the new intersection of Corinth Road and State Route 85.

Deborah Bell stated they can specify wrapping the buffer around the south side to encompass the outside and maybe the first interior aisle. She referenced the site plan and stated wrapping the buffer around would effectively screen visually.

Danny England stated that would be a minimum and added as condition number seven (7).

*Jim Oliver made a motion to recommend denial of Petition No.1326-22, request to rezone 13.035 acres from O-1 to C-H to create Truck Parking Facility. John Culbreth Sr. seconded the motion. The motion carried 3-1. Chairman Martin voted in opposition of denial. Brian Haren was absent.*

- 5. Consideration of Petition No. 1327-22, 130 Carnes Drive, LLC, Owner, and David Weinstein, Agent, request to rezone 1 acre from C-H to M-1 to create paint and body work. This property is located in Land Lot 217 of the 5<sup>th</sup> District and fronts on Carnes Drive and Walter Way.**

David Weinstein stated this is a 1 (one) acre lot in the business park him and his partner have owned for about a year. He added there is a tenant that buys and sells bucket trucks. He stated their lease is ending soon and there are new tenants who plan to take it over and restore classic cars. He continued the Zoning ordinance allows vehicle and boat sales in C-H and allows paint and body in M-1 but was not clear if C-H allowed it also. He stated they decided it was best to request rezoning to avoid any gray area.

No one spoke in favor or opposition.

Danny England stated the adjacent property does the same kind of work. He added this is the spot in the County where this is supposed to be. He stated he didn't see a reason to say no to this.

Chairman Martin stated they are seeing a lot of relationship with the studios as well. He continued they provide a lot of classic and period cars. Chairman Martin asked if there was a motion.

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*Danny England made a motion to recommend approval of Petition No. 1327-22, request to rezone 1 acre from C-H to M-1 to create paint and body workshop. John Culbreth Sr. seconded the motion. The motion carried 4-0. Brian Haren was absent.*

**6. Consideration of Petition No. 1328-22, Golden Development Company, LLC, Owner, and CK SPACEMAX, LLC (c/o Ellen W. Smith) Parker Poe Adams and Bernstein LLP, Agent, request to rezone 9.022 acres from A-R to C-H to create Self-Storage Facility. This property is located in Land Lot 137 of the 5<sup>th</sup> District and fronts on Highway 54 E.**

Ellen Smith, an attorney with Parker Poe Adams and Bernstein LLP, gave a presentation on the aesthetic, setbacks, quality and need of the self-storage facility. She referenced the concept plan of the facility and stated the client is under contract for the property. She spoke of residential zoning districts nearby and McCurry Park across the street from the location. She continued the facility will meet all setback requirements. She stated it will be one (1) three (3) story building with internal access climate control and there will be six (6) other one story buildings. She stated the tallest building will be furthest away from the residential building and closest to commercial. She added the property surrounding the lot is not developed. She stated there is one (1) house on a 19-acre lot and no houses on the 170-acre lot nearby. She continued they are a lower intense use than an office in the traffic and user perspective. She added it will meet all the requirements the County has for this zoning and use. She stated staff has recommended a 100-foot buffer. She continued that with a 100-foot buffer would eliminate and be a significant impact to the project due to the flood plain of the nearby lake. She requested that the 100-foot buffer be removed as a condition.

Carrie Guthrie spoke in favor. She stated she supports the project.

Chris Poholek spoke in favor. He stated they have found there are two (2) types of people who are looking for storage. Those looking for climate control and those who are looking for non-climate control. He stated the buildings are built in a way where as you drive pass you will see a class a product, mostly brick. He explained the facility will be secure. He stated the first stop will be the main office and there are codes as well as security cameras around the property. He added it is a very quiet use. He stated people will come to store their stuff and may not come back for a month or so. He continued there's no noise or obnoxious odors and supports the transition to commercial from residential.

No one spoke in opposition.

Jim Oliver stated he likes the project and doesn't have any problems with where it is. He continued he appreciated the 65 foot buffer on the rendering and agrees the 100 foot buffer would be difficult. He stated he supports the project.

Chairman Martin asked about the feasibility. He asked if another storage facility was needed? He stated the Board sees storage facilities come before them often. He stated his concerns about oversaturation.

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**November 3<sup>rd</sup>, 2022**  
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Mr. Poholek stated there was an overbuilding of storage facilities before the pandemic. He continued the pandemic helped the storage business because their business is driven by change. He stated during the pandemic people were moving things out of their home to make room for a home office or were moving back in with their parents. He stated many were buying and selling homes, so the overbuilding was fully absorbed. He stated it's possible they will be overbuilt again moving forward but because the building process is an extended and long process in the County, he doesn't think there will be enough facilities built in enough time to be overbuilt at least within the next couple of years.

Chairman Martin stated this is another gateway to the County. He stated this is the southeastern gateway and the County has a lovely park that is there. He stated his concern is having a roller coaster and possibly a trucking facility at one gateway and potentially a storage facility at another gateway. He asked if as a County do we want one gateway to be a storage facility?

Mr. Poholek stated they can make the buildings look however the County wants them to look. He continued they've been asked in the past if they were building a hotel. He stated they can make it completely brick and add more windows. He continued the product they can build today is of more quality.

John Culbreth Sr. stated he's inclined to support staff's recommendation of denial. He stated they need to look at what is needed, and housing is needed. He continued he could not support changing from agricultural to commercial.

Chairman Martin asked for any final comments or a motion.

Danny England made a note for staff and Planning Commission to review architectural controls in this area at the next workshop.

***John Culbreth Sr. made a motion to recommend denial of Petition No. 1328-22, request to rezone 9.022 acres from A-R to C-H to create Self-Storage Facility. Danny England seconded the motion. The motion carried 3-1. Jim Oliver voted in opposition of denial. Brian Haren was absent.***



***John Culbreth Sr. made a motion to adjourn. Danny England seconded. The motion passed 4-0. Brian Haren was absent.***

The meeting adjourned at 8:16pm.

\*\*\*\*\*

**Page 9**  
**November 3<sup>rd</sup>, 2022**  
**PC Meeting**

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

---

**ARNOLD MARTIN, CHAIRMAN**

**ATTEST:**

---

**CHELSIE BOYNTON**  
**PLANNING COMMISSION SECRETARY**

**PETITION NO: 1328-22**

**REQUESTED ACTION:** A-R to C-H

**PARCEL NUMBER:** 0532 007

**PROPOSED USE:** Self-Storage Facility

**EXISTING USE:** Residential Structure

**LOCATION:** 1222 Hwy 54 E

**DISTRICT/LAND LOT(S):** 5<sup>th</sup> District, Land Lot 137

**OWNERS:** Golden Development Company, LLC

**AGENT:** CK Spacemax, LLC c/o Ellen W. Smith, Parker Poe Adams & Bernstein, LLP

**PLANNING COMMISSION PUBLIC HEARING:** November 3, 2022

**BOARD OF COMMISSIONERS PUBLIC HEARING:** December 8, 2022 (Tabled)  
January 26, 2023

---

**APPLICANT'S INTENT**

Applicant proposes to rezone 9.022 acres from A-R to C-H to establish a self-storage facility.

**PLANNING COMMISSION RECOMMENDATION**

**Agenda of Actions, Fayette County Planning Commission, November 3, 2022**

Consideration of Petition No. 1328-22, Golden Development Company, LLC, Owner, and CK SPACEMAX, LLC (c/o Ellen W. Smith) Parker Poe Adams and Bernstein LLP, Agent, request to rezone 9.022 acres from A-R to C-H to create Self-Storage Facility. This property is located in Land Lot 137 of the 5<sup>th</sup> District and fronts on Hwy. 54 E.

*John Culbreth Sr. made a motion to recommend DENIAL of Petition No. 1328-22, request to rezone 9.022 acres from A-R to C-H to create Self-Storage Facility. Danny England seconded the motion. The motion carried 3-1. Brian Haren was absent.*

**STAFF RECOMMENDATION**

As defined in the Fayette County Comprehensive Plan, the C-H (Highway Commercial) District - is not designated for this area. Based on the Investigation and Staff Analysis, Staff recommends **DENIAL** of the request for a zoning of C-H, Highway Commercial District.

**RECOMMENDED CONDITIONS, IF APPROVED**

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

1. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture. Fixtures shall be designed or shielded to prevent light trespass on other properties or roads.

**INVESTIGATION****A. GENERAL PROPERTY INFORMATION**

The subject property is a 9.022-acre tract. The tract fronts on State Route 54 E. in Land Lot 137 of the 5<sup>th</sup> District. S.R. 54 is a major thoroughfare on the Fayette County Thoroughfare Plan and access is regulated by Georgia DOT. The property is currently a residential use.

The parcel is currently zoned *A-R, Agriculture-Residential*. This property is located in the General State Route Overlay Zone, which provides specific standards for nonresidential development.

**B. SURROUNDING ZONING AND USES**

Near the subject property is land which is zoned C-H, M-1 and A-R. See the following table and the attached Zoning Map. The subject property is bounded by the following adjacent zoning districts and uses:

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
North	20	A-R	Residential	Low Density Residential & Office
South	4.48 10.10	C-C M-1	Commercial Light Industrial	Commercial Conservation Area/Commercial
East (across SR 54)	199.40	A-R	County Park	Parks and Recreation
West	20	A-R	Residential	Low Density Residential

**C. COMPREHENSIVE PLAN**

**Future Land Use Plan:** The subject property lies within an area designated for Low Density Residential and Office uses on the Future Land Use Plan. This request does not conform to the Fayette County Comprehensive Plan.

**D. ZONING/REGULATORY REVIEW**

**Site Plan:** The applicant proposes to build a self-storage facility consisting of both interior-access, climate-controlled storage and exterior access units, with a collective total of 147,050 Square Feet. Approval of the rezoning does not constitute approval of the site plan, which is conceptual in nature.

**Access & Right-of Way:** The property has an existing residential access on Hwy 54E. Location and construction of new access points is under the jurisdiction of GDOT.

**Environmental:** The property is adjacent to Nash Creek. The watershed protection buffer in this area is a 200' undisturbed buffer + a 50' Setback **OR**, measured from Base Flood Elevation a 100' buffer + a 50' setback, whichever is greater.



## F. DEPARTMENTAL COMMENTS

- Water System** - FCWS has no objection to the proposed rezoning. Water is available in a 10" DIP water main at the location.
- Public Works/Environmental Management**
  - **Transportation** – State Route 54 is a Major Arterial Road under the jurisdiction of GDOT. The posted speed limit on Hwy 54 is 55 mph and GDOT reports AADT as 19,900 in 2021.
  - **Floodplain Management** - The subject property **DOES** contain floodplain per FEMA FIRM panel 13113C0108E dated September 26, 2008, and on the FC 2013 Future Conditions Flood Study.
  - **Wetlands** - The property **DOES** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
  - **Watershed Protection** - There **ARE** known state waters located on the subject property. The property abuts Nash Creek. The watershed protection buffer in this area is a 200' undisturbed buffer + a 50' Setback OR, from Base Flood Elevation a 100' buffer + a 50' setback, whichever is greater.
  - **Groundwater** – The property **IS NOT** within a groundwater recharge area.
  - **Stormwater Management** – There is no stormwater management facility on the property at present. Appropriate facilities will be required of any new development.
- Environmental Health Department** – This office has no objection to the proposed rezoning. No information on septic system for current home. Documentation for this system will be required prior to construction.
- Fire** – No objections to the requested rezoning.
- GDOT** – The proposed access would be granted by GDOT; however, since this property is located within an ongoing GDOT project the GDOT permitting process may take longer than normal, also the applicant should be made aware that GDOT will likely require a decel lane for the proposed development.

## STANDARDS

### **Sec. 110-300. - Standards for map amendment (rezoning) evaluation.**

All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing a request for rezoning:

- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;
- (4) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

**STAFF ANALYSIS**

1. The subject property lies within an area designated for Low Density Residential and Office Uses. This request does not conform to the Fayette County Comprehensive Plan in terms of the use.
2. The area around the subject property already has recreational and low-density residential uses, with a commercial use to the south. It is staff's opinion that the zoning proposal would adversely affect the existing or future uses of nearby residential properties.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities, or schools.
4. The proposal is not consistent in character and use with the surrounding uses as low-density residential development.

**ZONING DISTRICT STANDARDS****Sec. 110-144. C-H, Highway Commercial District.**

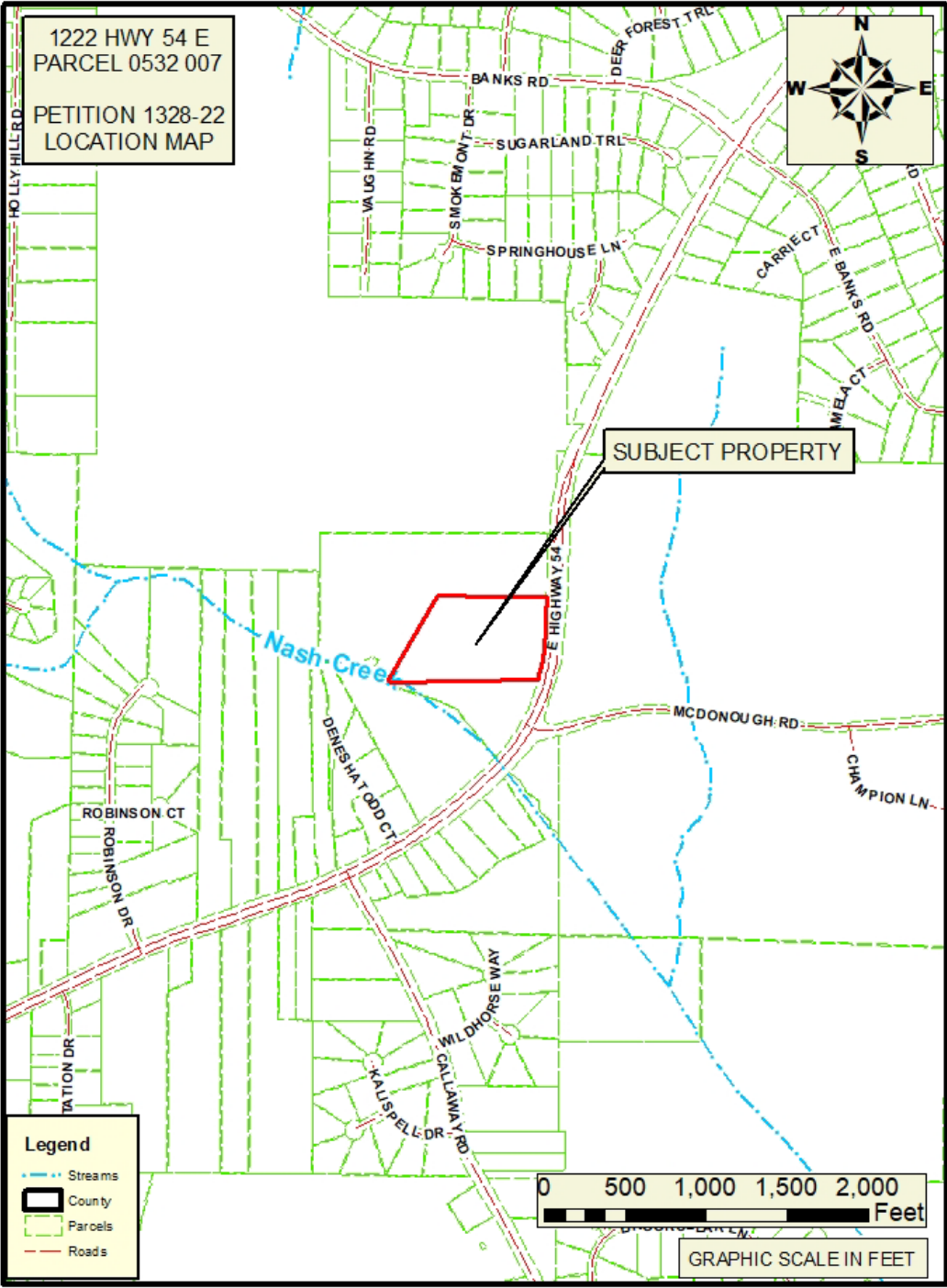
- (a) *Description of district.* This district is composed of certain lands and structures to provide and encourage proper grouping and development of roadside uses, which include a wide variety of sales and services that will best accommodate the needs of the county and the traveling public, reducing traffic congestion, hazards and blight along the public streets.
- (b) *Permitted uses.* The following uses shall be permitted in the C-H zoning district:
- (1) Ambulance service, including non-emergency medical transport service;
  - (2) Amusement or recreational facility, indoor or outdoor;
  - (3) Appliance sales, installation and/or repair;
  - (4) Armories, for meetings and training military organizations;
  - (5) Art studio;
  - (6) Auto/vehicle repair. All service, repairs and diagnostics, with the exception of emissions testing, shall be conducted within an enclosed building;
  - (7) Bakery;
  - (8) Bank and/or financial institution;
  - (9) Banquet hall/event facility;
  - (10) Bookbinding;
  - (11) Building/development, contracting, and related activities (including, but not limited to: door and window sales and/or installation, electrical, flooring sales and/or installation, entertainment system sales and/or installation, general contractor, grading, gutter sales and/or installation, insulation sales and/or installation, landscaping, lighting sales and/or installation, painting, pressure washing, plumbing, remodeling, roofing sales and/or installation, siding sales and/or installation, sales and storage of building supplies and materials, security system sales, installation and service, solar and wind equipment sales and/or installation, and incidental contractor equipment maintenance);
  - (12) Bus passenger station (pick-up and drop-off only);
  - (13) Cabinet manufacturing, sales, repair and/or installation;
  - (14) Car wash and/or detailing facility;
  - (15) Catering service;
  - (16) Church and/or other place of worship excluding outdoor recreation, parsonage, and cemetery or mausoleum;
  - (17) Clothing store and/or variety store;
  - (18) College and/or university, including classrooms and/or administration only;
  - (19) Copy shop;
  - (20) Cultural facility;
  - (21) Day spa;
  - (22) Department store;
  - (23) Drug store;
  - (24) Educational/instructional/tutoring facilities, including, but not limited to: academic; art; computer; dance; driving and/or DUI; music; professional/business/trade; martial arts; and similar facilities;
  - (25) Electronic sales and/or repair;
  - (26) Emission testing facility (inside only);
  - (27) Engraving;

- (28) Firearm sales and/or gunsmith;
- (29) Flea market, indoor;
- (30) Florist shop;
- (31) Freezer locker service, ice storage;
- (32) Freight express office;
- (33) Funeral establishment (where funeral services, excluding a crematorium, may be provided);
- (34) Gift shop;
- (35) Glass sales;
- (36) Grocery store;
- (37) Hardware store;
- (38) Health club and/or fitness center;
- (39) Hotel;
- (40) Jewelry shop;
- (41) Laboratory serving professional requirements, (e.g., medical, dental, etc.);
- (42) Library;
- (43) Magazine publication and/or distribution;
- (44) Manufactured home and/or building sales;
- (45) Medical/dental office (human treatment);
- (46) Messenger/courier service;
- (47) Military recruiting office;
- (48) Movie theatre and/or drive-in;
- (49) Museum;
- (50) Music teaching studio;
- (51) Newspaper publication and/or distribution;
- (52) Office;
- (53) Office equipment sales and/or service;
- (54) Parking garage/lot;
- (55) Pawn shops;
- (56) Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; counseling services; electrolysis and/or hair removal; fitness center; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon;
- (57) Pest control;
- (58) Plant nursery, growing crops/garden, and/or related sales;
- (59) Printing, graphics, and/or reproductions;
- (60) Private clubs and/or lodges;
- (61) Private school, including classrooms and/or administration only;
- (62) Recording studio (audio and video);
- (63) Radio studio;
- (64) Railroad station;
- (65) Rent-alls;
- (66) Restaurant, including drive-in and/or drive-through;
- (67) Retail establishment;
- (68) Smoking lounge (subject to state and local tobacco sales and smoking laws);
- (69) Tattoo parlor;
- (70) Taxidermist;

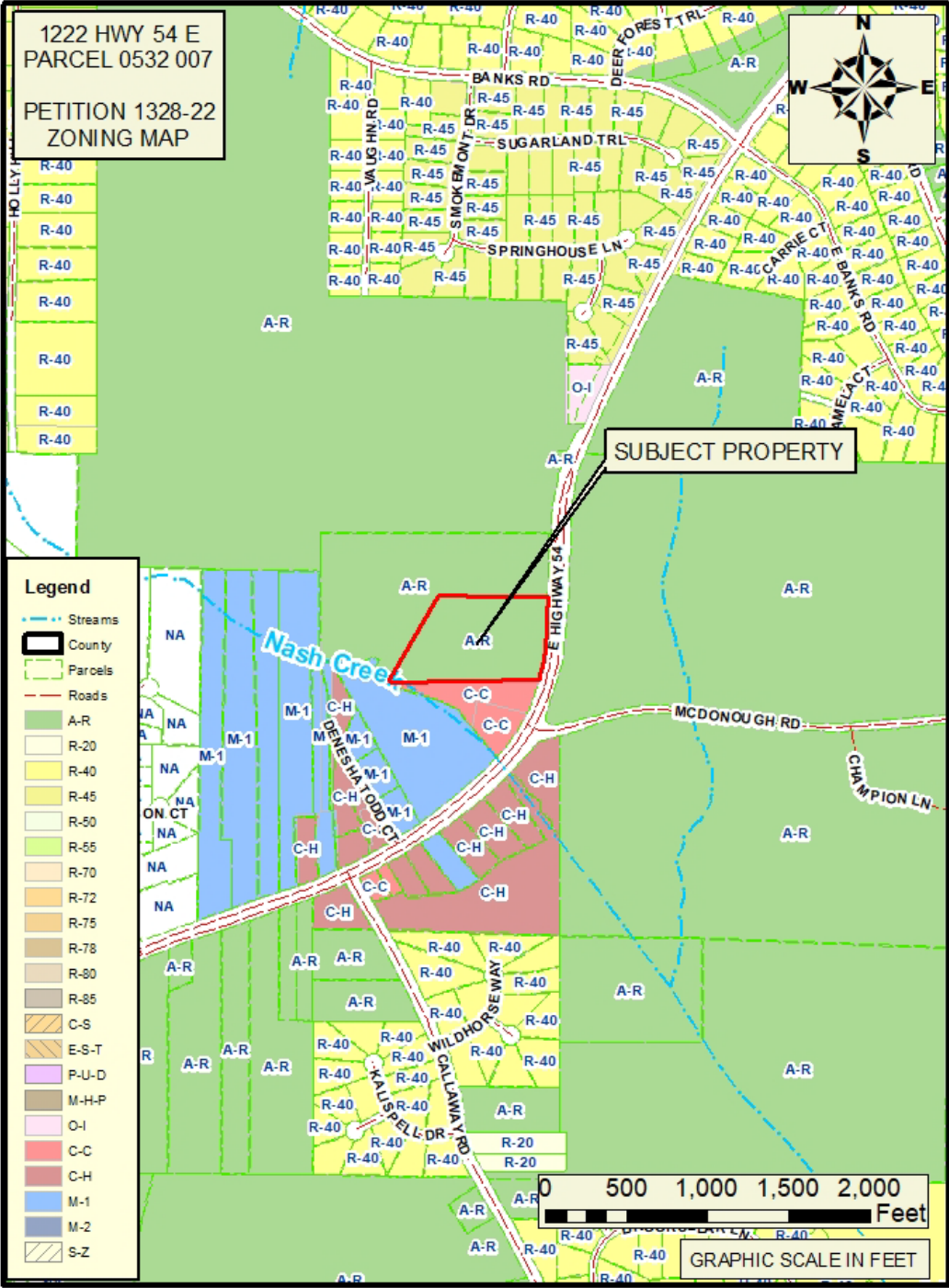
- (71) Taxi service/limousine service/shuttle service (no on-site maintenance and/or repair);
  - (72) Television/movie studio;
  - (73) Upholstery shop; and
  - (74) Utility trailers sales and/or rental.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the C-H zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
  - (2) Amphitheater;
  - (3) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
  - (4) Automobile service station, including gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store;
  - (5) Campground facilities;
  - (6) Care home, convalescent center, and/or nursing home;
  - (7) Cemetery;
  - (8) Charter motor coach service;
  - (9) Church and/or other place of worship;
  - (10) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
  - (11) Commercial driving range and related accessories;
  - (12) Child care facility;
  - (13) Dry cleaning plant;
  - (14) Experimental laboratory;
  - (15) Golf course (minimum 18-hole regulation) and related accessories;
  - (16) Home occupation;
  - (17) Horse show, rodeo, carnival, and/or community fair;
  - (18) Hospital;
  - (19) Laundromat, self-service or otherwise;
  - (20) Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to bungee and parachute jumping;
  - (21) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;
  - (22) Religious tent meeting;
  - (23) Seasonal sales, outdoor;
  - (24) Self-storage facility (external and/or internal access);
  - (25) Single-family residence and residential accessory structures and/or uses (see article III of this chapter);
  - (26) Shooting range, indoor;
  - (27) Stadium, athletic; and
  - (28) Temporary tent sales.
  - (29) Vehicle/boat sales.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the C-H zoning district shall be as follows:
- (1) Lot area:
    - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
    - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).

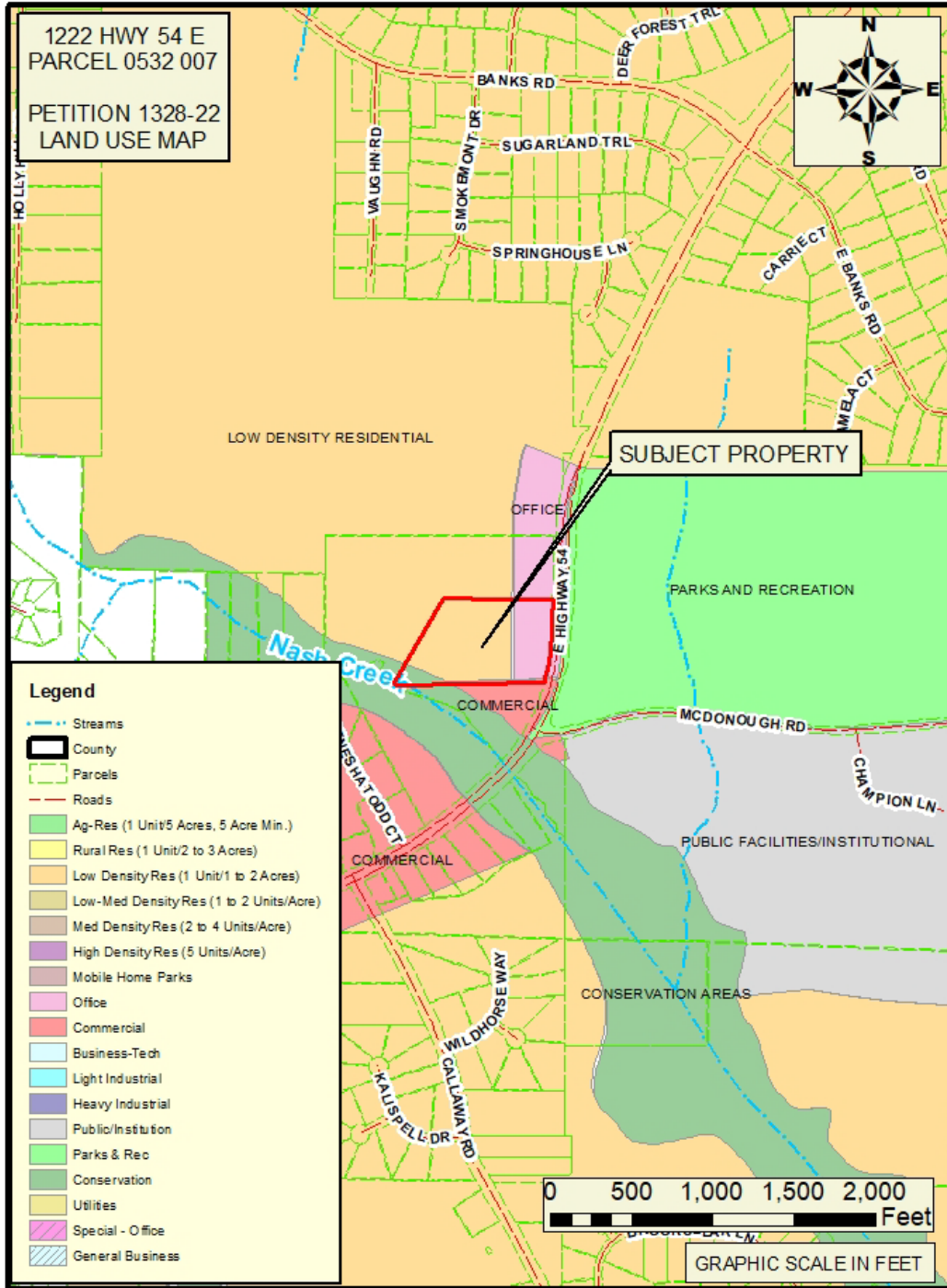
- (2) Lot width: 125 feet.
- (3) Front yard setback:
  - a. Major thoroughfare:
    1. Arterial: 75 feet.
    2. Collector: 70 feet.
  - b. Minor thoroughfare: 65 feet.
- (4) Rear yard setback: 15 feet.
- (5) Side yard setback: 15 feet.
- (6) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.
- (7) Height limit: 35 feet.
- (8) Screening dimensions for parking and service areas as provided in article III of this chapter and chapter 104.
- (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.

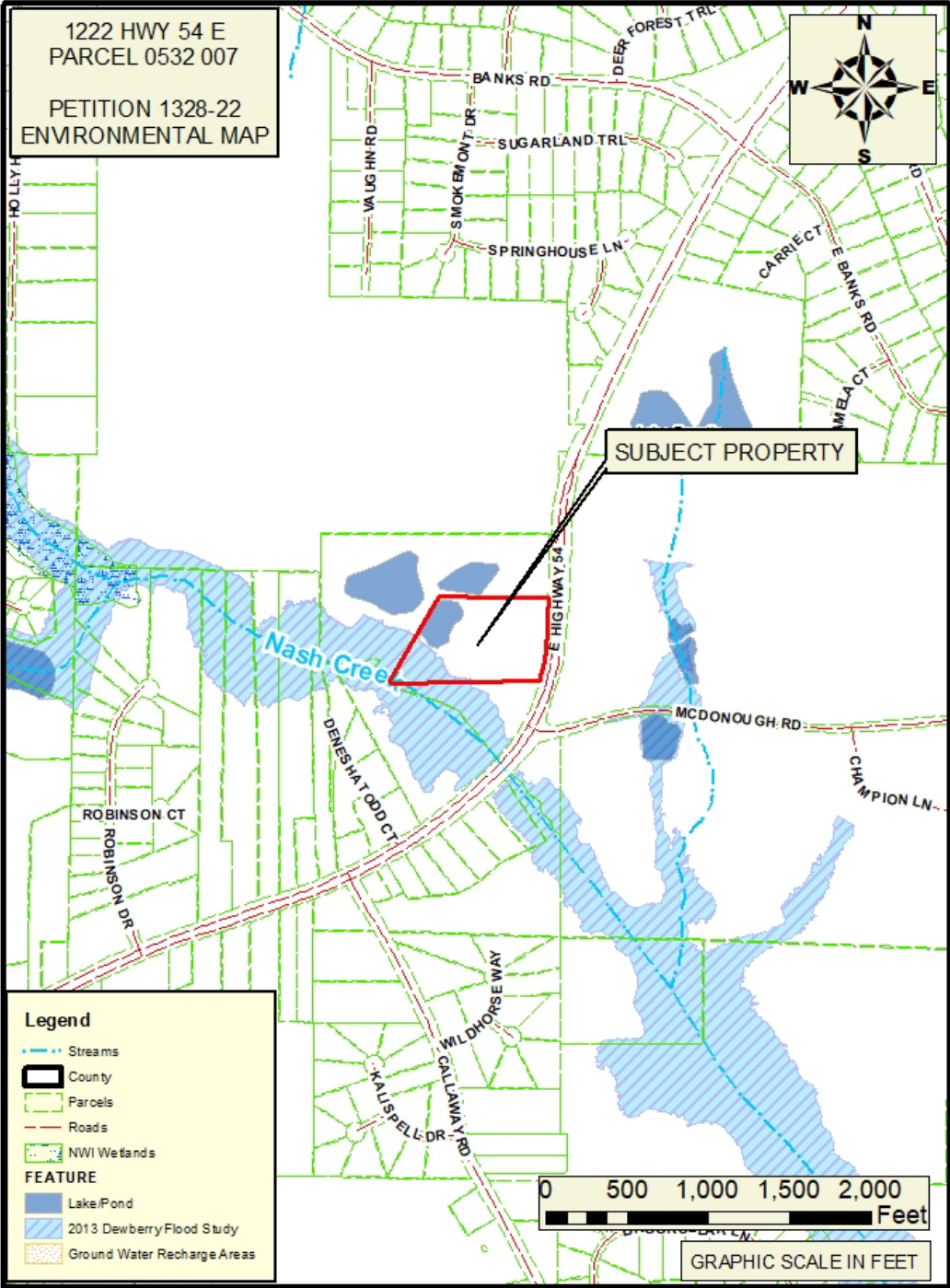




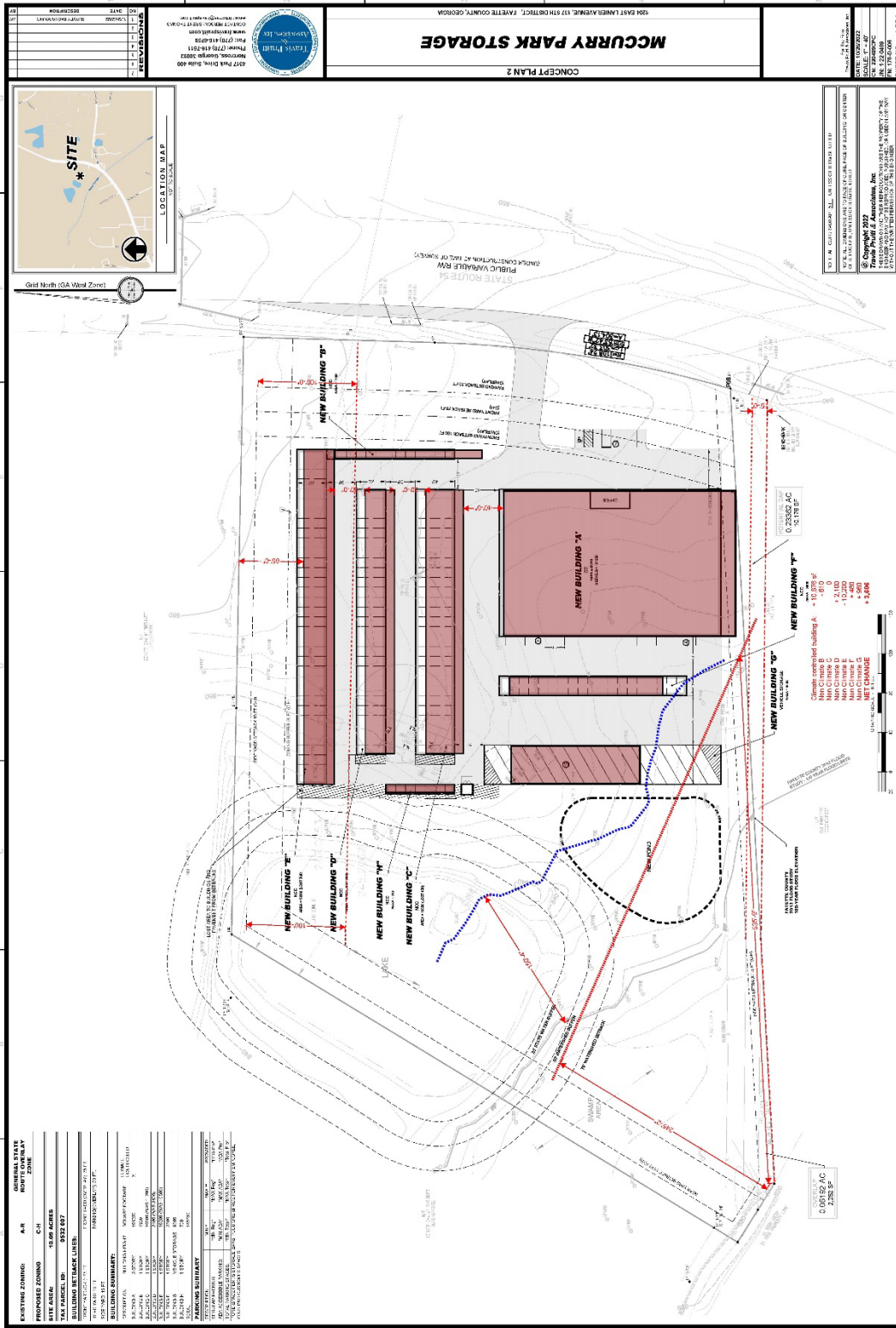












CONCEPTUAL SITE PLAN



RENDERING



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

PROPERTY OWNERS: GOLDEN DEVELOPMENT COMPANY, LLC

MAILING ADDRESS: 606 RIDGECLIFF DRIVE, FLORENCE, AL 35634

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

AGENT FOR OWNERS: CK SPACEMAX, LLC c/o Ellen W. Smith, Parker Poe Adams & Bernstein LLP

MAILING ADDRESS: 1075 PEACHTREE STREET NE, SUITE 1500, ATLANTA, GEORGIA 30309

PHONE: (678) 690-5720 E-MAIL: ELLENSMITH@PARKERPOE.COM

PROPERTY LOCATION: LAND LOT 137 LAND DISTRICT 5TH PARCEL 0532-007  
LAND LOT \_\_\_\_\_ LAND DISTRICT \_\_\_\_\_ PARCEL \_\_\_\_\_

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 9.022 ACRES

EXISTING ZONING DISTRICT: A-R PROPOSED ZONING DISTRICT: C-H WITH CUP

ZONING OF SURROUNDING PROPERTIES: M-1 to west and south; C-C to south; A-R to north and east

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: SELF-STORAGE FACILITY

LAND USE PLAN DESIGNATION: General State Route Overlay / Low Density Residential (adjacent to Planned Small Business Center Special Development District)

NAME AND TYPE OF ACCESS ROAD: SR 54 MAJOR ARTERIAL

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

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1328-22

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

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

Application and all required supporting documentation is Sufficient and Complete

by Staff: Wendy Date: OCT. 3, 2022

DATE OF PLANNING COMMISSION HEARING: NOV. 3, 2022

DATE OF COUNTY COMMISSIONERS HEARING: DEC. 8, 2022

Received from Parker Poe Adams & Bernstein LLP a check in the amount of \$ 390.00 for application filing fee, and \$ 40.00 for deposit on frame for public hearing sign(s).

Date Paid: check dep Sep 30, 22 Receipt Number: 016118  
Rec'd thru Oct 4, 22

Total Rec'd 390.00



PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM  
(Applications require authorization by ALL property owners of subject property) Page 137 of 301

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

GOLDEN

Please Print Names

0532 007

Property Tax Identification Number(s) of Subject Property: \_\_\_\_\_  
(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 137 of the 5TH District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of 0.02 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to ELLEN W. SMITH (COUNSEL FOR CK SPACEMAX, LLC) to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

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

[Signature]

Signature of Property Owner 1

606 PROGRESS DR

Address

FLORISSA AL 35624

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

[Signature]

Signature of Notary Public

10-1-22

Date

Signature of Notary Public

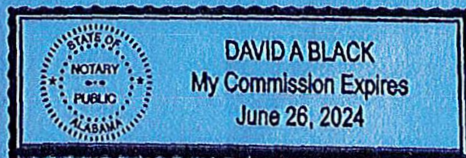
Date

Signature of Notary Public

Date

Signature of Notary Public

Date





**AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY**

I, GOLDEN DEVELOPMENT COMPANY, LLC, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, **FUTURE RIGHT OF WAY IF REQUIRED AS A CONDITION OF ZONING AND WITH THE COUNTY'S ACKNOWLEDGEMENT THAT HWY 54 IS A GEORGIA DEPARTMENT OF TRANSPORTATION-MAINTAINED RIGHT OF WAY.**

Based on the Future Thoroughfare Plan Map streets have one of the following designations and the Fayette County Development Regulations require a minimum street width as specified below:

- Local Street (Minor Thoroughfare) 60 foot right-of-way (30' measured from each side of road centerline)
- Collector Street (Major Thoroughfare) 80 foot right-of-way (40' measured from each side of road centerline)
- Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 1<sup>st</sup> day of October, 2027.

[Signature]  
SIGNATURE OF PROPERTY OWNER

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

[Signature]  
NOTARY PUBLIC

DAVID A BLACK  
My Commission Expires  
June 28, 2024



**DEVELOPMENTS OF REGIONAL IMPACT (DRI)**

**Rezoning Applicant:**

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

Signed this 30th day of September, 2022

CK SPACEMAX, LLC, a Georgia limited liability company  
By: Childress Klein Properties, Inc., its Manager

*Chris D. Poholek*

APPLICANT'S SIGNATURE

Christopher D. Poholek, Vice President

**DISCLOSURE STATEMENT**

**Please check one:**

**Campaign contributions** -  **No**  **Yes (see attached disclosure report)**

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

4

Please return to:  
Lawson & Beck, LLC  
1125 Commerce Drive, Suite 300  
Peachtree City, GA 30269  
File # 18-LAW-1975

Doc ID: 010487540002 Type: WD  
Recorded: 09/24/2018 at 09:35:00 AM  
Fee Amt: \$12.00 Page 1 of 2  
Transfer Tax: \$0.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court  
BK 4793 PG 514-515

STATE OF GEORGIA  
COUNTY OF FAYETTE

**WARRANTY DEED**

THIS INDENTURE made this 11th day of September, 2018 between

**Charles W. Golden a/k/a Chuck Golden**

as party or parties of the first part, hereinafter called Grantor, and

**Golden Development Company, LLC**

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

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

ALL THAT TRACT or parcel of land lying and being in Land Lot 137 of the 5th District of Fayette County, Georgia, being more particularly described as follows:

BEGINNING at a point on the west side of Georgia Highway No. 54, four hundred (401) feet south from an iron pin marking the northeast corner of lands now or formerly owned by George L. Raven; thence running south along the west side of Georgia Highway No. 54 four hundred ninety (490) feet, more or less, to the north line of lands now or formerly owned by Burrall; thence running west along the north line of said Burrall land nine hundred seven (907) feet to Nash Creek; thence running northwesterly along Nash Creek seventy (70) feet, more or less, to a stake; thence running northeasterly six hundred five (605) feet to a stake on the south line of said Raven land; thence running east, along the south line of said Raven land, six hundred seventy-five (675) feet back to the point of beginning, and being the same lands conveyed to Harold E. Miller and Sara S. Miller by Charles T. Brown under Warranty Deed dated May 22, 1961, recorded in Deed Book 47, Page 129, Fayette County records; SAVING AND EXCEPTING therefrom, that realty conveyed to the Georgia Department of Transportation on April 18, 1991 by Harold E. Miller and Sara S. Miller recorded in Deed Book 649 at Page 521, records of Fayette County, Georgia, and by Douglas Miller and Nina Miller, by deed recorded in Deed Book 649, Page 524, said records.

Subject to that certain loan deed of even date herewith, in favor of Heritage Bank, in the original principal amount of \$150,000.00, as recorded in Fayette County, Georgia Records.

Subject to restrictive covenants and easements of record.

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

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

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Witness

Notary Public



Charles W. Golden  
Charles W. Golden

Chuck Golden



**Ellen W. Smith**  
**Partner**  
 t: 678.690.5720  
 f: 404.869.6972  
 ellensmith@parkerpoe.com

Atlanta, GA  
 Charleston, SC  
 Charlotte, NC  
 Columbia, SC  
 Greenville, SC  
 Raleigh, NC  
 Spartanburg, SC  
 Washington, DC

December 7, 2022

**BY EMAIL ONLY**

The Honorable Lee Hearn  
 Chairman, Fayette County Board of  
 Commissioners and District 2 Commissioner  
 140 Stonewall Ave. W., Suite 100  
 Fayetteville, GA 30214

Re: Rezoning and Conditional Use Permit Application No. 1328-22 ("**Application**")  
 by CKSpaceMax, LLC ("**Applicant**") with respect to approximately 9.022 acres  
 of property commonly known as 1222 (and also 1204) Highway 54, Moreland,  
 Georgia 30259, Fayette County Tax Parcel Number 0532 007 (the "**Property**")

**SUPPLEMENT TO APPLICATION**

Dear Chairman Hearn:

As you know, this law firm represents the Applicant with respect to the Application seeking to rezone the Property from the A-R (Agricultural Residential) district to the C-H (Highway Commercial District), to allow for the development of the Property with a self-storage facility.

Please accept this supplement to the Application to file more detailed concept plan and to address the standards set forth in Ordinance<sup>1</sup> Section 110-300 for rezoning in more detail, particularly to address why this rezoning proposal is within the spirit of, if not the precise language of, the Future Land Use Plan and policies contained therein. This is in response to the staff recommendation of denial and the Planning Commission's resolution similarly recommending denial. Applicant also wishes to respond to the staff recommended condition for a 100 foot vegetated buffer adjacent to residentially zoned parcels to the north and west of the project.

The Ordinance outlines four factors for the Board to consider with "special emphasis" being placed on the relationship of an application for rezoning to the County's land use plan and related development policies, and the intent as written is for those four factors to drive consideration of what is being proposed and what is actually happening in the area around. *See Ordinance Section 110-300.* The first is whether an application "is in conformity with the

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<sup>1</sup>Capitalized terms not otherwise defined in this Supplement shall have the same meanings given to them in the Letter of Intent submitted as part of the Application.



The Honorable Chairman Lee Hearn  
December 7, 2022  
Page 2

land use plan and policies contained therein.” First, the Fayette County Comprehensive Plan, including the future land use map, is a policy document intended to be a guide to assist in decision making about the future of the County and to address growth as well as maintenance and upgrades of infrastructure within the County to support planned growth. The Plan, together with the map, are intended to be dynamic, not static, and to grow with the County. In this case, the existing zoning for the Property is A-R, and the Property is within the General State Route Overlay / Low Density Residential designation on the County’s comprehensive plan future land use map. Without further analysis, staff’s recommendation for denial is that the proposal does not conform to the map. With respect, this recommendation gives no consideration to the fact that the proposed self-storage facility, while a commercial use and not a residential one, is, in fact, a relatively low density and low intensity use of the Property – meaning, from a traffic and actual use of the Property, a self-storage facility is one of the least intense commercial uses of property. Bottom line: although the proposed self-storage facility does not meet the letter of the future land use map and plan, it does meet the spirit of being a low intense use of the Property, converting the Property from one of the lowest tax categories to one of the highest one, without being a burden on county transportation, water or sewer and wastewater treatment, and other infrastructure needs. Similarly, the Application (unlike residential development) presents no burden increase on local schools. In this sense, the spirit of maintaining a low intense use of the Property is met despite the request for rezoning to a commercial use.

Moreover, this is not “spot” zoning - Applicant is not proposing a commercial use in the midst of otherwise low density residential uses. Instead, as shown on the future land use map, neighboring properties are designated as Commercial, to the south, and Parks and Recreation, to the east (an institutional – not residential – use, and one that arguably is significantly more intense of an actual use in terms of traffic, noise and the like than a self-storage facility, which is significantly more passive). In fact, the property immediately to the south of the Property is identified as “Planned Small business Center Special Development District”, a district intended to promote a mix of office, service and light industrial and limited small scale commercial uses. Applicant’s proposed self-storage use offers an important transition or step down in intensity of use as between the parcel to the south in the Special Development District and commercial areas of the City of Fayetteville and the parcels to the north which are designated as residential. Allowing this requested rezoning accomplishes a good buffer between the more commercial and heavier intense uses to the south and the single family residential to the north of the Property.

By way of further analysis, the property to the immediate north of the Property is approximately 19 acres with one existing home; beyond that parcel to the north is an approximately 172-acre parcel with no homes. Applicant is proposing to meet the already in place setback requirements provided by the Ordinance. Staff has recommended an additional 100 foot buffer to the north and to the west as adjacent to residentially zoned properties. With respect, this simply isn’t warranted in either direction for several reasons. First, there are already setback requirements in place for the proposed rezoning district that are sufficient for protection. Second, the County revisited its Ordinance provisions relating to self-storage facilities in 2021, to address aesthetics and mitigate impact on neighbors, and did not

The Honorable Chairman Lee Hearn  
December 7, 2022  
Page 3

implement an additional buffer requirement.<sup>2</sup> Third, Applicant has designed its project to mitigate the impact on any future adjacent residential (or other) development, with its tallest structures being near the street and further to the south of the Property and one story buildings closest to the north. Attached is a site plan that shows the impact and loss of units and viability of the project if a 100-foot buffer is required. Accordingly, Applicant respectfully requests no additional buffer beyond what the County already requires under the Ordinance.

Pragmatically, we wanted to highlight the viability of development of this Property for Applicant's self-storage use. Importantly, please be advised that neither Applicant (or we as Applicant's representatives) nor the County, per staff, has received any opposition to this Application including emails, calls or at the Planning Commission hearing. This isn't an Application where there is any public outcry or opposition. Instead, Applicant has been studying and participating in the self-storage industry for more than 18 years. Unlike perhaps a retail center or other projects that come and go with the times, self-storage facilities simply do not fail. More importantly, Applicant is a well-funded, top notch developer with a proven track record in the County and beyond for excellent, thoughtful development and aesthetics.

The Planning Commission inquired as to the feasibility of Applicant's project, in light of other projects Applicant and others are developing with the County, and about market saturation. Most existing self-storage facilities open to date have been developed in the western part of the County. An analysis of the County reflects that there really is very limited self-storage supply available, and the nearest ones to the Property are 18 and 25 years old, respectively, and are fully occupied. Applicant's facility at the Property, just east of downtown Fayetteville, is intended to serve Fayette County citizens generally to the south, where there is exceptionally limited self-storage supply available – especially high-quality self-storage. Approval of this Application will not saturate the market. Instead, it will diversify self-storage options, adding brand new, high quality self-storage that is secure, clean, and fully climate-controlled to an area of the County where it does not currently exist and at an affordable price. (And, with most markets, new spurs re-investment in existing most often, and incentivizes existing facility owners to upgrade and upkeep older product.) Bottom line: Applicant is well funded, has a proven track record, and is prepared to invest in this area of the County to bring a high quality, needed commodity on otherwise residentially zoned (and taxed), undeveloped property.

Finally, and importantly, please be advised that neither Applicant (or we as Applicant's representatives) nor the County, per staff, has received any opposition to this Application including emails, calls or at the Planning Commission hearing. This simply is not an Application where there is any public outcry or opposition.

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<sup>2</sup> Moreover, in a hearing in October on a different self-storage facility, staff confirmed to the Planning Commission that the 100 foot buffer was an arbitrary proposed buffer. It has no rational basis to what is actually on or planned for adjacent properties and offers no real mitigation of any impact on adjacent property owners.

The Honorable Chairman Lee Hearn  
December 7, 2022  
Page 4

We look forward to tomorrow's public hearing and respectfully request approval of this Application. We remain, as always, happy to answer questions or provide any additional information that the County may have with regard to this Application.

Very truly yours,

PARKER POE ADAMS & BERNSTEIN LLP

By:



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Ellen W. Smith

dc/DC/EWS

cc/encls:

The Honorable Eric K. Maxwell  
The Honorable Edward "Edge" Gibbons  
The Honorable Charles D. Rousseau  
The Honorable Charles W. Oddo  
(boardofcommissioners@fayettecountyga.gov)  
Ms. Deborah Bell, Director, Planning & Zoning (zoning@fayettecountyga.gov)

<b>EXISTING ZONING:</b>	<b>A-R</b>	<b>GENERAL STATE ROUTE OVERLAY ZONE</b>	
<b>PROPOSED ZONING</b>	<b>C-H</b>		
<b>SITE AREA:</b>	<b>10.09 ACRES</b>		
<b>TAX PARCEL ID:</b>	<b>0532 007</b>		
<b>BUILDING SETBACK LINES:</b>			
FRONT YARD (C-H): 75 FT.	FRONT YARD (OVERLAY): 75 FT.		
REAR YARD: 15 FT.	PARKING(OVERLAY): 50 FT.		
SIDE YARD: 15 FT.			
<b>BUILDING SUMMARY:</b>			
DESCRIPTION	BUILDING HEIGHT	SQUARE FOOTAGE	CLIMATE CONTROLLED
BUILDING A	3 STORY	101250	X
BUILDING B	1 STORY	1300	
BUILDING C	1 STORY	10800 (WAS 11200)	
BUILDING D	1 STORY	8100 (WAS 8400)	
BUILDING E	1 STORY	10200 (WAS 10500)	
BUILDING F	1 STORY	3800	
BUILDING G	VEHICLE STORAGE	9600	
BUILDING H	1 STORY	700	
TOTAL		145750	
<b>PARKING SUMMARY</b>			
DESCRIPTION	MIN.**	MAX.**	PROVIDED
REGULAR PARKING:	"MIN-Reg"	"MAX-Reg"	"REG-Pro"
ADA ACCESSIBLE PARKING:	"MIN-ADA"	"MAX-ADA"	"ADA-Pro"
TOTAL PARKING SPACES:	"MIN-Total"	"MAX-Total"	"Total-Pro"

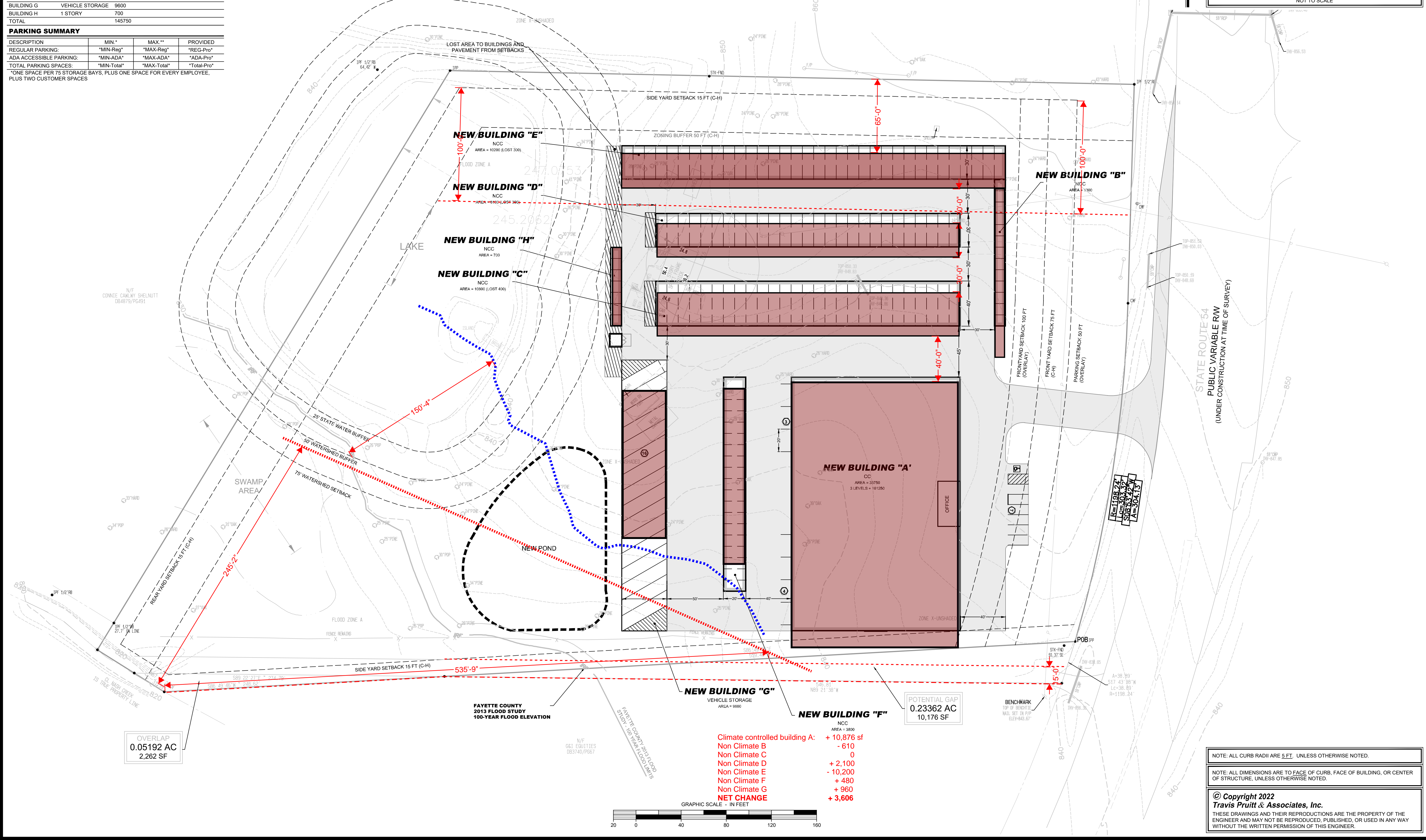
\*\*ONE SPACE PER 75 STORAGE BAYS, PLUS ONE SPACE FOR EVERY EMPLOYEE, PLUS TWO CUSTOMER SPACES



NO	DATE	DESCRIPTION
1	10/25/2022	SURVEY BACKGROUND
2		
3		
4		
5		
6		
7		

4317 Park Drive, Suite 400  
 Norcross, Georgia 30093  
 Phone: (770) 416-7511  
 Fax: (770) 416-6759  
 www.travispruit.com  
 CONTACT PERSON: BRENT THOMAS  
 e-mail: bthomas@travispruit.com

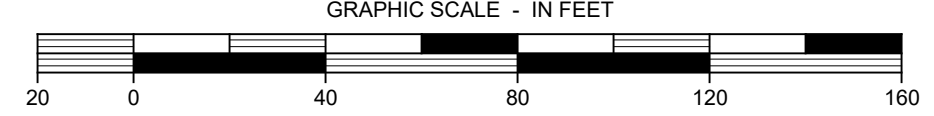
**Travis Pruitt & Associates, Inc.**  
 SURVEYORS • LANDSCAPE ARCHITECTS



Climate controlled building A:	+ 10,876 sf
Non Climate B	- 610
Non Climate C	0
Non Climate D	+ 2,100
Non Climate E	- 10,200
Non Climate F	+ 480
Non Climate G	+ 960
<b>NET CHANGE</b>	<b>+ 3,606</b>

OVERLAP  
 0.05192 AC  
 2,262 SF

POTENTIAL GAP  
 0.23362 AC  
 10,176 SF



NOTE: ALL CURB RADII ARE 5 FT., UNLESS OTHERWISE NOTED.

NOTE: ALL DIMENSIONS ARE TO FACE OF CURB, FACE OF BUILDING, OR CENTER OF STRUCTURE, UNLESS OTHERWISE NOTED.

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CONCEPT PLAN 2

# MCCURRY PARK STORAGE

1204 EAST LANIER AVENUE, 137 5TH DISTRICT, FAYETTE COUNTY, GEORGIA

For The Firm	DATE: 10/26/2022
Travis Pruitt & Associates, Inc.	SCALE: 1" = 40'
	CN: 220409CPC
	JN: 1-22-0409
	FN: 170-D-006
	<b>SHEET NO: 1 OF 1</b>

**BOARD OF COUNTY COMMISSIONERS**

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

Consent #5



**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**

**January 12, 2023**

**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.**

**OATH OF OFFICE:**

**Probate Court Judge Ann S. Jackson to administer the Loyalty Oath and Official Oath of County Commissioner of the State of Georgia to Commissioner-Elect Edward Gibbons.**

Assistant Probate Court Judge Angela Landgaard administered the Official Oath and the Loyalty Oath to Commissioner-Elect Edward Gibbons. He was successfully sworn-in to the Board of Commissioners.

**Probate Court Judge Ann S. Jackson to administer the Loyalty Oath and Official Oath of County Commissioner of the State of Georgia to Commissioner-Elect Charles Rousseau.**

Assistant Probate Court Judge Angela Landgaard administered the Official Oath and the Loyalty Oath to Commissioner-Elect Charles Rousseau. He was successfully sworn-in to the Board of Commissioners.

**ORGANIZATIONAL SESSION:**

**Call to Order by County Attorney Dennis Davenport**

County Attorney Dennis Davenport called the January 12, 2023 Organizational Meeting of the Board of Commissioners to order at 5:00 p.m. A quorum of the Board was present. He stated that according to Section 2-52 of the Fayette County Code, the county attorney had the duty and responsibility to open the first meeting of the year. He explained the process for electing the Chairman of the Board.

**Election of Board Chairman for the year 2023.**

County Attorney Dennis Davenport opened the floor for nominations for Chairman of the Board of Commissioners. Commissioner Edward Gibbons nominated Commissioner Lee Hearn as Chairman.

Commissioner Edward Gibbons moved to close the floor for nominations. Commissioner Charles Oddo seconded. The motion passed 5-0.

Commissioner Edward Gibbons moved to elect Commissioner Lee Hearn as Chairman. Commissioner Charles Rousseau seconded. The motion passed 5-0.

### **Election of Board Vice Chairman for the year 2023.**

Commissioner Oddo nominated Commissioner Gibbons as Vice Chairman. Commissioner Rousseau seconded. The motion passed 5-0.

Commissioner Oddo moved to close the floor for nominations. Commissioner Rousseau seconded. The motion passed 5-0.

The Board moved to elect Commissioner Gibbons as Vice Chairman. The motion passed 5-0.

### **OFFICIAL SESSION:**

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

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

#### **Acceptance of Agenda**

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

### **PROCLAMATION/RECOGNITION:**

#### **1. Recognition of the Fayette County 10<sup>th</sup> Annual Merry Door Decorating Contest winners.**

County Administrator Steve Rapson recognized Public Works for winning third place. He presented the Tax Assessor's as the second-place winners and the Marshal's Office as the first-place winners with trophies.

**PUBLIC HEARING:** None.

### **PUBLIC COMMENT:**

Roy Bishop of Fayetteville expressed his concern regarding a storm drain at the corner of Georgia Avenue and Jeff Davis Road that sat too low from the road, causing issues when driving. He also expressed concern about the condition of the roadway on Rivers Road between Fayette County and Fairburn. He stated that the road was in bad condition with several potholes. Mr. Bishop noted that he was not sure if either of these road conditions concerns were County issues, but wanted to make sure the County was aware, if so.

### **CONSENT AGENDA:**

Commissioner Oddo moved to approve the Consent Agenda as written. Vice Chairman Gibbons seconded.

Commissioner Rousseau asked for item #5 to be pulled for discussion.

Commissioner Oddo amended his motion to approve the Consent Agenda as written, with the exception of items #5 for discussion. Vice Chairman Gibbons amended his seconded. The motion passed 5-0.

- 2. Approval of authorization to sign checks combining any of the following two signatures for transactions at or above \$5,000.00: Chairman, Vice-Chairman, County Administrator.**
- 3. Approval of authorization to sign checks for transactions in the amount of \$4,999.99 or less: Chairman, Vice-Chairman, County Administrator.**
- 4. Approval of the Chairman, Vice-Chairman, and the County Administrator to execute contracts, resolutions, agreements, or other documents approved by and on behalf of the Board of Commissioners.**
- 5. Approval of Task Order #1 of Contract #2128-B; Annual Contract for Waterline Extensions for FY23, to allow Shockley Plumbing to install the water main extension to connect to the Coweta County Water System for a not-to-exceed amount of \$202,568.**

Commissioner Rousseau stated that in an effort to remain consistent with his previous vote regarding this item, he asked to pull it, so it could be voted on separately.

Commissioner Oddo moved to approve Task Order #1 of Contract #2128-B; Annual Contract for Waterline Extensions for FY23, to allow Shockley Plumbing to install the water main extension to connect to the Coweta County Water System for a not-to-exceed amount of \$202,568. Vice chairman Gibbons seconded. The motion passed 4-1, with Commissioner Rousseau voting in opposition.

**6. Approval of the December 8, 2022 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

**NEW BUSINESS:**

**7. Request to approve the recommendation of the Selection Committee, comprised of Vice Chairman Edward Gibbons and Commissioner Charles Rousseau, to re-appoint Sam Burch to the Board of Assessor position to serve a term beginning January 1, 2023 and expiring December 21, 2028.**

Vice Chairman Gibbons advised the Board that Mr. Burch was a very qualified candidate for this position and had served the Board of Assessors and the citizens of Fayette County well during his previous tenure and was willing to continue to serve. He continued that, both he and Commissioner Rousseau, felt Mr. Burch was the best fit for the position.

Vice Chairman Gibbons moved to approve to re-appoint Sam Burch to the Board of Assessor position to serve a term beginning January 1, 2023 and expiring December 21, 2028. Commissioner Rousseau seconded.

County Attorney Dennis Davenport advised the Board that the term date should actually be January 1, 2023 and expiring December 31, 2028.

Vice Chairman Gibbons amended his motion and moved to approve to re-appoint Sam Burch to the Board of Assessor position to serve a term beginning January 1, 2023 and expiring December 31, 2028. Commissioner Rousseau amended his seconded. The motion passed 5-0.

**8. Request to award Contract #2052-B to Pro Construction of GA, LLC for the construction of a new Animal Shelter for the amount of \$2,971,416.00, the transfer of \$140,000 donated funds, and a transfer of \$1,453,950.00 from undesignated fund balance.**

Animal Director Jerry Collins stated that this item was a request to award Contract #2052-B to Pro Construction of GA, LLC for the construction of a new Animal Shelter for the amount of \$2,971,416.00, He stated that the award amount was comprised of a transfer of a \$140,000 donation from Ms. G. Jones, and a transfer of \$1,453,950.00 from undesignated fund balance.

Commissioner Oddo asked for a brief overview of the proposed new Animal Shelter in comparison to the current facility.

Mr. Collins stated that the new facility would be more than double the current capacity and would be designed in a way that would be more efficient, which would help maintain cleanliness and provide disease control. Mr. Collins excitedly stated that "this facility was a long time coming!"

Commissioner Oddo commended Mr. Collins and his staff for a job well done in maintaining the animals at the shelter.

Chairman Hearn asked how old the current Animal Shelter was.

Mr. Collins stated from his research the current facility was constructed around the 1980's, with some minor work done shortly before he became the Animal Control Director.

County Administrator Steve Rapson stated that the County had a euthanasia policy in place that went into effect when the Animal Shelter was at full capacity. He commended Mr. Collins and his staff, stating that because of the partnerships he created with non-profit organizations and various animal advocate groups, there was no need to enact the policy due to capacity restraints. He noted that an animal shelter was considered a "No Kill" facility if it remained above 96%, the Fayette County Animal Shelter had remained at 98%-99% over the last eight years due in large to Mr. Collins' leadership.

Chairman Hearn expressed his appreciation to Mr. Collins and his staff for their hard work and dedication.

Mr. Collins praised his staff and expressed his appreciation for them, as well as the support he received from the Board.

Vice Chairman Gibbons moved to approve to award Contract #2052-B to Pro Construction of GA, LLC for the construction of a new Animal Shelter for the amount of \$2,971,416.00, the transfer of \$140,000 donated funds, and a transfer of \$1,453,950.00 from undesignated fund balance. Commissioner Oddo seconded. The motion passed 5-0.

**9. Request to award Bid #2184-B to McLeRoy, Inc. for the construction of a roundabout at the intersection of Redwine Road, Bernhard Road, and Peachtree Parkway (17TAL) in the amount of \$3,070,796.21, and approval to transfer \$2,194,855.71 from various 2017 SPLOST projects to 17TAL (list attached).**

Public Works Director Phil Mallon stated that this item was seeking Board approval to award Bid #2184-B to McLeRoy, Inc. for the construction of a roundabout at the intersection of Redwine Road, Bernhard Road, and Peachtree Parkway (17TAL) in the amount of \$3,070,796.21. Mr. Mallon acknowledged that this award amount was over the initial budget amount set in 2016 due to inflation. He also stated that it was determined that the project would be more complicated than originally planned due to some gas line logistics that was not originally accounted for and the path infrastructure was much more substantial. He also noted that they would be doing work for the Water System to take advantage of the contract, that was independent to the roundabout project. Mr. Mallon advised the Board that if approved it would be a two phased motion, the first phase would be to award Bid #2184-B to McLeRoy, Inc. for the construction of a roundabout at the intersection of Redwine Road, Bernhard Road, and Peachtree Parkway (17TAL) in the amount of \$3,070,796; and the second phase would be to transfer \$2,194,855.71 from various 2017 SPLOST projects to 17TAL (list attached).

Commissioner Oddo asked if there was a huge hole for the electric company at that intersection.

Mr. Mallon stated that there were several utilities in that area, and he may be referencing the gas regulating station at the corner that his team was working around. He stated that they would not have to move any of the large transmission lines and that the project had been designed around that.

Chairman Hearn stated that this was a welcomed project for citizens, residents, and travelers in the area and would provide a marked improvement in traffic.

Commissioner Oddo moved to approve to award Bid #2184-B to McLeRoy, Inc. for the construction of a roundabout at the intersection of Redwine Road, Bernhard Road, and Peachtree Parkway (17TAL) in the amount of \$3,070,796.21. Vice Chairman Gibbons seconded.



Commissioner Maxwell stated that he recalled issues with relocating the gas lines during the Dogwood Trail project. He asked if there was any concern regarding utility relocation or logistics.

Mr. Mallon stated that he was not expecting that type of closure and traffic would be maintained throughout the intersection.

Commissioner Maxwell stated that Redwine Road was a high traffic roadway and an alternate route to Highway 54 for travelers. He stated that he hoped there would be no closures to Redwine Road.

Mr. Mallon stated that the condition to maintain traffic on Redwine Road was included in the contract and was a factor in the high price point.

Commissioner Oddo moved to approve to award Bid #2184-B to McLeRoy, Inc. for the construction of a roundabout at the intersection of Redwine Road, Bernhard Road, and Peachtree Parkway (17TAL) in the amount of \$3,070,796.21. Vice Chairman Gibbons seconded. The motion passed 5-0.

Commissioner Oddo moved to approve to transfer \$2,194,855.71 from various 2017 SPLOST projects to 17TAL (list attached). Vice Chairman Gibbons seconded. The motion passed 5-0.

**10. Request to award Bid #2191-B; Resurfacing FY23 to C.W. Matthews, Inc. in the amount of \$2,758,308.35.**

Road Director Steve Hoffman stated that this request was to award Bid #2191-B; Resurfacing FY23 to C.W. Matthews, Inc. in the amount of \$2,758,308.35.

Chairman Hearn stated that from experience he knew that resurfacing a road in warmer weather produces a better result. He stated that from his perspective he would not like to start this project until the weather was consistently warmer, however he would trust the judgment of the Road Department.

Mr. Hoffman stated that staff would be following Georgia Department of Transportation specification regarding road resurfacing. He noted that awarding the project allowed the County to be placed on C.W. Matthews, Inc.'s schedule. He also advised that he felt that providing a longer project duration allowed the County to get a cheaper price.

Commissioner Oddo moved to approve to award Bid #2191-B; Resurfacing FY23 to C.W. Matthews, Inc. in the amount of \$2,758,308.35. Vice Chairman Gibbons seconded. The motion passed 5-0.

**11. Request to approve Fayette County Fire & Emergency Services to purchase up to 12 Stryker LifePak 15 cardiac monitor/defibrillators at a price of \$542,800.**

Chief Hill requested approval of Fayette County Fire & Emergency Services to purchase up to 12 Stryker LifePak 15 cardiac monitor/defibrillators at a price of \$542,800.

Chairman Hearn asked for a brief overview of the equipment.

Chief Hill state that these were cardiac monitors/defibrillators with 12-lead EKGs that defibrillate, "shock", the heart for individuals who suffered a cardiac event and would translate that information to the emergency unit, so they are aware of the imminent patient status.

Commissioner Oddo asked how often this equipment was used.

Chief Hill stated that these incidents happen daily.

Vice Chairman Gibbons moved to approve Fayette County Fire & Emergency Services to purchase up to 12 Stryker LifePak 15 cardiac monitor/defibrillators at a price of \$542,800. Commissioner Oddo seconded. The motion passed 5-0.

**12. Consideration of a request from Southside Church in Fayetteville to use the library parking lot during Sunday services on a continuous basis.**

Mr. Rapson advised the Board that this request was from Southside Church in Fayetteville to use the library parking lot during Sunday services on a continuous basis. Mr. Rapson stated that this request was outside the current County parking policy and was being presented before the Board for direction. Under the current policy it would be denied because it was inconsistent with what was done in the past regarding parking on County property.

Chairman Hearn asked if the library was open on Sunday.

Mr. Rapson stated yes, the library was open on Sundays.

Chairman Hearn asked if approving this request would cause capacity issues.

Mr. Rapson stated that capacity was not the concern. He continued that this would be a decision of the Board to allow another entity to use County property for parking on a continuous basis. He stated that this issue would become more prevalent once the new apartments in the area were completed. He stated that a proposed access road was discussed previously and there was some sensitivity during discussions regarding the walkway that connected the new Fayetteville facilities to the library. Mr. Rapson stated that they had no problem working with the City of Fayetteville for sponsored events, however this was a private entity and outside of governmental use.

Chairman Hearn stated that if it was not creating a capacity concern, he did not have an issue with allowing other uses for the parking lot.

Commissioner Oddo stated that he would be hesitant to formalize an agreement or contract with a private entity to use the parking lot. He stated that he felt there was a separation issue that needed to be reviewed before formalizing an agreement. He stated that he did not feel the County had staff chasing away patrons that used the library parking lot on Sundays. Commissioner Oddo stated that he would prefer to maintain the current policy.

Vice Chairman Gibbons asked if the parking lot was being used on a first come, first serve basis.

Mr. Rapson stated yes. He also corrected his previous statement and advised the Board that the library was closed on Sundays. He stated that this request was outside of the existing policy and as a result, if the Board desired to make a decision regarding this request they would have to modify the current policy regarding parking on County property.

Vice Chairman stated that his concern was of a member of the congregation advised others that the parking lot was reserved as church parking on Sunday and an altercation ensued. He also stated that he felt this may set a precedent for parking at county facilities for non-governmental use.

Vice Chairman Gibbons moved to deny a request from Southside Church in Fayetteville to use the library parking lot during Sunday services on a continuous basis.

Mr. Rapson stated this could also create an enforcement issue he did not want to put something in place that would not be enforced.

Vice Chairman Gibbons moved to deny a request from Southside Church in Fayetteville to use the library parking lot during Sunday services on a continuous basis. Commissioner Oddo seconded.

Commissioner Maxwell stated that he did not want to vote against the church but suggested that they vote not to change the current county parking policy and not including the church in the motion.

Vice Chairman Gibbons withdrew his motion.

Vice Chairman Gibbons moved to deny revising the current parking policy. Commissioner Maxwell seconded.

Commissioner Maxwell stated that the parking policy may need to be reviewed and revised in the future in reference to this specific area.

Commissioner Rousseau stated that this would create an enforcement issue and felt that formalizing an agreement could set a precedent. He noted that overnight parking would be a concern once the apartment complex was completed and would need to be addressed in the future. He stated that he was in agreement with maintaining the current policy.

Vice Chairman Gibbons moved to deny revising the current parking policy. Commissioner Maxwell seconded. The motion passed 5-0.

### **ADMINISTRATOR'S REPORTS:**

#### **A. Contract #2179-A: Water System Admin Bathroom Renovation**

##### **Hot Projects**

Mr. Rapson provided a report to the Board that included updates on the Redwine Road multi-use path, the Parks and Recreation multi-use facility, the Elections building renovation and Ebenezer Church Road bridge replacement.

Mr. Rapson also advised the Board that support, and assistance was extended to Spalding County, who had been hit badly by the recent storm.

Mr. Rapson concluded that he was wearing a University of Georgia jersey because he lost a bet and watched the Texas Christian University (TCU) get massacred.

### **ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were six items for Executive Session. Three items involving real estate acquisition, one item involving pending litigation, one item involving threatened, and the review of the Executive Session minutes for December 8, 2022.

### **COMMISSIONERS' REPORTS:**

#### **Commissioner Maxwell**

Commissioner Maxwell advised the Board of his recent meeting with the Peachtree City Rotary Club. He stated that he had a great time and talked about the Board of Commissioners and was able to highlight not only the years of experience held by the Board but also the knowledge and experience of the County Administrator, who was in attendance. Commissioner Maxwell stated that the Animal Shelter was a topic of discussion at the Rotary Club meeting, he noted that citizens and residents were interested in the work that was being done by the County and were diligently watching. He concluded expressing his excitement for the recent University of Georgia win, "Go DAWGS!"

#### **Commissioner Oddo**

Commissioner Oddo congratulated Vice Chairman Gibbons and Commissioner Rousseau on their re-elections, and Chairman Hearn and Vice Chairman Gibbons on their appointments. He wished everyone a Happy New Year. Commissioner Oddo stated that he was excited about the new Animal Shelter, expressing that it was a long time coming.

### **Commissioner Rousseau**

Commissioner Rousseau echo the sentiments mentioned regarding Mr. Collins and his team, as well as plans for the Animal Shelter. He also relayed congratulations to his colleagues on their re-election and appointments. Commissioner Rousseau wished the Fayette County team a Happy New Year and relayed appreciation for the work they did on behalf of the residents of the county. Commissioner Rousseau asked the County Administrator to review the constitutional right to carry ordinance/laws, specifically as it related to county parks. He stated that he wanted to ensure the County's ordinance/laws properly addressed the topic and that signage was properly posted.

### **Chairman Hearn**

Chairman Hearn expressed his appreciation to his colleagues and thanked them for their vote of confidence in voting for him as Chairman. He stated that he enjoyed serving and working with each of them and enjoyed the comradery of the Board.

Chairman Hearn also acknowledged Mr. Rapson and thanked him for his upcoming ten-years of service.

### **EXECUTIVE SESSION:**

**Three items involving real estate acquisition, one item involving pending litigation, one item involving threatened, and the review of the Executive Session minutes for December 8, 2022.** Commissioner Oddo moved to go into Executive Session. Vice Chairman Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 5:52 p.m. and returned to Official Session at 6:12 p.m.

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

**Approval of the December 8, 2022 Executive Session Minutes:** Vice Chairman Gibbons moved to approve the December 8, 2022 Executive Session Minutes. Commissioner Oddo seconded the motion. The motion passed 5-0.

### **ADJOURNMENT:**

Commissioner Oddo moved to adjourn the January 12, 2023 Board of Commissioners meeting. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

The January 12, 2023 Board of Commissioners meeting adjourned at 6:13 p.m.

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Marlena 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 26<sup>th</sup> day of January 2023. Attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Chief Deputy County Clerk

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Request to approve the Planning Commission Selection Committee's recommendation to reappoint John Culbreth to the Planning Commission for a term beginning January 1, 2023 and ending December 31, 2025.

**Background/History/Details:**

The Planning Commission consists of a body of members appointed by the Board of Commissioners to carry out the directives of the County ordinances and to carry out any other duties which may from time to time be assigned to the Planning Commission by the Board of Commissioners.

The Selection Committee consisted of Arnold Martin, Chairman of the Planning Commission; Debbie Bell, Director of Planning and Zoning; and Deborah Sims, Zoning Administrator. There were two applications submitted.

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

Approval to reappoint John Culbreth to the Planning Commission for a term beginning January 1, 2023 and ending December 31, 2025.

**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:**



APPLICATION FOR APPOINTMENT  
Fayette County Planning Commission

Thank you for your interest in being considered for appointment to the Fayette County Planning Commission.

Applicants must be a legal resident of the State of Georgia and have been a resident of Fayette County prior to the date an application is submitted.

The Planning Commission is comprised of five members appointed to three-year terms. Meetings are scheduled to be held twice monthly. Commission members are compensated \$75.00 per meeting but no more than \$150 per month. Said meetings take place at the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Please do not apply if you will be unable to attend a minimum of eighty percent (80%) of all meetings. **Applicants are encouraged to attend as many Planning Commission meetings as possible in an effort to become familiar with the responsibilities of the post.**

Please take a few minutes to complete the form and answer the questions below and return with a resume, if available, to Tameca Smith, County Clerk, via email at [tsmith@fayettecountyga.gov](mailto:tsmith@fayettecountyga.gov) or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on Friday, December 2, 2022.**

If you have any questions, please call (770) 305-5103.

*NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.*

NAME JOHN CULBRETH

ADDRESS 170 Buckhorn Trl.

Fayetteville, GA, 30214

TELEPHONE (cell) [REDACTED] (home) 770-306-7182

(email address) [REDACTED]

Signature

11/23/2022  
Date



APPLICATION FOR APPOINTMENT  
Fayette County Planning Commission

1. How long have you been a resident of Fayette County?  
*20 Years*
2. Why are you interested in serving on the Planning Commission?  
*I have experience in Planning and Zoning from government.*
3. What qualifications and experience do you possess that should be considered for appointment to the Planning Commission? *I have served for 6 years on the Fayette County Planning Commission.*
4. List your recent employment experiences to include name of company and position.  
*I am a Sales and Leasing Consultant at Jim Elbe Mercedes Benz.*
5. Do you have any past experience related to this position? If so, please describe.  
*Yes, I served as a Planning Staff member for the City of Atlanta.*
6. Are you currently serving on a commission/board/authority or in an elected capacity with any government? *no*
7. Have you attended any Planning Commission meetings in the past two years and, if so, how many? *36 or more meetings*
8. Are you willing to attend seminars or continuing education classes at county expense?  
*Yes*
9. Would there be any possible conflict of interest between your employment or your family and you serving on the Planning Commission? *no*
10. Are you in any way related to a County Elected Official or County employee? If so, please describe.  
*no*
11. Describe your current community involvement. *I am on the Board of Directors for metal moldings & national board in three cities.*
12. Have you been given a copy of the county's Ethics Ordinance? *Yes*
13. Is there any reason you would not be able to comply with the ordinance?  
*No*



APPLICATION FOR APPOINTMENT  
Fayette County Planning Commission

1. How long have you been a resident of Fayette County?
2. Why are you interested in serving on the Planning Commission?
3. What qualifications and experience do you possess that should be considered for appointment to the Planning Commission?
4. List your recent employment experiences to include name of company and position.
5. Do you have any past experience related to this position? If so, please describe.
6. Are you currently serving on a commission/board/authority or in an elected capacity with any government?
7. Have you attended any Planning Commission meetings in the past two years and, if so, how many?
8. Are you willing to attend seminars or continuing education classes at county expense?
9. Would there be any possible conflict of interest between your employment or your family and you serving on the Planning Commission?
10. Are you in any way related to a County Elected Official or County employee? If so, please describe.
11. Describe your current community involvement.
12. Have you been given a copy of the county's Ethics Ordinance?
13. Is there any reason you would not be able to comply with the ordinance?



## Career Highlights of John H. Culbreth

John Culbreth was a staff member in City and County government for over 38 years. He received his Bachelor of Arts Degree from Clark Atlanta University, and continued graduate study in Urban Government Administration at Georgia State University.

John Culbreth is the former Director of Parks, Recreation, Entertainment and Conservation for the City of Jacksonville (Florida). He has also served in the capacities of Director of Parks and Recreation for Fulton County Government in Atlanta, GA; Deputy Commissioner for Parks, Recreation and Cultural Affairs; and the Neighborhood Planning Unit (NPU) Coordinator with the City of Atlanta's Bureau of Planning, wherein it was his responsibility to serve as liaison between the City and the NPUs for comprehensive planning programs in the areas of economic development, parks, housing, land use, environment, transportation, and public safety.

Over the years, Culbreth's dedication and hard work afforded him several positions within Fulton County and the City of Atlanta Department of Parks, Recreation and Cultural Affairs. He was District Recreation Manager of Northwest Atlanta Community Centers, Assistant to the Bureau Director of Business Administration Operations, and Management Services Officer. Additionally, as Special Assistant to the Commissioner, a position requiring constant interaction with other City Department Heads, the Mayor's office, and the City Council, he managed day-to-day operations of the department. He also managed the Commissioner's office budget, press relations and publicity, prepared communications and correspondence for the Mayor and Commissioner, and made presentations to community and non-profit organizations on behalf of the City of Atlanta.

Culbreth was also a Senior Economic Development Specialist in the City of Atlanta's Office of Economic Development. He assisted in the management and development, as well as the interagency and intergovernmental coordination of Underground Atlanta. Diligently, he managed the process of construction, architectural and service contracts, and letters of agreement. He tracked legislation through the City's legislative process, tracked bills in both the House of Representatives and the Senate, and lobbied on behalf of the City's legislative package with the State of Georgia General Assembly. Culbreth was elected to the City of Atlanta Employees' Pension Board, which handles an annual budget of approximately one billion dollars, and he is also the Chair of the Pension Board, and he has served on the Peachtree Towers Board of Directors, and the Grady Hospital Board of Visitors.

Due to his love for—and allegiance to—public service, the list of civic organizations and affiliations to which John Culbreth is a member is extensive. He has served on the Board of Directors as Chairman of the Board for the Fulton County Drug and Alcohol Center. He has served as Vice President of Southwest Community Groups, Trice Ministries, and World Youth Alliance, Inc. He has also served on the Board of Directors for the West End Merchants Commercial Development Association and the Atlanta Peach Caribbean Carnival. He served on the Atlanta Business League/International trade Committee; served as chairperson of a Neighborhood Planning Unit in Southwest Atlanta; co-chairperson of the March of Dimes, and served on the Community Services and Development Advisory Groups of the Atlanta Regional Commission. His affiliations extend far beyond those mentioned.

As an employee and as a civic leader, John Culbreth has certainly been an asset to the City of Jacksonville, Fulton County, the City of Atlanta, and any organization of which he is a part.

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Request to approve the Planning Commission Selection Committee's recommendation to appoint John J. Kruzan to the Planning Commission for a term beginning January 1, 2023 and ending December 31, 2025.

**Background/History/Details:**

The Planning Commission consists of a body of members appointed by the Board of Commissioners to carry out the directives of the County ordinances and to carry out any other duties which may from time to time be assigned to the Planning Commission by the Board of Commissioners.

The Selection Committee consisted of Arnold Martin, Chairman of the Planning Commission; Debbie Bell, Director of Planning and Zoning; and Deborah Sims, Zoning Administrator. There were two applications submitted.

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

Approval to appoint John J. Kruzan to the Planning Commission for a term beginning January 1, 2023 and ending December 31, 2025.

**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:**



### APPLICATION FOR APPOINTMENT Fayette County Planning Commission

Thank you for your interest in being considered for appointment to the Fayette County Planning Commission.

Applicants must be a legal resident of the State of Georgia and have been a resident of Fayette County prior to the date an application is submitted.

The Planning Commission is comprised of five members appointed to three-year terms. Meetings are scheduled to be held twice monthly. Commission members are compensated \$75.00 per meeting but no more than \$150 per month. Said meetings take place at the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Please do not apply if you will be unable to attend a minimum of eighty percent (80%) of all meetings. Applicants are encouraged to attend as many Planning Commission meetings as possible in an effort to become familiar with the responsibilities of the post.

Please take a few minutes to complete the form and answer the questions below and return with a resume, if available, to Tameca Smith, County Clerk, via email at [tsmith@fayettecountyga.gov](mailto:tsmith@fayettecountyga.gov) or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 no later than 5:00 p.m. on Friday, October 28, 2022.

If you have any questions, please call (770) 305-5103.

*NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.*

NAME: John J. Kruzan

ADDRESS: 721 Pine Grove Circle, Peachtree City, GA 30269

TELEPHONE (cell): [REDACTED] (home): SAME

EMAIL ADDRESS [REDACTED]

Signature: 

Date: October 27, 2022



## APPLICATION FOR APPOINTMENT Fayette County Planning Commission

1. **How long have you been a resident of Fayette County?**  
I have been a resident of Fayette County, GA approximately four (4) years and eight (8) months
2. **Why are you interested in serving on the Planning Commission?**  
My interest in serving on the Planning Commission is primarily civic duty and the ability to give back to my community
3. **What qualifications and experience do you possess that should be considered for appointment to the Planning Commission?**  
Professionally, I have been an executive in both small businesses and Fortune 500 companies with over 25 years' experience. I have lead divisions with proven experience in planning, budgeting, and strategic development.
4. **List your recent employment experiences to include name of company and position.**  
Please see attached resume
5. **Do you have any past experience related to this position? If so, please describe.**  
Although I have deep experience in the planning and budgeting process for businesses in the private sector, I do not have direct experience serving on a public planning commission
6. **Are you currently serving on a commission/board/authority or in an elected capacity with any government?**  
I am not serving on boards or commissions in an elected capacity with any local, state, or federal entities
7. **Have you attended any Planning Commission meetings in the past two years and, if so, how many?**  
I have attended one planning meeting within the past year
8. **Are you willing to attend seminars or continuing education classes at county expense?**  
Yes
9. **Would there be any possible conflict of interest between your employment or your family and you serving on the Planning Commission?**  
No, there is no conflict of interest
10. **Are you in any way related to a County Elected Official or County employee?**  
No, I am not related to a Fayette County elected official or employee
11. **Describe your current community involvement.**  
I financially support a number of local and national organizations dedicated to assisting the underprivileged and disenfranchised
12. **Have been given a copy of the county's Ethics Ordinance?**  
Yes, I have a copy of the county's Ethics Ordinance
13. **Is there any reason you would not be able to comply with the ordinance?**  
No

**JOHN J. KRUZAN**  
 Peachtree City, Ga | [REDACTED]  
 [REDACTED] | [LinkedIn](#)

An industry leader in logistics, ecommerce, and supply chain technologies with over 20 years' proven experience across wide-ranging disciplines, including product management and business strategy. Demonstrated ability to successfully analyze an organization's critical business requirements and develop a vision that drives revenue through new and existing markets. A senior leader who is singularly focused on the product, its value and how it addresses the market to make customers successful. A skilled P&L manager focused on exceeding plan and an accomplished negotiator who sourced and closed multiple acquisitions. Built numerous indirect channels, with several exceeding \$100M in annual revenue. Negotiated numerous strategic partner agreements with both Fortune 100 and small businesses. Business and product strategist, who successfully brought new products and services to both existing and adjacent markets. An adept communicator who fashions compelling value propositions, knows how to position against competition, and can work across diverse teams to educate and evangelize. Entrepreneur, frequent speaker, and writer.

## PROFESSIONAL EXPERIENCE

### MAERSK ECOMMERCE LOGISTICS, Salt Lake City, UT

2022-Present

#### Head of Business Development

- Created adjacent partner strategy for parcel reseller product, targeting mid-market to enterprise freight management systems
- Designed new Pick-up, Drop-Off (PUDO) and Returns service, in concert with 3,500 retail partners
- Led due diligence on potential acquisition targets of shipping management and ecommerce technologies

### SMC3, Peachtree City, GA

2018-2021

#### Director, Customer Success

- Built company's first Customer Success practice; authored and executed of all strategic initiatives and daily operations
- Drove new product usage 3000% month-over-month and 702% annually; grew ARR by 300% through "high-touch" advocacy
- Operate a 98% retention rate across entire product portfolio with 4% churn for new products
- Built client segmentation and engaged them at specific data-driven touchpoints to optimize retention, cross-sell
- Owned partnership integrations of Amazon, XPO, ShipStation, FourKites; significantly expanded indirect channel footprint
- Cultivated five service reps into cohesive team that adeptly executed all CS functions from pre-sales through retention

#### Director, Product Strategy

- Built all business and use cases, responsible for product development lifecycle from ideation to commercialization
- Uncovered and fixed substantial gaps and dependencies needed to scale new product development
- Opened new markets by identifying adjacencies, created new direct and indirect channels to drive incremental revenue
- Validated product-market fit (PMF) through extensive research, segment analysis, and end-user feedback
- Built go-to-market (GTM) strategies, responsible for pricing, positioning, segmentation, and channel development
- Led company's Product Council, comprised of internal C-Suite and external clients, vendors, and partners
- Worked across entire organization, communicated vision, gained consensus, and led teams
- Acquired EDI services company, extended company's core offerings and solved portfolio gap

### PITNEY BOWES GLOBAL ECOMMERCE, Stamford, CT

2011-2017

#### Senior Director, Go-to-Market (GTM) Strategy

- Architect of GTM strategy: pricing, segmentation, positioning, differentiation strategies with full P&L accountability
- Built partnership strategy, targeting ecommerce solutions and logistics technology providers, ramping to \$100M ARR
- Commercialized a guaranteed three-day parcel product; revenue exploded from zero to \$35M in less than one (1) year
- Acquired ecommerce logtech firm; drove market expansion and added new logos, such as Zulily and Lululemon
- Authored numerous business cases, financial, and investment analyses

#### Senior Director, Strategic Partnerships

- Built company's first strategic partnerships practice, accountable for entire P&L
- Championed partnership with United States Postal Service (USPS), and penned company's first agreement for USPS parcel resale
- Accelerated indirect sales through strategic partnerships resulting in \$10M incremental revenue

- Led all direct partner negotiations, enterprise license revenue increased to \$300K per deal
- Member of senior leadership team and management board; managed seven (7) direct reports

#### **Director, Product Marketing**

- Defined, executed comprehensive go-to-market strategies for new and existing products with \$200M ARR
- Drove seamless integration of branding, messaging with online and offline touchpoints, significantly improved sales funnel
- Enabled the proper alignment of value drivers to buyer personas, propelled lead gen campaigns to convert by record 12%
- Conducted extensive qualitative/quantitative research, lead to major product enhancements and differentiation

**AXIOM GROUP**, Danbury, CT

**2009-2011**

#### **Founder and Chief Executive**

- Primary business consultant for clients in the Logistics and Supply Chain technology and Financial Services industries
- Acquired financial services firm, built Go-to-Market (GTM) strategy, which resulted in \$5M of new business revenue
- Brokered strategic partnership with major 3PL and technology firms, expanded capabilities into ecommerce parcel fulfillment

**REDROLLER**, Stamford, CT

**2008-2010**

#### **Vice President, Partnerships and Chief Operating Officer**

- Recruited to build business development and strategic partnership practice for the "Travelocity of Shipping"
- Drove acquisition of 10K users through creation and execution of channel strategy, including affiliate ecosystem
- Developed pitch deck for investor community and led presentations
- Promoted to COO, led expansion of company's Transportation Management System (TMS) reseller business

**DHL EXPRESS**, Plantation, FL

**2001-2008**

#### **Senior Director, Strategic Partnerships (2001-2008)**

- Headed \$350M indirect LOB; designed all segmentation, channel enablement, partner onboarding, and marketing strategies
- Run as a stand-alone unit, aggressively grew channels, charged with the groups' P&L and all day-to-day operations
- Redesigned Affiliate program, revenue spiked 22% to \$45M annually through partnerships with Apple, IBM, MasterCard, etc.
- Devised strategy and grew B2C channel by \$60M, led by partnerships with OfficeMax and Walgreens
- Developed \$65M retail channel with formation of 1,500 SMB partnerships, took 12% market share from FedEx, UPS in Y1
- Designed and executed company's first small business ecommerce channel, revenue scaled to \$80M
- Built industry's first line of prepaid shipping boxes; sales through just one channel partner – Costco – topped \$10M annually
- Led team of partner managers, marketers, and service reps

### **PROFESSIONAL DEVELOPMENT AND EDUCATION**

**Technical Skills:** Collaboration, office, and marketing automation applications; CRM, ERP, Inventory, Order, Transportation, and Warehouse Management Systems; Ecommerce marketplaces and platforms

**Education:** Wayne State University, Detroit MI.

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Request to approve the Zoning Board of Appeals Selection Committee's recommendation to reappoint John Tate to the Zoning Board of Appeals for a term beginning January 1, 2023 and ending December 31, 2025.

**Background/History/Details:**

The Zoning Board of Appeals consists of a body of members appointed by the Board of Commissioners to hear and decide upon appeals; direct the issuance of a permit; and authorize a variance from the terms of regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the regulations will, in an individual case, result in practical difficulty or unnecessary hardship.

The Selection Committee consisted of Debbie Bell, Director of Planning and Zoning; and Deborah Sims, Zoning Administrator. There were three applications submitted.

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

Approval to reappoint John Tate to the Zoning Board of Appeals for a term beginning January 1, 2023 and ending December 31, 2025.

**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:**



APPLICATION FOR APPOINTMENT  
Fayette County Zoning Board of Appeals



Thank you for your interest in being considered for appointment to the Fayette County Zoning Board of Appeals.

Applicants must be a legal resident of the State of Georgia and a resident of Fayette County.

The Zoning Board of Appeals is comprised of five members appointed to three-year terms. Meetings are scheduled to be held on a monthly basis. Said meetings take place at the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia. Please do not apply if you will be unable to attend a minimum of eighty percent (80%) of all meetings. **Applicants are encouraged to attend as many Zoning Board of Appeals meetings as possible in an effort to become familiar with the responsibilities of the post.**

Please take a few minutes to complete the form and answer the questions below and return with a resume, if available, to Tameca Smith, County Clerk, via email at [tsmith@fayettecountyga.gov](mailto:tsmith@fayettecountyga.gov) or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on Friday, December 2, 2022.**

If you have any questions, please call (770) 305-5103.

*NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.*

NAME John R. Tate

ADDRESS 336 Banks Rd  
Fayetteville, Ga 30214

TELEPHONE (cell) [REDACTED] (home) \_\_\_\_\_

(email address) [REDACTED]

John R. Tate  
Signature

12-1-22  
Date





**APPLICATION FOR APPOINTMENT**  
**Fayette County Zoning Board of Appeals**

1. How long have you been a resident of Fayette County?

*18 years*

2. Why are you interested in serving on the Zoning Board of Appeals? *To stay involved with and help maintain values of Fayette County. To be in touch with residents and foster communication.*

3. What qualifications and experience do you possess that should be considered for appointment to the Zoning Board of Appeals? *Knowledge of laws and local ordinances. Good communication skills. Currently serving on Board to help maintain standards that make Fayette a great place to live.*

4. List your recent employment experiences to include name of company and position.

*Attorney with private practice as:  
 John R Tate, P.C. Attorney*

5. Do you have any past experience related to this position? If so, please describe.

*Yes. Currently a member for past 6 years. Serving as chair*

6. Are you currently serving on a commission/board/authority or in an elected capacity with any government?

*Yes, current chair of Zoning Board of Appeals.*

7. Have you attended any Zoning Board of Appeals meetings in the past two years and, if so, how many?

*Yes, member of Board attending and evaluating petitions for 6 years.*

8. Are you willing to attend seminars or continuing education classes at county expense?

*yes*

9. Would there be any possible conflict of interest between your employment or your family and you serving on the Zoning Board of Appeals?

*NO*

10. Are you in any way related to a County Elected Official or County employee? If so, please describe.

*NO*

11. Describe your current community involvement.

*Zoning Board of Appeals*

12. Have you have been given a copy of the county's Ethics Ordinance?

*yes*

13. Is there any reason you would not be able to comply with the Ethics Ordinance?

*NO*

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Request to approve the Zoning Board of Appeals Selection Committee's recommendation to appoint Brian Haren to the Zoning Board of Appeals for a term beginning January 1, 2023 and ending December 31, 2025.

**Background/History/Details:**

The Zoning Board of Appeals consists of a body of members appointed by the Board of Commissioners to hear and decide upon appeals; direct the issuance of a permit; and authorize a variance from the terms of regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the regulations will, in an individual case, result in practical difficulty or unnecessary hardship.

The Selection Committee consisted of John Tate, Chairman of the Zoning Board of Appeals; Debbie Bell, Director of Planning and Zoning; and Deborah Sims, Zoning Administrator. There were three applications submitted.

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

Approval to appoint Brian Haren to the Zoning Board of Appeals for a term beginning January 1, 2023 and ending December 31, 2025.

**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:**



APPLICATION FOR APPOINTMENT  
Fayette County Zoning Board of Appeals

Thank you for your interest in being considered for appointment to the Fayette County Zoning Board of Appeals.

Applicants must be a legal resident of the State of Georgia and a resident of Fayette County.

The Zoning Board of Appeals is comprised of five members appointed to three-year terms. Meetings are scheduled to be held on a monthly basis. Said meetings take place at the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia. Please do not apply if you will be unable to attend a minimum of eighty percent (80%) of all meetings. **Applicants are encouraged to attend as many Zoning Board of Appeals meetings as possible in an effort to become familiar with the responsibilities of the post.**

Please take a few minutes to complete the form and answer the questions below and return with a resume, if available, to Tameca Smith, County Clerk, via email at [tsmith@fayettecountyga.gov](mailto:tsmith@fayettecountyga.gov) or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on Friday, December 2, 2022.**

If you have any questions, please call (770) 305-5103.

*NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.*

NAME BRIAN HAREN

ADDRESS 113 HICKORY AVENUE

FAYETTEVILLE, GA 30215

TELEPHONE (cell) [REDACTED] (home) \_\_\_\_\_

(email address) [REDACTED]

Brian Haren  
Signature

30 NOV 2022  
Date

**Application or Appointment  
Fayette County Zoning Board of Appeals**

**Brian W. Haren  
November 30, 2022**

**How long have you been a resident of Fayette County?** 22 years

**Why are you interested in serving on the Zoning Board of Appeals?** The process of adjudicating zoning issues has always been of interest to me

**What qualifications and experience do you possess that should be considered for appointment to the Zoning Board of Appeals?**

Member of the Fayette County ZBA from 2009 - 2012

Current member of the Fayette County Planning & Zoning Commission, serving since 2012

**List your recent employment experiences to include the name of the company.**

Since 2007, employed by the City of Atlanta Dept. of Aviation as a Planning & Development program manager

From 1979 - 2002, active duty member of the Army Corps of Engineers as a general engineering officer

**Do you have any past experience related to this position?** Yes, service on the Fayette County ZBA from 2009 - 2012

**Are you currently serving on a commission/board/authority or in an elected capacity with any government?** Yes - currently a serving member of the Fayette County Planning & Zoning Commission (term ends in December 2022)

**Have you attended any Zoning Board of Appeals meetings in the past two years and, if so, how many?** No, I have not

**Are you willing to attend seminars or continuing education classes at county expense?**  
Yes

**Would there be any possible conflict of interest between your employment or your family and serving on the Zoning Board of Appeals?** No

**Describe your current community involvement.** Long service on the County ZBA and P&Z commission

**Have you been given a copy of the county's Ethics Ordinance?** Yes

**Is there any reason you would not be able to comply with the Ethics Ordinance? No**

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Request to approve Ordinance 2023-01, to amend Chapter 6 - Animals, Article II. - Keeping Animals; Animal Shelter, Section 6-23. - Restraint of animals - While on property, to include tethering restriction.

**Background/History/Details:**

In August 2022, staff was contacted by Chief Moon from Peachtree City Police Department that the City of Peachtree City Council tasked her and other staff to draft an ordinance restricting tethering of dogs.

Fayette Staff was involved during the development of the change to Peachtree City's ordinance, since Animal Control enforces the ordinances in Peachtree City, City of Fayetteville, Towns of Tyrone and Brooks and Woolsey.

In October 2022, Peachtree City Council approved a change to their restraint of animal ordinance, which included tethering.

In an effort to make this process consistent in all municipalities, staff recommends that an ordinance that prohibits tethering in Fayette County be enacted.

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

Approval of Ordinance 2023-01 to amend Chapter 6 - Animals, Article II. - Keeping Animals; Animal Shelter, Section 6-23. - Restraint of animals - While on property, to include tethering restriction.

**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:**

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**Sec. 6-19. Definitions.**

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

*Abandon* means to forsake entirely, or to neglect, or refuse to provide, or perform the legal obligations for care and support of an animal by its owner, or his/her agent. This definition shall also apply to leaving or relinquishing an owned animal at or to the animal shelter by giving false information about the identity of ownership.

*Abandoned animal* means any domesticated animal that has been placed upon public property, within a public building, or upon or within the private property of another without the express permission of the owner, custodian or tenant of the private property, and is unattended or uncared for. Any domesticated animal shall also be considered abandoned when it has been unattended and without proper food and water for a period in excess of 36 hours, regardless of where such animal may be found or kept. Any domesticated animal shall also be considered abandoned when left at or relinquished to the shelter by its owner or his/her agent.

*Animal* means every living vertebrate except human beings.

*Animal at large* means an animal not under restraint and off of the property of its owner.

*Animal shelter* means the facility designated by the board of commissioners for the detention of animals.

*Animal shelter officer* means any person so designated by the animal shelter director to perform the duties prescribed by this article.

*Animal under restraint* means any animal secured by a leash or lead; or enclosed by way of fence or other enclosure; or under the control of a responsible and competent person and obedient to that person's commands, and the person being present with the animal; or the animal confined within a vehicle, parked or in motion.

*Classified dog* means any dog that has been classified as either a dangerous dog or vicious dog pursuant to this article.

*Companion animal or pet* means a domesticated animal kept for pleasure rather than utility. Pets include, but are not limited to, birds, cats, dogs, rabbits, hamsters, horses, mice, reptiles, exotic animals, and other animals associated with man's environment.

*Dangerous dog* means any dog that:

- (1) Causes a substantial puncture of a person's skin by teeth without causing serious injury; provided, however, that a nip, scratch, or abrasion shall not be sufficient to classify a dog as dangerous under this subparagraph;
- (2) Aggressively attacks in a manner that causes a person to reasonably believe that the dog posed an imminent threat of serious injury to such person or another person although no such injury occurs provided, however, that the acts of barking, growling, or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under this subparagraph; or
- (3) While off the owner's property, kills a pet animal; provided, however, that this subparagraph shall not apply where the death of such pet animal is caused by a dog that is working or training as a hunting dog, herding dog, or predator control dog.

*Director* means the animal shelter director.

*Domesticated animals* means animals that are accustomed to living in or about the habitation of men, including but not limited to cats, cows, dogs, fowl, horses, rabbits, goats, swine, domesticated wild animals and/or exotic animals. (This definition only applies to those animals mentioned herein and is only applicable to this article

and in no way affects the meaning or application of a definition of the described animal, as may be found in any other county ordinance.)

*Estrus* means a regular period for female dogs and cats in which the animal seeks to mate or breed.

*Guard dog* means any dog which has been trained to attack persons or other animals independently or upon oral command and any dog which, while not so trained, is reasonably expected to perform as a guardian of the property upon and within which he is located.

*Microchip implant* means an identifying integrated circuit placed under the skin of an animal for purposes of identification.

*Owner* means any natural person or any legal entity including, but not limited to, a corporation, partnership, firm or trust owning, possessing, harboring, keeping, or having custody or control of an animal or fowl within this state. An animal shall be deemed to be harbored if it is fed and/or sheltered for seven days or more. In the case of an animal owned by a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor. Owners include, but are not limited to, operators or managers of stables, kennels, pet shops or other animal care establishments. The current registered person on a microchip implant or rabies or identification tag shall also be considered an "owner".

*Public nuisance* means any animal which:

- (1) Is found at large in violation of section 6-22, section 6-23 or section 6-24.
- (2) Is vicious.
- (3) Produces, because of quantity, manner or method in which the animals are domesticated or maintained, unsanitary conditions in the county.
- (4) Attacks passersby or passing vehicles.
- (5) Is inimical to the public health, welfare, or safety according to the rules and regulations promulgated by the county health department, whose rules and regulations are incorporated herein and made a part hereof as if fully set out in this article.

Such nuisance is hereby declared to be a public nuisance and any person that knowingly keeps, owns, harbors, or acts as custodian of an animal constituting such nuisance shall be guilty of an unlawful act and shall be punishable as hereinafter provided.

*Serious injury* means any physical injury that creates a substantial risk of death; results in death, broken or dislocated bones, lacerations requiring multiple sutures, or disfiguring avulsions; requires plastic surgery or admission to a hospital; or results in protracted impairment of health, including transmission of an infection or contagious disease, or impairment of the function of any bodily organ.

*Tethering* means using a rope, strap, chain or cord to fasten, tie or restrain an animal to a fixed or stationary single point in order to keep the animal within a certain area for a continuous time period.

*Unsanitary conditions* means an animal living space, including shelter and exercise area, contaminated by health hazards, irritants, items or conditions that endanger or pose a risk to an animal's health, including, but not limited to:

- (1) Excessive animal waste;
- (2) Garbage, trash or an outflow of waste;
- (3) Standing water or mud;
- (4) Rancid/contaminated food or water;
- (5) Fumes, foul or noxious odors, contaminated air, hazardous chemicals or poisons;



- (6) Decaying materials;
- (7) Uncontrolled parasite or rodent infestation; or
- (8) Areas that contain nails, screws, broken glass, broken boards, pits, poisons, sharp implements or other items that could cause injury, illness or death to an animal.

*Veterinarian* means any person who holds a license to practice the profession of veterinary medicine as defined by Georgia law.

*Vicious animal* means any animal which constitutes a physical threat to human beings or other domesticated animals by virtue of one or more attacks of such severity as to cause property damage or physical injury. An animal shall also be considered vicious and not under restraint if it makes an unprovoked attack on other domesticated animals that are under restraint or on human beings or on physical property of another.

*Vicious dog* means any dog that inflicts serious injury on a person or causes serious injury to a person resulting from reasonable attempts to escape from the dog's attack.

- (b) No dog shall be classified as a dangerous dog or vicious dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's duties. No dog shall be classified as a dangerous dog or a vicious dog if the person injured by such dog was a person who, at the time, was attempting to commit an offense under Chapter 5 of Title 16 of the Official Code of Georgia Annotated.

(Ord. No. 2014-17, § 1, 10-23-2014; Ord. 2016-17, §§ 1—3, 8-25-2016)

State law reference(s)—Definitions relating to animals, O.C.G.A. § 4-1-1; definition relating to livestock running at large or straying, O.C.G.A. § 4-3-2; definitions relating to animal protection, O.C.G.A. § 4-11-2.

### **Sec. 6-23. Restraint of animals—While on property.**

- (a) It shall be the duty of every owner of any animal to keep the animal under control at all times while the animal is on the real property of the owner. For purposes of this section, an animal is deemed under control when it is confined by way of fence or other enclosure, restrained by substantial chain or leash, restrained in some other physical manner by a competent person, or is under the control of a competent person who is present with the animal, so that the animal does not wander off the real, leased, rented, or occupied property of the owner while unattended.

#### **(b) Tethering.**

- (1) No person shall tether, fasten, chain, tie or restrain an animal, or cause such restraining of an animal to a single point, tree, fence, post, doghouse, or other stationary object except as set forth in subparagraph (b)(2) and (b)(3) below.**
- (2) Cable trolley system. No person shall tether, fasten, chain, tie or restrain an animal, or cause such restraining of an animal, except by a cable trolley system that meets the following requirements:**
  - a. The system must allow movement of the animal;**
  - b. The cable along which the trolley tethering device can move must have swivels installed at each end and be attached to stationary objects that cannot be moved by the animal;**
  - c. The length of the cable along which the trolley tethering device can move must be at least ten feet long;**
  - d. The cable along which the trolley tethering device can move must be a minimum of four feet high and a maximum of seven feet high;**

- e. Tethers and cables attaching the animal to the running cable line trolley tethering device must be made of a substance which cannot be chewed by the animal, must not weigh more than five percent of the body weight of the animal tethered and must have swivels at both ends;
- f. The tethering line attached to the animal's collar or harness must be of such length that the animal is able to move ten feet away from the cable perpendicularly but:
  - 1. Must maintain a sufficient distance from any other object to prohibit the tangling of the cable;
  - 2. Must maintain a sufficient distance from any object or edge that could result in injury or strangulation of the animal; and
  - 3. Must maintain a sufficient distance from any fence as to prohibit the animal access to the fence and to ensure the animal cannot move beyond the property limits of the owner;
- g. The tethering line attached to the animal's collar or harness must be of such length to allow access to food, water and shelter;
- h. The tethering line must not be directly wrapped around the animal's neck, but must instead be attached with a swiveling clasp to a properly fitted harness or collar which allows at least two fingers between the collar and the animal's throat; choke collars and pinch collars are prohibited for the purposes of tethering and attaching an animal to a running cable or trolley system;
- i. The area must be sufficient in size so as to allow the animal the ability to defecate or urinate in an area separate from the area where it must eat, drink or lie down;
- j. Only one animal may be attached to the cable trolley system at a time;
- k. Unsterilized females may not be attached to a cable trolley system unless immediately supervised by a responsible and competent person; and
- l. No animal may be attached to such a cable trolley system for more than four hours nor from 10:00 p.m. until 6:00 a.m., and the owner/keeper must be present on the property or premises where the cable trolley system is located when the animal is attached thereto.

(3) Exemptions. The following animals are exempt from the requirements contained herein:

- a. Animals that are in immediate attention of a responsible and competent person while still on their property and cannot come within 10 feet of any street, multi-use path or sidewalk.
- b. Animals that are under the physical control of a professional who, for compensation, trains, conditions, shows, grooms or provides medical attention.

- ~~(bc)~~ In addition, all male and female dogs and cats that have not been spayed or neutered must be securely confined in such a way that they not only cannot get out to run at-large, but also cannot be reached by other dogs or cats. Any female dog, while in estrus, must be confined within an enclosure which can reasonably be expected to keep away or keep out, and not attract, male dogs.
- ~~(ed)~~ For purposes of this section, a competent person is one of sufficient physical and mental capacity, at the time the animal is in need of restraint, to restrain the animal.
- ~~(de)~~ For purposes of this section, present shall mean that both owner and animal are physically present within the geographic confines of the owner's property.

(Ord. No. 2014-17, § 1, 10-23-2014)

State law reference(s)—Requirements for possessing dangerous or potentially dangerous dog, O.C.G.A. § 4-8-28 et seq.



**STATE OF GEORGIA**

**FAYETTE COUNTY**

**ORDINANCE**

**NO. 2023-\_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO ESTABLISH PROVISIONS PERTAINING TO TETHERING OF ANIMALS; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO “KEEPING ANIMALS; ANIMAL SHELTER” (ARTICLE II OF CHAPTER 6), BE AMENDED AS FOLLOWS:**

**Section 1.** By adding a definition of “Tethering” to Subsection (a) of Section 6-19, pertaining to “Definitions”, of Article II of Chapter 6, to be read as follows:

*Tethering* means using a rope, strap, chain or cord to fasten, tie or restrain an animal to a fixed or stationary single point in order to keep the animal within a certain area for a continuous time period.

**Section 2.** By renumbering Subsections (b) through (d) of Section 6-23, pertaining to “Restraint of animals—While on property”, of Article II of Chapter 6, as

Subsections (c) through (e), respectively, and by inserting a new Subsection (b) in Section 6-23 of Article II of Chapter 6, to be numbered and read as follows:

(b) *Tethering.*

(1) No person shall tether, fasten, chain, tie or restrain an animal, or cause such restraining of an animal to a single point, tree, fence, post, doghouse, or other stationary object except as set forth in subparagraph (b)(2) and (b)(3) below.

(2) *Cable trolley system.* No person shall tether, fasten, chain, tie or restrain an animal, or cause such restraining of an animal, except by a cable trolley system that meets the following requirements:

- a. The system must allow movement of the animal;
- b. The cable along which the trolley tethering device can move must have swivels installed at each end and be attached to stationary objects that cannot be moved by the animal;
- c. The length of the cable along which the trolley tethering device can move must be at least ten feet long;
- d. The cable along which the trolley tethering device can move must be a minimum of four feet high and a maximum of seven feet high;
- e. Tethers and cables attaching the animal to the running cable line trolley tethering device must be made of a substance which cannot be chewed by the animal, must not weigh more than five percent of the body weight of the animal tethered and must have swivels at

both ends;

- f. The tethering line attached to the animal's collar or harness must be of such length that the animal is able to move ten feet away from the cable perpendicularly but:
  - 1. Must maintain a sufficient distance from any other object to prohibit the tangling of the cable;
  - 2. Must maintain a sufficient distance from any object or edge that could result in injury or strangulation of the animal;  
and
  - 3. Must maintain a sufficient distance from any fence as to prohibit the animal access to the fence and to ensure the animal cannot move beyond the property limits of the owner;
- g. The tethering line attached to the animal's collar or harness must be of such length to allow access to food, water and shelter;
- h. The tethering line must not be directly wrapped around the animal's neck, but must instead be attached with a swiveling clasp to a properly fitted harness or collar which allows at least two fingers between the collar and the animal's throat; choke collars and pinch collars are prohibited for the purposes of tethering and attaching an animal to a running cable or trolley system;
- i. The area must be sufficient in size so as to allow the animal the

ability to defecate or urinate in an area separate from the area where it must eat, drink or lie down;

- j. Only one animal may be attached to the cable trolley system at a time;
- k. Unsterilized females may not be attached to a cable trolley system unless immediately supervised by a responsible and competent person; and
- l. No animal may be attached to such a cable trolley system for more than four hours nor from 10:00 p.m. until 6:00 a.m., and the owner/keeper must be present on the property or premises where the cable trolley system is located when the animal is attached thereto.

(3) *Exemptions.* The following animals are exempt from the requirements contained herein:

- a. Animals that are in immediate attention of a responsible and competent person while still on their property and cannot come within 10 feet of any street, multi-use path or sidewalk; and
- b. Animals that are under the physical control of a professional who, for compensation, trains, conditions, shows, grooms or provides medical attention.

**Section 3.** This ordinance shall become effective immediately upon its adoption by the

Board of Commissioners of Fayette County.

**Section 4.** All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 5.** In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declare that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.



**SO ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY**

By: \_\_\_\_\_  
Lee Hearn, Chairman

(SEAL)

ATTEST:

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

Approved as to form:

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

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Discussion and overview of the proposed upgrade to the hardware and software of the Supervisory control and Data Acquisition (SCADA) System for the Water System's Water Treatment Plants.

**Background/History/Details:**

Both Crosstown and South Fayette water treatment plants (WTP) require continuous SCADA upgrades and modifications to maintain successful operation. Currently the SCADA system is a menagerie of modern and less-than-modern system technologies that require upgrading to the latest plant SCADA system platforms to have a secure and fully integrated system.

On April 14, 2022 the Board of Commissioners approved Task Order 22-11 to review the existing SCADA system and to identify SCADA system improvements. The improvements recommended in the September 9, 2022 ARCADIS Priority SCADA Improvement List (attached) facilitated this prioritized approach to upgrades and modifications.

This presentation highlights the funding needed over the next five years and the following two agenda items request Board approval:  
#12. Request to award Contract #2216-S to J. K. Duren to upgrade the hardware and software of the SCADA (Supervisory Control and Data Acquisition) System in the amount of \$60,400.  
#13. Request to award Contract #2206-S to ITAC/Filter Magic to upgrade the hardware and software of the SCADA (Supervisory Control and Data Acquisition) System in the amount of \$140,000.

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

Discussion and overview of the proposed upgrade to the hardware and software of the Supervisory control and Data Acquisition (SCADA) System for the Water System's Water Treatment Plants.

**If this item requires funding, please describe:**

Funding available in FY2023 CIP 507 542540 6SCAD.

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:**

Arcadis reviewed the proposal to perform the work listed above by ITAC and J.K. Duren, and determined the proposed work to cover the immediately needed SCADA improvements and to be fair and reasonably priced.



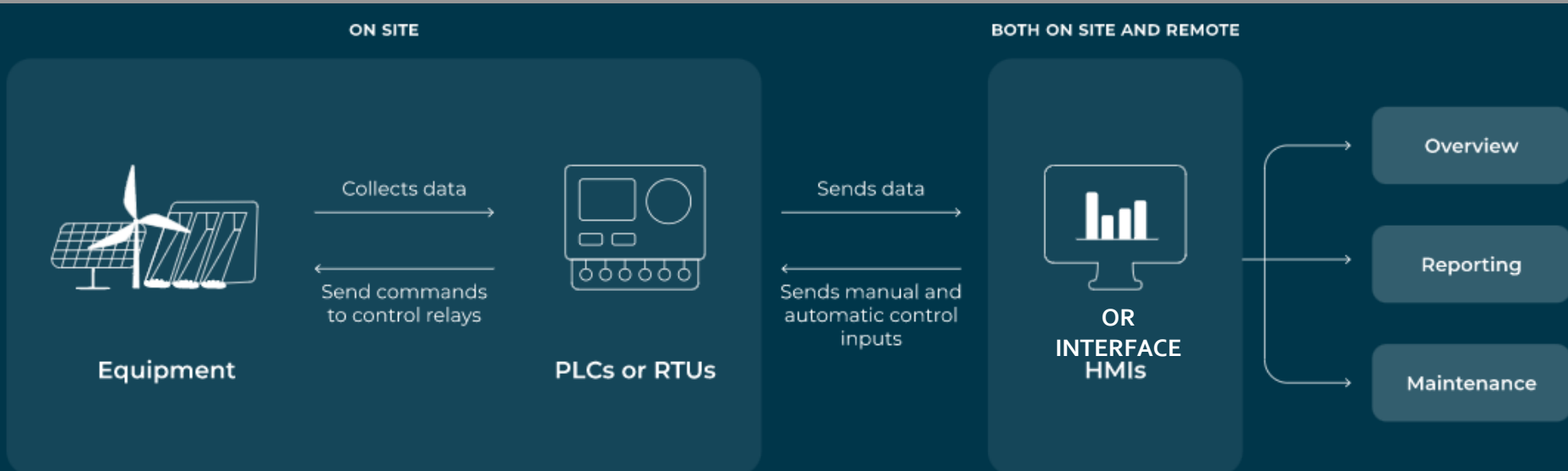
# Supervisory Control And Data Acquisition

*otherwise known as*

# SCADA

# What is a SCADA System?

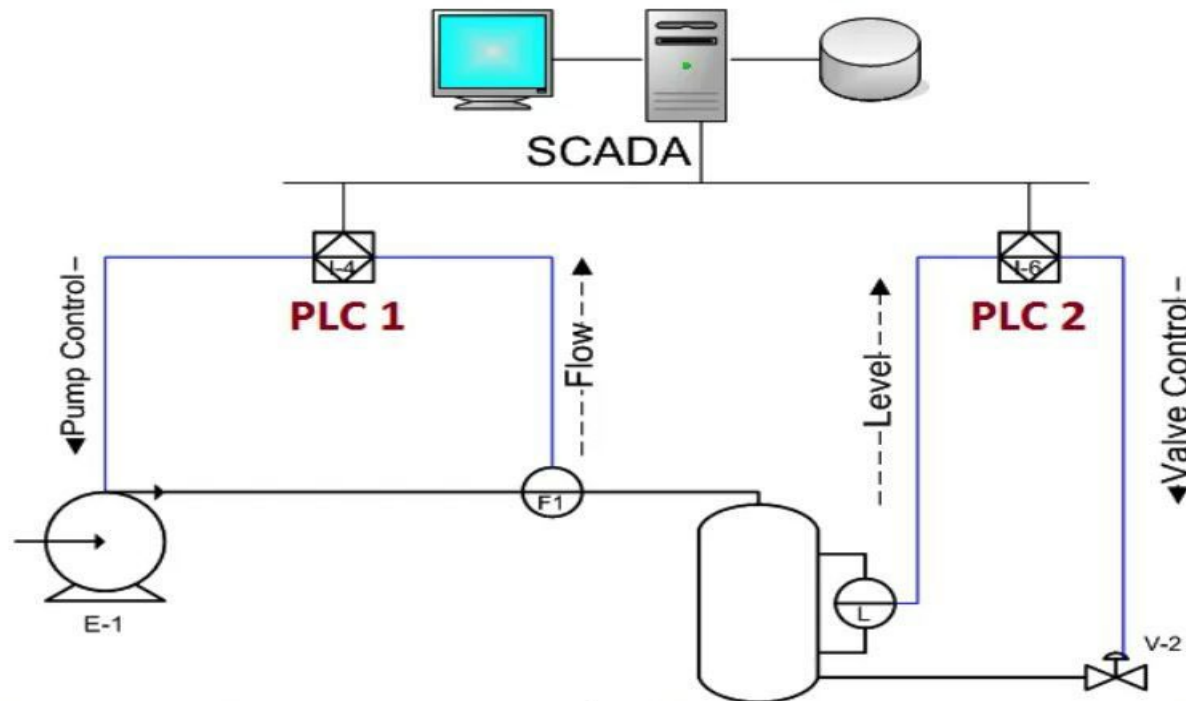
- Consists of three main system components
- Data is transmitted from the **equipment** that needs to be monitored and controlled (filters, pumps, etc.) to an **interface** where the data can be analyzed and used for reporting.
- **Programable Logic Controllers (PLCs) or Remote Terminal Units (RTUs)** send data back and forth between equipment and the interface.



# SCADA System Example



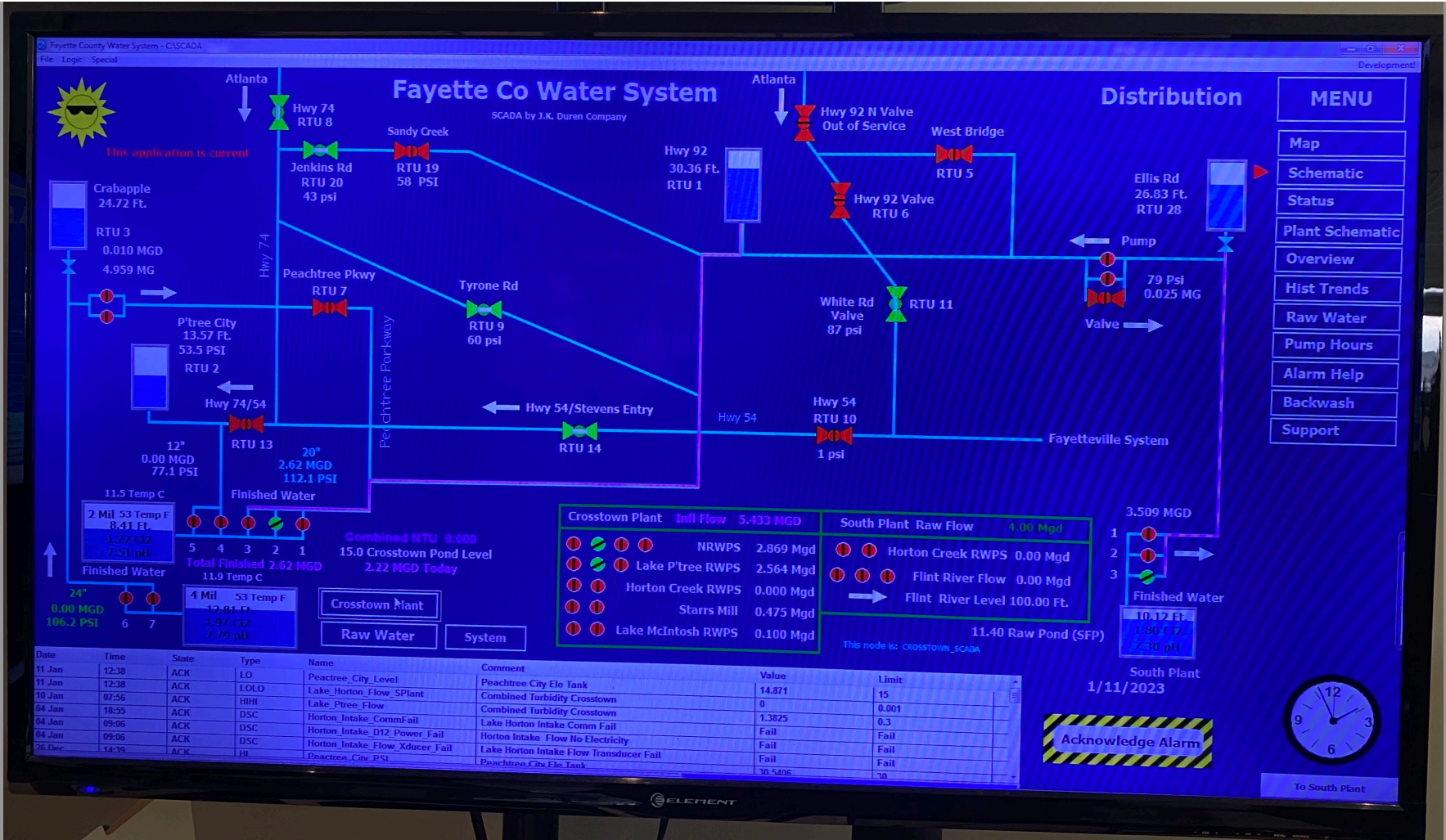
The SCADA system reads the measured flow & level, and sends the setpoints to the PLC's.



PLC1 compares the measured flow to the setpoint, controls the speed pump as required to match flow to setpoint.

PLC2 compares the measured level to the setpoint, controls the flow through the valve to match level to setpoint. [InstrumentationTools.com](http://InstrumentationTools.com)

# SCADA INTERFACE SCREEN





# FCWS SCADA System

## Existing Conditions

- Some aspects date back to the early 1990's
- Multiple systems installed separately over time
- Lack of continuity-of-operations within and between water treatment plants and the distribution system
- Obsolete hardware and software

## System Goal

- Replace and upgrade obsolete hardware and software to achieve a streamlined and fully integrated SCADA system
- Accomplish immediate and future improvements through a prioritized approach.



# SCADA Improvements

## SCADA Evaluation

- Arcadis is tasked to evaluate operational considerations, age, security, and technology implementation.
- Arcadis and FCWS developed a Priority SCADA Improvement List identifying the need for immediate and future improvements.
- Additional recommendations will be provided by Arcadis as a technical memorandum in June 2023.



# SCADA Improvements – Immediate

**Item 1: SCADA Computer and Software Upgrades** - monitors and controls the raw and finished water pumps and the distribution system pressure, tank levels, etc.

**Cost: \$60,400 (FY2023)**

## **Upgrade Includes:**

- Two new SCADA computers
- Specialized software with customization
- Upgraded human machine interface
- Full design and integration
- Upgrades Windows 7 OS to Windows 10 OS



# SCADA Improvements – Immediate

**Item 2: Crosstown WTP Filter Magic Control Room SCADA Computer and Software Upgrades-** monitors and controls filter status, backwash sequence and chemical feed systems.

**Cost: \$140,000 (FY2023)**

## **Upgrades Includes:**

- Two new SCADA computers
- Specialized software with customization
- Upgraded human machine interface
- Full design and integration
- Upgrades Windows 7 OS to Windows 10 OS



# SCADA Improvements – Immediate

**Item 3: Crosstown WTP Filter Magic Console Computer and Software Upgrades** – Direct operations of the filter control and backwash sequence.

**Cost: \$185,000 (FY 2024)**

## **Upgrade Includes:**

- Eight new panel-mount industrial computers
- Specialized software with customization
- Upgraded human machine interface
- Full design and integration

# SCADA Improvements – Benefits



## Benefits:

- Modernizes current hardware and software
- Establishes a uniform SCADA platform
- Provides continuity of operations at both water treatment plants
- Assures system resiliency through redundant operating systems
- Improve data logging and storage

# SCADA Capital Improvement Project

The SCADA system requires continuous upgrades to maintain successful operation and requires future improvements.

	FY2023	FY2024	FY2025	FY2026	FY2027
Immediate Improvements					
Item 1	\$60,400				
Item 2	\$140,000				
Item 3		\$185,000			
Expense/Encumbrance	\$147,201				
<b>Fiscal Year Totals</b>	<b>\$347,601</b>	<b>\$185,000</b>			
5-Year CIP Funding	\$510,801	\$250,000	\$175,000	\$175,000	\$175,000
Additional Funding	Pending SCADA Study				



# SCADA Improvements – Future

## Future Improvements

### Cost: Pending SCADA Study

- SCADA network infrastructure upgrades
- Upgrade Programmable Logic Controller (PLC) modules at water treatment plants
- Replace Remote Telemetry Units (RTU) throughout the distribution system and at pump stations
- Additional chemical inventory monitoring and dosing capabilities
- Upgrade serial radio communication to Ethernet radio or Cellular

**SUBJECT**

Fayette County Water System  
Task Order 22-11 SCADA  
Priority SCADA Improvements List

**TO**

Susan Lee, Water Production and Operations Manager

**DATE**

September 9, 2022

**OUR REF**

Task Order 22-11 SCADA Task 2

**DEPARTMENT**

Water

**PROJECT NUMBER**

v30105046

**COPIES TO**

Russel Ray  
Lacy Gray  
James Mullen  
Travis Thomas, PE

**NAME**

Thomas Powell, PE  
470.588.0451 (o)  
404.630.6390 (m)  
Thomas.powell@arcadis.com

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# PRIORITY SCADA IMPROVEMENT LIST

## Summary

The purpose of this memorandum is to provide Fayette County Water System (FCWS) with a list of proposed improvements to the overall plant SCADA system at South Fayette and Crosstown Water Treatment plants (WTP). During the site visit on 06/23/2022, Arcadis was able to identify concerns and potential vulnerabilities in the existing SCADA system at both the plants. The goal of this document is to help FCWS categorize and address such vulnerabilities and areas of improvement with the SCADA system. The proposed tasks/projects have been divided into following three categories.

### 1. Plant Maintenance Tasks/Projects:

This category includes tasks that can be executed internally by FCWS plant maintenance staff as part of the routine maintenance. A separate task order for the systems integrator is not required for tasks under this category. Arcadis will prepare a task specific work description to assist FCWS in implementing the improvement.

### 2. Integrator Maintenance Tasks/Projects:

This category includes tasks that need to be executed by the system integrators under separate task order(s). To be efficient with the time and money involved, tasks included under this category can be grouped together as needed. Arcadis will prepare a work description for pricing and implementation by the Integrator.

### 3. Contract I&C Tasks/Projects:

Considering the large scope, complexity and timeline involved, the tasks included under this category are recommended to be executed as individual standalone contract projects. Arcadis will prepare a project description for future design under other contracts.

**Plant Maintenance Tasks/Projects**

- A. General:
  - 1. Replace critical inoperative existing pressure sensors in the water distribution system with new Rosemount pressure sensors.
    - i. Locations previously discussed are Tyrone Road, Sandy Creek, White Road, and Jenkins.
  - 2. Check inventory of communication cards needed for Chlorine Analyzers and all other electronic equipment.
  
- B. South Fayette Water Treatment Plant:
  - 1. Relocation of Remote Terminal Units (RTUs)
    - i. Relocate/move RTUs mounted inside vaults to above grade to make maintenance safer for staff.
    - ii. The above grade RTUs can be mounted on concrete pad and shall have enclosure suitable for outdoor environment.

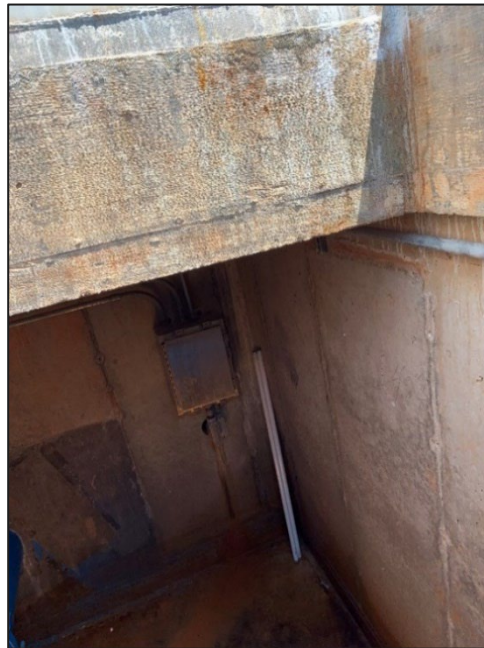


Figure 1. RTU inside vault outside Chemical Building

- 2. The temperature reading on the finished water sample in the finished water pump station is not accurate. Update sample feed piping to continuously provide fresh water to the sampler for a more accurate reading. (Arcadis action item: Provide recommendation on finish water feed piping arrangement to instrument.)





Figure 2. Monitoring Instrument at South Fayette WTP Finished Water Pump Station

C. Crosstown Water Treatment Plant:

1. The temperature reading on the finished water sampler is not accurate. Update sample feed piping to continuously provide fresh water to the sampler for a more accurate reading. (Arcadis action item: Provide recommendation on finish water feed piping arrangement to instrument.)



Figure 3. Monitoring Instrument at Crosstown WTP Finished Water Pump Station

2. Purate and Sulfuric Acid System:
  - i. Provide protective sun shield for existing outdoor purate and sulfuric acid tank control panels.



Figure 4. Outdoor Chemical Tanks at Crosstown WTP

- ii. Potential protective sun shield options are shown below in Figure 5 and 6.

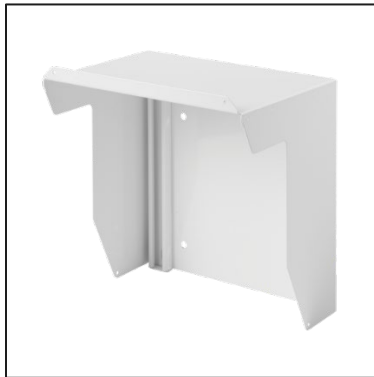


Figure 5. Galvanized steel option by Hoffman



Figure 6. Fibre-reinforced plastic option by Tracom

### Integrator Maintenance Tasks/Projects

- A. General Items:
  1. Upgrade existing computers at the plant so that they are compatible and working with common software. This task needs to be performed and executed before major plant SCADA upgrade.
- B. South Fayette water treatment plant:
  1. ICS Proposal:

- i. Retrofit Easytork pneumatic effluent ROF actuator and provide backwash ROF valve actuator.
    2. Alum System:
      - a. Provide radar type level indicators in alum tanks.
      - b.
- C. Crosstown water treatment plant:
1. ICS Proposal:
    - i. Upgrade filter console industrial PC and VT SCADA software.
    - ii. Upgrade control room plant SCADA system, computer, and SCADA HMI system software.
  2. Alum System:
    - i. Provide radar type level indicators in alum tanks.
    - ii. Existing floats, need to be replaced.
  3. Lake McIntosh flow meter at the Crosstown Plant
    - a. Flow meter is a badger magnetic meter
    - b. Surge is damaging the flow meter controller  
The controller box was recently replaced by James

## Future Contract I&C Projects

- A. General:
  1. City of Fayetteville receives water from FCWS at 5 different locations in the water distribution system, signals from only 2 of those locations, White Road and Hwy 54, have been integrated into the existing SCADA system with just open and close status.
    - i. Integrate additional required signals from the 2 locations mentioned above.
    - ii. Provide SCADA integration for required signals from the remaining 3 locations. The existing flow meters at these 3 locations are mechanical type flow meters.
    - iii. Provide additional flowmeters in the water distribution system and respective SCADA integration for required signals.
    - iv. Provide timer control on the valves.
  2. Provide additional pressure readings in the distribution system.
    - i. Provide new additional pressure sensors in the distribution system as needed along with respective SCADA integration.

3. Design control system network for new thin client workstations at suitable locations throughout both the plants (South Fayette and Crosstown) and at respective Administrative Offices.
4. Lightning protection system for Crosstown and South Fayette WTP:
  - i. Provide lightning protection air terminals on top of the existing buildings to protect all electrical and electronic equipment from damaging effects caused by the lightning bolts. Extent of the protection is to cover the entire plant.(Arcadis action item: Provide electrical specification and standard detail on lightning protection installation.)

B. South Fayette Water Treatment Plant:

1. Replace existing old Modicon PLC modules throughout the plant with new PLC modules. Upgrade or replace existing PLC system at the plant for improved reliability and maintenance. As part of design, consider additional network PLC locations to reduce future field wiring requirements.
3. Alum System:
  - i. Integrate alum pumps into plant SCADA system and provide flow paced dosing capabilities.
  - ii. Provide streaming current dosing capabilities.
4. Phosphate System:
  - i. Provide radar type level indicators in phosphate tanks.
5. Fluoride System:
  - i. Provide flow pacing capabilities and SCADA integration for fluoride pumps during future update to liquid Fluoride.
6. Sulfuric Acid Tank:
  - i. Plant is getting faulty high levels in the tank with the ultrasonic level sensor and is looking to replace instrument. Radar requires cleaning.
7. Chlorine System:
  - i. Provide a system and necessary means to measure remaining chlorine gas in cylinders. Arcadis is reviewing the Disinfection Technology and Chlorine gas system will be replaced in the future. The decision to implement this system is dependent on the schedule to replace the disinfection system after the preliminary engineering evaluation is complete.



Figure 7. Chlorine Cylinders at South Fayette WTP Chlorine Room

C. Crosstown Water Treatment Plant:

1. Alum System:
  - iii. Integrate alum pumps into plant SCADA system and provide flow paced dosing capabilities.
  - iv. Provide streaming current dosing capabilities.
4. Phosphate System:
  - i. Provide radar type level indicators for use in storage phosphate tanks.
5. Fluoride System:
  - i. Provide flow pacing capabilities and SCADA integration for fluoride pumps during future update to liquid Fluoride.
6. Sulfuric Acid Tank:
  - i. Plant is getting faulty high levels in the tank with the ultrasonic level sensor and is looking to replace instrument. Radar requires cleaning.
- 1.
2. Chlorine System:
  - i. Provide a system and necessary means to measure remaining chlorine gas in cylinders. Arcadis is reviewing the Disinfection Technology and Chlorine gas will be replaced in the future. The decision to implement this system is dependent on the schedule to replace the disinfection system after the preliminary engineering evaluation is complete.



Figure 8. Chlorine Cylinders at Crosstown WTP Chlorine Room

3. Upgrade and replace existing PLC system at the plant. As part of design, consider additional network PLC locations to reduce future field wiring requirements
4. Remove wall mounted components that are no longer in use and upgrade control network wiring at plant operator SCADA room. Remove and streamline unnecessary wiring. This can be achieved by providing distributed PLCs closer to each unit process field sensors thus minimizing hardwiring in the control room.



Figure 9. Existing control network wiring at Crosstown WTP Plant Operator Room

5. Provide Wi-Fi and fiber optic cable connectivity between all buildings with electrical or control requirements.
6. Resolve false level rise alarm issue due to condensation at outdoor chemical tanks to provide consistent level monitoring.



Figure 10. Outdoor Chemical Tanks at Crosstown WTP

2. Lake Horton raw water pump station:
  1. South Fayette permanganate
    - i. Provide radar type level indicator for the permanganate tank.
    - ii. Provide flow paced dosing capabilities and respective SCADA integration for the pumps. Currently, permanganate pumps have remote on/off control only.
  2. Replace level sensor in the wet well at Lake Horton.



Figure 11. Permanganate Tank at Lake Horton Raw Water Pump Station



Figure 12. Permanganate Injection at Lake Horton Raw Water Pump Station

3. Crosstown raw water intake line at Lake Horton RWPS:
  - i. Install a new flowmeter on Crosstown raw water pipeline.
  - ii. Provide flow paced permanganate injection point with SCADA integration and control.

### Other Potential Improvements

- A. Modify the existing ventilation system in chlorine room at Crosstown to make it suitable and functional for any chemical leakage events. The existing ventilation system inside chlorine room is not advisable in the event of any chlorine leakage, because of the current discharge orientation of the exhaust fan. This exhaust fan is currently blowing air into the building.
- B. Address open items identified by AWIA risk and resiliency assessment completed by FCWS.
- C. Address open items in phased implementation/migration to GE Proficy iFIX package at South Fayette WTP and Crosstown WTP.
- D. Using the ITAC proposal, Upgrade and replace the existing SCADA server and update SCADA system documentation at Crosstown WTP.
- E. Evaluate existing off plant RTU hardware for performance, reliability, and security
- F. Establish remote secure data storage location





Ted L. Burgess  
 Director of Purchasing  
 Fayette County, Georgia  
 140 Stonewall Ave. W., Suite 101  
 Fayetteville, GA 30214

Arcadis U.S., Inc.  
 2839 Paces Ferry Road  
 Suite 900  
 Atlanta, Georgia 30339  
 Phone: 770 431 8666  
 Fax: 770 435 2666  
[www.arcadis.com](http://www.arcadis.com)

Date: January 10, 2023

Our Ref: Contract 1867-P Water System Engineer of Record- Task Order TO  
 22-11 SCADA Plant Upgrades  
 Subject: Crosstown WTP High-Performance Industrial PC & VTScada Software  
 Upgrade Recommendation

Dear Mr. Burgess,

As part of Task Order 22-11, ARCADIS is providing due diligence, investigation, analysis, and the support necessary to review the existing SCADA system for current risks, operational considerations, and to identify recommended SCADA system improvements at both the Crosstown and South Fayette Water Treatment Plants (WTP(s)).

Both Crosstown and South Fayette Water Treatment Plants require on-going SCADA system upgrades and modifications to maintain successful operation. Multiple system technologies have been installed separately over time and both plants including remote facilities need to be upgraded to the latest plant SCADA system platforms to have a complete, fully integrated, and efficient plant SCADA system.

While creating a SCADA high priority improvement list for the FCWS SCADA systems, it was found that the existing plant SCADA computer systems at Crosstown WTP and South Fayette WTP are approximately 9 years old and use the Microsoft Windows Version 7 operating system. In addition, the Crosstown WTP filter SCADA computer system is approximately 8 years old and also uses the Microsoft Windows Version 7 operating system. Microsoft discontinued support of the Windows Version 7 operating system in January 2020. Technical assistance and software updates from Microsoft that protect PCs are no longer available. The recommended updates to the older existing SCADA systems at both plants include migrating their SCADA software platforms to VTSCADA that match the most recent upgrade to South Fayette WTP filter SCADA system.

**These improvements do not address all SCADA upgrades included in the SCADA high priority list and some will be implemented during future upgrade projects and future funding years.**

#### **Background:**

In 2014, J.K. Duren installed a SCADA computer system running Wonderware software at the Crosstown WTP and another one at South Fayette WTP. Each SCADA system was configured to provide remote monitoring and control functionality for the operation of the entire FCWS SCADA system (both plants and all remote facilities).

In 2015, at the Crosstown WTP, Industrial Control Systems, Inc (ICS) installed an entire filter control system that is monitored and controlled from plant SCADA. This software installation included filter control consoles with an Operator Interface Terminal (OIT). In 2020, the South Fayette WTP older filter console OIT platform was also upgraded by ICS to state-of-the-art high performance industrial PCs and VTScada software to improve filter control and performance optimization. Similar upgrades are proposed for Crosstown WTP since the computers

Ted L. Burgess  
 Fayette County, Georgia  
 January 10, 2023

using the 2015 operating system have reached the end of useful life. ICS has now been acquired by ITAC, and their proposals have been re-issued by ITAC.

Arcadis recommends that all software licenses purchased by the contractor be registered to the Fayette County Water System, and all purchase records and licensing documentation be handed over to the County as a project deliverable of the upgrade project.

### **ARCADIS reviewed the J.K. Duren proposal to upgrade the control room plant SCADA system computers at Crosstown and South Fayette Water Treatment Plants (WTPs)**

J.K. Duren proposal for replacement of the control system hardware and VTSCADA software upgrade at both plants is included as attachment to this document. Please refer to Attachment 3 for the New VTSCADA System for the detailed scope of work proposal provided by J.K. Duren. Other upgrades to SCADA system components will be identified and implemented later.

#### **J.K. Duren Recommendation Substantiation**

The evaluation and recommendation for J.K. Duren proposal considers their **understanding** of the existing FCWS SCADA system, and their **capability**, and **competitive price**. The following list provides basis to substantiate recommendation to contract J.K. Duren to install replacement SCADA computer systems & upgrade the Wonderware HMI software to VTSCADA at Crosstown and South Fayette WTPs.

1. **Unique Understanding** – J.K. Duren installed the original plant SCADA computer systems at Crosstown WTP and upgraded the system at South Fayette in 2015 giving them an understanding of the existing plant conditions and control system equipment.
2. **Capability** – J.K. Duren has been serving the potable water industry for many years and has experience with other projects with similar complexities. J.K. Duren’s ability to self-perform the work listed in Attachment 3 will allow for efficient and reliable execution of the upgrade.
3. **Competitive Price** - Arcadis performed a high level cost analysis/breakdown of the proposal received from J.K. Duren. The cost analysis summary is provided below in **Table 1**. The details of the Arcadis cost estimate are provided under attachment 4.

**Table 1. Arcadis High Level Proposal Cost Analysis**

Proposal Number	J.K. Duren Proposal Cost	Arcadis Cost Estimate
1	\$60,400.00	\$82,600.00

Based on the cost analysis, the lump sum cost quoted by J.K. Duren is in line with the current market trend and conditions for upgrading the relevant select SCADA system components as part of an interim improvement. The multiple client licenses will benefit the County and we recommend not accepting the license credit shown in the proposal.

### **ARCADIS reviewed the ITAC proposal to partially upgrade the control room plant SCADA system computers, filter control consoles and system software at the Crosstown Water Treatment Plant (WTP)**

Ted L. Burgess  
 Fayette County, Georgia  
 January 10, 2023

ITAC proposals for replacement of the control system hardware and VTScada upgrade are included as attachments to this document. Please refer to Attachment 1 for the Filter Control Console High-Performance Industrial PC & VTScada Software Upgrade proposal and Attachment 2 for Control Room Plant SCADA System Computer & VTScada HMI System Software Upgrade for the detailed scope of work proposals provided by ITAC. Other upgrades to SCADA system components will be identified and implemented later. The Jan 5, 2023 ITAC proposal includes some optional network recommendations by ITAC. At this point we do not recommend incorporating those recommendations pending a future project.

### ITAC Recommendation Substantiation

The evaluation and recommendation for ITAC proposal considers their **understanding** of the existing FCWS filter programming and technology, **capability**, and **competitive price**. The following list provides basis to contract with ITAC to install high-performance industrial PC(s) and upgrade the iFIX HMI software to VTScada at Crosstown WTP.

1. **Unique Understanding** – ICS/ITAC installed the **Filter Magic System** at both South Fayette WTP and Crosstown WTP giving them a deep understanding of the existing plant conditions and control system equipment.
2. **Unique Capability** – ICS/ITAC has been serving the potable water industry for many years and has experience with other projects with similar complexities. ITAC offers custom programs such as **Filter Magic** and Zero2Waste. Filter Magic is a pre-packaged, custom programmed filter control system. ITAC's ability to self-perform the work listed in Attachment 1 and 2 will allow for efficient, and reliable execution of the upgrade without process interruption to Fayette County customers.
3. **Competitive Price** - Arcadis performed high level cost analysis/breakdown of both the proposals received from ITAC. The cost analysis summary is provided below in **Table 1**. The details of the Arcadis cost estimate are provided under attachment 3.

**Table 2. Arcadis High Level Proposal Cost Analysis**

Proposal Number	ITAC Proposal Cost	Arcadis Cost Estimate
1	\$185,000.00	\$180,760.00
2	\$140,000.00	\$137,485.00

Based on the cost analysis, the lump sum cost quoted by ITAC for each proposal is in line with the current market trend and conditions for upgrading the relevant select SCADA system components as part of an interim improvement.

### Security ITAC Add-ons:

The optional WIN-911/Interactive-HB alarm notification software add-on for both Crosstown and South Fayette WTP listed under ITAC proposal 2 is not recommended at this time. If needed, WIN-911 software can be installed and configured in the future.

Ted L. Burgess  
 Fayette County, Georgia  
 January 10, 2023

### Implementation Recommendations:

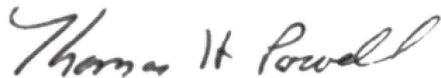
Each proposal can be successfully implemented independently according to available funding and each will provide additional functionality, security, and reliability in an expedited manner. The order in which the proposals are implemented does not change the need for either or all to be completed and can be implemented as J.K. Duren proposal and ITAC proposal 2 concurrently in FY 23-24 followed by ITAC proposal 1 in FY 24.

In discussions with multiple integrators, they have each expressed reservations regarding implementation responsibility and warranty issues if multiple integrators program in the same computer and application. The use of a single integrator may be challenging given the legacy installations. We believe that it is in the best interest of FCWS to implement these hardware and software improvements understanding that some duplication in hardware and software may be required for licensing. At the point of the future FCWS SCADA system upgrade including PLC hardware, a single integrator should be selected for implementation of the complete hardware and software system.

### Conclusion:

Arcadis reviewed the proposal price to perform the work listed above by ITAC and J.K. Duren, determined it to cover the needed interim improvements and to be fair and reasonably priced. Both integrators have the appropriate expertise and staffing for handling the tasks within each proposal. ICS/ITAC has performed similar work of upgrading older Filter Magic OIT platforms to high performance industrial PCs and VTScada software. Thank you for this opportunity and we look forward to working with you and the FCWS team as this work progresses.

Sincerely,  
 Arcadis U.S., Inc.



Tom Powell, PE  
 Senior Electrical Engineer – Subject Matter Expert

Email: Tom.Powell@arcadis.com  
 Mobile: 404.630.4690

CC. FCWS – Vanessa Tigert, PG – Director; Susan Lee – Production & Operations Manager  
 Arcadis – Travis Thomas, PE – Project Water/Wastewater Engineer & Project Manager  
 Michael Diaz, PE, MS – AVP / Area Manager – Account Lead

### Enclosures:

- Attachment 1 – Filter Control Console High-Performance Industrial PC & VTScada Software Upgrade Proposal from ITAC
- Attachment 2 – Control Room Plant SCADA System Computer & VTScada HMI System Software Upgrade Proposal from ITAC
- Attachment 3 – New VTSCADA System Proposal from J.K. Duren
- Attachment 4 – High level cost analysis for ITAC & J.K. Duren proposals



INNOVATIVE SOLUTIONS.  
ASSURED SUCCESS.



January 5, 2023

Fayette County Water System  
245 McDonough Road  
Fayetteville, GA 30214

Attention: Ms. Susan Lee, Water Production Operations Manager

RE: Crosstown Road Water Treatment Plant  
Filter Magic® Filter Control Console High-Performance  
Industrial PC & VTScada Software Upgrade Turnkey Proposal  
ITAC Job 225519 27

Dear Ms. Lee,

ITAC / Filter Magic® appreciates the opportunity to propose our Filter Magic® Filter Control Console High-Performance Industrial PC & VTScada Upgrade Turnkey Proposal for the Crosstown Road Water Treatment Plant at your facility in Peachtree City, GA. This offer is based upon our discussions and knowledge of the existing Filter Magic® Filter Control System.

ITAC / Filter Magic® serves industrial and municipal clients with integrated engineering/construction services for complex capital projects. We are your trusted resource for projects to \$100 million. With decades of relevant experience, our team delivers innovative solutions for assured success. The ITAC / ICS team understands your needs and expectations and we are committed to providing this work in a safe and professional manner. This proposal defines ITAC / ICS's scope of services for the project.

ITAC / Filter Magic® proposes to execute the scope described herein on a Fixed price basis, for:

**One Hundred Eighty-Five Thousand Dollars; \$185,000.00.**

This price does not include sales/use taxes on purchases of materials for this project. Please issue an applicable Sales Tax Exemption Certificate for this work.

Payment terms are net 30 days, plus 1.5% late payment fee per month.

ITAC / Filter Magic® is prepared to initiate and execute this work in accordance with an agreed upon schedule upon receipt of a purchase order referencing this proposal. This proposal is valid for 90 days from date of submission. After 90 days, please call to confirm price validity.

Please contact me at (804) 512-0200 or [mark.romers@itac.us.com](mailto:mark.romers@itac.us.com) should you have any questions regarding this proposal. We request that a purchase order or contract be directly emailed to [client.order@itac.us.com](mailto:client.order@itac.us.com).

Sincerely,

*Mark W. Romers*

Mark W. Romers, Director of Water Technologies

cc: Rick Starnes

## Attachment 1— Scope of Services and Warranty

I am in receipt and am responding to the Review Memo from Arcadis dated July 7, 2020. In this revised proposal, we have incorporated and responded to all their requests.

We are pleased to offer you our Proposal to provide a Turnkey “Filter Magic® Filter Control Console High-Performance Industrial PC & VTScada Software Upgrade” for the existing filter control system utilizing new industrial PCs and VTScada software identical to what was provided at the South Fayette Water Plant.

This technology was recently installed at the South Fayette Water Plant on the new Filter Magic® Filter Control System. We recommend upgrading the Crosstown Road Water Plant to match the South Fayette Water Plant so that both plants remain identical and at the highest level of performance possible.

### Our Turnkey Proposal Includes:

- Hardware & Software Submittals
  
- System O&M Manual
  
- Review meetings with FCWS / Arcadis for software configuration, database, and report formats.
  
- Engineering & Programming for the existing Filter Magic® Filter Control System.
  
- Upgrades to the existing Filter Magic® Zero2Waste® Filter Backwash Optimization System.
  
- 8 – Filter Magic® VTScada HMI Software Packages (one per Filter Control Console)
  - VTScada License Agreement specifically for Filter Magic® Filter Systems
  - Each license accommodates up to 5000 I/O
  
- 8 – 15.6” High-Performance Industrial PCs with Color Touchscreens (one per Filter Control Console)
  - Rockwell VersaView 6300P Panel PC
  - CPU – I5
  - System Memory / RAM – 8 GB
  - Mass Storage – 256 GB
  - Communication – Ethernet, USB
  - Rating – IP66 NEMA 4X
  - Resolution – 1920 x 1080



- Display – LED backlit TFT LCD
- Touchscreen – P-CAP Multitouch Aluminum Glass True Flat Resistive 5-Wires – Aluminum
  
- Turnkey Installation Services
  - All installation services required to implement the new Industrial PCS & VTScada software in the Filter Control Consoles are included in this proposal.
  - The existing OIT cutouts in the Filter Control Consoles are large enough that the new Industrial PCS will mount in the same space but will require a special bezel (included in this proposal) in order to mount them.
  
- Start-up & System Tests
  
- Training (2 Days)
  
- Three (3) Year Warranty
  
- This proposal includes salvage rights to the existing Rockwell OITs that are being replaced with the Rockwell IPCs.



# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Request to award Contract #2216-S to J. K. Duren to upgrade the hardware and software of the SCADA (Supervisory Control and Data Acquisition) System in the amount of \$60,400.

**Background/History/Details:**

This request includes the following upgrade to the SCADA system's hardware and software:

Item 1: Upgrade SCADA computer and software at each water treatment plant for \$60,400 - J.K. Duren

This item is represented on Slide 7 of the PowerPoint presentation

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

Approval to award Contract #2216-S to J. K. Duren to upgrade the hardware and software of the SCADA (Supervisory Control and Data Acquisition) System in the amount of \$60,400.

**If this item requires funding, please describe:**

Funding in the amount of \$60,400 is available in FY2023 CIP 507 542540 6SCAD.

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:**

Arcadis reviewed the proposal to perform the work listed above by ITAC and J.K. Duren, and determined the proposed work to cover the immediately needed SCADA improvements and to be fair and reasonably priced.






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

To: Steve Rapson

Through: Ted L. Burgess 

From: Natasha M. Duggan 

Date: January 26, 2023

**Subject: Contract 2216-S: Water Plants SCADA Computer & Software Upgrade**

Crosstown and South Fayette Water Treatment Plants (WTP) use a Supervisory Control and Data Acquisition (SCADA) system to control processes locally; monitor, gather and process real-time data; and directly interact with devices such as sensors, valves pumps, and motors. The SCADA system requires periodic upgrades and modifications to maintain successful operation.

On April 14, 2022, the Board of Commissioners approved Task Order 22-11 allowing Arcadis, the Water System Engineer of Record, to review the existing SCADA system and to identify system improvements.

The upgrade to the Crosstown and South Fayette WTP's computers and software upgrade is part of the improvements identified by Arcadis. J. K. Duren installed the original SCADA computer systems in 2014 at both water treatment plants. Since the 2015 operating system has reached its end of useful life, the Water System is requesting J. K. Duren replace the control system hardware and a VTSCADA software upgrade at both plants.

A Contractor Performance Evaluation for J. K. Duren's work at the South Fayette WTP Filter Control System (Attachment 1).

Specifics of the proposed contract are as follows:

<b>Contract Name</b>	#2216-S: Water Plants SCADA Computer & Software Upgrade	
<b>Contractor</b>	J. K. Duren Company, Inc.	
<b>Contract Amount</b>	\$60,400.00	
<b>Budget:</b>		
Fund	<b>507</b>	<b>Water CIP</b>
Org Code	507	Water CIP
Object	542540	
Project	6SCAD	SCADA Upgrade
Available	\$363,600.83	As of 1/13/2023

## 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: J.K. Duren Company, Inc.	Contract Number: none
Mailing Address: PO Box 1124	Contract Description or Title: SCADA Work
City, St, Zip Code: Roswell, GA 30077	Contract Term (Dates) From: 2013 - Present
Phone Number: 770-992-5405	Task Order Number: n/a
Cell Number: N/A	Other Reference: for award of Contract 2216-S
E-Mail Address: nancy@jkduren.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: 1/12/2023
Print Name: Susan L. Lee	Department/Division: Water
Title: Operations & Production Manager	Telephone No: 770 320-6087



**J.K. Duren Company, Inc.**

P.O. Box 1124  
 Roswell, GA 30077  
 770-992-5405  
 nancy@jkduren.com  
 www.jkduren.com

**ADDRESS**

Fayette County Water System  
 P.O. Box 190  
 Fayetteville, GA 30214-0190

**Quote 13139****DATE 12/21/2022****PROJECT**

REVISED New VT SCADA System

DESCRIPTION	QTY	RATE	AMOUNT
New Dell SCADA Computers - VTSCADA Proposal: 1 - Computer at Crosstown 1 - Computer at South Fayette			
Currently Fayette County has HMI Wonderware on the SCADA Computers. These computers are running the Windows 7 operating system which is obsolete. We can convert the current Wonderware application to a VT SCADA System. VT SCADA as part of their service will convert the current Wonderware Tag database into a VT SCADA Data base. The historical data can be pulled out of Wonderware and transferred into VT SCADA as well. VT SCADA includes reports as part of their License.			
1 - Dell Precision 7920 Tower, Windows 10 Pro, Includes Windows 11 Pro License, 16GB RAM, 1TB SSD, 4 Year Dell Support			
1 - 27" Monitor any resolution With this option you would continue to use the same large screen monitors that you currently have.			
1 - Uninterruptible Power Supply			
1 - Item of computer set up, transfer data, and duplicate your current screens into the VT SCADA application			
1 - Trihedral 5000 Tag Development Runtime License			
5 - Thin client license for concurrent PC and mobile connections			
PRICE	2	30,200.00	60,400.00
NOTES: This assumes that the hard drives in the current computers are working properly and that the data can be retrieved. With this option the data from the VT SCADA Filter Magic Filters can also be displayed on its own screen in side the application. It will be a duplicate of what is on the Filter Magic screen. VT SCADA allows computers and TV monitors to have different resolutions.			
Credit for removal of Thin Client 5 Pack License	1	-10,095.00	-
			10,095.00T

This quote is good for 40 days.

SUBTOTAL	50,305.00
TAX	0.00
<b>TOTAL</b>	<b>\$50,305.00</b>

Accepted By

Accepted Date

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Request to award Contract #2206-S to ITAC/Filter Magic to upgrade the hardware and software of the SCADA (Supervisory Control and Data Acquisition) System in the amount of \$140,000.

**Background/History/Details:**

Item 2: Upgrade Crosstown WTP Filter Magic control room computers (data logging and historian functions) and software \$140,000 - ITAC/Filter Magic.

This item is represented on Slide 8 of the PowerPoint presentation.

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

Approval to award Contract #2206-S to ITAC/Filter Magic to upgrade the hardware and software of the SCADA (Supervisory Control and Data Acquisition) System in the amount of \$140,000.

**If this item requires funding, please describe:**

Funding in the amount of \$140,000 is available in FY2023 CIP 507 542540 6SCAD.

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:**


Arcadis reviewed the proposal to perform the work listed above by ITAC and J.K. Duren, and determined the proposed work to cover the immediately needed SCADA improvements and to be fair and reasonably priced.



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

To: Steve Rapson

Through: Ted L. Burgess 

From: Natasha M. Duggan 

Date: January 26, 2023

**Subject: Contract 2206-S: Crosstown WTP Filter Magic Computer & Software Upgrade**

Crosstown and South Fayette Water Treatment Plants (WTP) use a Supervisory Control and Data Acquisition (SCADA) system to control processes locally; monitor, gather and process real-time data; and directly interact with devices such as sensors, valves pumps, and motors. The SCADA system requires periodic upgrades and modifications to maintain successful operation.

On April 14, 2022, the Board of Commissioners approved Task Order 22-11 allowing Arcadis, the Water System Engineer of Record, to review the existing SCADA system and to identify system improvements.

The upgrade to the Crosstown WTP's computers and software is part of the improvements identified by Arcadis. Industrial Control Systems, Inc. (ICS), which is now part of ITAC, supplied and installed the existing filter control system. This contract requests approval for a turnkey Filter Magic control room SCADA system identical to what was provided by ICS at the South Fayette WTP.

A Contractor Performance Evaluation for ICS's work at the South Fayette WTP Filter Control System (Attachment 1).

Specifics of the proposed contract are as follows:

<b>Contract Name</b>	#2206-S: Crosstown WTP Filter Magic Computer & Software Upgrade		
<b>Contractor</b>	ITAC/ICS		
<b>Type of Contract</b>	Turnkey – Hardware, Software, Configuration		
<b>Contract Amount</b>	\$140,000.00		
<b>Budget:</b>			
Fund	<b>507</b>		<b>Water CIP</b>
Org Code	507		Water CIP
Object	542540		
Project	6SCAD		SCADA Upgrade
Available	\$363,600.83		As of 1/13/2023

## 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: ITAC (ICS)	Contract Number: 1837-S (ICS)
Mailing Address: 13141 N. Enon Church Road	Contract Description or Title: South Fayette WTP Filter Control System
City, St, Zip Code: Chester, VA 23836	Contract Term (Dates) From: 10/2/2020 - 6/24/2021 (20210185)
Phone Number: 804-414-1100	Task Order Number: n/a
Cell Number: N/A	Other Reference: for award of Contract 2206-S
E-Mail Address:	

### 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: 1/12/2023
Print Name: Susan L. Lee	Department/Division: Water
Title: Production & Operations Manager	Telephone No: 770 320-6087







INNOVATIVE SOLUTIONS.  
ASSURED SUCCESS.



January 5, 2023

Fayette County Water System  
245 McDonough Road  
Fayetteville, GA 30214

Attention: Ms. Susan Lee, Water Production Operations Manager

RE: Crosstown Road Water Treatment Plant  
Control Room Plant SCADA System  
Computer and VTSCADA HMI System Software Turnkey Upgrade  
ITAC Job 225526 27

Dear Ms. Lee,

ITAC appreciates the opportunity to propose our Control Room Plant SCADA System, Computer and VTSCADA HMI System Software Turnkey Upgrade for the Crosstown Road Water Treatment Plant at your facility in Peachtree City, GA. This offer is based upon our discussions and knowledge of the existing plant SCADA system.

ITAC / ICS serves industrial and municipal clients with integrated engineering/construction services for complex capital projects. We are your trusted resource for projects to \$100 million. With decades of relevant experience, our team delivers innovative solutions for assured success. The ITAC / ICS team understands your needs and expectations and we are committed to providing this work in a safe and professional manner. This proposal defines ITAC / ICS's scope of services for the project.

ITAC / ICS proposes to execute the scope described herein on a Fixed price basis, for:

**One Hundred Forty Thousand Dollars; \$140,000.00.**

This price does not include sales/use taxes on purchases of materials for this project. Please issue an applicable Sales Tax Exemption Certificate for this work.

Payment terms are net 30 days, plus 1.5% late payment fee per month.

ITAC is prepared to initiate and execute this work in accordance with an agreed upon schedule upon receipt of a purchase order referencing this proposal. This proposal is valid for 90 days from date of submission. After 90 days, please call to confirm price validity.

Please contact me at (804) 512-0200 or [mark.romers@itac.us.com](mailto:mark.romers@itac.us.com) should you have any questions regarding this proposal. We request that a purchase order or contract be directly emailed to [client.order@itac.us.com](mailto:client.order@itac.us.com).

Sincerely,

*Mark W. Romers*

Mark W. Romers, Director of Water Technologies

cc: Rick Starnes

#### Attachment 1— Scope of Services and Warranty

I am in receipt and am responding to the Review Memo from Arcadis dated July 7, 2020. In this revised proposal, we have incorporated and responded to all their requests.

We are pleased to offer you our Proposal to provide a Turnkey “Filter Magic Control Room High- performance Plant SCADA System” utilizing new computers and VTScada software identical to what was provided at the South Fayette Water Plant.

This proposal includes the existing filter control system and various chemical systems included in the filter building rehabilitation project. The new computer system has enough power and capacity to include the entire existing plant SCADA system at some point in the future when this work is required.

Please note that the existing SCADA System only includes the filter control system and various chemical systems. It does not include any future SCADA improvements planned at the plant.

#### Our Turnkey Proposal Includes:

- Hardware & Software Submittals
- System O&M Manual
- Review meetings with FCWS / Arcadis for software configuration, database, and report formats.
- Engineering & Programming for the existing Filter Magic Filter Control System & various chemical systems.
- Existing iHistorian database will be exported to VTScada database as CSV files and will then be converted by VTScada to their database format. The conversion utility is provided by VTScada for this purpose and the conversion process is expected to be several hours to several days maximum depending on the size of the existing database. The conversion process will run in the background as other SCADA activities occur. The iHistorian database will continue to operate with the iFIX Plant SCADA System until such time as it is no longer needed.
- Existing reports will be replicated in XLReporter and formatted to match the filter system reports required at South Fayette.



- 2 – High-performance Computer Systems
  - Dell Precision 3660 Tower Workstation
  - Windows 10 or 11 Pro Operating System
  - Intel Core i9-12900 processor (30MB Cache, 16 Core (8P+8E), 2.4 GHz to 5.1 GHz (65W) TPD
  - 64 GB, 2x32GB, DDR5 up to 4400MHz UDIMM non-ECC memory
  - 1TB PCIe NVMe Class 40 M.2 SSD Solid-State Hard Drive
  - 8x DVD+/-RW 9.5mm Optical Hard Drive
  
- 2 – Dell Ultrasharp 27” Monitors – P2722H
  
- 1 – Synology Network Attached Storage (NAS) Unit with Dual 8-TB Hard Drives for Mass Historical Data Storage generated by VTScada.
  
- **1 – Cisco Catalyst Multimedia 9200 Switch to replace outdated existing switch**
  - **Rack mounted in the Control Room Network Rack**
  - **16 Ethernet Ports**
  - **2 Active Fiber Optic Ports / 2 Spare Fiber Optic Ports**
  - **1 GB**
  
- VTScada HMI Dual Server Premium Software on the two plant SCADA computers
  - 10,000 I/O – Sized to accommodate a complete plant SCADA system
  - Fully Redundant SCADA System Software
  - 1 – Development & 1 – Runtime Only
  - Unlimited Thin Clients (PC or Remote)
  - Report Generation
  - Alarm Notification (SMS, Text, Email)
  - Redundant Historian
  
- **2 - XLR Reporter Software XLR Professional Local Package**
  - **This provides redundancy for reports**
  
- Turnkey Installation Services
  - All installation services required to implement the new computer systems and new SCADA software are included in this proposal.
  
- Start-up & System Tests
  
- Three (3) Year Warranty



Our Proposal Does Not Include:

- Programming for the existing plant SCADA system portrayed on the Wonderware computer.
- Utilizing the existing historical data computer system.

Options:

**Option #1 - Crosstown Road WTP**

**Lump Sum \$ 10,500.00**

- WIN-911/Interactive-HB Alarm Notification Software
  - Includes 2-way communication with all notifiers: SMS, Email, Voice and 10 Smartphone Apps. Allows for remote acknowledgements, alarm requests & report requests. Includes one-year customer care subscription.
  - **Interactive Hot Backup for both SCADA computers.**

**Option #2 – Crosstown Road WTP**

**Lump Sum \$8,600.00**

- Move existing Wonderware System by (VM - Virtual Machine) to the new VTScada System
- Please refer to email dated December 7, 2022 from Mark Romers

**Option #3 – Crosstown Road WTP**

**Adder Sum \$7,200.00**

- **Adder to upgrade computers in base-bid proposal**
- 2 – Ultra High-performance Computer Systems
  - Dell Precision 7920 Tower Workstation
  - Windows 10 or 11 Pro Operating System
  - 2 - Intel Xeon Gold 6234 processors 3.3 GHz
  - 128 GB, 16x8 GB, DDR4 up to 2833MHz RDIMM ECC memory
  - 2TB PCIe NVMe

**Option #4 - South Fayette WTP**

**Lump Sum \$ 10,500.00**

- WIN-911/Interactive-HB Alarm Notification Software
  - Includes 2-way communication with all notifiers: SMS, Email, Voice and 10 Smartphone Apps. Allows for remote acknowledgements, alarm requests & report requests. Includes one-year customer care subscription.



**Option #5 – South Fayette WTP**

**Lump Sum \$8,600.00**

- Move existing Wonderware System by (VM - Virtual Machine) to the new VTScada System
- Please refer to email dated December 7, 2022 from Mark Romers

**Option #6 – South Fayette WTP**

**Lump Sum \$2,700.00**

- 1 - XLReporter Software XLR Professional Local Package
  - This provides redundancy for reports



# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Request to renew the annual agreement with the U.S. Department of the Interior Geological Survey (USGS) for surface water monitoring in the amount of \$212,600.

**Background/History/Details:**

Special condition requirements in each of the Water System's Surface Water Withdrawal Permits is to monitor reservoir elevations, stream flow and discharge, and water quality indicators on a daily and monthly basis. This data must be reported to Georgia Environmental Protection Division annually to demonstrate compliance.

The USGS provides and maintains 11 stream gages that provide real-time data. These gages are located on Line Creek, Shoal Creek, Flat Creek, Flint River and each of Fayette County's water-supply reservoirs.

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

Approval of staff's recommendation to renew the annual agreement with the USGS for surface water monitoring in the amount of \$212,600.

**If this item requires funding, please describe:**

Funding is available in FY2023 50543061 521212.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval


Administrator's Approval


**Staff Notes:**



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

To: Steve Rapson

Through: Ted Burgess 

From: Natasha Duggan 

Date: January 26, 2023

**Subject: Contract #2208-S: USGS Water Flow & Stream Monitoring – FY 2023**

Dissolved oxygen in the water of the county's lakes, rivers, creeks, and streams is important to the quality of the water. One can expect the amount of dissolved oxygen in the water to be lowest during times of low flow in the waterways. A common measure of low flow is called "7Q10" which is the lowest stream flow over a seven-day period that can be expected every ten years.

Each year, the U.S. Department of the Interior, U.S. Geological Survey (USGS) and the County enter into an agreement whereby the USGS maintains real-time stream gauges that are placed in various locations throughout the county, which facilitate the 7Q10 calculation.

The locations of the stream gauges, and the price to maintain each, are as follows:

Stream Gauge Locations	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	Change 2022-2023
Flint River at Woolsey Road	14,000	14,250	14,600	15,100	15,100	15,100	15,400	15,800	2.6%
Line Creek downstream of GA 54	14,000	14,250	19,900	15,100	15,100	15,100	15,400	15,800	2.6%
Shoal Creek at GA 54	14,000	14,250	14,600	15,100	15,100	15,100	15,400	15,800	2.6%
Lake McIntosh, near Peachtree City, GA	NA	NA	NA	NA	7,000	7,000	7,150	7,150	0.0%
Line Creek below Lake McIntosh	49,800	51,000	48,000	53,800	48,500	48,500	49,900	52,500	5.2%
Morning Creek at Westbridge Road	19,000	19,400	19,900	20,400	NA	NA	NA	NA	
Whitewater Creek at Eastin Road	14,000	14,250	14,600	15,100	NA	NA	NA	NA	
Whitewater Creek at Sherwood Road	14,000	14,250	14,600	15,100	NA	NA	NA	NA	
Whitewater Creek below Starrs Mill Dam	19,000	19,400	19,900	20,400	NA	NA	NA	NA	
Lake Kedron near Peachtree City	6,600	6,800	7,000	7,000	7,000	7,000	7,150	7,150	0.0%
Flat Creek downstream of Lake Kedron	41,700	43,800	35,100	40,200	15,100	15,100	15,400	15,800	2.6%
Lake Peachtree at Peachtree City	6,600	6,800	7,000	7,000	7,000	7,000	7,150	7,150	0.0%
Flat Creek below Lake Peachtree	49,800	51,000	53,300	53,800	48,500	48,500	49,900	52,500	5.2%
Lake Horton (Tailrace) near Fayetteville	6,600	6,800	7,000	7,000	7,000	7,000	7,150	15,800	121.0%
Lake Horton (Headwater) near Fayetteville	NA	NA	7,000	7,000	7,000	7,000	7,150	7,150	0.0%
Camp Creek at Helmer Road	14,000	14,250	14,600	15,100	NA	NA	NA	NA	
Nash Creek (bacteria only)	5,000	5,150	5,300	5,300	NA	NA	NA	NA	
	288,100	295,650	302,400	312,500	192,400	192,400	197,150	212,600	7.8%
	288,100	295,650	302,400	312,500	192,400	192,400	197,150	212,600	
Change From Previous Year		2.6%	2.3%	3.3%	-38.4%	0.0%	2.5%	7.8%	



The Lake Horton Tailrace station was upgraded in Fiscal Year 2020 from only reporting reservoir elevation to reporting reservoir elevation and discharge. The increase is a correction of an oversight on the part of USGS.

The Water System states that the USGS has the only accepted method for reporting and compliance monitoring of open-channel streams. For this reason, they recommend contracting with USGS each year for the service. They report that they are satisfied with the services provided by the USGS, as seen in the attached Contractor Performance Evaluation (Attachment 1).

For budget and expense purposes, it should be noted that the contract follows the Federal fiscal year, which begins on October 1 and ends on September 30 each year.

Specifics of the proposed contract are as follows:

<b>Contract Name</b>	2208-S: USGS Water Flow & Stream Monitoring – FY 2023		
<b>Vendor</b>	U.S. Department of the Interior		
<b>Contract Term</b>	10/1/2022 to 9/30/2023 Corresponding with Fed Fiscal Year		
<b>Firm Fixed Price</b>	\$212,600.00 for the Federal FY (10/1/2022-9/30/2023)		
<b>Budget:</b>			
Fund	505	Water System	
Org.	50543061	Water Laboratory	
Object	521212	Licenses & Professional Fees	
Total Available Budget		\$208,737.00	To pay County FY 2023 invoices

First quarterly payment, at previous contract rate*	\$49,287.00
Second quarterly payment, at new contract rate	53,150.00
Third quarterly payment, at new contract rate	53,150.00
Fourth quarterly payment, at new contract rate	<u>53,150.00</u>
Total for County Fiscal Year 2023	<u>\$208,737.00</u>

\*Previous contract #2017-S rate was approved by the BOC on October 14, 2021.

## 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: US Geological Survey	Contract Number: 2017-S
Mailing Address: 1770 Corporate Drive, Suite 500	Contract Description or Title: USGS Water Flow & Stream Monitoring FY2021
City, St, Zip Code: Norcross, GA 30093	Contract Term (Dates) From: 10/1/2021-9/30/2022
Phone Number: 678-924-6700	Task Order Number: N/A
Cell Number: N/A	Other Reference: for award of contract 2208-S FY2023
E-Mail Address: N/A	

### DEFINITIONS

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

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


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

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

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

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

### EVALUATED BY

 Signature:	Date of Evaluation: 12/15/2022
Print Name: Emily Larrimore	Department/Division: Water System
Title: Lab & Compliance Specialist	Telephone No: (770) 320-6084



**From:** [Emily Larrimore](#)  
**To:** [Natacha Duggan](#); [Casey Williamson](#); [Carrie Gibby](#)  
**Cc:** [Russell Ray](#)  
**Subject:** RE: USGS  
**Date:** Thursday, December 15, 2022 5:29:10 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

Natasha,

That increase would be consistent with upgrading the Tailrace station from only reporting reservoir elevation to reporting reservoir elevation AND discharge. The discharge data is required for our Lake Horton Surface Water Withdrawal Permit. However, FCWS did not request this upgrade from USGS so I talked with our USGS contact. He said that station has been an elevation and discharge station in FY22, FY21, and FY20 (at least). And the Water System has had access to the discharge data during those years, which is true because we are required to submit that data annually to EPD.

So this station’s price increase is actually a correction of an oversight on the part of USGS. Our contact told me that we have been paying the rate for just elevation, while getting both elevation and discharge, and he didn’t know why. They are now correcting the oversight and asking us to pay the correct amount for that data.

He also said the overall price increase of all the stations is caused by material shortages and inflation. He said all the supplies that he uses to maintain and calibrate our stations have increased in price. He said he has tried to seek out more cost-saving supplies when possible.

Thank you,

**Emily Larrimore**  
**Laboratory & Compliance Specialist**  
 (770) 320-6084  
[elarrimore@fayettecountyga.gov](mailto:elarrimore@fayettecountyga.gov)



**Out of Office: 12/22**  
**County Holiday Closures: 12/23-26**

**From:** Natacha Duggan <nduggan@fayettecountyga.gov>  
**Sent:** Wednesday, December 14, 2022 2:34 PM  
**To:** Casey Williamson <cwilliamson@fayettecountyga.gov>; Emily Larrimore <elarrimore@fayettecountyga.gov>; Carrie Gibby <cgibby@fayettecountyga.gov>  
**Subject:** RE: USGS

Emily,

There is a 121% increase for location 02344424 Lake Horton (tailrace). Do you know why? I'll have to mention it in my BOC memo. Thank you.

United States Geological Survey										
Joint Funding Agreement										
Water Flow & Stream Monitoring										
	Stream Guage Locations	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	Change 2022-2023
02344396	Flint River at Woolsey Road	14,000	14,250	14,600	15,100	15,100	15,100	15,400	15,800	2.6%
02344605	Line Creek downstream of GA 54	14,000	14,250	19,900	15,100	15,100	15,100	15,400	15,800	2.6%
02344620	Shoal Creek at GA 54	14,000	14,250	14,600	15,100	15,100	15,100	15,400	15,800	2.6%
02344628	Lake McIntosh, near Peachtree City, GA	NA	NA	NA	NA	7,000	7,000	7,150	7,150	0.0%
02344630	Line Creek below Lake McIntosh	49,800	51,000	48,000	53,800	48,500	48,500	49,900	52,500	5.2%
02344327	Morning Creek at Westbridge Road	19,000	19,400	19,900	20,400	NA	NA	NA	NA	
02344724	Whitewater Creek at Eastin Road	14,000	14,250	14,600	15,100	NA	NA	NA	NA	
02344736	Whitewater Creek at Sherwood Road	14,000	14,250	14,600	15,100	NA	NA	NA	NA	
02344748	Whitewater Creek below Starrs Mill Dam	19,000	19,400	19,900	20,400	NA	NA	NA	NA	
02344650	Lake Kedron near Peachtree City	6,600	6,800	7,000	7,000	7,000	7,000	7,150	7,150	0.0%
02344655	Flat Creek downstream of Lake Kedron	41,700	43,800	35,100	40,200	15,100	15,100	15,400	15,800	2.6%
02344671	Lake Peachtree at Peachtree City	6,600	6,800	7,000	7,000	7,000	7,000	7,150	7,150	0.0%
02344673	Flat Creek below Lake Peachtree	49,800	51,000	53,300	53,800	48,500	48,500	49,900	52,500	5.2%
02344424	Lake Horton (Tailrace) near Fayetteville	6,600	6,800	7,000	7,000	7,000	7,000	7,150	15,800	121.0%
02344423	Lake Horton (Headwater) near Fayetteville	NA	NA	7,000	7,000	7,000	7,000	7,150	7,150	0.0%
02344280	Camp Creek at Helmer Road	14,000	14,250	14,600	15,100	NA	NA	NA	NA	
02344364	Nash Creek (bacteria only)	5,000	5,150	5,300	5,300	NA	NA	NA	NA	
		288,100	295,650	302,400	312,500	192,400	192,400	197,150	212,600	7.8%
		288,100	295,650	302,400	312,500	192,400	192,400	197,150	212,600	
	Change From Previous Year		2.6%	2.3%	3.3%	-38.4%	0.0%	2.5%	7.8%	

Respectfully,



## United States Department of the Interior

U.S. GEOLOGICAL SURVEY  
 South Atlantic Water Science Center  
 1770 Corporate Drive, Suite 500  
 Norcross, Georgia 30093  
 Phone: (678) 924-6700 Fax: (678) 924-6710  
<http://www.usgs.gov/centers/sa-water>

Customer Number: 6000001126  
 Agreement Number:  
 23MPJFAG0000001  
 TIN: 586000826  
 Fixed Cost Agreement: YES

August 24, 2022

Ms. Vanessa Tigert, Director  
 Fayette County Water System  
 245 McDonough Road  
 Fayetteville, Georgia 30214

Dear Ms. Tigert:

Enclosed, please find a signed copy of the Joint Funding Agreement (JFA) for maintenance of real-time streamgages for Fayette County.

Station Number	Station Name	Annual O&M
02344396	FLINT RIVER AT WOOLSEY ROAD, NEAR WOOLSEY, GA	\$15,800
02344424	LAKE HORTON (TAILRACE) NEAR FAYETTEVILLE, GA	\$15,800
02344605	LINE CREEK BELOW GA 54, NEAR PEACHTREE CITY, GA	\$15,800
02344620	SHOAL CREEK AT GA54, NEAR SHARPSBURG, GA	\$15,800
02344655	FLAT CR DS OF LAKE KEDRON, NR PEACHTREE CITY, GA	\$15,800
02344630	LINE CREEK BLW LAKE MCINTOSH, NR PEACHTREE CITY, GA	\$52,500
02344673	FLAT CREEK (DS OF LAKE) AT PEACHTREE CITY, GA	\$52,500
02344628	LAKE MCINTOSH NEAR PEACHTREE CITY, GA	\$7,150
02344423	LAKE HORTON (HEADWATER) NEAR FAYETTEVILLE, GA	\$7,150
02344650	LAKE KEDRON NEAR PEACHTREE CITY, GA	\$7,150
02344671	LAKE PEACHTREE (HEADWATER) AT PEACHTREE CITY, GA	\$7,150
		\$212,600

This agreement is entered into by the USGS under authority of 43 USC 36C; 43 USC 50; and 43 USC 50b.

This JFA covers the period beginning on October 1, 2022, and ending on September 30, 2023, at a total cost of \$212,600 provided by Fayette County Water System, Fayette County, Georgia.

Please have this JFA signed by an authorized official(s), retain a copy for your records, and return the original to the attention of Crystal Stallworth at the address shown above or emailed to [cstallw@usgs.gov](mailto:cstallw@usgs.gov). Work cannot be started or continued until we receive the signed agreement. All work performed with funds from this agreement will be conducted on a fixed-price basis. Billing for this JFA will be rendered quarterly. Please do not send a check at this time as you will be billed at a later date which will include payment instructions with the address for mailing your check. The results of all work under this agreement will be available for publication by the U.S. Geological Survey. Any party may terminate this agreement by providing 60 day's written notice to the other party.

If you have any questions or require additional information please contact Christopher Smith, Supervisory Hydrologic Technician, at 678-924-6686 or via email at [smithca@usgs.gov](mailto:smithca@usgs.gov).

Sincerely,

Victor Engel, Director  
 USGS South Atlantic Water Science Center

**Form 9-1366  
(May 2018)**

**U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations**

**Customer #: 6000001126  
Agreement #: 23MPJFAG0000001  
Project #: MP00  
TIN #: 58-6000826**

**Fixed Cost Agreement YES[ X ] NO[ ]**

THIS AGREEMENT is entered into as of the October 1, 2022, by the U.S. GEOLOGICAL SURVEY, South Atlantic Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the Fayette County Water System party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation Water Resource Investigations (per attachment), herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50, and 43 USC 50b.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of \$0.00

- (a) \$0 by the party of the first part during the period October 1, 2022 to September 30, 2023
- (b) \$212,600 by the party of the second part during the period October 1, 2022 to September 30, 2023
- (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of: \$0

Description of the USGS regional/national program:

- (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
- (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.

4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.

5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.

6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program, and if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties. The Parties acknowledge that scientific information and data developed as a result of the Scope of Work (SOW) are subject to applicable USGS review, approval, and release requirements, which are available on the USGS Fundamental Science Practices website (<https://www2.usgs.gov/fsp/>).

Water Resource Investigations

9. Billing for this agreement will be rendered quarterly. Invoices not paid within 60 days from the billing date will bear Interest, Penalties, and Administrative cost at the annual rate pursuant the Debt Collection Act of 1982, (codified at 31 U.S.C. § 3717) established by the U.S. Treasury.

USGS Technical Point of Contact

Name: Christopher Smith  
Supervisory Hydrologic Technician  
Address: 1770 Corporate Drive Suite 500  
Norcross, GA 30093  
Telephone: (678) 924-6686  
Fax: (678) 924-6710  
Email: smithcal@usgs.gov

Customer Technical Point of Contact

Name: Vanessa Tigert  
Water System Director  
Address: 245 McDonough Road  
Fayetteville, GA 30214  
Telephone: (770) 320-6016  
Fax:  
Email: vtigert@fayettecountyga.gov

USGS Billing Point of Contact

Name: Crystal Stallworth  
Budget Analyst  
Address: 1770 Corporate Drive Suite 500  
Norcross, GA 30093  
Telephone: (678) 924-6691  
Fax: (678) 924-6710  
Email: castallw@usgs.gov

Customer Billing Point of Contact

Name: Vanessa Tigert  
Water System Director  
Address: 245 McDonough Road  
Fayetteville, GA 30214  
Telephone: (770) 320-6016  
Fax:  
Email: vtigert@fayettecountyga.gov

U.S. Geological Survey  
United States  
Department of Interior

Fayette County Water System

Signature

Signatures

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name: Victor Engel  
Title: Director

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Request to renew Contract #1477-S, Renewal 2 for Carbyne, Inc. in the amount of \$285,500 to provide maintenance and support for continued operation of the 911 phone system.

**Background/History/Details:**

Carbyne has been Fayette County's 911 phone system provider since 2020. The proposed contract renewal provides maintenance and support to ensure continued operation of the system. The contract provided for six (6) one-year renewal options.

Fayette County 911 obtained Board approval to select Carbyne as our 911 phone vendor on May 24, 2018. The approved contract provided for the replacement of the 911 phone system. Administrative calls were moved to Carbyne on January 27, 2020 and 911 calls on June 27, 2020. Carbyne allows for enhanced location accuracy and real-time video. These features enable 911 Communications to continually provide enhanced services to the citizens in Fayette County.

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

Approval to renew Contract #1477-S, Renewal 2 for Carbyne, Inc. in the amount of \$285,500 to provide maintenance and support for continued operation of the 911 phone system.

**If this item requires funding, please describe:**

Funding budgeted in the FY23 911 Communications M&O budget.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**






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

To: Steve Rapson

Through: Ted L. Burgess

From: Natasha M. Duggan 

Date: January 26, 2023

**Subject: Contract #1477-S: Carbyne Public Safety Ecosystem  
 Renewal 2**

Carbyne is a proprietary IP-based emergency communication platform that integrates into existing public safety infrastructure. It enables real-time video, instant indoor and outdoor location accuracy, call prioritization, and text-to-911. The contract has six one-year renewal options. This request is for the approval of the second of six renewals to provide maintenance and support to ensure continued operation of the system.

911 Communications proposes to renew the contract with Carbyne, Inc. A Contract Performance Evaluation for previous work is attached (Attachment 1).

Specifics of the proposed contract renewal are as follows:

<b>Contract Name</b>	#1477-S: Carbyne Public Safety Ecosystem	
<b>Contractor</b>	Carbyne, Inc.	
<b>Annual Contract Amount</b>	\$285,500.00	
<b>Budget:</b>		
<b>Fund</b>	<b>215</b>	<b>911 Communications</b>
Org Code	21530800	911 Communications
Object	522236	Software Maintenance
Amount Budgeted	\$285,500.00	

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Request to approve Alternative 1 (ALT 1) or Alternative 2 (ALT 2) as the preferred realignment for the SR 279 Realignment Project - GDOT PI 0017813 (17TAD).

**Background/History/Details:**

In 2021 the Board of Commissioners accepted a grant award for the design (PE) phase of the SR 279 Realignment Project. A contract for design services was awarded to Practical Design Partners (PDP) in March of 2022. Since then, two alternative alignments have been developed based on traffic studies, environmental screening, and public outreach. Before the next phase of the project can begin, development of a Concept Report, direction from the Board is required to determine which ALT 1 or ALT 2, is the preferred alignment.

The backup material to this agenda request provides preliminary drawings of each alternative and information comparing the two options.

The alternatives were presented to the Transportation Committee on January 10, 2023. Seven voting members were present at the meeting. Two supported ALT 1 and five supported ALT 2.

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

Approve Alternative 1 (ALT 1) or Alternative 2 (ALT 2) as the preferred realignment for the SR 279 Realignment Project - GDOT PI 0017813 (17TAD).

**If this item requires funding, please describe:**

In April 2021 the Board budgeted \$265,029 for the PE phase of SPLOST project 17TAD. An additional grant has been awarded by Atlanta Regional Commission (ARC) bringing the total funding for the PE phase to \$1,000,000.

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:**

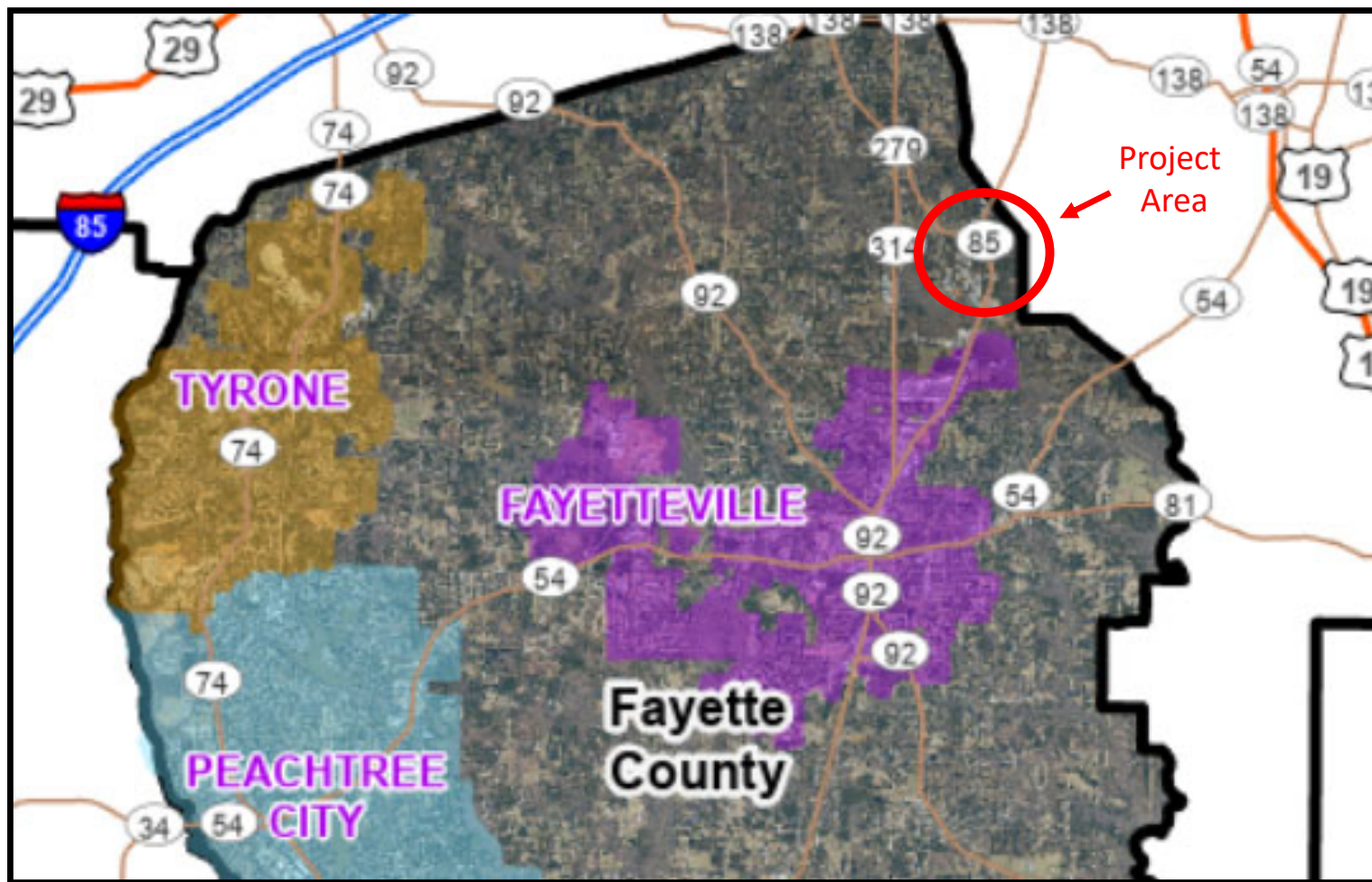
# SR 279 Realignment Project Alternatives 1 and 2

GDOT PI 0017813 /County 17TAD

Fayette County Board of Commissioners

January 26, 2023

Presented by: Phil Mallon





Original Alignment  
from the 2019  
Corridor Study

# Project Milestones (1 of 2)

<b>July 2017</b>	<b>Grant application 1 to ARC for SR 279 Corridor Study</b>
<b>Dec 2019</b>	<b>Study complete and recommends the realignment of SR 279 at SR 85, among other corridor improvements</b>
<b>Oct 2019</b>	<b>Grant application 2 to ARC for the realignment of SR 279 at SR 85</b>
<b>April 2021</b>	<b>BOC accepts grant money for PE phase and executes Project Framework Agreement with GDOT for PI 0017813</b>
<b>Dec 2021</b>	<b>Grant application 3 to ARC for additional money for the PE phase</b>
<b>March 2022</b>	<b>BOC awards contract for PE design services to Practical Design Partners</b>
<b>April – Oct 2022</b>	<b>Collection of traffic data, traffic analysis, environmental screening, and development of Alternatives 1 &amp; 2</b>

# Project Milestones (2 of 2)

Dec 2022	Grant application to ARC for additional money for the PE phase
Nov 2022	Public Engagement for input on Alternatives 1 & 2
Jan 2023	BOC selection of preferred alternative
Jan 2024	Concept Report approval by GDOT, completion of second Public Information Open House (PIOH)
2026 (FY)	Completion of preliminary engineering, establishment of environmental footprint, and authorization of right-of-way
2028 (FY)	Completion of final design, environmental permitting, and right-of-way acquisition. Award contract for construction
2030	Project complete

Public  
Engagement  
Advertisements

- **Road Signs**
- Postcards (>100 mailed to property owners)
- Email Notices
- County Website
- Newspaper Legal Notices – 11/02/22 & 11/09/22
- Press Release
- Social Media – Facebook
- Announcements at BOC meetings





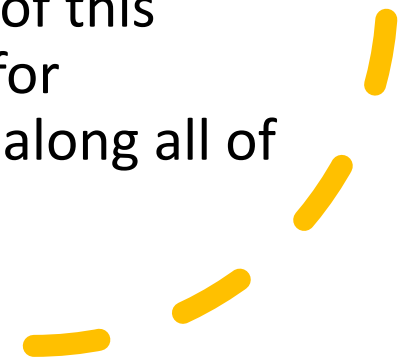
# Public Engagement Opportunities (Nov 2022)

- Public Information Open House – 11/15/2022
  - Comment Cards provided
- Social PinPoint – 30 Days for Public Comment
- Public Works – email and phone
- North Fayette Community Association Quarterly Meeting
  - Comment Cards provided
- Presentations to the Fayette County Transportation Committee



## Public Engagement Responses

- 226 comments received
- **Near unanimous support to do something**
- **Preference for Alt 1 versus Alt 2 was split nearly 50/50**
- Good discussion during the Public Meeting, people who attended asked many questions and gave feedback that was used to refine the alternatives
- Although it is outside the scope of this project, there is strong support for improvements and/or widening along all of SR 279



# Public Comment Categories

- Intersection Improvements (33%)
- Bike & Pedestrian Improvements (26%)
- Right-of-Way Acquisition / Property Impacts (17%)
- Safety Concerns (16%)
- Budget / Cost (4%)
- Other (4%)





<b>Public Comments on Intersections</b>	<b>33%</b>
Utilize roundabouts (no roundabouts)	5% (2%)
Traffic signal improvements needed (opposed to traffic signal improvements)	14% (1%)
Improve Carter Road & Corinth Rd	1%
Prohibit left turns from Plantation Rd to SR 85	2%
Concern of delays with Carnes Road from the new access road to Kenwood Business Park	1%
Improve Old Road & SR 85	2%
Improve access to Carnes Road and Etowah Trace (opposed to improving access to Carnes Road and Etowah Trace)	4% (1%)


Public Comment on Bike & Pedestrian Improvements	26%
Bike/Ped improvements are a priority (bike/ped improvements are not a priority)	8% (8%)
Meet Complete Streets and Vision Zero goals, including HAWK ped crossings (against meeting Complete Streets and Vision Zero goals)	8% (2%)

<b>Public Comments on Right of Way Acquisitions / Property Impacts</b>	<b>17%</b>
Opposed to taking of homes on Butler Road (supports the taking of homes on Butler Road)	14% (1%)
Concern of Alt 1 impact on homes not displaced but near the proposed road	2%

<b>Public Comments on Safety</b>	<b>16%</b>
Safety should be top priority	6%
Reduce speed on SR 279 and enforce	3%
Reduce or eliminate U-Turns	5%
Oppose RCUTS	2%



<b>Public Comment on Budget / Cost</b>	<b>4%</b>
Concern with project cost	2%
Concern of Alt 1 high cost compared to Alt 2	2%





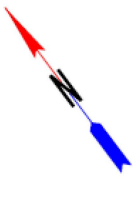
Public Comment - Other	4%
Widen SR 279 to 4 lanes. This comment was strongly supported by the North Fayette Community Association.	4%



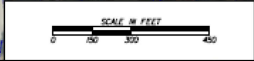
SR 279 REALIGNMENT  
FAYETTE COUNTY  
ALT 1  
1/9/2023

ADJUST EXIST. SIGNAL TO ALLOW PERMISSIVE LEFT TURN PHASING FROM SR 85 TO SR 279

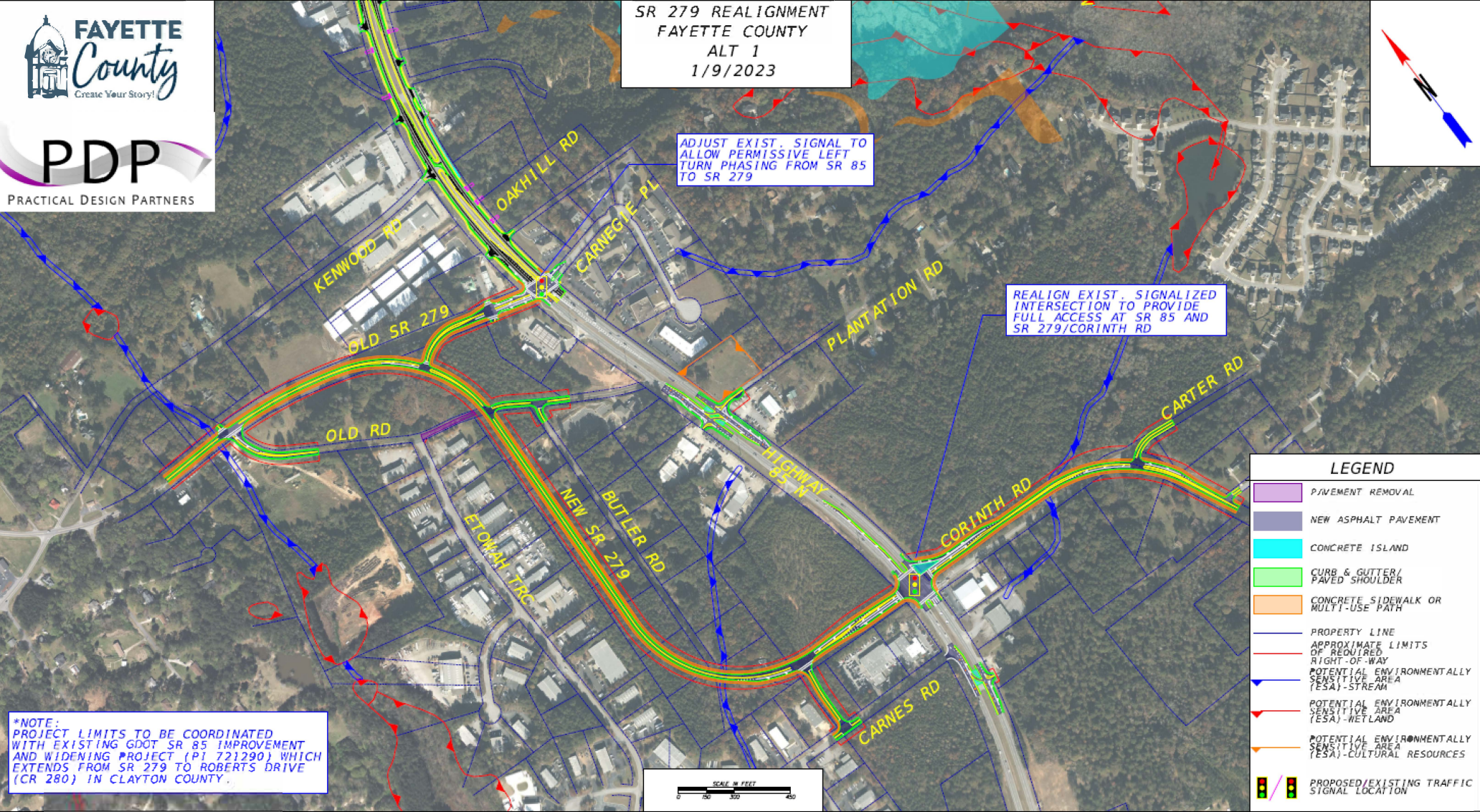
REALIGN EXIST. SIGNALIZED INTERSECTION TO PROVIDE FULL ACCESS AT SR 85 AND SR 279/CORINTH RD



\*NOTE:  
PROJECT LIMITS TO BE COORDINATED WITH EXISTING GDOT SR 85 IMPROVEMENT AND WIDENING PROJECT (PI 721290) WHICH EXTENDS FROM SR 279 TO ROBERTS DRIVE (CR 280) IN CLAYTON COUNTY.

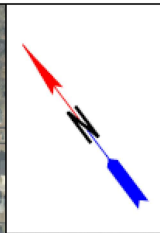


LEGEND	
	PAVEMENT REMOVAL
	NEW ASPHALT PAVEMENT
	CONCRETE ISLAND
	CURB & GUTTER/ PAVED SHOULDER
	CONCRETE SIDEWALK OR MULTI-USE PATH
	PROPERTY LINE
	APPROXIMATE LIMITS OF REQUIRED RIGHT-OF-WAY
	POTENTIAL ENVIRONMENTALLY SENSITIVE AREA (ESA)-STREAM
	POTENTIAL ENVIRONMENTALLY SENSITIVE AREA (ESA)-WETLAND
	POTENTIAL ENVIRONMENTALLY SENSITIVE AREA (ESA)-CULTURAL RESOURCES
	PROPOSED/EXISTING TRAFFIC SIGNAL LOCATION





**SR 279 REALIGNMENT  
FAYETTE COUNTY  
ALT 2  
1/9/2023**



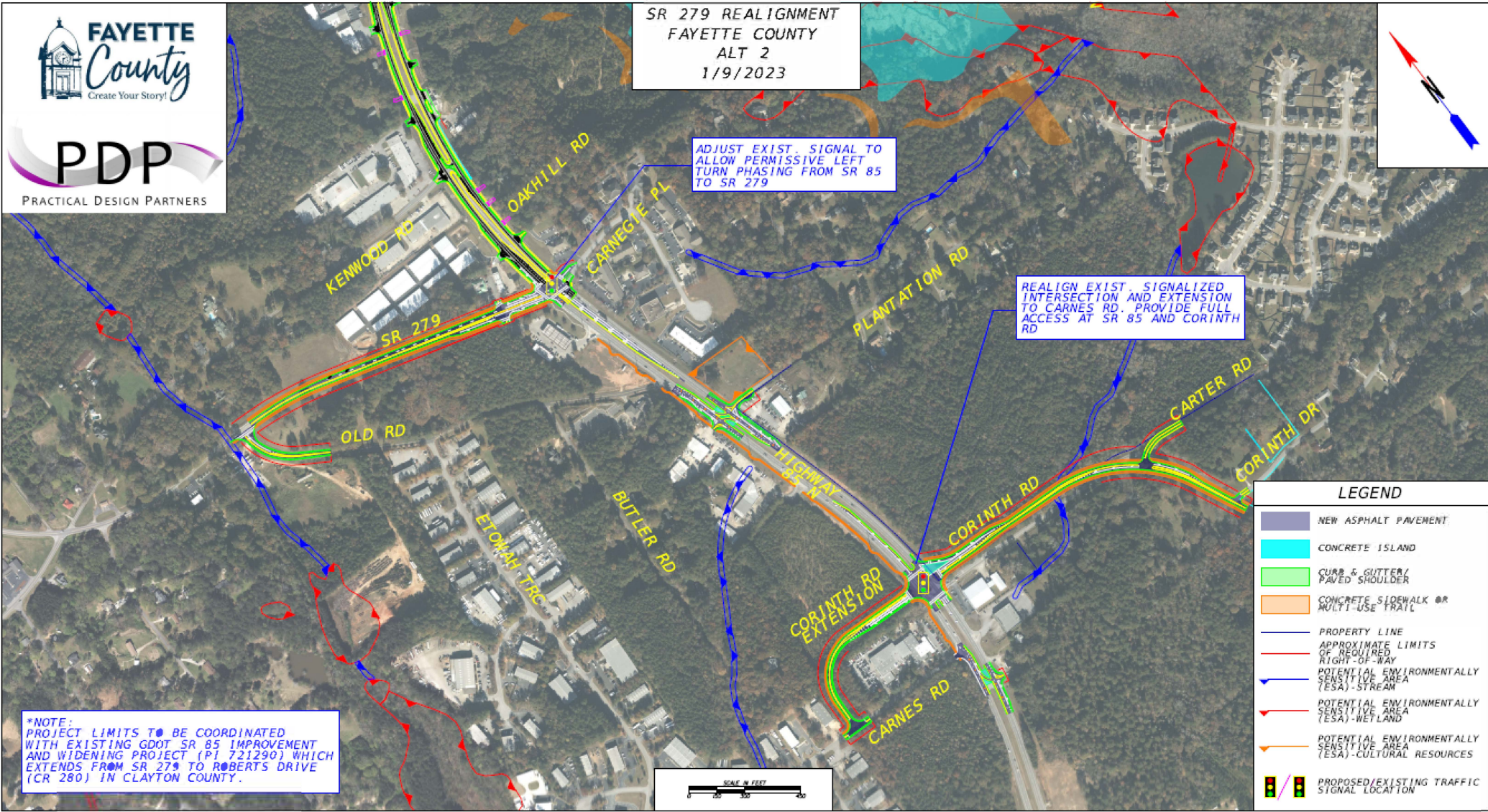
ADJUST EXIST. SIGNAL TO ALLOW PERMISSIVE LEFT TURN PHASING FROM SR 85 TO SR 279

REALIGN EXIST. SIGNALIZED INTERSECTION AND EXTENSION TO CARNES RD. PROVIDE FULL ACCESS AT SR 85 AND CORINTH RD

\*NOTE: PROJECT LIMITS TO BE COORDINATED WITH EXISTING GDOT SR 85 IMPROVEMENT AND WIDENING PROJECT (P1 721290) WHICH EXTENDS FROM SR 279 TO ROBERTS DRIVE (CR 280) IN CLAYTON COUNTY.



LEGEND	
	NEW ASPHALT PAVEMENT
	CONCRETE ISLAND
	CURB & GUTTER/ PAVED SHOULDER
	CONCRETE SIDEWALK @R MULTI-USE TRAIL
	PROPERTY LINE
	APPROXIMATE LIMITS OF REQUIRED RIGHT-OF-WAY
	POTENTIAL ENVIRONMENTALLY SENSITIVE AREA (ESA)-STREAM
	POTENTIAL ENVIRONMENTALLY SENSITIVE AREA (ESA)-WETLAND
	POTENTIAL ENVIRONMENTALLY SENSITIVE AREA (ESA)-CULTURAL RESOURCES
	PROPOSED/EXISTING TRAFFIC SIGNAL LOCATION



## Comparison of Alt 1 and 2

Operational Benefits

Safety Benefits

Multimodal Benefits

Other

- Property Impacts
- Deliverability
- Cost

# Operational Benefits

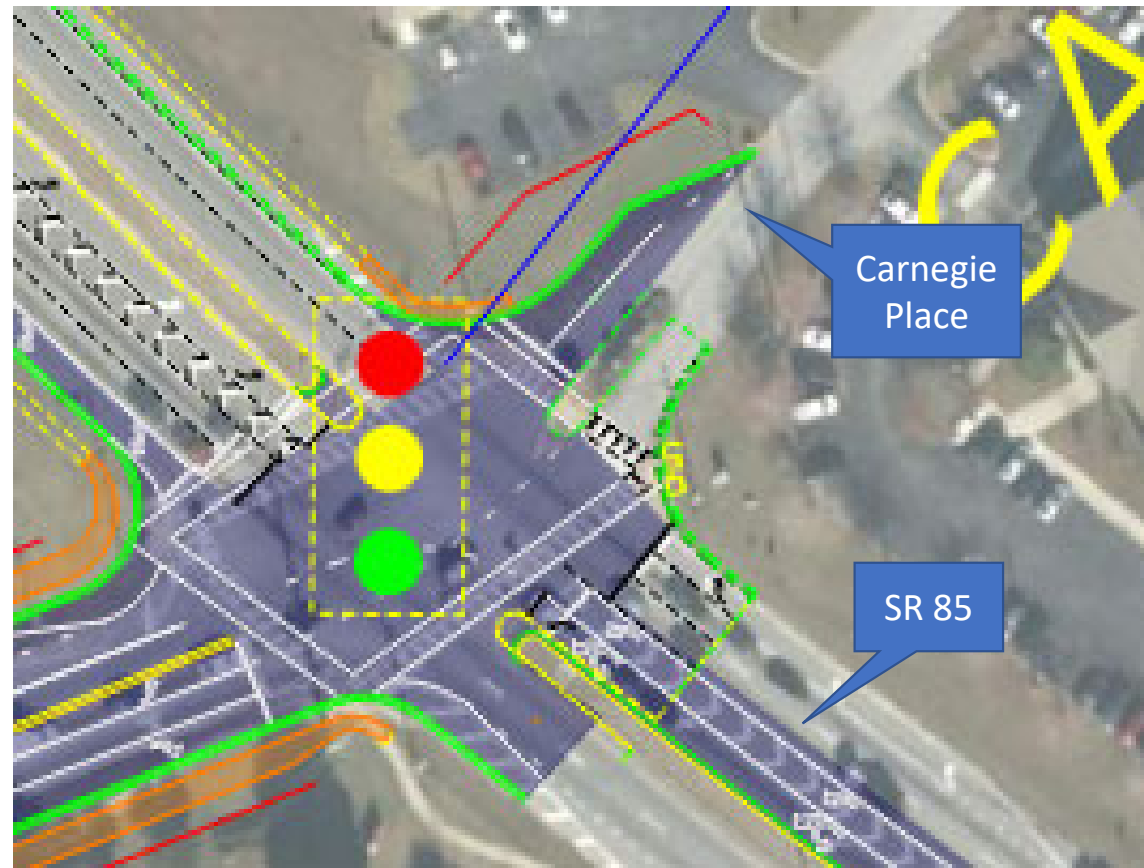
Feature / Consideration	Alt 1	Alt 2
Through movement from Corinth Road to SR 279 (no turns)	Yes	No
Improve turning radii at intersections for trucks	Yes	Yes
Add turn lanes at intersections	Yes	Yes
Adjust signal phasing	Yes	Yes
New access to Kenwood Business Park	Yes	Yes
Adequate intersection LOS through 2047	Yes	Yes

## Operational Feature/Consideration

Alternative 1	Alternative 2
YES	YES

Improves operations of the intersection of SR 85/SR 279/Carnegie Place by:

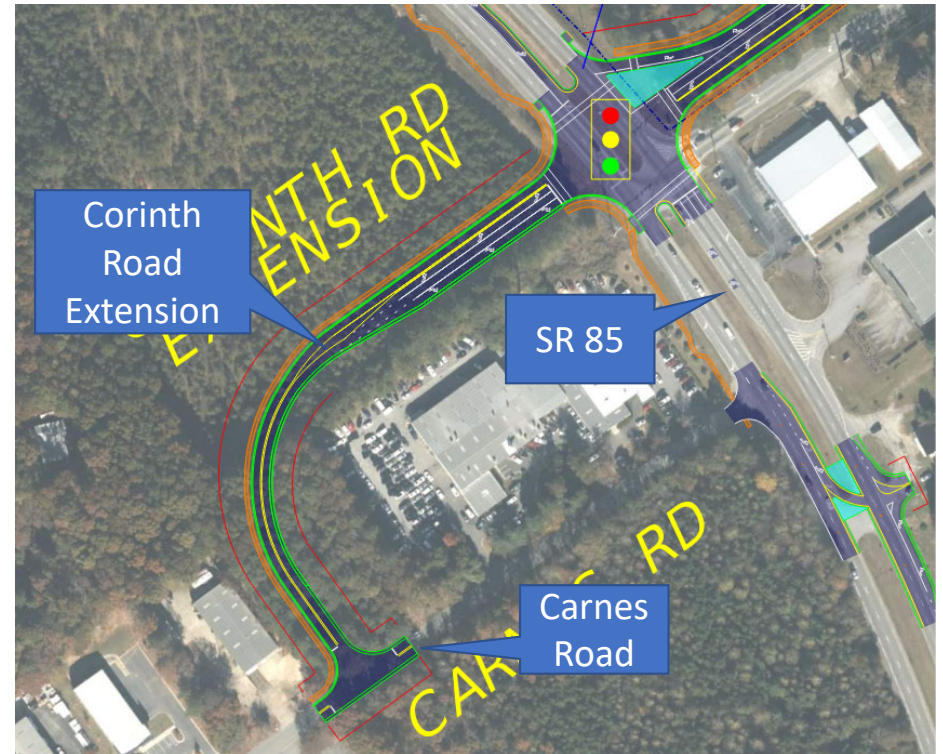
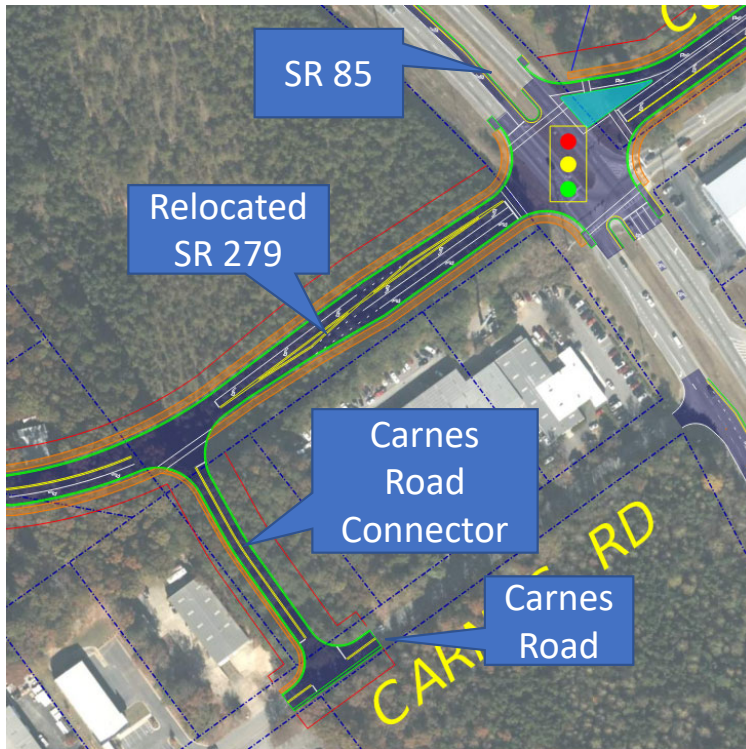
- Adding turn lane(s) from Carnegie Place onto SR 85 NB
- Adjusting the signal phasing and timing to improve insufficient signal timing and operations for drivers entering and exiting Carnegie Place



## Operational Feature/Consideration

Provides new access road from SR 85 to Kenwood Business Park

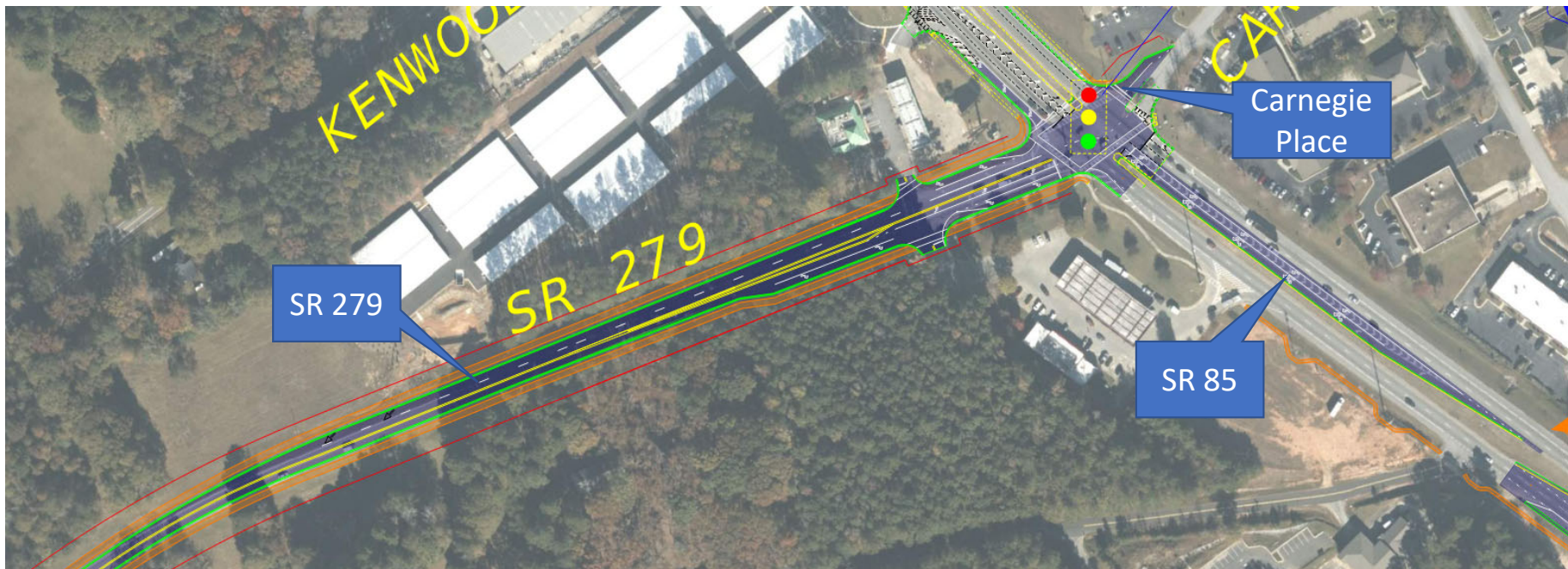
Alternative 1	Alternative 2
YES	YES



## Operational Feature/Consideration

Adds dual left turn lanes from SR 85 NB to SR 279 as well as the required dual receiving lanes. Provides additional distance than is required for the merge down to one lane prior to the intersection with SR 279 and Old Rd

Alternative 1	Alternative 2
NO	YES



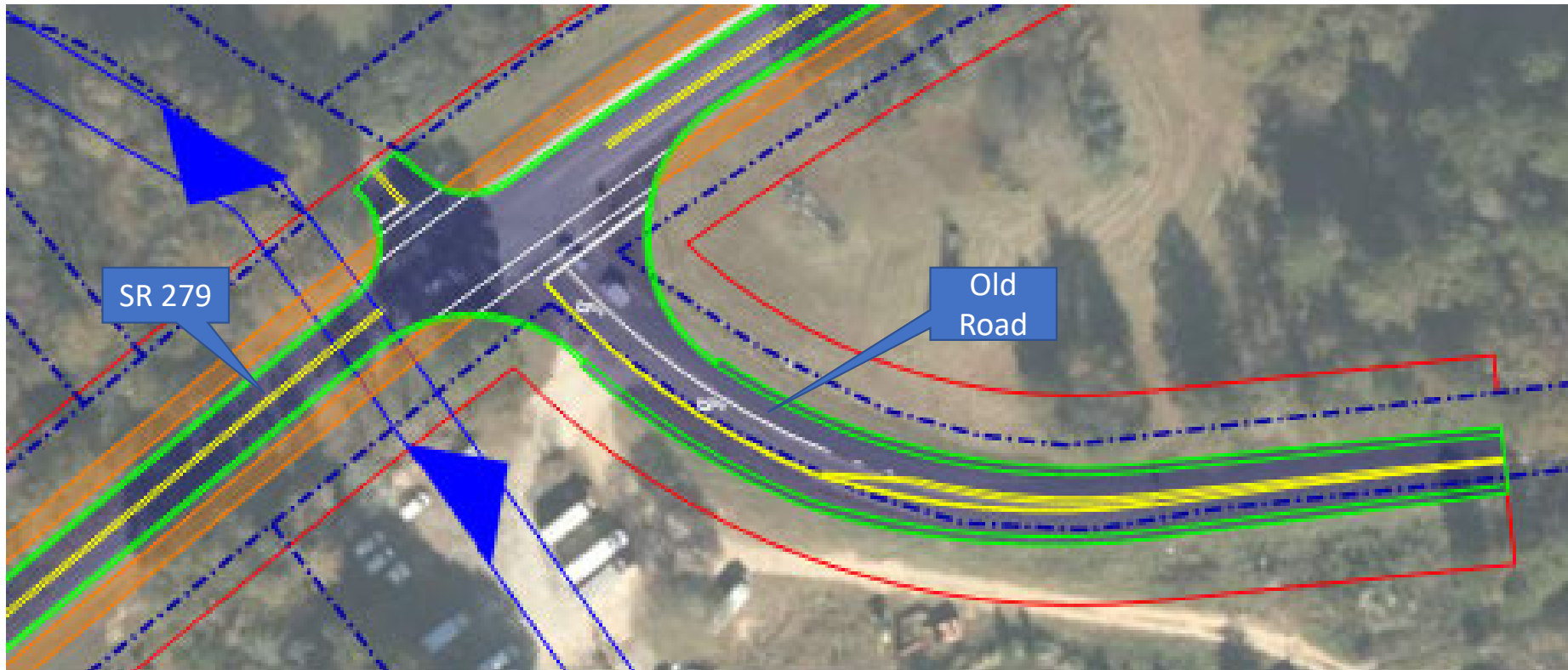


## Operational Feature/Consideration

**Alternative 1****Alternative 2**

YES

YES



Increase turning radii from Old Road to SR 279 to 75-ft to better accommodate trucks. Add left turn lane from Old Road to SR 279

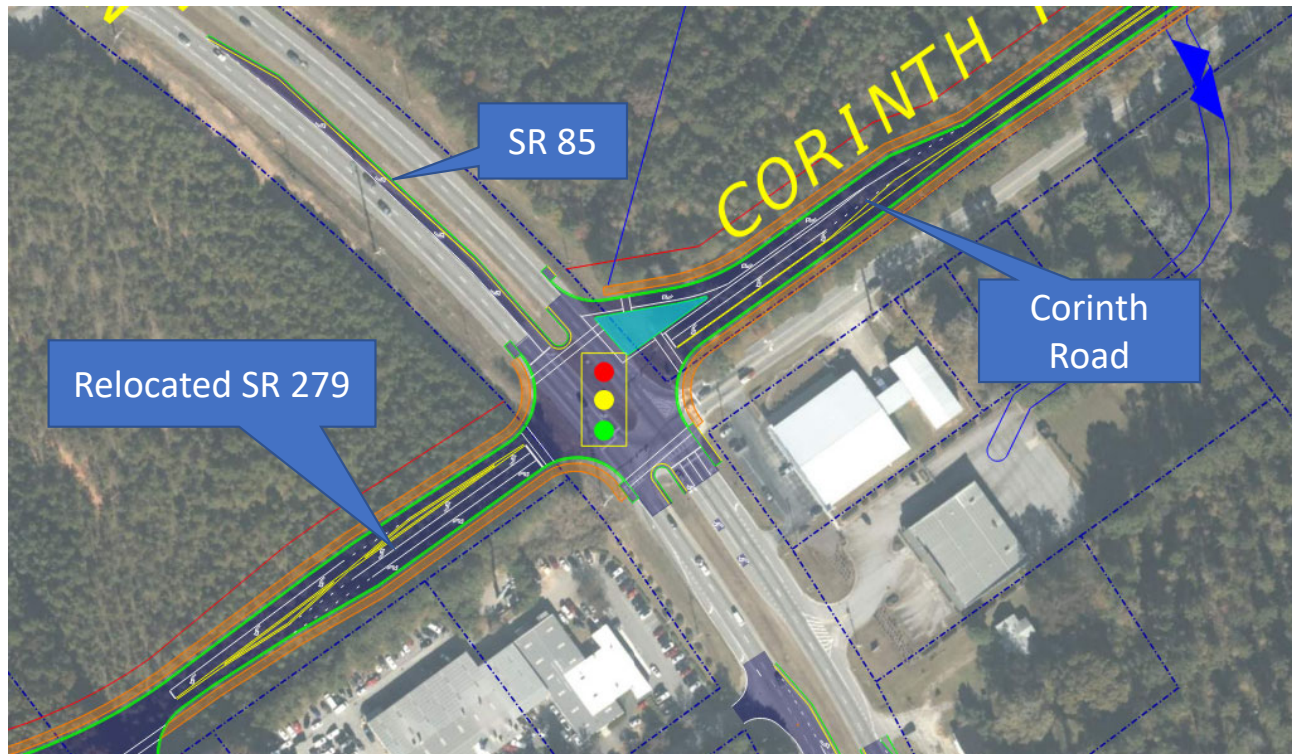
# Safety Benefits

Feature / Consideration	Alt 1	Alt 2
Reduce turns to/from SR 85	Yes	No
Fix curve along Corinth Road	Yes	Yes
Utilize RCUTS along SR 85	Yes	Yes
Provide curb & gutter sections, 45 mph speed	Yes	Yes
Add turn lanes at intersections	Yes	Yes
Eliminate Truck U-Turns – Kenwood Business Park	Yes	Yes
SR 279 @ SR 85 Signal Adjustments	Yes	Yes
SR 85 @ Corinth Road Signal Adjustments	Yes	Yes

## Safety Feature/Consideration

Align SR 279 across from Corinth Road thereby eliminating the weaving movements along SR 85 for those travelling from Corinth Road to SR 279

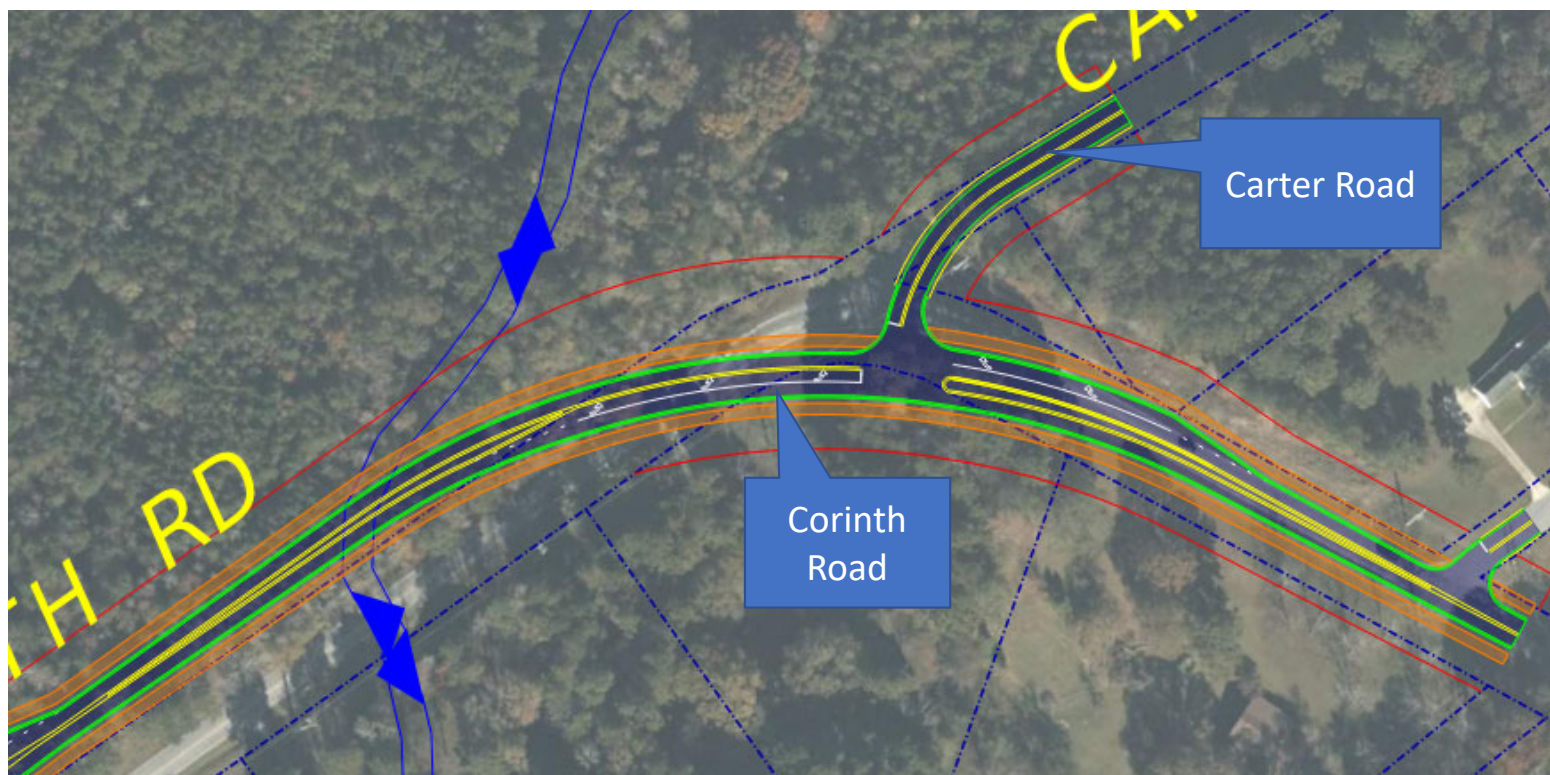
Alternative 1	Alternative 2
YES	NO



## Safety Feature/Consideration

Improve curve along Corinth Road to meet 45 mph design speed

Alternative 1	Alternative 2
YES	YES



# Multimodal Benefits

Feature / Consideration	Alt 1	Alt 2
Upgrade or addition of pedestrian crosswalks at applicable intersections	Yes	Yes
Multiuse paths across limits of project, connecting Corinth Road to SR 279 near the Kenwood area	Yes	Yes
Extends curb & gutter with sidewalks/paths along SR 85 south to Corinth Road (continuation of GDOT PI 721290 typical section)	No	Yes

# Other Considerations

## Alternative 1

- Constructs or Reconstructs 2.6 miles of roadway
- Impacts ~ 80 parcels
- Displaces at least 5 residents
- Costs more than \$15M
- Has a low level of deliverability

## Alternative 2

- Constructs or Reconstructs 1.8 miles of roadway
- Impacts ~ 22 parcels
- Displaces no residents
- Costs less than \$10M
- Has a moderate to high level of deliverability

# Recommendations

## Transportation Committee

- 2 support Alt 1
- 5 support Alt 2
- Concerns expressed on lost opportunity if Alt 1 is not pursued now
- Opinion by some that Alt 1 provides greater safety benefit

## Project Team

- Unanimously supports Alt 2
- Concerns about deliverability of Alt 1 given high environmental/property impacts
- Cost/Benefit supports Alt 2

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Request to approve a Supplemental Agreement with Georgia Department of Transportation (GDOT) to accept an additional \$587,976.80 in federal aid for the SR 279 Realignment Project - GDOT PI 0017813 (17TAD), increasing the total funding for the design (PE) phase to \$1,000,000.

**Background/History/Details:**

In 2021, the Board of Commissioners accepted a grant award for the design (PE) phase of the SR 279 Realignment Project. On December 9, 2021, the Board authorized staff to seek additional federal aid for the project through an Atlanta Regional Commission (ARC) Transportation Improvement Plan (TIP) solicitation. A contract for design services was awarded to Practical Design Partners (PDP) in March of 2022.

In late 2022, ARC and GDOT awarded an additional \$587,976.80 in federal aid for the PE phase. The local match for the award is \$146,994.20 and it increases the total funding for PE to \$1,000,000 (80% federal, 20% local).

A table showing the original contract amount, supplemental agreement No. 1 amount, and the composite amount is provided in the Supplemental Agreement provided as backup.

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

Approval of a Supplemental Agreement with Georgia Department of Transportation (GDOT) to accept an additional \$587,976.80 in federal aid for the SR 279 Realignment Project - GDOT PI 0017813 (17TAD), increasing the total funding for the design (PE) phase to \$1,000,000.

**If this item requires funding, please describe:**

The additional federal aid (grant) requires a local match of \$146,994.20. This money is available from SPLOST 17TAD.

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:**



**SUPPLEMENTAL AGREEMENT NO. 1**

**To the PROJECT FRAMEWORK  
AGREEMENT  
By And Between  
GEORGIA DEPARTMENT OF  
TRANSPORTATION  
And  
FAYETTE COUNTY**

Please indicate which Catalog of Domestic Federal Assistance Number (CFDA) applies to this agreement (Check only one):

- CFDA # 20.205 - Highway Planning and Construction Cluster**
- CFDA # 20.219 - Recreational Trails Program**

This Agreement, made and entered into this, \_\_\_\_\_ by and between the GEORGIA DEPARTMENT OF TRANSPORTATION, an agency of the State of Georgia, hereinafter called the "DEPARTMENT", and the FAYETTE COUNTY, GEORGIA, hereinafter called the "SPONSOR."

WHEREAS the DEPARTMENT and the SPONSOR heretofore entered into a Project Framework Agreement dated, May 14, 2021 for Contract ID 48400-425-PFAOPD2101143 hereinafter called the "ORIGINAL AGREEMENT", for the purpose of having the SPONSOR reimbursed federal funds for PI #0017813, (SR 279 fm CR/242/Corinth Road to SR 85 - Realignment) (A four-lane roadway with shoulder and sidewalk, measuring about 1.2 miles from beginning to end) such work hereinafter called the "PROJECT", and

NOW, THEREFORE, THE PARTIES mutually agree that for and in consideration of the mutual benefits to flow from each to the other:

1. The ORIGINAL AGREEMENT, dated May 14, 2021 shall be modified as follows: Exhibit A dated February 5, 2021 shall be deleted in its entirety and replaced the attached Exhibit A dated October 27, 2022, Project Financial Report.

2. All terms and conditions of the ORIGINAL AGREEMENT except as modified, changed or amended by the Parties, in writing, shall remain in full force and effect.

3. The WHEREAS Clauses and Exhibits hereto are a part of this Supplemental Agreement and are incorporated herein by reference.

4. The Original Agreement, as amended, constitutes the full, complete and entire understanding between Parties.

[REMAINDER OF PAGE  
INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, said parties have hereunto set their hands and affixed their seals the day and year above first written.

Georgia Department of Transportation

Fayette County, Georgia

BY: \_\_\_\_\_  
Commissioner

BY: \_\_\_\_\_  
Lee Hearn, Chairman

ATTEST:

Signed, sealed, and delivered this \_\_\_\_\_  
in the presence of:

\_\_\_\_\_  
Treasurer

\_\_\_\_\_  
Vicki Orr – Witness

\_\_\_\_\_  
Marlena Edwards – Notary Public

This Agreement approved by Fayette County,  
the \_\_\_\_\_.

Attest

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

\_\_\_\_\_  
58-6000826  
Federal Employer Identification Number:

## EXHIBIT A

### Georgia Department of Transportation Project Financial Report (PFR)

Processed Date: Oct-27-2022 12:59:51 PM

**Project:** 0017813

<b>Description:</b>	SR 279 FROM CR 242/CORINTH ROAD TO SR 85 - REALIGNMENT
<b>Project Manager Name:</b>	Mckown, April
<b>Office:</b>	Program Delivery
<b>Counties:</b>	Fayette
<b>Congressional Districts:</b>	013

**Engineer Estimates**

Activity	Original	Current	Change	% Change	Original Cost Est Date	Current Cost Est Date
No Engineered Estimates Data Available						

**Programmed Funds**

Activity	Fund Code	Activity Status	Federal Funding	AC Funding	State Funding	Local Funding	Total Funding
CST	LOC	PRECST	\$ .00	\$ .00	\$ .00	\$2,120,230.00	\$ .00
<b>CST Subtotal:</b>			<b>\$ .00</b>	<b>\$ .00</b>	<b>\$ .00</b>	<b>\$2,120,230.00</b>	<b>\$2,120,230.00</b>
PE	Z230	AUTHORIZED	(\$212,023.20)	(\$587,976.80)	\$ .00	(\$200,000.00)	(\$1,000,000.00)
<b>PE Subtotal:</b>			<b>(\$212,023.20)</b>	<b>(\$587,976.80)</b>	<b>\$ .00</b>	<b>(\$200,000.00)</b>	<b>(\$1,000,000.00)</b>
ROW	LOC	PRECST	\$ .00	\$ .00	\$ .00	\$5,490,000.00	\$ .00
<b>ROW Subtotal:</b>			<b>\$ .00</b>	<b>\$ .00</b>	<b>\$ .00</b>	<b>\$5,490,000.00</b>	<b>\$5,490,000.00</b>
UTL	LOC	PRECST	\$ .00	\$ .00	\$ .00	\$80,000.00	\$ .00
<b>UTL Subtotal:</b>			<b>\$ .00</b>	<b>\$ .00</b>	<b>\$ .00</b>	<b>\$80,000.00</b>	<b>\$80,000.00</b>
<b>TOTALS:</b>			<b>(\$212,023.20)</b>	<b>(\$587,976.80)</b>	<b>\$ .00</b>	<b>\$7,490,230.00</b>	<b>\$6,690,230.00</b>

ATTACHMENT A

**Original Contract**

Maximum Federal Participation:	\$212,023.20
Local Participation:	\$53,005.80
Original Total Agreement Amount:	\$265,029.00

**Supplemental Agreement No. 1 Amount**

Federal Supplemental Amount:	\$587,976.80
Local Participation/Match:	\$146,994.20
Total Supplemental Amount:	\$734,971.00

**Composite Amount**  
**(Original Contract Plus Supplemental Agreement No. 1)**

Revised Total Federal Amount:	\$800,000.00
Local Participation/Match:	\$200,000.00
Revised Total Agreement Amount:	\$1,000,000.00

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Request to approve Option #1; the renovation of East Fayette Elementary to provide for a new Department of Public Health building or Option #2; the reallocation of American Rescue Plan Act (ARPA) funds to Fire/EMS Training Facility, Sheriff's Tactical Training Course and \$1.5M towards renovating the existing Department of Public Health at Stonewall.

**Background/History/Details:**

At the August 25, 2022 meeting, the BOC approved the appointment of Hogan Construction Group as the Construction Manager at Risk (CMAR) Contractors for the building of a new 35,000 sq ft Public Health facility. However, due to increased costs and budget constraints, Morgan Mill Consulting and county staff investigated alternative options. Options evaluated included value-engineering proposed new building, requesting State funding, renovating vacant Fayette County Board of Education locations and reallocating American Rescue Plan Act (ARPA) funds.

Analysis yielded two remaining viable options:

Option #1: purchase East Fayette Elementary for renovation into a new Department of Public Health facility that will provide a single location for Health, Women Infants and Children (WIC) and Environmental Health Services. Benefits for such a building include better accessibility to health resources to our residents, increased staffing and resources via new State Funded positions, better workspace efficiency and expansion of basic services.

Option #2: a reallocation ARPA Funding to ARPA approved public safety projects; Fire/EMS Training Facility and Sheriff Tactical Training Course and allocate \$1.5M towards renovating the existing Department of Public Health at Stonewall.

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

Request to approve Option #1 or Option #2, as presented.

**If this item requires funding, please describe:**

Option #1 - Project funding is available through ARPA funds in CIP 205AA and General Fund Unassigned Fund Balance.

Option #2 - No additional funding required - reallocates ARPA funds.

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

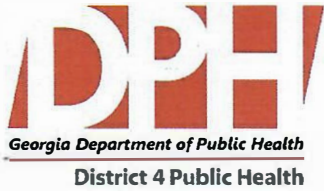
County Clerk's Approval

Administrator's Approval

**Staff Notes:**

General Fund Unassigned Fund Balance \$7,862,662.

Option #1 - Project funding is allocated over FY2023 and FY2024.



**Beverley Townsend, MD, MBA, FAAFP**  
**Interim District Health Director**  
301 Main Street, LaGrange, GA 30240  
Phone: (706) 845-4035 • www.district4health.org

January 4, 2023

Mr. Steve Rapson  
County Manager, CPA, CCO  
Fayette County  
140 Stonewall Ave. West, Suite 100  
Fayetteville, GA 30214

Dear Mr. Rapson:

We will agree to the \$450,000, split over 2 years at \$225,000 per year, for FY '23 and FY '24.

Therefore, below is the total commitment from Public Health:

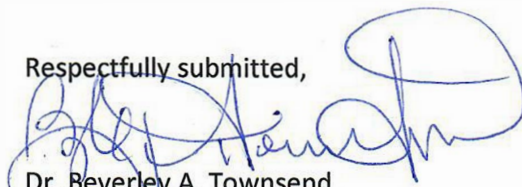
- \$2,000,000 - 10-year commitment (\$200,000 cut per year from the County for 10 years) – FY'23-FY'33
- \$1,000,000 – FY'22 contribution
- \$100,000 – FY'22 County cut
- \$883,650 – District 4 WIC Program
- \$450,000 – Additional contribution split over FY '23-FY '24
- \$4,433,650 - Total Commitment from Public Health

It is our understanding that after the 10-year commitment, the County cut will be restored.

Should we end up needing additional funds in the future, we will return to the County to request funding to balance any future budgets.

As per the Georgia Official Code §O.C.G.A.31-3-9, the governing body of the County shall provide the county board of health with quarters and equipment sufficient for its operation.

Respectfully submitted,

  
Dr. Beverley A. Townsend  
Interim District Health Director

# **FAYETTE COUNTY, GEORGIA**

## **Department of Public Health**

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# Public Health Options Evaluated

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- **Attempted to Value-Engineer Health Building CMR Proposal**
- **Attempted Seek Additional Funding from Governor's Office**
- **Evaluated FCBOE Sites for Renovation opportunity:**
  - East Fayette Elementary School
  - Fayetteville Intermediate School
- **Reallocate ARPA to Eligible ARPA County Projects**



# Public Health Options Results

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- **Unsuccessful with attempts to Value-Engineer CMR Proposal**
- **Unsuccessful with additional funding from Governor's Office**
- **Evaluated FCBOE Sites for Renovation opportunity:**
  - Fayetteville Intermediate School (Not Viable)
  - East Fayette Elementary School (Option #1)
- **Reallocate ARPA to Eligible ARPA County Projects (Option #2)**

# Option #1 Renovation East Fayette Elementary

---

<i>Area</i>	<i><sup>1</sup>Square Footage</i>	<i>Renovation</i>
Kitchen	5,500	Not Used
Gym	9,400	<sup>2</sup> Not Used
Renovation Area	48,834	Minimal
Total	63,734	Minimal

<sup>1</sup> All measurements are approximate

<sup>2</sup> Potential storage for Emergency Preparedness

# Option #1 Renovation

## East Fayette Elementary

### Potential Issues

---

#### *East Fayette Elementary*

Building structure is concrete block with bar joists - not ideal for modifying room layout and shape

Roof replacement scheduled in 2028

No sprinkler system; fire alarm situation is unknown

Bathrooms require complete renovation

Room size and layout may not be suitable for various DPH functions

# Option #1 Renovation

## East Fayette Elementary

### History – East Fayette Elementary

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#### *East Fayette Elementary*

Original buildings constructed 1955; 2 additions 1975; kitchen extension 2004  
63,734 SF Building / 14.00 Acres

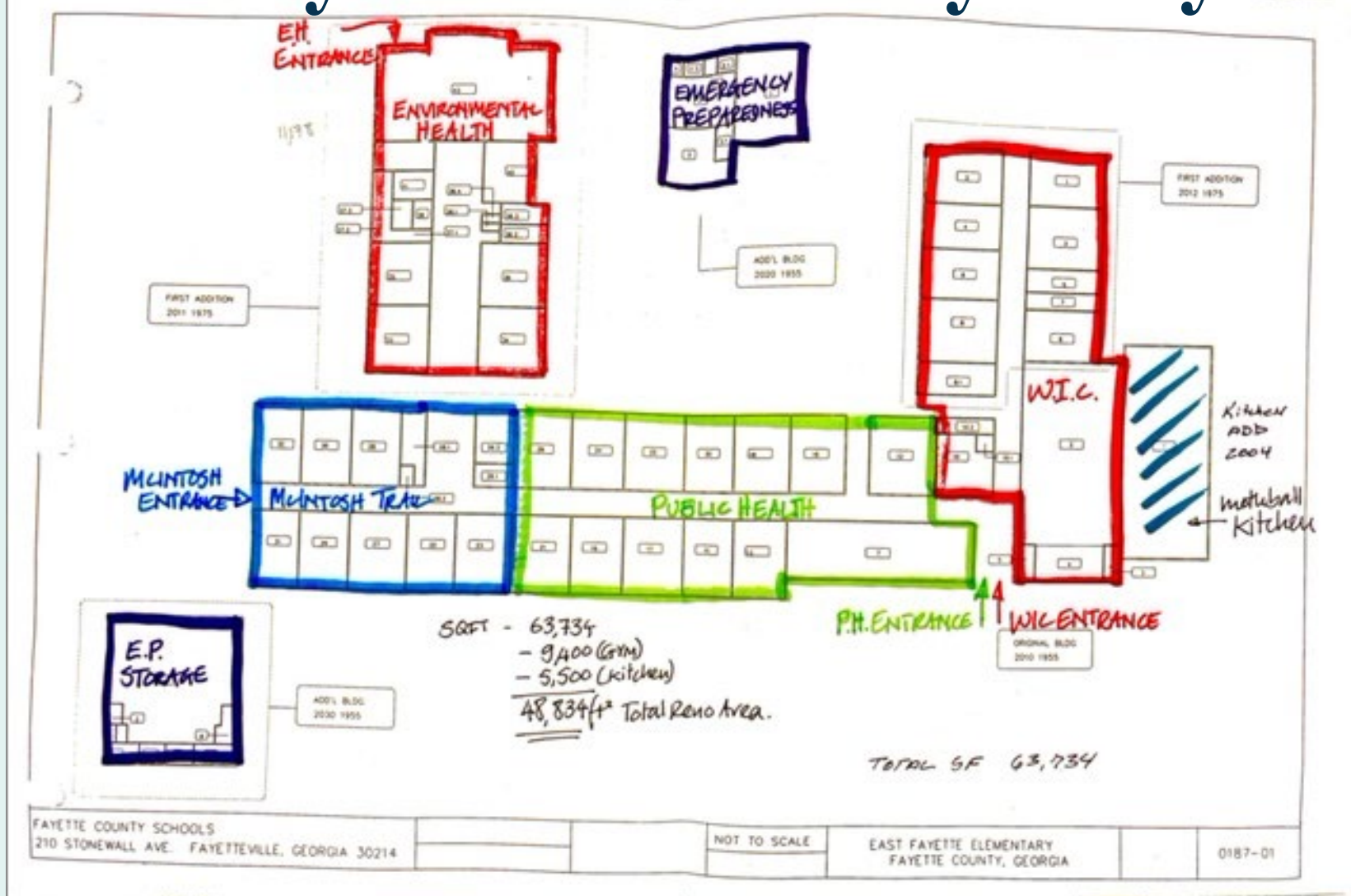
Last school year 2009; BOE uses for support departments; most rooms used to store old furniture and equipment. Some areas in need of total renovation.

Roof and HVAC 2006; with another 6-8 years of service

Building appraised in 2021 \$4.7M

# Option #1 Renovation

# East Fayette Elementary - Layout



# Option #1 Renovation

## Revenue Sources

### East Fayette Elementary

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<b>Health Revenue Sources</b>	<b>FY2023</b>	<b>FY2024</b>	<b>Combined</b>
Fayette County	2,000,000		2,000,000
Public Board of Health	1,000,000		1,000,000
American Rescue Plan Act	6,989,856		6,989,856
Woolsey ARPA	62,364		62,364
Extra ARPA	33,690		33,690
WIC Contribution	883,650		883,650
Public Board of Health	225,000	225,000	450,000
County-Shortfall	2,549,798	1,275,000	3,824,798
General Fund Land Purchase	1,397,440		1,397,440
<b>Grand Total</b>	<b>15,141,798</b>	<b>1,500,000</b>	<b>16,641,798</b>

ARPA - American Rescue Plan Act

# Option #1 Renovation Expenses

## East Fayette Elementary

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<b>Health Expenditure Uses</b>	<b>FY2023</b>	<b>FY2024</b>	<b>Combined</b>
Jefferson Architects	228,463		228,463
Morgan Mill Consulting	46,335		46,335
FCBOE Purchase	1,500,000	1,500,000	3,000,000
<b>Moderate Renovation</b>			
Building Work \$200SF	9,767,000		9,767,000
General Conditions	883,000		883,000
CMAR Fees	338,000		338,000
Design - Architect & Engineers	719,000		719,000
Project Manager	160,000		160,000
FF&E Allowance	1,500,000		1,500,000
<b>Grand Total</b>	<b>15,141,798</b>	<b>1,500,000</b>	<b>16,641,798</b>

# Option #1 Renovation By Source East Fayette Elementary

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<b>Source</b>	<b>Funding</b>	<b>Percent</b>
Fayette County	7,222,238	43.4%
ARPA Funding	7,085,910	42.6%
WIC	883,650	5.3%
Health	1,450,000	8.7%
<b>Total</b>	<b>16,641,798</b>	<b>100.0%</b>

ARPA - American Rescue Plan Act



# Option #1 Renovation General Fund Impact East Fayette Elementary

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<b>FY22 Unassigned Fund Balance</b>	<b>7,862,662</b>
Animal Control Building	1,453,950
DPH FY23 Funding	3,947,238
DPH FY24 Funding	1,275,000
<b>Option #1 Funding</b>	<b>6,676,188</b>
<b>FY24 Unassigned Fund Balance</b>	<b>1,186,474</b>

DPH – Department Public Health

# Option #2 Renovation Revenue Sources Reallocate ARPA Funding

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## Proposed ARPA Reallocation

<b>ARPA Funding</b>	<b>7,085,910</b>
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Fire/EMS Training Facility	3,585,910
Sheriff Tactical Training Course	2,000,000
DPH Stonewall Renovation	1,500,000

**Option #2 Funding** **7,085,910**

DPH – Department Public Health

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of the "Master Terms and Conditions of Engagement", from law firm Freeman, Mathis & Gary, LLP, to set forth a clear, mutual understanding of the services provided and the scope, terms and conditions under which those services are to be performed.

**Background/History/Details:**

The County currently utilize the firm of Freeman, Mathis & Gary, LLP, for several cases of pending litigation. An executed agreement is required to support this relationship.

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

Approval of the "Master Terms and Conditions of Engagement", from law firm Freeman, Mathis & Gary, LLP, to set forth a clear, mutual understanding of the services provided and the scope, terms and conditions under which those services are to be performed.

**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:**



Freeman  
Mathis & Gary LLP

100 Galleria Parkway  
Suite 1600  
Atlanta, GA 30339-5948

Tel: 770.818.0000

[www.fmglaw.com](http://www.fmglaw.com)

Dana K. Maine

D: 770-818-1408

C: 404-786-5459

[dmaine@fmglaw.com](mailto:dmaine@fmglaw.com)

November 29, 2022

Via U.S. Mail

Dennis A. Davenport, Esq.  
Fayette County Attorney  
MCNALLY, FOX, GRANT & DAVENPORT, P.C.  
100 Habersham Drive  
Fayetteville, Georgia 30214

**Re: Fayette County, GA - Master Terms and Conditions of Engagement**

Dear Dennis:

On behalf of Freeman Mathis & Gary, LLP ("Firm"), we appreciate the opportunity to represent Fayette County ("County") with respect to providing on-going legal advice and in specific litigation matters assigned to us by the County Attorney or the County's Insurance Provider ("Insurer").

Please excuse the formality of this letter and the accompanying Master Terms and Conditions of Engagement which are incorporated herein (collectively the "Engagement"). The purpose of this Engagement is important to set forth a clear, mutual understanding of the services we will provide and the scope, terms and conditions under which those services are to be performed.

**Scope and Limitation of Legal Services:** The County is entering into this Engagement to retain the Firm to provide ongoing, general legal services solely related to the representative of the County to provide general legal advice as requested by the County Attorney or Authorized Official of the County and also in defense or prosecution of assigned lawsuits which may be for the County, the County's officials, the County's employees or others to whom they provide a defense (hereinafter and heretofore "Services").

With respect to individual assignments for which the Firm will represent the County, the Firm will send the County an engagement letter confirming the engagement for each particular matter. While these individual engagement letters will not require a signature from the County, the County acknowledges this master agreement applies to all such matters.

We assume no greater right or obligation, and assume no responsibility to any person or entity, or any claim, lawsuit, or proceeding other than the Services described, unless the Firm is expressly authorized to do so by the County with such Services expressly defined in writing. The Firm will only act on behalf of the County as a legal entity. We will not act on behalf of any of its elected officials or employees, unless the Firm is specifically authorized or directed to in writing by the County Attorney, an Authorized Official of the County, or the County's Insurer, or if such individuals or entities retain our legal services, with the



Freeman  
Mathis & Gary, LLP

Dennis A. Davenport, Esq.  
November 29, 2022  
Page 2

appropriate consent, with each such party or person also required to execute an Engagement before it becomes valid.

**Fees and Billing:** The rates charged for any matter covered by an Insurer of the County shall be governed by the terms of any rate agreement or guidelines between the Firm and the Insurer. Should the County engage the Firm on any matter for which insurance is not applicable, the County and the Firm will negotiate and agree upon hourly rates for the work to be performed.

**Effective Date:** The effective date of this Engagement and its terms and conditions set forth herein will be the latest date of signing by the County Attorney or Authorized Official of the County and its terms shall be retroactive to the date the Firm first performed services for the County which are the subject of this Engagement.

Please confirm this Engagement accurately describes our mutual understanding by signing below and returning a signed copy. We look forward to working with the County and being of service.

Best regards.

Very truly yours,

**FREEMAN MATHIS & GARY, LLP**

Dana K. Maine

DKM/pmt  
cc: Sun S. Choy  
19909133

The undersigned confirms the terms of this Agreement and agrees to be bound thereby:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

## **Master Terms and Conditions of Engagement**

Except as modified by the accompanying or any subsequent Engagement letter, the following provision will apply to Services and any subsequent representation of the County or its officials, employees or others to whom they provide a defense including in any litigation or dispute of any kind. Collectively the Engagement letter and these Master Terms and Conditions of Engagement are referred to collectively as "Engagement".

**Preserving Confidences:** By executing this Engagement, the County has approved the use of internet e-mail communication, without encryption, for our communications with the County and other persons, parties, legal counsel, and other involved individuals and entities in carrying out our legal services. Due to their inherent nature, email communications, cell phone and other wireless communications may be vulnerable to interception by unauthorized parties during transmission. The Firm cannot guarantee the confidentiality of any information sent by email, cell phone or other wireless transmission, or that any such transmission would be considered "attorney-client" privileged. If the County does not wish the Firm to communicate by email, or by cell phone or other wireless transmissions regarding your Services, please notify the Firm in writing. In the absence of such notification, you consent that the Firm will not take any additional security measures, including, but not limited to, encryption. Although the Firm subscribes to and uses virus protection software that it believes to be reliable, the Firm cannot warrant that any emails from the Firm or attachments thereto are free from any virus. The Firm recommends that the County independently take steps to ensure that transmissions are actually virus-free.

**Possible Additional Payments:** There may be theories of liability asserted against the County that entitle the other party to attorneys' fees, costs, penalties, or liquidated damages. Such amounts are solely the County's responsibility and are not the responsibility or obligation of the Firm.

**Fees and Billing:** The County's acceptance of our representation acknowledges its obligation to timely pay our fees and expenses. Firm time will be accounted for in tenths of an hour, and fees are calculated by applying hourly rates assigned to the Firm attorneys and other staff. Rates may also be subject to court approval pursuant to applicable statutory restrictions. The Firm may, from time to time and in its sole discretion, utilize contract, outsource, and/or temporary service providers in connection with performing certain of the tasks to be rendered in connection with this engagement at the rates listed below. Fee and expenses will be billed monthly and are due upon receipt. The invoices provided to the County will reflect all the Firm personnel who have billed time related to the representation of the County and their rates.

We also may use outside vendors in meeting our legal service obligations, the direct costs of which will be either separately payable by the County at the time of the receipt of vendor's invoice or included on our invoice(s). The County is also obligated to pay for costs we incur or advance on your behalf, including amounts for filing fees, postage and copying expenses, required travel, and other reasonable and necessary costs (other than routine administrative costs not directly incurred in response to the Services provided). The County agrees not to inform others of the Firm's rates being charged. The Firm will have a lien for the Firm's fees and advanced expenses with respect to our Services and on all proceeds of any recovery obtained whether by settlement, arbitration award, or court judgment or on any property obtained, including by patent, trademark, copyright, rescission, specific performance or other means. This generally means that the Firm has an ownership interest in any recovery by the County to the extent of the Firm's unpaid fees and expenses. The County acknowledges that you are aware of the right to seek the advice of independent counsel as to this provision and has been provided a reasonable opportunity to do so.

Clients sometimes ask us to estimate future fees and other charges. Any estimate we may provide in connection with our Services will be based on our professional judgment and the circumstance as they appear at the time. As such, any estimate is subject to the understanding that, unless agreed otherwise in writing, it does not represent a maximum, minimum, or fixed fee quotation. The ultimate fee and charge are frequently more or less than the amount estimated.

**E-Discovery:** The costs of document processing, imaging, production, and storage greatly impact the expense of conducting discovery and other facets of document-intensive cases. To ensure that the Firm's clients have access to high-quality document management services at a reasonable price, the Firm has capabilities through both in-house resources and one or more third-party partnerships that allow it to deliver these services to its clients at a price below what can be negotiated with eDiscovery vendors generally in the marketplace. These services are independent of the Firm's legal fees billed on an hourly basis and will be reflected as expense items on our invoices. Unless the County

informs us otherwise in writing, the Firm will use these eDiscovery services when needed in the course of representing the County and will bill for those services as follows: 1) Data sets up to 250 GB may be processed and hosted in Epiq Discovery for \$8 per GB per month; for cases over 250 GB, data may be processed in Relativity for \$25 per GB per month, then hosted for \$7 per GB per month; and 3) eDiscovery management services, including but not limited to culling, filtering, deduplication, analytics, OCR, file conversion and/or extraction, quality assurance and control, creation, export or delivery of a document production set, metadata redaction and image branding, by eDiscovery Managers: \$150 per hour.

**Insurance Coverage/Indemnity Providers:** The County should determine if there may be insurance companies or other responsible entities or persons who may have coverage or an obligation for indemnity for any claims asserted against it or damages sought against it in any case or controversy. In the event it has notice of a potential claim, please provide in writing a copy of the claim directly to the County's insurance broker and any insurance companies with whom the County has or had policies. These insurance providers could include any carrier providing (without limitation) umbrella insurance, professional liability insurance, directors and officers insurance, errors and omissions insurance, or homeowners insurance. The County agrees it will solely be responsible for tendering the defense of any claim or request for indemnification to any insurers or other persons or entities who may owe the County a defense or indemnification

**Dispute Resolution:** In the event of any dispute relating to this Agreement, the relationship between the Firm and the County, the services performed (including but not limited to disputes regarding the Firm's fees or expenses, claims of negligence, breach of fiduciary duty or contract, fraud or any claims based upon a written law) or any other dispute between the Firm and the County (including disputes concerning any agents, partners, employees, officers, insurers, related entities, or persons of either the County or the Firm), both the Firm and the County agree to final and binding arbitration, including any issue relating to the scope or proper interpretation of this arbitration obligation.

Before filing a petition or request for arbitration, the party initiating the claim shall affirmatively seek in good faith to meet and confer for thirty (30) days before a petition or request for arbitration is filed. The opposing party shall also meet and confer in good faith, with each party agreeing to promptly respond to the other party's communications.

If the dispute is not resolved through this meet and confer process, either party may initiate the arbitration process by filing an initiating document with Henning Mediation & Arbitration Services, Inc. ("Henning") ([www.henningmediation.com](http://www.henningmediation.com); 800-843-6050), or such arbitration service as the Firm may reasonably decide upon should it be determined that Henning Mediation is no longer an active mediation service or cannot perform its arbitration function for any reason. Unless the law of the jurisdiction in which we will be providing local services requires that the arbitration be conducted in that state, the arbitration will be conducted in Atlanta, Georgia. Otherwise, the arbitration shall take place in the city of the Firm's office indicated at the end of this Agreement.

The Firm and the County agree to share equally in the cost of the arbitration, except that each side is responsible for its own attorney's fees and costs, unless the Arbitrator determines that a claim or defense was put forward in bad faith or in a frivolous manner, resulting in a reallocation of fees or costs as the Arbitrator may reasonably decide.

Unless this provision is prohibited by applicable law, the County expressly represents that in any dispute or arbitration proceeding, the County can and will only seek to represent and advance the County's own interests; the County shall be prohibited from seeking to assert a claim on behalf of any other party or person, either on a multi-party, representative, or class action basis; and in no event shall the County be entitled to seek punitive or exemplary damages, or consequential or remote damages, in the absence of proof of knowing and intentional misconduct expressly approved or ratified by the Firm.

It is important that the County makes an informed decision about the implications of arbitration and that the County understands the advantages and disadvantages of forgoing a judicial forum and proceeding with arbitration if a dispute arises. The County agrees that this dispute resolution process is not required by law, regulation, or ethical standard, but is an important provision to the Firm that is required in its client relationships. By then entering into this binding arbitration provision:

- The County and the Firm are waiving the right to submit the dispute to a judge or jury, although the County and the Firm both retain the right to seek immediate injunctive or declaratory relief, including relief by ex parte expedited proceedings, in the case of breaches of confidence or violations of law or equity that require immediate judicial intervention in the protection of either, or both, parties' protected privacy, safety, or ethical rights or interests;
- Pre-arbitration discovery is generally more limited, and different from, the discovery allowed in court proceedings, and the County and the Firm jointly request that the Arbitrator affirmatively prohibit discovery unless it is deemed actually necessary to the preparation of a party's case, in conformity with principles of due process, with the Arbitrator still directed to impose reasonable time, manner, and location limitations in order to expedite the discovery and overall resolution of the dispute;
- The Arbitrator's award is not required to include factual findings or legal reasonings, and it may contain factual or legal errors that cannot be reviewed on appeal or through separate legal challenge;
- This Agreement shall be governed by the Federal Arbitration Act, 9 U.S.C. § 1, et seq. ("FAA");
- The Arbitrator is entitled to grant any remedy that an administrative agency, court, or jury would be entitled to issue, except for those damages or limitations noted above; and
- Judgment on any arbitration award may be entered in any court having jurisdiction, and the parties consent to the jurisdiction of the state or federal district court for the purpose of entry of the Judgment and any requirements contained therein.

By signing this Agreement, the County warrants that it has received sufficient information regarding the arbitration process and have had the opportunity to seek any advice from the below FMG Attorney and to receive the advice of independent counsel in reviewing the Agreement and its arbitration provision, allowing the County to make an informed decision with respect to forgoing a judicial forum. In addition to the information about arbitration provided above, the rules and regulations for arbitrations conducted by Henning are available for review on their website at [www.henningmediation.com](http://www.henningmediation.com). If you have any questions, you may contact the above-signed attorney or consult your own independent counsel.

Notwithstanding the foregoing, if a dispute arises between the Firm and the County regarding the Firm's fees or expenses under this Agreement, either party has the right to elect the binding arbitration provisions of any local law or State Bar-sponsored program intended to provide an expedited procedure to resolve such disputes. If the parties do not proceed under the State Bar fee arbitration procedures, any dispute over the Firm's fees or expenses will be resolved by binding arbitration pursuant to the process described above in this section. Further, and notwithstanding anything to foregoing, the Firm will be considered to be the prevailing party if any amount of claimed fees or expenses is awarded to it. The prevailing party in any action to recover the Firm's fees or expenses will be awarded attorney's fees and costs incurred in a collection proceeding. This sum will include the value of the time spent by the Firm's own attorneys and other professionals to prosecute or defend such a proceeding, with fees calculated at the rate charged to the County in the matter(s) at issue.

**Advance Waiver of Conflict:** The Firm represents numerous companies, governments and individuals, in many different types of claims, in many different jurisdictions, and in many different professional contexts.

To the fullest extent allowed by the law and rules of professional conduct governing the jurisdiction(s) in which we will be providing Services to the County, the County agrees that the Firm's representation of it or its affiliates pursuant to this Engagement and in other matters will not prevent or disqualify the Firm from representing other companies, governments, or others who may be adverse to the County or its affiliates, even in litigation, as long as the matters the Firm is handling adverse to the County or its affiliates are not substantially related to the Matter we are handling for it. To this end, the County understands and agrees that, except with regard to substantially related matters, the Firm is free to represent other persons, governments and entities whose interests may conflict with its interests or the interests of its affiliates in litigation, business transactions, and other legal matters.

The express purpose of these provisions is to allow the Firm, to the fullest extent permissible under the law, to engage with other entities and individuals, and provide them with legal services, unless the Firm has gained confidential information that could materially impair the Services provided or that could materially impair the County's ability to



assert a claim or defense against another party or person in another pending or future matter. The County agrees to execute any additional waiver that may be required by the circumstances.

**Firm General Counsel:** The Firm has internal General Counsel, who serve as the legal counsel to the Firm and its partners and employees. This is a separate, confidential relationship.

During the course of our providing of legal services under this Engagement, our professionals and/or staff members may seek the legal opinion or guidance of our General Counsel regarding our professional, legal, contractual, or ethical duties or obligations relating in some manner to our legal services relating to the Services provided. As a condition of this Engagement, the County agrees to waive any conflict of interest that might be viewed to arise out of any such consultations. The County further agrees that consultations by the Firm with its General Counsel or other lawyers regarding such matters are confidential and protected from disclosure to the County by the Firm's attorney-client privilege, and that the County will not seek to discover or inquire into them and shall not be entitled to access to same either during the course of the engagement or thereafter should a dispute between the County and the Firm ever arise. All of our communications with our General Counsel are privileged and not subject to disclosure to the County absent a court order. Nothing in the foregoing shall otherwise affect the Firm's obligation to keep the County informed of material developments in the course of the representation.

**Document Preservation and Disclosure:** We also want to emphasize the necessity of preserving any documents in the County's possession that may be relevant in any claim where the County reasonably anticipates litigation. This duty may require the County to suspend any regular document or data destruction policy the County would otherwise follow. The obligation of document preservation may include written and electronic correspondence pertaining to any of the parties or witnesses. Any questions or concerns the County might have regarding this obligation should be immediately addressed with the Firm and it is imperative that the County immediately follows our guidance on these issues. Attached hereto is a more detailed memorandum regarding the County's obligations.

**Withdrawal or Discharge:** The Firm may withdraw from our representation of the County at any time, for any permissible reason (or no reason at all), in the manner permitted or provided by the law or rule of professional conduct governing the location in which we are providing legal services. If the County does not voluntarily agree to allow for the withdrawal, the Firm may seek an *ex parte* expedited court order confirming our right to withdraw.

The County may discharge the Firm at any time, for any reason. If the Firm is the County's attorney of record in any proceeding, the County agrees and covenants it will execute and return a substitution-of-attorney form executed immediately on its receipt from the Firm. The County will remain obligated to pay the Firm's fees per this Engagement for all services provided and to reimburse the Firm for all expenses incurred or advanced by the Firm before the discharge or withdrawal, incurred in effectuating the discharge or withdrawal, and as necessary to protect the County's interests.

**End of Matter:** When the firm completes its services under this matter, or sends the County a Final Invoice, whichever occurs first, the attorney-client relationship between the County and the Firm will be deemed to have ended. If the County later retains the Firm to perform further or additional services described in this Engagement, the Firm's attorney-client relationship will be revived subject to this Engagement (unless and to the extent otherwise agreed in writing) and on the continuing understanding and Engagement that it will not preclude the Firm from accepting any other engagement from any other client.

**Post-Matter Retention of File Materials:** During the course of our representation, we will generate and maintain certain electronic and hard copy documents and materials regarding our Services. At the conclusion of our representation, we will typically provide the County with any relevant closing documents (i.e., dismissals, settlement documents, etc.), thereafter closing our file.

Unless a law or regulation requires a longer required period, we agree only to maintain Service-related materials for three (3) years after the date the Services end. After that time, we will destroy the file if kept internally or electronically or authorize any storage facility where the file is stored to destroy the file. If the County wishes to have the original or a copy of its your materials provided to it, the County must pay in advance the costs of providing you with the materials. If the County requests the original materials, we reserve the right to maintain a copy of the file materials, at our expense.

**Errors and Omissions Insurance:** Our Firm currently has a claims-made errors and omissions insurance policy. A declaration of coverage is available upon request.

**Non-Assignability:** The County is prohibited from assigning, encumbering, selling, or otherwise transferring any right or benefit under this Engagement, or that is derivative of any right, benefit, or obligation created by this Engagement, to any other party or person. This includes, but is in no manner limited to, claims for professional negligence, breach of contract or breach of any duties owed to the County. Any such attempted assignment or transfer is void and a legal nullity.

**Applicable Law:** Except as otherwise provided, to the fullest extent allowed by any applicable law, this Engagement shall be construed and interpreted under the law of the State of Georgia.

**Entire Engagement:** This Engagement contains the entire Engagement between the County and the Firm. If any provision of this Engagement is held by a court, arbitrator, or other tribunal of competent jurisdiction, in whole or in part, to be unenforceable for any reason, the remainder of this Engagement shall be severed and remain fully enforceable. Furthermore, if any claimed offending provision can be modified or reformed to comply with any applicable governing law, regulation or ethical rule, particularly if any such provision was changed or modified after the date of this Engagement, the court or arbitrator is jointly directed by the parties to reform or modify this Engagement so that the provision will then comply with all legal obligations, at which time it will then again be automatically reincorporated into this Engagement.

No other Engagement, statement, understanding, or promise has been made by the parties that is not fully incorporated into this Engagement, or superseded by this Engagement. This Engagement may be modified only by a subsequent jointly executed written Engagement by the parties (and that, for the Firm, has been signed by the Firm's Managing Partner), with no subsequent oral statements, actions or inaction, or failure to earlier enforce any term or condition serving as a basis to argue that this Engagement has been modified

Administrator's Report: A



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

To: Steve Rapson

From: Ted L. Burgess *TLB*

Date: December 6, 2022

Subject: Contract #1867-P: Water System Engineer of Record  
 Task Order #22-12: South Fayette Clearwell Leak Investigation & Roof Assessment  
 Change Order #1: Clearwell Inspection & Repair

The three mega-gallon clearwell at the South Fayette Water Treatment Plant is in need of repair. Since this clearwell provides approximately 20% of the storage capacity for the county, the work must be done without taking it off-line.

On May 9, 2022 the county awarded Arcadis U.S., Inc. (the current Water System Engineer of Record) Contract #1867-P, Task Order #22-12. The task order authorized Arcadis to evaluate the source of leakage from the clearwell.

Change Order #1 will authorize Arcadis to perform clearwell inspection and repair, through subcontract with SE Diving Services, LLC. The scope of work includes the following tasks:

Mobilization	\$3,900.00
Cut openings for 3 clearwell hatches	<u>22,920.00</u>
Install 3 hatches	<u>13,500.00</u>
Install 3 ladders	<u>10,500.00</u>
Clean & inspect the clearwell	<u>28,500.00</u>
Leak detection & abatement	<u>4,500.00</u>
Repair roof expansion joints	<u>3,800.00</u>
Project management services	<u>2,188.00</u>
Total	<u>\$89,808.00</u>

*50,820 Safety Concern*


A Contractor Performance Evaluation is attached for work previously done by SE Diving Services.

Specifics of the proposed contract are as follows:

<b>Contract Name</b>	#1867-P: Water System Engineer of Record	
<b>Task Order Number</b>	#22-12: South Fayette Clearwell Leak Investigation & Roof Assessment	
<b>Change Order Number</b>	#1: Clearwell Inspection & Repair	
<b>Contractor</b>	Arcadis U.S., Inc.	
<b>Task Order Amount:</b>		
Original Amount	\$29,818.00	<i>Assessment - Rain Repair</i>
<b>Change Order #1</b>	<b><u>89,808.00</u></b>	<i>Baffling crested safety inve. with 3M Storage tank</i>
Total Task Order	\$119,626.00	
<b>Budget:</b>		
Fund	507	Water CIP
Org Code	507	Water CIP
Object	542540	Water CIP
Project	22WSB	3 MG Clearwell Imp. - South Fayette
Available	\$120,182.00	As of 12/6/2022

Approved by: 

Date: 12/6/22

<b>FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION</b>					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.					
<b>VENDOR INFORMATION</b>			<b>COMPLETE ALL APPLICABLE INFORMATION</b>		
Company Name: SE Diving Services, LLC			Contract Number: none		
Mailing Address: 126 N. Washington Ave.			Contract Description or Title: Intake Structure Sluice Gates – Lake Kedron		
City, St, Zip Code: Greenville, SC 29611			Contract Term (Dates) From: October 2022		
Phone Number: 864-220-3481			Task Order Number: n/a		
Cell Number: Bill Gilstrap 864-380-8423			Other Reference:		
E-Mail Address: sedivingllc@gmail.com					
<b>DEFINITIONS</b>					
<b>OUTSTANDING</b> – 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.					
<b>EXCELLENT (Exc)</b> - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.					
<b>SATISFACTORY (Sat)</b> - Vendor met minimum contractual requirements or performance expectations of the products/services.					
<b>UNSATISFACTORY (UnSat)</b> - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements					
<b>EVALUATIONS (Place "X" in appropriate box for each criterion.)</b>					
Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule			X		
2. Condition of delivered products			X		
3. Quality of work			X		
4. Adherence to specifications or scope of work		X			
5. Timely, appropriate, & satisfactory problem or complaint resolution					X
6. Timeliness and accuracy of invoicing		X			
7. Working relationship / interfacing with county staff and citizens		X			
8. Service Call (On-Call) response time					X
9. Adherence to contract budget and schedule			X		
10. Other (specify):					X
11. Overall evaluation of contractor performance			X		
<b>EVALUATED BY</b>					
Signature: 			Date of Evaluation: 11/4/2022		
Print Name: Benjamin Martin			Department/Division: Water System		
Title: Field Operations Specialist			Telephone No: 770-320-6020		