

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

June 22, 2023
5:00 p.m.

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

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

PROCLAMATION/RECOGNITION:

1. Recognition of the Fayette County State Court Summer Interns. (page 3)

PUBLIC HEARING:

2. Second of two Public Hearings on Fayette County's proposed annual budget for Fiscal Year 2024 which begins on July 1, 2023 and ends June 30, 2024 and to approve Resolution 2023-05 to adopt the Fiscal Year 2024 Annual Budget. (pages 4-12)
3. Consideration of Ordinance 2023-02 to amend Chapter 110. ZONING; Article I. – In General; Section 110-3. - Definitions. This item was tabled at the May 25, 2023 meeting. (pages 13-34)
4. Consideration of Ordinance 2023-04 to amend Chapter 110. - Zoning Ordinance; Article I. - In General; Sec.110-3. - Definitions. Drug abuse treatment facility. (pages 35-53)
5. Consideration of Ordinance 2023-05 to amend Chapter 110. – Zoning Ordinance; Article VII. - Zoning Board of Appeals; Sec. 110-241. - Public hearing.; Article IX. - Policies, Procedures and Standards Governing Amendments; Sec. 110-292. - Public hearings.; Sec.110-295 - Appeal. (pages 54-61)

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:

6. Approval of the June 8, 2023 Board of Commissioners Meeting Minutes. (pages 62-68)

OLD BUSINESS:

NEW BUSINESS:

7. Request to renew Contract #2077-B; Water System Chemicals, for Brenntag Mid-South, Inc., Chemtrade Chemicals US LLC, and Southern States Chemical for a total not-to-exceed amount of \$460,012.00. (pages 69-79)

ADMINISTRATOR'S REPORTS:

A: Contract #1867-P: Water System Engineer of Record Task Order 23-08: SCADA Project Management & Alum Upgrade (pages 80-87)

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 the Fayette County State Court Summer Interns.

Background/History/Details:

State Court Judge Jason Thompson would like to recognize and thank the 2022-2023 interns who worked in Fayette County's State Court. Judge Thompson will be honoring the following interns:

High school interns - Kellsey Miller and Charli Thompson
College interns - Robby Klitten, Nathaneal Smith, Caleb New, Daija Piper and Tani Alofe
Law school interns - Bassem Amercani and Jocelyn Zhao

These amazing students completed administrative duties for State Court and created unique ways to expand judicial education throughout our local school system.

What action are you seeking from the Board of Commissioners?

Recognition of the Fayette County State Court Summer Interns.

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:

Second of two Public Hearings on Fayette County's proposed annual budget for Fiscal Year 2024 which begins on July 1, 2023 and ends June 30, 2024 and to approve Resolution 2023-05 to adopt the Fiscal Year 2024 Annual Budget.

Background/History/Details:

On June 8, 2023, the Board of Commissioners held its first public hearing for the proposed Fiscal Year (FY) 2024 Budget. A copy of the presentation is provided as backup.

This will be the second of two public hearings on the proposed budget for FY2024, as presented. Details of the budget are available for public review in the Board of Commissioners' Office, the Fayette County Public Library, and Fayette County's website. Input from the public is welcome.

Staff recommends approval of Resolution 2023-05 to adopt the Fiscal Year 2024 Annual Budget.

What action are you seeking from the Board of Commissioners?

Approval of Resolution 2023-05 to adopt the Fiscal Year 2024 Annual Budget.

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?

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Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

FAYETTE COUNTY, GEORGIA

FY2024 Budget Presentation

SECOND/FINAL PUBLIC HEARING

JUNE 22, 2023

General Fund Balance Financial Projection – FY2023

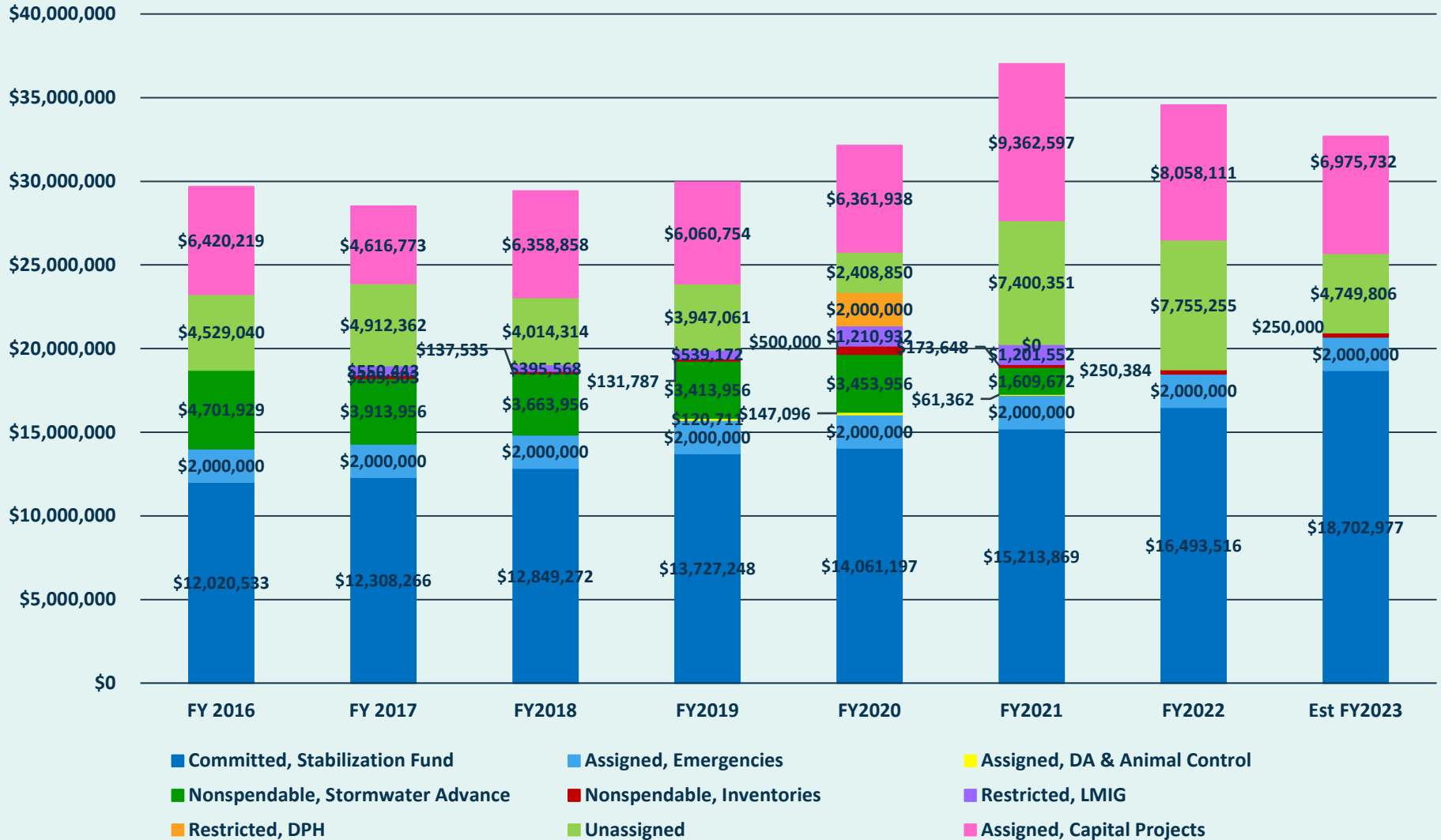
Fund Balance	FY2022	EST FY2023
Non-Spendable:		
Inventories	\$250,384	\$250,000
Committed To:		
Stabilization Fund	\$16,493,516	\$18,702,977
Restricted:		
Assigned To:		
Emergencies	\$2,000,000	\$2,000,000
CIP	\$8,058,111	\$6,975,732
¹ Unassigned:	<u>\$7,755,255</u>	<u>\$4,749,806</u>
Total Fund Balance:	\$34,557,266	\$32,678,515

¹ Unassigned includes year-end transfers for funding shortfalls: Victim's Assistance \$20k

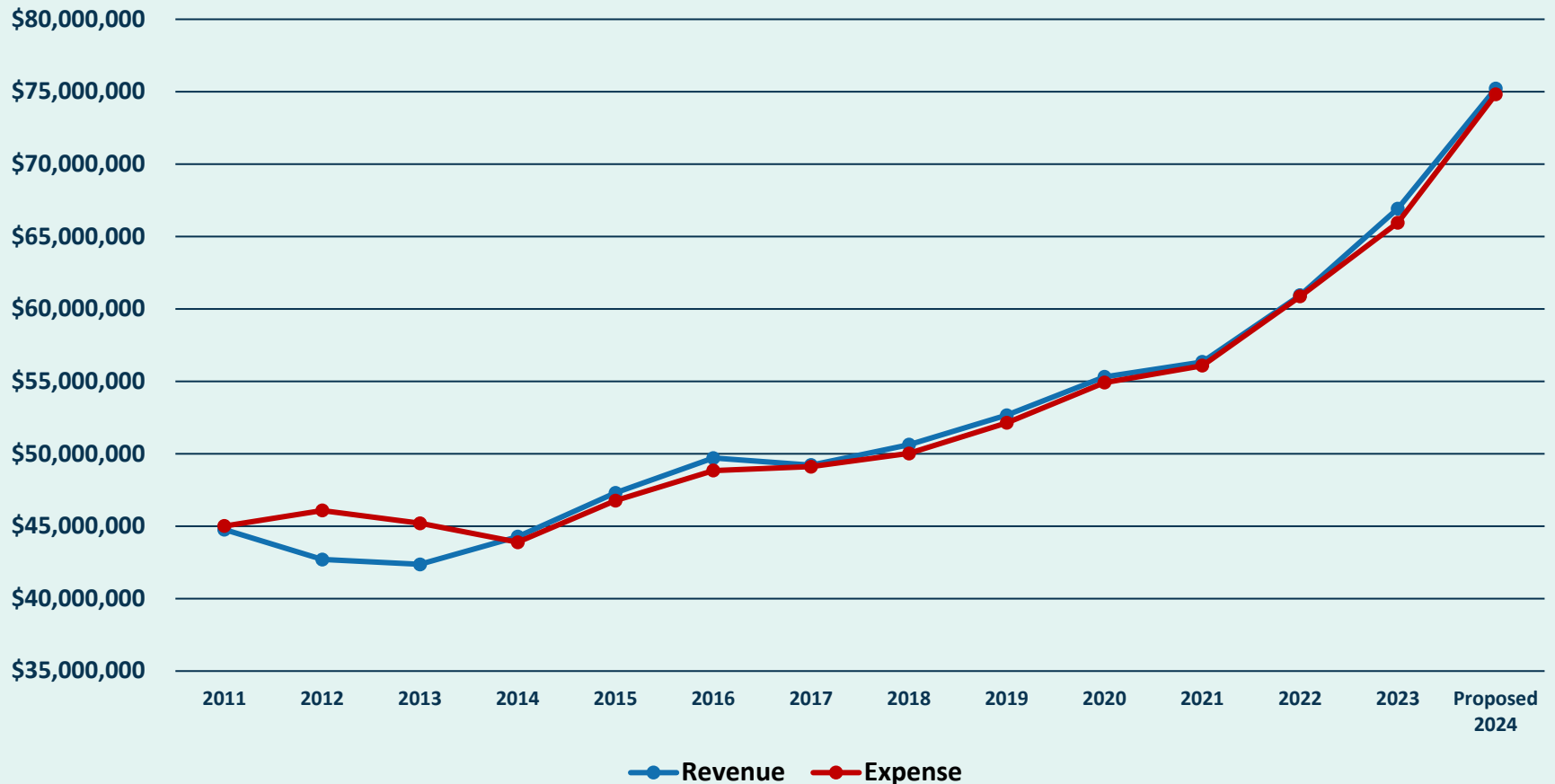
FY2024 Budget Summary

FY 2024 BUDGET		<u>Revenue</u>	<u>Transfers In</u>	<u>Total Revenue And Other Sources</u>	<u>Expenditures</u>	<u>Transfers Out</u>	<u>Total Exp. And Other Uses</u>	<u>Impact to Fund Balance</u>
OPERATING BUDGET								
100	General Fund	75,059,767	160,000	75,219,767	71,419,893	3,404,751	74,824,644	395,123
205	Law Library	40,000	-	40,000	40,000	-	40,000	-
214	Accountability State Court	292,250	-	292,250	345,596	-	345,596	(53,346)
215	911 Communications	5,228,800	-	5,228,800	4,739,960	43,300	4,783,260	445,540
216	Jail Surcharge	260,000	325,000	585,000	598,719	-	598,719	(13,719)
217	Juvenile Supervision	4,000	-	4,000	20,000	-	20,000	(16,000)
218	Victims Assistance	121,000	30,000	151,000	155,000	-	155,000	(4,000)
219	Drug Abuse and Treatment	489,300	-	489,300	530,128	-	530,128	(40,828)
270	Fire Services	18,601,650	-	18,601,650	14,781,753	879,600	15,661,353	2,940,297
271	Street Lights	420,000	-	420,000	352,933	160,000	512,933	(92,933)
272	EMS	5,721,400	-	5,721,400	4,695,206	368,000	5,063,206	658,194
291	Animal Control Spay Neuter	20,000	-	20,000	33,000	-	33,000	(13,000)
	Special Revenue Funds	31,198,400	355,000	31,553,400	26,292,295	1,450,900	27,743,195	3,810,205
	Governmental Funds	106,258,167	515,000	106,773,167	97,712,188	4,855,651	102,567,839	4,205,328
505	Water System	20,456,304	-	20,456,304	17,014,959	3,441,345	20,456,304	-
540	Solid Waste	275,000	50,000	325,000	364,927	-	364,927	(39,927)
	Enterprise Funds	20,731,304	50,000	20,781,304	17,379,886	3,441,345	20,821,231	(39,927)
TOTAL OPERATING BUDGET		126,989,471	565,000	127,554,471	115,092,074	8,296,996	123,389,070	4,165,401
CAPITAL/CIP BUDGET								
37_	Capital/CIP Funds (372/375)	-	2,565,651	2,565,651	2,565,651	-	2,565,651	-
	Governmental	-	2,565,651	2,565,651	2,565,651	-	2,565,651	-
507	Water System CIP	-	3,441,345	3,441,345	3,441,345	-	3,441,345	-
545	Solid Waste CIP	-	-	-	-	-	-	-
	Enterprise	-	3,441,345	3,441,345	3,441,345	-	3,441,345	-
610	Vehicles/Equipment	-	1,725,000	1,725,000	2,338,430	-	2,338,430	(613,430)
TOTAL CAPITAL BUDGET		-	7,731,996	7,731,996	8,345,426	-	8,345,426	(613,430)
TOTAL BUDGET		126,989,471	8,296,996	135,286,467	123,437,500	8,296,996	131,734,496	3,551,971

General Fund Fund Balance Trends – Last 7 FY



General Fund Original Adopted Budget



FY2024 Budget Highlights

- **Significant operational budget considerations:**
 - No Millage Rate Change – Requires Advertising as Property Tax Increase
 - General Fund impact from maintenance & operations is positive.
 - Proposed Budget increases General Fund Balance \$395,123
 - Funds Rolling 5 Year Capital Improvement Program of \$6,975,732
 - Changes in Personnel levels protect the existing outstanding service delivery to our Citizens.
 - Budget continues to maintain the commitment to balance current year revenues with current year expenses.
 - Maintains Employee Benefits – Medical/Dental/Vision & Retirement
 - County-Wide departmental cooperation continues to yield positive results.

FY2024 Final Budget

- Adoption of FY2024 Budget
- Approval of Resolution 2023-05

STATE OF GEORGIA

COUNTY OF FAYETTE

RESOLUTION NO. 2023-05

BUDGET FOR FISCAL YEAR 2023 – 2024

WHEREAS, the Board of Commissioners of Fayette County, Georgia is authorized by Georgia law to establish and adopt a budget for the purpose of providing appropriations for the proper and orderly operation of government in Fayette County, Georgia.

NOW THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Board of Commissioners of Fayette County, Georgia, that the Fayette County budget for the 2023-2024 fiscal year be adopted for the purpose of providing appropriations in the following amounts for the proper and orderly operation of government in Fayette County:

	<u>Expenditures</u>	<u>Transfers and Other Uses</u>	<u>Total Appropriations</u>
General Fund	71,419,893	3,404,751	74,824,644
Law Library	40,000	-	40,000
Accountability State Court	345,596	-	345,596
911 Communications	4,739,960	43,300	4,783,260
Jail Surcharge	598,719	-	598,719
Juvenile Supervision	20,000	-	20,000
Victims Assistance	155,000	-	155,000
Drug Abuse and Treatment	530,128	-	530,128
Fire Services	14,781,753	879,600	15,661,353
Street Lights	352,933	160,000	512,933
EMS	4,695,206	368,000	5,063,206
Animal Control Spay Neuter	33,000	-	33,000
Water System	17,014,959	3,441,345	20,456,304
Solid Waste	364,927	-	364,927
Capital/CIP Funds	2,565,651	-	2,565,651
Water System CIP	3,441,345	-	3,441,345
Vehicles/Equipment	2,338,430	-	2,338,430
Total Budget	123,437,500	8,296,996	131,734,496

DULY ADOPTED by the Board of Commissioners of Fayette County, Georgia this 22nd day of June, 2023.

**BOARD OF COMMISSIONERS
OF FAYETTE COUNTY**

Lee Hearn, Chairman

ATTEST:

Tameca P. Smith, County Clerk

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Ordinance 2023-02 to amend Chapter 110. ZONING; Article I. - IN GENERAL; Section 110-3. - Definitions. This item was tabled at the May 25, 2023 meeting.

Background/History/Details:

Staff respectfully requests to withdraw this proposed amendment.

Sec. 110-3. Definitions, to add a definition for 'Building line, front (corner lot).'

At the May 4, 2023, Planning Commission meeting, the Planning Commission recommended approval of this amendment. This amendment was approved 4-0 (Mr. Arnold Martin was absent).

What action are you seeking from the Board of Commissioners?

Staff requests to withdraw this proposed amendment.

If this item requires funding, please describe:

None

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?

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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: **This item was tabled to the June 22, 2023 Board of Commissioners meeting**

Consideration of Ordinance 2023-02 to amend Chapter 110. ZONING; Article I. - IN GENERAL; Section 110-3. - Definitions.

Background/History/Details:

Consideration of the following:

Sec. 110-3. Definitions, to add a definition for 'Building line, front (corner lot).'

Staff recommends approval of the amendment.

At the May 4, 2023, Planning Commission meeting, the Planning Commission recommended approval of this amendment. This amendment was approved 4-0 (Mr. Arnold Martin was absent). A second amendment for the definition of 'drug abuse treatment facility' was tabled until the June 1, 2023, Planning Commission meeting.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2023-02 to amend Chapter 110. ZONING; Article I. - IN GENERAL; Section 110-3. - Definitions.

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?

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Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

PLANNING COMMISSION

Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-3. Definitions, is hereby:

Approval of Boundary Line
TABLE ~~Rejection of Drug Abuse Treatment Facility~~

Recommended for approval to the BOC _____ Recommended for denial to the BOC

Tabled until June 1, 2023

Per the Fayette County Planning Commission on this 4th day of May 2023.

Jim Oliver

JIM OLIVER, CHAIRMAN

John H. Culbreth

JOHN H. CULBRETH, SR., VICE-CHAIRMAN

ABSENT

ARNOLD L. MARTIN III

Danny England

DANNY ENGLAND

John J. Kruzan

JOHN J. KRUZAN

Remarks:

BOARD MEMBERS

Jim Oliver, Chairman
John H. Culbreth, Sr, Vice-Chairman
Arnold L. Martin
Danny England
John Kruzan

STAFF

Deborah L. Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Chelsie Boynton, Planning and Zoning Coordinator
E. Allison Ivey Cox, County Attorney

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
May 4, 2023
7:00 pm

***Please turn off or turn to mute all electronic devices during the
Planning Commission Meetings**

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.

John Culbreth Sr. made a motion to approve the agenda. Danny England seconded the motion. The motion passed 4-0. Arnold Martin was absent.

4. Consideration of the Minutes of the meeting held on April 20, 2023.

Danny England made a motion to approve the Minutes of the meeting held on April 20, 2023. John Kruzan seconded the motion. The motion passed 4-0. Arnold Martin was absent.

PUBLIC HEARING

5. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-79. Residential Accessory Structures and their uses.

Danny England made a motion to recommend approval of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-79. Residential Accessory Structures and their uses. John Culbreth Sr. seconded. The motion carried 4-0. Arnold Martin was absent.

6. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-241. Public Hearing.

Danny England made a motion to recommend approval of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-241. Public Hearing. John Culbreth Sr. seconded the motion. The motion passed 4-0. Arnold Martin was absent.

7. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-292. Public Hearing.

John Culbreth Sr. made a motion to recommend approval of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-292. Public Hearing. John Kruzan seconded the motion. The motion passed 4-0. Arnold Martin was absent.

8. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-3. Definitions.

Danny England made a motion to recommend approval of the definition of Building Line, front (corner lot). John Culbreth Sr. seconded the motion. The motion passed 4-0. Arnold Martin was absent.

Danny England made a motion to table the definition of Drug Abuse Treatment Center until the June 1st meeting. John Culbreth Sr. seconded the motion. The motion passed 4-0. Arnold Martin was absent.

FAYETTE COUNTY PLANNING AND ZONING DEPARTMENT

140 STONEWALL AVENUE WEST

FAYETTEVILLE, GEORGIA 30214

(770) 305-5421

TO: Fayette County News
FROM: Dennis King, Fayette County Planning and Zoning
DATE: April 5, 2023
SUBJECT: Amendment to the Fayette County Zoning Ordinance

Fayette County Planning and Zoning Dept.
140 Stonewall Avenue West
Suite 202
Fayetteville, GA 30214

Ad to run: 04/12/23

Legal Notice Number:

NOTICE OF PUBLIC HEARING FOR AN AMENDMENT OF THE FAYETTE COUNTY CODE OF ORDINANCES, CHAPTER 110, ZONING ORDINANCE.

PUBLIC HEARING to be held before the Fayette County Planning Commission on **May 4, 2023**, at **7:00 P.M.**, and before the Fayette County Board of Commissioners on **May 25, 2023**, at **5:00 P.M.**, in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

CONSIDERATION OF AMENDMENTS TO CHAPTER 110. ZONING ORDINANCE, REGARDING SEC. 110-3. DEFINITIONS.

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

This 12th day of April 2023.

Deborah Bell, Director
Planning and Zoning

Ad to run: 04/12/23

Sec. 110-3. Definitions.

Words and terms not explicitly defined in this chapter shall have the meaning given by common and ordinary use as defined in Webster's New Collegiate Dictionary. The term "shall" is always mandatory while the term "may" is merely discretionary. The following specific definitions shall apply:

Accessory means a use or structure customarily incidental and subordinate to the principal use or structure and located on the same lot as such principal use or structure.

Acquisition of property for a public purpose means the acquisition of property by an entity with the power of eminent domain.

Acre, gross, means a measure of land equal to 43,560 square feet.

Acre, net, means a gross acre less: street rights-of-way, both public and private; all land located within the 100-year floodplain; all water/stormwater impoundments; and all lands proposed to be dedicated to a governing authority.

Adult day care facility means adult day care facilities shall include any building, or portion thereof, used to house four or more adults requiring care, maintenance, and supervision for part of a day.

Agriculture means the raising of soil crops, including forestry and landscape planting materials, and/or livestock in a customary manner on lots of land at least five acres in size, including all associated activities.

Aircraft means any machine, whether heavier or lighter than air, used or designated for navigation of, or flight in the air.

Aircraft hangar means a fully enclosed structure with operational doors designed to store aircraft and the associated equipment or supplies needed for the operation and maintenance of the aircraft.

Aircraft landing area means areas designed for safe landing and departures, including runways and heliports.

Airplane means a fixed-winged aircraft that is supported in flight by dynamic reaction of the air against its wings.

Alteration means any construction or renovation to an existing structure, other than repair.

Amphitheater means an open-air facility primarily used for entertainment purposes, commonly with tiers of seats facing a performance stage.

Animal means either a domestic dog (*Canis familiaris*) or domestic cat (*Felis catus*) This term shall not include livestock or household pets (see *Household pet*, see *Livestock*).

Animal, wild, includes any species or family or breed (including hybrids) of wild animals listed by the Georgia Department of Natural Resources (DNR) as being wild per O.C.G.A. title 27, ch. 5 (O.C.G.A. § 27-5-1 et seq.).

Antenna means a device used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas.

Apiary means a place where honeybees and beehives are kept. (Adopted 7-28-2011)

Aquaculture means the hatching, raising, and breeding of fish and/or aquatic plants for food or fiber.

Art and/or crafts studio means an establishment where an artist's works are created and sold, where pieces by various artists are displayed for sale in a gallery, where customers purchase then create their own works (canvas, pottery, glass pieces, sculpture, etc.), a studio with classes and/or an art supply store.

Artist studio means a structure accommodating the practice of the full spectrum of the arts including, but not limited to: fine arts, visual arts, and performing arts.

Athletic facility means an area designated for athletic activity.

Automobile service station means a land use where gasoline, oils, greases, batteries, tires, and general automobile accessories may be provided, but where no part of the premises is used for the storage or dismantling of wrecked or junked vehicles.

Auxiliary structure means a structure which is allowed incidental and secondary to a residence.

Bakery means an establishment engaged in the preparation and production of baked goods for sale and consumption both on and off the premises.

Banquet hall/event facility, means a facility which is rented by individuals or groups to accommodate private functions including, but not limited to: banquets, parties, meetings, weddings and/or wedding receptions, anniversaries, and other similar assemblies.

Basement means that portion of a building that is partially or completely below grade as defined and regulated in the International Residential Code.

Bed and breakfast inn, A-R, means a bed and breakfast inn allowed as a conditional use in the A-R zoning district.

Beehive means a structure intended for the housing of bees.

Boat house means a structure built in or over a waterway to house a boat.

Breezeway means a roofed, open-sided or screened passageway connecting two structures, such as a house and a garage.

Buffer means a portion of a lot which is set aside to provide a separation of uses from abutting lots.

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure for any person, animal, livestock, process, equipment, goods or property of any kind.

Building height means the vertical distance of a building measured from the median height of the basement level or crawl space to the midpoint of the highest roof. The midpoint shall be measured from the ceiling joist of the highest floor level or from where the truss rests on the highest wall for open roof structures. For structures constructed without a basement or crawl space, the measurement will be taken beginning at the ground floor level. (See also section 110-75, Structures Permitted above the Height Limit.)

Building line, front, means a line running parallel to the street which touches the nearest point of the principal structure to the street.

Building line, front (corner lot), means, on a corner lot, a line running parallel to the principal structure front, extending the full width of the lot.

Building, principal, means a building in which the principal use of the lot is conducted.

Cabana/pool house means an open, partially, or totally enclosed structure used in conjunction with a pool or lake/pond, commonly containing a changing area, and/or seating area, and/or a restroom.

Campground facilities means any lot where two or more recreational vehicles and/or tents (which are normally associated with outdoor camping) are parked and/or erected for short-term occupancy.

Card, gift, and/or stationery shop means an establishment which sells products such as greeting cards, wrapping paper, photo albums, picture frames, items that are suitable as gifts or souvenirs, desktop office products, paper, calendars, pencils, pens, briefcases, and art/graphic supplies.

Care home means a convalescent center, nursing home, rest home, home for the aged, assisted living facility, or similar use established and operated on a profit or nonprofit basis to provide lodging and/or meals and/or domiciliary care for aged, infirm, chronically ill, or convalescent persons.

Carport, attached, means a roofed, open-sided motor vehicle shelter, formed by extension of a roof from a building in a residential zoning district.

Carport, detached, means a roofed, open-sided motor vehicle shelter.

Cemetery means a burial ground.

Cemetery or burial ground, legal nonconforming, means an existing cemetery or burial ground established before the effective date of November 13, 1980, or subsequent amendments which fail to comply with the provisions herein. These cemeteries or burial grounds could be active, inactive, or abandoned.

Check cashing means an establishment that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose.

Child care facility means an agency, organization, or individual providing care for four or more children not related by blood or marriage or not the legal wards of the attendant adult and would include those providers that offer pre-primary, pre-K, and/or kindergarten instruction.

Child care, in-home, means a custodial care business, conducted as a home occupation in a residential dwelling, where not more than three children, not related to the operator, are received for temporary care during the day only, whether for compensation, reward, or otherwise, and in full compliance with all applicable state requirements and/or certifications. The children of the owner are not included in the count.

Church or other place of worship means a building used for public worship, including, but not limited to: temple, synagogue, pagoda, shrine, cathedral, tabernacle, and mosque/masjid.

Clapboard siding means a siding with horizontal boards or the appearance of horizontal boards.

Clinic means an establishment where medical or dental patients are admitted for examination and treatment, but where there is no overnight lodging.

Club or lodge, private, means all incorporated or unincorporated associations for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of the members and not open to the general public.

Common area means any part of a development that is not part of a building lot and is designated for the common usage of the development. (See *Open space*.)

Convenience commercial establishment means an establishment that primarily stocks a range of groceries, snack foods, freshly-prepared foods for on and off-site consumption, and beverages, and may also provide household items, toiletries, tobacco products, newspapers, and the sale of fuel.

Convenience store means a small retail establishment that offers convenience goods for sale, such as prepackaged food items, beverages, tobacco, personal care items, and other household goods.

County engineer means the official to whom the responsibilities normally associated with this title has been delegated.

Copy and/or print shop means an establishment engaged in duplicating and printing services to individuals and businesses.

Cornice means a projecting feature surrounding the upper portion of a structure, dividing it horizontally for compositional purposes.

Covered patio or covered deck, detached, means an open or partially enclosed structure consisting of a roof with supporting posts/columns commonly containing a seating/dining area, and/or outdoor kitchen, and/or spa/hot tub.

Cultural facility means a facility for social, intellectual, artistic and/or scientific exposition such as museums, performing arts theaters, botanical gardens, and zoological parks.

Curb cut means the point at which vehicular access is provided to a lot from an adjoining street.

Day spa means an establishment offering massage therapy performed by a licensed massage therapist pursuant to Georgia Massage Therapy Practice Act (O.C.G.A. § 43-24A-1 et seq.) that in addition may also offer beauty care, body treatments, and the retail sales of related products.

Daylight hours means that period of time beginning 30 minutes before sunrise and ending 30 minutes after sunset.

Deer processing facility means a facility where deer is processed into various cuts of venison.

Density means the number of dwelling units per net acre.

Density, high, means high density is defined as more than four dwelling units per net acre.

Density, low, means low density is one dwelling unit or fewer per two net acres.

Density, medium, means medium density is one to three dwelling units per net acre.

Dog pen/run means, for the purposes of Section 110-79, pertaining to "Residential accessory structures and their uses," an outside open air enclosure, consisting of 400 square feet or less of space per animal, used for the purpose of containing animals.

Drive-in means a retail or service enterprise wherein service is provided to customers who remain in their vehicles.

Drive-through means an opening in the wall of a building or structure designed and intended to be used to provide service to customers who remain in their vehicles.

Drive-up facility means a structure or device designed and intended to provide service to customers who remain in their vehicles.

Dwelling means a building or portion of a building, designed for, or occupied for residential purposes constituting a residence.

Dwelling, multifamily, means a dwelling designed for three or more families living independently of each other.

Dwelling, single-family, means a detached dwelling designed for a single family.

Dwelling, townhouse, means one of a series of three or more attached dwelling units on separate lots which are separated from each other by party wall partitions extending at least from the lowest floor level to the roof.

Dwelling, two-family, means a building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

Dwelling unit means any building which contains living facilities, including provisions for sleeping, eating, and sanitation for not more than one family.

Educational/instructional facility means a specialized training establishment.

FAA means the federal aviation administration.

Facility means the area established to serve a particular use or purpose.

Family means one or more persons occupying a single dwelling unit, provided that all persons are related by blood or marriage, or are lawful wards, and shall also include a group of persons, not exceeding four, living and cooking together as a single, nonprofit housekeeping unit. The members of said group need not be related by blood or marriage or be lawful wards, where said group is occupying a single dwelling unit.

Farm means a lot devoted to the raising of agricultural products and/or livestock.

FCC means the Federal Communications Commission.

Fence means structures made of posts, columns, boards, wire, pickets, wrought iron, or rails.

Financial institution means any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company or other business association, which is chartered under federal or state law, solicits, receives or accepts money or its equivalent on deposit and loans money as a regular business.

Floor area, accessory structure, means the sum of the horizontal areas of several floors of the structure under roof, excluding any space where the floor-to-ceiling height is less than six feet.

Floor area, principal structure, means the area of a dwelling exclusive of unheated space shall be measured from the face of the exterior walls. Unheated space shall include, but not be limited to: attic, basement, garage, carport, patios, and open porches.

Footprint means the area of the foundation upon which a structure or building sits and would include the area beneath a supported or cantilevered lean-to attached to the structure or building.

Foundation means an in-ground masonry or poured concrete support for a structure.

Front door means the main entrance to a residence or building which is normally oriented to a street.

Funeral services means the observances, services, or ceremonies held for dead human bodies and includes any service relating to the transportation, embalming, cremation, observances, and interment of a dead human body.

Gazebo means a freestanding, circular roofed structure open on all sides, but enclosed by a railing, and used for outdoor seating in residential zoning districts.

Governing authority means the county board of commissioners.

Greenhouse, temporary means a structure constructed with a metal, plastic or wood framing (bent in a half round or hoop shape in the case of a hoop house), with a plastic sheet or cloth covering that is not mounted on a foundation and used for the purpose of growing or storing plants.

Greenhouse, permanent means a structure typically constructed with wood or metal framing and covered by glass or Plexiglas that is mounted on a foundation used for the purpose of growing or storing plants.

Grocery store means a retail establishment which primarily sells food and household goods, but is substantially larger and carries a broader range of merchandise than a convenience store.

Guestroom means a room occupied or intended, arranged or designed for occupancy by one or more occupants and used for that purpose and where overnight occupancy is allowed.

Helicopter means a rotary winged aircraft that depends principally upon the lift generated by one or more engine-driven rotors rotating on a substantially vertical axis for its primary means of propulsion.

Heliport means an area of land, water, or structure used for the sole purpose of landing and takeoff of helicopters.

Hobby breeder means a breeder of animals who sells less than 30 animals per year.

Home occupation means an occupation operated within a dwelling by residents of the dwelling.

Horse quarters means a structure used to house horses in the residential zoning districts.

Horse stable means a structure used to house and/or board horses in an A-R zoning district.

Hospital means any institution receiving in-patients, providing a staffed 24-hour emergency care facility, and authorized under the state law to render medical, surgical, and/or obstetrical care. The term "hospital" includes a

sanitarium, with an approved certificate of need (CON) from the state health planning agency, for the treatment and care of various forms of mental illness, but shall not include office facilities for the private practice of medicine, dentistry or psychiatry.

Hotel means a building in which overnight accommodations are provided to the public and the innkeeper. The term "hotel" includes the terms "bed and breakfast inn" and "motel".

Household pet means a household pet shall include rodent pets, such as gerbils, hamsters, mice, rats, and guinea pigs; small mammal pets such as rabbits, hares, and ferrets; avian pets, such as canaries, parakeets, and parrots; reptile pets, such as turtles, lizards and snakes; and aquatic pets, such as tropical fish and frogs that is customarily kept for personal use or enjoyment primarily within a principal residence.

Industrialized building means any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a nonresidential building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.

Junk/auto grave yard means property used for outdoor storage, keeping, abandonment, sale or resale of junk, including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

Junked automobile. (See *Vehicle, abandoned.*)

Kennel means an establishment for the boarding, breeding and/or sale of animals for commercial gain that may in addition provide grooming and/or training services, and a pet rescue operation where the animals are primarily housed or kept outside of the principal residence in accessory structures, pens, or enclosures. A hobby breeder, as defined herein, shall not be considered a kennel.

Kindergarten. (See *School, private.*)

Landscape areas means a maintained area of grass and/or ornamental planting materials.

Livestock means animals including, but not limited to: horses, cattle, goats, sheep, pigs, potbellied pigs, chickens, ducks, geese, mules, rabbits, emu/ostrich, buffalo, chinchilla, fox, mink or other fur-bearing animal, and llamas. This term shall be deemed to specifically exclude animals (See *Animal* and *Household pet.*)

Loading space means space logically and conveniently located for pickup and delivery service, scaled to the vehicles expected to be used, and accessible to such vehicles at all times.

Lot means a tract of land of varying size which is designated as a single unit of property.

Lot, corner, means a lot located at the intersection of two or more streets.

Lot depth, means the distance between the front and rear lot lines.

Lot, flag, means a lot shaped like a flag on a pole with the pole portion of the lot fronting on a street and the flag portion being where the lot width is met.

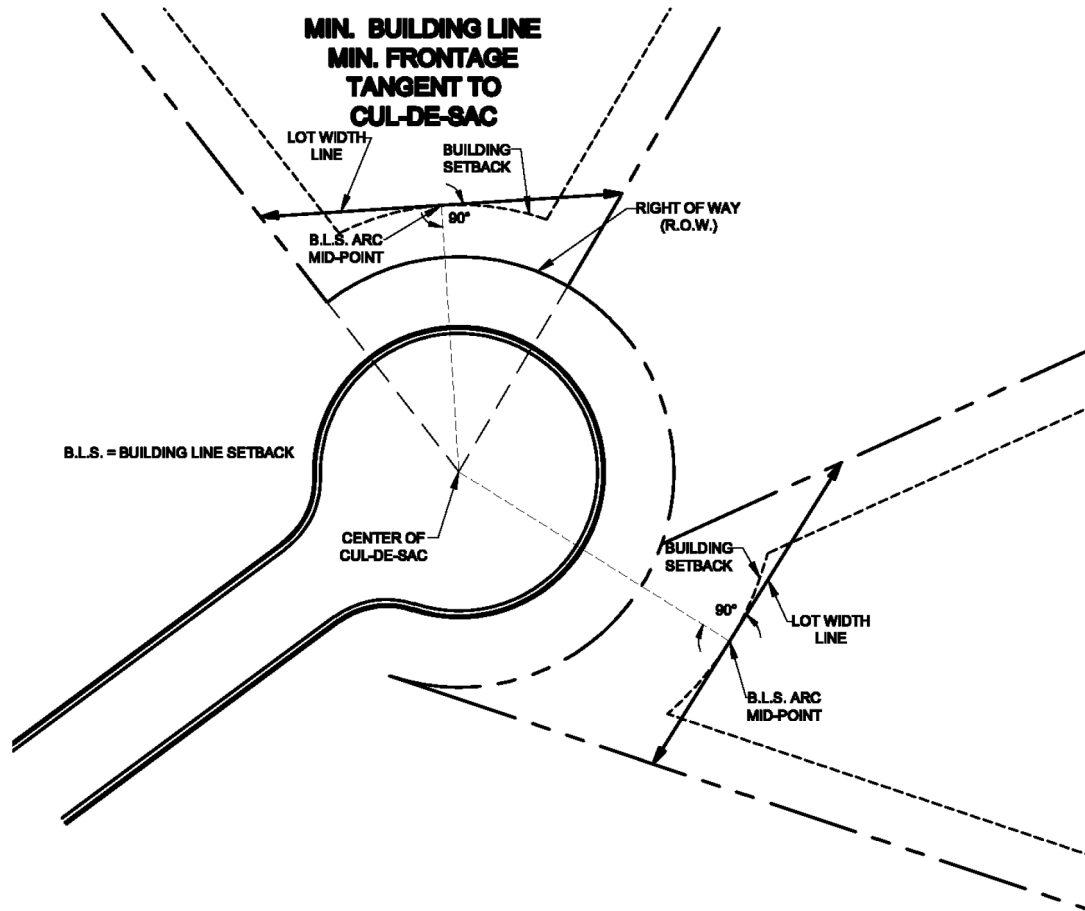
Lot, interior, means a lot which has frontage on only one street.

Lot, landlocked, means a lot having no frontage on a street.

Lot, through, means a lot, other than a corner lot, having frontage on more than one street.

Lot width means the required width of a lot as specified by a zoning district.

Lot width, minimum, means the minimum distance between side lot lines either measured in a straight line parallel to the street right-of-way or tangent and perpendicular to the mid-point of the right-of-way in the case of the turn around portion of a cul-de-sac along the front minimum building line (see graphic).



Lot of record means an area designated as a separate and distinct lot of land on a recorded subdivision plat approved in accordance with chapter 104, article XV subdivision regulations, or in a legally recorded deed.

Mail services store means an establishment that provides packaging and mail services (both U.S. Postal and private service), provides mailboxes for lease and retail sale of office and stationery products.

Manufactured home park means any lot where two or more manufactured homes are installed for living purposes, including any land or structure used by occupants of manufactured homes on such premises.

Manufactured home space means a plot of ground within a manufactured home park designed to accommodate a single manufactured home.

Manufactured housing means a structure, transportable in one or more sections, which, in the traveling mode, is 320 or more square feet and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For the purposes of this chapter, the term "mobile home" means "manufactured housing" or "manufactured home."

Massage therapy means massage therapy performed by a licensed massage therapist pursuant to the Georgia Massage Therapy Practice Act (O.C.G.A. § 43-24A-1 et seq.).

Mini-storage facility means storage facilities which are leased to the public.

Motel. (See *Hotel.*)

Mullion means a heavy vertical or horizontal divider between windows and/or doors.

Muntin means a narrow strip that divides or gives the appearance of individual panes of glass in a traditional sash.

Museum means a permanent institution in the service of society and of its development, open to the public, which acquires, conserves, researches, communicates, and exhibits the tangible and intangible heritage of humanity and its environment, for the purpose of education, study, and enjoyment.

Nonconformance, illegal, means a lot, use, building, or structure established after the effective date of November 13, 1980, or subsequent amendments which fail to comply with the provisions herein.

Nonconformance, legal, means a legally existing lot, use, building or structure which fails to comply with the provisions herein, as of the effective date of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance.

Nonemergency medical transport service means a service licensed by the state under O.C.G.A. title 31, ch. 11, arts. 1—4 (O.C.G.A. § 31-11-1 et seq.) as applicable and as administered by the department of human resources providing prearranged non-emergency medical transport.

Open space means land within and related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate. (See *Common area*.)

Overlay zone means a zone that imposes a set of requirements in addition to those set out by the underlying zoning district.

Parapet wall means a wall at the edge of a roof.

Parking garage/lot means a structure, lot or any portion thereof which is open to the public in which one or more vehicles are housed or kept, not intending exhibition or showroom or storage or cars for sale.

Parking space means an area for off-street motor vehicle parking.

Pavilion means a freestanding roofed structure generally supported by poles and open on the sides with a permanent foundation that is used for picnic/social gatherings.

Pay-day loan agency means an establishment providing loans to individuals in exchange for personal checks as collateral.

Pawn establishment means any business that loans money on deposit of personal property and/or a title of ownership.

Pet rescue means a nonprofit organization or individual providing temporary welfare, protection, and humane treatment of animals while searching for permanent adoptive homes.

Pet store means a retail establishment engaged in the sale of household pets and/or associated accessories and supplies, and may in addition provide grooming and/or training services.

Planning commission means the commission to which the responsibilities associated with the planning commission has been delegated.

Playhouse means a small house-like structure designed for children to play in.

Pole barn means a large structure consisting of a roof supported by poles for the storage of farm products, feed, or the housing of farm animals or farm equipment, in agricultural zoning districts.

Pool house. (See *Cabana/pool house*.)

Porte cochere means an extension of the roof projecting over a driveway at an entrance of a building and sheltering those getting in or out of vehicles; also called a carriage porch.

Principal structure front means the wall/plane of the principal structure in which the front door is located.

Public utility facility means a location of or for public utilities, such as an electric substation or a location where a business organization (as an electric company) performing a public service and subject to special governmental regulation and the public service commission.

Public water facilities means mains and service lines owned and operated by the county water system, or, when approved by the county commissioners, a private water system operating under the direct supervision of the department of natural resources.

Recycling facility means a facility engaged in the collection, separation, storage and processing (baling, compacting, grinding, or shredding) of household and office type recyclable materials only (aluminum and tin cans, cardboard, glass containers, magazines, newspaper, paper, plastic containers and telephone books) to facilitate the shipment of such materials to an industrial end-user.

Runway safety area means a cleared, drained, graded, and stable area symmetrically located about the runway, the dimensions of which include the runway width, and which is suitable for an airplane to overrun should it accidentally veer off the pavement.

Sales, garage/yard, includes all sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale," "moving sale," or "estate sale."

School, private, means an elementary (kindergarten thru sixth grade that may, in conjunction, provide pre-primary and pre-K instruction), middle or high school, supported with private funds, providing a curriculum that meets state board of education requirements, including schools serving school age children with special needs.

School, trade/vocational. (See *Educational/institutional facility*.)

Service area means a designated space, generally out-of-doors, utilized for utility areas, storage and pickup, and for the delivery of goods and services to any building or land use.

Setback means a required open space on a lot that is left unoccupied by structures and facilities, except as otherwise permitted herein.

Sewer system, central sanitary, means collection of sanitary sewage via a pipe network, transportation to a common collection point and treatment to required department of natural resources criteria prior to release.

Shooting range, indoor, means an indoor facility for the safe shooting of firearms, including both facilities which are open to the general public or open only to private membership.

Shooting range, outdoor, means an outdoor facility for the safe shooting of firearms, including both facilities which are open to the general public or open only to private membership.

Smoking lounge means an establishment dedicated, in whole or in part, to the sale and/or smoking of legal substances, including but not limited to, establishments known commonly as cigar stores/lounges, hookah lounges, tobacco clubs, etc.

Solar farm means any lot where more than three ground-mounted solar panels exceeding 200 cumulative square feet, or where more than 900 cumulative square feet of ground-mounted solar panels are located.

Solar panel means a device consisting of an array of connected solar cells or photovoltaic cells that convert solar energy (light from the sun) into heat or electricity.

Soundstage means a room or building used for the shooting of film and video content.

Special event means a temporary, short-term event commonly held by a religious, educational, or community organization or a promotional event to attract attention to a place of business.

Split zoning means a lot divided by more than one zoning district.

Stadium, athletic, means an open-air facility, primarily for the viewing of athletic events, usually with tiers of seats rising around a field or court.

Story means the portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it.

Street means a public or private thoroughfare or road, often paved, used for vehicular access to other streets and/or properties. Streets may be:

- (1) Owned and operated/maintained by the county (i.e., those within a public right-of-way);
- (2) Privately owned but open for public use and maintained by the county (i.e., those within a prescriptive easement); or
- (3) Privately owned and maintained (i.e., a private road) public streets are designated by type on the county thoroughfare plan.

Street, access, means a street that provides for access to lots.

Street, private, means a street used for access that is not owned or maintained by a governmental agency such as the county, a municipality, the state or federal government.

Street, public, means a street that is used for travel by the general public, that is owned or maintained by a governmental agency such as the county, a municipality, the state or federal government.

Structure means a combination of materials assembled for use or occupancy, whether installed on, above, or below the surface of land or water. For the purposes of this chapter, structures include, but not limited to: buildings, manufactured homes, towers, recreational courts, and swimming pools, but do not include driveways, signs, septic systems, walls, or fences.

Subdivision means all divisions of a lot or land into a minimum of two or more lots.

Swimming pool screened enclosure means a structure or part thereof, in whole or in part, self-supporting and having walls of insect screening and a roof of insect screening, commonly made of plastic, aluminum, or similar lightweight material.

Taxi service means a service that offers transportation in passenger vehicles to persons in return for remuneration. This does not include charter motor coach service.

Thoroughfare, major, means a street designated on the thoroughfare plan as a major arterial, minor arterial, proposed minor arterial, collector, and proposed collector.

Thoroughfare, minor, means a street designated on the thoroughfare plan as a county local or internal local.

Tot lot means an improved and equipped play area which may consist of swings, slides, sandboxes, climbing apparatus, and/or benches for small children, usually up to elementary school age.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures.

Tower facility means the area containing a tower, antennas, all accessory equipment cabinets or buildings, and required security fencing, excluding tower anchors. (Amended 5-26-2011)

Tower height means when referring to a tower or tower facilities, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna (see *building height*.)

Tower, planned, means any tower that is in the public hearing procedure, site application review process, site plan revision process, or has been approved, but not yet constructed (see article V of this chapter).

Tower structure, alternative, means tower structures designed to diminish, camouflage, or conceal the appearance of antennas or towers including: monopine (man-made pine trees), free standing clock towers, and bell towers, light poles, flag poles, internal antenna towers (a/k/a "slick stick") including cylindrical unicells and/or similar alternative design tower structures.

Towers and antennas, pre-existing, means any tower or antenna permitted prior to December 10, 1998.

Townhouse. (See *Dwelling, townhouse*.)

Trailer, temporary means a vehicle designed for towing, not intended for use as a dwelling, and restricted to such uses as a construction office/storage facility, real estate sales office, and operations office or classrooms pending construction of a permanent facility.

Training center means a facility used for business or professional conferences, seminars, and training programs.

Training facility, indoor, means a structure used for indoor training.

Transom means a horizontal opening over a door or window.

Tutoring means the provision of instruction.

Uses, conditional, means those uses that are allowed in a particular zoning district, but only under certain specified conditions.

Uses, permitted, means those uses that are allowed in a particular zoning district as a matter of right.

Uses, principal, means the main purpose for which a lot is intended and for which it may be used.

Variance means a modification of the terms of this chapter granted by the zoning board of appeals in accordance with criteria as set forth herein.

Vehicle, abandoned, means a vehicle which does not bear a license plate with a current decal affixed thereto, if required, unless said vehicle is stored within a completely enclosed building, stored on a permitted auto sales lot and is in satisfactory operating condition, or stored at a junk yard and/or auto grave yard (see article V of this chapter).

Vehicle/boat sales means a business establishment primarily involved in the sale and incidental repair of automobiles, trucks, farm equipment, heavy construction equipment, motorcycles, ATVs, boats/watercraft, recreational vehicles or utility trailers, or other vehicles, excluding manufactured homes.

Vehicle, business, means any vehicle used for business purposes, whether or not the owner is a private or governmental entity, except that school buses shall be excluded.

Vehicle, passenger, means a wheeled motor vehicle for transporting passengers which is designed to run primarily on roads, principally for the transport of people rather than goods, and shall exclude a charter motor coach.

Vehicle, recreational, means a self-propelled or towed vehicle used as a temporary dwelling for travel and recreational purposes.

Walkway means a passage to provide walking access, such as walks, paths, and steps.

Wall means structures made of masonry or concrete, commonly used as an enclosure for a lot.

Warehouse means a building devoted to retention of goods, merchandise, supplies or other materials produced on site or received in shipment for ultimate sale or shipment elsewhere.

Water distribution system, central, means mains and service lines owned and operated by the county water system, or when approved by the county commissioners, a private water system operating under the direct supervision of the Department of Natural Resources.

Water impoundment means a body of water confined by a dam, dike, floodgate, or other barrier.

Wedding/event facility means a facility where weddings and other events are held.

Weight, curb, means the total weight of a vehicle with standard equipment, all necessary operating consumables (e.g., motor oil and coolant), a full tank of fuel, while not loaded with either passengers or cargo.

Wind farm means any lot where more than one wind turbine for the purpose of generating electricity is located.

Wind turbine means a freestanding alternate energy device which converts wind energy into electrical energy. A windmill shall also be deemed a wind turbine when used in association with an agricultural operation.

Yard means a required open space on a lot that is left unoccupied with structures and facilities, except as otherwise permitted herein.

Yard, front, means the area between the property line adjacent to a street and the front building line, extending the full width of the lot.

Yard, primary front, means, on a corner lot, the area between a property line adjacent to a street and a line running parallel to the principal structure front, extending the full width of the lot.

Yard, rear, means the area between the rear property line and the rear of the principal structure, extending the full width of the lot.

Yard, secondary front, means, on a corner lot, the area parallel to the street between a property line adjacent to a street and the principal structure outside of the primary front yard.

Yard, side, means the area between the side property line and the side of the principal structure, extending from the front yard to the rear yard or extending from the front yard to the side yard in the case of a corner lot.

Zoning administrator means the person who has been designated by the board of commissioners to administer the enforcement of this chapter.

Zoning board of appeals means the board to which the responsibilities associated with the zoning board of appeals has been delegated.

(Code 1992, § 20-3-1; Ord. of 5-26-2011; Ord. of 7-28-2011; Ord. No. 2012-09, § 1, 5-24-2012; Ord. No. 2012-13, §§ 1, 2, 12-13-2012; Ord. No. 2013-02, § 1, 4-25-2013; Ord. No. 2013-05, §§ 1, 2, 7-25-2013; Ord. No. 2013-20, § 1, 11-14-2013; Ord. No. 2014-19, § 1, 12-11-2014; Ord. No. 2015-05, § 1, 3-26-2015; Ord. No. 2016-12, § 1, 7-28-2016; Ord. No. 2016-15, § 1, 7-28-2016; Ord. No. 2017-04, § 1, 3-23-2017; Ord. No. 2017-16, § 1, 10-26-17; Ord. No. 2018-03, § 1, 9-22-2018; Ord. No. 2018-11, § 1, 10-25-2018; Ord. No. 2021-06, § 1, 3-25-2021; Ord. No. 2021-09, § 1, 5-27-2021)

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2023-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO ADD A DEFINITION FOR BUILDING LINE, FRONT (CORNER LOT); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND WELFARE: AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO THE DEFINITION OF BUILDING LINE, FRONT (CORNER LOT), BE AMENDED AS FOLLOWS:

Section 1. By adding a new definition in Section 110-3 of Article I of Chapter 110, with said definition to be inserted alphabetically as appropriate and to be read as follows:

Building line, front (corner lot), means, on a corner lot, a line running parallel to the principal structure front, extending the full width of the lot.

Section 2. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Fayette County.

Section 3. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

(SIGNATURES ON FOLLOWING PAGE)

SO ENACTED this _____ day of _____ 2023.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY

(SEAL)

By: _____
Lee Hearn, Chairman

ATTEST:

Tameca P. Smith, County Clerk

Approved as to form:

County Attorney

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Ordinance 2023-04 to amend Chapter 110. - Zoning Ordinance; Article I. - In General; Sec.110-3. - Definitions. Drug abuse treatment facility.

Background/History/Details:

Consideration of the following: Sec. 110-3. Definitions, to add a definition for 'Drug abuse treatment facility.'
On June 1, 2023, the Planning Commission approved these amendments 3-0 (Commissioners Culbreth and England were absent).

Definition approved by Planning Commission: Drug abuse treatment facility, means a residential treatment facility staffed by professional and/or paraprofessional persons offering treatment and/or therapeutic programs for drug-dependent person who reside on the premises. This is a special use of property requiring the grant of a permit after two (2) public hearings. A drug abuse treatment facility must also be approved and licensed by the Georgia Department of Community Health.

In light of recent discussions, staff would like to recommend a slightly revised definition; both definitions are listed in the redlined zoning section, attached. Revised definition: Drug abuse treatment facility, means a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency staffed by professional and/or paraprofessional persons offering treatment and/or therapeutic programs for drug -dependent persons who are housed on the premises for the course of treatment. A drug abuse treatment facility must also be approved and licensed by the Georgia Department of Community Health.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2023-04 to amend Chapter 110. - Zoning Ordinance; Article I. - In General; Sec.110-3. - Definitions. Drug abuse treatment facility.

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:

PLANNING COMMISSION

Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-3. Definitions, is hereby:

Approval of Boundary Line
TABLE ~~Rejection of Drug Abuse Treatment Facility~~

____ Recommended for approval to the BOC ____ Recommended for denial to the BOC

____ Tabled until June 1, 2023

Per the Fayette County Planning Commission on this 4th day of May 2023.



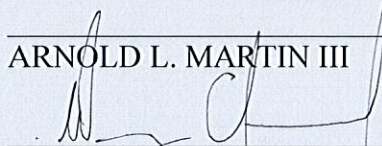
JIM OLIVER, CHAIRMAN




JOHN H. CULBRETH, SR., VICE-CHAIRMAN

ABSENT

ARNOLD L. MARTIN III



DANNY ENGLAND



JOHN J. KRUZAN

Remarks:

PLANNING COMMISSION

Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-3. Definitions, is hereby:

Recommended for approval to the BOC Recommended for denial to the BOC

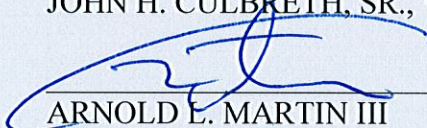
Tabled until _____

Per the Fayette County Planning Commission on this 1st day of June 2023.



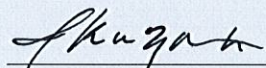
JIM OLIVER, CHAIRMAN

JOHN H. CULBRETH, SR., VICE-CHAIRMAN *Absent*



ARNOLD E. MARTIN III

DANNY ENGLAND *Absent*



JOHN J. KRUZAN

Remarks:

BOARD MEMBERS

Arnold L. Martin
John Kruzan
John H. Culbreth, Sr.
Danny England
Jim Oliver

STAFF

Deborah L. Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Chelsie Boynton, Planning and Zoning Coordinator
E. Allison Ivey Cox, County Attorney

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
June 1, 2023
7:00 pm

***Please turn off or turn to mute all electronic devices during the
Planning Commission Meetings**

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.

Arnold Martin made a motion to approve the agenda with the removal of items 6 and 7. John Kruzan seconded the motion. The motion passed 3-0. Danny England and John Culbreth Sr. were absent.

4. Consideration of the Minutes of the meeting held on May 18, 2023.

Arnold Martin made a motion to approve Minutes of the meeting held on May 18, 2023. John Kruzan seconded the motion. The motion passed 3-0. Danny England and John Culbreth Sr. were absent.

PUBLIC HEARING

5. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-3. Definitions; Sec. 110-241. – Public Hearing; Sec. 110-292. – Public Hearing; Sec. 110-295. – Appeal.

Arnold Martin made a motion to approve Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-3. Definitions; Sec. 110-241. – Public Hearing; Sec. 110-292. – Public Hearing; Sec. 110-295. – Appeal. John Kruzan seconded the motion. The motion passed 3-0. Danny England and John Culbreth Sr. were absent.

6. Consideration of Petition No. RDP-016-23, To revise the development plan for Morning Falls Subdivision - to remove parcel# 1308 021 (48.472 acres) from Morning Falls subdivision. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.

Item removed from agenda. No action taken.

7. Consideration of Petition No. 1329-23 CG & PH, LLC, Owner, and John K. Pell, Agent, request to rezone 48.472 acres from C-S to A-R. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.

Item removed from agenda. No action taken.

NOTICE OF PUBLIC HEARING
FOR AN AMENDMENT OF THE
FAYETTE COUNTY CODE OF
ORDINANCES, CHAPTER 110,
ZONING ORDINANCE.

PUBLIC HEARING to be held be-
fore the Fayette County Planning
Commission on

June 1, 2023, at 7:00 P.M, and be-
fore the Fayette County Board of
Commissioners on

June 22, 2023, at 5:00 P.M, in the
Fayette County Administrative
Complex, 140

Stonewall Avenue West, Public
Meeting Room, First Floor, Fay-
etteville, Georgia.

CONSIDERATION OF AMEND-
MENTS TO CHAPTER 110. ZON-
ING ORDINANCE, REGARDING
SEC. 110-3. – DEFINITIONS; SEC.
110-241. -PUBLIC HEARING; SEC.
110-292. - PUBLIC HEARING;
SEC. 110-295. -
APPEAL.

A copy of the above is available
in the office of the Fayette County
Planning and Zoning

Department, 140 Stonewall Avenue
West, Suite 202, Fayetteville, Geor-
gia.

This 1st day of June 2023.

Deborah Bell, Director
Planning and Zoning

05/17

Sec. 110-3. Definitions.

Words and terms not explicitly defined in this chapter shall have the meaning given by common and ordinary use as defined in Webster's New Collegiate Dictionary. The term "shall" is always mandatory while the term "may" is merely discretionary. The following specific definitions shall apply:

Accessory means a use or structure customarily incidental and subordinate to the principal use or structure and located on the same lot as such principal use or structure.

Acquisition of property for a public purpose means the acquisition of property by an entity with the power of eminent domain.

Acre, gross, means a measure of land equal to 43,560 square feet.

Acre, net, means a gross acre less: street rights-of-way, both public and private; all land located within the 100-year floodplain; all water/stormwater impoundments; and all lands proposed to be dedicated to a governing authority.

Adult day care facility means adult day care facilities shall include any building, or portion thereof, used to house four or more adults requiring care, maintenance, and supervision for part of a day.

Agriculture means the raising of soil crops, including forestry and landscape planting materials, and/or livestock in a customary manner on lots of land at least five acres in size, including all associated activities.

Aircraft means any machine, whether heavier or lighter than air, used or designated for navigation of, or flight in the air.

Aircraft hangar means a fully enclosed structure with operational doors designed to store aircraft and the associated equipment or supplies needed for the operation and maintenance of the aircraft.

Aircraft landing area means areas designed for safe landing and departures, including runways and heliports.

Airplane means a fixed-winged aircraft that is supported in flight by dynamic reaction of the air against its wings.

Alteration means any construction or renovation to an existing structure, other than repair.

Amphitheater means an open-air facility primarily used for entertainment purposes, commonly with tiers of seats facing a performance stage.

Animal means either a domestic dog (*Canis familiaris*) or domestic cat (*Felis catus*) This term shall not include livestock or household pets (see *Household pet*, see *Livestock*).

Animal, wild, includes any species or family or breed (including hybrids) of wild animals listed by the Georgia Department of Natural Resources (DNR) as being wild per O.C.G.A. title 27, ch. 5 (O.C.G.A. § 27-5-1 et seq.).

Antenna means a device used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas.

Apiary means a place where honeybees and beehives are kept. (Adopted 7-28-2011)

Aquaculture means the hatching, raising, and breeding of fish and/or aquatic plants for food or fiber.

Art and/or crafts studio means an establishment where an artist's works are created and sold, where pieces by various artists are displayed for sale in a gallery, where customers purchase then create their own works (canvas, pottery, glass pieces, sculpture, etc.), a studio with classes and/or an art supply store.

Artist studio means a structure accommodating the practice of the full spectrum of the arts including, but not limited to: fine arts, visual arts, and performing arts.

Athletic facility means an area designated for athletic activity.

Automobile service station means a land use where gasoline, oils, greases, batteries, tires, and general automobile accessories may be provided, but where no part of the premises is used for the storage or dismantling of wrecked or junked vehicles.

Auxiliary structure means a structure which is allowed incidental and secondary to a residence.

Bakery means an establishment engaged in the preparation and production of baked goods for sale and consumption both on and off the premises.

Banquet hall/event facility, means a facility which is rented by individuals or groups to accommodate private functions including, but not limited to: banquets, parties, meetings, weddings and/or wedding receptions, anniversaries, and other similar assemblies.

Basement means that portion of a building that is partially or completely below grade as defined and regulated in the International Residential Code.

Bed and breakfast inn, A-R, means a bed and breakfast inn allowed as a conditional use in the A-R zoning district.

Beehive means a structure intended for the housing of bees.

Boat house means a structure built in or over a waterway to house a boat.

Breezeway means a roofed, open-sided or screened passageway connecting two structures, such as a house and a garage.

Buffer means a portion of a lot which is set aside to provide a separation of uses from abutting lots.

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure for any person, animal, livestock, process, equipment, goods or property of any kind.

Building height means the vertical distance of a building measured from the median height of the basement level or crawl space to the midpoint of the highest roof. The midpoint shall be measured from the ceiling joist of the highest floor level or from where the truss rests on the highest wall for open roof structures. For structures constructed without a basement or crawl space, the measurement will be taken beginning at the ground floor level. (See also section 110-75, Structures Permitted above the Height Limit.)

Building line, front, means a line running parallel to the street which touches the nearest point of the principal structure to the street.

Building, principal, means a building in which the principal use of the lot is conducted.

Cabana/pool house means an open, partially, or totally enclosed structure used in conjunction with a pool or lake/pond, commonly containing a changing area, and/or seating area, and/or a restroom.

Campground facilities means any lot where two or more recreational vehicles and/or tents (which are normally associated with outdoor camping) are parked and/or erected for short-term occupancy.

Card, gift, and/or stationery shop means an establishment which sells products such as greeting cards, wrapping paper, photo albums, picture frames, items that are suitable as gifts or souvenirs, desktop office products, paper, calendars, pencils, pens, briefcases, and art/graphic supplies.

Care home means a convalescent center, nursing home, rest home, home for the aged, assisted living facility, or similar use established and operated on a profit or nonprofit basis to provide lodging and/or meals and/or domiciliary care for aged, infirm, chronically ill, or convalescent persons.

Carport, attached, means a roofed, open-sided motor vehicle shelter, formed by extension of a roof from a building in a residential zoning district.

Carport, detached, means a roofed, open-sided motor vehicle shelter.

Cemetery means a burial ground.

Cemetery or burial ground, legal nonconforming, means an existing cemetery or burial ground established before the effective date of November 13, 1980, or subsequent amendments which fail to comply with the provisions herein. These cemeteries or burial grounds could be active, inactive, or abandoned.

Check cashing means an establishment that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose.

Child care facility means an agency, organization, or individual providing care for four or more children not related by blood or marriage or not the legal wards of the attendant adult and would include those providers that offer pre-primary, pre-K, and/or kindergarten instruction.

Child care, in-home, means a custodial care business, conducted as a home occupation in a residential dwelling, where not more than three children, not related to the operator, are received for temporary care during the day only, whether for compensation, reward, or otherwise, and in full compliance with all applicable state requirements and/or certifications. The children of the owner are not included in the count.

Church or other place of worship means a building used for public worship, including, but not limited to: temple, synagogue, pagoda, shrine, cathedral, tabernacle, and mosque/masjid.

Clapboard siding means a siding with horizontal boards or the appearance of horizontal boards.

Clinic means an establishment where medical or dental patients are admitted for examination and treatment, but where there is no overnight lodging.

Club or lodge, private, means all incorporated or unincorporated associations for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of the members and not open to the general public.

Common area means any part of a development that is not part of a building lot and is designated for the common usage of the development. (See *Open space*.)

Convenience commercial establishment means an establishment that primarily stocks a range of groceries, snack foods, freshly-prepared foods for on and off-site consumption, and beverages, and may also provide household items, toiletries, tobacco products, newspapers, and the sale of fuel.

Convenience store means a small retail establishment that offers convenience goods for sale, such as prepackaged food items, beverages, tobacco, personal care items, and other household goods.

County engineer means the official to whom the responsibilities normally associated with this title has been delegated.

Copy and/or print shop means an establishment engaged in duplicating and printing services to individuals and businesses.

Cornice means a projecting feature surrounding the upper portion of a structure, dividing it horizontally for compositional purposes.

Covered patio or covered deck, detached, means an open or partially enclosed structure consisting of a roof with supporting posts/columns commonly containing a seating/dining area, and/or outdoor kitchen, and/or spa/hot tub.

Cultural facility means a facility for social, intellectual, artistic and/or scientific exposition such as museums, performing arts theaters, botanical gardens, and zoological parks.

Curb cut means the point at which vehicular access is provided to a lot from an adjoining street.

Day spa means an establishment offering massage therapy performed by a licensed massage therapist pursuant to Georgia Massage Therapy Practice Act (O.C.G.A. § 43-24A-1 et seq.) that in addition may also offer beauty care, body treatments, and the retail sales of related products.

Daylight hours means that period of time beginning 30 minutes before sunrise and ending 30 minutes after sunset.

Deer processing facility means a facility where deer is processed into various cuts of venison.

Density means the number of dwelling units per net acre.

Density, high, means high density is defined as more than four dwelling units per net acre.

Density, low, means low density is one dwelling unit or fewer per two net acres.

Density, medium, means medium density is one to three dwelling units per net acre.

Dog pen/run means, for the purposes of Section 110-79, pertaining to "Residential accessory structures and their uses," an outside open air enclosure, consisting of 400 square feet or less of space per animal, used for the purpose of containing animals.

Drive-in means a retail or service enterprise wherein service is provided to customers who remain in their vehicles.

Drive-through means an opening in the wall of a building or structure designed and intended to be used to provide service to customers who remain in their vehicles.

Drive-up facility means a structure or device designed and intended to provide service to customers who remain in their vehicles.

Drug abuse treatment facility, means a residential treatment facility staffed by professional and/or paraprofessional persons offering treatment and/or therapeutic programs for drug-dependent person who reside on the premises. This is a special use of property requiring the grant of a permit after two (2) public hearings. A drug abuse treatment facility must also be approved and licensed by the Georgia Department of Community Health.

[NOTE: This highlighted text is NOT part of the Ordinance revision. The preceding definition is the one presented to and recommended by the Planning Commission on June 1, 2023. However, in light of recent discussions, Staff would like to propose a revised definition, below.]

Drug abuse treatment facility, means a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency staffed by professional and/or paraprofessional persons offering treatment and/or therapeutic programs for drug -dependent persons who are housed on the premises for the course of treatment. A drug abuse treatment facility must also be approved and licensed by the Georgia Department of Community Health.

Dwelling means a building or portion of a building, designed for, or occupied for residential purposes constituting a residence.

Dwelling, multifamily, means a dwelling designed for three or more families living independently of each other.

Dwelling, single-family, means a detached dwelling designed for a single family.

Dwelling, townhouse, means one of a series of three or more attached dwelling units on separate lots which are separated from each other by party wall partitions extending at least from the lowest floor level to the roof.

Dwelling, two-family, means a building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

Dwelling unit means any building which contains living facilities, including provisions for sleeping, eating, and sanitation for not more than one family.

Educational/instructional facility means a specialized training establishment.

FAA means the federal aviation administration.

Facility means the area established to serve a particular use or purpose.

Family means one or more persons occupying a single dwelling unit, provided that all persons are related by blood or marriage, or are lawful wards, and shall also include a group of persons, not exceeding four, living and cooking together as a single, nonprofit housekeeping unit. The members of said group need not be related by blood or marriage or be lawful wards, where said group is occupying a single dwelling unit.

Farm means a lot devoted to the raising of agricultural products and/or livestock.

FCC means the Federal Communications Commission.

Fence means structures made of posts, columns, boards, wire, pickets, wrought iron, or rails.

Financial institution means any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company or other business association, which is chartered under federal or state law, solicits, receives or accepts money or its equivalent on deposit and loans money as a regular business.

Floor area, accessory structure, means the sum of the horizontal areas of several floors of the structure under roof, excluding any space where the floor-to-ceiling height is less than six feet.

Floor area, principal structure, means the area of a dwelling exclusive of unheated space shall be measured from the face of the exterior walls. Unheated space shall include, but not be limited to: attic, basement, garage, carport, patios, and open porches.

Footprint means the area of the foundation upon which a structure or building sits and would include the area beneath a supported or cantilevered lean-to attached to the structure or building.

Foundation means an in-ground masonry or poured concrete support for a structure.

Front door means the main entrance to a residence or building which is normally oriented to a street.

Funeral services means the observances, services, or ceremonies held for dead human bodies and includes any service relating to the transportation, embalming, cremation, observances, and interment of a dead human body.

Gazebo means a freestanding, circular roofed structure open on all sides, but enclosed by a railing, and used for outdoor seating in residential zoning districts.

Governing authority means the county board of commissioners.

Greenhouse, temporary means a structure constructed with a metal, plastic or wood framing (bent in a half round or hoop shape in the case of a hoop house), with a plastic sheet or cloth covering that is not mounted on a foundation and used for the purpose of growing or storing plants.

Greenhouse, permanent means a structure typically constructed with wood or metal framing and covered by glass or Plexiglas that is mounted on a foundation used for the purpose of growing or storing plants.

Grocery store means a retail establishment which primarily sells food and household goods, but is substantially larger and carries a broader range of merchandise than a convenience store.

Guestroom means a room occupied or intended, arranged or designed for occupancy by one or more occupants and used for that purpose and where overnight occupancy is allowed.

Helicopter means a rotary winged aircraft that depends principally upon the lift generated by one or more engine-driven rotors rotating on a substantially vertical axis for its primary means of propulsion.

Heliport means an area of land, water, or structure used for the sole purpose of landing and takeoff of helicopters.

Hobby breeder means a breeder of animals who sells less than 30 animals per year.

Home occupation means an occupation operated within a dwelling by residents of the dwelling.

Horse quarters means a structure used to house horses in the residential zoning districts.

Horse stable means a structure used to house and/or board horses in an A-R zoning district.

Hospital means any institution receiving in-patients, providing a staffed 24-hour emergency care facility, and authorized under the state law to render medical, surgical, and/or obstetrical care. The term "hospital" includes a sanitarium, with an approved certificate of need (CON) from the state health planning agency, for the treatment and care of various forms of mental illness, but shall not include office facilities for the private practice of medicine, dentistry or psychiatry.

Hotel means a building in which overnight accommodations are provided to the public and the innkeeper. The term "hotel" includes the terms "bed and breakfast inn" and "motel".

Household pet means a household pet shall include rodent pets, such as gerbils, hamsters, mice, rats, and guinea pigs; small mammal pets such as rabbits, hares, and ferrets; avian pets, such as canaries, parakeets, and parrots; reptile pets, such as turtles, lizards and snakes; and aquatic pets, such as tropical fish and frogs that is customarily kept for personal use or enjoyment primarily within a principal residence.

Industrialized building means any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a nonresidential building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.

Junk/auto grave yard means property used for outdoor storage, keeping, abandonment, sale or resale of junk, including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

Junked automobile. (See *Vehicle, abandoned.*)

Kennel means an establishment for the boarding, breeding and/or sale of animals for commercial gain that may in addition provide grooming and/or training services, and a pet rescue operation where the animals are primarily housed or kept outside of the principal residence in accessory structures, pens, or enclosures. A hobby breeder, as defined herein, shall not be considered a kennel.

Kindergarten. (See *School, private.*)

Landscape areas means a maintained area of grass and/or ornamental planting materials.

Livestock means animals including, but not limited to: horses, cattle, goats, sheep, pigs, potbellied pigs, chickens, ducks, geese, mules, rabbits, emu/ostrich, buffalo, chinchilla, fox, mink or other fur-bearing animal, and llamas. This term shall be deemed to specifically exclude animals (See *Animal* and *Household pet.*)

Loading space means space logically and conveniently located for pickup and delivery service, scaled to the vehicles expected to be used, and accessible to such vehicles at all times.

Lot means a tract of land of varying size which is designated as a single unit of property.

Lot, corner, means a lot located at the intersection of two or more streets.

Lot depth, means the distance between the front and rear lot lines.

Lot, flag, means a lot shaped like a flag on a pole with the pole portion of the lot fronting on a street and the flag portion being where the lot width is met.

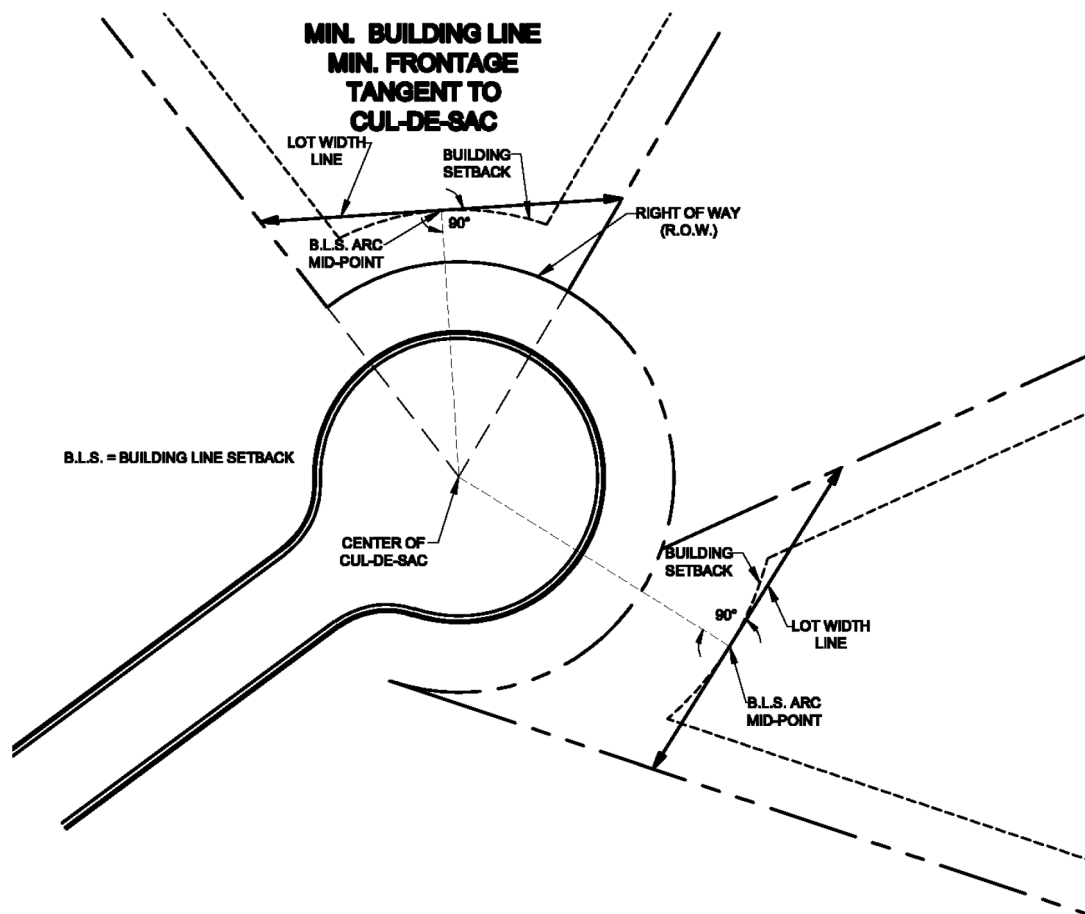
Lot, interior, means a lot which has frontage on only one street.

Lot, landlocked, means a lot having no frontage on a street.

Lot, through, means a lot, other than a corner lot, having frontage on more than one street.

Lot width means the required width of a lot as specified by a zoning district.

Lot width, minimum, means the minimum distance between side lot lines either measured in a straight line parallel to the street right-of-way or tangent and perpendicular to the mid-point of the right-of-way in the case of the turn around portion of a cul-de-sac along the front minimum building line (see graphic).



Lot of record means an area designated as a separate and distinct lot of land on a recorded subdivision plat approved in accordance with chapter 104, article XV subdivision regulations, or in a legally recorded deed.

Mail services store means an establishment that provides packaging and mail services (both U.S. Postal and private service), provides mailboxes for lease and retail sale of office and stationery products.

Manufactured home park means any lot where two or more manufactured homes are installed for living purposes, including any land or structure used by occupants of manufactured homes on such premises.

Manufactured home space means a plot of ground within a manufactured home park designed to accommodate a single manufactured home.

Manufactured housing means a structure, transportable in one or more sections, which, in the traveling mode, is 320 or more square feet and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For the purposes of this chapter, the term "mobile home" means "manufactured housing" or "manufactured home."

Massage therapy means massage therapy performed by a licensed massage therapist pursuant to the Georgia Massage Therapy Practice Act (O.C.G.A. § 43-24A-1 et seq.).

Mini-storage facility means storage facilities which are leased to the public.

Motel. (See *Hotel.*)

Mullion means a heavy vertical or horizontal divider between windows and/or doors.

Muntin means a narrow strip that divides or gives the appearance of individual panes of glass in a traditional sash.

Museum means a permanent institution in the service of society and of its development, open to the public, which acquires, conserves, researches, communicates, and exhibits the tangible and intangible heritage of humanity and its environment, for the purpose of education, study, and enjoyment.

Nonconformance, illegal, means a lot, use, building, or structure established after the effective date of November 13, 1980, or subsequent amendments which fail to comply with the provisions herein.

Nonconformance, legal, means a legally existing lot, use, building or structure which fails to comply with the provisions herein, as of the effective date of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance.

Nonemergency medical transport service means a service licensed by the state under O.C.G.A. title 31, ch. 11, arts. 1—4 (O.C.G.A. § 31-11-1 et seq.) as applicable and as administered by the department of human resources providing prearranged non-emergency medical transport.

Open space means land within and related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate. (See *Common area.*)

Overlay zone means a zone that imposes a set of requirements in addition to those set out by the underlying zoning district.

Parapet wall means a wall at the edge of a roof.

Parking garage/lot means a structure, lot or any portion thereof which is open to the public in which one or more vehicles are housed or kept, not intending exhibition or showroom or storage or cars for sale.

Parking space means an area for off-street motor vehicle parking.

Pavilion means a freestanding roofed structure generally supported by poles and open on the sides with a permanent foundation that is used for picnic/social gatherings.

Pay-day loan agency means an establishment providing loans to individuals in exchange for personal checks as collateral.

Pawn establishment means any business that loans money on deposit of personal property and/or a title of ownership.

Pet rescue means a nonprofit organization or individual providing temporary welfare, protection, and humane treatment of animals while searching for permanent adoptive homes.

Pet store means a retail establishment engaged in the sale of household pets and/or associated accessories and supplies, and may in addition provide grooming and/or training services.

Planning commission means the commission to which the responsibilities associated with the planning commission has been delegated.

Playhouse means a small house-like structure designed for children to play in.

Pole barn means a large structure consisting of a roof supported by poles for the storage of farm products, feed, or the housing of farm animals or farm equipment, in agricultural zoning districts.

Pool house. (See *Cabana/pool house.*)

Porte cochere means an extension of the roof projecting over a driveway at an entrance of a building and sheltering those getting in or out of vehicles; also called a carriage porch.

Principal structure front means the wall/plane of the principal structure in which the front door is located.

Public utility facility means a location of or for public utilities, such as an electric substation or a location where a business organization (as an electric company) performing a public service and subject to special governmental regulation and the public service commission.

Public water facilities means mains and service lines owned and operated by the county water system, or, when approved by the county commissioners, a private water system operating under the direct supervision of the department of natural resources.

Recycling facility means a facility engaged in the collection, separation, storage and processing (baling, compacting, grinding, or shredding) of household and office type recyclable materials only (aluminum and tin cans, cardboard, glass containers, magazines, newspaper, paper, plastic containers and telephone books) to facilitate the shipment of such materials to an industrial end-user.

Runway safety area means a cleared, drained, graded, and stable area symmetrically located about the runway, the dimensions of which include the runway width, and which is suitable for an airplane to overrun should it accidentally veer off the pavement.

Sales, garage/yard, includes all sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale," "moving sale," or "estate sale."

School, private, means an elementary (kindergarten thru sixth grade that may, in conjunction, provide pre-primary and pre-K instruction), middle or high school, supported with private funds, providing a curriculum that meets state board of education requirements, including schools serving school age children with special needs.

School, trade/vocational. (See *Educational/institutional facility.*)

Service area means a designated space, generally out-of-doors, utilized for utility areas, storage and pickup, and for the delivery of goods and services to any building or land use.

Setback means a required open space on a lot that is left unoccupied by structures and facilities, except as otherwise permitted herein.

Sewer system, central sanitary, means collection of sanitary sewage via a pipe network, transportation to a common collection point and treatment to required department of natural resources criteria prior to release.

Shooting range, indoor, means an indoor facility for the safe shooting of firearms, including both facilities which are open to the general public or open only to private membership.

Shooting range, outdoor, means an outdoor facility for the safe shooting of firearms, including both facilities which are open to the general public or open only to private membership.

Smoking lounge means an establishment dedicated, in whole or in part, to the sale and/or smoking of legal substances, including but not limited to, establishments known commonly as cigar stores/lounges, hookah lounges, tobacco clubs, etc.

Solar farm means any lot where more than three ground-mounted solar panels exceeding 200 cumulative square feet, or where more than 900 cumulative square feet of ground-mounted solar panels are located.

Solar panel means a device consisting of an array of connected solar cells or photovoltaic cells that convert solar energy (light from the sun) into heat or electricity.

Soundstage means a room or building used for the shooting of film and video content.

Special event means a temporary, short-term event commonly held by a religious, educational, or community organization or a promotional event to attract attention to a place of business.

Split zoning means a lot divided by more than one zoning district.

Stadium, athletic, means an open-air facility, primarily for the viewing of athletic events, usually with tiers of seats rising around a field or court.

Story means the portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it.

Street means a public or private thoroughfare or road, often paved, used for vehicular access to other streets and/or properties. Streets may be:

- (1) Owned and operated/maintained by the county (i.e., those within a public right-of-way);
- (2) Privately owned but open for public use and maintained by the county (i.e., those within a prescriptive easement); or
- (3) Privately owned and maintained (i.e., a private road) public streets are designated by type on the county thoroughfare plan.

Street, access, means a street that provides for access to lots.

Street, private, means a street used for access that is not owned or maintained by a governmental agency such as the county, a municipality, the state or federal government.

Street, public, means a street that is used for travel by the general public, that is owned or maintained by a governmental agency such as the county, a municipality, the state or federal government.

Structure means a combination of materials assembled for use or occupancy, whether installed on, above, or below the surface of land or water. For the purposes of this chapter, structures include, but not limited to: buildings, manufactured homes, towers, recreational courts, and swimming pools, but do not include driveways, signs, septic systems, walls, or fences.

Subdivision means all divisions of a lot or land into a minimum of two or more lots.

Swimming pool screened enclosure means a structure or part thereof, in whole or in part, self-supporting and having walls of insect screening and a roof of insect screening, commonly made of plastic, aluminum, or similar lightweight material.

Taxi service means a service that offers transportation in passenger vehicles to persons in return for remuneration. This does not include charter motor coach service.

Thoroughfare, major, means a street designated on the thoroughfare plan as a major arterial, minor arterial, proposed minor arterial, collector, and proposed collector.

Thoroughfare, minor, means a street designated on the thoroughfare plan as a county local or internal local.

Tot lot means an improved and equipped play area which may consist of swings, slides, sandboxes, climbing apparatus, and/or benches for small children, usually up to elementary school age.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures.

Tower facility means the area containing a tower, antennas, all accessory equipment cabinets or buildings, and required security fencing, excluding tower anchors. (Amended 5-26-2011)

Tower height means when referring to a tower or tower facilities, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna (see *building height*.)

Tower, planned, means any tower that is in the public hearing procedure, site application review process, site plan revision process, or has been approved, but not yet constructed (see article V of this chapter).

Tower structure, alternative, means tower structures designed to diminish, camouflage, or conceal the appearance of antennas or towers including: monopine (man-made pine trees), free standing clock towers, and bell towers, light poles, flag poles, internal antenna towers (a/k/a "slick stick") including cylindrical unicells and/or similar alternative design tower structures.

Towers and antennas, pre-existing, means any tower or antenna permitted prior to December 10, 1998.

Townhouse. (See *Dwelling, townhouse*.)

Trailer, temporary means a vehicle designed for towing, not intended for use as a dwelling, and restricted to such uses as a construction office/storage facility, real estate sales office, and operations office or classrooms pending construction of a permanent facility.

Training center means a facility used for business or professional conferences, seminars, and training programs.

Training facility, indoor, means a structure used for indoor training.

Transom means a horizontal opening over a door or window.

Tutoring means the provision of instruction.

Uses, conditional, means those uses that are allowed in a particular zoning district, but only under certain specified conditions.

Uses, permitted, means those uses that are allowed in a particular zoning district as a matter of right.

Uses, principal, means the main purpose for which a lot is intended and for which it may be used.

Variance means a modification of the terms of this chapter granted by the zoning board of appeals in accordance with criteria as set forth herein.

Vehicle, abandoned, means a vehicle which does not bear a license plate with a current decal affixed thereto, if required, unless said vehicle is stored within a completely enclosed building, stored on a permitted auto sales lot and is in satisfactory operating condition, or stored at a junk yard and/or auto grave yard (see article V of this chapter).

Vehicle/boat sales means a business establishment primarily involved in the sale and incidental repair of automobiles, trucks, farm equipment, heavy construction equipment, motorcycles, ATVs, boats/watercraft, recreational vehicles or utility trailers, or other vehicles, excluding manufactured homes.

Vehicle, business, means any vehicle used for business purposes, whether or not the owner is a private or governmental entity, except that school buses shall be excluded.

Vehicle, passenger, means a wheeled motor vehicle for transporting passengers which is designed to run primarily on roads, principally for the transport of people rather than goods, and shall exclude a charter motor coach.

Vehicle, recreational, means a self-propelled or towed vehicle used as a temporary dwelling for travel and recreational purposes.

Walkway means a passage to provide walking access, such as walks, paths, and steps.

Wall means structures made of masonry or concrete, commonly used as an enclosure for a lot.

Warehouse means a building devoted to retention of goods, merchandise, supplies or other materials produced on site or received in shipment for ultimate sale or shipment elsewhere.

Water distribution system, central, means mains and service lines owned and operated by the county water system, or when approved by the county commissioners, a private water system operating under the direct supervision of the Department of Natural Resources.

Water impoundment means a body of water confined by a dam, dike, floodgate, or other barrier.

Wedding/event facility means a facility where weddings and other events are held.

Weight, curb, means the total weight of a vehicle with standard equipment, all necessary operating consumables (e.g., motor oil and coolant), a full tank of fuel, while not loaded with either passengers or cargo.

Wind farm means any lot where more than one wind turbine for the purpose of generating electricity is located.

Wind turbine means a freestanding alternate energy device which converts wind energy into electrical energy. A windmill shall also be deemed a wind turbine when used in association with an agricultural operation.

Yard means a required open space on a lot that is left unoccupied with structures and facilities, except as otherwise permitted herein.

Yard, front, means the area between the property line adjacent to a street and the front building line, extending the full width of the lot.

Yard, primary front, means, on a corner lot, the area between a property line adjacent to a street and a line running parallel to the principal structure front, extending the full width of the lot.

Yard, rear, means the area between the rear property line and the rear of the principal structure, extending the full width of the lot.

Yard, secondary front, means, on a corner lot, the area parallel to the street between a property line adjacent to a street and the principal structure outside of the primary front yard.

Yard, side, means the area between the side property line and the side of the principal structure, extending from the front yard to the rear yard or extending from the front yard to the side yard in the case of a corner lot.

Zoning administrator means the person who has been designated by the board of commissioners to administer the enforcement of this chapter.

Zoning board of appeals means the board to which the responsibilities associated with the zoning board of appeals has been delegated.

(Code 1992, § 20-3-1; Ord. of 5-26-2011; Ord. of 7-28-2011; Ord. No. 2012-09, § 1, 5-24-2012; Ord. No. 2012-13, §§ 1, 2, 12-13-2012; Ord. No. 2013-02, § 1, 4-25-2013; Ord. No. 2013-05, §§ 1, 2, 7-25-2013; Ord. No. 2013-20, § 1, 11-14-2013; Ord. No. 2014-19, § 1, 12-11-2014; Ord. No. 2015-05, § 1, 3-26-2015; Ord. No. 2016-12, § 1, 7-28-

2016; Ord. No. 2016-15, § 1, 7-28-2016; Ord. No. 2017-04, § 1, 3-23-2017; Ord. No. 2017-16, § 1, 10-26-17; Ord. No. 2018-03, § 1, 9-22-2018; Ord. No. 2018-11, § 1, 10-25-2018; Ord. No. 2021-06, § 1, 3-25-2021; Ord. No. 2021-09, § 1, 5-27-2021)

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Ordinance 2023-05 amending Chapter 110. Zoning Ordinance, regarding Article VII. - Zoning Board of Appeals; Sec. 110-241. - Public hearing.; Article IX. - Policies, Procedures and Standards Governing Amendments; Sec. 110-292. - Public hearings.; Sec.110-295 - Appeal.

Background/History/Details:

Consideration of the following:
Sec. 110-241. Public hearing. - Amendments to include changes in the State code regarding public hearings before the Zoning Board of Appeals.
Sec. 110-292. Public hearings. - amendments to include changes in the State code regarding public hearings.
Sec. 110-295. Appeal. - amendments to include changes in the State code regarding appeals.

These amendments are primarily housekeeping items to bring the County's Ordinances into alignment with State code.

On June 1, 2023, the Planning Commission approved these amendments 3-0 (Commissioners Culbreth and England were absent).

Staff recommends approval, except that where the PC approved a change in public comment time from 20 minutes to 10 minutes per side, staff recommends retaining the current time limit of 20 minutes. See Sec. 110-241 (b) Conduct of hearing.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2023-05 amending Chapter 110. Zoning Ordinance, regarding Article VII. - Zoning Board of Appeals; Sec. 110-241. - Public hearing.; Article IX. - Policies, Procedures and Standards Governing Amendments; Sec. 110-292. - Public hearings.; Sec.110-295 - Appeal.

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:

PLANNING COMMISSION

Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-241. Public Hearing, is hereby:

Recommended for approval to the BOC _____ Recommended for denial to the BOC


_____ Tabled until _____

Per the Fayette County Planning Commission on this 1st day of June 2023.



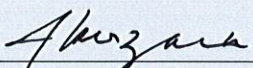
JIM OLIVER, CHAIRMAN

JOHN H. CULBRETH, SR., VICE-CHAIRMAN *absent*



ARNOLD L. MARTIN III

DANNY ENGLAND *absent*



JOHN J. KRUZAN

Remarks:

PLANNING COMMISSION

Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-292. Public Hearing, is hereby:

Recommended for approval to the BOC _____ Recommended for denial to the BOC

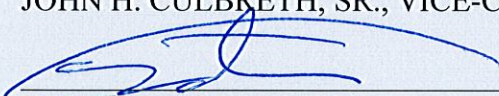
_____ Tabled until _____

Per the Fayette County Planning Commission on this 1st day of June 2023.



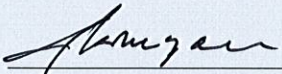
JIM OLIVER, CHAIRMAN

_____ Absent
JOHN H. CULBRETH, SR., VICE-CHAIRMAN



ARNOLD L. MARTIN III

_____ absent
DANNY ENGLAND



JOHN J. KRUZAN

Remarks:

PLANNING COMMISSION

Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-295. Appeal, is hereby:

Recommended for approval to the BOC Recommended for denial to the BOC

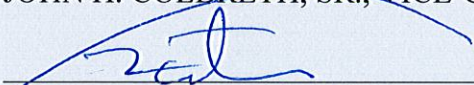
Tabled until _____

Per the Fayette County Planning Commission on this 1st day of June 2023.



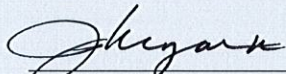
JIM OLIVER, CHAIRMAN

JOHN H. CULBRETH, SR., VICE-CHAIRMAN *absent*



ARNOLD L. MARTIN III

DANNY ENGLAND *absent*



JOHN J. KRUZAN

Remarks:

BOARD MEMBERS

Arnold L. Martin
John Kruzan
John H. Culbreth, Sr.
Danny England
Jim Oliver

STAFF

Deborah L. Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Chelsie Boynton, Planning and Zoning Coordinator
E. Allison Ivey Cox, County Attorney

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
June 1, 2023
7:00 pm

***Please turn off or turn to mute all electronic devices during the
Planning Commission Meetings**

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.

Arnold Martin made a motion to approve the agenda with the removal of items 6 and 7. John Kruzan seconded the motion. The motion passed 3-0. Danny England and John Culbreth Sr. were absent.

4. Consideration of the Minutes of the meeting held on May 18, 2023.

Arnold Martin made a motion to approve Minutes of the meeting held on May 18, 2023. John Kruzan seconded the motion. The motion passed 3-0. Danny England and John Culbreth Sr. were absent.

PUBLIC HEARING

5. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-3. Definitions; Sec. 110-241. – Public Hearing; Sec. 110-292. – Public Hearing; Sec. 110-295. – Appeal.

Arnold Martin made a motion to approve Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-3. Definitions; Sec. 110-241. – Public Hearing; Sec. 110-292. – Public Hearing; Sec. 110-295. – Appeal. John Kruzan seconded the motion. The motion passed 3-0. Danny England and John Culbreth Sr. were absent.

6. Consideration of Petition No. RDP-016-23, To revise the development plan for Morning Falls Subdivision - to remove parcel# 1308 021 (48.472 acres) from Morning Falls subdivision. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.

Item removed from agenda. No action taken.

7. Consideration of Petition No. 1329-23 CG & PH, LLC, Owner, and John K. Pell, Agent, request to rezone 48.472 acres from C-S to A-R. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.

Item removed from agenda. No action taken.

NOTICE OF PUBLIC HEARING
FOR AN AMENDMENT OF THE
FAYETTE COUNTY CODE OF
ORDINANCES, CHAPTER 110,
ZONING ORDINANCE.

PUBLIC HEARING to be held be-
fore the Fayette County Planning
Commission on

June 1, 2023, at 7:00 P.M, and be-
fore the Fayette County Board of
Commissioners on

June 22, 2023, at 5:00 P.M, in the
Fayette County Administrative
Complex, 140

Stonewall Avenue West, Public
Meeting Room, First Floor, Fay-
etteville, Georgia.

CONSIDERATION OF AMEND-
MENTS TO CHAPTER 110. ZON-
ING ORDINANCE, REGARDING
SEC. 110-3. – DEFINITIONS; SEC.
110-241. -PUBLIC HEARING; SEC.
110-292. - PUBLIC HEARING;
SEC. 110-295. -
APPEAL.

A copy of the above is available
in the office of the Fayette County
Planning and Zoning

Department, 140 Stonewall Avenue
West, Suite 202, Fayetteville, Geor-
gia.

This 1st day of June 2023.

Deborah Bell, Director
Planning and Zoning

05/17

Sec. 110-292. Public hearings.

(a) *Place, time, and date.* The public hearings shall be conducted as follows:

- (1) Place: the county administrative complex.
- (2) Time and date:
 - a. Planning commission: First Thursday, at the time designated for its regular meetings.
 - b. Board of commissioners: Second and fourth Thursdays, at the time designated for its regular meetings.

Any changes from the standard schedule for public hearings will be published in the newspaper which carries legal advertisements for the county in compliance with the requirements for public notification as provided herein.

(b) *Conduct of hearing.* Public hearings on amendments shall be conducted with the opportunity for the applicant and proponents and the opponents of an amendment to speak. An applicant shall be given the opportunity for rebuttal. The board of commissioners and planning commission may establish time limits through their individual adopted rules of procedure and such time limit shall not be less than ten minutes per side.

- (1) *Decisions.* Recommendations of the planning commission and decisions of the board of commissioners on applications for rezonings shall be made subsequent to the public hearings.
- (2) *Minutes.* The minutes of any public hearing shall be maintained with the zoning decision entered thereon. The minutes shall be kept as public records.

(Ord. No. 2015-06, § 2, 3-26-2015; Ord. No. 2017-11, §§ 5, 6, 6-22-2017)

Sec. 110-295. Appeal.

An applicant has 30 calendar days from the date of the board of commissioners rezoning decision to file an appeal with the superior court of the county. Text amendment or map amendment decisions made subject to this article shall be subject to direct constitutional challenge regarding the validity of said decisions in the superior court pursuant to its original jurisdiction over declaratory judgments and equity jurisdiction. Such challenges shall be by way of de novo review by the superior court wherein such review brings up the whole record from the board of commissioners and all competent evidence shall be admissible in the trial thereof, whether adduced in the process before the board of commissioners or not and employing the presumption that the decision of the board of commissioners is valid and can be overcome substantively by a petitioner showing clear and convincing evidence that the zoning classification is a significant detriment to the petitioner and is insubstantially related to the public health, safety, morality, or general welfare. Such challenge shall be brought within 30 days of the written decision of the challenged action.

(Ord. No. 2015-06, § 2, 3-26-2015)

BOARD OF COUNTY COMMISSIONERS

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

Consent #6

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

June 8, 2023

5:00 p.m.

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

Call to Order

Chairman Lee Hearn called the June 8, 2023 Board of Commissioners meeting to order at 5:05 p.m. A quorum of the Board was present. Commissioner Charles Rousseau was absent.

Invocation and Pledge of Allegiance by Chairman Lee Hearn

Chairman Lee Hearn offered the invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Charles Oddo moved to accept the agenda as written. Vice Chairman Edward Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

PROCLAMATION/RECOGNITION:**1. Presentation by Atlanta Regional Commission (ARC) - Creating One Great Region Together.**

Atlanta Regional Commission (ARC) Director, Anna Roach, provided the Board a brief overview of the ARC - *Creating One Great Region Together*. Ms. Roach thanked the Board for the opportunity to speak with them and to the constituents of Fayette County. Ms. Roach acknowledged the Fayette County representatives that sat on the Atlanta Regional Commission (ARC) these individuals were the voice of the County; Chairman Lee Hearn, Mayor Edward Johnson, and Bob Reeves. Ms. Roach stated that Fayette County was a vital partner for ARC. She stated that the objective and goal of ARC was to enhance quality of life, spark economic development in the communities, and to "be One Great Region." Ms. Roach stated that the vision of creating *One Great Region Together* was adopted by the Board in early 2023. She stated that for the purpose of this presentation the focus was on one of the biggest challenges throughout the region which was transportation. She advised that ARC was conducting a four-year update to the long-range regional transportation plan through 2050. Ms. Roach stated that this plan held a great deal of promise for shaping Fayette County and the rest of the region for decades to come. Ms. Roach briefly reviewed how the ARC was impacting the lives of constituents of Fayette County. She stated that the ARC was established via the Georgia Planning Act in the principal role of supporting local communities with community planning. She noted that over the years that principal role expanded beyond that initial state designation, and now included the ARC being the federal transportation planning agency for the region, engaging in community development through the economic development agency via the federal government, and so many more responsibilities. She stated that although this was a broad scope of responsibilities, they were all intertwined. Ms. Roach stated that through these roles ARC has had a direct impact in Fayette County. This was seen in the allocation of over \$4M via federal and state transportation funds, and over \$600K investment for older adult services, and three grant awards to Livable Centers Initiative (LCI) communities. Ms. Roach reminded the Board that the ARC was conducting an update to its long-

range regional transportation plan through 2050. This plan was called the Metropolitan Participation Plan (MTP). At stake in this plan was \$173B worth of resources that would flow through the ARC to communities across the region. She encouraged the Board as well as citizens to participate in the ARC's Metropolitan Participation Plan (MTP) by filling out the online survey and provide input. She provided a brief overview of potential project envisioned by the ARC for Fayette County. In conclusion, she stated that the goal of the ARC was to promote healthy communities, make strategic investment, foster a competitive economy, and encourage diverse stakeholder participation. She encouraged participation in the Metropolitan Participation Plan (MTP) by filling out the online survey. Ms. Roach stated the ARC "did not want to create the plan in a bubble" but it was their goal to get community involvement and input.

PUBLIC HEARING:

2. First of two Public Hearings on Fayette County's proposed annual budget for Fiscal Year 2024 which begins on July 1, 2023 and ends June 30, 2024.

Chief Financial Officer Sheryl Weinmann presented an overview of the proposed FY2024 Budget. She stated that the Board had already seen some of the slides being outlined in previous Budget presentations. In review of the General Fund Balance financial projections, she stated that the projected total Fund Balance would be \$32.6M. Ms. Weinmann stated that this amount included the CIP for next year FY2024, as well as Stabilization Fund in the amount of \$18.7M, leaving the unassigned fund with \$4.7M. In reviewing the Budget Summary, the positive impact for the General Fund was \$395,123. Ms. Weinmann stated that as a part of the previous Budget presentation and included in the budget were the following three items that staff needed the Board to vote on individually.

Ms. Weinman stated that the first item was regarding Constitutional Officers. Included in the budget was a 12.5% increase for the four constitutional officers, as outlined in the presentation. This included a state funded supplement for \$5K that Constitutional Officers received on January 1, 2023. Ms. Weinman stated that the proposed amounts that would bring each Constitutional Officer to the 12.5% was noted in the presentation and would total \$49,873.14. She noted that this does not include the proposed increase they would receive from the state on January 1, 2024 in the amount of \$2K.

Vice Chairman Gibbons moved to approve budget discussion Item #1: Constitutional Officers. Commissioner Oddo seconded.

Commissioner Oddo asked why this was being voted on separately from the budget and not merely included in the budget.

Ms. Weinmann stated that these items were included in the budget. These items were brought up in discussion at the Retreat but were not a part of the original discussion regarding the 12.5% increase. Based on the Board request from Retreat this was being brought before the Board consideration.

Mr. Rapson added that based on his position as County Administrator he could only make recommendation regarding County employees, he could not make recommendation for adjustments or supplements for elected or constitutional officers. He stated that based on direction received at Retreat that was why these items was before the Board.

Vice Chairman Gibbons moved to approve budget discussion Item #1: Constitutional Officers. Commissioner Oddo seconded the motion passed 4-0. Commissioner Rousseau was absent.

Ms. Weinman stated that the second item was regarding the Magistrate Court. She stated that the 12.5% increase was included in the budget, however staff wanted to present it before the Board for approval. The total amount for these increases was \$10,364.08.

Vice Chairman Gibbons moved to approve budget discussion Item #2: Magistrate Court. Commissioner Oddo seconded.

Commissioner Oddo asked again why this was being voted on separately from the budget and not merely included in the budget.

Ms. Weinman reiterated previous comments. She noted that based on the Board request from Retreat this was being brought before the Board for consideration. She stated that staff did not have the authority to include these items in the budget and that it had to be voted on by the Board of Commissioners.

Vice Chairman Gibbons moved to approve budget discussion Item #2: Magistrate Court. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

Ms. Weinman stated that the third item was regarding the Griffin Judicial Circuit and was a little more complicated. She stated that, as depicted in the presentation, the 12.5% increase was for both Superior Court and Juvenile Court and included increases for Judges and staff. Ms. Weinmann stated that each county that participated in the circuit would have a contribution increase based on the 12.5% increase. Fayette County's annual allocation would increase by \$40K. The total Griffin Judicial Circuit increase would be \$104K. She noted that while this was included in the budget, until approval was received by the remaining counties, this increase would be pending. And depending on when those approvals are received, this increase may have a different implementation date.

Chairman Hearn asked if staff had touched base with the other Griffin Judicial Circuit counties regarding this increase.

Mr. Rapson stated that he had been in contact and working with Will Simmons who was the Court Administrator for the Griffin Judicial Circuit. He added that he had received tentative agreement from Upson County but was still working with Pike and Spauling counties. Mr. Rapson stated that Mr. Simmons was aware that the trigger date for this increase was July 1 if agreements were received prior to that date. Otherwise, it would be approved whenever we received the remaining counties' approvals.

Commissioner Oddo moved to approve budget discussion Item #3: Griffin Judicial Circuit. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

Ms. Weinman stated that was the last item that needed to be discussed and because these were already included in the proposed budget there would not be any changes.

Ms. Weinmann concluded the presentation with the following budget highlights:

- No Millage Rate Change – Requires Advertising as Property Tax Increase
- General Fund impact from maintenance & operations is positive.
- Proposed Budget increases General Fund Balance \$394,123
- Funds Rolling 5 Year Capital Improvement Program of \$6,975,732
- Changes in Personnel levels protect the existing outstanding service delivery to our citizens
- Budget continues to maintain the commitment to balance current year revenues with current year expenses.
- Maintains Employee Benefits – Medical/Dental/Vision & Retirement
- County-Wide departmental cooperation continues to yield positive results.

The second public hearing and budget adoption will be held Thursday, June 22, 2022 at 5:00 p.m.

PUBLIC COMMENT:

Roy Bishop of Fayetteville expressed his concern regarding seeing an increased number of black garbage bags being dumped along the side of the road. He noted that the garbage dumping increased coincidentally with fee increase at the transfer station. He asked if this could be looked at.

The following citizens made comments about the Rick Ross rodeo/car show in their community: Dorothy Herring, Alpha Bryan, Alice Jones, Johnnie Jones, Representative Debra Bazemore, Mimi Phillips, Mike King.

Residents expressed their appreciation to the County and the event planning staff for improvements made from last year's event. Residents stated that there were still concerns regarding traffic control/safety and felt that this event disrupted their quality of life.

Residents stated that they resented having to present a permit to gain access to their homes/property where they pay taxes. Residents expressed concerns regarding noise pollution due to the “rap concert”. Residents reiterated their request for the car show to be held at a different location, if requested in the future.

State Representative Debra Bazemore stated that she represented the constituents in the area where this event was held. She expressed her appreciation for the county staff regarding the meetings and discussions that were had with Mr. Ross’ team in preparation of this event. Representative Bazemore suggested starting preparation for this event for next year earlier. She stated from her review of the aftermath of this event, there was need for improvement. She specifically mentioned trash being left all over Old National Highway/ Highway 279. She expressed her appreciation of coordination and collaboration of law enforcement, public safety, and other departments. She stated that it was her goal to have a meeting with Mr. Ross regarding being a good neighbor and being respectful of the community. She concluded that she was willing and ready to provide her assistance whenever needed.

Michael King event planner for the Rick Ross event thanked the County and public safety staff for their assistance in providing guidance and direction in working through this event. He also thanked community neighbors for their input. Mr. King provided the Board a brief overview of the event successes and shortcomings outlining things that happened that they had not considered, such as residents making copies of the car permits and charging for golf cart rides. He also apologized for the temporary power outage prior to the event caused a mishap with a power pole. Mr. King stated that his team put forth every effort to ensure the community safety and that they adhered to County guidance. He stated that his team did learn from this event and would implement changes if this event was granted next year. He noted that as promised in initial meetings with the community, he did follow through and was present at this meeting after the event.

CONSENT AGENDA:

Vice Chairman Gibbons moved to approve the Consent Agenda. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

3. **Approval of a Property Owner Marker Easement Agreement to place a historical marker for Fayette County native Nellie Mae Rowe at Heritage Park.**
4. **Approval of the May 25, 2023 Board of Commissioners Special Called Meeting Minutes.**
5. **Approval of the May 25, 2023 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

6. **Request to approve an Agreement with the Federal Highway Administration to accept a \$312,000 grant from the Office of the Secretary of Transportation under the Safe Streets and Roads for All (SS4A) discretionary grant program.**

Fayette County Transportation Engineer, Paola Kimbell, advised the Board that this request was seeking approval to enter an official agreement with the Federal Highway Administration, under the Safe Streets and Roads for All grant program. She stated that the grant was in the amount of \$312,000, with a local match of \$78,000 funded via the 2023 SPLOST.

Chairman Hearn asked how the funds would be used.

Ms. Kimbell stated that these funds would be used to develop and complete a safety action plan, analyzing past motor vehicle crashes, hot spots, etc. This plan supported the initiative to prevent death and serious injuries throughout all the roads in Fayette County. Ms. Kimbell noted that the safety action plan should be completed within 24-months.

Vice Chairman Gibbons moved to approve an Agreement with the Federal Highway Administration to accept a \$312,000 grant from the Office of the Secretary of Transportation under the Safe Streets and Roads for All (SS4A) discretionary grant program. Commissioner Oddo seconded.

Commissioner Oddo asked what the next steps were once the action plan was completed.

Ms. Kimbell stated the once completed the action plan would be used to seek additional grant funding to implement plan findings such as intersection improvements, path development and others.

Vice Chairman Gibbons moved to approve an Agreement with the Federal Highway Administration to accept a \$312,000 grant from the Office of the Secretary of Transportation under the Safe Streets and Roads for All (SS4A) discretionary grant program. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

7. Request to accept the Temporary Construction Easement between Fayette County and the City of Peachtree City to construct the potable water distribution line connection to Coweta County Water and Sewerage Authority.

Water System Director Vanessa Tigert stated that this request was a housekeeping item and the last step needed before construction began on the potable water distribution line connection to Coweta County Water and Sewerage Authority. She stated that on June 1, 2023 the City of Peachtree City Council approved the temporary easement to Fayette County which would allow for boring under Wynnmead Road, without inhibiting any traffic.

Vice Chairman Gibbons moved to approve to accept the Temporary Construction Easement between Fayette County and the City of Peachtree City to construct the potable water distribution line connection to Coweta County Water and Sewerage Authority. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

8. Request to award Contract #2232-S; Siemens Industry, Inc. for the maintenance of the building automation equipment and software within the Justice Center, Jail, Jail Annex, Sheriff's Office and the Library for a three (3) year period in the total amount of \$226,654.

County Administrator, Steve Rapson, stated that this item was seeking approval to award the Siemens Industry, Inc, contract. This contract was in the amount of \$226,654 and was for the maintenance of the building automation equipment and software within the Justice Center, Jail, Jail Annex, Sheriff's Office and the Library for a three (3) year period.

Vice Chairman Gibbons moved to approve to award Contract #2232-S; Siemens Industry, Inc. for the maintenance of the building automation equipment and software within the Justice Center, Jail, Jail Annex, Sheriff's Office and the Library for a three (3) year period in the total amount of \$226,654. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau seconded.

ADMINISTRATOR'S REPORTS:

A: Contract #2245-S: grounding & Lightning Protection – Consultant

Hospital Authority Selection Committee

Mr. Rapson stated that he needed a selection committee for the Hospital Authority position.

Vice Chairman Gibbons moved to appoint Chairman Hearn and Commissioner Maxwell to serve on the Hospital Authority Selection Committee. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

Hot Projects

Mr. Rapson stated that the Hot Projects report was forwarded to the Board and included updates on the Redwine Road multi-use path, Inman Road culvert replacement, Redwine Road/Bernhard Road/Peachtree Parkway roundabout, Parks and Recreation multi-use facility, and the Elections building renovation.

Rick Ross Rodeo/Car Show After-Action Meeting

Mr. Rapson stated that there would be an after-action meeting regarding the Rick Ross Rodeo/Car Show held on Friday, June 9, 2023 at 10 a.m. in the Commission Chambers.

Chairman Hearn stated that from the reports he'd received, the event was much smoother this year with less hiccups. He acknowledged there were some traffic concerns but noted that was expected with an event of the size. He commended staff for their efforts in working through this event.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were four items for Executive Session. One item of real estate acquisition, two items involving pending litigation and the review of the May 25, 2023 Executive Session Minutes.

COMMISSIONERS' REPORTS:

Commissioner Maxwell

Commissioner Maxwell in response to citizen comments regarding trash dumping, stated that there were no longer any inmate clean-up details.

Mr. Rapson stated that he made notes of trash dumping concerns and had just executed a contract that would be used to hire additional seasonal staff to target the area previously serviced by the inmate crews.

Commissioner Maxwell in response to comments regarding the rodeo/car show event, stated that he was on the citizens' side and wanted to do all he could to have the issue regarding the rodeo/car show resolved. He continued that he surprisingly received zero emails after the event, which indicated to him that the event was managed a lot better this year. He noted that if there was a request for this event next year the Board would be in anticipation of it and welcomed community input and suggestions. Commissioner Maxwell commended both the event organizer and County staff for their coordination of the event.

Vice Chairman Gibbons

Vice Chairman Gibbons reminded those in attendance that last Monday was the 69th anniversary of the Normandy Invasion, which was a very important day in American history and started the liberation of Europe.

Vice Chairman also gave a shot out to the Roads Department for a job well done in maintaining Fayette County roadways. Vice Chairman Gibbons concluded that when it came to how he approached local government and taking care of every citizen in the County, "he did not need any help in doing so, from the State Capital". He continued that "if a representative from the State Capital wanted to come in and observe a meeting, he felt that was great, however he did not need anyone telling him how to do their job". He stated that he did not appreciate past comments made to him by Representative Jackson and felt confident in the ability of his fellow colleagues on the Board as well as staff to care for the needs of the Fayette County citizens, and if that was not the case advised, "don't vote for us".

Commissioner Oddo

Commissioner Oddo advised all in attendance that Wednesday, June 14, 2023, was Flag Day. He noted that the flag was an important symbol and although it was a less popular day, it should be recognized for its importance. He encouraged those in attendance to put their flags out in recognition of Flag Day.

Chairman Hearn

Chairman Hearn expressed his kudos to staff for their due diligence and efforts put forth in working through the Rick Ross event. He stated that he felt there had been a lot of improvement made from last years event.

EXECUTIVE SESSION:

One item of real estate acquisition, two items involving pending litigation and the review of the May 25, 2023 Executive Session Minutes. Vice Chairman Gibbons moved to go into Executive Session. Commissioner Oddo Commissioner seconded. The motion passed 4-0. Commissioner Rousseau was absent.

The Board recessed into Executive Session at 6:18 p.m. and returned to Official Session at 6:43 p.m.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Vice Chairman Gibbons moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

Approval of the May 25, 2023 Executive Session Minutes: Commissioner Oddo moved to approve May 25, 2023 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 4-0. Commissioner Rousseau was absent.

ADJOURNMENT:

Vice Chairman Gibbons moved to adjourn the June 8, 2023 Board of Commissioners meeting. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

The June 8, 2023 Board of Commissioners meeting adjourned at 6:44 p.m.

Marlena M. Edwards, Chief Deputy County Clerk

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 22nd day of June 2023. Attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Chief Deputy County Clerk

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to renew Contract #2077-B; Water System Chemicals, for Brenntag Mid-South, Inc., Chemtrade Chemicals US LLC, and Southern States Chemical for a total not-to-exceed amount of \$460,012.00.

Background/History/Details:

Contract #2077-B; Renewal 1: Water Treatment Chemicals

Brenntag - Chlorine (Liquid) - \$97,920
Brenntag - Sodium Silica Fluoride - \$58,495
Chemtrade Chemicals US LLC - Alum (Liquid) - \$264,960
Brenntag - Sodium Hypochlorite - \$525
Southern States Chemical - Sulfuric Acid - \$38,112

What action are you seeking from the Board of Commissioners?

Approval to renew Contract #2077-B; Water System Chemicals, for Brenntag Mid-South, Inc., Chemtrade Chemicals US LLC, and Southern States Chemical for a total not-to-exceed amount of \$460,012.00.

If this item requires funding, please describe:

Funding is included - pending Board of Commissioners approval - in FY2024 budget for \$529,774 in 50543031 531182, \$360,658 in 50543041 531182.

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 *TLB*

From: Natasha M. Duggan *NMD*

Date: June 22, 2023

**Subject: Contract #2077-B: Water System Chemicals
 Renewal 1**

The County contracts with multiple vendors to provide water treatment chemicals. This is an annual contract coinciding with the County's fiscal year. The contract has two one-year renewal options. This request is for the approval of the first renewal for sulfuric acid, sodium hypochlorite, fluoride, liquid alum and chlorine. Brenntag Mid-South, Inc. has chosen not to renew copper sulfate. The vendors have agreed to renew their contracts for the other chemicals listed if the renewal request is approved.

The Water System proposes to renew their contract with Brenntag Mid-South, Inc., Chemtrade Chemicals US LLC, and Southern States Chemical for Fiscal Year 2024. Contractor Performance Evaluations are attached for each previously mentioned vendor (Attachment 1). The total award by vendor is shown on Attachment 2. Copper Sulfate which is used by Reservoir Management will be purchased on an as-needed basis by the Water System.

Specifics of the proposed contract renewal are as follows:

Contract Name	#2077-B: Water System Chemicals		
Contractor	Multiple (See attached award list Attachment 2)		
Type of Contract	Indefinite Delivery/Indefinite Quantity		
Not to Exceed Amount	\$460,012.00		
Budget:			
	Crosstown	S. Fayette	Total
Org Code	505403031	50543041	
Object	531182	531182	
Contract NTE	\$274,970.00	\$185,042.00	\$460,012.00
FY24 Budget Request	\$529,774.00	\$360,658.00	\$890,432.00

FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

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

VENDOR INFORMATION**COMPLETE ALL APPLICABLE INFORMATION**

Company Name: Brenntag Mid-South, Inc.	Contract Number: 2077-B
Mailing Address: 3200 Moon Station Road	Contract Description or Title: Water Treatment Chemicals
City, St, Zip Code: Kennesaw, GA 30144	Contract Term (Dates) From: 7/1/2022-present
Phone Number: 770-429-1405	Task Order Number: N/A
Cell Number:	Other Reference: Renewal 1 Chlorine
E-Mail Address: DJAKULSKI@BRENNTAG.COM	

DEFINITIONS

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

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

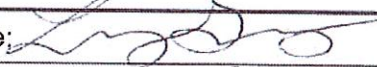
SATISFACTORY (Sat) - Vendor met minimum contractual requirements or performance expectations of the products/services.

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

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

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

EVALUATED BY

Signature: 	Date of Evaluation: 3/2/2023
Print Name: Lacey Gray	Department/Division: Water System
Title: Plant Manager	Telephone No: 770-320-6081

FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

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VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: Brenntag Mid-South, Inc.	Contract Number: 2077-B
Mailing Address: 3200 Moon Station Road	Contract Description or Title: Water Treatment Chemicals
City, St, Zip Code: Kennesaw, GA 30144	Contract Term (Dates) From: 7/1/2022-present
Phone Number: 770-429-1405	Task Order Number: N/A
Cell Number:	Other Reference: Renewal 1 Sodium Hypochlorite and Prayon's sodium silicofluoride.
E-Mail Address: DJAKULSKI@BRENNTAG.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.

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

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

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

EVALUATED BY

Signature: <i>Susan L. Lee</i>	Date of Evaluation: 2/21/2022
Print Name: Susan L. Lee	Department/Division: Water
Title: Operations & Production manager	Telephone No: 770 320-6087

CONTRACTOR PERFORMANCE EVALUATION
Explanation of Outstanding or Unsatisfactory Ratings

Page 2

Company Name:

Contract Number:

EXPLANATIONS / COMMENTS

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

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

FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

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VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: Chemtrade Chemicals US LLC	Contract Number: 2077-B
Mailing Address: 90 E. Halsey Road, Suite 200	Contract Description or Title: Water Treatment Chemicals
City, St, Zip Code: Parsippany, NJ 07054	Contract Term (Dates) From: 7/1/2022-Present
Phone Number: 800-441-2659	Task Order Number: n/a
Cell Number: N/A	Other Reference: for award of Contract 2077-B Renewal 1
E-Mail Address: bids@chemtradelogistics.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.

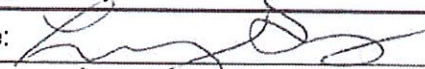
SATISFACTORY (Sat) - Vendor met minimum contractual requirements or performance expectations of the products/services.

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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: 3/13/2023
Print Name: <u>Lacy Gray</u>	Department/Division: Water System
Title: Plant Manager	Telephone No: 770-320-6081

FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
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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: Southern States Chemical	Contract Number: 2077-B
Mailing Address: 1181 N. 35 th Street	Contract Description or Title: 78% Sulfuric Acid (Chemicals)
City, St, Zip Code: Savannah, GA 31401	Contract Term (Dates) From: 7/1/2022 - Present
Phone Number: 912-790-6352	Task Order Number: n/a
Cell Number: N/A	Other Reference: for Renewal 1
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.

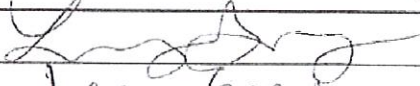
SATISFACTORY (Sat) - Vendor met minimum contractual requirements or performance expectations of the products/services.

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

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1. Work or other deliverables performed on schedule		X			
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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: 2/13/2023
Print Name: <u>Lacey Gray</u>	Department/Division: Water System
Title: Plant Manager	Telephone No: 770-320-6081

Renewal 1
ITB 2077-B: Water Treatment Chemicals

Vendor	Chemical	Crosstown	S. Fayette	Total
Southern States	Sulfuric Acid	\$ 19,056.00	\$ 19,056.00	\$ 38,112.00
Brenntag	Sodium Hypochlorite	\$ 262.50	\$ 262.50	\$ 525.00
Brenntag	Fluoride	\$ 33,254.00	\$ 25,241.00	\$ 58,495.00
Chemtrade	Liq. Alum	\$ 161,460.00	\$ 103,500.00	\$ 264,960.00
Brenntag	Chlorine*	\$ 60,937.50	\$ 36,982.50	\$ 97,920.00
Brenntag	Copper Sulfate	not renewed		
Total Renewal 1		\$ 274,970.00	\$ 185,042.00	\$ 460,012.00

*includes fuel surcharges


Renewal by Vendor:

Brenntag	\$ 156,940.00
Chemtrade	\$ 264,960.00
Southern States Chemical	<u>\$ 38,112.00</u>
	\$ 460,012.00



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: May 24, 2023

**Subject: Contract 1867-P: Water System Engineer of Record
Task Order 23-08: SCADA Project Management & Alum Upgrade**

Crosstown and South Fayette Water Treatment Plants use a Supervisory Control and Data Acquisition (SCADA) system in the water treatment operations. The SCADA system is a combination of hardware and software that monitors, collects, and processes real-time data and directly interacts with devices such as sensors, valve pumps, and motors.

Arcadis U.S., Inc. is the current Water System Engineer of Record (Contract #1867-P). On April 14, 2022, the Board of Commissioners (BOC) approved Task Order #22-11 for Arcadis to review the SCADA system and recommend improvements at both treatment plants.

As a result of Arcadis' review, on January 26, 2023, the BOC awarded contracts to two vendors for upgrades. Contract #2206-S was awarded to ITAC/ICS to upgrade the existing filter control system and various chemical systems. Contract #2216-S was awarded to J.K. Duren Company, Inc. to replace control system hardware and upgrade Visual Tag SCADA (VTScada) software at both plants.


Arcadis' Task Order #23-08 will continue the SCADA upgrade project with the following services:

1. *Project Management*: Arcadis will provide project management for both the ITAC/ICS contract and the J.K. Duren Company contract. Not to exceed \$8,089.60.
2. *SCADA Consulting*: On-site inspection, engineering support, participation in workshops, and software testing. Not to exceed \$31,724.00.

- 3. Alum Feed System Upgrade: Design and bid assistance to enable the alum system to be integrated with the SCADA system. Not to exceed \$53,920.50.

Specifics of the proposed contract task order are as follows:

Contract Name	1867-P: Water System Engineer of Record		
Task Order	23-08: SCADA Project Management & Alum Upgrade		
Contractor	Arcadis U. S., Inc.		
Not to Exceed Amount	\$93,734.10		
Budget:			
Fund	507		Water CIP
Org Code	507		Water CIP
Object	542540		
Project	6SCAD		SCADA Upgrade
Not to Exceed	\$93,734.10		
Available Budget	\$167,955.83		As of 5/22/2023

Approved by:  _____ Date: 5/31/23

Place on County Administrator's Report? Yes No

On Agenda Dated: 6/22/2023



Vanessa Tigert, PG
 Director
 Fayette County Water System
 245 McDonough Road
 Fayetteville, Georgia 30214



Arcadis U.S., Inc.
 2839 Paces Ferry Road SE
 Suite 900
 Atlanta, Georgia 30339
 Phone: 770 431 8666
www.arcadis.com

Date: May 16, 2023

Ref: Contract #1867-P Water System Engineer of Record (Arcadis PN 30099925)

Subject: Task Order TO 23 –08 SCADA Plant Upgrade (CA and Alum)

Dear Ms. Tigert,

The Fayette County Water System (FCWS) has requested Arcadis U.S., Inc. (Arcadis) submit a Task Order (TO) for the SCADA Plant Upgrade for Construction Services. The TO will be two-fold: provide services during the integration and implementation of the proposed SCADA upgrades from Task Order 22-11; and provide design engineering services for upgrades to the Aluminum Sulfate (Alum) Feed System at both Crosstown and South Fayette Water Treatment Plants (WTPs).

Background

As part of the TO 22-11 SCADA assessment, recommendations for preliminary improvements included computer hardware and software upgrades using the vendors of ITAC and JK Duren. As part of the study, Arcadis prepared a recommendation letter and performance objectives for the proposals provided by these vendors. The vendors were selected based on their proven local experience with the existing plant hardware and software. FCWS issued purchase orders to both vendors, and Arcadis has been requested to support FCWS staff during implementation of the upgrades. The installation of the new hardware and software will reduce operational risks associated with aged control system computers and outdated computer operating systems. This implementation period is assumed to be 4 months.

In addition, the Alum system requires some much-needed upgrades. This chemical system is vital to plant operations as it is used to precipitate solids in the treatment process which helps in filter optimization to increase plant flow. The existing alum tanks and feed system at both the Crosstown and South Fayette WTPs need upgrading to provide operations the ability to better monitor, control, and operate the alum system. The level sensors are a tape measure connected to a level float inside each tank, requiring personnel to be at the tank to read the level, with plant staff unable to see the tank levels on SCADA in the control room. The feed system includes three pumps, in a lead, lag, and standby run configuration. Plant staff are unable to monitor the run status or control the alum feed pumps from SCADA. Typically, if a pump goes offline, the standby pump is called to turn on, allowing continue feeding of alum. Last year the standby pump didn't turn on, and no alum was added to the raw water for an extended period. The plant staff had to waste all the water not dosed with alum. The proposed upgrades allow for better control and monitoring of a vital part of the water treatment process.

As part of the Hoseless Sludge Improvements construction project, a conceptual design was prepared for replacing the alum tank level monitoring system at both South Fayette and Crosstown WTPS. FCWS has requested that this alum feed system upgrade design be completed and bid for implementation under a new Task Order.

Scope of Work

The proposed TO will allow Arcadis to assist FCWS in providing engineering support and proportional construction management services for the implementation of the following SCADA upgrade contracts:

1. Crosstown WTP Control Room Plant SCADA System Computer and VTSCADA HMI System Software Upgrade, implemented by ITAC
2. Crosstown WTP Filter Magic Filter Control Console High-Performance Industrial PC & VTScada Software Upgrade, implemented by ITAC
3. Crosstown and South Fayette WTP VTScada System Upgrade, implemented by JK Duran.
4. Arcadis will provide bid-ready contract documents to upgrade the alum feed systems at both plants. The proposed upgrades will allow plant operations to better control and monitor the alum feed systems including integration of the system to SCADA.

The following tasks identify the support services that will be provided.

Task 1: Project Management

Project Management will continue coordinating and oversight of the execution of the proposed tasks, tracking task budgets and schedules, as well as reviewing and ensuring the quality of the deliverables.

Task 2: SCADA Consulting

Arcadis will perform the limited integration management services required under the existing task. The following subtasks will be included during integration and are defined in detail below:

1. Limited contractor Oversight
2. Submittal Review
3. Request for Information
4. Client and Contractor Workshops

Limited Contractor Oversight – The level of effort associated with the on-site resident inspection services is not full-time and is based upon the needs during the various stages of integration and as required at specific phases before accepting the Contractor's work for three contracts. The estimated resident inspection services level of effort over the course of the integration duration will vary based on the phases of activities throughout this period. Our inspection services are focused on when significant installation and integration activities will be taking place and will be coordinated with FCWS after each of the Contractor's proposed construction schedule is received. Arcadis will coordinate any changes to the anticipated resident inspection level of effort, either increased or reduced, with FCWS. If additional on-site resident inspection services are required, they will be provided under additional scope of services. The level of effort included in this proposal is an average of the following over the construction duration:

- 4 hours per week (including driving time) average estimated for the 4-month construction duration (March 2023 - June 2023) for SCADA Contracts 1 and 3 above. An average of 4 hours per week (including driving time) will also be provided for SCADA Contract 2, estimated for a 2 month construction period.

In addition to providing on-site resident inspection to observe the overall construction progress made by the Contractor, Arcadis will also provide engineering office support services and proportional construction management for the project including participation in workshops and software testing.

Requests for Information (RFI) and Submittals – Arcadis will review and respond in writing to RFIs, shop drawings, and construction related submittals generated by the Contractor over the course of the construction periods. Arcadis will assist in the technical interpretation of the drawings, specifications, and contract documents, and evaluate requested deviations from the approved design and specifications.

- 1 RFIs are estimated to be reviewed.
- 12 Submittals (including re-submittals) and shop drawings are estimated to be reviewed.

Field Orders and Change Orders – Arcadis will assist the Contractor with field changes and change orders that result from potential issues that arise as construction progresses. Assistance will include coordination with the Contractor to obtain pricing information for field changes and change orders. If the required field change results in a modification to the construction price, the Contractor will submit a proposal for Arcadis to prepare a potential change order form and document the proposed work and pricing to be distributed and signed by Arcadis, FCWS, and the Contractor at the time of the change. Arcadis will provide signed documentation of the change order at the end of the construction project.

- 1 Field Orders / Change Orders are estimated to be processed.

Workshops – Arcadis will host and participate in monthly construction progress meetings during the duration of the construction projects to receive the Contractor's report on the progress of construction, anticipated problems, and review the schedule of planned work. During these monthly meetings, Arcadis design discipline engineers can be made available to attend to observe construction progress and assist in resolving any outstanding field issues with the Contractor. If issues arise prior to these scheduled monthly construction progress meetings, Arcadis' design discipline engineers will visit the site to coordinate on specific issues with the Contractor that cannot wait for the scheduled meeting. As part of these site visits, Arcadis will also support and coordinate with the Contractor on the start-up services and training for the new equipment being installed.

- 2 1-hr. pre-construction kickoff meetings, one meeting for contracts 1 and 3
- 4 monthly 1-hr progress meetings are assumed for the scope of work to monitor contractor performance
- Arcadis will prepare meeting minutes to document the items discussed.
- 16 site visits are estimated that Arcadis' design discipline engineers will conduct over the construction period including observations and workshop participation. Observation site visits are assumed to be a half day (4 hours) including driving time, while workshops are assumed to be full day (8 hours).

Task 3: Alum Feed System Upgrades

The engineering and development of the Alum Feed System Upgrade package will be provided under this task, Task 3: Alum Feed System Upgrades. The upgrades at each plant will include the following components:

1. Alum Tank Level Sensors and Fill Panel
2. Alum Feed Pump PLC and ability to flow pace and control of the Alum feed pumps through SCADA
3. Streaming Current Detector (SCD) Instrument system with connection and integration with the alum feed system

A breakdown of project milestones and submittals are outlined below:

1. 30% Design Engineering - 30% Design Drawings, Specifications Table of Contents

2. 90% Design Engineering - 90% Design Drawings and Specifications
3. Final Design - IFB Drawings and Specifications
4. Bidding and Award Support - Addenda during bid, Engineer's Recommendation of Award, Conformed Drawings and Specifications
5. Permitting Support
 - 5.1. Required building permits
 - 5.2. Coordination with EPD
6. Construction Management (CM) services for Alum Feed Improvements to be developed after design phase as separate TO,

Assumptions

1. Arcadis shall not supervise, direct, or have control over the Contractor's work nor have any responsibility for the construction means, methods, techniques, sequences, or procedures selected by the Contractor, nor for the Contractor's safety precautions or programs in connection with the work.
2. Arcadis does not guarantee the performance of the Contractor and shall not be responsible for the Contractor's failure to perform its work in accordance with the Contract Documents or any applicable laws, codes, rules, or regulations.
3. Warranty period assistance is not included in the scope of work. Assistance, including periodic monitoring, responding to operational issues, communications with the Contractor for performance of warranty work, and observation of warranty work where appropriate can be provided as an additional service.
4. SCADA kickoff meetings will be held independently for each contract
5. SCADA progress meetings will be held independently, but coordinated based on schedules
6. Alum Construction Management services not included.
7. FCWS will issue a Contract 2 to JK Duran for Console upgrades at the start of FY 2024.

Deliverables

The following deliverables are included:

1. Conformed documents for Alum System
2. Submittals and shop drawings review
3. Construction progress meeting minutes
4. Construction photos

Schedule

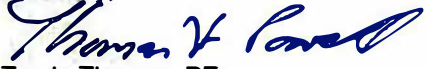
Arcadis will begin work under this Professional Services Assignment when authorized by the County. The scope of services is based on the following durations after receipt of a Notice to Proceed from FCWS. SCADA Construction Services through Record Drawings is scheduled for 5 months (4 months of construction and 1 month for record drawings) for Contracts 1 and 3. The schedule for Contract 2 is estimated at 2 additional months. The schedule for the Alum feed system upgrades through contract bidding and award is scheduled for 6 months. Arcadis is prepared to begin executing this TO upon receiving NTP.

Fee / Project Team

Compensation for the work in this professional services assignment will be based on a not-to-exceed, time and materials fee as shown in the attached Fee Table. The compensation was determined using the previously agreed upon rates associated with Arcadis' Engineer of Record contract with the County. The Project Team is also listed in the attached Fee Table.

We appreciate the opportunity to submit this proposal for this Task Order. If you have any questions, please do not hesitate to contact me. We look forward to working with you and the FCWS team on this project.

Sincerely,

pa 

Travis Thomas, PE

Project Manager – Arcadis U.S., Inc.

Email: Travis.Thomas@Arcadis.com

Mobile: (912) 665-3875

CC. Aaron Capelouto, PE, MIB; Michael Diaz, PE, MS; Thomas Powell, PE

ATTACHMENT A - FEE TABLE

Discipline	Project Management			Process Mechanical		Electrical / I&C				ARCADIS Subtotals		
	Deputy Account Lead	PM	Project Assistant	Lead Process	Staff Process	QA/QC	Lead I/C Engineer	Lead Electrical Engineer	CADD Tech	Total Hrs	Total Cost	Subtotal
Staff Proposed	Aaron Capelouto	Travis Thomas	L. Dickson / J. Diaz-Reynolds	H. Giles	S. Suranga	Thomas Powell	Samuel Ayoade	Ninad Deshpande	TBD			
Labor Category	Project Engineer	Project Engineer	Project Assistant	Senior Engineer	Staff Engineer	Managing Engineer	Project Engineer	Project Engineer	CADD Technician			
Labor Rate (Demand Services Rate Table)	\$142.14	\$142.14	\$84.48	\$190.55	\$111.24	\$206.00	\$142.14	\$142.14	\$100.84			
Total Role Hours	6	44	15	38	48	45	274	116	80			
Total Role Percentage	9%	68%	23%	44%	58%	9%	53%	23%	18%			
Total Hours (by Discipline)	65			86		515				ARCADIS Subtotals		
Hours Cost Percentage by Discipline	10%			13%		77%						
Total Role Cost	\$853	\$6,254	\$1,267	\$7,241	\$5,340	\$9,270	\$38,946	\$16,488	\$8,075			
Labor Cost Percentage by Discipline	9%			13%		78%						
Total Labor Cost (by Discipline)	\$8,374			\$12,580		\$72,780				666	\$93,734	
TASK 1 Project Management												
1.01 Monthly Invoices	4	8	12							24	\$2,719	
1.02 Progress Meetings (monthly meetings)		12					20			32	\$4,548	
1.03 Project Closeout	2	2	3							7	\$822	
Sub-total Task Hours	6	22	15				20			63.0	\$8,090	\$8,089.6
TASK 2 SCADA Consulting												
2.01 On-site Consulting Services												
2.02 Submittals (2 contracts)							40	4		44	\$6,254	
2.03 Field Orders							8	4		12	\$1,706	
2.04 Change Orders												
2.05 Site Visits (4 hrs/visit)						16	80	24		120	\$18,079	
2.06 Workshops (8 hrs/visit)							24	16		40	\$5,686	
Sub-total Task Hours						16	152	48		216.0	\$31,724	\$31,724.0
TASK 3 Alum Feed System Upgrade												
3.01 Design		8		16	24	12	32	32		124	\$16,425	
3.02 Preparation of Drawings		6				4	40	20	80	150	\$16,280	
3.03 Preparation of Specifications		4		16	24	8	24	16		92	\$13,621	
review workshops		4		8		5	6			21	\$3,595	
3.04 submittals, RFI, CA services												
Sub-total Task Hours		22		38	48	29	102	68	80	387.0	\$53,921	\$53,920.5
Expenses (Direct Expenses will be charged at the actual cost provided prior county approval is given.)												
Total Labor Cost											\$93,734	
TOTAL	6	44	15	38	48	45	274	116	80	666	\$93,734	\$93,734.0

