

BOARD OF COUNTY COMMISSIONERS

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



FAYETTE COUNTY, GEORGIA

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

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

AGENDA

January 28, 2021
6:30 p.m.

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

Call to Order

Invocation and Pledge of Allegiance by Commissioner Eric Maxwell

Acceptance of Agenda

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

1. Consideration of staff's recommendation to approve a new 2021 Retail Alcohol Beer and Wine License (C20-00657) for Edward Wyatt, doing business as South Fayette Station, which is located at 1552 Hwy 85 S, Fayetteville, Georgia 30215. The Board voted to continue this item at the December 10, 2020 Board of Commissioners meeting. (pages 3-46)
2. Consideration of staff's recommendation to approve a new 2021 Retail Alcohol Beer and Wine License (C21-00016) for Harvey Strickland III, doing business as Berry Mart Inc., which is located at 1467 Hwy 92 North Fayetteville, GA 30214. (pages 47-76)
3. Consideration of Ordinance 2021-01, amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-173. – Transportation Corridor Overlay Zone concerning the SR54 West Overlay Zone. (pages 77-95)
4. Consideration of Ordinance 2021-02, amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-105. – Standards for Telecommunications Antennas and Towers. (pages 96-109)
5. Consideration of Petition RDP-015-20 to revise the Development Plan of Whitewater Creek Planning Unit Development (PUD) to reduce the 100-foot front yard setback on Redwine Road to 65 feet on Lot 117 - Final Plat of Highgrove on Whitewater Creek Phase Four. (pages 110-127)
6. Consideration of Petition No. 1302-20, Charlotte Hearn, Owner, request to rezone 2.00 acres from A-R to R-70 to develop one (1) residential lot; property located in Land Lot 18 of the 9th District and fronts on SR 92 North. The applicant has requested to withdraw the petition. (pages 128-129)

PUBLIC COMMENT:

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

CONSENT AGENDA:

7. Approval of staff's recommended Mid-Year Budget Adjustments to the FY 2021 budget and approval to close completed Capital Improvements Plan (CIP) Projects. (pages 130-134)
8. Approval of staff's recommendation to award Contract #1867-P to Arcadis, Inc. to perform engineering services on an as-needed basis for the Water System and Solid Waste department for the period ending June 30, 2022, and with the provision for two one-year renewals, in amounts to be determined by each task order as assigned. (pages 135-140)
9. Approval of staff's recommendation to adopt Ordinance 2021-03 that adds Section 28-18 to Article I of Chapter 28, Fayette County Code of Ordinance establishing provisions pertaining to detecting unauthorized use of water from private fire lines. (pages 141-145)
10. Approval of staff's recommendation to adopt Ordinance 2021-04 that adds Section 28-19 to Article I of Chapter 28, Fayette County Code of Ordinance establishing provisions pertaining to landscape irrigation system requirements. (pages 146-153)
11. Approval of a request from Kristie King, Tax Commissioner, to provide an updated resolution giving authority to the Tax Commissioner to waive penalties and interest. (pages 154-158)
12. Approval of the January 14, 2021 Board of Commissioners Meeting Minutes. (pages 159-167)

OLD BUSINESS:

NEW BUSINESS:

13. Consideration of recommendation from the Selection Committee comprised of Fayette County Staff, to appoint Jim Poff to the Fayette County Water Committee to an unexpired term expiring December 31, 2021 and the subsequent term beginning January 1, 2022, expiring December 31, 2025, as allowed per county Policy 100.19; Board Appointment. (pages 168-177)
14. Consideration of staff's recommendation to award Contract #1879-B, Contractor Resurfacing FY21, to E.R. Snell Contracting, Inc. in the amount of \$864,679.74. (pages 178-180)
15. Delegation/Appointments by the Chairman for board appointments to the following: (pages 181-190)
 - A. Board of Health
 - B. Water Committee
 - C. Retirement/Pension Committee

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

COUNTY AGENDA REQUEST

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Department: Code Enforcement

Presenter(s): Harold Myers, Chief Marshal

Meeting Date: Thursday, January 28, 2021

Type of Request: Public Hearing #1

Wording for the Agenda:

Consideration of staff's recommendation to approve a new 2021 Retail Alcohol Beer and Wine License (C20-00657) for Edward Wyatt, doing business as South Fayette Station, which is located at 1552 Hwy 85 S, Fayetteville, Georgia 30215. The Board voted to continue this item at the December 10, 2020 Board of Commissioners meeting.

Background/History/Details:

The applicant submitted an application to be reviewed and approved by county staff and as of January 8, 2021, requested to withdraw this request. (See attached email)

The applicant has met all requirements per the Fayette County Code of Ordinances.

The applicant has been approved by the following departments: Code Enforcement, Fire Marshal Office, and the Planning and Zoning Department.

There are no outstanding violations prohibiting this applicant from consideration before Board of Commissioners.

What action are you seeking from the Board of Commissioners?

Approval to withdraw a 2021 Retail Alcohol Beer and Wine License (C20-00657) for Edward Wyatt, doing business as South Fayette Station, which is located at 1552 Hwy 85 S, Fayetteville, Georgia 30215.

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:

From: [Pete Frisina](#)
To: [Tameca P. Smith](#)
Subject: FW: Alcohol Ordinance
Date: Friday, January 8, 2021 3:58:30 PM
Attachments: [image001.png](#)

From: John Cook [mailto:jmcook@greenoilco.com]
Sent: Friday, January 8, 2021 3:29 PM
To: Brian Hitchcock <bhitchcock@fayettecountyga.gov>
Cc: Robert F Winfrey <fwinfrey@fayettecountyga.gov>; Pete Frisina <pfrisina@fayettecountyga.gov>; Harold G. Myers <hmyers@fayettecountyga.gov>
Subject: RE: Alcohol Ordinance

External Email Be cautious of sender, content, and links

Please withdraw our application for alcohol license for the January 28, 2021 Commissioner's Meeting.

Thanks!

John Cook

Director of Wholesale Operations



Geo. H. Green Oil, Inc.

P.O. Box 127

41 Dodd Street, Fairburn, GA 30213

Office 770-964-6125 ext. 1025

Mobile 770-231-0168

Efax 1-866-884-2401

jmcook@greenoilco.com

From: Brian Hitchcock <bhitchcock@fayettecountyga.gov>
Sent: Friday, January 8, 2021 3:26 PM
To: John Cook <jmcook@greenoilco.com>
Cc: Robert F Winfrey <fwinfrey@fayettecountyga.gov>; Pete Frisina <pfrisina@fayettecountyga.gov>; Harold G. Myers <hmyers@fayettecountyga.gov>
Subject: RE: Alcohol Ordinance

Will you please send me an email stating that you wish to withdraw you application for alcohol license for the January 28, 2021 Commissioners meeting. Thank you.

From: John Cook [<mailto:jmcook@greenoilco.com>]
Sent: Friday, January 08, 2021 3:03 PM
To: Brian Hitchcock
Subject: RE: Alcohol Ordinance

External Email Be cautious of sender, content, and links

Brian We are going to take your advise and wait to obtain the alcohol license until we are ready to open the store. Thank you very much for all of your assistance. Just wanted to let you know so that we weren't on the calendar or schedule.

Happy New Year!

Thanks!

John Cook

Director of Wholesale Operations



Geo. H. Green Oil, Inc.

P.O. Box 127

41 Dodd Street, Fairburn, GA 30213

Office 770-964-6125 ext. 1025

Mobile 770-231-0168

Efax 1-866-884-2401

jmcook@greenoilco.com

From: Brian Hitchcock <bhitchcock@fayettecountyga.gov>
Sent: Thursday, December 3, 2020 9:25 AM
To: John Cook <jmcook@greenoilco.com>
Cc: Harold G. Myers <hmyers@fayettecountyga.gov>; Pete Frisina <pfrisina@fayettecountyga.gov>
Subject: Alcohol Ordinance

John here is the code section that I mentioned to you this morning. If you decide to get the Alcohol License for the current building the license will forfeited after 3 months operation ceases at the current location. Once the new building is built then you will have to go through the whole process again including a new survey (there is no grandfather clause that apply to the original license) , all fees will apply for the new License process. Please give us an answer today as to what you plan to do.

Sec. 4-40. - Time limit for commencement of business in licensed establishment; forfeiture for nonuse.

(a) All holders of licenses under this article must within six months after the issuance of the license open the establishment referred to in the license. If the license holder fails to open the licensed establishment within the six-month period the license shall be canceled and all fees forfeited. (b) Any holder of a license who, after beginning operation, ceases to operate the business for a three-month period automatically forfeits his license; and the license shall be automatically canceled.
(Code 1992, § 3-17; Ord. No. 2013-11, § 1, 8-29-2013; Ord. No. 2019-05, § 23, 6-13-2019)

COUNTY AGENDA REQUEST

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Department: Code Enforcement

Presenter(s): Harold Myers, Chief Marshal

Meeting Date: Thursday, December 10, 2020

Type of Request: Public Hearing

Wording for the Agenda:

Consideration of staff's recommendation to approve a new 2021 Retail Alcohol Beer and Wine License (C20-00657) for Edward Wyatt, doing business as South Fayette Station, which is located at 1552 Hwy 85 S, Fayetteville, Georgia 30215.

Background/History/Details:

The applicant submitted an application to be reviewed and approved by county staff.

The applicant has met all requirements per the Fayette County Code of Ordinances.

The applicant has been approved by the following departments: Code Enforcement, Fire Marshal Office, and the Planning and Zoning Department.

There are no outstanding violations prohibiting this applicant from consideration before Board of Commissioners.

What action are you seeking from the Board of Commissioners?

Approval of a new 2021 Retail Alcohol Beer and Wine License (C20-00657) for Edward Wyatt, doing business as South Fayette Station, which is located at 1552 Hwy 85 S, Fayetteville, Georgia 30215.

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:

Legal Notice Number:

**NOTICE OF PUBLIC HEARING FOR THE APPROVAL OF A RETAIL
LICENSE TO SELL ALCOHOLIC BEVERAGES.**

PUBLIC HEARING to be held before the Fayette County Board of Commissioners on **December 10, 2020**, in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia at 2:00 P.M.

An application has been submitted to the Fayette County Board of Commissioners for a retail license to sell alcoholic beverages at the following location: 1552 Hwy 85 South, Fayetteville, Georgia 30215. The business name is South Fayette Station, Edward Wyatt has requested to be appointed as the licensee. The Board of Commissioners will consider the proposed application on Thursday, December 10, 2020 at 2:00 P.M.

A copy of the above is available in the office of the Fayette County Planning and Zoning Department, 140 Stonewall Avenue West, Suite 202, Fayetteville, Georgia.

This 19th day of November 2020.

Frank Winfrey, Code Enforcement Officer
Division of the Marshal's Office

Ad to run: 11/25/2020

NOTICE OF PUBLIC HEARING FOR
THE APPROVAL OF A RETAIL
LICENSE TO SELL ALCOHOLIC
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This 19th day of November 2020

Frank Winfrey, Code Enforcement
Officer

Division of the Marshal's Office

11/25

Fayette County Code Enforcement Department

Departmental Check List for Alcohol Beverage License

Address : 1552 Hwy 85, City: Fayetteville, GA

Contact Person : John Cook Phone Number : 770-231-0168

1. Planning and Zoning Department - (Suite 202) 770-305-5421

Printed Name:

Reviewed By: 

Date: 10/20/20 Approved: ☒ Denied: ☐ N/A: ☐

2. Fire Marshal Office - (Suite 214) 770-305-5414

Printed Name:

Reviewed By:

~~James D. Hall~~ / Anthony S. Korando 

Date: 11/9/20 Approved: ☒ Denied: ☐ N/A: ☐

3. Code Enforcement - (Suite 202) 770-305-5417

Printed Name:

Reviewed By:

Frank Wintrey
Frank Wintrey

Date: 11/18/2020 Approved: ☒ Denied: ☐

Fayette County

620-00657

ALCOHOLIC BEVERAGE LICENSE APPLICATION

Date Received: _____ Date sent to Comm. Off. _____

FAYETTE COUNTY
CODE ENFORCEMENT

140 Stonewall Ave. West
Suite 202
Fayetteville, GA 30214

Phone: 770-305-5417
Fax: 770-305-5305
E-mail:
CODEVIOLATIONS@FAYETTECOUNTY.GA

Office Use Only

- ☐ Approved
☐ Denied

Officer's Initials _____

Remarks _____

Fees

Retail Package Sales

- ♦ Beer and Wine License - \$1,000.00
- ♦ Beer only - \$750.00
- ♦ Wine only—\$400.00

- ♦ On-Premise (Beer Only) - \$750.00
- ♦ On-Premise (Distilled Spirits) - \$1500.00
- ♦ OnPremise(distilled,malt,wine) \$2500.00

Alcohol beverage catering—\$250.00 annual
Malt/wine—\$25.00 per event
Distilled Spirits—\$50.00 per event
Malt/wine/distilled spirits—\$ 75.00 per event

Approved on premises location fee-

Application fee—\$200.00
Annual Fee—\$200.00
Special Event fee- Limit 3 times annually
Malt—\$75.00
Wine - \$50.00
Distilled—\$ 125.00
Malt/wine/distilled \$ \$200.00

OTHER FEES

Administrative/Investigative fee \$200.00
(non refundable)
Employee Permits—\$ 30.00
Fingerprint fee - \$44.25

☐ Alcohol beverage Catering ☐ On premises approved location

☐ On-Premise ☐ Brew Pub ☐ Wholesale ☒ Retail Package Sales ☐ Alcohol catering
☐ Alcohol beverage catering ☐ Approved location—on premise catering

1. Occupational Tax No: 104643
2. Trade name of business for which license is applied: South Fayette Station
3. Business Name and Store Number: South Fayette Station
4. Street Address: 1552 Hwy 85 South
City: Fayetteville State: GA Zip Code 30215
5. Mailing Address: P.O. Box 127
City: FAIRBURN State: GA Zip Code 30213
6. Phone Number: 770-964-6125
7. Fax Number: 770-964-1507
8. E-mail Address: jmcook@greenoilco.com
9. Web Address: www.greenoilco.com

10. Name and address of each person, firm and corporation having any ownership interest in business and the amount of such interest:

Name	Residence	Interest
Ed Wyatt	362 Lee's Mill - 30215	50%

Name	Residence	Interest
Bill Wyatt	386 Lee's Mill - 30215	50%

Name	Residence	Interest
------	-----------	----------

Name	Residence	Interest
------	-----------	----------

Name	Residence	Interest
------	-----------	----------

11. How much of the capital of this business is borrowed and from: (Attach exhibits if necessary)

Amount	Lender	Interest
NONE		

Amount	Lender	Interest
--------	--------	----------

Amount	Lender	Interest
--------	--------	----------

12. (A) Will this business be owned by the applicant as a sole proprietorship? (Circle) Yes ☐ No ☒

(B) If this business will be owned in whole or in part by a partnership, , list the names and address of all general partners, as well as the name and addresses of the licensee, and the license representative.

Name	Address	Interest
N/A		

Name	Address	Interest
Ed Wyatt	362 Lee's Mill	30215 50%

Name	Address	Interest
Bill Wyatt	386 Lee's Mill	30215 50%

13. If business is operated by a close corporation list names and addresses of all officers, directors and stockholders, as well as the names and addresses of the licensee and the license representative

Name	Address	City	State	Title
N/A				

Name	Address	City	State	Title
------	---------	------	-------	-------

14. If business is operated by a corporation, other than a close corporation, the name of the corporation, the address of the corporate office, the name and address of the registered agent for service of process for the corporation and the names and addresses of the licensee and the license representative

GEO. H. GREEN OIL, Inc - 41 Dodd St. - FAIRBURN, GA 30213

R/A - Doug WARNER - 900 Westpark Dr. - Suite 210 - Peachtree City, GA 30269

15. Has applicant and/or licensee ever had its/his/her license to sell alcoholic beverage suspended two or more times during the past five years or revoked by any state or political subdivision hereof; and provide any such other appropriate information as may be required by the governing body or Code Enforcement

NO

16. Copy of Secretary of State registration. Attach current copy ✓

17. (A) Is the applicant and/or license holder the owner of the building where business is to be conducted?

☒ Yes
☐ No

(B) Are you also the owner of the land?

☒ Yes
☐ No

(C) If your answer is "NO", to either question, state whether you lease, sub-lease, and/or rent the building and whether you lease, or sub-lease the land or both.

N/A

18. State the full name and address of the owner of the building and the name and address of the owner of the land and the name and address of all lessors and sub-lessors and attach copies of all lease agreement.

WJW Realty Co. LLC - (Ed & Bill Whatterson)
P.O. Box 127
FAIRBURN, GA 30213

19. Has the applicant and/or license holder entered into an agreement or contract with either the owner or owners, lessors and sub-lessors for either the building or land or both, which provides for the payment of rent on a percentage or profit sharing basis? (Circle) Yes No

20. Name the manager of the business for which this application is filed and state how he is compensated.

John Cook - 41 Dodd St Fairburn Ga 30215
 Name Address

3MAM
 Compensation

21. Has any place of business engaged in the sale of distilled spirits, wine or beer with which you have been associated ever been cited or charged at any time with any violation of Georgia law or federal law or municipal law or any rule or regulation or ordinance concerning the sale of such products?

NO

Date	Authority Issuing Citation	Violation	Alleged Result

Fayette County

ALCOHOLIC BEVERAGE LICENSE LICENSEE APPLICATION

PART 2

INSTRUCTIONS:

Fill in all blanks with complete and accurate information or your application will not be processed and your fee will be forfeited.

1. Last Name: Wyatt First: EDWARD Middle: C
2. List maiden name and all married names: _____
3. Age: 69 Date of Birth: 50 Social Security No: [REDACTED]
4. Place of Birth: College Park State: GA Country: USA
5. U.S. Citizen: Yes ☒ No ☐ Alien Registration No: _____
6. Date and Port of Entry: _____
7. If naturalized, when: _____
8. Business Name and Address where you are employed and the permit is required:
 Business Name: Geo. H. Green Oil, Inc.
 Street Address: 41 Dodd
 City: NEWNAN State: GA Zip Code: 30213
9. Your position or job at the above address: Owner
10. Your home street address: 362 LEE'S Mill Rd.
 City: Fayetteville State: GA Zip Code: 30214
11. Your home telephone number: 770 964-4943 Work: 770 964 6125
12. Your e-mail address: Edwyatt@greenoilco.com
13. Your mailing address: 362 Lee's Mill Rd.
 City: Fayetteville State: GA Zip Code: 30214
14. Resident of: Fayetteville County: Fayette State: GA
15. Is the above address your bona fide place of domicile? (Circle) ☒ Yes ☐ No
16. How long have you lived at the above address? 25+ years
17. If less than 10 years, give your previous and legal address and the length of time you resided at said residence? _____

Verification

I, EDWARD C. WYATT, applicant, do solemnly swear, subject to criminal penalties for false swearing, that the statements and answers made by me to the foregoing questions in this application for a County of Fayette license as a dealer in alcoholic beverages, are true, and no false or fraudulent statement or answer is made therein to procure the granting of such license.



[Signature]

Applicant's Signature
(full name signed in ink)

I certify that EDWARD CHARLES WYATT has provided me with proper documentation as verification of his/her identity; documentation being: GEORGIA DRIVERS LICENSE. I also certify that he/she signed his/her name to the foregoing application after stating to me that he/she knew and understood all statements and answers made therein, and under oath actually administered by me, has sworn that said statements and answers are true.

This 30th day of OCTOBER, 2020.

(Affix Seal)



[Signature]

Notary Public

12. In the spaces provided below, list all convictions including pleas of nolo contendere, first offender, forfeiture of bond, etc., for any felony or misdemeanor, relating to the sale or use of alcoholic beverages, crimes of moral turpitude, gambling, sexual offenses, assault, battery, Family Violence, or illegal drugs within the five years prior to the date of application:

Date of Offense	Place of Offense	Type	Disposition
1.	N/A		
2.			
3.			
4.			

If additional space is required, attach a sheet with the additional offenses and information concerning

Under Georgia Criminal Code Section 16-10-20, any person who knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or device, makes a false, fictitious, or fraudulent statement or representation, shall, upon conviction therefore, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one year nor more than five years, or both.

[Signature] You must initial that you have read this statement.

I have read and understand that any falsehood or half-truth submitted in this application is a felony and will render me ineligible to serve alcoholic beverages in this County. I also understand that any falsehood or half-truth discovered by investigators during the term of this permit (which is one year from the date of the application) is grounds for its revocation and my subsequent prosecution.

Edward C. Wyatt Signature of Applicant 08/30/2020 Date

I hereby authorize the Fayette County Marshal's Office to receive any criminal history record information pertaining to me which may be in the files of any state or local criminal justice agency in Georgia.

Edward C. Wyatt
Full Name Printed

362 LEE'S Mill Rd., Fayetteville, GA 30214
Address

Sex: M Race: W Date of Birth: [Redacted] 50 Social Security No. [Redacted]

Notary: Howard L. Johnson Date: 10-30-2020

Alcoholic Beverage Ordinance

- ◆ My signature acknowledges that I have received a copy of the New Fayette County Alcoholic Beverage License Ordinance.
- ◆ It is my responsibility to know its content.
- ◆ This ordinance is strictly enforced.

Should you have any questions, please call this office at 770-305-5417.

X 
Applicant's Signature
(full name signed in ink)

GEORGIA CRIMINAL HISTORY FORM AND RESULTS



Fayette County Sheriff's Office

BARRY H. BABB
SHERIFF

Randall Johnson Law
Enforcement Center
155 Johnson Avenue
Fayetteville, Georgia
30214
(770) 461-8353
EMERGENCY: 9-1-1

AUTHORIZATION FOR RELEASE OF INFORMATION

I hereby authorize the Fayette County Sheriff's Office to receive any Georgia criminal history record information obtained through the Georgia Crime Information Center (GCIC). All information must be completely filled out.

WYATT EDWARD CHARLES
LAST FIRST MIDDLE MAIDEN
362 LEES MILL ROAD, FAYETTEVILLE GA 30214
STREET ADDRESS CITY STATE ZIP
1950 M [REDACTED]
DATE OF BIRTH SEX SOCIAL SECURITY NUMBER

RACE: ☐ AMERICAN INDIAN ☐ ASIAN ☐ BLACK ☒ WHITE

(Per GCIC/CIC guidelines, only the above races will be accepted for Criminal History purposes by the Georgia Crime Information Center.)

Name the person and company/organization that will be receiving this information.
Please check N/A if this does not apply.

Officer Brian Hitchcock
Name of Requestor

Fayette County Code Enforcement
Name of Company/Organization

N/A

Please check all that applies:

- ☐ Employment/volunteer work with children (Purpose code 'W')
☐ Employment/volunteer work with elder care (Purpose code 'N')
☐ Employment/volunteer work with mentally disabled (Purpose code 'M')

**Fingerprints and
Georgia Criminal History**

One of the following must be checked:

☐ This authorization is valid for 90/180 (circle one) days from date of signature.

☒ I, Edward Charles Wyatt give consent to the above named to perform periodic criminal history background checks for the duration of my employment with this company.

SIGNATURE [Signature] DATE 11-2-20

No Georgia Record Found
Fayette County Sheriff's Office
Date: November 2, 2020
C.O.: [Signature]



Georgia Bureau of Investigation
3121 Panthersville Road
Decatur, Georgia 30034
404-244-2639

LSTCN:2240019633
GBITCN:03072156089993
DATE/TIME:2020-11-02 17:30:26
NAME:WYATT, EDWARD CHARLES
PHOTO:PHOTO NOT AVAILABLE

NO GEORGIA OR FBI NATIONAL CRIMINAL HISTORY RECORD FOUND

2020 OCCUPATIONAL TAX CERTIFICATE

CORPORATION REGISTRATION

LIMITED LIABILITY PARTNERSHIP ELECTION



Fayette County
Finance Department
140 Stonewall Avenue West
Suite 101
Fayetteville, GA 30214
Phone: 770-305-5413

2020

Page 23 of 190
**OCCUPATIONAL TAX
CERTIFICATE**

**** NOTICE ****

This certificate becomes null & void if ownership changes. We must be notified in writing within 5 days of such change or transfer. A fee of \$35.00 will apply.

Business Location:

1552 HWY 85 SOUTH

Customer # 129568

SOUTH FAYETTE STATION
PO BOX 127
FAIRBURN, GA 30213

Account Number
104643

Type
CONVENIENCE STORE

**Certificate
Number**
8205

Issued
03/06/2020

Expires
12/31/2020

Tax Amount	75.00
Reinstatement Fee and Penalty	.00
Interest	.00
Total Amount	75.00

BY: _____

***** POST THIS CERTIFICATE IN A CONSPICUOUS PLACE *****

Office Copy Only

**** NOTICE ****

This certificate becomes null & void if ownership changes. We must be notified in writing within 5 days of such change or transfer. A fee of \$35.00 will apply.

2020

**OCCUPATIONAL TAX
CERTIFICATE**

Business Location: 1552 HWY 85 SOUTH

Customer # 129568

Account Number	Tax Amount	75.00	Certificate Number
104643	Reinstatement Fee and Penalty	.00	8205
Type	Interest	.00	Issued
CONVENIENCE STORE	Total Amount	75.00	03/06/2020
			Expires
			12/31/2020

SOUTH FAYETTE STATION
PO BOX 127
FAIRBURN, GA 30213



Fayette County
Finance Department
140 Stonewall Avenue West
Suite 101
Fayetteville, GA 30214
Phone: 770-305-5413



Thank you. The following payment has been successfully submitted.

Payment Submitted

Confirmation
number: **410024831**
Payment Date: **Mar 6, 2020, 1:16:22 PM**
Payment type: **OTC - 316100**
Account number: **316100**
Payment method: **Visa**
Card number: *******8889**
Payment amount: **\$75.00**
Processing fee: **\$1.76**
Total amount
charged: **\$76.76**

X

A handwritten signature in black ink is written over a horizontal line. The signature is stylized and appears to be "John Doe".

FAYETTE COUNTY BOARD OF COMMISSIONERS
140 Stonewall Avenue, West
FAYETTEVILLE GA 30214

A/R RECEIPT
DATE/TIME
CLERK
INVOICE

Page 25 of 190
7192957
03/06/20 13:16
9597dmil
129860

CUST: 129568 SOUTH FAYETTE STATION

01 EMPLOYEE COUNT

75.00

PREV BALANCE	75.00
AMOUNT PAID	75.00
ADJUSTMENTS	.00
NEW BALANCE	.00

PMT TYPE	QTY	REF
CREDIT CAR	1	

AMOUNT

SSN/FID: *****5611

DBA: SOUTH FAYETTE STATION

STATE OF GEORGIA

Secretary of State
Corporations Division
313 West Tower
2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

ANNUAL REGISTRATION

Electronically Filed
Secretary of State
Filing Date: 1/14/2020 2:04:39 PM

BUSINESS INFORMATION

CONTROL NUMBER	J207061
BUSINESS NAME	GEO. H. GREEN OIL, INC.
BUSINESS TYPE	Domestic Profit Corporation
EFFECTIVE DATE	01/14/2020
ANNUAL REGISTRATION PERIOD	2020

PRINCIPAL OFFICE ADDRESS

ADDRESS	PO BOX 127, FAIRBURN, GA, 30213-0127, USA
---------	---

REGISTERED AGENT

NAME	ADDRESS	COUNTY
DOUGLAS B WARNER	900 WESTPARK DR, SUITE 210, PEACHTREE CITY, GA, 30269, USA	Fayette

OFFICERS INFORMATION

NAME	TITLE	ADDRESS
EDWARD C WYATT	CEO	362 LEES MILL ROAD, FAYETTEVILLE, GU, 30214, USA
WILLIAM P WYATT	CFO	386 LEES MILL ROAD, FAYETTEVILLE, GA, 30214, USA
WILLIAM P WYATT	SECRETARY	386 LEES MILL ROAD, FAYETTEVILLE, GA, 30214, USA

AUTHORIZER INFORMATION

AUTHORIZER SIGNATURE	GINA PONTILLO
AUTHORIZER TITLE	Authorized Person

This Limited Liability Partnership Election ("Limited Liability Partnership Election") is made and executed this 9th of April, 2001, pursuant to O.C.G.A. § 14-8-62.

1. Effective with the filing of this Limited Liability Partnership Election, the name of the partnership shall be W & W Realty Co., LLP (the "Partnership").
2. The business, profession or other activity in which the Partnership engages is real estate development, ownership and investment.
3. The Partnership hereby elects to become a limited liability partnership.
4. This Limited Liability Partnership Election has been duly authorized by the partners of the Partnership.

IN WITNESS WHEREOF, the undersigned have executed this Limited Liability Partnership Election on the day and year first above written.

Sworn to and subscribed before me this
9th day of April, 2001.

W & W REALTY CO.

Lerah M Moore
Witness

By: Edward C. Wyatt
Edward C. Wyatt, as General Partner

Lail J Brown
Notary Public Notary Public, Fulton County, Georgia
My Commission Expires Oct. 15, 2001
My Commission Expires:

[NOTARIAL SEAL]

[SIGNATURES CONTINUED ON NEXT PAGE]

State of Georgia
County of Fayette

PARTNERSHIP AGREEMENT

This agreement, made and entered into this 12 day of December, 19 85, by and between Edward C. Wyatt, resident of Fayette County, Georgia, (hereinafter referred to as "Ed"), and William P. Wyatt, resident of Fayette County, Georgia, (hereinafter referred to as "Bill").

WITNESSETH, for and in consideration of the mutual covenants and promises set forth herein and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Purpose, Ownership, and Name. The purpose of the partnership shall be to own, hold and operate real property, including to manage, lease, and possibly resell same at a later date; and to perform such other enterprises as the partners shall from time to time agree. Ed shall own a fifty per cent undivided interest in the property and the partnership, and Bill shall own a fifty per cent undivided interest in the property and the partnership. During the existence of the partnership, all net income, net losses, or cash flow shall be allocated as of the last day of each year to the partners in accordance with their ownership percentages above. The name of the partnership shall be "W & W Realty ~~Company~~", which shall be a registered trade name

in Fayette and Fulton Counties, State of Georgia.

2. Capital Contributions. Ed and Bill agree to initially contribute to the partnership, proportionately, such amount as is necessary to acquire and close the purchase of the properties to be owned by the partnership. With respect to the future holding of the property and/or the operation of the partnership, each partner hereby agrees to contribute, as needed, his proportionate share of any and all capital necessary to operate the partnership, including, but not limited to the following: mortgage payments, insurance, taxes, utilities, repairs, upkeep, salaries, and other such miscellaneous overhead expenses pertaining to the successful operation of the partnership.

3. Allocation Upon Sale or Refinancing. Upon sale or refinancing of the property, or any portion thereof, any cash realized from such sale or exchange, placing or refinancing of any mortgage on the property, liquidation of the assets of the partnership, from hazard insurance in excess of any restoration or repairs, or any awards from condemnation in excess of partnership obligations, shall be distributed to the partners in accordance with their ownership interest.

4. Management of the Property. With respect to voting and management of the property and the partnership, decisions shall be by vote of the partners, the majority in interest controlling such decisions. All funds for the partnership shall be placed

into a checking account under the name "W & W Realty Company", and either partner may sign on such checking account. The books and records of the partnership shall be open to either partner, upon reasonable notice to the other.

5. Right of First Refusal. The partners shall have the right of first refusal on the sale of an interest in the partnership. No partner shall sell or transfer his interest in the partnership or property without first allowing the other partner to purchase that interest at the same price and terms being offered by one not a party to this agreement. Any sale of a partner's interest shall be offered in writing to the remaining partner in proportion to his interest in the partnership. Partners shall have sixty days to exercise their right of first refusal on any sale of a partner's interest, after proper written notice of intent to sell has been given.

6. Death of a Partner. This agreement shall not be canceled or affected by the death of one of more of the partners. The heirs of administrators of a deceased partner shall assume the full obligations and benefits of the deceased partner and shall be bound by this agreement as though a party hereto, including the foregoing paragraph concerning right of first refusal on sale of partnership interest.

7. Notification. Notification as may be required shall be hand delivered or sent by certified or registered mail to the

following addresses, or as may be changed from time to time by written notice to all partners:

Edward C. Wyatt
c/o Geo. H. Green Oil, Inc.
41 Dodd Street
Fairburn, Georgia 30213

William P. Wyatt
c/o Geo. H. Green Oil, Inc.
41 Dodd Street
Fairburn, Georgia 30213

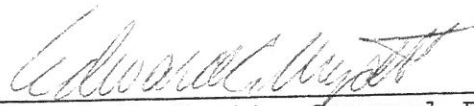
8. Partition and Accounting. No partner shall, either directly or indirectly file any complaint, institute any proceeding at law or in equity, or take any action to partition the property, each partner hereby waiving any such right to partition. The books shall be kept on the accounting basis as is deemed to be in the best interests of the majority of the partners.

9. Limited Purpose. This partnership is formed for the purpose of acquiring, holding, managing, and possibly reselling real property and incidental services related to the operation of the property, as well as all other purposes agreed upon by the partners unanimously. Except as provided herein, no partner is authorized to act as an agent for the partnership or any other partner, nor to incur obligations with respect to the partnership or the property. The signatures of both partners shall be required on all warranty deeds, closing statements, and other documents or instruments given in connection with the sale,

transfer, or conveyance of any of the partnership property.

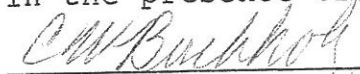
10. Miscellaneous. The partners hereby agree that they shall be bound by this agreement for purposes of purchasing, owning, managing, operating, and possibly reselling the property, and operating the partnership. This agreement shall be construed under the laws of the state of Georgia, and shall be binding upon the parties, their successors, heirs, executors, and assigns. This agreement may be amended only by a writing signed by both of the partners.

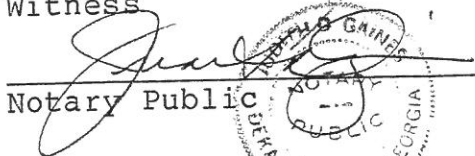
IN WITNESS WHEREOF, the undersigned partners have hereunto set their hands and seals, the day and year first above written.

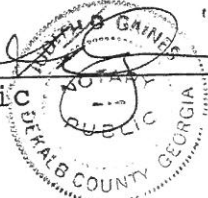
 (SEAL)
Edward C. Wyatt, General Partner

 (SEAL)
William P. Wyatt, General Partner

Signed, sealed and delivered
in the presence of:


Witness


Notary Public

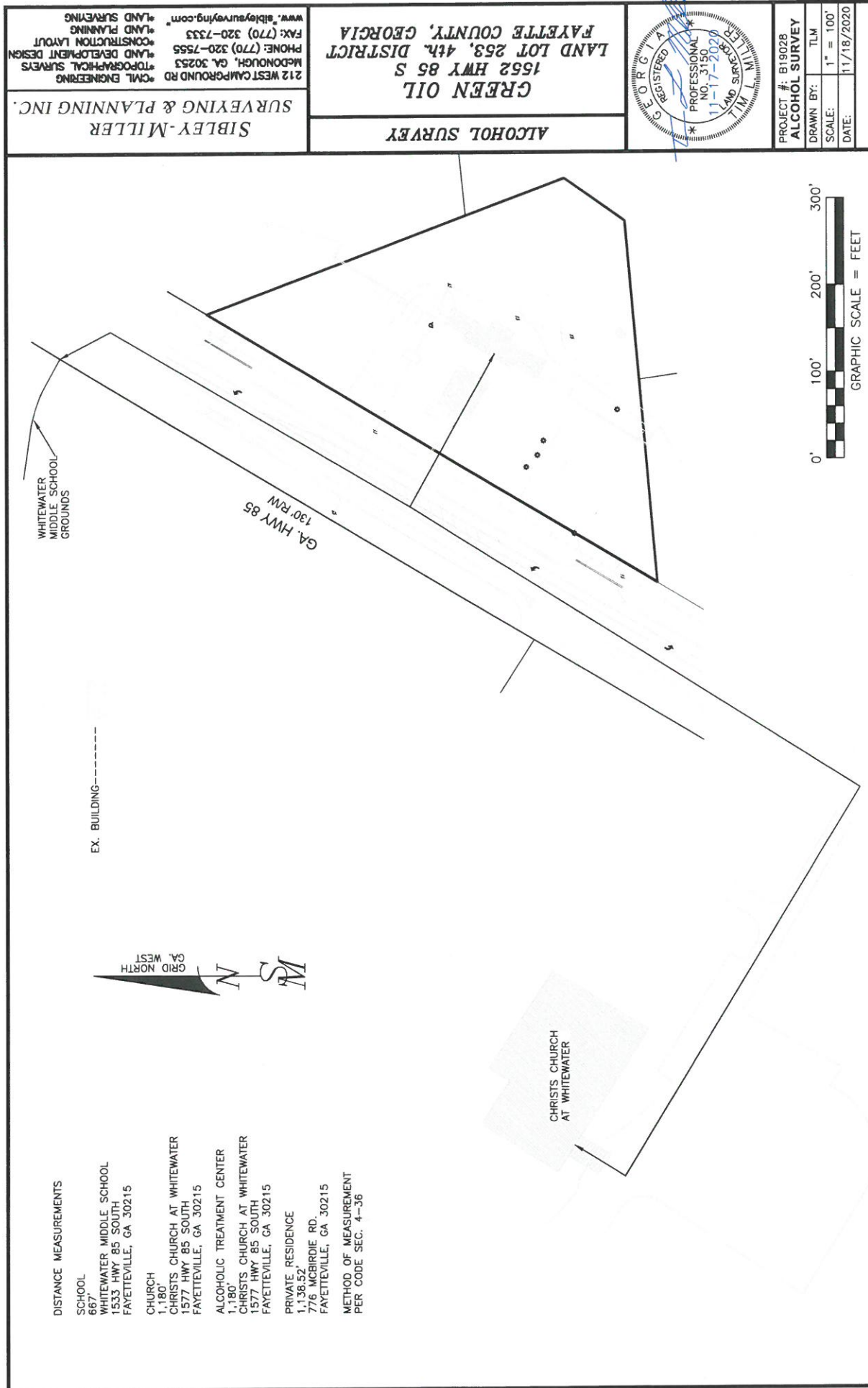


My Commission Expires
July 19, 1928

ALCOHOL SURVEY SHOWING

- **A SCALE DRAWING**
- **DISTANCE TO A CHURCH**
- **DISTANCE TO A SCHOOL**

WARRANTY DEED



Beer & Wine License Request



Whitewater Middle
School

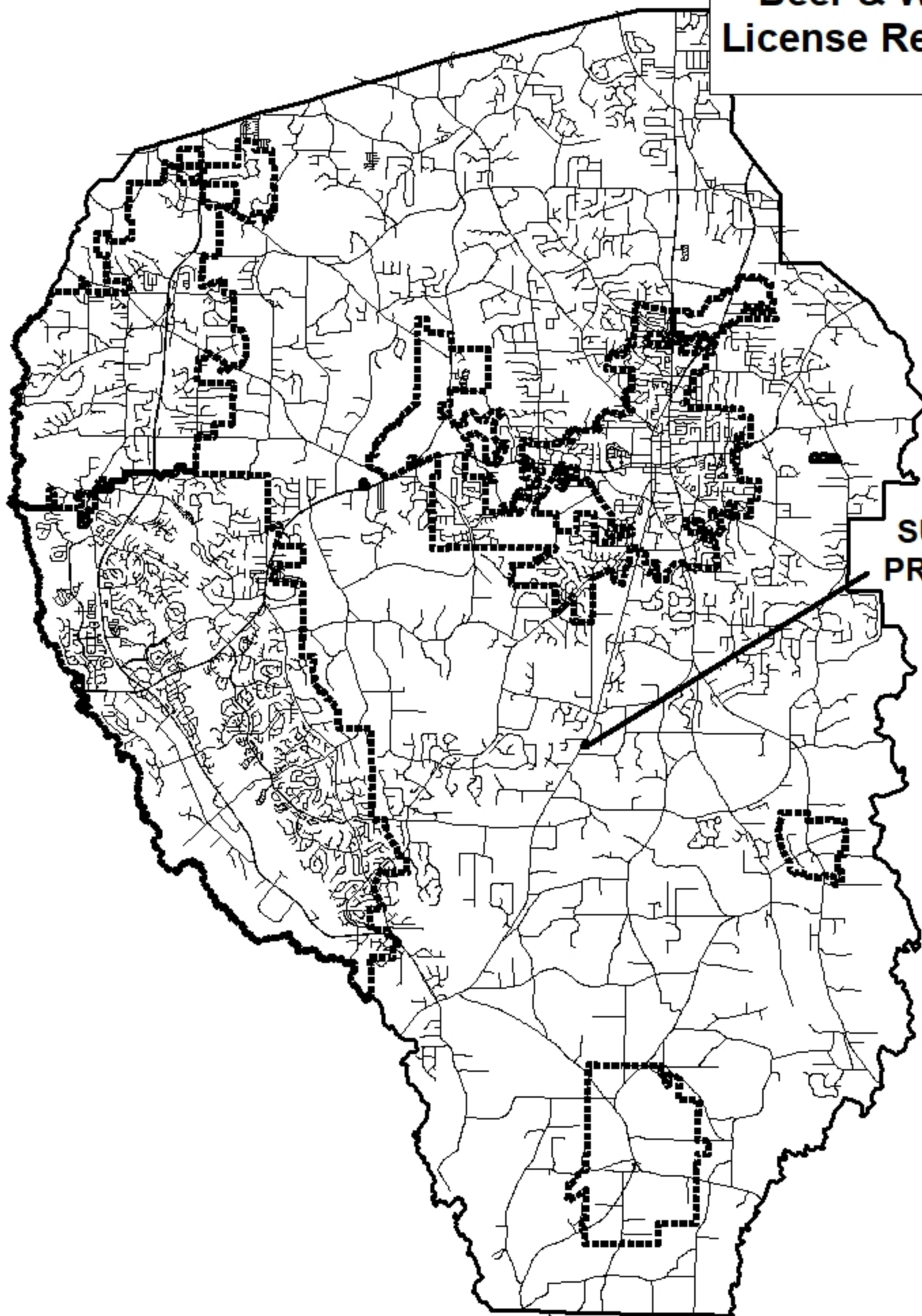
SR 85 South

SUBJECT
PROPERTY

Church

Mask Road

Beer & Wine License Request



**SUBJECT
PROPERTY**

Doc ID: 008896910001 Type: WD
 Recorded: 08/07/2012 at 09:05:00 AM
 Fee Amt: \$350.00 Page 1 of 1
 Transfer Tax: \$340.00
 Fayette Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 3927 PG 640

Record and Return to:
Glover & Davis, P.A.
 1125 Commerce Drive, Suite 300
 Peachtree City, GA 30269
 12P22018 Co.

WARRANTY DEED

STATE OF GEORGIA
 COUNTY OF FAYETTE

THIS INDENTURE, made the 30th day of July, 2012, between **T & D Grocery & Gas, Inc.**, a Georgia Corporation, as party or parties of the first part, hereinafter called Grantor, and **W & W Realty Co., LLP**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100 (\$10.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, and for other valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT or parcel of land lying and being in Land Lot 253 of the 4th District of Fayette County, Georgia, being more particularly described as follows:

BEGINNING AT A POINT on the southeasterly right-of-way of Georgia Highway 85 (130-foot right-of-way) which said point is located 881.22 feet Southwesterly, as measured along the Southeasterly right-of-way of said Georgia Highway 85, from the intersection of the southeasterly right-of-way of said Georgia Highway 85 with the North line of said Land Lot 253, said District, thence South 21 degrees 13 minutes 05 seconds East a distance of 440.05 feet to a point; thence South 29 degrees 15 minutes 51 seconds West a distance of 85 feet to a point; thence South 84 degrees 56 minutes 03 seconds West a distance of 411.27 feet to a point on the Southeasterly right-of-way of said Georgia Highway 85; thence North 29 degrees 15 minutes 51 seconds East along the southeasterly right-of-way of said Georgia Highway 85 a distance of 596.89 feet to the Point of Beginning, being improved property with a retail store and gasoline station located thereon.

SUBJECT to restrictive covenants and general utility easements of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered
 in the presence of:

Witness

Notary Public

T & D Grocery & Gas, Inc.

Dean H. Pope, President

(CORPORATE SEAL)

PT-61 (Rev. 11/04)

To be filed in **FAYETTE COUNTY****PT-61 056-2012-002839**

SECTION A – SELLER'S INFORMATION (Do not use agent's information)				SECTION C – TAX COMPUTATION	
SELLER'S BUSINESS / ORGANIZATION / OTHER NAME T & D Grocery & Gas, Inc.				Exempt Code If no exempt code enter NONE	
MAILING ADDRESS (STREET & NUMBER) 1552 Highway 85 South				1. Actual Value of consideration received by seller Complete Line 1A if actual value unknown	
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Fayetteville, GA 30215 USA				DATE OF SALE 7/30/2012	
1A. Estimated fair market value of Real and Personal property				\$0.00	
SECTION B – BUYER'S INFORMATION (Do not use agent's information)				2. Fair market value of Personal Property only	
BUYER'S BUSINESS / ORGANIZATION / OTHER NAME W & W Realty Co., LLP				3. Amount of liens and encumbrances not removed by transfer	
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) 41 Dodd Street				4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)	
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Fairburn, GA 30231 USA				5. TAX DUE at .10 per \$100 or fraction thereof (Minimum \$1.00)	
Check Buyers Intended Use () Residential (X) Commercial () Agricultural () Industrial				\$340.00	
SECTION D – PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))					
HOUSE NUMBER & EXTENSION (ex 265A) 1552		PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION Highway 85 South			SUITE NUMBER
COUNTY FAYETTE		CITY (IF APPLICABLE)		MAP & PARCEL NUMBER 0450-070	ACCOUNT NUMBER
TAX DISTRICT	GMD	LAND DISTRICT 4th	ACRES	LAND LOT 253	SUB LOT & BLOCK
SECTION E – RECORDING INFORMATION (Official Use Only)					
DATE	DEED BOOK 3927	DEED PAGE 640	PLAT BOOK	PLAT PAGE	

ADDITIONAL BUYERS

None

**FAYETTE COUNTY FIRE
SAFETY COMPLIANCE
CERTIFICATE & SUPPORTIVE
DOCUMENTS**

2020_0021

Fayette County Fire

Fire Safety Compliance Certificate

South Fayette Station

1552 Hwy 85 S

This permit is subject to the condition(s) cited below:

Valid, provided the internal or external features of the building are not materially altered, the type of occupancy remains unchanged or there has been no fire of serious consequence, or other hazard discovered. Certificate not transferable.

Effective: 2/6/2020

Expires: 2/6/2070

Fee \$50

X *A. Koranda*

A. Koranda, Capt./Fire Marshal



February 5, 2020

South Fayette Station
1552 Hwy 85 S
Fayetteville, GA 30215

RE: CERTIFICATE OF FIRE SAFETY COMPLIANCE

Dear Owner/Occupant:

Enclosed is your Certificate of Fire Safety Compliance for your business. Please display this with your business license. The certificate will be issued only once and it must be posted in plain view and remain on premises at all times.

Sincerely,

Fayette County Bureau of Fire Prevention

Anthony S. Koranda
Captain/Fire Marshal

Enclosure

MISCELLANEOUS PAYMENT RECPT#: 7180388
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 02/26/20 TIME: 11:55
CLERK: 9597cano DEPT: FIRE SRVCS
CUSTOMER#: 0

PARCEL: CFSC FEE_2020

CHG: INSP-F INSPECTION FEES 50.00

AMOUNT PAID: 50.00

PAID BY: GEO H. GREEN OIL, IN
PAYMENT METH: CHECK

REFERENCE: CK# 132186
CFSC_2020

AMT TENDERED: 50.00
AMT APPLIED: 50.00
CHANGE: .00



February 27, 2020

Geo H. Green Oil, Inc.
41 Dodd Street
Fairburn, GA 30213-0124
Attn: Deanna Waldrip

RE: PERMIT FOR FLAMMABLE/COMBUSTIBLE USE C1 LIQUIDS
South Fayette Station – 1552 Hwy 85 S
Fayetteville, GA 30215

Dear Owner:

Enclosed is your annual **Permit for Flammable/Combustible C1 Liquids**.
Please post this in plain view along with your Certificate of Fire Safety
Compliance, and business license.

Sincerely,

Fayette County Bureau of Fire Prevention

Anthony S. Koranda
Capt./Fire Marshal

AK: cn

Enclosure

2020_0032

Fayette County Fire

Flammable/Combustible Use C1

South Fayette Station

1552 Hwy 85 S

This permit is subject to the condition(s) cited below:

Valid, provided the internal or external features of the building are not materially altered, the type of occupancy remains unchanged or there has been no fire of serious consequence, or other hazard discovered. Certificate not transferable.

Effective: 3/1/2020

Expires: 3/1/2021

Fee \$25

X A. Koranda
A. Koranda, Capt./Fire Marshal

MISCELLANEOUS PAYMENT RECPT#: 7180397
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 02/26/20 TIME: 12:05
CLERK: 9597cano DEPT: FIRE SRVCS
CUSTOMER#: 0

PARCEL: UGST FEE_2020

CHG: INSP-F INSPECTION FEES 25.00

AMOUNT PAID: 25.00

PAID BY: GEO H. GREEN OIL, IN
PAYMENT METH: CHECK

REFERENCE: CK# 132187
UGST_2020

AMT TENDERED: 25.00
AMT APPLIED: 25.00
CHANGE: .00

COUNTY AGENDA REQUEST

Page 47 of 190

Department: Code Enforcement

Presenter(s): Harold Myers, Chief Marshal

Meeting Date: Thursday, January 28, 2021

Type of Request: Public Hearing #2

Wording for the Agenda:

Consideration of staff's recommendation to approve a new 2021 Retail Alcohol Beer and Wine License (C21-00016) for Harvey Strickland III, doing business as Berry Mart Inc., which is located at 1467 Hwy 92 North Fayetteville, GA 30214.

Background/History/Details:

The applicant submitted an application to be reviewed and approved by county staff.

The applicant has met all requirements per the Fayette County Code of Ordinances.

The applicant has been approved by the following departments: Code Enforcement, Fire Marshal Office, and the Planning and Zoning Department.

There are no outstanding violations prohibiting this applicant from consideration before Board of Commissioners.

What action are you seeking from the Board of Commissioners?

Approval of a new 2021 Retail Alcohol Beer and Wine License (C21-00016) for Harvey Strickland III, doing business as Berry Mart Inc., which is located at 1467 Hwy 92 North Fayetteville, GA 30214.

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:

Legal Notice Number:

**NOTICE OF PUBLIC HEARING FOR THE APPROVAL OF A RETAIL
LICENSE TO SELL ALCOHOLIC BEVERAGES.**

PUBLIC HEARING to be held before the Fayette County Board of Commissioners on **January 28, 2021**, in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia at 6:30 P.M.

An application has been submitted to the Fayette County Board of Commissioners for a retail license to sell alcoholic beverages at the following location: 1467 Hwy 92 North Fayetteville, Georgia 30214. The business name is Berry Mart Inc., Harvey Strickland III has requested to be appointed as the licensee. The Board of Commissioners will consider the proposed application on Thursday, January 28, 2021 at 6:30 P.M.

A copy of the above is available in the office of the Fayette County Planning and Zoning Department, 140 Stonewall Avenue West, Suite 202, Fayetteville, Georgia.

This 8th day of January 2021.

Brian Hitchcock, Code Enforcement Officer
Division of the Marshal's Office

Ad to run: 1/13/2020

**NOTICE OF PUBLIC HEARING FOR
THE APPROVAL OF A RETAIL
LICENSE TO SELL ALCOHOLIC
BEVERAGES.**

PUBLIC HEARING to be held before the Fayette County Board of Commissioners on January 28, 2021, in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia at 6:30 P.M.

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A copy of the above is available in the office of the Fayette County Planning and Zoning Department, 140 Stonewall Avenue West, Suite 202, Fayetteville, Georgia.

This 8th day of January 2021

Brian Hitchcock, Code Enforcement
Officer Division of the Marshal's
Office

Fayette County Code Enforcement Department

Departmental Check List for Alcohol Beverage License

Address : 1467 Hwy 92 N, City: Fayetteville, GA

Contact Person : Harvey Strickland Phone Number : [REDACTED]

1. Planning and Zoning Department - (Suite 202) 770-305-5421

Printed Name: Howard Johnson

Reviewed By: [Signature] Date: 1-12-2021 Approved: ✓ Denied: N/A:

2. Fire Marshal Office - (Suite 214) 770-305-5414

Printed Name: Brian P. Davis

Reviewed By: Brian P. Davis

James D. Hall/Anthony S. Korando Date: 1-5-2021 Approved: ✓ Denied: N/A:

3. Code Enforcement - (Suite 202) 770-305-5417

Printed Name: Frank Winkler

Reviewed By: [Signature] Date: 1/12/2021 Approved: ✓ Denied:

Alcoholic Beverage License Application for Beer and Wine

Licensee Application

Georgia Criminal Background Check Application



Fayette County

C21-00016

ALCOHOLIC BEVERAGE LICENSE APPLICATION

Date Received: 1-5-2021 Date sent to Comm. Off. 1-12-2021

Fees

Retail Package Sales

- (☒) Beer and Wine License - \$1,000.00
 () Beer only - \$750.00
 () Wine only - \$400.00

On-Premise Sales

- () On-Premise (Beer/Wine) - \$1,000.00
 () On-Premise (Wine only) - \$500.00
 () On-Premise (Beer Only) - \$750.00
 () On-Premise (Distilled Spirits) - \$1500.00
 () On-Premise (distilled, malt, wine) \$2500.00

Alcohol Beverage Caterer—\$250.00 annual

Wholesaler

Malt/wine—\$25.00 per event

() Malt/Wine - \$250.00

Distilled Spirits—\$50.00 per event

Malt/wine/distilled spirits—\$ 75.00 per event

() Distilled Spirits - \$1,000.00

Permitted Location

- () Application fee—\$200.00
 () Annual Fee—\$200.00

Special Event (Limited 3 days per event)

- () Malt—\$75.00
 () Wine - \$50.00
 () Distilled—\$ 125.00
 () Malt/wine/distilled \$ \$200.00

OTHER FEES

Administrative/Investigative fee \$200.00
 (non refundable)
 Employee Permits—\$ 30.00
 Fingerprint fee - \$44.25

FAYETTE COUNTY
CODE ENFORCEMENT140 Stonewall Ave. West
Suite 202
Fayetteville, GA 30214Phone: 770-305-5417
Fax: 770-305-5305E-mail:
CODEVIOLATIONS@FAYETTECOUNTY.GA

Office Use Only

☐ Approved☐ Denied

Officer's Initials

Remarks

1. Occupational Tax No: 1048222. Trade name of business for which license is applied: Berry Mart Inc3. Business Name and Store Number: Berry Mart Inc4. Street Address: 1467 - Hwy 92-NCity: Fayetteville State: GA Zip Code 302145. Mailing Address: 1467-Hwy 92NCity: Fayetteville State: GA Zip Code 302146. Phone Number: [REDACTED]7. Fax Number: [REDACTED]8. E-mail Address: [REDACTED]9. Web Address: [REDACTED]

10. Name and address of each person, firm and corporation having any ownership interest in business and the amount of such interest:

Name	Residence	Interest
Harvey Strickland	790 Chapman St. Jonesboro, GA 30238	100%

Name	Residence	Interest
------	-----------	----------

Name	Residence	Interest
------	-----------	----------

Name	Residence	Interest
------	-----------	----------

Name	Residence	Interest
------	-----------	----------

11. How much of the capital of this business is borrowed and from: (Attach exhibits if necessary)

Amount	Lender	Interest
None		

Amount	Lender	Interest
--------	--------	----------

Amount	Lender	Interest
--------	--------	----------

12. (A) Will this business be owned by the applicant as a sole proprietorship? (Circle)

Yes

No

(B) If this business will be owned in whole or in part by a partnership, , list the names and address of all general partners, as well as the name and addresses of the licensee, and the license representative.

Name	Address	Interest
N/A		

Name	Address	Interest
------	---------	----------

Name	Address	Interest
------	---------	----------

13. If business is operated by a close corporation list names and addresses of all officers, directors and stockholders, as well as the names and addresses of the licensee and the license representative

Name	Address	City	State	Title
N/A				

Name	Address	City	State	Title
------	---------	------	-------	-------

14. If business is operated by a corporation, other than a close corporation, the name of the corporation, the address of the corporate office, the name and address of the registered agent for service of process for the corporation and the names and addresses of the licensee and the license representative

Berry Mart Inc Registered agent Licensee
Harvey Strickland

15. Has applicant and/or licensee ever had its/his/her license to sell alcoholic beverage suspended during the past five years or revoked by any state or political subdivision hereof; and provide any such other appropriate information as may be required by the governing body or Code Enforcement

no

16. Copy of Secretary of State registration. Attach current copy Attached

17. (A) Is the applicant and/or license holder the owner of the building where business is to be conducted?

☐ Yes

☒ No

(B) Are you also the owner of the land?

☐ Yes

☒ No

(C) If your answer is "NO", to either question, state whether you lease, sub-lease, and/or rent the building and whether you lease, or sub-lease the land or both.

Rent the location

18. State the full name and address of the owner of the building and the name and address of the owner of the land and the name and address of all leasers and sub-leasers and attach copies of all lease agreement.

Sonoma Rntg Inc

135 Woodstream Way

Fayetteville, GA 30214

19. Has the applicant and/or license holder entered into an agreement or contract with either the owner or owners, leasers and sub-leasers for either the building or land or both, which provides for the payment of rent on a percentage or profit sharing basis? (Circle) Yes No

20. Name the manager of the business for which this application is filed and state how he/she is compensated.

Harvey Strickland III

Name

790 Chapman Street Jonesboro, GA 30238

Address

(owner) mgr salary

Compensation

21. Has any place of business engaged in the sale of distilled spirits, wine or beer with which you have been associated ever been cited or charged at any time with any violation of Georgia law or federal law or municipal law or any rule or regulation or ordinance concerning the sale of such products?

N/A

Date

Authority Issuing Citation

Violation

Alleged Result

Date

Authority Issuing Citation

Violation

Alleged Result

Date

Authority Issuing Citation

Violation

Alleged Result

Date

Authority Issuing Citation

Violation

Alleged Result

LICENSEE APPLICATION
PART 2

INSTRUCTIONS:

Fill in all blanks with complete and accurate information or your application will not be processed and your fee will be forfeited.

1. Last Name: Strickland III First: Harvey Middle: _____
2. List maiden name and all married names: _____
3. Age: 37 Date of Birth: 83 Social Security No: [REDACTED]
4. Place of Birth: Atlanta State: GA Country: USA
5. U.S. Citizen: Yes X No _____ Alien Registration No: _____
6. Date and Port of Entry: _____
7. If naturalized, when: _____
8. Business Name and Address where you are employed and the permit is required:
Business Name: Berry Mart Inc
Street Address: 1467 Highway 92 N
City: Fayetteville State: GA Zip Code: 30214
9. Your position or job at the above address: owner
10. Your home street address: 790 Chapman Street
City: Jonesboro State: GA Zip Code: 30238
11. Your home telephone number: cell [REDACTED] Work: _____
12. Your e-mail address: [REDACTED]
13. Your mailing address: 790 Chapman Street
City: Jonesboro State: GA Zip Code: 30238
14. Resident of: Jonesboro County: Clayton State: GA
15. Is the above address your bona fide place of domicile? (Circle) Yes No
16. How long have you lived at the above address? 10 years
17. If less than 10 years, give your previous and legal address and the length of time you resided at said residence? _____

18. In the spaces provided below, list all convictions including pleas of nolo contendere, first offender, forfeiture of bond, etc., for any felony or misdemeanor, relating to the sale or use of alcoholic beverages, crimes of moral turpitude, gambling, sexual offenses, assault, battery, Family Violence, or illegal drugs within the five years prior to the date of application:

Date of Offense	Place of Offense	Type	Disposition
1.	N/A		
2.			
3.			
4.			

If additional space is required, attach a sheet with the additional offenses and information concerning

Under Georgia law O.C.G.A. 16-10-20, A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

HS You must initial that you have read this statement.

I have read and understand that any falsehood or half-truth submitted in this application is a felony and will render me ineligible to serve alcoholic beverages in this County. I also understand that any falsehood or half-truth discovered by investigators during the term of this permit (which is one year from the date of the application) is grounds for its revocation and my subsequent prosecution.

Signature of Applicant [Signature] Date 1/5/2021

I hereby authorize the Fayette County Marshal's Office to receive any criminal history record information pertaining to me which may be in the files of any state or local criminal justice agency in Georgia.

Harvey Strickland III
Full Name Printed

790 Chapman St. Jonesboro, GA 30238
Address

Sex: M Race: B Date of Birth: [Redacted] 83 Social Security No. [Redacted]

Notary: [Signature] Date: 7/23/2022



Verification

I, Harvey Strickland III,
 applicant, do solemnly swear, subject to criminal penalties for false swearing,
 that the statements and answers made by me to the foregoing questions in
 this application for a County of Fayette license as a dealer in alcoholic
 beverages, are true, and no false or fraudulent statement or answer is made
 therein to procure the granting of such license.




Applicant's Signature
 (full name signed in ink)

I certify that Harvey Strickland III has
 provided me with proper documentation as verification of his/her identity;
 documentation being: Driver's License. I also certify that
 he/she signed his/her name to the foregoing application after stating to me
 that he/she knew and understood all statements and answers made therein,
 and under oath actually administered by me, has sworn that said statements
 and answers are true.

This 5th day of January, 2021.

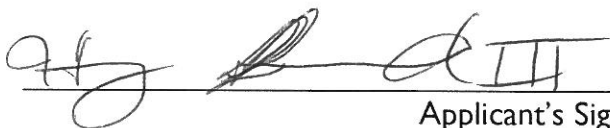
(Affix Seal)




 Notary Public

Alcoholic Beverage Ordinance

- ♦ My signature acknowledges that I am aware of the Fayette County Alcoholic Beverage License Ordinance.
- ♦ I accept responsibility for knowing its contents
- ♦ I am aware that the Alcoholic Beverage Ordinance is strictly enforced.



Applicant's Signature
(full name signed in ink)

Should you have any questions, please call the Code Enforcement Office at 770-305-5417.



Fayette County Sheriff's Office

BARRY H. BABB
SHERIFF

Randall Johnson Law
Enforcement Center
155 Johnson Avenue
Fayetteville, Georgia 30214
(770) 461-6353
EMERGENCY: 9-1-1

AUTHORIZATION FOR RELEASE OF INFORMATION

I hereby authorize the Fayette County Sheriff's Office to receive any Georgia criminal history record information obtained through the Georgia Crime Information Center (G.C.I.C.) All information must be completely filled out.

Strickland III Harvey
LAST FIRST MIDDLE MAIDEN
740 Chapman St Jonesboro GA 30238
STREET ADDRESS CITY STATE ZIP
[REDACTED] 1983 M [REDACTED]
DATE OF BIRTH SEX SOCIAL SECURITY NUMBER

RACE: ☐ AMERICAN INDIAN ☐ ASIAN ☒ BLACK ☐ WHITE

(Per GCIC/NCIC guidelines, only the above races will be accepted for Criminal History purposes by the Georgia Crime Information Center.)

Name the person and company/organization that will be receiving this information.
Please check N/A if this does not apply.

C.E Officer - Wintley
Name of Requestor

Fayette County Code Enforcement
Name of Company/Organization

N/A

Please check all that applies:

- ☐ Employment/volunteer work with children (Purpose code 'W')
☐ Employment/volunteer work with elder care (Purpose code 'N')
☐ Employment/volunteer work with mentally disabled (Purpose code 'M')

**Fingerprints and
Georgia Criminal History**

One of the following must be checked:

- ☒ This authorization is valid for 90/180/____ (circle one) days from date of signature.
☐ I, _____ give consent to the above named to perform periodic criminal history background checks for the duration of my employment with this company.

SIGNATURE

DATE

1/6/2021

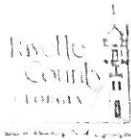
Georgia Record Found
Fayette County Sheriff's Office
Date: January 6, 2021
C.T.O.: [Signature]



Payment Receipt #009521 Date: 1/5/2021	Fayette County 140 Stonewall Ave. West, Suite 201, Fayetteville, Georgia, 30214	Harvey Strickland
ITEM	AMOUNT	
Alcohol License Fee	\$244.25	
Total	\$244.25	
Collected		
Transaction Method: Cash		
Notes For project MISC-01-2021-076637 C21-00016		

Copyright © 2021 Sages Networks
Inc.

**FAYETTE COUNTY 2021
Occupational Tax Certificate
State of Georgia Certificate of
Existence**



Fayette County
Finance Department
140 Stonewall Avenue West
Suite 101
Fayetteville, GA 30214
Phone: 770-305-5413

2021

OCCUPATIONAL TAX CERTIFICATE

**** NOTICE ****
This certificate becomes null & void if ownership changes. We must be notified in writing within 5 days of such change or transfer. A fee of \$35.00 will apply.

Account Number
104822

Type
GAS & CONVENIENCE STORE

Certificate
Number
8381

Issued
12/17/2020

Expires
12/31/2021

Business Location
1467 HIGHWAY 92 N
Customer # 132398


BERRY MART INC
1467 HIGHWAY 92 N
FAYETTEVILLE, GA 30214

Tax Amount	75.00
Reinstatement Fee and Penalty	.00
Interest	.00
Total Amount	75.00

BY: 

*** POST THIS CERTIFICATE IN A CONSPICUOUS PLACE ***

Office Copy Only

<p>** NOTICE ** This certificate becomes null & void if ownership changes. We must be notified in writing within 5 days of such change or transfer. A fee of \$35.00 will apply.</p>		<h1>2021</h1> <h2>OCCUPATIONAL TAX CERTIFICATE</h2>	
Business Location 1467 HIGHWAY 92 N		Customer # 132398	
Account Number 104822	Tax Amount 75.00	Certificate Number 8381	
Type GAS & CONVENIENCE STORE	Reinstatement Fee and Penalty .00	Issued 12/17/2020	
	Interest .00	Expires 12/31/2021	
	Total Amount 75.00		
<p>BERRY MART INC 1467 HIGHWAY 92 N FAYETTEVILLE, GA 30214</p>		 Fayette County Finance Department 140 Stonewall Avenue West Suite 101 Fayetteville, GA 30214 Phone: 770-305-5413	

STATE OF GEORGIA
Secretary of State
Corporations Division
313 West Tower
2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

CERTIFICATE OF EXISTENCE

I, **Brad Raffensperger**, the Secretary of State of the State of Georgia, do hereby certify under the seal of my office that

BerryMart INC
a Domestic Profit Corporation

was formed in the jurisdiction stated below or was authorized to transact business in Georgia on the below date. Said entity is in compliance with the applicable filing and annual registration provisions of Title 14 of the Official Code of Georgia Annotated and has not filed articles of dissolution, certificate of cancellation or any other similar document with the office of the Secretary of State.

This certificate relates only to the legal existence of the above-named entity as of the date issued. It does not certify whether or not a notice of intent to dissolve, an application for withdrawal, a statement of commencement of winding up or any other similar document has been filed or is pending with the Secretary of State.

This certificate is issued pursuant to Title 14 of the Official Code of Georgia Annotated and is prima-facie evidence that said entity is in existence or is authorized to transact business in this state.

Docket Number : 19902828
Date Inc/Auth/Filed: 10/15/2020
Jurisdiction : Georgia
Print Date : 01/05/2021
Form Number : 211



Brad Raffensperger

Brad Raffensperger
Secretary of State

Lease Agreement

Map of the Area

Alcohol Survey

LEASE AGREEMENT

This lease made this 1st day of January 2021 with force and effect by and between Sonoma Entp Inc, first party, (hereinafter called "landlord"), and Berry Mart Inc., (hereinafter called "Tenant").

1. Landlord, for and in consideration of the rents, covenants, agreements, and stipulations hereinafter mentioned, reserved, and contained, to be paid, kept and performed by Tenant, has leased and rented, and by these presents does of rent, unto the said Tenant, and Tenant hereby agrees to lease and take upon the terms and conditions which hereinafter appear, the following described property (hereinafter called "premises"), to wit: 1467 Hwy 92 N Fayetteville, GA 30214.
2. Tenant shall have and hold the same for a term beginning on the 1st day of January, 2021 and ending the 31st day of December, 2025, at midnight unless sooner terminated or extended hereinafter provided.
3. As rent, Tenant has paid to the landlord at the signing hereof, the sum of six thousand dollars (\$6,000.00) which is representing the first and last month's rent.
4. Tenant acknowledges and agrees to keep property owner harmless against any lawsuit occurs because of negligence of tenant or employees. Tenant and Landlord agree on rent reduction as an incentive for the tenant (see Article A). Tenant will have first right of refusal, If they do not exercise the right- this lease will be nulled and voided.
5. Tenant shall pay water, sewer, gas, electricity, fuel, light, heat and power bills for the leased premises, or used by Tenant in connection therewith.
6. Tenant shall pay property taxes, insurance of the property, personal property and other taxes.
 - A. Tenant shall not cancel any contracts from Sonoma Entp Inc. until they are expired.
 - B. Premises shall be used for convenience gas store or similar commercial and office purposes and no other. Premises shall not be used for any illegal purposes, or in any manner to create a nuisance or trespass.

7. Tenants agrees not to abandon or vacate leased premises during the period of this lease and agrees to use said premises for the purposes herein leased until the expiration hereof. Should the facility be closed or vacant, or unattended for seven or more consecutive days, the Tenants will be determined to have breached this agreement and the landlord may opt to consider this lease agreement null or void.

8. Except for repairs rendered necessary by the negligence of Tenants, its agents, employees, or invitees, Landlord agrees to keep in good repair the roof and foundations, but except to extent covered by premises insurance, exclusive of all glass and exclusive of all exterior doors. Landlord gives to Tenants exclusive control of the premises except as otherwise herein stated, and shall be under no obligation to inspect the premises. Tenants shall promptly report in writing to Landlord any defective conditions known to it which Landlord is required to repair, and failure to report such defects shall make Tenants responsible to Landlord for any liability incurred by Landlord by reason of such defects.

9. Tenants accepts the leased premises, as is, in their present condition and as suited for the uses intended by Tenants. Tenants shall throughout the initial term of this lease and all renewals thereof, at its expense maintain the interior of the leased premises, as well as fixtures and heating and cooling systems in good order and repair. Tenants Hereof, further agrees to keep the leased premises including plate glass, drapes and carpeting, clean and to return said premises to Landlord at the expiration or prior termination of the lease, in as good condition and repair as when first received on date hereof, natural wear and tear, and damages by storm, fire, lighting, earthquake or other casualty along excepted. Tenants may, at Tenants' expense and the inception of this lease, make such non-structural alterations as will suite the premises for use during the tenure hereof, by Tenants.

a. The state of Georgia, the county of Fayette declares eminent domain landlord is be hold harmless.

10. All repairs, maintenance, record keeping, unkeeping and upgrading for all gas related expenses will be Tenants responsibilities, including but not limited to SIR reports to state of Georgia.

11. Tenants shall agree to indemnify and save Landlord harmless against all claims for damages to persons or property by reason of the use or occupancy of them lease premises, and all expenses incurred by Landlord because thereof, including attorneys' fees and court cost.

12. Tenants agree at its expense to comply promptly with all requirements or any legally constituted public authority, if such requirements are imposed by Reason of Tenants' occupancy of said premises Landlord agrees promptly to comply with Any such requirements not imposed by reason of Tenants' occupancy.

13. Tenants shall not, without prior written consent of Landlord endorsed herein, assign this lease or any interest hereunder, or sublet premises or any part thereof, or permit the use of premises by any party other than Tenants, unless expressly set forth herein. Consent to any assignment shall not destroy this provision, and all later assignments shall be made likewise only on the prior written consent of Landlord. No assignment by Tenants shall relieve Tenants of any liability. No assignment shall be reasonable declined by Landlord.

13a. Tenant will lease property as is.

14. Tenants may at its option install fixtures and equipment not requiring structural alteration of the premises, and may (if not in default hereunder) prior to the expiration of this lease or any extension hereof, remove the same, provided, however, Tenants shall repair all damage to the premises caused by such removal.

15. If Tenants shall default in performing any of the terms or provisions of this lease, and shall fail to cure or provide a plan to cure said default within ten (10) days after written notice thereof from Landlord, Landlord at his option may at once, or within (6) months thereafter while such default continues, terminate this lease by written notice to Tenants, whereupon this lease shall end. Upon such termination by Landlord, Tenants shall at once surrender such possession of the premises to Landlord and remove all of Tenants' effects therefrom and Landlord may forthwith re-enter the premises and repossess itself thereof, and remove all persons and effects therefrom, using such force as may be necessary.

16. Landlord, as Tenants' agent, without terminating this lease, upon Tenants' breaching this contract, may at Landlord's option enter upon and rent the premises at the best price obtainable by reasonable effort, without advertisement and by private negotiations and for any term Landlord deems proper. Tenants shall be liable to Landlord for the deficiency, if any, between Tenants' rent hereunder and the price obtained by Landlord on reletting.

17. Tenants shall place no signs upon the outside walls or roof of the leased premises except with the written consent of the Landlord. Tenants shall be responsible to Landlord and to all others affected, for any damage caused by installation, use or maintenance of said signs, and Tenants agrees upon removal of said signs to repair all damage incident to such removal and restore the buildings exterior to its condition prior to affixing said signs.

18. Landlord may card premises "For Rent" or "For Sale" sixty (60) days before the termination of this lease. Landlord may enter the premises at reasonable hours to exhibit the same to prospective purchasers or tenants and make repairs required of Landlord under the terms hereof, or to make repairs to Landlord's adjoining property, if any:

19. No termination of the lease prior to the normal ending thereof, by lapse of time or otherwise, shall affect Landlord's right to collect rent for the period prior to termination, subject to provisions of paragraph 9 above.

20. Tenants' rights shall be subject to any bona fide mortgage or deed to secure debt, which is now, or may hereafter be, placed upon the premises by Landlord.

21. This contract shall create the relationship by Landlord and Tenants between the parties hereto, no estate shall pass out of Landlord. Tenants has only a usufruct, not subject to levy and sale, and not assignable to Tenants except by Landlord's consent.

22. If Tenants remains in possession of the premises after expiration of this term hereof, with Landlord's acquiescence and without any express agreement of the parties. Tenants shall be tenants at will at the rental rate in effect at the end of lease, and there shall be no renewal of this lease by operation of law.

23. No failure of Landlord to exercise any Power given Landlord hereunder, or to insist upon strict compliance by Tenants with their obligation hereunder, and no custom or practice of the parties at variance with the terms hereof shall constitute a waiver of Landlord's right to demand exact compliance with the terms hereof.

24. Time is of the essence of this agreement.

25. "Landlord" as used in this lease shall include First Party, his successors and assigns.

26. "Tenants" shall include Second Party, his successors and assigns, and if this lease shall be validly assigned, shall include also Tenants' assignees, as to the premises covered by such assignment.

27. Insofar as the following stipulations conflict with any of the foregoing provisions, the following shall control:

(a) The parties agree that the Landlord retains the right when necessary for inspection servicing or repair of the building.

(b) Monthly rental payments shall be due and payable on or before each stated due date, time being of the essence as to same, and nothing herein shall require Landlord to give written notice or allow ten (10) days to cure a default in such payments.

(c) Attorney's fees. It is hereby agreed to and understood by the parties to this lease that if either party obtains a judgment against the other for breach of

contract of any provision hereof, that party's contract damages include all attorney's fees and other litigation expenses incurred by it in obtaining such judgment.

(d) Tenants understands and agrees that this lease does not extend to any property (real and person) other than the building of Landlord.

(e) The premises shall only be used for lawful purposes and shall be open for a minimum following the hours of operations: Monday--Thursday 6:00 a.m. - 11:00p.m. Friday--Saturday 6:00 a.m. - 11:00p.m. Sunday 7:00 a.m. - 10:00 p.m.

(f) Tenants shall be responsible for the transfer of all utilities and licenses into his name after the signing of this agreement.

(g) As a security deposit with Landlord upon signing of this Lease the sum of Ten Thousand Dollars (\$10,000.00) which the Landlord may at his sole discretion use to pay any obligation Tenants may have to any gas company, government authority or unpaid taxes.

(h) Tenants will be responsible for keeping up with gas deliveries and Daily Inventory Records Systems for EPA and will pay all costs incurred as a result of changes that may be required.

(i.) Tenants will be responsible for any liability caused by Tenants and will hold Landlord harmless and indemnity him from any and all claims by anyone doing business with tenants.

(j) Tenants will keep gas pumps and all other equipment in good repair and working order and shall pay all costs pertaining to thereto.

(k) Tenants will operate the business for at least the first term of this lease before selling it to another party with Landlord's prior written permission being required.

(l) Tenants will not sublease the property or business without the Landlord's prior written consent.

(m) Landlord shall be allowed to inspect the property and equipment at any time without notice.

(n) Tenants shall ensure that routine maintenance and inspections are done on the property to ensure proper and sanitary use of the facilities and equipment in accordance with standards of care or other requirements imposed by any other third parties (i.e. county, state, federal or other local government agencies, and, other third parties including vendors).

- (o) Tenants will be responsible for all gas related expenses.
- (p) Tenants shall ensure that there is a minimum of Sixty Thousand Dollars (\$60,000.00) of inventory (at cost) at all times on the business of Mountain View Convenience Store.
- (q) Tenants shall surrender possession of the premises immediately upon termination, cancellation of non-renewal of this lease. Landlord has the right to repossess the premises immediately upon termination, cancellation of non-renewal of this lease. Any notice required by this lease shall be in writing.
- (r.) In the event of bankruptcy being filed by Tenant(s), this lease shall be immediately null and void.
- (s) Landlord is responsible for only repair of the roof.
- (t) If Tenants buy gas over the rack, Tenants will be responsible for all annual and other tests at their expense to keep the gas/underground tanks updated, pump repaired, working order and shall pay all costs pertaining thereto.
- (u) Tenants may sell the business only with Landlord's prior written permission, which will not be unreasonably withheld.
- (v) Tenants will not sublease the property or business without Landlord's prior written consent.
- (w) If the State of Georgia changes any laws while this lease is in affect, Tenant is required to follow all new laws and regulations implemented including petroleum requirements and all cost subject to the changes in the law.
- (x) Tenants will supply financial statement and tax returns for the last two (2) years.
- (y) Gas company may require L.O.C. of Fifteen Thousand Dollars (\$15,000.00) at any time from Tenants.

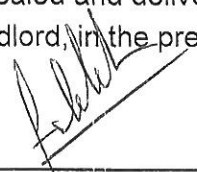
~~(z) Tenants shall not be responsible for any taxes, fees, or penalties imposed by local government agencies and must pay landlord any penalties prior to closing otherwise this lease will be null and void.~~

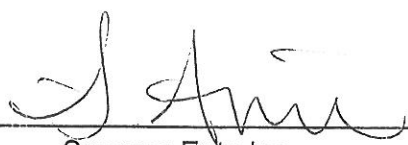
This lease contains the entire agreement of the parties hereto and no representations, inducements, promises or agreements, oral or otherwise, between the parties not embodied herein, shall be of any force or effect.


IN WITNESS WHEREOF, the parties herein have hereunto set their hands an

seals, in triplicate, the day and year first above written.

Signed, sealed and delivered
As to Landlord, in the presence of

X 
Unofficial Witness

X 
Sonoma Entp Inc.
(Nida Sonia Amin)

X 
Notary Public
My Commission Expires: 

X 
Berry Mart Inc.
(Harvey Strickland III)

Exhibit A

- ★ The initial term of the lease is 5 years between Sonoma Entp. Inc and Berry Mart Inc. (Harvey Strickland III) for 1467 Hwy 92 N
Fayetteville, GA 30214
- ★ Basic rent is \$3000. Rent will be reduced as a courtesy.

1st year	\$2300
2nd year	\$2600
3rd year	\$3000
4th year	\$3000
5th year	\$3500 3300 44s

- ★ Tenant will have the first right of refusal of the property.
- ★ This is a triple net lease.
- ★ There is a \$10,000 security deposit required for the lease which is refundable.
- ★ First and last month's rent is due and payable at time of signing the lease.

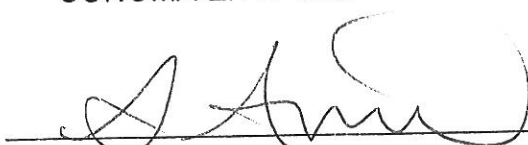
Exhibit B

Berry Mart Inc (Harvey Strickland III) also called tenant agrees to pay the rent on or before the 5th of each month.

There will be a 10% late fee applied if payment is not made by the 5th of the month.

SONOMA ENTP INC

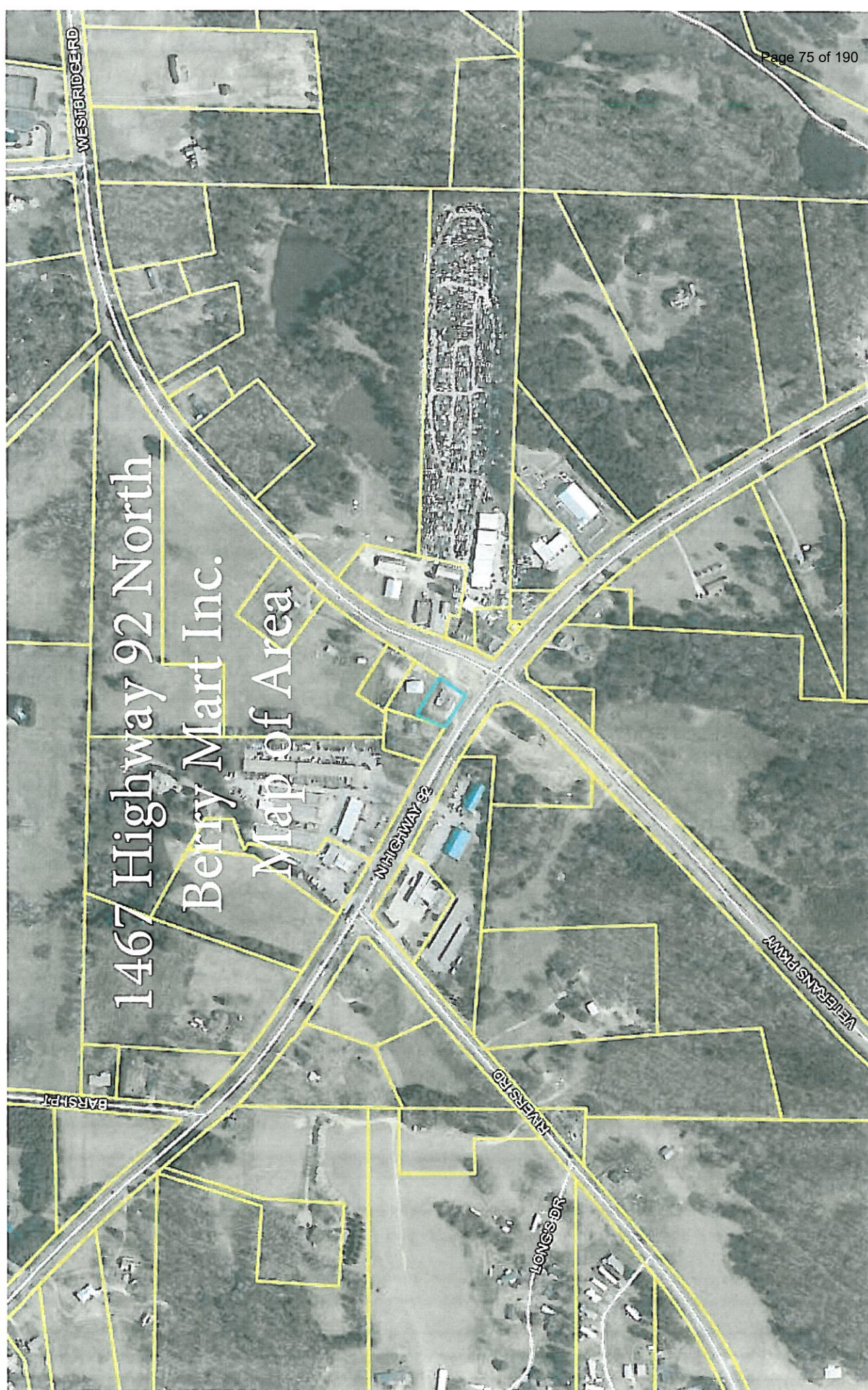
Date: 11/12/2020


Sonia Amin

BERRY MART INC.

Date: 11/12/2020


Harvey Strickland III



1467 Highway 92 North
Berry Mart Inc.
Map of Area

SURVEY FOR LIQUOR, BEER AND OR
WINE LICENCE PREPARED FOR:
BERRY MART, INC.
LAND LOT 256, 13TH DISTRICT
FAYETTE COUNTY, GEORGIA

PLAT CERTIFICATION NOTICE

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON,
PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO
ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT EXPRESS
RE-CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS
OR ENTITY.

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND
PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM
STANDARDS AND REQUIREMENTS OF THE LAWS OF THE STATE OF
GEORGIA.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL
STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN
CHAPTER 180-7 OF THE RULES AND REGULATIONS OF THE GEORGIA
BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND
SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A.
SECTIONS 15-6-67, 43-15-6, 43-15-19, 43-15-22.

CERTIFICATE OF AUTHORIZATION
NO. LSF001321

SURVEYORS CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF
LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY
CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING
INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER
INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED
HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF
ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH
LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE
OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND
SURVEYOR CERTIFIES THAT THIS PLAT COMPLES WITH THE MINIMUM
TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET
FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF
REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

1/05/2021
DATE

Cullen Preston Hardee
CULLEN PRESTON HARDEE
REGISTERED LAND SURVEYOR #3144

LEGEND

	POWER POLE
	FIRE HYDRANT
	WATER VALVE
	JUNCTION BOX
	SANITARY SEWER MANHOLE
	DROP INLET
	R/W MONUMENT
	SINGLE WING CATCH BASIN
	DOUBLE WING CATCH BASIN
	CURB INLET
	HEADWALL
	GAS METER
	GAS VALVE
	ELECTRIC TRANSFORMER
	TELEPHONE PEDESTAL
	LIGHT POST
	1/2 IRON PIN SET (IPS)
	REBAR FOUND (RBF)
	CONC. MONUMENT FOUND (CMF)
	CALCULATED POINT
	CHAIN LINK FENCE
	C.L.F.
	CRIMP TOP PIPE FOUND
	OPEN TOP PIPE FOUND
	CTF
	IPF
	IRON PIN OR ROD FOUND



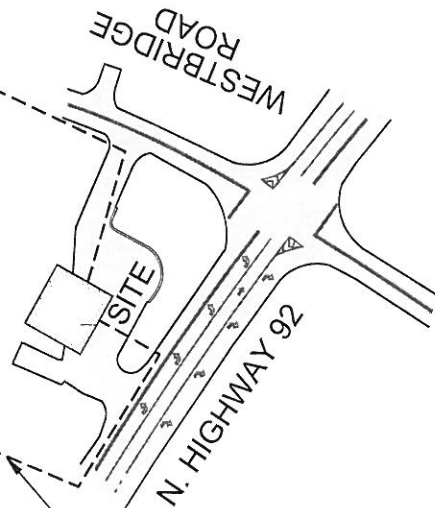
WESTBRIDGE ROAD
FAYETTEVILLE, GA 30214
RESIDENTIAL HOUSE

1471

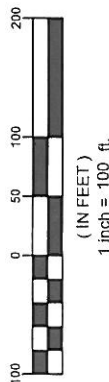
1471 GA - 92
FAYETTEVILLE, GA 30214
RESIDENTIAL HOUSE

PATH OF TRAVEL TO
RESIDENTIAL LOT 312'

PATH OF TRAVEL TO
RESIDENTIAL HOUSE 415'



GRAPHIC SCALE



SURVEY NOTES

NEAREST RESIDENTIAL LOT 1471 SR - 92 N. FAYETTEVILLE, GA - 312' (AS SHOWN ON SURVEY)
NEAREST ALCOHOLIC TREATMENT CENTER - THE INSIGHT PROGRAM PEACHTREE CITY
5.3 MILES
NEAREST CHILD CARE - MAMA RONDA'S CHILD CARE CENTER = 5.0 MILES
NEAREST SCHOOL - NORTH FAYETTE ELEMENTARY SCHOOL = 2.1 MILES
NEAREST CHURCH - CALVARY CONGREGATIONAL HOLINESS CHURCH = 0.4 MILES

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SMYRNA, GEORGIA 30080

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BERRY MART, INC.

SCALE	1" = 200'	LAND LOT	256	DISTRICT	13TH	SECTION	UNIT	LOT	UNIT
DATE	1/05/2021	SUBDIVISION	-	COUNTY	FAYETTE	STATE	GEORGIA		
FIELD DATE	12/31/2020	COUNTY	FAYETTE	STATE	GEORGIA				
LEGAL REFERENCES	DEEDS	DB 4718 PG-174	PLATS	PB-PG-	#20-1032	JOB REF			
Know what's below. Call before you dig. UTILITY LOCATING CENTER 1-800-368-4111 OR 404-525-1111									



COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Ordinance 2021-01, amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-173. – Transportation Corridor Overlay Zone concerning the SR54 West Overlay Zone.

Background/History/Details:

Staff recommends approval of the amendments.

The Planning Commission recommended approval of the amendments.

John Culbreth made a motion to recommend amendments to Chapter 110 of the Zoning Ordinance regarding Section 110-173. – Transportation Corridor Overlay Zone concerning the SR54 West Overlay Zone. Arnold Martin seconded the motion. The motion passed 3-0. Brian Haren was absent.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2021-01, amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-173. – Transportation Corridor Overlay Zone concerning the SR54 West Overlay Zone.

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:

Architectural standards. ~~Structures shall maintain a residential character.~~ Elevation drawings denoting compliance with the following shall be submitted as part of the site plan.

1. All buildings shall be constructed in fiber-cement siding (i.e., Hardiplank), wood siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco) and/or metal siding which establishes a horizontal pattern.

~~A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one foot including gasoline canopies and accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta.~~

2. No horizontal length of a roofline shall exceed 50 linear feet without a variation in elevation. Said variation in elevation shall not be less than two feet.

~~Gasoline canopy. Gasoline canopies shall also comply with the following requirements:~~

- ~~(i) Gasoline canopies, in conjunction with a convenience store, may reduce the pitch to a minimum of three inches to 12 inches to permit the height of the peak of the roof to be equal to or no more than five feet above the peak of the roof of the convenience store.~~
- ~~(ii) The vertical clearance under the gasoline canopy shall not exceed a maximum of 18 feet in height.~~
- ~~(iii) The support columns for the gasoline canopies shall match the facade of the convenience store.~~
- ~~(iv) The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store.~~

3. No blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, fenestration, or changes in planes.

~~All buildings shall be constructed in a residential character of fiber cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast stone, stucco (including synthetic stucco) and/or finished baked enamel metal siding which establishes a horizontal pattern.~~

4. If the proposed structure is to have a pitched peaked (gable or hip) roof, said pitched peaked (gable or hip) roof shall have a minimum pitch of 4.5 inches in one foot. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot, and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta. Structures with a pitched peaked (gable or hip) roof or a pitched mansard roof facade are exempt from 2. above.

~~Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. This does not apply to stained glass windows for a church or place of worship. Large display or storefront windows shall have a minimum two foot high knee wall consisting of fiber cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast stone, or stucco (including synthetic stucco).~~

5. Gasoline canopy. Gasoline canopies shall also comply with the following requirements and are exempt from 2. above:

- (i) The gasoline canopy shall match the architectural character, materials, and color of the convenience store or principal structure.

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- (ii) Gasoline canopies, in conjunction with a convenience store or principal structure which has a pitched peaked (gable or hip) roof, may reduce the pitch of the gasoline canopy roof to a minimum of three inches in one foot to permit the height of the peak of the roof to be equal to or no more than five feet above the peak of the roof of the convenience store.
 - (iii) The support columns for the gasoline canopies shall match the facade of the convenience store.
- 5 6. The design of accessory/out lot buildings shall reflect and coordinate with the general architectural style inherent in the principal structure on the property.
- 6 7. When an existing structure, that is nonconforming to the aforementioned architectural standards, is enlarged, the enlargement does not have to meet the aforementioned architectural standards, but does have to match the architectural design of the existing nonconforming structure.

THE FAYETTE COUNTY PLANNING COMMISSION met on December 3, 2020 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John H. Culbreth, Chairman (via *teleconference*)
Danny England, Vice-Chairman (via *teleconference*)
Brian Haren (via *teleconference*)
Arnold Martin (via *teleconference*)

STAFF PRESENT: Pete A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator (via *teleconference*)
Howard Johnson, Planning & Zoning Coordinator

4. Discussion of SR 54 West Overlay Zone, Architectural Standards.

Pete Frisina said I sent out the amendments in redline.

Pete Frisina stated I also sent out some pictures as well. He added also Brett Vincent is here, the guy who has proposed the first storage unit, that's where the picture came from. He noted if you look at the amendments, under the first portion, we struck the sections that talk about maintaining residential character.

Pete Frisina explained what is now number one (1) was the discussion of the pitched peak roof and the similar. He said so we have now put it an option, it is not a requirement. He added if someone chooses to do the pitched peak roof or the mansard roof, it still has to follow these minimum pitches.

Pete Frisina said under number two (2), which talks about the gasoline canopy, I have changed that to clean it up a little bit, other than a gasoline canopy will have to match the character of the building. He added so if they are going to have a pitched peak roof we will allow them to have a lighter or less pitch on the gas canopy.

Pete Frisina said under number three (3), it just talks about the materials that can be used. He explained we got rid of the residential character reference, we got rid of the wood textured vinyl siding and took out the finished baked enamel and just went with metal siding which establishes a horizontal pattern.

Pete Frisina said the text under number four (4) will go away totally, we are not going to require the residential doors and windows anymore.

Pete Frisina said number five (5) is new and number six (6) are new. He explained this section talks about the horizontal length of roofline which shall not exceed 50 feet without

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December 3, 2020
PC Meeting

some variation in elevation. He added the variation in elevation shall not be less than two (2) feet. He noted that came out of another portion of our ordinance.

Pete Frisina said number six (6) reads no blank or unarticulated length of a building shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, fenestration, or changes in planes. He noted that is from another part of our ordinance.

Arnold Martin said Pete, I am not really clear on number six (6) and what it is saying when it refers to the unarticulated horizontal length.

Pete Frisina explained you can't have a blank wall for more than 25 feet without something happening to change that architectural character of that wall. He added that changes could be in colors, materials, windows, doors, textures, offsets, or anything that changes the plane. He said if you look at those pictures I sent you of the difference kinds of buildings, most of these, all meet these requirement. He noted the only one (1) that may not meet totally is the Bee Safe building, where if you look at that roof line you would have to have to some variation in that roofline over a length of 50 feet. He concluded numbers six (6), seven (7), and eight (8) actually got moved down.

Pete Frisina said what I recommend is that proposed number three (3), number five (5) and number six (6) should be number one (1), number two (2) and number three (3) because that is really the crux of what we are trying to do.

Brett Vincent replied in terms of colors and textures, I am a fan of a more neutral, earth tone, Craftsman style. He added I used cedar wood trim on my other building I completed in Tyrone. He explained I think that fits the rural character or residential character of the area. He noted I live here but I do think some type of parapet roof works a lot better than the mansard, I just don't like mansard. He said I will build it, just tell me what is acceptable and that's what I will build.

Chairman Culbreth asked does anyone else have any comments.

Arnold Martin asked Brett based on your professional experience do you have any other feedback on the roofline.

Brett Vincent said I think the examples that we are looking at are pretty good examples of what you realistically see built in the field. He added I think Bee Safe is kind of at the top of the pyramid, looking at the examples. He explained it has the nicest material, it's got the most glass and the lighting is the best. He added so the roof line really wouldn't be that much of an issue. He stated I think what you are usually trying to keep from happening with those type of restrictions is not leaving a wall just a big plane of brick, with nothing happening, which is really what you are trying to stop. He said I think that if I look at any of these, I think it kind of meets the goal of trying to have variation along on these surfaces and trying to break mastic of these buildings up. He concluded I think they are all pretty

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December 3, 2020
PC Meeting

good examples of things that we can reasonably expect to be built around the County.

Chairman Culbreth asked does anyone else have any comments? He added Pete are you done?

Pete Frisina replied yes, so what I proposed to do is re-arrange these like I talked about earlier. He added I want the hierarchy of the requirements to change. He explained I will do that and shoot those back to you and we have one (1) more opportunity to meet on the 19th of December. He concluded if we're at good at that point, I am ready to go to public hearings in January.

Brian Haren stated I just wanted to reiterate this is just for the Highway 54 West Overlay zone.

Pete Frisina responded yes. He added we are just looking at that area where we know this kind of building is happening. He noted that the City of Fayetteville is going to be building a million square foot data center soon, so it not going to look like a house. He concluded we have the opportunity on the 17th of December to discuss them and if we are good we can go to public hearing at that point.

THE FAYETTE COUNTY PLANNING COMMISSION met on December 17, 2020 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John H. Culbreth, Chairman (via *teleconference*)
Danny England, Vice-Chairman (via *teleconference*)
Brian Haren (via *teleconference*)
Arnold Martin (via *teleconference*)

STAFF PRESENT: Pete A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator (via *teleconference*)
Howard Johnson, Plan & Zoning Coord. (Via *teleconference*)

OLD BUSINESS

1. Discussion of SR 54 West Overlay Zone, Architectural Standards.

Pete Frisina said these are all of the regulations that we have talked about for the new architectural standards. I re-arranged them in the hierarchy of how they should be applied. So I moved the materials, un-articulated façade and the horizontal length of the roof line to number one (1), number two (2) and number three (3). I then I took the other portions, the pitched peak roof and the gasoline canopy and moved those down. That is the only change I made, everything else is the same. Again, I am ready to go to public hearing with these as well. I will advertise both of the amendments we talked about for January 7, 2021.

Chairman Culbreth asked are there any other questions on the architectural standards?

Brian Haren asked at the bottom of number one (1), it says all of the material establish a horizontal pattern.

Pete Frisina responded no, just the metal siding has to establish a horizontal pattern. That is a way to get away from the standing seam metal buildings. So that only applies to the metal siding.

Danny England said that will likely eliminate the use of metal, since most metal panels are installed with the pattern running vertically. It is difficult to install them horizontally and keep them waterproof.

The Planning Commission took no official action on this item and will continue the discussion at a future meeting.

THE FAYETTE COUNTY PLANNING COMMISSION met on January 7, 2021 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Danny England, Chairman (via *teleconference*)
Arnold Martin, Vice-Chairman (via *teleconference*)
John H. Culbreth (via *teleconference*)
Brian Haren (via *teleconference*)

STAFF PRESENT: Pete A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator (via *teleconference*)
Howard Johnson, Plan & Zoning Coordinator

1. Consideration of amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-173. – Transportation Corridor Overlay Zone concerning the SR54 West Overlay Zone.

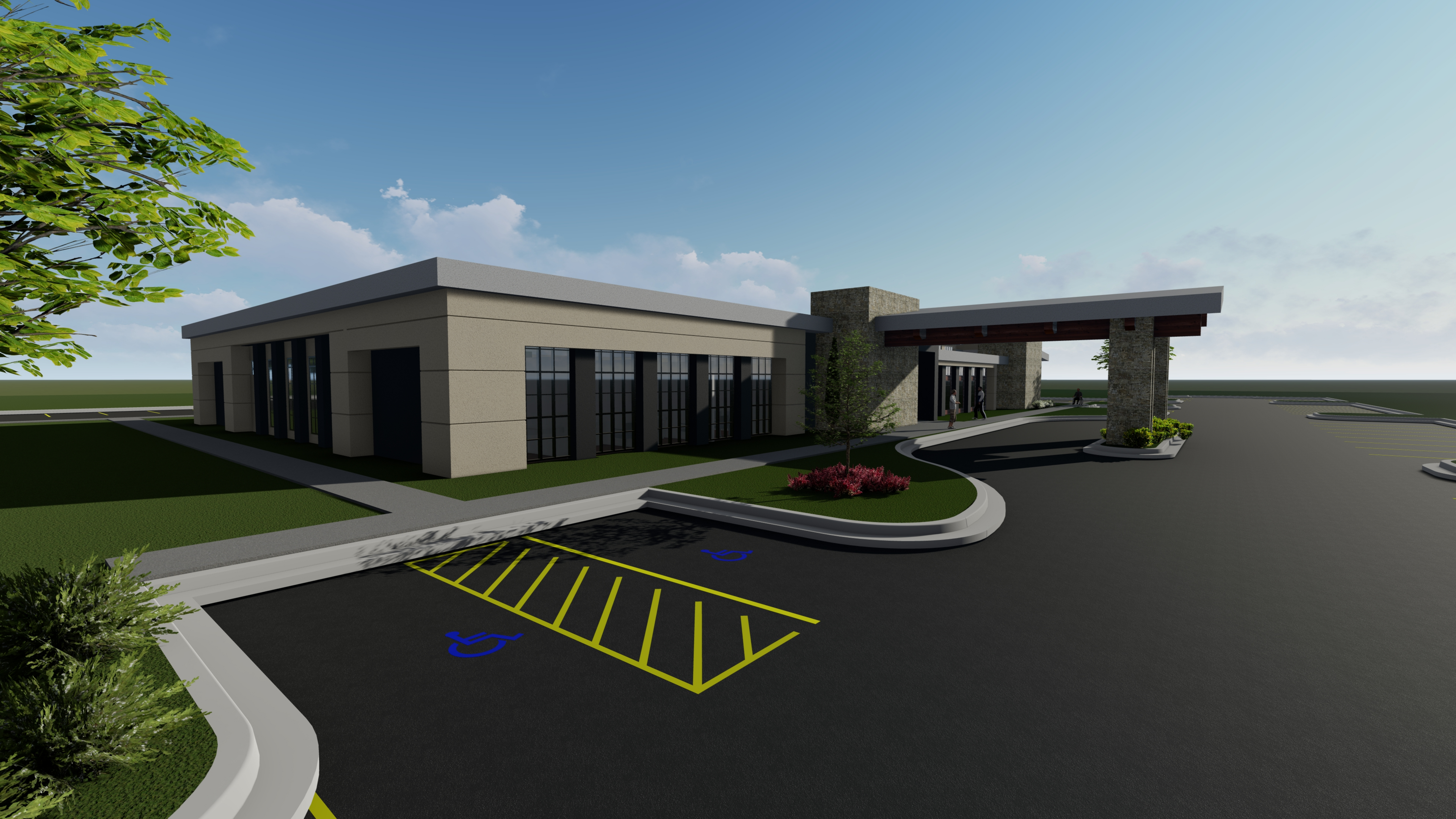
Pete Frisina said these are the amendments that we have discussed at previous Planning Commission meetings and there have been no changes made to the amendments since our last meeting.

Chairman England asked if there was anyone present that would like to make a comment concerning the amendments. Hearing none, he asked if there was anyone in the live streaming audience that would like to call into the meeting to make a comment. Hearing none after approximately one minute the Chairman said he would bring the item back to the board.

John Culbreth made a motion to recommend approval of amendments to Chapter 110 of the Zoning Ordinance regarding Section 110-173. – Transportation Corridor Overlay Zone concerning the SR54 West Overlay Zone. Arnold Martin seconded the motion. The motion passed 3-0. Brian Haren was absent.



















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ExtraSpace Storage



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COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Ordinance 2021-02, amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-105. – Standards for Telecommunications Antennas and Towers.

Background/History/Details:

Staff recommends approval of the amendments.

The Planning Commission recommended approval of the amendments.

Arnold Martin made a motion to recommend amendments to Chapter 110 of the Zoning Ordinance regarding Section 110-105. – Standards for Telecommunications Antennas and Towers. John Culbreth seconded the motion. The motion passed 3-0. Brian Haren was absent.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2021-02, amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-105. – Standards for Telecommunications Antennas and Towers.

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:

Sec. 110-105. - Standards for telecommunications antennas and towers.

- (a) *Purpose and intent.* The purpose of this chapter is to establish minimum development standards for the regulation of commercial telecommunications transmission towers, including, but not limited to: cellular and personal communications systems (PCS) towers, broadcasting towers, two-way radio towers, fixed-point microwave dishes, commercial satellites and receiving dishes, and related equipment cabinets and/or buildings. The intent of this chapter is:
 - (1) To implement the provisions of the Telecommunications Act of 1996, on a local level;
 - (2) To control placement of towers and antennas in a way that minimizes the adverse visual impact to nearby properties by locating towers and antennas in nonresidential areas or in areas where the adverse impact on the community is minimal; and
 - (3) To advocate the shared use of existing and planned tower sites through co-location, thereby discouraging the proliferation of towers throughout the county.
- (b) *Authority.* Only the board of commissioners has the authority to reduce or waive the requirements under this section through the public hearing procedure.
- (c) *Applicability.*
 - (1) *District height limitations.* Height limits specified for each zoning district shall not apply to towers and antennas. The requirements set forth herein shall govern the height of towers and antennas.
 - (2) *Governmentally owned property.* These requirements shall not apply to any governmentally owned property, including: properties owned by the board of commissioners, board of education, or a municipality, as well as, the state or federal government, that are used for the location of any tower facility.
 - (3) *Amateur radio antennas.* This chapter shall not govern any amateur radio tower, or the installation of any antenna, that is less than 70 feet in height and is owned and operated by a federally licensed amateur radio station operator.
 - (4) *Pre-existing towers and antennas.*
 - a. Any tower or antenna which existed prior to May 24, 2012, that does not comply with the requirements herein shall be deemed legally nonconforming. Any enlargement of a pre-existing tower or tower facility, shall meet the requirements herein. Co-location of an antenna which does not increase the height of the tower or placement of additional equipment cabinets or buildings within the existing tower facility shall be allowed under the provisions of site plan requirements.
 - b. Replacement of a pre-existing legally nonconforming tower structure is permitted provided that all of the following apply:
 - 1. The replacement tower is constructed within 25 feet of the existing tower and is not greater in height than the existing tower;
 - 2. The lower being replaced is removed from site within 90 calendar days from the issuance of the certificate of occupancy for the replacement tower;
 - 3. Additional co-location opportunities on the new tower are made available with the minimum users required based on tower height; and
 - 4. A site plan indicating the location of the replacement tower shall be required.
- (d) *General requirements.*
 - (1) Towers and tower facilities shall be on a lot which meets the minimum requirements for the zoning district in which it is located. Towers and tower facilities may be located on a lot containing another use. Towers and tower facilities may occupy a leased area being a portion of the lot.

- (2) Internal setbacks for towers, tower facilities, and anchors shall be measured to the boundaries of the lot, not the boundaries of the leased area. Setbacks for towers shall be measured from the base of the tower.
 - a. All towers shall be set back from all adjoining properties zoned residential or A-R a distance equal to the height of the tower (excluding any lightning rod) plus ten feet.
 - b. All towers shall be set back from all adjoining properties zoned nonresidential a distance of 100 feet.
 - c. All towers shall be set back from the street right-of-way (existing or required, whichever is greater) a distance equal to the height of the tower (excluding any lightning rod). Street right-of-way is based on the classification of the street (see chapter 104, development regulations).
 - ~~d. All towers, excluding alternative tower structures, shall be set back from any off site residence a distance equal to three times the tower height or a minimum of 500 feet, whichever is greater.~~
 - e. Any tower facility and anchors for guyed towers shall comply with the minimum required setbacks and/or buffers of the applicable zoning district.
- (3) Towers located on the same lot as a private school or day care center shall be set back a distance equal to the height of the tower (excluding any lightning rod) from all facilities, excluding parking areas. This provision shall not apply to an alternative tower structure which is allowed in conjunction with a private school conditional use.
- (4) All towers, excluding alternative tower structures, shall be structurally designed to accommodate the following minimum numbers of carriers based on height of the tower:
 - a. Up to 70 feet: one carrier;
 - b. Greater than 70 up to 120 feet: two carriers;
 - c. Greater than 120 feet up to 150 feet; three carriers;
 - d. Greater than 150 feet up to 180 feet: four carriers;
 - e. Greater than 180 feet up to 250 feet: five carriers; and
 - f. Greater than 250 feet: six carriers.
- (5) All tower facilities, excluding tower facilities associated with alternative tower structures, shall be enclosed by a steel chain-link fence not less than eight feet in height, with slat inserts for screening. Access to the telecommunication tower shall be through a locking gate. In addition, a minimum of three strands of barbed wire shall be used along the top of the fence to prevent unauthorized access to the tower.
- (6) A landscaped strip ten feet in width surrounding the perimeter of the tower facility shall be required. Landscaping shall be staggered double rows of evergreen trees a minimum of six feet in height when planted and spaced every ten feet on center. Landscaping shall be installed on the outside of the required security fence. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, the zoning administrator may determine that natural growth around the property perimeter may be sufficient in lieu of the required landscaping. If existing vegetation is to remain and requested to count toward the landscaping requirements, all such information, including location, size, and type of vegetation shall be indicated on the site/landscape plan. These requirements shall not apply to a tower facility associated with an alternative tower structure.
- (7) Maximum height for all towers and antennas is 500 feet. Tower height shall be measured from the natural grade of the ground at the location of the tower to the highest point of the tower, including any antenna but excluding any lightning rod. If minimal grading (elevation of one to

two feet above natural grade) is required to level the ground for the tower base, tower height shall be measured from the finished grade approved by the county engineer.

- (8) No signage, other than required safety signage, shall be placed on a tower structure or antenna.
 - (9) Aesthetics and lighting requirements. The following compatibility standards shall govern the aesthetics and lighting of any tower facility, including the installation of antennas on towers:
 - a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
 - b. If an antenna is installed on a structure other than a tower, the antenna and equipment cabinets shall be architecturally compatible with, the color and texture of the supporting structure. Roof-mounted equipment cabinets shall be screened so as to make the equipment visually unobtrusive.
 - c. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority.
 - (10) Removal of abandoned antennas and towers. Prior to the abandonment of any tower or antenna, a copy of the notice of intent to abandon required by the FCC shall also be submitted to the county planning and zoning department. Any antenna or tower, including pre-existing towers and antennas, that is not in use for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such abandonment. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
 - (11) Performance bond required. Prior to the issuance of a certificate of occupancy for a new tower structure, every applicant shall be required to deposit a performance bond with the county. The amount of the bond shall be equal to ten percent of the total construction cost or a minimum of \$5,000.00, whichever is greater. Such bond shall be required upon compliance with all aspects of this section and shall be applicable to any assignee and owner of any permit granted hereunder, or any employee, contractor, subcontractor, or other party performing services in connection with any certificate of zoning compliance issued by the planning and zoning department. The required performance bond shall be released only upon demolition of the tower and restoration of the site to the pre-development conditions. The approved format of the bond is available in the planning and zoning department.
- (e) *Supplemental requirements.* In addition to the general requirements above, the following supplemental requirements shall apply as specified below:
- (1) *Highway corridor.* Locating towers along the following highway corridors is permitted as an overlay zone provided all the following requirements are met:
 - a. The state and county highways included within the highway corridor are SR 54, SR 85, SR 92, SR 74, SR 314, SR 279, SR 138, and 85 Connector.
 - b. The highway corridor tower overlay zone permits towers in any zoning district when located within 1,000 feet of the right-of-way on either side of the aforementioned roads in unincorporated areas of the county.
 - c. Towers in excess of 250 feet in height in the highway corridor shall require public hearings before the planning commission and board of commissioners.
 - d. All new towers, excluding alternative tower structures, located within the highway corridor that are 70 feet or greater in height shall not be located within one statute mile from any existing or planned towers (within any local government jurisdiction) that are 70 feet or greater in height. This minimum distance requirement shall not apply from existing governmentally owned towers where co-location is not permitted or from alternative tower structures.

(2) *Outside of the highway corridor.*

- a. Outside of the highway corridor, a tower may be located only in the following zoning districts:
 1. Manufacturing and heavy industrial district (M-2);
 2. Light Industrial District (M-1);
 3. Highway Commercial District (C-H);
 4. Community Commercial District (C-C);
 5. Planned Unit Development (PUD) excluding PUD-PRD;
 6. Agricultural-Residential (A-R); and
 7. R-70 Single-Family Residential District.
- b. Towers in excess of 180 feet in height outside of the highway corridor shall require public hearings before the planning commission and board of commissioners.
- c. All new towers, excluding alternative tower structures, located outside of the highway corridor that are 70 feet or greater in height shall not be located within 1½ statute miles from any existing or planned towers (within any local government jurisdiction) that are 70 feet or greater in height. This minimum distance requirement shall not apply from existing government-owned towers where co-location is not permitted or from alternative tower structures.

(3) *Alternative tower structures.*

- a. The purpose of an alternative tower structure is to diminish, camouflage, or conceal the appearance of towers and antennas to reduce the visual impact on surrounding properties and streets. Depending on the nature of the site, the proposed alternative tower structure shall be appropriate and in character with its surroundings. For example, the use of a monopine is more fitting on a site with stands of mature trees; whereas, the use of a flag pole or light pole alternative tower structure is more suitable for the developed portion of a site.
- b. Alternative tower structures shall comply with the general requirements herein with the exception of ~~the setback requirements from off-site residences~~, security fencing requirements, landscape requirements, and tower separation requirements of both the highway corridor and outside of the highway corridor. Alternative tower structures shall be allowed in the highway corridor, outside of the highway corridor in the zoning districts listed herein, and in conjunction with the following existing conditional uses:
 1. Church or other place of worship;
 2. Developed residential recreational/amenity areas;
 3. Private school; and
 4. Telephone, electric, or gas sub-station or other public utility facilities.
- c. Alternative tower structures, in conjunction with the above listed conditional uses, shall meet the setbacks established in the general requirements or the conditional use setbacks, whichever is greater.
- d. An alternative tower in excess of 120 feet in height shall require public hearings before the planning commission and board of commissioners.
- e. A maximum of one alternative tower structure shall be allowed per lot.
- f. The alternative tower structure shall match the visual simulation depiction and engineering detail and specification drawings from the manufacturer/supplier of the alternative tower structure specifically proposed for the site.

- g. Design review and approval process: alternative tower structures shall go through a design review and approval process before the planning commission. The purpose of this design review and approval process is to determine that the alternative tower structure type is appropriate for the site and surrounding area and set requirements for the alternative tower structure type, placement on the site, equipment structures, fencing and landscaping. The design review and approval process application shall include the following:
 - 1. An analysis of the nature and character of the site and how the alternative tower structure is appropriate in context to the site and the view from surrounding properties and streets;
 - 2. A visual simulation consisting of color photographs of the proposed site with the existing view and with a depiction of the proposed tower, from a minimum of four distinct quadrants (generally north, east, south, and west), to demonstrate the visual impact on surrounding properties and streets; and
 - 3. Engineering detail and specification drawings from the manufacturer/supplier of the alternative tower structure specifically proposed for the site which shall indicate all applicable requirements herein.
 - h. Monopine towers.
 - 1. Monopine towers shall maintain the natural conical appearance of a loblolly pine tree. Antennas shall be placed a minimum of five feet below the top of the tower, as measured from the highest point of the antenna to maintain said appearance.
 - 2. Foliage shall be green in color and the tower shall be brown in color. The antennas shall be green to blend with the foliage and the foliage shall extend a minimum of one foot beyond the antennas. The foliage shall be UV resistant to reduce degradation and fading and constructed to withstand winds of 110 mph, certification of such shall be supplied with the application. Foliage shall be placed on the tower down to the height of the foliage of surrounding trees. The structure shall have sufficient limbs at the time of initial installation so that there is no gap between the existing canopy and the lower most limbs of the monopine.
 - 3. The installation of the foliage on the monopine shall be installed prior to final inspections. Foliage on the monopine shall be maintained and/or replaced to the specifications established by the engineering detail and specification drawings from the manufacturer/supplier of the alternative tower structure specifically proposed for the site to retain the screening of the antennas. Upon notice from the county that the foliage is in need of maintenance and/or replacement, the tower owner shall have 90 days to make such repairs.
 - i. Flag pole and light pole alternative tower structures shall utilize internal antennas and slick stick design. Flag poles utilized as an alternative tower structure shall be exempt from article V, General provisions, structures permitted above the height limit.
- (f) *Public hearings required to reduce or waive requirements.*
- (1) Public hearings before the planning commission and board of commissioners are necessary to reduce or waive requirements for a proposed tower, antenna, or equipment cabinet or building that cannot comply with the general requirements, and/or supplemental requirements. The procedure for said public hearings shall follow the procedure for rezoning (see article VII of this chapter). Applicants shall apply for public hearings through the planning and zoning department. The application with deadline submittal and public hearing dates is available in the planning and zoning department. The application shall include the following:
 - a. A scaled concept plan, drawn on the signed/sealed survey, graphically indicating the lot and leased area, total tower height including antennas, type and design of the tower structure, the boundary of the tower facility, all applicable setbacks ~~(both on site and off site)~~

, ingress/egress, landscaping areas, and zoning of the subject property and adjacent property;

- b. Inventory of existing or planned tower sites. When a proposed tower cannot meet the separation requirements between towers, an inventory of existing or planned tower sites shall be required to sufficiently demonstrate that no existing or planned tower can accommodate the proposed antenna. Each applicant for a new tower shall contact the owners of all existing and planned tower sites, including those located within all adjacent municipalities and counties that are within the search area of the applicant's proposed tower location. The inventory shall be prepared by a radio frequency engineer. The inventory shall include the following information:
 1. All tower owners and the number of carriers for each tower site;
 2. The site location, total height, and design type of each tower;
 3. Details of all existing and planned towers or structures located within the search area and the ability of such to meet the applicant's engineering requirements, including, but not limited to: sufficient height, structural support strength, and electromagnetic interference with antennas on the existing towers or structures;
 4. Other limiting factors that render existing towers and structures unsuitable; and
 5. Letters of rejection for requests to co-locate on all existing and planned towers within the search area of the proposed tower.

The county will engage an independent expert review of the inventory of existing and planned tower sites. If the actual cost to the county for independent expert review of the document is greater than the application fee, the applicant shall be billed for the difference and payment shall be made prior to the hearing before the board of commissioners. An inventory of existing and planned tower sites which is lacking of the information above, as determined by the independent expert, shall require a resubmittal of the lacking information and postpone the tower application to the next scheduled cycle of public hearings. The inventories of existing or planned tower sites are available as an information source to assist other applicants applying for approval under this chapter, provided; however, that the planning and zoning department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

- c. A balloon test shall be conducted prior to the public hearings. The balloon shall be flown for a minimum of four daylight hours from the location of the proposed tower, at the requested height. The application shall include the date and time of the balloon test and an alternative date, in case of inclement weather. The initial balloon test shall be held on a Saturday and the alternative date may be held on any day of the week. A sign announcing the dates of the balloon test shall be posted on the property by the county a minimum of five calendar days prior to the initial balloon test; and
 - d. The applicant shall submit a visual simulation, based on the balloon test, a minimum of seven calendar days prior to the planning commission public hearing. Failure to meet this deadline will postpone the tower application to the next scheduled cycle of public hearings. The visual simulation shall consist of color photographs of the proposed site with the existing view and with a depiction of the proposed tower, from a minimum of four distinct quadrants (generally north, east, south, and west), to demonstrate the visual impact on surrounding properties and streets. An affidavit certifying that the correct location and height of the tower were utilized in the balloon test shall be submitted with the visual simulation photographs.
- (2) Factors considered in public hearing applications. The following factors shall be considered when evaluating a tower application:
- a. Height of the proposed tower;
 - b. Distance of the tower to residential structures and residential zoning district boundaries;

- c. Nature of uses on adjacent and nearby properties;
- d. Topography of the site and its effect on the efficiency of the tower in terms of coverage;
- e. Surrounding tree coverage and foliage and its effect on the efficiency of the tower in terms of coverage, as well as, its effect on the visual impact of the tower on surrounding properties and streets;
- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- g. Proposed ingress and egress; and
- h. The degree of the tower's compliance with the one statute mile separation (inside the highway corridor) or 1½ statute mile separation (outside the highway corridor).

In granting its approval to waive or reduce requirements, the county, through the board of commissioners or its designee, may impose conditions that are necessary to minimize the adverse effect of a proposed tower or antenna on adjoining property. A site application shall be submitted within 60 days of the date of approval by the board of commissioners or the proposed tower will no longer be deemed a planned tower.

(g) *Site application requirements.* All applicants for new tower construction shall include the following:

- (1) Completed application forms signed and notarized;
- (2) Proof of ownership of the parent tract (latest recorded warranty deed);
- (3) Site plan prepared by an engineer, architect, or landscape architect registered by the state;
- (4) Landscape plans (see general requirements);
- (5) Provide number of carriers based on maximum height of tower;
- (6) A lease agreement with a minimum of one carrier.
- (7) Site plan requirements. All tower applicants for new towers shall be required to submit a scaled site plan which complies with all applicable requirements of chapter 104, development regulations. Additional information indicated on the site plan shall include:
 - a. A signed/sealed survey by a land surveyor registered in the state of the parent tract, leased area, and ingress/egress easement, indicating the metes and bounds for each;
 - b. Total tower height including antennas;
 - c. Type and design of any tower facility, including location of equipment buildings or cabinets;
 - ~~d. Distance from nearest off site residences;~~
 - e. Fencing and gate details;
 - f. All applicable setbacks for the tower, tower facility, and anchors for guyed tower, as applicable;
 - g. Distance from existing and planned towers;
 - h. Zoning and acreage of parent tract;
 - i. Zoning of adjacent property; and
 - j. Other information necessary to assess compliance with this chapter.

Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. Site plan submittal shall include completion of a tower application, signed and notarized by both the property owner and the tower company representative/agent.

- (h) *Revision to a site plan for the relocation of an existing tower.* The relocation of an existing tower shall require the following:
 - (1) The relocation site shall be within the same lot as the existing tower.
 - (2) Submittal of a site plan that meets the specifications of subsection (g) of this section.
 - (3) Letters from all carriers on the existing tower agreeing to the relocation of the tower.
 - (4) The existing tower being replaced shall be removed from the site within 120 calendar days from the date of the issuance of the certificate of occupancy for the relocated tower.
- (i) *Installing an antenna on an existing structure or co-locating or replacing an antenna on an existing tower.* The following scenarios shall not require submittal of a site application or site plan:
 - (1) Installing an antenna on an existing structure, so long as said installation adds no more than 20 feet to the height of said existing structure (including buildings, light/utility poles, water towers, or other freestanding nonresidential structures excluding signs and towers).
 - (2) Co-locating or replacing an antenna on any existing tower, so long as, said installation does not increase the height of the tower and/or exceed the maximum height of administrative tower approval for that location and complies with all applicable conditions of approval associated with the tower site.
 - (3) Enlargement of an existing equipment building, or placement of additional equipment cabinets or buildings at a tower site which does not require an enlargement of the existing tower facility. Prior to the co-location or replacement of any antenna on an existing tower, enlargement of an existing equipment building, or placement of additional equipment cabinets or buildings at a tower site, the applicant shall provide written notice to the zoning administrator. The notice shall include a depiction of the location, size, and configuration of such antenna on the existing tower and equipment location within the existing tower facility in reference to an existing site plan and a copy of the FCC license. A certificate of zoning compliance shall be issued by the zoning administrator upon satisfaction of all applicable requirements, and any applicable building permits/inspections shall be required subsequent to the issuance of the certificate of zoning compliance.
- (j) *Site application timeframes.* An application shall not be accepted for review unless, at minimum, it includes completed application forms (signed and notarized), proof of ownership of the parent tract (latest recorded warranty deed) and site plan prepared (sealed and signed) by an engineer, architect or landscape architect registered by the state. The zoning administrator has 30 days to determine if an application is complete. Upon notice that an application is incomplete, the applicant has 30 days to submit all necessary information to complete the application. Failure to complete the application in this timeframe shall result in an automatic withdrawal of the application and the proposed tower will no longer be deemed a planned tower and a site application shall not be submitted for the same property for 60 days. The county shall act on applications for co-locations within 90 days and all other applications within 150 days. If the zoning administrator requests additional information within the 30-day review period as mentioned above, the time it takes the applicant to respond will not count towards the 90- or 150-day timeframe limits.
- (k) *FAA determination.* Prior to the approval and issuance of the certificate of zoning compliance, a copy of a FAA determination including "Does Not Exceed," "Exceeds But Okay," or "Determination of No Hazard" shall be submitted within the 90- or 150-day timeframe limits, as applicable. Failure to submit the determination in these timeframes shall result in an automatic withdrawal of the application, and the proposed tower will no longer be deemed a planned tower, and a site application shall not be submitted for the same property for 60 days. Any tower that receives a "Determination of Hazard" shall be denied.
- (l) *FCC license.* Prior to the approval and issuance of the certificate of zoning compliance, a copy of the FCC license shall be submitted within the 90- or 150-day timeframe limits, as applicable. Failure to submit the copy of FCC license in these timeframes shall result in an automatic withdrawal of the

application, and the proposed tower will no longer be deemed a planned tower, and a site application shall not be submitted for the same property for 60 days.

- (m) *Private airport or heliport zone.* A one statute mile zone is established around any private airport or heliport that is registered with the FAA to prevent a hazard to aviation operations. Since the FAA does not make a determination for a private airport or heliport, a supplemental Federal Aviation Regulations Part 77/FAA Form 7460 study and a "No Hazard" letter prepared by a firm on the GDOT prequalified 1.08 Airport Master Planning list shall be submitted within the 90- or 150-day timeframe limits for an antenna or a tower that is proposed within this zone, as applicable. Any tower that creates a hazard for a private airport or heliport shall be denied.
- (n) *Tower approval expiration.* Approval of a site application by the applicable departments for a tower shall expire 12 months from the date of approval and will no longer be deemed a planned tower, unless a certificate of occupancy has been issued for the tower or the building permit remains active.

(Code 1992, § 20-5-45; Ord. No. 2012-09, § 3, 5-24-2012; Ord. No. 2012-13, § 3, 12-13-2012; Ord. No. 2013-20, § 2, 11-14-2013)

THE FAYETTE COUNTY PLANNING COMMISSION met on December 17, 2020 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John H. Culbreth, Chairman (via *teleconference*)
Danny England, Vice-Chairman (via *teleconference*)
Brian Haren (via *teleconference*)
Arnold Martin (via *teleconference*)

STAFF PRESENT: Pete A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator (via *teleconference*)
Howard Johnson, Plan & Zoning Coord. (Via *teleconference*)

1. Discussion of Sec. 110-105. - Standards for telecommunications antennas and towers.

Pete Frisina said we have had a couple of recent occurrences with cell towers and the subdivision of property. So we have a situation now with a property in the southern portion of the County. The property is about 100 acres, it has a cell tower and a house on it and as you know, there are two setbacks requirements for a cell tower. The first is the cell tower's height plus ten (10) feet from the property line of the lot in which it is located and the second setback is three times the tower height to an off-site residence.

Pete Frisina stated we have a situation which brought us into a discussion with the County attorney. The situation is a property which has a house and a cell tower on it and the property owner, for estate purposes, now would like to subdivide that property to put the house on a separate lot and leave the tower on the remainder of the 100 acre lot. Staff noticed that the tower has to have a setback from the property line and we realized that now the house becomes an off-site residence and it doesn't meet the setback to the tower. Staff determined that we can't approve the subdivision plat because the house and the tower are too close. We got the County attorney's input. The staff was considering that the tower becomes a non-conforming structure. The County attorney's opinion was that the house becomes the non-conforming structure.

Arnold Martin asked what makes the house non-conforming.

Pete Frisina said that is a good question because there is a setback from a tower to an off-site residence but not a setback from an off-site residence to a tower. He added in his opinion you can't approve the subdivision either way. Normally zoning doesn't work measuring from something that is not on the property, it's usually from the property line inward. So the question is what purpose does the setback requirement to an off-site residence serve. You already have a requirement the tower has to be setback from the property line distance equal to the tower height plus ten (10) feet. If the tower were to fall, it is obviously it's not going to fall outside of

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PC Meeting

the property.

Pete Frisina added we recently had a rezoning on Flat Creek Trail and Crabapple Lane last month, with a tower in the southwest corner of that property. When they brought the rezoning in, staff informed the applicant that the tower cannot be in R-50 so they had to cut out a large parcel to maintain it as A-R and set the property line so that the tower was the height of tower plus ten (10) feet away from the property lines. What we didn't consider is the layout of those lots and whether the new homes would be within three (3) times the height of the tower. However, by virtue of having to cutout the A-R portion plus a condition that no new driveways can enter onto Crabapple Lane there is not going to be a lot within the distance of three (3) times the tower height.

Pete Frisina stated in 2005, we had a subdivision in the northern part of the County, we did the same thing, when that subdivision came in we made them maintain an A-R lot that could contain the tower with a setback equal to the tower height. What we didn't do was look at the surrounding lots that were being created. Now this tower was 300 feet tall, so that was a 900 foot setback in a radius where there are lots and homes.

Pete Frisina said to give a hypothetical example, a property contains a conforming tower that meets the setbacks from the property lines and also meets the setbacks to off-site residences. So let's presume that the adjacent property owner decides to build a house on the property and house will be within that area that is three (3) times the tower height. Now these are two pieces of properties that are independent of each other. I don't know if the County wants to be in the position of telling the adjacent property owner they can't build a house because of a tower on the next door property.

Arnold Martin asked do you know if the height setbacks were originally created based on safety in case of a tower possibility falling or was it an environmental concern because some people felt there was too much energy emitted from a tower which may cause cancer.

Pete Frisina replied I will give you what I think the historical aspect of it this is. This tower ordinance has it genesis from the early 1990's and the prevailing wisdom at that time was people only use cell phones in their car. When they got home the use a land line, therefore we don't need a tower close to anybody's house and now many people have given up their land lines. I think there was also a feeling that a tower close to someone's house could affect the value of that home, so I think that's where that came from. The three (3) times the tower height actually was a reduction from a greater setback that was previously in the ordinance.

Arnold Martin asked are these guidelines similar to those for electrical towers?

Pete Frisina replied we don't have any control over electrical towers. They can put them pretty much anywhere they want.

Brian Haren asked Pete Frisina so on this one the height of the tower plus ten (10) feet stays in effect?

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Pete Frisina replied yes.

Brian Haren said I can understand three (3) times, but five (5) times seem to be a little much. My sympathy for this particular petitioner is a limited because he is making money off of this tower, it's not like someone came in the middle of the night and planted it in his back yard

Pete Frisina replied I don't disagree and that was part of the discussion. He said the point I made before is an adjacent property owner could build a house within the area that is three (3) times the tower height. Technically I don't know if we can stop an independent landowner next door from building.

Pete Frisina noted that under Section 110-105 on the top of Page 2, is where the amendments start. There has also been various interpretations about what is the tower height so I am excluding the lighting rod from the tower height. We have had some zoning administrators from the past that added it to the tower height. I just wanted to make sure that is clear. Section d covers the tower height and setback and item number three (3) excludes the lighting rod.

Pete Frisina said on page three (3) there are no changes, and on page four (4) the reference to a setback requirement to an on-site residence is removed. On the bottom on page five (5), the reference to an off-site residence is removed. On page seven (7) the reference to the nearest off-site residential was also removed.

Pete Frisina said we will advertise this for January 7th and I thank you for working with us on this.

The Planning Commission took no official action on this item and will continue the discussion at a future meeting.

THE FAYETTE COUNTY PLANNING COMMISSION met on January 7, 2021 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Danny England, Chairman (via *teleconference*)
Arnold Martin, Vice-Chairman (via *teleconference*)
John H. Culbreth (via *teleconference*)
Brian Haren (via *teleconference*)

STAFF PRESENT: Pete A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator (via *teleconference*)
Howard Johnson, Plan & Zoning Coordinator

1. Consideration of amendments to Chapter 110. Zoning Ordinance, Regarding sec. 110-105. – Standards for Telecommunications Antennas and Towers.

Pete Frisina said this is the issue with the setback from a cell tower to an off-site residence and the subdivision of property we discussed at the last Planning Commission meeting. He stated that the setback to an off-site residence is three (3) times the tower height or 500 feet whichever is greater. He added that staff researched past matters with subdivisions and existing cell towers and based on that research staff is recommending the removal of the setback to off-site residences. He stated the setback to the property line of the tower height plus 10 feet will be maintained so if a tower where to fall it would fall within the parcel.

Chairman England asked if there was anyone present that would like to make a comment concerning the amendments.

Don Spaller said he and his brother inherited about 120 acres from their father that has a house and a cell tower. He stated that they want to subdivide to sell the house with some acreage and keep the remaining property with the cell tower. He added that the house will not meet the setback as an off-site house when the property is subdivided so there is no way we can ever subdivide the property in this way.

Chairman England asked if there was anyone in the live streaming audience that would like to call into the meeting to make a comment. Hearing none after approximately one minute the Chairman said he would bring the item back to the board.

Arnold Martin made a motion to recommend approval of the amendments to Chapter 110 of the Zoning Ordinance regarding Section 110-105. – Standards for Telecommunications Antennas and Towers. John Culbreth seconded the motion. The motion passed 3-0. Brian Haren was absent.

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition RDP-015-20 to revise the Development Plan of Whitewater Creek Planning Unit Development (PUD) to reduce the 100-foot front yard setback on Redwine Road to 65 feet on Lot 117 - Final Plat of Highgrove on Whitewater Creek Phase Four.

Background/History/Details:

Staff recommends approval of Petition RDP-015-20.

The Planning Commission recommended approval of Petition RDP-015-20.

Arnold Martin made a motion to recommend approval of Petition RDP-015-20 to revise the Development Plan of Whitewater Creek PUD to reduce the 100 foot front yard setback on Redwine Road to 65 feet on Lot 117. John Culbreth seconded the motion. The motion passed 3-0. Brian Haren was absent.

What action are you seeking from the Board of Commissioners?

Approval of Petition RDP-015-20 to revise the Development Plan of Whitewater Creek PUD to reduce the 100-foot front yard setback on Redwine Road to 65 feet on Lot 117 - Final Plat of Highgrove on Whitewater Creek Phase Four.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

THE FAYETTE COUNTY PLANNING COMMISSION met on January 7, 2021 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Danny England, Chairman (via *teleconference*)
Arnold Martin, Vice-Chairman (via *teleconference*)
John H. Culbreth (via *teleconference*)
Brian Haren (via *teleconference*)

STAFF PRESENT: Pete A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator (via *teleconference*)
Howard Johnson, Plan & Zoning Coordinator

1. Consideration of Petition RDP-015-20 to revise the Development Plan of Whitewater Creek PUD to reduce the 100 foot front yard setback on Redwine Road to 65 feet on Lot 117 - Final Plat of Highgrove on Whitewater Creek Phase Four.

Mark McCullough said he lives at the property and the staff report supplies all of the details for my request. He added that he has spoken to his neighbors and they didn't have an issue with his request and he has met with the Environmental Health Department concerning the septic system which will have to be relocated.

Arnold Martin said per the staff report it states that there are no future plans to widen Redwine Road to four (4) lanes is that correct.

Pete Frisina said that was correct.

Chairman England asked if there was anyone present that would like to make a comment concerning the petition. Hearing none, he asked if there was anyone in the live streaming audience that would like to call into the meeting to make a comment. Hearing none after approximately one minute the Chairman said he would bring the item back to the board.

Arnold Martin made a motion to recommend approval of Petition RDP-015-20 to revise the Development Plan of Whitewater Creek PUD to reduce the 100 foot front yard setback on Redwine Road to 65 feet on Lot 117. John Culbreth seconded the motion. The motion passed 3-0. Brian Haren was absent.

PETITION NO. RDP-015-20

The applicant is requesting to reduce the 100 foot front yard setback on Redwine Road to 65 feet on Lot 117 of the Final Plat of Highgrove on Whitewater Creek Phase Four to add a garage and swimming pool (see attached Applicant Letter, Concept Plan and HOA Letter). The property address of the subject property is 100 Meeting House Road. This request must be considered by the Board of Commissioners per the following section of the Zoning Ordinance:

Sec. 110-149. – Planned unit development (c) (1) j. states the following:

- j. Revision of development plan. Any change in the approved development plan, which affects the intent and character of the development, the density or land use pattern, the approved uses, the location or dimensions of streets, or similar substantial changes, shall be reviewed and approved by the board of commissioners upon the recommendation of the zoning administrator and planning commission. A petition for a revision of the development plan shall be supported by a written statement as to why the revisions are necessary or desirable.

History: Rezoning petition 463-83 to rezone 1,440 acres from A-R to PUD-PRD was approved by the Board of Commissioners on August 25, 1983. This development was named the Whitewater Creek Community. The subject property was split by existing Redwine Road and Quarters Road. As a PUD, the rezoning included a Development Plan and Summary of Intent for the 1,440 acres. The purpose of the Development Plan and Summary of Intent is to establish the restrictions and regulations according to which the development shall occur. The Summary of Intent indicates that the front yard setback from streets shall be 50 feet.

In 1993, revisions to the Development Plan for the Whitewater Creek PUD was requested and approved by the Board of Commissioners on September 1, 1993. This revision was called Whitewater Creek 554 as it comprised 554 acres and included the portion of the Whitewater Creek Community on the west side of Redwine Road. A staff recommendation was that the setback along Redwine Road be increased to 100 feet. Materials in the petition folder and comments in Board of Commissioners minutes indicate the expectation was that Redwine Road would someday be widened to a four-lane road so the setback increase was warranted (see Public Works/Engineering Department comments below).

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: This Dept. has no objection to the proposed variance. However, the proposed pool and garage addition may impact the existing septic system.

PUBLIC WORKS/ENGINEERING DEPARTMENT: Engineering understands the existing front yard setback was established in the 90s in anticipation of widening Redwine Road to four

lanes. Fayette County has developed/updated three transportation plans since then (2003, 2010 and 2019). There is no project to widen Redwine Road in either the constrained or aspirational project lists. If additional capacity is needed in the north-south movement, the focus would be on widening SR 85 with GDOT.

Recommendation: As there are no plans to widen Redwine Road to a four-lane road, Staff recommends approval of the revised Development Plan for Lot 117 of the Final Plat of Highgrove on Whitewater Creek Phase Four to reduce the front yard setback from 100 feet to 65 feet. If this request is approved by the Board of Commissioners, the Final Plat of Highgrove on Whitewater Creek Phase Four will require a minor revision to the Final Plat to depict the 65 foot front yard setback along Redwine Road on Lot 117.

RDP-015-20 Zoning

P-U-D

Quarters Road

P-U-D

Birkdale Dr.

**SUBJECT
PROPERTY**

P-U-D

P-U-D

Redwine Road

P-U-D

P-U-D

Meeting House Road

RDP-015-20 Aerials



Quarters Road

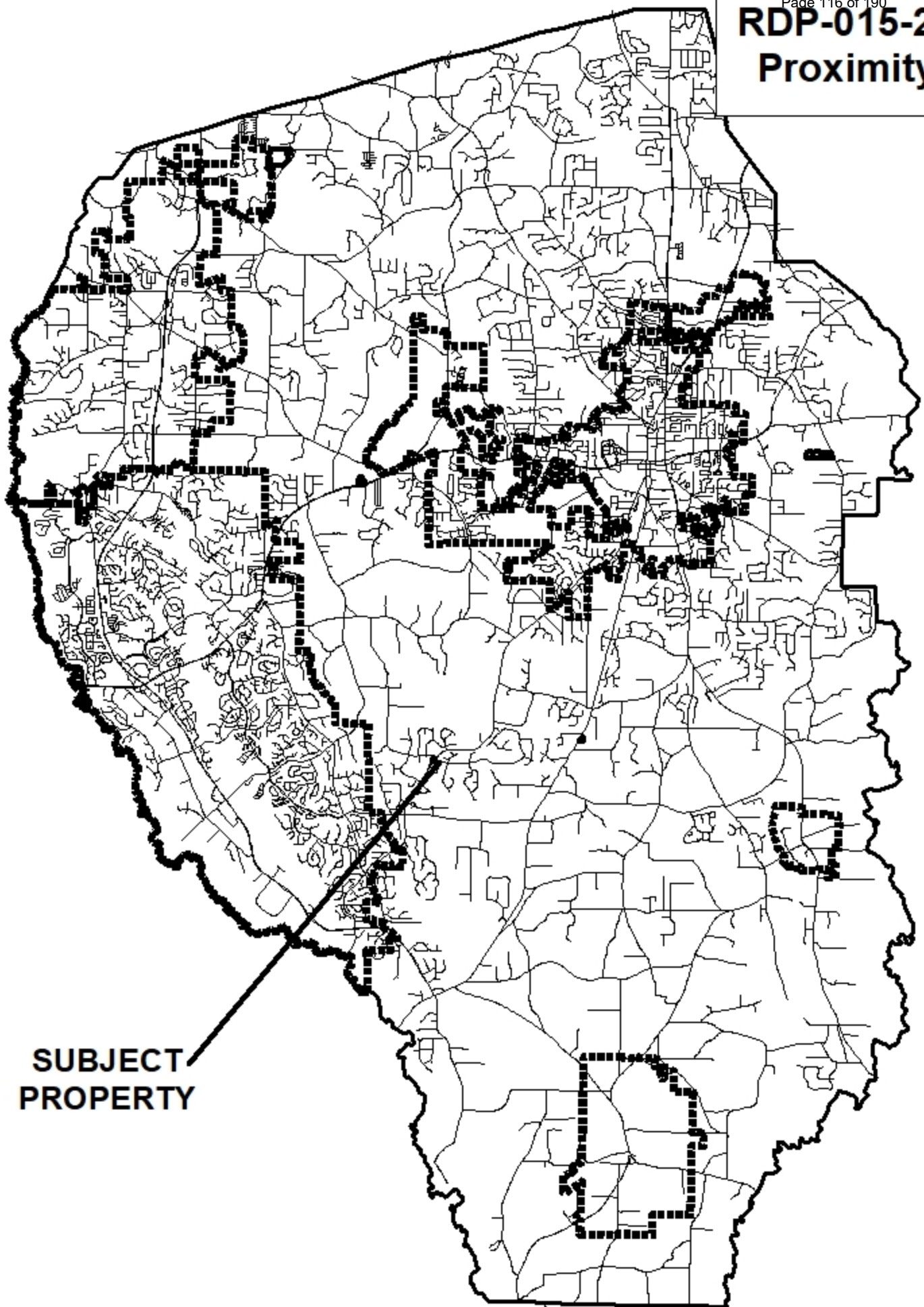
Birkdale Dr.

**SUBJECT
PROPERTY**

Redwine Road

Meeting House Road

RDP-015-20 Proximity



**SUBJECT
PROPERTY**

December 21, 2020

Peter Frisina
100 Stonewall Ave West
Fayetteville, Ga. 30214

RE: 100 Meeting House Rd

Hi Mr. Frisina-

Thank you for your help with our request to revise the development plan for the property at 100 Meeting House Rd.

The purpose of our request is to reduce the 100' setback from Redwine Rd to 65' in the areas necessary for us to improve the property with the addition of a small pool, retaining wall and detached garage with a cabana style room off the backside.

Please see the attached letter from Highgrove on Whitewater Creek HOA approving the detached garage and retaining wall as submitted.

Please contact me with any questions or suggestions.

Thank you.

C. Mark McCullough
678-878-7935

[REDACTED]

Highgrove on Whitewater Creek

P.O. Box 143089
Fayetteville GA 30214
(770) 692-0152
(770) 692-0156 Fax
<https://camga.com/>

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November 23, 2020

Marion Ison
680 Lakepark North Drive
Griffin GA 30224

RE: 100 Meeting House Road

Dear Marion Ison:

On behalf of your Architectural Control Committee (ACC), we are pleased to inform you that

Approval for the detached garage and retaining wall as submitted on the modification request form has been granted.

As a reminder, the ACC's approval of your plans and specifications is not for engineering or structural integrity, but only within their rights and responsibilities with regards to the Association's Declaration of Covenants, Conditions and Restrictions. Also, you are responsible for obtaining any permits that may be required by your local government authority.

The Association reserves the right to make a final inspection of the change to confirm it matches the request you submitted for approval. Please follow the plan you submitted or submit an additional request form if you cannot follow the original plan.

We appreciate you being a responsible homeowner by following the guidelines of the approval process for your community. If we may be of any future assistance, please feel free to contact us.

Sincerely,

COMMUNITY ASSOCIATION MANAGEMENT, LLC
Agent for Highgrove on Whitewater Creek

Lee Mason

Lee Mason, CMCA®, AMS®, PCAM®

REVISED DEVELOPMENT PLAN APPLICATION

1. NAME OF DEVELOPMENT PLAN: Whitewater Creek PUD – Revised portion
Whitewater Creek 554 (1993)
2. APPLICANT'S NAME: Mark McCullough
___ Ms. ☒ Mr. ___ Mrs. ___ Mr. & Mrs.
3. APPLICANT'S ADDRESS: 100 Meeting House Road
4. APPLICANT'S ADDRESS: Fayetteville, GA 30215
5. APPLICANT'S E-MAIL: [REDACTED]
6. APPLICANT'S PHONE: 678-878-7933
7. LAND LOT(S): 1
8. DISTRICT(S): 6th
9. FRONTS ON: Meeting House Road, Redwine Road & Quarters Road
10. ZONING: PUD-PRD
11. PLANNING COMMISSION HEARING DATE: January 7, 2021
12. BOARD OF COMMISSIONERS HEARING DATE: January 28, 2021
13. AGENT'S NAME: _____
___ Ms. ___ Mr. ___ Mrs. ___ Mr. & Mrs.
14. AGENT'S ADDRESS: _____
15. AGENT'S ADDRESS: _____
16. AGENT'S E-MAIL: _____
17. AGENT'S PHONE: _____

18. EXPLANATION OF REVISION: Reduce the 100 foot front yard setback on Redwine Road to 65 feet on Lot 117 - Final Plat of Highgrove on Whitewater Creek Phase Four – 100 Meeting House Road

I respectfully submit this application and certify that the above information is correct and true to the best of my knowledge.

12/4, 20

December 4th, 2020



[Signature]
APPLICANT'S SIGNATURE

[Signature]
NOTARY PUBLIC

THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY FEMA FLOOD INSURANCE RATE MAP NUMBER 13113C0094E WITH AN EFFECTIVE DATE OF SEPTEMBER 26, 2008.

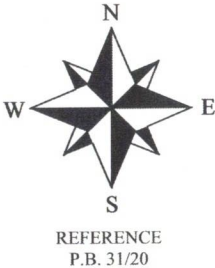
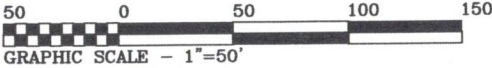
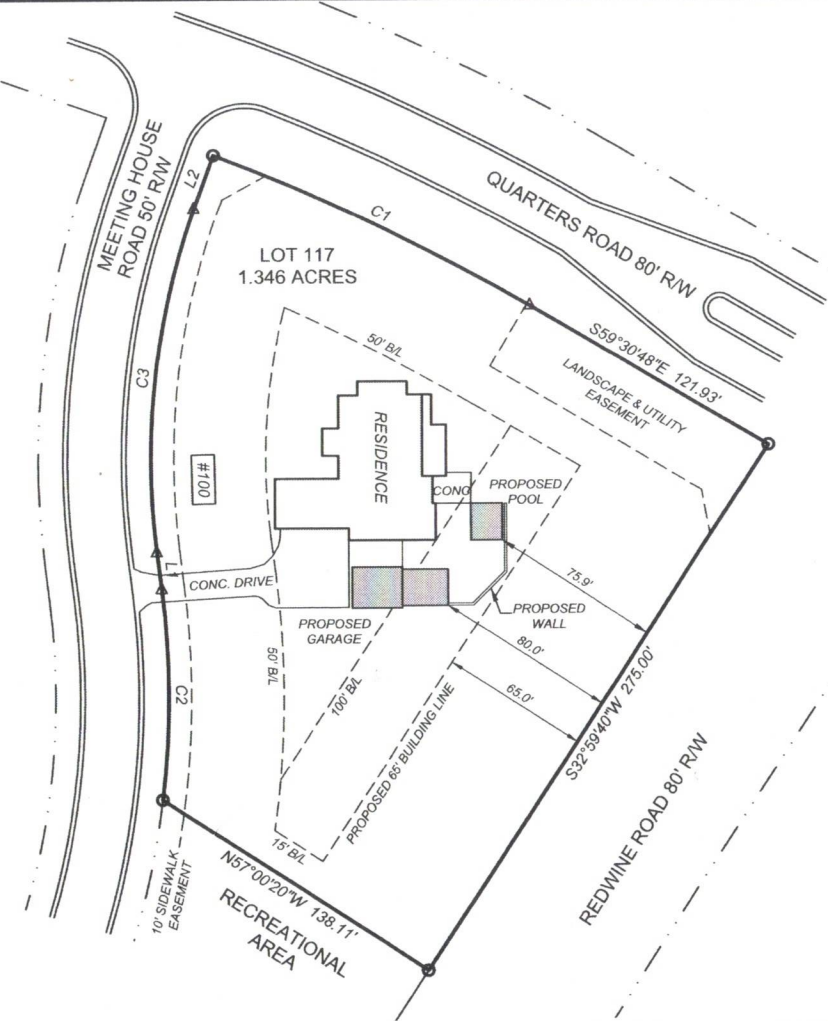
CURVE	RADIUS	ARC	CHORD	CHORD BEARING
C1	960.00'	153.07'	152.91'	S64°04'52"E
C2	375.00'	92.90'	92.66'	N00°09'25"W
C3	325.00'	153.79'	152.36'	N06°18'09"E

LINE	BEARING	DISTANCE
L1	N07°15'13"W	16.39'
L2	N19°51'32"E	25.28'

LEGEND

- E.O.P. = EDGE OF PAVEMENT
R/W = RIGHT OF WAY
I.P.F. = IRON PIN FOUND
I.P.P. = IRON PIN PLACED
C.T. = CRIMPED TOP PIPE
R.B. = REINFORCING BAR
O.T. = OPEN TOP
N/F = NOW OR FORMERLY
B/L = BUILDING LINE
P.P. = POWER POLE
L.L.L. = LAND LOT LINE
D.B. = DEED BOOK
P.B. = PLAT BOOK
C.M.F. = CONCRETE MONUMENT FOUND
P.O.B. = POINT OF BEGINNING
A.K.A. = ALSO KNOWN AS
U.E. = UTILITY EASEMENT
D.E. = DRAINAGE EASEMENT
L.P. = LIGHT POLE
F.H. = FIRE HYDRANT
W.M. = WATER METER
M.F.F.E. = MINIMUM FINISHED FLOOR ELEVATION
L.A.G. = LOWEST ADJACENT GRADE
H.A.G. = HIGHEST ADJACENT GRADE
D.I. = DROP INLET
J.B. = JUNCTION BOX
C.B. = CATCH BASIN
T.B.M. = TEMPORARY BENCHMARK

DATE:	9/24/2020	ISSUE	
SCALE:	1"=50'	No.	DESCRIPTION
ACREAGE:			
CITY:			
CC:			
DRAWN:	TM		
CHECKED:	RM		
PROJECT #:	20-363		



CLOSURE STATEMENT:

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 32,000 FEET AND AN ANGULAR ERROR OF 02" PER ANGLE POINT AND WAS ADJUSTED USING LEAST SQUARE RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET. TYPE OF EQUIPMENT USED: TOPCON GTS 313

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT TITLE; THEREFORE, THE UNDERSIGNED AND MCLAIN SURVEYING, INC., MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS AND OTHER SIMILAR MATTERS.

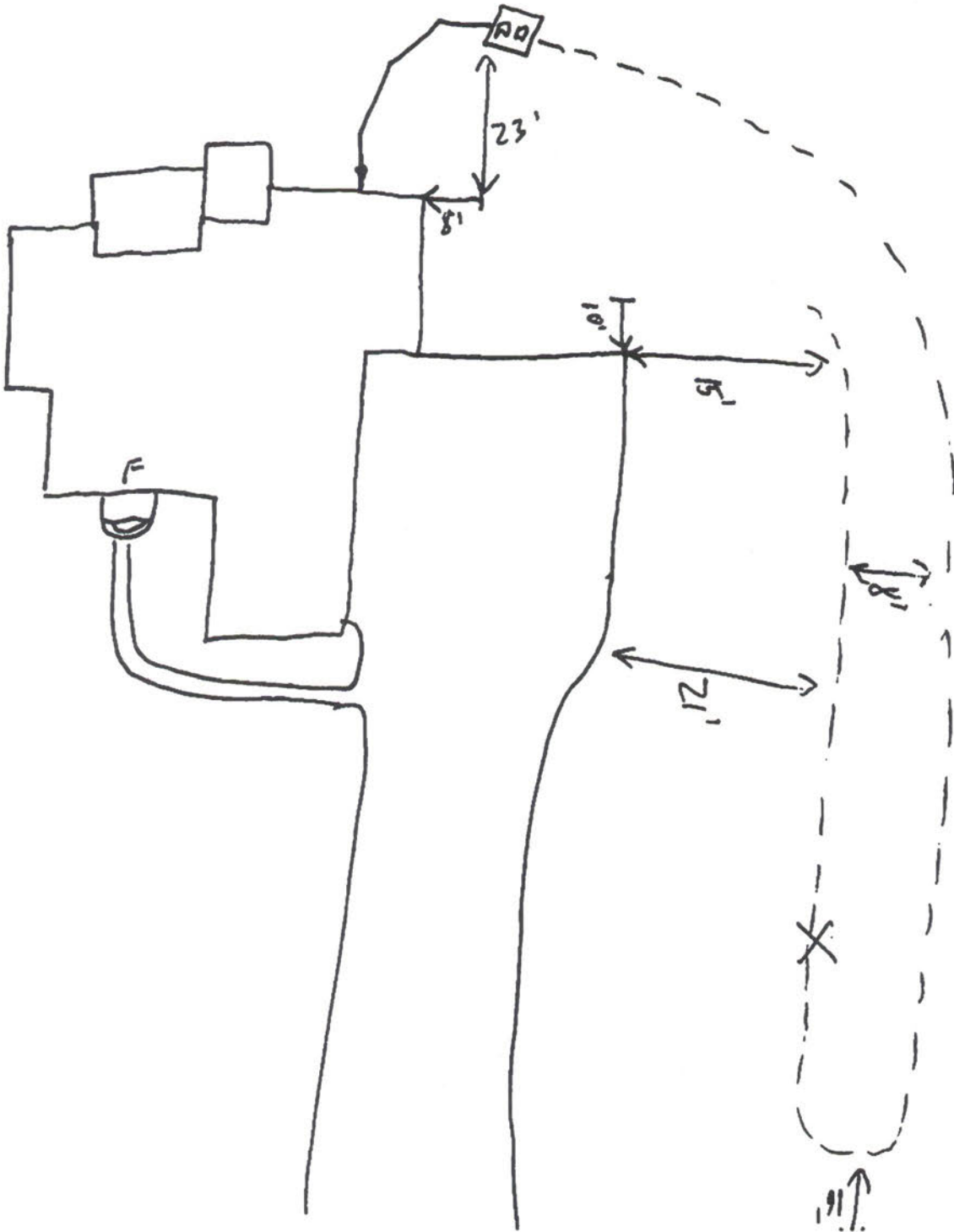
SURVEY FOR:
MARK MCCULLOUGH
LOT 117 HIGHGROVE ON WHITEWATER CREEK
PHASE FOUR
LAND LOT 1 - 6TH. DISTRICT
FAYETTE COUNTY, GEORGIA



McLAIN SURVEYING, INC.

LAND SURVEYING - LAND PLANNING - LAND DEVELOPMENT

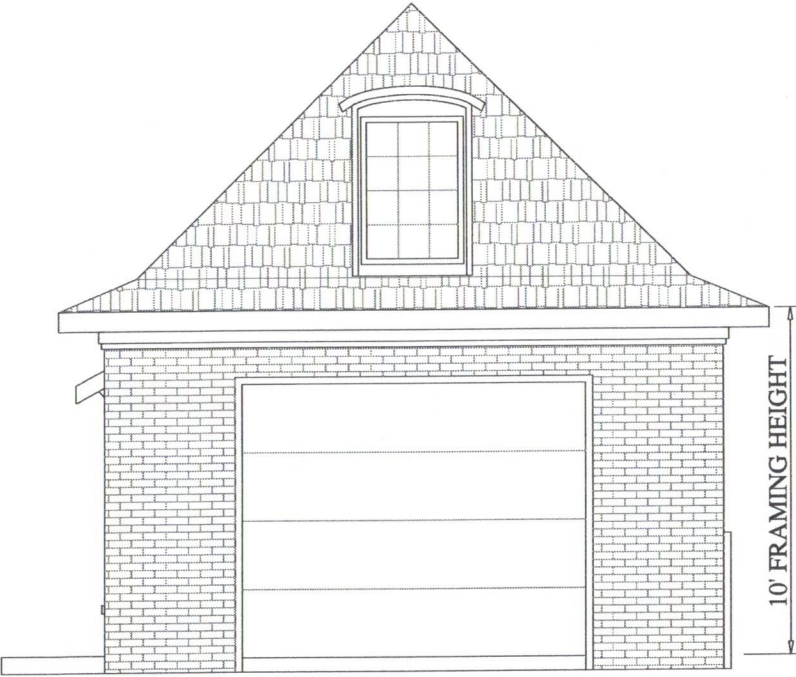
6 MADISON STREET
NEWNAN, GEORGIA 30263
PHONE: 770-251-8523 - EMAIL: tmclain339@nmail.org





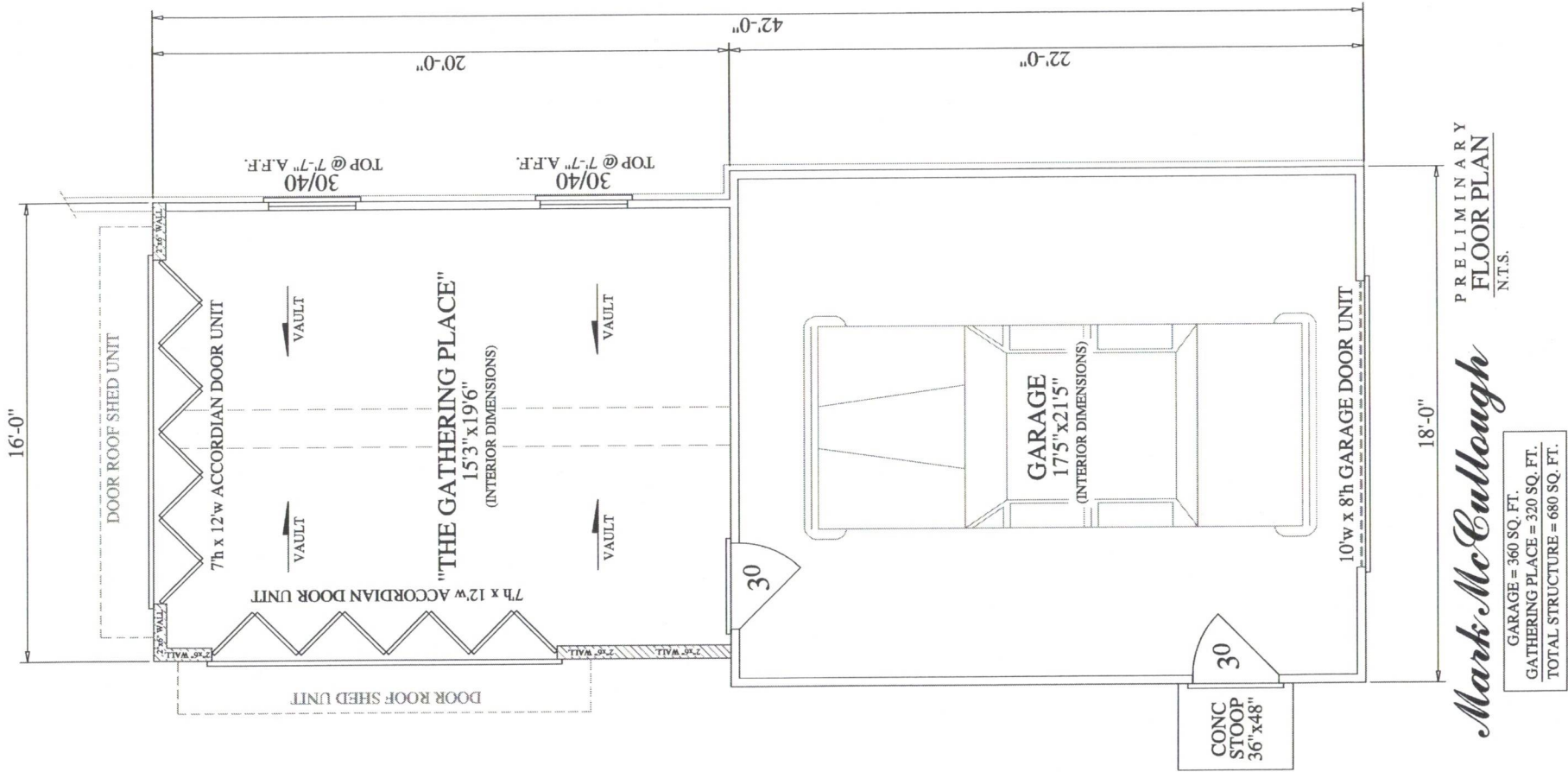
Mark McCullough

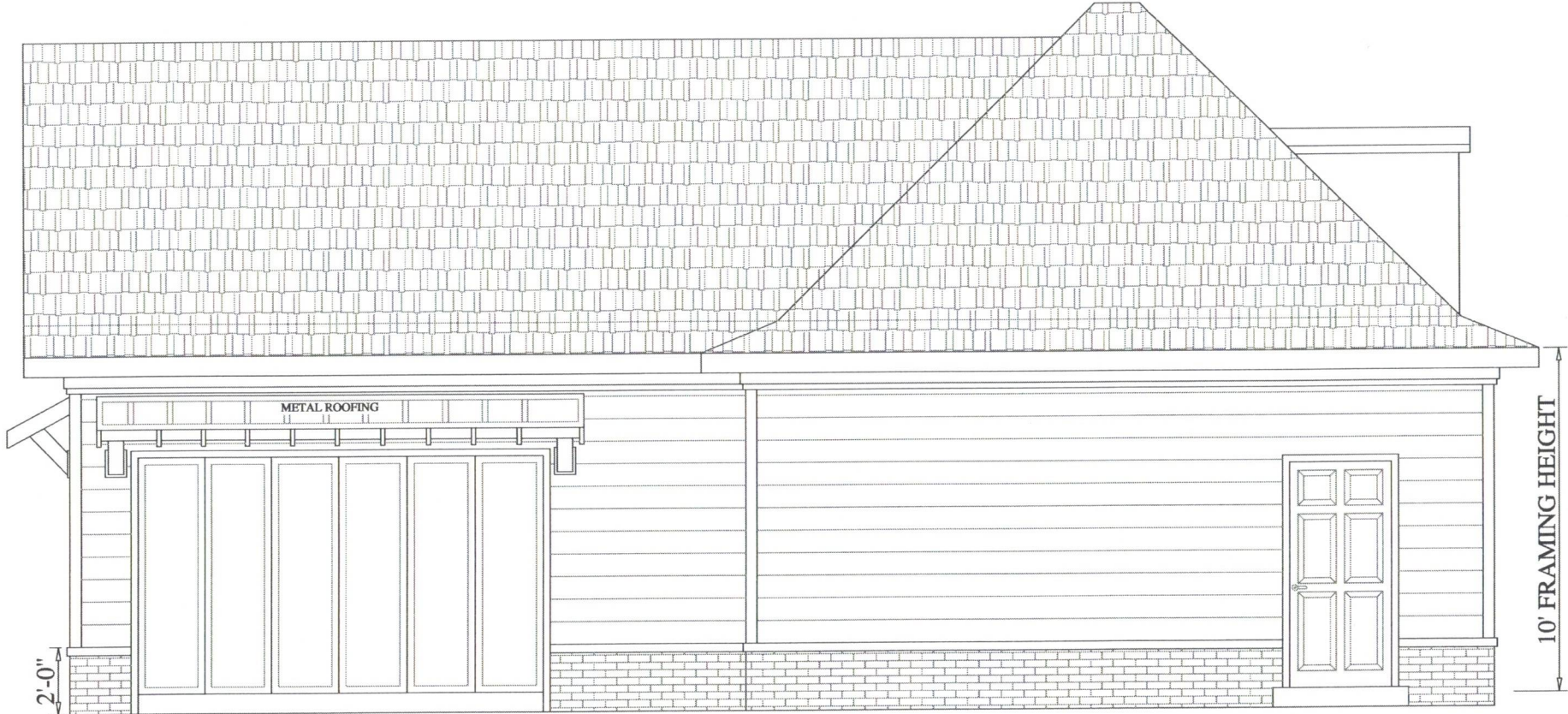
PRELIMINARY
REAR ELEVATION
N.T.S.



Mark McCullough

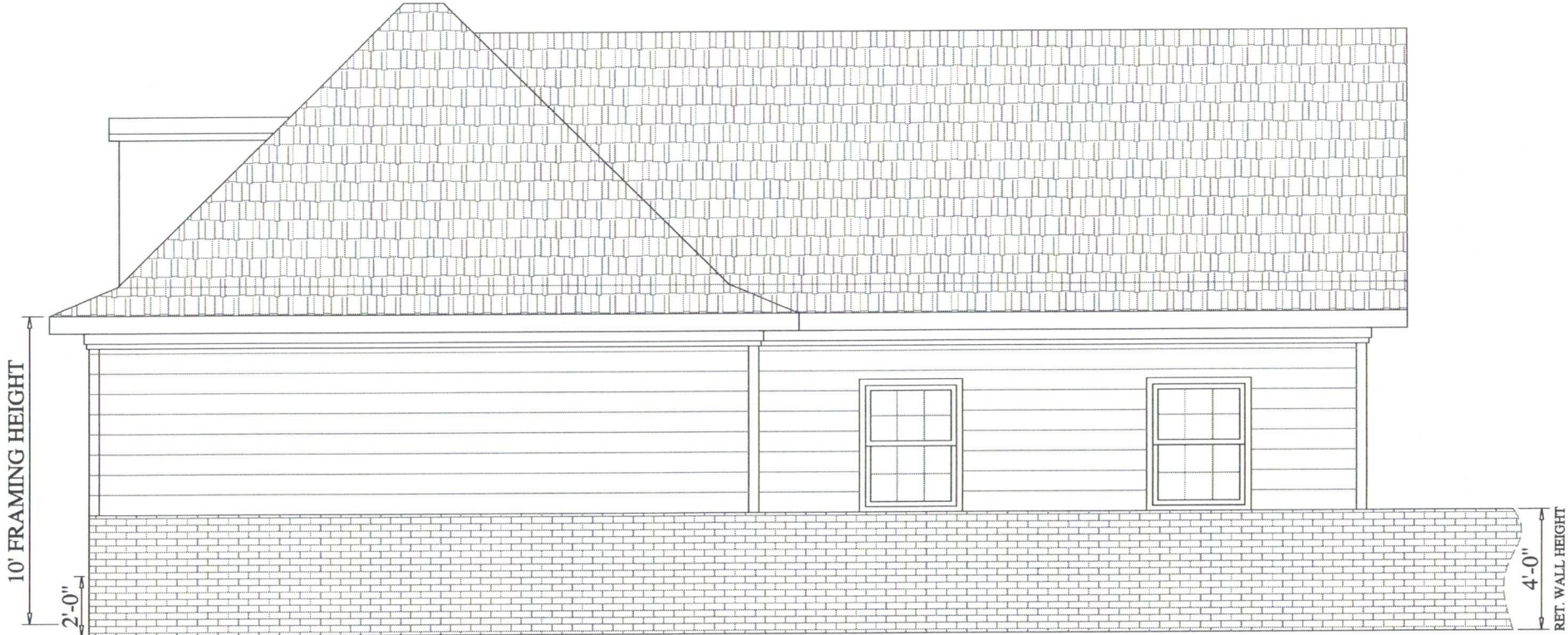
PRELIMINARY
FRONT ELEVATION
N.T.S.





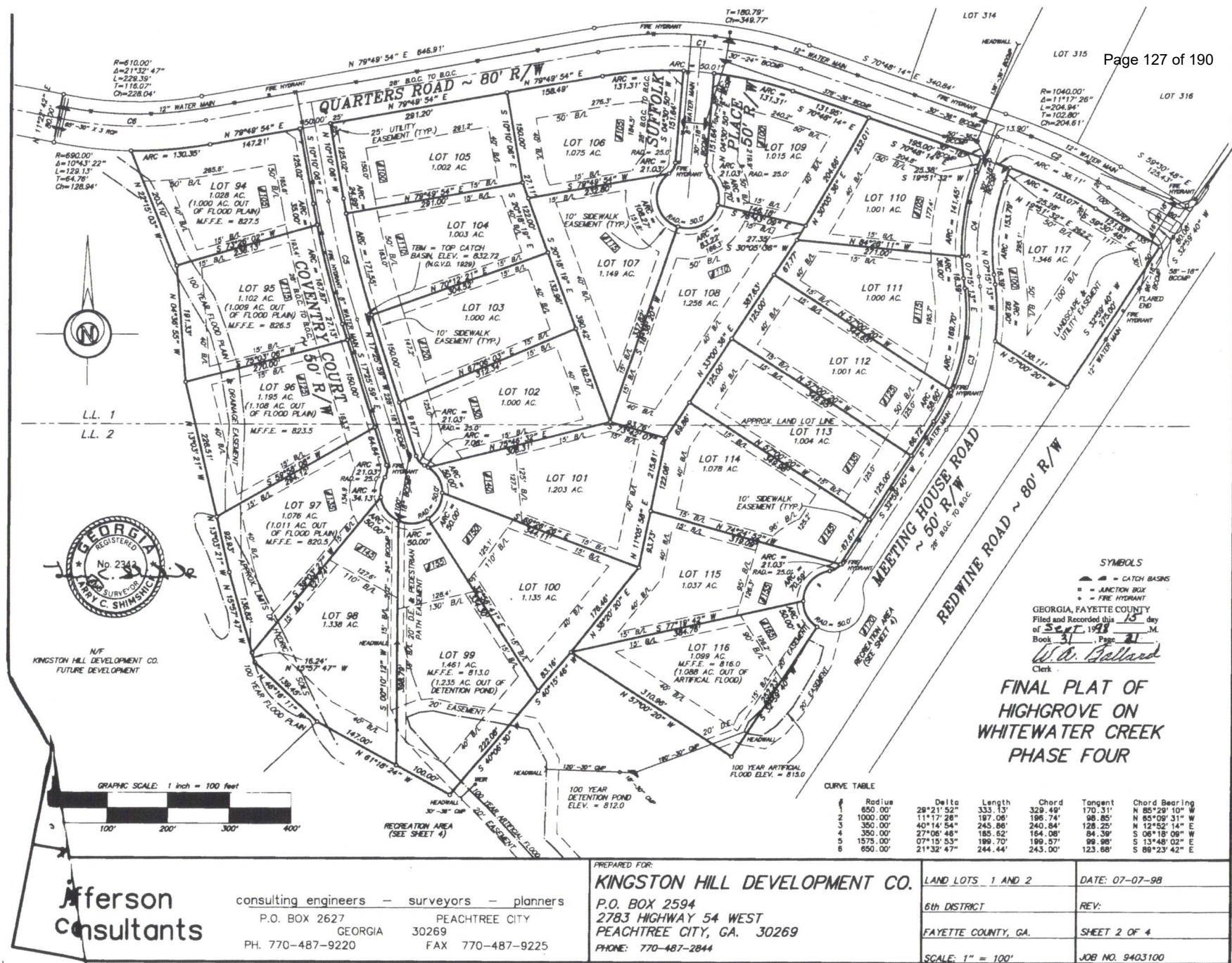
Mark McCullough

PRELIMINARY
LEFT SIDE ELEVATION
N.T.S.



Mark McCullough

PRELIMINARY
RIGHT SIDE ELEVATION
N.T.S.



COUNTY AGENDA REQUEST

Page 128 of 190

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. 1302-20, Charlotte Hearn, Owner, request to rezone 2.00 acres from A-R to R-70 to develop one (1) residential lot; property located in Land Lot 18 of the 9th District and fronts on SR 92 North. The applicant has requested to withdraw the petition.

Background/History/Details:

Staff recommends approval of the withdrawal request.

The Planning Commission recommended approval of the withdrawal request.

John Culbreth made a motion to recommend approval of the request to withdraw Petition No. 1302-20. Arnold Martin seconded the motion. The motion passed 3-0. Brian Haren was absent.

What action are you seeking from the Board of Commissioners?

Approval of the request to withdraw Petition No. 1302-20.

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:

From: [Mark Hearn](#)
To: [Pete Frisina](#)
Subject: Fwd: Charlotte Hearn Rezoning Tabling Request
Date: Friday, December 11, 2020 3:01:03 PM

External Email Be cautious of sender, content, and links

Pete, per our discussion earlier today I have spoken to my mother and she is asking that the rezoning request on her north Fayette property be withdrawn. I understand that the request must be approved. Please let me know if anything else is required of us and if my mom needs to take any additional action.

Thanks,

Mark B. Hearn


Sent from my iPad

Begin forwarded message:

From: "Hearn, Mark" <hearn.mb@pg.com>
Date: December 9, 2020 at 12:50:46 PM CST
To: [REDACTED]
Subject: FW: Charlotte Hearn Rezoning Tabling Request

Thanks,

Mark B. Hearn
P&G Fabric Care Director
(615) 478-6300

Col 3:23 

This electronic message transmission contains information that may be confidential. If you are not the intended recipient, and have received this electronic transmission in error, please notify sender then delete immediately.

All decisions on pricing, promotion and distribution (meaning assortment and shelving) are at the sole discretion of the retailer. P&G does not determine, agree, nor "score" the profit nor margin of customer as such. These are determined only by customer. The measurements of profit and margin in this True Scorecard are only intended to assess how customer is measuring performance of P&G products by category.

COUNTY AGENDA REQUEST

Page 130 of 190

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's recommended Mid-Year Budget Adjustments to the FY 2021 budget and approval to close completed Capital Improvements Plan (CIP) Projects.

Background/History/Details:

Staff is recommending mid-year adjustments to the fiscal year 2021 adopted budget.

These adjustments are to account for budget variances in M&O funds, Grant Funds, and Projects:

Budget adjustments related to the Coronavirus Aid, Relief, and Economic Security Act (CARES) and PPE related expenses

M&O funds - to adjust the original budget for unexpected occurrences

Grant funds - to adjust grant amounts budgeted to grant amounts awarded

Capital/CIP Projects - to close projects that have been completed, transfer any residual funds to contingency or to use contingency and other funds to cover project funding shortages; to re-class project expenses, considered M&O, to the associated departments' operating budgets; and for new projects recommended after the original budget was adopted.

Water System CIP Projects - transfers from projects with residual funds to projects with funding shortages and to close completed projects.

Detail budget entries are shown on the attachment.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommended Mid-Year Budget Adjustments to the FY 2021 adopted budget and approval to close completed Capital Improvement Plan (CIP) Projects.

If this item requires funding, please describe:

Not applicable

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

FAYETTE COUNTY, GEORGIA								
RECOMMENDED MID_YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2021 BUDGET								
FOR FISCAL YEAR ENDED JUNE 30, 2021								
ORG	OBJ	Proj	FUND/ DEPARTMENT/PROJECT	ACCOUNT DESCRIPTION	Expenditure Increase (Dec)	Revenue Increase (Dec)	Fund Balance Increase (Dec)	
I. CARES - Coronavirus Aid Relief recognized in FY2021. Recommend increasing the budget Federal Indirect Reimbursement revenue lines for the General Fund, Fire Services Fund, and EMS Fund.								
A. General Fund - these reimbursement amounts are associated to Sheriff's Office salary, benefits and Covid PPE supplies.								
10030003	331150	CARES	GENERAL FUND	FEDERAL INDIRECT REIMB		929,197	929,197	
B. Fire Services Fund - these reimbursement amounts are associated to salary and benefits.								
27030003	331150	CARES	FIRE SERVICES FUND	FEDERAL INDIRECT REIMB		675,239	675,239	
C. EMS Fund - these reimbursement amounts are associated to salary and benefits.								
27230003	331150	CARES	EMS FUND	FEDERAL INDIRECT REIMB		1,145,596	1,145,596	
					-	2,750,032	2,750,032	
II. COVID - Coronavirus related expenditures recognized in FY2021 in the General Fund, EMS Fund, and Water System Fund. Recommend increasing the budget expenditures lines for each fund by these amounts.								
A. General Fund - these amounts are associated with Covid PPE supplies and Laptops.								
10010090	531117	COVID	NON-DEPARTMENTAL GEN GOVT	SAFETY SUPPLIES	29,962		(29,962)	
10010535	542420	COVID	INFO SYSTEMS DEPARTMENT	COMPUTER EQUIPMENT	1,298		(1,298)	
10020090	531117	COVID	NON-DEPARTMENTAL JUDICIAL	SAFETY SUPPLIES	7,926		(7,926)	
10020200	531117	COVID	DISTRICT ATTORNEY	SAFETY SUPPLIES	363		(363)	
10030090	531117	COVID	NON-DEPARTMENTAL PUB SAFETY	SAFETY SUPPLIES	89,630		(89,630)	
B. EMS Fund - these amounts are associated with Covid PPE supplies.								
27230600	531117	COVID	EMS	SAFETY SUPPLIES	9,893		(9,893)	
C. Water System Fund - these amounts are associated with Covid PPE supplies.								
50541010	531117	COVID	WATER SYSTEM ADMIN	SAFETY SUPPLIES	1,269		(1,269)	
					140,341	-	(140,341)	
III. ELPPE Reimbursement grant funding for Elections related to PPE. Recommend increasing the budget grant revenue line.								
10010003	331150	ELPPE	GENERAL FUND	FEDERAL INDIRECT REIMB		3,000	3,000	
					-	3,000	3,000	

FAYETTE COUNTY, GEORGIA								
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2021 BUDGET								
FOR FISCAL YEAR ENDED JUNE 30, 2021								
ORG	OBJ	Proj	DEPARTMENT / FUND	ACCOUNT DESCRIPTION		Expenditure Increase (Dec)	Revenue Increase (Dec)	Fund Balance Increase (Dec)
VEHICLE REPLACEMENT FUND:								
1. Two vehicles assigned to the Sheriff's Field Operations Division were deemed a total loss for damages incurred as a result of wrecks. Insurance proceeds received total \$24,499. The total replacement cost of the vehicles, plus emergency equipment, is \$98,957. Net cost, including insurance proceeds, is \$74,458. Recommendation to increase Vehicle Replacement Fund revenue by the amount of the proceeds and expenditures by \$98,957 to purchase the replacement vehicles and needed emergency equipment - decrease to the Vehicle Replacement Fund balance.								
61000001	383000		Vehicle Replacement Fund	Insurance Reimbursements			24,499	24,499
61030323	542200	213AP	Sheriff Field Ops - Veh Replace fund	Vehicles		98,957		(98,957)
						98,957	24,499	(74,458)
GRANTS:								
2. The actual LMIG1 (FY 2021) grant received is less than the amount included in the original budget. Grant revenue received is \$788,150 and grant revenue included in the budget is \$918,135. Recommendation to decrease the grant revenue budget line by \$129,985 - net decrease to General Fund balance.								
10040004	334311	LMIG1	General Fund	Roads & Bridges Grants			(129,985)	(129,985)
						-	(129,985)	(129,985)
3. The actual grant award for the DUI Court was received after the FY 2021 budget was adopted. The grant award received is \$74,969. The amount in the budget is \$201,550, a decrease of \$126,581. Since this is a 90/10 grant, based on the grant awarded, expenditures should also decrease by \$140,646. The \$140,646 represents the reduction in the grant award plus the 10% match. Recommendation to decrease the grant revenue budget line by \$126,581 and the grant related expenditure budget lines by \$140,646 - increase to the Accountability State Court fund balance.								
21420003	334219	DUI	Accountability State Court - DUI/VTC	Grants			(126,581)	(126,581)
21420330	5XXXXX	DUI	Accountability State Court - DUI/VTC	Expenditures		(140,646)		140,646
						(140,646)	(126,581)	14,065
4. The actual grant award for the Veterans Treatment Court was received after the FY 2021 budget was adopted. The grant award received is \$55,589. The amount in the budget is \$74,380, a decrease of \$18,791. Since this is a 90/10 grant, based on the grant awarded, expenditures should also decrease by \$20,284. The \$20,284 represents the reduction in the grant award plus the 10% match. Recommendation to decrease the grant revenue budget line by \$18,791 and the grant related expenditure budget lines by \$20,284 - increase to the Accountability State Court fund balance.								
21420003	334219	VTC	Accountability State Court - DUI/VTC	Grants			(18,791)	(18,791)
21420330	5XXXXX	DUI	Accountability State Court - DUI/VTC	Expenditures		(20,284)		20,284
						(20,284)	(18,791)	1,493
5. A supplemental subgrant was awarded to the Fayette County DUI Court. The subgrant award is for \$5,000 for the purchase of computer equipment, effective from January 1 to June 30, 2021. The supplemental grant doesn't require local match. Recommendation to increase the DUI grant revenue budget line and the computer equipment budget line by the \$5,000 awarded - zero net effect to the Accountability State Court fund balance.								
21420003	334219	DUI	Accountability State Court - DUI/VTC	Grants			5,000	5,000
21420330	542420	DUI	Accountability State Court - DUI/VTC	Computer Equipment		5,000		(5,000)
						5,000	5,000	-
6. The actual grant award for the Adult Felony Drug Court was received after the FY 2021 budget was adopted. The grant award received is \$355,390, the amount in the budget is \$635,000, a decrease of \$279,610. Since this is a 90/10 grant, based on the grant awarded, expenditures should also decrease by \$310,677. The \$310,677 represents the reduction in the grant award plus the 10% match. Recommendation to decrease the grant revenue budget line by \$279,610 and the grant related expenditure budget lines by \$310,677 - increase to the Drug Abuse & Treatment fund balance.								
21920003	334219	DRUG	Drug Abuse & Treatment	Grants			(279,610)	(279,610)
21920160	5XXXXX	DRUG	Drug Abuse & Treatment	Expenditures		(310,677)		310,677
						(310,677)	(279,610)	31,067
GENERAL FUND:								
7. The District Attorney's Office has incurred unforeseen expenditures in FY 2021 not included in their original budget. So far, they have incurred expenditures for COVID related safety supplies, computer equipment, and vehicle repairs. The General Fund balance includes an amount that is restricted for use by the District Attorney. This restricted balance is adjusted annually. At year-end, it is increased by remaining funds in the DA's operating budget and it is decreased by shortages in the DA's operating budget. Recommending to increase the FY 2021 operating budget for the DA's Office by \$20,000 to cover unforeseen expenditures throughout the year. The DA Restricted Balance in the GF would be decreased by the same amount - zero net effect to General Fund balance.								
10020200	579000		District Attorney	Contingency		20,000		(20,000)
100	133608		General Fund	DA Fund Balance Restricted		(20,000)		20,000
						-	-	-
8. On 10/8/20, the BOC approved funding of \$38,900 for emergency roof repairs at the 911 Communications Center. The expenditures were charged to the GF Building & Grounds operating budget. Recommending to reallocate the expenditures to the 911 Communications Fund operating budget - zero net effect to fund balance between funds.								
10010565	522235		Building & Grounds	Building Maintenance Services		(38,900)		38,900
21530800	522235		911 Communications			38,900		(38,900)
						-	-	-

FAYETTE COUNTY, GEORGIA								
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2021 BUDGET								
FOR FISCAL YEAR ENDED JUNE 30, 2021								
ORG	OBJ	Proj	DEPARTMENT / FUND	ACCOUNT DESCRIPTION		Expenditure Increase (Dec)	Revenue Increase (Dec)	Fund Balance Increase (Dec)
9. A vehicle hit one of the outside walls of the Library causing damages to the exterior and interior of the Library. The preliminary repairs to the Library are estimated at \$75,000. The cost of the repairs should be reimbursed to the county thru the individual's insurance. Recommending to increase the Library's operating budget and GF Insurance Reimbursements revenue by the estimated \$75,000 to expedite the repairs - zero net effect to General Fund balance.								
10000001	383000		General Fund	Insurance Reimbursements			75,000	75,000
10060500	522235		Library	Building Maintenance		75,000		(75,000)
						75,000	75,000	-
CAPITAL/CIP PROJECTS:								
10. The Weather Warning Siren System has been installed over a 16-year period and there are numerous repairs that need to be completed to keep the system operational. None of the sirens in the system are covered by the original warranty. Recommendation for the approval of a \$50,000 project funded from GF Projects Contingency for a maintenance agreement service contract to cover the repairs needed.								
37510599	579000		GF Projects Contingency	Contingency		(50,000)		50,000
37230930	5XXXXX	XXXXX	Emergency Management Projects	Expenditures		50,000		(50,000)
						-	-	-
11. Project 203AA - Dividing Wall in EOC is underfunded by \$14,000 based on the quote received to complete the work. Recommending to transfer the \$14,000 needed for this project from remaining funds in project 203AC Generator Upgrades (Fire Stations 1, 5 and 10) that has been completed. After the transfer, the balance of remaining funds in project 203AC will be \$10,700 (\$24,700-\$14,000). Recommending to transfer the \$10,700 balance remaining to Fire Projects Contingency and to close project 203AC.								
37530550	542160	203AC	Fire Services Projects	Other Motorized Equipment		(24,700)		24,700
37530550	541210	203AA	Fire Services Projects	Other Improvements		14,000		(14,000)
37510599	579000	FIRE	Fire Projects Contingency	Contingency		10,700		(10,700)
						-	-	-
12. The following projects have been completed and have a budget overage. Recommendation to transfer funds from the respective Projects Contingency account to cover the overage and to close the projects.								
A. Project 203AU Courthouse Ballistic Panels								
37510599	579000		GF Projects Contingency	Contingency		(600)		600
37230310	542510	203AU	Sheriff's Projects	Firearms and Protective Devices		600		(600)
						-	-	-
B. Project 213AB FY 2021 Taser Replacement Program								
37510599	579000		GF Projects Contingency	Contingency		(475)		475
37530310	542510	213AB	Sheriff's Projects	Firearms and Protective Devices		475		(475)
						-	-	-
13. The following projects have been completed and have residual funds. Recommendation to transfer the residual funds to the respective Projects Contingency account and to close the projects.								
A. Project 7110B Brooks Field House Deck/Ramp								
37560110	541210	7110B	Recreation Projects	Other Improvements		(10,202)		10,202
37510599	579000		GF Projects Contingency	Contingency		10,202		(10,202)
						-	-	-
B. Project 206AH Court Resurfacing at Kenwood/Kiwanis								
37560110	541210	206AH	Recreation Projects	Other Improvements		(90)		90
37510599	579000		GF Projects Contingency	Contingency		90		(90)
						-	-	-
C. Project 5110I Kenwood Park Improvements								
37560110	541210	5110I	Recreation Projects	Other Improvements		(2,281)		2,281
37510599	579000		GF Projects Contingency	Contingency		2,281		(2,281)
						-	-	-
D. Project 191AE Systemwide Consolidate/Redesign								
37510535	542420	191AE	Information Systems Projects	Computer Equipment		(8)		8
37510599	579000		GF Projects Contingency	Contingency		8		(8)
						-	-	-

FAYETTE COUNTY, GEORGIA								
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2021 BUDGET								
FOR FISCAL YEAR ENDED JUNE 30, 2021								
ORG	OBJ	Proj	DEPARTMENT / FUND	ACCOUNT DESCRIPTION		Expenditure Increase (Dec)	Revenue Increase (Dec)	Fund Balance Increase (Dec)
E. Project 206AA Brooks Softball Concession & Restroom								
37560110	541210	206AA	Recreation Projects	Other Improvements		(8,301)		8,301
37510599	579000		GF Projects Contingency	Contingency		8,301		(8,301)
						-	-	-
14. Project 7110F Park Security Cameras has been completed and doesn't have any remaining funds. Recommendation to close the project.								
			Original funding = \$80,000					
15. Project 211AJ Ballot Boxes has been completed at a cost of \$9,070.12 and remaining funds of \$929.88. This project will not be capitalized. Recommendation to transfer remaining funds to GF Projects Contingency, move incurred expenditures to M&O and close the project.								
37210400	541210	211AJ	Elections Projects	Other Improvements		(10,000)		10,000
37510599	579000		GF Projects Contingency	Contingency		930		(930)
10010400	541210	ELPPE	Elections	Other Improvements		9,070		(9,070)
						-	-	-
WATER SYSTEM PROJECTS:								
16. Recommendation to transfer available funds in the North Waterline Enhancement Project (8NWEP), Adams Road Water Line (9WSAL) project, and the Construction of GDOT 54 Widening (W54WL) project into new Veteran Parkway Waterline Extension (1VPWE) project. The Adams Road Water Line (9WSAL) project is not needed. Recommend closing the project. The North Waterline Enhancement Project and the Construction of GDOT 54 Widening projects will remain active.								
						Available to date	Budget Adjustment	Revised balance
		8NWEP	North Waterline Enhancement Project	original budget = \$344,500		252,307	(252,307)	-
		9WSAL	Adams Road Water Line	original budget = \$224,024		224,024	(224,024)	-
		W54WL	Construction of GDOT 54 Widening	original budget = \$1,300,000		61,590	(61,590)	-
		1VPWE	Veteran Parkway Waterline Extension			-	537,921	537,921
17. The Water Interconnectivity Hydraulic modeling of the existing water system's distribution network requires accurate pump curve data. This project will evaluate our water system's pumps at the water treatment plants and within the distribution system to assist with this modeling. For this purpose, recommend to transfer \$40,000 from the Water Plant Maintenance & Storage Improvements to Distribution (9WPMS) project to the WS Pump Refurbishment Program (9WSPR) project.								
						Available to date	Budget Adjustment	Revised balance
		9WPMS	Water Plant Maintenance & Storage Imp	original budget = \$170,000		135,191	(40,000)	95,191
		9WSPR	WS Pump Refurbishment Program	original budget = \$281,250		122,700	40,000	162,700
18. The Water Selector - Horton (9WSHT) project has been completed and doesn't have any remaining funds. Recommendation to close the project.								
			Original funding = \$450,000					

COUNTY DEPARTMENT AGENDA REQUEST

Page 135 of 190

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's recommendation to award Contract #1867-P to Arcadis, Inc. to perform engineering services on an as-needed basis for the Water System and Solid Waste department for the period ending June 30, 2022, and with the provision for two one-year renewals, in amounts to be determined by each task order as assigned.

Background/History/Details:

Six firms responded to this request for proposal. Based on proposed scope, qualifications, and experience, Arcadis was ranked the highest overall by the selection committee.

The Water System has an on-going need for engineering and professional services related to the treatment, storage, and distribution of water, as well as other activities related to ownership and operation of a water system. Solid Waste Management includes overseeing and monitoring post-closure compliance activities required by Georgia Solid Waste Management Regulations (391-3-4.14) and complying with other regulatory programs.

Contract #1867-P allows Arcadis to perform professional engineering and environmental services on an as-needed basis.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to award Contract #1867-P to Arcadis, Inc. to perform engineering services on an as-needed basis for the Water System and Solid Waste department for the period ending June 30, 2022, and with the provision for two one-year renewals, in amounts to be determined by each task order as assigned.

If this item requires funding, please describe:

Funding from Water System's and Solid Waste's approved budget.
Water System 50541010-521211; available balance \$180,609.27. Solid Waste 54040500 521320; available balance \$5,846.00

Has this issue come before the Commissioners in the past?

If so, when?

Do you need audio-visual for the presentation?

Back-up Material Submitted?

STAFF USE ONLY

Approved by Finance

Reviewed by Legal

Approved by Purchasing

Approved by County Clerk



Administrator's Approval

Staff Notes:

Under the contract, each Task Order awarded will include a not-to-exceed amount. The total will depend on the number & scope of Task Orders.



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

To: Steve Rapson
Through: Ted L. Burgess 
From: Natasha M. Duggan 
Date: January 28, 2021
Subject: RFP 1867-P: Water System Engineer of Record

A function common to county and municipal water systems is the ongoing use of professional engineering services related to the treatment, storage, and distribution of water. There is also a need for semi-annual groundwater monitoring and reporting and quarterly methane monitoring and reporting with the goal of maintaining post-closure compliance with two (2) solid waste landfills. There is an ongoing need for engineering services for both budgeted projects and emergency situations.

To go through a sealed bid or proposal process each time engineering services are needed would be cumbersome, and may delay work that impacts water quality or service. It is common practice for local governments to contract with a professional services firm to serve as the "on-call engineer" of Engineer of Record.

An Engineer of Record could be issued Task Orders to perform work that includes, but is not limited to, the following examples:

1. Water quality studies and recommend improvements
2. Construction management and inspection
3. Modeling, data analysis and interpretation
4. Watershed monitoring and quality analysis
5. Coordinate water line extensions
6. Safe dam inspections and reporting
7. Surveying
8. Cost-benefit analysis of potential permit modifications
9. Replace groundwater monitoring wells

The Purchasing Department issued Request for Proposals (RFP) #1867-P to seek an Engineer of Record for a contract through June 30, 2022 with provisions for two 12-month extensions. The Department emailed notices of the opportunity to submit proposals to 52 qualified companies. An additional 1,494 vendors were notified through the web-based Georgia Procurement Registry. In compliance with Federal requirements for use of grant funds, 6 firms were contacted who had registered on the U. S. Small Business Administration's database. Invitations were extended via the Fayette News, the county website, Georgia Local Government Access Marketplace (GLGA), and Channel 23. Six (6) companies submitted proposals (Attachment 1).

The evaluation committee, composed of members of the Water System and Environmental Management, scored the proposals using the evaluation criteria documented in the RFP. The criteria included (1) Understanding and Approach, (2) Project Team, (3) Firm's Expertise and Experience, and (4) Scheduling/Resource Availability (Attachment 2).

Since it is anticipated that Federal funds will be used for some of the task orders assigned to the Engineer of Record, the county followed all Federal Procurement rules, include the Brooks Act. That Act requires engineering proposals to be evaluated on technical merit alone, with the best scoring firm's price proposal being opened after scoring is completed. The Evaluation Committee opened Arcadis' price proposal, which they had submitted in a separate, sealed envelope. Then the Evaluation Team and Purchasing Department negotiated final prices with Arcadis. As a result of the negotiations, Arcadis reduced the average hourly fees for Water System for the first year by 4.2% (Attachment 3). Fees for groundwater, surface water, and methane monitoring were considered fair and reasonable since they were 8.1% lower than Fiscal Year 2021 fees (change from \$67,856 to \$62,331).

The Evaluation Committee recommends Arcadis, Inc. for the annual contract as Water System Engineer of Records. Since this is a contract to establish hourly rates for services as needed, a not-to-exceed amount is not included. The cost of these services will ultimately depend on the number and complexity of projects the county assigns to the Engineer of Record. The Terms and Conditions of the contract include the stipulation that "the county reserves the right to competitively solicit other vendors for tasks or projects, other than Groundwater & Surface Water Monitoring and Methane Monitoring, that are anticipated to cost over \$150,000 or more, but which would otherwise fall within the Scope of Work specified in the contract." A contractor's performance evaluation is not available since this is the first contract with Arcadis. The Purchasing Department checked Arcadis' references and received favorable feedback.

Specifics of the proposed contract are as follows:

Contract Name	#1867-S: Water System Engineer of Record
Contractor	Arcadis, Inc.
Type of Contract	On-demand services
Contract Term:	
Initial Term	Terminates June 30, 2022
Renewal Terms	Two 12-month renewal terms
Not-to-Exceed Amount	Amounts established for each Task Order
Budget	Varies, depending on project or task

Responder Sheet
#1867-P: Water System Engineer of Record

Vendor

Arcadis US Inc.
Croy Engineering LLC
Integrated Science & Engineering, Inc.
Jacobs Engineering Group, Inc.
Krebs Engineering, Inc.
Pond & Company

**PROPOSAL #1867-P: Water System Engineer of Record
EVALUATION SCORES**

SELECTION PROCESS:		MAX POINTS	Arcadis U.S., Inc.	Croy Engineering, LLC	Integrated Science & Engineering, Inc.	Jacobs Engineering Group, Inc.	Krebs Engineering, Inc.	Pond & Company
1	Understanding and Approach	30	27.2	14.2	21.5	24.5	16.5	14.5
2	Project Team	25	23.3	15.5	19.8	21.5	15.3	15.3
3	Firm's expertise and experience	25	23.8	15.5	18.2	22.0	17.2	15.5
4	Scheduling/Resource Availability	20	18.5	15.3	15.0	15.5	11.0	13.7
Total Technical		100	92.8	60.5	74.5	83.5	60.0	59.0

RFP #1867-P: Water System Engineer of Record
Negotiated Hourly Fees
Arcadis U.S., Inc.

<u>Classification</u>	<u>Original Offer</u>	<u>Negotiated Offer</u>	<u>Change</u>
Principal Engineer / SME	\$236	\$210	-11.0%
Senior Project Manager	203	195	-3.9%
Project Manager	180	170	-5.6%
Managing Engineer	210	200	-4.8%
Senior Engineer	191	185	-3.1%
Project Engineer	146	138	-5.5%
Staff Engineer	113	108	-4.4%
Senior Architect	180	175	-2.8%
Architect	101	101	0.0%
Designer	118	115	-2.5%
CADD Technician	101	98	-3.0%
Project Assistant	85	82	-3.5%
Registered Land Surveyor	88	85	-3.4%
Survey Crew (2-person)	165	158	-4.2%
Survey Technician	80	80	0.0%
Senior GIS Specialist	130	125	-3.8%
GIS Specialist	105	103	-1.9%
Resident Project Rep.	95	92	-3.2%
	<u>\$2,527</u>	<u>\$2,420</u>	<u>-4.2%</u>

COUNTY AGENDA REQUEST

Page 141 of 190

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's recommendation to adopt Ordinance 2021-03 that adds Section 28-18 to Article I of Chapter 28, Fayette County Code of Ordinance establishing provisions pertaining to detecting unauthorized use of water from private fire lines.

Background/History/Details:

The Metropolitan North Georgia Water Planning District Plan requires local water providers to adopt an ordinance to detect and reduce unauthorized water usage, that includes leaks and intentional unauthorized use. It applies to new fire line installations and building undergoing substantial renovation. Specifically, Ordinance 2021-03 requires all private fire lines supplying new or substantially renovated commercial building to be outfitted with full flow meters or double detector checks.

When unauthorized use is detected in three or more months in a 12-month period, the county will have the right to install, or require installation of, a meter to measure all usage of water through the customer's private fire lines. This ordinance provides for the county to have the authority to cut off water service to the customer for failing to comply with this article upon sixty day's notification.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to adopt Ordinance 2021-03 to establish provisions pertaining to detecting unauthorized use of water in private fire lines to add Section 28-18 in Article I of Chapter 28 to the Fayette County Code of Ordinance.

If this item requires funding, please describe:

Cost of inspection and enforcement, unknown at this time.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2021-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO ESTABLISH PROVISIONS PERTAINING TO DETECTING UNAUTHORIZED USE OF WATER IN PRIVATE FIRE LINES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

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

Section 1. By creating a new Section 28-18, pertaining to “Detecting unauthorized use of water in private fire lines”, in Article I of Chapter 28, to be numbered and read as follows:

Sec. 28-18. Detecting unauthorized use of water in private fire lines.

- (a) *Purpose.* The purpose of this article is to detect and reduce unauthorized water usage, which includes leaks and intentional unauthorized use.
- (b) *Applicability.* This article shall apply to all new fire lines and existing fire lines in buildings undergoing substantial renovation except for fire lines associated with (a)

combination service connections designated to supply potable water for both domestic use and fire protection service through a single, metered connection to the county's water system and (b) one and two-family dwellings.

(c) *Requirement for usage detection.* Fire lines subject to this article shall include a county-approved double check detector fire protection backflow prevention assembly.

The purchase, installation, and inspection of these backflow prevention assemblies shall otherwise be in accordance with the terms of the county's backflow prevention program.

(d) *Unauthorized use and leaks.* When unauthorized use is detected in three or more months in a 12-month period, the county has the right to install, or require installation of, a meter to measure all usage of water through the customer's private fire lines.

Unauthorized use includes all usage of water, whether through a leak or intentional unauthorized use, except water actually used for firefighting and water used for testing with the prior approval of the county. Customer shall be required to pay the county the costs of such meter and the associated installation.

(e) *Failure to comply.* The county shall have the authority to cut off water service to the customer for failing to comply with this article upon sixty day's notification.

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

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

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

SO ENACTED this _____ day of _____, 2021.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY

By: _____
Lee Hearn, Chairman

(SEAL)

ATTEST:

Tameca P. Smith, County Clerk

Approved as to form:

County Attorney

COUNTY AGENDA REQUEST

Page 146 of 190

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's recommendation to adopt Ordinance 2021-04 that adds Section 28-19 to Article I of Chapter 28, Fayette County Code of Ordinance establishing provisions pertaining to landscape irrigation system requirements.

Background/History/Details:

Sec. 28-19. Landscape Irrigation System Requirements purpose is to reduce discretionary outdoor water use and avoid wasting water by adopting more efficient irrigation system design requirements. Any irrigation system installed for single family residences shall include a backflow preventer, WaterSense controller, and a rain-sensor shutoff. These are standards currently required by the Water System.

Additionally, this ordinance requires any new irrigation system installed for large landscapes (irrigated area to be greater than one acre) have pressure regulators, master shut-off valves, and flow sensors that detect and report high flow conditions to the system owner due to broken pipes or popped sprinkler heads.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to adopt Ordinance 2021-04 that adds Section 28-19 to Article I of Chapter 28, Fayette County Code of Ordinance establishing provisions pertaining to landscape irrigation system requirements.

If this item requires funding, please describe:

Cost of inspection and enforcement, unknown at this time.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2021-____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO ESTABLISH PROVISIONS PERTAINING TO LANDSCAPE IRRIGATION SYSTEM REQUIREMENTS; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

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

Section 1. By creating a new Section 28-19, pertaining to “Landscape irrigation system requirements”, in Article I of Chapter 28, to be numbered and read as follows:

Sec. 28-19. Landscape irrigation system requirements.

(a) *Purpose and intent.* The purpose of this article is to reduce discretionary outdoor water use and avoid wasting water by adopting more efficient irrigation system design requirements.

(b) *Definitions.* For the purposes of this section, the following definitions shall apply:

Flow sensor shall mean an inline device that produces a repeatable signal

proportional to flow rate.

Landscape shall mean ground cover, trees, shrubs, and other plants.

Landscape irrigation system shall mean an assembly of component parts that is permanently installed for the controlled distribution of water to irrigate landscapes.

Large landscape shall mean the landscape areas associated with a development (excluding single-family homes) served by one or more landscape irrigation systems where all irrigated areas added together total more than 1 acre (or 43,560 square feet).

Master shut-off valve shall mean an automatic valve such as a gate valve, ball valve, or butterfly valve capable of being automatically closed by the WaterSense controller. When this valve is closed water will not be supplied to the landscape irrigation system.

Rain sensor shut-off shall mean an electric device that detects and measures rainfall amounts and overrides the cycle of a landscape irrigation system so as to turn off such system when a predetermined amount of rain has fallen.

WaterSense controller shall mean weather-based irrigation controllers labeled under the U.S. Environmental Protection Agency's WaterSense program, which includes standalone controllers, add-on devices, and plug-in devices that use current weather data as a basis for scheduling irrigation.

(c) *Applicability and exceptions.* This article shall apply to all landscape irrigation systems except those (a) used for commercial agricultural operations as defined in O.C.G.A. § 1-3-3, (b) used for golf courses or (c) dependent upon a nonpublic water source.

(d) *Avoiding water waste through design.* All landscape irrigation systems shall be designed, installed, maintained and operated to prevent runoff from leaving the target landscape due to low-head drainage, overspray or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots or structures. This requirement helps ensure compliance with, and is in addition to, the county's more general prohibitions against water waste.

(e) *General landscape irrigation system requirements.* Regardless of whether an irrigation meter is used, all new landscape irrigation systems for single family residences shall include the following:

- (1) A backflow prevention assembly if required by the applicable backflow prevention requirements;
- (2) A WaterSense controller; and
- (3) A rain sensor shut-off installed in an area that is unobstructed by trees, roof over hangs, or anything else that might block rain from triggering the rain sensor shutoff.

(d) *Large landscape irrigation system requirements.* Regardless of whether an irrigation meter is used, new landscape irrigation systems for large landscapes shall include the following:

- (1) Applicable backflow prevention, a WaterSense controller, and the rain sensor shut-off as required of all new landscape irrigation systems;
- (2) A master shut-off valve for each controller installed as close as possible to the point of connection of the water but downstream of the backflow

prevention assembly;

- (3) Pressure-regulating devices such as valve pressure regulators, sprinkler head pressure regulators, inline pressure regulators, or other devices shall be installed as needed to achieve the manufacturer's recommended pressure range at the emission devices for optimal performance; and
- (4) At least one flow sensor, which must be installed at or near the supply point of the landscape irrigation system, that when connected to the WaterSense controller will detect and report high flow conditions to such controller and automatically shut master valves.

(e) As a condition of selling a new water meter or irrigation meter for any new service connection of 1" or larger, the purchaser of such meter shall submit a certification of compliance along with any other required paperwork and project information as may be required.

- (1) Such certification of compliance shall include a certification that one of the following is true and correct:
 - A. The development will not include any landscape irrigation systems;
 - B. The development will include a landscape irrigation system that does not serve a large landscape, and as a result the system will only include applicable backflow prevention, a WaterSense controller and the rain sensor shut-off; or
 - C. The development will include a landscape irrigation system that

does serve a large landscape, and as a result all requirements in Subsection (d) will be met.

- (2) For all new services connection of 1" or larger, the county shall receive the signed certification of compliance and determine whether all required information has been provided. If the certification of compliance has not been completed with all required information, the county shall return the certificate of compliance to the purchaser specifying what information is missing and ask that a complete certificate be resubmitted.

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

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

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

known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ENACTED this _____ day of _____, 2021.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY

By: _____
Lee Hearn, Chairman

(SEAL)

ATTEST:

Tameca P. Smith, County Clerk

Approved as to form:

County Attorney

COUNTY AGENDA REQUEST

Page 154 of 190

Department: Tax Commissioner

Presenter(s): Kristie King, Tax Commissioner

Meeting Date: Thursday, January 28, 2021

Type of Request: Consent #11

Wording for the Agenda:

Approval of a request from Kristie King, Tax Commissioner, to provide an updated resolution giving authority to the Tax Commissioner to waive penalties and interest.

Background/History/Details:

A new resolution needs to be provided.

What action are you seeking from the Board of Commissioners?

Approval of a request from Kristie King, Tax Commissioner, to provide an updated resolution giving authority to the Tax Commissioner to waive penalties and interest.

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? No

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

STATE OF GEORGIA

FAYETTE COUNTY

RESOLUTION

NO. 2021 - ____

A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR FAYETTE COUNTY, GEORGIA; TO AMEND RESOLUTION 2012-19; TO CORRECT SCRIVENER'S ERRORS; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PURPOSES.

BE IT RESOLVED BY THE FAYETTE COUNTY BOARD OF COMMISSIONERS THAT THE RESOLUTION NO. 2012-19 PASSED BY THE BOARD OF COMMISSIONERS ON SEPTEMBER 27, 2012, AUTHORIZING THE TAX COMMISSIONER OR TAX COLLECTOR TO WAIVE, IN WHOLE OR IN PART, PENALTIES OR INTEREST DUE ON UNPAID TAXES, BE AMENDED TO CORRECT SCRIVENER'S ERRORS, AS FOLLOWS:

WHEREAS, Resolution NO. 2012-19, authorizing the tax commissioner or tax collector to waive, in whole or in part, penalties or interest due on unpaid taxes was passed September 27, 2012 (hereinafter referred to as the "Resolution"); and

WHEREAS, the Resolution contains two erroneous citations to the Official Code of Georgia Annotated; and

WHEREAS, the Fayette County Board of Commissioners is authorized to delegate authority to the Fayette County Tax Commissioner to make final determinations, to waive, in whole or in part, the collection of penalties or interest assessed due on unpaid taxes (hereinafter referred to as the "Delegation") pursuant to O.C.G.A. § 48-5-242 (a); and

WHEREAS, the Resolution erroneously cites to O.C.G.A. § 45-5-242 (a) as the authority under which the Delegation is made; and

WHEREAS, the specific authority vested in the Fayette County Tax Commissioner is described in state law at O.C.G.A. §48-5-242 (c); and

WHEREAS, the Resolution erroneously cites to O.C.G.A. § 45-5-242 (c) for the description of the specific authority vested in the Fayette County Tax Commissioner; and

WHEREAS, these scrivener's errors must be corrected to preserve the integrity of the Delegation and the specific authority vested under the Resolution.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners for Fayette County that Resolution NO. 2012-19 is hereby revised as follows:

1. By removing the citation to O.C.G.A. § 45-5-242 (a) and inserting in lieu thereof, the citation to O.C.G.A. § 48-5-242 (a); and
2. By removing the citation to O.C.G.A. § 45-5-242 (c) and inserting in lieu thereof, the citation to O.C.G.A. § 48-5-242 (c); and
3. By resolving that the balance of Resolution NO. 2012-19 be and is hereby reaffirmed in its entirety.

(SIGNATURES TO FOLLOW ON NEXT PAGE)

SO RESOLVED this _____ day of _____, 2021.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

(SEAL)

By: _____
Lee Hearn, Chairman

ATTEST:

Tameca P. Smith, County Clerk

Approved as to form:

County Attorney

**FAYETTE COUNTY
STATE OF GEORGIA**

RESOLUTION NO. 2012-19

**A RESOLUTION TO AUTHORIZE THE TAX COLLECTOR OR TAX COMMISSIONER TO
WAIVE, IN WHOLE OR IN PART, PENALTIES OR INTEREST DUE ON UNPAID TAXES**

WHEREAS, the Fayette County Tax Commissioner is authorized to collect penalties and interest assessed for failure to comply with laws governing the assessment and collection of ad valorem taxes; and

WHEREAS, the Fayette County Board of Commissioners, as the governing authority of Fayette County, is authorized, as specified in O.C.G.A. § 45-5-242(c), to delegate the tax collector or the tax commissioner to make the final determinations to waive said penalties and interests,

NOW, BE IT THEREFORE RESOLVED THAT the Fayette County Board of Commissioners delegates and authorizes the Fayette County Tax Commissioner to make the final determinations to waive, in whole or in part, the collection of penalties and interest assessed for failure to comply with laws governing the assessment and collection of ad valorem taxes; pursuant to O.C.G.A. § 45-5-242(a) which reads:

Upon written approval by the governing authority of the county in accordance with subsection (c) of this Code section, the tax collector or tax commissioner may waive, in whole or in part, the collection of any amount due the taxing authorities for which taxes are collected, when such amount represents a penalty or an amount of interest assessed for failure to comply with the laws governing the assessment and collection of ad valorem taxes, when the tax collector or tax commissioner reasonably determines that the default giving rise to the penalty or interest was due to reasonable cause and not due to gross or willful neglect or disregard of the law or of regulations or instructions issued pursuant to the law, and when the interest to be waived accrues on or after July 1, 2002.

SO RESOLVED this 27th day of September 2012

FAYETTE COUNTY, GEORGIA



Herbert Frady, Chairman
Board of Commissioners

ATTEST:



Floyd L. Jones
County Clerk

BOARD OF COUNTY COMMISSIONERS

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

**FAYETTE COUNTY, GEORGIA**

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

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

Minutes

January 14, 2021

6:30 p.m.

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

OATH OF OFFICE:

Probate Court Judge Ann S. Jackson to administer the Loyalty Oath and Official Oath of County Commissioner of the State of Georgia to Commissioner-Elect Lee Hearn.

Probate Court Judge Ann S. Jackson administered the Official Oath and the Loyalty Oath to Commissioner-Elect Lee Hearn. He was successfully sworn-in to the Board of Commissioners.

Probate Court Judge Ann S. Jackson to administer the Loyalty Oath and Official Oath of County Commissioner of the State of Georgia to Commissioner-Elect Eric Maxwell.

Probate Court Judge Ann S. Jackson stated that Commissioner Eric Maxwell was sworn-in at an earlier date.

Probate Court Judge Ann S. Jackson to administer the Loyalty Oath and Official Oath of County Commissioner of the State of Georgia to Commissioner-Elect Charles Oddo.

Probate Court Judge Ann S. Jackson administered the Official Oath and the Loyalty Oath to Commissioner-Elect Charles Oddo. He was successfully sworn-in to the Board of Commissioners.

ORGANIZATIONAL SESSION:

Call to Order by County Attorney Dennis Davenport.

County Attorney Dennis Davenport called the January 10, 2021 Organizational Meeting of the Board of Commissioners to order at 6:39 p.m. He noted that all commissioners were present including Commissioner Rousseau who was joining the meeting virtually. He stated that according to Section 2-52 of the Fayette County Code, the county attorney had the duty and responsibility to open the first meeting of the year. He explained the process for electing the Chairman of the Board.

Election of Board Chairman for the year 2021.

County Attorney Dennis Davenport opened the floor for nominations for Chairman of the Board of Commissioners.

Commissioner Edward Gibbons nominated Commissioner Charles Oddo as Chairman.

Commissioner Eric Maxwell nominated Commissioner Lee Hearn as Chairman.

Mr. Davenport stated that with respect to the process, once voted on by the Board of Commissioners the nomination floor would be closed. He stated that once the nomination floor was closed the Board would proceed with voting on the nominations in the order they were received. Mr. Davenport stated that if a majority vote was not received for either candidate, with no further nominees, then the floor would be reopened for nominations and nomination process would be repeated until a Chairman was selected.

Commissioner Maxwell moved to close the floor for nominations. Commissioner Gibbons seconded. The motion passed 5-0.

Commissioner Gibbons moved to elect Commissioner Oddo as Chairman. Commissioner Oddo seconded. The motion failed 2-3, with Commissioner Hearn, Commissioner Maxwell, and Commissioner Rousseau voting in opposition.

Commissioner Maxwell moved to elect Commissioner Hearn as Chairman. Commissioner Hearn seconded. The motion failed 2-3, with Commissioner Gibbons, Commissioner Oddo, and Commissioner Rousseau voting in opposition.

Mr. Davenport re-opened the floor for nominations for Chairman.

Commissioner Edward Gibbons nominated Commissioner Charles Oddo as Chairman.

Commissioner Lee Hearn nominated Commissioner Eric Maxwell as Chairman.

Commissioner Eric Maxwell nominated Commissioner Lee Hearn as Chairman.

Commissioner Gibbons moved to close the floor for nominations. Commissioner Oddo seconded. The motion passed 5-0.

Commissioner Gibbons moved to elect Commissioner Oddo as Chairman. Commissioner Oddo seconded. The motion failed 2-3, with Commissioner Hearn, Commissioner Maxwell, and Commissioner Rousseau voting in opposition.

Commissioner Hearn moved to elect Commissioner Maxwell as Chairman. Commissioner Maxwell seconded. The motion failed 2-3, with Commissioner Rousseau, Commissioner Gibbons, and Commissioner Oddo voting in opposition.

Commissioner Maxwell moved to elect Commissioner Hearn as Chairman. Commissioner Hearn seconded. The motion failed 2-3, with Commissioner Rousseau, Commissioner Gibbons, and Commissioner Oddo voting in opposition.

Mr. Davenport re-opened the floor for nominations for Chairman.

Commissioner Edward Gibbons nominated Commissioner Charles Oddo as Chairman.

Commissioner Eric Maxwell nominated Commissioner Lee Hearn as Chairman.

Commissioner Gibbons moved to close the floor for nominations. Commissioner Maxwell seconded. The motion passed 5-0.

Commissioner Gibbons moved to elect Commissioner Oddo as Chairman. Commissioner Oddo seconded.

Commissioner Oddo urged the Board to not play games. Commissioner Oddo stated that he did not want the back and forth to continue all night. Commissioner Oddo urged Commissioner Rousseau to please pick one of the two candidates for chairman so that the Board could move on.

The motion failed 2-3, with Commissioner Hearn, Commissioner Maxwell, and Commissioner Rousseau voting in opposition.

Commissioner Maxwell moved to elect Commissioner Hearn as Chairman. Commissioner Hearn seconded. The motion failed 2-3, with Commissioner Rousseau, Commissioner Gibbons, and Commissioner Oddo voting in opposition.

Mr. Davenport re-opened the floor for nominations for Chairman for the fourth time.

Commissioner Edward Gibbons nominated Commissioner Charles Oddo as Chairman.

Commissioner Eric Maxwell nominated Commissioner Lee Hearn as Chairman.

Commissioner Gibbons moved to close the floor for nominations. Commissioner Maxwell seconded. The motion passed 5-0.

Commissioner Gibbons moved to elect Commissioner Oddo as Chairman. Commissioner Oddo seconded.

Commissioner Maxwell stated that after the November election he had talked to both Commissioners Oddo and Commissioner Hearn, who both expressed interest in serving as Chairman. Commissioner Maxwell stated that he had suggested that the two Commissioners talk to each other to avoid starting the year this way. Commissioner Maxwell stated that although he did not wish to be Chairman, he would be open to serving as interim Chairman for three months to allow time for a decision to be made. He stated that he did not look at this as a game.

Commissioner Oddo reiterated that what was occurring at the Board Meeting tonight was a game. He stated that each member of the Board of Commissioners was elected to make decisions. Commissioner Oddo stated to Commissioner Rousseau that voting for nobody served no purpose. Commissioner Oddo stated that there was no "interim" Chairman, and the Board needed to make a decision. Commissioner Oddo stated that he was not going to continue playing the game. He stated that he had been nominated for the position and had very valid reason to want to serve in that position. Commissioner Oddo stated that at least three of the Board members needed to make a decision because that is what they were elected to do. He stated that these were political games and it was clear that this was not the way to start the year. Commissioner Oddo urged Commissioner Rousseau to please make a decision.

Commissioner Rousseau stated that he made his decision clear in his vote.

Commissioner Gibbons stated that he agreed with Commissioner Oddo's remarks. He stated to Commissioner Rousseau that he did not see the point in what he was doing and he felt it was wrong. Commissioner Gibbons stated that he did not agree with what Commissioner Rousseau was doing nor why he was doing it, other than for theater. Commissioner Gibbons stated that Commissioner Rousseau needed to make a decision.

Commissioner Rousseau stated to Commissioner Gibbons, "perhaps you should drop your nomination sir, and go with another vote".

Commissioner Gibbons moved to elect Commissioner Oddo as Chairman. Commissioner Oddo seconded. The motion failed 2-3, with Commissioner Hearn, Commissioner Maxwell, and Commissioner Rousseau voting in opposition.

Commissioner Maxwell moved to elect Commissioner Hearn as Chairman. Commissioner Hearn seconded. The motion passed 4-1, with Commissioner Rousseau voting in opposition.

Election of Board Vice-Chairman for the year 2021.

Chairman Hearn continued the meeting with nominations for Vice Chairman.

Commissioner Oddo nominated Commissioner Gibbons as Vice Chairman.

Commissioner Maxwell nominated Commissioner Oddo and Commissioner Rousseau as Vice Chairman.

Commissioner Oddo respectfully declined the Vice Chairman nomination.

Commissioner Rousseau respectfully declined the Vice Chairman nomination.

Commissioner Maxwell moved to close the floor for nominations. Commissioner Oddo seconded. The motion passed 5-0.

The Board moved to elect Commissioner Gibbons as Vice Chairman. The motion passed 4-1, with Commissioner Rousseau voting in opposition.

OFFICIAL SESSION:

Invocation and Pledge of Allegiance by Commissioner Edward Gibbons

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

Acceptance of Agenda

Vice Chairman Gibbons moved to accept the agenda. Commissioner Maxwell seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. Recognition of the Fayette County 8th Annual Merry Door Decorating Contest winners.

County Administrator Steve Rapson recognized the Tax Assessor's Office for winning third place. He presented the Administration Office as the second-place winners and the Purchasing Department as the first-place winners with trophies.

PUBLIC HEARING:

PUBLIC COMMENT:

Ms. Shirley Haugwell expressed her concerns regarding the COVID-19 vaccination distribution process. Ms. Haugwell stated that she was not sure if the Board could help but expressed her need for assistance. She stated that she had tried for two weeks to reach the Health Department via the distributed 1-800 number but was unsuccessful.

CONSENT AGENDA:

Vice Chairman Gibbons moved to approve the Consent Agenda as written, with the exception of items #6. Commissioner Maxwell seconded. The motion passed 5-0.

- 2. Approval of Resolution 2021-01: Resolution of the Fayette County Commissioners Pledge to Citizens and County Staff on Core Values and Beliefs.**
- 3. Approval of authorization to sign checks combining any of the following two signatures for transactions at or above \$5,000.00: Chairman, Vice-Chairman, County Administrator.**
- 4. Approval of authorization to sign checks for transactions in the amount of \$4,999.99 or less: Chairman, Vice-Chairman, County Administrator.**
- 5. Approval of the Chairman, Vice-Chairman, and the County Administrator to execute contracts, resolutions, agreements, or other documents approved by and on behalf of the Board of Commissioners.**
- 6. Approval of the December 10, 2020 Board of Commissioners Meeting Minutes.**

Vice Chairman Gibbons moved to approve the December 10, 2020 Board of Commissioners Meeting Minutes. Commissioner Maxwell seconded. The motion passed 4-0-1, with Chairman Hearn abstaining because he was not in attendance at the December 10, 2020 Board Meeting.

OLD BUSINESS:

- 7. Consideration of the appointment of an elected official, or their designee, to the Transportation Committee with a term beginning January 1, 2021. This item was tabled at the December 10, 2020 Board of Commissioners meeting.**

Mr. Davenport stated that this open position was for an unexpired position vacated by Chairman Ognio. Mr. Davenport stated that the term for this position would start immediately and run through March 31, 2022.

Commissioner Rousseau moved to appoint Chairman Hearn to the Transportation Committee with a term beginning immediately through March 31, 2022. Commissioner Maxwell seconded.

Commissioner Maxwell asked Chairman Hearn to give a brief introduction and summary of his work history experience.

Commissioner Hearn stated that he stated his career in Public Works and Roads in Douglas County. Chairman Hearn stated that he worked in Public Works in transportation planning and road building for 23 years. Chairman Hearn stated that he served as the Fayette County Public Works Director for ten-and-a-half years. Chairman Hearn stated that his goal not just for the Transportation Committee, but for anywhere he served, was to be a team player and to make the team better.

Commissioner Rousseau moved to appoint Chairman Hearn to the Transportation Committee with a term beginning immediately through March 31, 2022. Commissioner Maxwell seconded. The motion passed 5-0.

NEW BUSINESS:

Vice Chairman Gibbons recused himself from discussion of item #8 because he is a partial property owner in the item being considered. Vice Chairman Gibbons left the Public Meeting room during the discussion.

8. Consideration of Resolution 2021-02; Deannexation Agreement for the deannexation of 3.78 acres from the Town of Tyrone.

Community Development Director Pete Frisina stated that the subject property was a 53.79-acre tract on Coastline Road. Mr. Frisina stated that approximately 3.78 acres was in the Town of Tyrone. He stated that due to zoning requirements and the issues of developing property in two jurisdictions, the property owners were requesting that Tyrone approve a deannexation of the 3.78 acres. Mr. Frisina stated that Resolution 2021-02 would be the Board agreeing to accept the deannexation once approved by the Town of Tyrone. Mr. Frisina stated that the deannexation agreement required that the applicant would not utilize the property until they come back to the County to get the proper zoning.

Mr. Jeremy Hillsman stated that he was the pro-bono counsel representing Healing4Heroes. He stated that Healing4Heroes was a non-profit organization that trained rescue dogs to be A.D.A. compliant, then paired the dogs with returning American veterans with disabilities, specifically Post Traumatic Stress Disorder. Mr. Hillsman stated Healing4Heroes was headed by Piper Hill who was a veteran, that served in Afghanistan and Iraq. He stated that Mrs. Hill along with her husband acquired the 50+ acres of continuous property; the majority of which was in Fayette County. Mr. Hillsman stated that the property owners were seeking Board consent to the deannexation of the 3.78 acre from The Town of Tyrone.

Mr. Davenport stated that tonight's meeting and discussion was not a public hearing. Mr. Davenport stated that if this resolution was approved by the Board, it would signal to the Town of Tyrone of the Board's consent to the deannexation.

Commissioner Oddo moved to approve Resolution 2021-02; Deannexation Agreement for the deannexation of 3.78 acres from the Town of Tyrone. Commissioner Maxwell seconded. The motion passed 4-0-1. Commissioner Gibbons recused himself.

Vice Chairman Gibbons returned to the Board Meeting.

9. Consideration of the Planning Commission Selection Committee's recommendation to the reappoint Danny England to the Planning Commission for a term beginning January 1, 2021 and expiring December 31, 2023.

Vice Chairman Gibbons moved to approve the Planning Commission Selection Committee's recommendation to the reappoint Danny England to the Planning Commission for a term beginning January 1, 2021 and expiring December 31, 2023. Commissioner Oddo seconded. The motion passed 5-0.

10. Consideration of the Planning Commission Selection Committee's recommendation to the appoint James Oliver to the Planning Commission to fill an unexpired term expiring December 31, 2021 and the subsequent term beginning January 1, 2022 and expiring December 31, 2024 per County Policy 100.19; Board Appointment.

Mr. Frisina stated that the open position was an unexpired position previously filled by Al Gilbert., who passed away in 2020.

Commissioner Oddo moved to approve the Planning Commission Selection Committee's recommendation to the appoint James Oliver to the Planning Commission to fill an unexpired term expiring December 31, 2021 and the subsequent term beginning January 1, 2022 and expiring December 31, 2024 per County Policy 100.19; Board Appointment. Vice Chairman Gibbons seconded.

Mr. Oliver thanked the Planning Commission Selection Committee for the recommendation to Board. Mr. Oliver stated that he knew Mr. Gilbert and would endeavor to serve in his memory with honor. He stated that he hoped his experience would help as he served on the Planning Commission.

Commissioner Oddo moved to approve the Planning Commission Selection Committee's recommendation to the appoint James Oliver to the Planning Commission to fill an unexpired term expiring December 31, 2021 and the subsequent term beginning January 1, 2022 and expiring December 31, 2024 per County Policy 100.19; Board Appointment. Vice Chairman Gibbons seconded. The motion passed 5-0.

11. Consideration of the Zoning Board of Appeals Selection Committee's recommendation to the reappoint Marsha Hopkins to the Zoning Board of Appeals for a term beginning January 1, 2021 and expiring December 31, 2023.

Commissioner Oddo moved to approve the Zoning Board of Appeals Selection Committee's recommendation to the reappoint Marsha Hopkins to the Zoning Board of Appeals for a term beginning January 1, 2021 and expiring December 31, 2023. Vice Chairman Gibbons seconded. The motion passed 5-0.

12. Consideration of a recommendation from the Selection Committee, comprised of Commissioner Eric Maxwell and Commissioner Edward Gibbons, to appoint Luis Matta to the Joint Development Authority of Coweta, Fayette and Meriwether to serve a term beginning December 15, 2020 and expiring December 14, 2024.

Commissioner Maxwell stated that there were several qualified applicants. Commissioner Maxwell stated that Fayette County was lucky to have citizens who desired to serve.

Commissioner Maxwell moved to approve to appoint Luis Matta to the Joint Development Authority of Coweta, Fayette and Meriwether to serve a term beginning December 15, 2020 and expiring December 14, 2024. Vice Chairman Gibbons seconded. The motion passed 5-0.

13. Consideration of the approval to transfer \$323,927 (\$250,427 plus \$73,500) from 2017 SPLOST transportation contingency to the Brogdon & New Hope Roads intersection improvement (17TAM) and award of Bid #1894-B to McLeRoy, Inc. for construction of a roundabout in the amount of \$1,225,364.86.

Public Works Director Phil Mallon stated that this project was one of four projects that was identified on the Fayette County's 2017 SPLOST list of Transportation Projects. Mr. Mallon stated that this agenda item was for the funding and construction of a single-lane roundabout at the intersection of Brogdon Road and New Hope Road. He stated that the request was made up of two parts: the first was to reallocate monies out of the transportation contingency fund in the amount of \$323,927; and to award a construction contract to McLeRoy, Inc. for construction of a roundabout in the amount of \$1,225,364.86.

Vice Chairman Gibbons moved to approve to transfer \$323,927 (\$250,427 plus \$73,500) from 2017 SPLOST transportation contingency to the Brogdon & New Hope Roads intersection improvement (17TAM) and award of Bid #1894-B to McLeRoy, Inc. for construction of a roundabout in the amount of \$1,225,364.86. Commissioner Maxwell seconded.

Chairman Hearn stated that with the bids being so close, it was evident that there was a good set of plans and specs prepared for the project. He gave kudos to the engineering team who put those together.

Mr. Mallon stated that he would relay the commendation.

Vice Chairman Gibbons moved to approve to transfer \$323,927 (\$250,427 plus \$73,500) from 2017 SPLOST transportation contingency to the Brogdon & New Hope Roads intersection improvement (17TAM) and award of Bid #1894-B to McLeRoy, Inc. for construction of a roundabout in the amount of \$1,225,364.86. Commissioner Maxwell seconded. The motion passed 5-0.

14. Consideration of staff's recommendation to award Bid # 1885-B: 2017 SPLOST; Stormwater Category II, Tier II; Brockton Court Culvert Replacement to the lowest responsive, responsible bidder, Williams Contracting Company LLC, in the amount of \$272,200.00 and approval to reallocate \$307,633 from the General Stormwater Contingency to project 17SAT.

Chairman Hearn asked what the reallocation of the \$307,633 was for.

Environmental Management Director Bryan Keller stated that the additional monies would go towards additional permitting. Mr. Keller stated that upon further evaluation it was determined that Army Corps permitting would be needed, which included additional requirements, materials, and costs. He stated that funds were also needed for right-of-way acquisition.

Chairman Hearn asked about staff's confidence level regarding flooding at the location of the culvert.

Mr. Keller stated that there had not been any flooding concerns. He added that hydrology studies had been conducted both up and down stream to ensure there was no negative impact either up or down stream.

Vice Chairman Gibbons moved to approve staff's recommendation to award Bid # 1885-B: 2017 SPLOST; Stormwater Category II, Tier II; Brockton Court Culvert Replacement to the lowest responsive, responsible bidder, Williams Contracting Company LLC, in the amount of \$272,200.00 and approval to reallocate \$307,633 from the General Stormwater Contingency to project 17SAT. Commissioner Oddo seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

Mr. Rapson stated that the contracts below were contracts he approved over \$50,000.

- A. Contract #930-P: Preliminary Engineering for Redwine Road Multi-Use Path Supplemental #3: Construction Inspection**
- B. Bid #1865-B: Playground Shade Structures**

Hot Projects

County Administrator Steve Rapson advised that an updated "Hot Projects" listing was sent out via email to the Board to keep them abreast of the status of various projects throughout the county. He highlighted the Kenwood Road culvert replacement, Mercedes Trail culvert replacement, and Fire Station #2. Mr. Rapson stated that he would be providing some additional detail regarding Fire Station #2 requested by Commissioner Rousseau by the end of the week.

COVID-19 Vaccine

Mr. Rapson updated the Board regarding the COVID-19 vaccine distribution. Mr. Rapson read a letter from Fayette County Health Department District 4 County Nurse Manager that stated:

"The Fayette County Health Department is working diligently to provide the COVID-19 vaccine to the citizens in Fayette County. We are currently in Phase 1A+ which includes Healthcare Workers, First Responders, Long-term Care Facilities, and adults 65 and older and their caregiver.

I have placed orders for the vaccine and have received a total of 1,000 doses. A total of 500 doses were administered on Monday, December 28, 2020 and January 4, 2021 to Healthcare Workers and First Responders. On January 13, 2021 we administered 500 doses to Healthcare Worker, First Responders, adults 65 and older and their caregivers.

District 4 website has been updated to inform the community on availability and location of the vaccine on the COVID-19 Vaccine Clinic page (<https://www.district4health.org/covid-19-vaccine/>). Anyone interested in receiving the vaccine that is listed in Phase 1A+ can call 1-800-847-4262 option 1 to schedule an appointment as long as vaccine is available. Appointments will not be scheduled until vaccine has been received."

Mr. Rapson stated that he had spoken with County Nurse Manger Beverlyn Ming prior to the meeting. He stated that she advised that 2000 doses of the COVID-19 vaccine had been requested, but only 1500 would be received. Mr. Rapson stated that she advised that the 1-800 number created to set up vaccine appointment would not be active until Tuesday January 19, 2021. He stated that Fayette County was not listed as a location to receive vaccines because we had not received the vaccine doses to distribute. He stated that the 1-800 number previously provided was servicing the entire District-4 which included 14 counties. Mr. Rapson stated that he understood citizen's frustration in trying to use the current 1-800 number. He added that the issues in getting through were being corrected and citizens would be able to call for the COVID-19 vaccine appointments. Mr. Rapson reiterated that the COVID-19 vaccine distribution was by appointment only and that the vaccine distribution pod that Fayette County would be using was the old Fire Station #4 across from the Fayette County Sheriff's Office.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were six items for discussion. Four items involving threatened, one involving pending litigation and the review of the Executive Session minutes for December 10, 2020.

COMMISSIONERS' REPORTS:

Commissioner Maxwell

Commissioner Maxwell congratulated both Chairman Hearn and Vice Chairman Gibbons and stated that he looked forward to working with them. Commissioner Maxwell stated that he was there to help if either of them needed it.

Vice Chairman Gibbons

Vice Chairman Gibbons congratulated Chairman Hearn on being selected as Chairman.

Commissioner Oddo

Commissioner Oddo also congratulated Chairman Hearn and Vice Chairman Gibbons. Commissioner Oddo extended his appreciation to the citizens of Fayette County who had enough faith in him to vote him back into office to serve on the Board for another four years. He promised to continue to serve faithfully.

Commissioner Rousseau

Commissioner Rousseau also extended his congratulation to Chairman Hearn and Vice Chairman Gibbons for their respective elections on the Board. Commissioner Rousseau stated that he was extremely disappointed at the attempt by two of his colleagues to intimidate and/or bully him into how he should vote. He stated that he would always vote in the way of his conscience and how he felt was best. He stated that he had fielded calls from his colleagues prior to the meeting and those who he had spoken with were aware of his position. Commissioner Rousseau stated that he would not be bullied in public or private by anyone. He stated that the Board had approved their core values as a body during the meeting but had failed to apply them. Commissioner Rousseau stated that he did not appreciate what had happened and did not expect it to continue.

Commissioner Rousseau extended his appreciation to Mr. Rapson and the Fayette County Health Department for their effort in keeping the community informed as it related to the COVID-19 vaccination distribution.

Chairman Hearn

Chairman Hearn stated that his goal was to earn the respect of the Board, as well as the County Administrator and County Attorney. Chairman Hearn stated that he would be available when needed. He stated that he looked forward to working and serving. He added that it was an honor to serve the community. He stated that there was a lot of work to be done regarding the COVID-19 vaccination distribution.

EXECUTIVE SESSION:

Six items for involving property acquisition, four items involving threatened, one involving pending litigation and the review of the Executive Session minutes for December 10, 2020. Commissioner Oddo moved to go into Executive Session. Vice Chairman Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 7:37 p.m. and returned to Official Session at 8:34 p.m.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Vice Chairman Gibbons 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 December 10, 2020 Executive Session Minutes: Vice Chairman Gibbons moved to approve the December 10, 2020 Executive Session Minutes. Commissioner Oddo seconded the motion. The motion passed 4-0-1, Chairman Hearn abstained because he was not in attendance at the December 10, 2020 Board Meeting.

ADJOURNMENT:

Commissioner Gibbons moved to adjourn the January 14, 2021 Board of Commissioners meeting. Commissioner Oddo seconded the motion. The motion passed 5-0.

The January 14, 2021 Board of Commissioners meeting adjourned at 8:35 p.m.

Marlena M. Edwards, Chief Deputy County Clerk

Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 28th day of January 2021. Documents are available upon request at the County Clerk's Office.

Marlena M. Edwards, Deputy County Clerk

COUNTY AGENDA REQUEST

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Department: Selection Committee

Presenter(s): Vanessa Tigert, Director

Meeting Date: Thursday, January 28, 2021

Type of Request: New Business #13

Wording for the Agenda:

Consideration of recommendation from the Selection Committee comprised of Fayette County Staff, to appoint Jim Poff to the Fayette County Water Committee to an unexpired term expiring December 31, 2021 and the subsequent term beginning January 1, 2022, expiring December 31, 2025, as allowed per county Policy 100.19; Board Appointment.

Background/History/Details:

The purpose of the Water Committee is to fully explore water issues concerning Fayette citizens, to provide recommendations for short and long term priorities and goals, solicitation of federal funds, grants, etc., to assist with identification of funding sources, to assist with coordination between the County and the municipalities, to provide education in this community about water resources and to provide a forum for citizens to express concerns.

There is one citizen position available. The position was advertised in accordance with county policy 100.19; Board Appointment. Three applicants submitted applications for consideration. Interviews were conducted and the recommendation to the Board is to appoint Jim Poff for a term beginning immediately and expiring December 31, 2021. Since the unexpired term is less than one year, per county policy, the Selection Committee recommends appointing Mr. Poff for the subsequent term beginning January 1, 2022 and expiring December 31, 2025.

Mr. Bill Holland rendered his resignation on October 8, 2020.

What action are you seeking from the Board of Commissioners?

Approval to appoint Jim Poff to the Fayette County Water Committee to an unexpired term expiring December 31, 2021 and the subsequent term beginning January 1, 2022, expiring December 31, 2025, as allowed per county Policy 100.19; Board Appointment.

If this item requires funding, please describe:

Not Applicable

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

If so, when?

Is Audio-Visual Equipment Required for this Request? No

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:



**APPLICATION FOR APPOINTMENT
Fayette County Water Committee**

Thank you for your interest in being considered for appointment to the Fayette County Water Committee. Applicants must be a legal resident of the State of Georgia and have been a resident of Fayette County for at least six months prior to the date an application is submitted.

The Water Committee is comprised of seven voting members and two non-voting members who serve at the pleasure of the Board of Commissioners. Meetings are scheduled to be held on the second and fourth Wednesdays of each month at 8:00 a.m. Said meetings take place at the Fayette County Water System's Conference Room located at 245 McDonough Road, Fayetteville, Georgia. Please do not apply if you will be unable to attend a minimum of eighty percent (80%) of all meetings. **Applicants are encouraged to attend as many Water Committee meetings as possible in an effort to become familiar with the responsibilities of the post.**

Please complete the form and answer the questions. Please return your completed application, with a resume if available, to Tameca P. Smith, County Clerk, 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on Friday, January 8, 2020.**

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

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

NAME James Poff

ADDRESS 425 Southbridge Pass
Peachtree City, GA 30269

TELEPHONE (home) _____ (cell) _____

(email address) _____

James A. Poff
Signature

1-4-2021

Date



APPLICATION FOR APPOINTMENT
Fayette County Water Committee

1. How long have you been a resident of Fayette County? **19 years**
2. Why are you interested in serving on the Fayette County Water Committee? **A desire to serve my community is the main driver. I also feel that my 35 years of experience in the water profession would provide value to the committee.**
3. What qualifications and experience do you possess that should be considered for appointment to the Water Committee? **Please consider my 30 year career at Clayton County Water Authority (CCWA) that was completed in November 2018. Served in numerous positions while employed with CCWA including Chemist, Lab Manager, Environmental Compliance Coordinator, Reclamation Department Manager, and Assistant General Manager. See attached resume for details.**
4. List your recent employment experiences to include name of company and position. **Currently serving as Manager & Senior Instructor at Georgia Water & Wastewater Institute (GWVI). GWVI is a wholly owned subsidiary of the Georgia Association of Water Professionals.**
5. Do you have any past experience related to this position? If so, please describe. **During the last five years of my career at CCWA I worked closely with CCWA Board of Directors. The Board met on a monthly basis and I'm thinking would make decisions similar to what would be handled by this Water Committee.**
6. Are you currently serving on a commission/board/authority or in an elected capacity with any government? **No**
7. Have you attended any Water Committee meetings in the past two years and, if so, how many? **No, but I'm planning to attend meetings in the future.**
8. Are you willing to attend seminars or continuing education classes at county expense? **Yes**
9. Would there be any possible conflict of interest between your employment or your family and you serving on the Water Committee? **No**
10. Are you in any way related to a County Elected Official or County employee? If so, please describe. **No**
11. Describe your current community involvement. **I'm currently a Fayette County Board of Education volunteer and I'm also active in my Homeowners Association. I have previously served on City of Fayetteville Ethics Board.**
12. Have you have been given a copy of the county's Ethics Ordinance? **Yes**
13. Is there any reason you would not be able to comply with the Ethics Ordinance? **No**

James G. (Jim) Poff

425 Southbridge Pass, Peachtree City, GA 30269

www.linkedin.com/in/jimpoff

Work Experience

GEORGIA WATER & WASTEWATER INSTITUTE, CARROLLTON, GEORGIA

Manager & Senior Instructor, November 2018 to Present

Educate water professionals and manage all operations functions including supervision of three instructors and one project coordinator.

CLAYTON COUNTY WATER AUTHORITY, MORROW, GEORGIA

Assistant General Manager - Operations, February 2014 to July 2014 and January 2017 to November 2018

Manage all operations functions including three Drinking Water Production facilities including reservoirs, 1,300 miles of Water Distribution system including pipes, valves, pump stations and storage facilities, 1,100 miles of Wastewater Conveyance including 42 lift stations, three Water Reclamation facilities including two Natural Treatment Systems, and all associated Maintenance activities. Duties include managing four direct reports (223 employees), annual budget of \$45 million, capital budget of \$14 million, and responsible for \$483 million of capital assets. Manage strategic and capital project prioritization process and level of service reporting. Serving as CCWA Business Process Champion and Innovation Team Lead.

Assistant General Manager – Support Services, July 2014 to January 2017

Manage all support service functions including Customer Accounts, Meter Services, Information Technology, Finance, Public Relations, Risk Management, Procurement, Safety/Security, Engineering including Storm Water Utility, and Human Resources. Duties include managing seven direct reports (157 employees) annual operating budget of \$35 million, capital budget of \$14 million, and \$667 million of capital assets. Manage strategic and capital project prioritization process and level of service reporting. Serving as Business Process Champion.

Water Reclamation Department Manager, November 2002 to February 2014

Manage an annual budget of \$13 million and responsible for \$265 million of capital assets. Duties include managing seven direct reports (53 employees), three Water Reclamation Facilities, two Natural Treatment Systems, Pelletized Fertilizer Production facility, Central laboratory, and an Environmental Compliance program. Served as Operational lead person in capital improvement program that upgraded all facilities to include PLC instrumentation and SCADA. Managed startups, warranty issues, creation of all new O&M Manuals, SOPs, and newly improved Preventative Maintenance work order system.

Laboratory Director, October 1993 to November 2002

Supervise operation of laboratory including quality assurance, safety, chemical hygiene, and training programs. Responsible for reporting and compliance issues at all water reclamation facilities including three biosolids programs. Evaluate and interpret laboratory data. Assist plant supervisors in troubleshooting and solving operational problems encountered. Trained plant operators on Laboratory Procedures and Biological Nutrient Removal process to be employed at all plants in the future.

Environmental Compliance Coordinator, October 1993 to November 2002

Manage industrial pretreatment program including the county sewer use ordinance, industrial discharge permits, local limits, Fats, Oils, & Grease (FOG) Management program and enforcement response plan. Prepare and maintain extensive records and reports on all aspects of industrial pretreatment, septage, and groundwater remediation. Inspect, monitor, enforce, and communicate with all significant industrial and commercial customers of CCWA. Revised entire program in 1996 and 2001 because of new federal regulations and changed NPDES permits. Developed and implemented an award winning FOG Management program in 2001.

Chemist, October 1988 to October 1993

Developed and implemented quality assurance program, chemical hygiene plan, emergency response procedures, and standard operating procedures. Maintained and calibrated all laboratory instrumentation. Purchased needed equipment and supplies. Performed a wide variety of sampling and analysis on water, wastewater, industrial, soil, and biosolids samples.

LABORATORY CONSULTING SOURCES, JONESBORO, GEORGIA

Part-time Chemist, August 1989 to December 1997

Performed a wide variety of chemical and microbiological analyses in accordance with USEPA and Georgia EPD regulations including NPDES, LAS, 40 CFR 503, SDWA, UST, and RCRA. Responsible for all quality assurance within inorganic analysis section.

MILWAUKEE METROPOLITAN SEWERAGE DISTRICT, MILWAUKEE, WISCONSIN

Field and Laboratory Technician, Summers of 1986 and 1987

Performed various sampling and analysis duties during water quality survey of Milwaukee County Rivers and limnological study of Lake Michigan.

ENVIRONMENTAL TASK FORCE LABORATORY, STEVENS POINT, WISCONSIN

Laboratory Technician, Summer of 1985

Monitored Portage County lakes, drinking water wells, landfill sites, agricultural storm water runoff, and industrial effluents.

Licenses

C2EP Professional Operator (PO) Wastewater Class IV (highest) – POS4-00052-0817, Georgia Wastewater Operator Class I (highest) - 014108, Georgia Wastewater Laboratory Analyst - 011257, and Georgia Erosion and Sediment Control Class 1A - 58236

Awards

Water Environment Federation “Laboratory Analyst Excellence Award”, August 1995
 Georgia Association of Water Professionals “Ira C. Kelley Award”, June 1996
 Toastmasters International, “Competent Toastmaster”, April 2001, “Competent Leader”, May 2001
 Georgia Association of Water Professionals “Top Operator – District 3”, April 2013
 Georgia Association of Water Professionals “Charles H. Jones Award”, August 2013
 Water Environment Federation “Arthur Sidney Bedell Award”, August 2014

Education

University of Wisconsin-Stevens Point:

Major: Water Resources, Minor: Chemistry, August 1982 - May 1988

Dale Carnegie Institute - *Dale Carnegie Training, June 1998*

Toastmaster International - “*Competent Toastmaster*” in April 2001, “*Competent Leader*” in May 2001

Leadership Clayton - *Graduate in class of 2008-2009*

Institute of Georgia Environmental Leadership - *Graduate in class of 2012*

Other Professional Management Training (not including all seminars)

California State University – Sacramento - *Utility Management, May 2000*

Dun & Bradstreet - *The Effective Supervisor, September 1993 and March 1999*

Clayton College and State University - *Public Speaking, April 1994*

Personal Health & Performance (Barbara Banta) - *High Impact Communication Skills, Jan. 1995*

Clayton County Water Authority - *Leadership Skills Training, October 1997*

University of Georgia – *Effective Supervision*, August 2000

Georgia State University – *Lessons in Leadership*, November 2000

Georgia Institute of Technology– *Changing Role of the Supervisor 1&2*, October 2001 - March 2002

Volunteer & Community Experience

Clayton County Water Authority - *Safety Committee 1998-1999, March of Dimes, American Cancer Society, and Operation Christmas Committees.*

Clayton County Family Care – *Board Member, Finance Committee Chair, Vice-Chair, Chair 2009-2013*

Clayton County Public Schools – *Served as Science Fair Judge 1990 to present*

Georgia Association of Water Professionals - *Laboratory Committee Chair in 1994, Industrial Pretreatment Committee Chair in 1996 & 2001, Reuse Committee, Wastewater Treatment Committee Chair in 2006, GWEF Nutrient Technical Advisory Committee 2007-2011, GWEF Trustee and President 2011-2015*

Water Environment Federation - *Lab Practices Committee 1995-2000, MOP 8 Chapter 28 Reviewer, and Delegate-At-Large 2010-2014 (Budget, Audit, and Nominating Committees)*

Water Environment Research Foundation - *LIFT Member 2013 to present*

ACF Stakeholders – *Governing Board member and Membership Committee Chair 2009 to present*

Association of Boards of Certification - *Laboratory Committee 1995 - 2000*

“Standard Methods...” Committee 1995-2000

Toastmasters International CCWA Club - *Club Officer 1998-2002, President in 2001*

Rivercrest Homeowners Association - *Elected/Served as Board member from 1995-2000*

Magnolia Ridge Homeowners Association - *Elected/Served as Board member from 2002-2004*

ALTA Tennis Team - *Captain from 1998 to present*

City of Fayetteville – *Appointed by Mayor to Ethics Commission from January 2012 to present*

Fayette County Public Schools & PTOs – *Volunteered in various capacities 2005 to present*

Classes and Papers Presented

New Biosolids Regulations (40 CFR 503) at GWPCA Fall Conference, 9 Nov. 1993

Laboratory Analysis of Water and Wastewater at CCWA Mini-Conf., 19 Jan. 1994

Biochemical Oxygen Demand at GWPCA Laboratory Symposium, 7 June 1994

Biosolids Regulations (40 CFR 503) at AOAC Annual Meeting, 6 February 1995

Solids Analysis at GWPCA Laboratory Symposium, 6 June 1995

Total Kjeldahl Nitrogen Analysis at GWPCA Annual Conference, 14 August 1995

The (Re)Cycle of Water at Clayton County High Schools, October 1995 & 1996

Biosolids Regulations (40 CFR 503) at CCWA Mini-Conference, 15 January 1996

Solutions and Dilutions at GWPCA Laboratory Symposium, 17 June 1996

Industrial Pretreatment Program at CCWA Mini-Conference, 14 January 1998

Chemical Hygiene Plans at GWPCA Fall Conference, 4 November 1998

Wastewater Laboratory for Operators & Analysts State Board approved training, Feb. & Mar. 2000

Biological Nutrient Removal State Board approved training, Feb. & March 2001

CCWA Grease Program Education at CCWA Mini-Conference, January 2002

Setting Industrial Surcharge Rates at GWPCA Industrial Conference, March 2002

Are You Ignoring 80% of your Grease? At GWPCA Annual Conference, August 2002

Constructed Wetlands Role in a Sustainable Utility at Southern Environ. Law Center Seminar, Dec. 2009

Constructed Wetlands Role in Treatment Process at GAWP Spring Conference 2010

What is the GAWP Leadership Academy at Louisville WEFMAX, April 14, 2011

What is a Nutrient Technical Planning Group at GAWP Spring Conference 2011

Constructed Wetlands Role in a Sustainable Utility at AWWA National Sustainability Conference 2012

Nutrients, Why Are We Here? at GAWP Nutrient Specialty Conference in August 2013

Planning a Sustainable Future for Clayton County at AWWA Annual Conference in November 2015

Overview of Water Reclamation Biological Nutrient Removal at GAWP District 3 Meeting in December 2016
Apparent Loss Location and Reporting at AWWA Nationwide Webinar in April 2017
Water – Energy Nexus at Metropolitan North Georgia Water Planning District Meeting in April 2017
Upper Flint River Perspectives of CCWA at Georgia Water Resources Conference in April 2017

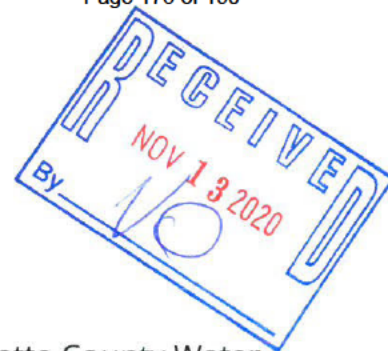
Classes and Papers Presented (cont.)

Using Data Science to Drive Water Utility Decisions at Utility Management Conference in February 2018

References

Professional and Personal References are available upon request.

OTHER APPLICANT



APPLICATION FOR APPOINTMENT Fayette County Water Committee

Thank you for your interest in being considered for appointment to the Fayette County Water Committee. Applicants must be a legal resident of the State of Georgia and have been a resident of Fayette County for at least six months prior to the date an application is submitted.

The Water Committee is comprised of seven voting members and two non-voting members who serve at the pleasure of the Board of Commissioners. Meetings are scheduled to be held on the second and fourth Wednesdays of each month at 8:00 a.m. Said meetings take place at the Fayette County Water System's Conference Room located at 245 McDonough Road, Fayetteville, Georgia. Please do not apply if you will be unable to attend a minimum of eighty percent (80%) of all meetings. **Applicants are encouraged to attend as many Water Committee meetings as possible in an effort to become familiar with the responsibilities of the post.**

Please complete the form and answer the questions. Please return your completed application, with a resume if available, to Tameca P. Smith, County Clerk, 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on Friday, November 13, 2020.**

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

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

NAME Tony V. Parrott

ADDRESS 245 Brayden Drive, Tyrone Georgia 30290

TELEPHONE (home) _____ (cell) _____

(email address) _____

Tony V. Parrott
Signature

November 13, 2020
Date



APPLICATION FOR APPOINTMENT Fayette County Water Committee

1. How long have you been a resident of Fayette County?
more than 60 years
2. Why are you interested in serving on the Fayette County Water Committee?
I am a past employee of the Water System and still have an interest in the growth and operation of the System.
3. What qualifications and experience do you possess that should be considered for appointment to the Water Committee?
I was Director of the Water System for more than 30 years and a certified operator for more than 40 years. I was there when both water plants and three reservoirs were built. I served on regional and state committees and had additional training.
4. List your recent employment experiences to include name of company and position.
City of Fayetteville Water and Sewer Department 1972-1977
Fayette County Water System 1977-2015
5. Do you have any past experience related to this position? If so, please describe.
I served on the Water Committee as Director of the Water System for more than 30 years.
6. Are you currently serving on a commission/board/authority or in an elected capacity with any government?
Fayette County Library Board. Term expires December, did not reapply.
7. Have you attended any Water Committee meetings in the past two years and, if so, how many?
Yes, August 8, 2018, September 26, 2018, October 24, 2018, Dec 12, 2018,
8. Are you willing to attend seminars or continuing education classes at county expense?
Yes
9. Would there be any possible conflict of interest between your employment or your family and you serving on the Water Committee?
No
10. Are you in any way related to a County Elected Official or County employee? If so, please describe.
No
11. Describe your current community involvement.
Board member and secretary for the Fayette County Historical Society; Vice-President of the Georgia Municipal Cemetery Association; President Fayette Heritage Project; Member Fayette County Library Board
12. Have you have been given a copy of the county's Ethics Ordinance?
Yes
13. Is there any reason you would not be able to comply with the Ethics Ordinance?
No

COUNTY AGENDA REQUEST

Page 178 of 190

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of staff's recommendation to award Contract #1879-B, Contractor Resurfacing FY21, to E.R. Snell Contracting, Inc. in the amount of \$864,679.74.

Background/History/Details:

The following roads are listed on this bid:

1.) Redwine Road (3.90 miles) from the new pavement near Quarters Road to the Fayetteville City Limits. Patching for this road has already been completed by the County. Contractor will perform shoulder construction after resurfacing has been completed.

Ridgemont Subdivision is located off Inman Road. All roads are to be surfaced milled and patched where needed.

- 2.) Autumn Moon Trail (0.2 miles)
- 3.) Bascom Court (0.1 miles)
- 4.) Morning Mist Way (0.3 miles)
- 5.) Parkwood Lane (0.2 miles)
- 6.) Ridgemont Drive (1.4 miles)
- 7.) Wendolyn Trace (0.1 miles)
- 8.) Winter Valley Court (0.1 miles)

What action are you seeking from the Board of Commissioners?

Approval to award Contract #1879-B, Contractor Resurfacing FY21, to E.R. Snell Contracting, Inc. in the amount of \$864,679.74.

If this item requires funding, please describe:

There is funding available in the Road Department's M&O & 2020 accounts for this project. The available balances are as follows: 10040220 521316 and LMIG0 \$370,680.50.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



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

To: Steve Rapson

Through: Ted L. Burgess *TB*

From: Sherry White *SW*

Date: January 28, 2021

Subject: Invitation to Bid #1879-B: Contractor Resurfacing FY21

The Purchasing Department issued Invitation to Bid #1879-B: Contractor Resurfacing FY21 to secure a contractor to resurface various streets in Fayette County. The project includes 3.90 miles of Redwine Road south of the city limits of Fayetteville and 4.5 total miles in the Ridgemont Subdivision. The streets within Ridgemont Subdivision scheduled for resurfacing are Autumn Moon Trail, Bascom Court, Morning Mist Way, Parkwood Lane, Ridgemont Drive, Wendolyn Trace and Winter Valley Court.

Notice of the opportunity was emailed to twenty-two (22) companies. Another 454 were contacted through the web-based Georgia Procurement Registry, who were registered under commodity codes #91371 (Maintenance and Repair, Highway and Roads, Including Removal of Asphalt, Concrete, Bitumens, etc.), #91384 (Maintenance and Repair, Streets, Major and Residential), #91395 (Paving and Resurfacing, Highway and Road) and #91396 (Paving and Resurfacing, Streets, Major and Residential). The offer was also advertised through Fayette News, Georgia Local Government Access Marketplace, the county website, and Channel 23.

Eight (8) companies submitted bids (Attachment 1).

The Road Department recommends awarding the lowest responsive bidder E. R. Snell Contractor, Inc. The County has contracted with E. R. Snell Contractor, Inc. as a Resurfacing Contractor on a project utilizing federal funds that has not yet begun, so a Contractor Performance Evaluation is not available. Three (3) references were requested for prior work history, and the two (2) responses received were favorable.

Contract Name	1879-B: Contractor Resurfacing FY21
Vendor	E. R. Snell Contractor, Inc.
Not-to-Exceed Amount	\$864,679.74

Budget:

Road Dept	Technical Services	Contract Amt.	Budget*
10040220	521316 LMIG0	\$370,679.74	\$370,680.50
10040220	521316	<u>\$494,000.00</u>	<u>\$1,036,565.48</u>
Totals		\$864,679.74	\$1,407,245.98

*Available Budget as of 12/11/2020

#1879-B Contractor Resurfacing FY21

ITEM NO.	DESCRIPTION	UNIT	EST. QTY	Stewart Brothers, Inc		Piedmont Paving, Inc.		Baldwin Paving Company, Inc		McLeRoy Inc.	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
150-1000	Traffic Control	LS	1.00	85,837.00	85,837.00	79,500.00	79,500.00	135,559.87	135,559.87	91,800.00	91,800.00
210-0200	Grading per mile	MI	3.90	11,655.00	45,454.50	13,721.00	53,511.90	5,345.29	20,846.63	14,600.00	56,940.00
402-3101	9.5mm Type 2	TN	3,313	104.15	345,048.95	83.73	277,397.49	94.78	314,006.14	82.95	274,813.35
402-3130	12.5mm	TN	5,470	95.75	523,752.50	78.90	431,583.00	76.46	418,236.20	80.75	441,702.50
402-3190	19mm	TN	408	215.75	88,026.00	107.50	43,860.00	77.91	31,787.28	102.65	41,881.20
407-0010	Asphalt-Rubber Joint and Crack Seal	LM	3.90	9,373.60	36,557.04	9,150.00	35,685.00	9,107.72	35,520.11	13,000.00	50,700.00
413-0750	Bitum Tack Coat	GAL	10,054	3.00	30,162.00	4.71	47,354.34	2.64	26,542.56	3.25	32,675.50
432-5010	Mill Asph Conc Pvmnt, Variable Depth	SY	34,954	5.32	185,955.28	4.71	164,633.34	2.86	99,968.44	2.50	87,385.00
653-1704	Themo Solid Traf Stripe 24", White	LF	383	8.25	3,159.75	8.25	3,159.75	8.22	3,148.26	8.50	3,255.50
653-1501	Themo Solid Traf Stripe 5", White	LF	46,632	0.44	20,518.08	0.44	20,518.08	0.44	20,518.08	0.50	23,316.00
653-1502	Themo Solid Traf Stripe 5", Yellow	LF	45,377	0.44	19,965.88	0.44	19,965.88	0.44	19,965.88	0.50	22,688.50
653-3501	Thermo Skip Traf Stripe 5", White	GLF	571	0.33	188.43	0.33	188.43	0.33	188.43	0.40	228.40
654-1001	Raised Pvmnt Markers, Tp 1	EA	1,135	4.40	4,994.00	4.40	4,994.00	4.38	4,971.30	4.50	5,107.50
700-6910	Permanent Grassing	AC	7.50	1,186.00	8,895.00	2,200.00	16,500.00	3,506.34	26,297.55	2,400.00	18,000.00
				\$ 1,398,514.41		\$ 1,198,851.21		\$ 1,157,556.73		\$ 1,150,493.45	

ITEM NO.	DESCRIPTION	UNIT	EST. QTY	Blount Construction		Atlanta Paving & Concrete		CW Matthews Contracting		ER Snell Contractor, INC	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
150-1000	Traffic Control	LS	1.00	48,203.58	48,203.58	44,000.00	44,000.00	111,763.95	111,763.95	36,900.00	36,900.00
210-0200	Grading per mile	MI	3.90	13,214.31	51,535.81	10,670.00	41,613.00	6,582.29	25,670.93	8,520.00	33,228.00
402-3101	9.5mm Type 2	TN	3,313	84.77	280,843.01	84.66	280,478.58	72.10	238,867.30	67.25	222,799.25
402-3130	12.5mm	TN	5,470	79.59	435,357.30	77.66	424,800.20	67.29	368,076.30	61.25	335,037.50
402-3190	19mm	TN	408	141.00	57,528.00	136.45	55,671.60	94.53	38,568.24	99.25	40,494.00
407-0010	Asphalt-Rubber Joint and Crack Seal	LM	3.90	3,870.32	15,094.25	5,600.00	21,840.00	6,000.00	23,400.00	5,390.00	21,021.00
413-0750	Bitum Tack Coat	GAL	10,054	2.47	24,833.38	3.00	30,162.00	0.01	100.54	1.00	10,054.00
432-5010	Mill Asph Conc Pvmnt, Variable Depth	SY	34,954	2.78	97,172.12	2.52	88,084.08	2.41	84,239.14	2.90	101,366.60
653-1704	Themo Solid Traf Stripe 24", White	LF	383	7.88	3,018.04	8.00	3,064.00	7.50	2,872.50	8.10	3,102.30
653-1501	Themo Solid Traf Stripe 5", White	LF	46,632	0.42	19,585.44	0.44	20,518.08	0.40	18,652.80	0.43	20,051.76
653-1502	Themo Solid Traf Stripe 5", Yellow	LF	45,377	0.42	19,058.34	0.44	19,965.88	0.40	18,150.80	0.43	19,512.11
653-3501	Thermo Skip Traf Stripe 5", White	GLF	571	0.32	182.72	0.44	251.24	0.30	171.30	0.32	182.72
654-1001	Raised Pvmnt Markers, Tp 1	EA	1,135	4.20	4,767.00	5.00	5,675.00	4.00	4,540.00	4.30	4,880.50
700-6910	Permanent Grassing	AC	7.50	3,007.25	22,554.38	2,100.00	15,750.00	1,975.00	14,812.50	2,140.00	16,050.00
				\$ 1,079,733.37		\$ 1,051,873.66		\$ 949,886.30		\$ 864,679.74	

COUNTY AGENDA REQUEST

Page 181 of 190

Department: Board of Commissioners

Presenter(s): Chairman Lee Hearn

Meeting Date: Thursday, January 28, 2021

Type of Request: New Business #15

Wording for the Agenda:

Delegation/Appointments by the Chairman for board appointments to the following: A. Board of Health, B. Water Committee C. Retirement/Pension Committee.

Background/History/Details:

The Board of Health, Water Committee and Retirement/Pension Committee have appointments to be filled by the Chairman or his/her designee.

This discussion is to determine who will serve on behalf of the Board, in each of the aforementioned positions.

What action are you seeking from the Board of Commissioners?

Delegation/Appointments by the Chairman for board appointments to the following: A. Board of Health, B. Water Committee C. Retirement/Pension Committee.

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:

COUNTY OF FAYETTE

STATE OF GEORGIA

ORDINANCE NO.

2018 -- 08

AN ORDINANCE BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY TO REAFFIRM AN EXISTING ADVISORY COMMITTEE KNOWN AS THE FAYETTE COUNTY WATER COMMITTEE; TO PROVIDE FOR TERMS OF OFFICE; TO PROVIDE FOR THE MEMBERSHIP; TO PROVIDE FOR THE FILLING OF VACANCIES; TO PROVIDE FOR AN OATH OF OFFICE; TO PROVIDE FOR A REQUIREMENT OF REGULAR MEETINGS; TO PROVIDE FOR REMOVAL OF MEMBERS; TO PROVIDE FOR COMPENSATION; TO PROVIDE FOR QUALIFICATIONS; TO PROVIDE FOR OFFICERS; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT ARTICLE VI OF CHAPTER 2 OF THE CODE OF ORDINANCES FOR FAYETTE COUNTY PERTAINING TO THE ESTABLISHMENT OF BOARDS AND COMMISSIONS BE AMENDED BY ADDING A NEW DIVISION TO PROVIDE FOR THE ESTABLISHMENT OF THE FAYETTE COUNTY WATER COMMITTEE AS FOLLOWS:

Section 1. By adding a new division with appropriate sections to Article VI of Chapter 2 to be numbered and to be entitled as follows:

DIVISION 5. FAYETTE COUNTY WATER COMMITTEE

Section 2. By adding a section to Division 5 creating the Fayette County Water Committee to be numbered and to read as follows:

Sec. 2-526. Created; purpose and intent.

In order to make recommendations to the Board of Commissioners of Fayette County as to the formulation of current and long-range water plans for Fayette County, the Fayette County Water Committee is hereby reaffirmed and re-established. The Fayette County Water Committee shall be organized and empowered as set out in this Division. The Fayette County Water Committee shall be created for the following purposes:

- (a) To fully explore water issues concerning Fayette County citizens;
- (b) To provide recommendations for short- and long-term priorities;
- (c) To advise the Board of Commissioners on the water needs of citizens in the County;
- (d) To assist with identification of funding sources, solicitation of federal funds, grants, etc.;
- (e) To assist with coordination between the County and the municipalities;
- (f) To provide recommendations for long-term goals;
- (g) To work with the County Administrator and staff;
- (h) To provide education in this community about water resources; and
- (i) To provide a forum for citizens to express concerns.

It is the intent of the Board of Commissioners that the Fayette County Water Committee shall fully explore issues concerning water needs and resources and provide information and recommendations to the Board of Commissioners.

Section 3. By adding a section to Division 5 for the organization of the Fayette County Water Committee to be numbered and to read as follows:

Sec. 2-527. Organization.

(a) Membership. The Fayette County Water Committee shall consist of seven (7) members, each of whom shall be appointed as follows:

1. The Board of Commissioners of Fayette County shall appoint the members of the Fayette County Water Committee. Each member, other than the members who serve by virtue of their position with Fayette County, shall be Fayette County residents and customers of the Fayette County Water System.

2. Terms.

a. The terms of the members shall be for four (4) years, except that in the appointment of the first Fayette County Water Committee under the terms of this section, one (1) member shall be appointed for a term of greater than one (1) year, but less than two (2) years, and two members shall be appointed for a term of greater than three (3) years, but less than four (4) years. All successive terms shall be for four (4) years, unless otherwise provided herein.

b. The Board of Commissioners of Fayette County has determined that the makeup of the Fayette County Water Committee shall be as follows: The Chairman of the Fayette County Board of Commissioners, or his/her designee; the County Administrator, or his/her designee; the Director of the Fayette County Water System; the Director of Planning and Zoning; and three (3) citizen members. The terms of all members shall begin immediately upon the approval of this ordinance with the term of one citizen member expiring on December 31,

2019. The terms of the remaining citizen members shall expire on December 31, 2021. The members, or their designees, as applicable, who serve by virtue of their position with Fayette County shall serve on the Water Committee for so long as they hold their respective positions. Additionally, the Engineer of Record for the Fayette County Water System and the County Attorney for Fayette County shall be non-voting members of the Water Committee. Each shall serve during their respective appointments.

c. Except as otherwise provided herein, all members of the Fayette County Water Committee shall, if necessary, hold over until their successors are appointed and qualified. The successors shall be appointed in the same manner as the initial members in the month immediately preceding the expiration of the members' respective terms of office. Any member of the Fayette County Water Committee may be re-selected and re-appointed to serve a succeeding term.

3. Oath of office. All persons who serve as a member of the Fayette County Water Committee shall first execute and file with the County Clerk an oath obligating himself/herself to faithfully and impartially perform the duties of his/her office with such oath to be administered by the Chairman of the Board of Commissioners.

4. Vacancies; removal. A vacancy in membership shall be filled for the unexpired term in the same manner in which the person creating the vacancy was appointed. The Board of Commissioners shall have the power to remove any member of the Fayette County Water Committee, for cause, by a majority vote of the members of the Board of Commissioners.

5. Compensation. All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties if such expenses are approved by the County Administrator.

6. Quorum. Four (4) members of the Fayette County Water Committee, other than non-voting members, shall constitute a quorum. A vacancy shall not impair the right of the quorum to exercise all rights and perform all the duties of the Fayette County Water Committee.

7. Meetings. The Fayette County Water Committee shall meet on a regular basis with the meetings to occur at least monthly. The minutes of each meeting shall be forwarded to the Board of Commissioners of Fayette County on a regular basis. The Board of Commissioners of Fayette County shall provide a meeting room for the Fayette County Water Committee.

8. Disqualification. Any member who announces or qualifies for an elected office, other than the Chairman of the Board of Commissioners, shall be deemed disqualified to serve as a member of the Fayette County Water Committee upon the occurrence of such announcement or qualifying. Such disqualification shall take effect immediately and the seat shall be deemed vacant.

Section 4. By adding a section to Division 5 for the election of a chairman, the issuance of bylaws, recommending body and allowable expenditures of the Fayette County Water Committee to be numbered and to read as follows:

Sec. 2-528. Election of officers; bylaws; miscellaneous.

The Fayette County Water Committee shall elect a chairman from among its members. The Fayette County Water Committee shall elect a vice-chairman from among its members. The Water Committee shall appoint a secretary. The secretary need not be a member of the Fayette County Water Committee. Upon approval of this ordinance, the existing officers shall serve in their respective positions until December 31, 2018. Thereafter, all terms for the above officers shall be for a period of one (1) year. The Water Committee shall devise its own bylaws, which shall be supplied to the County Administrator and approved by the Board of Commissioners. The Water Committee shall be a recommending body and will provide its recommendations to the Board of Commissioners through its chairman. Any incidental expenditures of the Water Committee shall be within the amounts appropriated for such purpose by the Board of Commissioners.

Section 5. By reserving additional sections for future use within this Division, sections 2-529 through 2-550.

Section 6. This ordinance shall become effective as of April 24, 2018.

Section 7. All other ordinances and parts of ordinances in conflict with this ordinance shall be deemed repealed.

SO ORDAINED this 24th day of April, 2018.

(SEAL)



BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

By:

A handwritten signature in blue ink, appearing to read "E. K. Maxwell", is written over the printed name.

ERIC K. MAXWELL, Chairman

ATTEST:

A handwritten signature in blue ink, appearing to read "Tameca P. White", is written over the printed name.

Tameca P. White, County Clerk

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "P. A. J.", is written over the printed name.

County Attorney

IV. Service on the County Board of Health

The members of the Board

Each County Board of Health has seven members, who must be at least 21 years old.³⁹ The law sets out the requirements for each of those seven positions, and who appoints those members. The seven positions are:

[Positions 1 through 4 are appointed by the county's chief executive officer]

Position 1: The county's chief executive officer, or another elected member of the county governing authority that is designated by the CEO.

Term expires when leaving elected office or when CEO assigns a replacement.

Position 2: A licensed physician actively practicing in the county. In a county with less than four physicians, or no physician practicing in the county who is willing and able to serve, a licensed nurse or dentist or another person having familiarity and concern for medical services in the county may be selected.

Term expires upon completion of the six year term; will be less than six years if appointed mid-term.

Position 3: A consumer or an advocate for consumers of health services.

Term expires upon completion of the six year term; will be less than six years if appointed mid-term.

Position 4: A consumer who will represent the needy, underprivileged or elderly.

Term expires upon completion of the six year term; will be less than six years if appointed mid-term.

³⁹ O.C.G.A. §§ 31-3-2, 45-2-1. Counties with a population of more than 800,000 may choose to establish a "Board of Health and Wellness" instead of a Board of Health. O.C.G.A. § 31-3-2.1. At present, Fulton County is the only county with a Board of Health and Wellness. The organization, powers, and duties of a Board of Health and Wellness are somewhat different from a Board of Health.

[Position 5 comes from the county school system]

Position 5: The superintendent of schools or a designated employee of the school system.

Term expires when the superintendent or the appointing superintendent leaves office.

[Positions 6 and 7 are appointed by the governing authority of the “largest municipality of the county” (with some exceptions)]

Position 6: The chief executive officer, or another elected member of the City governing authority.

Term expires when leaving elected office or when the CEO appoints a replacement.

Position 7: A consumer or a licensed nurse interested in promoting public health.

Term expires upon completion of the six year term; will be less than six years if appointed mid-term.

Regardless of how they are appointed, the seven members of the Board are equals. Each has one vote, and no single member of the Board has any more authority than the others.

When a Board member's term expires, that Board member will continue to hold office and may continue to participate and vote on Board matters until a successor is sworn in.⁴⁰

Management of the Board

The law does not dictate how a County Board of Health should organize itself or conduct its business, but says only that the Board “shall establish and adopt by-laws for its own governance,” and shall meet at least once a quarter.⁴¹ Most Boards choose to elect a Chair, Vice-Chair, and Secretary.

Should the Board require legal advice, the law permits it to seek the services of the county attorney or, budget permitting, to employ counsel of its choosing.⁴²

⁴⁰ O.C.G.A. § 45-2-4; Op. Att’y Gen 75-15.

⁴¹ O.C.G.A. § 31-3-4(a)(1).

⁴² O.C.G.A. § 31-3-10.