

BOARD OF COUNTY COMMISSIONERS

Eric Maxwell, Chairman
Randy Ognio, Vice Chairman
Steve Brown
Charles W. Oddo
Charles D. Rousseau

FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Tameca P. White, County Clerk



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

AGENDA

February 23, 2017
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 Vice Chairman Randy Ognio

Pledge of Allegiance

Acceptance of Agenda

PROCLAMATION/RECOGNITION:

1. Proclamations in appreciation of U.S. Congressman Lynn Westmoreland and Georgia House Representatives John Yates for their service and dedication to Fayette County. (page 4)

PUBLIC HEARING:

2. Consideration of Petition No. 1262-17, Mahmoud J. Amercani & Hadia Youssef, Owner, and Randy M. Boyd, Agent, request to rezone 14.39 acres from A- R to R-80 to develop a Single-Family Residential Subdivision on property located in Land Lot(s) 26 & 39 of the 5th District and fronting on Seay Road. (pages 5-23)
3. Consideration of Petition No. RP-061-17, Mahmoud J. Amercani & Hadia Youssef, Owner, and Randy M. Boyd, Agent, request to add 4 lots to the Minor Subdivision Plat of J.K. Singletary and Patricia A. Singletary on property located in Land Lot(s) 26 & 39 of the 5th District and fronting on Seay Road. (pages 24-41)
4. Consideration of staff's request to adopt Resolution 2017-03 pertaining to the "Fayette County 2016 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2017- FY2021)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs for Regional and State review prior to adoption. (pages 42-53)

CONSENT AGENDA:

5. Approval of staff's recommendation to make enhancements to the Heritage Park Water fountain at a cost of \$60,000. (pages 54-61)
6. Approval of staff's recommendation for a.) Board execution of the Construction Agreement between GDOT and Fayette County for PI #0012623 for the resurfacing of 85 Connector, Ebenezer Road and Brook Woolsey Road; b.) BOC approval of GDOT oversight; and c.) BOC to approve the low bid from C.W. Matthews Co, Inc. for Bid #1236-B Resurface Three Roads in the amount of \$1,076,040.76. (pages 62-106)

7. Approval of staff's recommended mid-year budget amendments to the fiscal year 2017 budget. (pages 107-111)
8. Approval of a recommendation from the Water Committee to approve the request from the Radio Controlled Sailboat Club for the use of Lake McIntosh Park on October 26 through October 28, 2017 and for the parking fee to be waived for the participants. (page 112)
9. Approval of a recommendation from the Water Committee to approve the request from Peachtree City Rowing Club to close Lake McIntosh Park for the scrimmage on March 11, 2017. (page 113)
10. Approval of the February 9, 2017 Board of Commissioners Meeting Minutes. (pages 114-126)

OLD BUSINESS:

11. Consideration of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents. This item was tabled at the February 9, 2017 Board of Commissioners meeting. (pages 127-142)

NEW BUSINESS:

12. Consideration of a recommendation from the Selection Committee, comprised of Commissioner Charles Oddo and Commissioner Steve Brown to nominate Jennifer Johnson to the Fayette County Public Arts Committee to serve an unexpired one (1) year term beginning immediately and expiring May 31, 2017. (pages 143-147)
13. Consideration of a recommendation from the Selection Committee, comprised of Commissioner Charles Oddo and Commissioner Steve Brown to nominate Martha Aikin to the Fayette County Public Arts Committee to serve an unexpired two (2) year term beginning immediately and expiring May 31, 2018. (pages 148-150)
14. Consideration of a recommendation from the Selection Committee, comprised of Commissioner Charles Oddo and Commissioner Steve Brown to nominate Kate LaFoy to the Fayette County Public Arts Committee to serve an unexpired two (2) year term beginning immediately and expiring May 31, 2018. (pages 151-154)
15. Consideration of staff's recommendation to extend the hours of the McCurry Park football complex on May 5, 2017 to facilitate the Fayette County Relay for Life Event. (pages 155-157)
16. Consideration of staff recommendations for maintenance and repair of the Fayette County Administrative Building's parking lot. (pages 158-162)
17. Consideration of staff recommendation to complete maintenance and repair work to Fayette County's Administrative Building (CIP 6565B). (page 163)
18. Consideration of staff's recommendation to submit an application for a \$400,000 grant available from the State Road and Tollway Authority's Georgia Transportation Infrastructure Bank (GTIB) for Fayette County SPLOST Project R-5F, the intersection of State Route 92 and Veteran's Parkway/Westbridge Road. (pages 164-178)
19. Consideration of staff's recommendation to declare eight (8) pieces of Road Department equipment and three (3) vehicles as not serviceable, to advertise these pieces of equipment & vehicles for sale on GovDeals with the estimated values set as a reserve and for all proceeds to be returned to Vehicle Replacement Fund. (pages 17-181)

20. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by John Stevens, Jr. for tax years 2014 and 2015 in the aggregated amount of \$4,274.43. (pages 182-184)
21. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Richard Hand for tax years 2014 and 2015 of this request in the aggregated amount of \$234.71. (pages 185-188)
22. Discussion regarding the approval of the Standard Utility Agreement for a water line relocation for the State Route 54 Road (PI 721440) project. (pages 189-257)

PUBLIC COMMENT:

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

COUNTY AGENDA REQUEST

Page 4 of 257

Department: Commissioners

Presenter(s): Board of Commissioners

Meeting Date: Thursday, February 23, 2017

Type of Request: Proclamation/Recognition #1

Wording for the Agenda:

Proclamations in appreciation of U.S. Congressman Lynn Westmoreland and Georgia House Representatives John Yates for their service and dedication to Fayette County.

Background/History/Details:

The Board of Commissioners recognizes Congressman Lynn Westmoreland for his tenure, representation and service on behalf of Fayette County citizens. Mr. Westmoreland was born and raised in Georgia and was a resident of Fayette County for 25 years.

The Board of Commissioners recognizes Representative John Yates for his tenure and service to Fayette County. Mr. Yates lives in Griffin, Georgia and during his tenure serviced as the representative for portions of Fayette County.

What action are you seeking from the Board of Commissioners?

Proclamations in appreciation of U.S. Congressman Lynn Westmoreland and Georgia House Representatives John Yates for their service and dedication to Fayette County.

If this item requires funding, please describe:

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

If so, when?

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

Backup Provided with Request? No

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

Page 5 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. 1262-17, Mahmoud J. Amercani & Hadia Youssef, Owner, and Randy M. Boyd, Agent, request to rezone 14.39 acres from A- R to R-80 to develop a Single-Family Residential Subdivision on property located in Land Lot(s) 26 & 39 of the 5th District and fronting on Seay Road.

Background/History/Details:

Staff recommends Approval of Petition 1262-17.

The Planning Commission recommended Approval of Petition 1262-17.

Al Gilbert made a motion to approve Petition 1262-17. John Culbreth seconded the motion. The motion passed 5-0.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1262-17, Mahmoud J. Amercani & Hadia Youssef, Owner, and Randy M. Boyd, Agent, request to rezone 14.39 acres from A- R to R-80 to develop a Single-Family Residential Subdivision.

If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

PLANNING COMMISSION RECOMMENDATION**DATE:** February 2, 2017**TO:** Fayette County Commissioners

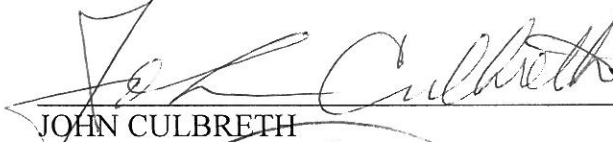
The Fayette County Planning Commission recommends that Petition No. 1262-17, the application of Mahmoud J. Americani to rezone 14.39 from A-R to R-80, be:

☒ Approved ⁵⁰ ☐ Withdrawn ☐ Disapproved

☐ Tabled until _____

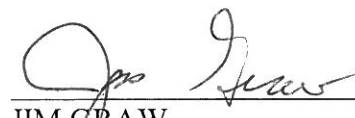
This is forwarded to you for final action.


BRIAN HAREN


JOHN CULBRETH


ARNOLD MARTIN, III


AL GILBERT


JIM GRAW

Remarks:

**STATE OF GEORGIA
COUNTY OF FAYETTE**

R E S O L U T I O N

NO. 1262-17

WHEREAS, Mahmoud J. Americani, Owner, and Randy M. Boyd, Agent, having come before the Fayette County Planning Commission on February 5, 2017, 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 14.39 from A-R to R-80, in the area of Seay Road, Land Lot 26 & 39 of the 5th District, for the purpose of developing a Residential; and

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

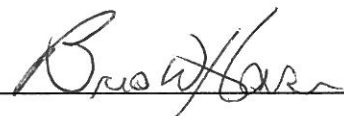
BE IT RESOLVED that the decision of the Fayette County Planning Commission, that said request be **APPROVED**.

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:



CHAIRMAN



PC SECRETARY

PUBLIC HEARING

- 2. Consideration of Petition No. 1262-17, Mahmoud J. Amercani & Hadia Youssef, Owner, and Randy M. Boyd, Agent, request to rezone 14.39 acres from A- R to R-80 to develop a Single-Family Residential Subdivision. This property is located in Land Lot(s) 26 &39 of the 5th District and fronts on Seay Road.**

Pete Frisina advised Chairman Haren to read the next item on the agenda. He stated that they were both a part of the same petition.

- 3. Consideration of Petition No. RP-061-17, Mahmoud J. Amercani & Hadia Youssef , Owner, and Randy M. Boyd, Agent, request to add 4 lots to the Final Plat of J.K Singletary and Patricia A. Singletary. This property is located in Land Lot(s) 26 & 39 of the 5th District and fronts on Seay Road.**

Rand Boyd stated that he was the agent for Mahmoud J. Amercani & Hadia Yousseff for this rezoning request. He said that they own the 14.39 acres and it was divided last year into two (2) lots. He added that there is an existing house on the property. He stated that they would like to make a request to rezone it from A-R to R-80, to take the existing house put a lot encompassing that, and add three (3) more lots to that. He said the comprehensive land use plan is low density residential one (1) unit one (1) to two (2) acres. He added that they're yield would be four (4) three (3) acre lots. He stated that it is zoned A-R right now then we would request that the zone change to R-80. He said they have a concept plan and apologized for the misspelling of concept and typo in house floor area. He added that the floor stated on the concept plan was 3,000 and it should have been 2,500 for the R-80 district. He stated that they received favorable comments from staff and was approved as submitted. He asked that they would considerate and approve it also.

Chairman Haren asked if he wanted the Planning Commission to approve it as an R-80 or an R-85.

Randy Boyd replied R-80. He stated that it was submitted on last month as an R-85. He said that it was tabled on last month. He apologized for the confusion and stated that it is A-R now and they are asking for R-80 zoning request.

Chairman Haren asked if anyone would like to speak in favor of the petition. Hearing none; he asked if anyone would like to speak in opposition. Hearing none; he brought it before the Planning Commission. He asked if the Planning Commission had any questions or comments for the petitioner.

Jim Graw stated that he like the proposed recommended rezoning. He said that the area has a lot of A-R zoning in it right now. He added that there was some two (2) acre zoning R-70 and this would be an R-80 three (3) acre zoning. He stated that this does give a little bit of a precedent with some of the other A-R areas. He said if the A-R areas want to look at rezoning they can look at the three (3) acre maybe. He added that the request complied with the land use plan. He reiterated that he doesn't have a problem this rezoning.

Al Gilbert made a motion to approve Petition 1262-17. John Culbreth seconded the motion.

Chairman Haren asked if the structure on tract three (3) would be in compliance.

Randy Boyd replied to his knowledge yes.

Chairman Haren asked if there were issues with the driveway being in the setback.

Pete Frisina replied that the driveway can be in the setback.

Arnold Martin stated that Chairman Haren asked the question he was going to ask.

John Culbreth asked what his plan time table for development.

Randy Boyd replied that there was one (1) thing he forgot to mention and that was that these were going to be family lots. He stated that Mr. Americani is a builder (Sunrise Builder's) off of Highway 138 in Clayton County. He said that he plans to build the houses fairly quickly for his present sister's children. He added that Mr. Americani owns a house just south of this rezoning. He stated that the house was gigantic and it would be backing up to his property. He said the house will be able to see his house from their rear windows. He added that he plans to do a good job for us and that's the intent here. He stated that the property could be sold later, but his original intent was to have those built for family. He said it should happen rather quickly. He added that he is not building it to sell lots and make money.

Chairman Haren asked if there were any other questions or comments from the Planning Commission. Hearing none he asked for the call to vote.

The motion passed 5-0.

Chairman Haren stated that they have approved the rezoning and now it was time for them to approve the subdivision plat. He asked the Planning Commission if they had any questions regarding this.

Arnold Martin asked if the existing structure on tract three (3) meet the current structure size for R-80.

Pete Frisina replied to our knowledge the current structure meets the size requirements for R-80. He stated that the minimum floor area for R-80 was 2,500. He said that what they are actually voting on is to add three (3) lots to the existing minor subdivision plat that was done for that lot in the middle there.

Chairman Haren stated that he has seen a couple of residential development in the County where these driveways are right at the property edge well in the setback.

Chairman Haren asked if they had any other questions or comments.

Arnold Martin made a motion to recommend approval of Petition RP-061-17. John Culbreth seconded the motion.

Pete Frisina stated that they are approving the addition of three (3) lots to the subdivision.

The motion passed 5-0.

PETITION NO: 1262-17 & RP-061-17

REQUESTED ACTION: A-R to R-80 and add three (3) lots to the Minor Subdivision Plat of J.K. Singletary and Patricia Singletary Property

PROPOSED USE: Residential

EXISTING USE: Residential

LOCATION: Seay Road

DISTRICT/LAND LOT(S): 5th District, Land Lot(s) 26 & 39

OWNER: Mahmoud J. Americani

AGENT: Randy M. Boyd

PLANNING COMMISSION PUBLIC HEARING: January 5, 2017

BOARD OF COMMISSIONERS PUBLIC HEARING: January 26, 2017

APPLICANT'S INTENT

Applicant proposes to develop a Single-Family Residential Subdivision consisting of four (4) lots on 14.39 acres by adding three (3) lots to the Minor Subdivision Plat of J.K. Singletary and Patricia Singletary Property.

STAFF RECOMMENDATION

APPROVAL

1.

1262-17& RP-061-17

INVESTIGATION

A. PROPERTY SITE

The subject property is a 14.39 tract fronting on Seay Road in Land Lot(s) 26 & 39 of the 5th District. Seay Road is classified as a Major Arterial road on the Fayette County Thoroughfare Plan. The subject property contains a single-family residence and is currently zoned A-R.

History: The Minor Subdivision Plat of J.K. Singletary and Patricia Singletary Property was approved by the Planning Commission on July 7, 2016 and contains one (1) lot.

B. SURROUNDING ZONING AND USES

The general situation is a 14.39 tract that is zoned A-R. In the vicinity of the subject property is land which is zoned R-72, R-40, A-R & R-40. 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 (across Seay Road)	3.4	R-72	Single-family Residence	Low Density Residential (1 Unit/1 to 2 Acres)
	3.4	R-72	Single-family Residence	Low Density Residential (1 Unit/1 to 2 Acres)
South	24.0	A-R	Single-family Residence	Low Density Residential (1 Unit/1 to 2 Acres)
East	1.5	R-40	Single-family Residence	Low Density Residential (1 Unit/1 to 2 Acre
West	1.5	R-40	Single-family Residence	Low Density Residential (1 Unit/1 to 2 Acres)
	37.16	A-R	Single-family Residence	Low Density Residential (1 Unit/1 to 2 Acres)

Proposed Zoning District Requirements

Zoning District	Zoning Setbacks	Minimum Lot Size	Minimum House Size	Lot Width at Building Line	Buffer
R-80	F - 75' Arterial F - 75' Collector F - 50' Minor S - 30' R - 50'	3 Acres	2,500 sq ft	175'	N/A

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Low Density Residential (1 Unit/1 to 2 Acres). This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone from A-R to R-80 for the purpose of developing a Single-Family Residential Subdivision consisting of four (4) lots on 14.39 acres by adding three (3) lots to the Minor Subdivision Plat of J.K. Singletary and Patricia Singletary Property. The R-80 zoning district requires a three (3) acre lot.

Revision to the Minor Subdivision Plat (RP-061-17)

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.

Should this request be approved, the platting of the four (4) proposed lots will have to be done as a Final Plat. While the existing J.K. Singletary and Patricia Singletary Property subdivision is a Minor Subdivision Plat, the proposed lots will be less than five (5) acres in size. This is based on the Subdivision Regulations definitions as follows:

Plat, final, means all divisions of a tract of land into two or more lots where the lots are less than five acres in size and/or new streets are created.

Plat, minor subdivision, means all divisions of a tract of land into two or more lots where the lots are five acres or greater in size and no new streets are created.

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.

G. DEPARTMENTAL COMMENTS

Water System

Water Available

Public Works/Engineering

Under current zoning the parcel on Seay road could be subdivided into two lots. As proposed there could be four. This would double the number of potential driveway cuts on Seay Road. There are no known sight distance issues along this stretch of Seay Road.

Environmental Management

Reviewed and approved recent plat. EMD has no issues with rezoning.

Environmental Health Department

Request to rezone 14.39 ac to develop single family residential lots (3) at 162 Seay Road. Environmental Health Comments: This department has no objection to the proposed rezoning request (A-R to R- 85) to develop 3 additional single family residential lots. However, based on department records, the existing septic system serving the residence at 162 Seay Road will need to be fully relocated onto proposed Tract 3 before this department would be in a position to sign any final plats for recording.

Fire

Must Show Fire Hydrants on Final Plat.

STAFF ANALYSIS

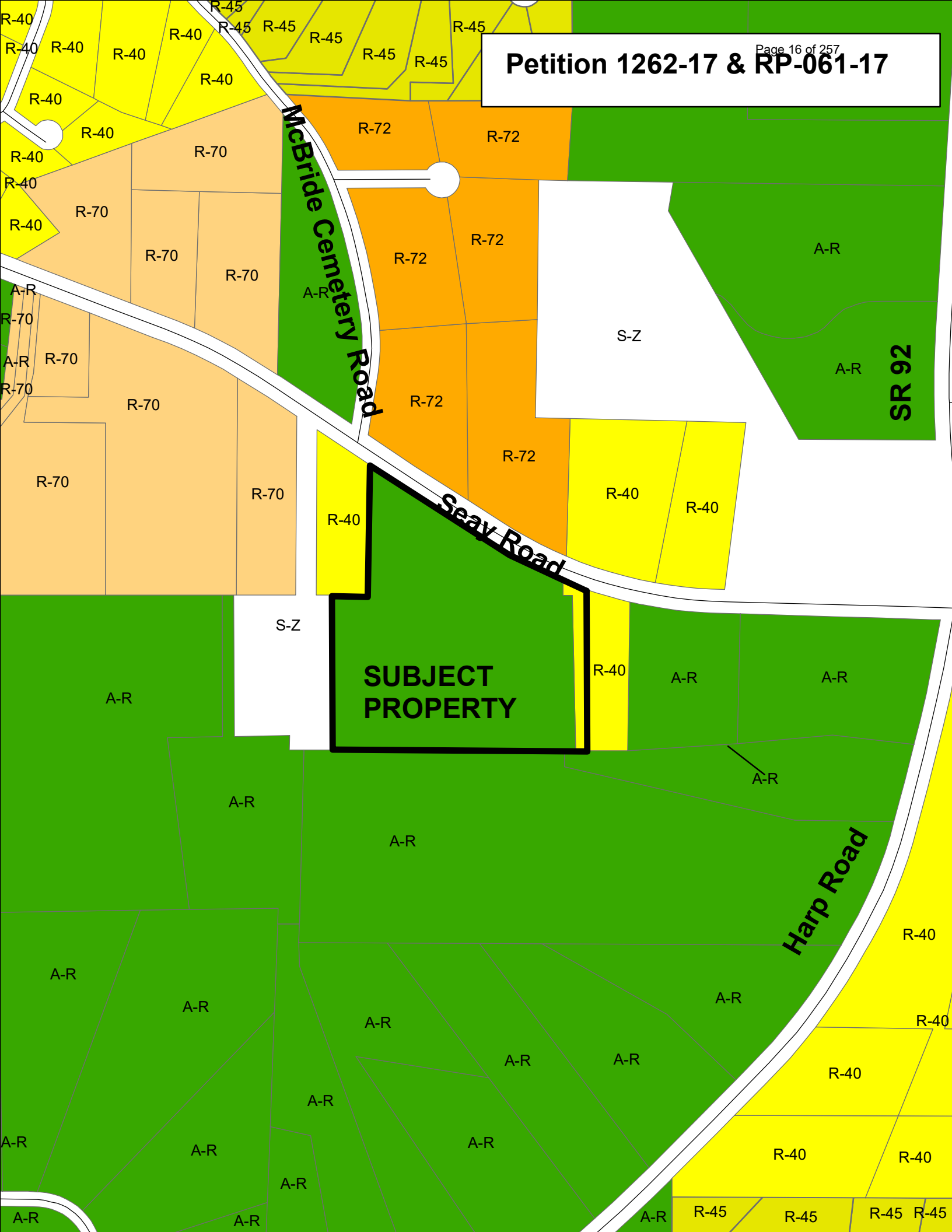
This request is based on the petitioner's intent to rezone said property from A-R to R-80 for the purpose of developing Residential. Per Section 110-300 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject property lies within an area designated for Low Density Residential (1 Unit/1 to 2 Acres). 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 a single-family residential district support this petition.

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

Petition 1262-17 & RP-061-17

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PUBLIC
FACILITIES/
INSTITUTION
(FIRE
STATION)

McBride Cemetery Road

SR 92

Seav Road

SUBJECT
PROPERTY

LOW DENSITY
RESIDENTIAL

Harp Road

RURAL
RESIDENTIAL

McBride Cemetery Road

SR 92

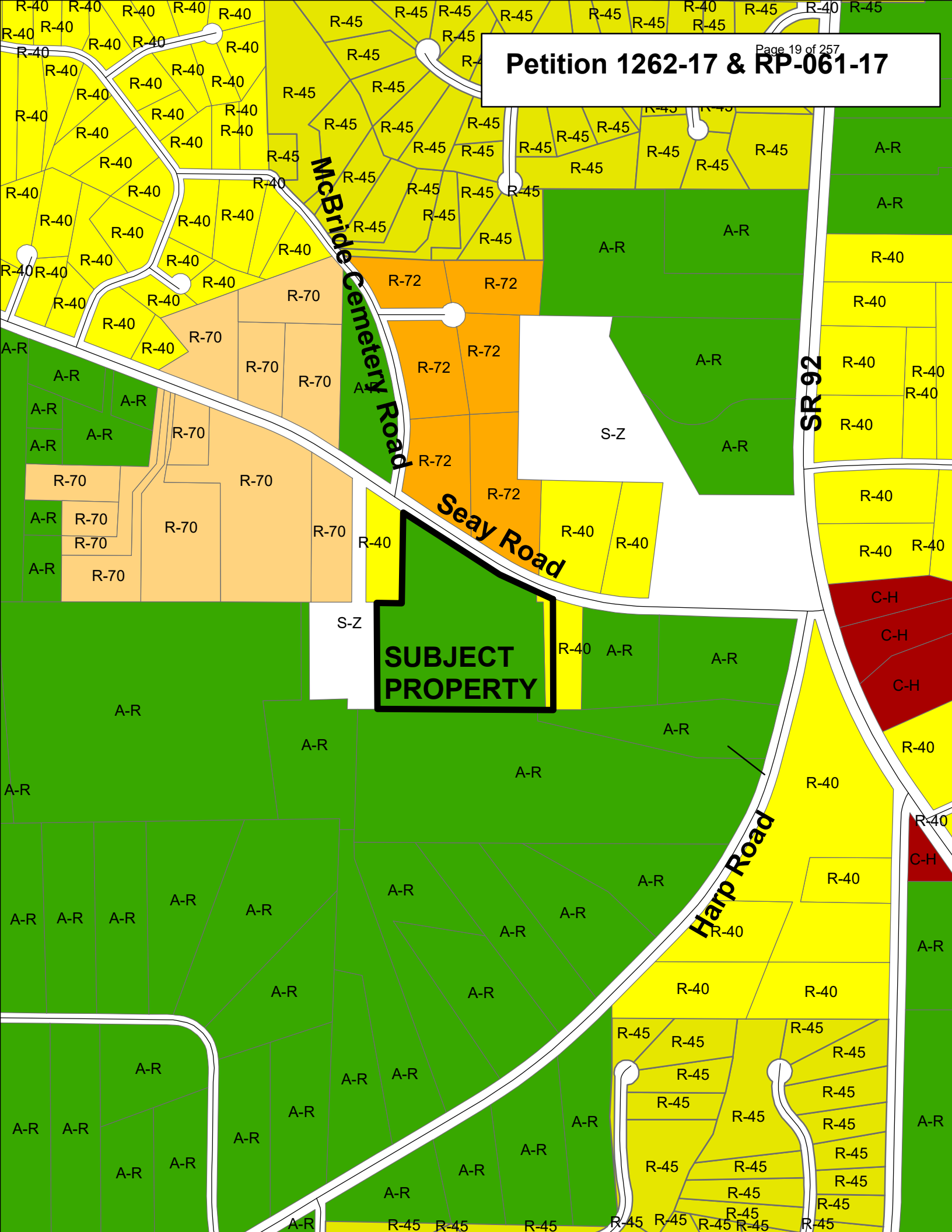
Seay Road

SUBJECT
PROPERTY

Harp Road

Petition 1262-17 & RP-061-17

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

PROPERTY OWNERS: MAHMOUD J. AMERICANI & HADIA YOUSSEF

MAILING ADDRESS: 301 GA. 138 - JONESBORO, GA. 30238

PHONE: [REDACTED] E-MAIL: [REDACTED]

AGENT FOR OWNERS: RANDY M. BOYD

MAILING ADDRESS: P.O. BOX 64 - ZEBULON, GA. 30295

PHONE: [REDACTED] E-MAIL: [REDACTED]

PROPERTY LOCATION: LAND LOT 26 LAND DISTRICT 5th PARCEL
LAND LOT 39 LAND DISTRICT 5th PARCEL

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 14.39 ACRES PUB

EXISTING ZONING DISTRICT: AR PROPOSED ZONING DISTRICT: R-85 R-80

ZONING OF SURROUNDING PROPERTIES: NORTH-R-12, EAST-R40, SOUTH AR, WEST AR & R-40

PRESENT USE OF SUBJECT PROPERTY: EXISTING RESIDENTIAL TRACT

PROPOSED USE OF SUBJECT PROPERTY: CONSTRUCT ADDITIONAL HOMES

LAND USE PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (1 UNIT/1 TO 2 ACRES)

NAME AND TYPE OF ACCESS ROAD: SEAY ROAD - ASPHALT PAVING

LOCATION OF NEAREST WATER LINE: ALONG SOUTH SIDE OF SEAY ROAD

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1262-17

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: Pete Frisum Date: 11/30/16

DATE OF PLANNING COMMISSION HEARING: January 5 2016

DATE OF COUNTY COMMISSIONERS HEARING: January 26 2016

Received from Mahmoud Ameri a check in the amount of \$ 350 for application filing fee, and \$ 20 for deposit on frame for public hearing sign(s).

Date Paid: 11/30/16 Receipt Number: _____

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM Page 21 of 257
(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:

MAHMOUD J. AMERCAHI & HADIA YOUSSEF

Please Print Names

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

(I) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 26 & 39 of the 5th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of _____ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

[Signature]
Signature of Property Owner 1

Address _____

Hadia Youssef
Signature of Property Owner 2

Address _____

Signature of Property Owner 3 _____

Address _____

Randolph M. Bay
Signature of Authorized Agent

P.O. Box 64 - ZEBULON, GA
Address

30295

Velma L. Thomas
Signature of Notary Public

11/30/16
Date

Velma L. Thomas
Signature of Notary Public

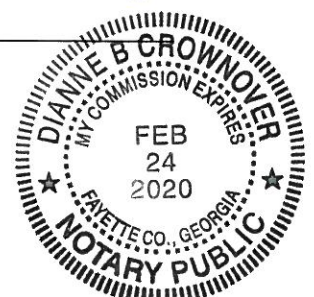
11/30/16
Date

Signature of Notary Public _____

Date _____

Dianne B. Crowner
Signature of Notary Public

11-29-16
Date



NAME: MAHMOUD J. AMERCIANT & YOUSSEF ^{HADIA} PETITION NUMBER: _____
 ADDRESS: 301 GA. 138 - JONESBORO, GA. 30238

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

RANDY M. BOYD affirms that he is ~~the owner or~~ the specifically authorized agent of the property described below. Said property is located in a(n) AK 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 R-85. R-80 VMS

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: (ATTACHED)

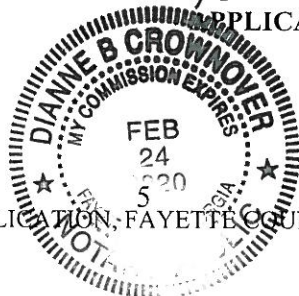
PUBLIC HEARING to be held by the Planning Commission of Fayette County on the _____ day of _____, 20____ at 7:00 P.M.

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 _____ DAY OF _____, 20____,

Dianne B. Crownover
 NOTARY PUBLIC

Randy M. Boyd
 APPLICANT'S SIGNATURE



REZONING APPLICATION, FAYETTE COUNTY, GA

TAX PARCEL ID# 0511 010 PARENT TRACT
THERE ARE NO RECORDED EASMENTS FOUND ASSOCIATED
WITH THIS PROPERTY

5th LOCATED IN LAND LOTS 26 & 39
LAND DISTRICT, FAYETTE COUNTY, GA.
TOTAL AREA
14.39 ACRES

TOTAL TRACT AREA - 14.39 ACRES
TOTAL NUMBER OF LOTS - 1
CURRENT SITE ZONING: A-R AGRICULTURE-RESIDENTIAL

COLLECTOR - 75 Feet
REAR YARD SETBACK - 50 Feet
SIDE YARD SETBACK - 25 Feet
HEIGHT LIMIT - 35 Feet
MIN. FLOOR AREA - 3000 Sq.Ft.

523 HASTINGS WAY JONESBORO GA 30238
PH.# (678)-478-6857 PH.# (678)-500-4356
EMAIL SHAREMUSIC140@GMAIL.COM

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	DIRECTION
	48.70	1489.47	48.70	S58°57'59"E
	100.68	1489.47	100.66	S61°50'22"E
	164.65	1489.47	164.57	S68°56'39"E
C5	169.18	1414.47	169.08	S60°28'42"E
C7	204.73	1414.47	204.55	S68°03'05"E

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS AND INFRASTRUCTURE SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE"; AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN.

THIS IS TO CERTIFY THAT THIS SURVEY WAS PREPARED
IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR
PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN
CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD
OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND
LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA
PLAT ACT O.C.G.A. 15-6-67.

MAHMOUD AMERCANI
135 HARP ROAD
FAYETTEVILLE, GA 30215
770-210-8470

WE, THE UNDERSIGNED OWNERS OF THE PLATTED PROPERTY, HEREBY DEDICATE THE RIGHTS-OF-WAY FOR PUBLIC USE, AND/OR RESERVE FOR PUBLIC USE THE EASEMENTS AND OTHER GROUND SHOWN ON THIS PLAT. WE THE UNDERSIGNED OWNERS UNDERSTAND THIS MINOR SUBDIVISION PLAT AND ANY MAINTENANCE BOND AND/OR IRREVOCABLE LETTER-OF-CREDIT SHALL EXPIRE AND THIS BECOME VOID IF THE MINOR SUBDIVISION PLAT IS NOT RECORDED INTO THE FAYETTE COUNTY CLERK OF SUPERIOR COURT RECORDS WITHIN 90 CALENDAR DAYS OF THE DATE OF APPROVAL BY THE FAYETTE COUNTY PLANNING COMMISSION.

1. EXCEPT AS SPECIFICALLY SHOWN OR STATED ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS (OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING THIS SURVEY OF THE EASEMENTS); EASEMENTS ESTABLISHED FROM A COMPLETE AND ACCURATE LEGAL DESCRIPTION); BUILDING SETBACKS; RESTRICTIVE COVENANTS; ZONING CONDITIONS OR OTHER LAND USE REGULATIONS.
2. SURVEY IS VALID ONLY IF PRINTING HAS ORIGINAL SIGNATURE OF THE SURVEYOR.
3. ALL CORNER MONUMENTS SET ARE 1/2" REBAR OR AS OTHERWISE FOUND.
4. THIS SURVEY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD BOTH WRITTEN AND UNWRITTEN.
5. ELEVATION DATUM USED: N/A
6. NO VIABLE USGS MONUMENTS WERE LOCATED WITHIN 500'
7. BEARINGS SHOWN ON THIS SURVEY ARE FROM GRID NORTH. (GA. NAD 83 WEST ZONE)
8. ANY UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM ABOVE GROUND FIELD SURVEY INFORMATION, UTILITY LOCATE SERVICE MARKINGS, AND AVAILABLE AS-BUILT DATA. THIS SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN ARE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THIS SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THIS SURVEYOR HAS NOT PHYSICALLY OBSERVED OR LOCATED THE UNDERGROUND UTILITIES.
9. THERE ARE NO STATE WATERS IN THIS PROPERTY.
10. EXCEPT AS MORE EXPRESSLY INDICATED ON THIS PLAT, LOCATIONS OF ENVIRONMENTAL, GEOLOGIC, AND UNDERGROUND FEATURES AND CONDITIONS, NATURAL AND OTHERWISE, AS THEY MAY RELATE TO BUFFERS AND SETBACKS IS BEYOND THE SCOPE OF THIS SURVEY.
11. NO MAPPED WETLANDS SHOWN FOR THIS PROPERTY AS PER THE NATIONAL WETLANDS INVENTORY MAP PROVIDED BY THE U.S. FISH AND WILDLIFE SERVICE. INDIVIDUAL WETLAND AREAS MAY EXIST SHOWN OR NOT SHOWN AND ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS. PROPERTY OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO WETLANDS WITHOUT PROPER AUTHORIZATION.
12. FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP MAINTENANCE OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN, OR THE L OF ONE, INDICATED BY THIS PLAT.
13. SOILS INFORMATION AS PER U.S.D.A. SOIL MAPS OF FAYETTE COUNTY.
14. THERE ARE NO CEMETERIES, BURIAL GROUNDS FOUND ON THIS PROPERTY.
15. THERE ARE NO GROUND WATER RECHARGE AREAS ON THIS PROPERTY.
16. THERE ARE NO STATE WATERS ON PROPERTY.

IPF=IRON PIN FOUND
IPS=IRON PIN SET
R/W=RIGHT OF WAY
MAG= MAGNETIC
P.O.B.=POINT OF BEGINNING
B/L= BUILDING LINE
D.E.=DRAINAGE EASEMENT
N/F=NOW OR FORMERLY
P = PREVIOUS
E = EXISTING
P/P = POWER POLE
PRP = PER REFERENCE PLAT
EQUIPMENT UTILIZED --

CLOSURE DATA
FIELD CLOSURE=1"IN 42,000+
ANGLE POINT ERROR=< 03"
EQUIPMENT USED=TOTAL STATION
ADJUSTMENT METHOD=COMPASS RULE
PLAT CLOSURE=1"IN 100,000+

Graphic Scale: 1" = 100'

IPF=IRON PIN FOUND
 IPS=IRON PIN SET
 R/W=RIGHT OF WAY
 MAG= MAGNETIC
 P.O.B.=POINT OF BEGINNING
 B/L=BUILDING LINE
 D.E.=DRAINAGE EASEMENT
 N/F=NOW OR FORMERLY
 P = PREVIOUS
 E = EXISTING
 P/P = POWER POLE
 PRP = PER REFERENCE PLAT
 EQUIPMENT UTILIZED --

CLOSURE DATA

FIELD CLOSURE=1'IN 42,000+
ANGLE POINT ERROR=< 03"
EQUIPMENT USED=TOTAL STATION
ADJUSTMENT METHOD=COMPASS RULE
PLAT CLOSURE=1'IN 100,000+

DATE OF SURVEY
04/03/2016
DATE OF PLAT
04/06/2016
04/16/2016

ANGULAR -- lieca 1201
LINEAR -- lieca 1201

COUNTY AGENDA REQUEST

Page 24 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. RP-061-17, Mahmoud J. Amercani & Hadia Youssef, Owner, and Randy M. Boyd, Agent, request to add 4 lots to the Minor Subdivision Plat of J.K. Singletary and Patricia A. Singletary on property located in Land Lot(s) 26 & 39 of the 5th District and fronting on Seay Road.

Background/History/Details:

Staff recommends Approval of Petition RP-061-17.

The Planning Commission recommended Approval of Petition RP-061-17.

Arnold Martin made a motion to recommend approval of Petition RP-061-17. 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-061-17, Mahmoud J. Amercani & Hadia Youssef, Owner, and Randy M. Boyd, Agent, request to add 4 lots to the Minor Subdivision Plat of J.K. Singletary and Patricia A. Singletary on property located in Land Lot(s) 26 & 39 of the 5th District and fronting on Seay 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:


PLANNING COMMISSION RECOMMENDATION**DATE:** February 2, 2017**TO:** Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. RP-061-17, the application of Mahmoud Ameriani & Hadia Youssef to revise the Minor Subdivision Plat of J.K. Singletary & Patricia A. Singletary Property to add four (4) lots be:

X Approved ⁵⁻⁰ _____ Withdrawn _____ Disapproved
 _____ Tabled until _____


This is forwarded to you for final action.


 BRIAN HAREN


 JOHN H. CULBRETH SR.


 AL GILBERT


 ARNOLD L. MARTIN III


 JIM GRAW

Remarks:

STATE OF GEORGIA
COUNTY OF FAYETTE

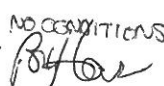
RESOLUTION

NO. RP-061-17

WHEREAS, Mahmoud Ameriani & Hadia Youssef, Owner, and Randy M. Boyd, Agent, having come before the Fayette County Planning Commission on RP-061-17, requesting a revision to a recorded plat as per Section 8-503,(b),7. of the Fayette County Subdivision Regulations; and

WHEREAS, said request being as follows: Request to in the area of Seay Road, Land Lot(s) 26 & 39 of the 5th District, for the purpose of ; 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 with conditions.~~ ^{NO CONDITIONS} 

This decision is based on the following reasons:

In compliance with the County's regulations and requirements, including availability of County water service.

Compatible with the surrounding area.

In compliance with the Land Use Plan.

PLANNING COMMISSION

OF

FAYETTE COUNTY

ATTEST:



SECRETARY



BRIAN HAREN
CHAIRMAN

PUBLIC HEARING

- 2. Consideration of Petition No. 1262-17, Mahmoud J. Amercani & Hadia Youssef, Owner, and Randy M. Boyd, Agent, request to rezone 14.39 acres from A- R to R-80 to develop a Single-Family Residential Subdivision. This property is located in Land Lot(s) 26 &39 of the 5th District and fronts on Seay Road.**

Pete Frisina advised Chairman Haren to read the next item on the agenda. He stated that they were both a part of the same petition.

- 3. Consideration of Petition No. RP-061-17, Mahmoud J. Amercani & Hadia Youssef , Owner, and Randy M. Boyd, Agent, request to add 4 lots to the Final Plat of J.K Singletary and Patricia A. Singletary. This property is located in Land Lot(s) 26 & 39 of the 5th District and fronts on Seay Road.**

Rand Boyd stated that he was the agent for Mahmoud J. Amercani & Hadia Yousseff for this rezoning request. He said that they own the 14.39 acres and it was divided last year into two (2) lots. He added that there is an existing house on the property. He stated that they would like to make a request to rezone it from A-R to R-80, to take the existing house put a lot encompassing that, and add three (3) more lots to that. He said the comprehensive land use plan is low density residential one (1) unit one (1) to two (2) acres. He added that they're yield would be four (4) three (3) acre lots. He stated that it is zoned A-R right now then we would request that the zone change to R-80. He said they have a concept plan and apologized for the misspelling of concept and typo in house floor area. He added that the floor stated on the concept plan was 3,000 and it should have been 2,500 for the R-80 district. He stated that they received favorable comments from staff and was approved as submitted. He asked that they would considerate and approve it also.

Chairman Haren asked if he wanted the Planning Commission to approve it as an R-80 or an R-85.

Randy Boyd replied R-80. He stated that it was submitted on last month as an R-85. He said that it was tabled on last month. He apologized for the confusion and stated that it is A-R now and they are asking for R-80 zoning request.

Chairman Haren asked if anyone would like to speak in favor of the petition. Hearing none; he asked if anyone would like to speak in opposition. Hearing none; he brought it before the Planning Commission. He asked if the Planning Commission had any questions or comments for the petitioner.

Jim Graw stated that he like the proposed recommended rezoning. He said that the area has a lot of A-R zoning in it right now. He added that there was some two (2) acre zoning R-70 and this would be an R-80 three (3) acre zoning. He stated that this does give a little bit of a precedent with some of the other A-R areas. He said if the A-R areas want to look at rezoning they can look at the three (3) acre maybe. He added that the request complied with the land use plan. He reiterated that he doesn't have a problem this rezoning.

Al Gilbert made a motion to approve Petition 1262-17. John Culbreth seconded the motion.

Chairman Haren asked if the structure on tract three (3) would be in compliance.

Randy Boyd replied to his knowledge yes.

Chairman Haren asked if there were issues with the driveway being in the setback.

Pete Frisina replied that the driveway can be in the setback.

Arnold Martin stated that Chairman Haren asked the question he was going to ask.

John Culbreth asked what his plan time table for development.

Randy Boyd replied that there was one (1) thing he forgot to mention and that was that these were going to be family lots. He stated that Mr. Americani is a builder (Sunrise Builder's) off of Highway 138 in Clayton County. He said that he plans to build the houses fairly quickly for his present sister's children. He added that Mr. Americani owns a house just south of this rezoning. He stated that the house was gigantic and it would be backing up to his property. He said the house will be able to see his house from their rear windows. He added that he plans to do a good job for us and that's the intent here. He stated that the property could be sold later, but his original intent was to have those built for family. He said it should happen rather quickly. He added that he is not building it to sell lots and make money.

Chairman Haren asked if there were any other questions or comments from the Planning Commission. Hearing none he asked for the call to vote.

The motion passed 5-0.

Chairman Haren stated that they have approved the rezoning and now it was time for them to approve the subdivision plat. He asked the Planning Commission if they had any questions regarding this.

Arnold Martin asked if the existing structure on tract three (3) meet the current structure size for R-80.

Pete Frisina replied to our knowledge the current structure meets the size requirements for R-80. He stated that the minimum floor area for R-80 was 2,500. He said that what they are actually voting on is to add three (3) lots to the existing minor subdivision plat that was done for that lot in the middle there.

Chairman Haren stated that he has seen a couple of residential development in the County where these driveways are right at the property edge well in the setback.

Chairman Haren asked if they had any other questions or comments.

Arnold Martin made a motion to recommend approval of Petition RP-061-17. John Culbreth seconded the motion.

Pete Frisina stated that they are approving the addition of three (3) lots to the subdivision.

The motion passed 5-0.

PETITION NO: 1262-17 & RP-061-17

REQUESTED ACTION: A-R to R-80 and add three (3) lots to the Minor Subdivision Plat of J.K. Singletary and Patricia Singletary Property

PROPOSED USE: Residential

EXISTING USE: Residential

LOCATION: Seay Road

DISTRICT/LAND LOT(S): 5th District, Land Lot(s) 26 & 39

OWNER: Mahmoud J. Americani

AGENT: Randy M. Boyd

PLANNING COMMISSION PUBLIC HEARING: January 5, 2017

BOARD OF COMMISSIONERS PUBLIC HEARING: January 26, 2017

APPLICANT'S INTENT

Applicant proposes to develop a Single-Family Residential Subdivision consisting of four (4) lots on 14.39 acres by adding three (3) lots to the Minor Subdivision Plat of J.K. Singletary and Patricia Singletary Property.

STAFF RECOMMENDATION

APPROVAL

1.

1262-17& RP-061-17

INVESTIGATION

A. PROPERTY SITE

The subject property is a 14.39 tract fronting on Seay Road in Land Lot(s) 26 & 39 of the 5th District. Seay Road is classified as a Major Arterial road on the Fayette County Thoroughfare Plan. The subject property contains a single-family residence and is currently zoned A-R.

History: The Minor Subdivision Plat of J.K. Singletary and Patricia Singletary Property was approved by the Planning Commission on July 7, 2016 and contains one (1) lot.

B. SURROUNDING ZONING AND USES

The general situation is a 14.39 tract that is zoned A-R. In the vicinity of the subject property is land which is zoned R-72, R-40, A-R & R-40. 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 (across Seay Road)	3.4	R-72	Single-family Residence	Low Density Residential (1 Unit/1 to 2 Acres)
	3.4	R-72	Single-family Residence	Low Density Residential (1 Unit/1 to 2 Acres)
South	24.0	A-R	Single-family Residence	Low Density Residential (1 Unit/1 to 2 Acres)
East	1.5	R-40	Single-family Residence	Low Density Residential (1 Unit/1 to 2 Acre
West	1.5	R-40	Single-family Residence	Low Density Residential (1 Unit/1 to 2 Acres)
	37.16	A-R	Single-family Residence	Low Density Residential (1 Unit/1 to 2 Acres)

Proposed Zoning District Requirements

Zoning District	Zoning Setbacks	Minimum Lot Size	Minimum House Size	Lot Width at Building Line	Buffer
R-80	F - 75' Arterial F - 75' Collector F - 50' Minor S - 30' R - 50'	3 Acres	2,500 sq ft	175'	N/A

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Low Density Residential (1 Unit/1 to 2 Acres). This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone from A-R to R-80 for the purpose of developing a Single-Family Residential Subdivision consisting of four (4) lots on 14.39 acres by adding three (3) lots to the Minor Subdivision Plat of J.K. Singletary and Patricia Singletary Property. The R-80 zoning district requires a three (3) acre lot.

Revision to the Minor Subdivision Plat (RP-061-17)

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.

Should this request be approved, the platting of the four (4) proposed lots will have to be done as a Final Plat. While the existing J.K. Singletary and Patricia Singletary Property subdivision is a Minor Subdivision Plat, the proposed lots will be less than five (5) acres in size. This is based on the Subdivision Regulations definitions as follows:

Plat, final, means all divisions of a tract of land into two or more lots where the lots are less than five acres in size and/or new streets are created.

Plat, minor subdivision, means all divisions of a tract of land into two or more lots where the lots are five acres or greater in size and no new streets are created.

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.

G. DEPARTMENTAL COMMENTS**Water System**

Water Available

Public Works/Engineering

Under current zoning the parcel on Seay road could be subdivided into two lots. As proposed there could be four. This would double the number of potential driveway cuts on Seay Road. There are no known sight distance issues along this stretch of Seay Road.

Environmental Management

Reviewed and approved recent plat. EMD has no issues with rezoning.

Environmental Health Department

Request to rezone 14.39 ac to develop single family residential lots (3) at 162 Seay Road. Environmental Health Comments: This department has no objection to the proposed rezoning request (A-R to R- 85) to develop 3 additional single family residential lots. However, based on department records, the existing septic system serving the residence at 162 Seay Road will need to be fully relocated onto proposed Tract 3 before this department would be in a position to sign any final plats for recording.

Fire

Must Show Fire Hydrants on Final Plat.

STAFF ANALYSIS

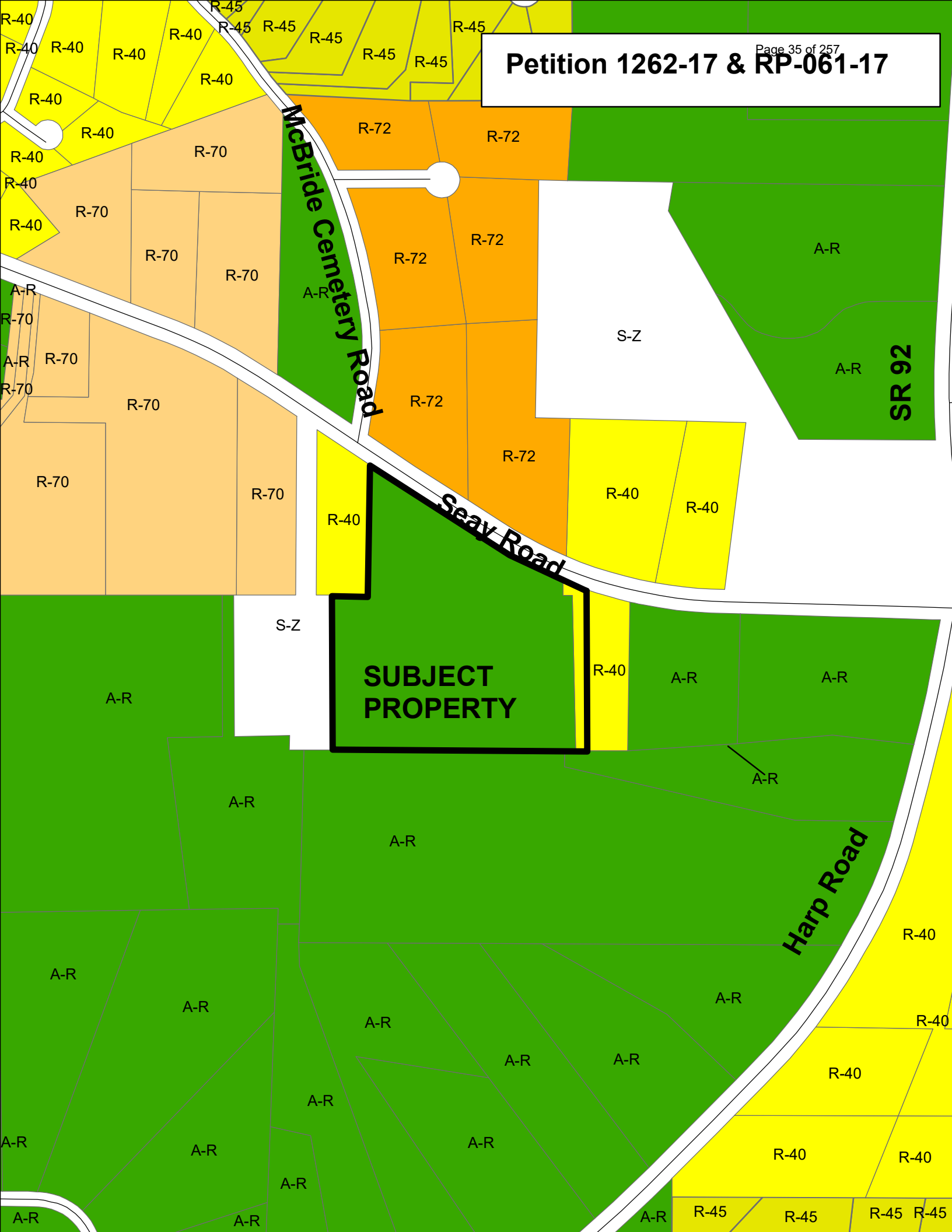
This request is based on the petitioner's intent to rezone said property from A-R to R-80 for the purpose of developing Residential. Per Section 110-300 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject property lies within an area designated for Low Density Residential (1 Unit/1 to 2 Acres). 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 a single-family residential district support this petition.

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

Petition 1262-17 & RP-061-17

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PUBLIC
FACILITIES/
INSTITUTION
(FIRE
STATION)

McBride Cemetery Road

SR 92

Seav Road

SUBJECT
PROPERTY

LOW DENSITY
RESIDENTIAL

Harp Road

RURAL
RESIDENTIAL

McBride Cemetery Road

SR 92

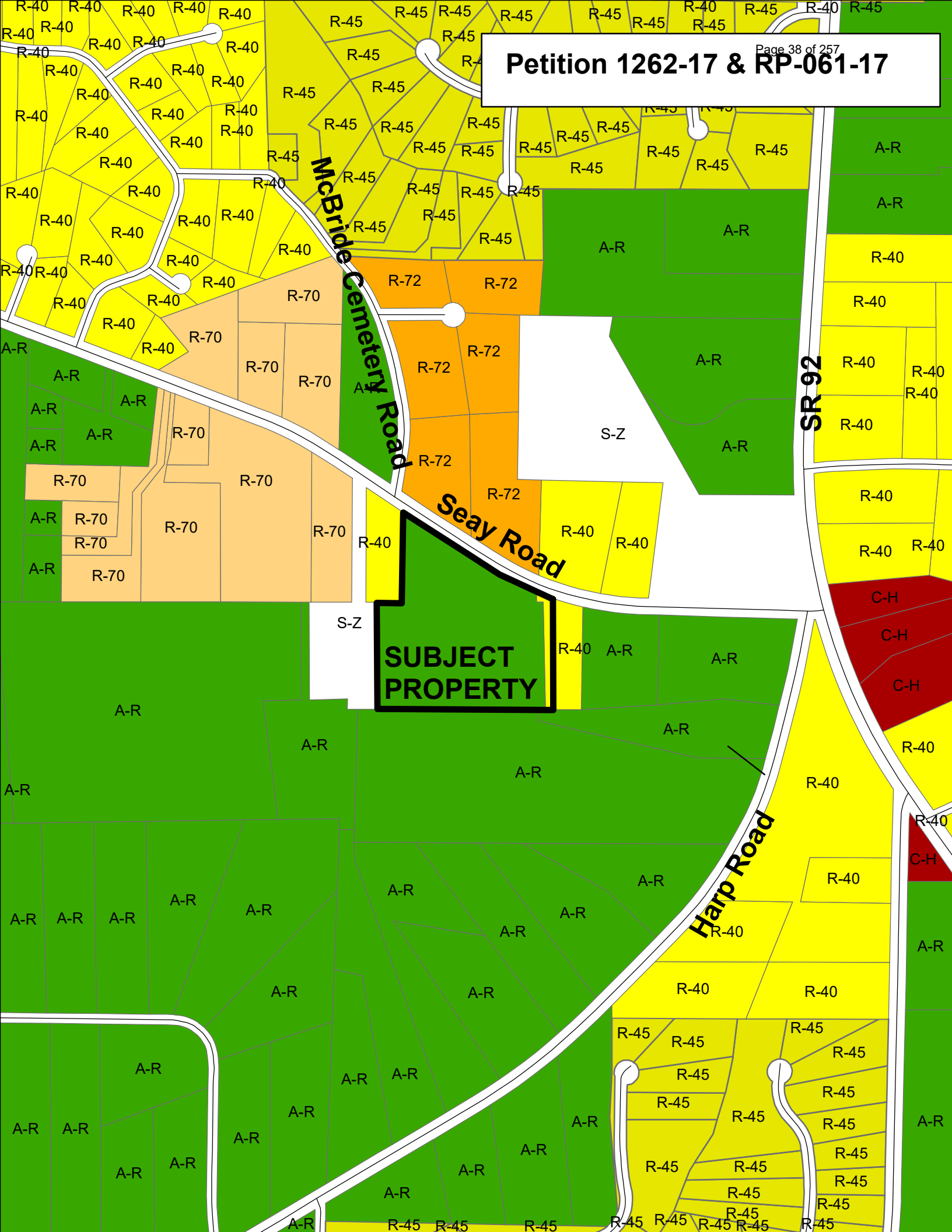
Seay Road

SUBJECT
PROPERTY

Harp Road

Petition 1262-17 & RP-061-17

Page 38 of 257



NAME OF RECORDED PLAT: ~~JK~~ J.K. Singletary and Patricia A SingletaryOWNER OF PROPERTY: MAHMOUD AMERCAHI - HADRA YOUSSEFMAILING ADDRESS: 301 Hwy 138 Jonesboro GA 30238PHONE: [REDACTED]E-MAIL: [REDACTED]AGENT FOR OWNER: Randy M. BoydMAILING ADDRESS: PO Box 164-Zebulon, GA 30295PHONE: [REDACTED]E-MAIL: [REDACTED]LOCATION: LAND LOT(S) 26/39 DISTRICT 5thZONING: A-R to R 85TOTAL NUMBER OF LOTS: 41 TOTAL NUMBER OF ACRES: 14.39DATE OF PLANNING COMMISSION HEARING: January 5, 2017DATE OF COUNTY COMMISSIONERS HEARING: January 24, 2017REASON FOR REVISION: to add ~~3~~ lots to
the minor Subdivision Plat of JK Singletary
and Patricia A. Singletary PropertyRP-061-17

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.

11-30-16, 20[Signature]
OWNER/AGENT'S SIGNATURE

_____, 20

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS AND INFRASTRUCTURE SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE"; AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN.

By: *S. Sawhney* 6/20/16
G.L. SAWHNEY, CA. RLS No. 2547 DATE

THIS IS TO CERTIFY THAT THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

PER THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS RULE 108-6-.09, THE TERM CERTIFICATION AS USED IN BOARD RULE 180-6-.09(2) AND (3) AND RELATING TO PROFESSIONAL ENGINEERING OR LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESS OR IMPLIED.

MINOR SUBDIVISION PLAT OF J.K. SINGLETARY & PATRICIA A SINGLETARY PROPERTY

LOCATED IN LAND LOTS 26 & 39
4th LAND DISTRICT, FAYETTE COUNTY, GA.

TOTAL AREA
14.59 ACRES

LOT AREA CHART		
LOT #	TOTAL AREA	CONTIGUOUS AREA*
TRACT 1	5.00 AC.	2.45 AC.

*Each residential building lot has a minimum contiguous area that is free and clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind.

TAX PARCEL ID# 0511 010 PARENT TRACT
THERE ARE NO RECORDED EASEMENTS FOUND ASSOCIATED WITH THIS PROPERTY

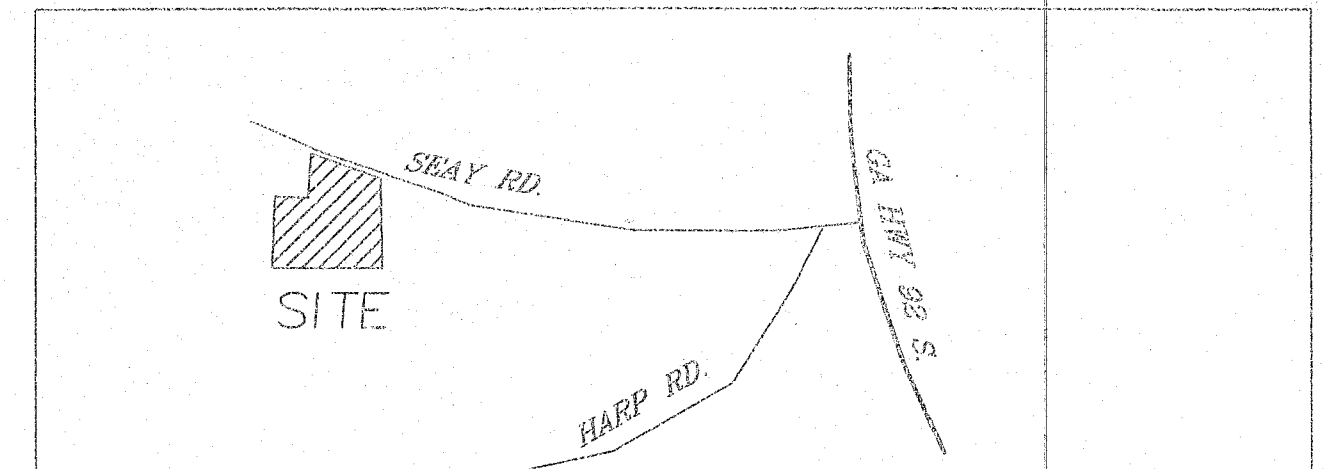
ALL THAT PROPERTY CONTAINED WITHIN THE REQUIRED RIGHT-OF-WAY SEAY RD. HAVING A MINIMUM REQUIRED 100 FOOT RIGHT-OF-WAY, 10 FEET SHALL BE DEDICATED TO CREATE A MINIMUM 50 FOOT RIGHT-OF-WAY AS MEASURED FROM THE CENTERLINE. SAID RIGHT-OF-WAY SHALL BE INDICATED HEREON AND ARE HEREBY DEEDED TO FAYETTE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF GEORGIA, AT NO COSTS TO FAYETTE COUNTY, UPON RECORDATION OF SAID MINOR SUBDIVISION PLAT INTO THE FAYETTE COUNTY CLERK OF SUPERIOR COURT RECORDS.

AREA
0.193 AC.
8,409 S.F.
R.O.W. TO BE DEDICATED
TO FAYETTE COUNTY.

Doc ID: 009922790001 Type: PLAT
Recorded: 07/11/2016 at 01:20:00 PM
Page 1 of 1
Fee Amt: \$8.00 Clerk Superior Court
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 49 PG 30

PREPARED BY: SAWHNEY & ASSOCIATES

523 HASTINGS WAY JONESBORO GA 30238
PH# (678)-478-8857 FAX# (678)-500-4356
EMAIL: SHAHEMUSIC140@GMAIL.COM



SITE DATA & ZONING REQUIREMENTS

TOTAL TRACT AREA - 14.588 ACRES

TOTAL NUMBER OF LOTS - 1

SITE ZONING: A-R AGRICULTURE-RESIDENTIAL

MIN. LOT AREA - 5.00 ACRES

LOT WIDTH - 250 Feet

MIN. STREET FRONTAGE - 100 Feet

WATER PROVIDED BY ON SITE INDIVIDUAL WELLS

SANITARY SEWER SERVICE PROVIDED BY INDIVIDUAL ON SITE SEWERAGE

MANAGEMENT SYSTEM

FRONT YARD SETBACK:

ARTERIAL - 100 Feet

COLLECTOR - 100 Feet

REAR YARD SETBACK - 75 Feet

SIDE YARD SETBACK - 50 Feet

HEIGHT LIMIT - 35 Feet

MIN. FLOOR AREA - 1200 Sq.Ft.

GENERAL NOTES

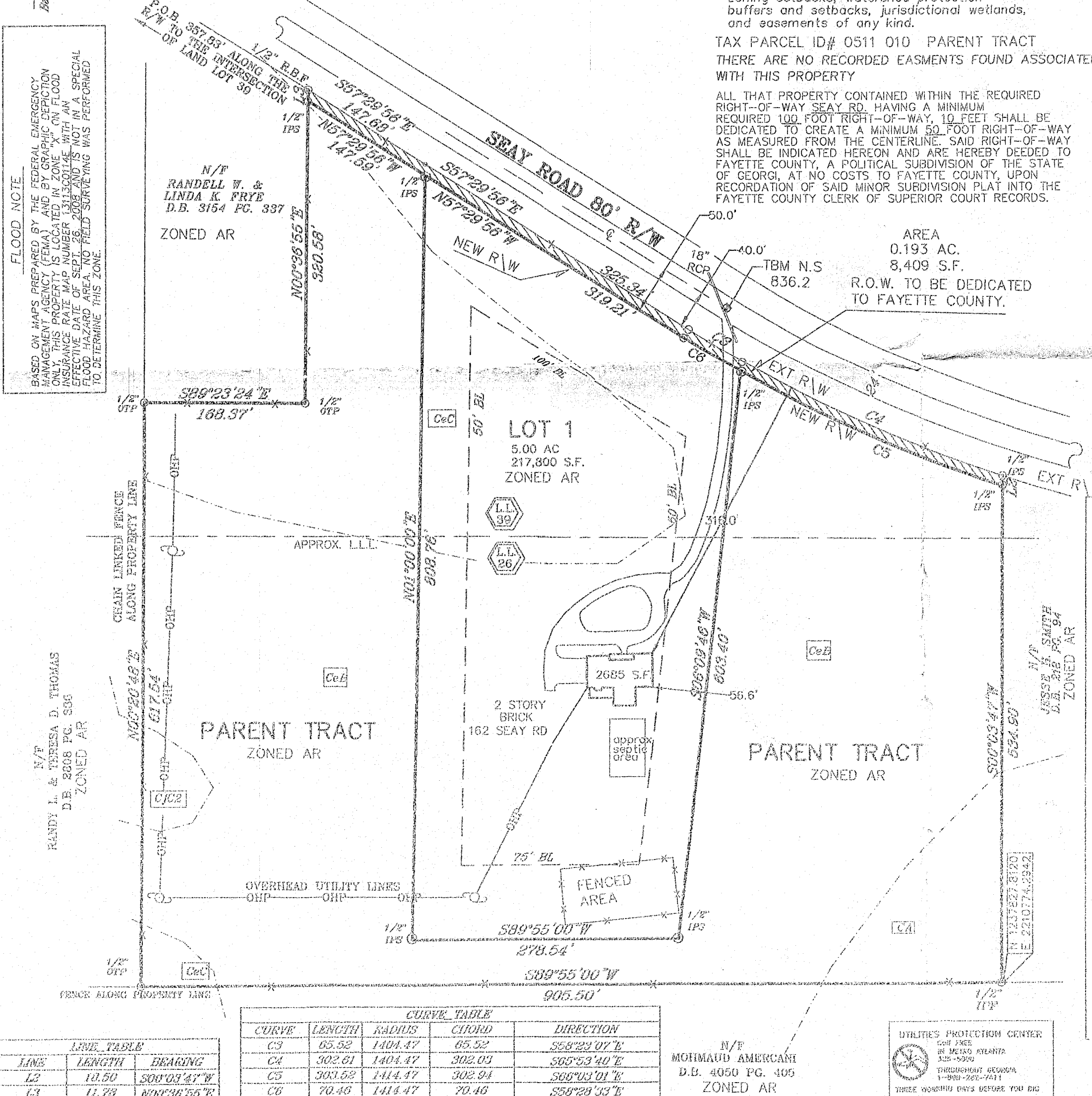
- EXCEPT AS SPECIFICALLY SHOWN OR STATED ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS (OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING THIS SURVEY OR EASEMENTS THAT CAN BE ESTABLISHED FROM A COMPLETE AND ACCURATE LEGAL DESCRIPTION); BUILDING SETBACKS; RESTRICTIVE COVENANTS; ZONING CONDITIONS OR OTHER LAND USE REGULATIONS.
- SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SIGNATURE OF SURVEYOR.
- ALL CORNER MONUMENTS SET ARE 1/2" REBAR OR AS OTHERWISE FOUND.
- THIS SURVEY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD BOTH WRITTEN AND UNWRITTEN.
- ELEVATION DATUM USED: N/A
- NO VISIBLE USGS MONUMENTS WERE LOCATED WITHIN 500' OF THIS SITE.
- BEARINGS SHOWN ON THIS SURVEY ARE FROM GRID NORTH. (GA. NAD 83 WEST ZONE)
- ANY UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM ABOVE GROUND FIELD SURVEY INFORMATION, UTILITY LOCATE SERVICE MARKINGS, AND AVAILABLE AS-BUILT DATA. THIS SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THIS SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THIS SURVEYOR HAS NOT PHYSICALLY OBSERVED OR LOCATED THE UNDERGROUND UTILITIES.
- THERE ARE NO STATE WATERS ON PROPERTY.
- EXCEPT AS MAY BE EXPRESSLY INDICATED ON THIS PLAT, LOCATIONS OF ENVIRONMENTAL GEOLOGIC, AND UNDERGROUND FEATURES AND CONDITIONS, NATURAL AND OTHERWISE, AS THEY MAY RELATE TO BUFFERS AND SETBACKS IS BEYOND THE SCOPE OF THIS SURVEY.
- NO MAPPED WETLANDS SHOWN FOR THIS PROPERTY AS PER THE NATIONAL WETLANDS INVENTORY MAP AS PROVIDED BY THE U.S. FISH AND WILDLIFE SERVICE. INDIVIDUAL WETLAND AREAS MAY EXIST SHOWN OR NOT SHOWN AND ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS. PROPERTY OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO WETLANDS WITHOUT PROPER AUTHORIZATION.
- FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP MAINTENANCE OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN, OR THE LACK OF ONE, INDICATED BY THIS PLAT.
- SOILS INFORMATION AS PER U.S.D.A. SOIL MAPS OF FAYETTE COUNTY.
- THERE ARE NO CEMETERIES, BURIAL GROUNDS FOUND ON THIS PROPERTY.
- THERE ARE NO GROUND WATER RECHARGE AREAS ON THIS PROPERTY.
- THERE ARE NO STATE WATERS ON PROPERTY.

LEGEND

IPF=IRON PIN FOUND
IPS=IRON PIN SET
R/W=RIGHT OF WAY
MAC= MAGNETIC
P.O.B.=POINT OF BEGINNING
B/L=BUILDING LINE
D.E.=DRAINAGE EASEMENT
N/A=NOW OR FORMERLY
E=EXISTING
P/P= POWER POLE
PRP= PER REFERENCE PLAT
EQUIPMENT UTILIZED ---
ANGULAR --- Ilicca 1201
LINEAR --- Ilicca 1201

DATE OF SURVEY
04/03/2016
DATE OF PLAT
04/06/2016
04/16/2016

FLOOD NOTE
BASED ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND BY GRAPHIC DEPICTION ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" ON FLOOD INSURANCE RATE OF SEPT. 26, 2009 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE.



APPROVED BY FAYETTE COUNTY
ENVIRONMENTAL HEALTH DEPARTMENT
(LEVEL III SOIL SURVEY REQUIRED PRIOR TO OBTAINING SEPTIC SYSTEM PERMIT)

DATE: 6/24/16 SIGNED: *Robert F. Kline*
ENVIRONMENTAL HEALTH SPECIALIST

APPROVED BY FAYETTE COUNTY
STORMWATER MANAGEMENT DEPARTMENT

DATE: 6-28-16 SIGNED: *Lawson J. Pinnell*
STORMWATER DEPARTMENT

APPROVED BY FAYETTE COUNTY
ENGINEERING DEPARTMENT

DATE: 6/27/16 SIGNED: *P. Mallow*
COUNTY ENGINEER

APPROVED BY FAYETTE COUNTY
PLANNING COMMISSION

DATE: 7/7/2016 SIGNED: *Robert F. Kline*
SECRETARY

APPROVED BY FAYETTE COUNTY
ZONING ADMINISTRATOR

DATE: 6/23/16 SIGNED: *Robert F. Kline*
ZONING ADMINISTRATOR

APPROVED BY FAYETTE COUNTY
FIRE MARSHAL

DATE: 6/27/16 SIGNED: *Robert F. Kline*
FIRE MARSHAL

0 100 200 300 400
Graphic Scale: 1" = 100'

UTILITIES PROTECTION CENTER
ONE FREE
IN METRO ATLANTA
325-5900
THROUGHOUT GEORGIA
1-800-265-6111
THREE WORKING DAYS BEFORE YOU DIG

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	DIRECTION
C3	65.52	1404.47	65.52	S58°23'07"E
C4	302.61	1404.47	302.61	S65°33'40"E
C5	303.52	1414.47	302.94	S66°03'01"E
C6	70.46	1414.47	70.46	S56°28'33"E

LINE TABLE		
LINE	LENGTH	BEARING
L2	10.50	S00°09'47"W
L3	11.78	N00°38'55"E

TAX PARCEL ID# 0511 010 PARENT TRACT
THERE ARE NO RECORDED EASEMENTS FOUND ASSOCIATED
WITH THIS PROPERTY

5th LOCATED IN LAND LOTS 26 & 39
LAND DISTRICT, FAYETTE COUNTY, GA.
TOTAL AREA
14.39 ACRES

TOTAL TRACT AREA - 14.39 ACRES
TOTAL NUMBER OF LOTS - 1
CURRENT SITE ZONING: A-R AGRICULTURE-RESIDENTIAL

COLLECTOR - 75 Feet
REAR YARD SETBACK - 50 Feet
SIDE YARD SETBACK - 25 Feet
HEIGHT LIMIT - 35 Feet
MIN. FLOOR AREA - 3000 Sq.Ft.

523 HASTINGS WAY JONESBORO GA 30238
PH.# (678)-478-6857 PH.# (678)-500-4356
EMAIL SHAREMUSIC140@GMAIL.COM

SURVEYOR'S CERTIFICATE

By: GL Sawhney 11/10/2016
G.L. SAWHNEY, GA. RLS No 2547 DATE

PER THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS RULE 108-6-.09, THE TERM CERTIFICATION AS USED IN BOARD RULE 180-6-.09(2) AND (3) AND RELATING TO PROFESSIONAL ENGINEERING OR LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESS OR IMPLIED.

MAHMOUD AMERCANI
135 HARP ROAD
FAYETTEVILLE, GA 30215
770-210-8470

WE, THE UNDERSIGNED OWNERS OF THE PLATTED PROPERTY, HEREBY DEDICATE THE RIGHTS-OF-WAY FOR PUBLIC USE, AND/OR RESERVE FOR PUBLIC USE THE EASEMENTS AND OTHER GROUND SHOWN ON THIS PLAT. WE THE UNDERSIGNED OWNERS UNDERSTAND THIS MINOR SUBDIVISION PLAT AND ANY MAINTENANCE BOND AND/OR IRREVOCABLE LETTER-OF-CREDIT SHALL EXPIRE AND THIS BECOME VOID IF THE MINOR SUBDIVISION PLAT IS NOT RECORDED INTO THE FAYETTE COUNTY CLERK OF SUPERIOR COURT RECORDS WITHIN 90 CALENDAR DAYS OF THE DATE OF APPROVAL BY THE FAYETTE COUNTY PLANNING COMMISSION.

By: OWNER MAHMOND AMERANI DATE

1. EXCEPT AS SPECIFICALLY SHOWN OR STATED ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS (OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING THIS SURVEY); EASEMENTS THAT HAVE BEEN ESTABLISHED FROM A COMPLETE AND ACCURATE LEGAL DESCRIPTION); BUILDING SETBACKS; RESTRICTIVE COVENANTS; ZONING CONDITIONS OR OTHER LAND USE REGULATIONS.
2. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SIGNATURE OF SURVEYOR.
3. ADJACENT CORNERS ARE SET AT 1/2" REBAR OR AS OTHERWISE FOUND.
4. THIS SURVEY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD BOTH WRITTEN AND UNWRITTEN.
5. ELEVATION DATUM USED: N/A
6. NO VISIBLE USGS MONUMENTS WERE LOCATED WITHIN SURVEY MONUMENTS.
7. BEARINGS SHOWN ON THIS SURVEY ARE FROM GRID NORTH. (GA. NAD 83 WEST ZONE)
8. ANY UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM ABOVE GROUND FIELD SURVEY INFORMATION, UTILITY LOCATE SERVICE MARKINGS, AND AVAILABLE AS-BUILT DATA. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPOSE ALL SUCH UTILITIES IN THE AREA. EITHER IN SERVICE OR ABANDONED. THIS SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THIS SURVEYOR HAS NOT PHYSICALLY OBSERVED OR LOCATED THE UNDERGROUND UTILITIES.
9. THERE ARE NO STATE WATERS ON PROPERTY.
10. EXCEPT AS OTHERWISE EXPRESSED, INDICATED ON THIS PLAT, LOCATIONS OF ENVIRONMENTAL, GEOLOGIC, AND UNDERGROUND FEATURES AND CONDITIONS, NATURAL AND OTHERWISE, AS THEY MAY RELATE TO BUFFERS AND SETBACKS IS BEYOND THE SCOPE OF THIS SURVEY.
11. NO MAPPED WETLANDS SHOWN FOR THIS PROPERTY AS PER THE NATIONAL WETLANDS INVENTORY MAP PROVIDED BY THE U.S. FISH AND WILDLIFE SERVICE. INDIVIDUAL WETLAND AREAS MAY EXIST SHOWN OR NOT SHOWN AND ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS. PROPERTY OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO WETLANDS WITHOUT PROPER AUTHORIZATION.
12. FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP MAINTENANCE OR RESPONSIBILITY FOR ANY DRAINAGE EAST OF OR OVERALL DRAINAGE PLAN, OR THE L OF ONE, INDICATED BY THIS PLAT.
13. SOILS INFORMATION AS PER U.S.D.A. SOIL MAPS OF FAYETTE COUNTY.
14. THERE ARE NO CEMETERIES, BURIAL GROUNDS FOUND ON THIS PROPERTY.
15. THERE ARE NO GROUND WATER RECHARGE AREAS ON THIS PROPERTY.
16. THERE ARE NO STATE WATERS ON PROPERTY.

N/F
RANDY L. & TERESA D. THOMAS
D.B. 2808 PG. 336
ZONED AR

IPF=IRON PIN FOUND
IPS=IRON PIN SET
R/W=RIGHT OF WAY
MAG.=MAGNETIC
P.O.B.=POINT OF BEGINNING
B/L=BUILDING LINE
D.E.=DRAINAGE EASEMENT
N/F=NOW OR FORMERLY
P = PREVIOUS
E = EXISTING
P/P = POWER POLE
PRP = PER REFERENCE PLAT
EQUIPMENT UTILIZED --

CLOSURE DATA
FIELD CLOSURE=1"IN 42,000+
ANGLE POINT ERROR=< 03"
EQUIPMENT USED=TOTAL STATION
ADJUSTMENT METHOD=COMPASS RULE
PLAT CLOSURE=1"IN 100,000+

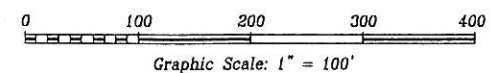
N/F
MOHMAUD AMERCANI
D.B. 4050 PG. 405
ZONED AR

IPF=IRON PIN FOUND
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 EQUIPMENT UTILIZED --

CLOSURE DATA
FIELD CLOSURE=1"IN 42,000+
ANGLE POINT ERROR=< 03"
EQUIPMENT USED=TOTAL STATION
ADJUSTMENT METHOD=COMPASS RULE
PLAT CLOSURE=1"IN 100,000+

DATE OF SURVEY
04/03/2016
DATE OF PLAT
04/06/2016
04/16/2016

ANGULAR -- lieca 1201
LINEAR -- lieca 1201



COUNTY AGENDA REQUEST

Page 42 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of staff's request to adopt Resolution 2017-03 pertaining to the "Fayette County 2016 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2017- FY2021)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs

Background/History/Details:

Fayette County and the towns of Tyrone, Brooks, and Woolsey, in accordance with the Georgia Development Impact Fee Act and the Minimum Planning Standards, have prepared the "Fayette County 2016 Annual Report on Fire Services Impact Fees (FY2016), including the Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Program (FY2017 - FY2021)". This annual update was prepared in accordance with requirements of the Georgia Development Impact Fee Act and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989.

This annual update was prepared in accordance with requirements of the Georgia Development Impact Fee Act and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989.

What action are you seeking from the Board of Commissioners?

Approval of staff's request to adopt Resolution 2017-03 pertaining to the "Fayette County 2016 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2017 - FY2021), and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs for Regional and State review prior to adoption.

If this item requires funding, please describe:

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:

TRANSMITTAL RESOLUTION 2017-03

WHEREAS, Fayette County, Georgia has prepared an annual update to a Capital Improvements Element and Short Term Work Program; and

WHEREAS, the annual update of the Capital Improvements Element and Short Term Work Program was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held on February 23, 2017.

BE IT THEREFORE RESOLVED, that Fayette County, Georgia does hereby submit the annual update of the Capital Improvements Element and Short Term Work Program covering the five-year period of FY 2017 to FY 2021 to the Atlanta Regional Commission and Georgia Department of Community Affairs for regional review, as per the requirements of the Georgia Planning Act of 1989.

Adopted this 23rd day of February, 2017

BY:

ATTEST:

Fayette County and Towns of Brooks, Tyrone and Woolsey Summary Impact Fee Financial Report FY 2016

	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2016 By Jurisdiction	
Fayette County	\$118,9112.86
Brooks	\$5,405.13
Tyrone	\$23,404.74
Woolsey	\$2,402.28
Total	\$150,125.01
Accrued Interest	\$195.08
(Administrative/Other Costs)	(\$4,466.22)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(\$145,853.87)
Impact Fee Fund Balance Ending FY 2016	\$0.00
Impact Fees Encumbered	\$0.00

Fayette County Impact Fee Financial Report - FY 2016	
Public Facility	Fire Services
Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2016	\$118,912.86
Accrued Interest	\$154.48
(Administrative/Other Costs)	(\$3,567.34)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(\$115,500)
Impact Fee Fund Balance Ending FY 2016	\$0.00
Impact Fees Encumbered	\$0.00

Fayette County Comprehensive Plan Amendment - Capital Improvement Element - Project Update FY 2017 – FY 2023

Public Facility: Fire Services

Project Description	FY Project Start	FY Project End	Actual / Estimated Cost of Project	Funding From Impact Fees	Percent by Impact Fees	Other Funding Sources	Current Year Impact Fees Applied	Impact Fee Applied Previous Years	Remaining Amount to be Paid from Impact Fees	Status/ Remarks
Construct FS1:SR279	FY02	FY02	\$872,836	\$471,331	54%	Fire Tax	n.a.	\$471,331	\$0.00	Comp, FY02
Construct FS10: Seay Rd	FY 02	FY02	\$838,295	\$687,402	82%	Fire Tax	n.a.	\$687,402	\$0.00	Comp, FY02
Construct FS5: S.R. 85 S.	FY02	FY03	\$1,191,565	\$369,385	31%	Fire Tax	n.a.	\$369,385	\$0.00	Comp, FY03
Construct FS7: Hampton Road	FY03	FY03	\$1,066,472	\$586,559	55%	Fire Tax	n.a.	\$586,559	\$0.00	Comp, FY03
Purchase Acreage for Future Fire Station: McElroy Road	FY04	FY04	\$25,000	\$25,000	100%	None	n.a.	\$25,000	\$0.00	Acreage purchased.
Purchase Two (2) Quints	FY06	FY07	\$675,000	\$675,000	100%	None	\$145,854	\$463,398	\$65,748	Purchased FY07
Emergency Operations Center	FY12	FY15	\$1,107,921	\$131,864*	83.5%	Fire Tax / Grant*	0	\$0.00	\$131,864	Comp, FY15
Construct Fire Training Center	Future	Future	\$1,120,000	\$253,691	22.65%	Fire Tax	0	\$0.00	\$253,691	Future/Planned
Construct FS2: S.R. 92N	Future	Future	\$1,644,000	\$164,400	10%	Fire Tax	0	\$0.00	\$164,400	Future/Planned
Construct FS14: Sandy Creek/Flat Ck	Future	Future	\$1,613,773	\$1,613,773	100%	None	0	\$0.00	\$1,613,773	Future/Planned
Construct FS15: Ginger Cake/Graves	Future	Future	\$2,061,333	\$2,061,333	100%	None	0	\$0.00	\$2,061,333	Future/Planned
Rescue Truck (1)	Future	Future	\$224,334	\$224,334	100%	None	0	\$0.00	\$224,334	Future/Planned
Brush Truck (1)	Future	Future	\$57,011	\$57,011	100%	None	0	\$0.00	\$57,011	Future/Planned
Engine/Pumpers (8)	Future	Future	\$3,252,082	\$3,252,082	100%	None	0	\$0.00	\$3,252,082	Future/Planned
Totals			\$15,749,622	\$10,573,165			\$145,854	\$2,603,075	\$7,824,236	

* 1,107,921

- 950,000 (Grant)

157,921 x 83.5% = \$131,864

Brooks Impact Fee Financial Report - FY 2016	
Public Facility	Fire Services
Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2016	\$5,405.13
Accrued Interest	\$7.02
(Administrative/Other Costs)	(\$162.18)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(\$5,249.97)
Impact Fee Fund Balance Ending FY 2016	\$0.00
Impact Fees Encumbered	\$0.00

Tyrone Impact Fee Financial Report - FY 2016	
Public Facility	Fire Services
Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2016	\$23,404.74
Accrued Interest	\$30.46
(Administrative/Other Costs)	(\$664.62)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(\$22,770.58)
Impact Fee Fund Balance Ending FY 2016	\$0.00
Impact Fees Encumbered	\$0.00

Woolsey Impact Fee Financial Report - FY 2016	
Public Facility	Fire Services
Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2016	\$2,402.28
Accrued Interest	\$3.12
(Administrative/Other Costs)	(\$72.08)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(\$2,333.32)
Impact Fee Fund Balance Ending FY 2016	\$0.00
Impact Fees Encumbered	\$0.00

**FAYETTE COUNTY COMPREHENSIVE PLAN AMENDMENT
SHORT TERM WORK PROGRAM UPDATE FY2017- FY2021**

This section presents an updated five-year work program for FY 2017 through FY 2021 to implement the vision and goals of the Fayette County Comprehensive Plan. In addition to the scheduling of projects for the county, the Short Term Work Program indicates potential sources of funding.

**FAYETTE COUNTY COMPREHENSIVE PLAN AMENDMENT
SHORT TERM WORK PROGRAM UPDATE FY2017-FY2021 - PUBLIC SAFETY**

Goal: Maintain and Improve the Level of Service for **Public Safety**

Plan Element: **Community Facilities**

Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility
Fire and Emergency Medical Services					
Radio Replacements	FY 2017	FY 2018	\$814,800	Fire Fund, EMS Fund & General Fund	Fayette County Emergency Services
SCBA – Breathing Equipment	FY 2017	FY 2019	\$968,500	Fire Fund	Fayette County Emergency Services
Sheriff's Office					
Radio Replacements	FY 2017	FY 2018	1,335,686	General Fund	Sheriff's Office

**FAYETTE COUNTY COMPREHENSIVE PLAN AMENDMENT
SHORT TERM WORK PROGRAM UPDATE FY2017-FY2021 – GOVERNMENTAL SERVICES**

Goal: Provide Support for Effective and Efficient Delivery of Governmental Services

Plan Element: **Community Facilities**

Aerial Photography	FY2017	FY2019	\$90,000	General Fund	Information Systems
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**FAYETTE COUNTY COMPREHENSIVE PLAN AMENDMENT
SHORT TERM WORK PROGRAM UPDATE FY2017-FY2021 RECREATION**

Goal: Upgrade Recreation Services

Plan Element: Community Facilities

Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility
Kiwanis Park Enhancements	FY 2019	FY 2021	\$320,000	General Fund	Fayette County Recreation Dept.
McCurry Park Enhancements	FY 2017	FY 2021	\$1,145,000	General Fund	Fayette County Recreation Dept.

**FAYETTE COUNTY COMPREHENSIVE PLAN AMENDMENT
SHORT TERM WORK PROGRAM UPDATE FY2017-FY2021 - WATER SYSTEM**

Goal: Upgrade County Water System

Plan Element: Community Facilities

Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility
North Waterline Enhancement Project	FY 2017	FY 2021	\$800,000	Enterprise Funds	Fayette County Water System
SCADA Update	FY 2017	FY 2019	\$660,000	Enterprise Funds	Fayette County Water System

**FAYETTE COUNTY COMPREHENSIVE PLAN AMENDMENT
SHORT TERM WORK PROGRAM UPDATE FY2017-FY2021 - PATH SYSTEM**

Goal: Maintain and Improve County Multi-Use Path System

Plan Element: Community Facilities

Redwine Road & Starrs Mill Multi-Use Path	FY2017	FY2018	\$783,960	General Fund & Federal Grant	Fayette County Public Works
Pedestrian, Bicycle, & Golf Cart Path Study	FY2017	FY2017	\$90,000	General Fund & Federal Grant	Fayette County Public Works

FAYETTE COUNTY COMPREHENSIVE PLAN AMENDMENT SHORT TERM WORK PROGRAM UPDATE FY2017-FY2021 – PLANNING AND ZONING					
Goal: Growth and development should be consistent with the county comprehensive plan.			Plan Element: Land Use Plan		
Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility
Major Update of Fayette County Comprehensive Plan	FY 2015	FY 2017	Staff Time	General Fund	Fayette County Planning and Zoning Department

COUNTY AGENDA REQUEST

Page 54 of 257

Department: Buildings & Grounds

Presenter(s): Carlos Christian

Meeting Date: Thursday, February 23, 2017

Type of Request: Consent #5

Wording for the Agenda:

Approval of staff's recommendation to make enhancements to the Heritage Park Water fountain at a cost of \$60,000.

Background/History/Details:

The Board of Commissioners have approved a CIP project to make enhancements to the Heritage Park water fountain.

CIP #6565I (\$125,000)

Staff recommends the following work:

- | | |
|--|------------|
| 1. Reset & Level Brick Pavers: | \$ 12,000* |
| 2. New Textured Surface Granite Caps & Inlays: | \$ 28,500 |
| 3. Cast Stone Molding, Base & Brick/Cast Stone Facade: | \$ 17,000 |
| 4. New Pump(complete): | \$ 1,000 |
| 5. Color Changing LED Lighting: | \$ 1,500 |
| TOTAL: | \$ 60,000 |

* labor included

The cost noted above is based on Fayette County staff performing the work.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to make enhancements to the Heritage Park Water fountain at a cost of \$60,000.

If this item requires funding, please describe:

Funding is available from CIP # 6565I, which has \$125,000 available for enhancements to the fountain.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Yes

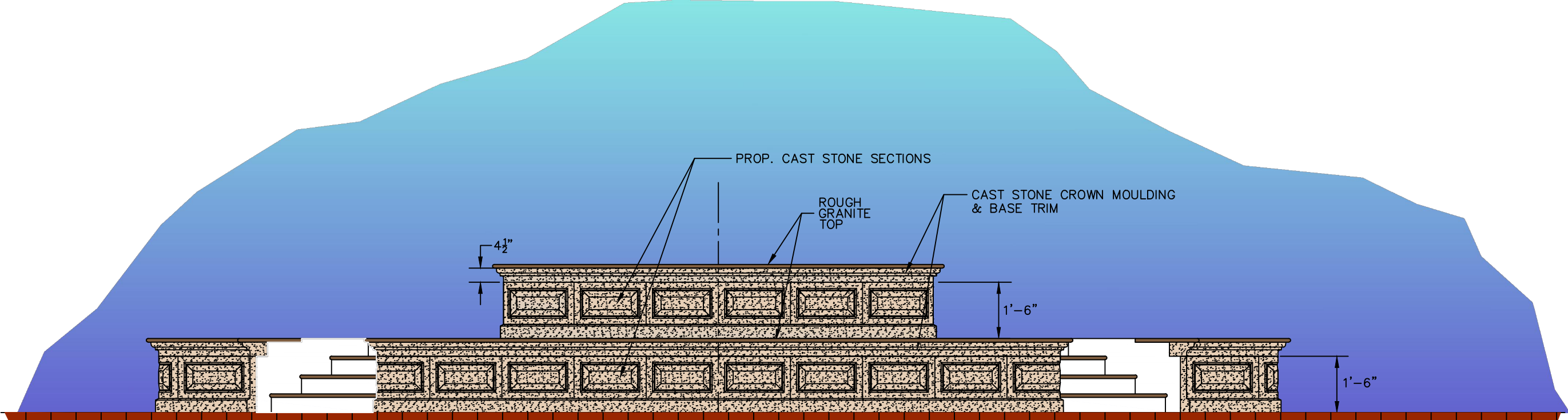
Reviewed by Legal

Approved by Purchasing Not Applicable

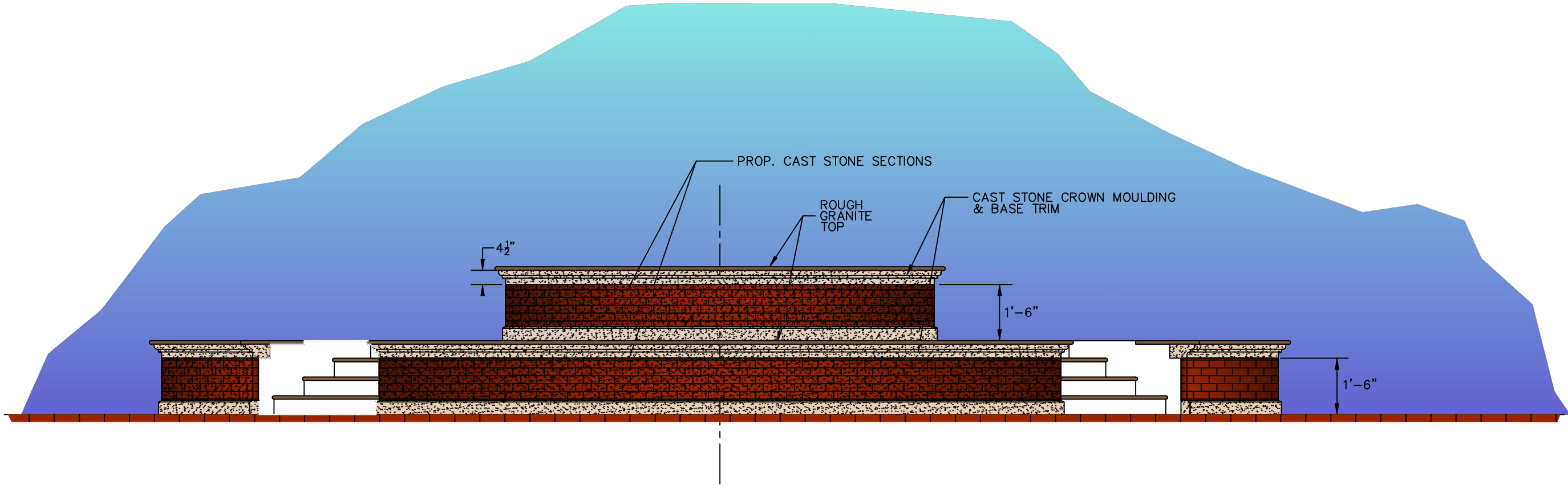
County Clerk's Approval Yes

Administrator's Approval Yes

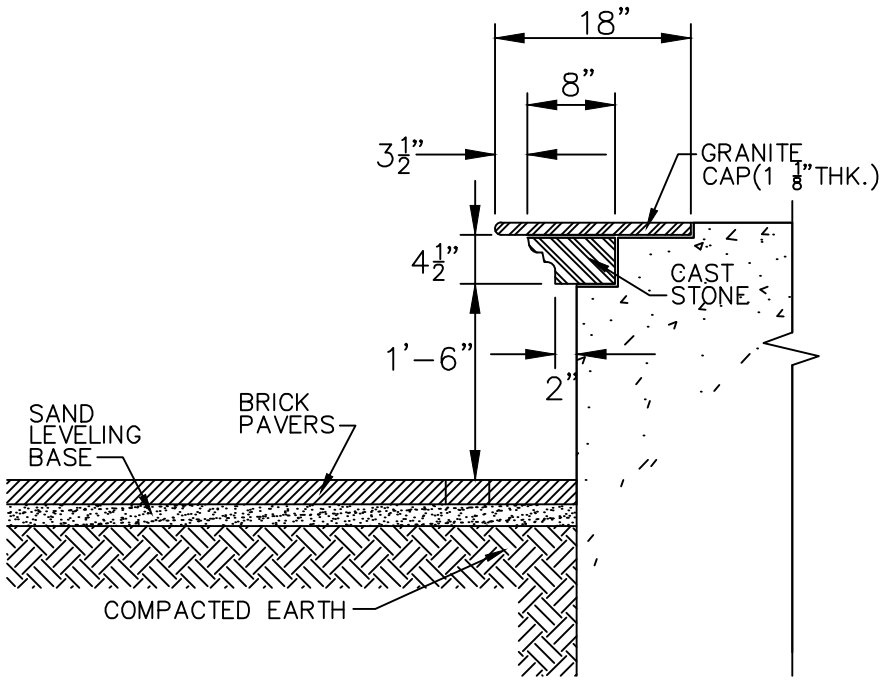
Staff Notes:



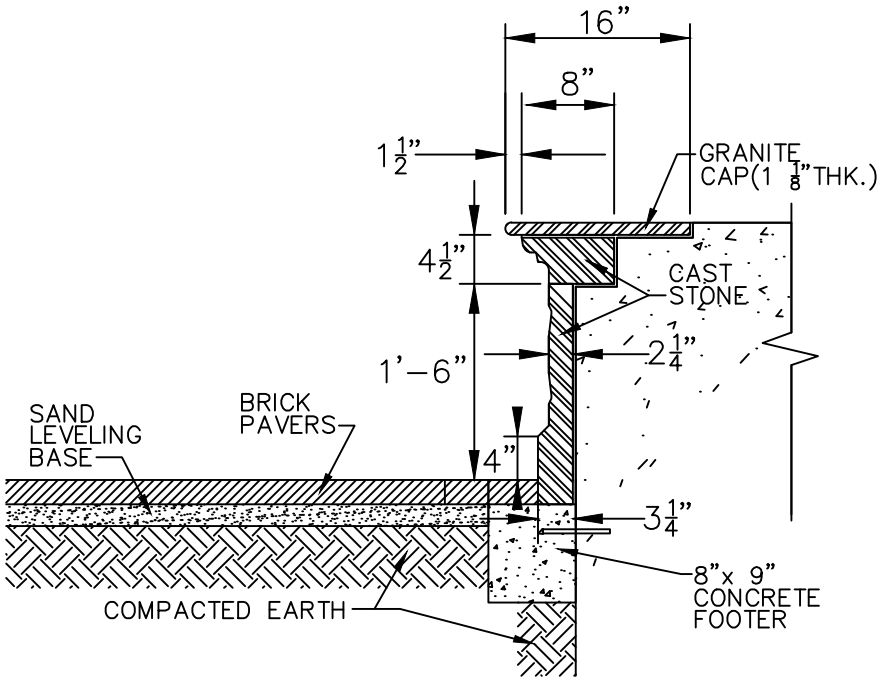
OPTION #1 – CAST STONE FACADE



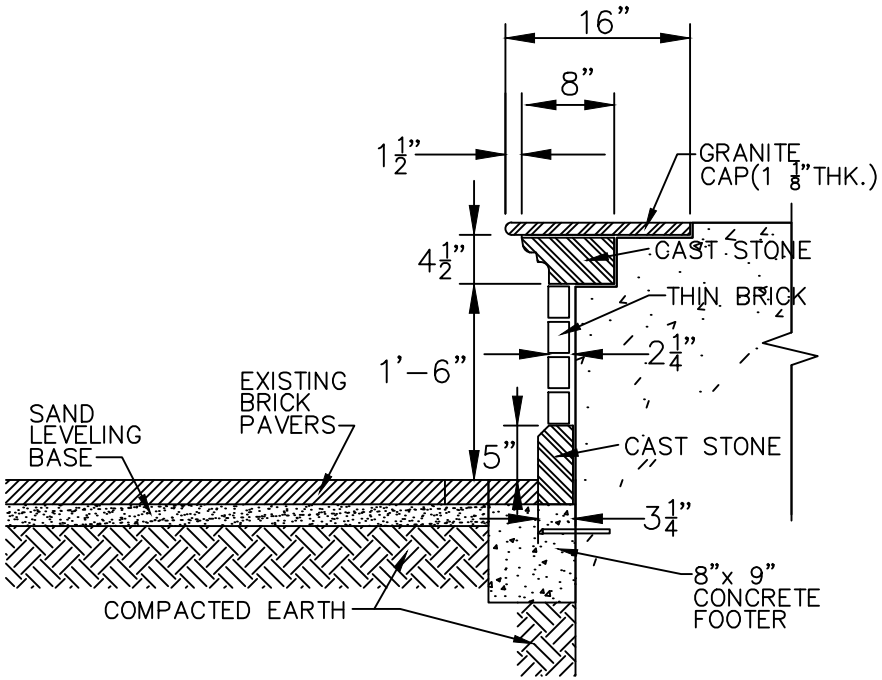
OPTION #2 – CAST STONE W/BRICK FACADE



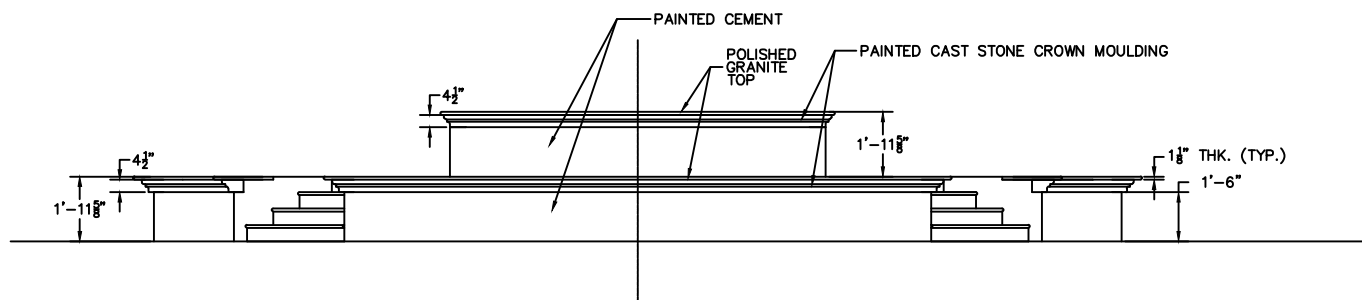
EXISTING CROSS SECTION THRU FOUNTAIN WALL



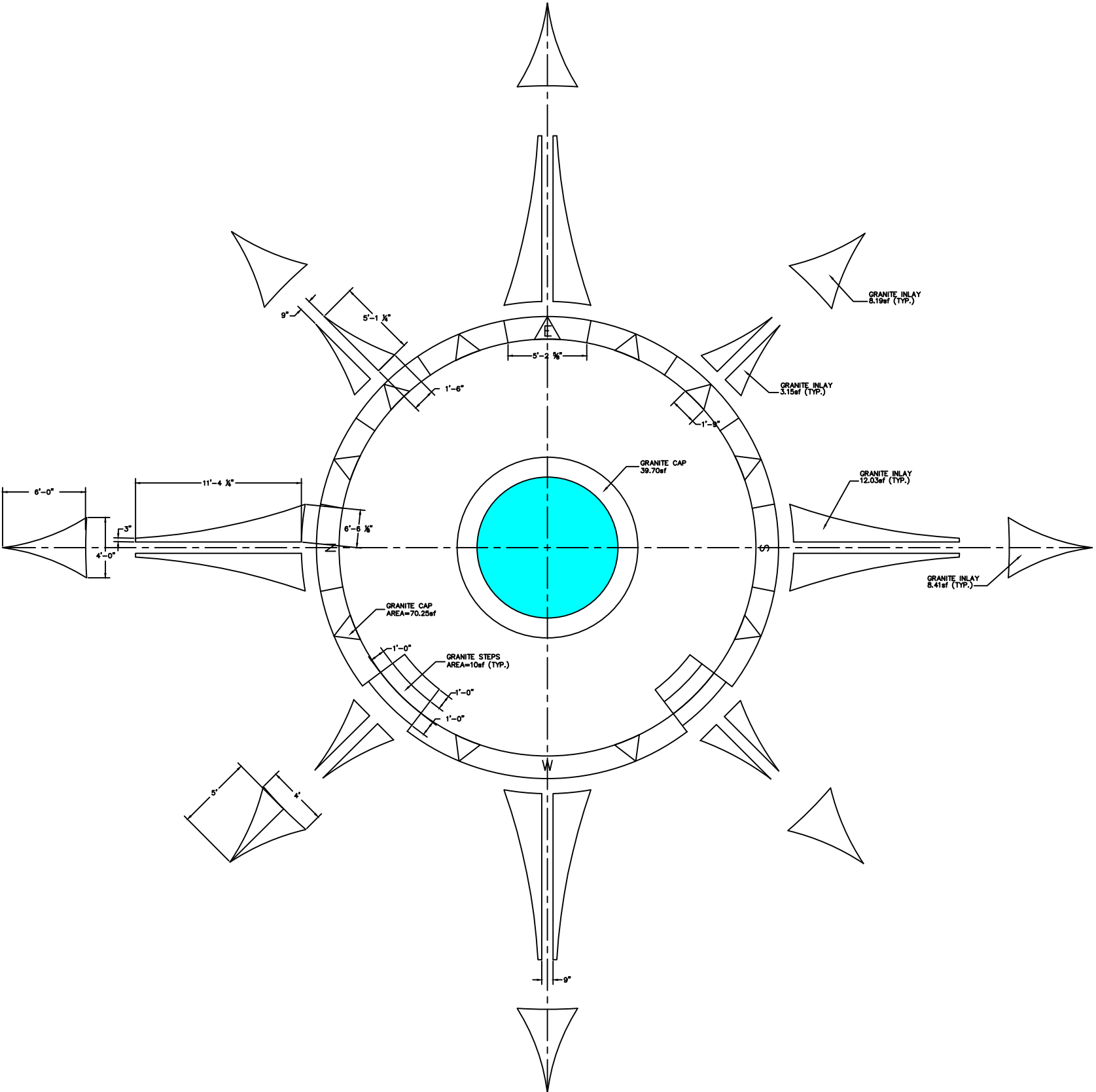
PROPOSED CROSS SECTION THRU FOUNTAIN WALL
OPTION #1 – CAST STONE FACADE

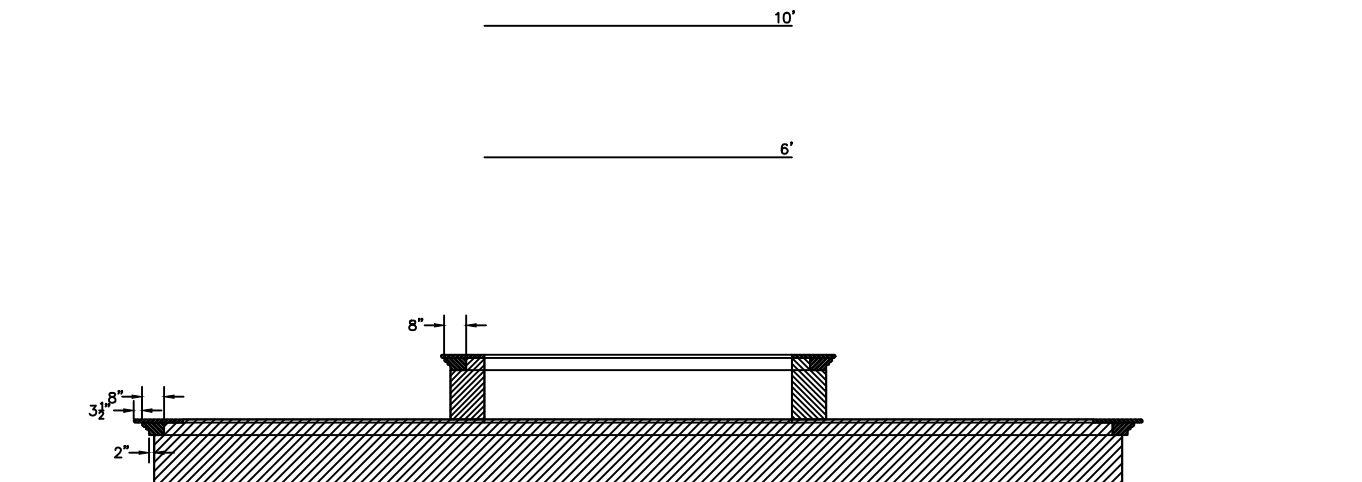


PROPOSED CROSS SECTION THRU FOUNTAIN WALL
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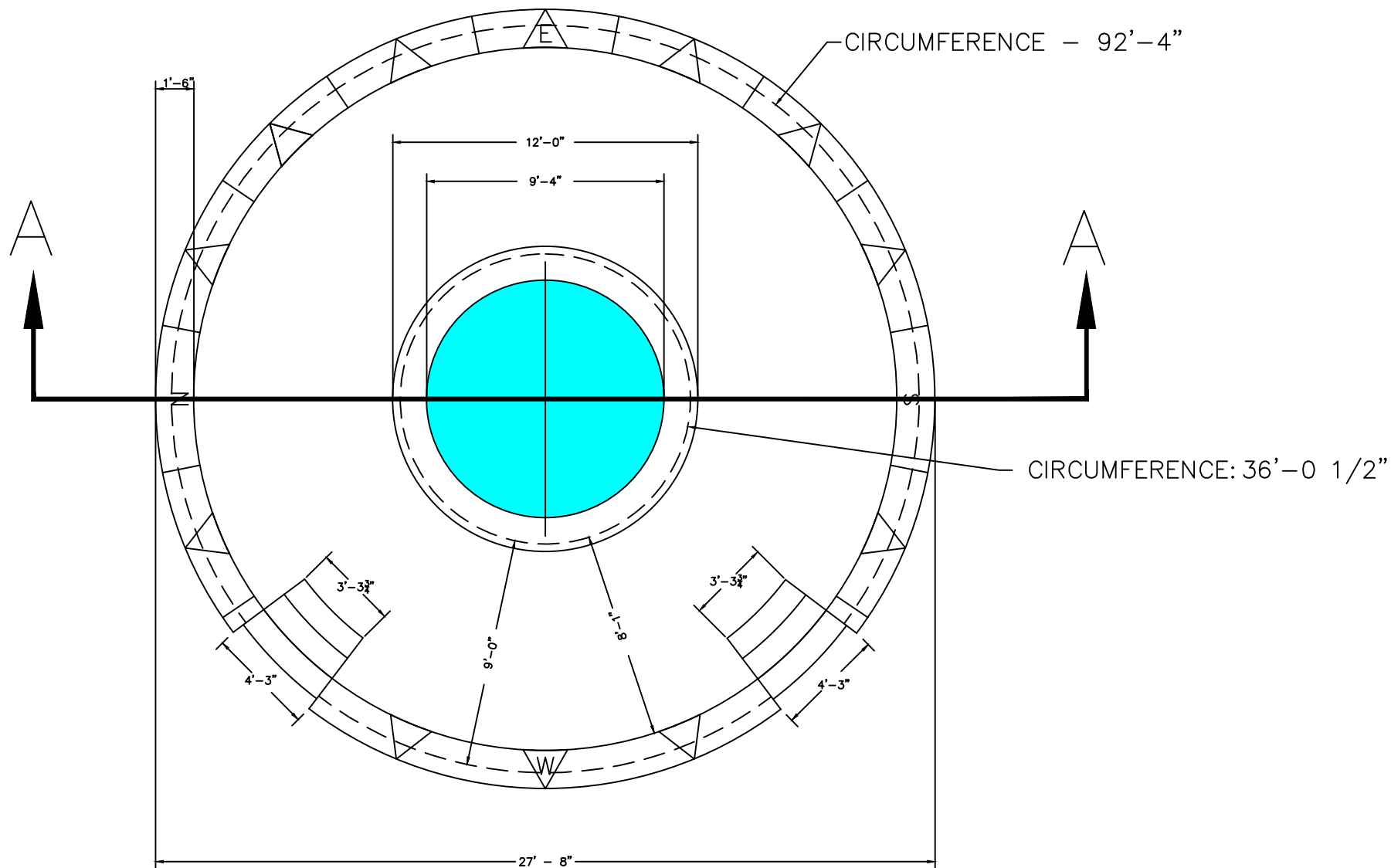


FRONT VIEW





SECTION A—A



TOP VIEW

COUNTY AGENDA REQUEST

Page 62 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's recommendation for a.) Board execution of the Construction Agreement between GDOT and Fayette County for PI #0012623 for the resurfacing of 85 Connector, Ebenezer Road and Brook Woolsey Road; b) BOC approval of GDOT oversight; and c.) BOC to approve the low bid from C.W. Matthews Co, Inc. for Bid #1236-B Resurface Three Roads in the amount of \$1,076,040.76.

Background/History/Details:

This is a 9.53 mile resurfacing project on the following roads: 85 Connector from Woods Road to Spalding County line a distance of 3.27 miles, Ebenezer Road from Ebenezer Church Road to Peachtree City limits a distance of 1.89 miles and Brooks Woolsey Road from Antioch Road to 85 Connector a distance of 4.37 miles. In addition to resurfacing this project also includes the following activities to be performed by the contractor: milling, striping, raised pavement markers and shoulder construction.

This is a Federal Aid project. The Georgia Department of Transportation (GDOT) has committed to fund \$860,832.61 (80%) of the contractor construction portion of this project with Fayette County covering the remaining \$215,208.15 (20%). GDOT has also committed to fund \$8,000 (80%) of the Construction Oversight and \$25,000 (100%) Laboratory Testing to be performed by GDOT with Fayette County to send payment to GDOT in the amount of \$2,000 (20%) for the County's portion of Construction Oversight.

Total Project Cost - \$1,111,040.76 (\$1,076,040.76 CWM + \$35,000 GDOT Testing Services)

GDOT Portion - \$893,832.61 (80.45%)

Fayette County Portion - \$217,208.15 (19.55%)

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation for a.) Board execution of the Construction Agreement between GDOT and Fayette County for PI #0012623 for the resurfacing of 85 Connector, Ebenezer Road and Brook Woolsey Road; b) BOC approval of GDOT oversight; and c.) BOC to approve the low bid from C.W. Matthews Co, Inc. for Bid #1236-B Resurface Three Roads in the amount of \$1,076,040.76.

If this item requires funding, please describe:

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:

Russell R. McMurtry, P.E., Commissioner



GEORGIA DEPARTMENT OF TRANSPORTATION

One Georgia Center, 600 West Peachtree Street, NW
Atlanta, Georgia 30308
Telephone: (404) 631-1000

February 15, 2017

Honorable Eric K. Maxwell, County Commissioner
Fayette County
140 Stonewall Avenue West, Suite 100
Fayetteville, GA 30214-2198

ATTN: Eric K. Maxwell, Commission Chairman

Subject: **Construction Contract Agreement for Execution**
P.I. No. 0012623, Fayette County
CR 875/SR 85 Conn; CR 359/Brooks Road & CR 364/Ebenezer Road

Dear Commissioner Maxwell,

The Department accepts the recommendation from the County to award C.W. Matthews the contract for construction services concerning the above referenced project. In addition, the Department is requesting that the County submit payment for Construction Oversight and Laboratory Testing activities that will be used to fund GDOT staff man-hours and any other associated expenses incurred by any GDOT employee. The estimated amount for the GDOT Construction Oversight is \$10,000.00. Eighty percent of that amount (\$8,000.00) will be paid through federal funding. The remaining 20% (\$2,000.00) is to be paid by the County. **Please send payment in the amount of \$2,000.00 made out to the Georgia Department of Transportation as follows and include the above P.I. No. on the transaction:**

For payments made by check:
Georgia Department of Transportation
P.O. Box 117138
Atlanta, GA 30368-7138

For payments made by ACH:
Bank Routing (ABA) # 021052053
Account # 43125093

Attached you will find four (4) original contract agreements for the above referenced project. Please execute each contract agreement and provide the appropriate title and address where indicated. Once the Department has received the check, four signed originals of the contract agreement (please include four original copies of the Georgia Security and Immigration Compliance Act Affidavit) and Testing Materials form we will execute the contract agreement and issue the County a Notice to Proceed to Construction.

Construction Contract Agreement for Execution
P.I. No. 0012623, Fayette County
CR 875/SR 85 Conn; CR 359/Brooks Road & CR 364/Ebenezer Road
February 8, 2017 Page **2** of **2**

Should you have any questions or concerns, please contact the Department's Project Manager, Kevin VanHouten, at 706-646-7557.

Sincerely,

Albert V. Shelby, III
State Program Delivery Engineer

KESD

AVS:CLB:KESD:KBV
Attachments

CONSTRUCTION AGREEMENT
Between
DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA
and
FAYETTE COUNTY

Please indicate which Catalog of Domestic Federal Assistance Number (CFDA) applies to this agreement (Check only one):

- ☒ CFDA # 20.205 - Highway Planning and Construction Cluster
☐ CFDA # 20.219 - Recreational Trails Program

This Agreement, made and entered into this _____ day of _____ 2017 by and between the DEPARTMENT OF TRANSPORTATION, an agency of the State of Georgia, hereinafter called the "DEPARTMENT", and FAYETTE COUNTY, GEORGIA, hereinafter called the "SPONSOR."

WHEREAS, the SPONSOR has been approved by the DEPARTMENT to carry out a Federal-aid Project which consists of the construction of Project **P.I. 0012623**, hereinafter referred to as the "PROJECT"; and

WHEREAS, the DEPARTMENT is authorized to receive federal funding for Projects for Georgia pursuant to provisions of 23 U.S.C. Section 133(b)(8); and

WHEREAS, the PROJECT is expected to positively impact the quality of transportation in the State of Georgia; and

WHEREAS, the DEPARTMENT desires to participate with the SPONSOR in the implementation of the PROJECT; and

WHEREAS, the SPONSOR has represented to the DEPARTMENT that it has the authority to receive and expend federal funds for the purpose of this PROJECT and is qualified and experienced to provide such services necessary for the construction of the PROJECT and the DEPARTMENT has relied upon such representations; and

WHEREAS, under Section 32-2-2(a)(7) of the Official Code of Georgia Annotated, the DEPARTMENT is authorized to participate in such an undertaking:

NOW, THEREFORE, in consideration of the mutual promises and covenant contained herein, it is agreed by and between the DEPARTMENT and the SPONSOR THAT:

ARTICLE I
SCOPE AND PROCEDURE

The SCOPE AND PROCEDURE for this PROJECT shall be CR 875/SR 85 CONN; CR 359/BROOKS ROAD & CR 364/EBENEZER ROAD, as set forth in Exhibit A, WORK PLAN, which is further defined by the PROJECT estimate sheets ("PROJECT PLANS") on file with the DEPARTMENT and the SPONSOR and referenced as if attached hereto and incorporated as if fully set forth herein.

The SPONSOR shall be responsible for assuring that the PROJECT will be economically feasible and based upon sound engineering principles, meet American Association of State Highway and Transportation Officials ("AASHTO") Guidelines and will be sensitive to ecological, environmental and archaeological issues.

The WORK PLAN sets out the scope of work for the PROJECT. It is understood and agreed that the DEPARTMENT shall participate only in the PROJECT as specified in Exhibit A, WORK PLAN.

The SPONSOR shall work with the Georgia Department of Transportation District 3 to advise the SPONSOR on the WORK PLAN and provide guidance during implementation of the PROJECT.

During the development of the PROJECT the SPONSOR has taken into consideration, as applicable, the DEPARTMENT'S Standard Specifications for the Construction of Roads and Bridges, AASHTO guidelines; FHWA guidelines; compliance with the U.S. Secretary of the Interior "Standards and Guidelines, Archaeology and Historic Preservation"; compliance with Section 106 of the National Historic Preservation Act of 1966 and with Section 4(f) of the US DOT Act of 1966; compliance with the Archaeology and Historic Preservation Act of 1974; compliance with the Archaeological Resources Protection Act of 1979 and with the Native American Graves Protection and Repatriation Act, the Georgia Abandoned Cemeteries and Burial Grounds Act of 1991; compliance with the DEPARTMENT'S Scenic Byways Designation and Management Program, and with the American Society of Landscape Architect Guidelines; compliance with the Outdoor Advertising Requirements as outlined in the Official Code of Georgia Annotated, Section 32-6-70 et.seq. and other standards and guidelines as may be applicable to the PROJECT.

The SPONSOR has acquired rights of way, if required, and related services for the PROJECT in accordance with State and Federal Laws, DEPARTMENT'S Right of Way Procedure Manual, Federal Regulations and particularly Title 23 and 49 of the Code of Federal Regulations ("CFR"), as amended. The SPONSOR further acknowledges that no acquisition of rights of way occurred until all applicable archaeological, environmental and historical preservation clearances were approved.

The SPONSOR shall ensure that all contracts as well as any subcontracts for the construction of the PROJECT shall comply with the Federal and State legal requirements imposed on the DEPARTMENT and any amendments thereto. The SPONSOR is required and does agree

to abide by those provisions governing the DEPARTMENT's authority to contract, specifically, but not limited to Sections 32-2-60 through 32-2-77 of the Official Code of Georgia Annotated; the DEPARTMENT's Rules and Regulations governing the Prequalification of Prospective Bidders, Chapter 672-5; and the DEPARTMENT's "Standard Specifications", Current Edition; "Supplemental Specifications Book", current edition; and any Supplemental Specifications and Special Provisions as applicable for the PROJECT.

The SPONSOR further agrees to comply with and shall require the compliance and physical incorporation of Federal Form FHWA-1273 into all contracts or subcontracts for construction, as attached hereto and incorporated herein as Exhibit B, Terms and Conditions.

ARTICLE II COVENANTS AGAINST CONTINGENT FEES

The SPONSOR shall comply with all relevant requirements of Federal, State and local laws including but not limited to those applicable requirements as outlined in Exhibit B, TERMS AND CONDITIONS. The SPONSOR warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the SPONSOR, to solicit or secure this Agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the SPONSOR, any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the DEPARTMENT shall have the right to annul this Agreement without liability, or, in its discretion, to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

ARTICLE III REVIEW OF WORK

Authorized representatives of the DEPARTMENT and the Federal Highway Administration, ("FHWA"), may at all reasonable times review and inspect the activities and data collected under the terms of this Agreement and amendments thereto, including but not limited to, all reports, drawings, studies, specifications, estimates, maps, and computations, prepared by or for the SPONSOR. The DEPARTMENT reserves the right for reviews and acceptance on the part of effected public agencies, railroads and utilities insofar as the interest of each is concerned.

Acceptance shall not relieve the SPONSOR of its professional obligation to correct, at its expense, any of its errors in the work. The DEPARTMENT's review recommendations shall be incorporated into the work activities of the SPONSOR.

ARTICLE IV
TIME OF PERFORMANCE

TIME IS OF THE ESSENCE IN THIS AGREEMENT. The SPONSOR shall perform its responsibilities for the PROJECT, commencing on receipt of written "Notice to Proceed" from the DEPARTMENT, shall complete the Project no later than 365 Calendar Days after receipt of the written "Notice to Proceed" (based on the construction time). The work shall be carried on in accordance with the schedule attached to this Agreement as "Exhibit C", WORK SCHEDULE, with that unforeseen events may make necessary some minor variations in that schedule.

The work shall be carried on expeditiously, it being understood, however, that this Agreement may be extended or continued in force by mutual consent of the parties and evidenced by a written amendment thereto.

ARTICLE V
RESPONSIBILITY FOR CLAIMS AND LIABILITY

The SPONSOR shall, to the extent permitted by law, be responsible for any and all damages to property or persons and shall save harmless the DEPARTMENT, its officers, agents and employees from all suits, claims, actions or damages of any nature whatsoever resulting from the negligence of the SPONSOR in the performance of the work under this Agreement.

It is understood by the SPONSOR that claims, damages, losses, and expenses may include monetary claims made by the construction contractor for the PROJECT, and its related facilities, that are a result of the SPONSOR's negligence or improper representation in the plans.

The SPONSOR shall ensure that the provisions of this Article are included in all contracts and subcontracts.

These indemnities shall not be limited by reason of any insurance coverage held by the SPONSOR or the SPONSOR's contractors or subcontractors.

ARTICLE VI
INSURANCE

Prior to beginning work, the SPONSOR shall obtain and where applicable cause its subcontractors to obtain and furnish certificates to the DEPARTMENT for the following minimum amounts of insurance:

- A. Workmen's Compensation Insurance in accordance with the laws of the State of Georgia.

- B. Public Liability Insurance in an amount of not less than one hundred thousand dollars (\$100,000) for injuries, including those resulting in death to any one person, and in an amount of not less than three hundred thousand dollars (\$300,000) on an account of any one occurrence.
- C. Property Damage Insurance in an amount of not less than fifty thousand dollars (\$50,000) from damages on account of any occurrence, with an aggregate limit of one hundred thousand dollars (\$100,000).
- D. Valuable Papers Insurance in an amount sufficient to assure the restoration of any plans, drawings, field notes, or other similar data relating to the work covered by the PROJECT.

Insurance shall be maintained in full force and effect during the life of the Agreement and until final completion of the PROJECT.

ARTICLE VII COMPENSATION AND PAYMENT

It is agreed that the compensation hereinafter specified includes both direct and indirect costs chargeable to the PROJECT under generally accepted accounting principles and as allowed in the Federal Acquisition Regulations Subpart 31.6 and not prohibited by the Laws of the State of Georgia.

It is understood and agreed that the total estimated construction cost of the PROJECT as outlined in this Article and as shown in Exhibit "D", BUDGET ESTIMATE, attached hereto and incorporated as if fully set out herein, is one million seventy-six thousand forty dollars and seventy-six cents (\$1,076,040.76). The total estimated cost of the PROJECT to be financed using FEDERAL program funds through the Georgia Department of Transportation is eight hundred sixty thousand eight hundred thirty-two dollars and sixty-one cents (\$860,832.61) , which is the total state/federal contribution to the PROJECT and is the maximum amount of the DEPARTMENT'S obligation. The approved PROJECT budget shall include any claims by the SPONSOR for all costs incurred by the SPONSOR in the conduct of the entire scope of work for the PROJECT.

The SPONSOR shall be solely responsible for any and all amounts in excess of the state contribution. In no event shall the Federal contribution of the project exceed eight hundred sixty thousand eight hundred thirty-two dollars and sixty-one cents (\$860,832.61), which is the DEPARTMENT'S maximum obligation.

It is understood and agreed that nothing in the foregoing shall prevent an adjustment of the estimate of the PROJECT costs, provided that the DEPARTMENT'S maximum obligation under this Agreement is not exceeded and that the original intent of the PROJECT is not substantially altered from the approved PROJECT. In order to adjust said budget estimate, it is also understood that the SPONSOR

shall request any and all budget changes in writing and that the DEPARTMENT shall approve or disapprove the requested budget estimate change in writing.

The SPONSOR shall submit to the DEPARTMENT monthly reports of the PROJECT's progress to include a report on what was accomplished during the month, anticipated work to be done during the next month and any problems encountered or anticipated. Payment on account of the above fee will be made monthly on the basis of calendar months, in proportion to the percentage of the work completed for each phase of work. Payments shall be made after approval of a certified voucher from the SPONSOR. Upon the basis of its review of such vouchers, the DEPARTMENT shall, at the request of the SPONSOR, make payment to the SPONSOR as the work progresses, but not more often than once a month. Should the work for the PROJECT begin within any one month, the first voucher shall cover the partial period from the beginning date of the work through the last date of the month in which it began. The vouchers shall be numbered consecutively and subsequent vouchers submitted each month until the work is completed. Payment will be made in the amount of sums earned less previous partial payments. The final invoice shall reflect the actual cost of work accomplished by the SPONSOR under the terms of this Agreement, and shall be the basis for final payment.

No expense for travel shall be an allowable expense for the SPONSOR under this Agreement unless such travel is listed in the approved PROJECT budget submitted by the SPONSOR to the DEPARTMENT. In addition, budgeted costs for travel shall be limited to the amount included in the approved PROJECT budget, unless prior DEPARTMENT approval is obtained for increasing such amount.

Should the work under this Agreement be terminated by the DEPARTMENT, pursuant to the provisions of ARTICLE XIV, the SPONSOR shall be paid based upon the percentage of work completed at the point of termination, notwithstanding any just claims by the SPONSOR.

ARTICLE VIII FINAL PAYMENT

IT IS FURTHER AGREED that upon completion of the work by the SPONSOR and acceptance by the DEPARTMENT of the work, including the receipt of any final written submission by the SPONSOR and a final statement of costs, the DEPARTMENT shall pay to the SPONSOR a sum equal to one hundred percent (100%) of the total compensation as set forth in all approved invoices, less the total of all previous partial payments, paid or in the process of payment.

The SPONSOR agrees that acceptance of this final payment shall be in full and final settlement of all claims arising against the DEPARTMENT for work done, materials furnished, costs incurred, or otherwise arising out of this Agreement and shall release the DEPARTMENT from any and all further claims of whatever nature, whether known or unknown, for and on account of said Agreement, and

for any and all work done, and labor and materials furnished, in connection with the same.

The SPONSOR will allow examination and verification of costs by the DEPARTMENT's representatives before final payment is made, in accordance with the provisions of Article XII, herein. If the DEPARTMENT'S examination of the contract cost records, as provided for in Article XII, results in unallowable expenses, the SPONSOR shall immediately be responsible for reimbursing the DEPARTMENT the full amount of such disallowed expenses.

ARTICLE IX CONTINGENT INTEREST

The DEPARTMENT shall retain a contingent interest in the PROJECT for as long as there continues a Federal interest in the PROJECT as determined by the DEPARTMENT's calculation of the economic life of the PROJECT. Based on the scope of work, as set forth in Exhibit A, WORK PLAN, the DEPARTMENT has determined the economic life of the PROJECT to be five years from the date of the PROJECT Final Acceptance.

ARTICLE X RIGHT OF FIRST REFUSAL

A determination by the SPONSOR to sell or dispose of the PROJECT shall entitle the DEPARTMENT to the right of first refusal to purchase or lease the PROJECT at net liquidation value. Such right of first refusal shall be retained for as long as the DEPARTMENT holds a contingent interest in the PROJECT pursuant to Article IX of this Agreement.

Should the DEPARTMENT elect to purchase or lease the PROJECT at any time after completion of the PROJECT no compensation shall be provided for the value added as a result of the PROJECT.

ARTICLE XI SUBSTANTIAL CHANGES

No material changes in the scope, character, complexity, or duration of the PROJECT from those required under the Agreement shall be allowed without the execution of a Supplemental Agreement between the DEPARTMENT and SPONSOR.

Minor changes in the work which do not involve increased compensation, extensions of time, or changes in the goals and objectives of the PROJECT, may be made by written notification of such change by either party with written approval by the other party.

ARTICLE XII
MAINTENANCE OF CONTRACT COST RECORDS

The SPONSOR shall maintain all books, documents, papers, accounting records, and other evidence pertaining to costs incurred on the PROJECT and used in support of its proposal and shall make such material available at all reasonable times during the period of the Agreement, and for three years from the date of final payment under the Agreement, for inspection by the DEPARTMENT and any reviewing agencies, and copies thereof shall be furnished upon request. The SPONSOR agrees that the provisions of this Article shall be included in any Agreement it may make with any subcontractor, assignee, or transferee.

An Audit of the Agreement shall be provided by the SPONSOR. The audit shall be conducted by an independent accountant or accounting firm in accordance with audit requirements, 49 CFR 18.26 and OMB Circular 128 or any revision or supplement thereto. PROJECT costs shall be documented within the OMB Circular 128 audit. An audit shall be submitted to the DEPARTMENT in a timely manner in each of the SPONSOR's fiscal years for the period of the Agreement.

ARTICLE XIII
SUBLETTING, ASSIGNMENT, OR TRANSFER

It is understood by the parties to this Agreement that the work of the SPONSOR is considered personal by the DEPARTMENT. The SPONSOR agrees not to assign, sublet, or transfer any or all of its interest in this Agreement without prior written approval of the DEPARTMENT.

The DEPARTMENT reserves the right to review all subcontracts prepared in connection with the Agreement, and the SPONSOR agrees that it shall submit to the DEPARTMENT proposed subcontract documents together with sub-contractor cost estimates for the DEPARTMENT's review and written concurrence in advance of their execution.

All subcontracts in the amount of \$10,000.00 or more shall include the provisions set forth in this Agreement.

ARTICLE XIV
TERMINATION

The DEPARTMENT reserves the right to terminate this Agreement at any time for just cause, or for any cause upon 30 days written notice to the SPONSOR, notwithstanding any just claims by the SPONSOR for payment of services rendered prior to the date of termination.

It is understood by the parties hereto that should the DEPARTMENT terminate this Agreement prior to the completion of an element of work the SPONSOR shall be reimbursed for such work element based upon the percentage of work completed.

Failure to meet the time set for completion of an approved work authorization, may be considered just cause for termination of the Agreement.

ARTICLE XV OWNERSHIP OF DOCUMENTS

The SPONSOR agrees that all reports, drawings, studies, specifications, survey notes, estimates, maps, computations, computer diskettes and printouts and other data prepared by or for it under the terms of this Agreement shall remain the property of the SPONSOR upon termination or completion of the work. The DEPARTMENT shall have the right to use the same without restriction or limitation and without additional compensation to the SPONSOR other than that provided for in this Agreement.

ARTICLE XVI CONTRACT DISPUTES

This Agreement shall be deemed to have been executed in Fulton County, Georgia, and all questions of interpretation and construction shall be governed by the Laws of the State of Georgia.

ARTICLE XVII COMPLIANCE WITH APPLICABLE LAWS

- A. The undersigned certify that the provisions of Section 45-10-20 through 45-10-28 of the Official Code of Georgia Annotated relating to Conflict of Interest and State employees and officials trading with the State have been complied with in full.
- B. IT IS FURTHER AGREED that the SPONSOR shall comply and shall require its subcontractors to comply with the regulations for COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, as amended, and 23 CFR 200, as stated in Exhibit E of this Agreement.
- C. IT IS FURTHER CERTIFIED that the provisions of Section 50- 24-1 through 50-24-6 of the Official Code of Georgia Annotated relating to the "Drug-Free Workplace Act" have been complied with in full, as stated in Exhibit F of this Agreement.
- D. The SPONSOR acknowledges and agrees that failure to complete appropriate certifications or the submission of a false certification shall result in the termination of this Agreement pursuant to the provisions of Article XIV.

- E. IT IS FURTHER AGREED that the SPONSOR shall subcontract a minimum of six percent (6%) of the total amount of PROJECT funds to Disadvantaged Business Enterprise (DBE) as defined and provided for under the Federal Rules and Regulations 49 CFR parts 23 and 26. The SPONSOR shall ensure that DBE firms are certified with the DEPARTMENT's Equal Employment Opportunity Office. The SPONSOR shall submit to the DEPARTMENT for its review and concurrence, a copy of the proposed subcontract including the name of the DBE subcontractor.
- F. IT IS FURTHER AGREED that the SPONSOR shall comply and shall require its subcontractors to comply with all applicable requirements of the American with Disabilities Act of 1990 (ADA), 42 U.S.C. 12101 et.seq. and 49 U.S.C. 322; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791; and regulations and amendments thereto.
- G. IT IS FURTHER AGREED that the SPONSOR shall, and shall require its contractors and subcontractors to, comply with all applicable requirements of the Davis-Bacon Act of 1931, 40 U.S.C. 276(a); as prescribed by 23 U.S.C. 113, for Federal-aid highway projects, except roadways classified as local roads or rural minor collectors.
- H. IT IS FURTHER AGREED that the SPONSOR shall, and shall require its contractors and subcontractors to, comply with GA Code Title 25, Section 9, Georgia Utility Facility Protection Act, CALL BEFORE YOU DIG 1-800-282-7411.

The covenants herein contained shall, except as otherwise provided, accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, said parties have hereunto set their hands and affixed their seals the day and year above first written.

Recommended:

Department of Transportation

FAYETTE COUNTY, Georgia

By: _____ (Seal)
Commissioner

By: _____ (Seal)
Chairman

Signed, sealed and delivered
This ____ day of _____,

Attest:

2017, in the presence of:

Treasurer

Witness

Notary Public

This Agreement, approved by
FAYETTE COUNTY, the _____
day of _____, 2017

Attest:

Name and Title

Federal Employer Identification
Number:

EXHIBITS

Exhibit A	Work Plan
Exhibit B	Required Contract Provisions Federal-Aid Construction Contracts
Exhibit C	Work Schedule
Exhibit D	Budget Estimate
Exhibit E	Civil Rights Compliance Certification
Exhibit F	Certification of Drug-Free Workplace

EXHIBIT A
WORK PLAN
FAYETTE COUNTY
P.I. No. 0012623

GENERAL DESCRIPTION OF WORK TO BE PERFORMED

This project consists of resurfacing multiple off-system roadways in Fayette County including: CR 875 / SR 85 Connector from Tri County Rd on the southern terminus to Woods Rd on the Northern Terminus, CR 359 / Brooks Woolsey Rd from Hwy 85 Connector on the southern terminus to Brooks Rd on the Northern Terminus, and CR 364 / Ebenezer Rd from Robinson Rd on the southern terminus to Ebenezer Church Rd on the Northern Terminus. The project will also include shoulder building and grassing.

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Compliance with Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

ATTACHMENTS

- A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider. Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract.

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants

are employed, and that employees are treated during

employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. EEO Officer: The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. Dissemination of Policy: All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. Recruitment: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the

contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. Actions by the

contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors and suppliers and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurance Required by 49 CFR 26.13(b):

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

b. The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach

of this contract, which may result in the termination of this contract or such other remedy as the contracting agency deems appropriate.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women;

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on [Form FHWA-1391](#). The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more.

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b. (1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is utilized in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of

Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. The Wage and Hour Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records

shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b. (1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency..

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and trainees

a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall

be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

6. Subcontracts. The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility.

- a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).
- b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).
- c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall

be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

3. Withholding for unpaid wages and liquidated damages. The FHWA or the contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1.) through (4.) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1.) through (4.) of this section.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions:

- (1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;
- (2) the prime contractor remains responsible for the quality of the work of the leased employees;
- (3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and
- (4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the

contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

5. The 30% self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements.

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or
Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

By submission of this bid/proposal or the execution of this contract, or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.

2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA

approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.

1. Instructions for Certification – First Tier Participants:

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended,

debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participants is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

* * * * *

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the

Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 (49 CFR 20).

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or an employee of Congress, or an employee of a Member of

ATTACHMENT A - EMPLOYMENT AND MATERIALS PREFERENCE FOR APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS ROAD CONTRACTS

This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

- a. To the extent that qualified persons regularly residing in the area are not available.
- b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.
- c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.

EXHIBIT C

WORK SCHEDULE

FAYETTE COUNTY

P.I. No. 0012623

Project work to begin within six months of receiving the approved signed contract and Notice to Proceed.

Construction will be completed by date stated in the contract, Article IV, Time of Performance.

Award contract	03/21/2017
Construction NTP	04/30/2017
Substantial Completion	09/30/2017
Final inspection	10/31/2017
Punch List Complete	03/31/2018

EXHIBIT D

CONSTRUCTION COST

FAYETTE COUNTY

P.I. No. 0012623

"TALLY SHEET"

			BALDWIN PAVING CO INC.		C.W. MATTHEWS CONTRACTING CO., INC.		E.R. SNELL CONTRACTOR, INC.		HEH PAVING, INC.	
ITEM NO.	DESCRIPTION	EST. QTY	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
150-1000	Traffic Control	1	\$95,317.89	\$95,317.89	\$109,944.50	\$109,944.50	\$145,100.00	\$145,100.00	\$86,275.00	\$86,275.00
210-0200	Grading per mile	10	\$8,992.78	\$89,927.80	\$8,817.89	\$88,178.90	\$8,000.00	\$80,000.00	\$7,365.00	\$73,650.00
402-3103	9.5mm Type 2	10,642	\$80.19	\$853,381.98	\$64.81	\$689,708.02	\$64.25	\$683,748.50	\$94.71	\$1,007,903.82
413-1000	Bitum Tack Coat	7,377	\$3.37	\$24,860.49	\$1.60	\$11,803.20	\$2.00	\$14,754.00	\$3.99	\$29,434.23
432-0350	Mill Asph Conc Pvmt, Variable Depth	8,900	\$4.03	\$35,867.00	\$5.24	\$46,636.00	\$3.95	\$35,155.00	\$9.59	\$85,351.00
653-1704	Themo Solid Traf Stripe 24", White	227	\$8.87	\$2,013.49	\$7.50	\$1,702.50	\$8.15	\$1,850.05	\$8.25	\$1,872.75
653-2501	Themo Solid Traf Stripe 5", White	20	\$2,241.34	\$44,826.80	\$1,895.00	\$37,900.00	\$2,050.00	\$41,000.00	\$2,084.50	\$41,690.00
653-2502	Themo Solid Traf Stripe 5", Yellow	19	\$2,241.34	\$42,585.46	\$1,895.00	\$36,005.00	\$2,050.00	\$38,950.00	\$2,084.50	\$39,605.50
653-3502	Thermo Skip Traf Stripe 5", Yellow	2,307	\$0.28	\$645.96	\$0.24	\$553.68	\$0.26	\$599.82	\$0.26	\$599.82
653-0110	Thermo Arrow Type 1	3	\$88.71	\$266.13	\$75.00	\$225.00	\$81.25	\$243.75	\$82.00	\$246.00
654-1001	Raised Pvmt Markers, Tp 1	2,806	\$4.73	\$13,272.38	\$4.00	\$11,224.00	\$4.35	\$12,206.10	\$4.40	\$12,346.40
700-6910	Permanent Grassing	12	\$1,176.85	\$14,122.20	\$429.00	\$5,148.00	\$467.00	\$5,604.00	\$1,500.00	\$18,000.00
700-7000	Agircultural Lime	18	\$234.19	\$4,215.42	\$160.00	\$2,880.00	\$174.00	\$3,132.00	\$531.00	\$9,558.00
700-8000	Fertilizer Mixed Grade	6	\$620.95	\$3,725.70	\$650.00	\$3,900.00	\$708.00	\$4,248.00	\$2,137.50	\$12,825.00
700-8100	Fertilizer Nitrogen Content	462	\$2.19	\$1,011.78	\$1.50	\$693.00	\$1.65	\$762.30	\$10.15	\$4,689.30
713-3012	Wood Fiber Mulch	44,756	\$0.77	\$34,462.12	\$0.66	\$29,538.96	\$0.71	\$31,776.76	\$0.59	\$26,406.04
TOTAL BID PRICE:			\$1,260,502.60		\$1,076,040.76		\$1,099,130.28		\$1,450,452.86	

Line item in "red" represents a calculation error that has been corrected per unit price.

EXHIBIT E

NOTICE TO CONTRACTORS
COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

During the performance of this Agreement, the Contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor"), agrees as follows:

1. Compliance with Regulations: The Contractor will comply with the Regulations of the Department of Transportation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (Title 49, Code of Federal Regulations, Part 21, hereinafter referred to as the Regulations [also 49 CFR Part 27]), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The Contractor, with regard to the work performed by it after award and prior to completion of the contract work, will not discriminate on the grounds of race, color, national origin, or sex in the selection and retention of subcontractors including procurement of materials and leases of equipment. The Contractor will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program, set forth in Appendix B of the Regulations. In addition, the Contractor will not participate either directly or indirectly in the discrimination prohibited by 23 CFR 710.405(b).
3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, either by competitive bidding or negotiations made by the Contractor for work to be performed under a subcontract, including procurement of materials or equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin or sex.
4. Information and Reports: The Contractor will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the State Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the State Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding of payments to the Contractor under the contract until the Contractor complies, and/or
 - b. cancellation, termination or suspension of this contract, in whole or in part.
6. Incorporation of Provisions: The Contractor will include the provision of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, order, or instructions issued pursuant thereto. The Contractor will take such action with respect to any subcontract or procurement as the State Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the State to enter into such litigation to protect the interests of the State, and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

EXHIBIT F CERTIFICATION
OF SPONSOR DRUG-FREE
WORKPLACE

I hereby certify that I am a principle and duly authorized representative of _____ whose address is _____ and it is also that:

1. The provisions of Section 50-24-1 through 50-24-6 of the Official Code of Georgia Annotated, relating to the "Drug-Free Workplace Act" have been complied with in full; and,
2. A drug-free workplace will be provided for the sponsor's employees during the performance of the contract; and,
3. Each subcontractor hired by the SPONSOR shall be required to ensure that the subcontractor's employees are provided a drug-free workplace. The SPONSOR shall secure from that subcontractor the following written certification: "As part of the subcontracting agreement with _____, _____ certifies to the SPONSOR that a drug-free workplace will be provided for the subcontractor's employees during the performance of this contract pursuant to paragraph (7) of subsection (b) of the Official Code of Georgia Annotated Section 50-24-3"; and,
4. It is certified that the undersigned will not engage in unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana during the performance of the contract.

Date

Signature

APPENDICES

Appendix A	Sponsor Certification regarding Debarment, Suspension, and other Responsibility Matters
Appendix B	Certification of Department of Transportation - State of Georgia
Appendix C	Certification of SPONSOR

APPENDIX A

FAYETTE COUNTY
 CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
 AND
 OTHER RESPONSIBILITY MATTERS

I hereby certify that I am the _____ and
 duly authorized representative of _____,
 whose address is _____,
 and I certify that I have read and understand the attached
 instructions and that to the best of my knowledge and belief the
 firm and its representatives:

- 1) Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by the Georgia Department of Transportation and by any Federal department or agency;
- 2) Have not within a three year period preceding this Agreement been convicted of or had a civil judgment rendered against the firm or its representatives for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State, or Local) transaction or contract under a public transaction in violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- 3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and,
- 4) Have not within a three year period preceding this Agreement had one or more public transaction (Federal, State or Local) terminated for cause or default.
- 5) That the firm will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction" as attached hereto and without motivation, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

I acknowledge that this certification is provided pursuant to Executive Order 12549 and 49 CFR Part 29 and that this firm agrees to abide by the rules and conditions set forth therein for any misrepresentation that would render this certification erroneous, including termination of this Agreement and other remedies available to the Georgia Department of Transportation and Federal Government.

I further acknowledge that this certificate is to be furnished to the Georgia Department of Transportation, in connection with this Agreement involving participation of Federal-Aid Highway Funds, and is subject to applicable State and Federal laws, both criminal and civil.

Date _____

(Seal)

Instructions for Appendix A Certification

Certification Regarding Debarment, Suspension, and Other Responsibility Matters -- Primary Covered Transactions (SPONSORS)

1. By signing and submitting this contract the SPONSOR is providing the certification set out in Appendix A.
2. The inability of the SPONSOR to provide the certification required may not necessarily result in denial of participation in this covered transaction. The SPONSOR shall then submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department's determination whether to enter into this transaction. However, failure of the SPONSOR to furnish a certification or an explanation shall disqualify such person or firm from participation in this transaction.
3. The certification, Appendix A, is a material representation of fact upon which reliance is placed by the Department before entering into this transaction. If it is later determined that the SPONSOR knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Department may terminate this transaction for cause of default.
4. The SPONSOR shall provide immediate written notice to the Department if at any time the SPONSOR learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in these instructions and the certification, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the Department for assistance in obtaining a copy of those regulations.
6. The SPONSOR agrees by submitting this proposal/contract that should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person/firm who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction unless authorized by the Department.
7. The SPONSOR further agrees by submitting this proposal/contract that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," as

provided by the Department without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A SPONSOR, in a covered transaction may rely upon a certification of a prospective participant in lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. The SPONSOR may decide the method and frequency by which it determines the eligibility of its principals.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by these instructions. The knowledge and information of SPONSOR is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if the SPONSOR in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction in addition to other remedies available to the Federal Government, the Georgia Department of Transportation may terminate this transaction for cause or default.

APPENDIX B

CERTIFICATION OF DEPARTMENT OF TRANSPORTATION

STATE OF GEORGIA

I hereby certify that I am the Commissioner of the Department of Transportation of the State of Georgia, and that the above consulting firm or his representative has not been required, directly or indirectly as an express or implied condition in connection with obtaining or carrying out this Agreement to:

- a. employ or retain, or agree to employ or retain, any firm or person, or
- b. pay, or agree to pay, to any firm, person, or organization, any fee, contribution, donation, or consideration of any kind; except as here expressly stated, (if any):

I acknowledge that this certificate is to be furnished to the Federal Highway Administration, U.S. Department of Transportation, in connection with this Agreement involving participation of Federal-aid Highway Funds, and is subject to applicable State and Federal Laws, both criminal and civil.

Date

Commissioner

APPENDIX C

CERTIFICATION OF FAYETTE COUNTY

STATE OF GEORGIA

I hereby certify that I am the Chairperson of FAYETTE COUTNY in the State of Georgia, and that the above consulting firm or their representative has not been required, directly or indirectly as an express or implied condition in connection with obtaining or carrying out this Agreement to:

- a. employ or retain, or agree to employ or retain, any firm or person, or
- b. pay, or agree to pay, to any firm, person, or organization, any fee, contribution, donation, or consideration of any kind; except as here expressly stated, (if any):

I acknowledge that this certificate is to be furnished to the Federal Highway Administration, U.S. Department of Transportation, in connection with this Agreement involving participation of Federal - aid Highway Funds, and is subject to applicable State and Federal Laws, both criminal and civil.

Date

FAYETTE COUNTY Chairperson

**GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT AFFIDAVIT**

Name of Contractor:

Contractor's Address:

Contract Number and Name of Project:

By executing this affidavit, the undersigned person or entity verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm, or entity which is contracting with the Georgia Department of Transportation has registered with, is authorized to participate in, and is participating in the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91.

The undersigned person or entity further agrees that it will continue to use the federal work authorization program throughout the contract period, and it will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the undersigned with the information required by O.C.G.A. § 13-10-91(b).

The undersigned person or entity further agrees to maintain records of such compliance and provide a copy of each such verification to the Georgia Department of Transportation within five (5) business days after any subcontractor is retained to perform such service.

E-Verify (Federal Work Authorization User ID Number)_____
Signature of Authorized Officer or Agent_____
Date of Authorization_____
Printed Name of Authorized Officer or Agent_____
Title of Authorized Officer or Agent_____
Date

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

____ DAY OF _____, 201__

Notary Public

My Commission Expires: _____

[NOTARY SEAL]



Fayette
COUNTY

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

"WHERE QUALITY
IS A LIFESTYLE"

To: Steve Rapson
From: Ted L. Burgess
Date: February 23, 2017

Subject: Invitation to Bid #1236-B: Resurface Three Roads

The county and the Georgia Department of Transportation (GDOT) have been working together to address the need to resurface three roads. They include State Route 85 Connector (from Tri County Road to Woods Road), Brooks-Woolsey Road (from Highway 85 Connector to Brooks Road), and Ebenezer Road (from Robinson Road to Ebenezer Church Road). Based on a proposed Construction Agreement, GDOT will contribute 80% of the cost, while the county provides 20%.

The Purchasing Department issued Invitation to Bid (ITB) #1236-B to select a general contractor for the resurfacing project. In accordance with directives from GDOT, the ITB included a stipulation that bidders must be pre-qualified with GDOT. The Purchasing Department obtained GDOT's list of 1,061 email addresses for pre-qualified contractors (may include more than one email address for a given company). Direct email notification was sent to all of them. Several of the contractors sent "no bid" responses. Of those who offered reasons, one said they could not take on additional projects at this time, with the remainder saying we were out of their service area.

Emails were sent to 211 contractors who had registered on the web-based Georgia Procurement Registry. While some of these were almost certainly duplicates of those on the GDOT pre-qualified list, all were contacted in an effort to assure that all qualified contractors were contacted. Notification was provided via the Fayette News, the county website, Georgia Local Government Access Marketplace (www.glga.org), and Channel 23.

Four contractors submitted bids (please see attached). Of the four, the Road Department recommends the lowest-priced bid, C.W. Matthews Contracting Co., Inc. upon Board approval of the Construction Agreement between GDOT and the county.

Specifics of the proposed contracts are as follows:

Contract Name	1236-B: Resurface Three Roads
Vendor	C.W. Matthews Contracting Co., Inc.
Not-to-Exceed Amount	\$1,076,040.76
Budget:	
Org. Code	10040220 Road Department
Object	521316 Technical Services
Project	N/A
Available Amount	\$1,076,041.00

Invitation to Bid #1236-B
Resurface Three Roads

			BALDWIN PAVING CO INC.		C.W. MATTHEWS CONTRACTING CO., INC.		E.R. SNELL CONTRACTOR, INC.		HEH PAVING, INC.	
Item #	DESCRIPTION	EST. QTY	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
150-1000	Traffic Control	1	\$95,317.89	\$95,317.89	\$109,944.50	\$109,944.50	\$145,100.00	\$145,100.00	\$86,275.00	\$86,275.00
210-0200	Grading per mile	10	\$8,992.78	\$89,927.80	\$8,817.89	\$88,178.90	\$8,000.00	\$80,000.00	\$7,365.00	\$73,650.00
402-3103	9.5mm Type 2	10,642	\$80.19	\$853,381.98	\$64.81	\$689,708.02	\$64.25	\$683,748.50	\$94.71	\$1,007,903.82
413-1000	Bitum Tack Coat	7,377	\$3.37	\$24,860.49	\$1.60	\$11,803.20	\$2.00	\$14,754.00	\$3.99	\$29,434.23
432-0350	Mill Asph Conc Pvmt, Variable Depth	8,900	\$4.03	\$35,867.00	\$5.24	\$46,636.00	\$3.95	\$35,155.00	\$9.59	\$85,351.00
653-1704	Themo Solid Traf Stripe 24", White	227	\$8.87	\$2,013.49	\$7.50	\$1,702.50	\$8.15	\$1,850.05	\$8.25	\$1,872.75
653-2501	Themo Solid Traf Stripe 5", White	20	\$2,241.34	\$44,826.80	\$1,895.00	\$37,900.00	\$2,050.00	\$41,000.00	\$2,084.50	\$41,690.00
653-2502	Themo Solid Traf Stripe 5", Yellow	19	\$2,241.34	\$42,585.46	\$1,895.00	\$36,005.00	\$2,050.00	\$38,950.00	\$2,084.50	\$39,605.50
653-3502	Thermo Skip Traf Stripe 5", Yellow	2,307	\$0.28	\$645.96	\$0.24	\$553.68	\$0.26	\$599.82	\$0.26	\$599.82
653-0110	Thermo Arrow Type 1	3	\$88.71	\$266.13	\$75.00	\$225.00	\$81.25	\$243.75	\$82.00	\$246.00
654-1001	Raised Pvmt Markers, Tp 1	2,806	\$4.73	\$13,272.38	\$4.00	\$11,224.00	\$4.35	\$12,206.10	\$4.40	\$12,346.40
700-6910	Permanent Grassing	12	\$1,176.85	\$14,122.20	\$429.00	\$5,148.00	\$467.00	\$5,604.00	\$1,500.00	\$18,000.00
700-7000	Agircultural Lime	18	\$234.19	\$4,215.42	\$160.00	\$2,880.00	\$174.00	\$3,132.00	\$531.00	\$9,558.00
700-8000	Fertilizer Mixed Grade	6	\$620.95	\$3,725.70	\$650.00	\$3,900.00	\$708.00	\$4,248.00	\$2,137.50	\$12,825.00
700-8100	Fertilizer Nitrogen Content	462	\$2.19	\$1,011.78	\$1.50	\$693.00	\$1.65	\$762.30	\$10.15	\$4,689.30
713-3012	Wood Fiber Mulch	44,756	\$0.77	\$34,462.12	\$0.66	\$29,538.96	\$0.71	\$31,776.76	\$0.59	\$26,406.04
TOTAL BID PRICE:			\$1,260,502.60		\$1,076,040.76		\$1,099,130.28		\$1,450,452.86	

Note: Items in red font represent correction of a summing error in the bid as submitted. In case of an error in extension of prices or other totals, the unit price governs.

COUNTY AGENDA REQUEST

Page 107 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's recommended mid-year budget amendments to the fiscal year 2017 budget.

Background/History/Details:

Staff is recommending mid-year amendments to the fiscal year 2017 original budget.

These adjustments are to account for budget variances in Grant Funds and Projects:

Grant Funds - Juvenile grant awarded was less than budgeted application amount; DUI Court increase in surcharge revenues, supplementary grant awarded, and personnel costs for Court Coordinator as requested by Judge Thompson.

Projects - certain projects that are considered M&O to be transferred to the departments' operating budgets; approval to close projects that have been completed and to transfer net residual funds to contingency or use contingency to cover budget shortages. Transfer funding within Water System CIP projects to cover projects with budget shortages.

Update LMIG revenues, and Stormwater Federal and State reimbursements received for the Dec. 2015 disaster recovery efforts.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommended mid-year budget amendments for fiscal year 2017.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

FAYETTE COUNTY, GEORGIA									
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2017 BUDGET									
FOR FISCAL YEAR ENDED JUNE 30, 2017									
ORG	OBJ	Proj	DEPARTMENT / FUND	ACCOUNT DESCRIPTION		Expenditure Increase (Dec)	Revenue Increase (Dec)	Fund Balance Increase (Dec)	
1. On 4/26/16 the BOC gave approval to the Juvenile Court to apply for a grant of \$157,440 under the Juvenile Justice Incentive Grant program. This is a 100% grant with no matching funds required. The grant was included in the FY 2017 budget in anticipation, by increasing both revenue and expenditures by \$157,440. The grant was later awarded in the amount of \$123,000. The FY 2017 budget needs to be decreased, both revenue and expenditures, by \$34,440 - zero net effect to General Fund balance.									
10020003	334219		GENERAL FUND	GRANTS			(34,440)	(34,440)	
10020600	521316		JUVENILE COURT	TECHNICAL SERVICES		(34,440)		34,440	
								-	
						\$ (34,440)	\$ (34,440)	\$ -	
2. The FY 2016 budget includes funding of \$75,000 for project 6565C LED Lighting for the library's parking lot. The project was funded in its entirety with a transfer from the General Fund. Subsequently the BOC approved (BOC meeting, 6/7/16, item #6) for the library to apply for a grant that will cover 50% of the LED lighting project (up to \$37,744). Staff recommends an amendment to the project recognizing that 50% of the funding will come from this grant (\$37,500) and returning \$37,500 from the original funding back to the General fund.									
37510565	334219	6565C	BUILDING & GROUNDS	GRANTS			37,500	37,500	
						\$ 37,500	\$ 37,500	\$ -	
3. Due to a change in accounting standards, LMIG funds are now recognized as revenue when received rather than when expensed. Revenue for LMIG5 was recognized prior to FY 2017. In FY 2016, we also made an adjustment of \$83,203 to eliminate LMIG4 revenue that was included in the budget. Recommend to delete revenue for LMIG5 included in the FY 2017 budget - offset to General Fund balance.									
10040004	334311	LMIG5	GENERAL FUND	ROADS & BRIDGES GRANTS			(289,891)	(289,891)	
								-	
						\$ -	\$ (289,891)	\$ (289,891)	
4. The FY 2017 budget includes revenue and expenditures associated to a LMIG7 grant. The estimated LMIG7 grant budget revenue is \$582,692. The LMIG7 grant check was received in the amount of \$762,047.27, a budget amendment is recommended for the additional amount received (\$179,355.27). As part of the LMIG grant requirements, there is a minimum local match of 30% of the grant award. To meet the grant requirements, it is recommended that expenditures associated to the LMIG7 grant be increased by \$233,480 - offset to General Fund balance.									
10040004	334311	LMIG7	GENERAL FUND	ROADS & BRIDGES GRANTS			179,355	179,355	
10040220	521316	LMIG7	ROAD DEPARTMENT	TECHNICAL SERVICES		91,965		(91,965)	
10040220	522111	LMIG7	ROAD DEPARTMENT	HAULING SERVICES		12,917		(12,917)	
10040220	531171	LMIG7	ROAD DEPARTMENT	ASPHALT & TACK		128,598		(128,598)	
								-	
						\$ 233,480	\$ 179,355	\$ (54,125)	
5. The Fayette County DUI Court received a supplementary grant award in November 2016 of \$12,250, 10% local match, total \$13,611. Grant revenue to be increased by \$12,250 and grant related expenditures to be increased by \$13,611 - offset to DUI Court Fund balance.									
21420003	334219		STATE COURT - DUI COURT	GRANTS			12,250	12,250	
21420330	521316		STATE COURT - DUI COURT	TECHNICAL SERVICES		13,611		(13,611)	
						\$ 13,611	\$ 12,250	\$ (1,361)	
6. Additional funding of \$2,157 requested to cover a shortage of \$1,007 in the cost estimate of a 2017 Ford F250 included in the 2017 adopted budget and \$1,150 for a fuel tank/fuel pump that is being added to the vehicle - offset to Vehicle/Equipment fund balance.									
61040220	542200	7220B	ROAD DEPARTMENT	VEHICLES		2,157		(2,157)	
								-	
						\$ 2,157	\$ -	\$ (2,157)	
7. An additional \$1,330 is needed to cover a shortage in the cost estimate of the project to repair of the heat wheel for the energy recovery unit. The funding for the shortage will be transferred from the Sheriff's Office operating budget - zero net effect to fund balance.									
10030323	531270		SHERIFF'S OFFICE	GASOLINE VENDORS		(1,330)		1,330	
37530326	541210	7326B	SHERIFF'S OFFICE	OTHER IMPROVEMENTS		1,330		(1,330)	
						\$ 1,330	\$ 1,330	\$ -	
8. The following projects have been completed and do not have any residual funding available. The original total budget is included - recommend for the projects to be closed.									
a.	Project 6509B Westbridge Circle total budget \$104,000								
b.	Project 7215A 911 Voice Logger Updates total budget 40,254								

FAYETTE COUNTY, GEORGIA									
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2017 BUDGET									
FOR FISCAL YEAR ENDED JUNE 30, 2017									
ORG	OBJ	Proj	DEPARTMENT / FUND	ACCOUNT DESCRIPTION		Expenditure Increase (Dec)	Revenue Increase (Dec)	Fund Balance Increase (Dec)	
9. The following projects are considered M&O and will be transferred back into the General Fund departments' budget - the projects have been completed and are recommended to be closed.									
a. Project 6565L Senior Center Parking Lot Upgrades - no residual funding.									
37210565	541210	6565L	Capital Projects	Other Improvements		(12,645.00)		12,645.00	
10010565	541210		Buildings and Grounds	Other Improvements		12,645.00		(12,645.00)	
						\$ 12,645.00	\$ 12,645.00	\$ -	
b. Project 7565C Painting/Pressure Washing Courthouse - residual funding of \$6,500 increases General Fund balance.									
37210565	522235	7565C	Capital Projects	Building Maintenance		(17,500.00)		17,500.00	
10010565	522235		Buildings and Grounds	Building Maintenance		11,000.00		(11,000.00)	
						\$ 11,000.00	\$ 17,500.00	\$ 6,500.00	
c. Project 5110B Kiwanis Parking Lot Resurfacing - residual funding of \$346.49 increases General Fund balance.									
37260110	521316	5110B	Capital Projects	Technical Services				-	
37260110	531171	5110B	Capital Projects	Asphalt & Tack				-	
37260110	541210	5110B	Capital Projects	Other Improvements		(49,000.00)		49,000.00	
10060110	521316		Recreation	Technical Services		17,186.90		(17,186.90)	
10060110	531171		Recreation	Asphalt & Tack		31,466.61		(31,466.61)	
						\$ 48,653.51	\$ 49,000.00	\$ 346.49	
10. The following projects have been completed and are recommended to be closed. Remaining balances to be transferred to the respective project Contingency accounts and funding deficiencies to be covered with transfers from the respective project Contingency accounts - zero net effect to fund balance.									
a. Project 5535I Public Works Project Tracking shows an available budget of \$1533.50 that will be transferred to General Project Contingency.									
37510535	542410	5535I	CIP Information Systems	Computer Software		(1,533.50)		1,533.50	
37510599	579000		CIP Contingency	Contingency		1,533.50		(1,533.50)	
						\$ 1,533.50	\$ 1,533.50	\$ -	
b. Project 5326A Old Jail Renovation shows an available budget of \$4549.63 that will be transferred to CJC Contingency.									
36130326	541210	5326A	Jail Operations	Other Improvements		(4,549.63)		4,549.63	
36110599	579000		CJC Contingency	Contingency		4,549.63		(4,549.63)	
						\$ 4,549.63	\$ 4,549.63	\$ -	
c. Project 5535L for System wide consolidate/redesign shows an available budget of \$1797 that will be transferred to General Project Contingency.									
37510535	542420	5535L	CIP Information Systems	Computer Equipment		(1,796.30)		1,796.30	
37510599	579000		CIP Contingency	Contingency		1,796.30		(1,796.30)	
						\$ 1,796.30	\$ 1,796.30	\$ -	
d. Project 6110Q for Ballfield Windscreen Replacements shows an available budget of \$1974 that will be transferred to PARKS Contingency.									
37560110	541210	6110Q	CIP Recreation	Other Improvements		(1,974.00)		1,974.00	
37510599	579000	PARKS	CIP Contingency	Contingency		1,974.00		(1,974.00)	
						\$ 1,974.00	\$ 1,974.00	\$ -	
e. Project 6110R for Yellow Fence Top Replacements shows an available budget of \$1178 that will be transferred to PARKS Contingency.									
37560110	541210	6110R	CIP Recreation	Other Improvements		(1,178.00)		1,178.00	
37510599	579000	PARKS	CIP Contingency	Contingency		1,178.00		(1,178.00)	
						\$ 1,178.00	\$ 1,178.00	\$ -	
f. Project 6565G Tax Assessor's Office Remodel is over budget by \$1206.68 the funding will be transferred from General Project Contingency.									
37510599	579000		CIP Contingency	Contingency		(1,206.68)		1,206.68	
37510565	541210	6565G	CIP Buildings & Grounds	Other Improvements		1,206.68		(1,206.68)	
						\$ 1,206.68	\$ 1,206.68	\$ -	
g. Project 7272A for Stretchers shows an available balance of \$1667 that will be transferred to EMS Contingency.									
37530600	542520	7272A	CIP EMS	Safety Equipment		(1,667.00)		1,667.00	
37510599	579000	EMS	CIP Contingency	Contingency		1,667.00		(1,667.00)	
						\$ 1,667.00	\$ 1,667.00	\$ -	
h. Project 7310A for Building A Carpet is over budget by \$0.16 the funding will be transferred from General Project Contingency.									
37510599	579000		CIP Contingency	Contingency		(0.16)		0.16	
37530310	541210	7310A	CIP Sheriff Support Services	Other Improvements		0.16		(0.16)	
						\$ 0.16	\$ 0.16	\$ -	
i. Project 7500A for Two (2) Library Copiers shows an available balance of \$310.36 that will be transferred to General Project Contingency.									
37560500	542530	7500A	CIP Library	Business Communication Equipment		(310.36)		310.36	
37510599	579000		CIP Contingency	Contingency		310.36		(310.36)	
						\$ 310.36	\$ 310.36	\$ -	
j. Project 7510A for One (1) Finance Copier shows an available balance of \$23.92 that will be transferred to General Project Contingency.									
37510510	542530	7510A	CIP Finance	Business Communication Equipment		(23.92)		23.92	
37510599	579000		CIP Contingency	Contingency		23.92		(23.92)	
						\$ 23.92	\$ 23.92	\$ -	

FAYETTE COUNTY, GEORGIA									
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2017 BUDGET									
FOR FISCAL YEAR ENDED JUNE 30, 2017									
ORG	OBJ	Proj	DEPARTMENT / FUND	ACCOUNT DESCRIPTION		Expenditure Increase (Dec)	Revenue Increase (Dec)	Fund Balance Increase (Dec)	
11. Recommend the transfer of funding within Water System CIP projects to use funds available in five projects to cover budget shortages in other five projects - zero net effect to fund balance.									
		Proj #	Project Name						-
		6SCAD	SCADA UPGRADE			(47,712)		47,712	
		5BDS	BROOKS DISTRIBUTION SYSTEM			(20,614)		20,614	
		6MWSR	MCDONOUGH ROAD WATER SYSTEM RENOVATION			(13,687)		13,687	
		6CTRP	CROSSTOWN WTP RENOVATION			(10,554)		10,554	
		7WHIT	WHITE ROAD CONTROL VALVE			(100,000)		100,000	
		7MELA	MELANIE LANE/MELANIE CIRCLE			923		(923)	
		6LMDO	LAKE MCINTOSH FLOATING DOCK			1,277		(1,277)	
		6LHDO	LAKE HORTON FLOATING DOCK			2,265		(2,265)	
		W74BP	JENKINS ROAD WATER TOWER			86,577		(86,577)	
		WCOAS	COASTLINE ROAD WATERLINE EXT.			101,525		(101,525)	
									-
						\$ -	\$ -	\$ -	
12. Increase General Fund revenue for actual Stormwater Federal and State Reimbursements received for the December 2015 disaster recovery efforts - increase to General Fund balance.									
10040003	331150		GENERAL FUND	FEDERAL INDIRECT REIMB			371,092	371,092	
10040003	334210		GENERAL FUND	STATE DIRECT REIMBURSEMENTS			61,848	61,848	
									-
						\$ -	\$ 432,940	\$ 432,940	
13. To increase Environmental Management expenditures by \$4,760 for Impaired Waters stream sampling, task order #15 for Tetra Tech. This increase to be funded with a transfer from General Fund Project Contingency - zero net effect to fund balance between funds.									
37510599	579000		CIP CONTINGENCY	GENERAL FUND CONTINGENCY		(4,760)		4,760	
10040320	521316		ENVIRONMENTAL MANAGEMENT	TECHNICAL SERVICES		4,760		(4,760)	
						\$ 4,760	\$ 4,760	\$ -	
14. A copier for Judge Sams was acquired with a cost of \$6,204.08. This copier was not included in the FY 2017 original budget. Recommend a transfer from the General Fund CIP Contingency to fund this acquisition - zero net effect to General Fund balance.									
37510599	579000		CIP CONTINGENCY	CONTINGENCY		(6,205)		6,205	
10020160	542530		JUDGES, COURT REPORTER	BUSINESS/COMM MACHINES		6,205		(6,205)	
						\$ 6,205	\$ 6,205	\$ -	
15. Fund 214 State Court - DUI Court was created in FY 2016. There was no history to assist in projecting FY 2017 budget amounts. Also, a supplementary grant was awarded. The following are recommended adjustments to the fund:									
a. Recommendation to increase the budget to both revenue and expenditures line-items to match year-end FY 2017 projections.									
21420002	346510		STATE COURT - DUI COURT	PARTICIPANT FEES			22,000	22,000	
21420002	351196		STATE COURT - DUI COURT	D.A.T.E. 50% ADDED SURCHARGE			58,000	58,000	
									-
						\$ -	\$ 80,000	\$ 80,000	
b. The State Court Judge requested a salary increase for the position of DUI Court Coordinator and to increase certain expenditure line-items. Benefits associated to the position of DUI Court Coordinator also need to be increased. These additional expenditures, not funded by the DUI Court grant(s) are to be funded from D.A.T.E. revenue collections.									
21420330	511105		STATE COURT - DUI COURT	REGULAR SALARY		16,636		(16,636)	
21420330	512111		STATE COURT - DUI COURT	SELF INSURANCE MEDICAL		3,488		(3,488)	
21420330	512115		STATE COURT - DUI COURT	SELF INSURANCE DENTAL		176		(176)	
21420330	512116		STATE COURT - DUI COURT	SELF INSURANCE VISION		21		(21)	
21420330	512200		STATE COURT - DUI COURT	FICA/MEDICARE		1,203		(1,203)	
21420330	512901		STATE COURT - DUI COURT	LIFE INSURANCE PREMIUM		29		(29)	
21420330	512902		STATE COURT - DUI COURT	LONG-TERM DISABILITY		40		(40)	
21420330	512905		STATE COURT - DUI COURT	EMPLOYEE ASSISTANCE PROGRAM		16		(16)	
21420330	521316		STATE COURT - DUI COURT	TECHNICAL SERVICES		2,800		(2,800)	
21420330	523202		STATE COURT - DUI COURT	POSTAGE		15		(15)	
21420330	523400		STATE COURT - DUI COURT	PRINTING/BINDING SERVICES		695		(695)	
21420330	531114		STATE COURT - DUI COURT	OFFICE SUPPLIES		1,200		(1,200)	
21420330	531300		STATE COURT - DUI COURT	FOOD/CATERED MEALS		400		(400)	
						\$ 26,719	\$ -	\$ (26,719)	
Fund 214 State Court - DUI Court effect of budget adjustments (10 a, 10b, and 10c) - \$53,281 increase to State Court - DUI Court Fund balance.									

COUNTY AGENDA REQUEST

Page 112 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of a recommendation from the Water Committee to approve the request from the Radio Controlled Sailboat Club for the use of Lake McIntosh Park on October 26 through October 28, 2017 and for the parking fee to be waived for the participants.

Background/History/Details:

This group has used Lake McIntosh twice before. This year is the National event and they are expecting people from all over the country to attend. They are asking for the use of the park October 26, 27 and 28, 2017 for this event. The public is welcome and encouraged to attend. Due to the expected increase in participation they will be providing a port-a-potty. They have asked that the parking fee be waived for those participating in the regatta.

What action are you seeking from the Board of Commissioners?

Approval of a recommendation from the Water Committee to approve the request from the Radio Controlled Sailboat Club for the use of Lake McIntosh Park on October 26 through October 28, 2017 and for the parking fee to be waived for the participants.

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

Page 113 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of a recommendation from the Water Committee to approve the request from Peachtree City Rowing Club to close Lake McIntosh Park for the scrimmage on March 11, 2017.

Background/History/Details:

Peachtree City Rowing Club plans to have a scrimmage on March 11, 2017. This is a one day special event and they will need Lake McIntosh Park closed for the event.

What action are you seeking from the Board of Commissioners?

Approval of a recommendation from the Water Committee to approve the request from Peachtree City Rowing Club to close Lake McIntosh Park for the scrimmage on March 11, 2017.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

BOARD OF COUNTY COMMISSIONERS

Eric Maxwell, Chairman
Randy Ognio, Vice Chairman
Steve Brown
Charles W. Oddo
Charles D. Rousseau

Consent #10

FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Tameca P. White, County Clerk



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES

February 9, 2017
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 Eric Maxwell called the February 9, 2017 Board of Commissioners meeting to order at approximately 7:03 p.m.

All members of the Board were present.

Invocation by Commissioner Charles Oddo

Commissioner Oddo gave the Invocation.

Pledge of Allegiance

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

Acceptance of Agenda

Commissioner Oddo asked that agenda item #10 be moved to the first item on the agenda. Commissioner Steve Brown moved to accept the agenda with the change. Vice Chairman Randy Ognio seconded. The motion passed 5-0.

1a. Consideration of the approval of the wording for the monument at the Kenwood Park Monument and Memorial Garden Honoring Commissioner Pota Estel Coston.

Parks and Recreation Director Anita Godbee stated that at the July 14, 2016 Board of Commissioners meeting, the Board approved a donation from a group of private citizens, businesses and community leaders for the installation of a Kenwood Park Monument and Memorial Garden in honor of the late Commissioner Pota Estel Coston. She stated that as part of the approval the Board requested that the wording for the monument be brought back to the Board for final approval. She read the wording into the record:

"The Honorable Pota Estel Coston, Fayette County Board of Commissioners. 'A life well lived leaves behind a beautiful bouquet of memories.' Dedicated to the loving memory of Pota Estel Coston as a symbol of our gratitude for her enduring service to Fayette County, Georgia as a devoted member of the Fayette County Board of Commissioners. Her service to the Fayette County community, though short lived, was unparalleled. She was a true leader – a visionary, trailblazer, change agent, history maker – a leader who visualized opportunities for all Fayette County citizens. She was always optimistic and recognized the need to be inclusive in her desire to make the community better. We are truly blessed to be inspired by her generosity and her spirit of giving and serving."

Mrs. Godbee stated that the hyphen in "well-lived" would be removed.

Mr. Bernie Coston thanked the Board of Commissioners, especially Commissioner Rousseau and the citizens for remembering the memory of his wife. He stated that her vision for Fayette County continues to move on. He stated that she was smiling down from heaven at seeing all the advancement that the County was making and how the county was moving forward in growth and individually. He thanked everyone for all the hard work and effort put into making this possible.

Commissioner Rousseau moved to accept the wording for the monument at the Kenwood Park Monument and Memorial Garden Honoring Commissioner Pota Estel Coston as present with the change. Commissioner Brown seconded.

Commissioner Oddo stated that he had some suggested changes. He read the following:

“Dedicated to the loving memory of Pota Estel Coston as a symbol of our gratitude for her enduring service to Fayette County, Georgia (added a period). As (capitalize the word ‘As’) a devoted member of the Fayette County Board of Commissioners, and Civic Organizations (added Civic Organizations), her service to the Fayette County community, though short-lived, (added the hyphen) was unsurpassed (to replace unparalleled). She was a true leader – a visionary, trailblazer, change agent, history maker – a leader who visualized opportunities for all Fayette County citizens. She was always optimistic and recognized the need to be inclusive in her desire to make the community better. We are truly blessed to be inspired by her generosity and her spirit of giving and serving.”

Commissioner Rousseau amended his motion to accept the wording for the monument at the Kenwood Park Monument and Memorial Garden Honoring Commissioner Pota Estel Coston as present with the change as presented by Commissioner Oddo. Commissioner Brown amended his second. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. Proclamation honoring the 50th wedding anniversary of John and Brenda Lynch.

Vice Chairman Ognio read the proclamation honoring the 50th wedding anniversary for Mr. and Mrs. John and Brenda Lynch. He and the Board congratulated the Lynch’s on their fifty years of marriage. Mr. Lynch thanked the Board for the recognition.

2. Proclamations in appreciation of the service of elected officials from Fayette County in honor of Black History Month.

Commissioner Rousseau stated that he stood in recognition of what was known as Black History Month. He stated that in 1926, Dr. Carter G. Woodson, the second African American to graduate from Harvard University, felt it important to include the accomplishments of African Americans in the history books. He stated that he felt it important to recognize individuals who have dedicated themselves to the proposition of public service. Commissioner Rousseau and the Board presented the following elected officials and their families with proclamations in honor of Black History Month and their service and contributions to Fayette County citizens: Commissioner Pota Coston (posthumously), Judge Charles “Chuck” Floyd (posthumously), retired State Representative Ronnie Mabra, retired State Representative Virgil Fludd, State Representative Derrick Jackson, State Representative Debra Bazemore, City of Fayetteville Mayor Edward “Ed” Johnson, and State Senator Valencia Seay. Each honoree gave comments. Representative Bazemore was not present for the presentations but arrived later in the meeting.

3. Proclamations in appreciation of Georgia House Representatives John Yates and Matt Ramsey for their service and dedication to Fayette County.

Commissioner Brown made comments about his interactions with Senator Seay and Judge Floyd. Representative Yates and Representative Ramsey were not present for the presentation. Commissioner Brown read the proclamations in their honor for their contributions and service to Fayette County citizens.

4. **Recognition of employees from 911/ Fire & Emergency Services for their efforts in the successful resuscitation of Mr. Lewis Harper from cardiac arrest.**

Fayette County 911 Director Bernard Brown, Fire Chief David Scarbrough, Assistant Fire Chief Tom Bartlett, Sheriff Major Brian Eubanks and the Board of Commissioners recognized staff members who played a role in the resuscitation of Mr. Lewis Harper who suffered a cardiac arrest on December 18, 2016. Mr. and Mrs. Harper were present. Mrs. Jane Harper was recognized with the "Citizen Life Saving Award". Staff that was recognized included: 911 Operator Heather Brown, Battalion Chief Mark McCall, Lieutenant Harold Mathis, Fire Fighter EMT Joseph Beshers, Fire Fighter FAO Rudolph Wilson, Fire Fighter FAO Jeffery Ramsey, Fire Fighter EMT Richard Johnson, Deputy Sheriff Eric Richards and Deputy Sheriff Josh Aikin.

PUBLIC HEARING:

CONSENT AGENDA:

Commissioner Oddo moved to accept the Consent Agenda with the exception of items #6 and #9 to be removed for discussion. Vice Chairman Ognio seconded. The motion passed 5-0.

5. **Approval of staff recommendation to accept a settlement in the amount of \$1,027.00 for property damage resulting from a motor vehicle collision that occurred on October 26, 2016 and to execute property damage release claim #16-31-05812.**
6. **Approval of a Memorandum of Understanding (MOU) between the Georgia Department of Transportation (GDOT) and Fayette County for the right-of-way (ROW) acquisition phase of the Redwine Road Multi-Use Path Project (GDOT PI 0012624, ARC FA-352, County 5220B).**

Commissioner Oddo asked County Administrator Steve Rapson to give clarification on this item. Mr. Rapson stated that on page 25 of the agenda package the Memorandum of Understanding (MOU) references that this project would be included as a project on the 2017 Special Purpose Local Option Sales Tax (SPLOST) project list and that the local portion would be funded from the SPLOST. He stated that the memo was dated August 2016 and that this project was approved in the transportation SPLOST, as item D1 and it was funded at the level that was reflected in the agreement.

Commissioner Oddo moved to approve the Memorandum of Understanding (MOU) between the Georgia Department of Transportation (GDOT) and Fayette County for the right-of-way (ROW) acquisition phase of the Redwine Road Multi-Use Path Project (GDOT PI 0012624, ARC FA-352, County 5220B). Commissioner Brown seconded. The motion passed 5-0.

7. **Approval of staff's recommendation to add River Park Phase II subdivision to Fayette County's Street Light Program.**
8. **Approval of staff's recommendation to award Contract #1221-P to CH2M Hill Engineers, Inc., to serve as Engineer of Record for the Water System for the period ending June 30, 2018, and with provisions for two one-year renewals, in amounts to be determined by each task order as assigned.**
9. **Approval of the January 26, 2017 Board of Commissioners Meeting Minutes.**

Commissioner Oddo made a correction to the minutes under his comments, to add the words "a happy anniversary" to complete the sentence.

Commissioner Oddo moved to approve the January 26, 2017 Board of Commissioners Meeting Minutes as amended. Commissioner Brown seconded. The motion passed 5-0.

OLD BUSINESS:

10. **Consideration of the approval of the wording for the monument at the Kenwood Park Monument and Memorial Garden Honoring Commissioner Pota Estel Coston.**

This item was moved to item #1a.

11. **Approval of the draft contract between the Georgia Department of Transportation and Fayette County for the SR 74 Corridor Study (GDOT PI # 0015076 / ARC Project No. FA-357). This item was tabled at the January 12, 2017 Board of Commissioners meeting.**

Mayor Vanessa Fleisch spoke on behalf of the City of Peachtree Council in support of this contract. Mayor Fleisch stated that she had been a member of the Gateway Coalition since its inception and was present to speak in support of this contract. She stated that the Coalition had been working with the Town of Tyrone, the City of Fairburn, the South Fulton CID and the Atlanta Region Commission (ARC) to create guidelines for the 74 corridor, to not only make it aesthetically pleasing, but fully functioning for citizens. She stated that a third of citizens use that corridor to commute to work. She stated that she appreciates the Board's consideration of this item.

Vice Chairman Ognio moved to approve the draft contract between the Georgia Department of Transportation and Fayette County for the SR 74 Corridor Study (GDOT PI # 0015076 / ARC Project No. FA-357) contingent on South Fulton CID paying their portion and that if South Fulton CID does not approve their portion that Fayette County moves forward with the project as a Fayette County project only. Commissioner Brown seconded. Discussion followed.

County Attorney Dennis Davenport confirmed that the wording for the motion was proper with the backup plan.

Commissioner Rousseau asked Mr. Davenport if the motion would cause issues with any MOU's or agreements that are in place. Mr. Davenport stated that if the condition proceeding does not occur regarding the funding, then any MOU that obligates Fayette County to pay the complete portion would have to be revised to only reflect the portion within Fayette County limits. He stated that he was not aware of an MOU that had been executed as such, but it would have to be revised accordingly if there was one.

Commissioner Rousseau stated that would occur after approval of the change from the other entities. Mr. Davenport stated that it would be a two-step process. He stated that a change would only occur if South Fulton CID does not agree to pay their portion.

Commissioner Brown stated that he had worked on this from the beginning when Mayor Eric Dial come up with the idea. He stated that they were working on the aesthetics and trying to pull the City of Fairburn's real estate on the County's side of I-85 into compliance and to work on ways to build the efficiencies in the traffic flow. He stated that some properties have been developed in ways that was not discussed. He stated that the staff from the City of Fairburn that were a part of the discussions are no longer with the City of Fairburn. He stated that development had taken place that was not "jiving" with the way originally anticipated. He stated that some of the zoning was still zoned for "big box" shopping centers and that was a concern for him. He stated that the corridor was vital to the entrance into the county. He stated that he spoke with Jodie Gray with the South Fulton CID, and she assured him that they would be a willing participant in the process.

Commissioner Oddo asked to amend the motion to not specifically say "South Fulton CID", but accept payment from whoever pays. He stated that he would support the motion. He stated that there was a lot involved in the study being requested. He stated that it was not just zoning. He stated that a lot of the study had to do with safety. He stated that the study was vital to

the entire county. He stated that he would support the full amount and that the study was important with or without the City of Fairburn.

Vice Chairman Ognio moved to amend the motion to approve the draft contract between the Georgia Department of Transportation and Fayette County for the SR 74 Corridor Study (GDOT PI # 0015076 / ARC Project No. FA-357) contingent on South Fulton CID and/or the City of Fairburn paying their portion and that if South Fulton CID and/or the City of Fairburn does not approve their portion that Fayette County moves forward with the project as a Fayette County project only. Commissioner Brown seconded. Discussion followed.

Commissioner Rousseau stated that he was reviewing the proposal and wanted to know if there were any other entities being asked or required to contribute to the project. Mr. Rapson stated that they had spoken to Fulton, South Fulton CID and Fairburn. Commissioner Rousseau stated that his concern was that this project had taken 15 years. He stated that he was concerned that at this stage in the project there was only one entity that had been suggested to assist with the funding, as a partner, for the project. He stated that the County had to be careful not to give the impression that we are penalizing. He stated that South Fulton CID stepped up and offered to assist.

Mr. Rapson stated Fayette County, through the agreement with ARC, would be funding a local share and South Fulton CID would cover the rest of the local match. He stated that the study goes from Highway 29 to Highway 85 so any improvements would be paid for by the jurisdictional limits of that jurisdiction. Each jurisdiction would pay for their piece.

Commissioner Brown stated that he can say that no one wants Fairburn to succeed more than everyone on the corridor south of the city.

Commissioner Rousseau thanked Commissioner Brown, Commissioner Oddo, Mayor Fleisch and Mayor Dial for all their efforts on this project.

Vice Chairman Ognio thanked the City of Fairburn and South Fulton CID in advance of their approval.

Chairman Maxwell thanked the Board for tabling this item and allowing him to get up-to-speed on the project. He stated that he met with Jodie Gray and she committed \$17,000 to the project. He stated that resolved the issues he had regarding the funding. He stated that he was pleased with his conversations with South Fulton CID, the Mayors of Tyrone and Peachtree City and the Board.

Vice Chairman Ognio moved to amend the motion to approve the draft contract between the Georgia Department of Transportation and Fayette County for the SR 74 Corridor Study (GDOT PI # 0015076 / ARC Project No. FA-357) contingent on South Fulton CID and/or the City of Fairburn paying their portion and that if South Fulton CID and/or the City of Fairburn does not approve their portion that Fayette County moves forward with the project as a Fayette County project only. Commissioner Brown seconded. The motion passed 5-0.

12. Consideration of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents. This item was tabled at the December 8, 2016 Board of Commissioners meeting.

Commissioner Brown stated that there was an initial proposal submitted and the wording on the County Agenda Request form was the same as the original, but that there had been things added in the background section of the agenda request. He stated that he would ask that if the Board submits something and there are significant changes that he would like to have someone confer with him about the changes. Mr. Rapson stated that was done in this case by the County Clerk.

Commissioner Brown stated that he did not recall receiving the information. He briefed the Board on the nature of this request.

In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and in need of a wheelchair. The Board of Commissioners Agenda and written material for each item is available on-line through the County's website at www.fayettecountyga.gov. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at www.livestream.com.

He stated that there was not a parking lot near where the citizen at the center of this request resides. He stated that there was a county park near him. He stated that this citizen would walk to the park and catch the van pool to go to work. He stated that his request was to base the use of the parking lot on physical disability and to use ADA guidelines to define physical disability with the understanding that the county park parking lot would be used only if there was room at the park and if there was no private shopping center or church close to the citizen. He stated that he was doing this for those with physical disabilities because he did not want to open it up to everyone's van pool. He stated that he was concerned with the way the agenda request was worded because it does not specifically address the use for those with disability, which was his intent. He stated that he does not want to use park capacity unless necessary. He stated that he would like to table this item. Discussion followed.

Mr. Rapson stated that when the item was originally discussed it was angst with the Board members regarding ADA compliance and disability issues. He stated that the citizen who was making the request had some of those same concerns and that was why the request was being presented to the Board the way it was written. He stated that staff did not isolate the information to disabilities because of some of the concerns from the Board. He asked the Board for direction if the item was to be tabled.

Commissioner Brown stated that he would approve the request the way it was written if it would help the citizen get to his van pool and deal with any other van pools as they come. Mr. Rapson stated that staff had concerns with the fact that staff cannot validate the disabilities without violating HIPPA laws and asking those type questions. He stated that staff spoke with other jurisdiction and they do not allow van pools because of the liability involved.

Mr. Davenport stated that one of the comments he made during the last discussion was that although the focus may be to limit the use to disabilities, that does not mean that was what would happen because that may not be the type of restriction that can be enforced. He stated that the issues are the equalization of people with similar circumstances to be able to use the same facilities that are offered by the county. He stated that if it is truly a disability issue that was not consistently enforced by those with disabilities, then it becomes a more wide spread issue and that was why staff looked at the broader scope.

Commissioner Brown moved to approve the request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents as written. The motion died for a lack of a second.

Commissioner Brown moved to table the request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents to the February 23, 2017 Board of Commissioners meeting. Chairman Maxwell seconded. Discussion followed.

Commissioner Oddo stated that the focus seems to be changed to already having accepted some form of assistance. He stated that he did not believe tabling the item again would change anything.

Commissioner Brown moved to table the request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents to the February 23, 2017 Board of Commissioners meeting. Chairman Maxwell seconded. The motion passed 3-2 with Commissioner Oddo and Commissioner Rousseau in opposition.

NEW BUSINESS:

13. Consideration of approval of Resolution 2017-04; to call for a referendum regarding the imposition of a Special Purpose Local Option Sales Tax (SPLOST) within the special district encompassing Fayette County.

Mr. Davenport stated that this item was based upon the Special Purpose Local Option Sales Tax referendum for March 21, 2017. He stated that the way the SPLOST laws are structured this item cannot come before the Board any sooner than 30 days from the meeting that the County had with the Municipalities to discuss the SPLOST referendum. He stated that if

approved by the Board it would be forwarded to the Board of Elections and they would take the necessary actions for the referendum to go forward. He stated that the projects are also included as part of the resolution.

Vice Chairman Ognio moved to approve Resolution 2017-04; to call for a referendum regarding the imposition of a Special Purpose Local Option Sales Tax (SPLOST) within the special district encompassing Fayette County. Commissioner Brown seconded. The motion passed 5-0.

14. Presentation by Brandy Crawford, representing Mobilitie, concerning the placement of small cell facility towers in the County's right-of-way.

Brandy Crawford and Christopher Brown representatives from Mobilitie, LLC made a presentation to the Board regarding the technology available to offer to Fayette County. Ms. Crawford discussed why small cell facility towers was important to Fayette County. She stated that they had surveyed Fayette County where there were data capacity issues in some areas. The areas being proposed to place poles are: Banks Road and Highway 54, Huiet Drive near Highway 54, Ginger Cake Road near Graves Road, Broken Bow Drive near Floyd Farr Parkway and Beckett Lane near West Fayetteville Road. She also discussed the permitting process if approved. She stated that she was before the Board to introduce the company and to see if there was an interest in having the small cells in the right-of-way to increase the data capacity and to figure out what the permitting process would consist of.

Mr. Brown and Ms. Crawford answered questions from the Board.

Mr. Rapson stated that staff would not be in favor of placing the poles in the county's right-of-way because the facilities are actually telecommunication transmission towers and would be governed under Section 110;115 Ordinance of Regulations. Commissioner Rousseau asked if the Board should revisit the policy given the advancement in technologies. Mr. Rapson stated that staff could review it.

Commissioner Rousseau stated that he would like a review internally to look at how to accommodate the administrative request, the review of the plan and what would be the obligation to the County. He asked Ms. Crawford about employment opportunities for residents. Mr. Brown stated that they use local contractors.

Mr. Rapson stated that staff would review this item and bring it to the Board in March with a recommendation.

No vote was made on this item.

15. Consideration of a request to pave a gravel section of Swanson Road (approximately 3,200 ft), located between Ellison Road and Adams Road.

Public Works Director Phil Mallon briefed the Board regarding this item. He stated that this was a gravel road paving project. He stated that in the ten plus years the County had paved very few roads. He stated that the County later created a gravel road policy which came a little after the request to pave this road. He stated that there was a requirement that certain portions of the road in terms of right-of-way has to be either already owned by the county or donated by the property owners. He stated that the minimum value was 80% and this request exceeds that amount. He continued that another portion was for the engineering department to do a concept design and a cost estimate. He stated that both had been done and that the cost estimate was less than the budgeted amount for this project which was established some time ago. He stated that the majority of the property owners support the paving and others who do not support the paving. He stated that the reason for this project was citizen demand. He stated that the more paved roads that the County had the easier it was for the road department. He stated that he did not want to give the impression that this road was high maintenance for staff. He stated that there are other gravel roads that are very problematic and this was one of the better "behaved" gravel roads, however if he had a choice he would pave the road.

Commissioner Brown asked if any of the gravel roads more treacherous than any of the others. He asked why this road was on the radar in front of the other roads.

Mr. Mallon stated that for years the funds were not available to pave gravel roads. He stated that with the other roads there was either an even split or a small group of local citizens pushing to pave them.

Julie Yoakum stated that she was in opposition of this project. Ms. Yoakum stated that paving this road would increase traffic and with a gravel road people don't speed or travel them as much. She asked the Board to consider not paving the road.

Rob Schulton stated that he bought his home with the hopes that the road would be paved. He shared his concerns regarding safety and drainage on the road.

Tyrone Lecour stated that he was in favor of the paving of the road. He stated that he is a property owner at this location. He expressed safety concerns on the road.

Michael Wilson spoke in favor of the paving of the road. Mr. Wilson shared photos of safety concerns on the gravel road.

Cheryle Charles spoke in opposition of the paving of the road. Ms. Charles made comments regarding the additional easement that would be required from her property in order to pave the road and that giving up the additional property would give her less than two acres of land.

Dwayne and Dona Cox spoke in favor of paving the road. He thanked staff for their help with this project. He stated that this has been a nine year journey to get to this point. Mrs. Cox stated that when they purchased the home they were told that the gravel road would be paved. She expressed safety concerns about running in her neighborhood because the gravel road is not safe.

Cheryl Martin stated that she was in favor of paving the road. She stated that she has a daughter who was a new driver and she was concerned about her safety on the road. Ms. Martin provided photos of some of the safety issues.

Matt Brewer spoke in favor of paving the road. He stated that safety was also a big concern for him.

Thomas Hicks spoke in favor of paving the road. He stated that safety was a concern. He stated that he has two acres of land and his property would be affected by the change and he would lose property, but he did not mind because it would likely that his property value would increase by having the road paved.

Lisa Wilson spoke in favor of paving the road. She stated that safety was a concern and also having the gravel road causes increased car maintenance on her car.

Ted Vidourek spoke in opposition of paving the road. He stated that having a paved road would result in a cut through. He questioned that the County had the 80% needed to approve the paving of the road. He stated that he would rather see the money that would be spent on the paved road be spent in other areas. He stated that he has not known gravel roads to cause excess damage to cars.

State Representative Derrick Jackson spoke in favor of paving the road. He stated that there are two measures that he uses that he would suggest to the Board and they are safety and quality of life. He stated that most of the roads in Georgia are paved because that helps to mitigate the water and drainage.

Tom Waller stated that most of the properties on that road were very close to the two acre minimum. He stated if the Board approved the paving of the road and if that approval would cause the property owners to be below the minimum zoning requirement, then the Board should approve waivers for those who would be reduced below the minimum. He stated that the Board would be creating a situation where the property owners would have to request a variance.

Mr. Mallon stated that the way the road was designed none of the lots would be below the minimum zoning requirement. He stated that in regards to Ms. Charles' property, staff had done a redesigned and now there would not be an impact to her property at all. He noted that there would be a substantial amount of clearing of county owned land for the project.

Vice Chairman Ognio asked if there was commitment for all the right-of-way needed for the project. Mr. Mallon stated no. He stated that there are two lots who have not agreed to give up the right-of-way needed and that the county would have to acquire that property.

Commissioner Brown asked if the cost to acquire the property was included in the cost estimate. Mr. Mallon stated that it was not. Commissioner Brown stated that he would like for the County to get out of these type of designs with the roads. He asked if staff could talk to the developer to determine if they could shave some off the lower lots.

Mr. Mallon stated that staff intentionally kept the design speeds in the project with the hope of maintaining slower traffic.

Commissioner Brown stated that there was no doubt that this road would become a cut through. He stated that the speed will increase. He asked if the County would be creating nonconforming lots. Mr. Mallon stated that he was as sure as he could be in the conceptual stage of the project.

Chairman Maxwell stated that the 80% was of the linear and not 80% of the homeowners. Mr. Mallon stated that the 80% was the road frontage.

Mr. Davenport stated that regarding the lots being reduced to less than the requirement, there are times when that happens and Mr. Mallon has stated that this was not one of those projects. He stated that if it was, then the result would be that any lot reduced to less than the minimum size would be classified as a nonconforming lot and the County has regulations regarding nonconforming lots. He stated that the County speaks to the homeowners when there would be a case of minimizing the lot size, so the homeowner would be aware of what would happen. He stated that when it was time to do something with the lot and the regulations for nonconforming lots apply, the fact that the nonconforming was due to the actions of the County would work in the homeowners' favor.

Commissioner Brown moved to approve the request to pave a gravel section of Swanson Road (approximately 3,200 ft), located between Ellison Road and Adams Road. Commissioner Rousseau seconded. Discussion followed.

Commissioner Oddo stated that he visited the road and noticed some of the dangers. He stated that there were a lot of pros and cons. He stated that he understood both sides.

Commissioner Brown asked why it would not be a condition of the developer to pave the road. Mr. Frisina stated that he controlled a small portion of the road. He stated that the developer did donate more than normal. Commissioner Brown asked if it was the same developer on the north and south of the road. Mr. Frisina stated that on the north side of the road the subdivision was developed ten years prior to the other side of the road. He stated that the developer did not own the property when he developed the north side.

Commissioner Brown moved to approve the request to pave a gravel section of Swanson Road (approximately 3,200 ft), located between Ellison Road and Adams Road. Commissioner Rousseau seconded. The motion passed 5-0.

16. Consideration of Commissioner Brown's request to approve Resolution 2017-05 to appeal on behalf of the people of Fayette County to preserve the historical integrity of Starr's Mill in relation to bridge construction on State Route 85.

Commissioner stated that at Highway 85 near Starr's Mill there was a bridge that was going to be reconstructed. He stated that the flow of the stream was not adequate. He stated that there may be an opportunity for the County to take advantage of the reconstruction of the bridge. Commissioner Brown read Resolution 2017-05 into the record:

AN APPEAL ON BEHALF OF THE PEOPLE OF FAYETTE COUNTY TO PRESERVE THE HISTORICAL INTEGRITY OF ONE OF THE STATE'S MOST VISIBLE LANDMARKS, STARR'S MILL, RELATED TO BRIDGE CONSTRUCTION ON STATE ROUTE 85

WHEREAS, Hananiah Gilcoat built a mill on the bank of Whitewater Creek in 1825, known as Starr's Mill, less than a mile from the boundary between Creek Indian lands and the State of Georgia, during the presidency of John Quincy Adams, recognized by the Georgia Historical Society; and

WHEREAS, the mill was fully operational until 1959, using a water-powered turbine to grind corn and operate a sawmill, also operating as a cotton gin and a dynamo that produced electricity for nearby City of Senoia; and

WHEREAS, Starr's Mill represents the dawn of agricultural commerce, the determined self-reliance of our forefathers and the American ingenuity and creativity that made the United States the most powerful country in the world; and

WHEREAS, The Fayette County Board of Commissioners owns the site, spends taxpayer dollars maintaining the site and has officially approved all necessary ordinances to protect and preserve the historical integrity of the Starr's Mill site for future generations of Georgians by placing restrictions on real estate development on the land surrounding the mill site, allowing only architecture and uses that will complement the historic structure; and

WHEREAS, the Starr's Mill historic site is one the most photographed historic sites in Georgia, appearing in countless books and calendars, a rare combination of natural and structural splendor, being such a source of local pride that the local high school is named after the mill; and

WHEREAS, the current Georgia Department of Transportation bridge structure on State Route 85, facing the Starr's Mill historic site is scheduled for replacement to improve both transportation utility and prevent flooding on the historic site; and

WHEREAS, protecting and preserving our historic heritage takes a unified effort of government, civic organizations and passionate individuals;

BE IT THEREFORE RESOLVED THAT the Board of Commissioners of Fayette County does hereby formally request that the Honorable Governor Nathan Deal and Fayette County's Honorable GDOT District 3 Board Member Sam Wellborn and the entire Georgia Board of Transportation support the Great Citizens of Fayette County and promote a bridge design that embellishes one of the most beautiful historical sites in the State of Georgia with the intention of melding the transportation infrastructure design with historical character of the adjoining mill.

Commissioner Brown stated that the Atlanta Journal Constitution ran an article entitled "Vanishing Landmarks" that shows a picture of Starr's Mill. He stated that the article talks about old historical structures that are going to the way side either through decrepit conditions or by development that was overriding the site. He gave a PowerPoint presentation of photos with some ideas of how the bridge could be constructed.

Commissioner Brown moved to approve Resolution 2017-05 to appeal on behalf of the people of Fayette County to preserve the historical integrity of Starr's Mill in relation to bridge construction on State Route 85 and to move forward with discussions with the Georgia Department of Transportation (GDOT) in terms of creating a conceptual design that would enhance the Starr's Mill historical site. Vice Chairman Ognio seconded. Discussion followed.

Chairman Maxwell stated that he would like to add the Commissioner of the Department of Transportation to the Resolution before sending.

Commissioner Brown amended his motion to approve Resolution 2017-05 to appeal on behalf of the people of Fayette County to preserve the historical integrity of Starr's Mill in relation to bridge construction on State Route 85 and to move forward with discussions with the Georgia Department of Transportation in terms of creating a conceptual design that would enhance the Starr's Mill historical site and to add the Commissioner of the Department of Transportation to the Resolution. Vice Chairman Ognio amended the second. Discussion followed.

Vice Chairman Ognio stated that he was wondering what would be the cost. He asked if the County would have "skin" in this. He asked would the Board accept a bridge that was similar to what was currently there.

Commissioner Brown stated that the Board could send some of the photos, but that ultimately it was GDOT's project. He stated that he believes the County has a good shot at having it approved.

Mr. Rapson stated that the project was funded 100% by GDOT. He stated that any proposal would come back to the Board.

Commissioner Oddo stated that he did not think the Resolution had gone through legal first. He stated that he would like for all Resolutions to go through legal. He stated that the building was not the original building. He stated that it was still historic but not original and it was ironic that the Board omitted gas stations from the overlay when gas stations were a part of the historic nature of Starr's Mill. He asked why the Board would not just direct staff to speak to GDOT instead of sending a resolution.

Commissioner Brown stated because it would be an official act of the Board and they would take that seriously.

Commissioner Oddo stated that he was not sure why the resolution was needed. He stated that he would not want to feel like he was putting his hand in the pot to pull out the extra money to pay for a bridge that was already being built.

Chairman Maxwell asked Mr. Davenport if he had read the Resolution. Mr. Davenport stated that he did review the Resolution and he had no legal problems. Chairman Maxwell stated that he liked the form of the Resolution in asking GDOT to consider the request in the Resolution. He stated that he thinks that the Board should expand who would receive the Resolution.

Commissioner Brown amended his motion to approve Resolution 2017-05 to appeal on behalf of the people of Fayette County to preserve the historical integrity of Starr's Mill in relation to bridge construction on State Route 85 and to move forward with discussions with the Georgia Department of Transportation in terms of creating a conceptual design that would enhance the Starr's Mill historical site and to add the Commissioner of the Department of Transportation to the Resolution. Vice Chairman Ognio amended the second. The motion passed 4-1 with Chairman Oddo in opposition.

PUBLIC COMMENT:

No public comments.

ADMINISTRATOR'S REPORTS:

A. Contract #1247-N: Security Cameras for McCurry Park

Mr. Rapson stated that there is a vacancy on the Public Arts Committee. He asked for a Selection Committee to appoint someone to the open position for the unexpired one year term. He stated that if the Board wanted to extend the term that could be done.

Vice Chairman Ognio moved to appoint Commissioner Brown and Commissioner Oddo to the Public Arts Committee Selection Committee. Commissioner Rousseau seconded. The motion passed 5-0.

Mr. Rapson stated that staff has been working with GDOT in regards to the rain and flood issues and received notification that the county would receive the \$185,000 of Local Maintenance Improvement Grant funds for that weather event.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated there were five items for Executive Session, two items involving Pending Litigation, one item involving Threaten Litigation, one item for Real Estate Acquisition and the Review of the January 26, 2017 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Rousseau:

Commissioner Rousseau stated that he wanted to remind everyone of the SPLOST tour to take place on February 25 at 10:00 a.m. He stated that it was a tour of selected areas of the county that will be included on the 2017 SPLOST ballot. He also encouraged citizens to attend the Blended Heritage celebration on February 24 at the Fayette County Library. He stated that the North Fayette Community Association meeting on February 18 at Liberty Baptist Church at 10:00 a.m. and then the Newton Plantation Homeowners' Association meeting at the same location at 11:00 a.m. The Westbridge Homeowners' Association meets on February 12. He also thanked staff for saving the life of a County resident. He thanked staff for the snack.

Vice Chairman Ognio:

Vice Chairman Ognio thanked staff for saving a life and that it was a good testament to the job that staff was doing. He stated that he would like to wish everyone a Happy Valentine's Day. He briefed everyone that at the Transportation Committee meeting GDOT was in attendance to discuss multi-use paths and that the committee re-appointed him as the Chairman of the committee.

Commissioner Oddo:

Commissioner Oddo stated that he would like to request staff to look at the way the Selections Committees are created. He stated that he would like for staff to create something formal to handle when someone is fulfilling an expiring term. He also would like to be able to select the Selection Committee after the applications have been received to eliminate any potential conflicts between the Commissioners and the applicants. He stated that there was also the possibility that two Commissioners would not agree on an applicant and there was no process for that.

Mr. Rapson stated that the policy was something that the Board approves and there was a policy in place for Board appointments. Commissioner Brown stated that he would caution not to get too restrictive. He stated that the Board can change the policy at any time.

There was no decision to make changes. The Board agreed that any request to make changes would need to be placed on an agenda.

Commissioner Brown:

Commissioner Brown stated that if staff was not at the point of hiring an assistant clerk, then he would like staff to hire a temporary person to help. Mr. Rapson stated that the Clerk would be making a selection on the following day and that the Clerk knows she can ask for assistance. Commissioner Brown stated that the Board was asking on her behalf. He congratulated the County Clerk on being on the cover of Fayette Woman. He continued that on February 23 there would be some GDOT topics on the agenda. He stated that the Transportation Committee was a great idea. He stated that GDOT was present at the meeting and they confirmed that the continuous flow interchange was really a low cost bandage for handling the interception at Highway 74 and 54 in Peachtree City. He In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and in need of a wheelchair. The Board of Commissioners Agenda and written material for each item is available on-line through the County's website at www.fayettecountyga.gov. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at www.livestream.com.

stated that they have \$30 million to spend statewide and they have to spread it throughout the state and the county was only getting a small portion of the \$30 million. He stated that on February 23 the Board will discuss Highway 54 East and McDonough Road widening as well. He stated that he will provide documents for the Board to review.

Chairman Maxwell:

Chairman Maxwell thanked the Board for addressing the South Fulton CID issue. He stated that he spoke with ARC and Mayor Dial. He stated that he was able to resolve the issue and he appreciates that.

EXECUTIVE SESSION:

Two Items of Pending Litigation, One Item of Threaten Litigation, One Item of Real Estate Acquisition and Review of the January 26, 2017 Executive Session Minutes: Commissioner Brown moved to go into Executive Session. Vice Chairman Ognio seconded. The motion passed 5-0.

The Board recessed into Executive Session at 10:52 p.m. and returned to Official Session at 11:44 p.m.

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

Approval of the January 26, 2017 Executive Session Minutes: Vice Chairman Ognio moved to approve the January 26, 2017 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Vice Chairman Ognio moved to adjourn the February 9, 2017 Board of Commissioners meeting. Commissioner Brown seconded the motion. The motion passed 5-0.

The February 9, 2017 Board of Commissioners meeting adjourned at 11:44 p.m.

Tameca P. White, County Clerk

Eric K. Maxwell, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 23rd day of February 2017. Referenced attachments are available upon request at the County Clerk's Office.

Tameca P. White, County Clerk

COUNTY AGENDA REQUEST

Page 127 of 257

Department: Commissioners

Presenter(s): Commissioner Steve Brown

Meeting Date: Thursday, February 23, 2017

Type of Request: Old Business #11

Wording for the Agenda:

Consideration of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents. This item was tabled at the February 9, 2017 Board of Commissioners meeting.

Background/History/Details:

A local resident cannot drive and has to utilize a van pool to get to work. He approached the county about using a county parking lot at a recreation site to allow him to walk from his neighborhood to his van pool in order to go to work.

Upon board direction, staff developed a carpool application spelling out certain guidelines as well as designating certain parking spots at various parks throughout the county.

Van pool groups will need to complete an application each calendar year. Parking spaces will be assigned on an annual basis at designated locations based on availability. Van pool areas are only available Monday through Friday between 6:00 AM. to 6:00 PM. Participants assume any and all risk of personal injury or property damage arising from participation in the program.

Commissioner Brown will ask to table this item until the March 9, 2017 Board of Commissioners meeting.

What action are you seeking from the Board of Commissioners?

Approval of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents.

If this item requires funding, please describe:

Not applicable.

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

If so, when? Thursday, February 9, 2017

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents. This item was tabled at the December 8, 2016 Board of Commissioners meeting.

Background/History/Details:

A local resident cannot drive and has to utilize a van pool to get to work. He approached the county about using a county parking lot at a recreation site to allow him to walk from his neighborhood to his van pool in order to go to work.

Upon board direction, staff developed a carpool application spelling out certain guidelines as well as designating certain parking spots at various parks throughout the county.

Van pool groups will need to complete an application each calendar year. Parking spaces will be assigned on an annual basis at designated locations based on availability. Van pool areas are only available Monday through Friday between 6:00 AM. to 6:00 PM. Participants assume any and all risk of personal injury or property damage arising from participation in the program.

What action are you seeking from the Board of Commissioners?

Approval of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

FAYETTE COUNTY

CARPOOL PARKING APPLICATION

To Apply/Renew

1. Designate a carpool "Manager" to distribute information and to collect and return application and renewal forms to the Fayette County Parks and Recreation Department.
2. Each participant must read, complete and sign the application form

Parking Assignment

Fayette County assigns parking spaces at designated locations based on availability. Carpool groups with the highest occupancy receive priority. If applications for a location exceed the number of available spaces, a waiting list will be established.

Renew Permits Yearly

1. Parking areas are assigned on an annual base per calendar year. Each carpool "manager" must renew all forms each calendar year.
2. Each member of the carpool completes and signs the form and returns it to the carpool manager. The manager collects the forms and returns them altogether to the Fayette County Parks and Recreation Department

Basic Rules

One-At-A-Time: Only one of the group member vehicles registered to your carpool group may park in carpool parking areas at any one time.

Changes: Report changes in your carpool group to Fayette County Parks and Recreation Department immediately. New participants must complete an agreement form.

Where to Park: Park only in your area assigned for carpool parking. Do not park in areas not authorized. Parking in designated areas does not exempt a vehicle from normal parking restrictions. Do not block crosswalks, sidewalks or driveways.

Access to Space: Carpool parking areas have posted reserved times between 6:00 a.m. and 6:00 p.m. Monday through Friday. At other times, these areas are available to the general public.

Liability: Participants must agree to assume any and all risks of personal injury or property damage arising from participation in the program.

Frequently Asked Questions:

- **What is a carpool area?**

A carpool area is a designated area within a parking lot that travelers can use as a meeting point to carpool or vanpool to their final destinations.

- **Is there a cost to park at a carpool area?**

As long as you are carpooling or vanpooling, parking areas are free of charge. Application forms are required to park in these areas during designated times.

- **Do I need a permit to park in a carpool area? Do I have a reserved space?**

Vehicle Permits are not used at carpool areas. Carpool areas are assigned to a carpool group on a first come first serve basis on applications received. All group members must have completed an application form to park in these areas during designated times.

- **How long can I leave my vehicle at a carpool area?**

Monday - Friday 6:00 a.m. to 6:00 p.m. Overnight parking is not allowed in any parking lots.

- **Is Fayette County liable for damages to vehicles?**

Fayette County is not liable for any theft or damages that occur as a result of parking in the areas. Carpool area users are encouraged to secure their vehicles, remove valuables from plain sight, and report suspicious activity.

- **Is it illegal for vehicles to be left at a carpool area with FOR SALE signs on them?**

It is illegal for a vehicle to be left at a carpool area with FOR SALE signs in the windows.

- **What kinds of vehicles are allowed at a carpool area?**

Passenger cars, vans, pickup trucks, and motorcycles with valid license plates are allowed. Semi-trucks and semi-trailers, commercial vehicles, and/or vehicles with commercial plates are prohibited. Campers are not allowed, nor are trailers, including those for hauling boats, landscaping equipment, etc.

- **How do I know that my car will be safe?**

It is each commuter's responsibility to park in the designated area and properly secure the contents of their vehicle. This means removing personal items from the passenger compartment, including laptops, navigation aids, cell phones, and other electronic devices, briefcases, handbags, and items of clothing. These should be secured in the trunk or cargo area of the vehicle, and the cargo security shade, if present, should be closed. Lock the vehicle and take the keys with you. Fayette County is not liable for any theft or damages that occur as a result of parking in the areas.

FAYETTE COUNTY
CARPOOL PARKING AREA
APPLICATION & PARTICIPANT FORM

Which Fayette County Park do you wish to park? (circle one)

Brooks Park

Kenwood Park

Kiwanis Park

Lake Kedron

McCurry Park

Carpooler #1/Carpool Manager:

NAME:
RESIDENTIAL STREET ADDRESS:
CITY, STATE, ZIP:
EMAIL ADDRESS:
HOME TELEPHONE NUMBER:
CELL TELEPHONE NUMBER:
VEHICLE LICENSE NUMBER:
MAKE AND MODEL OF VEHICLE:

I hereby certify that the information provided by me on this form is true and authorize Fayette County to verify the information provided by me. I certify that I have read the rules of the car pool parking area and agree to abide by them. I understand that participation is voluntary and agree to waive and release any and all rights and claim for damages against the Fayette County Board of Commissioners and all employees and members of the same, for any claim arising out of any injury, property damage, theft or damages of any kind, which may arise out of my use of the facilities of Fayette County. By signing this release, I consent to such participation and also verify that adequate insurance is in effect during this period.

Signature

Date

FAYETTE COUNTY
CARPOOL PARKING AREA
APPLICATION & PARTICIPANT FORM

Which Fayette County Park do you wish to park? (circle one)

Brooks Park

Kenwood Park

Kiwanis Park

Lake Kedron

McCurry Park

Carpooler #_____

NAME:
RESIDENTIAL STREET ADDRESS:
CITY, STATE, ZIP:
EMAIL ADDRESS:
HOME TELEPHONE NUMBER:
CELL TELEPHONE NUMBER:
VEHICLE LICENSE NUMBER:
MAKE AND MODEL OF VEHICLE:

I hereby certify that the information provided by me on this form is true and authorize Fayette County to verify the information provided by me. I certify that I have read the rules of the car pool parking area and agree to abide by them. I understand that participation is voluntary and agree to waive and release any and all rights and claim for damages against the Fayette County Board of Commissioners and all employees and members of the same, for any claim arising out of any injury, property damage, theft or damages of any kind, which may arise out of my use of the facilities of Fayette County. By signing this release, I consent to such participation and also verify that adequate insurance is in effect during this period.

Signature

Date

Brooks Park Carpool Area



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Kenwood Park Carpool Area



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Kiwanis Park Carpool Area Option A

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01/31/2015

Kiwanis Park Carpool Area Option B

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01/31/2015

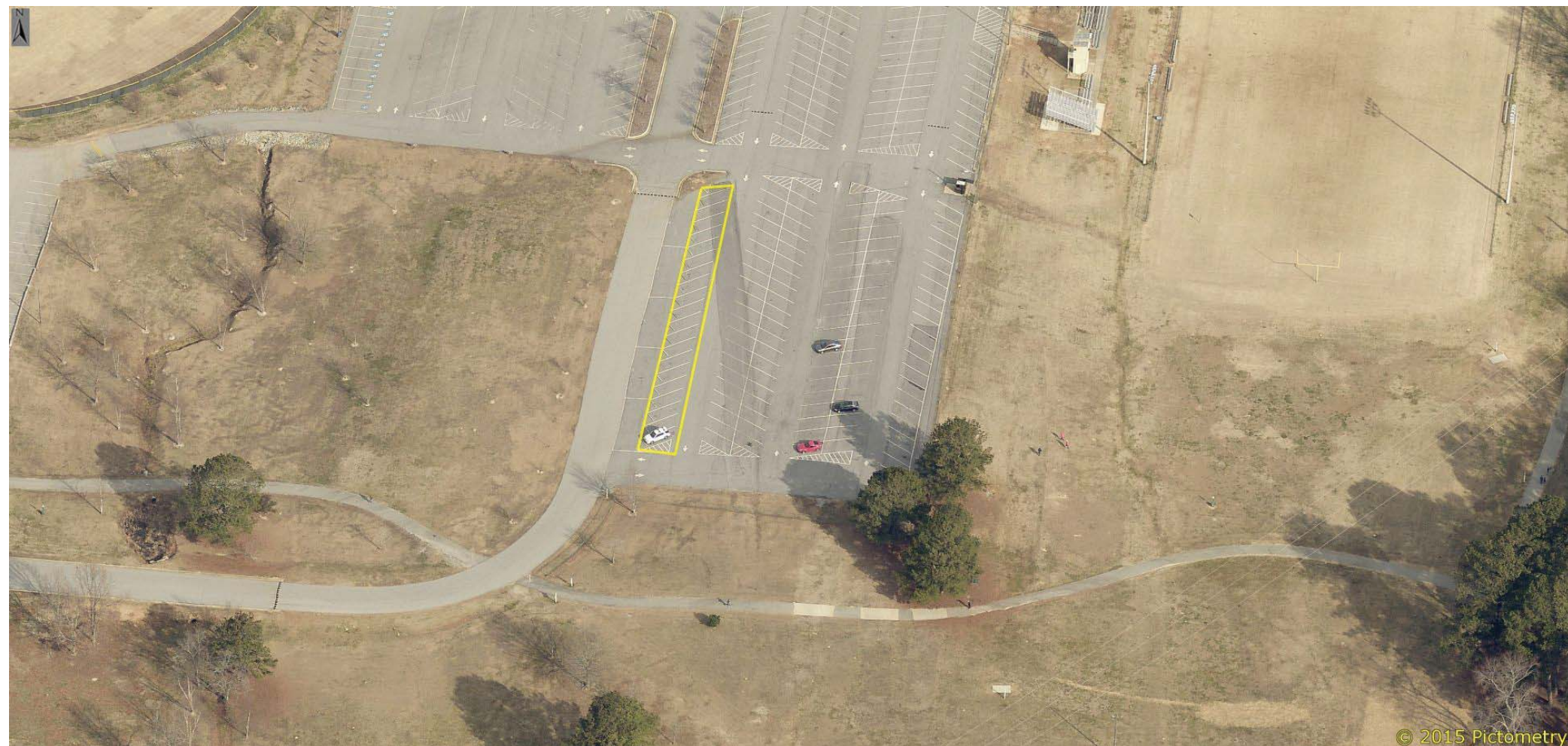
Lake Kedron Carpool Area



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McCurry Park Carpool Area Option A

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01/31/2015

McCurry Park Carpool Area Option B

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01/31/2015

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents.

Background/History/Details:

A local resident is visual impaired and cannot drive. He has to use a van pool to get to work.

He has approached the county about using a county parking lot at a recreation site to allow him to walk from his neighborhood to his van in order to go to work. The resident is visually impaired and cannot drive. He utilizes a van pool to get to work.

There will be no more than (3) three vehicles parking in the parking lot at one time.

What action are you seeking from the Board of Commissioners?

Approval of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents.

If this item requires funding, please describe:

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:

MEMORANDUM

TO: Commissioner Steve Brown
 FROM: McNally, Fox, Grant & Davenport, P.C. 
 Date: November 23, 2016
 Re: Request of Scott K Hopper to utilize the County Field House located at the Fayette County Recreation facilities off Redwine Road and Old Senoia Road as a commuter lot.

Mr. Scott Hopper is a van-pool commuter. The origination point of his commute is a Publix at 840 Glynn Street South. His destination point is the FAA facility at Hartsfield-Jackson Airport. He has joined the van-pool to commute to work each day. The driver of his van-pool has leased the vehicle used for the commute from V-ride. Mr. Hopper has requested the County's assistance in establishing a new site of origination for his commute. He has written, requesting the new location be the County Field House parking lot located at the Fayette County Recreation facilities off Redwine Road and Old Senoia Road.

A brief explanation of the commuter program is necessary to examination of this request. To improve air quality, reduce traffic and save money, many people are carpooling to work. Several private companies have been established to assist commuters in this pursuit. They can accomplish this and operate a successful business by holding an inventory of large passenger vehicles which are offered for lease to commuter pools. This allows commuters to reduce the wear and tear on their personal vehicles. The groups are known as van-pools. Many companies and government agencies offer monetary subsidies to incentivize van-pooling. They further support employees in the formation of these commuter pools at the office in a process known as ride-matching. If an employer does not offer ride-matching, an interested commuter can access the websites of the private van-pool companies to participate in a ride-matching service. The result is a group of commuters with similar work hours and work location that reside in reasonable proximity of one another. They may or may not be acquainted on any other level.

Each commuter group requires a volunteer driver. The leasing company must approve the driver. He or she will sign a private lease agreement with the van-pool company. The driver thereby becomes liable for the operation and care of the van. Operation is strictly limited to commute purposes, this may include individual pick up at commuter residences however, the driver and other commuters usually agree on another location to meet and originate the commute. This is done for the sake of convenience, particularly for the volunteer driver. However, lease terms require the leasing company, in this case V-ride, to approve the site chosen for commute origin. Because the leased vehicles will be left at that location each night and over the weekend unattended, a well-lit and well trafficked area, such as a public shopping center is generally chosen. This decreases the likelihood of damage to the vehicle through vandalism.

The driver meets the van-pool party at the agreed upon and approved origination point. The commuters load the vehicle, drive to the designated parking area and each of the commuters and the driver go to work. All commuters reassemble at the vehicle at the

designated time after work, drive back to the site of origination, return to their personal vehicles, lock up the commuter vehicle and go home. The commuter vehicle will stay, unattended until the commuters assemble for their next trip to the office. At which time the commuter's personal vehicles are left, unattended until the commuters return from their work day.

No specific restriction exists that prevents the County from holding itself out for van-pooling from the requested location. However, the following issues must be addressed:

1. The County may not get approval as a commuter site. The ultimate authority for an origination point for these van-pools is the leasing company. That company is interested in the safety of its property. For this reason, areas frequented by shoppers and guaranteed to be well-lit are generally approved. It is instructional to note, that of the 400 van pool origination sites that V-ride operates, none of them is on government property. A formal request will need to be made to the V-ride company by the driver.
2. A decision allowing this kind of use may subject all County properties to consideration as van-pool origination sites, not merely the one at issue here.
3. If we hold the lots out as a reasonable location to leave commuter cars and leased vans, then it is reasonable to require a waiver of liability signed by the commuters and the van pool company. The County should not be subject to liability for the safety of the vehicles or any articles located therein.
4. In opening the County property for to this use by Mr. Hopper's van-pool, the County must be open to allowing the same use by all Fayette County residents. This will necessitate development of a mechanism to determine how much of the parking in any given lot will be devoted to this use. Creation of a method for selecting which van-pools will use the spots, if demand becomes high, will also be necessary.
5. A resolution will need to be prepared and passed declaring the intentions of the Board of Commissioners to allow this use.

Should you require further information on this issue please let us know.

COUNTY AGENDA REQUEST

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Department: Board of Commissioners

Presenter(s): Commissioners Oddo and Brown

Meeting Date: Thursday, February 23, 2017

Type of Request: New Business #12

Wording for the Agenda:

Consideration of a recommendation from the Selection Committee, comprised of Commissioner Charles Oddo and Commissioner Steve Brown to nominate Jennifer Johnson to the Fayette County Public Arts Committee to serve an unexpired one (1) year term beginning immediately and expiring May 31, 2017.

Background/History/Details:

The Public Arts Committee was established in 2014 with the purpose of finding ways to use art to enhance the County's reputation, to contribute to the civic environment, and to enrich the lives of citizens and visitors through the involvement of amateur and professional artists.

On March 10, 2016 the Board of Commissioners approved an ordinance to provide for an advisory committee to be known as the Fayette County Public Arts Committee, to provide for terms of office, the initial membership, the filling of vacancies, the taking of an oath, the requirement of regular meetings, the removal of members, and compensation and qualifications of officers.

The PAC position was posted and twenty-two applicants applied. Interviews for the 11 positions were conducted and the Selection Committee is recommending these applicants for appointment to this committee in accordance to the ordinance; to serve a term of one (1) year expiring May 31, 2017.

Ms. Johnson will serve the unexpired term of Donna Rosser.

What action are you seeking from the Board of Commissioners?

Approval of a recommendation from the Selection Committee, comprised of Commissioner Charles Oddo and Commissioner Steve Brown to nominate Jennifer Johnson to the Fayette County Public Arts Committee to serve an unexpired one (1) year term beginning immediately and expiring May 31, 2017.

If this item requires funding, please describe:

Not Applicable.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

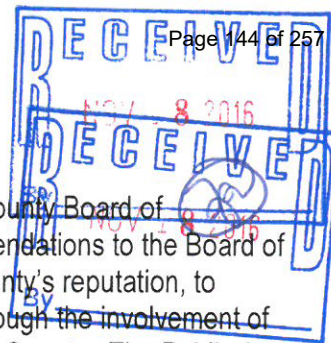
Administrator's Approval

Staff Notes:

9:30 am

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APPLICATION FOR APPOINTMENT
Fayette County Public Arts Committee



Fayette County's Public Arts Committee has been established by the Fayette County Board of Commissioners. The purpose of the Public Arts Committee is to make recommendations to the Board of Commissioners of Fayette County as to find ways to use art to enhance the County's reputation, to contribute to the civic environment, to enrich the lives of citizens and visitors through the involvement of amateur and professional artists, and to integrate public arts throughout Fayette County. The Public Arts Committee aims to acquire, cultivate, and perform responsible stewardship of public arts, to enhance the dignity of Fayette County through the commitment to artists and their disciplines as integral elements of economic vitality and development. Fayette County's Public Arts Committee offers opportunities and support to citizens, emerging students, amateur and professional artists, arts education resources, and public beautification arts projects. Its mission is to change the way the Fayette County community approaches arts and culture. The goal of the Fayette County Public Arts Committee is to become a leader in the arts through conceptualizing, implementing, organizing, and executing art projects and programs for the citizens.

The Public Arts Committee will meet on the third Monday of each month, however, the meeting times and location are to be determined.

Please take a few minutes to complete the form and answer the questions below and return it with a resume, if available, to Tameca White, Chief Deputy County Clerk, 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 no later than 5:00 p.m. on Friday, December 9, 2016.

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

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

NAME Jennifer Ann Johnson

ADDRESS 1000 Stevens Entry R111

Peachtree City, GA 30269

TELEPHONE (day) [REDACTED]

(evening) [REDACTED]

(email address) [REDACTED]

[Signature]
Signature

11/18/16
Date

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

I have lived in Fayette County a little over one year. I was hired in October of 2015 and moved from Oregon early November 2015.

2. Why are you interested in serving on the Fayette County Public Arts Committee?

I believe that the arts in Fayette County need to be integrated better, more events need to be held and with better exposure and this committee will have an important role in the counties branding and development plans.

Personally, I would love to see the community embrace the arts and provide more opportunities for citizens to participate in, learn about and enjoy artistic expression and design. I believe a community that promotes and fosters the arts is a better place to live and to visit and creates a sense of place that Fayette County is lacking.

3. What qualifications and experience do you possess for appointment to the Public Arts Committee?

I have a fine art degree (BS in Fine Art) from the University of Oregon and I paint and sculpt in my free time. I have also worked with communities from Texas to Oregon on public art programs, community art classes and events for the arts. In my role as Executive Director of the PTC CVB, I am charged with helping to make PTC a destination people want to visit, and the arts can be a major factor in that endeavor.

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

Tourism Director – Wilsonville, OR

Tourism Sales Manager – Corvallis, OR

Executive Director – Wahkiakum Chamber of Commerce – Cathlamet, WA

Executive Director – Peachtree City Convention and Visitors Bureau

5. Do you have any past experience relating to the Public Arts Committee? If so, please describe.

I served on the Public Arts Committee in Wilsonville Oregon and helped secure large sculptures for public installation in our city, including sponsoring on very large horse sculpture installed at our offices. I also ran several summer art festivals (ex "Art in the Park") and parades for the arts (dance, music, costumes, etc.).

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

I work for the PTC CVB Board of Directors but do not serve on the board. I am also an ex-officio board member of the Fayette County Chamber of Commerce.

7. Have you attended any Public Arts Committee meetings in the past two years and, if so, how many?

I have not. I just recently became aware of its existence and immediately was interested. I immediately invited artists to our Hops and Props event and changed our Holiday annual meeting to an artist's studio in PTC.

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 Public Arts Committee?

The committee should promote the arts much more actively and be part of the conversation as Fayette County decides its new vision and brand. I want the committee to be the resource for the arts in Fayette County and to create its own plan and vision for enhancing and promoting the arts.

10. Would there be any possible conflict of interest between your employment or your family and you serving on the Public Arts Committee?

I don't believe that there would be any conflict of interest, many CVB exec's serve on committees that work to enhance the mission of improving a communities destination marketing ability. If the CVB funded any events, in part, the Public Arts Committee would have to apply like any other entity and the CVB board would determine funded amounts. The CVB would promote events regardless of my involvement.

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

No.

12. Describe your current community involvement.

Fayette Chamber Board.
Leadership Fayette.
Fayette Visioning.
Fayette Branding committee.

13. Do you want to serve with an ending term date of May 31, 2017 or May 31, 2018?
2018

14. Have you been provided a copy of the county's Ethics Ordinance?

Yes.

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

No.

COUNTY AGENDA REQUEST

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Department: Board of Commissioners

Presenter(s): Commissioners Oddo and Brown

Meeting Date: Thursday, February 23, 2017

Type of Request: New Business #13

Wording for the Agenda:

Consideration of a recommendation from the Selection Committee, comprised of Commissioner Charles Oddo and Commissioner Steve Brown to nominate Martha Aikin to the Fayette County Public Arts Committee to serve an unexpired two (2) year term beginning immediately and expiring May 31, 2018.

Background/History/Details:

The Public Arts Committee (PAC) was established in 2014 with the purpose of finding ways to use art to enhance the County's reputation, to contribute to the civic environment, and to enrich the lives of citizens and visitors through the involvement of amateur and professional artists.

On March 10, 2016 the Board of Commissioners approved an ordinance to provide for an advisory committee to be known as the Fayette County Public Arts Committee, to provide for terms of office, the initial membership, the filling of vacancies, the taking of an oath, the requirement of regular meetings, the removal of members, and compensation and qualifications of officers.

The PAC position was posted and twenty-two applicants applied. Interviews for the 11 positions were conducted and the Selection Committee is recommending these applicants for appointment to this committee in accordance to the ordinance; to serve a term of two (2) years expiring May 31, 2018.

Ms. Aikin will serve the unexpired term of Tina Brown.

What action are you seeking from the Board of Commissioners?

Approval of a recommendation from the Selection Committee, comprised of Commissioner Charles Oddo and Commissioner Steve Brown to nominate Martha Aikin to the Fayette County Public Arts Committee to serve an unexpired two (2) year term beginning immediately and expiring May 31, 2018.

If this item requires funding, please describe:

Not Applicable.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

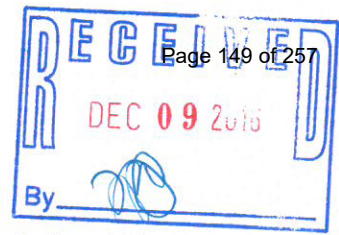
Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

APPLICATION FOR APPOINTMENT
Fayette County Public Arts Committee



Fayette County's Public Arts Committee has been established by the Fayette County Board of Commissioners. The purpose of the Public Arts Committee is to make recommendations to the Board of Commissioners of Fayette County as to find ways to use art to enhance the County's reputation, to contribute to the civic environment, to enrich the lives of citizens and visitors through the involvement of amateur and professional artists, and to integrate public arts throughout Fayette County. The Public Arts Committee aims to acquire, cultivate, and perform responsible stewardship of public arts, to enhance the dignity of Fayette County through the commitment to artists and their disciplines as integral elements of economic vitality and development. Fayette County's Public Arts Committee offers opportunities and support to citizens, emerging students, amateur and professional artists, arts education resources, and public beautification arts projects. Its mission is to change the way the Fayette County community approaches arts and culture. The goal of the Fayette County Public Arts Committee is to become a leader in the arts through conceptualizing, implementing, organizing, and executing art projects and programs for the citizens.

The Public Arts Committee will meet on the third Monday of each month, however, the meeting times and location are to be determined.

Please take a few minutes to complete the form and answer the questions below and return it with a resume, if available, to Tameca White, Chief Deputy County Clerk, 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 no later than 5:00 p.m. on Friday, December 9, 2016.

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

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

NAME Martha Akin

ADDRESS 103 Cloister Drive

Peachtree City, GA 30269

TELEPHONE (day) 

(evening) 

(email address) 

Martha Akin
Signature

12/09/2016
Date

1. How long have you been a resident of Fayette County?
21 years
2. Why are you interested in serving on the Fayette County Public Arts Committee?
I'm at a place in my life where I have time to give back to my community, and I would love to serve in an area that can enrich the lives of our residents.
3. What qualifications and experience do you possess for appointment to the Public Arts Committee? Honestly, I have no formal qualifications for the position. I hold Bachelor's degrees in both Exercise Science and Nursing... BUT I was raised in a time where arts education and appreciation was a vital part of my school.*
4. List your recent employment experiences to include name of company and position.
Landmark Christian School - Faculty and coach, 2008-2015
Piedmont Fayette Hospital - Registered Nurse, 2003-2008
5. Do you have any past experience relating to the Public Arts Committee? If so, please describe. ~~NO~~ experience - I lived a stone's throw from the Smithsonian. I was a member of an audition-only Chamber Choir in college and have participated in Community theater. I currently homeschool a daughter who plans to double-major or minor in a Fine Arts-related field in college.
6. Are you currently serving on a Committee/board/authority or in an elected capacity with any government?
No
7. Have you attended any Public Arts Committee meetings in the past two years and, if so, how many?
None
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 Public Arts Committee? I see the Committee assisting residents to become more involved in creating, appreciating, and learning about all aspects of art - from visual to performing. A vibrant arts scene will enhance the reputation of Fayette County as a top-quality place to reside.
10. Would there be any possible conflict of interest between your employment or your family and you serving on the Public Arts Committee?
No
11. Are you in any way related to a County Elected Official or County employee? If so, please describe.
No
12. Describe your current community involvement.
Member, Evergreen Church
13. Do you want to serve with an ending term date of May 31, 2017 or May 31, 2018?
Either
14. Have you been provided a copy of the county's Ethics Ordinance?
Yes
15. Is there any reason you would not be able to comply with the Ethics Ordinance?
No

COUNTY AGENDA REQUEST

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Department: Board of Commissioners

Presenter(s): Commissioners Oddo and Brown

Meeting Date: Thursday, February 23, 2017

Type of Request: New Business #14

Wording for the Agenda:

Consideration of a recommendation from the Selection Committee, comprised of Commissioner Charles Oddo and Commissioner Steve Brown to nominate Kate LaFoy to the Fayette County Public Arts Committee to serve an unexpired two (2) year term beginning immediately and expiring May 31, 2018.

Background/History/Details:

The Public Arts Committee (PAC) was established in 2014 with the purpose of finding ways to use art to enhance the County's reputation, to contribute to the civic environment, and to enrich the lives of citizens and visitors through the involvement of amateur and professional artists.

On March 10, 2016 the Board of Commissioners approved an ordinance to provide for an advisory committee to be known as the Fayette County Public Arts Committee, to provide for terms of office, the initial membership, the filling of vacancies, the taking of an oath, the requirement of regular meetings, the removal of members, and compensation and qualifications of officers.

The PAC position was posted and twenty-two applicants applied. Interviews for the 11 positions were conducted and the Selection Committee is recommending these applicants for appointment to this committee in accordance to the ordinance; to serve a term of two (2) years expiring May 31, 2018.

Ms. LaFoy will serve the unexpired term of Vicki Turner.

What action are you seeking from the Board of Commissioners?

Approval of a recommendation from the Selection Committee, comprised of Commissioner Charles Oddo and Commissioner Steve Brown to nominate Kate LaFoy to the Fayette County Public Arts Committee to serve an unexpired two (2) year term beginning immediately and expiring May 31, 2018.

If this item requires funding, please describe:

Not Applicable.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

APPLICATION FOR APPOINTMENT
Fayette County Public Arts Committee

Fayette County's Public Arts Committee has been established by the Fayette County Board of Commissioners. The purpose of the Public Arts Committee is to make recommendations to the Board of Commissioners of Fayette County as to find ways to use art to enhance the County's reputation, to contribute to the civic environment, to enrich the lives of citizens and visitors through the involvement of amateur and professional artists, and to integrate public arts throughout Fayette County. The Public Arts Committee aims to acquire, cultivate, and perform responsible stewardship of public arts, to enhance the dignity of Fayette County through the commitment to artists and their disciplines as integral elements of economic vitality and development. Fayette County's Public Arts Committee offers opportunities and support to citizens, emerging students, amateur and professional artists, arts education resources, and public beautification arts projects. Its mission is to change the way the Fayette County community approaches arts and culture. The goal of the Fayette County Public Arts Committee is to become a leader in the arts through conceptualizing, implementing, organizing, and executing art projects and programs for the citizens.

The Public Arts Committee will meet on the third Monday of each month, however, the meeting times and location are to be determined.

Please take a few minutes to complete the form and answer the questions below 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, April 22, 2016.

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: **Kate Bidwell LaFoy**

ADDRESS 1:
160 Walker Ave
Fayetteville, GA 30215

TELEPHONE (day & evening)

Cell- [REDACTED]

[REDACTED] (email address)

[REDACTED]
Signature

Date

Kate Bidwell LaFoy

1/21/2016

Email Address:

Permanent Address:
160 Walker Ave
Fayetteville, GA 30215

EDUCATION

B. A. in Theatre, May 2005
Agnes Scott College, Decatur, GA

Jack T Brooking Award- Agnes Scott Theatre Department 2005
Betty Lou Houck Scholarship- Agnes Scott Theatre Department 2003

EXPERIENCE

Patron Relations Manager, Horizon Theatre
November 2013 - Present

- Responsibilities include supervising all sales involving our customers who have purchased a subscription package and creating a friendly, personal and efficient customer experience in the office and in our theatre space as well as providing customer and sales services in person and over the phone.
- Overseeing and scheduling the customer service show staff. Determining the daily requirements for the part time staff and the volunteers.
- Supervising and training a Front of House Team that includes Assistant House Managers, Front of House Apprentices and Interns, and all ushers and volunteers.
- Maintaining and executing policies as well as Training the part time staff in customer service and theatre policies for our live theatre events and sales and database management.
- Helping determine the appropriate use of Tessitura to track sales and patron information.
- Documenting and reporting all activities in the Customer Service area of the theatre so that we can track all problems and using the database to create the best possible environment for the patrons, employees and volunteers.
- Pulling all Tessitura extractions and lists for Marketing, Development, and Box Office and providing.
- Proficient at daily use of the copy and fax machine, MS Word, MS Excel, MS Outlook, Tessitura, Adobe, and Phone Etiquette.

Front of House Manager, Horizon Theatre
April 2008 - November 2013

- Maintaining a friendly and memorable customer service environment by keeping a helpful and polite attitude and meeting the customer's needs in daily face to face interactions.
- Making sure that concessions and the appearance of the theatre and lobby area are maintained and organized. Organized inventory control.
- Creating and maintained an usher database as well as scheduling ushers for all shows.
- Learned how to use database information to make each individual patron's experience as pleasant as possible.
- Excelled at communication with the entire team using email, and phone calls to make sure that all aspects of the day to day requirements were covered.
- Learned how to treat each patron as an individual.
- Reorganized the customer service process so that more people could be served effectively in a shorter amount of time while still maintaining a high level of service and satisfaction.
- Assisted with special events

Box Office Manager, Red Clay Theatre
January 2008 - May 2008

- Sold individual and season tickets for the theatre over the phone while taking care of the front office during the day. I gave tours of the facility to patrons interested in season tickets.
- Sold tickets online by maintaining the website and keeping track of the online purchases.
- Learned how to maintain relationships with patrons and season ticket holders in order to make them feel special and important.
- Created a season ticket holder and gift certificate database. Learned to maintain the information by keeping up with all daily changes and updating patron information on a regular basis.
- Helped create the website and the advertisement materials for the 2008 season including posters, postcards and brochures.

House Management Intern, Florida Studio Theatre
January 2006-June 2006

- Trained in one the most successful Theatres in the South East.
- Learned effective customer service techniques and practices.

KATE BIDWELL LAFoy

Email Address:



Permanent Address:

160 Walker Ave
Fayetteville, GA 30215



EDUCATION B. A. Theatre, May 2005
Agnes Scott College, Decatur, GA

Jack T Brooking Award- Agnes Scott Theatre Department 2005
Betty Lou Houck Scholarship- Agnes Scott Theatre Department 2003

EXPERIENCE

Horizon Theatre

May 2008-Present

Patron Relations Manager/Props Coordinator
Props Designer/Set Decorator

Lisa Adler – Artistic Director

June 2008 - Present

The Clean House
The Santaland Diaries – 2008-2016
The 13th of Paris
The Santaland Diaries – 2009
Shooting Star
Night Blooms
Madeline's Christmas-2010-2016
Superior Donuts
The Waffle Palace 2011-2015
Time Stands Still
Third Country
Detriot
Vanya and Sonia and Masha and Spike
Informed Consent

Aurora Theatre

July 2006-August 2009

Props Designer/Set Decorator

Anthony P. Rodriguez– Artistic Director

Lucky Stiff
Bach at Leipzig
Dial M for Murder
The Dinosaur Musical
Corpse
Duets
Once On This Island
Glorious
Camelot
Italian American Reconciliation
Italian American Reconciliation

Construction Crew

Stage Manager

Fabrication Theatre Company

October 2013

Props Designer/Set Decorator

Christina Hoff – Artistic Director

Urinetown

The Pinch N' Ouch Theatre

April 2010-July 2010

Props Designer/Set Decorator

Grant McGowen – Producer

Reasons to be Pretty

Theatre In the Square

April 2007-June 2008

Assistant Stage Manager

Jessica Phelps-West – Assistant Artistic Director

Turned Funny
The Poetry of Pizza
The Persians

Props Designer

Gwinnett Ballet Theatre

November 2008

Stage Manager

Lisa Sheppard Robsen - Producing Artistic Director

The Nutcracker

COUNTY AGENDA REQUEST

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Department: Parks and Recreation

Presenter(s): Anita Godbee

Meeting Date: Thursday, February 9, 2017

Type of Request: New Business #15

Wording for the Agenda:

Consideration of staff's recommendation to extend the hours of the McCurry Park football complex on May 5, 2017 to facilitate the Fayette County Relay for Life Event.

Background/History/Details:

Relay For Life is a grass roots, community-based team fundraiser for the American Cancer Society. Relay is staffed and coordinated by volunteers in more than 5,200 communities and 20 countries. Volunteers give of their time and effort because they believe it's time to take action against cancer.

Volunteers have hosted an event in Fayette County for 20+ years. Past events have been held at various High School facilities within Fayette County as well as the Goza Road Complex. This year's Fayette County's Relay for Life Event has been scheduled for Friday, May 5, 2017 at the McCurry Park football complex. The event will begin at 5:45 p.m. with the arrival of the Relay Torch. Opening Ceremonies will begin around 6:30 p.m. with closing ceremonies taking place around 12:30 a.m. In order for event organizers to host the event and properly clean the facility after the event is over, the curfew on park hours and the facility lights will need to be extended to 3:00 a.m.

What action are you seeking from the Board of Commissioners?

Approval staff's recommendation to extend the hours of the McCurry Park football complex on May 5, 2017 to facilitate the Fayette County Relay for Life Event.

If this item requires funding, please describe:

Not applicable.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

Relay For Life is a grass roots, community-based team fundraiser for the American Cancer Society. Relay is staffed and coordinated by volunteers in more than 5,200 communities and 20 countries. Volunteers give of their time and effort because they believe it's time to take action against cancer. Every Relay has different components, but here are a few things they all have in common:

Opening Ceremony - The event will kick off celebrating everyone who's been affected by cancer. Whether someone's been diagnosed for 10 days or been cancer-free for 10 years, they gather together for the crowd to cheer them on.

Survivors Lap - Survivors define courage and inspire those facing a cancer diagnosis. Their strength is honored with each step they take around the first lap. Anyone who's overcome cancer is invited to join.

Caregivers Lap - Caring for others is such a selfless act, which is why we honor caregivers with a lap. They often walk with the person they've supported.

Luminaria Ceremony - Each Luminaria bag represents a loved one lost to cancer, brings support to those affected by it, and honors survivors. This powerful moment gives people the opportunity to grieve but also offers hope and comfort.

Closing Ceremony - the event closes by celebrating all that has been accomplished together and remembering those lost. Together, everyone commits to take action and help end the pain and suffering of cancer.

Volunteers have hosted an event in Fayette County for 20+ years. Past events have been held at various High School facilities within Fayette County as well as the Goza Road Complex. Last year's event had 58 total teams, 701 registered team members, and 156 survivors participate. This year's Fayette County's Relay for Life Event, which has been scheduled for May 5, 2017 at the McCurry Park football complex, is in hoping to exceed last year's numbers. The event will begin with the arrival of the Relay Torch at 5:45 p.m. Opening ceremonies will begin around 6:30 p.m. with closing ceremonies taking place around 12:30 a.m. Event organizers will promptly begin cleaning the facility. Everyone will be out of the park by 3:00 a.m.

Park curfew is typically designated at 11:00 p.m. for organized events such as this special event. In order for event organizers to host this particular event and properly clean the facility after the event is over, the curfew on park hours and the facility lights will need to be extended to 3:00 a.m.



The American Cancer Society Relay For Life movement is the world's largest fundraising event to fight every cancer in every community. Each year, more than 4 million Relay For Life participants around the world rally communities to celebrate those who have battled cancer, remember loved ones lost, and take action to fight back.

WHAT HAPPENS AT A RELAY EVENT?

Relay For Life events are community gatherings where teams and individuals camp out at a school, park, or fairground and take turns walking or running around a track or path. Fundraising before and during the event helps fuel the fight, and entertainment and activities keep things fun and lively!

KNOW THE FACTS ON CANCER IN THE US.

- In 2015, more than 1.6 million people in the US are expected to be newly diagnosed with cancer, and an estimated 589,430 people will die as a result of the disease.
- Cancer is the second most common cause of death in the US – exceeded only by heart disease – and accounts for nearly 1 of every 4 deaths.
- Thanks in part to the work for the American Cancer Society, more than 1.5 million deaths from cancer have been averted in the past two decades. This is due to a 22% drop in cancer mortality during that time period.
- The five-year relative survival rate for all cancers diagnosed between 2004 and 2010 is 68%. This is up from 49% from 1975 to 1977.

DOLLARS RAISED ARE MAKING AN IMPACT.

The Relay For Life movement fuels the mission of the American Cancer Society, an organization that touches the lives of so many. Last year, Relay For Life participants and supporters helped to raise more than \$400 million for the American Cancer Society. Funds raised enable the Society to:

- help people facing the disease today by providing free information, help, and support
- educate people about how to reduce their risk for cancer or detect it early, when it's easiest to treat
- fund cancer research that will help protect future generations
- fight back through public policy in partnership with the American Cancer Society Cancer Action NetworkSM, the Society's nonpartisan advocacy affiliate

JOIN THE RELAY FOR LIFE MOVEMENT TODAY!

Visit relayforlife.org to find an event in your community. Start a fundraising team, join an existing team, make a donation, or volunteer with an event.

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of staff recommendations for improvements to the Fayette County Administrative Building's parking lot.

Background/History/Details:

CIP number 5565C has a budget of \$22,850 for work on the Stonewall Avenue parking lot. During the design process, additional needs were identified beyond the original goal of minor concrete repair and new striping. Board input is needed regarding two options available for the work.

Both options remove several of the large Oak trees, expand the landscape islands, replace curb and gutter, and replant with new trees. The difference between them is the amount of landscaping and parking spaces. Option 2 provides more greenspace but fewer parking spaces. Both options also include milling and patching bad areas, resurfacing with asphalt and new striping.

Cost Summary by Option

Landscape Option 1	\$113,350
Landscape Option 2	\$110,289

Staff recommends Option 1 at \$113,350. The value of the parking spaces exceeds the benefit of additional greenspace and both options are an improvement over current landscape layout.

What action are you seeking from the Board of Commissioners?

Approval for staff to proceed with improvement work to the Fayette County Administrative Building's parking lot, selection of a preferred option, and approval of additional funds from the Project Contingency Fund.

If this item requires funding, please describe:

Capital project 5565C has available funding of \$22,850. Staff is seeking additional funds from the Project Contingency Fund to pay for the substantial improvements. The amount required ranges from \$87,439 to \$90,500, depending on the option selected by the Board.

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

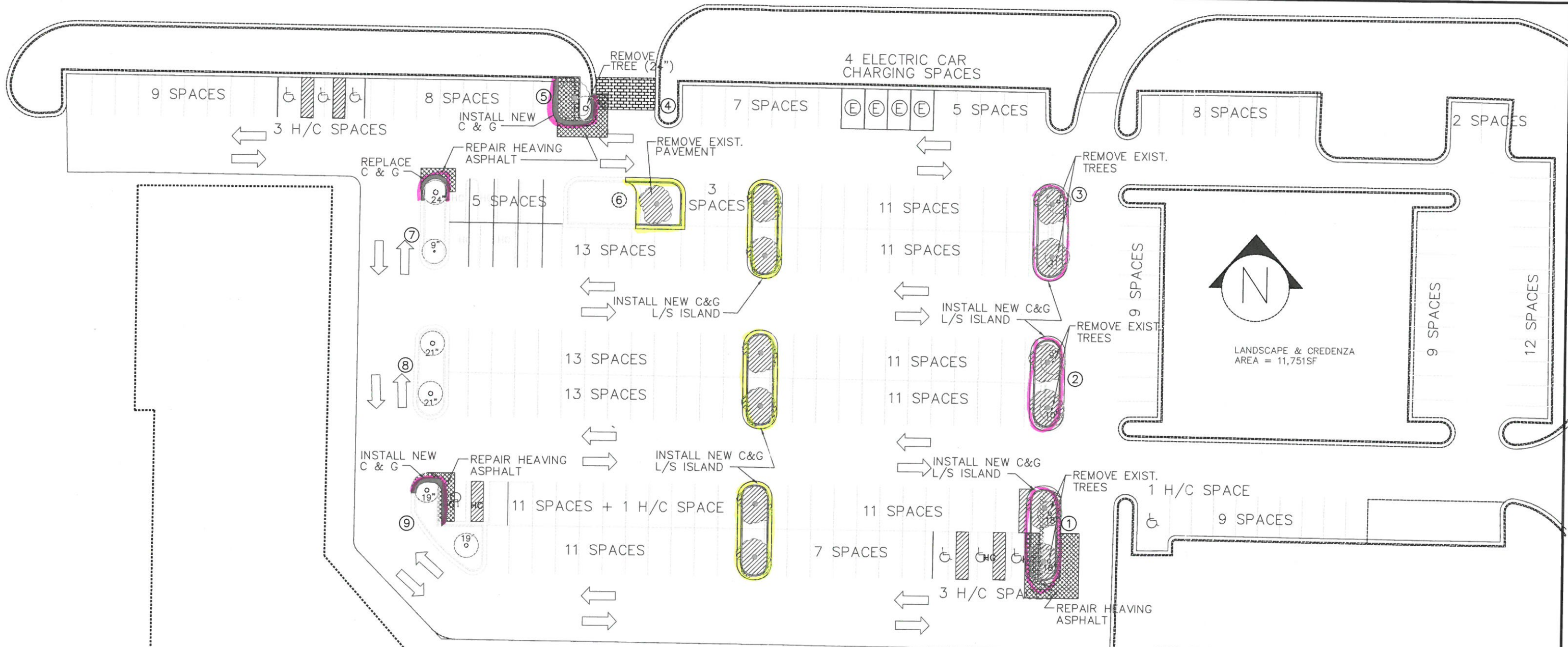
County Clerk's Approval

Administrator's Approval

Staff Notes:

Currently, the General Fund project contingency has an available balance of \$738,072 for transfers to projects.

NEW
REPAIR/REPLACE



FAYETTE COUNTY COMPLEX
140 STONEWALL AVENUE

EXISTING NO. PARKING SPACES: 236
PARKING SPACES PER PLAN: 221 (INCLUDES 8 H/C SPACES)
LOST PARKING SPACES: 15-SPACES
LF OF NEW CURB: 613LF
SURFACE AREA OF PKG. LOT ONLY: 89,179SF
AREA OF PKG. LOT L/S ISLANDS: 5,499SF

$\Delta = 15 \text{ spaces}$
94%

NOTE: REMOVE TREES AS NOTED & GRIND ROOTBALL WITHIN 10' DIA. INSTALL NEW CURB & GUTTER AROUND L/S ISLAND. INSTALL NEW UNDERSTORY TREE(S) WHERE SHOWN ON PLAN. MAX. 1 TREE PER EVERY 200SF OF L/S ISLAND.

- INSTALL NEW TREE LOCATION (MIN. 2 1/2" CAL.)
- TREE(S) TO REMAIN (DBH) UNLESS OTHERWISE NOTED

OPTION 1

FAYETTE COUNTY COMPLEX
PARKING LOT REPAIR PROJECT

DATE: AUGUST 12, 2015
SCALE: 1" = 40'

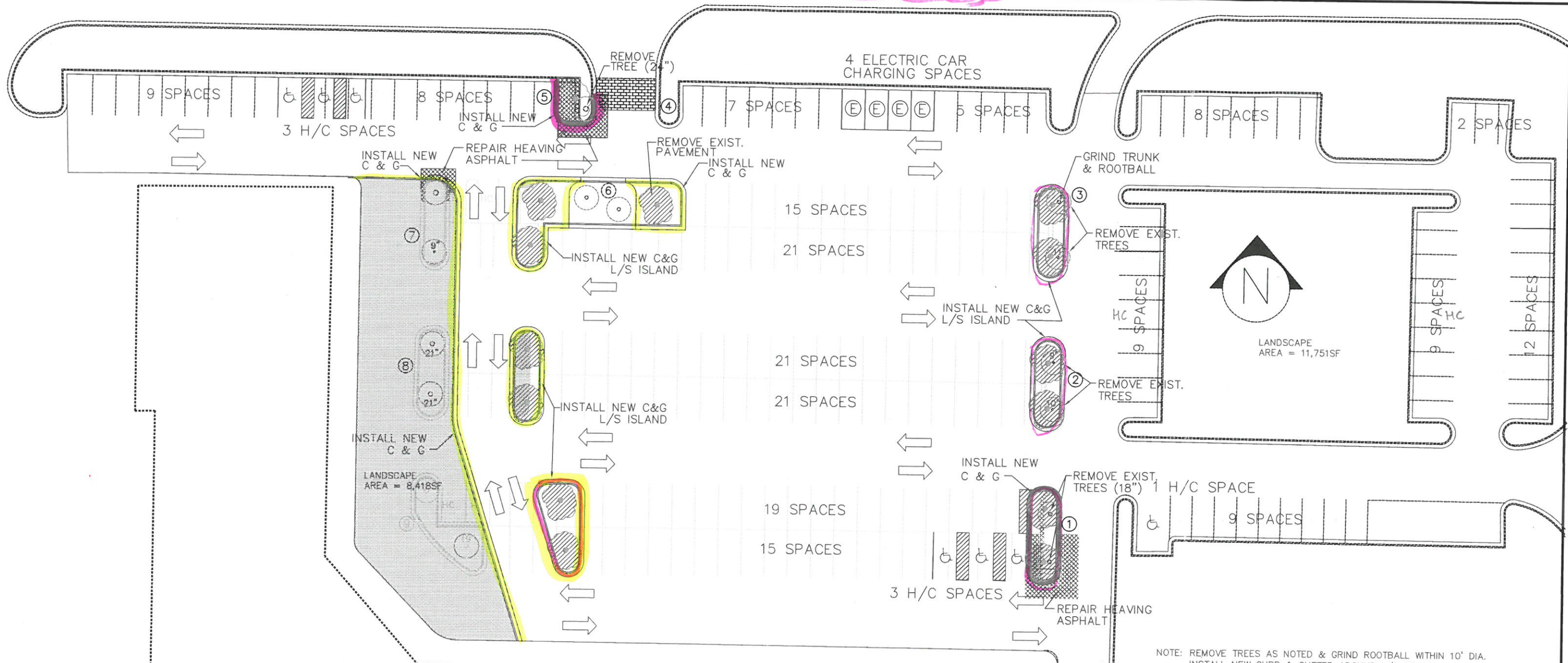
PREPARED BY: CARLOS CHRISTIAN

Stonewall Parking Lot (CIP 5556C) LAYOUT 1

No.	Description	Quantity	Unit Cost	Units	Cost
<i>Tree & Concrete Work - Existing Island</i>					
1	Tree cutting, 6 trees	1	\$3,100.00	LS	\$3,100
2	Stump Grinding, 7 stumps	1	\$250.00	LS	\$250
3	C&G - Demolition and disposal	440	\$0.00	LF	\$0
4	C&G - Install replacement curbing	470	\$15.00	LF	\$7,050
5	Tree replacement - Existing Islands, 2.5" DBH	7	\$300.00	EA	\$2,100
6	Shrubs/flowers - existing islands	28	\$35.00	EA	<u>\$980</u>
					\$13,480
<i>Optional Tree & Concrete Work - Three New Islands</i>					
7	Asphalt cut and removal for new L/S islands	242	\$0.00	SY	\$0
8	C&G - New installation for L/S islands	390	\$15.00	LF	\$5,850
9	Tree replacement -New Islands, 2.5" DBH	7	\$300.00	EA	\$2,100
10	Shrubs/flowers - new islands	28	\$35.00	EA	<u>\$980</u>
					\$8,930
<i>Rear Parking - Mill & Patch, COMPLETE</i>					
11	Milling & Patching (complete)	1	\$7,451.13	EA	\$7,451
12	Hauling (complete)	6	\$69.98	HRS	<u>\$437</u>
					\$7,888
<i>Asphalt Resurfacing</i>					
13	Milling mobilization	1	\$550.00	EA	\$550
14	Mill front parking lot	11,000	\$1.16	SY	\$12,760
15	Hauling for milling disposal (most County hauling)	1	\$2,000.00	EA	\$2,000
16	Resurface front parking lot (asphalt & hauling)	11,000	\$3.71	SY	\$40,838
17	Crack Seal rear lot (3,300 sy)	1	\$1,200.00	EA	\$1,200
18	HA-5 Seal Coat rear lot (2 applications)	3,300	\$3.00	SY	\$9,900
19	Striping	1	\$5,500.00	EA	<u>\$5,500</u>
					\$72,748
Total - Landscape Option 1 with Resurfacing +10					\$113,350

NEW

REPAIR/REPLACE



FAYETTE COUNTY COMPLEX
140 STONEWALL AVENUE

$\Delta = 35 \text{ spaces}$
85%

EXISTING NO. PARKING SPACES: 236
PARKING SPACES PER PLAN: 201 (INCLUDES 7 H/C SPACES)
LOST PARKING SPACES: 35-SPACES
LF OF NEW CURB: 837LF
SURFACE AREA OF PKG. LOT ONLY: 93,568SF
AREA OF PKG. LOT L/S ISLANDS: 4,447SF
AREA OF NEW LANDSCAPE AREA (LARGE): 8,418SF

NOTE: REMOVE TREES AS NOTED & GRIND ROOTBALL WITHIN 10' DIA.
INSTALL NEW CURB & GUTTER AROUND L/S ISLAND. INSTALL
NEW UNDERSTORY TREE(S) WHERE SHOWN ON PLAN. MAX. 1
TREE PER EVERY 200SF OF L/S ISLAND.

- INSTALL NEW TREE (MIN. 2 1/2" CAL.)
- EXISTING TREE(S) TO REMAIN UNLESS OTHERWISE NOTED

OPTION 2

FAYETTE COUNTY COMPLEX
PARKING LOT REPAIR PROJECT

DATE: OCTOBER 20, 2016
SCALE: 1" = 40'

PREPARED BY: CARLOS CHRISTIAN

Stonewall Parking Lot (CIP 5556C) LAYOUT 2

No.	Description	Quantity	Unit Cost	Units	Cost
<i>Tree & Concrete Work - Existing Island</i>					
1	Tree cutting, 6 tree:	1	\$3,100.00	LS	\$3,100
2	Stump Grinding, 7 stump:	1	\$250.00	LS	\$250
3	C&G - Demolition and disposal	7	\$0.00	LF	\$0
4	C&G - Install replacement curb	7	\$15.00	LF	\$105
5	Tree replacement - Existing Islands, 2.5" DBI	7	\$300.00	EA	\$2,100
6	Shrubs/flowers - existing island	28	\$35.00	EA	<u>\$980</u>
					\$6,535
<i>Green Space / Mini-Park</i>					
7	Saw-cut, demo and dispose asphalt	800	\$0.00	SY	\$0
8	C&G - Demolition and disposal	350	\$0.00	LF	\$0
9	C&G - Install replacement curb	620	\$15.00	LF	\$9,300
10	Landscaping, Sidewalk, Benches, etc.	1	\$8,000.00	LS	<u>\$8,000</u>
					\$17,300
<i>Rear Parking - Mill & Patch, COMPLETE</i>					
11	Milling & Patching (complete)	1	\$7,451.13	EA	\$7,451
12	Hauling (complete)	6	\$69.98	HRS	<u>\$437</u>
					\$7,888
<i>Asphalt Resurfacing</i>					
13	Milling mobilization	1	\$550.00	EA	\$550
14	Mill front parking lot	10,198	\$1.16	SY	\$11,830
15	Hauling for milling disposal	1	\$2,000.00	EA	\$2,000
16	Resurface front parking lot (asphalt & hauling)	10,198	\$3.71	SY	\$37,860
17	Crack Seal rear lot (3,300 sy)	1	\$1,200.00	EA	\$1,200
18	HA-5 Seal Coat rear lot (2 applications)	3,300	\$3.00	SY	\$9,900
19	Striping	1	\$5,200.00	EA	<u>\$5,200</u>
					\$68,540
Total - Landscape Option 2 with Resurfacing +10					\$110,289

COUNTY AGENDA REQUEST

Page 163 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of staff recommendation to complete maintenance and repair work to Fayette County's Administrative Building (CIP 6565B).

Background/History/Details:

CIP number 6565B has a budget of \$264,400 for various maintenance and repairs to the Stonewall Avenue Building Complex. At the beginning of the project two safety issues were identified and acted on. This agenda item is to confirm Board direction to complete the work, as listed below.

Staff recommends the following work:

- | | |
|---------------------------------------|-----------|
| 1. Repair of Rear Catwalk (complete): | \$42,431 |
| 2. Repair Handrails (underway): | \$5,000 |
| 3. Pressure Wash Building: | \$14,000 |
| 4. Paint Exterior: | \$173,500 |
| 5. Replace Awnings: | \$24,000 |
| 6. Replace Signs: | \$5,000 |

TOTAL: \$263,931

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to complete maintenance and repair work to Fayette County's Administrative Building, per the approved funding in CIP 6565B.

If this item requires funding, please describe:

The proposed work is fully funded by CIP 6565B.

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:

Note: Pressure washing and painting of the parking lot light poles and the leveling of the sidewalk brick and curb will be completed using in-house staff.

COUNTY AGENDA REQUEST

Page 164 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of staff's recommendation to submit an application for a \$400,000 grant available from the State Road and Tollway Authority's Georgia Transportation Infrastructure Bank (GTIB) for Fayette County SPLOST Project R-5F, the intersection of State Route 92 and Veteran's Parkway/Westbridge Road.

Background/History/Details:

The Georgia Transportation Infrastructure Bank provides loans and grants for transportation projects. This application is for a grant. Staff has reviewed existing and possible future projects and have identified this project (R-5F) as the one that will have the best opportunity to be selected.

Project completes Veteran's Parkway from State Route 92 to State Route 54.

Project is contained within the 2003 and 2010 Comprehensive Transportation Plans.

Project is funded under the 2004 SPLOST. SPLOST funds offset by the Grant could be used on other SPLOST projects.

Supporting Documents

1. State Road & Tollway Authority Press Release
2. Grant Application

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to submit the application for a \$400,000 grant available from the State Road and Tollway Authority's Georgia Transportation Infrastructure Bank (GTIB) for Fayette County SPLOST Project R-5F, the intersection of State Route 92 and Veteran's Parkway/Westbridge Road.

If this item requires funding, please describe:

This project (R-5F) is currently funded with 321 SPLOST money. The grant, if approved, would be used to help with construction costs.

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 ROAD & TOLLWAY AUTHORITY

STATE OF GEORGIA

Nathan Deal, Governor
Chairman

Christopher Tomlinson
Executive Director

FOR IMMEDIATE RELEASE
January 17, 2017

Contact: Office of External Affairs
Matt Markham, mmarkham@grta.org

SRTA Now Accepting Applications for Transportation Infrastructure Improvement Funding

\$15M in transportation funding available for local projects statewide

ATLANTA - The State Road & Tollway Authority (SRTA) announced today that \$15 million in grant and loan funding is available for local governments and community improvement districts through the Georgia Transportation Infrastructure Bank (GTIB) program. The GTIB program is a revolving infrastructure investment fund that awards grants and loans to help jumpstart or complete much needed transportation improvement projects in Georgia. Now in its fifth round, the GTIB program continues to improve mobility and enhance communities throughout the State of Georgia. The GTIB application window opens today and will close on Friday, March 17.

“The GTIB program has proved to be a popular and successful model of providing valuable financial assistance for transportation projects that improve mobility, sustain development and enable local communities to thrive,” said SRTA Executive Director Christopher Tomlinson. “The program demonstrates the powerful impact of collaboration between the state and local partners throughout Georgia.”

Since its inception in 2010, the GTIB program has provided \$82 million in grants and loans which has supported more than \$375 million in total project value for transportation infrastructure improvements. GTIB has funded a variety of projects including an interstate gateway project in Bulloch County, a roadway improvement project in Athens-Clark County, and diverging diamond interchanges at the Perimeter, Gwinnett Place, Jimmy Carter Boulevard and Cumberland/Cobb areas.

GTIB is a competitive program, with each loan and grant application evaluated based on engineering value, economic impact, local matching funds, project feasibility and proximity to construction. For grant requests of \$2 million or more, the maximum that can be applied for is 33 percent of the total project value. There is no cap for grant requests under \$2 million, but applicants are encouraged to provide as much local match as possible in order for the project to be competitive. There are no caps for loan applications, since the loan payback serves as the local match.

GTIB is currently funded through state motor fuel taxes, which means applications are restricted to road and bridge projects only.

Details and information on how to apply for a GTIB grant or loan can be found on the State Road & Tollway Authority’s webpage: <http://www.georgiatolls.com/gtib/>. Final loan and grant approval is made by the SRTA Board.

For media inquiries, contact Matt Markham at 404-463-2118 or mmarkham@grta.org.

For application information, contact Cindy Treadway at 404-463-3096 or ctreadway@georgiatolls.com

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INSTRUCTIONS FOR APPLICATION SUBMITTAL

This standard Application will be used to evaluate all requests for loans and for grants. If applying for a grant, only this Application is required. If applying for a loan, this Application and the Financial Documentation form found on the GTIB website <http://www.georgiatolls.com/GTIB.aspx> are required.

- Read all information provided on the Loan and Grant pages of the GTIB website. This information provides details of the program regarding eligibility, loan/grant parameters, and Application requirements to verify that the proposed Applicant, project and terms are within the established guidelines.
- Answer all questions fully. If any questions are not applicable, please mark "N/A." There should be no blanks on any form. Missing information or omitted fields may cause the Application to be delayed or rejected.
- All Applicants, projects, and costs for which funding will be used must be "**eligible**" as specified on the GTIB website.
- The initial completed Application (and Financial Documentation Form if applying for a loan) must be submitted by email to GTIBinfo@georgiatolls.com. Within 2 weeks of submitting by email, the Applicant must furnish the GTIB with the Application Fee of \$250.00 and hard copies or a CD of all documents listed in the checklist area below.
- Regardless of whether the request is approved, the Applicant is solely responsible for all of its costs incurred in participating in this program, including but not limited to completing all forms.
- Applicants have an affirmative obligation to update any information included on any application if such information is no longer accurate.
- Applicant Agency must be established and approved by appropriate governing body prior to the GTIB Application Deadline.

CHECKLIST FOR LOANS AND GRANTS

- ___ All of the questions on the Application are answered.
- ___ The requested GTIB financial assistance is within the current limits of the program as provided on the Loan and Grant pages of the GTIB website.
- ___ An electronic version of the Application has been submitted by e-mail to GTIBinfo@georgiatolls.com. Please provide a PDF copy for the signature and MS word copy (unsigned).

The following materials must be delivered to the State Road & Tollway Authority within two weeks of submitting the Application by e-mail:

- ___ A check for the Application Fee of \$250 payable to the State Road & Tollway Authority
- ___ Documents as described in Section 7, *Required Documents*, of Application*
- ___ Hard copy of the Application (as submitted by email) with original signatures

For Loan Applications, also include:

- ___ Hard copy of the Financial Documentation Form (as submitted by email) with original signatures
- ___ Copy of the documents as required in Section II of the Financial Documentation Form*

*Applicant may submit either a hard copy or electronic version of these documents on CD-ROM.

The above documentation should be forwarded to the following address:

**State Road & Tollway Authority
C/O GTIB/Cindy Treadway
245 Peachtree Center Avenue NE
Suite 400
Atlanta, GA 30303**

GEORGIA TRANSPORTATION INFRASTRUCTURE BANK (GTIB)

APPLICATION FOR LOANS AND GRANTS

*****Please read *Instructions for Application Submittal* prior to filling out Application*****

1) TYPE OF GTIB ASSISTANCE REQUESTED

Check one of the following:

<input type="checkbox"/> Grant	Please check GTIB website for latest Grant program eligibility and restrictions.
<input type="checkbox"/> Loan	All loan Applicants are required to submit a completed Financial Documentation Form in addition to this GTIB Application. The form is available on the GTIB website.

2) CONTACT INFORMATION

Date			
Project Applicant			
Classification of Applicant (State, County, City, CID, etc.)			
Prepared by			
Department/Division of Applicant receiving GTIB proceeds			
Contact Person Name		Contact Person Title	
Street Address or P.O. Box			
City	, Georgia	Zip Code	
Telephone Number:	()	Fax Number:	()
E-mail Address			

Applicant's Fiscal Year End (Date)	Month	Day	Year	
---------------------------------------	-------	-----	------	--

Additional Contact Information:**Attorney**

Contact Name & Title	
Street Address	
City, State, Zip Code	
Telephone Number	()
Fax Number	()
E-Mail Address	

Independent Auditor

Contact Name & Title	
Street Address	
City, State, Zip Code	
Telephone Number	()
Fax Number	()
E-Mail Address	

Finance Director

Contact Name & Title	
Street Address	
City, State, Zip Code	
Telephone Number	()
Fax Number	()
E-Mail Address	

3) PROJECT OVERVIEW

Name of Project	
Project type (road, bridge, etc.)	
Project location	



All Project or Reference Numbers with agency (*i.e. GDOT PI#715858 or Cobb DOT E3040*)

--



List all regional or local plans project is part of (*i.e. Gwinnett SPLOST 2009 or ARC Plan 2040*)

--

Current Project Phase/Status*

*(Preliminary Engineering, Right of Way Acquisition (ROW), Construction)

Estimated or actual project planning start date

Estimated construction start date

Estimated completion date



Provide a detailed physical and conceptual description of the transportation project (include details such as concept, design, type, and purpose of project):

--

4) PROJECT BENEFITS

A. Degree of transportation problem that the proposed project seeks to address:

i In 300 words or less, describe the scope of the current transportation problem and how the project is expected to improve the situation. The explanation should include how the project will advance a strong transportation need and derive a strong public benefit as a result. If applicable, the answer should also describe how the project will improve the efficiency of the local, regional or State's transportation system or the efficiency/ reliability of commutes in local communities or major metropolitan areas.

B. Impact of the proposed project on public mobility, congestion and safety:

i In 300 words or less, describe how the project would improve any or all of the following areas: mobility, border-to-border and interregional connectivity, local connectivity to the state-wide transportation network, inter-modalism, congestion, reduction of accidents resulting in injury and loss of life, and/or any additional improvements in land-use or the environment.

C. Acceleration of high priority transportation projects:

- i** In 300 words or less, describe how potential assistance from the GTIB will expedite the project. If applicable, explain how the project would coordinate transportation investment with development patterns in major metropolitan areas and manage market driven travel demand.

D. Innovation (Optional):

- i** In 300 words or less, describe any unique/innovative characteristics, methods or approaches (e.g. new technology, inventive design, etc.) to be used in the implementation of the project.

E. Ability to enhance and/or create economic benefits for the local community, region or State:

i In 300 words or less, explain how the local community, region or state would benefit economically from the project. Answers may include, but not be limited to, a description of the estimated reduction in state or local unemployment, attraction of new business to the state, growth in private-sector employment, improved access to jobs, the optimization of capital asset management, and/or improved efficiencies of freight, cargo, and goods movement. Please cite all sources used to determine benefits (i.e. cost-benefit analyses, economic impact reviews, etc.)

F. Project Feasibility

i In 300 words or less, explain the project's consistency with local and regional plans. Explain how project contingencies have been provided for and note any backup sources of revenue/funds that will ensure project completion. Explain all critical factors necessary for the project's success, including a list of all federal, state, and local permits and approvals required for the project. Please provide the status of each necessary approval. If not already secured, explain in detail each step that will be taken to obtain necessary environmental and construction approvals. Please provide anticipated approval dates of any approvals that have not yet been secured.

5) PROJECT FINANCE PLAN SUMMARY

i In 300 words or less, provide a summary of the proposed finance plan that fully details the entire funding of the project, including contingencies. The summary should include a detailed written description of the status of all project funding sources, back-up project funding sources, and the completion of the below fields.

If bonds or other non-GTIB indebtedness have already been issued to finance a portion of the project's costs, the financial plan should provide details of the issuance (terms, sources & uses, credit ratings, debt service requirements, etc.). If the issuance received a credit rating below investment grade "BBB," explain in detail any deficiency that led to that rating. If applicable, please provide copies of any bond documents related to the issuance, such as an Official Statement (OS).

If bonds or other non-GTIB indebtedness are contemplated for funding a portion of the project's costs in the future, provide an explanation of the issuance. Explanations should include the proposed bond's structure, time-line, and status of resolutions/approvals. If applicant is requesting a loan from the GTIB, explain how any issuance will acknowledge the responsibility of GTIB loan payments.

SOURCES AND USES

List all funding sources in the Project Funding Sources table below (i.e. CID \$1.1M, GDOT \$5M, County \$2M, Private \$250k, etc):

Project Funding Sources (Committed and Contributed)				
Funding Source	Portion Spent to Date* (A)	Portion Remaining to be Spent (B)	Funding Source Total (A+B)	Percentage of Total Project Funding
GTIB (Requested Amount)**		\$	\$	%
	\$	\$	\$	%
	\$	\$	\$	%
	\$	\$	\$	%
	\$	\$	\$	%
Total Project Funding:	\$	\$	\$	100.0%

List all project costs in the Project Costs table below:

Project Costs (Future Project Costs and Funds Spent to Date)				
Activity	Portion Spent to Date* (A)	Portion Remaining to be Spent (B)	Line Item Cost Total (A+B)	Percentage of Total Project Costs
Concept/Feasibility	\$	\$	\$	%
Preliminary Engineering	\$	\$	\$	%
Right of Way (ROW)	\$	\$	\$	%
ROW Contingency (%)	\$	\$	\$	%
Construction	\$	\$	\$	%
Construction Contingency (%)	\$	\$	\$	%
Total Project Costs:	\$	\$	\$	100.0%

NOTE FOR ABOVE TABLES: AMOUNT OF TOTAL PROJECT FUNDING SOURCES MUST EQUAL TOTAL PROJECT COSTS. IF APPLICANT IS REQUESTING BOTH A LOAN AND A GRANT ON THE SAME PROJECT, TWO SEPARATE APPLICATIONS MUST BE SUBMITTED AND THE SOURCES AND USES TABLES ABOVE SHOULD REFLECT BOTH REQUESTS (ITEMIZED OUT).

Proposed Use of GTIB Funding Request		
Activity (i.e. PE, ROW, CST)	GTIB Amount	Percent of GTIB Request
	\$	%
	\$	%
	\$	%
Total:**	\$	100.0%

* Subject to verification during application review.

**Please refer to GTIB Website for GTIB funding limits and restrictions.

Please fill out the following if bonds or debt will be used to finance any portion of the project:

Anticipated date of Bond sale:	
Type of bond (General Obligation/Revenue):	
Tax exempt status:	
Issuer:	
Expected Credit rating:	

6) LOAN TERMS (TO BE COMPLETED ONLY BY LOAN APPLICANTS)

Requested term of loan in years:	
----------------------------------	--

(Minimum 5 years; maximum is the lesser of 20 years or the useful life of the project)

Estimated draw-down schedule of funds: (All funds may be spent-down in first year; the maximum spend-down period is 5 years)	
Year 1:	\$
Year 2:	\$
Year 3:	\$
Year 4:	\$
Year 5:	\$

Repayment source(s) that will be used to service the loan:	
Is repayment source(s) currently being used to secure other debt?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Will repayment source(s) be used to secure other debt in the future?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Additional backup repayment source:	

7) REQUIRED DOCUMENTS

To be submitted to the State Road & Tollway Authority by mail per the *"Instructions for Application Submittal."*

- A map of the project with the project area and location highlighted; beginning and end points need to be clearly marked, providing sufficient detail on communities affected.
- Preliminary engineering plans/ cost estimation/ environmental documents or studies. For public roadway projects, the Applicant shall include a preliminary design study that details initial route and potential alignments, the location of all right-of-way, facilities and equipment required to make the project functional, and any revisions or changes to the state highway system facilities necessitated by the project. All estimates for project costs must be recent or confirmed (within the last six months) by a credible consultant, CPA firm, or other trustworthy source and should be

provided in the year of expenditure indicating the anticipated inflation rate. In addition, an adequate contingency amount must be included to allow for unexpected expenses.

- Documentation to verify funding sources: if funds other than project revenues are committed to repay the loan, such as taxes, the Applicant must provide proof of commitment of these funds such as a city/ county commission resolution.
- A copy of the bond-rating letter or Official Statement (OS), if the jurisdiction has issued rated or insured debt in the past.
- Any other project related documents necessary to complete evaluation.

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8) ATTESTATION

Under penalty of perjury, I declare and affirm that:

The Applicant has the authority to request and incur the liabilities and obligations described in this Application and, upon approval, will enter into a closing contract.

The Applicant has held any locally required public hearings or notices and will comply with all applicable state and federal regulations and requirements.

To the best of my knowledge all information contained in this Application is valid and accurate.

The governing body of the undersigned jurisdiction at its _____ (date) meeting authorized the submission of this Application.

The undersigned official has the authority to sign this Application and bind the Applicant.

Signature _____
(Authorized Official)

Title _____

Jurisdiction _____

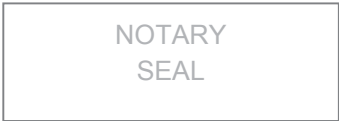
Name _____
(type or print)

Date _____

Sworn to and subscribed before me this _____ day of _____, 20__.

(Notary Public)

My commission expires: _____



COUNTY AGENDA REQUEST

Page 179 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of staff's recommendation to declare eight (8) pieces of Road Department equipment and three (3) vehicles as not serviceable, to advertise these pieces of equipment & vehicles for sale on GovDeals with the estimated values set as a reserve and for all proceeds to be returned to Vehicle Replacement Fund.

Background/History/Details:

Over the years these vehicles and equipment have been taken out of service and need to be approved for sale as surplus as they reached the end of their useful lifespan. These assets no longer serve the County's or Road Department's purposes.

1987 D-8L CAT Dozer - 10684 (asset number) - \$55,000 (estimated value)
1997 815F CAT Soil Compactor - 10664 - \$130,000
1987 621B CAT Soil Compactors - 10686 & 10687 - \$35,000 (each) or \$70,000 (total)
1965 C-7 CAT Dozer with Spreader - 10681 - \$8,500
2001 John Deere Boom Mower - 10811 - \$7,000
1995 Ford 5640 Tractors - 10665 & 10666 - \$2,000 (each) or \$4,000 (total)
1998 Tack Distributor - 10650 - \$250
1998 FINN Hydro Seeder - 10675 - \$500
1978 Water Truck - 10633 - \$3,000
1997 Tandem Dump Truck - 10630 - \$8,000
1995 Ford F-800 Dump - 10626 - \$7,000

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to declare eight (8) pieces of Road Department equipment and three (3) vehicles as not serviceable, to advertise these pieces of equipment & vehicles for sale on GovDeals with the estimated values set as a reserve and for all proceeds to be returned to Vehicle Replacement Fund.

If this item requires funding, please describe:

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:

Public Works plans on proposing an enhanced/expanded county-wide mowing program for Board consideration and approval on the March agenda. This enhanced/expanded county-wide mowing program would increase our existing level of service on the State Routes and Local Roads. The proceeds from the surplus sale of this equipment would be utilized to purchase the related mowing equipment to implement that proposed enhanced/expanded county-wide mowing program.



1987 D-8L CAT Dozer

Used to push the CAT Pans

Estimated Value—\$55,000

Asset Number: 10684

Fleet Number: 81157



1997 815F CAT Soil Compactor

Estimated Value—\$130,000

Asset Number: 10664

Fleet Number: 91257



621B CAT Soil Compactors

2 1987 Pan Scrappers

Estimated Value—\$35,000 (each) or \$70,000 (total)

Asset Number: 10686 & 10687

Fleet Number: 81137 & 81147



C-7 CAT Dozer with Spreader

1965 Dozer with a 1979 Jersey Spreader

Estimated Value—\$8,500

Asset Number: 10681

Fleet Number: 61065



John Deere Boom Mower

2001 John Deere Tractor with a Tiger Boom Mower.

Tractor frame is broken on the mower side.

Estimated Value—\$7,000

Asset Number: 10811

Fleet Number: 20551



Ford 5640 Tractors

2 1995 Ford 5640 Tractors. One with a blown engine and the other with hydraulic issues.

Estimated Value—\$2,000 (each) or \$4,000 (total)

Asset Number: 10665 & 10666

Fleet Number: 90415 & 90425



ROAD DEPARTMENT SURPLUS EQUIPMENT (continued)



Tack Distributor—Tow Behind

1998 Tack Wagon

Estimated Value—\$250

Asset Number: 10650

Fleet Number: N/A



FINN Hydroseeder

1998 Mulch Spreader

Estimated Value—\$500

Asset Number: 10675

Fleet Number: 91058



ROAD DEPARTMENT SURPLUS VEHICLES



1978 Water Truck

#70148 Truck used to carry water to the project site.
Pump not working and will need to be replaced.

Estimated Value—\$3,000

Asset Number: 10633

Fleet Number: 70148



1997 Tandem Dump

Sterling Dump Truck with a blown engine.

Estimated Value—\$8,000

Asset Number: 10630

Fleet Number: 90458



Flat Bed Dump

1995 Ford F-800 Flat Bed Dump with homemade wooden box

Estimated Value—\$7,000

Asset Number: 10626

Fleet Number: 90185

COUNTY AGENDA REQUEST

Page 182 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by John Stevens, Jr. for tax years 2014 and 2015 in the aggregated amount of \$4,274.43.

Background/History/Details:

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

A memo from the County Attorney is provided as backup with an explanation to approve tax years 2014 and 2015 of this request.

What action are you seeking from the Board of Commissioners?

Approval of the disposition of tax refunds, as requested by John Stevens, Jr. for tax years 2014 and 2015 of this request in the aggregated amount of \$4,274.43.

If this item requires funding, please describe:

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

Has this request been considered within the past two years?

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:

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
 E. ALLISON IVEY COX

TELEPHONE: (770) 461-2223
 FACSIMILE: (770) 719-4832
 (770) 461-5863

MAILING ADDRESS:
 POST OFFICE BOX 849
 FAYETTEVILLE, GA 30214-0849

MEMORANDUM

To: Fayette County Board of Commissioners

From: McNally, Fox, Grant & Davenport, P.C. *all Cox*

Date: February 14, 2017

Re: Tax Refund Request – Mr. John C. Stevens, Jr. – map code 072903005

On December 15, 2016 Mr. Stevens requested a refund of taxes for tax years 2013, 2014, 2015 based on an error in the measurement of his home at 228 Smokerise Trace in Peachtree City, Georgia.

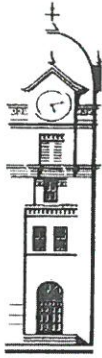
The value of this home had been appealed for tax year 2013. That appeal resulted in a valuation of the home at \$545,000 for 2013. This value was then locked in, at \$545,000 for purposes of assessment for tax years 2014 and 2015.

In accordance with the law, the locked in value was released for tax year 2016. This resulted in a dramatic increase in value for 2016. The value of the home was appealed, based on square footage, for the 2016 tax year. The tax assessors conducted a site visit and physically measured the home. This confirmed that the home actually measures 3298 square feet and is merely 1 story. The original sketches had the home at 1.25 stories and 4626 square feet. For 2016, the tax bill was adjusted to reflect the accurate measurement.

Now aware of the error, Mr. Stevens requests a refund for prior tax years. The Board of Commissioners must grant a tax refund in 2 scenarios. First, taxes are assessed and collected either in error or illegally. Second, the taxes were voluntarily or involuntarily overpaid. In this case, an error in measurement has been demonstrated. The 2013 value set by the Board of Equalization (BOE) on appeal was based on a 4,626-square foot home. The home at issue as a 3,298-square foot residence. Based on square footage, the value set by the BOE should have been \$388,545.18, for tax year 2013. That value should then have been locked in for purposes of assessment in 2014 and 2015. This error in the record of assessment mandates a refund.

However, a refund of taxes for tax year 2013 is barred by the statute of limitations. The refund provisions allow claims to reach back 3 years from the date of payment. Mr. Stevens paid the 2013 tax bill on October 10, 2013. Any refund of taxes paid in 2013 was barred by the statute of limitations on October 10, 2016 (3 years from the date of payment). A denial is recommended for 2013.

Year	Amount	Recommendation
2013	\$0	Denial
2014	\$2,155.95	Approve
2015	\$2,118.48	Approve
Total recommended approval:	\$4,274.43	



Fayette
COUNTY

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140 STONEWALL AVENUE WEST, STE 100
FAYETTEVILLE, GEORGIA 30214
PHONE: 770-305-5200
www.fayettecountyga.gov

February 15, 2017

Mr. John Stevens Jr.
228 Smokerise Trace
Peachtree City, GA 30269

RE: Tax Refund Request

Dear Mr. Stevens:

This letter is to notify you that your request for tax refund has been slated to appear on the Thursday, February 23, 2017 Agenda of the regularly scheduled meeting of the Fayette County Board of Commissioners, at 7:00 P.M.

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

Your request will be discussed and a decision to grant or deny your request will be made at that meeting.

Should you desire to be heard on the matter, please be present and prepared to address the commissioners at the appropriate time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tameca P. White", is written over a faint, larger version of the same signature.

Tameca P. White, MBA, CCC
County Clerk

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

COUNTY AGENDA REQUEST

Page 185 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Richard Hand for tax years 2014 and 2015 of this request in the aggregated amount of \$234.71.

Background/History/Details:

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

A memo from the County Attorney is provided as backup with an explanation to approve tax years 2014 and 2015 of this request.

What action are you seeking from the Board of Commissioners?

Approval of the disposition of tax refunds, as requested by Richard Hand for tax years 2014 and 2015 of this request in the aggregated amount of \$234.71.

If this item requires funding, please describe:

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

Has this request been considered within the past two years?

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:

LAW OFFICES
McNALLY, FOX, GRANT & DAVENPORT

A PROFESSIONAL CORPORATION

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 FAYETTEVILLE, GA 30214-0849

MEMORANDUM

To: Fayette County Board of Commissioners
 From: McNally, Fox, Grant & Davenport, P.C. *ali cxf*
 Date: February 15, 2017
 Re: Tax Refund Request – Mr. Richard Hand. – map code 0604 027

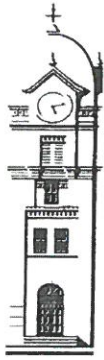
On December 6, 2016 Mr. Hand requested a refund of taxes for those tax years for which he was assessed and made tax payment on property owned by the Georgia Department of Transportation. Mr. Hand was the owner of 2.8 acres of property located at 1593 Highway 74 South. On February 11, 2008, 1.72 acres of that property was condemned by the Georgia Department of Transportation (GDOT) as required right of way. The order and judgement in that condemnation action was filed in the court records on that day. However, no record of title transfer was made in the deed record of the county. As such the assessors never received the information necessary to make them aware of the change in title for taxation purposes.

The Board of Commissioners must grant a tax refund in 2 scenarios. First, taxes have been assessed and collected either in error or illegally. Second, taxes were voluntarily or involuntarily overpaid. There is an error in this case that caused a voluntary overpayment of taxes. GDOT failed to file a deed to record the transfer of this property. The assessors had no knowledge of the transaction nor could they have known. Mr. Hand did receive his annual notice of assessment on this property, including the 1.72 acres acquired by GDOT and currently used for right of way purposes. He paid the taxes assessed on the full 2.8 acres, voluntarily and without objection, until 2016. The objection having been brought to the assessors attention, the acreage has been changed to reflect GDOT ownership for 2016 and all future years. However, based on this overpayment, a refund is recommended for tax years 2014 and 2015. The total recommended refund amount is \$234.71.

The statute of limitations is a bar to the remainder of Mr. Hand's claims. A request for refund must be made within 3 years of the payment of taxes. Mr. Hand paid his 2013 tax bill on December 2, 2013. His refund request was made on December 6, 2016. 2013 and all prior tax years are barred by the statute of limitations. This includes 2009, 2010, 2011, 2012, 2013. Denial is recommended in each of these years based on the Statute of Limitations. The total recommended denial amount is \$575.46.

Year	Amount	Recommendation
2009	\$107.39	Denial
2010	\$107.39	Denial
2011	\$119.07	Denial
2012	\$120.04	Denial

2013	\$121.57	Denial
2014	\$120.13	Approval
2015	\$114.58	Approval
Total recommended denial of \$575.46.		
Total recommended refund of \$234.71		



Fayette
COUNTY

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FAYETTEVILLE, GEORGIA 30214
PHONE: 770-305-5200
www.fayettecountyga.gov

"WHERE QUALITY
IS A LIFESTYLE"

February 15, 2017

Mr. Richard Hand
37 Mathews Street
Senoia, GA 30276

RE: Tax Refund Request

Dear Mr. Hand:

This letter is to notify you that your request for tax refund has been slated to appear on the Thursday, February 23, 2017 Agenda of the regularly scheduled meeting of the Fayette County Board of Commissioners, at 7:00 P.M.

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

Your request will be discussed and a decision to grant or deny your request will be made at that meeting.

Should you desire to be heard on the matter, please be present and prepared to address the commissioners at the appropriate time.

Sincerely,

A handwritten signature in blue ink, which appears to read "Tameca P. White". The signature is fluid and cursive.

Tameca P. White, MBA, CCC
County Clerk

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

COUNTY AGENDA REQUEST

Page 189 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Discussion regarding the approval of the Standard Utility Agreement for a water line relocation for the State Route 54 Road (PI 721440) project.

Background/History/Details:

This project was approved on February 12, 2015 by the Board of Commissioners with a 3-2 vote. Commissioners Brown and Ognio voted in opposition. (February 12, 2015 Minutes provided as backup).

This request is the "Standard Utility Agreement" relating to moving the County's utilities from the Georgia Department of Transportation's right-of-way. This project is scheduled to be "let" (i.e., what GDOT calls the procurement and contract award process for the construction phase) February 2017.

The other GDOT project is the McDonough Road widening (PI 742870) project. That project is in design and staff is awaiting GDOT's response to the county questions to bring closure to the impacts and mitigation from the project. This project has been on hold as a result of GDOT changing consultants.

Although both projects have similar scope (widening), they are independent and at different phases of delivery.

Commissioner Brown has included supplement documents for discussion of this agenda item.

What action are you seeking from the Board of Commissioners?

Approval of the Standard Utility Agreement for a water line relocation for the State Route 54 Road (PI 721440) project.

If this item requires funding, please describe:

The required 100% funding for the State Route 54 Road project is currently available and restricted for this purpose.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Russell R. McMurry, P.E., Commissioner



GEORGIA DEPARTMENT OF TRANSPORTATION

One Georgia Center, 600 West Peachtree Street, NW
Atlanta, Georgia 30308
Telephone: (404) 631-1000

January 24, 2017

Commissioner Eric Maxwell
Chairman
Fayette County Board of Commissioners
140 Stonewall Ave. W., Suite 100
Fayetteville, GA 30214

Project No.: **STP00-0164-01(029), Fayette County & Clayton County**
P.I. No.: 721440-; SR 54 FM MCDONOUGH RD NE TO SR 3/US 19/41 IN CLAYTON CO
Contract Item Agreement – Water Facilities

Dear Chairman Maxwell,

In accordance with your request, the adjustment of water facilities belonging to the Fayette County Water System is being included in the Department's contract for the roadway work on the above numbered project.

Attached is an electronic counterpart of an undated Contract Item Agreement which sets forth the conditions under which the State agrees to have its Contractor perform the work and by which Fayette County Water System will reimburse the Department for this work. As outlined in Article 8, the non-binding post-let commitment letter based on agreed upon contractor pricing including betterment for this work is **\$1,289,446.19** of which the Department will bear **\$0.00 or 0%** and Fayette County Water System will bear **\$1,289,446.19 or 100%**. **The Local Agency Shall bear a maximum of \$1,418,390.81.** Also, attached is the cost estimate supporting the Agreement.

If the Agreement meets with your approval, please handle for execution on behalf of the Fayette County Water System and return all three (3) counterparts to the State of Georgia, Office of Utilities, One Georgia Center, 600 West Peachtree Street, 10th Floor, Atlanta, Georgia 30308 for execution on behalf of the Department. In this connection, be sure to have two witnesses (one of which must be a notary public) sign the Agreement. Please be certain that the notary public affixes his/her seal alongside their signature. Also, complete the attached resolution form and insert the date of resolution on page 5 of the Agreement. The Official Seal of the Fayette County Water System is also required to be affixed to each counterpart in compliance with instructions from our Attorney General's Office.

Also please provide the Fayette County Water System' Federal Employee Identification Number (FEIN) in the blank shown on page 4 of the Agreement. This number is needed in order for the Department to make payment on your bill when it is submitted.

STP00-0164-01(029), Fayette County & Clayton County

721440-; SR 54 FM MCDONOUGH RD NE TO SR 3/US 19/41 IN CLAYTON CO

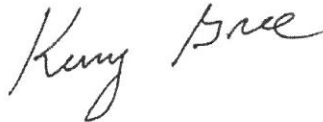
Contract Item Agreement – Water Facilities

Page 2

In accordance with Articles 8, 9, and 10 of the Agreement, the Department shall notify the Fayette County Water System in writing of the amount due the Department based upon the aforementioned cost estimate at the time of execution. At that time a check for the amount required to perform the work will be requested as outlined in the Agreement. The Department will refund any overpayment or request in writing that the Fayette County Water System pay the Department the revised amount as determined by the aforesaid method.

If you have any questions or need further information, please contact Kevin Cowan at 404-631-1709 or by email at kcowan@dot.ga.gov. Please send correspondence by mail addressed to State of Georgia, Office of Utilities, One Georgia Center, 600 West Peachtree Street, 10th Floor, Atlanta, Georgia 30308 for execution on behalf of the Department.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kerry Gore".

Kerry Gore
Assistant State Utilities Administrator

For: Patrick Allen, P.E.
State Utilities Administrator

PA: KG: YPF: KDC
Attachments

cc: Kathy Zahul, P.E., District Engineer, Chamblee, Georgia
Attn.: Nicholas Fields, District Utilities Manager

Account No. – Class: 733005-309

Department ID: 484810000

Program No.: 4181401

STANDARD UTILITY AGREEMENT
CONTRACT ITEM AGREEMENT

Georgia Project No.: STP00-0164-01(029), Fayette County & Clayton County
G.D.O.T. P.I. No.: 721440-

THIS AGREEMENT, made this _____, by and between the Department of Transportation, an agency of the State of Georgia, hereinafter called the DEPARTMENT, first party, and Fayette County Water System, a political subdivision of the State of Georgia, hereinafter called the LOCAL AGENCY, second party;

WITNESS that:

WHEREAS, the DEPARTMENT proposes under the above numbered project to widen SR 54 from 2 to 4 lanes from just north of McDonough Road in Fayette County to US 19/41 in Clayton County, Georgia; and

WHEREAS, due to the construction of this project, it will become necessary to make certain adjustments or additional installation of utility facilities of the LOCAL AGENCY, the cost of which shall be determined in accordance with Articles 8, 9, & 10 below; and

WHEREAS, the LOCAL AGENCY has requested that the DEPARTMENT include the adjustment or installation of water and sewer facilities in its highway construction contract as shown on the attached plans; and

WHEREAS, this Agreement being for the sole purpose of providing a contractor for work performed on the LOCAL AGENCY'S water and sewer facilities, the LOCAL AGENCY shall bear the cost of said work to be determined as hereinafter set forth;

WHEREAS, the preliminary engineering, including preparation of detailed plans and contract estimate for adjustment of the utilities described above have been accomplished by the LOCAL AGENCY;

WHEREAS, the plans for the utility work have been approved by both the DEPARTMENT and the LOCAL AGENCY prior to commencing work;

NOW THEREFORE, in consideration of the premises and the mutual covenants of the parties hereinafter set forth, it is agreed:

1. All construction engineering and contract supervision shall be the responsibility of the DEPARTMENT and the DEPARTMENT shall be responsible to assure that all utility work is accomplished in accordance with plans and specifications and to consult with the LOCAL AGENCY or LOCAL AGENCY'S Consultant before authorizing any changes or deviations which affect the LOCAL AGENCY'S facility.

STANDARD UTILITY AGREEMENT
CONTRACT ITEM AGREEMENT

2. The LOCAL AGENCY or the LOCAL AGENCY'S Consultant shall have the right to visit and inspect the work at any time and advise the DEPARTMENT'S Engineer of any observed discrepancies or potential problems. The DEPARTMENT agrees to notify the LOCAL AGENCY when all utility work is completed and ready for final inspection by the LOCAL AGENCY.

3. It is specifically understood that the project number shown above is for the DEPARTMENT'S identification purposes only and may be subject to change by the DEPARTMENT. In the event it becomes necessary for the DEPARTMENT to assign a different project number, the DEPARTMENT shall notify the LOCAL AGENCY of the new project designation. Such change in project designation shall have no effect whatsoever on any of the other terms of this Agreement.

4. The DEPARTMENT shall include in its contract for this project all work necessary to accomplish the adjustment of the LOCAL AGENCY'S facilities as shown on the highway plans along with the necessary specifications to assure that the work conforms to sound construction practices.

5. In the event it becomes necessary to add pay items that are not provided for in the contract, the DEPARTMENT shall negotiate prices with the contractor and enter into a supplemental agreement with the contractor for completion of the additional items. Upon notification, the LOCAL AGENCY shall furnish a check for the additional cost as determined in Article 8 below.

6. The DEPARTMENT shall furnish on the project the construction engineering inspection and testing by its own forces required to assure that the work is done in accordance with the plans, specifications and Special Provisions.

7. Upon completion of the work and upon certification by the DEPARTMENT'S engineers that the work has been completed in accordance with the aforesaid plans and specifications, the LOCAL AGENCY shall accept the adjusted and additional facilities and shall thereafter operate and maintain the adjusted and additional facilities without further cost to the DEPARTMENT or its contractor. Such maintenance and all operations and activities shall be subject to the DEPARTMENT'S rules, policies and procedures as contained in its Utility Accommodation Policy and Standards, current edition.

8. The DEPARTMENT shall include in its highway contract those items shown as "materials" for permanent installation on the aforesaid plans. The price bid for the appropriate items shall include all labor, materials and incidentals necessary to complete the work. The cost of the requested work shall be determined from unit quantities and unit prices as shown in the DEPARTMENT'S tabulation of bids. The approximate non-binding pre-let estimate, not including betterment, is **\$1,289,446.19** based on the LOCAL AGENCY'S estimate attached hereto of which the Department shall bear **\$0.00 or 0%** and the LOCAL AGENCY shall bear **\$1,289,446.19 or 100%**. The Local Agency Shall bear a maximum of **\$1,418,390.81**.

STANDARD UTILITY AGREEMENT
CONTRACT ITEM AGREEMENT

9. It is mutually agreed that as soon as practicable after the opening of bids and acceptance of a bid by the DEPARTMENT, the DEPARTMENT shall notify the LOCAL AGENCY in writing of the amount due the DEPARTMENT. The LOCAL AGENCY shall pay to the DEPARTMENT the amount due within sixty (60) days.

10. It is further mutually agreed that the final cost of the work performed on behalf of the LOCAL AGENCY shall be determined by measurement of the actual quantities of installed materials, including added items under Article 5, multiplied by the actual bid prices. Accordingly, after the project has been completed, the DEPARTMENT shall determine the final cost to be borne by the LOCAL AGENCY and, as the case may be, shall refund to the LOCAL AGENCY or shall request of the LOCAL AGENCY an additional payment in the amount of the difference between the final cost to be borne by the LOCAL AGENCY and the amount which the LOCAL AGENCY has previously paid to the DEPARTMENT. In the event additional payment is due to the DEPARTMENT, the LOCAL AGENCY agrees to pay same within sixty (60) days after the statement is received from the DEPARTMENT. In the event a refund is due the LOCAL AGENCY, the DEPARTMENT agrees to pay the LOCAL AGENCY within sixty (60) after the refund amount is determined or final acceptance is made by the DEPARTMENT.

11. The covenants herein contained shall, except as otherwise provided, accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.

12. Pursuant to O.C.G.A. Sec. 50-5-85, COMPANY hereby certifies that it is not currently engaged in, and agrees that for the duration of this contract, it will not engage in a boycott of Israel.

13. It is mutually agreed between the parties hereto that this document shall be deemed to have been executed in the Fulton County, Georgia, and that all questions of interpretation and construction shall be governed by the laws of the State of Georgia.

STANDARD UTILITY AGREEMENT
CONTRACT ITEM AGREEMENT

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in three counterparts, each to be considered as original by their authorized representative the day and date hereinabove written.

WITNESS AS TO SECOND PARTY:

FAYETTE COUNTY

BY: _____
WITNESS

BY: _____
NOTARY PUBLIC (SEAL)

BY: _____
CHAIRMAN

SWORN TO AND SUBSCRIBED
BEFORE ME THIS __ DAY
OF _____, 20_____.

Notary Public
My commission expires:

Signed on behalf of Fayette County Water System pursuant to resolution
dated _____.

FEIN _____

BY: _____
CLERK
(OFFICIAL SEAL)

RECOMMENDED:

ACCEPTED: _____

BY: _____
STATE UTILITIES ADMINISTRATOR

DEPARTMENT OF TRANSPORTATION

BY: _____
COMMISSIONER

PROJECT NO.: STP00-0164-01(029)
COUNTY: Fayette/Clayton
G.D.O.T. P.I. NO.: 721440-
DATE: January 24, 2017 KDC

Signed, sealed and delivered this _____
day of _____, 20_____.

(OFFICIAL SEAL OF THE DEPARTMENT)

I attest that the seal imprinted herein is the Official Seal of the DEPARTMENT.

BY: _____
TREASURER
OFFICIAL CUSTODIAN OF THE SEAL

STANDARD UTILITY AGREEMENT
CONTRACT ITEM AGREEMENT

RESOLUTION

STATE OF GEORGIA

FAYETTE COUNTY

BE IT RESOLVED by the Chairman and Board of Commissioners of FAYETTE COUNTY COMMISSION, and it is hereby resolved, that the foregoing attached Agreement, relative to P.I. No. 721440-, SR 54 FM MCDONOUGH RD NE TO SR 3/US 19/41 IN CLAYTON CO in Fayette County & Clayton County and that Eric Maxwell as Chairman of the Board and Tameca P. White, as Clerk, be and they are, thereby authorized and directed to execute the same for and in behalf of said by the CHAIRMAN and BOARD OF COMMISSIONERS of FAYETTE COUNTY.

Passed and adopted, this the 26th day of January, 2017.

ATTEST:

CLERK

BY: _____
CHAIRMAN

STATE OF GEORGIA,

FAYETTE COUNTY

I Tameca P. White, as Clerk, do hereby certify that I am custodian of the books and records of the same, and that the above and foregoing copy of the original is now on file in my office, and was passed by the Chairman and Board of Commissioners of FAYETTE COUNTY. WITNESS my hand and official signature, this the 26th day of January,

20 17.

BY: _____
CLERK

GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT AFFIDAVIT

Contractor's Name:	Fayette County Water System
Solicitation/Contract No./ Call No. or Project Description:	STP00-0164-01(029), Fayette County & Clayton County SR 54 FM MCDONOUGH RD/FAYETTE NE TO SR 3/US 19/US 41/CLAYTON

CONTRACTOR AFFIDAVIT

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, entity or corporation which is engaged in the physical performance of services on behalf of the Georgia Department of Transportation has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91.

Furthermore, the undersigned contractor will continue to use the federal work authorization program throughout the contract period and the undersigned contractor will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. § 13-10-91(b). Contractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

47566
Federal Work Authorization User Identification Number
(EEV/E-Verify Company Identification Number)

July 17, 2007
Date of Authorization

Fayette County Board of Commissioners
Name of Contractor

I hereby declare under penalty of perjury that the foregoing is true and correct

Eric K. Maxwell
Printed Name (of Authorized Officer or Agent of Contractor)

Chairman
Title (of Authorized Officer or Agent of Contractor)

Signature (of Authorized Officer or Agent)

Date Signed

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE

____ DAY OF _____, 20____

Notary Public

[NOTARY SEAL]

My Commission Expires: _____

Administrator Steve Rapson confirmed there had been conversations with Commissioner Ognio and that ordinances would no longer be placed on the Consent Agenda. Commissioner Brown replied that he removed this item from Consent Agenda since he did not believe it needed to be on the Consent Agenda.

Commissioner Brown moved to approve Ordinance 2015-02 as written. Commissioner Barlow seconded the motion. The motion passed unanimously. Copies of the request and Ordinance 2015-02, identified as "Attachment 3," follow these minutes and is made an official part hereof.

5. Approval of the Water Committee's recommendation to approve funding, in the amount of \$1,300,000.00, for the State Route 54 East waterline relocation due to the Department of Transportation's road widening project.

Commissioner Brown pointed out that he had provided the following documents to the Commissioners at the dais: (a) *ASTRoMaP- Atlanta Strategic Truck Route Master Plan- ARC Appendices A-F*; (b) *Atlanta Region Plan 2040- Technical Assistance Implementation Strategy Report- January 2010*; (c) *The Politics of Mobility and Business Elites in Atlanta, Georgia* by Jason Henderson; (d) *Northern Arc by another name: Public process begins for widening of Ga. 20 from Canton to Cumming* by David Pendered; and (e) the September 26, 2013 Board of Commissioners Meeting Minutes with emphasis on a related topic beginning on page eight.

Commissioner Brown expressed several concerns about the Water Committee's recommendation to approve funding in the amount of \$1,300,000.00. He explained that this request was tied into a larger initiative from the Georgia Department of Transportation (GDOT) and the Atlanta Regional Commission (ARC) that would essentially revisit in order to create an outer loop around metro-Atlanta. Commissioner Brown explained where the southern loop, or arc, would come through Fayette County, and he mentioned that the work had already begun for the creation of the northern loop, or arc, in the northern metropolitan Atlanta counties. He stated that the outer loop would be incredibly detrimental to Fayette County, its rural atmosphere, and its residents since it would directly impact the center of Fayette County. Commissioner Brown stressed that this effort by GDOT would not reduce traffic congestion but would only provide the means to increase additional traffic through Fayette County since "volume always meets capacity." He explained that if the capacity of State Route 54 was increased then the volume of traffic would also increase. Commissioner Brown expressed concerns about the impact the widening project would have on McCurry Park, the Public Works and Road Departments, and Fayette County's Water Systems building. He pointed out that the current plan would force large trucks pulling heavy equipment to make a right-hand turn out of the Public Works facility only to find a place to turn around, causing even more traffic. He reminded the Board that his concerns were addressed with GDOT officials during the Fayette County Board of Commissioners' meeting on September 26, 2013, but that GDOT had not responded or replied to the Board of Commissioners' concerns. Commissioner Brown explained that he would not support this request based on the concerns he expressed. He concluded that the County did not need to be interested in this project, that the project does not work toward the benefit of Fayette County or its citizens, and that it has no current impact on congestion in Fayette County.

Chairman Oddo and County Administrator Steve Rapson pointed out that the current request was not to approve the widening project since the project was a state project along State Route 54. They explained that this request was to hold the \$1,300,000.00 in reserve, in order to move the waterlines when the state highway is widened.

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February 12, 2015
Page Number 4

Commissioner Ognio thought it would be wise to not approve the request since, by not giving the approval; Fayette County would retain leverage with GDOT until the concerns were adequately addressed.

Mr. Rapson stated that the request was not to approve a contract in order to move the project forward, but it was only to set funding aside for the GDOT project in order to participate in better economy of scale and pricing. Mr. Rapson explained that if the Board did not set aside the funds then the County would not be included in GDOT's efforts with vendors in order to get better pricing.

County Attorney Dennis Davenport stated that the issue was that the County's utilities are in the state's right-of-way, and that the likely condition was that if the road was ever to be widened then the County would have to move its utilities. He explained that the requested \$1,300,000.00 was not to fund the road widening project, but was requested to be set aside in order to move the County's utilities out of the right-of-way. Discussion followed.

Commissioner Barlow moved to approve the Water Committee's recommendation to approve funding, in the amount of \$1,300,000.00, for the State Route 54 East waterline relocation due to the Department of Transportation's road widening project. Commissioner Coston seconded the motion. No discussion followed. The motion passed 3-2 with Commissioners Brown and Ognio voting in opposition to the motion. Copies of the request specified dais documents, identified as "Attachment 4," follow these minutes and are made an official part hereof.

6. **Approval of the County Clerk's request to adopt the revised 2015 County Commissioners Meeting Schedule. A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.**
7. **Approval of the January 22, 2015 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

There were no Old Business items on the Agenda for consideration.

NEW BUSINESS:

There were no New Business items on the Agenda for consideration.

PUBLIC COMMENT:

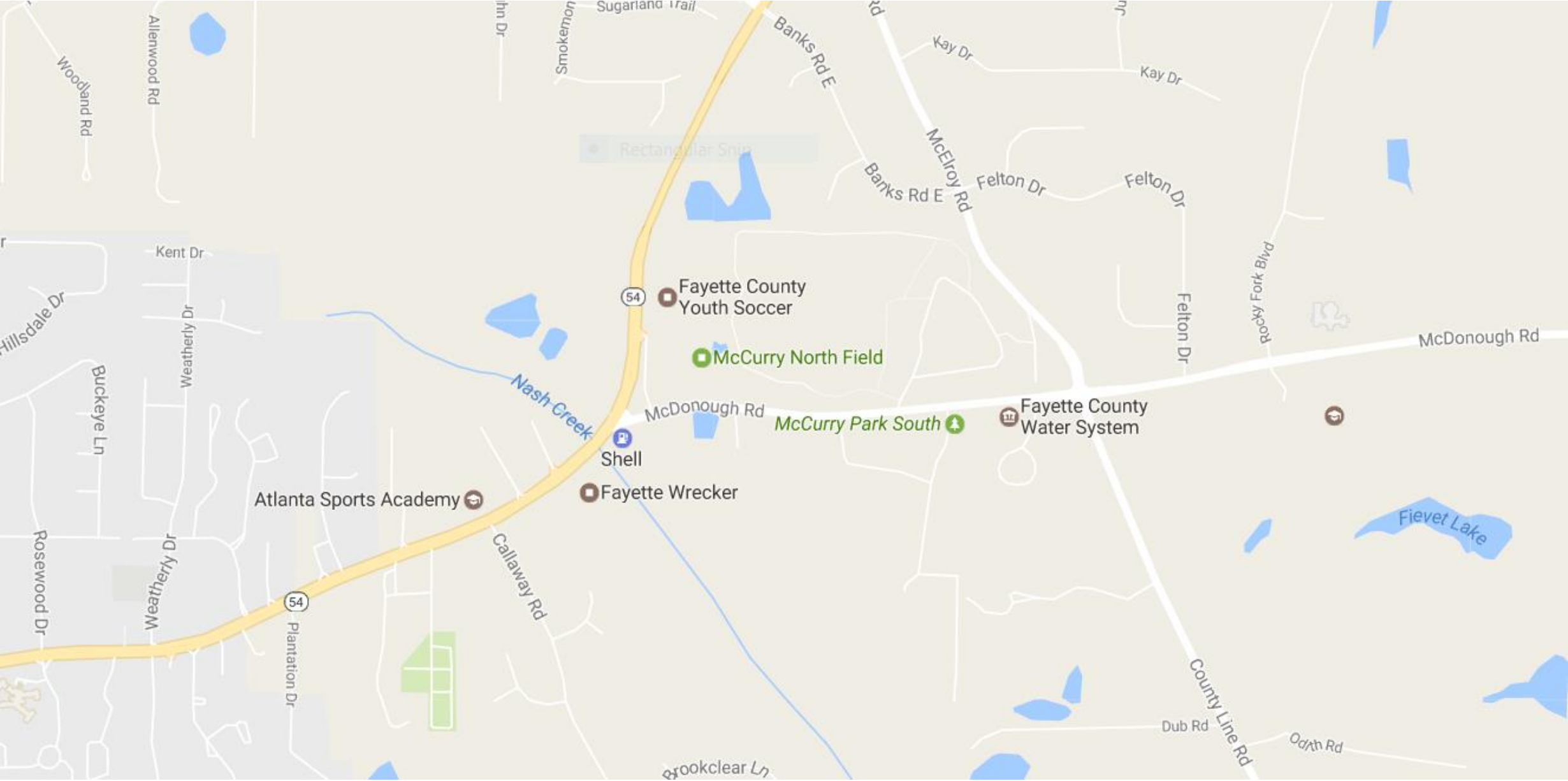
Darwin Edwards: Mr. Edwards asked if the County had \$1,300,000.00 to set aside for the widening of State Route 54 and who would benefit from its approval. Mr. Edwards was informed that his question would be answered later during the meeting.

Alice Jones: Mrs. Alice Jones reminded the Board of several appeals that she has made to former Commissioner groups over the years, and that one major appeal was to continue improving Kenwood Park. She said she was concerned that the efforts and vision to move Fayette County forward does not appear to be evident. She asked the Board to provide a multipurpose facility in Kenwood Park. She asked the Board to meet with Mr. Rapson to consider providing a multipurpose facility in either Kenwood Park or some other park in Fayette County. She stated

TRAFFIC CONGESTION ISSUES

State Route 54-East Widening

McDonough Road Widening





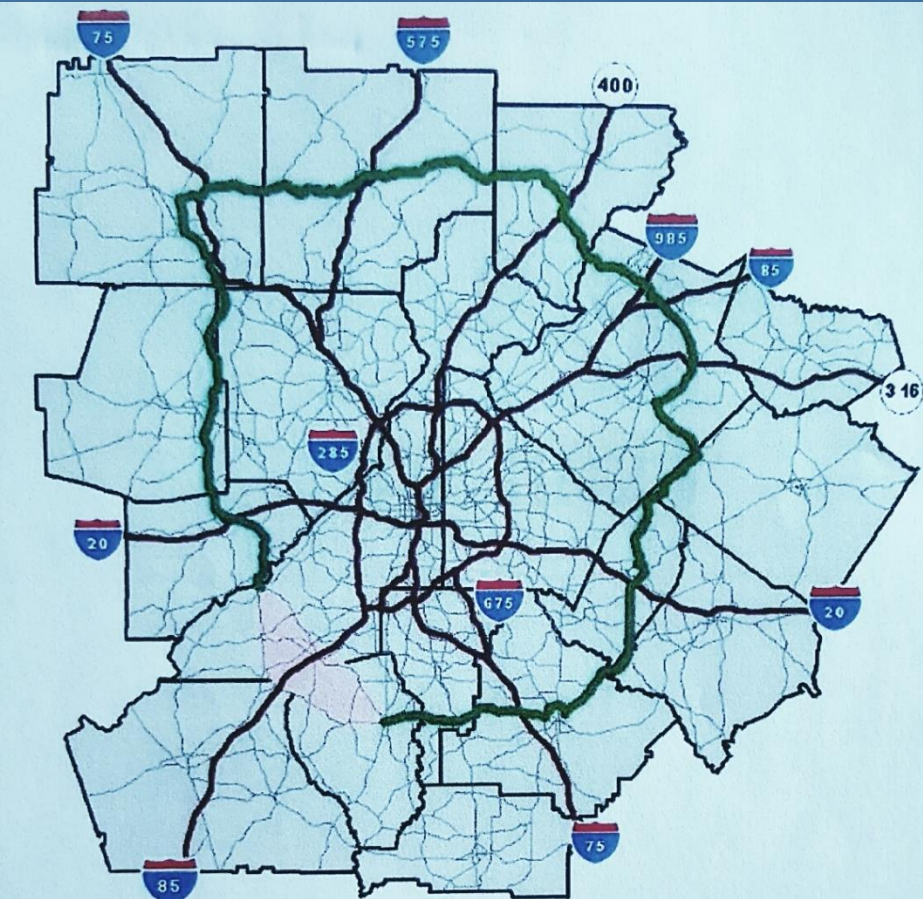
Pay attention to the “logical **termini**.”






We must consider what happens beyond the termini.

Atlanta Regional Commission, 2007

Regional Strategic Transportation System






“Capacity expansion of strategic arterial facilities”



-  Regional Strategic Transportation System (non-Expressway)
-  Metro Arterial Connector
-  Metro Arterial Connector - Exact Corridor TBD
-  Counties
-  Expressways

“A critical concept in the RTP is the Regional Strategic Transportation System (RSTS), which supports capacity expansion of strategic arterial facilities.”



-  Regional Strategic Transportation System (non-Expressway)
-  Metro Arterial Connector
-  Metro Arterial Connector - Exact Corridor TBD
-  Counties
-  Expressways

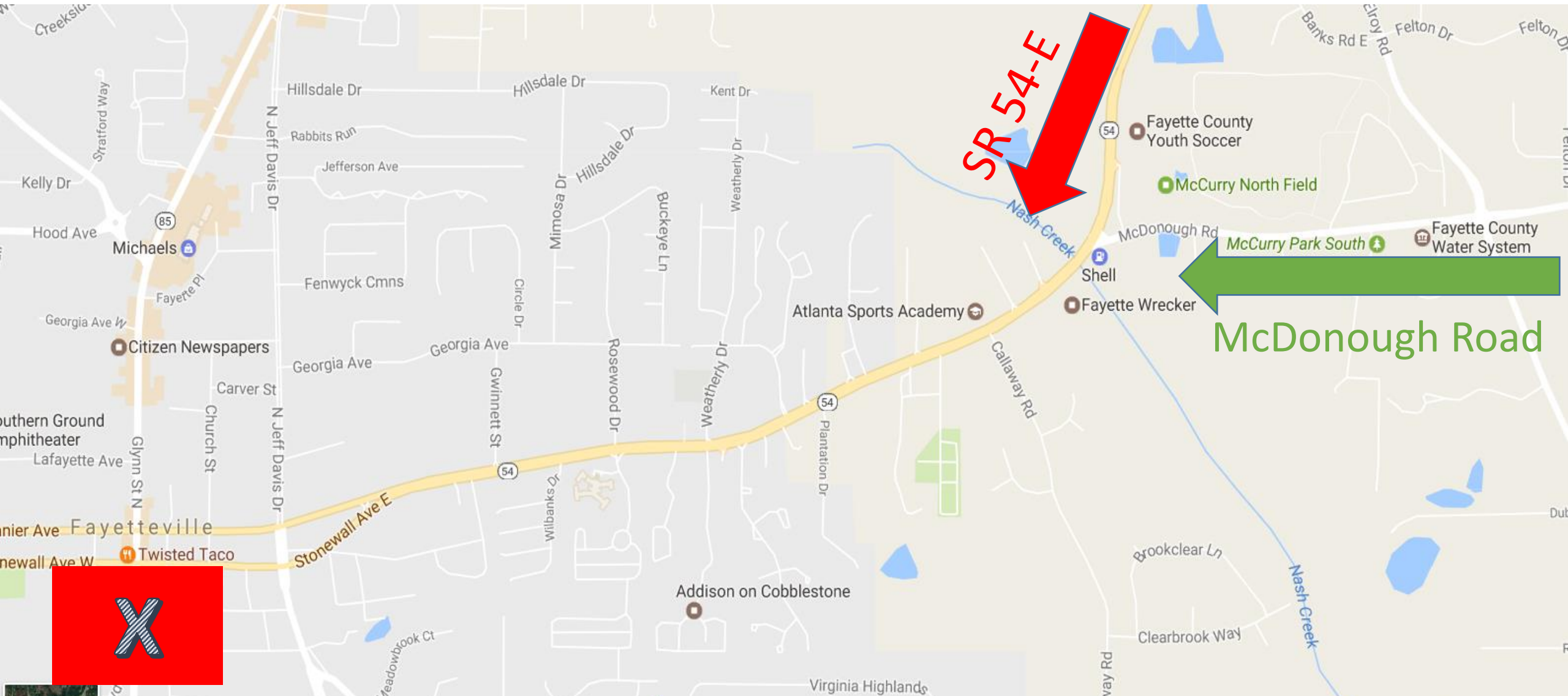
"A critical concept in the RTP is the Regional Strategic Transportation System (RSTS), which supports capacity expansion of strategic arterial facilities."

Atlanta Regional Commission, July 2007



The termini is
Downtown
Fayetteville at
SR 85 and SR54

Severe Congestion Point At The Termini (X)



Remember: Volume (Traffic) Follows Capacity



Where Quality Is A Lifestyle

TO: GDOT Project Team – PI No. 742870

FROM: Phil Mallon, Fayette County Public Works

DATE: July 11, 2013

RE: Public Information Open House - County comments regarding widening of SR 920 (McDonough Road) from SR 54 to SR 3/US 19.

Thank you for the opportunity to attend the Public Information Open House. Below are comments from Fayette County Public Works on the project. I can be reached at 770-320-6010 or pmallon@fayettecountyga.gov if any questions.

1. *Need for on-going Coordination* – As a whole, Fayette County supports the widening of McDonough Road, however, many County operations and properties will be significantly impacted. The cost to mitigate these impacts may be substantial and requires appropriate planning and coordination. It is essential that Fayette County and the GDOT develop an understanding of what mitigation (e.g., access road) will be provided as part of the project.
2. *Access* – It is essential to maintain full left and right turn movements for the Public Works, Building & Grounds, McCurry Park North, McCurry Park South, Water System and E911 facilities. Limiting any of these facilities to right-in, right-out would have unacceptable impacts to traffic safety, public safety/emergency response, and traffic efficiency. Fayette supports the two median breaks proposed between SR 54 and McElroy Road, but additional detail is needed on intersection controls and access roads/drives. At least one of the two intersections should be signalized due to the trucks and tractor trailers traveling to and from Public Works each day. The periodic high traffic volumes associated with McCurry Park and youth sport tournaments also necessitate a signal.
3. *Parking* – McCurry Park north and south currently experience parking shortages during weekend games and tournaments. This project will reduce the number of spaces at both the north and south areas and further restrict access into and within the park. A plan is needed to mitigate for the lost parking spaces.
4. *Water System Offices* – The Water System's administrative office is located at 245 McDonough Road. Customer parking and the main entrance are located in the front of the building. Under the proposed plan the new ROW would be approximately 28 feet from the building. The widening project will remove all front parking and likely require reconfiguration of the building interior to allow customer parking at a new "front" entrance.

Letter from Fayette County to GDOT, 2013

McDonough Road Project

The county lists 14 concerns with the SR 920 as presented.

The concerns were also raised to a GDOT Board Member and GDOT Project Engineer at a 2013 Fayette Board of Commissioners meeting.

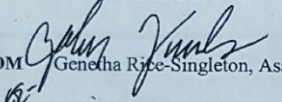
McDonough RD

ORIGINAL TO GENERAL FILES

Page 209 of 257

DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA

INTERDEPARTMENT CORRESPONDENCE

FILE P. I. No. 342970-, Clayton/Henry Counties
STP00-1583-00(012),
Widening of McDonough/Jonesboro Road-
From US 41/SR 3 to I-75
OFFICE Preconstruction
DATE December 19, 2008
FROM  Genetha Rice-Singleton, Assistant Director of Preconstruction
TO SEE DISTRIBUTION

SUBJECT APPROVED PROJECT CONCEPT REPORT

Attached for your files is the approval for subject project.

Attachment

DISTRIBUTION:

Ron Wishon
Glenn Bowman
Ken Thompson
Michael Henry
Keith Golden
Thomas Howell
David Millen
Angela Alexander
Paul Liles
Bill Rountree
BOARD MEMBER

LOCATION SKETCH

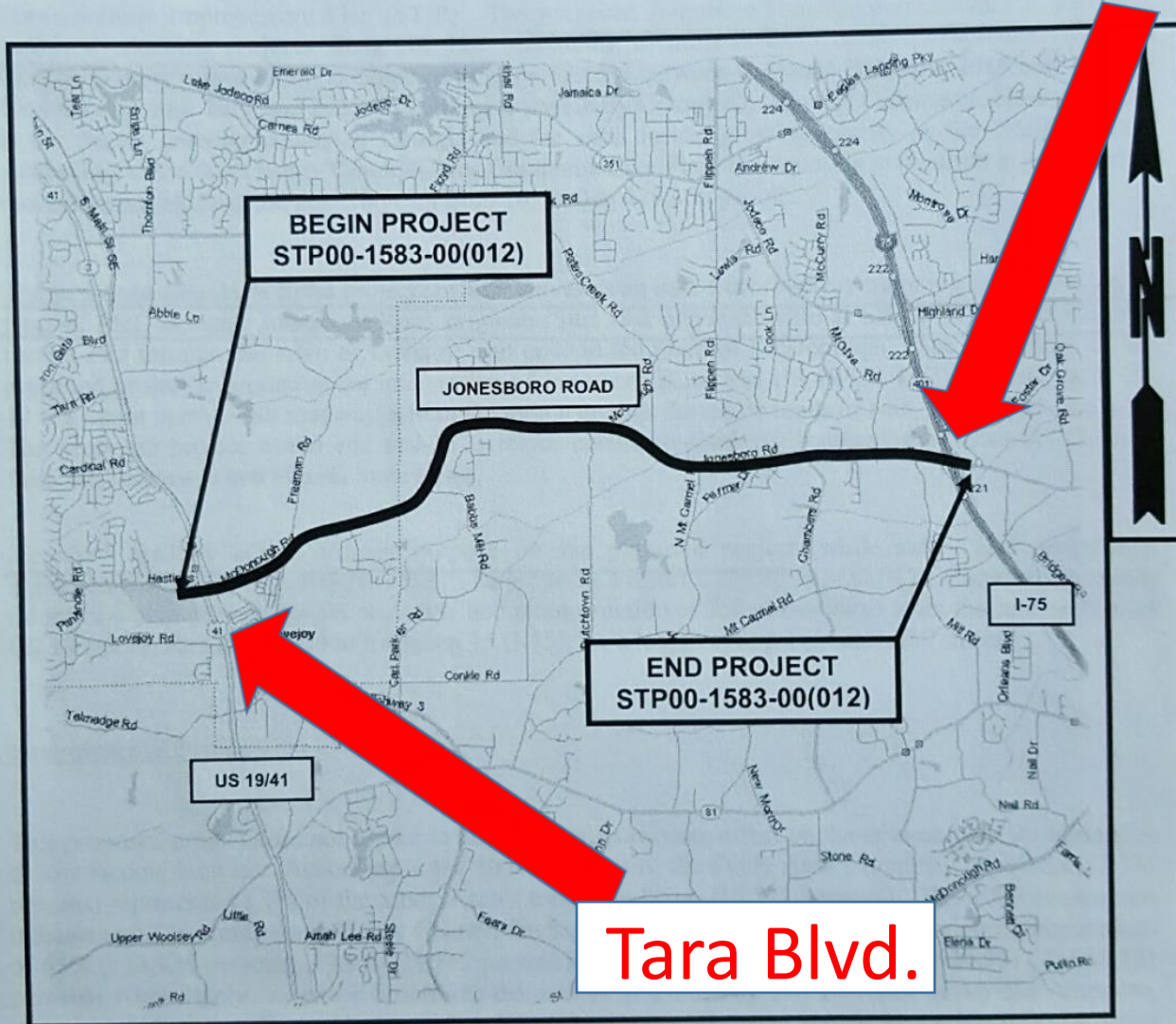
GDOT, 2008

“SR 920” - McDonough Road

Phase I

I-75 to Tara Blvd. (19/41)

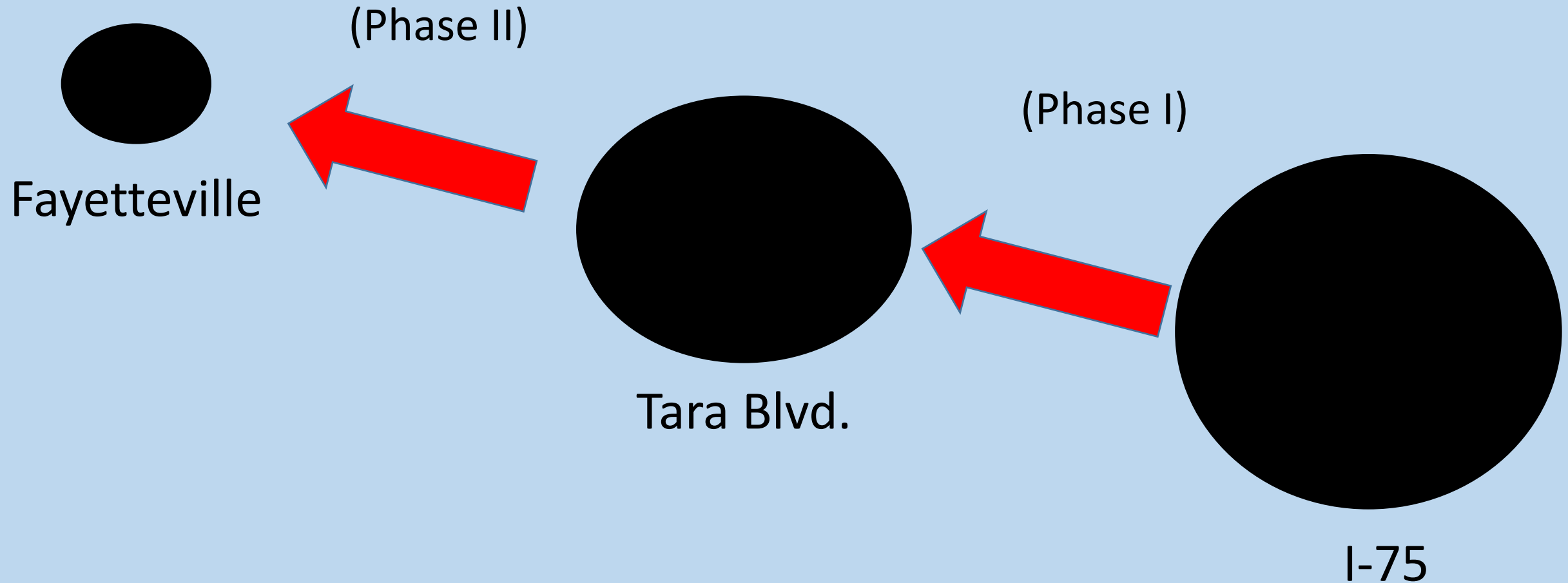
I - 75



Page 3: “Increased capacity is the primary purpose for the proposed project...”

LOCATION SKETCH

“SR 920” - McDonough Road



credited as the catalyst for its dynamic growth with another factor being the success of Peachtree City, a planned community in Fayette County.

Safety

SR 920 (Clayton County)	2002	2003	2004
Total Accidents	77	60	77
Total Injuries	41	20	39
Fatalities	0	3	0
Accidents Per 100 MVMT	543	423	538
Statewide Accidents Per 100 MVMT	208	222	258
Accident Ratio % >< statewide average	161% >	91%>	109%>

SR 920 (Fayette County)	2002	2003	2004
Total Accidents	30	40	37
Total Injuries	11	16	14
Fatalities	0	0	0
Accidents Per 100 MVMT	308	411	399
Statewide Accidents Per 100 MVMT	208	222	258
Accident Ratio % >< statewide average	48%>	85%>	55%>

The above crash data indicates that SR 920, within the identified project limits, experiences crashes at a rate exceeding the statewide average for similar classified facilities. The majority of the crashes were classified as "angle intersecting" and "rear end". Additional capacity is needed for safer operations that may reduce the number of crashes on this roadway and that may reduce congestion.

Logical Termini

The proposed project concept for STP-2009(4) consists of the widening of the roadway on SR 920 from two to four lanes. The western terminus of this project will tie to the existing four lane section at SR 54. The eastern terminus of this project will tie into the SR 3/US 19/41 interchange. The total length of the projects is approximately 5.7 miles and lies within Clayton and Fayette Counties.

Need and Purpose

The purpose of this project is to increase capacity along SR 920 in Clayton/Fayette Counties. Future traffic projections reveal that traffic will continue to increase on an already congested roadway. Crash data also reveals that along SR 920 in the project limits, crash rates exceed the statewide average. The proposed changes will enhance both pedestrian and vehicular traffic from surrounding neighborhoods. This project will provide safety, increase sight distance and operational benefits as well as provide the public with a safer driving environment.

GDOT, 2008, Page 3

McDonough Road from Tara Blvd. (19/41) to SR 54

“The purpose of this project is to increase capacity along SR 920 [McDonough Road] in Clayton/Fayette Counties.”

C.5 McDonough Road Extension

Just as the confluence of State Roads 85 and 92 creates added traffic and congestion through central Fayetteville, the intersection of State Road 54 and McDonough Road east of the town center requires traffic to use State Road 54 to reach practically all regional routes to the north, south and west. This candidate, divided into two project phases during the design process, would extend McDonough across SR 54, ultimately connecting it to SR 85 north of Fayetteville.

The candidate as presented here uses the existing Ellis Road alignment to approach State Road 85, primarily because of the traffic signal already in place there. It was noted during the project candidate's development, however, that tying an extended McDonough to an intersection closer to SR 85 and New Hope Road would create a more comprehensive regional connection and establish a de facto alternative for east Fayetteville motorists wishing to travel north on State Road 92.

Concerns include impacts that this road may have on wetlands and existing single-family neighborhoods. As the project is developed, these issues will need to be explored more thoroughly.

Location of candidate project within Fayette County.

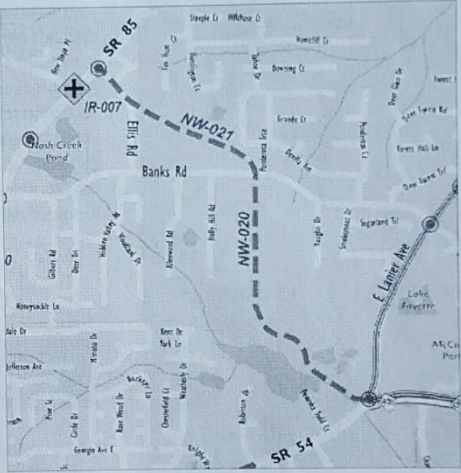


TABLE C.5 McDonough Road Extension Component Projects

Candidate Projects in this Section	Project Description
NW-020	McDonough Road Extension, Phase 1. This phase extends McDonough from State Road 54 to Banks Road and comprises a new roadway.
NW-021	McDonough Road Extension, Phase 2. This phase extends McDonough from Banks Road to State Road 85 and comprises a new roadway for most of its length, using the alignment of Ellis Road and its existing signal for the northernmost approach to SR 85.

Fayette Forward [DRAFT]
Appendix C, Page 12

McDonough Road Extention

Due to traffic amassing on SR 54, this project “would extend McDonough Road across SR 54, ultimately connecting it to SR 85 north of Fayetteville.”

State Route 54-East Widening

Fayetteville to Tara Blvd. (19/41) Clayton County

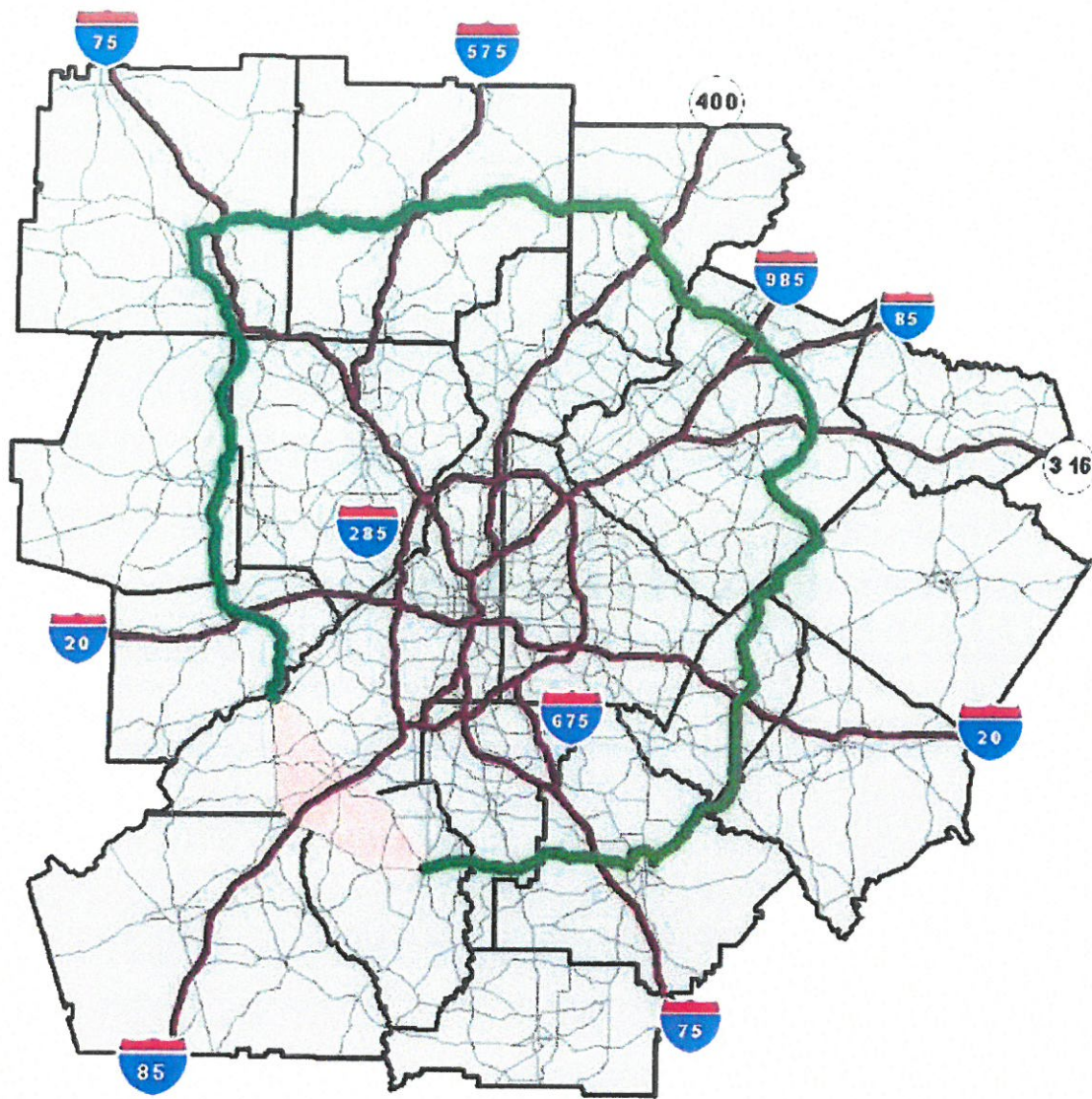
Heard at a GDOT Public Information Open House at a high school in Clayton County on McDonough Road: “These projects [McDonough Road and SR 54-East] are designed to take the traffic burden off of Tara Boulevard, especially with east-west traffic.”






- Volume follows capacity – what happens in Fayetteville?
- Destruction of County property and services
- Waiting five years for answers from GDOT
- Loss of homes and property for Fayette Residents
- What are the traffic congestion solutions for future years?

- Why does the County pay for a continued build-up traffic congestion in our system?
- Are we responsible for large increases in residential housing densities in other counties?
- Why is the County being asked to pay anything when GDOT is receiving \$1 billion in additional annual tax revenue?
- Why are the GDOT projects that are most important to us being delay or reduced in scope?

The engineers have identified the problems of others and Fayette's road system is their solution at our expense.

Removing the disincentive to take SR 54-E creates an incentive to bring the congestion to Fayetteville.



-  **Regional Strategic Transportation System (non-Expressway)**
-  **Metro Arterial Connector**
-  **Metro Arterial Connector - Exact Corridor TBD**
-  **Counties**
-  **Expressways**

"A critical concept in the RTP is the Regional Strategic Transportation System (RSTS), which supports capacity expansion of strategic arterial facilities."

Atlanta Regional Commission, July 2007

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← 2013

has a cell tower in the middle of the property. He said staff wants to put something in the County Ordinance that allows the County to work with the property owner in an effort to revise the site plan for that property and to move the cell tower to a different location. He said he wanted to set time limits on how long it would take to move the tower to a different location and to take the existing tower down. He explained that this issue would be mainly a housekeeping effort, but it would allow something to be in place that sets a deadline for the work to be completed since, as some point, there will be two cell towers on the property. Mr. Frisina said staff was looking at about a 108-day period of time, or approximately four months, to get all the equipment moved, get the new tower built, and to take down the existing tower. The Board agreed with Mr. Frisina's request to put all of these changes into one amendment and to handle them all quickly. The Board did not object to Mr. Frisina's request.

The Board directed staff to move forward with public hearings for the proposed amendments. The Board took no action on this item. A copy of the request, identified as "Attachment 23", follows these minutes and is made an official part hereof.

NEW BUSINESS:

17. Presentation by the Georgia Department of Transportation concerning the department's project to widen McDonough Road.

Public Works Director Phil Mallon introduced Georgia Department of Transportation (GDOT) Board Member Dana Lemon, who represents the 13th Congressional District, and he introduced Georgia Department of Transportation Project Manager Jeremy Busby to the Board. Mr. Mallon explained that the GDOT project was a very large project, and that it would have substantial impact on many of Fayette County's facilities as well as future transportation projects. He said this presentation was for the Board's information only and that shortly after the meeting he would provide each Commissioner a draft set of comments to be officially submitted to the GDOT. He thanked Ms. Lemon and Mr. Busby for taking their time to come to the meeting, and he told the Board that they have sat through many public meetings concerning this project. He told the Board and audience that there is a drawing showing the proposed project, that the drawing was in back of the room, and that he would stay until after the meeting to talk to the citizens about the project.

Representative Lemon thanked the Board and county staff for always being willing to work with the GDOT. She agreed that this is a significant project, but she pointed out that this is a proposed project—and that part of the process was to get feedback from the Board and the citizens. She emphasized that feedback is critical not only for this project but for all of GDOT's projects and she thanked the Board for allowing them to come and for feedback. She said if the GDOT could do anything to support transportation and economic development in the Fayette County community that the GDOT looked forward to the opportunity to help and serve.

GDOT Project Manager Jeremy Busby gave a PowerPoint presentation concerning the GDOT's proposed project to widen McDonough Road. He said the project was intended to be about six-miles long and that it would stretch from State Route 54 in Fayette County to Tara Boulevard in Clayton County. He said the reasons for the proposed widening of McDonough Road were: 1) safety since the geometry of the current road is substandard for the speed and amount of cars on the road, and 2) due to projection for traffic to increase on McDonough Road and the widening will address both current and future congestion. He told the Board that the GDOT was proposing widening McDonough Road from two lanes to four lanes, and that it would have a concrete, raised median that would be about twenty feet wide, and that it would have

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bicycle lanes in both directions with sidewalks, and that it would have three additional traffic signals. He said the work would also replace the bridges at the Flint River and Hurricane Creek. He said the GDOT is in the information gathering process for this proposed project, and that the GDOT was conducting utility studies to determine what utilities are currently on the corridor. He said the GDOT was also making right-of-way determinations and was trying to reduce impact as much as possible. He clarified that although the GDOT is looking at right-of-ways, there have been no requisitions at this point in time. He added that the GDOT is also working through environmental studies, historical studies, and that there are schools and churches that have environmental protections, that there is a historic farm, and that there is a historic cemetery from the Civil War. Mr. Busby said the GDOT held a public meeting in the month of July where the project was presented at a local public high school, and that the GDOT did additional outreach throughout the community. He said 199 people attended the outreach and that the GDOT received 107 comments that are currently being reviewed. He said the GDOT will prepare responses to all of the comments it had received, that right-of-way activities should begin as early as 2016, and that the widening project would potentially begin in 2019.

Chairman Brown said Fayette County always appreciated working with its neighboring districts and counties, and he pointed out that Fayette County is involved with the Interstate 85 and State Route 74. He said the south side of metro Atlanta has realized that "we are all in this together and we've got to pull for each other" since "we're competing with gigantic counties on the north side." Chairman Brown pointed out that Fayette County has a lot of infrastructures near the intersection of State Route 54 and McDonough Road. He explained that the County has a huge recreational complex in the area, and at the County's Public Works facilities and the Water System were located along McDonough Road. He told Mr. Busby that one major concern is that the Public Works facility is near the intersection of State Route 54 and McDonough Road, and that it appeared that the current plans called for making a right-hand turn out of the facility and the U-turn to get back to State Route 54. He told Mr. Busby that the trucks that would have to make the U-turn are dump trucks, large trucks carrying large trailers with large pieces of equipment and machinery, and similar-type vehicles, and he said the Board was really worried about not having the capacity to make a U-turn with that type of equipment. He said the County would like to work with the GDOT in exploring the possibility of having an extension road that could take these vehicles to the next logical intersection so that the vehicles could make a legitimate left-hand turn. He said that would keep the County from damaging equipment and possibly harming someone in the process. Chairman Brown also pointed out the County was concerned about access to the ball fields, and that there should be some type of logical entry to the fields so that the families can get in and out of that recreation area. He asked the GDOT to work with the County to help figure out how to get kids in and out of the recreation area. Chairman Brown informed the GDOT that Fayette County is starting an initiative for multi-use paths, in lieu of sidewalks, and that if this project would be a great potential corridor for multi-use paths since there are recreation facilities in the area. He thought it would be a good idea for GDOT to look into constructing a multi-use path and a box culvert that could be used to access the ball fields. He concluded that those would be some of the top issues Fayette County would like for the GDOT to work with.

Commissioner Barlow acknowledged that he has not been involved with the relocation of a cemetery, and he asked how that issue would be resolved. Mr. Busby replied that the cemetery would not be relocated, but that the GDOT was looking for ways to avoid the cemetery.

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Commissioner Ognio said he was really concerned about the parks along McDonough Road and being able to get in and out of the parks. He explained that he saw there were potential problems with the plans as they are currently proposed, and that there could be safety issues with people making U-turns in an effort to get to the park. Mr. Busby recognized Commissioner Ognio's concerns, and briefly spoke about ways the concerns could be addressed.

The Board thanked Mr. Busby and Representative Lemon for coming to them on this proposed project. The Board gave no direction and took no action in this matter. Copies of the request and PowerPoint presentation, identified as "Attachment 24", follow these minutes and are made an official part hereof.

18. Consideration of staff's recommendation to adopt Ordinance 2013-12 amending the Code of Ordinances for Fayette County, Georgia; to enact provisions pertaining to registration of vacant or foreclosed real property; to provide an effective date, to repeal conflicting ordinances; to provide for severability, to promote the public health, safety and welfare, and for other purposes.

Community Service Director Pete Frisina said this recommendation was a procedure that was rectified in State law, and it set standards for how communities set up registries for vacant and foreclosed properties. He reminded the Board that Fayette County has had a lot of vacant and foreclosed properties over the past years, and that they can cause property maintenance issues that are very difficult to resolve. He said many times the County cannot find the owners of the properties. He said this Ordinance would require property owners to register with the County and to maintain a registry, and he said it would give the County the ability to enforce County ordinances much better. Mr. Frisina acknowledged that the hard part would be to get the property owners to register their properties, but that there are penalties involved for those who do not register. He explained that the state has directed that the fee could not be more than \$100 per registrant, and he suggested that Fayette County set the fee at the \$100 maximum. He explained that staff would have to take the applications, maintain them, check on them, and keep up with the properties when they come out of foreclosure. He concluded that the work would involve a lot of staff time since it would entail creating a database and writing letters to industries telling them to submit their properties.

Commissioner Ognio asked if there were penalties involved if a property was not registered. Mr. Frisina replied that there were penalties, and that the penalties were not to exceed \$1,000.00.

Commissioner Barlow moved to accept staff's recommendation to adopt Ordinance 2013-12 amending the Code of Ordinances for Fayette County, Georgia; to enact provisions pertaining to registration of vacant or foreclosed real property; to provide an effective date, to repeal conflicting ordinances; to provide for severability, to promote the public health, safety and welfare, and for other purposes. Commissioners McCarty and Oddo seconded the motion. No discussion followed. The motion passed unanimously.

County Administrator Steve Rapson asked the Board to hold a second vote establishing the fee at \$100.00.

Chairman Brown moved to establish a fee at \$100.00. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and Ordinance 2013-12, identified as "Attachment 25", follow these minutes and are made an official part hereof.



Where Quality Is A Lifestyle

TO: GDOT Project Team – PI No. 742870

FROM: Phil Mallon, Fayette County Public Works

DATE: July 11, 2013

RE: Public Information Open House - County comments regarding widening of SR 920 (McDonough Road) from SR 54 to SR 3/US 19.

Thank you for the opportunity to attend the Public Information Open House. Below are comments from Fayette County Public Works on the project. I can be reached at 770-320-6010 or pmallon@fayettecountyga.gov if any questions.

1. *Need for on-going Coordination* – As a whole, Fayette County supports the widening of McDonough Road, however, many County operations and properties will be significantly impacted. The cost to mitigate these impacts may be substantial and requires appropriate planning and coordination. It is essential that Fayette County and the GDOT develop an understanding of what mitigation (e.g., access road) will be provided as part of the project.
2. *Access* – It is essential to maintain full left and right turn movements for the Public Works, Building & Grounds, McCurry Park North, McCurry Park South, Water System and E911 facilities. Limiting any of these facilities to right-in, right-out would have unacceptable impacts to traffic safety, public safety/emergency response, and traffic efficiency. Fayette supports the two median breaks proposed between SR 54 and McElroy Road, but additional detail is needed on intersection controls and access roads/drives. At least one of the two intersections should be signalized due to the trucks and tractor trailers traveling to and from Public Works each day. The periodic high traffic volumes associated with McCurry Park and youth sport tournaments also necessitate a signal.
3. *Parking* – McCurry Park north and south currently experience parking shortages during weekend games and tournaments. This project will reduce the number of spaces at both the north and south areas and further restrict access into and within the park. A plan is needed to mitigate for the lost parking spaces.
4. *Water System Offices* – The Water System's administrative office is located at 245 McDonough Road. Customer parking and the main entrance are located in the front of the building. Under the proposed plan the new ROW would be approximately 28 feet from the building. The widening project will remove all front parking and likely require reconfiguration of the building interior to allow customer parking at a new "front" entrance.

Although the facility is not required to meet zoning setbacks because it is a County building, the required A-R front yard setback would be 100 feet if applicable. Significant changes to the building's parking, driveways, landscaping, and septic drain fields may also be required.

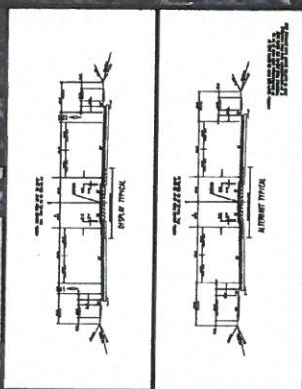
5. *Multi-Use Path* – Fayette County prefers the installation of multi-use paths in lieu of sidewalks and bike lanes. Reasons include: safety, consistency with other areas in County, and better opportunity for access to park areas. The paths could be located within the GDOT ROW or possibly on easement areas outside the ROW.
6. *Pedestrian Crosswalks, Tunnel and/or Overpass* – McCurry Park receives heavy traffic from youth soccer, football, baseball and softball. Providing a safe and practical means for people to cross the divided highway is important to maintain connectivity between the fields and amenities on both sides of McDonough Road.
7. *E911 Communications* – The 911 Center is located on Volunteer Way and is the sole communication center for all City and County emergency calls and dispatches. The facility is also the training center for Fire and Emergency Management Services so it is common for emergency response personnel and equipment to be on-site (thus the need for left turn ability from the E911 Center).

A large utility box is located immediately to the east of existing Volunteer Way. It appears to be shown on the drawings and is located near the middle of the proposed eastbound lane. This box is critical to all emergency/public safety dispatch in the County.

Communication to the facility cannot be interrupted. Appropriate planning is needed to ensure continuous power, communication and access to the 911 Center.

8. *Bedrock and Utilities*– Past County work around the intersections of McDonough Road with Volunteer Way and County Line Road has revealed substantial bedrock outcrops in this area. Besides the extra cost associated with bedrock removal, this is noted because of potential impacts to the E911 utility box and three key water lines in the area: a 24-inch line along McElroy Road; an 8-inch line along north side of McDonough; and a 10-inch line along the south side of McDonough.
9. *Utility Easements at existing McDonough Road and SR 54* – Fayette County's Water System requests that existing ROW at this location be maintained (or protected by easements) to accommodate existing utility infrastructure. The County may also be interested in maintaining this area as landscape green space once the intersection is moved.
10. *Public Works Septic* – Sewage from the Public Works building is pumped under McDonough Road to a septic tank located behind the north soccer concession building. The waste line is 2-inch PVC inside a 4-inch steel casing. Contact us if assistance is needed to locate this line during Subsurface Utility Engineering.
11. *Shooting Range for Law Enforcement* – The Sheriff's Office maintains a shooting range on the south side of McDonough Road. There is concern that shifting McDonough Road further south, especially if a frontage/access road or driveway is also needed across the property, may impact use of this facility. Currently there is 306 feet from the edge of existing pavement to the nearest shooting station. Opportunities exist to modify parking area.

12. *ROW Minimization* – Because of the impacts noted above, Fayette County supports any effort to reduce ROW width and limits of construction. Options for doing so include use of off-system multi-use paths in lieu of bike lanes and sidewalks and use of retaining walls at select areas.
13. *East Fayetteville Bypass* – Fayette County's EFB (Phase 1) project will intersect with McDonough Road near Flintwood Farms. Continued coordination is essential during the environmental and design stage. The EFB is a new road construction project that runs north/south in Fayette County. ARC Project No. FA-236A / GDOT PI No. 0006904
14. *Park Netting / Buffer* – The proposed McDonough Road will shift closer to McCurry Park Soccer Field 1. Nets, fence, and/or landscaping along a portion of the perimeter will be needed for errant soccer balls, safety and aesthetics.



BOARD OF COUNTY COMMISSIONERS

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

FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Patrick Stough, Assistant 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

July 23, 2015
7:00 p.m.

Call to Order

Chairman Oddo called the July 23, 2015 Board of County Commissioners meeting to order at 7:01 p.m.

Invocation by Commissioner Randy Ognio

Commissioner Ognio asked Associate Pastor Al Meade of New Hope Baptist Church to offer the Invocation. Pastor Meade offered the Invocation.

Pledge of Allegiance

Chairman Oddo led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Brown moved to accept the Agenda. Commissioners Barlow and Ognio seconded the motion. No discussion followed. The motion passed 4-0.

PROCLAMATION/RECOGNITION:

1) Recognition of Dr. William M. Strain, M.D. for his 24 years of service on the Fayette County Board of Health.

Commissioner Barlow and the Fayette County Board of Health recognized Dr. Strain for his service. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

2) Recognition of McIntosh Trail Community Service Board and its opening of the new Pine Woods Behavioral Health Crisis Center.

Commissioner Barlow and the Board recognized McIntosh Trail Community Service Board and its opening the new Pine Woods Behavioral Health Crisis Center. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

- 3) **Recognition of the Fayette County's Water System and the 911 Communications Department that were instrumental in the Insurance Services Office (ISO) awarding the City of Peachtree City its new Class 1 Public Protection Classification.**

Peachtree City Fire Chief Joe O'Connor recognized Fayette County's Board of Commissioners, Water System and 911 Communications Department, on behalf of the Mayor and citizens of Peachtree City, for being instrumental in the Insurance Services Office awarding the City of Peachtree City its new Class 1 Public Protection Classification. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

PUBLIC HEARING:

Community Development Director Pete Frisina read the *Introduction to Public Hearings* into the record. A copy of *Introduction to Public Hearings*, identified as "Attachment 4," follows these minutes and is made an official part hereof.

- 4) **Public Hearing of Petition No. 1247-15, Askey Estate, Owner, and George Tchavkov, Agent, request to rezone 1.96 acres from A-R to R-70 for Single-Family Residential with said property being located in Land Lot 57 of the 7th District and fronting on Flat Creek Trail, with one (1) condition.**

Community Development Director Pete Frisina stated that both staff and the Planning Commission unanimously approved the petition with one condition.

Ms. Tchavkov briefed the Board on the petition. No one else spoke in favor of or in opposition to Petition 1247-15.

Frank Gardner: Mr. Gardner stated he neither supported nor opposed the petition, but he questioned why the Board was allowing one-acre zoned properties. He also spoke about the size of Fayette County's Zoning Ordinance and he concluded that if a person wrote their petition correctly they could be rezoned for anything. He asked the Board to reconsider the Zoning Ordinances.

Commissioner Brown asked Ms. Tchavkov what the intent of the owner was with the existing structure, and Ms. Tchavkov stated that the owner intended to remove the existing structure.

Commissioner Barlow moved to approve Petition No. 1247-15, Askey Estate, Owner, and George Tchavkov, Agent, request to rezone 1.96 acres from A-R to R-70 for Single-Family Residential with said property being located in Land Lot 57 of the 7th District and fronting on Flat Creek Trail, with one (1) condition. Commissioner Ognio seconded the motion.

Commissioner Brown pointed out that the lot is currently 1.96 A-R non-conforming that the applicant wants to rezone to R-70 so it was still non-conforming, and he asked if the applicant would ask for a variance. Mr. Frisina replied that the ordinance allows the county to rezone non-conforming lots, especially if non-conformance is due to county action. He explained that the property was non-conforming prior to the county taking action and he said this petition would bring the property as near as possible to conformance. Mr. Frisina explained that in 1980 the county was entirely rezoned and that A-R Zoning with five-acre lots was instituted at that time. He said the subject property, at that time, was only three acres so it was considered a legal, grandfathered, non-conforming A-R lot. Mr. Frisina stated that the play equipment would be placed within the new setbacks as long as they remove the existing structure.

Chairman Oddo asked Ms. Tchavkov if the applicant would agree to the one stated condition and Ms. Tchavkov replied that the applicant agreed to abide by the condition.

The motion to approve Petition No. 1247-15, Askey Estate, Owner, and George Tchavkov, Agent, request to rezone 1.96 acres from A-R to R-70 for Single-Family Residential with said property being located in Land Lot 57 of the 7th District and fronting on Flat Creek Trail, with one (1) condition passed 4-0. Copies of the request, Ordinance 1247-15, and Resolution 1247-15, identified as "Attachment 5," follow these minutes and are made an official part hereof.

- 5) **Public Hearing of Petition No. 1248-15, Max Fuller, Owner, and John P. Knight, Jr. Agent, request to rezone 10.56 acres from A-R to R-75 to develop a Single-Family Residential Subdivision with said property being located in Land Lot 87 of the 5th District and fronting on South Jeff Davis Drive.**

Community Development Director Pete Frisina introduced Petition No. 1248-15 to the Board. He stated that both the staff and the Planning Commission recommended approval. He said it was an existing minor subdivision plat so the property has to be rezoned and then permission has to be given to add two lots.

Chad Hayes: Mr. Hayes, representing the applicant, provided a letter to the Board providing additional information on the request. He stated that the letter included a concept plan for four lots on two-acres each. He stated that the houses would be roughly 3,000 to 4,000 square feet and it would be a very nice development.

Chairman Brown asked if there was a way to have a main entrance to the four lots instead of four curb cuts. Mr. Frisina replied that there were only a certain number of situations where a curb cut could share two lots and he said the request met the site distance requirements. Mr. Hayes concluded stated that this request was consistent with the comprehensive Land Use Plan for the area.

No one spoke in favor of the petition.

Frank Love: Mr. Love, developer of Jeff Davis Plantation, spoke in opposition to Petition No. 1248-15. He asked for certain restrictions to be applied and put into official record, namely, that the subdivision abide by the same covenants governing Jeff Davis Plantation. He stated that there is a hill on the road that presents safety issues, although the current request somewhat mitigated that concern. Mr. Love added that removing the trees from the subject property would create mud and runoff that would affect nearby residents who live downstream, and he asked that the trees be kept to provide a buffer. Mr. Love concluded that he hoped the Board would keep the subject property as two five-acre lots.

Matthew Bennett: Mr. Bennett spoke in opposition to Petition 1248-15 saying his main concern is safety in the area. He stated that allowing four lots in the subject location would be unsafe. He stated that he lives in the area and that over the past year there have been four significant car accidents outside of his subdivision. He suggested that adding four additional houses would increase the number of accidents since it involves a curve, limited sights, speeders and other factors. He said he favored development but that it needed to be done safely.

Jacqueline Bennett: Mrs. Bennett spoke in opposition to Petition No. 1248-15. She stated that at the August 28, 2014 meeting, the land owner proposed building eight homes on the subject property, but the proposal was not approved due to safety concerns. She said that a week after that meeting there was a three car accident in that area and, following that accident, there have been three additional accidents. She stated that she is not opposed to two homes being built into the area, but she was concerned about the runoff created by the additional homes that would affect her property.

Ed Christian: Mr. Christian spoke in opposition to Petition No. 1248-15. Mr. Christian said he lives across the street from the subject property, and he said the area was far more dangerous than most people realize since drivers are constantly speeding on the South Jeff Davis. He said these lots would be the first A-R lots on South Jeff Davis and he hoped a curb cut would be required to help people get in and out of their homes.

County Administrator Steve Rapson clarified that the Planning Commission's minutes reflected that Mr. Knight was open to limiting the curb cuts to two curb cuts. Commissioner Brown pointed out that the two curb cuts were not a condition recommended by the Planning Commission, and Mr. Rapson agreed with Commissioner Brown.

Jay Knight: Mr. Knight rebutted those in the opposition saying his business would not build the homes if they created dangerous conditions. He said he did not doubt that there was a concern with the hill since he had driven the hill, so he was not opposed to limiting the curb cuts so long as Public Works Director Phil Mallon gave direction on the curb cuts. He stated that he was willing to provide a 50-foot non-disturb buffer between the properties although it would not alleviate the concerns with runoff. He said he would only remove the amount of trees necessary to build the homes and install the septic systems. He closed speaking about the quality of the homes and agreeing to record the same minimal standards as those for Jeff Davis Plantation.

Commissioner Brown moved to deny Petition No. 1248-15, Max Fuller, Owner, and John P. Knight, Jr. Agent, request to rezone 10.56 acres from A-R to R-75 to develop a Single-Family Residential Subdivision with said property being located in Land Lot 87 of the 5th District and fronting on South Jeff Davis Drive. Commissioner Ognio seconded the motion.

Commissioner Brown said the request was much better than last year's request but that he was worried about several things including the possibility of four curb cuts that create a safety concern. He was concerned about the topography of the area since the neighbors are already being impacted by runoff so he was worried about how the new development of impervious surfaces would impact the properties downstream. He appreciated Mr. Knight offering to build buffers but he was not sure if it was enough to satisfy the downstream concerns.

Commissioner Barlow asked Mr. Mallon to address the Board on this request. Mr. Mallon stated that the best solution would be to take the option proposed by Mr. Knight to use a shared driveway for two lots. He said the advantage is that it would double the road frontage and he felt confident that by using a shared driveway the sight distance requirements would be exceeded. He asked for the flexibility to work with the developer to have one driveway to serve two adjacent lots. Mr. Mallon and Mr. Knight then answered questions from the Board about how practical shared driveways are between neighbors.

Mr. Rapson suggested that the Board should table the petition so staff could get with the applicant and address the issues that have been addressed.

Commissioner Brown modified his motion to table Petition No. 1248-15 to the August 27, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the modified motion. No discussion followed. The motion passed 4-0.

Commissioner Brown stated that the decision was no reflection on the quality of the houses but only on the safety concerns. Mr. Rapson asked the people to email him with other concerns that were not addressed and he would provide them to Mr. Mallon for review. A copy of the request, identified as "Attachment 6," follows these minutes and is made an official part hereof.

6) Public Hearing of Petition No. RP-056-15, Max Fuller, Owner, and John P. Knight, Jr. Agent request to add two (2) lots to the Minor Subdivision Plat for Max Fuller with said property being located in Land Lot 87 of the 5th District and fronting on South Jeff Davis Drive.

Commissioner Ognio moved to table Petition No. RP-056-15, Max Fuller, Owner, and John P. Knight, Jr. Agent request to add two (2) lots to the Minor Subdivision Plat for Max Fuller with said property being located in Land Lot 87 of the 5th District and fronting on South Jeff Davis Drive to the August 27, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.

CONSENT AGENDA:

Commissioner Brown moved to approve the Consent Agenda. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

- 7) Approval of staff's recommendation to approve a Change Order with Southeastern Pressure Grouting, Inc. in the amount of \$28,000.00 for additional grout-fill of the Lake Peachtree Spillway, and authorization for the County Administrator to sign the Change Order and any related documents. Copies of the request and Change Order, identified as "Attachment 8," follow these minutes and are made an official part hereof.
- 8) Approval of the July 9, 2015 Board of Commissioners Meeting Minutes and the July 15, 2015 Board of Commissioners Special Called Meeting Minutes.

OLD BUSINESS:

There were no Old Business items on the Agenda.

NEW BUSINESS:

- 9) Consideration of the Selection Committee's recommendation to appoint Mr. John H. Culbreth, Sr. to Fayette County's Planning Commission to fill an unexpired term that will begin immediately and will expire on December 31, 2016.

Chairman Oddo and Commissioner Ognio commended Mr. Culbreth and spoke highly of his qualifications for the position.

Chairman Oddo moved to approve the Selection Committee's recommendation to appoint Mr. John H. Culbreth, Sr. to Fayette County's Planning Commission to fill an unexpired term that will begin immediately and will expire on December 31, 2016. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0. A copy of the request, identified as "Attachment 9," follows these minutes and is made an official part hereof.

- 10) Consideration of Resolution 2015-11 requesting that the Georgia Department of Transportation cease the widening project for McDonough Road and State Route 54 East.

Commissioner Brown read Resolution 2015-11 into the record. Resolution 2015-11 follows:

County of Fayette;

State of Georgia

RESOLUTION 2015-11

A RESOLUTION REQUESTING THAT GDOT CEASE THE WIDENING PROJECT FOR MCDONOUGH ROAD AND STATE ROUTE 54-EAST

WHEREAS, Fayette County strives to plan and implement transportation projects that will enhance the quality of life for our citizens in future years; and

- WHEREAS,** Transportation funds are limited at all levels and must be used in the most productive and efficient manner possible; and
- WHEREAS,** The Georgia Department of Transportation (GDOT) has introduced the widening project for McDonough Road and State Route 54-East, taking the project out of the control of Fayette County's GDOT District 3 and assigning the project within our county to a neighboring GDOT district; and
- WHEREAS,** There is no citizen demand for the McDonough Road and State Route 54 projects in Fayette County and no desire for implementation from the Board of Commissioners; and
- WHEREAS,** The road project would have a significant negative community and financial impact on the Water System headquarters, the Public Works facility and the largest recreation area in the county in addition the county utility movement cost; and
- WHEREAS,** The 2007 Regional Strategic Transportation System (RSTS), looking at capacity expansion of strategic arterial facilities, established the realization that capacity is heavily restricted on SR 85 and SR 54 in historic downtown Fayetteville and that creating more traffic flow through increased capacity into that area would create future traffic issues; and
- WHEREAS,** The Board of Commissioners does not want to ruin the rural feel and entice large scale development to the valued rural southern portion of Fayette County; so

BE IT THEREFORE RESOLVED THAT the Board of Commissioners of Fayette County does hereby formally request that the Georgia Department of Transportation withdraw any plans to widen McDonough Road and State Route 54-East within the boundaries of Fayette County and that the funds be used for projects affecting a greater number of Fayette commuters such as the interchange at SR 74 and I-85. **Be it further resolved,** Fayette County withdraws any county funds for utilities committed to this project.

So resolved this 23rd day of July 2015, by the

BOARD OF COMMISSIONERS

FAYETTE COUNTY, GEORGIA

Commissioner Brown stated that there was early feedback on this topic saying he was trying to take money from one side of the county and "throw it into another part of Fulton County," but he clarified that he had no problem with wherever the money goes so long as it goes to a project that benefits the commute and traffic levels for Fayette's citizens. Commissioner Brown had a map displayed before explaining that there has always been "clamoring" to create an outer loop. He said the outer loop is cost prohibitive since buying right-of-way will cost billions of dollars. He said the alternative was to take existing state routes that could be widened and made into a "super state route" that is faster and carries more traffic as an alternative to the proposed outer loop. He pointed out that super state route project currently terminates in downtown Fayetteville just outside Fayette County's Administrative Complex. He said the reason it ends in downtown Fayetteville is because there is no way to add capacity to State Route 54 since it is surrounded by historic buildings, a church, and a bank. He explained that there would be a massive instrument that would move traffic around Atlanta only to have it pile up in downtown Fayetteville, which would be "incredibly detrimental to Fayette County." Commissioner Brown stated that the "Regional Government" already acknowledges that there is a problem expanding capacity on State Routes 54 and 85, but he added that "the last thing anyone

needs is to increase the capacity that would increase the traffic volume while exasperating the current problem."

Commissioner Brown stated that increased traffic would negatively impact local businesses by making it impossible to commuters get to stores; negatively impacting the County's sales tax revenues. He commented that the Georgia Department of Transportation's (GDOT's) project would create multi-faceted problems for Fayette County. Commissioner Brown stated that GDOT has already begun this project in sections albeit with another name. Commissioner Brown emphasized that traffic volume meets capacity. He stated that there is neighboring GDOT District that is piloting this project and wants it "really bad." He stated that, as one who has gone to GDOT and solicited for funds, it is an absolute battle to get funding, and he concluded that funds are not easily provided for the goodwill and prosperity of Fayette County.

Chairman Oddo replied that he understood Commissioner Brown's desire to maintain the county and its quality of life. He stated the County is already "choking" and has been choking on State Route 54 and McDonough Road. He explained that the rule-of-thumb is when the traffic count exceeds 12,000 cars per day it is to start considering four-laning the road, and he added that the roads began exceeding 12,000 cars a day approximately 25 years ago. Chairman Oddo countered the resolution's claim that GDOT had taken the project out of the control of Fayette County's GDOT District 3 and assigned the project to a neighboring GDOT district by saying he met with GDOT and learned that Fayette County was not abandoned by any district. Chairman Oddo asked how it was determined that there was no citizen demand for the widening of the roads since he was unaware of what survey or data supported that claim and since the people he had spoken with want to see the roads widened. He asked if Commissioner Brown had consulted with other commissioners, mayors, councils, other elected officials, or engineers for their input. Commissioner Oddo stated that both of the projects have been identified as necessary in the County's Transportation Plan since at least 2003; meaning there was previous agreement that work needs to be done. He stated that there are 30,000 to 35,000 people who use the roads and may want to see the road widened. Commissioner Oddo stated that the roads have to be addressed and he acknowledged that there would be an impact. He stated that the budget includes \$100,000.00 to address the impact for the Fayette County Water System. Chairman Oddo reported that his last conversation with GDOT indicated that the State was aware of the problems facing Fayette County, but that GDOT is not far enough along in the process to discuss mitigating the problems. Chairman Oddo stated that State Route 54 and McDonough Road were not being built in a vacuum since there are plans on the books to build the East Fayetteville Bypass, which is intended to reduce traffic in downtown Fayetteville. He stated that there would be mitigating roads and the County has to look and plan for the future, which includes its road system. Chairman Oddo added that the County has zoning requirements to maintain the look and feel of the County, and that it is up to the Board of Commissioners to make sure that the zoning governs what the county looks like. He suggested that preventing efficient control of traffic through Fayette County would stifle the County and drive people away, and he added that the answer is not to stifle traffic but figure out how to make it flow efficiently. Chairman Oddo mentioned that the COLA was removed from the recently approved budget on the premise that there may be unknown expenses. He said at the July 9, 2015 Board of Commissioners meeting, the County had the ability to fund a roundabout instead of a tunnel and in doing so save approximately \$750,000.00 that could have been used to mitigate other traffic problems in the County. He stated that now the Board is faced with asking the state to stop work on two major thoroughfares, at the tune of approximately \$60 million dollars based on estimated numbers provided by the state, and, should that happen, the State of Georgia might take the funds out of the Fayette County altogether. He stated that everyone was paying taxes and, given the current process, this is the way to get the tax money back while alleviating Fayette County's traffic. He concluded that he did not see a reason to support Resolution 2015-11.

Commissioner Barlow asked Public Works Director a series of questions concerning his professional employment with Fayette County, his working relationship with GDOT, if he had ever seen GDOT refused to bring large projects into a county, and, if it was his sole decision, would he support GDOT's widening projects. Mr. Mallon answered the questions, stated that he could not recall a time in his almost ten years of experience with GDOT that a large project was refused by a County, and replied that he personally thought both projects were in the best interest of Fayette County.

Commissioner Brown asked Mr. Mallon if GDOT solicits local opinion and will avoid doing a project if the local jurisdiction is not in favor of it. He also asked if McDonough Road was owned by Fayette County or a state route. He also asked for the purpose of the East Fayetteville Bypass. Mr. Mallon replied that GDOT does solicit local opinion with a goal to have all parties

NEVER
HEARD
BACK

WHY DID
GDOT
DIST.
IS BD
WALKING
COME
?



→ support the project, that McDonough Road was a temporary state route although he had heard rumors it would be made a permanent state route, and that the East Fayetteville Bypass was intended to provide north-south connectivity in Fayette County. Commissioner Brown acknowledged that the East Fayetteville Bypass would capture some traffic on McDonough Road but that the remaining traffic would come into downtown Fayetteville and that there is no ability to widen any of the infrastructures in the downtown area. Mr. Mallon suggested that there were other options to improve capacity around downtown Fayetteville, but Chairman Brown replied that he had studied the issue for twenty years and not found an option that works. Mr. Mallon stated that downtown Fayetteville will be overwhelmed whether or not the widening project occurs, and he added that if the widening project was rejected then the Board would guarantee three problems; namely, State Route 54, McDonough Road, and downtown Fayetteville, instead of only one problem in downtown Fayetteville. Commissioner Brown asked if traffic volume follows capacity on state route and Mr. Mallon replied that it did. Commissioner Brown spoke about how capacity was increased on Jimmy Carter Boulevard, Memorial Drive, and Barrett Parkway, how traffic volume increased on each of those roads, and of the detrimental results that occurred along those roads. He repeated that traffic volume always follows capacity and that from what he knows and has seen he would not expand State Route 54 or McDonough Road since the results would be "disastrous."

CRAZY

It All
Turns Into
Downtown

Commissioner Ognio stated that it is the wrong time to widen State Route 54 and McDonough Road, but that it would be nice to have GDOT help with constructing the bypass around Fayetteville instead of making traffic come through the downtown. He added that he was concerned that GDOT came to the Board of Commissioners on September 26, 2013 where discussion was had about what the financial impacts to Fayette County would be if the roads were widened, and yet GDOT had not yet replied to the County about its concerns. He said he did not want to wait for GDOT to start the widening projects before they addressed those concerns. Commissioner Ognio then spoke about the difficulties citizens would have leaving McCurry Park since the widening project would force everyone to make right hand turns towards Clayton County. He agreed with Commissioner Brown's assessment that downtown Fayetteville would take the brunt of the widening project and that it would be a disaster. He concluded that there needed to be a lot of traffic planning in order to address the county's roads and how to mitigate traffic in downtown Fayetteville and at the intersection of State Routes 54 and 74.

Commissioner Brown moved to approve Resolution 2015-11. Commissioner Ognio seconded the motion.

Carolene Thames: Ms. Thames, a resident along McDonough Road, spoke about the increasing traffic volume on McDonough Road and the danger it presents. She stated that McDonough Road needs to be four-laned. She stated that people were already coming into Fayette County via McDonough Road and she asked the Board to help the residents with safety on the road. She stated that the East Fayetteville Bypass would come through her property and she did not want it through her property. She closed asking the Board to not approve Resolution 2015-11.

Warren Oddo: Mr. Oddo stated that his Atlanta office is surrounded by traffic so he knows what it is. He suggested that "super state route" project could be looked at differently since he saw the "green line" as starting in Fayette County and not necessarily ending in Fayette County while providing easy access to many areas around Atlanta. He suggested if things are looked at from a different perspective then it may be seen differently.

Ronald Braley: Mr. Braley said he lives in Tomoro Estates. He said he heard that the plans were to make McDonough Road a freeway with paved paths for bikes and pedestrians. He spoke about the problems that would be experienced in his subdivision by widening McDonough Road, and he suggested that the widening project would involve removing some homes in his neighborhood. He said he did not think it was worth it to widen McDonough Road, that the traffic was not that bad, and that there were other ways to mitigate traffic.

George Wingate: Mr. Wingate stated that he lives in a house that Mr. Braley indicated would be taken. He said he understood the traffic concerns and the congestion problem. He agreed that capacity brings traffic volume but that it would also bring crime into the area. He said his biggest concern was what happened when people moved from Atlanta to College

Park and now the roads would be opened to bring the same elements into Fayette County. He said the bad elements would cause a referendum to bring in public bussing in Fayette County. He concluded that it did not make since to widen the road and that there had to be another solution to the problem.

Aaron Wright: Mr. Wright thanked the Board for the wisdom he had heard in the discussion. He pointed out that the widening of McDonough Road was part of the TSPLOST initiative that was voted down in 2012. He also pointed out that Mr. Jeremy Busby, the Project Manager of the GDOT in charge of the widening project, had stated that public opinion on the widening of McDonough Road, in this manner and at this time, was opposed by people on a more than 2-to-1 basis.

Angela Bean: Ms. Bean thanked the Board for all the thought on all sides of the issue. She said she has lived in Fayetteville for 32 years and traveled all the major roads in Fayette County, but that McDonough Road never "hit her radar" as a road where she wished someone would do something about the traffic on the road. She stated that the downtown Fayetteville intersection receives constant complaints, and she appreciated Commissioner Brown and Commissioner Ognio for pointing out that the extra widening of McDonough Road would increase commuter traffic. She reminded the Board that the citizens recently learned that they would have to put up with two or three years of road construction for construction of two roundabouts on State Route 92, not to mention another roundabout project for Hood Avenue. She suggested that the widening of Highway 54 and McDonough Road during the same timeframe as the other construction projects seemed overwhelming and too much for the commuters in the community. She appreciated Commissioner Ognio's suggestion to postpone the project since it was not needed in Fayette County at this time. She concluded that she was concerned about McCurry Park and the relocation of waterlines associated with the widening projects and stated she would support Resolution 2015-11 as written.

← two years! 2013 - 2015 (now 2017)

Chairman Oddo said he recently met with GDOT who asked for a Board-approved list of items that need to be mitigated, and he reported that GDOT is still working on potential issues and has asked for Fayette County's input. He added that capacity on the roads will continue to increase, regardless of what Fayette County does, because Georgia is a growing state. He agreed that the widening projects would alleviate two problems, and he pointed out that the County cannot widen state roads and it does not have the necessary funding. He stated that the roads would be nice and would add to the character of Fayette County. He concluded that he did not see a reason to withdraw support of the widening projects and repeated that Fayette County has the authority to control its appearance through its zoning ordinances.

Commissioner Brown replied that the September 26, 2013 Minutes showed 2-to-1 opposition to widening State Route 54 and McDonough Road. He reminded the Board that GDOT Board Member Dana Lemon and Project Manager Jeremy Busby were present at the meeting and heard the Board's concerns, but they had not addressed those concerns. Commissioner Brown spoke about the difficulties the Public Works Department would have turning left onto McDonough Road or making U-turns on a median highway with a large truck towing heavy machinery. He asked who would pay for the Water System's parking lot, and he suggested that there would be "anarchy" once the citizens who utilize McCurry Park and are "blissfully ignorant" of the situation find access is cut off from the park. Commissioner Brown commended the City of Milton for fighting its look and feel that has resulted in the highest property values in northern Fulton County, and he hoped Fayette County would continue to fight as well. He then spoke about how much money was spent widening State Route 54 to solve Peachtree City's traffic problems, but how it resulted in Coweta County building big-box stores and a theater across the county line. He also spoke about the increased traffic in Peachtree City and how the promise of increasing capacity would solve traffic problems was not panning out. He encouraged everyone to think long-term since increasing capacity would not solve traffic problems. He closed by addressing Ms. Thames and saying the East Fayetteville Bypass was going to happen since traffic coming from other counties would have to be routed out.

Chairman Oddo repeated that GDOT asked for a Board-approved list and they know they have to work with the County on it. He said there are safety issues involved and that Fayette County cannot stop people from moving to the area. He said the County needed to manage the growth with a road system that can handle the growth. Commissioner Brown replied that leverage at the state and regional governments is everything. He said if the widening project occurs and then there are

nothing

NO ADDRESS FOR COUNTY AND NOW (2017) THEY WANT TO BUILD THE ROAD !!

problems there would be no leverage or incentive for the state to do anything. He said the County's leverage was that GDOT needs the projects and to get the projects GDOT needs to do something to mitigate the circumstances. He reiterated that a list was provided to GDOT in 2013 and GDOT has done nothing with it. Chairman Oddo responded that GDOT is not at the point where they can address the issues and that GDOT does not even know where the road will specifically be. Chairman Oddo stated it was only an opinion that GDOT has done nothing, but that GDOT is saying they are doing something. Commissioner Brown stated that the path for the roadway was discussed in a public hearing.

Ogechi Oparah: Ms. Oparah said she was curious about what Commissioner Brown meant by "citizen input." She said she did not know who attended the meeting in 2013, but she doubted that the people who were able to make the meeting necessarily represented the whole community. She said the concept of the community being represented was skewed since the meeting may be populated by people "who you want to come to the meeting." She said it sounded like only Commissioner Brown was speaking and saying what he wants and that he has the support of the people he brought with him. She suggested that it was not true representation and that a better job could be made surveying the community to determine what the people really want. She asked if there was a survey that actually happened apart from what is in the minutes and where to get the information. Commissioner Brown replied that the citizens are listed in the GDOT log, that the meeting was publically advertised, and the people who attended lived in the general area.

The motion to approve Resolution 2015-11 failed 2-2 with Chairman Oddo and Commissioner Barlow voting in opposition. A copy of the request, identified as "Attachment 10," follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Irene Cheyne: Mrs. Cheyne said she attended the July 9, 2015 Board of Commissioners Meeting and the July 14, 2015 Elections Board Meeting but there was no decision made at either meeting for at-large voting in District 5. She asked who had decided on at-large voting and she speculated that the discussion or decision was made during the July 9, 2015 Executive Session Meeting. She read O.C.G.A. 50-14-3 and suggested that discussion on how to fill Vice Chair Coston's seat was required to be held in public. Mrs. Cheyne stated that if at-large voting was discussed or decided during Executive Session then it appeared the meeting was held illegally since it could be a direct violation of the State of Georgia's Meeting Act of 2012.

Larry Mapp: Mr. Mapp thanked Ms. Cheyne for her comments. He submitted to the Commissioners and the attorneys that there is someone in the room who may be the victim of bad legal advice.

Bonnie Williamson: Ms. Williamson stated she attended the July 9, 2015 Board of Commissioners Meeting and the July 14, 2015 Board of Elections meeting and she found it very interesting that the County Attorney reported that he had taken his advice from the other County Attorney. She said it was interesting since lawyers come up with whatever interpretation of the law suits them, and that it is in the county's lawyers' best interest to advise for at-large voting, given the likelihood of an injunction being filed, resulting in more work and money for the lawyers.

Alice Jones: Mrs. Jones thanked Public Works Director Phil Mallon for completing the repair of her street while mitigating the flooding of her street. She also thanked County Administrator Steve Rapson for discussing the 2016 Budget with her for approximately two hours. She said in the meeting she learned that during Vice Chair Coston's time on the Board of Commissioners there were some accomplishments made in the northern part of Fayette County including appropriation of funds that had been deprived in previous years. She noted that Phase II of Kenwood Park has been approved and she pleaded with the Board to put \$300,000.00 back in the budget for Kenwood Park. She said community development and families make Fayette County and that people move to Fayette County for its schools and family. She reminded the Board that it needs to make sure everything remains operating in a smooth and conducive fashion for health and safety reasons. She asked the Board to do the right thing and to serve the entire county in an equitable way, to generate monies for all the parks, and to serve the entire county so that all citizens who pay taxes can benefit.

Frank Gardner: Mr. Gardner said he listened to the discussion about how to mitigate traffic in Fayette County while at the same time dividing the county into smaller lots that results in bringing in more people. He said many people moved to the area from College Park and bought many acres but now they see a fast way to make money. He stated that the Zoning Ordinances are thick and ridiculous and he asked how many Commissioners have actually read the Zoning Ordinance. He said the County is debating how to mitigate traffic while also debating how to bring people into the County. He pointed out that South Jeff Davis is just south of McDonough Road and now the traffic from McDonough Road will go down South Jeff Davis. He said it was getting ridiculous.

Warren Oddo: Mr. Oddo stated the Board was in a tough position. He asked to revisit the discussion held on July 9, 2015 regarding the tunnel since he came to an exact opposite conclusion to the decision that was reached. He stated that it seems like the City of Fayetteville came to Fayette County and said it wanted the Pinewood land in its tax base, and that Fayette County stated "that's fine but before we give it to you we will build a tunnel at taxpayer's expense," so the city said, "Okay." Mr. Oddo then asked a series of rhetorical questions that shaped his conclusion that the tunnel on Veterans Parkway near Pinewood Studios was unnecessary. He also asked if other jurisdictions could request a tunnel, if changes would be made to future agreements in order to prevent taxpayers from paying unknown costs, and if there are other agreements in the works that commit taxpayers to spending an unknown amount of money.

John E. Jones: Mr. Jones said he wanted to keep the memory of Vice Chair Pota Coston alive. He said some 5,000 people voted for her and put her into office and that currently those people do not have a voice. He said her campaign literature stated: "Let's work together for Fayette County." He said that was what he was doing and that is what those who voted for her are doing. He prayed that the Board would not dishonor her memory by continuing to make the attempt to revert to at-large voting. He knew the Board was tired of hearing it and that he was tired of saying it. He said too many people died on the road to the Voter's Rights Act, and that the people were just trying to get justice and a piece of the action. He said when he Googled the name Pota he found that her acronym is "Piece Of The Action." He said they wanted representation and would not just sit on the sidelines.

ADMINISTRATOR'S REPORTS:

Selection Committee for the Recreation Commission: County Administrator Steve Rapson stated that a Selection Committee needed to be formed for Recreation Commission. Commissioner Barlow and Commissioner Brown were appointed to the Selection Committee.

Selection Committee for the McIntosh Trail Community Service Board: County Administrator Steve Rapson stated that a Selection Committee needed to be formed for the McIntosh Trail Community Service Board due to Mr. Culbreth's appointment to the Planning Commission. Commissioner Barlow and Commissioner Ognio were appointed to the Selection Committee.

Notification of Three Approved Contracts: County Administrator Steve Rapson reported that he approved three contracts that were between \$50,000.00 and \$200,000.00, and he stated that the contracts were posted online. He reported that the first contract was a renewal with Jacobs Engineering in the amount of \$55,520.00 for Solid Waste Renewal #1 for methane monitoring, and he added that the previous year's contract was in the amount of \$63,770.00. Mr. Rapson reported that the second contract was a renewal to T&T Uniforms South in the amount of \$55,600.00 for Fire- Emergency Services Uniforms with an available budget of \$66,600.00. Mr. Rapson reported that the third contract was with Quality Management Consultants, LLC, and Cumberland Landscape Group for grass mowing for Kiwanis, McCurry, and Kenwood Parks and for the Justice Center in the amount of \$64,651.80. Copies of each contract, identified as "Attachment 11," follow these minutes and are made an official part hereof.

Intern Jess Lassetter: County Administrator Steve Rapson stated that Friday was Intern Jess Lassetter's last day at Fayette County. He said Mr. Lassetter was the intern for the County Clerk's Office and that he would graduate college on Saturday.

Response to Warren Oddo's Public Comments: County Administrator Steve Rapson responded to Mr. Warren Oddo's public comments by stating that the tunnel would be constructed by Fayette County since it is in the Intergovernmental Agreement as approved by the Board of Commissioners. He added that it is not standard procedure to commit taxpayers to unknown costs. He stated that there are no other open-ended contracts or agreements entered into by Fayette County that have such an open-ended cost.

ATTORNEY'S REPORTS:

Notice of Executive Session: Assistant County Attorney Patrick Stough notified the Board that one item of Pending Litigation, one item of Real Estate Acquisition, and Review of the July 9, 2015 Executive Session Minutes needed consideration in Executive Session.

Response to Mrs. Cheyne's Public Comments: Assistant County Attorney Patrick Stough replied to some of the concerns expressed by Ms. Cheyne during Public Comment. He stated that the conduct of elections is governed by the County's enabling legislation that requires at-large voting. He stated that there was a district map that was adopted by the federal court, but that the district map was overturned by the 11th Circuit Court of Appeal meaning the County was returning to the 2012 map. He added that there was Executive Session on July 9, 2015 for Threatened Litigation. He closed saying the Code that was read by Mrs. Cheyne pertained to Executive Session for personnel matters, which was not held.

COMMISSIONERS' REPORTS:

Commissioner Ognio: Commissioner Ognio stated that the County followed the law and that it did not take a vote concerning the Special Election. He understood that there's been a challenge to the action but that is the law. He said if the Board had not followed the law and there was a challenge then the Board would be in a really bad position. He repeated that the Board followed the law. Commissioner Ognio stated that he wished there was a committee that would study the roads and come up with what road to build first he has never seen the roof built before the foundation. He stated that his daughter was at the meeting and that it is always nice to see her.

Commissioner Barlow: Commissioner Barlow stated that he had a video he wanted to play during the July 9, 2015 Board of Commissioners meeting but that he did not have it played during that meeting since he did not want to interfere with the respect being shown to Commissioner Coston. He then had the video played. Commissioner Barlow reminded everyone that freedom is not free and that there are veterans who are owed respect and love.

Commissioner Brown: Commissioner Brown congratulated Intern Jess Lassetter saying he was an extraordinary intern who brought a lot of energy to the office. He said Mr. Lassetter worked like a full-time employee and that the county was fortunate to get him. He wished Mr. Lassetter all the best and said it was an honor to get to know him. Commissioner Brown mentioned that Mrs. Truett Cathy passed away earlier in the morning and he asked everyone to keep the Cathy family in their thoughts. He stated that all of the Commissioners were quoted in the newspapers saying the Board would do what Georgia law requires. He stated that all of the Kenwood Park projects are fully funded. Commissioner Brown stated that the Board needs to look at South Jeff Davis and to limit the curb cuts on busy streets since they are very big hazards that need attention. He stated that there would be more traffic on McDonough Road and he wish people the best. Commissioner Brown responded to Mr. Oddo's public comments saying the developer has to build the roundabout so there was never really a choice. He said the City of Fayetteville gave Fayette County the option to build a roundabout using developer money for its design. He stated that the regional government, through a process called Development Regional Impact (DRI), stated that the developer had to build a roundabout or provide some other way to mitigate traffic at the intersection. Commissioner Brown stated that the tunnel was decided in an Intergovernmental Agreement, and it was known that there would be a lot of pedestrian-type traffic. He stated that the largest bicycle parking lot in Fayette County, and possibly in all of south Atlanta, is on the set of Pinewood Studios and that they use bicycles to travel everywhere they go. Commissioner Brown stated that it was known that bicycles would be used since they are using them now. He noticed that on Sandy Creek Drive, between the old elementary school and the entrance to the studio, Fayetteville had to put in a crosswalk to slow people down since people are crossing the road all the time. Commissioner Brown stated that Pinewood Forrest would be a very dense development from a residential standpoint and it would have golf carts. He added that pedestrian traffic would come from the film academy located across the street

from Pinewood at the corner of Veterans Parkway and Sandy Creek Road. Commissioner Brown stated that the engineers agreed at the preliminary meetings that the safest, long-term route removing all of the elements was a tunnel under the street. He stated that the developer would provide \$60,000.00 for the tunnel and was providing the right-of-way at a cost of \$60,000.00 or \$70,000.00 for the tunnel; meaning the developer is paying something. He agreed that the City of Fayetteville was "kind of getting away scot-free." He said the developers got twenty-year tax abatement on both the studio and the school and that the taxpayers were foregoing a lot of money so that they could do the development. He said the County expected their full cooperation on future projects in trying to enhance the area, and as the third-phase comes in there will be more landscaping. He thought the people would be pleased with the development since it is going above and beyond. He stated that Georgia Military College would also enhance its landscaping above and beyond what the County's ordinances require. Commissioner Brown concluded his remarks saying that the tunnel would help move pedestrian traffic and that the 2-2 vote actually assured that the tunnel agreement was still in place while making them complete the intersection mitigation.

Chairman Oddo: Chairman Oddo said he does not agree with the tunnel since the money could be used better elsewhere. He stated that the Cathy family was a legacy that Fayette County would have for a long time to come. He complimented Jess Lassetter and said he could not wait to see County Clerk Floyd Jones after the internship is over since he was getting nervous just thinking about losing his intern. Chairman Oddo agreed that it was a good idea for a committee to study the roads and he asked Commissioner Ognio to be involved with that potential committee. Chairman Oddo closed his comments in Spanish by addressing his brother-in-law and sister-in-law who recently arrived from Columbia. "Brothers, welcome to the United States and Fayetteville. We are happy to have you hear."

EXECUTIVE SESSION:

Pending Litigation, Real Estate Acquisition, and Review of the July 9, 2015 Executive Session Minutes: Commissioner Brown moved to recess into Executive Session. Commissioners Barlow and Ognio seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 10:03 p.m. and returned to Official Session at 10:54 p.m.

Return to Official Session and Approval of the Executive Session Affidavit: Commissioner Ognio moved to return to Official Session and to approve the Executive Session Affidavit. Commissioner Brown seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 12," follows these minutes and is made an official part hereof.

Approval of the July 9, 2015 Executive Session Minutes: Commissioner Ognio moved to approve the July 9, 2015 Executive Session Minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

ADJOURNMENT:

Commissioner Ognio moved to adjourn the July 23, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

The July 23, 2015 Board of Commissioners meeting was adjourned at 10:54 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 13th day of August 2015. Referenced attachments are available upon request at the County Clerk's Office.

Floyd L. Jones, County Clerk

EXHIBIT A

McDonough RD

ORIGINAL TO GENERAL FILES

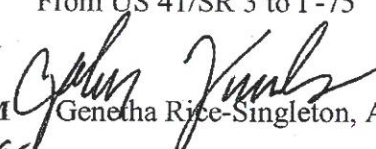
DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA

INTERDEPARTMENT CORRESPONDENCE

FILE P. I. No. 342970-, Clayton/Henry Counties
STP00-1583-00(012),
Widening of McDonough/Jonesboro Road-
From US 41/SR 3 to I-75

OFFICE Preconstruction

DATE December 19, 2008

FROM  Genetha Rice-Singleton, Assistant Director of Preconstruction

TO  SEE DISTRIBUTION

SUBJECT APPROVED PROJECT CONCEPT REPORT

Attached for your files is the approval for subject project.

Attachment

DISTRIBUTION:

Ron Wishon
Glenn Bowman
Ken Thompson
Michael Henry
Keith Golden
Thomas Howell
David Millen
Angela Alexander
Paul Liles
Bill Rountree
BOARD MEMBER

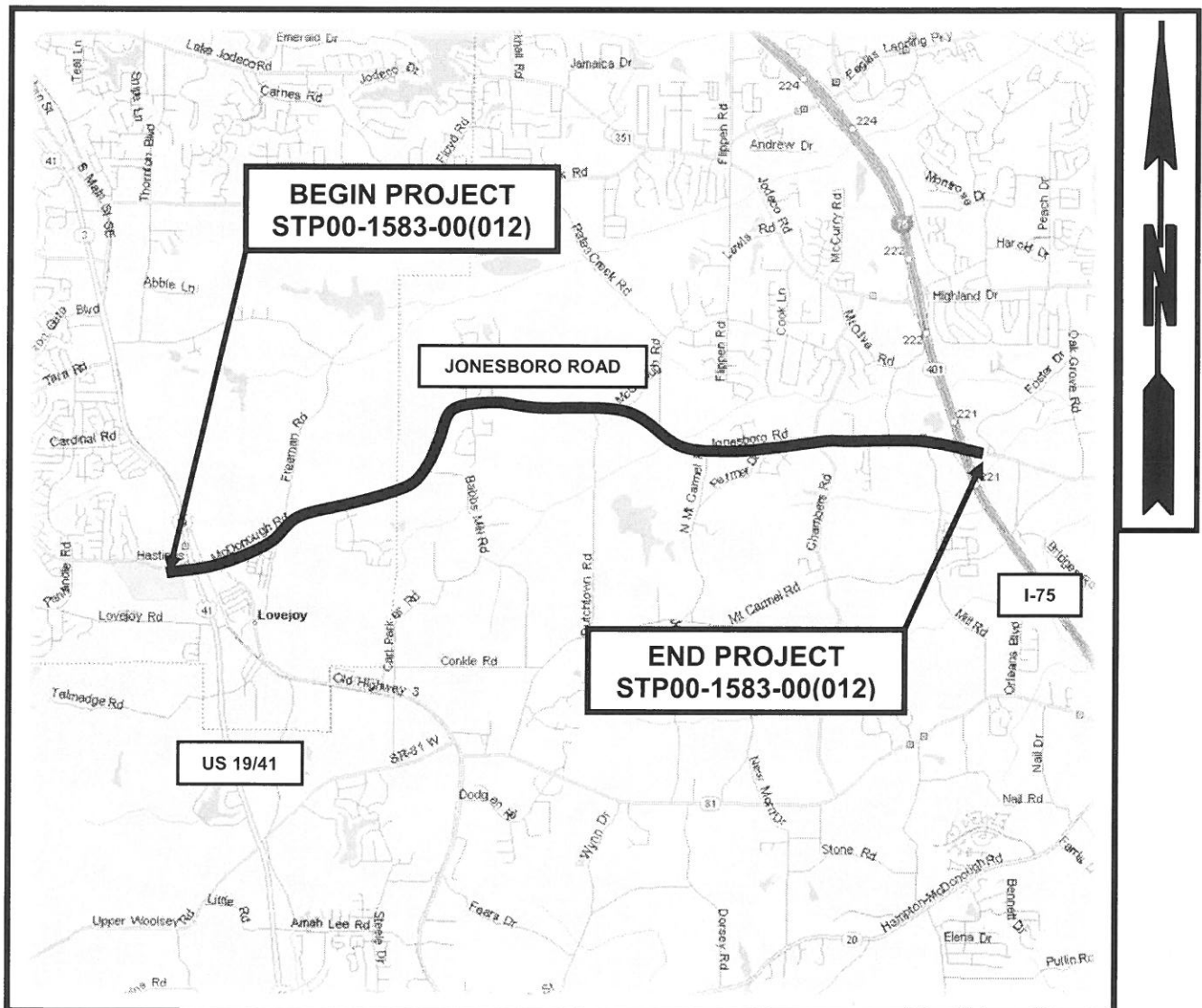
I-75 to TARA BLVD

Page 2
 Project Concept Report
 Project Number: STP00-1583-00(012)
 P.I. Number 342970
 County: Clayton/Henry

SR 920
 I-75 to TARA RD (19/41)

PROJECT LOCATION MAP

Project: STP00-1583-00(012) Clayton/Henry Counties **PI Number:** 342970
Project Description: Jonesboro Road Widening and Reconstruction
 from US 19/41 to I-75



LOCATION SKETCH


Page 3
Project Concept Report
Project Number: STP00-1583-00(012)
P.I. Number 342970
County: Clayton/Henry

Need and Purpose:

Background

The proposed Jonesboro Road project corridor is located in the Atlanta Urban Area Boundary and is under the jurisdiction of the Atlanta Regional Commission (ARC). The proposed project is part of the Atlanta Regional Commission's TIP/RTP and the Georgia Department of Transportation's Statewide Transportation Improvement Plan (STIP). The proposed Jonesboro Road project corridor is part of a series of widening projects along SR 920. According to the Clayton County Comprehensive Plan, Clayton County's population is expected to grow 13.45% between the years 2005 and 2015 and 12.83% between the years 2015 and 2025. According to the Henry County Chamber of Commerce, Henry County is the fastest growing county in Georgia and the sixth fastest growing county in the United States. According to the Joint Henry County/Cities Comprehensive Plan, the county's population is expected to more than double over the next 20 years from 167,000 to 429,360 people.

The proposed Jonesboro Road project corridor serves as an east-west roadway traveling from Lovejoy to west of McDonough. Jonesboro Road originates just east of Fayetteville at SR 54 in Fayette County, travels east through the town of Lovejoy, and ends in the town of McDonough. The beginning of the proposed project is located at the intersection of Jonesboro Road and US 19/US 41/Tara Boulevard. US 19 is a major north-south roadway, and in Georgia it crosses the major roads of I-85, I-75, I-285 and I-20. The proposed project would end at I-75, a major northwest-southeast roadway that traverses Georgia from the Tennessee and Florida State Lines.

 Increased capacity is the primary purpose for the proposed project, while safety and operational improvements are a secondary purpose. The proposed Project STP00-1583-00(012), Clayton and Henry Counties would provide for the widening and reconstruction of Jonesboro Road from the intersection of US 19/US 41/Tara Boulevard to Interstate 75 (I-75), for a length of approximately 7.7 miles.

Environmental Justice

This proposed project does not appear to have a disproportionate effect on the environment for minorities or low income families. According to the 2000 US Census, the Study Area's minority population (2,331 persons) represents 18.1% of the Study Area's total population (12,877 persons). The 2000 census data indicate that Clayton County, Henry County, the State of Georgia, and the US have minority populations of 65% (153,736 persons), 19.9% (23,749 persons), 37.3% (3,053,546 persons), and 24.9% (70,068,181 persons), respectively. A person describing themselves as a minority may be Black or African American, American Indian and Alaska Native, Asian, Hispanic, Native Hawaiian and Other Pacific Islander, some other race alone, or as belonging to two or more races.

Page 4
Project Concept Report
Project Number: STP00-1583-00(012)
P.I. Number 342970
County: Clayton/Henry

According to the 2000 US Census, the percentage of the Study Area below poverty level is 4.1% (527 persons). The year 2000 data indicate that Clayton County, Henry County, the State of Georgia, and the US have low-income populations of 9.9% (23,493 persons), 4.9% (5,821 persons), 12.6% (1,033,793 persons), and 12.4% (33,899,812 persons) respectively.

A detailed analysis is provided in the Community Impacts/Environmental Justice section of this document.

Land Use

The land use along the proposed project corridor is primarily residential and is in transition from rural residential to higher-density housing and subdivisions. Commercial development exists at each of the proposed project termini. It is anticipated that this region will continue to experience commercial and residential growth based on its metropolitan Atlanta location. Jonesboro Road is a heavily used metro Atlanta east-west transportation corridor with I-75 and the cities of Hampton, McDonough, Stockbridge, and Jonesboro in close proximity.

Bike and Pedestrian Facilities

The Atlanta Regional Commission's (ARC) Atlanta Region Bicycle Transportation & Pedestrian Walkways Plan Final Report (2007) identifies Jonesboro Road as part of its Regionally Strategic Transportation System (RSTS) network. The ARC Bicycle Study identifies the corridor as currently having Bicycle Levels of Service (LOS) of D, E, and F within project limits. The Needs Assessment Report states that an accommodation equivalent to a Bicycle LOS of "B" is desired. The Policy and Program Recommendations propose the inclusion of bike lanes and sidewalks along the corridor.

Need and Purpose

The need for the widening of Jonesboro Road is that the capacity and crashes will be at an undesirable level by 2033. The purpose is to improve capacity and safety. The proposed construction would improve access, operations, and safety along this facility.

EXHIBIT B

ORIGINAL TO GENERAL FILES

DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA

INTERDEPARTMENT CORRESPONDENCE

SR 920
Fayetteville to TARA BLVD
(19/41)

FILE P. I. No. 742870-, Fayette/Clayton Counties
STP00-2009-00(004)
Widening of SR 920/McDonough Road-
From SR 54 to US 19/41

OFFICE Preconstruction

DATE April 11, 2008

FROM  Genetha Rice-Singleton, Assistant Director of Preconstruction

TO SEE DISTRIBUTION

SUBJECT APPROVED PROJECT CONCEPT REPORT

Attached for your files is the approval for subject project.

Attachment

DISTRIBUTION:

Brian Summers
Glenn Bowman
Ken Thompson
Michael Henry
Keith Golden
Mike Lobdell
Angela Alexander
Paul Liles
Bryant Poole
BOARD MEMBER

TARA BLVD (19/41) to SR 54 (FAYETTEVILLE)

DEPARTMENT OF TRANSPORTATION STATE OF GEORGIA

INTERDEPARTMENTAL CORRESPONDENCE

FILE: P.I. No. 742870-, Fayette/Clayton Counties
STP00-2009-00(004)
Widening of SR 920/McDonough Road -
From SR 54 to US 19/41

OFFICE: Preconstruction

DATE: April 2, 2008

FROM:  Genetha Rice-Singleton, Assistant Director of Preconstruction

TO: Gerald M. Ross, P.E., Chief Engineer

SUBJECT: PROJECT CONCEPT REPORT

This project proposes to widen and reconstruct SR 920 /McDonough Road from SR 54 in Fayette County easterly to US 19/41 in Clayton County for a total of 5.78 miles. The purpose of this project is to increase capacity along SR 920 in Clayton/Fayette Counties. Future traffic projections reveal that traffic will continue to increase on an already congested roadway. Crash data also reveals that along SR 920 within the project limits, crash rates exceeded the statewide average. The current two lane configuration is inadequate to handle the projected traffic volumes. The Level of Service (LOS) at the major intersections would decline to LOS "F" by design year (2032) if no action is taken. The 2006 Average Daily Traffic (ADT) of 13,160 vehicles per day (VPD) on SR 920 within the project area is projected to increase to 31,550 by the build year 2012. This volume is projected to increase to 51,700 VPD by the 2032. A benefit- cost analysis was used to evaluate this project and the results show the project is economically justified (b/c ratio = 2.85).

The proposed project will provide an urban four-lane divided highway with a 24' raised median and auxiliary lanes at major intersections. The roadway would have 4' bike lanes on each side with urban shoulders, which have curb and gutter and 5' sidewalk on both sides. This project will also replace the existing bridges over Hurricane Creek and Flint River with new 4 lane bridges. Traffic will be maintained via staging during construction.

Environmental concerns include requiring a COE 404 permit; An Environmental Assessment is anticipated; a Public Hearing Open House will be held; Time saving procedures is not appropriate.

The estimated costs for this project are:

	<u>PROPOSED</u>	<u>APPROVED</u>	<u>FUNDING</u>	<u>PROG DATE</u>
Construction (includes E&C)	\$ 32,708,000	\$ 20,740,000	L230S	LR
Right-of-way	\$29,554,000	\$28,460,000	L240	LR
Utilities*	\$1,573,000			

Need and Purpose
Project STP-2009(4), Clayton/Fayette Counties
PI No. 742870
SR 920 from SR 54 to SR 3/US 19

Background

The Atlanta Regional Commission (ARC) adopted the 2030 Regional Transportation Plan (RTP) for the 13-County Atlanta Metropolitan area and portions of 5 additional counties in December 2004. The Plan addresses travel needs through the year 2030. The RTP is the direct result of a comprehensive, cooperative, and continuous planning process conducted by ARC, local governments, Georgia Regional Transportation Authority (GRTA), air quality planning partners and the Georgia Department of Transportation in cooperation with the Federal Highway and Federal Transit Administrations. SR 920 in Fayette/Clayton Counties is a major east/west route that runs from SR 54 in Fayette east to SR 3/US 19/41 in Clayton County and is included in the RTP.

Existing Conditions

The existing roadway on SR 920 has two 12' travel lanes, one in each direction with variable width graded shoulders. There are two bridges along the project, one over the Flint River and the other over Hurricane Creek. The two major intersections along the project are SR 54 and US 19/41. The posted speed limit is 45 mph on SR 920 and the maximum grade for the roadway is 5%. SR 920 in the project limits is on a bus route and is currently on the bike system.

Projects in the area in the 6 year Construction Work Program

- TIP/RTP # CL-099, MSL-0004-00(401), PI # 0004401, Operational upgrades on Tara Road from McDonough Rd to US 19/41 in Clayton County, Preliminary Engineering (PE) is Authorized, ROW is scheduled for 2007 and Construction is scheduled for 2008. This project will include adding center turn lanes and improving shoulders on this two lane section of Tara Road from McDonough Road to Tara Boulevard. It will also include construction of sidewalks and improve shoulder width. The project will improve safety as well as reduce delays in this heavily populated residential area.
- TIP/RTP # FA-236A, CSSTP-0006-00(904), PI # 0006904, East Fayetteville Bypass from in Fayette County, Preliminary Engineering (PE) is Local, ROW is Local and Construction is scheduled for 2010. The purpose of this project is to provide connections for through trips outside the immediate downtown, thereby improving mobility. The project provides an alternative route for Spalding and Clayton commuters where they would have the option of bypassing downtown Fayetteville. 2011 Jell - 3/21/08
- TIP/RTP # CL-041, STP-164-1(29), PI # 721440, SR 54 from McDonough Road in Fayette County to US 19/41 in Clayton County, Preliminary Engineering (PE) is Authorized, ROW is scheduled for 2007 and Construction is scheduled for 2010. This project involves widening SR 54 from McDonough Road in Fayette County to US 19/41 in Clayton County from two to four lanes. The improvements and added

*EAST
FAYETTEVILLE
BYPASS*

It will INCREASE volume...

capacity will enhance travel in this corridor, improve traffic flow and relieve congestion in this portion of SR 54.

- 2008* *LOCAL* *Shel 3/21/08*
- TIP/RTP # CL-AR-247, NH-001-4(60), PI # 722030, US 19/41 from SR 81 in Henry County to Flint River Road in Clayton County, Preliminary Engineering (PE) is scheduled for ~~Long Range~~, ROW is ~~scheduled for Long Range~~ and Construction is scheduled for Long Range. This project involves widening US 19/41 from SR 81 in Henry County to Flint River Road in Clayton County from four to six lanes. The improvements and added capacity will enhance travel in this corridor, improve traffic flow and relieve congestion in this portion of US 19/41.
 - TIP/RTP # AR-91, US 19/41 Arterial Bus Rapid Transit (BRT) from City of Lovejoy to MARTA East Point Station in City of Atlanta, Preliminary Engineering (PE) is scheduled for 2009 and Construction is scheduled for Long Range. This project will provide for BRT service in the US 19/41 corridor. It will include transit priority at necessary signalized intersections and bus pull out lanes to enable faster running times for transit in this corridor.

Travel Demand and Operational Characteristics

The current AADT for SR 920 is 13,160. The projected AADT for SR 920 is 16,500 vpd in 2012. It is anticipated that the AADT will increase to 27,050 vpd in design year of 2032. This is an increase of approximately 39% for this section of roadway. SR 920 is classified a Rural Minor Arterial. The existing level of service without improvements is 'D'. In design year 2012 the level of service without improvements is 'E' and in 2032 the level of service is 'F'. In order to have an acceptable or good level of service through 2032, this project would need to be upgraded to 4 lanes. With four lanes, the 2012 and 2032 LOS would be 'A' and 'B' respectively.

Community Issues

Clayton County is part of the Atlanta metropolitan area and is a rapidly growing residential area. The 2000 Census listed the population in Clayton County as 236,517. In 1990 the Clayton County had a population of 182,055. Between 1990 and 2000, Clayton County gained 54,462 residents, a 29.9 percent increase which continues a trend for net population increase for the Atlanta region. Hartsfield-Jackson International Airport is a major economic engine that drives growth for the area. Clayton County has excellent access to I-75, I-85 and I-285 with a third of all jobs related to the transportation industry. The 2010 population projection for Clayton County is 271,229. The 2000 census data shows the racial makeup of Clayton County is 51% Black, 38% White, 7% Hispanic, and 4% Asian. The land uses in the vicinity of the project is a mix of high density commercial and low and medium residential property.

FAYETTE { Fayette is west of Clayton County and also has benefited from the growing metro Atlanta region. In 1990 Fayette County had a population of 62,413 and in 2000 the total population grew to 91,263. Between 1990 and 2000, Fayette County gained 28,850 residents, a 46.2 percent increase which continues a trend for net population increase for the Atlanta region. Fayette County is one of the smallest counties in terms of land area ranking 142nd out of 159. It's proximity to Hartsfield-Jackson International Airport is

credited as the catalyst for its dynamic growth with another factor being the success of Peachtree City, a planned community in Fayette County.

Safety

SR 920 (Clayton County)	2002	2003	2004
Total Accidents	77	60	77
Total Injuries	41	20	39
Fatalities	0	3	0
Accidents Per 100 MVMT	543	423	538
Statewide Accidents Per 100 MVMT	208	222	258
Accident Ratio % >< statewide average	161% >	91%>	109%>

SR 920 (Fayette County)	2002	2003	2004
Total Accidents	30	40	37
Total Injuries	11	16	14
Fatalities	0	0	0
Accidents Per 100 MVMT	308	411	399
Statewide Accidents Per 100 MVMT	208	222	258
Accident Ratio % >< statewide average	48%>	85%>	55%>

The above crash data indicates that SR 920, within the identified project limits, experiences crashes at a rate exceeding the statewide average for similar classified facilities. The majority of the crashes were classified as "angle intersecting" and "rear end". Additional capacity is needed for safer operations that may reduce the number of crashes on this roadway and that may reduce congestion.

Logical Termini

The proposed project concept for STP-2009(4) consists of the widening of the roadway on SR 920 from two to four lanes. The western terminus of this project will tie to the existing four lane section at SR 54. The eastern terminus of this project will tie into the SR 3/US 19/41 interchange. The total length of the projects is approximately 5.7 miles and lies within Clayton and Fayette Counties.

Need and Purpose

The purpose of this project is to increase capacity along SR 920 in Clayton/Fayette Counties. Future traffic projections reveal that traffic will continue to increase on an already congested roadway. Crash data also reveals that along SR 920 in the project limits, crash rates exceed the statewide average. The proposed changes will enhance both pedestrian and vehicular traffic from surrounding neighborhoods. This project will provide safety, increase sight distance and operational benefits as well as provide the public with a safer driving environment.

DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA

INTERDEPARTMENT CORRESPONDENCE

FILE STP-2009(4), Clayton, Fayette
SR 920 FROM SR 54 TO SR 3/US 19
{REL SR 81} & FAYETTE
P.I. 742870

OFFICE District Seven Utilities

DATE February 12, 2008

FROM Bryant R. Poole, District Engineer

TO Matt Sanders, Office of Road & Airport Design Manager
~~Attention: Daniel Deane~~

SUBJECT Preliminary Utility Cost Estimate

As per your request, a field inspection was conducted on the above referenced project. The following companies have facilities that occupy the public right-of-way and should be relocated at **no cost** to the Department of Transportation:

AGL Networks
Atlanta Gas Light Company
AT&T Communications
BellSouth Telecommunications
Clayton County Water Authority
Clayton County DOT
Comcast
Coweta-Fayette EMC
Fayette County
Georgia Power Company (Distribution)
Georgia Power Company (Transmission)
Southern Natural Gas Company
Transco Gas Pipe Line

The following utility company could potentially have prior rights on this project and may have reimbursable costs:

Colonial Pipeline Company	\$ 352,000.00
Georgia Power (Transmission)	\$ 462,000.00
Georgia Power (Distribution)	\$ 99,000.00
<u>Bellsouth Telecommunications</u>	<u>\$ 660,000.00</u>

Total Reimbursable Costs: \$1,573,000.00

Please note that this estimate was prepared without the certification of right-of-way and could change when more detailed information is made available. If you have any questions, please contact Mrs. Yulonda Pride-Foster at (770) 986-1117.

Sincerely,

Bryant R. Poole
District Engineer



By: Jonathan Walker
District Utilities Engineer

BRP: JW: YPF:

cc: Jeff Baker, P.E. /Utilities (TMC)
File

June 7, 2007
 PI# 742870 Concept Team Meeting
 Meeting Minutes

Attendees:

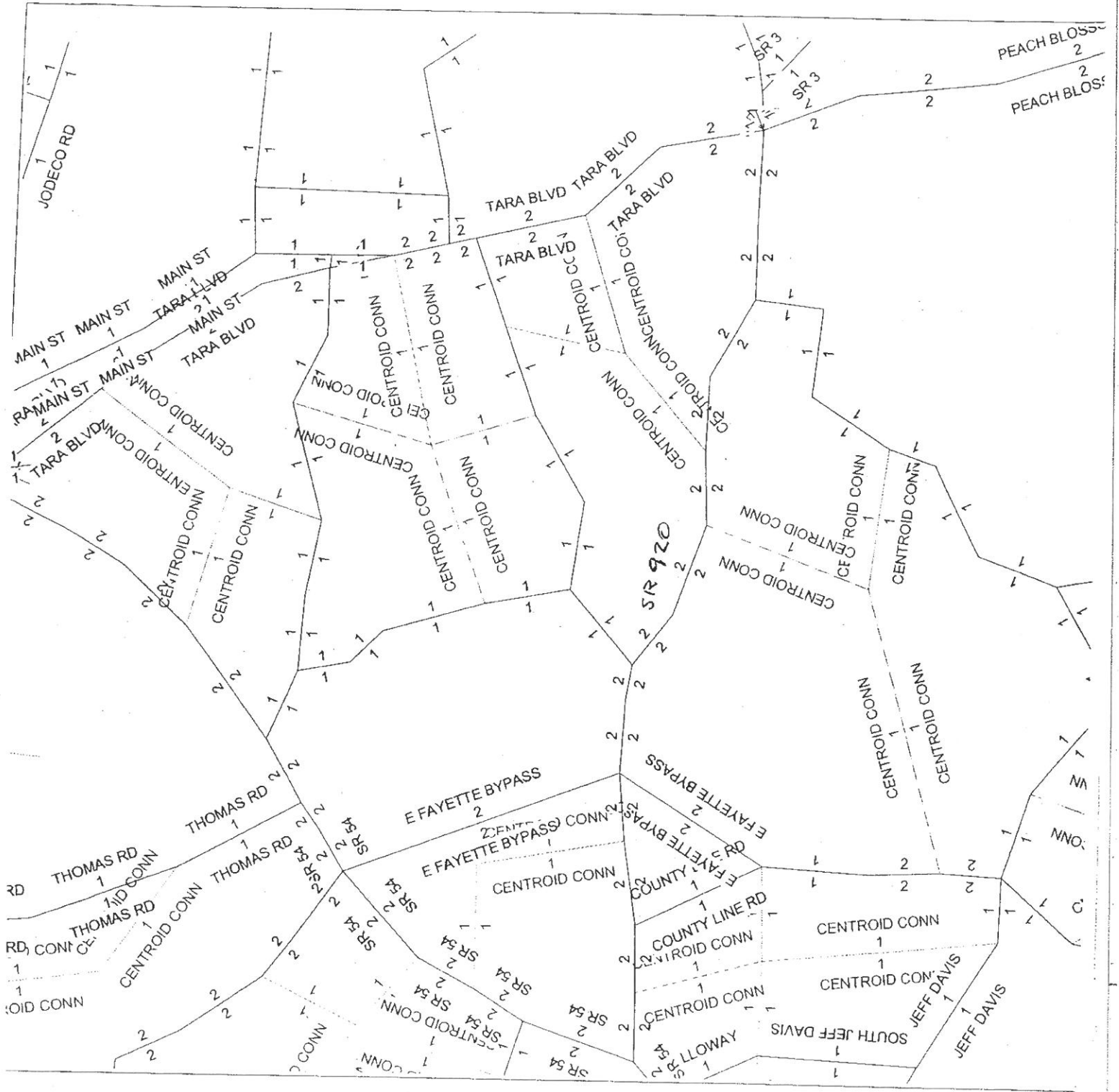
Brent Story	GDOT – Road Design
Jim Simpson	GDOT – Road Design
Matt Sanders	GDOT – Road Design
Jeremy Busby	GDOT – Road Design
Darrell DeJean	GDOT – Road Design
Tom Williams	Fayette County Planning and Zoning
Mario Macrina	Wolverton & Associates
Zack Taylor	Fayette County Public Works
Yulonda Pride-Foster	GDOT District 7 – Utilities
Mike England	GDOT District 3 – Traffic Operations
Leonard White	GDOT – Road Design Summer Intern

A brief PowerPoint presentation was given by Darrell DeJean that highlighted the project scope, anticipated design issues and environment concerns, and costs of this project.

Discussion:

1. Matt Sanders emphasized that no environment screening has been done by OEL and the environmental issues presented were only those anticipated by the designers.
2. Mario Macrina indicated that the adjacent project (PI#342970) was in concept development and no design work has been done.
- * 3. The Fayette County representatives mentioned that the East Fayetteville Bypass is in early planning stages and would intersect this project near McDonough Baptist Church. Coordination will be required for median opening placement.
4. Brent Story requested cooperation from Fayette County regarding development along the corridor. Brent requested that Fayette County keep The Department well informed about upcoming developments to aid the designers in placing median openings. Furthermore, Brent requested that inter-parcel connectivity be encouraged by requiring joint use driveways along the corridor, helping to avoid median opening placement conflicts in the design process.
5. Mike England reiterated Brent's comments regarding inter-parcel connectivity.
- * 6. Fayette County expressed concerns regarding impacts to the park (McCurry Park) at the beginning of the project. They requested that The Department consider using multimodal, grade-separated paths to provide connectivity to the park, which has facilities on both sides of SR920. Brent Story and the design team agreed and will consider this request during the design process.
7. Yulonda Pride-Foster said she would confirm what utilities will be impacted on this project. SUE will need to be preformed.

- ~~X~~ 8. The Fayette County representatives asked if The Department has looked at any alternative alignments. They were told that we are waiting for the environmental screenings to determine if a PAR was required. They were also assured that they would be kept abreast of any alignments changes.
9. Brent Story instructed the design team to schedule a meeting with Clayton County officials to give them the opportunity to comment on the proposed project, since no representatives attended the meeting.
10. Mike England expressed concerns over access to Lovejoy High School and the surrounding parks.
11. Mike England requested a layout be furnished to his office for use in making access decisions.
12. Mike England emphasized the importance of having developers donate ROW to help ROW negotiations in the future.
13. Yulonda Pride-Foster emphasized that SUE was suggested but the District Utilities office doesn't have the authority to request and approve SUE on the project.



C.5 McDonough Road Extension

Just as the confluence of State Roads 85 and 92 creates added traffic and congestion through central Fayetteville, the intersection of State Road 54 and McDonough Road east of the town center requires traffic to use State Road 54 to reach practically all regional routes to the north, south and west. This candidate, divided into two project phases during the design process, would extend McDonough across SR 54, ultimately connecting it to SR 85 north of Fayetteville.

The candidate as presented here uses the existing Ellis Road alignment to approach State Road 85, primarily because of the traffic signal already in place there. It was noted during the project candidate's development, however, that tying an extended McDonough to an intersection closer to SR 85 and New Hope Road would create a more comprehensive regional connection and establish a de facto alternative for east Fayetteville motorists wishing to travel north on State Road 92.

Concerns include impacts that this road may have on wetlands and existing single-family neighborhoods. As the project is developed, these issues will need to be explored more thoroughly.

Location of candidate project within Fayette County.

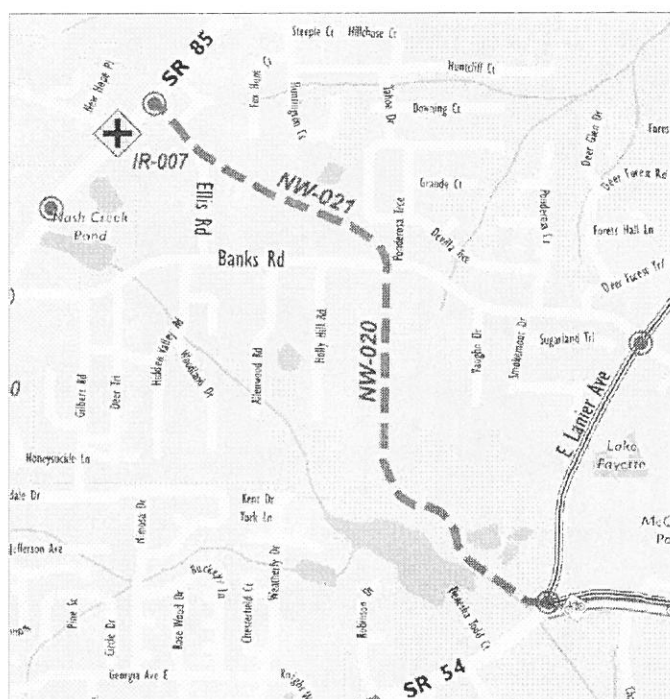
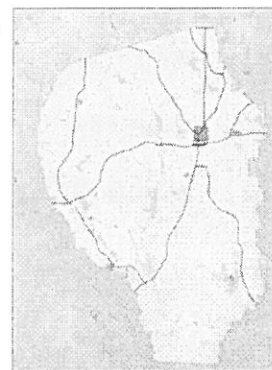


TABLE C.5 McDonough Road Extension Component Projects

Candidate Projects in this Section	Project Description
NW-020	McDonough Road Extension, Phase 1. This phase extends McDonough from State Road 54 to Banks Road and comprises a new roadway.
NW-021	McDonough Road Extension, Phase 2. This phase extends McDonough from Banks Road to State Road 85 and comprises a new roadway for most of its length, using the alignment of Ellis Road and its existing signal for the northernmost approach to SR 85.

