

BOARD OF COUNTY COMMISSIONERS

Charles W. Oddo, Chairman
Randy Ognio, Vice Chair
David Barlow
Steve Brown
Charles D. Rousseau



FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Floyd L. Jones, County Clerk
Tameca P. White, Chief Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

AGENDA

December 10, 2015
7:00 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 7:00 p.m.

Call to Order
Invocation by Chairman Charles W. Oddo
Pledge of Allegiance

Acceptance of Agenda

PROCLAMATION/RECOGNITION:

1. Recognition and honoring of Commissioner and Vietnam War Veteran David Barlow as Vietnam War Veteran Senator Valencia Seay.
2. Recognition of the summer interns who worked in Fayette County's State Court.
3. Recognition of Assistant Chief Financial Officer Sheryl Weinmann for earning the Level 1 Local Finance Officer Certification in pursuit of professional development in governmental finance, accounting, budgeting, and public finance topics.

PUBLIC HEARING:

4. Public Hearing of staff's recommendation to transfer an existing 2015 Retail Alcohol, Beer and Wine License from Amy McKnight to Timothy Evans, doing business as Metro Sports Bar, which is located at 1950 Hwy 85 North, Fayetteville, Georgia 30214.
5. Public Hearing of Petition No. 1251-15, Ruth M. Sitton, Owner, and Al Gaskins, Agent, request to rezone 4.238 acres from A-R to R-70 to develop a Single-Family Residential Lot with said property being located in Land Lots 169 and 170 of the 4th District and fronting on Antioch Road.
6. Public Hearing of Petition No. 1252-15, Jeffrey Anderson Jr., Owner, request to rezone 8.87 acres from R-20 to A-R to develop a Single-Family Residential Lot with said property being located in Land Lot 62 of the 4th District and fronting on Bankstown Road with two (2) recommended conditions.

7. Public Hearing of Petition No. RP-058-15, Jeffrey Anderson Jr., Owner, request to revise the Survey for P.K. Dixon Subdivision to add A-R uses to the subdivision with said property being located in Land Lot 62 of the 4th District and fronting on Bankstown Road.
8. Public Hearing on Ordinance 2015-13 amending the Fayette County's Code of Ordinances, Chapter 110. Article V., Sec. 110-169. Conditional Use Approval, to eliminate buffers between specified Conditional Uses in a residential or A-R zoning district.

CONSENT AGENDA:

9. Approval of staff's amendments to Policy 100.01- Policy Development / Revision.
10. Approval of Chairman Oddo's recommendation to authorize the County Administrator to allow the individual department heads to reduce to minimal staffing beginning at 1:00 p.m. on Wednesday, December 23, 2015 in observance of the Christmas holiday.
11. Approval of Chairman Oddo's recommendation to authorize the County Administrator to allow the Fayette County Library to be closed on Saturday, December 26, 2015 in observance of the Christmas holiday.
12. Approval of the County Clerk's recommendation to adopt the 2016 County Commissioner Meeting Schedule.
13. Approval of the County Attorney's recommendation to authorize the Chairman to sign a letter on County letterhead and addressed to the Georgia Environmental Protection Division certifying Fayette County is actively involved in and has a strategy for meeting Georgia's statewide goal of waste reduction.
14. Approval of staff's recommendation to authorize the Fayette County Solicitor's Office to accept a grant award from the Criminal Justice Coordinating Council in the amount of \$68,000.00 with the initial grant award period beginning October 1, 2015 and expiring September 30, 2016, and authorization for the Chairman to sign all grant related documentation.
15. Approval of staff's recommendation to add Waterlance Pod D, also known as Canoe Club, subdivision to Fayette County's Street Light Program.
16. Approval of staff's recommendation to award Quote #1042-A- Floating Docks at Lake Horton and Lake McIntosh to the low bidder, Amaysing Services, Inc. in the amount of \$80,000.00 utilizing Renewal and Extension funds, and authorization for the Chairman to sign any related documents.
17. Approval of staff's recommendation to award Quote #989-A- Crosstown Water Treatment Plant Thermoplastic Polyolefin Roofing System to the low bidder Briggs Brothers Enterprises Corporation, in the amount of \$73,500.00, to utilize Renewal and Extension funds for the project, and to authorization for the County Administrator to sign all related documents.
18. Approval of Water Committee's recommendation to continue the Metropolitan North Georgia Planning District Toilet Rebate Program with an additional funding in the amount of \$50,000.00.
19. Approval of staff's recommendation to award RFQ #1021-A- Easement Clearing at the South Fayette Water Treatment Plant to Georgia Power in the amount of \$20,562.50, to transfer \$10,562.50 from the Renewal and Extension fund to existing easement clearing funds, and authorization for the Chairman to sign any necessary documents.
20. Approval of the Water Committee's recommendation to accept the 2016 meeting schedule as presented.
21. Approval of the November 12, 2015 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

NEW BUSINESS:

22. Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Randy Ognio and Commissioner David Barlow, to appoint Page McDonald to the Fayette County Library Board for a four-year term beginning January 1, 2016 and expiring December 31, 2019.
23. Consideration of a recommendation from the Selection Committee, comprised of Chairman Charles W. Oddo and Commissioner Charles D. Rousseau, to re-appoint Alvin Gilbert and James Graw to the Fayette County Planning Commission for a three-year term beginning January 1, 2016 and expiring December 31, 2018.
24. Consideration of a resolution from the City of Fayetteville consenting to the inclusion of certain Fayette County Ad Valorem Taxes in the Computation of the Tax Allocation Increment for the City of Fayetteville Tax Allocation District Number One-Highway Corridor.
25. Consideration of staff's recommendation to adopt Ordinance 2015-15, Resolution 2015-13, and the Purchasing Card User Agreement for compliance with Georgia General Assembly House Bill 192 pertaining to county issued Purchase Cards and Credit Cards by county elected officials, and for said documents to become effective on January 1, 2016.
26. Consideration of staff's recommendation to proceed with transitioning the County's Defined Benefit retirement plan from GEBCorp to MassMutual and to authorize the Chairman to sign any associated documents.
27. Consideration of staff's recommendation to adopt Ordinance 2015-16- Transportation Committee and in so doing adding a new division to the Fayette County Code of Ordinances to provide for the establishment of the Fayette County Transportation Committee.
28. Consideration of staff's recommendation to approve Change Orders with Southeastern Pressure Grouting, Inc., in the amount of \$12,570, to fill settled small voids in the Lake Peachtree Spillway and with Piedmont Geo-technical to oversee work and issue a final report approving the safety of the structure in the amount of \$7,316, and to authorize the County Administrator to sign related Change Orders.
29. Discussion concerning Fayette County's Ethics Ordinance.
30. Discussion of Commissioner Brown's request to display "Out of Many, One" as the English translation of the original national motto "E Pluribus Unum" in the Commissioners' Meeting Chambers.

PUBLIC COMMENT:

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

COUNTY AGENDA REQUEST Proclamation / Recognition #1

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Recognition and honoring of Commissioner and Vietnam War Veteran David Barlow as Vietnam War Veteran Senator Valencia Seay.

Background/History/Details:

Senator Valencia Seay (D-Riverdale) recently held a commemorative ceremony to honor Georgia's Vietnam War veterans residing in Senate District 34 at Lakewin Christian Center International. Distinguished service members were awarded the Vietnam Certificate of Honor, a program created by The Georgia Department of Veterans Service in partnership with the Office of Governor Nathan Deal in recognition of the 50th anniversary of the Vietnam War.

Commissioner David Barlow was among those to be recognized but was unable to attend this event. Senator Seay has graciously requested to make the presentation to Commissioner Barlow at the Board of Commissioner meeting in the presence of Fayette's citizens.

What action are you seeking from the Board of Commissioners?

Recognition and honoring of Commissioner and Vietnam War Veteran David Barlow as Vietnam War Veteran Senator Valencia Seay.

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:

On Wednesday, October 28, 2015 12:17 PM, "Sweat, Adam" <Adam.Sweat@senate.ga.gov> wrote:



PRESS RELEASE

Contact: Adam Sweat, Acting Director
Adam.sweat@senate.ga.gov
[404.656.0028](tel:404.656.0028)

Sen. Valencia Seay Holds Commemorative Ceremony Honoring Georgia's Vietnam War Veterans



ATLANTA (October 28, 2015) | State Senator Valencia Seay (D-Riverdale) recently held a commemorative ceremony to honor Georgia's Vietnam War veterans residing in Senate District 34 at Lakewin Christian Center International. Distinguished service members were awarded the Vietnam Certificate of Honor, a program created by The Georgia Department of Veterans Service in partnership with the Office of Governor Nathan Deal in recognition of the 50th anniversary of the Vietnam War.

"The individuals who dedicate their lives to protecting the freedom and liberties we hold so dear are truly real life heroes," said Sen. Seay. "It was my distinct honor and pleasure to take part in this memorable occasion that recognized those deserving Georgians for their outstanding service to these United States during the Vietnam War."

Serving as Master of Ceremonies, Sen. Seay officiated the ceremony that included presentation of colors, a performance of the National Anthem, and the recitation of the Pledge of Allegiance. Rev. Harry Riley, pastor of Lakewin Christian Center International, gave the invocation and benediction while members of the Georgia Department of Veterans Service (GDVS) were on hand to deliver Gov. Nathan Deal's proclamation.

Sen. Seay and George Canavaggio, Assistant Commissioner of GDVS, presented the veterans with their certificates of honor and lapel pins.

“We hope to eventually present every Georgia Vietnam veteran with a Certificate of Honor recognizing their service,” said Mike Roby, Commissioner of GDVS. “It is never the wrong time to say thank you to a veteran, and that is especially true for so many Vietnam veterans who were never properly thanked when they returned home.”

Every Georgia veteran with honorable service during the Vietnam War is eligible to receive this certificate. Veterans with who served in-county and in other capacities are also available for this esteemed honor. Each certificate is personalized with the Vietnam War veteran’s name, rank, branch of service, and a date of service printed over the Seal of the State of Georgia and includes the official U.S. Department of Defense’s Vietnam War Commemorative Partner logo. They are signed by Governor Deal and Commissioner Roby.

###

Sen. Valencia Seay serves as the Minority Caucus Vice-Chairwoman. She represents the 34th Senate District, which includes parts of Clayton and Fayette counties. She can be reached at [404.656.5095](tel:404.656.5095) or by email at valencia.seay@senate.ga.gov.

COUNTY AGENDA REQUEST Proclamation / Recognition #2

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Recognition of the summer interns who worked in Fayette County's State Court.

Background/History/Details:

Recognition of summer interns who worked in Fayette County's State Court.

Honorable Judge Jason Thompson and the Board will recognize interns.

What action are you seeking from the Board of Commissioners?

Recognition of interns summer interns who worked in Fayette County's State Court.

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:

Recognition of Assistant Chief Financial Officer Sheryl Weinmann for earning the Level 1 Local Finance Officer Certification in pursuit of professional development in governmental finance, accounting, budgeting, and public finance topics.

Background/History/Details:

The Local Finance Officer Certification program is awarded through the Carl Vinson Institute of Government's financial management training program. Level 1 certification requires finance officers to participate in 108 hours of instruction about the intricacies of government budgeting, purchasing, accounting, and other public finance topics.

"These community leaders strengthened the skills they need to maintain sound accounting practices and build strong financial foundations for their governments", said, Tracy Arner, the Institute's financial management training program manager.

"Earning certification shows that these finance officers are committed to continually improving their skills and make them better equipped to help their local government operate more effectively," said Institute Director Laura Meadows.

What action are you seeking from the Board of Commissioners?

Recognition of Assistant Chief Financial Officer Sheryl Weinmann for earning the Level 1 Local Finance Officer Certification in pursuit of professional development in governmental finance, accounting, budgeting, and public finance topics.

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:

The University of Georgia

CARL VINSON INSTITUTE OF GOVERNMENT

in cooperation with

Georgia Government Finance Officers Association


hereby recognize that

Sheryl Lynn Weinmann


has successfully completed all the requirements of the

Certified Local Government Finance Officer Program – Level I

on June 29, 2015.



Tracy Arno
Program Manager, Carl Vinson
Institute of Government



Lanya J. Meadows
Director, Carl Vinson Institute of
Government



COUNTY AGENDA REQUEST Public Hearing #4

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Public Hearing of staff's recommendation to transfer an existing 2015 Retail Alcohol, Beer and Wine License from Amy McKnight to Timothy Evans, doing business as Metro Sports Bar, which is located at 1950 Hwy 85 North, Fayetteville, Georgia 30214.

Background/History/Details:

The Applicant has met all requirements as required in the County Code, and the applicant has been approved by the Code Enforcement Department. The 2015 license (License #C15-00452) is in good standing as it was issued on November 1, 2014.

There are no outstanding violations.

What action are you seeking from the Board of Commissioners?

Public Hearing of staff's recommendation to transfer an existing 2015 Retail Alcohol, Beer and Wine License from Amy McKnight to Timothy Evans, doing business as Metro Sports Bar, which is located at 1950 Hwy 85 North, Fayetteville, Georgia 30214.

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:

Required Supporting Documentation

Survey showing a scale drawing on file

Attach affidavit of each person whose name appears on application for license

Copy of deed or lease

A background check(s)

Affidavit stating the license and license representative is 21 year age, a resident of the state and a manager of the business

Zoning letter on file _____ date _____

Fire Marshal letter

Copy of State Alcohol license _____

Copy of Secretary of state current registration _____

Copy of annual report of alcohol sales percentage *N/A*

Fingerprint by Sheriff's Office

COUNTY AGENDA REQUEST Public Hearing #5

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Public Hearing of Petition No. 1251-15, Ruth M. Sitton, Owner, and Al Gaskins, Agent, request to rezone 4.238 acres from A- R to R-70 to develop a Single-Family Residential Lot with said property being located in Land Lots 169 and 170 of the 4th District and fronting on Antioch Road.

Background/History/Details:

Staff recommends denial of rezoning petition 1251-15.

The Planning Commission recommends DENIAL of Rezoning Petition 1251-15.

Jim Graw made a motion to recommend denial of the zoning petition. John Culbreth seconded the motion. The motion passed 4-1 with Mr. Arnold Martin voting in opposition.

Staff Analysis reveals that the request does not conform to the Fayette County Comprehensive Plan. Approval of the request could "provide legal leverage for the rezoning of other properties in the Agricultural-Residential land use area to zoning districts that require less than a five acre lot size or density." The request will not result in a burdensome use of roads, utilities, or schools. Existing conditions and the area's continuing development as an A-R single-family residential district do not support the petition for rezoning.

What action are you seeking from the Board of Commissioners?

Denial of Petition No. 1251-15, Ruth M. Sitton, Owner, and Al Gaskins, Agent, request to rezone 4.238 acres from A- R to R-70 to develop a Single-Family Residential Lot with said property being located in Land Lots 169 and 170 of the 4th District and fronting on Antioch Road.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

STATE OF GEORGIA
COUNTY OF FAYETTE

RESOLUTION

NO. 1251-15

WHEREAS, Ruth Marian Sitton, Owner, and Al Gaskins, Agent, having come before the Fayette County Planning Commission on November 5, 2015, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 2010"; and

WHEREAS, said request being as follows: Request to rezone 4.238 from A-R to R-70, in the area of Antioch Rd., Land Lot 169 + 170 of the 4th District, for the purpose of developing a Residential; and

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


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

This decision is based on the following reason:

Not in compliance with the Fayette County Comprehensive Plan.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:



JIM GRAY
CHAIRMAN

PC SECRETARY

PLANNING COMMISSION RECOMMENDATION

DATE: November 5, 2015

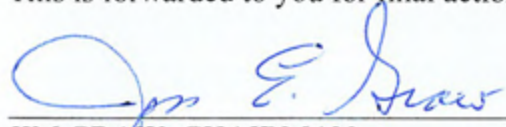
TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1251-15, the application of Ruth Marian Sitton to rezone 4.238 from A-R to R-70, be:

___ Approved ___ Withdrawn X ⁴⁻¹ Disapproved

___ Tabled until _____

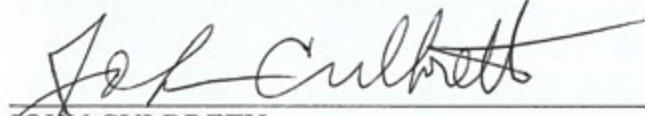
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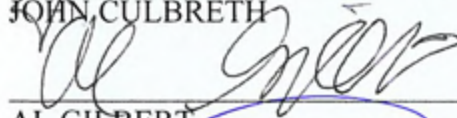
JIM GRAW, CHAIRMAN



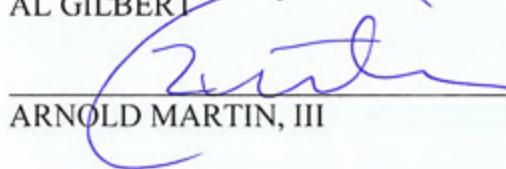
BRIAN HAREN, VICE-CHAIRMAN



JOHN CULBRETH



AL GILBERT

 -NO

ARNOLD MARTIN, III

Remarks:

3. Consideration of Petition No. 1251-15, Ruth M. Sitton, Owner, and Al Gaskins, Agent, request to rezone 4.238 acres from A- R to R-70 to develop a Single-Family Residential Lot. This property is located in Land Lot(s) 169 and 170 of the 4th District and fronts on Antioch Road.

Al Gaskins representative for Ruth Sitton read the following statement:

Members of the Planning Commission

Good evening, my name is Al Gaskins. I am representing Mrs. Ruth Sitton for her request to rezone 4.238 acres of her 9.341 acres from A-R to R-70 located at 1101 Antioch Road Fayetteville, Georgia in order for her daughter and son in law to build a house next to her. They would like to do this be able to assist Mrs. Sitton as her husband passed away in 2011 and she is getting to the age of assistance.

We acknowledge that the existing zoning requires a minimum of 5 acres for a buildable lot but there are circumstances that we believe should be taken in to consideration.

1. In 1976 when the Sittons purchased the property, it was a total of 10.60 acres. Since that time a portion of the property was taken for right-of-way for Antioch road to be improved and a portion for the construction of Lake Horton leaving less than 10 acres.

2. Although the Fayette County comprehensive plan calls for 5 acre minimum in the A-R zoning, there are existing lots that do not meet that requirement. The property located at 1079 Antioch Road for example is directly in front and beside the property we wished to be rezoned is only 2 acres. In 2007, Hammock Bay at Lake Horton subdivision located on Antioch Road and almost touches the subject property also has lots with less than 5 acres. There are really too many properties in the A-R zoning district less than 5 acres to list here tonight.

In conclusion, I wish to point out that if rezoned it will not be burdensome to roads, utilities or schools as per the zoning staff report. It appears the only negative is that if rezoned, it COULD provide legal leverage of other properties in the future. I hope we can all agree that there are times when circumstances require a little leniency, such as the case mentioned before i.e. 1079 Antioch Road. So, I respectfully ask that you approve this rezoning. Thank you.

Vice-Chairman Haren asked if anyone wanted to speak in favor of the rezoning.

Ruth Sitton, owner of the property stated that she has lived on Antioch Road for 40 years. She said that she has enjoyed living there and would enjoy it more if she had someone living next to her. She thanked them for their vote.

Tom Lord, Ruth Sitton's son-in-law, stated that he understood the purpose of the land use plan and understood that it's been many years since it's been implemented. He said that he understood why it was implemented at the time but he believes that the board has the ability to apply discretion to the policy. He added that if there is no discretion there would be no reason for the board to meet. He stated that it made sense for a family member to build a home next door to Ms. Sitton so she can remain in her home for the rest of her life. He said that it would be a shame to allow the verbiage from the land use agreement to negatively impact Ruth's life for the remainder of her life. He stated that he hoped the board would

approve the request in spite the land use plan. He added that he understood the precedent issue but he hoped common sense would prevail somewhere in the process.

Mary Carole, Fayette County homeowner and frequent visitor of Lake Horton, stated that she was in opposition of the rezoning. She said that she believed the rezoning was spot zoning. She added that most of the county is zoned A-R on the south side and she would like to keep it a good portion of the County A-R. She said she would like to keep a good portion of the County A-R for the natural beauty and to minimize the stress and battering away of the County's land. She stated that land is permanent and people are not. She said that there was no law saying that the Sittons have to stay there. She added that the Sittons could move or sell their piece of property. She stated that Lake Horton was a rare jewel and that eagles and the yellow loon have nested there. She added that there were plenty of places for families to live next door to each other in the County.

Tom Lord stated that 100 yards up the road Hammock Bay subdivision sits on 69 acres and is zoned R-40. He added that prior to the Lake Horton being filled; the property where the lake is now the west boundary was R-40 according to the deed book. He said that Hammock Bay which is a 100 feet from Ms. Sitton's home is zoned R-40. He stated that that half of Fayette County appears to be zoned A-R but going forward it will be hard for the County to sustain itself financially. He added that people do change but Ms. Sitton has been at her property for 40 years and doesn't want to move. He stated that he and his wife are very responsible people who care about the area, the community, the property, and the resources. He said that he understood Mary Carole's position but he doesn't think it's a legitimate concern. He added that Ms. Carole would feel differently if someone was telling her where she could live.

Vice-Chairman Haren asked the public to just the state the facts.

Mary Carole stated that she does not believe that Hammock Bay subdivision bordered Lake Horton.

Al Gaskins stated that the lot is four point three (4.3) acres and half of an acre less of the required five (5) acres. He said if the lake was not where it was at or if the right-of-way for the road had not been taken or if the owners would have subdivided 15 years ago there would have been the five (5) acres.

Arnold Martin III asked the Sittons if there were multiple dwellings/buildings on her property.

The family responded no.

Arnold Martin III asked if the Sittons planed on putting multiple structures on the land aside from a separate garage.

Tom Lord replied that due to the floodplain, buffer, and the easement that Fayette County require there is only one place for a building to go on the lot. He stated that he and his wife have not settled on a house because they did not know what they can do as far as the rezoning. He said that his intent was to build a very nice home. He added that he doesn't know if they would build a free standing garage.

Al Gilbert stated that this was not an easy situation. He said it would be ideal if they could keep their 4.2 acres and stay A-R and build, but that's not possible. He added that his concern would be to open this up for further rezoning's in the area.

Chairman Graw stated that Al Gilbert was talking about setting future precedent. He added that he saw staff's recommendation also and the recommendation was to deny based on the land use plan. He said that Lot number two (2) only has 1.1 acres of contiguous area and two (2) acres of contiguous area is required for A-R. He stated that if the board was to recommend approval, and it went through the County would be approving a non-conforming lot. He added that the County cannot and will not recommend the

approval of a non-conforming lot. He said based on those two (2) items he would be voting against the rezoning request.

John Culbreath stated that he was a strong believer where possible to conforming to the land use plan. He added that there are special exceptions in many cases of something that won't affect the overall plan. He said that he would rather redo the plan instead of starting off with spot zoning. He added that he knows it doesn't appear that the board is taking the human aspect of the decision into consideration but they are. He stated that if the board begins with one (1) precedent setting of this type then when other petitioners come before the board then we're faced with trying to address their concerns in the same way. He said that's how you lose your handle on managing your land use plan. He added that he believes that there has to be some work to developing an updated land use plan which could address some of the changes from A-R to residential with less than a five (5) acres. He stated that based on what he has heard tonight he cannot in his position support the rezoning.

Vice-Chairman Haren stated that the Planning Commission's decision is only a recommendation and not the final decision.

Jim Graw made a motion to recommend denial of the zoning petition. John Culbreth seconded the motion. The motion passed 4-1 with Arnold martin voting in opposition to the motion.

PETITION NO: 1251-15

REQUESTED ACTION: A-R to R-70

PROPOSED USE: Residential

EXISTING USE: Residential

LOCATION: Antioch Rd.

DISTRICT/LAND LOT(S): 4th District, Land Lot(s) 169 + 170

OWNER: Ruth Marian Sitton

AGENT: Al Gaskins

PLANNING COMMISSION PUBLIC HEARING: November 5, 2015

BOARD OF COMMISSIONERS PUBLIC HEARING: December 10, 2015

APPLICANT'S INTENT

Applicant proposes to develop one (1) R-70 Single-family Residential Lot consisting of 4.238 acres.

STAFF RECOMMENDATION

DENIAL

1.

1251-15

INVESTIGATION

A. PROPERTY SITE

The subject property is a 4.238 acre tract fronting on Antioch Rd. in Land Lot(s) 169 + 170 of the 4th District. Antioch Rd. is classified as a Local road on the Fayette County Thoroughfare Plan. The subject property is a portion of a 9.34 acre parcel. The subject property is undeveloped and currently zoned A-R.

History: Per a Warranty Deed recorded on December 14, 1989 in Book 584 Page 198, Fayette County purchased 1.6827 acres and a flood easement from the property owner for Lake Horton.

B. SURROUNDING ZONING AND USES

The general situation is a 4.238 tract that is zoned A-R. In the vicinity of the subject property is land which is zoned A-R. See the following table and also the attached Zoning Location Map.

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

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	2.00	A-R	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
	4.90	A-R	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
South	5.102 (remainder of parent tract)	A-R	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
East (across Antioch Road)	4.50	A-R	Vacant	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
	4.30	A-R	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
West			Lake Horton	

C. COMPREHENSIVE PLAN

The subject property lies within an area designated as Agricultural - Residential (1 unit/5 Acres, 5 Acre Min). This request does not conform to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone from A-R to R-70 for the purpose of developing a Single-family Residential lot.

Platting

Should this request be approved, the applicant is reminded that before any lots can be sold or building permits issued for the proposed subdivision, the subject property must be platted per the Fayette County Subdivision Regulations, as applicable.

E. REVIEW OF CONCEPT PLAN

The applicant is advised that the Concept Plan is for illustration purposes only. Any deficiencies must be addressed at the time of submittal of the Preliminary Plat, Final Plat, and/or Site Plan, as applicable.

F. DEPARTMENTAL COMMENTS

Water System

1251-15 is approved. Water available.

Public Works/Engineering

No Engineering comments for Rezoning applications 1250-15 and 1251-15. This portion of Antioch is a County local and we have existing 60', so no additional is needed.

Environmental Management

Floodplain - The property DOES contain floodplain per FEMA FIRM panel 13113C0160E dated Sept 26, 2008. Per Fayette County Floodplain Management Ordinance Sec. 104-86 any stream with a drainage area less than 100 acres, the area of special flood hazard shall be determined. The area of special flood hazard areas shall be determined for all manmade hazards. The elevation of the lowest floor, including basement and building access of any development shall be a least 3 feet above the base flood elevation for any lots that contain or are adjacent to a special flood hazard area.

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

Watershed - If replatted, Watershed protection DOES apply. Lake Horton IS subject to a Watershed Protection buffer of 150 feet as measured from the normal pool elevation or base flood elevation, whichever is greater, and a 50 ft. setback from the measured buffer.

Groundwater - The property IS NOT within a groundwater recharge area.

Stormwater - This development is not subject to the Post-Development Stormwater Management Ordinance.

Environmental Health Department

This department would require a level 3 soils report from a GA Certified Soil Classifier and a determination of the location of wells in the area in order to begin the process to determine if the site could support a septic system to service a single family residence.

Fire

The bureau of fire prevention will neither approve nor deny request that fall outside the scope of fire prevention code requirements.

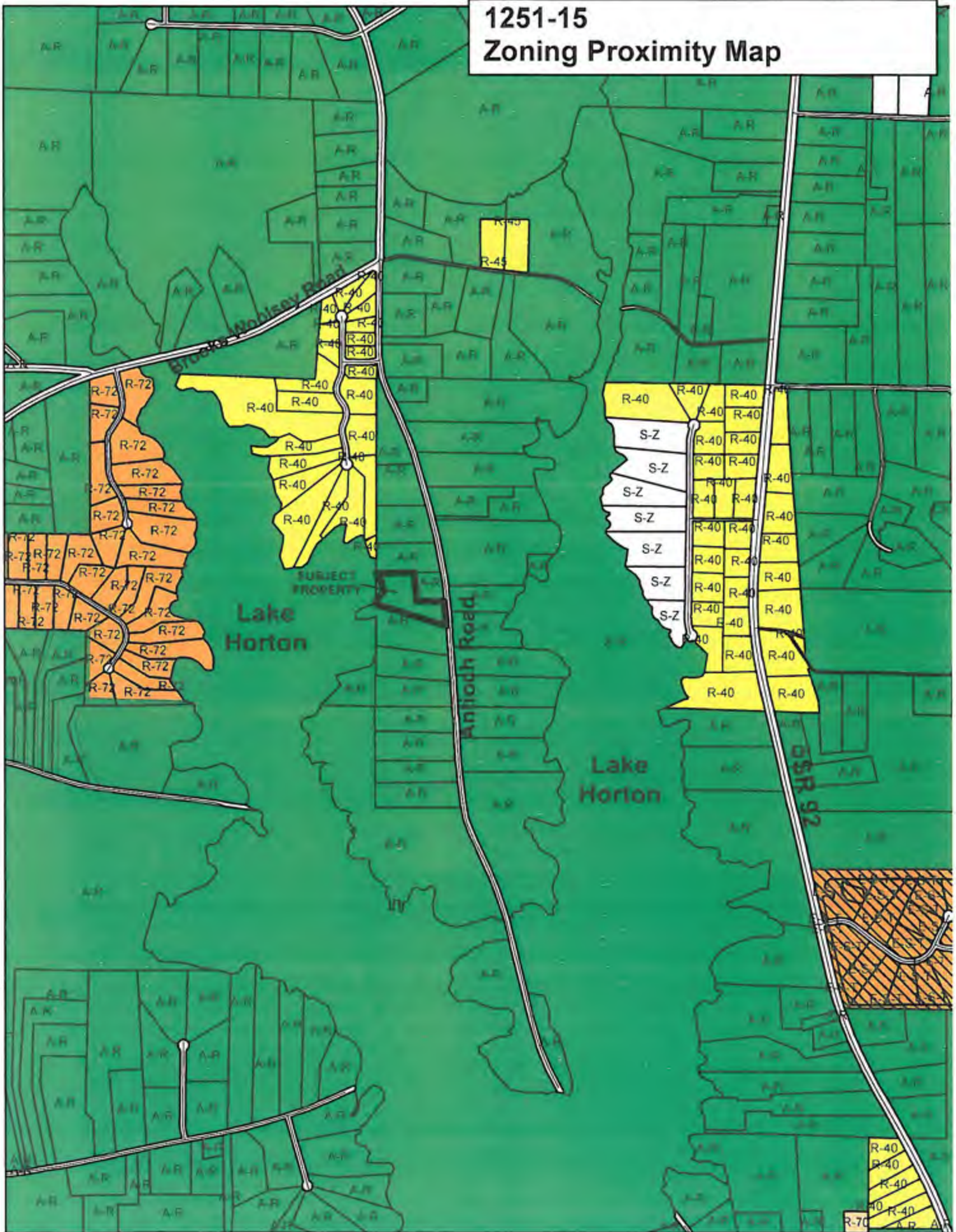
STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from A-R to R-70 for the purpose of developing one (1) R-70 Single-family Residential lot Per Section 11-11 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

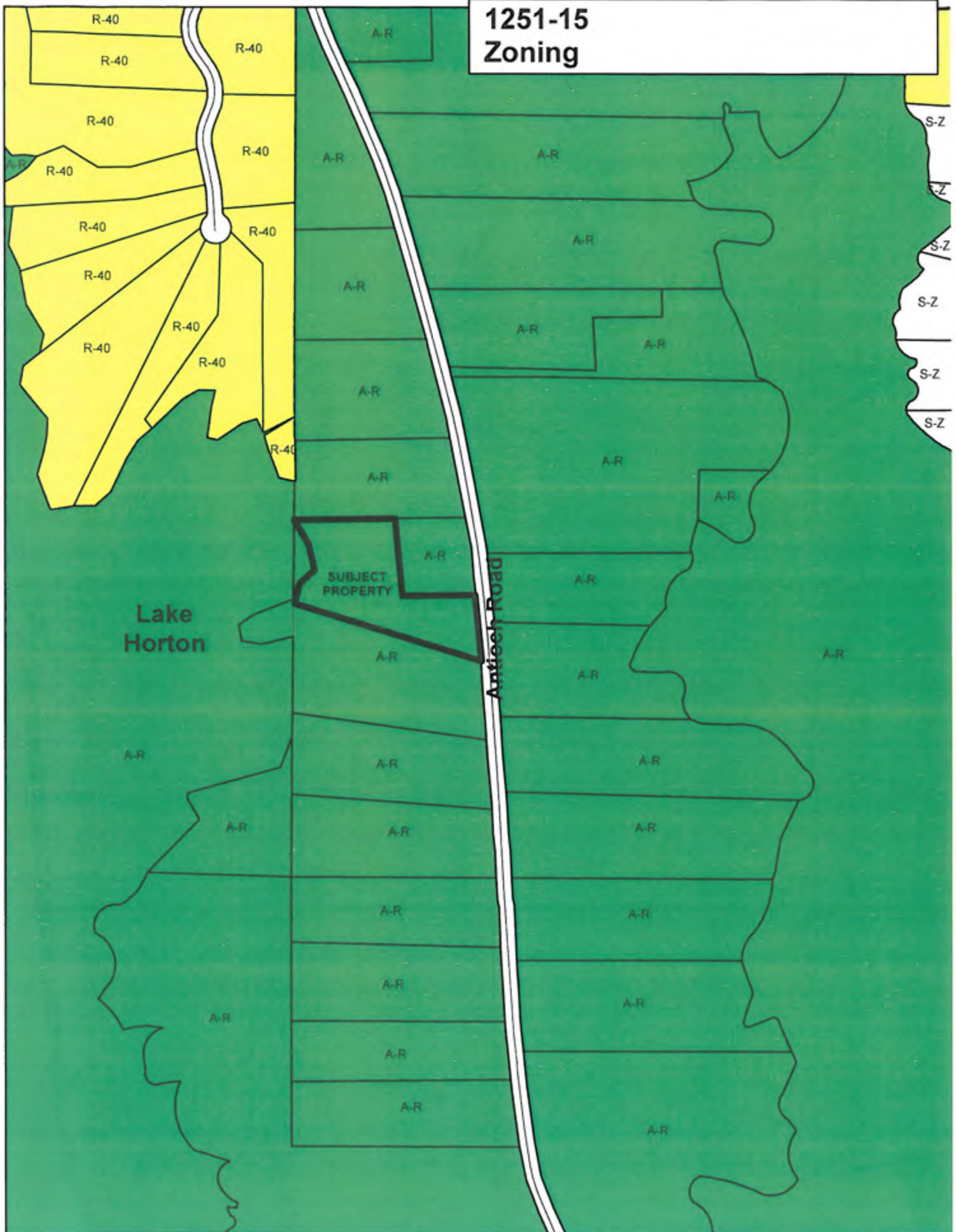
1. The subject property lies within an area designated as Agricultural - Residential (1 unit/5 Acres, 5 Acre Min). This request does not conform to the Fayette County Comprehensive Plan.
2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property. However, approval of this rezoning request could provide legal leverage for the rezoning of other properties in the Agricultural - Residential (1 unit/5 Acres, 5 Acre Min) land use area to zoning districts that require less than a five (5) acre lot size or density.
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.
4. Existing conditions and the area's continuing development as an A-R single-family residential district do not support this petition.

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

1251-15 Zoning Proximity Map



**1251-15
Zoning**



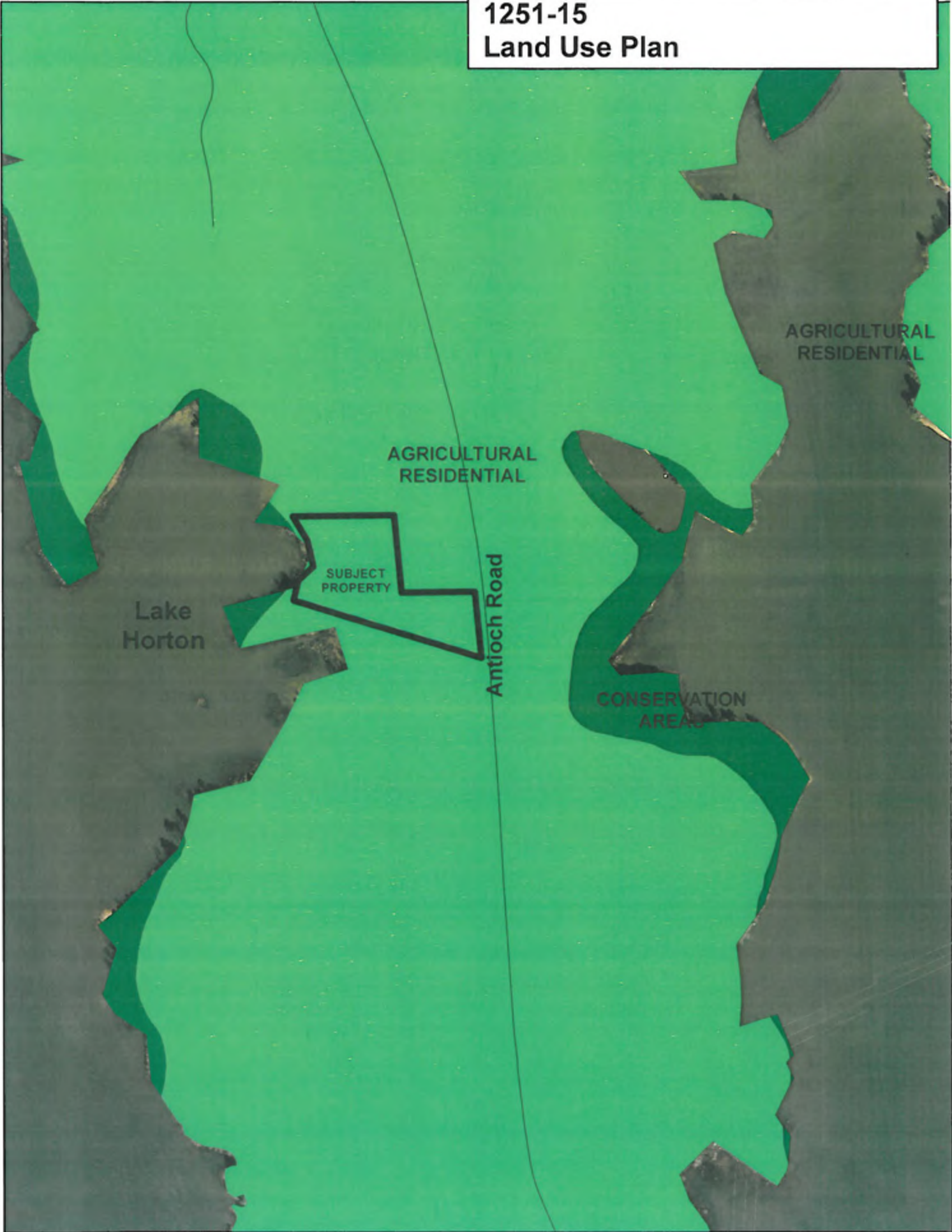
Lake Horton

SUBJECT PROPERTY

Antiech Road

S-Z
S-Z
S-Z
S-Z
S-Z
S-Z

**1251-15
Land Use Plan**



**1251-15
Aerials**



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

PROPERTY OWNERS: Ruth Marian Sitten


MAILING ADDRESS: 1101 Antioch Road

PHONE: _____ FAX: _____

AGENT FOR OWNERS: Al Gaskins

MAILING ADDRESS: P.O. Box 321 Brooks GA 30205

PHONE: 770-460-9342 FAX: _____

E-MAIL: 

PROPERTY LOCATION: LAND LOT 169+170 LAND DISTRICT 4th PARCEL _____
LAND LOT _____ LAND DISTRICT _____ PARCEL _____

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 4.238

EXISTING ZONING DISTRICT: A-R PROPOSED ZONING DISTRICT: R-70

ZONING OF SURROUNDING PROPERTIES: A-R

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: Residential

LAND USE PLAN DESIGNATION: Agricultural-Residential (1 unit / 5 Acres)
5 Acre min.

NAME AND TYPE OF ACCESS ROAD: Antioch Road

LOCATION OF NEAREST WATER LINE: _____

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1251-15

Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

Application and all required supporting documentation is Sufficient and Complete

by Staff: Dennis Dutton Date: 9/25/15

DATE OF PLANNING COMMISSION HEARING: 11/5/15

DATE OF COUNTY COMMISSIONERS HEARING: 12/10/15

Received from Ruth Marian Sitten a check in the amount of \$ 250⁰⁰/₁₀₀ for application filing fee, and \$ 20⁰⁰/₁₀₀ for deposit on frame for public hearing sign(s).

Date Paid: 9/25/15 Receipt Number: 4535349

NAME: Ruth Marian Sifton PETITION NUMBER: ZA1251-15

ADDRESS: 1101 Antioch Road, Fayetteville, GA 30215

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

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

This property includes: (check one of the following)

See attached legal description on recorded deed for subject property or

Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 5th day of November, 20 15 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 10th day of December, 20 15 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 25th DAY OF September, 20 15

Deborah M. Sims
NOTARY PUBLIC



Ruth m. Sifton
APPLICANT'S SIGNATURE

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

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

RUTH MARIAN SITTON

Please Print Names

Property Tax Identification Number(s) of Subject Property: _____

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 169 of the 4th District, and (if applicable to more than one land district) Land Lot(s) 170 of the 4th District, and said property consists of a total of _____ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

Ruth M. Sitter
Signature of Property Owner 1

Address

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Al Gaskins
Signature of Authorized Agent

550 Poplar dr. Brooks GA.
Address 30265

Deborah M. Sims
Signature of Notary Public

9/25/15
Date

Signature of Notary Public

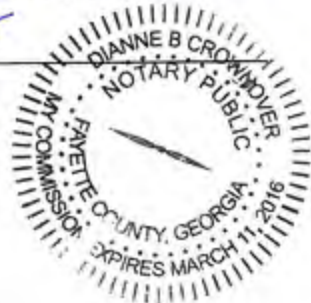
Date

Signature of Notary Public

Date

Dianne B. Crowmover
Signature of Notary Public

10-15-15
Date



CLOSURE STATEMENT
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 42,167 FEET AND AN ANGULAR ERROR OF 00° 00' 02" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.

ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LEICA 403 TCR TOTAL STATION

FLOOD STATEMENT
 ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 13113C0160E, DATED SEPTEMBER 26, 2006, PORTIONS OF THIS PROPERTY LIE WITHIN A SPECIAL FLOOD HAZARD AREA.

REZONING PLAT

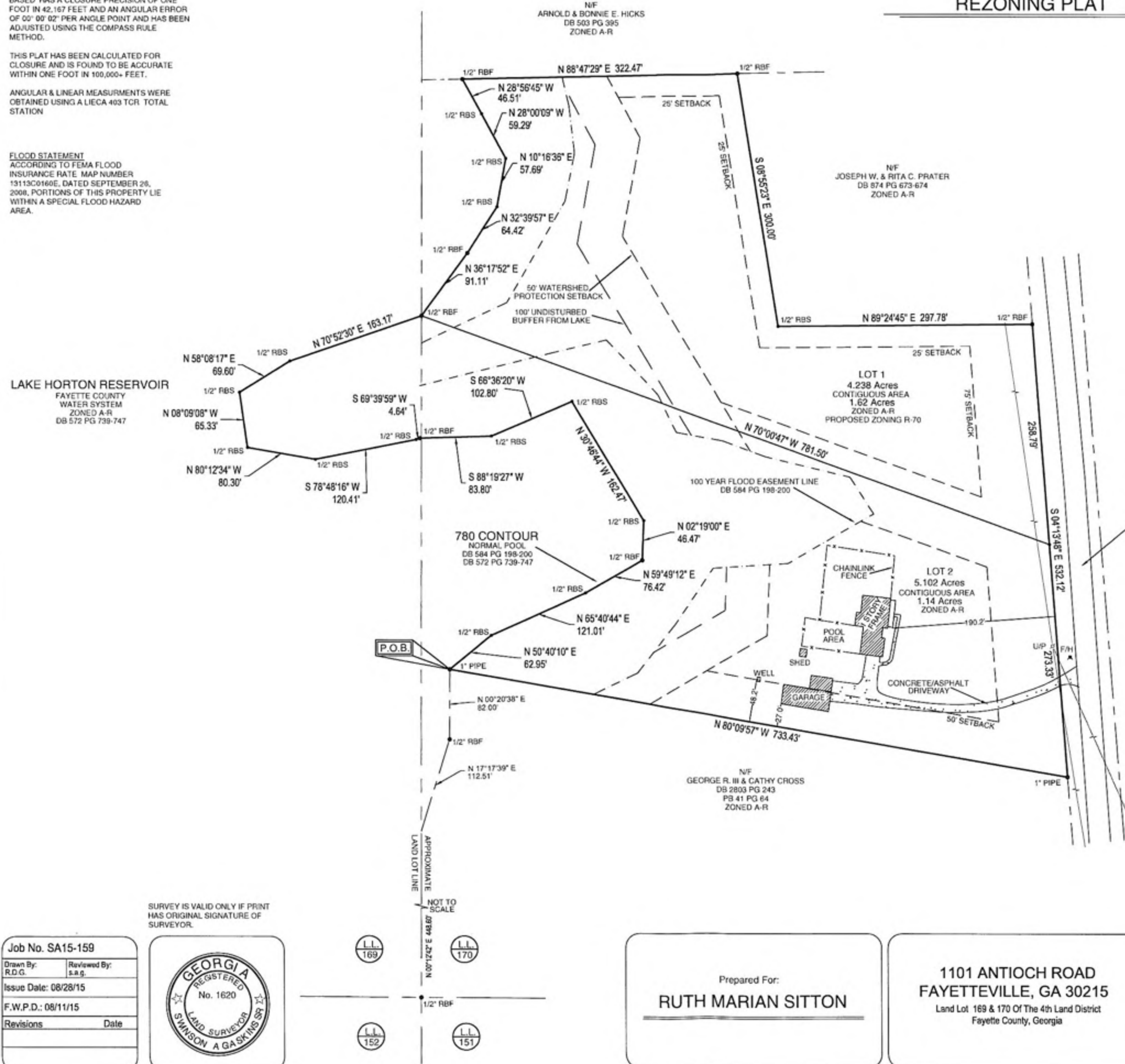
LEGEND
 RBF=REBAR FOUND
 RBS=REBAR SET
 L.L.=LAND LOT
 L.L.L.=LAND LOT LINE
 P.L.=PROPERTY LINE
 C.L.=CENTERLINE
 EP=EDGE OF PAVEMENT
 R/W=RIGHT OF WAY
 UP=UTILITY POLE
 P.O.B.=POINT OF BEGINNING
 B.L.=BUILDING LINE
 D.E.=DRAINAGE EASEMENT
 N/F=NOW OR FORMERLY
 EOG=EDGE OF GRAVEL
 F.H.=FIRE HYDRANT
 F.W.P.D.=FIELD WORK PERFORMED DATE



LAKE HORTON RESERVOIR
 FAYETTE COUNTY WATER SYSTEM
 ZONED A-R
 DB 572 PG 739-747

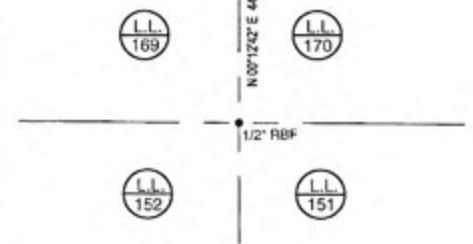
TOTAL AREA
 9.341 Acres
 DB 584 PG 198-200
 DB 3852 PG 276-277

ANTIOCH ROAD
 24' WIDE ASPHALT
 60' R/W
 DB 521 PG 425-436



SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SIGNATURE OF SURVEYOR.

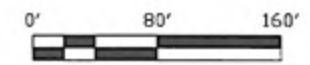
Job No. SA15-159	
Drawn By: R.D.G.	Reviewed By: s.a.g.
Issue Date: 08/28/15	
F.W.P.D.: 08/11/15	
Revisions	Date



Prepared For:
RUTH MARIAN SITTON

1101 ANTIOCH ROAD
FAYETTEVILLE, GA 30215
 Land Lot 169 & 170 Of The 4th Land District
 Fayette County, Georgia

S.A. GASKINS & ASSOCIATES, LLC
 surveyors planners development consultants
 P.O. BOX 321 BROOKS, GA 30205
 770-460-9342
 sagaskins@bellsouth.net



COUNTY AGENDA REQUEST

Public Hearing #6

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Public Hearing of Petition No. 1252-15, Jeffrey Anderson Jr., Owner, request to rezone 8.87 acres from R-20 to A-R to develop a Single-Family Residential Lot with said property being located in Land Lot 62 of the 4th District and fronting on Bankstown Road with two (2) recommended conditions.

Background/History/Details:

Staff recommends approval of rezoning petition 1252-15.

The Planning Commission recommended approval of rezoning petition 1252-15. Al Gilbert made a motion to recommend approval of the zoning petition with two (2) conditions. Arnold Martin seconded the motion. The motion passed 5-0.

The two recommended conditions are as follows: 1) That a variance for the existing single-family dwelling's encroachment into the side yard setback be obtained from the Zoning Board of Appeals (ZBA) within 180 days from the effective date of this rezoning and prior to the approval of the Minor Revision to a Final Plat. If the variance is denied, the owner/developer agrees to take all necessary action consistent with the direction of the ZBA. If the owner/developer fails to take action to obtain a decision from the ZBA within 180 days and that time period has expired, the property owner agrees to remove that portion of the existing single-family dwelling encroaching into the side yard setback within 30 days from the date of expiration, and

2) That the Minor Revision to the Survey for the P.K. Dixon Final Plat be revised to combine lots 7 and 8 to meet the minimum A-R five (5) acre requirement and depict the A-R setbacks to establishing any uses or structures permitted under the A-R zoning district.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1252-15, Jeffrey Anderson Jr., Owner, request to rezone 8.87 acres from R-20 to A-R to develop a Single-Family Residential Lot with said property being located in Land Lot 62 of the 4th District and fronting on Bankstown Road with two (2) recommended conditions.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

This request is associated with Public Hearing #7.

RECOMMENDED CONDITIONS

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

1. That a variance for the existing single-family dwelling's encroachment into the side yard setback be obtained from the Zoning Board of Appeals within 180 days from the effective date of this rezoning and prior to the approval of the Minor Revision to a Final Plat. If the variance is denied, the owner/developer agrees to take all necessary action consistent with the direction of the Zoning Board of Appeals. If the owner/developer fails to take action to obtain a decision from the Zoning Board of Appeals within 180 days and that time period has expired, the property owner agrees to remove that portion of the existing single-family dwelling encroaching into the side yard setback within 30 days from the date of the expiration. *(This condition is required for compliance with the Zoning Ordinance, Section 110-170.)*

2. That the Minor Revision to the Survey for P.K. Dixon Final Plat be revised to combine lots 7 and 8 to meet the minimum A-R five (5) acre requirement and depict the A-R setbacks prior to establishing any uses or structures permitted under the A-R zoning district.

STATE OF GEORGIA
COUNTY OF FAYETTE

RESOLUTION

NO. 1252-15

WHEREAS, Jeffrey Anderson, Jr., Owner, and , Agent, having come before the Fayette County Planning Commission on November 5, 2015, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 2010"; and

WHEREAS, said request being as follows: Request to rezone 8.9 from R-20 to A-R, in the area of Bankstown Road, Land Lot 82 of the 4th District, for the purpose of developing a Residential - A-R; and

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

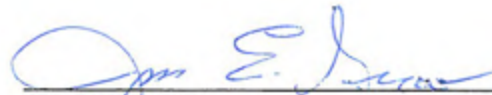
BE IT RESOLVED that the decision of the Fayette County Planning Commission, that said request be APPROVED.

This decision is based on the following reasons:

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

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:



JIM GRAW
CHAIRMAN

PC SECRETARY

PLANNING COMMISSION RECOMMENDATION

DATE: November 5, 2015

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1252-15, the application of Jeffrey Anderson, Jr. to rezone 8.9 from R-20 to A-R, be:

⁵⁻⁰ Approved Withdrawn Disapproved

Tabled until _____

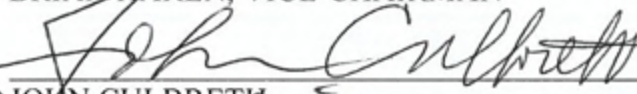
This is forwarded to you for final action.



JIM GRAW, CHAIRMAN



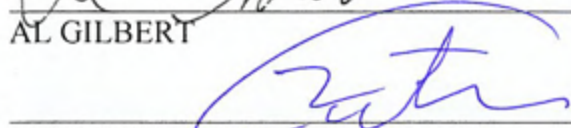
BRIAN HAREN, VICE-CHAIRMAN



JOHN CULBRETH



AL GILBERT



ARNOLD MARTIN, III

Remarks:

4. Consideration of Petition No. 1252-15, Jeffrey Anderson Jr., Owner, request to rezone 8.87 acres from R-20 to A-R to develop a Single-Family Residential Lot. This property is located in Land Lot 62 of the 4th District and fronts on Bankstown Road.

Vice-Chairman Haren asked if anyone was there to speak in favor of the rezoning.

Jeff Anderson, owner of the property stated that he was an equipment manager in Fairburn and just recently moved to Brooks from Canton so he wouldn't have a 70 mile commute every day. He said he purchased an 8.98 acre foreclosed property in Brooks. He added that the foreclosed property had a dilapidated home that was an eye soar to the community and he has been working tirelessly to renovate the home since April. He stated that he grew up on a farm and thought this piece of property was the ideal place to introduce his children to farm life. He added that a lot of his surrounding neighbors already have livestock and parts of his land have barbed wire on it. He said he never thought the property was zoned residential. He added that the parcel he bought has two (2) residential lots. He stated that he has gone through the necessary steps to have the farm he has dreamed of; those steps being having the property surveyed and platted as one property. He requested that the property be zoned for agricultural use. He showed the board a copy of the zoning map that had all surrounding properties zoned as A-R. He stated that his family has been happy since he has moved to Fayette County and being able to participate in farming activities would make it perfect for them.

Vice-Chairman Haren asked if anyone else would like to speak in favor of the petition.

Audra Anderson, Jeff's wife stated that she and her children are very excited to move to Fayette County. She reiterated that they did have the property resurveyed into one (1) large lot. She said that having animals is something her and husband have been around all of their lives and they would like to raise their children around that environment. She added that they were very invested in Fayette County and Brooks' athletics. She stated that they purchased a very dilapidated home that was vacant for four (4) years. She added that her neighbors have expressed their approval of them renovating the home. She reemphasized that the property is surrounded by A-R. She stated that they have enough acreage to do farming activities and raise animals. She said that she appreciated them for listening to their petition for rezoning.

Vice-Chairman Haren asked if anyone would like to speak in opposition of the petition.

Vice-Chairman Haren asked the board if they had any questions.

Al Gilbert stated that A-R zoning is perfect for this lot.

Chairman Graw stated that it was rare that you have a property that is going from a higher density to a lower density.

Arnold Martin III asked staff for background on the property besides the rezoning that happened in 1972.

Pete Frisina replied that the property was rezoned prior to 1972 and that the County did not have a land use plan back in those days. He stated that he's not sure when the property was rezoned, but knows that the property has been in existence for a long time.

Vice Chairman Haren asked Pete Frisina if they were addressing all seven (7) lots indicated in yellow or the southernmost.

Pete Frisina replied that it was just the southern one (1) which consist of lot seven (7) and eight (8). He stated that the tax accessor still has it as one (1) parcel but it is indeed two (2) parcels.

Vice-Chairman Haren asked if the properties north of that will remain R-20.

Pete Frisina replied yes they will.

Al Gilbert made a motion to recommend approval of the zoning petition with two (2) conditions.

Al Gilbert read the following conditions:

1. That a variance for the existing single-family dwelling's encroachment into the side yard setback be obtained from the Zoning Board of Appeals within 180 days from the effective date of this rezoning and prior to the approval of the Minor Revision to a Final Plat. If the variance is denied, the owner/developer agrees to take all necessary action consistent with the direction of the Zoning Board of Appeals. If the owner/developer fails to take action to obtain a decision from the Zoning Board of Appeals within 180 days and that time period has expired, the property owner agrees to remove that portion of the existing single-family dwelling encroaching into the side yard setback within 30 days from the date of the expiration. *(This condition is required for compliance with the Zoning Ordinance, Section 110-170.)*
2. That the Minor Revision to the Survey for P.K. Dixon Final Plat be revised to combine lots 7 and 8 to meet the minimum A-R five (5) acre requirement and depict the A-R setbacks prior to establishing any uses or structures permitted under the A-R zoning district.

Chairman Graw asked the Jeffrey Anderson if he was aware of the conditions and if he agrees to the conditions.

Jeffrey Anderson replied yes sir.

Arnold Martin seconded the motion. The motion passed 5-0.

PETITION NO: 1252-15 & RP-058-15

REQUESTED ACTION: R-20 to A-R

PROPOSED USE: Residential - A-R

EXISTING USE: Residential

LOCATION: Bankstown Road

DISTRICT/LAND LOT(S): 4th District, Land Lot(s) 62

OWNER: Jeffrey Anderson, Jr.

PLANNING COMMISSION PUBLIC HEARING: November 5, 2015

BOARD OF COMMISSIONERS PUBLIC HEARING: December 10, 2015

APPLICANT'S INTENT

Applicant proposes to develop an A-R lot consisting of 8.87 acres and to add A-R uses to the Subdivision.

STAFF RECOMMENDATION

APPROVAL

I.

1252-15 & RP-058-15

INVESTIGATION

A. PROPERTY SITE

The subject property is an 8.87 acre tract fronting on Bankstown Road in Land Lot(s) 62 of the 4th District. Bankstown Road is classified as a Collector road on the Fayette County Thoroughfare Plan. The subject property contains a single-family residence and is currently zoned R-20.

History: The Survey for P.K. Dixon Final Subdivision Plat was approved by the W.E. Strother, Sr. (Fayette County Engineer) on December 16, 1972 and recorded on February 8, 1973. The subject property consists of lots 7 and 8. Fayette County tax records indicate that the single-family residence was built in 1979.

B. SURROUNDING ZONING AND USES

The general situation is an 8.87 acre tract that is zoned R-20. In the vicinity of the subject property is land which is zoned R-20 & A-R. See the following table and also the attached Zoning Location Map.

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

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	4.022	R-20	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
South	11.00	A-R	Vacant	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
East	40.50	A-R	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
West (across Bankstown Road)	40.21	A-R	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
	12.59	A-R	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
	53.80	A-R	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Agricultural - Residential (1 unit/5 Acres, 5 Acre Min). This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone from R-20 to A-R for the purpose of developing an A-R lot consisting of 8.87 acres and to add A-R uses to the Subdivision.

The Concept Plan indicates that the existing single-family dwelling is approximately 44 feet from the side property line and will not meet the 50 foot side yard setback for A-R.

Section 110-170. of the Zoning Ordinance states:

A property that is improved with a legally existing structure, which would become nonconforming in terms of the setbacks only within the zoning district for which a rezoning is being sought, may be considered for rezoning, except as otherwise provided in Article VI. O-I. and Article VII. Transportation Corridor Overlay Zone. Upon approval of the rezoning request, a variance authorized by the Zoning Board of Appeals shall be necessary for the structure to remain within the setback (see Article IX.) Any enlargement, expansion, or extension of said structure which serves to increase nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the Zoning Board of Appeals. Any new structure shall comply with the dimensional minimum requirements herein.

Staff is recommending a condition that a variance for the existing single-family dwelling's encroachment into the side yard setback be authorized by the Zoning Board of Appeals within 180 days from the effective date of this rezoning, if approved, and prior to the approval of the Minor Revision of the Final Plat (see Minor Revision to a Final Plat below). If the variance is denied, the owner/developer agrees to take all necessary action consistent with the direction of the Zoning Board of Appeals.

RP-058-15

Sec. 104-595. Approval of subdivisions. (2), k. of the Subdivision Regulations states:

....Proposed revisions to a recorded minor subdivision plat of any existing residential or agricultural-residential subdivisions which add property to, increases the number of platted lots, or **changes the principal use on lots** will be considered in public hearings before the planning commission and the board of commissioners. The legal notice shall be advertised at least seven calendar days prior to the public hearing before the planning commission, but not more than 45 calendar days, nor less than 15 calendar days prior to the public bearing before the board of commissioners. In the event that the timeframes above cannot be met with one advertisement, the notice shall be published twice.

The rezoning of the subject property from R-20 to A-R will change the permitted and conditional uses on these lots.

Minor Revision to a Final Plat

As stated above, the Survey for P.K. Dixon Final Plat was approved on December 16, 1972 and recorded on February 8, 1973, and consists of eight (8) lots zoned R-20. This is a request to rezone lots 7 and 8 to A-R.

The A-R Zoning District requires a minimum five (5) acre lot. The subject property consists of lots 7 (4.389 acres) and 8 (4.757 acres) as indicated on the Survey for P.K. Dixon Final Plat. It will be necessary to submit a Minor Revision to a Final Plat to combine lots 7 and 8 to meet the minimum five (5) acre requirement and depict the A-R setbacks.

E. DEPARTMENTAL COMMENTS

Water System

1552-15 is approved. No facilities.

Public Works/Engineering

No comments from Engineering. This is a Collector and we have existing 80', so no additional is needed.

Environmental Management

Floodplain - The property DOES NOT contain floodplain per FEMA FIRM panel 13113C0165E dated Sept 26, 2008.

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

Watershed Protection will not apply.

Groundwater - The property IS NOT within a groundwater recharge area.

Stormwater - This development is NOT subject to the Post-Development Stormwater Management Ordinance.

Environmental Health Department

After speaking with you today about the above referenced rezoning and having a better understanding of the proposal, this department has no objections to the rezoning to join these two existing lots.

Fire

The bureau of fire prevention will neither approve nor deny request that fall outside the scope of fire prevention code requirements.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from R-20 to A-R for the purpose of developing an A-R lot consisting of 8.87 acres and to add A-R uses to the Subdivision. Per Section 11-11 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject property lies within an area designated for Agricultural - Residential (1 unit/5 Acres, 5 Acre Min). This request conforms to the Fayette County Comprehensive Plan.
2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.
4. Existing conditions and the area's continuing development as an A-R single-family residential district support these petitions (1251-15 & RP-058-15).

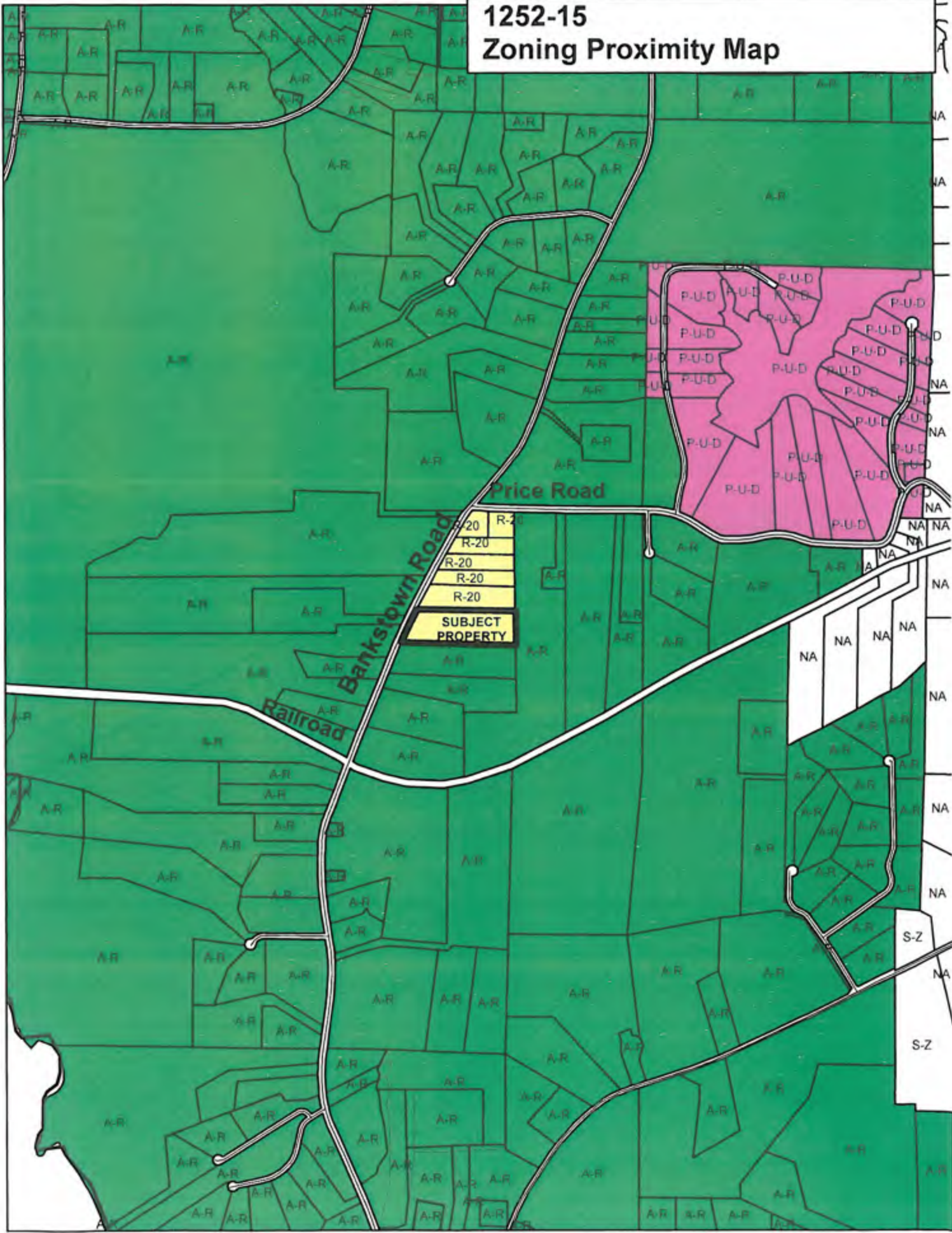
Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL**.

RECOMMENDED CONDITIONS

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

1. That a variance for the existing single-family dwelling's encroachment into the side yard setback be obtained from the Zoning Board of Appeals within 180 days from the effective date of this rezoning and prior to the approval of the Minor Revision to a Final Plat. If the variance is denied, the owner/developer agrees to take all necessary action consistent with the direction of the Zoning Board of Appeals. If the owner/developer fails to take action to obtain a decision from the Zoning Board of Appeals within 180 days and that time period has expired, the property owner agrees to remove that portion of the existing single-family dwelling encroaching into the side yard setback within 30 days from the date of the expiration. *(This condition is required for compliance with the Zoning Ordinance, Section 110-170.)*
2. That the Minor Revision to the Survey for P.K. Dixon Final Plat be revised to combine lots 7 and 8 to meet the minimum A-R five (5) acre requirement and depict the A-R setbacks prior to establishing any uses or structures permitted under the A-R zoning district.

1252-15 Zoning Proximity Map



R-20
R-20
R-20
R-20
SUBJECT
PROPERTY

Price Road

Bankstown Road

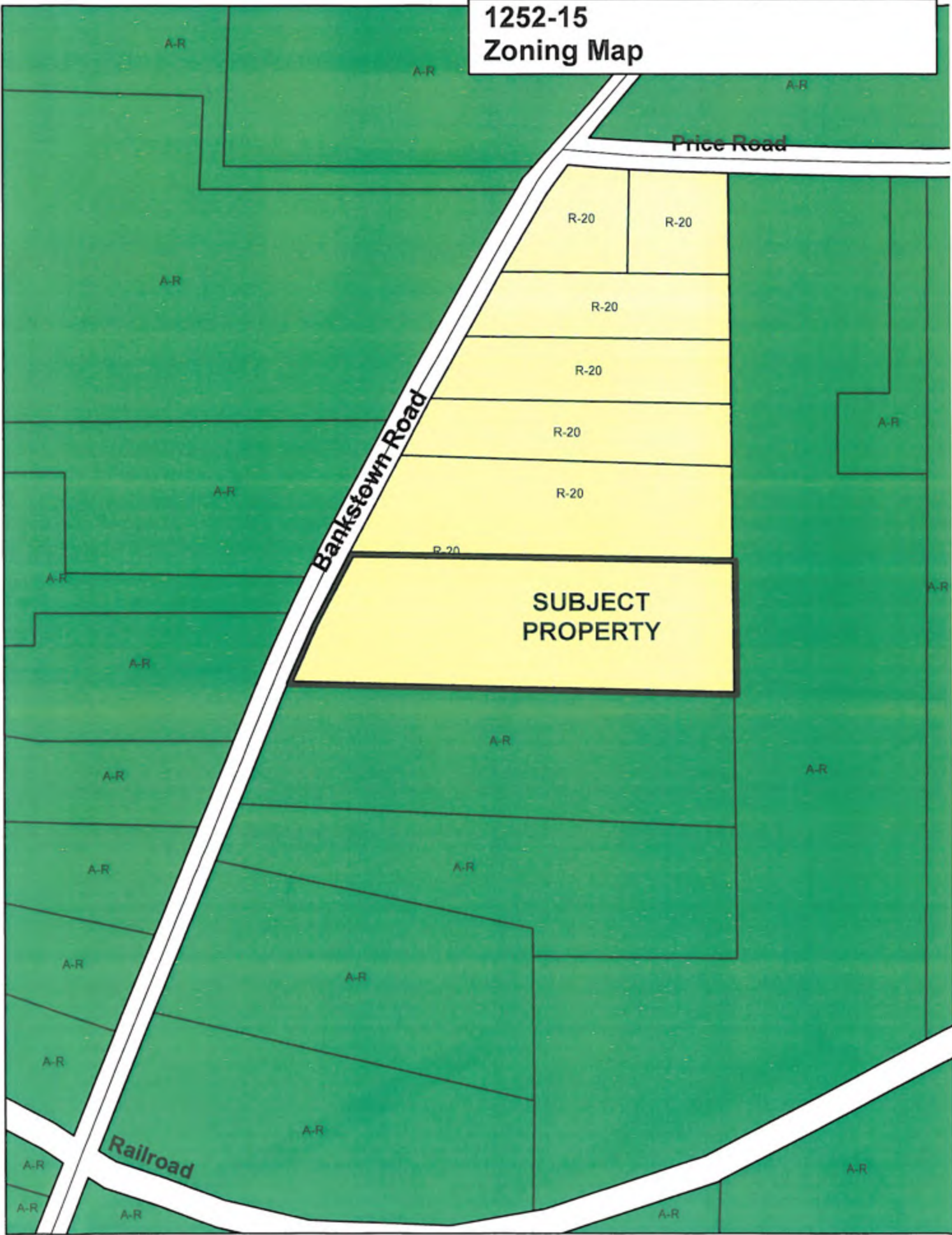
Railroad

NA NA NA NA

S-Z

S-Z

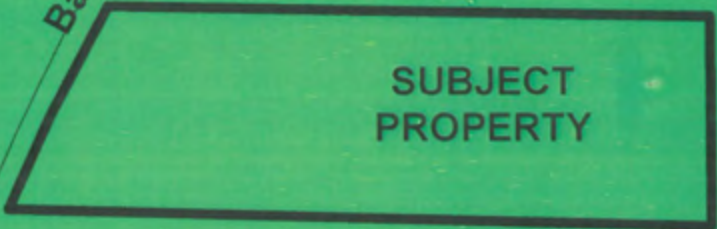
**1252-15
Zoning Map**



1252-15
Land Use Plan Map

Price Road

Bankstown Road

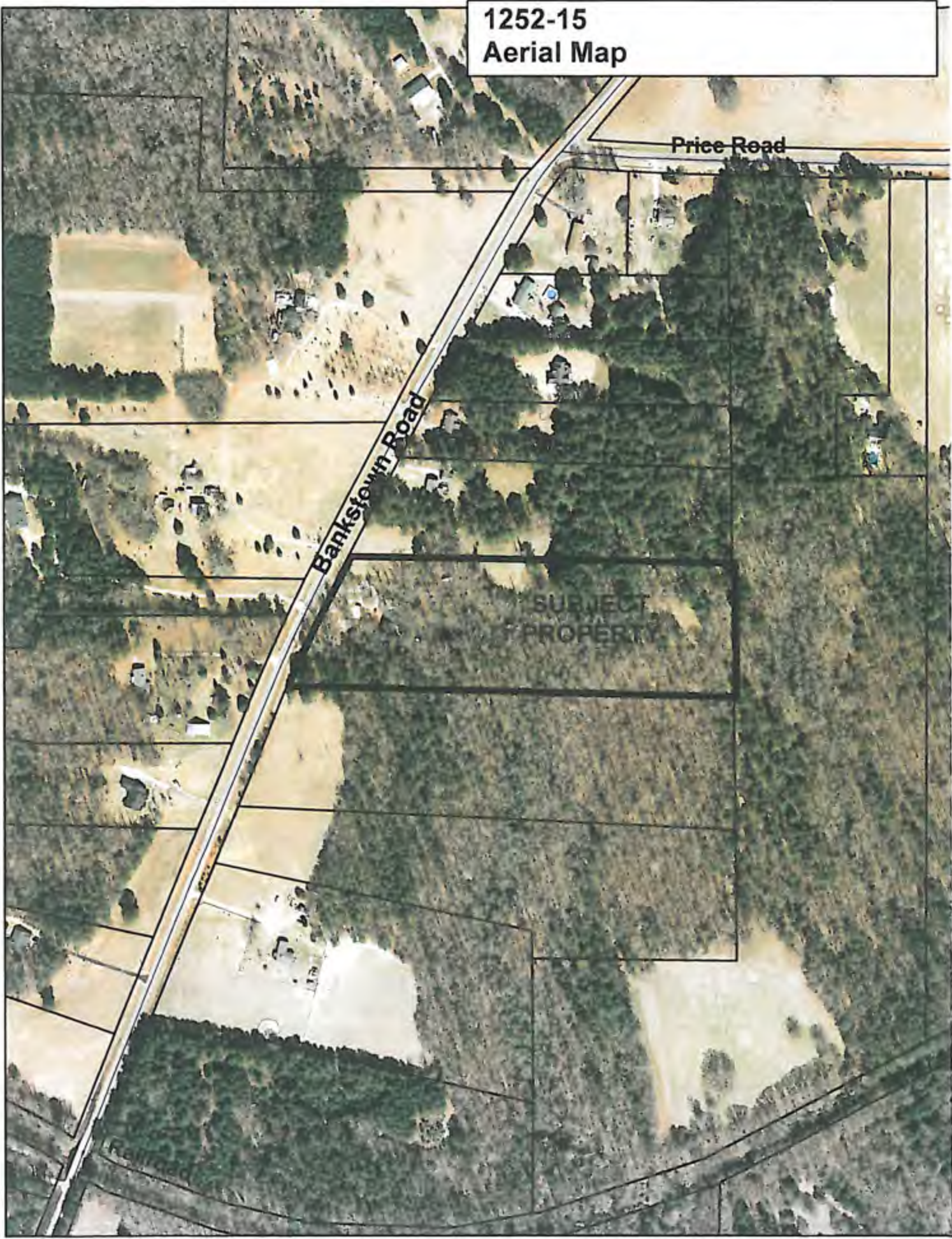


SUBJECT
PROPERTY

AGRICULTURAL
RESIDENTIAL

Railroad

1252-15
Aerial Map



Price Road

Banksdown Road

SUBJECT
PROPERTY

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

PROPERTY OWNERS: Jeffrey Anderson Jr

MAILING ADDRESS: 410 Bankstown Rd, Brooks

PHONE: [REDACTED] FAX: _____

AGENT FOR OWNERS: _____

MAILING ADDRESS: _____

PHONE: _____ FAX: _____

E-MAIL: [REDACTED]

PROPERTY LOCATION: LAND LOT 42 LAND DISTRICT 4th PARCEL _____
LAND LOT _____ LAND DISTRICT _____ PARCEL _____

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 8.9

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

ZONING OF SURROUNDING PROPERTIES: R-20 & A-R

PRESENT USE OF SUBJECT PROPERTY: R-20 Single Family Residential

PROPOSED USE OF SUBJECT PROPERTY: Single-Family - A-R

LAND USE PLAN DESIGNATION: A-R: Agriculture-Residential

NAME AND TYPE OF ACCESS ROAD: Bankstown Rd.

LOCATION OF NEAREST WATER LINE: Bankstown Rd.

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: ~~1252~~ 1252-15

Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: 10/1/15

DATE OF PLANNING COMMISSION HEARING: Nov. 5, 2015

DATE OF COUNTY COMMISSIONERS HEARING: Dec. 10, 2015

Received from _____ a check in the amount of \$ 350.00 for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).

Date Paid: 10/1/15 Receipt Number: 494 2372

494 2375

NAME: Jeffrey F. Anderson Jr. PETITION NUMBER: _____

ADDRESS: 410 Bankstown Rd, Brooks, GA 30205

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

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

This property includes: (check one of the following)

See attached legal description on recorded deed for subject property or

Legal description for subject property is as follows:

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

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

SWORN TO AND SUBSCRIBED BEFORE ME THIS 30th DAY OF September, 2015,

Smida A. Jackson
NOTARY PUBLIC Notary Public, Coweta County, Georgia
My Commission Expires Dec. 3, 2016

[Signature]
APPLICANT'S SIGNATURE

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

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

Jeffrey Anderson Jr.

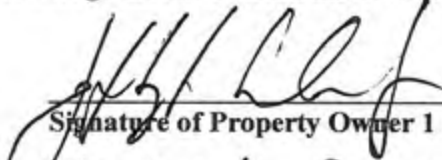
Please Print Names

Property Tax Identification Number(s) of Subject Property: _____

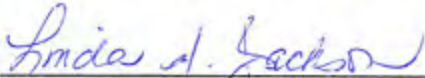
(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) _____ of the _____ District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of _____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

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

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



Signature of Property Owner 1
410 Banks town Rd. Brooks, Ga
Address 30205



Signature of Notary Public
Notary Public, Coweta County, Georgia
My Commission Expires Dec. 5, 2016
9/30/15
Date

Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Property Owner 3

Address

Signature of Notary Public

Date

Signature of Authorized Agent

Address

Signature of Notary Public

Date

COUNTY AGENDA REQUEST

Public Hearing #7

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Public Hearing of Petition No. RP-058-15, Jeffrey Anderson Jr., Owner, request to revise the Survey for P.K. Dixon Subdivision to add A-R uses to the subdivision with said property being located in Land Lot 62 of the 4th District and fronting on Bankstown Road.

Background/History/Details:

Staff recommends approval of petition RP-058-15. This petition is associated with rezoning petition 1252-15.

The Planning Commission recommended approval of petition RP-058-15.

Arnold Martin made a motion to approve of the Revised Plat. John Culbreth seconded the motion. The motion passed 5-0.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. RP-058-15, Jeffrey Anderson Jr., Owner, request to revise the Survey for P.K. Dixon Subdivision to add A-R uses to the subdivision with said property being located in Land Lot 62 of the 4th District and fronting on Bankstown Road.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

This request is associated with Public Hearing #6.

STATE OF GEORGIA
COUNTY OF FAYETTE

RESOLUTION

NO. RP-058-15

WHEREAS, Jeffrey Anderson Jr., Owner, having come before the Fayette County Planning Commission on November 5, 2015 requesting a revision to a recorded plat as per the Fayette County Subdivision Regulations; and

WHEREAS, said request being as follows: Request approval to revise the Survey for P.K. Dixon Subdivision to add A-R uses to the subdivision.

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

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

This decision is based on the following reasons:

Compatible with the surrounding area.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:





JIM GRAW, CHAIRMAN

PLANNING COMMISSION RECOMMENDATION

DATE: November 5, 2015

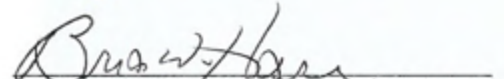
TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. RP-058-15 to revise the Survey for P.K. Dixon Subdivision to add A-R uses to the subdivision:

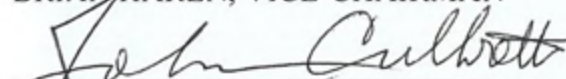
Approved ⁵⁰ Withdrawn Disapproved
 Tabled until _____




JIM GRAW, CHAIRMAN



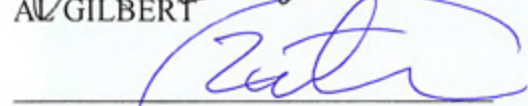
BRIAN HAREN, VICE-CHAIRMAN



JOHN CULBRETH



AL GILBERT



ARNOLD MARTIN

Remarks:

5. **Consideration of Petition No. RP-058-15, Jeffrey Anderson Jr., Owner, request to revise the Survey for P.K. Dixon Subdivision to add A-R uses to the subdivision. This property is located in Land Lot 62 of the 4th District and fronts on Bankstown Road.**

Vice-Chairman Haren asked if Jeffrey or Audra Anderson wanted to address the revise plat petition.

Jeffrey Anderson replied no.

Vice-Chairman Haren asked if anyone would like to speak in opposition of the revise plat petition.

Vice-Chairman Haren asked if the board had any questions or comments.

Arnold Martin III made a motion to approve of the Revised Plat. John Culbreth seconded the motion. The motion passed 5-0.

PETITION NO: 1252-15 & RP-058-15

REQUESTED ACTION: R-20 to A-R

PROPOSED USE: Residential - A-R

EXISTING USE: Residential

LOCATION: Bankstown Road

DISTRICT/LAND LOT(S): 4th District, Land Lot(s) 62

OWNER: Jeffrey Anderson, Jr.

PLANNING COMMISSION PUBLIC HEARING: November 5, 2015

BOARD OF COMMISSIONERS PUBLIC HEARING: December 10, 2015

APPLICANT'S INTENT

Applicant proposes to develop an A-R lot consisting of 8.87 acres and to add A-R uses to the Subdivision.

STAFF RECOMMENDATION

APPROVAL

1.

1252-15 & RP-058-15

INVESTIGATION

A. PROPERTY SITE

The subject property is an 8.87 acre tract fronting on Bankstown Road in Land Lot(s) 62 of the 4th District. Bankstown Road is classified as a Collector road on the Fayette County Thoroughfare Plan. The subject property contains a single-family residence and is currently zoned R-20.

History: The Survey for P.K. Dixon Final Subdivision Plat was approved by the W.E. Strother, Sr. (Fayette County Engineer) on December 16, 1972 and recorded on February 8, 1973. The subject property consists of lots 7 and 8. Fayette County tax records indicate that the single-family residence was built in 1979.

B. SURROUNDING ZONING AND USES

The general situation is an 8.87 acre tract that is zoned R-20. In the vicinity of the subject property is land which is zoned R-20 & A-R. See the following table and also the attached Zoning Location Map.

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

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	4.022	R-20	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
South	11.00	A-R	Vacant	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
East	40.50	A-R	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
West (across Bankstown Road)	40.21	A-R	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
	12.59	A-R	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
	53.80	A-R	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Agricultural - Residential (1 unit/5 Acres, 5 Acre Min). This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone from R-20 to A-R for the purpose of developing an A-R lot consisting of 8.87 acres and to add A-R uses to the Subdivision.

The Concept Plan indicates that the existing single-family dwelling is approximately 44 feet from the side property line and will not meet the 50 foot side yard setback for A-R.

Section 110-170. of the Zoning Ordinance states:

A property that is improved with a legally existing structure, which would become nonconforming in terms of the setbacks only within the zoning district for which a rezoning is being sought, may be considered for rezoning, except as otherwise provided in Article VI. O-I. and Article VII. Transportation Corridor Overlay Zone. Upon approval of the rezoning request, a variance authorized by the Zoning Board of Appeals shall be necessary for the structure to remain within the setback (see Article IX.) Any enlargement, expansion, or extension of said structure which serves to increase nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the Zoning Board of Appeals. Any new structure shall comply with the dimensional minimum requirements herein.

Staff is recommending a condition that a variance for the existing single-family dwelling's encroachment into the side yard setback be authorized by the Zoning Board of Appeals within 180 days from the effective date of this rezoning, if approved, and prior to the approval of the Minor Revision of the Final Plat (see Minor Revision to a Final Plat below). If the variance is denied, the owner/developer agrees to take all necessary action consistent with the direction of the Zoning Board of Appeals.

RP-058-15

Sec. 104-595. Approval of subdivisions. (2), k. of the Subdivision Regulations states:

....Proposed revisions to a recorded minor subdivision plat of any existing residential or agricultural-residential subdivisions which add property to, increases the number of platted lots, or **changes the principal use on lots** will be considered in public hearings before the planning commission and the board of commissioners. The legal notice shall be advertised at least seven calendar days prior to the public hearing before the planning commission, but not more than 45 calendar days, nor less than 15 calendar days prior to the public bearing before the board of commissioners. In the event that the timeframes above cannot be met with one advertisement, the notice shall be published twice.

The rezoning of the subject property from R-20 to A-R will change the permitted and conditional uses on these lots.

Minor Revision to a Final Plat

As stated above, the Survey for P.K. Dixon Final Plat was approved on December 16, 1972 and recorded on February 8, 1973, and consists of eight (8) lots zoned R-20. This is a request to rezone lots 7 and 8 to A-R.

The A-R Zoning District requires a minimum five (5) acre lot. The subject property consists of lots 7 (4.389 acres) and 8 (4.757 acres) as indicated on the Survey for P.K. Dixon Final Plat. It will be necessary to submit a Minor Revision to a Final Plat to combine lots 7 and 8 to meet the minimum five (5) acre requirement and depict the A-R setbacks.

E. DEPARTMENTAL COMMENTS

Water System

1552-15 is approved. No facilities.

Public Works/Engineering

No comments from Engineering. This is a Collector and we have existing 80', so no additional is needed.

Environmental Management

Floodplain - The property DOES NOT contain floodplain per FEMA FIRM panel 13113C0165E dated Sept 26, 2008.

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

Watershed Protection will not apply.

Groundwater - The property IS NOT within a groundwater recharge area.

Stormwater - This development is NOT subject to the Post-Development Stormwater Management Ordinance.

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After speaking with you today about the above referenced rezoning and having a better understanding of the proposal, this department has no objections to the rezoning to join these two existing lots.

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STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from R-20 to A-R for the purpose of developing an A-R lot consisting of 8.87 acres and to add A-R uses to the Subdivision. Per Section 11-11 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject property lies within an area designated for Agricultural - Residential (1 unit/5 Acres, 5 Acre Min). This request conforms to the Fayette County Comprehensive Plan.
2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.
4. Existing conditions and the area's continuing development as an A-R single-family residential district support these petitions (1251-15 & RP-058-15).

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

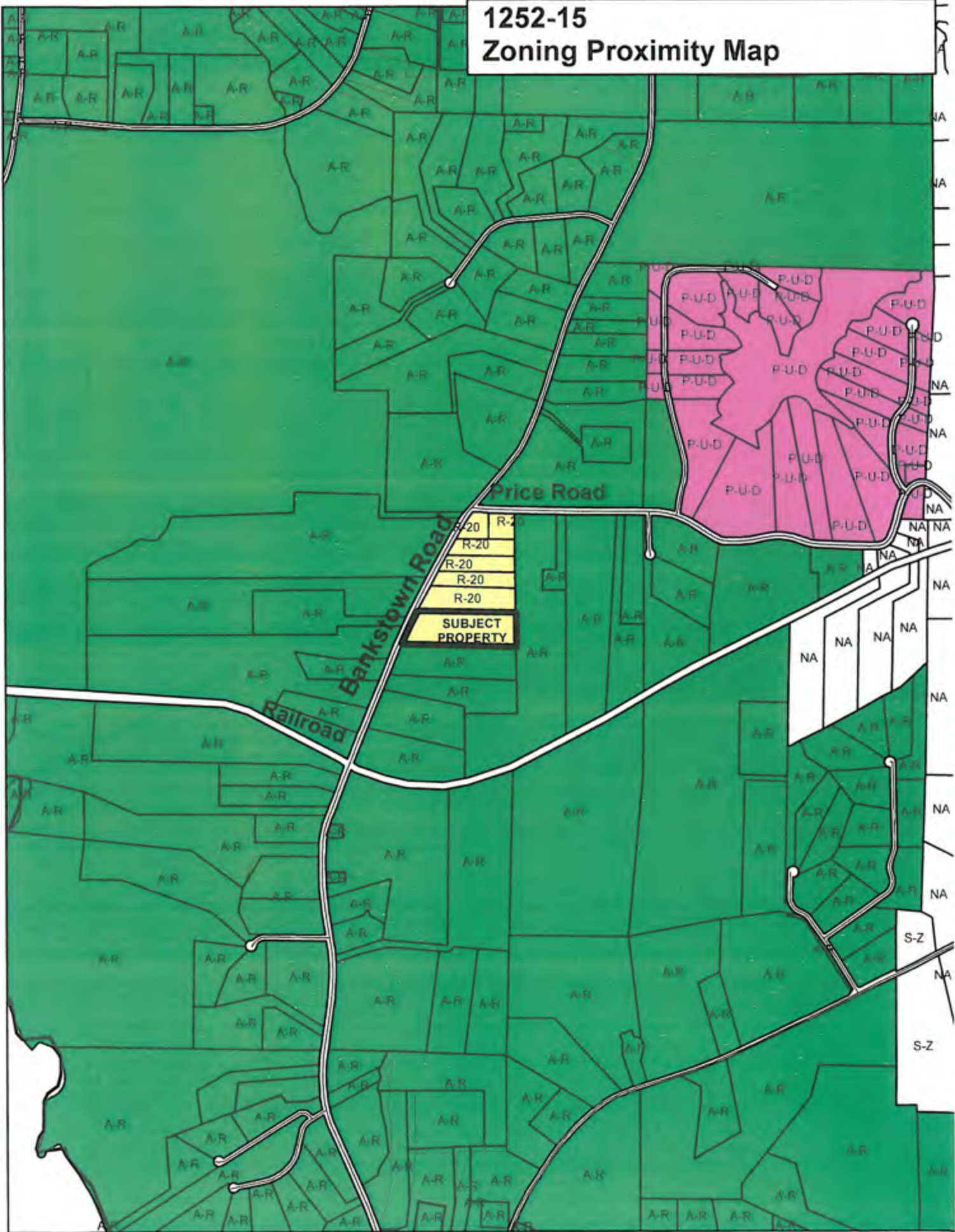
RECOMMENDED CONDITIONS

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

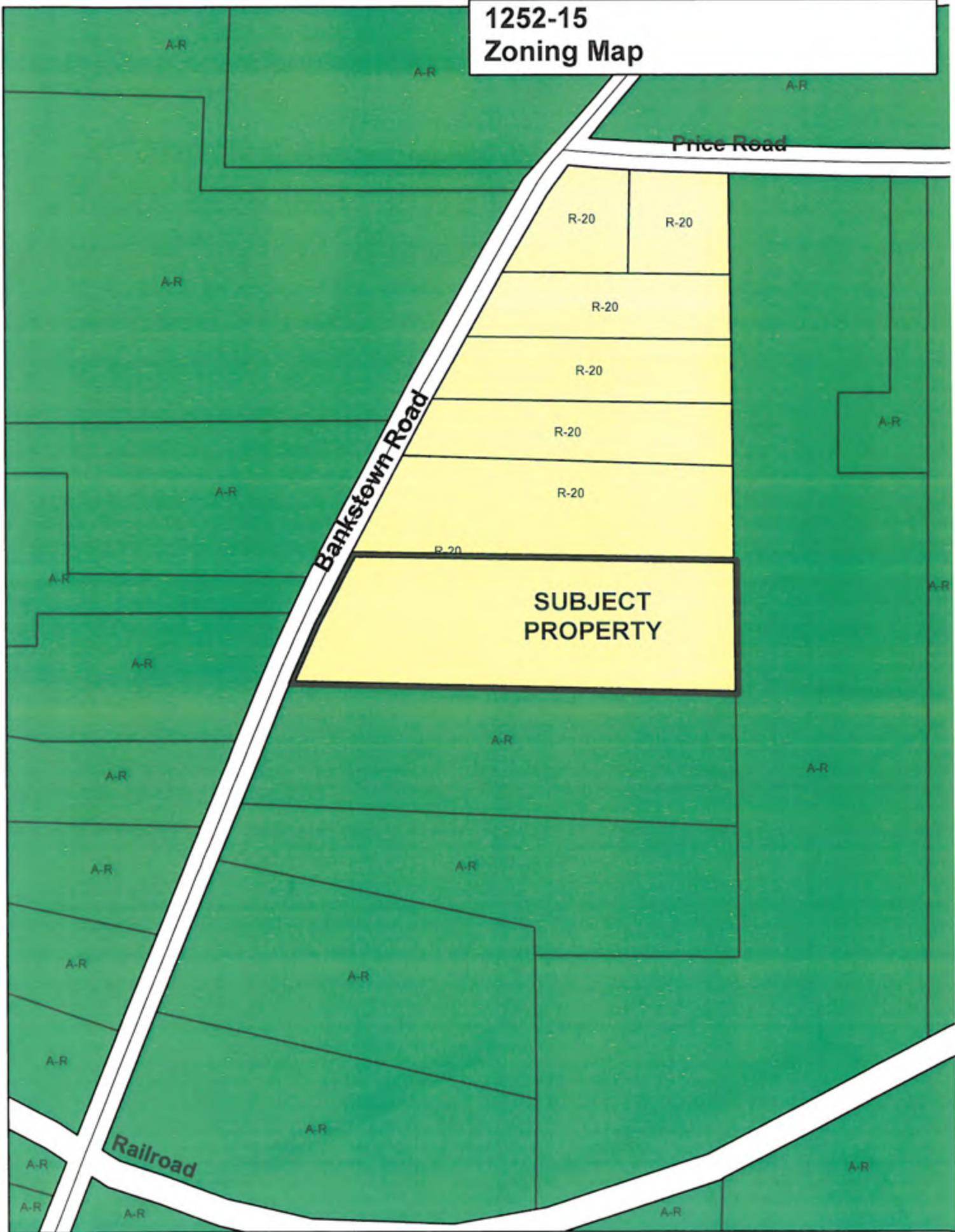
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2. That the Minor Revision to the Survey for P.K. Dixon Final Plat be revised to combine lots 7 and 8 to meet the minimum A-R five (5) acre requirement and depict the A-R setbacks prior to establishing any uses or structures permitted under the A-R zoning district.

1252-15 Zoning Proximity Map



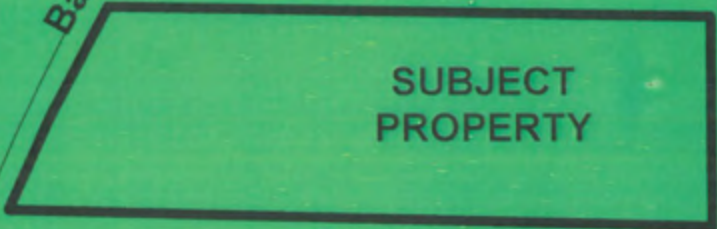
**1252-15
Zoning Map**



**1252-15
Land Use Plan Map**

Price Road

Bankstown Road

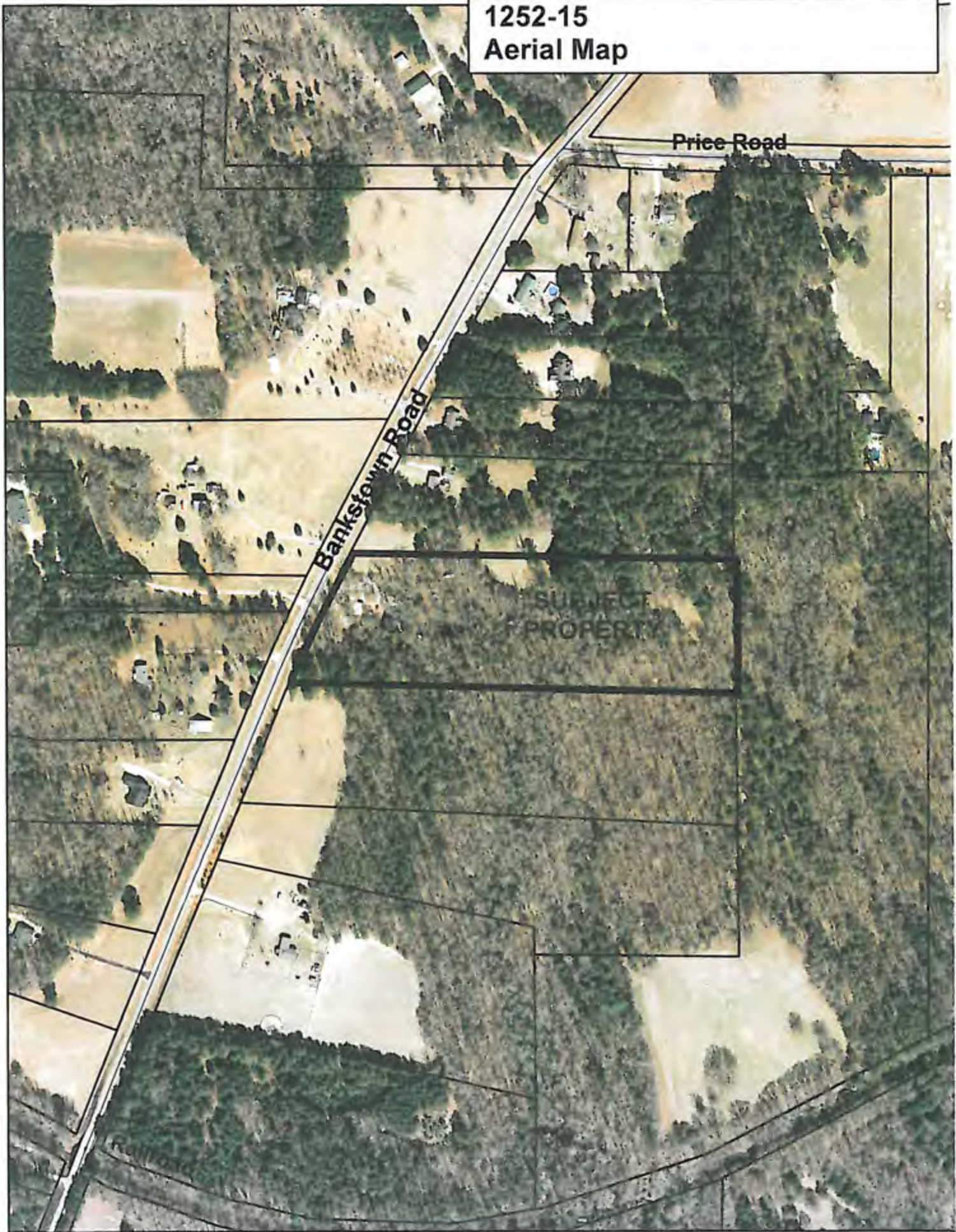


SUBJECT
PROPERTY

AGRICULTURAL
RESIDENTIAL

Railroad

1252-15
Aerial Map



APPLICATION TO REVISE A RECORDED PLAT

PETITION NO: RP-058 -15

OWNER OF PROPERTY: Jeffrey Anderson

MAILING ADDRESS: 410 Bankstown Rd. Brooks, GA 30205

PHONE: 678-988-6486

E-MAIL: [REDACTED]

AGENT FOR OWNER: _____

MAILING ADDRESS: _____

PHONE: _____

E-MAIL: _____

LOCATION: LAND LOT(S) 62 DISTRICT 4 ROAD Bankstown Road

LEGAL DESCRIPTION ATTACHED: _____ ZONING: R-20

FIFTEEN COPIES OF CONCEPT PLAN ATTACHED: _____

TOTAL NUMBER OF LOTS: 1 TOTAL NUMBER OF ACRES: 8.9

DATE OF PLANNING COMMISSION HEARING: November 5, 2015

DATE OF COUNTY COMMISSIONERS HEARING: December 10, 2015

SUBDIVISION NAME: _____

REASON FOR REVISION: Add A-R uses to subdivision.

Received from _____ the amount of \$ _____ to cover the cost of the sign deposit. Applicant will be billed later for the cost of advertising.

SIGN FEE

Date Paid: _____

Receipt No. _____

Cash: _____

Check No. _____

ADVERTISING FEE

Date Paid: _____

Receipt No. _____

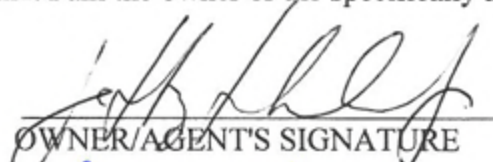
Cash: _____

Check No. _____

I respectfully submit this application and certify that the above information is correct and true to the best of my knowledge. I further certify that I am the owner or the specifically authorized agent of the above-referenced property.

Oct 7, 20 15

10/7/1, 20 15


OWNER/AGENT'S SIGNATURE

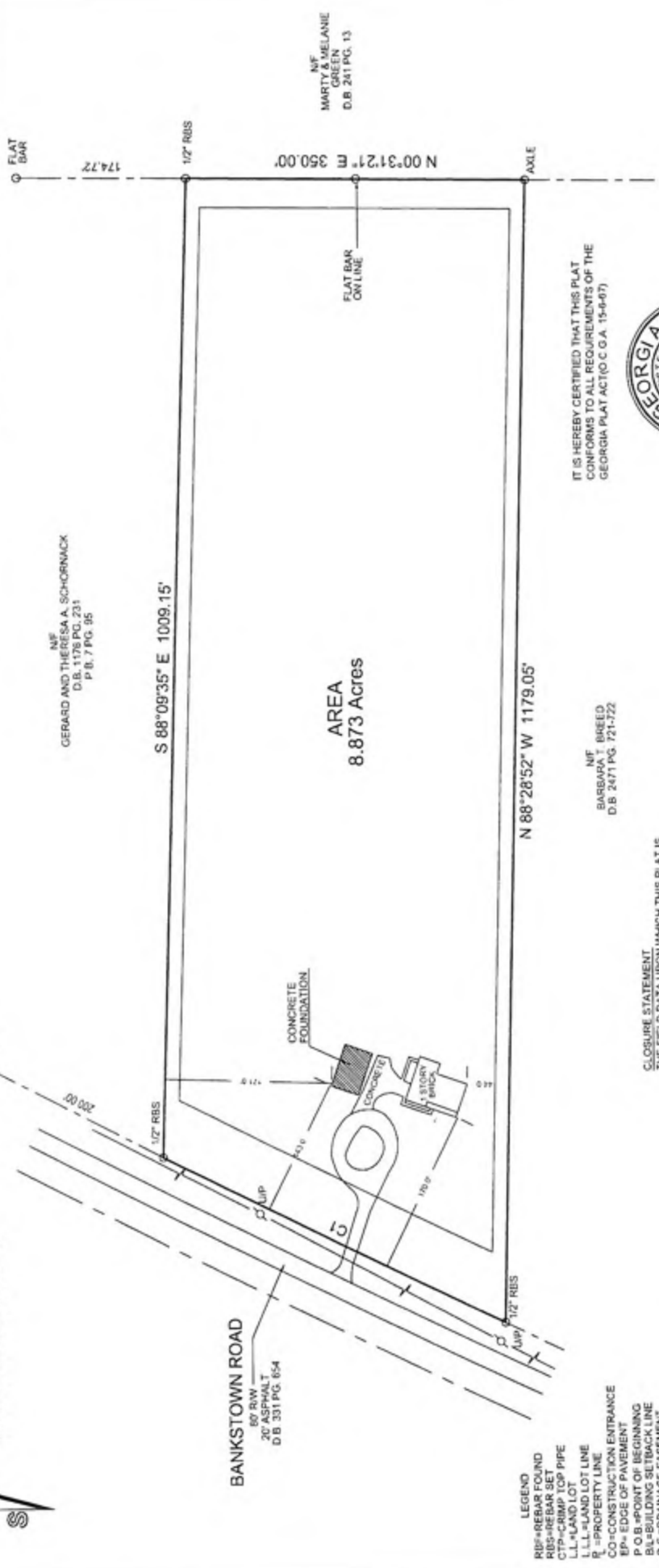

NOTARY PUBLIC

Notary Public, Coweta County, Georgia
My Commission Expires Dec. 3, 2016

S.A. GASKINS & ASSOCIATES, LLC.
 SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS
 P.O. BOX 321 Brooks, Gk. 30005
 sagaskint@bellsouth.net 770-460-9342 JOHN 3 15

CURVE C1	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
	15001.60'	397.54'	397.53'	N 20° 15' 14" E

ZONING = R-20
 FRONT YARD SETBACK = 60'
 SIDE YARD SETBACK = 15'
 REAR YARD SETBACK = 30'



NF
 GERARD AND THERESA A. SCHORNACK
 D.B. 1178 PG. 231
 P.B. 7 PG. 95

NF
 MARTY & MELANIE GREEN
 D.B. 241 PG. 13

NF
 BARBARA T. BREEED
 D.B. 2471 PG. 121-122

CLOSURE STATEMENT
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 42,167 FEET AND AN ANGULAR ERROR OF 00° 00' 02" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

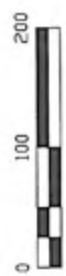
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET. ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LEICA 403 TCR TOTAL STATION.

FLOOD STATEMENT
 ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 13113C0111E, DATED SEPTEMBER 26, 2008, NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA.

IT IS HEREBY CERTIFIED THAT THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. 15-9-97)



SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SIGNATURE OF SURVEYOR



- LEGEND**
- RF=REAR YARD SETBACK
 - FR=FRONT YARD SETBACK
 - CTP=CRIMP TOP PIPE
 - LL=LAND LOT
 - LL=LAND LOT LINE
 - R=PROPERTY LINE
 - CO=CONSTRUCTION ENTRANCE
 - EP=EDGE OF PAVEMENT
 - P.O.B.=POINT OF BEGINNING
 - BL=BUILDING SETBACK LINE
 - D.E.=DRAINAGE EASEMENT
 - NF=NOW OR FORMERLY
 - F.W.P.D.=FIELD WORK PERFORMED DATE
 - OF=OUT OF FLOOD PLAIN
 - N.T.S.=NOT TO SCALE

Prepared For

JEFFREY & AUDRA ANDERSON

F.W.P.D.	08/16/15	Date	08/19/15
Scale	1" = 100'	Job No.	SA15-150
County	FAYETTE GA	Land Lot	62
		District	4TH

COUNTY AGENDA REQUEST

Public Hearing #8

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Public Hearing on Ordinance 2015-13 amending the Fayette County's Code of Ordinances, Chapter 110. Article V., Sec. 110-169. Conditional Use Approval, to eliminate buffers between specified Conditional Uses in a residential or A-R zoning district.

Background/History/Details:

On October 22, 2015, Zoning Administrator Dennis Dutton made a request of an ordinance change to the Board of Commissioners concerning eliminating buffers adjacent to places of worship, colleges and universities, hospitals, private schools, child care facilities, cemeteries, recreation centers, and similar institutions registered with the Secretary of State and in A-R or residential zoning districts. The Board of Commissioners sent the draft ordinance back to the Planning Commission for the Planning Commission to review the language, requested the Planning Commission to expedite the ordinance if possible, and for the ordinance to return to the Board of Commissioners for consideration on or before January 28, 2016.

Staff recommend approval of the amendments. The Planning Commission recommends approval of the amendments. Al Gilbert made a motion to recommend approval of the proposed amendments. Arnold Martin seconded the motion. The motion passed 5-0.

"Exhibit A" provides a red-lined version of the proposed ordinance amendments. "Exhibit B" provides the final form ordinance document under consideration.

What action are you seeking from the Board of Commissioners?

Adoption of Ordinance 2015-13 amending the Fayette County Code of Ordinances, Chapter 110. Article V., Sec. 110-169. Conditional Use approval, to eliminate buffers between the following Conditional Uses in a residential or A-R zoning district: Cemetery, human or pet, Childcare Facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

**BOARD OF COMMISSIONERS and
PLANNING COMMISSION MINUTES**

2. **Public Hearing on Ordinance 2015-13, amending Fayette County's Code of Ordinances, Chapter 110. Article III. General Provisions Sec. 110-94. Buffer, eliminating buffers adjacent to places of worship, colleges and universities, hospitals, private schools, child care facilities, cemeteries, recreation centers and similar institutions registered with the Secretary of State and in A-R or residential zoning districts.**

Zoning Administrator Dennis Dutton stated there is a private school that wants to buy a five-acre parcel of land from a church in order to develop its campus. He said that upon developing the preliminary plat it was discovered that there is a hardship to the church and school. He explained that churches, schools, and other such uses are considered non-residential, even though they are allowed in residentially zoned areas, but they must meet all required buffers in order to protect the neighborhood. He explained that the school wanted to locate next to the church in the residentially-zoned area but, given the required buffers, there would be an aggregate 200-foot buffer separating the church and the school with no ability to grant a variance. He said the county already allows for churches to build next to governmental structures or property without buffers so staff saw this recommendation as a possibility to address the current hardship. He said the proposed ordinance would allow non-residential uses to be next to each other with reduced buffers and without the imposed hardship.

Stephen Carpenter: Mr. Carpenter, Senior Pastor at Christ Church at Whitewater, stated the church has twenty-five acres with a subdivision significantly behind the property. He stated the church has entered into a long-term agreement with Kronos Academy, which is a private, Christian school. He said the school planned to use the church's property, playing fields, gymnasium, and classrooms, and he said the school wanted five acres of the property to begin construction next year for its classrooms. He closed by explaining the aggregate 200-foot setback, as required, eliminated the use of the five-acres between the church and school. No one else spoke in favor of the proposed ordinance.

Mary Carroll: Ms. Carroll stated that the buffer was based on looking at governmental properties abutting churches and other structures, but she was concerned that if structures were allowed to be near truly residential properties then it would decrease the values of those residential properties.

No one else spoke in opposition to the proposed ordinance.

Commissioner Brown said there were a couple of instances related to churches where a church had a house on its property after it purchased a large agricultural lot but there were problems since there were buffer requirements between the house and the church that did not make sense since they had the same owners. He said the county is getting into problems where uses that can be contiguous with each other and can benefit each other are made impossible. He agreed that the subdivisions needed to be protected but stated the areas between schools and churches should be allowed uses and not "buffered out of existence."

Commissioner Brown moved to adopt Ordinance 2015-13 as written. Commissioner Ognio seconded the motion.

Mr. Dutton clarified that the proposed ordinance would not change the existing buffers between non-residential structures and residential structures. Commissioner Brown added that he has seen scenarios where private cemeteries wanted to be next to a church but could not because of the buffers even though there would be no interference between the two uses. Chairman Oddo asked what would happen if there are two non-residential uses but one of the uses terminated and returned to a residential use with no buffer. Mr. Dutton replied, given that

scenario, there would be no way to require the properties to include a buffer at that time. Commissioner Brown added that under that scenario the purchaser would be buying the property knowing what the buffer is.

Commissioner Ognio expressed concerns with the wording "similar institutions" in the ordinance. Mr. Dutton replied that the wording "similar institutions" captured a variety of non-profit recreation centers like YMCAs. Commissioner Ognio stated he wanted the proposed ordinance returned to the Planning Commission for rewording. Commissioner Rousseau agreed with Commissioner Ognio's request. County Administrator Rapson suggested that the proposed ordinance be tabled to January Minutes October 22, 2015 Page Number 4 28, 2016 to give time for the Planning Commission to address the concern, however, there was additional concern that the suggested date could interfere with the school's schedule. Chairman Oddo added that he wanted to table the ordinance in order to make it right.

Commissioner Rousseau moved to table Ordinance 2015-13 to January 28, 2016. Commissioner Barlow seconded the motion. Mr. Rapson asked for the motion to be amended to allow the ability for staff to bring the petition to the Board prior to January 28, 2016. Commissioner Rousseau amended his motion to allow staff to bring the petition back to the Board before January 28, 2016 if possible.

Commissioner Brown then moved to send the draft ordinance back to the Planning Commission, for the Planning Commission to review the language, for the Planning Commission to expedite the ordinance if possible, and for the ordinance to return to the Board of Commissioners for consideration on or before January 28, 2016. Commissioner Rousseau seconded the motion. No discussion followed. The motion passed 5-0. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

6. **Discussion of Amendments to the Fayette County Code of Ordinances, Chapter 110. Article V., Sec. 110-169. Conditional use approval, to eliminate buffers between a Care home, convalescent center and/or nursing home, Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office that is in a residential or A-R zoning district.**

Pete Frisina stated that Dennis Dutton took the amendment to the board and they sent it back for reconsideration. He then turned it over to Dennis Dutton.

Dennis Dutton stated that the Board of Commissioners had some concern about the effect on other properties. He said the Board sent it back for the Planning Commissioners to look at it in a different way. He stated that one (1) of the ideas presented to him was to do away with the blanket statement and look at the amendment individually for each conditional use. He said the relief of the buffer would go to care homes, churches, schools, child care facilities, colleges/universities, hospitals, and recreational centers. He added that the Board had issues with the wording "similar institutions" and asked that it be removed from the amendment due to the confusion it may cause. He stated that John Lewis the Headmaster for Konos School was looking at acquiring the property next to Whitewater Church.

Chairman Graw asked Dennis Dutton about the original amendment that was presented to the Board include commercial property.

Pete Frisina replied they addressed it in Article 3 General Provisions. He said that part of the ordinance oversees the entire aspect of everything within the ordinance. He stated the way they had written it before it would remove all non-residential buffers if they were abutting a church or a school or a university. He said that was a concern brought to him and Dennis. He added that they inserted it into the conditional uses and relieved the buffers only in those instances; when two (2) churches are adjacent or when a church and a school are adjacent. He added that commercial zoning next to a church would still need the buffers.

Chairman Graw asked if they were going to need to insert that paragraph into each conditional use.

Pete Frisina replied yes. He stated that this is taking a very broad brush approach and making it more surgical. He stated that they added care home and convalescent center. He asked the board if a care home was a use they would want to include in the elimination of a buffer. He added that care homes are the only use that is not allowed in a residential zoning district.

Arnold Martin III asked why care home/convalescent centers were added to the amendment.

Pete Frisina replied that he thinks it's similar to the other uses. He added that after he did this he didn't realize it was not allowed in residential zoning districts. He said that these uses abut each other and doesn't relieve the buffers around the rest of the property only where they abut each other. He stated that he found at least four (4) instances in the County where churches abut each other. He added that there was an instance where a private school did abut a church. He said that they all have buffer between them.

Vice-Chairman Haren stated that he doesn't have an issue with care homes, convalescent homes, or nursing centers. He said it was something that he didn't consider last time but it did make sense. He asked staff if they were looking for a decision tonight.

Pete Frisina replied that it was just a work discussion. He added that there is no vote tonight and that there was nothing they needed to act on tonight.

Planning Commission Meeting Minutes November 5, 2015

Al Gilbert asked if we feel good about this amendment we would then move to public hearing.

Pete Frisina replied yes. He said if we were to move forward we would schedule the amendment for the November meeting with Planning Commission and the first meeting in december with the Board of Commissioners. He stated that the Board of Commissioners wanted something brought back to them by the 28th of January.

Chairman Graw said he didn't have an issue.

Al Gilbert said he didn't have an issue.

John Lee Headmaster of Konos Academy stated that the board only added a wrinkle to the amendment and that doesn't affect him.

Pete Frisina stated that there are always concerns with this sort of thing and one of the concerns are what to do when two (2) churches abut each other. He said you relieve them of their buffer where the properties abut. He added that if the church was to be sold and torn down and the developer decides to create a residential subdivision the buffer would be alleviated but not the setback. He told the board to be aware that this was an issue and he did not know how to fix it. He stated that if the two (2) churches were abutting each other in such a way that building couldn't meet a buffer once a residential subdivision came back in, we're not going to make them take the church down. He stated that new structures would have to meet that buffer.

Vice-Chairman Haren asked if they tore down the church and built a residential subdivision would the residential part of the zoning kick back in requiring a buffer with the church.

Pete Frisina replied that if you had two (2) properties that were adjoining and you relieved the buffer, and they built on both of them not accommodating the buffer. He then said that one (1) of them goes away it would be hard to tell the existing one (1) to take their property back 50 feet.

Vice-Chairman Haren asked would it not be necessary for the one that is bringing in the residential to have that buffer.

Pete Frisina replied no that it only works one (1) way. He said the houses don't have to meet buffer the non-residential structures do.

Patrick Stough stated one potential controversy we have identified is where you have an existing church surrounded by residential which has the necessary buffers, and then another church comes in next to it, because of this change they would not have to get a buffer. He said you have a situation where the first church did have to get a buffer and their being treated differently because they were there first. He added that conditional uses are you meet the conditions you get the use. He said when you start introducing situations where sometimes the conditions apply and sometimes they don't you run the risk of watering down those conditions and that can undermine those conditions themselves they can also undermine all the conditional uses you have in your ordinance. He added that this was something to consider as they bring this back.

Arnold Martin III asked if it was possible to add additional language to protect or cover the "what if" scenarios.

Patrick Stough stated we can always add language that we think will do what we want it to do, but there is always a possibly that the language will get a challenge. He said his concern would be that they would

Planning Commission Meeting Minutes November 5, 2015

give something and then taking it away from them in the future. He added that land ownership is a very important right in this country that has a lot of protection on it. He said they could find themselves in a takings lawsuit.

Al Gilbert asked if a church comes in to an existing church can we tell the existing church you no longer need those buffers.

Patrick Stough replied that we could say that, but the church has already been built.

Al Gilbert asked what if the church wants to put in a tot lot, but they don't have the room because of the buffers. He then added that by removing the buffers they can put their tot lot in.

Patrick Stough replied that is true.

Al Gilbert added that by doing this we're not denying them that right. He said that it might be too late for them to do anything but he was wondering if this was a way around that for an existing church to eliminate their buffers.

Patrick Stough replied that there are ways for them to take advantage of the loss of the buffer, but the fundamental one (1) would be the building of the main building and they already have done that.

Vice Chairman Haren stated that if a church goes in they will have to incorporate that buffer, and then 10 years later if another church comes in next to them they won't have the buffer. He added that you adhere to the rules that were in effect when you build your structure. He then said the watering down of the ordinance he can see but how often would it be applied.

Pete Frisina replied that there are five (5) instances right now that they could find existing. He stated that they have another part of the verbiage under buffer that says if you're next to a governmentally owned piece of property we don't require you to have a buffer. He said to date he doesn't know if that would apply to anyone yet. He added to keep the ordinance consistent they should remove care home/convalescent center out and only stick with those uses allowed in a residential zoning district. He stated that convalescent centers and care homes are the only outliers and people may ask why these nonresidential uses get a pass, but none of the others do.

Vice-Chairman Brian Haren asked the board how they felt about removing convalescent centers and care homes. He then asked if any of the commissioners bring that up as a specific item.

Pete Frisina replied no because they just added that in after the fact. He stated that he just noticed on yesterday that the use wasn't residentially zoned. He added that if consistency is an issue then remove the outlier.

Vice-Chairman Haren then asked if convalescent centers, care homes, or nursing homes were allowed in residential districts.

Pete Frisina replied no. He said that these conditional uses are only allowed in C-C, C-H, and O-I. He added that all of these other uses have a residential zoning allowance that one (1) does not.

Dennis Dutton interjected saying the County codes deal with in-home care which limits the number based on the number of families, meets all the state regulations as far as inspections such as sprinklers. He stated that there are ways for people to keep people in their homes but on a small scale. He added that these were only for the large developments.

Planning Commission Meeting Minutes November 5, 2015

Vice Chairman Haren asked what the board would be striking from this.

Pete Frisina replied the part that says I. care home under number three (3) would be removed in total and then within the verbiage of the others care home would be removed. He asked the board if they wanted another meeting to discuss this or did you want to move ahead to the 19th November.

The board replied yes.

Pete Frisina stated that he could get it to the board by the 10th of December.

Chairman Graw asked if anyone had a problem with them taking this to a public hearing.

The board replied no.

Chairman Graw said let's take it to a public hearing.

Vice-Chairman Haren asked if there was any other business.

4. **Discussion of Amendments to the Fayette County Code of Ordinances, Chapter 110. Article V., Sec. 110-169. Conditional use approval., to eliminate buffers between the following Conditional Uses in a residential or A-R zoning district: Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.**

Chairman Graw asked if anyone from the public would like to speak to this. Hearing none he brought it back to the Planning Commission.

Dennis Dutton stated this was a change to the ordinance for two (2) non-residential uses on residential property that abut each other. He added this ordinance change will allow schools, churches, etc. to remove buffers only on the sides that are adjacent to those two (2) properties. He asked the planning commission to make a recommendation for approval or denial to the board of commissioners.

Chairman Graw stated that the Planning Commission has made recommendation for the ordinance change over a month ago. He said the Board of Commissioners had some questions and sent it back to the Planning Commissioners for a relook. He added that the Planning Commission has relooked and has removed three (3) uses from the ordinance. He then asked Pete Frisina what the three (3) uses were.

Pete Frisina replied care-home, convalescent center, and nursing home.

Chairman Graw stated that they were taking out of the ordinance change.

Pete Frisina stated that three (3) uses were not in the original proposal and that they were in a different part of the ordinance. He said he added it in as a suggestion but the board felt better with it taken out.

Chairman Graw asked if Patrick Stough had any comments to make.

Patrick Stough stated that the Planning Commission needs to be careful of chipping away too much of its conditional uses by creating exceptions to those conditions in certain situations. He added that it may be an issue with this particular change but if you continue to add exceptions like that it will undermine all of your conditions not just the ones we're changing now.

John Culbreth asked for an example on how the conditions will impact others.

Patrick Stough replied that the way conditions usually work is all you have to do is meet the conditions then you will get the use. He stated that what they're doing here is saying you have to meet the conditions unless you meet this situation, and then you don't have to meet this particular condition. He added that he could not give a particular situation but it's more like a general undermining of the conditional use.

Pete Frisina stated that this has been talked about for a number of years, and that there are certain situations where these two (2) things meet. He said he understood Patrick's concern where someone can come back and say; they got an exception I want an exception. He added that it always puts us vulnerable to treat something differently, but we need to find some way to not apply buffers. He stated that Dennis had written something under the general provisions that would have been a wider scope. He added that it would have applied to buffers in every category even in the industrial and non-residential districts. He said by using this ordinance change they have brought it back in and have become very surgical in the approach.

Arnold Martin asked how other jurisdictions were handling this exact scenario.

Planning Commission Meeting Minutes November 19, 2015

Dennis Dutton said in one (1) County in particular that he worked in they did not have buffers only setbacks. He also added that the cities were the same way. He said some cities he worked in had green belts, corridors, or a special buffer. He stated that Powder Springs was the closes one by putting the buffers in there.

John Culbreth asked what would be the impact if this was not approved.

Dennis Dutton replied that there is a church wanting to sell five (5) acres of its property to a school. He said the way the property is being cut creates a hardship for the church's property because they're cutting and reducing their buffer on that side, as well as, increasing the buffer and setback for the school.

Pete Frisina said it would be impossible for them to do it.

John Lee with Konos Academy stated that it shrinks the usable space by increasing the buffer and setback on each side.

Pete Frisina said they also had a building on the church site that couldn't meet it either once you cut the line.

Chairman Graw asked what does this do to the current buffers between like uses.

Pete Frisina replied that it would technically eliminate them.

Chairman Graw asked if you can have parking within the current buffers.

Pete Frisina replied no

Chairman Graw asked what can be done within the buffers.

Pete Frisina replied you can have a walking trail, some of your storm water and septic can be used in the buffers, but you can't have any of the impervious surfaces.

Chairman Graw asked if the ordinance change and is approved by the commission the buffer would be eliminated. He asked if the church could expand by putting parking in the back.

Pete Frisina replied yes, but there would be a 50 feet setback that would allow for parking but no built structures can go in the setback.

Dennis Dutton said that church and the school would be separated by at least 100 feet instead of the 200 feet.

Chairman Graw asked if the uses could only put parking in that buffer zone.

Pete Frisina said within the setback not the buffer.

Arnold Martin asked if we are qualifying both the church and school as churches.

Dennis Dutton replied that they're both allowed in A-R district and are called non-residential uses.

Planning Commission Meeting Minutes November 19, 2015

Arnold Martin asked if there were any future impact for the school if they wanted to develop a church on the lot.

Pete Frisina replied that you can have a church and a school on the same property. He said it only becomes an issue when you want to divide the property.

Al Gilbert made a motion to recommend approval of the proposed amendments. Arnold Martin seconded the motion. The motion passed 5-0.

EXHIBIT A

RED-LINED ORDINANCE 2015-13

Sec. 110-169. - Conditional use approval.

Conditional uses include certain uses which are allowed in a particular zoning district, provided that all conditions specified under this chapter are met. The zoning administrator shall issue a conditional use permit for each use listed below upon compliance with all specified conditions and approvals by the appropriate county officials.

- (1) *Special regulations.* Prior to the issuance of a conditional use permit and/or building permit, a site plan, as applicable to demonstrate compliance shall be submitted to the zoning administrator and approved by the applicable departments. This requirement shall apply to all conditional uses allowed within the various zoning districts except for: farm outbuildings, home occupations, single-family residences, and temporary meetings and/or events which are conducted no longer than 14 calendar days per year.
- (2) *Conditional uses allowed.*
 - j. *Cemetery, human or pet.* Allowed in A-R and C-H zoning districts. A human cemetery is also allowed in conjunction with a church or other place of worship.
 1. *Human cemetery.*
 - (i) The facility shall comply with all requirements of the state.
 - (ii) Minimum lot area shall be ten acres.
 - (iii) A crematorium or mausoleum shall be allowed only in conjunction with a cemetery.
 - (iv) A crematorium shall be set back 300 feet from all property lines.
 - (v) Grave sites shall meet the setbacks and buffers applicable to the underlying zoning district. *A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.*
 - (vi) Landscape areas shall be required and planted in accordance with chapter 104.
 - (vii) Graves for pets shall meet the requirements of subsection (2)j.2(ii), (iii) and (iv) of this section.
 2. *Pet cemetery,*
 - (i) Minimum lot area shall be five acres.
 - (ii) The remains of only one pet shall be buried in a single grave site and shall not be stacked one above another.
 - (iii) The remains shall be a minimum of three feet below the grade.
 - (iv) Cemetery plots shall be of sufficient size to provide for a minimum one foot undisturbed area between graves.

- (v) The owner/operator shall maintain and post a copy of the cemetery rules and regulations and a current burial plot diagram at all times.
 - (vi) A pet cemetery shall be maintained in perpetuity via deed restrictions.
 - (vii) Grave sites shall meet the setbacks and buffers applicable to the underlying zoning district. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.
 - (viii) Landscape areas shall be required and planted in accordance with chapter 104.
- i. *Child care facility.* Allowed in C-C, C-H, O-1, A-R, and MHP zoning districts, and church and/or other place of worship.
1. The facility shall comply with all applicable licensing requirements of the state.
 2. Outdoor play areas shall be located to the side or rear of the principal building.
 3. At least 100 square feet of outdoor play area shall be provided for each child during the period of maximum attendance.
 4. A fence measuring at least four feet in height shall enclose the entire play area.
 5. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. The side yard setback shall be 50 feet. The rear yard setback shall be 75 feet. The setback shall be measured from the buffer. Said requirements shall apply to all structures and outdoor play areas. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.
 6. If adjoining a residential or A-R zoning district, the hours of operation shall be limited to: Monday through Saturday from 6:00 a.m. to 7:00 p.m., except that all exterior activities shall only occur from 9:30 a.m. to 4:00 p.m.
 7. A convenient vehicle drop-off area shall be provided which fully covers the vehicle when doors are open on both sides of the vehicle, permitting vehicles to re-enter the public street in a forward manner.
 8. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.
- m. *Church and/or other place of worship.* Allowed in O-1, C-C, C-H, A-R, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, and DR-15 zoning districts.

1. The lot area shall be at least five acres, and the lot width at the building line shall be at least 400 feet.
2. Such uses shall be permitted only on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only.
3. A minimum 50-foot buffer plus the required setbacks listed below shall separate all buildings and use areas from any residential or A-R zoning district. The setback shall be measured from the buffer. However, off-street parking areas and an unlit tot lot with a maximum size of 2,400 square feet may be located within the setback areas. A walking/running path or track may be located in the front yard setback. **A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.**
4. Minimum setbacks for structures and use areas (excluding parking areas and tot lots as defined herein).
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
5. Uses and/or structures incidental to a church shall be limited to: a private school, parsonage, gymnasium, pool, playground, tot lot, outdoor athletic facility, child care facility, adult day care facility, administration, human cemetery (provided that all requirements for a cemetery herein are met), broadcast facility, including a tower (see article III of this chapter, general provisions), and seasonal sales (see this article, seasonal sales as outdoor displays) shall be allowed provided all buildings and use areas meet the minimum setback and buffer requirements.
6. Only portable temporary lighting for athletic facilities shall be permitted and the athletic facility shall not be lighted or used after 10:00 p.m.
7. Child care facilities shall be allowed provided that all requirements for child care facilities herein are met (see this article, child care facility).
8. Adult day care facilities shall be allowed provided that all requirements for adult day care facilities herein are met (see this article, adult day care facility).
9. Landscape areas shall be required in accordance with chapter 104.
10. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.

11. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main sanctuary building.
12. The construction of one open air pavilion utilized for picnics/social gatherings only is allowed under the following conditions:
 - (i) The pavilion shall be constructed following the construction of the main sanctuary building;
 - (ii) The floor area shall not exceed 40 percent of the square footage of the main sanctuary building; and
 - (iii) The pavilion shall not be lighted or used after 10:00 p.m.

If the open air pavilion is built in conjunction with lighted restrooms and/or an attached storage building, the overall square footage shall not exceed 40 percent of the main sanctuary building square footage.
13. Use of existing structure. When property containing legal structures (conforming or nonconforming), under the current zoning, is utilized as a church and/or place of worship under this section, the setback requirements only shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legally nonconforming structures. The use of these structures shall be limited to administration, parsonage/residence, storage building, or detached garage.
- n. *College and/or university, including, but not limited to: classrooms, administration, housing, athletic facility, gymnasium, and/or stadium.* Allowed in the A-R, BTP, G-B, O-I, C-C, and C-H zoning districts.
 1. The lot area shall be at least ten acres.
 2. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.
 3. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. *A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.*
 4. Minimum setbacks for structures and use areas (excluding parking areas) are as follows and shall be measured from the buffer, if applicable:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
 5. Uses and/or structures incidental to colleges and universities, such as a gymnasium, dormitory, fraternity, sorority, and/or outdoor athletic facility shall

be allowed, provided all buildings and use areas meet the minimum setback and buffer requirements specified above.

6. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.
 7. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.
- aa. *Hospital*. Allowed in the C-C, C-H, O-1, and A-R zoning districts.
1. Minimum lot size: ten acres.
 2. Such use shall only be permitted on a lot which fronts on a major arterial as designated by the county thoroughfare plan. All access is limited to the major arterial only unless such use is within a nonresidential development which has access to a major arterial.
 3. A minimum 50-foot buffer plus the required setbacks shall separate all buildings from any residential or A-R zoning district. ~~A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.~~
 4. Minimum setbacks:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 50 feet.
 5. Support services, such as pharmacies, public cafeterias, and gift shops are allowed, provided such services are in conjunction with and accessory to, the hospital structure. Such businesses shall be conducted within the primary use structure and shall not exceed ten percent of the primary structure floor area. No outside advertising is allowed.
 6. Heliport.
- ll. *Recreation centers ~~and similar institutions~~ owned by nonprofit organizations as so registered with the Georgia Secretary of State Office*. Allowed in the A-R zoning district.
1. The lot area shall be at least five acres, and the lot width at the building line shall be at least 400 feet.
 2. Such uses shall be permitted only on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only.

3. A minimum 50-foot buffer plus the required setbacks listed below shall separate all buildings from any residential or A-R zoning district. The setback shall be measured from the buffer. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.
4. Minimum setbacks for structures and use areas:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
5. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.
6. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.
7. The construction of one open air pavilion shall not exceed 1,800 square feet, shall be utilized for picnics/social gatherings and shall not be lighted or utilized after 10:00 p.m.

EXHIBIT B

FINAL FORM ORDINANCE 2015-13

STATE OF GEORGIA
COUNTY OF FAYETTE

ORDINANCE NO. 2015 -

AN ORDINANCE TO AMEND THE FAYETTE COUNTY CODE OF ORDINANCES, CHAPTER 110. ZONING ORDINANCE, AS AMENDED, SPECIFICALLY SECTION 110-169 CONDITIONAL USE APPROVAL

WHEREAS, the duly elected governing authority of Fayette County is the Board of Commissioners thereof;

WHEREAS, the governing authority desires to amend the provision that provides for the regulation of land development as allowed by the State of Georgia;

WHEREAS, the health, safety, and welfare of the citizens of Fayette County, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF:

Section 1. The Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, as amended, is hereby further amended by deleting in Section 110-169 Conditional Use Approval (2), j. Cemetery, human or pet in its entirety and replacing it with the following:

- j. *Cemetery, human or pet.* Allowed in A-R and C-H zoning districts. A human cemetery is also allowed in conjunction with a church or other place of worship.
 1. *Human cemetery.*
 - (i) The facility shall comply with all requirements of the state.
 - (ii) Minimum lot area shall be ten acres.
 - (iii) A crematorium or mausoleum shall be allowed only in conjunction with a cemetery.
 - (iv) A crematorium shall be set back 300 feet from all property lines.
 - (v) Grave sites shall meet the setbacks and buffers applicable to the underlying zoning district. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.
 - (vi) Landscape areas shall be required and planted in accordance with chapter 104.
 - (vii) Graves for pets shall meet the requirements of subsection (2)j.2(ii), (iii) and (iv) of this section.
2. *Pet cemetery.*
 - (i) Minimum lot area shall be five acres.
 - (ii) The remains of only one pet shall be buried in a single grave site and shall not be stacked one above another.

- (iii) The remains shall be a minimum of three feet below the grade.
- (iv) Cemetery plots shall be of sufficient size to provide for a minimum one foot undisturbed area between graves.
- (v) The owner/operator shall maintain and post a copy of the cemetery rules and regulations and a current burial plot diagram at all times.
- (vi) A pet cemetery shall be maintained in perpetuity via deed restrictions.
- (vii) Grave sites shall meet the setbacks and buffers applicable to the underlying zoning district. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.
- (viii) Landscape areas shall be required and planted in accordance with chapter 104.

Section 2. The Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, as amended, is hereby further amended by deleting in Section 110-169 Conditional Use Approval (2), 1. Child care facility. in its entirety and replacing it with the following:

- 1. *Child care facility.* Allowed in C-C, C-H, O-1, A-R, and MHP zoning districts, and church and/or other place of worship.
 - 1. The facility shall comply with all applicable licensing requirements of the state.
 - 2. Outdoor play areas shall be located to the side or rear of the principal building.
 - 3. At least 100 square feet of outdoor play area shall be provided for each child during the period of maximum attendance.
 - 4. A fence measuring at least four feet in height shall enclose the entire play area.
 - 5. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. The side yard setback shall be 50 feet. The rear yard setback shall be 75 feet. The setback shall be measured from the buffer. Said requirements shall apply to all structures and outdoor play areas. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.
 - 6. If adjoining a residential or A-R zoning district, the hours of operation shall be limited to: Monday through Saturday from 6:00 a.m. to 7:00 p.m., except that all exterior activities shall only occur from 9:30 a.m. to 4:00 p.m.
 - 7. A convenient vehicle drop-off area shall be provided which fully covers the vehicle when doors are open on both sides of the vehicle, permitting vehicles to re-enter the public street in a forward manner.
 - 8. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.

Section 3. The Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, as amended, is hereby further amended by deleting in Section 110-169 Conditional Use Approval (2), m. Church and/or other place of worship. in its entirety and replacing it with the following:

1. The lot area shall be at least five acres, and the lot width at the building line shall be at least 400 feet.
2. Such uses shall be permitted only on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only.
3. A minimum 50-foot buffer plus the required setbacks listed below shall separate all buildings and use areas from any residential or A-R zoning district. The setback shall be measured from the buffer. However, off-street parking areas and an unlit tot lot with a maximum size of 2,400 square feet may be located within the setback areas. A walking/running path or track may be located in the front yard setback. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.
4. Minimum setbacks for structures and use areas (excluding parking areas and tot lots as defined herein).
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
5. Uses and/or structures incidental to a church shall be limited to: a private school, parsonage, gymnasium, pool, playground, tot lot, outdoor athletic facility, child care facility, adult day care facility, administration, human cemetery (provided that all requirements for a cemetery herein are met), broadcast facility, including a tower (see article III of this chapter, general provisions), and seasonal sales (see this article, seasonal sales as outdoor displays) shall be allowed provided all buildings and use areas meet the minimum setback and buffer requirements.
6. Only portable temporary lighting for athletic facilities shall be permitted and the athletic facility shall not be lighted or used after 10:00 p.m.
7. Child care facilities shall be allowed provided that all requirements for child care facilities herein are met (see this article, child care facility).
8. Adult day care facilities shall be allowed provided that all requirements for adult day care facilities herein are met (see this article, adult day care facility).
9. Landscape areas shall be required in accordance with chapter 104.
10. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.
11. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main sanctuary building.

12. The construction of one open air pavilion utilized for picnics/social gatherings only is allowed under the following conditions:
 - (i) The pavilion shall be constructed following the construction of the main sanctuary building;
 - (ii) The floor area shall not exceed 40 percent of the square footage of the main sanctuary building; and
 - (iii) The pavilion shall not be lighted or used after 10:00 p.m.If the open air pavilion is built in conjunction with lighted restrooms and/or an attached storage building, the overall square footage shall not exceed 40 percent of the main sanctuary building square footage.
13. Use of existing structure. When property containing legal structures (conforming or nonconforming), under the current zoning, is utilized as a church and/or place of worship under this section, the setback requirements only shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legally nonconforming structures. The use of these structures shall be limited to administration, parsonage/residence, storage building, or detached garage.

Section 4. The Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, as amended, is hereby further amended by deleting in Section 110-169 Conditional Use Approval (2), n. College and/or university. in its entirety and replacing it with the following:

- n. *College and/or university, including, but not limited to: classrooms, administration, housing, athletic facility, gymnasium, and/or stadium.* Allowed in the A-R, BTP, G-B, O-I, C-C, and C-H zoning districts.
 1. The lot area shall be at least ten acres.
 2. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.
 3. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.
 4. Minimum setbacks for structures and use areas (excluding parking areas) are as follows and shall be measured from the buffer, if applicable:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
 5. Uses and/or structures incidental to colleges and universities, such as a gymnasium, dormitory, fraternity, sorority, and/or outdoor athletic facility shall be allowed,

provided all buildings and use areas meet the minimum setback and buffer requirements specified above.

6. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.
7. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.

Section 5. The Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, as amended, is hereby further amended by deleting in Section 110-169 Conditional Use Approval (2), aa. Hospital. in its entirety and replacing it with the following:

aa. *Hospital.* Allowed in the C-C, C-H, O-1, and A-R zoning districts.

1. Minimum lot size: ten acres.
2. Such use shall only be permitted on a lot which fronts on a major arterial as designated by the county thoroughfare plan. All access is limited to the major arterial only unless such use is within a nonresidential development which has access to a major arterial.
3. A minimum 50-foot buffer plus the required setbacks shall separate all buildings from any residential or A-R zoning district. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.
4. Minimum setbacks:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 50 feet.
5. Support services, such as pharmacies, public cafeterias, and gift shops are allowed, provided such services are in conjunction with and accessory to, the hospital structure. Such businesses shall be conducted within the primary use structure and shall not exceed ten percent of the primary structure floor area. No outside advertising is allowed.
6. Heliport.

Section 6. The Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, as amended, is hereby further amended by deleting in Section 110-169 Conditional Use Approval (2), ll. Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office. in its entirety and replacing it with the following:

- ll. *Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.* Allowed in the A-R zoning district.

1. The lot area shall be at least five acres, and the lot width at the building line shall be at least 400 feet.
2. Such uses shall be permitted only on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only.
3. A minimum 50-foot buffer plus the required setbacks listed below shall separate all buildings from any residential or A-R zoning district. The setback shall be measured from the buffer. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.
4. Minimum setbacks for structures and use areas:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
5. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.
6. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.
7. The construction of one open air pavilion shall not exceed 1,800 square feet, shall be utilized for picnics/social gatherings and shall not be lighted or utilized after 10:00 p.m.

Section 7. a. It is hereby declared to be the intention of the Board of Commissioners that all Sections, paragraphs, sentences, clauses and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no Section, paragraph, sentence, clause or phrase of this Article is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Article.

c. In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections

of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 8. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed except those provided for herein.

Section 9. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

So ordained this 10th day of December, 2015, by the

**BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA**

CHUCK ODDO, CHAIRMAN

ATTEST:

CLERK/DEPUTY CLERK

COUNTY AGENDA REQUEST

Consent Agenda #9

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's amendments to Policy 100.01- Policy Development / Revision.

Background/History/Details:

Staff is recommending amendments to Policy 100.01- Policy Development / Revision.

Key changes to the policy include all future policy changes will be sent to the Board of Commissioners for approval. After policies are approved by the Board, the policy will be prepared for publication and distribution.

Policies developed requiring Board of Commissioner's approval shall follow the approval process outlined in the Administrative Process Policy 100.05.

Complete sets of polices and procedures will be maintained in the following locations:

- 1) County Clerk's Office
- 2) Individual Departments
- 3) Human Resources Department
- 4) the County Web Site.

What action are you seeking from the Board of Commissioners?

Approval of staff's amendments to Policy 100.01- Policy Development / Revision.

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:

The county policies can be reviewed using the following website link: http://www.fayettecountyga.gov/hum_res/index.htm

Click the "Policies and Procedures" link on the left of the website page and the county policies will download.

**FAYETTE COUNTY
POLICIES AND PROCEDURES**

**ADMINISTRATION
Policy Development/Revisions
100.01**

PURPOSE

The purpose of this policy is to provide guidelines on the development and management of organizational policies utilizing a consistent format and process for the development, revisions and maintenance of policies.

POLICY

There shall be consistent and uniform process for the development, maintenance, distribution and management of policies developed by Fayette County Government and its various programs.

PROCEDURE

Format

Policy development shall include the following three principal elements.

1. Purpose: Why it's being written.
2. Policy: What will be accomplished?
3. Procedure: How it will be done.

Development

When the need for a policy is identified or a change to an existing policy is indicated, an initial draft will be written. The responsibility for the initial draft may be assigned to any member of the Department. All drafts will include a "DRAFT" watermark and new language will be highlighted and deleted language will have strikeouts. Once written, the initial draft will be submitted to staff for review. Drafts will be returned to the originator with comments within ten days (originator must be sure to include his/her name on initial draft). The originator will make changes based on staff comments and submit the modified draft to the appropriate Manager who will decide whether to resubmit for further review or to finalize the policy. Upon approval, it will be sent to the Board of Commissioners for approval. After BOC approval it will be prepared for publication and distribution. The "DRAFT" heading will not be removed until this point in time. Policy numbers will be assigned by the Department Director however they shall adhere to the following format:

Note: Policies developed requiring Board of Commissioner's approval shall follow the approval process outlined in the Administrative Process Policy 100.05.

The following number scheme shall be utilized for policies.

Administrative Policies:	100.00
Operational Policies:	200.00
Fiscal Policies:	300.00
Human Resource Policies:	400.00

**FAYETTE COUNTY
POLICIES AND PROCEDURES**

**ADMINISTRATION
Policy Development/Revisions
100.01**

Distribution

Complete sets of policies and procedures will be maintained in the following locations:

1 County Clerk

~~1 Individual Departments~~

1 Human Resources Department

1 County Web Site

Employees may check out available volumes of these policies and procedures from their respective departments.

Maintenance of Volumes

Individuals with assigned sets are charged with the responsibility of maintaining them in a current state (removal of outdated pages and insertion of new ones).

It will be the responsibility of the Department Managers to see that all personnel are informed of (and trained in, when necessary) new or updated policies and procedures. It will also be their responsibility to insure that all sets within their jurisdiction are maintained in a current state.

Any revisions to the original volumes will contain a cover sheet which will state pages to be removed and pages to be replaced. Each revision cover sheet will be given a supplement number. This cover sheet will be kept in the front portion of Volume 1 until the end of the calendar year. At that time a memorandum will be posted indicating the supplement numbers distributed throughout the year. Copies of any missing supplements (revisions) to bring designated volumes up-to-date can be requested up to the date listed on the memorandum. Once all supplements have been included in the Policy and Procedures volumes, all cover sheets for the previous calendar year then can be purged.

Sets assigned to other divisions or offices should be maintained by the supervisor of each area.

COUNTY AGENDA REQUEST

Consent Agenda #10

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of Chairman Oddo's recommendation to authorize the County Administrator to allow the individual department heads to reduce to minimal staffing beginning at 1:00 p.m. on Wednesday, December 23, 2015 in observance of the Christmas holiday.

Background/History/Details:

Each year, Fayette County establishes a Holiday Calendar based on federal holidays. Christmas Eve and Christmas Day is among the federal holidays.

Staff is seeking Board approval to authorize department heads to allow employees to leave early on Wednesday, December 23, 2015 beginning at 1:00 p.m.

Exempt employees who are allowed to leave early will be paid in accordance with the Fair Labor Standards Act (FLSA). Non-exempt employees who are allowed to leave early will be paid at their regular hourly rate for the normally scheduled hours which they do not work.

It is recognized that this authorization is not practical to implement in all departments and service responsibilities to citizens should be considered when making a determination. Department heads will be required to maintain sufficient staff for basic operations throughout the county.

What action are you seeking from the Board of Commissioners?

Approval of Chairman Oddo's recommendation to authorize the County Administrator to allow the individual department heads to reduce to minimal staffing beginning at 1:00 p.m. on Wednesday, December 23, 2015 in observance of the Christmas holiday.

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

Consent Agenda #11

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of Chairman Oddo's recommendation to authorize the County Administrator to allow the Fayette County Library to be closed on Saturday, December 26, 2015 in observance of the Christmas holiday.

Background/History/Details:

The Fayette County Library's normal business hours are Monday - Thursday from 9 a.m. to 9 p.m. and Friday - Saturday from 9 a.m. to 6 p.m. During the holidays the library would normally follow the same holiday schedule as the rest of the county employees. However, when the holiday, such as in this case, falls on a Friday, the library staff reports to work as a normal business day, unable to continue the holiday festivities with their families.

This year the Fayette County Library's headquarters, the Flint River Regional Library System, as well as surrounding jurisdictions (Spalding County and Coweta County) will be closed during this holiday time. In addition, the day after the December 25 holiday tends to have a very low number of patrons visit the library. Additionally, rendering the library closed would help save on some of the resources used to operate the building.

What action are you seeking from the Board of Commissioners?

Approval of Chairman Oddo's recommendation to authorize the County Administrator, to allow the Fayette County Library to be closed on Saturday, December 26, 2015 in observance of the Christmas holiday.

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

Consent Agenda #12

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of the County Clerk's recommendation to adopt the 2016 County Commissioner Meeting Schedule.

Background/History/Details:

Each year, the Board of Commissioners formally adopts its meeting schedule. The meeting schedule is then distributed to citizens, the media, and to staff. The adopted meeting schedule is also added to the County's website for reference.

Typically, the months of November and December have only one meeting per month as the second Thursday of each month falls on a nationally recognized holiday.

This meeting schedule may need to be amended based on the Association County Commissioners Georgia's training calendar once it is made available. If amendments are needed, the amended meeting schedule will be brought back to the Board at a later date for a formal vote.

What action are you seeking from the Board of Commissioners?

Approval of the County Clerk's recommendation to adopt the 2016 County Commissioner Meeting Schedule.

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:

2016 COUNTY COMMISSION MEETING SCHEDULE

THIS SCHEDULE REFLECTS THE CURRENT MEETING FORMAT FOR MEETINGS AS FOLLOWS:

REGULAR MEETINGS ON THE 2ND AND 4TH THURSDAY OF EACH MONTH AT 7 P.M.: Agendas for these “Regular” meetings can include any subject but in particular, matters of interest to the general public such as public hearings on rezoning petitions, budget discussions, and requests from County Departments that require action by the Board, etc. Thursday meetings include a time for “Public Comment” when attendees can speak to the Board on any subject not on the meeting’s agenda. Attendees will be permitted to speak on Agenda items as they are addressed in the meeting. Agendas are prepared and published in advance. All sessions are open to the public and are attended by members of the Press.

Canceled meetings, special called meetings and special topic workshops are announced in accordance with requirements of State law. ***PLEASE NOTE THAT DURING THE MONTHS OF NOVEMBER AND DECEMBER, THE TYPICAL MEETING DATES ARE OFTEN ALTERED TO ACCOMMODATE HOLIDAY SCHEDULES.**

DATE	TIME	NOTES		DATE	TIME	NOTES
Thursday, January 14	7:00 p.m.	Organizational Meeting		Thursday, July 14	7:00 p.m.	
Thursday, January 28	7:00 p.m.			Thursday, July 28	7:00 p.m.	
Thursday, February 11	7:00 p.m.			Thursday, August 11	7:00 p.m.	
Thursday, February 25	7:00 p.m.			Thursday, August 25	7:00 p.m.	
Tuesday, March 10	7:00 p.m.			Thursday, September 8	7:00 p.m.	
Thursday, March 24	7:00 p.m.			Thursday, September 22	7:00 p.m.	
Thursday, April 14	7:00 p.m.			Thursday, October 13	7:00 p.m.	
Tuesday, April 26	7:00 p.m.	ACCG- Savannah		Thursday, October 27	7:00 p.m.	
Thursday, May 12	7:00 p.m.			Thursday, November 10	7:00 p.m.	
Thursday, May 26	7:00 p.m.			Thursday, November 24	No Meeting	Thanksgiving Day
Thursday, June 9	7:00 p.m.			Thursday, December 8	7:00 p.m.	
Tuesday, June 21	7:00 p.m.	GMA Conference		Thursday, December 22	No Meeting	Christmas Holiday

COUNTY AGENDA REQUEST

Consent Agenda #13

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of the County Attorney's recommendation to authorize the Chairman to sign a letter on County letterhead and addressed to the Georgia Environmental Protection Division certifying Fayette County is actively involved in and has a strategy for meeting Georgia's statewide goal of waste reduction.

Background/History/Details:

Hodges, Harbin, Newberry and Tribble, Inc., who are the consulting engineers for the Clayton County-Stephens Industries Construction an Demolition Debris (C&D) Landfill, has requested a draft letter be prepared on County letterhead and signed.

The signed letter will be addressed to the Georgia Environmental Protection Division (GEPD) but will be returned to Hodges, Harbin, Newberry and Tribble, Inc, who will send the letter to GEPD to support the application for the C&D Landfill.

Submission of this letter by all generating jurisdictions is a requirement of the Official Code of Georgia, Section 12-8-24(g).

What action are you seeking from the Board of Commissioners?

Approval of the County Attorney's recommendation to authorize the Chairman to sign a letter on County letterhead and addressed to the Georgia Environmental Protection Division certifying Fayette County is actively involved in and has a strategy for meeting Georgia's statewide goal of waste reduction.

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:

HHNT

**HODGES, HARBIN,
NEWBERRY & TRIBBLE, INC.**

Consulting Engineers

H. LOWRY TRIBBLE, JR., P.E.
WILLIAM F. HODGES, P.E.
W. MICHAEL STUBBS, P.E.
R. BRANT LANE, P.E.
CLINT L. COURSON, CHMM
K. MATTHEW CHEEK, P.E.
DANIEL E. CHEEK, P.E.
KEVIN G. BERRY, P.E.

NATHAN D. DUNN, P.E.
RYAN S. WILLOUGHBY, P.E.
WILLIAM A. GRANICH, P.E.
ROBERT D. HELLER, CHMM
ERIC P. JACKSON, P.E.
DAVID E. BATTSON, P.E.
RYAN S. PETERS, P.E.
WILLIAM M. REESE, P.E.

CERTIFIED MAIL

October 26, 2015

Mr. Charles Oddo
Chairman
Fayette County Board of Commissioners
140 Stonewall Avenue West, Suite 100
Fayetteville, GA 30214

**Re: Clayton County- Stephens Industries LP
Construction & Demolition Debris Landfill
Permit #031-039D (C&D)
HHNT Project No. 7009-040-01**

Dear Chairman Oddo:

On behalf of Stephens Industries LP, I am requesting the attached draft letter be prepared on County letterhead and signed. Please return this signed letter to our office using the attached self-addressed, Fed-Ex envelope.

This letter will be submitted to the Georgia Environmental Protection Division (EPD) to support the solid waste application for the C&D landfill. Please note submittal of this letter by all generating jurisdictions is a requirement of the Official Code of Georgia (O.C.G.A.) Section 12-8-24(g) (attached).

Should you have any questions or need additional information, please call.

Sincerely,

HODGES, HARBIN, NEWBERRY & TRIBBLE, INC.



William F. Hodges, P.E.
Professional Engineer

WFH/tw

cc: John D. Stephens (w/o enclosure)
Allison Bryant (w/o enclosure)

DRAFT

[Local Government Letterhead]

{date}

Mr. Jeffrey W. Cown
Branch Chief
Georgia Environmental Protection Division
Solid Waste Management Program
4244 International Parkway, Suite 104
Atlanta, GA 30354-3902

**Re: Clayton County-Stephens Industries LP
Construction and Demolition Debris Landfill
Permit #031-039D (C&D)**

Dear Mr. Cown:

In my official capacity as Chairman of Fayette County Board of Commissioners, I hereby certify that Fayette County is actively involved in and has a strategy for meeting the Georgia's statewide goal of waste reduction.

Sincerely,

[Local Government Official]

O.C.G.A. § 12-8-24

GEORGIA CODE
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*** Current Through the 2015 Regular Session ***

TITLE 12. CONSERVATION AND NATURAL RESOURCES
CHAPTER 8. WASTE MANAGEMENT
ARTICLE 2. SOLID WASTE MANAGEMENT
PART 1. GENERAL PROVISIONS

O.C.G.A. § 12-8-24 (2015)

§ 12-8-24. Permits for solid waste or special solid waste handling, disposal, or thermal treatment technology facility; inspection of solid waste generators

(a) No person shall engage in solid waste or special solid waste handling in Georgia or construct or operate a solid waste handling facility in Georgia, except those individuals exempted from this part under Code Section 12-8-30.10, without first obtaining a permit from the director authorizing such activity.

(b) (1) No permit for a biomedical waste thermal treatment technology facility shall be issued by the director unless the applicant for such facility demonstrates to the director that a need exists for the facility for waste generated in Georgia by showing that there is not presently in existence within the state sufficient disposal facilities for biomedical waste being generated or expected to be generated within the state. For purposes of this part, "biomedical waste thermal treatment technology facility" means any facility that exists for the purpose of reducing the amount of biomedical waste disposed of through a process of combustion, with or without the process of converting such waste to energy.

(2) Paragraph (1) of this subsection shall not apply to any biomedical waste thermal treatment technology facility which is operated exclusively by a private biomedical waste generator on property owned by the private biomedical waste generator for the purpose of accepting biomedical waste exclusively from the private biomedical waste generator so long as the operation of the biomedical waste thermal treatment technology facility does not adversely affect the public health or the environment. After commencement of operation by a private biomedical waste generator of a biomedical waste thermal treatment technology facility which is permitted by but not included in a local or regional solid waste management plan, amendment of the local or regional solid waste management plan shall be required for any biomedical waste which is no longer to be disposed of by the private biomedical waste generator in its own biomedical waste thermal treatment technology facility prior to any substantial reduction in the amount of biomedical waste produced by the private biomedical waste generator and accepted by its own biomedical waste thermal treatment technology facility or the closure of such facility.

(c) On or after March 30, 1990, any permit for the transportation of municipal solid waste from a jurisdiction generating solid waste to a municipal solid waste disposal facility located in another county shall be conditioned upon the jurisdiction generating solid waste developing and being actively involved in, by July 1, 1992, a strategy for meeting the state-wide goal of waste reduction by July 1, 1996.

(d) If the director determines that such activity will result in any violation of this part or any rule or regulation promulgated pursuant to this part, he shall deny the permit; otherwise, he

(f) In the event of the modification, suspension, amendment, or revocation of a permit, the director shall serve written notice of such action on the permit holder and shall set forth in such notice the reason for such action.

(g) Prior to the issuance of any permit for a solid waste handling facility or the granting of any major modification of an existing solid waste handling permit, the director shall require written verification to be furnished by the applicant that the proposed facility complies with local zoning or land use ordinances, if any; and after July 1, 1992, that the proposed facility is consistent with the local, multijurisdictional, or regional solid waste management plan developed in accordance with standards promulgated pursuant to this part subject to the provisions of Code Section 12-8-31.1 and that the host jurisdiction and all jurisdictions generating solid waste destined for the applicants' facility can demonstrate that they are part of an approved solid waste plan developed in accordance with standards promulgated pursuant to this part and are actively involved in and have a strategy for meeting the state-wide goal of waste reduction by July 1, 1996. Prior to the issuance of any permit for a solid waste handling facility or the granting of any major modification of an existing solid waste handling permit that will handle solid waste from jurisdictions outside Georgia, the out-of-state solid waste generating jurisdictions shall provide documentation that they have a strategy for and are actively involved in meeting planning requirements and a waste reduction goal that are substantially equivalent to the planning requirements and waste reduction goal contained in this part.

(h) No permit for a disposal facility shall be issued to any regional solid waste management authority created under Part 2 of this article, the "Regional Solid Waste Management Authorities Act," until local and regional solid waste management plans consistent with this part have been developed for all jurisdictions participating in such authority and such plans are found to be consistent with the state solid waste management plan pursuant to subsection (d) of Code Section 12-8-31.1.

(i) No permit shall be issued for a new solid waste thermal treatment technology facility unless the applicant meets or exceeds standards adopted by the board which shall be consistent with and at least as stringent as the Federal New Source Performance Standards for new municipal waste combustors outlined in regulations pursuant to the federal Clean Air Act, 42 U.S.C. Section 1857, et seq., as amended, and 42 U.S.C. Section 7401, et seq., as amended.

(j) The director or his designee is authorized to inspect any generator in Georgia to determine whether that generator's solid waste is acceptable for the intended handling facility. The division may require any generator in Georgia to cease offering solid waste for handling if such solid waste is not acceptable under standards promulgated by the board, and the division may prohibit the handling of such solid waste until waste management procedures acceptable to the division are developed. Such prohibition shall continue in effect until the waste management procedure for handling is approved in writing by the division. Any generator or handler in Georgia which does not comply with a prohibition made under this subsection shall be in violation of this part.

(k) Any inert waste landfill which, as of January 1, 2014, has been certified by a professional engineer registered in accordance with Chapter 15 of Title 43 as being in full compliance with all permit by rule requirements established in the rules and regulations of the division as they existed on January 1, 2012, may continue to operate under such permit by rule requirements.

HISTORY: Code 1981, § 12-8-24, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1991, p. 462, § 1; Ga. L. 1992, p. 3276, §§ 4, 5; Ga. L. 1993, p. 399, §§ 5, 6; Ga. L. 1994, p. 1922, § 1; Ga. L. 1995, p. 10, § 12; Ga. L. 1997, p. 1081, § 1; Ga. L. 2000, p. 1641, § 1; Ga. L. 2005, p. 1247, § 7/SB 122; Ga. L. 2010, p. 235, § 1/HB 1059; Ga. L. 2013, p. 171, § 1/HB 320.

COUNTY AGENDA REQUEST

Consent Agenda #14

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's recommendation to authorize the Fayette County Solicitor's Office to accept a grant award from the Criminal Justice Coordinating Council in the amount of \$68,000.00 with the initial grant award period beginning October 1, 2015 and expiring September 30, 2016, and authorization for the Chairman to sign all grant related documentation.

Background/History/Details:

The Criminal Justice Coordinating Council has proposed a grant award in the amount of \$68,000.00 to the Fayette County Board of Commissioners for the Prosecuting Attorney's Office Council (PAC) of Georgia - Funding of Prosecution Based Federal Victims of Crime Act Assistance Grant Program (VOCA). Of the \$68,000 total grant award, \$3,400 volunteer hour credits (non-cash), \$54,400 are Federal funds, and \$10,200 are County matching funds. The \$64,600 cash portion is to be used towards the salary and benefits and supplies for the Victim's Advocate position to be allocated as noted below:

- \$32,300 Victim's Advocate salary and benefits for the period January 1, 2016 through June 30, 2016
- \$16,150 Victim's Advocate salary and benefits for the period July 1, 2016 through September 30, 2016
- \$16,150 Victim's Advocate supplies - including furniture, computer, office supplies, etc. for initial and program start-up costs

The Solicitor's Office is seeking to accept the grant for the purposes of hiring a Victim's Advocate to initiate this VOCA Program to support direct services to crime victims, i.e. persons who have suffered physical, sexual, financial, or emotional harm as a result of the commission of a crime. The initial grant award period is October 1, 2015 through September 30, 2016 but is guaranteed for a period of three years.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to authorize the Fayette County Solicitor's Office to accept a grant award from the Criminal Justice Coordinating Council in the amount of \$68,000.00 with the initial grant award period beginning October 1, 2015 and expiring September 30, 2016, and authorization for the Chairman to sign all grant related documentation.

If this item requires funding, please describe:

Fiscal Year 2016 County matching funds are \$7,650.00 and Fiscal Year 2017 County matching funds are \$2,550.00.

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:



PAC

Prosecuting
Attorneys'
Council of Georgia

Seeking Justice with Honor

CHARLES A. SPAHOS
Executive Director

October 29, 2015

DANNY PORTER
Chair
District Attorney
Gwinnett Judicial Circuit

Honorable Jamie Inagawa
Fayetteville Justice Center
1 Center Drive
Fayetteville, Georgia 30214

STEPHANIE WOODARD
Vice Chair
Solicitor-General
Hall County

Re: 2015-2016 VOCA "New Funding" Award

LEIGH PATTERSON
Secretary
District Attorney
Rome Judicial Circuit

Dear **Mr. Inagawa**:

HAYWARD ALTMAN
District Attorney
Middle Judicial Circuit

On behalf of Executive Director Chuck Spahos, it is my pleasure to inform you that the Criminal Justice Coordinating Council (CJCC) has approved additional VOCA funding for the FFY 2015-2016 for the expansion of VWAP services throughout the state to provide outreach to crime victims earlier in the criminal justice process. Therefore, your office has been selected to receive a portion of those funds. Below are the specifics with regard to **Fayette County's** portion of the statewide grant distribution.

GEORGE HARTWIG
District Attorney
Houston Judicial Circuit

TASHA MOSLEY
Solicitor-General
Clayton County

JOHN A. PIPKIN, III
Solicitor-General
Henry County

County: **Fayette County**
Implementing Prosecuting Attorney: **Solicitor-General Jamie Inagawa**
Federal Funds: **\$54,400**
Match Funds: **\$13,600**
Continuation Grant Period: **October 1, 2015 through September 30, 2016**

BERT POSTON
District Attorney
Conasauga Judicial Circuit

If you have any questions or concerns, please contact Kathy Kemp at (770) 282-6364 or kkemp@pacga.org.

ASHLEY WRIGHT
District Attorney
Augusta Judicial Circuit

Congratulations, and we look forward to working with you.

Sincerely,

Carla M. Rieffel
Victims' Services Coordinator & Grants Administrator
Prosecuting Attorneys' Council

STATE OF GEORGIA
PROSECUTING ATTORNEYS' COUNCIL OF GEORGIA
Agreement for Funding of Prosecution Based VOCA Program
CJCC Grant No. C15-8-102

(for awards made in addition to continuation awards for the FFY 2015-2016)

County: Fayette
Implementing Prosecuting Attorney: Jamie K. Inagawa
Federal Funds: \$ 54,400.00
Matching Funds: \$ 13,600.00
Total Funds: \$ 68,000.00
Initial Grant Period: 10-01-2015 to 9-30-2016

THIS MEMORANDUM OF AGREEMENT (hereinafter referred to as the "Agreement") is made by and between the Prosecuting Attorneys' Council of the State of Georgia (hereinafter referred to as the "PACGA"), an agency of the Judicial Branch of the State of Georgia, legally empowered to contract pursuant to O.C.G.A. §§ 15-18-40, et. seq., the Fayette County Board of Commissioners (hereinafter referred to as the "County"), a political subdivision of this State and the (~~District Attorney~~) (Solicitor-General) for Fayette County (hereinafter referred to as the "Prosecuting Attorney").

1. Between the PACGA and the County, this Agreement shall constitute an intergovernmental agreement within the meaning of subsection (a) of Paragraph I of Section III of Article IX of the Georgia Constitution which authorizes intergovernmental agreements and contracts "for any period not exceeding 50 years with each other . . . for the provision of services" provided that such agreements and contracts "must deal with activities, [or] services which the contracting parties are authorized by law to undertake or provide."
2. Period of Agreement: This agreement shall be effective on October 1, 2015 and shall continue in effect for a period of one (1) year, unless terminated earlier under other provisions of this Agreement.
3. Purpose of this Memorandum of Agreement.
 - (a) The parties acknowledge and agree that the PACGA has received a subgrant from the Georgia Criminal Justice Coordinating Council (CJCC) under the Federal Victims of Crime Act Assistance Grant Program (hereinafter referred to as "VOCA"). The VOCA Grant Program supports direct services to crime victims, i.e. persons who have suffered physical, sexual, financial, or emotional harm as a result of the commission of a crime. The Office for Victims of Crime (OVC) of the Bureau of Justice Assistance (BJA), U.S. Department of Justice (USDOJ) awards annual formula grants, which in

turn are subgranted to local organizations for states to ensure crime victims' rights are upheld and play a meaningful role in the criminal justice process. In Georgia, that organization is CJCC, an agency of the Executive Branch of state government. O.C.G.A. § 35-6A-1, et. seq.

- (b) Effective October 1, 2013, PACGA has been awarded a VOCA subgrant by CJCC to serve as the centralized subgrant recipient on behalf of all prosecuting attorneys in the state. PACGA, in turn, is required to enter into an MOA with participating Counties and the Prosecuting Attorneys for those counties or judicial circuits.
- (c) The CFDA number for this grant program is 16.575.
- (d) Participating Counties and Prosecuting Attorneys are required to fulfill all programmatic and financial reporting requirements by submission through PACGA. PACGA has responsibility for consolidating individual reporting into a single report and submitting to CJCC. Unless specifically referenced in the Agreement or this document, all terms, conditions and policies of CJCC related to performance and reporting remain in full force and effect.

4. PACGA, County and Prosecuting Attorney Contact Information:

- (a) Exhibit "A" contains the name of the point of contact, mailing address, e-mail address(es) and telephone number(s) for all correspondence, reports and other matters relative to this Agreement for the PACGA, the County and the Prosecuting Attorney.

- (b) Change of contact information:

The parties agree if there is a change in the point of contact, the mailing address(es), telephone number(s), and e-mail address(es), PACGA will be notified in writing. The County and Prosecuting Attorney will notify PACGA by submitting a Subgrant Adjustment Request (SAR).

5. Scope of Project:

- (a) The purpose of this Agreement shall be to facilitate efficient allocation of VOCA funding for victims' services by the Prosecuting Attorney within the County.
- (b) The Prosecuting Attorney will make mandated victims' services available throughout the Prosecuting Attorney's territorial jurisdiction. At a minimum, the Prosecuting Attorney and the County agree that the Prosecuting Attorney will provide those services specified in PACGA Policy 11.2 (see Exhibit "B")
- (c) The Prosecuting Attorney will expand provision of services into areas where victims are un-served and/or underserved by utilizing PACGA resources to:
 - (1) Facilitate statewide data collection regarding the type and number of services provided by VOCA advocates;

- (2) Identify areas where victims are un-served and/or underserved and redirect VOCA funds accordingly.
 - (d) For awards made in addition to continuation awards for the Federal Fiscal Year 2015-2016, the Prosecuting Attorney agrees to work to develop protocols with law enforcement or courts conducting first appearance hearings within the jurisdiction that will help to identify victims and provide services to victims at or before the defendant's first appearance hearing.
 - (e) PACGA shall, upon the terms and conditions contained herein, grant to County, and the County hereby accepts, an amount not to exceed the amount designated in the award letter to be used solely for the purposes of providing victims services as defined by the approved budget (see 9a).
6. Budget Limitation: The approved budget total (see 9a) may not be exceeded without the written approval of PACGA. The County is responsible for any expenditure that exceeds the approved budget. Any such expenditure may be credited toward meeting the matching fund requirements of the Grant (see 7a) provided those expenditures are included in the approved budget.
7. Matching Funds Requirement:
- (a) The Federal Grant Program that is the source of the funds used to support this Agreement requires grant recipients to provide matching funds as set forth below. The County agrees to provide such matching funds and to account for the expenditure of such matching funds to PACGA.
 - (b) The matching funds requirement for this MOA is 20% of the total approved budget amount.
 - (c) 25% of the 20% matching funds MUST be in the form of a volunteer in-kind match for each funded office unless the requirement is waived in writing by PACGA and CJCC.
8. Programmatic Reporting Requirements:
- During the course of a grant period, the County and the Prosecuting Attorney are required to submit periodic programmatic and financial reports to PACGA. These reports include, but are not limited to:
- (a) Quarterly and Bi-annual Activity Reports - Victim Services Statistical Reports (VSSR); and
- The Victim Services Statistical Report (VSSR) programmatic reporting deadlines are as follows:

Quarter 1	October 1 – December 31	Due: January 15, 2016
Quarter 2	January 1 – March 31	Due: April 15, 2016
Quarter 3	April 1 – June 30	Due: July 15, 2016
Quarter 4	July 1 – September 30	Due: October 15, 2016

(b) Outcome Performance Measurement Surveys (Bi-annual).

- (1) The Outcome Performance Measurement Survey (OPM) programmatic reporting deadlines are as follows:

Period 1	November 1 – April 30	Due: May 30, 2016
Period 2	May 1 – October 31	Due: November 30, 2016

- (2) NOTE: OPM Survey reports are to be submitted directly to CJCC following the instructions as provided at the following website:
<http://cjcc.georgia.gov/outcome-performance-tools-1>.

9. Financial Reporting Requirements:

- (a) The County will submit a budget worksheet to PACGA no later than November 3, 2015. The budget should include funding for Personnel only. A personnel action form and job description for each position funded by the subgrant must be submitted with the budget.
- (b) The County will submit to PACGA a Subgrant Expenditure Report (SER) form within 15 days of the end of each quarter requesting reimbursement for expenses incurred during the grant period. Deadlines are as follows:

Quarter 1	October 1 – December 31	Due: January 15, 2016
Quarter 2	January 1 – March 31	Due: April 15, 2016
Quarter 3	April 1 – June 30	Due: July 15, 2016
Quarter 4	July 1 – September 30	Due: October 15, 2016

- (c) Counties and Prosecuting Attorneys must document volunteer in-kind match hours and submit the documentation with their request for reimbursement as well as the time record reporting form. A volunteer contract for each volunteer must be submitted.
- (d) Counties must submit a Subgrant Adjustment Request (SAR) to notify PACGA of the need to change any of the following:
- (1) The point of contact information ;
 - (2) Request to modify budget within currently approved categories;
 - (3) Request for a no-cost extension;
 - (4) Personnel changes (changes in salary/benefits, new hires/terminations,

changes in percentage of time spent by such personnel on the grant, etc.).

10. Payment Schedule: PACGA shall pay the County on a reimbursement basis. These funds will be reimbursed by PACGA upon receipt of proper documentation from the County, subject to approval by CJCC. Proper documentation includes copies of all invoices, sales receipts and/or cancelled checks for the items approved. Payment shall be issued to the county in the form of check or Automatic Clearing House (ACH) payment.
11. Accountability: The County agrees to expend said funds granted herein solely in conformance to this Agreement and the Special Conditions set forth by CJCC and in PACGA Policy 11.2 and to account for said funds in accordance with generally accepted accounting principles. An initialed copy of the Special Conditions must be returned to PACGA with the first request for reimbursement (SER #1).
12. Audit: County will allow, obtain and cooperate with any audit or investigation of grant administration requested or undertaken by PACGA, CJCC or the State Auditor. Upon request, the County agrees to provide PACGA with any information, documents and/or photographs PACGA deems necessary to monitor performance of this Agreement. The County further agrees these funds shall be included in the audit or financial statement of the County until all expenditures have been accounted for. A copy of the audit or financial statement will be returned with the contract. Federal grant dollars will be reported separate from other grant dollars.
13. Records Retention: The County agrees to maintain proper and accurate books, records and accounts reflecting its administration of Agreement funds and compliance with all applicable laws and the Retention Schedules adopted by the State of Georgia pursuant to O.C.G.A. § 50-18-90 et seq. Such documentation shall be retained for at least three years from the completion of said project and shall be made available to PACGA upon request. Personnel records for grant funded positions must be retained as provided by the state retention schedule for Personnel records.
14. Liability to Others: The County shall hold PACGA, their officials and employees harmless from any and all claims including, without limitations, damage claims for injury to persons and/or property arising from the Grant.
15. Conflicts of Interest: The undersigned certify they will in all respects comply with state laws pertaining to conflicts of interest and to all laws related to PACGA officials and employees conducting business with PACGA.
16. Termination:
 - (a) Suspension or termination of this Agreement may occur if the County materially fails to comply with the terms of this Agreement. The Agreement may also be terminated:
 - (1) Due to non-availability of funds. Notwithstanding any other provision of this Agreement, in the event that either of the sources of payment for services under

this contract (appropriations from the governing authority of contracting County, appropriations from the General Assembly of the State of Georgia, a Federal agency or the Congress of the United States of America) no longer exist or in the event the sum of all obligations of the PACGA incurred under this and all other contracts entered into for this VOCA Grant Program exceeds the balance of such contract sources, then this Agreement shall immediately terminate without further obligation of the PACGA as of that moment. Certification by the Executive Director of the PACGA of the occurrence of either of the events stated above shall be conclusive.

- (2) Due to default or for cause. This agreement may be terminated for cause, in whole or in part, at any time by PACGA for failure of the County to perform any of the provisions hereof. Should PACGA exercise its right to terminate this agreement under the provisions of this paragraph, the termination shall be accomplished in writing and specify the reason and termination date. The County will be required to submit the final agreement not later than 45 days after the effective date of written notice of termination. Upon termination of this agreement, the County shall not incur any new obligations after the effective date of the termination and shall cancel as many outstanding obligations as possible. The above remedies are in addition to any other remedies provided by law or the terms of this agreement.
 - (3) For Convenience. This Agreement may be canceled or terminated by either of the parties without cause. This Agreement may be terminated by the County for any reason upon 60 days prior written notice to PACGA. This Agreement may be terminated by PACGA for any reason upon 30 days prior written notice to the County and the Prosecuting Attorney.
- (b) Notwithstanding any other provision of this section, this Agreement may be immediately terminated without any opportunity to cure if any of the following events occurs:
- (1) County violates or fails to comply with any applicable provision of federal or state law or regulation.
 - (2) County knowingly provides fraudulent, misleading or misrepresentative information to PACGA.
 - (3) County has exhibited an inability to meet its financial or services obligations under this agreement.
 - (4) An assignment is made by the County for the benefit of creditors.
 - (5) A proceeding for the appointment of a receiver, custodian, trustee, or similar agent is initiated with respect to the County.
- (c) Any funds allocated to the County under this Agreement, which remain unobligated or

unspent upon such termination, shall automatically revert to PACGA.

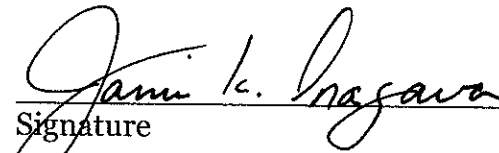
17. Victims of Crime Act - Funding Conditions:

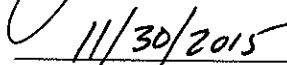
- (a) County and the Prosecuting Attorney agree to comply with PACGA Policy 11.2 - Victims of Crimes Act - Funding Conditions.
- (b) County and the Prosecuting Attorney shall be subject to all applicable rules, regulations and conditions of the Victims of Crime Act.
- (c) The County hereby assures and certifies that it:
 - (1) Complies with and will continue to comply with all Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars No. A-21, A-110, A-122, A-128, A-133, A-87; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements --- 28 C.F.R., Part 66, Common Rule, that govern the application, acceptance and use of Federal funds for this federally assisted project;
 - (2) Will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act if applicable;
 - (3) Will comply with all applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789 (d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and the Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.

18. Entire Agreement: This Agreement constitutes the entire agreement among and between parties. There are no representations, oral or otherwise, other than those expressly set forth herein. No amendment or modification of this Agreement shall be binding unless all parties have agreed to said modification in writing.

19. IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above,

PROSECUTING ATTORNEY EXECUTION:



Signature


Date signed by Prosecuting Attorney

The Honorable Jamie K. Inagawa
Solicitor-General, Fayette County

COUNTY EXECUTION:

Signature

Title
Designee for Fayette County

Date signed by County

PACGA EXECUTION:

Signature

Date signed by Council

Charles A. Spahos
Executive Director
Prosecuting Attorneys' Council of Georgia
1590 Adamson Parkway, Fourth Floor
Morrow, Georgia 30260-1755

EXHIBIT A

PACGA, County and Prosecuting Attorney Contact Information

1. The PACGA mailing address, e-mail address and telephone number for correspondence, reports and other matters relative to this contract, except as otherwise indicated, are:

Prosecuting Attorneys' Council of Georgia
Attn: Kathy Kemp
1590 Adamson Parkway, Fourth Floor
Morrow, Georgia 30260-1755
(770) 282-6300
Email: kkemp@pacga.org

2. The County's mailing address, email address and telephone number for correspondence, reports, and other matters relative to this contract are:

Fayette County Finance Dept.
Attention: Ms. Pam Reed
140 Stonewall Avenue
Fayetteville, GA 30214
Telephone No.: 770-305-5107
Email: preed@fayettecountyga.gov

3. The PROSECUTING ATTORNEY'S mailing address, email address and telephone number for correspondence, reports, and other matters relative to this contract are:

Jamie K. Inagawa
Attention: Tina Payne
Fayette County Justice Center
1 Center Drive
Fayetteville, GA 30214
Telephone No.: 770-716-4256
Email: tpayne@fayettecountyga.gov

EXHIBIT B
PACGA Policy 11.2



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

Approved October 2, 2013;
amended April 15, 2015.

11.2

Victim Services

Victims of Crimes Act - Funding
Conditions

1. Purpose.

This Policy establishes policies, procedures and conditions that apply to all prosecution-based victim services programs that receive funding through the Prosecuting Attorneys' Council (PACGA or "the Council") as specified in Section 3.

2. Authority.

(a) Victim of Crimes Act (VOCA), 42 U.S.C. Chapter 112.

(b) O.C.G.A. §§ 15-18-14.2; 15-18-40(c); 15-18-73(b).

3. Scope.

(a) This policy applies to all district attorneys and solicitors-general offices that receive federal funding under the Victim of Crimes Act (VOCA), 42 U.S.C. Chapter 112, as amended, (hereinafter referred to as "funded offices") that are administered by PACGA pursuant to one or more grants from the Criminal Justice Coordinating Council.

(b) The provisions of this policy constitute binding special conditions that must be adhered to as a condition of the receipt of grant funds and are in addition to any other special conditions that may apply to the federal grant program.

4. Definitions.


(a) "CJCC" means the Criminal Justice Coordinating Council.

(b) "Funded office" means a district attorney's office or a solicitor-general's office that is receiving VOCA funds through the Council.

(c) "OJP" means the Office of Justice Programs of the United States Department of Justice.

(d) "VOCA" means the Victims of Crime Act, 42 U.S.C. Chapter 112.

(e) "VWAP" means a prosecution-based victim-witness assistance program operated by a funded office.


 Prosecuting Attorneys' Council of Georgia		
Policies & Procedures		Approved October 2, 2013; amended April 15, 2015.
11.2	Victim Services	Victims of Crimes Act - Funding Conditions

5. Role of the Council.

- (a) The Council is the fiscal officer for the prosecuting attorneys and the recipient of federal funds under VOCA. The Council is responsible to the CJCC, and through them to the federal grantor agency, for providing administrative oversight and insuring that all prosecuting attorneys' offices receiving VOCA funds comply with all state and federal statutes, rules, regulations applicable to such grant as well as any special conditions that apply to the grant.
- (b) The Executive Director is responsible to the Council for the proper administration of the grant and timely making any reports required by the grant. The Executive Director may designate one or more employees to perform any function necessary to administer the grant or which necessarily appertain thereto.


6. Responsibilities of District Attorney's Offices or Solicitor-General's Offices.

- (a) The district attorney or solicitor-general of a funded office is responsible for the proper administration of the funds received by their office and compliance with this Policy.
- (b) The district attorney or solicitor-general of a funded office may designate, in writing, an employee to be responsible for the administration of the grant fund and making any reports required by this policy or the grant. A copy of such designation shall be submitted to the Executive Director or his or her designee.
- (c) Each funded office agrees to adhere to the Program Guidelines for the Victims of Crime Act Victim Assistance Grant Program available at <http://www.ojp.usdoj.gov/ovc/voca/vaguide.htm>
- (d) Each funded office agrees to fully cooperate with any monitoring or evaluation activities, and any related training activities initiated and/or conducted by the Council or CJCC during and subsequent to the grant award period.
- (e) Each funded office agrees to obtain and maintain a Data Universal Numbering System (DUNS) number and to provide that number to the Council.

 Prosecuting Attorneys' Council of Georgia		
Policies & Procedures		Approved October 2, 2013; amended April 15, 2015.
11.2	Victim Services	Victims of Crimes Act - Funding Conditions

7. Delivery of Services to Victims.

- (a) No cost for Services. Funded offices must provide services to crime victims at no charge.
- (b) Core Services. Funded offices must, at a minimum, abide by the provisions of the "Crime Victims' Bill of Rights," O.C.G.A. § 17-17-1, et seq., including, but not limited providing the following core services:
 - (1) Educating victims about their role in the criminal justice process.
 - (2) Stabilizing Lives:
 - (A) Funded offices shall:
 - (i) Coordinate crime scene clean-up services;
 - (ii) Provide information and assistance with the return of stolen/damaged property;
 - (iii) Provide referrals to and coordinate services with agencies that provide food, shelter, support groups, medical care, and crisis/emergency intervention and long-term therapy/counseling;
 - (iv) Provide assistance with information, application, and document collection for Crime Victim Compensation, ensuring that all victims understand their rights to receive compensation, all applicable eligibility requirements, and all application procedures;
 - (v) Provide assistance with information, application, and document collection for restitution in order to ensure that restitution is made a part of every applicable criminal sentence; and
 - (vi) Provide assistance with other applications (TANF, Immigration, leases, etc.) and/or other paperwork relating to acquiring services as a direct result of the crime.

 Prosecuting Attorneys' Council of Georgia		
Policies & Procedures		Approved October 2, 2013; amended April 15, 2015.
11.2	Victim Services	Victims of Crimes Act - Funding Conditions

(B) Funded offices may:

- (i) Assist victims requesting assistance in working with bill collectors/creditors, where expenses directly resulted from the crime or loss of wages due to the crime; and
- (ii) Assist victims with employers and/or school administrators when victims lose wages, employment, or time as a direct result of the crime or cooperation with the prosecution.

(3) Meeting Emotional/Physical Needs: Funded offices shall:

- (i) Ensure advocates' availability to victims and law enforcement around the clock, ensuring provision of both information about victim options immediately following the crime and first-response emotional support & crisis intervention (homicide, aggravated assault and domestic/family violence cases, and crisis response);
- (ii) Assist with death and serious injury notifications for families of victims;
- (iii) Provide assistance with preparation of Victim Impact Statements and presentation of the Statements in court;
- (iv) Provide assistance with letters, victim impact statements, registration for Georgia Victim Impact Panel, facilitation of/accompaniment to Visitor's Day, clemency hearings and executions, etc.;
- (v) Provide follow-up services to victims at hospital facilities, coroner's offices, and/or funeral homes;
- (vi) Provide personnel availability during interviews to help victims feel more comfortable;



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

Approved October 2, 2013;
amended April 15, 2015.

11.2

Victim Services

**Victims of Crimes Act - Funding
Conditions**

- (vii) Provide emotional support to victims and their families throughout the judicial process;
- (viii) Provide practical assistance to ensure necessary court appearances of victims (e.g., services for disabled victims and translators); and
- (ix) Provide appropriate post-sentence referrals and intervention if needed.

(4) Meeting Safety & Security Needs. Funded offices shall:

- (i) Assist victims with safety planning;
- (ii) Coordinate communication with necessary professionals with on-going activities of the defendant that is putting the victim in fear and/or physical jeopardy;
- (iii) Prompt necessary actions to expedite a stage of the case for victim protection (i.e., alert prosecutors if a case is dismissed in Magistrate Court to initiate the indictment/bond process for victim protection);
- (iv) Prompt necessary actions to initiate the process for probation revocation if defendant violates the sentence terms and jeopardizes victim safety, etc.);
- (v) Provide information and advocacy regarding Temporary Protective Orders;
- (vi) Assist victims with notification requests to the county jail/Department of Corrections and Parole regarding the defendant's release from incarceration; and
- (vii) Provide a comfortable waiting area apart from defendant's family and acquaintances;

(5) Assisting with the Criminal Justice System. Funded offices shall:



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

Approved October 2, 2013;
amended April 15, 2015.

11.2

Victim Services

**Victims of Crimes Act - Funding
Conditions**

- (i) Assist the victim and family members with understanding the criminal justice system and what to expect at each stage of the process;
- (ii) Assist the victim and family members with understanding all legal terminology and strategy during processing of the case;
- (iii) Advocate for restitution at time of sentencing (this can become part of the sentence and if payment is not rendered, it may be a probation violation);
- (iv) Coordinate victim needs for transportation and travel that may include; air, train, bus, auto, accommodations, and meals;
- (v) Assist victims with warrant application processes and attend pre-warrant court hearings;
- (vi) Serve as liaison between victims, investigators, prosecutors and court personnel;
- (vii) Provide assistance to investigators and prosecutors for initial and ongoing contact with victims (e.g., interviews and scheduling of interviews);
- (viii) Ensuring that contact information and the physical location of the victim is maintained and accurate for continuation of services;
- (ix) Provide courtroom orientation and pre-trial preparation to testifying victims;
- (x) Escort victims to court and related hearings;
- (xi) Provide ongoing communication and information regarding status of the case, bond hearings, grand jury decisions, disposition options, appellate decisions, etc.;
- (xii) Attend hearings with victims or on behalf of victims when their presence is not required;



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

Approved October 2, 2013;
amended April 15, 2015.

11.2

Victim Services

Victims of Crimes Act - Funding
Conditions

- (xiii) Assist victims with making contact with the Board of Pardons and Paroles and the Department of Corrections to request notification regarding a defendant's entry into the prison system and offering avenues for opinions on early parole release;

(6) Education/Collaboration:

(A) Funded offices shall have personnel:

- (i) Serve on community victim advocacy committees, boards of directors, and task forces, acting as liaison for prosecutor's offices and judicial system (i.e., shelters, rape-crisis centers, etc.);
- (ii) Represent the office on various victims service bodies including; child fatality review, domestic violence fatality review, elder abuse task force, domestic violence task force, various multi-disciplinary teams, etc.;
- (iii) Provide training to community, law enforcement, educational facilities and other professionals on victim assistance and victim related issues including, but not limited to, family violence, identity theft, sexual assault, child abuse, teen dating violence, elder abuse, the criminal and civil justice process, stalking, and crime prevention; and
- (iv) Provide ongoing information and literature to educate victims about the Victim Assistance Program, crime, and other relevant issues through pamphlets, handouts, presentations, referrals, internet, etc.

- (B) Funded offices may have personnel serve on a Victim Impact Panel as member or coordinator, and hold monthly meetings, and assist in recruiting, training and maintaining victim panel members and speakers.

(7) Prosecutorial Assistance: Funded offices shall:

- (i) As needed, assist investigators and prosecutors with obtaining reports from DFACS, child advocacy and assessment centers, and other agencies;



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

Approved October 2, 2013;
amended April 15, 2015.

11.2

Victim Services

Victims of Crimes Act - Funding Conditions

- (ii) As needed, assist investigators and prosecutors with completing referral forms and setting up forensic interview at child advocacy and assessment centers;
- (iii) Upon request from investigators, prosecutors, or child advocacy and assessment center personnel, will attend forensic interviews and multidisciplinary team meetings (MDT);
- (iv) As needed, assist investigators and prosecutors with documentation in domestic and family violence cases (pictures of victim's injuries, statements, etc.).

(8) Post conviction. If the accused is found guilty and sentenced to incarceration in the custody of the Georgia Dept. of Corrections (GDOC), funded offices will connect the victim with the GDOC victim services division and assist the victim with registering for offender status notifications.

(c) Limited English Proficient Victims.

- (1) Funded offices will provide services and literature in Spanish and other languages.
- (2) Each funded office must have a written plan that insures that victims who are not proficient in the English language are afforded access to services as required by Executive Order 13166. At a minimum, the plan must meet the requirements set forth in U.S. Dept. Of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. 67 Fed. Reg. 41455-41472 (June 18, 2002).
- (3) In addition, funded offices that provide hotline services will provide PACGA documentation of a contract for 24-hour language interpretation services for callers who do not speak English. Subgrantees that provide hotline services will ensure that its TTY machine is operable at all times and that all staff, volunteers and interns who answer the hotline receive training and ongoing review of TTY answering procedures.



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

Approved October 2, 2013;
amended April 15, 2015.

11.2

Victim Services

Victims of Crimes Act - Funding
Conditions

(4) For information and resources for providing services to LEP or disabled individuals, visit LEP.gov or Georgia's Americans with Disabilities Act Coordinator's Office, <http://ada.georgia.gov>. You may also contact CJCC for technical assistance with questions or concerns.

(d) Equal Opportunity.

(1) Funded offices shall provide services to all victims without regard to the victim's race, color, national origin, religion, sex or disability. Any person who believes that they have been discriminated against based on his or her race, color, national origin, religion, sex or disability has the right to file a civil rights complaint with the Office of Justice Programs.

(2) Each funded office shall display the following statement in a prominent location where it will be visible to visitors to the office and include it in any publications provided to members of the public:

The Victim Witness Assistance Program does not discriminate against individuals or groups on the basis of race, color, national origin, religion, sex or disability. If you believe you have been the target of discrimination, you have the right to file a civil rights complaint. Information on how to file a civil rights complaint can be found on the Office of Justice Programs website. <http://www.ojp.gov/about/ocr/complaint.htm>

(e) Immigration status.

Funded offices that rely on in-kind (non-cash) services necessary to protect life or safety without charge based on the recipients' income shall not deny these services to any crime victim who seeks their protection based on the victim's immigration or legal status, nor shall the agency require any victim who contacts them in good faith to verify their immigration status prior to delivering services. See Department of Justice (2001), Final Specification of Community Programs Necessary for Protection of Life or Safety Under Welfare Reform Legislation, (A.G. Order No. 2353-2001) 66 FR 3613.

(f) Victims of Federal Crimes.



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

Approved October 2, 2013;
amended April 15, 2015.

11.2

Victim Services

**Victims of Crimes Act - Funding
Conditions**

Funded offices must provide services to victims of federal crimes on the same basis as victims of state and/or local crimes. A victim of federal crime is a victim of an offense that violates a federal criminal statute or regulation. Federal crimes also include crimes that occur in an area where the federal government has jurisdiction, such as Indian reservations, some national parks, some federal buildings, and military installations.

(g) Victims of Crimes Committed by Juveniles.

Beginning January 1, 2014, funded offices must provide services to a victim of a delinquent act committed by a child which would constitute a crime if committed by an adult as required by O.C.G.A. § 15-11-481. If the funded office opts out of prosecuting delinquency cases in one or more counties in accordance with O.C.G.A. § 15-18-6.1, the funded office must provide the Council with documentation showing how victims of delinquent acts in those counties will receive services required by O.C.G.A. § 15-11-481 and this Policy.

8. Use of Volunteers.

- (a) Funded offices must use volunteers unless CJCC determines there is a compelling reason to waive this requirement. A “compelling reason” may be a statutory or contractual provision concerning liability or confidentiality of counselor/victim information, which bars using volunteers for certain positions, or the inability to recruit and maintain volunteers after a sustained and aggressive effort.
- (b) 25% of the 20% VOCA-required matching funds must be in the form of volunteer in-kind match for each funded office unless the requirement is waived, in writing by CJCC.
- (c) Funded offices seeking a waiver from this requirement because they are unable to recruit or maintain volunteers will have to document and demonstrate the efforts they undertook to find volunteers.
- (d) Funded offices shall furnish a listing of all project volunteers that provide direct services, a copy of the contract or agreement between each volunteer and the funded office identifying responsibilities for both parties, and a written job description indicating what types of direct services the volunteer will provide.



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

Approved October 2, 2013;
amended April 15, 2015.

11.2

Victim Services

**Victims of Crimes Act - Funding
Conditions**

- (e) Funded offices will satisfy 25% of the required match (20%) through the in-kind donation of volunteer hours. The standard rate for the provision of direct services by a volunteer is \$12.00 per hour. Higher rates must be pre-approved by CJCC . Any request for deviation from this requirement must be submitted in writing to CJCC utilizing the volunteer requirement waiver request form. A copy of the request must be provided to PACGA.

9. Non-Discrimination in Service Provision.

- (a) As recipients of federal funds from the Department of Justice, all funded offices are subject to the following federal non-discrimination laws:
 - (1) Title VI of the Civil Rights Act of 1964 - 42 U.S.C. § 2000d;
 - (2) Section 504 of the Rehabilitation Act of 1973 - 29 U.S.C. §794;
 - (3) The Omnibus Crime Control and Safe Streets Act of 1968 - 42 U.S.C. § 3789d(c)(1);
 - (4) Title II of the Americans with Disabilities Act - 42 U.S.C. § 12132;
 - (5) Title IX of the Education Amendments of 1972 - 20 U.S.C. § 1681 (applicable to all funded offices that conduct training);
 - (6) The Age Discrimination Act of 1975 - 42 U.S.C. § 6101; and,
 - (7) Equal Treatment for Faith-Based Organizations - 28 C.F.R. Part 38 (prohibits discrimination based on religious affiliation during service delivery).
- (b) In the event that a federal or state court or federal or state administrative agency makes an adverse finding of discrimination against a funded office, after a due process hearing, on the ground of race, color, national origin or sex, the funded office must submit a copy of the finding to the Council, the CJCC and the OJP Office of Civil Rights.
- (c) Any publications or brochures about the funded office that are distributed should contain the following statement:



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

Approved October 2, 2013;
amended April 15, 2015.

11.2

Victim Services

Victims of Crimes Act - Funding
Conditions


The [funded office] does not discriminate against individuals or groups on the basis of race, color, national origin, religion, sex, immigration status, or disability. If you believe you have been the target of discrimination, you have the right to file a civil rights complaint. Information on how to file a civil rights complain can be found on the Office of Justice Programs website: <http://www.ojp.usdoj.gov/about/ocr/complaint.htm>.

10. Local Victim Assistance Program Funding, a/k/a Five Percent (5%) Funding, Certification & Reporting.

- (a) Funded offices must be certified and eligible to receive 5% funds by CJCC. Funded offices that are not certified as of the date that the funded office enters into the memorandum of agreement with Council, the county and the prosecuting attorney, must complete certification requirements prior to drawing down funds.
- (b) Funded offices are required by O.C.G.A. § 15-21-132 to submit an annual report through the Council to CJCC detailing the receipt and expenditure of 5% funds by January 15 of each year. This report must include the total amount of funds received pursuant to this Code section, the purposes for which the funds were expended, and the total number of victims served in each county for which the funds were received. A copy of the annual report shall also be submitted to each county governing authority from which funds were received pursuant to this Code section.

11. Other Required Certifications.

- (a) As recipients of federal funds, funded offices are required to verify certain conditions and behaviors by completing certification requirements provided in the common rules for lobbying, drug-free workplaces, and suspension and debarment of the Office of Justice Programs (OJP).
- (b) Funded offices must complete and submit OJP Form 4061/6 entitled "Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements" to the Council with the memorandum of agreement. A copy of the form can be found at:

 Prosecuting Attorneys' Council of Georgia		
Policies & Procedures		Approved October 2, 2013; amended April 15, 2015.
11.2	Victim Services	Victims of Crimes Act - Funding Conditions

<http://www.ojp.usdoj.gov/funding/forms/certifications.pdf>

12. Political Activity.

- (a) The restrictions of the Hatch Act, Pub. L. 93-433, 5 U.S.C. Chapter III, (as amended), concerning the political activity of government employees are applicable to funded office staff members and other state and local government employees whose principal employment is in connection with activities financed, in whole or in part, by federal grants. Under a 1975 amendment to the Hatch Act, such state and local government employees may take an active part in political management and campaigns except they may not be candidates for office.
- (b) If any changes occur in the funded office's lobbying status or activities, a revised Disclosure of Lobbying Activities Form must be submitted. Federal funds cannot be used, directly or indirectly, in support of the enactment, repeal, modification, or adoption of any law, regulation or policy, at any level of government, without the express prior approval of OJP.

13. Equal Employment Opportunity Plan.

Funded offices must meet the requirements of 28 C.F.R. § 42.301 et seq., Equal Employment Opportunity Plans (EEO Plan). The plan must cover the grant period specified in the grant application submitted by PACGA. If your office needs technical assistance in preparing an Equal Employment Opportunity Plan, please contact the Office of Civil Rights Compliance Specialist, Office of Justice Programs, Washington, D.C., (202) 307-0690.

14. Training of Personnel.

- (a) All victim advocate staff must have completed 40 hours of training specific to providing direct victim services either through the Office for Victims of Crime, Victim's Assistance Training Online, the National Organization for Victim's Assistance (NOVA), CJCC, PACGA or an other organization approved by CJCC that provides training specific to serving crime victims. New staff must complete this training within 12 months of the start of employment as a victim advocate.
- (b) Each employee providing victim services in a funded office must attend and successfully complete at least eight (8) hours of training in victim assistance annually. As part of this



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

Approved October 2, 2013;
amended April 15, 2015.

11.2

Victim Services

Victims of Crimes Act - Funding
Conditions


requirement, victim services supervisors and all fully or partially grant-funded staff in a funded office must attend a victims' compensation training approved by CJCC during the grant year. New staff (whether funded by this grant program or not) must complete this training within six (6) months of the start of employment as a victim advocate.

- (c) Funded offices understand and agree that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.gov/funding/ojptrainingguidingprinciples.htm>
- (d) The Executive Director may for good cause waive or defer the training requirements provided for in this section unless otherwise prohibited by CJCC or OJP.

15. Allowable Costs and Services.

The following costs and services may be supported by VOCA funds provided that they are included in the approved budget for the funded office:

- (a) Immediate Health and Safety. Those services which respond to the immediate emotional and physical needs (excluding medical care) of crime victims such as:
 - (1) Crisis intervention;
 - (2) Accompaniment to hospitals for medical examinations;
 - (3) Hotline counseling;
 - (4) Emergency food, clothing, transportation, and shelter (including emergency, short term nursing home shelter for elder abuse victims for whom no other safe, short-term residence is available); and
 - (5) Other emergency services that are intended to restore the victim's sense of security. This includes services which offer an immediate measure of safety to crime victims such as boarding-up broken windows, and replacing or repairing locks. Also allowable is emergency legal assistance such as filing restraining orders and obtaining emergency

 Prosecuting Attorneys' Council of Georgia		
Policies & Procedures		Approved October 2, 2013; amended April 15, 2015.
11.2	Victim Services	Victims of Crimes Act - Funding Conditions

custody/visitation rights when such actions are directly connected to family violence cases and are taken to ensure the health and safety of the victim.

- (b) **Mental Health Assistance** - Those services and activities that assist the primary and secondary victims of crime in understanding the dynamics of victimization and in stabilizing their lives after a victimization such as counseling, group treatment, and therapy. "Therapy" refers to intensive professional psychological/psychiatric treatment for individuals, couples, and family members related to counseling to provide emotional support in crises arising from the occurrence of crime. This includes the evaluation of mental health needs, as well as the actual delivery of psychotherapy.
- (c) **Assistance with Participation in Criminal Justice and Juvenile Proceedings.**
 - (1) In addition to the cost of emergency legal services noted above, other costs associated with helping victims participate in the criminal justice system also are allowable. These services may include advocacy on behalf of crime victims; accompaniment to criminal justice offices and court; transportation to court; child care or respite care to enable a victim to attend court; notification of victims regarding trial dates, case disposition information, and parole consideration procedures; and assistance with victim impact statements. Projects devoted to restitution advocacy on behalf of specific crime victims must be specifically approved by CJCC.
 - (2) VOCA funds cannot be used to pay for non-emergency legal representation such as divorces or civil restitution recovery efforts.
- (d) **Costs Necessary and Essential to Providing Direct Services** - This includes prorated costs of rent, utilities (in certain situations, i.e. a shelter), transportation costs for victims to receive services, emergency transportation costs that enable a victim to participate in the criminal justice system and local travel expenses for service providers.
- (e) **Special Services** - Services to assist crime victims with managing practical problems created by the victimization, such as acting on behalf of the victim with other service providers, creditors, or employers; assisting the victim to recover property that is retained as evidence; assisting in filing for compensation benefits; and, helping to apply for public assistance.



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

Approved October 2, 2013;
amended April 15, 2015.

11.2

Victim Services

**Victims of Crimes Act - Funding
Conditions**

- (f) Personnel Costs - Costs that are directly related to providing direct services, such as staff salaries and fringe benefits, including malpractice insurance; the cost of advertising to recruit VOCA-funded personnel; and the cost of training paid and volunteer staff.

16. Other Allowable Costs and Services.

- (a) The following other allowable costs and services may be supported by VOCA funds provided that they are included in the approved budget for the funded office:
- (b) The services, activities, and costs listed below are not generally considered direct crime victim services but often are necessary and essential activities to ensure that quality direct services are provided.
- (c) Before these costs can be supported with VOCA funds, the funded office must certify to PACGA that they have no other source of support for them; and that only limited amounts of VOCA funds will be used for these purposes.
- (d) The following list provides examples of such items:
 - (1) Skills training for staff -
 - (A) VOCA funds designated for training are to be used exclusively for developing the skills of direct service providers including paid staff and volunteers, so that they are better able to offer quality services to crime victims. An example of skills development is training focused on how to respond to a victim in crisis, and the travel expenses associated with this training,
 - (B) Reimbursement of expenses for training must meet the Statewide Travel Policy promulgated by the State Accounting Office (SAO) and the Office of Planning and Budget (OPB) pursuant to O.C.G.A. § 50-5B-5 and Chapter 6 of the PAC Rules.
 - (C) Reimbursement of expenses for training will only be provided for staff approved in the budget and for volunteers.



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

Approved October 2, 2013;
amended April 15, 2015.

11.2

Victim Services

Victims of Crimes Act - Funding
Conditions

- (e) Training Materials - VOCA funds can be used to purchase materials such as books, training manuals, and videos for direct service providers within the VOCA-funded organization and can support the costs of a trainer for in-service staff development when the amounts do not exceed federal standards. Staff from other organizations can attend in service training activities that are held for the funded office.
- (f) Equipment and Furniture.
- (1) VOCA funds may be used to purchase furniture and equipment that provide or enhance direct services to crime victims, as demonstrated by the funded office. VOCA funds cannot support the entire cost of an item that is not used exclusively for victim-related activities. However, VOCA funds can support a pro-rated share of such an item.
 - (2) Funded offices cannot use VOCA funds to purchase equipment for another organization or individual to perform a victim-related service.
 - (3) Examples of allowable costs may include beepers, typewriters, computers, video-tape cameras and players for interviewing children, two-way mirrors, equipment and furniture for shelters, work spaces, victim waiting rooms, and children's play areas. The cost of furniture, equipment such as Braille equipment or TTY/TTD machines for the deaf, or minor building alterations/improvements that make victim services more accessible to persons with disabilities are allowable.
 - (4) Title to all equipment and/or supplies purchased with federal funds shall vest in the Council and will be assigned for use by the funded office. An inventory of such property must be maintained in accordance with Council Policy 4.8. Such equipment and supplies will be maintained in accordance with Council Policy 4.8 long as the equipment and/or supplies are used for program related purposes. If the funded office ceases to provide victim services, the Council has the right to determine the future use of such property and to reallocate it to another funded office.
- (g) Purchasing or Leasing Vehicles - Funded offices may use VOCA funds to purchase or lease vehicles if they can demonstrate to Council and the state administrator at CJCC that such expenditure is essential to delivering services to crime victims. The VOCA administrator



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

Approved October 2, 2013;
amended April 15, 2015.

11.2

Victim Services

**Victims of Crimes Act - Funding
Conditions**

must give prior approval for all such purchases. Vehicles purchased or leased are subject to Council Policies 12.1, 12.2 and 12.3.

(h) Advanced Technologies.

- (1) At times, computers may increase an applicant's ability to reach and serve crime victims. For example, automated victim notification systems have dramatically improved the efficiency of victim notification and enhanced victim security.
- (2) In making such expenditures, the funded office must describe in the project budget how the computer equipment will enhance services to crime victims; how it will be integrated into and/or enhance the funded office's current system; the cost of installation; the cost of training staff to use the computer equipment; the on-going operational costs, such as maintenance agreements and supplies; and how these additional costs will be supported, as maintenance costs cannot be supported with VOCA funds.
- (3) Funding will not be approved for any computer system or software that is not capable of interfacing with the TRACKER case management system operated by PACGA.

(i) Contracts for Professional Services.

- (1) VOCA funds will not be used to support contract services except when it is necessary to contract for specialized services. Examples of these services include:
 - (A) Assistance in filing restraining orders or establishing emergency custody/visitation rights if the funded office can document to PACGA that the office has a demonstrated history of advocacy on behalf of domestic violence victims;
 - (B) Emergency psychological or psychiatric services; or
 - (C) Sign and/or interpretation for the hearing impaired or for crime victims whose primary language is not English.



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

Approved October 2, 2013;
amended April 15, 2015.

11.2

Victim Services

Victims of Crimes Act - Funding Conditions

- (2) Applicants are prohibited from using VOCA funds for contracted services which contain administrative, overhead, or other indirect costs included in the hourly or daily rate.
- (j) Operating Costs - Examples of allowable operating costs include: supplies; equipment use fees, when supported by usage logs; printing; photocopying, and postage; brochures which describe available services; and books and other victim-related materials. VOCA funds may support administrative time to complete VOCA-required time and attendance sheets and programmatic documentation, reports, and statistics; administrative time to maintain crime victims' records; and the pro-rated share of audit costs.
- (k) Supervision of Direct Service Providers - CJCC may provide VOCA funds for supervision of direct service providers when they determine that such supervision is necessary and essential to providing direct services to crime victims. For example, CJCC may determine that using VOCA funds to support a coordinator of volunteers or interns is a cost-effective way of serving more crime victims.
- (l) Repair and/or Replacement of Essential Items - VOCA funds may be used for repair or replacement of items that contribute to maintaining a healthy and/or safe environment for crime victims, such as a furnace in a shelter. Funded offices wishing to use VOCA funds for these purposes must demonstrate the following:
- (1) That the building is owned by a state or local government and not rented or leased;
 - (2) All other sources of funding have been exhausted;
 - (3) There is no available option for providing the service in another location;
 - (4) That the cost of the repair or replacement is reasonable considering the value of the building; and
 - (5) The cost of the repair or replacement is pro-rated among all sources of income.
- (m) Public Presentations - VOCA funds may be used to support presentations that are made in schools, community centers, or other public forums and designed to identify crime victims and provide or refer them to needed services. Specifically, activities and costs



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

Approved October 2, 2013;
amended April 15, 2015.

11.2

Victim Services

**Victims of Crimes Act - Funding
Conditions**

related to such programs including presentation materials, brochures, and newspaper notices can be supported by VOCA funds.

17. Motor Vehicle Operations.


- (a) **Seat Belt Use.** Pursuant to 23 U.S.C. 402 and 403, and 29 U.S.C. 668, funded offices, as a recipient of Federal contracts, subcontracts, and grants, shall encourage adoption and enforcement of on-the-job seat belt policies and programs for its employees, contractors, and subrecipients when operating government-owned, rented, or personally owned vehicles.
- (b) **Text Messaging While Driving.** Text messaging while driving is prohibited for all personnel funded by grants administered by the Council pursuant to grants from CJCC. See Council Policy 12.2(6)(f).

18. Reporting Fraud or Criminal Activity Involving Grant Funds.

- (a) Funded offices agree to promptly refer to the U.S. Department of Justice (DOJ) Office of Inspector General (OIG) any credible evidence that a principal, employee, agent, contractor, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds.
- (b) Potential fraud, waste, abuse, or misconduct should be reported to the OIG by mail:

Office of the Inspector General U.S. Department of Justice Investigations Division
 950 Pennsylvania Avenue, N.W.
 Room 4706
 Washington, DC 20530
 e-mail: oig.hotline@usdoj.gov
 hotline: (contact information in English and Spanish) (800) 869-4499
 hotline fax: (202) 616-9881

- (c) Additional information is available from the DOJ OIG website at:
<http://www.justice.gov/oig/hotline/>

 Prosecuting Attorneys' Council of Georgia		
Policies & Procedures		Approved October 2, 2013; amended April 15, 2015.
11.2	Victim Services	Victims of Crimes Act - Funding Conditions

19. Use of psychologists, professional counselors, social workers, and marriage and family therapists.

- (a) Funded offices agree to abide by Georgia law regarding the utilization of professional counselors, social workers, and marriage and family therapists. (O.C.G.A. § 43-10A-1, et. seq).
- (b) Funded offices agree to abide by Georgia law regarding the utilization of psychologists. (O.C.G.A. § 43-39-1, et. seq).

20. Compliance with Federal Audit Requirements.

- (a) Funded offices must comply with the organizational audit requirements of the Single Audit Act as detailed in OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understand and agree that funds may be withheld, or other requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactory and promptly addressed, as further described in the current edition of the OJP Financial Guide, Chapter 19.
- (b) The Council will provide each funded office with the Catalog of Federal Domestic Assistance (CFDA) number for this grant program.

21. Access to Records.

Funded offices will provide the Council, the Office for Victims of Crime, the Office of the Chief Financial Officer (OCFO), CJCC and their representatives, access to and the right to examine all records, books, paper, or documents related to the VOCA grant.

22. Records & Reports; Use of TRACKER.

- (a) As used in this section:
 - (1) "TRACKER" means the Tracker Prosecutor Case Management System, a secure, on-line computer case management system operated by the Council;



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

Approved October 2, 2013;
amended April 15, 2015.

11.2

Victim Services

**Victims of Crimes Act - Funding
Conditions**

- (2) "VSSR Data" means data that documents the number of new and existing victims served, the demographics of victims, the type of crimes involved and the number and types of services provided to victims by funded offices.
- (b) Funded offices shall utilize TRACKER to document the number of new and existing victims served, the demographics of new victims, and the number and types of services provided victims of crime. Data shall be entered into TRACKER at or near the time services are provided.
- (1) Any funded office not on TRACKER on October 1, 2013 shall, as a condition of receiving funds, take all necessary steps to begin using TRACKER by the end of the first quarter.
- (2) Funded offices not on TRACKER as of October 1, 2013, must maintain and submit VSSR data to the Council in such form as the Director of the Information Technology Division shall prescribe until such time as TRACKER becomes available for use by that office.
- (3) When the Executive Director determines that TRACKER is available for use within a circuit or county, failure to utilize TRACKER may result in withholding of reimbursement of expenditures or void the memorandum of agreement.
- (c) Each funded office is responsible for the accuracy of data entered into TRACKER and reported to CJCC.
- (1) The victim assistance coordinator in each funded office shall review VSSR data for completeness and accuracy at least monthly.
- (2) For offices utilizing TRACKER to manage the preparation and disposition of criminal and civil cases, the victim assistance coordinator is only responsible for the completeness and accuracy of VSSR data related to those cases.
- (d) Any unauthorized use of TRACKER may result in the loss of access to the system, termination of employment, or criminal or civil prosecution.



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

Approved October 2, 2013;
amended April 15, 2015.

11.2

Victim Services

Victims of Crimes Act - Funding
Conditions

23. Prior Approval Required for Certain Contracts or Subcontracts.

Funded offices cannot use any federal funds, either directly or indirectly, in support of any contract or subcontract to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries without the express prior written approval of CJCC and OJP.

24. National Environmental Policy Act.

Funded offices must comply with the National Environmental Policy Act, 83 Stat. 852, 42 U.S.C. § 4321, et seq., and other related federal environmental impact analysis requirements of the funded office engages in one or more of the following activities and the activity needs to be undertaken in order to use grant funds:

- (a) New construction
- (b) Minor renovation or remodeling of a property that is either:
 - (1) Listed on or eligible for listing on the National Register of Historic Places; or
 - (2) Located within a 100-year flood plain.
- (c) A renovation, lease, or other proposed use of a building or facility that will either:
 - (1) Result in a change in its basic prior use; or
 - (2) Significantly change its size.
- (d) Implementation of a new program involving the use of chemicals other than those:
 - (1) Purchased as an incidental component of a funded office; or
 - (2) Traditionally used, for example, in office, household, recreational or educational environments.

COUNTY AGENDA REQUEST

Consent Agenda #15

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's recommendation to add Waterlace Pod D, also known as Canoe Club, subdivision to Fayette County's Street Light Program.

Background/History/Details:

The property owners in the subdivision known as Waterlace Pod D (also known as Canoe Club) are petitioning the Board of Commissioners to add Waterlace Pod D (also known as Canoe Club) into the Fayette County Street Light Program.

The Board of Commissioners created Fayette County Street Light Districts in September 1983. The street light ordinance was amended in November 2014 to require a \$100 application fee and prepayment of two years worth of street light bills to cover the expenses incurred by Fayette County until the charges could be recouped with the tax bills.

Waterlace Pod D (aka Canoe Club) has paid Fayette County the required amounts and presented a petition representing 100% of the homeowners in Waterlace Pod D.

There are twelve, one hundred fifty watt decorative street lights located inside Waterlace Pod D (aka Canoe Club). The estimated monthly charge is \$156.00. New Leaf Homes has paid the \$100 application fee and the first 2 years prepayment for street lights. Once approved, Waterlace Pod D will be added to Waterlace Street Light District.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to add Waterlace Pod D, also known as Canoe Club, subdivision to Fayette County's Street Light Program.

If this item requires funding, please describe:

These additional lights will cost \$156.00 per month per Coweta Fayette EMC. New Leaf Homes has prepaid the amounts required to become a street light district until the cost may be added onto the property tax bill and the county reimbursed.

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
PETITION FOR STREET LIGHTING

WE, THE UNDERSIGNED, ALL BEING PROPERTY OWNERS OF THE STREET LIGHT DISTRICT Waterlace Pod D (AKA Canoe Club), DO HEREBY PETITION THE FAYETTE COUNTY BOARD OF COMMISSIONERS FOR THE PLACEMENT OF STREET LIGHTS THROUGH OUR SUBDIVISION OR STREET(S).

EACH OF US DOES HEREBY PLEDGE AND CONSENT TO THE LEVYING OF A LIEN BY FAYETTE COUNTY AGAINST PROPERTY WE OWN FOR THE PURPOSE OF PAYMENT OF THE COST OF AND OPERATING THE STREET LIGHTS. THERE ARE 42 NUMBER OF LOTS CURRENTLY EXISTING IN STREET LIGHT DISTRICT Waterlace Pod D (AKA Canoe Club), AND EACH OWNER AS SHOWN ON THE TAX RECORDS HAS AFFIRMATIVELY SIGNED THIS PETITION OR INDICATION FOR DISAPPROVAL IS NOTED HEREIN.

THIS PETITION REPRESENTS 1 AFFIRMATIVE VOTES, OR 100 % OF THIS DISTRICT TO BE EFFECTED IN THIS REQUEST. YOUR SIGNATURE ON THIS PETITION INDICATED THAT YOU HAVE READ AND FULLY UNDERSTAND THE REQUIREMENTS FOR APPROVAL OF A STREET LIGHT DISTRICT.

PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC, THE UNDERSIGNED AFFIANT, WHO SAYS ON OATH THAT HE, SHE IS ONE OF THE SUBSCRIBING WITNESSES TO THE WITHIN INSTRUMENT; THAT EACH OF SAID WITNESSES SAY THE EXECUTION AND DELIVERY OF THE SAME BY EACH GRANTOR THEREIN FOR THE PURPOSE SET FORTH; AND THAT EACH OF SAID WITNESSES SIGNED THE SAME AS PURPORTED.

SWORN TO AND SUBSCRIBED BEFORE ME,

THIS 11 DAY OF AUGUST, 2015.

Nancy Howard

(SUBSCRIBING WITNESS)

Deborah M Sims

NOTARY PUBLIC

FAYETTE COUNTY, STATE OF GEORGIA



REQUIREMENTS FOR APPROVAL OF A STREETLIGHT DISTRICT

In order for a Streetlight District to be formed, the following steps are necessary:

1. Obtain Petition Forms from the Environmental Management Department.

All property owners in the subdivision must be contacted and they must sign "Yes" or "No" concerning the installation of street lighting and billing by Fayette County upon their tax bills. Only the property owner's signature will be accepted. If both husband and wife are joint legal owners, both signatures will be required - a "Mr. & Mrs." signature is not acceptable. Each owner must sign individually. In the event that a property owner cannot be personally contacted, the receipt from a registered letter will be accepted. No signature may be withdrawn from the Petition after it is filed with the County Engineer's Office. The purpose of the witness' signature is to verify the property owner's signature, if in question. Percentages will be calculated based on individual lots whose owners sign affirmatively, divided by the total number of platted lots in the district. The petition must contain not less than ten (10) property owners representing not less than sixty-six and two-thirds percent (66-2/3%) affirmative signatures of the property owners within the district to be established. A petition may however, be brought by less than ten (10) property owners where such represents one hundred percent (100%) affirmative signatures of the property owners within the district to be established.

2. A diagram from the relevant electric company indicating where the district's street lights are installed, type of light, and estimated monthly cost for such lights.
3. The completed Petition and \$100 Application Fee is returned to Environmental Management where it is checked to ensure requirement compliance. The petition will be denied if it does not meet such requirements of a 66-2/3% affirmative vote. Petitions meeting requirements will be presented to the Board of Commissioners at an official Bi-Monthly Meeting for approval or disapproval.
4. Prepayment for the first two (2) years of electric costs to cover street light expenses until fees may be recouped on the property tax bill.

The objective of the Fayette County Street Lighting Program is to illuminate the streets of participating subdivisions in accordance with standards of the American National Standard Practice for Roadway Lighting, 1973. It is not the objective of this program to illuminate private property.

The Fayette County Street Lighting Program will be administered by the County Environmental Management's Office, 140 Stonewall Avenue West, Suite 203, Fayetteville, GA 30214. Telephone: (770)305-5410.

There are two power companies serving Fayette County: Georgia Power Company and Coweta-Fayette EMC. Their rates vary slightly.

In order for a Developer to have a proposed subdivision approved as a Streetlight District, the plat for such subdivision must be approved and made a part of the County's Official Tax Records.

Property owners within a street light district will be billed annually on their County Tax Bill for the previous year's use of lights. Cost for street lighting shall be annual operating costs plus a 20% Administration Fee. The charges shall be levied on a "per lot" basis.

FAYETTE COUNTY STREET LIGHTING PROGRAM
SIGNATURE SHEET

169-219 Waterlace POD D
Lot #(s)

New Leaf Homes
Property Owner(s)

All Addresses within the POD D
(Street & No.)

Marylou
Signature

Signature

Yes No (Check yes or no for each Address signature)

[Signature]
Witness

Lot #(s)

Property Owner(s)

(Street & No.)

Signature

Signature

Yes No (Check yes or no for each Address signature)

Witness

COUNTY AGENDA REQUEST

Consent Agenda #16

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's recommendation to award Quote #1042-A- Floating Docks at Lake Horton and Lake McIntosh to the low bidder, Amaysing Services, Inc. in the amount of \$80,000.00 utilizing Renewal and Extension funds, and authorization for the Chairman to sign any related documents.

Background/History/Details:

Citizens have requested floating docks be placed at Lake Horton and Lake McIntosh in order to easily enter and exit kayaks and similar floating devices and to provide for handicapped access. The recommendation is for the floating docks to meet the requirements of Americans with Disabilities Act (ADA.)

The Water System will handle the approach area to both locations with existing staff and equipment. After installation of this needed amenity, the Water System will pursue adding this access to other lakes within the county. After working closely with the Director of Parks and Recreation, the Water System Director recommends an award for installation of the attached equipment at Lake Horton and Lake McIntosh Park. In addition funds will need to be allocated from the Renewal & Extension fund since proper information was not available during the budget period.

The Purchasing Department issued Request for Quotes #1042-A. Notice of the opportunity was emailed to 28 companies and another 128 were contacted through the Georgia Procurement Registry. Three companies submitted quotes. The Water System recommends award of the purchase to the company with the lowest quote, Amaysing Services, Inc.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to award Quote #1042-A- Floating Docks at Lake Horton and Lake McIntosh to the low bidder, Amaysing Services, Inc. in the amount of \$80,000.00 utilizing Renewal and Extension funds, and authorization for the Chairman to sign any related documents.

If this item requires funding, please describe:

Funding is available in the Water System Renewal & Extension Fund.

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

"WHERE QUALITY
IS A LIFESTYLE"

PURCHASING DEPARTMENT
140 STONEWALL AVENUE WEST, STE 204
FAYETTEVILLE, GEORGIA 30214
PHONE: 770-305-5420
www.fayettecountyga.gov

To: Steve Rapson
From: Ted L. Burgess
Date: December 10, 2015
Subject: Request for Quotes 1042-A: Floating Docks at Lake McIntosh and Lake Horton

It has been decided to install floating docks at Lake Horton and Lake McIntosh Parks. The docks will include one-way launch for kayaks and canoes, and support for entering / exiting other boats. This will make it possible for persons with handicaps, or those who just need a little assistance, to use the lakes for kayaking, canoeing, fishing, or other activities. The Water System, along with the Department of Parks and Recreation and the Marshal's Office, worked to develop specifications for a facility that would meet these needs.

The Purchasing Department issued Request for Quotes #1042-A. Notice of the opportunity was emailed to 28 companies. Another 128 were contacted through the web-based Georgia Procurement Registry. Since this was a Request for Quotes, and not a formal, sealed bid process, we did not pay to place an advertisement in the newspaper.

Three companies submitted quotes (please see attached). The Water System recommends award of the purchase to the company with the lowest price quote, Amaysing Services, Inc., for a total sum of \$80,000. It is also recommended that funds be transferred from the Water System's Renewals and Extensions Account for this purpose. I support the Water System's recommendations.

Specifics of the proposed contract are as follows:

Contract Name:	1042-A: Floating Docks at Lake McIntosh & Lake Horton
Vendor:	Amaysing Services, Inc.
Not-to-Exceed Amount:	\$80,000.00
Budget:	
Account	Transfer from Renewal and Extensions (R&E) Fund
Current Balance	\$5,682,494.29 in the R&E Fund as of 11/16/2015

REQUEST FOR QUOTES #1042-A
FLOATING DOCKS AT LAKES HORTON & McINTOSH

Company	Lake Horton	Lake McIntosh	Total	Total if Awarded Both Sites	Payment Terms
AMAYSING SERVICES, INC.	\$40,800.00	\$40,800.00	\$81,600.00	\$80,000.00	50% upon signing, & 50% upon completion of installation.
GREAT LAKES AND LAND CO	\$44,500.00	\$44,500.00	\$89,000.00	\$89,000.00	Net 30 days upon completion.
MOUNTAIN AQUATICS, DBA WHITEPATH EZ DOCK	\$40,420.00	\$40,420.00	\$80,840.00	\$80,540.00	Net 30 days from completion of each project.

COUNTY AGENDA REQUEST

Consent Agenda #17

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's recommendation to award Quote #989-A- Crosstown Water Treatment Plant Thermoplastic Polyolefin Roofing System to the low bidder Briggs Brothers Enterprises Corporation, in the amount of \$73,500.00, to utilize Renewal and Extension funds for the project, and to authorization for the County Administrator to sign all related documents.

Background/History/Details:

The roof at the Crosstown Water Treatment Plant needs replacement and the Building and Grounds Maintenance Department, along with the Water System, has proposed replacing the existing roof with a new thermoplastic polyolefin (TPO) roof.

Single-ply TPO roofing membranes, strengthened by reinforcing fabric, have been manufactured in the United States since 1993. According to ASMT International, this is the fastest growing segment of the U.S. single-ply roofing industry.

The Purchasing Department issued Request for Quotes #989-A. Notices were emailed to 20 contractors and another 524 were contacted through Georgia Procurement Registry. Additionally, invitations were extended through Fayette News, the county's website, Georgia Local Government Access Marketplace, and Channel 23. Six companies submitted quotes. One had an error and prices and withdrew from competition. Of the remaining five, both the Water System and the Purchasing Department recommend low-bidder Briggs Brothers Enterprises Corporation.

Since the need to replace the roof was an unforeseen occurrence, funds were not included in the Fiscal Year 2016 budget. It is requested that the Board authorize the transfer of \$73,500.00 from the Renewals and Extensions account for this purpose.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to award Quote #989-A- Crosstown Water Treatment Plant Thermoplastic Polyolefin Roofing System to the low bidder Briggs Brothers Enterprises Corporation, in the amount of \$73,500.00, to utilize Renewal and Extension funds for the project, and to authorization for the County Administrator to sign all related documents.

If this item requires funding, please describe:

Funds are available in the Water System Renewal & Extension Fund.

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:



To: Steve Rapson
From: Ted L. Burgess
Date: December 10, 2015
Subject: Request for Quotes #989-A: Crosstown Water Treatment Plant – New TPO Roof

The roof of the Crosstown Water Treatment plant needs replacement, as evidenced by a significant amount of leaking when it rains. The Department of Building and Grounds Maintenance, in coordination with the Water System, has proposed replacing the existing Crosstown roof with a new thermoplastic polyolefin (TPO) roof.

Single-ply TPO roofing membranes, strengthened with reinforcing fabric, have been manufactured in the U.S. since 1993. According to ASMT International, this is the fastest growing segment of the U.S. single-ply roofing industry.

The Purchasing Department issued Request for Quotes #989-A. Notices were emailed to 20 contractors. Another 524 were contacted through the web-based Georgia Procurement Registry. In addition, invitations were extended via the Fayette News, the county website, Georgia Local Government Access Marketplace (www.glga.org), and Channel 23.

Six companies submitted quotes (please see attached). One company had an error in the prices they submitted, and requested to withdraw from the competition. Of the remaining five quotes, Building and Grounds recommends, with the Water System's concurrence, award of the contract to the lowest price quote, Briggs Brothers Enterprises Corporation. I support their recommendation.

Since the need to replace the roof was an unforeseen occurrence, funds were not included in the Fiscal Year 2016 budget for the repair. It is requested that the Board of Commissioners transfer \$73,500 from the Renewals and Extensions account for this purpose.

Specifics of the proposed contract are as follows:

Contract Name:	989-A: Crosstown Water Treatment Plant TPO Roof
Type of Contract:	Roof repair
Vendor:	Briggs Brothers Enterprises Corporation
Not-to-Exceed Amount:	\$73,500
FY 2016 Budget:	
Available in:	R&E Account
Available Budget:	\$5,682,494.29 as of 11/16/2015

Attachment

Request for Quotes #989-A
Crosstown Water Treatment Plant - Thermoplastic Polyolefin (TPO) Roof

RESPONDERS	BASE PRICE	BID BOND INCLUDED	NUMBER OF DAYS TO START PROJECT AFTER NTP IS ISSUED	NUMBER OF DAYS TO COMPLETE AFTER START DATE
BRIGGS BROTHERS ENTERPRISES CORP.	\$73,500.00	Yes	21	35
RDS CONSTRUCTION, LLC	\$76,000.00	Yes	7 - 14	90
S. GARRETT AND COMPANY	\$79,598.00	Yes	15	60
COMMERCIAL ROOF SOLUTIONS, LLC	\$81,836.00	Yes	10	30
SKYLINE CONTSTRUCTION SERVICES, INC.	\$97,600.00	Yes	30	14
FIRST INFINITY CONSTRUCTION INC.	This company withdrew their submitted quote, due to a pricing error.			

COUNTY AGENDA REQUEST

Consent Agenda #18

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of Water Committee's recommendation to continue the Metropolitan North Georgia Planning District Toilet Rebate Program with an additional funding in the amount of \$50,000.00.

Background/History/Details:

The toilet rebate program began in February 2008 with \$100,000.00 allocated to the program. Homes that were built before 1993 are eligible for the rebate. The Metropolitan North Georgia Planning District (MNGPD) administers the program for the Water System. The customer applies for the rebate and supplies the receipts to the District. The approved customers list is sent to the Water System weekly.

The Water System applies a credit to the water customers account for the amount approved for the toilet rebate. Customer bills have to be current.

Additional funds were allocated in July, 2010 (\$20,000.00), in January, 2011 (\$22,000.00), in June, 2011 (\$25,000.00), January, 2012 (\$50,000.00), and January 2013 (\$50,000.00).

The number of toilets rebated is 2,683 with total credits given to customer accounts in the amount of \$238,300.00 as of November 17, 2015. The total cost for the administrative fee is \$26,830.00, with funds remaining of \$1,600.00. The amount of water that has been saved by this program is 50,135.81 gallons per day.

What action are you seeking from the Board of Commissioners?

Approval of Water Committee's recommendation to continue the Metropolitan North Georgia Planning District Toilet Rebate Program with an additional funding in the amount of \$50,000.00.

If this item requires funding, please describe:

The \$50,000 in funding is applied as a credit to applicable rebate customer water bills. An administrative fee of \$10 per rebate is payable to the MNGPD from the Water System's technical services approved 2016 budget for \$2,500 in account 50541010-521316.

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?

STAFF USE ONLY

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

**MEMORANDUM OF AGREEMENT
FOR PARTICIPATION IN THE DISTRICT-WIDE TOILET RETROFIT PROGRAM**

THIS AGREEMENT is made and entered into as of this ____ day of _____, 20____, by and between Fayette County Water System (hereinafter referred to as the “Utility”) and the Metropolitan North Georgia Water Planning District (hereinafter referred to as the “District”).

WITNESSETH:

WHEREAS, the Utility is responsible for developing and implementing a water conservation program within its service area; and

WHEREAS, the District will coordinate and manage a District-wide Toilet Retrofit Program (“the Program”) for single family residential customers by providing administrative services as stated in Duties of the District and

WHEREAS, the Utility desires to participate in the District-wide Program.

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

1. Duties of the Utilities

- a. Follows the administrative procedures developed by the District for the management of the program.
- b. Receives weekly notifications from the District of rebates to be processed and issue rebate credits to customers in a timely manner.
- c. Upon receipt of notification by the District of a customer’s eligibility for the toilet rebate, the Utility will respond to the District within 5 business days with notification of acceptance or rejection of each eligible customer and the reason for rejection.
- d. Answers customer questions about the status of their rebate credits (once their confirmation letters have been received).
- e. Agrees to pay District the processing fee for each toilet approved for rebate.
- f. Promotes the program through link on Utility websites, bill inserts, mailers, and/or other forms of communication.
- g. Verification of toilet installation is optional, but would be the responsibility of the Utility.

2. Duties of the District

- a. Provides administrative services to process the rebate applications.
- b. Maintains a website, application form, and reporting database for utilities.

- c. Maintains a telephone number and email address for customer questions about the program and processing applications.
- d. Mails or makes available applications to single family residential customers only.
- e. Receives rebate application from customer and verifies eligibility. Eligibility is determined based on date of home construction, receipt of original toilet purchase receipt, copy of recent water bill in name of applicant and confirmation of eligible toilet model.
- f. Notifies the Utility of rebate amount to credit customer.
- g. Sends a confirmation/rejection letter to each customer.
- h. Provides management reports for Utilities to access on a regular basis.
- i. Invoices the Utility for the \$10.00 administrative fee for each toilet approved for rebate.
- j. Maintains billing accounts and financial records for three years after the completion of this Agreement and provide periodic status updates to the Utilities.
- k. Provides periodic invoices to each participating Utility for administrative fees.

3. Costs Paid by the Utility

The Utility hereby agrees to provide funding of \$50,000.00 for this program for the term of the agreement unless the agreement is terminated at which time the Utility would fund any applications that have been approved by the District and Utility prior to termination. Funding is the total annual amount allocated by the Utility for rebate and administration fees for the term of this Agreement. In the event the Utility meets the previously stated funding amount prior to the expiration of this Agreement, the Utility is no longer obligated to provide rebates or administration fees. The Utility further agrees that the District will only process rebates for single family residential toilets using 1.28 gallons per flush (gpf) or less and that have received the EPA WaterSense certification. Each rebate will have a maximum face value of \$100.00 per toilet. Additionally, the Utility agrees that an administrative charge of \$10.00 for each toilet approved for rebate will be charged. A customer cannot receive a rebate higher than \$200.00.

4. Payment Method

Utility will pay the \$10.00 administrative fee for each toilet approved for rebate to the District through periodic billings. Rebates will be issued by the Utility to participating Utility customers until the allotted rebate amount for the Utility is exhausted. The Utility may add additional funding at anytime during their program participation by amending this Agreement.

5. Term

This Agreement shall become effective as of the date first written above and shall continue in full force and effect until funds are expended. Either party may terminate this Agreement without cause by providing the other party written notice sixty (60) days prior to termination. This Agreement may be amended upon agreement of the parties. In the event of such

termination, the Utility shall be obligated to pay all issued rebates and administrative costs associated with rebates approved prior to such termination.

IN WITNESS WHEREOF, the parties have hereto executed this Agreement as of the date first above written.

UTILITY

ATTEST:

By: _____

Title: _Chairman_____

METROPOLITAN NORTH GEORGIA
WATER PLANNING DISTRICT

ATTEST:

By: _____
Chairperson & CEO

Metropolitan North Georgia Water Planning District Toilet Rebate Tracking
Application Summary Report

Prepared for Fayette County on 11/17/2015 3:31:25 PM

Application Status	# of Applications
Pending Water Utility Approval	2
Sent Acceptance Letter	1862
Sent Rejection Letter	130
Submitting to Water Utility	4
Total Number of Rebated Toilets:	2683
Total Estimated Daily Water Savings:	50,135.81
Current Contract Year Funding Amounts	
Current Year Contracted Funding	\$50,000.00
Contract Dates	From 4/8/2013 To 4/8/2020
Current Contract Year Spending	\$48,400.00
Current Year Amount Spent on Rebates	\$44,000.00
Current Year Amount Spent on Administration Fee	\$4,400.00
Current Year Funding Amount Remaining	\$1,600.00
Program History	
Total Spent to Date	\$265,130.00
Total Spent on Rebates	\$238,300.00
Total Spent on Administration Fee	\$26,830.00

Fayette County Water System Toilet Rebate Program Summary

Participation through October 29, 2015

Prepared by the Metropolitan North Georgia Water Planning District

Total Program Costs

On February 20, 2008, Fayette County Water System joined the Metropolitan North Georgia Water Planning District (Metro Water District) Single-Family Residential Toilet Rebate Program. As of October 29, 2015, Fayette County Water System has expended a total of \$263,150 in total program costs (Table 1).

Total Funding Expended	\$263,150
Amount on Rebate Credits	\$236,500
Amount on \$10.00 Administrative Fee	\$26,650

Application Processing

As of October 29, 2015, the Metro Water District has processed a total of 1,987 applications for Fayette County Water System. Of the applications that were processed, 1,851 applications have been approved for rebate and 2,665 toilets have been rebated.

Estimated Water Savings

Estimated daily water savings for each applicant is calculated by the following equation:

$$2.15 \text{ gpf} * 5 \text{ flushes} * 2.78 \text{ average household size} * 1,647 \text{ approved households} = 49,220 \text{ gallons}$$

This assumes a weighted average savings of 2.15 gallons per flush (based on weighted average of toilets replaced using 1.6 and 1.28 gallons per flush), average of 5 flushes per person daily, an average household size of 2.78 (U.S. Census Bureau, 2010 Census), and the number of approved households (excluding multiple applications from the same address). Water savings is only calculated for households approved for rebate. The estimated water savings for Fayette County Water System through October 29, 2015 is shown in Table 2.

Daily Savings	49,220
Annual Savings	17,965,300

COUNTY AGENDA REQUEST

Consent Agenda #19

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's recommendation to award RFQ #1021-A- Easement Clearing at the South Fayette Water Treatment Plant to Georgia Power in the amount of \$20,562.50, to transfer \$10,562.50 from the Renewal and Extension fund to existing easement clearing funds, and authorization for the Chairman to sign any necessary documents.

Background/History/Details:

The fence line at the South Fayette Water Treatment Plant needs to be cleared of trees, tree branches and brush. This deficiency was noted on the last Sanitary Survey. The task is too big for in-house staff and equipment.

The Purchasing Department issued Request for Quotes #1021-A to solicit prices for the work. Notices of the opportunity were emailed to 15 vendors and an additional 89 vendors were contacted through the Georgia Procurement Registry. Invitations were also extended via the Fayette News, the county's website, Georgia Local Government Access Marketplace, and Channel 23. A pre-quote conference was held on September 30, 2015 and representatives from eight companies attended. Five companies submitted quotes. Georgia Power submitted the lowest quote at \$20,562.50. The Water System recommends award to Georgia Power Company. The Purchasing Department supports this recommendation.

The Water System intended to use existing Easement Clearing funds, however, the lowest bid is \$20,562.50. Since the Fiscal Year 2016 budget for easement clearing is \$10,000.00, the Water System recommends transferring the remaining \$10,562.50 from the Renewals and Extensions Account.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to award RFQ #1021-A- Easement Clearing at the South Fayette Water Treatment Plant to Georgia Power in the amount of \$20,562.50, to transfer \$10,562.50 from the Renewal and Extension fund to existing easement clearing funds, and authorization for the Chairman to sign any necessary documents.

If this item requires funding, please describe:

A transfer in the amount of \$10,562.50 needs to be done from the Renewal & Extension Fund to budget account 50541010-522269. The project cost is more than anticipated when the budget was prepared.

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:

The green line on the map is the County's property line and the red line on the map represents the fence line.



Fayette COUNTY

"WHERE QUALITY
IS A LIFESTYLE"

PURCHASING DEPARTMENT
330 BIRNEMWALL AVENUE WEST, STE 204
FAYETTEVILLE, GEORGIA 30214
PHONE: 770-305-5420
www.fayettecountyga.gov

To: Steve Rapson
From: Ted L. Burgess
Date: December 10, 2015
Subject: Request for Quotes #1021-A: Easement Clearing at S. Fayette Water Treatment Plant

There are an easement and fence around the South Fayette Water Treatment Plant on Antioch Road (please see the attached photo). The Water System needs to arrange for a company to clear trees and other vegetation to a distance of ten feet on the outside of the fence. The work involves an estimated 4,161 linear feet of fence line, which includes 235 linear feet of wetland.

The Purchasing Department issued Request for Quotes #1021-A to solicit prices for this work. Notices of the opportunity were e-mailed to 15 vendors. An additional 89 were contacted through the web-based Georgia Procurement Registry. In addition, invitations were extended via the Fayette News, the county website, Georgia Local Government Access Marketplace (www.glga.org), and Channel 23.

A pre-quote conference was held at the facility on September 30, 2015. Representative from eight companies attended. Five companies submitted quotes (Attachment 2). Georgia Power Company submitted the lowest quote, at \$20,562.50. The Water System recommends award to Georgia Power Company. Since the Fiscal Year 2016 budget for easement clearing is \$10,000 the water System recommends transferring the remaining \$10,562.50 from the Renewals & Extensions (R&E) Account. I support their recommendations.

Specifics of the proposed contract are as follows:

Contract Name: 1021-A: Easement Clearing at the South Fayette Water Treatment Plant
Vendor: Georgia Power Company
Not-to-Exceed: \$20,562.20
Budget:
Organization Code: 50541010 Water System Administration
Object Code: 522269 Easement Maintenance
Available Budget: \$10,000 – Transfer the remaining \$10,562.50 from R&E Account

Renewal & Extension (R&E) Account Balance: \$5,682,494.29 as of 11/16/2015

Attachments (2)



HAMPTON RD

WINN WAY

ANTIOCH RD

Request for Quotes #1021-A

Easement Clearing at the South Fayette Water Treatment Plant

COMPANY NAME	GEORGIA POWER COMPANY	MCLEROY, INC.	CASEY TREE EXPERTS, INC.	RHINO SERVICES	NATURCHEM
EASEMENT CLEARING AT SOUTH FAYETTE WATER TREATMENT PLANT UP TO THE CHURCH PROPERTY	18,506.25	59,850.00	84,000.00	125,000.00	126,750.00
EASEMENT CLEARING ON CHURCH PROPERTY	2,056.25	NA	1,000.00	-	-
TOTAL PRICE	20,562.50	59,850.00	85,000.00	125,000.00	126,750.00

COUNTY AGENDA REQUEST

Consent Agenda #20

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of the Water Committee's recommendation to accept the 2016 meeting schedule as presented.

Background/History/Details:

The Water Committee meets every 2nd and 4th Wednesday of the month. In the past the meeting schedule has been approved by the Board of Commissioners and then posted for the public.

What action are you seeking from the Board of Commissioners?

Approval of the Water Committee's recommendation to accept the 2016 meeting schedule as presented.

If this item requires funding, please describe:

N/A

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:



Where Quality Is A Lifestyle

To: Water Committee
From: Lisa Speegle
Date: November 18, 2015
Subject: Meeting schedule for 2016

Following are the dates for Water Committee meetings for 2016.

January 13	January 27
February 10	February 23
March 9	March 25
April 13	April 27
May 11	May 25
June 8	June 22
July 13	July 27
August 10	August 24
September 14	September 28
October 12	October 26
November 9	November 23 - Cancel
December 14	December 28

Consent Agenda #21

BOARD OF COUNTY COMMISSIONERS

Charles W. Oddo, Chairman
Randy Ognio, Vice Chair
David Barlow
Steve Brown
Charles D. Rousseau

FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Floyd L. Jones, County Clerk
Tameca P. White, Chief Deputy County Clerk



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES

November 12, 2015
7:00 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 7:00 p.m.

Call to Order

Chairman Oddo called the November 12, 2015 Board of Commissioners meeting to order at 7:03 p.m.

Invocation by Commissioner David Barlow

Commissioner Barlow asked each of the veterans in the audience to stand and be recognized. He then recited the Lord's Prayer as the Invocation.

Pledge of Allegiance

Commissioner Barlow led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Barlow moved to accept the Agenda. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. Recognition of the winners of the Sixth Annual Pumpkin Carving Contest.

Commissioner Brown and Mrs. Vicki Turner, representing the Public Art Committee, Mr. Blaze Shermom of Saville Studios, and the Board recognized the winners of the Sixth Annual Pumpkin Carving Contest. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

2. Recognition of Coach Cepada Cloud of Whitewater High School, Girl Scout Troop #15017, and Blaze Shermom for placing first, second and third place, respectively, and recognition of the Honorable Mention winners in the Fayette County Scarecrow Contest.

Commissioner Brown and the Board recognized the winners of the Fayette County Scarecrow Contest. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

3. Recognition of Lina Martin for the Arts Civic Award, Lori Thomas for the Arts Educator Award, and Kathleen Senger for the Performing Arts Award.

Commissioner Barlow recognized Ms. Kathleen Senger for winning the Performing Arts Award. Commissioner Rousseau recognized Ms. Lina Martin for winning the Arts Civic Award. Commissioner Brown recognized Ms. Lori Thomas for winning the Arts Educator Award. The Board collectively recognized each winner. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

4. Recognition of the Extension Office's newest graduates of the Wildlife Gardener Program.

County Extension Agent Kim Toal and the Board recognized the newest graduates of the Wildlife Gardener Program. A copy of the request, identified as "Attachment 4," follows these minutes and is made an official part hereof.

5. Recognition of winning second place at the State Wildlife Judging Competition by the Fayette County 4H Wildlife Judging Team.

4H Agent April McDaniel and the Board recognized the second place winners of the State Wildlife Judging Competition. A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.

PUBLIC HEARING:

There were no items of Public Hearing on the Agenda.

CONSENT AGENDA:

Commissioner Ognio moved to approve the Consent Agenda. Commissioner Brown seconded the motion. No discussion followed. The motion passed 5-0.

6. Approval of staff's recommendation to enter into a three year contract with Georgia Administrative Services to serve as third party workers compensation administrator for the County with said contract becoming effective on January 1, 2016 in an annual amount of \$15,000.00, to authorize \$1,500.00 for a one-time data conversion fee, and to authorize the Chairman to sign all necessary documents. Copies of the request and contract, identified as "Attachment 6," follows these minutes and is made an official part hereof.

7. Approval of staff's recommendation to add River Park Phase 1B subdivision to Fayette County's Street Light Program. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.

8. Approval of the disposition of tax refunds, in the aggregate amount of \$1,595.53, as recommended by the Tax Assessor's Office. A copy of the request, identified as "Attachment 8," follows these minutes and is made an official part hereof.

9. Approval of a recommendation from the Selection Committee, comprised of Commissioners David Barlow and Steve Brown, to appoint Charles McCollum to the Fayette County Recreation Commission for a four-year term beginning August 31, 2015 and expiring September 1, 2019. A copy of the request, identified as "Attachment 9," follows these minutes and is made an official part hereof.

10. Approval of the October 22, 2015 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

There were no items of Old Business on the Agenda.

NEW BUSINESS:

11. Consideration of Chairman Oddo's recommendation to adopt a Water Franchise Agreement between Fayette County and the City of Peachtree City.

Chairman Oddo asked County Administrator Steve Rapson to brief Board on the recommendation. Mr. Rapson provided a 25-minute PowerPoint presentation on the Water Franchise Agreement. The presentation focused on a historical overview, a work timeline, the present problem with the spillway, the process on how the recommended agreement was negotiated, and highlights of the recommended agreement. It was pointed out that the recommended agreement was based off the 1966 agreement and six existing amendments. During the presentation, it was also pointed out that the recommended agreement did not pertain to the "lagoon" located directly north of Lake Peachtree across from State Route 54.

Chairman Oddo opened the floor to public discussion on this item.

Terry Williamson: Mr. Williamson commended Mr. Rapson and all those who worked on the recommended Water Franchise Agreement. He then spoke about specific portions of the recommended Water Franchise Agreement, namely, Sections 2.5, 2.7, and 2.8 and he asked for clarity on those sections. He said he reviewed the 2014 Fayette County Comprehensive Water Report, made some findings and then asked the following questions:

- a) Does Fayette County really need water from Lake Peachtree?
- b) How many customers are supported by the Fayette County Water System and what is the distribution of customers who live in unincorporated Fayette County, the City of Fayetteville, and the City of Peachtree City?
- c) What is the basis of the 50-50 split of expenses between Fayette County and Peachtree City and why would the county contribute an additional \$1 million to the city's portion of the split?
- d) Why would Fayette County provide the City of Peachtree City with a non-refundable payment of \$2 million for construction of the new spillway and why would only \$1 million be returned to the county if the city does not build the spillway in the designated timeframe?
- e) Why did Fayette County cede all private-public access to Lake Peachtree, with the exception of water sourcing, when Fayette County's citizens appear to be providing the bulk of funds for the lake?

Mr. Rapson stated that with regard to Section 2.5 of the agreement, the County asked for access to the lake but was turned down by Peachtree City's leadership. He explained that the lake belongs to the City of Peachtree City so it is not a county reservoir and that the county's access to the lake as a water reservoir is based on the 1966 agreement. Mr. Rapson stated "Zone 1" as discussed in 2.7 is comprised of dredging areas 1, 2, and 3 as defined in the older agreements. He stated that Section 2.8 pertains to the City of Peachtree City taking ownership of all the liability for the spillway, dam, and associated structures.

Mr. Rapson stated that Fayette County has six water reservoirs, which includes Lake Peachtree, from which up to 34.5 million gallons of water can be withdrawn each day. He added that of the 34.5 million gallons per day that can be drawn, Lake Peachtree yields only 500,000 gallons per day (GPD). He reported that Fayette County utilizes between 9 and 10 million gallons of water per day meaning withdrawing 34.5 million per day would be excessive. He stated Fayette County does not need the 500,000 GPD from Lake Peachtree or capacity for water reserves; however, he added that typically counties and cities do not give up water permit GPD from reservoirs since once they are given up they are almost never returned. He clarified that while Lake Peachtree is not critical to Fayette County's need for water capacity it is something that is not normally given up either.

Mr. Rapson said he did not have the numbers of Water System customers with him. He said he had received an email from a citizen inquiring about how much water capacity was available to Peachtree City water customers with specific emphasis on how much did they use and what is the percentage of their revenue. He reported that the Peachtree City's consumption is

around 35% while its customer base is about 37%. Mr. Rapson explained that Peachtree City, like other municipalities, is densely populated; however, potable water is provided to the entire county and capacity perspective is based for the entire county. He explained that it is cheaper, on average, to provide water to citizens in Peachtree City since they live near a water treatment plant than it is to provide water to citizens in the Town of Brooks who live further away from a water treatment plant. He added that there is a fixed cost where about 12 to 14 million gallons of water per day are being treated even though the county only uses about 9 or 10 million gallons per day, and that fixed cost applies regardless where one is located in the county.

Mr. Rapson stated the 50-50 split mentioned in Section 2.7 goes back to the fact that Peachtree City owns the lake. He said the calculation was included so people who review the agreement in future years will understand the mechanism. He clarified that Peachtree City is paying 50% of the dredging expenses but that the county would offset the city's percentage with a \$1 million contribution as well as a \$2 million contribution for the spillway. He said the contributions were based on the resetting of all of the previous agreements, responsibilities, and liabilities. Mr. Rapson stated that if a dredging costs \$3 million, which is a low-cost estimation, and if the County is expected to perform at least two more dredgings by the year 2035 according to the old agreements, then the County is currently obligated to spend at least \$6 million for dredgings. He agreed that the County was going to give a \$2 million contribution, but it had also agreed to perform only one dredging in the year 2030. He said if the one dredging is \$3 million dollars and if the County provides a 50% split while providing a million dollars up front then that would mean he would write a \$2 million check for the spillway today and another \$2.5 million check for the dredging in the future. He explained that \$4.5 million is less than the currently obligated \$6 million dollars, providing a benefit to the citizens of Fayette County.

Mr. Rapson stated the \$2 million was being contributed since both the county and the city feel there is a significant operational improvement for the spillway. He stated that there was a study that showed if the dam breached it would affect one house with eight-inches of water, however, the concern from the mayor and council was if the dam breached it could be a life and safety issue if it flooded people on golf carts and bicycles and in the woods. He said there were a lot of nuances in the recommended agreement that was not in the previous agreements.

Mr. Williamson asked for clarity on whether or not Fayette County needs Lake Peachtree as a water source. Mr. Rapson replied that from a capacity perspective the County does not need Lake Peachtree; however, from an operational capacity the County does need Lake Peachtree. He explained that currently the only way the County can withdraw water from Lake Kedron is to have the recommended agreement for Lake Peachtree since all the water from Lake Kedron is flowing into Lake Peachtree. He said the 3.5 million that we are pulling from Lake Kedron is pulled from the intake facility which is located at the very end of Lake Peachtree by the dam. Mr. Rapson stated that irrespective of when he moves the intake facility to Lake Kedron there would still be an agreement for Lake Peachtree, but it would realign the County's permit with the Environmental Protection Division (EPD.)

Mr. Williamson asked if the intention was to move the intake facility to Lake Kedron and do away with withdrawing water from Lake Peachtree. Mr. Rapson replied that the decision would be up to the EPD and both the city's and county's leadership.

Pamela Kemp: Ms. Kemp asked if the "straw" (intake facility) was removed from Lake Peachtree and placed in Lake Kedron would the reverse be true and the additional 500,000 gallons per day could be withdrawn from Lake Kedron.

Mr. Rapson replied that the question would go to EPD but that the county was fairly confident the EPD would give the county the ability to withdraw 4.5 million gallons per day from Lake Kedron so long as the intake facility was at Lake Kedron.

Frank Gardner: Mr. Gardner asked if the financial obligations would be paid from the Water System or from the County's General Fund. Mr. Rapson replied that the funds would come from Fayette County's Water System. It was clarified that the Water System operates through an Enterprise Fund and that the obligations would be paid from the Renewal and Extension fund.

No other citizen commented on this recommendation.

Chairman Oddo moved to adopt the Water Franchise Agreement between Fayette County and the City of Peachtree City. Commissioner Barlow seconded the motion.

Commissioner Brown thanked Chairman Oddo for letting everyone speak. He said he did not favor either Peachtree City of Fayette County with this agreement, even though he lives in both jurisdictions, since he wanted to see a good agreement between both entities that he cares about and that are vital to the future success of every citizen of Fayette County. He said he was concerned whether the agreement was equitable and if the citizens could take pride in it. He acknowledged that agreements do not give everyone everything but he wanted to know if this was the best agreement possible. Commissioner Brown stated he was concerned with cost-benefit issues and he thought the agreement was misconstrued since the City of Peachtree City owns the lake and spillway. He stated that the other party, however, is not Fayette County but rather the water rate payers who also live in Peachtree City.

Chairman Brown noted that the 1966 agreement and its subsequent amendments were really bad and needed to be changed and he asked what was the rationale for switching all the duties. Mr. Rapson stated that the county took on the duty of the spillway since it has the manpower and expertise to manage the spillway since the City of Peachtree City does not have a Water System and has never managed one.

Commissioner Brown asked what was the County's engagement on the spillway and paying for the spillway. Mr. Rapson replied that the County was not actually paying for the spillway but was providing a \$2 million contribution. He explained that the spillway would cost more than \$2 million. He said the result would be a brand-new spillway that the county would operate and maintain for the city.

Commissioner Brown asked why Fayette County would put money into a piece of infrastructure that is owned by the city and is not owned by the Fayette County Water System. Commissioner Ognio replied that the agreement offsets the cost that the County is obligated to fund if it remains in the 1966 agreement and that the recommended agreement would make the agreement more equitable between the two parties. Mr. Rapson added that the spillway would be a benefit to the County since, given the recent heavy rain, Lake Peachtree is within ten inches of being full and going over the spillway. He said the ability to bring the water level down is based on a 36-inch pipe that has been wide open for over a week. He said the spillway would give the county the flexibility to better manage the lake for flood conditions. He explained that currently the county has a pretty creative solution to take 12-inch lines and run them over the spillway in order to "syphon" the lake, lowering the lake quicker.

Commissioner Brown stated that the Fayette County Water System does not need the Loghouse Well, and he asked if the water currently being withdrawn from the Loghouse Well was going to the Water System. Mr. Rapson replied that Fayette County has already closed all the wells that it had since well water is hard to treat and manage. He said Peachtree City decided it wanted ownership of Loghouse Well, meaning the city would take ownership of the EPD regulations associated with the well. He said the Water System would disconnect the well from its system but as long as the Loghouse Well is part of the Water System then the water needs to be treated at great expense. He explained that the agreement would be a win-win for both the county and the city.

Commissioner Brown asked Peachtree City's Interim Manager Jonathan Rorie if there was a plan from the city's perspective to disconnect the well from the intake system of the Water System and do something different. Mr. Rapson stated that the well would be disconnected from the Water System. Mr. Rorie added that the well water would be used for irrigation purposes, it would not enter into the Water System, and it would be used to spray on ballfields. Commissioner Brown asked if the city would create the infrastructure to route the well water to all parks and recreation facilities and Mr. Rorie replied that was the plan. Mr. Rorie clarified that the water would only be provided to one field and not throughout the city. Commissioner Brown asked if the city would be responsible for the water quality being sprayed on the field and Mr. Rorie replied that would be the city's responsibility.

Commissioner Brown referred to Section 2.2 saying some of the language was vague and he specifically referred to the sentence: "The City agrees to exercise its best efforts to take all reasonable measures which would result in a reduction of silt being introduced into the Lake." He said the language was added by the County but it does not give guarantee that anything would be done. He said there have been historic problems with bank and buffer management issues between Lake Kedron and Peachtree City. He asked for language to be included that defines what the management practices would be and list specific criteria for keeping silt levels down in the lake. He said specific language would help both parties since if there is a

plan to reduce siltation in the water then there could be a reduced need to dredge the lake. He asked Mr. Rapson if there would be specific language entered into the agreement on how to manage banks and buffers. Mr. Rapson replied that the county would refer to the Reservoir Management Program and that the changes would be included in that program since the program is part of the EPD requirements for managing a Water Drinking Reservoir System. Commissioner Brown replied that the language would reduce the need for dredging thereby saving money as part of the Board's fiduciary responsibility. Commissioner Ognio added that there was no wording like that in the original contract so the recommended agreement was much better. Commissioner Brown said he was hoping the renegotiated agreement would have clearly defined points and this was one of the points he wanted added since there was no incentive for the city to enforce the agreement. Mr. Rapson repeated that the agreement would be enforced through the Water Management Program and the EPD. County Attorney Dennis Davenport added that there was an indirect incentive since where the city currently pays nothing for the dredging it would have to pay 50% through the proposed agreement, meaning they have to take every measure possible to keep the silt at a minimum. Mr. Rapson stated there was a focus on the common dredging based on the bathymetric survey and he stated that the agreement allows for the city to dredge other parts of the lake that have nothing to do with common dredging, for example, the dredging of the Pinehurst boat dock. He said the city does have the ability to spend money, at full cost to the city, to pay for dredging other portions of the lake. Commissioner Brown stated there had been discussions about the lake banks where work needed to be more diligent in an effort to protect the water supply.

Commissioner Brown said Section 2.3 identified the reasonable "best effort" of Lake Peachtree to be 784.4 feet since that is the top of the spillway. Mr. Rapson replied that is the top of the spillway. Commissioner Brown asked what is the "best effort" water level for Lake Kedron and why is that information not in the agreement. He said there were a lot of homeowners who live on Lake Kedron who complain about swamps being left at Lake Kedron since it has to be drained so often in order to fill Lake Peachtree. He asked if a minimum water level should be established for those who live on Lake Kedron. Mr. Rapson stated that there is trust associated with the agreement between the city and county. He stated that the 1966 contract's intention was "we don't care if you drain Lake Kedron to the dirt just keep Lake Peachtree full." He said that language was not in the recommended agreement since it is not a reasonable approach.

Water System Director Lee Pope stated the Water System has installed United States Geological Survey (USGS) gauges to allow better management of Lake Kedron. He acknowledged that in the past Lake Kedron was drained to keep Lake Peachtree full, however, at the time the Water System was not gauging what was flowing into Lake Peachtree and therefore had no idea what was flowing over the spillway. He said there was no intended withdrawal from Lake Peachtree and the use of the lake would be minimized so there would be minimal need to use Lake Kedron to fill Lake Peachtree. He said the gauges are in place to better manage the lakes. He added that currently Lake Kedron is overflowing into Lake Peachtree and the Water System is trying to get the water out of Lake Peachtree so it can be dredged. Mr. Pope stated that the Water System identified that about 10 to 12 million gallons of water were being released per day which is about 9 to 10 Cubic Feet per Second Rates of Flow (CFS). He clarified that only one CFS is supposed to be released meaning ten to twelve times as much water had been released than should have been released. He said that practice has been stopped. He stated that now that the gauges are installed there would be better management of the lakes. Mr. Pope then explained how both lakes could be better managed. Mr. Pope also confirmed that Fayette County would not want to lose Lake Peachtree as a water reservoir.

Commissioner Brown stated that eventually the state and federal governments would require the overflow to go downstream and that the stream needed to be protected. He said the stream is protected by putting water into it but there was nothing in the agreement pertaining to the stream. He asked for language to be added clarifying how to maintain the stream while keeping the water levels up for Lake Peachtree. He was concerned that Lake Kedron could be drained out again irrespective of whether or not there was monitoring taking place. Mr. Pope replied that Lake Kedron is a 1 CFS which is less than one million gallons per day. He stated that the calculations shows that a small amount of water would be released from Lake Peachtree so there should not be a problem. He did not anticipate a problem meeting permits with either Lake Kedron or Lake Horton. Commissioner Brown replied that the responsible language in the agreement is coming up with a numerical value for Lakes Kedron and Peachtree and determining the balance for each lake. He said there needed to be a formula for the acceptable amount of water that is allowed for Lake Kedron since those property owners also pay for water and are citizens with the provision that there was going to be a lake there. He thought it was a miscalculation in the agreement. Mr. Rapson replied that the original agreement said Lake Peachtree had to be maintained at 1966 levels but there was no other standards given, but that the recommended agreement provides a standard and the term "best efforts" allows the county to use reasonable efforts to keep the level at 784.4 feet. Mr. Rapson stated if the "best efforts" language was not in the contract

then the 784.4 level would be an absolute level, but with the language staff would be able to use best efforts that include managing the flow from Lake Kedron to Lake Peachtree. He said both lakes would eventually have both bodies of water and when they have water the release of water from Lake Peachtree would be about 1/10th of what has been released in previous years so there should be no problem with streams or Lake Kedron. He added that the agreement allows for the lakes to be managed better than they have been for the past thirty years.

Commissioner Brown stated that every response he has received from staff is that the original 1966 agreement did not have language in it. He agreed that the 1966 agreement was a horrible agreement, but he said avoiding the issues in the new document does not make the new agreement better or right. He said he wanted to see the minimum water level for Lake Kedron provided in the agreement in order to avoid lawsuits. Mr. Davenport answered that the reason the answers keep referring to the 1966 agreement is because the alternative is to stay with the original language until 2034 or to put something together that is better for the county. He said the 1966 agreement and its amendments will be valid for another 19 years if nothing is done. He asked if it was better to continue for the next 19 years with better language by comparison to the 1966 agreement. He added that by definition the parties have to refer to the 1966 agreement as a gauge to determine if they are making improvements. Mr. Davenport emphasized that this agreement was not started from scratch since there is a relationship that will continue for another 19 years, so given the circumstances, the parties got together and agreed to live with the recommended agreement. He agreed that the proposed Water Franchise Agreement was not perfect but added it is much better than the 1966 agreement. He said the standard may not be good for some, but when there are positive results with both parties working together that is called a compromise and this is a good compromise. Commissioner Brown replied that that this meeting was in itself an effort to gain compromise between the parties.

Commissioner Barlow noticed that Peachtree City Councilman Eric Imker was in the audience. He said he reviewed Peachtree City's meeting where the agreement was voted on and he noted that Mr. Imker was clear that the agreement was the best one possible and that Mr. Imker voted in favor of the agreement. He said he listened to Mr. Imker since he thought if there was criticism of the contract it would come from Mr. Imker. He said Mr. Imker did criticize the contract but ultimately he voted in favor of the contract. He asked Mr. Imker if he had represented him properly and Mr. Imker replied that Commissioner Barlow had. Commissioner Barlow stated that the leadership of both the county and the city worked themselves to an agreement that both sides could live with and that the efforts took a long time. He then asked for a Chairman to call the vote.

Chairman Oddo stated that everyone needed to remember where the county would be without the recommended agreement and that it would be where it was ten months earlier, which was to arbitration and possibly to court. He said the parties had gotten past that point and while no one got everything they wanted it was better than what was previously had. He said the county was getting a good deal as well as was Peachtree City making it a good compromise. Commissioner Brown replied that the Board has a fiduciary responsibility to come up with the best agreement possible and he did not even have a copy of the agreement until it was on Peachtree City's Agenda and that he did not have Exhibits 1 or 2 until two days before Peachtree City voted on the agreement. He said he would have loved to have the discussion earlier. Chairman Oddo replied that Commissioner Brown did have the contract when it was provided to him on October 22, 2015. Commissioner Brown replied that the agreement was already on the City of Peachtree City's Agenda by October 22, 2015. He said it was the job of the Board to come up with the most logical and efficient win-win agreement for the parties.

Commissioner Brown referred to Sections 2.6 and 2.7 and he said he wanted to clarify that 50-50 split referred to in Section 2.6 was separate and apart from the 50-50 split referred to in Section 2.7. Mr. Rapson replied that Commissioner Brown was correct. Commissioner Brown said he wanted more clarification in the agreement that defines those splits as being separate. Mr. Rapson replied that was the reason the example was given in Section 2.7.

Commissioner Brown stated there was a dangerous precedent for spending money on the spillway and that he would rather pay for the dredgings than pay for another jurisdiction's infrastructure that neither Fayette County nor the Water System owns. He thought it was better to get out of the spillway altogether since the jurisdictions should not be paying for the others infrastructures. Mr. Rapson said that Commissioner Brown was seeing the end result of the negotiations. He said having a spillway creates a management tool for the county so it is not tied to buying an asset. He said the city is planning to do additional improvements to make the dam a Category I dam and the costs would be fully borne by the city. Commissioner Brown mentioned that the county was going to give the city \$2 million but if the city does not build the project the county only

gets one of the two million dollars back while leaving \$1 million on the table. He said he would rather see the \$2 million given at the completion of the project. Mr. Rapson said that option was on the table but it ultimately was agreed to as part of the balancing act between what is in the best interest of both Fayette County and the City of Peachtree City. Commissioner Brown stated the city could bond out the spillway project and the County could provide the city with the \$2 million after the project was complete.

Commissioner Brown asked who was responsible for the water quality of Lake Peachtree. Mr. Rapson stated it is only water quality if it is being treated through the Water System so any water the county withdraws from Lake Peachtree is the Water System's responsibility. Commissioner Brown asked, given a chemical imbalance in the lake, would the Water System be responsible for water quality or would the city since they own the lake. Mr. Rapson replied that Fayette County has other areas it can withdraw from and Lake Peachtree has not been utilized for drinking water for about two years so that would not be an issue that he is aware of. He said if there was an issue then the county would get with Peachtree City's leadership and work to resolve the issue. Commissioner Brown said the city allows people to swim in the lake. Mr. Rapson replied that the city makes its allowance based on EPD approval. He said should the intake system be removed from Lake Peachtree to Lake Kedron then Lake Peachtree would no longer be a water reservoir for Fayette County and it could be used as a recreational lake. He clarified that until that happens Lake Peachtree falls under the same Water Reservoir requirements. Commissioner Brown asked if the water quality decreases to the point of a threat then who would be responsible for fixing the water in Lake Peachtree. Mr. Pope stated that the Water System would treat the water to potable standards since that is what it is licensed to do. He said if a significant outbreak occurred then the County would pull from another reservoir and would not pull from a contaminated reservoir. Commissioner Brown stated that the agreement allows for the county to be responsible for the maintenance and operation of the spillway. Mr. Rapson said the reason for that responsibility was because the intake system is part of the Water System. Commissioner Brown said that language needed to be clearly defined. Mr. Pope replied that the wording is not required in the agreement since it is required by the permits and he said the Water System is required to monitor all the sources. Mr. Rapson added that there is shared responsibility with the lake to make sure it is properly maintained.

Commissioner Brown said he hoped the people on Lake Kedron would not get "shafted" for the next 19 years. Mr. Pope replied that he had met with the homeowners along Lake Kedron and he felt they would be satisfied.

Commissioner Ognio said when there is an agreement as bad as the 1966 agreement and the two sides come together there has to be a reason to make a new agreement. He thought there were issues in the new agreement that showed both sides conceded certain things and received certain things. He thought if this was a brand-new agreement he might feel differently but after considering there was a bad agreement with six amendments, this newly recommended agreement was a good agreement. He urged the Board to consider that everyone has to get something and he felt the agreement did that. He stated that some of the points Commissioner Brown made were discussed in the negotiations but there was no agreement. Commissioner Ognio added that the \$2 million contribution would benefit the Water System by having the spillway. He said even if the city did not build the spillway, the new agreement would still allow the county to save millions of dollars.

Commissioner Rousseau thanked staff and the Chairman and the participants who worked on the recommended agreement. He said he agreed with Commissioner Brown saying the Water System is an "us" system and not necessarily a Fayette County issue. He thanked Mr. Williamson for his questions and concerns. He said he saw savings on operations and maintenance costs which results in everyone saving money.

Chairman Oddo said this has been a process that has gone on for many months and hours. He thanked everyone who was involved and he said he was pleased to have a part in it. He said it was too rare for Peachtree City and Fayette County to come to a mutual conclusion and he said this agreement could have gone anywhere. He said the negotiations were at times very difficult and it is very easy to say "this is what it should say this is what it should be." He said everyone understands that position but that the agreement was not written by one person but by a group of 15 to 20 people. He said everyone came away with the best product for both communities. He said the County was not enthralled with being in the agreement in the first place and the city wants control of its own lake. He stated this was a step to pull the parties out of seven contracts. He stated the agreement was not perfect but it helps both parties be in a position that they want to be in for the next 20 years. Chairman Oddo stated it was very difficult to express the amount of work that went into the agreement which is a very good product.

Commissioner Brown acknowledged that the proposed agreement was much better than what was produced in 1966 and no one would deny that. He said it was a heck of a lot better than anything before.

The motion to adopt the Water Franchise Agreement between Fayette County and the City of Peachtree City passed 4-1 with Commissioner Brown voting in opposition. Copies of the request including the PowerPoint document, and the Water Franchise Agreement, identified as "Attachment 10," follow these minutes and are made an official part hereof.

12. Consideration of the Environmental Health's recommendation to amend the Fayette County Code of Ordinances by adopting Ordinance 2015-14, and in so doing creating a new Section 14-1 pertaining to "Payment of Fees," in Article I of Chapter 14.

County Manager of the Fayette County Health Department Robert Kurbes briefed the Board on the recommendation. He stated that Boards of Health in each of Georgia's counties are charged with enforcing both local health related regulations and state mandated health related regulations. He said the Board of Health was able to produce and adopt a Schedule of Fees, which was approved by the Board of Commissioners in a previous meeting. Mr. Kurbes asked for his department to be given a tool to enforce lack of payment of the fees. He said his department like many others in Georgia has adopted a Fee for Service that is an annual fee based on a facility's size. He said invoices go out in late November and are due in mid-February. He said there is an interpreted rule that allows enforcement, however, that after review it was determined the interpretation "did not really exist." He said he has worked with the Board of Health's attorney and with Mr. Davenport to produce a resolution for the payment of fees and to provide an enforcement process for the payment of fees and that the resolution was recently adopted by the Fayette County Board of Health. Mr. Kurbes stated that his request was for the adoption of Ordinance 2015-14 to make collection of the fees enforceable at the local level.

Chairman Oddo asked how the process would work. Mr. Kurbes stated that the invoices go out toward the end of the calendar year and are due in mid-February. He described that if a facility does not pay then there are multiple reminders sent to encourage payment and after a long process takes place then the facility's license is revoked until paid. He stated that the proposed ordinance would streamline the effort to collect the fees at the local level and through the court system.

Commissioner Rousseau asked once the permit has been revoked and if a person still operates without a permit what happens at that point. Mr. Kurbes replied that they would be found operating without a permit which is a citable offense that currently exists. Commissioner Rousseau asked how frequently that has occurred. Mr. Kurbes stated that since he has been with the Health Department in 1990 it has never occurred. Commissioner Rousseau clarified then that the issue is about the collection of fees and Mr. Kurbes agreed that was the issue. County Administrator Steve Rapson stated this would be new with State Court and so staff would sit down with the Court to give clarity.

Commissioner Ognio asked if the ordinance gives the Board of Health the authority to revoke a state permit. County Attorney Dennis Davenport disagreed saying the Board of Health already has that authority but rather this ordinance would require any violation to ultimately be decided by the State Board of Health. Commissioner Ognio replied that the proposed ordinance would shorten the process and Mr. Davenport replied that was true. Brief discussion followed.

Commissioner Brown moved to amend the Fayette County Code of Ordinances by adopting Ordinance 2015-14, and in so doing create a new Section 14-1 pertaining to "Payment of Fees," in Article I of Chapter 14. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0. Copies of the request and Ordinance 2015-14, identified as "Attachment 11," follow these minutes and are made an official part hereof.

13. Consideration of staff's recommendation to approve funding of \$217,937.00 of the Solid Waste Fund; which includes an additional NTE \$13,324.00 to the Jacobs Engineering Group Inc. and authorize the Chairman to sign any necessary documents for the purpose of constructing a new inert landfill.

Environmental Management Director Vanessa Birrell reported that in February 2014 she asked the Board to approve the design and permitting process with the Environmental Protection Division (EPD) for an inert landfill. She stated there was a

Public Hearing conducted in 2015 for the landfill and the county received an approved design and operation plan during the summer. She asked for the funding to construct the inert landfill.

Commissioner Brown asked if funds are already available for the use. County Administrator Steve Rapson replied the funds would come from fund balance and even though it's coming from the same funds there is funding in fund balance to fund the activity. Commissioner Ognio pointed out that the County does not do well with the Solid Waste Fund. Mr. Rapson mentioned that staff is preparing a fee structure for municipalities since the municipalities have historically not been charged to use the inert landfill.

Commissioner Barlow moved to approve funding of \$217,937.00 of the Solid Waste Fund; which includes an additional NTE \$13,324.00 to the Jacobs Engineering Group Inc. and authorize the Chairman to sign any necessary documents for the purpose of constructing a new inert landfill. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 5-0. A copy of the request, identified as "Attachment 12," follows these minutes and is made an official part hereof.

14. Consideration of the Public Art Committee's renovation recommendations to the county staff's break room.

Commissioner Brown reported that the Public Arts Committee (PAC) had looked at bringing unique projects that create better improvement at the county and a better look for the county. He stated that the Administration Department has a wonderful photograph by Mr. Sam Patton of Starr's Mill. He said the Commissioners were so enthralled with his work that it was put into a wrap format and put on the main wall in the Administration Office. He said the currently proposed project is similar to the Administration Department project. He said the break room is dull and lifeless and discourages anyone from wanting to take a break in it. He then described the look of the room and said the PAC decided to bring art into the room, brighten the room up, and utilize high school artists to make it happen. He reported that the Fayette County High School's art students came up with a design for the break room and they would supply the art work on display. He then asked Mr. Anthony Ballard of the Buildings and Grounds Department to brief the Board on the proposed work. Mr. Ballard then gave an eight-minute PowerPoint presentation on the current break room and proposed changes to the break room. Commissioner Brown pointed out that the cost for the project was \$3,787.00 and he thanked Mr. Ballard for his work and participation on the project.

Commissioner Brown moved to approve the Committee's renovation recommendations to the county staff's break room at a cost of \$3,787.00. Commissioner Barlow seconded the motion.

Commissioner Ognio said there was no doubt the break room needed an upgrade, but he asked if there was a need to start defining what an art project is. He suggested this could be a maintenance issue since the overall project is an improvement project for the county. Commissioner Brown said the room was identified as a need for ascetic beauty. He said it did not make sense to put artwork in the room without updating the walls and floors.

Chairman Oddo asked what made the project a "Public Arts project" and what portion of the public would actually see the room. Commissioner Brown replied that anyone who goes in the room could see it and that the effort was partly to give the young people an ability to express themselves. Chairman Oddo stated that the Administration Office has a lot of the public coming into it since it is a commonly used room, but he agreed that the project was a maintenance project. He thought the project itself was excellent but that it needed to be a maintenance project. Commissioner Brown replied that if the Board wanted to designate it as a maintenance project that would be fine and he repeated his request for an improvement of the breakroom.

Chairman Oddo stated that public art needed to be as visible as possible. He said he was not against the project and he was not against having staff do something to the room. He reminded Commissioner Brown that in January 2015 he asked for updates from the PAC so that the Board would know what is coming but those updates have never been brought forth. Commissioner Brown replied that Chairman Oddo gets the minutes for every meeting along with the attachments. Chairman Oddo insisted that he had asked for an update and that is what he meant, that is what people understood him to request, and it was certainly what was understood. Commissioner Brown stated he had mentioned he would send the minutes. Chairman Oddo repeated that he wanted an update from the PAC for any projects before any time, effort, or money was spent on the projects and he said that was the intent of getting updates. Commissioner Brown replied that the project was proposed free of charge since it was made by volunteers.

Commissioner Rousseau asked if there were bylaws, guidelines, or format for the PAC since he could not find any. He asked County Administrator Steve Rapson if there were any formal bylaws for the PAC, and Mr. Rapson replied there were no bylaws. Mr. Rapson added that he would disagree with some of what was said since there is staff time and effort in order to get the proposal in front of the Board. Commissioner Rousseau stated that the bylaws needed to be addressed at some point in time to establish a process which is critically important and will tell how things come forward. He agreed with Chairman Oddo and Commissioner Ognio that this project is a maintenance project with the assistance of the art community's efforts. He mentioned the bylaws may have perimeters set on how to fund art projects and he said he would be willing to offer perimeters on how the PAC works in the future. Commissioner Rousseau asked if money had been set aside for the project. Mr. Rapson replied there was about \$54,000.00 set aside in the Public Arts account. Mr. Rapson stated that if this project needs to be funded as a general fund renovation project then the motion needs to be made to fund it from contingency.

Commissioner Brown stated it would be "fun" to have Commissioner Rousseau on the PAC since it would benefit the PAC to have structure. Commissioner Brown then spoke about the Tax Commissioners box and said his point was it could have been considered a maintenance project. He said the PAC is working to move things to the next level while bringing appeal. He said the effort is to bring the room up to a level that the county normally would not bring it up to.

Mr. Rapson stated that the real flaw that he sees with the PAC is there are coordination efforts with individual departments and he cited the mural project in Peachtree City as an example. He said if the Board wants staff to bring order to the PAC then it will do so. He said Commissioner Ognio is looking to establish a Transportation Committee but it will have an organizational structure. He said staff did not want to bring something to the Board that surprises the Board and is something that the Board is not interested in doing.

Mr. Rapson stated he saw this project as a renovation from the general fund as opposed to a Public Arts project.

Commissioner Rousseau amended the motion to authorize the funding for the project and to take it out of the general fund contingency. Commissioner Barlow seconded the amendment.

Chairman Oddo asked that on a go-forward basis and, given that the PAC is a loosely-run committee, that the committee gives an update to the Board so it can make a decision before it gets to this point. Mr. Rapson stated that staff would work on guidelines for the PAC. He mentioned there are other concerns with the PAC such as how minutes are done and all those concerns could be addressed in the guidelines.

The motion to approve the Committee's renovation recommendations to the county staff's break room at a cost of \$3,787.00 and for the funding to be utilized from general fund contingency passed 5-0. A copy of the request, identified as "Attachment 13," follows these minutes and is made an official part hereof.

The Board took a short recess from 9:58 p.m. until 10:02 p.m.

15. Consideration of the Public Art Committee's recommendation to approve an agreement between Fayette County and various local artists to complete an art project consisting of county staff photos to be used for the Human Resource's Department Mural.

Commissioner Brown stated the Board saw this project presented at a previous meeting and there were no negative comments. He said there is a wall in the Human Resources Department that is visible from the outside and it is a room where people wanting jobs or trying to do business will see the wall. He said the intention was local photographers would show actual staff members working their jobs and entitle the wall project *Fayette County Works*. He said the pictures would showcase the departments and what they do and the request was to approve the contract. He said the County Attorney had reviewed the agreement and the individual photographers and the Chairman would sign the agreement.

Commissioner Brown moved to approve an agreement between Fayette County and various local artists to complete an art project consisting of county staff photos to be used for the Human Resource's Department Mural. Commissioner Ognio seconded the motion.

Donna Thompson: Ms. Thompson stated she is a photographer who exhibits and curates exhibits, that she has a photography group in Fayette County and that she teaches. She said she wants to see public arts in Fayette County but there needed to be a concrete definition of "public art." She said it was disturbing to see a vote on a legal contract to be given to the photographers. She said she reviewed the minutes and could not find where other artists had been required to sign a legal agreement. She said public art should be fun and inviting but it sets a bad precedent to require artists to sign a legal agreement. She said she would not sign the agreement unless there is a lot of money involved since the photographers likely do not have an attorney, and said most of the points in the legal agreement should be covered in an initial Call for Entry. She questioned the rights of ownership and relinquishing copyrights in the agreement and said it is not necessary to relinquish ownership for this type of project. She asked why the county would take ownership of the photographs since it can use the photographs without ownership. She mentioned that the issue of employees giving their release has not been addressed. She questioned if there were any legal agreements other artists who completed art had entered into. She stated that the agreement mentions creative editing and she described how problematic it would be to have 19 artists with various interests working on this project. She understood why the county wanted to protect itself from liability, but she did not recall seeing any other agreement for other artists to sign. She closed her statement saying if there is a need for one artist to sign a legal agreement then there should be a need for all artists to sign legal agreements.

Commissioner Brown agreed with Ms. Thompson saying she had a very valid point since there should have been agreements with all the artists for all the projects from the beginning. He agreed that the county needs to cover liability. He stated that all of the artists, except for one, who read the Call for Entry, had volunteered for the project. He added that there are copyright matters to consider and that Fayette County does not have an employed Art Curator like Fulton and other counties do who address these types of issues. He stated that smaller counties have these types of proposed agreements in order to protect their liabilities. Commissioner Brown added that these are civil projects where professionals and amateurs donate of their own talents for the betterment of the public good. He stated that all that the county wants is the ownership of the photographs so that it cannot be sued on copyright infringement but he emphasized that the County would allow the photographers to use the pictures however they choose. Commissioner Brown stated he would hate to see a concrete definition of public art or anything artistic since it puts art in a box. He said the terms needed to be as flexible as possible in order to accomplish the goal without stifling creativity.

Ms. Thompson rescinded her request for a concrete definition of public art but asked for a better definition of public art. Commissioner Brown agreed. Ms. Thompson applauded Commissioner Rousseau for his previous statement that public art is not a building renovation since replacing floors and moving televisions do not fall under public art. She said that was a perfect example of why there needed to be a better definition of public art and she asked for by-laws or standards to be set for how the Public Art Committee (PAC) operates. Commissioner Brown pointed out that there are several museums around the world that are considered public art themselves even though they are infrastructure projects since they were built by artisans who were also architects. Chairman Oddo quipped that the staff room was not a piece of art although it is a piece of work.

Chairman Oddo asked why the county has to have ownership of the pictures and why the agreement simply just allowed the county to use the photographs with the agreement of the photographers. Commissioner Brown said the main reason is because there is no one on staff to curate art in the county's possession. He said if a person took a photograph of the wall and used it in any capacity then the county could be sued for copyright infringement. He repeated that small counties enter into these agreements routinely. County Attorney Dennis Davenport stated whoever owns the photographs has the rights to the photographs. He said it would be possible to proceed without owning the photographs but that the County would need to have safeguards in place if it did not own the photographs. He said if the county wants to limit the liability exposure as much as possible then it needs to own the photographs but if the county is comfortable assuming some risks then some safeguards could be entered to check the risk so that the risks do not become substantial.

Commissioner Rousseau stated if the county entered into a Request for Proposals (RFP) for a project it could be spelled out and the artists who want to participate could choose to participate already knowing that their work would become part of the ownership of the county, negating the need to enter into an agreement. Commissioner Brown replied that the terms were already spelled out in the Call for Entry. Mr. Davenport replied that the RFP process leads to an agreement where the terms are settled. Commissioner Brown replied that the terms were in the Call for Entry and no one entering the project is unaware

of the terms. County Administrator Steve Rapson added that had this matter gone through the RFP process the agreement would have been included with the RFP so that interested parties would clearly understand what is expected.

Commissioner Rousseau asked if there were employee waivers and if the employees have the right to determine how their image will be used in any certain project. Mr. Rapson replied that issue should be addressed. Commissioner Rousseau repeated his question by asking if there should be a waiver for the county or artists to use employee's images. He stated that some of the pictures would require the photographers to enter into "intimate" places where images may unwittingly be captured and there needed to be safeguards for those scenarios as well. Commissioner Rousseau said he had another concern with the language where it says the Public Arts Committee will have final approval and he said he did not want to turn that responsibility over to that committee since the County, for whom the work is being done on behalf of, should have final approval of the project. He then asked Mr. Davenport to address his concerns.

Mr. Davenport stated when a photographer takes a picture the photographer has the duty and responsibility to make sure to respect the rights and responsibilities of the subject matter of the photograph. He said Paragraph Six of the proposed agreement require that the photographs do not infringe the rights of any third party. He said for the photographer to say the county can own the photograph then the photographer has to first own the photograph. He stated that for the photographer to own the photograph they have to have sufficient waivers from the subject to do so. He said while the language is very generalized it is the language the county would rely on for county ownership since implied in the conveyance is that the photographer has ownership. Commissioner Rousseau replied that the effort was circuitous. Mr. Davenport agreed saying given the template he was provided with generalized information then there is a generalized agreement.

Commissioner Brown said there were two separate issues, namely, the proposed agreement with the photographer and a separate release with the employees. He asked if the employee release was a separate issue and Mr. Davenport replied that it was a separate issue.

Chairman Oddo stated it may be a separate issue but this concerned one project and that it should not be done by piecemeal. He then asked if there had been a review on how others do these types of agreements. Commissioner Brown replied that Bartow County had a similar agreement with almost the same language. Chairman Oddo asked if there were any other examples and he repeated that he did not understand why the county had to have ownership of the photographs since there could be "right to use" language in the contract. He then stated that this discussion pointed out the need for more structure on the PAC since these requests could be vetted out better before they get to the Board of Commissioners level. He said there were still questions about the agreement and he was not ready to vote on the agreement. Commissioner Brown replied that the agreement had been vetted by the County Attorney.

Mr. Davenport replied that for him to thoroughly vet something then he should be involved in the first step of the process. He said when someone sends him bullet-points and asks him to put them in an agreement then he will write the agreement, but he emphasized that he had never sat down with anyone to discuss the intention or parameters. He said if he puts together an agreement then he needs to be at step one of the processes albeit there is a time factor involved. He said without knowing specifically what is intended then he will craft an agreement with the information provided, but he could not attest whether or not the agreement covered all of the intentions. He mentioned that it appears he is doing more and more of writing agreements and less of being at the foundational first step, and he added that he needs to be included with the first steps so he can know the parameters for an agreement.

Commissioner Brown replied that this demonstrated why many local governments do not get into many public arts projects since it is so subjective. He stated that the project was purely civic in nature and no one was making money off of them. He said the photographers all committed to give up their work per the Call for Entry and they are doing the work on their own volition. He said the county needed to make sure it was protecting the county's interest from a liability standpoint. He added that there is no one on staff and no one has the time to monitor each scenario that may come up with public art projects, so the simplest way to address the matter was for the county to own the photographs and allow the photographers to use the photographs however they see fit.

Chairman Oddo said this matter had come to the Board and, after hearing Mr. Davenport report that he had limited involvement with the agreement, he was not comfortable voting on the agreement.

Commissioner Ognio said he agreed with Commissioner Rousseau's concerns about granting access to county employees. He said the County does not have the staff to do other work and he asked how would there be staff time to review every photograph and verify there is no information distributed that should not be distributed. He added that he had heard no other artist had entered into this agreement although all of them should have entered into similar agreements. He asked if there could be one contract that would address each issue instead of separate contract for various projects.

Commissioner Rousseau agreed with Commissioner Ognio since he heard that the agreement was for only this project as opposed to fashioning something long-term that would address most projects. He said the work and efforts of the arts community was appreciated. Commissioner Rousseau asked if he properly understood that this was a specific agreement for a specific project in the Human Resources Department.

Mr. Rapson replied that Commissioner Rousseau was correct in his assessment and he said that after listening to the Board he recommended staff being able to work with Mr. Davenport to make a common agreement. Mr. Rapson added that from a staff perspective there was uncertainty about whether the pictures would be taken in the office or on a truck or in the field, so there were other issues that staff would work through. He said there were staff who would embrace the pictures and others who would have concerns like those addressed. He said those issues need to be vetted to determine how this is done. He stressed that these issues should not be on an Agenda before being vetted and he emphasized that even the County Attorney did not feel comfortable with the agreement.

Commissioner Rousseau asked if there were any time sensitive issues involved with the request and he was told there was not.

Commissioner Brown withdrew his motion to approve the agreement.

Commissioner Brown moved to bring the agreement back at a future meeting at which time the language is ready and for the agreement to be changed stating the Public Arts Committee will bring forward a final rendition draft to the Board of Commissioners for approval. Commissioner Ognio seconded the motion.

Commissioner Brown stated there could be a boilerplate document but given the nature of public art it would have to be very flexible. Mr. Davenport agreed but added it was a good idea to have a good common element in the document.

Chairman Oddo stated it would be wise that when the PAC comes up with ideas to circulate it to the Board of Commissioners before it is brought to a meeting in order to get consensus. Commissioner Brown stated that the standard needed to be set since at a previous meeting the standard that everyone agreed on was that the Board would get the updates through the minutes. Chairman Oddo replied that he had asked for an update and Commissioner Brown had said something else. He said he wanted to have an update on the project ahead of time in order for the Board to consider the matter prior to voting on it, and he said the updates would go a long way to get the issues passed. Commissioner Brown stated if Chairman Oddo would send the criteria of what he wanted to see so that goal would be met. Chairman Oddo replied that if the PAC comes up with an idea he wanted to have the idea circulated to the Board in the form of a draft. Commissioner Brown reiterated that all of the material has been included in the minutes. Chairman Oddo agreed that the information may be in the minutes but he emphasized that he wanted a separate communication from the PAC telling of its proposals. He said he does not spend time reading all the minutes of all the various committees even though he reads as many as he can. He said he would appreciate that professional courtesy from the PAC and he stated the Board would appreciate it too.

The motion to bring the agreement back at a future meeting at which time the language is ready and for the agreement to be changed stating the Public Arts Committee will bring forward a final rendition draft to the Board of Commissioners for approval passed 5-0. A copy of the request, identified as "Attachment 14," follows these minutes and is made an official part hereof.

16. Consideration of proposed revisions to Policy No. 210-07 Grant Management.

County Administrator Steve Rapson stated this was the first policy brought to the Board based on amendments requested at the August 27, 2015 Board of Commissioners meeting. He stated that the Board needed to review Sections C, D, and E

altogether since it gives the ability for the Chairman to sign a grant application not to exceed \$100,000.00 as long as the Chief Financial Officer, County Administrator, and either the Chairman or Vice Chairman are in agreement. He reported when the notification of award is given then the award would be brought back to the Board of Commissioners for approval. He stated that any grant application over \$100,000.00 would have a different process.

Mr. Rapson stated staff's big concern is there will be a day when there is a grant application that is over \$100,000.00 that falls between Agenda deadlines, and he forecasted that time would come.

Commissioner Brown moved to approve the revisions to Policy No. 210-07 Grant Management. Commissioner Barlow seconded the motion. Brief discussion followed. The motion passed 5-0. A copy of the request, identified as "Attachment 15," follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Mayor Greg Clifton: Fayetteville Mayor Greg Clifton said there was a lot of discussion of public art at the meeting and he stated that the city was getting a new mural installed at the north end of the city square. He added that he liked the picture that was displayed in the Administration Office and he was glad to see more attention to public art. Commissioner Barlow asked if there was a contract for the mural and Mayor Clifton said he thought was but he was unsure. Chairman Oddo thanked Mayor Clifton for his work and service for the City of Fayetteville.

Bob Ross: Mr. Ross said it was interesting to hear the discussions about public art and of the various permissions required around the world to take pictures. Mr. Ross then spoke for approximately 16 minutes about the voting process in Fayette County and of the ongoing litigation and mediation. He stated that at some point the County may be asked to agree to mediation and he pointed out that the citizens need time to provide input and to hear about the potential mediation settlement. He stated that Mr. John Jones and the Fayette County NAACP is not the enemy although stereotypes are. He thought the lawsuit was the wrong lawsuit at the wrong time for the wrong reason. Mr. Ross then spoke in detail about recent elections that countered the NAACP's contentions. Mr. Ross then gave several recommendations of what should be included in the mediation process as it relates to the Board of Elections and voters in Fayette County. He urged the NAACP to withdraw its lawsuit and save its money and the County's money for legitimate issues.

ADMINISTRATOR'S REPORTS:

Update on Dredging Lake Peachtree: County Administrator Steve Rapson stated the County is in the process of draining Lake Peachtree. He explained that the County working with Peachtree City's Water and Sewer Authority (WASA) to add two 12" lines over the spillway in order to increase the drainage capacity. Commissioner Brown asked if the effort required approval from the Environmental Protection Division and Mr. Rapson replied it did not. He added that he and others went to the spillway and observed there is no movement of water meaning the spillway structure appears to be very much intact.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport notified the Board that he had one item of Pending Litigation and the review of the October 22, 2015 Executive Session Minutes for Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Rousseau

Thanking People and Organizations for their Service: Commissioner Rousseau thanked the citizens for staying through the meeting. He said he was impressed by the research people have done on the issues. He stated that the public arts community should not leave with a belief that the Board undervalues its work and effort; however, there were procedural issues to be discussed. He thanked those who serve and have served in the military. He thanked Mayor Clifton and those who were elected and re-elected to office for their service. He congratulated the Board of Education for having the second highest graduation rate in the state. He thanked Burch Elementary and North Fayette Elementary for inviting him to visit and for the ability to see the fire department and personnel. He thanked the PTOs who serve the schools. He congratulated those who received awards earlier in the evening.

Commissioner Barlow

Rededication of the Veterans Memorial at Patriot's Park: Commissioner Barlow asked if the Veterans Memorial was being rededicated. Mayor Clifton replied that the Veterans Memorial located at Patriot's Park was being rededicated on Saturday, November 14, 2015. He said festivities would start early by reading the names of the fallen and ringing the bell. It was pointed out that 476 Fayette County veterans had been killed in defense of the nation throughout the nation's history.

McIntosh Trail Community Service Board: Commissioner Barlow stated he had been participating with the Sheriff's Academy which meets on Tuesdays and that conflicted with his time with the McIntosh Trail Community Service Board. He provided a packet of information to each Commissioner and said there is an elected official spot for the Board. He said he served on the McIntosh Trail Board for three years but did not want to leave the spot vacant.

Commissioner Brown

Response to Bob Ross: Commissioner Brown said he appreciated Mr. Ross's statistics that he provided during public comment.

Response to Mayor Clifton: Commissioner Brown thanked Mayor Clifton for his service, said he enjoyed working with the mayor, and thanked him for all he has done. He said Mayor Clifton put a lot of his life into his service and he thanked the mayor for his work.

High School Basketball Season: Commissioner Brown stated that high school basketball season was his favorite season and he missed the game between Whitewater and McIntosh High Schools. He predicted that McIntosh High School would win the State Championship since they did not lose a single game all the way up to the third round of the state playoffs when the point guard broke his wrist on a slam dunk. He said the entire team is back this year and he quipped that the other teams should go ahead and forfeit this year.

Whitewater High School Meeting: Commissioner Brown said he met with Whitewater High School Principal Rabold and the PTO staff who were interested in participating in public art programs. He said it was a great discussion and he said the schools do a fabulous job. He said the parents make the Fayette County Schools work.

Water Franchise Agreement and Public Comment: Commissioner Brown stated that there was some disagreement on the Water Franchise Agreement and that there would always be disagreement on something. He said the agreement is much better than the one in 1966, that the vote was held, and it is time to move on to the next issue. He said he was really proud that everyone had the opportunity to speak. He said it was not done that way at the city meeting when many people wanted to speak and he took great pride that when people come to a Fayette County Board of Commissioners meeting they are able to address the Board before the vote occurs. He said Fayette County is one of the only counties throughout Georgia that allows that level of public comment.

Commissioner Ognio

Reflect on Thanksgiving: Commissioner Ognio said everyone needed to reflect on Thanksgiving and to thank those around them. He thanked the veterans and Mayor Clifton.

Public Arts Committee: Commissioner Ognio stated that the Public Art Committee had successful projects including the scarecrow contests and pumpkin carvings. He said people do not realize the amount of time those projects take and he said the citizens seem to really appreciate the effort.

Chairman Oddo

Water Franchise Agreement: Chairman Oddo stated the Water Franchise Agreement entailed a lot of honest and genuine effort on both sides. He said there were a couple of times when there was uncertainty whether or not the agreement would happen and that the process had its ups and downs. He thanked Peachtree City Mayor Vanessa Fleisch, Interim City Administrator Jonathan Rorie, City Attorney Andy Welch, the Peachtree City Council, the various engineers and experts, and to Mr. Steve Rapson and Mr. Dennis

Davenport. He said the citizens should be proud of Mr. Rapson and Mr. Davenport as well as Water System Director Lee Pope. He thanked the Board of Commissioners for voting on the agreement.

Thanksgiving Holiday: Chairman Oddo wished everyone a very Happy Thanksgiving and he pointed out that this meeting was the only meeting scheduled for the month of November. He added that there is only one meeting scheduled for the month of December as well.

EXECUTIVE SESSION:

Pending Litigation and October 22, 2015 Executive Session Minutes: Commissioner Brown moved to go into Executive Session. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 5-0.

The Board recessed into Executive Session at 11:15 p.m. and returned to Official Session at 11:26 p.m.

Return to Official Session and Authorization to Sign the Executive Session Affidavit: Commissioner Ognio moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0. The Executive Session Affidavit, identified as "Attachment 16," follows these minutes and is made an official part hereof.

October 22, 2015 Executive Session Minutes: Commissioner Ognio moved to approve the October 22, 2015 Executive Session Minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0.

ADJOURNMENT:

Commissioner Brown moved to adjourn the November 12, 2015 Board of Commissioners Meeting. Commissioner Ognio seconded the motion. No discussion followed the motion passed 5-0.

The November 12, 2015 Board of Commissioners meeting was adjourned at 11:27 p.m.

Floyd L. Jones, County Clerk

Charles W. Oddo, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 10th day of December 2015. Referenced attachments are available upon request at the County Clerk's Office.

Floyd L. Jones, County Clerk

COUNTY AGENDA REQUEST

New Business #22

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Randy Ognio and Commissioner David Barlow, to appoint Page McDonald to the Fayette County Library Board for a four-year term beginning January 1, 2016 and expiring December 31, 2019.

Background/History/Details:

The Fayette County Library Board is an advisory board to the Board of Commissioners but has some decision-making authority in its relationship to the Regional Library Board. The Library Board is composed of seven members who serve four-year terms each. Four of the seven members are appointed by jurisdictions within Fayette County, namely, the cities of Fayetteville and Peachtree City and the towns of Tyrone and Brooks. The Fayette County Board of Commissioners then, essentially, ratifies the nominations made by the jurisdictions to the Library Board.

Page McDonald is a resident of Fayette County for 39 years. She is a member of the Friends of the Library and has worked with the Library's books sales. Ms. McDonald has also been a member of the Fayette County Book Club for 28 years. Ms. McDonald was chosen by the Selection Committee to fill a four-year term beginning January 1, 2016 and expiring on December 31, 2019.

What action are you seeking from the Board of Commissioners?

Approval of the Selection Committee, comprised of Vice Chairman Randy Ognio and Commissioner David Barlow, to appoint Page McDonald to the Fayette County Library Board for a four year term beginning January 1, 2016 and expiring December 31, 2019.

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 appointment will replace Ms. Elizabeth Grindrod's position which naturally expires on December 31, 2015. Ms. Grindrod did not reapply for the position.



Fayette COUNTY

“WHERE QUALITY
IS A LIFESTYLE”

140 STONEWALL AVENUE WEST, STE 100
FAYETTEVILLE, GEORGIA 30214
PHONE: 770-305-5200
www.fayettecountyga.gov

November 24, 2015

Page McDonald

[REDACTED]
[REDACTED]

Dear Ms. McDonald:

Thank you for your interest in being considered for appointment to the Fayette County Library Board.

We would like to inform you that we are making a recommendation to the Board of Commissioners that you be given the appointment based on your knowledge, experience, personal commitment and passion for this area of need. You are a strong candidate and the right fit for this appointment.

This appointment is contingent on a vote from the Board of Commissioners.

The next step is to bring this recommendation before the Board of Commissioners during our next meeting. This will take place on **Thursday, December 10, 2015 at 7:00 p.m.** at 140 Stonewall Avenue, West, Fayetteville, Georgia in the Public Meeting Room.

We invite you to attend in case the Board would like to ask you questions.

Please notify, Tameca White at 770-305-5103 or at twhite@fayettecountyga.gov no later than Monday, December 7, 2015 if you are able to attend.

We certainly enjoyed getting to meet you.

Sincerely,

Randy Ognio, Vice Chairman

David Barlow, Commissioner

Cc: Board of Commissioners

9:30 am

APPLICATION FOR APPOINTMENT Fayette County Library Board

Thank you for your interest in being considered for appointment to the Fayette County Library Board.

The Fayette County Library Board consists of seven volunteer members appointed to four-year terms. Meetings are held no less than four times per year, and are held at the Fayette County Library, 1821 Heritage Park Way, Fayetteville, Georgia 30214. Only Fayette County citizens are encouraged to apply. There is no compensation provided with appointments to the Library Board. **Applicants are encouraged to attend as many Library Board meetings as possible in an effort to become familiar with the responsibilities of the post.**

Please take a few minutes to complete the form and answer the questions on the reverse side of this form and return it with a resume, if available, to Floyd Jones, County Clerk, 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 no later than 5:00 p.m. on November 13, 2015.

If you have any questions, please call (770) 305-5102.

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

NAME Page McDonald

ADDRESS 

TELEPHONE (day) 

(evening) 

(email address) 

Page McDonald
Signature

11/6/15
Date

1. How long have you been a resident of Fayette County? 39 yrs.
2. Why are you interested in serving on the Library Board? The love of reading is the greatest gift we can pass on. Our library provides many opportunities for learning.
3. What qualifications and experience do you possess that should be considered for appointment to the Library Board? avid reader, member of Friends of the Library, worked book sales, member of Book Club for 28 years
4. List your recent employment experiences to include name of company and position. Retired from 25 yrs AIS Computers A/P, A/R Substitute teacher
5. Do you have any past experience related to this position? If so, please describe. Volunteer under Jean White/Hood Ave Martie Cowington FCJH Tutored reading in classroom
6. Are you currently serving on a commission/board/authority or in and elected capacity with any government? NO
7. Have you attended any Library Board meetings in the past two years and, if so, how many? NO
8. Are you willing to attend seminars or continuing education classes at county expense? yes
9. What is your vision of the county's future related to the duties of the Fayette County Library Board? carrying on Chris Snell's expansion of services as a communication center for our citizens.
10. Would there be any possible conflict of interest between your employment or your family and you serving on the Library Board? NO
11. Are you in any way related to a County Elected Official or County employee? If so, NO please describe.
12. Describe your current community involvement. Master Gardener for 12 years, Advisory Board for Southern Crescent Chorale
13. Have you been given a copy of the county's Ethics Ordinance. yes
14. Is there any reason you would not be able to comply with the ordinance? NO

Resumé on back

Moved to Fayette County in 1976
Volunteered at the media center at Hood
Ave + Fayette Junior High

Substitute teacher at Hood Ave, Fayette
Elementary - tutored reading in classroom

Supporter of library expansion from
log cabin to Jeff Davis to Heritage
Park way.

Employed at AIS Computers as office
manager, Accts Payable + Receivable
for 25 years.

Lifetime Master Gardener (Planta Red)

Master Birder and Wildlife
Sanctuary Certifier

Christian City Hospice volunteer

LaFayette/Kindred Sunday volunteer

Advisory Board of SCC/Southern

Crescent Chorale

Layreader/Lector in Church for 43 yrs.

Sunday School teacher + Vestry member
Vacation Bible School

Friend of Library since it began

Attend + work Book Sales

COUNTY AGENDA REQUEST

New Business #23

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of a recommendation from the Selection Committee, comprised of Chairman Charles W. Oddo and Commissioner Charles D. Rousseau, to re-appoint Alvin Gilbert and James Graw to the Fayette County Planning Commission for a three-year term beginning January 1, 2016 and expiring December 31, 2018.

Background/History/Details:

The Fayette County Planning Commission is a body comprised of five members who are appointed to three-year terms. The Planning Commission hears and makes recommendations concerning amendments to the zoning ordinance, including the rezoning of property and the comprehensive plan. The Planning Commission also approves preliminary plats, final plats, and minor subdivision plats, and hears variances on subdivision regulations, floodplain regulations, and watershed protection regulations. Each member of the Fayette County Planning Commission must be a resident of Fayette County. No member of the Planning Commission may hold any other public office, except that one (1) member may also be a member of the Fayette County Zoning Board of Appeals.

Two appointments to the Planning Commission held by Mr. Alvin Gilbert and Mr. James Graw, are set to expire on December 31, 2015. The two expiring appointments were advertised for a one-month period beginning on October 20, 2015 through the Fayette Daily News, The Citizen newspaper, the Atlanta Journal-Constitution, and the Fayette County website. Four citizens applied for consideration and were subsequently interviewed by the Selection Committee and Community Development Director Pete Frisina. The Selection Committee has recommended the reappointment of Mr. Alvin Gilbert and Mr. James Graw for another three-year term.

Mr. Gilbert and Mr. Graw have served Fayette County for many years on the Planning Commission.

What action are you seeking from the Board of Commissioners?

Approval of the recommendation from the Selection Committee, comprised of Chairman Charles W. Oddo and Commissioner Charles D. Rousseau, to re-appoint Alvin Gilbert and James Graw to the Fayette County Planning Commission for a three-year term beginning January 1, 2016 and expiring December 31, 2018.

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:

ALVIN GILBERT



Fayette COUNTY

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140 STONEWALL AVENUE WEST, STE 100
FAYETTEVILLE, GEORGIA 30214
PHONE: 770-305-5200
www.fayettecountyga.gov

November 25, 2015

Mr. Alvin Gilbert



Dear Mr. Gilbert:

Thank you for your interest in being considered for re-appointment to the Fayette County Planning Commission. We appreciate your desire to serve.

We would like to inform you that we are making a recommendation to the Board of Commissioners that you be given the re-appointment based on your knowledge, experience, personal commitment and passion for this area of need. You are a strong candidate and the right fit for this appointment.

The next step is to bring this recommendation before the Board of Commissioners during our next meeting. This will take place on **Thursday, December 10, 2015 at 7:00 p.m.** at 140 Stonewall Avenue, West, Fayetteville, Georgia in the Public Meeting Room.

We invite you to attend in case the Board would like to ask you questions.

Please notify, Tameca White at 770-305-5103 or at twhite@fayettecountyga.gov no later than Monday, December 7, 2015 if you are able to attend.

We certainly enjoyed getting to meet you.

Sincerely,

Charles W. Oddo, Chairman

Charles D. Rousseau, Commissioner

Cc: Board of Commissioners and Pete A. Frisina, Planning & Zoning Director

9:30am

Fayette County Board of Commissioners

140 Stonewall Ave. West Suite 100

Fayetteville, Georgia 30214

Attn: Floyd Jones

Please accept this and the following paper work as my request to be appointed to the Fayette County Planning Commission. My desire to serve the county in this capacity is just as strong today as it was Twenty seven years ago when I was first appointed to the Board.

Thank You,



Alvin F. Gilbert

APPLICATION FOR APPOINTMENT
Fayette County Planning Commission

9/13/0am

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

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

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

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

Please take a few minutes to complete the form and answer the questions on the reverse side of this form and return it with a resume, if available, to Floyd Jones, County Clerk, 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 no later than 5:00 p.m. on

NOVEMBER 13TH.

If you have any questions, please call (770) 305-5102.

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

NAME ALVIN F. GILBERT

ADDRESS [REDACTED]

TELEPHONE (day) [REDACTED]

(evening) SAME

(email address) [REDACTED]

Alvin F. Gilbert
Signature

10/21/15
Date

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

38 YEARS

2. Why are you interested in serving on the Planning Commission?

TO CONTINUE TO PROVIDE QUALITY GROWTH

3. What qualifications and experience do you possess that should be considered for appointment to the Planning Commission?

SEE RESUME

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

RETIRED FOR 6 YEARS. SEE RESUME

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

27 YEARS ON THE PLANNING COMMISSION

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

FAYETTE COUNTY PLANNING COMMISSION

7. Have you attended any Planning Commission meetings in the past two years and, if so, how many?

ABOUT 20

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

YES

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

NO

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

NO

11. Describe your current community involvement.

SEE RESUME

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

YES

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

NONE AT ALL

ALVIN GILBERT



PROFESSIONAL SUMMARY

The Fayette County Planning Board position is one needing comprehensive background knowledge in community-based planning, project management and policy development. All of which I have done many times.

My twenty seven years on the planning board brings a great deal of experience that is so often needed in the various task the commission is called upon to review and make recommendations to the County Commission.

For several years now, with the needed budget constraints, our planning department has gone from five full time employees down to two people. The more experience we have on our board the easier our staff can perform their jobs.

I am very dedicated to the county and to the planning board and planning staff. In some small way would like to think My service has enhanced the quality of life for most of our citizens by allowing the proper growth, and having the proper rules in place to provide this quality of life.

SKILLS

Past President Fayetteville Rotary Club.

Three terms Elder First Presbyterian Church Peachtree City.

Two terms Elder Summit Presbyterian Church Fayetteville.

Past Board member Fayette County Chamber of Commerce.

Past Board Member The Friday Home Fayetteville.

Past Board Member Fayette County United Way Advisory Board.

Three term as Chairman of the Fayette County Planning and Zoning Board.

• Outstanding community leader(see above)

- Community relations have been formed by involvement in the community.

WORK HISTORY

Loan Officer, 10/1966 to 11/1970

C&S National Bank – Atlanta, Georgia

- Managed the installment loan department at the bank's largest branch.
- Trained new employees on the basics of customer service and lending. Normally working with four to five management trainees.

- Spent one day a week working on business development calling on potential customers.

Vice-President and Branch Manager, 01/1970 to 01/1972

Clayton County Bank – Riverdale, Georgia

Over saw most of the construction lending for the bank, including inspections of properties under construction.

Oversaw and managed two branches for the bank, and handled all lending for them.

Sales Manager, 02/1972 to 03/1984

Lowe's Companies – College Park, Georgia

Sales manager for contractor sales overseeing six salesmen.

Top salesman in the region and number five in sales volume for the entire company.

Started several incentive programs to reward individuals who attained their goals in sales and profits.

Partner, 04/1984 to 03/1994

McLain's Building Supply – Fayetteville, Georgia

Oversaw all the business end of the company i.e. payroll, accounts payable, accounts receivable, banking relationships, and forecasting.

Brought in a large number of customers from previous relationships.

My interest was bought out in 1994, and the company bankrupted a few years later.

Sales Manager, 04/1994 to 09/2009

Central Builders Supply – East Point, Georgia

Oversaw the training and management of four contractor salesmen, and an inside sales staff of four people.

Achieved record sales results for the company from my second year until I retired in 2009.

Called on current customers to retain business, and worked with potential customers to increase our sales base.

EDUCATION

BBA: Marketing, 1966

University of Georgia - Athens, Georgia

JAMES GRAW



Fayette COUNTY

"WHERE QUALITY
IS A LIFESTYLE"

140 STONEWALL AVENUE WEST, STE 100
FAYETTEVILLE, GEORGIA 30214
PHONE: 770-305-5200
www.fayettecountyga.gov

November 25, 2015

Mr. James Graw

[REDACTED]
[REDACTED]

Dear Mr. Graw:

Thank you for your interest in being considered for re-appointment to the Fayette County Planning Commission. We appreciate your desire to serve.

We would like to inform you that we are making a recommendation to the Board of Commissioners that you be given the re-appointment based on your knowledge, experience, personal commitment and passion for this area of need. You are a strong candidate and the right fit for this appointment.

The next step is to bring this recommendation before the Board of Commissioners during our next meeting. This will take place on **Thursday, December 10, 2015 at 7:00 p.m.** at 140 Stonewall Avenue, West, Fayetteville, Georgia in the Public Meeting Room.

We invite you to attend in case the Board would like to ask you questions.

Please notify, Tameca White at 770-305-5103 or at twhite@fayettecountyga.gov no later than Monday, December 7, 2015 if you are able to attend.

We certainly enjoyed getting to meet you.

Sincerely,

Charles W. Oddo, Chairman

Charles D. Rousseau, Commissioner

Cc: Board of Commissioners and Pete A. Frisina, Planning & Zoning Director

To: Fayette County Board of Commissioners
Attn: Mr, Charles Oddo, Chaiman

From: James Graw

Subject: Planning Commission Vacancy

Date: 10/30/15

Mr. Oddo:

This letter will serve as my application for the vacancy on the Fayette County Planning Commission.

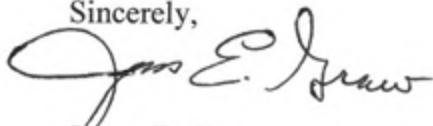
I have been a resident of Fayette County for nearly 37 years living at the same address in Peachtree City.

I served on the Peachtree City Planning Commission for over four years (1980-1985) and have been a member of the Fayette County Planning Commission for over twenty years where I currently serve as Chairman,

A neighbor recently asked me why I wanted to ne on the "zoning committee". He said it sounded very mundane. That was a good question and it didn't take long to give my answer. I sincerely enjoy seeing the results of the work that the county staff and planning commission arrive at whether it be the county's future land use plans, the plans for a site zoned PUD or the intersection of Georgia state routes 74 and 85 in the southern part of the county.

It is for these reasons that I respectfully submit my application.

Sincerely,

A handwritten signature in black ink that reads "James E. Graw". The signature is written in a cursive, flowing style.

James E. Graw

10am

APPLICATION FOR APPOINTMENT
Fayette County Planning Commission

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

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

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

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

Please take a few minutes to complete the form and answer the questions on the reverse side of this form and return it with a resume, if available, to Floyd Jones, County Clerk, 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 no later than 5:00 p.m. on Friday, June 5, 2015.

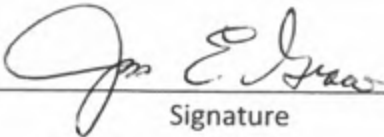
If you have any questions, please call (770) 305-5102.

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

NAME JAMES E. GRAW

ADDRESS 

TELEPHONE (day) 
(evening) _____
(email address) _____


Signature

10/30/15
Date

1. How long have you been a resident of Fayette County?
36+ years
2. Why are you interested in serving on the Planning Commission?
To see the results of the work that County staff and the planning commission initiate.
3. What qualifications and experience do you possess that should be considered for appointment to the Planning Commission?
Twenty-four years of combined experience working on the Peachtree City and Fayette County Planning Commissions.
4. List your recent employment experiences to include name of company and position.
Retired -
Last employer - Lockheed Georgia Employees Community Credit Union
5. Do you have any past experience related to this position? If so, please describe.
A combined 24+ years as a member of the Peachtree City and Fayette County Planning Commissions
6. Are you currently serving on a commission/board/authority or in an elected capacity with any government?
Currently a member and chairman of the Fayette County Planning Commission.
7. Have you attended any Planning Commission meetings in the past two years and, if so, how many?
Yes
8. Are you willing to attend seminars or continuing education classes at county expense?
Yes
9. Would there be any possible conflict of interest between your employment or your family and you serving on the Planning Commission?
No
10. Are you in any way related to a County Elected Official or County employee? If so, please describe.
No
11. Describe your current community involvement.
Member and Chairman of the Fayette County Planning Commission.
Volunteer at Piedmont Fayette Hospital
12. Have you been given a copy of the county's Ethics Ordinance?
Yes
13. Is there any reason you would not be able to comply with the ordinance?
No.

COUNTY AGENDA REQUEST

New Business #24

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of a resolution from the City of Fayetteville consenting to the inclusion of certain Fayette County Ad Valorem Taxes in the Computation of the Tax Allocation Increment for the City of Fayetteville Tax Allocation District Number One- Highway Corridor.

Background/History/Details:

In 2013, the City of Fayetteville adopted a Redevelopment Plan and set parcel boundaries for Tax Allocation District (TAD) #1 which identified areas to be targeted for redevelopment within the downtown district and highway corridor. Subsequently, the Board of Education and the Board of Commissioners adopted resolutions of support to participate in the effort.

In early 2015, the Fayetteville City Council directed staff to explore ideas for further development of the downtown district. Through the process, other parcels adjacent to the current TAD boundary were identified that would benefit downtown development efforts in the City if they were included in the TAD. The team at Bleakly Advisory Group worked with city staff to prepare an updated Redevelopment Plan for consideration that incorporates the additional parcels into its boundary map. Additionally, the Redevelopment Plan updates the vision and goals for the TAD to better align with the City's downtown master plan boundaries which is currently under development, provides current assessed valuations for the properties within the TAD methods of financing, and a school system impact analysis. Because the base assessment will be reset to 2015 property values, a proportionate share of monies collected in the TAD fund to date will be forfeited back to the County and the TAD fund will be reset to a \$0 balance.

The City has secured commitment from the Board of Education and seeks the same approve from the Board of Commissioners.

What action are you seeking from the Board of Commissioners?

Approval of a resolution from the City of Fayetteville consenting to the inclusion of certain Fayette County Ad Valorem Taxes in the Computation of the Tax Allocation Increment for the City of Fayetteville Tax Allocation District Number One- Highway Corridor.

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:

On November 14, 2013, the Board of Commissioners approved a resolution from the City of Fayetteville consenting to the inclusion of Certain Fayette County Ad Valorem Taxes in the computation of the Tax Allocation Increment for the City of Fayetteville Tax Allocation District Number One- Highway Corridor. This is an example of cooperation between the City of Fayetteville and Fayette County in an effort to provide incentives for businesses to come to Fayetteville while providing additional jobs and opportunities.

TO: Fayette County Board of Commissioners

VIA: Steve Rapson, County Manager

FROM: Brian Wismer, City of Fayetteville Community Development Director

DATE: November 23, 2015

**SUBJECT: Request for County Participation in New Boundaries and Amended
Redevelopment Plan for Fayetteville Tax Allocation District (TAD) #1**

Information

In 2013, the City of Fayetteville adopted a Redevelopment Plan and set parcel boundaries for Tax Allocation District (TAD) #1 which identified areas to be targeted for redevelopment within the downtown district and highway corridor. The Board of Commissioners and the Board of Education also adopted resolutions of support to participate in this effort. The boundaries were set according to areas determined to have the greatest potential to benefit from this financial tool.

Earlier this year at the annual Council retreat, the Fayetteville City Council directed Staff to explore ideas for further development of the downtown district. Through this process, other parcels adjacent to the current TAD boundary have been identified that would benefit downtown development efforts in the City if they were included in the TAD.

The team at Bleakly Advisory Group who consulted on the current TAD, has worked with City Staff to prepare an updated Redevelopment Plan for consideration that incorporates these additional parcels into its boundary map.

In addition, the Redevelopment Plan updates the vision and goals for the TAD to better align with the City's downtown master plan boundaries which is currently under development, provides current assessed valuations for the properties within the TAD, methods of financing, and a school system impact analysis. Because the base assessment will be reset to 2015 property values, a proportionate share of monies collected in the TAD fund to date will be forfeited back to the County, and the TAD fund will be reset to a \$0 balance.

The City has recently secured a commitment from the Fayette County School Board to participate in the amended TAD, and seeks the same approval from the County Commission so that it can be utilized to its fullest potential. Your participation will not include the EMS and 911 millages, so those will continue to increase in real time as new development occurs.

It is important to adopt this revised plan in the current year so that it can become effective in the 2016 tax year. As this will further the City's redevelopment efforts of the downtown district and its existing, aging commercial areas, the City requests your ADOPTION of the resolution and revised Redevelopment Plan for TAD #1 as proposed.

EXHIBIT A

**INCLUSION OF CERTAIN FAYETTE COUNTY AD VALOREM
TAXES IN THE COMPUTATION OF THE TAX ALLOCATION
INCREMENT FOR THE CITY OF FAYETTEVILLE TAX ALLOCATION
DISTRICT NUMBER ONE**

FAYETTE COUNTY BOARD OF COMMISSIONERS

A RESOLUTION CONSENTING TO THE INCLUSION OF CERTAIN FAYETTE COUNTY AD VALOREM TAXES IN THE COMPUTATION OF THE TAX ALLOCATION INCREMENT FOR THE CITY OF FAYETTEVILLE TAX ALLOCATION DISTRICT NUMBER ONE — HIGHWAY CORRIDOR; AND FOR OTHER PURPOSES.

WHEREAS, the Council of the City of Fayetteville (the “City”), by Resolution R-37-15 on December 3, 2015, (the “City Resolution”), adopted amendments to the Fayetteville Highway Corridor Redevelopment Plan (the “Redevelopment Plan”) and re-established Tax Allocation District Number One — Highway Corridor (the “Highway Corridor TAD”) within the incorporated portion of Fayetteville, Fayette County, Georgia (the “County”) in the area of the City (the “Redevelopment Area”) as shown in the City Resolution, a copy of which is attached hereto as Exhibit “A”; and

WHEREAS, the City Resolution provides that the Fayetteville Highway Corridor TAD was created pursuant to the City’s redevelopment powers as authorized by the Redevelopment Powers Law, O.C.G.A. §36-44-1, *et seq.*, and becomes effective on December 31, 2015; and

WHEREAS, copies of the City Resolution and the Redevelopment Plan for the TAD have been furnished to the Board of Commissioners of Fayette County; and

WHEREAS, the City made certain findings in the Redevelopment Plan with respect to the Redevelopment Area, including the following:

- (a) the Redevelopment Area has not been subject to growth and development through private enterprise and would not reasonably be anticipated to be developed to its greatest potential without the approval of the amended boundaries;
- (b) the improvement of the Redevelopment Area is likely to enhance the value of a substantial portion of the real property in the district; and

WHEREAS, the City Resolution provides that the City intends to authorize the issuance of tax allocation bonds and other obligations as may be necessary to implement provisions of the Redevelopment Plan; and

WHEREAS, the Redevelopment Powers Law provides that county ad valorem property taxes derived from a municipal tax allocation district may be included in the computation of tax allocation increments of the tax allocation district if the governing body of the county consents to such inclusion by resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Fayette County, Georgia, and it is hereby resolved by the authority of the same as follows:

Section 1. The Board of Commissioners of Fayette County, as permitted by the Redevelopment Powers Law, does hereby consent to inclusion of Fayette County ad valorem taxes on real property, specifically the M&O millage, but not including the EMS and 911 millages, within the amended City of Fayetteville Tax Allocation District Number One – Highway Corridor, in the computation of the tax allocation increment for the TAD, effective as of December 31, 2015.

Section 2 The City of Fayetteville agrees to create a TAD Advisory Committee, which body will consider and review each potential TAD project, prior to their consideration for adoption by the City Council. Members of the TAD Advisory Committee shall include the County Administrator of Fayette County, or that official's designee as a voting member of such Committee, with the same powers and voting rights as all other members of said Committee. Prior to the financing of any Project for construction or rehabilitation in whole or in part from Tax Allocation Increment or with TAD financing, such Projects will be reviewed by the TAD Advisory Committee for feasibility and consistency with the objectives of the Redevelopment Plan. Information to be reviewed by the TAD Advisory Committee for each proposed Project may include, but not be limited to experience of the Development Team, proposed capital improvements to the site, disclosure of non-TAD financing commitments and resources of the Project, and projected Tax Allocation Increment expected to be generated by such Project. The TAD Advisory Committee will make recommendations to the City regarding each project requesting TAD funding and the City will consider the recommendations of the TAD Advisory Committee in its approval of projects for TAD funding.

Section 3. This Resolution shall be effective immediately upon adoption. All resolutions and parts of resolutions in conflict with this resolution are hereby rescinded to the extent of such conflict.

PASSED AND ADOPTED by the Fayette County Board of Commissioners this 10th day of December 2015.

Fayette County Board of
Commissioners:

ATTEST: [SEAL]

By _____
Chairman Charles Oddo

Floyd Jones, County Clerk

Commissioner David Barlow

Commissioner Steve Brown

Commissioner Randy Ognio

Commissioner Charles D. Rousseau

EXHIBIT "A"

CITY RESOLUTION R-37-15 AND REDEVELOPMENT PLAN

EXHIBIT B

CITY OF FAYETTEVILLE RESOLUTION

CITY OF FAYETTEVILLE
GEORGIA

A RESOLUTION AMENDING THE HIGHWAY CORRIDOR TAX ALLOCATION DISTRICT NUMBER ONE AND THEREBY CREATING A NEW TAX ALLOCATION DISTRICT NUMBER ONE; DESIGNATING THE AMENDED BOUNDARIES OF THE REDEVELOPMENT AREA AND TAX ALLOCATION DISTRICT; DISSOLVING THE TAX ALLOCATION DISTRICT NUMBER ONE ORIGINALLY ADOPTED ON NOVEMBER 7, 2013; ESTABLISHING THE TAX ALLOCATION INCREMENT BASE FOR THE AMENDED TAX ALLOCATION DISTRICT; ADOPTING A NEW REDEVELOPMENT PLAN FOR THE AREA; ESTABLISHING THE INTENT TO ISSUE AND SELL TAX ALLOCATION BONDS OR OBTAIN OTHER FINANCING NECESSARY TO EFFECTUATE THE REDEVELOPMENT OF THE AREA; AUTHORIZING THE MAYOR AND CITY COUNCIL TO ACT AS THE REDEVELOPMENT AGENCY TO IMPLEMENT THE REDEVELOPMENT PLAN PURSUANT TO THE REDEVELOPMENT POWERS LAW; AND FOR OTHER PURPOSES.

R-37-15

WHEREAS, the Redevelopment Powers Law (O.C.G.A. §36-44-1, *et seq.*) provides for the exercise of redevelopment powers, the adoption of redevelopment plans, and the creation of tax allocation districts by counties and municipalities in the State of Georgia; and

WHEREAS, pursuant to House Bill 495 (April 2011) and approved by a majority of the voters in a referendum held on November 6, 2012, the City of Fayetteville (the "City") is authorized to exercise the redevelopment powers as delineated by the Redevelopment Powers Law; and

WHEREAS, the purpose of the Redevelopment Powers Law is to improve economic and social conditions within substantially underutilized and economically and socially depressed areas that contribute to or cause unemployment, limit the tax resources of counties and municipalities while creating a greater demand for governmental services, have a deleterious effect upon the public health, safety, morals and welfare, and impair or arrest the sound growth of the community; and

WHEREAS, the City recognizes that new public infrastructure, wastewater treatment facilities, traffic improvements, streets, streetscapes and sidewalks, commercial spaces and retail are needed to revitalize this defined area and create an attractive historic town center and commercial corridor in Fayetteville; and

WHEREAS, it is in the public interest of the City that the Redevelopment Powers Law be exercised to improve the economic and social conditions of the areas identified within the City in order to remedy the detrimental effects of its current depressed and underutilized state; and

WHEREAS, the Fayetteville Highway Corridor TAD can provide incentives and funding to catalyze redevelopment of the area; and

WHEREAS, the Council has determined that the boundaries of the original Fayetteville Highway Corridor TAD adopted on November 7, 2013 should be modified to better reflect the City's current goals and market conditions for downtown development; and

WHEREAS, adoption of this revised Fayetteville Highway Corridor Redevelopment Plan and creation of a new Tax Allocation District Number One—Highway Corridor is necessary to redevelop and revitalize this defined area through a public/private partnership; and

WHEREAS, the Council has held public hearings on the Redevelopment Plan and TAD Resolution as required by the Redevelopment Powers Law; and

WHEREAS, the Council now desires to adopt the amended Redevelopment Plan and create an amended version of Tax Allocation District Number One: Highway Corridor.

NOW THEREFORE, it is hereby RESOLVED by the Mayor and Council of the City of Fayetteville:

1. The City of Fayetteville declares that the defined Redevelopment Area has not been subject to growth and development through private enterprise and would not reasonably be anticipated to be developed to its greatest potential without the approval of the amendments to the Highway Corridor Redevelopment Plan (hereinafter "Redevelopment Plan").

2. The City of Fayetteville declares that improvement of the town center and its adjacent Highway Corridor, as defined in the Redevelopment Plan, is likely to enhance the value of a substantial portion of other real property in the district.

3. The City of Fayetteville hereby approves and adopts the amendments to the Redevelopment Plan, attached as Exhibit "A", as the Redevelopment Plan for the aforesaid area pursuant to the Redevelopment Powers Law, and incorporates the same by reference as though it were set forth in its entirety herein.

4. The amended City of Fayetteville Tax Allocation District Number One—Highway Corridor is hereby created effective December 31, 2015, pursuant to the Redevelopment Plan and the Redevelopment Powers Law, and shall continue in existence until all redevelopment costs, including financing costs and debt service on tax allocation bonds, are paid in full.

5. The City of Fayetteville hereby establishes the estimated Tax Allocation Increment Base of \$29,319,308 for the amended Tax Allocation District Number One—Highway Corridor. The real property taxes to be used for computing tax allocation increments are specified in the attached Redevelopment Plan and incorporated herein by reference.

6. The City Council will act as the redevelopment agency and will exercise redevelopment powers as necessary to implement the provisions of the Redevelopment Plan.

7. The City of Fayetteville agrees to create a TAD Advisory Committee, which body will consider and review each potential TAD project, prior to their consideration for adoption by

the City Council. Members of the TAD Advisory Committee shall include the City Manager of the City of Fayetteville, or that official's designee, the Superintendent of Fayette County Schools, or that official's designee, and the County Administrator of Fayette County, or that official's designee each as a voting member of such Committee, with the same powers and voting rights as all other members of said Committee. Prior to the financing of any Project for construction or rehabilitation in whole or in part from Tax Allocation Increment or with TAD financing, such Projects will be reviewed by the TAD Advisory Committee for feasibility and consistency with the objectives of the Redevelopment Plan. Information to be reviewed by the TAD Advisory Committee for each proposed Project may include, but not be limited to experience of the Development Team, proposed capital improvements to the site, disclosure of non-TAD financing commitments and resources of the Project, and projected Tax Allocation Increment expected to be generated by such Project. The TAD Advisory Committee will make recommendations to the City regarding each project requesting TAD funding and the City will consider the recommendations of the TAD Advisory Committee in its approval of projects for TAD funding.

8. The City Council intends to authorize issuance of tax allocation bonds and/or obtain commercial bank financing and to use the proceeds of any tax allocation bonds or financing for any and all eligible uses including, without limitation, costs of issuance of the tax allocation bonds or commercial financing; capital costs of public and private improvements, including but not limited to streets, bridges, utilities, storm and sanitary sewers, sidewalks and streetscapes, parking facilities and parks; professional services costs, including fees for architectural, engineering and environmental services; real estate assembly; and such other uses deemed necessary pursuant to provisions of the Redevelopment Plan and the Redevelopment Powers Law, as it has been and may hereafter be amended.

9. The property proposed to be pledged for payment or as security for payment of tax allocation bonds will include the positive ad valorem tax allocation increments from ad valorem taxes levied on all taxable real property within the boundaries of City of Fayetteville Tax Allocation District Number One—Highway Corridor.

Adopted and approved by the City Council of the City of Fayetteville, Georgia this 3rd day of December, 2015.

CITY OF FAYETTEVILLE, GEORGIA

(SEAL)

By: _____
Gregory C. Clifton, Mayor

Attest:

Anne Barksdale, Clerk
Council of the City of Fayetteville, Georgia

EXHIBIT "A"
FAYETTEVILLE TAD #1 – HIGHWAY CORRIDOR
REDEVELOPMENT PLAN

EXHIBIT C

CITY OF FAYETTEVILLE

TAX ALLOCATION DISTRICT #1: HIGHWAY CORRIDOR

REDEVELOPMENT PLAN

CITY OF FAYETTEVILLE
TAX ALLOCATION DISTRICT #1: HIGHWAY CORRIDOR
REDEVELOPMENT PLAN



November 2015

Prepared for:

City of Fayetteville, Georgia



Prepared by:



DRAFT

Table of Contents

1. Plan Summary	1
2. Redevelopment Plan: Introduction	8
3. Proposal	12
4. Plan Vision and Goal	18
5. Contractual Relationships	23
6. Relocation Plans	23
7. Zoning & Land Use Compatibility	24
8. Method of Financing / Proposed Public Investments	25
9. Assessed Valuation for TAD	28
10. Historic Property within Boundaries of TAD	28
11. Creation & Termination Dates for TAD	28
12. Tax Allocation Increment Base	28
13. Property Taxes for Computing Tax Allocation Increments	29
14. Tax Allocation Bond Issues	30
15. School System Impact Analysis	30
16. City of Fayetteville TAD #1 Benefits Summary	35
Appendices	36

1. Plan Summary

The City of Fayetteville presents this plan outlining the rationale, boundaries, fiscal data and potential projects that could result from the formation of the City of Fayetteville Tax Allocation District #1: Highway Corridor. This Redevelopment Plan was prepared in conformance with the provisions of Georgia's Redevelopment Powers Law (O.C.G.A. Title 36 Chapter 44) that governs the creation and operation of tax allocation districts (TADs) in the state.

This TAD Redevelopment Plan replaces the original redevelopment plan for the City of Fayetteville Tax Allocation District #1: Highway Corridor, which was approved in 2013. Since no bonds or other obligations have been issued in the original tax allocation district, it can now be repealed and readopted with adjusted boundaries of the Redevelopment Area to respond to changes since 2013, including current redevelopment and future redevelopment opportunities and priorities. Therefore, this Redevelopment Plan will adjust the City of Fayetteville Tax Allocation District #1: Highway Corridor boundaries and reset the assessed valuation of the redevelopment area to 2015 levels. Leadership in the preparation of this plan was provided by the City of Fayetteville.

Fayetteville Town Square



1.1. The Opportunity

The opportunity for the City of Fayetteville is to leverage private reinvestment through targeted public improvements that will implement the vision set forth in the 2002 Livable Centers Initiative (LCI) planning study for Downtown Fayetteville, the 2010 follow-up supplemental LCI study, as well as the City of Fayetteville Comprehensive Plan completed in 2006. The Atlanta Regional Commission (ARC) awarded the City of Fayetteville grants for the LCI studies to develop and implement a redevelopment plan for Downtown Fayetteville and the surrounding area. The Livable Centers Initiative promotes the development of action plans to enhance livability, connectivity and mobility within existing town centers, while identifying development and redevelopment opportunities. The program also promotes cooperation between private and public entities to implement plan components, which commonly include regulatory changes, infrastructure investment, development and redevelopment projects and the creation or refinement of development incentives.

The City believes that the establishment of a Fayetteville Tax Allocation District #1, part of which encompasses the Downtown Historic District (DHD),¹ will allow for the continued revitalization of the downtown and surrounding areas into a more competitive, more profitable and higher-valued city center that still retains the small town charm that characterizes Fayetteville. This redevelopment will allow the core of Fayetteville to continue to be an important community asset for the city’s residents and workers, as well as a highly-valued and growing part of the city’s tax base.

1.2. Overview and Geographic Boundary

The proposed City of Fayetteville Tax Allocation District #1 includes the property within the boundaries shown on the following map. The TAD area consists of 203 parcels totaling 327 acres. The area contains mostly commercial uses, as well as institutionally zoned parcels. The current appraised value for property tax purposes in the TAD is \$29.3 million, which represents 4.2% of the city’s property tax digest of \$697.7 million—substantially under the 10% limit on the amount of a city’s tax digest that can be include in its TAD districts collectively.

City of Fayetteville Proposed TAD Summary

Parcels	203
Acreage	327.03
2014 Appraised Value	\$80,916,199
2014 Assessed Value	\$29,319,308
2014 City of Fayetteville Taxable Digest	\$697,685,422
% of Fayetteville Taxable Digest	4.20%

Source: BAG, Fayette County GIS, Georgia Department of Revenue

The TAD is comprised of properties within the Downtown Historic District and the surrounding area with redevelopment/infill potential that border the city’s main north-south thoroughfare, Glynn Street (GA Hwy 85), select properties along two main parallel east-west roads, Lanier Avenue and Stonewall Avenue, as well as Church Street, which runs north-south north of Lanier Avenue. All TAD parcels are contiguous or connected by a public right-of-way.

¹ As defined in the 2006 Fayetteville Comprehensive Plan. See Appendix for a map of the area.

City of Fayetteville TAD Boundary Map²



² Tax Parcel Identification numbers for properties included within the TAD are listed in Appendix B.

1.3. City of Fayetteville TAD #1 Qualifies as a TAD

The City of Fayetteville has the authority to exercise all redevelopment and other powers authorized or granted municipalities pursuant to the Redevelopment Powers Law (Chapter 44 of Title 36 of the O.C.G.A.), as approved by Fayetteville voters by referendum in November of 2012.

Specifically, the TAD meets the state requirements for determining a redevelopment area as evidenced by the following:

- The TAD area meets the criteria as a ‘deteriorating area,’ and an ‘area with inadequate infrastructure’ under the Redevelopment Powers Law, O.C.G.A. Title 36, Chapter 44 due to the current underutilization of the land and the lack of adequate roadways and pedestrian infrastructure to accommodate the City’s redevelopment vision.
- The Fayetteville Comprehensive Plan set a goal to “encourage the redevelopment of underutilized properties in accordance with desired development patterns.”
- Much of the proposed redevelopment area was developed in the mid-to-late 20th Century as first generation commercial development with large amounts of surface parking. This development pattern economically underutilizes the land, and the current conditions in much of the area are less desirable than if they were redeveloped under the future vision for the area, which includes mixed-use activity centers.
- Portions of the area with large amounts of obsolete building stock suffer from high property crime rates.
- A significant number of households living in poverty are present in the proposed redevelopment area.
- The City’s overall property tax digest has dropped 25% from its height in 2008, when it was \$934.8 million, resulting in lower property tax revenues due to this decline in value. In order to stabilize falling revenues and provide the necessary infrastructure for modern high-performing development, the City is looking to incentivize redevelopment of underperforming parcels to help increase their value and the overall tax digest.

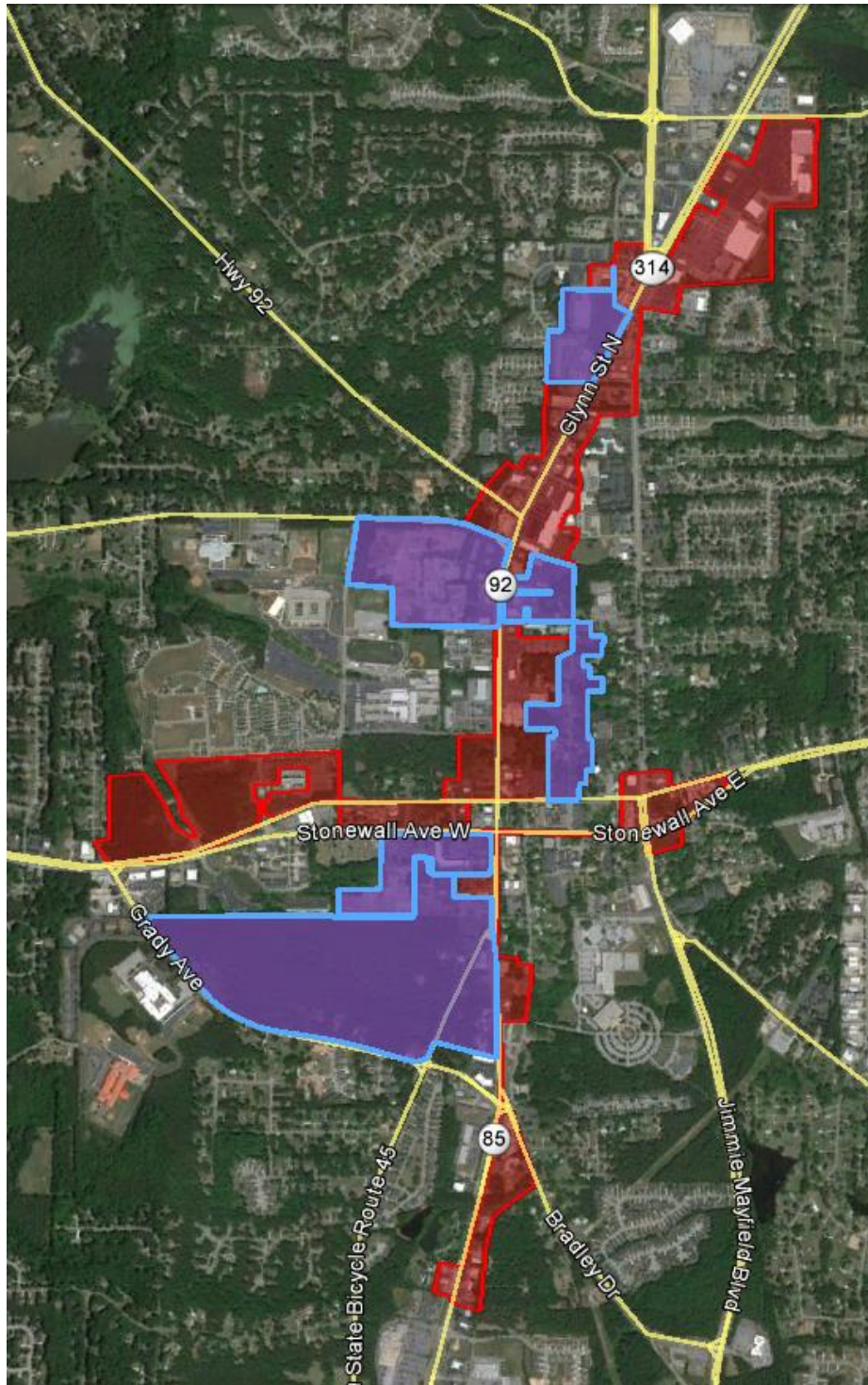
1.4. The Plan

The redevelopment projects within the proposed City of Fayetteville Tax Allocation District #1 could include a mix of residential and commercial uses designed to make the area a vibrant place to live, work and shop. The goal is to transform the area from outdated, underperforming, stand-alone strip retail shopping centers into a more mixed use walkable environment. The potential redevelopment plan includes six redevelopment project areas that would be developed over the next 5-10 years. These projects are described later in this plan. The general vision for these parcel redevelopments was first outlined in the 2010 LCI Supplemental Study. The following summarizes the preliminary potential for these projects.

Based upon the proposed development plans, it is estimated that there will be \$214 million of new market value created in the TAD at build-out. This will lead to an estimated \$80.3 million increase in the

City's assessed value, which is 40% of fair market value. This increase could support total potential TAD bond proceeds of up to \$18.3 million.

Fayetteville TAD Area Map with Potential Redevelopment Areas (in blue)



Potential Fayetteville TAD Redevelopment Projects and Potential Values

	1: 692 Glynn St				2: Residential Community				3: Fayette Place				4: Church Street				5: Civic Square Site				6: Sams Estate			
Acreage	12.0				22.5				9.2				8.7				16.3				91.1			
Base Market Value	\$ 4,100,235				\$ 1,395,080				\$ 2,074,480				\$ 1,263,850				\$ 320,000				\$ 4,351,474			
Base Assessed Value	\$ 1,640,094				\$ 558,032				\$ 829,792				\$ 505,540				\$ 128,000				\$ 1,740,590			
Base Market Value/Acre	\$ 341,686				\$ 62,004				\$ 225,487				\$ 145,605				\$ 19,643				\$ 47,792			
Development Program	Unit Cost	Density	Acres	Units/SF	Value	Acres	Units/SF	Value	Acres	Units/SF	Value	Acres	Units/SF	Value	Acres	Units/SF	Value	Acres	Units	Value				
Greenspace/Circulation			2.4			4.5			1.8			1.7			3.3			18.2						
Residential																								
Single-Family	\$ 300,000	4	-	-	\$ -	18.0	72	\$ 21,600,000	-	-	\$ -	6.3	25	\$ 7,500,000	-	-	\$ -	58.0	232	\$ 69,600,000				
Townhome	\$ 250,000	8	-	-	\$ -	-	-	\$ -	5.5	44	\$ 11,000,000	-	-	\$ -	2.0	16	\$ 4,000,000	10.0	100	\$ 25,000,000				
Multi-Family	\$ 145,000	30	-	-	\$ -	-	-	\$ -	-	-	\$ -	-	-	\$ -	3.0	200	\$ 29,000,000	-	-	\$ -				
Senior	\$ 125,000	24	5.0	120	\$ 15,000,000	-	-	\$ -	-	-	\$ -	-	-	\$ -	-	-	\$ -	-	-	\$ -				
Total Res			5.0	120	\$ 15,000,000	18.0	72	\$ 21,600,000	5.5	44	\$ 11,000,000	6.3	25	\$ 7,500,000	8.0	216	\$ 33,000,000	68.0	332	\$ 94,600,000				
Residential Density/Acre				10.0			3.2			4.8			2.9		13.3				3.6					
Commercial																								
Office (SF)	\$ 160	20,000	3.0	60,000	\$ 9,600,000	-	-	\$ -	1.0	20,000	\$ 3,200,000	0.2	4,000	\$ 640,000	1.0	20,000	\$ 3,200,000	0.5	10,000	\$ 1,600,000				
Retail (SF)	\$ 160	15,000	2.0	30,000	\$ 4,800,000	-	-	\$ -	1.3	20,000	\$ 3,200,040	0.5	7,500	\$ 1,200,000	1.0	15,000	\$ 2,400,000	0.7	10,000	\$ 1,600,000				
Total Comm			5.0	90,000	\$ 14,400,000	-	-	\$ -	2.3	40,000	\$ 6,400,040	0.7	11,500	\$ 1,840,000	2.0	35,000	\$ 5,600,000	1.2	20,000	\$ 3,200,000				
Grand Total Development			10.0		\$ 29,400,000	18.0		\$ 21,600,000	7.8		\$ 17,400,040	7.0		\$ 9,340,000	10.0		\$ 38,600,000	69.2		\$ 97,800,000				
Val/Acre After					\$ 2,450,000			\$ 960,000			\$ 1,891,309			\$ 1,076,037			\$ 2,369,454			\$ 1,074,135				
Assessed Value After					\$ 11,760,000			\$ 8,640,000			\$ 6,960,016			\$ 3,736,000			\$ 15,440,000			\$ 39,120,000				
Incremental Value					\$ 10,119,906			\$ 8,081,968			\$ 6,130,224			\$ 3,230,460			\$ 15,312,000			\$ 37,379,410				
Bonding Potential Forecasts																								
New Development Value					\$ 29,400,000			\$ 21,600,000			\$ 17,400,040			\$ 9,340,000			\$ 38,600,000			\$ 97,800,000				
New Development Value (Assessed)					\$ 11,760,000			\$ 8,640,000			\$ 6,960,016			\$ 3,736,000			\$ 15,440,000			\$ 39,120,000				
Less Base Value (Assessed)					\$ 1,640,094			\$ 558,032			\$ 829,792			\$ 505,540			\$ 128,000			\$ 1,740,590				
TAD Increment (Assessed)					\$ 10,119,906			\$ 8,081,968			\$ 6,130,224			\$ 3,230,460			\$ 15,312,000			\$ 37,379,410				
Property Tax Revenue @ 29.476 Mils					\$ 298,294			\$ 238,224			\$ 180,694			\$ 95,221			\$ 451,337			\$ 1,101,796				
Bondable Value (95%)					\$ 283,380			\$ 226,313			\$ 171,660			\$ 90,460			\$ 428,770			\$ 1,046,706				
Debt Coverage (125%)					\$ (56,676)			\$ (45,263)			\$ (34,332)			\$ (18,092)			\$ (85,754)			\$ (209,341)				
Bondable Revenue					\$ 226,704			\$ 181,050			\$ 137,328			\$ 72,368			\$ 343,016			\$ 837,365				
Interest Rate					6.0%			6.0%			6.0%			6.0%			6.0%			6.0%				
Bond Term (years)					25			25			25			25			25			25				
Estimated Bond Amount					\$ 2,916,516			\$ 2,329,191			\$ 1,766,706			\$ 931,006			\$ 4,412,857			\$ 10,772,597				
Issuance Costs (3%)					\$ (87,495)			\$ (69,876)			\$ (53,001)			\$ (27,930)			\$ (132,386)			\$ (323,178)				
Capitalized Interest (24 months)					\$ (349,982)			\$ (279,503)			\$ (212,005)			\$ (111,721)			\$ (529,543)			\$ (1,292,712)				
Debt Reserve					\$ (174,991)			\$ (139,751)			\$ (106,002)			\$ (55,860)			\$ (264,771)			\$ (646,356)				
Net Bond Proceeds					\$ 2,304,048			\$ 1,840,061			\$ 1,395,698			\$ 735,494			\$ 3,486,157			\$ 8,510,351				
TOTAL																				\$ 18,271,809				

Six potential redevelopment sites and potential TAD bond amounts:

- 1. 692 Glynn St \$ 2.3 million
- 2. Residential Community \$ 1.8 million
- 3. Fayette Place \$ 1.4 million
- 4. Church Street \$ 0.7 million
- 5. Civic Square Site \$ 3.5 million
- 6. Sams Estate \$ 8.5 million

Total: \$ 18.3 million in TAD bond potential

1.5. Proposed Public Investments

As noted in this plan, the City of Fayetteville’s declining property tax base leaves the redevelopment area at a disadvantage as the area’s infrastructure, including the road and pedestrian network, is outdated and inadequate to support the community’s full vision of redevelopment for the area. For example, the current overabundance of surface parking spaces inhibits the maximization of the property’s value. Having a TAD in place will help fund the infrastructure improvements necessary to create a pedestrian-friendly, more-accessible corridor consistent with the City’s vision.

Potential Allocation of TAD Funds by Fayetteville TAD #1 to Support Projects

Funding Category	Estimated Cost
1. Site Preparation Demolition and Clearance	\$ 2,500,000
2. Environmental Remediation	\$ 2,500,000
3. Infrastructure Improvements	\$ 3,500,000
4. Structured Parking	\$ 3,500,000
5. Other Redevelopment Initiatives	\$ 6,300,000
Total Initial TAD Funding Request	\$ 18,300,000

Categories and cost allocations are estimates for potential projects as of 2015 and are subject to revision as the Redevelopment Plan is implemented. As priorities are identified or addressed, specific project amounts, allocations and priorities are subject to change.

1.6. Fayetteville TAD Benefits

The TAD will leverage substantial private investment. Using TAD financing to fund construction of infrastructure will enable the City to leverage approximately \$18.3 million in TAD funding to attract \$200.6 million in private investment, a leverage ratio of nearly \$11 private dollars invested for every \$1 of TAD investment.

As shown in the following table, the creation of the City of Fayetteville TAD #1: Highway Corridor could increase the 2014 market value from \$80.9 million to \$281.6 million. This would result in approximately \$80.3 million in new assessed valuation that would support TAD funding for up to \$18.3 million in needed infrastructure.

Summary of Fayetteville TAD Benefits

Projected market value of TAD at build out	\$281,551,120
Market value of new private investment	\$214,140,040
Estimated assessed value of new development	\$80,253,968
Potential value of TAD funding supported by new incremental value	\$18,300,000

2. Redevelopment Plan: Introduction

In 2003, the City of Fayetteville, located in Fayette County in the southern portion of the Atlanta MSA, completed an Atlanta Regional Commission (ARC)-sponsored Livable Centers Initiative (LCI) Study. The study examined downtown Fayetteville, together with the gateways to downtown, including Highway 85, also called Glynn Street, which is a major commercial corridor running north-south through the city and Highway 54, which runs east-west through the city.

The 2003 LCI study, based on extensive public stakeholder input, recommended regulatory changes, infrastructure investments and preferred development typologies for the study area, summarized the situation as such:

While Fayette County, one of the nation's fastest growing counties between 1984 and 1994, has experienced rapid growth over the last two decades, the City of Fayetteville and its downtown area have grown much more modestly and consistently since 1980. As in many suburban areas, this growth has resulted in the development of previously undeveloped or underdeveloped areas along major transportation routes and redevelopment within the historic downtown core. With continued growth anticipated for the City of Fayetteville and the surrounding County, the potential to reduce strip development and reinvigorate the downtown area as a village center offering a range of employment, shopping, recreation and housing has become a priority for the City, its staff and elected officials.

With the onset of the Great Recession in 2008, the LCI plan was not fully implemented and in 2010 the City began to look toward realizing the vision that was set forth in 2003. A supplemental LCI planning study was commissioned to revisit and refine the original recommendations. That study laid out six economic development goals for the downtown Fayetteville area that are relevant to this redevelopment plan:

1. Diversify the mix of land uses in the downtown area.
2. Encourage the development of more residential uses within the study area.
3. Encourage the creation of office and institutional uses in downtown to reinforce the importance of the city's core.
4. Create a network of public investments to create a new identity for the study area.
5. Focus on implementing one or more catalyst projects.
6. Create a tax allocation district to support redevelopment in the study area.

Thus, the City of Fayetteville has invested significant resources in creating a shared community vision for the Downtown Historic District and the surrounding area. The formation of the City of Fayetteville TAD #1 will be a critical tool to aid in the implementation of this vision. Through targeted public investments, the City will encourage private redevelopment, providing a greater range of housing options, employment opportunities and commercial services to the residents and visitors of Fayetteville and Fayette County.

This TAD Redevelopment Plan replaces the original redevelopment plan for the City of Fayetteville Tax Allocation District #1: Highway Corridor, which was approved in 2013. Since no bonds or other

obligations have been issued in the original tax allocation district, it can now be repealed and readopted with adjusted boundaries of the Redevelopment Area to respond to changes since 2013, including current redevelopment and future redevelopment opportunities and priorities. Therefore, this Redevelopment Plan will adjust the City of Fayetteville Tax Allocation District #1: Highway Corridor boundaries and reset the assessed valuation of the redevelopment area to 2015 levels. Leadership in the preparation of this plan was provided by the City of Fayetteville.

The City of Fayetteville presents this plan outlining the rationale, boundaries, fiscal data and potential projects that could result from the formation of the City of Fayetteville Tax Allocation District #1: Highway Corridor. This Redevelopment Plan was prepared in conformance with the provisions of Georgia's Redevelopment Powers Law (O.C.G.A. Title 36 Chapter 44) that governs the creation and operation of tax allocation districts (TADs) in the state.

2.1. Geographic Boundaries (A)

This plan calls for the creation of the City of Fayetteville Tax Allocation District #1: Highway Corridor, whose redevelopment area includes the parcels shaded in red in the boundary shown on the map below.

City of Fayetteville TAD Boundary Map³



³ Tax Parcel Identification numbers for properties included within the TAD are listed in Appendix B.

2.2. How Residents in Fayetteville Benefit

The benefits to Fayetteville from the completed projects in the TAD district include the following:

- Improvements to facilitate traffic flow within the area as well as beautification of the streetscapes;
- A revitalized commercial core to stabilize and expand the historical town center;
- An expanded job base in office related uses, professional, retail and service industries;
- New living, working, shopping, dining and entertainment opportunities that will serve residents and attract visitors from outside the area;
- Increased personal incomes and new local businesses;
- Attract new private investment potentially valued at over \$200 million creating new vibrant housing options and revitalized commercial centers; and
- Generate substantial new annual tax revenues from property taxes, sales taxes and business licenses.

2.3. Tax Allocation Districts Overview

Tax allocation districts (TADs) are Georgia's version of tax increment financing. Tax increment financing is a redevelopment funding mechanism that reinvests the future taxes from real estate development back into a project as an incentive to attract new private investment into an area. As described by the Council of Development Finance Agencies. (www.cdfa.net), TIF was created and first used in California in 1952. Hundreds of TIF districts have helped spur urban redevelopment in cities across the country. Today, 49 states and the District of Columbia use some form of tax increment financing.

In 1985, the Georgia General Assembly authorized formation of Georgia's form of tax increment financing called Tax Allocation Districts. The purpose of a Georgia tax allocation district is similar to tax increment financing in any other state. It uses the increased property taxes generated by new development in a designated redevelopment area to finance costs related to the development such as public infrastructure, land acquisition, relocation, demolition, utilities, debt service and planning costs. Other costs it might cover include:

- Sewer expansion and repair
- Storm drainage
- Street construction & expansion
- Water supply
- Park improvements
- Bridge construction and repair
- Curb and sidewalk work
- Grading and earthwork
- Traffic control
- Multi-use paths

Cities and counties throughout Georgia have created TADs to stimulate major new construction and renovation or rehabilitation in underdeveloped or blighted areas. For example, ten TADs have been created in Atlanta, and additional TADs have been created in Marietta, Smyrna, Acworth, Woodstock, Holly Springs, East Point, Clayton County and DeKalb County. Over 70 Georgia cities and counties either have or are considering creating TADs in their communities. A TAD offers local governments the opportunity to promote redevelopment projects in areas that would otherwise not receive investment. The creation of the City of Fayetteville TAD #1 will enhance the private development community's interest in investing in major redevelopment projects in the City of Fayetteville.

A TAD will bring the City of Fayetteville and Fayette County additional economic advantages as well. Other Georgia tax allocation districts, redevelopment areas like Atlantic Station (Midtown Atlanta) and Camp Creek Marketplace (East Point), have demonstrated the benefits of TAD, including:

- **A stronger economic base**—Private development that would not have occurred without the TAD designation is attracted by this incentive.
- **The halo effect**—Several Georgia TADs have generated significant new investment in areas surrounding the TAD as well as within the tax allocation districts, further expanding the positive economic impact.
- **No impact on current tax revenues**—Redevelopment is effectively promoted without tapping into existing general governmental revenues or levying special assessments on property owners.
- **Expanded local tax base**—By stimulating economic activity TAD's expand the local tax digest, additional retail sales, and as a result, SPLOST revenues.
- **It is self-financing**—TADs are self-financing, since they are funded by the increased tax revenues from new development within the district.
- **High leverage**—Typically TAD funds represent between 5-15% of project costs, leveraging 7-20 times their value in private investment.

In summary, a tax allocation district supports the infrastructure necessary to make an underutilized area attractive to private development, at no additional cost to the taxpayer. It does not create a tax increase for the community, nor does it reduce current tax revenues the community currently receives.

The creation of the City of Fayetteville Tax Allocation District #1: Highway Corridor is designed to provide the financial incentive to support the creation of the vision set forth in the 2003 Livable Centers Initiative (LCI) planning study for Downtown Fayetteville and the surrounding corridor, the 2010 follow-up supplemental LCI study, as well as the City of Fayetteville Comprehensive Plan completed in 2006 by helping to fund the substantial improvements to public infrastructure needed to support the new, more intensive mixed-use development in the general area called for in the vision for the area. As such, it is a highly appropriate and consistent use of this financing technique as defined in Georgia's Redevelopment Powers Law.

3. Proposal

Through the creation of the City of Fayetteville TAD #1: Highway Corridor, the City is positioning the area for new opportunities for reinvestment and revitalization through the implementation of the vision for the community set forth in the City of Fayetteville LCI and Comprehensive Plans.

3.1. Grounds for Exercise of Redevelopment Powers

Tax Allocation Districts (TADs) are authorized in Georgia under the Redevelopment Powers Law, O.C.G.A. Title 36, Chapter 44. In 2009, the Redevelopment Powers Law was amended again, with the following definition of a "redevelopment area":

'Redevelopment area' means an urbanized area as determined by current data from the US Bureau of the Census or an area presently served by sewer that qualifies as a 'blighted or distressed area, a 'deteriorating area,' or an 'area with inadequate infrastructure' as follows:

(A) A 'blighted or distressed area' is an area that is experiencing one of more conditions of blight as evidenced by:

- (i) The presence of structures, buildings, or improvements that by reason of dilapidation; deterioration; age; obsolescence; inadequate provision for ventilation, light, air, sanitation, or open space; overcrowding; conditions which endanger life or property by fire or other causes; or any combination of such factors, are conducive to ill health, transmission of disease, infant mortality, high unemployment, juvenile delinquency, or crime and are detrimental to the public health, safety, morals, or welfare;*
- (ii) The presence of a predominant number of substandard, vacant, deteriorated, or deteriorating structures, the predominance of a defective or inadequate street layout, or transportation facilities; or faulty lot layout in relation to size, accessibility, or usefulness;*
- (iii) Evidence of pervasive poverty, defined as being greater than 10 percent of the population in the area as determined by current data from the U.S. Bureau of the Census, and an unemployment rate that is 10 percent higher than the state average;*
- (iv) Adverse effects of airport or transportation related noise or environmental contamination or degradation or other adverse environmental factors that the political subdivision has determined to be impairing the redevelopment of the area; or*
- (v) The existence of conditions through any combination of the foregoing that substantially impair the sound growth of the community and retard the provision of housing accommodations or employment opportunities;*

(B) A 'deteriorating area' is an area that is experiencing physical or economic decline or stagnation as evidenced by two or more of the following:

- (i) The presence of a substantial number of structures or buildings that are 40 years old or older and have no historic significance;*
- (ii) High commercial or residential vacancies compared to the political subdivision as a whole;*
- (iii) The predominance of structures or buildings of relatively low value compared to the value of structures or buildings in the surrounding vicinity or significantly slower growth in the property tax digest than is occurring in the political subdivision as a whole;*
- (iv) Declining or stagnant rents or sales prices compared to the political subdivision as a whole;*
- (v) In areas where housing exists at present or is determined by the political subdivision to be appropriate after redevelopment, there exists a shortage of safe, decent housing that is not substandard and that is affordable for persons of low and moderate income;*
- (vi) Deteriorating or inadequate utility, transportation, or transit infrastructure; and*

(C) An 'area with inadequate infrastructure' means an area characterized by:

- (i) deteriorating or inadequate parking, roadways, bridges, pedestrian access, or public transportation or transit facilities incapable of handling the volume of traffic into or through the area, either at present or following redevelopment; or*
- (ii) Deteriorating or inadequate utility infrastructure either at present or following redevelopment.*

3.1. Why the City of Fayetteville TAD #1 Area Qualifies as a Redevelopment Area

The City of Fayetteville has the authority to exercise all redevelopment and other powers authorized or granted municipalities pursuant to the Redevelopment Powers Law (Chapter 44 of Title 36 of the O.C.G.A.), as approved by Fayetteville voters by referendum in November of 2012.

Much of the proposed redevelopment area was developed in the mid-20th century as first generation commercial development with large amounts of surface parking. An analysis of the building stock in the City of Fayetteville TAD and the corresponding rates of crime and poverty prove that the area has become a deteriorating area compared to the city as a whole.

Specifically, the City of Fayetteville TAD meets the state requirements for determining a redevelopment area noted above as evidenced by the following:

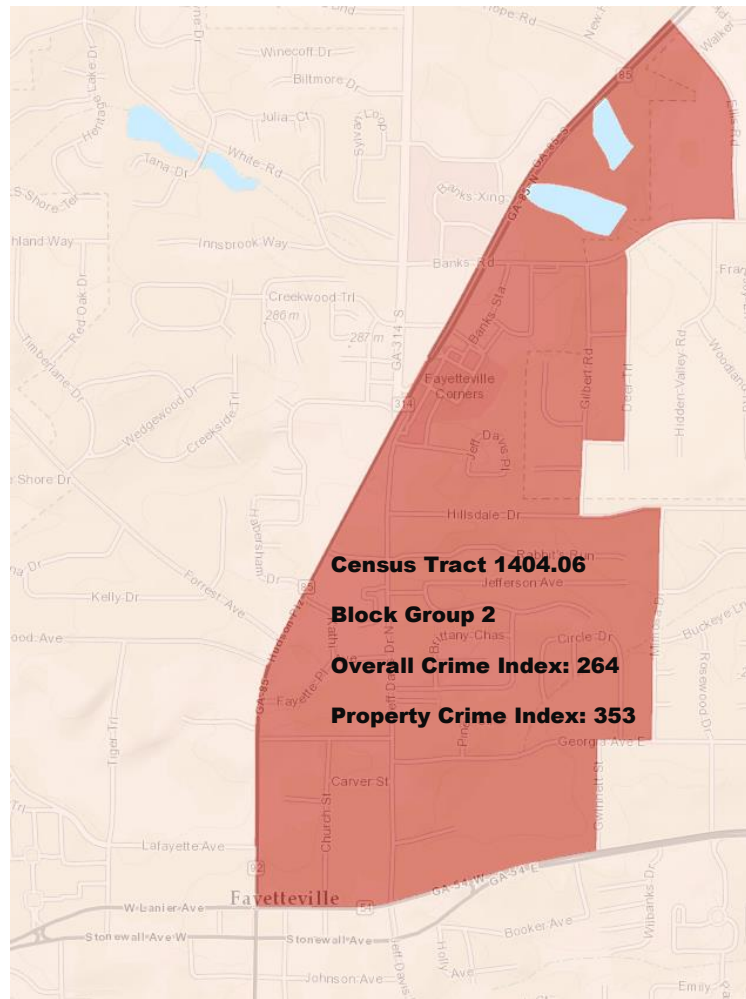
In reference to Section A, Chapter 44 of Title 36 of the O.C.G.A.:

(A) A 'blighted or distressed area' is an area that is experiencing one of more conditions of blight as evidenced by:

- (i) The presence of structures, buildings, or improvements that by reason of dilapidation; deterioration; age; obsolescence . . . or any combination of such factors, are conducive to ill health, transmission of disease, infant mortality, high unemployment, juvenile delinquency, or crime and are detrimental to the public health, safety, morals, or welfare . . .*
- (iii) Evidence of pervasive poverty, defined as being greater than 10 percent of the population in the area as determined by current data from the U.S. Bureau of the Census. . .*

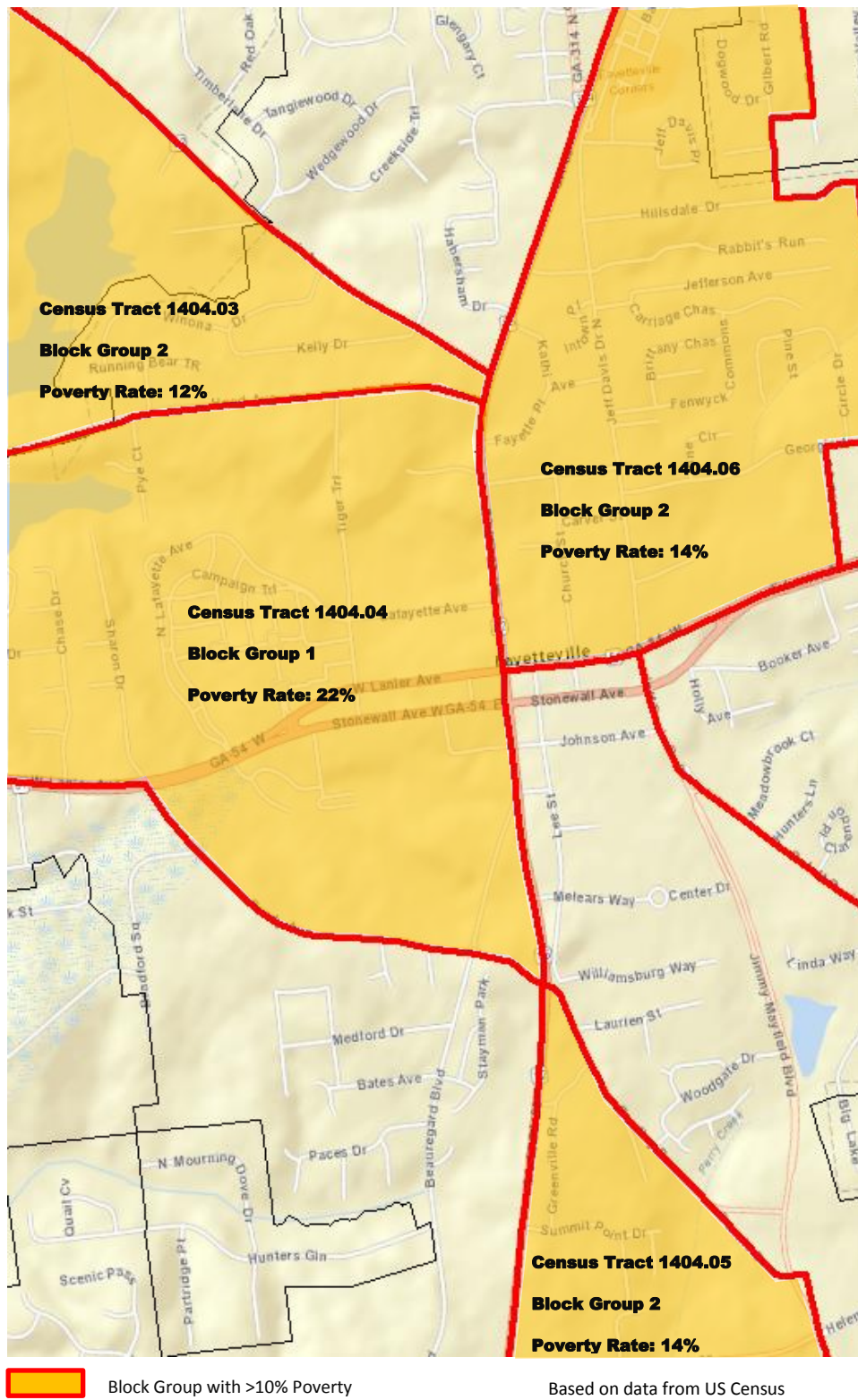
With a preponderance of aging and obsolete buildings in the TAD area located north of Lanier Avenue along GA-85, a strong correlation can be made to higher crime levels in the Census block group that corresponds to this sub-area, as shown in the map below. In comparison to the national average of 100, the overall crime index in this area is 264, according to 2014 AGS CrimeRisk data, which is based on data from the FBI. The property crime index in this area is 353, more than three times the national average. No other block groups in or near the TAD area exceed the national average. Thus redevelopment is needed to help stem the tide of property crimes within the TAD area.

2014 USA Crime Index by Census Block Group



Moreover, the rates of poverty in much of the TAD area’s Census block groups, as shown in the map below, exceed the 10% threshold spelled out in the TAD legislation, pointing to the need to reinvigorate the area with redevelopment. According to the US Census, the 2014 annual income threshold for a family of four living in poverty is \$24,418.

Poverty Rate Comparison by Block Group



In reference to Section B and C, Chapter 44 of Title 36 of the O.C.G.A.:

(B) A ‘deteriorating area’ is an area that is experiencing physical or economic decline or stagnation as evidenced by two or more of the following:

- (i) The presence of a substantial number of structures or buildings that are 40 years old or older and have no historic significance;
- (vi) Deteriorating or inadequate utility, transportation, or transit infrastructure; and

The LCI study characterized the northern portion of the TAD area, which comprises much of the acreage within the proposed TAD, noting that the newer more competitive retail environment is to the north:

The Highway 85 area north of Lanier Avenue is characterized by a series of older commercial buildings leading to an area of newer and larger retail outlets north of the Study Area. Many of these older commercial buildings have reached the end of their life cycle and are in need of repair, reinvestment or replacement.

Whereas the average age of all commercial buildings in the city, according to CoStar, is 29 years old, the average age in the TAD area is 47 years. Over 36% of the commercial buildings in the TAD area are over 40 years old. While a handful of these buildings could be considered historical, a majority are simply outdated, underperforming and add to a declining growth in the tax digest.

Further, the proposed redevelopment area has inadequate roadways and pedestrian infrastructure to handle current and future flows that will result from the redevelopment of the area as mixed-use activity centers.

The 2006 Fayetteville Comprehensive Plan suggests that, “Encouraging pedestrian traffic throughout the day and evening is important to the success of DHD [Downtown Historic District] businesses. Improving the pedestrian environment is an essential to promoting more pedestrian traffic.”

At the same time, the vehicular network is also inadequate in a number of ways throughout the TAD area.

The LCI plan notes:

The transportation network within the Fayetteville LCI Study Area is composed of a sparse street hierarchy where traffic is gathered from multiple locations and funneled onto one or two major facilities. Two of these major facilities, GA 85 and GA 54 are the primary carriers of north-south and east-west traffic in the City of Fayetteville. Additionally, GA 54 is split into a one-way pair of east-west streets in the downtown area (Stonewall Avenue and Lanier

Current Conditions: Glynn St., Fayetteville



Street), too close together to function appropriately. Due to their proximity, there is a large degree of queuing during peak traffic periods for left turn movements northbound onto Highway 85 from Stonewall Avenue.

*Outside of the two state highways, local streets in the LCI study area do not form a grid and therefore do not allow for alternate routes and turning movements. **This network configuration forces the vast majority of local and through traffic onto the two state highways, causing congestion as traffic volumes exceed capacity and create difficult conditions for pedestrians.***

Thus, while the City desires to improve the lagging economic viability of the DHD, which is included in the Fayetteville TAD area, the pedestrian and vehicular infrastructure is inhibiting redevelopment.

4. Plan Vision and Goal

The goal of the City of Fayetteville Tax Allocation District is to encourage the private redevelopment of outmoded commercial development into pedestrian friendly, mixed-use centers and to encourage the implementation of the City of Fayetteville LCI and Comprehensive Plans. The City of Fayetteville has a record of success with the revitalization of historical downtown properties, including its current City Hall, and hopes to extend this success by broadening a traditional neighborhood development pattern in the nearby commercial areas.

4.1. Proposed Land Uses after Redevelopment

The TAD Redevelopment Plan proposes that the TAD area will be redeveloped into a mix of uses, including residential and commercial uses. The vision for this redevelopment is discussed in the Fayetteville LCI Supplemental Study completed in 2010 and adopted by the Fayetteville City Council. That study included the following recommendations:

- Diversify the mix of land uses in the downtown area
- Encourage more residential uses
- Encourage office and institutional uses downtown
- Make strategic public investments to create a new identity

To that end, and for the purposes of this redevelopment plan, six hypothetical projects were created to illustrate the impact and potential redevelopment in the TAD area. They are based on the mixed-use vision and density outlined in the City's aforementioned planning documents.

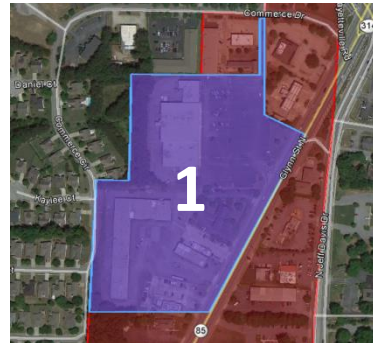
Fayetteville TAD Area Map with Potential Redevelopment Areas



These potential development programs are based on discussions of land use and density with City staff, maximum zoning allowances, and the available acreages of the redevelopment parcels. For the purposes of the TAD revenue forecasting, we have used land-use densities high enough to make redevelopment of those sites feasible. The redevelopment sites are:

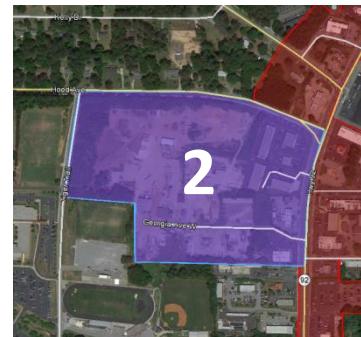
1: 692 Glynn Street

This project would sit on six parcels totaling 12.0 acres on the west side of Glynn Street south of Commerce Drive. It would include 120 senior housing units, 60,000 SF of office space and 30,000 SF of retail space. Total estimated development value would be \$29.4 million.



2: Residential Community

This project would sit on 14 parcels totaling 22.5 acres at Hood Road and Tiger Trail, currently an industrial site adjacent to Fayetteville schools. It would include 72 single-family homes. Total estimated development value would be \$21.6 million.



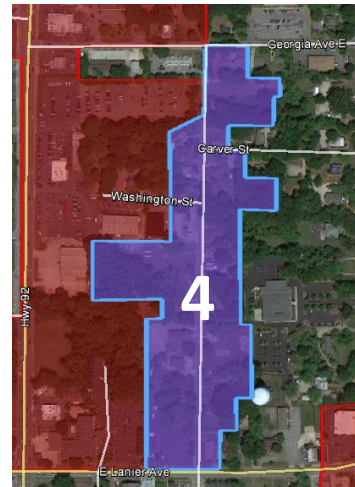
3: Fayette Place

This project would sit on seven parcels totaling 9.2 acres at the southeast corner of Glynn Street and Georgia Avenue. It would include 44 townhomes and 40,000 SF of commercial space. Total estimated development value would be \$17.4 million.



4: Church Street

This project would include 30 parcels on both sides of Church Street totaling 8.7 acres. It would include 25 single-family homes and 11,500 SF of commercial space. Total estimated development value would be \$9.3 million.



5: Civic Square Site

This project would be located near the heart of downtown on three parcels totaling 16.3 acres south of Stonewall Ave. It would include 16 townhomes, 200 multi-family units, 20,000 SF of office space and 15,000 SF of retail/restaurant space. Total estimated development value would be \$38.6 million.



6: Sams Estate

This project would be located north of Grady Avenue between Hwy. 54 and Hwy. 85 and include 22 parcels totaling 91.1 acres. It would include 232 single-family homes and 100 townhomes along with 20,000 SF of commercial space. Total estimated development value would be \$97.8 million.



Together, these projects could include 329 single-family homes, 160 townhome units, 200 multifamily units and 120 senior units, for a total of 609 residential units. These projects could include 82,500 square feet of retail space and 114,000 square feet of office space. These projects could have a total market value of \$214.1 million and a total taxable value of \$85.7 million, which represents a potential increase of \$80.3 million in taxable value for the City of Fayetteville within TAD #1.

Potential Fayetteville TAD Redevelopment Projects and Potential Values

	1: 692 Glynn St			2: Residential Community			3: Fayette Place			4: Church Street			5: Civic Square Site			6: Sams Estate		
Acres	12.0			22.5			9.2			8.7			16.3			91.1		
Base Market Value	\$ 4,100,235			\$ 1,395,080			\$ 2,074,480			\$ 1,263,850			\$ 320,000			\$ 4,351,474		
Base Assessed Value	\$ 1,640,094			\$ 558,032			\$ 829,792			\$ 505,540			\$ 128,000			\$ 1,740,590		
Base Market Value/Acre	\$ 341,686			\$ 62,004			\$ 225,487			\$ 145,605			\$ 19,643			\$ 47,792		
Development Program	Unit Cost	Density	Acres	Units/SF	Value	Acres	Units/SF	Value	Acres	Units/SF	Value	Acres	Units/SF	Value	Acres	Units	Value	
Greenspace/Circulation			2.4			4.5			1.8			1.7			3.3			
Residential																		
Single-Family	\$ 300,000	4	-	-	\$ -	18.0	72	\$ 21,600,000	-	-	\$ -	6.3	25	\$ 7,500,000	-	-	\$ -	
Townhome	\$ 250,000	8	-	-	\$ -	-	-	\$ -	5.5	44	\$ 11,000,000	-	-	\$ -	2.0	16	\$ 4,000,000	
Multi-Family	\$ 145,000	30	-	-	\$ -	-	-	\$ -	-	-	\$ -	3.0	200	\$ 29,000,000	-	-	\$ -	
Senior	\$ 125,000	24	5.0	120	\$ 15,000,000	-	-	\$ -	-	-	\$ -	-	-	\$ -	-	-	\$ -	
Total Res			5.0	120	\$ 15,000,000	18.0	72	\$ 21,600,000	5.5	44	\$ 11,000,000	6.3	25	\$ 7,500,000	8.0	216	\$ 33,000,000	
Residential Density/Acre				10.0			3.2			4.8			2.9		13.3		3.6	
Commercial																		
Office (SF)	\$ 160	20,000	3.0	60,000	\$ 9,600,000	-	-	\$ -	1.0	20,000	\$ 3,200,000	0.2	4,000	\$ 640,000	1.0	20,000	\$ 3,200,000	
Retail (SF)	\$ 160	15,000	2.0	30,000	\$ 4,800,000	-	-	\$ -	1.3	20,000	\$ 3,200,040	0.5	7,500	\$ 1,200,000	1.0	15,000	\$ 2,400,000	
Total Comm			5.0	90,000	\$ 14,400,000	-	-	\$ -	2.3	40,000	\$ 6,400,040	0.7	11,500	\$ 1,840,000	2.0	35,000	\$ 5,600,000	
Grand Total Development			10.0		\$ 29,400,000	18.0		\$ 21,600,000	7.8		\$ 17,400,040	7.0		\$ 9,340,000	10.0		\$ 38,600,000	
Val/Acre After					\$ 2,450,000			\$ 960,000			\$ 1,891,309			\$ 1,076,037			\$ 2,369,454	
Assessed Value After					\$ 11,760,000			\$ 8,640,000			\$ 6,960,016			\$ 3,736,000			\$ 15,440,000	
Incremental Value					\$ 10,119,906			\$ 8,081,968			\$ 6,130,224			\$ 3,230,460			\$ 15,312,000	
Bonding Potential Forecasts																		
New Development Value					\$ 29,400,000			\$ 21,600,000			\$ 17,400,040			\$ 9,340,000			\$ 38,600,000	
New Development Value (Assessed)					\$ 11,760,000			\$ 8,640,000			\$ 6,960,016			\$ 3,736,000			\$ 15,440,000	
Less Base Value (Assessed)					\$ 1,640,094			\$ 558,032			\$ 829,792			\$ 505,540			\$ 128,000	
TAD Increment (Assessed)					\$ 10,119,906			\$ 8,081,968			\$ 6,130,224			\$ 3,230,460			\$ 15,312,000	
Property Tax Revenue @ 29.476 Mills					\$ 298,294			\$ 238,224			\$ 180,694			\$ 95,221			\$ 451,337	
Bondable Value (95%)					\$ 283,380			\$ 226,313			\$ 171,660			\$ 90,460			\$ 428,770	
Debt Coverage (125%)					\$ (56,676)			\$ (45,263)			\$ (34,332)			\$ (18,092)			\$ (85,754)	
Bonadable Revenue					\$ 226,704			\$ 181,050			\$ 137,328			\$ 72,368			\$ 343,016	
Interest Rate					6.0%			6.0%			6.0%			6.0%			6.0%	
Bond Term (years)					25			25			25			25			25	
Estimated Bond Amount					\$ 2,916,516			\$ 2,329,191			\$ 1,766,706			\$ 931,006			\$ 4,412,857	
Issuance Costs (3%)					\$ (87,495)			\$ (69,876)			\$ (53,001)			\$ (27,930)			\$ (132,386)	
Capitalized Interest (24 months)					\$ (349,982)			\$ (279,503)			\$ (212,005)			\$ (111,721)			\$ (529,543)	
Debt Reserve					\$ (174,991)			\$ (139,751)			\$ (106,002)			\$ (55,860)			\$ (264,771)	
Net Bond Proceeds					\$ 2,304,048			\$ 1,840,061			\$ 1,395,698			\$ 735,494			\$ 3,486,157	
TOTAL																	\$ 18,271,809	

Six potential redevelopment sites and potential TAD bond amounts:

- 1. 692 Glynn St \$ 2.3 million
- 2. Residential Community \$ 1.8 million
- 3. Fayette Place \$ 1.4 million
- 4. Church Street \$ 0.7 million
- 5. Civic Square Site \$ 3.5 million
- 6. Sams Estate \$ 8.5 million

Total: \$ 18.3 million in TAD bond potential

5. Contractual Relationships

Pursuant to O.C.G.A. §34-44-3(a), the Fayetteville City Council will act as the redevelopment agent and will exercise redevelopment powers as needed to implement this plan. In doing so, the Council, either directly or through its designee, may conduct the following activities and enter into the following contracts:

1. Coordinate implementation activities with other major participants in the redevelopment plan and their respective development and planning entities involved in implementing this redevelopment plan.
2. Enter into development agreements with private developers to construct infrastructure and vertical developments to implement the redevelopment plan.
3. Negotiate and enter into commercial financing agreements and intergovernmental agreements as needed.
4. Coordinate public improvement planning, design and construction among City, County and State agencies and departments.
5. Prepare (either directly or through subcontract to other appropriate entities) economic and financial analyses, project-specific feasibility studies and assessments of tax base increments in support of the issuance of tax allocation bonds or other forms of financing by the City.
6. The City will enter into contractual relationships with qualified vendors for the provision of professional and other services required in qualifying and issuing the bonds or other forms of financing, including, but not limited to, legal, underwriting, financial analysis and other related services.
7. The City will perform other duties as necessary to implement the redevelopment plan.

6. Relocation Plans

As is currently foreseen, no relocation of tenants or residents from private homes is anticipated within the proposed City of Fayetteville TAD #1. In the future, should the relocation of existing homes or businesses be required, such relocation expenses may be provided for under all applicable federal, state and local guidelines if public funds are used for property acquisition. If such funding sources require relocation, benefits would be offered to tenants and users for relocation.

7. Zoning & Land Use Compatibility

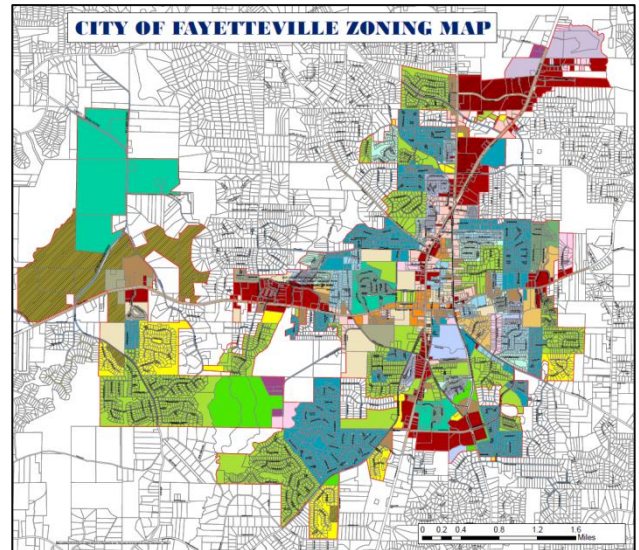
The land parcels within the TAD area have a mix of zoning designations. Of the 203 parcels within the TAD boundary 70% are designated as “community commercial” or “highway commercial” with 10% zoned as “downtown commercial,” and others zoned as “light industrial” or other commercial designations. The remainder of the parcels are various residential designations.

Much of the City of Fayetteville TAD district is within the boundaries of the Main Street Overlay District (as defined at section 94-187 of the City of Fayetteville Code of Ordinances and shown in the shaded area in the map to right. See Appendix for larger view). This ordinance allows for a mix of uses including street level retail or office, residential; or office above that must include residential. This type of development would conform with the redevelopment vision set forth by the City.

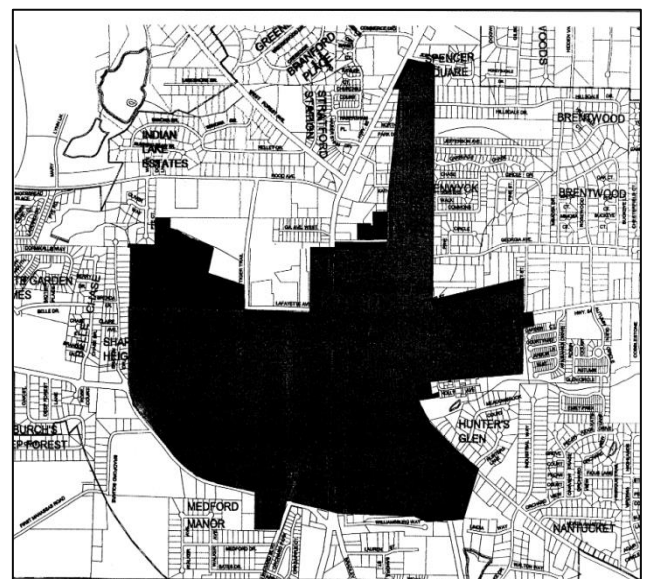
As part of the comprehensive planning process, the City of Fayetteville updated and adopted a Future Land Use consistent with the City's stated vision for the future. The new Future Land Use map overlaid the Community Character Areas developed in the planning process and modified them to reflect the overall vision of the plan. Nearly all of the parcels in the TAD redevelopment area are classified in the future land use plan as “Downtown Mixed-Use.” According to the definition of this character area:

This category includes mixed land uses appropriate to the Downtown Historic District, which include the Main Street and Downtown Development Authority areas. This area is characterized by a balanced mix of uses that includes commercial retail and services, offices, appropriate densities of residential units, open space, and public/institutional. The goal within this land use area is to promote creative and innovative redevelopment while preserving existing cultural resources.

City of Fayetteville Current Zoning Map



Fayetteville Main Street Overlay District

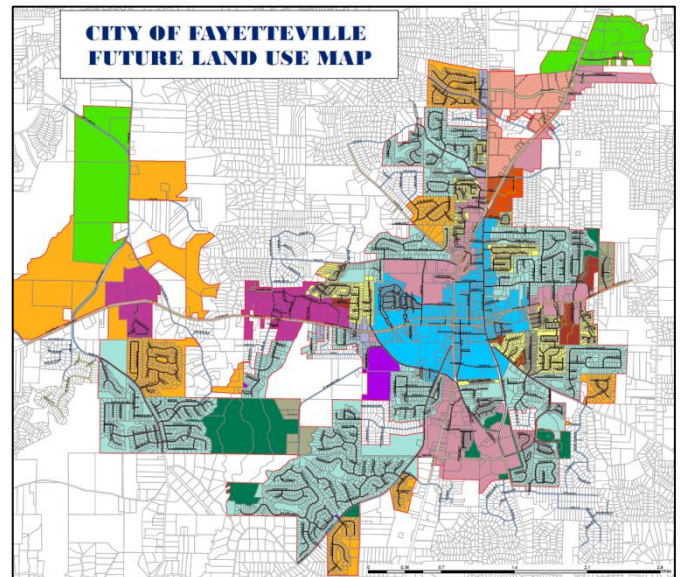


Some of the parcels in the northern and southern sections of the TAD area, along the Glynn Street corridor are classified as “Neighborhood Mixed-Use.”

According to the definition of this character are:

Mixed land uses appropriate for a more residential, less densely populated area. These land uses provide a transition from downtown mixed-use to residential and other land uses. This area allows for an appropriate level of commercial and office activities that have a minimal impact on the surrounding residential uses. A balance of residential uses appropriate for this area can include single-family detached, townhouses, and condominiums. Appropriate non-residential uses include neighborhood scale retail and service businesses and public institutional and professional uses.

City of Fayetteville Future Land Use Map



8. Method of Financing / Proposed Public Investments

8.1. City of Fayetteville Tax Allocation District #1 TAD Potential

The following estimates of the bond revenues from the potential redevelopment projects in the City of Fayetteville TAD, assume that both Fayette County and the Fayette County School Board pledge their M&O millage to the TAD redevelopment effort.

It is estimated that there will be \$200.6 million of new market value created in the TAD at build-out. This will lead to an estimated \$80.3 million increase in assessed value in the TAD, which is 40% of fair market value. Assuming all project owners and the City were to issue bonds based on the projected increment, this incremental assessed value could support total potential TAD bond proceeds of up to \$18.3 million.

Fayetteville TAD Bonding Potential Forecasts

Bonding Potential Forecasts	Site 1	Site 2	Site 3	Site 4	Site 5	Site 6	Total
New Development Value	\$ 29,400,000	\$ 21,600,000	\$ 17,400,040	\$ 9,340,000	\$ 38,600,000	\$ 97,800,000	\$ 214,140,040
New Development Value (Assessed)	\$ 11,760,000	\$ 8,640,000	\$ 6,960,016	\$ 3,736,000	\$ 15,440,000	\$ 39,120,000	
Less Base Value (Assessed)	\$ 1,640,094	\$ 558,032	\$ 829,792	\$ 505,540	\$ 128,000	\$ 1,740,590	
TAD Increment (Assessed)	\$ 10,119,906	\$ 8,081,968	\$ 6,130,224	\$ 3,230,460	\$ 15,312,000	\$ 37,379,410	\$ 80,253,968
Property Tax Revenue	\$ 298,294	\$ 238,224	\$ 180,694	\$ 95,221	\$ 451,337	\$ 1,101,796	\$ 2,365,566
Bondable Value (95%)	\$ 283,380	\$ 226,313	\$ 171,660	\$ 90,460	\$ 428,770	\$ 1,046,706	
Debt Coverage (125%)	\$ (56,676)	\$ (45,263)	\$ (34,332)	\$ (18,092)	\$ (85,754)	\$ (209,341)	
Bonadable Revenue	\$ 226,704	\$ 181,050	\$ 137,328	\$ 72,368	\$ 343,016	\$ 837,365	
Interest Rate	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	
Bond Term (years)	25	25	25	25	25	25	
Estimated Bond Amount	\$ 2,916,516	\$ 2,329,191	\$ 1,766,706	\$ 931,006	\$ 4,412,857	\$ 10,772,597	\$ 23,128,873
Issuance Costs (3%)	\$ (87,495)	\$ (69,876)	\$ (53,001)	\$ (27,930)	\$ (132,386)	\$ (323,178)	
Capitalized Interest (24 months)	\$ (349,982)	\$ (279,503)	\$ (212,005)	\$ (111,721)	\$ (529,543)	\$ (1,292,712)	
Debt Reserve	\$ (174,991)	\$ (139,751)	\$ (106,002)	\$ (55,860)	\$ (264,771)	\$ (646,356)	
Net Bond Proceeds	\$ 2,304,048	\$ 1,840,061	\$ 1,395,698	\$ 735,494	\$ 3,486,157	\$ 8,510,351	\$ 18,271,809

Source: BAG

8.2. Proposed Public Investments

City of Fayetteville's existing infrastructure is inadequate to support the community's full vision of redevelopment for the area and to support the more intensive development called for in the planning studies approved by City Council over the past decade. Once development is underway, having a TAD in place will help fund the infrastructure improvements necessary to create pedestrian-friendly, mixed-use developments consistent with this shared vision.

The total public cost for implementing the potential public improvements, including construction and improvement of the necessary public infrastructure, is currently estimated at \$18.3 million, which the City intends to fund through the tax allocation district. The purpose of the proposed infrastructure improvements funded by the TAD would be:

- To provide funding for the development of structured parking.
- To make enhancements such as streetscapes, curb and sidewalk improvements and public spaces to improve the experience of shoppers, residents and visitors in the Corridor.
- To provide potential funding for new landscapes medians throughout the district corridors.
- To provide funds to support site-specific development activities, including site preparation, demolition and clearance, utility improvements and environmental remediation to support redevelopment.

Potential Allocation of Funds from Fayetteville TAD #1: Highway Corridor to Support Projects

Funding Category	Estimated Cost
1. Site Preparation Demolition and Clearance	\$ 2,500,000
2. Environmental Remediation	\$ 2,500,000
3. Infrastructure Improvements	\$ 3,500,000
4. Structured Parking	\$ 3,500,000
5. Other Redevelopment Initiatives	\$ 6,300,000
Total Initial TAD Funding Request	\$18,300,000

Categories and cost allocations are estimates for potential projects as of 2015 and are subject to revision as the Redevelopment Plan is implemented. As priorities are identified or addressed, specific project amounts, allocations and priorities are subject to change.

8.3. The Benefits of the Fayetteville TAD #1 to the City

The benefits of the TAD to the City of Fayetteville will include:

- A substantial increase in the tax digest that would not have occurred without the TAD. The increase is estimated to be \$80.3 million in new incremental taxable value at buildout, a thirteen fold increase over the base taxable value of the six potential projects in the TAD of \$5.4 million.
- A greater intensity of high-value residential and commercial development that will lessen service demands while increasing the City's tax digest. The creation of a newly revitalized, traditional neighborhood center will bring higher value than the aging, outmoded, strip highway development currently seen in the TAD area.
- The TAD will expand the City's continuing redevelopment of the Downtown Historic District and will create a better live, work, play environment along the corridors.
- Additional commercial development will further diversify the tax base. Aging properties will be replaced with new, vibrant mixed use projects that will have wide market appeal.
- The TAD will leverage substantial private investment. Using TAD financing to fund construction of infrastructure will enable the City to leverage approximately \$18.3 million in TAD funding to attract \$200.6 million in private investment, a leverage ratio of nearly \$11 private dollars invested for every \$1 of TAD investment.
- Development will create substantial growth in property and sales tax revenues. Once all TAD obligations of the district are retired, the City will receive the full property tax increment from the new development created and throughout the period the proposed redevelopment will generate additional retail sales with the result of increasing SPLOST and ESPLOST revenues.

9. Assessed Valuation for TAD

The redevelopment area for City of Fayetteville Tax Allocation District as defined in this Redevelopment Plan has a current fair market value of \$80,916,199 and an assessed value of \$29,319,308 in the City of Fayetteville, Fayette County and for the Fayette County Schools.

Pursuant to the Redevelopment Powers Law, upon adoption of the Redevelopment Plan and the creation of the tax allocation district, the City will request that the Commissioner of Revenue of the State of Georgia certify the tax base for 2015, the base year for the proposed tax allocation district.

The tax base will increase in the future through the private investment stimulated by the implementation of the redevelopment plan and the issuance of tax allocation bonds or loans. In addition, this redevelopment is intended to stimulate other development in the district and lead to a substantial increase in property values as the Redevelopment Plan is implemented.

Upon completion of the redevelopment of the Fayetteville Tax Allocation District area as presented in this plan, this tax allocation district is projected to have a market value of \$281.6 million and a taxable value of \$109.6 million.

10. Historic Property within Boundaries of TAD

None of the properties in the redevelopment area are listed on the National Register of Historic Places. In the event that any historic properties are subsequently identified within the TAD, they will not be substantially altered in any way inconsistent with technical standards for rehabilitation; or demolished unless feasibility for reuse has been evaluated based on technical standards for the review of historic preservation projects, which technical standards for rehabilitation and review shall be those used by the state historic preservation officer.

11. Creation & Termination Dates for TAD

The City of Fayetteville Tax Allocation District will be created effective December 31, 2015. The Redevelopment Powers Law provides that the district will be in existence until all redevelopment costs, including debt service, are paid in full. This repayment is projected to take as long as 25 years.

12. Tax Allocation Increment Base

On or before December 30, 2015, the City of Fayetteville, acting as the redevelopment agent, will apply to the State Revenue Commissioner for a certification of the tax allocation increment base of the proposed tax allocation district. The base is estimated as follows:

City of Fayetteville Proposed TAD Summary

Parcels	203
Acreage	327.03
2014 Appraised Value	\$80,916,199
2014 Assessed Value	\$29,319,308
2014 City of Fayetteville Taxable Digest	\$697,685,422
% of Fayetteville	4.20%

Source: BAG, Fayette County GIS, Georgia Department of Revenue

13. Property Taxes for Computing Tax Allocation Increments

As provided in the Redevelopment Powers Law, the taxes that will be included in the tax increment base for the tax allocation district are based on the authorized millage rates shown in the chart below.

Property Taxes Collected Within Tax District to Serve as Base

Valuation		
Fair Market Value	\$80,916,199	
Assessed Value @ 40%	\$29,319,308	
Property Taxes		
<i>Ad Valorem Tax Rates (M&O Only)</i>	<i>Rate</i>	<i>Taxes</i>
Fayette County M&O	5.602	\$164,247
Fayette County Schools M&O	20.00	\$586,386
City of Fayetteville M&O	3.874	\$113,466
Total M&O Property Taxes, City, Schools, County	29.476	\$864,099

Source: BAG, Fayette County, Georgia Department of Revenue

The current assessed value of the real property within the TAD boundary is \$29,319,308. This assessed value generates a total of \$864,099 in City, School and County Maintenance & Operations (M&O) taxes and serves as the base amount of taxes for the City of Fayetteville Tax Allocation District #1: Highway Corridor. Millage rates for school bonds (1.45), emergency medical services (0.456) and 911 services (0.21) are not included.

14. Tax Allocation Bond Issues

14.1. Amount of Bond Issue

Upon adoption of this Redevelopment Plan, the City proposes to issue tax allocation bonds, or other financing approaches, in one or more bond issues in amounts to range from \$1.0 to \$25.0 million.

14.2. Term of the Bond Issue or Issues

The City proposes to issue tax allocation bonds for a term no longer than 25 years.

14.3. Rate of Bond Issue

The City may issue fixed-rate tax exempt bonds or secure a loan from a lending institution or other financing option. The actual rate on any potential bond issue will be determined at the time of issuance based upon general market conditions, anticipated development within the redevelopment area, assessed taxable property values, and federal tax law considerations. The City reserves the option to either operate the district on a pay-as-you-go basis or consider other potential financing options including other commercial financing to support future projects, as appropriate.

14.4. Positive Tax Allocation Increments

The positive tax allocation increment for the period covered by the term of the bonds is estimated to range from \$2 million to \$4 million annually after the redevelopment and build out is complete. The actual amount will depend upon the pace at which the Redevelopment Plan is implemented and the impact of the redevelopment activities and other economic factors on the tax base in the district as a whole.

14.5. Property to be Pledged for Payment of the Bonds

The bonds will be secured by the positive tax allocation increment from eligible ad valorem taxes levied by the City on real property for these purposes.

15. School System Impact Analysis

Georgia's Redevelopment Powers Law, governs the operation of tax allocation districts (TAD's) in the State. The Law was amended during the 2009 legislative session to include a new provision under section 36-44-3(9)(R) for preparation of a "School System Impact Analysis". This section presents the school impacts of City of Fayetteville Tax Allocation District in order to address the requirements of this portion of the Redevelopment Powers Law.

15.1. The Current Value of Fayetteville TAD #1 vs. the Fayette Schools Tax Digest

The current taxable value for the City of Fayetteville TAD #1 is \$29,319,308. According to the Georgia Department of Revenue, the 2014 taxable value of the Fayette County School District was \$3,934,451,957. Thus, the City of Fayetteville TAD #1 represents approximately 0.75% of the school’s total tax digest. The amount of ad valorem school taxes collected from the properties in the designated City of Fayetteville TAD #1, as determined by the tax assessor on December 31, 2015, will continue to flow to Fayette County Schools throughout the operation of the TAD. The City of Fayetteville TAD #1 will receive any additional property taxes collected above the 2015 base amount for use to attract redevelopment to this portion of the city.

TAD Portion of Fayette Schools Tax Digest

	Net M&O Digest
Fayetteville TAD Taxable Value	\$29,319,308
Fayette County Schools	\$3,934,451,957
Percent (TAD of School Tax Digest)	0.75%

Source: BAG, Fayette County, Georgia Department of Revenue

15.2. Proposed Redevelopment in Fayetteville TAD #1

As detailed earlier in this plan, there are six potential redevelopment for projects located on 111 acres of the 327.0-acre City of Fayetteville TAD #1. The redevelopment plan calls for a more walkable mix of uses that will be attractive for living, working, shopping and entertaining. Based on the proposed development plan, the new development could be worth \$214 million, an increase of \$200.6 million from the current market value of the tax parcels included in the TAD. The projects could include:

- 329 single-family homes
- 160 townhome units
- 200 multifamily units
- 120 senior units
- 82,500 square feet of retail space
- 114,000 square feet of office space

These projects could have a total taxable value of \$85.7 million, which represents an incremental growth of \$80.3 million in new taxable value for the City of Fayetteville and Fayette City Schools from TAD #1.

15.3. Estimated Number of Public School Students from Fayetteville TAD #1

Based on the proposed projects, the following table presents an estimate of the number of net new residents and school children that could be anticipated to live in the City of Fayetteville TAD #1 at build-out as a result of the proposed development. Build is estimated to take from 6 to 8 years.

Estimated Residents and School Aged Children in Fayetteville TAD #1 at Build-Out

	Units	Avg. Value	Resident Multiplier	Estimated Residents	School Aged Children Multiplier	Estimated School Aged Children
Single-family homes	329					
3 bedroom	220	\$ 325,000	2.79	615	0.56	123
4 bedroom	109	\$ 400,000	3.34	363	0.88	96
Townhomes	140					
2 bedroom	94	\$ 225,000	1.88	176	0.22	21
3 bedroom	46	\$ 275,000	2.41	111	0.43	20
Multifamily/Stacked	128					
1 bedroom	51	\$ 175,000	1.39	71	0.07	4
2 bedroom	51	\$ 195,000	1.66	85	0.17	9
3 bedroom	26	\$ 220,000	1.61	41	0.81	21
Total Units	597					
Total Residents/Total Pupils				1,463		293
Total Residents/Pupils/Unit				2.5		0.49

Source: BAG, Rutgers University, Center for Urban Policy Research Residential Demographic Multipliers for Georgia

As shown on the table, there will be an estimated 1,463 new residents and 293 school-aged children from the combined potential development of 597 non-senior residential units at build-out. This would represent an average of 146 new residents and 29 school-aged children per year over the next 10 year development period.

According to the district office, Fayette County Schools had a total enrollment of 20,120 in 2014. Therefore, the potential development projects in the Fayetteville TAD would increase total enrollment by 1.45% over a ten year period.

15.4. Location of School Facilities within the Redevelopment Area

The Fayette County School Administration Building is located at 210 Stonewall Avenue within the Redevelopment Area and therefore would be eligible for potential future TAD funding for redevelopment of the property and/or any capital improvements to the facility. Fayette County High School, Fayetteville Intermediate School and Hood Avenue Primary School are adjacent and/or nearby the Fayetteville TAD #1 area.

15.5. Educational Special Purpose Local Option (ESPLOST) Sales Taxes Projected from TAD Development

The table below estimates the amount of ESPLOST (Education Special Purpose Local Option Sales Tax) funds that would be generated by the potential redevelopment of the Fayetteville TAD #1. Currently, the Fayetteville TAD #1 area has approximately 463,000 square feet of total retail space, 95% of which is occupied. Assuming average sales of \$175 per square foot, the area is generating \$77 million in sales annually, or \$770,000 in ESPLOST revenues.

After redevelopment, a portion of the older big box format retail stores may be replaced with newer, higher-performing neighborhood-oriented retail formats. Thus, the overall square footage is projected to remain approximately constant, but sales per square foot will rise. Therefore, the potential ESPLOST benefits will be greater. Assuming sales increase to \$275 per square foot, the redeveloped area would generate \$121 million in sales annually, or \$1.2 million in ESPLOST revenues. Therefore, the redevelopment of the Fayetteville TAD area could generate an additional \$440,000 in ESPLOST revenues each year to Fayette County Schools.

Potential Additional ESPLOST Revenue to Fayette County Schools

Estimated Current ESPLOST Revenues	
Current Square Footage	462,795
Current Occupied	95%
Occupied Square Footage	439,655
Estimated Sales/SF	\$175
Estimated Total Sales	\$76,939,669
ESPLOST (1%)	\$769,397
Estimated ESPLOST Revenue at Build-out	
Square Footage at Build-out	462,795
Estimated Occupied	95%
Estimated Occupied Square Footage	439,655
Estimated Sales/SF	\$275
Estimated Total Sales	\$120,905,194
ESPLOST (1%)	\$1,209,052
Estimated Increase in Sales	\$43,965,525
ESPLOST Increase (1%)	\$439,655

Source: BAG

15.6. Comparison of Fayette County Schools Revenue with and without TAD

Summarized in the table below are the revenues to Fayette County Schools that would be generated over the next 20 years with and without the TAD in place. As shown without the TAD and assuming the continuing operation of the retail in the area in its current configuration, Fayette County Schools will receive property taxes from real and personal property and ESPLOST revenue of \$38 million over the

next 20 years. If the TAD is created, and the Fayette County Schools participate, it will receive \$55.6 million over the next 20 years from real and personal property and ESPLOST revenues, representing an additional \$17.5 million from the increased value of the properties after the redevelopment, and the increase in personal property and ESPLOST sales taxes from the accelerated growth in retail sales. Thus, the Fayette County Schools will receive 46.1% more tax revenues over 20 years from participating in the TAD than not participating. The Fayette Schools will begin to receive additional revenues by participating in the TAD starting the sixth year of the 20-year projection period.

School Revenues With and Without City of Fayetteville TAD #1

Year	Without TAD					With TAD*							Difference
	Real Property Taxable Value**	Personal Property	School Tax	ESPLOST	Total Tax Revenues	Real Property Taxable Value***	Incremental Value from New Development	Personal Property	School Tax****	Taxable Retail Sales***	ESPLOST Revenue	Total Tax Revenue	
2015	\$29,319,308	\$10,554,951	\$797,485	\$769,397	\$1,566,882	\$29,319,308	\$0	\$10,554,951	\$797,485	\$76,939,669	\$769,397	\$1,566,882	\$0
2016	\$29,905,694	\$10,766,050	\$813,435	\$784,785	\$1,598,220	\$69,446,292	\$40,126,984	\$25,000,665	\$797,485	\$60,452,597	\$604,526	\$1,402,011	-\$196,209
2017	\$30,503,808	\$10,981,371	\$829,704	\$800,481	\$1,630,184	\$75,178,719	\$45,859,411	\$27,064,339	\$797,485	\$69,088,682	\$690,887	\$1,488,372	-\$141,812
2018	\$31,113,884	\$11,200,998	\$846,298	\$816,490	\$1,662,788	\$82,821,954	\$53,502,646	\$29,815,903	\$797,485	\$80,603,463	\$806,035	\$1,603,520	-\$59,268
2019	\$31,736,162	\$11,425,018	\$863,224	\$832,820	\$1,696,044	\$93,522,483	\$64,203,175	\$33,668,094	\$797,485	\$96,724,155	\$967,242	\$1,764,727	\$68,683
2020	\$32,370,885	\$11,653,519	\$880,488	\$849,476	\$1,729,965	\$109,573,276	\$80,253,968	\$39,446,380	\$797,485	\$120,905,194	\$1,209,052	\$2,006,537	\$276,573
2021	\$33,018,303	\$11,886,589	\$898,098	\$866,466	\$1,764,564	\$111,764,742	\$82,445,434	\$40,235,307	\$797,485	\$123,323,298	\$1,233,233	\$2,030,718	\$266,154
2022	\$33,678,669	\$12,124,321	\$916,060	\$883,795	\$1,799,855	\$114,000,037	\$84,680,729	\$41,040,013	\$797,485	\$125,789,764	\$1,257,898	\$2,055,383	\$255,528
2023	\$34,352,242	\$12,366,807	\$934,381	\$901,471	\$1,835,852	\$116,280,038	\$86,960,730	\$41,860,814	\$797,485	\$128,305,559	\$1,283,056	\$2,080,541	\$244,689
2024	\$35,039,287	\$12,614,143	\$953,069	\$919,501	\$1,872,569	\$118,605,638	\$89,286,330	\$42,698,030	\$797,485	\$130,871,670	\$1,308,717	\$2,106,202	\$233,633
2025	\$35,740,073	\$12,866,426	\$972,130	\$937,891	\$1,910,021	\$120,977,751	\$91,658,443	\$43,551,990	\$797,485	\$133,489,104	\$1,334,891	\$2,132,376	\$222,356
2026	\$36,454,874	\$13,123,755	\$991,573	\$956,648	\$1,948,221	\$123,397,306	\$94,077,998	\$44,423,030	\$797,485	\$136,158,886	\$1,361,589	\$2,159,074	\$210,853
2027	\$37,183,972	\$13,386,230	\$1,011,404	\$975,781	\$1,987,185	\$125,865,252	\$96,545,944	\$45,311,491	\$797,485	\$138,882,063	\$1,388,821	\$2,186,306	\$199,120
2028	\$37,927,651	\$13,653,954	\$1,031,632	\$995,297	\$2,026,929	\$128,382,557	\$99,063,249	\$46,217,721	\$797,485	\$141,659,705	\$1,416,597	\$2,214,082	\$187,153
2029	\$38,686,204	\$13,927,034	\$1,052,265	\$1,015,203	\$2,067,468	\$130,950,208	\$101,630,900	\$47,142,075	\$797,485	\$144,492,899	\$1,444,929	\$2,242,414	\$174,946
2030	\$39,459,928	\$14,205,574	\$1,073,310	\$1,035,507	\$2,108,817	\$133,569,213	\$104,249,905	\$48,084,917	\$3,633,083	\$147,382,757	\$1,473,828	\$5,106,910	\$2,998,093
2031	\$40,249,127	\$14,489,686	\$1,094,776	\$1,056,217	\$2,150,993	\$136,240,597	\$106,921,289	\$49,046,615	\$3,705,744	\$150,330,412	\$1,503,304	\$5,209,048	\$3,058,055
2032	\$41,054,109	\$14,779,479	\$1,116,672	\$1,077,342	\$2,194,013	\$138,965,409	\$109,646,101	\$50,027,547	\$3,779,859	\$153,337,020	\$1,533,370	\$5,313,229	\$3,119,216
2033	\$41,875,192	\$15,075,069	\$1,139,005	\$1,098,888	\$2,237,894	\$141,744,717	\$112,425,409	\$51,028,098	\$3,855,456	\$156,403,761	\$1,564,038	\$5,419,494	\$3,181,600
2034	\$42,712,695	\$15,376,570	\$1,161,785	\$1,120,866	\$2,282,651	\$144,579,611	\$115,260,303	\$52,048,660	\$3,932,565	\$159,531,836	\$1,595,318	\$5,527,884	\$3,245,232
20 Year Total			\$19,376,792	\$18,694,323	\$38,071,116				\$30,868,985		\$24,746,725	\$55,615,710	\$17,544,595

*Assumes tax base is frozen in 2015 and a 5-year phased build out

** Assumes 2% growth rate

***Assumes a 2% annual appreciation after TAD buildout.

****Assumes that the revenue to schools for real property is frozen at base amount of \$797,485 for fifteen years until bonds are paid off

Source: BAG

15.7. School Impact Conclusions

As demonstrated in the preceding analysis, the economic impacts to Fayette County Public Schools from participating in the City of Fayetteville TAD are:

1. The City of Fayetteville TAD redevelopment area will affect the future appreciation on 0.75% (less than three quarters of one percent) of the school district’s tax digest. All current property taxes will continue to go to the school system—only increases above the current amount are pledged to the TAD.
2. The redevelopment area will potentially attract as many as 1,463 new residents and 293 school-aged children over ten years, or 29 children per year. This represents a total addition of 1.45% to the total enrollment of the Fayette County Schools.
3. There is one Fayette County School facility inside the TAD boundary—the administration building—with multiple school buildings nearby.

4. The proposed redevelopment will generate an additional \$6 million in ESPLOST funds and combined addition of \$17.5 million to the schools over 20 years by participating in Fayetteville TAD #1.

Thus we conclude that the potential gains to the Fayette County Schools from participating in the City of Fayetteville TAD #1 will be substantial due to the future growth in its tax digest and ESPLOST revenues, with minimal impact on the demand for school services.

16. City of Fayetteville TAD #1 Benefits Summary

The TAD will leverage substantial private investment. Using TAD financing to fund construction of infrastructure will enable the City to leverage approximately \$18.3 million in TAD funding to attract \$214.1 million in private investment, a leverage ratio of over \$11 private dollars invested for every \$1 of TAD investment.

As shown in the following table, the creation of the City of Fayetteville TAD #1: Highway Corridor could increase the 2014 market value from \$80.9 million to \$281.6 million. This would result in approximately \$80.3 million in new incremental assessed value and support TAD funding for up to \$18.3 million in needed infrastructure.

Summary of Fayetteville TAD Benefits

Projected market value of TAD at build out	\$281,551,120
Market value of new private investment	\$214,140,040
Estimated assessed value of new development	\$85,656,016
Potential value of TAD funding supported by new incremental value	\$18,300,000

Appendices

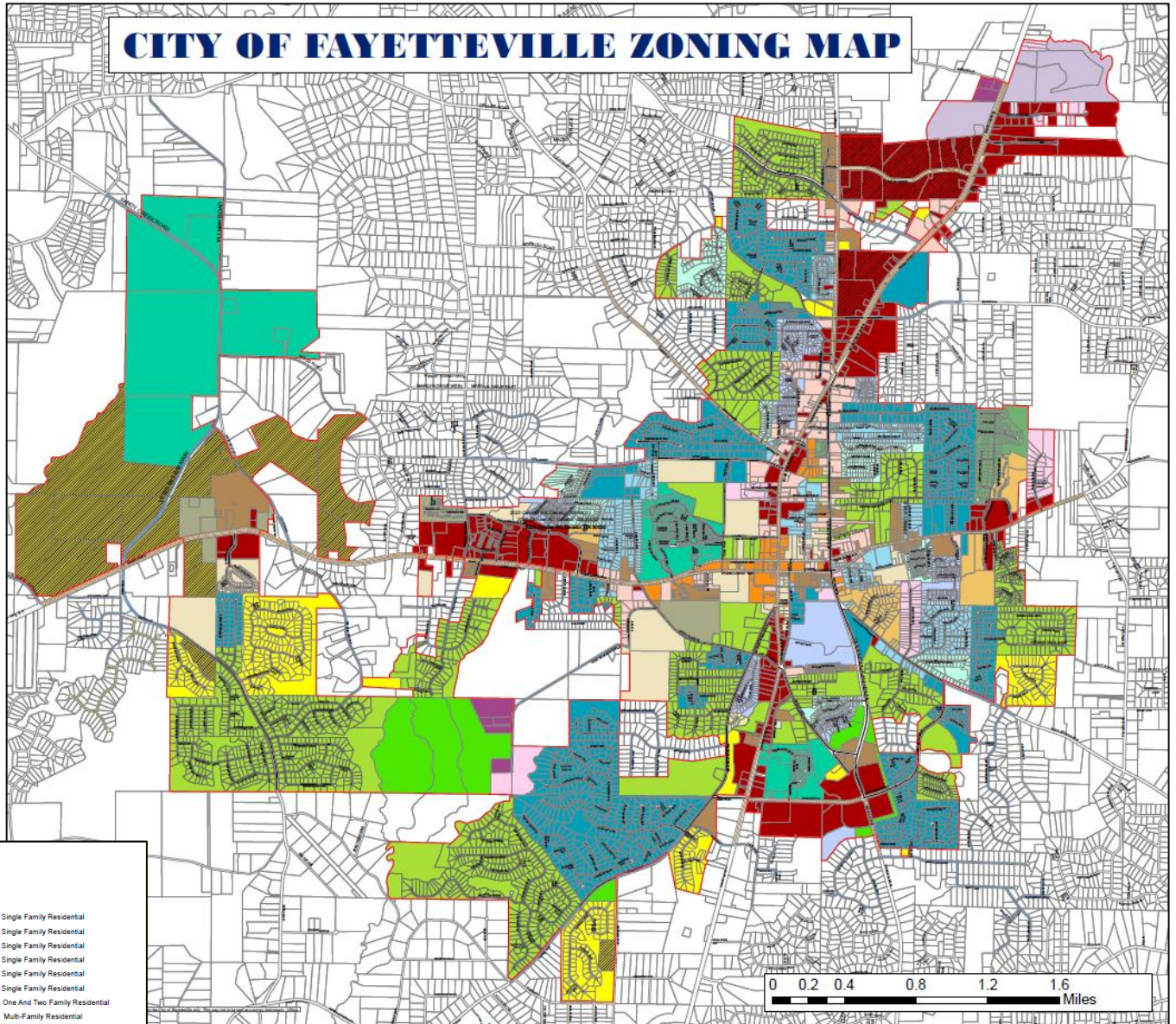
Appendix A. Maps & Drawings

City of Fayetteville TAD Boundary Map



Fayetteville TAD Area Map with Potential Redevelopment Areas





Legend

City Limits

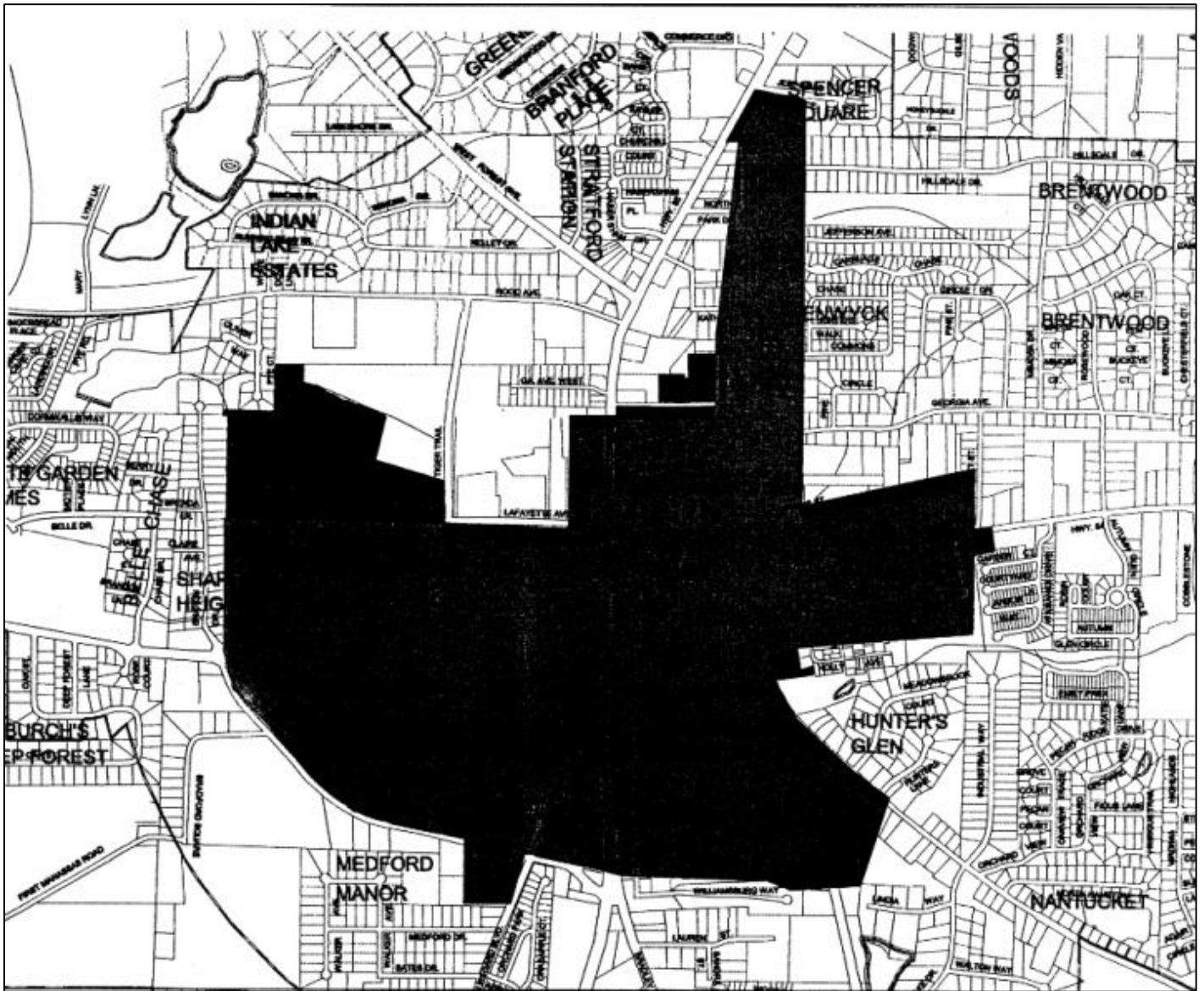
Zoning

- R-10 Single Family Residential
- R-15 Single Family Residential
- R-22 Single Family Residential
- R-30 Single Family Residential
- R-40 Single Family Residential
- R-70 Single Family Residential
- DR-15 One And Two Family Residential
- RMF-15 Multi-Family Residential
- R-THC Residential Townhouse Condominium
- RP Residential Professional
- MO Medical Office
- OI Office And Institutional
- C-1 Downtown Commercial
- C-2 Community Commercial
- C-3 Highway Commercial
- C-4 High Intensity Commercial
- BP Business Park
- M-1 Light Manufacturing
- M-2 Heavy Manufacturing
- PDP Planned Development Project
- PCD Planned Community Development
- RD Redevelopment District
- OS Open Space

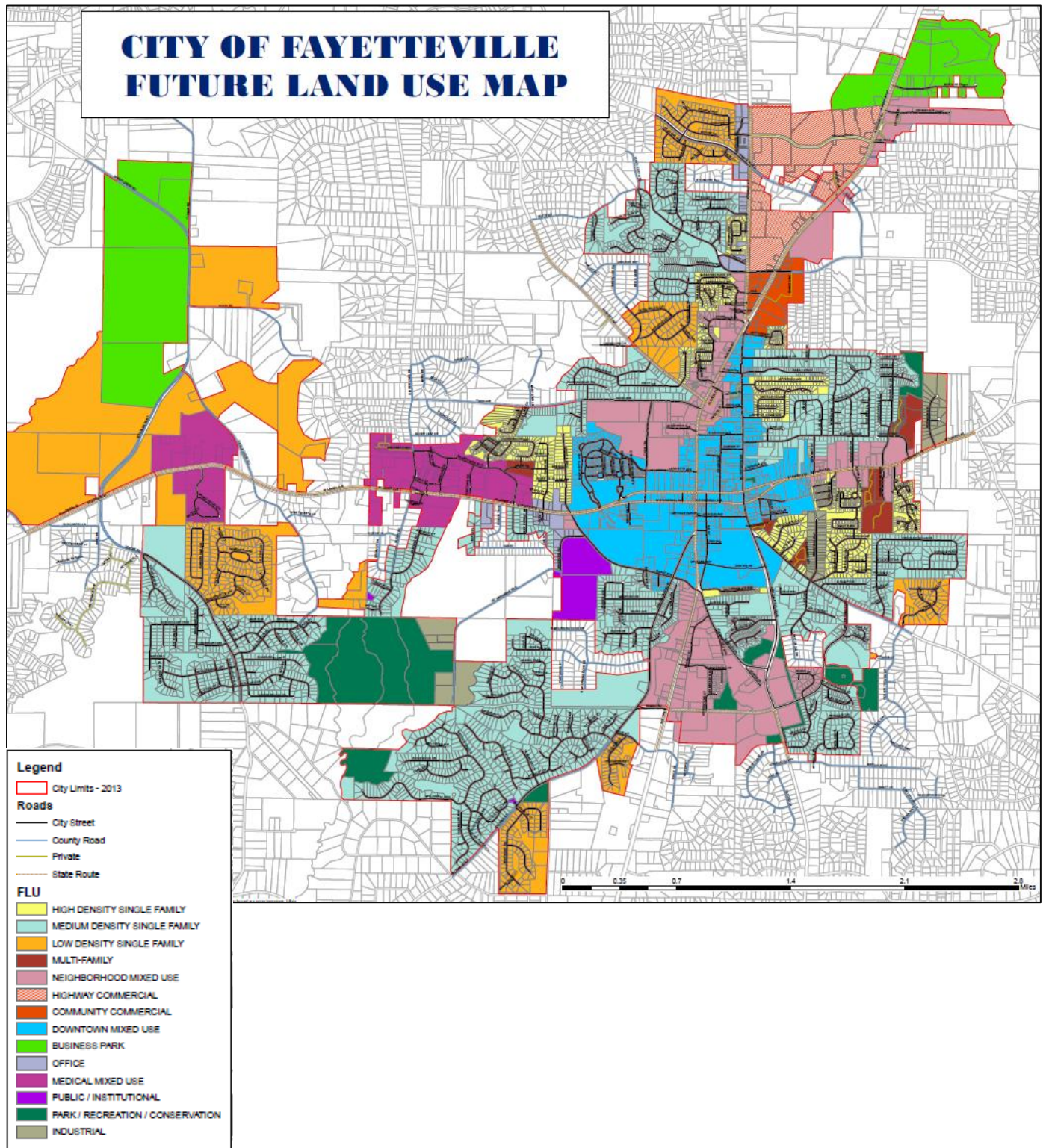
Roads Designation

- City Street
- County Road
- Private
- State Route

Fayetteville Main Street Overlay District



City of Fayetteville Future Land Use Map



Appendix B. Figures & Descriptions

City of Fayetteville Tax Allocation District: Tax Parcel ID Numbers of Properties within the TAD

PARCEL NO.	OWNER	MKT VALUE	ASSD VALUE	TOTAL ACRES	PHYSICAL ADDRESS
52301008	ARNOLD EMMA JEAN	\$ 88,430	\$35,372	0.38	210 CHURCH ST
52301009	BLACK CASSANDRA	\$ 54,440	\$21,776	0.28	200 CHURCH ST
52301010	ODOM LANNIE BELL	\$ 44,650	\$17,860	0.27	190 CHURCH ST
52301020	ALLAN VIGIL FORD OF & FAYETTEVILLE INC	\$ 43,780	\$17,512	1.13	275 N GLYNN ST
52301022	ANDERSON ROSA MERILL PENSON	\$ 46,150	\$18,460	0.17	150 CHURCH ST
52301023	EDGEFIELD BAPTIST CHURCH	\$ -	\$0	0.00	140 CHURCH ST
52301024	EDGEFIELD BAPTIST CHURCH	\$ -	\$0	0.40	140 CHURCH ST
52301025	DORSEY DOROTHY S ADMINISTRATOR & CARRIE E COLCLOUGH ESTATE	\$ 42,000	\$16,800	0.00	120 CHURCH ST
52301026	REDWINE II CHARLES DAVENPORT	\$ 66,710	\$26,684	0.14	110 CHURCH ST
52301027	FAYETTEVILLE FIRST UNITED METHODIST CHUR & CH	\$ -	\$0	0.28	SOUTH OF 110 CHURCH ST
52301029	FAYETTEVILLE FIRST UNITED & METHODIST CHURCH	\$ -	\$0	0.00	170 E LANIER AVE
52301040	HUDDLESTON F T	\$ 55,680	\$22,272	0.33	225 GEORGIA AVE
52301049	COFIELD LIZZIE	\$ 36,270	\$14,508	0.23	265 CHURCH ST
52301050	STINCHCOMB JOSEPH R	\$ 58,260	\$23,304	0.69	275 CHURCH ST
52301051	WELLS MARION F & PATSY S	\$ 33,060	\$13,224	0.69	NORTH OF 275 CHURCH ST
52301052	STARGELL JR. ANDREW C & STARGELL LONNIE LIFE ESTATE	\$ 60,060	\$24,024	0.11	255 CHURCH ST
52301060	STEPHENS CATHRYN R	\$ 57,860	\$23,144	1.23	BTWN 215 & 255 CHURCH ST
52301061	MUSTAPHA ESTER EST & C/O PAMELA COLCLOUGH	\$ 8,890	\$3,556	0.08	NORTH OF 215 CHURCH ST
52301062	PORTER RICHARD H	\$ 56,900	\$22,760	0.21	215 CHURCH ST
52301063	PORTER SARAH NELL	\$ 72,300	\$28,920	0.21	205 CHURCH ST
52301064	JORDAN NELIE RUTH & DOROTHY PRICE	\$ 36,700	\$14,680	0.21	195 CHURCH ST
52301065	EDGEFIELD BAPTIST CHURCH	\$ -	\$0	0.00	SOUTH OF 195 CHURCH ST
52301067	STARR CLAUDETTE	\$ 83,760	\$33,504	0.26	125 CHURCH ST
52301069	JORDAN ROBERT	\$ 61,490	\$24,596	0.30	115 CHURCH ST
52301071	RASMUSSEN STEVEN B & SHARIAN H	\$ 140,400	\$56,160	0.22	200 E LANIER AVE
52301080	VIGIL REAL ESTATE ENTERPRISES ALLAN VIGIL FORD OF &	\$ 23,040	\$9,216	0.64	180 CHURCH ST
52301081	FAYETTEVILLE INC	\$ 40,000	\$16,000	0.00	275 N GLYNN ST
52301082	JORDAN ROBERT	\$ 17,000	\$6,800	0.00	115 CHURCH ST
52301087	MOWELL C J JR	\$ 17,500	\$7,000	0.00	165 CHURCH ST
52301097	JORDAN ROBERT	\$ 18,520	\$7,408	0.22	115 CHURCH ST
52303001	BROWN JAMES B JR	\$ 91,510	\$36,604	1.00	285 BEAUREGARD BLVD
52303002	TERRICK HOLDINGS LLC	\$ 612,830	\$245,132	2.00	275 GLYNN ST
52303008	Fayette County BOC	\$ 7,617,930	\$0	0.00	140 STONEWALL AVE
52303017	JM GARDEN PROPERTIES, LLLP	\$ 143,550	\$57,420	1.66	195 HIGHWAY 54 W
52303018	BURCH SUSAN H	\$ 183,830	\$73,532	0.75	175 W STONEWALL AVE
52303019	BURCH J SAMUEL	\$ 77,730	\$31,092	0.75	155 W STONEWALL AVE
52304002	SAMS HELEN F ESTATE	\$ 255,720	\$102,288	4.13	355 BEAUREGARD BLVD

PARCEL NO.	OWNER	MKT VALUE	ASSD VALUE	TOTAL ACRES	PHYSICAL ADDRESS
52304003	BREWER GLENN & JEANNE FAMILY TRST & BREWER JAMES & JEANNETR	\$ 154,130	\$61,652	3.20	305 BEAUREGARD BLVD
52304004	HOLLIS JEFF F	\$ 102,150	\$40,860	1.00	295 BEAUREGARD BLVD
52304005	AUTOPAR REMAINDER I LLC	\$ 352,840	\$141,136	2.00	295 S GLYNN ST
052304005A	DAPPER PROPERTIES I, LLC	\$ 219,404	\$87,762	0.00	295 S GLYNN ST
52304006	LEE MINJA HAN & LEE YOUNG YUN LUNG SU JUNG	\$ 202,640	\$81,056	0.81	325 S GLYNN ST
52304007	SAMS CAPITAL PARTNERS LP & C/O HELEN SAMS	\$ 101,640	\$40,656	1.03	350 BEAUREGARD BLVD
52304008	STINCHCOMB SCOTT	\$ 75,310	\$30,124	0.70	355 S GLYNN ST
52304009	VALLIANT WILLIAM H IV & MARTHA L ETAL	\$ 381,420	\$152,568	1.02	385 & 395 S GLYNN ST
052304009A	VALLIANT WILLIAM H IV & MARTHA L	\$ 139,740	\$55,896	1.00	370 BEAUREGARD BLVD
52304010	WALKER BETTIE SUE & EUGENE JR	\$ 383,840	\$153,536	0.55	405 & 415 S GLYNN ST
52304011	WALKER EUGENE R JR & CELESTE E	\$ 170,710	\$68,284	2.14	400 BEAUREGARD BLVD
52304014	BURCH J SAMUEL	\$ 132,700	\$53,080	2.97	455 BEAUREGARD BLVD
52304015	BREWER KATHALEEN M	\$ 169,570	\$67,828	1.61	305 GRADY AVE
52304018	PANTER GEORGE STEVE & PANTER LAUREN	\$ 149,920	\$59,968	1.97	295 GRADY AVE
52304019	SAMS CAPITAL PARTNERS LP	\$ 136,710	\$54,684	25.77	GRADY AVE & BEAUREGARD BLVD
52306002	REDWINE HILL PARKS II & EMILY HIGHTOWER REDWINE	\$ 138,780	\$55,512	0.48	120 N GLYNN ST
52306003	MADDOX BETTYE C ETAL & C/O CHARLES R DICKERSON	\$ 143,960	\$57,584	0.68	BTWN 120 & 160 N GLYNN ST
52306004	MADDOX BETTYE C ETAL & C/O CHARLES R DICKERSON	\$ 97,380	\$38,952	0.46	BTWN 120 & 160 N GLYNN ST
52306005	WARE MARY MARGARET DANIEL	\$ 222,680	\$89,072	0.71	160 N GLYNN ST
52306006	REDWINE C D EST	\$ 178,890	\$71,556	1.69	EAST OF 170 LAFAYETTE AVE
52306007	THE HANNAH BROTHERS, LLC	\$ 335,436	\$134,174	1.20	145 W LANIER AVE
52306008	BRANNON J H III ET AL	\$ 266,990	\$106,796	0.42	165 W LANIER AVE
0523 018	KNOTTY PINE LLC	\$ 388,890	\$155,556	38.15	335 GRADY AVE
0523 020	THE ATKINSON TRUST LLC	\$ 25,000	\$10,000	0.00	555 GRADY AVE
0523 051	HART JANE ELLEN	\$ 104,800	\$41,920	0.00	315 GRADY AVE
52301001	LARRYS SUBS ATLANTA INC	\$ 337,680	\$135,072	0.63	305 N GLYNN ST
52301019	ALLAN VIGIL FORD OF	\$ 618,370	\$247,348	2.43	275 N GLYNN ST
52301036	NFPS INC	\$ 169,000	\$67,600	1.37	NORTH OF 135 N GLYNN ST
52301037	MJE PROPERTIES LLLP	\$ 660,080	\$264,032	1.37	163 & 165 N GLYNN ST
52301038	ALLAN VIGIL FORD OF	\$ 1,540,500	\$616,200	5.74	275 N GLYNN ST
52301075	FAIYAZ UNIISSA	\$ -	\$0	0.82	288 E LANIER AVE
52301100	CITY OF FAYETTEVILLE	\$ -	\$0	0.54	NORTH OF 135 N GLYNN ST
52302037	JAMIE WYATT HOLDINGS, LLLP	\$ 639,080	\$255,632	1.12	95 S JEFF DAVIS DR
52303008	FAYETTE COUNTY BOC	\$ -	\$0	5.25	140 W STONEWALL AVE
52303012	FAYETTE COUNTY BRD OF ED	\$ -	\$0	10.34	210 W STONEWALL AVE
52303014	FAYETTEVILLE LODGE	\$ -	\$0	0.85	200 W LANIER AVE
52303015	WATERS LIVING TRUST	\$ 265,410	\$106,164	0.59	230 W LANIER AVE
52303016	BURCH J SAM	\$ 96,080	\$38,432	0.34	235 W STONEWALL AVE 240 250 W LANIER AVE-255 265
52303029	COCHRAN JOSEPHINE B	\$ 611,870	\$244,748	1.28	W STONEWALL AVE W
52303030	FAYETTE COUNTY INTERIM	\$ 214,910	\$85,964	0.68	150 W LANIER AVE

PARCEL NO.	OWNER	MKT VALUE	ASSD VALUE	TOTAL ACRES	PHYSICAL ADDRESS
52303035	EVANS GUY E	\$ 134,860	\$53,944	0.17	220 W LANIER AVE
52303036	ADAMS CHARLES A & SUE S	\$ 132,470	\$52,988	0.20	222 & 224 W LANIER AVE
52303037	VALADEZ ANTONIO	\$ 320,000	\$128,000	0.70	200 W STONEWALL AVE
52305002	O'HARA LARRY EUGENE	\$ 146,170	\$58,468	0.25	370 S GLYNN ST
52305003	DETTMERING EUGENE C	\$ 49,340	\$19,736	0.43	315 LEE ST
52305004	MASTERS B H	\$ 43,880	\$17,552	0.57	375 LEE ST
52305005	GOLDEN DEVELOPMENT CO LLC	\$ 134,240	\$53,696	0.95	325 LEE ST
52305008	HD SHELNUTT PROPERTIES III LLC	\$ 186,840	\$74,736	0.70	320 S GLYNN ST
52305025	GOLDEN DEVELOPMENT CO. LLC	\$ 109,380	\$43,752	0.37	600 S GLYNN ST
52305029	MILLICAN OIL CO	\$ 129,865	\$51,946	0.34	360 S GLYNN ST
52401010	COWFORD HOLDINGS LLC	\$ 805,100	\$322,040	1.37	340 E LANIER AVE
52403007	BLACK DOROTHY	\$ 173,700	\$69,480	0.98	170 S JEFF DAVIS DR
52403010	JORDAN ROBERT	\$ 170,420	\$68,168	0.27	307 E LANIER AVE
52403013	JORDAN ROBERT	\$ 92,020	\$36,808	0.10	309 & 325 E LANIER AVE
52403014	WHITLOCK JIM	\$ 193,340	\$77,336	0.77	345 E LANIER AVE
52403015	355 GROUP, LLC	\$ 229,790	\$91,916	0.25	355 E LANIER AVE
52403016	SCOTTS AUTO MACHINE & PARTS CO INC	\$ 287,560	\$115,024	0.68	359 E LANIER AVE
52403018	FILIPPOU DIMITRI	\$ 236,290	\$94,516	0.80	375 E LANIER AVE
52403020	WILSON FLORA LEE	\$ 47,000	\$18,800	0.25	STATE HIGHWAY SW
52403021	MASTERS J D JR	\$ 12,540	\$5,016	0.21	110 BOOKER AVE
52403023	MASTERS J D JR	\$ 26,790	\$10,716	0.22	120 BOOKER AVE
52403024	CITY OF FAYETTEVILLE	\$ -	\$0	0.17	EAST OF 110 BOOKER AVE
52403076	PORTER ELLEN	\$ 38,560	\$15,424	0.04	140 BOOKER AVE
53002020	WONG JOIE	\$ -	\$0	1.20	100 FORREST AVE
53002021	GEO H GREEN OIL INC	\$ 538,520	\$215,408	0.79	450 N GLYNN ST
53002035	NET LEASING FUNDING 2005 LP	\$ 386,830	\$154,732	0.45	460 N GLYNN ST
53002037	WEC 99J-12 LLC	\$ 1,412,038	\$564,815	2.18	510 N GLYNN ST
53002039	WONG JOIE	\$ -	\$0	0.38	105 TO 125 HOOD AVE
53003002	PAPA JOHN'S USA INC.	\$ 521,990	\$208,796	0.61	520 N GLYNN ST
53003004	NORTH BAY GROUP, INC.	\$ 475,700	\$190,280	1.04	640 N GLYNN ST
53003005	THE BENSON FAMILY TRUST	\$ 517,440	\$206,976	1.07	650 N GLYNN ST
53003006	56 HWY 81 WEST LLC	\$ 1,166,205	\$466,482	3.91	692 N GLYNN ST
53003008	WALDROP & ASSOCIATES, INC.	\$ 514,660	\$205,864	0.90	635 N GLYNN ST
53003009	THE LARGIN COMPANY	\$ 308,320	\$123,328	0.55	605 N GLYNN ST
53003011	WACHOVIA BANK NA	\$ 1,221,990	\$488,796	2.11	620 N JEFF DAVIS DR
53003014	SCARBORO ELIZABETH S	\$ 254,240	\$101,696	0.37	645 N GLYNN ST
53003015	ALEWINE WALTER M	\$ 219,200	\$87,680	0.57	652 N JEFF DAVIS DR
53003016	P S MANAGEMENT, LLC	\$ 400,000	\$160,000	0.65	537 N GLYNN ST
53003017	GLYNN STREET, LLC	\$ 723,170	\$289,268	1.23	610 TO 630 NORTH GLYNN ST
53003018	BALCHIN RALPH W	\$ 318,860	\$127,544	0.46	575 N GLYNN ST
53003019	MOBLEY, O. D. B. DEAN	\$ 358,260	\$143,304	0.49	539 N GLYNN ST
53003021	WAFFLE HOUSE INC #362	\$ 270,740	\$108,296	0.36	700 N GLYNN ST
53003022	G & I DEVELOPMENT LLC	\$ 417,120	\$166,848	0.90	660 N GLYNN ST
53003024	TURNIPSEED DOUGLAS F	\$ 231,800	\$92,720	0.33	585 N GLYNN ST
53003029	GUTHRIE & GOLDEN DEVELOPMENT	\$ 414,910	\$165,964	0.71	600 N GLYNN ST
53003051	HERITAGE BANK	\$ 159,680	\$63,872	0.29	690 N GLYNN ST
53004002	GRAVES WALTER V	\$ 335,278	\$134,111	1.15	340 N GLYNN ST

PARCEL NO.	OWNER	MKT VALUE	ASSD VALUE	TOTAL ACRES	PHYSICAL ADDRESS
53004004	PETROLEUM REALTY V LLC	\$ 384,800	\$153,920	1.13	350 N GLYNN ST
53004008	WALKER CONCRETE COMPANY LLC	\$ 129,900	\$51,960	1.02	195 W GEORGIA AVE
53004011	WALKER CONCRETE COMPANY LLC	\$ 43,610	\$17,444	0.96	195 W GEORGIA AVE
53004015	BAILEY LARRY B	\$ 169,680	\$67,872	0.65	205 W GEORGIA AVE
53004025	WALKER JOSEPH N	\$ 13,500	\$5,400	0.43	EAST OF 190 W GEORGIA AVE
53004030	WALKER CONCRETE COMPANY LLC	\$ 303,110	\$121,244	2.80	190 W GEORGIA AVE
53004031	CONCRETE SUPPLY CO	\$ 177,700	\$71,080	0.77	190 W GEORGIA AVE
53004034	CONCRETE SUPPLY CO	\$ 155,900	\$62,360	0.56	NORTH OF 205 LAFAYETTE AVE
53010017	YOUNKER WILLIAM MICHAEL	\$ 90,000	\$36,000	0.97	SOUTH OF 123 KATHI AVE
0517 008	MASTERS B H J D	\$ 126,220	\$50,488	0.65	650 S GLYNN ST
0517 009	JUMPING MOUSE INC	\$ 457,090	\$182,836	0.96	680 & 700 SOUTH GLYNN ST BTWN 700 & 730 SOUTH GLYNN ST
0517 010	ADAM COLLEEN CASEY	\$ 185,040	\$74,016	0.69	
0517 042	BOYER ROY	\$ 186,950	\$74,780	0.50	715 GLYNN ST S
0517 047	WEST JULIA A	\$ 358,480	\$143,392	0.97	725 GLYNN ST S
0517 076	COLLEEN CASEY ADAM, TRUSTEE	\$ 388,130	\$155,252	0.63	730 GLYNN ST S
0517 096	WAFFLE HOUSE INC	\$ 416,340	\$166,536	0.60	760 S GLYNN ST
0523 011	MASTERS CO C/O J D MASTERS	\$ 35,480	\$14,192	1.22	595 BRADLEY DR
0523 012	HOOPER CHARLENE T, WHITE JAMES	\$ 516,370	\$206,548	2.24	575 BRADLEY DR
0523 013	ACTION VENTURES, LLC	\$ 266,120	\$106,448	0.67	438 S GLYNN ST W LANIER AVE & MEETING PLACE DR
0523 023	STATE BANK OF GEORGIA	\$ 1,404,890	\$561,956	13.73	
0523 057	PETROFLAME INC	\$ 169,360	\$67,744	1.43	575 BRADLEY DR
0523 083	HILLS & FELKER	\$ 367,500	\$147,000	1.15	440 S GLYNN ST W LANIER AVE & N LAFAYETTE AVE
0523 106	LAFAYETTE VILLAGE PROPERTY LLC	\$ 1,232,100	\$492,840	11.56	
0523 107	VILLAGE CORNERS LLC	\$ 588,060	\$235,224	6.33	W LANIER AVE & TIGER TRL E OF FAYETTE PL SHOPPING CENTER
0530 008	SCARBROUGH ENTERPRISES LLLP	\$ 1,630	\$652	0.96	
0530 011	GRAVES EVELYN S ESTATE	\$ 52,600	\$21,040	1.49	180 E GEORGIA AVE
0530 012	SCARBROUGH DON	\$ 247,660	\$99,064	0.75	347 TO 353 N GLYNN ST
0530 013	SCARBROUGH DON	\$ 327,790	\$131,116	0.68	325 N GLYNN ST
0530 014	SCARBROUGH ENTERPRISES LLLP	\$ 771,540	\$308,616	4.23	365 TO 409 FAYETTE PL
0530 015	MUNIR INC	\$ 347,890	\$139,156	0.60	425 N GLYNN ST
0530 017	BAILEY LARRY B	\$ 94,820	\$37,928	6.65	205 W GEORGIA AVE
0530 025	KOMISAROW ENTERPRISES L P	\$ 613,538	\$245,415	1.40	750 N GLYNN ST
0530 039	THE SCARBROUGH GROUP	\$ 585,860	\$234,344	1.14	148 & 150 E GEORGIA AVE
0530 070	RESHMA A MORTANI INV INC	\$ 471,440	\$188,576	0.52	535 N GLYNN ST
0530 073	MAY & CARTER OIL CO	\$ 467,400	\$186,960	0.70	744 N GLYNN ST
0530 082	DOBBINS RE HOLDINGS LLC	\$ 221,210	\$88,484	0.48	100 KATHI AVE
0530 083	L S HARTZOG PROPERTIES LLC	\$ 225,810	\$90,324	0.69	415 N GLYNN ST
0530 088	CROCKER PEGGY C	\$ 87,400	\$34,960	0.17	170 E GEORGIA AVE
0530 089	GOLDEN TRUST & PARTNERS LTD	\$ 1,640,490	\$656,196	5.60	720 N GLYNN ST
0530 092	DAVIS G RONALD	\$ 491,963	\$196,785	1.12	100 HIGHWAY 314
0530 094	FRANCHISE REALTY INTERSTATE CO	\$ 1,113,770	\$445,508	1.06	465 N GLYNN ST
0530 095	TALBOT STATE BANK	\$ 446,000	\$178,400	1.00	710 N GLYNN ST
0530 103	STARRS MILL INVESTORS	\$ 109,850	\$43,940	5.17	195 W GEORGIA AVE
0530 106	FAYETTE CW LLC	\$ 206,040	\$82,416	0.44	CAR WASH BIG LOT PKING
0530 108A	GOODMAN WENDELL L & HELEN	\$ 175,610	\$70,244	0.34	742 N GLYNN ST
0530 110	BABB INVESTMENTS FAYETTEVILLE	\$ 187,230	\$74,892	0.41	110 KATHI AVE

PARCEL NO.	OWNER	MKT VALUE	ASSD VALUE	TOTAL ACRES	PHYSICAL ADDRESS
0530 111	CONCRETE SUPPLY COMPANY	\$ 47,630	\$19,052	0.81	195 W GEORGIA AVE
0530 112	BAILEY LARRY B	\$ 34,700	\$13,880	0.61	205 GEORGIA AVE W
0530 113	WALKER CONCRETE COMPANY LLC	\$ 58,810	\$23,524	0.85	195 W GEORGIA AVE
0530 114	GLYNN HOOD PLAZA HOLDINGS LLC	\$ 1,778,000	\$711,200	4.44	370 TO 400 N GLYNN ST
0530 134	BAILEY LARRY	\$ 55,870	\$22,348	0.98	205 W GEORGIA AVE
0530 138	THE CITY OF FAYETTEVILLE, GEORGIA	\$ -	\$0	0.79	435 N GLYNN ST
053004001A	FAYETTE CABLEVISION	\$ 11,060	\$4,424	0.07	CELLTOWER 340 N GLYNN ST
053004004A	WALLACE JAMES C	\$ 192,020	\$76,808	0.39	360 N GLYNN ST
0531 099	JIVANIS CORPORATION	\$ 513,570	\$205,428	0.50	765 N GLYNN ST
0531 109	MICHAEL A. FOLB TRUST,	\$ 809,850	\$323,940	0.91	655 N GLYNN ST
0530 006	HUDSON II, LLC.	\$ 2,690,300	\$1,076,120	3.87	435 N GLYNN ST
52303004	1893 PARTNERS LLC	\$ 697,050	\$278,820	0.80	225 S GLYNN ST
52303006	JORG AND DOREEN'S PLACE, LLC	\$ 820,020	\$328,008	1.19	215 S GLYNN ST
0531 106	RREF-SNV-GA-FAYETTEVILLE, LLC	\$ 2,040,805	\$816,322	8.00	905 TO 937 N GLYNN ST
0531 148				0.00	
0531 110	FIRST PROVIDENCE PROPERTIES LLC	\$ 447,500	\$179,000	0.69	885 N GLYNN ST
0531 113	RREF-SNV-GA-FAYETTEVILLE, LLC	\$ 397,649	\$159,060	0.73	889 TO 899 N GLYNN ST
0531 104	JROD INC	\$ 1,066,130	\$426,452	1.30	705 N JEFF DAVIS DR
0531 122	CENTRO NP BANKS STATION LLC	\$ 10,086,145	\$4,034,458	22.50	105 TO 207 BANKS STA
0531 108	AMW INVESTMENT GROUP INC	\$ 577,640	\$231,056	0.65	941 N GLYNN ST
0531 107	FAYETTEVILLE INVESTORS LP	\$ 2,500,000	\$1,000,000	8.10	915 N GLYNN ST
052301035	REYNOLDS GENE	\$ 127,075	\$50,830	0.26	135 N GLYNN ST
052301090	GOINS & LEE ENTERPRISES	\$ 690,070	\$276,028	0.72	129 N GLYNN ST
052301033	THOMPSON BILL	\$ 315,690	\$126,276	0.38	125 N GLYNN ST
052301091	MORRIS BILL J	\$ 130,110	\$52,044	0.13	101 N GLYNN ST
052301030	PAARTH ENTERPRISES, INC. FAYETTEVILLE FIRST UNITED	\$ 2,589,300	\$1,035,720	2.59	140 E LANIER AVE
052301092	METHODIST CHURCH	\$ -	\$0	0.00	170 E LANIER AVE
052301017	SIMMONS JAMES	\$ 5,840	\$2,336	0.06	129 WASHINGTON AVE
052301015	SIMMONS JAMES	\$ 12,000	\$4,800	0.34	145 WASHINGTON AVE
052301014	SIMMONS JAMES	\$ 14,250	\$5,700	0.17	135 WASHINGTON AVE
052301018	SIMMONS JAMES	\$ 35,630	\$14,252	0.09	127 WASHINGTON AVE
052301013	PRICE DOROTHY MAY	\$ 46,550	\$18,620	0.17	125 WASHINGTON AVE
052301011	SIMMONS JAMES	\$ 28,500	\$11,400	0.34	EAST OF 125 WASHINGTON AVE

Appendix C. Fayetteville City Council



Mayor Greg Clifton



Mayor Pro Tem Edward Johnson



Councilman Mickey Edwards



Councilman Paul Oddo, Jr.



Councilman Jim Williams



Councilman Scott Stacy

Appendix D. Fayette County Commissioners



Charles Oddo, Chairman



David Barlow



Randy Ognio



Steve Brown

Appendix D. Fayette County Schools Board of Education

Mrs. Marion Key	Chair
Mr. Dan Colwell	Vice Chair
Mr. Leonard Presberg	Board Member
Dr. Diane Basham	Board Member
Dr. Barry Marchman	Board Member
Dr. Joseph C. Barrow Jr.	Superintendent

COUNTY AGENDA REQUEST

New Business #25

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of staff's recommendation to adopt Ordinance 2015-15, Resolution 2015-13, and the Purchasing Card User Agreement for compliance with Georgia General Assembly House Bill 192 pertaining to county issued Purchase Cards and Credit Cards by county elected officials, and for said documents to become effective on January 1, 2016.

Background/History/Details:

During the 2015 legislative session, the Georgia General Assembly passed House Bill 192 which changed the use of county issued purchasing cards and credit cards by county elected officials. Effective January 1, 2016, if any county elected officials use a purchasing card or credit card, then the Board of Commissioners needs to make sure that it has adopted a policy that meets the new law, has publicly voted to authorize the elected officials to use the county purchasing card or credit card, and has entered into a user agreement with each authorized elected official.

This requirement is not applied to county elected officials who do not use purchase cards or credit cards. The new requirements also do not apply to county employees who use county purchase cards or credit cards.

"Exhibit A" provides red-lined Ordinance 2015-15.

"Exhibit B" provides red-lined Resolution 2015-13.

"Exhibit C" provides red-lined Purchasing Card User Agreement.

"Exhibit D" provides Fayette County's current Policy No. 210.01- Purchasing Card Program.

"Exhibit E" provides Georgia General Assembly House Bill 192.

What action are you seeking from the Board of Commissioners?

Adoption of Ordinance 2015-15 and Resolution 2015-13 and approval of the Purchasing Card User Agreement for compliance with Georgia General Assembly House Bill 192 pertaining to county issued Purchase Cards and Credit Cards by county elected officials, and for said documents to become effective on January 1, 2016.

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:

Floyd Jones

From: county-clerks <COUNTY-CLERKS@LISTSERV.ACCG.ORG> on behalf of Owens, Ines <iowens@ACCG.ORG>
Sent: Friday, October 30, 2015 1:20 PM
To: COUNTY-CLERKS@LISTSERV.ACCG.ORG
Subject: [COUNTY-CLERKS] HB 192 - County Purchasing Card and Credit Card Ordinance Mandate
Attachments: Purchasing Card and Credit Card Resolution Ordinance and User Agreement.docx

Good afternoon,

As you may recall, during the 2015 legislative session, the General Assembly passed HB 192 which changed the use of county issued purchasing cards (p-cards) and credit cards by county elected officials. Effective January 1, 2016, if any of your county elected officials use a county purchasing card or credit card, then the board of commissioners needs to make sure that it has adopted a policy that meets the new law, has publicly voted to authorize the elected officials to use the county p-card or credit card and has entered into a user agreement with each authorized elected official.

If your county elected officials do not use county p-cards or credit cards, then no action is required at this time. Also, the new requirements do not apply to county employees using county p-cards or credit cards. However, the requirements of the law for elected officials are good best practices for employees, too.

ACCG has prepared the attached model resolution, ordinance and user agreement for use by counties to govern the use of purchase cards and credit cards by elected officials. State law requires that policy (which is contained in the attached ordinance) and user agreement contain certain provisions. All of the attached documents are intended for general information purposes and should not be treated as legal advice. The documents should be reviewed and modified to fit the particular needs of your county and its elected officials.

Also note that the Georgia Department of Administrative Services (“DOAS”) allows counties to issue purchasing cards through the [DOAS Purchasing Card Program](#). For more information on the State’s program, please contact John Thomason, State Cards Program Manager at [404-656-5344](tel:404-656-5344) or John.Thomason@doas.ga.gov. Even if the State’s program is used, the board of commissioners will be required to designate which elected officials may have a purchasing or credit card, to adopt a policy, and to sign a user agreement with each authorized elected official. Commissioners should consult with their county attorneys to ensure that procuring a service “off of the state contract” is consistent with the county’s local legislation, ordinances and/or procurement policies.

If you have any questions particular to your county, please consult your county attorney.

Ines Owens
Legislative Policy Coordinator
Office Phone: 404-522-5022
Cell Phone: 404-430-8289
Email: iowens@accg.org
www.accg.org



ACCG’s Fall District Meetings are just around the corner! Join us for these town hall meetings with state legislators to discuss county priorities for the 2016 legislative session. More information and registration details are available [here](#).

MEMORANDUM

TO: FAYETTE COUNTY
FROM: COUNTY ATTORNEY *B*
RE: PURCHASING CARD AND/OR CREDIT CARD POLICY AND AGREEMENT
DATE: NOVEMBER 3, 2015

Attached please find the following documents: (1) an ordinance establishing a policy governing the use of County-issued purchasing cards and credit cards by certain elected officials; (2) a resolution designating those elected officials permitted to use such cards and designating a Card Administrator; and (3) a user agreement to be executed by each designated elected official and the County for the use of such cards. The first two documents will need to be adopted by the Board of Commissioners. Please note that these documents are drafts and require additional information, as follows:

*ordinance
2015-15
Policy No.
210.02*

- The ordinance creates a policy that should be included with the County's other policies. This policy must be voted on by the Board of Commissioners. This policy also needs a number assigned to it consistent with the County's current numbering system. ✓
- The duties assigned to the Card Administrator in Section IV of the policy are those recommended by ACCG. The County has the ability to craft these duties to meet its own needs. If the County wishes to make any changes to this list, those changes can be accommodated. *Aligns with current policy 210.01 (copy attached)* ✓
- The description of authorized purchases in Section V(a) of the policy is that suggested by ACCG. Any changes the County wishes to make to this section can be accommodated. Also in Section V(a), the County will need to establish a transaction limit, which can be a certain amount per transaction or a certain amount during a period of time (day, month, year). ✓
- The description of unauthorized purchases in Section V(b) of the policy is that suggested by ACCG. Any changes the County wishes to make to this section can be accommodated. ✓
- The County will need to establish a procedure for review of purchases in Section VI(1). ✓
- The attached resolution should contain a list of elected officials that are designated to receive county purchasing cards or credit cards. The resolution as attached lists all elected officials for the County, but the County will need to identify those elected officials that are not issued cards and that should therefore be removed from the list.

*would not recommend - what if "new"
elected official wants P-Card - should leave
list including Ahh elected officials.*

- The attached resolution should also identify who the County wishes to designate as Card Administrator. ✓
- The attached user agreement will need to be updated to include the County-approved transaction limits consistent with the adopted policy in Section I(d). ✓
- The attached user agreement will also need to be updated with the County's tax exempt number in Section II(h) ✓
- The attached user agreement will need to be updated in Section V to provide the number of days' notice required for termination. ✓

15 days

EXHIBIT A

RED-LINE ORDINANCE 2015-15

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2015-~~15~~

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO ADOPT POLICIES REGARDING THE USE OF COUNTY-ISSUED PURCHASING CARDS AND/OR CREDIT CARDS BY CERTAIN COUNTY ELECTED OFFICIALS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE FAYETTE COUNTY POLICIES AND PROCEDURES, BE AMENDED AS FOLLOWS:

Section 1. By creating a new Policy designated as 210.02, to be numbered and read as follows:

PURCHASING CARDS AND/OR CREDIT CARDS

I. Intent and Scope

This policy is intended to comply with the policy requirements of O.C.G.A. § 36-80-24 regarding the use of County-issued government purchasing cards and credit cards.

II. Definitions

- (a) *Authorized elected official* shall mean an elected official designated by public vote of the Board of Commissioners to receive a County-issued government purchasing card or credit card.
- (b) *Card Administrator* shall mean the purchasing card and credit card administrator designated by the Board of Commissioners.
- (c) *County* shall mean Fayette County and/or the Fayette County Board of Commissioners.
- (d) *County purchasing card, County p-card or County credit card* shall mean a financial transaction card issued by any business organization, financial institution, or any duly authorized agent of such organization or institution, used by a County official to purchase goods, services, and other things of value on behalf of the County.
- (e) *Financial transaction card* shall mean an instrument or device as the term is defined in O.C.G.A. § 16-9-30(5).
- (f) *User agreement* shall mean the required agreement between the Board of Commissioners and the authorized elected officials which restricts the use of a County purchasing card or credit card.

III. Designated Elected Officials

The Board of Commissioners, in its discretion, may authorize specific County elected officials to use a County purchasing card or credit card by adoption of a resolution in a public meeting.

No authorized elected official may use a County purchasing card or credit card unless he or she has executed the County's purchasing card and credit card user agreement.

The County will not make payments to any business organization, financial institution, or any duly authorized agent of such organization or institution, for amounts charged by an elected official to any purchasing cards or credit cards that are not issued pursuant to this policy or for any purchases that are not authorized by this policy.

IV. Card Administrator

The Board of Commissioners shall designate a County purchasing card and credit card administrator. The responsibilities of the Card Administrator include:

- (1) Manage County-issued purchasing cards and credit cards.
- (2) Serve as the main point of contact for all County purchasing card and credit card issues.
- (3) Serve as liaison to the elected officials authorized to use a purchasing card or credit card and their staff, as well as to the issuer of the purchasing card or credit card.
- (4) Provide training on card policies and procedures to the elected officials authorized to use a purchasing card or credit card and their staff.
- (5) Develop internal procedures to ensure timely payment of cards.
- (6) Establish internal procedures to ensure compliance with this policy, County procurement ordinances and policies, County purchasing card and

credit card user agreements, applicable agreements with the business organization, financial institution or any duly authorized agent of such organization or institution, issuing card, and state law, specifically O.C.G.A. §§ 16-9-37 and 36-80-24.

- (7) Document internal controls, audits and other measures to prevent and detect misuse or abuse of the cards.
- (8) Audit and reconcile transactions per Bi-Weekly Billing Cycle. ~~monthly.~~
- (9) Maintain records for at least five ~~seven~~ years or as otherwise provided by the County's record retention policy.

V. Use of Cards

(a) *Authorized purchases.* County purchasing cards and credit cards may be used to purchase goods and services directly related to the public duties of the authorized elected official only. All purchases are subject to the terms of this policy, the County's Purchasing Card Program Policy, 210.01, and the County purchasing card and credit card user agreement, County procurement policies and ordinances, and the adopted budget.

Only authorized elected officials may use a County purchasing card or credit card for purchases or payments. The cards, and use of the cards, are not transferable to employees. The authorized elected official shall use care to ensure that others do not have access to the card account number, expiration date and security code.

Unless otherwise approved by the Board of Commissioners or established in the County purchasing card and credit card user agreement, the transaction limits are as

follows:

Per Transaction: \$ 500

Per Bi-Weekly Billing Cycle: \$5,000 ~~Month: \$~~

(b) *Unauthorized purchases.* County purchasing cards and credit cards shall not be used for goods and services not directly related to the official responsibilities of the authorized elected official. Additionally, cards shall not be used to avoid compliance with the County's purchasing ordinances and procedures, to purchase goods and services that are not approved in the County's budget, to purchase goods and services exceeding the per transaction or per month limit, or to make purchases not in compliance with the County purchasing card and credit card user agreement and the County's Purchasing Card Program Policy, 210.01.

(c) *Receipts and documentation.* Receipts, invoices and other supporting documentation of all purchases made with a County purchasing card or credit card shall be obtained and ~~submitted maintained~~ by the authorized County elected official to Finance along with the bi-weekly transaction log. Receipts will be maintained by Finance for five years or as otherwise provided by the County's record retention policy. If an original or duplicate cannot be produced, a sworn affidavit of the authorized elected official may be substituted. The documentation must include the supplier or merchant information (i.e., name and location), quantity, description, unit price, total price, price paid without sales tax and an explanation of the purchase sufficient to show that the expense was in the performance of official County duties.

(d) *Public records.* All receipts and other documentation of purchases are public

records and subject to the requirements of O.C.G.A. § 50-18-70 *et seq.*

VI. Review of Purchases and Audit

Proper documentation of purchases, internal controls and other measures prevent and allow detection of misuse or abuse of County issued purchasing cards and credit cards. Authorized elected officials and staff that process payments under this program shall cooperate and comply with the procedures established by the County.

- (1) *Review of purchases.* All purchases shall be reviewed according to the following procedure: Purchasing Card transaction logs -are to be completed by the elected official, accompanied by sales receipts and submitted to Finance within 15 days of the bi-weekly billing cycle. The amounts listed on the transaction log and sales receipts will be reconciled to the bi-weekly billing statement and verified no GA sales tax was charged (exception-meals). All transactions made by Elected Officials will be reviewed relative to the established guidelines and compliance with the County's Purchasing Card Policy.

- (2) *Audits.* The Card Administrator shall perform an annual review of the card program to ensure adequacy of internal policies and documentation for transactions. Elected officials and staff shall cooperate with such review.

VII. Violations

- (a) An elected official shall reimburse the County for any purchases made with a County-issued purchasing card or credit card in violation of this policy or the user agreement.
- (b) In the discretion of the Board of Commissioners, failure to comply with the procedures outlined in this policy may result in:
 - (1) A warning;
 - (2) Suspension of the elected official's authority to use a County purchasing card or credit card; or
 - (3) Revocation of the elected official's authority to use a County purchasing card or credit card.
- (c) Nothing in this policy shall preclude the Board of Commissioners from referring misuse of a purchasing card or credit card for prosecution to the appropriate authorities.

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

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

Section 4. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall

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

SO ENACTED this _____ day of _____, 2015.

**BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA**

By: _____
Charles W. Oddo, Chairman

(SEAL)

ATTEST:

Floyd Jones, County Clerk

Approved as to form:

County Attorney

EXHIBIT B

RED-LINE RESOLUTION 2015-13

STATE OF GEORGIA

FAYETTE COUNTY

RESOLUTION

NO. 2015-~~13~~

A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR FAYETTE COUNTY; TO DESIGNATE CERTAIN COUNTY ELECTED OFFICIALS TO RECEIVE COUNTY-ISSUED GOVERNMENT PURCHASING AND/OR CREDIT CARDS; TO APPROVE A USER AGREEMENT BETWEEN THE COUNTY AND SAID COUNTY ELECTED OFFICIALS GOVERNING THE USE OF COUNTY-ISSUED GOVERNMENT PURCHASING AND/OR CREDIT CARDS; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners for Fayette County, Georgia (the “County”) is the duly elected governing authority for the County; and

WHEREAS, Georgia law prohibits counties from issuing purchasing cards and credit cards to elected officials unless the governing authority of the county has authorized such issuance and has promulgated policies regarding their use as provided by law; and

WHEREAS, such purchasing cards and credit cards shall only be issued to elected officials designated by the governing authority; and

WHEREAS, the Board of Commissioners has adopted an ordinance containing the County’s policy on purchasing cards and credit cards; and

WHEREAS, in order to comply with O.C.G.A. § 36-80-24 and the County’s policy, the

Board of Commissioners desires to authorize certain elected officials to be issued a county purchasing and/or credit card and to adopt the attached user agreement; and

WHEREAS, pursuant to O.C.G.A. § 36-80-24 and the County’s policy, the County desires to designate Chief Financial Officer _____ as the Card Administrator for the County.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners for Fayette County, Georgia, that the following County elected officials are designated by public vote to receive a county-issued government purchasing card and/or credit card and approves the attached user agreement for said County elected officials:

1. Commissioners
2. Coroner
3. Magistrate Judge
4. Probate Judge
5. Sheriff
6. Superior Court Clerk
7. Tax Commissioner
8. Solicitor
9. State Court Judge

BE IT FURTHER RESOLVED by the Board of Commissioners for Fayette County, Georgia, that Chief Financial Officer _____ is designated as the Card Administrator pursuant to the County’s Purchasing Card and Credit Card Policy.

SO RESOLVED this ____ day of _____, 2015.

**BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA**

By: _____
Charles W. Oddo, Chairman

(SEAL)

ATTEST:

Floyd L. Jones, County Clerk

Approved as to form:

County Attorney

DRAFT

EXHIBIT C

RED-LINE PURCHASING CARD USER AGREEMENT

PURCHASING CARD AND/OR CREDIT CARD USER AGREEMENT
BETWEEN FAYETTE COUNTY AND COUNTY ELECTED OFFICIAL

This Purchasing Card and/or Credit Card User Agreement (hereinafter “Agreement”) is between the Board of Commissioners of Fayette County, Georgia (hereinafter “County”) and _____ (hereinafter “Elected Official”), an elected official of Fayette County, for use of a Fayette County Purchasing Card and/or Credit Card (hereinafter “card”) issued by Bank of America _____ (hereinafter “Bank”), in accordance with O.C.G.A. § 36-80-24(c)(2).

In exchange for the privilege of being issued a card for the purpose of purchasing goods and services directly related to the public duties of the authorized elected official of the County, Elected Official agrees as follows:

I. Authorized and Unauthorized Use.

- (a) Elected Official agrees to use the card for goods and services directly related to Elected Official’s public duties and official responsibilities. Elected Official shall not use the card for goods and services not directly related to Elected Official’s public duties and official responsibilities. Additionally, Elected Official shall not use the card to avoid compliance with the County’s purchasing ordinances and procedures, to purchase goods and services that are not approved in the County’s budget, to purchase goods and services exceeding the per transaction or per month limit, or to make purchases not in compliance with this Agreement.
- (b) Elected Official agrees to use the card for the purchase of goods and services authorized by the budget adopted by the Board of Commissioners.

- (c) Elected Official shall not use the card for personal use or any use other than goods and services directly related to the official responsibilities of Elected Official.
- (d) Elected Official shall not exceed the following transaction limit for the card:
Per Transaction: \$500
Per Bi-Weekly Billing Cycle - Month: \$ 5,000
- (e) Elected Official shall not subdivide a purchase in an effort to circumvent the transaction limit for the card.
- (f) Elected Official shall not request or receive cash from suppliers or vendors as a result of exchanges or returns. All refunds or exchanges must be credited to the card account.

II. Obligations of Elected Official.

Elected Official agrees to use the card in accordance with the terms and conditions of this Agreement, the Purchasing Card and Credit Card Policy for Fayette County Elected Officials (hereinafter "Policy"), incorporated herein by reference, as it may be amended from time to time, and any procedures developed in relation to the use of the card.

- (a) Elected Official agrees to cooperate with the Card Administrator in relation to the use of the card, including participation in training, submission of receipts and documentation, notification of lost or stolen cards, etc.
- (b) Elected Official shall comply with the County's budget, purchasing policies and procedures when making purchases with the card.
- (c) Elected Official shall notify the Card Administrator if Elected Official's name or contact information changes within thirty (30) days of such change.

- (d) Elected Official shall protect the card at all times to prevent unauthorized use.
- (e) Elected Official shall immediately notify the Bank and Card Administrator if the card is lost or stolen.
- (f) Elected Official shall surrender the card immediately upon request by the Card Administrator or the Board of Commissioners, expiration of the card, resignation of the Elected Official, or resignation from office by the Elected Official.
- (g) Elected Official acknowledges that he or she is the only individual authorized to use the card.
- (h) Elected Official acknowledges that purchases by the County are exempt from Georgia sales tax. Elected Official shall provide any supplier or vendor with the County's tax exempt number (600-051217).

III. Receipts and Documentation.

Receipts are required for all card transactions. Elected Official shall provide receipts, invoices and other supporting documentation of all purchases made with the card as required by the Card Administrator. Substantiating documentation shall include the supplier or merchant information, quantity, description, unit price, total price, price paid without sales tax and an explanation of the purchase sufficient to demonstrate that the expense was in the performance of official County duties.

IV. Violations.

In the discretion of the Board of Commissioners, failure to comply with the terms of this Agreement or the Policy may result in one or more of the following:

- (a) Warning;
- (b) Suspension of card privileges;
- (c) Termination of card privileges;
- (d) Collection of an amount equal to the total of any improper purchases, including but not limited to declaring such purchases as an advance on salary to the extent allowed by law; and/or
- (e) Prosecution. Elected Official understands and acknowledges that misuse of the card may be considered a crime. Suspected misuse of the card may be reported to the proper authorities for prosecution.

V. Term.

This Agreement shall be effective for a period of one calendar year effective the 1st day of January, 2016. Provided the Elected Official remains eligible for a County-issued card, this agreement may be renewed for successive terms. Either party may terminate the Agreement with 15 days' notice. The card shall be promptly returned to the Card Administrator in the event of such termination. The Elected Official's obligations of this Agreement shall survive the termination of this Agreement.

[SIGNATURES FOLLOW ON NEXT PAGE]

IN WITNESS WHEREOF, the parties have executed or caused to be executed by their
duly authorized official, this Agreement.

FAYETTE COUNTY

(SEAL)

ATTEST:

Charles W. Oddo, Chairman of
Board of Commissioners

Floyd Jones, County Clerk

ELECTED OFFICIAL

Name: _____

DRAFT

EXHIBIT D

CURRENT FAYETTE COUNTY POLICY

POLICY No. 210.01- PURCHASING CARD PROGRAM

**FAYETTE COUNTY
POLICIES AND PROCEDURES**

**OPERATIONAL FUNCTIONS
Purchasing Card Program
210.01**

PURPOSE

The purpose of this policy is to provide guidelines by which Fayette County employees can participate in a purchasing card program as an efficient and cost effective means to purchase job related goods and services.

POLICY

This policy will apply to all employees participating in the purchasing card program and is intended to provide flexibility to make small dollar purchases as well as travel arrangements and seminar/conference reservations when needed. The purchasing card program is intended to reduce the use of petty cash and small dollar purchase orders. Goods requiring solicitation of bids should be directed to the Purchasing Department.

Note: The policy and procedures herein do not apply to the Sheriff's Office when using confiscated funds for such purchases.

PROCEDURES

A. Issuance of P-Cards

Purchasing cards shall be issued to employees only by the direction of their Department Head.

Elected Officials and the County Administrator may request cards for themselves. P-Cards shall be surrendered and accounts closed upon termination of employment with the County for any reason.

B. Transaction Limits

The following limits shall apply in regards to purchases made with County P-Cards:

1. Dollar limit per transaction - \$500
2. Billing cycle dollar limit - \$5,000

Transactions for travel such as hotel stays covering multiple days which exceed \$500 must be approved by the Department Head prior to travel. Other transactions not meeting the limits outlined within this policy must be approved by the County Administrator prior to purchase.

C. Purchases

Under no circumstances is a purchasing card program participant permitted to use the P-Card for personal purchases. All P-Card transactions shall be related to official County business. Purchases shall not be split to stay within the limits established. Allowable purchases include, but are not limited to, employee travel and training, seminars, professional membership dues, building supplies, cleaning supplies, vehicle or computer parts, safety supplies, shipping/postage, office supplies and emergency purchases. Prohibited purchases include, but are not limited to, alcoholic beverages, cash advances, gifts, gift cards, legal services, medical services, computer hardware and software,

personal items and unbudgeted items. In the case of non-travel meals, expenses should be limited to the following events:

1. A meeting hosted by the County Administrator or the Board of Commissioners.
2. A meeting required by law or authorized by a department director which is anticipated to last more than four (4) hours and which, is scheduled through normal meal times.
3. A business meal with someone other than another County official or employee in order to discuss a specific item of county business. Receipts are required for such meals and should detail the nature of the meeting and the number of persons in attendance.

D. Roles and Responsibilities

1. *P-Card Program Administrator* will serve as the liaison with the Bank handling the County's program by coordinating the issuance of cards, maintaining card limits, cancelling cards as necessary and ensuring balances due are paid in a timely manner. The Program Administrator will also monitor the timely receipt from departments of the transaction logs, record each transaction within the accounting system, publish the annual due date schedule for completed transaction logs, assist in maintaining the program policy and procedures, provide training as needed, any preform any other task related to the P-Card program as assigned by the CFO.

2. *P-Card Holder or Department Designee* as assigned by the Department Head will be responsible for securing account numbers, expiration dates, and security codes for all purchasing cards assigned to self or to the Department, ensuring only job-related goods or services allowed under the P-Card program are purchased and the purchasing card biweekly billing statement is reconciled. The reconciliation will be considered complete when a completed transaction log is submitted to Finance by the scheduled due date with an itemized receipt or invoice for each transaction attached confirming state sales tax has not been charged (exception-meals). The transaction log must be signed by the card holder or department designee and the Department Head.

3. *Department Heads/Elected Officials* are responsible for determining which employees will be issued a purchasing card, notifying Finance when such employee terminates employment with the County, approving and signing each billing statement transaction log for their department's purchases and verifying funds are available in the department's budget. In addition, any suspected abuse should be reported to the CFO immediately.

E. Audit

The Finance Department Accounting Analysts will review their departments' P-Card transaction logs and verify the receipts submitted did not charge sales taxes (exception-meals), the amounts charged reconcile to the billing statement and the accounting codes assigned are accurate. The CFO or their designee will conduct a bi-weekly audit to verify

**FAYETTE COUNTY
POLICIES AND PROCEDURES**

**OPERATIONAL FUNCTIONS
Purchasing Card Program
210.01**

the spending activity relative to the established guidelines and compliance with the P-Card policy. The audit will be no less than ten percent (10%) of the number of cards with activity but no less than two (2) cards. The selection process will be based on a random selection process using RANDOM.ORG. The County Administrator, CFO and assigned financial analyst will conduct spot audits of all transactions that warrant a further review or explanation.

F. Violations

Failure to comply with the P-Card policy will be considered a violation of the program with the follow actions and / or disciplinary action as appropriate.

1st Violation 30 day P-card suspension

2nd Violation Removal from the P-card program

EXHIBIT E

GEORGIA HOUSE BILL 192

House Bill 192 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 32nd and Taylor of the 79th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated,
2 relating to illegal use of financial transaction cards, so as to revise definitions; to provide for
3 the prosecution of the unlawful use of government purchasing cards; to provide for venue;
4 to amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to
5 general provisions regarding counties, municipal corporations, and other governmental
6 entities, so as to provide for the limitation and regulation of the use of government
7 purchasing cards and government credit cards by elected officials of counties, municipal
8 corporations, local school systems, and consolidated governments; to provide for the
9 promulgation of certain policies; to provide for access to certain records; to provide for
10 certain powers for certain local authorities; to provide a definition; to make certain findings;
11 to provide for related matters; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Article 3 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to
15 illegal use of financial transaction cards, is amended by revising Code Section 16-9-30,
16 relating to definitions, as follows:

17 "16-9-30.

18 As used in this article, the term:

19 (1) 'Acquirer' means a business organization, government, financial institution, or an
20 agent of a business organization, government, or financial institution that authorizes a
21 merchant to accept payment by financial transaction card for money, goods, services, or
22 anything else of value.

23 (2) 'Automated banking device' means any machine which when properly activated by
24 a financial transaction card and personal identification code may be used for any of the
25 purposes for which a financial transaction card may be used.

26 (3) 'Cardholder' means the person, government, or organization ~~named on the face of a~~
 27 ~~financial transaction card~~ to whom or for whose benefit the financial transaction card is
 28 issued by an issuer.

29 (4) 'Expired financial transaction card' means a financial transaction card which is no
 30 longer valid because the term for which it was issued has elapsed.

31 (5) 'Financial transaction card' or 'FTC' means any instrument or device, whether known
 32 as a credit card, credit plate, bank services card, banking card, check guarantee card, debit
 33 card, or by any other name, issued with or without fee by an issuer for the use of the
 34 cardholder:

35 (A) In obtaining money, goods, services, or anything else of value;

36 (B) In certifying or guaranteeing to a person or business the availability to the
 37 cardholder of funds on deposit that are equal to or greater than the amount necessary
 38 to honor a draft or check payable to the order of such person or business; or

39 (C) In providing the cardholder access to a demand deposit account, savings account,
 40 or time deposit account for the purpose of:

41 (i) Making deposits of money or checks therein;

42 (ii) Withdrawing funds in the form of money, money orders, or traveler's checks
 43 therefrom;

44 (iii) Transferring funds from any demand deposit account, savings account, or time
 45 deposit account to any other demand deposit account, savings account, or time deposit
 46 account;

47 (iv) Transferring funds from any demand deposit account, savings account, or time
 48 deposit account to any credit card accounts, overdraft privilege accounts, loan
 49 accounts, or any other credit accounts in full or partial satisfaction of any outstanding
 50 balance owed existing therein;

51 (v) For the purchase of goods, services, or anything else of value; or

52 (vi) Obtaining information pertaining to any demand deposit account, savings
 53 account, or time deposit account.

54 (5.1) 'Financial transaction card account number' means a number, numerical code,
 55 alphabetical code, or alphanumeric code assigned by the issuer to a particular financial
 56 transaction card and which identifies the cardholder's account with the issuer.

57 (5.2) 'Government' means:

58 (A) Every state department, agency, board, bureau, commission, and authority;

59 (B) Every county, municipal corporation, school system, or other political subdivision
 60 of this state;

61 (C) Every department, agency, board, bureau, commission, authority, or similar body
 62 of each such county, municipal corporation, school system, or other political
 63 subdivision of this state; and

64 (D) Every city, county, regional, or other authority established pursuant to the laws of
 65 this state.

66 (6) 'Issuer' means the business organization or financial institution or its duly authorized
 67 agent which issues a financial transaction card.

68 (7) 'Personal identification code' means a numeric or alphabetical code, signature,
 69 photograph, fingerprint, or any other means of electronic or mechanical confirmation
 70 used by the cardholder of a financial transaction card to permit authorized electronic use
 71 of that financial transaction card.

72 (8) 'Presenting' means those actions taken by a cardholder or any person to introduce a
 73 financial transaction card into an automated banking device with or without utilization
 74 of a personal identification code or merely displaying or showing, with intent to defraud,
 75 a financial transaction card to the issuer or to any person or organization providing
 76 money, goods, services, or anything else of value or to any other entity.

77 (8.1) 'Purchasing card,' 'PCard,' or 'P-Card' means a type of financial transaction card
 78 allowing persons, governments, or business organizations to use financial transaction
 79 infrastructure.

80 (9) 'Receives' or 'receiving' means acquiring possession of or control of or accepting a
 81 financial transaction card as security for a loan.

82 (10) 'Revoked financial transaction card' means a financial transaction card which is no
 83 longer valid because permission to use it has been suspended or terminated by the issuer."

84 **SECTION 2.**

85 Said article is further amended by revising Code Section 16-9-33, relating to financial
 86 transaction card fraud, as follows:

87 "16-9-33.

88 (a) A person commits the offense of financial transaction card fraud when, with intent to
 89 defraud the issuer; a person or organization providing money, goods, services, or anything
 90 else of value; or any other person; or cardholder, he such person:

91 (1) Uses for the purpose of obtaining money, goods, services, or anything else of value:

92 (A) A financial transaction card obtained or retained or which was received with
 93 knowledge that it was obtained or retained in violation of Code Section 16-9-31
 94 or 16-9-32;

- 95 (B) A financial transaction card which he or she knows is forged, altered, expired,
96 revoked, or was obtained as a result of a fraudulent application in violation of
97 subsection (d) of this Code section; or
- 98 (C) The financial transaction card account number of a financial transaction card which
99 he or she knows has not in fact been issued or is forged, altered, expired, revoked, or
100 was obtained as a result of a fraudulent application in violation of subsection (d) of this
101 Code section;
- 102 (2) Obtains money, goods, services, or anything else of value by:
- 103 (A) Representing without the consent of the cardholder that he or she is the holder of
104 a specified card;
- 105 (B) Presenting the financial transaction card without the authorization or permission
106 of the cardholder or issuer;
- 107 (C) Falsely representing that he or she is the holder of a card and such card has not in
108 fact been issued; or
- 109 (D) Giving, orally or in writing, a financial transaction card account number to the
110 provider of the money, goods, services, or other thing of value for billing purposes
111 without the authorization or permission of the cardholder or issuer for such use;
- 112 (3) Obtains control over a financial transaction card as security for debt;
- 113 (4) Deposits into his or her account or any account by means of an automated banking
114 device a false, fictitious, forged, altered, or counterfeit check, draft, money order, or any
115 other such document not his or her lawful or legal property; or
- 116 (5) Receives money, goods, services, or anything else of value as a result of a false,
117 fictitious, forged, altered, or counterfeit check, draft, money order, or any other such
118 document having been deposited into an account via an automated banking device,
119 knowing at the time of receipt of the money, goods, services, or item of value that the
120 document so deposited was false, fictitious, forged, altered, or counterfeit or that the
121 above-deposited item was not his lawful or legal property.
- 122 (b) A person who is authorized by an issuer to furnish money, goods, services, or anything
123 else of value upon presentation of a financial transaction card by the cardholder or any
124 agent or employee of such person commits the offense of financial transaction card fraud
125 when, with intent to defraud the issuer or the cardholder, he or she:
- 126 (1) Furnishes money, goods, services, or anything else of value upon presentation of a
127 financial transaction card obtained or retained in violation of Code Section 16-9-31 or a
128 financial transaction card which he or she knows is forged, expired, or revoked;
- 129 (2) Alters a charge ticket or purchase ticket to reflect a larger amount than that approved
130 by the cardholder; or

- 131 (3) Fails to furnish money, goods, services, or anything else of value which he or she
132 represents in writing to the issuer that he or she has furnished.
- 133 (c) Conviction of the offense of financial transaction card fraud as provided in subsection
134 (a) or (b) of this Code section is punishable as provided in subsection (a) of Code
135 Section 16-9-38 if the value of all money, goods, services, and other things of value
136 furnished in violation of this Code section or if the difference between the value actually
137 furnished and the value represented to the issuer to have been furnished in violation of this
138 Code section does not exceed \$100.00 in any six-month period. Conviction of the offense
139 of financial transaction card fraud as provided in subsection (a) or (b) of this Code section
140 is punishable as provided in subsection (b) of Code Section 16-9-38 if such value
141 exceeds \$100.00 in any six-month period.
- 142 (d) A person commits the offense of financial transaction card fraud when, upon
143 application for a financial transaction card to an issuer, he or she knowingly makes or
144 causes to be made a false statement or report relative to his or her name, occupation,
145 employer, financial condition, assets, or liabilities or willfully and substantially overvalues
146 any assets or willfully omits or substantially undervalues any indebtedness for the purpose
147 of influencing the issuer to issue a financial transaction card. Financial transaction card
148 fraud as provided in this subsection is punishable as provided in subsection (b) of Code
149 Section 16-9-38.
- 150 (e) A cardholder commits the offense of financial transaction card fraud when he or she
151 willfully, knowingly, and with an intent to defraud the issuer; a person or organization
152 providing money, goods, services, or anything else of value; or any other person submits
153 verbally or in writing to the issuer or any other person any false notice or report of the theft,
154 loss, disappearance, or nonreceipt of his or her financial transaction card and personal
155 identification code. Conviction of the offense of financial transaction card fraud as
156 provided in this subsection is punishable as provided in subsection (b) of Code
157 Section 16-9-38.
- 158 (f) A person authorized by an acquirer to furnish money, goods, services, or anything else
159 of value upon presentation of a financial transaction card or a financial transaction card
160 account number by a cardholder or any agent or employee of such person, who, with intent
161 to defraud the issuer, acquirer, or cardholder, remits to an issuer or acquirer, for payment,
162 a financial transaction card record of a sale, which sale was not made by such person,
163 agent, or employee, commits the offense of financial transaction card fraud. Conviction of
164 the offense of financial transaction card fraud as provided in this subsection shall be
165 punishable as provided in subsection (b) of Code Section 16-9-38.
- 166 (g) ~~In any prosecution for violation of this Code section, the state is not required to~~
167 ~~establish that all of the acts constituting the crime occurred in this state or within one city,~~

168 ~~county, or local jurisdiction, and it is no defense that some of the acts constituting the crime~~
 169 ~~did not occur in this state or within one city, county, or local jurisdiction. Except as~~
 170 ~~otherwise provided by Code Section 17-2-2, for purposes of venue the crime defined by~~
 171 ~~this Code section shall be considered as having been committed in the county where the~~
 172 ~~commission of the crime commenced~~ Reserved.

173 (h) For purposes of this Code section, revocation shall be construed to include either notice
 174 given in person or notice given in writing to the person to whom the financial transaction
 175 card and personal identification code was issued. Notice of revocation shall be immediate
 176 when notice is given in person. The sending of a notice in writing by registered or certified
 177 mail or statutory overnight delivery in the United States mail, duly stamped and addressed
 178 to such person at his or her last address known to the issuer, shall be prima-facie evidence
 179 that such notice was duly received after seven days from the date of deposit in the mail. If
 180 the address is located outside the United States, Puerto Rico, the Virgin Islands, the Canal
 181 Zone, and Canada, notice shall be presumed to have been received ten days after mailing
 182 by registered or certified mail or statutory overnight delivery."

183 **SECTION 3.**

184 Said article is further amended by revising Code Section 16-9-37, relating to unauthorized
 185 use of financial transaction card, as follows:

186 "16-9-37.

187 (a) Any person who has been issued or entrusted with a financial transaction card for
 188 specifically authorized purposes, provided such authorization is in writing stating a
 189 maximum amount charges that can be made with the financial transaction card, and who
 190 uses the financial transaction card in a manner and for purposes not authorized in order to
 191 obtain or purchase money, goods, services, or anything else of value shall be punished as
 192 provided in subsection (a) of Code Section 16-9-38.

193 (b) Any person who has been issued or entrusted with a financial transaction card by a
 194 government for specifically limited and specifically authorized purposes, provided such
 195 limitations and authorizations are in writing, and who uses the financial transaction card
 196 in a manner and for purposes not authorized shall be punished as provided in subsection (b)
 197 of Code Section 16-9-38."

198 **SECTION 4.**

199 Said article is further amended by adding a new Code section to read as follows:

200 "16-9-40.

201 (a) In any prosecution for a violation of this article, the state is not required to establish
 202 that all of the acts constituting the crime occurred in this state or within one city, county,

203 or local jurisdiction, and it is no defense that some of the acts constituting the crime did not
204 occur in this state or within one city, county, or local jurisdiction. Except as otherwise
205 provided by Code Section 17-2-2, for purposes of venue, the crime defined by this Code
206 section shall be considered as having been committed in the county where the commission
207 of the crime commenced.

208 (b) In any prosecution for a violation of this article by a public official or government
209 employee, using government funds or a financial transaction card issued to such official
210 or government employee by or on behalf of government, the crime shall be considered to
211 have been committed in the county in which such public official holds office or such
212 government employee is employed."

213 **SECTION 5.**

214 Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general
215 provisions regarding counties, municipal corporations, and other governmental entities, is
216 amended by adding a new Code section to read as follows:

217 "36-80-24.

218 (a) An elected official of a county, municipal corporation, local school system, or
219 consolidated government shall be prohibited from the use of a government purchasing card
220 or a government credit card unless:

221 (1) Such purchases are solely for items or services that directly relate to such official's
222 public duties; and

223 (2) Such purchases are in accordance with guidelines adopted by the county, municipal
224 corporation, local school system, or consolidated government.

225 (b) Documents related to such purchases incurred by such elected officials shall be
226 available for public inspection.

227 (c) No such county, municipal corporation, local school system, or consolidated
228 government shall issue government purchasing cards or government credit cards to elected
229 officials on or after January 1, 2016, until the governing authority of such county,
230 municipal corporation, local school system, or consolidated government, by public vote,
231 has authorized such issuance and has promulgated specific policies regarding the use of
232 such government purchasing cards or government credit cards for elected officials of such
233 county, municipal corporation, local school system, or consolidated government. Such
234 policies shall include the following:

235 (1) Designation of officials who shall be authorized to be issued such government
236 purchasing cards or government credit cards;

237 (2) A requirement that, before being issued a government purchasing card or government
238 credit card, authorized users shall sign and accept an agreement with the county.

239 municipal corporation, local school system, or consolidated government issuing the
 240 government purchasing card or government credit card that such users will use such cards
 241 only in accordance with the policies of the issuing governmental entity;
 242 (3) Transaction limits for the use of such cards;
 243 (4) A description of purchases that shall be authorized for use of such cards;
 244 (5) A description of purchases that shall not be authorized for use of such cards;
 245 (6) Designation of a government purchasing card or government credit card
 246 administrator;
 247 (7) A process for auditing and reviewing purchases made with such cards; and
 248 (8) Procedures for addressing a violation of such purchasing card or credit card policies
 249 and imposing penalties for violations including, but not limited to, revocation of
 250 purchasing card or credit card privileges. Nothing in such procedures or any
 251 administrative action taken pursuant thereto shall preclude any other civil or criminal
 252 remedy under any other provision of law."

253 **SECTION 6.**

254 Said chapter is further amended by adding a new Code section to read as follows:

255 "36-80-25.

256 (a) As used in this Code section, the term 'project' means and includes hospitals, health
 257 care facilities, dormitories, office buildings, clinics, housing accommodations, nursing
 258 homes, rehabilitation centers, extended care facilities, and other health related facilities,
 259 whether public or private.

260 (b) To the extent that the Constitution of Georgia permits the General Assembly by law
 261 to further define the powers and duties of any local government authority, as defined in
 262 Code Section 36-80-16, whose purpose includes the public purpose of developing or
 263 promoting trade, commerce, or industry, and to enlarge or restrict the same, each such local
 264 government authority is authorized and shall have the power to finance (by loan, grant,
 265 lease, or otherwise), refinance, construct, erect, assemble, purchase, acquire, own, repair,
 266 remodel, renovate, rehabilitate, modify, maintain, extend, improve, install, sell, equip,
 267 expand, add to, operate, or manage projects and to pay the cost of any project from the
 268 proceeds of revenue bonds of such a local government authority or any other funds of such
 269 local government authority, or from any contributions or loans by persons, corporations,
 270 limited or general partnerships, or other entities, all of which such a local government
 271 authority is authorized to receive, accept, and use. To the extent that any project serves
 272 a governmental function, the General Assembly finds and determines that such a project
 273 by its nature comprises both public and private components that are integrated so as to

274 produce the desired public purpose and that therefore carrying out such a project is proper
275 and authorized for such a local government authority under the Constitution of Georgia."

276 **SECTION 7.**

277 All laws and parts of laws in conflict with this Act are repealed.

COUNTY AGENDA REQUEST

New Business #26

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of staff's recommendation to proceed with transitioning the County's Defined Benefit retirement plan from GEBCorp to MassMutual and to authorize the Chairman to sign any associated documents.

Background/History/Details:

The County initiated the Defined Benefit retirement plan in 2009 with GEBCorp through the Association County Commissioners of Georgia (ACCG) and moved the existing Defined Contribution plan from The Hartford to MassMutual. Currently, the County has no oversight or insight regarding the investment of Defined Benefit funds as they are controlled by a ACCG Board.

Moving the Defined Benefit plan to MassMutual will enable the Retirement Pension Committee to manage the funds in the same manner as the Defined Contribution plan funds providing direct oversight and transparency of investments along with expected investment related savings that would benefit our employees' investment yields.

Under the proposed transition employees will have access to all of their account information through a single website and be able to view their entire retirement funding picture including estimates of their Social Security Benefits. Atlanta Retirement Partners will provide plan information, retirement planning and asset distribution. The Retirement Pension Committee approved the Defined Benefit plan transition at its October 29, 2015 meeting.

Attached are the proposed transition time-line and examples of investment related detail for your review and consideration.

What action are you seeking from the Board of Commissioners?

Approval to proceed with transitioning the County's Defined Benefit retirement plan from GEBCorp to MassMutual and to authorize the Chairman to sign any associated documents.

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:

Defined Contribution plan assets total \$32M; the Defined Benefit plan assets total \$40M.

**INVESTMENT DETAIL CURRENTLY AVAILABLE FOR THE
DEFINED BENEFIT (DB) PLAN**

**Investment Detail Currently Available for the
Defined Benefit Plan**

Association County Commissioners of Georgia

Fayette County Defined Benefit Plan

Actuarial Valuation

as of

January 1, 2015

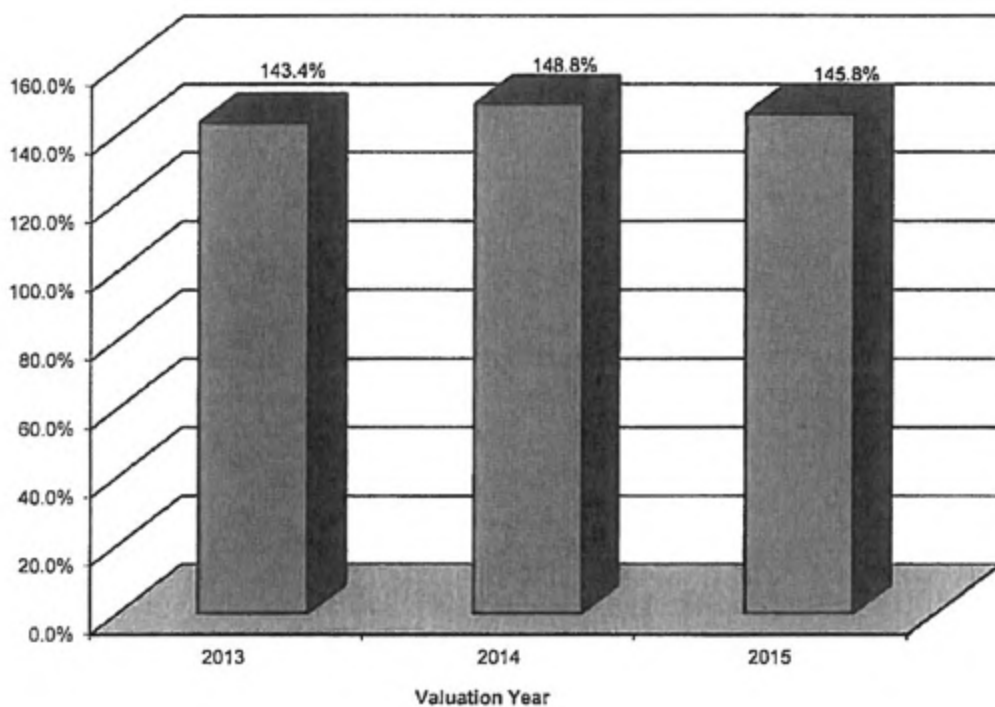
Prepared By:
GEBCorp
400 Galleria Parkway
Suite 1250
Atlanta, Georgia 30339
(800) 736-7166

Report Highlights and Actuarial Certification For the 2015 Plan Year

Funding Ratio Trends

The chart below represents the three year Funding Ratio trend of the Actuarial Value of Assets as a percentage of the Present Value of Accumulated Plan Benefits

3 Year History of ACCG Funding Ratio
(Actuarial Value of Assets as a % of the Present Value of Accumulated Plan Benefits)



The ratio of the Actuarial Asset Value to the Present Value of Accumulated Plan Benefits ("Funding Ratio") has been identified by the Trustees as an important ratio to monitor the long term financial stability of the Plan. The Funding Ratio illustrates the adequacy of assets to satisfy the accrued or "earned" benefits of plan participants as of the valuation date.

Although the actuarial value of plan assets increased by more than the anticipated 7.5% return, the asset gain was not substantial enough to maintain a funding ratio as of January 1, 2015 that is almost 150%.

Development of Annual Contribution (Level Percent of Compensation)

	<u>2015</u>	<u>2014</u>
1. Participant Counts		
a. Active Participants	573	649
b. Retirees and Beneficiaries	64	52
c. Deferred Vested (former employees)	105	91
d. Disabled in Pay Status	0	0
e. Total	742	792
2. Covered Compensation for Active Participants	\$26,898,226	\$29,389,328
3. Actuarial Accrued Liability		
a. Active Participants	\$23,099,150	\$21,235,837
b. Retirees and Disabled	10,439,828	8,907,581
c. Deferred Vested (former employees)	1,753,426	1,675,847
d. Total	\$35,292,404	\$31,819,265
4. Actuarial Value of Assets (see page 10 for detail)*	\$39,991,000	\$35,052,441
5. Unfunded Actuarial Accrued Liability (3. - 4.)	(\$4,698,596)	(\$3,233,176)
6. Total Amortizations	(\$282,129)	(\$131,113)
7. Normal Cost for the Plan Year	\$868,884	\$921,991
8. Pre-Retirement Death Benefit Expense	\$0	\$0
9. Administrative Expenses for the Plan Year	\$106,695	\$114,168
10. Annual Contribution (Level Percent of Compensation)		
a. Employer Contribution	\$20,994	\$170,313
b. Estimated Employee Contribution	672,456	734,733
c. Total (Before Application of any accumulated contribution credits)	\$693,450	\$905,046
11. Employer Contributions as a Percent of Payroll	0.1%	0.6%
12. Employee Contributions as a Percent of Plan Cost	97.0%	81.2%

* Reflects change to asset smoothing adopted by the ACCG Pension Plan and Trust Board of Trustees.

Reconciliation of Plan Assets

1. Fund Balance of Plan Assets as of January 1, 2014	\$37,621,735
2. Changes in Assets During the Year	
Income	
a. Employer Contributions	\$169,524
b. Employee Contributions	721,377
c. Prefunded Contributions	0
d. Asset Transfer	0
e. Net Investment Income	2,679,620
f. Employee Contribution - BuyBack	1,811,283
g. Total Income	<u>5,381,804</u>
Disbursements	
h. Benefits Paid	1,002,929
i. Post-Retirement Death Benefit Expense	(35)
j. Pre-Retirement Death Benefit Expense	0
k. Administrative Fees Paid	116,354
l. Refund of Employee Contributions	214,263
m. Total Disbursements	<u>1,333,511</u>
Net Income	<u>\$4,048,293</u>
3. Fund Balance of Plan Assets as of January 1, 2015	\$41,670,028
4. Contributions Receivable from the County	40,634
5. Administration Fee Payable	114,168
6. Accrued Investment Fee Payable	40,532
7. Due from the Insurance Pool	51,140
8. Total Market Value of Plan Assets as of January 1, 2015	<u>\$41,607,102</u>
9. Actuarial Value of Assets (see page 10 for detail) as of January 1, 2015	<u>\$39,991,000 *</u>

* Reflects change to asset smoothing adopted by the ACCG Pension Plan and Trust Board of Trustees.

Reconciliation of Plan Assets (Continued)

<u>Gain/(Loss) on Asset Performance</u>	2011	2012	2013	2014
Market Value of Assets at Beginning of Plan Year	\$19,170,492	\$21,575,968	\$30,710,443	\$37,550,226
Interest	\$1,485,713	\$1,672,138	\$2,380,059	2,816,267
Employer Contributions	\$2,448,192	\$6,940,987	2,366,380	2,615,273
Interest on Employer Contributions	\$36,524	\$40,478	23,484	1,161
Distributions with interest	(57,389)	(488,964)	(926,657)	(1,040,539)
Expected Market Value of Assets at End of Plan Year	\$23,083,532	\$29,740,607	\$34,553,709	\$41,942,388
Actual Market Value of Assets	21,575,968	30,710,443	37,550,226	41,607,102
Actuarial Asset Gain/(Loss)	(\$1,507,564)	\$969,836	\$2,996,517	(\$335,286)

Actuarial Value
\$41,607,102

1. Market Value of Assets (MVA) as of January 1, 2015	
2. Increase/(Decrease) in Asset Value from Prior Years' (Gain)/Loss:	
80% of 2014 Investment (Gain)/Loss	\$268,229
60% of 2013 Investment (Gain)/Loss	(1,797,910)
40% of 2012 Investment (Gain)/Loss	(387,934)
20% of 2011 Investment (Gain)/Loss	301,513
Total Increase/(Decrease)	(1,616,102)
3. Actuarial Value of Assets as of January 1, 2015 prior to application of 80%/120% corridor	
4. Minimum Actuarial Value of Assets as of January 1, 2015 (80% of MVA)	\$39,991,000
5. Maximum Actuarial Value of Assets as of January 1, 2015 (120% of MVA)	33,285,682
6. Actuarial Value of Assets as of January 1, 2015 = greater of (4) and lesser of (3) and (5)	49,928,522
7. Actuarial Value of Assets as a Percentage of Market Value	\$39,991,000 *
	96.12%

* Reflects change to asset smoothing adopted by the ACCG Pension Plan and Trust Board of Trustees.

**INVESTMENT DETAIL CURRENTLY AVAILABLE FOR THE
DEFINED CONTRIBUTION (DC) PLAN**

**Investment Detail Currently Available for the
Defined Contribution Plan**

Fayette County 401 & 457 Plans Executive Summary



INVESTMENT	FUND ID	ASSETS	3Q15	2Q15	1Q15	4Q14	3Q14	2Q14	1Q14	4Q13
Large Value	E RidgeWorth Large Cap Value Equity I	STVTX	\$1,199,586	8	8	8	10	10	10	11
Large Blend	E MM S&P 500® Index R4	MIEAX	\$2,578,717	-	-	-	-	-	-	-
	W MassMutual Select Focused Value A	MFVAX	\$2,561,722	4	8	8	9	7	7	8
Large Growth	E MassMutual Select Growth Opps A	MMAAX	\$2,373,061	7	9	9	9	10	11	11
Mid-Cap Value	W RidgeWorth Mid-Cap Value Equity A	SAMVX	\$102,487	4	4	4	7	8	6	5
Mid-Cap Blend	E MM S&P® Mid Cap Index A	MDKAX	\$1,295,506	-	-	-	-	-	-	-
Mid-Cap Growth	E Wells Fargo Advantage Discovery Inv	STDIX	\$734,512	8	10	8	9	9	9	11
Small Value	E AllianzGI NFJ Small-Cap Value A	PCVAX	\$415,009	7	7	7	6	9	7	6
Small Blend	W Invesco Select Companies A	ATIAX	\$697,963	5	5	6	7	10	8	9
Small Growth	E Oppenheimer Discovery A	OPOCX	\$361,564	11	10	9	8	8	8	10
Moderate Allocation	E Oakmark Equity & Income I	DAKBX	\$1,861,599	11	11	9	11	5	7	7
Foreign Large Blend	R Manning & Napier World Opportunities A	EXWAX	\$1,417,015	6	6	6	6	6	7	7
	A MM MSCI EAFE® International Index A	MKRAX	-	-	-	-	-	-	-	-
World Stock	W American Funds Capital World Gr&Inc R3	RWICX	\$1,340,406	6	7	9	8	8	8	8
Specialty - Financial	E T. Rowe Price Financial Services	PRISX	\$30,489	8	10	8	8	9	7	8
Specialty - Health	W Alger Health Sciences A	AHSAX	\$145,992	4	4	4	4	5	5	5

Fund Color: A = To Be Added P = Proposed R = Replace W = Watch

Score Legend: Pass Fail

NS = No fund score available at this time. *** = data is missing for one or more criteria (see Fund Criteria Report for detailed criteria). **** = Returns and scores for this fund based on historical performance of its oldest share class, updated to reflect adjusted fees and expenses.



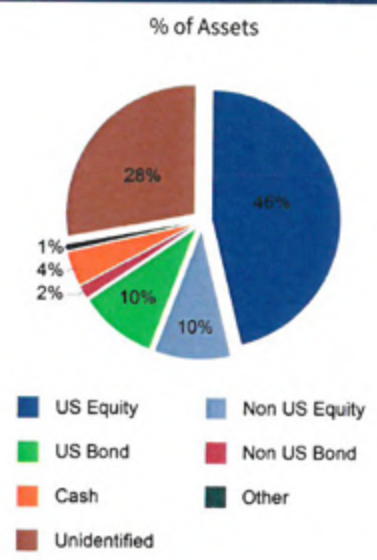
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as of 9/30/15

Fayette County 401 & 457 Plans Asset Allocation



INVESTMENT	ASSETS	% OF ASSETS
Total Plan Assets	\$30,643,098	100.00%
Large Value	\$1,199,586	3.91%
RidgeWorth Large Cap Value Equity I	\$1,199,586	3.91%
Large Blend	\$5,140,439	16.78%
MM S&P 500* Index R4	\$2,578,717	8.42%
W MassMutual Select Focused Value A	\$2,561,722	8.36%
Large Growth	\$2,373,061	7.74%
MassMutual Select Growth Opps A	\$2,373,061	7.74%
Mid-Cap Value	\$102,487	0.33%
W RidgeWorth Mid-Cap Value Equity A	\$102,487	0.33%
Mid-Cap Blend	\$1,295,506	4.23%
MM S&P* Mid Cap Index A	\$1,295,506	4.23%
Mid-Cap Growth	\$734,512	2.40%
Wells Fargo Advantage Discovery Inv	\$734,512	2.40%
Small Value	\$415,009	1.35%
AllianzGI NFJ Small-Cap Value A	\$415,009	1.35%
Small Blend	\$697,963	2.28%
W Invesco Select Companies A	\$697,963	2.28%
Small Growth	\$361,564	1.18%
Oppenheimer Discovery A	\$361,564	1.18%



Fund Color: R = Replace W = Watch



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as of 9/30/15

Fayette County 401 & 457 Plans Performance Summary



INVESTMENT	ASSETS	LAST QTR	YTD	1 YR	3 YR	5 YR	10 YR	SI	INCEPTION DATE	GROSS EXP	NET EXP	SCORE
Money Market/Stable Value												
Core Bond SAGIC	\$8,509,723	n/a	n/a	n/a (na)	n/a (na)	n/a (na)	n/a (na)	n/a	n/a	n/a	n/a	n/a
USTREAS T-Bill Auction Ave 3 Mon		n/a	n/a	n/a	n/a	n/a	n/a	-	-	-	-	-
Intermediate-Term Bond												
R PIMCO Total Return A** (MF)	\$2,982,790	-0.18	-0.04	1.18 (69)	0.97 (79)	2.83 (67)	5.31 (12)	6.06	1/13/1997	0.85	0.85	3
A Western Asset Core Plus Bond I (MF)		0.72	1.08	2.61 (18)	2.77 (09)	4.46 (07)	5.66 (06)	6.31	7/8/1998	0.49	0.45	11
Peer Group Metric - MF		n/a	0.50	1.74	1.55	3.22	4.48	-	-	-	0.86	-
Barclays US Agg Bond TR USD		1.23	1.13	2.94	1.71	3.10	4.64	-	-	-	-	-
High Yield Bond												
MassMutual Premier High Yield A** (MF)	\$83,568	-3.49	0.45	-2.78 (41)	5.30 (04)	7.39 (02)	6.43 (28)	6.25	11/1/2004	1.14	1.10	10
Peer Group Metric - MF		n/a	-2.14	-3.30	2.97	5.34	5.95	-	-	-	1.10	-
BofAML US HY Master II TR USD		-4.90	-2.53	-3.57	3.47	5.94	7.11	-	-	-	-	-
Target Date 2021-2025												
American Century One Choice 2025 A (MF)	\$567,894	-4.69	-3.83	-1.42 (21)	5.63 (64)	7.03 (50)	5.27 (12)	5.98	8/31/2004	1.07	1.07	7
Peer Group Metric - MF		n/a	-4.06	-2.33	6.15	7.03	4.27	-	-	-	0.91	-
Morningstar Lifetime Moderate 2025		-5.41	-4.20	-2.75	6.17	7.80	5.97	-	-	-	-	-

Fund Color: A = To Be Added P = Proposed R = Replace W = Watch

The performance data quoted represents past performance and does not guarantee future results. Current performance may be lower or higher than return data quoted herein. Returns assume reinvestment of dividends and reinvestment of dividends and capital gains and are adjusted to reflect ongoing fund expenses but not taxes. Funds marked with ** reflect the historical performance of the oldest share class, adjusted to reflect updated fees and expenses. Refer to Net Expense Disclosure section.

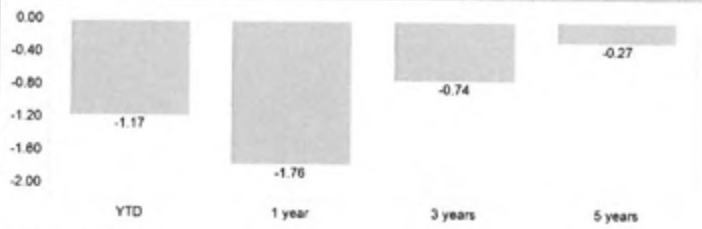
PIMCO Total Return A

Investment Review

LPL FINANCIAL RESEARCH

Ticker	PITAX	Manager Tenure (Years)*	1.01
Secid	FDUS400J4N	Prospectus Net Exp. Ratio*	0.85
Share Class Inception	1/13/1997	Prospectus Gross Exp. Ratio*	0.85
Fund Inception	1/13/1997	Fund Company Website	www.pimco.com
Morningstar Category	US OE Intermediate-Term Bond	Fund Assets* (in mil)	9,970.20
Manager Name	Management Team	Fund Assets, All Share Classes* (in mil)	98,101.44
Manager Start Date	9/26/2014		
Benchmark	Barclays US Agg Bond TR USD		

Trailing Excess Returns vs. Benchmark



LPL Financial 12 Factor Scoring

Style Consistency	3-Year Info. Ratio > 0	3-Year Beta	5-Year Info. Ratio > 0	5-Year Beta	5-Year Up = Down Ratio	5-Year R-sqd. > 80%	1-Year Return vs. Peers	3-Year Return vs. Peers	5-Year Return vs. Peers	Mgr. Tenure	Relative Expense Ratio	Total Score
1	0	0	0	1	0	0	0	0	0	0	1	3

3-Year Portfolio Statistics - Factor 2, 3

Time Period: 10/1/2012 to 9/30/2015

	Standard Deviation	Sharpe Ratio	Information Ratio (arith)	Beta	Up Capture Ratio	Down Capture Ratio	R-Squared
PIMCO Total Return A	3.70	0.27	-0.49	1.18	107.56	134.33	84.98
Barclays US Agg Bond TR USD	2.90	0.58		1.00	100.00	100.00	100.00

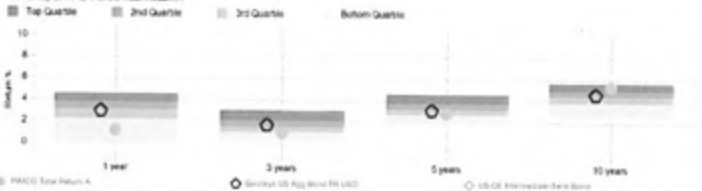
5-Year Portfolio Statistics - Factor 4, 5, 6, 7

Time Period: 10/1/2010 to 9/30/2015

	Standard Deviation	Sharpe Ratio	Information Ratio (arith)	Beta	Up Capture Ratio	Down Capture Ratio	R-Squared
PIMCO Total Return A	3.71	0.76	-0.12	1.04	109.24	131.36	60.70
Barclays US Agg Bond TR USD	2.78	1.09		1.00	100.00	100.00	100.00

Performance Relative to Peer Group - Factor 8, 9, 10

Peer Group (5.40%): PIMCO Total Return A



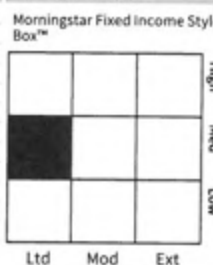
Trailing Returns

	1 year	Rank %	3 years	Rank %	5 years	Rank %	10 years	Rank %
PIMCO Total Return A	1.18	69	0.97	79	2.83	67	5.31	12
Barclays US Agg Bond TR USD	2.94	10	1.71	48	3.10	64	4.64	47
Median	1.74		1.55		3.22		4.48	
Count	n/a		n/a		n/a		n/a	

Fixed Income Style History

Year	Style
2015-06	High
2010-03	High
2009-12	High
2009-09	High
2009-06	High
2009-03	High
2008-12	High
2008-09	High
2008-06	High
2008-03	High
2007-12	High
2007-09	High

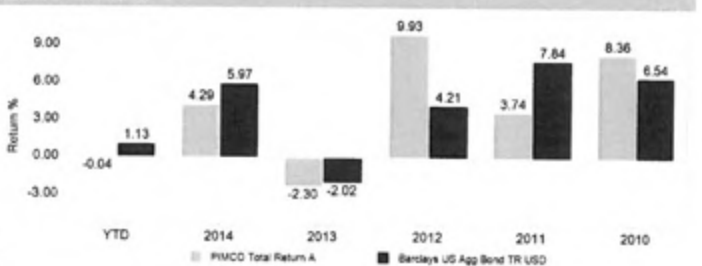
Fixed Income Style



Fixed Income Statistics

SEC Yield Date	8/31/2015
SEC Yield	3.00
Average Eff Duration	4.00
Average Eff Maturity	7.00
Average Coupon	4.00
Average Price	

Calendar Year Returns



	YTD	2014	2013	2012	2011	2010
PIMCO Total Return A	-0.04	4.29	-2.30	9.93	3.74	8.36
Barclays US Agg Bond TR USD	1.13	5.97	-2.02	4.21	7.84	6.54

PIMCO Total Return A

Investment Review

LPL FINANCIAL RESEARCH

Fund versus Peer Group

	Inception Date	YTD	1 Year	3 Year	5 Year	Manager Tenure (Longest)	Prospectus Net Expense Ratio
Intermediate-Term Bond							
PIMCO Total Return A	1/13/1997	-0.04	1.18	0.97	2.83	1.01	0.85
Median		0.50	1.74	1.55	3.22	8.34	0.79
Average						9.03	0.86
25th Percentile		0.95	2.36	2.06	3.71	13.47	1.02
50th Percentile		0.50	1.74	1.55	3.22	8.34	0.79
75th Percentile		-0.14	0.84	1.07	2.69	3.85	0.55

Fixed Income Sector Exposure

Portfolio Date: 6/30/2015



	%		%
Government	28.74	10 Year US Treasury Note Future Sep	10.63
Municipal	1.28	Ins Utd 1.75000 05/06/16-2y Cme	6.35
Corporate	5.46	Euro BUND Future Sept15	6.30
Securitized	15.48	Ins Utd 2.50000 12/16/15-10y Lch	5.42
Cash & Equivalents	41.99	FRMA	4.99
Derivative	7.06	US Treasury Bond 3.125%	4.87
Total	100	Ins Utd 2.25000 12/16/15-7y Lch	4.27
		Ins Gbp 1.50000 09/16/15-2y Cme	3.97
		Ins Utd 1.30000 05/06/16-2y (Red) C	3.84

Key Statistics

Market Performance

Investment Strategy

	3 Years	5 Years		Inv	Cat Avg
Alpha	-1.00	-0.35	5 Yr Average Gain	0.89	0.74
Batting Average	50.00	56.67	5 Yr Average Loss	-0.90	-0.61
Max Drawdown	5.42	5.42	15 Yr (or Since Inception) Best Month	3.80	
Sortino Ratio	0.39	1.22	15 Yr (or Since Inception) Worst Month	-3.79	
Tracking Error	1.52	2.33	15 Yr (or Since Inception) Best Quarter	6.45	
			15 Yr (or Since Inception) Worst Quarter	-4.35	

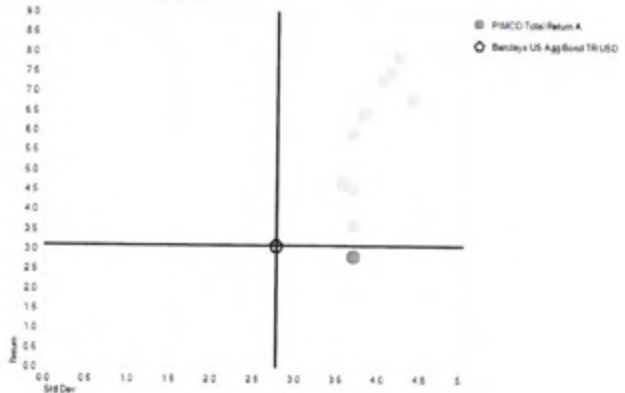
The investment seeks maximum total return, consistent with preservation of capital and prudent investment management. The fund normally invests at least 65% of its total assets in a diversified portfolio of Fixed Income Instruments of varying maturities, which may be represented by forwards or derivatives such as options, futures contracts, or swap agreements. It invests primarily in investment-grade debt securities, but may invest up to 10% of its total assets in high yield securities ("junk bonds") rated B or higher by Moody's, or equivalently rated by S&P or Fitch, or, if unrated, determined by PIMCO to be of comparable quality.

Yearly Return

	2010	2011	2012	2013	2014	2015
Fund	8.36	3.74	9.93	-2.30	4.29	
Peer Group 25 Percentile	8.95	7.19	8.29	-6.6	6.09	
Peer Group 50 Percentile	7.58	6.35	6.74	-1.57	5.50	
Peer Group 75 Percentile	6.52	5.39	5.19	-2.29	4.58	
Benchmark	6.54	7.84	4.21	-2.02	5.97	

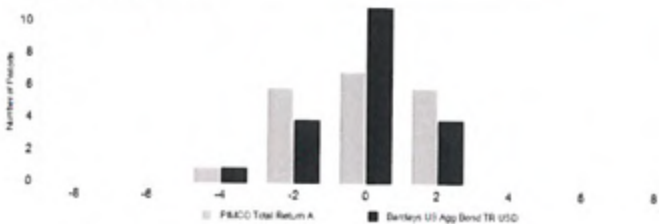
Risk Reward

Time Period: 10/1/2012 to 9/30/2015



Return Distribution

Time Period: 10/1/2010 to 9/30/2015



COUNTY AGENDA REQUEST

New Business #27

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of staff's recommendation to adopt Ordinance 2015-16- Transportation Committee and in so doing adding a new division to the Fayette County Code of Ordinances to provide for the establishment of the Fayette County Transportation Committee.

Background/History/Details:

Ordinance 2015-16 is proposed for the establishment of the Transportation Committee.

The purpose of the Transportation Committee is to: a) identify traffic problems in the County; b) provide recommendations to the Board of Commissioners for short-and long-term priorities; c) provide input on project alignments and alternatives; d) assist with identification of funding sources, solicitation of federal funds, grants, etc., e) assist with coordination of projects between the County and municipalities; f) provide appropriate focus on projects to ensure accountability of staff and consultants, g) provide recommendations for long-term goals; h) identify and support safety initiatives; and i) assemble information and facilitate communication of the County's views and concerns to the Georgia Department of Transportation (GDOT) and the Atlanta Regional Commission (ARC.)

It is the intent of the Board of Commissioners that the Fayette County Transportation Committee fully explore traffic issues and provide information and recommendations to staff and the elected officials.

Ordinance 2015-16 further provides for the organization and membership of the committee, establishes terms for the members, and provides direction on compensation, quorum, meeting requirements, and election of the chairman and secretary of the committee.

What action are you seeking from the Board of Commissioners?

Adoption of Ordinance 2015-16- Transportation Committee.

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 OF FAYETTE

STATE OF GEORGIA

ORDINANCE NO.

2015-16

AN ORDINANCE BY THE BOARD OF COMMISSIONERS FOR FAYETTE COUNTY TO PROVIDE FOR AN ADVISORY COMMITTEE TO BE KNOWN AS THE FAYETTE COUNTY TRANSPORTATION COMMITTEE; TO PROVIDE FOR TERMS OF OFFICE; TO PROVIDE FOR THE INITIAL MEMBERSHIP; TO PROVIDE FOR THE FILLING OF VACANCIES; TO PROVIDE FOR THE TAKING OF AN OATH; TO PROVIDE FOR A REQUIREMENT OF REGULAR MEETINGS; TO PROVIDE FOR REMOVAL OF MEMBERS; TO PROVIDE FOR COMPENSATION; TO PROVIDE FOR QUALIFICATIONS; TO PROVIDE FOR OFFICERS; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT ARTICLE VI OF CHAPTER 2 OF THE CODE OF ORDINANCES FOR FAYETTE COUNTY PERTAINING TO THE ESTABLISHMENT OF BOARDS AND COMMISSIONS BE AMENDED BY ADDING A NEW DIVISION TO PROVIDE FOR THE ESTABLISHMENT OF THE FAYETTE COUNTY TRANSPORTATION COMMITTEE AS FOLLOWS:

Section 1. By adding a new division with appropriate sections to Article VI of Chapter 2 to be numbered and to be entitled as follows:

DIVISION 3. FAYETTE COUNTY TRANSPORTATION COMMITTEE

Section 2. By adding a section to Division 3 creating the Fayette County Transportation Committee to be numbered and to read as follows:

Sec. 2-476. Created; purpose and intent.

In order to make recommendations to the Board of Commissioners of Fayette County as to the formulation of current and long-range plans for transportation issues within Fayette County, including, but not limited to, traffic congestion, road conditions, etc., the Fayette County Transportation Committee is hereby created and established. The Fayette County Transportation Committee shall be organized and empowered as set out in this Division. The Fayette County Transportation Committee shall be created for the following purposes:

- (a) To identify traffic problems in the County, e.g., safety, congestion, alternatives (multiuse paths), and other issues;
- (b) To provide recommendations to the Board of Commissioners for short- and long-term priorities;
- (c) To provide input on project alignments and alternatives;
- (d) To assist with identification of funding sources, solicitation of federal funds, grants, etc.;
- (e) To assist with coordination of projects between the County and the municipalities;
- (f) To provide appropriate focus on projects to ensure accountability of staff and consultants;

(g) To provide recommendations for long-term goals (capacity, paths, senior services, etc.);

(h) To identify and support safety initiatives; and

(i) To assemble information and facilitate communication of the County's views and concerns to GDOT and the Atlanta Regional Commission.

It is the intent of the Board of Commissioners that the Fayette County Transportation Committee fully explore traffic issues and provide information and recommendations to staff and the elected officials.

Section 3. By adding a section to Division 3 for the organization of the Fayette County Transportation Committee to be numbered and to read as follows:

Sec. 2-477. Organization.

(a) Membership. The Fayette County Transportation Committee shall consist of eighteen (18) members who shall be appointed as follows:

1. Two (2) members shall be selected by the Board of Commissioners from County staff;

2. Two (2) members shall be current members of the Board of Commissioners, or their designees;

3. Five (5) members shall come from the staff of each of the municipalities within Fayette County (one (1) each);

4. Five (5) members shall come from the elected officials of each of the municipalities within Fayette County (one (1) each);

5. One (1) member shall come from the Fayette County Chamber of Commerce;

6. One (1) member shall come from the Fayette County Sheriff's Office; and

7. Two (2) members shall be Fayette County citizens with technical expertise which is consistent with the Committee's purposes.

8. Terms.

a. The terms of the members shall be for three (3) years, except that in the appointment of the first Fayette County Transportation Committee under the terms of this section, six (6) members (the two members from the Board of Commissioners, the two members from the County staff, the member from the Sheriff's Office, and the member from the Chamber of Commerce) shall be appointed for a term of three (3) years; six (6) members (the five elected officials from the municipalities and one Fayette County citizen with technical expertise) shall be appointed for a term of two (2) years, and six (6) members (the five members from the staffs of the municipalities and the remaining Fayette County citizen with technical expertise) shall be appointed for one (1) year.

b. The Board of Commissioners of Fayette County, as of the passage of this ordinance, shall appoint the following members: Two (2) members from the Board of Commissioners; two (2) County staff members; one (1) member from the Chamber of Commerce; and two (2) Fayette County citizens with technical expertise. The names of the aforementioned members are attached hereto as Exhibit "A" with such exhibit being incorporated into this ordinance by this reference herein. The terms of all members shall begin on the first day of the

month following the month in which the Fayette County Transportation Committee is activated.

c. Except as otherwise provided herein, all members of the Fayette County Transportation Committee shall, if necessary, hold over until their successors are appointed and qualified. The successors shall be appointed in the same manner as the initial members in the month immediately preceding the expiration of the members' respective terms of office. Any member of the Fayette County Transportation Committee may be re-selected and re-appointed to serve a succeeding term. All elected officials are eligible to serve so long as they remain in office. Should any elected official no longer hold his/her elected office, his/her seat shall be deemed vacant upon the end of the term of the elected office. The occurrence of any vacancy due to an elected official no longer being in office shall be filled by the municipality where the vacancy occurred in the same manner as the original appointment was made for the remainder of the unexpired term.

9. Oath of office. All persons who serve as a member of the Fayette County Transportation Committee shall first execute and file with the County Clerk an oath obligating himself/herself to faithfully and impartially perform the duties of his/her office with such oath to be administered by the Chairman of the Board of Commissioners.

10. Vacancies; removal. A vacancy in membership shall be filled for the unexpired term in the same manner in which the person creating the vacancy was appointed. The Board of Commissioners shall have the power to remove any member of the Fayette County Transportation Committee who was appointed by the Board of

Commissioners, for cause, by a majority vote of the members of Board of Commissioners.

11. Compensation. All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties if such expenses are approved by the County Administrator.

12. Quorum. Ten (10) members of the Fayette County Transportation Committee shall constitute a quorum. A vacancy shall not impair the right of the quorum to exercise all rights and perform all the duties of the Fayette County Transportation Committee.

13. Meetings. The Fayette County Transportation Committee shall meet on a regular basis with the meetings to occur at least monthly. The minutes of each meeting shall be forwarded to the Board of Commissioners of Fayette County on a regular basis. The Board of Commissioners of Fayette County shall provide a meeting room for the Fayette County Transportation Committee.

14. Disqualification. Any member who is not currently an elected official who announces or qualifies for an elected office shall be deemed disqualified to serve as a member of the Fayette County Transportation Committee upon the occurrence of such announcement or qualifying. Such disqualification shall take effect immediately and the seat shall be deemed vacant.

Section 4. By adding a section to Division 3 for the election of a chairman, the issuance of bylaws, recommending body and allowable expenditures of the Fayette County Transportation Committee to be numbered and to read as follows:

Sec. 2-478. Election of chairman; bylaws; miscellaneous.

The Fayette County Transportation Committee shall elect a chairman from among its members. The term of the chairman shall be for one (1) year. The Committee shall appoint a secretary, who may be an officer or employee of Fayette County. The Committee shall devise its own bylaws, which shall be supplied to the County Administrator. The Committee shall be a recommending body and will provide its recommendations to the Board of Commissioners through its chairman. Any incidental expenditures of the Committee shall be within the amounts appropriated for such purpose by the Board of Commissioners.

Section 5. By reserving additional sections for future use within this Division, sections 2-479 through 2-500.

Section 6. This ordinance shall take effect immediately upon its adoption by the Board of Commissioners of Fayette County.

Section 7. All other ordinances and parts of ordinances in conflict with this ordinance shall be deemed repealed.

SO ORDAINED this ____ day of _____, 2015.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

(SEAL)

By: _____
CHARLES W. ODDO, Chairman

ATTEST:

Floyd L. Jones, County Clerk

APPROVED AS TO FORM:

County Attorney

DRAFT

COUNTY AGENDA REQUEST

New Business #28

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of staff's recommendation to approve Change Orders with Southeastern Pressure Grouting, Inc., in the amount of \$12,570, to fill settled small voids in the Lake Peachtree Spillway and with Piedmont Geo-technical to oversee work and issue a final report approving the safety of the structure in the amount of \$7,316, and to authorize the County Administrator to sign related Change Orders.

Background/History/Details:

The Board of Commissioners awarded Quote #934-Q- Grouting Lake Peachtree Spillway to Southeastern Pressure Grouting Company for provide for labor, grout-filling and resealing of the spillway based on the Intergovernmental Agreement between the City of Peachtree City and Fayette County. The Board of Commissioners awarded Quote #997-N- Post construction evaluation Lake Peachtree Spillway to Piedmont Geo-technical to oversee the work and issue a final approval for the safety of this structure to be placed back in service.

The initial spillway repairs have settled leaving small voids in some areas and Southeastern Pressure Grouting Company will fill those voids with Piedmont Geo-technical overseeing their work in order to issue a final approval for the safety of this structure to be placed back in service as soon as all dredging activity is complete.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to approve Change Orders with Southeastern Pressure Grouting, Inc., in the amount of \$12,570, to fill settled small voids in the Lake Peachtree Spillway and with Piedmont Geo-technical to oversee work and issue a final report approving the safety of the structure in the amount of \$7,316, and to authorize the County Administrator to sign related Change Orders.

If this item requires funding, please describe:

Funds in the amount of \$19,886 are available and will be transferred from the Water System Renewal & Extension account.

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:

The proposed cost is based upon actual effort and is expected to be less than what is being requested.

SOUTHEASTERN PROPOSAL



**SOUTHEASTERN
PRESSURE GROUTING, INC.**
3069 McCALL DRIVE
SUITE 1
DORAVILLE, GA 30340

*“When professionalism counts,
Count on the professionals”*

Tele: 770-452-0390

FAX: 770-452-8138

www.sepgi.com

southeasternpressuregrouting@gmail.com

PROPOSAL

TO: Fayette County Purchasing Department
140 Stonewall Avenue, W
Suite 204
Fayetteville, GA 30214

ATTN: Lee Pope

SUBJECT: Crack Sealing – Void Fill
Lake Peachtree Spillway

DATE: November 3, 2015

SCOPE OF WORK:

To grout-fill additional areas of spillway where fine voids exist from 1/8” to 1-1/2” with one location at 4-1/2”. Approximately three rows of 16 injections each and along top of vertical joints. To clean loose materials from cracks in spillway and to seal with Tremco Vulkem 116 Polyurethane sealant, measuring approximately 750 linear feet to 850 linear feet as discussed and specified.

Southeastern Pressure Grouting, Inc., hereinafter referred to as SPGI, proposes to furnish:
A working crew of two (2) men including an experienced superintendent plus the following equipment:

1. Grout Pump
2. Grout Mixer
3. Drills
4. Necessary Water Hose and other concrete grouting materials.

Fayette County, hereinafter referred to as the buyer, agrees to furnish free to SPGI:

1. Water for mixing and clean up (3/4 water bib)
2. Access to areas where work is to be performed for checking and /or performing work.
3. Location of all underground utilities
4. Electricity
5. See Contract Conditions

The work outlined above is to be performed for amounts listed on the next page, including applicable insurance and taxes.

Fayette County Purchasing Department
Proposal – Page 2
November 3, 2015

1. The sum of \$ 1,850.00 per 8-hour day will be charged for all labor, equipment, material, and travel. Approximately 5 to 8 days.
2. The sum of \$12.85 per cubic foot of grout will be charged (approximately 200 to 500 cubic feet).
3. The sum of \$15.00 per tube of epoxy sealant will be charged (approximately 50 to 60 tubes).
4. Payment net 30 days.

This proposal is extended through December 3, 2015.

Proposal Presented By: Glenn Burns

Date: November 3, 2015

Glenn Burns

Southeastern Pressure Grouting, Inc.

3069 McCall Drive Suite 1

Doraville, GA 30340

Proposal Accepted By: _____

Date: _____

**PIEDMONT GEOTECHNICAL CONSULTANTS
PROPOSAL**

PIEDMONT GEOTECHNICAL CONSULTANTS, INC.

3000 NORTHFIELD PLACE, SUITE 1100* ROSWELL, GEORGIA 30076* (770) 752-9205 * FAX (770) 752-0890

November 30, 2015

Fayette County Water System
245 McDonough Road
Fayetteville, Georgia 30214

Attention: Mr. Lee Pope, Director

Subject: Request for Addendum #2-Fayette County Contract #997N
Lake Peachtree Dam-Spillway Grouting and Joint Sealing
Peachtree City, Fayette County, Georgia
PGC Proposal No. P15584R1

Dear Lee:

Piedmont Geotechnical Consultants, Inc. (PGC) sincerely appreciates the opportunity to provide this addendum to our current proposal to perform construction monitoring during this subsequent phase void grouting and joint sealing. Our original services are currently authorized through Fayette County Contract #997N, dated July 23, 2015.

PROJECT INFORMATION

It is our understanding Southeastern Grouting will be onsite beginning November 30, 2015 to resume grouting operations to complete filling of the remaining obvious voids and to perform sealing of the construction joints and larger cracks in the concrete slabs. You have requested that we provide monitoring during these operations to further investigate for the presence of voids and to verify that any voids identified are grout filled upon completion of this episode of grouting. This work is to be completed prior to refilling the reservoir. As part of this task, Southeastern Grouting will also clean and prepare construction joints and cracks, and seal using an approved joint sealant (caulk) or hydraulic cement. Southeastern Grouting has estimated that this work could take up to 5 work days to complete.

RECOMMENDED SCOPE OF WORK AND COST ESTIMATE

As requested, we are planning to staff this project with one of our senior project engineers who will monitor the work performed, recommend the placement of additional drilled holes for investigation and grouting, evaluate the preparation of the construction joints and cracks prior to placement of the sealant and review the completed project prior to the demobilization of the contractor. We have estimated up to five 10-hour days for these activities, including travel and mileage. The following will provide a more detailed breakdown and costs for these recommended additional services:

- Senior Project Engineer, estimate 50 hours x \$140/hour\$ 7,000.00
- Mileage, estimate 550 miles x \$0.575/mile\$ 316.25
- Total Costs\$7,316.25

We will not exceed your authorized budget without your prior approval.

INSURANCE

Piedmont Geotechnical Consultants, Inc. insurance is provided by a highly rated, national insurance provider.

Policy Type	Insurer	Limit of Liability
Professional Liability	C.N.A. Schinnerer	\$3,000,000.00
General Liability Aggregate	Hartford Insurance Group	\$1,000,000.00 \$2,000,000.00
Workers Compensation	Hartford Insurance Group	Statutory
Non-Owned and Hired Auto Liability	Hartford Insurance Group	\$1,000,000.00
Company Owned Vehicles	Hartford Insurance Group	\$1,000,000.00
Umbrella Liability (excludes Professional Liability)	Hartford Insurance Group	\$2,000,000.00

CLOSURE

Piedmont Geotechnical Consultants, Inc. sincerely appreciates the opportunity to provide this proposal for these professional services. If your review of this proposal is acceptable, please execute and return one copy of the attached Agreement for Services, or issue a revised or addendum contract for the revised scope or work and estimated costs. Should you have any questions regarding this proposal, please do not hesitate to contact the undersigned.

Sincerely,
Piedmont Geotechnical Consultants, Inc.



H. Craig Robinson, P.E.
Senior Project Engineer

HCR

cc: Addressee via email

**PIEDMONT GEOTECHNICAL CONSULTANTS, INC. (PGC)
STANDARD AGREEMENT FOR SERVICES**

This is an agreement made between _____, and PIEDMONT GEOTECHNICAL CONSULTANTS, INC., on _____. PIEDMONT GEOTECHNICAL CONSULTANTS, INC. agrees to provide services as outlined in Proposal Number P15584R1, dated November 30, 2015.

Services will be invoiced in accordance with the Unit Rate Fee Schedule attached. The Scope of Work outlined in the referenced Proposal, the Unit Rate Fee Schedule and Terms and Conditions attached, and this Standard Agreement for Services will be the basis for all work performed under this agreement.

Work Authorized By:

Work Accepted By:

(By) _____

(By) _____

Company: _____

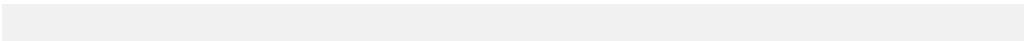
Company: Piedmont Geotechnical
Consultants, Inc.

Title: _____

Title: President

Date: _____

Date: November 30, 2015



III. LABORATORY TESTING

A.	Standard Proctor Compaction Test, each;.....	\$ 125.00
B.	Modified Proctor Compaction Test, each;.....	\$ 140.00
	(For Materials Requiring Replacement Gradation Add \$25.00)	
C.	Atterberg Limit Tests, each;.....	\$ 80.00
D.	Shrinkage Limits, each;.....	\$ 70.00
E.	Loss on Ignition (Organic Content), each;.....	\$ 60.00
F.	Sieve Analysis (Washed Sample Coarser Than No. 200 Sieve), each;	\$ 70.00
G.	Percent Finer and Coarser Than No. 200 Sieve (Wash 200), each;.....	\$ 60.00
H.	Grain Size Analysis (Sieve and Hydrometer), each;.....	\$ 115.00
I.	Hydrometer Analysis Only, each;	\$ 75.00
J.	Moisture Content, each;.....	\$ 16.00
K.	Tube Density, Unit Weight and Moisture Content, each;.....	\$ 70.00
L.	Relative Density Test, Dry Method, min. or max., each;.....	\$ 170.00
	(Wet Method Add \$25.00)	
M.	California Bearing Ratio (CBR), 3 points, each;	\$ 475.00
N.	CBR, Corps of Engineers Method (9 points), each;	\$1,430.00
O.	One Dimensional Consolidation Test, each;.....	\$ 450.00
	(To Remold Sample Add \$50.00)	
P.	Swell Pressure Test, each;.....	\$ 170.00
Q.	Permeability Tests, each;	\$ 370.00
	(To Remold Sample Add \$50.00)	
R.	Unconfined Compression, each;	\$ 170.00
	(To Remold or Trim Sample Add \$50.00)	
S.	Triaxial Shear Test (3 Circles), Unconsolidated-Undrained (UU, Q), each;.....	\$ 585.00
	(To Remold or Trim Samples Add \$150.00).....	
T.	Triaxial Shear Test (3 Circles), Consolidated-Undrained (CU, R), natural, each;	\$ 795.00
	(To Remold or Trim Samples Add \$150.00).....	
U.	Triaxial Shear Test (3 Circles), Consolidated-Undrained (CU saturated w/PP, R), each;	\$ 980.00
	(To Remold or Trim Samples Add \$150.00).....	
V.	Triaxial Shear Test (3 Circles), Consolidated-Drained (CD, S), each;.....	Scope Dependent
	(To Remold or Trim Samples Add \$150.00).....	
W.	Crumb Test, each;	\$ 16.00
X.	Pinhole Dispersion Test, each;.....	\$ 370.00

GENERAL CONDITIONS

SECTION 1: RIGHT OF ENTRY

1.1 The client will provide for right of entry of the geotechnical engineer and all equipment necessary in order to complete the work.

1.2 While the geotechnical engineer will take reasonable precautions to minimize damage to the property, it is understood by the client that in the normal course of work some damage may occur, the correction of which is not a part of this agreement.

SECTION 2: UTILITIES

2.1 In the prosecution of his work, the geotechnical engineer will take all reasonable precautions to avoid damage or injury to subterranean structures or utilities. The owner agrees to hold the geotechnical engineer harmless for any damage to subterranean structures or utilities which are not called to the geotechnical engineer's attention and correctly shown on the plans furnished.

SECTION 3: SAMPLES

3.1 The geotechnical engineer will retain all soil and rock samples for 30 days. Further storage or transfer of samples can be made at the owner's expense upon written request.

SECTION 4: INVOICES

4.1 The geotechnical engineer will submit invoices to the client monthly and a final bill upon completion of services. Invoices will show charges for different personnel and expense classifications. A more detailed separation of charges and back-up data will be provided at the client's request.

4.2 Payment is due upon presentation of the invoice and is past due thirty (30) days from the invoice date. Client agrees to pay a finance charge of one and one-half percent (1 1/2) per month, or the maximum rate allowed by law, on past due accounts.

SECTION 5: OWNERSHIP OF DOCUMENTS

5.1 All reports, boring logs, field notes, laboratory test data, calculations, estimates, and other documents prepared by the geotechnical engineer, as instruments of service, shall remain the property of the geotechnical engineer.

5.2 Client agrees that all reports and other work furnished to the client or his agents, which is not paid for, will be returned upon demand and will not be used by the client for any purpose whatever.

5.3 The geotechnical engineer will retain all records relating to the services performed for a period of five years following submission of the report, during which period the records will be made available to the client at all reasonable times.

SECTION 6: DISPUTES

6.1 In the event that a dispute should arise relating to the performance of the services to be provided under this Agreement, and should that dispute result in litigation, it is agreed that the prevailing party shall be entitled to recover all reasonable costs incurred in the defense of this claim, including staff time, court costs, attorneys fees, and other claim related expenses.

SECTION 7: STANDARD OF CARE

7.1 Service performed by the geotechnical engineer under this agreement will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions. No other warranty, either expressed or implied, is made.

7.2 The client recognizes that subsurface conditions may vary from those encountered at the locations where borings, survey, or explorations are made by the geotechnical engineer and that the data, interpolations and recommendations of the geotechnical engineer are based solely on the information available to him. The geotechnical engineer will be responsible for those data, interpretations, and recommendations, but shall not be responsible for the interpretation by others of the information developed.

SECTION 8: LIMITATION OF LIABILITY

8.1 The owner agrees to limit the geotechnical engineer's liability to the owner and all construction contractors and subcontractors on the project arising from the geotechnical engineers professional acts, errors, or omissions, such that the total aggregate liability of the geotechnical engineer to all those named shall not exceed \$50,000.00 or the geotechnical engineer's total fee for the services rendered on this project, whichever is greater. The owner further agrees to require of the contractor and his subcontractors an identical limitation of the geotechnical engineer's liability for damages suffered by the contractor or subcontractor arising from the geotechnical engineers professional acts, errors or omissions. Neither the contractor nor any subcontractor assumes any liability for damage to others which may arise on account of the geotechnical engineer's professional acts, errors, or omissions.

SECTION 9: TERMINATION

9.1 This agreement may be terminated by either party upon seven (7) days written notice in the event of substantial failure by the other party to perform in accordance with the terms thereof. Such termination shall not be effective if that substantial failure has been remedied before expiration of the period specified in the written notice. In the event of termination, the geotechnical engineer shall be paid for services performed to the termination notice date, plus reasonable expenses.

9.2 In the event of termination, or suspension for more than three (3) months, prior to completion of all reports contemplated by this agreement, the geotechnical engineer may complete such analyses and records as are necessary to complete his files and may also complete a report on the services performed to the date of notice of termination or suspension. The expenses of termination or suspension shall include all costs of the geotechnical engineer in completing such analyses, records, and reports.

SECTION 10: ASSIGNS

10.1 Neither the client nor the geotechnical engineer may delegate, assign, sublet, or transfer his duties or interest in this Agreement without the written consent of the other party.

COUNTY AGENDA REQUEST

New Business #29

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Discussion concerning Fayette County's Ethics Ordinance.

Background/History/Details:

The Board of Commissioners adopted Fayette County's current Ethics Ordinance (Ordinance No. 2015-09) on September 24, 2015 with virtually no discussion.

The current Ethics Ordinance contains provisions which are substantially different from prior ethics ordinances adopted by Fayette County causing several issues to surface. One of the issues is the requirement of a committee to provide names to the Board of Commissioners to populate the Ethics Board. Currently, there is no such committee.

Other issues able to be discussed include but are not limited to the following: 1) Does the Board want to create another committee for the the purpose of providing names to populate the Ethics Board; 2) Would it be better to have a board composed of individuals who are familiar with procedures to observe for the hearing before the Ethics Board rather than detailing the procedures in an ordinance; 3) What is the best make-up of an ethics board; 4) Are the defined terms in the ethics ordinance "tight enough" for ease of use; 5) Does the Board want an objective (dollar amount) or subjective (reasonable person standard) employed to determine whether the Ethics Ordinance has been violated, and 6) Are the prohibitions sufficient and/or easy to understand.

What action are you seeking from the Board of Commissioners?

Staff seeks direction from the Board on how to proceed.

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:

"Exhibit A" is the 1999 Fayette County Ethics Ordinance. "Exhibit B" is Ordinance 2015-09 as adopted in September 2015.

LAW OFFICES
McNALLY, FOX, GRANT & DAVENPORT

A PROFESSIONAL CORPORATION

100 HABERSHAM DRIVE

FAYETTEVILLE, GEORGIA 30214-1381


WILLIAM R. McNALLY
PATRICK J. FOX
PHILIP P. GRANT
DENNIS A. DAVENPORT
PATRICK A. STOUGH
MEREDITH F. McCLURE

TELEPHONE: (770) 461-2223
FACSIMILE: (770) 719-4832
(770) 461-5863

MAILING ADDRESS:
POST OFFICE BOX 849
FAYETTEVILLE, GA 30214-0849

MEMORANDUM

TO: BOARD OF COMMISSIONERS OF FAYETTE COUNTY

FROM: McNALLY, FOX, GRANT & DAVENPORT, P.C. 

RE: FAYETTE COUNTY ETHICS ORDINANCE

DATE: NOVEMBER 25, 2015

The Board of Commissioners adopted the current Ethics Ordinance at its September 24, 2015 meeting. The Ethics Ordinance, as adopted, contains provisions which are substantially different from prior ethics ordinances adopted by Fayette County. One issue which has surfaced which needs to be addressed in some fashion is the requirement of a committee to provide names to the Board of Commissioners to populate the Ethics Board. Currently, there is no such committee. At the September 24th meeting, there was virtually no discussion on the proposed ordinance. Some issues which merit discussion are as follows:

- Does the Board of Commissioner want to create another committee for the purpose of providing names to populate the Ethics Board?
- A substantial amount of verbiage in the Ethics Ordinance is devoted to procedures to observe for the hearing before the Ethics Board. Would it be better to have a board composed of individuals who are familiar with such procedures rather than having to spell them out?
- What is the best make-up of an ethics board: Interested individuals; Attorneys; Board of Commissioners?
- Are the defined terms tight enough for ease of use? There are some definitions which appear to be in conflict: "Substantial Interest" and "Business in which a County Official has a Substantial Interest" come to mind. The "Section X Entity" is defined, but that term is not used in the Ethics Ordinance.
- Do you want an objective (dollar amount) or a subjective (reasonable person standard) standard employed to determine whether the Ethics Ordinance has been violated?
- Are the prohibitions sufficient? Are they easy to understand?

Memorandum
November 25, 2015
Page 2

These comments are not intended to be exclusive, but are representative of issues which could benefit from discussion by and direction from the Board of Commissioners. The 1999 Ethics Ordinance and the current Ethics Ordinance are being provided to show different treatments of some of the issues.

EXHIBIT A

1999 FAYETTE COUNTY ETHICS ORDINANCE

COUNTY OF FAYETTE

STATE OF GEORGIA

ORDINANCE NO. 99-____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF FAYETTE COUNTY; TO REVISE THE EXISTING CODE OF ETHICS FOR FAYETTE COUNTY; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR PROCEDURES FOR VIOLATIONS; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME, THAT CHAPTER 2 OF THE FAYETTE COUNTY CODE BE AMENDED BY ADDING A NEW ARTICLE TO READ AS FOLLOWS:

I. TEXT OF ORDINANCE.

ARTICLE VIII. CODE OF ETHICS OF FAYETTE COUNTY

Sec. 2-207. Purpose and intent.

The purpose of this Code of Ethics is to establish ethical standards of conduct for all officials and employees of Fayette County by identifying acts or actions that are incompatible with

the best interests of the community and the organization and by requiring disclosure by such officials and employees of private financial, or other interests, in matters affecting the County.

Those covered officials and employees are bound to observe in their official acts the highest standards of behavior and to faithfully discharge the duties and responsibilities of their office, regardless of personal considerations, recognizing that the public interest must be their primary concern.

Covered officials and employees shall not exceed their authority or breach the law, or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

Sec. 2-208. Definitions.

The following words, terms and phrases, when used in the Code of Ethics of Fayette County, shall have the meanings ascribed to them in this section:

- (1) "Code of Ethics" means the Code of Ethics of Fayette County.
- (2) "County" means Fayette County, Georgia.
- (3) "Covered Official" means any member of the Board of Commissioners of Fayette

County and any person who has been appointed to a position by the Board of Commissioners of Fayette County including, but not limited to, the County Manager, the County Clerk, Department Heads, and any member of the Planning Commission, the Zoning Board of Appeals, or any other appointed board. The County Attorney is subject to the Ethical Considerations and Disciplinary Rules enacted by the State Bar of Georgia, and is also considered a covered official insofar as the application of this ordinance. However, enforcement shall be through the procedures as established by the State Bar of Georgia.

(4) "Gift" means the transfer of anything of economic value, regardless of form, without adequate and lawful consideration. "Gift" also means a subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value, conveyed or transferred.

(5) "Immediate family" means parents, spouse and children.

Sec. 2-209. Text of ethical considerations.

Notwithstanding any provisions of law to the contrary, each covered official and employee of Fayette County shall:

(1) Uphold the Constitution, laws and regulations of the United States, the State of Georgia, and all governments therein and never be a party to their evasion;

- (2) Never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration;
- (3) Not engage in any business with the government, or allow any member of his/her immediate family to engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his/her governmental duties;
- (4) Never use any information coming to him/her confidentially in the performance of governmental duties as a means for making private profit;
- (5) Expose corruption wherever discovered;
- (6) Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation for himself/herself, or any member of his/her immediate family, under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the official's/employee's official duties. For gifts, loans, gratuities, discounts, favors, hospitality, or services solicited, accepted, or agreed to accept under circumstances from which it cannot be reasonably inferred that a major purpose of the donor was to influence the performance of the official's/employee's official duties, the following rules shall apply: A covered official shall publicly disclose, prior to discussing or taking any official action

on any matter involving the donor, any gift or campaign contribution (cash or in kind) received by him/her, or any member of his/her immediate family, greater than \$100.00. Receipt of gifts and campaign contributions valued at \$500.00 or more by a covered official, or member of his/her immediate family, will prohibit the covered official from participating or taking official action on any matter involving the donor;

(7) Never accept any economic opportunity for himself/herself, or any member of his/her immediate family, under circumstances where he/she knows or should know that there is a substantial possibility that the opportunity is being afforded with intent to influence his/her conduct in the performance of his/her official duties. All business relationships, regardless of the dollar amount involved, between a covered official, or a member of his/her immediate family, and anyone having business with the County shall be publicly disclosed prior to any discussion or official action being taken on the matter. Should the business relationship provide a covered official, or a member of his/her immediate family, with at least \$6,000.00 on an annual basis, such covered official shall be prohibited from participating or taking official action on any matter involving the person with whom such business relationship exists; and

(8) Never engage in other conduct which is unbecoming to an official/employee or which constitutes a breach of public trust.

Sec. 2-210. Procedure for alleged violations.

A. Alleged violations of this Code of Ethics must be submitted via written, sworn complaint to the Clerk of the Board of Commissioners of Fayette County. Consistent with the Open Meetings Laws, the Board of Commissioners shall review all complaints against covered officials and employees except those complaints filed against a member of the Board of Commissioners. A majority of the full Board of Commissioners must agree that a sufficient basis has been given to warrant a public hearing. Certain violations alleged against employees may be referred through the proper channels within the Employee Handbook's disciplinary procedures.

B. The Board of Commissioners shall conduct the public hearing to determine whether, based upon clear and convincing evidence, the covered official or employee violated the Code of Ethics. Covered officials and employees are subject to the following penalties and action for violations of this Code of Ethics:

- (1) Written reprimand or public censure;
- (2) Recovery of value transferred or received by the County;
- (3) Cancellation of the contract or rejection of the bid or offer;
- (4) A monetary fine not to exceed \$1,000.00; and
- (5) Demotion or termination.

C. If a complaint is received by the Clerk of the Board of Commissioners which alleges a violation of the Code of Ethics by a member of the Board of Commissioners, an independent review board will be formed if the complaint alleges sufficient facts which, if proven to be true, would be a violation of the Code of Ethics. The County Attorney of any County within the Griffin Judicial Circuit, except the County Attorney for Fayette County, shall make the determination of whether or not a review board should be impanelled. If a review board is needed, three (3) County Attorneys within reasonably close geographical proximity to the County will be requested to conduct a public hearing based upon the complaint. A majority vote, based on clear and convincing evidence, will determine the existence of a violation.

II. REPEAL OF CONFLICTING ORDINANCES. This ordinance is intended as the Code of Ethics of Fayette County, and all other ordinances in existence which conflict with the provisions of this ordinance, including but not limited to, the Code of Ethics of 1993, and the Code of Ethics of 1997, are hereby repealed.

III. EFFECTIVE DATE. This ordinance shall become effective on the date of its adoption by the Board of Commissioners of Fayette County.

SO ENACTED this ____ day of _____, 1999.

EXHIBIT B

2015 FAYETTE COUNTY ETHICS ORDINANCE

ORDINANCE NO. 2015-09

COUNTY OF FAYETTE

STATE OF GEORGIA

ORDINANCE NO.

2015-09

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA; TO REWRITE THE CODE OF ETHICS FOR FAYETTE COUNTY, GEORGIA; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA, AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT DIVISION 3 OF ARTICLE IV OF CHAPTER 2 OF THE CODE OF FAYETTE COUNTY GEORGIA BE DELETED IN ITS ENTIRETY AND REPLACED WITH A NEW DIVISION 3 OF ARTICLE IV OF CHAPTER 2 OF THE CODE OF FAYETTE COUNTY, GEORGIA TO READ AS FOLLOWS:

SECTION 1. By deleting Sections 2-200 through 2-208 which comprise the Code of Ethics in their entirety and by enacting the following Code of Ethics to be numbered and to read as follows:

Sec. 2-200. Purpose.

The purpose of this Code of Ethics is to:

(a) Encourage high ethical standards in conduct by Fayette County officials (“County Officials”);

(b) Establish guidelines for ethical standards of conduct for all County Officials by setting forth those acts or actions that are incompatible with the best interests of Fayette County (the “County”);

(c) Maintain public trust through transparency by requiring disclosure by County Officials of private financial or other interests in matters affecting the County or in matters that affect their ability to act in the best interests of the County; and

(d) Serve as a basis for disciplining those who do not comply with its terms.

Sec. 2-201. Scope.

The provisions of this Code of Ethics shall be applicable to all County Officials. Notwithstanding anything herein to the contrary, state law and the public laws establishing the County as a political subdivision of the State of Georgia.

Further, the County Purchasing Director shall develop procedures for individuals, corporations and other entities seeking to do business with the County to disclose financial, familial or other relationships with any person who comes within the scope of this Code of Ethics and who is also required to disclose such relationships. Such disclosures must be made prior to presenting a recommendation of award to the Fayette County Board of Commissioners (the “Board of Commissioners”) or, if Board of Commissioners approval is not required, prior to execution of a contract in excess of \$10,000. The obligation for an individual, corporation or other entity seeking to do business with the County to disclose the aforementioned relationships is ongoing and shall be enforced as a prerequisite to any action by a County Official or other person covered by this Code of Ethics to renew, extend or otherwise modify a contract after award.

Sec. 2-202. Definitions.

The following words and phrases as used in this Code of Ethics shall, unless the context clearly indicates otherwise, have the meanings as follows:

(a) *Anything of value* means meals, lodging and travel (other than that reasonably required for continuing education or in furtherance of the duties of the County Official's position), entertainment, any real or personal property of any kind, or the voluntary rendition of services of any kind, or the promise of future employment or personal benefit whether or not such items are in the form of a gift, loan, political contribution or award, but shall not include the following:

- (1) Items from family members or friends provided that the gift was not made as part of any design to gain or maintain influence with the County Official;
- (2) Items related to the outside business of the County Official that are customary and not related to the County Official's performance of official duties;
- (3) Items exchanged among County Officials, or a social event hosted or sponsored by a County Official for coworkers;
- (4) Payments by an entity, provided they are not from a Lobbyist or Lobbyist's Employer as defined by this Code of Ethics, of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity. As used in this ordinance, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;
- (5) Items a County Official is authorized by law to accept;
- (6) Payment of enrollment and course fees and reasonable expenses attributable to attending seminars and educational programs sponsored by a bona fide

governmental or nonprofit professional, educational or trade organization or institution, provided they are not from a Lobbyist or Lobbyist's Employer;

(7) Items from which the County Official receives no personal benefit and which are returned by the County Official to the donor within 30 days of receipt;

(8) Campaign contributions reported under Chapter 5 of Title 21 of the Official Code of Georgia Annotated;

(9) Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group;

(10) Awards, prizes, scholarships, or other items provided in recognition of academic, scientific or other achievement;

(11) Any symbolic presentation the nature of which is not to financially benefit the County Official; and

(12) Items of personal property not exceeding \$50 in value such as a box of candy or a bouquet of flowers which are given as a simple act of human kindness, thoughtfulness and appreciation.

(b) *Business* means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, consultant, holding company, joint stock company, receivership, trust or any legal entity organized for profit.

(c) *Business in which a County Official has a substantial interest* means any Business in which the County Official or a member of the County Official's immediate family:

(1) Is a director, officer, partner, employee; or

(2) Knowingly owns, directly or indirectly, an interest (a) that exceeds one-tenth (1/10) of one (1%) percent of the outstanding stock of all categories if the Business is incorporated; or (b) that exceeds one (1%) percent of the net worth of an

unincorporated Business; or (c) that exceeds one (1%) percent of all debt obligations of the Business, incorporated or unincorporated; or

(3) Attributes five (5%) percent or more of the net worth of the County Official to ownership of a financial interest in the Business.

(d) *Candidate* means any individual who seeks election to public office. Pursuant to [Insert County Code], an individual shall be deemed to seek election when he or she first:

(1) Receives contributions, makes expenditures, or reserves space or facilities with the intent to promote his or her candidacy for office; or

(2) Announces publicly or files for office.

(e) *Compensation* means payment in any form for real or personal property or services of any kind; provided, that "compensation" shall not include reasonable expenses made by the County to reimburse a County Official for expenses incurred while engaged in the official business authorized by the County.

(f) *County Administrator* means the individual who serves as County Administrator of Fayette County.

(g) *County official* includes County employees, members of the Board of Commissioners, the County Administrator, the County Clerk and the County Attorney. County Official also includes all individuals appointed by the County Administrator and the Board of Commissioners to County authorities, commissions, committees, boards, task forces, or other bodies.

(h) *Decision* means any ordinance, resolution, contract, franchise, recommendation, authorization, formal action or other matter voted on or made by a County Official, as well as the discussions or deliberations thereof which may lead to a vote or formal action.

(i) *Ethics*: the discipline dealing with what is good and bad and with moral duty and obligation – Merriam Webster

(j) *Expenditure* includes a payment, contribution, subscription, distribution, loan, advance, deposit, gift, contract, promise or agreement to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities or anything of value. For the purposes of this ordinance, agreements to make expenditures, contracts and promises to pay may be reported as estimated obligations until actual payment is made.

(k) *Governmental body* means any department, office, commission, council, board, administration or other establishment in the administrative, legislative or judicial branch of County government over which County government may lawfully exercise its jurisdiction.

(l) *Honorarium* means money or anything of value offered to a County Official for a speech, appearance, article, or similar item or activity in connection with the County Official's official role, but does not include reimbursement of reasonable expenses.

(m) *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son or daughter of any County Official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.

(n) *Person* means:

(1) An individual;

(2) A partnership, limited partnership, public or private corporation, or joint venture;

(3) A nonprofit corporation, organization, or association, including but not limited to, a national, state, or local labor union or collective bargaining organization and a national, state, or local trade or professional association;

(4) A federal, state, or local governmental entity or agency, however constituted;

(5) A candidate, committee, political committee, bona fide political party, or executive committee thereof; and

(6) Any other organization or group of persons, however organized.

(o) *Political contribution* means any advance, conveyance, distribution, transfer of funds or anything of value, including personal and professional services for less than full consideration, loan, payment, pledge, forgiveness of indebtedness, forbearance, gift, deposit, subscription or purchase of a ticket to a testimonial or similar fund-raising affair in connection with a political campaign and any agreement or other obligation to make a political contribution.

(p) *Section X Entity* means any entity, organization, association or agency that receives \$100,000 or more from Fayette County in any fiscal year as compensation, in full or in part, for providing direct services to residents of Fayette County. The Ethics Commission shall appoint a task force which shall hold public hearings, develop criteria for identifying Section X entities and recommend a list of entities, organizations, associations, and agencies that meet those criteria for adoption by the Ethics Commission. Said list may be amended from time to time by the Commission.

(q) *Substantial interest* means an interest, either directly or through a member of the immediate family, in another person or entity, where:

(1) the interest is ownership of five (5%) percent or more of the voting stock, shares or equity of the entity, or ownership of \$5,000.00 or more of the equity or market value of the entity; or

(2) funds received by the person from another person or entity during the previous 12 months either equal or exceed

(A) \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in payment for goods, products or services; or

(B) ten (10%) percent of the recipient's gross income during that period, whichever is less;

(3) the person serves as a corporate officer or member of the board of directors or other governing board of an entity other than an entity owned or created by the Board; or

(4) the person is a creditor, debtor, or guarantor of another person or entity in an amount of \$5,000.00 or more.

Sec. 2-203. Prohibitions.

(a) No County Official shall use such position to secure special privileges or exemptions for himself/herself or others, or to secure confidential information for any purpose other than official duties on behalf of the County.

(b) No County Official, in any matter before the Board or other County body, relating to a person or entity in which the County Official has a substantial interest, shall fail to disclose for the record such interest prior to any discussion or vote, nor fail to recuse himself/herself from such discussion or vote as applicable.

(c) No County Official shall act as an agent or attorney for another in any matter before the Board of Commissioners or other County body.

(d) No County Official shall directly or indirectly receive, or agree to receive, any compensation, gift, reward, or gratuity in any matter or proceeding connected with, or related to, the duties of his or her office except as may be provided by law.

(e) No County Official shall enter into any contract with, or have any interest in, either directly or indirectly, the County except as authorized by state law.

(1) This prohibition shall not be applicable to the professional activities of the County Attorney in his or her work as an independent contractor and legal advisor on behalf of the County.

(2) This prohibition shall not be applicable to an otherwise valid employment contract between the County and a County Official who is not elected (such as, by way of example, the County Administrator).

(3) Any County Official who has a proprietary interest in an agency doing business with the County shall make that interest known in writing to the County Administrator and/or the County Clerk.

(f) All public funds shall be used for the general welfare of the people and not for personal economic gain.

(g) Public property shall be disposed of in accordance with state law including but not limited to electronic files and records.

(h) No County Official shall solicit or accept other employment to be performed, or compensation to be received, while still a County Official if the employment or compensation could reasonably be expected to impair such County Official's judgment or performance of County duties.

(i) If a County Official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the County Official might reasonably be expected to act, investigate, advise, or make a recommendation, the County Official shall disclose the fact to the

Board and/or the County Administrator and shall recuse himself/herself and take no further action on matters regarding the potential future employer.

(j) No County Official shall use County facilities, County personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.

(k) No County Official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

(l) No County Official shall directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.

(m) No County Official shall use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such County Official or persons within the County Official's immediate family, or those with whom the County Official has business or financial ties amounting to a substantial interest.

(n) No County Official shall order any goods and/or services for the County without prior official authorization for such expenditure. No County Official shall obligate the County, attempt to obligate the County, or give the impression of obligating the County without proper prior authorization.

(o) No County Official shall draw travel funds or per diem from the County for attendance at meetings, seminars, training or other educational events and fail to attend such events without promptly reimbursing the County therefor.

(p) No County Official shall attempt to unduly influence the outcome of a case before the County nor shall any County Official engage in ex parte communication with court judges of Fayette County on any matter pending before the County.

Sec. 2-204. Conflict of Interest.

(a) No County Official may participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the County Official has a substantial interest.

(b) A County Official who serves as a corporate officer or member of the board of directors of a nonprofit entity must disclose his/her interest in said entity to the Board and the County Administrator prior to participating in a vote or decision regarding funding of the entity by or through the County.

(c) A County Official may participate in a vote or decision and need not disclose his/her interest where the interest of a County Official in the subject matter of a vote or decision is remote or incidental.

(d) No County Official may participate in a vote or decision on a matter in which the County Official is, or ever has been, the Complainant or Respondent in a pending matter before the Ethics Board.

(e) No County Official may participate in a vote or decision on a matter in which the County Official is, or ever has been, an adverse party in any litigation against the County.

Sec. 2-205. Enforcement and administration.

(a) Constituting the Board of Ethics; Chairman.

(1) The Board of Ethics is hereby created and authorized by the Board of Commissioners.

(2) The Board of Ethics shall be composed of five (5) residents of the County to be appointed as provided herein. Each member of the Board of Ethics shall have been a resident of the County for at least one (1) year immediately preceding the date of taking office and shall remain a resident of the County while serving as a member of the Board of Ethics. No person shall serve as a member of the Board of Ethics if the person has, or has had within the preceding one (1)-year period, any direct interest in any contract, transaction, or official action of the County.

(3) The Board of Commissioners shall appoint a committee to solicit applicants willing to serve on the Board of Ethics, to review the applications and resumes submitted, to conduct personal interviews, and to present to the Board of Commissioners its nominations. For a nominee to be appointed to the Board of Ethics he/she must be approved by a majority vote of the Board of Commissioners. In making its recommendations the committee should consider such factors as the length of time the applicant has resided in the County, prior experience in dispute resolution, and legal training. All applicants must agree to undergo a criminal background check prior to appointment. Members of the Board of Ethics should be available to be called upon for their term of office. At the end of each term, the Board of Commissioners shall appoint eligible residents to fill the Board of Ethics from a list of nominees submitted by the committee. Current members can be reappointed if nominated by the committee and there shall be no term limits for the members. If a member of the Board of Ethics does not finish his/her term, the remainder of the term shall be filled in the same appointment process.

(4) Alternates. In addition to the five (5) members of the Board of Ethics, the Board of Commissioners shall appoint two (2) alternate members. These alternates shall be appointed in the same manner as members of the Board of Ethics.

(5) If any member of the Board of Ethics has a conflict of interest in any matter before the Board of Ethics, the remaining four (4) members of the Board of Ethics shall select an alternate to serve for that matter. A quorum shall exist when at least four (4) members are present.

(6) The Board of Ethics shall select a Chairman at the beginning of each matter to be heard.

(7) Term of Office. The term of office for each member of the Board of Ethics and alternates shall be for three (3) years; however, in the appointment of the first Board, two (2) members and one (1) alternate shall be appointed for three (3) years; two (2) members and one (1) alternate for two (2) years; and one (1) member for one (1) year. It is the intent of this section that their terms be staggered, and deciding which respective term will apply to members comprising the first Board of Ethics will be accomplished in a random manner. Once the original terms have been completed by each member, or each member's replacement(s), all subsequent term shall be for three (3) years duration.

(b) Duties of Board. The Board of Ethics shall have the following duties and powers:

- (1) To administer the Code of Ethics;
- (2) To receive, review, process, and make determinations on whether an Ethics Complaint is on its face unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the Board of Ethics; or whether

the Ethics Complaint requires a hearing. The Board of Ethics is not designed to be an oversight board nor to perform investigations except to the degree sufficient to make the determinations outlined in Sec. 2-205 (b).

(3) To respond to an Ethics Complaint as it deems necessary to determine whether any person has violated any provisions of the Code of Ethics;

(4) To hold such hearings as deemed necessary; and

(5) To report its findings and actions to the Board of Commissioners.

(c) Administration.

(1) Ethics Inquiries.

a. All allegations of violations of the Code of Ethics must be filed with the County Clerk, in writing on a prescribed Ethics Complaint Form, signed by the complainant, no later than 45 days after the alleged act occurred unless the complainant, by exercising reasonable diligence, failed to discover the alleged violation of the Code of Ethics within such 45-day period. In such case, a complainant must file an Ethics Complaint with the County Clerk no later than 45 days after the complainant discovered the alleged violation. In all such cases brought after 45 days from the date of the alleged violation of the Code of Ethics, the complainant bears the burden of convincing the Board of Ethics of the true date the complainant learned of the alleged violation.

b. In no event shall an Ethics Complaint be filed with the County Clerk more than six (6) months from the date of the alleged violation of the Code of Ethics.

c. The complainant may withdraw the Ethics Complaint at any time in writing.

(2) Pay and Staff Support.

a. The members of the Board of Ethics shall serve without compensation. The Board of Commissioners shall provide a meeting space for the Board of Ethics. Subject to budgetary procedures and requirements of the County, the County shall provide the Board of Ethics with such supplies and equipment as may be reasonably necessary for it to perform its duties and responsibilities.

b. The County Clerk or his or her designee shall serve as the recording secretary to the Board of Ethics and shall provide such administrative services to the Board of Ethics as may be necessary.

c. Subject to budgetary procedures and requirements of the County, the County shall provide the Board of Ethics with such legal staffing as may be reasonably necessary for it to perform its duties and responsibilities by an attorney who does not serve as the County Attorney.

(3) Action by the Board. Within 30 days of receipt of an Ethics Complaint Form from the County Clerk, the Board of Ethics may perform one or more of the following:

a. Upon receipt of an Ethics Complaint in proper form, review the Ethics Complaint to determine whether same is on its face unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke disciplinary jurisdiction;

b. Upon completion of its review of an Ethics Complaint, the Board of Ethics at a public meeting may dismiss those Ethics Complaints which are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke disciplinary jurisdiction. Provided, however, that a rejection of an Ethics Complaint by the Board of Ethics shall not deprive the complainant of any action he/she might otherwise have at law or in equity. A dismissal shall prevent the filing of another Ethics Complaint regarding the same subject(s) and alleged perpetrator(s) for the same offense;

c. Admonish, formally reprimand, publicly censure, any complainant that files an unjustified, frivolous, patently unfounded or factually insufficient Ethics Complaint Form;

d. Determine that the Ethics Complaint sets forth sufficient grounds for which a public hearing will be held within 60 days after the Ethics Complaint was received.

(4) Parties' Rights. At any hearing held by the Board of Ethics, the respondent (the person against whom the Ethics Complaint was filed) shall have the right to written notice of the allegations at least 30 days before a hearing, to hear and examine the evidence and witnesses in opposition or in extenuation according to the procedures contained in subparagraph (5). The respondent may be represented by counsel.

(5) Hearing procedures.

a. At the hearing the conduct of the parties shall be dignified both on and off the record.

b. Misconduct before the Board of Ethics may be grounds for summary exclusion from the hearing. The hearing is intended to receive evidence either to refute or to substantiate the specific charges. It shall not be a forum for discussion of extraneous or irrelevant matters having no bearing on the charges, and the alleged misconduct of others who may have escaped discipline in the past shall serve as no defense. All parties at action and witnesses shall be given ample time and opportunity to develop points, subject to the discretion of the Board of Ethics.

c. The Board of Ethics will be composed of private citizens. Accordingly, the Board of Ethics may not follow established legal procedures as might be expected in a court of law. However, in taking testimony and in considering the evidence, the Board of Ethics shall follow accepted legal procedure insofar as is practicable but shall not be bound by the technical rules of evidence observed in courts of law. The Board of Ethics may decline to listen to numerous character witnesses or numbers of witnesses testifying to identical facts.

d. The Chairman of the Board of Ethics shall conduct the hearing.

e. The hearing shall be recorded and the County Clerk, or his or her designee, shall prepare a written summary of the hearing. The complainant and/or the respondent may provide a court reporter at their expense for a verbatim transcript of the hearing, if so desired.

f. Five (5) members of the Board of Ethics shall be required to initiate the hearing. A quorum of four (4) members of the Board of Ethics shall

be required to conduct subsequent meetings pertaining to a particular hearing. The Board of Ethics may, before the hearing and upon ten (10)-days notice to all parties, approve regulations governing conduct of hearings before the Board of Ethics so long as such regulations do not conflict with this Code of Ethics.

g. The complainant shall present his/her case to the Board of Ethics first.

h. All documentary evidence which is anticipated to be submitted to the Board of Ethics at the hearing by either the respondent or the complainant, and the names, with telephone numbers, of all individuals expected to present testimony to the Board of Ethics on behalf of either the respondent or the complainant, must be given to the County Clerk or his or her designee, and the opposing party at least ten (10) days in advance of the hearing. This requirement shall not apply to evidence used solely for purposes of cross-examination or rebuttal. The failure of a party to adhere to this rule shall preclude such party from tendering such evidence or individual's testimony at the hearing through any form. The respondent, the complainant, and the public shall be entitled to see all such lists which are placed on file with the County Clerk.

i. The Board of Ethics may compel the production of any document in the possession of the County and subject to the Open Records Act and the testimony of any County employee. Where the Board of Ethics compels any such document or testimony after a hearing has commenced, a continuation shall be provided so that such order can be complied with.

j. Neither party shall have the right to require depositions of any individual, including the opposite party.

k. The complainant's evidence must prove that the respondent is guilty of the offense charged by a preponderance of the evidence.

l. Each witness presented by the complainant, and including the complainant, shall be subject to cross-examination by the respondent or such person's representative.

m. At the conclusion of the complainant's case, the respondent shall be entitled to move for dismissal based on insufficient evidence on the part of the complainant's case. If the respondent makes such a motion and the Board of Ethics, by majority vote, agrees to dismiss the complaint, the hearing shall be terminated. If the respondent fails to make such a motion, or if the Board of Ethics decides by majority vote to deny the respondent's motion, the hearing shall continue. The Board of Ethics may also direct a decision in favor of the respondent upon its own initiative.

n. The respondent shall then be entitled to present his/her evidence to the Board of Ethics.

o. The respondent is not required to testify. The absence of the respondent's testimony shall not be viewed by the Board of Ethics as an admission of any sort.

p. If the respondent testifies, then the respondent shall be subject to cross-examination by the complainant. All other witnesses who testify in the respondent's case shall also be subject to cross-examination by the complaint.

q. All persons who testify before the Board of Ethics, shall be placed under oath, by either the Chairman or a person designated by the Chairman.

r. At the conclusion of the respondent's case, the complainant may offer rebuttal evidence only to those items presented in the respondent's case. At the conclusion of the complainant's rebuttal, the respondent shall be entitled to offer rebuttal evidence only to those matters presented in the complainant's rebuttal case.

s. During the course of testimony and at the conclusion of all the testimony and closure of all of the evidence, the members of the Board of Ethics may ask questions of any of the individuals who testified.

t. At the conclusion of all questions by the parties and members of the Board of Ethics, if any, the Chairman shall end the hearing and permit the Board of Ethics to deliberate in public. If the Board of Ethics decides by majority vote that additional evidence is needed to make a decision, the Board of Ethics shall have the authority to require either the complainant or the respondent to submit additional evidence at a continuation of the hearing which must be held no later than 45 days after the date of the initial hearing. The Board of Ethics has no authority to continue the hearing past this 45-day deadline.

u. Following the conclusion of any additional evidence received at the continued hearing, the Board of Ethics shall continue to deliberate. When deliberations are concluded, the Chairman shall call for a vote. The Board of Ethics may vote immediately after deliberations are concluded or they may continue the meeting for up to two (2) weeks when a public vote must be taken.

The first vote of the Board of Ethics must be whether the respondent violated the Code of Ethics as charged by the complainant. If, by majority vote, the Board of Ethics rules that the respondent did not violate the Code of Ethics as charged by the complainant, then the matter is concluded. If the Board of Ethics, by majority vote, concludes that the respondent did violate the Code of Ethics as charged by the complainant, then the Board of Ethics must make a second decision by majority vote. The second decision involves the form of penalty. The Board of Ethics shall have six (6) options of penalty which include:

- i. No admonishment and no further action;
 - ii. A public reprimand and admonishment not to violate the Code of Ethics in the future;
 - iii. Formal reprimand;
 - iv. Public censure;
 - v. Recommendation for termination, resignation, or recall; or
 - vi. Recommendation of prosecution in the State Court of Fayette County.
- v. The complainant may withdraw his or her complaint at any time without the approval of the Board of Ethics.
- w. An order will be generated by the Board of Ethics and submitted to the Board of Commissioners for inclusion in the minutes within 15 days of the completed hearing.
- (6) Judicial review of decisions.

(a) Any County Official adversely affected by any final decision of the Board of Ethics may appeal as provided in this subsection.

(b) An appeal by certiorari may be commenced in the Superior Court of Fayette County within 30 days after the decision of the Board of Ethics becomes final.

Sec. 2-206. Penalties. County Officials are subject to the following penalties and action for breach of ethics:

(a) Written warning or reprimand;

(b) Cancellation of the contract or rejection of the bid or offer;

(c) Recovery of the value transferred or received; and/or

(d) Debarment or suspension from award of a County contract for a period of up to three (3) years.

Sec. 2-207. Compliance with applicable laws. No officer or official shall engage in any activity or transaction that is prohibited by any law, now existing or hereafter enacted, which is applicable to him or her by virtue of his or her office.

Secs. 2-208—2-220. - Reserved.

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

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

SECTION 4. In the event any section, subsection, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such

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

SO ORDAINED this 24th day of September, 2015.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

(SEAL)



ATTEST:

By: Charles W. Oddo
CHARLES W. ODDO

Floyd L. Jones
Floyd L. Jones, County Clerk

Approved as to form:

[Signature]
County Attorney

COUNTY AGENDA REQUEST

New Business #30

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Discussion of Commissioner Brown's request to display "Out of Many, One" as the English translation of the original national motto "E Pluribus Unum" in the Commissioners' Meeting Chambers.

Background/History/Details:

In 2014, the Board of Commissioners unanimously approved Commissioner McCarty's request to prominently display the national motto "In God We Trust" in the Commissioners' Meeting Chambers.

Commissioner Brown has requested that the original national motto "E Pluribus Unum" likewise be displayed in the Meeting Chambers. This motto holds a place in United States history and is deserving of recognition. In an email to the Commissioners from Mr. Robert Ray of the Original Motto Project, three boards have decided to put up an E Pluribus Unum plaque on their walls. Those boards are in Del Norte and Irvine Counties, California and in Pierce County, Washington.

Commissioner Brown recommends using the English translation of the motto, "Out of Many One". To accomplish the goal, he suggests issuing a call for artist submissions and for the Public Art Committee to set a reasonable dollar figure out of the public art line item.

What action are you seeking from the Board of Commissioners?

Staff seeks Board direction to proceed with Commissioner Brown's recommendation.

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: