

BOARD OF COUNTY COMMISSIONERS

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



FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Tameca P. Smith, County Clerk
Marlena Edwards, Chief Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

AGENDA

September 14, 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 Leah Williamson, citizen volunteer, for her leadership, organization, and participation in the Water Guardians program. (page 3)
2. Proclamation in recognition of National Recovery Month. (pages 4-5)

PUBLIC HEARING:

3. Final Public Hearing for consideration of Resolution 2023-06 adopting the 2023 Property Tax Millage Rate. (pages 6-23)

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:

4. Approval of a General Release from the Village Park Homeowners Association ("HOA") in the amount of \$69,726.90; prompted by damage to the HOA-owned pavement within this private subdivision, subsequent to the rupturing of water mains that occurred within the subdivision. (pages 24-29)
5. Approval to award Bid #2283-B: 2017 SPLOST; Stormwater Category II, Tier II; 21SAK Heritage Way Culvert Replacement to the lowest responsive, responsible bidder, Blount Construction Company Inc., in the amount of \$178,557.22 and to transfer \$39,000 from 19SBO - Davis Road. (pages 30-37)
6. Acknowledgment of the addition of three new Ford Explorers for School Resource Officers to the county's fleet of vehicles, and to accept the donation of \$174,384.60 from the Fayette County Board of Education to fund the purchase. (pages 38-42)
7. Approval of the August 24, 2023 Board of Commissioners Meeting Minutes. (pages 43-51)

8. Approval of the September 7, 2023 First Public Hearing Millage Rate Minutes. (pages 52-53)
9. Approval of the September 7, 2023 Second Public Hearing Millage Rate Minutes. (pages 54-55)

OLD BUSINESS:

NEW BUSINESS:

10. Request to approve Resolution 2023-08 to acquire 292 Longview Road, Fayetteville, Georgia 30215 a.k.a. "The Phillips Lake Property" (Parcel 0544 101 and 0544 008A); located on Land Lot 219 of the 5th District for \$690,000, and to reallocate \$690,000 from 2017 SPLOST project 17SAS to 5509F. (pages 56-60)
11. Request to approve Ordinance 2023-09, to amend Chapter 16 - Offenses and Miscellaneous Provisions; Article II. - Noise Control; Section 16-39.- Specific public disturbance noise prohibitions and Section 16-42.- Enforcement and appeals and to repeal Section 16-41.- Disturbance permits. (pages 61-73)

ADMINISTRATOR'S REPORTS:

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 Leah Williamson, citizen volunteer, for her leadership, organization and participation in the Water Guardians program.

Background/History/Details:

Water Guardians is a volunteer program where local citizens use their kayaks and canoes to remove trash from the local water reservoirs that supply drinking water and walkers clean up the parking lots, stream banks and asphalt paths at the lakes. Truckloads of debris have been removed from the reservoirs since the program began in 2017. Not only do the volunteers keep the drinking water clean, but they also set an excellent example for the local citizens who are boating and fishing on county lakes.

A program like Water Guardians could not exist without the leadership of Leah Williamson and the tireless efforts of citizen volunteers.

Fayette County lakes are at the headwaters of the Flint River Basin. Volunteer efforts also aid the water utilities and Georgians living downstream from Fayette County. Water Guardians volunteers are part of a regional effort to keep the drinking water clean and safe for the entire Flint River Basin.

What action are you seeking from the Board of Commissioners?

Recognition of Leah Williamson, citizen volunteer, for her leadership, organization and participation in the Water Guardians program.

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:

Proclamation in recognition of National Recovery Month.

Background/History/Details:

National Recovery Month is a time to support and celebrate friends, family, and loved ones in recovery. Citizens are encouraged to support a friend or loved one who may be experiencing addiction.

What action are you seeking from the Board of Commissioners?

Proclamation in recognition of National Recovery Month.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

FAYETTE COUNTY BOARD OF COMMISSIONERS

NATIONAL RECOVERY MONTH

Proclamation

- Whereas,** Behavioral health is an essential part of one’s overall health and well-being; and
- Whereas,** Recovery from addiction occurs every day through a variety of recovery support services and treatment programs; and
- Whereas,** Prevention of substance use disorders works, treatment is effective, and people recover across Georgia and around the nation; and
- Whereas,** Millions of people across the U.S. are living happy, joyous and free in long-term recovery; and
- Whereas,** the 2023 Mobilize Recovery Across Georgia bus tour celebrates that “Recovery is Real” and recognizes that we are never alone on this journey through recovery; and
- Whereas,** the Mobilize Recovery Across Georgia/Georgia Recovers bus tour will deliver Overdose Aid kits to communities across Georgia; and
- Whereas,** Education throughout our communities about recovery and addiction is essential to combating the stigma and discrimination faced by many people in recovery; and
- Whereas,** To help more people experience and sustain long-term recovery, Coweta FORCE, the Georgia Department of Behavioral Health and Development Disabilities, the Clinton Foundation, the Georgia Council for Recovery, Mobilize Recovery, Serve You Rx, and the Georgia General Assembly Working Group on Addiction and Recovery, invite all residents of the State of Georgia to participate in National Recovery Month.

NOW THEREFORE, the Fayette County Board of Commissioners does hereby proclaim the month of September 2023 as **NATIONAL RECOVERY MONTH** and calls upon our citizens to observe this month with appropriate programs, activities, and ceremonies to support this year’s Recovery Month theme “Recovery is Real.”

So proclaimed this 14th day of September 2023

Lee Hearn, Chairman
Fayette County Board of Commissioners

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Final Public Hearing for consideration of Resolution 2023-06 adopting the 2023 Property Tax Millage Rate.

Background/History/Details:

Each year, the Board of Commissioners sets millage rates for the purpose of levying property taxes. Staff is requesting the Board to adopt Resolution 2023-06 to establish the 2023 property tax millage rates.

The proposed 2023 millage rates are as follows:
General Fund's Maintenance and Operations - 4.034 mills
Fire Services - 3.070 mills, no change
EMS Services - 0.500 mills, no change
E-911 Services - 0.210 mills, no change

What action are you seeking from the Board of Commissioners?

Adoption of Resolution 2023-06 adopting the 2023 Property Tax Millage Rate.

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:

This is the final of three hearings held.

FAYETTE COUNTY, GEORGIA

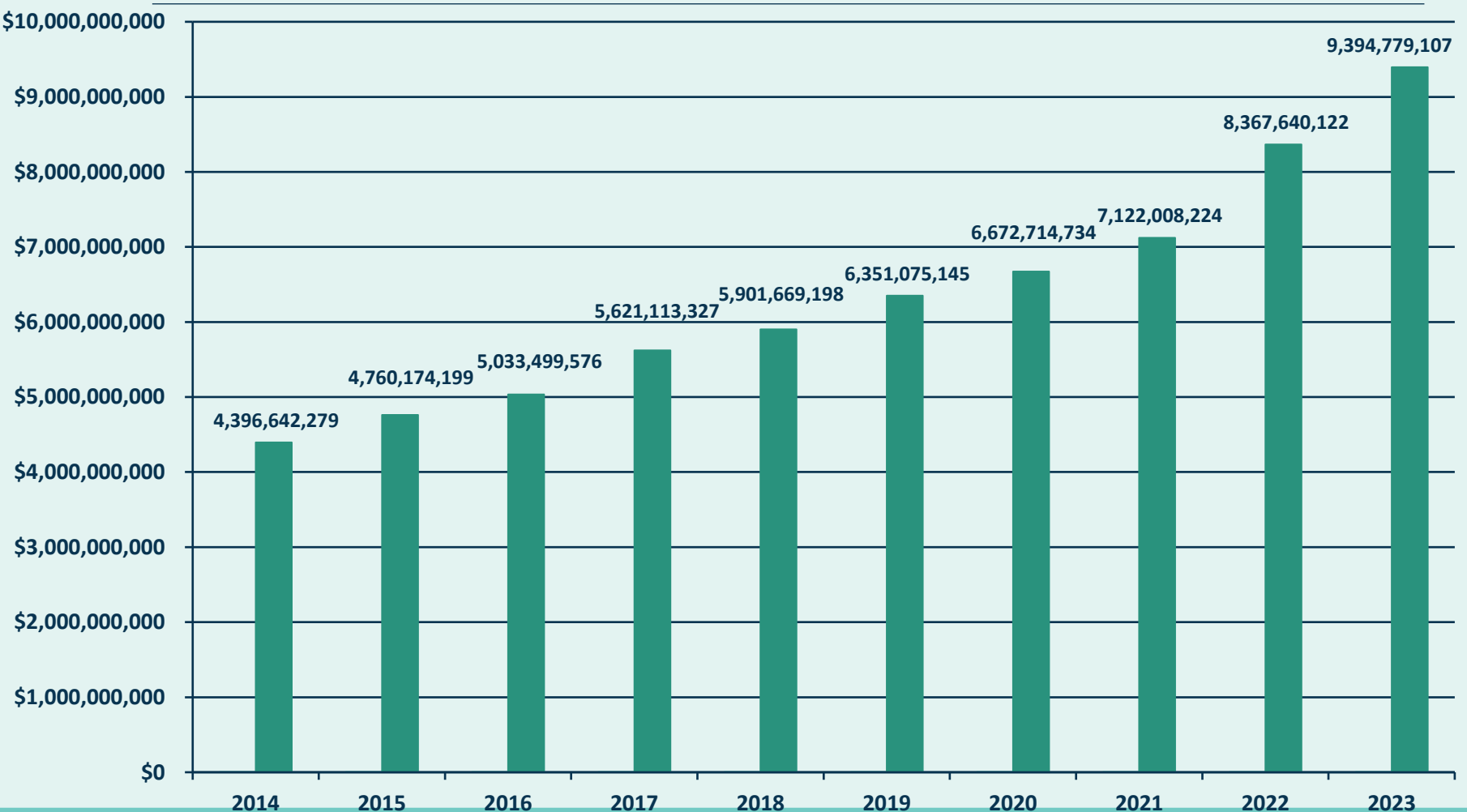
2023 Property Tax Digest / Millage Rates

SEPTEMBER 14, 2023

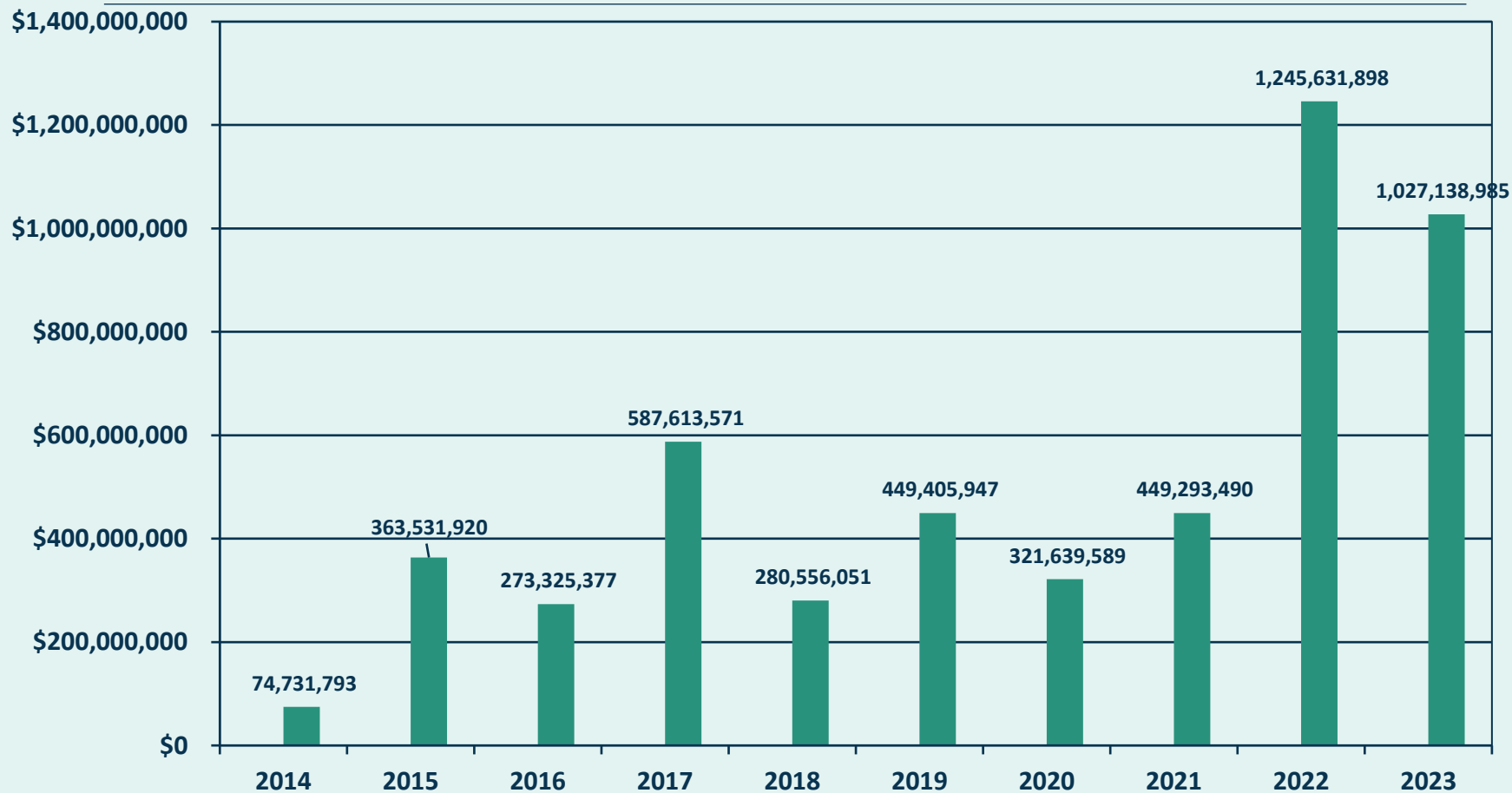
2023 Tax Digest Changes

2022 Digest				\$8,367,640,122	
Growth (Decrease) in Digest					
Real Property	\$226,715,869	2.78%			
Personal Property	\$85,956,841	14.64%			
Motor Vehicles	\$58,330	0.12%			
Other	\$808,284	15.50%		\$313,539,324	3.57%
(Increase) in Exemptions				(\$80,647,788)	-19.47%
				<u>232,891,536</u>	
Reassessments					
Real Property				\$794,247,449	9.49%
				<u>1,027,138,985</u>	<u>12.28%</u>
Positive Change in Net Digest					
2023 Digest				<u><u>\$9,394,779,107</u></u>	

Change in Taxable Digest



Taxable Digest Variances



2023 PROPOSED Millage Rates Page 11 of 73

Description	Proposed 2023	Adopted 2022	Millage Rate Recapture (Decrease)	Percent Change
General Fund Maintenance & Operations	4.034	4.034	-0-	N/A
Fire Services	3.070	3.070	-0-	N/A
Emergency Medical Services	0.500	0.500	-0-	N/A
911 Services	0.210	0.210	-0-	N/A

2023 Fayette County Tax Bill

County Operations Proposed Rate vs. Rollback Rate

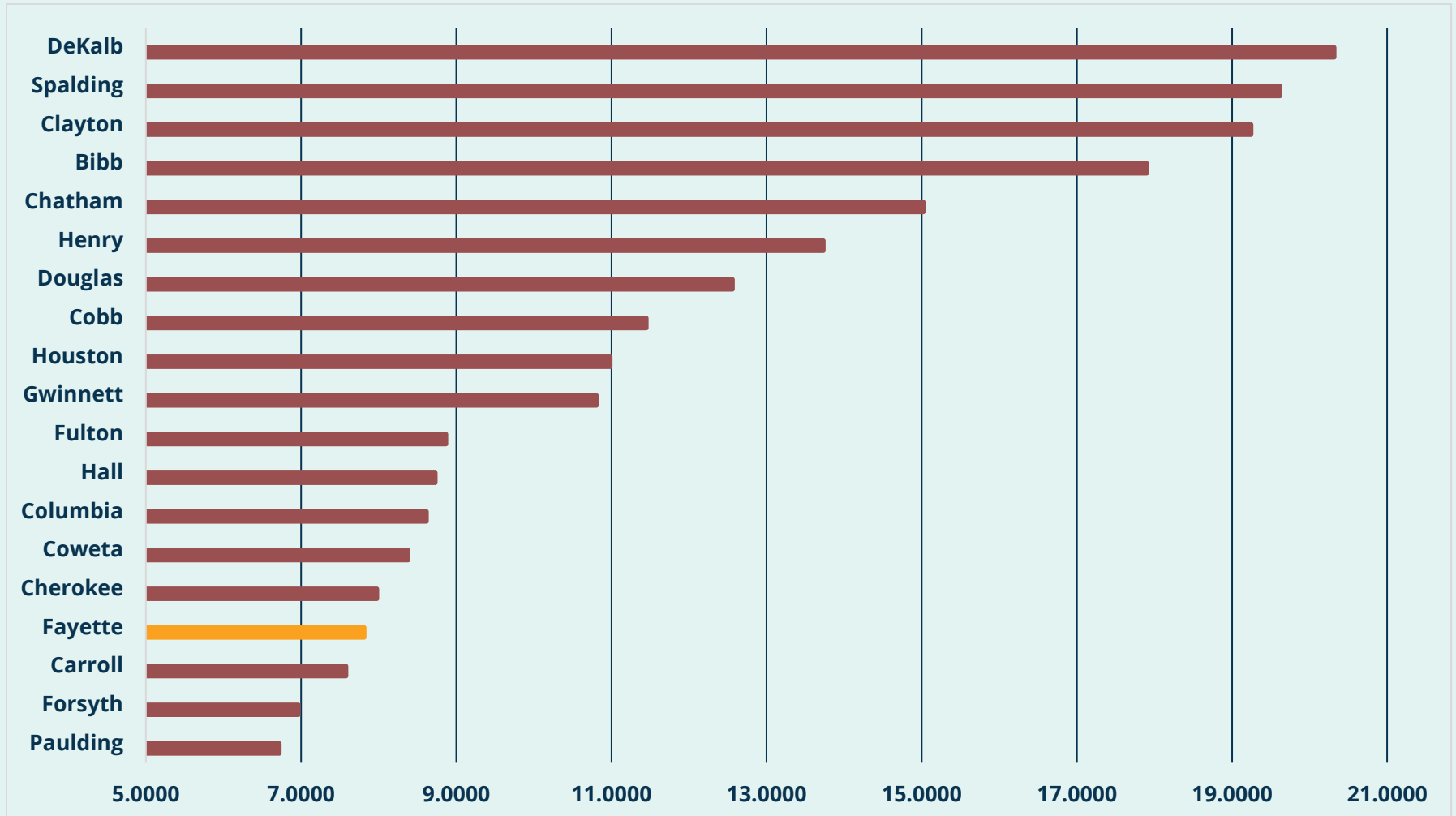
Proposed

Sample Property Tax Statements - Unincorporated

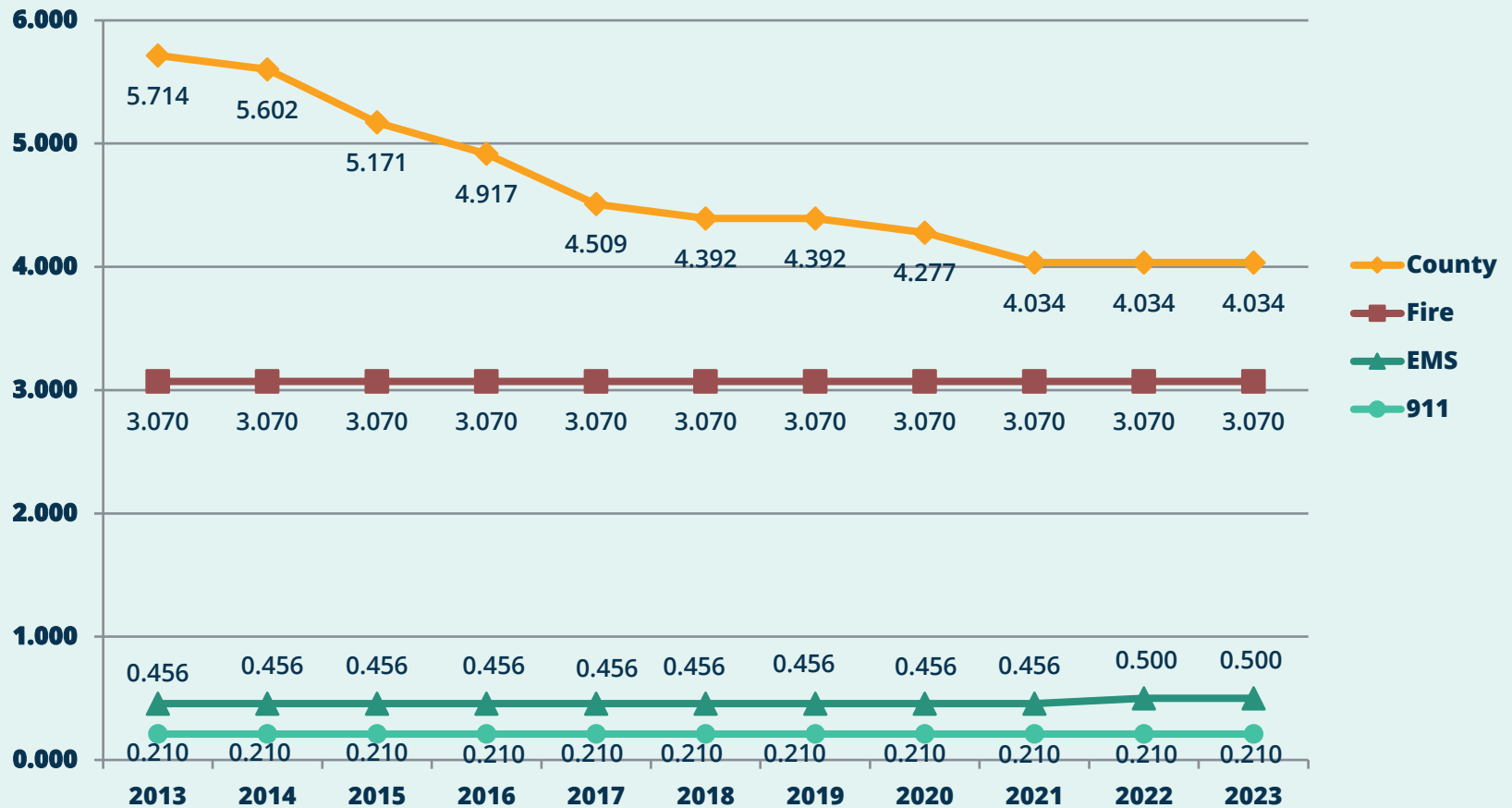
2023 Tax Millage Rates

Entity	FMV	Taxable Value	Homestead	Taxable Value	2023 Millage Rate	Tax Due	Rollback Rate	Tax Due	Annual Increase in Tax Bill
COUNTY M&O	450,000	180,000	(5,000)	175,000	4.034	705.95	3.693	646.28	59.68
COUNTY BOE	450,000	180,000	(5,000)	175,000					
COUNTY EMS	450,000	180,000	(5,000)	175,000					
COUNTY 911	450,000	180,000	(5,000)	175,000					
COUNTY FIRE	450,000	180,000	(5,000)	175,000					
TOTAL					4.034	705.95		646.28	59.68

Millage Rates for Local Counties

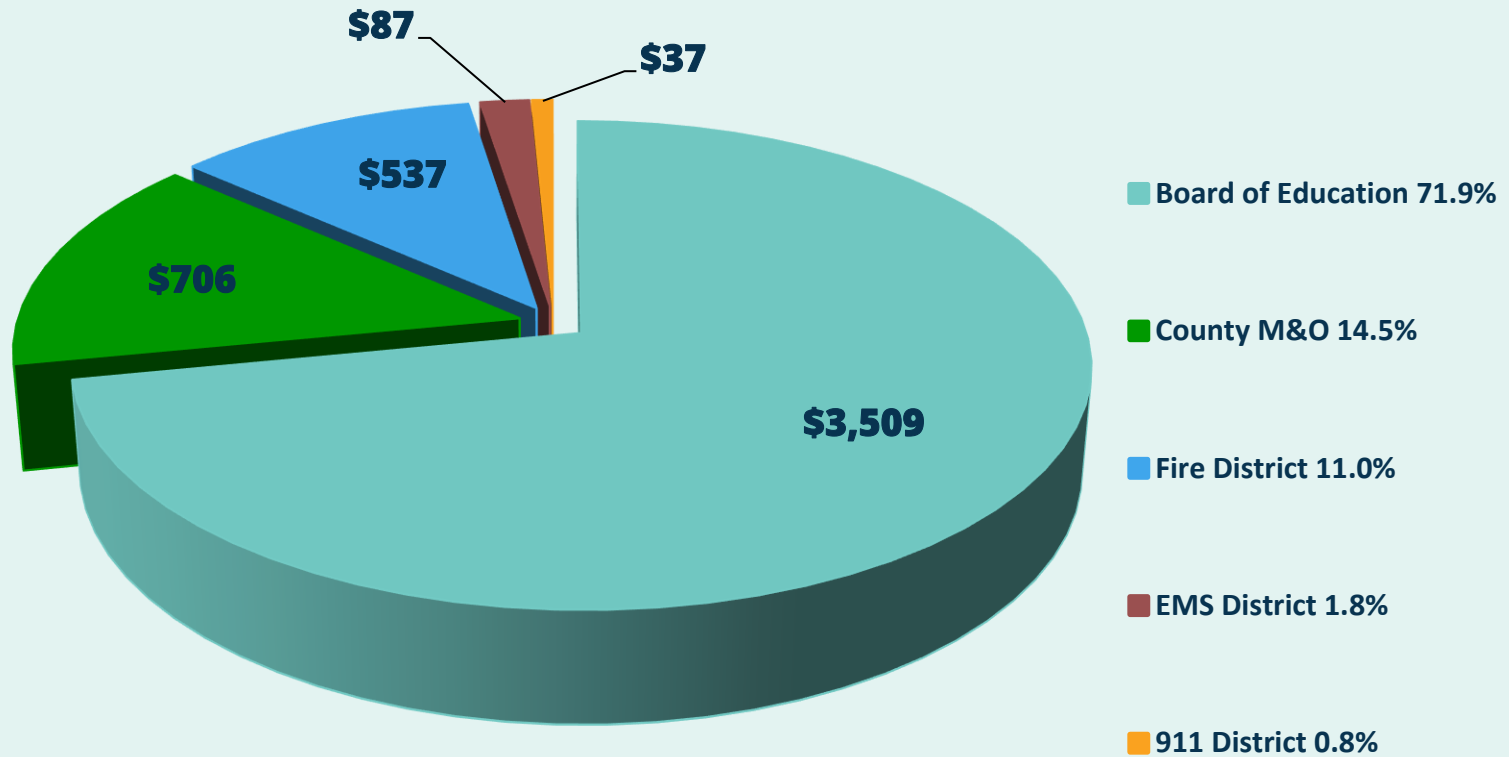


Property Tax Rates – General Fund, Fire, EMS, and 911 2013-2023



2023 Unincorporated Residential Property Tax Paid

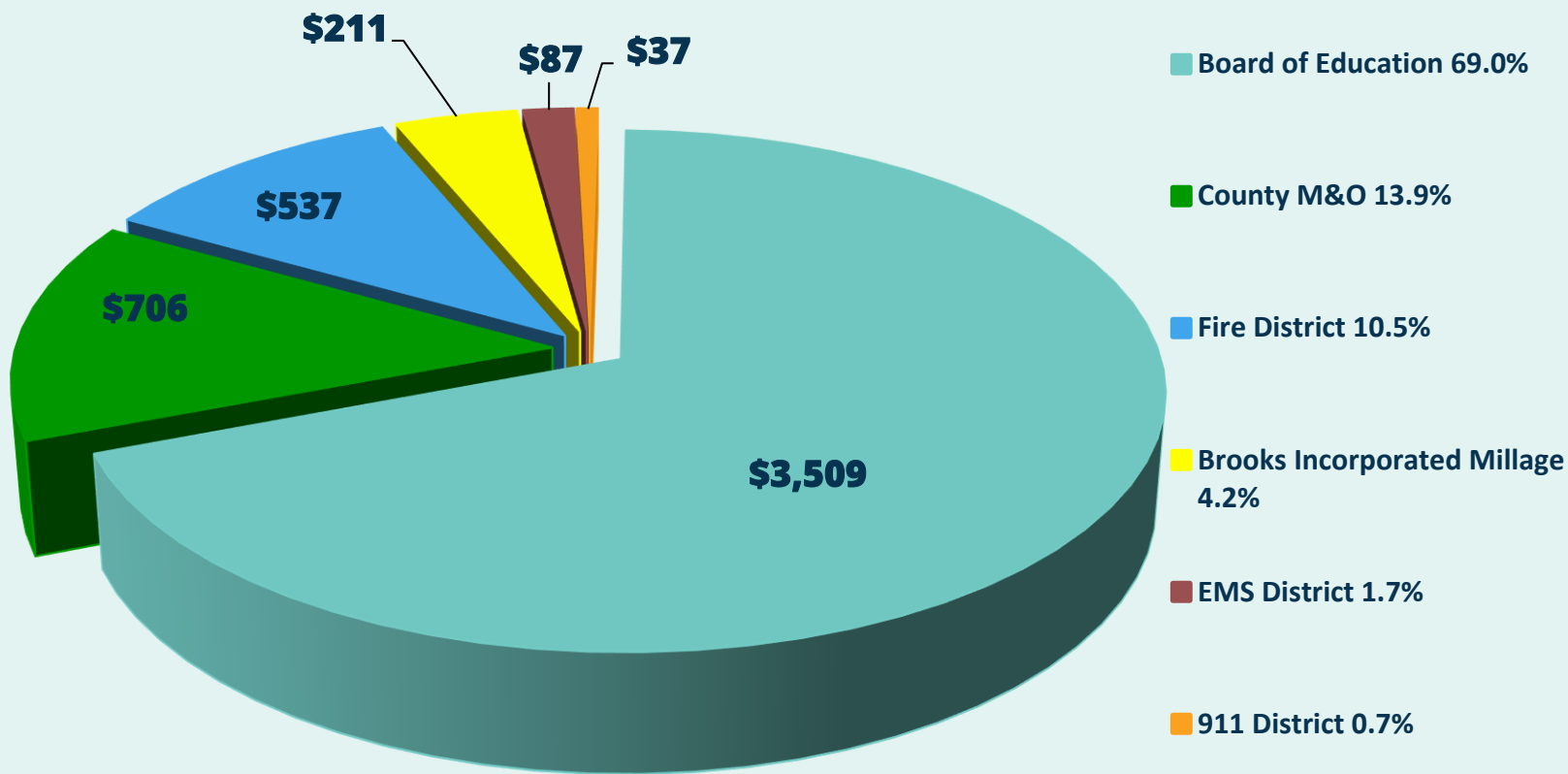
\$450,000 home value / \$4,876 tax bill



County M&O includes functions Sheriff, Courts, Public Works, Culture & Recreation, Community Development, and General Government

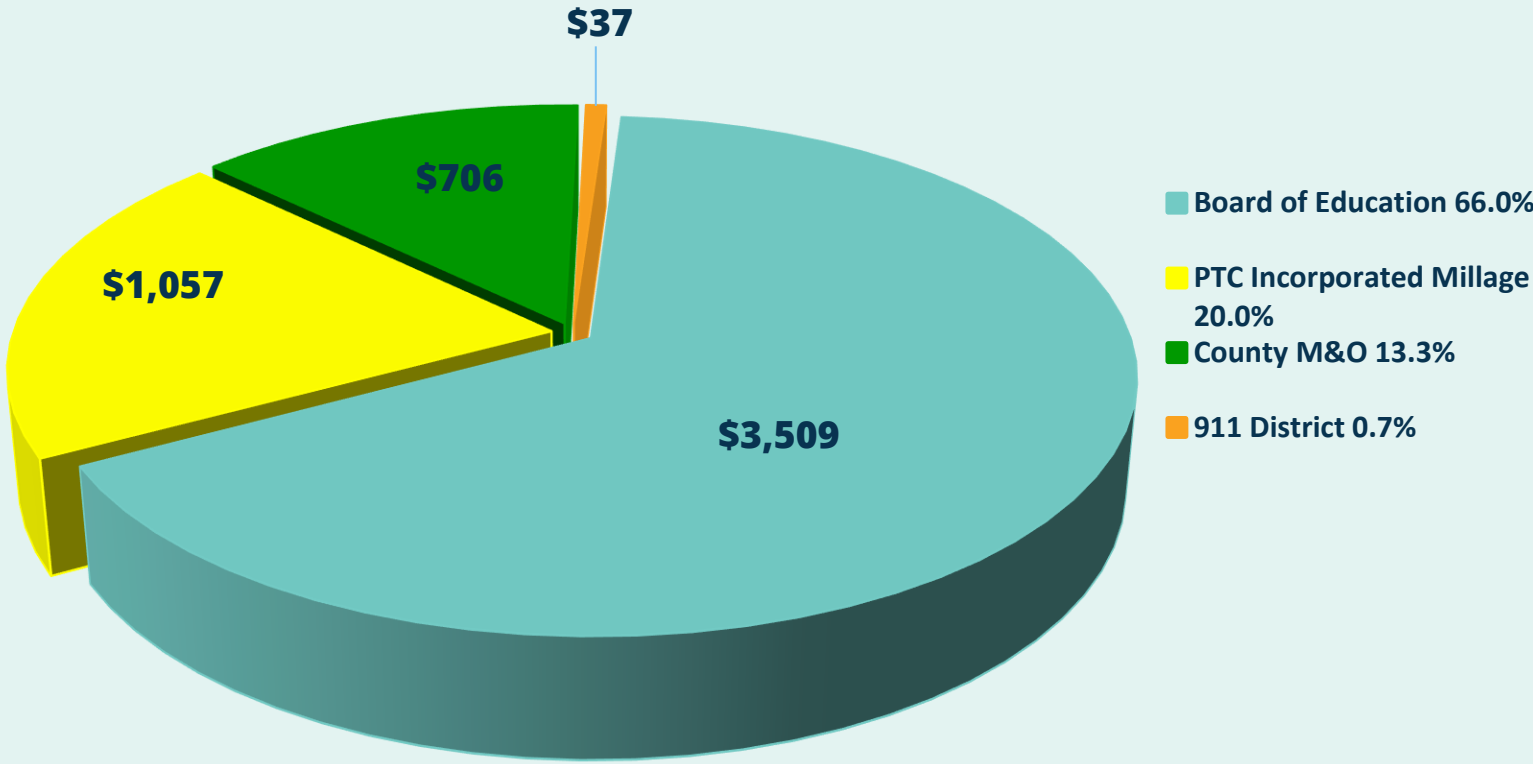
2023 Town of Brooks Residential Property Tax Paid

\$450,000 home value / \$5,088 tax bill



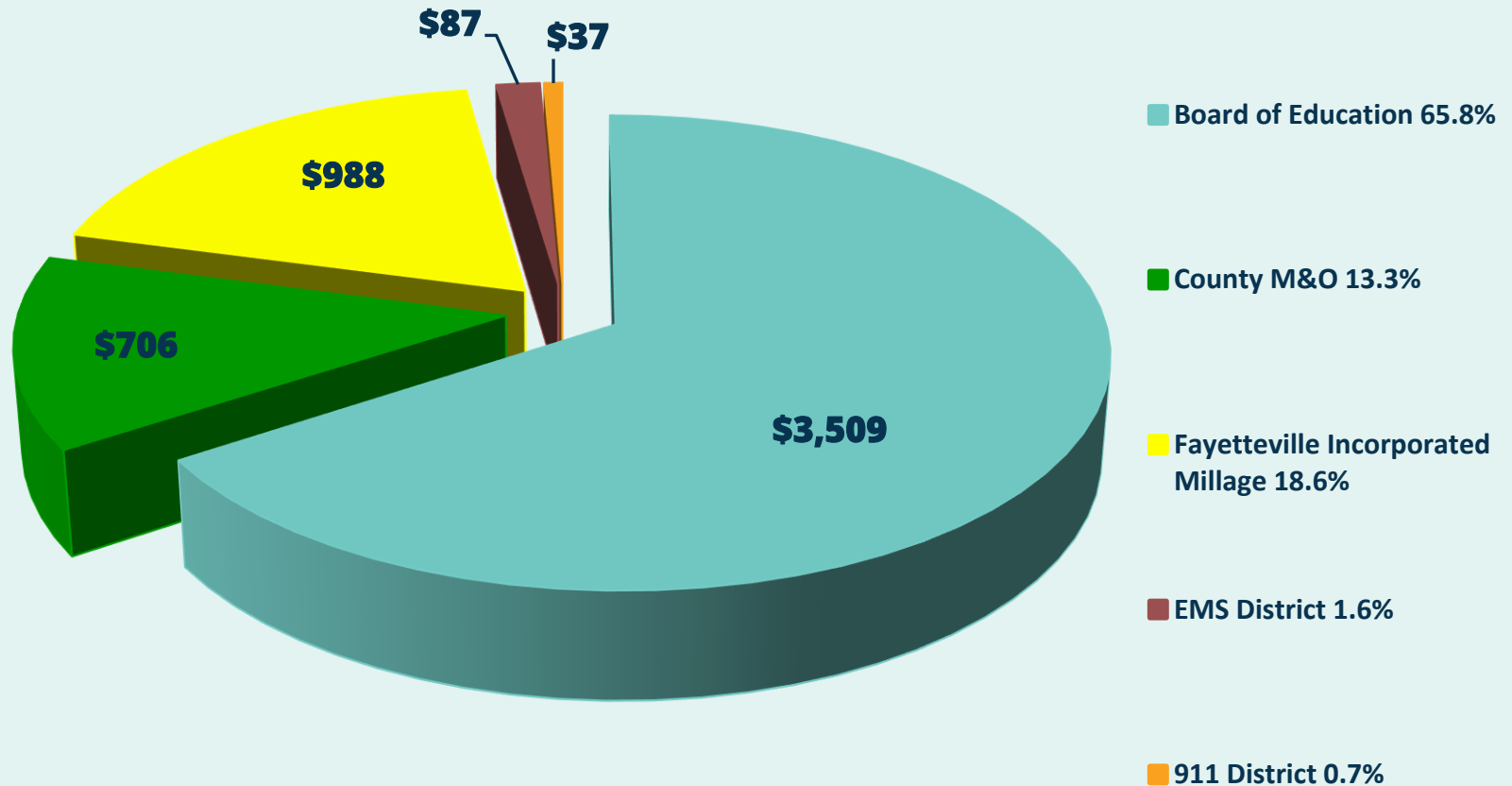
2023 Peachtree City Residential Property Tax Paid

\$450,000 home value / \$5,309 tax bill



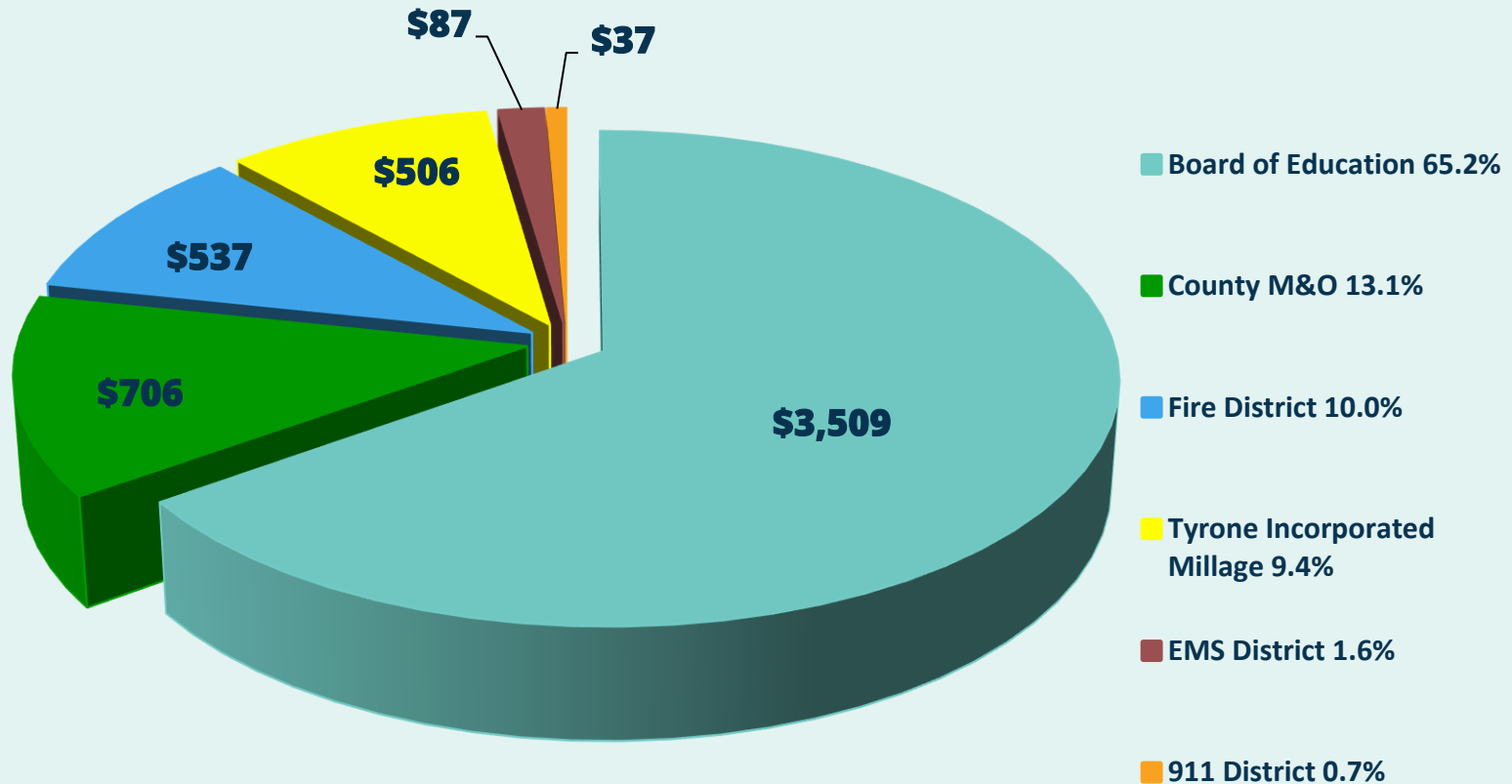
2023 City of Fayetteville Residential Property Tax Paid

\$450,000 home value / \$5,327 tax bill



2023 Town of Tyrone Residential Property Tax Paid

\$450,000 home value / \$5,382 tax bill



Based Upon \$450,000 Home Value Taxes Paid By Citizens



Millage Rate History Since 2014

Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Board of Education	20.000	20.000	19.750	19.500	19.500	19.250	19.150	19.334	19.150	19.250
Board of Education Bond	1.450	1.350	1.350	1.350	1.350	1.271	1.180	1.100	0.850	0.800
Brooks Millage	0.899	0.840	0.799	0.723	0.680	0.627	0.606	1.000	1.207	1.207
Fayetteville Millage	3.874	3.874	3.874	3.874	5.646	5.646	5.646	5.646	5.646	5.646
Peachtree City Millage	6.756	6.756	6.756	6.232	6.232	6.232	6.232	6.043	6.043	6.043
Peachtree City Bond	0.332	0.314	0.309	0.273	0.176	0.000	0.000	0.000	0.000	0.000
Tyrone Millage	2.889	2.889	2.889	2.889	2.889	2.889	2.889	2.889	2.889	2.889
Unincorporated County	5.602	5.171	4.917	4.509	4.392	4.392	4.277	4.034	4.034	4.034

Denotes Tax Increase (No Rollback or Partial Rollback)

Financial Impact to General Fund Operations and Maintenance

Cumulative Effect of Rollback Since 2014

Cumulative \$81.5M

2014 = \$0.5M

2015 = \$2.6M

2016 = \$4.0M

2017 = \$6.8M

2018 = \$7.8M

2019 = \$8.4M

2020 = \$9.6M

2021 = \$11.9M

2022 = \$14.1M

2023 = \$15.8M

Millage Rate Public Hearings

- ~~1st Hearing – Thursday, September 7
10:00 am~~
- 2nd Hearing – Thursday, September 7
6:00 pm
- 3rd / Final Hearing – Thursday, September 14, 5:00 pm
 - Staff requests BOC to adopt Resolution 2023-06 to levy the County property tax

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of a General Release from the Village Park Homeowners Association ("HOA") in the amount of \$69,726.90; prompted by damage to the HOA-owned pavement within this private subdivision, subsequent to the rupturing of water mains that occurred within the subdivision.

Background/History/Details:

On March 12, 2023, the Water System made repairs to a broken water main on Village Park Drive in the Village Park subdivision, in Peachtree City, which caused damage to approximately 200 sq. ft. of asphalt.

On June 11, 2023, a second water main break caused damage to nearly 8600 sq. ft. of asphalt on Cherry Tree Lane and 400 sq. ft. of asphalt on Sunrise Court, also, in the Village Park subdivision. The streets within the subdivision are private and maintained by the homeowners association.

What action are you seeking from the Board of Commissioners?

Approval of a General Release from the Village Park Homeowners Association ("HOA") in the amount of \$69,726.90; prompted by damage to the HOA-owned pavement within this private subdivision, subsequent to the rupturing of water mains that occurred within the subdivision.

If this item requires funding, please describe:

Funding is available in Water System O & M Budget - Repairs to Meters and Lines - 50544020 522266.

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:

STATE OF GEORGIA**COUNTY OF FAYETTE****GENERAL RELEASE**

This General Release (hereinafter, “the **RELEASE**”) is made and entered into this day by Village Park Community Association, Inc., (hereinafter, “**RELEASOR**”) in favor of Fayette County, Georgia (hereinafter, the “**COUNTY**”) (sometimes collectively referred to as the “**PARTIES**”).

W I T N E S S E T H:

WHEREAS, RELEASOR is the record owner of the private roads located in the Village Park Subdivision, Land Lots 40, 41, 48, and 49 of the 6th Land District, Peachtree City, Fayette County, Georgia 30269 (hereinafter, the “**PREMISES**”); and

WHEREAS, between March, 2023 and June, 2023, a County-owned waterline within the **PREMISES** ruptured and caused damage to three (3) roads within the **PREMISES**, to wit: Cherry Tree Lane; Sunrise Court; and Village Park Drive; and

WHEREAS, RELEASOR suffered damages to the three (3) roads within the **PREMISES**, to wit: Cherry Tree Lane; Sunrise Court; and Village Park Drive as aforesaid described, and as more particularly described in Exhibit “A” attached hereto, with said Exhibit “A” being incorporated herein by this reference hereto (the “**CLAIM**”); and

WHEREAS, RELEASOR, and its agents, shall take all measures necessary to make needed repairs to the **PREMISES** to its satisfaction, and further indemnifies the **COUNTY** from any damages or injuries sustained by **RELEASOR** and/or its agents during the limited time they will access the **COUNTY**’s property for the purpose making necessary repairs to the **PREMISES** related to the **CLAIM**; and

WHEREAS, RELEASOR desires to release and hold the **COUNTY** harmless for any damage, if any, experienced by **RELEASOR** from the **CLAIM**; and

WHEREAS, this **RELEASE** shall not be deemed in any manner as an admission, finding, or indication for any purposes whatsoever, that the **COUNTY** or any of its officials, officers, employees, and/or other agents acted contrary to the law or damaged the property of **RELEASOR**.

1. **CONSIDERATION**

a. In compromise and settlement of **RELEASOR'S CLAIM** against the **COUNTY**, the **COUNTY** agrees to pay **RELEASOR** the total amount of SIXTY-NINE THOUSAND SEVEN HUNDRED TWENTY-SIX AND 90/100 (\$69,726.90) DOLLARS (hereinafter, the "**SETTLEMENT AMOUNT**"). This payment will be in the form of a check, made payable to Village Park Community Association, Inc. in the amount of \$69,726.90, for alleged damages, for which the **COUNTY** will issue a Form 1099. This payment will be reported to the appropriate federal and state taxing authorities as required by law. This payment represents the total **SETTLEMENT AMOUNT** and is inclusive of all fees, legal costs, and expenses.

b. The **PARTIES** agree that the check referenced above will be delivered to **RELEASOR** within five (5) business days following the execution of this **RELEASE** by both the **RELEASOR** and the **COUNTY**.

2. **ACCORD AND SATISFACTION**

The foregoing consideration is in full accord, satisfaction, and final compromise settlement of the **CLAIM**.

3. **WAIVER AND RELEASE OF ALL CLAIMS**

a. In exchange for the foregoing consideration described in Paragraph 1 (a) of this **RELEASE**, the method of receipt and sufficiency of which are hereby acknowledged, **RELEASOR**, for itself, its assigns, heirs, executors, administrators, and any other agents or representatives, hereby fully and finally releases and discharges the **COUNTY** and all of its present or former employees, attorneys, outside investigators, officers, elected and/or appointed officials, both in their individual and official capacities (hereinafter collectively, the "**RELEASEES**") from any and all claims, demands, actions, causes of action, suits, damages, losses, costs, expenses, and attorneys' fees of any kind and every character whatsoever, whether known or unknown, which they have or may have, or may later claim to have had, against one or more **RELEASEES** growing out of, arising from, or pertaining to the facts and circumstances giving rise to the **CLAIM**.

b. **RELEASOR** expressly acknowledges that the release set forth in this Paragraph 3 (a) is intended to include in its effect, without limitation, all claims existing or occurring up to and including the date of execution of this **RELEASE** by **RELEASOR**, including any claims which **RELEASOR** does not know or suspect to exist in its favor as of that date, and that this **RELEASE** contemplates the extinguishment of any such claim or claims.

c. **RELEASOR** hereby certifies that it has the intention of releasing all claims recited herein in exchange for the consideration described in Paragraph 1.

4. **COVENANT NOT TO SUE**

RELEASOR agrees and covenants not to institute any action, administrative proceeding, charge, complaint, or suit against any **RELEASEE** with any state, federal, or local court or agency or other tribunal or forum for claims arising from events occurring prior to the execution of this **RELEASE**.

VILLAGE PARK COMMUNITY
ASSOCIATION, INC.

By: *Karen S. Mongar*
Karen Mongar, Its CEO

Date: 8/20/2023

By: *Renee Carlton*
Renee Carlton, Its Secretary

Date: 8/20/2023

(SEAL)

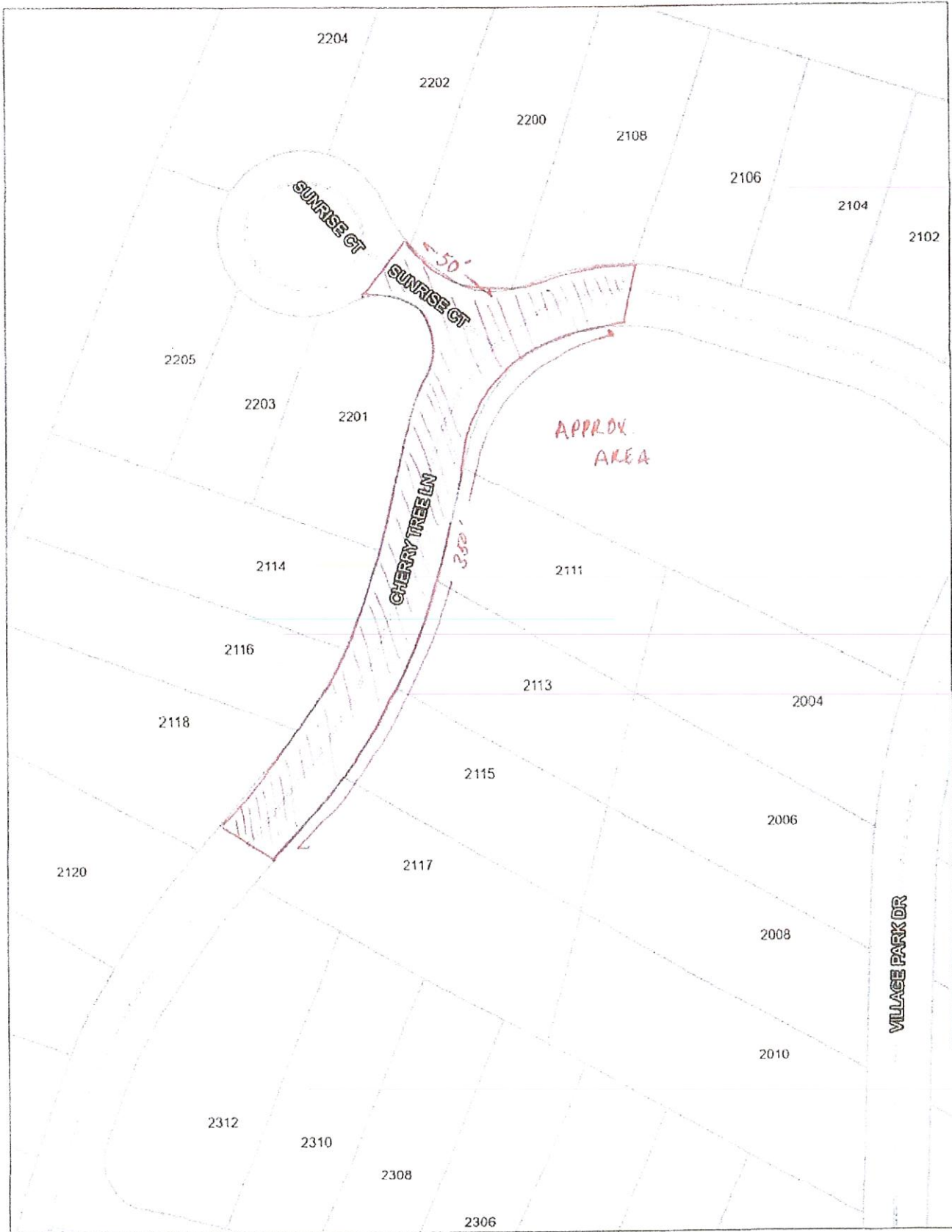


EXHIBIT "A"

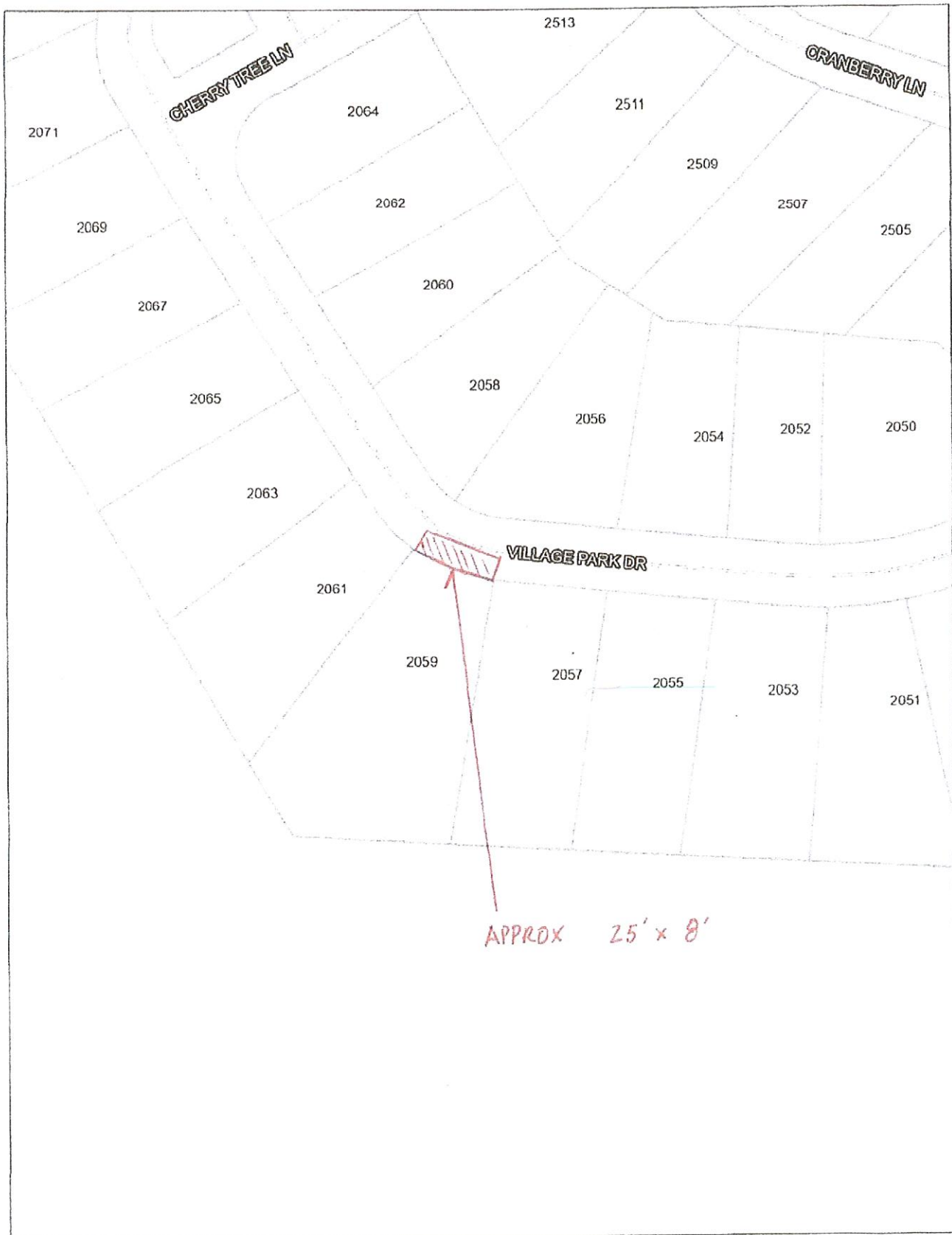


EXHIBIT "A"

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval to award Bid #2283-B: 2017 SPLOST; Stormwater Category II, Tier II; 21SAK Heritage Way Culvert Replacement to the lowest responsive, responsible bidder, Blount Construction Company Inc., in the amount of \$178,557.22 and to transfer \$39,000 from 19SBO - Davis Road.

Background/History/Details:

On March 21, 2017, the citizens of Fayette County voted to enact a Special Purpose Local Option Sales Tax (SPLOST) to replace failing infrastructure throughout the unincorporated area of Fayette County. Heritage Way South Culvert Replacement is listed as a SPLOST Category II, Tier II project.

This project replaces two failing corrugated metal pipes, one 54-inch and one 24-inch in diameter under and alongside Heritage Way with one 54-inch and 24-inch diameter reinforced concrete pipe (RCP).

What action are you seeking from the Board of Commissioners?

Approval to award Bid #2283-B: 2017 SPLOST; Stormwater Category II, Tier II; 21SAK Heritage Way Culvert Replacement to the lowest responsive, responsible bidder, Blount Construction Company Inc., in the amount of \$178,557.22 and to transfer \$39,000 from 19SBO - Davis Road.

If this item requires funding, please describe:

Available funding in 2017 SPLOST; Stormwater Category II, Tier II; 21SAK Heritage Way South Culvert Replacement is \$140,626.60. The additional funding of \$39,000 is available in 19SBO - Davis Road.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



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

To: Steve Rapson

Through: Ted L. Burgess 

From: Natasha M. Duggan 

Date: September 14, 2023

Subject: Contract 2283-B: Heritage Way Stormwater Replacement

The Purchasing Department issued Invitation to Bid 2283-B to secure a contractor to replace a corrugated metal pipe system on Heritage Way. Notice of the opportunity was emailed to 108 companies. Another 241 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity code #91339 (Construction, Pipe Culvert). The offer was also advertised through Georgia Local Government Access Marketplace, the Fayette County News, Channel 23, and the County website.

Five companies submitted bids (Attachment 1). The available project funding is \$140,626.60. Environmental Management is requesting a budget transfer of \$39,000 from 19SBO Davis Road to 21SAK 160 Heritage Way Stormwater to fund the project.

Environmental Management recommends awarding to Blount Construction Company, Inc. A Contractor Performance Evaluation is not available since this is the first construction contract with Blount Construction. Environmental Management checked their references, and the results were satisfactory.

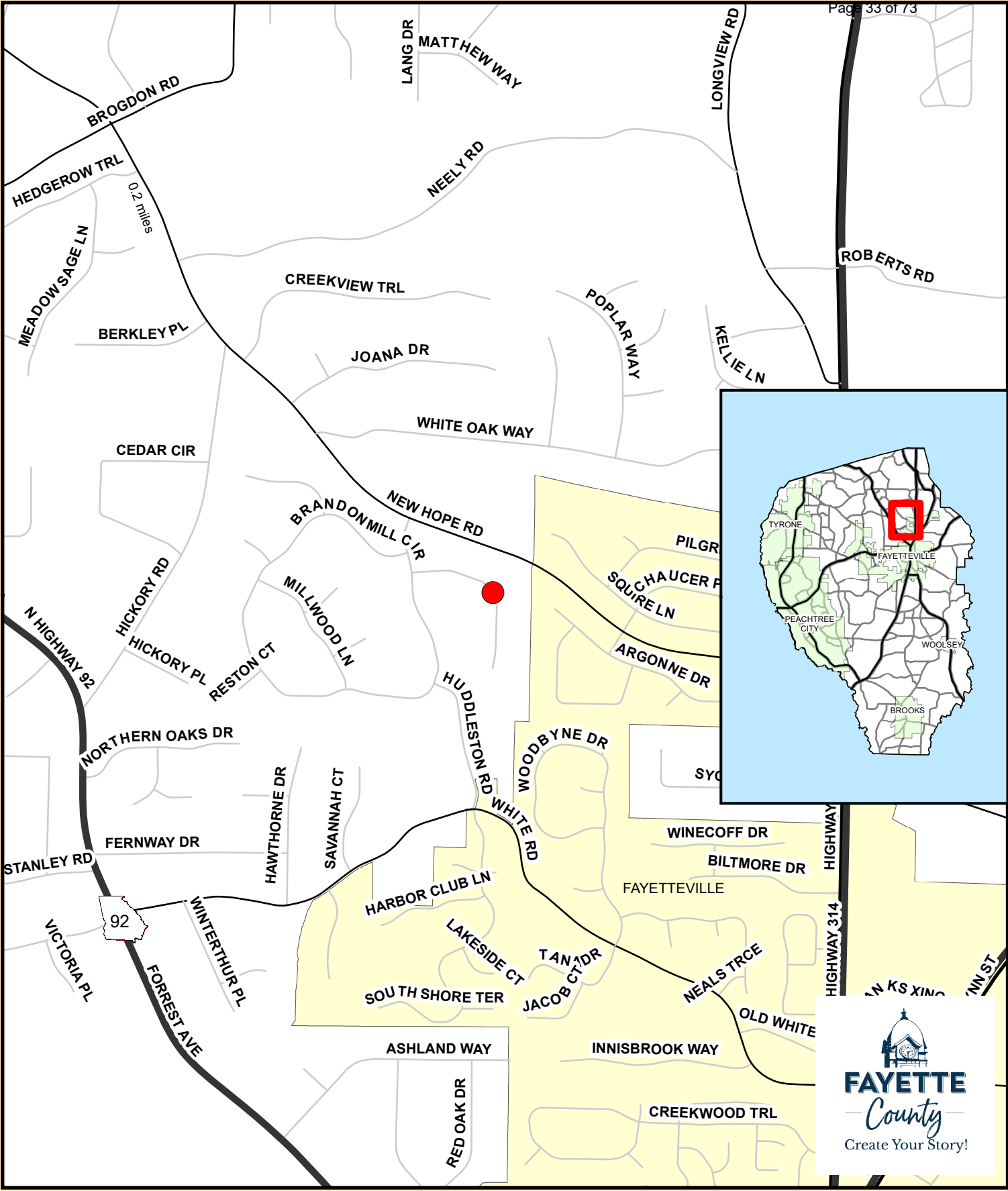
Specifics of the proposed contract are as follows:

Contract Name	2283-B: Heritage Way Stormwater Replacement	
Contractor	Blount Construction Company, Inc.	
Contract Amount	\$178,557.22	
Budget:		
Fund	322	2017 SPLOST
Org Code	32240320	Stormwater
Object	541210	Other Improvements
Project	21SAK	160 Heritage Way Stormwater
Available	\$140,626.60	As of 8/23/2023
Requested Transfer	<u>39,000.00</u>	from 19SBO Davis Road
Available	\$179,626.60	After BOC approval of transfer

Tally Sheet

#2283-B: Heritage Way Stormwater Replacement

				Site Engineering, Inc.		Crawford Grading		McLeRoy		Piedmont Paving, Inc.		Blount Construction	
PAY ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
150-1000	TRAFFIC CONTROL	1.00	LS	\$ 95,000.00	\$ 95,000.00	\$ 15,000.00	\$ 15,000.00	\$ 12,960.00	\$ 12,960.00	\$ 31,500.00	\$ 31,500.00	\$ 20,323.55	\$ 20,323.55
163-0232	TEMPORARY GRASSING	0.08	AC	\$ 100.00	\$ 8.00	\$ 2,500.00	\$ 200.00	\$ 2,268.00	\$ 181.44	\$ 2,200.00	\$ 176.00	\$ 5,414.13	\$ 433.13
163-0240	MULCH	1.00	TN	\$ 800.00	\$ 800.00	\$ 1,500.00	\$ 1,500.00	\$ 421.50	\$ 421.50	\$ 825.00	\$ 825.00	\$ 301.88	\$ 301.88
163-1930	CONSTRUCT AND REMOVE COMPOST FILTER SOCK, 18 IN	36.00	LF	\$ 80.00	\$ 2,880.00	\$ 55.00	\$ 1,980.00	\$ 35.00	\$ 1,260.00	\$ 14.71	\$ 529.56	\$ 7.88	\$ 283.68
165-0030	MAINTENANCE OF TEMPORARY SILT FENCE, TP C	280.00	LF	\$ 1.00	\$ 280.00	\$ 5.00	\$ 1,400.00	\$ 0.50	\$ 140.00	\$ 3.61	\$ 1,010.80	\$ 1.69	\$ 473.20
165-1500	MAINTENANCE OF COMPOST FILTER SOCK	36.00	LF	\$ 1.00	\$ 36.00	\$ 5.00	\$ 180.00	\$ 0.50	\$ 18.00	\$ 5.61	\$ 201.96	\$ 7.88	\$ 283.68
171-0030	TEMPORARY SILT FENCE, TP C	280.00	LF	\$ 6.00	\$ 1,680.00	\$ 12.00	\$ 3,360.00	\$ 4.50	\$ 1,260.00	\$ 5.65	\$ 1,582.00	\$ 3.15	\$ 882.00
201-1500	CLEARING & GRUBBING-	1.00	LS	\$ 2,000.00	\$ 2,000.00	\$ 4,500.00	\$ 4,500.00	\$ 31,021.50	\$ 31,021.50	\$ 31,428.90	\$ 31,428.90	\$ 52,666.01	\$ 52,666.01
207-0203	FOUND BK FILL MATL, TP II	483.00	CY	\$ 100.00	\$ 48,300.00	\$ 65.00	\$ 31,395.00	\$ 146.00	\$ 70,518.00	\$ 99.81	\$ 48,208.23	\$ 8.83	\$ 4,264.89
310-5060	GR AGGR BASE CRS, 6 INCH, INCL MATL	104.00	SY	\$ 25.00	\$ 2,600.00	\$ 21.00	\$ 2,184.00	\$ 31.00	\$ 3,224.00	\$ 43.91	\$ 4,566.64	\$ 145.12	\$ 15,092.48
402-3103	RECYCLED ASPH CONC 9.5 MM SUPERPAVE, TYPE II, GP 2 ONLY, INCL BITUM MATL & H LIME	23.00	TN	\$ 450.00	\$ 10,350.00	\$ 686.00	\$ 15,778.00	\$ 483.00	\$ 11,109.00	\$ 212.51	\$ 4,887.73	\$ 417.26	\$ 9,596.98
402-3190	RECYCLED ASPH CONC 19 MM SUPERPAVE, GP 1 OR 2, INCL BITUM MATL & H LIME	12.00	TN	\$ 450.00	\$ 5,400.00	\$ 700.00	\$ 8,400.00	\$ 739.00	\$ 8,868.00	\$ 273.31	\$ 3,279.72	\$ 681.93	\$ 8,183.16
413-0750	TACK COAT	13.35	GL	\$ 10.00	\$ 133.50	\$ 420.00	\$ 5,607.00	\$ 5.00	\$ 66.75	\$ 21.87	\$ 291.96	\$ 14.73	\$ 196.65
432-0206	MILL ASPH CONC PVMT, 1 1/2 IN DEPTH	163.00	SY	\$ 100.00	\$ 16,300.00	\$ 50.00	\$ 8,150.00	\$ 55.50	\$ 9,046.50	\$ 35.39	\$ 5,768.57	\$ 39.97	\$ 6,515.11
441-0016	DRIVEWAY CONCRETE, 6 IN	21.00	SY	\$ 120.00	\$ 2,520.00	\$ 185.00	\$ 3,885.00	\$ 272.00	\$ 5,712.00	\$ 122.55	\$ 2,573.55	\$ 257.67	\$ 5,411.07
441-6012	CONCRETE CURB & GUTTER, 6 IN X 24 IN, TP 2	143.00	LF	\$ 120.00	\$ 17,160.00	\$ 52.00	\$ 7,436.00	\$ 33.50	\$ 4,790.50	\$ 40.29	\$ 5,761.47	\$ 43.42	\$ 6,209.06
550-1240	STORM DRAIN PIPE, 24 IN, H 1-10	90.00	LF	\$ 350.00	\$ 31,500.00	\$ 700.00	\$ 63,000.00	\$ 224.00	\$ 20,160.00	\$ 233.70	\$ 21,033.00	\$ 135.72	\$ 12,214.80
550-1540	STORM DRAIN PIPE, 54 IN, H 1-10	32.00	LF	\$ 1,600.00	\$ 51,200.00	\$ 1,055.00	\$ 33,760.00	\$ 559.50	\$ 17,904.00	\$ 579.54	\$ 18,545.28	\$ 376.17	\$ 12,037.44
668-9999	RECONSTRUCT CATCH BASIN TOP	3.00	EA	\$ 6,000.00	\$ 18,000.00	\$ 4,500.00	\$ 13,500.00	\$ 5,320.50	\$ 15,961.50	\$ 1,595.76	\$ 4,787.28	\$ 2,495.39	\$ 7,486.17
700-9300	SOD	194.00	SY	\$ 35.00	\$ 6,790.00	\$ 45.00	\$ 8,730.00	\$ 16.00	\$ 3,104.00	\$ 18.01	\$ 3,493.94	\$ 3.62	\$ 702.28
999-1000	ALLOWANCE	1.00	LS	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
TOTAL BASE BID FOR HERITAGE WAY STORMWATER REPLACEMENT					\$ 327,937.50		\$ 244,945.00		\$ 232,726.69		\$ 205,451.59		\$ 178,557.22



● Project Location

Fayette County 2017 SPLOST
 21SAK- 160 Heritage Way South
 Stormwater Culvert Replacement



General Information		Map	
Project ID			
Street Name	Heritage Way - South		
Site Visit Date	5/22/13		
Road Classification	Minor road		
Project Notes			
Urban typical section with valley gutter			
Field Notes			
Design (Existing Site Features)			
Existing Road Laneage	2-10'		
Existing Shld Width (paved and grass) (feet)	4		
Existing Side Slopes	flat		
Existing Guardrail	none		
Depth fm Pavement to Top of Culvert (ft):	4		
Pipe Type and Size	48" CMP		
Pipe Condition (1-5) (1 is new)	3		
Condition Notes:			
Pavement Type/Condition	Asphalt/Good		
Environmental Features		Stage Construction Options	
Wetlands	None	Close Location to Traffic	X
Ditches	None	Maintain One Lane - No Temp Pavement	
		Maintain One Lane - Temp Pavement	
		Stage Construction Notes: Close roadway;	
Utilities (Visual Inspection)			
Electric	Buried		
Cable	Buried		
Phone	Buried		
Gas			
Water	Buried		
Sewer			
Other			
Proposed Design			
Roadway Section			
Culvert Size & Material	48", RCP, 200' length		
Utility Relocations	Electric, cable, phone, water		
Guardrail Replacement			
Miscellaneous Features			
Planning Cost Estimate			
Type	Notes	Total	
Design	Includes 10% Construction Cost and surveying needs	\$14,604	
Right of Way Cost	Assuming 7,500 sf outside of ROW	\$30,000	
Utility Relocation Cost	Buried utilities	\$26,400	
Construction Cost	Applying 1/10 acre clearing and grubbing cost	\$96,035	
Environmental Permits	Assuming minimal environmental permitting required	\$10,000	
Total Planning Estimate		\$177,039	



Photo 1:



Photo 2:

Heritage Way - South

Photo Date:

7/2/2013

Taken By:

David King

Page:

1

Roadway Construction, Utility Relocation and ROW Quantity Calculations

Roadway Construction	Removal Unit Cost	Installation Unit Cost	Amount	Total Cost
Pavement (SF)	\$ 0.73	\$ 4.87	120.00	\$ 672.64
Curb and Gutter (LF)	\$ 28.56	\$ 30.60	20.00	\$ 1,183.20
Drain Inlet (EA)		\$ 3,000.00		\$ -
4" Sidewalk (SY)	\$ 13.56	\$ 36.90		\$ -
Guardrail (LF)	\$ 4.88	\$ 49.09		\$ -
End Anchorage (EA)		\$ 1,380.00		\$ -
Subtotal				\$ 1,855.84
Grading Complete (5% of Rwy Items & Drng Total \$)				\$ 3,384.02
Roadway Total				\$ 5,239.86
Drainage	Removal Unit Cost	Installation Unit Cost	Amount	Total Cost
Trench Excavation (CY)		\$ 10.38	444.44	\$ 4,613.33
48" CMP (LF)	\$ 24.60		200.00	\$ 4,920.00
48" RCP (LF)		\$ 193.20	200.00	\$ 38,640.00
Class A Conc (CY)		\$ 892.19	13.70	\$ 12,222.98
Steel (lb)		\$ 1.42	0.00	\$ -
Pipe Bedding (CY)		\$ 48.60	44.44	\$ 2,160.00
Trench Backfill (CY)		\$ 2.99	404.69	\$ 1,209.22
Trench Compaction (CY)		\$ 6.36	323.75	\$ 2,059.08
Drainage Total				\$65,824.61
Signing and Marking		Installation Unit Cost	Amount	Total Cost
Permanent Striping (LF)		\$ 0.71	0.00	\$ -
Signing and Marking Total				\$ -
Staging		Installation Unit Cost	Amount	Total Cost
Clearing and Grubbing (Acre)		\$ 10,260.00	0.10	\$ 1,026.00
Temporary Pavement				\$ -
Temporary Drainage (Stream Diversion)		\$ 4,428.00	1.00	\$ 4,428.00
Staging Total				\$ 5,454.00
Erosion Control		Installation Unit Cost	Amount	Total Cost
Fine Grading and Seeding (SY)		\$ 4.39	120.00	\$ 527.04
Temporary Grassing (AC)		\$ 855.60	0.00	\$ -
Type C Silt Fence (LF)		\$ 4.24	800.00	\$ 3,388.80
Check Dam Type C Silt Fence (LF)		\$ 6.79	800.00	\$ 5,433.60
Erosion Control Mats (SY)		\$ 1.87	266.67	\$ 499.20
Landscape Mulch (SY)		\$ 3.58	266.67	\$ 953.60
Perm Grassing (AC)		\$ 1,402.20	0.00	\$ -
Rip Rap Type 3 12" (SY)		\$ 60.98	24.00	\$ 1,463.62
Plastic Filter Fabric (SY)		\$ 5.72	24.00	\$ 137.38
4" Ditch Paving (SY)		\$ 54.65	0.00	\$ -
Erosion Control Total				\$12,403.23
Construction Cost Total				\$88,921.71
Traffic Control (8% of Construction Total \$)				\$ 7,113.74
Construction Cost Grand Total				\$96,035.45
Utility Relocation	Removal Unit Cost	Installation Unit Cost	Amount	Total Cost
Electric				
Aerial	\$ 11.00	\$ 55.00		\$ -
Buried	\$ 16.50	\$ 82.50	75.00	\$ 7,425.00
Wooden Pole	\$ 82.50	\$ 605.00		\$ -
Phone				
Aerial	\$ 11.00	\$ 27.50		\$ -
Buried	\$ 16.50	\$ 55.00	75.00	\$ 5,362.50
Wooden Pole	\$ 82.50	\$ 605.00		\$ -
Cable				
Aerial	\$ 11.00	\$ 27.50		\$ -
Buried	\$ 16.50	\$ 55.00	75.00	\$ 5,362.50
Wooden Pole	\$ 82.50	\$ 605.00		\$ -
Gas				
4" main	\$ 16.50	\$ 66.00		\$ -
Water				
8" main	\$ 16.50	\$ 93.50	75.00	\$ 8,250.00
Relocate Fire Hydrant (EA)		\$ 2,609.22		\$ -
Sewer			0.00	\$ -
12" main	\$ 16.50	\$ 82.50	0.00	\$ -
Utility Relocation Total				\$26,400.00
Right of Way (Sq Ft)		Cost/ Sq Ft	Sq Ft	Total Cost
Permanent Easement		\$ 4.00	7,500.00	\$30,000.00
ROW Total				\$30,000.00

GENERAL SHEET NOTES

- REFER TO SHEETS C-001 AND C-002 FOR LEGENDS, ABBREVIATIONS, AND CIVIL NOTES.
- THIS SHEET IS PART OF A MULTI-SHEET SET OF CONSTRUCTION PLANS AND SHALL BE READ WITH THE FULL SET TO BEST ENSURE PROPER INTERPRETATION.
- CONTRACTOR TO COORDINATE LANE CLOSURE WITH FAYETTE COUNTY AND ENGINEER. PROVIDE AT LEAST ONE 12 FOOT LANE FOR TRAFFIC AT ALL TIMES. CONFORM TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICE (MUTCD) AND GDOT STANDARDS.
- ALL CONCRETE FORMWORK AND REINFORCING BARS TO BE INSPECTED BY ENGINEER'S OR OWNER'S FIELD REPRESENTATIVE IN CONJUNCTION WITH THE CONTRACTOR'S REPRESENTATIVE BEFORE CONCRETE IS PLACED.
- AS-BUILT DRAWINGS SHALL CONTAIN ALL RELEVANT ELEVATIONS AND INVERTS. (ALL AS-BUILT DRAWINGS SHOULD BE CERTIFIED BY A GEORGIA REGISTERED LAND SURVEYOR).
- CONTRACTOR TO ESTABLISH TEMPORARY SUPPORT FOR EXISTING UTILITIES AND MAINTAIN IT THROUGHOUT CONSTRUCTION.
- CONTRACTOR TO BE RESPONSIBLE FOR THE REPAIR OF ANY DAMAGED CURB OR DRIVEWAYS DURING CONSTRUCTION.
- CONTRACTOR TO BE RESPONSIBLE FOR THE REPAIR OF ANY DAMAGED ROADWAY/ASPHALT DURING PROJECT CONSTRUCTION, AS WELL AS REPLACEMENT AND RELOCATION OF MAILBOXES.
- STRUCTURE SHOP DRAWINGS ARE TO BE APPROVED BY ENGINEER FOR OWNER.

GRADING NOTES:

- ROAD TO BE GRADED FROM CROWN TO EDGE OF ASPHALT AT 1/4" PER 1'
- MAXIMUM SLOPES ALLOWED WITHIN FAYETTE COUNTY RIGHT-OF-WAY SHALL BE 3:1. PROVIDE GENTLER SLOPES WHERE POSSIBLE.



3500 Parkway Lane
Suite 500
Peachtree Corners
Georgia 30092
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CLIENT INFORMATION

FAYETTE COUNTY

140 STONEWALL AVE W, STE 203
FAYETTEVILLE, GA 30214

PROJECT NAME

HERITAGE WAY CULVERT REPLACEMENT

FAYETTE COUNTY, GA

DRAWING ISSUE

12/01/2022 DATE

100% DESIGN PLANS DESCRIPTION

MARK

DESIGNED BY: MDW
DRAWN BY: MDW
CHECKED BY: DMM/MDM
SUBMITTED BY: DMM
DATE: SEPTEMBER 1, 2022
PROJECT # 1210490

SHEET TITLE

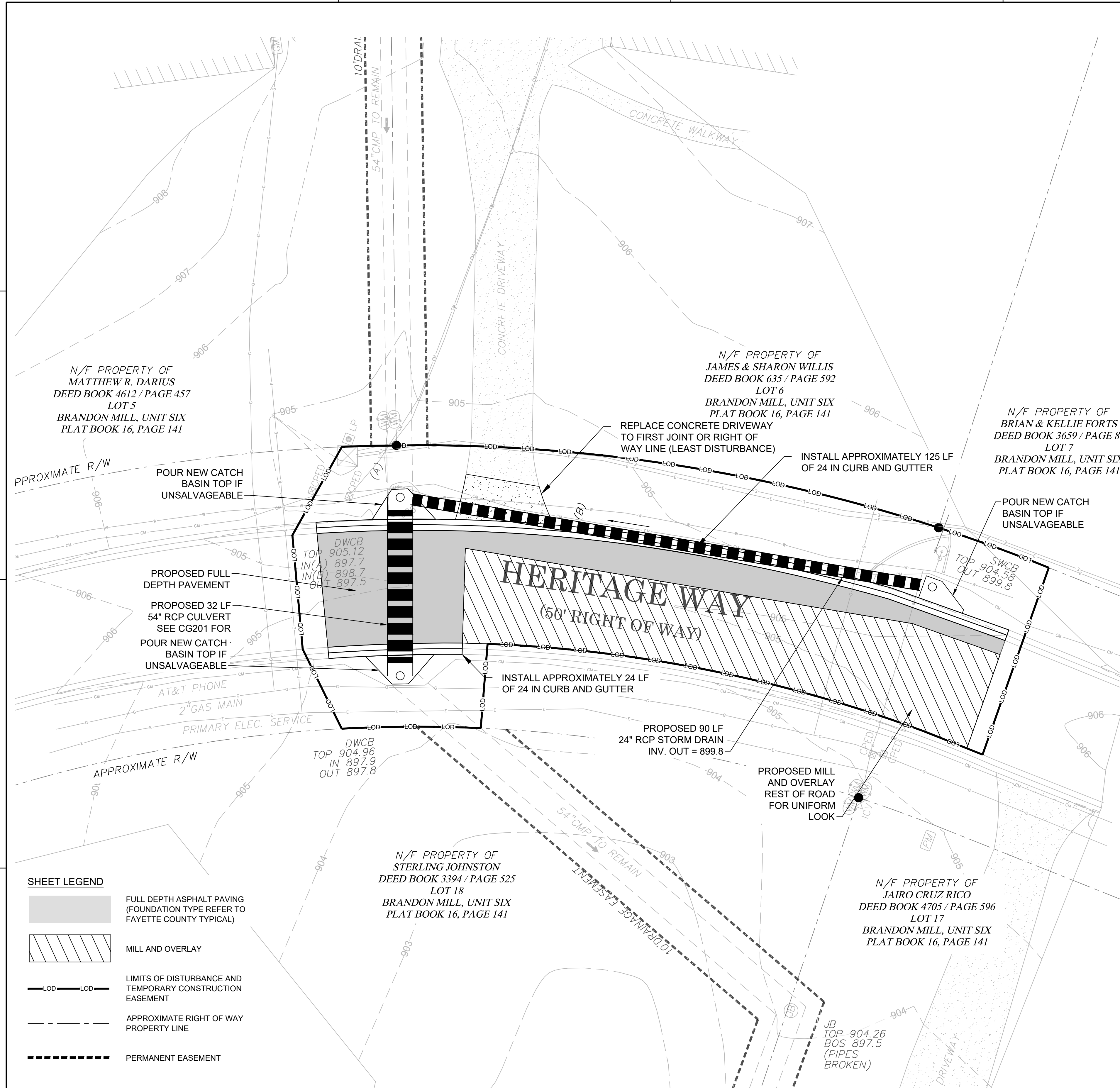
SITE AND GRADING PLAN - CONCEPT

SHEET NUMBER

CG101

SHEET 6 OF 15

ORIGINAL SHEET SIZE: 22" X 34"

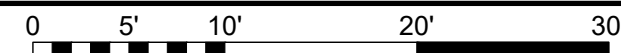


SHEET LEGEND

- FULL DEPTH ASPHALT PAVING (FOUNDATION TYPE REFER TO FAYETTE COUNTY TYPICAL)
- MILL AND OVERLAY
- LIMITS OF DISTURBANCE AND TEMPORARY CONSTRUCTION EASEMENT
- APPROXIMATE RIGHT OF WAY PROPERTY LINE
- PERMANENT EASEMENT

A1 SITE AND GRADING PLAN - CONCEPT

SCALE: 1" = 10'



FILE PATH: X:\FY21\1210490\04 CAD_BIM\04_02 CAD\CG101 PLOTTED BY: MURRAY, DANIELLE DATE: 12/1/22

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Acknowledgment of the addition of three new Ford Explorers for School Resource Officers to the county's fleet of vehicles, and to accept the donation of \$174,384.60 from the Fayette County Board of Education to fund the purchase.

Background/History/Details:

The Sheriff's Office will acquire three new 2023 Ford Explorer Police Interceptor Utility units to be provided to School Resource Officers in performance of their duties. The Fayette County Board of Education has offered to provide the amount of \$174,384.60 for the vehicles and add-on equipment, and we would like to acknowledge their support.

What action are you seeking from the Board of Commissioners?

Acknowledgment of the addition of three new Ford Explorers for School Resource Officers to the county's fleet of vehicles, and to accept the donation of \$174,384.60 from the Fayette County Board of Education to fund the purchase.

If this item requires funding, please describe:

The Fayette County Board of Education will provide the \$174,384.60 for this purpose.

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:

WADE FORD
3860 SOUTH COBB DRIVE SE
SMYRNA GA 30080

DEAL# 98690
 CUST# 1016175

SOLD TO FAYETTE COUNTY

ADDRESS 140 STONEWALL AVENUE WEST
 FAYETTEVILLE GA 30214

DATE	INVOICE NO.	STOCK NO.	
08/03/2023	300506	PGA35083	
DESCRIPTION	COST	ACCT NO.	SALE
VEHICLE PRICE			42022.00
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
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N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
FINCODE#			
FINCODE#			
PO #			
UNIT #			
TOTAL CASH PRICE			42022.00
CUSTOMER DEPOSITE			N/A
VEHICLE ACCOUNTS RECEIVABLE - COD			N/A
USHU CAR ALLOWANCE			N/A
VEHICLE LIEN PAYOFF			N/A
TOTAL			N/A
FINANCE CO. RECEIVABLE			42022.00
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A

YEAR	MAKE	MODEL	NEW OR USED	VIN
2023	FORD	EXPLORER	F	1FMSK8AB0PGA35083

SALESMAN	GROUP	DESCRIPTION	PRICE
Roger A Moore			
N/A			

OPTIONAL EQUIPMENT - ADD TO TOTAL PRICE

YEAR	MAKE	MODEL	NEW OR USED	VIN
N/A	N/A	N/A	N/A	N/A

OK TO PAY - 8/17/2023

Gene Lettrall

Approved For Payment
 Budget Code: 61050921 - 5220
 Date: 8/17/23

Approved By: Major Michelle Walker *(Signature)*

* To be reimbursed by BDE.

AMIE EBBERS
 Regional Director - Fayette County, Georgia
 My Commission Expires Jan. 19, 2027

LIENHOLDER :



WADE FORD
3860 SOUTH COBB DRIVE SE
SMYRNA GA 30080

DEAL# 98891
 CUST# 1261607

SOLD TO FAYETTE COUNTY

ADDRESS 140 STONEWALL AVE W^{EST}
 FAYETTEVILLE GA 30214

YEAR	MAKE	MODEL	KEY NOS	VIN
2023	FORD	EXPLORER	F	1FM5K8B1PGA35514
SALESMAN Roger A Moore		KEY NOS		
GROUP		DESCRIPTION		PRICE
N/A		N/A		N/A
<p>OK TO PAY 8/17/2023 Approved For Payment</p> <p><i>Gene Luttrell</i> Budget Code: <u>61030321-5A2200</u></p> <p>Date: <u>8/17/23</u></p> <p>Approved By: Major Michelle Walker <i>(Signature)</i></p> <p><i>* To be reimbursed by ROE -</i></p> <p>ANDIE BLANKS Henry Public Records County, Georgia Commission Expires Jan. 19, 2027</p>				
LIENHOLDER :				
DESCRIPTION OF TRADE IN #1				
YEAR	MAKE	BODY COLOR	MODEL	VIN
N/A	N/A	N/A	N/A	N/A
MILEAGE	N/A	N/A	N/A	N/A
DESCRIPTION OF TRADE IN #2				
YEAR	MAKE	BODY COLOR	MODEL	VIN
N/A	N/A	N/A	N/A	N/A
MILEAGE	N/A	N/A	N/A	N/A

DATE	INVOICE NO	STOCK NO	
08/03/2023	300507	PGA35514	
DESCRIPTION	COST	ACCT NO	SALE
VEHICLE PRICE			42022 00
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
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N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
FINCODE#			
FINCODE#			
PO #			
UNIT #			
TOTAL CASH PRICE			42022 00
CUSTOMER DEPOSITS			N/A
VEHICLE ACCOUNTS RECEIVABLE - COO			N/A
USED CAR ALLOWANCE			N/A
VEHICLE LIEN PAIDOFF			N/A
TOTAL			N/A
FINANCE CO RECEIVABLE			42022 00
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
N/A			N/A
STOCK NO	N/A		N/A

G/L ACCOUNT DETAIL

Org: 61030321 Object: 542200
 VEHICLES 610 -30-30300-30321-00-00-542200-

YEAR PER	JOURNAL	EFF DATE	SRC T	PO/REF2	REFERENCE	AMOUNT	P	CHECK NO	WARRANT	VDR NAME/ITEM	DESC	COMMENTS
2024 02	1016	08/24/2023	API 1		W 082423	16,106.20	Y	241368082423		SEEN & HEARD, INC	INC	PTU SRO -
2024 02	899	08/18/2023	API 1		W 082223	16,106.20	Y	241301082223		SEEN & HEARD, INC	INC	PTU SRO -
2024 02	899	08/18/2023	API 1		W 082223	16,106.20	Y	241301082223		SEEN & HEARD, INC	INC	PTU SRO -
2024 02	899	08/18/2023	API 1		W 082223	42,022.00	Y	241320082223		WADE FORD INC.		2023 FORD
2024 02	899	08/18/2023	API 1		W 082223	42,022.00	Y	241320082223		WADE FORD INC.		2023 FORD
2024 02	899	08/18/2023	API 1		W 082223	42,022.00	Y	241320082223		WADE FORD INC.		2023 FORD

Total Amount: 174,384.60

174,384.60

** END OF REPORT - Generated by Gene Luttrell **

PTU = Police Interceptor Utility

BOARD OF COUNTY COMMISSIONERS

Consent #7

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

MINUTES

August 24, 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 August 24, 2023 Board of Commissioners meeting to order at 5:00 p.m. All members of the Board were present.

Invocation and Pledge of Allegiance by Commissioner Charles Oddo

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

Acceptance of Agenda

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

PROCLAMATION/RECOGNITION:

- 1. Recognition of Financial Analyst, Beth Gourley, for earning the Level 1 Local Finance Officer Certification in pursuing professional development in governmental finance, accounting, budgeting, and public finance topics.**
- 2. Recognition of Senior Financial Analyst, Michael Quaye-Sowah, for earning the Level 1 Local Finance Officer Certification in pursuing professional development in governmental finance, accounting, budgeting, and public finance topics.**
- 3. Recognition of Assistant Chief Financial Officer Amanda Schoonover, for earning the Level 2 Local Finance Officer Certification in pursuing professional development in governmental finance, accounting, budgeting, and public finance topics.**

Fayette County Chief Financial Officer, Sheryl Weinmann, on behalf of the Board recognized Financial Analyst Beth Gourley and Senior Financial Analyst Michael Quaye-Sowah, for earning the Level 1 Local Finance Officer Certification. She also recognized Assistant Chief Financial Officer Amanda Schoonover, for earning the Level 2 Local Finance Officer Certification. Both certifications pursued professional development in governmental finance, accounting, budgeting, and public finance topics.

County Administrator Steve Rapson added that Mr. Quaye-Sowah recently became an official United States citizen.

PUBLIC HEARING:

Planning and Zoning Director Debbie Bell read the Introduction to Public Hearings.

4. Consideration of Petition No. RDP-016-23; John K. Pell, Agent for CG & PH, LLC, Owner, request to revise the development plan for Morning Falls Subdivision to remove the undeveloped phase from the subdivision; located in Land Lot(s) 224 of the 13th District and fronts on Gadson Drive.

Ms. Bell advised the Board that items #4 and #5 were related to the same property and would be discussed together but would have to be voted on separately. She stated that the applicant request was to revise the development plan for Morning Falls Subdivision by removing tract one, which was originally slated to be phase two of Morning Falls Subdivision. The applicant requested to move this tract of 48.472 acres from the development plan. She noted that there was a sliver of property shown on the plan called "tract two" that would remain part of the Morning Falls development, which would help correct a right-of-way issue with one of the lots in the existing phase one, which the applicant had agreed to. She added that the applicant wished to rezone from C-S- Conservation Subdivision to A-R- Agriculture Residential for the purposes of creating one 5-acre parcel for a single-family residence and maintain the balance of the property in a conservation use for wildlife. Ms. Bell stated that in August of 2005 the Board of Commissioners approved Petition 1149-05 to rezone 164 acres from A-R to C-S to develop this subdivision. The developer subsequently received a land disturbance permit and began construction and proceeded to build phase one but did not complete the project and was eventually the subject of a foreclosure. Ms. Bell further advised that the applicant, Mr. Pell, purchased the property from First City Bank in 2011, with a 5-acre parcel being retained by the developer for the purpose of providing required conservation acreage needed for the conservation status of phase one.

Ms. Bell stated that the Planning Commission recommended Conditional Approval. Staff also recommended Conditional Approval because the request was consistent with the Fayette County Comprehensive Land Use Plan & surrounding land uses. She stated that there was one condition:

1. That the petitioner shall, within 60 days, complete Rezoning Petition 1329-23.

She concluded that that the applicant was aware and in agreement with the condition.

Mr. Pell, petitioner, stated that he was available for clarity and/or if the Board had any questions.

No one spoke in favor or opposition.

Commissioner Oddo moved to approve Petition No. RDP-016-23; John K. Pell, Agent for CG & PH, LLC, Owner, request to revise the development plan for Morning Falls Subdivision to remove the undeveloped phase from the subdivision; located in Land Lot(s) 224 of the 13th District and fronts on Gadson Drive, with conditions as outlined. Vice Chairman Gibbons seconded. The motion passed 5-0.

5. Consideration of Petition No. 1329-23, John K. Pell, Agent for CG & PH, LLC, Owner, request to rezone 48.472 acres from C-S to A-R to develop one (1) single family residential lot and open space; located in Land Lot(s) 224 of the 13th District and fronts on Gadson Drive.

Ms. Bell stated that the Planning Commission recommended Conditional Approval. Staff also recommended Conditional Approval of request for a zoning of A-R, Agricultural-Residential, because the request was consistent with Fayette County Comprehensive Land Use Plan & surrounding land uses, with the following conditions:

1. The petitioner shall, within 60 days, record a revised minor final plat creating Tract I, the portion to be removed from the Morning Falls Development Plan, and Tract II, which will remain part of the Morning Falls Subdivision. These tracts are described in the accompanying legal descriptions and survey for the revised plat.
2. The petitioner shall, within 60 days, transfer Tract II to Fayette County so that the County may transfer this acreage to the owner of Lot 29 in exchange for right of way along the frontage of Gadson Drive, enabling Lot 29 to maintain the correct minimum lot acreage.

3. The petitioner shall dedicate to Fayette County sufficient right of way along the Tract I frontage of the cul-de-sac of Gadson Drive to provide a 60' right of way.

4. Article VII. Watershed Protection., shall apply to any State Waters identified on the property during the Land Disturbance permitting process.

5. Post-Development Stormwater Management Ordinance will apply if developed with more than 5,000 square feet of impervious surface. Vice Chairman Gibbons moved to approve Petition No. 1329-23, John K. Pell, Agent for CG & PH, LLC, Owner, request to rezone 48.472 acres from C-S to A-R to develop one (1) single family residential lot and open space; located in Land Lot(s) 224 of the 13th District and fronts on Gadson Drive, with conditions as outlined.

Vice Chairman Gibbons moved to approve Petition No. 1329-23, John K. Pell, Agent for CG & PH, LLC, Owner, request to rezone 48.472 acres from C-S to A-R to develop one (1) single family residential lot and open space; located in Land Lot(s) 224 of the 13th District and fronts on Gadson Drive, with outlined conditions. Commissioner Oddo seconded the motion. The motion passed 5-0.

6. Consideration of Petition No. 1330-23, Joshua B. Brewer and Corrie E. Brewer, owners, request to rezone 19.58 acres from PUD-PRL to A-R to construct a single-family residence; located in Land Lot 01 of the 7th District and fronts on Green Meadow Lane.

Ms. Bell stated that this request was to rezone 19.58 acres from PUD-PRL to A-R to construct a single-family residence; located in Land Lot 01 of the 7th District and fronts on Green Meadow Lane. She stated that Mr. Brewer was unable to attend this public hearing due to military obligations, but was being represented by his attorney, Sheila S. Huddleston, Esq. Ms. Bell stated that the property was a legal lot in Roundtree Place Subdivision and was originally part of the Camp Southern Ground PUD, hence the PUD-PRL zoning. She continued stating that Mr. Brewer purchased the property in April 2023, and in May 2023 the applicant applied for a building permit which was subsequently rejected because under the PUD zoning, an accessory structure could not be constructed prior to the primary residence. He was advised that the property would need to be rezoned to A-R if that was what he wanted to. Ms. Bell stated that in July 2023, staff received multiple complaints that a structure was being built, without a permit and additional concerns were relayed that the structure was encroaching on a required buffer/setback. In July 2023, the Building Safety Office placed a stop work order for a structure being built without a permit. Mr. Brewer subsequently came into the office and filed the appropriate rezoning application. She stated that on August 3, 2023, the Planning Commission recommended denial of the application. She noted that staff recommended conditional approval because the request did comply with Fayette County Comprehensive Plan, subject to the following conditions:

1. The petitioner shall, within 30 days, provide a foundation survey showing the unpermitted accessory structure to determine if a variance is required to retain the structure in its present location.
2. If a variance is required for the accessory structure, the petitioner shall apply for said variance within 30 days of the determination of need by staff.
3. Once the appropriateness of the accessory structure location is resolved, the petitioner shall proceed with the required building permit application for the structure before any other permits shall be issued.

Ms. Bell added that Mr. Brewer recently had a survey constructed and it was provided on the dais for Board review. She stated that under the current PUD zoning the property had a buffer/setback requirement of 75 feet. Currently the barn was set at 67.8 feet from the property line and encroached on the current setback. If the property was rezoned to A-R, it would have a 50-foot setback and the barn would not be encroaching on the setback.

Ms. Huddleston reiterated that Mr. Brewer was unable to attend due to military obligations. Ms. Huddleston requested that the property be rezoned from PUD-PRL to A-R and that Mr. Brewer be allowed to apply for a variance for the barn. She noted that

they were willing to accept the setbacks at 75-feet with the A-R rezoning approval, then Mr. Brewer would apply for a variance from the 75-foot buffer.

No one spoke in favor.

The following citizens spoke in opposition to Petition No. 1330-23: Jack Randolph, Kelly Powell, Elias Makres, and Joe Mandela.

Comments reiterated concerns of the blatant disregard of building permit requirements and county ordinances. Comments stated that the applicant, who was a builder, intentionally ignored the rules. Citizens expressed concerns of this property becoming the sight of a commercial/business and disrupting the peace and quiet of the subdivision. Neighboring residents expressed concerns of environmental issues and water run-off problems caused by the construction.

Ms. Huddleston acknowledged that Mr. Brewer made a mistake, noting that he was a commercial builder and not a residential builder, although this does not excuse his actions. She asked the Board for grace for his grave mistakes. She stated that he purchased the property to build a home for his family, wanting his children to be raised in a nice area. She stated that Mr. Brewer had a right to build what he desired on his property. She stated that he would not be encroaching on surrounding wetlands in building on his property, based on the recently conducted survey. She stated that they were requesting that the Board favorably consider the rezoning request and that Mr. Brewer would follow-up with a variance request.

Commissioner Maxwell moved to deny Petition No. 1330-23, Joshua B. Brewer and Corrie E. Brewer, owners, request to rezone 19.58 acres from PUD-PRL to A-R to construct a single-family residence; located in Land Lot 01 of the 7th District and fronts on Green Meadow Lane with no exceptions. Commissioner Rousseau seconded the motion.

Commissioner Maxwell stated that his comments were directed to Mr. Brewer if he was able to watch the meeting in real-time. He stated that in his opinion, the applicant acted with disregard to the county and with an "I do not care, I'm going to do what I want to do" attitude. Commissioner Maxwell stated that now there was a large structure that was encroaching on the setback. He stated that he hoped he could be given a ticket every single day that the structure was up. He stated that Mr. Brewer needed to remove the structure. Commissioner Maxwell stated that he could not prevent Mr. Brewer from building, if done properly. He added that to do this process backwards was mindboggling, knowing Mr. Brewer's credentials. He stated that in his opinion, the structure resembled a commercial equipment barn, as opposed to an animal/horse barn. He concluded that this was not an "oops I made a mistake" situation but done intentionally, planned and a deliberate disregard to requirements.

Commissioner Rousseau stated that in his opinion, he felt that approving the request would be going backwards trying to correct issues after the fact. He noted that he agreed with Commissioner Maxwell's sentiments. Commissioner Rousseau asked about staff's concerns regarding the property survey.

Ms. Bell stated that after the structure was built staff could determine that it was close to the property line, as a result when a structure was within a certain distance of the setback, a foundation survey was required. She noted that the survey was just submitted by the applicant this week and had not been reviewed by the Planning Commission.

Commissioner Rousseau stated that there had been several missteps on behalf of the applicant. He stated that he agreed with his colleague and felt that the applicant acted out of arrogance and/or ignorance and violated the County ordinance procedurally. He concluded that he was in full support of denying the request until the infractions were remedied, starting with correcting the building that was illegally in place.

Commissioner Maxwell moved to deny Petition No. 1330-23, Joshua B. Brewer and Corrie E. Brewer, owners, request to rezone 19.58 acres from PUD-PRL to A-R to construct a single-family residence; located in Land Lot 01 of the 7th District and fronts on Green Meadow Lane with no exceptions. Commissioner Rousseau seconded. The motion passed 5-0.

PUBLIC COMMENT: None.

CONSENT AGENDA:

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

7. **Approval of Water Committee's recommendation to close Lake McIntosh Park on October 6 - 8, 2023 for the Greater Atlanta Air Show.**
8. **Approval of the Chairman to sign the Equitable Sharing Agreement and Annual Certification as required by the U.S. Department of Justice and the U.S. Department of Treasury.**
9. **Approval of the purchase of two (2) vehicles as replacement for vehicles that were deemed a total loss by insurance companies.**
10. **Approval of the July 27, 2023 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

11. **Update on Crabapple Lane path closure.**

County Administrator Steve Rapson advised the Board that there had been very positive conversation with the Elected leadership of the City of Peachtree City as well as the Town of Tyrone; along with conversations on the staff level that was moving in the right direction. With this in mind he was seeking Board direction on how to proceed.

Commissioner Maxwell directed Public Works Director Phil Mallon to do a study on possible access point for connection from the Town of Tyrone into Peachtree City. Vice Chairman Gibbons seconded.

Chairman Hearn, as a point of clarification, stated that the request was for staff to develop a proposed connection from the Town of Tyrone into the City of Peachtree City that would take the place of the closure on Crabapple Lane.

Commissioner Maxwell stated that he felt that there was no agreement between the Board, the City of Peachtree City, and the Town of Tyrone. He reiterated that he had positive discussions with some of the elected officials in the City of Peachtree City but from those discussions, the opinions and ideas on how to handle access varied. He stated that this was a difficult issue to fix.

Mr. Rapson stated that staff could provide some alternate concepts for access from the Town of Tyrone into the City of Peachtree City. He stated that he would meet with the Town of Tyrone and the City of Peachtree City leadership to develop appropriate cost estimates for the alternate concepts as well.

Commissioner Rousseau asked if this issue was inquiring any legal costs.

County Attorney Dennis Davenport stated that he had conversations with the City of Peachtree City's attorney but as far as doing any other action related to petition drafting, that had not been done based on Board direction. He stated that there were no other legal cost, other than conversations with Mr. Meeker.

Commissioner Rousseau asked if staff had done any alternative review of the area as it related to access.

Mr. Mallon stated, "no".

Commissioner Rousseau asked about costs related to development of a connection point from the Town of Tyrone into the City of Peachtree City.

Mr. Rapson stated that because this was regarding access from the Town of Tyrone into the City of Peachtree City, the County had not previously been involved. At this point, the County would facilitate bringing the Town of Tyrone, the City of Peachtree City, and Dogwood Church to the table to discuss possible access connections and the costs associated with this type of project.

Commissioner Maxwell directed Public Works Director Phil Mallon to do a study on possible access point for connection from the Town of Tyrone into Peachtree City. Vice Chairman Gibbons seconded. The motion passed 5-0.

Vice Chairman Gibbons moved to withdraw lawsuit against the City of Peachtree City. Commissioner Oddo seconded.

Commissioner Maxwell stated that he did not agree that removing the threat of the lawsuit against the City of Peachtree City was in the best interest of the County. He expressed that he was in opposition of doing so.

Chairman Hearn stated that he felt in order to negotiate in good faith with our neighboring partners removing the lawsuit was a good step. He continued that "reasonable people working reasonably together could come up with a reasonable solution". He concluded stating that it may not make everybody on the team happy but he felt seeking out alternative solution was great first step.

Commissioner Oddo stated that he felt progress had been made and that things were headed in a positive direction. He added that he felt that the jurisdiction would communicate much better now, when they were not threatening each other. He stated that stepping back from the precipice was not a bad thing, if needed, they could always move forward and for that reason he would support this motion.

Vice Chairman Gibbons moved to withdraw lawsuit against the City of Peachtree City. Commissioner Oddo seconded. The motion passed 4-1, with Commissioner Maxwell voting in opposition.

NEW BUSINESS:

12. Consideration of a Step 2 Annexation Notification from Peachtree City regarding a request from Michael Hyde to annex approximately 52 acres located between end of Stagecoach Road and Spear Road.

Ms. Bell provided the Board a brief overview of the annexation request. She concluded stating that overall staff did not have an objection to the annexation and suggested discussion between Fayette County and the City of Peachtree City to determine if the project was feasible and desired.

Commissioner Maxwell moved not to object to Step 2 Annexation Notification from Peachtree City regarding a request from Michael Hyde to annex approximately 52 acres located between end of Stagecoach Road and Spear Road. Vice Chairman Gibbons seconded. The motion passed 5-0.

13. Request to approve Georgia Department of Transportation (GDOT) Invoice INV-013023, in the amount of \$530,566.16 to supply all construction engineering and contract supervision for water distribution line relocations, adjustments and improvements on State Route 85 from State Route 279 in Fayette County to the county line.

Water System Director Vanessa Tigert stated that this item was requesting Board approval for Georgia Department of Transportation (GDOT) Invoice INV-013023, in the amount of \$530,566.16 to supply all construction engineering and contract supervision for water distribution line relocations, adjustments and improvements on State Route 85 from State Route 279 in Fayette County to the county line. She stated that on March 24, 2022, Fayette County entered into a contract agreement with GDOT to perform this work in conjunction with their contract. This project involved the relocation of 640 linear ft. of 6-in., 8-in., and 10-in. diameter pipes, two 4X6 fire vaults, one fire hydrant and approximately 800 ft. of 3/4, 1, and 1.5 in. service lines. She stated that on August 1, 2023, invoice INV-013023 was received from GDOT in the amount of \$530,566.16 for the above-described work, original estimated at \$125,906.42.

Vice Chairman Gibbons moved to approve Georgia Department of Transportation (GDOT) Invoice INV-013023, in the amount of \$530,566.16 to supply all construction engineering and contract supervision for water distribution line relocations, adjustments and improvements on State Route 85 from State Route 279 in Fayette County to the county line. Commissioner Rousseau seconded. The motion passed 5-0.

14. Request to approve Resolution 2023-07 and approval of the Agreement to Sell and Purchase to acquire from the Fayette County Board of Education, the East Fayette Elementary School (Parcel 05-2404-012); 245 Booker Avenue, Fayetteville, Georgia, located on Land Lot 122 of the 5th District for \$3,000,000.00.

Mr. Rapson stated that this item was requesting approval of Resolution 2023-07 and approval of the Agreement to Sell and Purchase to acquire from the Fayette County Board of Education, the East Fayette Elementary School which would be renovated into a co-location for the Health Department and services at a purchase price of \$3,000,000.00. He stated that the earnest money of \$150,000 would be paid upfront, and \$1,350,000 would be paid at closing which was tentatively scheduled for October 2, 2023. The remaining balance of \$1,500,000 would be paid on October 2, 2024.

Vice Chairman Gibbons moved to approve Resolution 2023-07 and approval of the Agreement to Sell and Purchase to acquire from the Fayette County Board of Education, the East Fayette Elementary School (Parcel 05-2404-012); 245 Booker Avenue, Fayetteville, Georgia, located on Land Lot 122 of the 5th District for \$3,000,000.00. Commissioner Rousseau seconded.

Chairman Hearn stated that upon his review of the property he noticed a huge amount of junk, as a result he stated that he did not want to close on this property until it had been cleaned up and cleared out.

Mr. Rapson advised that that was the exact reason they had waited the 60-90 days and it was supposed to be cleared out by the end of September, if not the closing would be delayed.

Commissioner Maxwell stated that although he would be voting against this item, he wanted the School Board to know that he appreciated them working with the Commission and hoped this project goes well.

Vice Chairman Gibbons moved to approve Resolution 2023-07 and approval of the Agreement to Sell and Purchase to acquire from the Fayette County Board of Education, the East Fayette Elementary School (Parcel 05-2404-012); 245 Booker Avenue, Fayetteville, Georgia, located on Land Lot 122 of the 5th District for \$3,000,000.00. Commissioner Rousseau seconded. The motion passed 4-1, with Commissioner Maxwell voting in opposition.

ADMINISTRATOR'S REPORTS:

A: Contract #2289-S: Crosstown Filter Console VT SCADA Upgrade

B: Contract #1867-P: Water System Engineer of Record; Task Order 24-03: Electrical System Condition Assessment and Power Distribution Study

C: Contract #1867-P: Water System Engineer of Record; Task Order 24-04: Water System Facilities Visual Structural Assessment

D: Contract #2284-S: Audit Services

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, Lakeview culvert replacement, Redwine Road/Bernhard Road/Peachtree Parkway roundabout, Parks and Recreation multi-use facility, and the Elections building renovation.

Millage Rate Public Hearings

Mr. Rapson advised that the Millage Rate public hearings would be held on September 7, 2023 at 10:00am and at 6:00pm, with the final hearing and approval being held on September 14, 2023 at 5:00 p.m.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were seven items for Executive Session. Three items of pending litigation, three items involving threatened litigation and the review of the July 27, 2023 Executive Session Minutes.

COMMISSIONERS' REPORTS:

Commissioner Rousseau

Commissioner Rousseau apologized to the community regarding the changes to the Millage Rate public hearing dates.

Vice Chairman Gibbon

Vice Chairman Gibbon in recognition of the upcoming Labor Day Holiday expressed his appreciation and leadership to County Administrator Steve Rapson and to county staff for their continued hard work and dedication to the citizen of Fayette County. He also gave a special shout out to County staff who would be working on Labor Day first responders- Sheriff Officers, Fire and EMS and others keeping us staff.

Commissioner Oddo

Commissioner Oddo reiterated Vice Chairman Gibbons sentiments regarding the pending Labor Day Holiday, expressing his appreciation to staff for a job well done. He congratulated the Finance team for their professional development and expressed his appreciation for their hard work. He concluded wishing everyone a Happy Labor Day.

EXECUTIVE SESSION:

Three items of pending litigation, three items involving threatened litigation and the review of the July 27, 2023

Executive Session Minutes. Commissioner Oddo moved to go into Executive Session. Vice Chairman Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 6:23 p.m. and returned to Official Session at 7:15 p.m.

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

Approval of the July 27, 2023 Executive Session Minutes: Commissioner Oddo moved to approve July 27, 2023 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

Workers Compensation Settlement

Mr. Davenport advised the Board of a workers compensation settlement for Rodney Duncan who was injured on the job April 1, 2020. Mr. Davenport stated that there was a proposed settlement agreement for Mr. Duncan in the amount of \$77,946 including an additional \$2,054 for Medicare set-aside. Mr. Davenport stated that he believed they could resolve all issues with Mr. Duncan and in exchange receive the standard release documents executed by Mr. Duncan including a confidentially provision, non-disparagement agreement and agreement not to seek employment again with Fayette County, along with the termination agreement.

Commissioner Oddo moved to approve settlement agreement for Rodney Duncan in the amount of \$77,946 including an additional \$2,054 for Medicare set-aside, with the standard release documents. Vice Chairman Gibbons seconded. The motion passed 5-0.

ADJOURNMENT:

Commissioner Oddo moved to adjourn the August 24, 2023 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 5-0.

The August 24, 2023 Board of Commissioners meeting adjourned at 7:16 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 14th day of September 2023. Attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Chief Deputy County Clerk

BOARD OF COUNTY COMMISSIONERS Consent #8

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

MINUTES

1st Public Hearing

September 7, 2023
 10:00 a.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 First Public Hearing to discuss the 2023 Property Tax Millage Rate to order at 10:00 a.m. All members of the Board were present.

Invocation and Pledge of Allegiance

Chairman Hearn offered the Invocation and pledge.

Acceptance of Agenda

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

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

Chief Finance Officer Sheryl Weinmann made a presentation to the Board. This hearing was advertised on Wednesday, August 30 and Wednesday, September 6, per state requirement.

Ms. Weinmann stated that the 2022 Digest was \$8.367 billion and the Growth in real property was \$226 million, personal property had the highest percentage increase at 14.64% for \$85,956,841. The motor vehicle had an increase for the first time at 0.12% due to the increase of the price of vehicles. There was also an increase in the "other" category. The total Growth increase was \$313,539,324.

There was an increase in the Exemptions, which decreased the digest and was reflected in red to show that the increase meant a decrease to the digest. Ms. Weinmann stated that Reassessments (Real Property) were increased by \$794,247,449, which showed a positive change in the digest of \$1.27 million or 12.28%. The 2023 Digest totaled \$9,394,779,107. She continued the presentation showing the change in taxable digest. She stated that it had increased by almost 114% since 2014.

The proposed 2023 millage rate was 4.034, which was the same from 2022. Fire Services (3.070), Emergency Medical Services (0.500), and 911 Services (0.210) also remained the same. Although there was no change, state law required that the millage rate be advertised as an increase because the county was not rolling back the millage rate.

Ms. Weinmann offered examples of a residential tax bill for a \$450,000 home value for unincorporated Fayette County, Town of Brooks, Peachtree City, City of Fayetteville and Town of Tyrone showing the distribution of each to Board of Education, County M&O, Fire District, EMS District and 911 District appropriately.

The millage rate in 2014 was 5.714, if the rate had remained the same, the county would have collected another \$81.5 million at this point. Instead, this was a savings to the citizens of \$81.5 million.

Ms. Weinmann concluded the presentation. This was the first hearing of the millage rate. The second hearing will be held later today at 6:00 p.m. and the final hearing on September 14 at 5:00 p.m. where the Board will be asked to adopt the resolution to levy the County property tax.

Commissioner Charles Rousseau stated that he fielded a lot of phone calls, emails and inquiries from the public and he would like tonight's presentation and subsequent hearings to start by explaining why the dates changed. He stated that traditionally there was a comparative analysis of some surrounding jurisdictions, not just the municipalities, and he would like that to be added to the presentation.

Ms. Weinmann stated that she would have that added.

No one spoke in favor or opposition.

Thelma Kelly stated that there was no increase, but it had to be announced that there was increase. She wanted to know if there was going to be an increase to the millage or not.

Ms. Weinmann made comments. (inaudible) She stated that if the county decided to not collect the reassessment money, then the millage rate would rollback to the 3...

Vice Chairman Gibbons interjected to explain that the reassessment meant the value of homes went up.

Ms. Weinmann stated that there were two parts, growth and reassessment.

Vice Chairman Gibbons stated that the value of his home went up and so that meant that he would pay more property tax. Ms. Weinmann stated that was correct. She stated that in order to take advantage of the increase in the value, we would have to not rollback the millage rate.

There was no vote of the Board of Commissioners.

Commissioner Eric Maxwell stated that he would not be at the 6:00 p.m. 2nd Public Hearing. He wanted to ensure a quorum would be present. The Board confirmed that a quorum would be present.

ADJOURNMENT:

Vice Chairman Gibbons moved to adjourn the 1st Public Hearing. Commissioner Oddo seconded. The motion passed 5-0. The meeting adjourned at 10:18 a.m.

Tameca P. Smith, 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 14th day of September 2023. Attachments are available upon request at the County Clerk's Office.

BOARD OF COUNTY COMMISSIONERS

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

Consent #9

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
2nd Public Hearing

September 7, 2023
6:00 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 Second Public Hearing to discuss the 2023 Property Tax Millage Rate to order at 6:00 p.m. Commissioner Eric Maxwell was absent.

Invocation and Pledge of Allegiance

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

Acceptance of Agenda

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

PUBLIC HEARING:

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

Chief Finance Officer Sheryl Weinmann made a presentation to the Board. She began with an update, at the request of the Board, regarding the changes of the dates and times of the millage rate advertisements. She stated that there were some updates to the digest data, and she failed to meet the newspaper's publishing deadline to correct the information and dates in the previous ads. The legal organ, Fayette County News, only publishes once a week, which caused an issue meeting the advertisement deadlines. The Board was notified of the date and time changes via email and phone calls and the updated public notices were placed on the County's website. In the best interest of the citizens, it was decided to start the publishing process again to ensure compliance with the state law statute advertising requirements and open public hearings laws.

This hearing was advertised on Wednesday, August 30 and Wednesday, September 6, per state requirement.

Ms. Weinmann stated that the 2022 Digest was \$8.367 billion, the Growth real property increased by \$226 million, personal property had the highest percentage increase at 14.64% for \$85, 956,841. The motor vehicle had an increase for the first time at 0.12% due to the increase of the price of vehicles. There was also an increase in the "other" category. The total Growth increase was \$313,539,324.

Exemptions also increased and are reflected as negative because they reduced the digest. Ms. Weinmann stated that Reassessments of real property were increased by \$794,247,449, which showed a positive change in the digest of \$1.027 billion

or 12.28%. The 2023 Digest totaled \$9,394,779,107. She continued the presentation showing the change in taxable digest. She stated that it had increased from \$4.3 billion to \$9.3 billion since 2014. This was an increase of approximately 114%.

The proposed 2023 millage rate was 4.034, which was the same from 2022. Fire Services (3.070), Emergency Medical Services (0.500), and 911 Services (0.210) also remained the same. The taxable value was \$175,000, the millage rate remained the same at 4.034, which was an increase in the tax bill of approximately \$60/year or \$5/month. Although, the County had to advertise this as a tax increase, the millage rate remained the same. The digest increased over a billion dollars, so that was the reason for the increase in the tax bill. In the example given, if the home was valued at less than \$450,000, then the tax bill would be less than \$60/year.

Ms. Weinmann stated that although the 2023 millage rate numbers are not available, based on 2022 numbers, Fayette County remained one of the lowest counties for millage rates. Ms. Weinmann offered examples of a residential tax bill for a \$450,000 home value for unincorporated Fayette County, Town of Brooks, Peachtree City, City of Fayetteville and Town of Tyrone showing the distribution of each to Board of Education, County M&O, Fire District, EMS District and 911 District appropriately.

The millage rate in 2014 was 5.714. If the rate had remained the same, the county would have collected another \$81.5 million at this point. Ms. Weinmann stated that this could be looked at \$81.5 million that would have been used on projects or a \$81.5 million savings to the citizens.

The final public hearing and staff's request to adopt Resolution 2023-06 to levy the County property tax will be held on Thursday, September 14 at 5:00 p.m.

No one spoke in favor or in opposition.

ADJOURNMENT:

Commissioner Oddo moved to adjourn the 1st Public Hearing. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Maxwell was absent.

The meeting adjourned at 6:12 p.m.

Tameca P. Smith, 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 14th day of September 2023. Attachments are available upon request at the County Clerk's Office.

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to approve Resolution 2023-08 to acquire 292 Longview Road, Fayetteville, Georgia 30215 a.k.a. "The Phillips Lake Property" (Parcel 0544 101 and 0544 008A); located on Land Lot 219 of the 5th District for \$690,000, and to reallocate \$690,000 from 2017 SPLOST project 17SAS to 5509F.

Background/History/Details:

This is a \$690,000 acquisition and requires a \$69,000 wire transfer to Lawson, Beck and Sandlin, Attorneys at Law.

The property is being acquired to support reconstruction of the Longview Road Dam (5509F) and Neely Road Dam (5509C). Both are stormwater SPLOST projects and are rebuilding the dams to meet Georgia Safe Dams Program standards.

What action are you seeking from the Board of Commissioners?

Approval of Resolution 2023-08 to acquire 292 Longview Road, Fayetteville, Georgia 30215 a.k.a. "The Phillips Lake Property" (Parcel 0544 101 and 0544 008A); located on Land Lot 219 of the 5th District for \$690,000, and to reallocate \$690,000 from 2017 SPLOST project 17SAS to 5509F.

If this item requires funding, please describe:

To fund this purchase, staff requests the reallocation of \$690,000 from 2017 SPLOST Stormwater Improvement Plans (17SAS) to the Longview Dam project (5509F). Additional funding transfers will be needed for the construction phase.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

STATE OF GEORGIA

FAYETTE COUNTY

RESOLUTION

NO. 2023-_____

A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR FAYETTE COUNTY TO ACQUIRE CERTAIN REAL PROPERTY; TO ADVANCE THE WELFARE OF THE CITIZENS OF FAYETTE COUNTY; AND FOR OTHER PURPOSES.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR FAYETTE COUNTY THAT A 37.41+/- ACRE PARCEL OF LAND LOCATED IN LAND LOT 219 OF THE 5th LAND DISTRICT OF FAYETTE COUNTY AT 292 LONGVIEW ROAD IN FAYETTEVILLE, GEORGIA 30215, AND HAVING AS TAX PARCEL ID 0544 101 and 0544 008A, BE ACQUIRED FROM THE BETTI PHILLIPS ESTATE:

WHEREAS, Fayette County is a political subdivision of the State of Georgia; and

WHEREAS, the powers of the government of Fayette County include the power to acquire any real property; and

WHEREAS, the powers of the government of Fayette County are to be exercised by the governing authority; and

WHEREAS, the Board of Commissioners is the governing authority vested with all the powers for governing Fayette County; and

WHEREAS, the Betti Phillips Estate is the owner of certain real property located at 292 Longview Road in Fayetteville, Georgia, in Land Lot 219 of the 5th Land District of Fayette County, also known tax parcel ID 0544 101 and 0544 008A, hereinafter referred to as the "Parcel" and as described in Exhibit "A" attached hereto and hereby incorporated herein; and

WHEREAS, the Board of Commissioners for Fayette County has agreed to expend a sum of six hundred ninety thousand dollars (690,000.00) to acquire the Parcel; and

WHEREAS, it has been determined that the acquisition of the Parcel is in the best interest of Fayette County.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners for Fayette County and the same does hereby declare that a sum of six hundred ninety thousand dollars (690,000.00) be disbursed from the funds of Fayette County to the Betti Phillips Estate as consideration for the conveyance of the Parcel described in Exhibit “A” attached hereto; and

BE IT FURTHER RESOLVED that the County Administrator for Fayette County be authorized to execute any and all documents and expend additional, related funds (not to exceed \$5,000) as necessary to complete the County’s acquisition of the Parcel.

(SIGNATURES FOLLOW ON NEXT PAGE)

SO RESOLVED this _____ day of _____, 2023.

**BOARD OF COMMISSIONERS
FAYETTE COUNTY**

(SEAL)

By: _____
Lee Hearn, Chairman

ATTEST:

Tameca P. Smith, County Clerk

Approved as to form:

County Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

All that parcel located at 292 Longview Road in Fayetteville, Georgia, in Land Lot 219 of the 5th Land District of Fayette County, also having tax parcel ID 0544 101 and 0544 008A.

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to approve Ordinance 2023-09, to amend Chapter 16:- Offenses and Miscellaneous Provisions; Article II. -Noise Control; Section 16-39.- Specific public disturbance noise prohibitions and Section 16-42.- Enforcement and appeals and to repeal Section 16-41.- Disturbance permits.

Background/History/Details:

Specifically, this ordinance amends portions of Section 16-39 and 16-42 of the Code of Ordinances, and entirely removes Section 16-41 related to noise permits.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2023-09, to amend Chapter 16:- Offenses and Miscellaneous Provisions; Article II. -Noise Control; Section 16-39.- Specific public disturbance noise prohibitions and Section 16-42.- Enforcement and appeals and to repeal Section 16-41.- Disturbance permits.

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:

PART II - COUNTY CODE
Chapter 16 - OFFENSES AND MISCELLANEOUS PROVISIONS
ARTICLE II. NOISE CONTROL

ARTICLE II. NOISE CONTROL¹

Sec. 16-35. Short title.

This article shall be known as the Fayette County Noise Control Ordinance.

(Code 1992, § 12-27; Ord. No. 2005-08, § 1, 4-14-2005)

Sec. 16-36. Declaration of policy.

The problem of noise in unincorporated Fayette County has been observed by the board of commissioners and county staff. It has been documented by complaints in the marshal's department. The board of commissioners finds that it is necessary to minimize said noise to protect the citizens of the county from the physiological and psychological dangers of excessive noise and to promote the public health, safety and welfare as well as to control the level of noise in a manner which promotes the use, value and enjoyment of property; and the quality of the environment.

(Code 1992, § 12-28; Ord. No. 2005-08, § 1, 4-14-2005)

Sec. 16-37. Definitions.

For purposes of this article, the words, terms and phrases which follow shall have the meanings ascribed to them in this section, unless the context clearly indicates a different meaning. Generally, all definitions in all applicable publications of the American National Standards Institute (ANSI) S1.1-1994, Acoustical Terminology or its successor body shall be applicable.

Administrator means the chief marshal for the Fayette County Marshal's Department.

Ambient sound level means the background level of all sound in a given district area independent of the specific source being measured.

Commercial agriculture means the production of livestock or agricultural commodities and the offering of the livestock and agricultural commodities for sale.

Construction means any site preparation, clearing, grading, assembly, erection, demolition, substantial repair, alteration or similar action taken upon any public or private property or any structure attached hereto.

Day or daytime, for the purposes of this article, shall be the hours between 7:00 a.m. and 9:00 p.m. on weekdays and between 9:00 a.m. and 10:00 p.m. on weekends.

dB(A) is a unit of measurement which describes the sound level measured, using the "A" weighting scale which reflects the response characteristics of the human ear to sound. Said unit is also known as a decibel.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

¹State law reference(s)—Disorderly conduct, O.C.G.A. § 16-11-39.

Equipment means any stationary, mobile, self-powered, or portable device or any part thereof capable of generating sound.

Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the recommended maximum loaded weight of a single vehicle.

Impulsive sound is a sound which has a peak sound level lasting less than one second and which is short compared to the frequency of the sounds occurrence, the onset of the sound is abrupt, the decay is rapid, and the peak value exceeds the ambient level by more than ten dB(A).

Land use the land use categories shown in section 16-38 of this article shall have the meanings ascribed to them in the Fayette County Zoning Ordinance. Residential classification shall include all residential uses defined in the Fayette County Zoning Ordinance, including but not limited to Agricultural Residential (A-R). The commercial classification shall include all commercial uses defined in the Fayette County Zoning Code. The industrial classification shall include all industrial uses defined in the Fayette County Zoning Ordinance.

Motor vehicle means any vehicle which relies on an engine, motor, or similar apparatus for propulsion and is used primarily for transporting persons or property upon land.

Muffler means a device designed to dissipate sound emitted by an internal combustion engine, receiving exhaust gas from the engine, or for the purpose of introducing water to the flow of the exhaust gas from the engine.

Night or nighttime, for the purposes of this article shall be the hours between and including 9:01 p.m. and 6:59 a.m. on weekdays, and between 10:01 p.m. and 8:59 a.m. on weekends.

Noise means the intensity, duration and character of sound from any and all sources.

Periodic sound is a sound having a sound level which varies repetitively with a period of one minute or less, which has a peak value of more than five dB(A) above the minimum value.

Person means any individual, firm, association, partnership, corporation, company, society, political subdivision, or any other entity, public or private.

Property means an interest or aggregate of rights in land which is guaranteed and protected by law including a leasehold interest.

Property boundary means an imaginary line along the ground surface and its vertical extension, which separates the real property of one or more persons from that of others. In the case of separate tenancies or ownerships which share a common wall, floor, or ceiling, the term "property boundary" means the edge of the wall, floor, or ceiling which is on the side of the receiving tenancy or ownership.

Public disturbance noise means any sound which, because of its random or infrequent occurrence, is not conducive to measurement under the quantitative standards established in this article; and which endangers or injures the safety or health of humans or animals, or endangers or damages personal or real property, or annoys, disturbs or perturbs any reasonable person of normal sensitivities, or is specifically included in those listed in section 16-39.

Public highway means the entire width between the right-of-way lines of every roadway publicly maintained by the state or any county or city, when any part of the right-of-way is generally open to the use of the public for purposes of vehicular travel as a matter of right.

Pure tone component means sound having the following qualities: A one-third octave band sound pressure level in the band with the tone that exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five dB for center frequencies of 500 Hz and above, by eight dB for center frequencies between 160 and 400 Hz, and by 15 dB for center frequencies less than or equal to 125 Hz. For example, the sound made by a siren often meets the definition of a "pure tone component."

Receiving property means property within which sound originating beyond its property boundary is received.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause rarefaction of that medium. The description of sound may include any characteristic of such sound, including, but not limited to duration, intensity and frequency.

Special construction vehicle means any vehicle which is designed and used primarily for grading, paving, earthmoving, and other construction work; which is not designed or used primarily for the transportation of persons or property on a public highway; and which is only incidentally operated or moved over the highway.

Temporary construction site means any location where site clearing, construction of plat improvements, or construction or remodeling of a structure, facility, improvement, or other feature attached to the land occurs including roadway, bikeway, trail, sidewalk, or other similar construction, repair, or improvement.

Warning device means any device intended to provide public warning of potentially hazardous, emergency or illegal activities, including but not limited to a burglar alarm or vehicle backup signal, but not including any fire alarm.

Water craft means any contrivance powered by an internal or external combustion engine used or capable of being used as a means of transportation or recreation on water. Water craft includes aircraft taxiing on water, but excludes aircraft in the act of actual landing or takeoff.

Weekday means any day Monday through Friday which is not a legal holiday as defined by state law.

Weekend means Saturday and Sunday or any legal holiday as defined by state law.

(Code 1992, § 12-28; Ord. No. 2005-08, § 1, 4-14-2005)

Sec. 16-38. Quantitative standards for sound.

- (a) *Unlawful sounds.* Except as otherwise provided in this article, it shall be unlawful for any person to make, continue or cause to be made or continued, or for any person in possession of property to allow to originate from the property, sound which intrudes into the property of another person and exceeds the maximum permissible sound levels established in this article; or for any person to operate upon any public highway any motor vehicle or any combination of motor vehicles under any conditions of grade, load, acceleration or deceleration in such manner as to exceed the maximum permissible sound levels established in this article for the category of vehicle.
- (b) *Maximum permissible sound levels.* Measurement of sound levels from all sources except motor vehicles on public roads, shall be made at or within the property boundary of the receiving property. Maximum permissible sound levels for districts within unincorporated Fayette County, expressed in dB(A)'s, are:

DISTRICT OF NOISE SOURCE

District of Receiving Property	Residential	Commercial	Manufacturing/Industrial
Residential	55	57	60
Commercial	57	60	65
Manufacturing/Industrial	60	65	70

- (c) *Modifications to maximum permissible sound levels.* The maximum permissible sound levels established in this article are altered by the sum of the increases and reductions in subsections (a) and (b) of this section, and this subsection (c):

- (1) Sounds of short duration may exceed the maximum permissible sound levels by a total of not more than 15 minutes in any one-hour period, when comprised of one or any combination of the following:
- Five dB(A) for a total of 15 minutes;
 - Ten dB(A) for a total of five minutes; or
 - Fifteen dB(A) for a total of 1½ minutes.
- (2) At night, as defined in this article, the maximum permissible sound levels are reduced by five where the receiving property lies within a residential district of the county, except for sound sources exempted under by this article.
- (3) For any source of sound which is periodic, has a pure tone component, or is impulsive, the maximum permissible sound levels are reduced by five dB(A) in addition to the reduction set forth in subsection (b) of this section, at night, as defined in this article, where the receiving property lies within a residential district of the county, except for sound sources exempted by this article.
- (d) *Maximum permissible sound levels for motor vehicles.* Measurement of motor vehicle sound levels shall be made at a distance of 50 feet from the center of the lane of travel at the posted speed limit, by measurement procedures established by the state commission on equipment. Maximum permissible sound levels for motor vehicles, expressed in dB(A)s, are:

Vehicle Category	35 mph (56 kph) or less	Over 35 mph (56 kph)
Motorcycles	78	82
Automobiles, light trucks, and not all other motor vehicles 10,000 pounds or less GVWR	72	78
All motor vehicles over 10,000 pounds GVWR	86	90

(Code 1992, § 12-29; Ord. No. 2005-08, § 1, 4-14-2005)

Sec. 16-39. Specific public disturbance noise prohibitions.

In addition to the general prohibitions set forth above, it is unlawful for any person to cause, suffer, allow or permit any of the following sounds.

- (1) *Sounds occurring at any time of day or night and resulting from the following causes:*
- Animals and birds.* Sounds resulting from the owning, possessing, keeping or harboring of any animal for frequent or for a continued duration, which unreasonably interfere with the peace and comfort of persons in any residential districts, except sounds emanating from farm animals in zones where farm animals are allowed and except the keeping or harboring of animals in commercial kennels, noncommercial kennels, animal shelters, veterinary hospitals, pet shops, and grooming parlors which are operating in conformance with a valid business license ~~and, where necessary, have obtained a disturbance permit.~~
 - Exhausts.* Sounds resulting from the use of unmuffled exhaust systems on motor vehicles, off-road vehicles and recreational watercraft.

-
- c. *Vehicle repair in residential areas.* Sounds which are frequent, repetitive or continuous and are made in connection with starting, repairing, operating or testing of motor vehicles, off-road vehicles, or internal combustion engines and which in a manner that interfere with the peace and comfort of persons in any residential district.
 - d. *Motor vehicle horns.* Sounds resulting from vehicle horns for purposes other than public safety or warning.
 - e. *Schools, churches, courts, hospitals, and similar.* Sounds which are loud and raucous and are made within 1,000 feet of any school, institution of learning, church, court, hospital, sanitarium, nursing or convalescent facility, while the same are in use, and which unreasonably interfere with the workings or use of such facility, or which disturb the peace, comfort, or repose of persons therein; provided, conspicuous signs be posted which indicate the nature of the institution.
 - f. *Loudspeakers and amplifiers.* Sounds created by the use of any sound amplifier whether mounted upon vehicle or not, for the purpose of broadcasting, advertising or attracting of attention to relay information to any party about any business or activity, ~~unless a disturbance permit for said sound amplification has been obtained from the board of commissioners.~~ Ice cream vendors whose sole method of sale is from a moving vehicle shall be exempted from this subsection (1)f.
 - g. *Instrument.* Sounds created through the use of a musical instrument, sound amplifier, or other device capable of producing or reproducing sound, including but not limited to television and radios, of sounds heard as comprehensible music rhythms or felt:
 - 1. Within any residence except the residence from whence the noise originate; or
 - 2. Outdoors in a commercial, or residential district at a distance of 75 feet or more from the noise source. Such sounds include band sessions, automobile sound systems, and electronic sound reproduction equipment whether the source of the sound is stationary, portable, or in a motor vehicle.
 - h. *Hawkers and peddlers.* Sounds which result from the selling of anything or otherwise attracting or attempting to attract attention for any reason by outcry or use of a drum or other instrument or device within residential areas, except at licensed sporting events, parades, fairs, circuses, and other similar public entertainment events which are appropriately licensed.
- (2) *Nighttime sounds in residential districts.* Sounds resulting from the following activities are determined to be public disturbance noises when they occur at night which are received on property in any residential district.
- a. *Tools.* Operation within any residential district of any mechanically powered saw, drill, sander, grinder, blower, fan, garden tool or similar device, except devices engaged in emergency work specifically exempted by this article.
 - b. *Equipment.* Operating or permitting someone to operate any internal combustion powered equipment.
 - c. *Construction.* Construction activity, including blasting, ~~unless a disturbance permit has been obtained.~~
 - d. *Idling.* The operation or idling, for more than ten minutes at a time, of stationary trucks weighing in excess of 10,000 pounds GVWR, except vehicles engaged in emergency work and specifically exempted from application of this article.
 - e. *Bells.* The sounding of bells, chimes or carillons.

- f. *Sound production devices.* The creation by use of a musical instrument, whistle, human voice, sound amplifier, or other devices capable of producing or reproducing sound, of loud and raucous sounds which emanate frequently, repetitively or continuously from any building, structure, vehicle or property, such as sounds originating from a band session, automobile sound system or social gathering.

(Code 1992, § 12-30; Ord. No. 2005-08, § 1, 4-14-2005)

Sec. 16-40. Exemptions.

- (a) *Sounds exempt at all times.* The following sounds are exempt, at all times, from the maximum permissible sound levels established in this article.
- (1) Sounds originating from aircraft in flight and sounds which originate at airports and are directly related to flight operations.
 - (2) Sounds created by the operation of equipment or facilities of surface carriers engaged in interstate commerce by railroad.
 - (3) Noises resulting from the use of any emergency equipment and vehicle necessary for law enforcement or for the health, safety and welfare of the community, when said equipment or vehicle is used for these purposes.
 - (4) Noises created by safety, protective, and warning devices, where noise suppression would defeat the safety purpose of the device.
 - (5) Sounds caused by pigs, cattle, horses, sheep, goats, poultry and similar in agricultural zoning districts where said animals are permitted to be harbored, or kept.
 - (6) Sounds created by the discharge of firearms in the course of lawful hunting activities in areas where permitted.
 - (7) Sounds originating from persons holding a permit for parades and other public events.
 - (8) Sounds originating from motor vehicle racing events at existing, facilities authorized by the county.
 - (9) Sounds created by construction equipment, including special construction vehicles, at temporary construction sites, provided the receiving property is located in a commercial or industrial district.
 - (10) Sounds originating from forest harvesting, silviculture, or commercial agriculture, provided these uses are conducted in compliance with all applicable regulations.
 - (11) Sounds created by back-up beepers, provided that at night these sounds shall not be allowed to exceed the noise level necessary to comply with the provisions of this article.
 - (12) Activities necessary for clean-up and site protection when weather conditions create an emergency.
 - (13) Activity necessary for construction or repair projects, which for reasons of public safety require that the work be done at night, provided that a single neighborhood is not impacted for longer than four weeks and that those persons residing adjacent to the street which is to be worked on shall receive notice of the project at least one week in advance of the beginning of work.
 - (14) Sounds created by or incident to the use of a public sporting arena, stadium or recreation field, which exists incidentally to a school (public or private), or political subdivision and is used for its intended uses.
- (b) *Sounds exempt during daytime hours.* The following sounds are exempt, during daytime hours, from the maximum permissible sound levels established in this article.

- (1) Sounds created by construction equipment, including special construction vehicles, at temporary construction sites.
 - (2) Sounds created by bells, chimes, or carillons not operating for more than five minutes in any one hour.
 - (3) Sounds created by powered equipment which is engaged in temporary or periodic maintenance or repair of residential property.
 - (4) Sounds created by the installation or repair of essential utility services.
 - (5) Sounds created by the discharge of firearms in zones where allowed or at a rifle range either indoor or outdoor, which is sited, developed and operated in accordance with all laws applicable to such activity.
 - (6) Sounds created by aircraft engine testing and maintenance.
- (c) *Sounds exempt during nighttime hours.* The following sounds are exempt from the nighttime reduction provisions of this article.
- (1) Sounds originating from electrical substations and transmission lines.
 - (2) Sounds originating from stationary equipment used in the conveyance of water by a utility.
 - (3) Sounds created by the discharge of firearms by law enforcement or similar organizations during training exercises and in zones where allowed or at a rifle range either indoor or outdoor, which is sited, developed and operated in accordance with all laws applicable to such activity, or firearm discharge by said organizations in the line of duty.

(Code 1992, § 12-31; Ord. No. 2005-08, § 1, 4-14-2005)

Sec. 16-41. ~~Disturbance permits~~RESERVED.

- ~~(a) Any person who wishes to obtain an exemption from any provision of this article may apply in writing to the administrator for a disturbance permit. The application shall be accompanied by a fee of \$25.00 and such information and data as the administrator may require including but not limited to reports and documents showing noise levels customarily generated by the proposed activity and proposed means for controlling such noise.~~
- ~~(b) The marshal's department shall conduct an investigation and make a recommendation to the board of commissioners within 30 days of the receipt of the application.~~
- ~~(c) Upon consideration of the application and accompanying documentation the board of commissioners may issue a permit exempting the applicant from the application of the provisions of this article as specified in the permit for a period not to exceed 15 days if the application demonstrates the following:~~
- ~~(1) The noise occurring or proposed to occur does not endanger public health, safety, or welfare; and~~
 - ~~(2) In considering the relative interests of the applicant, other owners or possessors of property likely to be affected by the noise, and the general public the permit is warranted; and~~
 - ~~(3) One of the following circumstances is demonstrated:~~
 - ~~a. The activity or noise source is temporary in nature and cannot be accomplished in a manner that would comply with the provisions of this article.~~
 - ~~b. There is no reasonable economic or technological alternative mean, as determined by the board of commissioners in its sole discretion, currently known or available for the adequate prevention, abatement or control of the noise involved.~~

- ~~c. Additional time is necessary for the applicant to alter or modify the noise-producing activity in order to comply with the provisions of this article.~~
- ~~(d) When issuing the permit, all conditions regarding the proposed use shall be written on the face of the permit including, but not limited to, the effective date, restrictions on time of day, location on the lot, days of the week, and total hours of use per week.~~
- ~~(e) Any permit granted pursuant to this section may be extended upon submission and issuance of a new application for permit for an additional 15-day period, provided good cause is shown. =~~

(Code 1992, § 12-32; Ord. No. 2005-08, § 1, 4-14-2005)

Sec. 16-42. Enforcement and appeals.

- (a) *Administrative and enforcement personnel.* The administrator or a person designated by the administrator is authorized and directed to administer and enforce the provisions of this article ~~including, but not limited to, the conducting of investigation for issuance of disturbance permits~~. The officers of the marshal's office are authorized and directed to enforce the provisions of this article through citation for violation of the provisions hereof. All county departments are authorized to assist the administrator in the administration and enforcement of this article.
- (b) Whenever the administrator has reason to believe that a violation of any of the provisions of this article, has occurred, the administrator may initiate investigation and/or enforcement action. Enforcement action shall include, at the administrator's discretion, the issuance of a citation for an infraction as defined by this article.
- (c) Whenever the marshal's department has reason to believe that a violation of any of the provisions of this article, has occurred, the marshal's department may cause the issuance of a citation for infraction of this article.
- (d) Any penalty imposed under the provisions of this article shall conform to the constraints of section 1-7.

(Code 1992, § 12-33; Ord. No. 2005-08, § 1, 4-14-2005)

Secs. 16-43—16-72. Reserved.

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2023-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO REPEAL PROVISIONS PERTAINING TO NOISE DISTURBANCE PERMITS; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO NOISE CONTROL (ARTICLE II OF CHAPTER 16), BE AMENDED AS FOLLOWS:

Section 1. By deleting Paragraphs a. and f. of Subsection (1) of Section 16-39, pertaining to “Specific public disturbance noise prohibitions”, of Article II of Chapter 16, in their entirety, and by replacing them with new Paragraphs a. and f. in Subsection (1) of Section 16-39 of Article II of Chapter 16, to be numbered and read as follows:

- a. *Animals and birds.* Sounds resulting from the owning, possessing, keeping or harboring of any animal for frequent or for a continued duration, which unreasonably interfere with the peace and comfort of persons in any residential

districts, except sounds emanating from farm animals in zones where farm animals are allowed and except the keeping or harboring of animals in commercial kennels, noncommercial kennels, animal shelters, veterinary hospitals, pet shops, and grooming parlors which are operating in conformance with a valid business license.

- f. *Loudspeakers and amplifiers.* Sounds created by the use of any sound amplifier whether mounted upon vehicle or not, for the purpose of broadcasting, advertising or attracting of attention to relay information to any party about any business or activity. Ice cream vendors whose sole method of sale is from a moving vehicle shall be exempted from this subsection (1)f.

Section 2. By deleting Paragraph c. of Subsection (2) of Section 16-39, pertaining to “Specific public disturbance noise prohibitions”, of Article II of Chapter 16, in its entirety, and by replacing it with a new Paragraph c. in Subsection (2) of Section 16-39 of Article II of Chapter 16, to be numbered and read as follows:

- c. *Construction.* Construction activity, including blasting.

Section 3. By deleting Section 16-41, pertaining to “Disturbance permits”, of Article II of Chapter 16, in its entirety, and designating Section 16-41 of Article II of Chapter 16 as “Reserved”.

Section 4. By deleting Subsection (a) of Section 16-42, pertaining to “Enforcement and

appeals”, of Article II of Chapter 16, in its entirety, and by replacing it with a new Subsection (a) in Section 16-42 of Article II of Chapter 16, to be numbered and read as follows:

(a) *Administrative and enforcement personnel.* The administrator or a person designated by the administrator is authorized and directed to administer and enforce the provisions of this article. The officers of the marshal's office are authorized and directed to enforce the provisions of this article through citation for violation of the provisions hereof. All county departments are authorized to assist the administrator in the administration and enforcement of this article.

Section 5. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Fayette County.

Section 6. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 7. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby

declare that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ENACTED this _____ day of _____, 2023.

**BOARD OF COMMISSIONERS OF
FAYETTE COUNTY**

By: _____
Lee Hearn, Chairman

(SEAL)

ATTEST:

Tameca P. Smith, County Clerk

Approved as to form:

County Attorney