

**BOARD OF COUNTY COMMISSIONERS**

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

**FAYETTE COUNTY, GEORGIA**

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



140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

**AGENDA**

April 25, 2017  
7:00 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 7:00 p.m.

Call to Order

Invocation by Commissioner Steve Brown

Pledge of Allegiance

Acceptance of Agenda

**PROCLAMATION/RECOGNITION:**

1. Proclamation honoring April as "National Donate Life Month". (pages 3-4)
2. Recognition of the Fayette County Master Gardener Extension Volunteers. (page 5)
3. Proclamation of May 1, 2017 as "Water Professionals Appreciation Day." (pages 6-7)

**PUBLIC HEARING:**

4. Consideration of Petition No. 1264-17, Oscar C. Cavender Family Limited Partnership, Owner, and Bryan Forester, Agent, request to rezone 21.80 acres from A-R to R-70 to develop a Single-Family Residential Subdivision on property located in Land Lot 59 of the 7th District and fronting on Ebenezer Road with one (1) condition. (pages 8-32)
5. Consideration of the Fayette County Comprehensive Plan 2017-2040 prior to submittal to the Atlanta Regional Commission and Georgia Department of Community Affairs for review. (pages 33-186)

**CONSENT AGENDA:**

6. Approval of Resolution 2017-07 to adopt the Fayette County 2016 Annual Report on Fire Services Impact Fees (FY2016), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2017-FY2021.) ([pages 187-196)
7. Approval of the draft contract between the Georgia Department of Transportation and Fayette County for the Fayette County Master Path Plan study (GDOT PI # 0015075 / ARC Project # FA-356). (pages 197-230)
8. Approval of staff's recommendation to approve the bid from Peek Pavement Markings, LLC for Bid #1280-B Roadway Striping Services in the amount of \$92,104.00. (pages 231-235)

9. Approval of the April 13, 2017 Board of Commissioners Meeting Minutes. (pages 236-252)

**OLD BUSINESS:**

10. Consideration of staff's recommendation to approve Ordinance 2017-07 to repeal the Stormwater Utility. This item was tabled from the April 13, 2017 Board of Commissioners meeting. (pages 253-267)

**NEW BUSINESS:**

11. Consideration of the award of RFP #1226-P, SR 74 Comprehensive Corridor Study to POND & Company for a lump sum amount of \$296,000 (GDOT PI No. 0015076 / ARC Project No. FA-357). (pages 268-270)
12. Consideration of the Town of Tyrone annexation of 1919 and 1925 SR 74 North and the rezoning of said property from R-70 (Single-Family Residential) to O-I (Office-Institutional). (pages 271-294)
13. Consideration of the City of Fayetteville annexation of 1373 SR 85 North and the rezoning of said property from A-R (Agricultural-Residential) to C-3 (Highway-Commercial) and of 135 and 145 Walker Pkwy including an undeveloped lot between 121 and 135 Walker Pkwy and the rezoning of said properties from C-H (Highway-Commercial) to C-3 (Highway-Commercial). (pages 295-307)
14. Consideration of the City of Fayetteville annexation of 0.96 acres and the rezoning of said property from R-20 (Single-Family-Residential) to C-3 (Highway-Commercial). This subject property is a portion of a 28 acre parcel fronting on Ellis Road. (pages 308-319)
15. Discussion regarding a request from the Fayette County Republican Party to reverse the Board of Commissioners' decision to seek attorney's fees from the Petitioners in regard to their efforts to remove Marilyn Watts from the Board of Elections. (pages 320-349)

**PUBLIC COMMENT:**

**ADMINISTRATOR'S REPORTS:**

**ATTORNEY'S REPORTS:**

**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**



# COUNTY AGENDA REQUEST

Page 3 of 349

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Proclamation honoring April as "National Donate Life Month".

## Background/History/Details:

National Donate Life Month is an opportunity to share information about the need for organ and tissue donation. LifeLink of Georgia is a non-profit community service organization dedicated to the recovery of life-saving and life-enhancing organs and tissue for transplantation therapy.

The Health Resources and Services Administration's Hospital Workplace Partnership for Life program was originally launched in 2011 as a special effort of the National Workplace Partnership For Life and runs annually from May of one year through April, which is Donate Life Month, of the following year. Goals of the program include raising the awareness about organ and tissue donation in hospitals and surrounding communities. Hospitals within the LifeLink of Georgia service areas participated in the campaign to educate and register potential donors as part of their standard mission. The hospitals were recognized for their efforts, in greater numbers during the 2015-2016 program cycle than ever before. Piedmont Hospital is an organ transplant center and received the Platinum Award.

LifeLink Foundation is home to three of the nation's 58 organ procurement organizations; Florida, Georgia and Puerto Rico.

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

Proclamation honoring April as "National Donate Life Month".

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

## FAYETTE COUNTY BOARD OF COMMISSIONERS

**Proclamation**

- WHEREAS, One of the most meaningful gifts that a human being can bestow upon another is the gift of life; and
- WHEREAS, More than 121,000 men, women, children, await life-enhancing organ transplants, of which over 5,590 reside in Georgia; and
- WHEREAS, The need for organ, eye, and tissue donation grows daily as a new patient is added to the national waiting list for an organ transplant every 10 minutes; and
- WHEREAS, The critical donor shortage remains a public health crisis as an average of 22 people die daily due to the lack of available organs; and
- WHEREAS, Organ, eye, and tissue donation can provide families the comfort of knowing the gift of donated organs and tissue endows another person with renewed hope for a healthy life; and
- WHEREAS, More than 4.7 million Georgians have already registered their decisions to give the gift of life at [www.donatelifegeorgia.org](http://www.donatelifegeorgia.org) or when getting or renewing their driver license or state identification card at a driver license office; and
- WHEREAS, LifeLink<sup>®</sup> of Georgia is the non-profit, community service organization dedicated to the recovery of high quality organs and tissues for transportation therapy and in collaborations with area hospitals and funeral homes, has reached a record number of organ donors in the past year;

**NOW, THEREFORE, WE, THE FAYETTE COUNTY BOARD OF COMMISSIONERS** do hereby proclaim April 2017, as "**Donate Life Month**" in Fayette County, and in doing so we call on our citizens and visitors to honor all those who made the decision, to take action and sign up on Georgia's Donor Registry at [www.donatelifegeorgia.org](http://www.donatelifegeorgia.org), to discuss the miracle of transplantation as a family and to make a family commitment to organ, eye, and tissue donation.

So proclaimed this 25<sup>th</sup> day of April 2017,

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Eric K. Maxwell, Chairman

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Randy Ognio, Vice Chairman

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Steve Brown, Commissioner

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Charles W. Oddo, Commissioner

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Charles D. Rousseau, Commissioner

# COUNTY AGENDA REQUEST

Page 5 of 349

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Recognition of the Fayette County Master Gardener Extension Volunteers.

## Background/History/Details:

For several years the Extension Office has presented a large faux check to residents at the Commissioner's meeting with an amount to represent the volunteer hours, mileage, as well as the produce value from Plant-a-Row (PAR) for the hungry, which raised and distributed over 70,000 lbs of fresh vegetables and fruit for the facilities in our county who feed the hungry.

We also recognize April 23-29, 2017 as National Extension Volunteers-Grow Communities week.

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

Recognition of the Fayette County Master Gardener Extension Volunteers.

## 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

Page 6 of 349

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Proclamation of May 1, 2017 as "Water Professionals Appreciation Day."

## Background/History/Details:

In 2015 Senate Bill 119 was passed designating the first Monday in May as Water Professionals Appreciation Day. This day is to recognize the men and women who work tirelessly to ensure our tap water is safe and that our water resources are protected and properly managed.

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

Proclamation of May 1, 2017 as "Water Professionals Appreciation Day."

## 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:

PROCLAMATION  
RECOGNIZING WATER PROFESSIONALS APPRECIATION DAY

- WHEREAS, In 2015 Senate Bill 119 was passed designating the first Monday in May as Water Professionals Appreciation Day; and
- WHEREAS, The Georgia Water Quality Control Act was signed into law in 1964; and
- WHEREAS, The State established the Georgia Water Quality Control Board, later reconstituted as the Georgia Environmental Protection Division as a result of the 1972 Reorganization of State Government under Governor Jimmy Carter; and
- WHEREAS, The quality of Georgia's waters has improved dramatically over the 50 years since the original passage of the Georgia Water Quality Control Act; and
- WHEREAS, Due to the dedication and commitment of water professionals Georgia's last known outbreak of waterborne disease was in 1989, over 25 years ago; and
- WHEREAS, Fayette County Water System Water Professionals provide critical services that are often taken for granted, but that are essential to virtually everything we do; and

NOW, THEREFORE, WE, THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA, do hereby proclaim Monday, May 1, 2017 as "Water Professionals Appreciation Day" in Fayette County, a special day of recognition for men and women who work tirelessly in our County to ensure that our tap water is safe and that our water resources are protected and properly managed. Specifically, we want to recognize and thank Lee Pope, Director and the staff of the Fayette County Water System

So Resolved the 25<sup>th</sup> day of April, by the

BOARD OF COMMISSIONERS  
FAYETTE COUNTY, GEORGIA

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Eric K. Maxwell, Chairman

# COUNTY AGENDA REQUEST

Page 8 of 349

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Petition No. 1264-17, Oscar C. Cavender Family Limited Partnership, Owner, and Bryan Forester, Agent, request to rezone 21.80 acres from A-R to R-70 to develop a Single-Family Residential Subdivision on property located in Land Lot 59 of the 7th District and fronting on Ebenezer Road with one (1) condition.

## Background/History/Details:

Staff recommends approval with one (1) condition.

Th Planning Commission recommended approval with one (1) condition.

John Culbreth made a motion to recommend approval of Petition 1264-17 with one (1) condition. John Culbreth seconded the motion. The motion passed 4-0. Arnold Martin was absent from the meeting.

## Recommended Condition

1. The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 50 feet of right-of-way as measured from the centerline of Ebenezer Road prior to the approval of the Final Plat and said dedication area shall be shown on the Final Plat. (This condition is to ensure the provision of adequate right-of-way for future road improvements.)

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

Approval of Petition No. 1264-17 with one (1) condition to rezone 21.80 acres from A-R to R-70 to develop a Single-Family Residential Subdivision on property located in Land Lot 59 of the 7th District and fronting on Ebenezer Road.

## If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

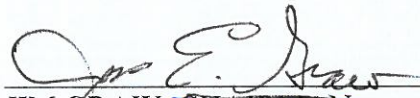
**PLANNING COMMISSION RECOMMENDATION****DATE:** April 6, 2017**TO:** Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1264-17, the application of Oscar C. Cavender Family Limited Partnership to rezone 21.80 from A-R to R-70, be:

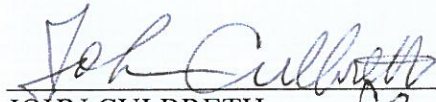
4-0 Approved      \_\_\_\_\_ Withdrawn      \_\_\_\_\_ Disapproved


\_\_\_\_\_ Tabled until \_\_\_\_\_

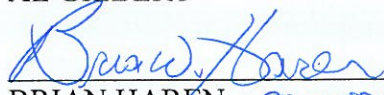
This is forwarded to you for final action.

  
 \_\_\_\_\_  
 JIM GRAW, CHAIRMAN

ABSENT  
 \_\_\_\_\_  
 ARNOLD MARTIN, III, VICE-CHAIRMAN

  
 \_\_\_\_\_  
 JOHN CULBRETH

  
 \_\_\_\_\_  
 AL GILBERT

  
 \_\_\_\_\_  
 BRIAN HAREN - ~~COMMISSIONER~~ CHAIRMAN

**Remarks:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**STATE OF GEORGIA  
COUNTY OF FAYETTE**

**RESOLUTION**

**NO. 1264-17**

**WHEREAS**, Oscar C. Cavender Family Limited Partnership, Owner, and Bryan Foerster, Agent, having come before the Fayette County Planning Commission on April 6, 2017, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 2010"; and

**WHEREAS**, said request being as follows: Request to rezone 21.80 from A-R to R-70, in the area of Ebenezer Road, Land Lot 59 of the 7th District, for the purpose of developing a Residential Subdivision; and

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

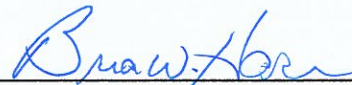
**BE IT RESOLVED** that the decision of the Fayette County Planning Commission, that said request be **APPROVED**.

This decision is based on the following reasons:

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

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

  
\_\_\_\_\_  
**JIM GRAW** *Brian Haren*  
**CHAIRMAN** *Chairman*

  
\_\_\_\_\_

**PC SECRETARY**



**PETITION NO: 1264-17**

**REQUESTED ACTION:** A-R to R-70

**PROPOSED USE:** Residential Subdivison

**EXISTING USE:** Residential

**LOCATION:** Ebenezer Road

**DISTRICT/LAND LOT(S):** 7th District, Land Lot(s) 59

**OWNER:** Oscar C. Cavender Family Limited Partnership

**AGENT:** Bryan Foerster

**PLANNING COMMISSION PUBLIC HEARING:** April 6, 2017

**BOARD OF COMMISSIONERS PUBLIC HEARING:** April 25, 2017

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**APPLICANT'S INTENT**

Applicant proposes to develop a single-family Residential Subdivison consisting of nine (9) lots on 21.80 acres.

**STAFF RECOMMENDATION**

**APPROVAL WITH ONE (1) CONDITION**

**1.**

**1264-17**

Jim Graw made a motion to approve the Minor Subdivision Plat of John & Mildred Massengale. John Culbreth seconded the motion. The motion passed 4-0. Arnold Martin was absent from the meeting.

Pete Frisina stated that everyone here is on one (1) side of this issue. He asked the public if everyone on the side of the rezoning. He said that there is really no one (1) else here not involved with the petition.

Chairman Haren stated that what you're saying is that we can buy pass the speech.

Pete Frisina agreed we can buy pass the speech.

Chairman Haren stated that there are only four (4) board members this evening. He said that it takes a vote of three (3) for approval. He added that they do have to give them the option to table this petition to a later date when we have a full board. He stated that it was his decision and he gets to make it right away.

David Cavender stated go ahead.

**4. Consideration of Petition No. 1264-17, Oscar C. Cavender Family Limited Partnership, Owner, and Bryan Forester, Agent, request to rezone 21.80 acres from A-R to R-70 to develop a Single-Family Residential Subdivision. This property is located in Land Lot 59 of the 7th District and fronts on Ebenezer Road.**

Chairman Haren asked if he would like to make a statement.

David Cavender stated he has no statement, and would just like to get the property rezoned.

Chairman Haren asked if anyone else would like to make a statement.

Newton Galloway stated that he represents the developer and that Mr. Rod Wright could not be there tonight because he is with his family on spring break. He said that this application is for the development of some single-family dwellings; nine (9) single-family dwellings on approximately 21.80 acres and the zoning needs to go from A-R to R-70. He added that he reviewed staffs report and recommendation from Mr. Frisina this afternoon and we support and agree with his analysis and recommendations and we're authorized to say that the developer would agree to staff propose condition. He stated that it is already shown on the graft development plan that you have; and we would ask that you recommend approval of this rezoning consistent with Mr. Frisina report.

Chairman Haren asked if anyone else would like to speak in favor of the petition. Hearing none; he asked if anyone would like to speak in opposition. Hearing none; he brought it back to the Planning Commission. He asked if there were any questions.

Al Gilbert asked Newton Galloway if they were agreeing to the condition that was put on the

property.

Newton Galloway replied yes sir. He reads the following condition:

1. The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 50 feet of right-of-way as measured from the centerline of Ebenezer Road prior to the approval of the Final Plat and said dedication area shall be shown on the Final Plat. *(This condition is to ensure the provision of adequate right-of-way for future road improvements.)*

Newton Galloway stated that he is fine with that.

Chairman Haren stated that attached as part of the packet is a constitutional objection to the current zoning. He said that he is not really sure on why that is a part of the packet. He added that this is the first one (1) that he has ever seen.

Newton Galloway replied that after an application goes from you to the Board of Commissioners, and let's assume the Board of Commissioners deny the application, in order to preserve rights of the property owner/developer this is a condition prerequisite that has to be given to the County. He stated and had you not asked about it Mr. Chairman I would have said absolutely nothing about it. He said if we are retain to work with a developer we simply attach one (1) to the application that suffices as notice and that is the only reason it's there.

Jim Graw stated that this is a standard operating procedure for attorneys.

Newton Galloway stated that it is and helps them to increase their fee.

Al Gilbert stated that his understanding has always been if you ever plan to sue that letter is almost mandatory. He said it is hard to go to court if you haven't pre-warned that might be your intent.

Newton Galloway stated that it limits what you can pursue if you had to take an appeal to superior court. He said to explain it further without giving a class on Georgia's Zoning Constitutional Law; if you notice what the notice says, its objecting to denial of the rezoning on the basis of certain constitutional claims and the standard rule is: if the board that has to make the decision and has not been notified of the possibility of a constitutional claim then the party is precluded from raising that in court later. He added that is the only reason it's there.

Jim Graw interjected saying the property owner is only protecting his/her rights.

Newton Galloway stated that he has seen a lot of lawyers stand up and make a big deal out of it in front of the board. He said that he has seen a lot of people get mad because they did that. He added that what they do is simply add it to the application.

Jim Graw stated that he is not the first and won't be the last.

Chairman Haren stated if there are no more comments let's bring it back before the Planning

Commission.

Jim Graw stated that we have had several rezoning's on Ebenezer and if you look at the map you will see that they are R-70 rezoning's. He said that there is a small R-40 down toward Ebenezer Church Road. He added that he feels R-70 is consistent with the other zonings in that area and consistent with the current comprehensive land use plan. He stated that he doesn't have a problem with it.

Chairman Haren asked if there were any other questions.

Chairman Haren stated that he agreed with Mr. Graw. He said that it fits well with what we're seeing developed on Ebenezer.

John Culbreth made a motion to recommend approval of Petition 1264-17 with one (1) condition. John Culbreth seconded the motion. The motion passed 4-0. Arnold Martin was absent from the meeting.

**5. Consideration of the Fayette County Comprehensive Plan 2017-2040, prior to submittal to the Atlanta Regional Commission and Georgia Department of Community Affairs for review.**

Pete Frisina presented the following recommended amendments to the Land Use Element and Future Land Use Plan map:

Pete Frisina said there are currently three (3) major residential land use categories in the Land Use Element and on the Future Land Use Plan map, which are Low Density Residential (1 Unit/1 to 2 Acres), Rural Residential (1 Unit/2 to 3 Acres) and Agricultural Residential (1 Unit/5 Acres, 5 Acre Min.). He stated that the new recommended residential land use categories are Low Density Residential (1 Unit/1 Acre), Rural Residential - 3 (1 Unit/3 Acres), Rural Residential - 2 (1 Unit/2 Acres) and Agricultural Residential (1 Unit/5 Acres). He said these amendments eliminate the density ranges in the Low Density Residential and Rural Residential land use categories and divide the Rural Residential land use category into two separate categories consisting of Rural Residential – 3 and Rural Residential – 2.

Pete Frisina stated that input gained from the citizen survey concerning the future of the county largely centered on the perception that the County is becoming over developed resulting in an increase of traffic congestion and loss of rural character which will detract from the quality of life in Fayette County. He said based on this information, it is recommended that the residential densities be reduced in the unincorporated county and this is reflected in the previous discussion of the new recommended residential land use categories. He added that the area designated as Low Density Residential has been reduced in area by approximately 6,000 acres and the areas designated as Rural Residential – 3 and Rural Residential – 2, has increased in area by approximately 6,000 acres.

Pete Frisina stated that due to the future development of the East Fayetteville Bypass, which will

## **INVESTIGATION**

### **A. PROPERTY SITE**

The subject property is a 21.80 acre tract fronting on Ebenezer Road in Land Lot 59 of the 7th District. Ebenezer Road is classified as a Minor Arterial road on the Fayette County Thoroughfare Plan. The subject property contains a single-family residence and is currently zoned A-R.

### **B. SURROUNDING ZONING AND USES**

The general situation is a 21.80 acre tract that is zoned A-R. In the vicinity of the subject property is land which is zoned R-70, A-R, and O-I. See the following table and also the attached Zoning Location Map.

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

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
North	2.4	A-R	Vacant	Low Density Residential (1 Unit/1to 2 Acres)
	4.1	A-R	Single-Family Residence	Low Density Residential (1 Unit/1to 2 Acres)
South	2.6	R-70	Single-Family Residence	Low Density Residential (1 Unit/1to 2 Acres)
East	95.9	A-R	Single-Family Residence	Low Density Residential (1 Unit/1to 2 Acres)
West (across Ebenezer Road)	2.6	O-I	Office	SR 54 Overlay District
	3.25	A-R	Single-Family Residence	Low Density Residential (1 Unit/1to 2 Acres)
	8.0	A-R	Church	Low Density Residential (1 Unit/1to 2 Acres)
		R-70	Vacant	Low Density Residential (1 Unit/1to 2 Acres)

### **C. COMPREHENSIVE PLAN**

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

### **D. ZONING/REGULATORY REVIEW**

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

### **Platting**

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

### **Right-of-Way Requirements**

Per Engineering/Public Works, Ebenezer Road has an 80 foot right-of-way and the Concept Plan indicates the same. As a Minor Arterial, Ebenezer Road requires 100 feet of right of way. Per Section 104.52 of the Fayette County Development Regulations, should a proposed development adjoin an existing street, the developer shall dedicate additional right-of-way to meet one-half the minimum right-of-way requirement for the applicable functional classification as indicated on the Fayette County Thoroughfare Plan of the adjoining street.

### **E. REVIEW OF CONCEPT PLAN**

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

### **F. DEPARTMENTAL COMMENTS**

**Water System:** Will need utility drawings for FCWS. Water taps to be provided by developer.

#### **Public Works/Engineering**

- Ebenezer Rd is an Arterial per Fayette County's Thoroughfare Plan. Right-of-way dedication is required, as shown, along with a quit claim deed for 50' as measured from the centerline of Ebenezer Road.
- With A-R zoning the maximum residential build-out is four homes, generating a theoretical 38 trips per day. As proposed, a nine-lot S/D would generate 86 trips per day.
- Most traffic is expected to go north to the Ebenezer Road & SR 54 intersection. That location is controlled with a traffic signal and there are no known delay or congestion issues.
- County staff has not checked sight distance, so applicant is advised that use of shared driveways may be required if minimum distances cannot be satisfied (field checks are typically made at preliminary plat stage).

### **Environmental Management**

- Floodplain** The property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0108E dated Sept 26, 2008.
- Wetlands** According to the National Wetlands Inventory wetlands are not present. However, a wetland study may be required upon field inspection by staff. Per Section 8-4 of Fayette County Development Regulations, the applicant must obtain all required permits from the U.S. Army Corps of Engineers prior to issuance of any permits from Fayette County for any phase of development affecting wetlands.
- Watershed** Watershed Protection **DOES NOT** apply based on geographic information systems review. However, state waters could be present and identified by staff during site inspection at which time watershed protection buffers would apply.
- Groundwater** The property **IS NOT** within a groundwater recharge area. This development **IS** subject to all applicable development regulations.

**Environmental Health Department:** No objections. Petition No 1264-17 Oscar C. Cavender Family Limited Partnership (Rod Wright Corp Subdivision) Rezoning Application Environmental Health Comments: This department has no objections to the proposed rezoning of 21.80 acres to develop a residential subdivision. The existing septic system serving the structure to be removed must be properly abandoned and verified by this department. This will also apply to any wells to be removed from service. The proposed subdivision will need to complete a departmental required Subdivision Review and Approval process prior to this department being in a position to sign any future final plat for recording. Contact this department if there are any questions or to schedule septic system/well abandonment evaluation.

**Fire:** No comments

### **STAFF ANALYSIS**

This request is based on the petitioner's intent to rezone said property from A-R to R-70 for the purpose of developing Residential Subdivision. Per Section 110-300 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject property lies within an area designated for Low Density Residential (1 Unit/ 1 to 2 acres). This request conforms to the Fayette County Comprehensive Plan.
2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.
4. Existing conditions and the area's continuing development as a single-family residential district support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL WITH ONE (1) CONDITION.**



### **RECOMMENDED CONDITIONS**

If this petition is approved by the Board of Commissioners, it should be approved **R-70 CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 50 feet of right-of-way as measured from the centerline of Ebenezer Road prior to the approval of the Final Plat and said dedication area shall be shown on the Final Plat. *(This condition is to ensure the provision of adequate right-of-way for future road improvements.)*

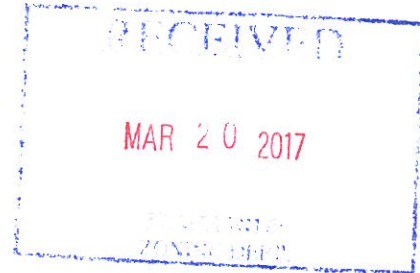
# RODWRIGHTCORP

P. O. Box 629

Fayetteville, GA 30214

March 14, 2017

Chairman Eric Maxwell  
Fayette County Board of Commissioners  
Stonewall Administrative Complex  
140 Stonewall Avenue West, Suite 202  
Fayetteville, Georgia 30214



RE: Proposed Rezoning of Parcel 07-14-016  
Ebenezer Road: LL 59 of the 7<sup>th</sup> District – 52.95 +/- Acres

Chairman Maxwell:

This letter serves to amend the Petition to Amend the Official Zoning Map of Fayette County, Georgia No. 1264-17 ("Petition # 1264-17") which is on the agenda of the Planning Commission of Fayette County for Thursday, April 6, 2017 and on the agenda of the Board of Commissioners of Fayette County, Georgia for Tuesday, April 25, 2017. Specifically, Petition # 1264-17 is amended to add the enclosed Constitutional Objection which provides notice to Fayette County, the Board of Commissioners of Fayette County, and Fayette County Planning and Zoning staff notice that application of the Zoning Ordinance of Fayette County, Georgia to the property of RODWRIGHTCORP consisting of +/- 52.95 acres at 152 Ebenezer Road, Fayetteville, GA 30215-4815, Land Lot 59 of the 7<sup>th</sup> District, is unconstitutional and discriminates against the owners in an arbitrary, capricious and unreasonable manner.

Sincerely,  
RODWRIGHTCORP

Roderick Allen Wright, CEO

Enclosure

cc: Pete Frisina, Director  
Fayette County Planning and Zoning  
Stonewall Administrative Complex  
140 Stonewall Avenue, West, Suite 202  
Fayetteville, GA 30214

CONSTITUTIONAL OBJECTION TO CURRENT ZONING

As applied to the property of RODWRIGHTCORP, subject of the attached Application to Amend the Official Zoning Map of Fayette County, Georgia, the Zoning Ordinance of Fayette County, Georgia as presently applied to the subject property, zoned A-R, is unconstitutional in that the owner's property rights in and to the property have been destroyed without first receiving fair, adequate and just compensation for such property rights. As applied to the subject property, the Zoning Ordinance of Fayette County, Georgia deprives the owners of constitutionally protected rights in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia of 1983; and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Application of the Zoning Ordinance of Fayette County, Georgia to the subject property is unconstitutional, illegal, arbitrary, capricious, null and void, constituting a taking of the subject property in violation of the Just Compensation Clause of the Fifth Amendment; the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States; Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia of 1983; and the Equal

Protection Clause of the Fourteenth Amendment to the Constitution of the United States thereby denying the owner an economically viable use of the land while not substantially advancing legitimate state interests.

Inasmuch as it is impossible for the owner to use the land and simultaneously comply with the Zoning Ordinance of Fayette County, Georgia, the Zoning Ordinance of Fayette County, Georgia constitutes an arbitrary, capricious, and unreasonable act by Fayette County without any rational basis therefore and constitutes an abuse of discretion in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia of 1983; and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Application of the Zoning Ordinance of Fayette County, Georgia to the subject property is unconstitutional and discriminates against the owner in an arbitrary, capricious, and unreasonable manner between the owner and others similarly situated in violation of Article I, Section I, Paragraph 2 of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

WHEREFORE, RODWRIGHTCORP requests that Fayette County, Georgia rezone the subject property as specified and designated in this Application.

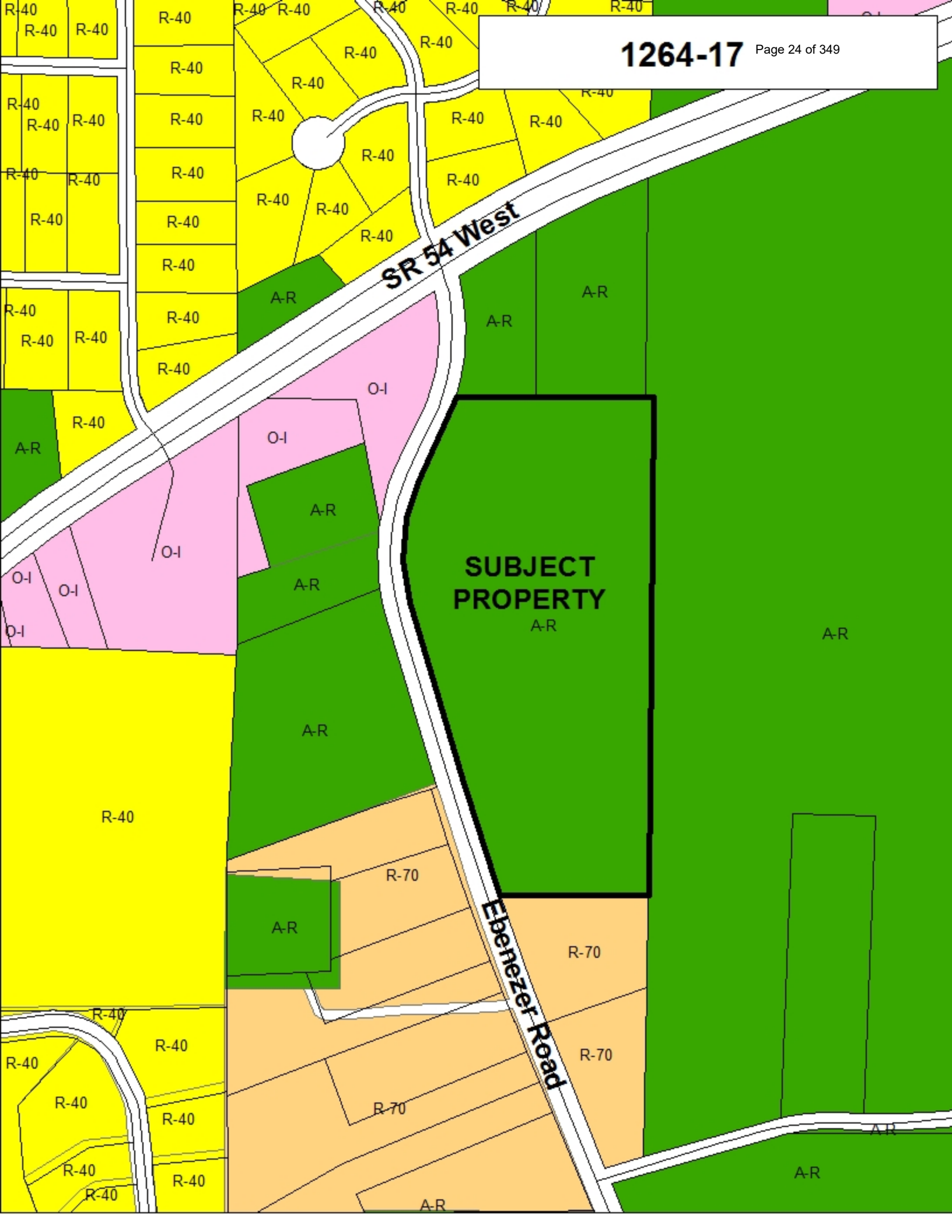
RODWRIGHTCORP



---

Roderick Allen Wright, CEO

P.O. Box 629  
Fayetteville, Georgia 30214  
(770) 460-5606



SR 54 West

LOW DENSITY  
RESIDENTIAL

**SUBJECT  
PROPERTY**

Ebenezer Road



SR 54 West

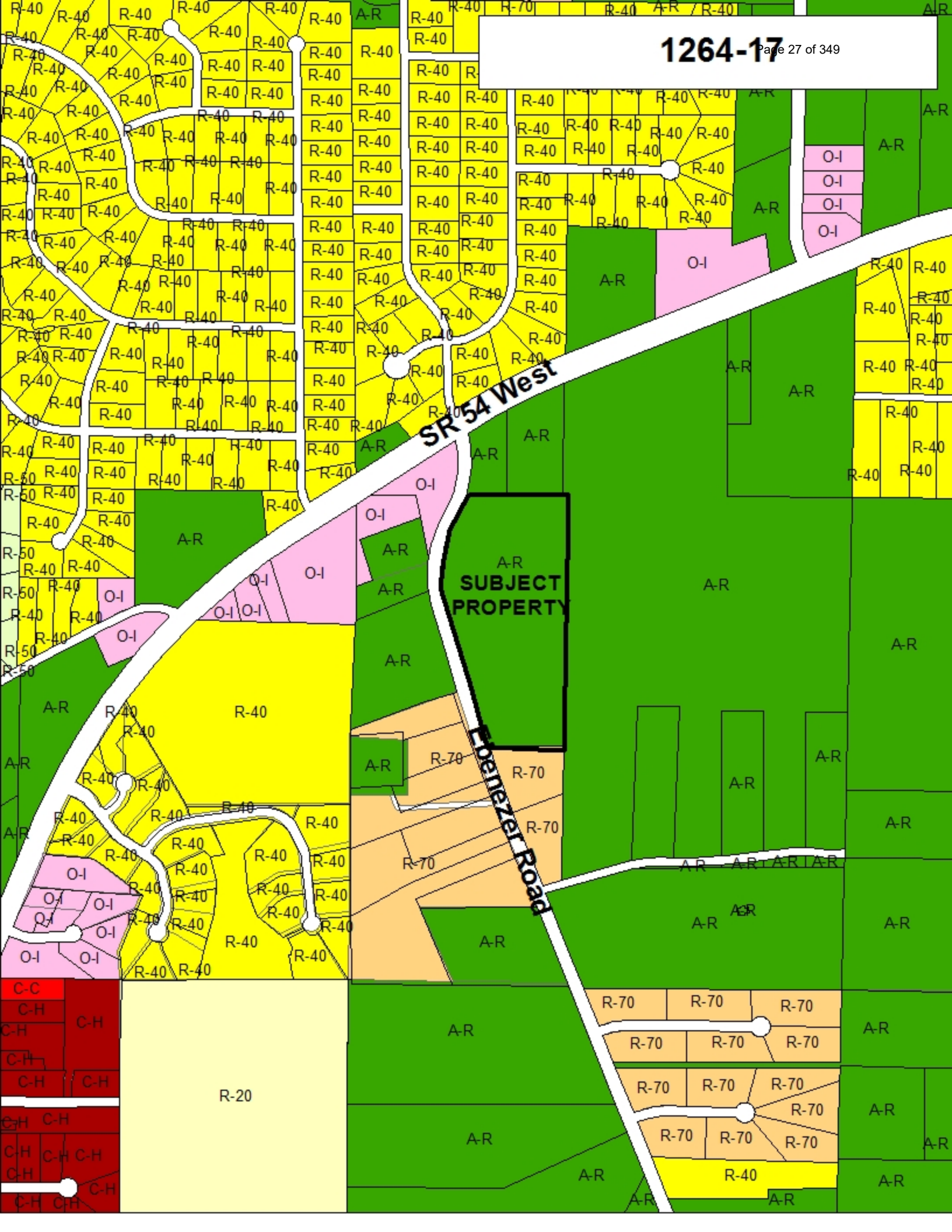
SUBJECT  
PROPERTY

Ebenezer Road



1264-17

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

PROPERTY OWNERS: Oscar C Cavender Family Limited Partnership

MAILING ADDRESS: 606 Willow Dell Dr Suwanee GA 30276

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

AGENT FOR OWNERS: BRYAN TIERSTER

MAILING ADDRESS: 320 West Lanier Ave Ste 110 Tay GA 30214

PHONE: 770 719 9400 E-MAIL: bryan.tierster@bhhsga.com

PROPERTY LOCATION: LAND LOT 59 LAND DISTRICT 7th PARCEL 0714 016  
LAND LOT \_\_\_\_\_ LAND DISTRICT \_\_\_\_\_ PARCEL \_\_\_\_\_

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 9

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

ZONING OF SURROUNDING PROPERTIES: West-(R-70)(A-R)(O-I), North-(A-R), East-(A-R), South-(R-70)

PRESENT USE OF SUBJECT PROPERTY: Residential House

PROPOSED USE OF SUBJECT PROPERTY: Residential Subdivision

LAND USE PLAN DESIGNATION: Low Density Residential

NAME AND TYPE OF ACCESS ROAD: Ebenezer Road - Minor Arterial

LOCATION OF NEAREST WATER LINE: Ebenezer Road - east side

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1264-17

☐ Application Insufficient due to lack of: \_\_\_\_\_

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] [Signature] Date: 3/1/17

DATE OF PLANNING COMMISSION HEARING: April 6, 2017

DATE OF COUNTY COMMISSIONERS HEARING: April 25, 2017 (Tuesday)

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

Date Paid: \_\_\_\_\_ Receipt Number: \_\_\_\_\_



NAME: \_\_\_\_\_ PETITION NUMBER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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

\_\_\_\_\_ affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) A-R Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 470.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to R-70.

This property includes: (check one of the following)

[ ] See attached legal description on recorded deed for subject property or

[X] Legal description for subject property is as follows:

See Attached

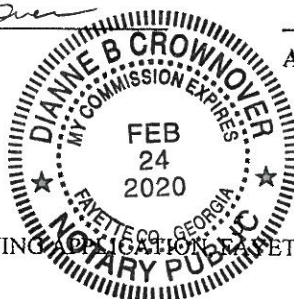
PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 6th day of April, 20 2017 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 25th day of April, 20 2017 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 28th DAY OF Feb., 2017

Dianne B. Crownover  
NOTARY PUBLIC

David Cavender  
APPLICANT'S SIGNATURE



REZONING PETITION, FAYETTE COUNTY, GA

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

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

David M Cavender - General Partner FLP Executive

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0714 016

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 59 of the 7th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of \_\_\_\_\_ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

David Cavender  
 Signature of Property Owner 1

606 Willow Dell Dr SW Apt 6A  
 Address 30276

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

[Signature]  
 Signature of Authorized Agent

65 Tucker Way  
 Address Senolia GA 30276 - Home

[Signature]  
 Signature of Notary Public

2-17-17  
 Date

LOUISA V. EGAN NOTARY PUBLIC FAYETTE COUNTY State of Georgia My Commission Expires September 4, 2018
--

Signature of Notary Public

Date

Signature of Notary Public

Date

[Signature]  
 Signature of Notary Public

3/1/17  
 Date

# AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, David M Cavender, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, 50 feet of right-of-way along Ebenezer Road as measured from the centerline of the road.

Based on the Future Thoroughfare Plan Map streets have one of the following designations and the Fayette County Development Regulations require a minimum street width as specified below:

Local Street (Minor Thoroughfare) 60 foot right-of-way (30' measured from each side of road centerline)

Collector Street (Major Thoroughfare) 80 foot right-of-way (40' measured from each side of road centerline)

Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 17<sup>TH</sup> day of FEBRUARY, 2017.

David Cavender

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Louisa V Egan

NOTARY PUBLIC

LOUISA V. EGAN  
NOTARY PUBLIC  
FAYETTE COUNTY  
State of Georgia  
My Commission Expires September 4, 2018

## DEVELOPMENTS OF REGIONAL IMPACT (DRI)

### Rezoning Applicant:

- A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.
- B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: [www.dca.state.ga.us/DRI/](http://www.dca.state.ga.us/DRI/).
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".
- ☒ The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .
- ☐ The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this 28<sup>th</sup> day of February, 20 17.

David Canender  
APPLICANT'S SIGNATURE



# COUNTY AGENDA REQUEST

Page 33 of 349

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of the Fayette County Comprehensive Plan 2017-2040 prior to submittal to the Atlanta Regional Commission and Georgia Department of Community Affairs for review.

## Background/History/Details:

Staff recommends approval of the Fayette County Comprehensive Plan 2017-2040 for submittal to the Atlanta Regional Commission and Georgia Department of Community Affairs for review. The plan was developed with input from the general public (through an on-line survey), various stakeholder groups and the steering committee.

The Planning Commission recommends approval of the Fayette County Comprehensive Plan 2017-2040 with the current Future Land Use Plan map and land use categories remaining the same due to the limited time they had to consider the Future Land Use Plan map. After the Comp Plan meets regional/state approval and is adopted by June 30, 2017, the Planning Commission wants to take more time to evaluate Future Land Use Plan map and land use category amendments.

Al Gilbert made a motion to recommend approval of the Fayette County Comprehensive Plan 2017-2040 with the current land use plan and categories remaining the same. Brian Haren seconded the motion. The motion passed 3-1. John H. Culbreth voted in opposition to the motion and Arnold Martin was absent from the meeting.

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

Approval of the Fayette County Comprehensive Plan 2017-2040 prior to submittal to the Atlanta Regional Commission and Georgia Department of Community Affairs for review.

## 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:

Commission.

Jim Graw stated that we have had several rezoning's on Ebenezer and if you look at the map you will see that they are R-70 rezoning's. He said that there is a small R-40 down toward Ebenezer Church Road. He added that he feels R-70 is consistent with the other zonings in that area and consistent with the current comprehensive land use plan. He stated that he doesn't have a problem with it.

Chairman Haren asked if there were any other questions.

Chairman Haren stated that he agreed with Mr. Graw. He said that it fits well with what we're seeing developed on Ebenezer.

John Culbreth made a motion to recommend approval of Petition 1264-17 with one (1) condition. John Culbreth seconded the motion. The motion passed 4-0. Arnold Martin was absent from the meeting.

**5. Consideration of the Fayette County Comprehensive Plan 2017-2040, prior to submittal to the Atlanta Regional Commission and Georgia Department of Community Affairs for review.**

Pete Frisina presented the following recommended amendments to the Land Use Element and Future Land Use Plan map:

Pete Frisina said there are currently three (3) major residential land use categories in the Land Use Element and on the Future Land Use Plan map, which are Low Density Residential (1 Unit/1 to 2 Acres), Rural Residential (1 Unit/2 to 3 Acres) and Agricultural Residential (1 Unit/5 Acres, 5 Acre Min.). He stated that the new recommended residential land use categories are Low Density Residential (1 Unit/1 Acre), Rural Residential - 3 (1 Unit/3 Acres), Rural Residential - 2 (1 Unit/2 Acres) and Agricultural Residential (1 Unit/5 Acres). He said these amendments eliminate the density ranges in the Low Density Residential and Rural Residential land use categories and divide the Rural Residential land use category into two separate categories consisting of Rural Residential – 3 and Rural Residential – 2.

Pete Frisina stated that input gained from the citizen survey concerning the future of the county largely centered on the perception that the County is becoming over developed resulting in an increase of traffic congestion and loss of rural character which will detract from the quality of life in Fayette County. He said based on this information, it is recommended that the residential densities be reduced in the unincorporated county and this is reflected in the previous discussion of the new recommended residential land use categories. He added that the area designated as Low Density Residential has been reduced in area by approximately 6,000 acres and the areas designated as Rural Residential – 3 and Rural Residential – 2, has increased in area by approximately 6,000 acres.

Pete Frisina stated that due to the future development of the East Fayetteville Bypass, which will



realign the SR 54 and Corinth Road intersection, the area designated as Commercial has been adjusted in anticipation of this realignment which will shift the signaled intersection to the west from its current location. This will increase the Commercial area by about 12 acres.

Pete Frisina said the area along New Hope Road close to SR 85 is in affect an island surrounded by commercial zoning in the city of Fayetteville. He stated that it is recommended that the land use in this area be changed from Office to Commercial.

Pete Frisina stated that an area affected by the realignment of Lester Road in association of the West Fayetteville Bypass is recommended for an Office land use designation. The area to the north along SR 54 is in an office land use designation and the affected area contains a vacant lot and two churches.

Pete Frisina said an area consisting of approximately three acres on SR 74 North that is almost entirely surrounded by the Town of Tyrone is recommended to be included in the existing Office – Special Development District land use designation on SR 74 North.

Pete Frisina said an area along the west side of SR 74 South adjacent to the new Starr's Mill Historic District is recommended to be included in the existing an Office land use designation on SR 74 South.

Al Gilbert said he does not agree with changing the land use designation in the area north of Harp Road that is bounded by Seay Road and Perry Creek from Low Density Residential (1 Unit/1 to 2 Acres) to Rural Residential - 2 (1 Unit/2 Acres). He stated that are a number of one acre subdivisions that currently exist in this area and Low Density Residential land use designation should remain on and around those existing one acre subdivisions. He added there may be parts of this area that could be in a Rural Residential – 2 land use designation and he was having a problem designating existing one acre zoned areas to a Rural Residential – 2 where two acre lots are required.

Brian Haren said the Rural Residential – 2 land use designation would not affect the existing one acre subdivisions it would just designate a two acre density from this day forward.

Al Gilbert said the land use should be compatible and reflect what is currently in the area and can the county defend the decrease in residential density.

Jim Graw said so a developer comes in and wants to rezone to two acres based on the land use plan and the Planning Commission recommends against the rezoning because the area has a lot of one acre zoning and two acres doesn't fit with the area.

Brian Haren said but if the area is a two acre land use, then two acre zoning complies with the land use plan.

Jim Graw said sometimes the Planning Commission makes recommendations based on the zoning in the area which may not comply with the land use plan.

Al Gilbert said once the County establishes one acre zoning in an area, regardless of what the land use plan says, can the county defend not changing the land use plan accordingly.

Brian Haren said he feels the County could defend not changing the land use plan based on the fact that the County would not be taking anything away from the existing zoning in the area.

Al Gilbert said he would recommend not changing the land use plan in this area at this time and doing a detailed study of the area to create land use that recognizes the existing zoning in the area. He added that he feels that the Planning Commission has not had adequate time to evaluate these amendments to the Comp Plan as two meeting is not enough and he would recommend that the Comp Plan be approved with the current land use plan map and categories remaining the same to meet the State deadline and then the Planning Commission come back after State approval and look at specific areas in detail for future land use plan recommendations.

John Culberth asked what the Board of Commissioners is likely to do with the Comp Plan recommendations.

Al Gilbert said typically the Board of Commissioners has looked to the Planning Commission to make land use plan recommendations.

Brian Haren said the recommended land use plan we are looking at tonight reflects the current citizens input but if recommending that we stick with the current land use plan buys us time to do more study he understands that.

John Culbreth asked what the timeline to meet the State deadline is because he would hate to lose all of the work that has gone into the public input and stakeholders meetings.

Jim Graw said the area along Ebenezer Church Road, where there was a recent 220 acre rezoning that was denied, is Bridger Point subdivision where the Kraft's own 150 acres at the end of Bridger Point Road that is zoned A-R and with a three acre land use and about 120 developable acres that would produce about 40 houses. He added the 220 acres with a three acre land use could produce 60 to 70 houses. He said this area currently is designated as Rural Residential (1 Unit/2 to 3 Acres) and is recommended for Rural Residential - 3 (1 Unit/3 Acres) and he recommends that the area have a land use designation of Agricultural Residential (1 Unit/5 Acres) because the area is currently zoned A-R and that is fair for the people in this area.

Jim Graw stated that the area along Ebenezer Road north of Davis Road has a fair amount of R-70 zoning and development. He added that this area should not have a land use of Rural Residential -3 because of this existing R-70 zoning and development. He said it could be land used Rural Residential -2 instead.

John Culbreth asked what is the area on the east side of Peachtree City is zoned.

Jim Graw said as he used to be on the Peachtree City Planning Commission the area could be

Estate residential with three acre lots.

Brian Haren asked Jim Graw if he thinks this area should be Agricultural Residential, would it be an island of Agricultural Residential or would make a larger area Agricultural Residential extend it to the south.

Jim Graw said he would use Lester Road, Ebenezer Road and Davis Road as the boundary for Agricultural Residential and the same theory applies to the south where it is A-R and it is unfair to those people to rezone anything from A-R. He said he thinks this helps the county defend the area.

Al Gilbert said he recommends that the Comp Plan be approved with the current Future Land Use Plan map and land use categories remaining in place with the caveat that the Planning Commission will come back after adoption of the plan to look at the land use in these specific areas. He added that this is because the Planning Commission has not had adequate time to study these areas and he is not sure he himself at this time what the land use should be in these areas.

Brian Haren said he would want the work done within two months.

John Culbreth asked what the schedule is for the Comp Plan from this point forward.

Pete Frisina said the deadline for the adoption of the Comp Plan is June 30<sup>th</sup>. He added that the Comp Plan is scheduled to be heard by the BOC on April 25<sup>th</sup> and then it will be sent to the Atlanta Regional Commission and Department of Community Affairs for a 30 day review period. He stated that the County must adopt the Comp Plan by June 30<sup>th</sup> to maintain its Qualified Local Government status.

Al Gilbert made a motion to recommend approval of the Fayette County Comprehensive Plan 2017-2040 as written with the current land use plan map and categories remaining the same with the caveat that the Planning Commission will come back after adoption of the plan to look at the land use in these specific areas. Brian Haren seconded the motion. The motion passed 3-1. John H. Culbreth voted in opposition to the motion and Arnold Martin was absent from the meeting.

John Culbreth said he thought the staff/steering committee Comp Plan recommendation reflected the public and stakeholder group input the County received and he felt that was the best approach.



*Where Quality Is A Lifestyle*

# **Fayette County Comprehensive Plan**

**2017 -2040**



# **FAYETTE COUNTY, GEORGIA**

## **COMPREHENSIVE PLAN 2017 – 2040**

### **FAYETTE COUNTY BOARD OF COMMISSIONERS**

Eric K. Maxwell, Chairman  
Randy Ogino, Vice-Chairman  
Steve Brown  
Charles W. Oddo  
Charles D. Rousseau

Steve Rapson, County Administrator  
Dennis A. Davenport, County Attorney

### **FAYETTE COUNTY PLANNING COMMISSION**

John Culbreth  
Brian Haren  
Al Gilbert  
Jim Graw  
Arnold Martin

### **FAYETTE COUNTY PLANNING AND ZONING DEPARTMENT**

Peter A. Frisina, AICP, Director of Community Services

ADOPTED BY THE FAYETE COUNTY BOARD OF COMMISSIONERS .....

## **STEERING COMMITTEE**

Steve Brown, Fayette County Commissioner  
Brian Haren, Fayette County Planning Commission  
Emily Poole, Fayette County Development Authority  
Peter A. Frisina, AICP, Fayette County Division of Community Services

## **STAKEHOLDER GROUPS**

### **North Fayette Community Group and Home Owners Association Stakeholder Group**

Keonan Anderson  
David Brill  
Jeff Granier  
Monroe Kelley  
Larry Mapp  
Fred Watkins

### **Residential Developer Stakeholder Group**

Donna Black  
Mark Jones  
Rod Wright

### **Non-Residential Developer Stakeholder Group**

Rick Halbert  
Chuck Ogletree  
Rob Parker  
John Tiernan

### **Development Engineers Stakeholder Group**

Jeff Collins  
Dan Davis

### **Board of Realtors Stakeholder Group**

Dot Bosworth  
Vechee Butler  
Sheree Gripper  
Dorrie Love  
Debbie Lowe  
Kay McInroe  
Dawn Scarbrough  
Chandra Smith  
Lillie Fuse Williams  
Steven Walker

**Chamber of Commerce Stakeholder Group**

David Bergman  
Debbie Britt  
Kim Schnoes  
Carlotta Ungaro

**Fayette County Economic Development Authority Stakeholder Group**

Darryl Hicks  
Emily Poole  
Joan young

**Bicycle and Pedestrian Stakeholder Group**

Vanessa Birrell  
Keith Larsen  
Jim Qualls

**Farm Bureau and Agri-Business Stakeholder Group**

Mickey Harp  
Rick Minter  
Mark Porter

**Environmental/Land Trust Advocacy Stakeholder Group**

Tami Morris  
Katie Pace  
Jerry Peterson  
Jim Qualls

**Department of Environmental Health and Soil Scientist Stakeholder Group**

Robert Kurbes  
Eric Hamilton  
Larry McEver  
Joseph Prater

**Fayette County School System Stakeholder Group**

Mike Sanders  
Sam Sweat

**Fayette Piedmont Hospital Stakeholder Group**

Michael Burnett  
Scott Wolfe

**Fayette Senior Services Stakeholder Group**

Dan Gibbs  
Nancy Meadows



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## **INTRODUCTION**

Making informed decisions about growth and development is not an easy task. This Plan represents a culmination of the community's vision for Fayette County. It provides a Fayette County that preserves and enhances the special qualities that originally attracted residents while providing for the County's growth and development.

The plan is developed to answer the following questions. "What do we want Fayette County to become?" and "How can we accomplish what we want?" These aren't simple questions to answer. Any county starts out with issues and opportunities inherent by its location, makeup, and special circumstances.

As Fayette County grows and changes over the years, this plan will guide elected officials' decisions about the County's overall growth and development. The use of such a document will guide the County's development in a coordinated and unified manner. It will be a future that represents the best of what we have and the best of what we want to become.

## **PREFACE**

Fayette County is an attractive county with rural character, natural areas, well established suburban neighborhoods and businesses in the unincorporated county. The county also contains well-planned urban areas in Fayetteville, Peachtree City and Tyrone, and small town character in Brooks and Woolsey. Fayette County holds a unique place as a low density community which offers a slower pace of life in the Atlanta Metro area.

Fayette County provides residents with quality educational facilities, a low crime rate, access to the Atlanta metropolitan area and Hartsfield International Airport, and a choice of a rural, suburban, or urban lifestyle. Fayette County holds a unique place as a low density community which offers a slower pace of life in the Atlanta Metro area. The challenge is to maintain the quality of life, while managing the foreseeable forces of change. Planning for growth is essential if Fayette County is to develop in a manner consistent with the wishes and desires of its residents and provide opportunities for managed growth.

## **DEVELOPMENT RATE**

Over the last ten years, during the recession, the rate of development decreased in Fayette County. However, as the economy has improved, the rate for development has started to increase. This comprehensive plan seeks to position the county to respond firmly and fairly to both the residential and nonresidential development. It provides standards and criteria against which to measure proposed development.

## **FUNDING**

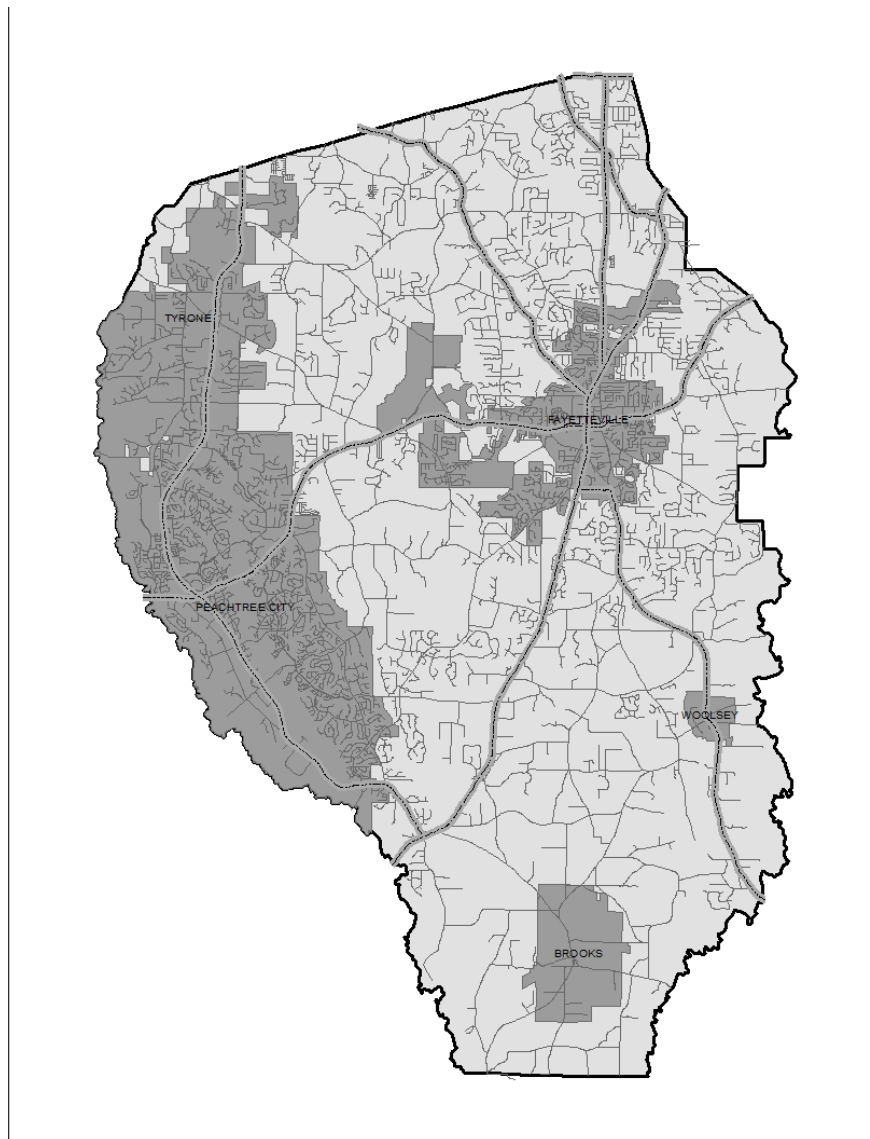
As Fayette County grows; the need and demand for services increases. With such growth, the county's operating budget is affected to replace, maintain and upgrade existing facilities, roads, and public safety functions. Decisions on where to spend funds take on critical importance. Funding sources include property taxes, sales tax, fees, SPLOSTs, bonds and Impact Fees.

## COUNTY PROFILE

Fayette County covers 199 square miles and is comprised of the unincorporated County and five municipalities: Brooks, Fayetteville (County seat), Peachtree City, Tyrone; and Woolsey (see Map I-1). Located approximately 30 miles south of the City of Atlanta, Fayette County is an integral part of the Atlanta Metropolitan Region, a region that includes over five million people (Census 2010) and is a member of the ten-county Atlanta Regional Commission (see Map I-2). Up until the early 1980's, Fayette County was largely a rural farming community. The County's proximity to the Atlanta metropolitan area and, even more importantly, to Hartsfield International Airport, made Fayette County a desirable place to live and in the unincorporated area, farms soon began to become residential subdivisions.

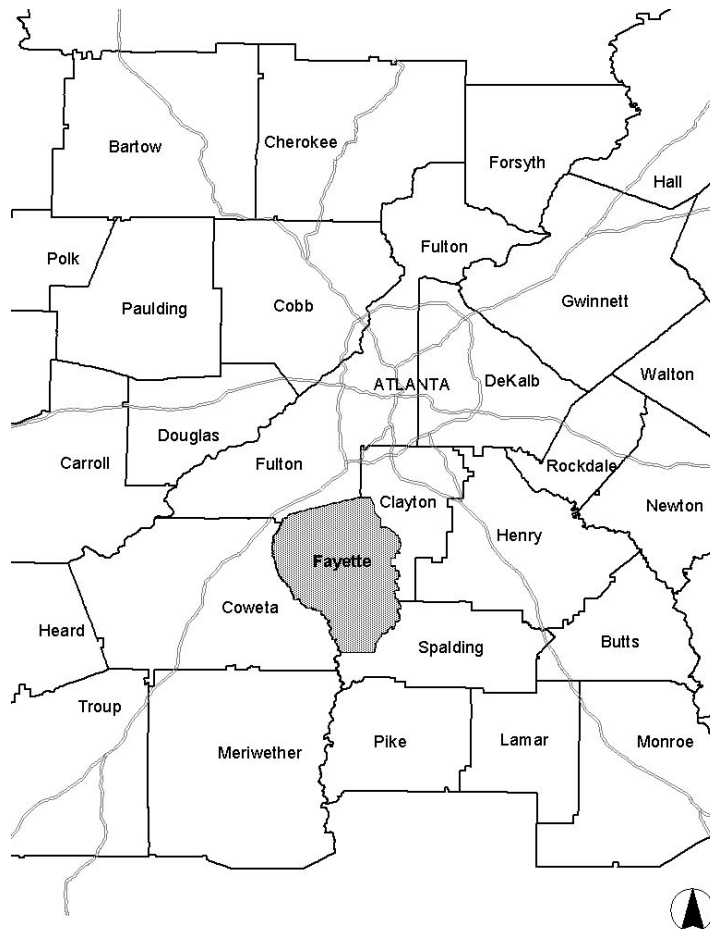
### MAP I-1

#### FAYETTE COUNTY & MUNICIPALITIES



Source: Fayette County Planning Department

## MAP I-2 REGIONAL CONTEXT



Source: Fayette County Planning Department

### PAST PLANNING EFFORTS

Planning efforts in Fayette County began in the mid 1970's with area development plans prepared by what is now the McIntosh Trail Regional Development Center. These were general land use plans prepared for the eight County areas in the McIntosh Trail district. In 1978, the Land Use Committee of Fayette County had formulated "Adopted Resolutions Regarding Future Land Use." These resolutions were incorporated into "A Land Use Plan for Fayette County, Georgia", prepared by the McIntosh Trail Regional Development Center in the early 1980's. This land use plan was the first developed exclusively for Fayette County. The plan included a summary of the existing land use findings. It also included a briefing on land use planning constraints, future land use projections and policy recommendations for implementation. However, there is no record of this plan ever being officially adopted by the Board of Commissioners.

In 1985, the Board of Commissioners adopted a new Land Use Plan. Prepared by a consultant, the central purpose behind the 1985-2000 plan was ". . .to provide a realistic guide of



framework for future development.” This plan presented goals, objectives and policies for Fayette County’s growth and development. It also provided an inventory of existing land use conditions and detailed a future land use map for the County. This land use plan and map set the pattern of the County’s development and, with some amendments; this basic pattern continues to guide County development decisions today.

The Fayette Comprehensive Growth Management Plan, adopted in 1991, was only the second major planning effort for Fayette County. However, it was the first to provide a growth management plan for the build-out of Fayette County. It pulled together the various elements involved in the physical development of the County as required by the Minimum Planning Standards and Procedures law (i.e. housing, natural and historic resources, economic development, community facilities, and land use), providing goals, objectives, inventory and analysis for each element.

The Fayette Comprehensive Plan 2004-2025 was adopted in 2004. This plan combined the Land Use Plan (1985) and the Fayette Comprehensive Growth Management Plan (1991) into one document.

In 2007, Fayette County adopted a partial update to the Comprehensive Plan to comply with new planning requirements. The partial update consisted of a Quality Community Objectives (QCO) assessment and an assessment of areas needing special attention, an identification of issues and opportunities associated with this QCO assessment, and an updated Short Term Work Program (STWP) to address the identified issues, opportunities and areas needing special attention.

## **COMPREHENSIVE PLAN DOCUMENT**

The Fayette County Comprehensive Plan is a document which is used by the Board of Commissioners, the Planning Commission, County staff, and the public to guide decisions about the future of Fayette County. There are a variety of ways to assure the dynamic nature of the Comprehensive Plan. One is to monitor the Plan on a frequent basis. This is accomplished not only by state mandate (every ten years at a minimum), but by Board of Commissioners’ policy to review the plan, or any section of the plan at any time depending on current activity or impending projects.

## **MECHANISMS TO IMPLEMENT COUNTY PLANNING POLICY**

The Comprehensive Plan - The Plan is a mechanism for implementing the Board of Commissioners, policies for Fayette County. This is carried out through the Comprehensive Plan. The Plan is used to guide decision-making for the development of the County and provision of public services.

The Zoning Ordinance - This ordinance and its accompanying maps prescribe both the size of lots and the uses which may be placed on those lots. All property in the County is mapped to a certain zoning district. The Zoning Ordinance, therefore, is a primary means by which the use

and intensity for specific land use recommendations of the Comprehensive Plan are implemented.

Subdivision Regulations - This is the basic tool for controlling the subdivision of land. It contains the regulations for dividing parcels of land into smaller building lots and the subsequent development of the land including the provision of public facilities, if required, to serve the lots. Lots to be developed must conform to applicable zoning regulations.

Development Regulations - These regulations control land development. Included within the Development Regulations are the following regulations, requirements, and ordinances: Street Design Standards and Specifications; Flood Plain Regulations; Buffer and Landscape Requirements; Tree Retention, Protection, and Replacement; Watershed Protection Ordinance; Off-Street Parking and Service Requirements; Soil Erosion and Sediment Control Ordinance; Dam and Impoundment Design and Specifications; and Groundwater Recharge Area Protection Ordinance.

Capital Improvements Program - This document is a guide toward the efficient and effective provision of public facilities. The Capital Improvement Program (CIP) document is published annually and proposes the provision County assets over a multi-year period. The CIP shows the arrangement of projects and equipment needed in a sequential order based on a schedule of priorities set by the Board of Commissioners and assign an estimated cost and anticipated source of funding.

Programming capital facilities over time can promote better use of the County's financial resources. In addition, the programming process is valuable as a means of coordinating among County agencies to avoid duplication of efforts and to take advantage of joint planning and development of facilities where possible. By looking beyond year to year budgeting to project what, where, when, and how capital investments should be made, capital programming enables public bodies to maintain an effective level of service to the present and future population.

## **MAINTAINING THE COMPREHENSIVE PLAN**

The comprehensive plan is maintained to reflect the County's current goals, objectives, policies and priorities. The plan will be amended when the conditions and/or policies on which the plan is based, have changed as determined by the Board of Commissioners.

Updates to the comprehensive plan shall occur, at a minimum, approximately every ten years, as required by the Minimum Planning Standards and Procedures Act. However, the Board of Commissioners may, at any time, determine when the comprehensive plan needs amendment.

In addition to the comprehensive plan document, the County updates the Community Work Program on an annual basis due to the imposition of impact fees. This is the implementation program where the County identifies capital improvements, service expansions, or other

strategies to be implemented during the planning period. Each annual update includes a new fifth year and any changes to any other year's work program.

## **PLAN ELEMENTS**

The Minimum Planning Standards for a Comprehensive Plan requires or recommends the following Plan Elements as applicable:

- Community Goals
- Needs and Opportunities
- Community Work Program
- Economic Development Element
- Land Use Element
- Transportation Element
- Housing Element

## **Rules for Environmental Planning Criteria**

Fayette County has met the environmental planning criteria that are part of the Minimum Planning Standards dealing specifically with the protection of water supply watershed, groundwater recharge areas, and wetlands. By definition Fayette County does not have river corridors within its geographic boundary. Environmental planning criteria requirements have been met by adoption and implementation of the following Fayette County Code of Ordinances, Subpart B – Land Development and Land Use, Chapter 104 – Development Regulations:

- 1) Article VII. Watershed Protection – adopted May, 1987;
- 2) Article XI. Groundwater Recharge Area Protection – adopted June, 2000; and,
- 3) Article I. In General – adopted, June, 2000.

## **Regional Water Plan**

The Fayette County Water System is currently in compliant with all 3 plans from the Metropolitan North Georgia Water Planning District (MNGWPD). In June of 2017 the MNGWPD will adopt a new plan that will include all three current plans and some new requirements for the members of the District. The Fayette County Water System will continue to work towards full compliance and implementation of any programs required by the newly updated plan. The Water System Director will develop and present any practices or development regulations to address protection of these important natural resources within Fayette County.

## POPULATION ELEMENT

*"Good planning does not begin with an abstract and arbitrary scheme that it seeks to impose on the community; it begins with a knowledge of existing conditions and opportunities."*

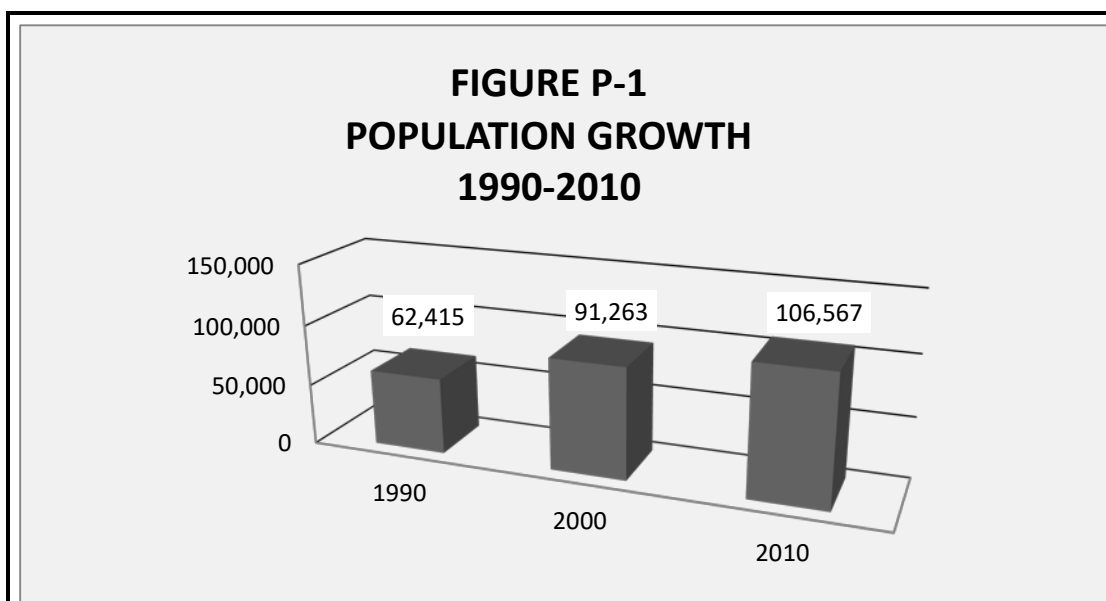
*- Lewis Mumford*

### INTRODUCTION

This chapter highlights demographic trends and projections for the population of Fayette County. An understanding of a community's past, present and future population characteristics serves as the basis of any comprehensive planning effort. The following chapter provides an overview of various demographic characteristics of Fayette County. In many instances, these characteristics are compared with those of Fayette County's municipalities, adjacent counties, the Atlanta Metropolitan Statistical Area (MSA), and/or the state in order to provide regional and statewide comparisons. The Atlanta MSA is comprised of 20 counties including the Atlanta metropolitan area and extending north and west to the state line. Population characteristics analyzed include population trends and projections, number of households, age, race, educational attainment levels, and income.

### POPULATION TRENDS

Based on Census data, between 1990 and 2000, the county population grew from 62,415 to 91,263, adding 28,848 new residents which equates to a 46.2 percent increase (Figure P-1). The rate of growth decreased between 2000 and 2010 to 16.8 percent when the population grew from 91,263 to 106,567, adding 15,304 new residents (Figure P-1).



Between 1990 and 2010, the highest rates of growth occurred within the cities of Fayetteville, Tyrone and Peachtree City. Fayetteville experienced the highest percentage increase in population with an increase of 173.6 percent, adding a total of 10,118 new residents. Tyrone experienced the second highest percentage increase in population with an increase of 152.5 percent, adding a total of 4,155 new residents. Peachtree City grew by 80.6 percent, adding a total of 15,337 new residents. Unincorporated Fayette County grew at a rate of 41.6 percent during this period, adding 14,308 persons

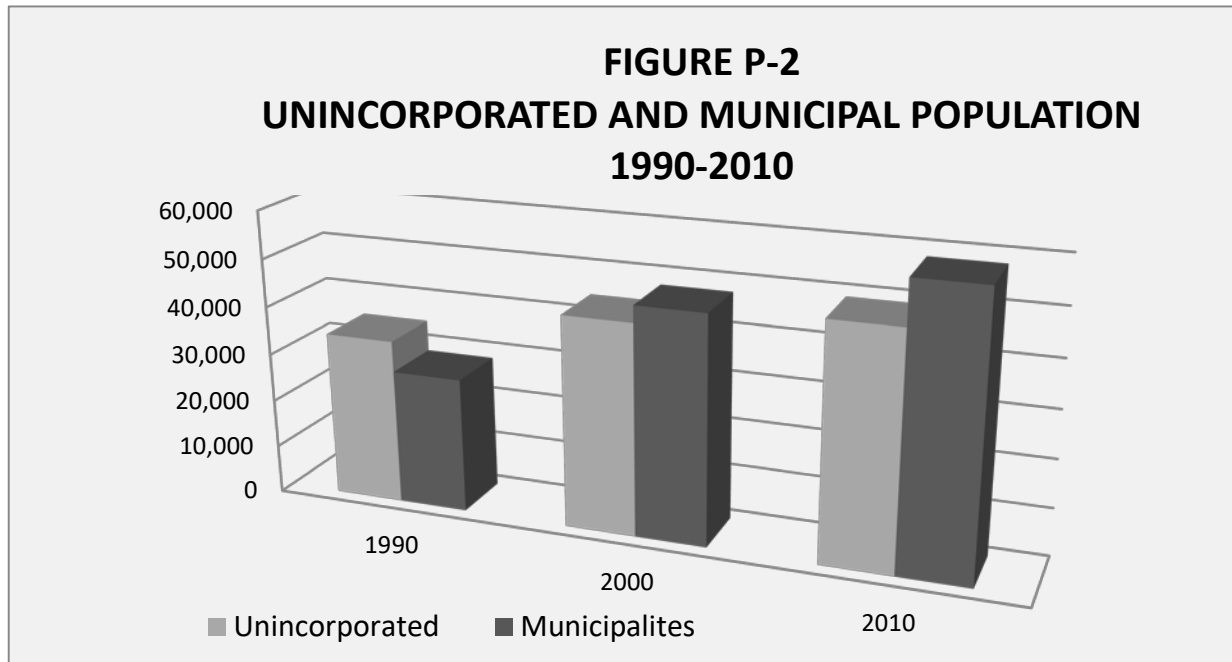
During the same 20-year period, Fayette County's growth did not keep pace with that of the Atlanta MSA that grew at a rate of 85.9 percent. Fayette County did grow at a higher rate than that of the state which grew 49.5 percent. Table P-1 indicates population growth in Fayette County, its municipalities, the surrounding counties, the Atlanta MSA, and the state for the past 20-year period.

**TABLE P-1****POPULATION TRENDS: 1990, 2000, 2010****FAYETTE COUNTY, MUNICIPALITIES, ADJACENT COUNTIES, ATLANTA MSA, AND THE STATE**

	Population			Percent Change		
	1990	2000	2010	1990-2000	2000-2010	1990-2010
Fayette County	62,415	91,263	106,567	46.2%	16.8%	70.7%
Brooks	328	553	524	68.6%	-5.2%	59.8%
Fayetteville	5,827	11,148	15,945	91.3%	43.0%	173.6%
Peachtree City	19,027	31,580	34,364	66.0%	8.8%	80.6%
Tyrone	2,724	3,916	6,879	43.8%	75.7%	152.5%
Woolsey	120	175	158	45.8%	-9.7%	31.7%
Uninc. County	34,389	43,891	48,697	27.6%	10.9%	41.6%
Clayton County	182,052	236,517	259,424	29.9%	9.7%	42.5%
Coweta County	53,853	89,215	127,317	65.7%	42.7%	136.4%
Fulton County	648,951	816,006	920,581	25.7%	12.8%	41.9%
Spalding County	54,457	58,417	64,073	7.3%	9.7%	17.7%
Atlanta MSA	2,833,511	4,112,198	5,268,860	45.1%	28.1%	85.9%
State	6,478,216	8,186,453	9,687,653	26.4%	18.3%	49.5%

Source: U.S. Bureau of the Census, 1990, 2000 & 2010.

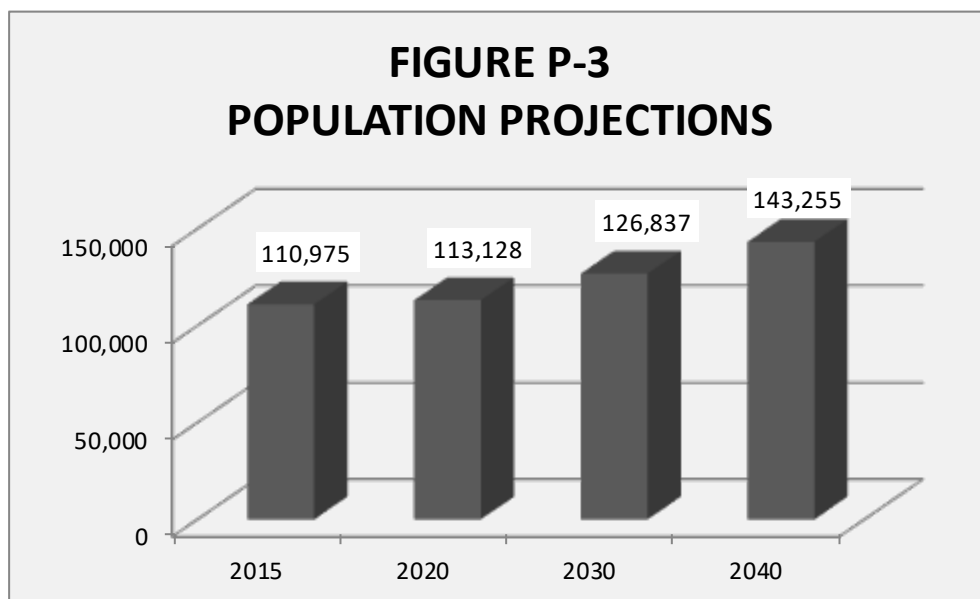
In 2000, there was a shift of population concentration from the unincorporated county to the municipalities (Figure P-2). In 1990, 55.1 percent of the county's population lived in the unincorporated area. But by 2000, just under half of the county's population lived in the unincorporated area (48.1 percent). This trend has continued in 2010 where 45.1 percent of the population lived in the unincorporated County.



Source: U.S. Bureau of the Census, 1990, 2000 & 2010.

### POPULATION PROJECTIONS

Population projections enable communities to determine the demand for future facilities and services. The latest Atlanta Regional Commission (ARC) population projections indicate Fayette County's population will increase from 110,975 in 2015 to 143,255 in 2040 (Figure P-3). This represents a 29 percent increase of 32,280 persons.



Source: Atlanta Regional Commission



## HOUSEHOLDS

Households are another measure used to determine the demand on public facilities and services. Between 1990 and 2000, the number of households grew by 49.7 percent, adding 10,470 households. Between 2000 and 2010, the number of households increased by 6,643 at a growth rate of 21.1 percent. Table P-2 compares the growth in the number of Fayette County households with that of its cities. Fayetteville and Tyrone exhibited the greatest rate of growth in households between 1990 and 2010, respectively 155.7 percent and 152.5 percent.

<b>TABLE P-2</b> <b>NUMBER OF HOUSEHOLDS, PERCENT CHANGE:1990, 2000, 2010</b> <b>FAYETTE COUNTY AND MUNICIPALITIES</b>						
	HOUSEHOLDS			PERCENT CHANGE		
	1990	2000	2010	1990-2000	2000-2010	1990-2010
Fayette County	21,054	31,524	38,167	49.7%	21.1%	81.3%
Brooks	124	195	184	57.3%	-5.6%	48.4%
Fayetteville	2,349	4,338	6,006	84.7%	38.5%	155.7%
Peachtree City	6,210	10,876	12,726	75.1%	17.0%	104.9%
Tyrone	934	1,374	2,358	47.1%	71.6%	152.5%
Woolsey	46	57	57	23.9%	0.0%	23.9%
Unincorporated County	11,391	14,684	16,836	28.9%	14.7%	47.8%

Source: U.S. Bureau of the Census, 1990, 2000, 2010

### Average Household Size

The growth in households was accompanied by a decline in the average household size. While average household size in Fayette County was 2.96 persons in 1990, by 2010 it had declined to 2.87 (Table P-3). Fayetteville and Woolsey displayed a slight increase in average household size between 1990 and 2010, 2.44 percent to 2.59 percent and 2.61 percent to 2.77 percent, respectively. Peachtree City displayed a decrease in average household size from 3.05 percent to 2.69 percent. Average household size remained unchanged in Tyrone and Brooks in 1990 and 2010.

<b>TABLE P-3</b> <b>AVERAGE HOUSEHOLD SIZE: 1990, 2000, 2010</b> <b>FAYETTE COUNTY AND MUNICIPALITIES</b>			
	1990	2000	2010
Fayette County	2.96	2.88	2.87
Brooks	2.85	2.84	2.85
Fayetteville	2.44	2.48	2.59
Peachtree City	3.05	2.89	2.69
Tyrone	2.92	2.85	2.92
Woolsey	2.61	3.07	2.77

Source: U.S. Bureau of the Census, 1990, 2000, 2010

Household/Housing Unit Projections

As stated above, the ARC projects a population increase for Fayette County of 32,280 persons between 2015 and 2040. Using the average household size of 2.87 persons from the 2010 Census, this will equate to 11,247 housing units needed to house this projected population increase.

**AGE DISTRIBUTION**

Reflecting state and national trends, Fayette County's population is aging; between 1990 and 2010, the median age rose from 34.1 to 42.4 (Table P-4). This aging pattern can be primarily attributed to aging of the baby boom generation. Fayette County's median age is higher than surrounding counties, the Atlanta MSA and the State (Table P-4).

<b>TABLE P-4 MEDIAN AGE: 1990, 2000, 2010 FAYETTE COUNTY, SELECTED MUNICIPALITIES, ATLANTA MSA, STATE</b>			
	1990	2000	2010
Fayette County	34.1	38.2	42.4
Brooks	-	40.2	43.9
Fayetteville	32.7	36.1	39.9
Peachtree City	33	37.5	41.7
Tyrone	33.4	38.6	40.7
Woolsey	-	40.8	48.6
Clayton County	29.9	30.2	31.6
Coweta County	31.9	33.6	36.6
Fulton County	31.9	32.7	34.2
Spalding County	32	34.6	37.2
Atlanta MSA	31.5	32.9	34.9
State	31.6	33.4	35.3

Source: U.S. Bureau of the Census, 1990, 2000, 2010

Table P-5 identifies the age distribution of the Fayette County population in 2010 with breakdowns for the municipalities and the unincorporated county. The age group of those under the age of 5 was 4.6 percent (4,913) of the total county population in 2010. This same age group comprised 5.8 percent (5,325) of the total population in 2000, which is a decrease of 1.2 percent. Table P-5 indicates that 24.3 percent of the population (25,856) was of school age (between the ages of 5 and 19). This represents a slight decrease from 2000 where this age group made up 25.7 percent of the county population. Approximately 58.4 percent of the County population (62,253) fell into the workforce age group (age 20 to 64) which is slightly less than 59.6 percent in 2000. People of retirement age (65+) comprised 12.7 percent of the population with a total of 13,545 persons. In 2000, this same age group accounted for 8.9 percent of the County's population. This is an increase of 3.8 percent. Due to the effect of the aging Baby Boom generation, it is expected that the percentage of the total population in this age group of 65+ will continue to increase as is predicted for the nation as a whole.

<b>TABLE P-5</b> <b>POPULATION BY AGE OF JURISDICTIONAL POPULATION, PERCENT: 2010</b> <b>FAYETTE COUNTY, MUNICIPALITIES</b>							
	Fayette County	Brooks	Fayette- ville	Peachtree City	Tyrone	Woolsey	Unincorporated County
Under 5 years	4,913 4.6%	20 3.8%	810 5.1%	1,622 4.7%	388 5.6%	6 3.8%	2,067 4.2%
5 to 9 years	7,455 7.0%	35 6.7%	1,167 7.3%	2,586 7.5%	552 8.0%	10 6.3%	3,105 6.4%
10 to 14 years	9,371 8.8%	48 9.2%	1,352 8.5%	3,105 9.0%	626 9.1%	12 7.6%	4,228 8.7%
15 to 19 years	9,030 8.5%	44 8.4%	1,337 8.4%	2,943 8.6%	517 7.5%	11 7.0%	4,178 8.6%
20 to 24 years	4,622 4.3%	29 5.5%	764 4.8%	1,274 3.7%	280 4.1%	6 3.8%	2,269 4.7%
25 to 29 years	3,876 3.6%	10 1.9%	724 4.5%	1,292 3.8%	218 3.2%	1 0.6%	1,631 3.3%
30 to 34 years	4,115 3.9%	16 3.1%	739 4.6%	1,385 4.0%	325 4.7%	4 2.5%	1,646 3.4%
35 to 39 years	6,118 5.7%	35 6.7%	1,102 6.9%	2,060 6.0%	454 6.6%	6 3.8%	2,461 5.1%
40 to 44 years	8,357 7.8%	35 6.7%	1,358 8.5%	2,737 8.0%	616 9.0%	11 7.0%	3,600 7.4%
45 to 49 years	10,141 9.5%	65 12.4%	1,352 8.5%	3,362 9.8%	664 9.7%	15 9.5%	4,683 9.6%
50 to 54 years	9,731 9.1%	45 8.6%	1,181 7.4%	3,167 9.2%	610 8.9%	17 10.8%	4,711 9.7%
55 to 59 years	8,104 7.6%	52 9.9%	986 6.2%	2,576 7.5%	538 7.8%	10 6.3%	3,942 8.1%
60 to 64 years	7,189 6.7%	39 7.4%	834 5.2%	2,132 6.2%	425 6.2%	17 10.8%	3,742 7.7%
65 to 69 years	4,828 4.5%	6 1.1%	626 3.9%	1,413 4.1%	258 3.8%	8 5.1%	2,517 5.2%
70 to 74 years	3,216 3.0%	14 2.7%	466 2.9%	928 2.7%	152 2.2%	5 3.2%	1,651 3.4%
75 to 79 years	2,257 2.1%	18 3.4%	415 2.6%	689 2.0%	106 1.5%	7 4.4%	1,022 2.1%
80 to 84 years	1,663 1.6%	10 1.9%	334 2.1%	557 1.6%	90 1.3%	8 5.1%	664 1.4%
85 years and over	1,581 1.5%	3 0.6%	398 2.5%	536 1.6%	60 0.9%	4 2.5%	580 1.2%
Total Population	106,567 100%	524 100%	15,945 100%	34,364 100%	6,879 100%	158 100%	48,697 100%
Median age (years)	42.4	43.9	39.9	41.7	40.7	48.6	NA

Source: U.S. Bureau of the Census, 2010

**RACIAL COMPOSITION**

The non-white population as a percent of Fayette County's total population increased from 7.5 percent in 1990 to 28.9 percent in 2010. Table P-6 summarizes the composition of the non-white population of Fayette County, the surrounding counties, the Atlanta MSA, and the State.

<b>TABLE P-6 NON-WHITE POPULATION, PERCENT OF TOTAL POPULATION: 1990-2010 FAYETTE COUNTY, SURROUNDING COUNTIES, ATLANTA MSA, STATE</b>			
	1990	2000	2010
Fayette County	4,686 7.5%	13,583 14.9%	30,765 28.9%
Clayton County	50,323 27.6%	141,854 60.0%	210,464 81.1%
Coweta County	12,531 23.3%	17,952 20.1%	30,723 24.1%
Fulton County	339,050 52.2%	411,555 50.4%	510,884 55.5%
Spalding County	16,176 29.7%	19,055 32.7%	23,925 37.3%
Atlanta MSA	811,925 28.7%	1,453,700 35.3%	2,348,380 44.6%
State	1,874,820 28.9%	2,744,984 33.5%	3,900,213 40.3%

Source: U.S. Bureau of the Census, 1990, 2000, 2010

Table P-7 indicates the change in Fayette County's racial composition from 1990 to 2010.

<b>TABLE P-7 RACIAL COMPOSITION, AS PERCENT OF POPULATION: 1990-2010</b>			
	1990	2000	2010
White	57,729 92.5%	76,541 83.9%	75,802 71.1%
Black and African American	3,380 5.4%	10,465 11.5%	21,395 20.1%
American Indian and Alaska Native	82 0.1%	194 0.2%	316 0.3%
Asian	1,053 1.7%	2,208 2.4%	4,130 3.9%
Native Hawaiian and Other Pacific Islander	na -	22 0.02%	75 0.1%
Some other race	171 0.3%	694 0.8%	2,461 2.3%
Hispanic origin (of any race)	994 1.6%	2,582 2.8%	6,760 6.3%

Source: U.S. Bureau of the Census, 1990, 2000, 2010

**EDUCATIONAL ATTAINMENT**

The high school graduation rate has risen from 85.5 percent in 2012 to 92.0 percent in 2015. That is an increase of 7.6 percent, as shown in Table P-9.

TABLE P-9 HIGH SCHOOL GRADUATION RATE: FAYETTE COUNTY				
	2012	2013	2014	2015
Graduation Rates	85.5	87.3	89.5	92.0

Source: Georgia Department of Education,

Table P-10 compares Fayette County's educational attainment with that of its municipalities, the Atlanta MSA and the state. The percent of those with a high school diploma and some college (2010-2014) in Fayette County is greater than the surrounding counties, Atlanta MSA and the state. Only Fulton County has a higher percentage (48.6 percent) of those with a bachelor's degree or higher (2010-2014) than Fayette County (43.3 percent). Of the municipalities, Brooks had the highest percentage (96.1 percent) of those with a high school diploma and some college (2010-2014) and Peachtree City had the greatest percentage (53.3 percent) of those with a bachelor's degree or higher (2010-2014).

TABLE P-10 EDUCATIONAL ATTAINMENT OF PERSONS 25 YEARS OF AGE AND OLDER: 1990, 2000, 2014 FAYETTE COUNTY, MUNICIPALITIES, SURROUNDING COUNTIES, ATLANTA MSA, STATE						
	Percent High School Graduate or Higher			Percent with Bachelor's Degree or Higher		
	1990	2000	2014	1990	2000	2014
Fayette County	86.5%	92.4%	93.7%	25.8%	36.2%	43.3%
Brooks	78.4%	87.9%	96.1%	9.5%	8.7%	28.2%
Fayetteville	78.5%	90.7%	93.1%	18.4%	31.3%	41.3%
Peachtree City	94.3%	96.2%	94.8%	37.9%	46.2%	53.3%
Tyrone	79.4%	89.2%	93.5%	14.9%	30.4%	40.4%
Woolsey	74.1%	94.5%	92.5%	23.5%	28.4%	30.8%
Clayton County	77.2%	80.1%	81.8%	14.7%	16.6%	17.9%
Coweta County	67.4%	81.6%	88.3%	13.3%	20.6%	26.6%
Fulton County	77.8%	84.0%	90.7%	31.6%	41.4%	48.6%
Spalding County	60.0%	67.8%	77.3%	11.1%	12.5%	15.2%
Atlanta MSA	79.5%	84.0%	87.9%	26.8%	32.0%	35.3%
State	70.9%	78.6%	85.0%	19.3%	24.3%	28.3%

Source: U.S. Bureau of the Census, 1990, 2000 & American Community Survey, 2014

**INCOME**

Table P-11 compares median household income and per capita income levels of Fayette County with its municipalities, surrounding counties, Atlanta MSA and the state. The median household income (2010-2014) for Fayette County exceeds that of the surrounding counties, Atlanta MSA and the state. The same is true for and per capita income with the exception of Fulton County.

<b>TABLE P-11</b>						
<b>MEDIAN HOUSEHOLD INCOME, PER CAPITA INCOME: 1989, 1999, 2014</b>						
<b>FAYETTE COUNTY, MUNICIPALITIES, SURROUNDING COUNTIES, ATLANTA MSA, STATE</b>						
	Median Household Income			Per Capita Income		
	1989	1999	2014	1989	1999	2014
Fayette County	\$50,167	\$71,227	\$79,993	\$19,025	\$29,464	\$35,987
Brooks	\$40,714	\$65,000	\$66,250	\$15,021	\$28,200	\$26,664
Fayetteville	\$36,224	\$55,208	\$63,750	\$16,169	\$26,551	\$29,194
Peachtree City	\$53,514	\$76,458	\$86,235	\$19,047	\$31,667	\$38,559
Tyrone	\$47,656	\$63,080	\$77,066	\$17,208	\$26,463	\$32,913
Woolsey	\$29,583	\$84,103	\$61,750	\$13,546	\$42,177	\$30,818
Clayton County	\$33,472	\$42,697	\$40,314	\$13,577	\$18,079	\$18,074
Coweta County	\$31,925	\$52,706	\$61,662	\$13,708	\$21,949	\$27,462
Fulton County	\$29,978	\$47,321	\$56,642	\$18,452	\$30,003	\$36,827
Spalding County	\$25,634	\$36,221	\$40,243	\$11,073	\$16,791	\$19,656
Atlanta MSA	\$36,051	\$51,948	\$56,618	\$16,897	\$25,033	\$28,880
State	\$29,021	\$42,433	\$49,342	\$13,631	\$21,154	\$25,427

Source: U.S. Bureau of the Census, 1990, 2000 & American Community Survey, 2014

Table P-12 tracks the distribution of household income for Fayette County, and the state for comparison purposes. The highest concentration of households was in the \$100,000 to \$149,000 group at 19.9%.

<b>TABLE P-12</b>						
<b>HOUSEHOLD INCOME DISTRIBUTION; AS PERCENT OF HOUSEHOLDS: 1989, 1999, 2014</b>						
<b>FAYETTE COUNTY, STATE</b>						
	Fayette County			State		
	1989	1999	2014	1989	1999	2014
Less than \$10,000	908 4.3%	897 2.8%	1,371 3.6%	398,078 16.8%	304,816 10.1%	309,636 8.7%
\$10,000 to \$14,999	805 3.8%	611 1.9%	998 2.6%	204,142 8.6%	176,059 5.9%	199,294 5.6%
\$15,000 to \$24,999	2,067 9.9%	1,844 5.9%	2,140 5.6%	418,568 17.7%	369,279 12.3%	401,613 11.3%
\$25,000 to \$34,999	2,419 11.5%	2,321 7.4%	2,834 7.4%	383,733 16.2%	378,689 12.6%	635,676 18.0%
\$35,000 to \$49,999	4,229 20.2%	4,174 13.3%	4,209 11.0%	420,917 18.8%	502,961 16.7%	407,228 11.5%
\$50,000 to \$74,999	6,230 29.7%	6,892 21.9%	6,293 16.5%	341,667 14.4%	593,203 19.7%	410,157 11.6%

<b>TABLE P-12 Continued</b>						
<b>HOUSEHOLD INCOME DISTRIBUTION; AS PERCENT OF HOUSEHOLDS: 1989, 1999, 2014</b>						
<b>FAYETTE COUNTY, STATE</b>						
\$75,000 to \$99,999	2,568 12.2%	5,675 18.0%	5,665 14.8%	109,354 4.6%	311,651 10.4%	151,979 4.3%
\$100,000 to \$149,999	1,149 5.5%	5,695 18.1%	7,597 19.9%	56,974 2.4%	234,093 7.8%	146,286 4.1%
\$150,000 to \$199,999	594 2.8%	2,025 6.4%	3,721 9.7%	33,142 1.4%	66,084 2.2%	49,342 1.4%
\$200,000 or more	-	1,357 4.3%	3,403 8.9%	-	70,843 2.4%	68,317 1.9%
Per Capita Income	\$19,025	\$29,464	\$35,987	\$13,631	\$21,154	\$25,427
Median Household Income	\$50,167	\$71,227	\$79,993	\$29,021	\$42,433	\$49,342

Source: U.S. Bureau of the Census, 1990, 2000 & American Community Survey, 2014

## SUMMARY

Fayette County saw considerable population growth between 1990 and 2010 with a 70.7 percent increase from 62,415 to 106,567. Based on a 2040 population projection of 143,255, Fayette County's population will increase by 34.4 percent adding 36,699 persons over the 30 year period between 2010 and 2040. Since 2000, the percentage of the County's total population living in a municipality has been greater than the percentage of the population living in the unincorporated area.

The population is aging as the median age has increased from 34 in 1990 to 42 in 2010. This trend is further evidenced by the increase of the population in the 65+ age group from 8.9 percent in 2000 to 12.7 percent in 2010. This trend is likely to continue. Fayette County has become more diverse with the percentage of non-white population increasing from 7.5 percent in 1990 to 28.9 percent in 2010.

The educational levels of Fayette County have improved between 1990 and 2010. The percentage of those with a high school diploma and some college increased from 86.5 in 1990 to 93.7 in 2010. Conversely, those with a bachelor's degree or higher grew from 25.8 percent in 1990 to 43.3 percent in 2010.

Income levels rose between 1990 and 2010. Median household income increased from \$50,167 in 1990 to \$79,993 in 2010 and the per capita income grew from \$19,025 in 1990 to \$35,987 in 2010.





## COMMUNITY FACILITIES AND SERVICES

*A service or facility that a few years ago were a luxury may now be regarded as a necessity.*  
*- Frank S. So*

### INTRODUCTION

Community facilities and services are required to support the functions provided by the county government. They include such necessities as utilities, public safety, recreation, library and general government services. Such facilities and services are essential to support the community and its development and to enhance the overall quality of life.

The growth of Fayette County has been paralleled by demands for community facilities and services. However, with decreased revenue it will be increasingly difficult to maintain the level of service.

It is recognized that the level of public services enjoyed by county residents is a significant local attribute. Therefore, it is the purpose of this Plan element to provide service levels needed for the future. The mechanism to plan for the provision of these community facilities and services is through the Capital Improvement Program. Projects are listed in a sequential order based on a schedule of priorities and include an estimated cost and anticipated method of funding each project.

**Goal for Community Facilities and Services:** Development in the county should be held to a level and rate which is consistent with the availability and adequacy of the county's community facilities. The provision of community facilities must ensure an adequate level of service for existing and future residents. Plans to provide for new community facilities and for the maintenance of existing community facilities should take into account financial limitations associated with increased needs for community facilities.

The following element provides a description of existing community facilities and services in Fayette County. The Community Facilities and Services Element of the county's Comprehensive Plan are organized in the following sections:

Water Supply and Treatment  
Sewerage System and Wastewater Treatment  
Solid Waste Management  
Public Safety  
Public Health Facilities

Recreation Facilities  
General Government  
Educational Facilities  
Libraries and Other Cultural Facilities

The effect of projected population increases upon the adequate provision of these services is addressed and recommendations for their improvement and/or expansion are provided.

**WATER SUPPLY AND TREATMENT****Inventory**

The Fayette County Water System is the major supplier of public water in Fayette County, providing water to areas of the unincorporated county as well as the municipalities of Brooks, Peachtree City, Tyrone, and Woolsey. The City of Fayetteville has their own water system and purchases water from the county to supplement their supply.

Supply and Production: The existing water treatment plants (Crosstown Water Plant and South Fayette Water Plant) currently treat 22.8 million gallons per day (MGD) of raw water. There is a total storage capacity of approximately 16.25 MGD using a combination of elevated storage tanks and clear wells (see Table C-1).

<b>TABLE C-1 TREATED WATER STORAGE FACILITIES FAYETTE COUNTY WATER SYSTEM</b>		
<b>Facility</b>	<b>Location</b>	<b>Capacity (gallons)</b>
Ellis Road Tank	Ellis Road	2,000,000
Crabapple Tank	SR 74 and Peachtree Parkway	2,000,000
Twin Tanks	SR 54 and SR 74 (2 tanks)	1,250,000
SR 92 Tank	SR 92 and New Hope	2,000,000
Clear Well	Crosstown Water Plant	6,000,000
Clear Well	South Fayette Water Plant	3,000,000
Total Water Storage Capacity	na	16,250,000

Source: Fayette County Water System

The Water System presently has the capacity of providing approximately 26.8 million gallons of water per day (MGD) utilizing many sources which include Lake Horton, Lake Kedron, Lake Peachtree, Line Creek, Lake McIntosh, Flint River, and the City of Atlanta. The Water System has the ability to purchase up to 4 MGD from the City of Atlanta.

The Fayette County Water System has a total production capacity of 22.8 MGD. This includes 13.5 MGD from the Crosstown Water Treatment Plant, 9.3 MGD from the South Fayette Water Treatment Plant.

The Water System has four existing reservoirs: Lake McIntosh (650 acres), Lake Kedron (235 acres), Lake Peachtree (250 acres) and Lake Horton (790 acres). Lake Horton utilizes two off-site intakes, the Flint River Pump Station and Whitewater Creek (Starr's Mill Pond) Pump Station.

**Consumers:** According to recent estimated averages, 80 percent of Fayette County households are served by the Fayette County Water System. The remaining 20 percent of the residents receive water from the City of Fayetteville or, private well systems, or individual wells. The number of residential, commercial, and industrial water accounts in 2016 totaled 29,263, an increase of 16,019 since 1990, when the Water System had 13,244 accounts.

**Distribution:** The Water System includes more than 623 miles of water lines in various diameters and materials. All water lines are either (1) constructed by the Water System's own crews, (2) contracted for with the construction monitored and approved by the Water System's engineer, or (3) constructed by developers and contributed to the Water System upon inspection and approval of the construction by the Water System.

### Assessment

Water demand is projected to increase to 14.2 Average MGD in 2020, 15.9 Average MGD in 2030 and 18.0 Average MGD in the year 2040. Projections are based on current use of 125 GPD/Capita. Projected demands have dropped over previous projections due to wide spread water conservation efforts. Therefore, the county has enough raw water supplies to meet these projections but must increase plant treatment capacity to meet these future demands. The Water System is currently requesting increased treatment capacity at the Crosstown Water Treatment Plant and has the ability to increase production at the South Fayette Plant with some plant improvements. The Crosstown Plant may be high rated to 5 GPM/SQFT per filter upgrading the throughput of treatment to 22.6 MGD. The South Fayette Water Plant is designed to be expanded to 18 MGD.

Three future water tank sites have been identified with plans to construct a 2,000,000 gallon water tank on each site over the next six years. The Water System will conduct a full system hydraulic model to identify aging infrastructure and the needed storage locations as the county increases its population.

<b>Goal:</b>	<b>Locate sites for adequate and appropriate facilities to store, treat, and distribute a safe and adequate potable water supply.</b>
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Objective a. Locate booster pumping stations, wherever feasible, in well-buffered, attractively designed structures. These will be identified with the calibrated hydraulic modeling.

Objective b. Encourage the early acquisition of sites for distribution and storage facilities where development activities are imminent. This must be done prior to proposed development in the area so that neighborhood disruption and costs are minimized.

- Objective c. Locate water lines and update to minimize impacts on environmental features such as stream valleys, wetlands, and forested areas.

<b>Goal:</b>	<b>Plan and provide for facilities to store, treat, and distribute a safe and adequate potable water supply.</b>
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- Objective a. Maintain the 100 gallons per person per day or less per the recommended guideline for the provision of water, with a peak factor of 1.6 times the estimated average daily demand, to determine maximum daily demand. Currently the per person average daily use is 84 gallons per day per person. The 84 gallons is derived from total water sales (including commercial, industrial and institutional uses) and the estimated population (29,263 meters X 2.7 person per household 79,010) served. The numbers used are taken from the annual Comprehensive Annual Finance Report.
- Objective b. Supply fire flows of 1,000 gallons per minute (GPM) with 20 pounds per square inch (psi) of water pressure.
- Objective c. Expand and improve water storage and water treatment facilities capacity, including the provision of elevated storage capacity equal to a maximum day of water use.
- Objective d. Pursue strategies to reduce the per capita consumption of water. Using methods in the Water Conservation Plan, educate consumers on efficiency of water use to include outdoor watering uses primarily focusing on landscape uses.

## SEWERAGE SYSTEM AND WASTEWATER TREATMENT

### Inventory

Only the cities of Fayetteville and Peachtree City own and operate municipal sewerage systems (see Table C-2). Tyrone provides a limited amount of sewerage service in the SR74 North corridor through a contractual agreement with the City of Fairburn. Unincorporated Fayette County, Brooks and Woolsey have no sewerage and all development is served by septic systems, most being individual septic tank systems.

<b>TABLE C-2 MUNICIPAL SEWAGE TREATMENT PLANTS</b>			
<b>City</b>	<b>Facility</b>	<b>2016 Permitted Capacity (mgd)</b>	<b>2016 Capacity Available (+/-, mgd)</b>
Fayetteville	Whitewater Creek	5.0	2.82
Peachtree City	Line Creek	2.0	1.0
Peachtree City	Rockaway Road	4.0	2.0

Source: Fayetteville Public Works and Peachtree City Water and Sewer Authority

### Assessment

Fayetteville has a permitted treatment capacity of 5.00 GMD and is currently treating approximately 2.18 MGD. At its two plants, Peachtree City has a total permitted treatment capacity of 6.0 MGD and is currently treating approximately 3.0 MGD.

The Peachtree City Water and Sewerage Authority operate two facilities to receive septage from Fayette County residents and businesses.

**Goal: Provide for septage disposal to meet existing and future demand.**

Objective a. Establish and maintain a partnership with a treatment provider for the treatment and disposal of septage.

Objective b. Plan for the provision of additional capacity as necessary.

## SOLID WASTE MANAGEMENT

### Inventory

All refuse collection including any curb-side pick-up of residential solid waste in the unincorporated county is provided by private contractors. County businesses and citizens contract directly with these companies. Some of these companies offer recycling services.

Fayette County's transfer station, located on First Manassas Mile Road is operated by a private contractor. Municipal solid waste, construction and demolition waste, recycling and yard waste is accepted at this facility. Both solid waste and construction and demolition waste is taken to Turkey Run Land Field in Manchester County, Georgia.

Recycling services and yard waste disposal are provided to all Fayette County citizens by the county at the transfer station on First Manassas Mile Road. This facility has free drop-off

receptacles for single-stream household recycling consisting of newspaper, magazines, office paper, telephone books, mail, shopping catalogs, aluminum & steel cans, plastic drink bottles & milk jugs, washing detergent containers. Cardboard and metals are collected in separate receptacles. Tires and paint are accepted for a flat fee based on size and quantity. Residential yard waste is ground yearly into mulch and provided free-of-charge to the public.

### Assessment

The County will continue to look for opportunities and improvements to all recycling programs. It is anticipated that an expanded need will result in developing a fee-based recycling program to account for costs associated with additional services. The County also will explore secondary permitted uses for the closed landfills such as solar energy generation through third-party vendors.

<b>Goal:</b>	<b>Provide a solid waste transfer station, a recycling collection facility, and a yard waste collection facility.</b>
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Objective a. Maintain and expand the transfer station as needed in order to accommodate the collection and transfer of projected solid waste materials.

Objective b. Maintain and expand the recycling and yard waste facilities as needed in order to accommodate the collection of projected recyclable and yard waste materials.

<b>Goal:</b>	<b>Ensure that Fayette County has the capacity to meet the disposal needs for ten years.</b>
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Objective a. Guarantee landfill capacity through contract with the private corporation operating the Fayette County Transfer Station.

<b>Goal:</b>	<b>Increase waste reduction opportunities to achieve a 25 percent reduction of solid waste.</b>
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Objective a. Continue to encourage citizen and private sector participation in recycling programs through a public education program on the county's web site.

Objective b. Increase recycling opportunities for Fayette County residents.



**Goal:** Provide appropriate closure/post closure care for the closed Fayette County landfill located on First Manassas Mile Road.

- Objective a. Continue to monitor landfills for presence of methane and quality of groundwater.
- Objective b. Mitigate groundwater contamination by natural attenuation and reduction of methane pressures in the waste units by using an active and passive venting system.

## **PUBLIC SAFETY**

The safety and security of our citizens is essential to sustain the quality of life in a community and a fundamental component normally expected by our resident for the health and safety of all concerned. These functions are distributed between agencies in the unincorporated county with the Sheriff's Office being the primary law enforcement agency and the Marshal's office serving to ensure compliance with all adopted county codes and ordinances and oversight of County park and lake facilities. The Department of Fire and Emergency Services is responsible for fire protection, emergency medical services and emergency management. The 911 communications center is a consolidated multi-agency dispatching center for all jurisdictions in Fayette County. The Justice Center and Judicial system provide court services and include; Clerk of the Courts, Superior Court, State Court, Juvenile Court, Magistrate Court, Probate Court, Solicitor General and District Attorney. Each of these functions is discussed in this section with objectives. However, there are certain general guidelines, objectives and policies that are common.

**Goal:** Ensure that an adequate level of law enforcement, fire and emergency services, and 911 emergency communications is provided in a professional, cost-effective, efficient, and timely manner.

**Goal:** Maintain the high level of training provided to public safety officials and ensure that training complies with all applicable state and federal regulations and laws.

**Goal:** Ensure that public safety officials are supplied with facilities and equipment to properly support their duties.

**FIRE AND EMERGENCY SERVICES****Inventory**

The Fayette County Department of Fire and Emergency Services are charged with the responsibility of providing Fire Protection, Emergency Medical Services, and Emergency Management. These functions are provided to the unincorporated areas of the county and the municipalities of Brooks, Tyrone and Woolsey, Emergency Medical Services to the same jurisdictions with the addition of Fayetteville and Emergency Management to all residents of Fayette County.

The Department operates nine existing fire stations located throughout the county (See Table C-3). Personnel consist of 129 full-time Firefighters/EMT's.

<b>TABLE C-3 FIRE AND EMERGENCY SERVICES FACILITIES FAYETTE COUNTY</b>				
<b>Station</b>	<b>Location</b>	<b>Equipment</b>	<b>Date of Construction</b>	<b>Approximate Square Footage</b>
Station 1	SR 314 and Helmer Road	1 Ambulance 1 Fire Engine	2001	5,700
Station 2	SR 92 North	1 Ambulance 1 Fire Engine 1 Tanker Truck	1980	5,700
Station 3	Senoia Road (Tyrone)	1 Ambulance 1 Brush Truck 1 Fire Engine 1 Tanker Truck	1980	4,500
Station 4	Johnson Avenue (Fayetteville)	1 Ambulance 1 Heavy Rescue 1 Squad Vehicle	1978	5,480
Station 5	SR 85 South/ Bernhard Road	1 Ambulance 1 Fire Engine	2002	5,700
Station 6	SR 85 Connector (Brooks)	1 Fire Engine	2000	5,600
Station 7	Hampton Road (Woolsey)	1 Ambulance 1 Brush Truck 1 Fire Engine 1 Haz-Mat Trailer 1 Tanker Truck	2002	5,700
Station 8	Flat Creek Trail	1 Fire Engine	1989	6,000
Station 10	Seay Road	1 Fire Engine	2002	5,700

Source: Fayette County Fire and Emergency Services, 2017.

The County adopted a Development Impact Fee Ordinance for Fire Services. These funds aid in the provision of equipment and facilities required to maintain the current level of service as new growth occurs for the years 2000-2023.

**Assessment**

Future equipment and facility needs are outlined in the Capital Improvement Element. As the County grows and service requirements increase, staffing will need to keep pace with this growth.

**Goal:** Provide a sufficient number of fire and emergency service personnel to carry out the functions of the department.

Objective a. Fire and Emergency Services personnel should meet national norms as established in the Fire and Emergency Services Master Plan.

**Goal:** Monitor response times to ensure efficient distribution of necessary facilities, equipment and services.

Objective a. Plan, locate and construct new fire stations at the most strategic point in a service area. Locate stations close to intersections with highway access and a minimum of curves in the immediate vicinity of station access.

Objective b. Adjust staffing for additional emergency response apparatus during peak system demand periods and redeploy existing resources to heavier demand areas.

**Goal:** Evaluate future equipment, apparatus, technology and personnel needs with respect to changing technology and a dynamic community.

Objective a. Plan, locate and construct administrative facilities equipped with the latest technology capable of supporting services consistent with department emergency operations and activity levels.

Objective b. Maintain and equip with the latest technology an Emergency Operations Center capable of supporting disaster or multi-agency emergency operations.

**Assessment**

Future equipment and facility needs are outlined in the Capital Improvement Element. As the County grows and service requirements increase, staffing will need to keep pace with this growth.

**Goal:** Provide a sufficient number of fire and emergency service personnel to carry out the functions of the department.

Objective a. Fire and Emergency Services personnel should meet national norms as established in the Fire and Emergency Services Master Plan.

**Goal:** Monitor response times to ensure efficient distribution of necessary facilities, equipment and services.

Objective a. Plan, locate and construct new fire stations at the most strategic point in a service area. Locate stations close to intersections with highway access and a minimum of curves in the immediate vicinity of station access.

Objective b. Adjust staffing for additional emergency response apparatus during peak system demand periods and redeploy existing resources to heavier demand areas.

**Goal:** Evaluate future equipment, apparatus, technology and personnel needs with respect to changing technology and a dynamic community.

Objective a. Plan, locate and construct administrative facilities equipped with the latest technology capable of supporting services consistent with department emergency operations and activity levels.

Objective b. Maintain and equip with the latest technology an Emergency Operations Center capable of supporting disaster or multi-agency emergency operations.

**Goal:** Advance hazard mitigation practices and promote disaster resilience by reducing or eliminating the impact of natural, man-made, or other hazards or disasters through emergency management. Recognizing that it is impossible to prevent every disaster, the issues are focused upon what can be done to avoid and minimize impact.

- Objective a. Expand capabilities in the areas of preparation, response, recovery, and mitigation for risk hazards within the community to include natural disasters, mass casualty events, biological and/or chemical events and hazardous material situations. This entails specialized equipment, apparatus, and training for special operation activities.

<b>Goal:</b>	<b>Advance hazard mitigation practices and promote disaster resilience by reducing or eliminating the impact of natural, man-made, or other hazards or disasters through emergency management. Recognizing that it is impossible to prevent every disaster, the issues are focused upon what can be done to avoid and minimize impact.</b>
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- Objective a. Expand capabilities in the areas of preparation, response, recovery, and mitigation for risk hazards within the community to include natural disasters, mass casualty events, biological and/or chemical events and hazardous material situations. This entails specialized equipment, apparatus, and training for special operation activities.
- Objective b. Investigate the feasibility and/or need for the storage of emergency materials (underground emergency fuel storage areas, supplies, etc.).

## LAW ENFORCEMENT

### Inventory

Law enforcement in unincorporated Fayette County is provided by two agencies, the Sheriff's Office and the Marshal's Office. The Fayette County Sheriff's Office provides law enforcement in unincorporated Fayette County, Brooks and Woolsey. The cities of Fayetteville, Peachtree City and Tyrone provide their own law enforcement functions. The Sheriff's Office serves in a backup role to these city's law enforcement needs. Services provided by the Fayette County Sheriff's Office include law enforcement and patrol activities, operation of the jail for the incarceration of convicted criminals and those individuals who have been accused of crimes and are awaiting trial, provision of security services for the court system, criminal investigations, and the serving of warrants and civil processes. The Fayette County Sheriff's Office currently employs 229 persons which includes 148 sworn officers.

The unincorporated county, the cities of Brooks, Fayetteville, Peachtree City, Tyrone, and Woolsey all utilize the services of the jail as the facility is available without regard to political jurisdiction. Because the jail facility benefits the entire county as a whole, the service area for the jail facility is considered to be the entire county. The jail facility consists of seven (7) pods plus an infirmary that houses a total of 404 inmates. The newly renovated old jail facility has

another seven (7) pods and holds 150 inmates. The total capacity of the jail facilities is 554 inmates.

The Fayette County Marshal's Office provides security for county-owned property, enforces county codes and regulations, investigates traffic accidents and property damage involving county personnel and property, enforces boat safety on the County's reservoirs and enforces hunting and wildlife management regulations. The Marshal's office is the administrator of the County Drug and Alcohol testing program. The Fayette County Marshal's Office currently has a force of four sworn officers.

### Assessment

The Sheriff has identified the need for a satellite precinct in the SR 92 North Corridor and a training facility with a firing range and driving course. The sharing of a training facility with the Fayette County Department of Fire and Emergency Services is also a possibility.

<b>Goal:</b>	<b>Establish and maintain a minimum average response time of dispatched (emergency) calls of nine minutes or less.</b>
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- Objective a. Provide response zones that are internally accessible and geographically defined.
- Objective b. Add response zones, and corresponding personnel, when call dispatched volumes exceed 260 calls per response zone per month.
- Objective c. Minimize call swapping; reduce the amount of time an officer is responding to calls outside of his/her assigned zone (see Policy b).
- Objective d. Minimize call stacking; reduce the number of calls held and prioritized by communications due to lack of officer availability (see Policy b).

<b>Goal:</b>	<b>Ensure a sufficient number of law enforcement personnel to carry out the functions of the various divisions (patrol, traffic, investigations, jail, and administration). Re-evaluate current staffing levels as crime statistics, call response volumes, and jail inmate population increases.</b>
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<b>Goal:</b>	<b>Maintain or establish equipment and facilities that allow law enforcement personnel to operate at maximum effectiveness.</b>
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- Objective a. Plan, locate and construct facilities capable of supporting services consistent with current department operations and activity levels.
- Objective b. Investigate the potential of providing facilities for law enforcement personnel in conjunction with other community facilities such as fire/EMS stations.
- Objective c. Explore technology advances to enhance officer safety, monitor officer activity and location, improve data collection, reduce response time, and improve field reporting. Such technology includes, but it not limited to, GPS/GIS equipment, body camera systems, and personnel data assistants (Ipad tablets).

<b>Goal:</b>	<b>Meet the State Department of Corrections rated capacity standards for Average Daily Population at the Fayette County Jail.</b>
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- Objective a. Continue to follow guidelines, standards, and procedures for jail renovations and additions as established by the American Corrections Association for any additions to the Fayette County Jail.

## EMERGENCY 911 COMMUNICATIONS CENTER

### Inventory

The Emergency 911 Communications Center was consolidated in 1995 and provides service to the county and its municipalities. The county and each of its municipalities provide funding for this service based on a formula in the Consolidated Communications Agreement. A total staff of 29 (25 full-time and 4 part-time) working three shifts operate the center 24 hours a day.

### Assessment

The Emergency 911 Communications Center has identified the need of an addition to the radio room to accommodate equipment and personnel. As with any public safety agency, as the county grows, additional personnel will be needed to maintain an adequate level of service.

<b>Goal:</b>	<b>Provide a sufficient number of Emergency 911 personnel to carry out the functions of the department.</b>
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- Objective a. Maintain the goal of staying fully staffed and request additional personnel as the county and department grows.



<b>Goal:</b>	<b>Provide efficient, effective community safety communication to the agencies it serves and to the public at large.</b>
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- Objective a. Ensure that E-911 Communications are conducted in accordance with the following Federal Communications Commission procedures and requirements.

Provide 24-hour, toll-free telephone access for emergency calls for service.

Utilize a single emergency telephone number.

Provide 24-hour two-way radio capability ensuring continuous communication between the communications center and officers on duty.

- Objective b. Transition from an analog to a state-of-the-art digital radio system

Have all agencies utilize one system.

Increase coverage from mobile to portable units and inside buildings.

Accommodate data communications with increased efficiency.

Provide the ability to add other county and city departments as necessary.

Through a radio analysis the possibility to construct tower buildings (by either the county or through a sub-contractor) and obtain generators and Uninterrupted Power Source systems;

- Objective c. Transition into a Next Generation 911 (NG911) Internet Protocol (IP)-based system that allows digital information (e.g., voice, text messages, photos, videos) to flow seamlessly from the public, through the 911 network, and on to emergency responders.

Purchase the hardware and software required to deploy NG911 communication capabilities

Implement policies and protocols upholding NG911 national standards

Provide continuous training to Communications Officers ensuring NG911 standards are met

- Objective d. Implement APCO Guidecards for EMD, Fire and Law Enforcement to ensure the community is receiving a consistent high standard of care when calling 911.

Implement Fayette County's second edition of APCO EMD Guidecards

Create and implement APCO Fire Guidecards

Create and implement APCO Law Enforcement Guidecards

- Objective e. Have a high standard of training that meets and exceeds state requirements

## **JUDICIAL SYSTEM**

### **Inventory**

The court system (Consisting of the Offices of four Judges of Superior Court for the Griffin Circuit and staff, Superior Court Clerk and staff, the office of one State Court Judge and staff, State Court Clerk and staff, the offices of four part time Magistrate Court Judges, the Constables, the Magistrate Clerk and staff, the offices for the Juvenile Court Judges for the Griffin Circuit and staff, the office of the Judge of the Probate Court and staff, the office of the District Attorney for the Griffin Circuit and staff, the office of the Solicitor General and staff, the office of the Sheriff of Fayette County, and the Board of Equalization) primarily involves the administration and enforcement of justice, such as jury trials and Board of Equalization hearings based on civil and criminal laws of the State of Georgia. Space for retention of court records, as required by code, continues to be an important requirement of the Court system. These offices are housed in the Fayette County Justice Center.

### **Assessment**

The Fayette County Justice Center will meet the immediate and future needs of the judicial system. The 50,000 square foot third floor of this facility which is currently unoccupied will be utilized as the need arises.

**Goal:** Maintain a central location for the main court system that is convenient to all county residents.

Objective a. Plan and locate new or expanded facilities at the Judicial Center/Courthouse Complex so that centrality of this service is preserved and that other related criminal justice agencies existing at the complex remain in close proximity.

**Goal:** Maintain the efficient and expedient processing and adjudication of court cases in Fayette County by providing the necessary facilities to accomplish such actions.

Objective a. Plan and construct additional court and records storage space in accordance with needs analyses and avoid deferring expansion to a point where unsatisfactory conditions exist.

## HOSPITALS AND OTHER PUBLIC HEALTH FACILITIES

### Inventory

#### Fayette County Community Hospital

Open since September 1997, Fayette Community Hospital is a 221-bed, general community hospital. The hospital offers a wide range of services, including major medical, surgical (including robotic surgery), critical care, diagnostics, obstetrics/women's services, digital imaging, rehabilitation, cardiovascular services, and 24-hour emergency room. The hospital also contains a state-of-the-art Cancer Center.

In June of 2015, Piedmont Fayette launched a 130,000 square foot expansion which will provide the hospital with a larger emergency department and a new patient tower. When the project is complete in the spring of 2017, Piedmont Fayette will have 221 beds and a capacity for over 280 patients. The emergency department will more than double in size. In FY 2016, the emergency department had close to 75,000 visits and that number is expected to increase yearly in the future.

#### Public Health Facilities

The Fayette County Health Department provides public health related services to local citizens. The department consists of three (3) sections: Physical Health; Women, Infants and Children (WIC); and Environmental Health. Physical Health provides services including preventive health care, educational services, immunizations, family planning, travel vaccinations, cancer screening, sexually transmitted disease (STD) screenings and treatment, and physically

assessments. WIC provides nutritional services and screenings for pregnant women, post-partum women, infants and children up to age 5 years old. Environmental Health provides regulatory and educational services for onsite sewage management (septic) systems, food service establishments, tourist accommodations, public swimming pools and body art facilities, as well as individual water well testing and information, vector control, injury control, public health complaint investigations and emergency preparedness.

### **Assessment**

The Fayette County Health Department has identified a need for additional facility space in order to keep up with the current and future patient and client load. Patient and client load are expected to increase as the county continues to grow. A large more efficiently designed workspace will allow the department to have all sections within one space or building to address the expected increase in work load and to more efficiently serve the community. A population projection of 143,255 is set for 2040.

## **FAYETTE SENIOR SERVICES**

### **Inventory**

Fayette Senior Services, a 501c3 charity, operates the Senior Life Enrichment Center in a 23,000 square foot facility built for this purpose in 2007. The Center is the primary administrative and recreational location for all Senior Services in the county. The building is a gathering place for the socialization and recreation of senior citizens. Facilities include a dining room, fitness room, multi-purpose rooms, fellowships areas, card and puzzle room, and a full commercial kitchen and café, in addition to dedicated packing areas for Meals on Wheels. FSS also manages the community therapeutic garden beside the senior center.

In addition to operating activities in the Center, Fayette Senior Services administers nutritional programs, social service case management services, an in-home services program, transportation services, and wellness programs. Overall, Fayette Senior Services utilizes 20,000 volunteer hours to annually serve approximately 5,000 citizens per year; delivering 62,000 meals to homes; serving 28,000 meals in the café; and transporting seniors 16,000 times primarily to medical destinations with a fleet of 13 vehicles.

In addition, the City of Peachtree City maintains two additional 3000-4000 square foot facilities in that jurisdiction remodeled within the last 5 years and currently managed by Fayette Senior Services with a senior mission including multiple recreational activities, fitness activities, senior issue advising and tax preparation services for seniors.

### **Assessment**

Fayette Senior Services engaged in a capital campaign to raise funds for the 2007 senior services facility and it was constructed and fully operational in 2008, replacing the prior 3,700

square foot facility with over 20,000 square feet. Having maximized the use of the new facility by 2013, Fayette Senior Services engaged in a new fundraising campaign and expanded and remodeled the facility in 2015. The primary facility is close to maximum capacity during normal business hours M-F.

While the general population of Fayette has only grown by 20%, the senior population 60+ in Fayette County has grown over 100% from year 2000 to year 2013 to a total of 21,000+. Seniors 65 & older in Fayette have a median household income of \$50,000.00, though nearly 5% live below the poverty line. Fayette has the highest 60+ homeownership rate in metro Atlanta with 90% of those seniors still in over 11,000 owner-occupied homes, often well beyond their driving years. This rate of growth and circumstance continues to increase the need for transportation & in-home services in addition to nutritional and recreational needs for seniors. General Senior Services will need to expand by twenty percent per year to meet the growing population and needs of seniors in the community, while Senior Transportation Services will need to grow by 30 to 50% each year to meet increasing needs.

## RECREATION FACILITIES

### Inventory

Fayette County has nine recreational areas totaling approximately 485 acres (see Table C-4). These recreational areas have an array of facilities such as baseball fields, boat ramps/docks, football fields, picnic areas, soccer fields, softball fields, tennis courts and walking trails. Table C-5 provides future recreation needs for the year 2040 based on the current Level of Service.

TABLE C-4 EXISTING RECREATIONAL PARKS: 2016 FAYETTE COUNTY			
Park	Location	Acreage	Facilities
Brooks Park	SR 85 Connector	17	baseball fields, softball fields, pavilion, picnic areas, and playground
Heritage Park	SR 85	1	fountain, historical markers, and public gathering place for celebrations, concerts, etc.
Kenwood Park	SR 279	172	multipurpose field, outdoor basketball courts, sand volleyball courts, tennis courts, pickleball courts, pavilions, playground, and walking/jogging trails.
Kiwanis Park	Redwine Road	40	Administrative offices, baseball fields, indoor recreation facility, Kiwanis Activity House, picnic areas, playground, outdoor basketball court, tennis courts, and pickleball courts
Lake Horton	Antioch Road	82	boat ramps, fishing area, picnic areas, playground, and walking trails
Lake Kedron	Peachtree Pkwy.	9	boat ramps, fishing area, and playground
Lake McIntosh	TDK Pkwy.	14.5	boat ramps, rowing club area, fishing area, picnic area, playground, and walking trails

**TABLE C-4 Continued****EXISTING RECREATIONAL PARKS: 2016****FAYETTE COUNTY**

Park	Location	Acreage	Facilities
McCurry Park	SR 54 East	130	football fields, multipurpose field, soccer fields, softball fields, pavilion, picnic areas, playground, disc golf, and walking trails
Starr's Mill Park	SR 85 South	19	fishing area and picnic area
Total		484.5	

Source: Fayette County Recreation Department and Fayette County Water System, 2016.

**FUTURE RECREATIONAL FACILITIES NEEDS: 2040****FAYETTE COUNTY**

Facility Type	Current Provision	Current LOS Per 1k Pop*	Total Future Need	Additional**
Parkland Acreage	484.5	4.37	626	141
Baseball Fields	14	0.13	18	4
Football Fields	2	0.02	3	1
Multipurpose Fields	3	0.03	4	1
Picnic Pavilions	17	0.15	22	5
Playgrounds	10	0.09	13	3
Sand Volleyball Courts	2	0.02	3	1
Soccer Fields	12	0.11	15	3
Softball Fields	9	0.11	15	6
Tennis Courts	8	0.07	10	2

\* Based on 2015 ARC Population Estimate – 110,975

\*\* Based on 2040 ARC Population Projection – 143,255

Source: Fayette County Recreation Department, 2016.

**Assessment**

In 2003, the Board of Commissioners adopted the Fayette County Parks and Recreation Needs Assessment. The Needs Assessment was used to guide the County in planning, developing, and maintaining Fayette County Parks since its adoption. To continue to adequately plan for the future and to ensure the Assessment was still representative of the community, the Board of Commissioners approved a segmented approach to updating the Needs Assessment. In September 2011, the Board of Commissioners approved Phase I of the Needs Assessment Update which included a Parks and Recreation Needs Assessment Survey. Survey results were compiled and made available for the Board of Commissioners review and comment in April 2012. In June, 2012, the Board of Commissioners approved Phase II of the segmented approach which consisted of setting the Vision and Goals Element of the Needs Assessment. As

part of the process, two meetings were held with Key stakeholders to obtain input and make recommendations of the visions, goals, and strategies for the Parks and Recreation Department. The following is a list of goals based on the survey results and knowledge of the Vision Statement developed in Phase II:

1. Put into place the necessary structures to ensure collaborative, comprehensive ongoing planning for all major aspects of programs and services county-wide in the areas of parks, recreation, leisure and fitness programs, activities, and services.
2. Create walking trails and bike trails.
3. Add playgrounds to existing parks and facilities.
4. Build a multi-purpose facility that includes indoor courts, track, indoor swimming, multi-purpose rooms.

Phase III and Phase IV of the Needs Assessment Update were never approved. The staff of the Recreation Department will utilize the Phase II Needs Assessment Update as well as continue to utilize the 2003 Approved Needs Assessment Document to update the Fayette County Capital Improvement Plan.

The Recreation Department identifies the following projects which need to be implemented over the next 5 years:

Brooks Park: Fencing refurbishment, entrance sign replacements, installation of security cameras, field lighting updates, expansion of parking area, field house refurbishment.

Kiwanis Park: Refurbishment of parking lots, entrance sign replacements, Dugout refurbishment, fencing refurbishment, recrowning of fields, painting of structures, playground refurbishment, and the upgrade of field lighting.

McCurry Park: Refurbishment of parking lots, entrance sign replacements, installation of security cameras, dugout refurbishment, fencing refurbishment, recrowning of fields, painting of structures, playground refurbishment, installation of new restrooms, and the upgrade of field lighting.

Kenwood Park: Installation of phase II park improvements, entrance sign replacements, and playground refurbishment.

Lake Horton: Installation of security cameras

Lake McIntosh: Installation of security cameras and installation of rowing elements.

**Goal: Provide recreational facilities needed for current and future residents.**

- Objective a. Acquire additional land to expand existing parks or provide new parks through a combination of purchase in fee simple, easements, dedication, donation, and/or other appropriate means.
- Objective b. Provide recreational opportunities as appropriate to the individual park's service area.

**Goal: Preserve appropriate land areas in a natural state to conserve ecological resources, protect environmentally and historically significant areas, and maintain open space in developed areas for passive recreation.**

- Objective a. Identify and protect, through public acquisition or other appropriate means, significant ecological and historic resources for inclusion in the park system.

**Goal: Ensure the long term protection, maintenance and preservation of park resources.**

- Objective a. Ensure adequate maintenance for existing facilities.

**Goal: Provide for future park and recreational needs through a combination of the development of new parks and optimize the use of all existing parks and facilities.**

- Objective a. Maximize the use of existing public facilities for community recreation purposes.
- Objective b. Enhance existing recreation and resource protection opportunities through acquisition of adjacent lands.
- Objective c. Coordinate with Fayette County Board of Education on the location, phasing and design of school and park sites to enhance the potential for development of community recreation facilities and to facilitate multiple use of school facilities for community education and recreation activities.



**GENERAL GOVERNMENT****Inventory**

Fayette County governmental facilities and the approximate square footage of each are listed in Table C-7. The majority of the county's administrative services are located in the Fayette County Administrative Complex located at 140 Stonewall Avenue West, Fayetteville, GA 30214. This facility currently contains the following county offices: Administration/Board of Commissioners, Code Enforcement, Elections and Registration, Engineering, Environmental Health, Environmental Management, Extension Service, Finance, Fire and Emergency Services, Human Resources, Information Systems, Marshals, Permits & Inspections, Physical Health, Planning and Zoning, Purchasing, Tax Assessors and Tax Commissioner.

<b>TABLE C-7 GOVERNMENTAL FACILITIES FAYETTE COUNTY</b>				
<b>Facility</b>	<b>Location</b>	<b>User(s)</b>	<b>Date of Construction</b>	<b>Approx. Square Footage</b>
Fayette County Admin. Complex	Stonewall Avenue	Administrative Offices	1989	66,000
Fayette County Justice Center	Johnson Avenue	Sheriff & Jail Facilities	1984	179,300
Fayette County Courthouse	Courthouse Square	Fayette County Development Authority & Fayetteville Main Street	1825	9,600
Fayette County Public Library	Heritage Park Way	Library	1997	33,220
Fayette County Judicial Complex	Jimmie Mayfield Blvd.	Courts: State, Superior, Probate, Magistrate & Juvenile; District Attorney & Solicitor	2003	158,000
Fayette County Animal	SR 74	Fayette County Animal Control	1980	5,400

Source: Fayette County Building and Grounds Maintenance, 2017.

**Assessment**

With the decline in property values as a result of the past real estate recession, property tax revenue for county operations has decreased. As a result, many County departments have found it difficult to maintain past levels of service.

**Goal:** Provide support for the effective and efficient delivery of governmental services.

- Objective a. Ensure that the administrative functions are properly equipped to adequately support county functions.
- Objective b. Ensure that the administrative functions are adequately staffed to provide county services.

**Goal:** Provide and maintain adequate community facilities to serve the existing and future needs of Fayette County.

- Objective a. Ensure that facilities are properly sized to meet the existing and future demand for governmental services.
- Objective b. Future county buildings and facilities should be designed with the ability to be expanded.

**Goal:** Provide for adequate records security, storage, and retrieval in compliance with applicable State and Federal requirements.

- Objective a. Ensure adequate document storage facilities to meet applicable State and Federal requirements.
- Objective b. Explore the feasibility of electronic document systems.

## EDUCATIONAL FACILITIES

### Inventory

The Fayette County Board of Education presently administers twenty-four public schools, fourteen elementary schools, five middle schools, and five high schools (see Table C-8). In addition, the Board of Education administers an alternative middle and high school and an evening high school (Open Campus) at the Fayette Educational Center.

<b>TABLE C-8 EXISTING EDUCATIONAL FACILITIES: August 2016</b>			
<b>School</b>	<b>Year Built</b>	<b>Local Use Capacity</b>	<b>Enrollment</b>
<b>Elementary Schools</b>			
Braelinn Elementary	1989	588	510
Cleveland Elementary	2002	713	476
Crabapple Elementary	2003	688	601
Fayetteville Elementary	1962	465	444
Huddleston Elementary	1979	615	612
Inman Elementary	2008	663	608
Kedron Elementary	1996	613	599
North Fayette Elementary	1980	563	581
Oak Grove Elementary	1986	588	499
Peachtree City Elementary	1968	488	492
Peoples Elementary	1998	763	689
Robert J. Burch Elementary	1989	638	506
Sara Harp Minter Elementary	2002	763	670
Spring Hill Elementary	1996	738	686
<b>TOTAL</b>			<b>7,973</b>
<b>Middle Schools</b>			
Bennett's Mill Middle	2007	1,175	968
Flat Rock Middle	1989	1,163	1,171
J. C. Booth Middle	1979	1,088	1,111
Rising Star Middle	1996	1,163	902
Whitewater Middle	1989	869	1,080
<b>TOTAL</b>			<b>5,232</b>
<b>High Schools</b>			
Fayette County High	1997	1,738	1,223
McIntosh High	1981	1,659	1,158
Sandy Creek High	1990	1,438	1,238
Starr's Mill High	1997	1,688	1,495

**TABLE C-8 Continued**  
**EXISTING EDUCATIONAL FACILITIES: August 2016**

	<b>TOTAL</b>	<b>5,114</b>
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Source: Fayette County School System, 2017.

Education/Training Centers: Two education/training centers are located in Fayette County. These centers are the Fayette County University Center in Peachtree City and the Fayette County Community School in the LaFayette Center in Fayetteville.

The Fayette County University Center offers continuing education classes from Clayton College and State University. These classes include Basic Academic Skills, Computer Training, Career and Professional Development, Healthcare Training, Leisure and Personal Development and Small Business Development.

### Assessment

Overall school enrollment has decreased over the last ten years with 22,367 students in the 2006-07 school year compared the estimated student enrollment of 19, 646 in school year 2016-17.

**Goal:**           **Maintain a working relationship with the Fayette County School System to facilitate the provision and coordination of educational facilities to serve the growing population.**

- Objective a.   Notify the Fayette County School System of rezoning requests, preliminary plats, final plats, and land use plan amendments.
- Objective b.   Assist the Fayette County School System with development data maintained by the County such as subdivision plats and building permit figures.

## LIBRARY

### Inventory

The mission of the Fayette County Public Library is to assist the public in meeting their informational, educational, cultural, and recreational needs by providing free access (where economically feasible) to information affording personal and community benefits. Services to the hearing impaired and to visually and physically disabled residents are provided by Access Services. The Fayette County Public Library is located in the City of Fayetteville. There are three additional city-administered libraries in Fayette County: the Peachtree City Library, the Tyrone Library, and the Brooks Library. An Advisory Board consisting of representatives from

each library and individuals appointed by the Board of Commissioners serve as advocates for the promotion and betterment of library services to the community.

The goals for the Fayette County Public Library are to serve as a role model of excellence in customer service and information delivery for all patrons; and to be utilized as the County's info Source and as a center for cultural arts for Fayette County.

The Fayette County Public Library is a member of the Flint River Regional Library System (FRRL) and is a unit of the Board of Regents of the University System of Georgia. The FRRL oversees libraries in a seven-county area. Authorized by the state, the FRRL distributes state funds to each of the seven counties, as well as providing technical assistance in areas such as administration, construction planning, interlibrary loans, computer backup and bulk purchasing. All four libraries in Fayette County are members of the FRRL system and as a result, all of the libraries are open to all residents of the county. Fayette County pays the FRRL membership fees on a per capita basis for all the county and city libraries.

The Fayette County Public Library is approximately 33,220 square feet in size. The library contains approximately 139,000 volumes of books, audio cds, dvds, newspapers and magazines. A computer lab in the library contains 15 computers which offer classes in academic enrichment and computer applications. The Internet can be accessed from 54 computers in the library and connection to free public access wireless internet (wifi) with any personal device or laptop computer. The Georgia Career Information System is available to adults or students for career and education planning. The Fayette County Public Library hosts programming for all ages, including cultural events, workshops and classes on various trending topics, readings by local authors and concerts. The library also offers computer-based instruction, an Educational Learning Lab for students K-8, Spanish classes, children's storytelling, Baby Time for ages 0-3 years, Summer Reading Programs and access to PINES and GALILEO. PINES (Public Information Network for Electronic Services) allows a patron at any PINES library (over 280 Georgia libraries) to locate and borrow the holdings of every participating library, increasing access to materials exponentially. GALILEO (**Georgia Library Learning Online**) allows users to access over 150 databases indexing thousands of periodicals and scholarly journals.

### **Assessment**

The Fayette County Library has identified the need for enlarging the library meeting room where concerts and readings are held. The circulation of materials and patronage should be monitored to determine the adequacy of library facilities.

**Goal:** **Locate library facilities to provide service to the greatest number of persons, provide safe and easy access, and ample size for the building, parking areas and future expansion.**

- Objective a. Locate library facilities on sites that are centrally located in terms of population distribution and distance.
- Objective b. Locate library facilities with access to major roads.
- Objective c. Acquire sites for libraries that will be large enough for future expansion, if additional facilities are needed.

**Goal:** **Provide library and other cultural services and access availability that is adequate to meet the needs and demands of a growing population.**

- Objective a. Expand the Educational/Learning Computer lab to accommodate the number of interested patrons. Facilities should be adequate for waiting lists not to exceed six persons at any given time. The lab should also be adequate to accommodate the number and size of training classes requested by the population.
- Objective b. Provide an adequate number of Internet-accessible computers so that the waiting time does not exceed one hour at peak use times. Comply with any legislation that restricts Internet site access.
- Objective c. The Fayette County Public Library strives to provide 2.75 volumes per household. Adequate shelf space for the required number of books must be provided. Adequate shelf space must also be available to house the increasing number of audio tapes, books on tape, compact discs, and videos required by a growing population.
- Objective d. Maintain a public meeting room and/or cultural space that is adequate for the programs it offers and the response generated by those programs.

**Goal: Library facilities should adequately support the levels of patronage.**

Objective a. Maintain acceptable levels of circulation for the main and branch libraries. In general, library facilities should maintain the following levels of monthly circulation of materials:

- Main Library: at least 50,000
- Branch Libraries: 10,000 to 50,000

## ECONOMIC DEVELOPMENT

*A healthy economy means jobs for its people, increased personal income, successful businesses and an enhanced quality of life.*

*- Anonymous*

### INTRODUCTION

The economic development element presents findings on the characteristics of Fayette County's economy and provides information on the economic base and labor force of Fayette County, surrounding areas, and the state. This chapter provides the basis for setting policies about future economic development of the county and for making informed decisions regarding the county's business community and residents.

### THE REGIONAL ECONOMY

Fayette County is located approximately 20 miles southwest of the Atlanta central business district via Interstate 85 and approximately 14 miles south of Hartsfield International Airport via SR 314. With the slightly more than half of its work force working outside the county, the economy is tied to areas outside of the Fayette County, particularly areas to the north. Fayette County must compete within the metropolitan area to attract new businesses. The unincorporated county must also compete from a disadvantage due to the lack of direct interstate access and infrastructure in the form of sewerage.

### ECONOMIC ANALYSIS

The purpose of conducting an economic analysis is to determine the strengths and weaknesses of a local economy, including tax base and employment. The following sections provide information on employment by industry, occupation, unemployment, and location of work.

#### Tax Base

Based on assessed value, the 2016 Tax Digest indicates that approximately 26 percent of the revenue comes from nonresidential property. Revenue from residential property accounts for approximately 65 percent. The remaining revenue is split among properties that are agricultural, timber, conservation, and utilities. Exempt properties account for approximately eight percent of the tax base.

#### Employment by industry

Table E-1 depicts the number and percentage of total workers employed by industry for 1990, 2000 and 2014 in Fayette County and the state. From 1990 to 2014, five industry sectors showed a marked decrease in the percentage of the employed civilian population 16 years and over.



These industry sectors were:

- Construction - 6.3 percent to 3.8 percent
- Manufacturing – 10.3 to 9.0 percent
- Wholesale Trade – 6.3 percent to 3.0 percent
- Retail trade – 15.6 percent to 10.8 percent
- Transportation and Warehousing, and Utilities – 22.2 percent to 14.3 percent

Similarly, these industry sectors, with the exception of Construction, exhibited a decrease for the same time period in the state as well.

Three industry sectors showed a noticeable increase in the percentage of the employed civilian population 16 years and over from 1990 to 2014. The state showed an increase in these aforementioned industry sectors as well from 1990 to 2014.

These industry sectors were:

- Professional, Scientific, Management, Administrative, and Waste Management Services – 6.7 percent to 10.6 percent
- Education, Health, and Social Services – 13.1 percent to 19.7 percent
- Arts, Entertainment, Recreation, Accommodation, and Food Services – 1.0 percent to 9.0 percent

<b>TABLE E-1 EMPLOYMENT BY INDUSTRY, PERCENT: 1990, 2000, 2014 FAYETTE COUNTY, STATE</b>						
	Fayette County			State		
	1990	2000	2014	1990	2000	2014
Employed civilian population 16 years and over	31,844	45,423	49,163	3,090,276	3,839,756	4,300,074
Agriculture, forestry, fishing, and hunting, and mining	327 1.0%	129 0.3%	122 0.2%	82,537 2.7%	53,201 1.4%	50,601 1.2%
Construction	2,002 6.3%	2,377 5.2%	1,887 3.8%	214,359 6.9%	304,710 7.9%	274,485 6.4%
Manufacturing	3,273 10.3%	4,474 9.8%	4,448 9.0%	585,423 19.0%	568,830 14.8%	457,141 10.6%
Wholesale Trade	2,016 6.3%	1,909 4.2%	1,492 3.0%	156,838 5.1%	148,026 3.9%	124,678 2.9%
Retail Trade	4,983 15.6%	4,265 9.4%	5,326 10.8%	508,861 16.5%	459,548 12.0%	514,064 12.0%
Transportation and Warehousing, and Utilities	7,071 22.2%	8,417 18.5%	7,043 14.3%	263,419 8.5%	231,304 6.0%	257,188 6.0%
Information	na	1,371 3.0%	1,014 2.1%	na	35,496 3.5%	107,282 2.5%
Finance, Insurance, Real Estate, and Rental, and Leasing	2,131 6.7%	2,690 5.9%	3,106 6.3%	201,422 6.5%	251,240 6.5%	272,171 6.3%
Professional, Scientific, Management, Administrative, and Waste Management Services	2,137 6.7%	3,878 8.5%	5,217 10.6%	248,562 8.0%	362,414 9.4%	491,051 11.4%

<b>TABLE E-1 Continued</b>						
<b>EMPLOYMENT BY INDUSTRY, PERCENT: 1990, 2000, 2014</b>						
<b>FAYETTE COUNTY, STATE</b>						
	Fayette County			State		
	1990	2000	2014	1990	2000	2014
Educational, Health, and Social Services	4,170 13.1%	8,252 18.2%	9,662 19.7%	461,307 15.0%	675,593 17.6%	907,275 21.1%
Arts, Entertainment, Recreation, Accommodation, and Food Services	332 1.0%	2,958 6.5%	4,409 9.0%	31,911 1.0%	274,437 7.1%	397,577 9.2%
Other Services (except Public Administration)	1,377 4.3%	2,018 4.4%	2,235 4.5%	168,587 5.4%	181,829 4.7%	214,474 5.0%
Public Administration	2,025 6.4%	2,685 5.9%	3,292 6.7%	167,050 5.4%	193,128 5.0%	232,146 5.4%

Source: U.S. Bureau of the Census, 1990, 2000 & American Community Survey, 2014

Table E-2 indicates the projected number of jobs by industry located in Fayette County for 2020, 2030 and 2040. The total number of jobs located in Fayette County increases from 59,504 in 2020 to 76,005 in 2040.

<b>TABLE E-2</b>						
<b>PROJECTED JOBS BY INDUSTRY IN FAYETTE COUNTY: 2020, 2030 &amp; 2040</b>						
<b>FAYETTE COUNTY</b>						
	2020		2030		2040	
	Number	Percent	Number	Percent	Number	Percent
Total Employment	59,504		68,442		76,005	
Agricultural, Forestry, Fishing & Hunting	33	0.06%	32	0.05%	19	0.02%
Mining, Quarrying, and Oil and Gas Extraction	131	0.22%	159	0.23%	184	0.24%
Utilities	26	0.04%	28	0.04%	29	0.04%
Construction	4,528	7.61%	5,171	7.56%	6,201	8.16%
Manufacturing	2,782	4.68%	3,788	5.53%	4,269	5.62%
Wholesale Trade	2,733	4.59%	3,010	4.40%	3,178	4.18%
Retail Trade	7,663	12.88%	8,298	12.12%	8,679	11.42%
Transportation & Warehousing	2,504	4.21%	2,481	3.62%	2,538	3.34%
Information	680	1.14%	1,006	1.47%	1,321	1.74%
Finance & Insurance	2,103	3.53%	2,225	3.25%	2,331	3.07%
Real Estate & Rental & Leasing	2,988	5.02%	3,724	5.44%	4,334	5.70%
Professional, Scientific & Technical Services	4,175	7.02%	4,917	7.18%	6,088	8.01%
Management of Companies & Enterprises	358	0.60%	369	0.54%	384	0.51%
Administration & Support & Waste Management & Remediation Services	2,064	3.47%	2,124	3.10%	2,251	2.96%

<b>TABLE E-2 Continued</b>						
<b>PROJECTED JOBS BY INDUSTRY IN FAYETTE COUNTY: 2020, 2030 &amp; 2040</b>						
<b>FAYETTE COUNTY</b>						
	2020		2030		2040	
	Number	Percent	Number	Percent	Number	Percent
Educational Services	6,543	11.00%	8,285	12.11%	9,022	11.87%
Health Care & Social Services	6,951	11.68%	7,785	11.37%	8,970	11.80%
Arts, Entertainment & Recreation	1,289	2.17%	1,434	2.10%	1,534	2.02%
Accommodation & Food Services	6,100	10.25%	6,921	10.11%	7,426	9.77%
Other services	2,856	4.80%	3,104	4.54%	3,318	4.37%
Public Administration	3,015	5.07%	3,583	5.24%	3,929	5.17%

Source: Atlanta Regional Commission

## LABOR FORCE

The labor force consists of the employed civilian population 16 years of age and over residing in Fayette County who are actively employed or looking for employment either within or outside that community. Students, retired workers, institutionalized persons and seasonal workers are counted as part of the labor force. The following sections provide data on Fayette County's labor force including employment by occupation, employment status, unemployment rates and commuting patterns.

### Employment by Occupation

Table E-3 displays the employment by occupation number and percent for 1990, 2000 and 2014 for Fayette County. The number of employed civilians increased from 31,844 in 1990 to 49,163 in 2014

<b>TABLE E-3</b>						
<b>EMPLOYMENT BY OCCUPATION, NUMBER AND PERCENT: 1990, 2000, 2014</b>						
<b>FAYETTE COUNTY</b>						
	1990		2000		2014	
	Number	Percent	Number	Percent	Number	Percent
Management, business, science & arts occupations *	11,543	36.2%	18,591	40.9%	21,023	42.8%
Service occupations	3,124	9.8%	5,164	11.4%	6,708	13.6%
Sales and office occupations	10,583	33.2%	12,469	27.5%	12,479	25.4%
Natural resources, construction, & maintenance occupations **	2,335	7.3%	3,861	8.5%	3,176	6.5%
Production, transportation, and material moving occupations	4,259	13.4%	5,338	11.8%	5,777	11.8%
Total employed civilian population 16 years and over	31,844	100%	45,423	100%	49,163	100%

Source: U.S. Bureau of the Census, 1990, 2000 & American Community Survey, 2014

\* This category changed in 2010 from Management, professional and related occupations (1990 & 2000) to Management, business, science & arts occupations.

\*\* In 2010 this category was created by combining the 1990 and 2000 categories of Farming, fishing, and forestry occupations and Construction, extraction, and maintenance occupations.

Table E-4 shows the occupation of employed persons in 2014. In terms of Fayette County as a whole, the largest percentage (42.8) is within the category of Management, business, science & arts occupations and the lowest percentage (6.5) is within the category of Natural resources, construction, and maintenance occupations. Within all jurisdictions, the greatest percentages of employed persons worked in the category of Management, business, science & arts occupations. Within unincorporated Fayette County, Fayetteville, Peachtree City, and Tyrone, the category of Natural resources, construction, and maintenance occupations had the lowest percentages of employees. In Brooks and Woolsey the lowest percentages of employees were in the Production, transportation, & material moving occupations category.

<b>TABLE E-4</b> <b>EMPLOYMENT BY OCCUPATION, PERCENT: 2014</b> <b>FAYETTE COUNTY, MUNICIPALITIES &amp; UNINCORPORATED</b> <b>COUNTY</b>							
	Fayette County	Brooks	Fayette- ville	Peachtree City	Tyrone	Woolsey	Uninc. County
Employed civilian population 16 years and over	49,163	265	7,068	16,138	3,155	55	22,537
Management, business, science & arts occupations	21,023 42.8%	118 44.5%	2,835 40.1%	7,518 46.6%	1,432 45.4%	19 34.5%	9,120 40.5%
Service occupations	6,708 13.6%	44 16.6%	945 13.4%	2,331 14.4%	341 10.8%	8 14.5%	3,047 13.5%
Sales & office occupations	12,479 25.4%	44 16.6%	1,957 27.7%	3,873 24.0%	811 25.7%	12 21.8%	5,794 25.7%
Natural resources, construction, & maintenance occupations	3,176 6.5%	35 13.2%	428 6.1%	575 3.6%	201 6.4%	12 21.8%	1,937 8.6%
Production, transportation, & material moving occupations	5,777 11.8%	24 9.1%	903 12.8%	1,841 11.4%	370 11.7%	4 7.3%	2,639 11.7%

Source: U.S. Bureau of the Census, American Community Survey, 2014

### **Employment Status**

Per Table E-5, from 1990 to 2014, the percentage of those not in the labor force increased from 28.32 percent to 36.57 percent, an increase of 8.25 percent. This could be due to the aging of the population with more persons of retirement age residing in the County, as well as, the recent economic recession. The percentage of females in the labor force has remained somewhat constant from 51.37 in 1990 to 51.18 in 2014.

<b>TABLE E-5 EMPLOYMENT STATUS: 1990, 2000 &amp; 2014 FAYETTE COUNTY</b>						
	1990		2000		2014	
	Number	Percent	Number	Percent	Number	Percent
Total population 16 years and over	46,266		68,129		85,145	
In labor force	33,162	71.68%	47,909	70.32%	54,010	63.43%
Civilian labor force	32,901	71.70%	46,649	68.47%	53,737	63.11%
Employed	31,844	68.83%	45,423	66.67%	49,163	57.74%
Unemployed	1,057	2.28%	1,226	1.80%	4,574	5.37%
Armed Forces	261	0.56%	441	0.65%	273	0.32%
Not in labor force	13,104	28.32%	21,039	30.88%	31,135	36.57%
Females 16 years and over	23,766	51.37%	35,491	52.09%	43,577	51.18%
In labor force	14,654	31.67%	21,417	31.44%	25,554	30.01%
Civilian labor force	14,647	31.66%	21,358	31.35%	25,529	29.98%
Employed	14,047	30.36%	20,870	30.63%	23,825	27.98%

Source: U.S. Bureau of the Census, 1990, 2000 & American Community Survey, 2014

### Unemployment Rates

Table E-6 indicates that between 2004 and 2013, Fayette County had a lower unemployment rate than its surrounding counties, the state and the nation with the exception of 2009 when the national rate was 9.3 percent opposed to 9.6 percent for Fayette County. From 2004 to 2013, the unemployment rate in Fayette County ranged from a low of 3.7 percent in 2004 to a high of 9.6 percent in 2009 which was the height of the recession.

<b>TABLE E-6 ANNUAL UNEMPLOYMENT RATES: 2004-2013 FAYETTE COUNTY, SURROUNDING COUNTIES, STATE, NATION</b>										
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Fayette County	3.7%	4.5%	4.0%	3.9%	5.3%	9.6%	8.3%	8.3%	8.0%	7.2%
Clayton County	5.8%	6.7%	5.9%	5.8%	7.6%	12.6%	12.5%	12.4%	11.1%	9.9%
Coweta County	4.1%	4.8%	4.2%	4.1%	5.8%	9.9%	9.5%	9.1%	8.3%	7.4%
Fulton County	5.1%	5.7%	5.0%	4.9%	6.5%	11.8%	10.9%	10.6%	9.6%	8.6%
Spalding County	6.0%	7.1%	6.3%	5.8%	8.5%	11.3%	13.0%	12.8%	11.4%	10.7%
State	4.7%	5.2%	4.7%	4.6%	6.3%	9.8%	10.2%	9.9%	9.0%	8.2%
Nation	5.5%	5.1%	4.6%	4.6%	5.8%	9.3%	9.6%	8.9%	8.1%	7.4%

Source: The Georgia County Guide, 2015

**Commuting Patterns**

Employment by place of work data provides information on commuting patterns and insight into the numbers of residents who find employment in other areas. In both 1990 and 2000 a high percentage of Fayette County residents worked outside the county (67.0 percent and 62.5 percent, respectively). This data was collected in the 1990 and 2000 decennial census through the Census long-form questionnaire. The Census long-form questionnaire was not used in the 2010 Census to collect this data and this data was instead collected through the annual American Community Survey and a category for “Worked outside state of residence” was added. The data for 2014 was collected through the American Community Survey.

<b>TABLE E-7 LOCATION OF EMPLOYMENT FOR WORKERS 16 YEARS AND OVER: 1990, 2000, 2014 FAYETTE COUNTY</b>						
	1990		2000		2014*	
	Number	Percent	Number	Percent	Number	Percent
Total	31,492		45,231		48,012	
Worked in county of residence	10,381	33.0%	16,977	37.5%	21,797	45.4%
Worked outside county of residence	21,111	67.0%	28,254	62.5%	25,350	52.8%
Worked outside state of residence	NA	NA	NA	NA	864	1.8%

Source: U.S. Bureau of the Census, 1990, 2000 & American Community Survey, 2014

\* The data format changed in 2010 – See narrative above

**LOCAL ECONOMIC DEVELOPMENT RESOURCES****Economic Development Agencies**

Several economic development agencies are active in Fayette County. These agencies include:

Fayette County Economic Development Authority (FCDA) - The FCDA is the lead agency for economic development recruitment and attraction for Fayette County. FCDA markets and services business relocation, retention, expansion, and creation in the unincorporated county, Fayetteville, Peachtree City, Tyrone, and Falcon Field Airport.

Fayette County Chamber of Commerce - The Fayette County Chamber of Commerce is a voluntary business association comprised of area firms and concerned individuals who work together to achieve a favorable business climate, while enhancing the quality of life. The Fayette Chamber of Commerce's mission is to promote business and enhance economic and community development through leadership, service advocacy for Fayette County. In addition to providing traditional networking and education opportunities, the Fayette Chamber works

closely with existing businesses, the Fayette County Development Authority and local governments to promote and market Fayette County as a pro-business location.

Fayetteville Downtown Development Authority (DDA) - Including the Fayetteville Main Street Program (Georgia's 37<sup>th</sup> Main Street City), the Fayetteville DDA combines historic preservation and economic development in local revitalization initiatives. A seven member Board of Directors uses a four point approach to identify key problems and goals: organization, promotion, economic, and restructuring.

Joint Development Authority (JDA) of Meriwether County, Coweta County and Fayette County - The three development authorities join together to sponsor and cooperate on special projects. Additionally, participation in this JDA provides an additional job tax credit of \$500.

Metro South, Inc. - A coalition of six southern metro counties, Metro South, Inc. offers a cohesive, united front in pursuing major economic development projects and in promoting economic activities on the southside of the Atlanta region. The participating counties are Clayton, Coweta, Fayette, Henry, South Fulton, and Spalding.

Regional Business Coalition (RBC) - The RBC is the recognized leader in identifying and advocating sustainable solutions that foster greater economic vitality by building consensus, shared commitment, and the cooperation of chambers of commerce in the Atlanta region. Chambers in Partnership include Central Atlanta Progress, Cherokee, Clayton, Cobb, Conyers-Rockdale, Cumming-Forsyth, DeKalb, Douglas, Fayette, Greater North Fulton, Gwinnett, Henry, Metro Atlanta, Newnan-Coweta, and South Fulton.

### **Economic Development Programs and Tools**

Fayette County offers numerous economic development programs and tools to existing and prospective businesses. The County is home to several industrial/business parks. A business incubator that offers opportunities for business location, relocation, expansion and start-up is planned.

Industrial/Business Parks. There are four industrial/business parks in Fayette County. These industrial/business parks are:

- Shamrock Industrial Park - Tyrone - 40 acres remaining
- Peachtree City Industrial Park - 2,200 acres total w/500 remaining
- Southpark International Park - within Peachtree City Industrial Park
- Kenwood Business Park - Unincorporated Fayette County

Business Incubators. A business incubator is a facility dedicated to the start-up and growth of small businesses, accomplished through management and facility support systems. Management support systems can include access to professional advice, information of small business regulations, management, advertising, marketing, employees, financial counseling and the like. Facility support systems can include clerical and reception staff, cleaning and building

security, and access to copy and facsimile machines, computers, faxes, and other electronic equipment. A business incubator is currently planned at Pinewood Forest.

### **Education and Training Opportunities**

Education/Training Centers: Four education/training centers are located in Fayette County. These centers are:

- Clayton State University satellite campus in Peachtree City
- Fayette County Community School
- Southern Crescent programs at the Lafayette Center
- Point University satellite campus in Peachtree City

### **ASSESSMENT OF CURRENT CONDITIONS AND FUTURE TRENDS**

Based on the American Community Survey, 2014, Employment by Industry (Table E-1) the top five industries employing Fayette County citizens are:

1. Educational, Health, and Social Services (19.7%)
2. Transportation and Warehousing, and Utilities (14.3%)
3. Retail Trade (10.8%)
4. Professional, Scientific, Management, Admin., and Waste Management Services (14.3%)
5. Tied- Manufacturing (9.0%) and Arts, Entertainment, Recreation, Accommodation, and Food Services (9.0%)

Based on projections from the Atlanta Regional Commission, Projected Jobs by Industry in Fayette County: (Table E-2) the top five industries in Fayette County in 2040 are:

1. Educational Services (11.87%)
2. Health Care & Social Services (11.80%)
3. Retail Trade (11.42%)
4. Construction (8.16%)
5. Professional, Scientific & Technical Services (8.01%)

Currently, the greatest number of Fayette County citizens is employed in the sector of Educational, Health, and Social Services. Projections of future employment indicate that Educational Services and Health Care & Social Services will continue to provide the majority of employment opportunities within Fayette County in 2040. In addition, Retail Trade and Professional, Scientific, Management, Admin., and Waste Management Services presently employ a large segment of Fayette County citizens and Retail Trade and Professional, Scientific & Technical Services is projected in 2040 to also provide comparable employment opportunities.

Fayette County's unemployment rate has shown a rise in the past ten or so years. This is most probably due to the recent recession. However Fayette County's unemployment rate been



lower than surrounding Counties and the State and has been slightly lower or in line with the Nation (TABLE E-6).

Commuting patterns have changed for workers 16 years and over since 2000 when 37.5 percent worked within Fayette County and 62.5 percent worked outside Fayette County. In 2014 the percent working within Fayette County rose to 45.4 and the percent working outside the County fell to 52.8 with 1.8 percent working outside of the state.

## **GOALS AND OBJECTIVES**

The goal of an economic development program is an improved and diversified economy which balances and increases the tax revenues, and provides jobs which match the skills of Fayette County citizens. The elements necessary to support economic development are well known: sufficient and suitable land, appropriate and adequate infrastructure, and an available and well-educated workforce.

Another important element to both supporting and attracting economic development is maintaining the quality of life which makes Fayette County a desirable place to live. The volatility of economic development opportunities also must be understood and anticipated. It is quite likely that major new social, economic, or development opportunities or influences may arise that were unforeseen when these policies were formulated. Because of this, the County must be prepared when economic development opportunities arise.

**Goal for Economic Development:** Fayette County should provide for the continued development and expansion of a diversified economic base. The maintenance and enhancement of a prosperous economic climate provide Fayette County citizens with an increased tax base and expanded opportunities for employment. By providing expanded employment opportunities consistent with the demographic profile of Fayette County, the quality of life for Fayette County citizens is enhanced by reduced commute times and air quality is improved by reduced commute distance. The following goals and objectives provide the basis for economic development in the county.

<b>Goal:</b>	<b>Provide for the development and expansion of a diversified economic base (office, industrial and commercial) to produce a wide range of employment opportunities.</b>
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- Objective a. Target businesses that require a highly educated workforce matching the educational demographics of Fayette County. Fayette County has a highly educated workforce, 43.3 percent of persons 25 years of age or older have a bachelor's degree or higher (Source: U.S. Bureau of the Census, American Community Survey, 2014).

- Objective b. Recruit clean industry which has minimal impacts on existing public facilities and the environment.
- Objective c. Encourage the retention and expansion of existing employers through programs like Existing Industry Council.
- Objective d. Encourage the reuse and/or redevelopment of vacant or underutilized nonresidential properties and buildings.

**Goal: Support the development of business opportunities to diversify and strengthen the tax base, create and maintain jobs, and preserve the quality of life in Fayette County.**

- Objective a. Establish and maintain inter-governmental relationships among local, regional, state, and federal governments to promote effective planning, and implementation of government services.
- Objective b. Plan for sufficient land suitable for economic development to be available in areas where appropriate infrastructure exists by working with local governments.
- Objective c. Lobby state, and federal governments for the development and maintenance of road systems which makes transportation quick, safe, accessible and that meet the long term economic development needs of the county.
- Objective d. Develop strategies that attract quality new employers, both domestic and foreign.
- Objective e. Encourage and promote entrepreneurial development through marketing, Small Business Success Academy, Small Business Week, and leverage various state and national programs to facilitate said activity.

**Goal: Provide a high quality educational system to satisfy the demands of present and future economic development.**

- Objective a. Maintain an environment that fosters the highest quality of education available in order to prepare citizens for the continued changes necessary for their economic well being.
- Objective b. Enhance education partnerships with business to ensure that the education system is strategically focused to meet educational needs of

the future job market, and so that business may help meet specific school needs.

- Objective c. Ensure the availability of high quality continuing adult education and retraining programs through locale Training and University Centers.

<b>Goal:</b>	<b>Continue to provide high quality services for County residents and business personnel.</b>
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- Objective a. Support the maintenance of a high quality system of public infrastructure including transportation, schools, libraries, parks, and water.
- Objective b. Encourage a high quality of architecture, landscaping, and urban design that will serve as a catalyst for further economic development.
- Objective c. Recognize and support the diversity of Fayette County's community and businesses by maintaining a close working relationship with the Chamber of Commerce and other business and civic organizations.

## TRANSPORTATION ELEMENT

*Our future patterns of land use will be based on that of our growing highway system as surely as the human body is molded about its skeleton.*

*- Paul B. Sears*

### INTRODUCTION

Fayette County is experiencing increased traffic common to most growing suburban counties. In addition to the growth in Fayette County, growth in surrounding counties is adding to the traffic volume in Fayette County. This growth in traffic has increased congestion, particularly along major corridors and at major intersections during morning and afternoon traffic peaks. Factors, such as high automobile availability and two-worker households, also contribute to the increasing demand for transportation services and facilities. As Fayette County grows, its transportation facilities must be improved to accommodate the increasing demand.

One relatively unique aspect of transportation planning within Fayette County is the balancing of priorities and funding between path expansion (for use by golf carts, bicyclists and pedestrians) and traditional roadway projects. For example, a growing challenge are at-grade roadway crossings, which have to address operational efficiency for automobiles and safety for path users.

### INVENTORY

The following section provides an inventory of Fayette County's existing transportation system. It details the county's inventory of highways and roads, bicycle and pedestrian ways, current transportation options, and railroad and airports.

#### **Highways and Roads**

Six State Routes serve Fayette County.

**State Route 85** runs south from I-75, through Clayton County, into Fayette County north of Fayetteville. This four-lane highway continues south through Fayetteville where it narrows to two lanes and continues south into Coweta County. State Route 85 carries a range of 10,300 to 36,700 vehicles a day per various GDOT traffic locations.

**State Route 54** is the main east-west highway in the county. It extends from Coweta County on the west, through Peachtree City, eastward through Fayetteville, to Clayton County. SR 54 is a four lane, divided highway from the Coweta County to McDonough Road, east of Fayetteville. The section east of McDonough Road remains two lanes. State Route 54 carries a range of 17,400 to 45,400 vehicles a day based on various GDOT

traffic locations. The existing two-lane section of SR 54 is scheduled for widening to four lanes, with construction work starting in the summer of 2017.

**State Route 74** is a four lane highway running south from Interstate 85 south to its end at SR 85 in unincorporated Fayette County. This major access to Interstate 85 and the Atlanta Metropolitan Area carries a range of 8,700 to 33,900 vehicles a day per various GDOT traffic locations.

**State Route 314** extends southward from Hartsfield International Airport to its end at SR 85 in Fayetteville. The southern portion of this highway (SR 279 to SR 85) is a four lane divided highway. This major commuting route for airport workers carries a range of 9,090 to 20,100 vehicles a day per various GDOT traffic locations.

**State Route 279** runs south from I-285 in South Fulton County, entering Fayette County at SR 138. It proceeds southwest across SR 314 and ends at SR 85 north of the City of Fayetteville. SR 279 is a two-lane highway and carries a range of 9,090 to 20,100 vehicles a day per various GDOT traffic locations.

**State Route 92** extends southward from Fulton County, running northwest to southeast through Fayetteville and Woolsey, and continuing into Spalding County. It is two lanes throughout Fayette County, except for the section with passing lanes on SR 92 north and the section in the City of Fayetteville where State Routes 85 and 92 merge. This highway carries commuter traffic from Griffin and Spalding County north to the airport and the Atlanta Metropolitan Area. Such traffic totals 13,800 vehicles a day.

The County's Thoroughfare Plan classifies streets by a hierarchical system based on street function. This classification system is based on the need to balance traffic movement and accessibility on different roadways. The classifications used by the Thoroughfare Plan include major arterial, minor arterial, collector, county local, and internal local. The five categories of street classification are discussed below:

**Major Arterial.** A Georgia State Route which provides traffic movement through the region, as well as traffic movement within and through the County.

**Minor Arterial.** A street which provides traffic movement within and through the County.

**Collector.** A street which collects traffic from local and other collector streets and provides a connection to arterial streets.

**County Local.** A street which provides access to adjoining properties and traffic circulation within a limited area.

**Internal Local.** A street which primarily serves an individual development and provides traffic circulation within that development.

The Fayette County Road Department maintains approximately 535 miles of roads of which 50 miles are unpaved. The county maintains all roads in the unincorporated area, Brooks and Woolsey (these are included in the total of 535 miles). The Town of Tyrone, the City of Fayetteville, and the City of Peachtree City perform maintenance on their roads, but the Fayette County Road Department often provides repaving services to these cities by contract.

The interstate system presently serving the Atlanta Metropolitan Area does not pass through Fayette County. The closest interstate highway, Interstate 85, is approximately 1.5 miles to the north. Local access to Interstate 85 is provided through SR 74 and Palmetto Road.

### **Bicycle and Pedestrian Ways**

Fayette County has a county-wide bicycle plan, as part of the Regional Transportation Plan (RTP), on file with the Atlanta Regional Commission. This submittal allows the county to apply for any available state/federal funds, such as the Safe Routes to School Program. The bicycle plan generally provides bicycle path connections between county municipalities, recreational areas (Kiwamis and McCurry Parks), historic areas (Starr's Mill) and adjacent counties (Fulton and Clayton).

To address a growing demand for bicycle, pedestrian and Personal Transportation Vehicles (i.e., golf carts) infrastructure, Fayette County and its municipalities will prepare a Master Path Plan in 2017/2018. This planning study will identify path, sidewalk and bike lane needs; prioritize projects; and help establish consistency in operations, permitting and maintenance among the local governments.

### **Transportation Options**

Fayette County's residents are dependent on the automobile as the major mode of transportation. Public transportation does not exist in Fayette County. While carpool and vanpool use is encouraged, its use is minimal at this time. Based on Census data for 2014 (American Community Survey - Means of Transportation to Work) 80.9 percent drove alone to work, 7.9 percent carpooled and 1.4 percent used public transportation.

Fayette County will continue to depend on the automobile as the major mode of transportation within the scope of this plan. Therefore, maintaining and improving the efficiency of the existing road system is of paramount importance.

Although unconventional, a real and growing option to automobile travel is the use of the path system for short trips. This is especially prevalent in Peachtree City, which has over 90 miles of paths that connect parks, schools, businesses, homes, places of worship, etc. In some local

schools, golf cart trips are more common by parents and students than car trips. This trend is expanding outside Peachtree City and impacting transportation planning decisions in Fayetteville, Tyrone and the unincorporated County.

### **Railroads and Airports**

**Railroads:** There are two rail lines running through Fayette County: Seaboard System and Norfolk Southern. The Seaboard System line runs north/south from Fulton County through Peachtree City to Senoia. Rail service to industrial areas in Peachtree City is provided by CSX Railroad on this line. The Norfolk Southern line runs east/west from Griffin through Brooks to Senoia. The Norfolk Southern line is no longer in use although the tracks are still in place.

**Airports:** Falcon Field in Peachtree City, within the confines of the Peachtree City industrial area, is the county's only general aviation airport. This airport is experiencing an increase in the amount of corporate usage. A 5,768 foot all-weather-lighted runway allows this airport to accommodate corporate jets and smaller commercial airplanes. There are also a number of small private landing fields located in the county.

### **Fayette County Comprehensive Transportation Plans**

In an effort to address transportation needs in Fayette County, the Fayette County Board of Commissioners contracted with the AECOM to develop the 2010 Fayette County Comprehensive Transportation Plan. The plan was adopted in November of 2010. The municipalities within the county participated in the planning process. As stated, the three principal reasons for developing this transportation plan were:

- 1) To consider land use and other community planning concerns in making transportation decisions,
- 2) To integrate the overall transportation goals and policies of the unincorporated County and its five municipalities, and
- 3) To allow the County to continue qualifying for federal and state assistance in project funding.

The plan recommends transportation improvements in both the unincorporated county and the municipalities. Projects recommended in the Fayette County 2010 Comprehensive Transportation Plan include bridge projects, intersection improvements, and roadway projects which will maintain and improve the traffic flow.

Fayette County is preparing to develop a new Comprehensive Transportation Plan. The completion of this plan is scheduled for the Summer of 2018.

### **ASSESSMENT**

Fayette County will continue to depend on the automobile as the major mode of transportation within the scope of this plan. Therefore, maintaining and improving the efficiency of the existing road system is of paramount importance.

Needed improvements are expensive and cannot be fully funded from the general fund. In addition, Fayette County is in competition with other metro counties for a finite amount of federal and state funds. The county should seek alternative funding sources such as a Special Purpose Local Option Sales Tax (SPLOST), bonds for local road improvements and/or State and Federal matching funds.

## **GOALS AND OBJECTIVES,**

The following goals and objectives presented in this section emphasize the need to maximize the efficiency of the existing and future Fayette County transportation network. Following the goals is a listing of objectives which address specific issues and recommendations courses of action for addressing these issues.

**Overall Goal for Transportation:** Growth should be balanced with the supporting transportation infrastructure. Fayette County will continue to develop a transportation system to move people and goods efficiently. Further, the county should establish a framework to ensure the improvement and further development of the transportation system. Multi-use paths, sidewalks and bicycle facilities should be developed as alternative transportation facilities.

<b>Goal:</b>	<b>Fayette County should provide a road system that provides adequate carrying capacity.</b>
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- Objective a. Ensure that the street network is planned and designed in adherence to the Functional Classification System depicted on the Thoroughfare Plan.
- Objective b. Pursue advanced acquisition of land for future roadway rights-of-way in order to minimize project costs.
- Objective c. Consider funding intersection improvements when highway funding is insufficient to permit the improvement of full segments, or if the level of service is low, or if there is a high accident occurrence rate.
- Objective d. Provide for the synchronization of traffic signals where appropriate to improve traffic flow.



**Goal:** A comprehensive network of multi-use paths, sidewalks and bicycle facilities should be provided as an integral element of the overall transportation network.

- Objective a. Consider the provision of matching funds for state and/or federal grants to develop multi-use paths, sidewalks and bicycle facilities. In addition, establish multi-use paths, sidewalks and bicycle facilities in conjunction with road improvements.
- Objective b. Provide non-motorized facility improvements in accordance with standards delineated by the GDOT and the American Association of State Highway and Transportation Officials (AASHTO).
- Objective c. Consider the provision of bicycle and pedestrian facilities, including clearly marked cycling facilities including bike lanes, bike boxes on pavement at intersections and signage, and pedestrian crosswalks, in the construction and reconstruction of roads and bridges.

**Goal:** The programming of improvements to the transportation system should be sensitive to the county's identified land use goals and objectives.

- Objective a. Recognize anticipated future levels of demand based on the land use plan and operating conditions, as well as existing conditions, when making programming decisions.

**Goal:** Fayette County should work to ensure adequate financing for maintaining its transportation system and for its transportation system's improvements.

- Objective a. Develop and implement a responsible financial plan that identifies existing and new funding mechanisms to achieve the County's transportation system objectives.
- Objective b. Pursue increased state and federal support for road improvement projects.
- Objective c. Supplement state and federal funding of secondary roadways and other high priority projects, and continue local funding initiatives.

Objective d. Increase funding for pedestrian, bicycle and hiking trails, including state and federal sources with the realization that state and federal funding will require a County match ranging from 20 to 40 percent.

Objective e. Seek multi-jurisdictional funding sources for transportation facilities and services.

**Goal: Ensure public safety for the users of transportation facilities and services and for the general public**

Objective a. Provide medians and separate turning lanes in the design of roadways having four or more travel lanes.

Objective b. Upgrade existing roadways to correct unsafe conditions along segments which have substandard geometries such as horizontal and vertical alignments with inferior sight distances. Upgrades could include side clearances, shoulder widenings, and guardrail installations. Incorporate safety features into new transportation facilities both for the users and for the general public.

Objective c. Reduce conflicts among pedestrians, cyclists, and motorists and correct unsafe conditions for walking and cycling, where feasible. This could be accomplished by providing marked crosswalks, bike lanes, bike boxes at intersections, proper signage and signalization.

**Goal: Fayette County should, to the extent consistent with other county goals and objectives, maximize the efficiency with which each facility within the transportation system fulfills its assigned function.**

Objective a. Maximize the efficiency of existing roads through low-cost strategies to increase capacity such as channelization, turning lanes, signalization, and signage.

Objective b. Preserve and enhance the efficiency of the arterial network by reducing and consolidating private entrances, median crossovers, and similar disruptions to traffic flow. Also improve intersection efficiency by providing appropriate turning lanes and signalization.

- Objective c. Increase neighborhood safety on subdivision streets. Work with local law enforcement agencies, county departments, and neighborhoods to implement Traffic Calming and other measures where needed or practical. Examples of Traffic Calming techniques include deflecting the vehicle path by adding curves and/or traffic circles; changing the pavement surface, which demands driver attention and reduces the comfortable driving speed; installing traffic tables; and adding standard traffic control devices such as STOP signs, turn-movement prohibitions, traffic signals, and reducing the posted speed limit.

**Goal: Preserve land needed to accommodate planned transportation facilities.**

- Objective a. Establish right-of-way requirements and preserve the land for future roadway improvements.
- Objective b. Prepare engineering plans for future transportation improvements as soon as feasible in order to clarify and secure right-of-way requirements and to develop improved cost estimates.

**Goal: Periodically review and update the transportation plan.**

- Objective a. Monitor changes in travel patterns, traffic, and the provision of transportation facilities and services. Evaluate the transportation plan's ability to address future travel needs as part of the periodic review process.
- Objective b. Conduct major corridor level and community-wide transportation planning studies in an effort to refine the plan and comprehensively address system-wide transportation needs within the County.
- Objective c. Consider regional travel patterns when formulating and implementing the County's transportation plan with consideration of ARC and Georgia Regional Transportation Authority (GRTA) transportation policies. Fayette County should address the transportation challenges associated with continuing trends in intra-county commuting patterns.
- Objective d: Address multi-use paths, sidewalks and bicycle facilities.

## 2017 FAYETTE COUNTY COMPREHENSIVE PLAN UPDATE PUBLIC SURVEY SUMMARY

### INTRODUCTION

The survey was available on-line from October 17<sup>th</sup> to November 18<sup>th</sup>. It was announced on the County's website, Channel 23 (public information station) and a display ad which ran in the Fayette Daily News five times between in October and November. The survey consisted of 15 questions. Approximately 1,540 persons took the survey. The following is a summary of the survey results:

### QUESTION 1.

I live in ____ and I have lived in Fayette County for ____ Years.		
Answer Options	Response Count	Response Percent
1 Unincorporated County North	43	2.8%
2 Unincorporated County West	65	4.2%
3 Unincorporated County East	44	2.8%
4 Unincorporated County Central	180	11.7%
5 Unincorporated County South	150	9.7%
6 Fayetteville	224	14.5%
7 Tyrone	103	6.7%
8 Peachtree City	677	43.8%
9 Woolsey	9	0.6%
10 Brooks	31	2.0%
Other (please specify)	18	1.2%
<b><i>answered question</i></b>	<b><i>1,544</i></b>	

On this question there were 482 respondents from the unincorporated County and 1,044 respondents from the municipalities. Peachtree residents comprised the largest number of respondents with 677 which comprised 43.8 percent of respondents.

The average number of years respondents lived in Fayette County was 17 years. The highest number of years was 70.

**QUESTION 2.**

I live in the following:		
Answer Options	Response Count	Response Percent
Single-family residence on a lot of less than one acre	654	42.6%
Single-family residence on a lot of one to two acres	530	34.6%
Single-family residence on a lot of two to three acres	88	5.7%
Single-family residence on a lot of three to five acres	92	6.0%
Single-family residence on a lot of greater than five acres	120	7.8%
Multi-Family (apartment, townhome, condominium, or duplex)	48	3.1%
Mobile home in mobile home park	2	0.1%
<b><i>answered question</i></b>	<b>1,534</b>	

The number of respondents living on two or less acres was 1,184 which comprised 77.2 percent. The number of those living on lots greater than two acres was 300 comprising 19.5 percent.

**QUESTION 3.**

My age is:		
Answer Options	Response Count	Response Percent
Under 18	5	0.3%
18-24	35	2.3%
25-34	156	10.1%
35-44	409	26.6%
45-54	387	25.2%
55-64	335	21.8%
65+	211	13.7%
<b><i>answered question</i></b>	<b>1,538</b>	

The number of those between 35 to 65+ years old was, 1,342, comprising 87.3 percent. The number of those less than 35 years old was 196 or 12.7 percent

**QUESTION 4.**

Should Fayette County and the municipalities work together to coordinate land use planning to achieve balanced growth in the County?		
Answer Options	Response Count	Response Percent
Yes	1161	75.8%
No	116	7.6%
Not sure	255	16.6%
<b><i>answered question</i></b>	<b>1,532</b>	

The percentage of respondents in favor of the County and municipalities working together was 75.8 percent with 7.6 percent opposed and 16.6 percent not sure.

**QUESTION 5.**

Please list three things you feel add to the Quality of Life in unincorporated Fayette County.

The top tier three things cited that added to the quality of life respectively were: the county's rural character, the schools and a low crime rate. In the second tier, the next three things mentioned that added to the quality of life respectively were: the multi-use path system, public parks and the lack of traffic congestion. Since Peachtree City residents had the highest response rate to this survey, it is presumed that the multi-use path system cited in the second tier is the Peachtree City multi-use path system. Other items identified included: the cost of living, commuting access, and shopping choices.

**QUESTION 6.**

Please list three things you feel detract from the Quality of Life in unincorporated Fayette County.

The top tier three things cited that detracted from the quality of life respectively were: too much development, traffic congestion and a high crime rate. In the second tier, the next three things cited that detracted from the quality of life respectively were: ineffective government, too little development and commuting access. The majority of comments related to "too little development" stated the need for a greater variety and better quality of shopping and restaurant establishments. Other items mentioned included: the lack of cultural facilities, the lack of a county-wide multi-use path system and the lack of road maintenance.

**QUESTION 7.**

Please list three things you feel would need improvement to enhance the Quality of Life in unincorporated Fayette County

The top tier three things cited that would need improvement to enhance the quality of life respectively were: reduce traffic and improve roads, limit development and improve/increase governmental services. In the second tier, the next three things mentioned that would need improvement to enhance the quality of life respectively were: provide more parks/greenspace, improve public safety and expand the multi-use path system. Other items cited included: a need for a greater variety and better quality of shopping and restaurant establishments, increase planning in land use, transportation and public facilities, and live/work/ walkable developments primarily in the municipalities. Amenities mentioned that were needed in association with “provide more parks/greenspace” included baseball fields, soccer fields, football fields, Frisbee facilities, a public shooting range, pools and natural areas.

**QUESTION 8.**

List three areas in Fayette County where you believe the infrastructure is poor or failing

The responses to this question were very broad based and ranged from geographical areas to areas of infrastructure including roads, sewer, water supply, parks, stormwater, etc. The top three areas/items listed where infrastructure is poor or failing were: the road system (county-wide), the SR 74/SR 54 intersection (Peachtree City), and the multi-use path system. The next three areas/items mentioned where infrastructure is poor or failing were: Fayetteville (town center and roads), water system, and Fayette County (North). Other areas/items cited included: the Pavilion area, recreational facilities, Peachtree City roads, stormwater systems, and SR 54.

**QUESTION 9.**

Should Fayette County control land use density and intensity based on the limits of existing infrastructure and other conditions (road capacity/traffic congestion, cross county commuting patterns, water supply, storm water facilities, and lack of sewer) and the County’s capacity to improve infrastructure to handle growth?

The percentage of respondents in favor of controlling land use density and intensity based on the limits of existing infrastructure and other conditions and the County’s capacity to improve infrastructure to handle growth was 79.4 percent with 7.3 percent opposed and 3.3 percent not sure.

**QUESTION 10.**

Should the County maintain a rural, large lot land use pattern in the southern portion of the unincorporated county to preserve the agricultural-residential character and greenspace as well as reduce traffic congestion commuting through the northern portion of the county?

The percentage of respondents in favor of maintaining a rural, large lot land use pattern in the southern portion of the unincorporated county to preserve the agricultural-residential character and greenspace as well as reduce traffic congestion commuting through the northern portion of the county was 84.3 percent with 7.3 percent opposed and 8.4 percent not sure.

**QUESTION 11.**

Should the unincorporated County continue to develop primarily with residential development or should the County pursue economic development in the form of non-residential, non-retail development to create business opportunities and jobs, and help balance the tax base.

The percentage of respondents in favor of continuing to develop primarily with residential development was 35.3 percent. The percentage of respondents in favor of pursuing economic development in the form of non-residential, non-retail development to create business opportunities and jobs, and help balance the tax base was 42.8 percent. The percentage of those that were not sure which path to take was 22 percent.

**QUESTION 12.**

Should Fayette County pursue the development of multi-use paths (golf cart, bicycle, pedestrian) and road improvements for bicycling and pedestrian safety to improve connectivity/alternative transportation and recreation/health?

The percentage of respondents in favor of the County pursuing the development of multi-use paths (golf cart, bicycle, pedestrian) and road improvements for bicycling and pedestrian safety to improve connectivity/alternative transportation and recreation/health was 85.6 percent with 10.4 percent opposed and 4.2 percent not sure.

**QUESTION 13.**

Do you support traffic calming methods to reduce or slow cut-through traffic in neighborhoods?

The percentage of respondents in support of traffic calming methods to reduce or slow cut-through traffic in neighborhoods was 68.5 percent with 17.3 percent opposed and 14.2 percent not sure.



**QUESTION 14.**

Please provide your opinion of the county government's delivery of the following public services in terms of "A" (Adequate) or "I" (Inadequate).

The results are as follows:

Answer Options	Adequate	Inadequate
Water System	604	188
Road System	431	371
Law Enforcement	735	70
Fire Protection/EMS	777	30
Parks	544	259

**QUESTION 15.**

General Comments about the Fayette County Comprehensive Plan - Full Plan Update.

The largest amount of comments about the Fayette County Comprehensive Plan - Full Plan Update were associated with the county restricting or reducing the amount of development to avoid overcrowding by maintaining large lots, addressing traffic congestion, and improving public services, schools and roads.

The next largest amount of comments about the Fayette County Comprehensive Plan - Full Plan Update was related to maintaining the rural character of the county.

The third largest amount of comments about the Fayette County Comprehensive Plan - Full Plan Update was connected to more development specifically to allow for young families to move to the county.

Other comments included the need for economic development, that the cities and county should coordinate planning efforts, that improvements to ease traffic congestion be made, that the county stick to and strictly interpret the land use plan, and that the multi-use path system be expanded to provide connectivity.

## **2017 Fayette County Comprehensive Plan Update Stakeholder Groups Summary**

### **INTRODUCTION**

The Georgia Department of Community Affairs (DCA) supplies a list of suggested stakeholder groups for local communities to consider in the comprehensive planning process. The Stakeholder Groups below are a reflection of the DCA list. The stakeholder groups consisted of:

- Representatives of the North Fayette Community group and Home Owners Associations in the northern portion of Fayette County.
- Developers consisting of nonresidential developers, residential developers and local engineers working for developer clients.
- Representatives of the Board of Realtors.
- Business groups including the Chamber of Commerce and the Economic Development Authority.
- Citizens promoting increased bicycling and pedestrian facilities.
- Representatives of the local Farm Bureau and individuals involved in Agra-business.
- Environmental groups consisting of a local land trust organization; and the Department of Environmental Health and local soil scientists.
- Representatives of the Fayette County Schools System.
- Representatives of the Fayette Piedmont Hospital.
- Representatives of the Fayette Senior Services

<b>North Fayette Community and HOA Stakeholder Group meeting 10/19/16 comment summary:</b>
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#### **Schools:**

- The high percentage of property tax going to the school system is justified to maintain the high quality of Fayette County Schools.
- Good schools are an asset to the County.
- The good schools are why Fayette County is primarily a residential county.

#### **Taxes:**

- If there is a choice between a decline in the quality of life or higher taxes – raise taxes.
- Aging population gets a tax exemption which reduces tax revenues.

#### **Economic Development:**

- There were mixed feelings among the group. Some were leery of economic development as it could change the character of the County. They thought the County should continue the same land use development pattern remaining primarily residential

and not do anything to detract from the quality of life. Others stated that economic development helps balance the tax base and business creates business and young people won't move to Fayette County if there is no job availability.

**Miscellaneous:**

- Pop projection of 143,255 in 2040 seems reasonable
- The county and cities should plan together.
- The county needs to do more to help with storm water problems in older subdivisions both on public and private property.
- It is difficult to get residents of older subdivisions where the covenants have expired to pay dues to maintain the subdivision common areas. The county should consider a special taxing district per subdivision for maintenance and improvement of the subdivision common areas.
- The County needs more tree protection on private property.

**Non-Residential Developers Stakeholder Group meeting 10/20/16 comment summary:****Light Industrial Development:**

- There is not much light industrial land left in PTC and there needs to be a new area set aside for light industrial development.
- Industrial has to be in the west portion of the County along SR74 due to interstate access and the price of land along SR 74 north is going up.
- We need something similar to a Panasonic or NCR campus.
- The east side of the County is not desirable due to poor access to interstate and large industry does not want to be in the Fayetteville area as a result.
- Tyrone is the next logical area for light industrial and but they need sewer.
- Most small service industries do not want to be south of SR 54.

**Access:**

- Build a limited access loop road in the County to improve access to Fayetteville and central portion of the county.
- Need TDK to go into Coweta County to help access for industrial.
- Need to develop interstate access via SR 92 north.
- There are ways to develop corridors like SR 74 with access roads to keep traffic moving.

**Coweta County:**

- The Poplar Road development area in Coweta County will pull industrial development from Fayette County.
- Peachtree City should annex into Coweta County.
- As schools get better in Coweta, they will compete with Fayette County for new residents.

**Office:**

- Tyrone's vision for SR74North is office development.
- There is only so much demand for office and business technology parks.

**Retail:**

- Retail is over built now until more roof tops are developed.
- We need roof tops to support commercial and the County has an anti-roof top mentality.
- Most citizens in Fayette County want development to stop once they are here.

**Medical Office:**

- There is a strong demand for medical office around the hospital especially to the west of the hospital but sewer service is required.
- It is difficult to do medical of any size without sewer due to new environmental health regulations.

**Pinewood Area:**

- A definite land use has not been established in the remaining area in the vicinity of Pinewood but it probably won't be light industrial.
- The Pinewood area should become its own city.
- Study and determine the type of businesses that are support industries to movie studios.

**Building Permits:**

- Electronic submittal of building permits is needed to save time for builders.
- The building department needs more staff.
- The County should consider outsourcing permits.
- The building department is available in a central location even though they are under staffed, it works the best it can with limited staff.
- If more staff isn't an option, the department needs more technology to compensate.

**Tax Incentives:**

- Simplify the tax credit system to lure more business, the administrative cost for legal, bonds, title transfer, etc. is too burdensome and costly.
- Create tax abatement pool for small companies with the potential to grow.
- Fayette County Development Authority is good/easy to work with for economic development.

**Corporate Office/Headquarters:**

- There is a demand for corporate office/headquarter type development and it is usually centered on the PTC market.
- Take a hard look at vacancies in the existing Class A office buildings here in town. Vacancies give you a quick snapshot on demand. If it's a direction to pursue for the county, then look at the requirements to draw such businesses
- The vacancy rates at West Park for office have been traditionally higher. It is expensive to build, and rates are higher. Some of the buildings there were sold at deep discount during the last recession due to these vacancies. For example, the Siemens HQ building. A developer can make money on someone else's distress, but it's tough to make the number work on new construction, and would be a big risk on speculative construction.
- Corporate Office/Corporate Headquarters would work in the Hospital/Pinewood area.

**Miscellaneous:**

- Young professionals (tech) area attracted to a more urban area.
- County's architectural regulations in SR overlays are too restrictive for large buildings.
- County should consider its own sewer system.

**Residential Developers Stakeholder Group meeting 10/20/16 comment summary:****Density:**

- Low density reduces the value of the property owner's property and these are people that have lived in the County their whole life and will use this to retire.
- Our clients don't want large lots.
- The 20 percent rule (lot makes up 20% on the house selling price) does not apply on large lots, the lot makes up a large percentage driving up the price of the house.
- Schools will continue to lose students with low density growth and the tax base will not be able to fund schools with anti-growth.
- Three acre density is not possible based on the current price of raw land.
- A road with utilities costs \$350 a linear foot.
- In terms of the market not everyone wants three acres; they want less property to maintain.
- The County needs a smart growth plan, not five acre lots.

- School population will continue to decrease with anti-growth.

**Regulations:**

- If the County wants larger lots they need to ease restrictions.
- If the County wants to reduce density in the unincorporated area, regulations need to be reduced to make low density profitable.
- If the County wants larger lots, reduce the lot width to make it affordable to development because that would mean less required road area.
- With five acre lots don't require a public road, let a certain number of lots use a shared driveway or allow a public gravel road to be built.
- Speaking for our company we will avoid Fayette County because it is too hard to rezone and too difficult to develop due to excessive regulations.
- If the County wants larger lots they need to ease restrictions.
- Watershed protection buffers and setbacks are excessive.
- Yield plan requirements for conservation subdivisions are too stringent: use a gross calculation.
- Reduce regulations on five acre development (roads, contiguous area, allow flag lots, etc.).
- Contiguous area is too restrictive.
- Developers need a payback when we extend a waterline and other property owner's tap into the line.

**Availability:**

- The County is running out of lots and most people want a one acre lot.
- Most of the good pieces of property have already been developed, what's left is marginal land and the regulations (road requirements, contiguous area, watershed protection, etc.) hinder what can be built.
- The Wieland development in west PTC will go fast and the other portion of the property is age restricted.

**Affordability:**

- There is not much affordable housing for young families; the price needs to be about \$200,000 at the most.
- The Gates in Peachtree City started at \$350,000 and now are going up into the high \$400,000's and they are selling as fast as they can be built.

**Septic:**

- According to the state under certain circumstances you can put a septic system on a half-acre.
- The County should look at alternative septic and community septic systems.

**Bike and Pedestrian Stakeholder Group meeting 11/11/16 comment summary:**

- Bike and pedestrian accessibility is a lifestyle that sells a community and allows us to experience the community differently and that should be a goal of the comp plan.

- The comp plan needs a goal of being a walk friendly and a bike friendly community and that is will advance the branding of the County.
- Communities that had pedestrian and bike facilities weathered the real estate recession better than communities that did not have pedestrian and bike facilities.
- Fayette County seems to reject anything that is successful in other areas because they want the status quo with no changes of advancements.
- Multi-use paths and bike/pedestrian facilities will add and maintain value of the homes they serve.
- The reason I moved to Peachtree City is because it is a bicycle friendly community and Fayette County needs to follow suit.
- Mobility Task Force of the Fayette Visioning recommends the complete street approach.
- Bike and pedestrian facilities connect us to parks and places of interest.
- Businesses locaters are also looking for bike friendly communities as a criterion for location.
- Atlanta Business Chronicle stated that 60 percent of commercial buildings in Atlanta are locating in a walkable area.
- Chattanooga has a great success with bike facilities.
- The beltline is a great success in Atlanta.
- Bike estimate in Fayette County is 20,000 to 25,000 bikes.
- There are three organized cyclist groups in the area.
- Between PTC and Senoia there are three high-end bike shops so there are number of cyclists in the area.
- Typical bike trip distance is 2 to 5 miles.
- Cyclists need to engage the elected officials more to get bike facilities to be considered for funding.

**Safety:**

- Multi-use paths are not always good for cyclists – they are too crowded with walkers, strollers, golf carts etc.
- Need more bike routes with proper signage if bike lanes area not possible to increase safety for cyclists.
- Generally, most vehicles exceed the speed limit which makes it dangerous for cyclists.
- Roundabouts need to be wider for bike safety. The new roundabout on SR 16 is too small and is dangerous to cyclists.
- Cars exceeding the speed limit make it more dangerous to ride a bike.
- SPLOST funds should go toward bike and pedestrian safety (signage, striping, etc.).

**Projects:**

- GPS tracking indicates where bike traffic is the heaviest. These roads should be targeted for proper signage.
- The Redwine Road path needs to be completed from Starr's Mill High School to the square in Fayetteville.
- Bridge crossings will be expensive.
- The SPLOST contains some Redwine Road paths.
- Bernhard Road east of Redwine Road needs bike lanes when it is repaved.

- When the County repaves they should add additional pavement on either side to allow for bike lanes and measure the car travel lane from the center of the road out and leave an area on the shoulder for bike lanes.
- Suggested bike routes include: Kelley Drive to McIntosh Trail, Bernhard Road to Goza Road to Antioch Road, Crosstown and Ebenezer Road, Spear Road to Ebenezer Church Road to Redwine Road to Harp Road.
- The county needs bike commuter routes. There is a commuter demand for SR 74 and SR 54.
- Rising Star Road is a heavy bike route.
- The County needs to investigate county to county connection. Connect Senoia to PTC.
- A Bike share program should be considered. It would work in PTC.
- Bike signage should be a unique design for Fayette County for branding and the image can be used to promote Fayette County. Also add quick response codes.
- Mark bike boxes on pavement at intersections.
- If bike facilities were increased ridership would also increase

**Board of Realtors Stakeholder Group meeting 11/11/16 comment summary:**

- As the populations ages the schools will get less tax revenue due to exemptions.
- The school system is not as good as it used to be.
- The Fayette Visioning information needs to be considered in the plan.
- We need bike lanes because it is a problem driving with cyclists on the road.
- We need sidewalks as well.
- When will veteran's parkway be connected to Westbridge Road?
- When will the east Fayetteville bypass be constructed?
- Are there any plans for trolleys or trams in the county?
- What is the County's stance on rezoning as five acres is what most of the County is zoned but we need to develop on smaller lots.
- Empty nesters don't want to take care of five acres and if want to continue to grow they need housing.
- There is nothing in the Whitewater school district in the form of small low maintenance lots or townhomes.
- Growth will continue to create traffic congestion. Growth in surrounding counties will increase congestion.
- There seems to be a disconnect that the County wants to slow or no growth but they allowed Pinewood to come and that is creating pressure for growth and driving prices up.
- Should suggested traffic improvements be made in the comp plan survey?
- The County has a lot of property zoned for two acre lots.
- Does the Board of Commissioners only want five acre lots?
- Why have the Board of Commissioner turned down two acre zoning?
- It takes too long to get lots platted and you shouldn't have to do a level three soil study on large lots.
- Storm water charge is not fair for large lots.
- Brooks had the good sense not to put in a storm water fee.



**Development Engineers Stakeholder Group meeting 11/12/16 comment summary:**

- There seems to be a lot of opposition to growth of any kind and no development is what it appears the County wants.
- Fayette County is primarily residential because of its location away from the interstate and there are limited opportunities to attract those big employers.
- Pinewood Forest will be a test to see if Millennials will be drawn to its more urban mixed-use development patterns. This development pattern could also be sought by retirees.
- Performing arts center should continue to be pursued because it would create a sense of community.

**Transportation:**

- The County needs to investigate some sort of alternative transportation mode that would work in a low density community.
- As the county continues to grow transportation becomes more critical if you want to attract big employers.
- The County needs to explore some sort of public transportation.

**Economic Development:**

- Need more jobs in the County to employ residents.
- Create job center in middle of County.
- Companies look for amenities for their employees like high end shopping and restaurants, arts and culture and parks to determine where they will locate.

**Sewer:**

- The County should investigate small decentralized sewage treatment facilities and they should be owned and operated by the County. This would be the general permit through the EPD with a treatment range of 10,000 gallons to 100,000 gallons. The County could also regulate to a higher standard if they are going to take over these systems. They also should have two drain field areas provided.
- The future of septic systems is new technology which treats the effluent more before it is released into the drain fields.
- For sewer new septic technology and decentralized systems should be considered.

**Fayette County School System Stakeholder Group meeting 11/12/16 comment summary:****School System:**

- In 2007/2008 before the recession we had 22,500 students and that had been steadily decreasing and now we are at 20,100 students and now the numbers are decreasing in the lower grades.

- It feels like the County is trying to build walls around the County to keep people out and a community cannot just sit still.

**Coordinated Planning:**

- The county, cities and school system need to collaborate and cooperate for the County to grow responsibly.
- Efforts to consolidate city/county services not did happen which would be more efficient for funding.
- The County needs to be in unison with cities in planning for growth.

**Aging Community:**

- Age restricted communities do not pay as much school tax.
- Peachtree City creates an opportunity for people to age in place with the cart system and amenities.
- Fayette County is one the fastest aging Counties in Georgia.
- The aging community will affect school revenues.

**Traffic:**

- Traffic congestion on SR 92 south is coming from outside the County.
- We need a Bypass to keep traffic out of the center of Fayetteville.
- Traffic congestion affects the schools and bus traffic.
- The SPLOST needs to pass to relieve traffic.

**Pinewood:**

- Pinewood Studio has helped the local economy.
- Movie industry people are coming here to work and realizing this is a good place to live because of the schools. Pinewood Forest may affect the school population.

**Housing Affordability:**

- The price of housing may prevent some young families from moving into Fayette County.
- The County needs to grow and find some range of affordable housing to attract young families that won't detract from the quality of life as the school system is very desirable.

**Chamber of Commerce Stakeholder Group meeting 11/16/16 comment summary:****Economic Development:**

- Approximately 26 percent of property tax revenue comes from non-residential property, it should be higher.
- A site location specialist stated that the best area for economic development is the area on Veterans Parkway by the hospital and the FCDA would target Aerospace, advanced manufacturing, film industry, corporate headquarter and IT for this area.

- A tool some communities use is to develop their own industrial park that is owned by the Development Authority and possibly contains a spec building. Fayette County has never done that and if the Tyrone SR 74 corridor is the next area for light industrial the County should get involved in that way. The county and cities should work together on this.
- Warehousing alone is not a good fit for Fayette County. The perception is it produces too much truck traffic.

**Aging Population:**

- The ARC has predicted that Fayette County will continue to age and the growth rate will be under the national average and the lowest in the metro region.
- How much of the future population will be of retirement age?
- Cart system in Peachtree City allows older population to still get around but some older people can't even drive a golf cart and the senior services transportation service will need to be expanded and funding will always be an issue.
- Seniors need traffic alternatives like the service the Senior Services provides and it will need to be expanded with the population.
- Older people want to scale back in terms of housing.

**Transportation:**

- Atlanta Speaks survey indicates 25% of Fayette citizens felt strongly that they don't have transportation to get where they need to go.
- Population with special needs and disabilities need transportation.
- Consider a career center for work force job training (advanced manufacturing) two year degree.

**Affordability:**

- The County needs affordable housing to attract young families and consider the market demand.
- The problem is the Fayette County commands an expensive house. Incentives could help with affordability.
- Has the County considered Transfer of Development rights program.

**Senior Services Stakeholder Group meeting 11/9/16 comment summary:**

- The ARC is the Senior Services' source for data and they data said there was a 100 percent increase in the number of people over the age of 60 in 2013 and their projection is for that trend to continue.
- Peachtree City has amenities that attract seniors like the golf courses.
- AARP data indicates that people want to stay in their homes but some can't drive anymore and that's what drives our transportation services.
- We see the ageing trend continuing and there is a lot of millennial talk here but that is a limited market to attract back to a bedroom community.

- While Peachtree City allows seniors to get around in a golf cart as opposed to a car those with major health issues can't drive a golf cart and older seniors in their 70's and 80's don't drive golf carts.
- The funding for the transportation service is about a third from ARC/local/State/Federal, another third from grants and the remainder is raised by senior services through donations.
- The challenge is program heavily relies on donations and every year we need to raise 50,000 to 70,000 in donations.
- Insurances costs add to the expense.
- The Fayette Piedmont Hospital complex is where most of the doctors are located.
- We handle about 20,000 trips per year and 80% are medical related.
- Dialysis patients can require up to three trips per week.
- The transportation service is a cost share service and each pays based on ability to pay and most pay between \$3.00 to \$6.00 per trip.
- It is a door to door service.
- The majority of the vehicles are wheelchair accessible.
- It will be difficult to maintain the current level of service in the future with the increase of seniors.
- We have 13 vehicles now and we need 16.
- Five of those vehicles have more than 125,000 miles on them.
- Federal money has regulations attached that are hard to meet like fixed routes and that doesn't fit our operating procedure.
- The transportation serviced will take patients outside the county like to a VA hospital.
- The Senior Center will need to expand and some communities have two facilities to meet the need.

**Department of Environmental Health and Soil Scientist Stakeholder Group meeting 11/10/16  
comment summary:**

- There is still is a good amount of open areas with good soils available for development in the unincorporated County.
- Lots that were platted in the past that were marginal in terms of septic area are now being built on because of new septic technology in alternative septic systems.
- There are three issues: larger homes being built, multi-generational families increasing the density of the homes and some in home businesses.
- Recently there have been issues with a number of generations of a family sharing the house a exceeding the original septic capacity.

**Lot Size:**

- The County should consider larger than one acre lots because where 3 to 4 bedrooms were standard now 5 to 6 bedrooms are becoming the standard and septic systems are sized on the number of bedrooms and soils.
- Commercial is based on the use and number of employees.
- With the larger residential floorplans you have a larger footprint and accessory structures such as pools and garages impacting a greater percentage on the lot reducing the potential septic area.
- The lot should be sized based on the size house and number of potential accessory structures.

- State septic regulations allow a lot with public water and a septic system to be ½ to ¾ acres with certain soils conditions.
- The County should consider limiting impervious areas on a lot.
- Lot size should take into consideration the amount of good soils such as 2,400 square feet of certain soils types on each lot.
- The county needs to institute an amount of minimum good soils on each lot.
- On larger lots the County should not require a level 3 soils survey; a lesser analysis would be adequate.

**Septic Maintenance:**

- There is no required maintenance of a septic system.
- The filters that are now required on septic systems have to be maintained and they stop the problem before it gets into the drain fields.
- The Board of Health needs a regulation that when an older system is pumped a filter needs to be installed and retro fitted for a baffle.

**Community Septic:**

- The Board of Health does not allow an individual residential septic system to be off site it has to be contained within the lot. Off -site system is allowed as a community system that all houses are required to hook into.
- The county should take ownership of any community systems.

**Fayette County Economic Development Authority Stakeholder Group meeting 11/15/16 comment summary:**

- Light industrial pays a moderate wage to its employees but it is good for the tax base because it is taxed on the land, buildings, equipment and inventory.
- Everybody wants the corporate headquarters and high tech industry but they don't pay as much as light industrial because they lack the equipment tax.
- There may need to be an attitude change because without businesses can't we afford to live here.
- Tyrone is the next great place for growth with sewer and the SR 74 corridor.
- The Pinewood area is another area for growth in film, office-institutional, and corporate headquarters.
- The Atlanta Metro chamber has released figures showing the Atlanta area is booming while the rural areas of the state are drying up.
- The tax burden on residential property will continue to increase unless the County gets some economic development in the form of non-residential development.
- Development like Pinewood Forest is what people will be looking for in the future where you can live close to work.
- It will become increasing difficult for Fayette County citizens to sit in traffic to make a living in Atlanta to live in Fayette County.
- The County needs additional infrastructure and transportation options to increase its potential for economic development opportunities.

- The County needs more diversified housing choices aside from one acre lots on a septic system as corporations look at lifestyle as a factor in where they locate.
- The County and cities need to be in sync because another factor corporations look at is governmental cooperation between the county and cities.
- The question is should the development authority and the county/cities partner to develop an industrial park.
- Land availability and infrastructure are issues for economic development.
- There are many options for public private partnerships to finance and develop an industrial park.

**Farm Bureau and Agri-Business Stakeholder Group meeting 11/15/16 comment summary:**

- There are very few property owners making a living solely from agriculture.
- The County's vision of agriculture needs to embrace the new agricultural movement and more needs to be allowed in A-R to help support the large property owners so they can continue to preserve the rural character.
- Agriculture could be a way of life for young people to move to this county.
- Farm to table restaurants should be allowed and serving alcohol should be considered.
- The county should consider a manner where farm workers can live on site.
- Equestrian uses should be pursued as it could be profitable making Fayette County an equestrian attraction (see Heard County).
- Agra-tourism should be pursued such as wedding and event facilities, equestrian, Christmas trees
- The present A-R wedding regulations are too restrictive especially limiting the number of events on a dirt road and the farm wedding should be in two categories with one being if the land owner files a schedule f form with any farm income they should have less regulations than those that build a large facility specifically for weddings and events.

**Fayette Piedmont Hospital Stakeholder Group meeting 11/18/16 comment summary:**

- The hospital is looking to expand and will pursue more land and we currently control 68 acres.
- The hospital is currently being expanded both for hospital space and offices for doctors.
- The hospital is a regional facility and a number of the patients are from outside the county.
- With the expansion of the hospital campus we need better circulation and will pursue a loop drive around the campus to improve efficiency in the parking lots and will look for additional access from existing roads.
- A parking deck is being evaluated but they are costly.
- Medical office buildings not associated with the hospital, being built around the hospital may not work because doctors want a connection to the hospital and the hospital is pursuing office space as well.
- Non- competitive corporate headquarters would be a good fit around the hospital.
- We do not want your typical big box retail development around the hospital.
- The best development around the hospital would be development at a walkable scale with mixed use small retail establishments, non-competitive offices, and possibly with residential above.

- The bridge to the shopping center across from the hospital on SR 54 is needed and path connectivity to the college and Pinewood development is needed.
- Fayette Senior Services does a good job transporting seniors to their doctor appointments and they need support.

**Environmental/Land Trust Advocacy Stakeholder Group meeting 12/16/16 comment summary:**

- In terms of greenspace and recreation does Fayette County have the same amount as similar communities?
- Southern Conservation Trust tries to conserve as much property as possible and we use a variety of methods including conservation trust and we would like to work with the county to identify properties for preservation.
- There are tax benefits to a conservation trust and an educational effort needs to be made to make people aware of this so they may be willing to conserve their land. We need to educate estate planners.
- Southern Conservation trust is involved with the water trail on Whitewater Creek.
- Southern Conservation trust manages about 1,200 acres in Fayette County.
- Property with a water feature should be a priority to conserve and properties that create the rural view shed from the roadways could be targeted.
- Old railways should be pursued as trails.

## NEEDS AND OPPORTUNITIES

The following are the needs and opportunities that are identified as high priority to the County. Corresponding implementation measures will be outlined in the Community Work Program.

**Need:**

Maintain the rural character of the unincorporated county.

**Opportunity:**

- Define the characteristics of “rural character”.
- Determine methods to maintain rural character and amend regulations accordingly.
- Explore Agra-tourism and create more business opportunities for the agricultural community as a means to maintain rural character.

**Need:**

Address Traffic Congestion

**Opportunity:**

- The county is developing a Comprehensive Transportation Plan (CTP) that will be completed in the summer of 2018.
- The CTP should address a county-wide multi-use path system, on-road cycling facilities and pedestrian access and safety.

**Need:**

Evaluate current septic regulations.

**Opportunity:**

- Meet with the Department of Environmental Health and local soil scientists to review current septic regulations to determine if amendments are necessary.





## COMMUNITY GOALS

Input from the citizens of Fayette County gathered through an on-line survey and various stakeholder groups meetings form the basis for the Community Goals. There were a number of recurring priorities and concerns voiced in both the on-line survey and stakeholder group meetings. These priorities and concerns are as follows:

- Maintain the rural character of the unincorporated county especially in the southern portion of the County.
- Consider mechanisms to aid in the maintenance of entrances of older subdivisions where covenants have expired and resident fees are no longer collected.
- Maintain large residential lots to reduce density and traffic. To encourage large lot residential development the County should look at reducing development requirements.
- Traffic congestion is increasing and detracts from the quality of life; existing roads require better maintenance and road improvements to ease congestion and calm traffic need to be made.
- The on-line survey indicates that citizens want to see an improvement in governmental services. These improvements include improving elected official's leadership, civility between elected officials and cooperation between county and municipal elected officials; a decrease in governmental spending to reduce the tax burden; increase governmental to citizen communications; increase the mowing of roadways; and better maintenance of roads and infrastructure.
- Coordinate development with the provision of adequate infrastructure.
- Develop a county-wide multi-use path system, sidewalks and on-road cycling facilities and signage. These amenities also enhance and maintain property values and community identity.
- The on-line survey indicates that citizens want more parks, recreational facilities and greenspace/natural areas. It also indicates that citizens want cultural facilities.
- The county and municipals should work together to coordinate planning. A factor corporations look for in a community is cooperation between the county and its municipalities.
- Economic development should be pursued to create jobs and balance the tax base but not to the detriment of the character of the County. The Hospital – Pinewood area is the prime location for corporate headquarters, medical related companies, film support industries, advanced manufacturing/aerospace, and information technology. The SR 74 corridor is the primary area for light industrial development due to access to I-85.
- The pursuit of Agri-tourism could both create economic development and protect rural character by increasing business opportunities for the agricultural community.

- 
- The County should reevaluate current septic regulations in relation to soil types and lot size.

### **GENERAL VISION STATEMENT**

The vision for Fayette County is to be a county that provides a great quality of life for its citizens and provides a county where citizens can live, learn, work, play, and shop in safety and comfort. With quality of life as the plan's cornerstone, several broad visions come into focus:

**Choice of Life Style:** With the unincorporated County in combination with the incorporated areas, Fayette County provides a choice of living styles with the opportunity to live in a rural setting, a suburban setting, or an urban setting in an incorporated area.

Fayette County and its municipalities must each keep their own unique identity. They should grow and prosper according to their own chosen destiny. It is essential that the County and its municipalities work together to plan for the growth of the county.

**Rural Character:** Fayette County's rural character is a large part of its appeal. The protection and preservation of this rural character is significant to the citizens of Fayette County.

**Economic Development:** Economic development and quality of life go hand-in-hand. Neither improves without the other. Without economic development, if maintaining quality of life is the goal, it will be at the expense of the residential property owner. Fayette County seeks to attract businesses that will provide employment matching the demographics of its citizens and that is safe, clean and nonpolluting.

**Transportation:** Address the transportation needs, challenges and opportunities. This may be achieved by fostering alternatives to transportation by automobile with development of walking, cycling, and golf cart facilities; employing traffic calming measures; and coordinating land use decision-making that are in balance with the capacity of the transportation infrastructure.

**Regional Cooperation:** Cooperate with neighboring jurisdictions to address shared needs. This may be achieved by actively participating in regional organizations; identifying joint projects that will result in greater efficiency and less cost to the taxpayer; or developing collaborative solutions for regional issues such as protection of shared natural resources, or development of the transportation solutions.

**Development Patterns:** Unincorporated Fayette County will continue to develop in a low density residential pattern due to community desire and the lack of a sewer system. In addition, the southern portion of the unincorporated county is not served widely by public water and is dependent of individual wells. The municipalities of Fayetteville, Peachtree City and Tyrone will continue to develop in a denser more urban residential pattern since they have the infrastructure in the form of public sewer and water to support that level of development.

The towns of Brooks and Woolsey will maintain a small town residential character as each lack a public sewer system.

In terms of a nonresidential development pattern, unincorporated Fayette County, Brooks and Woolsey will maintain a low intensity development pattern. The greater intensity of nonresidential development will occur in the municipalities of Fayetteville, Peachtree City and Tyrone due to the availability of public sewer and water.

This the general residential and nonresidential pattern envisioned for Fayette County. A more detailed description of future land use patterns are contained in the Lands Use Element.

### **CHARCATER AREAS**

The following is the narrative on Character Areas and accompanying map.

<b>TABLE CG-1 CHARACTER AREAS</b>		
<b>Character Area</b>	<b>Description/Predominant Characteristics</b>	<b>Suggested Development Strategy</b>
<b>Environmentally Sensitive Areas</b>	Environmentally sensitive areas consist of waterways, watershed protection areas, flood plains, steep slopes, poor soils and wildlife habitat.	<ul style="list-style-type: none"> <li>- Protect water supply watersheds from disturbance through buffers and setbacks.</li> <li>- Allow only passive recreational uses.</li> <li>- Promote best management practices for existing agricultural and forestry uses.</li> </ul>
<b>Agricultural Residential Area</b>	The southern portion of Fayette County where a predominance of large tracts of land exists with scattered agricultural uses (crops, timber, and livestock) and large estate lots. Little availability of public water.	<ul style="list-style-type: none"> <li>- Density limited to no more than one unit per five acres.</li> <li>- Use the Estate Zoning District with adequate buffers to promote the conservation subdivision (60 percent developed – 40 percent greenspace) approach to the Agricultural Area based on the aforementioned density to maintain agricultural residential character. This will aid in maintaining a sense of place in the southern portion of the county.</li> </ul>

**Fayette County Comprehensive Plan****Community Goals**

<b>Character Area</b>	<b>Description/Predominant Characteristics</b>	<b>Suggested Development Strategy</b>
<b>Rural Residential Area 3</b>	Semi-rural area with some scattered agricultural uses on large tracts of land and subdivisions (one unit per three acres). Limited availability of public water.	<ul style="list-style-type: none"> <li>- Density limited to no more than one unit per three acres.</li> <li>- This will aid in maintaining a sense of place in the rural residential portion of the county. This category offers larger lot development of a residential nature to blend with and transition to agricultural-residential.</li> </ul>
<b>Rural Residential Area 2</b>	Semi-rural area with some scattered agricultural uses on large tracts of land and subdivisions (one unit per two acres). Limited availability of public water.	<ul style="list-style-type: none"> <li>- Density limited to no more than one unit per two acres.</li> <li>- The Conservation Subdivision Zoning District is appropriate for the Rural Residential Area 2 based on the aforementioned density to maintain rural character.</li> </ul>
<b>Character Area</b>	<b>Description/Predominant Characteristics</b>	<b>Suggested Development Strategy</b>
<b>Suburban Area - Developing</b>	This area is developed with subdivisions (one unit per one acre). Area with greatest availability of public water. Existing subdivisions lack greenspace and pedestrian facilities. Connectivity between existing subdivisions is limited.	<ul style="list-style-type: none"> <li>- Density limited to no more than one unit per one acre.</li> <li>- Encourage the utilization of floodplain for greenspace in new subdivisions.</li> <li>- Support the installation of sidewalks within new subdivisions.</li> <li>- Investigate the feasibility of connecting existing residential subdivisions through sidewalks/paths.</li> <li>- Maintain a low density residential scale to subdivision development to create a sense of place by differentiating it from higher density subdivision development in the municipalities.</li> <li>- As a condition of rezoning require measures to minimize visual impacts and impacts on roadways.</li> </ul>

**Fayette County Comprehensive Plan****Community Goals**

<b>Commerce Area</b>	These areas contain a moderate amount of existing and future office, commercial and industrial uses. As places of commerce they provide services, goods and employment. Access within these areas is predominantly vehicular with few pedestrian amenities. Some control over intensity, architectural character and inter-parcel access exist in county regulations.	<ul style="list-style-type: none"> <li>- Investigate methods to improve pedestrian safety and use within commerce centers.</li> <li>-Review existing county regulations that control intensity, architectural character and inter-parcel access is ascertain their effectiveness.</li> <li>- As a condition of rezoning require measures to minimize visual impacts and impacts on roadways.</li> </ul>
<b>Character Area</b>	<b>Description/Predominant Characteristics</b>	<b>Suggested Development Strategy</b>
<b>Nonresidential Corridor</b>	Existing and future areas in the county where a large amount nonresidential development (office, commercial and industrial) is anticipated on both sides of a roadway. Access within these areas is predominantly vehicular with few pedestrian amenities. Some control over intensity, architectural character and inter-parcel access exist in county regulations.	<ul style="list-style-type: none"> <li>- Investigate methods to improve pedestrian safety and use within nonresidential centers.</li> <li>-Review existing county regulations that control intensity, architectural character and inter-parcel access to ascertain their effectiveness.</li> <li>- As a condition of rezoning require measures to minimize visual impacts and impacts on roadways.</li> </ul>
<b>Government Services</b>	Publicly owned areas which contain governmental services such public works, water system facilities, emergency services communications, solid waste facilities, etc.	<ul style="list-style-type: none"> <li>- Ensure that facilities are properly sized to meet the existing and future demand for governmental services.</li> <li>- Ensure that the administrative functions are properly staffed and equipped to adequately support county functions.</li> </ul>

**Fayette County Comprehensive Plan****Community Goals**

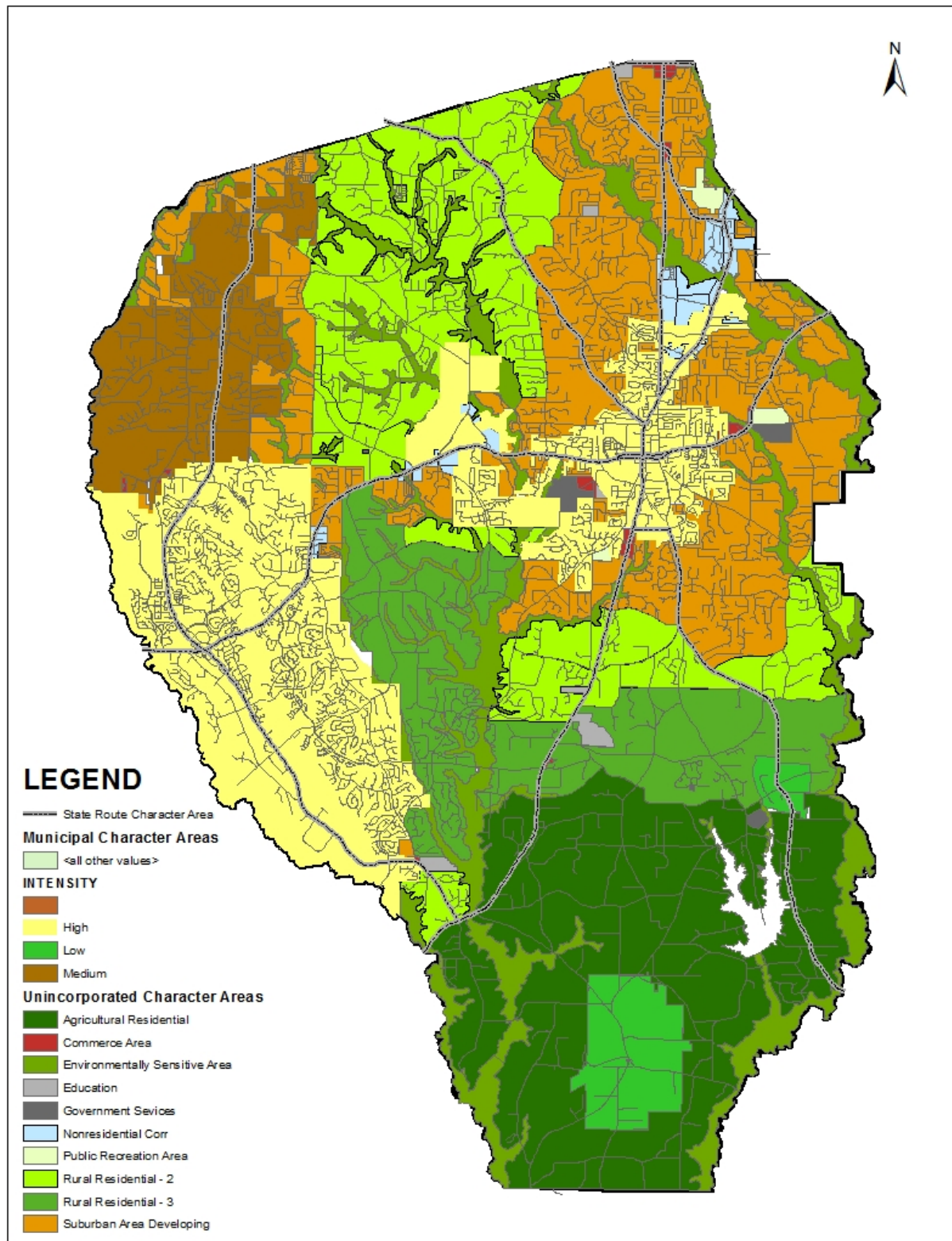
<b>Education</b>	Areas which contain public and private schools.	<ul style="list-style-type: none"> <li>- Maintain a working relationship with the Fayette County School System to facilitate the provision and coordination of educational facilities to serve the growing population.</li> <li>- Review existing county regulations that control private school development to ascertain their effectiveness.</li> </ul>
<b>Public Recreation Area</b>	Areas which contain public parks.	<ul style="list-style-type: none"> <li>- Acquire additional land to expand existing parks or provide new parks through a combination of purchase in fee simple, easements, dedication, donation, and/or other appropriate means.</li> </ul>
<b>Character Area</b>	<b>Description/Predominant Characteristics</b>	<b>Suggested Development Strategy</b>
<b>State Route Corridor</b>	All State Routes in Fayette County under the full control of Georgia Department of Transportation (GDOT). Maintenance, design, and improvements are the responsibility of GDOT. Parcel access controlled by GDOT. State Routes consist of two and four lane roadways. It is anticipated that all State Routes will be a minimum of four lanes at some point. County has overlay regulations to control development on all State Routes.	<ul style="list-style-type: none"> <li>- Continue to work with GDOT for the improvement of State Routes.</li> <li>- Continue to communicate with GDOT and seek input on proposed developments along State Routes.</li> <li>- Regulate development based on GDOT plans for future widenings of State Routes.</li> <li>- Review existing county overlay regulations that control development along State Routes to ascertain their effectiveness.</li> <li>- Work with GDOT to insure that our widened State Routes do not become significant channels for out of county cut through traffic.</li> </ul>
<b>Municipality – High Intensity</b>	Peachtree City and Fayetteville have the largest concentration of population and land use intensity in the county. These cities have the greatest access to sewer and water service to	<ul style="list-style-type: none"> <li>- Within their existing limits these municipalities can accommodate the highest density residential and nonresidential land use intensity in the county. Mixed use development is appropriate in</li> </ul>

**Fayette County Comprehensive Plan****Community Goals**

	serve development.	these municipalities. A wide range of housing densities can be provided due to the provision of sewer and water infrastructure
<b>Municipality – Medium Intensity</b>	Tyrone has good access to public water and limited access to sewer service.	- Within the existing limits of this municipality medium residential densities and nonresidential intensities can be accommodated.
<b>Municipality – Low Intensity</b>	Brooks and Woolsey have limited access to public water. Brooks has a small public sewer system to serve the existing building in the downtown area with no capacity for expansion and Woolsey has no access to public sewer.	Within the existing limits of these municipalities medium to low residential densities and nonresidential intensities can be accommodated.



MAP CG-1



## LAND USE ELEMENT

*“Planned growth is more desirable than uncontrolled growth, and more profitable; public and private powers can be joined in partnership in a process to realize the plan.”*

*- Ian Mcharg*

### INTRODUCTION

The Land Use Element functions as a guide for county officials, the general public, the development community, and other interested parties as to the ultimate pattern of development in the unincorporated county. This Element provides the opportunity to inventory existing land use patterns and trends; to illustrate future patterns of growth, based on community needs and desires; develop goals and objectives for future land use; consider in a broader perspective, the sum total effect of future development on the County; and to recognize that Fayette County holds a unique place in the Atlanta Metro area as a low density community which offers a slower pace and a very desirable quality of life.

In practice, this is the most visible and often used element in the Comprehensive Plan. In addition to establishing the county's development policy in broad terms, the land use element plays a pivotal role in the zoning and public works decisions, as these are the primary tools for implementing the land use element.

The Land Use Element focuses on maintaining quality of life, and providing opportunities to protect and preserve rural character while allowing for reasonable and compatible growth. The policies within this chapter work together with the Future Land Use Plan Map to provide a guide for future development by type, density, intensity and location. These plan elements are represented on the Map by color designations.

### EXISTING LAND USE

The intent of a land use plan is to guide development based on an understanding of the county's current development status and future development trends. A key element in this process is an inventory of existing land use. A knowledge and understanding of how land in the county is presently being used establishes the foundation for the preparation of a land use plan.

Fayette County's total land area is                  acres. Of this total, approximately                  acres (or - percent) lies within the incorporated limits of Fayette County's five municipalities. The remaining                  acres lie within unincorporated Fayette County. The following section provides an inventory and assessment of existing land use in unincorporated Fayette County. The county's Geographical Information System, supplemented by area knowledge, was used to develop existing land use data. This section identifies the products resulting from a typical land use

survey: (1) a map showing existing land use (Map L-1); and (2) statistics describing the amount of land in each land use category (Table L-1).

The following land use categories, as defined by the Department of Community Affairs, were used to survey existing land use in unincorporated Fayette County:

**Residential:** In unincorporated Fayette County, the predominant use of land within the residential category is for single-family dwelling units. This residential densities in this category range from one acre minimum lots to five acre minimum lots and includes Manufactured Home Parks.

**Commercial:** This category is for land dedicated to non-industrial business uses, including retail sales, office and entertainment facilities. Commercial uses may be located as a single use in one building or grouped together in a shopping center or office building.

**Industrial:** This category is for land dedicated to service industries, manufacturing, processing and assembly operations, warehousing, wholesale trade facilities, mining, or other similar uses.

**Public/Institutional:** This category includes certain state, federal or local government uses, and institutional land uses. Government uses include city halls and government installations, etc. Examples of institutional land uses include colleges, churches, cemeteries, hospitals, etc. Facilities that are publicly owned, but would be classified more accurately in another land use category, should not be included in this category. For example, Park/Recreation/Environmentally Sensitive category; landfills should fall under the Industrial category; and general office buildings containing government offices should be placed in the Commercial category.

**Transportation/Communication/Utilities:** This category includes such uses as power generation plants, railroad facilities, radio towers, electrical substations, airports, or other similar uses.

**Park/Recreation/Environmentally Sensitive:** This category is for land dedicated to active or passive recreational uses. These areas may be either publicly or privately owned and may include playgrounds, public parks, nature preserves, wildlife management areas, national forests, golf courses, recreation centers and similar uses.

**Agriculture/Forestry:** This category is for land dedicated to farming (fields, lots, pastures, farmsteads, specialty farms, livestock production, etc.), agriculture, or commercial timber or pulpwood harvesting.

**Undeveloped:** This category is for land not developed for a specific use or land that was developed for a particular use but that has been abandoned for that use. This category includes woodlands or pasture land (not in agricultural crop, livestock or commercial

timber production), undeveloped portions of residential subdivisions and industrial parks, water bodies (lakes, rivers, etc.), and locations of structures that have been vacant for some time and allowed to become deteriorated or dilapidated.

Map L-1, provides a generalized picture of how land in Fayette County is currently being used. Table L-1 lists the total estimated acreage of each of the land use categories illustrated on Map L- 1.

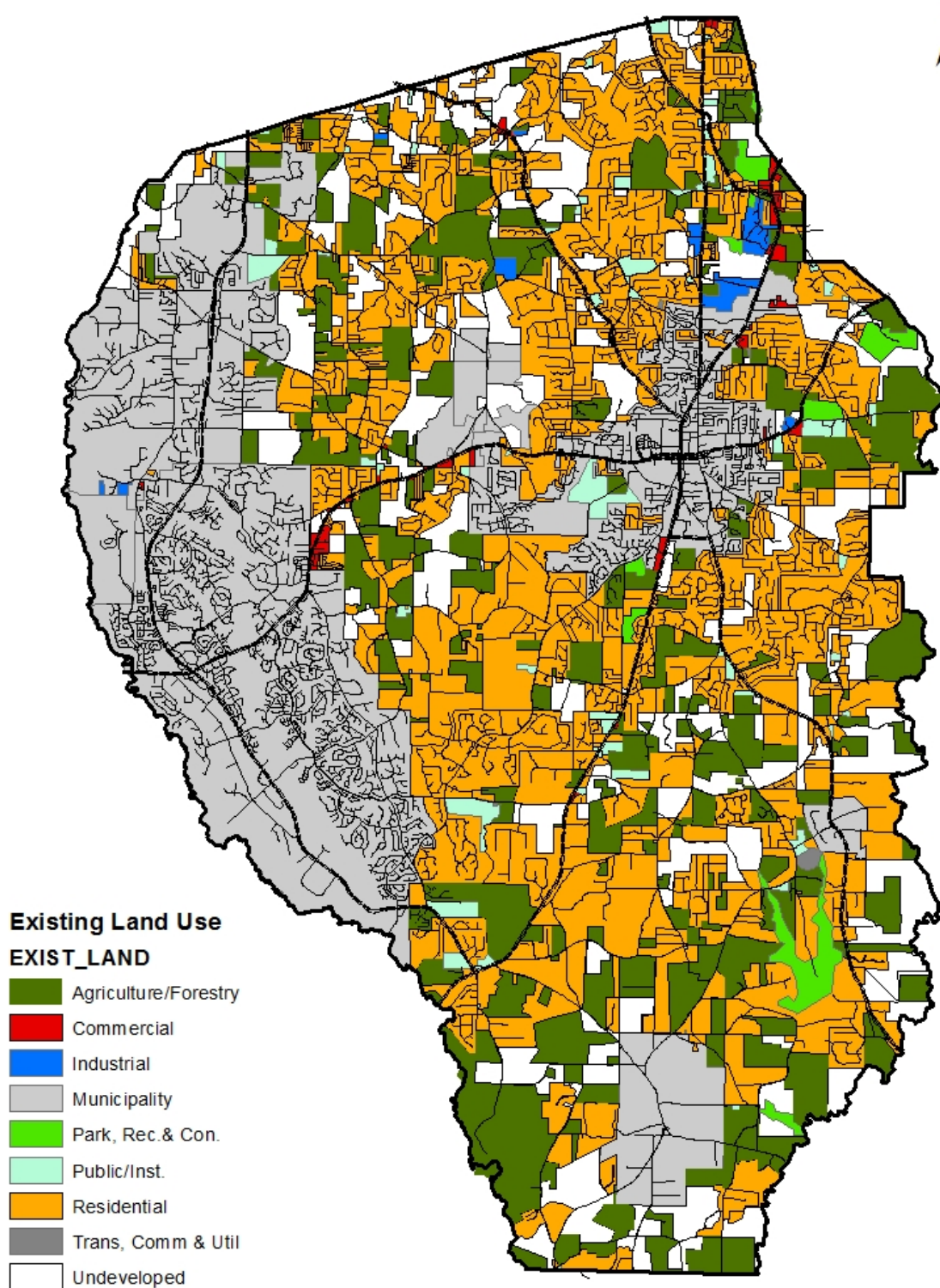
<b>TABLE L-1 EXISTING LAND USE DISTRIBUTION, SPRING 2017 UNINCORPORATED FAYETTE COUNTY</b>		
Land Use	Acres	Percent of Area
Residential	47,782	51.43%
Commercial & Office	529	0.57%
Industrial	631	0.68%
Public/Institutional	2,042	2.20%
Transportation/Communication/Utilities	86	0.09%
Park/Recreation/Conservation	1,479	1.59%
Agriculture & Forestry	22,623	24.35%
Undeveloped	17,740	19.09%
Total Acreage	92,912	100.00%

Source: Fayette County Planning Department

As Table L-1 indicates, unincorporated Fayette County's land area totals approximately 92,912 acres, of which 17,740 acres (19.09 percent) are classified as undeveloped.

**Residential land use**, comprising 51.43 percent of the unincorporated county's developed acreage, is the predominant land use in the unincorporated county. This land use is characterized by single family dwellings on lots ranging from a minimum of one acre to lots of five acres or more. Single family dwellings on lots of a minimum OF one acre are developed in conjunction with the availability of public water. These areas are concentrated in the vicinity of the various municipalities and in the northern portion of the county east of SR 92. Lots that are a minimum of two acres in size are further removed from the urban areas, where county water may or may not be available. Residential land uses in the southern end of the county are characterized by single family dwellings on lots of five acres or larger. This is due not only to the lack of available infrastructure, but to the support and maintenance of the rural environment that is characteristic of this area. There are seven manufactured home parks in the unincorporated county. These parks contain approximately 1,460 manufactured home pads.

**MAP L-1  
EXISTING LAND USE**



Source: Fayette County GIS

**Commercial and Office land uses** comprise approximately 0.57 percent of the total land area. Commercial activity is generally limited to small, neighborhood, convenience-retail centers. These centers are characterized by a gas station/convenience store. Two areas, SR 85 North and SR 54 West adjacent to Peachtree City, contain a mix of small shopping centers, offices and service establishments. Office uses are generally concentrated along SR 85 North and SR 54 West where an overlay zone allows the conversion of existing residences to office uses.

**Industrial land use** comprises 0.68 percent of the total acreage. The majority of industrial activity is centered north of Fayetteville along SR 85 North (BFI Landfill property, numerous auto salvage facilities, and Kenwood Business Park) and SR 314 (Lee Center).

**Public/Institutional land uses**, comprising nearly 2.20percent of the total developed acreage, consist mainly of churches, schools, and county-owned facilities and property. There are over 100 churches in the unincorporated county as well as four existing or planned high schools, three existing middle schools, and four elementary schools. Existing or future water tank sites are located on Ellis Road, SR 92 North, Porter Road, and Horseman's Run. A large water treatment plant is located on Antioch Road.

**Transportation/Communication/Utilities** land uses comprise 0.09 percent of the land area. Five utility substations are located in the unincorporated area. These substations are located on SR 54 West, Bernhard Road, Ebenezer Church Road, Friendship Church Road, and New Hope Road.

**Park/Recreation/Environmentally Sensitive** land uses comprise 1.59 percent of the land area and are represented by McCurry Park, Kiwanis Park, Lake Horton Park, Starr's Mill Pak, and future parkland on Kenwood Road. This area also includes the Lake Horton Reservoir and County wetland mitigation sites.

**Agricultural/Forestry** lands comprise 24.35 percent of the land area. Located throughout the unincorporated county but mainly in the southern end of the county, these lands are generally characterized by small farms, plant nurseries, commercial timber, pulpwood harvesting or large residential lots with associated horse or cattle raising/grazing. Many of these properties are participating in the Conservation Use Covenant with the county.

**Undeveloped** land comprises 19.09 percent of the land area. Some of these large undeveloped tracts could contain agricultural and forest lands.

## **EXISTING LAND USE ASSESSMENT**

The existing land use pattern in Fayette County is the result of many individual and policy decisions over many years. These decisions are based on physical constraints and opportunities, and outside market forces. This section discusses the factors leading to the existing pattern of development and the market forces in effect that seek to influence land use decisions.

**Factors Leading to the Existing Pattern of Development**

Throughout its history, Fayette County had an agricultural-based economy. Farms producing both crops and livestock, dominated the landscape. Beginning in the 1980's, Fayette County began to change from a rural, farm-oriented county on the far fringes of the Atlanta area to a suburban commuter-oriented bedroom community.

**Transportation Improvements.** In the last 40 years, Fayette County saw the widening of SR 85 North, SR 74 (North and South), SR 54 between Peachtree City and Fayetteville, and SR 314 from Fayetteville to SR 279 from two lane roads to four lane divided highways. No Interstate Highway passes through Fayette County. SR 74 North is the county's most direct access to Interstate 85 and the Atlanta metropolitan area. SR 314 is the county's most direct route to Hartsfield International Airport.

**Infrastructure Development.** The availability of infrastructure, and the lack thereof, has also contributed to Fayette County's existing land use pattern. While not available county-wide, public water service is provided by the Fayette County Water System to portions of the unincorporated county as well as the municipalities of Brooks, Peachtree City, Tyrone and Woolsey. Sanitary sewerage service is available mostly within the cities of Fayetteville and Peachtree City and within limited areas of Tyrone. Such infrastructure availability allows these cities to offer the highest residential densities and to provide for more intense nonresidential uses in the form of office parks, commercial centers, and industrial areas.

No public sewer is available in unincorporated Fayette County. Development in the unincorporated area relies on individual septic systems for on-site sewage disposal. The soil and space requirements of septic systems necessitate a larger development area. Therefore, the unincorporated county is characterized by larger single-family residential lots. Fayette County as a whole, however, is able to offer residents a wide choice of housing opportunities, from smaller lot single family homes and multi-family housing in the municipalities to larger single-family lots and sprawling farmsteads in the unincorporated county.

**Environmental Constraints.** Development constraints, associated with environmentally sensitive areas, are generally characterized by poor soils, wetlands, and flood plains typical of streams and other water bodies. Development in the southern end of the county, which is at the confluence of Line Creek, Whitewater Creek and the Flint River, is impacted by the relatively low topography, poor soils, and a high water table.

**Market Forces.** Market forces for increased housing are working to exert pressures on the rural landscape that is unincorporated Fayette County. Land prices continue to rise as residential land uses creep closer and closer to rural areas. As land prices rise, it becomes economically difficult to hold land for agricultural purposes.



## FUTURE LAND USE MAP AND NARRATIVE

The Future Land Use Map depicts the proposed uses of land in the unincorporated portion of Fayette County. Different color shadings are used on the map to indicate different categories of recommended future land use, with the color shadings defined in the map's legend.

The land uses shown on the map generally follow key geographic features, such as roads, streams, and in some cases they transition at existing lot lines. However, the final boundaries may vary according to the merits of a development proposal and whether it meets the intent of the plan's vision as a whole.

The county's Zoning Map implements the Future Land Use Map land use designations by ordinance, at a much more detailed, parcel-specific level. In evaluating a specific development proposal, the direct impacts of the project on adjacent and nearby properties, transportation, the environment, and public facilities will be identified. The resolution of any impacts is critical if a proposal is to receive favorable consideration. In order to achieve the density ranges indicated in the Plan, these direct impacts must be mitigated to the satisfaction of the county.

The Future Land Use Map of this Comprehensive Plan uses eight major land use designations to depict the types of land uses that are allowed in the county: Residential, Commercial, Office, Industrial, Public Facilities/Institutional, Environmentally Sensitive Areas, Parks and Recreation, and Transportation, Communication and Utilities. The following provides a brief description of each of the land use categories illustrated on the Future Land Use Map.

### Residential

This category includes all properties anticipated for residential development. Appropriate density ranges, in terms of dwelling units per acre, are recommended in this Plan and are shown on the Land Use Plan Map. The county's residential density pattern has generally developed from one of higher densities in the northern portion to lower densities in the southern portion. The southern portion of the county is characteristic of the more rural adjacent counties of Spalding and Coweta and offers fewer public services.

The plan's general intent regarding future residential development is to (1) channel higher density development (less than one acre) into areas served by public water and sewer; (2) channel lower density development into areas served by public water; (3) limit development in those areas of the county which lack public facilities.

The residential land use category is broken down into six sub-categories as described below:

**Agricultural Residential:** This category identifies areas with a minimum residential density of one dwelling unit per five acres. The Estate Residential Zoning District is appropriate for this area. The area has a general lack of public water service, the

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presence of unpaved and/or unimproved roads, and a long-standing characteristic of large lot residential development, often in conjunction with an agricultural activity. These factors, along with environmental constraints due to the presence of numerous streams and associated poor soils, dictate large lot development. Agricultural Residential land use is shown as occurring in the southern portion of the county where the aforementioned factors exist to the greatest degree in Fayette County.

**Rural Residential 3:** These are areas which allow low intensity residential with a minimum density of one dwelling unit per three acres. County water is available in some areas. This category offers larger lot development of a residential nature to blend with and transition to agricultural-residential.

**Rural Residential 2:** These are areas which allow residential development with a minimum density of one dwelling unit per two acres. County water is available in some areas; the Conservation Subdivision (CS) Zoning District is appropriate in this area.

**Low Density Residential:** This category identifies areas of intended residential subdivision development in a minimum density of one dwelling unit per one acre. County water and paved roads are generally available. Low Density Residential land uses are located in the northern portion of the county and in areas adjacent to the cities of Fayetteville, Peachtree City and Tyrone.

**Low Medium, Medium, and High Density Residential:** These categories consist of residential uses with more than one unit per acre, from duplexes and ½ acre lots up to five units per acre. There are no areas designated Low Medium, Medium, and High Density Residential at this time due to the lack of public sewer in the unincorporated county.

**Manufactured Home Park:** This category defines existing manufactured home parks.

## **Office**

The Office land use category designates office development which can be located as stand-alone structures or in office parks or centers. Major Office land use designations are located in eight areas of the unincorporated county:

SR 314 North and SR 138: This Office land use area provides a transition from Commercial land use at the intersection.

SR 314 and SR 279 Intersection: This Office land use forms an office node at this intersection.

SR 314 along the east side between Fayetteville city limits and the Fernwood Mobile Home Park: This area along SR 314 provides a transition area between the commercial and industrial development oriented to SR 85 and the residential uses on the west side of SR 314.

SR 54 between Fayetteville and Peachtree City: This is an overlay district (see Transportation Corridors).

Old Sandy Creek Road and SR 54 in the vicinity of the hospital: Office uses north of the hospital along Old Sandy Creek Road terminate at the unnamed stream just north of the hospital entrance and along the southern side of SR 54 the Office area is located east of Lester Road.

SR 74 North : This is a Special Development District which allows limited commercial uses with the assemblage of a minimum of ten acres and 600 feet of road frontage.

SR74 South: This Office area is located between Redwine Road and SR 85 South.

### **Commercial**

This category identifies areas of commerce where both retail and wholesale are conducted. However, county policy recognizes that major commercial facilities should be located within incorporated areas where infrastructure is available and population densities are most concentrated. The county should attempt to discourage additional commercial development along major roadways, as strip commercial development is neither desirable from a safety standpoint nor attractive.

The Land Use Plan Map illustrates the concentration of commercial land uses in various locations throughout the unincorporated area. The land used areas vary from smaller, neighborhood commercial areas to larger, concentrated areas of commercial activity. The following section provides a brief description of the major commercial areas.

SR 54 and Corinth Road: This area is bounded by the powerline to the north, SR 54 to the south and Simpson road to the west. No expansion of the commercial area is recommended. The future alignment of the East Fayetteville Bypass could alter the configuration of this intersection.

SR 85 and Bernhard Road: This area is located on the northeast corner of this intersection. Located in the less-populated southern portion of the county, no expansion of this commercial area is recommended at this time.

SR 138 Corridor and North SR 314: This area is designated with a mix of Commercial, Office, and General Business land uses and borders Clayton County. The opportunity exists for new and infill development, as well as redevelopment of older establishments. This area is regulated under the SR 138 and North SR 314 Overlay Zone.

SR 92 and Westbridge Road: This area is a mix of old and new nonresidential development. The opportunity exists here for infill development and redevelopment of older establishments.

SR 54 and Tyrone Road: Long considered a nonresidential node in Fayette County due to existing commercial zoning.

SR 54 and Sumner Road (south): This area is a mix of commercial retail and office uses with well-established boundaries - it is defined by the existing commercially zoned tracts south of Land Lot 70, District 7 and the limits of Peachtree City. A number of parcels backing up to Sumner Road have been annexed and this trend is likely to continue.

SR 85 North of Fayetteville: A nonresidential corridor, this area extends from the city limits of Fayetteville north to the county line. It provides an area where a variety of nonresidential uses including commercial, office, and light industrial are appropriate. The area contains opportunity for infill, redevelopment and new development.

New Hope Road Between SR 85 and SR 314: This is an area that is almost entirely surrounded by nonresidential uses in the City of Fayetteville.

SR 54 East of Fayetteville: The existing nonresidential development consists of a mix commercial and light industrial uses. Commercial and light industrial land uses are indicated from the city limits of Fayetteville east to McDonough Road. On the south side of SR 54, this commercial activity is limited to the properties fronting on SR 54 only for a depth necessary to provide adequate acreage for commercial uses. This allows for the coordination of commercial uses along the frontage of SR 54 with residential uses to the rear accessing Callaway Road.

SR 85 South of Fayetteville: This area extends from the city limits of Fayetteville southward to the northern boundary of Land Lots 59 and 60 of the 5<sup>th</sup> District. This area is largely undeveloped at this time.

### **Limited Commercial (One & Two)**

This category designates properties where specifically small scale businesses which do not generate large amounts of traffic, noise or light are to be located. For more descriptive purposes, Limited Commercial land use is subdivided into "Limited Commercial One" and "Limited Commercial Two" categories:

**Limited Commercial One**: This category identifies properties where the L-C-1, (Limited-Commercial (1) District) is recommended.

**Limited Commercial Two**: This category identifies property where the L-C-2, (Limited-Commercial (2) District) is recommended.

SR 74, SR 85, & Padgett Road Intersection (Starr's Mill Historic District): This intersection is in close proximity to historic Starr's Mill. This area represents a newly developing nonresidential node where the L-C-1, (Limited-Commercial (1) District) and O-I, Office-Institutional zoning districts are recommended as depicted on the Future Land Use Plan map. The C-C, (Community

Commercial District), C-H, (Highway Commercial District) and L-C-2, (Limited-Commercial (2) District) are not designated for this area.

### **Industrial**

This category designates all land dedicated to manufacturing facilities, processing plants, factories, warehousing and wholesale trade facilities, mining or mineral extraction activities, or other similar uses. For more descriptive purposes, industrial land use is subdivided into “Light” and “Heavy” categories:

**Light Industrial:** Includes non-heavy manufacturing and uses such as service industries, assembly, warehousing, and other industrial uses.

**Heavy Industrial:** Designates land uses which heavily impact adjacent land uses such as heavy manufacturing industries, rock quarries, and auto salvage yards.

Industrial land uses are important consideration in any community, due to the unusually large sites they require, the tax and employment base they yield, and the safety, health, or environmental problems they can create. Industrial land uses in the unincorporated county consist primarily of service industries that serve the local economy. The Land Use Plan Map concentrates future industrial activity along SR 85 North and SR 314 where such activity already exists. As with commercial activity, county policy supports the location of major industrial activity, which requires adequate infrastructure and transportation (rail) access, within the existing industrial park in Peachtree City.

### **Business Technology Park**

This category designates properties where the Business Technology Park (BTP) zoning district is appropriate. The purpose of the BTP zoning district is to provide a business/employment center in a planned campus setting with internal streets serving individual lots that contain single business or multi-tenant buildings.

### **Special Development District**

A purpose of a Special Development District is to designate an area where specific land use policies and regulations will apply to achieve a specific development pattern. The Special Development District will be designated on the Future Land Use Plan Map.

### **General Business**

This category designates properties where the General Business zoning district is appropriate. The purpose of the General Business zoning district is to provide for business development that contains uses which are free from such nuisances as noise, vibration, smoke, gas, fume, odor, dust, radiation or other injurious or noxious conditions related to those uses. The G-B Zoning

District will support the growing movie industry in Georgia, and limits the development of retail commercial uses and the resulting traffic generation associated with retail commercial development. The uses allowed in this zoning district could lend to a business park development pattern.

**SR 74 North East Side Special Development District:** The purpose of this Special Development District is to promote planned office development along the eastern frontage of SR 74 to a depth of approximately 800 feet to fulfill the stated goals for the future development of the corridor as stated in the SR 74 North Overlay District. This Special Development District will be depicted as a hatched pattern over an Office land use designation on the Future Land Use Plan.

**Planned Small Business Center Special Development District:** The purpose of the Planned Small Business Center Special Development District is to promote business incubator centers through a planned, mixed-use nonresidential development pattern consisting primarily of a mix of office uses, service uses, and light industrial uses, with limited small scale commercial uses as appropriate for the area. The goals of the Planned Small Business Center Special Development District are: (1) to achieve innovative and creative design in the development layout; (2) to accomplish appropriate separation, buffering, and vehicular circulation between uses internal to the development to alleviate incompatibility and protect public safety; and (3) to provide appropriate separation and buffering from surrounding residential uses. These goals will be achieved through the Planned Unit Development – Planned Small Business Center (PUD-PSBC) zoning district.

Only properties in the following areas shall be given consideration for PUD-PSBC:

- (1) Those properties located in the unincorporated area of the county fronting SR 85 North, north of Banks Road to the Clayton County Boundary designated as Commercial and/or Industrial on the Fayette County Future Land Use Plan;
- (2) Those properties located in the area of SR 314 and Bethea Road designated as Industrial on the Fayette County Future Land Use Plan; and
- (3) Those properties located in the unincorporated area of the county fronting SR 54 East, east from the city limits of Fayetteville to Nash Creek designated as Commercial.

### **Public Facilities/Institutional**

Public Facilities/Institutional land uses indicate all land owned by local government for the provision of services (courthouses and jails, government building complexes, schools, fire stations, etc.) and semi-public uses such as churches and their grounds. Representing uses that are considered to be more location-sensitive for proximity (e.g. fire/EMS stations, schools), these uses are scattered throughout the unincorporated county. Both the existing and (known) future locations of public and institutional facilities in the unincorporated county are indicated

on the Land Use Plan Map. The location of certain facilities can change the characteristics of an area. Existing and future residents should be aware of such uses and their implication.

### **Environmentally Sensitive Areas**

This category identifies environmentally sensitive areas, containing waterways, watershed protection areas, flood plains, poor soils and steep slopes that are not conducive to development. Environmentally Sensitive Areas are useful as passive recreational areas and wildlife habitat. The Land Use Plan Map shows Environmentally Sensitive Areas concentrated along the county's major water supply streams and their tributaries. These major water supply streams include the Flint River, Whitewater Creek, and Line Creek.

### **Parks and Recreation**

Parks and Recreation land use shows all land that is dedicated to active or passive recreational uses, including associated buildings and parking areas. Open space includes parks as well as other undeveloped land designated or reserved for public or private use or enjoyment. The unincorporated county's existing (Kiwanis, McCurry, and Kenwood) parkland is indicated on the Land Use Plan Map. These are areas that offer both active and passive recreation opportunities.

### **Transportation/Communication/Utilities**

This land use category indicates water system facilities, and other private and public utility land uses such as substations. The location of such facilities is often beyond the control of the local government. The Land Use Plan Map identifies the both the existing and future locations of these facilities as well as the location of railroads, gas pipelines, and electrical transmission lines.

### **Agricultural/Forestry or Undeveloped**

The Land Use Plan Map does not designate any areas as purely Agricultural/Forestry or Undeveloped. It is not anticipated that any area will be strictly limited to agriculture or forestry uses or will be required to remain in an undeveloped state during the planning period of this plan.

### **FUTURE DEVELOPMENT FACTORS**

The factors that established the county's existing pattern of development (transportation, infrastructure, and the environment) will continue to influence development decisions in unincorporated Fayette County. The existing transportation pattern does not support large scale commercial activity, such as a regional mall or major industrial distribution, warehousing, or manufacturing uses. Such uses require more immediate access to an interstate system.

Thus, Fayette County will continue to receive interest from smaller commercial and industrial uses.

There will be areas of the unincorporated county that will not have water service within the planning period of this plan; there are no plans at this time to provide sanitary sewer service in the unincorporated county. The cities of Fayetteville and Peachtree City will continue to have both water and sewer service. The Town of Tyrone has water service and has recently acquired increased sewer service from Fulton County. Such infrastructure availability will allow these cities to accommodate higher residential densities than the unincorporated county and provide for more intense nonresidential uses in the form of more intense office, commercial, and industrial uses.

The impacts of environmentally sensitive land will continue to affect the development of land through the permitted uses and intensity limitations. Environmental constraints in the form of poor soils, groundwater recharge areas, and significant wetland and flood plain areas will influence future development patterns.

### **Transition Areas**

Inevitably, there are occasions when new land uses create disturbances as perceived by adjacent land owners and residents, especially in relatively less developed areas where large undeveloped tracts of land still exist. In Fayette County, the potential for these conflicts is greatest just outside the incorporated areas where annexation brings new, higher density housing and more intense nonresidential developments. Fayette County tries to ensure an orderly and appropriate pattern of land use development and in some cases can require conditions during rezoning to mitigate the impact to create a transitional area between uses.

### **Efficient Location of New Development**

Locational decisions made by developers take into account the availability of needed infrastructure among other considerations. The incorporated areas of Fayetteville and Peachtree City and some areas of Tyrone have public wastewater treatment systems. Development requiring this service is encouraged to locate within the service areas of these systems.

Without such infrastructure available, there is little opportunity for the large scale nonresidential development in the unincorporated area. Nonresidential development tends to be smaller, stand-alone facilities. For these reasons, county policies encourage larger scale nonresidential development to occur within the city limits where proper infrastructure and appropriate population density is available.

Appropriately located retail facilities will allow the community to escape haphazard strip commercial development. The nodal concentration of such shopping facilities will support the

continued commercial growth in a manner that underscores the objectives of this comprehensive plan.

### **Transportation Corridors**

Over the next twenty years, a number of state routes in Fayette County are scheduled to be widened from a two-lane highway to four-lane divided highways. These state routes are the connecting corridors for the incorporated municipalities in Fayette County and neighboring counties.

With the widening of these state routes comes the increased pressure for nonresidential development. Also, with the increase in capacity will come increases in volume from both local and out of county drivers. The County is now in the position where it must balance this demand with its own growth and transportation policies. These state routes are first and foremost transportation corridors; the efficient flow of traffic must be maintained. Nonresidential land uses are indicated on the Land Use Plan Map where their location and intensity is most appropriate for the surrounding area.

In order to better facilitate the desired development along its transportation corridors, Fayette County has adopted Overlay Districts and Overlay Zones for all of the State Route Highways. The particular requirements pertaining to these transportation corridors are discussed below.

**SR 54 West Overlay District:** With the widening of SR 54 West, the Board of Commissioners adopted the SR 54 West Overlay District. This District identifies the county's goals and recommendations for the corridor and sets out the desired development pattern. SR 54 connects the communities of Fayetteville and Peachtree City, and serves as the only major east-west thoroughfare through the county. The following section defines the District.

**Existing Development:** Existing residential development is scattered along the SR 54 West Corridor. Residential tracts range in size from large agricultural tracts of as much as 200 acres down to minimum one (1) acre subdivisions. Some large tracts are still used for agricultural purposes and may or may not contain a single-family residence. These tracts vary in size from approximately five (5) to 200 acres. The majority of the larger tracts are located between Sandy Creek and Tyrone Roads. Single-family residential development consists of smaller lots, varying in size from one (1) to five (5) acres, fronting on SR 54 West or within subdivisions which access SR 54 West. Four single-family residential subdivisions (Fayette Villa, Longboat, Newton Estates, and The Landings) are developed in this area.

These subdivisions are zoned for one (1) acre minimum lots. Fayette Villa and The Landings are located between Flat Creek Trail west to Sumner Road (north) on the north side of SR 54 West. Longboat is located on the south side of SR 54 in the area on Sumner road. Newton Estates is located west of Huiet Drive on the south side of SR 54 West. Existing nonresidential development consists of two commercial areas, one at Tyrone Road and one at Sumner Road (south).



**Future Development:** SR 54 West is first and foremost a transportation corridor. The efficient flow of traffic must be maintained. High intensity nonresidential uses should be targeted to the major intersection with Tyrone Road and SR 54 West. As one moves away from this node, the intensity of nonresidential development should decrease. The goals of the SR 54 West Overlay District are: (1) to maintain the efficient traffic flow of SR 54 West as the County's only major east-west thoroughfare; (2) to maintain a non-urban separation between Fayetteville and Peachtree City; and (3) to protect existing and future residential areas in the SR 54 West Corridor.

If lots which front on SR 54 West are allowed to change from a residential use to a nonresidential use, care must be taken to protect existing or future residential property. This can be accomplished by requiring enhanced landscaping, buffers and berms to protect these residential areas.

**Recommendations:** The intent of the SR 54 West Overlay District is to offer existing tracts of five +/- acres the option to convert to office uses. Outside of the commercial designation at Tyrone Road and the commercial and office-institutional designation at Sumner Road (south), these parcels would be considered for the Office-Institutional Zoning District. Conditions should be placed on property at the time of rezoning to address unique situations.

**SR 74 North Overlay District:** This District identifies the county's goals and recommendations for SR 74 North north of Sandy Creek Road and sets out the preferred development pattern for this area. SR 74 runs north/south through the western side of the County and is the main connection to Interstate 85. It also connects the communities of Peachtree City and Tyrone. The SR 74 North Overlay District lies in the jurisdictions of both unincorporated Fayette County and Tyrone. The SR 74 North Overlay District is also adjacent to Fairburn in Fulton County where substantial development in the form of commercial, industrial, and higher density residential is taking place.

### **Existing Development**

**Unincorporated Fayette County:** Individual parcels fronting SR 74 North range in size from small one acre parcels to large parcels of approximately 80 acres. Smaller residential parcels range in size from one acre to ten acres and the majority are clustered in the area of Sandy Creek Road and Thompson Road. The large parcels vary in size from approximately 13 to 80 acres. The majority of these large parcels are located north of Kirkley Road. These parcels may or may not contain a single-family residence. Currently, all parcels in the unincorporated area are zoned for residential uses.

**Tyrone:** Parcels in Tyrone fronting on SR 74 are zoned for residential, office, commercial and light industrial per the Tyrone Official Zoning Map. There are two residentially zoned parcels fronting SR 74 North, one contains a single-family residence, the other contains a church. Two residential subdivisions are located in this area, River Oaks and Rivercrest. River Oaks contains

two acre lots and Rivercrest contains one-half acre lots. One parcel zoned for office uses contains a small multi-tenant building and is located on the western side of SR 74 North just north of Kirkley Road. Other parcels zoned for office uses are vacant at this time. The commercially zoned parcel contains a golf recreation facility on the east side of SR 74 North. One of the parcels zoned for light industrial contains a single-family residence and the other is vacant at this time.

**Fairburn:** Plans for SR 74 North in Fairburn indicate commercial on both sides of the road from the County line to Interstate 85 as depicted on Fairburn's Community Character Areas map. The area outside of this commercial area is indicated as residential. The area beside Interstate 85 along Oakley Industrial Boulevard is indicated as industrial.

**Future Development:** As SR 74 North lies in the jurisdictions of both unincorporated Fayette County and Tyrone, it is essential that both jurisdictions work together to develop a plan for the corridor. SR 74 North is first and foremost a transportation corridor providing critical access to Hartsfield-Jackson Airport and the City of Atlanta via Interstate 85. The maintenance of an efficient flow of traffic is essential. While the design, construction and maintenance of SR 74 is the responsibility of Georgia Department of Transportation, local governments have the responsibility of the control of land development through land use planning and zoning. Land use decisions on the local level will have an impact on the operational efficiency of roadway. For example, numerous curb cuts reduce the roadway capacity and safety due to the number of vehicles entering and exiting the road in multiple locations. For the purpose of maintaining a higher level of operational efficiency and safety it is recommended that a system of new roads and service drives be pursued to provide interconnectivity and reduce the number of individual curb cuts.

The goals of the SR 74 North Overlay District are: (1) to maintain the efficient traffic flow of SR 74 North as the County's main connection to Interstate 85; (2) to enhance and maintain the aesthetic qualities of the corridor, as it is the gateway into Fayette County; (3) to provide for economic expansion and jobs commensurate with the educational and skill level of Fayette's labor force; and (4) to protect existing and future residential areas in the SR 74 North corridor.

#### **Recommendations:**

**SR 74 North West Side:** The area from Kirkley Road north to the County line on the west side of SR 74 North is designated as Business Technology Park. This land use designation will correspond to the Business Technology Park Zoning District and the SR 74 North Overlay Zone in the Fayette County Zoning Ordinance. The Business Technology Park Zoning District consists of office and high tech light industrial uses with a limited amount of commercial support services.

Presently, there are three large parcels that make up the majority of the area. Two of these parcels are in unincorporated Fayette County (72 acres and 28 acres) and the other parcel is in Tyrone (37 acres). The 72 acre parcel is the northern most parcel and a portion of it is in Fulton

County, City of Fairburn. The 28 acre parcel is the southern most parcel and has frontage on both SR 74 and Kirkley Road. Both of these parcels are zoned Agricultural-Residential. The 37 acre parcel in Tyrone separates these two parcels. The front 400 feet of this parcel is zoned Office-Institutional and the remainder is zoned M-1 (Light-Industrial).

Besides these parcels there are five smaller parcels that make up the remainder of this area. In Tyrone these parcels include two five acre Agricultural-Residential parcels that contain a church located beside the aforementioned 37 acre parcel, a four acre parcel zoned M-1 that contains a single-family residence and a two acre Office-Institutional parcel that contains a multi-tenant building. Also included in this area is a two acre R-40 parcel on Kirkley Road in the unincorporated County that must be assembled with the aforementioned 28 acre parcel for purposes of rezoning to Business Technology Park.

The greatest development potential is in the three large parcels. Because these parcels are contiguous to each other, they create the potential for a continuous development pattern, as they can all be linked. To promote this continuous development pattern and connection, a connecting road from SR 74 North through these properties to Kirkley Road will be required. The purpose of this road is to allow internal circulation through these properties. The road would be aligned with Thompson Road where a median break exists on SR 74 North; this will serve as the curb cut for the 72-acre parcel, and will run south through the three properties to Kirkley Road. Another median break is located where Kirkley Road intersects SR 74 North. The other large parcel in the unincorporated county will be allowed one curb cut for the construction of a street that will be right in/right out only, as no median break on SR 74 North is located in this area. Curb cuts for individual properties created in the development of these parcels would not be allowed on SR 74 or Kirkley Road. In addition, a multi-use path system will be required to allow for pedestrian, bicycle, and golf cart connectivity between these aforementioned properties.

**SR 74 North - East Side Special Development District:** The area along the east side of SR 74 North is designated as a Special Development District. The purpose of this Special Development District is to promote planned office development along the frontage of SR 74 to a depth of approximately 800 feet to fulfill the aforementioned goals for the future development of the corridor. As an incentive the Office-Institutional Zoning classification will allow a limited amount of commercial uses in conjunction with office uses when the minimum requirements for acreage (ten acres) and road frontage (600 feet) are met. This minimum requirement for acreage and frontage will achieve a reduction in individual curb cuts on SR 74, consistency and coordination in architectural design, and capacity to develop a required service drive where applicable. The assemblage of parcels in some areas will be necessary to meet the minimum requirements of the SR 74 North – East Side Special Development District in the Office-Institutional Zoning classification.

The property located beyond 800 feet from SR 74 will remain designated for Low Density Residential (1 unit/1 to 2 acres). This would include the area along Thompson Road where residential lots exist ranging in size from two to nine acres and undeveloped large parcels

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where it is anticipated that residential subdivisions could be developed in the future. It is anticipated that the entrance to some of these residential areas, both exiting and future, will be through the planned office development along the frontage of SR 74. It is recommended that curb cuts on these roads be minimized, landscaping be enhanced, and a multi-use path connection between these residential areas and the planned office developments be established. This will be addressed through conditions placed on the property at the time of rezoning or as a condition of site plan approval.

**Area 1:** North of Thompson Road extending approximately 700 feet north to the Fulton County line. This area contains seven parcels totaling approximately 19 acres in the Special Development District. Five of the seven parcels have frontage on SR 74 and the other two parcels front on Thompson Road. Of the five parcels fronting SR 74, three contain single-family residences and two are vacant. The two parcels fronting Thompson Road each contain a single-family residence. The existing boundaries of most of these parcels are in the range of 800 feet from SR 74. However, one of these parcels is ten acres in size and is approximately 1,400 feet in depth, well beyond the 800-foot depth of the Special Development District.

This is an area where the assemblage of parcels will achieve the goals of the SR 74 North Overlay District. Assemblage would meet the threshold of a minimum of ten acres and 600 feet of road frontage on SR 74 set forth in the SR 74 Special Development District in the zoning ordinance. The continuation of the service drive in Fairburn will be required as applicable for parcels in Area 1 that are zoned for non-residential uses. The number of curb cuts will be addressed through conditions put in place at the time of rezoning or as a condition of site plan approval. Individual curb cuts for nonresidential uses should not be allowed on Thompson Road.

In the interim pending assemblage of this area, those parcels within the Special Development District, Area 1 with frontage on SR 74 can be given individual consideration for O-I zoning. This would include the aforementioned ten acre parcel. If the entire ten acres were rezoned to O-I it is recommended that the front 800 foot portion of the property be targeted for the O-I development and rear portion of the property be limited to parking and/or stormwater facilities. This could be accomplished through conditions placed on the property at the time of rezoning.

Parcels that do not have frontage on SR 74 that are within the Special Development District, Area 1 should not be given individual consideration for O-I zoning as they only have frontage on Thompson Road. Consideration for O-I zoning should not be given to these parcels until they are assembled with adjacent properties to meet the requirements of the SR 74 North - East Side Special Development District in the O-I Zoning classification.

**Area 2:** South of Thompson Road extending south approximately 800 feet. This area contains four parcels totaling approximately 10.4 acres in the Special Development District. Two of the four parcels have frontage on SR 74 and the other two parcels front on Thompson Road. Of the two parcels fronting SR 74, one contains a single-family residence and the other is vacant. The

two parcels fronting Thompson Road each contain a single-family residence. The existing boundaries of these parcels are in the range of 800 feet from SR 74.

This is an area where the assemblage of parcels will achieve the goals of the SR 74 North Overlay District. Assemblage would meet the threshold of a minimum of ten acres and 600 feet of road frontage on SR 74 set forth in the SR 74 Special Development District in the zoning ordinance. The continuation of the service drive in Fairburn will be required as applicable for parcels in Area 2 that are zoned for non-residential uses. The number of curb cuts will be addressed through conditions placed on the property at the time of rezoning or as a condition of site plan approval. Individual curb cuts for nonresidential uses should not be allowed on Thompson Road.

In the interim pending assemblage of this area, those parcels within the Special Development District, Area 2 with frontage on SR 74 can be given individual consideration for O-I zoning. Parcels that do not have frontage on SR 74 that are within the Special Development District, Area 2 should not be given individual consideration for O-I zoning as they only have frontage on Thompson Road. Consideration for O-I zoning should not be given to these parcels until they are assembled with adjacent properties to meet the requirements of the SR 74 North - East Side Special Development District in the O-I Zoning classification.

**Area 3:** This area starts approximately 800 feet south of Thompson Road and extends approximately 1,300 feet to the south from this point. This area contains approximately 24 acres in the Special Development District. These 24 acres are part of an 81 acre parcel which contains a single-family residence. The single-family residence is not within the 24 acres contained in the Special Development District.

This is an area where the assemblage of parcels is not necessary to achieve the goals of the SR 74 North Overlay District. The continuation of the service drive in Fairburn will be required if this property is zoned for non-residential uses. The number of curb cuts will be addressed through conditions placed on the property at the time of rezoning or as a condition of site plan approval.

**Area 4:** North of Sandy Creek Road extending north approximately 1,400 feet. This area contains four parcels totaling approximately 24 acres in the Special Development District. All four parcels have frontage on SR 74 and one parcel also has frontage on Sandy Creek Road. Of the four parcels, three parcels each contain a single-family residence and one is vacant. The existing boundaries of these parcels are in the range of 700 feet from SR 74.

This is an area where the assemblage of parcels is necessary to achieve the goals of the SR 74 North Overlay District. Assemblage would meet the threshold of a minimum of ten acres and 600 feet of road frontage on SR 74 set forth in the SR 74 Special Development District in the zoning ordinance. The continuation of the service drive in Fairburn would not be required. The number of curb cuts will be addressed through conditions placed on the property at the time of rezoning or as a condition of site plan approval.

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In the interim pending assemblage of this area, the four parcels can be given individual consideration for O-I zoning.

**Other Transportation Corridors:** Section 7-6 Transportation Corridor Overlay Zone of the Fayette County Zoning Ordinance establishes Overlay Zones on state highways that traverse Fayette County. Regardless of the underlining zoning, any new nonresidential development along these corridors must meet the requirements of the particular Overlay Zone. The Zoning Ordinance establishes Overlay Zones on SR 54 West and SR 74 North, SR 85 North, and a General State Route Overlay Zone on all other state routes.

### Historic District

**Starr's Mill Historic Overlay District at the SR 74, SR 85, & Padgett Road Intersection:** Starr's Mill is a significant historic resource in Fayette County. This Overlay District identifies the county's goals and recommendations for the Starr's Mill Historic Overlay District at the SR 74, SR 85, & Padgett Road intersection. Both SR 74 and SR 85 are Major Arterials and serve as commuting routes. SR 74 connects to Peachtree City, Tyrone and Interstate 85 to the north. SR 85 runs through Fayetteville to Clayton County and connections to SR 92, SR 314, and SR 279 can be made along this route. The widening of SR 74 from two to four lanes was completed in early 2012. As a result of this project Padgett Road was realigned to alleviate its offset from SR 74. SR 85 is planned to be widened from two to four lanes in the future.

**Historic Resources:** Starr's Mill is located to the northeast of this intersection on Whitewater Creek. Starr's Mill is one of the most significant historical structures in Fayette County. The mill and surrounding property containing the mill pond is owned by the Fayette County Water System and serves as a water intake location and passive park. The present mill was built in 1888 and was central to the Starr's Mill Community that also contained a post office, stores, a church, a cotton gin, and a saw mill. These facts are discussed in the Natural and Historic Resources Element of the comprehensive plan.

Also located at the intersection in close proximity to Starr's Mill is the Starr's Mill Baptist Church. It is estimated that the church was constructed in 1887 according to the Natural and Historic Resources Element. The church is owned and utilized by New Hope Baptist Church which is located across SR 74.

**Existing Development:** Properties at this intersection are residentially zoned and the Future Land Use Plan designates these properties as residential. Most lots contain single-family residences with the exception of a lot of approximately eight acres that contains the aforementioned Starr's Mill Baptist Church. Some of the lots are nonconforming and a few are

less than one acre in size. A legal nonconforming commercial structure was removed due to the realignment of Padgett Road.

Several single-family residential subdivisions are located in close proximity to the intersection. These subdivisions include Mill Pond Manor (R-45), Southmill (C-S), Starr's Mill Ridge (R-20), and Starr's Mill Estates (R-20). While Starr's Mill Estates is zoned for one acre lots, the lots range in size from four to eight acres.

**Future Development:** Due to the improvements to this intersection through the SR 74 widening project and the future widening of SR 85, it is anticipated that property owners at this intersection will pursue nonresidential development. The preferred development pattern is for properties closest to the intersection to contain the more intense uses and land use intensity will generally decrease in intensity as it moves away from the intersection. The maintenance of an efficient flow of traffic at this intersection is essential. The historic character of the area should be taken into consideration in the development of this area.

The goals of the Starr's Mill Historic District Overlay at the SR 74, SR 85, & Padgett Road Intersection are: (1) maintain the historic character of the area, (2) control the intensity and aesthetic quality of nonresidential development at the intersection as it is the southern gateway into Fayette County, (3) maintain an efficient flow of traffic at the intersection, and (4) protect existing and future residential areas outside of the intersection.

**Recommendations:** The land use of this area associated with this intersection will be depicted on the Future Land Use Plan and corresponding Overlay Zone requirements for nonresidential development will be added to the Zoning Ordinance. The nonresidential land use designations at this intersection will consist of Limited Commercial One and Office. Some fringe areas will have a residential land use designation of Low Density Residential (1 Unit/1 to 2 Acres). The C-C, (Community Commercial District), C-H, (Highway Commercial District) and L-C-2, (Limited-Commercial (2) District) are not designated for this area.

## **GOALS AND OBJECTIVES**

The goals and objectives presented in this section provide guidance for an appropriate pattern and pace of development and they indicate how this development should relate to the existing and future community. They also provide a logical framework for land-use decision-making at a conceptual level as well as on an area-wide basis. Uniform application of these goals and objectives will result in a balanced and harmonious community where a high quality of life can be maintained.

The following goal and objective statements provide the basis for dealing with the growth and development which will impact the county over the next 20 years. Following each goal is a

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listing of objectives which address specific issues. Recommendations which suggest courses of action for addressing these issues are also provided.

**Overall Goal for Land Use:** Growth and development should be consistent with the county's land use plan, which provides for the orderly, balanced, and quality development of all land uses consistent with the physical and economic limitations of the county. Growth should take place in accordance with criteria and standards designed to preserve, enhance, and protect an orderly mix of residential, commercial and/or industrial facilities, and open space.

Recommendations for land use are depicted on the map entitled "Fayette County Future Land Use Plan." This guidance assists in determining a property's appropriate use and intensity. Implementation of the Plan will occur through the zoning process which requires an analysis of basic development-related issues which include, but are not limited to, the requested use and intensity of that use, effect on surrounding development, access and circulation, buffering and screening of adjacent uses, parcel consolidation, and protection of the environment.

## **LAND USE PATTERN**

Through most of its recent history, the unincorporated county could be characterized primarily as a residential area. Major nonresidential land uses generally occur within incorporated areas, where infrastructure and higher population densities are located.

It is a policy of the Fayette County Board of Commissioners that the county's residential neighborhoods are the cornerstone of the community. As such, every effort must be made to ensure that these neighborhoods are protected from the negative aspects of incompatible nonresidential development.

As the county has matured, residential development continues to be the dominant land use. The pattern of land use in Fayette County provides a variety of housing choices. The type and density of residential development complements its location within Fayette County. The unincorporated portions of the county, as well as the towns of Brooks and Woolsey, are characterized by agricultural uses and/or low density single-family subdivision residential development with lot sizes ranging from a minimum of one acre up to a minimum of five acres. Higher density residential development can be found in the cities of Fayetteville, Peachtree City; and Tyrone where residents can choose from a variety of housing styles such as apartments, townhouses, row houses, duplexes, and single family homes on smaller lots.

<b>Goal:</b>	<b>The County's land use plan should project a clear vision of an attractive, prosperous, harmonious, and efficient community.</b>
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- Objective a. Direct development to occur in locations and in a manner which enhances community character and can be supported by the availability of public facilities.
- Objective b. Maintain the character of established communities, suburban neighborhoods, and rural areas.
- Objective c. Identify the location of nodes to accommodate nonresidential development and prevent the sprawl of strip development.
- Objective d. The county and municipals should work together to coordinate planning.

<b>Goal:</b>	<b>The County's land use pattern should protect, enhance, and/or maintain stability in established residential neighborhoods.</b>
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- Objective a. Protect and enhance existing neighborhoods by ensuring that development is of compatible use, density/intensity, and/or mitigated to reduce adverse impacts.
- Objective b. Prevent the encroachment of incompatible land uses, both residential and nonresidential, into established or designated land use areas. Prohibit access to nonresidential uses via residential areas.

<b>Goal:</b>	<b>Development intensity should be based on the level of available public services.</b>
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- Objective a. The highest level of development intensity should be concentrated in the incorporated areas of Fayette County that offer a full range of infrastructure and a concentration of population densities.
- Objective b. Development in the unincorporated areas should be of less intensity than those in the incorporated areas and blend in with the character of the surrounding area.
- Objective c. Limit development intensity to that which can be accommodated at acceptable levels of service for public facilities and transportation systems.
- Objective d. Locate and limit development intensity in a manner which will not adversely impact environmentally sensitive areas or historic areas of the county.

- Objective e. Ensure that the intensity and type of development will be compatible with the physical limitations of the land; such as soils, slope, topography, etc.

The intensity of land use has a direct effect on the ability to provide adequate levels of service for transportation and public facilities. The Comprehensive Plan is the primary mechanism available to the county for establishing appropriate locations for various levels of land use intensity. Through this mechanism, development occurs in accord with the Plan, at intensities that can assist in achieving various county goals. For instance, higher intensity uses will be located in areas of the county where public facilities can best accommodate the demands from such uses, thereby efficiently using county resources.

<b>Goal:</b>	<b>The pace of development in the County should be in general accord with the Comprehensive Plan and sustainable by the provision of transportation and public facilities.</b>
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- Objective a. Influence the timing of development to coincide with the provision of public facilities.
- Objective b. Commit, through the Capital Improvement Program, funding for facilities in general accord with the Comprehensive Plan.

<b>Goal:</b>	<b>The County seeks to achieve a harmonious and attractive development pattern which minimizes undesirable visual, auditory, environmental, and other impacts created by potentially incompatible uses.</b>
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- Objective a. Promote the adaptive reuse of existing structures that are compatible with existing and/or planned land use and that is at a compatible scale with the surrounding area.
- Objective b. Achieve compatible transitions between adjoining land uses through a step down of land use density and intensity and/or the use of appropriate landscaping, buffering, berms, setbacks, a smooth transition in building height, and consistent architectural design.
- Objective c. Stabilize residential neighborhoods adjacent to nonresidential areas through the establishment of transitional land uses, vegetated buffers and/or architectural screens, and the control of vehicular access.
- Objective d. Require additional site design standards as a condition of rezoning when necessary to minimize the effect of nonresidential uses both visually and environmentally.

- Objective e. Require enhanced landscaping, berms and/or natural buffers as a condition of rezoning along rights-of-way to minimize the visual impacts and maintain the rural character of the County.
- Objective f. As a condition of rezoning, minimize the potential adverse impacts of development on roadways through the control of curb cuts and inter-parcel circulation.
- Objective g. Use cluster development as a means to preserve open space.
- Objective h. Promote nonresidential development which does not produce excessive noise; smoke, dust, or other particulate matter; vibration; toxic or noxious waste materials; odors; fire; and explosive hazards or other detrimental impacts to minimize impacts on any nearby residential property.
- Objective i. Anticipate the effects of road widening by increasing setbacks accordingly.

**FAYETTE COUNTY COMPREHENSIVE PLAN  
COMMUNITY WORK PROGRAM FY2017- FY2021**

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

<b>FAYETTE COUNTY COMPREHENSIVE PLAN</b> <b>COMMUNITY WORK PROGRAM FY2017-FY2021 - PUBLIC SAFETY</b>						
Goal: Maintain and Improve the Level of Service for <b>Public Safety</b>				Plan Element: <b>Community Facilities</b>		
Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility	
<b>Fire and Emergency Medical Services</b>						
Radio Replacements	FY 2017	FY 2018	\$814,800	Fire Fund, EMS Fund & General Fund	Fayette County Emergency Services	
SCBA – Breathing Equipment	FY 2017	FY 2019	\$968,500	Fire Fund	Fayette County Emergency Services	
<b>Sheriff's Office</b>						
Radio Replacements	FY 2017	FY 2018	1,335,686	General Fund	Sheriff's Office	
<b>FAYETTE COUNTY COMPREHENSIVE PLAN</b> <b>COMMUNITY WORK PROGRAM FY2017-FY2021 – GOVERNMENTAL SERVICES</b>						
Goal: Provide Support for Effective and Efficient Delivery of Governmental Services				Plan Element: <b>Community Facilities</b>		
Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility	
Aerial Photography	FY2017	FY2019	\$90,000	General Fund	Information Systems	
<b>FAYETTE COUNTY COMPREHENSIVE PLAN</b> <b>COMMUNITY WORK PROGRAM FY2017-FY2021 RECREATION</b>						
Goal: Upgrade Recreation Services				Plan Element: <b>Community Facilities</b>		
Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility	
Kiwanis Park Enhancements	FY 2019	FY 2021	\$320,000	General Fund	Recreation Dept.	
McCurry Park Enhancements	FY 2017	FY 2021	\$1,145,000	General Fund	Recreation Dept.	

<b>FAYETTE COUNTY COMPREHENSIVE PLAN</b> <b>COMMUNITY WORK PROGRAM FY2017-FY2021 - WATER SYSTEM</b>						
Goal: Upgrade County Water System				Plan Element: Community Facilities		
Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility	
North Waterline Enhancement Project	FY 2017	FY 2021	\$800,000	Enterprise Funds	Fayette County Water System	
SCADA Update	FY 2017	FY 2019	\$660,000	Enterprise Funds	Fayette County Water System	
<b>FAYETTE COUNTY COMPREHENSIVE PLAN</b> <b>COMMUNITY WORK PROGRAM FY2017-FY2021 - PATH SYSTEM</b>						
Goal: Maintain and Improve County Multi-Use Path System				Plan Element: Community Facilities		
Redwine Road & Starr's Mill Multi-Use Path	FY2017	FY2018	\$783,960	General Fund & Federal Grant	Fayette County Public Works	
<b>FAYETTE COUNTY COMPREHENSIVE PLAN</b> <b>COMMUNITY WORK PROGRAM FY2017-FY2021 - COMPREHENSIVE TRANSPORTATION PLAN</b>						
Goal: Address Traffic Congestion				Plan Element: Needs and Opportunities		
Initiate Comprehensive Transportation Plan	FY2017	FY2018	\$120,000	General Fund	Fayette County Public Works	

<b>FAYETTE COUNTY COMPREHENSIVE PLAN</b> <b>COMMUNITY WORK PROGRAM FY2017-FY2021 – PLANNING AND ZONING</b>						
Goal: Growth and development should be consistent with the county comprehensive plan.				Plan Element: Needs and Opportunities		
Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility	
Initiate study to determine methods to maintain rural character and promote agra-tourism	FY 2018	FY 2019	Staff Time	General Fund	Fayette County Planning and Zoning Department and Agricultural Community	
Evaluate current septic regulations	FY 2018	FY 2019	Staff Time	General Fund	Fayette County Planning and Zoning Department, Environmental Health, and Local Soil Scientists	

## CAPITAL IMPROVEMENT ELEMENT (CIE)

### INTRODUCTION

The Georgia Development Impact Fee Act, OCGA §36-71-1 et seq. (DIFA), was enacted into law in 1990. It sets rules for local governments that wish to charge new development for a portion of the additional capital facilities needed to serve it. DIFA offers a way to help local governments avoid placing the entire burden of adding capital improvements and expanding infrastructure capacity on existing taxpayers. It offers a formal mechanism for ensuring that the development community pays a reasonable share of the costs of public facilities.

This Capital Improvement Element (CIE) of the Fayette County Comprehensive Plan (the Plan) is prepared as a supplemental chapter to the main body of the Plan as required to be in compliance with DIFA. As required by DIFA, this CIE establishes clear public policies regarding infrastructure development and ensures sound fiscal planning for capital improvements. DIFA requires that any public facility for which impact fees may be charged must be included within the CIE of the Plan of the jurisdiction where the fees will be assessed.

The purpose of a CIE is to establish where and when new services or capital facilities will be provided within a jurisdiction and how they will be financed. As defined by DIFA, the CIE must include the following for each category of capital facility for which an impact fee will be charged:

- A **projection of needs** for the planning period (usually 20 years);
- The designation of **service areas** - the geographic area in which a defined set of public facilities provide service to development within the area;
- The designation of **levels of service (LOS)**- the service level that will be provided;
- A **schedule of improvements** listing impact fee related projects and costs for the first five years after Plan adoption; and
- A description of **funding sources** for the first five years of scheduled system improvements proposed for each project.

The Community Facilities Element of the Plan provides general information on fire protection services. However, this CIE contains a more detailed analysis of this information.

### Categories for Assessment of Impact Fees

To assist in paying for the high costs of expanding public facilities and services to meet the needs of projected growth and to ensure that the development community pays a reasonable share of the costs of public facilities, Fayette County has chosen to assess impact fees for fire services.

The following sections in this chapter provide detailed information regarding the inventory of the current facilities, the levels of service for the existing population for each service category and the detailed calculations of the impact cost for the specific services. Impact fees cannot be used to fund a higher level of service than what currently exists. The following sections indicate how growth will pay for the additional services it requires.



A number of the factors that form the base-line assumptions in the impact fee calculations may change over time. The impact fee assumptions for the service areas should be reviewed annually to reflect changes in the growth and development of the county. Some of the factors to be considered are as follows:

- This chapter follows the trend that the county as a whole will continue to grow, with the incorporated areas of Peachtree City and Fayetteville representing the areas of the greatest increase. At the point when Peachtree City and Fayetteville near buildout, the unincorporated county will begin to experience the greatest gains in growth.
- The county has expressed a need for additional recreational facilities. Upon the completion of a Capital Improvement Program for recreation, the impact fee calculations could be revised to include any new recreation projects being built to serve new growth.
- Once the metropolitan area is in compliance with the Clean Air Act and the construction of roads recommences, the county will determine the feasibility of including roads in the impact fee calculation.

While changes in the pace of development will affect the timing of service delivery, per se, it will not change the methodology used to calculate impact fees. More rapid growth will result in increased revenues and an accelerated demand for services. Conversely, slower growth will result in decreased revenues and a slower demand for services.

### **Intergovernmental Agreement**

The county's fire services serve more than just the residents of the unincorporated county. Fayette County also provides fire services to the jurisdictions of Tyrone, Brooks and Woolsey. DIFA specifies that Intergovernmental Agreements may be used to facilitate the collection of impact fees for system improvements that traverse jurisdictional boundaries. These agreements may be used to pool the resources of several local governments to build centralized facilities. Fayette County has entered into the required intergovernmental agreement to allow the collection of impact fees for these services in the respective municipalities as well as in the unincorporated county.

### **POPULATION AND EMPLOYMENT FORECASTS**

#### **Projection of Need**

Fayette County remains one of the fastest growing counties in Georgia. While growth peaked in the mid to late 1980s, the county has experienced a growth rate of approximately five percent per year for the last ten years. This growth is attributed to Fayette County's proximity

to Hartsfield International Airport and the rapid expansion of the Atlanta metropolitan area. This growth rate is expected to continue, with an anticipated increase of 110 percent from 2000 to 2020.

The projections for total county population are from the Atlanta Regional Commission. Jurisdictional population projections were obtained from the respective municipal comprehensive plans with extrapolations where necessary. Population projections for the planning period are shown in Table CIE-1.

<b>TABLE CIE-1 COUNTY POPULATION PROJECTIONS: 2000-2020</b>					
	2000	2005	2010	2015	2020
Peachtree City	33,983	41,017	43,817	43,817	43,817
Fayetteville	10,876	14,550	19,472	23,189	23,189
Tyrone	4,823	6,719	7,247	7,966	8,579
Brooks	550	700	850	1,000	1,150
Woolsey	1,37	1,47	1,57	1,68	1,78
Unincorp. Co.	45,531	50,067	61,457	75,060	97,187
Total	95,900	113,200	133,100	151,200	174,100

### **Day/Night Population Projections**

Day/night population combines the population projections with future employment information to represent the true need for services. People working in Fayette County will require the same services as residents. To determine a per capita cost of development, the day/night population was used to represent the relationship between persons and services demanded. Employees, as well as residents, are beneficiaries of fire services and, therefore, must be included in the per capita count.

Day/night population projections were made through a series of steps:

1. Population projections for the county, as well as for the individual cities, were obtained (see Table CIE-1, above).
2. Employment projections for the county as a whole, and for individual census tracts, were obtained (see Table CIE-2, below).
3. The actual number of countywide nonresidential establishments from 1989 through 1996 (County Business Patterns 1989-1996) was compared to the number of countywide nonresidential building permits issued for the same years (respective building departments). The number of business establishments exceeded the number of building

permits by 28 percent, indicating, among other things, that some businesses are moving into existing structures. This will have an effect on the employment projections, as employees moving into an existing structure should not be figured into impact fee calculations. Based on this conclusion, the employment figures were then reduced across the board by 28 percent, as represented in the columns designated EE in Table CIE-2, below.

4. The employment figures for census tracts 1402.02, 1403.01 and 1403.02 were used for Peachtree City; the employment figures for census tracts 1404.01 and 1404.02 were used for Fayetteville. The remaining census tracts provide the employment figures for the balance of the county. This was necessary in that employment data for individual cities is unavailable.

<b>TABLE CIE-2</b>										
<b>COUNTY EMPLOYMENT PROJECTIONS BY CENSUS TRACT: 2000-2020</b>										
Census Tract	2000*		2005*		2010*		2015*		2020*	
		EE		EE		EE		EE		EE
1401.01	553	398	784	565	1,082	779	1,381	994	1,710	1,231
1401.02	1,120	806	1,656	1,192	2,361	1,700	2,955	2,128	3,481	2,506
1402.01	1,393	1,003	1,837	1,323	2,476	1,783	3,140	2,261	4,140	2,981
1402.02 (p)	4,360	3,139	5,285	3,805	6,584	4,741	7,657	5,513	9,099	6,551
1403.01 (p)	7,552	5,437	8,498	6,119	9,715	6,995	10,786	7,766	12,232	8,807
1403.02 (p)	3,430	2,470	4,358	3,138	5,630	4,054	6,908	4,974	8,378	6,032
1404.01 (f)	5,515	3,971	6,562	4,725	7,918	5,701	9,210	6,631	9,647	6,946
1404.02 (f)	6,508	4,686	7,833	5,640	9,183	6,512	10,359	7,459	10,479	7,545
1405.01	321	231	497	358	732	527	1,220	878	2,472	1,780
1405.02	198	143	290	209	469	338	1,084	781	2,062	1,485
Total	30,950	22,284	37,600	27,072	46,150	33,228	54,700	39,384	63,700	45,864

Source: Atlanta Regional Commission, Vision 2020 Baseline Forecasts, June 1994.

\* Figures have been rounded.

EE: Employment Equivalent, see #3 above.

(f) Fayetteville Census Tracts

(p) Peachtree City Census Tracts

## FAYETTE COUNTY FIRE SERVICES

The Fayette County Department of Fire and Emergency Services (the Department) is a combined organization of 101 career and 60 volunteer personnel responsible for providing fire protection, emergency medical services and emergency management from eight stations located strategically throughout the county. The Department provides these services for the

unincorporated county, as well as the municipalities of Tyrone, Brooks and Woolsey. The cities of Peachtree City and Fayetteville have their own Fire Departments. The Department has both an automatic aid and mutual aid agreement with the City of Fayetteville; the Department has only a mutual aid agreement with the City of Peachtree City.

### **Projection of Need**

The Department has historically maintained an average response time of five minutes to emergency calls within the county. Currently, the five minute average response time serves a day/night population of 53,622 (Table CIE-3). This existing level of service is considered adequate to meet current needs.

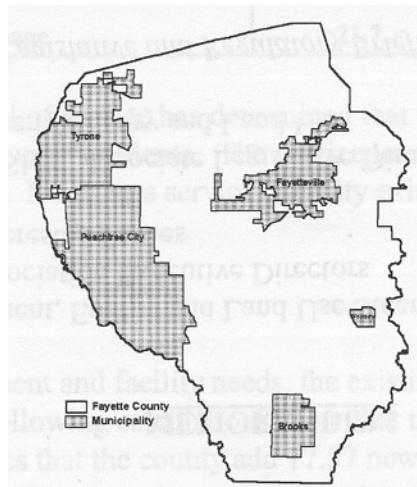
While projection of needs is normally 20 years, the projection of needs for fire services is extended for 23 years. It is estimated that the day/night population will increase from 53,622 to 132,179 by 2023. It is at this 2023 population that the anticipated improvements to the fire service facilities will equate to the level of service required by new growth to maintain the five minute average response time service level. Because it is impractical to purchase half a fire engine, for instance, the level of service provided will vary marginally from year to year. The following chart indicates the anticipated day/night population growth that must be served by the Department.

<b>TABLE CIE-3TOTAL DAY/NIGHT POPULATION FOR FIRE SERVICE AREA</b>							
Area	2000	2005	2010	2015	2020	2023	Change 2000-2023
Fire Services	53,622	61,325	75,001	91,235	117,077	132,179	78,557

### **Service Area**

Fire services are provided by the Department in the following jurisdictions: unincorporated county, Tyrone, Brooks, and Woolsey. The distribution of eight fire stations throughout the county provides for a service area coverage that maintains an average response time of five minutes. The Department employs a multi-company response system to respond to calls. For any given call, the station in closest proximity will respond. If that station is unavailable, or that station does not have the appropriate equipment (e.g., the availability of a tanker truck where public water is not available), the proper equipment will be sent from the nearest station where such equipment is available.

The area comprised of unincorporated Fayette County, Tyrone, Brooks and Woolsey is considered a single service district for fire services. Because of the multi-company response system within the Department, an improvement at any station is an improvement to the entire service area. New stations and equipment are added to the system as required to maintain the five minute average response times. This approach ensures that the defined level of service provided to current residents will be available to new residents as the area develops.

**MAP CIE-1: County Fire Service Area**

Note: Fires Service Area includes unincorporated Fayette County, Brooks, Tyrone and Woolsey

### Current Level of Service

DIFA requires that jurisdictions define the existing level of service (LOS). The future LOS for purposes of levying an impact fee cannot exceed the current LOS without proper credit being given. Once defined, this LOS must, at a minimum, be maintained.

The existing LOS for fire services can be measured by the amount of fire-fighting equipment, facility square footage and facility acreage available per 1,000 day/night population. While square footage and acreage are common denominators that can be equally distributed across the increased population, pieces of fire-fighting equipment do not have the same equality. That is, a brush truck is not the equivalent of an aerial. Equipment is shown in “unit equivalents”. Using an engine as the baseline equivalent of “1”, with a value of \$185,000, the other pieces of fire-fighting equipment represent the following equivalents:

	Cost ('00)	Unit Equivalent
Engine	\$185,000	1
Brush Truck	\$35,000	.2
Heavy Rescue	\$150,000	.8
Tanker	\$165,000	.9
Aerial	\$875,000	4.7

The existing LOS, per 1,000 day/night population for equipment unit equivalents (EUE), square footage and acreage are detailed in the following tables:

<b>TABLE CIE-4 EXISTING LOS FOR EQUIPMENT UNIT EQUIVALENTS: 2000</b>		
Service Unit	Existing EUEs Serving a Day/Night Population of 53,622	LOS Per 1,000 Population (EUE Subtotal ÷ (Population/1,000))
Brush Trucks (3 x .2)	.6	
Engines (8 x 1)	8	
Heavy Rescue (1 x .8)	.8	
Tankers (4 x .9)	3.6	
<b>Subtotal - Equipment (LOS)</b>	<b>13.0</b>	<b>0.2424</b>

<b>TABLE CIE-5 EXISTING LOS FOR BUILDINGS:</b>		
Service Unit	Existing Units Serving a Day/Night Population of 53,622	LOS Per 1,000 Population (Unit Subtotal ÷ (Population/1,000))
8 Fire Stations (square feet)	35,410	
1 Emergency Operations Center (square feet)	1,000	
1 Training Facility (square feet)	1,750	
<b>Subtotal - Facility Sq. Ft. (LOS)</b>	<b>38,160</b>	<b>711.65</b>

<b>TABLE CIE-6 EXISTING LOS FOR ACREAGE: 2000</b>		
Service Unit	Existing Units Serving a Day/Night Population of 53,622	LOS Per 1,000 Population (Units Subtotal ÷ (Population/1,000))
8 Fire Stations (acreage)	17.7	
1 Emergency Operations Center (acreage)	1.0	
1 Training Facility (acreage)	3.0	
<b>Subtotal - Facility Acreage (LOS)</b>	<b>21.7</b>	<b>.4047</b>

This level of equipment, facilities and acreage is adequate to meet the existing needs of Fayette County residents. The LOS for new development will be equal to the existing service level. No excess service capacity exists.

### **Future LOS**

To determine future equipment and facility needs, the existing LOS is multiplied by the day/night population increase. The following tables show that the anticipated growth during the 23-year planning period requires that the county add 19.1 new unit equivalents of fire equipment, 55,902 square feet of building facilities and 31.8 facility acres in order to maintain the existing LOS.

The equipment listed in Table CIE-7 is representative of the anticipated mix of engines, tankers, brush trucks, rescue units, aerials and other equipment necessary to provide for the current LOS. Table CIE-8 and Table CIE-9 indicate the future need for building facilities and acreage, respectively.

<b>TABLE CIE-7</b>					
<b>FUTURE EQUIPMENT DEMAND AND PROJECTS 2000-2023</b>				<b>(Equipment LOS - .2424)</b>	
Planning Period	Day/Night Population Growth	Unit Equivalents Demanded (LOS x Population/1,000)	Running Total of Unit Equivalents	Project Description	Unit Equivalents Assigned to New Growth
2000-2005	7,703	1.9	1.9	Aerial	4.7
2006-2010	13,676	3.3	5.2	Engine (3) Rescue Truck Brush Truck	3 .8 .2
2011-2015	16,234	3.9	9.1	Engine Aerial	1 4.7
2016-2020	25,842	6.3	15.4	Engine (4)	4
2021-2023	15,102	3.7	19.1		
Totals	78,557	19.1			18.4

**Fayette County Comprehensive Plan****CIE**

<b>TABLE CIE-8</b> <b>FUTURE BUILDING DEMAND AND PROJECTS (SQUARE FEET): 2000-2023</b> <b>(Building LOS = 711.65)</b>					
Planning Period	Day/Night Population Growth	Square Feet Demanded (LOS x Population/1,000)	Running Total of Facility Square Feet	Project Description	Square Feet Assigned to New Growth
2000-2005	7,703	5,482	5,482	Station 1: SR 314 Station 5: SR 85 South Station 7: Woolsey Station 10: Seay Road Training Facility	2,900 2,070 3,300 4,700 13,250
2006-2010	13,676	9,733	15,215	Station 11: McElroy Road Station 12 : Sandy Creek/Ellison Emergency Op. Center	5,700 5,700 5,000
2011-2015	16,234	11,553	26,768	Station 2 : 92N Station 14 : Sandy Crk/ Flat Crk	600 5,700
2016-2020	25,842	18,388	45,156	Station 3 : Tyrone Station 15 : Gingercake Road	2,500 5,700
2021-2023	15,102	10,746	55,902		
Totals	78,557	55,902			57,120

<b>TABLE CIE-9</b> <b>FUTURE ACREAGE DEMAND AND PROJECTS: 2000-2023</b> <b>Acreage LOS = .4047)</b>					
Planning Period	Day/Night Population Growth	Acreage Demanded (LOS x Population/ 1,000)	Running Total of Facility Acreage	Project Description	Acreage Assigned to New Growth
2000-2005	7,703	3.1	3.1	Station 1: SR 314 Station 7: Woolsey Station 10: Seay Road Training Facility	1.0 1.5 4.2 15.0
2006-2010	13,676	5.5	8.6	Station 11: McElroy Road Station 12 : Sandy Crk/Ellison	2.5 2.0
2011-2015	16,234	6.6	15.2	Station 14 : Sandy Crk/ Flat Crk	2.5
2016-2020	25,842	10.5	25.7	Station 15 : Ginger Cake Road	2.5
2021-2023	15,102	6.1	31.8		
Totals	78,557	31.8			31.2



**Schedule of Improvements 2000-2005**

There are numerous improvements planned for the Department over the next five years. The improvements include construction of four replacement fire stations (with expanded square footage over the existing stations), one new fire station, reconstruction of the fire training facility, and the purchase of new fire fighting equipment.

<b>TABLE CIE-10 SCHEDULE OF FIRE AND EMERGENCY SERVICES IMPROVEMENTS: 2000-2005</b>		
Projects	Year	Facility Type
Station 1: SR 314	2001	Building/Acreage
Station 10: Seay Road	2001	Building/Acreage
Station 5: SR 85 South	2002	Building
Station 7: Woolsey	2003	Building/Acreage
Station 11: McElroy Road	2004	Building/Acreage
Training Facility	2003-2005	Building/Acreage
Aerial	2004	Equipment

**Funding Sources 2000-2023**

The future facility needs of the Department can be met through the schedule shown in the following table. Costs represent an annual five percent inflation factor.

**Fayette County Comprehensive Plan****CIE**

TABLE CIE-11 FUTURE IMPROVEMENT COST AND FUNDING SOURCES					
Proposed Project			Total Project Cost*	Amount Eligible from Impact Fees	Fire Tax
Facility Type		Cost*			
2000-2005					
Aerial	Equipment	\$875,000	\$875,000	\$875,000	\$0
Station 1: SR 314	Building	\$775,000	\$800,000	\$432,456	\$367,544
	Acreage	\$25,000			
Station 10: Seay Road	Building	\$827,000	\$852,000	\$702,526	\$149,474
	Acreage	\$25,000			
Station 5: SR 85 South	Building	\$801,000	\$801,000	\$245,105	\$555,895
Station 7: Woolsey	Building	\$760,000	\$777,000	\$435,600	\$341,400
	Acreage	\$17,000			
Station 11: McElroy Road	Acreage & Site Preparation	\$75,000	\$75,000	\$75,000	\$0
Training Facility	Building	\$943,213	\$1,120,000	\$253,691	\$866,309
	Acreage	\$176,787			
Subtotal		\$5,300,000	\$5,300,000	\$3,019,378	??
2006-2010					
Engine (3)	Equipment	\$904,040	\$904,040	\$904,040	\$0
Rescue Truck	Equipment	\$224,334	\$224,334	224,334	\$0
Brush Truck	Equipment	\$57,011	\$57,011	\$57,011	\$0
Station 11: McElroy Road	Building	\$1,225,500	\$1,225,500	\$1,225,500	\$0
Station 12 : Sandy Creek	Building	\$1,225,500	\$1,253,500	\$1,253,500	\$0
	Acreage	\$28,000			
Emergency Op. Center	Building	\$1,290,000	\$1,306,289	\$1,091,289	\$215,000
	Acreage	\$16,289			\$0
Subtotal		\$4,970,674	\$4,970,674	\$4,755,674	\$215,000'
2011-2015					
Aerial	Equipment	\$1,819,062	\$1,819,062	\$1,819,062	\$0
Engine	Equipment	\$384,602	\$384,602	\$384,602	\$0
Station 2: 92N	Building	\$1,644,000	\$1,644,000	\$164,400	\$1,479,600
Station 14: Sandy Creek	Building	\$1,561,800	\$1,613,773	\$1,613,773	\$0
	Acreage	\$51,973			
Subtotal		\$5,461,437	\$5,461,437	\$3,981,837	\$1,479,600

<b>TABLE CIE-11 (continued)</b>					
<b>FUTURE IMPROVEMENT COST AND FUNDING SOURCES</b>					
2016-2023					
Proposed Project		Total Project Cost*		Amount Eligible from Impact Fees	Fire Tax
Facility Type		Cost*			
Engine (4)	Equipment	\$1,963,440	\$1,963,440	\$1,963,440	\$0
Station 3: Tyrone	Building	\$2,625,000	\$2,625,000	\$875,000	\$1,750,000
Station 15: Ginger Cake	Building	\$1,995,000	\$2,061,333	\$2,061,333	\$0
	Acreage	\$66,333			
Subtotal		\$6,649,773	\$6,649,773	\$4,899,773	\$1,750,000
Total		\$22,381,884	\$22,381,884	\$16,656,662	\$5,725,222

\* Where costs are not fixed an annual 5% inflation rate is added.

The table above indicates that, given the equipment and facility needs of the Department, \$16,656,662 is required to maintain the current level of service as new growth occurs. This amount is shown as a per capita cost in the following chart:

<b>CHART CIE-1</b>	
<b>IMPACT FEE CALCULATION CHART –</b>	
<b>DAY/NIGHT POPULATION FOR FIRE SERVICES</b>	
Day/Night Population in 2023	132,179
☐ Day/Night Population in 2000	<u>53,622</u>
☐ New Growth: 2000 to 2023	78,557
Total Impact Cost for New Growth	\$16,656,662
÷ New Growth: 2000 to 2023	<u>78,557</u>
☐ Impact Cost per capita	\$212.03

### Calculation of Impact Fee

An impact fee is calculated for both residential and nonresidential uses.

#### Residential Impact Fee:

The impact cost of \$212.03 per capita must be expressed in terms of number of households (dwelling units) in order to levy a residential impact fee. Based on Atlanta Regional Commission projections, the average number of persons per household over the 20-year period will be 2.75 (persons per household estimates range from 2.96 in 1990 to 2.66 in 2020). This average reflects the projected decrease in household size over this planning period. This 2.75 multiplied by \$212.03 equals \$583.08. A three percent (\$17.49) administrative fee is added to this amount. The total residential impact fee is \$600.57 per household (dwelling unit), as shown in Table CIE-12.

<b>TABLE CIE-12 FIRE SERVICES IMPACT FEE CALCULATION FOR HOUSEHOLDS (DWELLING UNITS)</b>			
	Impact Fee	Administration (3%)	TOTAL
Household (dwelling unit)	\$583.08	\$17.49	<b>\$600.57</b>

Nonresidential Impact Fee:

For nonresidential establishments, the impact cost of \$212.03 per capita must be expressed in terms of nonresidential establishment classification as per Table 13. Based on County Business Patterns 1995, for Fayette County each classification contains an average number of employees. This factor for average number of employees is then multiplied by \$212.03 to determine the impact fee.

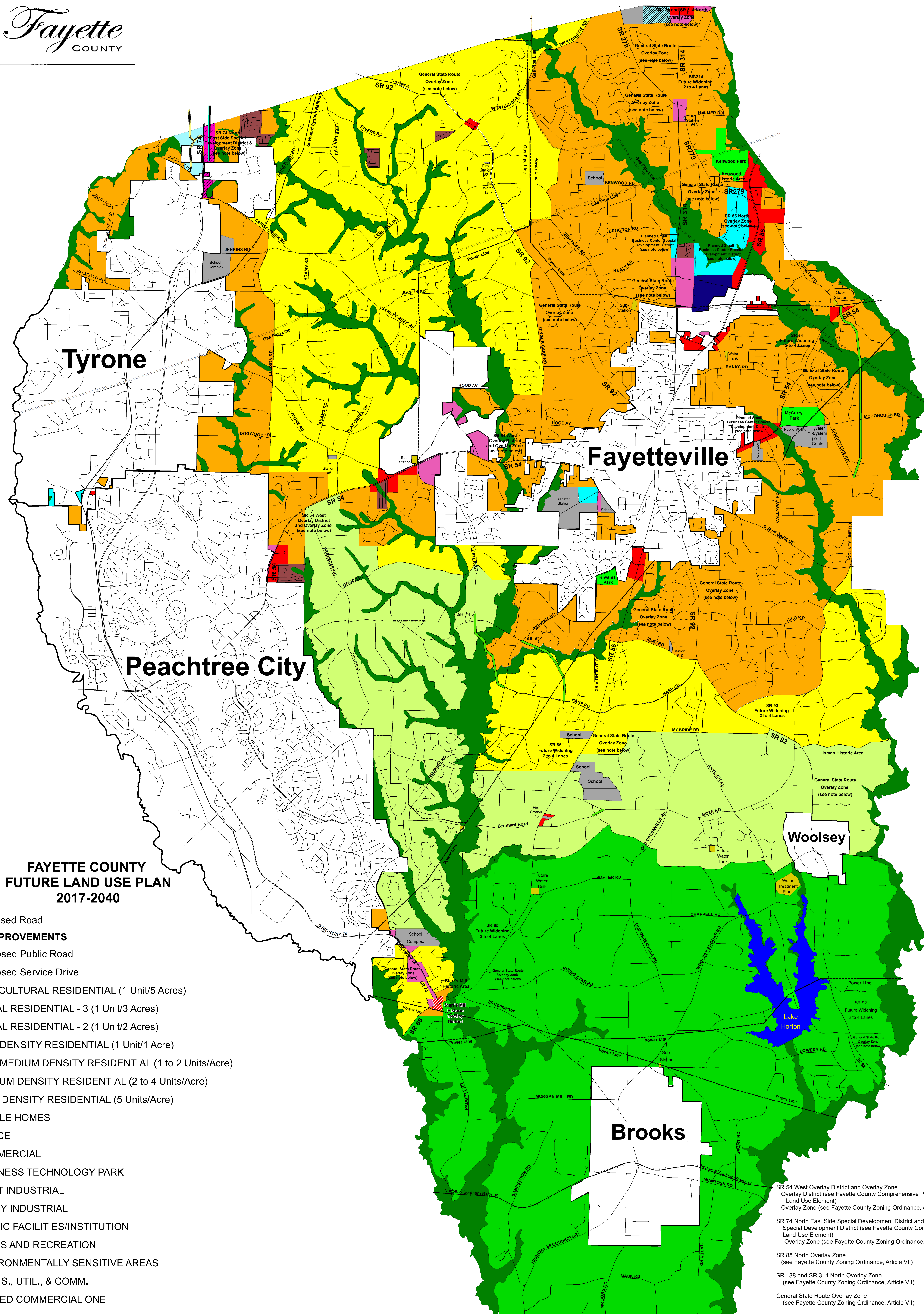
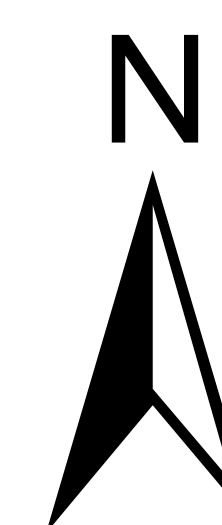
<b>TABLE CIE-13 FIRE SERVICES IMPACT FEE CALCULATION FOR NONRESIDENTIAL ESTABLISHMENTS</b>						
Establishment Type	Number of Employees	Number of Establishments	Average Number of Employees	Impact Fee	Administration (3%)	TOTAL
<b>Agricultural Services, Forestry &amp; Fishing:</b> agricultural services, landscape and horticultural services	252	50	5	\$1,060.15	\$31.80	<b>\$1,091.95</b>
<b>Mining</b>	30	3	10	\$2,120.30	\$63.61	<b>\$2,183.91</b>
<b>Construction:</b> general contractors, heavy construction, plumbing, HVAC, electrical, concrete, misc. special trade contractors.	2,081	298	7	\$1,484.21	\$44.53	<b>\$1,528.74</b>
<b>Manufacturing:</b> paper and allied products, printing and publishing, stone, clay and glass products, industrial machinery and equipment, electronic and other electronic equipment	2,985	90	33	\$6,996.99	\$209.91	<b>\$7,206.90</b>
<b>Transportation &amp; Public Utilities:</b> Trucking and warehousing	676	79	9	\$1,908.27	\$57.25	<b>\$1,965.52</b>
<b>Wholesale Trade</b>	1,523	147	10	\$2,120.30	\$63.61	<b>\$2,183.91</b>
<b>Retail Trade:</b> building materials, garden supplies, general merchandise stores, grocery, automotive dealers, apparel and accessory stores, furniture, eating and drinking places, drug stores, miscellaneous	5,445	358	15	\$3,180.45	\$95.41	<b>\$3,275.86</b>

**TABLE CIE-13**  
**FIRE SERVICES IMPACT FEE CALCULATION FOR NONRESIDENTIAL ESTABLISHMENTS**

Establishment Type	Number of Employees	Number of Establishments	Average Number of Employees	Impact Fee	Administration (3%)	TOTAL
<b>Finance, Insurance, and Real Estate:</b> depository institutions, commercial banks, insurance agents, brokers and service, real estate agents	1,026	176	6	\$1,272.18	\$38.17	<b>\$1,310.35</b>
<b>Services:</b> hotel, laundry, dry cleaner, beauty shop, business services, auto repair, movie theaters, amusement and recreation, health service, education services, social services, membership organizations, religious organizations, engineering and management services	6,470	664	10	\$2,120.30	\$63.61	<b>\$2,183.91</b>
<b>Unclassified Establishments</b>	73	19	4	\$848.12	\$25.44	<b>\$873.56</b>
<b>Total</b>	20,561	1,884				

Source of Number of Employees, Number of Establishments, and Average Number of Employees for Fayette County: County Business Patterns 1995.





SR 54 West Overlay District and Overlay Zone  
Overlay District (see Fayette County Comprehensive Plan,  
Land Use Element)  
Overlay Zone (see Fayette County Zoning Ordinance, Article VII)

SR 74 North East Side Special Development District and Overlay Zone  
Special Development District (see Fayette County Comprehensive Plan,  
Land Use Element)  
Overlay Zone (see Fayette County Zoning Ordinance, Article VII)

SR 85 North Overlay Zone  
(see Fayette County Zoning Ordinance, Article VII)

SR 138 and SR 314 North Overlay Zone  
(see Fayette County Zoning Ordinance, Article VII)

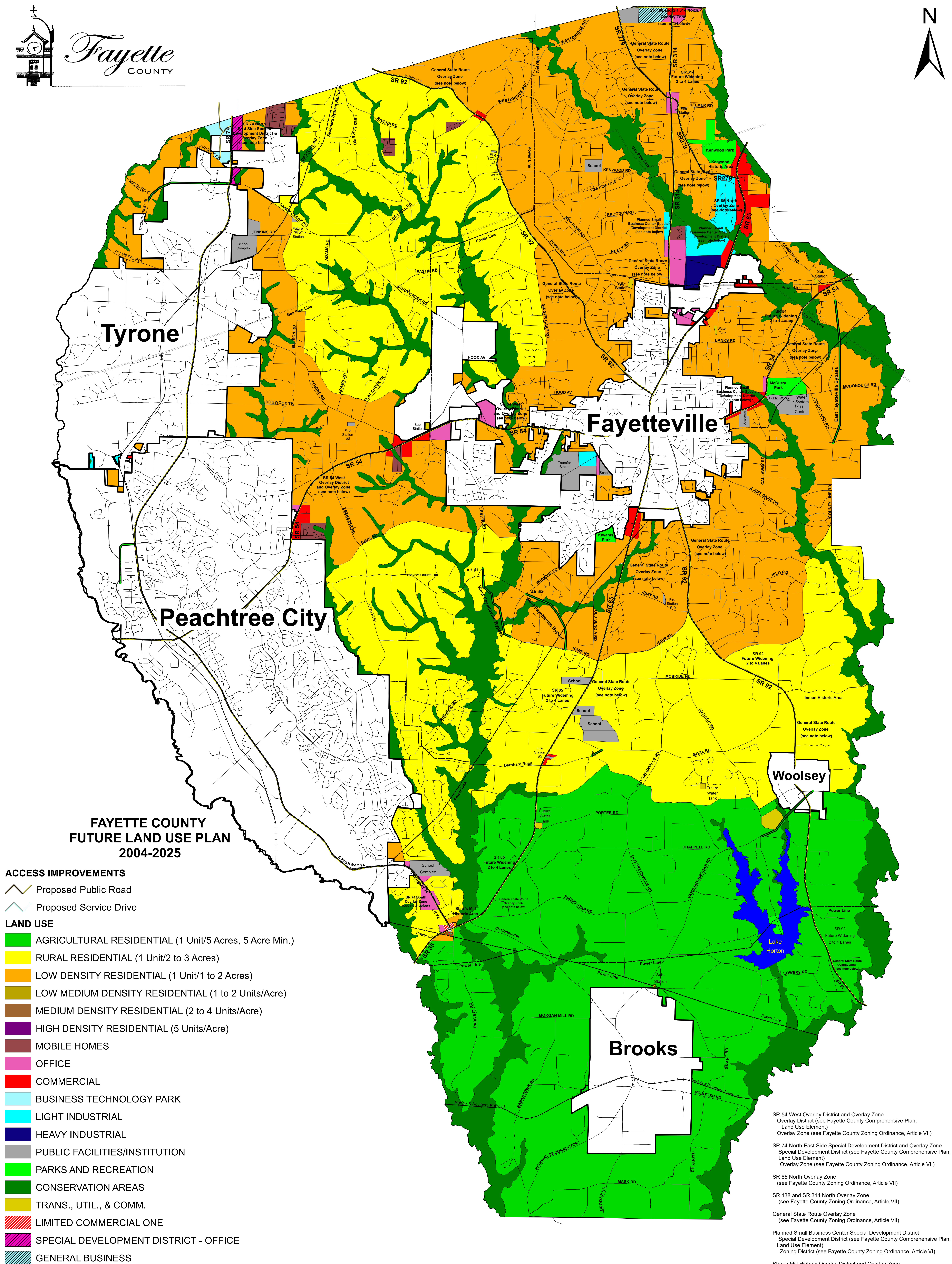
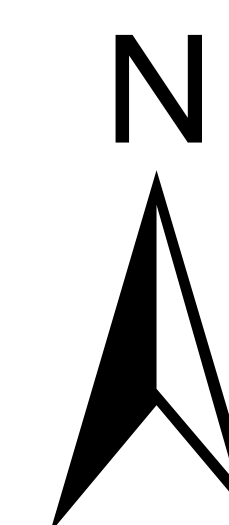
General State Route Overlay Zone  
(see Fayette County Zoning Ordinance, Article VII)

Planned Small Business Center Special Development District  
Special Development District (see Fayette County Comprehensive Plan,  
Land Use Element)  
Zoning District (see Fayette County Zoning Ordinance, Article VI)

Starr's Mill Historic Overlay District and Overlay Zone  
Overlay District (see Fayette County Comprehensive Plan,  
Land Use Element)  
Overlay Zone (see Fayette County Zoning Ordinance,  
Sec. 110-174 Historic District Overlay Zone)

**Adopted .....**







# COUNTY AGENDA REQUEST

Page 187 of 349

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of Resolution 2017-07 to adopt the Fayette County 2016 Annual Report on Fire Services Impact Fees (FY2016), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2017-FY2021.)

## Background/History/Details:

As required by the Georgia Development Impact Fee Act and the Minimum Planning Standards, Fayette County in collaboration with Tyrone, Brooks, and Woolsey, has prepared the "Fayette County 2016 Annual Report on Fire Services Impact Fees (FY2016), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2017-FY2021.)" Public hearings were held by the Fayette County Board of Commissioners on February 23, 2017, and by the three (3) towns in early 2017. Each entity approved the report for transmittal to ARC for coordination of state and regional review.

We have received notifications of compliance from the Georgia Department of Community Affairs and the Atlanta Regional Commission for the 2016 Fire Services Impact Fee Report including amendment to the Capital Improvements Element and Short Term Work Program of the Comprehensive Plan. The next step is for each local government to adopt this report and for the adopting Resolutions to be transmitted to ARC. The deadline for this adoption and transmittal of the adopting Resolutions to ARC is June 30, 2017. These actions are required for each government to retain its Qualified Local Government status.

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

Approval of Resolution 2017-07 to adopt Fayette County 2016 Annual Report on Fire Services Impact Fees (FY2016), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2017-FY2021.)

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:



**COUNTY OF FAYETTE  
STATE OF GEORGIA**

**RESOLUTION NO. 2017-17**

**A RESOLUTION TO ADOPT THE FAYETTE COUNTY 2016 ANNUAL REPORT ON FIRE SERVICES IMPACT FEES (FY16), INCLUDING COMPREHENSIVE PLAN AMENDMENTS FOR UPDATES TO THE CAPITAL IMPROVEMENTS ELEMENT AND SHORT-TERM WORK PROGRAM (FY2017 - FY2021)**

**WHEREAS**, Fayette County has in collaboration with the towns of Tyrone, Brooks, and Woolsey prepared the “Fayette County 2016 Annual Report on Fire Services Impact Fees (FY2016), Including, Comprehensive Plan Amendments for Updates to the Capital Improvements Element and the Short-Term Work Program (FY2017-FY2021),” and

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

**WHEREAS**, on the 23rd day of February, 2017, the Fayette County Board of Commissioners conducted a public hearing on the 2015 Fire Services Impact Fee Report and proposed Comprehensive Plan amendments; approved that report and authorized transmittal to the Atlanta Regional Commission for coordination of regional and state review; and

**WHEREAS**, the Regional and State reviews have been completed and a notification of compliance has been received from ARC.

**BE IT THEREFORE RESOLVED THAT** the Fayette County Board of Commissioners does hereby adopt the “Fayette County 2016 Annual Report on Fire Services Impact Fees (FY2016) Including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and the Short-Term Work Program (FY2017-FY2021).”

**ADOPTED** by the Fayette County Board of Commissioners this 25th day of April, 2017.

**FAYETTE COUNTY  
BOARD OF COMMISSIONERS**

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Eric K. Maxwell, Chairman  
Board of Commissioners

ATTEST:

---

Clerk/Deputy Clerk

April 13, 2017

Chairman Eric Maxwell  
Fayette County Board of Commissioners  
140 Stonewall Avenue West, Suite 100  
Fayetteville, Georgia 30214

RE: Capital Improvements Element Annual Update

Dear Chairman Maxwell,

ARC has completed its regional review of the FY2017-FY2021 Capital Improvements Element (CIE) Annual Update and 2016 Fire Services Impact Fees Annual Report for Fayette County and the Towns of Brooks, Tyrone and Woolsey. We are pleased to inform you that the Georgia Department of Community Affairs (DCA) has determined that the update is in compliance with the Development Impact Fee Compliance Requirements and the Minimum Standards and Procedures for Local Comprehensive Planning.

Renewal of Qualified Local Government (QLG) status is contingent on adoption of the update as an amendment to each community's Comprehensive Plan. The update may be adopted at any time. Once adopted, please send ARC digital copies of all four adoption resolutions and the final, adopted update document, so that we may forward those materials to DCA. Upon receiving notice that the update has been adopted in each jurisdiction, DCA will renew each community's QLG status.

I commend Fayette County and the Towns of Brooks, Tyrone and Woolsey for their commitment to the comprehensive planning process. Please contact Andrew Smith at (404) 463-5581 or [asmith@atlantaregional.com](mailto:asmith@atlantaregional.com) if you have any questions or if we can provide further assistance.

Sincerely,



Samyukth Shenbaga, AICP  
Manager, Community Development Division

Enclosure

Cc: Pete Frisina, Director of Community Services, Fayette County Planning and Zoning

**Andrew Smith**

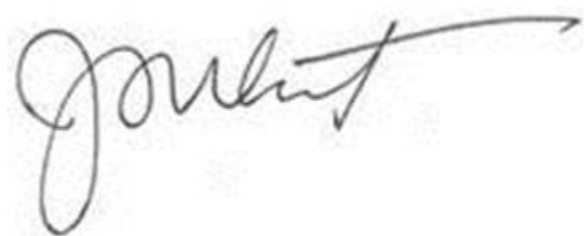
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**From:** Jon West <Jon.West@dca.ga.gov>  
**Sent:** Wednesday, April 05, 2017 3:44 PM  
**To:** Jared Lombard; Andrew Smith; Jonathan Tuley  
**Cc:** PEMD OPQG Administration  
**Subject:** Fayette County w Towns of Brooks, Tyrone and Woolsey Approval

Jared, Andrew and Jon,

Our staff has reviewed the Annual Capital Improvement Element (CIE) Update for Fayette County and the Towns of Brooks, Tyrone, and Woolsey and finds that it adequately addresses applicable requirements. The next step is for the local government to adopt the CIE Update. As soon as your office provides written notice that the CIE Update has been adopted and provides DCA with a digital copy of the final adopted version of this document, we will notify the local government that its Qualified Local Government status has been extended. If you have any questions, please contact us at 404-679-5279.

Thanks,



Learn more about our commitment to [fair housing](#).

---

**Jon A. West, AICP**  
Senior Planner: Local & Intergovernmental  
Programs  
Georgia Department of Community Affairs  
60 Executive Park South, NE  
Atlanta, Georgia 30329  
Direct 404-327-6872  
Fax 770-302-9703  
[Jon.West@dca.ga.gov](mailto:Jon.West@dca.ga.gov)

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

	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2016 By Jurisdiction	
Fayette County	\$118,912.86
Brooks	\$5,405.13
Tyrone	\$23,404.74
Woolsey	\$2,402.28
Total	\$150,125.01
Accrued Interest	\$195.08
(Administrative/Other Costs)	(\$4,466.22)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(\$145,853.87)
Impact Fee Fund Balance Ending FY 2016	\$0.00
Impact Fees Encumbered	\$0.00

### Fayette County Impact Fee Financial Report - FY 2016

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

## Fayette County Comprehensive Plan Amendment - Capital Improvement Element - Project Update FY 2017 – FY 2021

### Public Facility: Fire Services

Project Description	FY Project Start	FY Project End	Actual / Estimated Cost of Project	Funding From Impact Fees	Percent by Impact Fees	Other Funding Sources	Current Year Impact Fees Applied	Impact Fee Applied Previous Years	Remaining Amount to be Paid from Impact Fees	Status/ Remarks
Construct FS1, SR279	FY02	FY02	\$872,836	\$471,331	54%	Fire Tax	n.a.	\$471,331	\$0.00	Comp, FY02
Construct FS10: Seay Rd	FY 02	FY02	\$838,295	\$687,402	82%	Fire Tax	n.a.	\$687,402	\$0.00	Comp, FY02
Construct FS5: S.R. 85 S.	FY02	FY03	\$1,191,565	\$369,385	31%	Fire Tax	n.a.	\$369,385	\$0.00	Comp, FY03
Construct FS7: Hampton Road	FY03	FY03	\$1,066,472	\$586,559	55%	Fire Tax	n.a.	\$586,559	\$0.00	Comp, FY03
Purchase Acreage for Future Fire Station: McElroy Road	FY04	FY04	\$25,000	\$25,000	100%	None	n.a.	\$25,000	\$0.00	Acreage purchased.
Purchase Two (2) Quints	FY06	FY07	\$675,000	\$675,000	100%	None	\$145,854	\$463,398	\$65,748	Purchased FY07
Emergency Operations Center .	FY12	FY15	\$1,107,921	\$131,704	12%	Fire Tax / Grant	0	\$0.00	\$131,704	Comp, FY15
Construct Fire Training Center (Burn Building)	Future	Future	350,000	\$80,500	23%	Fire Tax	0	\$0.00	\$80,500	
Totals			\$6,127,089	\$3,026,252			\$145,854	\$2,603,075	\$277,322	

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

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



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

# COUNTY AGENDA REQUEST

Page 197 of 349

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of the draft contract between the Georgia Department of Transportation and Fayette County for the Fayette County Master Path Plan study (GDOT PI # 0015075 / ARC Project # FA-356).

## Background/History/Details:

In 2015 the BOC authorized staff to apply for federal aid through the Atlanta Regional Commission (ARC) for three planning studies. Two of the applications were approved: this project and the corridor study along SR 74. The purpose of this agenda item is to execute the Contract between Fayette County and Georgia Department of Transportation (GDOT).

This study will identify and address multi-use path, sidewalk, and bike lane issues across the unincorporated County and the municipalities. The high-level purpose is to establish common goals, project priorities, and operating & maintenance standards for all the local governments within Fayette County, and balance the needs of pedestrians, bicyclists and Personal Transportation Vehicle operations (PTVs). This type of planning is needed as the demand for an expanded path networks grows, as well as the expectation for regional coordination.

This project will be developed with the update to the Comprehensive Transportation Plan.

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

Approval of the draft contract between the Georgia Department of Transportation and Fayette County for the Fayette County Master Path Plan study (GDOT PI # 0015075 / ARC Project # FA-356).

## If this item requires funding, please describe:

The study has an estimated cost of \$180,000. Fayette County would be responsible for \$36,000 (20%) of this amount. Funding is budgeted/available from CIP 6220J.

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 MASTER PATH PLAN**

**FAYETTE COUNTY**

**FHWA METROPOLITAN PLANNING PROGRAM**

**STP-URBAN FUNDS**

**CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER 20.205**

**FEDERAL-AID PARTICIPATING PROJECT**

**PI Number 0015075**

**ARC Project Number FA-356**

<b>Federal Share 80%</b>	<b>\$144,000.00</b>
<b><u>Local Match Share 20%</u></b>	<b><u>\$36,000.00</u></b>
<b>Total Contract Cost</b>	<b>\$180,000.00</b>

**CONTRACT**  
**Between the**  
**DEPARTMENT OF TRANSPORTATION**  
**STATE OF GEORGIA**  
**ONE GEORGIA CENTER, 600 WEST PEACHTREE STREET NW**  
**ATLANTA, GEORGIA 30308**  
**and**  
**FAYETTE COUNTY**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ , 2017, by and between the DEPARTMENT OF TRANSPORTATION, an agency of the State of Georgia, hereinafter called the "DEPARTMENT", and FAYETTE COUNTY, acting by and through its Board of Commissioners, hereinafter called the "LOCAL GOVERNMENT".

WHEREAS, the DEPARTMENT is responsible for the development of long-range comprehensive plans for all modes of transportation in Georgia and is required to coordinate this development with the appropriate planning agencies and the affected local governmental bodies; and

WHEREAS, the DEPARTMENT recognizes the significance and benefit of participating with all agencies responsible for transportation planning in Fayette County in providing certain services for the carrying out of said work program; and

WHEREAS, the LOCAL GOVERNMENT has represented to the DEPARTMENT that it is experienced and qualified to serve as project director and the DEPARTMENT has relied upon such representation; and

WHEREAS, federal funding for this PROJECT is provided by the STP Urban allocation from the Fixing Americas Surface Transportation Act of 2015; and

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein contained and other good and valuable consideration as set out hereinafter, it is agreed by and between the DEPARTMENT and the LOCAL GOVERNMENT that:

## ARTICLE I

### SCOPE AND PROCEDURES

The LOCAL GOVERNMENT shall perform or cause to be performed those services required of it to accomplish the work designated to be done by the LOCAL GOVERNMENT, as shown in Exhibit A, which is attached hereto, and made a part hereof the same as if fully set out herein, on or before \_\_\_\_\_, 2017, and shall make available to the DEPARTMENT the reports, data, maps, facts, figures and all other information resulting from the work accomplished under the terms of this Agreement.

In the event the work accomplished, or caused to be accomplished, by the LOCAL GOVERNMENT as set out in the first paragraph of this Article does not, in the opinion of the DEPARTMENT, satisfy the requirements set forth in this Agreement, the DEPARTMENT shall inform the LOCAL GOVERNMENT of the deficiencies in writing and shall withhold payment for said deficient work until such time as the deficiencies have been corrected by the LOCAL GOVERNMENT without additional costs to the DEPARTMENT.

## ARTICLE II

### COMPENSATION AND PAYMENT

It is agreed that the compensation hereinafter specified includes both direct and indirect costs chargeable to the PROJECT under generally accepted accounting principles and as allowed in the 2 CFR PART 200 and not prohibited by the Laws of the State of Georgia.

It is understood that the total estimated cost of the PROJECT as outlined in the Article and as shown in Exhibit "B", BUDGET ESTIMATE, attached hereto and incorporated as if fully set out herein, is One Hundred and Eighty Thousand dollars (\$180,000.00). The total estimated cost of the PROJECT to be financed with U.S. Department of Transportation FHWA funds is One Hundred and Forty Four Thousand Dollars (\$144,000.00) which is the total federal contribution to the PROJECT and is the maximum amount of the DEPARTMENT's obligation.

The LOCAL GOVERNMENT shall be solely responsible for any and all amounts in excess of One Hundred and Forty Four Thousand Dollars (\$144,000.00), which such amount in excess being payable only with non-Federal aid funds. In no event shall the Federal contribution to the PROJECT exceed One Hundred and Forty Four Thousand Dollars (\$144,000.00) which is the DEPARTMENT's maximum obligation.

It is understood and agreed that nothing in the foregoing shall prevent an adjustment of the estimate of the PROJECT costs, provided that the DEPARTMENT's maximum obligation under this Agreement is not exceeded and that the original intent of the PROJECT is not substantially altered from the approved PROJECT. In order to adjust said budget estimate, it is also understood that the LOCAL GOVERNMENT shall request any and all budget changes in writing and that the DEPARTMENT shall approve or disapprove the requested budget estimate change in writing.

Payment on the account of the above described Federal contribution shall be made no more than once per quarter and shall be in the amount of expenses incurred during that period. Payments shall be made after approval of an invoice from the LOCAL GOVERNMENT. Each invoice will include a copy of the LOCAL GOVERNMENT's invoice and progress reports during the invoice period. Upon the basis of its review of such invoices, the DEPARTMENT shall, at the request of the LOCAL GOVERNMENT, make the payment to the LOCAL GOVERNMENT as the work progresses, but not more often than once per quarter. Should the work for the PROJECT begin within any one month, the first invoice shall cover the partial period of the beginning date of work through the last date in the month in which it began. The invoices shall be numbered consecutively and subsequent invoices submitted each month until work for the PROJECT is completed.

Payment shall be made quarterly in the amount of total sums earned less previous partial payments. However, the DEPARTMENT shall only pay to the LOCAL GOVERNMENT funds that represent the Federal contribution. All costs of the project in excess of the Federal contribution shall be paid by the LOCAL GOVERNMENT. Payments by the DEPARTMENT shall not exceed 80% of the project costs in any invoice or in total up to the maximum amount of One Hundred and Forty Four Thousand Dollars (\$144,000.00). The final invoice shall reflect the actual cost of work accomplished by the LOCAL GOVERNMENT under the terms of the Agreement, and shall be the basis for final payment.

Should the work under the Agreement be terminated by the DEPARTMENT, pursuant to the provisions of ARTICLE XIV, the LOCAL GOVERNMENT shall be paid based upon the expenses incurred at the point of termination notwithstanding any just claims by the LOCAL GOVERNMENT.

### ARTICLE III

#### EMPLOYMENT OF DEPARTMENT'S PERSONNEL

The LOCAL GOVERNMENT shall not employ any person or persons in the employ of the DEPARTMENT for any work required by the terms of this Agreement, without the written permission of the DEPARTMENT except as may otherwise be provided for herein.

### ARTICLE IV

#### REVIEW OF WORK

Authorized representatives of the DEPARTMENT and Federal Government may during normal business hours review and inspect the PROJECT activities and data collected by or for the LOCAL GOVERNMENT under this Agreement and amendments thereto. All such reports, drawings, studies, specifications, estimates, maps and computations, prepared by or for the LOCAL GOVERNMENT shall be made available to authorized representatives of the DEPARTMENT and representatives of the Federal Government for inspection and review during normal business hours in the General Offices of the LOCAL GOVERNMENT.

### ARTICLE V

#### SUBCONTRACTS

It is understood that the LOCAL GOVERNMENT is responsible to the DEPARTMENT to insure that all subcontracts awarded by the LOCAL GOVERNMENT under the terms of this Agreement are consistent with the provisions contained herein and in support of these requirements and consistent with the LOCAL GOVERNMENT 's contracting policies and procedures as approved by the DEPARTMENT. Such subcontracts are subject to the terms of Article X of this Agreement.

### ARTICLE VI

#### MAINTENANCE AND AUDIT OF CONTRACT COST RECORDS

##### A. Maintenance of Cost Records

The LOCAL GOVERNMENT shall maintain all books, documents, papers, accounting records and other evidence pertaining to costs incurred on the PROJECT and shall make such material available during normal business hours for the period of the contract, and for three years from the date of final



payment under the contract, for inspection by the DEPARTMENT and representatives of the Federal Government, and copies thereof shall be furnished to the DEPARTMENT upon request. The LOCAL GOVERNMENT agrees that the provisions of this Article shall be included in any contracts it may make with any subcontractor, assignee, or transferee.

**B. Audit of Cost Records**

The DEPARTMENT shall have the right to perform an audit of all documents and records pertaining to costs incurred on this PROJECT for a period of three years after compensation payments by the DEPARTMENT to the LOCAL GOVERNMENT under this contract. The LOCAL GOVERNMENT agrees to assist in making the result of the audit performed pursuant to 2 CFR 200 (Uniform Grant Guidance) available to the DEPARTMENT if possible, and to the extent such audit is available, the DEPARTMENT at its sole discretion may agree to accept the Uniform Grant Guidance audit in lieu of its audit as herein provided for. Further, the LOCAL GOVERNMENT agrees to reimburse the DEPARTMENT for the DEPARTMENT's share of any and all costs disallowed as a result of audit by either the Uniform Grant Guidance audit or by the audit allowed hereunder by the DEPARTMENT.

**ARTICLE VII  
(RESERVED)**

## ARTICLE VIII

### PROGRESS REPORTS

The LOCAL GOVERNMENT shall submit a progress report with each invoice, summarizing all work completed during the invoice period, as noted in ARTICLE II. The DEPARTMENT reserves the right to comment on such progress reports. The DEPARTMENT's comments, if any, shall be returned to the LOCAL GOVERNMENT in writing within thirty (30) calendar days after receipt by the DEPARTMENT of each progress report. In the event said comments include disagreement or reservations, or both, by the DEPARTMENT with portions of such progress report, the LOCAL GOVERNMENT shall, within ten (10) calendar days after receipt of the DEPARTMENT's comments, supply copies of the comments to such individuals and agencies as may be reasonably designated by the DEPARTMENT.

## ARTICLE IX

### PUBLICATIONS

Publications and reports officially released after the date of execution of this Agreement describing the results of any investigation hereunder participated in by the DEPARTMENT shall give recognition to the DEPARTMENT and the Federal Highway Administration of the U.S. Department of Transportation in the text and title page to the nature of its cooperative character.

The following statement, unless mutually agreed in writing to be waived, shall appear on the cover or title page of all said publications and reports released by the LOCAL GOVERNMENT:

"The contents of this report reflect the views of the persons preparing the document and those individuals are responsible for the facts and the accuracy of the data presented herein. The contents of this report do not necessarily reflect the official views or policies of the Department of Transportation of the State of Georgia. This report does not constitute a standard, specification, or regulations."

Likewise, the following statement, unless mutually agreed in writing to be waived, shall appear on the cover or title page of all said publications and reports released by the DEPARTMENT.

"The contents of this report reflect the views of the participating individuals who are responsible for the facts and the accuracy of the data presented herein. The contents of this report do not necessarily reflect the official views or policies of Fayette County. This report does not constitute a standard, specification, or regulations."

After the date of execution of this Agreement, articles, reports, papers, bulletins, press releases or other such publications reporting the analyses, results, findings, or any or all of these, of any portion of the work assigned to the LOCAL GOVERNMENT under this contract, or amendments hereto, shall not be officially released to the public by the LOCAL GOVERNMENT until the conditions set out below have been satisfied.

1. Such aforementioned publications have been submitted by the LOCAL GOVERNMENT to the DEPARTMENT for review and comment(s).

2. The DEPARTMENT has reviewed said publications and has supplied the LOCAL GOVERNMENT with written comment(s) regarding same. Said comments shall be supplied within twenty (20) calendar days after receipt of said publication by the DEPARTMENT.

3. In the event said comment(s) include disagreement, reservations, or both by the DEPARTMENT with such analyses, results, findings, or any or all of them, or portions thereof, such dissent as so stated shall be incorporated by the LOCAL GOVERNMENT in the publication(s) to be released in such a manner so as to indicate specific points of difference and the DEPARTMENT's rationale for such dissent if so contained in said comments. The LOCAL GOVERNMENT further agrees to evidence such disagreement on the initial page with the statement:

"Although the Department of Transportation of Georgia is a participant in the project for which this information was collected, it does not currently agree with all the results and findings as are indicated herein. The initial points of differences are acknowledged in this presentation; however, this does not limit the DEPARTMENT in the future from modifying in any way its views pertaining to this information as may be deemed necessary by the DEPARTMENT as the PROJECT progresses."

As used herein, "official release" by the LOCAL GOVERNMENT shall mean a formal action by the governing body of the LOCAL GOVERNMENT to accept or adopt said publication and authorizing its public distribution.

It is mutually agreed that the official release of such aforementioned publications which are not in accordance with the provisions contained herein shall constitute grounds for termination of this contract by the DEPARTMENT in accordance with the provisions of Article XVI of this Contract.

Provided, however, that should the release of such information be required under the Georgia Open Records Act, Section 50-18-70 et seq., O.C.G.A, the restrictions and penalties set forth herein shall not apply. Any request for information directed to the LOCAL GOVERNMENT in the performance of a service or function for or on behalf for the DEPARTMENT shall be released pursuant to provisions of the Act. Further, the LOCAL GOVERNMENT agrees to consult with the DEPARTMENT prior to releasing the required documents.

Likewise, after the date of execution of this Agreement, articles, reports, papers, bulletins, press releases or other such publications reporting the analyses, results, findings, or any or all of them, or any portion of the work assigned the DEPARTMENT under this contract or amendments hereto shall not officially be presented publicly or published by the DEPARTMENT until the conditions set out below have been satisfied:

1. Such aforementioned publications have been submitted by the DEPARTMENT to the LOCAL GOVERNMENT for review and comment(s).
2. The LOCAL GOVERNMENT has reviewed said material and has supplied the DEPARTMENT with written comment(s) regarding same. Said comments shall be supplied within twenty (20) calendar days after receipt of said publication by the LOCAL GOVERNMENT.
3. In the event said comment(s) include disagreement, reservations, or both by the LOCAL GOVERNMENT with such analyses, results, findings, or any or all of them, or portions thereof, such dissent as so stated shall be incorporated by the DEPARTMENT in the publication(s) to be released in such a manner so as to indicate specific points of difference and the LOCAL GOVERNMENT 's rationale for such dissent if so contained in said comments. The DEPARTMENT further agrees to evidence such disagreement on the initial page with the statement:

"Although Fayette County is a participant in the project for which this information was collected, it does not currently agree with all the results and findings as are indicated herein. The initial points of difference are acknowledged in this presentation; however, this does not limit the Fayette County in the future from modifying in any way its views pertaining to this information as may be deemed necessary by Fayette County as the project progresses."

## ARTICLE X

### ASSIGNMENT, TRANSFER, OR SUBLETTING

It is understood by the parties to this contract that the work of the LOCAL GOVERNMENT on this PROJECT is considered personal by the DEPARTMENT and the LOCAL GOVERNMENT agrees not to assign or transfer and, after the date of execution of this agreement, not to subcontract any or all of its interest in this contract without prior written approval of the DEPARTMENT, unless provided otherwise in Article V.

## ARTICLE XI

### INSURANCE

By execution of this agreement, the LOCAL GOVERNMENT certifies to the DEPARTMENT that it will maintain the following minimum amounts of insurance:

1. Workmen's Compensation Insurance in accordance with the laws of the State of Georgia.
2. Public Liability Insurance in an amount not less than One Hundred Thousand Dollars (\$100,000.00) for injuries, including those resulting from death to any one person, and in an amount not less than Three Hundred Thousand Dollars (\$300,000.00) on account of any one occurrence.
3. Property Damage Insurance in an amount not less than Fifty Thousand Dollars (\$50,000.00) from damages on account of any occurrence, with an aggregate limit of One Hundred Thousand Dollars (\$100,000.00).
4. Valuable Papers Insurance in an amount sufficient to assure the restoration of any plans, drawings, field notes, or other similar data relating to the work covered by the PROJECT.

Insurance shall be maintained in full force and effect during the life of the contract, or amendments hereto, and shall protect the LOCAL GOVERNMENT, its employees, agents and representatives from claims for damages, for personal injury, and death and for damages arising in any manner from the negligent or wrongful acts or failures to act by the LOCAL GOVERNMENT, its employees, agents, or representatives in the performance of the work covered by the contract, or amendments hereto.

## ARTICLE XII

### COVENANT AGAINST CONTINGENT FEES

The LOCAL GOVERNMENT warrants that it has not employed or retained any company or person other than a bona fide employee working solely for The LOCAL GOVERNMENT to solicit or secure this contract, and that the LOCAL GOVERNMENT has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the LOCAL GOVERNMENT, any fee, commission, percentage, brokerage fee, gifts or any other consideration, contingent upon or resulting from the award or making this contract.

It is further agreed that the LOCAL GOVERNMENT's noncompliance with the provisions or breach of the warranties, set forth in this article shall constitute grounds for immediate termination of this Agreement and the LOCAL GOVERNMENT shall reimburse the DEPARTMENT all payments which the DEPARTMENT has made to the LOCAL GOVERNMENT under the terms of this Agreement.

## ARTICLE XIII

### TIME OF PERFORMANCE

Time is of the essence. The LOCAL GOVERNMENT and the DEPARTMENT shall perform this PROJECT as described in Article I, Scope and Procedure, on or before June 30, 2018.

## ARTICLE XIV

### TERMINATION OF CONTRACT

The DEPARTMENT may terminate this contract for just cause at any time in advance of the completion date fixed in Article XIII, by the giving of thirty (30) days written notice of such termination. Upon receipt of such notice of termination, the LOCAL GOVERNMENT shall discontinue and cause all work under this contract to terminate upon the date specified in the said notice. In the event of such termination, the LOCAL GOVERNMENT shall be paid such amounts as may be due it under Article II up to and including the specified date of termination, including any costs for terminal reports submitted hereunder and reimbursement for any claims of settlement arising out of termination of orders required for this contract. The LOCAL GOVERNMENT shall not have the right to terminate this contract at any time except in the event of the unavailability of Federal funds in the amounts described in Exhibit B when such unavailability of funds is not the

result of unsatisfactory or inconsistent project performance by the LOCAL GOVERNMENT. Upon receipt of notice of unavailability of Federal funds, the LOCAL GOVERNMENT agrees to notify the DEPARTMENT of its intention to terminate this Agreement at least thirty (30) days prior to the intended date of termination.

#### ARTICLE XV RESPONSIBILITY FOR CLAIMS AND LIABILITY

The LOCAL GOVERNMENT shall save harmless the DEPARTMENT, its officers, agents and employees from all suits, claims, actions or damages of any nature whatsoever resulting from the performance of work assigned the LOCAL GOVERNMENT under this Agreement. These indemnities shall not be limited by reasons of the listing of any insurance coverage.

#### ARTICLE XVI SUBSTANTIAL CHANGES

Minor changes in the proposal which do not involve changes in compensation, extension of term, or the goals and objectives of the PROJECT may be made by written notification of such change by either party with written approval by the other party. All other changes shall be by supplemental agreement.

#### ARTICLE XVII CONTRACT DISPUTES

In case of disputes arising under this contract or amendments hereto, it is agreed that this contract, or amendments hereto shall be treated as if executed solely in Fulton County, Georgia, and the laws of the State of Georgia will control.

ARTICLE XVIII  
COMPLIANCE WITH APPLICABLE LAW

A. Conflict of Interest

The undersigned certify that the provisions relating to conflict of interest entitled State Employees and Officials Trading with State, Sections 45-10-20 through 45-10-28 of the Official Code of Georgia Annotated have been complied with in full.

B. IT IS FURTHER AGREED that the LOCAL GOVERNMENT shall comply with the regulations for Compliance with Title VI of the Civil Rights Act of 1964 as stated in Exhibit C of this Agreement.

C. As provided in Exhibit F of this Agreement, the undersigned certifies that it is the DESIGNATED AGENCY and it is eligible to receive the Federal funding assistance provided for in this Agreement.

D. As provided in Exhibit D of this Agreement, the undersigned certifies that the Provisions of Section 50-24-1 through 50-24-6 of the Official Code of Georgia Annotated, "Drug-Free Workplace Act", have been complied with in full.

E. In compliance with Section 50-20-3(a) of the Official Code of Georgia Annotated, the LOCAL GOVERNMENT shall:

1. Furnish the DEPARTMENT with a certified financial statement of the LOCAL GOVERNMENT's total receipts and expenditures for the fiscal year next preceding the execution of this Agreement. The financial statement shall be furnished within ninety (90) days after execution of the contract and shall include an individual listing of each employee and his salary and reimbursable expenses, a listing by category of the sources of income of the LOCAL GOVERNMENT, and a listing of the source or sources of all public funds received by the LOCAL GOVERNMENT and the program for which the funds were received;



2. Furnish annually to the DEPARTMENT after the end of the LOCAL GOVERNMENT's fiscal year, the report of an independent auditor acceptable to the DEPARTMENT. The report shall cover the LOCAL GOVERNMENT's total receipts and expenditures for the fiscal year just ended and, unless otherwise provided in state law, shall contain at minimum the financial, compliance, internal control and Federal Financial Assistance information in a format as described in Public Law 98-502 known as the Single Audit Act of 1984 and the Single Audit Act Amendment of 1996, Public Law 104-156, and its implementing regulation, OMB Uniform Grant Guidance. The report shall also include a schedule of Federal Financial Assistance, and a listing of each employee's salary and reimbursable expenses paid during the fiscal year just ended. All audit reports shall be prepared in accordance with generally accepted auditing standards established by the American Institute of Certified Public Accountants.

3. Provide on an annual basis during the term of this Agreement, a summary statement, for this program, of the services delivered, number of people served and such other information as the DEPARTMENT shall require. A copy of the summary statement shall be furnished by the LOCAL GOVERNMENT to the state auditor; and

4. Refrain from political activities including endorsement of any political candidate or party, use of machinery, equipment, postage, stationery, or personnel in behalf of any candidate or any question of public policy subject to a referendum, or the display of political posters, stickers, or other printed material during the term of this Agreement.

F. As provided in Appendix E of this Agreement, the undersigned certifies that it will comply with the provisions of the Georgia Security and Immigration Compliance Act of 2006.

G. Exhibits C through I are incorporated by reference and made a part of this document as if fully set out herein.

Failure on the part of the LOCAL GOVERNMENT, for whatever reason, to comply with the requirements of this Article shall render this Agreement null and void and the DEPARTMENT shall not make any payment to the LOCAL GOVERNMENT for any work performed pursuant to the terms of this Agreement.

In the event that the LOCAL GOVERNMENT fails to comply with the provisions of this Article after having received some compensation as partial payments under this Agreement, upon such failure to comply with the terms of this Article, the LOCAL GOVERNMENT shall repay to the DEPARTMENT the full amount of such funds previously received.

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

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

DEPARTMENT OF TRANSPORTATION

Fayette County

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Chair, Board of Commissioners

ATTEST:

IN THE PRESENCE OF:

\_\_\_\_\_  
Treasurer

\_\_\_\_\_  
Witness

Signed, Sealed and Delivered

This \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
in the presence of:

\_\_\_\_\_  
NOTARY PUBLIC

I attest that the corporate seal attached to this Document is in fact the seal of the Corporation executing this Document does in fact occupy the official position indicated and is duly authorized to execute such document on behalf of this Corporation.

ATTEST:

\_\_\_\_\_

\_\_\_\_\_  
Federal Employee Tax No.

## **EXHIBIT A**

### **SCOPE OF WORK**

#### ***Task 1 Project Management***

The outcome of this task is the establishment of a Project Management, development of a Project Management Strategy, and development of a Stakeholder Engagement and Outreach Strategy.

The Project Management Strategy shall identify those agencies and organizations which must be involved in the overall direction of the plan development process due to the critical nature of their financial, technical and/or political support. The Project Management Team shall include representatives from:

- Fayette County;
- City of Peachtree City;
- City of Fayetteville;
- Town of Tyrone;
- Town of Brooks; and
- Town of Woolsey.

The Strategy shall establish protocols for communicating and sharing data, drafting materials for review, and developing other resources within the Project Management Team. A schedule for team meetings, key work task milestones, and decision-making points shall be defined.

The Stakeholder Engagement and Outreach Strategy will be developed and approved by the Project Management Team prior to significant work being undertaken on subsequent tasks. The Strategy will identify key individuals, agencies and organizations whose participation will be critical in properly addressing the various elements and emphasis areas defined in the work program. Outreach techniques to effectively involve the stakeholders shall be clearly defined. The Strategy will also establish how members of the general public will be engaged throughout the process and what opportunities they will have to contribute meaningful input prior to final decisions being made.

Stakeholders may include:

- Fayette County Sheriff's Office and City Police Departments;
- Fayette County Board of Education;
- Fayette County Chamber of Commerce;
- Surrounding jurisdictions (Coweta, Spalding, Clayton and Fulton Counties);
- Georgia Department of Transportation;
- Atlanta Regional Commission; and
- Clubs, Organizations, Citizens, etc.

*Deliverables:*

- *Project Management Strategy*
- *Stakeholder Engagement and Outreach Strategy*

## ***Task 2 Community Engagement***

The Stakeholder Engagement and Outreach Strategy developed as part of Task 1 shall establish the means and methods of conveying information to, and encouraging and incorporating input from the general public, stakeholders, property owners, elected officials, etc. The use of technology, social media and/or other progressive ideas for engaging the public is encouraged. Specific direct engagement techniques, such as open houses, formal hearings, workshops, charrettes, surveys, advisory committees and/or technical committees, etc. will be defined at the discretion of Fayette County and through consensus of the Project Management Team.

Issues to be addressed as part of this Task include:

- Goal Establishment;
- Public Meetings;
- Surveys & Questionnaires;
- Graphics (for use in meetings, on webpages and other outreach activities); and
- Consensus Building.

The feedback and data collected as part of this Task shall be used to establish and prioritize needs, as they relate to paths, sidewalks, bike lanes, etc. *Identifying and understanding the top priorities for each community and/or stakeholder will be an essential part of this task and that input must be accounted for in the assessment and recommendation stages of the project.*

Information on the project process, schedule, draft and final deliverables, along with opportunities for engagement shall be readily accessible at all times throughout plan development via a project website. The Consultant shall develop and provide the information to be posted. Access will be available through Fayette County's main website (County will be responsible for posting the provided data).

*Deliverables:*

- *Community Engagement Opportunities*
- *Project Graphics*
- *Survey Results / Data Analysis*
- *Project Website*

## ***Task 3 Inventory***

Data related to the existence, condition and performance of multi-use paths, sidewalks, trails, bike lanes, etc. shall be collected and documented. Data collection shall include, at a minimum, the following elements:

- Existing multi-use paths, sidewalks, bicycle facilities, and road crossings;
- Determination of ADA compliance;
- Determination of compliance with GDOT's Complete Street Policy and other appropriate regulations or guidelines;
- Existing proposals or plans for new facilities by the local governments or other organizations;

- Measure, count, and/or track pedestrian, bicycle and golf cart use at key locations across the county; and
- Identify under what circumstances new paths, sidewalks, etc. are required as part of the rezoning or land development process.

Fayette County, Peachtree City and Fayetteville can provide shapefiles that contain existing path locations as well as some sidewalk information. Some field verification, especially in the unincorporated area will be required.

#### *Deliverables*

- *Inventory of existing conditions*

#### **Task 4 Assessment**

Using data and information gathered in Task 3, elements of the path, sidewalk and bike lane systems shall be assessed to determine both existing and potential future conditions. The assessment shall address strengths and shortcomings of the system based on the ability of existing infrastructure to meet the community's needs. Because of the related nature of inventory and assessment activities, these two tasks may be combined for documentation purposes.

Other Task 4 considerations include:

- Current utilization of existing infrastructure, including public roadways, by PTVs, bicyclists and pedestrians. What portion of our residents are using existing roadways or paths for daily commutes or recreation? What are the current conflicts? What are the demographics of current users and of probable future users?
- What are the existing policies for ownership and maintenance among the local governments?
- How well do the County/City/Town's path system align with goals, objectives and policies defined in The Atlanta Region's Plan?
- How are Fayette County and the municipalities funding path, sidewalk and bike projects?
- What funding trends and opportunities exist at the regional, state and federal level?
- What road crossings and system of signs and pavement markings are working well; what are problematic? What opportunities exist for establishing consistency across all local governments?

#### *Deliverables*

- *Assessment of current and future conditions*
- *Discussion of the items noted above*

#### **Task 5 Recommendations**

To ensure consistency with other transportation planning efforts, the following high-level outcomes shall be achieved:

- Prioritized list of pedestrian, bike, and golf cart infrastructure investments, policies and action steps necessary to support the community visions, as established during the project. The project list associated with this vision does not have to be fiscally constrained.
- A one, five and ten-year fiscally constrained action plan which reflects currently available funding sources and feasible policy actions that can be taken at the city/county level.
- Recommendations that have been vetted through a robust community engagement process and formally adopted by local government policy officials.
- Recommendations that leverage and complement regional facilities, services and programs to address local needs and priorities.
- Recommendations that knit together previous plans and projects identified at the community level through Livable Centers Initiative (LCI) studies, Community Improvement District (CID) work programs, county/city Capital Improvement Programs (CIP), Transportation Plans, Corridor Studies, and other initiatives previously undertaken within the study area.

Listed below is a short list of ideas the Master Path Plan should address. Additional topics/ideas raised during community engagement and the inventory and assessment processes should also be included. All recommendations should be assessed, as preferably consistent, with Regional Plans and Policies set by the ARC and GDOT.

#### *Policy Recommendations*

- Review current infrastructure development regulations and design standards of stakeholders; develop uniform and consistent regulations for possible county-wide adoption and use.
- Ensure compliance with the ADA and other applicable regulations.
- Consider policies for path and sidewalk expansion through conditions of rezoning or land development.
- Generate policies for roadway crossings, including: at grade, tunnels, overpasses, roundabouts, traffic signals, stop signs, etc.
- Review existing Golf Cart (i.e., Personal Transportation Vehicle) licensing regulations and operation guidelines of stakeholders. Recommend consistent licensing and operation regulations for possible county-wide adoption.
- Recommend minimum maintenance requirements for path and sidewalk infrastructure. Include recommended frequency and unit costs. Common issues include drainage, erosion, root intrusion, litter, signs/markings, graffiti, vegetative maintenance, etc.
- Path safety – recommendations for patrolling and enforcement, remote monitoring, and emergency contact.
- Set standards for signage and way finding.
- Recommend Path Amenities/Public Facilities.

#### *Pedestrian, Bike and Golf Cart Infrastructure Expansion and Support Ideas*

- Additional bike lanes and/or multi-use paths along select State Routes;
- Connections to schools and parks;
- Connections between Peachtree City and Fayetteville;
- Connections between Pinewood Forest and downtown Fayetteville;
- Rails to Trails Conservancy opportunities;

- Prioritize projects based on cost/benefit comparisons;
- Identify corridors most conducive for multi-use paths or PTV use;
- Characterize the benefits of walking, biking and PTV with respect to congestion relief, enhancing/protecting greenspace, improved quality of life, health/exercise, air quality, recreation, etc.;
- Develop a cost matrix that can be used to estimate segment costs based on project type, length and other characteristics;
- Funding strategies and sources; and
- Evaluation of projects well suited for federal aid.

### *Deliverables*

- *Fiscally Unconstrained Long-Term Vision Project List*
- *One, Five & Ten-Year Action Plan*
- *Policy Recommendations*
- *Infrastructure Expansion and Support Ideas*

### **Task 6 Documentation**

The focus of all documentation for the project shall be for web-based viewing and electronic distribution. Innovative and creative approaches for document development, graphics and dissemination are encouraged. At a minimum, Fayette County will provide interim deliverables and the final report on its web page.

All interim deliverable may be provided in electronic format. Once final, 14 hard copies of the deliverables shall be provided, along with electronic copies. These will be provided to the local municipalities, GDOT and ARC.

To the extent possible, system inventory and assessment data, as well as the final project recommendations, should be mapped in ArcGIS. Relevant shapefiles shall be provided to Fayette County and the municipalities upon project completion. Mapped information developed in other software, whether conceptual in nature or geographically accurate, will also be provided, in either the original source format or exported into an intermediate format usable by Fayette County.

The minimum required deliverables, as defined in this work program and which will collectively constitute the Master Path Plan, are:

- Project Management Strategy;
- Stakeholder Engagement and Outreach Strategy;
- Inventory of Existing Conditions;
- Assessment of Current and Future Conditions;
- Funding Trends Analysis;
- Fiscally Unconstrained Long-Term Vision Project List; and
- One, Five & Ten-Year Action Plan.



**EXHIBIT B**  
**BUDGET ESTIMATE**

FAYETTE COUNTY MASTER PATH PLAN

Federal Funding	\$144,000.00
Local Match	\$36,000.00
Total Funding	\$180,000.00

## EXHIBIT C

### NOTICE OF CONTRACTORS COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACTS OF 1964 AS AMENDED BY THE CIVIL RIGHTS RESTORATION ACT OF 1987 FOR FEDERAL-AID CONTRACTS

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

(1) **Compliance with Regulations:** The Contractor will comply with the Regulations of the U.S. Department of Transportation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (Title 49, Code of Federal Regulations, Part 21, hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) **Nondiscrimination:** The Contractor, with regard to the work performed by it after award and prior to completion of contract work, will not discriminate on the ground of race, color, national origin or sex in the selection and retention of subcontractors including procurement of materials and leases of equipment. The Contractor will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program, set forth in Appendix B of the Regulations. In addition, the Contractor will not participate either directly or indirectly in the discrimination prohibited by 23 CFR 200 (b).

(3) **Solicitations for Subcontracts, Including Procurement of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiations made by the Contractor for work to be performed under a subcontract, including procurement of materials or equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, national origin or sex.

(4) **Information and Reports:** The Contractor will provide all information and reports required by the Regulations, to permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the DEPARTMENT, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) **Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the DEPARTMENT shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to,

(a) withholding of payments to the Contractor under the contract until the Contractor complies, and/or

(b) cancellation, termination or suspension of the contract, in whole or in part.

(6) **Incorporation of Provisions:** The Contractor will include the provision of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, order, or instructions issued pursuant thereto. The Contractor will take such action with respect to any subcontract or procurement as the DEPARTMENT or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the State to enter into such litigation to protect the interests of the State, and in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

**EXHIBIT D**

Revised 7/90

**DRUG-FREE WORKPLACE ACT CERTIFICATE  
FOR A PUBLIC OR PRIVATE ENTITY**

1. Fayette County certifies that it will provide a drug-free workplace by:
  - (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - (b) Establishing an ongoing drug-free awareness program to inform employees about --
    - (1) The dangers of drug abuse in the workplace;
    - (2) The Applicant's policy of maintaining a drug-free workplace;
    - (3) Any available drug counseling, rehabilitation and employee assistance programs; and,
    - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - (c) Making it a requirement that each employee to be engaged in the performance of the grant or cooperative agreement be given a copy of the statement required by paragraph (a);
  - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant of cooperative agreement, the employee will --
    - (1) Abide by the terms of the statement; and
    - (2) Notify the employer in writing of his or her conviction for a violation of any criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
  - (e) Notifying the Federal agency in writing, within ten calendar days after receiving notice under paragraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every project officer or other designee on whose project activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant or cooperative agreement;

- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted --
  - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

2. The Applicant's headquarters is located at the following address.

Name of Applicant:	Fayette County Public Works
Street Address:	115 McDonough Road
City:	Fayetteville
County:	Fayette
State:	Georgia
Zip Code:	30214

---

(Signature of Authorized Official)

Chair, Board of Commissioners

---

(Title of Authorized Official)

Fayette County

---

(Name of Applicant)

---

(Date)

**EXHIBIT E****CERTIFICATION OF  
RESTRICTIONS ON LOBBYING**

I, \_\_\_\_\_, Chair of the Board of Commissioners, hereby certify on behalf of Fayette County that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, an Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

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

By \_\_\_\_\_

Chair, Board of Commissioners  
(title of authorized official)

## EXHIBIT F

### **CERTIFICATION FOR STATE REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS - PRIMARY COVERED TRANSACTIONS**

Fayette County, as an Applicant for a Federal STP Urban Fund grant or cooperative agreement, certifies to the best of its knowledge and belief, that its principals:

- (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal department or agency;
- (2) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State, or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and
- (4) Have not within a three year period preceding this application/proposal had one or more public transactions (Federal, State or Local) terminated for cause or default.

Where the State is unable to certify to any of the statements in this certification with respect to its principals, the State shall attach an explanation to this proposal.

Fayette County CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 ET SEC. ARE APPLICABLE THERETO.

Authorized Official

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Chair, Board of Commissioners

---

Date

**Exhibit G****CERTIFICATION OF CONSULTANT****DRUG-FREE WORKPLACE**

I hereby certify that I am a principal and duly authorized representative of Fayette County, whose address is 115 McDonough Road, Fayetteville, Georgia 30214 and it is also certified that:

- (1) The provisions of Section 50-24-1 through 50-24-6 of the Official Code of Georgia Annotated, relating to the "Drug-Free Work Place Act", have been complied with in full; and
- (2) A drug-free workplace will be provided for the consultant's employees during the performance of the contract; and
- (3) Each subcontractor, if any, hired by the DESIGNATED AGENCY shall be required to ensure that the subcontractor's employees are provided a drug-free workplace. The DESIGNATED AGENCY shall secure from that subcontractor the following written certification:

"As part of the subcontracting agreement with the \_\_\_\_\_ certifies that a drug free workplace will be provided for the subcontractor's employees during the performance of this contract pursuant to paragraph (7) of subsection (b) of the Official Code of Georgia Annotated Section 50-24-3", and

- (4) It is certified that the undersigned will not engage in unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana during the performance of the contract.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair, Board of Commissioners

**Exhibit H**

CERTIFICATION OF FAYETTE COUNTY  
AND  
CERTIFICATION OF THE DEPARTMENT OF TRANSPORTATION



## CERTIFICATION OF LOCAL GOVERNMENT

I hereby certify that I am the CHAIR OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY and duly authorized representative of Fayette County whose address is 115 McDonough Road, Fayetteville, Georgia 30214, and that neither I nor the entity I here represent has:

(a) employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above commission to solicit or secure the Agreement.

(b) agreed, as an express or implied condition for obtaining this Agreement, to employ or retain the services of any firm or person in connection with carrying out the Agreement, or

(c) paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above commission) any fee, contribution, donation, or consideration of any kind, or in connection with, procuring or carrying out the Agreement; except as here expressly stated (if any):

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

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

\_\_\_\_\_  
Chair, Board of Commissioners

CERTIFICATION OF DEPARTMENT OF TRANSPORTATION  
STATE OF GEORGIA

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

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

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

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

\_\_\_\_\_  
Commissioner

**APPENDIX I--GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT AFFIDAVIT**

Name of Contracting Entity:     Fayette County

Contract No. and Name:             PI Number 0015075, ARC Project Number FA-356, STP URBAN  
FUND 2017

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

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

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

\_\_\_\_\_  
E-Verify / Company Identification Number

\_\_\_\_\_  
Signature of Authorized Officer or Agent

\_\_\_\_\_  
Date of Authorization

\_\_\_\_\_  
Printed Name of Authorized Officer or Agent

\_\_\_\_\_  
Title of Authorized Officer or Agent

\_\_\_\_\_  
Date

SUBSCRIBED AND SWORN  
BEFORE ME ON THIS THE

\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_

\_\_\_\_\_  
Notary Public

[NOTARY SEAL]

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

# COUNTY AGENDA REQUEST

Page 231 of 349

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of staff's recommendation to approve the bid from Peek Pavement Markings, LLC for Bid #1280-B Roadway Striping Services in the amount of \$92,104.00.

## Background/History/Details:

Request for Peek Pavement Markings to place traffic striping and raised pavement markings on the following roads that are scheduled for resurfacing within the next few months:

Antioch Road - from Brooks Woolsey Road to SR 92  
Bohannon Road - New Pavement to County Line  
Kirkley Road - New Pavement to SR 74  
Old Ford Road - Westbridge Road to SR 279  
Old Road - Kenwood Road to SR 85  
Palmetto Road - Tyrone City Limits to County Line

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

Approval of staff's recommendation to approve the bid from Peek Pavement Markings, LLC for Bid #1280-B Roadway Striping Services in the amount of \$92,104.00.

## If this item requires funding, please describe:

Road Department has designated funding available for this striping contract in its FY2017 budget line item 10040220-521316 LMIG7.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

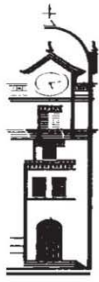
Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:



*Fayette*  
COUNTY

"WHERE QUALITY  
IS A LIFESTYLE"

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

To: Steve Rapson

From: Ted L. Burgess

Date: April 13, 2017

Subject: Invitation to Bid #1280-B: Roadway Striping Services

The Road Department is scheduled to re-stripe 129,120 linear feet of roads, and apply turn arrows, stop bars, raised pavement markers, and yellow hatching marks. The locations are Kirkley Road, Antioch Road, Bohannon Road, Palmetto Road, Old Ford Road, and Old Road.

For safety and economic reasons, thermoplastic marking paint is the product that has been chosen. This is a thick-coating, wear-resisting, bright and reflective material that, when heated and applied, melts into the upper surface of the asphalt forming a thermal bond.

The Purchasing Department issued Invitation to Bid (ITB) #1280-B to secure a contractor to apply the thermoplastic markings. Invitations were emailed to 10 vendors. Another 252 were contacted through the web-based Georgia Procurement Registry. In addition, invitations were extended via the Fayette News, the county website, Georgia Local Government Access Marketplace ([www.glga.org](http://www.glga.org)), the Greater Georgia Black Chamber of Commerce, and Channel 23.

Historically, there have been only a handful of companies in our market that offer thermoplastic marking. In the last two years, results have been as follows (green highlights indicate which company the contract was awarded to):

			Responding Companies			
					Mid State	
			Peek	Mid State	Mid State	Roadscape
Contract			Paving	Striping	Construction	North Fla.
Date	Number	Amount	(Columbus)	(Eatonton)	& Striping (Perry)	(Jacksonville)
May, 2015	954-A	42,913.10	X	X	X	
Sept. 2015	1009-A	17,392.00	X	X	X	
Nov. 2015	1040-A	28,255.48	X	X	X	
June, 2016	1123-A	58,029.00	X	X	X	X
Sept. 2016	1188-A	59,635.40	X	X		
Oct. 2016	1209-A	10,980.00	X			
<b>TBD</b>	<b>1280-B</b>	<b>92,104.00</b>	<b>X</b>			

One company – Peek Pavement Marking, LLC – submitted a bid in response to this ITB (Attachment 1).

The Purchasing Department contacted the other two companies that had historically responded to our solicitations. Mid State Construction and Striping in Perry said that “the State has over-run us” with work, and that they are booked solid for at least the next 3-4 months. Mid State Striping in Eatonton gave a similar response, saying “We are extremely busy. Our schedule is loaded.”

To determine if other local governments’ experiences were similar, I contacted three jurisdictions within 50 miles of Fayette County, both on the north side and south side of Atlanta. Comments included the following:

- Cobb County is having difficulty getting responses to bids for roads, hauling and similar work.
- The City of Sandy Springs reports that responses to their solicitations for road work have been “progressively slower,” especially for striping.
- The City of Forest Park said it is difficult to get companies to bid on contracts such as asphalt milling and pavement striping (especially smaller projects). Anecdotally, they also said that they recently issued an Invitation to Bid for a “fairly large building renovation project,” but did not get any bids.

A general feeling among contacted local governments was that, with the strong economy, companies have all of the work they can handle at this time.

The Road Department recommends award of the contract to Peek Pavement Markings, LLC. A Contractor Performance Evaluation is attached for the most recently completed contract with Peek Pavement (Attachment 2). Specifics of the proposed contracts are as follows:

Contract Name	1280-B: Roadway Striping Services
Vendor	Peek Pavement Markings, LLC
Not-to-Exceed Amount	\$92,104.00
Budget:	
Org.	10040220 Road Department
Object	521316 Technical Services
Project	LMIG7 LMIG 2017 (Local Maintenance & Improvement Grant)
Available	\$340,398.90

## Attachment 1

**BID #1280-B: ROADWAY STRIPING SERVICES - BID RESULTS****Peek Pavement Markings, LLC**

<b>ITEM</b>	<b>UOM</b>	<b>QTY</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>
Thermoplastic – 5” Solid Yellow	LF	51,620	\$0.60	\$30,972.00
Thermoplastic – 5” Solid White	LF	64,170	\$0.60	\$38,502.00
Thermoplastic – 5” Skip Yellow	LF	10,850	\$0.50	\$5,425.00
Thermoplastic - 5" Skip White	LF	2,480	\$0.50	\$1,240.00
Thermoplastic Right Arrow	EACH	4	\$100.00	\$400.00
Thermoplastic Left Arrow	EACH	12	\$100.00	\$1,200.00
Thermoplastic - 24” Stop Bar	EACH	6	\$150.00	\$900.00
Thermoplastic - Yellow Hatching	SY	722	\$7.50	\$5,415.00
Yellow Centerline RPM	EACH	1,610	\$5.00	\$8,050.00
<b>TOTAL PROJECT AMOUNT:</b>				<b>\$92,104.00</b>

# 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: Peek Pavement Markings	Contract Number: 1009-A
Mailing Address: 4600 Peek Ind. Drive	Contract Description or Title: Road Striping
City, St, Zip Code: Columbus, GA 31909	Contract Term (Dates) From: 9-3-15 To: Approximately June 2016
Phone Number: 706-563-5867	Task Order Number:
Cell Number: 706-341-4031	Other Reference: LMIG5
E-Mail Address: bdye@peeksafety.com	

**DEFINITIONS**

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

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

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

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

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

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

**EVALUATED BY**

Signature: <i>Bradley Klinger</i>	Date of Evaluation: 4/17/17
Print Name: <i>Bradley Klinger</i>	Department/Division: <i>Road</i>
Title: <i>Assistant Director</i>	Telephone No: 770-320-6039



**BOARD OF COUNTY COMMISSIONERS**

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

**FAYETTE COUNTY, GEORGIA**

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



140 Stonewall Avenue West  
 Public Meeting Room  
 Fayetteville, GA 30214

**MINUTES**

April 13, 2017  
 7:00 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 7:00 p.m.

**Call to Order**

Chairman Eric Maxwell called the April 13, 2017 Board of Commissioners meeting to order at 7:01 p.m. A quorum of the board was present.

**Invocation by Commissioner Charles Oddo**

Commissioner Charles Oddo offered the Invocation.

**Pledge of Allegiance**

Boy Scout Walter Reeves led the audience in the Pledge of Allegiance.

**Acceptance of Agenda**

Vice Chairman Randy Ognio moved to accept the agenda as written. Commissioner Charles Rousseau seconded. The motion passed 5-0.

**PROCLAMATION/RECOGNITION:**

1. **Recognition of the promotion of Jeffery Jarrard and Daniel Lewis to the position of Lieutenant.**  
 Fire Deputy Chief Tom Bartlett introduced Jeffery Jarrard and Daniel Lewis and their families. He explained the prerequisites for the position. The Loyalty Oath was administered by Chairman Maxwell. There was a pinning ceremony that followed. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part thereof.
2. **Proclamation recognizing April 9-15, 2017 as "National Telecommunicators Week".**  
 Chairman Maxwell on behalf of the Board presented the 911 Director Bernard Buster and the staff with a proclamation recognizing April 9-15, 2017 as "National Telecommunicators Week". Mr. Buster presented Jason Passmore with the Telecommunicator of the Year award. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part thereof.
3. **Proclamation recognizing April as "National Alcohol Awareness Month" in Fayette County.**  
 Commissioner Oddo on behalf of the Board presented members of Fayette Factor/AVPride with a proclamation recognizing April as "National Alcohol Awareness Month". Dawn Oparah and a student spoke briefly about social hosting in Fayette. A 3-minute PowerPoint presentation was shown. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part thereof.

4. **Proclamation recognizing April 22, 2017 as "Earth Day" and Fayette County's celebration of Earth Day.**  
Vice Chairman Ognio on behalf of the Board presented a proclamation recognizing "Earth Day". Environmental Management Director Vanessa Birrell introduced staff member, Nancy Howard. Ms. Howard encouraged citizens to attend the Earth Day event on Saturday, April 22, 2017. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part thereof.
5. **Proclamation recognizing April 2017 as "Safe Digging Month in Fayette County".**  
Commissioner Rousseau on behalf of the Board presented a proclamation recognizing April 2017 as "Safe Digging Month in Fayette County". Water System Utility Services Manager Matt Bergen and staff spoke briefly about using safe digging practices. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part thereof.
6. **Proclamation recognizing April 2017 as "Confederate History and Heritage Month" and April 26, 2017 as "Confederate Memorial Day."**  
Commissioner Brown on behalf of the Board presented the Sons of the Confederate with a proclamation recognizing April 2017 as "Confederate History and Heritage Month" and further recognized April 26, 2017 as "Confederate Memorial Day". Mitch Crabbe and other members of the Sons of the Confederate veterans were present to accept the proclamation. Mr. Crabbe gave brief comments regarding the purpose of this recognition and assured everyone that this organization's purpose was to honor those who had served and not to divide anyone.

**PUBLIC HEARING:** None.

**CONSENT AGENDA:**

Commissioner Rousseau requested to move items #7 and #8 for discussion. Commissioner Steve Brown moved to accept the Consent Agenda with the exception of items #7 and #8 for discussion. Vice Chairman Ognio seconded. The motion passed 5-0.

7. **Approval of staff's recommendation to award Bid #1206-B Lee's Mill Culvert Replacement for Fiscal Year 2017 to the low bidder, Georgia Bridge & Concrete, LLC and authorization for the Chairman to execute the contract and related documents.**

Commissioner Rousseau stated that the County created a vendor performance sheet and he did not see one attached to this request. He asked if the County had done business with this vendor in the past.

County Administrator Steve Rapson stated that this particular vendor was the Engineer of Record for the county and concerning Georgia Bridge & Concrete, staff followed the normal procurement regulations and they were the lowest bidder of eight bids. He stated that the County had not done business with this vendor before.

Mr. Rapson addressed the Special Purpose Local Option Sales Tax (SPLOST) sign in the room. He stated that citizens will be seeing more of the signs. He stated that the Board funded over \$6 million for Category 1 projects and this was one of those projects.

Commissioner Rousseau asked if staff made any attempts to verify that the vendors are "good vendors" in terms of doing business with neighboring counties.

Mr. Rapson stated that vendors are required to give references and the Purchasing Director Ted Burgess checks those.

Commissioner Rousseau moved to award Bid #1206-B Lee's Mill Culvert Replacement for Fiscal Year 2017 to the low bidder, Georgia Bridge & Concrete, LLC and authorization for the Chairman to execute the contract and related documents. Commissioner Charles Oddo seconded. Discussion followed.

Vice Chairman Ognio thanked staff for getting multiple bids on the project.

Chairman Maxwell stated that the Board could request the bid package for review. Mr. Rapson stated yes. He stated that as long as the vendor was meeting the specifications, staff would chose the lowest bidder. He explained the process.

Commissioner Maxwell asked that staff give an explanation whenever the lower bidder was not being used. Mr. Rapson assured the Board that the information would be provided whenever that was the case.

Commissioner Rousseau moved to award Bid #1206-B Lee's Mill Culvert Replacement for Fiscal Year 2017 to the low bidder, Georgia Bridge & Concrete, LLC and authorization for the Chairman to execute the contract and related documents. Commissioner Charles Oddo seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part thereof.

**8. Approval of staff's recommendation for Board of Commissioners to approve the bid from Blount Construction Company, Inc. for Bid #1273-B HA 5, High Density Mineral Bond in the amount of \$157,098.72.**

Commissioner Rousseau asked if the County had done business with this vendor before and did a performance evaluation accompany the request.

Mr. Burgess stated that the County had done business with this vendor before. He stated that the most recent work was \$16,000 and \$17,000 and that the performance evaluations were conducted only for work at \$50,000 or more. He stated that staff would lower the required amount for evaluation if requested by the Board.

Commissioner Rousseau stated that he was not prepared to do that. He stated that he did not want to weigh down the staff.

Mr. Rapson stated that there probably should been an evaluation form because this was the only vendor presented and if the vendor was doing a bad job, we would not want to continue the relationship.

Commissioner Rousseau moved to approve the bid from Blount Construction Company, Inc. for Bid #1273-B HA 5, High Density Mineral Bond in the amount of \$157,098.72. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 8," follows these minutes and is made an official part thereof.

**9. Approval of staff's request to execute the Georgia Department of Transportation's Contract for Acquisition of Right-of- Way for the pedestrian bridge project over SR 54 near Piedmont Fayette Hospital (PI No. 0012878). A copy of the request, identified as "Attachment 9," follows these minutes and is made an official part thereof.**

**10. Approval of staff's request to execute the Design Build Memorandum of Understanding (MOU) between the Georgia Department of Transportation and Fayette County Water System and authorization for the Chairman to**

**execute the contract and related documents.** A copy of the request, identified as "Attachment 10," follows these minutes and is made an official part thereof.

11. **Approval of the Public Arts Committee's request for Concept Approval to develop Lantern Parade educational events and host Lantern Parades in partnership with other community events.** A copy of the request, identified as "Attachment 11," follows these minutes and is made an official part thereof.
12. **Approval of the Final Project and Budget for the expanded 4th Annual Scarecrow Competition.** A copy of the request, identified as "Attachment 12," follows these minutes and is made an official part thereof.
13. **Approval of the Water Committee's recommendation to approve the request for the Dragon Boat Races to be held at Lake McIntosh on September 22, 23, and 24, 2017.** A copy of the request, identified as "Attachment 13," follows these minutes and is made an official part thereof.
14. **Approval of the March 23, 2017 Board of Commissioners Meeting Minutes.**
15. **Approval of the March 29, 2017 Special Called Meeting Minutes.**

#### **OLD BUSINESS:**

16. **Consideration of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents. This item was tabled at the March 23, 2017 Board of Commissioners meeting.**

Commissioner Brown stated that the Board had already seen the language presented. He thanked the County Attorney Dennis Davenport for his work on drafting the policy. He stated that he appreciated the feedback from the Board as well. He stated that out of a population of 110,000 in the county, only about 100 are doing van pool. He stated that the odds that there would be another case, beyond the gentleman who had made this request, for the County to be asked to provide assistance through this policy is not likely.

Delvonnie Burgess asked if the request was for an ordinance. Commissioner Brown stated that it was a policy. She asked if that meant it was a law.

Mr. Davenport stated that this was an internal mechanism for the County to authorize, if approved, additional uses of County's parking facilities. He stated that it was not being proposed in ordinance form because the Board had to give direction. He stated that it could evolve into an ordinance. He stated that one issue was that the policy could conflict with an ordinance already on the book and if the policy moves forward then the issue with the ordinance would be amended to address the issues of the policy.

Mrs. Burgess stated that there was a possibility that this could become an ordinance. She stated that for that reason she would ask that the Board not support the request. She stated that government was overreaching with this request.

Commissioner Brown stated that there are many policies and many ordinances and they all affect people's lives. He stated that he does not know how this one was different.

Commissioner Brown moved to approve to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents. Chairman Maxwell seconded. Discussion followed.

Vice Chairman Ognio stated that he worries about issues with having cars parked there and how to control what cars are parked there. He stated that he knows there are not many citizens that fit in this category, but if a policy was made for one citizen, would the Board then make a new policy for a citizen with a different issue. He stated that was a bad precedent to set.

Commissioner Brown stated that he did not know how this one was different from any other policy or ordinance that the Board creates.

Commissioner Oddo stated that he had some concerns. He stated that he appreciated the intention, but there are concerns. He stated that his concern was the need to do this. He stated that he sees the Board's function as being able to provide services that cannot be otherwise provided. He stated that the gentleman was managing the situation. He stated that there was nothing like this and this would create a new process. He stated that this would require staff to monitor the parking and enforcement. He stated that he also had a problem with saying that someone must be physically disabled in order to have the pool. He stated that there are liabilities that the county would be subject to. He stated that he did not see the need for this policy at this time.

Commissioner Rousseau stated that he read through the information and wanted to know how staff would identify those individuals who are part of the pool. He asked who would be responsible for administering the forms, will a sticker be issued and what was the fee for the sticker. He stated that this had been discussed over the last few months and if there were a large contingency of people who could use the service then he would think that they would have come to the Board and that has not happen. He asked what the penalty was if someone violated the policy. He gave an example of someone having a weapon in their vehicle that was parked on County property.

Mr. Rapson stated that administratively it would be handled by Parks & Recreation. He stated that Finance would have to be involved to purchase the stickers and enforcement would probably fall under the Marshals and Sheriff's department. He stated that staff had concerns with someone having to prove disability. He stated that there was an administrative burden with tracking the vehicles to be sure that no other van pool vehicles are parked in the area. He stated that the other concern was regarding the parking overnight that currently conflicts with county ordinance.

Commissioner Brown stated that citizens park in the county parking lots every day and they are not doing county business. He stated that parking in the parking lot was not an issue. He stated that the County enforces all the policies and all the ordinances. He stated that it was easy to enforce because the van pool vehicles are marked. He stated that in terms of verifying individuals with disabilities, this policy uses the same criteria that the state uses to determine disabled parking.

Commissioner Rousseau stated that this was different than people parking on county property. He stated that this was entering into a contractual agreement and the Board was establishing policy.

Commissioner Brown stated that it was harmless.

Vice Chairman Ognio stated that there was a gap between not being able to drive and being able to drive something adaptable to the disability. He stated that if someone was able to drive at all they would not need to park there. He stated that he did not know how staff was going to be able to make the determination.

Commissioner Brown stated that there would have to be no church or shopping center that would allow someone to park in their parking lot before the request would come to the County. He stated that most of the van pools are done in the shopping centers and churches.

Chairman Maxwell stated that he had reviewed the report from Mr. Davenport and he was pleased with the amount of work done and that the scope was limited.

Commissioner Brown moved to approve to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents. Chairman Maxwell seconded. The motion failed 2-3 with Commissioners Rousseau, Ognio and Oddo voting in opposition. A copy of the request, identified as "Attachment 14," follows these minutes and is made an official part thereof.

### **NEW BUSINESS:**

**17. Consideration of staff's recommendation to increase the level of service on right-of-way mowing on State Routes and local roads and to purchase \$255,879 of equipment for proposed new crew.**

Road Department Director Steve Hoffman stated that staff had been working on this recommendation over the past year. He presented a brief PowerPoint regarding this request. He stated that the request includes three new tractors, two batwing mowers, a crew truck, a weed eater and four full time staff.

Mr. Rapson stated that the \$255,879 was for the equipment purchase. He stated that the request was for one senior equipment operator at \$49,352 and two equipment operators at \$95,036. He stated that there were conversations about dialing the position back to an equipment operator at \$47,518 plus a road maintenance worker for a total of \$91,000 and terminating the agreement with Coweta County for \$68,250 to pick up trash. He stated that one of the reasons to ask for the equipment was because if the budget was approved in June to hire the staff, then the equipment would need to be delivered.

Mr. Hoffman stated that if the equipment was purchased in July it would be late August or September for delivery. He stated that mowing season was down to a stop at that time. He stated that the current contract with Coweta County was a twenty-year old contract between both counties and the Georgia Department of Transportation (GDOT). He stated that basically the County pays for a guard with the \$68,250 and GDOT furnishes transportation for the inmates and the inmates work in the county every other week. He stated that the County are not receiving the service because the warden states that the buses broke down and they cannot get the inmates here. He stated that staff was recommending terminating the contract.

Commissioner Oddo asked when does the contract end and how much notice was required to end the contract. Mr. Hoffman stated that the County could terminate the contract with written notice at any time. He stated that it was an automatic renewal.

Commissioner Rousseau asked why it had not already been terminated.

Mr. Rapson stated that staff made attempts to work with Coweta to get the level of service expected from the contract. He stated that staff was still dissatisfied, so the intent was to terminate the contract.

Mr. Hoffman stated that he had reached out to Coweta County to get a schedule and did not receive anything from them.



Mr. Rapson stated that the County would send a thirty-day notice. He stated that one of the things he spoke to Mr. Hoffman about was if the contract was terminated in conjunction with the equipment order, then there would be enough in salary savings from the contract to implement the employees before July 1.

Vice Chairman Ognio asked if the employees would be seasonal. Mr. Hoffman stated that they would be full time employees and that there was other work for them to do beyond mowing season.

Mr. Rapson stated that he knows there are concerns about the budget not being balanced, but that staff was working diligently on that. He stated that if the equipment was not ordered it would not be ready for the mowing season.

Vice Chairman Ognio asked if this would impact the paving crews. Mr. Hoffman stated no.

Commissioner Brown stated that he had complained about this well before Mr. Hoffman arrived. He stated that it was one of the top complaints in north Fayette. He stated that he had watched the private company cutting the grass in the Town of Tyrone and they are "knocking it out". He stated that proved that with a motivated staff and the right equipment the grass could get mowed. He stated that he was anticipating getting employees that are motivated with the right equipment and he was expecting the same results shown by the private company.

Commissioner Rousseau stated that he was very disappointed in the state and that he was disappointed that this was allowed to go on for so long. He stated that the County was paying the full time salary of an individual from Coweta and it had taken too long to address the issue. He stated that he would like for the Board to consider instructing the County Administrator to terminate the contract and to send the proper notification regardless of the vote. He stated that the Town of Tyrone, City of Fayetteville, and other corridors of the county have private contracts or do the work themselves; however the state would not grant the County the opportunity to enter into a private contract. He stated that one of the issues he had was how the grass was left after it had been cut. He stated that the corridor was the gateway into the county. He stated that he would like to examine a proposal that the County orders the equipment and seasonal staff until a decision can be made about permanent staff.

Commissioner Rousseau moved to have the County Administrator to terminate the agreement and to send notice to Coweta County to terminate. Commissioner Brown seconded. Discussion followed.

Fayette resident Ms. Linda Camp asked if the dollar amount was \$6,800 or \$68,000. The response was \$68,000.

Commissioner Rousseau moved to have the County Administrator to terminate the agreement and to send notice to Coweta County to terminate. Commissioner Brown seconded. The motion passed 5-0.

Commissioner Rousseau stated that he was open to supporting the request particularly for the equipment. He stated that he was not sure about the budget impact regarding reoccurring years. He stated that he was not sure if the Board should rather look at hiring seasonal staff to get through the mowing season and discuss the details at the retreat.

Mr. Rapson stated that the best way would be to authorize the County Administrator and Chief Finance Officer to look at the Road and Public Works departments' budget to hire three seasonal workers and staff would attempt to incorporate in FY 2018 the other two workers.

Mr. Hoffman stated that his department has six seasonal positions budgeted in the current budget. He stated that there are not a lot of applicants for the position.

Commissioner Brown moved to purchase \$255,879 for equipment as stated in the documents. Vice Chairman Ognio seconded. Discussion followed.

Ms. Camp asked was the motion only for the equipment. The response was yes. She stated that the County was supplementing SR 54 and Highway 74. She asked if SR 314 was a state road. The response was yes. She asked if there was a reason the County was not supplementing that road as well.

Mr. Rapson stated that SR 54 and Highway 74 was done as a beta sight to determine if this was feasible. He stated that it was now being expanded to all the state routes including SR 314.

Vice Chairman Ognio asked when staff would expect to receive the equipment once it had been ordered. Mr. Hoffman stated two to three weeks. Vice Chairman Ognio stated that we would not need staff in this budget year.

Mr. Rapson stated that staff would not be hired until the equipment was scheduled for delivery.

Vice Chairman Ognio stated that he would like the Board to push GDOT to grass the medians. He stated that it would make the esthetics better and possibly decrease the number of times needed to mow.

Commissioner Rousseau stated that if the full time person was the route that the Board wanted to take he would not support waiting to hire them until the equipment came in. He stated that the staff could be hired, trained and get acclimated to the County's way of operating. He stated that he would like to consider the business community creating a gateway project or donating some shrubbery.

Commissioner Brown moved to purchase \$255,879 for equipment as stated in the documents. Vice Chairman Ognio seconded. The motion passed 5-0.

Commissioner Brown asked if the approval of the staff would have to come back to the Board. Mr. Rapson stated that he would notify the Board via email.

Commissioner Rousseau stated that he would prefer it that way.

Vice Chairman Ognio stated that having it come back to the Board on an agenda would allow citizens to see what was being voted on.

Commissioner Rousseau moved to waive the timeline for this agenda item and to have the staff address the issue and to have it come back to the Board at the April 25 Board of Commissioners meeting. Commissioner Brown seconded.

Commissioner Oddo asked was it necessary to make an exception to have it placed on the April 25 meeting.

The motion was rescinded because the deadline for the agenda had passed.

This item will be placed on the May Board of Commissioners agenda. A copy of the request, identified as "Attachment 15," follows these minutes and is made an official part thereof.

**18. Consideration of staff's recommendation to amend the 2017 Stormwater CIP Budget to reallocate \$75,183 from the 508 Stormwater Contingency Fund to Stormwater Projects-Replacement/Upgrades (5509I.)**



Mr. Rapson stated that this item was regarding Patridge Point in the Quail Hollow Subdivision. He stated that it was a safety issue for the road. He stated the Contingency Fund would be used to fund the project. He stated that it was not part of the 2017 SPLOST program. He stated that originally the work was to be done in-house, but the pipes were too big on that road and it had to be outsourced. He stated that this project was a good example of why money was needed to continue to be funded in the General Fund on an ongoing basis.

Commissioner Oddo moved to approve to amend the 2017 Stormwater CIP Budget to reallocate \$75,183 from the 508 Stormwater Contingency Fund to Stormwater Projects-Replacement/Upgrades (5509I.) Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 16," follows these minutes and is made an official part thereof.

**19. Consideration of Resolution 2017-06 for reimbursement of funds for various projects to be funded by Special Purpose Local Option Sales Tax (SPLOST) proceeds as approved by the March 21, 2017 Special Election.**

Chief Finance Officer Mary Parrott stated that the SPLOST had been mentioned several times. She stated that she was requesting that the Board approve Resolution 2017-06 to allow staff to get started on the SPLOST projects and when the money from the SPLOST starts to come in the County would pay itself back. She stated that the tax starts July 1 and the County would receive the first report from the Department of Revenue by the end of August and would start receiving the funds at that time.

Mr. Rapson stated that the process would allow the County to expedite the projects prior to the first check being issued in September. He stated that the County was in a different situation than most of the cities since the Board approved some loans they were incorporated into the package. He stated that all the municipalities would be adopting the same type resolution.

Commissioner Brown stated that he would like to see what mechanism staff would use to show the public where the money would be spent and on what projects. He stated that he would like to see that presentation at the retreat.

Commissioner Oddo moved to approve Resolution 2017-06 for reimbursement of funds for various projects to be funded by Special Purpose Local Option Sales Tax (SPLOST) proceeds as approved by the March 21, 2017 Special Election. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 17," follows these minutes and is made an official part thereof.

**20. Consideration of staff's recommendation to repeal Stormwater Utility.**

Environmental Management Director Vanessa Birrell stated that she would like the Board to consider the repeal of the stormwater utility.

Vice Chairman Ognio moved to approve to repeal Stormwater Utility. Commissioner Oddo seconded. Discussion followed.

Chairman Maxwell asked how much the County collected in a single billing cycle for stormwater utility. Ms. Birrell stated that it was approximately \$500,000 once a year. He stated that this motion was not paired with the SPLOST vote. He

stated that during his campaign he said he would work to get rid of the stormwater utility so he was in support of the item. He stated that if this was approved there would be no more stormwater bill.

Mr. Rapson stated that there was currently \$394,000 of uncollected revenue. He stated that there would be stormwater bills going out for those who have not paid the bill. He stated that the Board would have to decide, once the county cannot collect anymore, to turn it over to a collection agency.

Chairman Maxwell stated that there would be no new bills.

Mr. Rapson stated that staff was not recommending an amnesty because of all the people who have paid their utility bill over the past five years.

Commissioner Rousseau stated that he would like to introduce a discussion about how to go about collecting those funds.

Mr. Davenport stated that if the motion was to repeal the stormwater utility then there would be nothing left on the books to use as a basis to collect the stormwater fees. He stated that the Board might consider a sunset date for that part of the stormwater utility that had already been billed prior to the motion. He stated that otherwise if it was repealed in its entirety there would be no basis to collect.

Vice Chairman Ognio stated that he would like to make a vote to bring the stormwater to a zero balance. He stated that he was concerned about the sunset and the collection and how long it would take to collect.

Mr. Davenport stated the sunset was the only way to collect. He stated that if the Board wanted to go after past due stormwater utility then the Board should not repeal the stormwater in its entirety. He stated that if the Board was going to leave something on the books at least have that something be the ability to collect for bills that are due from property owners prior to the vote.

Vice Chairman Ognio stated that the motion should include the County Attorney to craft a repeal for the stormwater utility and to include a sunset revision. Mr. Davenport stated that sunset would be for the purpose of collecting past due debt. Vice Chairman Ognio stated yes.

The previous motion was rescinded.

Vice Chairman Ognio moved to table this item to the April 25, 2017 Board of Commissioner meeting to have the County Attorney draft a repeal for the Stormwater Utility with a sunset revision. Commissioner Brown seconded. Discussion followed.

Commissioner Rousseau stated that he would like to know the cost to go to collection. He stated that the County may want to offer an amnesty. He stated that he would like to have that information so that he can have a discussion.

Mr. Rapson stated that another option was to sell the receivables to a collection agency. He stated that the flip side was that the collection agency would be calling on the behalf of the County and some are aggressive. He stated that was the quickest way to get from under this issue.

Vice Chairman Ognio moved to table this item to the April 25, 2017 Board of Commissioner meeting to have the County Attorney draft a repeal for the Stormwater Utility with a sunset revision. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 18," follows these minutes and is made an official part thereof.

**21. Consideration of Ordinance 2017-01; Motorized Carts to amend the Fayette County Code of Ordinance, Article III of Chapter 26, Section 26-57, by deleting Subsection (d) "Registration/transfer requirements" in its entirety, and replacing it with a new Subsection (d) to be approved as presented.**

Mr. Davenport stated that the evolution of this item was initially the County ordinance that calls for reciprocity between Fayette County and other jurisdictions to recognize their decals and registration for motorized carts and for them to recognize the County's. He stated that there was some issues with whether or not all the jurisdictions would recognize the County's decal. He stated that there was a cart path system that crosses jurisdictional lines and being used by people on a regular basis by people outside of our jurisdiction. He stated that there are two choices. He stated that the County could fine people for having motorized carts not registered in unincorporated Fayette County or recognize those that registered outside of Fayette County as long as they are registered at one of the jurisdictions. He stated that the proposed amendments does that. He stated that it recognizes that if someone had registered a motorized cart with any jurisdiction in Fayette County, then the County would recognize that registration and would not require that the motorized cart also be registered in unincorporated Fayette County in order to travel on the paths in unincorporated Fayette County.

Commissioner Brown moved to approve Ordinance 2017-01; Motorized Carts to amend the Fayette County Code of Ordinance, Article III of Chapter 26, Section 26-57, by deleting Subsection (d) "Registration/transfer requirements" in its entirety, and replacing it with a new Subsection (d) to be approved as presented. Commissioner Oddo seconded. Discussion followed.

Commissioner Rousseau stated that this item was to allow carts from other jurisdictions to drive on paths in unincorporated Fayette County with no fee. Mr. Davenport stated that as long as the cart was registered in one of the jurisdictions. Commissioner Rousseau asked was it true that Peachtree City charges a fee to register a motorized cart to drive on their paths. The response was yes. He stated that he was not in favor of this item. He stated that he would rather have the discussion again. He stated that he was 100% opposed to allowing Peachtree City to have the privilege to drive on unincorporated paths while they charge unincorporated residents to drive on their paths. He stated that it was not a good neighbor policy and it was wrong.

Commissioner Brown stated that one of the issues was that the entire southern part of Peachtree City funnels down to the Starr's Mill complex and the County had hundreds of students and parents who take kids to school and are filtering down on the County's system. He stated that if the Board does not do something to recognize the other decals then it would cause problems for those students.

Mr. Davenport stated that there was an ordinance that carts that use the paths in unincorporated county have to be registered in unincorporated county. He stated that would be several hundred carts that travel on that path.

Commissioner Oddo stated that there was not a lot of money tied to the cart registrations in Fayette County. He stated that he was not against them using the unincorporated county paths. He stated that the way to look at it was to look at it as just "Fayette County" and anyone with a cart can drive on the paths in "Fayette County".

Mr. Rapson stated that he would be happy to speak to Peachtree City. He stated that Peachtree City's fee was designed to take care of the cart paths and the County's fee was on the premise of public safety.

Commissioner Rousseau stated that his concerns had nothing to do with the fees that are being collected, but it had to do with being partners in the community.

Vice Chairman Ognio stated that if the County wanted to expand the cart paths there was a need to show unity to get GDOT to buy-in to helping with the cart system. He stated that it would be easier to get funds as a county. He stated that GDOT would rather give funds to a county that was on the same page. He stated that it would be great if Peachtree City would take over the registering of all the carts and have just one sticker.

Commissioner Rousseau stated that he would like to do a trial period during the SPLOST to waive the fee.

Chairman Maxwell stated that he attends a monthly meeting between the County Administrator, the Mayor and the City Manager and he will have it added to the agenda for discussion.

Vice Chairman Ognio stated that when he said that he wants Peachtree City to handle all the registration, he was referring to them making all permit cost the same across the board.

Commissioner Brown moved to approve Ordinance 2017-01; Motorized Carts to amend the Fayette County Code of Ordinance, Article III of Chapter 26, Section 26-57, by deleting Subsection (d) "Registration/transfer requirements" in its entirety, and replacing it with a new Subsection (d) to be approved as presented. Commissioner Oddo seconded. The motion passed 3-2 with Commissioners Ognio and Rousseau voting in opposition. A copy of the request, identified as "Attachment 19," follows these minutes and is made an official part thereof.

**22. Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Ritesh Ghimire for tax year 2016 in the amount of \$2,112.06.**

Mr. Davenport briefed the Board that this request was an item that was part of the Board's legislative package dealing with Disabled Veterans Homestead Exemption. He stated that there was a general law proposed amendment to the Disabled Veterans Homestead Exemption and it passed the House and got into the Senate and the proposed amendment would allow a retroactive up to three years for this exemption. He stated, however that it did not come before a vote in the Senate. He stated that this was the first year of a two year session and it will come back in the 2018 session. He stated that in light of that, the request before the Board was for the Disabled Veterans Homestead Exemption for 2016. He stated that Mr. Ghimire received his letter in February 2017 stating his disabled status and he submitted it to the County in February 2017 and he will receive the exemption for 2017, however Mr. Ghimire wants it to apply to 2016. He stated that would be a retroactive application similar to those before the Board in the past. He stated that Mr. Ghimire was sent a letter inviting him to attend the meeting. He stated that his recommendation was to deny the request for 2016.

Mr. Ghimire was not present.

Commissioner Oddo moved to deny the disposition of tax refunds, as requested by Ritesh Ghimire for tax year 2016 in the amount of \$2,112.06. Commissioner Rousseau seconded. Discussion followed.

Vice Chairman Ognio stated that it was disappointing that the State did not take this issue up in their session.

Commissioner Oddo moved to deny the disposition of tax refunds, as requested by Ritesh Ghimire for tax year 2016 in the amount of \$2,112.06. Commissioner Rousseau seconded. The motion passed 3-2 with Chairman Maxwell and Commissioner Brown voting in opposition. A copy of the request, identified as "Attachment 20," follows these minutes and is made an official part thereof.

**23. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Jacqueline Maxwell for tax year 2016 in the amount of \$841.10 to be paid to Bank of America as the payer.**

Mr. Davenport stated that this request was from Jacqueline Maxwell. Chairman Maxwell confirmed that he was no relation to Jacqueline Maxwell. Mr. Davenport stated that the request was for an error that was made within the County's office that removed a host of exemptions from Ms. Maxwell. He stated that Ms. Maxwell brought it to staff's attention and the adjustments were made appropriately. He stated that her request was to receive a tax refund for 2016 in the amount of \$841.10 and he recommends approval based on the errors made in the County's offices.

Ms. Maxwell was present.

Commissioner Brown asked if the Board needed to note that the payment was to go to Bank of America. Mr. Davenport stated that the payment had already occurred. He stated that the payment occurred erroneously and he wanted to be sure there was a record of a vote from the Board of Commissioners to justify the payment.

Commissioner Oddo moved to approve the disposition of tax refunds, as requested by Jacqueline Maxwell for tax year 2016 in the amount of \$841.10 to be paid to Bank of America as the payer. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 21," follows these minutes and is made an official part thereof.

**PUBLIC COMMENT:**

Linda Camp made public comments regarding the lack of water pressure at a fire hydrant at her home during a fire and she spoke regarding her desire for the Board to take action to have two assistants put in the budget to service the Commissioners' constituents.

**ADMINISTRATOR'S REPORTS:**

Mr. Rapson stated that this was the first he had heard of this situation. He stated that staff would address Ms. Camp's concerns. He stated that not getting a response was unacceptable and he would get an answer.

**Selection Committee-Joint Development Authority**

Mr. Rapson stated that he needed the Board to select a Selection Committee for an appointment to the Joint Development Authority (JDA) comprised of Fayette County, Meriwether County and Coweta County. He stated that there was a recommendation from the Development Authority to appoint Dr. Luis Matta for the JDA.

Vice Chairman Ognio stated that this was the same authority that he was told was not active. He stated that there was conversations about abolishing this authority.

Mr. Davenport stated that state law was such that it identified tier one, tier two and tier three counties for economic development purposes. He stated that tier one was the higher income, tier two less than and tier three was the lowest. He stated that if the

County was in a joint development authority with a tier three county the County would have the ability to receive job tax credits based on the alliance with a tier three county and development authority. He stated that the statute had been changed over the years and he was not sure specifically how it worked presently.

Commissioner Brown stated that the County had obviously not appointed anyone in four years because he had been with the County for seven years and had not ever appointed anyone to this authority. He asked was this created by a legislative act or an intergovernmental agreement.

Mr. Davenport stated that it was the statutory foundation that allowed the County to create a joint development authority. He stated that the County did not have to create one. He stated that each county approved a resolution that created the joint authority.

Commissioner Brown asked to see the new laws regarding this item.

Carlotta Ungaro stated that when the legislative was changed there was an additional tier added. She stated that it was still \$500 tax credit per job. She stated that if the County opts out of this the County would have the worse tax credits in the state. She stated that would mean Fayette County would be the only county not in a joint development authority in the state. She stated that they are required to meet four times a year and the Board would not see any action from them other than the companies that locate here or expand here and apply for the tax credit receive an extra \$500 per job. She stated that not having that tax credit would be a disadvantage to the County.

Mr. Davenport stated that after speaking with the County Clerk, this was a very old joint development authority. He stated that he would put together a memo and determine the term and have this brought before the Board at the May 11 Board of Commissioners meeting.

Vice Chairman Ognio stated that this came about because the development authority wanted to have another joint authority with Fulton County. He stated that if they had not been meeting four times a year was the authority even valid anymore.

Mr. Davenport stated that in order to take one of these entities out of existence the Board would have to vote to remove them.

Chairman Maxwell requested that Mr. Rapson invite Development Authority Chairman Darryl Hicks and/or Director Joan Young to the meeting.

### **Lake Peachtree Spillway**

Mr. Rapson stated that in Stage 1 Peachtree City would lower Lake Peachtree by eight feet in late August. He stated that in the next seven weeks there would be a dam prior to where the spillway would be built. He stated that the plan was to lower Kedron two feet and to raise Lake Peachtree by two feet.

Commissioner Brown stated that the request was to lower Lake Kedron by two feet but since the County was the authority on that body of water, wouldn't the County have to agree to lower Lake Kedron.

Mr. Rapson stated that he instructed the leadership at Peachtree City that the County needs an official notification from the Mayor and Council to do Lake Peachtree as well as Lake Kedron. He stated that since Lake Kedron was our water reservoir it would route through the Water Committee and then come before the Board for a vote.

### **Reminder of meeting change**

Mr. Rapson reminded everyone that the next meeting will be held on Tuesday, April 25, 2017.

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



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

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were two items of threatening litigation, one pending litigation and review of the Executive Session minutes for March 23, 2017 and March 29, 2017.

### **COMMISSIONERS' REPORTS:**

#### **Commissioner Oddo:**

##### **Upcoming Events**

Commissioner Oddo stated that there would be an event on May 6 in conjunction with Suds on the Square at the Fayetteville First Baptist Church for those who are advocates of antique cars. He stated that the same day there would also be a car show at Partner's Pizza in Fayetteville.

##### **Thomas Jefferson's birthday**

He stated that today was the birthday of Thomas Jefferson and he thought it was important to remember that Mr. Jefferson, almost 100 years before the Confederate War, offered the inspiring words that guided the country through a difficult time until today. "We hold these truths to be self-evident that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness." He stated that this nation was not perfect, but that he takes pride that as people we try to be.

##### **Tax season**

Commissioner Oddo reminded everyone that the tax deadline was approaching. He wished everyone a safe and Happy Easter.

#### **Vice Chairman Ognio:**

##### **Blood drive**

Vice Chairman Ognio stated that there was a blood drive being held at Fayetteville First United Methodist Church.

##### **Public Arts Committee**

He stated that he would like to see some martin bird houses being put up around the lakes because mosquito season was approaching. He stated that he wondered where the Public Arts Committee was with the martin houses. He stated that he was wondering why the Public Arts Committee was not doing some type art event for Easter. He stated that he would like to see the committee go back to receiving gift cards donated from restaurants to give away as prizes.

#### **Commissioner Brown:**

##### **Water Guardians**

Commissioner Brown stated that the County held the Water Guardian event at Lake McIntosh. He showed the pictures from the event. He stated that he was always amazed at what comes out of the lakes. He thanked CH2M Hill, Engineer for the Water System, for donating the food for the volunteers for the entire year. He stated that the new dates will be posted soon.

##### **Regatta**

He stated that the Regatta was taking off and there were people coming from all over the southeast to attend. He stated that the interest from the youth was incentive for the Board to keep working with the legislature to get them to lower the age that the youth

can be in a boat by themselves under supervision. He stated that he really believes this will be a varsity high school sport. He encouraged parents to get their kids involved in rowing if they are looking for a sport.

### **Chairman Maxwell**

#### **Job Fair**

Chairman Maxwell stated that Representative David Scott was holding his 14<sup>th</sup> Annual Job Fair on April 28, 2017. He stated that he would like to have the information posted to the County's website.

Commissioner Rousseau asked if staff had determined if this would be an opportunity for the County to participate. Mr. Rapson stated that he would forward the information to Human Resource Director Lewis Patterson to find out.

#### **100 days update**

Chairman Maxwell gave his "100 days" update. He thanked the county employees and specifically the County Administrator. He stated that he wanted to let the Board know that he really appreciated how each one of them have helped him. He stated that one of his first meetings was with other government agencies to move forward with the SPLOST vote. He stated that this was the Board giving the county residence the opportunity to vote on whether to have a one cent tax increase and it was passed on March 21 by a two to one margin. He stated that he met with Georgia Department of Transportation concerning the intersection improvement of Interstate 85 and Highway 74. He stated that he and Town of Tyrone Mayor Eric Dial was very disappointed by that meeting. He stated that a follow up letter was written and there was a positive response from GDOT and they indicated, in writing, that the project had been moved up three years. He stated that around the same time, the County received a letter from GDOT concerning a bridge over CSX railroad track. He stated that GDOT will be financing a great deal of that. He stated that GDOT Representative Sam Wellborn came and met with the County at a Transportation Committee meeting and he did not know of any other time where that had happened recently. He stated that he wanted to acknowledge the parking lot improvements at the County complex. He stated that for the first 100 days he was proud of where the county had ended up. He stated that he was pleased with the County Commission. He stated that the issue with the water pressure. He stated that he wanted to let Ms. Camp know that the Board tries to do the best responding to emails. He stated that out of the many emails, most are answered within minutes.

### **EXECUTIVE SESSION:**

**Two Items of Threatening Litigation, One Pending Litigation and Review of the March 23, 2017 Executive Session and March 29, 2017 Special Called Executive Session Minutes:** Commissioner Brown moved to go into Executive Session. Vice Chairman Ognio seconded. The motion passed 5-0.

The Board recessed into Executive Session at 10:24 p.m. and returned to Official Session at 10:45 p.m.

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

**Approval of the March 23, 2017 Executive Session Minutes:** Vice Chairman Ognio moved to approve the March 23, 2017 Executive Session Minutes. Commissioner Oddo seconded the motion. The motion passed 5-0.

**Approval of the March 29, 2017 Special Called Executive Session Minutes:** Vice Chairman Ognio moved to approve the March 29, 2017 Special Called Executive Session Minutes. Commissioner Oddo seconded the motion. The motion passed 3-0-2 Chairman Maxwell and Commissioner Rousseau were absent.

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



**ADJOURNMENT:**

Vice Chairman Ognio moved to adjourn the April 13, 2017 Board of Commissioners meeting. Commissioner Brown seconded the motion. The motion passed 5-0.

The April 13, 2017 Board of Commissioners meeting adjourned at 10:45 p.m.

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Tameca P. White, County Clerk

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Eric K. Maxwell, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 25<sup>th</sup> day of April 2017. Referenced attachments are available upon request at the County Clerk's Office.

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Tameca P. White, County Clerk

# COUNTY AGENDA REQUEST

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Department: Legal

Presenter(s): County Attorney Dennis Davenport

Meeting Date: Tuesday, April 25, 2017

Type of Request: Old Business #10

## Wording for the Agenda:

Consideration of staff's recommendation to approve Ordinance 2017-07 to repeal the Stormwater Utility. This item was tabled from the April 13, 2017 Board of Commissioners meeting.

## Background/History/Details:

This item was tabled at the Board of Commissioners April 13, 2017 meeting to allow the County Attorney to add a sunset revision.

The Stormwater Utility became effective January 1, 2012, and is a user-based fee, whose only purpose, is to pay for the repair or improvement of stormwater structures. The user fees pay for costs exclusively dedicated to repair and replacement of County stormwater infrastructure.

Since inception, the Utility billed \$3,085,757 over five years and collected \$2,691,316 from approximately 17,000 unincorporated Fayette County property owners. Currently there is \$394,441 of uncollected revenue.

With the passage of the 2017 SPLOST, which includes over \$23,741,641 for 238 Stormwater Utility related projects, staff is recommending the Stormwater Utility be repealed and future repair and maintenance work (beyond the six-year SPLOST) be paid through routine funding from the General Fund.

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

Approval of Ordinance 2017-07 to repeal the Stormwater Utility.

## If this item requires funding, please describe:

Not Applicable.

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

If so, when?

Is Audio-Visual Equipment Required for this Request? No

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

**STATE OF GEORGIA**

**COUNTY OF FAYETTE**

**ORDINANCE NO.**

**2017-\_\_\_\_**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF FAYETTE COUNTY, GEORGIA; TO REPEAL ARTICLE VI OF CHAPTER 28 PERTAINING TO STORMWATER MANAGEMENT IN ITS ENTIRETY; TO PROVIDE FOR AN EFFECTIVE DATE; TO ALLOW FOR COLLECTION EFFORTS FOR DELINQUENT FEES TO CONTINUE; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA, AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY SHALL BE AMENDED AS BY DELETING ALL REFERENCE TO STORMWATER MANAGEMENT THROUGH THE CREATION OF A STORMWATER UTILITY AS FOLLOWS:

**Section 1.** By adding a new section to Article VI of Chapter 28 pertaining to Stormwater Management to be numbered and to read as follows:

**Sec. 28-199. Repeal of stormwater utility.**

(a) The provisions of this Article VI shall remain valid and enforceable in all respects for the purpose of supporting any and all efforts to collect delinquent stormwater utility fees which were assessed and billed prior to April 25, 2017. For all other purposes, i.e., assessing and billing for stormwater utility fees subsequent to April 25, 2017, the provisions of

this Article VI shall remain void and unenforceable. It is the intent of the Board of Commissioners that no new stormwater utility fee be assessed or billed subsequent to April 25, 2017.

(b) Article VI, pertaining to Stormwater Management, shall sunset and stand repealed on December 31, 2017 in its entirety.

**Section 2.** It is the express intention of the Board of Commissioners of Fayette County, Georgia, that the Stormwater Utility which was created and codified in Article VI of Chapter 28 of the Fayette County Code be repealed in its entirety, including, but not limited to, any ordinances and/or resolutions not specifically identified, but were adopted in support of the Stormwater Utility, e.g., any ordinance or resolution establishing rates and/or creating a schedule of rates for stormwater fees, late fees, etc., consistent with the provisions of Sec. 28-199 herein.

**Section 3.** Should any word, phrase or sentence of this Ordinance be deemed unconstitutional by a court of competent jurisdiction, it is the intent of the Board of Commissioners that such unconstitutional parts shall be severed from this Ordinance and this Ordinance will continue to be in force and effect as if such unconstitutional parts had never been a part of this Ordinance.

**Section 4.** All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

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

**SO ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2017.

**FAYETTE COUNTY BOARD OF  
COMMISSIONERS**

By: \_\_\_\_\_  
ERIC K. MAXWELL, Chairman

**ATTEST:**

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

Approved as to form:

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

**STATE OF GEORGIA;  
COUNTY OF FAYETTE**

**ORDINANCE NO. 2011-08**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF FAYETTE COUNTY, GEORGIA, CHAPTER 19 UTILITIES, BY ADDING A NEW ARTICLE VI, STORMWATER MANAGEMENT, TO ESTABLISH A STORMWATER UTILITY FOR UNINCORPORATED FAYETTE COUNTY AS A DEDICATED ENTERPRISE ACCOUNTING UNIT, STORMWATER MANAGEMENT DEPARTMENT; TO IDENTIFY THE SERVICE AREA, PURPOSES, AND POWERS OF THE UTILITY; TO PROVIDE DEFINITIONS; TO ESTABLISH GENERAL SERVICE CHARGE RATE POLICIES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO ESTABLISH AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES ALLOWED BY LAW.

**WHEREAS**, the duly elected Governing Authority of Fayette County is the Board of Commissioners thereof; and

**WHEREAS**, Fayette County is responsible for the protection and preservation of the public health, safety, and welfare of the community; and

**WHEREAS**, the Board of Commissioners desires to establish provisions sufficient for management of stormwater throughout the unincorporated areas of Fayette County; and

**WHEREAS**, the Federal Clean Water Act as amended by the Water Quality Act of 1987 (33 U.S.C. 1251 et seq.) and rules promulgated by the United States Environmental Protection Agency pursuant to the Act place increased emphasis on the role of local governments in developing, implementing, conducting and funding stormwater management programs which address water quality impacts of stormwater runoff; and

**WHEREAS**, Fayette County commissioned a stormwater funding feasibility analysis by an independent engineering firm from which the Board of Commissioners finds and concludes that substantial stormwater management operational and capital investment needs exist; and

**WHEREAS**, financial analysis indicates that adequate and stable funding will be essential if the county is to meet the requirements and mandates of future stormwater management operational and capital investment needs; and

**WHEREAS**, it is the desire of the Board of Commissioners to proceed with the development, implementation, and operation of a utility for stormwater management accounted for in the County's budget as a separate enterprise fund dedicated solely to stormwater management and to institute funding methods associated therewith;

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

**Section 1.** That the Fayette County Code of Ordinances, as amended, Chapter 19, Utilities, is hereby amended by adding a new Article VI, Stormwater Management, to read as follows:

**Sec. 19-96. Findings.**



The Board of Commissioners of Fayette County, Georgia makes the following findings:

- (b) An independent professional engineering and financing analyses as prepared by Integrated Science and Engineering, Inc. properly assesses and defines the stormwater management problems, needs, goals, program priorities, and funding opportunities of unincorporated Fayette County.
- (c) Given the problems, needs, goals, program priorities, and funding opportunities identified in the professional engineering and financing analyses, it is appropriate to authorize the formation of an organizational and accounting entity dedicated specifically to the management, maintenance, protection, control, regulation, use, and enhancement of stormwater systems in unincorporated Fayette in concert with other water resource management programs.
- (d) Stormwater management is applicable and needed throughout the unincorporated boundaries of Fayette County. While specific service and facility demands may differ from area to area at any given time, a stormwater management service area encompassing all lands and water bodies within the unincorporated boundaries of Fayette County is consistent with present and future needs of the community.
- (e) The stormwater needs in unincorporated Fayette County include, but are not limited to, protecting the public health, safety, and welfare. Provision of stormwater management programs and facilities renders and/or results in both service and benefit to all properties, property owners, citizens, and residents of Fayette County in a variety of ways as identified in the professional engineering and financial analyses. The service and benefit rendered or resulting from provision of stormwater management systems and facilities may differ depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater systems and programs, and risk exposure.
- (f) Fayette County presently owns and operates stormwater management systems and facilities developed over many years. Future usefulness of existing stormwater systems owned and operated by the County, and of additions and improvements thereto, rests on the ability of the County to effectively manage, protect, control, regulate, use, and enhance stormwater systems and facilities in the County in concert with management of other water resources in the County. In order to do so, the County must have adequate and stable funding for its stormwater management operating and capital investment needs.
- (g) The Board of Commissioners finds, concludes and determines that a Stormwater Utility provides the most practical and appropriate means of properly delivering and funding stormwater management services in unincorporated Fayette County.
- (h) An equitable approach to funding stormwater management services and facilities can be provided by adopting a schedule of service charges upon properties that is related to the burden of stormwater quality control service requirements and costs posed by properties throughout the County. Such schedule of service charges can be complemented by other funding methods which address specific needs, including but not limited to, allocations of special purpose local option sales taxes to stormwater drainage improvement projects. A service charge credit is an appropriate means of adjusting service charges in recognition that private stormwater systems and/or actions can effectively reduce or eliminate the burden of stormwater quantity and quality control service requirements and costs that a property or properties pose for the County. Impervious area is the most important factor influencing stormwater service requirements and costs posed by properties throughout the County, and therefore is an appropriate parameter for calculating stormwater service charges and associated credits. In addition, the value to the stormwater utility of certain actions and practices performed by property owners and other stormwater utility customers may be recognized by credits based on other factors, including but not limited to, the avoided cost of public information and education realized by the utility when public information and education about stormwater management is provided by the public school system.



- (i) A schedule of Stormwater Utility user fee charges based on the area of impervious surface located on each improved property is the most appropriate and equitable means of allocating the cost of stormwater management services throughout the County. Such user fee charges may be complemented by other types of charges which address specific needs, including, but not limited to, special service fees, special assessments, revenue bonds, use of proceeds from special purpose local option sales taxes and other forms of revenue, as deemed appropriate by the Board of Commissioners.
- (j) The existence of privately owned and maintained on-site or off-site systems, facilities, activities or assets that reduce or otherwise mitigate the impact of a particular property on the Stormwater Utility's cost of providing stormwater management services and/or stormwater management systems and facilities, can be taken into account to reduce the user fee charge on that property in the form of a credit, and such credit should be conditioned upon continuing provision of such services, systems, facilities, activities or assets in a manner complying with the standards and codes as determined by the Stormwater Utility Manager.
- (k) It is imperative that the proceeds from all user fee charges for stormwater management services, systems or facilities, together with any other revenues raised or otherwise allocated specifically to stormwater management services, systems or facilities, be dedicated solely to those purposes, and such proceeds of user fee charges and revenues shall therefore be deposited into the enterprise accounting fund of the Stormwater Utility and shall remain in that fund and be dispersed only for stormwater management capital, operating and non-operating costs, lease payments and debt service of bonds or other indebtedness for stormwater management purposes.

#### **Sec. 19-97. Definitions.**

Except as specifically defined in this chapter, all words used in this title have their customary dictionary definitions. For the purpose of this title, certain words or terms used are defined as follows:

*Credit.* A conditional reduction in the amount of a customer's stormwater user fee charge in recognition of a customer's efforts to mitigate the stormwater runoff impact that developed property has on the County stormwater management systems, and/or the efforts of a customer to offset the County's cost for implementation of the stormwater management program activities that include, but not limited to, public education, watershed stewardship, etc.

*County.* The unincorporated jurisdictional boundaries of Fayette County, Georgia. For purposes of this ordinance may also be referred to in this ordinance as Fayette County or the County.

*Developed Land.* All real property altered from its natural state by grading, paving, compaction, construction of structures, impervious services, or drainage works so that hydrologic response of the property is changed from that which would occur in the natural undeveloped condition.

*Fayette County Stormwater Utility User Fee Credit Manual.* A technical guidance manual published by Fayette County that defines user fee credits available to private and public entities that undertake specific stormwater management activities and criteria and procedures for customers to secure and maintain stormwater user fee credit(s). The 'Fayette County Stormwater Utility User Fee Credit Manual' is hereby incorporated by reference.

*Georgia Stormwater Management Manual.* A stormwater technical guidance manual published by the Atlanta Regional Commission. The 'Georgia Stormwater Management Manual' is hereby incorporated by reference into this ordinance.



*Impervious Area/Impervious Surface.* Areas or surfaces that prevent or impede the infiltration of stormwater into the soil. The following types of surfaces will be considered "impervious" for purposes of the stormwater utility: the projected area of buildings; asphalt-, concrete-, brick-, or stone-paved areas; improved vehicular drives and parking areas; compacted gravel and soil surfaces; fabric or plastic coverings; and other surfaces that prevent or impede the natural infiltration of stormwater runoff or that change the hydrologic response of the property that existed prior to development.

*Hydrologic Response.* The manner and means whereby stormwater collects, remains, infiltrates, and is conveyed from a property. It is dependent on several factors including, but not limited to, the presence of impervious area; the size, shape, topographic, vegetative, and geologic conditions of a property; antecedent moisture conditions; and groundwater conditions on a property.

*Non-Single Family Residential Property.* Developed property that consists of various non-residential land uses including, but not limited to: (1) multi-family, commercial, office/institutional, public, transportation, industrial, manufacturing and storage buildings and facilities; (2) parking lots, parks, public and private schools, universities and hospitals; (3) streets, roads, water and wastewater treatment plants; and (4) any other form of use not specifically defined as a single family residential property.

*Service Charge.* A periodic rate, fee, or charge applicable to a parcel of land, reflective of the service provided by Fayette County Stormwater Utility. Service charges are based on measurable parameters which influence the stormwater utility's cost of providing services and facilities, with the most important factor being the amount of impervious area on each parcel of land, which is the user-rate fee charge. The use of impervious area as a service charge rate parameter shall not preclude the use of other parameters to determine the impact on the stormwater utility's cost of providing stormwater management services and facilities. Stormwater service charges may also include special charges to the owners of particular properties for services or facilities uniquely related to stormwater management of that property, including but not limited to charges for development plan review, inspection of development projects and on-site stormwater control systems, and enhanced level of stormwater services above those normally provided by the County.

*Single-Family Residential Property.* Developed property containing at least one dwelling with one (1) or more bedrooms, a bathroom, and cooling facilities, designed for occupancy by one or more persons, regardless of relationship, living as a single-family unit. Improved property may be classified as single-family residential even if supplemental detached dwelling units are present that include but not limited to garages, carports, storage buildings and barns.

*Stormwater Customers.* All persons, properties, and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension, and improvement of the public stormwater management systems and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served or benefited as a result of the stormwater management program.

*Stormwater Drainage Influence Zone.* Areas lying downstream of a culvert, or other stormwater management conveyance system. On the downstream side of the conveyance system, the stormwater influence zone will extend for a length of six times the diameter (or width) of the culvert from which runoff is being discharged (Field Manual for Erosion and Sediment Control in Georgia, Third Edition, pg. 99), and within the horizontal limits set forth in the aforementioned field manual. For example, if a 48-inch diameter culvert is discharging to a private property, the stormwater drainage influence zone shall extend 24 feet (six times 48 inches) from the end of the culvert and for the specified width (i.e. typically the width of the creek). The County stormwater utility may perform maintenance and/or capital construction activities only within that portion of the public water influence zone which the County has an ownership interest in, or for which a dedicated easement has been granted to, and accepted by the



County for such purpose.

*Stormwater Drainage System.* A system designed to provide adequate surface drainage that includes inlets, street and roadway gutters, ditches, small channels, swales and underground piping systems.

*Stormwater Management Services.* All services provided by the County that relate to the:

1. Transfer, control, conveyance or movement of stormwater runoff through the Fayette County Stormwater Management System;
2. Maintenance, repair and replacement of existing stormwater drainage systems;
3. Regulation of the use of stormwater management services and systems; and,
4. Compliance with applicable state and federal stormwater management regulations and permit requirements.

Stormwater management services may address the quality of stormwater runoff as well as the quantity thereof.

*Stormwater Management System.* The structural and nonstructural stormwater drainage systems, facilities, operations, and programs that address the issues of drainage management (flooding) and environmental quality (pollution, erosion and sedimentation) of receiving rivers, streams, creeks, lakes, ponds, and reservoirs through improvements, maintenance, regulation and funding of plants, works, instrumentalities and properties used or useful in the collection, retention, detention, and treatment of stormwater or surface water drainage.

*Undeveloped Land.* Land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have no pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface that would prevent infiltration of stormwater or cause stormwater to collect, concentrate, or flow in a manner materially different than that which would occur if the land was in an unaltered natural state.

#### **Sec. 19-98. Establishment of a Stormwater Utility and Enterprise Fund.**

(a) There is hereby established a Stormwater Utility within the Fayette County Utility Services which shall be responsible for stormwater management services throughout the unincorporated County limits, and shall provide for the management, protection, control, regulation, use, and enhancement of the County's stormwater management system. Such utility shall be under the direction of a Stormwater Management Director.

(b) The County Administrator and the County Chief Financial Officer shall establish a Stormwater Enterprise Fund in the County budget and accounting system, separate and apart from its General Fund, for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the utility, including but not limited to rentals, rates, charges, fees, and licenses as may be established by the Board of Commissioners. All revenues and receipts of the stormwater utility shall be deposited promptly upon receipt into the Stormwater Enterprise Fund, to be held and invested in trust for the purposes dedicated, and expended exclusively for purposes of the stormwater utility, including capital project construction. No other funds of the County shall be deposited in the Stormwater Enterprise Fund or commingled with dedicated stormwater revenues, except that other revenues, receipts, and resources not accounted for in the Stormwater Enterprise Fund, including, but not limited to, grants, transfers of County funds, loans, and bond proceeds may be combined with and applied to stormwater management as deemed appropriate by the Board of Commissioners, upon recommendation of the County Administrator.

#### **Sec. 19-99. Scope of Responsibility for the Stormwater Utility.**



(a) The stormwater utility shall be responsible for stormwater management throughout the unincorporated limits of Fayette County government. The utility shall provide for the conservation, management, protection, control, use, and enhancement of stormwater through planning, acquisition, construction, installation, management, operation, maintenance, regulation, extension, and improvement of the public stormwater drainage systems to collect, control, convey, store, detain, retain, recharge, and treat stormwater and through regulation of stormwater management systems on private property. It shall be the long-term objective of the County to provide a comparable and consistent level of stormwater service to similarly situated properties throughout the service area.

(b) The County owns or has legal access for purposes of operation, maintenance and improvements to those segments of the Fayette County Stormwater Management System that:

(1) Are located within public streets, rights-of-way, and easements;

(2) Are subject to easements, rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, and/or improvement of stormwater drainage systems; or,

(3) Are located on public lands to which the County has adequate access for operation, maintenance, and/or improvement of stormwater drainage systems and facilities.

(c) Operation and maintenance of stormwater management systems located on private property or public property not owned by Fayette County and for which there has been no public dedication and acceptance of such systems and/or facilities for operation, maintenance, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner, or its occupant, except as that responsibility may be otherwise affected by the laws of the State of Georgia and/or the United States of America.

(d) It is the intent of this ordinance to protect the public health, safety and general welfare of all properties and persons in general, but not to create any special duty or relationship with any individual person or to any specified property within or without the boundaries of Fayette County. Fayette County expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the County, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created. To the extent any permit, plan approval, inspection or similar act is required by the County as a condition precedent to any activity by or upon property not owned by the County, pursuant to this or any other regulatory ordinance, regulation or rule of the County or under Federal or State law, the issuance of such permit, plan approval, or inspection shall not be deemed to constitute a warranty, express or implied, nor shall afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages against the County, its officers, employees or agents.

#### **Sec. 19-100. Requirements for Stormwater Systems; Inspections and Enforcement Methods.**

The appropriate and efficacious management of the stormwater management system by the County on behalf of all its citizens and in compliance with applicable state and federal law places necessary and appropriate obligations on private property owners as well. The stormwater utility may provide for inspection of private stormwater drainage systems and/or facilities to ascertain that the stormwater drainage systems and/or facilities are functioning as designed and approved by the County.

(a) All property owners of improved property within the incorporated areas of unincorporated Fayette County shall provide, manage, maintain, and operate on-site stormwater management systems sufficient to collect, convey, detain, and discharge stormwater runoff in a safe manner consistent with all applicable County development regulations, ordinances, and State and Federal laws. Any failure to meet



this obligation shall constitute a violation of this article and be subject to citation and prosecution in the Fayette County Municipal Court. Each day such violation exists shall constitute a separate offense, subject to the penalties set forth in Section? of the Code of the Fayette County.

- (b) The County shall have the right, pursuant to the authority of this ordinance, for its designated officers and employees to enter upon private and public property owned by entities other than the County, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance.
- (c) If determined by the Stormwater Management Department, undocumented drainage systems, located on private property that are connected to the County's stormwater drainage system, shall be permitted and improved by the property owner to ensure proper function to the public system. This determination may be based upon on the severity of stormwater problems, current or potential damage to the publicly-owned stormwater management system and potential hazards to the public health, safety and welfare.
- (d) In the event a public nuisance is deemed to exist by the Stormwater Management Department, the County may elect to sue in the Superior Court of Fayette County to abate such nuisance. In the event a public nuisance is found by the court to exist, which the property owner fails to abate within such reasonable time as allowed by the Superior Court, the County may enter upon the property and cause work as is reasonably necessary to be performed, with the actual cost thereof assessed against the property owner in the same manner as a tax levied against the property. From date of filing of such abatement action, the County shall have lien rights which may be perfected, after judgment, by filing a notice of lien on the general execution docket of the Superior Court of Fayette County.
- (e) Any failure to meet the obligations set forth in this Ordinance shall constitute a nuisance and be subject to an abatement action filed by the County in the ? Court. In the event a public nuisance is found by the Court to exist, which the owner fails to properly abate within such reasonable time as allowed by the Court, the County may enter upon the property and cause such work as is reasonably necessary to be performed. The actual cost thereof shall be assessed against the owner in the same manner as a tax levied against the property.
- (f) The County shall have lien rights from the date of the filing of the abatement action by the County, and said lien rights may be perfected through:

- (1) A judgment; and,

- (2) The filing of a writ of fieri facias against all property of the person or entity against whom the assessment was made. Upon issuance of said fi. fa., and forwarding of same to the Sheriff, the Sheriff shall be authorized pursuant to Georgia law to levy same upon the property of the owner to satisfy the amount due on the judgment.

These enforcement methods shall be perfected by filing a notice of lien on the General Execution Docket of the Superior Court of Fayette County. A fi. fa. issued by any court in the State of Georgia can be recorded on the General Execution Docket of the Superior Court of any other county in the state in which the owner possesses property. When the execution has been entered upon the docket, the lien shall date from such entry.

State law reference — O.C.G.A. § 9-12-81(b).

#### **Sec. 19-101. Stormwater Service Charges.**

The stormwater management utility shall recover the cost of providing stormwater services and facilities by imposing a stormwater user fee on all developed properties within the service area in a fair and equitable manner. The stormwater management utility shall apportion the cost of delivering stormwater

services to all developed properties based on the demand the property places on the County's stormwater management program and the stormwater services provided by the County.

It shall be the goal of the Board of Commissioners to establish stormwater user fee rates that are fair, equitable and reasonable, and together with other funding sources available to the Fayette County Stormwater Management Utility, such as special service fees and charges deemed appropriate by the Board of Commissioners to customers for services, systems, and/or facilities related to stormwater management (e.g. credit application fees, plan review fees, development inspection fees, regulatory compliance inspection fees, special assessments and other fees related to provision of stormwater management services), are sufficient to support the cost of the stormwater management services, including, but not limited to, the payment of principal and interest on debt obligations, lease payments, operating expenses, capital outlays, non-operating expenses, provisions for prudent reserves and other costs as deemed appropriate by the County.

The basis for calculation of the stormwater user fee rate to all developed property within the County is established in this article. The County shall assign or determine the amount of impervious area and other pertinent factors as may be needed for the fair, reasonable and equitable allocation of the costs to deliver stormwater management services and to calculate the stormwater user fee charges for all developed properties in the County.

(a) User-Fee Rate Calculation.

(1) Properties shall be treated as containing one billing unit for each 1,000 square feet of impervious area located on the property to establish the total number of billing units for billing. The total square footage impervious area will be rounded down to the nearest 1,000 ft. increment. (Ex. A property with 1,990 square feet of impervious area shall contain 1 equivalent runoff unit.)

(2) Gravel and compacted soils shall be calculated as 0.85 equivalent runoff units, because of the hydrologic response characteristics of these materials. (Ex. A property with 2,000 square feet of gravel area shall be equivalent to 1,700 square feet and then rounded down to 1 equivalent runoff unit.)

(b) Calculation of Rate. The periodic stormwater user fee charges imposed on all developed properties shall be a rate of \$0.35 per 1000 square feet of impervious surface per month.

**Sec. 19-102. Stormwater User-fee Billing/Collections, and Delinquencies.**

(a) Billing and Collections.

(1) The stormwater user fee charge will be billed and collected as deemed most effective and efficient by the County.

(2) Stormwater user fee charges shall begin to accrue (date), and shall be billed periodically, thereafter to customers, except as specific exemptions and credits may apply. A bill for stormwater user fee charges may be sent through the United States Postal Service or by alternative means, notifying the owner of the property being billed of the amount of the stormwater user fee charge, less credits, the date the payment is due and the date when payment is past due.

(b) Delinquencies.

(1) Failure to receive a bill shall not be justification for nonpayment. Regardless of the party



to whom the bill is initially directed, the owner of each developed property subject to stormwater user fee charges shall be obligated to pay stormwater user fee charges and any interest on delinquent stormwater user fee charge payments.

(2) Any service charge or portion of a service charge not paid when due may be recovered in an action at law or equity by the County.

(3) No lien shall be imposed for delinquent collections unless a judgment is first obtained from a court of competent jurisdiction.

(4) Suits for collection shall be commenced by the County in the county of the owner's residence; provided, however, if the owner is not a resident of this state, suit may be filed in the Superior or State Court of Fayette County, Georgia. If a suit is instituted by the County for collection, the owner shall pay court costs, litigation expenses, and reasonable attorney's fees incurred by the County.

(5) If suit is instituted for the collection of any fees due hereunder or for the enforcement of this Ordinance, the owner shall pay the court costs, litigation expenses, and reasonable attorney's fees associated therewith.

#### **Sec. 19-103. Exemptions and Credits Applicable to Stormwater Service Charges.**

Except as provided in this section or otherwise provided by law, no public or private property located in the incorporated area of Fayette County shall be exempt from the stormwater user fee charges. No exception, credit, offset, or other reduction in stormwater user fee charges shall be granted based on age, tax status, economic status, race, religion or other condition unrelated to the Stormwater Utility's cost of providing stormwater management services and facilities.

(a) Exemptions to the stormwater user fee charges are as follows:

(1) Railroad rights-of-way (tracks) shall be exempt from stormwater user fee charges. However, railroad stations, maintenance buildings, and/or other improved property used for railroad purposes shall not be exempt from stormwater user fee charges.

(2) Georgia Department of Transportation (GDOT) streets and rights-of-way shall be exempt from stormwater user fee charges. This exemption is in recognition of routine drainage system maintenance and capital construction services undertaken by GDOT in association with GDOT rights-of-way and road systems. However, maintenance buildings and/or other improved property used for GDOT purposes shall not be exempt from stormwater user fee charges. All other State, Federal, and County properties are subject to the user fee charges on the same basis as private properties.

(3) Fayette County owned streets and rights-of-way shall be exempt from stormwater user fee charges. This exemption is in consideration for the County allowing the Stormwater Utility to use the County's existing street, curbs, gutters, drainage ways and ditches, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural and man-made, that controls and diverts surface water for the purposes of collecting, diverting, transporting and controlling surface and storm waters. However, other improved property owned and used for County purposes shall not be exempt from stormwater user fee charges.

(b) The Stormwater Management Department shall grant credits or adjustments based on the technical and procedural criteria set forth in the Stormwater Utility Credit Technical Manual, which shall be

adopted and amended by and at the discretion of the Board of Commissioners as an operating policy of the Stormwater Utility. Copies of the Credit Technical Manual shall be maintained by and available from the Stormwater Management Department.

**Sec. 19-104. Effective Date of Stormwater Charges.**

Stormwater service charges shall accrue beginning January 1, 2012, and shall be billed periodically, thereafter to customers, except as specific exemptions and credits may apply.

**Sec. 19-105. Appeals.**

Any customer who believes the provisions of this Article have been applied in error may appeal in the following manner.

- (a) An appeal must be filed in writing with the Fayette County Stormwater Management Director. In the case of service charge appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the property to rainfall events.
- (b) Based on the information provided, a technical review shall be conducted by the Stormwater Management Director of the Stormwater Utility and a written determination will be issued within thirty (30) days stating whether an adjustment to the service charge is appropriate and, if so, the amount of such adjustment.
- (c) In response to an appeal, the Stormwater Management Director may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this chapter.
- (d) A decision of the Stormwater Management Director which is adverse to an appellant may be further appealed to the Director's supervisor within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the Director's supervisor by the appellant, stating the grounds for the appeal. The Director's supervisor shall issue a written decision on the appeal within thirty (30) days. All decisions of the Director's supervisor shall be served on the appellant personally or by registered or certified mail, sent to the billing address of the appellant.
- (e) If the person or entity seeking adjustment or relief from the service charge desires, the decision of the Stormwater Management Director's supervisor may be appealed in writing to the Board of Commissioners. Such appeals must be made within thirty (30) days of the decision of the Director's supervisor and include a written basis for the appeal. The decision of the Board of Commissioners shall be final.
- (f) This appeal process shall not interfere with the rights of the person or entity to seek judicial relief in a court of competent jurisdiction, but shall be exhausted before judicial relief is pursued. Any appeal to the Superior Court of Fayette County must be filed within thirty (30) days of the decision of the Board of Commissioners.
- (g) Notices of the appeal and decisions shall be served personally or delivered by registered or certified mail to the address of record.



**Section 2.** That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3.** a. It is hereby declared to be the intention of the Board of Commissioners that all Sections, paragraphs, sentences, clauses and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

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

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

**Section 4.** All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.


**Section 5.** The effective date of this Ordinance shall be January 1, 2012.

It is so ordained this 22<sup>nd</sup> day of September, 2011, by the

**BOARD OF COMMISSIONERS  
FAYETTE COUNTY, GEORGIA**

  
\_\_\_\_\_  
Herbert E. Frady, Chairman

**ATTEST:**

  
\_\_\_\_\_  
Clerk/Deputy Clerk



# COUNTY AGENDA REQUEST

Page 268 of 349

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of the award of RFP #1226-P, SR 74 Comprehensive Corridor Study to POND & Company for a lump sum amount of \$296,000 (GDOT PI No. 0015076 / ARC Project No. FA-357).

## Background/History/Details:

On February 9, 2017 the BOC entered into a Contract with the Georgia Department of Transportation for completion of a Corridor Study along SR 74. The project extends from US 29 in Fairburn to SR 54 in Peachtree City. Approval of the contract was contingent upon renewed commitments from the other project. Those concerns have since been addressed.

Proposals for this project were received by the Fayette County Purchasing Department on January 12th, but review and scoring was delayed until the above-noted stakeholder commitment issue was resolved. Details of the review process are documented in the attached Purchasing memorandum.

POND & Company's proposal was scored the highest by the evaluation committee and on April 10th the team provided a presentation on their approach to the work. Members of the SR 74 Gateway Coalition were invited to the presentation/interview in case they had any comments or concerns on the proposed scope before staff made this recommendation for contract award.

POND plans to complete the project within 15 months of receiving a Notice to Proceed.

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

Approval to award RFP #1226-P, SR 74 Comprehensive Corridor Study to POND & Company for a lump sum amount of \$296,000 (GDOT PI No. 0015076 / ARC Project No. FA-357).

## If this item requires funding, please describe:

Fayette County's funding source for the project is 2004 SPLOST Project R-3. Up to 80% of the project's cost are to be reimbursed through the Federal Aid process and up to an additional \$17,000 shall be reimbursed from the South Fulton CID.

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

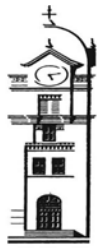
Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

While the total price of the comprehensive corridor study will be \$296,000.00 up to 80% of this amount is subject to reimbursement by the Federal Highway Administration, and an additional \$17,000.00 by the South Fulton Community Improvement District (CID).



To: Steve Rapson

From: Ted L. Burgess

Date: April 25, 2017

Subject: RFP #1226-P: SR 74 Comprehensive Corridor Study

The Public Works Department has a need to contract with a consulting firm to perform a comprehensive corridor study along State Route (SR) 74. The study will cover a 12 mile stretch of SR 74, from US Route 29 on the northern end to SR 54 in Peachtree City. It will result in a final report that provides a list of specific recommendations for the corridor, with each recommendation having a concept plan or draft policy language, a schedule, a concept-level cost estimate, and a discussion of possible funding sources.

The Purchasing Department issued Request for Proposals (RFP) #1226-P for this purpose. The Department emailed notices to 20 firms. In compliance with federal funding requirements, an additional 21 small, minority-owned, or women-owned businesses were emailed notices. Invitations were extended via the Fayette News, the county website, Georgia Local Government Access Marketplace ([www.glga.org](http://www.glga.org)), Channel 23, and the Greater Georgia Black Chamber of Commerce. An additional 766 vendors were notified through the Internet-based Georgia Procurement Registry.

Seven companies submitted proposals. An Evaluation Team reviewed, evaluated, and scored the proposals, following criteria spelled out in the Request for Proposals. The highest-scoring proposal was Pond & Company (Please see attached).

Pond & Company was invited to an in-person interview on April 10, 2017. Evaluation Team members were in agreement after the interview that Pond & Company was the best choice for this project.

There is no record of Pond & Company entering into a contract with the county in the past, so no Contractor Performance Evaluation will accompany this recommendation. Specifics of the proposed contract are as follows:

Contract Name	1226-P: SR 74 Comprehensive Corridor Study
Vendor	Pond & Company
Contract Term	Proposed schedule completion in 15 months
Lump Sum Price*	\$296,000.00
Budget:	
Org.	32140220 SPLOST Roads County-Wide
Object	521211 Engineering Services
Project	R-3 SR 74 Corridor Plan
Available Amount	\$390,000.00

\*While the total price of the comprehensive corridor study will be \$296,000.00 up to 80% of this amount is subject to reimbursement by the Federal Highway Administration, and an additional \$17,000.00 by the South Fulton Community Improvement District.

**PROPOSAL #1226-P**  
**SR 74 COMPREHENSIVE CORRIDOR STUDY**

SELECTION CRITERIA	MAX POINTS	CRIBB PHILBECK WEAVER GROUP, INC. (CPWG)	CROY ENGINEERING, LLC	GRICE CONSULTING GROUP	POND & COMPANY	RS&H INC.	TRANSYSTEM CORP.	VOLKERT, INC.
Project Understanding and Proposed Scope	40	22.8	36.0	28.3	34.8	33.0	32.3	28.0
Project Team Experience	30	19.0	24.8	23.8	27.0	22.5	24.3	21.8
Schedule	15	0.0	9.8	9.5	12.3	10.3	11.3	10.0
Quality of Written Proposal	15	6.3	11.3	8.5	12.3	11.8	11.5	11.3
Total Technical Merit	100	48.0	81.8	70.0	86.3	77.5	79.3	71.0
Weighted Technical Merit Score	70%	33.6	57.2	49.0	60.4	54.3	55.5	49.7
Price		\$338,000	\$387,222	\$278,675	\$296,000	\$378,400	\$375,850	\$366,199
Technical Merit	70%	33.6	57.2	49.0	60.4	54.3	55.5	49.7
Price	30%	<u>24.7</u>	<u>21.6</u>	<u>30.0</u>	<u>28.2</u>	<u>22.1</u>	<u>22.2</u>	<u>22.8</u>
Total Score		<u>58.3</u>	<u>78.8</u>	<u>79.0</u>	<u>88.6</u>	<u>76.3</u>	<u>77.7</u>	<u>72.5</u>

# COUNTY AGENDA REQUEST

Page 271 of 349

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of the Town of Tyrone annexation of 1919 and 1925 SR 74 North, and the rezoning of said property from R-70 (Single-Family Residential) to O-I (Office-Institutional).

## Background/History/Details:

The Town of Tyrone has notified Fayette County of an application to annex 1919 (1.59 acres) and 1925 (1.49 acres) SR 74 North. The City has also notified the County of its intention to rezone the property from R-70 (Single-Family Residential ) to O-I (Office-Institutional).

The county's governing authority may either "object" to the annexation, by majority vote, or choose not to object to the annexation request. Per Section 36-36-113 of the Georgia Code, Fayette County must deliver their objection to the annexation by certified mail or statutory overnight delivery not later than the end of the thirtieth calendar day following receipt of the notice. The deadline for delivery of an objection is May, 9 2017.

The subject property is designated as Low Density Residential on the Fayette County Future Land Use Plan map and a rezoning to O-I could be considered a substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use providing grounds for a land use objection. As part of the Comprehensive Plan update, staff is recommending that the subject property be included in the existing Special Development District – Office land use designation on SR 74 North. This update and recommendation was in the process prior to the notice of this annexation. In addition, the subject property is in affect an island largely surrounded by the Town of Tyrone and will have little or no effect on any properties in the unincorporated County. Staff recommends that the Board of Commissioners not object to the annexation and rezoning of the subject property to O-I.

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

Staff recommends that the BOC not object to the Town of Tyrone annexation of 1919 and 1925 SR 74 North, and the rezoning of said property from R-70 (Single-Family Residential) to O-I (Office-Institutional).

## 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:

To: Board of Commissioners

From: Pete Frisina

Date: April 8, 2017

Re: Tyrone Annexation Request for 1919 and 1925 SR 74 North, Tyrone, Ga 30290 - Property Tax ID#: 07-25-009 and 07-25-017

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Tyrone has received a request for annexation of the above-referenced properties located at 1919 (1.59 acres) and 1925 (1.49 acres) SR 74 North, Tyrone, Ga 30290. The annexation notice from Tyrone indicates the intent to annex and rezone the subject property to Office-Institutional (O-I). The subject property is currently zoned R-70 (Single-Family Residential) in Fayette County and each property contains a single-family residence. R-70 requires a minimum lot size of two (2) acres. Both lots are nonconforming lots.

### **General Description**

The subject properties are located at 1919 and 1925 SR 74 North, Tyrone, Ga 30290. The proposed annexation would not create an island. The subject property abuts the following:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	46.00	C-2 (Tyrone)	Golf Center	Hwy 74 (Tyrone)
East	2.40	Conservation - Residentail-2 (Tyrone)	Single-Family Residence	Rural Residential (Tyrone)
South	2.40	Conservation - Residentail-2 (Tyrone)	Undeveloped	Hwy 74 (Tyrone)
West (across SR 74)	1.40 28.10	O-I (Tyrone) A-R	Office Undeveloped	Hwy 74 (Tyrone) Business Technology Park

### **Current County Land Use**

The subject property is designated as Low Density Residential (1 Unit/1 to 2 Acres) on the Fayette County Future Land Use Plan map.

### **DEPARTMENTAL COMMENTS**

**Planning and Zoning:** The subject property is currently zoned R-70 (Single-Family Residential) and is proposed for Office-Institutional (O-I) zoning in Tyrone. The subject property is designated as Low Density Residential (1 Unit/1 to 2 Acres) on the Fayette County Future Land Use Plan map.

The county governing authority may by majority vote to object to the annexation because of a material increase in burden upon the county. The material increase in burden upon the county must be directly related to any one or more of the following:

- (1) The proposed change in zoning or land use;
- (2) Proposed increase in density; and
- (3) Infrastructure demands related to the proposed change in zoning or land use.

The objection shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection. Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in (1), (2), and (3) above.

In order for an objection to be valid, the proposed change in zoning or land use must:

- (1) Result in:
  - (A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or
  - (B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in Code Section 48-8-110, which is furnished by the county to the area to be annexed; and
- (2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

Staff finds no material increase in burden upon the county as a result of this annexation and rezoning of the subject property to O-I. While a rezoning to O-I could be considered a substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use, as part of the Comprehensive Plan update, staff is recommending that the subject property be included in the existing Special Development District – Office land use designation on SR 74 North. This update and recommendation was in the process prior to the notice of this annexation. In addition, the subject property is in affect an island largely surrounded by the Town of Tyrone and will have little or no effect on any properties in the unincorporated County. Therefore, the Planning and Zoning staff recommends that the Board of Commissioners not object to the annexation and rezoning of the subject property to O-I. (see State Law below).

**Fire/EMS:** The Fire Marshal's Office has no comments on this annexation.

**Sheriff's Office:** No issues here.

**Water System:** Both parcels are served by existing ¾" meters. Any changes would require plan submittal to F.C.W.S.

**Public Works/Engineering:** Public Works / Engineering has reviewed the annexation request.

The properties front SR 74 so access control is managed by the GDOT. There are no other Engineering-related comments.

**Environmental Health:** Environmental Health has no objections to the proposed Annexation and rezoning of these properties. All wells and septic system must be properly abandoned and verified by this department prior to any redevelopment of the site.

**Environmental Management:** EMD has no comment on proposed annexation.

## **STATE LAW**

### **TITLE 36. LOCAL GOVERNMENT**

#### **PROVISIONS APPLICABLE TO MUNICIPAL CORPORATIONS ONLY**

#### **CHAPTER 36. ANNEXATION OF TERRITORY**

#### **ARTICLE 7. PROCEDURE FOR RESOLVING ANNEXATION DISPUTES**

##### **36-36-113. Objection to annexation; grounds and procedures**

- (a) The county governing authority may by majority vote to object to the annexation because of a material increase in burden upon the county directly related to any one or more of the following:
  - (1) The proposed change in zoning or land use;
  - (2) Proposed increase in density; and
  - (3) Infrastructure demands related to the proposed change in zoning or land use.
- (b) Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in paragraphs (1), (2), and (3) of subsection (a) of this Code section.
- (c) The objection provided for in subsection (a) of this Code section shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection and shall be delivered to the municipal governing authority by certified mail or statutory overnight delivery to be received not later than the end of the thirtieth calendar day following receipt of the notice provided for in Code Section 36-36-111.
- (d) In order for an objection pursuant to this Code section to be valid, the proposed change in zoning or land use must:
  - (1) Result in:
    - (A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or

- (B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in Code Section 48-8-110, which is furnished by the county to the area to be annexed; and
- (2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

### **36-36-114. Arbitration panel; composition and membership**

- (a) Not later than the fifteenth calendar day following the date the municipal corporation received the first objection provided for in Code Section 36-36-113, an arbitration panel shall be appointed as provided in this Code section.
- (b) The arbitration panel shall be composed of five members to be selected as provided in this subsection. The Department of Community Affairs shall develop three pools of arbitrators, one pool which consists of persons who are currently or within the previous six years have been municipal elected officials, one pool which consists of persons who are currently or within the previous six years have been county elected officials, and one pool which consists of persons with a master's degree or higher in public administration or planning and who are currently employed by an institution of higher learning in this state, other than the Carl Vinson Institute of Government. The pool shall be sufficiently large to ensure as nearly as practicable that no person shall be required to serve on more than two panels in any one calendar year and serve on no more than one panel in any given county in any one calendar year. The department is authorized to coordinate with the Georgia Municipal Association, the Association County Commissioners of Georgia, the Council of Local Governments, and similar organizations in developing and maintaining such pools.
- (c) Upon receiving notice of a disputed annexation, the department shall choose at random four names from the pool of municipal officials, four names from the pool of county officials, and three names from the pool of academics; provided, however, that none of such selections shall include a person who is a resident of the county which has interposed the objection or any municipal corporation located wholly or partially in such county. The municipal corporation shall be permitted to strike or excuse two of the names chosen from the county officials pool; the county shall be permitted to strike or excuse two of the names chosen from the municipal officials pool; and the county and municipal corporation shall each be permitted to strike or excuse one of the names chosen from the academic pool.
- (d) Prior to being eligible to serve on any of the three pools, persons interested in serving on such panels shall receive joint training in alternative dispute resolution together with zoning and land use training, which may be designed and overseen by the Carl Vinson Institute of Government in conjunction with the Association County Commissioners of



Georgia and the Georgia Municipal Association, provided such training is available.

- (e) At the time any person is selected to serve on a panel for any particular annexation dispute, he or she shall sign the following oath: "I do solemnly swear or affirm that I will faithfully perform my duties as an arbitrator in a fair and impartial manner without favor or affection to any party, and that I have not and will not have any ex parte communication regarding the facts and circumstances of the matters to be determined, other than communications with my fellow arbitrators, and will only consider, in making my determination, those matters which may lawfully come before me."

**36-36-115. Meetings of arbitration panel; duties; findings and recommendations; compensation**

- (a) (1) The arbitration panel appointed pursuant to Code Section 36-36-114 shall meet as soon after appointment as practicable and shall receive evidence and argument from the municipal corporation, the county, and the applicant or property owner and shall by majority vote render a decision which shall be binding on all parties to the dispute as provided for in this article not later than the sixtieth day following such appointment. The meetings of the panel in which evidence is submitted or arguments of the parties are made shall be open to the public pursuant to Chapter 14 of Title 50. The panel shall first determine the validity of the grounds for objection as specified in the objection. If an objection involves the financial impact on the county as a result of a change in zoning or land use or the provision of maintenance of infrastructure, the panel shall quantify such impact in terms of cost. As to any objection which the panel has determined to be valid, the panel, in its findings, may establish reasonable zoning, land use, or density conditions applicable to the annexation and propose any reasonable mitigating measures as to an objection pertaining to infrastructure demands.
- (2) In arriving at its determination, the panel shall consider:
  - (A) The existing comprehensive land use plans of both the county and city;
  - (B) The existing land use patterns in the area of the subject property;
  - (C) The existing zoning patterns in the area of the subject property;
  - (D) Each jurisdiction's provision of infrastructure to the area of the subject property;
  - (E) Whether the county has approved similar changes in intensity or allowable uses on similar developments in other unincorporated areas of the county;
  - (F) Whether the county has approved similar developments in other unincorporated areas of the county which have a similar impact on infrastructure as complained of by the county in its objection; and
  - (G) Whether the infrastructure or capital outlay project which is claimed adversely

impacted by the county in its objection was funded by a county-wide tax.

- (3) The county shall provide supporting evidence that its objection is consistent with its land use plan and the pattern of existing land uses and zonings in the area of the subject property.
  - (4) The county shall bear at least 75 percent of the cost of the arbitration. The panel shall apportion the remaining 25 percent of the cost of the arbitration equitably between the city and the county as the facts of the appeal warrant; provided, however, that if the panel determines that any party has advanced a position that is substantially frivolous, the costs shall be borne by the party that has advanced such position.
  - (5) The reasonable costs of participation in the arbitration process of the property owner or owners whose property is at issue shall be borne by the county and the city in the same proportion as costs are apportioned under paragraph (4) of this subsection.
  - (6) The panel shall deliver its findings and recommendations to the parties by certified mail or statutory overnight delivery.
- (b) If the decision of the panel contains zoning, land use, or density conditions, the findings and recommendations of the panel shall be recorded in the deed records of the county with a caption describing the name of the current owner of the property, recording reference of the current owner's acquisition deed and a general description of the property, and plainly showing the expiration date of any restrictions or conditions.
  - (c) The arbitration panel shall be dissolved on the tenth day after it renders its findings and recommendations but may be reconvened as provided in Code Section 36-36-116.
  - (d) The members of the arbitration panel shall receive the same per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.
  - (e) If the panel so agrees, any one or more additional annexation disputes which may arise between the parties prior to the panel's initial meeting may be consolidated for the purpose of judicial economy if there are similar issues of location or similar objections raised to such other annexations or the property to be annexed in such other annexations is within 2,500 feet of the subject property.

### **36-36-116. Appeal**

The municipal or county governing authority or an applicant for annexation may appeal the decision of the arbitration panel by filing an action in the superior court of the county within ten calendar days from receipt of the panel's findings and recommendations. The sole grounds for appeal shall be to correct errors of fact or of law, the bias or misconduct of an arbitrator, or the panel's abuse of discretion. The superior court shall schedule an expedited appeal and shall render a decision within 20 days from the date of filing. If the

court finds that an error of fact or law has been made, that an arbitrator was biased or engaged in misconduct, or that the panel has abused its discretion, the court shall issue such orders governing the proposed annexation as the circumstances may require, including remand to the panel. Any unappealed order shall be binding upon the parties. The appeal shall be assigned to a judge who is not a judge in the circuit in which the county is located.

**36-36-117. Annexation after conclusion of procedures; remedies for violations of conditions**

If the annexation is completed after final resolution of any objection, whether by agreement of the parties, act of the panel, or court order as a result of an appeal, the municipal corporation shall not change the zoning, land use, or density of the annexed property for a period of one year unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties. Following the conclusion of the dispute resolution process outlined in this article, the municipal corporation and an applicant for annexation may either accept the recommendations of the arbitration panel and proceed with the remaining annexation process or abandon the annexation proceeding. A violation of the conditions set forth in this Code section may be enforced thereafter at law or in equity until such conditions have expired as provided in this Code section.

**36-36-118. Abandonment of proposed annexation; remedies for violations of conditions**

If at any time during the proceedings the municipal corporation or applicant abandons the proposed annexation, the county shall not change the zoning, land use, or density affecting the property for a period of one year unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties. A violation of the conditions set forth in this Code section may be enforced thereafter at law or in equity until such period has expired. After final resolution of any objection, whether by agreement of the parties, act of the panel, or any appeal from the panel's decision, the terms of such decision shall remain valid for the one-year period and such annexation may proceed at any time during the one year without any further action or without any further right of objection by the county.

**Summary**

The subject property is currently zoned R-70 (Single-Family Residential) and is proposed for Office-Institutional (O-I) zoning in Tyrone. The subject property is designated as Low Density Residential (1 Unit/1 to 2 Acres) on the Fayette County Future Land Use Plan map.

The county governing authority may by majority vote to object to the annexation because of a material increase in burden upon the county. The material increase in burden upon the county must be directly related to any one or more of the following:

- (1) The proposed change in zoning or land use;
- (2) Proposed increase in density; and
- (3) Infrastructure demands related to the proposed change in zoning or land use.

The objection shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection. Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in (1), (2), and (3) above.

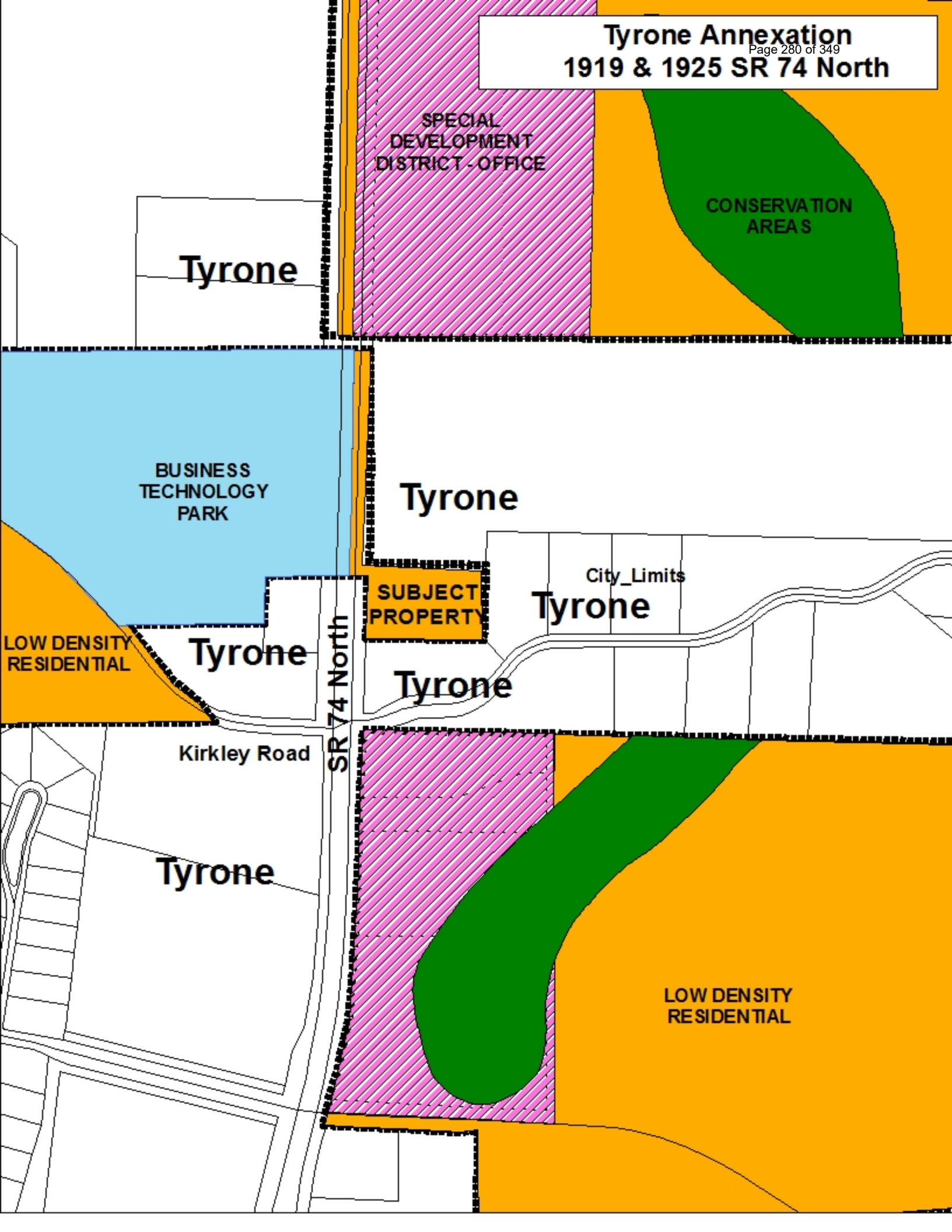
In order for an objection to be valid, the proposed change in zoning or land use must:

- (1) Result in:
  - (A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or
  - (B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in Code Section 48-8-110, which is furnished by the county to the area to be annexed; and
- (2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

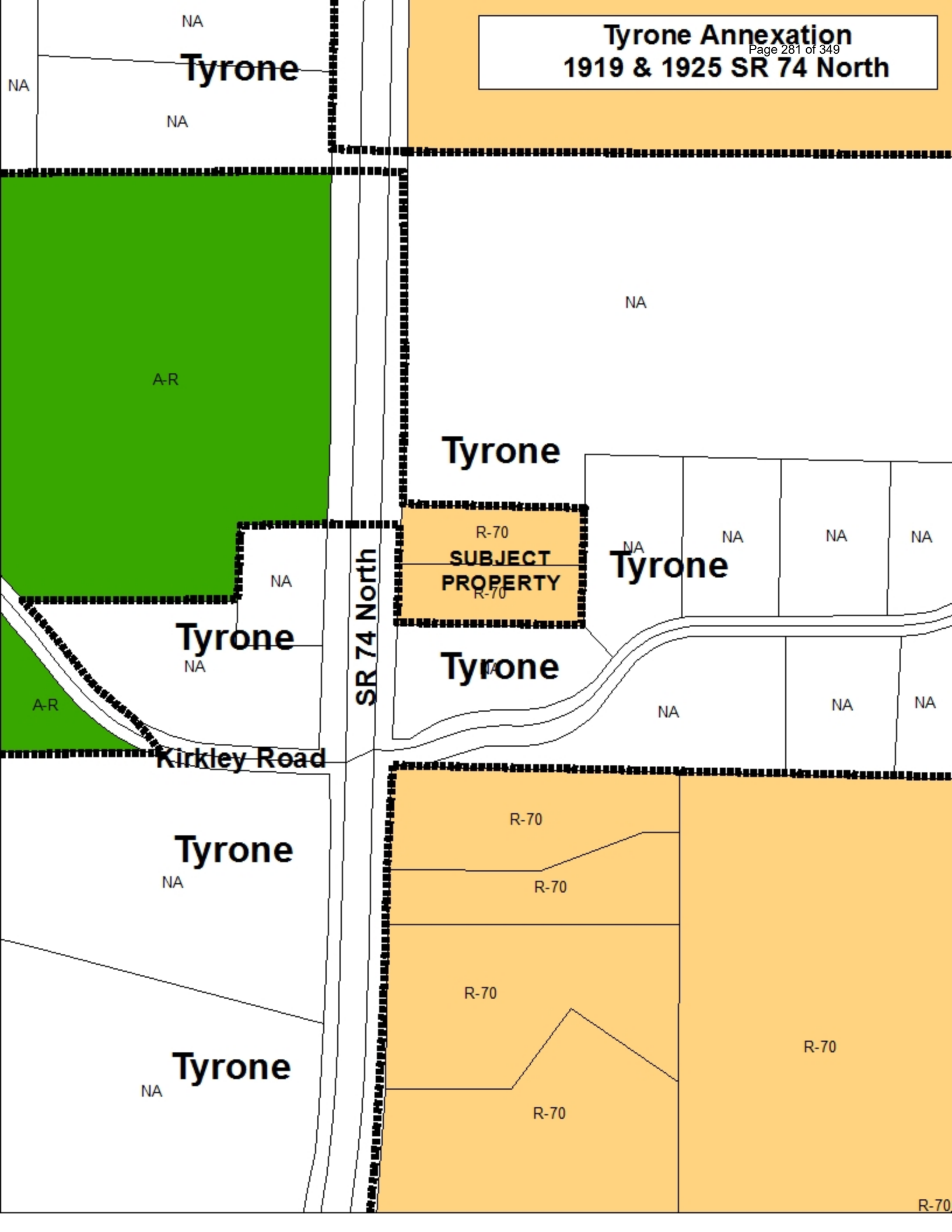
Staff finds no material increase in burden upon the county as a result of this annexation and rezoning of the subject property to O-I. While a rezoning to O-I could be considered a substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use, as part of the Comprehensive Plan update, staff is recommending that the subject property be included in the existing Special Development District – Office land use designation on SR 74 North. This update and recommendation was in the process prior to the notice of this annexation. In addition, the subject property is in affect an island largely surrounded by the Town of Tyrone and will have little or no effect on any properties in the unincorporated County. Therefore, the Planning and Zoning staff recommends that the Board of Commissioners not object to the annexation and rezoning of the subject property to O-I. (see State Law below). No County departments have voiced any concerns with the annexation (see DEPARTMENTAL COMMENTS above).

**Tyrone Annexation**  
1919 & 1925 SR 74 North

Page 280 of 349



**Tyrone Annexation  
1919 & 1925 SR 74 North**





**Tyrone Annexation**  
1919 & 1925 SR 74 North

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April 7, 2017

The Honorable Eric K. Maxwell  
Chairman, Fayette County Board of Commissioners  
140 Stonewall Avenue West, Suite 100  
Fayetteville, Georgia 30214

Re: Notice of Annexation – Town of Tyrone

Dear Mr. Maxwell:

Pursuant to O.C.G.A. § 36-36-111, the Town of Tyrone is hereby giving official notice of a proposed annexation by said Town. An application for annexation has been received by the Town from House Holdings LLC, owner of approximately 3 acres. A copy of the annexation petition is included. The annexation of these properties, listed below by owner and property tax identification number, shall be accomplished by ordinance of the Town of Tyrone in a regular meeting of our Mayor and Town Council. This matter has been calendared to appear before the Tyrone Planning Commission on May 25, 2017 and the Mayor and Town Council on June 1, 2017.

*Parcel ID: 0725 009, 1919 Highway 74 North, Owner House Holdings LLC, C/O Wade Lester*  
*Parcel ID: 0725 017, 1925 Highway 74 North, Owner House Holdings LLC, C/O Wade Lester*

The properties will be zoned to the Town's O-I (Office & Institutional) zoning district and will be indicated as Conservation/Community Gateway on the Town's future land use map. Any further questions about this matter may be directed to the Planning and Zoning Department for the Town of Tyrone.

Yours very truly,

Philip Trocquet  
Planning & Zoning Coordinator  
Town of Tyrone, Georgia

enclosures

cc: Mayor Eric Dial

Ms. Dee Baker

Incorporated 1911

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881 Senoia Road Tyrone, GA 30290  
Phone: (770) 487-4038 Fax: (770) 487-4529  
www.tyrone.org



House Holdings, LLC  
Wade Lester, President  
PO Box 3547  
Peachtree City, GA 30269  
770-527-2429  
[wade@wadelester.com](mailto:wade@wadelester.com)

Town of Tyrone  
C/O Phillip Trocquet  
Planning & Zoning Coordinator  
881 Senoia Rd  
Tyrone, GA 30290  
770-487-4038 ext 108  
Fax 770-487-4529  
[ptrocquet@tyrone.org](mailto:ptrocquet@tyrone.org)

RE: Annexation and Rezoning of 1919 & 1925 Highway 74 N, Tyrone, GA 30290

To Whom it May Concern,

House Holdings LLC purchased the adjacent properties at 1919 & 1925 Highway 74 in October 2016. We propose the properties be rezoned from low density residential to Office Institutional.

#### Analysis

- I. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties: Whether the zoning proposal would adversely affect the existing use or usability of adjacent nearby properties;
  - a. The property to the north on 74 is a commercial property C-2, Wendell Coffee Golf Center, on approximately 50 acres located at 1963 Highway 74 N. This property is used as a small golf and events center. Discussions have already occurred about improving the relationships between the Wendell property and the subject property by beginning discussions on removing the dilapidated home on the corner of their property closest to the subject property. As this is a commercial property, continued relationships between future commercial businesses at the subject property would be encouraged and beneficial to both locations. Across the street on hwy 74 South are also offices and commercial properties and businesses utilizing the hwy 74 traffic count for location and visibility. Based on the subject properties location and high traffic count the highest and best use of the subject properties shall be office commercial.
  - b. The property directly south on 74 is currently residential. 100 westbourne drive, This property is owned by pulte homes and is currently an out parcel to the subdivision river oaks.

- c. The rear of the property (west on the map) shares a boundary with 120 Westbourne Dr. This is the first residential home in River Oaks. There is a thick line of trees between the subject property and the home on 120 Westbourne Dr. The subject property is deep, with 1.6 acres and 120 Westbourne Dr has over two acres. Current planned use of the subject property as a small office would not adversely affect 120 Westbourne Dr.
  - d. Direct across the street, 1918-1922 Highway 74 N, Tyrone, GA, is a commercial development with multiple commercial spaces and a parking lot. There is also a billboard.
- II. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
  - a. As the subject property is located on a busy highway, the noise, lack of privacy, and increased safety concern makes it less desirable for residential use.
- III. Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
  - a. There is already a driveway onto 74, while a few more cars may use it each day, it would not add an excessive or burdensome amount. There are two locations for u-turns within about half a mile north and less than 500 ft south of the subject without having to use a traffic light.
  - b. The property is on septic, Fayette County Water System, and Coweta-Fayette EMC. While a formal study has not been conducted, we estimate a similar or lower usage on utilities than a single family home as the facility will be used less hours and for fewer activities. House Holdings LLC had the water meter installed to remove the water lines for the exiting well on the property. The property was not previously serviced by high speed internet, but plans are in the work with Comcast to provide the lines and service.
  - c. There is not a direct impact on the school system at this time; the former owners did not have students attending the schools.
- IV. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Land Use Plan;
  - a. Fayette County Comprehensive Plan 2004-2025 (FCCP)  
The Fayette County Comprehensive Plan shows the expansion of municipal growth from 1985-2003 (pg L-7 of FCCP). In regards to the annexation, this property is long overdue as the majority of the surrounding land has been annexed into the town of Tyrone. The subject property falls in the SR 74 North Overlay District (pgs L-18 through L-22). This plan details a future East Side Special Development District with all land within 800 feet of Highway 74 zoned as Office-Institutional. While the subject property is not referenced, almost all other properties on the East side of 74 from Sandy Creek Rd to the Fulton County line are included in plans for the future development with a service road to alleviate curb cuts on 74. The subject property moves toward that plan by bringing additional office use to Highway 74.
  - b. Town of Tyrone: 2027 Comprehensive Plan Draft Community Agenda (Only Draft available online)

The subject properties are located along the Highway 74 Corridor mentioned on page 13. Current plans only include adding additional parking spots and include additional landscaping around future approved signs to be installed. No additional curb cuts will be necessary.

House Holdings, LLC  
Wade Lester, President  
PO Box 3547  
Peachtree City, GA 30269  
770-527-2429  
[wade@wadelester.com](mailto:wade@wadelester.com)

Town of Tyrone  
C/O Phillip Trocquet  
Planning & Zoning Coordinator  
881 Senoia Rd  
Tyrone, GA 30290  
770-487-4038 ext 108  
Fax 770-487-4529  
[ptrocquet@tyrone.org](mailto:ptrocquet@tyrone.org)

April 5<sup>th</sup>, 2017

RE: Names and Addresses of the owners of the land and their agents, if any, and any abutting land owners.

Subject Properties

1. 1919 and 1975 Highway 74 N, Tyrone, GA
  - a. Owner: House Holdings LLC (Robert W Lester and David Hollingsworth)
  - b. Address: PO Box 3547, Peachtree City, GA 30269
  - c. Agent: Wade Lester, Keller Williams Realty, 770-486-1191
    - i. 1200 Commerce Drive, Suite 110, Peachtree City, GA 30269

Abutting Land

1. Wendell Coffee Golf Center - 1963 Highway 74 N, Tyrone, GA 30290 (Shares property line with side of 1925)
  - a. Owner: Wendell G Coffee
  - b. Address: 407 Robinson Rd, Peachtree City, GA 30269
2. 100 Westbourne Dr, Tyrone, GA 30290 (Shares side property line with 1919, located at corner of 74 & Westbourne. Land is undeveloped)
  - a. Owner: Pulte Home Corp
  - b. Address: 3350 Peachtree Rd NE, Ste 150, Atlanta, GA 30326
3. 120 Westbourne Dr, Tyrone, GA 30290 (Touches rear border of both properties)
  - a. Owner: John T Weaver
  - b. Address: 120 Westbourne Dr, Tyrone, GA 30290
4. 140 Westbourne Dr, Tyrone, GA 30290 (just over 240 feet from rear property lines)
  - a. Owner: Roderick Sharper
  - b. Address: 140 Westbourne Dr, Tyrone, GA 30290
5. 125 Westbourne Dr, Tyrone, GA 30290 (about 150 feet from southeast corner of 1919)
  - a. Owner: Paul R and Sandra M McKoy
  - b. Address: 125 Westbourne Dr, Tyrone, GA 30290

6. 1918 and 1922 Highway 74 N, Tyrone, GA 30290 (Directly across 74)
  - a. Owner: Pars Holdings LLC
  - b. PO Box 2369, Acworth, GA 30102
7. Plantation Dr (Across 74 to north)
  - a. Owners: Mary Helen and Howard George Whitlock
  - b. Address: 2245 Plantation Dr, East Point, GA 30344
8. Storage XXtra – 109 Kirkley Rd (Across street, corner of 74 and Kirkley)
  - a. Owner: Storage Xxtra Hwy 74 North LLC
  - b. Address: 5977 Whitesville Rd Ste 2, Columbus, GA 31904



**TOWN OF TYRONE**

Planning & Development  
 881 Senoia Road  
 Tyrone GA, 30290  
 (770) 487-4038

Tax Map Number: 0725 071 Date 4/3/2017

Date Annexation will become effective and official: 5/5/2017

Address of subject property: <sup>1919</sup>1925 Highway 74 N. Tyrone, GA  
30290


Owner of Property: House Holdings LLC

Owner's Address: PO BOX 3547 Peachtree City, GA 30269

Telephone Number: 770-527-2429

Housing Units: 1 EACH Other Buildings: Old sheds

- ☒ A. If the owner and the applicant are not the same, please complete Attachment 1.
- ☒ B. Site Plan – Showing the location of existing buildings and other improvements.
- C. Property Description – A legal description and plat.
- D. Meeting Dates and Process of Applications.- See Attachment 2
- E. Fee- No fees required.
- F. Authorization to Inspect Premises – I hereby authorize the Town of Tyrone Council,  
 the Planning Commission and their staff to inspect the premises which is the subject  
 of this annexation application
- G. Petition Requesting Annexation – Owner must complete Attachment 3.

  
 Signature

  
 Signature

## PETITION REQUESTING ANNEXATION

## TOWN OF TYRONE, GEORGIA

DATE 4/3/2017

## TO THE HONORABLE TOWN COUNCIL OF THE TOWN OF TYRONE, GEORGIA

1. The undersigned, as owner of all real property of the territory described herein, respectfully request that the Town of Tyrone Council annex this territory to the Town of Tyrone, Georgia and extend the City boundaries to include the same.
2. The territory to be annexed abuts the existing boundary of Tyrone, Georgia and the description of such territory area is as follows:

## Address/Location of Property:

1919 1925 Highway 74 N, Tyrone, GA 30290Tax Map Number: 0725 017

3. It is requested that this territory to be annexed shall be zoned: O/I

## For the following reasons:

TOWN Services, Location near other Properties Surrounded  
By Tyrone.

WHEREFORE, the Petitioners pray that the Town Council of the Town of Tyrone, Georgia pursuant to the provision of the Acts of the General Assembly of the State of Georgia, Georgia Laws, 1946, do by proper ordinance annex said property to the Town Limits of Tyrone, Georgia.

Respectfully Submitted,



Owners

**AUTHORIZATION BY PROPERTY OWNER**

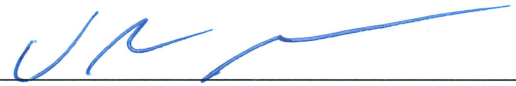
**I Swear That I Am The Owner Of The Property Which Is The Subject Matter Of The Attached Application, As Is Shown In The Records Of Fayette County, Georgia. I Authorize The Person Named Below To Act As Applicant In The Pursuit Of An Annexation Request Of This Property.**

Name of Applicant House Holdings LLC / Wade Lester - President

Address 1919, 1925 Highway 74 N, . . . . .

Tyrone GA 30290  
City State Zip Code

Telephone Number 770- 527- 2429

  
Signature of Owner

**ATTACHMENT 3**



## **APPLICATION FOR ANNEXATION**

**One (1) original and 10 copies of application and all other required items must be submitted to the Zoning Department. All information to be presented to the Planning Commission and Town Council should be assembled. This application will not be processed any items are missing or if the appropriate fee does not accompany it.**

### **Application Type    100%    60%**

Completed application forms signed by 100% of the land owners and/or electors (in the case of existing residential property owners) residing in the area to be annexed and by owners of not less than 100% of the total land area, by acreage. The application contains a "Contiguity Statement" which must be signed by an engineer or surveyor of the month.

Current land survey by a registered surveyor that includes a legal description and lists acreage to be annexed.

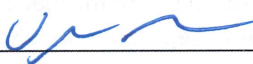

Utility Availability Letters – A letter from the following service providers must be obtained: Georgia Power, Atlanta Gas Light, Bell South, Fayette County (water and sewer availability) and Fayette County Board of Education (discussing impact the development will have on schools in the area).

Attach names and addresses of owners of all property within 250 feet of the subject property (from County Tax Assessors Office). Once an application has been accepted for presentation the applicant must also demonstrate that all property owners within 250 feet of the subject property have been notified of the Public Hearings (see sample letter).

Application Fee of \$350.00 - If advertising fee exceeds the \$350.00, you will be billed any additional amount spent on advertising. It is necessary for this fee to be paid prior to any meeting dates. Petitioner will be notified by Certified Mail of the scheduled Public

**Petitioner will be notified by Certified Mail of the scheduled Public Hearing for which his/her application will be considered.**

We, the undersigned, all of the owners of all real property of the territory described herein respectfully request that the Town Council annex this territory to the Town of Tyrone, Georgia, and extend the town boundaries to include the same.

Name (Print)	Address	Signature	Date ( Print)
1. Wade Lester	1919 Hwy 74 north Tyrone GA 30290		4-5-2017
2. Wade Lester	1925 Hwy 74 north		4-5-2017
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Property Owner's Authorization

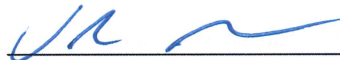
The Undersigned below, or as attached, is the owner of the property which is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a rezoning of the property.

Name of Applicant Wade Lester

Telephone Number 770-527-2429

Address of Subject Property 1919, 1925 Hwy 74 North, Tyron GA 30293

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Fayette County, Georgia.

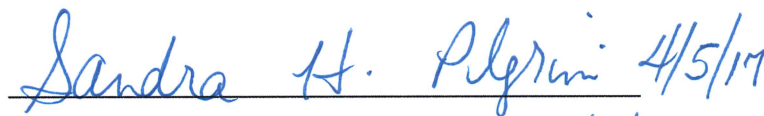


Signature of Owner

Personally appeared before me



Who swears the information contained in this authorization is true and correct to the best of his/her knowledge and belief.



Notary Public

Date 4/5/17

(Affix Raised Seal Here)

Sandra H Pilgrim  
Notary Public, Coweta County, GA  
My Commission Expires Sept. 21, 2019

# COUNTY AGENDA REQUEST

Page 295 of 349

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of the City of Fayetteville annexation of 1373 SR 85 North and the rezoning of said property from A-R (Agricultural-Residential) to C-3 (Highway-Commercial) and of 135 and 145 Walker Pkwy including an undeveloped lot between 121 and 135 Walker Pkwy and the rezoning of said properties from C-H (Highway-Commercial) to C-3 (Highway-Commercial).

## Background/History/Details:

The City of Fayetteville has notified Fayette County of an application to annex 1373 SR 85 North and 135 and 145 Walker Pkwy including an undeveloped lot between 121 and 135 Walker Pkwy these properties consist of a total of 9.81 acres. The City has also notified the County of its intention to rezone the property from A-R (Agricultural-Residential) and C-H (Highway-Commercial) to C-3 (Highway-Commercial).

The county's governing authority may either "object" to the annexation, by majority vote, or choose not to object to the annexation request.

Per Section 36-36-113 of the Georgia Code, Fayette County must deliver their objection to the annexation by certified mail or statutory overnight delivery not later than the end of the thirtieth calendar day following receipt of the notice. The deadline for delivery of an objection is May 10, 2017.

Staff finds no material increase in burden upon the county as a result of this annexation and rezoning of the subject property to C-3.

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

Staff recommends that the BOC not object to the Fayetteville annexation of 1373 SR 85 North and the rezoning of said property from A-R (Agricultural-Residential) to C-3 (Highway-Commercial) 135 and 145 Walker Pkwy including an undeveloped lot between 121 and 135 Walker Pkwy and the rezoning of said properties from C-H (Highway-Commercial) to C-3 (Highway-Commercial).

## 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:

To: Board of Commissioners

From: Pete Frisina

Date: April 10, 2017

Re: Fayetteville Annexation Request for 1373 SR 85 North, Fayetteville, GA 30214  
Property Tax ID#: 05-38-026, 135 Walker Pkwy, Fayetteville, GA 30214  
Property Tax ID#: 05-38-092, 145 Walker Pkwy, Fayetteville, GA 30214  
Property Tax ID#: 05-38-081 and an undeveloped lot between 121 and 135  
Walker Pkwy Property Tax ID#: 05-38-101

---

Fayetteville has received a request for annexation of the above-referenced properties and indicates the intent to rezone approximately 9.81 acres from A-R (Agricultural-Residential) and C-H (Highway-Commercial) to C-3 (Highway-Commercial). The parcel at 1373 SR 85 North is zoned A-R and contains a single-family residence. The parcel at 135 Walker Pkwy is zoned C-H and contains an automotive repair business. The parcel at 145 Walker Pkwy is zoned C-H and contains a multi-tenant commercial building. The parcel between 121 and 135 Walker Pkwy is zoned C-H and is undeveloped. The annexation application indicates a retail commercial shopping center is proposed.

### **History**

The properties on Walker Pkwy were zoned C-H in 1973, Petition 272-73. These lots are part of the Final Plat for the North Huntington Park nonresidential subdivision recorded on July 14, 1983. A revision to the North Huntington Park Final Plat was recorded on June 20, 1988.

Rezoning Petition 1258-16 to rezone 1373 SR 85 North, Fayetteville, GA 30214 from A-R to C-H was withdrawn prior to Public Hearings.

A previous annexation and rezoning (C-2) request for 1373 SR 85 North, Fayetteville, GA 30214 was proposed in July of 2016. The County did object to the annexation and rezoning. The city did not approve the annexation.

## **General Description**

The proposed annexation would not create an island. The subject property abuts the following:

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
North	2.05	C-3 (Fayetteville)	Commercial	Neighborhood Mixed Use (Fayetteville) Commercial
	1.38	C-H	Commercial	
South	1.40	R-40	Residential	Low Density Residential (1 Unit/1 to 2 Acres) Commercial
	1.00	C-H	Commercial	
	1.72	C-H	Commercial	
	1.00	C-H	Undeveloped	
	0.75	C-H	Commercial	Neighborhood Mixed Use (Fayetteville)
	0.92	C-3 (Fayetteville)	Commercial	
East	1.00	R-40	Residential	Low Density Residential (1 Unit/1 to 2 Acres)
West (across SR 85)	2.50	C-2 (Fayetteville)	Commercial	Highway Commercial (Fayetteville)
	1.35	C-2 (Fayetteville)	Commercial	

## **Current County Land Use**

The majority of the subject properties are designated as Commercial on the Fayette County Future Land Use Plan map (see attached land use plan map.)

## **DEPARTMENTAL COMMENTS**

**Planning and Zoning:** The subject property is currently zoned A-R and C-H and is proposed for C-3 zoning in Fayetteville. A majority of the subject property is currently designated Commercial on the Fayette County Future Land Use Plan map (see attached LUP map).

The county governing authority may by majority vote to object to the annexation because of a material increase in burden upon the county. The material increase in burden upon the county must be directly related to any one or more of the following:

- (1) The proposed change in zoning or land use;
- (2) Proposed increase in density; and
- (3) Infrastructure demands related to the proposed change in zoning or land use.

The objection shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection. Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in (1), (2), and (3) above.

In order for an objection to be valid, the proposed change in zoning or land use must:

- (1) Result in:
  - (A) A substantial change in the intensity of the allowable use of the property or a

- change to a significantly different allowable use; or
- (B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in Code Section 48-8-110, which is furnished by the county to the area to be annexed; and
- (2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

Planning and Zoning Staff finds no material increase in burden upon the county as a result of this annexation and rezoning of the subject property to C-3 (see State Law below). Staff has spoken to Fayetteville Staff recommending a privacy fence as a condition of zoning along the rear portion of the property adjacent to two residential lots in Huntington Creek subdivision.

**Fire/EMS:** Opposed to the annexation due to the loss of Fire Tax revenues.

**Sheriff's Office:** No issues here.

**Water System:** Access to water is on the opposite side of S.R 85. 10" C900 water main.

**Public Works/Engineering:**

1. Annexation of these parcels would put a portion of Walker Parkway fully within the City Limits and under the City's responsibility for operations and maintenance. However, the line between City and County ownership would be mid-block and difficult to keep straight over time.

To simplify future emergency response and road maintenance activities, Public Works recommends that the segment of Walker Pkwy from SR 85 to the "T" intersection (approximately 400') be fully assumed by the City. Fayette County will maintain operations and maintenance on the portion of Walker Pkwy perpendicular to Ellis Rd, including the cul-de-sac portion. This segment has a total distance of approximately 675'.

Engineering has discussed this with Fayetteville Public Works and both Departments are supportive. If the annexation is approved, staff will prepare an IGA for the Board's consideration to clarify the city/county limits with respect to road operations and maintenance.

2. Access to SR 85 is controlled and regulated by GDOT.
3. Inter-parcel access would be required by the County, as shown on the provided concept.
4. An existing traffic signal at Ellis Road, and right-in/right-out driveways on SR 85 will help to minimize traffic impacts associated with the development.

**Environmental Health:** This department has no objection to the proposed annexation request.

**Environmental Management:**

- Floodplain** The property **DOES NOT** contain floodplain per FEMA FIRM panels 13113C00102E and 13113C00106 dated Sept 26, 2008. The property **DOES NOT** contain floodplain delineated in the Fayette County 2013 Future Conditions Flood Study.
- Wetlands** The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. A more detailed study may be required upon staff field inspection. Per Section 8-4 of Fayette County Development Regulations, the applicant must obtain all required permits from the U.S. Army Corps of Engineers prior to issuance of any permits from Fayette County for any phase of development affecting wetlands.
- Watershed** Watershed Protection **DOES NOT** apply.
- Groundwater** The property **IS NOT** within a groundwater recharge area.
- Stormwater** This development **IS** subject to the Post-Development Stormwater Management Ordinance.

**STATE LAW****TITLE 36. LOCAL GOVERNMENT****PROVISIONS APPLICABLE TO MUNICIPAL CORPORATIONS ONLY****CHAPTER 36. ANNEXATION OF TERRITORY****ARTICLE 7. PROCEDURE FOR RESOLVING ANNEXATION DISPUTES*****36-36-113. Objection to annexation; grounds and procedures***

- (a) The county governing authority may by majority vote to object to the annexation because of a material increase in burden upon the county directly related to any one or more of the following:
- (1) The proposed change in zoning or land use;
  - (2) Proposed increase in density; and
  - (3) Infrastructure demands related to the proposed change in zoning or land use.
- (b) Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in paragraphs (1), (2), and (3) of subsection (a) of this Code section.
- (c) The objection provided for in subsection (a) of this Code section shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection and shall be delivered to the municipal governing authority by certified mail or statutory overnight delivery to be received not later than the end of the



thirtieth calendar day following receipt of the notice provided for in Code Section 36-36-111.

- (d) In order for an objection pursuant to this Code section to be valid, the proposed change in zoning or land use must:
  - (1) Result in:
    - (A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or
    - (B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in Code Section 48-8-110, which is furnished by the county to the area to be annexed; and
  - (2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

**36-36-114. Arbitration panel; composition and membership**

- (a) Not later than the fifteenth calendar day following the date the municipal corporation received the first objection provided for in Code Section 36-36-113, an arbitration panel shall be appointed as provided in this Code section.
- (b) The arbitration panel shall be composed of five members to be selected as provided in this subsection. The Department of Community Affairs shall develop three pools of arbitrators, one pool which consists of persons who are currently or within the previous six years have been municipal elected officials, one pool which consists of persons who are currently or within the previous six years have been county elected officials, and one pool which consists of persons with a master's degree or higher in public administration or planning and who are currently employed by an institution of higher learning in this state, other than the Carl Vinson Institute of Government. The pool shall be sufficiently large to ensure as nearly as practicable that no person shall be required to serve on more than two panels in any one calendar year and serve on no more than one panel in any given county in any one calendar year. The department is authorized to coordinate with the Georgia Municipal Association, the Association County Commissioners of Georgia, the Council of Local Governments, and similar organizations in developing and maintaining such pools.
- (c) Upon receiving notice of a disputed annexation, the department shall choose at random four names from the pool of municipal officials, four names from the pool of county officials, and three names from the pool of academics; provided, however, that none of such selections shall include a person who is a resident of the county which has interposed the objection or any municipal corporation located wholly or partially in such county. The municipal corporation shall be permitted to strike or excuse two of the names chosen from the county officials pool; the county shall be permitted to strike or excuse

two of the names chosen from the municipal officials pool; and the county and municipal corporation shall each be permitted to strike or excuse one of the names chosen from the academic pool.

- (d) Prior to being eligible to serve on any of the three pools, persons interested in serving on such panels shall receive joint training in alternative dispute resolution together with zoning and land use training, which may be designed and overseen by the Carl Vinson Institute of Government in conjunction with the Association County Commissioners of Georgia and the Georgia Municipal Association, provided such training is available.
- (e) At the time any person is selected to serve on a panel for any particular annexation dispute, he or she shall sign the following oath: "I do solemnly swear or affirm that I will faithfully perform my duties as an arbitrator in a fair and impartial manner without favor or affection to any party, and that I have not and will not have any ex parte communication regarding the facts and circumstances of the matters to be determined, other than communications with my fellow arbitrators, and will only consider, in making my determination, those matters which may lawfully come before me."

**36-36-115. Meetings of arbitration panel; duties; findings and recommendations; compensation**

- (a) (1) The arbitration panel appointed pursuant to Code Section 36-36-114 shall meet as soon after appointment as practicable and shall receive evidence and argument from the municipal corporation, the county, and the applicant or property owner and shall by majority vote render a decision which shall be binding on all parties to the dispute as provided for in this article not later than the sixtieth day following such appointment. The meetings of the panel in which evidence is submitted or arguments of the parties are made shall be open to the public pursuant to Chapter 14 of Title 50. The panel shall first determine the validity of the grounds for objection as specified in the objection. If an objection involves the financial impact on the county as a result of a change in zoning or land use or the provision of maintenance of infrastructure, the panel shall quantify such impact in terms of cost. As to any objection which the panel has determined to be valid, the panel, in its findings, may establish reasonable zoning, land use, or density conditions applicable to the annexation and propose any reasonable mitigating measures as to an objection pertaining to infrastructure demands.
- (2) In arriving at its determination, the panel shall consider:
  - (A) The existing comprehensive land use plans of both the county and city;
  - (B) The existing land use patterns in the area of the subject property;
  - (C) The existing zoning patterns in the area of the subject property;
  - (D) Each jurisdiction's provision of infrastructure to the area of the subject property;
  - (E) Whether the county has approved similar changes in intensity or allowable uses on similar developments in other unincorporated areas of the county;

- (F) Whether the county has approved similar developments in other unincorporated areas of the county which have a similar impact on infrastructure as complained of by the county in its objection; and
  - (G) Whether the infrastructure or capital outlay project which is claimed adversely impacted by the county in its objection was funded by a county-wide tax.
- (3) The county shall provide supporting evidence that its objection is consistent with its land use plan and the pattern of existing land uses and zonings in the area of the subject property.
  - (4) The county shall bear at least 75 percent of the cost of the arbitration. The panel shall apportion the remaining 25 percent of the cost of the arbitration equitably between the city and the county as the facts of the appeal warrant; provided, however, that if the panel determines that any party has advanced a position that is substantially frivolous, the costs shall be borne by the party that has advanced such position.
  - (5) The reasonable costs of participation in the arbitration process of the property owner or owners whose property is at issue shall be borne by the county and the city in the same proportion as costs are apportioned under paragraph (4) of this subsection.
  - (6) The panel shall deliver its findings and recommendations to the parties by certified mail or statutory overnight delivery.
- (b) If the decision of the panel contains zoning, land use, or density conditions, the findings and recommendations of the panel shall be recorded in the deed records of the county with a caption describing the name of the current owner of the property, recording reference of the current owner's acquisition deed and a general description of the property, and plainly showing the expiration date of any restrictions or conditions.
  - (c) The arbitration panel shall be dissolved on the tenth day after it renders its findings and recommendations but may be reconvened as provided in Code Section 36-36-116.
  - (d) The members of the arbitration panel shall receive the same per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.
  - (e) If the panel so agrees, any one or more additional annexation disputes which may arise between the parties prior to the panel's initial meeting may be consolidated for the purpose of judicial economy if there are similar issues of location or similar objections raised to such other annexations or the property to be annexed in such other annexations is within 2,500 feet of the subject property.

### **36-36-116. Appeal**

The municipal or county governing authority or an applicant for annexation may appeal the decision of the arbitration panel by filing an action in the superior court of the county

within ten calendar days from receipt of the panel's findings and recommendations. The sole grounds for appeal shall be to correct errors of fact or of law, the bias or misconduct of an arbitrator, or the panel's abuse of discretion. The superior court shall schedule an expedited appeal and shall render a decision within 20 days from the date of filing. If the court finds that an error of fact or law has been made, that an arbitrator was biased or engaged in misconduct, or that the panel has abused its discretion, the court shall issue such orders governing the proposed annexation as the circumstances may require, including remand to the panel. Any unappealed order shall be binding upon the parties. The appeal shall be assigned to a judge who is not a judge in the circuit in which the county is located.

**36-36-117. Annexation after conclusion of procedures; remedies for violations of conditions**

If the annexation is completed after final resolution of any objection, whether by agreement of the parties, act of the panel, or court order as a result of an appeal, the municipal corporation shall not change the zoning, land use, or density of the annexed property for a period of one year unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties. Following the conclusion of the dispute resolution process outlined in this article, the municipal corporation and an applicant for annexation may either accept the recommendations of the arbitration panel and proceed with the remaining annexation process or abandon the annexation proceeding. A violation of the conditions set forth in this Code section may be enforced thereafter at law or in equity until such conditions have expired as provided in this Code section.

**36-36-118. Abandonment of proposed annexation; remedies for violations of conditions**

If at any time during the proceedings the municipal corporation or applicant abandons the proposed annexation, the county shall not change the zoning, land use, or density affecting the property for a period of one year unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties. A violation of the conditions set forth in this Code section may be enforced thereafter at law or in equity until such period has expired. After final resolution of any objection, whether by agreement of the parties, act of the panel, or any appeal from the panel's decision, the terms of such decision shall remain valid for the one-year period and such annexation may proceed at any time during the one year without any further action or without any further right of objection by the county.

**Summary**

The subject property is currently zoned A-R and C-H and is proposed for C-3 zoning in Fayetteville. A majority of the subject property is currently designated Commercial on the Fayette County Future Land Use Plan map (see attached LUP map).

The county governing authority may by majority vote to object to the annexation because of a material increase in burden upon the county. The material increase in burden upon the county must be directly related to any one or more of the following:

- (1) The proposed change in zoning or land use;
- (2) Proposed increase in density; and
- (3) Infrastructure demands related to the proposed change in zoning or land use.

The objection shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection. Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in (1), (2), and (3) above.

In order for an objection to be valid, the proposed change in zoning or land use must:

- (1) Result in:
  - (A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or
  - (B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in Code Section 48-8-110, which is furnished by the county to the area to be annexed; and
- (2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

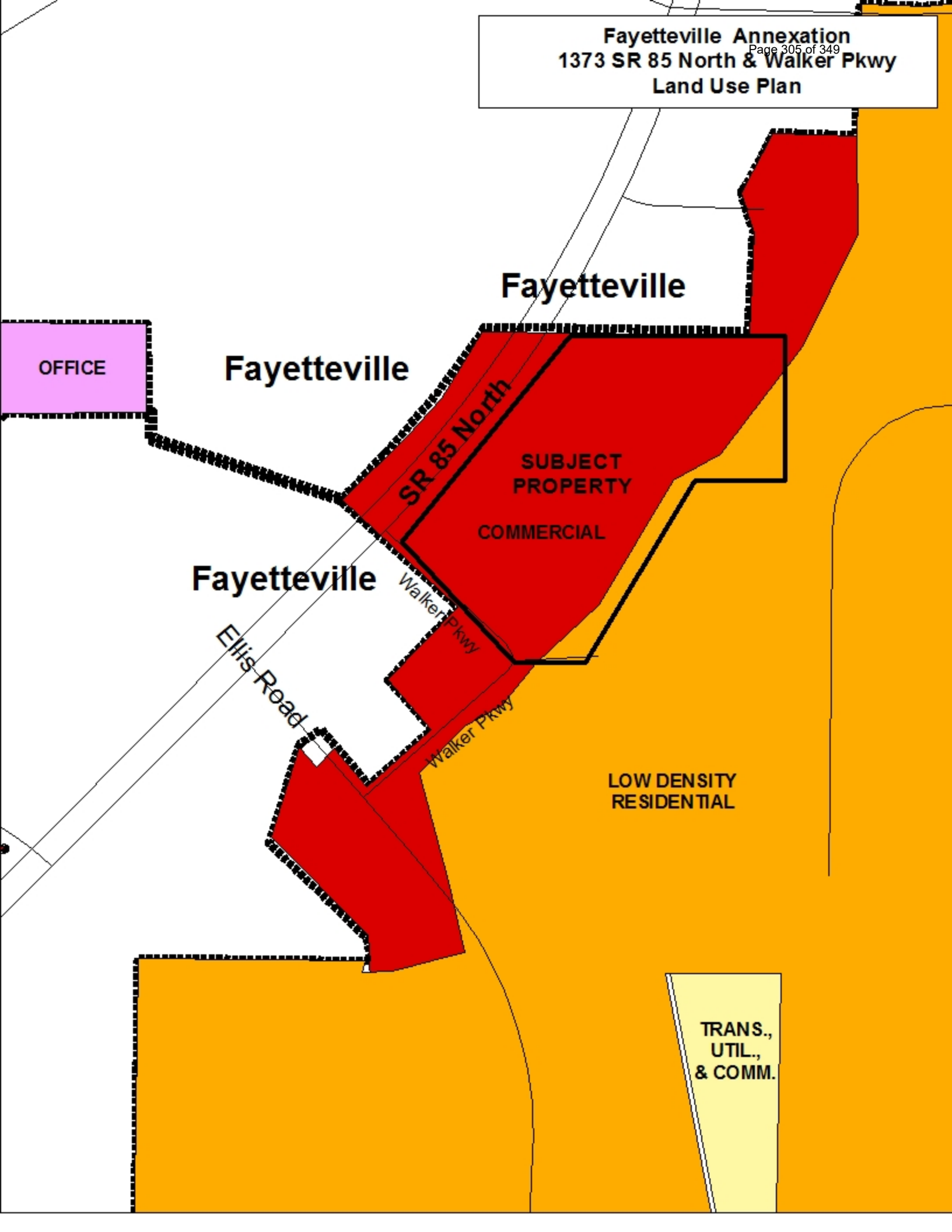
Planning and Zoning Staff finds no material increase in burden upon the county as a result of this annexation and rezoning of the subject property to C-3. Fire is opposed to the annexation due to the loss of Fire Tax revenues.

Planning and Zoning Staff has spoken to Fayetteville Staff recommending a privacy fence as a condition of zoning along the rear portion of the property adjacent to two residential lots in Huntington Creek Subdivision.

The Public Works/Engineering department indicates that a portion of Walker Parkway will be fully within the Fayetteville City Limits and under the City's responsibility for operations and maintenance but the line between City and County ownership would be mid-block and difficult to keep straight over time. The Public Works/Engineering department recommends that the segment of Walker Parkway from SR 85 to the "T" intersection (approximately 400') be fully assumed by the City and Fayette County will maintain operations and maintenance on the portion of Walker Pkwy perpendicular to Ellis Rd, including the cul-de-sac portion. This has discussed with Fayetteville Public Works and both Departments are supportive. The County Attorney recommends, if the annexation is approved and both jurisdictions are agreeable, that the portion of right-of-way in the unincorporated County on the aforementioned segment of Walker Parkway be conveyed from the County to the City of Fayetteville using a metes and bounds description of the affected right-of-way.

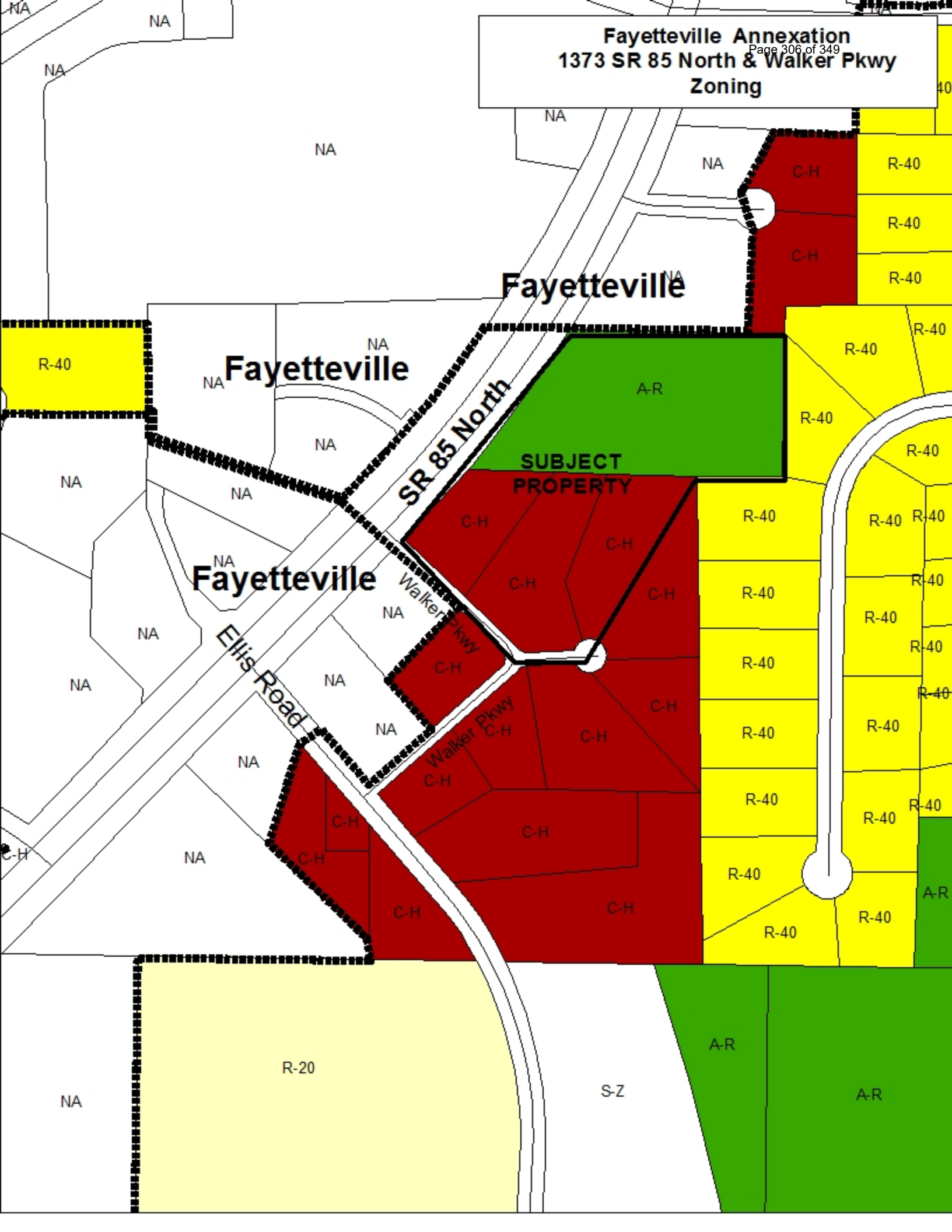
**Fayetteville Annexation**  
1373 SR 85 North & Walker Pkwy  
Land Use Plan

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**Fayetteville Annexation**  
1373 SR 85 North & Walker Pkwy  
Zoning

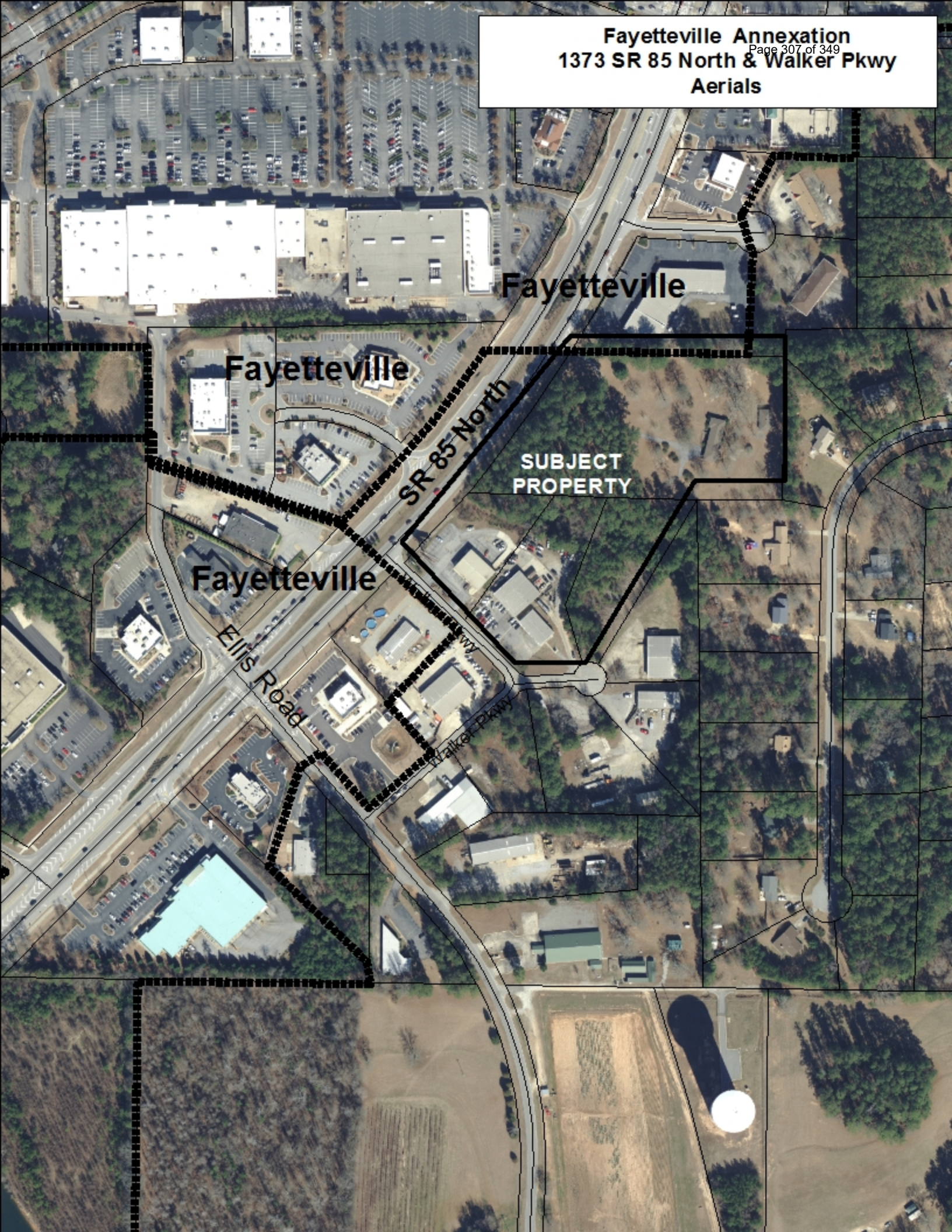
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**Fayetteville Annexation**  
1373 SR 85 North & Walker Pkwy  
Aerials

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# COUNTY AGENDA REQUEST

Page 308 of 349

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of the City of Fayetteville annexation of 0.96 acres and the rezoning of said property from R-20 (Single-Family-Residential) to C-3 (Highway-Commercial). This subject property is a portion of a 28 acre parcel fronting on Ellis Road.

## Background/History/Details:

The City of Fayetteville has notified Fayette County of an application to annex 0.96 acres. The City has also notified the County of its intention to rezone the property from R-20 (Single-Family-Residential) to C-3 (Highway-Commercial).

The county's governing authority may either "object" to the annexation, by majority vote, or choose not to object to the annexation request.

Per Section 36-36-113 of the Georgia Code, Fayette County must deliver their objection to the annexation by certified mail or statutory overnight delivery not later than the end of the thirtieth calendar day following receipt of the notice. The deadline for delivery of an objection is May 14, 2017.

Staff finds no material increase in burden upon the county as a result of this annexation and rezoning of the subject property to C-3.

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

Staff recommends that the BOC not object to the Fayetteville annexation of 0.96 acres and the rezoning of said property from R-20 (Single-Family-Residential) to C-3 (Highway-Commercial).

## 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:

To: Board of Commissioners

From: Pete Frisina

Date: April 14, 2017

Re: Fayetteville Annexation Request for Lidl Property Addition - A Portion (0.96 acres) of Parcel #05-38-032

---

Fayetteville has received a request for the annexation of a portion (0.96 acres - 75' x 550') of parcel #05-38-032. The annexation notice from Fayetteville indicates the intent to annex and rezone the subject property to C-3 (Highway-Commercial). The annexation application indicates that the subject property will be added to the rear of the existing J&R Clothing Shopping Center to allow the construction of a grocery store through the redevelopment of the shopping center property.

### **General Description**

The proposed annexation would not create an island. The subject property abuts the following:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	4.0	C-2 (Fayetteville)	Commercial Shopping Center	Neighborhood Mixed Use (Fayetteville)
South and East	27.0 (remainder of parent tract)	R-20	Undeveloped	Low Density Residential (1 Unit/1 to 2 Acres)
West	30.7	R-22 (Fayetteville)	Undeveloped	Neighborhood Mixed Use (Fayetteville)

### **Current County Land Use**

The subject property is designated as Low Density Residential (1 Unit/1 to 2 Acres) on the Fayette County Future Land Use Plan map.

### **DEPARTMENTAL COMMENTS**

**Planning and Zoning:** The subject property is currently zoned R-20 (Single-Family Residential) and is proposed for C-3 zoning in Fayetteville. The subject property is designated as Low Density Residential (1 Unit/1 to 2 Acres) on the Fayette County Future Land Use Plan map. The subject property is 0.96 acres (75' x 550').

The county governing authority may by majority vote to object to the annexation because of a

material increase in burden upon the county. The material increase in burden upon the county must be directly related to any one or more of the following:

- (1) The proposed change in zoning or land use;
- (2) Proposed increase in density; and
- (3) Infrastructure demands related to the proposed change in zoning or land use.

The objection shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection. Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in (1), (2), and (3) above.

In order for an objection to be valid, the proposed change in zoning or land use must:

- (1) Result in:
  - (A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or
  - (B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in Code Section 48-8-110, which is furnished by the county to the area to be annexed; and
- (2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

Planning and Staff finds no material increase in burden upon the county as a result of this annexation and rezoning of the subject property to C-3. Staff's review of Fayetteville's Zoning Ordinance indicates that the buffer requirement for C-3 is 75 feet where nonresidential districts are contiguous with residential districts. Given this buffer requirement it would appear that the subject property will become the buffer. Therefore, the Planning and Zoning staff recommends that the Board of Commissioners not object to the annexation and rezoning of the subject property to C-3. (see State Law below).

**Fire/EMS:** Opposed to the annexation due to the loss of Fire Tax revenues.

**Water System:** We have no conflicts with this proposal.

**Public Works/Engineering:** Engineering has reviewed the Annexation for a 0.96 acre strip of land.

Per the application, annexation of the land will allow development of a Grocery Store and associated higher traffic volumes, sedans and trucks. All access for the parcel is from existing curb cuts on SR 85, and thus controlled by GDOT. The distance between Ellis Road and New Hope Road is less than 700 feet, so the existing signal at Ellis should preclude the installation of a new signal at New Hope and the primary, existing, curb cut for the development.

Were the development entirely within the unincorporated County, we'd work with GDOT to determine if a traffic study was appropriate.

**Environmental Health:** As we discussed in your office, this department has no objection to the annexation request for the buffer strip behind this center.

**Environmental Management:** EMD has no objections.

**Sheriff's Office:** No issues here.

## **STATE LAW**

### **TITLE 36. LOCAL GOVERNMENT**

#### **PROVISIONS APPLICABLE TO MUNICIPAL CORPORATIONS ONLY**

#### **CHAPTER 36. ANNEXATION OF TERRITORY**

#### **ARTICLE 7. PROCEDURE FOR RESOLVING ANNEXATION DISPUTES**

#### **36-36-113. Objection to annexation; grounds and procedures**

- (a) The county governing authority may by majority vote to object to the annexation because of a material increase in burden upon the county directly related to any one or more of the following:
  - (1) The proposed change in zoning or land use;
  - (2) Proposed increase in density; and
  - (3) Infrastructure demands related to the proposed change in zoning or land use.
- (b) Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in paragraphs (1), (2), and (3) of subsection (a) of this Code section.
- (c) The objection provided for in subsection (a) of this Code section shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection and shall be delivered to the municipal governing authority by certified mail or statutory overnight delivery to be received not later than the end of the thirtieth calendar day following receipt of the notice provided for in Code Section 36-36-111.
- (d) In order for an objection pursuant to this Code section to be valid, the proposed change in zoning or land use must:
  - (1) Result in:

- (A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or
  - (B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in Code Section 48-8-110, which is furnished by the county to the area to be annexed; and
- (2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

**36-36-114. Arbitration panel; composition and membership**

- (a) Not later than the fifteenth calendar day following the date the municipal corporation received the first objection provided for in Code Section 36-36-113, an arbitration panel shall be appointed as provided in this Code section.
- (b) The arbitration panel shall be composed of five members to be selected as provided in this subsection. The Department of Community Affairs shall develop three pools of arbitrators, one pool which consists of persons who are currently or within the previous six years have been municipal elected officials, one pool which consists of persons who are currently or within the previous six years have been county elected officials, and one pool which consists of persons with a master's degree or higher in public administration or planning and who are currently employed by an institution of higher learning in this state, other than the Carl Vinson Institute of Government. The pool shall be sufficiently large to ensure as nearly as practicable that no person shall be required to serve on more than two panels in any one calendar year and serve on no more than one panel in any given county in any one calendar year. The department is authorized to coordinate with the Georgia Municipal Association, the Association County Commissioners of Georgia, the Council of Local Governments, and similar organizations in developing and maintaining such pools.
- (c) Upon receiving notice of a disputed annexation, the department shall choose at random four names from the pool of municipal officials, four names from the pool of county officials, and three names from the pool of academics; provided, however, that none of such selections shall include a person who is a resident of the county which has interposed the objection or any municipal corporation located wholly or partially in such county. The municipal corporation shall be permitted to strike or excuse two of the names chosen from the county officials pool; the county shall be permitted to strike or excuse two of the names chosen from the municipal officials pool; and the county and municipal corporation shall each be permitted to strike or excuse one of the names chosen from the academic pool.
- (d) Prior to being eligible to serve on any of the three pools, persons interested in serving on

such panels shall receive joint training in alternative dispute resolution together with zoning and land use training, which may be designed and overseen by the Carl Vinson Institute of Government in conjunction with the Association County Commissioners of Georgia and the Georgia Municipal Association, provided such training is available.

- (e) At the time any person is selected to serve on a panel for any particular annexation dispute, he or she shall sign the following oath: "I do solemnly swear or affirm that I will faithfully perform my duties as an arbitrator in a fair and impartial manner without favor or affection to any party, and that I have not and will not have any ex parte communication regarding the facts and circumstances of the matters to be determined, other than communications with my fellow arbitrators, and will only consider, in making my determination, those matters which may lawfully come before me."

**36-36-115. Meetings of arbitration panel; duties; findings and recommendations; compensation**

- (a) (1) The arbitration panel appointed pursuant to Code Section 36-36-114 shall meet as soon after appointment as practicable and shall receive evidence and argument from the municipal corporation, the county, and the applicant or property owner and shall by majority vote render a decision which shall be binding on all parties to the dispute as provided for in this article not later than the sixtieth day following such appointment. The meetings of the panel in which evidence is submitted or arguments of the parties are made shall be open to the public pursuant to Chapter 14 of Title 50. The panel shall first determine the validity of the grounds for objection as specified in the objection. If an objection involves the financial impact on the county as a result of a change in zoning or land use or the provision of maintenance of infrastructure, the panel shall quantify such impact in terms of cost. As to any objection which the panel has determined to be valid, the panel, in its findings, may establish reasonable zoning, land use, or density conditions applicable to the annexation and propose any reasonable mitigating measures as to an objection pertaining to infrastructure demands.
- (2) In arriving at its determination, the panel shall consider:
  - (A) The existing comprehensive land use plans of both the county and city;
  - (B) The existing land use patterns in the area of the subject property;
  - (C) The existing zoning patterns in the area of the subject property;
  - (D) Each jurisdiction's provision of infrastructure to the area of the subject property;
  - (E) Whether the county has approved similar changes in intensity or allowable uses on similar developments in other unincorporated areas of the county;
  - (F) Whether the county has approved similar developments in other unincorporated areas of the county which have a similar impact on infrastructure as complained

of by the county in its objection; and

- (G) Whether the infrastructure or capital outlay project which is claimed adversely impacted by the county in its objection was funded by a county-wide tax.
- (3) The county shall provide supporting evidence that its objection is consistent with its land use plan and the pattern of existing land uses and zonings in the area of the subject property.
- (4) The county shall bear at least 75 percent of the cost of the arbitration. The panel shall apportion the remaining 25 percent of the cost of the arbitration equitably between the city and the county as the facts of the appeal warrant; provided, however, that if the panel determines that any party has advanced a position that is substantially frivolous, the costs shall be borne by the party that has advanced such position.
- (5) The reasonable costs of participation in the arbitration process of the property owner or owners whose property is at issue shall be borne by the county and the city in the same proportion as costs are apportioned under paragraph (4) of this subsection.
- (6) The panel shall deliver its findings and recommendations to the parties by certified mail or statutory overnight delivery.
- (b) If the decision of the panel contains zoning, land use, or density conditions, the findings and recommendations of the panel shall be recorded in the deed records of the county with a caption describing the name of the current owner of the property, recording reference of the current owner's acquisition deed and a general description of the property, and plainly showing the expiration date of any restrictions or conditions.
- (c) The arbitration panel shall be dissolved on the tenth day after it renders its findings and recommendations but may be reconvened as provided in Code Section 36-36-116.
- (d) The members of the arbitration panel shall receive the same per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.
- (e) If the panel so agrees, any one or more additional annexation disputes which may arise between the parties prior to the panel's initial meeting may be consolidated for the purpose of judicial economy if there are similar issues of location or similar objections raised to such other annexations or the property to be annexed in such other annexations is within 2,500 feet of the subject property.

### **36-36-116. Appeal**

The municipal or county governing authority or an applicant for annexation may appeal the decision of the arbitration panel by filing an action in the superior court of the county within ten calendar days from receipt of the panel's findings and recommendations. The

sole grounds for appeal shall be to correct errors of fact or of law, the bias or misconduct of an arbitrator, or the panel's abuse of discretion. The superior court shall schedule an expedited appeal and shall render a decision within 20 days from the date of filing. If the court finds that an error of fact or law has been made, that an arbitrator was biased or engaged in misconduct, or that the panel has abused its discretion, the court shall issue such orders governing the proposed annexation as the circumstances may require, including remand to the panel. Any unappealed order shall be binding upon the parties. The appeal shall be assigned to a judge who is not a judge in the circuit in which the county is located.

**36-36-117. Annexation after conclusion of procedures; remedies for violations of conditions**

If the annexation is completed after final resolution of any objection, whether by agreement of the parties, act of the panel, or court order as a result of an appeal, the municipal corporation shall not change the zoning, land use, or density of the annexed property for a period of one year unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties. Following the conclusion of the dispute resolution process outlined in this article, the municipal corporation and an applicant for annexation may either accept the recommendations of the arbitration panel and proceed with the remaining annexation process or abandon the annexation proceeding. A violation of the conditions set forth in this Code section may be enforced thereafter at law or in equity until such conditions have expired as provided in this Code section.

**36-36-118. Abandonment of proposed annexation; remedies for violations of conditions**

If at any time during the proceedings the municipal corporation or applicant abandons the proposed annexation, the county shall not change the zoning, land use, or density affecting the property for a period of one year unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties. A violation of the conditions set forth in this Code section may be enforced thereafter at law or in equity until such period has expired. After final resolution of any objection, whether by agreement of the parties, act of the panel, or any appeal from the panel's decision, the terms of such decision shall remain valid for the one-year period and such annexation may proceed at any time during the one year without any further action or without any further right of objection by the county.

**Summary**

The subject property is currently zoned R-20 (Single-Family Residential) and is proposed for C-3 zoning in Fayetteville. The subject property is designated as Low Density Residential (1 Unit/1 to 2 Acres) on the Fayette County Future Land Use Plan map. The subject property is 0.96 acres (75' x 550').

The county governing authority may by majority vote to object to the annexation because of a



material increase in burden upon the county. The material increase in burden upon the county must be directly related to any one or more of the following:

- (1) The proposed change in zoning or land use;
- (2) Proposed increase in density; and
- (3) Infrastructure demands related to the proposed change in zoning or land use.

The objection shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection. Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in (1), (2), and (3) above.

In order for an objection to be valid, the proposed change in zoning or land use must:

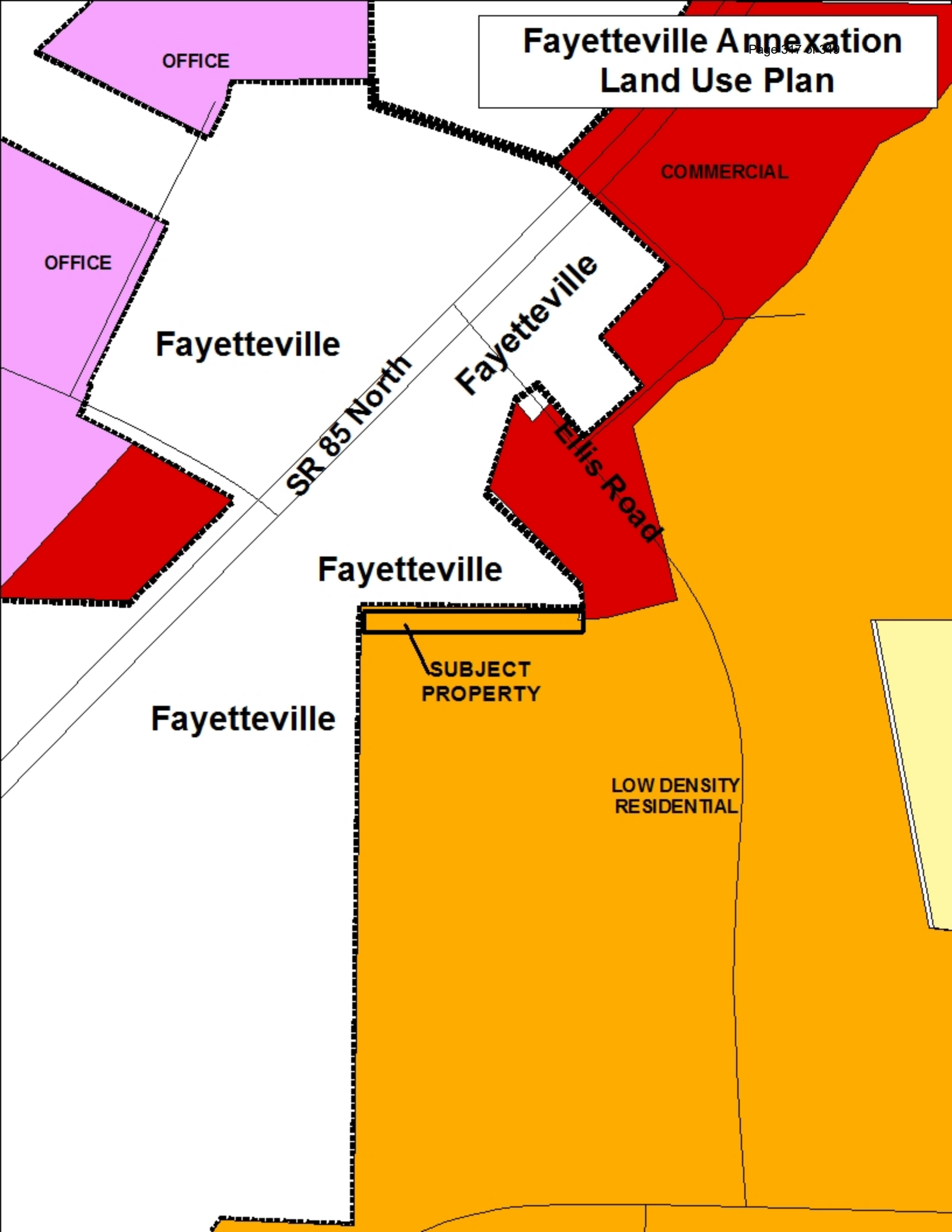
- (1) Result in:
  - (A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or
  - (B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in Code Section 48-8-110, which is furnished by the county to the area to be annexed; and
- (2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

Planning and Zoning Staff finds no material increase in burden upon the county as a result of this annexation and rezoning of the subject property to C-3. Staff's review of Fayetteville's Zoning Ordinance indicates that the buffer requirement for C-3 is 75 feet where nonresidential districts are contiguous with residential districts. Given this buffer requirement it would appear that the subject property will become the buffer. Therefore, the Planning and Zoning staff recommends that the Board of Commissioners not object to the annexation and rezoning of the subject property to C-3.

Fire is opposed to the annexation due to the loss of Fire Tax revenues. Public Works/Engineering has indicated that the annexation will allow development of a Grocery Store resulting in associated higher traffic volumes, sedans and trucks. All access for the parcel is from existing curb cuts on SR 85, and thus controlled by GDOT.

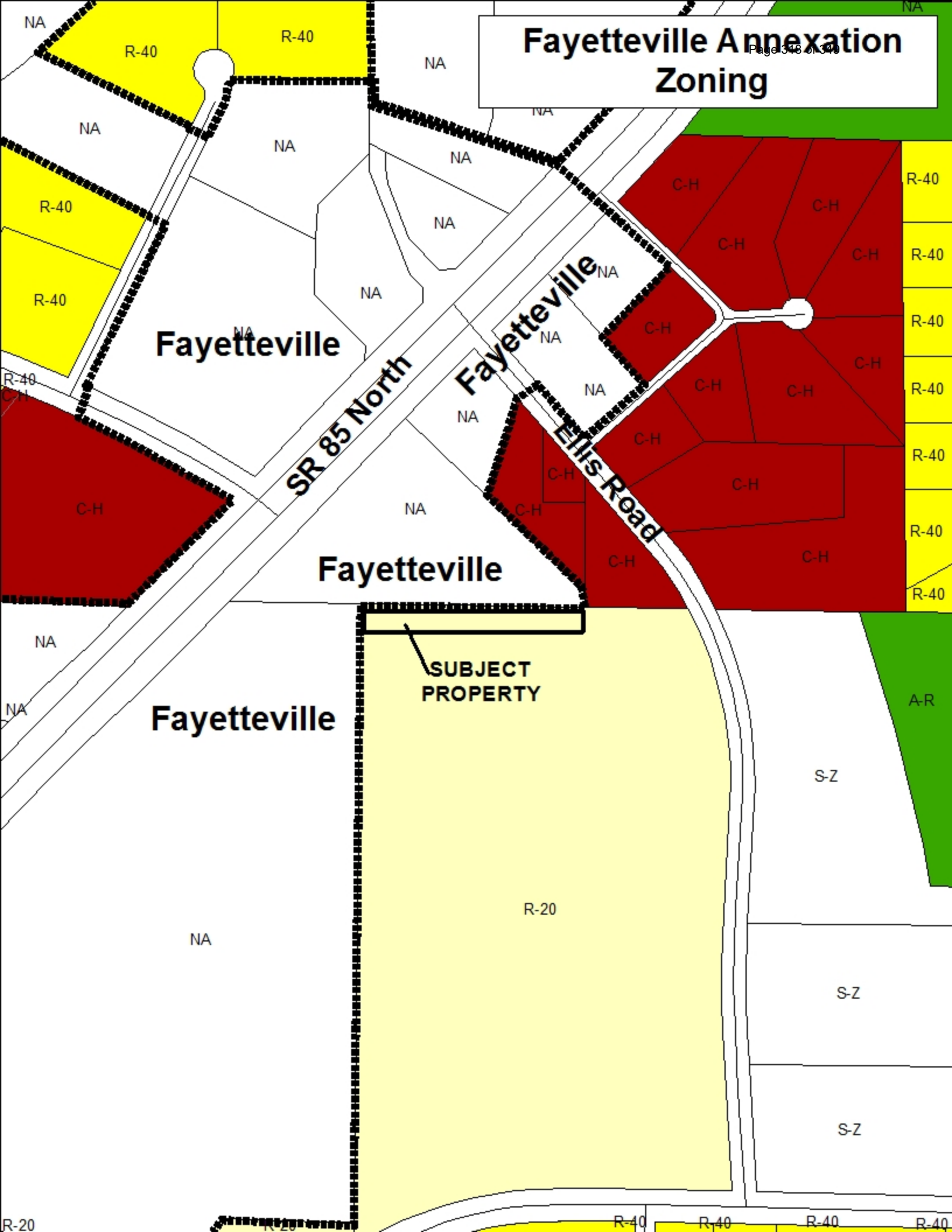
# Fayetteville Annexation Land Use Plan

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# Fayetteville Annexation Zoning

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# Fayetteville Annexation Aerials

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Fayetteville

SR 85 North

Fayetteville

Ellis Road

Fayetteville

SUBJECT  
PROPERTY

Fayetteville



# COUNTY AGENDA REQUEST

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Department: Legal

Presenter(s): County Attorney Dennis Davenport

Meeting Date: Tuesday, April 25, 2017

Type of Request: New Business #15

## Wording for the Agenda:

Discussion regarding a request from the Fayette County Republican Party to reverse the Board of Commissioners' decision to seek attorney's fees from the Petitioners in regard to their efforts to remove Marilyn Watts from the Board of Elections.

## Background/History/Details:

On February 11, 2016 the Board of Commissioners voted:

Commissioner Rousseau amended his motion that the County Attorney be instructed to seek compensation from all Plaintiffs, including the attorney, for the lawsuit that was filed to recover the funds in the amount of \$57,712.74 and for the funds to be returned to the taxpayers of Fayette County. Commissioner Barlow seconded the amended motion. The motion passed 4-1 with Commissioner Brown voting in opposition.

A letter was sent from the Chairman and Past Chairman of the Republican Party to "reverse its decision to seek attorney's fees from the Petitioners in regard to their efforts to remove Marilyn Watts from the Board of Elections." The letter is provided as backup.

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

Discussion regarding a request from the Fayette County Republican Party to reverse the Board of Commissioners' decision to seek attorney's fees from the Petitioners in regard to their efforts to remove Marilyn Watts from the Board of Elections.

## If this item requires funding, please describe:

Not applicable.

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

If so, when?

Is Audio-Visual Equipment Required for this Request? No

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

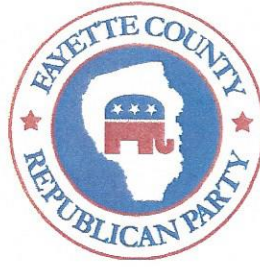
Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:



## Fayette County Republican Party

March 22, 2017

Chairman Eric Maxwell  
Fayette County Commission  
140 Stonewall Avenue West  
Suite 100  
Fayetteville, Georgia 30214

Dear Commissioner Maxwell,

In light of the recent decision by Administrative Law Judge Ronit Walker finding Lane Watts guilty of voter fraud (attached hereto as Exhibit "A"), I am sending this letter to request that the County Commission reverse its decision to seek attorney's fees from the Petitioners in regard to their efforts to remove Marilyn Watts from the Board of Elections. The action by the State Election Board against Mr. Watts was the result of a thorough and independent investigation by the Office of the Attorney General, and confirms that the Petitioners' lawsuit was neither frivolous nor motivated by personal or political concerns. Indeed, the improper actions of Ms. Watts in thwarting the efforts of her own Board of Elections in their investigation of voter fraud are unconscionable and a violation of her solemn oath to uphold the laws of Georgia. Those improper actions have had the effect of lessening public confidence in the Board of Elections, and undermined the integrity of the Office. The filing of Petitioners' lawsuit was to stop the abuse of public trust.

A brief outline of the facts will help clarify the issues. In 1989, Lane Watts first registered to vote and listed the Fayetteville home of his mother, Marilyn Watts, as his residence. In 2003, Lane purchased a home in Peachtree City intending to use it as rental property. From 2007 through 2010, while still living with his mother in Fayetteville, Lane became active with the Republican Party of Georgia's Third Congressional District. From 2011 through 2012, he chaired the Fayette County Republican Party.

After the 2010 census, the Georgia state legislature formulated a statewide redistricting plan. On September 6, 2011, Governor Deal signed legislation approving said plan. As a result, the residence of Lane and Marilyn Watts was redistricted from the Third Congressional District to the Thirteenth Congressional District. Three weeks later, on September 27, 2011, Lane submitted a voter registration change-of-address form to the



Fayette County Board of Elections and Voter Registration, transferring his voting address to the rental home in Peachtree City, which had remained in the Third Congressional District.

In December of 2011, Lane, as Chairman of the Fayette County Republican Party appointed his mother, Marilyn, as the Party's Representative to the Board of Elections. Such an appointment would have been invalid if Lane had filed a fraudulent residency application on September 27, 2011, because he would have been an "unqualified and illegal elector" at the time of that appointment.

On March 10, 2012, at the Fayette County Party Convention, some people voiced concern when Lane, who had previously been elected as a delegate from one precinct, was now seeking election as a delegate from a different precinct. Exposed, Lane immediately changed his residency back to his mother's Fayetteville address.

An action for voter fraud was brought against Lane before the Fayette County Board of Elections, on which his mother, Marilyn Watts, was now a member. Marilyn, recognizing the conflict, recused herself from participating as a Board Member, but this did not stop her from thwarting the efforts of her Board to investigate the matter. Lane hired attorney John Sparks to represent him, and Marilyn also chose to hire him although she had no pending legal matter regarding the challenge made against her son's residency. There was no viable legal reasoning for her hiring an attorney, let alone the same one who was representing her son. This is an obvious conflict of interest.

The Board issued several witness subpoenas including one each to Lane and Marilyn. Their attorney filed with the Court a Motion to Quash the Subpoenas and attached thereto a false affidavit signed by Marilyn claiming that the Board had not authorized the subpoenas. Despite the fact that the Court denied the motion and upheld the subpoenas, neither Lane nor Marilyn honored the subpoenas to appear. However, three witnesses did appear. These three people testified under oath that they were renting the Peachtree City home from September 2011 through March 2012, and that Lane was never living there, in fact, they didn't even know who he was. Despite the fact that these witnesses were cross-examined at length by Lane and Marilyn's attorney, the Board specifically found their testimony to be truthful and compelling, and decided to forward the matter to the District Attorney. The Board took no action of their own against Lane because at the time of the hearing he was properly registered at his mother's Fayetteville home. (Exhibit "B").

After the Board of Elections decision was entered, Marilyn and Lane's attorney filed an action to set aside some language contained in the Board's decision. Marilyn, who had supposedly recused herself, not only accepted service of the legal filings, but acknowledged them, thereby resulting in the waiving of various defenses held by the Board of Elections relative to her son's case for which she had no authority.

When Lane refused to resign as Chairman of the Fayette County Republican Party (FCRP), many members had had enough. On March 9, 2013, in what The Citizen called a "sea-change in leadership," the longtime local Republican establishment was replaced by those seeking a more honest and transparent administration. One of the new Board's first actions was the decision to replace its representative to the Board of Elections. A new representative was selected in accordance with the Local Act that re-created the Board of Elections in Fayette County (H.B. No. 1669), and a letter was sent to the Board of County



Commissioners in order that it could certify said appointment. However, a day or two prior to the agenda item being heard by the Commission, Marilyn Watts, through her attorney, filed a petition seeking a Temporary Restraining Order (TRO) enjoining the County Commission from certifying the appointment of the new representative.

At the courthouse prior to the hearing, the County Attorney indicated that he was not going to argue against the TRO. The Petitioners explained to him that they had complied with all rules and regulations concerning the replacement of a representative to the Board of Elections, and that a vacancy actually existed on the Board as Marilyn's initial appointment was void. Moreover, Petitioners explained that it would be error for the Court to grant a TRO against the County Commission because Ms. Watts was unable to cross two important hurdles necessary for the granting of a TRO: a showing of irreparable injury and a demonstration of substantial likelihood of success. Despite the urging of the Petitioners, the County Attorney agreed to the entry of the TRO which required the Petitioners to file the subject lawsuit. **It was not the intent of the Petitioners to file a lawsuit, but the Petitioners were left with no other option.**

The Petitioners were eager to move the case to trial, but they were confronted by repeated obstructions and delays by opposing counsel. Throughout the discovery process, Marilyn Watts refused to supply answers to interrogatories and Requests for Admissions with the candor and straightforwardness expected from a public official. This is exemplified in her response of "Unable to answer" to the following seven clear and concise requests:

- Admit that as a member of the Board of Elections you are aware of what constitutes a valid voter registration.
- Admit that as a member of the Board of Elections you are aware that it constitutes a crime for an individual to submit a knowingly false voter registration application.
- Admit that for a member of the Board of Elections to assist, abet, or in any way encourage an individual to file a knowingly false voter registration would be grounds for the removal of said member.
- Admit that a member of the Board of Elections has an affirmative duty to bring to the attention of the Board all information he/she has relative to illegal voter registrations.
- Admit that a member of the Board of Elections has an affirmative duty to assist the Board in its investigations and hearings relative to uncovering false voter applications.
- Admit that for a member of the Board of Elections to thwart or attempt to thwart the investigation of the Board into an alleged false voter application would be grounds for the removal of said member.
- Admit that a member of the Board of Elections who has knowledge of significant facts relative to the filing of a false voter registration has a duty to provide that information at a hearing of the Board investigating the matter whether or not the member was served with a subpoena.

Such a response is indicative of either: a) This long serving member of the Board of Elections doesn't possess even the most basic understanding what is required of a Board member; or b) This public official is lacking the honesty and integrity required of one in a position of public trust, and is willing to ignore the judicial process. It should also be noted



that these same requests were directed to the other two members of the Board of Elections at trial. **Each of these gentlemen without hesitation honestly admitted each of the seven requests. Their testimony that thwarting or attempting to thwart an investigation of the Board would constitute cause for a Board member's removal was precisely why the Petitioners' lawsuit was filed.**

While the Petitioners were waiting for a trial date, the Petitioners concurrently appeared before the State Election Board and advised them as to what had transpired in Fayette County. The Board advised that while they had no jurisdiction over any alleged misconduct of Marilyn Watts, particularly as the lawsuit was pending in Fayette County, they were extremely concerned about the possibility of voter fraud involving Lane, and directed the Office of the Secretary of State to perform an independent investigation into the matter. It was that investigation which ultimately resulted in the hearing in which Lane was found guilty of voter fraud and required to pay \$5,000, the maximum civil penalty that the Court could have imposed. In addition, the Court ordered Lane to cease and desist from committing further violations, and sanctioned him with a public reprimand for his conduct.

The Petitioners' case was finally set for trial with only a few weeks yet remaining on Ms. Watts' term before a visiting judge. The evidence of misconduct on the part of Marilyn Watts was brought to the attention of the Court through documentation and the testimony of witnesses having personal knowledge. These acts of misconduct constituted good cause for her removal from the Board of Elections and included the following acts, **all of which were unrefuted at trial:**

- Marilyn Watts retained the same attorney to represent her that was representing her son as he faced charges before her own Board of Elections.
- Marilyn Watts thwarted the efforts of her Board in their investigation into her son's voter registration by failing to provide information to them which her fellow Board Members testified at trial that they would have found helpful.
- Marilyn Watts failed to appear at the hearing despite receiving a validly issued subpoena to appear.
- Marilyn Watts, in fact, filed a false affidavit with the Court in a futile attempt to have the subpoena quashed, in which she swore under oath that her Board had never authorized the issuance of the subpoenas. Her own Board Members were unaware until time of trial that she had filed such an affidavit, and both testified that such an affidavit was false.
- Marilyn Watts failed to answer her Board's interrogatories properly served upon her requesting information about her knowledge of her son's residency.
- Despite Marilyn Watts having recused herself from the matter, she not only accepted service, but acknowledged service when her son's attorney filed a Motion to Set Aside the Board's ruling against her son. This acknowledgement was done without authority and resulted in the waiver of various defenses available to her Board.

The Petitioners also introduced evidence at trial proving that Marilyn Watts' appointment to the Board of Elections was invalid from the start as Lane's voter registration was invalid at the time. One of the three renters at the Peachtree City address again came



forward and testified that Lane Watts was not living there during the period of September 2011 through March 2012. Another witness provided a sworn affidavit that he was living with Lane and Marilyn Watts in the Fayetteville home in September 2011, when Lane changed his voter registration despite the fact that Lane never intended to move to Peachtree City. (Exhibit "C"). This witness, although at time of trial living out of the State of Georgia, was planning to travel to the court to testify, but because of job responsibilities was unable to attend on the scheduled trial date. The Petitioners sought to introduce his testimony at trial electronically, **but Marilyn Watts refused to agree** to allow the testimony to be provided in such a manner. Moreover, both Lane Watts and Marilyn Watts admitted that **they had absolutely no documentation of any kind supporting their contention that Lane Watts did in fact live in Peachtree City during the seven months in question.** (It should be further noted that evidence presented at the State Election Board voter fraud hearing established that Lane Watts' vehicle registration, driver's license, income tax filings and receipt of mail all signified that he resided in Fayetteville during the time in question.)

The trial court finally entered Judgment denying the Petition a few days before the end of Marilyn Watt's term which rendered of no value the filing of an appeal. The attorney for Marilyn Watts then contacted the County to see if the County desired that he file a Motion for Attorney Fees to seek recovery of fees paid by the County to him for defending the action. The one Commissioner who had attended the trial and understood the issues voted "No." This Commissioner was further justifiably concerned that such an action would create a chilling effect on those citizens of Fayette County who were willing to stand up to public officials who engaged in conduct in violation of their oath, and who engaged in unethical actions and behaviors. Indeed, some of the other Commissioners likewise expressed their concern about such a chilling effect. Unfortunately, the other four Commissioners took the position that the County had "nothing to lose" by the filing of the motion. What made this decision all the more egregious was that the County should not have even agreed to pay for Marilyn Watts' attorney's fees in the first place. After the Petition was filed the County Attorney advised the Board of Commissioners that they could agree to pay Marilyn Watts' attorney fees as she was being sued for actions in the course and scope of her employment. That is simply not true. The objectionable behaviors set forth in the Petition were clearly outside the normal course and scope of her employment. Indeed, Marilyn Watts had already recused herself before engaging in the inappropriate conduct.

The Respondent's motion for attorney's fees was based on two theories neither of which is supported factually or legally. The first theory is that somehow "perjury" was committed in the Verification of Pleadings. It should be initially noted that the requirement of a verification under Rule 11 is merely a statement from the person making the verification that the contents of the pleadings (in this case the petition) are true to his knowledge, and, as except as to those matters stated on information and belief, those matters are believed to be true. That is the exact language utilized by Petitioners' counsel in drafting the verification in this case. Indeed, at trial the Petitioners introduced satisfactory proofs on each and every allegation of the Petition. This evidence was presented through live testimony of several witnesses, documentary evidence, and evidence through which the court could take judicial notice.



The Respondent doesn't refute this. Instead she suggests that because the Petition itself didn't contain the words that it was based on "information and belief" that the signing of the verification constituted perjury since the person signing the verification didn't have personal knowledge of **all** the contents of the Petition. Perhaps Petitioners' counsel could have more artfully drafted the Petition, but there was certainly no intent to deceive the Respondent, and the Respondent cannot point to any prejudice. In fact, Petitioner, Scott Fabricius, as Chairman of the Fayette County Republican Party, was the signee of the verification and he readily admitted at deposition and at trial that he didn't have personal knowledge of **all** allegations of the Petition. More importantly, he testified under oath at the hearing for attorney's fees that he continues to believe in the absolute truth of all the allegations of the Petition.

Moreover, Respondent's argument shows a total misunderstanding of what constitutes perjury. Even if Respondent were able to prove that the Petitioners knowingly intended to deceive, perjury only applies when the declarant falsely asserts the truth of statements which are **material to the outcome of the proceeding**. The verification is not such a statement.

The Respondent's second theory as to why she is entitled to attorney's fees is just as baseless. She claims that the Petition was totally frivolous because the law is crystal clear that an appointed member of the Board of Elections cannot be removed for cause if he/she is doing a "good job" regardless of what improper or illegal conduct she engages in while serving on the Board. Not only is such a suggestion preposterous, but even were that true, the filing of the subject Petition was warranted to modify or reverse existing law.

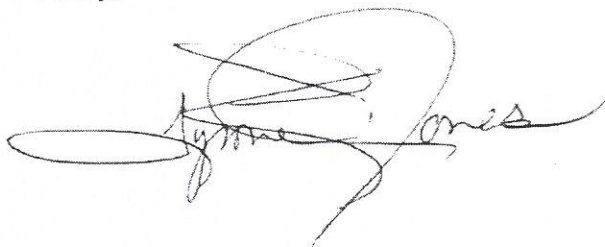
The subject Petition was filed because the Respondent, as a member of the Board of Elections, not only failed in her affirmative duty to assist the Board in its investigations and hearings relative to uncovering false voter applications, but further actually thwarted or attempted to thwart such an investigation by the Board. Respondent's counsel suggests that such conduct would not be sufficient to seek the removal of such a Board Member for cause the law is well-settled that she is protected from removal because she otherwise was doing a 'good job.'

If the law is so settled, why did Marilyn Watts' counsel bill the County for six (6) hours of research time into this issue? If the law is so settled, why did Marilyn Watts respond "Unable to Answer" a propounded Request for Admissions that asked the following: Admit that for a member of the Board of Elections to thwart or attempt to thwart the investigation of the Board into an alleged false voter application would be grounds for the removal of said member? If the law is so settled, why did the other two members of the Board unhesitatingly admit that request at trial? If the law is so settled, why didn't Respondent file a Motion to Dismiss the Petition or even a Motion for Summary Judgment? If the law is so settled, why didn't the Court grant Respondent's Motion for Directed Verdict? Why did the Court need weeks after closing arguments were submitted to decide the case?

There are many inaccuracies contained in the Order Granting Attorney's Fees which should be no surprise seeing how the Order was drafted by counsel for Marilyn Watts. Hopefully, this letter will make clear the real issues in this matter. A Motion to Set Aside

the Order has been filed, and an appeal will be filed if necessary. We are hopeful that that will be unnecessary as the Board of County Commissioners should immediately reverse its decision to seek attorney's fees from the Petitioners. The recent decision by Judge Walker finding Lane Watts guilty of voter fraud demands such a reversal. This was not a lawsuit that the Petitioners sought, but one which was made necessary when they were precluded from appearing before the County Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyrone Jones". The signature is fluid and cursive, with the last name "Jones" being more legible than the first name.

Tyrone Jones  
Chairman, Fayette County Republican Party

A handwritten signature in black ink, appearing to read "Scott Fabricius". The signature is cursive and somewhat stylized, with the first name "Scott" being more prominent.

Scott Fabricius  
Past Chairman, Fayette County Republican Party

**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS  
STATE OF GEORGIA**

**STATE ELECTION BOARD,**

**Petitioner,**

**v.**

**MERRILL LANE WATTS,**

**Respondent.**

:  
:  
: **Docket No.:**  
: **OSAH-ELE-LV-1652126-56-Walker**

: **Agency Reference No.: 2012-141**  
:  
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**FEB 06 2017**

**INITIAL DECISION**

**I. SUMMARY OF PROCEEDINGS**

The Petitioner, the State Election Board ("Election Board") seeks sanctions against Merrill Lane Watts ("Respondent") based on an alleged violation of O.C.G.A. § 21-5-562. The undersigned held a hearing in this matter on November 21, 2016, and the record closed on January 13, 2017. For the reasons stated below, the Respondent is **SANCTIONED** as provided herein.

**II. FINDINGS OF FACT**

1.

The Respondent first registered to vote on August 29, 1989, approximately six months before his eighteenth birthday. (Transcript at pp.19-20 (hereinafter "T-"); Exhibit P-1). He listed his address as 201 Patricia Lane, Fayetteville, Georgia ("201 Patricia Lane"), where he lived with his mother, Marilyn Watts. (T-26, 96; Exhibit P-1).

*Exhibit "A"*



2.

The Respondent works as a real estate agent and appraiser, and owns several investment properties. (T-23-24, 49; Exhibit P-3). In 2003, the Respondent purchased a three-bedroom home at 109 Gelding Garth in Peachtree City, Georgia ("109 Gelding Garth"), intending to use the home as rental property. (T-23-24).

3.

From 2007 through 2010, the Respondent was the chairman of the Republican Party's organization for Georgia's Third Congressional District. (T-100). After multiple complaints were filed against him, he resigned.<sup>1</sup> (T-102-103). From 2011 to 2012, he chaired the Fayette County Republican Party. (T-101).

4.

After the 2010 census, the Georgia state legislature formulated a statewide redistricting plan. (T-31). On September 6, 2011, Governor Nathan Deal signed legislation approving the redistricting plan. (T-31-34). The legislation split the Republican base in Fayette County. (T-56).

5.

After the plan went into effect, the Respondent's home at 201 Patricia Lane was redistricted from the Third Congressional District to the Thirteenth Congressional District. (T-32). The Thirteenth Congressional District is represented by David Scott, a Democrat. (T-32, 116). Prior to and following the redistricting, the 109 Gelding Garth home remained in the Third Congressional District. (T-32).

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<sup>1</sup> The Respondent maintains that the allegations against him eventually proved to be unfounded. (T-102-103).

6.

On September 27, 2011, the Respondent submitted a voter registration change-of-address form to the Fayette County Board of Elections and Voter Registration, transferring his voting address from 201 Patricia Lane in Fayetteville to 109 Gelding Garth in Peachtree City. (Exhibit P-2). The change-of-address form required that the Respondent swear or affirm that he resided at 109 Gelding Garth. (T-22; Exhibit P-2).

7.

At the hearing, the Respondent explained that he had decided to move to 109 Gelding Garth because he was thirty nine years old and tired of living with his mother. (T-26, 96).

8.

In September 2011, 109 Gelding Garth was leased to a tenant, Christian Alfaro. Mr. Alfaro paid for the utilities at 109 Gelding Garth. (T-79, 81, 86). After moving to 109 Gelding Garth, the Respondent explained that he decided to retain Mr. Alfaro as a tenant and roommate because he "was a little tight on money at the time." (T-26). Six months later, in March 2012, the Respondent moved back to his mother's house at 201 Patricia Lane, testifying that he had had "a personality clash" with Mr. Alfaro. (T-26-27, 35). He could have terminated Mr. Alfaro's lease but chose not to exercise this option. (T-27).

9.

Mr. Alfaro denied that the Respondent had lived at 109 Gelding Garth between September 2011 and March 2012. (Exhibit P-8 at 46).

10.

Brad Parsons moved into 109 Gelding Garth over Labor Day weekend in 2011. (T-45). He moved out in March 2012, a few days before his birthday. (T-49). During this time period,

Mr. Parsons lived with Mr. Alfaro, and a second roommate, "Yoswin" occupied the third bedroom. (T-51-52).

11.

Mr. Parsons confirmed that the Respondent did not live at 109 Gelding Garth between September 2011 and March 2012. (T-46, 48-49). He only met the Respondent when called to testify during legal proceedings<sup>2</sup> regarding the Respondent and his purported residency at 109 Gelding Garth. (T-48-49).

12.

Similarly, the Respondent was unfamiliar with Mr. Parsons prior to the hearings held regarding his residency. (T-122).

13.

Mr. Alfaro's girlfriend, Patricia Clements Williams,<sup>3</sup> lived at 107 Gelding Garth, the house next door to 109 Gelding Garth. (T-48). Although she frequently visited 109 Gelding Garth, she never saw the Respondent at the residence. (T-48; Exhibit P-9 at pp. 43-44).

14.

The Respondent testified that, after moving from 201 Patricia Lane to 109 Gelding Garth, he did not change his driver's license or car registration to reflect a change of address. (T-32). His income tax filings did not list 109 Gelding Garth as his residence. (T-104). Further, the

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<sup>2</sup> Prior to the instant hearing, there have been multiple proceedings regarding the Respondent's residency. For example, in 2012, the Fayette County Board of Elections and Voter Registration held a hearing, the results of which were later appealed to the Fayette County Superior Court. (T-104-105; Exhibit R-1). A complaint also was filed before the Election Board, which voted to refer the case to the Attorney General's Office. (Statement of Matters Asserted ¶ 15).

<sup>3</sup> The Petitioner's Post-Hearing Brief notes that Exhibit P-9 identifies the witness as "Patricia Clemmons"; however, the Petitioner states that her correct name is Patricia Clements Williams. (Petitioner's Post-Hearing Brief at p. 5, ft. 4).



Respondent stated he did not need to submit a change-of-address form to the post office because "99 percent of my mail goes to a post office box." (T-32).

15.

There are thirty six precincts in Fayette County. (T-67). On February 18, 2012, the Respondent attended a Republican Party precinct meeting for 109 Gelding Garth's precinct, and was elected as a precinct delegate to the Fayette County Republican Party Convention. (T-37-38; Exhibit P-6).

16.

On March 6, 2012, the Republican presidential primary took place. While registered to vote at 109 Gelding Garth, the Respondent voted in the Republican presidential primary. (T-96). One day after the primary, on March 7, 2012, the Respondent submitted a change-of-address form indicating he lived at 201 Patricia Lane. (Exhibit P-4).

17.

In 2012, the Republican Party selected delegates to send to the national Republican convention. In turn, the delegates would elect the Republican nominee for president. (T-37-39).

18.

On March 10, 2012, the Respondent attended the countywide Fayette County Republican Party Convention. (T-39). Using his 201 Patricia Lane address, he sought election as a delegate. (T-40, 41).

19.

Stephen Brown is a Fayette County Commissioner who participated in the March 2012 Fayette County Republican Party Convention. (T-56). At the Convention, he voiced concern that the Respondent had been elected as a delegate from one precinct, and now was seeking

election as a county delegate from a different precinct. (T-58, 59). Mr. Brown approached the Convention's credentials committee, objecting to the Respondent's representation of "another precinct that [he was not] certified for at the precinct meeting." (T-59). Mr. Brown, along with several other individuals, later petitioned the Fayette County Republican Party for a hearing regarding this issue. (Exhibit P-5).

20.

The Respondent's mother, Marilyn Watts, testified that her son moved from 201 Patricia Lane in September 2011 to 109 Gelding Garth, and that he returned home in late February or March 2012. (T-130-131).

21.

Deborah Heard is a close friend of the Respondent's family and has known him all of her life. (T-135). When the Respondent served as chairman of the Republican Party's organization for Georgia's Third Congressional District, she was treasurer of the same organization. (T-144). She also owns Heard Realty Company and handles the listings for the Respondent's properties. (T-137).

22.

Ms. Heard testified that she had met with the Respondent at 109 Gelding Garth between September 2011 and March 2012. (T-140). She stated that she also had spent the night at 109 Gelding Garth for a few nights in December 2011, around Christmastime, and that the Respondent was living there at the time. (T-136).

23.

Peggy Perkins also was active in the Republican Party. (Exhibit R-3 at 5, 60). In 2014, she gave a deposition stating that she recalled meeting with the Respondent, at a home located on Gelding Garth, on two occasions in November or December 2011. (Exhibit R-3 at 9, 11). Ms. Perkins believed that the Respondent lived at the Gelding Garth home because no one else was in the home. (Exhibit R-3 at 12, 73). At the time that she gave the deposition, Ms. Perkins was eighty one years old, on "heavy medication," and had "problems with [her] memory." (Exhibit R-3 at 81).

### III. Conclusions of Law

1.

The Board bears the burden of proof in this matter. Ga. Comp. R. & Regs. 616-1-2-.07(1). The standard of proof is a preponderance of the evidence. Ga. Comp. R. & Regs. 616-1-2-.21(4).

2.

When a contested case is referred to the Office of State Administrative Hearings, the administrative law judge assigned to the case has "all the powers of the referring agency . . . ." O.C.G.A. § 50-13-41(b). The evidentiary hearing is *de novo*, and the administrative law judge "shall make an independent determination on the basis of the competent evidence presented at the hearing." Ga. Comp. R. & Regs. 616-1-2-.21(1).



3.

The Board is authorized to enforce the Georgia Election Code, O.C.G.A. §§ 21-2-1 to 21-2-604, by issuing orders requiring a violator:

- (1) To cease and desist from committing further violations;
- (2) To pay a civil penalty not to exceed \$5,000.00 for each violation of [the Georgia Election Code] or for each failure to comply with any provision of this [Code] or of any rule or regulation promulgated under this [Code] . . . ;
- (3) To publicly reprimand any violator found to have committed a violation;
- (4) To require that restitution be paid by any violator to a state, county, or city governing authority when it has suffered a monetary loss or damage as a result of the violation;
- (5) To require violators to attend training as specified by the [B]oard; and
- (6) To assess investigative costs incurred by the [B]oard against any violator found to have committed a violation.

O.C.G.A. § 21-2-33.1.

4.

The Georgia Election Code, O.C.G.A. § 21-2-562<sup>4</sup>, provides in relevant part:

- (a) Any person who willfully:

<sup>4</sup> The Respondent argues that O.C.G.A. § 21-2-562 is inapplicable to his case because it only addresses violations made by elected officials. By its terms, the statute refers to a "person" who makes a fraudulent entry on a document "authorized or required to be made . . . in connection with any primary or election." "Person" is not specifically defined in the definitions for the relevant statutes. See O.C.G.A. § 21-2-2. However, it is clear that "person" does not refer to election officials exclusively. As an example, O.C.G.A. § 21-2-561 refers to a "person" who provides a false registration as an elector. See also O.C.G.A. § 21-2-7 (stating that a "person" adjudged as a subversive person cannot be elected or nominated); O.C.G.A. § 21-2-8 (addressing the eligibility of a "person" for a party nomination). Moreover, the scope of subsection (a) of § 21-2-562 is particularly broad, covering any "person" who provides a false "record or document authorized or required to be made . . . in connection with any primary or election." There is no indication that the record or document in question must be made by an election official. Moreover, O.C.G.A. § 21-2-562(a) refers to false entries on a registration card, which is filled out by a prospective voter. See O.C.G.A. § 21-2-219(a) ("The registration cards *for use by persons in making application* to register to vote shall be in a form as specified by the Secretary of State . . . .") (emphasis added). Likewise, O.C.G.A. § 21-2-562(a) refers to false entries on affidavits, which could refer to affidavits submitted by registering candidates. See, e.g., O.C.G.A. §§ 21-2-132(f), 21-2-153(e), 21-2-153.1(d).

- (1) Inserts or permits to be inserted any fictitious name, false figure, false statement, or other fraudulent entry on any registration card, electors list, voter's certificate, affidavit, tally paper, general or duplicate return sheet, statement, certificate, oath, voucher, account, ballot, or other record or document authorized or required to be made, used, signed, returned or preserved for any public purpose in connection with any primary or election;

shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00, or both.

5.

The Board asserts that the Respondent submitted a change-of-address form to the Fayette County Board of Elections and Voter Registration, falsely affirming that he had changed his residence from 201 Patricia Lane in Fayetteville to 109 Gelding Garth in Peachtree City. Maintaining that the Respondent's conduct violated O.C.G.A. § 21-2-562, the Board asks for imposition of the following sanctions: (1) a cease and desist order; (2) a civil penalty of \$5,000.00; and (3) a public reprimand. (T-14.)<sup>5</sup>

6.

"The residence of any person shall be held to be in that place in which such person's habitation is fixed, without any present intention of removing therefrom[.]" O.C.G.A. § 21-2-217(a)(1). "Residence" means domicile. O.C.G.A. § 21-2-2(32). To establish domicile, parties must demonstrate a physical presence and intent to make that place home. Smiley v. Davenport, 139 Ga. App. 753, 757 (1976). There is no bright-line test to determine domicile, as "[n]o definite amount of time spent in a place is essential to make that place a home." Id. (citation omitted).

7.

After considering the evidence presented, observing the witnesses' demeanor and assessing their credibility, the undersigned finds that the Respondent did not live at 109 Gelding Garth between September 2011 and March 2012.

8.

Georgia Code Section 21-2-217 sets forth factors to consider in determining a candidate's residency that also are instructive in this matter. A court may examine, *inter alia*, a candidate's vehicle registration, income tax filings, and the receipt of personal mail as evidence of domicile. Consideration may be given to such factors and "any other evidence that indicates where the person resides." O.C.G.A. § 21-2-217(a)(15), (b).<sup>6</sup>

9.

The evidence presented at the hearing regarding the Respondent's vehicle registration, driver's license, income tax filings and receipt of mail all signify that he resided at 201 Patricia Lane. Even if the undersigned were to credit the Respondent's testimony that he had physically moved from 201 Patricia Lane to 109 Gelding Garth, consideration of these same factors would indicate that he never intended to make 109 Gelding Garth his home.

10.

Mr. Parsons did not have a prior relationship with the Respondent and, unlike the majority of the witnesses who testified, was not active in the Republican Party. Even the Respondent could not identify any reason that Mr. Parsons might have to testify dishonestly. Accordingly, Mr. Parsons had nothing to gain by testifying that the Respondent did not live at 109 Gelding Garth, and the undersigned finds his testimony to be both credible and persuasive.

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<sup>5</sup> The Statement of Matters Asserted requested additional penalties, but these were not pursued at the hearing.



11.

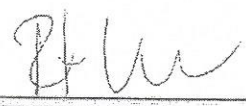
The Board proved, by a preponderance of the evidence, that the Respondent violated the Georgia Election Code by submitting false information to the Fayette County Board of Elections and Voter Registration.

#### IV. Decision

Violations of the election laws are not to be treated as mere technicalities. Rather, these laws are a vital part of preserving the sanctity of the electoral process. McCranie v. Mullis, 267 Ga. 416, 417 (1996). In accordance with the foregoing Findings of Fact and Conclusions of Law, the following sanctions shall be imposed against the Respondent pursuant to O.C.G.A. § 21-2-33.1:

- (1) The Respondent shall pay a civil penalty of \$5,000.00 to the Board;
- (2) The Respondent shall cease and desist from committing further violations; and
- (3) The Respondent shall be publicly reprimanded for his conduct.

SO ORDERED, this 6 day of February, 2017,

  
\_\_\_\_\_  
RONIT WALKER  
Administrative Law Judge

<sup>6</sup> Given the purpose of the hearing, the undersigned does not consider the Respondent's voter registration a factor of any relevance in this matter.

**BEFORE THE BOARD OF ELECTIONS AND VOTER REGISTRATION  
FAYETTE COUNTY  
STATE OF GEORGIA**

RICHARD HOBBS,	)	
	)	
Challenger,	)	ELECTIONS MATTER
	)	HEARING SET FOR 08.13.12
v.	)	
	)	5:00 P.M.
LANE WATTS,	)	
	)	
Defendant.	)	
_____	)	

**DETERMINATION**

This matter having been considered at a hearing on August 13, 2012 before the Fayette County Board of Elections and Voter Registration, this Board makes the following findings and determinations:

**Factual Findings**

On September 27, 2011, Defendant Lane Watts ("Defendant") filed a voter registration affidavit with this Board wherein Defendant changed his address from 201 Patricia Lane, Fayetteville, Georgia 30214 to 109 Gelding Garth Lane, Peachtree City, Georgia 30269. On March 10, 2012, Defendant filed a voter registration affidavit changing his address from 109 Gelding Garth Lane, Peachtree City, Georgia 30269 back to 201 Patricia Lane, Fayetteville, Georgia 30214. On June 12, 2012, the Board received a challenge filed by Mr. Richard Hobbs ("Challenger") alleging that Defendant had filed false information in his voter registration form. Upon receipt of the challenge the Board voted to authorize Tom Sawyer to issue subpoenas related to the hearing in accordance with O.C.G.A. § 21-2-229. The Board subsequently scheduled a hearing for this matter for August 13, 2012.

*Exhibit "B"*



Challenger Richard Hobbs received several subpoenas from the Board and subpoenaed at least six persons to the hearing on this matter. Among those subpoenaed were Mr. Bradford P. Parsons, Jr., Mr. Christian Alfaro, and Ms. Patricia Clemmons. Challenger Hobbs also subpoenaed Defendant Lane Watts and Board Member Marilyn Watts.<sup>1</sup> Mr. Parsons, Mr. Alfaro and Ms. Clemmons appeared at the hearing and testified. Defendant Lane Watts and Board Member Marilyn Watts did not appear at the hearing despite being under subpoena. Counsel for Mr. Watts, Mr. John Sparks, Esq., appeared at the hearing to represent Mr. Watts and stated that he believed the subpoenas were not valid and that Lane Watts and Marilyn Watts would not honor the subpoenas.

At the hearing, Mr. Parsons testified that he resided at 109 Gelding Garth Lane, Peachtree City, Georgia 30269 from September of 2011 through March 2012. Mr. Parsons further testified that Mr. Watts did not reside at that residence at any time during that time period. Mr. Alfaro also testified at the hearing. Mr. Alfaro testified that he, too, resided at 109 Gelding Garth Lane, Peachtree City, Georgia 30269 from September of 2011 through March 2012. Mr. Alfaro further testified that he leased the property from Marilyn Watts and that Mr. Watts did not reside at that residence at any time during that time period. Ms. Patricia Clemmons was also called to testify. Ms. Clemmons testified that she resided at 107 Gelding Garth Lane, Peachtree City, Georgia, 30269 which is next door to 109 Gelding Garth Lane. Ms. Clemmons testified that she was in a dating relationship with Mr. Alfaro and spent a great deal of time at 109 Gelding Garth Lane. Ms. Clemmons testified that Mr. Watts did not reside at 109 from September of 2011 to March of 2012. The defendant's attorney did not call any witnesses to testify and offered no rebuttal of the testimony of Mr. Parsons, Mr. Alfaro, and Ms. Clemmons.

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<sup>1</sup> Marilyn Watts is the mother of Lane Watts and has recused herself from participating in these proceedings.

**Defendant's Motion to Dismiss Hearing**

Defendant filed a motion to dismiss the proceedings due to the fact that the allegations made in the challenge did not relate to the current voter registration of Mr. Watts. The Board denies Defendant's motion as moot. O.C.G.A. § 21-2-229 provides that "[u]pon such challenge being filed with the board of registrars, the registrars shall set a hearing on such challenge." Based upon the language of this code section, the Board had an obligation to conduct the hearing. Georgia law does not place any pre-requisite of the challenge prior to holding a hearing.

Defendant's reliance on the provisions of O.C.G.A. § 21-2-230 is misplaced. Defendant argues that O.C.G.A. § 21-2-230 requires the Board to make a probable cause determination prior to a hearing. However, O.C.G.A. § 21-2-230 specifically pertains to a challenge to an elector to "vote in an election." The challenge before the Board is a challenge to Mr. Watts' right to remain on the voter rolls. If the Board were to accept Defendant's argument, the provision of O.C.G.A. § 21-2-229 would be mere surplusage. This result is contrary to Georgia law.

**Defendant's Motion to Quash Subpoenas**

The Board finds that Defendant's Motion to Quash is moot. The witnesses that appeared before the Board have testified. Also, the Challenger has not filed any motion to enforce the subpoenas and did not seek to stay the proceedings to enforce the subpoenas. Because these issues have been resolved, there is no issue for the Board to rule upon.

**Challenge**

Having heard the evidence presented, the Board determines that the challenge must be denied. While the Board has an obligation to conduct a hearing on all challenges filed, it does not believe it has the authority to remove an elector from the voter rolls based upon irregularities

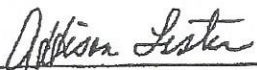
on a prior registration. Therefore, Defendant Lane Watts will not be removed from the current list of electors.

#### Reference to the District Attorney

Despite the Board's determination that the challenge must be denied, the Board has heard sworn testimony that indicates false information was provided to the Board in Mr. Watts' September 27, 2011, voter registration affidavit and to the Superior Court of Fayette County. In his September 27, 2011, Mr. Watts swore and affirmed that he resided at 109 Gelding Garth Lane, Peachtree City, GA 30269. (A copy of this Voter Registration is attached hereto as Exhibit A.) Furthermore, in his Verified Petition for Injunctive and Declaratory Relief, Fayette County Superior Court, Civil Action File No. 2012V-0860, Mr. Watts swore that he resided at 109 Gelding Garth Lane, Peachtree City, GA 30269, from September of 2011 until February of 2012. (See Verified Petition, ¶¶ 8 and 11).

The Board heard the un rebutted testimony of three witnesses that Mr. Watts did not reside at the home on Gelding Garth at anytime from September of 2011 until March of 2012. The Board finds these witnesses credible. Based upon this evidence, the Board finds that it has an ethical obligation to report this matter to the District Attorney for the Griffin Judicial Circuit for further consideration.

This Determination is issued this 24 day of August, 2012.

  
 Addison Lester, Chairman  
 Fayette County Board of Elections and  
 Voter Registration

  
 Darryl Hicks, Member  
 Fayette County Board of Elections and  
 Voter Registration



## Affidavit of Keagon Overton

BEFORE ME, the undersigned authority, personally appeared Keagon P Overton, who, begin by me first duly sworn, deposes and states as follows:

1. My name is Keagon Overton.
2. I am over the age of 18 and am suffering from no mental disabilities such as to prevent me from making this affidavit freely and honestly.
3. In September 2011, I was living with Marilyn and Lane Watts at their Patricia Lane address in Fayetteville, Ga.
4. In September 2011, I was the official Secretary for the Georgia Republican Party's 3<sup>rd</sup> District.
5. In September 2011, Governor Deal signed a new voter redistricting bill, which effectively moved the Patricia Lane voter's address to the 13<sup>th</sup> Congressional District, instead of the 3<sup>rd</sup> Congressional District.
6. Lane and Marilyn Watts talked about the ramifications of this redistricting, including the fact that Lane and I would not be able to be involved in the 3<sup>rd</sup> District Republican party affairs.
7. Lane and Marilyn suggested that Lane and I, could change our voter registration address to the address of the home that Lane Watts owned in Peachtree City, Ga., which remained in the 3<sup>rd</sup> district.
8. I asked Marilyn and Lane as to how this was possible since Lane and I did not live there, and because he had actual tenants living at this residence during this time.
9. Marilyn assured me that this was proper and legal. She reminded me that she had served on the Board of Elections for many years, that she was very familiar with the registration laws, and that I had nothing to worry about.
10. After several weeks went by, and after Lane and Marilyn refused to discuss Lane and I actually moving into that home, I finally became upset that they were being disingenuous with me.
11. I again explained to Marilyn about my misgivings, that it didn't seem right to be able to claim a residence in a home that Lane and I did not live in, and she again reassured me that everything was just fine.
12. Because Lane owned the home, they had convinced me that this change in registration was proper and legal.

Exhibit "C"

13. At no time after Lane and I changed our address to the Peachtree City address, did we ever take any affirmative action to actually move to that address, which eventually caused me to distrust them both, and to ultimately move from their residence.

14. At all times after September 2011, Marilyn Watts had full knowledge that Lane Watts was living with her, since I was there during most of that time, and they never made any attempts at actually moving us to that Peachtree City, Ga. address.

15. All of the foregoing facts are true and correct and are based upon my own personal knowledge.

FURTHER AFFIANT SAYETH NOT.

DATED

---

Keagan Overton

Subscribed to and sworn before me this 13 day of Dec, 2013.

Cathy Dahleman  
Notary Public



My Commission Expires Nov. 27, 2016

drives throughout the county and its various municipalities, she sees that there are incarcerated people picking up trash along the roads. She stated that on State Route 279 people often throw trash on the road and she asked for "No Littering" signs to be put along the street.

**Richard Mix:** Mr. Mix stated that he is from Newnan, Georgia and a Republican candidate for the 3<sup>rd</sup> Congressional District. He stated he is not a politician but rather is a businessman and concerned citizen who is the father of two teenage daughters. He stated that he has worked in the film industry where he executive produced two feature films and has produced dozens of commercials and video product. He said the biggest thing he brings to the party is that he has traveled the world and has seen the impact that the political, economic, and social changes have made and the role the United States plays on the world stage. He thought it was valuable that someone in the position has a world-view. He added that it was important that Georgia's values would be taken to Washington D.C. while at the same time bringing power back to the states. Mr. Mix suggested that the people in Fayetteville know how to run Fayetteville better than people in Washington D.C. do. He stated he would be glad to meet with anyone and he invited everyone to visit his campaign office in downtown Newnan.

**Frank Gardner:** Mr. Gardner stated that at the last Board meeting there was a lengthy meeting about things that the Board took care of at this meeting. He asked all five Commissioners to talk to each other before coming to the meeting. He pointed out that emails were sent to two of the commissioners and not all five, and he asked for each Commissioner to look at each other and agree to forward information to everyone so that everyone can be on the same page. He reminded the Commissioners that over a year ago there was a debate about items being put on the Agenda fifteen minutes before the meeting, but now, things come up during the meeting, and he repeated his request that the Commissioners to communicate with each other before the meeting and to work out the details.

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

**Peachtree City Policy received CALEA Accreditation:** County Administrator Steve Rapson acknowledged that Peachtree City's Police Department has been notified that they received the Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation for the eighth year in a row. He stated that the police department has invited the Board to go to the presentation on February 18, 2016 at 7:00 p.m.

**Appointment of two staff positions to the Transportation Committee:** County Administrator Steve Rapson stated that the Board needed to appoint two staff positions on the Transportation Committee. Chairman Oddo asked Mr. Rapson for recommendations and Mr. Rapson recommended Public Works Director Phil Mallon and Director of Engineering and Building Carlos Christian to the positions.

Commissioner Rousseau moved to appoint Mr. Mallon and Mr. Christian to the Transportation Committee. Commissioner Ognio seconded the motion. The motion passed 5-0.

**Appointment of two Commissioners to the Transportation Committee:** County Administrator Steve Rapson stated that two elected officials needed to be appointed to the Transportation Committee. Commissioner Barlow suggested that the appointments should be the Chairman and Vice Chairman. Commissioner Rousseau agreed since the Transportation Committee was formed at Commissioner Ognio's recommendation and since Chairman Oddo is the Board's representative at the Atlanta Regional Commission.

Commissioner Barlow made a motion that the Board's representatives to the Transportation Committee be Chairman Charles Oddo and Vice Chairman Randy Ognio. Commissioner Rousseau seconded the motion. The motion passed 5-0.

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

**Consideration of Pursuing Attorney's Fees:** County Attorney Dennis Davenport reminded the Board that at the last meeting he brought a report to the Board as a follow-up to some litigation regarding the Fayette County Republican Party and Ms. Marilyn Watts. He reminded the Board that he had mentioned that the attorney's fees for that litigation were approximately \$58,000.00



but that the actual number was \$57,712.74. He further reminded the Board that at the conclusion of the litigation there is a forty-five day window where the prevailing party can seek attorney's fees. He pointed out that just because the prevailing party seeks the attorney's fees, it does not mean they will actually get them, but he added that if the attorney's fees are not sought they definitely would not be awarded. Mr. Davenport added that if the prevailing party chooses to seek attorney's fees, it would also have to decide who to go after to get the attorney's fees. He reminded the Board that the deadline to file any motion for attorney's fees is Monday, February 15, 2016, and he asked for direction on how to proceed.

Commissioner Rousseau asked what the traditional route of the options is what was the precedent for seeking attorney's fees. Mr. Davenport stated that if the Board is looking at which of the three Plaintiffs, or a combination of the Plaintiffs, or all the Plaintiffs, and if the Board is using a litmus test to find a reason to exclude any of the three Plaintiffs, and since the attorney does not have to be brought in unless the Board wants to, then it could [make a decision.] He stated he did not have exposure to the litigation to know what happened other than the fact that the end result was in favor of Ms. Watts. Mr. Davenport stated that since the Board financed Ms. Watts' defense then it could seek attorney's fees. Commissioner Rousseau asked if the suit was brought by the party or by the individuals. Mr. Davenport replied that the suit was styled as coming both from the Republican Party and from Mr. Scott Fabricius both as its Chairman and individually. Commissioner Rousseau asked if Mr. Fabricius was acting in his capacity as Chairman for the lawsuit and Mr. Davenport replied that he was. Commissioner Rousseau replied that was the answer for him. Mr. Davenport replied that Mr. Richard Hobbs was the attorney representing the Plaintiffs. Mr. Davenport clarified that the Fayette County Republican Party, Mr. Scott Fabricius as both individually and as Chairman of the Republican Party, and Mr. Hobbs comprised the universe of potential people attorney's fees could be sought from, and he clarified that the fees could be sought from any combination of the people or all of them.

Commissioner Ognio stated that he understood that the fees could only be awarded if it was first determined that the lawsuit was frivolous. Mr. Davenport agreed and he stated a judge would have to determine if the lawsuit was frivolous. Commissioner Ognio asked how the process would work and if it would cost more money to get the determination from the judge. Mr. Davenport replied that it would require a legal motion and a brief involving several hours of legal work. He stated that the other side would make a response and once it has been provided to the judge then the judge can request some kind of oral argument before making a decision. Mr. Davenport stated it would be up to the judge to make the determination if it merits awarding attorney's fees and how much is awarded.

Commissioner Brown suggested it was not a frivolous lawsuit since the judge would not have moved the case forward to trial if it had been a frivolous lawsuit. He stated there were appeals made by Ms. Watts' attorney to have the trial ceased at the earliest possible moment. Mr. Davenport stated that Commissioner Brown's comments were the argument the other party's attorneys would make since that is the nature of the lawsuit. Commissioner Brown reiterated that any movement to quash the lawsuit was denied, but Mr. Davenport replied that Commissioner Brown was asking a question that he did not have an answer to. Mr. Davenport reiterated that the prevailing party can seek attorney's fees.

Commissioner Ognio stated that this effort would ask Ms. Watts and her attorney to go after the fees and to return the money to the citizens of Fayette County. Mr. Davenport agreed saying it would be Marilyn Watts filing the motion and making the argument and any dollars received on behalf of that would be forwarded to the county.

Commissioner Brown stated this was a dangerous argument and that it was referred to as a "slap suit." He stated that a slap suit is a strategic lawsuit against public participation, and he said when the government starts suing people for criticism or claims of unethical behavior then it permanently silences the public out of fear of retribution from a government that has "one whale of a budget." He said if the Board wants to scare the public into filing any complaints or claims this is the best way to do it. He stated it was a horrible precedent since it is oppressive and would send a message to the citizens of Fayette County that if someone complains against the government the government will get you back. Mr. Davenport replied that what was being considered was not a lawsuit, but Commissioner Brown disagreed with that statement.

Commissioner Rousseau stated that he could understand how someone could see this issue in the way that Commissioner Brown stated, but he disagreed with Commissioner Brown's understanding by stating this was a procedural matter. He explained that the County defended Ms. Watts in her capacity as the representative of the party doing a job on the county's behalf as a



member of the Board of Elections. Mr. Davenport replied that Commissioner Rousseau's understanding was a point of issue about three years ago because it was not an issue where there was an insurance company who would come in and defend. He said the county looked at the matter and made a determination that the allegations and petition were made against Ms. Watts arguable in her capacity of a member of the Board of Elections. He said the Board chose, based on the analysis, to provide the defense of Ms. Watts because, even though the insurance company could not provide the defense, the county chose to do so. He said the reason was because the county wanted everyone to understand that so long as someone was operating in their official capacity the county would stand behind them. Commissioner Rousseau stated that the Board voted to defend Ms. Watts and he was confused why the county would not do the same in this matter. He said he did not take this matter as the county coming back on someone but that that this issue is a part of the ongoing process. Mr. Davenport replied that Commissioner Rousseau had a pretty good handle on the situation. Commissioner Rousseau reiterated that the Board was given options on whether or not to defend Ms. Watts, it voted to defend her at a public meeting for acting in her official capacity as a member of the Board of Elections, the matter went to the court and she was vindicated, and now the Board needs to vote again to possibly recover the money it spent. Mr. Davenport stated that there was a caveat to the representation, namely, if she was found to have operated beyond the scope of her authority and if the court had ruled against her, she would have to reimburse the county for money spent in her defense.

Chairman Oddo stated that the Board has a duty to the taxpayers to guard their money, and in this case, the Board included in its original vote to defend Ms. Watts a clause to recoup the funds spent for the defense. He stated that this was a two-way street and that everyone went into the lawsuit with their eyes open. He stated that it was a fiduciary responsibility to the citizens to recoup the money that was used in the case. He understood it was a difficult situation but he did not see any way around the matter. Commissioner Brown replied that there was no vote to "go the other way" but there was only a vote that if she was found guilty then she would recoup the funds. He stated that the discussion was about a two-way street even though the original vote only included a one-way street where Ms. Watts would repay the county if she was found guilty. Commissioner Brown stated he was probably the strongest 1<sup>st</sup> Amendment advocate in Fayette County since he had gone to court against Peachtree City's attorney, utilizing his own funds, and won on 1<sup>st</sup> Amendment grounds. He stated that the chilling impact of having government come down on people and set an example that if you speak out and cite that there might be an ethical violation or something is improper or illegal, then the example is that the people are doing it at great peril to themselves. He stated that the Board needs to be careful when it creates a chilling effect on public speech.

Commissioner Rousseau said he understood those dynamics but insisted there is a process in place. Chairman Oddo stated that it would encourage people to sue if they knew the government would not or could not recoup the costs. He stated that there are attorneys who will go after governments if they have nothing to lose. He thought this case was one where the county should try to recoup the funds.

Commissioner Brown stated there was a reason the federal government created the whistle-blower law, namely, to protect people who would feel threatened for losing their federal job or being sued by the federal government, and he said the law was to protect free speech. He said government needs to go the extra mile in the protection of liberties in the defense of public speech. He said the government needs to extend every opportunity for the public to protest and complain and cite their grievances, and when the government turns that back into the other direction it is telling the public that it is in jeopardy of losing its income, home, and personal property because of the complaint. He said if people appreciate liberty and the rights guaranteed under the Bill of Rights, then the government needs to go the extra mile since the government is the 900-pound gorilla that will sit on anyone who objects to it.

Commissioner Rousseau stated that he respectfully disagreed with Commissioner Brown since the matter was not about an individual but about the Fayette County Republican Party. He said it was not an individual who started the lawsuit but rather an organization that initiated the lawsuit with individuals bearing claim to what they thought they saw. Mr. Davenport replied that the suit's style was a bit confusing since it said the Fayette County Republican Party and Scott Fabricius as its Chairman and individually. Commissioner Rousseau stated that the lawsuit came in three capacities: Chairman Fabricius, as the party itself, and individually. He granted Commissioner Brown's point at an individual level but he stated Mr. Fabricius sued as Chairman of

an organization that cost Fayette County money and that needed to be addressed. He did not see it as going after the individual where the impression of a 900-pound gorilla is attacking an individual. He reiterated that the Plaintiffs presented themselves as an entity.

Commissioner Brown stated that if a political entity brought the suit then it is political speech and he cautioned against going against any political entity that espouses a political point of view since that is just as dangerous as attacking the individual. Commissioner Rousseau stated he agreed with Commissioner Brown that the government needs to be careful not to crush individual or political speech, but he added that he saw this matter in another light. He quipped that it appeared there were some interesting things going on with the Fayette County Republican Party.

Commissioner Brown moved to consider not going forward in the name of protecting the citizen's ability and confidence in the government that they can cite grievances without the fear of retribution. The motion died for lack of a second.

Commissioner Rousseau moved that the County Attorney be instructed to seek compensation for the lawsuit that was filed to recover the funds in the amount of \$57,712.74 and for the funds to be returned to the taxpayers of Fayette County. Commissioner Barlow seconded the motion.

Mr. Davenport asked if the motion was to seek the attorney's fees solely from the Republican Party. Commissioner Rousseau asked Mr. Davenport for his guidance on whom to seek the fees from without sending a message that the Board is attacking any one person. He said the Board spent money defending someone who was acting in their capacity of an authorized Board and he asked what was the fiduciary responsibility to the taxpayers to recover the money. He said he did not want to send the chilling message but that the chips have to fall where they fall sometimes.

Chairman Oddo suggested that the attorney's fees should be sought from all the Plaintiffs since all the Plaintiffs were named and since they acted as a group.

Commissioner Rousseau amended his motion that the County Attorney be instructed to seek compensation from all Plaintiffs for the lawsuit that was filed to recover the funds in the amount of \$57,712.74 and for the funds to be returned to the taxpayers of Fayette County. Commissioner Barlow seconded the amended motion.

Commissioner Ognio stated that he kind of agreed with Commissioner Brown but the problem is that if it is determined that the lawsuit was frivolous then it is outside the box since it invites frivolous lawsuits from everyone if the county does not go after the funds. He said if the judge determines the lawsuit was not frivolous then it is what it is. Commissioner Ognio stated that it was a hard decision in the first place when the Board first became involved and this too was a hard decision. He agreed that people need to be very aware of what they accuse others of and they need to make sure they have all the facts. He said he would not try the case but in this matter the Board would have to go after recovery of the fees since it was the citizens' money.

Commissioner Brown stated that there was a motion made to dismiss the suit but that the motion was denied and the case was sent to trial. He said that told him that the case was not frivolous. Commissioner Ognio stated that if that was the case then the judge has to make that determination. Commissioner Rousseau agreed with Commissioner Ognio and he stated the Board was putting the case forward to a judge for a determination.

Commissioner Barlow stated that this was what some would call a conundrum because the county deserves to be reimbursed if in fact that is what the judge determines is the case. He said unless the county goes forward the judge is not going to get the opportunity. He said he did not know how he could explain to a citizen that the county did not care about the funds. He felt the county needed to go after recovering the attorney's fees.

Mr. Davenport said he wanted to make sure the motion accomplishes what is desired. He understood the motion was to seek attorney's fees from all Plaintiffs and he asked if the motion was specifically excluding the Plaintiffs' attorney. Mr. Davenport clarified that the attorney is not a Plaintiff but he represents the Plaintiffs.

Commissioner Rousseau asked what is the traditional way to pursue the attorney's fees. Mr. Davenport replied that every case that is tried is different meaning how to pursue attorney's fees have different possibilities.

Commissioner Rousseau amended his motion that the County Attorney be instructed to seek compensation from all Plaintiffs, including the attorney, for the lawsuit that was filed to recover the funds in the amount of \$57,712.74 and for the funds to be returned to the taxpayers of Fayette County. Commissioner Barlow seconded the amended motion. The motion passed 4-1 with Commissioner Brown voting in opposition.

**Notice of Executive Session:** County Attorney Dennis Davenport notified the Board of one personnel matter and review of the January 28, 2016 Executive Session Minutes for consideration in Executive Session.

## **COMMISSIONERS' REPORTS:**

### **Commissioner Ognio**

**Early Voting for the Presidential Primary:** Commissioner Ognio stated that elections are going forward and early voting has begun for the presidential primary. He stated that the people need to think before they vote early since there is a chance the candidate they vote for may not be a candidate in the coming days.

**Georgia House Bill 129- Fluoride:** Commissioner Ognio stated that the Georgia General Assembly is in session and he encouraged everyone to keep up with the various bills being considered. He stated that Fayette County's fluoride bill, House Bill 129, is still in committee and cannot get out of committee. He asked the people to call their representatives and ask them to get the bill out of committee. He said if it does not get out of committee during this session then the bill will die since it is in the second year of a two-year cycle. He encouraged everyone to get involved and make a difference in state government.

### **Commissioner Rousseau**

**Ms. Anderson's Birthday:** Commissioner Rousseau celebrated Ms. Anderson who recently celebrated her 95<sup>th</sup> birthday. He said Ms. Anderson has been in Fayette County for a lifetime and he asked everyone to join him in recognizing her birthday.

**Passing Away of Mr. Ed Lee:** Commissioner Rousseau added that the Fayette community had lost an individual recently referring to Mr. Ed Lee who was married to Joycelyne Lee. He stated that Mr. Lee passed away recently but that he had had the pleasure of meeting them. He sent his well wishes and prayers to the Lee family.

**Thanks to Citizens for Coming to the Meeting:** Commissioner Rousseau thanked the residents for sharing their concerns and candor. He pointed out that people will stop him and share issues that are important to them.

**Attorney's Fees:** Commissioner Rousseau reiterated that the Board had a fiduciary responsibility to at least try to recover attorney's fees. He said every penny counts in these times and this is a principled issue for him, not a personal issue. He said his demeanor is about the business of the county. He thanked his colleagues and he appreciated their warm welcome.

### **Commissioner Barlow**

**Comments on Lawsuit and Thanks to Ms. Watts for Her Service:** Commissioner Barlow thanked the people for coming to the meeting. He thanked Ms. Caldwell for coming to the meeting. He stated that he did not realize that the letter went to only two Commissioners or he would have distributed the letter to the other Commissioners. He thanked Ms. Watts for her years of service on the Board of Elections. He recalled that there was genuine contentiousness in the lawsuit and he thought she was rightly "set free" since it was a terrible situation. He preferred that Ms. Watts would have stayed on the Board of Election due to her knowledge. He pointed out that Mr. Aaron Wright was in the audience shaking his head, and he speculated that Mr. Wright must be assuming he would get Ms. Watts' eighteen years of knowledge overnight. Commissioner Barlow stated this was a precarious election cycle and he thought it was important to have as much leadership as possible on the Board. He thanked Ms.