

## BOARD OF COUNTY COMMISSIONERS

Randy Ognio, Chairman  
Charles W. Oddo, Vice Chairman  
Edward Gibbons  
Eric K. Maxwell  
Charles D. Rousseau



## FAYETTE COUNTY, GEORGIA

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

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## AGENDA

November 14, 2019

2:00 p.m.

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Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 6:30 p.m.

Call to Order

Invocation and Pledge of Allegiance by Commissioner Eric Maxwell

Acceptance of Agenda

### PROCLAMATION/RECOGNITION:

1. Recognition of the Fayette Fire Foundation and Vicki Turner, Chair of the Fayette Fire Foundation, for the donation of firefighter helmet-mounted flashlights. (pages 4-5)
2. Recognition of Water System's distribution crews for receiving the Golden Backhoe from the Georgia Utilities Coordinating Council (GUCC). (page 6)
3. Recognition of Water System's distribution Matt Bergen for receiving the Lester Feathers Safety Award from the Georgia Utilities Coordinating Council (GUCC). (page 7)
4. Recognition of Steve Hoffman, Fayette County Road Director, for receiving the Damage Advocate Award and being the 2019 Local Utilities Coordinating Council Chairman. (page 8)

### PUBLIC HEARING:

### PUBLIC COMMENT:

*Speakers will be given a five (5) minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Speakers must direct comments to the Board. Responses are reserved at the discretion of the Board.*

### CONSENT AGENDA:

5. Acknowledgment of Sheriff Barry H. Babb's decision to liquidate county property at auction. (page 9)
6. Approval to auction surplus Water System items, including, but not limited to, high service pumps with motors, pressure tanks, antique gas pump and grass cutting equipment. (page 10)
7. Approval of staff's request of Croy Engineering Task Order # 32 in the amount of \$60,750.00 for the Fayette County Fire & Emergency Services Training Facility; existing Contract #1431-P, Croy Engineering, LLC. (pages 11-41)

8. Approval of staff's recommendation to declare twenty-four (24) vehicles and one (1) Broce RC350 Sweeper as unserviceable, sell the assets online using contracted auction services and for all proceeds to be returned to the vehicle replacement fund. (pages 42-43)
9. Approval of the proposed 2020 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents. (pages 44-48)
10. Approval of staff's recommendation to add The Reserve at Kelley Lake subdivision to Fayette County's Street Light Program. (pages 49-52)
11. Approval of Agreement between Fayette County and the U. S. Department of the Interior Geological Survey (USGS) that provides for the required monitoring of water flow, stream monitoring data for quality, and CFS flow monitoring in the amount of \$192,400.00 from October 1, 2019 through September 30, 2020. (pages 53-62)
12. Approval of staff's recommendation to adopt Ordinance 2019-07 that adds Article IX, Commercial Car Wash Recycling to Fayette County Code, Chapter 28. (pages 63-67)
13. Approval of Ordinance 2019-08 for the revisions to the existing Building Code Ordinance to reflect the current code changes made in state law. (pages 68-124)
14. Approval of the October 24, 2019 Board of Commissioners Meeting Minutes. (pages 125-131)

**OLD BUSINESS:**

**NEW BUSINESS:**

15. Consideration to close Starr's Mill Park on December 6 at approximately 3:00 PM to December 7 at 6:00 AM for filming contingent on a recommendation from the Water Committee. (page 132)
16. Presentation on 2017 SPLOST Corridor Studies; Banks Road, Sandy Creek Road, Tyrone & Palmetto Roads, and SR 279. (pages 133-160)
17. Consideration of staff's request to split the existing Engineering and Facilities Director (ENG/1-441) position into two department head positions: Director of Engineering and Director of Building & Grounds; and appropriation of funds to cover the increase in personnel costs. (pages 161-166)
18. Consideration of staff's request to award bid #1711-B; Type 1 Ambulances to ETR, LLC for (2) two Ford F-450 ambulances totaling \$470,338 and to transfer \$73,438 from Vehicle Replacement Fund for the FY2020 budget. (pages 167-170)
19. Consideration of staff's recommendation for to approve the bid from Asphalt Paving Systems, Inc. for Bid #1721-B Micro Surfacing in the amount of \$422,458.38. (pages 171-196)
20. Consideration of recommended amendments to Article VI. Tourist Accommodations of the Fayette County Code concerning establishing a 24-hour local contact person, providing the permit number on all advertisements, and posting a notification of rules including no special events or private functions. (pages 197-212)

21. Consideration of the approval to present Resolution 2019-11; Fluoride, in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session. (pages 213-216)
22. Consideration of the approval to present Resolution 2019-12; in support of the 2020 Policy Agenda of the Association County Commissioners of Georgia (ACCG) in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session. (pages 217-227)

**ADMINISTRATOR'S REPORTS:**

**ATTORNEY'S REPORTS:**

**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Recognition of the Fayette Fire Foundation and Vicki Turner, Chair of the Fayette Fire Foundation, for the donation of firefighter helmet-mounted flashlights.

**Background/History/Details:**

The Fayette Fire Foundation has supported the department in several different initiative's to improve patient care, operations and safety through the purchase and donation of video laryngoscopes, Lucas devise for CPR, UTV off-road response vehicle, and is now providing each firefighter with a helmet flashlight, to improve safety during firefighting inside structures, as well as dark and nighttime situations in which they work.

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

Accept the donation of firefighter helmet-mounted flashlights.

**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:**

This is to recognize the Fayette Fire Foundation for their \$10,614.11 donation of firefighter helmet-mounted flashlights.





# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Recognition of Water System's distribution crews for receiving the Golden Backhoe from the Georgia Utilities Coordinating Council (GUCC).

**Background/History/Details:**

Each year the Georgia Utilities Coordinating Council safety committee recognizes utilities who perform safe digging practices on a consistent basis with the Golden Backhoe award. Each Georgia Department of Transportation district nominates potential winners based on the accuracy crews install or perform maintenance on water lines without incurring damages to other utilities. Staff receiving this award are: Rodney Duncan, Anthony Hicks, Roy Lovett, Justin Stanko, Cornelius Brown, Calvin Banker, and James Munster, Water System Distribution Manager.

Fayette County Water System received the GUCC Golden Backhoe Award for having the best ratio of locate requests to damages for the region.

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

Recognition of Water System's distribution crews for receiving the Golden Backhoe from the Georgia Utilities Coordinating Council (GUCC).

**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?

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Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Recognition of Water System's distribution Matt Bergen for receiving the Lester Feathers Safety Award from the Georgia Utilities Coordinating Council (GUCC).

**Background/History/Details:**

Matt Bergen, Water System Utilities Manager received the Lester Feathers Golden Backhoe Safety Award statewide award. This award is selected from the district winners who not only practice safe digging but also coordinate safe digging and damage prevention education and initiatives to the general public.

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

Recognition of Water System's distribution Matt Bergen for receiving the Lester Feathers Safety Award from the Georgia Utilities Coordinating Council (GUCC).

**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?

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Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Recognition of Steve Hoffman, Fayette County Road Director, for receiving the Damage Advocate Award and being the 2019 Local Utilities Coordinating Council Chairman.

**Background/History/Details:**

Steve Hoffman was honored with the Damage Advocate Award for consistently contributing and advocating for safe digging and damage prevention in the community and District 3 (31 counties) Chairman-of-the-Year.

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

Recognition of Steve Hoffman, Fayette County Road Director, for receiving the Damage Advocate Award and being the 2019 Local Utilities Coordinating Council Chairman.

**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?

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Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

# COUNTY DEPARTMENT AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Acknowledgment of Sheriff Barry H. Babb's decision to liquidate county property at auction.

**Background/History/Details:**

The Fayette County Sheriff's Office will be liquidating the following items which have outlived their usefulness or are inoperable. These items were originally purchased with Equitable Sharing Funds:

- Two (2) 1997 Polaris TB972X4300 ATV 4 Wheelers bearing VIN #'s 3205845 and 3206465
- One (1) Helicopter frame
- One (1) Large Wheeled Rechargeable Badger Fire Extinguisher.

These items will be sold with other approved items using the services of an auction company which was selected for this purpose.

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

Acknowledgment of Sheriff Barry H. Babb's decision to liquidate items at auction.

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

Not applicable.

Has this issue come before the Commissioners in the past?

If so, when?

Do you need audio-visual for the presentation?

Back-up Material Submitted?

## STAFF USE ONLY

Approved by Finance

Reviewed by Legal

Approved by Purchasing

Approved by County Clerk

Administrator's Approval

**Staff Notes:**

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Staff request for approval to auction surplus Water System items, including, but not limited to, high service pumps with motors, pressure tanks, antique gas pump and grass cutting equipment.

**Background/History/Details:**

The Water System has items to be sold at auction:  
2 high service pumps with motors  
2 pressure tanks  
1 antique gas pump  
1 leaf catcher attachment for Grasshopper lawn mower  
chain link fence  
fiber optic cable

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

Approval to auction surplus Water System items, including, but not limited to, high service pumps with motors, pressure tanks, antique gas pump and grass cutting equipment.

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

N/A

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval of staff's request of Croy Engineering Task Order # 32 in the amount of \$60,750.00 for the Fayette County Fire & Emergency Services Training Facility; existing Contract #1431-P, Croy Engineering, LLC.

**Background/History/Details:**

Fayette County Fire & Emergency Services FY2020, project # 193AH, Links Training Facility Concept Design & Site Development funding amount of \$200,000, was approved in the budget process for the initial Master Planning to re-locate training facilities on approximately 5 1/2 acres of the existing property located at the end of Hewell Road.

The design concept will take into consideration the East Fayetteville Bypass road which is in the design and development stages. Croy Engineering, the current Engineer of Record with the county, as outlined within the existing Contract #1431-P through our County Engineering Department.

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

Approval of staff's request of Croy Engineering Task Order # 32 in the amount of \$60,750.00 for the Fayette County Fire & Emergency Services Training Facility; existing Contract #1431-P, Croy Engineering, LLC.

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

Funding is provided through 37530550 541210 CIP #193AH.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**



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

To: Steve Rapson

From: Ted L. Burgess

Date: November 14, 2019

**Subject: Contract #1431-P: Transportation Engineer of Record  
 Task Order #32: Engineering Services – Fire & EMS Training Facility**

Croy Engineering, LLC is the current Transportation Engineer of Record for the Division of Public Works. Task Order #32 will authorize infrastructure and civil site master planning, office building programming, and civil site design for the new Fire / EMS Training Facility on the former Links property.

Specifics of the Task Order are as follows:

<b>Contract Name</b>	1431-P: Transportation Engineer of Record
<b>Task Order</b>	#32: Engineering Services – Fire & EMS Training Facility
<b>Contractor</b>	Croy Engineering, LLC
<b>Amount</b>	\$60,750.00

<b>Budget:</b>		
Fund	375	Capital Improvement Project
Organization Code	37530550	Fire Services
Object Code	541210	Other Improvements
Project	193AH	Links Training Design/Development
Available Balance	\$200,000.00	



## FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

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

**VENDOR INFORMATION****COMPLETE ALL APPLICABLE INFORMATION**

Company Name: <b>Croy Engineering, LLC</b>	Contract Number: <b>1431 - 1<sup>st</sup> Renewal</b>
Mailing Address: <b>200 Cobb Parkway N., Bldg. 400, Suite 413</b>	Contract Description or Title: <b>Transportation Eng. of Record - Renewal 1</b>
City, St, Zip Code: <b>Marietta, GA 30062</b>	Contract Term (Dates) From: <b>6/28/19</b> To: <b>6/30/20</b>
Phone Number: <b>770-971-5407</b>	Task Order Number: <b>Multiple</b>
Cell Number: <b>770-971-5407</b>	Other Reference:
E-Mail Address: <b>gteague@croyengineering.com</b>	

**DEFINITIONS**

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

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

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

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

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

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

**EVALUATED BY**

Signature: <b>P. Mallon</b>	Date of Evaluation: <b>10/23/19</b>
Print Name: <b>Phil Mallon</b>	Department/Division: <b>Public Works</b>
Title: <b>DIR. of Public Works</b>	Telephone No: <b>770-320-6009</b>



# Task Order

**Contract Number:** 1431-P

**Task Order Number:** 32

**Contract Name:** Fire and EMS Training Facility

**Contractor:** Croy Engineering, LLC

This Task Order is issued by Fayette County, Georgia in accordance with the above-named Contract and as described in the accompanying of the task(s).

**Task Order Description:**

To include: Task Order 32 - Fire and EMS Training Facility

**Fayette County's Task Order Manager:**

Name: Chief David Scarbrough Phone: (770) 305-5174 Email: [davids@fayettecountyga.gov](mailto:davids@fayettecountyga.gov)

**Task Orders Not-To-Exceed Price:**

Task Order 32 **\$60,750.00**

**CONTRACTOR:**

Signature: 

Print Name: L. Carl Carver, PE

Title: Vice President of Engineering

Date: 10/10/2019

**FAYETTE COUNTY, GEORGIA:**

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

# **Proposal to Fayette County for Task Order # 32 Fayette County Fire & Emergency Services Training Facility**

***Submitted to:***

Fayette County  
Stonewall Administrative Complex  
140 Stonewall Ave. West, Suite 203  
Fayetteville, Georgia 30214

Chief David Scarbrough  
Email: [davids@fayettecountyga.gov](mailto:davids@fayettecountyga.gov)  
Phone: 770-350-5174

***Submitted by:***

Croy Engineering  
200 Cobb Parkway North  
Building 400, Suite 413  
Marietta, Georgia 30062

Email: [ccarver@croyengineering.com](mailto:ccarver@croyengineering.com)  
Phone: 770.971.5407, ext. 299

October 10, 2019

## A. Introduction

We understand that the services requested at this time will include infrastructure and civil site master planning, office building programming, and civil site design. The project consists of a new fire and EMS training facility to be located within the Links property near the future East Fayetteville Bypass, located in Fayette County, Georgia.

## B. Scope of Work

Croy proposes the following surveying scope of work for the Fayette County Fire and EMS Training Facility:

### **A.400 Series: Design Phase Services**

#### **A.410 Master Planning Phase**

1. **Master Site Plan:** We will evaluate site layout options to develop a site Master Plan. The components of the site may include training/office building; training tower; driver training; auto extrication; LP gas training; pump testing; maze confined space simulator; and equipment/apparatus housing.
2. **Schematic Grading Plan:** Based on the schematic site plan, we will provide schematic grading to evaluate site evaluations and earthwork. We will evaluate the use of earthen berms to provide visual screening of the site and potential runoff control from the site.
3. **Coordination Meeting:** We will coordinate with the Owner regarding possible design options, site constraints, and other potential issues, including a kick-off meeting with the Client and a Design Team.
4. **Geotechnical Engineer:** Engineer will advise the Client of the need for a Geotechnical Engineer's evaluation/investigation of the site, which evaluation/investigation will be produced by Client's Geotechnical Engineer, at Client's expense.
5. **Level 3 Soil Survey:** A Level 3 Soil Survey will be required by the Health Department for the Final Septic System Final Design. This Level 3 Survey is not included at this time.

#### **A.420: Design Development Phase**

**Design/Construction Documents:** Based on the Client approved Master Plan, we can prepare the design and construction documents for the first phase of the project. The following Design Development and Final Construction Documents are for the Phase I Construction, which may include grading and other infrastructure.

1. **Preliminary Site Plan:** Develop a defined site plan based on the schematic designs. Preliminary dimensioned site plan per the Client's requirements and our understanding of the proposed project.
2. **Preliminary Grading Plan:** If chosen by the Client and based on the existing conditions plan, preliminary site plan, and geotechnical engineer reports, we will begin preliminary



grades for the proposed project. This includes, but is not limited to finished grade elevations of the building and associated infrastructure.

3. **Preliminary Stormwater Management:** Based on the preliminary grading plan, we will evaluate the stormwater runoff from the site and the preliminary analysis of the most appropriate stormwater management controls, including preliminary evaluation of runoff from fire training operations.
4. **Preliminary Utility Plan:** Coordination and preliminary design of the water and sewer systems.
5. **Coordination:** We will coordinate with the project architect and/or the Owner regarding design requirements, permitting, and schedule. Project coordination includes electronic transfer of information, which consists of drawings and other pertinent or requested information, with design and construction team members.

#### ***A.430: Final Construction Documents Phase***

1. **Cover Sheet:** Includes the sheet index and identifies the name, location, and Client of the site and/or project. Appropriate permitting information may also be required on the cover sheet.
2. **Existing Conditions Plan:** Based on using the available GIS topographic contours, we will prepare an existing conditions plan.
3. **Site Plan(s):** Includes the proposed layout of the project with the appropriate dimensions and coordinates for proper construction of the project. The site plan will depict the layout of the proposed building(s), parking, roads, and other site features. Appropriate dimensions and coordinates will be indicated on the plan for the proper layout and construction of project.
4. **Utility Plans:** The utility plans will depict the utilities to serve the project. These systems will be designed to meet minimum requirements of the local permitting agency. A brief description of this design is as follows:
  - a. **Water Distribution System:** The water main distribution system infrastructure will be designed and shown on the plans. Final service lines sizes to buildings and future taps will be designed with each building component at the time of those final designs. No computer modeling or computations of flows and pressure have been included in this Scope of Services or Fees.
  - b. **Sanitary Sewer System:** We understand that a septic system will be required for the office building. For the Final Design of the office building, a Level 3 Soil Survey will be required, this survey has not been included at this time. For this Master Planning Phase and based on our understanding from Chief Scarbrough, the master planning of the septic systems is to be oversized to 1.5 to 2.0 times the minimum required for normal septic system permitting.
  - c. **Other Utilities:** We will show other utilities based on Client furnished information. Coordination with utility companies has not been included.
5. **Utility Profiles:** We will provide design profiles for the proposed sanitary sewer lines.
6. **Grading Plan(s):** Includes existing and proposed grade elevations, finish floor elevations, and spot elevations where appropriate for construction, which shall be based on geotechnical reports if the Client has provided such subsurface investigations. Earthwork calculations will be computed based on the existing and proposed contours as shown in

out AutoCAD design files. Earthwork volumes generated by this method will be used as a part of our design to balance the cut and fill when possible. Croy Engineering makes no warranty that all project sites will have a balanced earthwork volume. We will not make adjustments for topsoil, shrinkage, and rock.

7. **Storm Drainage Design:** The storm drainage system, including culverts, inlets, pipes, etc., will be designed for the storm frequency required by the local permitting and other pertinent design parameters in accordance with applicable codes and ordinances. The storm drainage design, computations, and other computer program output may be included in the hydrology report.
8. **Storm Drainage Profiles:** We will provide design profiles for the proposed storm drainpipes. The profiles will include hydraulic grade lines per the storm drainage design as required by the local agency, as well as utility crossings. A pipe chart will be shown on the profile sheet indicating storm flows and hydraulic grade line elevations.
9. **Civil Construction Details:** Includes typical civil construction details and local permitting agency details.
10. **Coordination:** We will coordinate with the project architect and/or Owner design requirements, permitting, and schedule. Project coordination includes electronic transfer of information, including drawings and other pertinent or requested information, to design and construction team members.
11. **Erosion and Sediment Control BMP Design:** We will provide the Erosion, Sedimentation and Pollution Control Design and Plans in accordance with State of Georgia requirements for Best Management Practices (BMP) and the NPDES General Permit. NPDES Permitting is required for all projects with one or more acres disturbed, or if less than one acre disturbed but within 200' State Waters. These plans may include the following:
  - a. **Erosion Control Cover Sheet:** Includes completed GSWCC checklist for GAR 100001 NPDES Permit for Stand-Alone projects (the permit).
  - b. **NPDES Compliance Plan:** Includes notes and required information per the permit.
  - c. **Initial Erosion Control Plan:** Includes perimeter control BMPs and the design of initial sediment storage BMPs.
  - d. **Intermediate Erosion Control Plan:** Includes BMPs during grading operations and drainage installations and design of sediment storage BMPs.
  - e. **Final Stabilization Plan:** Include final site stabilization, the removal of all temporary BMPs and the incorporation of final and permanent BMPs.
  - f. **Erosion Control Details:** Details of BMPs for all phases of construction.

#### ***A.440: Stormwater Management Design***

1. **Stormwater Management Design and Plans:** The stormwater management design and plans will be in accordance with the Georgia Stormwater Management Manual and/or the local permitting agency requirements. The design and plans may include the following:
  - a. **Stormwater Detention Design:** We will provide stormwater detention design for the project based on local regulations. This could include above ground pond and/or underground systems.
  - b. **Water Quality Design:** The water quality design will be based on local regulations, including allowed and necessary special water quality drainage structures or BMPs.

- c. **Stream Channel Protection Design:** Stream channel design may be required on some projects. This may be accomplished by extended detention time, erosion prevention measures, and/or preservation of stream buffers.
- d. **Extreme Flood Protection Design:** Extreme flood protection design requires the stormwater management facility designed to control and/or safely convey the 100-year, 24-hour storm event.
- e. **Downstream Analysis:** Due to peak flow timing and runoff volumes, some stormwater management facilities will require increased design volumes and controls. The downstream analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises of 10% of the total drainage area.
- f. **Hydrology Study:** A written report indicating all assumptions, calculations, and computer stormwater modeling output data for the stormwater detention, water quality, channel protection, downstream analysis and total suspended solids.

#### **A.470 Project Meetings**

1. **Project Meetings:** At this time, we have included four (4) project meetings. These meetings include kick-off meetings, design team meetings, conference call meetings, and special meetings.

#### **A.475 Site Cost Estimate**

1. We will prepare a budget cost estimate for the Project based on the Master Plan and the Phase I Construction Documents.

### **A.500 Series: Permitting & Bid Phase Services**

#### **A.510: Permitting Phase Services**

**Permitting:** We will provide permitting services for the Land Disturbance Permit, Erosion Control Permit, and the State EPD Notice of Intent (NOI) and the Notice of Termination (NOT). The following is included in for permitting the project to obtain the Land Disturbance Permit only. This does not include any submittal fees or permit fees:

1. **Construction Document Submission:** We will submit the number of site development plans, hydrology reports, and application and other required documents. We will obtain the required submittal fees from the Client.
2. **Plan Review Meeting(s):** This includes attending all plan review meetings after submission of plan to discuss plans and retrieve comments from the Local Issuing Authority (LIA).
3. **Construction Document Revisions:** We will revise and respond to all review comments received by the permitting agencies for the site development plans and hydrology study.
4. **Construction Document Resubmission:** We will resubmit as necessary after comments have been addressed. This includes a letter to the reviewing agency explaining how comments were addressed.
5. **Prepare NOI and EPD Documents:** We will complete the NOI form and prepare required attachments and other documents from EDP for the Client.



6. **Project Coordination:** We will coordinate documents as necessary for design team members for their construction document submission. We will also coordinate with a permit expeditor as necessary for construction document submission.

#### **A.520: Bid Phase Services**

*The following Bid Phase Services are for the initial infrastructure phase of the project only.*

1. **Pre-Bid Meeting:** We will conduct a pre-bid meeting for the proposed project.
2. **Addendums:** We will prepare addendums to the bid as necessary.
3. **Bid Questions:** We will respond to questions from bidders.
4. **Bid Evaluation:** We will assist the Owner with the evaluation of the bidders.
5. Written specifications as needed for the invitation to bid will be included as needed.

#### **A.600 Series: Construction Phase Services**

##### **A.610: Construction Phase Consultation Services**

1. **Construction Phase Meetings:** We will attend two (2) Owner and Contractor meetings during the site construction phase of the project. This includes one pre-construction meeting and one close-out meeting.
2. **Construction Phase Office:** These services will be provided as requested by the Client.
  - a. Shop Drawing Review
  - b. Response to Request for Clarifications (RFC's) and Request for Information (RFI's).
  - c. If onsite construction determines subsurface conditions are encountered beyond what the Client's geotechnical report indicates, redesign, grading, and/or drawings to accommodate such conditions, said work will be considered as Additional Services.
3. **Construction Phase Site Visits:** We will visit the site at the following intervals of completion. The scheduling of these site visits will be coordinated with the Client. As a result of each site visit, a written field report will be prepared and furnished to the Client.
  - a. **Level 2 Certified Erosion Control Design Professional Site Visit and Certification:** Inspection of initial perimeter and sediment storage BMPs and prepare inspection letter or certification in accordance with the permit.
  - b. 25% Visit
  - c. 50% Visit
  - d. 75% Visit
  - e. 100% Visit

#### **A.700 Series: Sub-Consultant Services**

##### **A.720 Architectural Schematic Design/Programming**

*The Designer shall provide schematic design, programming, and rough budget cost estimating for a new pre-engineered metal building housing fire apparatus and fire training equipment for Fayette County. Program includes, but is not limited to the following: two training rooms, approximately 15'x20'; breakroom; two offices approximately 10'x12'; two truck bays; equipment storage; and his and her shower (locker room). Building exterior shall have architectural detailing (brick/stone veneer, etc.) for durability.*

1. **Schematic Design/Programming:** Design services shall also include spatial programming, floor plan, and exterior elevations (4 primary elevations). The Schematic Design Package shall be submitted to the Owner for review and approval. Upon approval of schematic design direction one (1) color exterior elevation board (depicting two primary exterior facades) will be provided to the Owner in digital format. One (1) initial meeting with Owner/County staff is included.

#### **A.725 Architectural Cost Estimate**

1. **Cost Estimate:** The Designer shall provide a rough budget cost estimate of approved schematic design package to assist Owner with budgeting and possibly value engineering guidance.

#### **A.800 Post Permit and Construction Phase Revisions**

*Unless requested otherwise, these services will be considered hourly additional services and will be billed accordingly. Hourly rates can be furnished upon request.*

#### **A.810: Post Permit and Construction Phase Revisions**

1. Owner requested revisions after the Land Disturbance Permit has been issued by the Local Issuing Authority will be considered additional services.
2. Due to Federal, State, Local and the NPDES Permit Requirements, it may be necessary to revise the approved Erosion and Sediment Control Plans due to unforeseen conditions. These plan revisions and permit amendments will be provided on an hourly basis.
3. Plan revisions other than erosion control during construction, will be provided on an hourly basis, unless a lump sum fee is requested.
4. Plan Revisions due to Contractor substitutions.

## C. Project Cost

~~An estimate for the Task Order costs is provided in the following table.~~ The tasks and fees may be subject to change upon agreement between Fayette County and Croy.

Fayette County Fire and EMS Training Facility		
Task #	Description	Cost
A.410	Master Planning Phase	\$7,050.00
A.420	Design Development Phase	\$5,650.00
A.430	Final Construction Documents	\$14,350.00
A.440	Stormwater Management Design	\$4,500.00
A.470	Project Meetings	\$2,600.00
A.475	Site Cost Estimate	\$2,600.00
A.510	Permitting Phase Services	\$5,750.00
A.520	Bid Phase Services	\$5,650.00
A.610	Construction Phase Services	\$6,000.00
A.720	Architectural Schematic Design/Programming	\$4,800.00
A.725	Architectural Cost Estimate	\$1,800.00
A.810	Post Permit and CA Phase Revisions	Hourly
<b>Total</b>		<b>\$60,750.00*</b>

\*Total does not include Hourly Services.

Note: Upon Request by the Client; Hourly Services Scope can be converted to Lump Sum Fee.

## D. Project Schedule

The schedule below shows the projected duration to accomplish the tasks. Because the date of the Notice to Proceed is unknown, specific dates for tasks' completion are not given.

Task	Weeks							
	1	2	3	4	5	6	7	8
A.410 Master Planning Phase								
A.420 Design Development Phase								
A.430 Final Construction Documents								
A.440 Stormwater Management Design								
A.470 Project Meetings								
A.475 Site Cost Estimate								
A.510 Permitting Phase Services								
A.520 Bid Phase Services ( <i>Assumed 3 Week Bid Phase</i> )								
A.720 Architectural Schematic Design/Programming								
A.725 Architectural Cost Estimate								
A.610 Construction Phase Services <i>Not scheduled at this time.</i>								

## E. Assumptions/Exclusions

Excluded from Basic Scope of Services:

1. Services resulting from significant changes in the scope, extent, or character of the portions of the Project designed or specified by Engineer or the Engineer's Sub-Consultants.
2. Services required because of Client's providing incomplete project information.
3. Services required because of the Client not furnishing a geotechnical report. We advise the Client of the need for a Geotechnical Engineer's evaluation of the Site, which will be produced by the Client's Geotechnical Engineer, at Client's expense.
4. Specific items excluded from this proposal include:
  - a. Construction Phase revisions to unforeseen conditions
  - b. Construction Phase revisions to the erosion control plans due to Contractor requested revision, hydrologic changes, and all other site revisions. See Section A.800 above.
  - c. Site Retaining Walls
  - d. Site Lighting
  - e. Landscape Irrigation Systems
  - f. Offsite Infrastructure Improvement Designs and Permitting
  - g. Environmental Services
  - h. Geotechnical Services
  - i. Septic System Design
  - j. Final Water and Sewer Pumping Systems
  - k. All Surveying
  - ~~l. Written Specifications~~
  - m. Level 3 Soils Survey

# Fire & EMS Training Center



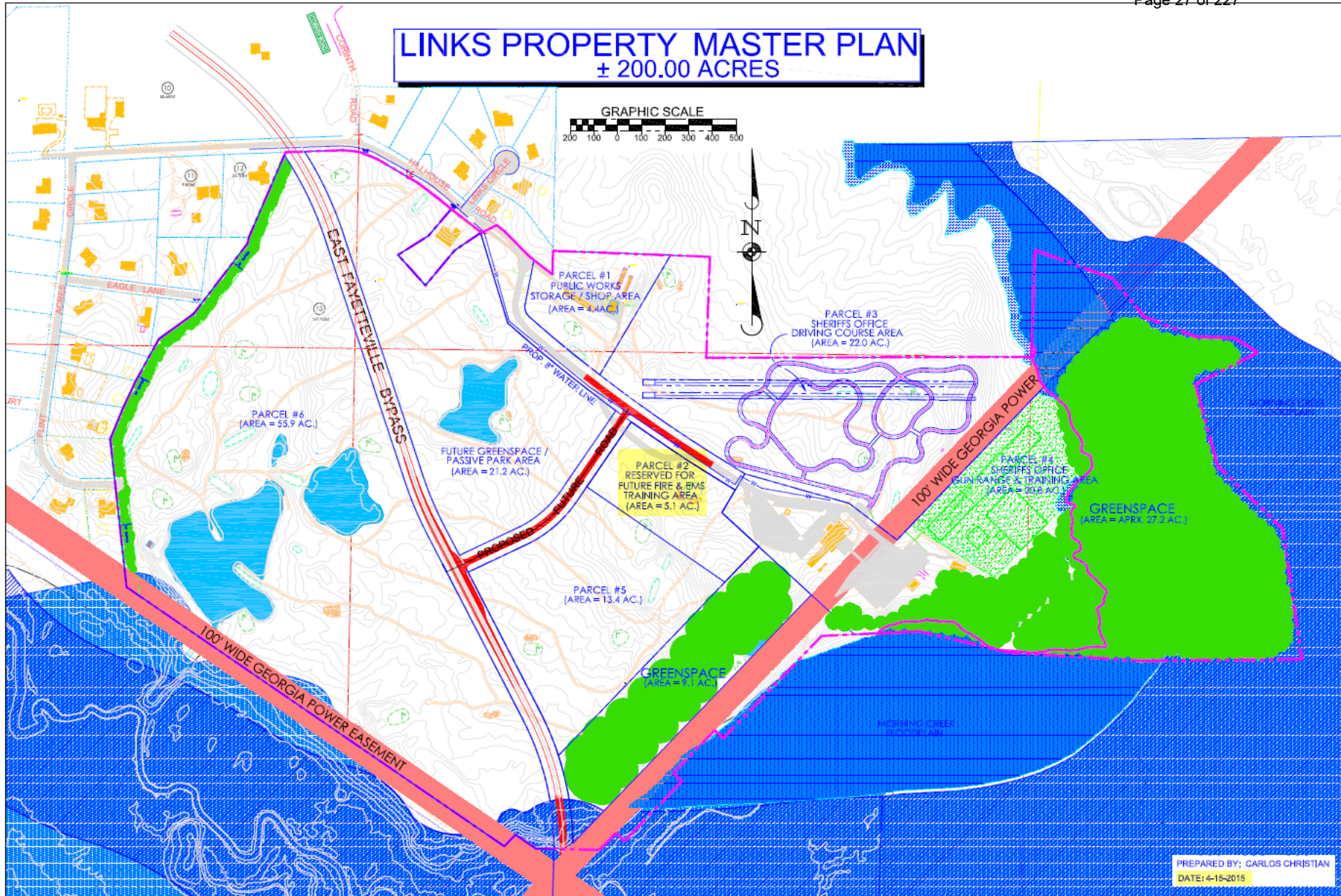
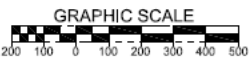


# Conceptual Site Layout





# LINKS PROPERTY MASTER PLAN ± 200.00 ACRES



# Fire Training Building

- Tower: 5 Story
- Search Section: 2 Story
- Burn Room: 1 Story
- Sprinkler/Standpipe System Simulator
- Roof Simulator
- Used to train Firefighters in hose handling techniques and search procedures





# Pump Test Area

- Fire Apparatus Operator Training
- Annual Pump Testing
- Post Repair Testing
- 20,000 Gallon Static Capacity
- Flows Capable of 2000 GPM



# LP Gas Tank Fire Simulator



# Vehicle Fire Simulator





# Vehicle Extrication Area



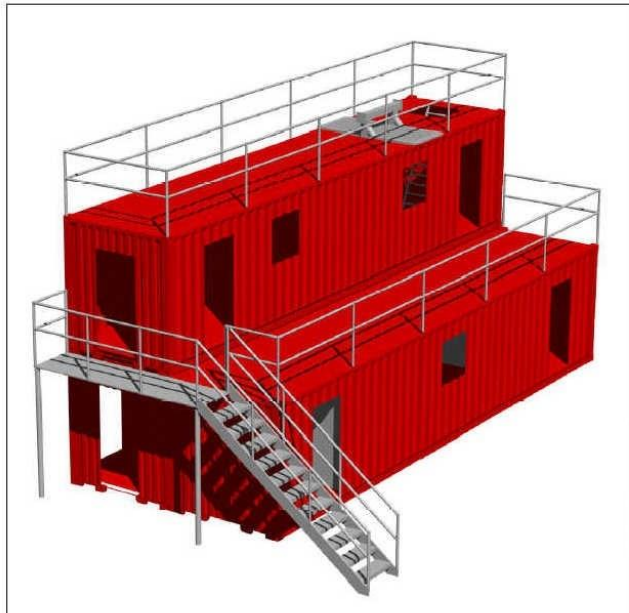
**Concrete Pad**

**Used to Stage Vehicles for Training**

**Adequate Area to Stage Fire Apparatus**

# Maze / Confined Space Simulator

Used to train Firefighters in the use of Protective Breathing Apparatus



Confined Space Simulator with SCBA Confidence Course

# Driver Training Area



**Concrete Pad 420' X 190' to accommodate multiple course layouts.**



# Apparatus & equipment housing



- Decontamination of Equipment
- Storage of Apparatus and Equipment
- Shower Facility for Personnel
- Breathing air compressor



<b><u>Fire Training Facility</u></b>		
Asphalt Roadway		\$20,000
Water Utility Lines/Hydrants		\$64,800
<b><u>Fire Training Building</u></b>		
Tower: 5 Story		\$704,585
Search Section: 2 Story		
Burn Room: 1 Story		
Sprinkler/Standpipe System		
Roof Chopout Simulator		
Area Required: 150' X 350' (52,500 sq. ft.)		
Concrete: 972 Yards finished		\$103,032
Gravel: 1260 tons		\$16,380
	<b>Total</b>	<b>\$823,997</b>
<b><u>Pump Test/Pump Training Pit</u></b>		
20,000 Gallon Tank / Piping		\$78,000
Concrete 185 yds		\$19,500
	<b>Total</b>	<b>\$97,500</b>
<b><u>Storage/Decon/SCBA Building</u></b>		
60 X 60 2 Bay	<b>Total</b>	<b>\$450,000</b>
3600 Sq Ft		
<b><u>LP Tank Simulator/ Vehicle Fire Simulator</u></b>		
200 Gallon Tank & Piping		\$8,000
Vehicle Simulator & Piping		\$40,000
Gravel		\$12,480
	<b>Total</b>	<b>\$60,480</b>
<b><u>Auto Extrication Area</u></b>		
Concrete 185 yds	<b>Total</b>	<b>\$19,500</b>
<b><u>Maze/Confined Space Simulator</u></b>		
Gravel		\$3,185
ConEx Boxes		\$8,500
	<b>Total</b>	<b>\$11,685</b>
<b><u>Driver Training Area: (Cone Course)</u></b>		
420 X 190 = 79,800		
Concrete : 1500 Yds		\$159,000
Gravel:		\$16,900
Asphalt Alternative \$105,492	<b>Total</b>	<b>\$175,900</b>
<b>Grand Total</b>		<b>\$1,723,862</b>



**Purpose:**

The purpose of this project is to re-locate and reconstruct the Fire & Emergency Services training facility.

**Objective:**

To provide appropriate, modern training space and facilities for the increasing demand of Fire & Emergency Services. Personnel will train at both basic and advanced levels in all the disciplines of Fire, Emergency Medical Services and Emergency Management.

**Background:**

In 1983 County property located on McDonough Road was set aside for the purposes of Fire & Emergency Services training. This site, currently co-located with the 911 Center, was designated for construction of all elements of a comprehensive training center. Several years after the fire training site was designated and construction started the Recreation Dept. and/or Soccer Association was permitted to begin construction of soccer fields beside this site. The run-off water from the use of fire streams and the smoke associated from burning has, over the years, created issues on high volume soccer /fire training days. Ideally these two types of activities should have been separated by more distance.

The burn building was constructed in 1985 (31 Years). Constructed from refractory concrete, the building was designed to withstand the heating and cooling associated with live fire training for interior firefighting purposes. This building has allowed thousands of firefighter training evolutions for live fire since completion. In 1997 it was discovered that the ceiling of the basement had begun to delaminate. This allows the exposure of the steel reinforcement to heat and with moisture starts the rusting process. This same process started occurring on the first and second floors in October of 2011 thus preventing the use of this building for burning. Due to the level of delaminating this building is limited in use to search and non-fire operations only.

Since the department receives credit from the Insurance Services Office (ISO) for having this training facility an alternative, temporary plan for limited building use was developed using container boxes. Without this ISO credit some re-evaluation of final score could be considered by ISO.

The 5-story tower located on the site was constructed in 1995 (21 Years) with limited funding and donated in-kind services. The tower is used for activities to simulate above ground emergencies for both firefighting, rescue and ladder truck operations. The state of repair of this building is marginal at best given the extensive use and construction of the structure.

There are currently no facilities for the effective training of Fire Apparatus Operators (FAO) or for annual pump testing locally. The closest facility is within PTC. This creates a logistical challenge in scheduling for use and placement of personnel on the site.

**Request:**

As exhibited, there has been failure of some components along with years of steady use preparing the County's firefighters coupled with limited funding streams and opportunities. This has culminated with the need to explore comprehensively a plan to replace all elements of this center. Given the current location, adjacent to the large recreation area, the proposed work on McDonough Road and the purchase of the Links property the department recommends that consideration be given to moving this facility to co-locate with the Sheriff for training purposes.

Department administration has explored various options for this project and is requesting consideration of inclusion in the SPLOST program for Fire & Emergency Services to develop a master plan for a new training center located on the Links property. This project would allow for the replacement of the burn laboratory building, training tower, the construction of a pump testing cistern, construction of an area for training with LP gas, construct areas for vehicle extrication and for an apparatus operator's cone course, and finally construction of adequate storage for apparatus and equipment.

A facility of this type would serve the department for years to come, as has the current facility. There are some economies to this site and the co-location to afford a sharing of resources and facilities.

### Phase 1:

Facility infrastructure would be the first phase of the project. This would address site development through the grading of the site along with the installation of water lines and roadways.

### Phase 2:

The “Fire Training Building” is a multistory building that is the focal point of the fire portion of the training center. This facility will combine both the fire lab building along with the tower building. This single resource will incorporate training in direct fire attack, search & rescue, victim removal, ladder operations, sprinkler/standpipe operations, and aerial ladder positioning and training.

### Phase 3:

Apparatus Operator training and Pump Testing is a vital part of the operation of the motorized fleet of vehicles. With one exception there is a minimum of one piece of apparatus moved on each call. Some calls require the response of 8-10 units. At the heart of this training is the ability to operate the fire pump under live conditions. In phase 3 the installation of the pump test cistern would take place. This is a reservoir containing 20,000 gallons of water that is pumped and recirculated within the system. This same system is used to also perform annual tests on the apparatus for maintenance purposes and used after major component work to verify the apparatus is ready to return to service.

### Phase 4:

Phase 4 is the construction of a 3600 square foot building to house apparatus and equipment. Within the building there would be areas to decontaminate the various pieces of protective clothing and breathing apparatus. A portion of the building would be reserved for a breathing air compressor to support the live fire training component of the center. The bay space will allow for hands-on practical training that is limited in the classroom area of the training center.

### Phase 5:

Risk management models have shown that driver training will enhance the ability of each person in their daily operations of apparatus. Phase 5 would construct both a driver training pad and an auto extrication pad. These pads will allow a stable surface in which to practice in driving scenarios and in simulated tight operations areas.

### Phase 6:

LP gas simulations allow for firefighters to experience a variety of live fire incidents. From the home type LP tank to a vehicle fire the simulation can be started and stopped safely and provides a clean environment in which to train in. These props would be constructed from sheet steel and piped to a gas source.

### Phase 7:

Each year firefighters become lost within buildings during the course of their duty. This is from the low visibility associated with the environment. How they handle this situation is a direct relation to their survival. Phase 7 would be to construct a firefighter maze training simulator. This area would use container boxes to simulate various aspects of residential and commercial construction to training in conditions to test all aspects of firefighter self-rescue and intervention techniques.



# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval of staff's recommendation to declare twenty-four (24) vehicles and one (1) Broce RC350 Sweeper as unserviceable, sell the assets online using contracted auction services and for all proceeds to be returned to the vehicle replacement fund.

**Background/History/Details:**

Twenty-four (24) vehicles and one (1) Broce RC350 Sweeper on the attached list are being replaced this fiscal year and are no longer serviceable to the County. Staff recommends that these vehicles be declared surplus and sold through an on-line auction with all proceeds being returned to the vehicle replacement fund. The County has an existing contract (#1575-A) with Auctions International for auction services and it is recommended the vehicles be sold on-line utilizing this vendor.

List provided as backup.

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

Approval of staff's recommendation to declare twenty-four (24) vehicles and one (1) Broce RC350 Sweeper as unserviceable, sell the assets online using contracted auction services and for all proceeds to be returned to the vehicle replacement fund.

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

No funding required for this request

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:**

Department	Asset	Vehicle Being Replaced	VIN - ID Number	Mileage
Animal Control	21578	2007 Ford E-250 Van	1FTNE24WX7DB40755	199,174
Animal Control	22999	2009 Ford E-250 Van	1FTNE24W49DA63318	142,293
Building Safety	24990	2011 Ford Ranger	1FTKR1AD3BPA75582	122,244
Building Safety	10783	2000 Ford F-150	3FTRF17W1YMA61064	177,740
Building & Grounds	10823	2001 Ford F-150	1FTPF18L71NB02840	132,595
Building & Grounds	10825	1999 Ford F-250	1FTNF20LXXEE19142	105,721
Building & Grounds	10833	1999 Ford F-150	1FTRF17W6XNB24888	84,937
Tax Assessor	10771	1999 Ford Crown Vic	2FAFP71W4XX242728	94,214
Tax Assessor	10773	2000 Ford F-150	2FTRF17Z4YCA98907	101,519
Fire	22884	2009 Dodge Charger	2B3KA43T09H586566	128,946
Solicitor General	21610	2008 Ford Crown Vic	2FAHP71V78X124027	111,307
Sheriff Jail	24963	2011 Dodge Charger	2B3CL1CT6BH600831	144,631
Sheriff CID	22756	2008 Dodge Charger	2B3KA43H58H285818	133,297
Sheriff CID	22754	2008 Pontiac G8	6G2EC57YX8L141455	115,029
Sheriff CID	25707	2013 Dodge Charger	2C3CDXAT9DH560415	121,364
Sheriff Field Ops	25713	2013 Dodge Charger	2C3CDXAT1DH560473	104,919
Sheriff Field Ops	21865	2008 Chevrolet Tahoe	1GNFC13028R168174	153,555
Sheriff Field Ops	25081	2012 Chevrolet Tahoe	1GNLC2E07CR178598	132,696
Sheriff Field Ops	25711	2013 Dodge Charger	2C3CDXAT8DH560468	116,526
Sheriff Field Ops	21817	2008 Dodge Charger	2B3KA43H58H285883	117,329
Marshal	20327	2007 Ford F-150 4X4	1FTRF14W57NA37665	166,608
Water System	W0003392	2001 Ford F-250	1FTNF20L01EC28059	139,089
Water System	W0004192	2005 Ford Ranger	1FTYR10U35PB01971	163,924
Water System	19616	2007 Ford Ranger	1FTYR10D17PA22818	235,199
Road Department		2001 Broce RC350	401368	2931 Hours

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval of the proposed 2020 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents.

**Background/History/Details:**

The Georgia Department of Transportation's (GDOT) Local Maintenance & Improvement (LMIG) program is designed to help local governments make needed improvements to local and state roads. Fayette County's LMIG formula amount for CY 2020 is \$918,220.47.

In accordance with LMIG program guidelines, County staff has prepared a project list in excess of this amount. The focus of the 2020 list is on roadway pavement maintenance; including resurfacing, milling, micro surfacing, patching, striping, and stone (for gravel roads). A minimum 30 percent match of the LMIG funding is required on all projects.

Fayette County's LMIG application and project list must be submitted to GDOT by January 1, 2020. A check for the grant, up to \$918,220.47 will then be sent to Fayette County.

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

Approval of the proposed 2020 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents.

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

Currently the \$1,141,490 (State portion plus the 30% local match) is available in the Road Department's FY20 M&O LMIG0 budget. The remaining balance of \$52,196.61 will need to be transferred from Road Department's FY20 M&O Asphalt account.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**



**Public Works Department**

115 McDonough Road  
Fayetteville, GA 30214  
Phone: 770-461-3142  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

November 14, 2019

Mr. Jack Reed  
Local Government Coordinator  
115 Transportation Blvd  
Thomaston, GA 30286

RE: Fayette County – 2020 LMIG request and status update of 2019 LMIG Projects

Dear Mr. Reed,

Enclosed is Fayette County's Local Maintenance & improvement Grant (LMIG) application package for 2020. Our project list (attached) includes: milling, patching, resurfacing, micro surfacing, roadway striping and rock of dirt roads.

2019 Status Update – Fayette County was allocated \$837,185.81 for the 2019 LMIG, with 30% local match for a total program value of \$1,088,341.55. To-date we've had program expenditures totaling \$554,019.13. The remaining funds will be spent by June 30<sup>th</sup>, 2020 to complete the implementation of projects identified in Fayette County's 2019 LMIG application.

A *Statement of Final Expenditures/Status Report* for the 2019 LMIG will be completed as soon as the remaining funds for the program year are utilized. In the meantime, please call Bradley Klinger at 770-320-6039 or [bklinger@fayettecountyga.gov](mailto:bklinger@fayettecountyga.gov) if you need any additional information.

Fayette County remains appreciative of the LMIG program. It is administered well and the money it provides to local governments is essential for maintaining off-system infrastructure.

Sincerely,

Randy Ognio, Chairman  
*Fayette County Board of Commissioners*

Enclosures

**GEORGIA DEPARTMENT OF TRANSPORTATION LOCAL MAINTENANCE & IMPROVEMENT GRANT (LMIG) APPLICATION FOR FISCAL YEAR 2020**  
*TYPE OR PRINT LEGIBLY. ALL SECTIONS MUST BE COMPLETED.*

**LOCAL GOVERNMENT AFFIDAVIT AND CERTIFICATION**

I, Randy C. Ognio (Name), the Chairman (Title), on behalf of Fayette County (Local Government), who being duly sworn do swear that the information given herein is true to the best of his/her knowledge and belief. Local Government swears and certifies that it has read and understands the LMIG General Guidelines and Rules and that it has complied with and will comply with the same.

Local government further swears and certifies that it has read and understands the regulations for the Georgia Planning Act of 1989 (O.C.G.A. § 45-12-200, et seq.), Service Delivery Strategy Act (O.C.G.A. § 36-70-20, et seq.), and the Local Government Budgets and Audits Act (O.C.G.A. 36-81-7 et seq.) and will comply in full with said provisions. Local government further swears and certifies that the roads or sections of roads described and shown on the local government's Project List are dedicated public roads and are part of the Public Road System in said county/city. Local government further swears and certifies that it complied with federal and/or state environmental protection laws and at the completion of the project(s), it met the match requirements as stated in the Transportation Investment ACT (TIA).

Further, the local government shall be responsible for any claim, damage, loss or expense that is attributable to negligent acts, errors, or omissions related to the designs, drawings, specifications, work and other services furnished by or on behalf of the local government pursuant to this Application ("Loss"). To the extent provided by law, the local government further agrees to hold harmless and indemnify the DEPARTMENT and the State of Georgia from all suits or claims that may arise from said Loss.

If the local government fails to comply with these General Guidelines and Rules, or fails to comply with its Application and Certification, or fails to cooperate with the auditor(s) or fails to maintain and retain sufficient records, the DEPARTMENT may, at its discretion, prohibit the local government from participating in the LMIG program in the future and may pursue any available legal remedy to obtain reimbursement of the LMIG funds. Furthermore, if in the estimation of the DEPARTMENT, a roadway or bridge shows evidence of failure(s) due to poor workmanship, the use of substandard materials, or the failure to follow the required design and construction guidelines as set forth herein, the Department may pursue any available legal remedy to obtain reimbursement of the allocated LMIG funds or prohibit local government from participating in the LMIG program until such time as corrections are made to address the deficiencies or reimbursement is made. All projects identified on the Project list shall be constructed in accordance with the Department's Standard Specifications of Transportation Systems (Current Edition), Supplemental Specifications (Current Edition), and Special Provisions.

Local Government:

\_\_\_\_\_ (Signature)

Randy C. Ognio (Print)  
Mayor / Commission Chairperson

\_\_\_\_\_ (Date)

\_\_\_\_\_  
E-Verify Number

Sworn to and subscribed before me,

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_.  
In the presence of:

NOTARY PUBLIC

SEAL:

\_\_\_\_\_  
My Commission Expires:



**2020 LMIG PROJECT REPORT**  
**COUNTY/CITY: FAYETTE COUNTY**

ROAD NAME	BEGINNING	ENDING	LENGTH (Miles)	DESCRIPTION OF WORK	PROJECT COST
Autumn Moon Trail	Ridgemont Drive	Dead End	0.20	Milling & Resurfacing	\$21,317.12
Bascom Court	Morning Mist Way	Dead End	0.10	Milling & Resurfacing	\$10,658.56
Bayberry Run	Morning Springs Walk	Morning Springs Walk	0.60	Milling & Resurfacing	\$63,951.36
Bernard Place	Bernard Road	Dead End	0.10	Milling & Resurfacing	\$10,658.56
Branblebush Chase	Bayberry Run	Dead End	0.20	Milling & Resurfacing	\$21,317.12
Camilla Court	Winterberry Ridge	Dead End	0.10	Milling & Resurfacing	\$10,658.56
Carriage Drive	SR 314	Dead End	0.80	Milling & Resurfacing	\$85,268.48
Chandler Way	Marion Blvd	Waldrop Way	0.50	Milling & Resurfacing	\$53,292.80
Cherokee Rose Lane	Morning Springs Wa	Dead End	0.20	Milling & Resurfacing	\$21,317.12
Coastline Road	Sandy Creek Road	Ellen's Ridge	1.00	Micro Surfacing	\$37,000.00
County Wide Asphalt Patching and Leveling				Patch failing roads which don't require full overlay	\$10,000.00
County Wide Gravel				Add Gravel to Dirt Roads	\$10,000.00
County Wide Striping				Refresh existing striping	\$25,000.00
Dana Drive	SR 85	Dead End	0.40	Milling & Resurfacing	\$42,634.24
Emerald Lane	Eastin Rd	Dead End	0.20	Milling & Resurfacing	\$21,317.12
Fiddlers Ridge	Bayberry Run	Dead End	0.30	Milling & Resurfacing	\$31,975.68
Gladys Lane	Winn Way	Dead End	0.40	Milling & Resurfacing	\$42,634.24
Grooms Circle	Grooms Rd	Dead End	0.20	Milling & Resurfacing	\$21,317.12
Grooms Road	Porter Rd	Dirt	0.70	Micro Surfacing with Chip	\$47,950.69
Homer's Place	Inman Road	Dead End	0.20	Milling & Resurfacing	\$21,317.12
Huckaby Road	Brooks Woolsey Road	Rising Star Road	1.60	Micro Surfacing	\$59,200.00
Lakeside Trail	Lee's Lake Rd	Dead End	0.30	Milling & Resurfacing	\$31,975.68
McIntosh Road	Hwy 85 Conn	County Line	1.09	OGI & Resurfacing	\$232,356.61
McIntosh Road	SR 92	County Line Rd	1.59	OGI & Resurfacing	\$338,942.21
Moring Springs Walk	SR 279	Dead End	1.10	FDR, Milling & Resurfacing	\$117,244.16
Morning Creek Way	Simpson Road	Dead End	0.30	Milling & Resurfacing	\$31,975.68
Morning Mist Way	Ridgemont Drive	Parkwood Lane	0.30	Milling & Resurfacing	\$31,975.68
Moss Creek Walk	Standing Oak Place	Dead End	0.30	Milling & Resurfacing	\$31,975.68
Old Road	SR 279	SR 85	0.50	FDR & Resurfacing	\$203,456.00
Parkwood Lane	Ridgemont Drive	Dead End	0.20	Milling & Resurfacing	\$21,317.12
Planters Walk	Sandy Creek Rd	Dead End	0.20	Milling & Resurfacing	\$21,317.12

Regatta Point	Morning Springs Walk	Dead End	0.10	Milling & Resurfacing	\$10,658.56
Ridgemont Drive	Inman Road	Wendolyn Trace	1.40	Milling & Resurfacing	\$149,219.84
Robinson Road	Grant Road	McIntosh Road	0.50	Micro Surfacing	\$18,500.00
Roxboro Court	Tandy Trace	Dead End	0.20	Milling & Resurfacing	\$21,317.12
Scarlett Oak Way	Bayberry Run	Dead End	0.10	Milling & Resurfacing	\$10,658.56
Standing Oak Place	Morning Springs Walk	Dead End	0.40	Milling & Resurfacing	\$42,634.24
Tall Pine Drive	Patricia Lane	Ginger Cake Tr	0.40	Milling & Resurfacing	\$42,634.24
Tree Brooke Way	Morning Springs Walk	Dead End	0.20	Milling & Resurfacing	\$21,317.12
Waldrop Way	Dead End	Dead End	0.20	Milling & Resurfacing	\$21,317.12
Walter Way	Carnes Drive	Dead End	0.30	Milling & Resurfacing	\$31,975.68
Warren Way	S. Jeff Davis	Dead End	0.10	Milling & Resurfacing	\$10,658.56
Weldon Place	Weldon Drive	Dead End	0.10	Milling & Resurfacing	\$10,658.56
Wendolyn Trace	Ridgemont Drive	Dead End	0.10	Milling & Resurfacing	\$10,658.56
Windy Ridge Court	Morning Springs Walk	Dead End	0.10	Milling & Resurfacing	\$10,658.56
Winn Way	Antioch Road	Dead End	0.40	Milling & Resurfacing	\$42,634.24
Winter Valley Court	Autumn Moon Trail	Dead End	0.10	Milling & Resurfacing	\$10,658.56
Winterberry Ridge	Bayberry Run	Dead End	0.30	Milling & Resurfacing	\$31,975.68
2020 Formula Amount	\$918,220.47		18.68	ESTIMATED TOTAL	\$2,229,457.02
2020 County Match	\$275,466.14				
2020 TOTAL	\$1,193,686.61				

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval of staff's recommendation to add The Reserve at Kelley Lake subdivision to Fayette County's Street Light Program.

**Background/History/Details:**

The property owners in the subdivision know as The Reserve at Kelley Lake are petitioning the Board of Commissioners to add The Reserve at Kelley Lake into the Fayette County Street Light Program.

The Board of Commissioners created Fayette County Street Light Districts in September 1983. The street light ordinance was amended in November 2014 to require a \$100 application fee and prepayment of two (2) years worth of street light bills to cover expenses incurred by Fayette County until the charges could be recouped with the tax bills. The Reserve at Kelley Lake has paid Fayette County the required amounts and presented a petition representing 100% of the homeowners in The Reserve at Kelley Lake.

The estimated monthly charge is \$110.25. The Reserve at Kelley Lake has paid the \$100 application fee and the first two (2) years prepayment for street lights. Each of the twenty (20) parcels will be assessed \$80 annually on the property tax bill.

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

Approval of staff's recommendation to add The Reserve at Kelley Lake subdivision to Fayette County's Street Light Program.

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

These additional lights will cost \$110.25 per month per Coweta Fayette EMC. The Reserve at Kelley Lake has prepaid the amounts required to become a street light district until the cost may be added onto the property tax bill and the county reimbursed.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

# FAYETTE COUNTY PETITION FOR STREET LIGHTING

WE, THE UNDERSIGNED, ALL BEING PROPERTY OWNERS OF THE STREET LIGHT DISTRICT the Reserve at Kelly Lake, DO HEREBY PETITION THE FAYETTE COUNTY BOARD OF COMMISSIONERS FOR THE PLACEMENT OF STREET LIGHTS THROUGH OUR SUBDIVISION OR STREET(S).

EACH OF US DOES HEREBY PLEDGE AND CONSENT TO THE LEVYING OF A LIEN BY FAYETTE COUNTY AGAINST PROPERTY WE OWN FOR THE PURPOSE OF PAYMENT OF THE COST OF AND OPERATING THE STREET LIGHTS. THERE ARE <sup>20</sup> NUMBER OF LOTS CURRENTLY EXISTING IN STREET LIGHT DISTRICT The Reserve at Kelly Lake, AND EACH OWNER AS SHOWN ON THE TAX RECORDS HAS AFFIRMATIVELY SIGNED THIS PETITION OR INDICATION FOR DISAPPROVAL IS NOTED HEREIN.

THIS PETITION REPRESENTS 20 AFFIRMATIVE VOTES, OR 100 % OF THIS DISTRICT TO BE EFFECTED IN THIS REQUEST. YOUR SIGNATURE ON THIS PETITION INDICATED THAT YOU HAVE READ AND FULLY UNDERSTAND THE REQUIREMENTS FOR APPROVAL OF A STREET LIGHT DISTRICT.

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

SWORN TO AND SUBSCRIBED BEFORE ME,

THIS 12<sup>th</sup> DAY OF August, 2019.

Arthur W. Foy *Manager*  
*Bonkstown Kelly Lake*  
(SUBSCRIBING WITNESS)

Lauren Blank  
NOTARY PUBLIC

FAYETTE COUNTY, STATE OF GEORGIA





## REQUIREMENTS FOR APPROVAL OF A STREETLIGHT DISTRICT

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

1. Obtain Petition Forms from the Environmental Management Department.

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

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

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

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

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

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

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



# FAYETTE COUNTY STREET LIGHTING PROGRAM SIGNATURE SHEET

1 - 20

\_\_\_\_\_  
Lot #(s)

Bankstown Kelly Lake, LLC

\_\_\_\_\_  
Property Owner(s)

*ALL*  
\_\_\_\_\_  
(Street & No.)

*Andrew Whyte*  
\_\_\_\_\_  
Signature *Manager, Bankstown Kelly Lake*

\_\_\_\_\_  
Signature

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

*Lauren Blank*  
\_\_\_\_\_  
Witness

\_\_\_\_\_  
Lot #(s)

\_\_\_\_\_  
Property Owner(s)

\_\_\_\_\_  
(Street & No.)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Witness

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval of Agreement between Fayette County and the U. S. Department of the Interior Geological Survey (USGS) that provides for the required monitoring of water flow, stream monitoring data for quality, and CFS flow monitoring in the amount of \$192,400.00 from October 1, 2019 through September 30, 2020.

**Background/History/Details:**

The Georgia Department of Natural Resources requires that our Water System (and all others) monitor the flow of water in our raw water sources, below where Fayette County takes out water for storage, treatment and distribution. The U.S. Geological Survey(USGS), Water Resources Division, performs this type of work. Therefore, Fayette County contracts with USGS for their services. USGS has the only acceptable method for stream flow monitoring that is used for reporting and compliance monitoring of open channel streams. Several of these sites are also monitored for water quality. There are eleven "monitoring stations" at locations on the Flint River, two on Line Creek, and one on Shoal Creek. Monitoring ensures adequate water flow below the the County's facilities. The volume of water in a stream effects plant and animal life. Due to the aquatic requirements a predetermined 7Q10 is required to maintain aquatic life. These monitors will not only ensure we are protecting the environment but will also give us data that we can use along with our Environmental Management Team to eliminate those activities that are negatively affecting the waters as they pass through our county. With that being said this data can also be used to remove 303D listed streams and give data that proves they are supporting of aquatic life. The proposed monitoring project with the FCWS is designed to fulfill the monitoring requirements as outlined by the Metropolitan North Georgia Water Planning District (MNGWPD) and the Georgia Environmental Protection Division (GaEPD). This agreement will cover October 1, 2019 through September 30, 2020.

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

Authorization to enter into the Agreement with USGS for the annual monitoring of eleven sites including the Flint River, Line Creek and Shoal Creek , Lake Kedron, Flat Creek, and Lake Horton, to help maintain and record quality of water as it enters and leaves Fayette County.

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

Funding was budgeted in the Water System's M&O Budget under 50543061-521212 License and Professional Fees.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?

Backup Provided with Request?

## STAFF USE ONLY

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**



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

To: Steve Rapson

From: Natasha Duggan *ND*

Date: November 14, 2019

Subject: #1740-S: USGS Water Flow & Stream Monitoring – FY 2020

Dissolved oxygen in the water of the county's lakes, rivers, creeks, and streams is important to the quality of the water. One can expect the amount of dissolved oxygen in the water to be lowest during times of low flow in the waterways. A common measure of low flow is called "7Q10" which is the lowest stream flow over a seven-day period that can be expected every ten years.

Each year, the U.S. Department of the Interior, U.S. Geological Survey (USGS) and the county enter into an agreement whereby the USGS maintains real-time stream gauges that are placed in various locations throughout the county, which facilitate the 7Q10 calculation.

The locations of the stream gauges, and the price to maintain each, are as follows:

	Stream Gauge Locations	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	Change 2019-2020
02344396	Flint River at Woolsey Road	14,000	14,250	14,600	15,100	15,100	0.0%
02344605	Line Creek downstream of GA 54	14,000	14,250	19,900	15,100	15,100	0.0%
02344620	Shoal Creek at GA 54	14,000	14,250	14,600	15,100	15,100	0.0%
New	Lake McIntosh, near Peachtree City, GA	NA	NA	NA	NA	7,000	
02344360	Line Creek below Lake McIntosh	49,800	51,000	48,000	53,800	48,500	-9.9%
02344327	Morning Creek at Westbridge Road	19,000	19,400	19,900	20,400	NA	
02344724	Whitewater Creek at Eastin Road	14,000	14,250	14,600	15,100	NA	
02344736	Whitewater Creek at Sherwood Road	14,000	14,250	14,600	15,100	NA	
02344748	Whitewater Creek below Starrs Mill Dam	19,000	19,400	19,900	20,400	NA	
02344650	Lake Kedron near Peachtree City	6,600	6,800	7,000	7,000	7,000	0.0%
02344655	Flat Creek downstream of Lake Kedron	41,700	43,800	35,100	40,200	15,100	-62.4%
02344671	Lake Peachtree at Peachtree City	6,600	6,800	7,000	7,000	7,000	0.0%
02344673	Flat Creek below Lake Peachtree	49,800	51,000	53,300	53,800	48,500	-9.9%
02344424	Lake Horton near Peachtree City	6,600	6,800	7,000	7,000	7,000	0.0%
02344280	Lake Horton (Talrace) near Fayetteville	NA	NA	7,000	7,000	7,000	0.0%
02344280	Camp Creek at Helmer Road	14,000	14,250	14,600	15,100	NA	
02344364	Nash Creek (bacteria only)	5,000	5,150	5,300	5,300	NA	
		<b>288,100</b>	<b>295,650</b>	<b>302,400</b>	<b>312,500</b>	<b>192,400</b>	<b>-38.4%</b>
	Change From Previous Year	288,100	295,650	302,400	312,500	192,400	
			2.6%	2.3%	3.3%	-38.4%	

The Water System states that the USGS has the only accepted method for reporting and compliance monitoring of open-channel streams. For this reason, they recommend contracting with USGS each year for the service. They report that they are satisfied with the services provided by the USGS, as seen in the attached Contractor Performance Evaluation.

For budget and expense purposes, it should be noted that the contract follows the Federal fiscal year, which begins on October 1 and ends on September 30 each year. Specifics of the proposed contract are as follows:

<b>Contract Name</b>	1740-S: USGS Water Flow & Stream Monitoring – FY 2020	
<b>Vendor</b>	U.S. Geological Survey	
<b>Contract Term</b>	10/1/2019 to 9/30/2020 Corresponding with Fed Fiscal Year	
<b>Firm Fixed Price</b>	\$192,400.00 For the Federal Fiscal Year (10/1/19-9/30/20)	
<b>Budget:</b>		
Fund	505	Water System
Org.	50543061	Water Laboratory
Object	521212	Licenses & Professional Fees

Total Available FY 2020	\$315,540.00	To pay County Fiscal Year 2020 invoices
First quarterly payment, at previous contract rate*	\$78,125.00	
Second quarterly payment, at new contract rate	\$48,100.00	
Third quarterly payment, at new contract rate	\$48,100.00	
Fourth quarterly payment, at new contract rate	<u>\$48,100.00</u>	
Total for County Fiscal Year 2020	<u>\$222,425.00</u>	

\*Previous contract #1569-S rate was approved by the BOC on September 27, 2018.



## FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

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

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: U.S. Geological Survey	Contract Number: 15ESGAMF000003
Mailing Address: 1770 Corporate Drive	Contract Description or Title: Streamgage monitoring
City, St, Zip Code: Norcross, Georgia 30093	Contract Term (Dates) From: October 1, 2015 To: September 30, 2019
Phone Number: 678-924-6700	Task Order Number:
Cell Number:	Other Reference:
E-Mail Address:	

### DEFINITIONS

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

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

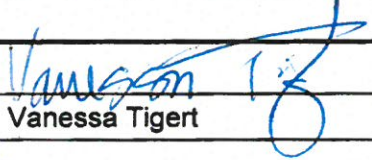
**SATISFACTORY (Sat)** - Vendor met minimum contractual requirements or performance expectations of the products/services.

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

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

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

### EVALUATED BY

Signature: 	Date of Evaluation: 10/23/19
Print Name: Vanessa Tigert	Department/Division: Water System
Title: Director	Telephone No: 770-320-6016



<b>CONTRACTOR PERFORMANCE EVALUATION</b>		Page 2
<b>Explanation of Outstanding or Unsatisfactory Ratings</b>		
Company Name:	Contract Number:	
	<b>EXPLANATIONS / COMMENTS</b>	
	1. Do not submit page 2 without page 1. 2. Use this page to explain evaluations of <i>Outstanding</i> or <i>Unsatisfactory</i> . 3. Be specific (include paragraph and page numbers referenced in the applicable contract, etc.). Continue on separate sheet if needed (show company name and contract number or other reference)	

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



## United States Department of the Interior

U.S. GEOLOGICAL SURVEY  
 South Atlantic Water Science Center  
 1770 Corporate Drive, Suite 500  
 Norcross, Georgia 30093  
 Phone: (678) 924-6700 Fax: (678) 924-6710  
<http://ga.water.usgs.gov>

Customer Number: 6000001126  
 Agreement Number:  
 20MPJFAG0000001  
 TTN: 586000826  
 Fixed Cost Agreement: YES

September 9, 2019

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

Dear Ms. Tigert:

Enclosed please find two copies of a Joint Funding Agreement (JFA) with original signatures for the project entitled "maintenance of the following real-time streamgages:

#02344396	Flint River at Woolsey Road, near Woolsey, GA	\$15,100
#02344605	Line Creek downstream of GA 54, near Peachtree City, GA	\$15,100
#02344620	Shoal Creek at GA 54, near Sharpsburg, GA	\$15,100
New	Lake McIntosh, near Peachtree City, GA	\$7,000
#02344630	Line Creek below Lake McIntosh, near Peachtree City, GA.	\$48,500
#02344650	Lake Kedron near Peachtree City	\$7,000
#02344655	Flat Creek downstream of Lake Kendron	\$15,100
#02344671	Lake Peachtree at Peachtree City	\$7,000
#02344673	Flat Creek below Lake Peachtree, Peachtree City	\$48,500
#02344423	Lake Horton near Peachtree City	\$7,000
#02344424	Lake Horton (Talrace) near Fayetteville	\$7,000

This agreement is entered into by the USGS under authority of 43 USC 36C; 43 USC 50; and 43 USC 50b. This JFA covers the period beginning on October 1, 2019, and ending on September 30, 2020, at a total cost of \$192,400 provided by Fayette County Water System, Fayette County, Georgia.

Please have both copies signed by an authorized official(s), retaining one copy for your records, and returning the other to the attention of Angel Spencer, Administrative Officer, at the address shown above. Work cannot be started or continued until we receive the signed agreement. All work performed with funds from this agreement will be conducted on a fixed-price basis. Billing for this JFA will be rendered quarterly. Please do not send a check at this time as you will be billed at a later date which will include payment instructions with the address for mailing your check. The results of all work under this agreement will be available for publication by the U.S. Geological Survey. Any party may terminate this agreement by providing 60 day's written notice to the other party.

If you have any questions or require additional information please contact Brian E. McCallum, Assistant Director for Data – Georgia, at 678-924-6672 or via email at [bemccall@usgs.gov](mailto:bemccall@usgs.gov).

Sincerely,

DIANNA  
 HOGAN

Digitally signed by  
 DIANNA HOGAN  
 Date: 2019.10.02  
 10:46:09 -04'00'

Dianna Hogan, Acting Director  
 USGS South Atlantic Water Science Center

**Form 9-1366  
(May 2018)**

**U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations**

**Customer #: 6000001126  
Agreement #: 20MPJFAG0000001  
Project #: MP00  
TIN #: 58-6000826**

**Fixed Cost Agreement YES[ X ] NO[ ]**

THIS AGREEMENT is entered into as of the October 1, 2019, by the U.S. GEOLOGICAL SURVEY, South Atlantic Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the Fayette County Water System party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation Water Resource Investigations (per attachment), herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50, and 43 USC 50b.
2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of \$0.00
  - (a) \$0 by the party of the first part during the period October 1, 2019 to September 30, 2020
  - (b) \$192,400 by the party of the second part during the period October 1, 2019 to September 30, 2020
  - (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of: \$0  
Description of the USGS regional/national program:
  - (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
  - (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.
3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.
4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.
5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.
6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.
7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.
8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program, and if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties. The Parties acknowledge that scientific information and data developed as a result of the Scope of Work (SOW) are subject to applicable USGS review, approval, and release requirements, which are available on the USGS Fundamental Science Practices website (<https://www2.usgs.gov/fssp/>).

**Form 9-1366  
(May 2018)**

**U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations**

**Customer #: 6000001126  
Agreement #: 20MPJFAG0000001  
Project #: MP00  
TIN #: 58-6000826**

9. Billing for this agreement will be rendered quarterly. Invoices not paid within 60 days from the billing date will bear Interest, Penalties, and Administrative cost at the annual rate pursuant the Debt Collection Act of 1982, (codified at 31 U.S.C. § 3717) established by the U.S. Treasury.

**USGS Technical Point of Contact**

**Name:** Brian McCallum  
**Address:** Assistant Director for Data - Georgia  
1770 Corporate Drive Suite 500  
Norcross, GA 30093  
**Telephone:** (678) 924-6672  
**Fax:** (678) 924-6710  
**Email:** bemccall@usgs.gov

**Customer Technical Point of Contact**

**Name:** Vanessa Tigert  
**Address:** Water System Director  
245 McDonough Road  
Fayetteville, GA 30214  
**Telephone:** (770) 320-6016  
**Fax:**  
**Email:** vtigert@fayettecountyga.gov

**USGS Billing Point of Contact**

**Name:** Crystal Stallworth  
**Address:** Budget Analyst  
1770 Corporate Drive Suite 500  
Norcross, GA 30093  
**Telephone:** (678) 924-6691  
**Fax:** (678) 924-6710  
**Email:** castallw@usgs.gov

**Customer Billing Point of Contact**

**Name:** Vanessa Tigert  
**Address:** Water System Director  
245 McDonough Road  
Fayetteville, GA 30214  
**Telephone:** (770) 320-6016  
**Fax:**  
**Email:** vtigert@fayettecountyga.gov

**U.S. Geological Survey  
United States  
Department of Interior**

**Fayette County Water System**

Signature

**DIANNA** Digitally signed by  
**HOGAN** DIANNA HOGAN  
Date: 2019.10.02  
10:46:42 -04'00'

**By** \_\_\_\_\_ **Date:** 09/9/2019

**Name:** Dianna Hogan  
**Title:** Acting Director

Signatures

**By** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Name:**  
**Title:**

**By** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Name:**  
**Title:**

**By** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Name:**  
**Title:**

Form 9-1366  
(May 2018)

U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations

Customer #: 6000001126  
Agreement #: 20MPJFAG0000001  
Project #: MP00  
TIN #: 58-6000826

Fixed Cost Agreement YES[ X ] NO[ ]

THIS AGREEMENT is entered into as of the October 1, 2019, by the U.S. GEOLOGICAL SURVEY, South Atlantic Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the Fayette County Water System party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation Water Resource Investigations (per attachment), herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50, and 43 USC 50b.
2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of \$0.00
  - (a) \$0 by the party of the first part during the period October 1, 2019 to September 30, 2020
  - (b) \$192,400 by the party of the second part during the period October 1, 2019 to September 30, 2020
  - (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of: \$0  
Description of the USGS regional/national program:
  - (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
  - (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.
3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.
4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.
5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.
6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.
7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.
8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program, and if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties. The Parties acknowledge that scientific information and data developed as a result of the Scope of Work (SOW) are subject to applicable USGS review, approval, and release requirements, which are available on the USGS Fundamental Science Practices website (<https://www2.usgs.gov/fsp/>).

Form 9-1366  
(May 2018)

U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations

Customer #: 6000001126  
Agreement #: 20MPJFAG0000001  
Project #: MP00  
TIN #: 58-6000826

9. Billing for this agreement will be rendered quarterly. Invoices not paid within 60 days from the billing date will bear Interest, Penalties, and Administrative cost at the annual rate pursuant the Debt Collection Act of 1982, (codified at 31 U.S.C. § 3717) established by the U.S. Treasury.

**USGS Technical Point of Contact**

Name: Brian McCallum  
Assistant Director for Data - Georgia  
Address: 1770 Corporate Drive Suite 500  
Norcross, GA 30093  
Telephone: (678) 924-6672  
Fax: (678) 924-6710  
Email: bemccall@usgs.gov

**Customer Technical Point of Contact**

Name: Vanessa Tigert  
Water System Director  
Address: 245 McDonough Road  
Fayetteville, GA 30214  
Telephone: (770) 320-6016  
Fax:  
Email: vtigert@fayettecountyga.gov

**USGS Billing Point of Contact**

Name: Crystal Stallworth  
Budget Analyst  
Address: 1770 Corporate Drive Suite 500  
Norcross, GA 30093  
Telephone: (678) 924-6691  
Fax: (678) 924-6710  
Email: castallw@usgs.gov

**Customer Billing Point of Contact**

Name: Vanessa Tigert  
Water System Director  
Address: 245 McDonough Road  
Fayetteville, GA 30214  
Telephone: (770) 320-6016  
Fax:  
Email: vtigert@fayettecountyga.gov

U.S. Geological Survey  
United States  
Department of Interior

Fayette County Water System

Signature

By DIANNA HOGAN Digitally signed by  
DIANNA HOGAN  
Date: 2019.10.02  
10:46:42 -04'00' Date: 09/9/2019  
Name: Dianna Hogan  
Title: Acting Director

Signatures

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:



# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval of staff's recommendation to adopt Ordinance 2019-07 that adds Article IX, Commercial Car Wash Recycling to Fayette County Code, Chapter 28.

**Background/History/Details:**

The Commercial Car Wash Recycling Ordinance is one of the model ordinances required by the Metropolitan North Georgia Watershed Planning District to be administered by each jurisdiction within the district.

This ordinance applies to all conveyor car washes permitted and constructed within the unincorporated County after approval by the Board of Commissioners. It does not apply to self-service or in-bay automatic car washes.

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

Adoption of Ordinance 2019-07, Chapter 28, Article IX, Commercial Car Wash Recycling.

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

Not Applicable

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**ORDINANCE**

**NO. 2019-\_\_\_\_**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO ESTABLISH PROVISIONS PERTAINING TO COMMERCIAL CAR WASH WATER RECYCLING; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO UTILITIES (CHAPTER 28), BE AMENDED AS FOLLOWS:**

**Section 1.** By designating Sections 28-255 through 28-270 of Article VIII of Chapter 28 as “Reserved”, and by creating a new Article IX in Chapter 28, pertaining to “Commercial Car Wash Water Recycling”, to be numbered and read as follows:

**ARTICLE IX. COMMERCIAL CAR WASH WATER RECYCLING.**

**Sec. 28-271. Title.**

This article shall hereafter be known and cited as the “Commercial Car Wash Water Recycling Ordinance”.

**Sec. 28-272. Purpose and intent.**

The purpose of this article is to reduce water consumption from commercial car wash facilities by requiring all new conveyor car washes to install, utilize and maintain operational recycled water systems.

**Sec. 28-273. Definitions.**

The following words and phrases, whenever used in this section, shall have the meanings as provided by this section:

*Conveyor car wash* shall mean a commercial car wash where the car moves on a conveyor belt during the wash. The driver of the vehicle can remain in the vehicle or wait outside of the vehicle.

*In-bay automatic car wash* shall mean a commercial car wash where the driver pulls into the bay and parks the car. The vehicle remains stationary while a machine moves back and forth over the vehicle to clean it, instead of the vehicle moving through a tunnel.

*Recycled water system* shall mean a water system that captures and reuses water previously used in wash or rinse cycles.

*Self-service car wash* shall mean a commercial car wash where the customers wash their cars themselves with spray wands and brushes.

**Sec. 28-274. Applicability.**

(a) This article shall apply to all new conveyor car washes permitted and constructed

after November 14, 2019, regardless of the water source.

(b) The provisions of this article do not apply to any car washes that were permitted or constructed before November 14, 2019.

(c) The provisions of this article do not apply to self-service car washes or in-bay automatic car washes.

**Sec. 28-275. Commercial car wash water recycling requirement.**

(a) All new commercial conveyor car washes, permitted and constructed after November 14, 2019 and any car wash remodeled after that date utilizing conveyor car wash technology, shall install operational recycled water systems. A minimum of 50% of water utilized by such facilities shall be captured and recycled within the facility.

(b) Once installed, all operational recycled water systems shall be maintained in proper working order in accordance with manufacturer's specifications. Semi-annual or more frequent inspections of the system shall be performed by the owner, and records of all inspections shall be maintained at the place of business where they shall be available for inspection by county officials during normal business hours.

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

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

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

**SO ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY

By: \_\_\_\_\_  
Randy Ognio, Chairman

(SEAL)

ATTEST:

\_\_\_\_\_  
Tameca P. White, County Clerk

Approved as to form:

\_\_\_\_\_  
County Attorney



# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval of Ordinance 2019-08 for the revisions to the existing Building Code Ordinance to reflect the current code changes made in state law.

**Background/History/Details:**

Periodically, the International Code Council introduces new Code Editions of the Mandatory and Optional Codes adopted by Fayette County. We have revised our County Building Code Ordinance to reflect these changes, as well as to include the new Mandatory Codes adopted by the State. Although the majority of these changes are minor housekeeping related, they are required to allow staff to enforce codes as written. All changes have been reviewed and approved by the County Attorney's office.

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

Approval of Ordinance 2019-08 for the revisions to the existing Building Code Ordinance to reflect the current code changes made in state law.

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

No.

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:**

Sec. 102-20. - Copyright acknowledgment.

Portions of this chapter have been reproduced with permission from ~~the 2006 edition of the International Building Code®; International Residential Code®; for One- and Two-Family Dwellings, International Mechanical Code®; International Plumbing Code®; International Code Council Electrical Code®; and International Fuel Gas Code®; and the 2003 edition of the International Property Maintenance Code®; and International Existing Building Code®;~~ copyrighted and owned by the International Code Council, Inc.

Code 1992, § 5-2; Ord. No. 2006-16, § 2, 12-14-2006)

Sec. 102-168. - Referenced codes.

The other codes listed in subsections (1) through (7) of this section and referenced elsewhere in the building code shall be considered part of the requirements of the building code to the prescribed extent of each such reference.

- (1) *Electrical.* The provisions of the ICC Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.
- (2) *Gas.* The provisions of the International Fuel Gas Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in the building code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.
- (3) *Mechanical.* The provisions of the International Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related systems.
- (4) *Plumbing.* The provisions of the International Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water sewage system and all aspects of a medical gas system.
- (5) *Property maintenance.* The provisions of the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.
- (6) *Fire prevention.* The provisions of the International Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.
- (7) *Energy.* The provisions of the International Energy Conservation Code shall apply to all matters governing the design and construction of buildings for energy efficiency.
- (8) *Swimming pools and spas.* The provisions of the International Swimming Pool and Spa Code shall apply to all matters concerning the construction, alteration, movement, renovation, replacement and maintenance of aquatic vessels.

(Code 1992, § 5-104; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 102-193. - Work exempt from permit.

Exemptions from permit requirements of the building code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the building code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

(1) *Building:*

- a. One-story detached accessory structures less than 200 square feet (18.58 m<sup>2</sup>) used as tool and storage sheds, playhouses and similar uses.
- b. Fences not over six feet (1,829 mm) high.
- c. Oil derricks.
- d. Retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
- e. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
- f. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
- g. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- h. Temporary motion picture, television and theater stage sets and scenery.
- i. ~~Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.~~ Aquatic vessels designed to be filled and drained daily, and that are not connected to a circulatory system.
- j. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- k. Swings and other playground equipment accessory to detached one- and two-family dwellings.
- l. Window awnings supported by an exterior wall which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.
- m. Nonfixed and movable fixtures, cases, racks, counters and partitions not over five feet nine inches (1,753 mm) in height.

(2) *Electrical.*

- a. *Repairs and maintenance.* Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- b. *Radio and television transmitting stations.* The provisions of the building code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
- c. *Temporary testing systems.* A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

(3) *Gas.*

- a. Portable heating appliance.
- b. Replacement of any part that does not alter approval of equipment or make such equipment unsafe.

- (4) *Mechanical.*
- a. Portable heating appliance.
  - b. Portable ventilation equipment.
  - c. Portable cooling unit.
  - d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the building code.
  - e. Replacement of any part that does not alter approval or make it unsafe.
  - f. Portable evaporative cooler.
  - g. Self-contained refrigeration system containing ten pounds (5 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.
- (5) *Plumbing.*
- a. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with the new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the building code.
  - b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
- (6) *Emergency repairs.* Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official. For the purposes of this section, emergency shall be defined as an unexpected situation requiring prompt action to safeguard life or limb, health, property and public welfare. This section shall not be construed as allowing work to be done without a permit to restore comfort and convenience items, equipment or systems. Emergency work performed shall not be done contrary to the provisions of the building code.
- (7) *Repairs.* Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
- (8) *Public service agencies.* A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

(Code 1992, § 5-112; Ord. No. 2006-16, § 3, 12-14-2006; Ord. No. 2007-04, § 1, 3-22-2007)

Sec. 102-200. - Inspection record card and approved construction documents.

Work for which a permit is required shall not be commenced until the permittee has made available ~~an inspection record card and~~ approved construction documents on the premises and in such a position to allow the building official convenient access and use. These items shall be protected from the elements and maintained in such location by the permittee until final approval has been granted by the building official.

(Code 1992, § 5-119; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 102-201. - Work without a permit: investigation required.

~~(a)~~ Whenever any work for which a permit is required has been commenced without first obtaining said permit, a Stop Work Order shall be issued pursuant to Division 9 of this article and a special investigation shall be made before a permit may be issued for such work.

~~(b) Policies and procedures. The building official shall establish policies and procedures for work without a permit.~~

(Code 1992, § 5-120; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 102-260. - Refunds.

(a) The building official is authorized to establish a refund policy.

(b) Refunds shall not be given:

- (1) For an application or permit that has expired.
- (2) If more than 180 days has elapsed from the application submittal date.
- (3) If more than 180 days has elapsed from the permit issuance date.
- (4) For that component of the permit fee which is representative of the development impact fee.
- (5) For plan reviews already performed.
- (6) If an inspection has been performed.

(Code 1992, § 5-145; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 102-286. - Required inspections.

The building official, upon notification, shall make the inspections set forth in this section.

- (1) *Footing and foundation inspection.* Footing and foundation inspection shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C94, the concrete need not be on the job.
- (2) *Concrete slab and under-floor inspection.* Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
- (3) *Lowest floor elevation.* In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in section 161.2.5 shall be submitted to the building official.
- (4) *Frame inspection.* Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.
- (5) *Lath and gypsum board inspection.* Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.



Exception. Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

- (6) *Fire-resistant penetrations.* Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.
- (7) *Energy efficiency inspections.* Inspections shall be made to determine compliance with ~~chapter 43~~ the International Energy Conservation Code and shall include, but not be limited to, inspections for:
  - a. Envelope insulation R and U values;
  - b. Fenestration U value;
  - c. Duct system R value; and
  - d. HVAC and water-heating equipment efficiency.
- (8) *Other inspections.* In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the building code and other laws that are enforced by the department of building safety.
- (9) *Lot and foundation survey.* A survey of the lot and foundation shall be required by the building official to verify that the building or structure is located within the designated setbacks and in accordance with the approved plans for the following:
  - a. For all newly constructed single-family dwellings.
  - b. For residential accessory structures, pools and additions located within two feet of the setback, floodplain and/or watershed protection areas. The foundation survey shall occur after concrete is placed and shall be submitted to and approved by the county planning and zoning department and engineering department prior to the commencement of any framing operations or work. It shall be unlawful to commence any framing operations or work until the foundation survey is approved by the county planning and zoning department and engineering department.

Exception. For pools, the survey shall be submitted to and approved by the county planning and zoning department and engineering department after excavation and the placement of forms and reinforcing steel, but prior to the placement of any concrete, shotcrete or gunite. For pre-manufactured pools, the survey shall be submitted to and approved by the county planning and zoning department and engineering department after excavation, but prior to the placement of the pool shell.

- (10) *Special inspections.* For special inspections, see section 1704.
- (11) *Final inspection.* The final inspection shall be made after all work required by the building permit is completed.

(Code 1992, § 5-153; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 102-290. - Work covered without inspection approval; investigation required.

- ~~(a)~~ Whenever any work for which a permit is required has been covered without first obtaining the necessary inspection approval, a special investigation shall be made before subsequent inspections are approved. Covered work shall be exposed to allow for an inspection.
- ~~(b)~~ Policies and procedures. The building official shall establish policies and procedures for work covered without inspection approval.

(Code 1992, § 5-157; Ord. No. 2006-16, § 3, 12-14-2006)

## Sec. 102-315. - Certificate issued.

After the building official inspects the building or structure and finds no violations of the provisions of the building code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy which shall contain the following:

- (1) The building permit number.
- (2) The address of the structure.
- (3) The name and address of the owner.
- (4) A description of that portion of the structure for which the certificate is issued.
- (5) A statement that the described portion of the structure has been inspected for compliance with the requirements of the building code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
- (6) The name of the building official.
- (7) The edition of the building code under which the permit was issued.
- (8) The use and occupancy, in accordance with the provisions of ~~chapter 3~~the International Building Code.
- (9) The type of construction as defined in ~~chapter 6~~the International Building Code.
- (10) The design occupant load.
- (11) If an automatic sprinkler system is provided and whether the sprinkler system is required.
- (12) Any special stipulations and conditions of the building permit.

(Code 1992, § 5-162; Ord. No. 2006-16, § 3, 12-14-2006)

## Sec. 102-431. - Disaster assessment.

- (a) *Notification.* Upon notification from emergency first responder personnel, law enforcement personnel or others of a disaster to a building or structure, the building official shall make or cause to be made any necessary visual, nondestructive inspections to determine:
  - (1) Immediate hazards that jeopardize public safety, health or general welfare;
  - (2) Extent of damage;
  - (3) Necessity to evacuate or condemn the building or structure;
  - (4) Necessity to disconnect or authorize reestablishment of utilities;
  - (5) What permits will be required; and
  - (6) Whether plans are necessary.
- (b) *Posting of placards.* Placards shall be clearly posted at each entrance of the building or structure immediately upon completion of a disaster assessment as follows:
  - (1) Inspected—No Restriction on Lawful Use or Occupancy (Green); or
  - (2) Danger!—Limited Entry (Yellow); or
  - (3) Danger!—No Entry (Red).

It shall be unlawful to remove placards posted by the building official.

~~(c) Policies and procedures. The building official shall establish policies and procedures for conducting disaster assessments.~~

(Code 1992, § 5-198; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 102-466. - Appendices.

~~(a) Provisions in the appendices shall not apply unless specifically referenced herein or in the adopting ordinance.~~

~~(b) Appendix Swimming Pools, Spas and Hot Tubs, G adopted. Appendix G Swimming Pools, Spas and Hot Tubs of the 2006 International Residential Code for One and Two-Family Dwellings is hereby adopted.~~

(Code 1992, § 5-206; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 102-487. - Work exempt from permit.

Exemption from permit requirements of the residential code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the residential Code or any other laws or ordinances of this jurisdiction. All work exempt from a permit shall comply with chapter 110, pertaining to zoning. Although work may be exempt from a building permit, separate electrical, fuel, gas, mechanical or plumbing permits may be required and vice-versa. Permits shall not be required for the following:

(1) *Building*.

- a. One-story detached accessory structures less than 200 square feet (18.58 m<sup>2</sup>) used as tool and storage sheds, playhouses, and similar uses.
- b. Fences not over eight feet (2438.4 mm) high. For the purposes of this section, the term "fences" means lightweight structures made of posts and boards, wire, pickets, or rails commonly used as an enclosure for a field or yard.
- c. Walls not over four feet (1219.2 mm) in height measured from the grade to the top of the wall, unless supporting a surcharge. For the purposes of this section, the term "walls" means structures made of masonry or concrete used as an enclosure for a field or yard.
- d. Concrete or masonry pilasters not over eight feet (2438.4 mm) high and that do not exceed a minimum 3½:1 or a maximum 1:1 height-to-width ratio used in conjunction with fences or walls. Example: 3.5:1 equals eight feet or 96 inches + 3.5 equals 27.5 inches square pilaster and footing 1:1 equals eight feet.
- e. Retaining walls that are not over four feet (1219.2 mm) in height measured from the grade to the top of the wall, unless supporting a surcharge. For the purposes of this section, the term "retaining walls" means structures made of masonry, concrete, timber or similar materials used to retain earth, water, or other lateral pressure. For clarification purposes, cast in place walls that are part of the original foundation wall and retain earth, water, or other lateral pressure are not to be considered as retaining walls. Note: 1:1 ratio maximum length. If 45-degree angle at end of wall, 1.5:1 maximum ratio is allowed.
- f. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2:1.
- g. Sidewalks and driveways.
- h. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work; shelving, casing, baseboards, wainscoting, or similar mill work.
- i. ~~Prefabricated swimming pools that are less than 24 inches (610 mm) deep; portable spas installed at grade level with all heating and circulating equipment integral to the manufactured product; portable swimming pools (non-permanently installed pool) that may be readily disassembled for storage and reassembled to its original integrity, and are not~~

~~permanently attached to plumbing or electrical services. Aquatic vessels designed to be filled and drained daily, and that are not connected to a circulation system.~~

- j. Swings and other playground equipment.
  - k. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
  - l. Decks not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below, unless part of the required egress.
  - m. Screen and storm doors, storm shutters and doors, and window screens.
  - n. Roofing repairs and replacement, provided the new roofing material is identical to the existing roofing material, and the repair or replacement of structural sheathing (e.g. plywood, OSB, etc.) does not exceed 128 square feet (11.9 m<sup>2</sup>). This exemption does not apply to the supporting structural system or components (e.g. trusses, rafters, ceiling joists, etc.).
  - o. Siding applied over existing siding; the replacement of vinyl or aluminum siding with hardboard panel siding. This exemption does not apply to the removal of structural panel sheathing.
  - p. Door and window replacement, provided the opening size, location, and operation (e.g. casement, single-hung, horizontal slider, etc.) remain the same; vehicle garage doors and garage door openers at existing approved vehicle garage door openings.
  - q. Guards (guardrails), stairs, and handrails associated with changes in elevation that are not associated with a structure as a means of egress element (e.g. landscape elevation changes).
  - r. Rain gutters and associated appurtenances.
  - s. Pull down stairs at existing approved attic access openings, provided the installation does not include the cutting away of any wall, partition, ceiling joist or portion thereof, or the removal or cutting of any structural beam or load-bearing support.
- (2) *Electrical.*
- a. Minor repair or maintenance work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
  - b. Low voltage systems including telecommunication, computer networking, security, audio and video systems; low voltage landscape lighting.
  - c. Installation or replacement of ceiling fans or light fixtures at existing approved permanently installed lighting outlet locations.
  - d. Replacement of switches for lighting and receptacle outlets at existing approved permanently installed device locations, provided the new device type, voltage, ampacity, and method of grounding are identical to the existing device.
  - e. Replacement of receptacle outlets at existing approved permanently installed outlet locations, provided the new outlet type, voltage, ampacity, and method of grounding are identical to the existing outlet.
  - f. Installation or replacement of electric cooking, food refrigeration, dishwashing, and clothes washing appliances, provided the installation or replacement does not involve or require the relocation of the existing approved permanently installed receptacle outlet or wiring; the approved existing circuit voltage and ampacity is within the appliance's specifications; and the appliance is installed in accordance with the manufacturer's installation instructions. This section includes ~~ground-mounted air conditioning units,~~ microwaves, cooking exhaust hoods, ~~coektops,~~ ranges, ovens, warming drawers, dishwashers, clothes washers, and clothes dryers. This section does not include water heaters, furnaces, or ventilation

equipment. ~~Installation of appliances is not required for inspection purposes on new construction, but if the appliances are installed, they will be inspected for code violations and be brought into Code compliance before approval.~~

- g. Replacement of any overcurrent device of the required capacity in the same location, provided the new overcurrent device manufacturer, type and rating are identical to the existing overcurrent device.
- h. Temporary decorative seasonal lighting.

(3) *Fuel gas.*

- a. Portable heating, cooking or clothes drying appliances.
- b. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- c. Portable fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- d. Installation or replacement of gas cooking and clothes drying appliances, provided the installation or replacement does not involve or require the replacement or rearrangement of valves or pipes; the approved existing piping system fuel type and output is within the appliance's specifications; and the appliance is installed in accordance with the manufacturer's installation instructions. This section includes ~~cooktops,~~ ranges, ovens, grills, barbecues, and clothes dryers. This section does not include factory-built fireplaces, water heaters, or furnaces. ~~Installation of appliances is not required for inspection purposes on new construction, but if the appliances are installed, they will be inspected for code violations and be brought into code compliance before approval.~~
- e. Underground and above-ground storage tanks for liquefied petroleum gas (propane).

(4) *Mechanical.*

- a. Portable heating appliances.
- b. Portable ventilation appliances.
- c. Portable cooling units.
- d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the residential code.
- e. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- f. Portable evaporative coolers.
- g. Self-contained refrigeration systems containing ten pounds (4.54 kg) or less of refrigerant or that are actuated by motors of one horsepower (746 W) or less.
- h. Portable fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- ~~i. The installation or replacement of ground-mounted air conditioning units. The installation of ground-mounted air conditioning units is not required for inspection purposes on new construction, but if the units are installed, they will be inspected for code violations and be brought into code compliance before approval.~~

(5) *Plumbing.*

- a. Water filtration systems or water softeners.
- b. Replacement of sinks, lavatories, faucets, and water closets at existing approved permanently installed locations, provided the new sink, lavatory, faucet and water closet does not involve or require the replacement or rearrangement of valves or pipes.

- c. Private sewage disposal systems, septic tanks, disposal fields and seepage pits.
  - d. The stopping of leaks in drains, water, soil, waste or vent pipe, provided that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with the new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the residential code.
  - e. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
  - f. Location, drilling or installation of well casing.
  - g. The installation or repair of water service piping from the utility meter to the building envelope.
- (6) *Emergency repairs.* Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official. For the purposes of this section, emergency shall be defined as an unexpected situation requiring prompt action to safeguard life or limb, health, property and public welfare. This section shall not be construed as allowing work to be done without a permit to restore comfort and convenience items, equipment or systems. Emergency work performed shall not be done contrary to the provisions of the residential code.
- (7) *Repairs.* Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
- (8) *Public service agencies.* A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

(Code 1992, § 5-212; Ord. No. 2006-16, § 4, 12-14-2006; Ord. No. 2007-04, § 2, 3-22-2007; Ord. No. 2007-08, § I, 11-7-2007)

Sec. 102-488. - Application for permit.

- (a) *Required.* To obtain a permit, the applicant shall file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:
- (1) Identify and describe the work to be covered by the permit for which the application is made.
  - (2) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
  - (3) Indicate the use and occupancy for which the proposed work is intended.
  - (4) Be accompanied by construction documents and other information as required in section 102-514.
  - (5) State the valuation of the proposed work.
  - (6) Be signed by the applicant or the applicant's authorized agent.



- (7) Give such other data and information as required by the building official.
- (b) *Action on application.* The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of the residential code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable. Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. For applications for reconstruction, rehabilitation, addition or other improvement of existing buildings or structures located in an area prone to flooding as established by ~~table R301.2(1)~~the residential code, the building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamage condition. If the building official finds that the value of the proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the finding shall be provided to the board for a determination of substantial improvement or substantial damage. Applications determined by the board to constitute substantial improvement or substantial damage shall meet the requirements of ~~R324 of~~the residential code.
- (c) *Time limitation of application.* An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one extension of time for an additional period not exceeding 180 days. No application shall be extended more than once. The extension shall be requested in writing and justifiable cause demonstrated. A request for an extension must be received by the building official prior to the expiration of the application. The building official is not required to notify the applicant prior to the applications expiration or that the application has expired.

(Code 1992, § 5-213; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 102-494. - Inspection record card and approved construction documents.

Work for which a permit is required shall not be commenced until the permittee has made available ~~an inspection record card and~~ approved construction documents on the premises and in such a position to allow the building official convenient access and use. These items shall be protected from the elements and maintained in such location by the permittee until final approval has been granted by the building official.

(Code 1992, § 5-219; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 102-495. - Work without a permit; investigation required.

- ~~(a)~~ Whenever any work for which a permit is required has been commenced without first obtaining said permit, a Stop Work Order shall be issued pursuant to Division 9 of this article and a special investigation shall be made before a permit may be issued for such work.
- ~~(b) — Policies and procedures. The building official shall establish policies and procedures for work without a permit.~~

(Code 1992, § 5-220; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 102-514. - Submittal documents.

- (a) *Special conditions.* Construction documents, special inspection and structural observation programs and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that the reviewing of construction documents is not necessary to obtain compliance with the residential code.
- (b) *Information on construction documents.* Construction documents shall be drawn to scale upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the residential code and relevant laws, ordinances, rules and regulations, as determined by the building official. Sketches and pencil or other erasable media used to prepare construction documents shall not be accepted by the building official.
- (c) *Policies and procedures.* The building official shall establish policies and procedures for the minimum standards of acceptance for construction documents.
- (d) *Manufacturer's installation instructions.* Manufacturer's installation instructions, as required by the residential code, shall be available on the job site at the time of inspection.
- (e) *Information for construction in flood hazard areas.* For buildings and structures located in whole or in part in flood hazard areas as established by ~~table R301.2(1) in~~ the residential code, construction documents shall include:
  - (1) Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate;
  - (2) The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade;
  - (3) The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V zone); and
  - (4) If design flood elevations are not included on the community's flood insurance rate map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

(Code 1992, § 5-231; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 102-549. - Refunds.

- (a) The building official is authorized to establish a refund policy.
- (b) Refunds shall not be given:
  - (1) For an application or permit that has expired.
  - (2) If more than 180 days has elapsed from the application submittal date.
  - (3) If more than 180 days has elapsed from the permit issuance date.
  - (4) For that component of the permit fee which is representative of the development impact fee.
  - (5) For plan reviews already performed.
  - (6) If an inspection has been performed.

(Code 1992, § 5-245; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 102-579. - Types of inspections.

- (a) *On-site construction.* For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with the residential code.
- (b) *Foundation inspection.* Inspection of the foundation shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.
- (c) *Plumbing, mechanical, gas and electrical systems inspection.* Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection. Exception: Backfilling of ground-source heat pump loop systems tested in accordance with section M2105.1 of the masonry code prior to inspection shall be permitted.
- (d) *Floodplain inspections.* For construction in areas prone to flooding as established by table R301.2(1) of the residential code, upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in ~~section R324 of~~ the residential code.
- (e) *Frame and masonry inspection.* Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.
- (f) *Other inspections.* In addition to the called inspections above, the building official may make or require any other inspections to ascertain compliance with the residential code and other laws enforced by the building official.
  - (1) *Fire-resistance-rated construction inspection.* Where fire-resistance-rated construction is required between dwelling units or due to location on property, the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.
  - (2) *Lot and foundation survey.* A survey of the lot and foundation shall be required by the building official to verify that the building or structure is located within the designated setbacks and in accordance with the approved plans for the following:
    - a. For all newly constructed single-family dwellings.
    - b. For residential accessory structures, pools and additions located within two feet of the setback, floodplain and/or watershed protection areas.

The foundation survey shall occur after concrete is placed and shall be submitted to and approved by the county planning and zoning department and engineering department prior to the commencement of any framing operations or work. It shall be unlawful to commence any framing operations or work until the foundation survey is approved by the county planning and zoning department and engineering department. Exception: For pools, the survey shall be submitted to and approved by the county planning and zoning department and engineering department after excavation and the placement of forms and reinforcing steel, but prior to the placement of any concrete, shotcrete or gunite. For pre-manufactured pools, the survey shall be submitted to and approved by the county planning and zoning department and engineering department after excavation, but prior to the placement of the pool shell.

- (g) *Final inspection.* Final inspection shall be made after the permitted work is complete and prior to occupancy.

(Code 1992, § 5-253; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 102-583. - Work covered without inspection approval: investigation required.

- ~~(a)~~ Whenever any work for which a permit is required has been covered without first obtaining the necessary inspection approval, a special investigation shall be made before subsequent inspections are approved. The work shall be uncovered to allow an inspection.
- ~~(b) Policies and procedures. The building official shall establish policies and procedures for work covered without inspection approval.~~

(Code 1992, § 5-257; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 102-615. - Use and occupancy.

- (a) No building or structure shall be used or occupied, and not change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the residential code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of the residential code or other ordinances of the jurisdiction shall not be valid.
- (b) Exceptions.
- (1) Certificates of occupancy are not required for work exempt from permits ~~under section 102-487.~~
- ~~(2) Accessory buildings or structures.~~

(Code 1992, § 5-261; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 102-616. - Change in use.

Changes in the character or use of an existing structure shall not be made except as specified in ~~sections 3406 and 3407~~ of the International Building Code.

(Code 1992, § 5-262; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 102-730. - Disaster assessment.

- (a) *Notification.* Upon notification from emergency first responder personnel, law enforcement personnel or others of a disaster to a building or structure, the building official shall make or cause to be made any necessary visual, nondestructive inspections to determine:
- (1) Immediate hazards that jeopardize public safety, health or general welfare;
  - (2) Extent of damage;
  - (3) Necessity to evacuate or condemn the building or structure;
  - (4) Necessity to disconnect or authorize reestablishment of utilities;
  - (5) What permits will be required; and

- (6) Whether plans are necessary.
- (b) *Posting of placards.* Placards shall be clearly posted at each entrance of the building or structure immediately upon completion of a disaster assessment as follows:
- (1) Inspected—No Restriction on Lawful Use or Occupancy (Green);
  - (2) Danger!—Limited Entry (Yellow); or
  - (3) Danger!—No Entry (Red).

It shall be unlawful to remove placards posted by the building official.

~~(c) *Policies and procedures.* The building official shall establish policies and procedures for conducting disaster assessments.~~

(Code 1992, § 5-300; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 102-795. - Permit issuance.

- (a) *Review by code official.* The application, construction documents and other data filed by an applicant for permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of the mechanical code and all laws and ordinances applicable thereto, and that the fees specified in section 102-796 have been paid, a permit shall be issued to the applicant.
- (b) *Approved construction documents.* When the code official issues a permit where construction documents are required, the construction documents shall be approved, in writing and stamped "Reviewed For Code Compliance." Such approved construction documents shall not be changed, modified or altered without authorization from the code official. All work shall be done in accordance with the approved construction documents. The code official is authorized to issue a permit for the construction of a part of a mechanical system before the construction documents for the whole system have been submitted or approved, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the mechanical code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk without assurance that the permit for the entire mechanical system will be granted.
- (c) *Amended construction documents.* Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. Willful and prejudicial departure from or disregard of construction documents in any material respect without the approval of the code official is unlawful.
- (d) *Validity.* The issuance of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the mechanical code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the mechanical code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the code official from requiring the correction of errors in the construction documents and other data or from preventing building operations being carried on thereunder when in violation of the mechanical code or of other ordinances of this jurisdiction. The code official is also authorized to prevent occupancy or use of a structure where in violation of the mechanical code or of any other ordinances of this jurisdiction.
- (e) *Expiration.* Every permit issued shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. A minimum of one inspection approval must be obtained as evidence that work

was commenced or that work has continued. The determination as to whether work was suspended shall be based on the most recent inspection approval date.

- (f) *Extensions.* The code official is authorized to grant, in writing, one extension of time for an additional period of not more than 180 days provided no changes have been made or will be made in the original construction documents for such work. No permit shall be extended more than once. The extension shall be requested in writing and justifiable cause demonstrated. Requests for extensions must be received by the code official prior to the expiration of the permit. The code official is not required to notify the permittee prior to the permit's expiration or that the permit has expired. The fee for an extension shall be one-half the amount required for a new permit for such work.
- (g) *Suspension or revocation of permit.* The code official shall revoke a permit or approval issued under the provisions of the mechanical code in case of any false statement or misrepresentation of fact in the application or on the construction documents upon which the permit or approval was based.
- (h) *Retention of construction documents.* One set of construction documents shall be retained by the code official until final approval of the work covered therein. One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.
- (i) *Placement of permit.* Work for which a permit is required shall not be commenced until the building permit or copy thereof is posted on the site of the work until the completion of the project. The posted permit shall be visible from the street and maintained in such location by the permittee until final approval has been granted by the code official.
- (j) *Responsibility.* It shall be the duty of every person who performs work for which the mechanical code is applicable, to comply with the mechanical code.
- (k) *Inspection record card and approved construction documents.* Work for which a permit is required shall not be commenced until the permittee has made available ~~an inspection record card and~~ approved construction documents on the premises and in such a position to allow the code official convenient access and use. These items shall be protected from the elements and maintained in such location by the permittee until final approval has been granted by the code official.
- (l) *Work without a permit; investigation required.* Whenever any work for which a permit is required has been commenced without first obtaining said permit, ~~a Stop Work Order shall be issued pursuant to Division 4 of this article and~~ a special investigation shall be made before a permit may be issued for such work.
- ~~(m) *Policies and procedures.* The code official shall establish policies and procedures for work without a permit.~~

(Code 1992, § 5-324; Ord. No. 2006-16, § 5, 12-14-2006)

#### Sec. 102-796. - Fees.

- (a) *Payment of fees.* A permit shall not be issued until the fees prescribed in subsection (c) of this section have been paid, and an amendment to a permit shall not be released until the additional fee, if any, due to an increase of the mechanical system, has been paid.
- (b) *Investigation fees; work without a permit.* Where work, for which a permit is required, has been commenced prior to obtaining a permit, an investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by the mechanical code. The minimum investigation fee shall be the same as the minimum permit fee set forth in accordance with the schedule as established by the board of commissioners of the county. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the mechanical code nor from any penalty prescribed by law.



- (c) *Fee schedule.* For mechanical work requiring a permit or other designated activity, a fee for each permit shall be paid as required, in accordance with the schedule as established by the board of commissioners of the county.
- (d) *Fee refunds.*
- (1) The code official is authorized to establish a refund policy.
  - (2) Refunds shall not be given:
    - a. For an application or permit that has expired.
    - b. If more than 180 days has elapsed from the application submittal date.
    - c. If more than 180 days has elapsed from the permit issuance date.
    - d. For that component of the permit fee which is representative of the development impact fee.
    - e. For plan reviews already performed.
    - f. If an inspection has been performed.

(Code 1992, § 5-325; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 102-817. - Preliminary inspection.

- (a) *Review by code official.* Before issuing a permit, the code official is authorized to examine, or cause to be examined, mechanical systems for which an application has been filed.
- (b) *Required inspections and testing.* The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or an agent of any violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.
- (1) Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before any backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.
  - (2) Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and all ducting and other components to be concealed are complete, and prior to the installation of wall or ceiling membranes.
  - (3) Final inspection shall be made upon completion of the mechanical system.
  - (4) Other inspections. In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the mechanical code and other laws that are enforced by the department of mechanical inspection. Exception: Ground-source heat pump loop systems tested in accordance with ~~section 1208.1.1 of~~ the mechanical code shall be permitted to be backfilled prior to inspection.

The requirements of this section shall not be considered to prohibit the operation of any heating equipment or appliances installed to replace existing heating equipment or appliances serving an occupied portion of a structure in the event a request for inspection of such heating equipment or appliances has been filed with the department not more than 48 hours after replacement work is completed, and before any portion of such equipment appliances is concealed by any permanent portion of the structure.

- (c) *Approved inspection agencies.* Test reports submitted to the code official for consideration shall be developed by approved agencies that have satisfied the requirements as to qualifications and reliability.
- (d) *Evaluation and followup inspection services.* Prior to the approval of a closed, prefabricated construction assembly having concealed mechanical work and the issuance of a mechanical permit, the code official shall require the submittal of an evaluation report on each prefabricated construction assembly indicating the complete details of the mechanical system, including a description of the system and its components, the basis upon which the system is being evaluated, test results and similar information, and other data as necessary for the code official to determine conformance to the mechanical code.
  - (1) *Evaluation service.* The code official shall designate the evaluation service of an approved agency as the evaluation agency, and review such agency(s) evaluation report for adequacy and conformance to the mechanical code.
  - (2) *Followup inspection.* Except where ready access is provided to mechanical systems, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the frequency of in-plant inspections necessary to ensure conformance to the approved evaluation report or shall designate an independent, approved inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the followup inspection manual and a report of inspections upon request, and the mechanical system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.
  - (3) *Test and inspection records.* All required test and inspection records shall be available to the code official at all times during the fabrication of the mechanical system and the erection of the building, or such records as the code official designates shall be filed.

(Code 1992, § 5-332; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 102-821. - Work covered without inspection approval; investigation required.

- ~~(a)~~ Whenever any work for which a permit is required has been covered without first obtaining the necessary inspection approval, a special investigation shall be made before subsequent inspections are approved. The work shall be uncovered to allow an inspection.
- ~~(b)~~ ~~Policies and procedures. The code official shall establish policies and procedures for work covered without inspection approval.~~

(Code 1992, § 5-336; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 102-889. - Disaster assessment.

- (a) *Notification.* Upon notification from emergency first responder personnel, law enforcement personnel or others of a disaster to a building or structure, the code official shall make or cause to be made any necessary visual, nondestructive inspections to determine:
  - (1) Immediate hazards that jeopardize public safety, health or general welfare;
  - (2) Extent of damage;
  - (3) Necessity to evacuate or condemn the building or structure;
  - (4) Necessity to disconnect or authorize reestablishment of utilities;
  - (5) What permits will be required; and
  - (6) Whether plans are necessary.

- (b) *Posting of placards.* Placards shall be clearly posted at each entrance of the building or structure immediately upon completion of a disaster assessment as follows:
- (1) Inspected—No Restriction on Lawful Use or Occupancy (Green);
  - (2) Danger!—Limited Entry (Yellow); or
  - (3) Danger!—No Entry (Red).

It shall be unlawful to remove placards posted by the code official.

~~(c) *Policies and procedures.* The code official shall establish policies and procedures for conducting disaster assessments.~~

(Code 1992, § 5-358; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 102-920. - Moved buildings.

Except as determined by ~~section 101.4 of~~ the plumbing code, plumbing systems that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of the plumbing code for new installations.

(Code 1992, § 5-369; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 102-950. - Application for permit.

- (a) *Required.* Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or an authorized agent. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.
- (b) *Construction documents.* The code official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the plumbing code and other pertinent laws or ordinances. Construction documents, engineering calculations, diagrams and other such data shall be submitted in two or more sets with each application for a permit. The code official shall require construction documents, computations and specifications to be prepared and designed by a registered design professional where required by state law. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of the plumbing code. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for pipe, fittings and components and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking. Sketches and pencil or other erasable media used to prepare construction documents shall not be accepted by the code official.
- (1) *Exception.* The code official is authorized to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such that review of construction documents is not necessary to determine compliance with the plumbing code.

~~(2) *Policies and procedures.* The code official shall establish policies and procedures for the minimum standards of acceptance for construction documents.~~

- (c) *Action on application.* The code official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the code official shall

reject such application in writing, stating the reasons therefor. If the code official is satisfied that the proposed work conforms to the requirements of the plumbing code and laws and ordinances applicable thereto, the code official shall issue a permit therefor as soon as practicable.

- (d) *Time limitation of application.* An application for a permit for any proposed work or operation shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official is authorized to grant one extension of time for an additional period not exceeding 180 days. No application shall be extended more than once. The extension shall be requested in writing and justifiable cause demonstrated. A request for an extension must be received by the code official prior to the expiration of the application. The code official is not required to notify the applicant prior to the application's expiration or that the application has expired.

(Code 1992, § 5-383; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 102-952. - Permit issuance.

- (a) *Review by code official.* The application, construction documents and other data filed by an applicant for permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of the plumbing code and all laws and ordinances applicable thereto, and that the fees specified in the plumbing code have been paid, a permit shall be issued to the applicant.
- (1) *Approved.* When the code official issues a permit where construction documents are required, the construction documents shall be approved, in writing and stamped "Reviewed For Code Compliance." Such approved construction documents shall not be changed, modified or altered without authorization from the code official. All work shall be done in accordance with the approved construction documents. The code official is authorized to issue a permit for the construction of a part of a plumbing system before the entire construction documents for the whole system have been submitted or approved, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the plumbing code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk without assurance that the permit for the entire plumbing system will be granted.
- (2) *Amended.* Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. Willful and prejudicial departure from or disregard of construction documents in any material respect without the approval of the code official is unlawful.
- (b) *Validity.* The issuance of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the plumbing code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the plumbing code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the plumbing official from requiring the correction of errors in the construction documents and other data or from preventing building operations being carried on thereunder when in violation of the plumbing or of other ordinances of this jurisdiction. The code official is also authorized to prevent occupancy or use of a structure where in violation of the plumbing code or of any other ordinances of this jurisdiction.
- (c) *Expiration.* Every permit issued shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. A minimum of one inspection approval must be obtained as evidence that work was commenced or that work has continued. The determination as to whether work was suspended shall be based on the most recent inspection approval date.

- (d) *Extensions.* The code official is authorized to grant, in writing, one extension of time for an additional period of not more than 180 days provided no changes have been made or will be made in the original construction documents for such work. No permit shall be extended more than once. The extension shall be requested in writing and justifiable cause demonstrated. Requests for extensions must be received by the code official prior to the expiration of the permit. The code official is not required to notify the permittee prior to the permits expiration or that the permit has expired. The fee for an extension shall be one-half the amount required for a new permit for such work.
- (e) *Suspension or revocation of permit.* The code official shall revoke a permit or approval issued under the provisions of the plumbing code in case of any false statement or misrepresentation of fact in the application or on the construction documents upon which the permit or approval was based.
- (f) *Retention of construction documents.* One set of construction documents shall be retained by the code official until final approval of the work covered therein. One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.
- (g) *Placement of permit.* Work for which a permit is required shall not be commenced until the building permit or copy thereof is posted on the site of the work until the completion of the project. The posted permit shall be visible from the street and maintained in such location by the permittee until final approval has been granted by the code official.
- (h) *Responsibility.* It shall be the duty of every person who performs work for which the plumbing code is applicable, to comply with the plumbing code.
- (i) ~~Inspection record card and approved~~Approved construction documents. Work for which a permit is required shall not be commenced until the permittee has made available ~~an inspection record card and~~ approved construction documents on the premises and in such a position to allow the code official convenient access and use. These items shall be protected from the elements and maintained in such location by the permittee until final approval has been granted by the code official.
- (j) *Work without a permit; investigation required.* Whenever any work for which a permit is required has been commenced without first obtaining said permit, a Stop Work Order shall be issued pursuant to Division 4 of this article and a special investigation shall be made before a permit may be issued for such work.
- ~~(k) Policies and procedures. The code official shall establish policies and procedures for work without a permit.~~

(Code 1992, § 5-385; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 102-953. - Fees.

- (a) *Payment of fees.* A permit shall not be issued until the fees prescribed in subsection (c) of this section have been paid, and an amendment to a permit shall not be released until the additional fee, if any, due to an increase of the plumbing systems, has been paid.
- (b) *Investigation fees: work without a permit.* Where work, for which a permit is required, has been commenced prior to obtaining a permit, an investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by the plumbing code. The minimum investigation fee shall be the same as the minimum permit fee set forth in accordance with the schedule as established by the board of commissioners of the county. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the plumbing code nor from any penalty prescribed by law.

- (c) *Fee schedule.* For plumbing systems or alterations requiring a permit or other designated activity, a fee for each permit shall be paid as required, in accordance with the schedule as established by the board of commissioners of the county.
- (d) *Fee refunds.*
- (1) The code official is authorized to establish a refund policy.
  - (2) Refunds shall not be given:
    - a. For an application or permit that has expired.
    - b. If more than 180 days has elapsed from the application submittal date.
    - c. If more than 180 days has elapsed from the permit issuance date.
    - d. For that component of the permit fee which is representative of the development impact fee.
    - e. For plan reviews already performed.
    - f. If an inspection has been performed.

(Code 1992, § 5-386; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 102-984. - Testing.

- (a) *Required.* Plumbing work and systems shall be tested as required in ~~section 312 of~~ the plumbing code and in accordance with subsections (b) through (d) of this section. Tests shall be made by the permit holder and observed by the code official.
- (b) *New, altered, extended or repaired systems.* New plumbing systems and parts of existing systems that have been altered, extended or repaired shall be tested as prescribed herein to disclose leaks and defects, except that testing is not required in the following cases:
- (1) In any case that does not include addition to, replacement, alteration or relocation of any water supply, drainage or vent piping.
  - (2) In any case where plumbing equipment is set up temporarily for exhibition purposes.
- (c) *Equipment, material and labor for tests.* All equipment, material and labor required for testing a plumbing system or part thereof shall be furnished by the permit holder.
- (d) *Reinspection and testing.* Where any work or installation does not pass any initial test or inspection, the necessary corrections shall be made to comply with the plumbing code. The work or installation shall then be resubmitted to the code official for inspection and testing.

(Code 1992, § 5-395; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 102-987. - Work covered without inspection approval: investigation required.

- ~~(a) Whenever any work for which a permit is required has been covered without first obtaining the necessary inspection approval, a special investigation shall be made before subsequent inspections are approved. The work shall be uncovered to allow an inspection.~~
- ~~(b) Policies and procedures. The code official shall establish policies and procedures for work covered without inspection approval.~~

(Code 1992, § 5-398; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 102-989. - Alternative engineered design.



- (a) *Alternative design.* The design, documentation, inspection, testing and approval of an alternative engineered design plumbing system shall comply with subsections (b) through (g) of this section.
- (b) *Design criteria.* An alternative engineered design shall conform to the intent of the provisions of the plumbing code and shall provide an equivalent level of quality, strength, effectiveness, fire resistance, durability and safety. Material, equipment or components shall be designed and installed in accordance with the manufacturer's installation instructions.
- (c) *Submittal.* The registered design professional shall indicate on the permit application that the plumbing system is an alternative engineered design. The permit and permanent permit records shall indicate that an alternative design was part of the approved installation.
- (d) *Technical data.* The registered design professional shall submit sufficient technical data to substantiate the proposed alternative engineered design and to prove that the performance meets the intent of the plumbing code.
- (e) *Construction documents.* The registered design professional shall submit to the code official two complete sets of signed and sealed construction documents for the alternative engineered design. The construction documents shall include floor plans and a riser diagram of the work. Where appropriate, the construction documents shall indicate the direction of the flow, all pipe sizes, grade of horizontal piping, loading, and location of fixtures and appliances.
- (f) *Design approval.* Where the code official determines that the alternative engineered design conforms to the intent of the plumbing code, the plumbing system shall be approved. If the alternative engineered design is not approved, the code official shall notify the registered design professional in writing, stating the reasons therefor.
- (g) *Inspection and testing.* The alternative engineered design shall be tested and inspected in accordance with the requirements of this division and ~~section 312 of~~ the plumbing code.

(Code 1992, § 5-400; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 102-1047. - Disaster assessment.

- (a) *Notification.* Upon notification from emergency first responder personnel, law enforcement personnel or others of a disaster to a building or structure, the code official shall make or cause to be made any necessary visual, nondestructive inspections to determine:
  - (1) Immediate hazards that jeopardize public safety, health or general welfare;
  - (2) Extent of damage;
  - (3) Necessity to evacuate or condemn the building or structure;
  - (4) Necessity to disconnect or authorize reestablishment of utilities;
  - (5) What permits will be required; and
  - (6) Whether plans are necessary.
- (b) *Posting of placards.* Placards shall be clearly posted at each entrance of the building or structure immediately upon completion of a disaster assessment as follows:
  - (1) Inspected—No Restriction on Lawful Use or Occupancy (Green);
  - (2) Danger!—Limited Entry (Yellow); or
  - (3) Danger!—No Entry (Red).

It shall be unlawful to remove placards posted by the code official.

~~(c) Policies and procedures. The code official shall establish policies and procedures for conducting disaster assessments.~~

(Code 1992, § 5-428; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 102-1197. - Work without a permit: investigation required.

~~(a)~~ Whenever any work for which a permit is required has been commenced without first obtaining said permit, a Stop Work Order shall be issued pursuant to Division 20 of this article and a special investigation shall be made before a permit may be issued for such work.

~~(b) — Policies and procedures. The code official shall establish policies and procedures for work without a permit.~~

(Code 1992, § 5-478; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 102-1232. - Refunds.

(a) The code official is authorized to establish a refund policy.

(b) Refunds shall not be given:

- (1) For an application or permit that has expired.
- (2) If more than 180 days has elapsed from the application submittal date.
- (3) If more than 180 days has elapsed from the permit issuance date.
- (4) For that component of the permit fee which is representative of the development impact fee.

(5) For plan reviews already performed.

(6) If an inspection has been performed.

(Code 1992, § 5-485; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 102-1467. - Generally.

The code official is authorized to conduct inspections that are deemed necessary to determine the extent of compliance with the provisions of the electrical code and to approve reports of inspection by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body.

- (1) *Required inspections.* The code official, upon notification, shall make the inspections set forth in this section.
- (2) *Evaluation and followup inspection services.* Prior to the approval of a prefabricated construction assembly having concealed electrical work and the issuance of an electrical permit, the code official shall require the submittal of an evaluation report on each prefabricated construction assembly indicating the complete details of the electrical system, including a description of the system and its components, the basis upon which the system is being evaluated, test results and similar information, and other data as necessary for the code official to determine conformance to the electrical code.
  - a. *Evaluation service.* The code official shall designate the evaluation service of an approved agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to the electrical code.

- b. *Followup inspection.* Except where ready access is provided to electrical systems, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the frequency of in-plant inspections necessary to ensure conformance to the approved evaluation report or shall designate an independent, approved inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the followup inspection manual and a report of inspections upon request, and the electrical system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.
  - c. *Test and inspection records.* Required test and inspection records shall be available to the code official at all times during the fabrication of the electrical system and the erection of the building, or such records as the code official designates shall be filed.
- (3) *Concealed work.* Work shall remain accessible and exposed for inspection purposes until approved. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Wherever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the code official shall have the authority to require that such work be exposed for inspection. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.
  - (4) *Underground.* Underground inspection shall be made after trenches or ditches are excavated and bedded, piping and conductors installed, and before any backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the raceway, cable or conductors, or where corrosive action will occur, protection shall be provided in the form of granular or selected material, approved running boards, sleeves or other means.
  - (5) *Rough-in.* Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and all wiring and other components to be concealed are complete, and prior to the installation of wall or ceiling membranes.
  - (6) *Other inspections.* In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the electrical code and other laws, which are enforced by the department of electrical inspection.
  - (7) *Final inspection.* The final inspection shall be made after all work required by the permit is completed.
  - (8) ~~Inspection record card and approved~~ *Approved construction documents.* Work for which a permit is required shall not be commenced until the permittee has made available ~~an inspection record card and~~ approved construction documents on the premises and in such a position to allow the code official convenient access and use. These items shall be protected from the elements and maintained in such location by the permittee until final approval has been granted by the code official.
  - (9) *Approval required.* Work shall not be performed beyond the point indicated in each successive inspection and test without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and tests and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with the electrical code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.
    - a. *Work covered without inspection approval: investigation required.* Whenever any work for which a permit is required has been covered without first obtaining the necessary inspection approval, a special investigation shall be made before subsequent inspections are approved. The work shall be uncovered to allow an inspection.

~~b. Policies and procedures. The code official shall establish policies and procedures for work covered without inspection approval.~~

(Code 1992, § 5-551; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 102-1681. - Scope.

- (a) The provisions of the gas code shall apply to the installation of fuel gas piping systems, fuel gas utilization equipment, gaseous hydrogen systems and related accessories in accordance with subsection (1) through (7) of this section. Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code.
- (1) *Gaseous hydrogen systems.* Gaseous hydrogen systems shall be regulated by ~~chapter 7 of~~ the gas code.
  - (2) *Piping systems.* These regulations cover piping systems for natural gas with an operating pressure of 125 pounds per square inch gauge (psig) (862 kPa gauge) or less, and for LP-gas with an operating pressure of 20 psig (140 kPa gauge) or less, except as provided in section 402.6.1 of the gas code. Coverage shall extend from the point of delivery to the outlet of the equipment shutoff valves. Piping systems requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspection, operation and maintenance.
  - (3) *Gas utilization equipment.* Requirements for gas utilization equipment and related accessories shall include installation, combustion and ventilation air and venting and connections to piping systems.
  - (4) *Systems and equipment outside the scope.* The gas code shall not apply to the following:
    - a. Portable LP-gas equipment of all types that is not connected to a fixed fuel piping system.
    - b. Installation of farm equipment such as brooders, dehydrators, dryers and irrigation equipment.
    - c. Raw material (feedstock) applications except for piping to special atmosphere generators.
    - d. Oxygen-fuel gas cutting and welding systems.
    - e. Industrial gas applications using gases such as acetylene and acetylenic compounds, hydrogen, ammonia, carbon monoxide, oxygen and nitrogen.
    - f. Petroleum refineries, pipeline compressor or pumping stations, loading terminals, compounding plants, refinery tank farms and natural gas processing plants.
    - g. Integrated chemical plants or portions of such plants where flammable or combustible liquids or gases are produced by, or used in, chemical reactions.
    - h. LP-gas installations at utility gas plants.
    - i. Liquefied natural gas (LNG) installations.
    - j. Fuel gas piping in power and atomic energy plants.
    - k. Proprietary items of equipment, apparatus or instruments such as gas-generating sets, compressors and calorimeters.
    - l. LP-gas equipment for vaporization, gas mixing and gas manufacturing.
    - m. Temporary LP-gas piping for buildings under construction or renovation that is not to become part of the permanent piping system.
    - n. Installation of LP-gas systems for railroad switch heating.

- o. Installation of hydrogen gas, LP-gas and compressed natural gas (CNG) systems on vehicles.
  - p. Except as provided in ~~section 401.1.1 of~~ the gas code, gas piping, meters, gas pressure regulators and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-gas.
  - q. Building design and construction, except as specified herein.
  - r. Piping systems for mixtures of gas and air within the flammable range with an operating pressure greater than ten psig (69 kPa gauge).
  - s. Portable fuel cell appliances that are neither connected to a fixed piping system nor interconnected to a power grid.
- (b) Other fuels. The requirements for the design, installation, maintenance, alteration and inspection of mechanical systems operating with fuels other than fuel gas shall be regulated by the International Mechanical Code.

(Code 1992, § 5-632; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 102-1722. - Permit issuance.

- (a) *Review by code official.* The application, construction documents and other data filed by an applicant for permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of the gas code and all laws and ordinances applicable thereto, and that the fees specified in section 102-1723 have been paid, a permit shall be issued to the applicant.
- (b) *Construction documents.*
- (1) *Approved.* When the code official issues a permit where construction documents are required, the construction documents shall be approved, in writing and stamped "REVIEWED FOR CODE COMPLIANCE." Such approved construction documents shall not be changed, modified or altered without authorization from the code official. All work shall be done in accordance with the approved construction documents. The code official is authorized to issue a permit for the construction of a part of a plumbing system before the entire construction documents for the whole system have been submitted or approved, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the gas code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk without assurance that the permit for the entire plumbing system will be granted.
  - (2) *Amended.* Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. Willful and prejudicial departure from or disregard of construction documents in any material respect without the approval of the code official is unlawful.
- (c) *Validity.* The issuance of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the gas code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the gas code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the code official from requiring the correction of errors in the construction documents and other data or from preventing building operations being carried on thereunder when in violation of the gas code or of other ordinances of this jurisdiction. The code official is also authorized to prevent occupancy or use of a structure where in violation of the gas code or of any other ordinances of this jurisdiction.

- (d) *Expiration.* Every permit issued shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. A minimum of one inspection approval must be obtained as evidence that work was commenced or that work has continued. The determination as to whether work was suspended shall be based on the most recent inspection approval date.
- (e) *Extensions.* The code official is authorized to grant, in writing, one extension of time for an additional period of not more than 180 days provided no changes have been made or will be made in the original construction documents for such work. No permit shall be extended more than once. The extension shall be requested in writing and justifiable cause demonstrated. Requests for extensions must be received by the code official prior to the expiration of the permit. The code official is not required to notify the permittee prior to the permits expiration or that the permit has expired. The fee for an extension shall be one-half the amount required for a new permit for such work.
- (f) *Suspension or revocation of permit.* The code official shall revoke a permit or approval issued under the provisions of the gas code in case of any false statement or misrepresentation of fact in the application or on the construction documents upon which the permit or approval was based.
- (g) *Retention of construction documents.* One set of construction documents shall be retained by the code official until final approval of the work covered therein. One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.
- (h) *Placement of permit.* Work for which a permit is required shall not be commenced until the building permit or copy thereof is posted on the site of the work until the completion of the project. The posted permit shall be visible from the street and maintained in such location by the permittee until final approval has been granted by the code official.
- (i) *Responsibility.* It shall be the duty of every person who performs work for which the gas code is applicable, to comply with the gas code.
- (j) ~~Inspection record card and approved~~ Approved construction documents. Work for which a permit is required shall not be commenced until the permittee has made available ~~an inspection record card and~~ approved construction documents on the premises and in such a position to allow the code official convenient access and use. These items shall be protected from the elements and maintained in such location by the permittee until final approval has been granted by the code official.
- (k) *Work without a permit; investigation required.* Whenever any work for which a permit is required has been commenced without first obtaining said permit, a Stop Work Order shall be issued pursuant to Division 4 of this article and a special investigation shall be made before a permit may be issued for such work.
- ~~(l) Policies and procedures. The code official shall establish policies and procedures for work without a permit.~~

(Code 1992, § 5-654; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 102-1723. - Fees.

- (a) *Payment of fees.* A permit shall not be issued until the fees prescribed in subsection (c) of this section have been paid, and an amendment to a permit shall not be released until the additional fee, if any, due to an increase of the plumbing systems, has been paid.
- (b) *Investigation fees; work without a permit.* Where work, for which a permit is required, has been commenced prior to obtaining a permit, an investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by the gas code. The minimum investigation fee shall be the



same as the minimum permit fee set forth in accordance with the schedule as established by the board of commissioners of the county. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the gas code nor from any penalty prescribed by law.

- (c) *Fee schedule.* For plumbing systems or alterations requiring a permit or other designated activity, a fee for each permit shall be paid as required, in accordance with the schedule as established by the board of commissioners of the county.
- (d) *Fee refunds.*
  - (1) The code official is authorized to establish a refund policy.
  - (2) Refunds shall not be given:
    - a. For an application or permit that has expired.
    - b. If more than 180 days has elapsed from the application submittal date.
    - c. If more than 180 days has elapsed from the permit issuance date.
    - d. For that component of the permit fee which is representative of the development impact fee.
    - e. For plan reviews already performed.
    - f. If an inspection has been performed.

(Code 1992, § 5-655; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 102-1760. - Work covered without inspection approval; investigation required.

- ~~(a)~~ Whenever any work for which a permit is required has been covered without first obtaining the necessary inspection approval, a special investigation shall be made before subsequent inspections are approved. The work shall be uncovered to allow an inspection.
- ~~(b)~~ Policies and procedures. The code official shall establish policies and procedures for work covered without inspection approval.

(Code 1992, § 5-666; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 102-1825. - Disaster assessment.

- (a) *Notification.* Upon notification from emergency first responder personnel, law enforcement personnel or others of a disaster to a building or structure, the code official shall make or cause to be made any necessary visual, nondestructive inspections to determine:
  - (1) Immediate hazards that jeopardize public safety, health or general welfare; and
  - (2) Extent of damage;
  - (3) Necessity to evacuate or condemn the building or structure;
  - (4) Necessity to disconnect or authorize reestablishment of utilities;
  - (5) What permits will be required; and
  - (6) Whether plans are necessary.
- (b) *Posting of placards.* Placards shall be clearly posted at each entrance of the building or structure immediately upon completion of a disaster assessment as follows:
  - (1) Inspected—No Restriction on Lawful use or Occupancy (Green); or

- (2) Danger!—Limited Entry (Yellow); or
- (3) Danger!—No Entry (Red).

It shall be unlawful to remove placards posted by the code official.

~~(c) Policies and procedures. The code official shall establish policies and procedures for conducting disaster assessments.~~

(Code 1992, § 5-688; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 102-1973. - Safeguards during construction.

All construction work covered in the existing building code, including any related demolition, shall comply with the requirements of ~~chapter 13 of~~ the existing building code.

(Code 1992, § 5-746; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 102-1976. - Standards and guidelines for structural evaluation.

The code official shall allow structural evaluation, condition assessment, and rehabilitation of buildings, structures, or individual structural members based on the existing building code's appendix chapters, referenced standards, guidelines, or other approved standards and procedures. Compliance with the structural provisions of the ~~2006~~-International Building Code shall be deemed exceeding or equivalent to compliance with the structural provisions of the existing building code.

(Code 1992, § 5-749; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 102-2014. - ~~Inspection record card and approved~~Approved construction documents.

Work for which a permit is required shall not be commenced until the permittee has made available ~~an inspection record card and~~ approved construction documents on the premises and in such a position to allow the code official convenient access and use. These items shall be protected from the elements and maintained in such location by the permittee until final approval has been granted by the code official.

(Code 1992, § 5-769; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 102-2015. - Work without a permit: investigation required.

~~(a)~~ Whenever any work for which a permit is required has been commenced without first obtaining said permit, a Stop Work Order shall be issued pursuant to Division 9 of this article and a special investigation shall be made before a permit may be issued for such work.

~~(b) Policies and procedures. The code official shall establish policies and procedures for work without a permit.~~

(Code 1992, § 5-770; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 102-2071. - Refunds.

- (a) The code official is authorized to establish a refund policy.
- (b) Refunds shall not be given:

- (1) For an application or permit that has expired.
- (2) If more than 180 days has elapsed from the application submittal date.
- (3) If more than 180 days has elapsed from the permit issuance date.
- (4) For that component of the permit fee which is representative of the development impact fee.
- (5) For plan reviews already performed.
- (6) If an inspection has been performed.

(Code 1992, § 5-795; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 102-2097. - Work covered without inspection approval: investigation required.

~~(a)~~ Whenever any work for which a permit is required has been covered without first obtaining the necessary inspection approval, a special investigation shall be made before subsequent inspections are approved. The work shall be uncovered to allow an inspection.

~~(b) Policies and procedures. The code official shall establish policies and procedures for work covered without inspection approval.~~

(Code 1992, § 5-807; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 102-2245. - Disaster assessment.

(a) *Notification.* Upon notification from emergency first responder personnel, law enforcement personnel or others of a disaster to a building or structure, the code official shall make or cause to be made any necessary visual, nondestructive inspections to determine:

- (1) Immediate hazards that jeopardize public safety, health or general welfare;
- (2) Extent of damage;
- (3) Necessity to evacuate or condemn the building or structure;
- (4) Necessity to disconnect or authorize reestablishment of utilities;
- (5) What permits will be required; and
- (6) Whether plans are necessary.

(b) *Posting of placards.* Placards shall be clearly posted at each entrance of the building or structure immediately upon completion of a disaster assessment as follows:

- (1) Inspected—No Restriction on Lawful Use or Occupancy (Green);
- (2) Danger!—Limited Entry (Yellow); or
- (3) Danger!—No Entry (Red).

It shall be unlawful to remove placards posted by the code official.

~~(c) Policies and procedures. The code official shall establish policies and procedures for conducting disaster assessments.~~

(Code 1992, § 5-858; Ord. No. 2006-16, § 10, 12-14-2006)

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**ORDINANCE**

**NO. 2019-\_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO REVISE PROVISIONS PERTAINING TO BUILDINGS AND BUILDING REGULATIONS; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO BUILDINGS AND BUILDING REGULATIONS (CHAPTER 102), BE AMENDED AS FOLLOWS:**

**Section 1.** By deleting Section 102-20, pertaining to “Copyright acknowledgment”, of Division 1 of Article II of Chapter 102, in its entirety, and by replacing it with a new Section 102-20 in Division 1 of Article II of Chapter 102, to be numbered and read as follows:

**Sec. 102-20. Copyright acknowledgment.**

Portions of this chapter have been reproduced with permission from the International Building Code®, International Residential Code®; for One- and Two-Family Dwellings, International Mechanical Code®, International Plumbing Code®;

International Code Council Electrical Code®; and International Fuel Gas Code®; and the International Property Maintenance Code®; and International Existing Building Code®; copyrighted and owned by the International Code Council, Inc.

**Section 2.** By adding a new Paragraph (8) to Section 102-168, pertaining to “Referenced codes”, of Division 1 of Article III of Chapter 102, to be numbered and read as follows:

- (8) *Swimming pools and spas.* The provisions of the International Swimming Pool and Spa Code shall apply to all matters concerning the construction, alteration, movement, renovation, replacement and maintenance of aquatic vessels.

**Section 3.** By deleting Subparagraph i of Paragraph (1) of Section 102-193, pertaining to “Work exempt from permit”, of Division 2 of Article III of Chapter 102, in its entirety, and by replacing it with a new Subparagraph i in Paragraph (1) of Section 102-193 in Division 2 of Article III of Chapter 102, to be numbered and read as follows:

- i. Aquatic vessels designed to be filled and drained daily, and that are not connected to a circulatory system.

**Section 4.** By deleting Section 102-200, pertaining to “Inspection record card and approved construction documents”, of Division 2 of Article III of Chapter 102, in its entirety, and by replacing it with a new Section 102-200 in Division 2 of Article

III of Chapter 102, to be numbered and read as follows:

**Sec. 102-200. Approved construction documents.**

Work for which a permit is required shall not be commenced until the permittee has made available approved construction documents on the premises and in such a position to allow the building official convenient access and use. These items shall be protected from the elements and maintained in such location by the permittee until final approval has been granted by the building official.

**Section 5.** By deleting Section 102-201, pertaining to “Work without a permit; investigation required”, of Division 2 of Article III of Chapter 102, in its entirety, and by replacing it with a new Section 102-201 in Division 2 of Article III of Chapter 102, to be numbered and read as follows:

**Sec. 102-201. Work without a permit; investigation required.**

Whenever any work for which a permit is required has been commenced without first obtaining said permit, a Stop Work Order shall be issued pursuant to Division 9 of this article and a special investigation shall be made before a permit may be issued for such work.

**Section 6.** By adding new Paragraphs (5) and (6) to Subsection (b) of Section 102-260, pertaining to “Refunds”, in Division 4 of Article III of Chapter 102, to be numbered and read as follows:

- (5) For plan reviews already performed.



- (6) If an inspection has been performed.

**Section 7.** By deleting Paragraph (7) of Section 102-286, pertaining to “Required inspections”, of Division 5 of Article III of Chapter 102, in its entirety, and by replacing it with a new Paragraph (7) in Section 102-286 in Division 5 of Article III of Chapter 102, to be numbered and read as follows:

- (7) *Energy efficiency inspections.* Inspections shall be made to determine compliance with the International Energy Conservation Code and shall include, but not be limited to, inspections for:
- a. Envelope insulation R and U values;
  - b. Fenestration U value;
  - c. Duct system R value; and
  - d. HVAC and water-heating equipment efficiency.

**Section 8.** By deleting Section 102-290, pertaining to “Work covered without inspection approval; investigation required”, of Division 5 of Article III of Chapter 102, in its entirety, and by replacing it with a new Section 102-290 in Division 5 of Article III of Chapter 102, to be numbered and read as follows:

**Sec. 102-290. Work covered without inspection approval; investigation required.**

Whenever any work for which a permit is required has been covered without first obtaining the necessary inspection approval, a special investigation shall be made before subsequent inspections are approved. Covered work shall be exposed to allow for an

inspection.

**Section 9.** By deleting Paragraphs (8) and (9) of Section 102-315, pertaining to “Certificate issued”, of Division 6 of Article III of Chapter 102, in their entirety, and by replacing them with new Paragraphs (8) and (9) of Section 102-315 in Division 6 of Article III of Chapter 102, to be numbered and read as follows:

- (8) The use and occupancy, in accordance with the provisions of the International Building Code.
- (9) The type of construction as defined in the International Building Code.

**Section 10.** By deleting Subsection (c) of Section 102-431, pertaining to “Disaster assessment”, of Division 10 of Article III of Chapter 102, in its entirety.

**Section 11.** By deleting Section 102-466, pertaining to “Appendices”, of Division 1 of Article IV of Chapter 102, in its entirety, and by replacing it with a new Section 102-466 in Division 1 of Article IV of Chapter 102, to be numbered and read as follows:

**Sec. 102-466. Appendices.**

Provisions in the appendices shall not apply unless specifically referenced herein or in the adopting ordinance.

**Section 12.** By deleting Subparagraphs i and l of Paragraph (1) of Section 102-487, pertaining to “Work exempt from permit”, of Division 2 of Article IV of Chapter 102, in

their entirety, and by replacing them with new Subparagraphs i and l in Paragraph (1) of Section 102-487 in Division 2 of Article IV of Chapter 102, to be numbered and read as follows:

- i. Aquatic vessels designed to be filled and drained daily, and that are not connected to a circulation system.
- l. Decks not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below, unless part of the required egress.

**Section 13.** By deleting Subparagraph f of Paragraph (2) of Section 102-487, pertaining to “Work exempt from permit”, of Division 2 of Article IV of Chapter 102, in its entirety, and by replacing it with a new Subparagraph f in Paragraph (2) of Section 102-487 in Division 2 of Article IV of Chapter 102, to be numbered and read as follows:

- f. Installation or replacement of electric cooking, food refrigeration, dishwashing, and clothes washing appliances, provided the installation or replacement does not involve or require the relocation of the existing approved permanently installed receptacle outlet or wiring; the approved existing circuit voltage and ampacity is within the appliance's specifications; and the appliance is installed in accordance with the manufacturer's installation instructions. This section includes microwaves, cooking exhaust hoods, ranges, ovens, warming drawers, dishwashers, clothes washers, and clothes dryers. This section does not include water heaters, furnaces, or ventilation equipment.

**Section 14.** By deleting Subparagraph d of Paragraph (3) of Section 102-487, pertaining to “Work exempt from permit”, of Division 2 of Article IV of Chapter 102, in its entirety, and by replacing it with a new Subparagraph d in Paragraph (3) of Section 102-487 in Division 2 of Article IV of Chapter 102, to be numbered and read as follows:

- d. Installation or replacement of gas cooking and clothes drying appliances, provided the installation or replacement does not involve or require the replacement or rearrangement of valves or pipes; the approved existing piping system fuel type and output is within the appliance's specifications; and the appliance is installed in accordance with the manufacturer's installation instructions. This section includes ranges, ovens, grills, barbeques, and clothes dryers. This section does not include factory-built fireplaces, water heaters, or furnaces.

**Section 15.** By deleting Subparagraph i of Paragraph (4) of Section 102-487, pertaining to “Work exempt from permit”, of Division 2 of Article IV of Chapter 102, in its entirety.

**Section 16.** By deleting Subsection (b) of Section 102-488, pertaining to “Application for permit”, of Division 2 of Article IV of Chapter 102, in its entirety, and by replacing it with a new Subsection (b) in Section 102-488 in Division 2 of Article

IV of Chapter 102, to be numbered and read as follows:

(b) *Action on application.* The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of the residential code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable. Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. For applications for reconstruction, rehabilitation, addition or other improvement of existing buildings or structures located in an area prone to flooding as established by the residential code, the building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamage condition. If the building official finds that the value of the proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the finding shall be provided to the board for a determination of substantial improvement or substantial damage. Applications determined by the board to constitute substantial improvement or substantial damage shall meet the requirements of the residential code.

**Section 17.** By deleting Section 102-494, pertaining to “Inspection record card and approved construction documents”, of Division 2 of Article IV of Chapter 102, in its entirety, and by replacing it with a new Section 102-494 in Division 2 of Article IV of Chapter 102, to be numbered and read as follows:

**Sec. 102-494. Approved construction documents.**

Work for which a permit is required shall not be commenced until the permittee has made available approved construction documents on the premises and in such a position to allow the building official convenient access and use. These items shall be protected from the elements and maintained in such location by the permittee until final approval has been granted by the building official.

**Section 18.** By deleting Section 102-495, pertaining to “Work without a permit; investigation required”, of Division 2 of Article IV of Chapter 102, in its entirety, and by replacing it with a new Section 102-495 in Division 2 of Article IV of Chapter 102, to be numbered and read as follows:

**Sec. 102-495. Work without a permit; investigation required.**

Whenever any work for which a permit is required has been commenced without first obtaining said permit, a Stop Work Order shall be issued pursuant to Division 9 of this article and a special investigation shall be made before a permit may be issued for such work.

**Section 19.** By deleting Subsection (e) of Section 102-514, pertaining to “Submittal



documents”, of Division 3 of Article IV of Chapter 102, in its entirety, and by replacing it with a new Subsection (e) in Section 102-514 in Division 3 of Article IV of Chapter 102, to be numbered and read as follows:

- (e) *Information for construction in flood hazard areas.* For buildings and structures located in whole or in part in flood hazard areas as established by the residential code, construction documents shall include:
- (1) Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate;
  - (2) The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade;
  - (3) The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V zone); and
  - (4) If design flood elevations are not included on the community's flood insurance rate map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

**Section 20.** By adding new Paragraphs (5) and (6) to Subsection (b) of Section 102-549 in Division 4 of Article IV of Chapter 102, to be numbered and read as follows:

- (5) For plan reviews already performed.
- (6) If an inspection has been performed.

**Section 21.** By deleting Subsection (d) of Section 102-579, pertaining to “Types of inspections”, of Division 5 of Article IV of Chapter 102, in its entirety, and by replacing it with a new Subsection (d) in Section 102-579 in Division 5 of Article IV of Chapter 102, to be numbered and read as follows:

(d) *Floodplain inspections.* For construction in areas prone to flooding as established by table R301.2(1) of the residential code, upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in the residential code.

**Section 22.** By deleting Section 102-583, pertaining to “Work covered without inspection approval; investigation required”, of Division 5 of Article IV of Chapter 102, in its entirety, and by replacing it with a new Section 102-583 in Division 5 of Article IV of Chapter 102, to be numbered and read as follows:

**Sec. 102-583. Work covered without inspection approval; investigation required.**

Whenever any work for which a permit is required has been covered without first obtaining the necessary inspection approval, a special investigation shall be made before subsequent inspections are approved. The work shall be uncovered to allow an inspection.

**Section 23.** By deleting Subsection (b) of Section 102-615, pertaining to “Use and

occupancy”, of Division 6 of Article IV of Chapter 102, in its entirety, and by replacing it with a new Subsection (b) in Section 102-615 in Division 6 of Article IV of Chapter 102, to be numbered and read as follows:

- (b) Exceptions.
  - (1) Certificates of occupancy are not required for work exempt from permits.

**Section 24.** By deleting Section 102-616, pertaining to “Change in use”, of Division 6 of Article IV of Chapter 102, in its entirety, and by replacing it with a new Section 102-616 in Division 6 of Article IV of Chapter 102, to be numbered and read as follows:

**Sec. 102-616. Change in use.**

Changes in the character or use of an existing structure shall not be made except as specified in the International Building Code.

**Section 25.** By deleting Subsection (c) of Section 102-730, pertaining to “Disaster assessment”, of Division 10 of Article IV of Chapter 102, in its entirety.

**Section 26.** By deleting Subsections (k), (l) and (m) of Section 102-795, pertaining to “Permit issuance”, of Division 2 of Article V of Chapter 102, in their entirety, and by replacing them with new Subsections (k) and (l) in Section 102-795 in Division 2 of Article V of Chapter 102, to be numbered and read as follows:

- (k) *Inspection record card and approved construction documents.* Work for which a

permit is required shall not be commenced until the permittee has made available approved construction documents on the premises and in such a position to allow the code official convenient access and use. These items shall be protected from the elements and maintained in such location by the permittee until final approval has been granted by the code official.

(1) *Work without a permit; investigation required.* Whenever any work for which a permit is required has been commenced without first obtaining said permit, a Stop Work Order shall be issued pursuant to Division 4 of this article and a special investigation shall be made before a permit may be issued for such work.

**Section 27.** By adding new Subparagraphs e and f to Paragraph (2) of Subsection (d) of Section 102-795, pertaining to “Fees”, in Division 2 of Article V of Chapter 102, to be numbered and read as follows:

- e. For plan reviews already performed.
- f. If an inspection has been performed.

**Section 28.** By deleting Paragraph (4) of Subsection (b) of Section 102-817, pertaining to “Preliminary inspection”, of Division 3 of Article V of Chapter 102, in its entirety, and by replacing it with a new Paragraph (4) in Subsection (b) of Section 102-817 in Division 3 of Article V of Chapter 102, to be numbered and read as follows:

- (4) Other inspections. In addition to the inspections specified above, the code official

is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the mechanical code and other laws that are enforced by the department of mechanical inspection. Exception: Ground-source heat pump loop systems tested in accordance with the mechanical code shall be permitted to be backfilled prior to inspection.

**Section 29.** By deleting Section 102-821, pertaining to “Work covered without inspection approval; investigation required”, of Division 3 of Article V of Chapter 102, in its entirety, and by replacing it with a new Section 102-821 in Division 3 of Article V of Chapter 102, to be numbered and read as follows:

**Sec. 102-821. Work covered without inspection approval; investigation required.**

Whenever any work for which a permit is required has been covered without first obtaining the necessary inspection approval, a special investigation shall be made before subsequent inspections are approved. The work shall be uncovered to allow an inspection.

**Section 30.** By deleting Subsection (c) of Section 102-889, pertaining to “Disaster assessment”, of Division 5 of Article V of Chapter 102, in its entirety.

**Section 31.** By deleting Section 102-920, pertaining to “Moved buildings”, of Division 1 of Article VI of Chapter 102, in its entirety, and by replacing it with a new Section 102-920 in Division 1 of Article VI of Chapter 102, to be numbered and read as

follows:

**Sec. 102-920. Moved buildings.**

Except as determined by the plumbing code, plumbing systems that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of the plumbing code for new installations.

**Section 32.** By deleting Paragraph (2) of Subsection (b) of Section 102-950, pertaining to “Application for permit”, of Division 2 of Article VI of Chapter 102, in its entirety.

**Section 33.** By deleting Subsections (i), (j) and (k) of Section 102-952, pertaining to “Permit issuance”, of Division 2 of Article VI of Chapter 102, in their entirety, and by replacing them with new Subsections (i) and (j) in Section 102-952 in Division 2 of Article VI of Chapter 102, to be numbered and read as follows:

(i) *Approved construction documents.* Work for which a permit is required shall not be commenced until the permittee has made available approved construction documents on the premises and in such a position to allow the code official convenient access and use. These items shall be protected from the elements and maintained in such location by the permittee until final approval has been granted by the code official.

(j) *Work without a permit; investigation required.* Whenever any work for which a permit is required has been commenced without first obtaining said permit, a Stop Work Order shall be issued pursuant to Division 4 of this article and a special investigation



shall be made before a permit may be issued for such work.

**Section 34.** By adding new Subparagraphs e and f to Paragraph (2) of Subsection (d) of Section 102-953, pertaining to “Fees”, in Division 2 of Article VI of Chapter 102, to be numbered and read as follows:

- e. For plan review already performed.
- f. If an inspection has been performed.

**Section 35.** By deleting Subsection (a) of Section 102-984, pertaining to “Testing”, of Division 3 of Article VI of Chapter 102, in its entirety, and by replacing it with a new Subsection (a) in Section 102-984 in Division 3 of Article VI of Chapter 102, to be numbered and read as follows:

- (a) *Required.* Plumbing work and systems shall be tested as required in the plumbing code and in accordance with subsections (b) through (d) of this section. Tests shall be made by the permit holder and observed by the code official.

**Section 36.** By deleting Section 102-987, pertaining to “Work covered without inspection approval; investigation required”, of Division 3 of Article VI of Chapter 102, in its entirety, and by replacing it with a new Section 102-987 in Division 3 of Article VI of Chapter 102, to be numbered and read as follows:

**Sec. 102-987. Work covered without inspection approval; investigation required.**

Whenever any work for which a permit is required has been covered without first

obtaining the necessary inspection approval, a special investigation shall be made before subsequent inspections are approved. The work shall be uncovered to allow an inspection.

**Section 37.** By deleting Subsection (g) of Section 102-989, pertaining to “Alternative engineered design”, of Division 3 of Article VI of Chapter 102, in its entirety, and by replacing it with a new Subsection (g) in Section 102-989 in Division 3 of Article VI of Chapter 102, to be numbered and read as follows:

(g) *Inspection and testing.* The alternative engineered design shall be tested and inspected in accordance with the requirements of this division and the plumbing code.

**Section 38.** By deleting Subsection (c) of Section 102-1047, pertaining to “Disaster assessment”, of Division 5 of Article VI of Chapter 102, in its entirety.

**Section 39.** By deleting Section 102-1197, pertaining to “Work without a permit; investigation required”, of Division 5 of Article VII of Chapter 102, in its entirety, and by replacing it with a new Section 102-1197 in Division 5 of Article VII of Chapter 102, to be numbered and read as follows:

**Sec. 102-1197. Work without a permit; investigation required.**

Whenever any work for which a permit is required has been commenced without first obtaining said permit, a Stop Work Order shall be issued pursuant to Division 20 of this article and a special investigation shall be made before a permit may be issued for

such work.

**Section 40.** By adding new Paragraphs (5) and (6) to Subsection (b) of Section 102-1232, pertaining to “Refunds”, in Division 6 of Article VII of Chapter 102, to be numbered and read as follows:

- (5) For plan reviews already performed.
- (6) If an inspection has been performed.

**Section 41.** By deleting Paragraphs (8) and (9) of Section 102-1467, pertaining to “Generally”, of Division 14 of Article VII of Chapter 102, in their entirety, and by replacing them with new Paragraphs (8) and (9) in Section 102-1467 in Division 14 of Article VII of Chapter 102, to be numbered and read as follows:

- (8) *Approved construction documents.* Work for which a permit is required shall not be commenced until the permittee has made available approved construction documents on the premises and in such a position to allow the code official convenient access and use. These items shall be protected from the elements and maintained in such location by the permittee until final approval has been granted by the code official.
- (9) *Approval required.* Work shall not be performed beyond the point indicated in each successive inspection and test without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and tests and shall either indicate the portion of the construction that

is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with the electrical code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.

a. *Work covered without inspection approval: investigation required.*

Whenever any work for which a permit is required has been covered without first obtaining the necessary inspection approval, a special investigation shall be made before subsequent inspections are approved.

The work shall be uncovered to allow an inspection.

**Section 42.** By deleting Paragraph (1) of Subsection (a) of Section 102-1681, pertaining to “Scope”, of Division 1 of Article VIII of Chapter 102, in its entirety, and by replacing it with a new Paragraph (1) in Subsection (a) of Section 102-1681 in Division 1 of Article VIII of Chapter 102, to be numbered and read as follows:

- (1) *Gaseous hydrogen systems.* Gaseous hydrogen systems shall be regulated by the gas code.

**Section 43.** By deleting Subparagraph p of Paragraph (4) of Subsection (a) of Section 102-1681, pertaining to “Scope”, of Division 1 of Article VIII of Chapter 102, in its entirety, and by replacing it with a new Subparagraph p in Paragraph (4) of Subsection (a) of Section 102-1681 in Division 1 of Article VIII of Chapter 102, to be numbered and read as follows:

- p. Except as provided in the gas code, gas piping, meters, gas pressure regulators and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-gas.

**Section 44.** By deleting Subsections (j), (k) and (l) of Section 102-1722, pertaining to “Permit issuance”, of Division 2 of Article VIII of Chapter 102, in their entirety, and by replacing them with new Subsections (j) and (k) in Section 102-1722 in Division 2 of Article VIII of Chapter 102, to be numbered and read as follows:

- (j) *Approved construction documents.* Work for which a permit is required shall not be commenced until the permittee has made available approved construction documents on the premises and in such a position to allow the code official convenient access and use. These items shall be protected from the elements and maintained in such location by the permittee until final approval has been granted by the code official.
- (k) *Work without a permit; investigation required.* Whenever any work for which a permit is required has been commenced without first obtaining said permit, a Stop Work Order shall be issued pursuant to Division 4 of this article and a special investigation shall be made before a permit may be issued for such work.

**Section 45.** By adding new Subparagraphs e and f to Paragraph (2) of Subsection (d) Section 102-1723 in Division 2 of Article VIII of Chapter 102, to be numbered and read as follows:

- e. For plan reviews already performed.

- f. If an inspection has been performed.

**Section 46.** By deleting Section 102-1760, pertaining to “Work covered without inspection approval; investigation required”, of Division 3 of Article VIII of Chapter 102, in its entirety, and by replacing it with a new Section 102-1760 in Division 3 of Article VIII of Chapter 102, to be numbered and read as follows:

**Sec. 102-1760. Work covered without inspection approval; investigation required.**

Whenever any work for which a permit is required has been covered without first obtaining the necessary inspection approval, a special investigation shall be made before subsequent inspections are approved. The work shall be uncovered to allow an inspection.

**Section 47.** By deleting Subsection (c) of Section 102-1825, pertaining to “Disaster assessment”, of Division 5 of Article VIII of Chapter 102, in its entirety.

**Section 48.** By deleting Section 102-1973, pertaining to “Safeguards during construction”, of Division 1 of Article X of Chapter 102, in its entirety, and by replacing it with a new Section 102-1973 in Division 1 of Article X of Chapter 102, to be numbered and read as follows:

**Sec. 102-1973. Safeguards during construction.**

All construction work covered in the existing building code, including any related

demolition, shall comply with the requirements of the existing building code.

**Section 49.** By deleting Section 102-1976, pertaining to “Standards and guidelines for structural evaluation”, of Division 1 of Article X of Chapter 102, in its entirety, and by replacing it with a new Section 102-1976 in Division 1 of Article X of Chapter 102, to be numbered and read as follows:

**Sec. 102-1976. Standards and guidelines for structural evaluation.**

The code official shall allow structural evaluation, condition assessment, and rehabilitation of buildings, structures, or individual structural members based on the existing building code's appendix chapters, referenced standards, guidelines, or other approved standards and procedures. Compliance with the structural provisions of the International Building Code shall be deemed exceeding or equivalent to compliance with the structural provisions of the existing building code.

**Section 50.** By deleting Section 102-2014, pertaining to “Inspection record card and approved construction documents”, of Division 2 of Article X of Chapter 102, in its entirety, and by replacing it with a new Section 102-2014 in Division 2 of Article X of Chapter 102, to be numbered and read as follows:

**Sec. 102-2014. Approved construction documents.**

Work for which a permit is required shall not be commenced until the permittee has made available approved construction documents on the premises and in such a position to allow the code official convenient access and use. These items shall be



protected from the elements and maintained in such location by the permittee until final approval has been granted by the code official.

**Section 51.** By deleting Section 102-2015, pertaining to “Work without a permit; investigation required”, of Division 2 of Article X of Chapter 102, in its entirety, and by replacing it with a new Section 102-2015 in Division 2 of Article X of Chapter 102, to be numbered and read as follows:

**Sec. 102-2015. Work without a permit; investigation required.**

Whenever any work for which a permit is required has been commenced without first obtaining said permit, a Stop Work Order shall be issued pursuant to Division 9 of this article and a special investigation shall be made before a permit may be issued for such work.

**Section 52.** By adding new Paragraphs (5) and (6) to Subsection (b) of Section 102-2071 in Division 4 of Article X of Chapter 102, to be numbered and read as follows:

- (5) For plan reviews already performed.
- (6) If an inspection has been performed.

**Section 53.** By deleting Section 102-2097, pertaining to “Work covered without inspection approval; investigation required”, of Division 5 of Article X of Chapter 102, in its entirety, and by replacing it with a new Section 102-2097 in Division 5 of Article X of Chapter 102, to be numbered and read as follows:

**Sec. 102-2097. Work covered without inspection approval; investigation required.**

Whenever any work for which a permit is required has been covered without first obtaining the necessary inspection approval, a special investigation shall be made before subsequent inspections are approved. The work shall be uncovered to allow an inspection.

**Section 54.** By deleting Subsection (c) of Section 102-2245, pertaining to “Disaster assessment”, of Division 10 of Article X of Chapter 102, in its entirety.

**Section 55.** This ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Fayette County.

**Section 56.** All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 57.** In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby

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

**SO ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY**

By: \_\_\_\_\_  
Randy Ognio, Chairman

(SEAL)

ATTEST:

\_\_\_\_\_  
Tameca P. White, County Clerk

Approved as to form:

\_\_\_\_\_  
County Attorney

**BOARD OF COUNTY COMMISSIONERS**

Randy Ognio, Chairman  
 Charles W. Oddo, Vice Chairman  
 Edward Gibbons  
 Eric K. Maxwell  
 Charles D. Rousseau

**FAYETTE COUNTY, GEORGIA**

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

140 Stonewall Avenue West  
 Public Meeting Room  
 Fayetteville, GA 30214

**Minutes**

October 24, 2019

6:30 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 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 6:30 p.m.

**Call to Order**

Chairman Randy Ognio called the October 24, 2019 Board of Commissioners meeting to order at 6:30 p.m. A quorum of the Board was present.

**Invocation and Pledge of Allegiance by Commissioner Edward Gibbons**

Commissioner Edward Gibbons offered the Invocation and led the Board and audience in the Pledge of Allegiance.

**Acceptance of Agenda**

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

**PROCLAMATION/RECOGNITION:**

1. **Recognition of Leah Williamson and J.R. Ramos for their efforts and support of the Water Guardians volunteer program.**

Commissioner Maxwell, on behalf of the Board, presented Leah Williamson and J.R. Ramos with a plaque of recognition for their leadership, dedication, and hard work towards protecting Fayette County's valuable drinking water supply through the Water Guardians volunteer program.

2. **Recognition of awardees for the Fayette County Public Arts Committee 2019 Scarecrow Competition.**

Fayette County Public Arts Committee Chair, Cameron LaFoy, on behalf of the Board, recognized the awardees of the Fayette County Public Arts Committee 2019 Scarecrow Competition. The competition allowed individuals or groups to design and create a Scarecrow. The Scarecrows were constructed in the area surrounding the Heritage Park Fountain and could be enjoyed during the month of October, this year there were six (6) scarecrows.

1st Place – "Scarasaurus Rex" designed by Zach, Rachel, Cayden, and Lennon Harvey  
 2nd Place – "Dr. Frankenstein and his Monster" designed by Emily and Lucas Balsam  
 3rd Place – "Sewphie" designed by No Business Like Sew Business

3. **Recognition of the Public Works Roads Crew.**

Commissioner Rousseau, on behalf of the Board, recognized the Fayette County Public Works Roads Crew for their work with laying asphalt enduring adverse conditions specifically over the summer throughout the county.

**4. Presentation and update from the Fayette County Board of Health regarding vaping in Fayette County.**

With the recent concerns throughout the nation regarding e-cigarettes and vaping, Ashton Harris with the Department of Public Health briefed the Board with a “The Dangers of Vaping” presentation which discussed how vaping was affecting Georgia and more specifically Fayette County.

**PUBLIC HEARING:**

**5. Consideration of Petition No. 1288-19, Rebecca A. Handley and Nancy McCord, Handley Family Trust Co-Trustees, Owners and Rod Wright Corp, Agent, request to rezone 5.85 acres from A-R to R-55; property located in Land Lot 31 of the 5<sup>th</sup> District, and fronts on Redwine Road with two (2) conditions.**

Community Development Director Pete Frisina read the Introduction to Public Hearings for the Rezoning of Property.

Commissioner Maxwell recused himself from discussion of this item stating that he and Mr. Wright were friends. Commissioner Maxwell left the Public Meeting room until discussions were finalized.

Steven Jones, applicant representative, stated that he would like to reserve time for rebuttal if necessary.

Mr. Jones stated that the request was to rezone 5.85 acres from A-R to R-55; property located in Land Lot 31 of the 5th District, and fronts on Redwine Road with two (2) conditions. Mr. Jones stated that after analysis of the request under the Code of Ordinance and Zoning Ordinance by both Planning and Zoning staff and the Planning Commission, it was determined that the request did qualify for approval based on four factors: (1) the request was compliant with the low density residential, which is a 1 unit/one acre designation on the future land use map, (2) the request would not adversely affect existing use or usability of surrounding properties, (3) it would not unduly burden any infrastructure, roads, schools, or utilities and (4) the request would not disrupt the general pattern development in the adjacent area.

Mr. Jones stated that both Planning and Zoning staff and the Planning Commission provided two conditions: The first condition: that the four (4) lots within the area being rezoned, plus the two (2) proposed A-R lots, be limited to no more than four (4) driveway curb cuts and each driveway curb cut shall service no more than two (2) lots. Each driveway shall meet the minimum required sight distance. The locations of the driveway curb cuts shall be approved by the County Engineer, and the second condition: that the Final Plat for the subject property will not be approved until the existing single-family residence is brought into compliance with the R-55 zoning district which can be achieved either by adding additional heated finished floor area to the existing single-family residence to meet the minimum required floor area or through a variance, approved by the Zoning Board of Appeals, to reduce the minimum floor area requirement, or as a third option, removing the existing single-family residence from the subject property prior to Final Plat approval. Mr. Jones stated that the applicant consented to the first condition, however asked the Board to drop the second condition. Mr. Jones stated that from his interpretation of the Zoning Ordinance it would allow for a non-conforming, pre-existing structure to remain as part of a rezoning as long as no additional changes are made to the structure. Mr. Jones continued stating that the existing structure was a 2000 sq. ft. house, he added that the minimum square footage required in the R-55 zoning is 2500 sq. ft. he asked that the Board allow the structure to remain.

No one spoke in favor or in opposition.

Chairman Ognio stated that he would suggest keeping both conditions and if those are not desirable to the applicant, it would have to be discussed and handled with the Zoning Board of Appeals.

County Attorney Dennis Davenport stated that it is his understanding that the existing structure is actually a conforming structure in its current zoning designation, however as a part of the request to rezone the property to R-55 the structure would become an illegal structure not a non-conforming structure. Mr. Davenport continued stating that as a result the recommendation of the second condition would be appropriate.

Commissioner Rousseau stated that he had concerns that the applicant had initially agreed to both conditions recommended by both Planning and Zoning staff and the Planning Commission. Commissioner Rousseau ask Mr. Jones what changed.

Mr. Jones stated that his client had determined that the market conditions would favor the house remain as it did at its construction. Mr. Jones continued stating that if approved by the Board, his client would consent to both recommended conditions.

Commissioner Gibbons moved to approve Petition No. 1288-19, Rebecca A. Handley and Nancy McCord, Handley Family Trust Co-Trustees, Owners and Rod Wright Corp, Agent, request to rezone 5.85 acres from A-R to R-55; property located in Land Lot 31 of the 5th District, and fronts on Redwine Road with two (2) conditions. Commissioner Rousseau seconded. The motion passed 4-0-1.

*Commissioner Maxwell returned to the Board Meeting.*

**6. Consideration of Petition No. RP-073-19, for Bogdan C. Wolfe and Pamela M. Wolfe, Owners, and Randy Boyd, Agent, request to revise the Final Plat of Bogdan C. Wolfe and Pamela M. Wolfe to add one lot to the subdivision; property located in Land Lot 252 of the 4<sup>th</sup> District and fronts on McBride Road.**

Mr. Frisina stated that both staff and the Planning Commission recommended approval of the request.

Randy Boyd, applicant representative, stated that the applicant asked for the split of this land because as he advances in age he wanted to reduce his responsibility in maintaining the land. Mr. Boyd continued stating that the request does conform to the Land Use Map.

No one spoke in favor or in opposition.

Commissioner Gibbons stated that he noticed that the request had not been approved by Environmental Health because the proposed property line would cross the existing drain field.

Commissioner Gibbons asked to add the condition that drain field be appropriately relocated to maintain compliance.

Vice-Chairman Oddo moved to approve Petition No. RP-073-19, for Bogdan C. Wolfe and Pamela M. Wolfe, Owners, and Randy Boyd, Agent, request to revise the Final Plat of Bogdan C. Wolfe and Pamela M. Wolfe to add one lot to the subdivision; property located in Land Lot 252 of the 4th District and fronts on McBride Road. Commissioner Gibbons seconded.

Vice-Chairman Oddo amended his motion to approve Petition No. RP-073-19, for Bogdan C. Wolfe and Pamela M. Wolfe, Owners, and Randy Boyd, Agent, request to revise the Final Plat of Bogdan C. Wolfe and Pamela M. Wolfe to add one lot to the subdivision; property located in Land Lot 252 of the 4th District and fronts on McBride Road with the provision that the drain field be appropriately relocated to be in compliance. Commissioner Gibbons amended his seconded. The motion passed 5-0.

**PUBLIC COMMENT:**

**CONSENT AGENDA:**

Commissioner Gibbons moved to accept the Consent Agenda with the exception of item #11. Commissioner Rousseau seconded. The motion passed 5-0.

7. **Approval of the Georgia Department of Transportation (GDOT) Title VI; Non-Discrimination Agreement and Assurances (40 CFR Part 21.7).**
8. **Approval to amend the 2017 SPLOST Stormwater fund (32240320) reallocating \$57,000 from 2017 SPLOST General allocations to Morning Dove Drive (17SAJ) and to approve Task Order #13 Construction Management: 2017 SPLOST; Stormwater Category II; Morning Dove Drive Culvert Replacement to the current Engineer of Record Pond and Company.**
9. **Approval to renew the annual bid #1723-B to Hanson Aggregates Southeast LLC as primary vendor for stone for fiscal year 2020 with a not-to-exceed contract amount of \$144,496.75.**
10. **Approval of staff's recommendation to authorize the Fayette County Solicitor's Office to accept FY2020 VOCA Continuation Base and Comp Advocate funding from the Criminal Justice Coordinating Council, in the amount of \$77,778 for a grant period from October 1, 2019 through September 30, 2020 and authorization for the Chairman to sign grant related documentation.**
11. **Approval of the October 10, 2019 Board of Commissioners Meeting Minutes.**

Chairman Ognio moved to approve the October 10, 2019 Board of Commissioners Meeting Minutes with the correction to item #4 to add which Commissioner seconded the motion and that Vice-Chairman Ognio be corrected to Chairman Ognio. Vice-Chairman Oddo seconded. The motion passed 5-0.

**OLD BUSINESS:**

12. **Consideration of the County Attorney's recommendation to deny a disposition of tax refund, as requested by Paulette Malloy, for tax year 2016, 2017 and 2018. This item was tabled at the October 10, 2019 Board of Commissioners meeting.**

County Attorney Dennis Davenport stated that this item was tabled from the October 10, 2019 Board of Commissioner Meeting. Mr. Davenport stated that it was then determined that there were some inconsistency in what was originally documented and what was stated by Ms. Malloy. Mr. Davenport stated that upon closer review and analysis of Ms. Malloy's property card and residence it was determined that the measurements of the finished basement was based on an exterior measurement. The tax assessor's office was able to get an updated interior measurement from the interior of the finished basement. Also her property card noted that there was a finished basement of about 1200 sq. ft. which was incorrect. Ms. Malloy has both a finished and unfinished basement totaling together 930 sq. ft. Mr. Davenport concluded that based on all of these factors, Ms. Malloy was due a tax refund for tax year 2016 and 2017; the amount due in 2016 is \$127.84 and the amount due in 2017 is \$141.13 totaling \$268.97. The tax years prior to 2016 would be barred due to the statute of limitations.

Ms. Malloy thanked all involved in helping with her request.



Commissioner Gibbons moved to approve County Attorney's recommendation to approve a disposition of tax refund in the amount of \$268.97, as requested by Paulette Malloy, for tax year 2016 and 2017. This item was tabled at the October 10, 2019 Board of Commissioners meeting. Commissioner Rousseau seconded. The motion passed 5-0.

## **NEW BUSINESS:**

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

Public Works Director Phil Mallon provided the Public Works "Hot" Project Update stating that:

**Graves Road** was completed except for stabilization.

#### **Dogwood Trail (10/24/19)**

Dogwood Trail was currently closed to all thru-traffic. Utility relocation remained the primary construction activity. Comcast was currently on-site and they had an additional two to three weeks of work. Much of the utility work would be sequential, which extended the time needed for all utilities to be moved. The temporary water bypass line was complete, and it passed the pressure test on 10/23/19. The project remained on-schedule for the road to open in Spring 2020.

#### **Starr's Mill Tunnel (10/24/19)**

This project was for the construction of a multi-use path tunnel under Redwine Road, immediately south of the Robinson Road intersection. The project included new path construction along the west side of Redwine Road and Robinson Road to connect with existing paths. County and PTC staff met with the Consultant on September 30 to identify field issues and establish design criteria. The Task Order for the design phase was revised by the Consultant to account for grading, drainage, and lighting issues raised during the field meeting. The date for the revised TO have been extended to October 30.

**Kenwood School Project** was completed except for stabilization.

**Swanson Road Paving Project** was completed except for stabilization.

#### **McDonough Road Bridge (10/24/19)**

The bridge on McDonough Road was programmed by GDOT into the Local Bridge Replacement Program (LOCBR) program for design work (i.e. "PE") in FY2020. Shortly afterward the State Legislature did not seek bridge bond funds and GDOT had to delay portions of the Bridge Program, which included all the 50 LOCBR bridges in FY 2020. PE authorization was shifted to FY2021 and the project remains a high priority for Fayette County, Clayton County and the GDOT.

#### **Redwine Road Timber Bridge (10/24/19)**

Repair work on the multi-use path bridge over Camp Creek was complete. Fayette County would stain the structure in the next few weeks to help preserve and extend the life of the lumber. The bridge was open for use.

#### **Old Senoia Road Culvert Replacement (10/24/2019)**

Old Senoia Road was currently closed to all thru-traffic between Harp Road and Hawn Road. Culvert installation was complete and crews are continuing to prep the site for pavement. According to the contractor's most recent schedule update, Old Senoia Road would re-open to all traffic the first week of November 2019 following paving and guardrail installation.

#### **Intersection of SR 92, Veterans Parkway and Westbridge Road (10/24/19)**

This intersection, currently operating as a two-way stop, has been approved for a traffic signal with turn lanes. Design for the project was complete and Fayette County was acquiring needed easements for the work. Simultaneous with the easement acquisition, the County and GDOT are working together to accelerate the project. An example of this was GDOT's donation of the signal equipment, which would help the project's schedule and funding. A schedule for the construction phase would be available after the project is awarded.

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

Mr. Davenport stated that at the October 10, 2019 BOC Meeting there were a couple of tax refund requests that were caused due to a system error causing a three-year freeze to be dropped after the first year. Mr. Davenport stated that upon review the Tax Assessor's Office determined that a total of 15 parcels were affected by this error. He added that two of those parcels were discussed at the pervious Board Meeting of the remaining 13 parcels, 12 were owned by one entity and the remaining one is owned by an individual. Mr. Davenport stated that none of the 13 remaining property owners have filed for tax refund request, however notifications of the issue have gone out advising the remaining property owners.

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there was one item of threatening litigation and the review of the Executive Session minutes for September 26, 2019.

### **COMMISSIONERS' REPORTS:**

Commissioner Gibbons stated for clarification and to clear any lingering rumors, he is not in favor of the TDK extension from Peachtree City into Coweta County. Commissioner Gibbons congratulated Fayette County Administrator Steve Rapson's grandson for his recent graduation from Marine Corp Basic Training.

Commissioner Rousseau stated to Public Works Director Phil Mallon and Roads Director Steve Hoffman, in no way was his desire to acknowledge the Roads Crew intended to slight or take away from the hard work that all of the Public Works crews and staff achieve, however he felt they deserved direct acknowledgement and kudos enduring adverse conditions over the summer.

Vice-Chairman Oddo wished everyone a Happy Halloween and advised all to be careful and safe. Vice-Chairman thanked the Water Guardian volunteers and encouraged everyone to be mindful of the environment and encouraged all to do their part in maintaining the upkeep of Fayette County.

Chairman Ognio stated that Saturday Oct. 26, 2019 was National Prescription Take Back Day, he advised everyone if they had any expired or unused prescription to take them back to the Sheriff's Office from 10:00 a.m. until 2:00 p.m. on Saturday Oct. 26, 2019. Chairman Ognio thanked Public Safety for their efforts in conducting a successful Fall Festival. Chairman Ognio stated that he wore his Breast Cancer Awareness tie in recognition of his sister who would have been 55 on October 26<sup>th</sup>. Chairman Ognio thanked the Secretary of the State for meeting with the Elections Department, himself and Vice-Chairman Oddo as well as the Sheriff. Chairman Ognio also suggested to citizens with children to be careful during Halloween, and recommended having them carry flashlights while trick-or-treating. Chairman Ognio acknowledged the loss of firefighter Edwards Sherwood and asked all to keep his family in thought and prayer.

### **EXECUTIVE SESSION:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there was one item of threatening litigation and the review of the Executive Session minutes for September 26, 2019. Vice-Chairman Oddo moved to go into Executive Session. Commissioner Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 7:47 p.m. and returned to Official Session at 7:56 p.m.

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

**Approval of the September 26, 2019 Executive Session Minutes:** Chairman Ognio moved to approve the September 26, 2019 Executive Session Minutes. Vice Chairman Oddo seconded. The motion passed 5-0.

**ADJOURNMENT:**

Commissioner Gibbons moved to adjourn the October 24, 2019 Board of Commissioners meeting. Vice Chairman Oddo seconded. The motion passed 5-0.

The October 24, 2019 Board of Commissioners meeting adjourned at 7:56 p.m.

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Marlena Edwards, Deputy County Clerk

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Randy C. Ognio, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 14<sup>th</sup> day of November 2019. Referenced attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Deputy County Clerk

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration to close Starr's Mill Park on December 6 at approximately 3:00 PM to December 7 at 6:00 AM for filming contingent on a recommendation from the Water Committee.

**Background/History/Details:**

A film request was submitted by Static Productions, LLC for filming at Starr's Mill on December 6 and 7.

The film permit has been vetted through the county's film permit process and due to the request for a full closure on December 6 and 7, the request will be brought before the Water Committee and Board of Commissioners for consideration. The request will be presented at the November 13 meeting of the Water Committee and a recommendation will be given to the Board.

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

Consideration to close Starr's Mill Park on December 6 at approximately 3:00 PM to December 7 at 6:00 AM for filming contingent on a recommendation from the Water Committee.

**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:**

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Presentation on 2017 SPLOST Corridor Studies on: Banks Road, Sandy Creek Road, Tyrone & Palmetto Roads, and SR 279.

**Background/History/Details:**

These ARC-funded studies were conducted based on recommendations from the Fayette County Comprehensive Transportation Plan (CTP) and the County's desire to develop project scopes that can compete for Federal Aid. The four studies were done in parallel and are the reports are now available for public comment.

The purpose of this agenda item is to provide the public and the BOC a summary of the report recommendations and encourage input on the draft documents. They are posted on-line at <https://fayettecountyga.gov/transportation-planning/index.htm>. Comments may be provided throughout the month of November by email to [publicworks@fayettecountyga.gov](mailto:publicworks@fayettecountyga.gov) or by calling 770-320-6010.

Staff plans to present the final reports to the BOC for adoption in December 2019 or January 2020, depending on the amount of comments received.

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

No formal action is required at this time. The presentation is informational.

**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 – 2017 SPLOST TRANSPORTATION CORRIDORS STUDY

Sandy Creek Road, Tyrone Road-Palmetto Road, Banks Road, SR 279

**Board of Commissioners Meeting – November 14, 2019**



# Last Chance for Public Comment!

The Documents are available for review at:

<https://fayettecountyga.gov/transportation-planning/index.htm>

Send Comments by:

Email to: [publicworks@fayettecountygga.gov](mailto:publicworks@fayettecountygga.gov)

or

Call: 770-320-6010

Comments are accepted during  
the month of November



- From Veterans Pkwy to State Route 74
- Approximately 4.6 miles

**SANDY CREEK ROAD**

- From State Route 54 to the Coweta County line
- Approximately 6.2 miles

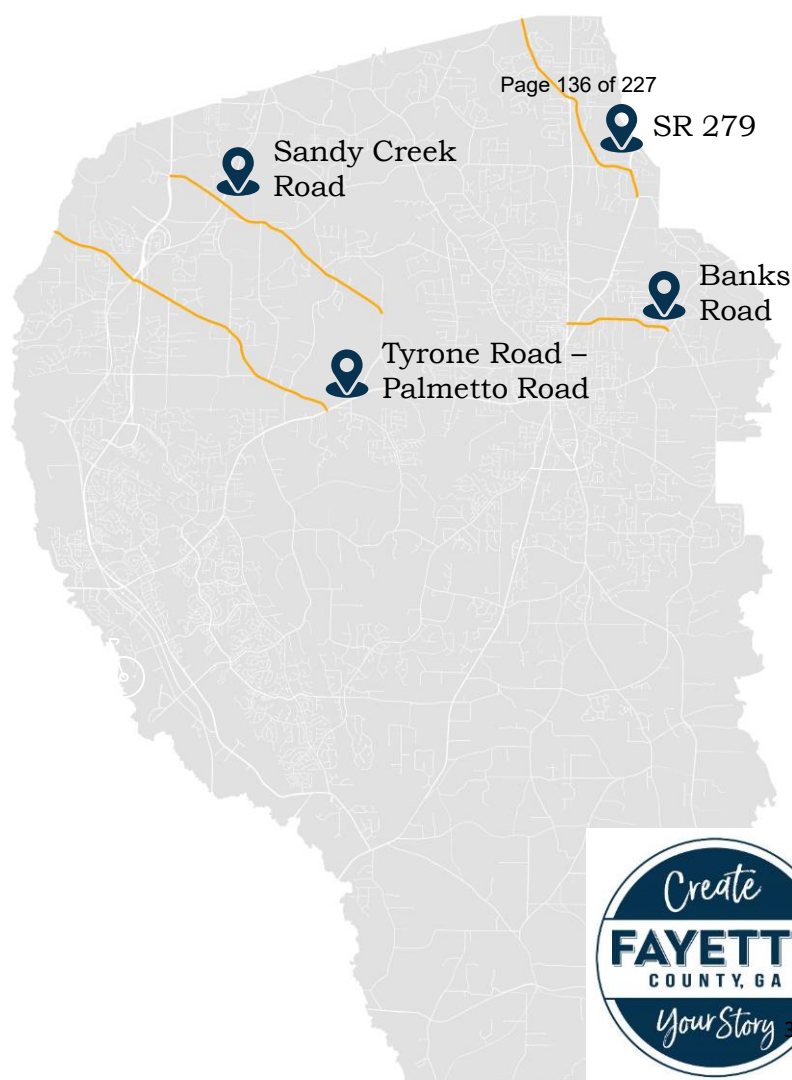
**TYRONE ROAD – PALMETTO ROAD**

- From State Route 54 to State Route 314
- Approximately 1.9 miles

**BANKS ROAD**

- From Corinth Road to Fulton/ Fayette County Border
- Approximately 4.25 miles

**STATE ROUTE 279**





**CONCEPT DEVELOPMENT**

Approach and process undertaken to develop the preliminary concepts and arrive at the preferred alternatives

**WEIGHTED SCORING & JUSTIFICATION**

Technical scoring process to identify preferred alternative

**PREFERRED ALTERNATIVE**

Preferred alternative analysis includes cost estimates and impact investigation to include right of way, environmental and utility impacts

**COMMUNITY ENGAGEMENT**

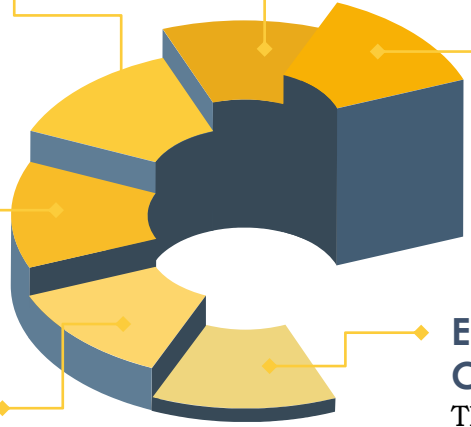
Traditional public meetings; stakeholder meetings; online surveys; interactive project website

**NEED ASSESSMENT**

Comprehensive look at the existing conditions, future demographic and population projections, to help understand the needs along the corridor

**EXISTING CONDITIONS**

This includes technical analysis - roadway conditions, crash records, road safety audits





PIOH 1

- Almost **200** citizens attended
- Close to **350** individual comments



PIOH 2

- **250** citizens attended
- **175** individual comment forms



SURVEYS

- **515** Online Survey Comments

PIOH - 1



PIOH - 2



SURVEYS

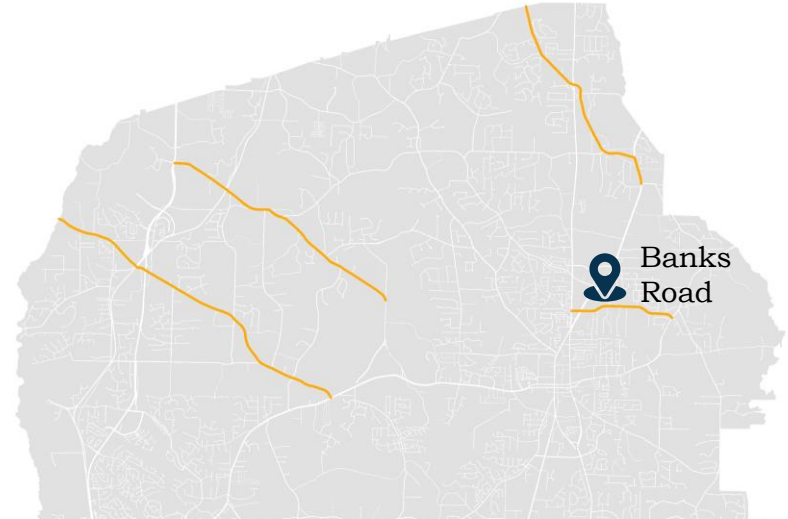


STAKEHOLDER COMMITTEE

WEBPAGE

SOCIAL MEDIA & EMAIL BLASTS





# BANKS ROAD

**Concept Development and Preferred Alternative Analysis**

# Widen Banks Road to 4-Lane Median Divided



Access Management From SR 314 To SR 85 City Limits



Widen Banks Road to 4-lane median divided from SR 85 to SR 54



Realign Ellis Road, Traffic Signal and Turn Lanes



Multi-Use Path On Southside; Sidewalk on Northside



**Benefits:**  
 Page 141 of 227

- Increases capacity of corridor and improves travel times
- Improves safety by correcting horizontal and vertical curves
- Design can yield a 40% - 60% reduction in crashes per mile
- Provides safe access for pedestrians and bicyclists

**Total Cost:**  
 **\$10,993,000**

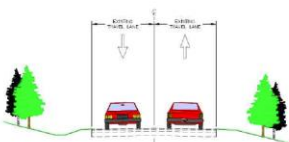




**Widen Banks Road to 4-lane median divided from SR 85 to SR 54**



PROPOSED BANKS ROAD 4-LANE DIVIDED CORRIDOR



EXISTING BANKS ROAD 2-LANE CORRIDOR



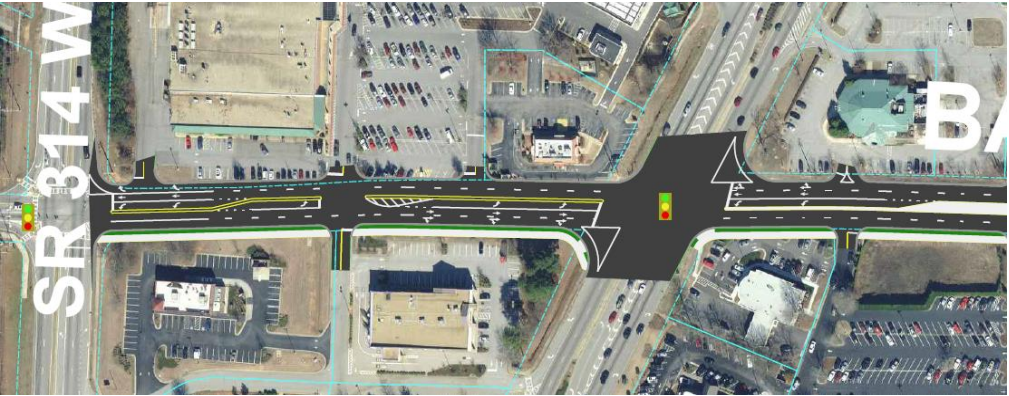
**Realign Ellis Road, Traffic Signal and Turn Lanes**



**Multi-Use Path On Southside; Sidewalk on Northside**



**Access Management From SR 314 To SR 85 City Limits**





#	BANKS ROAD	
1	Corridor Safety Improvements	\$ 500,000
2	Widen Corridor + Multi-Use Path	\$ 10,993,000
3	Access Management from SR 314 To City Limits	\$ 475,000
4	Intersection Improvement at Ellis Road	\$ 650,000
5	Intersection Improvements at Highway 85	\$ 250,000



Tyrone Road -  
Palmetto Road




# TYRONE ROAD - PALMETTO ROAD

Concept Development and Preferred Alternative Analysis

# 4-Lane Widening from Dogwood Trail to SR 54

**Benefits:**  
 Page 145 of 227

- Increases capacity of corridor and improves travel times
- Improves safety by correcting horizontal and vertical curves
- Design can yield a 40% - 60% reduction in crashes per mile
- Improves traffic operations at major intersections

**Total Cost:**  
 **\$14,296,000**



Roundabout at Dogwood Trail Intersection



Widen Tyrone Road to 4-Lane Median Divided from Dogwood Trail to SR 54



Multi-Use Path On Southside



Traffic Signal At Flat Creek Trail

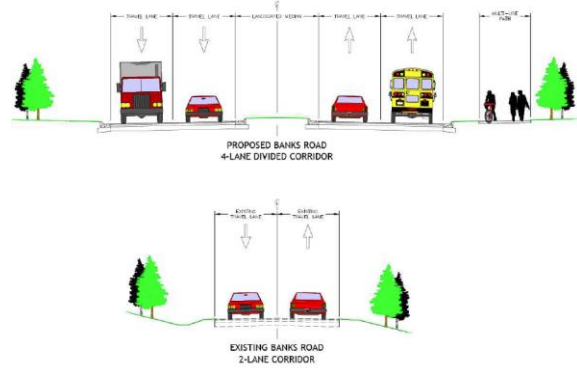


Intersection Improvements at SR 54 with turn lanes and updated traffic signal phasing





### Widen Tyrone Road to 4-Lane Median Divided from Dogwood Trail to SR 54



### Roundabout at Dogwood Trail Intersection



### Multi-Use Path On Southside; Sidewalk on Northside



### Traffic Signal At Flat Creek Trail



### Intersection Improvements at SR 54 with turn lanes and updated traffic signal phasing





## Intersection Improvement at Senoia Road – Roundabout



### Benefits:

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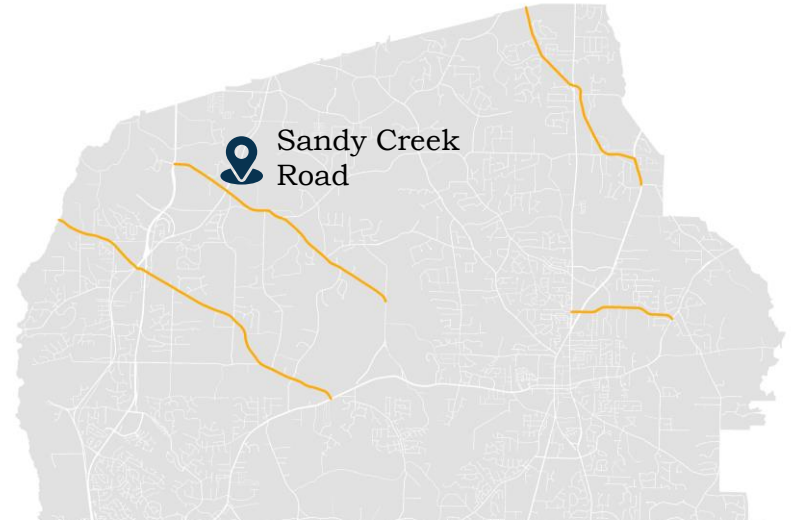
- Improves traffic operations at intersection
- Traffic calming measure
- Improves safety by up to 70% crash reductions

### Construction Cost:



\$1,850,000

#	TYRONE ROAD – PALMETTO ROAD	
1	Corridor Safety Improvements	\$ 500,000
2	Widen to 4-Lane: Dogwood Trail to SR 54	\$ 14,296,000
3	Intersection Improvements at SR 54	\$ 125,000
4	Intersection Improvement at Senoia Rd	\$ 1,500,000
5	Intersection Improvement at Ellison Road	\$ 1,350,000
6	Intersection Improvement at Dogwood Trail	\$ 1,200,000
7	Intersection Improvement at Flat Creek Trail	\$ 850,000



Sandy Creek  
Road

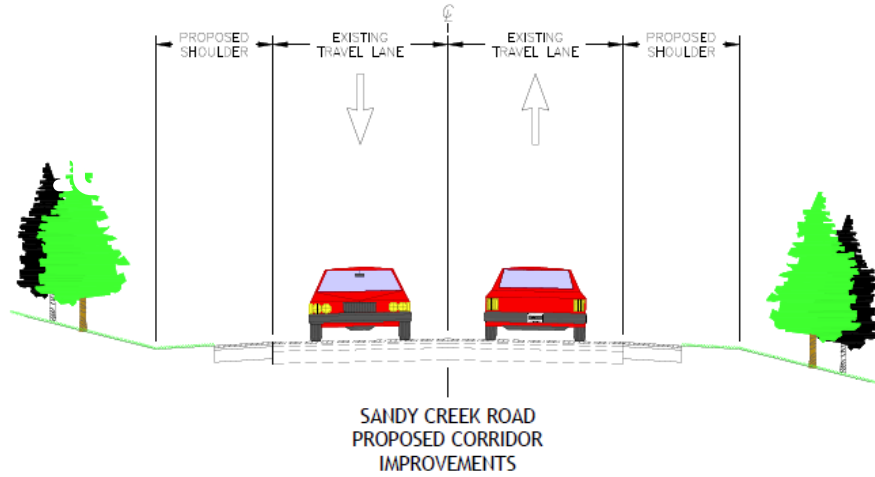


# SANDY CREEK ROAD

Concept Development and Preferred Alternative Analysis



## Add Shoulders Along Entire Corridor



## Benefits:

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- Improves safety by reducing driver strain
- Improves sight distance
- Provides motorists a recovery area to regain control of vehicle
- Provides structural support to the pavement.

## Construction Cost:

 **\$2,530,000**



**Install Roundabout at Sams Drive-Trustin Lake –Eastin Road**



**Benefits:**

Page 151 of 227

- Improves traffic operations at intersection
- Traffic calming measure
- Improves safety by up to 70% crash reductions
  - *Eastin Road @ SCR one of highest crash rates in county (8.0 per 1MVM)*

**Construction Cost:**

 **\$1,650,000**



## Intersection Improvement at Ellison Road - Roundabout



### Benefits:

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- Significantly improves traffic operations at intersection
- Traffic calming measure
- Encourage diverted trips from Jenkins Road
- Improves safety by up to 70% crash reductions

### Construction Cost:



\$1,320,000

#	SANDY CREEK ROAD	
1	Corridor Safety Improvements	\$ 500,000
2	Add Shoulders Along Entire Corridor	\$ 1,750,000
3	Install Roundabout at Sams Dr-Trustin Lake-Eastin Rd	\$ 1,650,000
4	Intersection Improvement at Ellison Road	\$ 1,320,000
5	Intersection Improvement at Flat Creek Trail	\$ 250,000

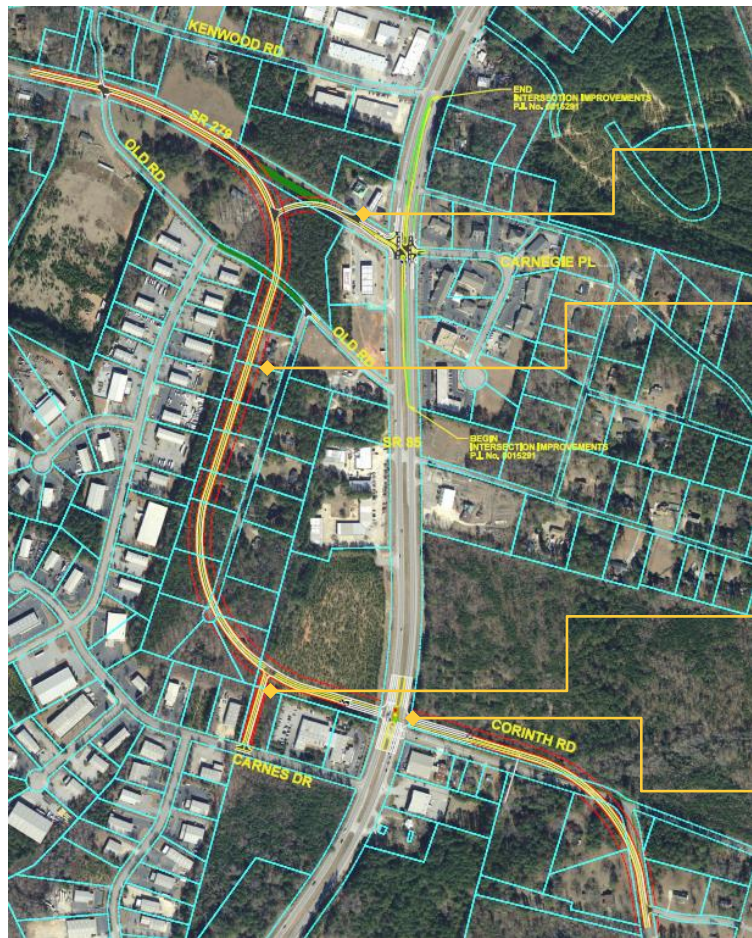
 SR 279



# STATE ROUTE 279

**Concept Development and Preferred Alternative Analysis**

# SR 279 and Corinth Road Realignment – Version 1



Convert SR 279 at SR 85 to RCUT



Realign SR 279 with Corinth Road



Connected Road from SR 279 to Carnes Drive



Modified Traffic Signal to Accommodate Thru-lane

## Benefits:

Page 155 of 227

- Improves travel time from Corinth Road to SR 279 N
- Reduction in angle crashes at two intersections
- Reduces congestion of Highway 85
- Accommodates additional traffic projected from the East Fayetteville Bypass
- Reduces emissions

## Total Cost:



**\$8,100,670**



# 4-Lane Widening from SR 138 to SR 314

**Benefits:**  
Page 156 of 227

- Increases capacity of corridor and improves travel times
- Improves safety by correcting horizontal and vertical curves
- Design can yield a 40% - 60% reduction in crashes per mile
- Provides safe access for pedestrians and bicyclists

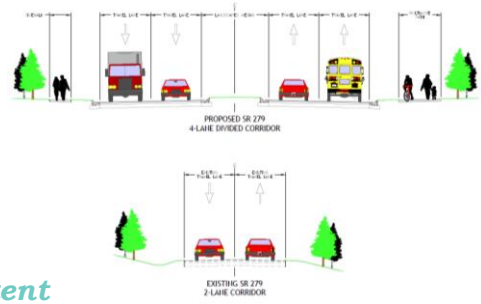
**Construction Cost:**  
\$4,160,000



Widen SR 279 to 4-lane Median Divided from SR 138 to SR 314



Multi-Use Path On Southside



Safety Improvements along the Corridor

Widening Extent

Safety Improvements





## Intersection Improvement at Kenwood Road - Roundabout



### Benefits:

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- Improves traffic operations at intersection
- Traffic calming measure
- Improves safety by up to 70% crash reductions

### Construction Cost:



**\$1,450,000**

#	SR 279	
1	Corridor Safety Improvements	\$ 500,000
2	SR 279 and Corinth Rd Realignment	\$ 8,100,670
3	Widen Corridor from SR 138 To SR 314 (4 Lane Median Divided)	\$ 4,600,000
4	Install Roundabout at Kenwood Road	\$ 1,650,000
5	Intersection Improvement at Helmer Rd	\$ 350,000



# Last Chance for Public Comment!

The Documents are available for review at:

<https://fayettecountyga.gov/transportation-planning/index.htm>

Send Comments by:

Email to: [publicworks@fayettecountygov](mailto:publicworks@fayettecountygov)

or

Call: 770-320-6010

Comments are accepted during  
the month of November





# THANK YOU!

**Does anyone have any questions?**

**Phil Mallon, P.E., Program Manager  
Fayette County Public Works  
[pmallon@fayettecountyga.gov](mailto:pmallon@fayettecountyga.gov)**

**&**

**Daniel B. Dobry, Jr., P.E., PTOE, AICP  
Croy Engineering LLC  
[ddobry@croyengineering.com](mailto:ddobry@croyengineering.com)**

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of staff's request to split the existing Engineering and Facilities Director (ENG/1-441) position into two department head positions: Director of Engineering and Director of Building & Grounds; and appropriation of funds to cover the increase in personnel costs.

**Background/History/Details:**

Since May 2014, one person has provided department-head leadership to two Departments within Public Works: Engineering and Building & Grounds. Over time the responsibilities and work load for each Department has increased and staff believes it is appropriate for the position to be split into two. Job descriptions have been developed and reviewed by Human Resources and the University of Georgia Carl Vinson Institute of Government.

If approved by the Board, the vacant positions will be advertised and filled as quickly as possible. The job descriptions are provided as backup.

No computer, vehicle, or similar material needs are anticipated with this request, although minor reconfiguration of office space may be required.

The primary benefit to the citizens from the additional position would be an increased emphasis on, and delivery of, SPLOST and CIP projects.

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

Approval of staff's request to split the existing Engineering and Facilities Director (ENG/1-441) position into two Department head positions: Director of Engineering and Director of Building & Grounds; and appropriation of funds to cover the increase in personnel costs.

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

Funding of \$86,879 to \$103,864 would be required to cover the additional position (salary & benefits). The Engineering and Facilities Director is grade 24. The Director of Engineering and Director of Building & Grounds are grades 24 and 22, respectively.

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:**



## Building & Grounds Director

### Building & Grounds

BG/12 - XXX

#### JOB SUMMARY

This position is responsible for directing the operations of the Building and Grounds Department.

#### MAJOR DUTIES

1. Plans and coordinates the work of personnel.
2. Hires, trains, directs, assigns, supervises, evaluates, and disciplines personnel.
3. Assists in overseeing the day-to-day operations of the department.
4. Develops project specifications.
5. Assists in the administration and maintenance of the annual budget.
6. Oversees the work of contractors.
7. Oversees department safety programs; enforces safety standards
8. Performs other related duties as assigned.

#### KNOWLEDGE REQUIRED BY THE POSITION

1. Knowledge of standard management and supervisory practices.
2. Knowledge of construction materials, methods, and standards.
3. Knowledge of building and grounds maintenance activities.
4. Knowledge of pesticide and herbicide application.
5. Knowledge of computers and job-related software programs.
6. Skill in the development and management of annual budgets.
7. Skill in public and interpersonal relations.
8. Skill in oral and written communication.

#### SUPERVISORY CONTROLS

The Public Works Director assigns work in terms of very general instructions. The supervisor spot-checks completed work for compliance with procedures and the nature and propriety of the final results.

#### GUIDELINES

Guidelines include county policies and procedures, building codes, safety standards, ADA standards, HIPAA standards, environmental hazard guidelines, government records retention and destruction schedules, and pesticide and herbicide application regulations.

#### COMPLEXITY/SCOPE OF WORK

- The work consists of varied management, supervisory, and administrative duties. Strict regulations and procedures contribute to the complexity of the position.
- The purpose of this position is to direct the activities of the Building and Grounds Department. Success in this position contributes to a safe and well-maintained work environment for county personnel.

#### CONTACTS

- Contacts are typically with elected officials, division and department directors, county employees, county consultants, engineers, contractors, and members of the general public.
- Contacts are typically to give or exchange information; resolve problems; provide services; and motivate and influence persons.

## **PHYSICAL DEMANDS/ WORK ENVIRONMENT**

- The work is typically performed while intermittently sitting, standing, stooping, or walking. The employee frequently lifts light objects.
- The work is typically performed in an office, stockroom, warehouse, or outdoors. The employee is exposed to noise, dust, dirt, grease, machinery with moving parts, irritating chemicals, and occasional cold or inclement weather.

## **SUPERVISORY AND MANAGEMENT RESPONSIBILITY**

This position has direct supervision over all department personnel.

## **SPECIAL CERTIFICATIONS AND LICENSES**

- Possession of a valid State of Georgia driver's license (Class C) and a satisfactory Motor Vehicle Record (MVR) in compliance with County Safety and Loss Control Guidelines. Completion of the State of Georgia Department of Transportation Defensive Driving Course and/or Emergency Vehicle Operation Certification within twelve (12) months of employment.

## **ADA COMPLIANCE**

- Fayette County is an Equal Opportunity Employer. ADA requires the County to provide reasonable accommodations to qualified individuals with disabilities. Prospective and current employees are invited to discuss accommodations.

## **HIPAA COMPLIANCE**

- The Health Insurance Portability and Accountability Act of 1996, as amended, requires employees to protect the security of Protected Health Information (PHI) however it is obtained, handled, learned, heard or viewed in the course of their work.

## **DRUG AND ALCOHOL COMPLIANCE**

- In accordance of Fayette County's Substance Abuse Policy of 1996, as amended, all job applicants offered employment will undergo testing for the presence of illegal drugs and alcohol as a condition of employment. In the course of employment, employees are subject to random, reasonable suspicion, post-accident, and routine fitness for duty testing for illegal drugs and alcohol abuse. Employees are prohibited to work under the influence, to possess, to distribute, or to sell illegal drugs in the work place or abuse alcohol on the job. Confirmed positive is reason for denial of employment and/or termination.

## **MINIMUM QUALIFICATIONS**

- Knowledge and level of competency commonly associated with completion of specialized training in the field of work, in addition to basic skills typically associated with a baccalaureate degree in a related field of study.
- Experience sufficient to thoroughly understand the work of subordinate positions to be able to answer questions and resolve problems, usually associated with one to three years' experience or service.
- Possession of or ability to readily obtain a valid driver's licenses issued by the State of Georgia for the type of vehicle or equipment operated.





## Engineering Director Engineering

ENG/1

### JOB SUMMARY

This position is responsible for directing the operations of the Engineering Department, including plan review, right-of-way acquisition and management, project delivery, utility permitting and coordination, construction engineering and inspection, in-house design, surveying, etc.

### MAJOR DUTIES

1. Works with other officials to establish department goals, identify needs, and prioritize activities.
2. Hires, trains, assigns, directs, supervises, evaluates, counsels, and disciplines personnel; reviews and/or conducts annual employee evaluations; programs staff training consistent with changing regulations, emerging technologies, and professional licenses.
3. Prepares and monitors annual budgets for the department, including Capital Improvement Program (CIP) and Special Purpose Local Option Sales Tax (SPLOST) projects.
4. Reviews plats, construction plans, surveys, etc. for compliance with applicable standards and regulations.
5. Maintains right-of-way files for Fayette County, oversees acquisition of right-of-way and easements for Public Works projects, and maintains county policy with respect to land acquisition.
6. Serves as a project manager for the delivery of CIP and SPLOST projects; develops project scope, schedule and budget.
7. Establishes standards for placement of utilities within county right-of-way; manages the utility permitting process for Fayette County; serves as primary point of contact for utility coordination (new installations, relocations, etc.).
8. Establishes policies and procedures for the construction of county infrastructure and assets.
9. Assists with the development and delivery of county projects through in-house engineering and surveying support; where appropriate, oversees work by third-party engineers and surveyors.
10. Establishes guidelines and forms for use in estimating and tracking costs for Public Work projects; reviews estimates prepared by others.
11. Prepares and oversees the preparation of bids, requests for quotes, requests for proposals, and other procurement documents; makes recommendations for award of bids and contracts.
12. Drafts correspondences; represent Fayette County at meetings; respond to data requests, complaints, etc.;
13. Performs other related duties as assigned.

### KNOWLEDGE REQUIRED BY THE POSITION

1. Knowledge of standard management and supervisory practices.
2. Knowledge of applicable local, state and federal guidelines and regulations in the areas associated with civil engineering, including transportation, land development, building construction, etc.
3. Knowledge of engineering practices in the areas of hydrology, hydraulics, transportation/road design, soils, environmental, economics, etc.
4. Knowledge of computers and job-related software programs, including CADD and GIS systems.
5. Knowledge of basic surveying principles.
6. Skill in oral and written communication.
7. Skill in reading and interpreting engineering reports, construction plans and specifications.
8. Skill in conveying technical information to non-technical personnel.

### SUPERVISORY CONTROLS

The Director of Public Works assigns work in terms of department goals and objectives. The supervisor reviews work through conferences, reports, and observation of department activities.

## **GUIDELINES**

Guidelines include county policies and procedures, GDOT standards and design criteria, AASHTO publications, the MUTCD, the GSWCC Manual for Erosion and Sediment Control in Georgia, the MNGWPD Stormwater Management Manual, building codes, safety standards, ADA standards, HIPAA rules, environmental hazard guidelines, government records retention schedules, etc. These guidelines require judgment, selection, and interpretation in application. This position develops department guidelines.

## **COMPLEXITY/SCOPE OF WORK**

- The work consists of varied management, supervisory, and administrative duties. Strict regulations and procedures contribute to the complexity of the position.
- The purpose of this position is to direct and oversees the operations of the Engineering Department. Success in this position contributes to a safe and well-maintained environment for county staff and visitors to county facilities.

## **CONTACTS**

- Contacts are typically with elected officials, division and department directors, engineers, surveyors, developers, state officials, county employees, consultants, contractors, civic organizations, and members of the general public.
- Contacts are typically to give or exchange information; resolve problems; provide services; motivate and influence persons; or justify, defend, negotiate, or settle matters.

## **PHYSICAL DEMANDS/ WORK ENVIRONMENT**

- The work is typically performed while intermittently sitting, standing, stooping, walking, bending, or crouching. The employee occasionally lifts light objects, climbs ladders, and uses tools or equipment requiring a high degree of dexterity.
- The work is typically performed in an office, stockroom, warehouse, or outdoors. The employee is exposed to noise, dust, dirt, grease, machinery with moving parts, irritating chemicals, and occasional cold, hot, or inclement weather.

## **SUPERVISORY AND MANAGEMENT RESPONSIBILITY**

This position has direct supervision department personnel.

## **SPECIAL CERTIFICATIONS AND LICENSES**

- Possession of a valid State of Georgia driver's license (Class C) and a satisfactory Motor Vehicle Record (MVR) in compliance with County Safety and Loss Control Guidelines. Completion of the State of Georgia Department of Transportation Defensive Driving Course and/or Emergency Vehicle Operation Certification within twelve (12) months of employment. Engineering in Training (EIT) or Professional Engineer (PE) certification (desired). Possession of or ability to readily obtain certification from the Georgia Soil and Water Conservation Commission. Completion of classes required by GDOT for Local Administered Projects (LAP) certification within 18 months of employment.

## **ADA COMPLIANCE**

- Fayette County is an Equal Opportunity Employer. ADA requires the County to provide reasonable accommodations to qualified individuals with disabilities. Prospective and current employees are invited to discuss accommodations.

## **HIPAA COMPLIANCE**

- The Health Insurance Portability and Accountability Act of 1996, as amended, requires employees to protect the security of Protected Health Information (PHI) however it is obtained, handled, learned, heard or viewed in the course of their work.

## **DRUG AND ALCOHOL COMPLIANCE**

- In accordance of Fayette County's Substance Abuse Policy of 1996, as amended, all job applicants offered employment will undergo testing for the presence of illegal drugs and alcohol as a condition of employment. In the course of employment, employees are subject to random, reasonable suspicion, post-accident, and routine fitness for duty testing for illegal drugs and alcohol abuse. Employees are prohibited to work under the influence, to possess, to distribute, or to sell illegal drugs in the workplace or abuse alcohol on the job. Confirmed positive is reason for denial of employment and/or termination.

#### **MINIMUM QUALIFICATIONS**

- Knowledge and level of competency commonly associated with completion of baccalaureate degree in Civil Engineering or a related course of study.
- Experience sufficient to thoroughly understand the diverse objectives and functions of the subunits in the division/department in order to direct and coordinate work within the division/department, usually interpreted to require seven or more years of related experience.
- Possession of or ability to readily obtain a valid driver's licenses issued by the State of Georgia for the type of vehicle or equipment operated.
- Possession of Professional Engineering License from the State of Georgia (or the ability to obtain such a license within 12 months of employment) desired.
- A strong working knowledge of typical office software (the Microsoft suite, etc.) and software commonly used in the field of Engineering.

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of staff's request to award bid #1711-B; Type 1 Ambulances to ETR, LLC for (2) two Ford F-450 ambulances totaling \$470,338 and to transfer \$73,438 from Vehicle Replacement Fund for the FY2020 budget.

**Background/History/Details:**

Fire and Emergency Services was approved for (2) two ambulances in the fiscal year 2020 budget for \$396,900; 61030600-542200-203AQ. The additional funding of \$73,438 is requested to be transferred from the Vehicle Replacement Fund.

Fayette County Fire & Emergency Services is attempting to eliminate and/or minimize back injuries with the lifting of patients by going to the stretcher/cot system, as well as helping to maintain patient safety. This will also help to reduce worker compensation claims and reduce liability issues.

The upgrade to a Power Load System, \$29,852 for each ambulance, is included in the \$470,338 request.

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

Approval of staff's request to award bid #1711-B; Type 1 Ambulances to ETR, LLC for (2) two Ford F-450 ambulances totaling \$470,338 and to transfer \$73,438 from Vehicle Replacement Fund for the FY2020 budget.

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

EMS Budget 61030600-542200- 203AQ; \$396,900  
Vehicle Replacement Fund 610 (EMS Allocation); \$73,438

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**



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

To: Steve Rapson

From: Ted L. Burgess 

Date: November 14, 2019

**Subject: Invitation to Bid #1711-B: Type 1 Ambulances (2)**

Vehicle Replacement Funds budgeted for Fiscal Year 2020 include \$396,900.00 to replace two ambulances. The Purchasing Department issued Invitation to Bid (ITB) #1711-B to contract with a company for the vehicles. The ITB was emailed directly to 25 companies. Another 61 were contacted through the web-based Georgia Procurement Registry, using Commodity Codes 07103 (*Ambulances and Rescue Vehicles*). The solicitation was advertised through the Georgia Local Government Access Marketplace, the Fayette News, the county website, and Georgia Local Government Access Marketplace ([www.glga.org](http://www.glga.org)).

Three companies submitted bids (attached). One company's bid was disqualified because they did not provide the required performance and payment bonds. The Department recommends award of the contract to the responsive low bidder, ETR, LLC in the amount of \$470,338.00 as follows:

Base Price	\$410,634.00
Alternate: Power Load System	<u>59,704.00</u>
Total Price	\$470,338.00

To adequately fund the acquisition, Fire / EMS requests that \$73,438.00 be transferred from Vehicle Replacement Fund.

Records indicate that the county has had no previous contract with ETR, so a Contractor Performance Evaluation is not available. References from those who responded were positive. Specifics of the proposed contract are as follows:

<b>Contract Name</b>	1711-B (1): Type I Ambulances (2)	
<b>Contractor</b>	ETR, LLC	
<b>Contract Amount</b>	\$470,338.00	
<b>Budget:</b>		
Fund	610	Vehicles / Equipment
Org. Code	61030600	EMS
Object	542200	Vehicles
Project	203AQ	EMS Ambulances (2)
Available Balance:		
Current Budget		\$396,900.00
Requested Transfer		<u>73,438.00</u>
Net Available		\$470,338.00

REFERENCE REQUEST

Spoke to: Andy Smith : Coffee Regional EMS  
Date: 10-21-19

The Fayette County Purchasing Department is currently reviewing our Request for Quote #1711-B for the purchase of two Type 1 Ambulances. You have been listed as a reference for ETR, LLC.

If you would, please answer the following questions as they pertain to the firm listed above:

1. What year did you purchase ambulances from ETR? 2018

2. How many Wheel Coach Ambulances did you purchase? 2

3. Please answer the following questions as pertains to the firm listed above:

• Were you satisfied with the overall quality of the truck delivered?  Yes  No  
○ If no, please explain \_\_\_\_\_

• How did ETR respond to your request for service?  
○ Mobile Unit Responded   
○ Truck sent to service center \_\_\_\_\_  
○ Truck sent to Wheel Coach \_\_\_\_\_

• Is ETR easy to get in touch with when there is an issue you need them to address?  Yes  No  
○ If no, please explain \_\_\_\_\_

• Have you had any electrical issues since delivery? Yes  No  
○ If yes, please explain \_\_\_\_\_

• Have you had any A/C issues since delivery? Yes  No  
○ If yes, please explain \_\_\_\_\_

Other comments:

We have 6 & have been pleased overall.  
DAN is easy to work with & get a hold of.



**REFERENCE REQUEST**

**Spoke to: Mike Lyons, Director, Glascock County EMA  
Date: 10/21/19**

The Fayette County Purchasing Department is currently reviewing our Request for Quote #1711-B for the purchase of two Type 1 Ambulances. You have been listed as a reference for ETR, LLC.

If you would, please answer the following questions as they pertain to the firm listed above:

- 1. **What year did you purchase ambulances from ETR?** 2017
- 2. How many Wheel Coach Ambulances did you purchase? 1
- 3. Please answer the following questions as pertains to the firm listed above:

- Were you satisfied with the overall quality of the truck delivered? **Yes** No
  - If no, please explain \_\_\_\_\_  
\_\_\_\_\_
- How did ETR respond to your request for service?
  - Mobile Unit Responded   x
  - Truck sent to service center
  - Truck sent to Wheel Coach
- Is ETR easy to get in touch with when there is an issue you need them to address? **Yes** No
  - If no, please explain \_\_\_\_\_  
\_\_\_\_\_
- Have you had any electrical issues since delivery? Yes **No**
  - If yes, please explain \_\_\_\_\_  
\_\_\_\_\_
- Have you had any A/C issues since delivery? Yes **No**
  - If yes, please explain \_\_\_\_\_  
\_\_\_\_\_

Other comments:



# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of staff's recommendation to approve the bid from Asphalt Paving Systems, Inc. for Bid #1721-B Micro Surfacing in the amount of \$422,458.38.

**Background/History/Details:**

Micro Surfacing is a Georgia Department of Transportation (GDOT) approved pavement preservation treatment consisting of a mixture of polymer modified asphalt emulsion, mineral filler, water and other additives, properly proportioned, mixed and spread on a paved surface. Roads that have the following distresses are good candidates for this treatment: starting to crack due to age and/or weather (not load associated), starting to ravel, good profile, no base issues and no water issues.

This will be placed over a single layer of Chip Seal to provide a smooth finish. The Chip Seal provides a layer of crack relief.

The following roads are listed on this bid:

- 1.) Old Greenville Road - 2.84 miles
- 2.) Brooks Road - 1.3 miles
- 3.) Bankstown Road - 3.14 miles

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

Approval of staff's recommendation to approve the bid from Asphalt Paving Systems, Inc. for Bid #1721-B Micro Surfacing in the amount of \$422,458.38.

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

There is funding available in the Road Department's 2019 LMIG accounts for this project.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval


Administrator's Approval

**Staff Notes:**



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

To: Steve Rapson

From: Natasha Duggan 

Date: November 14, 2019

**Subject: Invitation to Bid #1721-B: Micro Surfacing**

The Road Department plans to micro-surface three county roads in Fiscal Year 2020. Micro-surfacing is a protective seal coat which extends the life of pavement. This method renews the road surface and seals minor cracks and other irregularities. The roads which are scheduled to be treated are Old Greenville Road, Brooks Road, and Bankstown Road.

The Purchasing Department issued Invitation to Bid (ITB) #1721-B to secure a contract for Fiscal Year 2020 for micro-surfacing. Notice of the opportunity was emailed to ten companies. Another 370 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity codes #91371 (Maintenance and Repair, Highway and Roads, Including Removal of Asphalt, Concrete, Bitumens, etc.), 91384 (Maintenance and Repair, Streets, Major and Residential), and 91395 (Paving and Resurfacing, Highway and Road). The offer was also advertised through Fayette News, Georgia Local Government Access Marketplace, the county website, and Channel 23.

Only one bid was received. The Road Department recommends awarding to Asphalt Paving Systems, Inc., a GDOT qualified contractor.

A Contractor Performance Evaluation is unavailable since this is the first time we have contracted with Asphalt Paving Systems, Inc. References have been checked by the Road Department and have been found acceptable.

<b>Contract Name</b>	1721-B: Micro Surfacing
<b>Vendor</b>	Asphalt Paving Systems, Inc.
<b>Type of Contract</b>	Annual fixed price, indefinite quantity, indefinite delivery
<b>Not-to-Exceed Amount</b>	\$422,458.38
<b>Budget:</b>	
Fund	100
Org. Code	10040220
Object Code	521316 (Technical Services)
Project Code	LMIG9
Available Budget	\$422,458.38

## REFERENCE REQUEST

**Spoke to: Andy Giddens – GDOT Assistant Maintenance Contracts Engineer**  
**Date: 10-28-19**

The Fayette County Purchasing Department is currently reviewing our Invitation to Bid #1721-B for Micro Surfacing. You have been listed as a reference for Asphalt Paving Systems.

If you would, please answer the following questions as they pertain to the firm listed above:

1. **Brief Project Description:** Pavement preservation on multiple GDOT contracts in District 4, using the single surface chip seal and micro surfacing overlay. Currently doing 10 to 15 separate projects using this Contractor in the past year and half.
2. Was the Firm *Prime*   X   or *Sub*        on the above project?

Other comments:

Onsite inspection on the work being performed was done by the GDOT inspection division and not by Mr. Giddens. No issues with the vendor has been reported to Mr. Giddens that he would speak negative about the Contractor Asphalt Paving Systems.



**Purchasing Department**  
140 Stonewall Avenue West, Ste 204  
Fayetteville, GA 30214  
Phone: 770-305-5420  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

September 12, 2019

**Subject: Invitation to Bid #1721-B: Micro Surfacing**

Gentlemen/Ladies:

Fayette County, Georgia invites you to submit a bid for Micro Surfacing on county roads. You are invited to submit a bid in accordance with the information contained herein.

Questions concerning this invitation to bid should be addressed to Ted Crumbley, Buyer and Contracts Coordinator, in writing via email to [tcrumbley@fayettecountyga.gov](mailto:tcrumbley@fayettecountyga.gov) or fax to (770) 305-5208. Questions will be accepted until 3:00 pm on Wednesday, October 2, 2019.

Purchasing Department office hours are Monday through Friday 8:00 a.m. to 5:00 p.m. The office telephone number is (770) 305-5420.

Please return your bid to the following address:

Fayette County Purchasing Department  
140 Stonewall Avenue West, Suite 204  
Fayetteville, Georgia 30214

Bid Number: 1721-B  
Bid Name: Micro Surfacing

Your envelope *must* be sealed, and should show your company's name and address.

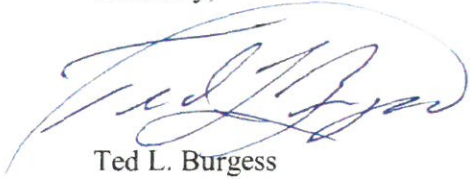
**Bids will be received at the above address until 3:00 pm on Thursday, October 10, 2019 in the Purchasing Department, Suite 204.** Bids will be opened at that time.

Bids must be signed to be considered. Late bids cannot be considered. Faxed bids or emailed bids cannot be considered.

If you download this invitation to bid from the county's web site, it will be your responsibility to check the web site for any addenda that might be issued for this solicitation. The county cannot not be responsible for a vendor not receiving information provided in any addendum.

Thank you for participating in the solicitation process.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ted L. Burgess", with a large, sweeping flourish above the name.

Ted L. Burgess  
Director of Purchasing

**Invitation to Bid #1721-B: Micro Surfacing  
GENERAL TERMS AND CONDITIONS**

1. **Definitions:** The term “contractor” as used herein and elsewhere in these Terms and Conditions shall be used synonymously with the term “successful bidder.” The term “county” shall mean Fayette County, Georgia.
2. **Bid is Offer to Contract:** Each bid constitutes an offer to become legally bound to a contract with the county, incorporating the invitation to bid and the bidder’s bid. The binding offer includes compliance with all terms, conditions, special conditions, specifications, and requirements stated in the invitation to bid, except to the extent that a bidder takes written exception to such provisions. All such terms, conditions, special conditions, specifications, and requirements will form the basis of the contract. The bidder should take care to answer all questions and provide all requested information, and to note any exceptions in the bid submission. Failure to observe any of the instructions or conditions in this invitation to bid may result in rejection of the bid.
3. **Binding Offer:** Each bid shall constitute a firm offer that is binding for ninety (90) days from the date of the bid opening, unless the bidder takes exception to this provision in writing.
4. **Bidder’s Questions:** The Fayette County Purchasing Department must receive questions about this invitation to bid in writing by the date indicated in the invitation to bid cover letter. The county will post answers to questions and/or other information concerning the invitation to bid in the form of an addendum on the county’s website at [www.fayettecountyga.gov](http://www.fayettecountyga.gov). It is the responsibility of the prospective bidder to check the website for any addenda issued for this invitation to bid.
5. **References:** Include with your bid a list of three (3) jobs that your company has done that are of the same or similar nature to the work described in this invitation to bid, on the form provided. Include all information as requested on the form.
6. **Bid Submission:** Submit your bid, along with any addenda issued by the county, in a sealed opaque envelope with the following information written on the outside of the envelope:
  - a. The bidder’s company name,
  - b. The bid number, which is **#1721-B**, and
  - c. The bid name, which is **Micro Surfacing**

Mail or deliver one (1) original bid, signed in ink by a company official authorized to make a legal and binding offer, to:

Fayette County Government  
Purchasing Department  
140 Stonewall Avenue West, Suite 204



Fayetteville, GA 30214  
Attention: Contract Coordinator

You may submit bids in person, by U.S. mail, or by a commercial carrier. Do not submit bids by facsimile, e-mail, or other electronic means. Once submitted, all bids become the property of Fayette County.

7. **Bid Preparation Costs:** The bidder shall bear all costs associated with preparing the bid.
8. **Late Bids:** Bids not received by the time and date of the scheduled bid opening will not be considered, unless the delay is a result of action or inaction by the county.
9. **More than One Bid:** Do not submit alternate bids or options, unless requested or authorized by the county in the Invitation to Bid. If a responder submits more than one bid without being requested or authorized to do so, the county may disqualify the bids from that responder, at the county's option.
10. **Bid Corrections or Withdrawals:** The bidder may correct a mistake, or withdraw a bid, before the bid opening by sending written notification to the Director of Purchasing. Bids may be withdrawn after the bid opening only with written authorization from the Director of Purchasing.
11. **Defects or Irregularities in Bids:** The county reserves the right to waive any defect or irregularity in any bid received. In case of an error in extension of prices or totals in the bid, the unit prices shall govern.
12. **Prices Held Firm:** Prices quoted shall be firm for the period of the contract, unless otherwise specified in the bid. All prices for commodities, supplies, equipment, or other products shall be quoted FOB Destination, Fayette County or job site.
13. **Brand Name:** If items in this invitation for bid have been identified, described or referenced by a brand name or trade name description, such identification is intended to be descriptive, but not restrictive and is to indicate the quality and characteristics of products that may be offered. Alternative products may be considered for award if clearly identified in the bid. Items offered must meet required specifications and must be of a quality which will adequately serve the use and purpose for which intended.
14. **Bidder Substitutions:** Bidders offering substitutions or deviations from specifications stated in the invitation to bid, shall list such substitutions or deviations on the "Exceptions to Specifications" sheet provided, or on a separate sheet to be submitted with the bid. The absence of such list shall indicate that the bidder has taken no exception to the specifications. The evaluation of bids and the determination as to equality and acceptability of products or services offered shall be the responsibility of the county.
15. **Samples:** When the county requires samples as part of the bid and vendor selection process,



bidders must provide requested samples within the time allotted, and at no cost to the county unless otherwise specified. Any goods provided under contract shall conform to the sample submitted. The county will return samples only at the bidder's request, and at the bidder's expense, if they are not destroyed by testing.

16. **Non-Collusion:** By responding to this invitation to bid, the bidder represents that the bid is not made in connection with any competing bidder, supplier, or service provider submitting a separate response to this invitation to bid, and is in all respects fair and without collusion or fraud.
17. **Bid Evaluation:** Award will be made to the lowest responsive, responsible bidder, taking into consideration payment terms, vendor qualifications and experience, quality, references, any exceptions listed, and/or other factors deemed relevant in making the award. The county may make such investigation as it deems necessary to determine the ability of the bidder to perform, and the bidder shall furnish to the county all information and data for this purpose as the county may request. The county reserves the right to reject any bid item, any bid, or all bids, and to re-advertise for bids.
18. **Partial Award:** The county reserves the right to make award by item, by group of items, by any combination of items, or by lump sum award. The award will be made in the best interest of the county. Bidders may restrict their bids to consideration of a lump sum award or other restriction only by so indicating on the pricing sheet or the "Exceptions to Specifications" sheet included in the invitation to bid. Bidders who do not restrict consideration of their bids in this manner shall be expected to accept any portion of the bid awarded. The county reserves the right to award multiple contracts for the products or services sought by this invitation to bid.
19. **Payment Terms and Discounts:** The County's standard payment terms are Net 30. Any deviation from standard payment terms must be specified in the resulting contract, and both parties must agree on such deviation. Cash discounts offered will be a consideration in awarding the bid, but only if they give the county at least 15 days from receipt of invoice to pay. For taking discounts, time will be computed from the date of invoice acceptance by the County, or the date a correct invoice is received, whichever is the later date. Payment is deemed made, for the purpose of earning the discount, on the date of the check.
20. **Trade Secrets – Confidentiality:** If any person or entity submits a bid or proposal that contains trade secrets, an affidavit shall be included with the bid or proposal. The affidavit shall declare the specific included information which constitutes trade secrets. Any trade secrets must be either (1) placed in a separate envelope, clearly identified and marked as such, or (2) at a minimum, marked in the affidavit or an attached document explaining exactly where such information is, and otherwise marked, highlighted, or made plainly visible. See O.C.G.A. § 50-18-72 (A)(34).
21. **Trade Secrets – Internal Use:** In submitting a bid, the bidder agrees that the county may reveal any trade secret materials contained in the bid to all county staff and officials involved

in the selection process, and to any outside consultant or other third parties who may assist in the selection process. The bidder agrees to hold harmless the county and each of its officers, employees, and agents from all costs, damages, and expenses incurred in connection with refusing to disclose any material which the bidder has designated as a trade secret.

22. **Ethics – Disclosure of Relationships:** Before a proposed contract in excess of \$10,000.00 is recommended for award to the Board of Commissioners or the County Administrator, or before the County renews, extends, or otherwise modifies a contract after it has been awarded, the contractor must disclose certain relationships with any County Commissioner or County Official, or their spouse, mother, father, grandparent, brother, sister, son or daughter related by blood, adoption, or marriage (including in-laws). A relationship that must be reported exists if any of these individuals is a director, officer, partner, or employee, or has a substantial financial interest in the business, as described in Fayette County Ordinance Chapter 2, Article IV, Division 3 (Code of Ethics).

If such relationship exists between your company and any individual mentioned above, relevant information must be presented in the form of a written letter to the Director of Purchasing. You must include the letter with any bid, proposal, or price quote you submit to the Purchasing Department.

In the event that a contractor fails to comply with this requirement, the County will take action as appropriate to the situation, which may include actions up to and including rejection of the bid or offer, cancellation of the contract in question, or debarment or suspension from award of a County contract for a period of up to three years.

23. **Contract Execution & Notice to Proceed:** After the Board of Commissioners makes an award, all required documents are received by the county, and the contract is fully executed with signature of both parties, the county will issue a written Notice to Proceed. The county shall not be liable for payment of any work done or any costs incurred by any bidder prior to the county issuing the Notice to Proceed.
24. **Unavailability of Funds:** This contract will terminate immediately and absolutely at such time as appropriated and otherwise unobligated funds are no longer available to satisfy the obligations of the county under the contract.
25. **Insurance:** The successful bidder shall procure and maintain the following insurance, to be in effect throughout the term of the contract, in at least the amounts and limits as follows:
- a. **General Liability Insurance:** \$1,000,000 combined single limit per occurrence, including bodily and personal injury, destruction of property, and contractual liability.
  - b. **Automobile Liability Insurance:** \$1,000,000 combined single limit each occurrence, including bodily injury and property damage liability.

- c. **Worker's Compensation & Employer's Liability Insurance:** Workers Compensation as required by Georgia statute.

Before a contract with the successful bidder is executed, the successful bidder shall provide Certificates of Insurance for all required coverage. The successful offeror can provide the Certificate of Insurance after award of the contract, but must be provided prior to execution of the contract document by both parties. The certificate shall list an additional insured as follows:

Fayette County, Georgia  
140 Stonewall Avenue West  
Fayetteville, GA 30214

26. **Bid Bond:** You must include a bid bond with your bid, equal to five percent (5%) of the total amount bid. Bid bonds shall be provided by a surety which appears on Georgia's list of approved sureties administered by the State Insurance Commissioner, or the U.S. Treasury's list of approved bond sureties (Circular 570).
27. **Performance and Payment Bonds:** Prior to execution of a contract, the successful bidder shall submit performance and payment bonds each equal to 100 percent of the contract value, provided by a surety which appears on Georgia's list of approved sureties administered by the State Insurance Commissioner, or the U.S. Treasury's list of approved bond sureties (Circular 570).
28. **Building Permits:** Work performed for the county requiring building permits by licensed contractors will not have permit fees assessed, although any re-inspection fees for disapproved inspections will be the responsibility of the contractor prior to final inspections and the Certificate of Occupancy or Certificate of Completion being issued.
29. **Unauthorized Performance:** The county will not compensate the contractor for work performed unless the work is authorized under the contract, as initially executed or as amended.
30. **Assignment of Contract:** Assignment of any contract resulting from this invitation to bid will not be authorized, except with express written authorization from the county.
31. **Indemnification:** The contractor shall defend, indemnify and save the county and all its officers, agents and employees harmless from all suits, actions, or other claims of any character, name and description brought for or on account of any damages, losses, or expenses to the extent caused by or resulting from the negligence, recklessness, or intentionally wrongful conduct of the contractor or other persons employed or utilized by the contractor in the performance of the contract. The contractor shall pay any judgment with cost which may be obtained against the county growing out of such damages, losses, or expenses.

32. **Severability:** The invalidity of one or more of the phrases, sentences, clauses or sections contained in the contract shall not affect the validity of the remaining portion of the contract. If any provision of the contract is held to be unenforceable, then both parties shall be relieved of all obligations arising under such provision to the extent that the provision is unenforceable. In such case, the contract shall be deemed amended to the extent necessary to make it enforceable while preserving its intent.
33. **Delivery Failures:** If the contractor fails to deliver contracted goods or services within the time specified in the contract, or fails to replace rejected items in a timely manner, the county shall have authority to make open-market purchases of comparable goods or services. The county shall have the right to invoice the contractor for any excess expenses incurred, or deduct such amount from monies owed the contractor. Such purchases shall be deducted from contracted quantities.
34. **Substitution of Contracted Items:** The contractor shall be obligated to deliver products awarded in this contract in accordance with terms and conditions specified herein. If a contractor is unable to deliver the products under the contract, it shall be the contractor's responsibility to obtain prior approval of the ordering agency to deliver an acceptable substitute at the same price quoted in the contractor's original bid. In the event any contractor consistently needs to substitute or refuses to substitute products, the County reserves the right to terminate the contract or invoke the "Delivery Failures" clause stated herein.
35. **Termination for Cause:** The county may terminate the contract for cause by sending written notice to the contractor of the contractor's default in the performance of any term of this agreement. Termination shall be without prejudice to any of the county's rights or remedies by law.
36. **Termination for Convenience:** The county may terminate the contract for its convenience at any time with 10 days' written notice to the contractor. In the event of termination for convenience, the county will pay the contractor for services performed. The county will compensate partially completed performance based upon a signed statement of completion submitted by the contractor, which shall itemize each element of performance completed.
37. **Force Majeure:** Neither party shall be deemed to be in breach of the contract to the extent that performance of its obligations is delayed, restricted, or prevented by reason of any act of God, natural disaster, act of government, or any other act or condition beyond the reasonable control of the party in question.
38. **Governing Law:** This agreement shall be governed in accordance with the laws of the State of Georgia. The parties agree to submit to the jurisdiction in Georgia, and further agree that any cause of action arising under this agreement shall be required to be brought in the appropriate venue in Fayette County, Georgia.

## ITB #1721-B: MICRO SURFACING

### SPECIFICATIONS

#### Introduction:

Fayette County, Georgia is seeking bids from qualified contractors to provide micro surfacing on the following roads:

- Bankstown Road (estimated 36,827 square yards) – 3.14 miles from Morgan Mill Road to 85 Connector.
- Brooks Road (15,207) – 1.3 miles from City limits of Brooks to County Line.
- Old Greenville Road (34,800) – 2.84 miles from Goza Road to Rising Star Road.

#### The specifications can be found below:

- The successful contractor shall provide a single surface treatment followed by micro surfacing on an estimated 86,834 SY of Fayette County roads.
- All work will be done by **GDOT SPECIFICATIONS**, which includes the following but not limited to:
  - Section 407 – Asphalt-Rubber Joint and Crack Seal
  - Section 424 – Bituminous Surface Treatment
  - Section 428 – Micro Resurfacing
- The funding for this project includes Fayette County's LMIG funds provided by GDOT. Due to this funding source the contractor shall use only approved GDOT material sources from the GDOT QPL list and supply the County with required tickets of all materials used on the project.
- Contractor shall crack seal all pavement before single surface treatment. This includes remove plant materials from cracks, edges and joints and blow cracks with compressed air.
- Bituminous surface treatment will be a single surface treatment with #89 stone.
- Micro surfacing will be placed at a spread rate of 25 lbs/sy on all 3 roads.
- Once the micro surfacing has been completed the contractor shall place temporary paint centerline on the road within 24 hours. The Contractor shall be responsible for placing tape on the road within these 24 hours.
- The County shall be responsible for coordinating the final thermoplastic pavement markings.
- Contractor shall warranty their work for a minimum period of three (3) years when applied to pavement in appropriate condition. The warranty includes coverage for peeling and pre-mature wear.
- Contractor shall be responsible for all traffic control during the project

- Contractor shall prepare and distribute a flyer to the affected residents with contact numbers to request information and potential lane or road closures 3 days in-advance of the project beginning.
- County shall supply a general information letter to the affected residents of the project 7 days in advance of the project
- Contractor shall provide to Fayette County a list of subcontractors, if any, that will be used on this project, including each company's name, contact person and number and what portion of the task this subcontractor will be performing.

**Fayette County, Georgia  
Checklist of Documents to Return**

*(Please return this checklist and the documents listed below with your submittal)*

**ITB #1721-B: MICRO SURFACING**

Company Information form



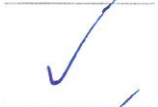
Contractor Affidavit under O.C.G.A. § 13-10-91(b)(1)



Bid Bond



Pricing sheet



Exceptions, if any



References form



Signed addenda, if any are issued



**COMPANY NAME:** Asphalt Paving Systems, Inc.



ITB #1721-B: MICRO SURFACING  
COMPANY INFORMATION

COMPANY

Company Name: Asphalt Paving Systems, Inc.

Physical Address: 6789 Highway 67 Brooklet, GA 30415

Mailing Address (if different): \_\_\_\_\_

AUTHORIZED REPRESENTATIVE

Signature:  \_\_\_\_\_

Printed or Typed Name: Robert Capoferri

Title: President

Email Address: dgannonaps@gmail.com

Phone Number: 813-788-0010 Fax Number: 813-788-0020

PROJECT CONTACT PERSON

Name: Mike Whitson

Title: Superintendent

Office Number: 813-788-0010 Cellular Number: 813-455-1878

Email Address: m.whitsonaps@gmail.com

E-Verify Program Form Effective 8/1/2011

**Contractor Affidavit under O.C.G.A. § 13-10-91(b)(1)**

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services on behalf of Fayette County, Georgia 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:

733293  
Federal Work Authorization User Identification Number  
12/5/2013  
Date of Authorization  
Asphalt Paving Systems, Inc.  
Name of Contractor  
1721-B: Micro Surfacing  
Name of Project  
Fayette County, Georgia  
Name of Public Employer

I hereby declare under penalty of perjury that the foregoing is true and correct.

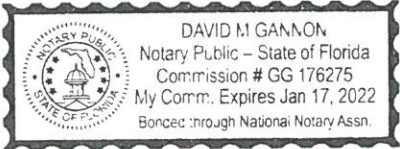
Executed on Oct., 8th, 2019 in (city) Zephyrhills, (state) Florida

[Signature]  
Signature of Authorized Officer or Agent  
Robert Capoferri / President  
Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME  
ON THIS THE 8th DAY OF October, 2019

[Signature]  
NOTARY PUBLIC

My Commission Expires:  
JAN 17, 2022



**PRICING SHEET  
INVITATION TO BID #1721-B  
MICRO SURFACING**

DESCRIPTION	ESTIMATED QTY.	UNIT PRICE	EXTENDED PRICE
MOBILIZATION & TRAFFIC CONTROL	Lump Sum		\$ 25,000.00
CRACK SEAL	7.28 Miles	\$ 3,850.00	\$ 28,028.00
SINGLE SURFACE TREATMENT	86,834 SY	\$ 1.68	\$ 145,881.12
MICRO SURFACING	86,834 SY	\$ 2.39	\$ 207,533.26
4" TEMPORARY YELLOW PAINT	14.56 Miles	1,100.00	16,016.00
<b>TOTAL BID PRICE:</b>			<b>\$ 422,458.38</b>

NOTE: All applicable charges and taxes shall be included in your bid prices, including but not limited to materials, installation, labor, and any other amounts. No additional charges will be allowed after the bid opening date and time.

State # Days to Start Project after Notice to Proceed is issued: 90 Days.

State # Days to Complete Work after Start Date: 240 Days.

Company Name: Asphalt Paving Systems, Inc.



## REFERENCES

## ITB #1721-B: MICRO SURFACING

Please list three (3) references for current or recent customers who can verify the quality of service your company provides. Projects of similar size and scope are preferable.

1. Government/Company Name Appling County

City & State Baxley, GA 31513

Work or Service Provided Micro Surfacing

Approximate Completion Date June 2019

Contact Person and Title Hayden Rozier / Road Project Manager

Phone 912-367-8175 Email \_\_\_\_\_

2. Government/Company Name GDOT District 2

City & State Tennille, GA 31089

Work or Service Provided Micro Surfacing & Single Surface Treatment

Approximate Completion Date October 2019

Contact Person and Title Timothy Swink / Procurement Operations Manager

Phone 404-631-1367 Email tswink@dot.ga.gov

3. Government/Company Name GDOT District 4

City & State Tifton, GA 31794

Work or Service Provided Micro Surfacing & Single Surface Treatment

Approximate Completion Date October 2019

Contact Person and Title Andy Giddens / Assistant Maintenance Contracts Engineer

Phone 229-546-4436 Email agiddens@dot.ga.gov

COMPANY NAME Asphalt Paving Systems, Inc.

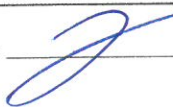
IFB # 1721-B: Micro Surfacing

### LIST OF SUBCONTRACTORS

To be submitted within 24 hours of issuance of Notice to Proceed.  
All subcontractors shall be currently pre-qualified with the Georgia Department of Transportation

I do , do not , propose to subcontract some of the work on this project. I propose to subcontract work to the following subcontractors:

TYPE OF WORK	SUBCONTRACTOR NAME	ADDRESS	CONTACT AND NUMBER
Crack Seal/Surface Treatment	Epps Brothers, Inc.	4655 Old Gordon Rd Dry Branch, GA 31020	478-745-3339
Line Striping	Peek Pavement Marking LLC	4600 Peek Industrial Dr Columbus, GA 31908	706-563-5867

SIGNED:  Robert Capoferri/President

DATE: 10-8-19





# Document A310 -2010

**CONTRACTOR:**

Asphalt Paving Systems, Inc.  
500 North Egg Harbor Rd.  
Hammonton NJ 08037

**SURETY:**

Hartford Fire Insurance Company  
One Hartford Plaza  
Hartford, CT 06155

**OWNER:**

Fayette County  
140 Stonewall Avenue West  
Suite 204  
Fayetteville, GA 30214

**BOND AMOUNT: Five Percent of Amount Bid (5%)**

**PROJECT: ITB #1721-B: Micro Surfacing**

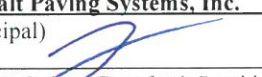
The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a Surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain Surety's consent for an extension beyond sixty (60) days.


If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in his Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.


When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted here from and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 10<sup>th</sup> day of October, 2019

  
\_\_\_\_\_  
(Witness) Kenneth Messina, Secretary

Asphalt Paving Systems, Inc.  
(Principal)   
\_\_\_\_\_  
(Title) Robert Capoferri, President

  
\_\_\_\_\_  
(Witness) Jennifer Trueland, Witness

Hartford Fire Insurance Company  
(Surety)   
\_\_\_\_\_  
(Title) Steven Raffuel, Attorney-in-Fact



CONSENT OF SURETY

KNOW ALL MEN BY THESE PRESENTS, that for and consideration of the sum of \$1.00, lawful money of the United States of America, the receipt whereof is hereby acknowledged, paid the undersigned, and for other valuable consideration the

Hartford Fire Insurance Company \_\_\_\_\_ Surety Company,  
(Name)

One Hartford Plaza, Hartford, CT 06155 \_\_\_\_\_  
(Address)

existing under the laws of the State of Connecticut and licensed to do business in the State of Georgia certifies and agrees, that if a contract with (Contracting Agency) Fayette County \_\_\_\_\_ for: (Project) ITB #1721-B: Micro Surfacing \_\_\_\_\_ is awarded to (Bidder) Asphalt Paving Systems, Inc. \_\_\_\_\_ the undersigned will execute the bond or bonds as required of the contract documents and will become Surety in the full amount set forth in the contract documents for the faithful performance of all obligations of the Bidder, provided however, that this commitment shall expire sixty (60) days from the bid opening, unless agreed upon by Bidder, Owner and Surety to be extended.

Signed, sealed and dated this 10<sup>th</sup> day of October, 2019

Hartford Fire Insurance Company \_\_\_\_\_  
Surety Company

By: Steven Raffuel \_\_\_\_\_  
(Name) Steven Raffuel  
Attorney-in-Fact

**(To be accompanied by the usual proof of Authority of Officers of the Surety Company to execute same)**

# POWER OF ATTORNEY

**THE HARTFORD**  
BOND, T-12  
One Hartford Plaza  
Hartford, Connecticut 06155  
[Bond.Claims@thehartford.com](mailto:Bond.Claims@thehartford.com)  
call: 888-266-3488 or fax: 860-757-5835

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Name: THE RAFFUEL SURETY GROUP  
Agency Code: 13-653536

- Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois
- Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, **up to the amount of** Unlimited :

Cecelia D. Brown, Steven Raffuel of PRINCETON, New Jersey

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by  and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on May 6, 2015 the Companies have caused these presents to be signed by its Senior Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



John Gray, Assistant Secretary

M. Ross Fisher, Senior Vice President

STATE OF CONNECTICUT }  
COUNTY OF HARTFORD } ss. Hartford

On this 5th day of January, 2018, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Senior Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

Kathleen T. Maynard  
Notary Public  
My Commission Expires July 31, 2021

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of October 10, 2019

Signed and sealed at the City of Hartford.



Kevin Heckman, Assistant Vice President

# HARTFORD FIRE INSURANCE COMPANY

## Hartford, Connecticut

### Financial Statement, December 31, 2018

Statutory Basis

#### ASSETS

U.S. Government Bonds .....	\$	442,265,403
Bonds of Other Governments .....		129,979,076
State, County Municipal		
Miscellaneous Bonds .....		5,862,114,698
Stocks .....		5,548,592,711
Short Term Investments .....		116,077,507
	\$	<u>12,099,029,395</u>
Real Estate .....	\$	331,574,149
Cash .....		58,641,379
Agents' Balances (Under 90 Day) .....		3,017,198,060
Other Invested Assets .....		3,341,398,040
Miscellaneous .....		2,884,202,864
Total Admitted Assets .....	\$	<u>21,732,043,887</u>

#### LIABILITIES

Reserve for Claims	\$	
and Claim Expense.....		8,845,153,352
Reserve for Unearned Premiums .....		2,094,533,642
Reserve for Taxes, License		
and Fees .....		52,262,120
Miscellaneous Liabilities .....		2,084,882,679
Total Liabilities .....	\$	<u>13,076,831,793</u>
Capital Paid In	\$	55,320,000
Surplus .....		<u>8,599,892,094</u>
Surplus as regards Policyholders.....	\$	<u>8,655,212,094</u>
Total Liabilities, Capital		
and Surplus .....	\$	<u>21,732,043,887</u>

STATE OF CONNECTICUT  
COUNTY OF HARTFORD  
CITY OF HARTFORD

} ss.

Allison G. Niderno, Vice President and Controller, and Allen R. Craig, Assistant Secretary of the Hartford Fire Insurance Company, being duly sworn, each deposes and say that the foregoing is a true and correct statement of the said company's financial condition as of December 31, 2018.

Subscribed and sworn to before me this  
18th day of March, 2019.

Laurie Hansen

Notary Public



Allison G. Niderno  
Vice President and Controller

Allen R. Craig  
Assistant Secretary

# ACKNOWLEDGMENT OF SURETY

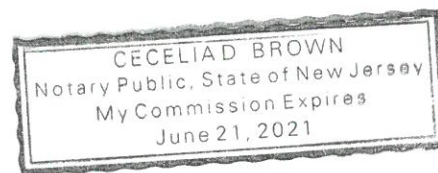
STATE OF New Jersey

COUNTY OF Burlington

On October 10, 2019, Steven Raffuel to me known, who, being by me duly sworn, did depose and say that he/she is an Attorney In Fact of Hartford Fire Insurance Company the corporation described in and which executed the within instrument; that he/she knows the corporate seal of said corporation; that the seal affixed to the within instrument is such corporate seal; and that he/ she signed the said instrument and affixed the said seal as Attorney In Fact by authority of the Board of Directors of said corporation and by the authority of his/her office under Standing Resolutions thereof.

*Cecelia D. Brown*

NOTARY PUBLIC



**BID #1721-B: MICRO SURFACING  
TALLY SHEET**

ITEM DESCRIPTION	UNIT	EST. QTY.	ASPHALT PAVING SYSTEMS, INC.	
			UNIT PRICE	EXTENDED PRICE
MOBILIZATION & TRAFFIC CONTROL	LUMP SUM	1		\$25,000.00
CRACK SEAL	MILE	7.28	\$3,850.00	\$28,028.00
SINGLE SURFACE TREATMENT	SY	86,834	\$1.68	\$145,881.12
MICRO SURFACING	SY	86,834	\$2.39	\$207,533.26
4" TEMPORARY YELLOW PAINT	MILE	14.56	\$1,100.00	\$16,016.00
<b>TOTAL BID PRICE</b>			<b>\$422,458.38</b>	

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of recommended amendments to Article VI. Tourist Accommodations of the Fayette County Code concerning establishing a 24-hour local contact person, providing the permit number on all advertisements, and posting a notification of rules including no special events or private functions.

**Background/History/Details:**

LODGINGRevs, the contractor employed by the County to identify tourist accommodation in the unincorporated County suggested establishing a local contact person for a tourist accommodation and providing the permit number on all advertisements. The other amendments are staff generated.

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

Approval of recommended amendments to Article VI. Tourist Accommodations of the Fayette County Code concerning establishing a 24-hour local contact person, providing the permit number on all advertisements, and posting a notification of rules including no special events or private functions.

**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:**

## • **ARTICLE VI. - TOURIST ACCOMMODATIONS<sup>[2]</sup>**

### **Footnotes:**

--- (2) ---

**Editor's note**— Ord. No. 2018-12, § 1, adopted Oct. 25, 2018, repealed the former Art. VI, §§ 8-200—8-213, and enacted a new Art. VI as set out herein. The former Art. VI pertained to similar subject matter and derived from Ord. No. 2014-08, § 1, 4-24-2014; Ord. No. 2017-06, §§ 1—3, 3-23-2017; Ord. No. 2018-05, §§ 1, 2, 5, 3-22-2018.

### • **Sec. 8-200. - Definitions.**

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

*A-R bed and breakfast inn* shall mean an establishment which serves food to its registered guests and not to the public at large. This term shall include establishments serving breakfast or a similar early morning meal and an appropriate light snack in which the price of the food is included in the price of the overnight accommodation. The length of stay for A-R bed and breakfast inns as defined is limited to not more than 30 consecutive days. For the purposes of this article, this term shall mean an establishment in which the predominant relationship between the occupants thereof and the owner or operator of the establishment is that of guest and innkeeper.

*Bedroom* shall mean an attached room which is intended, arranged, or designed to be occupied by one or more persons primarily for sleeping purposes and shall have an area of not less than 70 square feet or be less than seven feet in any dimension with a closet opening on it or within it.

*County* shall mean unincorporated Fayette County, Georgia.

*Guest* shall mean anyone who has a home address somewhere other than where he or she is spending the night and other than where he or she pays a fee for accommodations.

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



*Innkeeper* shall mean any person who is furnishing for value to the public any room(s), lodging, or accommodations.

*Local contact person*, shall mean a person who has access and authority to assume management of the tourist accommodation and take remedial measures.

*Occupancy, transient*, shall mean occupancy or use by a paying guest or tenant for a period of not more than 30 consecutive days or by the offering or advertising of a residence as being available in whole or in part to be used for such occupancy. Such occupancy is characteristic of tourist accommodations or other establishments, by whatever name called.

*Operator* shall mean any person operating a tourist accommodation (as defined in this section) in unincorporated Fayette County, including but not limited to the owner or proprietor of the premises, lessee, sub-lessee, lender in possession, or any other person otherwise operating a tourist accommodation.

*Premises* shall mean and include all physical buildings, appurtenances, parking lots, and all property owned and/or used by and for the tourist accommodation.

*Special event or private function* shall mean an organized activity for profit or non-profit having as its purpose entertainment, recreation and/or education, including but not limited to a festival, party, reception, celebration or assembly.

*Tourist accommodation* shall mean any property facility, or structure providing accommodations for value to the public for not more than 30 consecutive days.

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-201. - Permit required.**

- (a) Every person engaging in or about to engage in business as an operator of a tourist accommodation, excluding a hotel, campground facility, or planned retreat and lodge as defined in [Chapter 110](#), shall immediately apply for a permit and obtain approval for the business with code enforcement on the forms provided by the same for such business. Persons engaged in such business must apply for a permit no later than 30 days after this section becomes effective; but such grace period for registration after the effective date of this section shall not relieve any person from the obligation of payment or collection of such permit fee on and after the date of imposition thereof. The required permit hereunder shall set forth the name under which the operator transacts business, and other such information as would be required by code enforcement. The permit application shall be signed by the owner if a natural person, by a member or partner in case of ownership by

partnership, or an officer in the case of corporation. **The permit number shall be included on all advertisements for the tourist accommodation.**

**(b) A local contact person who has access and authority to assume management of the tourist accommodation and take remedial measures shall be required. The operator may designate himself or herself as the local contact person. The local contact person shall be required to respond to the location of the tourist accommodation after being notified by Law Enforcement or the Fayette County Code Enforcement Office of the existence of a violation of this code section, any other sections of the Code of Fayette County, or any disturbance requiring immediate remedy or abatement.**

**(c) A separate permit will be required for each individual location of a tourist accommodation.**

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-202. - Application for permit.**

(a) Each person seeking to obtain a permit to operate a tourist accommodation shall submit an application to code enforcement on a form provided by the same. Said application shall include:

- (1) A statement that each applicant is a citizen or legal resident of the United States;
- (2) The address of the tourist accommodation;
- (3) The current set room rates and fees;
- (4) Consent by each applicant to undergo a criminal background check;
- (5) Complete set of fingerprints for the applicant(s) taken by the county sheriffs office;
- (6) A copy of a deed showing the applicant to be the owner of the premises for which the permit is sought or a copy of a lease showing any interest the owner of the premises has in the tourist accommodation for which the license is sought;
- (7) All state and local permits pertaining to the operation of tourist accommodations, including approvals, as applicable, from the Fayette County Environmental Health Department, Fayette County Fire Marshal, Fayette County Planning & Zoning Department, and Fayette County Building Safety Department;
- (8) As-built scaled plans of the structure;

(9) Copy of the guest occupancy agreement as required by O.C.G.A. § 43-21-3.2;

(10) Documents showing compliance with state and local occupation taxes, excise taxes and sales taxes; ~~and~~

(11) Local contact person information as required herein; and

(12) Any other information as required by code enforcement or the board of commissioners.

(b) All applications for a permit to operate a tourist accommodation shall be accompanied by the payment of applicable fees as set in a schedule of fees adopted by the board of commissioners.

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-203. - Issuance of permit.**

(a) Upon approval of the application for the permit and the timely payment of the applicable fees, code enforcement shall issue the appropriate permit for the year in which approval was granted.

(b) No permit shall be issued for any tourist accommodation where any individual having interest either as an operator, owner, partner, principal stockholder, or licensee, whether such interest is direct or indirect, or beneficial or absolute, has been convicted or has taken a plea of nolo contendere within five years for a felony or any crime involving moral turpitude, or has been convicted or has taken a plea of nolo contendere within two years for any misdemeanor of any state or of the United States or any municipal or county ordinance which would have any effect on the applicant's ability to properly conduct such business, except traffic offenses. The term "conviction" as used in this section shall include adjudication of guilty plea, plea of nolo contendere or forfeiture of a bond when charged with a crime.

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-204. - Annual renewal of permits.**

All permits issued pursuant to this article are annual permits that run from January 1 to December 31 of each year. Holders of existing permits in good standing shall apply to code enforcement for renewal for the next calendar year by filing a renewal application in proper form and tendering the required fees. Fees for renewal of permits shall be according to a schedule of fees adopted by the board of commissioners.

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-205. - Transfer of permits.**

No permit issued pursuant to this article shall be transferred from one owner to another. Any violation of this section shall constitute due cause for probation, suspension, or revocation of the permit.

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-206. - Display of permit and notifications.**

(a) Every holder of a permit issued pursuant to this article shall keep such permit conspicuously displayed at all places where such business is conducted.

(b) Each tourist accommodation shall post a legible notification, clearly visible to all guests containing the following information:

- (1) The name and contact information of the owner/local contact person and the telephone number at which that party may be reached on a 24-hour basis.
- (2) The maximum number of overnight occupants permitted.
- (3) Notification that an occupant may be cited and fined for creating a disturbance or for violating this code section or any other sections of the Code of Fayette County.
- (4) Notification that the tourist accommodation location cannot be utilized for special events or private functions as defined herein.

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-207. - Revocation of permit.**

(a) *Grounds.* Any permit issued pursuant to this article may be revoked by the board of commissioners, after notice and hearing, for any of the following causes:

(1) Any fraud, misrepresentation or false statement contained in the application for the permit;

(2) Any fraud, misrepresentation or false statement made in connection with any transaction;

(3)

Any violation of this article; or

(4)

The conducting of the business permitted under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health safety or general welfare of the public.

(b)

*Hearing .*

(1)

Notice of hearing for the revocation of a permit issued pursuant to this article shall be given by the county administrator in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. The notice shall be served on the holder of the permit by handing the same personally to the person operating the permitted business, or by mailing the same, postage prepaid, to the holder of the permit at his or her last known address at least five days prior to the date set out for the hearing.

(2)

The giving of such notice shall suspend the permit pending the outcome of the hearing, and any business conducted under the permit shall cease during said period of suspension.

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-208. - Records.**

Each operator of a tourist accommodation is required to keep a guest register. Each guest shall register on the date of their arrival, stating their names, current residence, address and description and license plate number of the vehicle they are using. Each operator of a tourist accommodation shall keep for a period of at least three years the above-described register, along with all records, receipts, invoices and other pertinent papers setting forth rental charged for each occupancy, the date or dates of occupancy, and such other information as required by code enforcement. Said records shall be made available for examination by code enforcement, the county environmental health department, or any authorized law enforcement agency.

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-209. - Standards for health, sanitation and safety.**

(a)

All operators of tourist accommodations shall comply with all rules and regulations promulgated by the Georgia Department of Public Health and the Fayette County Environmental Health Department for the operation of tourist accommodations.

(b)

Toilet, lavatory and bathing facilities shall be provided at all tourist accommodations. Such facilities shall be easily accessible, convenient and available to patrons at all times and operated pursuant to all applicable rules and regulations promulgated by the Georgia Department of Public Health and the Fayette County Environmental Health Department.

(c)

Public sewer is not available in unincorporated Fayette County, therefore sewage disposal shall be provided to efficiently dispose of all water carried wastes in a sanitary manner pursuant to all applicable rules and regulations promulgated by the Georgia Department of Public Health and the Fayette County Environmental Health Department.

(d)

All plumbing in tourist accommodations shall comply with all applicable state and local rules and regulations.

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-210. - Alterations to structure; signage.**

No exterior alterations may be made to a residence to indicate that it is being used as a tourist accommodation. Signage for a tourist accommodation is regulated in [Chapter 108](#).

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-211. - Operating regulations.**

(a)

An A-R Bed and Breakfast Inn shall be permitted subject to the following:

(1)

The A-R bed and breakfast Inn is compliant with [Chapter 110](#) - Zoning, [section 110-169](#).

(2)

Meal service may be provided to registered guests only provided that all state and local rules and regulations for the operation of food service establishments are complied with and all state and local permits for the operation of a food service establishment are obtained.

(3)

No food preparation, except beverages, is permitted within individual guestrooms.

(b)

Operators of tourist accommodations, other than operators of an A-R bed and breakfast inn, shall not be permitted to serve food to guests for sale or otherwise and no food preparation, except beverages, is permitted within individual guestrooms.

(c)

No detached structures or recreational vehicles shall be used as a tourist accommodation.

(d)

Only a bedroom shall be used as a guestroom.

(e)

No more than two guests shall be allowed per guestroom with the exception of an A-R bed and breakfast that is compliant with [section 110-169](#).

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-212. - Special events or private functions.**

Special events or private functions are not permitted at tourist accommodations with the exception of an A-R wedding/event facility that is compliant with [Chapter 110](#). Zoning, [Sec. 110-169](#) that contains an A-R bed and breakfast that is compliant with [Sec. 110-169](#).

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-213. - Violations.**

(a)

It shall be unlawful for any operator to commit any of the following acts:

(1)

Failure to obtain a permit as required under Article VI;

(2)

Fail to keep the guest register and any other records required by this article for the time period so specified;

(3)

Make any false entry therein;

(4)



Falsify, obliterate, destroy or remove from his or her place of business such register or records;

(5)

Refuse to allow any duly authorized law enforcement officer after proper identification to inspect such register or records during the ordinary hours of business or at other reasonable time; or

(6)

Fail to obtain from any guest the identification required by this article.

(b)

Any person violating any provision of this article shall be subject to a fine not exceeding \$1,000.00 and costs or to imprisonment for a term not exceeding 60 days, or to both such fine and imprisonment, any or all of such penalties to be imposed at the discretion of the judge. The infliction of a penalty under the provisions of this section shall not prevent the revocation of any permit or the taking of other punitive or remedial action where called for or permitted under the provisions of this Code.

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Secs. 8-214—240. - Reserved.**

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**ORDINANCE**

**NO. 2019-\_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO REVISE PROVISIONS PERTAINING TO TOURIST ACCOMMODATIONS; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO TOURIST ACCOMMODATIONS (ARTICLE VI OF CHAPTER 8), BE AMENDED AS FOLLOWS:**

**Section 1.** By adding a new definition for “Local contact person” to Section 8-200, pertaining to “Definitions”, in Article VI of Chapter 8, to be read as follows:

*Local contact person* shall mean a person who has access and authority to assume management of the tourist accommodation and take remedial measures.

**Section 2.** By deleting Section 8-201, pertaining to “Permit Required” from Article VI of Chapter 8, in its entirety, and by replacing it with a new Section 8-201 in Article VI of Chapter 8, to be numbered and read as follows:

**Sec. 8-201. Permit required.**

- (a) Every person engaging in or about to engage in business as an operator of a tourist accommodation, excluding a hotel, campground facility, or planned retreat and lodge as defined in Chapter 110, shall immediately apply for a permit and obtain approval for the business with code enforcement on the forms provided by the same for such business. Persons engaged in such business must apply for a permit no later than 30 days after this section becomes effective; but such grace period for registration after the effective date of this section shall not relieve any person from the obligation of payment or collection of such permit fee on and after the date of imposition thereof. The required permit hereunder shall set forth the name under which the operator transacts business, and other such information as would be required by code enforcement. The permit application shall be signed by the owner if a natural person, by a member or partner in case of ownership by partnership, or an officer in the case of corporation. The permit number shall be included on all advertisements for the tourist accommodation.
- (b) A local contact person who has access and authority to assume management of the tourist accommodation and take remedial measures shall be required. The operator may designate himself or herself as the local contact person. The local contact person shall be required to respond to the location of the tourist accommodation after being notified by Law Enforcement or the Fayette County Code Enforcement Office of the existence of a violation of this code section, any other sections of the Code of Fayette County, or any disturbance requiring immediate remedy or abatement.
- (c) A separate permit will be required for each individual location of a tourist

accommodation.

**Section 3.** By deleting Paragraphs (10) and (11) of Subsection (a) of Section 8-202, pertaining to “Application for permit”, of Article VI of Chapter 8, in their entirety, and by replacing them with new Paragraphs (10), (11) and (12) in Subsection (a) of Section 8-202 of Article VI of Chapter 8, to be numbered and read as follows:

- (10) Documents showing compliance with state and local occupation taxes, excise taxes and sales taxes;
- (11) Local contact person information as required herein; and
- (12) Any other information as required by code enforcement or the board of commissioners.

**Section 4.** By deleting Section 8-206, pertaining to “Display of permit”, of Article VI of Chapter 8, in its entirety, and by replacing it with a new Section 8-206 in Article VI of Chapter 8, to be numbered and read as follows:

**Sec. 8-206. Display of permit and notifications.**

- (a) Every holder of a permit issued pursuant to this article shall keep such permit conspicuously displayed at all places where such business is conducted.
- (b) Each tourist accommodation shall post a legible notification, clearly visible to all guests containing the following information:

- (1) The name and contact information of the owner/local contact person and

the telephone number at which that party may be reached on a 24-hour basis.

- (2) The maximum number of overnight occupants permitted.
- (3) Notification that an occupant may be cited and fined for creating a disturbance or for violation this code section or any other sections of the Code of Fayette County.
- (4) Notification that the tourist accommodation location cannot be utilized for special events or private functions as defined herein.

**Section 5.** By deleting Section 8-212, pertaining to “Special events”, of Article VI of Chapter 8, in its entirety, and by replacing it with a new Section 8-212 in Article VI of Chapter 8, to be numbered and read as follows:

**Sec. 8-212. Special events or private functions.**

Special events or private functions are not permitted at tourist accommodations with the exception of an A-R wedding/event facility that is compliant with Chapter 110, Zoning, Sec. 110-169 that contains an A-R bed and breakfast that is compliant with Sec. 110-169.

**Section 6.** This ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Fayette County.

**Section 7.** All other ordinances or parts of ordinances in conflict with this ordinance are

hereby repealed.

**Section 8.** In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declare that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

**SO ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY**

By: \_\_\_\_\_  
Randy Ognio, Chairman

(SEAL)

ATTEST:

\_\_\_\_\_  
Tameca P. White, County Clerk

Approved as to form:

\_\_\_\_\_  
County Attorney



# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of the approval to present Resolution 2019-11; Fluoride, in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session.

**Background/History/Details:**

The Board of Commissioners approved Resolution 2014-19; Resolution Requesting the Fayette County Legislative Delegation to Consider Offering Changes to the Statue Governing the Use of Fluoride in Drinking Water on December 11, 2014.

The Board of Commissioners later approved Resolution 2016-18; to amend O.C.G.A. Sec. 12-5-175 to provide that communities may impose or remove fluoridation by referendum under certain circumstances.

The 2018 Legislative Package included Resolution 2018-17; Fluoride, which was approved by the Board.

The proposed 2019 Legislative Package would consist of Resolution 2019-11; Fluoride; to provide that communities may impose or remove fluoridation by referendum under certain circumstances, if approved.

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

Approval to present Resolution 2019-11; Fluoride, in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session.

**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:**

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**RESOLUTION**

**NO. 2019-\_\_\_**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA; TO REQUEST THAT THE GENERAL ASSEMBLY FOR THE STATE OF GEORGIA ENACT AN AMENDMENT TO O.C.G.A. § 12-5-175 TO PROVIDE THAT COMMUNITIES MAY IMPOSE OR REMOVE FLUORIDATION BY REFERENDUM UNDER CERTAIN CIRCUMSTANCES; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**WHEREAS**, the Board of Commissioners for Fayette County, Georgia (the “County”) is the duly elected governing authority for the County; and

**WHEREAS**, O.C.G.A. § 12-5-175(a) provides that the Board of Natural Resources for the State of Georgia has the power to require, by regulation, fluoridation of potable public water supplies in incorporated communities lying wholly within this state, provided that in no case should such fluoridation be required at a level greater than one part per million parts of water (hereinafter the “fluoridation requirements”); and

**WHEREAS**, said statute further provides that any municipality or county and its water system can remove themselves from the terms of said statute by referendum called by petition of 10 percent of the registered voters in such political subdivision who voted in the last general election; and

**WHEREAS**, the Board of Commissioners believes that communities should have the ability to opt out of the fluoridation requirements imposed by the Board of Natural Resources if that is the will of the electors in such communities; and

**WHEREAS**, the Board of Commissioners further believes that the aforementioned provision permitting a community to opt out of the fluoridation requirements upon a referendum called by a petition of 10 percent of the registered voters who voted in the last general election is too burdensome to adequately permit communities to submit the issue to the electors; and

**WHEREAS**, the Board of Commissioners note that certain other provisions of state law that require questions to be submitted to the electors through referenda permit a municipality or county to call for such referenda by resolution of the governing authority in the absence of a petition signed by a certain percentage of the electors; and

**WHEREAS**, the Board of Commissioners therefore believes that, by amending O.C.G.A. § 12-5-175(a) to permit a municipality or county to call by resolution of the governing authority of said municipality or county for a referendum on whether said municipality or county and its water system shall remove itself from the fluoridation requirements, the General Assembly would be furthering the aims of democracy by removing obstacles to the electors' ability to decide whether or not such fluoridation requirements are appropriate for their communities.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Commissioners hereby requests that the General Assembly adopt legislation amending O.C.G.A. § 12-5-175(a) to permit a municipality or county to call by resolution of the governing authority of said municipality or county for a referendum on whether said municipality or county and its water system shall remove itself from the fluoridation requirements imposed by the Board of Natural Resources.

**SO RESOLVED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

**BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY, GEORGIA**

By: \_\_\_\_\_  
Randy Ognio, Chairman

(SEAL)

ATTEST:

\_\_\_\_\_  
Tameca P. White, County Clerk

Approved as to form:

\_\_\_\_\_  
County Attorney

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of the approval to present Resolution 2019-12; in support of the 2020 Policy Agenda of the Association County Commissioners of Georgia (ACCG) in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session.

**Background/History/Details:**

Resolution 2019-12 is to support the Policy Agenda of the Association County Commissioners of Georgia (ACCG). ACCG has developed a proposed policy agenda for the 2020 legislative year and the Board of Commissioners would like to show official support through Resolution.

The policy objectives are outlined in Exhibit "A" of the backup information.

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

Approval to present Resolution 2019-12; in support of the 2020 Policy Agenda of the Association County Commissioners of Georgia (ACCG) in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session.

**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:**

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**RESOLUTION**

**NO. 2019-\_\_\_**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA; TO SUPPORT THE 2020 POLICY AGENDA OF THE ASSOCIATION COUNTY COMMISSIONERS OF GEORGIA (ACCG); TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**WHEREAS**, the Board of Commissioners for Fayette County, Georgia (the “County”) is the duly elected governing authority for the County; and

**WHEREAS**, the Association County Commissioners of Georgia (“ACCG”) is a nonprofit instrumentality of Georgia’s county governments which works to ensure that the counties can provide the necessary leadership, services and programs to meet the health safety and welfare needs of Georgia’s citizens; and

**WHEREAS**, as part of its mission statement, ACCG seeks to provide the state legislature with information necessary for the development of sound legislation of benefit to the state and the counties; and

**WHEREAS**, ACCG has developed a proposed policy agenda for the 2020 legislative year (hereinafter the “Policy Agenda”); and

**WHEREAS**, the Board of Commissioners desire to express their support for the Policy Agenda, which is attached hereto as Exhibit “A” and made a part hereof by this reference.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Commissioners hereby expresses its support for the proposed policy agenda developed by ACCG for the 2020 legislative year and adopts as its own said policy agenda, which is attached hereto as Exhibit "A" and made a part hereof by this reference.

**SO RESOLVED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

**BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY, GEORGIA**

By: \_\_\_\_\_  
Randy Ognio, Chairman

(SEAL)

ATTEST:

\_\_\_\_\_  
Tameca P. White, County Clerk

Approved as to form:

\_\_\_\_\_  
County Attorney





## ACCG Policy Council's Proposed 2020 Policy Agenda

The Policy Agenda is the guide for the ACCG policy team in influencing legislative and administrative actions in the state and federal government on behalf of Georgia counties. ACCG's Policy Council reviewed the recommendations from the seven policy committees and has recommended the below Policy Objectives and Guiding Principles for the membership's consideration and for adoption during the Business Session at the Legislative Leadership Conference on October 3<sup>rd</sup> in Athens-Clarke County, GA. Also included is a list of potential top Legislative Priorities selected from the list of Policy Objectives and recommended by the Policy Council. The recommended Legislative Priorities will be voted on by the membership.

### Policy Objectives

#### State:

- 1) **Bridge Improvement Program** - ACCG supports the use of formal asset management programs and innovative technology as a supplement to inspection of the condition of local bridge infrastructure. As of July 2019, counties are responsible for maintaining 8,034 bridge structures, many were built between 1950 and 1965 and carrying a 40-50-year life span. More than 1,350 bridges in the state are posted for weight restrictions or are closed to traffic; 97% of these bridges are on local roads. County officials rely on asset management data provided by GDOT to prioritize the use of limited infrastructure funding for repairing and replacing these structures. When possible, ACCG encourages GDOT to use objective methods to assess bridge infrastructure conditions to ensure clarity and certainty of information and the most efficient use of funding. ACCG supports state bond investment in bridges and encourages the General Assembly and GDOT to maintain or increase earmarked funding for local bridges.
  
- 2) **Service Delivery Strategies (SDS) and Local Option Sales Tax (LOST) Negotiations** - ACCG and GMA formed a Joint Task Force for LOST and SDS Issues at the beginning of 2019 with the primary goal of reducing conflict and improving working relations between counties and cities. The Task Force is working on recommendations that include more closely tying SDS and LOST negotiations together, clarifying definitions in

both laws, replacing the LOST criteria with clear guidance on the purpose and use of LOST proceeds, and developing a dispute resolution process for negotiations that reach an impasse. ACCG and GMA have agreed to only pursue recommendations from the Joint Task Force during the 2020 Legislative Session. ACCG asks the General Assembly and the Department of Community Affairs to support the joint efforts of ACCG and GMA to resolve SDS and LOST issues.

- 3) **Modify Legal Organ Notice Requirements** – Counties should be allowed to post legal notices on their county website or common statewide websites in addition to the required paid post in the county’s legal organ. Should the legal organ fail to post the notice, the publication on the county website or common statewide website should serve as adequate notice to the public.
- 4) **Limit Charges for All Inmate Medical Services to Medicaid Rates** – All providers of medical services for inmates housed in local jails should be capped at the Medicaid rate.
- 5) **Fees on Property Tax Bills** - Local elected officials and their citizens should control the substance of what will or will not be placed on a local property tax bill. To make fees a viable option to the property tax, they must be easy to administer and collect. Having the option to collect fees on the property tax bill ensures that the fees can be collected efficiently. ACCG asks the General Assembly to protect this important local tool for charging a fee for service as an alternative to the property tax.
- 6) **Redirection of Dedicated Fees** - ACCG supports the legislative intent for various fees collected at the state level to go toward their statutorily-designated purposes. To end the practice of these fees becoming taxes that bolster the state’s general fund, ACCG urges the General Assembly to adopt one or more constitutional amendments creating constitutional trust funds to truly dedicate these fees to their intended purposes.
- 7) **Increase Add-On to Criminal and Quasi Criminal Fines to Fund the Peace Officer Annuity and Benefit Fund (POAB)** – One result of criminal justice reform has been the elimination or reduction of fines on many criminal cases resulting in a decrease in contributions to the POAB fund. ACCG supports the increase in the fine add-on to ensure this valuable recruitment and retention tool remains a viable option for counties to maintain a quality law enforcement staff.
- 8) **Support Policy and Rule Changes by the Department of Public Health (DPH) to Increase Transparency in relation to EMS Zone Services** – ACCG supports the proposed policy and rule changes by DPH to increase accountability and transparency around the awarding of EMS Zone Providers and standardized operating procedures for the regional councils that oversee the operation of EMS zone providers.



- 9) Public Notification of Tax Increase** – The tax increase notice required under the Taxpayer Bill of Rights has created great confusion about tax increases for the public. To promote public notification of tax increases, ACCG requests that the notification required by the Taxpayer Bill of Rights and the five-year history be replaced with one annual notification that is simple for the taxpayer to understand. Additionally, the General Assembly should consider exempting those local governments with “floating” homestead exemptions from compliance with these additional notification steps, in the same manner as the General Assembly has exempted the City of Atlanta.
- 10) Location of Taxable Transactions** – For businesses to accurately determine the proper sales tax allocation to each county, state law should clearly prescribe a uniform method for businesses to identify the county where the transaction occurs. Such steps could include requiring the Department of Revenue rate and boundary database to include information at the street address level in addition to the 9-digit zip code when this information is provided to DOR by a county or city in an approved format.
- 11) Marketplace Facilitator Tax Collection**
- (a) Online Platforms** – ACCG asks the General Assembly to require online platforms that host third-party sellers (e.g., Amazon, Ebay, AirBnb, etc.) to collect and remit applicable taxes on sales to Georgia customers.
- (b) Short Term Rentals and Ride Share Services** – ACCG asks the General Assembly to require any business that provides an online or other platform for the transaction of short-term rentals or ride share network services to collect and remit sales taxes on such services to the Department of Revenue. Taxes collected through such platforms should be distributed to counties, cities, and boards of education in the same manner as other local sales taxes. Additionally, the General Assembly should require any business that provides an online or other platform providing short-term rentals to collect and remit hotel/motel taxes to the relevant local jurisdictions.
- 12) Revenue Flexibility** - Multiple options for generating needed revenues allows local governments to respond to local conditions and constituents’ desires, including allowing for property tax relief to their citizens. ACCG supports maximum flexibility for counties regarding sales taxes.
- a) Homestead Option Sales Tax (HOST): Allow for All Counties** – The HOST tax is a 1 percent county sales tax, the proceeds of which are used to fund a homestead exemption to reduce or eliminate the county property tax levy on homeowners. However, due to limitations in state law, HOST is only available to the handful of counties that do not have a Local Option Sales Tax (LOST). ACCG recommends removal of this impediment so that any county can choose any combination of the sales tax options available.

**(b) Special Purpose Local Option Sales Tax (SPLOST)** – ACCG asks the General Assembly to make changes to the SPLOST law, including ~~4~~ clarifying that repayment of debt on a courthouse, administrative building, or jail qualifies for the level one category.

**(c) Sales Tax to Offset Property Tax** – ACCG asks the General Assembly to help counties reduce their reliance on property tax by expanding the existing sales tax base through reductions in exemptions and including additional services and digital goods such as digital music, books, and video. Commissioners should also be granted greater flexibility to determine the appropriate local sales tax rate for their county.

**(d) Local Exemption from Transportation Taxes and Fees** – During the 2015 Session of the General Assembly, several changes were made to the tax code to provide more funding for transportation. Unlike the historical practice of exempting government from paying taxes, the new taxes and fees for transportation were applied to purchases by both state and local government. ACCG does not believe it is appropriate to tax a government and asks the General Assembly to exempt local governments from the new state hotel/motel fee, motor fuel excise tax, heavy weight truck fee, and the alternative fuel vehicle tax.

**13) Telecommunications Excise Tax**—ACCG asks the General Assembly to eliminate the current franchise fees and taxes on telecommunication service providers and replace these revenues with a local telecommunications excise tax. The local revenues should be split between the counties and the cities based upon a population formula.

**14) Title Agent Fees and Equipment Costs** – Although tag and title administration is a state function, counties currently provide all of the equipment for and data input into the tag and title system but have not received an increase in compensation for such services. ACCG recommends that the title fee be raised from \$18.00 to \$20.00 and the fee for a replacement title be raised from \$8.00 to \$20.00. In addition, the counties' share of the base tag fee should be increased, and the General Assembly should provide funding to assist counties in acquiring upgraded equipment necessary to implement the state's new DRIVES system.

**Federal:**

**1) Medicaid/Medicare/Federal Benefit Inmate Exclusion** – ACCG requests the federal government to allow Medicaid/Medicare coverage and other federal benefits for eligible inmates/detainees in local jails pre-adjudication and for hospital stays of more than 24 hours post adjudication. The inmate exception rule must be rescinded for those awaiting trial that have not been convicted. Those accused should not lose their Medicaid/Medicare/Federal benefits until the adjudication process is complete for those individuals in a pretrial status.

**2) Infrastructure Investment / Truck Weight Increases** –Counties play a critical role in our state’s transportation system with local governments owning and maintain 80 percent of all public roads in Georgia. ACCG encourages Congress to allocate funding for locally owned public infrastructure, which includes surface transportation projects, bridges, transit systems and airports and involve local governments in the decision-making process. In addition, ACCG urges Congress to refrain from passing legislation that increases allowable weight limits on local roads and bridges. Increasing the weight limits contributes to the rapid deterioration of local road and bridge infrastructure.





## Selection of Top Legislative Priorities

- A. Require Online Platforms to Collect Sales Tax
- B. State Funding for Bridge Improvement & Replacement
- C. Improve Process for Negotiating SDS & LOST
- D. Prevent Delays When Newspaper Fails to Run Legal Notice
- E. Right to Place Fees on the Property Tax Bill
- F. Increase Fine Add-on for POAB
- G. Process of Awarding EMS Zone Providers
- H. Reform Taxpayer Bill of Rights Notification Process
- I. Increase Local Share of Tag & Title Fees
- J. Federal Coverage for Inmates Awaiting Trial



## ACCG GUIDING PRINCIPLES

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**LOCAL ISSUES:** ACCG provides a common platform that allows counties to maximize their legislative influence by making requests of the General Assembly and Congress through a unified effort. Through ACCG's policy development process, a policy platform is adopted, containing issues of significant importance to all counties or a reasonable portion of them. ACCG will not become directly involved in lobbying local legislation or general legislation that is drafted to affect only one county. ACCG will, however, notify the affected county of the pending legislation and will, at the request of the county, provide technical assistance. ACCG urges members of the General Assembly to refrain from passing this type of legislation without the support of the county governing authority. Where legislation will benefit some counties at the expense of others, ACCG will notify all counties of the potential benefits and consequences of the legislation but will not take a position.

**HOME RULE:** Home rule is the right of the people to determine and implement a public policy at the grassroots level. Home rule power is conferred on Georgia counties by Article IX, Section II, Paragraph I of the Georgia Constitution. Local governing authorities have the power to adopt ordinances, resolutions, or regulations relating to its property, affairs, and local government, as long as they are not inconsistent with state law or the Georgia Constitution. Although state laws may define minimum standards, they should not preempt counties from passing ordinances that establish a more stringent standard for their communities. The preservation of administrative and fiscal home rule authority allows counties to develop and implement community-based solutions to local problems. ACCG believes that counties, as the government closest to the people, are the most appropriate authority to serve the needs and requirements of the community.

**COST SHIFTING:** A state directive that compels local governments to provide a service, program, or benefit without providing the appropriate monies or a funding source is regarded as an unfunded mandate. County officials recognize that some state mandates are justified because they achieve agreed upon statewide policy goals. However, many, if not most, mandates on counties are imposed without the consensus of local governments or the resources necessary for their implementation. Mandates shift costs to local property taxpayers, financially drain county governments, and impede a county's ability to adequately deliver the fundamental services required by law. Mandates also compromise a county's ability to provide discretionary services requested by the local community. ACCG opposes any state or federal actions that limit the ability of local elected officials to make fiscal and public policy decisions for the citizens that they represent. Furthermore, counties support the establishment of an agreed upon course of action whereby state and county elected officials deliberatively evaluate the appropriate funding and delivery of intergovernmental service responsibilities between counties and the state.



**LOCAL REVENUES:** To provide services requested by the local community or required by the state, counties need an adequate stable revenue source that is diverse and fairly spreads the tax burden across the residents of the county. State-determined restrictions on local revenues hinder a local community's ability to establish a revenue structure that fairly distributes the financial burdens of local government to all citizens of the county based on the unique characteristics of the county. When new state laws or annexation erodes a portion of the local revenue base, county commissioners must shift the tax burden to other residents or reduce the level of county services provided. Politically, neither of these choices is popular. The decision to tax should occur at the same level of government where the decision is made to enact a new service or enhance an existing service. Local governments should have an equal share of flexibility and control over both revenues and expenditures as they are directly linked.

**SERVICE DELIVERY:** To help create and maintain the quality of life desired by the residents of a community, counties should be given the flexibility to create new services, expand existing services, or discontinue a service. If a service is funded partially or fully using county revenues, then the county governing authority should have a level of control over the service commensurate to its share of the funding. Local government services in the unincorporated areas should be provided solely at the discretion of the county governing authority and such services should not be disrupted by annexation. Service delivery responsibilities within the incorporated areas of the county should be determined jointly with the city. When the state wishes to provide services locally, they should coordinate with the counties to determine the most efficient method of service delivery and funding of the service.

**LAND USE:** County officials must have the ability to make reasonable decisions for zoning, comprehensive planning, and infrastructure issues to ensure that the local community grows and develops in a way that adds value to the community and improves the quality of life for all residents. This includes a county's right to adopt local land use and other environmental regulations to protect its unique natural resources and vision for the community. Citizens expect the county commission to exercise its ability to manage and direct growth without being subjected to prohibitive claims for damages for infringement on private property rights. Likewise, county land use decisions should not be thwarted by municipal annexations. Locally elected officials are in the best position to balance the rights of individual property owners with the rights and wishes of all property owners within a county.

**STATE/COUNTY PARTNERSHIP:** Counties were created to function as local subdivisions of the state. To tailor services to the needs of the different geographic and demographic areas of the state, decision making power must be granted to locally elected representatives. The state sets general parameters, including minimum standards and levels of service, then local officials should decide what additional services and enhancements the local community desires. The state and its local county subdivisions must work in tandem to improve the quality of life for all Georgia residents. To facilitate this partnership the state should:

- Fully fund state services and not require or attempt to coerce counties into subsidizing the service.
- Provide support (i.e., funding and technical assistance) to attain a minimum level and standard of services needed statewide (i.e., crime information center, crime lab, utility assessments, training public safety officers, establishing uniform assessment procedures and transportation improvements).