

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

October 14, 2021

5:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursdays of each month at 5:00 p.m.

Call to Order

Invocation and Pledge of Allegiance by Chairman Lee Hearn

Acceptance of Agenda

PROCLAMATION/RECOGNITION:**PUBLIC HEARING:**

1. Public Hearing involving update of the county's redistricting process and overview based on the 2020 decennial census. (pages 3-5)
2. Consideration of Ordinance 2021-14, Amendments to Chapter 108. Sign Ordinance, Regarding Sec. 108-3. – Definitions, Sec. 108-30. - Prohibited Signs and Devices, Sec. 108-169. – Changeable Copy Signs and Sec. 108-170 – Signs On Awnings, Canopies, Gasoline Canopies, Marquees, or Other Similar Structures. (pages 6-12)

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:

3. Approval to award RFQ #1986-A to Starnes Contracting, LLC, in the amount of \$70,000 for top rail fence installation at McCurry Park Softball Complex and Brooks Park and approval to transfer \$30,000 from the park project contingency to fully fund both fields. (pages 13-15)
4. Approval to acquire all fee simple right-of-way, easements, appraisals, etc. for the proposed rehabilitation of the Kozisek Lake Dam on Neely Road (2017 SPLOST 5509C). (pages 16-17)
5. Approval to acquire all fee simple right-of-way, easements, appraisals, etc. for the proposed rehabilitation of the Margaret Phillips Dam on Longview Road (2017 SPLOST 5509F). (pages 18-19)
6. Approval of the proposed 2022 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents. (pages 20-24)

7. Approval of staff's recommendation to renew the annual agreement with the U.S. Department of the Interior Geological Survey (USGS) that provides surface water monitoring in the amount of \$197,150. (pages 25-32)
8. Approval of the September 23, 2021 Board of Commissioners Meeting Minutes. (pages 33-40)

OLD BUSINESS:

NEW BUSINESS:

9. Consideration of the Board of Elections' request to declare two (2) Absentee Drop Boxes as surplus property and to loan the two drop boxes to another County Elections office. (page 41)
10. Consideration of staff's recommendation to resume design of path and tunnel near the intersection of Robinson Road and Redwine Road (2017 SPLOST project 17TAI). (pages 42-50)
11. Consideration of Ordinance 2021-16, amendment to the membership of the Fayette County Transportation Committee. (pages 51-54)
12. Consideration of Ordinance 2021-17, to provide for an amendment to the membership of the Fayette County Water Committee. (pages 55-58)
13. Consideration of Ordinance 2021-15, establishing the composition and responsibilities of the Fayette County Retirement Committee. (pages 59-68)
14. Consideration of Ordinance 2021-19, to identify a Local Government Agent as contemplated by the Abandoned Mobile Home Act. (pages 69-75)
15. Consideration of the approval of a Deed of Easement and an Ingress/Egress Easement to be conveyed by the owners of property in Trilith to Fayette County for the purpose of installing, constructing, and maintaining water lines. (pages 76-82)
16. Consideration of staff's request to apply for State of Georgia Fiscal Recovery Fund/American Rescue Plan Act – Water/Sewer Infrastructure Grant and/or the FEMA Hazard Mitigation Grant to replace and upgrade the emergency generator at the South Fayette Water Treatment plant in the amount of \$970,000 with a county match of \$388,000. (pages 83-86)
17. Consideration of an Intergovernmental Agreement between the Town of Woolsey and Fayette County to transfer two American Rescue Plan Act (ARPA) allocations of \$31,182.00 each to Fayette County to use the funds as necessary under the terms of the ARPA program, in conformance with reporting rules, and in a manner that fosters the best interests of both the Town of Woolsey and Fayette County. (pages 87-92)

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

In accordance with the Americans with Disabilities Act, accommodations are available for those who are hearing impaired and/or in need of a wheelchair. The Board of Commissioners Agenda and supporting material for each item is available on-line through the County's website at www.fayettecountyga.gov. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at <https://vimeo.com/user133262656>.

COUNTY AGENDA REQUEST

Page 3 of 92

Department: Commissioners

Presenter(s): Steve Rapson, County Manager

Meeting Date: Thursday, October 14, 2021

Type of Request: Public Hearing #1

Wording for the Agenda:

Public Hearing involving redistricting within the county based on the 2020 decennial census.

Background/History/Details:

The Board of Commissioners (BOC) requested a Public Hearing be conducted to outline the redistricting overview and process; provide public feedback; and ensure county districts are constitutionally redrawn based upon the revised 2020 census. The Census data reflects Fayette County as outside of the 10.00% threshold. 10.87%, with District #4 being outside the 5.00% deviation for an acceptable population threshold of +/- 5.00%. (See Attached Population Summary)

Balance districts for population to make the population variances fewer using the following process:

- Public comment at the October 14 BOC meeting about what people want to see.
- Map-drawing between October 14 and November 9 for presentation of a plan ahead of the November 9 BOC meeting.
- Public comment at the November 9 BOC meeting on draft map.
- Any changes made before the December 9 meeting.
- Finalize resolution for local delegation on December 9.

Attorney Bryan Tyson will be present to update the Board and assist with answering questions.

What action are you seeking from the Board of Commissioners?

Public Hearing involving redistricting within the county based on the 2020 decennial census.

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:

Existing Fayette County District Map. (See Attached Map). Governor Kemp called for the General Assembly to have a special session on November 3, 2021, to approve the State & Federal redistricting lines. This can take up to three (3) weeks to be signed. The local redistricting will be approved in the regular scheduled session sometime in January 2022.

User:

Plan Name: **FayCCSB-11_6_mediation-2016-2020data**

Plan Type:

Population Summary

Thursday, September 30, 2021

7:32 PM

Summary Statistics:

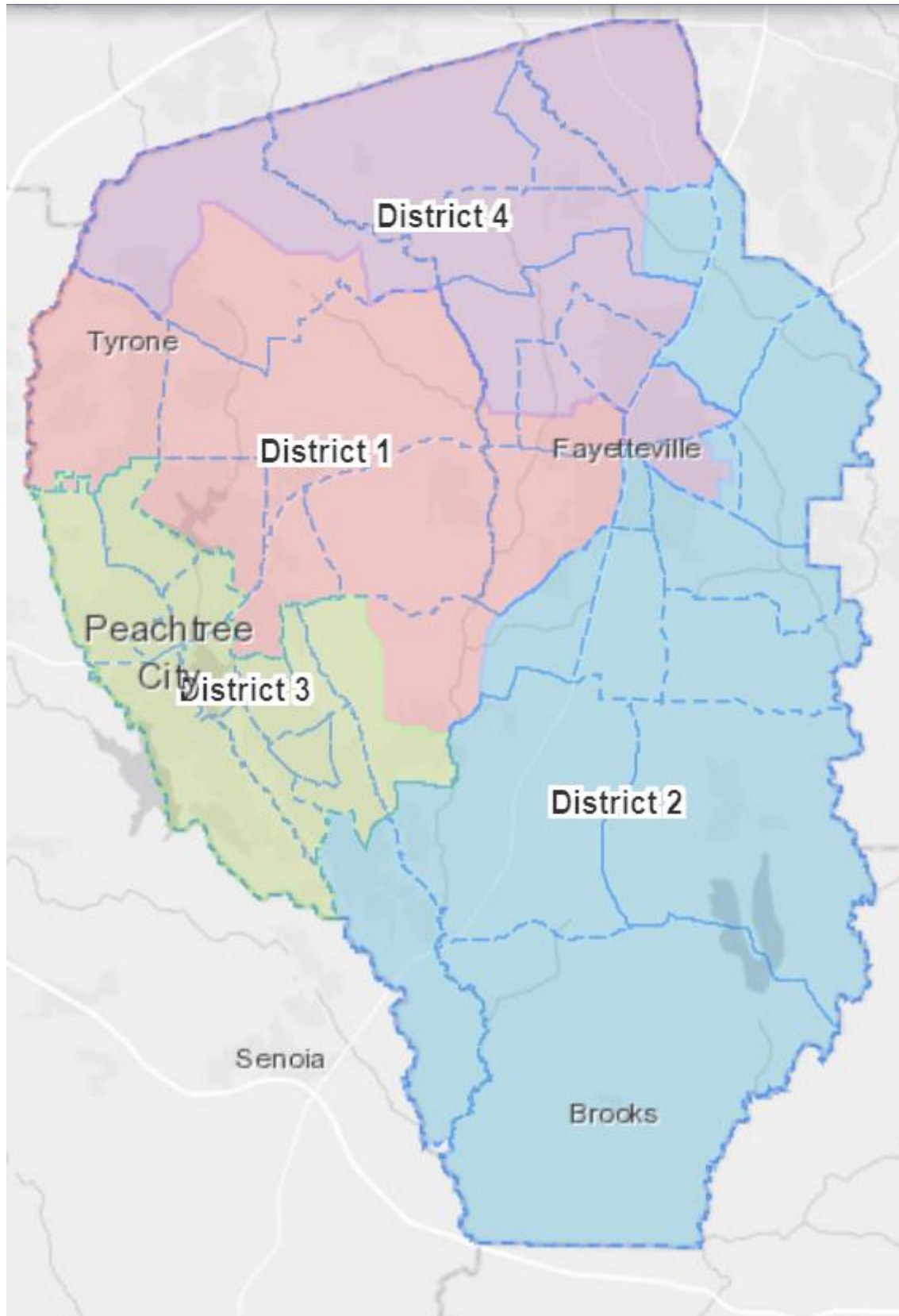
Population Range:	28,022 to 31,261
Ratio Range:	0.12
Absolute Range:	-1,777 to 1,462
Absolute Overall Range:	3,239
Relative Range:	-5.96% to 4.91%
Relative Overall Range:	10.87%
Absolute Mean Deviation:	1,245.50
Relative Mean Deviation:	4.18%
Standard Deviation:	1,309.88

District	Population	Deviation	% Devn.	[% NH_Wht]	[% NH_Blkl]	[% Hispanic Origin]	[% NH_Asn]	[% NH_Ind]	[% NH_Hwn]	[% NH_Oth]	[% NH_2+ Races]
001	29,084	-715	-2.40%	61.18%	20.33%	8.6%	4.36%	0.19%	0.04%	0.89%	4.4%
002	31,261	1,462	4.91%	67.45%	18.25%	5.72%	3.52%	0.19%	0.03%	0.62%	4.22%
003	30,827	1,028	3.45%	69.21%	8.57%	8.02%	9.21%	0.11%	0.05%	0.63%	4.2%
004	28,022	-1,777	-5.96%	28.29%	53.19%	9.7%	4.12%	0.22%	0.03%	0.71%	3.73%

Total: 119,194

Ideal District: 29,799

Existing FAYETTE COUNTY COMMISSION DISTRICTS



COUNTY AGENDA REQUEST

Page 6 of 92

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Ordinance 2021-14, Amendments to Chapter 108. Sign Ordinance, Regarding Sec. 108-3. – Definitions, Sec. 108-30. - Prohibited Signs and Devices, Sec. 108-169. – Changeable Copy Signs and Sec, 108-170 – Signs On Awnings, Canopies, Gasoline Canopies, Marquees, or Other Similar Structures.

Background/History/Details:

Staff recommends approval of the amendments.

The Planning Commission recommended approval of the amendments.

Brian Haren made a motion to recommend approval of amendments to Chapter 108. Sign Ordinance, Regarding Section 108-3. – Definitions, Section 108-169. – Changeable Copy Signs and Section 108-170 – Signs On Awnings, Canopies, Gasoline Canopies, Marquees, or Other Similar Structures. John Culbreth seconded the motion. The motion passed 4-0. Arnold Martin was absent.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2021-14, Amendments to Chapter 108. Sign Ordinance, Regarding Sec. 108-3. – Definitions, Sec. 108-30. - Prohibited Signs and Devices, Sec. 108-169. – Changeable Copy Signs and Sec, 108-170 – Signs On Awnings, Canopies, Gasoline Canopies, Marquees, or Other Similar Structures.

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. 108-3. - Definitions.

Animated sign means any sign, or part of a sign, that uses any movement or change of lighting or color to depict action or create a special effect or scene **typically in a manner where the sign image dissolves, fades, flashes, scrolls, or travels.** (prohibited - Sec. 108-30.).

Awning means a structural protective covering over a window, doorway, or deck typically consisting of a sheet of fabric, plastic or other material stretched on a frame.

~~*Awning/canopy sign* means any sign that is a part of, or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy (prohibited).~~

~~*Canopy/awning sign.* See *Awning/canopy sign* means a roof-like projection over the entrance to a building which typically has a fabric or metal covering.~~

Changeable copy signs means a sign or portion thereof with letters, numerals, or graphics that can be changed either manually or electronically. ~~The electronic change of letters, numerals, graphics must be a static change and cannot dissolve, fade, travel, or scroll and must not change more than once every 30 seconds. A sign on which the letters, numerals, or graphics change more than once every 30 seconds shall be considered an animated sign (prohibited) and not a changeable copy sign for purposes of this chapter.~~

Gasoline canopy means a structure built over the gasoline pumps located at a gas station/convenience store.

Marquee ~~or marquee sign~~ means any permanent roof-like structure projecting ~~beyond from~~ a building or extending ~~along and projecting beyond~~ the wall of the building, generally designed and constructed to provide protection from the weather ~~(prohibited)~~.

Sec. 108-30. - Prohibited signs and devices.

- (a) The following signs shall be prohibited under this article. Such signs include, but are not limited to:
- (1) Animated or flashing signs;
 - (2) Rotating signs, or any sign which requires either natural or artificial wind current for motion or gives the appearance of movement;
 - (3) Portable signs when not attached to a motor vehicle including signs attached to or painted on vehicles which prevent the vehicle from being used for its intended purpose and that are legible from the public right-of-way are also considered portable signs;
 - (4) Searchlights, beacons, or similar devices;
 - (5) Roof signs;
 - (6) Pennants, streamers;
 - (7) Attention-getting devices, including but not limited to balloons (including all inflatable air signs and lights), shall not be used to attract attention to any sign or business. This includes neon tubing or bare bulb lights encircling a window or outlining the structure;
 - (8) Signs or other advertising structures that contain obscene or indecent material;

- (10) Kiosks;
- (11) All signs attached to light poles, power poles or trees (when in the right-of-way);
- (12) Any privately owned sign located within or partially within any public right-of-way;
- (13) Billboards; and
- (14) Wall signs in residential districts.

Sec. 108-169. – Changeable copy signs

The electronic change of letters, numerals, graphics must be a static change and cannot dissolve, fade, flash, travel, or scroll and must not change more than once every 30 15 seconds. A sign on which the letters, numerals, or graphics change more than once every 30 15 seconds shall be considered an animated sign (prohibited) and not a changeable copy sign for purposes of this chapter.

Sec. 108-170 – Signs on awnings, canopies, gasoline canopies, marquees, or other similar structures

- (1) Lettering, logos or other graphics shall be allowed to be applied on an awning or canopy. No permit shall be required.
- (2) Lettering, logos or other graphics shall be allowed to be placed on the face of a gasoline canopy, marquee, or other similar structure. The lettering, logos or other graphics shall not exceed the dimensions of the face of the gasoline canopy, marquee, or other similar structure. No permit shall be required.
- (3) No sign shall be placed on top of the aforementioned structures.

THE FAYETTE COUNTY PLANNING COMMISSION met on September 16, 2021 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Danny England, Chairman
John H. Culbreth
Brian Haren
Jim Oliver

MEMBERS ABSENT: Arnold Martin, Vice-Chairman

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

Welcome and Call to Order:

Chairman England called the Planning Commission meeting to order.

PUBLIC HEARING

- 1. Consideration of Amendments to Chapter 108. Sign Ordinance, Regarding Sec. 108-3. – Definitions, Sec. 108-30. - Prohibited Signs and Devices, Sec. 108-169. – Changeable Copy Signs and Sec. 108-170 – Signs On Awnings, Canopies, Gasoline Canopies, Marquees, or Other Similar Structures.**

Pete Frisina said this item was tabled from the last meeting because one of the ordinance sections being amended was left out of the legal ad. He stated that the two things these amendments address is the time duration for changeable copy signs, mainly digital signs, and allowing signs on awnings, canopies, gasoline canopies, marquees, or other similar structures. He stated concerning the changeable copy signs the regulation of the time duration was actually in the definition and this amendment moves the regulation to a new section created in the ordinance. He added that the time duration of how long the sign image must remain before changing is being reduced from 30 second to 15 seconds as he had attended a sign ordinance seminar and 15 seconds is becoming the regulation standard. He said the amendments would now allow lettering, logos or other graphics on awnings, canopies, gasoline canopies, marquees, or other similar structures which was prohibited before. He added that lettering, logos or other graphics have been placed on awnings, canopies, gasoline canopies, marquees, or other similar structures without the County regulating it and in his opinion none that have occurred don't seem to be unsightly or offensive. He stated, given that, we are not recommending that they need a permit but they may not be placed on top of one of these structures and the lettering, logos or other graphics cannot exceed the dimensions of the face of the awning, canopy, gasoline canopy, marquee, or other similar structure.

Page 2
September 16, 2021
PC Meeting

Chairman England asked if anyone would like to comment on the proposed amendments to the sign ordinance. Hearing none he said he would bring it back to the board.

Brian Haren made a motion to approve the amendments to the Sign Ordinance. John Culbreth seconded the motion. The motion passed 4-0. Arnold Martin was absent.

THE FAYETTE COUNTY PLANNING COMMISSION met on September 2, 2021 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Danny England, Chairman
Arnold Martin, Vice-Chairman
John H. Culbreth
Brian Haren
Jim Oliver

STAFF PRESENT: Pete A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator
Howard Johnson, Plan & Zoning Coordinator
Phil Mallon, County Engineer
Bryan Keller, Director of Environmental Management

1. Consideration of Amendments to Chapter 108. Sign Ordinance, Regarding Sec. 108-3. – Definitions, Sec. 108-169. – Changeable Copy Signs and Sec. 108-170 – Signs On Awnings, Canopies, Gasoline Canopies, Marquees, Or Other Similar Structures.

Pete Frisina said when he was typing the minutes from the last meeting he realized that he had overlooked a section of the ordinance that needs to be amended to be in accordance with the amendments that are currently being proposed. He recommended that the public hearing be tabled to the September 16, 2021 meeting so he could re-advertise the amendments and include the section.

Arnold Martin made a motion to table the amendments to Chapter 108. Sign Ordinance, Regarding Sec. 108-3. – Definitions, Sec. 108-169. – Changeable Copy Signs and Sec. 108-170 – Signs On Awnings, Canopies, Gasoline Canopies, Marquees, or Other Similar Structures until the September 16, 2021 meeting. John Culbreth seconded the motion. The motion passed 5-0.

THE FAYETTE COUNTY PLANNING COMMISSION met on August 19, 2021 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Danny England, Chairman
Arnold Martin, Vice-Chairman
John H. Culbreth
Brian Haren
Jim Oliver

STAFF PRESENT: Chanelle Blaine, Zoning Administrator
Howard Johnson, Plan & Zoning Coordinator
Peter A. Frisina, Director
Phil Mallon, County Engineer

1. Discussion of Fayette County Sign Regulations.

Pete Frisina said as you know staff has been reviewing the Sign Ordinance. He said that the review is ongoing but when an issue comes up in a section of the ordinance where we have amendments ready staff will move ahead with amendments to those sections. He added we have a request for signage at a convenience which includes signage on the gas canopy. He said technically the sign ordinance does not allow signage on the gas canopy but most of the convenience stores have the company name on the gas canopy. He stated that without the County really regulating them the signage doesn't seem raise the public's concerns. He said the amendments includes definitions concerning awnings, canopies, gasoline canopies and marquees to go along with a new Section 108-170 which will regulate these items. He stated that lettering, logos or other graphics shall be allowed to be applied on an awning or canopy and be placed on the face of a gasoline canopy, marquee, or other similar structure, but the lettering, logos or other graphics shall not exceed the dimensions of the face of the gasoline canopy, marquee, or other similar structure which was recommended by Brian Haren. He added that no sign shall be allowed to be placed on top of these structures and no permit will be required. He said that he is also including an amendment to the time a digital sign has to hold an image and that change is 30 seconds will be changed to 15 seconds. He added that a new Section 108-169 is being created as the regulation for this time period was actually contained within the definition. He said if there are no issues he is ready to go to public hearings for the amendments.

It was the consensus of the Planning Commission to move ahead with public hearings.

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval to award RFQ #1986-A to Starnes Contracting, LLC, in the amount of \$70,000 for top rail fence installation at McCurry Park Softball Complex and Brooks Park and approval to transfer \$30,000 from the park project contingency to fully fund both fields.

Background/History/Details:

The safety fence top material on the various softball and baseball fields has deteriorated due to the various outside elements. In FY2020, a process began to replace the plastic material with actual yellow top rail material. Kiwanis Park baseball fields were the first to be refurbished.

This request is a continuation of Fayette County's plan to refurbish the fence top material at the various parks. Request for Quote #1986-A was released to obtain quotes for McCurry Park and Brooks Park. Two companies submitted quotes. The one with the lowest overall quote was Starnes contracting, LLC in the amount of \$70,000.

A contractor performance evaluation is not available since this is the first contract with Starnes Contracting, LLC.

What action are you seeking from the Board of Commissioners?

Approval to award RFQ #1986-A to Starnes Contracting, LLC, in the amount of \$70,000 for top rail fence installation at McCurry Park Softball Complex and Brooks Park and approval to transfer \$30,000 from the park project contingency to fully fund both fields.

If this item requires funding, please describe:

Funding in the amount of \$40,000 is available in 37560110 541210 226AG - Replacement of Fence Cap Material, with the balance transferred from Parks Project Contingency in the amount of \$30,000.

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 
 From: Ted Crumbley 
 Date: October 14, 2021
 Subject: #1986-A: Top Rail Fence Installation

The Purchasing Department issued a request for replacement of top rail fencing at McCurry and Brooks Parks. Notices of the opportunity to quote were emailed to twenty contractors. Another 166 contractors were contacted through the Georgia Procurement Registry.

The Purchasing Department received two quotes. (See Attachment 1) The Recreation Department recommends award to the lowest respondent, Starnes Contracting, LLC. A contractor performance evaluation is not available since this is the first contract with Starnes Contracting, LLC. Recreation checked their references and received favorable responses.

Specifics of the proposed contract are as follows:

Contract Name:	#1986-A: Top Rail Fence Installation
Vendor:	Starnes Contracting, LLC
Contract Amount:	\$ 70,000.00

Budget:

Organization Code:	37560110 (Recreation CIP)
Object Code:	541210 (Other Improvements)
Project:	226AG (Replacement fence)
Available:	\$ 40,000.00 as of 10/14/2021
Requested Transfer:	<u>30,000.00</u> From Project Contingency
Total	\$ 70,000.00 after requested transfer

BID NUMBER: #1986-A**ATTACHMENT 1****BID NAME: Top Rail Fence Installation****OPENING DATE: 2:00PM, THURSDAY, AUGUST 19, 2021**

	LINDAVID INC DBA C&C FENCE COMPANY	STARNES CONTRACTING, LLC
PRICE FOR REMOVAL OF OLD TIP RAIL FENCING AND INSTALLATION OF NEW TOP RAIL FENCING AT BROOKS PARK	\$49,486.00	\$34,685.57
PRICE FOR REMOVAL OF OLD TIP RAIL FENCING AND INSTALLATION OF NEW TOP RAIL FENCING AT MCCURRY PARK	\$35,740.00	\$36,855.00
TOTAL BEFORE DISCOUNTS	\$85,226.00	\$71,540.57
TOTAL DISCOUNTS IF BOTH LOCATIONS ARE AWARDED	\$0.00	\$1,540.57
TOTAL PRICE AFTER DISCOUNT	\$85,226.00	\$70,000.00

COUNTY AGENDA REQUEST

Page 16 of 92

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval to acquire all fee simple right-of-way, easements, appraisals, etc. for the proposed rehabilitation of the Kozisek Lake Dam on Neely Road (2017 SPLOST 5509C).

Background/History/Details:

The rehabilitation of this dam was approved by the Board of Commissioners May 23, 2019. Since then plans have been developed and approved by the GA Safe Dams Program. Fayette County is now ready to start the right-of-way phase. This agenda item helps provide the appropriate basis from which the land acquisition activities can be concluded.

A copy of the Walden, Ashworth & Associates, Inc. Right of Way Easement Exhibit is provided as back-up to this request.

What action are you seeking from the Board of Commissioners?

Approval to acquire all fee simple right-of-way, easements, appraisals, etc. for the proposed rehabilitation of the Kozisek Lake Dam on Neely Road (2017 SPLOST 5509C).

If this item requires funding, please describe:

2017 SPLOST Project 5509C has \$68,754 available. Additional funding will be required for the CST phase.

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

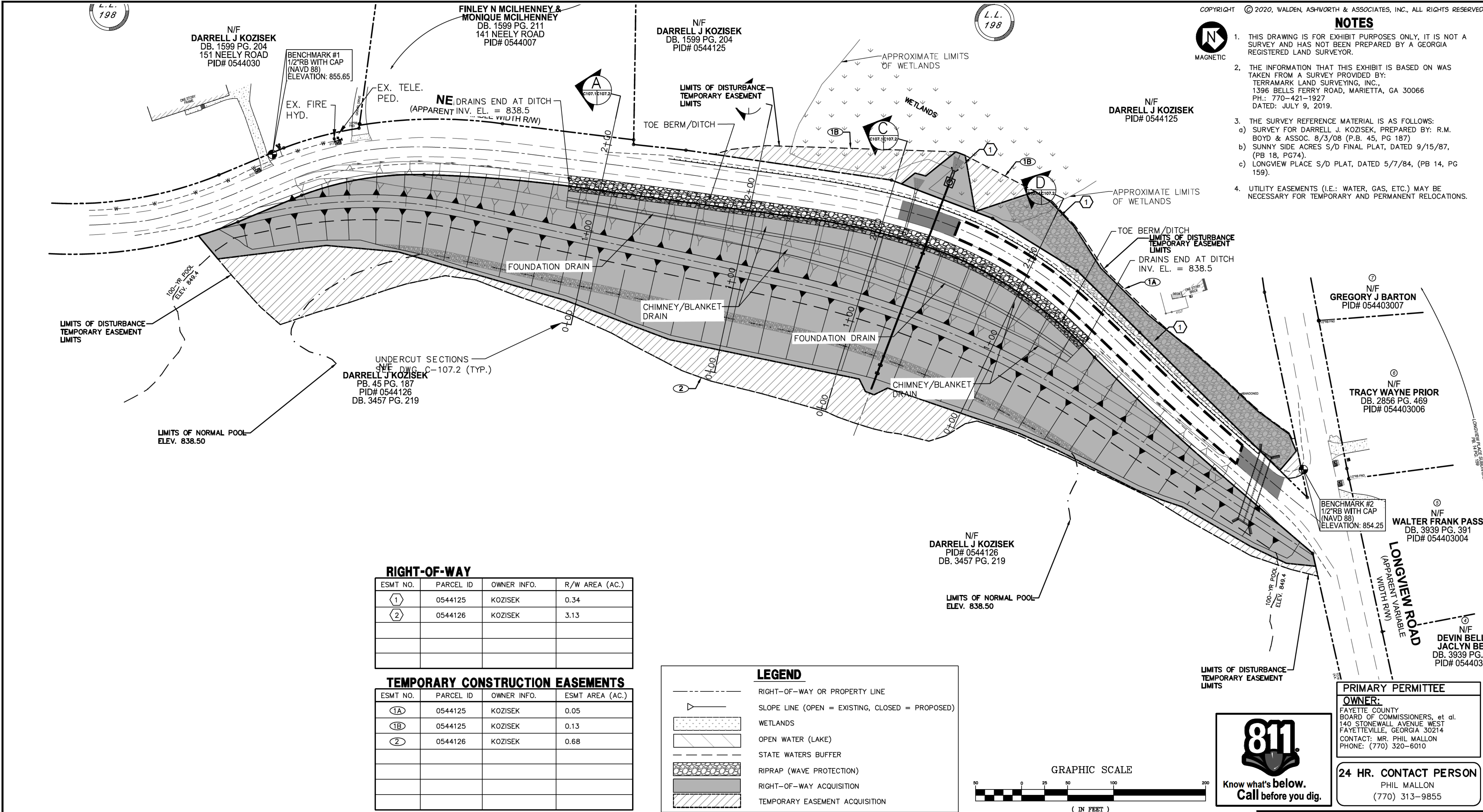
Administrator's Approval

Staff Notes:



NOTES

- THIS DRAWING IS FOR EXHIBIT PURPOSES ONLY, IT IS NOT A SURVEY AND HAS NOT BEEN PREPARED BY A GEORGIA REGISTERED LAND SURVEYOR.
- THE INFORMATION THAT THIS EXHIBIT IS BASED ON WAS TAKEN FROM A SURVEY PROVIDED BY: TERRAMARK LAND SURVEYING, INC., 1396 BELLS FERRY ROAD, MARIETTA, GA 30066 PH.: 770-421-1927 DATED: JULY 9, 2019.
- THE SURVEY REFERENCE MATERIAL IS AS FOLLOWS:
 - SURVEY FOR DARRELL J. KOZISEK, PREPARED BY: R.M. BOYD & ASSOC. 8/3/08 (P.B. 45, PG. 187)
 - SUNNY SIDE ACRES S/D FINAL PLAT, DATED 9/15/87, (PB 18, PG74).
 - LONGVIEW PLACE S/D PLAT, DATED 5/7/84, (PB 14, PG 159).
- UTILITY EASEMENTS (I.E.: WATER, GAS, ETC.) MAY BE NECESSARY FOR TEMPORARY AND PERMANENT RELOCATIONS.



RIGHT-OF-WAY

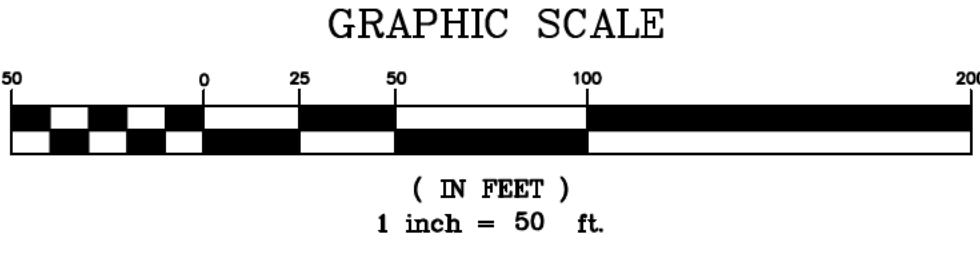
ESMT NO.	PARCEL ID	OWNER INFO.	R/W AREA (AC.)
1	0544125	KOZISEK	0.34
2	0544126	KOZISEK	3.13

TEMPORARY CONSTRUCTION EASEMENTS

ESMT NO.	PARCEL ID	OWNER INFO.	ESMT AREA (AC.)
1A	0544125	KOZISEK	0.05
1B	0544125	KOZISEK	0.13
2	0544126	KOZISEK	0.68

LEGEND

	RIGHT-OF-WAY OR PROPERTY LINE
	SLOPE LINE (OPEN = EXISTING, CLOSED = PROPOSED)
	WETLANDS
	OPEN WATER (LAKE)
	STATE WATERS BUFFER
	RIPRAP (WAVE PROTECTION)
	RIGHT-OF-WAY ACQUISITION
	TEMPORARY EASEMENT ACQUISITION



PRIMARY PERMITTEE

OWNER:
FAYETTE COUNTY
BOARD OF COMMISSIONERS, et al.
140 STONEWALL AVENUE WEST
FAYETTEVILLE, GEORGIA 30214
CONTACT: MR. PHIL MALLON
PHONE: (770) 320-6010

24 HR. CONTACT PERSON

PHIL MALLON
(770) 313-9855



RELEASED FOR CONSTRUCTION
BY: MARTIN L. WALDEN, P.E. DATE: 9-7-21

THE SITE IS LOCATED ON NEELY ROAD IN LAND LOT 198 OF THE 5TH DISTRICT
FAYETTE COUNTY, GEORGIA.

KOZISEK LAKE
RIGHT OF WAY
EASEMENT EXHIBIT

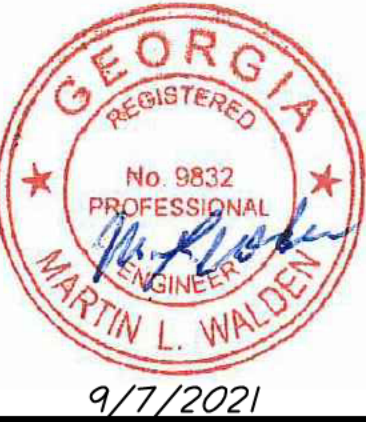
FAYETTE COUNTY



WALDEN, ASHWORTH & ASSOCIATES, INC.
CONSULTING ENGINEERS
P.O. BOX
MARIETTA, GEORGIA 30065
(770) 956 - 7897
COA: PEF000707 EXP: 06/30/2020

JOB NO. 3902200	DRAWING NUMBER 39022- C-700	REV. NO. 0
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NO.	REVISIONS	MADE	CKD.	DATE	NO.	REVISIONS	MADE	CKD.	DATE



SCALE: 1"=50'	DATE
DESIGN BY: JMH/JCL	12/20
DRAWN BY: JMH/JCL	12/20
CHECKED BY: MLW/JR	12/20
SUPV. BY: MLW	12/20
MARTIN L. WALDEN, PE LEVEL 2 CERTIFICATION # 45843 EXPIRATION DATE: 09/25/22	

COUNTY AGENDA REQUEST

Page 18 of 92

Department: Pubic Works / 2017 SPLOST

Presenter(s): Phil Mallon, Director

Meeting Date: Thursday, October 14, 2021

Type of Request: Consent #5

Wording for the Agenda:

Approval to acquire all fee simple right-of-way, easements, appraisals, etc. for the proposed rehabilitation of the Margaret Phillips Dam on Longview Road (2017 SPLOST 5509F).

Background/History/Details:

The rehabilitation of this dam was approved by the Board of Commissioners May 23, 2019 as part of the authorization for the Kozisek Dam. Since then, plans have been developed and approved by the GA Safe Dams Program. Fayette County is now ready to start the right-of-way phase. This agenda item helps provide the appropriate basis from which the land acquisition activities can be concluded.

A copy of the Walden, Ashworth & Associates, Inc. Right of Way Easement Exhibit is provided as back-up to this request.

What action are you seeking from the Board of Commissioners?

Approval to acquire all fee simple right-of-way, easements, appraisals, etc. for the proposed rehabilitation of the Margaret Phillips Dam on Longview Road (2017 SPLOST 5509F).

If this item requires funding, please describe:

2017 SPLOST Project 5509F has \$112,407 available. Additional funding will be required for the CST phase.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Yes

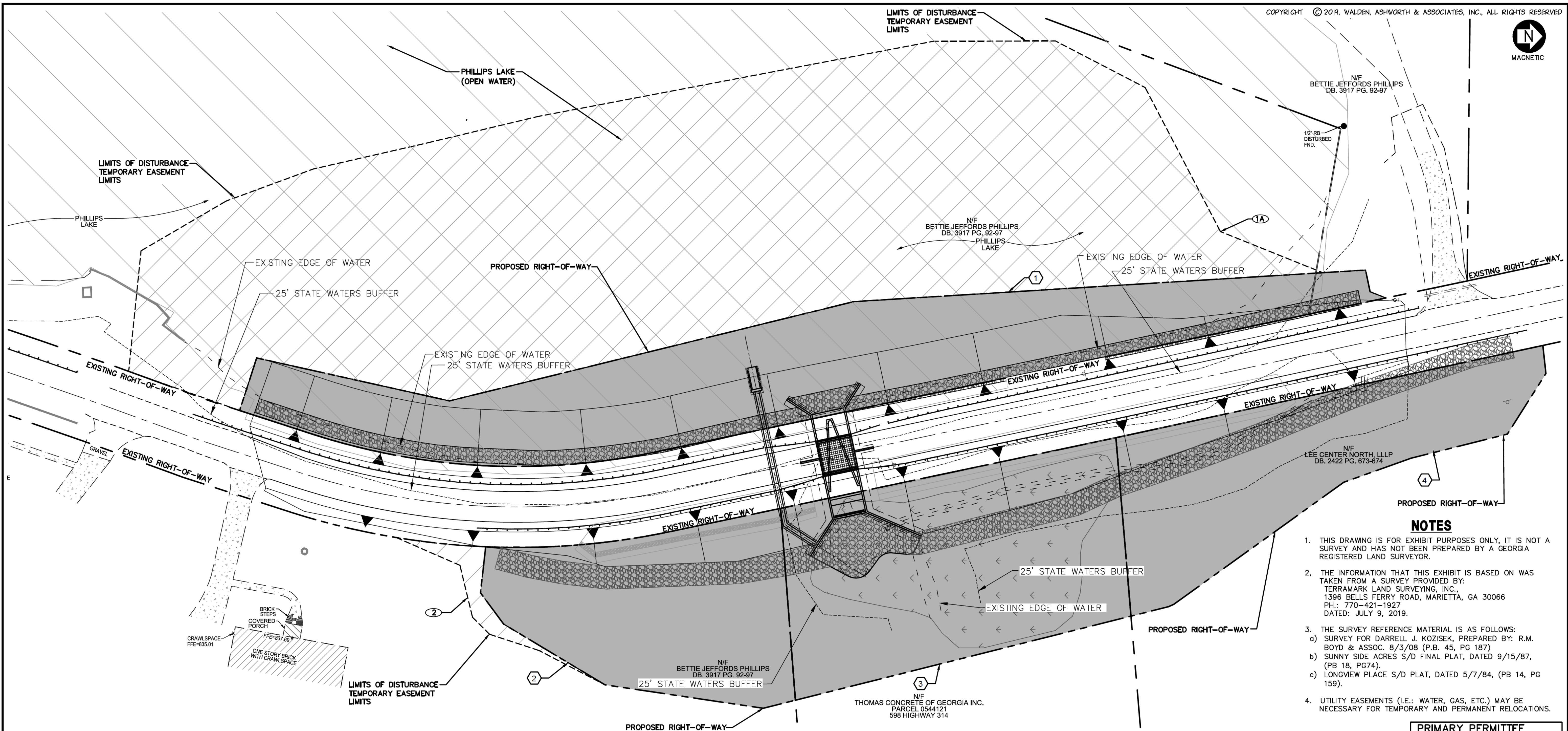
Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:



ESMT NO.	PARCEL ID	OWNER INFO.	ESMT AREA (AC.)
①		BETTIE PHILLIPS	2.18
②		BETTIE PHILLIPS	0.03

ESMT NO.	PARCEL ID	OWNER INFO.	R/W AREA (AC.)
1		BETTIE PHILLIPS	0.77
2		BETTIE PHILLIPS	0.38
3		THOMAS CONC. GA.	0.55
4		LEE CTR NORTH	0.42

	RIGHT-OF-WAY OR PROPERTY LINE
	SLOPE LINE (OPEN = EXISTING, CLOSED = PROPOSED)
	WETLANDS
	OPEN WATER (LAKE)
	STATE WATERS BUFFER
	RIPRAP (WAVE PROTECTION)
	RIGHT-OF-WAY ACQUISITION
	TEMPORARY EASEMENT ACQUISITION

1. THIS DRAWING IS FOR EXHIBIT PURPOSES ONLY, IT IS NOT A SURVEY AND HAS NOT BEEN PREPARED BY A GEORGIA REGISTERED LAND SURVEYOR.
2. THE INFORMATION THAT THIS EXHIBIT IS BASED ON WAS TAKEN FROM A SURVEY PROVIDED BY: TERRAMARK LAND SURVEYING, INC., 1396 BELLS FERRY ROAD, MARIETTA, GA 30066
PH.: 770-421-1927
DATED: JULY 9, 2019.
3. THE SURVEY REFERENCE MATERIAL IS AS FOLLOWS:
 - a) SURVEY FOR DARRELL J. KOZISEK, PREPARED BY: R.M. BOYD & ASSOC. 8/3/08 (P.B. 45, PG 187)
 - b) SUNNY SIDE ACRES S/D FINAL PLAT, DATED 9/15/87, (PB 18, PG74).
 - c) LONGVIEW PLACE S/D PLAT, DATED 5/7/84, (PB 14, PG 159).
4. UTILITY EASEMENTS (I.E.: WATER, GAS, ETC.) MAY BE NECESSARY FOR TEMPORARY AND PERMANENT RELOCATIONS.

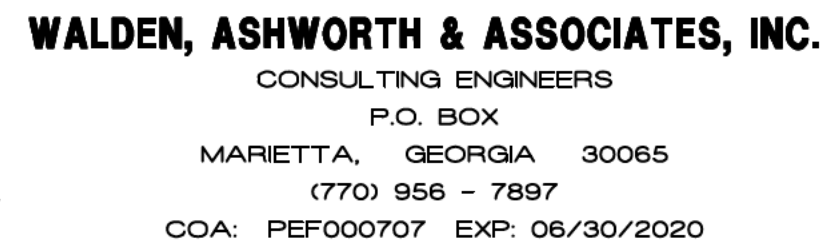
OWNER:
FAYETTE COUNTY
BOARD OF COMMISSIONERS
140 STONEWALL AVENUE WEST
FAYETTEVILLE, GEORGIA 30214
CONTACT: MR. PHIL MALLON
PHONE: (770) 320-6010

PHIL MALLON
(770) 313-9855

BY: MARTIN L. WALDEN, P.E. DATE: 9-15-21



FAYETTE COUNTY



DRAWING NUMBER

38046-C-700

REV. NO.

1



SCALE: 1"=30'	DATE
DESIGN BY: JMH/JR	12/20
DRAWN BY: JMH/JR	12/20
CHECKED BY: MLW/JR	12/20
SUPV. BY: MLW	12/20
JASON RAPPLEAN, PE LEVEL 2 CERTIFICATION # 3031 EXPIRATION DATE: 12/07/23	

COUNTY AGENDA REQUEST

Page 20 of 92

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of the proposed 2022 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents.

Background/History/Details:

The Georgia Department of Transportation's (GDOT) LMIG program is designed to help local governments make needed improvements to local and state roads. Fayette County's LMIG formula amount for calendar year 2022 is \$869,277.34.

In accordance with LMIG program guidelines, County staff has prepared a project list in excess of this amount. The focus of the 2022 list is on roadway pavement maintenance; including resurfacing, milling, micro surfacing, patching, pavement inspections, striping, and stone (for gravel roads). A minimum 30 percent match of the LMIG funding is required on all projects.

Fayette County's LMIG application and project list must be submitted to GDOT by January 1, 2022. A check for the grant, up to \$869,277.34, will then be sent to Fayette County.

What action are you seeking from the Board of Commissioners?

Approval of the proposed 2022 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents.

If this item requires funding, please describe:

The total funding of \$1,130,060 (State portion plus the 30% local match) is available in the Road Department's FY22 M&O LMIG22 budget.

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:



LEE HEARN, Chairman
BOARD OF COMMISSIONERS
140 Stonewall Avenue West, Ste. 100
Fayetteville, Georgia 30214
770-305-5122
tsmith@fayettecountyga.gov

October 14, 2021

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

RE: Fayette County – 2022 LMIG request and status update of 2020 and 2021 LMIG Projects

Dear Mr. Reed,

Enclosed is Fayette County's Local Maintenance & improvement Grant (LMIG) application package for 2022. Our project list (attached) includes: milling, patching, resurfacing, micro surfacing, roadway striping and rock of dirt roads.

2020 Status Update – Fayette County has completed 100% of the 2020 LMIG and the *Statement of Final Expenditures/Status Report* was sent to your attention on September 21st.

2021 Status Update – Fayette County has completed 100% of the 2021 LMIG and the *Statement of Final Expenditures/Status Report* was sent to your attention on September 21st.

2021 Safety Action Program Status Update – Fayette County was allocated \$350,000 for the 2021 LMIG SAP, with a local match for a total program value of \$455,000. To-date Fayette County has completed 93.5% of the 2021 LMIG SAP.

A *Statement of Final Expenditures/Status Report* for the 2021 LMIG SAP will be completed and the original copy mailed to your office. In the meantime, please call Bradley Klinger at 770-320-6039 or bklinger@fayettecountyga.gov if you need any additional information.

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

Sincerely,

Lee Hearn, Chairman
Fayette County Board of Commissioners

Enclosures

**GEORGIA DEPARTMENT OF TRANSPORTATION LOCAL MAINTENANCE & IMPROVEMENT
GRANT (LMIG) APPLICATION FOR FISCAL YEAR 2022
TYPE OR PRINT LEGIBLY. ALL SECTIONS MUST BE COMPLETED.**

LOCAL GOVERNMENT AFFIDAVIT AND CERTIFICATION

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

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

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

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

Local Government:

_____ (Signature)

_____ (Print)

Mayor / Commission Chairperson

_____ (Date)

E-Verify Number

Sworn to and subscribed before me,

This ____ day of _____, 20____.

In the presence of:

NOTARY PUBLIC

LOCAL GOVERNMENT SEAL:

My Commission Expires:

NOTARY PUBLIC SEAL:

2022 LMIG PROJECT REPORT
COUNTY/CITY: FAYETTE COUNTY

ROAD NAME	BEGINNING	ENDING	LENGTH (Miles)	DESCRIPTION OF WORK	CONTRACTOR PROJECT COST
Alexander Ware Place	Quarters Road	Dead End	0.26	Milling and Resurfacing	\$59,800.00
Audubon Lane	Thornton Drive	Dead End	0.04	Milling and Resurfacing	\$9,200.00
Avon Drive	Brookshire Drive	Dead End	0.21	Milling and Resurfacing	\$48,300.00
Branchwood Court	Brookwood Ln	Dead End	0.10	Milling and Resurfacing	\$23,000.00
Brookwood Lane	Hilo Rd	Dead End	0.50	Milling and Resurfacing	\$115,000.00
Brown Road	Redwine Road	Dead End	0.21	Milling and Resurfacing	\$48,300.00
County Wide Asphalt Patching and Leveling				Patch failing roads which don't require full overlay	\$50,000.00
County Wide Gravel				Add Gravel to Dirt Roads	\$10,000.00
County Wide Striping				Refresh existing striping	\$25,000.00
Covey Crossing	Lodge Trail	Dead End	0.11	Milling and Resurfacing	\$25,300.00
Downybrook Lane	Brookwood Ln	Stoneridge Way	0.30	Milling and Resurfacing	\$69,000.00
Dresden Place	Pleasant Hill	Dead End	0.10	Milling and Resurfacing	\$23,000.00
Grouse Point	Lodge Trail	Dead End	0.07	Milling and Resurfacing	\$16,100.00
Hearthstone Lane	Lodge Trail	Lodge Trail	0.30	Milling and Resurfacing	\$69,000.00
Heritage Farm Lane	Huiett Road	Dead End	0.40	Milling and Resurfacing	\$92,000.00
Jaysee Court	Moonview Pl	Dead End	0.10	Milling and Resurfacing	\$23,000.00
Little Creek Drive	Thornton Drive	Dead End	0.42	Milling and Resurfacing	\$96,600.00
Lodge Trail	SR 74	Dead End	0.63	Milling and Resurfacing	\$144,900.00
McElwaney Way	Youngs Circle	Dead End	0.30	Milling and Resurfacing	\$69,000.00
Moonview Place	Youngs Circle	Jaysee Ct	0.20	Milling and Resurfacing	\$46,000.00
Mountain View Court	Brookwood Ln	Dead End	0.20	Milling and Resurfacing	\$46,000.00
Oak Ridge Trail	Pine Knott Rd	Dead End	0.90	Milling and Resurfacing	\$207,000.00
Old Chappell Road	Huiett Road	SR 54	0.31	Milling and Resurfacing	\$71,300.00
Pine Knott Road	Buckeye Rd	Oak Ridge Tr	0.50	Milling and Resurfacing	\$115,000.00
Pleasant Hill	Old Ivy	Dresden Place	0.18	Milling and Resurfacing	\$41,400.00
R&R Cove	Youngs Circle	Dead End	0.10	Milling and Resurfacing	\$23,000.00
Rebecca Court	Youngs Circle	Dead End	0.30	Milling and Resurfacing	\$69,000.00
River Forest Drive	Pine Knott Rd	Dead End	0.70	Milling and Resurfacing	\$161,000.00
Rockwood Lane	Stoneridge Way	Dead End	0.10	Milling and Resurfacing	\$23,000.00
Stoneridge Court	Stoneridge Way	Dead End	0.10	Milling and Resurfacing	\$23,000.00
Stoneridge Way	Downbrook Ln	Hilo Rd	1.00	Milling and Resurfacing	\$230,000.00
Thornton Court	Thornton Drive	Dead End	0.18	Milling and Resurfacing	\$41,400.00
Thornton Drive	Kenwood Road	Dead End	0.95	Milling and Resurfacing	\$218,500.00
Warren Way	S. Jeff Davis	Dead End	0.21	Milling and Resurfacing	\$48,300.00
Welborn Chase	Stonehaven	End	0.31	Milling and Resurfacing	\$71,300.00
Whippoorwill Way	Youngs Circle	Dead End	0.20	Milling and Resurfacing	\$46,000.00
Woodstream Point	Heritage Farm Ln	Dead End	0.14	Milling and Resurfacing	\$32,200.00
Youngs Circle	Harp Rd	Harp Rd	0.70	Milling and Resurfacing	\$161,000.00

2021 Formula Amount	\$869,277.34	11.33	ESTIMATED TOTAL	\$2,690,900.00
2021 County Match	\$260,783.20			
2021 TOTAL	\$1,130,060.54			



Russell R. McMurtry, P.E.,
Commissioner
One Georgia Center
600 West Peachtree Street, NW
Atlanta, GA 30308
(404) 631-1000 Main Office

June 28, 2021

Lee Hearn, Chairman
Fayette County
140 Stonewall Avenue West, Suite 100
Fayetteville, Georgia 30214

RE: Fiscal Year 2022 Local Maintenance & Improvement Grant (LMIG) Program (Correction)

Dear Chairman Hearn:

Please disregard the June 23, 2021, Fiscal Year 2022 LMIG grant letter you received. The formula amount was incorrect. The corrected formula amount is below.

The Department will begin accepting applications for the Fiscal Year 2022 LMIG Program in July 2021. Grants will be processed electronically through our **GRANTS (LMIG) Application System**. To begin your FY 2022 LMIG Application, please visit the Department's website at www.dot.ga.gov/PS/Local/LMIG. This site provides a link to the LMIG Application, the LMIG Application Tutorial (Manual), and to the General Guidelines and Rules and other pertinent reports. The project list will be entered directly into the LMIG Application System. Please contact your District State Aid Coordinator, Jack Reed, at 706-646-7505 for assistance with the online application process.

For an application to be processed, the following requirements must be met:

- A local government must be in Department of Audits and Accounts (DOAA) and Department of Community Affairs (DCA) audit compliance.
- A signed cover letter must be attached and include a completion status of the last three fiscal years' LMIG Grants.
- A signature page must include both the local government seal and the notary seal. The application website provides a blank signature page for you to download, complete and upload as an attachment.
- A local government must provide their District State Aid Coordinator with a Statement of Financial Expenditures form and invoices for Fiscal Year 2019 projects and all other prior years unless previously approved to combine funding for Fiscal Years 2019, 2020, and 2021. The forms can be attached in the LMIG Application System if they have not already been provided to your District State Aid Coordinator.

All electronic LMIG applications must be received no later than February 1, 2022. Failure to submit applications by the deadline might result in a forfeiture of funds.

Your correct formula amount for the Fiscal Year 2022 Program is **\$869,277.34** and your local match is **30%**. Each local government is required to match this formula amount in accordance with Code Section 48-8-244(d).

If you have any questions regarding the LMIG Program, please contact the Local Grants Office in Atlanta at (404) 347-0240. Thank you for your attention and cooperation in this matter.

Sincerely,

Bill Wright

Bill Wright

Local Grants Administrator

cc: Mr. Tyler Peek, P.E.; Mr. Russ Carreker; Ms. Dana Lemon; Hon. Debra Bazemore; Hon. Derrick Jackson; Hon. Philip Singleton; Hon. Josh Bonner; Hon. Karen Mathiak; Hon. Marty Harbin; Hon. Valencia Seay; Jack Reed

COUNTY AGENDA REQUEST

Page 25 of 92

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's recommendation to renew the annual agreement with the U.S. Department of the Interior Geological Survey (USGS) that provides surface water monitoring in the amount of \$197,150.

Background/History/Details:

Special condition requirements in each of the Water System's Surface Water Withdrawal Permits is to monitor reservoir elevations, stream flow and discharge, and water quality indicators on a daily and monthly basis and report this data to Georgia Environmental Protection Division (EPD) to demonstrate compliance.

The USGS provides and maintains 11 stream gages that provide real-time data. These gages are located on Line Creek, Shoal Creek, Flat Creek, Flint River and each of Fayette County's water-supply reservoirs.

What action are you seeking from the Board of Commissioners?

Approval to renew the annual agreement with the U.S. Department of the Interior Geological Survey (USGS) that provides surface water monitoring in the amount of \$197,150.

If this item requires funding, please describe:

Funding is available in FY 2022 50543061 521212.

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 Burgess

From: Natasha Duggan

Date: October 14, 2021

Subject: Contract #2017-S: USGS Water Flow & Stream Monitoring – FY 2022

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

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

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

Stream Gauge Locations	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	Change 2020-2021
Flint River at Woolsey Road	14,000	14,250	14,600	15,100	15,100	15,100	15,400	2.0%
Line Creek downstream of GA 54	14,000	14,250	19,900	15,100	15,100	15,100	15,400	2.0%
Shoal Creek at GA 54	14,000	14,250	14,600	15,100	15,100	15,100	15,400	2.0%
Lake McIntosh, near Peachtree City, GA	NA	NA	NA	NA	7,000	7,000	7,150	2.1%
Line Creek below Lake McIntosh	49,800	51,000	48,000	53,800	48,500	48,500	49,900	2.9%
Morning Creek at Westbridge Road	19,000	19,400	19,900	20,400	NA	NA	NA	
Whitewater Creek at Eastin Road	14,000	14,250	14,600	15,100	NA	NA	NA	
Whitewater Creek at Sherwood Road	14,000	14,250	14,600	15,100	NA	NA	NA	
Whitewater Creek below Starrs Mill Dam	19,000	19,400	19,900	20,400	NA	NA	NA	
Lake Kedron near Peachtree City	6,600	6,800	7,000	7,000	7,000	7,000	7,150	2.1%
Flat Creek downstream of Lake Kedron	41,700	43,800	35,100	40,200	15,100	15,100	15,400	2.0%
Lake Peachtree at Peachtree City	6,600	6,800	7,000	7,000	7,000	7,000	7,150	2.1%
Flat Creek below Lake Peachtree	49,800	51,000	53,300	53,800	48,500	48,500	49,900	2.9%
Lake Horton near Peachtree City	6,600	6,800	7,000	7,000	7,000	7,000	7,150	2.1%
Lake Horton (Talrace) near Fayetteville	NA	NA	7,000	7,000	7,000	7,000	7,150	2.1%
Camp Creek at Helmer Road	14,000	14,250	14,600	15,100	NA	NA	NA	
Nash Creek (bacteria only)	5,000	5,150	5,300	5,300	NA	NA	NA	
	288,100	295,650	302,400	312,500	192,400	192,400	197,150	2.5%
	288,100	295,650	302,400	312,500	192,400	192,400	197,150	
Change From Previous Year		2.6%	2.3%	3.3%	-38.4%	0.0%	2.5%	

The Water System states that the USGS has the only accepted method for reporting and compliance monitoring of open-channel streams. For this reason, they recommend contracting with USGS each year for the service. They report that they are satisfied with the services provided by the USGS, as seen in the attached Contractor Performance Evaluation (Attachment 1).

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

Specifics of the proposed contract are as follows:

Contract Name	2017-S: USGS Water Flow & Stream Monitoring – FY 2022	
Vendor	U.S. Geological Survey	
Contract Term	10/1/2021 to 9/30/2022 Corresponding with Fed Fiscal Year	
Firm Fixed Price	\$197,150.00 for the Federal FY (10/1/2021-9/30/2022)	
Budget:		
Fund	505	Water System
Org.	50543061	Water Laboratory
Object	521212	Licenses & Professional Fees

Total Available Budget	\$195,963.00	To pay County Fiscal Year 2022 invoices
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First quarterly payment, at previous contract rate*	\$48,100.00
Second quarterly payment, at new contract rate	\$49,287.50
Third quarterly payment, at new contract rate	\$49,287.50
Fourth quarterly payment, at new contract rate	<u>\$49,287.50</u>
Total for County Fiscal Year 2022	<u>\$195,962.50</u>

*Previous contract #1884-S rate was approved by the BOC on October 22, 2020.

FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

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

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: U.S. Geological Survey	Contract Number: 1884-S: FY2021
Mailing Address: 1770 Corporate Drive	Contract Description or Title: Streamgauge monitoring
City, St, Zip Code: Norcross, Georgia 30093	Contract Term (Dates) From: October 1, 2020 To: September 30, 2021
Phone Number: 678-924-6700	Task Order Number:
Cell Number:	Other Reference:
E-Mail Address:	

DEFINITIONS

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

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

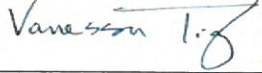
SATISFACTORY (Sat) - Vendor met minimum contractual requirements or performance expectations of the products/services.

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

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

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

EVALUATED BY

Signature: 	Date of Evaluation: 9/28/2021
Print Name: Vanessa Tigert	Department/Division: Water System
Title: Director	Telephone No: 770-320-6016

[illegible][illegible]



United States Department of the Interior

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

Customer Number: 6000001126
 Agreement Number:
 22MPJFAG0000001
 TIN: 586000826
 Fixed Cost Agreement: YES

September 12, 2021

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

Dear Ms. Tigert:

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

02344396	Flint River at Woolsey Road, near Woolsey, GA	\$15,400
02344605	Line Creek downstream of GA 54, near Peachtree City, GA	\$15,400
02344620	Shoal Creek at GA 54, near Sharpsburg, GA	\$15,400
02344628	Lake McIntosh, near Peachtree City, GA	\$ 7,150
02344630	Line Creek below Lake McIntosh, near Peachtree City, GA	\$49,900
02344650	Lake Kedron near Peachtree City, GA	\$ 7,150
02344655	Flat Creek downstream of Lake Kendron, GA	\$15,400
02344671	Lake Peachtree at Peachtree City, GA	\$ 7,150
02344673	Flat Creek below Lake Peachtree, near Peachtree City, GA	\$49,900
02344423	Lake Horton near Peachtree City, GA	\$ 7,150
02344424	Lake Horton (Talrace) near Fayetteville, GA	\$ 7,150

This agreement is entered into by the USGS under authority of 43 USC 36C; 43 USC 50; and 43 USC 50b. This JFA covers the period beginning on October 1, 2021, and ending on September 30, 2022, at a total cost of \$197,150 provided by Fayette County Water System, Fayette County, Georgia.

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

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

Sincerely,

Victor Engel

Victor Engel, Director
 USGS South Atlantic Water Science Center

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

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

**Customer #: 6000001126
Agreement #: 22MPJFAG0000001
Project #: MP00
TIN #: 58-6000826**

Fixed Cost Agreement YES[X] NO[]

THIS AGREEMENT is entered into as of the October 1, 2021, by the U.S. GEOLOGICAL SURVEY, South Atlantic Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the Fayette County Water System party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation Water Resource Investigations (per attachment), herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50, and 43 USC 50b.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of \$0.00

- (a) \$0 by the party of the first part during the period
October 1, 2021 to September 30, 2022
- (b) \$197,150 by the party of the second part during the period
October 1, 2021 to September 30, 2022
- (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of: \$0

Description of the USGS regional/national program:

- (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
- (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.

4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.

5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.

6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program, and if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties. The Parties acknowledge that scientific information and data developed as a result of the Scope of Work (SOW) are subject to applicable USGS review, approval, and release requirements, which are available on the USGS Fundamental Science Practices website (<https://www2.usgs.gov/fsp/>).

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

Water Resource Investigations

Page 32 of 92
Customer #: 6000001126
Agreement #: 22MPJFAG00000001
Project #: MP00
TIN #: 58-6000826

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

USGS Technical Point of Contact

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

Customer Technical Point of Contact

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

USGS Billing Point of Contact

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

Customer Billing Point of Contact

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

U.S. Geological Survey
United States
Department of Interior

Fayette County Water System

Signature

By _____ Date: _____
Name: Victor Engel
Title: Director

Signatures

By _____ Date: _____
Name:
Title:

By _____ Date: _____
Name:
Title:

By _____ Date: _____
Name:
Title:

BOARD OF COUNTY COMMISSIONERS

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

Consent #8

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

September 23, 2021

5:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 5:00 p.m.

Call to Order

Chairman Lee Hearn called the September 23, 2021 Board of Commissioners meeting to order at 5:05 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Commissioner Charles W. Oddo

Commissioner Charles W. Oddo offered the Invocation and led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

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

PROCLAMATION/RECOGNITION:

- 1. Recognition of Fayette County 4-H'ers, Bryce Smith, Lesley Nichols, Jovie Ruf, Kareem El-Gayyar and Salih El-Gayyar for participating in the Northwest District Forestry Field Day Competition held on August 31st at Camp Westminster.**

Candace Goldbeck Fayette County 4-H County Extension Agent, on behalf of the Board, recognized Bryce Smith, Lesley Nichols, Jovie Ruf, Kareem El-Gayyar and Salih El-Gayyar for participating in the Northwest District Forestry Field Day Competition held on August 31st at Camp Westminster.

PUBLIC HEARING:

Community Development Director Pete Frisina read the Introduction to Public Hearings.

- 2. Consideration of Petition No. 1312-21 A, WGS, LLC (Wendell E. & Morris W. Shelnett (Estate), and Martha Eleanor Albea, Owner, and Daniel Fields, Agent, request to rezone 56.26 acres from A-R to R-40 to develop a residential subdivision; property located Land Lot 120 of the 5th District and fronts on Callaway Road.**

Mr. Frisina stated that the rezoning request was approved by staff and the Planning Commission with five conditions. He stated the five conditions read as follows:

- 1. That all existing structures be removed from the subject property prior to approval of the Final Plat, or, if any structures are to remain, they must be shown to be compliant on the Preliminary Plat and Final Plat.*

2. *That no lot shall have direct driveway access onto Callaway Road. This shall be graphically shown on the approved final plat. (This condition will be administered by Public Works/Environmental Management.)*
3. *Require a 20-foot permanent easement be dedicated to Fayette County for the future construction of a multi-use path. The easement would be shown across all lots along the north property line. Beginning at the East property line on the Callaway Road right of way to the West property line at parcel 0525 070. The easement shall be within the Georgia Power 100-foot easement and the owner/developer shall submit a deed and final plat depicting the multi-use path easement at the time of final plat. (This condition will be administered by Public Works/Environmental Management.)*
4. *That the Owner/Developer shall dedicate from the centerline of Callaway Road, at no cost to the County, 40 feet of Right of Way along all frontages. The requirement shall be shown on the Preliminary Plat, Land Disturbance Plans, and Final Plat. A filed warranty deed shall be provided by the Owner/Developer per Fayette County Ordinances after recording of the Final Plat. The owners shall remove any structures and woody vegetation within the said right of way limits at no cost to Fayette County prior to dedication. (This condition will be administered by Public Works/Environmental Management.)*
5. *That the Owner/Developer shall provide a CBU unit pull off parallel to the proposed county road a minimum of 400ft from the entrance anywhere within the development and if available in front of proposed green space. The said pull off should allow for two cars to pull out of the traffic lanes of the proposed roadway. (This condition will be administered by Public Works/Environmental Management.)*

Daniel Fields, representative for WGS, stated that he was grateful for the opportunity to speak before the Board and thanked them for their time and consideration. Mr. Field stated that the total size of the property in question was about 82-acres, of which Fayette County future land use plan showed to be zoned low density-residential. He continued that with this in mind, the request was for R-40 which was one- acre per unit and in accordance with the future land use plan. Mr. Fields stated that the development was located on Callaway Road and noted that the surrounding area had R-40 zoning uses around it. He provided a PowerPoint presentation showing a few examples of the style, size, and price point of the homes that would be designed as part of the subdivision. Mr. Field stated that he was aware of some concerns regarding off-site drainage and that they would be willing to work with surround property owners to the degree possible, to ensure no additional issues were created by the new development.

No one spoke in favor.

Larry and Merle Crowe of Fayetteville expressed their opposition and concern regarding the rezoning request. Mr. Crowe stated that he had a major issue with water drainage at his property. He continued that his property seemingly sits at the bottom of a hill and water from the properties above him drains into his yard. Mr. Crowe stated that with the water drainage problems already being a major problem, he feared this new subdivision would exacerbate the water drainage issue and further damage the property.

Darrell Bruce of Fayetteville reiterated concerns regarding water drainage problems. He stated that the added lots in the proposed development would increase the water draining onto his property.

Roger Wallace of Fayetteville stated that he also had concerns related to water drainage. Mr. Wallace stated that the proposed subdivision would be built at the high point in the area, as a result, increased water drainage would inevitably run-down hill to the neighboring properties. Mr. Wallace stated that he was concerned about being flooded out because of the potential increase in water drainage.

Kimberly Kee of Fayetteville stated concerns regarding water drainage problems and the potential for flooding that already was an issue. She added that this new development would only add to the problem. Ms. Kee also expressed her concerns related to increased traffic this proposed subdivision would bring.

Mr. Fields in response to comments made stated that in accordance with state law, the developer would not be allowed to discharge more water from a given property in a post-develop state than it was in at a pre-developed state. He added that they would abide by state law and regulation and be willing to, with the development engineer, review ways to help alleviate existing problems.

Chairman Hearn stated that the purpose of a retention pond was to not allow more storm water to drain in an area. He added that in hearing the comments and concerns for property owners in the area he commended Mr. Fields for his willingness to be a good neighbor.

Commissioner Oddo asked if there were detention ponds outlined on the concept map.

Mr. Fields stated yes, they were on the southside of the project.

Commissioner Rousseau stated that this rezoning request presented a challenge, because although it fits into zoning regulation and the county's land use plan, there were pre-existing concerns that current property owners are experiencing, and the request could exacerbate those issues. He continued asking if it would be advisable to add a condition to the rezoning request requiring the subdivision developers, if willing, to work with the County to help the water drainage issues.

Fayette County Public Works Director Phil Mallon stated that state law already had stipulations in place for developers that state that "the rate of discharge could not exceed existing conditions". Mr. Mallon stated that this development would create additional water discharge as citizen comments highlighted. He added that the goal would be to detain it so that it would have less of an impact. He stated that this proposal had been reviewed very closely based on feedback received from the Planning Commission public hearings. Mr. Mallon continued that he felt there were opportunities with the use detention ponds and drainage swales, to at the least, not worsen the problems and possibly improve the issues. Mr. Mallon added that his recommendation would be not to make this a condition.

Commissioner Maxwell stated that he had been involved with litigation involving homeowners and property issue cases in the past. He added that these were very expensive cases and frustrating particularly for the homeowners. He asked how a homeowner would be able to accurately measure the difference in the amount of water draining onto their property once the subdivision was built. Commissioner Maxwell stated that in looking at the pictures provided by some of the property owners, he had not heard enough that would convince him that this rezoning request would not exacerbate the problems without the added design measured as discussed by Mr. Mallon to ensure the water run-off would not occur.

Mr. Mallon stated that in looking at the concept map what needed to be depicted was four primary drainage basins. He continued that the developers currently have two detention ponds identified. The County would need to require a third and a possible fourth detention pond; particularly to the south of the development near the Crowe's property which was a point of concern.

Commissioner Oddo stated that he had been in a similar situation and from personal experience, he understood the concerns of the property owners. He added that based on that situation he knew that the developers had to adhere to state law and remain within certain limits regarding the water run-off. He stated that "in the end it all worked." Commissioner Oddo stated that based on his personal experience and his understanding of the law that the developers were obligated to abide by, he was confident that the County would be working with and monitoring the process closely. Commissioner Oddo added that the request fit into the land use plan and was permissible based on the county's zoning regulations.

Chairman Hearn stated that the County was equipped with trained professionals in every department needed to handle these concerns appropriately and ensure this project was done according to the law.

Commissioner Maxwell reiterated his concerns stating that this development would exacerbate existing problems. He added that the expectation that citizens could, if needed, litigate against a developer to remedy a problem once the subdivision was built was mis-guided. Commissioner Maxwell stated that he understood that the County would work to assist in alleviating the drainage concerns but acknowledged that the County had done this in the past and had to incur the expense for such projects. He stated

that he did not feel like he had enough information to vote in favor of the request today, but he did acknowledge that the request did fit the land use plan and was permissible based on the county's zoning regulations.

Commissioner Rousseau stated that the challenge the Board was faced with was that they had to decide based on conceptual drawings, which were not definitive. He added that the Board was trusting that the county's professional team would do their due diligence taking the comments and feedback provided today as guidance. He added that the Board was "putting them on notice" that this project was a critical project that would be closely monitored.

Vice Chairman Gibbons moved to approve Petition No. 1312-21 A, WGS, LLC (Wendell E. & Morris W. Shelnutt (Estate), and Martha Eleanor Albea, Owner, and Daniel Fields, Agent, request to rezone 56.26 acres from A-R to R-40 to develop a residential subdivision; property located Land Lot 120 of the 5th District and fronts on Callaway Road, with five conditions. Commissioner Oddo seconded.

Mr. Fields agreed to the five conditions.

Vice Chairman Gibbons moved to approve Petition No. 1312-21 A, WGS, LLC (Wendell E. & Morris W. Shelnutt (Estate), and Martha Eleanor Albea, Owner, and Daniel Fields, Agent, request to rezone 56.26 acres from A-R to R-40 to develop a residential subdivision; property located Land Lot 120 of the 5th District and fronts on Callaway Road, with five conditions. Commissioner Oddo seconded. The motion passed 4-1, with Commissioner Maxwell in opposition.

3. Consideration of Petition No. 1312-21 B, Thomas B. Chandler, Owner, and Daniel Fields, Agent, request to rezone 25.65 acres from A-R to R-40 to develop a residential subdivision; property located Land Lot 120 of the 5th District.

Mr. Frisina stated that similar to the previously discussed item this rezoning request was approved by staff and the Planning Commission with the same five conditions.

No one spoke in favor.

Larry Crowe of Fayetteville reiterated his concerns regarding the increase in potential flooding and water run-off the proposed development would cause.

Roger Wallace of Fayetteville expressed his concerns regarding the water drainage problems already being an issue he feared this new subdivision would exacerbate the water drainage and flooding of the creek near his property, and in turn flood his home.

Mr. Fields stated that he would personally go out to Mr. Crowe's property to do an evaluation and be willing to, with the development engineer, review ways to help alleviate existing problems.

Vice Chairman Gibbons moved to approve Petition No. 1312-21 B, Thomas B. Chandler, Owner, and Daniel Fields, Agent, request to rezone 25.65 acres from A-R to R-40 to develop a residential subdivision; property located Land Lot 120 of the 5th District. Commissioner Oddo seconded with five conditions. The motion passed 4-1, with Commissioner Maxwell voting in opposition

4. Consideration of Ordinance 2021-13, amendments to Chapter 104. Development Regulations, Article XV, Subdivision Regulations.

Mr. Frisina advised the Board that amendments had been made to Chapter 104. Development Regulations, Article XV, Subdivision Regulations. Mr. Frisina stated that this was a set of regulation that was reviewed about every ten-years. He added that creating these amendments was a team effort which he could not have accomplished alone. Input from the Planning Commission, Phill Mallon, Robert Kurbes, Bryan Keller and local surveyors Randy Boyd and Warren Grey all helped in making these updates possible. Mr. Frisina provided the Board with an overview of the five major amendments to the ordinance, as well

as some housekeeping updates that were made to wording and definitions to ensure terminology remained consistent throughout the ordinance.

Mr. Randy Boyd thanked the Board for the opportunity to provide input and assist with creating the Ordinance 2021-13 amendments.

Commissioner Oddo moved to approve Ordinance 2021-13, amendments to Chapter 104. Development Regulations, Article XV, Subdivision Regulations. Vice Chairman Gibbons seconded. The motion passed 5-0.

PUBLIC COMMENT:

Joy Andrew of Douglasville advised the Board of an issue she had regarding her dog. Ms. Andrews stated that her dog went missing in February and ended up being recently picked up in a criminal case in Fayette County. She continued that once she found out that her dog was in Fayette County Animal Shelter she came to pick her [the dog] up but was advised that the dog would have to be spayed before being released. Ms. Andrews stated that there was some back in forth regarding the release of her dog and eventually because the dogs had been picked up in a criminal case, she went to court regarding the issue. Ms. Andrews stated that she wanted her dog back regardless but felt it was a violation of her rights to require the dog be spayed before being released. She stated that she had proof that she was the owner, and did not understand why her animal could not be released to her in the same condition she went missing in. Ms. Andrews stated that if it cannot be resolved then she was advised by her attorney to file an injunction. She stated that she did not want to do that, because this could be handled easily if her dog was release without being spayed.

CONSENT AGENDA:

Commissioner Oddo moved to accept the Consent Agenda as written. Commissioner Rousseau seconded. The motion passed 5-0.

5. **Approval to acquire all fee simple right-of-way, easements, and appraisals for the proposed 2017 SPLOST Stormwater Category II, Tier II project: 223 Cedar Trail Culvert Replacement Project (19SBI).**
6. **Approval to acquire all fee simple right-of-way, easements, and appraisals for the proposed 2017 SPLOST Stormwater Category II, Tier II project: 120 Shoal Creek Road culvert replacement project (19SBN).**
7. **Approval of Amendment # 3 to Contract #1813-S:Sages Networks, Inc. for cloud based plan review, permitting and mobile inspections and two read-only licenses for the Water System for a one-time charge of \$44,000 and on-going annual cost of \$30,068 for a total \$74,068.00 amendment cost for fiscal year 2022.**
8. **Approval of the September 9, 2021 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

9. **Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Tannisha Cohen-Green for tax year 2018 and 2019 in the aggregated amount of \$158.78.**

County Attorney Dennis Davenport stated that before the Board was a tax refund request from Tannisha Cohen-Green for tax year 2018 and 2019. Mr. Davenport briefly provided an overview stating that Mrs. Cohen had a name change in 2017, and because of her name change a Warranty Deed transferring her property in Fayetteville from Ms. Tannisha Cohen to Mrs. Tannisha Cohen-Green was filed. He continued that this filing erroneously triggered a change in ownership notification to the Fayette County Tax Assessors office, which caused an automatic removal of all exemptions. As a result, Mrs. Tannisha Cohen-

Green homestead exemption status was erroneously removed. Mr. Davenport stated that Mrs. Cohen-Green tax refund request for 2018 and 2019 in the amount of \$158.78 was recommended for approval.

Commissioner Rousseau moved to approve the disposition of tax refund, as requested by Tannisha Cohen-Green for tax year 2018 and 2019 in the aggregated amount of \$158.78. Vice Chairman Gibbons seconded. The motion passed 5-0.

10. Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Charles Lindsay for tax year 2018, 2019 and 2020 in the aggregated amount of \$237.15.

County Attorney Dennis Davenport stated that before the Board was a tax refund request, requested by Charles Lindsay for tax year 2017, 2018, 2019 and 2020. Mr. Davenport briefly explained that Mr. Lindsay homestead exemption was timely applied for but was never implemented. He stated that this error affected tax years 2017, 2018, 2019, and 2020. Mr. Davenport stated that due to the three-year statute of limitation for tax refund request, tax year 2017 was time barred and had been recommended for denial, however tax years 2018, 2019, and 2020 had been recommended for approval in a total amount of \$237.15.

Mr. Lindsay thanked Mr. Davenport for his explanation of his tax refund request but added that he had received his tax refund in 2017. He also asked if the tax refund amounts could be reviewed because it seemed that the calculations mentioned differed than his own calculations.

Mr. Davenport stated that the tax refund amounts as noted in his recommendation memorandum to the Board was \$79.64 for tax year 2018, \$79.14 for tax year 2019, and 78.37 for tax year 2020.

Commissioner Rousseau moved to approve the disposition of tax refund, as requested by Charles Lindsay for tax year 2018, 2019 and 2020 in the aggregated amount of \$237.15. Vice Chairman Gibbons seconded. The motion passed 5-0.

11. Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Joe Moore for tax year 2018, 2019 and 2020 in the aggregated amount of \$1,359.13.

Mr. Davenport stated that before the Board was a tax refund request, requested by Joe Moore for tax year 2018, 2019 and 2020. Mr. Davenport briefly explained that this request stemmed from the square footage of the finished basement being listed on the property record card incorrectly. He stated that the property record card listed the square footage as 2,000 sq. feet, however, the square footage was 1,367 sq. feet, this error was confirmed by the Tax Assessors Office. Mr. Davenport stated that Mr. Moore's tax refund request for 2018, 2019, and 2020 in the amount of \$1,359.13 was recommended for approval.

Commissioner Rousseau moved to approve the disposition of tax refund, as requested by Joe Moore for tax year 2018, 2019 and 2020 in the aggregated amount of \$1,359.13. Vice Chairman Gibbons seconded. The motion passed 5-0.

12. Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Eddy Tan for tax year 2018, 2019 and 2020 in the aggregated amount of \$3,463.08.

Mr. Davenport stated that before the Board was a tax refund request, requested by Eddy Tan for tax year 2018, 2019 and 2020. Mr. Davenport briefly explained that this request also stemmed from the square footage of the residence being listed on the property record card incorrectly. He stated that the property record card listed the square footage as 5,670 sq. feet, however, the square footage was 3,717 sq. feet. Mr. Davenport stated that Mr. Tan tax refund request for 2018, 2019, and 2020 in the amount of \$3,463.08 was recommended for approval.

Vice Chairman Gibbons moved to approve the disposition of tax refund, as requested by Eddy Tan for tax year 2018, 2019 and 2020 in the aggregated amount of \$3,463.08. Commissioner Rousseau seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

County Administrator Steve Rapson recognized Robert Kurbes Environmental Health County Manager wishing him well on his upcoming retirement.

Mr. Rapson stated that the Association of County Commissioners of Georgia (ACCG) Reconnect Conference was upcoming in November and the Board needed to select a Commissioner as the ACCG voting delegate.

Commissioner Maxwell moved to nominate Chairman Lee Hearn as the ACCG voting delegate. Vice Chairman Gibbons seconded. The motion passed 5-0.

Mr. Rapson advised that Animal Shelter Director Jerry Collins was available to respond to comments regarding the animal shelter.

Commissioner Maxwell stated that he was under the impression that there was the possibility of an injunction being filed regarding the case involving Ms. Andrews. He stated that if that was the case, he did not feel it would be appropriate for the Board to make any comments regarding the case because of the potential for litigation.

Mr. Rapson stated that Fayette County Magistrate Court deferred and left the decision regarding the animal up to the discretion of Animal Control Director Jerry Collins. He continued that an email had been received and did reference an injunction and potential for litigation. Mr. Rapson stated that with this in mind he agreed it would not be advisable to make any comments regarding the case.

ATTORNEY'S REPORTS: None.

COMMISSIONERS' REPORTS:

Commissioner Maxwell

Commissioner Maxwell advised the Board that he recently had the opportunity to attend the Georgia Association of Public Pension Trustees (GAPPT) Conference, along with County staff. He stated that it was a three-day training with a wealth of information which he enjoyed and valued greatly.

Vice Chairman Gibbons

Vice Chairman Gibbons stated he would be attending an Association of County Commissioners of Georgia (ACCG) training on Friday, September 24th, which would be teaching and breaking down LOST Revenues for the County. Vice Chairman Gibbons thanked the Board for their support and for funding towards continued education for Commissioners and staff.

Commissioner Rousseau

Commissioner Rousseau congratulated the Fayette County 4-H'ers, Bryce Smith, Lesley Nichols, Jovie Ruf, Kareem El-Gayyar and Salih El-Gayyar for participating in the Northwest District Forestry Field Day Competition held on August 31st at Camp Westminster.

Commissioner Rousseau thanked Robert Kurbes for his dedication and service to the citizens of Fayette County both in his position in Environmental Health Office as well as on the Board of Health. He wished him well on his retirement. Commissioner Rousseau also recognized the efforts and service of Mr. Ted Toles, who recently rendered his resignation of his position on the Fayette County Board of Health.

EXECUTIVE SESSION: None.

ADJOURNMENT:

Commissioner Oddo moved to adjourn the September 23, 2021 Board of Commissioners meeting. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

The September 23, 2021 Board of Commissioners meeting adjourned at 6:22 p.m.

Marlena 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 14th day of October 2021. Referenced attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Chief Deputy County Clerk

COUNTY AGENDA REQUEST

Page 41 of 92

Department: Elections

Presenter(s): Aaron Wright, Member

Meeting Date: Thursday, October 14, 2021

Type of Request: New Business #9

Wording for the Agenda:

Consideration of the Board of Elections' request to declare two (2) Absentee Drop Boxes as surplus property and to loan the two drop boxes to another County Elections office.

Background/History/Details:

At the September 28, 2021 Board of Elections meeting, board member Aaron Wright attended the Georgia Association of Voter Registration & Election Official Conference in August where there was a discussion regarding the drop boxes and whether it was okay to lend, sale or give away the drop boxes. Mr. Wright stated that the Secretary of State Election Director & General Council shared that they promote counties with extra drop boxes, that were initially given by grant finances, to give them to counties in need, as opposed to them not being used.

Mr. Wright motioned that the County Commissioners take up the matter to declare two ABM Drop Boxes as surplus or disposable property and to loan two drop boxes to another county. Mr. Lester seconded the motion. The motion passed 3-0.

What action are you seeking from the Board of Commissioners?

Approval to declare two (2) Absentee Drop Boxes as surplus property and to loan the two drop boxes to another County Elections office.

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 Yes

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

Page 42 of 92

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of staff's recommendation to resume design of path and tunnel near the intersection of Robinson Road and Redwine Road (2017 SPLOST project 17TAI).

Background/History/Details:

On 8/26/21 the Commission directed staff to prepare a feasibility study with preliminary cost estimate for a pedestrian bridge over Redwine Road near the Panther Path intersection. The purpose of the study was to determine if a bridge was a viable option and, if so, identify design constraints and options for the project. The intent was to bring the results of the study back before the Commission for consideration and approval to pursue full bridge design.

Since the meeting, Peachtree City officials have indicated they do not support a bridge and have opposition to providing use of the Peachtree City greenbelt to facilitate such a project.

Staff proposes we go back to the June 27, 2019 approved IGA with Peachtree City, for the design and construction of path along the west side of Robinson and Redwine Road and a tunnel under Redwine Road located immediately south of the Robinson Road intersection.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to resume design of path and tunnel near the intersection of Robinson Road and Redwine Road (2017 SPLOST project 17TAI).

If this item requires funding, please describe:

Project 17TAI has a balance of \$722,810. Additional funding may be required depending on the path and tunnel's construction cost estimate.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY OF FAYETTE

STATE OF GEORGIA

COPY

INTERGOVERNMENTAL AGREEMENT FOR CONSTRUCTION

AND MAINTENANCE OF MULTI-USE PATH PROJECTS

THIS AGREEMENT entered this 27th day of June, 2019, by and between Peachtree City, Georgia (the "CITY"), a municipal corporation of the State of Georgia, acting by and through its Mayor and Council, and Fayette County, Georgia (the "COUNTY"), a political subdivision of the State of Georgia, acting by and through its Board of Commissioners, for the purpose of the CITY and the COUNTY to set out those terms and conditions which will guide them in their ongoing construction and maintenance responsibilities for multi-use paths located in the CITY and the COUNTY (the Construction and Maintenance IGA).

WITNESSETH:

WHEREAS, the Mayor and Council is the duly organized governing authority for the CITY possessing all requisite authority to enter into the Construction and Maintenance IGA; and

WHEREAS, the Board of Commissioners is the duly organized governing authority for the COUNTY possessing all requisite authority to enter into the Construction and Maintenance IGA; and

WHEREAS, the Georgia Constitution, Article IX, Section 2, Paragraph 3, except as otherwise provided by law, prohibits cities and counties from exercising governmental authority within each other's boundaries except by Intergovernmental Agreement; and

WHEREAS, the CITY has been developed around a network of multi-use paths that are used by pedestrians, bicyclists and operators of golf carts; and

WHEREAS, these multi-use paths are used by residents of the CITY and the unincorporated COUNTY as an alternative to the automobile, as well as for exercise and recreation; and

WHEREAS, the communities around the Starr's Mill School Complex have been developed with a focus on access to and from the schools and there is a history of cooperation between the COUNTY, the Board of Education and developers to expand and enhance the multi-use path network; and

WHEREAS, a growing county population increases the desire and need for a multi-use path network that provides safe and appropriate infrastructure, and increases the challenges for local governments to design, construct and maintain said infrastructure; and

WHEREAS, funding opportunities, with the development community, State and Federal grant programs, non-profit groups, etc., are more successfully obtained with cooperation among local governments and agencies; and

WHEREAS, the CITY and the COUNTY desire to enter into the Construction and Maintenance IGA for the purpose of ensuring that appropriate multi-use paths in the CITY and the COUNTY are constructed and adequately maintained over time.

NOW, THEREFORE, for and in consideration of the above premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the CITY and the COUNTY, the CITY and COUNTY hereby agree as follows:

1.

The COUNTY assumes ownership and maintenance responsibilities of all multi-use path infrastructure located within the COUNTY right-of-way, including Segment F as depicted on the attached map labeled as Exhibit "A," with said Exhibit "A" being incorporated into this

Construction and Maintenance IGA by this reference hereto. This path segment was constructed, and it has been maintained by the CITY in accordance with the July 23, 1998 IGA between the CITY and the COUNTY. It is the intent of the parties for this Construction and Maintenance IGA to supersede that certain agreement between Fayette County and Peachtree City dated July 23, 1998 concerning that section of multi-use path east of Redwine Road immediately north of the Starr's Mill School Complex.

2.

As of January 2019, there are two multi-use path projects currently in design:

- Federal-Aid Path Project PI 012624 – Segments A, E1 and E2; and
- SPLOST Project 17TAI – Segments G1 (path) and G2 (tunnel).

The estimated cost for these projects, including design, permitting, land acquisition and construction, is approximately \$3,000,000.00. The COUNTY shall pay for all design, permitting, land acquisition, project management and construction costs for SPLOST Project 17TAI-Segments G1 and G2. The plans and specifications for all work proposed within the City limits shall be provided to the City, or their designated consulting engineers, for review and approval prior to the start of construction. The CITY shall provide limited use (between 8' and 14' of width depending on obstructions, trees, etc.) of existing City Greenspace (when alternate locations are not available), as well as use of existing easements and right-of-way to facilitate project construction of section G1 and G2. Upon completion of the project, maintenance and repair costs for SPLOST Project 17TAI-Segment G1 (path) will be the responsibility of the CITY. Upon completion of the project, future maintenance and repair costs for SPLOST Project 17TAI - Segment G2 (tunnel) located at the City/County Border shall be split 50/50 between the CITY and the COUNTY until such time as the property containing SPLOST Project 17TAI – Segment G2 (tunnel) is annexed by the City. The City shall assume all maintenance and repair

costs for SPLOST Project I7TAI - Segment G2 (tunnel) from the effective date of the annexation forward, should said annexation occur. While the maintenance and repair work are the responsibility of both the City and the County, all maintenance and repair work will be scoped in writing, with a not-to-exceed cost estimate and agreed to by the CITY Manager and the COUNTY Administrator prior to commencing. Minor maintenance or repair work (such as cleaning graffiti or repairing damaged guardrail) that is entirely within one jurisdiction shall be the sole responsibility of that local government unless agreed to otherwise by the CITY and the COUNTY. For the Federal-Aid path project (PI 01264), all costs beyond those covered by Federal Aid shall be paid by the COUNTY. The CITY shall provide limited use (between 8' and 14' of width depending on obstructions, trees, etc.) of existing City Greenspace, as well as use of existing easements, and right-of-way to facilitate project construction and future use, where applicable. Maintenance and repair costs for Federal Aid Path Project PI 01264 Segments A and E2 shall be the responsibility of the COUNTY. To the extent that the City's design standards require the project to encroach more than 14' into the City Greenspace the City shall elect one of the following:

- a. The City shall provide a written exception to the County recognizing and allowing the necessary encroachment due to the City's design standards; or
- b. The City shall revise its design standards in such a manner that no encroachment into the City's Greenspace of more than 14' will be necessary.

If the City elects to provide the written exceptions, said written exceptions will be provided to the County within five (5) business days of the County's request therefor. If the City elects to revise its design standards the County will be required to change the plans and receive additional approval from the Georgia Department of Transportation. Maintenance and repair costs for Federal Aid Path Project PI 01264 Segment E1 shall be the responsibility of the CITY. Upon completion of either or both projects, future ownership and maintenance of the

infrastructure shall be governed by the conditions established within this Construction and Maintenance IGA.

3.

The term of this Construction and Maintenance IGA shall be for twelve (12) months, from June 27, 2019 and concluding on June 27, 2020. This Construction and Maintenance IGA shall automatically renew for a twelve (12) month term, beginning on the anniversary date of the agreement, so long as the CITY nor the COUNTY take action to terminate this Construction and Maintenance IGA. Additional renewal terms of twelve (12) months each shall automatically begin so long as neither party terminates this Construction and Maintenance IGA. Should either the CITY or the COUNTY desire to terminate this Construction and Maintenance IGA the terminating party must provide 90-days written notice to the other party prior to the end of the then-current term.

4.

This Construction and Maintenance IGA may be modified at any time by mutual written consent of both parties.

5.

All required notices shall be given first class mail, except that any notice of termination shall be mailed via U.S. Mail, return receipt requested. Notices shall be addressed to the parties at the following addresses:

If to the CITY: Mr. Jonathan Rorie, City Manager
151 Willowbend Road
Peachtree City, Georgia 30269

If to the COUNTY: Mr. Steve Rapson, County Administrator
104 Stonewall Avenue West, Suite 100
Fayetteville, Georgia 30214

6.

This Construction and Maintenance IGA is a full and complete statement of the

agreement between the CITY and the COUNTY as to the subject matter hereof and has been authorized by proper action of the respective parties.

7.

Should any provision of this Construction and Maintenance IGA or application thereof to any person or circumstance be held invalid or unenforceable, the remainder of this Construction and Maintenance IGA or the application of such provision to any person or circumstance, other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each provision of this Construction and Maintenance IGA shall be valid and enforceable to the full extent permitted by law.

8.

This Construction and Maintenance IGA shall be governed by and construed in accordance with the laws of the State of Georgia.

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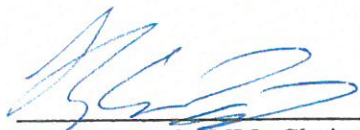
IN WITNESS WHEREOF, the CITY and the COUNTY have caused this Construction and Maintenance IGA to be executed in their respective corporate names and their respective corporate seals to be hereunto affixed and attested by their duly authorized officers, all as of the date first above written.

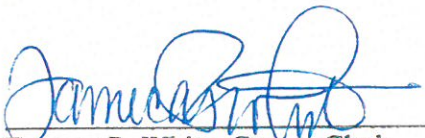
(SEAL)



ATTEST:

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

By: 
RANDY C. OGNIO, Chairman



Tameca P. White, County Clerk

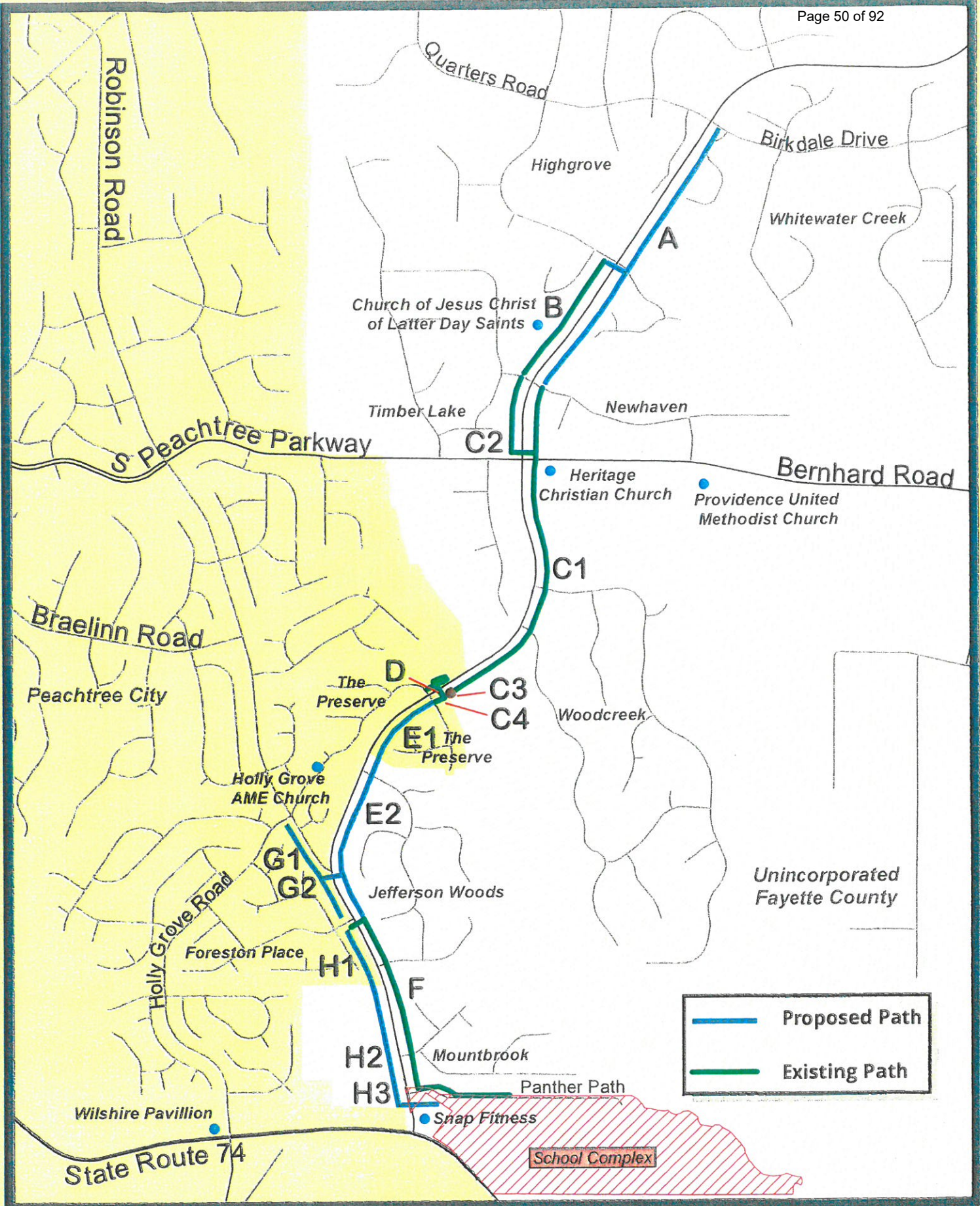
(SEAL)

ATTEST:

MAYOR AND COUNCIL FOR THE
CITY OF PEACHTREE CITY, GEORGIA

By: 
VANESSA FLEISCH, Mayor


~~Betsy Tyler, City Clerk~~
Pamela Dufresne, Deputy City Clerk



April 22, 2019

Redwine Road
Cart Paths

Exhibit A



COUNTY AGENDA REQUEST

Page 51 of 92

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Ordinance 2021-16, amendment to the membership of the Fayette County Transportation Committee.

Background/History/Details:

At the April 20, 2021 Board of Commissioners meeting the Board made the following votes:

Commissioner Rousseau moved to amend language to any standing board/committee, ad-hoc board/committee, or Board created board/committee to state that any recommendations for appointment to said board/committee shall come to the Board of Commissioners for final consideration and approval. Vice Chairman Gibbons seconded. The motion passed 5-0.

Vice Chairman Gibbons moved to remove the term "or their delegate" outlined in the Transportation Committee ordinance. Commissioner Oddo seconded. The motion passed 5-0.

Vice Chairman Gibbons moved to remove the requirement to include two members of the Fayette County Board of Commission from the Transportation Committee ordinance effective March 28, 2022, and for staff to recommend replacements at the next Board of Commissioners meeting. Commissioner Oddo seconded. The motion passed 3-2, with Commissioner Maxwell and Commissioner Rousseau voting in opposition.

The proposed ordinance is to comply with the direction of the Board.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2021-16, amendment to the membership of the Fayette County Transportation Committee.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY OF FAYETTE

STATE OF GEORGIA

ORDINANCE NO.

2021 – ____

AN ORDINANCE BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY TO PROVIDE FOR AN AMENDMENT TO THE MEMBERSHIP TO THE FAYETTE COUNTY TRANSPORTATION COMMITTEE; 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 DIVISION 3 OF ARTICLE VI OF CHAPTER 2 OF THE CODE OF ORDINANCES FOR FAYETTE COUNTY PERTAINING TO THE FAYETTE COUNTY TRANSPORTATION COMMITTEE BE AMENDED AS FOLLOWS:

Section 1. By adding language to paragraph (2) of subsection (a) of Section 2-477 pertaining to Membership to read as follows:

(2) Two members shall be current members of the board of commissioners.

However, beginning March 28, 2022, the two members of the board of commissioners will be replaced by an additional county staff member and a county citizen with technical expertise which is consistent with the committee's purpose;

Section 2. By adding language to subparagraph (a) of paragraph (6) of subsection (a) of Section 2-477 pertaining to Membership to read as follows:

a. The terms of the members shall be for three years, except that, in the appointment of the first county transportation committee under the terms of this section, five members (the two members from the board of commissioners, the two members from the county staff, the member from the sheriff's office) shall be appointed for a term of three years; five members (the five members from the municipalities) shall be appointed for a term of two years, and one member (the county citizen with technical expertise) shall be appointed for one year.

Thereafter, all members shall serve for terms of three years. Beginning March 28, 2022, the terms of the members originally identified from the board of commissioners and changed to a county staff person and a county citizen shall continue to be for three years.

Section 3. By deleting language from subparagraph (c) of paragraph (6) of subsection (a) of Section 2-477 pertaining to Membership to read as follows:

c. Except as otherwise provided herein, all members of the county transportation committee shall, if necessary, hold over until their successors are appointed and qualified. The successors shall be appointed in the same manner as the initial members in the month immediately preceding the expiration of the members' respective terms of office. Any member of the county transportation

committee may be re-selected and re-appointed to serve a succeeding term. ~~All elected officials are eligible to serve so long as they remain in office. Should any elected official no longer hold his/her elected office, his/her seat shall be deemed vacant upon the end of the term of the elected office. The occurrence of any vacancy due to an elected official no longer being in office shall be filled by the municipality where the vacancy occurred in the same manner as the original appointment was made for the remainder of the unexpired term.~~

Section 4. This ordinance shall become effective as of March 28, 2022.

Section 5. All other ordinances and parts of ordinances in conflict with this ordinance shall be deemed repealed.

SO ORDAINED 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

COUNTY AGENDA REQUEST

Page 55 of 92

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Ordinance 2021-17, to provide for an amendment to the membership of the Fayette County Water Committee.

Background/History/Details:

The Board of Commissioners approved Ordinance 2018-18 at the April 24, 2018 Board of Commissioners meeting to formally create the Water Committee. At the direction of the Board, the proposed amendments removes "The Chairman of the Board of Commissioners, or his/her designee", and the "Director of Planning and Zoning" and replaces those seats with the Fayette County Fire Chief and the Director of Environmental Management. The remaining changes are in response to this amendment. The three (3) seats filled by Fayette County residents who are Water System customers will remain the same.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2021-17, to provide for an amendment to the membership of the Fayette County Water Committee.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY OF FAYETTE

STATE OF GEORGIA

ORDINANCE NO.

2021 -- ____

AN ORDINANCE BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY TO AMEND CERTAIN PROVISIONS GOVERNING THE MAKEUP OF THE FAYETTE COUNTY WATER COMMITTEE; TO PROVIDE FOR AN AMENDMENT TO THE MEMBERSHIP; TO PROVIDE FOR THE FILLING OF VACANCIES; 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 DIVISION 5 OF ARTICLE VI OF CHAPTER 2 OF THE CODE OF ORDINANCES FOR FAYETTE COUNTY PERTAINING TO THE FAYETTE COUNTY WATER COMMITTEE BE AMENDED AS FOLLOWS:

Section 1. By deleting and adding language in paragraph (1) of Section 2-527 (a) pertaining to membership to read as follows:

1. ~~The Board of Commissioners of Fayette County shall appoint the members of the Fayette County Water Committee.~~ Appointment to the Fayette County Water Committee shall be made in accordance with Fayette County Policy 100.19; Board Appointments. 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.

Section 2. By deleting and adding language in paragraph (2) (b) of Section 2-527 (a) pertaining to membership to read as follows:

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~~The County Administrator, ~~or his/her designee;~~ the Director of the Fayette County Water System; the ~~Director of Planning and Zoning~~Fayette County Fire Chief; the Director of Environmental Management; 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.

Section 3. By deleting and adding language in paragraph (8) of Section 2-527 (a) pertaining to membership to read as follows:

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. This ordinance shall become effective as of ~~April 24, 2018~~January 1, 2022.

Section 5. All other ordinances and parts of ordinances in conflict with this ordinance shall be deemed repealed.

SO ORDAINED this ____ day of _____, 20__.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

(SEAL)

By: _____
LEE HEARN, Chairman

ATTEST:

Tameca P. Smith, County Clerk

APPROVED AS TO FORM:

County Attorney

COUNTY AGENDA REQUEST

Page 59 of 92

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Ordinance 2021-15, establishing the composition and responsibilities of the Fayette County Retirement Committee.

Background/History/Details:

When the County began the defined benefit program in 2009 the Retirement Committee was formed to oversee the management of funds in the defined benefit and defined contribution programs and to make decisions about the administration of the two programs. No formal documentation was created at the time establishing the composition and responsibilities of the committee. The attached ordinance provides a formal structure for this committee.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2021-15, establishing the composition and responsibilities of the Fayette County Retirement Committee.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY OF FAYETTE

STATE OF GEORGIA

ORDINANCE NO.

2021 – ____

AN ORDINANCE BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY TO REAFFIRM AN EXISTING ADVISORY COMMITTEE KNOWN AS THE FAYETTE COUNTY RETIREMENT PENSION COMMITTEE; TO PROVIDE FOR TERMS OF OFFICE; TO PROVIDE FOR THE MEMBERSHIP; TO PROVIDE FOR THE FILLING OF VACANCIES; 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 RETIREMENT PENSION 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 6. FAYETTE COUNTY RETIREMENT PENSION COMMITTEE

Section 2. By adding the following sections to Division 6 creating the Fayette County Retirement Pension Committee providing for the makeup and functioning of the Fayette County Retirement Pension Committee to be numbered and to read as follows:

Section 2-550. Purpose.

The purpose of the Fayette County Retirement Pension Committee (the “Committee”) is to oversee, to the extent applicable, the administration and the investments of the Fayette County Board of Commissioners Employee Retirement Plan, the Fayette County, Georgia 457 (b) Deferred Compensation Plan, and the ACCG Defined Benefit Plan for the Fayette County Employees (collectively, the “Plans”). This Ordinance shall serve as the establishing legislation to re-create and re-affirm that committee known as the Fayette County Retirement Pension Committee. This Ordinance shall also serve as the Bylaws to provide the internal governance of the Fayette County Retirement Pension Committee.

Section 2-551. Membership.

(a) Membership. The Committee consists of seven appointed members employed with the County, including the County Administrator, the Chief Financial Officer, the Director of Human Resources, the head of Fire & Emergency Services, the Director of the Water System, the Sheriff (or his/her designee), and the head of

Public Works, all of whom shall serve at the pleasure of the Fayette County Board of Commissioners.

(b) Term and vacancies. The County shall appoint the members of the Committee in writing. Committee members may be added or removed only by the County. Any Committee member may resign by written notice to the County and the Committee. If a Committee member ceases to be an employee of the County, his or her Committee membership shall be automatically terminated without the need for further action by the County. Vacancies in the Committee arising by resignation, removal, or otherwise, shall be filled by the County.

Section 2-552. Officers.

(a) Officers. The Committee shall appoint one of its members as Chairman and shall appoint a Secretary, who may or may not be a member of the Committee.

(b) Officer responsibilities. If the Chairman is absent from a meeting, the members present at the meeting shall elect a member to act as Chairman for the meeting.

(c) Secretary responsibilities. The Secretary of the Committee shall be the Benefits Manager and shall have the following duties and responsibilities:

- (1) To maintain a current list of the membership of the Committee;
- (2) To notify Committee members of meetings;
- (3) To coordinate and disseminate information to the members of the Committee;

- (4) To prepare and maintain official summaries, minutes, and records of all proceedings of the Committee;
- (5) To respond to requests received by the Committee under the Georgia Open Records Act;
- (6) To prepare prior to each meeting of the Committee an agenda of business showing all matters known in advance that are due to come up;
- (7) To track the educational requirements for Committee members under applicable Georgia law;
- (8) To provide prior notice of meetings and post agendas as required by the Georgia Open Meetings Act; and
- (9) To coordinate agenda items and presentations for the Committee.

Section 2-553. Meetings.

- (a) Meeting schedule. The Committee shall meet once each calendar quarter. The Chairman or members of the Committee may call additional meetings of the Committee.
- (b) Meeting location. The Committee shall meet at the Commissioners' Conference Room located at the Fayette County Administrative Complex unless the Chairman or a majority of the members designates another location.
- (c) Public notice of regular meetings. The Secretary shall cause a notice of the time, place, and dates of regular meetings to be posted and maintained in a conspicuous place available to the public. The date, time, and place for Committee meetings shall also be posted on the County's website along with the agendas,

summaries, and minutes. The Secretary shall cause such notices to be posted at least five business days prior to the date of a regular meeting. The Secretary shall give 24 hours' written notice of any change to the time or place of a regular meeting of the Committee.

(d) Special meetings. Special meetings may be called by the Chairman upon 24 hours' notice to the Committee members. Such notice may be oral, written, or electronic.

(e) Emergency meetings. The Chairman may call an emergency meeting of the Committee giving less than 24 hours' notice. Such notice may be oral, written, or electronic. The reason for providing less than the required 24 hours' notice shall be entered on the minutes of the meeting. Each member attending an emergency meeting shall file a written waiver of notice with the Secretary.

(f) Meetings by teleconference. Under circumstances necessitated by emergency conditions involving public safety or the preservation of property of the County, the Committee may meet by means of teleconference so long as proper notice is provided and means are afforded for the public to have simultaneous access to the teleconference meeting.

(g) Attendance by teleconference. As long as a quorum is achieved in person at a meeting, a member may participate in a meeting of the Committee by teleconference if necessary due to reasons of health or absence from the jurisdiction; provided that absent emergency conditions or the written opinion of a physician or other health professional that reasons of health prevent a member's physical presence,

no member of the Committee may participate by teleconference more than twice in one calendar year.

(h) Meeting materials. The Secretary shall prepare a written or electronic agenda for each meeting that will be mailed or electronically transmitted with any materials supplied for the members' information one week prior to the meeting.

Section 2-554. Conduct of meetings.

(a) Quorum. A majority of the Committee members shall constitute a quorum. A quorum is required to conduct the business of the Committee. A vacant position shall not be considered for purposes of determining a quorum.

(b) Meeting agendas. After the meeting is called to order, any member of the Committee may move to add or delete from the agenda or move to add an item to a future meeting's agenda. Addition or deletion of any item requires the affirmative vote of a majority of the members present.

(c) Proxies not authorized. Proxy voting by the members shall not be authorized, and no member of the Committee may designate a substitute to sit and act in the member's place.

(d) Rules of order. The Committee hereby adopts Robert's Rules of Order as its rules for the proceedings of a deliberative body; however, by a vote of the majority of the members, the Committee may suspend the applicability of Robert's Rules of Order for a special purpose or during a certain time period for a meeting. Any reference to Robert's Rules of Order means the latest published edition of such rules at the time an issue arises with respect to such rules. An action

of the Committee that is otherwise valid is not invalid because of the failure to follow Robert's Rules of Order.

(e) Closed sessions. Closed session meetings that are not open to the general public may be held in accordance with the Georgia Open Meetings Act.

Section 2-555. Summary and minutes.

(a) Summaries. Within two business days of a public meeting of the Committee, the Secretary shall prepare a summary of the subjects acted on and those members present, which shall be written. A draft summary shall be distributed to each member of the Committee for review. As soon as reasonably possible after the summary is approved by the members of the Committee, the Secretary shall cause the summary to be posted on the County's website.

(b) Minutes. The Secretary shall take minutes of all meetings of the Committee. All minutes shall be prepared and maintained in accordance with the Georgia Open Meetings and Open Records Acts. Minutes of a closed session shall be maintained separately from minutes of the public meetings.

(c) Approval process. Draft minutes of each Committee meeting shall be prepared by the Secretary and mailed to the members of the Committee at least five days before the next regular meeting of the Committee. Draft minutes shall be approved or corrected by vote of the Committee at the next regular meeting of the Committee. The Secretary shall then cause the minutes to be published on the County's website.

Section 2-556. Compensation and expenses.

- (a) Compensation. Non-County employee members of the Committee shall serve without compensation. County employee members of the Committee who already receive full-time pay shall serve without additional compensation.
- (b) Expenses. The Committee may authorize reimbursement to members for all reasonable and proper expenses incurred in performing their duties.

2-557. Reports.

The Committee shall make such other reports and disclosures as may be required by law or by the applicable plan.

2-558. Miscellaneous.

- (a) Amendment of bylaws. These bylaws may be amended at any time by written action of the Board of Commissioners.
- (b) Review of bylaws. The Committee shall periodically review and assess the adequacy of these Bylaws and recommend any desired changes to the Board of Commissioners for approval in accordance with subsection (a) of this Code section.

Section 6. This ordinance shall become effective immediately upon its adoption.

Section 7. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance,

which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The board of commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

Section 8. All other ordinances and parts of ordinances in conflict with this ordinance shall be deemed repealed.

SO ORDAINED this ____ day of _____, 2021.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

(SEAL)

By: _____
LEE HEARN, Chairman

(c)

ATTEST:

Tameca P. Smith, County Clerk

APPROVED AS TO FORM:

County Attorney

COUNTY AGENDA REQUEST

Page 69 of 92

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Ordinance 2021-19, to identify a Local Government Agent as contemplated by the Abandoned Mobile Home Act.

Background/History/Details:

This ordinance is intended to provide for the authority to appoint an agent, the Director of Department of Building Safety, to determine the condition of mobile homes in order for landowners to remove or restore abandoned mobile homes left on their property. It is the further purpose of this article to provide landowners with the guidance necessary to efficiently and properly identify and dispose of abandoned mobile homes in this county while protecting the rights of any owner, lien holder, or other interested parties by performing a due diligence search, notification, and hearing process.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2021-19, to identify a Local Government Agent as contemplated by the Abandoned Mobile Home Act.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY OF FAYETTE

STATE OF GEORGIA

ORDINANCE

NO. 2021 - ____

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY; TO IDENTIFY A LOCAL GOVERNMENT AGENT FOR THE PURPOSE OF CLASSIFYING CERTAIN MOBILE HOMES AND MANUFACTURED HOMES AS ABANDONED; 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 THE CODE OF ORDINANCES OF FAYETTE COUNTY BE AMENDED BY ADDING A NEW ARTICLE TO CHAPTER 102 BUILDINGS AND BUILDING REGULATIONS PERTAINING TO THE CLASSIFICATION OF ABANDONED MOBILE HOMES AND MANUFACTURED HOMES AS FOLLOWS:

Section 1. By adding a new article with appropriate sections to Chapter 102 Buildings and Building Regulations to be numbered and to be entitled as follows:

ARTICLE XIII. ABANDONED MOBILE HOMES AND MANUFACTURED HOMES

Section 2. By adding a new section to Chapter 102 Buildings and Building Regulations providing for the purpose and intent to be numbered and to read as follows:

Sec. 102-2320. Purpose and intent.

The Board of Commissioners finds that abandoned mobile homes are a nuisance that cause blight and depress property values. This article is intended to provide the authority to appoint an agent to determine the condition of mobile homes in order for landowners to remove or restore abandoned mobile homes left on their property. It is the further purpose of this article to provide landowners with the guidance necessary to efficiently and properly identify and dispose of abandoned mobile homes in this county while protecting the rights of any owner, lienholder, or other interested parties by performing a due diligence search, notification, and hearing process.

Section 3. By adding a new section to Chapter 102 Buildings and Building Regulations providing for definitions to be numbered and to read as follows:

Sec. 102-2321. Definitions.

As used in this article, the term:

(1) “Abandoned mobile home” means a mobile home that has been left vacant by all tenants for at least 90 days without notice to the landowner and when there is evidence of one or more of the following:

- (A) A tenant’s failure to pay rent or fees for 90 days;
- (B) Removal of most or all personal belongings from such mobile home;
- (C) Cancellation of insurance for such mobile home;

(D) Termination of utility services to such mobile home; or

(E) A risk to public health, safety, welfare, or the environment due to such mobile home.

(2) “Derelict” means an abandoned mobile home which is in need of extensive repair and is uninhabitable and unsafe due to the presence of one or more of the following conditions:

(A) Inadequate provisions for ventilation, light, air, or sanitation; or

(B) Damage caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe.

(3) “Dispose” means to destroy, recycle, or repurpose for use not as living quarters.

(4) “Intact” means an abandoned mobile home which is in livable condition under applicable state law and the building and health codes of the county.

(5) “Landowner” means the owner of real property upon which a mobile home is located.

(6) “Local government agent” means a person appointed by the governing authority who is qualified to inspect an abandoned mobile home by demonstrating that he or she is qualified to determine if the abandoned mobile home is derelict or intact.

(7) “Manufactured home” means a new or used structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a

dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

(8) “Mobile home” means a new or used structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and built prior to June 15, 1976.

(9) “Responsible party” means any person with an ownership interest in an abandoned mobile home as evidenced by the last payor of record as identified by a search of deeds or instruments of title, and shall include any holder of a recorded lien or the holder of any type of secured interest in such abandoned mobile home or a local government with a claim for unpaid taxes.

Section 4. By adding a new section to Chapter 102 Buildings and Building Regulations providing for the designation of a local government agent to be numbered and to read as follows:

Section 102-2322. Designation of local agent.

The board of commissioners designates the director of the Department of Building Safety as the local government agent, with said local government agent being hereby clothed with the authority found in this article to inspect abandoned mobile homes and manufactured homes for the purposes provided for within this article.

Section 5. By adding a new section to Chapter 102 Buildings and Building Regulations providing for the procedure for the inspection of abandoned mobile homes and abandoned manufactured homes to be numbered and to read as follows:

Section 102-2323. Procedure to follow state law.

The process for inspecting abandoned mobile homes and abandoned manufactured homes is the process set out in state law at O.C.G.A. § 44-7-110 et seq. (the “Abandoned Mobile Home Act”). It is the intention of the board of commissioners that this article has been adopted to identify a local government agent as contemplated by the Abandoned Mobile Home Act. The local government agent so identified shall follow the process as provided in the Abandoned Mobile Home Act.

Section 6. This ordinance shall become effective immediately upon its adoption.

Section 7. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The board of commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

Section 8. All other ordinances and parts of ordinances in conflict with this ordinance shall be deemed repealed.

SO ORDAINED 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

COUNTY AGENDA REQUEST

Page 76 of 92

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of the approval of a Deed of Easement and an Ingress/Egress Easement to be conveyed by the owners of property in Trilith to Fayette County for the purpose of installing, constructing and maintaining water lines.

Background/History/Details:

These easements are being conveyed by the owners of property in Trilith to Fayette County.

The Deed of Easement describes a 20 ft.-wide area through Phase 3 where all the water lines have been installed.

The Ingress/Egress Easement grants authority to the County to travel the private roads in Phase 3 for the purpose of maintaining the water lines.

What action are you seeking from the Board of Commissioners?

Approval of a Deed of Easement and an Ingress/Egress Easement to be conveyed by the owners of property in Trilith to Fayette County for the purpose of installing, constructing and maintaining water lines.

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:

After recording return to:
McNally, Fox, Grant & Davenport, P.C.
100 Habersham Drive
Fayetteville, Georgia 30214

STATE OF GEORGIA

COUNTY OF FAYETTE

Tax Parcel I.D. No.: 0535001

DEED OF EASEMENT

THIS INDENTURE, made and entered into this 16th day of September, 2021, between Trilith Development, LLC, as party of the first part, hereinafter sometimes referred to as "Grantor;" and Fayette County, a political subdivision of the State of Georgia, as party of the second part, hereinafter referred to as "Grantee" (Grantor and Grantee to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

Grantor, for and in consideration of Ten (\$10.00) Dollars and other good and valuable consideration, in hand paid at and before the sealing and deliver of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, alienated, conveyed, and confirmed, and by these presents does hereby grant, bargain, sell, alien, convey, and confirm unto the said Grantee the following:


A permanent nonexclusive easement, over, through, under and across certain portion of the property of the Grantor as shown on a drawing titled Water Line Easement for Trilith Phase 3 Residential Palmyra Townhomes, prepared by Rochester and Associates, Inc., dated July 21, 2021, last revised August 26, 2021, across the lands of Trilith Development, LLC, Land Lot 161 of the 5th District, Fayette County, Georgia. Said easement area is limited solely to that certain portion of the property described in Exhibit "A" attached hereto said Exhibit "A" being incorporated herein by this reference.


The purpose of this grant of easement is to allow the Grantee, through its agents and employees, the right and privilege to install, construct and maintain water lines, together with all necessary and required pipes, conduits and related apparatus, over, through, under, and across the subject property. The permanent easement herein granted shall be perpetual in duration.

This instrument shall be binding upon the heirs, successors and assigns of the Grantor herein, and shall inure to the benefit of the successors in interest of the Grantee herein.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed of Easement the day and year first above written.

TRILITH DEVELOPMENT, LLC


WITNESS

By: 
Rob Parker, President


NOTARY PUBLIC

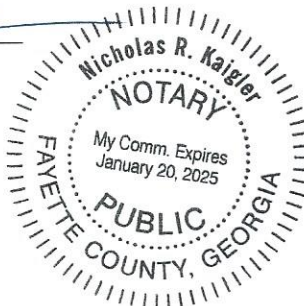


EXHIBIT "A"

Palmyra Water Line Easement Across the Lands of Trilith Development, LLC

Easement No. 1

All that tract or parcel of land lying and being in Land Lot 161, 5th District, City of Fayetteville, Fayette County, Georgia and being more particularly described as follows:

Commencing at a point located on the northwest corner of Lot H127 Trilith Phase 3 residential Palmyra Townhomes said point also being located on the eastern line of Heatherden Avenue (50' Private Right of Way);

Thence South 55°13'04" West, a distance of 11.21 feet to a point and the POINT OF BEGINNING;

Thence North 07°57'28" West, a distance of 20.00 feet to a point; Thence North 82°02'32" East, a distance of 82.88 feet to a point; Thence North 40°09'40" East, a distance of 3.75 feet to a point; Thence North 05°48'14" West, a distance of 12.59 feet to a point; Thence North 81°44'57" East, a distance of 10.47 feet to a point; Thence North 07°49'36" West, a distance of 118.73 feet to a point; thence 47.10 feet along a curve to the left having a radius of 207.29 feet and a chord bearing and distance of North 14°20'08" West 46.99 feet to a point; Thence North 17°57'27" West, a distance of 122.64 feet to a point; Thence South 72°02'33" West, a distance of 96.74 feet to a point; Thence North 17°46'34" West, a distance of 20.00 feet to a point; Thence North 72°02'33" East, a distance of 209.95 feet to a point; Thence South 17°57'27" East, a distance of 20.00 feet to a point; Thence South 72°02'33" West, a distance of 88.43 feet to a point; Thence South 23°53'07" West, a distance of 7.27 feet to a point; Thence South 17°57'27" East, a distance of 116.74 feet to a point; thence 51.12 feet along a curve to the right having a radius of 227.29 feet and a chord bearing and distance of South 14°16'14" East, 51.02 feet to a point; Thence South 07°49'36" East, a distance of 112.55 feet to a point; Thence South 57°13'45" East, a distance of 9.18 feet to a point; Thence North 81°44'57" East, a distance of 102.55 feet to a point; thence 20.03 feet along a curve to the right having a radius of 470.00 feet and a chord bearing and distance of South 05°13'29" East 20.03 feet to a point; Thence South 81°44'57" West, a distance of 119.77 feet to a point; Thence South 05°48'14" East, a distance of 1.91 feet to a point; Thence South 40°09'40" West, a distance of 19.88 feet to a point; Thence South 82°02'32" West, a distance of 90.54 feet to a point and the POINT OF BEGINNING.

Said easement containing 14,752 square feet or 0.339 acres more or less. The above describes a 20' water easement. Said easement being offset from the water line 5' and 15' from the line as shown on a drawing titled Water Line Easement for Trilith Phase 3 Residential Palmyra Townhomes, prepared by Rochester and Associates, Inc dated 7/21/2021 last revised 8/26/2021.

Also included in this Deed of Easement is the following:

Easement No. 2

All that tract or parcel of land lying and being in Land Lot 161, 5th District, City of Fayetteville, Fayette County, Georgia and being more particularly described as follows:

Commencing at a point located on the northeastern corner of Lot H121 Trilith Phase 3 residential Palmyra Townhomes said point also being located on the western right of way line of Shepperton Way (50' Private Right of Way);

Thence South 87°01'26" East, a distance of 25.20 feet to the true POINT OF BEGINNING; thence 20.03 feet along a curve to the left having a radius of 470.00 feet and a chord bearing and distance of North 05°13'29" West 20.03 feet to a point; thence 94.43 feet along a curve to the left having a radius of 470.00 feet and a chord bearing and distance of North 12°12'06" West 94.27 feet to a point; Thence North 17°57'27" West, a distance of 214.46 feet to a point; Thence North 17°57'27" West, a distance of 20.00 feet to a point; Thence North 17°57'27" West, a distance of 133.24 feet to a point; Thence South 72°32'38" West, a distance of 20.16 feet to a point; Thence North 17°27'22" West, a distance of 20.00 feet to a point; Thence North 72°32'38" East, a distance of 39.99 feet to a point; Thence South 17°57'27" East, a distance of 331.39 feet to a point; Thence North 73°03'58" East, a distance of 1.99 feet to a point; Thence South 53°20'56" East, a distance of 5.38 feet to a point; Thence North 87°54'07" East, a distance of 31.90 feet to a point; Thence South 02°05'53" East, a distance of 20.00 feet to a point; Thence South 87°54'07" West, a distance of 31.53 feet to a point; Thence South 17°57'28" East, a distance of 32.37 feet to a point; thence 200.48 feet along a curve to the right having a radius of 490.00 feet and a chord bearing and distance of South 06°14'12" East 199.09 feet to a point; Thence South 42°52'34" East, a distance of 8.00 feet to a point; Thence South 07°27'00" West, a distance of 4.81 feet to a point; Thence North 84°22'04" West, a distance of 24.60 feet to a point; Thence North 42°52'34" West, a distance of 1.73 feet to a point; thence 86.74 feet along a curve to the left having a radius of 470.00 feet and a chord bearing and distance of North 01°16'59" East, 86.62 feet to a point and the POINT OF BEGINNING.

Said easement containing 13,026 square feet or 0.299 acres more or less. The above describes a 20' water easement. Said easement being offset from the water line 5' and 15' from the line as shown on a drawing titled Water Line Easement for Trilith Phase 3 Residential Palmyra Townhomes, prepared by Rochester and Associates, Inc dated 7/21/2021 last revised 8/26/2021.

After recording return to:
 McNally, Fox, Grant & Davenport, P.C.
 100 Habersham Drive
 Fayetteville, Georgia 30214

STATE OF GEORGIA

COUNTY OF FAYETTE

Tax Parcel I.D. No.: 0535001

INGRESS/EGRESS EASEMENT

THIS INDENTURE, made and entered into this 16th day of September, 2021, between Trilith Development, LLC, as party of the first part, hereinafter sometimes referred to as "Grantor;" and Fayette County, a political subdivision of the State of Georgia, as party of the second part, hereinafter referred to as "Grantee" (Grantor and Grantee to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

Grantor, for and in consideration of Ten (\$10.00) Dollars and other good and valuable consideration, in hand paid at and before the sealing and deliver of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, alienated, conveyed, and confirmed, and by these presents does hereby grant, bargain, sell, alien, convey, and confirm unto the said Grantee the following:

A permanent nonexclusive easement, over, through, and across certain property of the Grantor as shown on a drawing titled Water Line Easement for Trilith Phase 3 Residential Palmyra Townhomes, prepared by Rochester and Associates, Inc., dated July 21, 2021, last revised August 26, 2021, across the lands of Trilith Development, LLC, Land Lot 161 of the 5th District, Fayette County, Georgia (the "Phase 3 Drawing"). Said easement is depicted in the Phase 3 Drawing as the private right of ways which are shown therein, i.e., Kubrick Place, Pearl Lane, Palma Lane, Lillian Lane, Fifth Street, Heatherden Avenue, and Shepperton Way.

The purpose of this grant of easement is to allow the Grantee, through its agents and employees, the right and privilege to access those permanent waterline easements conveyed by Grantor to Grantee in that certain Deed of Easement dated September 16, 2021, by authorizing Grantee, through its agents and employees, the right and privilege to travel the private right of ways as depicted on the Phase 3 Drawing for the purpose of ingress and egress within this portion of the subject property. The permanent easement herein granted shall be perpetual in duration.

This instrument shall be binding upon the heirs, successors and assigns of the Grantor herein, and shall inure to the benefit of the successors in interest of the Grantee herein.

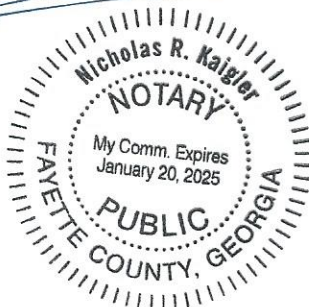
IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed of Easement the day and year first above written.

TRILITH DEVELOPMENT, LLC


WITNESS

By: 
Rob Parker, President


NOTARY PUBLIC



COUNTY AGENDA REQUEST

Page 83 of 92

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of staff's request to apply for State of Georgia Fiscal Recovery Fund/American Rescue Plan Act - Water/Sewer Infrastructure Grant and/or the FEMA Hazard Mitigation Grant to replace and upgrade the emergency generator at the South Fayette Water Treatment Plant in the amount of \$970,000 with a County match of \$388,000.

Background/History/Details:

The South Fayette Water Treatment Plant is a critical facility that provides potable drinking water to Tyrone, Peachtree City, Woolsey, Brooks, City of Fayetteville and the unincorporated county. The South Fayette WTP is permitted to produce 9.3 million gallons per day. This plant has experienced multiple weather-related utility power outages in the past.

The request will provide backup power for the South Fayette Water Treatment Plant operations in the event of future power outages for a critical facility designation.

What action are you seeking from the Board of Commissioners?

Approval to apply for State of Georgia Fiscal Recovery Fund/American Rescue Plan Act - Water/Sewer Infrastructure Grant and/or the FEMA Hazard Mitigation Grant to replace and upgrade the emergency generator at the South Fayette Water Treatment Plant.

If this item requires funding, please describe:

Funding is available in the Water System's Revenue and Extension fund.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

The State of Georgia American Rescue Plan Act proposed grant deadline is October 31st.

Atkins, Carlos

From: Mariano Rojas <mariano.rojas@cummins.com>
Sent: Friday, August 6, 2021 12:16 PM
To: Atkins, Carlos
Subject: RE: Crosstown WTP - Genset Preliminary Information
Attachments: 1000kW C1000N6B - Genset Spec Sheet - NAS-C1000N6B-C1300N6.pdf; 1000kW C1000N6B - Genset Data Sheet - NAD-C1000N6B.pdf; 1000kW C1000N6B - Enclosed Genset Outline Drawing - C1000N6B-03_A066M380 (PRELIMINARY_2021 04 15).pdf

Hello Carlos,

Per our conversation yesterday, here are the genset spec/data sheets and enclosed outline preliminary drawing for the 1000kW natural gas standby genset (model C1000N6B).

The budgetary number for the enclosed C1000N6B genset at 480V with sound attenuated enclosure is \$485k per unit. This number includes freight to site, start-up and training services. Rigging, installation, and contractor fees are not included.

In terms of paralleling switchboard for a system with (2) 1000kW gensets and (1) future generator, the budgetary pricing is \$440k. This assumes an indoor NEMA 1 switchboard with a 4000A transfer pair to transfer/retransfer the site loads from utility to emergency power.

Hope this helps. Please let me know if you have any questions or need any further assistance.

Great talking to yesterday and have a nice weekend,

Mariano H. Rojas
 Sales Application Engineer, Power Generation
 W: +1-404-765-5168
 M: +1-404-326-2562
mariano.rojas@cummins.com

Cummins Sales and Service
 4820 N Orange Blossom Trail
 Orlando, FL 32810
salesandservice.cummins.com

From: Atkins, Carlos <Carlos.Atkins@arcadis.com>
Sent: Tuesday, August 03, 2021 12:44 PM
To: Mariano Rojas <mariano.rojas@cummins.com>
Subject: RE: Crosstown WTP - Genset Preliminary Information

EXTERNAL SENDER: This email originated outside of Cummins. Do not click links or open attachments unless you verify the sender and know the content is safe.

Good Afternoon Mariano,

I had a recent discussion with the client and it appears that they prefer to use a natural gas genset instead of diesel. It was also established that 3-1000kw generators will be used to handle existing and future load. The facility does not currently have incoming gas pipe lines. What other components might be useful for this system to operate?

GAS FIRED GENERATORS VS DIESEL BASED UNITS- WHAT'S THE STORY TODAY

Prepared By: Carlos Atkins (Arcadis) on August 19th, 2021

GAS FIRED

1. Unit size is no longer a main factor. Capital cost is still 1.7-2 times more than diesel.
2. Natural gas engines don't wet stack but still need periodic load bank testing (typically every 5 years) to validate generator health and cooling system performance compared to diesel generators.
3. Fuel costs for a 1000 KW unit running 100 HR/YR is \$20,000 less.
4. No upfront National Gas Utility Service cost from Atlanta Gas & Light.
5. Gas flammability requires additional monitoring. However, natural gas generators utilize catalytic converters to produce less nitrogen and carbon monoxide experience only a minimum increase in cost.
6. Diesels have particulates but natural gas engines don't have measurable levels. The level is so low on natural gas engines that the EPA does not require it to be measured.
7. Apart from being cleaner and cheaper, natural gas is also readily available in large cities since it is delivered directly through pipelines. Hence, when using natural gas-powered generators, storage of fuel becomes redundant.

DIESEL FIRED

1. Capital cost are lower compared to gas gensets.
2. Generators are periodically loaded to 100 percent capacity in a process called load bank testing. Diesel generators need this done more frequently (typically every 2 to 3 years) due to an effect known as wet stacking. Wet stacking is a buildup of unburnt fuel in the exhaust system. This can occur when a diesel generator is consistently operating at no load exercise or load levels less than 30 percent.
3. Diesel is typically three to four times more expensive for the energy gained (\$/BTU). Diesel also has the additional disadvantage of having to be prepaid. This initial prepay occurs at commissioning when the onsite diesel fuel tank is filled for the first time. Applications desiring extended runtimes — 72 or 96 hours of onsite diesel — have greater initial fuel costs and greater ongoing maintenance costs.
4. Being less flammable than other fuel sources, diesel generators also score high on the safety front. Moreover, the absence of spark plugs eliminates the risk of freak fires.
5. Diesel fuel has multiple failure modes that need to be protected against with maintenance and contingency planning:
 - Fuel depletion
 - Moisture
 - Biomass
 - Gelling
 - Fuel instability/varnishing
 - Fuel transfer systems

6. Diesel fuel must be tested annually and maintained as necessary to be reliable. Fuel polishing is the process of removing the contaminants and restoring necessary fuel additives. Diesel fuel must be tested annually and maintained as necessary to be reliable. As a general rule, fuel needs to be repolished every at least 2 years.
7. Both diesel and gas generators will require routine maintenance. This is typically an annual inspection and servicing.

COUNTY AGENDA REQUEST

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Department: Administration

Presenter(s): Steve Rapson, County Administrator

Meeting Date: Thursday, October 14, 2021

Type of Request: New Business #17

Wording for the Agenda:

Consideration of an Intergovernmental Agreement between the Town of Woolsey and Fayette County to transfer the Town of Woolsey American Rescue Plan Act (ARPA) allocation funds as necessary under the terms of the ARPA program, in conformance with reporting rules, and in a manner that fosters the best interests of both the Town of Woolsey and Fayette County.

Background/History/Details:

Fayette County provides several service deliveries to the Town of Woolsey and will use these funds to offset those expenses.

What action are you seeking from the Board of Commissioners?

Approval of an Intergovernmental Agreement between the Town of Woolsey and Fayette County to transfer the Town of Woolsey American Rescue Plan Act (ARPA) allocation funds as necessary under the terms of the ARPA program, in conformance with reporting rules, and in a manner that fosters the best interests of both the Town of Woolsey and Fayette County.

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 Yes

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

This IGA is an example of the collaborative relationship between the Town and the County in providing citizens quality of life services.

COUNTY OF FAYETTE
TOWN OF WOOLSEY

**AGREEMENT FOR THE TRANSFER OF
AMERICAN RESCUE PLAN ACT (ARPA) FUNDS**

THIS AGREEMENT, hereinafter referred to as “Agreement” is made and entered into this ____ day of _____, 2021 by and between FAYETTE COUNTY, GEORGIA a political subdivision of the state of Georgia acting by and through its duly elected Board of Commissioners, hereinafter referred to as “County” and THE TOWN OF WOOLSEY , a political subdivision of the state of Georgia acting by and through its duly elected Mayor and Council, hereinafter referred to as “Town” for the transfer of certain federal funds from the Town to the County for distribution in accordance with federal law.

WHEREAS, on March 11, 2021, the American Rescue Plan Act was signed into law, hereinafter referred to as “ARPA,” in part to provide support to local governments in responding to the economic and public health impacts of COVID-19; and

WHEREAS, ARPA allocated funds to local governments to accomplish this goal; and

WHEREAS, the Town and the County share a common interest in the well-being of the Town and the citizens thereof; and

WHEREAS, the Town and the County have a well-established relationship founded on mutual respect and a common interest in working for the good of the Town and the County; and

WHEREAS, the Town has received a payment of thirty-one thousand, one-hundred eighty-two dollars (\$31,182.00), as an initial payment of funds allocated to the Town through ARPA; and

WHEREAS, the Town anticipates receipt of an additional payment of thirty-one thousand, one-hundred eighty-two dollars (\$31,182.00), as final payment of funds allocated to the Town through ARPA; and

WHEREAS, the Town believes that the County is in a superior position to distribute the ARPA funds in a manner that ensures compliance under the law, meets the ARPA reporting rules, and fosters the best interests of both the Town and the County; and

WHEREAS, the Town is prepared to forward all funds allocated to the Town through ARPA, to the County; and

WHEREAS, the County will utilize the funds as it deems necessary under the terms of the ARPA program, in conformance with reporting rules, and in a manner that fosters the best interests of both the Town and the County; and

WHEREAS, the Town will remain responsible for regular reporting as to the disposition of ARPA funds.

NOW THEREFORE, for and in consideration of the mutual promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, both parties, agree as follows:

1.

The Town has determined that the County is in a superior position to handle the distribution of the Federal funds allocated to the Town under the American Rescue Plan Act (ARPA) and received by the Town under ARPA in a manner that ensures compliance under ARPA rules, meets the ARPA reporting rules, and fosters the best interests of both the Town and the County.

2.

The Town has further determined that the best interests of the Town are served by transfer of all funds allocated to the Town and received by the Town under ARPA to the County.

3.

The Town hereby transfers the initial payment of funds, received by the Town through ARPA allocation, an amount equal to thirty-one thousand, one-hundred eighty-two dollars (\$31,182.00), to the County to be utilized as the County deems necessary, in compliance with ARPA rules and in the best interests of the Town and the County.

4.

Upon receipt the Town shall transfer all remaining funds allocated to the Town under ARPA, expected to an amount equal to thirty-one thousand, one-hundred eighty-two dollars (\$31,182.00), to the County to be utilized as the County deems necessary in compliance with ARPA rules and in the best interests of the Town and the County.

5.

The County agrees that it will report monthly to the Town as to the specific distribution of the ARPA funds it receives from the Town.

6.

This Agreement shall become effective on the date of execution and remain in effect through the one-year anniversary of its execution. Thereafter, this Agreement shall automatically renew (Renewal Term), unless terminated by either party hereto through written notice received at least sixty (60) days prior to termination of the Initial Term or the then current "Renewal Term".

7.

This Agreement shall constitute the entire agreement and shall supersede all other agreements of the parties as to the forgoing matter. No representations not contained herein have been relied upon or shall be binding upon either of the parties hereto. This Agreement may not be modified except by written agreement signed by both parties.

(SIGNATURES TO FOLLOW ON NEXT PAGE)

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the date first above written.

**BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA**

By: _____
Lee Hearn, Chairman

ATTEST:

(COUNTY SEAL)

Tameca P. Smith, Clerk

TOWN OF WOOLSEY

By: _____
Gary Laggis, Mayor

ATTEST:

(TOWN SEAL)

By:

Approved as to form:

County Attorney