

## Board of Commissioners

75 Langley Drive • Lawrenceville, GA 30046-6935  
770.822.7000 • www.gwinnettcountry.com

Charlotte J. Nash, Chairman  
Jace W. Brooks, District 1  
Lynette Howard, District 2  
Tommy Hunter, District 3  
John Heard, District 4



## Work Session Agenda Tuesday, January 15, 2013 - 10:00 AM

### I. Call To Order

### II. Approval of Agenda

### III. New Business

#### I. Commissioners

**2013-0101 Approval** of appointment to the Gwinnett Animal Advisory Council. Term Expires December 31, 2014. Chairman's Appointment

**2013-0102 Approval** of appointment to the Gwinnett Animal Advisory Council. Term Expires December 31, 2013. District 1/Brooks

**2013-0103 Approval** of appointment to the Gwinnett Animal Advisory Council. Term Expires December 31, 2014. District 2/Howard

**2013-0104 Approval** of appointment to the Gwinnett Animal Advisory Council. Term Expires December 31, 2013. District 3/Hunter

**2013-0105 Approval** of appointment to the Gwinnett Animal Advisory Council. Term Expires December 31, 2014. District 4/Heard

**2013-0106 Approval** to appoint Walter Rekuc, Commercial Developer Member; Mark Richardson, Multi-family Developer Member; Jennifer DeWeese, Office Developer Member; Taylor Anderson, Registered Engineer Member; Scott Zanardo, Registered Architect member; Terri Rosamond, Utilities Coordinating Member; and Clint Dixon, Planning Commissioner Member to the Development Advisory Committee. Term Expires December 31, 2014.

gwinnettcountry

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**III. New Business**

**I. Commissioners**

**2013-0107 Approval** to appoint Terry Baker, Registered Landscape Architect Member and Dennis Billew, Development Advisory Committee Member to the Tree Advisory Committee. Term Expires December 31, 2014.

**2013-0109 Approval** to appoint Mark Richardson, General Contractor; Michael W. Banham, Registered Fire Protection Engineer; Jiles A. Singleton, Registered Mechanical Engineer and Roger S. Lingerfelt, Registered Structural Engineer to the Board of Construction Adjustments and Appeals. Term Expires December 31, 2014.

**2. Multiple Departments**

**2013-0086 Award BL136-12**, purchase of original equipment manufacturer (OEM) toner and inkjet cartridges on an annual contract (January 17, 2013 through January 16, 2014), to low responsive bidders as follows: Computer Networking, Inc. dba CNI Office Supplies, Laserlink International, Inc., The Office Pal, Polir Business Development Group dba Polir Inkjet & Toner, and U.S. Ink and Toner, Inc., per attached recommendation letter, base bid \$125,000.00. (Staff Recommendation: Award)

**3. Community Services/Phil Hoskins**

**2013-0037 Award BL141-12**, provision of PoolPak maintenance and repair on an annual contract (January 16, 2013 through January 15, 2014), to sole bidder, Bardi Mechanical, base bid \$155,000.00. This contract is funded by the Recreation Fund. (Staff Recommendation: Award)

**4. Fire Services/Bill Myers**

**2013-0028 Approval** to accept the donation of a damaged casket (valued at \$1,400.00) from Tim Stewart Funeral Home to the Department of Fire and Emergency Services Honor Guard. The damaged casket will be utilized to provide funeral training to members of the Honor Guard. (Staff Recommendation: Approval)

**Work Session Agenda**  
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**III. New Business**

**4. Fire Services/Bill Myers**

**2013-0027 Approval/authorization** for the Chairman to sign a Memorandum of Understanding/Agreement between the Georgia Emergency Management Agency-Homeland Security Georgia Search and Rescue Team (GEMA/GSAR) and Gwinnett County. This agreement will provide mutual assistance between the participating parties in managing any emergency or disaster that is declared by the governing authority of any political subdivision that is a participating party. (Staff Recommendation: Approval)

**5. Law Department/Van Stephens**

**2012-1139 Approval/authorization** for Project Jimmy Carter Boulevard/SR 140 and I-85 Diverging Diamond Interchange Improvements, Project #F-0780-01 for Declaration of Taking procedures for condemnation proceedings regarding the property of Preferred Real Estate Equities, Inc., United Community Bank (Georgia), as successor in interest to Independent Bank & Trust Company, and Budget Rent A Car System, Inc., located in Land Lot 195 of the 6th District of Gwinnett County, Georgia, consisting of 1,654.15 square feet of right of way and 1,502.97 square feet of permanent easement for the construction and maintenance of slopes, Parcel 5, Zoning C-2, Amount \$59,610.00. This project is funded by the 2009 SPLOST Program. District 2/Howard

**2013-0014 Approval/authorization** for Project Bryson Park/Lions Club Park Connection-Lawrenceville Highway/U.S. Highway 29/State Route 8 from Rockbridge Road to Hillcrest Road, Project #F-0792-01 for Declaration of Taking procedures for condemnation proceedings regarding the property of Podber Limited Partnership, located in Land Lot 146 of the 6th District of Gwinnett County, Georgia, consisting of 2,100.81 square feet of permanent easement for the construction and maintenance of slopes and 383.54 square feet of 24-month temporary driveway easement, Parcel 5, Zoning C-2, Amount \$9,905.00. This project is funded by the 2009 SPLOST Program. District 2/Howard

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**III. New Business**

**6. Support Services**

**2013-0080 Award BL137-12**, Gwinnett County Fire Station No. 10 entrance drive project, to low bidder, Charles W. Pruitt Enterprises, Inc., amount not to exceed \$196,890.00. Authorization for Chairman to execute contracts subject to approval by the Law Department and proof of authenticity of bonds. Contracts to follow award. This project is funded by the 2009 SPLOST program. District I/Brooks (Staff Recommendation: Award)

**7. Transportation/Kim Conroy**

**2013-0084 Approval** to renew BL014-12, purchase of hot asphaltic patch mix on an annual contract (March 06, 2013 through March 05, 2014), with low bidders, E.R. Snell Contractors, Inc., C.W. Matthews Contracting Company, Inc., and Metro Materials, base bid \$295,000.00 (negotiated cost savings of approximately \$4,917.00). (Staff Recommendation: Award)

**2013-0077 Approval/authorization** for the Chairman to execute a Memorandum of Agreement with the Georgia Department of Transportation for the installation of roadway lighting on SR 120 from Meadow Church Way and Meadow Church Road, estimated operating costs \$298.92, estimated revenue \$330.00. Subject to approval by Law Department. District I/Brooks (Staff Recommendation: Approval)

**2013-0078 Approval/authorization** to modify the 2005 and 2009 SPLOST programs. Funding to be reallocated from savings, planning dollars and longer term projects to address shorter term, more immediate needs including road resurfacing, intersection improvements, school safety and pedestrian safety improvements, major road improvements and bridge improvements. Total reallocation in the 2005 SPLOST is \$1,737,881.40; total reallocation in the 2009 SPLOST is \$7,452,351.66. (Staff Recommendation: Approval)

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**III. New Business**

**8. Water Resources/Ron Seibenhener**

**2013-0022 Award OS045**, maintenance agreement for the Invensys-Foxboro distributed control system on a multi-year contract, with Invensys Systems, Inc. The initial term of this contract shall be January 01, 2013 through December 31, 2013, base amount \$345,358.47. This contract shall terminate absolutely and without further obligation on the part of the County on December 31, 2013 and at the close of each succeeding calendar year for which it may be renewed. This contract may be automatically renewed on an annual basis for four additional twelve-month terms, for a total lifetime contract term of five years, total base amount \$1,698,792.35, upon the same terms and conditions as provided for in this agreement, unless previously terminated. Authorization for Chairman to execute contracts subject to approval by the Law Department. Contracts to follow award. This contract is funded through the Water & Sewer Operating Fund. District 1/ Brooks (Staff Recommendation: Award)

**2013-0079 Approval** to renew BL141-11, purchase of pebble quick lime and bulk hydrated lime on an annual contract (January 18, 2013 through January 17, 2014), with low bidder, Cheney Lime & Cement Company, base bid \$260,786.00. This contract is funded by the Water & Sewer Operating Fund. (Staff Recommendation: Approval)

**2013-0029 Approval/authorization** for the Chairman to 1) execute and record a Declaration of Conservation Covenant and Restrictions and, 2) to execute and grant a Conservation Easement to the Georgia Piedmont Land Trust on the areas within the Sweetwater-Old Norcross Stream Restoration and Wetland Mitigation Bank Project, parcel number 7040-274, subject to review by the Law Department. The Declaration of Covenant and Restrictions and a Conservation Easement are required by the United States Army Corp of Engineers to satisfy the Clean Water Act, Section 404 Permit conditions and compensatory mitigation requirements resulting from unavoidable loss of natural resources, District 4/Heard (Staff Recommendation: Approval)

**2013-0032 Approval/authorization** for the Chairman to execute a Memoranda of Understanding with the Georgia Department of Transportation for work associated with the SR 20 Bridge Widening and Relocation project. No funding involved. District 4/Heard (Staff Recommendation: Approval)

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**Tuesday, January 15, 2013 - 10:00 AM**  
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**III. New Business**

**8. Water Resources/Ron Seibenhener**

**2013-0033 Approval/authorization** for the Chairman to execute a Memorandum of Agreement in the amount of \$250,000.00 to participate in the Metropolitan North Georgia Water Planning District Toilet Retrofit Program, subject to approval by the Law Department. (Staff Recommendation: Approval)

**IV. Old Business**

**I. Commissioners**

**2012-0082 Approval** of appointment to the Tree Advisory Committee. Term Expires December 31, 2013. Chairman's Appointment (Tabled on 01/03/2013)

**2013-0047 Approval** of appointment to the Gwinnett Historical Restoration & Preservation Board. Incumbent Kim Hall. Term Expires December 31, 2016. Chairman's Appointment (Tabled on 01/03/2013)

**2013-0055 Approval** of appointment to the Gwinnett Transit System Advisory Board. Incumbent Scott Haggard. Term Expires December 31, 2016. Chairman's Appointment (Tabled on 01/03/2013)

**2013-0070 Approval** of appointment to the Water & Sewerage Authority. Incumbent Stephen Hill. Term Expires December 31, 2013. Chairman's Appointment (Tabled on 01/03/2013)

**2013-0075 Approval** to appoint Barbara Seal, Jonathan Semerjian and Ron Peters to the Upper Ocmulgee River Resource Conservation & Development Council, Inc. Term Expires June 20, 2013 (Tabled on 01/03/2013)

**V. Adjournment**

## MEMORANDUM

To: Chairman Charlotte J. Nash  
District 1 Commissioner Brooks  
District 2 Commissioner Howard  
District 3 Commissioner Hunter  
District 4 Commissioner Heard

From: Emily Fehn, Communications Office

The following item(s) will be on the agenda for the BOC business session on January 15, 2013, under the item of business announcements as a resolution of recognition, award, etc., as indicated:

- 1) **Award Presentation:** 2012 NACIO Superior Award for the 2010 Corrections Annual Report  
**Requested by:** David Peek, Corrections Warden  
**Attendee(s):** Employees from the Corrections department and the Communications Division  
**Presented by:** Chairman Charlotte J. Nash
- 2) **Award Presentation:** 2012 NACIO Excellent Award for the Neighborhood Stabilization Program  
**Requested by:** Maria Woods, Financial Services Director  
**Attendee(s):** Employees from the Financial Services department and the Communications Division and Gwinnett County Neighborhood Stabilization Program representatives  
**Presented by:** Chairman Charlotte J. Nash
- 3) **Award Presentation:** Georgia Fats, Oils, and Grease Alliance 2012 System of the Year  
**Requested by:** Ron Seibenhener, Water Resources Director  
**Attendee(s):** Ron Seibenhener, James Jones, Water Quality Associate, Douglas White, Georgia Fats, Oils, and Grease (FOG) Alliance President, and representatives from the Georgia FOG Alliance  
**Presented by:** Chairman Charlotte J. Nash
- 4) **Award Presentation:** Atlanta Regional Commission's Green Communities Certification  
**Requested by:** Aaron Bovos, Deputy County Administrator  
**Attendee(s):** Dennis Baxter, Operations Manager and Gwinnett County Environmental Sustainability Program Manager, and members of the Green Team  
**Presented by:** Chairman Charlotte J. Nash

c: Glenn Stephens      Aaron Bovos  
Joe Sorenson      Debbie Savage  
Heather Sawyer      Debbie Hale  
Diane Kemp      Michelle Patterson  
Tina King

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                            |                           |                                                                                                                                              |                      |                         |            |
|----------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------|------------|
| <b>GCID #</b>                                                                                                              | <b>Group With GCID #:</b> | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                      |                         |            |
| <b>20130101</b>                                                                                                            |                           |                                                                                                                                              |                      |                         |            |
| <b>Department:</b>                                                                                                         | Commissioners             |                                                                                                                                              |                      | <b>Date Submitted:</b>  | 01/08/2013 |
| <b>Working Session:</b>                                                                                                    | 01/15/2013                | <b>Business Session:</b>                                                                                                                     | 01/15/2013           | <b>Public Hearing:</b>  |            |
| <b>Submitted By:</b>                                                                                                       | Diane Kemp                |                                                                                                                                              |                      | <b>Multiple Depts?</b>  |            |
| <b>Budget Type:</b>                                                                                                        |                           |                                                                                                                                              |                      | <b>Special Routing:</b> |            |
| <b>Agenda Type</b>                                                                                                         | Approval                  |                                                                                                                                              | <b>Rezoning Type</b> |                         |            |
| <b>Item of Business:</b>                                                                                                   |                           |                                                                                                                                              |                      |                         |            |
|                                                                                                                            |                           |                                                                                                                                              |                      | Locked by Purchasing    | No         |
| of appointment to the Gwinnett Animal Advisory Council. Term Expires December 31, 2014. Chairman's Appointment             |                           |                                                                                                                                              |                      |                         |            |
| <b>Attachments</b>                                                                                                         | None                      |                                                                                                                                              |                      |                         |            |
| <b>Authorization: Chairman's Signature?</b> No                                                                             |                           |                                                                                                                                              |                      |                         |            |
| <b>Staff Recommendation</b>                                                                                                |                           |                                                                                                                                              |                      |                         |            |
| <b>Department Head</b>                                                                                                     |                           |                                                                                                                                              |                      |                         |            |
| <b>Attorney</b>                                                                                                            |                           |                                                                                                                                              |                      |                         |            |
| <b>Attorney's Comments</b>                                                                                                 |                           |                                                                                                                                              |                      |                         |            |
| Agenda Purpose Only <input type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/> |                           |                                                                                                                                              |                      |                         |            |

## Financial Services Use Only

|                                   |                 |                  |                        |                             |                            |
|-----------------------------------|-----------------|------------------|------------------------|-----------------------------|----------------------------|
| <b>Financial Action Requested</b> |                 |                  |                        |                             |                            |
|                                   | <b>Budgeted</b> | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |
|                                   |                 |                  |                        |                             |                            |
|                                   |                 |                  |                        |                             |                            |
|                                   |                 |                  |                        |                             |                            |
| <b>Finance Comments</b>           |                 |                  |                        |                             |                            |

## County Clerk Use Only

|                        |          |  |  |                                              |
|------------------------|----------|--|--|----------------------------------------------|
|                        |          |  |  | <b>PH was Held?</b> <input type="checkbox"/> |
| <b>Working Session</b> |          |  |  | Vote                                         |
| <b>Action</b>          | New Item |  |  |                                              |
| <b>Tabled</b>          |          |  |  |                                              |
| <b>Motion</b>          |          |  |  |                                              |
| <b>2nd by</b>          |          |  |  |                                              |

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                            |                           |                                                                                                                                              |                      |                         |            |
|----------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------|------------|
| <b>GCID #</b>                                                                                                              | <b>Group With GCID #:</b> | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                      |                         |            |
| <b>20130102</b>                                                                                                            |                           |                                                                                                                                              |                      |                         |            |
| <b>Department:</b>                                                                                                         | Commissioners             |                                                                                                                                              |                      | <b>Date Submitted:</b>  | 01/08/2013 |
| <b>Working Session:</b>                                                                                                    | 01/15/2013                | <b>Business Session:</b>                                                                                                                     | 01/15/2013           | <b>Public Hearing:</b>  |            |
| <b>Submitted By:</b>                                                                                                       | Diane Kemp                |                                                                                                                                              |                      | <b>Multiple Depts?</b>  |            |
| <b>Budget Type:</b>                                                                                                        |                           |                                                                                                                                              |                      | <b>Special Routing:</b> |            |
| <b>Agenda Type</b>                                                                                                         | Approval                  |                                                                                                                                              | <b>Rezoning Type</b> |                         |            |
| <b>Item of Business:</b>                                                                                                   |                           |                                                                                                                                              |                      |                         |            |
|                                                                                                                            |                           |                                                                                                                                              |                      | Locked by Purchasing    | No         |
| of appointment to the Gwinnett Animal Advisory Council. Term Expires December 31, 2013. District 1/Brooks                  |                           |                                                                                                                                              |                      |                         |            |
| <b>Attachments</b>                                                                                                         | None                      |                                                                                                                                              |                      |                         |            |
| <b>Authorization: Chairman's Signature?</b>                                                                                |                           |                                                                                                                                              |                      |                         |            |
| No                                                                                                                         |                           |                                                                                                                                              |                      |                         |            |
| <b>Staff Recommendation</b>                                                                                                |                           |                                                                                                                                              |                      |                         |            |
| <b>Department Head</b>                                                                                                     |                           |                                                                                                                                              |                      |                         |            |
| <b>Attorney</b>                                                                                                            |                           |                                                                                                                                              |                      |                         |            |
| <b>Attorney's Comments</b>                                                                                                 |                           |                                                                                                                                              |                      |                         |            |
| Agenda Purpose Only <input type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/> |                           |                                                                                                                                              |                      |                         |            |

## Financial Services Use Only

|                                   |                  |                        |                             |                            |  |
|-----------------------------------|------------------|------------------------|-----------------------------|----------------------------|--|
| <b>Financial Action Requested</b> |                  |                        |                             |                            |  |
| <b>Budgeted</b>                   | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |  |
|                                   |                  |                        |                             |                            |  |
|                                   |                  |                        |                             |                            |  |
|                                   |                  |                        |                             |                            |  |
| <b>Finance Comments</b>           |                  |                        |                             |                            |  |

## County Clerk Use Only

|                        |          |  |                                              |
|------------------------|----------|--|----------------------------------------------|
|                        |          |  | <b>PH was Held?</b> <input type="checkbox"/> |
| <b>Working Session</b> |          |  | Vote                                         |
| <b>Action</b>          | New Item |  |                                              |
| <b>Tabled</b>          |          |  |                                              |
| <b>Motion</b>          |          |  |                                              |
| <b>2nd by</b>          |          |  |                                              |

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                            |                           |                                                                                                                                              |                      |                         |            |
|----------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------|------------|
| <b>GCID #</b>                                                                                                              | <b>Group With GCID #:</b> | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                      |                         |            |
| <b>20130103</b>                                                                                                            |                           |                                                                                                                                              |                      |                         |            |
| <b>Department:</b>                                                                                                         | Commissioners             |                                                                                                                                              |                      | <b>Date Submitted:</b>  | 01/08/2013 |
| <b>Working Session:</b>                                                                                                    | 01/15/2013                | <b>Business Session:</b>                                                                                                                     | 01/15/2013           | <b>Public Hearing:</b>  |            |
| <b>Submitted By:</b>                                                                                                       | Diane Kemp                |                                                                                                                                              |                      | <b>Multiple Depts?</b>  |            |
| <b>Budget Type:</b>                                                                                                        |                           |                                                                                                                                              |                      | <b>Special Routing:</b> |            |
| <b>Agenda Type</b>                                                                                                         | Approval                  |                                                                                                                                              | <b>Rezoning Type</b> |                         |            |
| <b>Item of Business:</b>                                                                                                   |                           |                                                                                                                                              |                      |                         |            |
|                                                                                                                            |                           |                                                                                                                                              |                      | Locked by Purchasing    | No         |
| of appointment to the Gwinnett Animal Advisory Council. Term Expires December 31, 2014. District 2/Howard                  |                           |                                                                                                                                              |                      |                         |            |
| <b>Attachments</b>                                                                                                         | None                      |                                                                                                                                              |                      |                         |            |
| <b>Authorization: Chairman's Signature?</b> No                                                                             |                           |                                                                                                                                              |                      |                         |            |
| <b>Staff Recommendation</b>                                                                                                |                           |                                                                                                                                              |                      |                         |            |
| <b>Department Head</b>                                                                                                     |                           |                                                                                                                                              |                      |                         |            |
| <b>Attorney</b>                                                                                                            |                           |                                                                                                                                              |                      |                         |            |
| <b>Attorney's Comments</b>                                                                                                 |                           |                                                                                                                                              |                      |                         |            |
| Agenda Purpose Only <input type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/> |                           |                                                                                                                                              |                      |                         |            |

## Financial Services Use Only

|                                   |                  |                        |                             |                            |  |
|-----------------------------------|------------------|------------------------|-----------------------------|----------------------------|--|
| <b>Financial Action Requested</b> |                  |                        |                             |                            |  |
| <b>Budgeted</b>                   | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |  |
|                                   |                  |                        |                             |                            |  |
|                                   |                  |                        |                             |                            |  |
|                                   |                  |                        |                             |                            |  |
| <b>Finance Comments</b>           |                  |                        |                             |                            |  |

## County Clerk Use Only

|                                              |          |      |
|----------------------------------------------|----------|------|
| <b>PH was Held?</b> <input type="checkbox"/> |          |      |
| <b>Working Session</b>                       |          | Vote |
| <b>Action</b>                                | New Item |      |
| <b>Tabled</b>                                |          |      |
| <b>Motion</b>                                |          |      |
| <b>2nd by</b>                                |          |      |

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                            |                           |                                                                                                                                              |                      |                         |            |
|----------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------|------------|
| <b>GCID #</b>                                                                                                              | <b>Group With GCID #:</b> | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                      |                         |            |
| <b>20130104</b>                                                                                                            |                           |                                                                                                                                              |                      |                         |            |
| <b>Department:</b>                                                                                                         | Commissioners             |                                                                                                                                              |                      | <b>Date Submitted:</b>  | 01/08/2013 |
| <b>Working Session:</b>                                                                                                    | 01/15/2013                | <b>Business Session:</b>                                                                                                                     | 01/15/2013           | <b>Public Hearing:</b>  |            |
| <b>Submitted By:</b>                                                                                                       | Diane Kemp                |                                                                                                                                              |                      | <b>Multiple Depts?</b>  |            |
| <b>Budget Type:</b>                                                                                                        |                           |                                                                                                                                              |                      | <b>Special Routing:</b> |            |
| <b>Agenda Type</b>                                                                                                         | Approval                  |                                                                                                                                              | <b>Rezoning Type</b> |                         |            |
| <b>Item of Business:</b>                                                                                                   |                           |                                                                                                                                              |                      |                         |            |
|                                                                                                                            |                           |                                                                                                                                              |                      | Locked by Purchasing    | No         |
| of appointment to the Gwinnett Animal Advisory Council. Term Expires December 31, 2013. District 3/Hunter                  |                           |                                                                                                                                              |                      |                         |            |
| <b>Attachments</b>                                                                                                         | None                      |                                                                                                                                              |                      |                         |            |
| <b>Authorization: Chairman's Signature?</b>                                                                                |                           |                                                                                                                                              |                      |                         |            |
| No                                                                                                                         |                           |                                                                                                                                              |                      |                         |            |
| <b>Staff Recommendation</b>                                                                                                |                           |                                                                                                                                              |                      |                         |            |
| <b>Department Head</b>                                                                                                     |                           |                                                                                                                                              |                      |                         |            |
| <b>Attorney</b>                                                                                                            |                           |                                                                                                                                              |                      |                         |            |
| <b>Attorney's Comments</b>                                                                                                 |                           |                                                                                                                                              |                      |                         |            |
| Agenda Purpose Only <input type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/> |                           |                                                                                                                                              |                      |                         |            |

## Financial Services Use Only

|                                   |                  |                        |                             |                            |  |
|-----------------------------------|------------------|------------------------|-----------------------------|----------------------------|--|
| <b>Financial Action Requested</b> |                  |                        |                             |                            |  |
| <b>Budgeted</b>                   | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |  |
|                                   |                  |                        |                             |                            |  |
|                                   |                  |                        |                             |                            |  |
|                                   |                  |                        |                             |                            |  |
| <b>Finance Comments</b>           |                  |                        |                             |                            |  |

## County Clerk Use Only

|                        |          |  |                                              |
|------------------------|----------|--|----------------------------------------------|
|                        |          |  | <b>PH was Held?</b> <input type="checkbox"/> |
| <b>Working Session</b> |          |  | Vote                                         |
| <b>Action</b>          | New Item |  |                                              |
| <b>Tabled</b>          |          |  |                                              |
| <b>Motion</b>          |          |  |                                              |
| <b>2nd by</b>          |          |  |                                              |

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                            |                           |                                                                                                                                              |                      |                         |            |
|----------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------|------------|
| <b>GCID #</b>                                                                                                              | <b>Group With GCID #:</b> | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                      |                         |            |
| <b>20130105</b>                                                                                                            |                           |                                                                                                                                              |                      |                         |            |
| <b>Department:</b>                                                                                                         | Commissioners             |                                                                                                                                              |                      | <b>Date Submitted:</b>  | 01/08/2013 |
| <b>Working Session:</b>                                                                                                    | 01/15/2013                | <b>Business Session:</b>                                                                                                                     | 01/15/2013           | <b>Public Hearing:</b>  |            |
| <b>Submitted By:</b>                                                                                                       | Diane Kemp                |                                                                                                                                              |                      | <b>Multiple Depts?</b>  |            |
| <b>Budget Type:</b>                                                                                                        |                           |                                                                                                                                              |                      | <b>Special Routing:</b> |            |
| <b>Agenda Type</b>                                                                                                         | Approval                  |                                                                                                                                              | <b>Rezoning Type</b> |                         |            |
| <b>Item of Business:</b>                                                                                                   |                           |                                                                                                                                              |                      |                         |            |
|                                                                                                                            |                           |                                                                                                                                              |                      | Locked by Purchasing    | No         |
| of appointment to the Gwinnett Animal Advisory Council. Term Expires December 31, 2014. District 4/Heard                   |                           |                                                                                                                                              |                      |                         |            |
| <b>Attachments</b>                                                                                                         | None                      |                                                                                                                                              |                      |                         |            |
| <b>Authorization: Chairman's Signature?</b> No                                                                             |                           |                                                                                                                                              |                      |                         |            |
| <b>Staff Recommendation</b>                                                                                                |                           |                                                                                                                                              |                      |                         |            |
| <b>Department Head</b>                                                                                                     |                           |                                                                                                                                              |                      |                         |            |
| <b>Attorney</b>                                                                                                            |                           |                                                                                                                                              |                      |                         |            |
| <b>Attorney's Comments</b>                                                                                                 |                           |                                                                                                                                              |                      |                         |            |
| Agenda Purpose Only <input type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/> |                           |                                                                                                                                              |                      |                         |            |

## Financial Services Use Only

|                                   |                  |                        |                             |                            |  |
|-----------------------------------|------------------|------------------------|-----------------------------|----------------------------|--|
| <b>Financial Action Requested</b> |                  |                        |                             |                            |  |
| <b>Budgeted</b>                   | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |  |
|                                   |                  |                        |                             |                            |  |
|                                   |                  |                        |                             |                            |  |
|                                   |                  |                        |                             |                            |  |
| <b>Finance Comments</b>           |                  |                        |                             |                            |  |

## County Clerk Use Only

|                                              |                                                           |      |
|----------------------------------------------|-----------------------------------------------------------|------|
| <b>PH was Held?</b> <input type="checkbox"/> |                                                           |      |
| <b>Working Session</b>                       | <input style="width: 90%;" type="text"/>                  | Vote |
| <b>Action</b>                                | <input style="width: 90%;" type="text" value="New Item"/> |      |
| <b>Tabled</b>                                | <input style="width: 90%;" type="text"/>                  |      |
| <b>Motion</b>                                | <input style="width: 90%;" type="text"/>                  |      |
| <b>2nd by</b>                                | <input style="width: 90%;" type="text"/>                  |      |

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                                                                                                                                                                                                                                                                                               |                                                  |                                                                                                                                              |                                                                                     |                         |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------|--|
| <b>GCID #</b>                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Group With GCID #:</b>                        | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                                                                                     |                         |  |
| <b>20130106</b>                                                                                                                                                                                                                                                                                                                                                                                               |                                                  |                                                                                                                                              |                                                                                     |                         |  |
| <b>Department:</b>                                                                                                                                                                                                                                                                                                                                                                                            | Commissioners                                    |                                                                                                                                              | <b>Date Submitted:</b>                                                              | 01/08/2013              |  |
| <b>Working Session:</b>                                                                                                                                                                                                                                                                                                                                                                                       | 01/15/2013                                       | <b>Business Session:</b>                                                                                                                     | 01/15/2013                                                                          | <b>Public Hearing:</b>  |  |
| <b>Submitted By:</b>                                                                                                                                                                                                                                                                                                                                                                                          | Diane Kemp                                       |                                                                                                                                              |                                                                                     | <b>Multiple Depts?</b>  |  |
| <b>Budget Type:</b>                                                                                                                                                                                                                                                                                                                                                                                           |                                                  |                                                                                                                                              |                                                                                     | <b>Special Routing:</b> |  |
| <b>Agenda Type</b>                                                                                                                                                                                                                                                                                                                                                                                            | Approval                                         |                                                                                                                                              | <b>Rezoning Type</b>                                                                |                         |  |
| <b>Item of Business:</b>                                                                                                                                                                                                                                                                                                                                                                                      |                                                  |                                                                                                                                              |                                                                                     |                         |  |
|                                                                                                                                                                                                                                                                                                                                                                                                               |                                                  |                                                                                                                                              | Locked by Purchasing <span style="border: 1px solid black; padding: 2px;">No</span> |                         |  |
| to appoint Walter Rekuc, Commercial Developer Member; Mark Richardson, Multi-family Developer Member; Jennifer DeWeese, Office Developer Member; Taylor Anderson, Registered Engineer Member; Scott Zanardo, Registered Architect member; Terri Rosamond, Utilities Coordinating Member; and Clint Dixon, Planning Commissioner Member to the Development Advisory Committee. Term Expires December 31, 2014. |                                                  |                                                                                                                                              |                                                                                     |                         |  |
| <b>Attachments</b>                                                                                                                                                                                                                                                                                                                                                                                            | Planning & Development Recommendation Memorandum |                                                                                                                                              |                                                                                     |                         |  |
| <b>Authorization: Chairman's Signature?</b>                                                                                                                                                                                                                                                                                                                                                                   |                                                  | <span style="border: 1px solid black; padding: 2px;">No</span>                                                                               |                                                                                     |                         |  |
| <b>Staff Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                   |                                                  |                                                                                                                                              |                                                                                     |                         |  |
| <b>Department Head</b>                                                                                                                                                                                                                                                                                                                                                                                        |                                                  |                                                                                                                                              |                                                                                     |                         |  |
| <b>Attorney</b>                                                                                                                                                                                                                                                                                                                                                                                               |                                                  |                                                                                                                                              |                                                                                     |                         |  |
| <b>Attorney's Comments</b>                                                                                                                                                                                                                                                                                                                                                                                    |                                                  |                                                                                                                                              |                                                                                     |                         |  |
| Agenda Purpose Only <input type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/>                                                                                                                                                                                                                                                                                    |                                                  |                                                                                                                                              |                                                                                     |                         |  |

## Financial Services Use Only

|                                   |                 |                  |                        |                             |                            |
|-----------------------------------|-----------------|------------------|------------------------|-----------------------------|----------------------------|
| <b>Financial Action Requested</b> |                 |                  |                        |                             |                            |
|                                   | <b>Budgeted</b> | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |
|                                   |                 |                  |                        |                             |                            |
|                                   |                 |                  |                        |                             |                            |
|                                   |                 |                  |                        |                             |                            |
| <b>Finance Comments</b>           |                 |                  |                        |                             |                            |

## County Clerk Use Only

|                        |                                                                                                           |      |                                              |
|------------------------|-----------------------------------------------------------------------------------------------------------|------|----------------------------------------------|
|                        |                                                                                                           |      | <b>PH was Held?</b> <input type="checkbox"/> |
| <b>Working Session</b> | <span style="border: 1px solid black; display: inline-block; width: 100%; height: 15px;"></span>          | Vote |                                              |
| <b>Action</b>          | <span style="border: 1px solid black; display: inline-block; width: 100%; height: 15px;"></span> New Item |      |                                              |
| <b>Tabled</b>          | <span style="border: 1px solid black; display: inline-block; width: 100%; height: 15px;"></span>          |      |                                              |
| <b>Motion</b>          | <span style="border: 1px solid black; display: inline-block; width: 100%; height: 15px;"></span>          |      |                                              |
| <b>2nd by</b>          | <span style="border: 1px solid black; display: inline-block; width: 100%; height: 15px;"></span>          |      |                                              |

**Department of Planning and Development**

446 West Crogan Street • Lawrenceville, GA 30046-2440  
(tel) 678.518.6000  
www.gwinnettcounty.com

**MEMORANDUM**

TO: Board of Commissioners

THROUGH: Bryan Lackey   
Director

FROM: Kathy S. Holland  
Development Division Director

DATE: January 2, 2013

SUBJECT: Submittal of Nominations for the Group One Members of the  
Development Advisory Committee

On December 31, 2012, the appointments of twelve members of the Development Advisory Committee (DAC), comprising the Group One Membership, were scheduled to end. One member is appointed by the Chairman, two members are appointed by District Commissioners with the consent of the Board, for Districts 2 and 4. One other member of the DAC is appointed by the Planning Commission. Eight other members serve as representatives for the Registered Architect Member, the Registered Engineer Member, the Commercial Developer Member, the General Contractor Member, the Home Builder Member, the Multi-Family Developer Member, the Office Developer Member, and the Utilities Coordinating Member. These appointments are generally made based on recommendations from this Department. All of these individuals, once appointed, will serve a two year term through December 31, 2014.

The Development Advisory Committee's purpose is to advise the county about issues regarding land development. The Committee has been instrumental in the recent past in reviewing amendments to the Development Regulations for Board approval.

The attached table lists the suggested nominations and their positions.

Please let me know if you have any questions with regard to this matter.

Group One Members  
Development Advisory Committee  
January 1, 2013 through December 31, 2014

| <b>Position</b>               | <b>Current Member</b> | <b>Suggested Member</b> |
|-------------------------------|-----------------------|-------------------------|
| General Contractor Member     | Vacant                |                         |
| Commercial Developer Member   | Vacant                | Walter Rekuc            |
| Home Builder Member           | Vacant                |                         |
| Multi-family Developer Member | Mark Richardson       | Mark Richardson         |
| Office Developer Member       | Jennifer DeWeese      | Jennifer DeWeese        |
| Registered Engineer Member    | Taylor Anderson       | Taylor Anderson         |
| Registered Architect Member   | Scott Zanardo         | Scott Zanardo           |
| Utilities Coordinating Member | Terri Rosamond        | Terri Rosamond          |
| Planning Commission Member    | Clint Dixon           | Clint Dixon             |

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                                                                        |                                                  |                                                                                                                                              |                      |                         |            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------|------------|
| <b>GCID #</b>                                                                                                                                                                          | <b>Group With GCID #:</b>                        | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                      |                         |            |
| <b>20130107</b>                                                                                                                                                                        |                                                  |                                                                                                                                              |                      |                         |            |
| <b>Department:</b>                                                                                                                                                                     | Commissioners                                    |                                                                                                                                              |                      | <b>Date Submitted:</b>  | 01/08/2013 |
| <b>Working Session:</b>                                                                                                                                                                | 01/15/2013                                       | <b>Business Session:</b>                                                                                                                     | 01/15/2013           | <b>Public Hearing:</b>  |            |
| <b>Submitted By:</b>                                                                                                                                                                   | Diane Kemp                                       |                                                                                                                                              |                      | <b>Multiple Depts?</b>  |            |
| <b>Budget Type:</b>                                                                                                                                                                    |                                                  |                                                                                                                                              |                      | <b>Special Routing:</b> |            |
| <b>Agenda Type</b>                                                                                                                                                                     | Approval                                         |                                                                                                                                              | <b>Rezoning Type</b> |                         |            |
| <b>Item of Business:</b>                                                                                                                                                               |                                                  |                                                                                                                                              |                      |                         |            |
|                                                                                                                                                                                        |                                                  |                                                                                                                                              |                      | Locked by Purchasing    | No         |
| to appoint Terry Baker, Registered Landscape Architect Member and Dennis Billew, Development Advisory Committee Member to the Tree Advisory Committee. Term Expires December 31, 2014. |                                                  |                                                                                                                                              |                      |                         |            |
| <b>Attachments</b>                                                                                                                                                                     | Planning & Development Recommendation Memorandum |                                                                                                                                              |                      |                         |            |
| <b>Authorization: Chairman's Signature?</b> No                                                                                                                                         |                                                  |                                                                                                                                              |                      |                         |            |
| <b>Staff Recommendation</b>                                                                                                                                                            |                                                  |                                                                                                                                              |                      |                         |            |
| <b>Department Head</b>                                                                                                                                                                 |                                                  |                                                                                                                                              |                      |                         |            |
| <b>Attorney</b>                                                                                                                                                                        |                                                  |                                                                                                                                              |                      |                         |            |
| <b>Attorney's Comments</b>                                                                                                                                                             |                                                  |                                                                                                                                              |                      |                         |            |
| Agenda Purpose Only <input type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/>                                                             |                                                  |                                                                                                                                              |                      |                         |            |

## Financial Services Use Only

|                                   |                 |                  |                        |                             |                            |
|-----------------------------------|-----------------|------------------|------------------------|-----------------------------|----------------------------|
| <b>Financial Action Requested</b> |                 |                  |                        |                             |                            |
|                                   | <b>Budgeted</b> | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |
|                                   |                 |                  |                        |                             |                            |
|                                   |                 |                  |                        |                             |                            |
|                                   |                 |                  |                        |                             |                            |
| <b>Finance Comments</b>           |                 |                  |                        |                             |                            |

## County Clerk Use Only

|                        |          |  |  |                                              |
|------------------------|----------|--|--|----------------------------------------------|
|                        |          |  |  | <b>PH was Held?</b> <input type="checkbox"/> |
| <b>Working Session</b> |          |  |  | Vote                                         |
| <b>Action</b>          | New Item |  |  |                                              |
| <b>Tabled</b>          |          |  |  |                                              |
| <b>Motion</b>          |          |  |  |                                              |
| <b>2nd by</b>          |          |  |  |                                              |

**Department of Planning and Development**

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www.gwinnettcounty.com

**MEMORANDUM**

**TO:** Board of Commissioners

**THROUGH:** Bryan Lackey   
Director

**FROM:** Kathy S. Holland  
Development Division Director

**DATE:** January 2, 2013

**SUBJECT:** Submittal of Nominations for the Group Two Members of the  
Tree Advisory Committee

On December 31, 2012, the appointments of five members of the Tree Advisory Committee (TAC), comprising the Group Two Membership, were scheduled to end. Two members are appointed by District Commissioners with the consent of the Board for Districts 1 and 3. One other member is appointed by the Chairman. Two other members of the TAC serve as representatives for the Registered Landscape Architect Member and the Development Advisory Committee Member. These appointments are generally made based on recommendations from this Department. All of these individuals, once appointed, will serve a two year term through December 31, 2014.

The Tree Advisory Committee's purpose is to advise the county about issues regarding the preservation and replacement of trees in the county due to development and has been instrumental in the recent past in moving proposed amendments to our ordinances through to the Board for approval.

The attached table lists the suggested nominations and their positions.

Please let me know if you have any questions with regard to this matter.

Group Two Members  
Tree Advisory Committee  
January 1, 2013 through December 31, 2014

| <b>Position</b>                       | <b>Current Member</b> | <b>Suggested Member</b> |
|---------------------------------------|-----------------------|-------------------------|
| Registered Landscape Architect Member | Terry Baker           | Terry Baker             |
| Development Advisory Committee Member | Dennis Billew         | Dennis Billew           |

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                                                                                                                                                                                          |                                                  |                                                                                                                                              |                                                                                     |                         |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------|--|
| <b>GCID #</b>                                                                                                                                                                                                                                                                                            | <b>Group With GCID #:</b>                        | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                                                                                     |                         |  |
| <b>20130109</b>                                                                                                                                                                                                                                                                                          |                                                  |                                                                                                                                              |                                                                                     |                         |  |
| <b>Department:</b>                                                                                                                                                                                                                                                                                       | Commissioners                                    |                                                                                                                                              | <b>Date Submitted:</b>                                                              | 01/08/2013              |  |
| <b>Working Session:</b>                                                                                                                                                                                                                                                                                  | 01/15/2013                                       | <b>Business Session:</b>                                                                                                                     | 01/15/2013                                                                          | <b>Public Hearing:</b>  |  |
| <b>Submitted By:</b>                                                                                                                                                                                                                                                                                     | Diane Kemp                                       |                                                                                                                                              |                                                                                     | <b>Multiple Depts?</b>  |  |
| <b>Budget Type:</b>                                                                                                                                                                                                                                                                                      |                                                  |                                                                                                                                              |                                                                                     | <b>Special Routing:</b> |  |
| <b>Agenda Type</b>                                                                                                                                                                                                                                                                                       | Approval                                         |                                                                                                                                              | <b>Rezoning Type</b>                                                                |                         |  |
| <b>Item of Business:</b>                                                                                                                                                                                                                                                                                 |                                                  |                                                                                                                                              |                                                                                     |                         |  |
|                                                                                                                                                                                                                                                                                                          |                                                  |                                                                                                                                              | Locked by Purchasing <span style="border: 1px solid black; padding: 2px;">No</span> |                         |  |
| to appoint Mark Richardson, General Contractor; Michael W. Banham, Registered Fire Protection Engineer; Jiles A. Singleton, Registered Mechanical Engineer and Roger S. Lingerfelt, Registered Structural Engineer to the Board of Construction Adjustments and Appeals. Term Expires December 31, 2014. |                                                  |                                                                                                                                              |                                                                                     |                         |  |
| <b>Attachments</b>                                                                                                                                                                                                                                                                                       | Planning & Development Recommendation Memorandum |                                                                                                                                              |                                                                                     |                         |  |
| <b>Authorization: Chairman's Signature?</b> <span style="border: 1px solid black; padding: 2px;">No</span>                                                                                                                                                                                               |                                                  |                                                                                                                                              |                                                                                     |                         |  |
| <b>Staff Recommendation</b>                                                                                                                                                                                                                                                                              |                                                  |                                                                                                                                              |                                                                                     |                         |  |
| <b>Department Head</b>                                                                                                                                                                                                                                                                                   |                                                  |                                                                                                                                              |                                                                                     |                         |  |
| <b>Attorney</b>                                                                                                                                                                                                                                                                                          |                                                  |                                                                                                                                              |                                                                                     |                         |  |
| <b>Attorney's Comments</b>                                                                                                                                                                                                                                                                               |                                                  |                                                                                                                                              |                                                                                     |                         |  |
| <b>Agenda Purpose Only</b> <input type="checkbox"/> <b>As To Form</b> <input type="checkbox"/> <b>Hold for Pickup?</b> <input type="checkbox"/>                                                                                                                                                          |                                                  |                                                                                                                                              |                                                                                     |                         |  |

## Financial Services Use Only

|                                   |                 |                  |                        |                             |                            |
|-----------------------------------|-----------------|------------------|------------------------|-----------------------------|----------------------------|
| <b>Financial Action Requested</b> |                 |                  |                        |                             |                            |
|                                   | <b>Budgeted</b> | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |
|                                   |                 |                  |                        |                             |                            |
|                                   |                 |                  |                        |                             |                            |
|                                   |                 |                  |                        |                             |                            |
| <b>Finance Comments</b>           |                 |                  |                        |                             |                            |

## County Clerk Use Only

|                        |                                                                    |  |                                                                                                       |                                              |
|------------------------|--------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------------------|----------------------------------------------|
|                        |                                                                    |  |                                                                                                       | <b>PH was Held?</b> <input type="checkbox"/> |
| <b>Working Session</b> | <div style="border: 1px solid black; height: 15px;"></div>         |  | <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div> <b>Vote</b> |                                              |
| <b>Action</b>          | <div style="border: 1px solid black; padding: 2px;">New Item</div> |  |                                                                                                       |                                              |
| <b>Tabled</b>          | <div style="border: 1px solid black; height: 15px;"></div>         |  |                                                                                                       |                                              |
| <b>Motion</b>          | <div style="border: 1px solid black; height: 15px;"></div>         |  |                                                                                                       |                                              |
| <b>2nd by</b>          | <div style="border: 1px solid black; height: 15px;"></div>         |  |                                                                                                       |                                              |

**Department of Planning and Development**

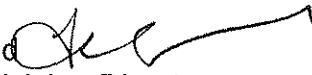
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www.gwinnettcountry.com



**MEMORANDUM**

**TO:** Board of Commissioners

**THROUGH:** Bryan Lackey   
Director

**FROM:** Kathy S. Holland   
Development Division Director

**DATE:** January 8, 2013

**SUBJECT:** Submittal of Nominations for Group Two Members of the  
Board of Construction Adjustments and Appeals

On December 31, 2012, the appointments of four members of the Board of Construction Adjustments and Appeals ended. The four members represent General Contractor, Registered Fire Protection Engineer, Registered Mechanical Engineer, and Registered Structural Engineer. These appointments are generally made based on recommendations from this Department. All of these individuals, once appointed, will serve a two year term through December 31, 2014.

Individuals petition the Board of Construction Adjustments and Appeals to review and vote on staff interpretation of specific code, ordinance, and regulation enforcement. Generally, appeals are heard for the Gwinnett County Construction Code, Gwinnett County Stream Buffer Protection Ordinance, Fire Prevention and Protection Code, Standard Fire Prevention Code, and the National Fire Prevention Code. The Director of the Department of Planning and Development or designated staff submits recommendations to the Board based on preliminary review of each appeal. The Board takes actions based on provisions and procedures outlined in the appropriate code, ordinance or regulation. In addition, Board members review and authorize variance requests regarding stormwater redevelopment based on Article 8 of the Gwinnett County Development Regulations. Board members are also tasked with approving third party inspectors for the Department of Planning and Development.

The attached table lists the suggested nominations and their positions.

Please let me know if you have any questions with regard to this matter.

**Board of Construction Adjustments and Appeals Group Two**  
**Appointments due to end December 2014**

| <b>Member Description</b>           | <b>Member Name</b>  | <b>Suggested Member</b> |
|-------------------------------------|---------------------|-------------------------|
| General Contractor                  | Mark Richardson     | Mark Richardson         |
| Registered Fire Protection Engineer | Michael W. Banham   | Michael W. Banham       |
| Registered Mechanical Engineer      | Jiles A. Singleton  | Jiles A. Singleton      |
| Registered Structural Engineer      | Roger S. Lingerfelt | Roger S. Lingerfelt     |

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                       |                                                                                                                                              |                                                                                      |                        |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|------------------------|--|
| <b>GCID #</b>                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Group With GCID #:</b>                             | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                                                                                      |                        |  |
| <b>20130086</b>                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                       |                                                                                                                                              |                                                                                      |                        |  |
| <b>Department:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                     | Financial Services                                    |                                                                                                                                              | <b>Date Submitted:</b>                                                               | 12/27/2012             |  |
| <b>Working Session:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                | 01/15/2013                                            | <b>Business Session:</b>                                                                                                                     | 01/15/2013                                                                           | <b>Public Hearing:</b> |  |
| <b>Submitted By:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                   | Purchasing- Susan Clarke- JB                          |                                                                                                                                              | <b>Multiple Depts?</b>                                                               | Yes                    |  |
| <b>Budget Type:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                    | Operating                                             |                                                                                                                                              | <b>Special Routing:</b>                                                              |                        |  |
| <b>Agenda Type</b>                                                                                                                                                                                                                                                                                                                                                                                                                                     | Award                                                 | <b>Rezoning Type</b>                                                                                                                         |                                                                                      |                        |  |
| <b>Item of Business:</b>                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                       |                                                                                                                                              | Locked by Purchasing <input type="checkbox"/> No <input checked="" type="checkbox"/> |                        |  |
| BL136-12, purchase of original equipment manufacturer (OEM) toner and inkjet cartridges on an annual contract (January 17, 2013 through January 16, 2014), to low responsive bidders as follows: Computer Networking, Inc. dba CNI Office Supplies, Laserlink International, Inc., The Office Pal, Polir Business Development Group dba Polir Inkjet & Toner, and U.S. Ink and Toner, Inc., per attached recommendation letter, base bid \$125,000.00. |                                                       |                                                                                                                                              |                                                                                      |                        |  |
| <b>Attachments</b>                                                                                                                                                                                                                                                                                                                                                                                                                                     | Summary sheet, justification letter, tabulation sheet |                                                                                                                                              |                                                                                      |                        |  |
| <b>Authorization: Chairman's Signature?</b>                                                                                                                                                                                                                                                                                                                                                                                                            |                                                       | No <input type="checkbox"/>                                                                                                                  |                                                                                      |                        |  |
| <b>Staff Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                                            | Award                                                 |                                                                                                                                              |                                                                                      |                        |  |
| <b>Department Head</b>                                                                                                                                                                                                                                                                                                                                                                                                                                 | kakaraskinski (12/28/2012)                            |                                                                                                                                              |                                                                                      |                        |  |
| <b>Attorney</b>                                                                                                                                                                                                                                                                                                                                                                                                                                        | trwilliams (1/8/2013)                                 |                                                                                                                                              |                                                                                      |                        |  |
| <b>Attorney's Comments</b>                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                       |                                                                                                                                              |                                                                                      |                        |  |
| Agenda Purpose Only <input checked="" type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                  |                                                       |                                                                                                                                              |                                                                                      |                        |  |

## Financial Services Use Only

|                                   |                                                                                                                                                                 |                        |                             |                            |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------------------|----------------------------|
| <b>Financial Action Requested</b> |                                                                                                                                                                 |                        |                             |                            |
| <b>Budgeted</b>                   | <b>Fund Name</b>                                                                                                                                                | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |
| Yes                               | Various                                                                                                                                                         | *                      | \$125,000                   | ajbovos (1/2/2013)         |
|                                   |                                                                                                                                                                 |                        |                             |                            |
|                                   |                                                                                                                                                                 |                        |                             |                            |
| <b>Finance Comments</b>           | *The current balance in Office Supplies is checked as items are purchased. The requested allocation is a countywide estimate based on the recommended base bid. |                        |                             |                            |

## County Clerk Use Only

|                                              |                                                           |                                                                                                |
|----------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------------------------------------------|
| <b>PH was Held?</b> <input type="checkbox"/> |                                                           |                                                                                                |
| <b>Working Session</b>                       | <input style="width: 90%;" type="text"/>                  | Vote <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div> |
| <b>Action</b>                                | <input style="width: 90%;" type="text" value="New Item"/> |                                                                                                |
| <b>Tabled</b>                                | <input style="width: 90%;" type="text"/>                  |                                                                                                |
| <b>Motion</b>                                | <input style="width: 90%;" type="text"/>                  |                                                                                                |
| <b>2nd by</b>                                | <input style="width: 90%;" type="text"/>                  |                                                                                                |

**SUMMARY – BL136-12**  
**Purchase of Original Equipment Manufacturer (OEM) Toner & Inkjet Cartridges**  
**on an Annual Contract**

|                                                                                               |                                                                                                                              |
|-----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| <b>PURPOSE:</b>                                                                               | Provision of original equipment manufacturer toner and inkjet cartridges for all County departments.                         |
| <b>LOCATION:</b>                                                                              | Various locations throughout Gwinnett County                                                                                 |
| <b>AMOUNT TO BE SPENT:</b>                                                                    | \$125,000.00*                                                                                                                |
| <b>PREVIOUS CONTRACT AWARD AMOUNT:</b>                                                        | \$136,882.18                                                                                                                 |
| <b>AMOUNT SPENT PREVIOUS CONTRACT:</b>                                                        | \$102,336.27 (10 months usage)                                                                                               |
| <b>INCREASE/DECREASE<br/>(CURRENT CONTRACT VS. PREVIOUS<br/>CONTRACT):</b>                    | No accurate comparison can be made since 67 line items were deleted due to no usage and departments added 37 new line items. |
| <b>NUMBER OF BIDS/PROPOSALS MAILED:</b>                                                       | 25<br>44 website viewings                                                                                                    |
| <b>NUMBER OF RESPONSES:</b>                                                                   | 7<br>5 Non-responsive**                                                                                                      |
| <b>PRE-BID/PROPOSAL CONFERENCE HELD<br/>(YES/NO)<br/>IF YES, NUMBER OF FIRMS REPRESENTED:</b> | No                                                                                                                           |
| <b>REASONS FOR LIMITED RESPONSE (IF<br/>RELEVANT):</b>                                        | N/A                                                                                                                          |
| <b>RENEWAL OPTION NUMBER</b>                                                                  | N/A                                                                                                                          |
| <b>MARKET PRICES COMPARISON (FOR<br/>RENEWALS):</b>                                           | N/A                                                                                                                          |
| <b>PROPOSED CONTRACT TERM:</b>                                                                | January 17, 2013 through January 16, 2014                                                                                    |

COMMENTS: \*Many of the items listed on the previous contract were never used; therefore, they were deleted from the current contract.

\*\*Five (5) companies submitted bids without the revised bid schedule which was part of the addenda. Since the revised bid schedule was not submitted, these bids could not be evaluated. All of these companies were out of state and several stated they downloaded the original bid from a bid service and failed to check on any addenda issued. Some downloaded from our website; however, they did not check for any addenda either.

## MEMORANDUM

TO: Maria Woods, Director  
Department of Financial Services

THRU: Roslyn Forstot, Purchasing Director  
Department of Financial Services

FROM: Janice Bradshaw, Purchasing Associate III  
Department of Financial Services, Purchasing Division

SUBJECT: BL136-12, Purchase of Original Equipment Manufacturer (OEM) Toner and Inkjet Cartridges on an Annual Contract

DATE: December 21, 2012

The Department of Financial Services recommends award of the above referenced procurement to the following low responsive bidders:

**Computer Networking, Inc. d/b/a CNI Office Supplies:** 23, 40, 49-50, 59, 64-67, 73, 80, 88-89, 92-108, 121-124, 128

**Laserlink International, Inc.:** 2-3, 6-8, 12-15, 22, 24-29, 32-33, 37-39, 41, 43-46, 48, 51-57, 60-61, 68, 76, 78, 82-84, 86-87, 90-91, 125-127, 129

**The Office Pal:** 4, 58, 77, 81, 109-120

**Polir Business Development Group d/b/a Polir Inkjet & Toner:** 1, 5, 9-11, 16-19, 21, 30-31, 34-36, 62-63, 69-72, 74-75, 79, 85

**U.S. Ink and Toner, Inc.:** 20, 42, 47

Note: Laserlink International, Inc. and Polir Business Development Group d/b/a Polir Inkjet & Toner submitted tie bids for items 9-11, 69-71, 74, and 79. However, these items were awarded to Polir Business Development Group d/b/a Polir Inkjet & Toner due to quicker delivery time. Computer Networking, Inc. d/b/a CNI Office Supplies and Laserlink International, Inc. submitted tie bids for item 88. However, these items were awarded to Computer Networking, Inc. d/b/a CNI Office Supplies due to quicker delivery time.

Amount spent previous contract \$102,336.27 (10 months usage)

Estimated amount to be spent for current contract \$125,000.00

References Checked? Yes X or No \_\_\_\_

1. Total obligations requested: See below\*
2. Do total obligations agree with "Action Requested"? Yes X No \_\_\_\_
3. Budgeted: Yes X No \_\_\_\_
4. Contact name: Janice Bradshaw Contact phone: Ext. 8731
5. Proposed Funding:

| Fiscal Year (FY) | Fund | Fund Center | Cost Center | Commitment Item | WBS Element | Amount |
|------------------|------|-------------|-------------|-----------------|-------------|--------|
|                  |      |             |             |                 |             |        |

\*All County departments use this contract. Actual funding is determined by user departments when contract is utilized.

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                                                                                                                   |                                                 |                                                                                                                                              |                         |                        |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------------------|--|
| <b>GCID #</b>                                                                                                                                                                                                                     | <b>Group With GCID #:</b>                       | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                         |                        |  |
| <b>20130037</b>                                                                                                                                                                                                                   |                                                 |                                                                                                                                              |                         |                        |  |
| <b>Department:</b>                                                                                                                                                                                                                | Community Services                              |                                                                                                                                              | <b>Date Submitted:</b>  | 12/21/2012             |  |
| <b>Working Session:</b>                                                                                                                                                                                                           | 01/15/2013                                      | <b>Business Session:</b>                                                                                                                     | 01/15/2013              | <b>Public Hearing:</b> |  |
| <b>Submitted By:</b>                                                                                                                                                                                                              | Purchasing - Pat Elliott - SM                   |                                                                                                                                              | <b>Multiple Depts?</b>  | No                     |  |
| <b>Budget Type:</b>                                                                                                                                                                                                               | Operating                                       |                                                                                                                                              | <b>Special Routing:</b> |                        |  |
| <b>Agenda Type</b>                                                                                                                                                                                                                | Award                                           | <b>Rezoning Type</b>                                                                                                                         |                         |                        |  |
| <b>Item of Business:</b> <div style="float: right; text-align: right;">           Locked by Purchasing <input type="checkbox"/> No <input checked="" type="checkbox"/> </div>                                                     |                                                 |                                                                                                                                              |                         |                        |  |
| BL141-12, provision of PoolPak maintenance and repair on an annual contract (January 16, 2013 through January 15, 2014), to sole bidder, Bardi Mechanical, base bid \$155,000.00. This contract is funded by the Recreation Fund. |                                                 |                                                                                                                                              |                         |                        |  |
| <b>Attachments</b>                                                                                                                                                                                                                | Summary sheet, justification letter, tabulation |                                                                                                                                              |                         |                        |  |
| <b>Authorization: Chairman's Signature?</b>                                                                                                                                                                                       |                                                 | No <input checked="" type="checkbox"/>                                                                                                       |                         |                        |  |
| <b>Staff Recommendation</b>                                                                                                                                                                                                       | Award                                           |                                                                                                                                              |                         |                        |  |
| <b>Department Head</b>                                                                                                                                                                                                            | pphoskins (12/27/2012)                          |                                                                                                                                              |                         |                        |  |
| <b>Attorney</b>                                                                                                                                                                                                                   | fsfields (1/3/2013)                             |                                                                                                                                              |                         |                        |  |
| <b>Attorney's Comments</b>                                                                                                                                                                                                        |                                                 |                                                                                                                                              |                         |                        |  |
| Agenda Purpose Only <input checked="" type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/>                                                                                             |                                                 |                                                                                                                                              |                         |                        |  |

## Financial Services Use Only

|                                   |                                                                                                                                                               |                  |                        |                             |                            |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------------|-----------------------------|----------------------------|
| <b>Financial Action Requested</b> |                                                                                                                                                               |                  |                        |                             |                            |
|                                   | <b>Budgeted</b>                                                                                                                                               | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |
|                                   | Yes                                                                                                                                                           | Recreation       | *                      | \$155,000                   | ajbovos<br>(12/28/2012)    |
|                                   |                                                                                                                                                               |                  |                        |                             |                            |
|                                   |                                                                                                                                                               |                  |                        |                             |                            |
| <b>Finance Comments</b>           | * The current balance in each fund is checked as services are provided. The requested allocation is a county-wide estimate based on the recommended base bid. |                  |                        |                             |                            |

## County Clerk Use Only

|                        |          |  |                                              |
|------------------------|----------|--|----------------------------------------------|
|                        |          |  | <b>PH was Held?</b> <input type="checkbox"/> |
| <b>Working Session</b> |          |  | Vote                                         |
| <b>Action</b>          | New Item |  |                                              |
| <b>Tabled</b>          |          |  |                                              |
| <b>Motion</b>          |          |  |                                              |
| <b>2nd by</b>          |          |  |                                              |

**SUMMARY – BL141-12**  
**Provision of Poolpak Maintenance and Repair on an Annual Contract**

|                                                                                               |                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PURPOSE:</b>                                                                               | Provide all labor, material & service required for PoolPak maintenance & repair                                                                                 |
| <b>LOCATION:</b>                                                                              | Various park locations throughout Gwinnett County                                                                                                               |
| <b>AMOUNT TO BE SPENT:</b>                                                                    | \$155,000.00                                                                                                                                                    |
| <b>PREVIOUS CONTRACT AWARD AMOUNT:</b>                                                        | N/A*                                                                                                                                                            |
| <b>AMOUNT SPENT PREVIOUS CONTRACT:</b>                                                        | N/A*                                                                                                                                                            |
| <b>INCREASE/DECREASE<br/>(CURRENT CONTRACT VS. PREVIOUS<br/>CONTRACT):</b>                    | N/A                                                                                                                                                             |
| <b>NUMBER OF BIDS/PROPOSALS MAILED:</b>                                                       | 6                                                                                                                                                               |
| <b>NUMBER OF RESPONSES:</b>                                                                   | 1                                                                                                                                                               |
| <b>PRE-BID/PROPOSAL CONFERENCE HELD<br/>(YES/NO)<br/>IF YES, NUMBER OF FIRMS REPRESENTED:</b> | No                                                                                                                                                              |
| <b>REASONS FOR LIMITED RESPONSE (IF<br/>RELEVANT):</b>                                        | The feedback received indicates that Gwinnett County doesn't allow enough of a mark-up above cost for the other authorized PoolPak contractors to submit a bid. |
| <b>RENEWAL OPTION NUMBER</b>                                                                  | N/A                                                                                                                                                             |
| <b>MARKET PRICES COMPARISON (FOR<br/>RENEWALS):</b>                                           | N/A                                                                                                                                                             |
| <b>PROPOSED CONTRACT TERM:</b>                                                                | January 16, 2013 through January 15, 2014                                                                                                                       |

COMMENTS: \*This is a new contract

## MEMORANDUM

THRU: Phil Hoskins, Director  
Community Services

TO: Shelley McWhorter  
Purchasing Division

FROM: Erica Potts-Cameron  
Community Services

SUBJECT: BL141-12 PoolPak Maintenance & Repair on an Annual Contract

DATE: December 20, 2012

The Department of Community Services recommends award of the above referenced procurement to the sole bidder, Bardi Mechanical, base amount \$155,000.00

This project is funded by the Recreation Fund

Amount spent previous contract  
Estimated amount to be spent

New Contract  
\$155,000.00

1. Total obligations requested: \$155,000.00
2. Do total obligations agree with "Action Requested"? Yes X No
3. Budgeted: Yes       X       No
4. Contact name: Myra Taylor Contact phone:       X8836
5. Proposed Funding:

| Fiscal Year (FY) | Fund | Fund Center | Cost Center | Commitment Item | WBS Element | Amount       |
|------------------|------|-------------|-------------|-----------------|-------------|--------------|
| 2013             | 105  | 116002      | 24020009    | 50404216        |             | \$155,000.00 |
|                  |      |             |             |                 |             |              |
|                  |      |             |             |                 |             |              |
|                  |      |             |             |                 |             |              |

6. Transfer required: Yes No X If yes, transfer from:

| Fiscal Year (FY) | Fund | Fund Center | Cost Center | Commitment Item | WBS Element | Amount |
|------------------|------|-------------|-------------|-----------------|-------------|--------|
|                  |      |             |             |                 |             |        |
|                  |      |             |             |                 |             |        |

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                            |                                                                                                                                              |                        |                         |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-------------------------|--|
| <b>GCID #</b>                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Group With GCID #:</b>                                                                  | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                        |                         |  |
| <b>20130028</b>                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                            |                                                                                                                                              |                        |                         |  |
| <b>Department:</b>                                                                                                                                                                                                                                                                                                                                                                                                                               | Fire Services                                                                              |                                                                                                                                              | <b>Date Submitted:</b> | 12/19/2012              |  |
| <b>Working Session:</b>                                                                                                                                                                                                                                                                                                                                                                                                                          | 01/15/2013                                                                                 | <b>Business Session:</b>                                                                                                                     | 01/15/2013             | <b>Public Hearing:</b>  |  |
| <b>Submitted By:</b>                                                                                                                                                                                                                                                                                                                                                                                                                             | mrblackstock                                                                               |                                                                                                                                              |                        | <b>Multiple Depts?</b>  |  |
| <b>Budget Type:</b>                                                                                                                                                                                                                                                                                                                                                                                                                              | Neither                                                                                    |                                                                                                                                              |                        | <b>Special Routing:</b> |  |
| <b>Agenda Type</b>                                                                                                                                                                                                                                                                                                                                                                                                                               | Approval                                                                                   |                                                                                                                                              | <b>Rezoning Type</b>   |                         |  |
| <b>Item of Business:</b> <div style="float: right; text-align: right;">           Locked by Purchasing <span style="border: 1px solid black; padding: 2px;">No</span> </div> <p>to accept the donation of a damaged casket (valued at \$1,400.00) from Tim Stewart Funeral Home to the Department of Fire and Emergency Services Honor Guard. The damaged casket will be utilized to provide funeral training to members of the Honor Guard.</p> |                                                                                            |                                                                                                                                              |                        |                         |  |
| <b>Attachments</b>                                                                                                                                                                                                                                                                                                                                                                                                                               | Justification Memo, Donation Request-Honor Guard, Donation Letter-Tim Stewart Funeral Home |                                                                                                                                              |                        |                         |  |
| <b>Authorization: Chairman's Signature?</b> <span style="border: 1px solid black; padding: 2px;">No</span>                                                                                                                                                                                                                                                                                                                                       |                                                                                            |                                                                                                                                              |                        |                         |  |
| <b>Staff Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                                      | Approval                                                                                   |                                                                                                                                              |                        |                         |  |
| <b>Department Head</b>                                                                                                                                                                                                                                                                                                                                                                                                                           | gwmyers (12/19/2012)                                                                       |                                                                                                                                              |                        |                         |  |
| <b>Attorney</b>                                                                                                                                                                                                                                                                                                                                                                                                                                  | trwilliams (1/8/2013)                                                                      |                                                                                                                                              |                        |                         |  |
| <b>Attorney's Comments</b>                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                            |                                                                                                                                              |                        |                         |  |
| Agenda Purpose Only <input type="checkbox"/> As To Form <input checked="" type="checkbox"/> Hold for Pickup? <input type="checkbox"/>                                                                                                                                                                                                                                                                                                            |                                                                                            |                                                                                                                                              |                        |                         |  |

## Financial Services Use Only

|                                   |                     |                  |                        |                             |                            |
|-----------------------------------|---------------------|------------------|------------------------|-----------------------------|----------------------------|
| <b>Financial Action Requested</b> |                     |                  |                        |                             |                            |
|                                   | <b>Budgeted</b>     | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |
|                                   |                     | N/A              | *                      | N/A                         | ajbovos<br>(12/20/2012)    |
|                                   |                     |                  |                        |                             |                            |
|                                   |                     |                  |                        |                             |                            |
| <b>Finance Comments</b>           | * No budget impact. |                  |                        |                             |                            |

## County Clerk Use Only

|                        |                                                                    |      |  |                                                                          |
|------------------------|--------------------------------------------------------------------|------|--|--------------------------------------------------------------------------|
|                        |                                                                    |      |  | <b>PH was Held?</b> <input type="checkbox"/>                             |
| <b>Working Session</b> | <div style="border: 1px solid black; height: 15px;"></div>         | Vote |  | <div style="border: 1px solid black; height: 100px; width: 100%;"></div> |
| <b>Action</b>          | <div style="border: 1px solid black; padding: 2px;">New Item</div> |      |  |                                                                          |
| <b>Tabled</b>          | <div style="border: 1px solid black; height: 15px;"></div>         |      |  |                                                                          |
| <b>Motion</b>          | <div style="border: 1px solid black; height: 15px;"></div>         |      |  |                                                                          |
| <b>2nd by</b>          | <div style="border: 1px solid black; height: 15px;"></div>         |      |  |                                                                          |

## Department of Fire and Emergency Services



Bill Myers, Fire Chief/Director  
Casey Snyder, Assistant Chief  
Dan Hansen, Assistant Chief  
Stephen Hrustich, Assistant Chief  
Jere Jordan, Division Director

408 Hurricane Shoals Road NE  
Lawrenceville, GA 30046-4406  
678.518.4800 • fax 678.518.4806  
www.gwinnettfire.org

TO: Charlotte J. Nash  
District Commissioners  
Glenn Stephens

FROM: Bill Myers *BM*

DATE: December 19, 2012

SUBJECT: **Accept Donation from Tim Stewart Funeral Home**

Tim Stewart Funeral Home wishes to donate a damaged casket to the Department of Fire and Emergency Services' Honor Guard. The casket became available after it was damaged by UPS and was unsellable/unusable by Tim Stewart Funeral Home.

The Honor Guard would utilize the casket for funeral training

The estimated cost of the casket is \$1,400.00.

gwinnettcounty

## Department of Fire and Emergency Services

408 Hurricane Shoals Road NE  
Lawrenceville, GA 30046-4406  
678.518.4800 • fax 678.518.4806  
www.gwinnettfire.org



Bill Myers, Fire Chief/Director  
Casey Snyder, Assistant Chief  
Dan Hansen, Assistant Chief  
Stephen Hrustich, Assistant Chief  
Jere Jordan, Division Director

To whom it may concern

Tim Stewart Funeral Home wishes to donate a damaged casket to the Gwinnett County Fire & Emergency Services Honor Guard for the purpose of funeral training. The casket became available after it was damaged by UPS and was unsellable/unusable by Tim Stewart; therefore, the casket was about to be scrapped due to the heavy damage it incurred.

This casket would play a vital role in realistic training scenarios with our agency and while conducting joint training with other county honor guard agencies.

The casket can be stored behind Station Nine, in the old communication/arson building, where there is room to store it.

Thank you for your consideration

Ira Burnette  
Gwinnett County Fire & Emergency Services  
Honor Guard Commander





November 14, 2012

To Whom It May Concern,

We at Tim Stewart Funeral Home are donating a damage casket to The Gwinnett County Fire and Emergency Service Honor Guard for the purpose of funeral training. The estimated cost of the casket is \$1400.00. If you have any questions please feel free to contact us at 770-962-3100.

Thank You,

Timothy L. Stewart  
Tim Stewart Funeral Home

*Lawrenceville Chapel*  
300 Simonton Road  
P.O. Box 674  
Lawrenceville, Georgia 30046  
770.962.3100

*Snellville Chapel*  
2246 Wisteria Drive  
P.O. Box 1681  
Snellville, Georgia 30078  
770.979.5010

*Loganville Chapel*  
670 Tom Brewer Road  
P.O. Box 65  
Loganville, Georgia 30052  
770.466.1544

*Monroe Chapel*  
209 South Hammond Drive  
P.O. Box 1270  
Monroe, Georgia 30655  
770.267.2594

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                 |                                                                                                                                                         |            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>GCID #</b>                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Group With GCID #:</b>                       | <input type="checkbox"/> Grants <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |            |
| <b>20130027</b>                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                 |                                                                                                                                                         |            |
| <b>Department:</b>                                                                                                                                                                                                                                                                                                                                                                                                               | Fire Services                                   | <b>Date Submitted:</b>                                                                                                                                  | 12/19/2012 |
| <b>Working Session:</b>                                                                                                                                                                                                                                                                                                                                                                                                          | 01/15/2013                                      | <b>Business Session:</b>                                                                                                                                | 01/15/2013 |
| <b>Submitted By:</b>                                                                                                                                                                                                                                                                                                                                                                                                             | mrblackstock                                    | <b>Public Hearing:</b>                                                                                                                                  |            |
| <b>Budget Type:</b>                                                                                                                                                                                                                                                                                                                                                                                                              | Neither                                         | <b>Multiple Depts?:</b>                                                                                                                                 |            |
| <b>Agenda Type</b>                                                                                                                                                                                                                                                                                                                                                                                                               | Approval/authorization                          | <b>Special Routing:</b>                                                                                                                                 |            |
| <b>Item of Business:</b>                                                                                                                                                                                                                                                                                                                                                                                                         | Approval/authorization <b>Rezoning Type</b>     |                                                                                                                                                         |            |
| Item of Business:                                                                                                                                                                                                                                                                                                                                                                                                                |                                                 | Locked by Purchasing <b>No</b>                                                                                                                          |            |
| for the Chairman to sign a Memorandum of Understanding/Agreement between the Georgia Emergency Management Agency-Homeland Security Georgia Search and Rescue Team (GEMA/GSAR) and Gwinnett County. This agreement will provide mutual assistance between the participating parties in managing any emergency or disaster that is declared by the governing authority of any political subdivision that is a participating party. |                                                 |                                                                                                                                                         |            |
| <b>Attachments</b>                                                                                                                                                                                                                                                                                                                                                                                                               | Justification Memo, Memorandum of Understanding |                                                                                                                                                         |            |
| <b>Authorization:</b>                                                                                                                                                                                                                                                                                                                                                                                                            | Chairman's Signature?    Yes                    |                                                                                                                                                         |            |
| <b>Staff Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                      | Approval                                        |                                                                                                                                                         |            |
| <b>Department Head</b>                                                                                                                                                                                                                                                                                                                                                                                                           | gwmyers (12/19/2012)                            |                                                                                                                                                         |            |
| <b>Attorney</b>                                                                                                                                                                                                                                                                                                                                                                                                                  | trwilliams (1/8/2013)                           |                                                                                                                                                         |            |
| <b>Attorney's Comments</b>                                                                                                                                                                                                                                                                                                                                                                                                       |                                                 |                                                                                                                                                         |            |
| Agenda Purpose Only <input type="checkbox"/> As To Form <input checked="" type="checkbox"/> Hold for Pickup? <input type="checkbox"/>                                                                                                                                                                                                                                                                                            |                                                 |                                                                                                                                                         |            |

## Financial Services Use Only

|                                   |                     |                        |                             |                            |
|-----------------------------------|---------------------|------------------------|-----------------------------|----------------------------|
| <b>Financial Action Requested</b> |                     |                        |                             |                            |
| <b>Budgeted</b>                   | <b>Fund Name</b>    | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |
|                                   | N/A                 | *                      | N/A                         | ajbovos<br>(12/20/2012)    |
|                                   |                     |                        |                             |                            |
|                                   |                     |                        |                             |                            |
| <b>Finance Comments</b>           | * No budget impact. |                        |                             |                            |

## County Clerk Use Only

|                        |          |                                              |
|------------------------|----------|----------------------------------------------|
|                        |          | <b>PH was Held?</b> <input type="checkbox"/> |
| <b>Working Session</b> |          | Vote                                         |
| <b>Action</b>          | New Item |                                              |
| <b>Tabled</b>          |          |                                              |
| <b>Motion</b>          |          |                                              |
| <b>2nd by</b>          |          |                                              |

## Department of Fire and Emergency Services



Bill Myers, Fire Chief/Director  
Casey Snyder, Assistant Chief  
Dan Hansen, Assistant Chief  
Stephen Hrustich, Assistant Chief  
Jere Jordan, Division Director

408 Hurricane Shoals Road NE  
Lawrenceville, GA 30046-4406  
678.518.4800 • fax 678.518.4806  
www.gwinnettfire.org

TO: Charlotte J. Nash  
District Commissioners  
Glenn Stephens

FROM: Bill Myers *BMes*

DATE: December 19, 2012

SUBJECT: **Agenda Request – Memorandum of Understanding**

Approval/Authorization for the Chairman to sign a Memorandum of Understanding/Agreement between the Georgia Emergency Management Agency-Homeland Security Georgia Search and Rescue Team (GEMA/GSAR) and Gwinnett County.

The purpose of this agreement is to provide mutual assistance between the participating parties in managing any emergency or disaster that is declared by the governing authority of any political subdivision that is a participating party.

**GEORGIA EMERGENCY MANAGEMENT AGENCY-HOMELAND SECURITY**  
**GEORGIA SEARCH AND RESCUE TEAM (GSAR) # \_\_\_\_\_**  
**MEMORANDUM OF AGREEMENT**

The State of Georgia is vulnerable to a wide range of natural or man-made disaster/emergencies. The Georgia Emergency Management Act, as amended (The Act) gives the State and local governments the authority to make agreements for mutual aid assistance in emergencies, and through such agreements to ensure the timely reimbursement of costs incurred by the local governments which render such assistance. Under the Act the Agency has authority to coordinate assistance between local governments during emergencies and to provide available resources where needed. As part of that authority for the coordination of assistance, The Georgia Emergency Management Agency (GEMA) has caused the creation of the Georgia Search and Rescue (GSAR) teams as special regional response teams comprised of qualified local governmental public safety entities, and supplied these teams with appropriate equipment, training, and exercises to enable these teams to assist the State and Requesting Party with GSAR personnel, equipment, facilities, services, supplies and other resources during an emergency or disaster.

This Memorandum of Agreement is entered pursuant to authorities contained in Articles I through III, Chapter 3, Title 38, Official Code of Georgia Annotated, including O.C.G.A. § 38-3-29, specifically.

ARTICLE I  
STATEMENT OF AGREEMENT, DEFINITIONS AND AUTHORITIES

This Agreement is made and entered into between the participating political subdivisions, which approve and execute this agreement, hereinafter called "Participating Parties" and the Georgia Emergency Management Agency-Homeland Security (GEMA-Homeland Security). For purposes of this agreement, the following terms and expressions shall apply:

- (1) "Agreement" means this agreement,
- (2) "Assistance" includes personnel, equipment, facilities, services, supplies and other resources furnished to a Requesting Party pursuant to this agreement during an emergency or disaster.
- (3) "Assisting Party" means a Participating Party that provides assistance pursuant to this agreement during a disaster or emergency.
- (4) "Authorized Representative" means a Participating Party's elected or appointed official or employee who has been authorized in writing by that party to request, to offer, or otherwise to provide assistance or an employee of GEMA-Homeland Security designated by its Director under the terms of this agreement.
- (5) "Participating Parties" means the State of Georgia, the several counties and the municipalities of the State of Georgia or combinations thereof, and Georgia Search and Rescue team member agencies and the county or municipality they represent.
- (6) "Requesting Party" means a Participating Party that requests assistance pursuant to this agreement during a disaster or emergency.

Any term or expression not defined in this agreement shall have the meaning specified in the Georgia Emergency Management Act, (the Act) as amended and rules promulgated thereunder, unless used in a context that clearly suggests a different meaning.

ARTICLE II  
GENERAL PURPOSE

The purpose of this agreement is to provide for mutual assistance between the Participating Parties in managing any emergency or disaster that is duly declared by the governing authority of any political subdivision that is a Participating Party, whether arising from natural disaster, technological hazard, human caused disaster, civil emergency aspects of resource shortages, community disorders, insurgency, enemy attack, acts of terrorism, other significant events or a national security activity.

ARTICLE III  
ACKNOWLEDGEMENT OF PRINCIPLES

The prompt, full and effective utilization of resources of the Participating Parties, including any resources on hand or available from the State or Federal Government or any other source, that are essential to the safety, care and welfare of the people in the event of any locally declared emergency or emergency declared by the Governor, shall be the underlying principle on which all articles of this agreement shall be understood.

Participating Parties who have accepted grant funds from The United States Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Grant Programs Directorate (GPD) Homeland Security Grant Program indicated through signing the GEMA Grantee-Subgrantee Agreement, concurrence with the Special Conditions contained therein. The Special Conditions require that the Subgrantee agrees to sign and comply with the terms and conditions of GEMA's Statewide Mutual Aid and Assistance Agreement and to render mutual aid for a suspected or real attack involving the use of weapons of mass destruction, or other events as determined by GEMA. The Subgrantee shall also sign any other Mutual Aid Agreements GEMA or DHS/FEMA shall deem necessary in order to assure the Subgrantee will fulfill its obligations to render mutual aid.

The Georgia Emergency Management Agency, through the creation, equipping, training and exercise of the Georgia Search and Rescue (GSAR) Teams for use as special regional response teams, has an expectation that these teams will respond at the request of GEMA to an emergency or disaster that is duly declared by the governing authority of any political subdivision that is a Participating Party, whether arising from natural disaster, technological hazard, human caused disaster, civil emergency aspects of resource shortages, community disorders, insurgency, enemy attack, acts of terrorism, other significant events or a national security activity, in accordance within the provisions of this agreement.

On behalf of the governing authority of each political subdivision of this State participating in the agreement, the Chief Executive Officer of the Public Safety entity participating as a member of the GSAR team will be responsible for formulation of the appropriate plans and procedures necessary to implement this agreement.

ARTICLE IV  
PARTICIPATING PARTY RESPONSIBILITIES

(a) It shall be the responsibility of each Participating Party to formulate procedures and programs for intergovernmental cooperation in the performance of the responsibilities listed in this article. In formulating such plans, and in carrying them out, each Participating Party, insofar as practical, shall:

Inventory and set procedures for the loan and delivery of human and material resources, together with procedures for reimbursement.

(b) Whenever a Participating Party declares a local emergency and such disaster or emergency is too great to be dealt with unassisted, for which a state of emergency has been declared, the authorized representative of the Requesting Party for such Participating Party or his/her authorized representative may request assistance from another Participating Party by contacting the Director of the GEMA-Homeland Security. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives for GSAR resources and assets. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within 30 days of the verbal request. Requests shall provide the following information:

- (1) A description of the emergency service function for which GSAR assistance is needed, such as but not limited to fire services, resource support, , and search and rescue.
- (2) The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time they will be needed.
- (3) The specific place and time for staging of the assisting party's response and a point of contact at that location.

The Assisting Party will (a) maintain daily personnel time records, material records and a log of equipment hours (or miles, if appropriate) and (b) report work progress to the Requesting Party at mutually agreed upon intervals.

ARTICLE V  
LIMITATIONS

Any Participating Party requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this agreement in accordance with the terms hereof; provided that it is understood that the Participating Party rendering aid may withhold resources to the extent necessary to provide reasonable protection for such political subdivision.

Emergency forces will continue under the command and control of their supervisors, but the organizational units will come under the operational control of the emergency services authorities of the Requesting Party unless the Director of GEMA-Homeland Security or his/her authorized representative approves an alternative. These conditions may be activated, as needed, in any disaster or emergency for which a state of emergency has been declared and shall continue so long as the state of emergency or disaster remains in effect or loaned resources remain in the Requesting Party's jurisdiction(s), whichever is longer.

#### ARTICLE VI LIABILITY AND IMMUNITY

(a) In accordance with O.C.G.A. § 38-3-35(a), no political subdivision of the state, nor the agents or representatives of the state or any political subdivision thereof, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer emergency management worker or member of any agency engaged in emergency management activity. The foregoing shall not affect the right of any person to receive benefits or compensation to which he might otherwise be entitled under Chapter 9 of Title 34, Code Section 38-3-30, any pension law, or any act of Congress.

(b) In accordance with O.C.G.A. § 38-3-35(b), no political subdivision of the state nor, except in cases of willful misconduct, gross negligence, or bad faith, the employees, agents, or representatives of the state or any political subdivision thereof, nor any volunteer or auxiliary emergency management worker or member of any agency engaged in any emergency management activity complying with or reasonably attempting to comply with Articles 1 through 3, Chapter 3, Title 38, Official Code of Georgia Annotated; or any order, rule, or regulation promulgated pursuant to Articles 1 through 3 of title, or pursuant to any ordinance relating to precautionary measures enacted by any political provisions of Articles 1 through 3 of said chapter and title, or pursuant to any ordinance relating to precautionary measures enacted by any political subdivision of the state shall be liable for the death of or the injury to person or for damage to property as a result of any such activity.

(c) It is the express intent of the parties that the immunities specified above shall be construed in accordance with O.C.G.A. § 38-3-35 and shall apply in addition to any other immunities provided by statutory or case law.

#### ARTICLE VII RIGHTS AND PRIVILEGES

In accordance with O.C.G.A. § 38-3-30(a), whenever the employees of any Assisting Party or political subdivision are rendering outside aid pursuant to this agreement and the authority contained in Code Section 38-3-27, the employees shall have the same powers, duties, rights, privileges and immunities as if they were performing their duties in the political subdivisions in which they are normally employed.

#### ARTICLE VIII REIMBURSEMENT

In accordance with O.C.G.A. § 38-3-30(b), the Requesting Party shall be liable for any loss of or damage to equipment used or placed within the jurisdiction of the Requesting Party and shall pay any expense incurred in the operation and maintenance thereof. No claim for the loss, damage or expense shall be allowed unless, within 60 days after the same is sustained or incurred, an itemized notice of the claim under oath is served by mail or otherwise upon the chief fiscal officer of the Requesting Party. The Requesting Party shall also pay and reimburse the Assisting Party for the compensation paid to employees furnished by the Assisting Party during the time of the rendition of the aid and shall defray the actual traveling and maintenance expenses of such employees while they are rendering the aid. The reimbursement shall include any amounts paid or due for compensation due to personal injury or death while the employees are engaged in rendering the aid. Expenses that are to be reimbursed by the Requesting Party shall include the following:

- (1) Labor costs, which shall include all usual wages, salaries, compensation for hours worked, mobilization and demobilization, the Assisting Party's portion of payroll taxes (as employer), insurance, accrued paid leave and other fringe benefits, but not those amounts paid or due as a benefit to the Assisting Parties personnel under the terms of the

Georgia Workers Compensation Act. The term "employee," as used herein, shall mean, and this provision shall apply with equal effect to, paid, volunteer and auxiliary employees and emergency management workers.

(2) Equipment costs, which shall include the fair rental value, the cost of fuel and other consumable supplies, service and repairs. If the equipment is damaged while in use under this agreement and the Assisting Party receives payment for such damage under any contract for insurance, the Requesting Party may deduct such payment from any item or items invoiced.

(3) Material costs, which shall include the total reasonable cost for the use and consumption of any and all consumable supplies delivered by the Assisting Party for the benefit of the Requesting Party.

(4) Meals, lodging and other related expenses, which shall include charges for meals, lodging and other expenses relating to the provision of assistance pursuant to this agreement shall be the actual and reasonable costs incurred by the Assisting Party.

The Assisting Party shall maintain records and submit invoices for reimbursement to the Requesting Party.

#### ARTICLE IX IMPLEMENTATION

(a) This agreement shall become operative immediately upon its approval and execution by the GEMA-Homeland Security and the authorized representative of the GSAR team jurisdictions comprising GSAR Team \_\_\_\_\_;

(b) Any Participating Party may withdraw from this agreement by mailing notice of withdrawal, approved by the governing authority of such political subdivision, but no such withdrawal shall take effect until 30 days after the governing authority of the withdrawing political subdivision has given notice in writing of such withdrawal to the governing authorities of all other Participating Parties. Such action shall not relieve the withdrawing political subdivision from obligations assumed hereunder prior to the effective date of withdrawal.

(c) Copies of this agreement shall, at the time of their approval, be deposited with each of the Participating Parties and with the GEMA-Homeland Security.

#### ARTICLE X GEORGIA EMERGENCY MANAGEMENT AGENCY

GEMA-Homeland Security shall act as the coordinating entity under this agreement. Nothing herein shall limit any authority of the Governor or the Director of the GEMA-Homeland Security under articles, I, II, or III of Chapter 3, Title 38, Official Code of Georgia Annotated. In the event the Governor should declare a State of Emergency, any and all provisions of this agreement which may conflict with actions taken pursuant to such declaration shall be superseded by any such act or actions.

#### ARTICLE XI TERM OF AGREEMENT

This agreement shall expire on January 31, 2016. Agreement of the Participating Parties to extend the term of this agreement at any time during the last year of its original term or the last year of any subsequent four-year term shall extend the term of this agreement for four years. Each four-year extension shall constitute a separate agreement.

#### ARTICLE XII VALIDITY

This agreement shall be construed to effectuate the purposes stated in Articles II and III hereof. If any provision of this agreement is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this agreement and the applicability thereof to other persons and circumstances shall not be affected thereby.

Agreed:

\_\_\_\_\_  
County/Municipality

\_\_\_\_\_  
Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of GEMA-Homeland Security or  
Authorized Representative

\_\_\_\_\_  
Date

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                        |                                                                                                                                              |                                                  |                         |    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-------------------------|----|
| <b>GCID #</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Group With GCID #:</b>                              | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                                                  |                         |    |
| <b>20121139</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                        |                                                                                                                                              |                                                  |                         |    |
| <b>Department:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Law Department                                         |                                                                                                                                              | <b>Date Submitted:</b>                           | 12/11/2012              |    |
| <b>Working Session:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 01/15/2013                                             | <b>Business Session:</b>                                                                                                                     | 01/15/2013                                       | <b>Public Hearing:</b>  |    |
| <b>Submitted By:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Michael P. Ludwiczak                                   |                                                                                                                                              |                                                  | <b>Multiple Depts?</b>  | No |
| <b>Budget Type:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Capital                                                |                                                                                                                                              |                                                  | <b>Special Routing:</b> |    |
| <b>Agenda Type</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Approval/authorization                                 |                                                                                                                                              | <b>Rezoning Type</b>                             |                         |    |
| <b>Item of Business:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                        |                                                                                                                                              |                                                  |                         |    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                        |                                                                                                                                              | Locked by Purchasing <input type="checkbox"/> No |                         |    |
| for Project Jimmy Carter Boulevard/SR 140 and I-85 Diverging Diamond Interchange Improvements, Project #F-0780-01 for Declaration of Taking procedures for condemnation proceedings regarding the property of Preferred Real Estate Equities, Inc., United Community Bank (Georgia), as successor in interest to Independent Bank & Trust Company, and Budget Rent A Car System, Inc., located in Land Lot 195 of the 6th District of Gwinnett County, Georgia, consisting of 1,654.15 square feet of right of way and 1,502.97 square feet of permanent easement for the construction and maintenance of slopes, Parcel 5, Zoning C-2, Amount \$59,610.00. This project is funded by the 2009 SPLOST Program. District 2/Howard |                                                        |                                                                                                                                              |                                                  |                         |    |
| <b>Attachments</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Memorandum, condemnation summary, maps and resolution. |                                                                                                                                              |                                                  |                         |    |
| <b>Authorization: Chairman's Signature?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                        | Yes <input type="checkbox"/>                                                                                                                 |                                                  |                         |    |
| <b>Staff Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                        |                                                                                                                                              |                                                  |                         |    |
| <b>Department Head</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | mvstephens (12/20/2012)                                |                                                                                                                                              |                                                  |                         |    |
| <b>Attorney</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | mpludwiczak (1/3/2013)                                 |                                                                                                                                              |                                                  |                         |    |
| <b>Attorney's Comments</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                        |                                                                                                                                              |                                                  |                         |    |
| <b>Agenda Purpose Only</b> <input checked="" type="checkbox"/> <b>As To Form</b> <input type="checkbox"/> <b>Hold for Pickup?</b> <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                        |                                                                                                                                              |                                                  |                         |    |

## Financial Services Use Only

|                                   |                                                                 |                        |                             |                            |
|-----------------------------------|-----------------------------------------------------------------|------------------------|-----------------------------|----------------------------|
| <b>Financial Action Requested</b> |                                                                 |                        |                             |                            |
| <b>Budgeted</b>                   | <b>Fund Name</b>                                                | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |
| Yes                               | 2009 SPLOST                                                     | \$1,981,507            | \$59,610                    | ajbovos<br>(12/27/2012)    |
|                                   |                                                                 |                        |                             |                            |
|                                   |                                                                 |                        |                             |                            |
| <b>Finance Comments</b>           | * Funds available in Jimmy Carter Blvd. (I-85 Interchange) Bdg. |                        |                             |                            |

## County Clerk Use Only

|                        |                                           |  |                                              |
|------------------------|-------------------------------------------|--|----------------------------------------------|
|                        |                                           |  | <b>PH was Held?</b> <input type="checkbox"/> |
| <b>Working Session</b> | <input style="width: 100%;" type="text"/> |  | Vote                                         |
| <b>Action</b>          | <input style="width: 100%;" type="text"/> |  |                                              |
| <b>Tabled</b>          | <input style="width: 100%;" type="text"/> |  |                                              |
| <b>Motion</b>          | <input style="width: 100%;" type="text"/> |  |                                              |
| <b>2nd by</b>          | <input style="width: 100%;" type="text"/> |  |                                              |

Department of Law



75 Langley Drive • Lawrenceville, GA 30046-6935  
(tel) 770.822.8700 • (fax) 770.822.8790  
www.gwinnettcounty.com

MEMORANDUM

TO: Chairman and Gwinnett County Board of Commissioners

FROM: Michael P. Ludwiczak *ML*  
Sr. Assistant County Attorney

SUBJECT: *Gwinnett County, Georgia v. Preferred Real Estate Equities, Inc.,  
United Community Bank (Georgia), as successor in interest to  
Independent Bank & Trust Company, and Budget Rent A Car  
System, Inc.*

DATE: December 13, 2012

RE: Project: Jimmy Carter Boulevard/SR 140 and I-85 Diverging  
Diamond Interchange Improvements  
Project #F-0780-01  
Located in Land Lot 195 of the 6<sup>th</sup> District of Gwinnett County,  
Georgia

Amount - \$59,610.00 - Parcel 5

RECOMMENDATION: Agenda Item  
Authorize the Chairman of the Board of  
Commissioners to Execute the Attached Resolution

As a means to expedite the processing of condemnation procedures, this office has initiated the use of the Declaration of Taking procedure as provided by O.C.G.A. Sections 32-3-4 through 32-3-19. This procedure is used as an alternative to the Special Master proceeding. The Declaration of Taking procedure requires the execution of the attached Resolution by the Chairperson of the Board of Commissioners. By this Memorandum, it is requested that the Board of Commissioners authorize the execution of the attached Resolution for the Declaration of Taking initiated for the above referenced project.

If you have any questions with regard to this matter, please do not hesitate to contact me at extension 8715.

Thomas D. Moreland, PE  
Chairman/CEOBuddy Gratton, PE  
PresidentVickie E. Moreland  
Executive Vice President/CFOGeorge M. Byrd, PE  
Senior Vice PresidentJ. Holly Moreland  
Vice PresidentRichard C. Boula'n, PE  
Vice PresidentHenry E. Collins, Jr.  
Vice PresidentBradley M. Ha'e, PE  
Vice PresidentAlbert J. Joyner, Jr.  
Vice PresidentL.N. Manchi, P.E.  
Vice PresidentJoe McGrew, PE  
Vice President

## Condemnation Summary

### PREFERRED REAL ESTATE EQUITIES, INC.

Project F-0780-01, Gwinnett County

Jimmy Carter Boulevard/ SR 140 and

I-85 Diverging Diamond Interchange Improvements

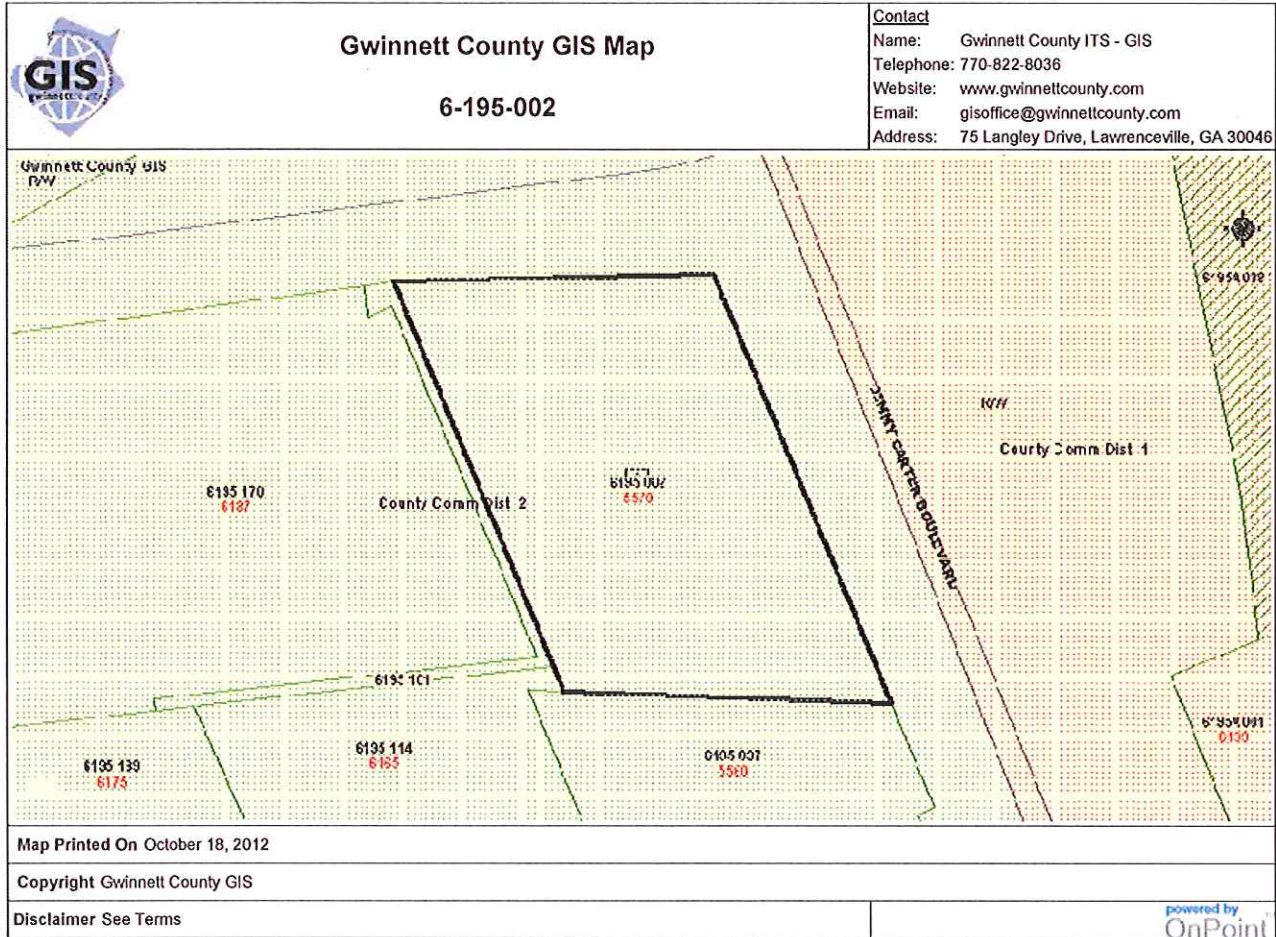
Parcel 5

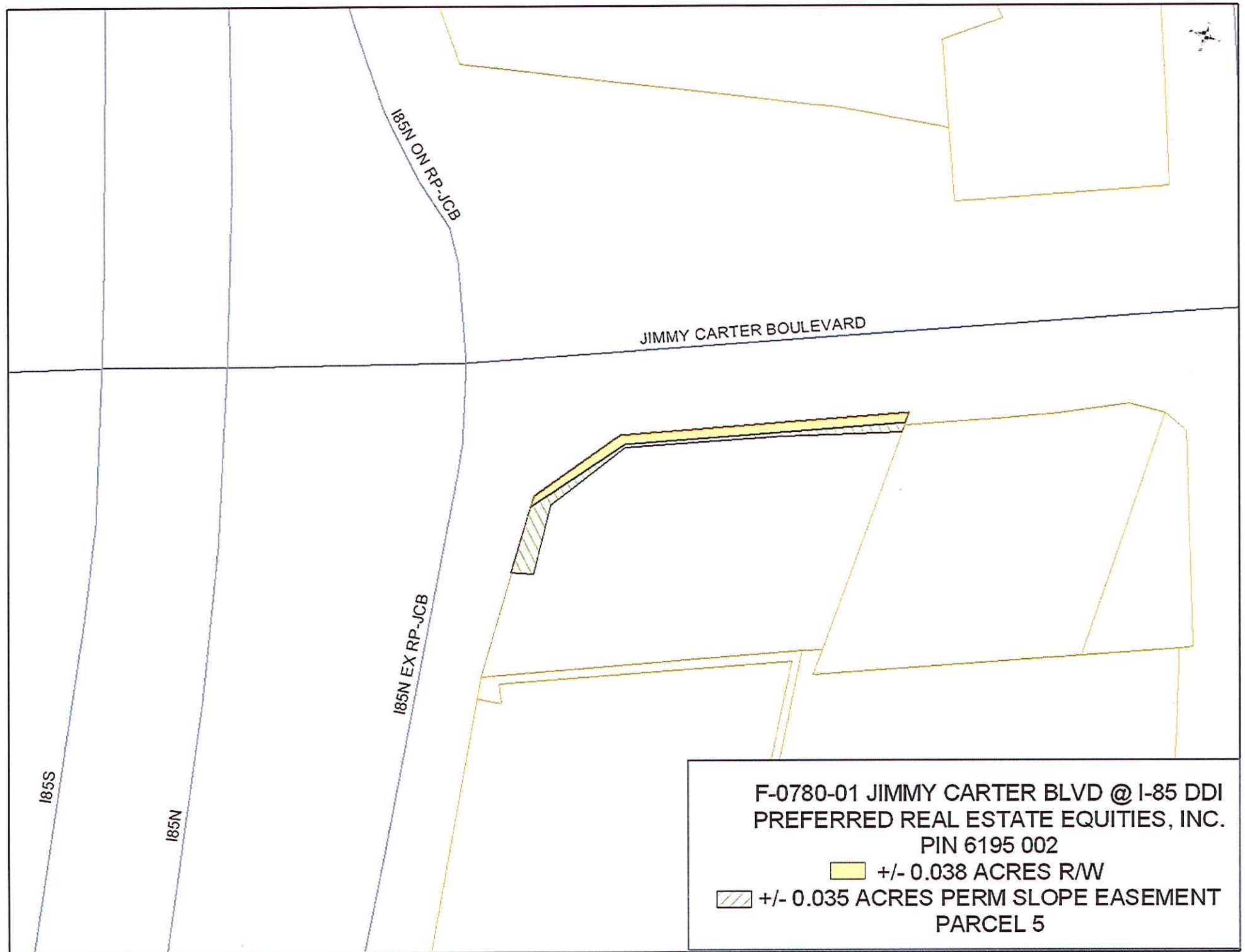
|                                                                  |                         |             |
|------------------------------------------------------------------|-------------------------|-------------|
| Right of Way                                                     | (1,654.15 square feet)  | \$33,080.00 |
| Permanent Easement for<br>Construction and Maintenance of Slopes | (1,502.97 square feet)  | \$15,030.00 |
| Site Improvements                                                | (Landscaping, Bollards) | \$11,500.00 |
|                                                                  |                         | <hr/>       |
| Total                                                            |                         | \$59,610.00 |
| Rounded                                                          |                         | \$59,610.00 |
| Counter Offer                                                    |                         | \$67,110.00 |

### Comments:

Negotiations started in August 2011. A 10-day letter was sent out in January, 2012. An option was executed by the owner on January 20, 2012. Unfortunately the tenant – Budget Rent A Car, Inc., is opposing signing the release. An appraisal update was done in August, 2012, which came with the same Fair Market Value. We need to move forward with the condemnation process due to construction schedule and tenants lack of movement with the release.







APPENDIX "A" TO EXHIBIT "A"  
RESOLUTION  
GWINNETT COUNTY COMMISSION

WHEREAS, the Gwinnett County Department of Transportation has laid out and determined to construct a certain State road or highway as a part of the Gwinnett County Road System of the State of Georgia, known and designated as **Project F-0780-01** Gwinnett County, being a project to upgrade and improve **Jimmy Carter Boulevard/SR 140 and I-85 Diverging Diamond Interchange Improvements**, and being more fully shown on a map and drawing on file in the office of the Gwinnett County Department of Transportation, 75 Langley Drive, Lawrenceville, Georgia; and

WHEREAS, in order to maintain the projected schedule of road construction of Gwinnett County, it is necessary that the right of way, and other rights, if any, for the construction of said project be acquired without delay; and

WHEREAS, the parcel of right of way and other rights as herein described and as listed below, shown of record as owned by the person named herein, all as described in the annexes to this order hereinafter enumerated, all of said annexes, being by reference made a part of this order, are essential for the construction of said project.

**Parcel Number: 5**

**Required Right of Way: 1,654.15 square feet**

**Permanent Construction Easement: 1,502.97 square feet**

**Owners: Preferred Real Estate Equities, Inc., United Community Bank (Georgia), as successor in interest to Independent Bank & Trust, and Budget Rent A Car System, Inc.**

NOW, THEREFORE, it is found by the Board of Commissioners of Gwinnett County that the circumstances are such that it is necessary that the right of way, easements and access rights, if any as described in annexes to this order be acquired by condemnation under the provisions of the Official Code of Georgia Annotated, Sections 32-3-4 through 32-3-19; and

IT IS ORDERED that Gwinnett County proceed to acquire the title, estate, or interest in the lands hereinafter described in annexes to this order by condemnation under the provisions of said Code, and the Attorney for Gwinnett County, is authorized and directed to file condemnation proceedings, including a Declaration of Taking, to acquire said title, estate, or interest in said lands and to deposit in the Court the sum estimated as just compensation, all in accordance with the provisions of said Code.

This \_\_\_\_ day of January, 2013.

\_\_\_\_\_  
CHARLOTTE J. NASH  
CHAIRMAN OF GWINNETT  
COUNTY COMMISSION

ATTEST:

\_\_\_\_\_  
CLERK OF GWINNETT COUNTY COMMISSION

Approved as To Form:

\_\_\_\_\_  
Sr. Assistant County Attorney

I, \_\_\_\_\_, do hereby certify that I am County Clerk/Deputy County Clerk of the Board of Commissioners of Gwinnett County.

I further certify that the foregoing 2 pages constitute a true and correct extract copy of a Resolution of the Board of Commissioners of Gwinnett County, entered on the \_\_\_\_ day of \_\_\_\_\_, 2013, as the same applies to the tract or parcel of land described in said 2 pages; and the original of said Resolution is on file at the office of County Clerk at the Gwinnett County Justice & Administrative Center, 75 Langley Drive, Lawrenceville, Georgia.

Given under my hand and the seal of Gwinnett County, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
COUNTY CLERK/DEPUTY COUNTY CLERK  
GWINNETT COUNTY, GEORGIA

APPENDIX "A"

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                        |                                                                                                                                              |            |                 |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------------|--|
| <b>GCID #</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Group With GCID #:                                     | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |            |                 |  |
| <b>20130014</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                        |                                                                                                                                              |            |                 |  |
| Department:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Law Department                                         | Date Submitted:                                                                                                                              | 12/13/2012 |                 |  |
| Working Session:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 01/15/2013                                             | Business Session:                                                                                                                            | 01/15/2013 | Public Hearing: |  |
| Submitted By:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Michael P. Ludwiczak                                   | Multiple Depts?                                                                                                                              | No         |                 |  |
| Budget Type:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Capital                                                | Special Routing:                                                                                                                             |            |                 |  |
| Agenda Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Approval/authorization                                 | Rezoning Type                                                                                                                                |            |                 |  |
| Item of Business:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                        | Locked by Purchasing                                                                                                                         |            | No              |  |
| for Project Bryson Park/Lions Club Park Connection-Lawrenceville Highway/U.S. Highway 29/State Route 8 from Rockbridge Road to Hillcrest Road, Project #F-0792-01 for Declaration of Taking procedures for condemnation proceedings regarding the property of Podber Limited Partnership, located in Land Lot 146 of the 6th District of Gwinnett County, Georgia, consisting of 2,100.81 square feet of permanent easement for the construction and maintenance of slopes and 383.54 square feet of 24-month temporary driveway easement, Parcel 5, Zoning C-2, Amount \$9,905.00. This project is funded by the 2009 SPLOST Program. District 2/Howard |                                                        |                                                                                                                                              |            |                 |  |
| Attachments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Memorandum, condemnation summary, maps and resolution. |                                                                                                                                              |            |                 |  |
| Authorization:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Chairman's Signature?                                  | Yes                                                                                                                                          |            |                 |  |
| Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                        |                                                                                                                                              |            |                 |  |
| Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | mvstephens (12/20/2012)                                |                                                                                                                                              |            |                 |  |
| Attorney                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | mpludwiczak (1/3/2013)                                 |                                                                                                                                              |            |                 |  |
| Attorney's Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                        |                                                                                                                                              |            |                 |  |
| Agenda Purpose Only <input checked="" type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                        |                                                                                                                                              |            |                 |  |

## Financial Services Use Only

|                            |                                                                      |                 |                      |                         |  |
|----------------------------|----------------------------------------------------------------------|-----------------|----------------------|-------------------------|--|
| Financial Action Requested |                                                                      |                 |                      |                         |  |
| Budgeted                   | Fund Name                                                            | Current Balance | Requested Allocation | Director's Initials     |  |
| Yes                        | 2009 SPLOST                                                          | \$225,596       | \$9,905              | ajbovos<br>(12/27/2012) |  |
|                            |                                                                      |                 |                      |                         |  |
|                            |                                                                      |                 |                      |                         |  |
| Finance Comments           | * Funds available in Lawrenceville Hwy/US 29 Bryson-Lions Club Park. |                 |                      |                         |  |

## County Clerk Use Only

|                 |                                       |      |                                       |
|-----------------|---------------------------------------|------|---------------------------------------|
|                 |                                       |      | PH was Held? <input type="checkbox"/> |
| Working Session | <input type="text"/>                  | Vote |                                       |
| Action          | <input type="text" value="New Item"/> |      |                                       |
| Tabled          | <input type="text"/>                  |      |                                       |
| Motion          | <input type="text"/>                  |      |                                       |
| 2nd by          | <input type="text"/>                  |      |                                       |

Department of Law

75 Langley Drive • Lawrenceville, GA 30046-6935  
(tel) 770.822.8700 • (fax) 770.822.8790  
www.gwinnettcountry.com



**MEMORANDUM**

TO: Chairman and Gwinnett County Board of Commissioners

FROM: Michael P. Ludwiczak *MPL hgb*  
Sr. Assistant County Attorney

SUBJECT: *Gwinnett County, Georgia v. Podber Limited Partnership*

DATE: December 17, 2012

RE: Project: Bryson Park/Lions Club Park Connection-Lawrenceville  
Highway/U.S. Highway 29/State Route 8 from Rockbridge Road to  
Hillcrest Road  
Project #F-0792-01  
Located in Land Lot 146 of the 6<sup>th</sup> District of Gwinnett County,  
Georgia

Amount - \$9,905 .00 - Parcel 5

RECOMMENDATION: Agenda Item  
Authorize the Chairman of the Board of  
Commissioners to Execute the Attached Resolution

As a means to expedite the processing of condemnation procedures, this office has initiated the use of the Declaration of Taking procedure as provided by O.C.G.A. Sections 32-3-4 through 32-3-19. This procedure is used as an alternative to the Special Master proceeding. The Declaration of Taking procedure requires the execution of the attached Resolution by the Chairperson of the Board of Commissioners. By this Memorandum, it is requested that the Board of Commissioners authorize the execution of the attached Resolution for the Declaration of Taking initiated for the above referenced project.

If you have any questions with regard to this matter, please do not hesitate to contact me at extension 8715.

Thomas D. Moreland, PE  
Chairman/CEOBuddy Gratton, PE  
PresidentVickie E. Moreland  
Executive Vice President/CFOGeorge M. Byrd, PE  
Senior Vice PresidentJ. Holly Moreland  
Vice PresidentRichard C. Boula'n, PE  
Vice PresidentHenry E. Collins, Jr.  
Vice PresidentBradley M. Hale, PE  
Vice PresidentAlbert J. Joyner, Jr.  
Vice PresidentL.N. Manchi, P.E.  
Vice PresidentJoe McGrew, PE  
Vice President

## Condemnation Summary

### PODBER LIMITED PARTNERSHIP

Project F-0792-01, Gwinnett County

Bryson Park/ Lions Club Park Connection-Lawrenceville Highway/ U.S. Highway 29/ State  
Route 8 from Rockbridge Road to Hillcrest Road  
Parcel 5

|                                                                  |                        |             |
|------------------------------------------------------------------|------------------------|-------------|
| Permanent Easement for Construction and<br>Maintenance of Slopes | (2,100.81 square feet) | \$8,405.00  |
| 24 Month Temporary Driveway Easement                             | ( 383.54 square feet)  | N/A         |
| Site Improvements                                                | (Landscaping)          | \$1,500.00  |
|                                                                  |                        | <hr/>       |
| Total                                                            |                        | \$9,905.00  |
| Rounded                                                          |                        | \$9,905.00  |
| Counter Offer                                                    |                        | \$25,000.00 |

### Comments:

An initial offer was made in March, 2011 of \$25,105.00 on 5,150.98 square feet of permanent construction easement. Subsequently, the plans were revised and the easement area decreased to 2,100.81 square feet and the FMV was proportionately reduced to \$9,905.00. The owner refuses to accept the reduction in compensation and has hired Richard Hubert as his attorney. In discussing the situation with the owner, he personally requested that we immediately begin the condemnation process.



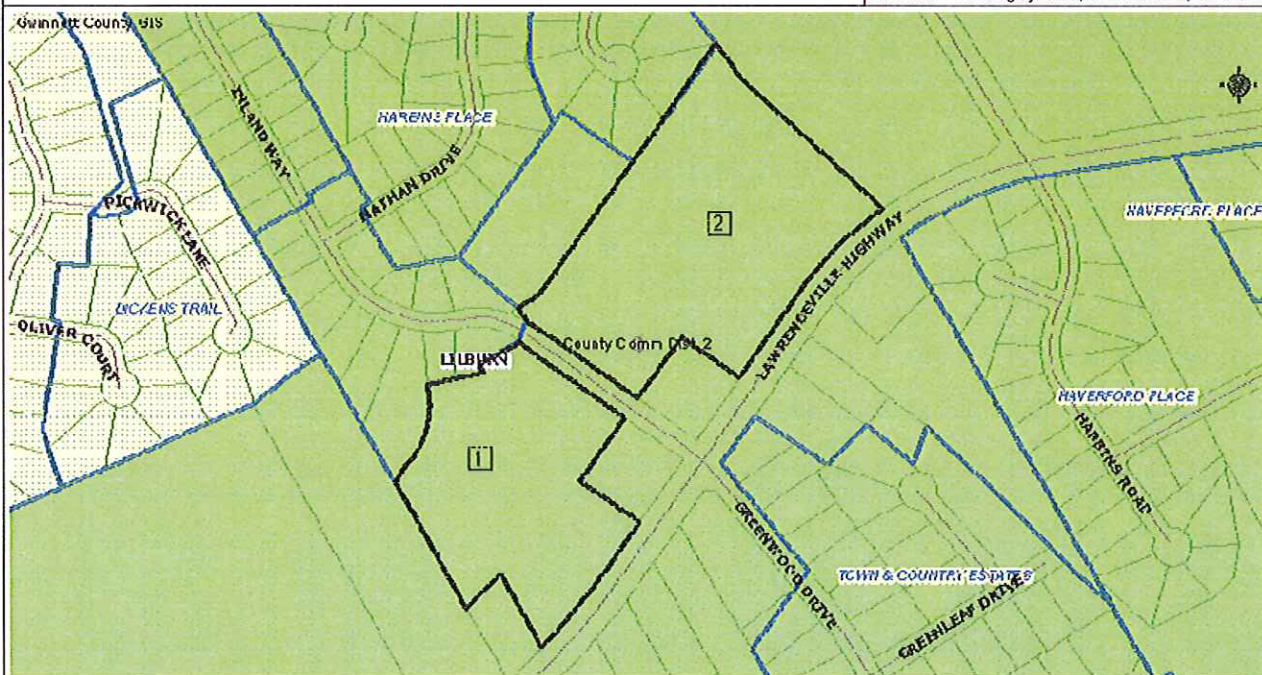


## Gwinnett County GIS Map

6-146-062

## Contact

Name: Gwinnett County ITS - GIS  
Telephone: 770-822-8036  
Website: [www.gwinnettcounty.com](http://www.gwinnettcounty.com)  
Email: [gisoffice@gwinnettcounty.com](mailto:gisoffice@gwinnettcounty.com)  
Address: 75 Langley Drive, Lawrenceville, GA 30046



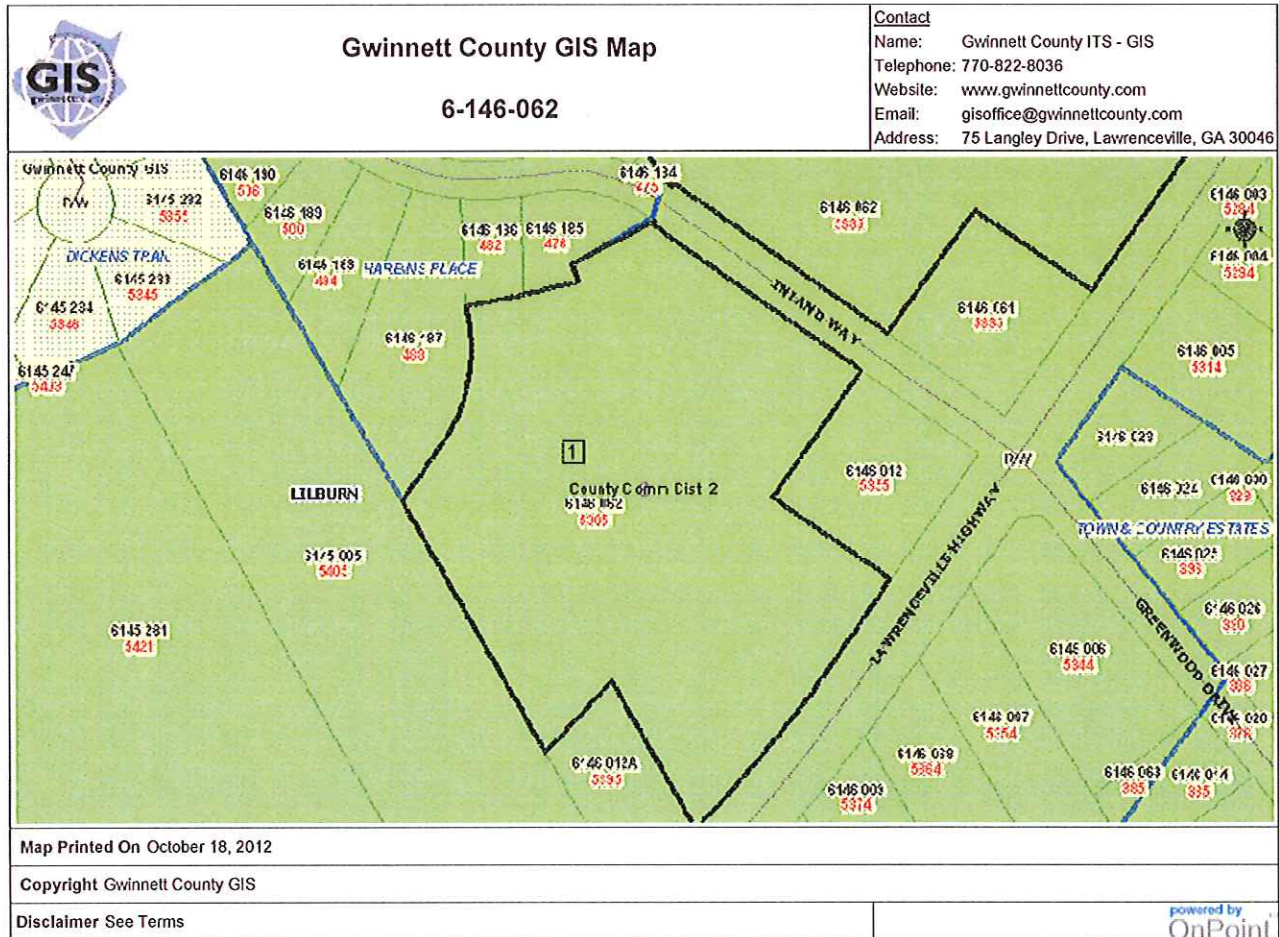
Map Printed On October 18, 2012

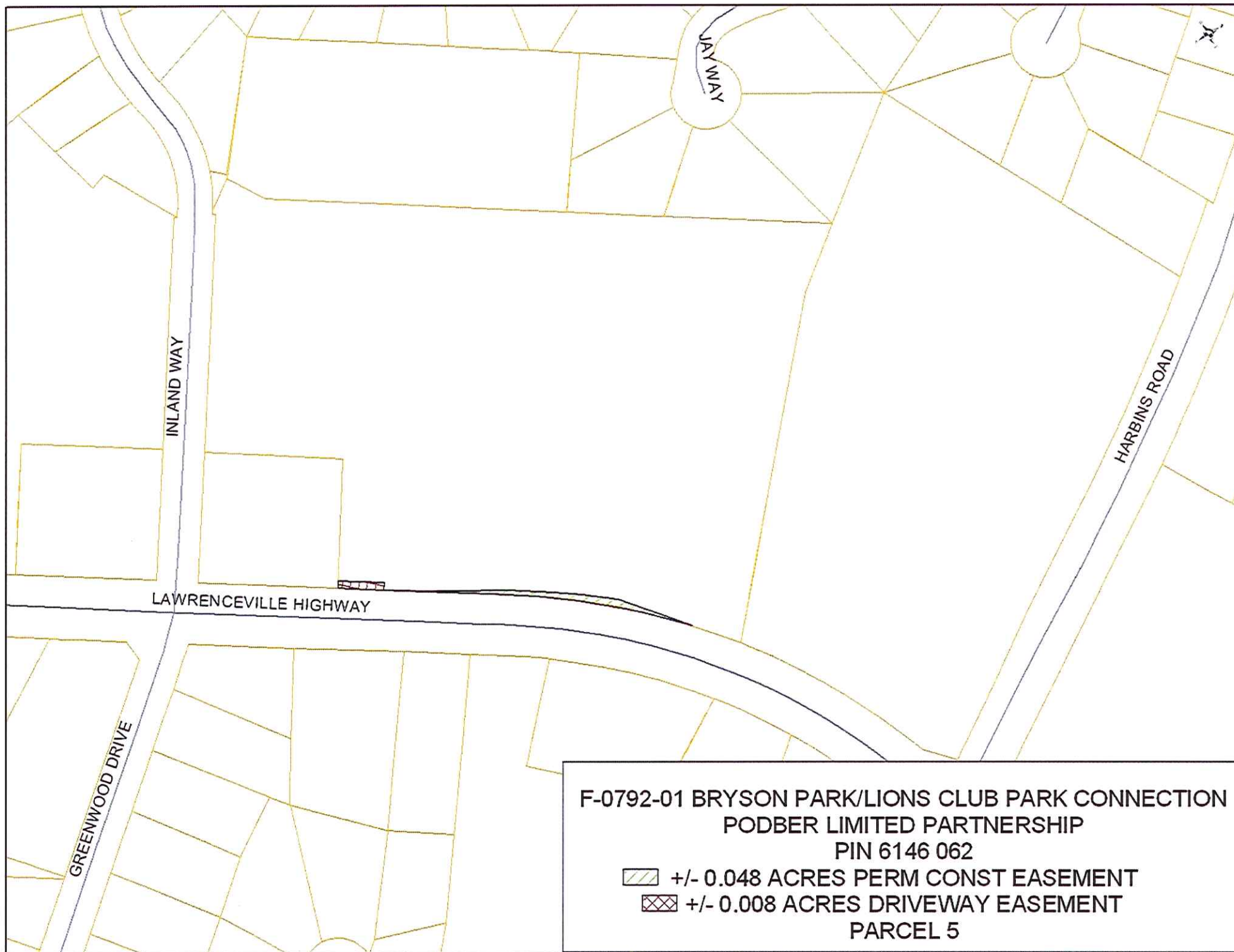
Copyright Gwinnett County GIS

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APPENDIX "A" TO EXHIBIT "A"  
RESOLUTION  
GWINNETT COUNTY COMMISSION

WHEREAS, the Gwinnett County Department of Transportation has laid out and determined to construct a certain State road or highway as a part of the Gwinnett County Road System of the State of Georgia, known and designated as **Project F-0792-01** Gwinnett County, being a project to upgrade and improve **Bryson Park/Lions Club Park Connection-Lawrenceville Highway/U.S. Highway 29/State Route 8 from Rockbridge Road to Hillcrest Road**, and being more fully shown on a map and drawing on file in the office of the Gwinnett County Department of Transportation, 75 Langley Drive, Lawrenceville, Georgia; and

WHEREAS, in order to maintain the projected schedule of road construction of Gwinnett County, it is necessary that the right of way, and other rights, if any, for the construction of said project be acquired without delay; and

WHEREAS, the parcel of right of way and other rights as herein described and as listed below, shown of record as owned by the person named herein, all as described in the annexes to this order hereinafter enumerated, all of said annexes, being by reference made a part of this order, are essential for the construction of said project.

**Parcel Number: 5**

**Permanent Construction Easement: 2,100.81 square feet**

**24-Month Temporary Driveway Easement: 383.54 square feet**

**Owner: Podber Limited Partnership**

NOW, THEREFORE, it is found by the Board of Commissioners of Gwinnett County that the circumstances are such that it is necessary that the right of way, easements and access rights, if any as described in annexes to this order be acquired by condemnation under the provisions of the Official Code of Georgia Annotated, Sections 32-3-4 through 32-3-19; and

IT IS ORDERED that Gwinnett County proceed to acquire the title, estate, or interest in the lands hereinafter described in annexes to this order by condemnation under the provisions of said Code, and the Attorney for Gwinnett County, is authorized and directed to file condemnation proceedings, including a Declaration of Taking, to acquire said title, estate, or interest in said lands and to deposit in the Court the sum estimated as just compensation, all in accordance with the provisions of said Code.

This \_\_\_\_ day of January, 2013.

\_\_\_\_\_  
CHARLOTTE J. NASH  
CHAIRMAN OF GWINNETT  
COUNTY COMMISSION

ATTEST:

\_\_\_\_\_  
CLERK OF GWINNETT COUNTY COMMISSION

Approved as To Form:

\_\_\_\_\_  
Sr. Assistant County Attorney

I, \_\_\_\_\_, do hereby certify that I am County Clerk/Deputy County Clerk of the Board of Commissioners of Gwinnett County.

I further certify that the foregoing 2 pages constitute a true and correct extract copy of a Resolution of the Board of Commissioners of Gwinnett County, entered on the \_\_\_\_ day of \_\_\_\_\_, 2013, as the same applies to the tract or parcel of land described in said 2 pages; and the original of said Resolution is on file at the office of County Clerk at the Gwinnett County Justice & Administrative Center, 75 Langley Drive, Lawrenceville, Georgia.

Given under my hand and the seal of Gwinnett County, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
COUNTY CLERK/DEPUTY COUNTY CLERK  
GWINNETT COUNTY, GEORGIA

APPENDIX "A"

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                                                                                                                                                                                                                                                                            |                                                 |                                                                                                                                                         |                        |                         |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-------------------------|----|
| <b>GCID #</b>                                                                                                                                                                                                                                                                                                                                                                              | <b>Group With GCID #:</b>                       | <input type="checkbox"/> Grants <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                        |                         |    |
| <b>20130080</b>                                                                                                                                                                                                                                                                                                                                                                            |                                                 |                                                                                                                                                         |                        |                         |    |
| <b>Department:</b>                                                                                                                                                                                                                                                                                                                                                                         | Support Services                                |                                                                                                                                                         | <b>Date Submitted:</b> | 12/26/2012              |    |
| <b>Working Session:</b>                                                                                                                                                                                                                                                                                                                                                                    | 01/15/2013                                      | <b>Business Session:</b>                                                                                                                                | 01/15/2013             | <b>Public Hearing:</b>  |    |
| <b>Submitted By:</b>                                                                                                                                                                                                                                                                                                                                                                       | Purchasing - Susan Clarke- SEM                  |                                                                                                                                                         |                        | <b>Multiple Depts?</b>  | No |
| <b>Budget Type:</b>                                                                                                                                                                                                                                                                                                                                                                        | Capital                                         |                                                                                                                                                         |                        | <b>Special Routing:</b> |    |
| <b>Agenda Type</b>                                                                                                                                                                                                                                                                                                                                                                         | Award                                           | <b>Rezoning Type</b>                                                                                                                                    |                        |                         |    |
| <b>Item of Business:</b>                                                                                                                                                                                                                                                                                                                                                                   |                                                 |                                                                                                                                                         |                        |                         |    |
| Locked by Purchasing <span style="float: right;">No</span>                                                                                                                                                                                                                                                                                                                                 |                                                 |                                                                                                                                                         |                        |                         |    |
| BL137-12, Gwinnett County Fire Station No. 10 entrance drive project, to low bidder, Charles W. Pruitt Enterprises, Inc., amount not to exceed \$196,890.00. Authorization for Chairman to execute contracts subject to approval by the Law Department and proof of authenticity of bonds. Contracts to follow award. This project is funded by the 2009 SPLOST program. District 1/Brooks |                                                 |                                                                                                                                                         |                        |                         |    |
| <b>Attachments</b>                                                                                                                                                                                                                                                                                                                                                                         | Summary sheet, justification letter, tabulation |                                                                                                                                                         |                        |                         |    |
| <b>Authorization: Chairman's Signature?</b>                                                                                                                                                                                                                                                                                                                                                |                                                 | Yes                                                                                                                                                     |                        |                         |    |
| <b>Staff Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                | Award                                           |                                                                                                                                                         |                        |                         |    |
| <b>Department Head</b>                                                                                                                                                                                                                                                                                                                                                                     | ajbovos (12/31/2012)                            |                                                                                                                                                         |                        |                         |    |
| <b>Attorney</b>                                                                                                                                                                                                                                                                                                                                                                            | fsfields (1/3/2013)                             |                                                                                                                                                         |                        |                         |    |
| <b>Attorney's Comments</b>                                                                                                                                                                                                                                                                                                                                                                 |                                                 |                                                                                                                                                         |                        |                         |    |
| Agenda Purpose Only <input checked="" type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/>                                                                                                                                                                                                                                                      |                                                 |                                                                                                                                                         |                        |                         |    |

## Financial Services Use Only

|                                   |                                                      |                  |                        |                             |                            |
|-----------------------------------|------------------------------------------------------|------------------|------------------------|-----------------------------|----------------------------|
| <b>Financial Action Requested</b> |                                                      |                  |                        |                             |                            |
|                                   | <b>Budgeted</b>                                      | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |
|                                   | Yes                                                  | 2009 SPLOST      | * \$1,215,478          | \$196,890                   | ajbovos (1/2/2013)         |
|                                   |                                                      |                  |                        |                             |                            |
|                                   |                                                      |                  |                        |                             |                            |
| <b>Finance Comments</b>           | * Amount available in Fire Station #10 - Relocation. |                  |                        |                             |                            |

## County Clerk Use Only

|                        |          |      |                                              |
|------------------------|----------|------|----------------------------------------------|
|                        |          |      | <b>PH was Held?</b> <input type="checkbox"/> |
| <b>Working Session</b> |          | Vote |                                              |
| <b>Action</b>          | New Item |      |                                              |
| <b>Tabled</b>          |          |      |                                              |
| <b>Motion</b>          |          |      |                                              |
| <b>2nd by</b>          |          |      |                                              |

**SUMMARY – BL137-12**  
**Gwinnett County Fire Station No. 10 Entrance Drive Project**

|                                                                                                     |                                                                                              |
|-----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| <b>PURPOSE:</b>                                                                                     | Provide site work, grading, and installation of an entrance drive for a future fire station. |
| <b>LOCATION:</b>                                                                                    | District 1/Brooks                                                                            |
| <b>AMOUNT TO BE SPENT:</b>                                                                          | \$196,890.00                                                                                 |
| <b>PREVIOUS CONTRACT AWARD AMOUNT:</b>                                                              | N/A                                                                                          |
| <b>AMOUNT SPENT PREVIOUS CONTRACT:</b>                                                              | N/A                                                                                          |
| <b>INCREASE/DECREASE<br/>(CURRENT CONTRACT VS. PREVIOUS<br/>CONTRACT):</b>                          | N/A                                                                                          |
| <b>NUMBER OF BIDS/PROPOSALS MAILED:</b>                                                             | 21 Notices<br>12 Plan holders<br>145 Website viewings                                        |
| <b>NUMBER OF RESPONSES:</b>                                                                         | 8                                                                                            |
| <b>PRE-BID/PROPOSAL CONFERENCE HELD<br/>(YES/NO)</b><br><b>IF YES, NUMBER OF FIRMS REPRESENTED:</b> | Yes<br>11                                                                                    |
| <b>REASONS FOR LIMITED RESPONSE (IF<br/>RELEVANT):</b>                                              | N/A                                                                                          |
| <b>RENEWAL OPTION NUMBER</b>                                                                        | N/A                                                                                          |
| <b>MARKET PRICES COMPARISON (FOR<br/>RENEWALS):</b>                                                 | N/A                                                                                          |
| <b>PROPOSED CONTRACT TERM:</b>                                                                      | 90 consecutive calendar days                                                                 |

COMMENTS:

Department of Support Services  
**Facilities Management Division**

75 Langley Drive • Lawrenceville, GA 30046-6935  
(tel) 770.822.7100 • (fax) 770.822.7114



**MEMORANDUM**

THRU: Aaron J. Bovos, CFO and Deputy County Administrator  
Board of Commissioners

TO: Steve Murray, Purchasing Associate III  
Purchasing Division

FROM: Mike Plonowski, Director  
Facilities Management

SUBJECT: Recommendation for BL137-12; Gwinnett County Fire Station No. 10 Entrance Drive Project

DATE: December 21, 2012

The Department of Support Services recommends award of the above referenced procurement to the low bidder, Charles W. Pruitt Enterprises, Inc., in the amount of \$196,890.00. We have checked their references. All are favorable and meet the requirements set forth in this bid.

This project is funded by the 2009 SPLOST Program.

District 1/Brooks

References Checked? Yes

1. Total obligations requested: \$ 196,890.00
2. Do total obligations agree with "Action Requested"? Yes X No
3. Budgeted: Yes X No
4. Contact name: Jeff Hairston Contact phone: 770-822-7006
5. Proposed Funding:

| Fiscal Year (FY) | Fund | Fund Center | Cost Center | Commitment Item | WBS Element    | Amount       |
|------------------|------|-------------|-------------|-----------------|----------------|--------------|
| 2013             | 318  |             |             |                 | F-0708-01-3-03 | \$196,890.00 |

6. Transfer required: Yes      No X If yes, transfer from:

| Fiscal Year (FY) | Fund | Fund Center | Cost Center | Commitment Item | WBS Element | Amount |
|------------------|------|-------------|-------------|-----------------|-------------|--------|
|                  |      |             |             |                 |             |        |

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                                                                                                                                                                                                  |                                     |                                                                                                                                              |                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <b>GCID #</b>                                                                                                                                                                                                                                                                                                    | <b>Group With GCID #:</b>           | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                                   |
| <b>20130084</b>                                                                                                                                                                                                                                                                                                  | 20120163                            |                                                                                                                                              |                                   |
| <b>Department:</b>                                                                                                                                                                                                                                                                                               | Transportation                      |                                                                                                                                              | <b>Date Submitted:</b> 12/27/2012 |
| <b>Working Session:</b>                                                                                                                                                                                                                                                                                          | 01/15/2013                          | <b>Business Session:</b>                                                                                                                     | 01/15/2013                        |
| <b>Public Hearing:</b>                                                                                                                                                                                                                                                                                           |                                     |                                                                                                                                              |                                   |
| <b>Submitted By:</b>                                                                                                                                                                                                                                                                                             | Purchasing- Susan Clarke- JB        |                                                                                                                                              | <b>Multiple Depts?</b> No         |
| <b>Budget Type:</b>                                                                                                                                                                                                                                                                                              | Operating                           |                                                                                                                                              | <b>Special Routing:</b>           |
| <b>Agenda Type</b>                                                                                                                                                                                                                                                                                               | Approval                            | <b>Rezoning Type</b>                                                                                                                         |                                   |
| <b>Item of Business:</b>                                                                                                                                                                                                                                                                                         |                                     |                                                                                                                                              |                                   |
|                                                                                                                                                                                                                                                                                                                  |                                     | Locked by Purchasing                                                                                                                         | No                                |
| to renew BL014-12, purchase of hot asphaltic patch mix on an annual contract (March 06, 2013 through March 05, 2014), with low bidders, E.R. Snell Contractors, Inc., C.W. Matthews Contracting Company, Inc., and Metro Materials, base bid \$295,000.00 (negotiated cost savings of approximately \$4,917.00). |                                     |                                                                                                                                              |                                   |
| <b>Attachments</b>                                                                                                                                                                                                                                                                                               | Summary sheet, justification letter |                                                                                                                                              |                                   |
| <b>Authorization: Chairman's Signature?</b> No                                                                                                                                                                                                                                                                   |                                     |                                                                                                                                              |                                   |
| <b>Staff Recommendation</b>                                                                                                                                                                                                                                                                                      | Award                               |                                                                                                                                              |                                   |
| <b>Department Head</b>                                                                                                                                                                                                                                                                                           | mkconroy (1/7/2013)                 |                                                                                                                                              |                                   |
| <b>Attorney</b>                                                                                                                                                                                                                                                                                                  | jbsavage (1/8/2013)                 |                                                                                                                                              |                                   |
| <b>Attorney's Comments</b>                                                                                                                                                                                                                                                                                       |                                     |                                                                                                                                              |                                   |
| <b>Agenda Purpose Only</b> <input checked="" type="checkbox"/> <b>As To Form</b> <input type="checkbox"/> <b>Hold for Pickup?</b> <input type="checkbox"/>                                                                                                                                                       |                                     |                                                                                                                                              |                                   |

## Financial Services Use Only

|                                   |                                                                                                                                                                        |                        |                             |                            |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------------------|----------------------------|
| <b>Financial Action Requested</b> |                                                                                                                                                                        |                        |                             |                            |
| <b>Budgeted</b>                   | <b>Fund Name</b>                                                                                                                                                       | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |
| Yes                               | General                                                                                                                                                                | *                      | \$295,000                   | ajbovos (1/8/2013)         |
|                                   |                                                                                                                                                                        |                        |                             |                            |
|                                   |                                                                                                                                                                        |                        |                             |                            |
| <b>Finance Comments</b>           | * The current balance is checked as items are purchased or services or provided. The requested allocation is a county-wide estimate based on the recommended base bid. |                        |                             |                            |

## County Clerk Use Only

|                        |          |                                              |
|------------------------|----------|----------------------------------------------|
|                        |          | <b>PH was Held?</b> <input type="checkbox"/> |
| <b>Working Session</b> |          | Vote                                         |
| <b>Action</b>          | New Item |                                              |
| <b>Tabled</b>          |          |                                              |
| <b>Motion</b>          |          |                                              |
| <b>2nd by</b>          |          |                                              |

**SUMMARY – BL014-12**  
**Purchase of Hot Asphaltic Patch Mix on an Annual Contract**

|                                                                                               |                                                                    |
|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| <b>PURPOSE:</b>                                                                               | This material is used for construction and repair of County roads. |
| <b>LOCATION:</b>                                                                              | Various locations throughout Gwinnett County                       |
| <b>AMOUNT TO BE SPENT:</b>                                                                    | \$295,000.00                                                       |
| <b>PREVIOUS CONTRACT AWARD AMOUNT:</b>                                                        | \$295,000.00                                                       |
| <b>AMOUNT SPENT PREVIOUS CONTRACT:</b>                                                        | \$290,160.00                                                       |
| <b>INCREASE/DECREASE<br/>(CURRENT CONTRACT VS. PREVIOUS<br/>CONTRACT):</b>                    | 0%                                                                 |
| <b>NUMBER OF BIDS/PROPOSALS MAILED:</b>                                                       | N/A                                                                |
| <b>NUMBER OF RESPONSES:</b>                                                                   | N/A                                                                |
| <b>PRE-BID/PROPOSAL CONFERENCE HELD<br/>(YES/NO)<br/>IF YES, NUMBER OF FIRMS REPRESENTED:</b> | N/A                                                                |
| <b>REASONS FOR LIMITED RESPONSE (IF<br/>RELEVANT):</b>                                        | N/A                                                                |
| <b>RENEWAL OPTION NUMBER</b>                                                                  | This is renewal option one (1) of one (1).                         |
| <b>MARKET PRICES COMPARISON (FOR<br/>RENEWALS):</b>                                           | Market analysis shows an increase of 2-3%.                         |
| <b>PROPOSED CONTRACT TERM:</b>                                                                | March 06, 2013 through March 05, 2014                              |

COMMENTS: This is a demand contract and usage will vary depending upon need.

Through successful negotiations a cost savings of approximately \$4,917.00 was achieved without a reduction in the scope of services.

## MEMORANDUM

**TO:** Janice Bradshaw  
Purchasing Associate III

**FROM:** Martin K. Conroy, P.E., Director  
Department of Transportation

**SUBJECT:** Recommendation for BL014-12, Purchase of Hot Asphaltic Patch Mix on Annual Contract

**DATE:** December 3, 2012

The Department of Transportation recommends renewal of the above referenced contract with E.R. Snell Contractors, Inc., C.W. Matthews Contracting Company, Inc., and Metro Materials, base bid \$295,000.00.

Amount spent previous contract \$ 290,160.00

Estimated amount to be spent for current contract \$ 295,000.00

1. Total obligations requested: \$ 295,000.00
2. Do total obligations agree with "Action Requested"? Yes   X   No
3. Budgeted: Yes   X   No
4. Contact Name: Kevin Coyle Contact Number: 822-7414
5. Proposed Funding:

| Fiscal Year (FY) | Fund | Fund Center | Cost Center | Commitment Item / GL | WBS Element | Amount       |
|------------------|------|-------------|-------------|----------------------|-------------|--------------|
| 2013             | 001  |             | 17020001    | 50701103             |             | \$295,000.00 |
|                  |      |             |             |                      |             |              |
|                  |      |             |             |                      |             |              |

6. Transfer required: Yes        No   X   If yes, transfer form:

| Fiscal Year (FY) | Fund | Fund Center | Cost Center | Commitment Item / GL | WBS Element | Amount |
|------------------|------|-------------|-------------|----------------------|-------------|--------|
|                  |      |             |             |                      |             |        |
|                  |      |             |             |                      |             |        |

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                           |                                                                                                                                                         |                        |                         |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-------------------------|--|
| <b>GCID #</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Group With GCID #:</b> | <input type="checkbox"/> Grants <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                        |                         |  |
| <b>20130077</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                           |                                                                                                                                                         |                        |                         |  |
| <b>Department:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Transportation            |                                                                                                                                                         | <b>Date Submitted:</b> | 12/26/2012              |  |
| <b>Working Session:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 01/15/2013                | <b>Business Session:</b>                                                                                                                                | 01/15/2013             | <b>Public Hearing:</b>  |  |
| <b>Submitted By:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | alreed                    |                                                                                                                                                         |                        | <b>Multiple Depts?</b>  |  |
| <b>Budget Type:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Operating                 |                                                                                                                                                         |                        | <b>Special Routing:</b> |  |
| <b>Agenda Type</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Approval/authorization    |                                                                                                                                                         | <b>Rezoning Type</b>   |                         |  |
| <b>Item of Business:</b> <div style="float: right; text-align: right;">           Locked by Purchasing <span style="border: 1px solid black; padding: 0 10px;">No</span> </div> <p>for the Chairman to execute a Memorandum of Agreement with the Georgia Department of Transportation for the installation of roadway lighting on SR 120 from Meadow Church Way and Meadow Church Road, estimated operating costs \$298.92, estimated revenue \$330.00. Subject to approval by Law Department. District 1/Brooks</p> |                           |                                                                                                                                                         |                        |                         |  |
| <b>Attachments</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Memorandum, Agreement     |                                                                                                                                                         |                        |                         |  |
| <b>Authorization:</b> Chairman's Signature? <span style="border: 1px solid black; padding: 0 20px;">Yes</span>                                                                                                                                                                                                                                                                                                                                                                                                        |                           |                                                                                                                                                         |                        |                         |  |
| <b>Staff Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Approval                  |                                                                                                                                                         |                        |                         |  |
| <b>Department Head</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | mkconroy (1/2/2013)       |                                                                                                                                                         |                        |                         |  |
| <b>Attorney</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | jbsavage (1/8/2013)       |                                                                                                                                                         |                        |                         |  |
| <b>Attorney's Comments</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                           |                                                                                                                                                         |                        |                         |  |
| Agenda Purpose Only <input checked="" type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                 |                           |                                                                                                                                                         |                        |                         |  |

## Financial Services Use Only

|                                   |                                                                                           |                   |                        |                             |                            |
|-----------------------------------|-------------------------------------------------------------------------------------------|-------------------|------------------------|-----------------------------|----------------------------|
| <b>Financial Action Requested</b> |                                                                                           |                   |                        |                             |                            |
|                                   | <b>Budgeted</b>                                                                           | <b>Fund Name</b>  | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |
|                                   | Yes                                                                                       | Street Light Fund | * \$7,303,869          | \$299                       | ajbovos (1/7/2013)         |
|                                   |                                                                                           |                   |                        |                             |                            |
|                                   |                                                                                           |                   |                        |                             |                            |
| <b>Finance Comments</b>           | *The current balance in Utilities is checked as items are purchased or services provided. |                   |                        |                             |                            |

## County Clerk Use Only

|                        |                                                                    |      |                                                             |
|------------------------|--------------------------------------------------------------------|------|-------------------------------------------------------------|
|                        |                                                                    |      | <b>PH was Held?</b> <input type="checkbox"/>                |
| <b>Working Session</b> | <div style="border: 1px solid black; height: 15px;"></div>         | Vote | <div style="border: 1px solid black; height: 100px;"></div> |
| <b>Action</b>          | <div style="border: 1px solid black; padding: 2px;">New Item</div> |      |                                                             |
| <b>Tabled</b>          | <div style="border: 1px solid black; height: 15px;"></div>         |      |                                                             |
| <b>Motion</b>          | <div style="border: 1px solid black; height: 15px;"></div>         |      |                                                             |
| <b>2nd by</b>          | <div style="border: 1px solid black; height: 15px;"></div>         |      |                                                             |

**Department of Transportation**

75 Langley Drive • Lawrenceville, GA 30046-6935  
(tel) 770.822.7400 • (fax) 770.822.7478  
www.gwinnettcountry.com

**M E M O R A N D U M**

**TO:** Board of Commissioners

**FROM:** Kim Conroy, Director  
Transportation

**SUBJECT:** **Memorandum of Agreement**  
**Georgia Department of Transportation**  
**State Route 120 between Meadow Church Way and Meadow Church**  
**Road - Roadway Lighting (Permit No. 1089353)**

**DATE:** January 15, 2013

The Department of Transportation requests approval and authorization for the Chairman to execute a Memorandum of Agreement with the Georgia Department of Transportation for the installation of roadway lighting on State Route 120 between Meadow Church Way and Meadow Church Road.

The developer is required to install roadway lighting based on the Civic Center Overlay District. Georgia Power will provide installation of the lighting structure included in Permit No. 1089353. Gwinnett County will be responsible for the maintenance and operation of the street light upon completion of installation.

This project lies within Commission District 1/Brooks.

Thank you for your consideration in this matter. Should you have any questions, please feel free to contact me at 770.822.7417.

**MEMORANDUM OF AGREEMENT**

**FOR**

**ROADWAY LIGHTING ON STATE ROUTE 120/DULUTH HIGHWAY NW**

**CONSISTING OF**

**1 Lighting Structure on Permit No. 1089353 on State Route 120/Duluth Highway NW between Meadow Church Way NW and Meadow Church Road, in Gwinnett County**

**BETWEEN**

Gwinnett County, acting by and through its Board of Commissioners, hereinafter called the **COUNTY**, and the Department of Transportation, an agency of the State of Georgia, hereinafter called the **DEPARTMENT**.

**RELATIVE TO**

The COUNTY is requesting to install 1 Lighting Structure along the existing roadway of State Route 120/Duluth Highway, between Meadow Church Way NW and Meadow Church Road, Gwinnett County.

**I. IT IS THE INTENTION OF THE PARTIES:**

A. That the COUNTY, only to the extent that it may be bound by contracts which may hereafter be entered into, shall be responsible for the following:

1. The COUNTY shall Install, Locate, Provide the Energy, Operate, Maintain and Design additional roadway lighting in accordance with the Georgia Department of Transportation's Design Policy Manual, along the existing roadway of State Route 120/Duluth Highway, between Meadow Church Way NW and Meadow Church Road, Gwinnett County.

2. The COUNTY, in its operation and maintenance of the lighting systems, shall not in any way alter the type or location of any of the various components which make up the entire lighting system without prior written approval from the DEPARTMENT.

3. The COUNTY shall at all times indemnify and save harmless the DEPARTMENT and the State of Georgia, to the extent allowed by law, from any and all responsibility for damages or liability, or both, which may result from the installation, construction, reconstruction, operation, maintenance or repair, or any combination of any of the foregoing.

4. The COUNTY assumes full responsibility for the requirements of the Georgia Utility Facility Protection Act.

**II. IT IS FURTHER AGREED,** that the DEPARTMENT, only to the extent that it may be bound by contracts which may hereafter be entered into, shall reserve the right to remove the aforementioned lighting upgrades in the event that the COUNTY elects to de-energize or fails to properly maintain any individual component within the systems or the complete system(s) including poles, mast arms, luminaires, foundations and associated wiring. In addition the DEPARTMENT reserves the right, at its sole discretion, to remove or replace any lighting upgrades where the public safety is at any time compromised by the actions or inactions of the COUNTY.

**III. IT IS FURTHER AGREED,** that this Agreement shall remain in effect for a period of fifty (50) years.

**IV. IT IS FURTHER AGREED,** the covenants herein contained shall, except as otherwise provided accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.

This document is a Memorandum of Agreement expressing the present intentions of the parties. Nothing contained herein shall require the undertaking of any act, project, study, analysis, or any other activity by any party until a contract for such activity is executed. Nor shall this document require the expenditure of any funds by any party until a

contract authorizing such expenditure is executed.

However, nothing contained herein shall be construed to prohibit any party's undertaking any act, project, study, analysis, or any other activity, which the party is required by law to contract to undertake as part of any other program, which fulfills some function shown herein as intended to be performed by the party undertaking such act, project, study, analysis, or any other activity.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Agreement to be executed by their duly authorized officials, and their respective seals attached hereto.

Signed and delivered  
this \_\_\_\_\_ day of \_\_\_\_\_,  
201\_, in the presence of:

GEORGIA DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
STATE UTILITIES ENGINEER

\_\_\_\_\_  
WITNESS

-----  
**REQUESTED BY: GWINNETT COUNTY, GEORGIA**

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

BY: \_\_\_\_\_  
WITNESS

BY: \_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

(OFFICIAL SEAL OF GWINNETT COUNTY)

SWORN TO AND SUBSCRIBED BEFORE  
ME ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
201\_.

Attest:

This Agreement approved by the  
Board of Commissioners at a  
meeting held  
at \_\_\_\_\_ on  
the \_\_\_\_ day of \_\_\_\_\_, 201\_.

BY: \_\_\_\_\_  
County Clerk



1 Lighting Structure on Permit No. 1089353 on State Route 120/Duluth Highway NW between Meadow Church Way NW and Meadow Church Road, in Gwinnett County.

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                           |                                                                                                                                              |                        |                         |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-------------------------|--|
| <b>GCID #</b>                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Group With GCID #:</b> | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                        |                         |  |
| <b>20130078</b>                                                                                                                                                                                                                                                                                                                                                                                                                                          |                           |                                                                                                                                              |                        |                         |  |
| <b>Department:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                       | Transportation            |                                                                                                                                              | <b>Date Submitted:</b> | 12/26/2012              |  |
| <b>Working Session:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                  | 01/15/2013                | <b>Business Session:</b>                                                                                                                     | 01/15/2013             | <b>Public Hearing:</b>  |  |
| <b>Submitted By:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                     | alreed                    |                                                                                                                                              |                        | <b>Multiple Depts?</b>  |  |
| <b>Budget Type:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                      | Capital                   |                                                                                                                                              |                        | <b>Special Routing:</b> |  |
| <b>Agenda Type</b>                                                                                                                                                                                                                                                                                                                                                                                                                                       | Approval/authorization    |                                                                                                                                              | <b>Rezoning Type</b>   |                         |  |
| <b>Item of Business:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                 |                           |                                                                                                                                              |                        |                         |  |
| Locked by Purchasing <span style="float: right;">No</span>                                                                                                                                                                                                                                                                                                                                                                                               |                           |                                                                                                                                              |                        |                         |  |
| to modify the 2005 and 2009 SPLOST programs. Funding to be reallocated from savings, planning dollars and longer term projects to address shorter term, more immediate needs including road resurfacing, intersection improvements, school safety and pedestrian safety improvements, major road improvements and bridge improvements. Total reallocation in the 2005 SPLOST is \$1,737,881.40; total reallocation in the 2009 SPLOST is \$7,452,351.66. |                           |                                                                                                                                              |                        |                         |  |
| <b>Attachments</b>                                                                                                                                                                                                                                                                                                                                                                                                                                       | Memorandum                |                                                                                                                                              |                        |                         |  |
| <b>Authorization: Chairman's Signature?</b> <span style="float: right;">No</span>                                                                                                                                                                                                                                                                                                                                                                        |                           |                                                                                                                                              |                        |                         |  |
| <b>Staff Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                                              | Approval                  |                                                                                                                                              |                        |                         |  |
| <b>Department Head</b>                                                                                                                                                                                                                                                                                                                                                                                                                                   | mkconroy (1/2/2013)       |                                                                                                                                              |                        |                         |  |
| <b>Attorney</b>                                                                                                                                                                                                                                                                                                                                                                                                                                          | jbsavage (1/8/2013)       |                                                                                                                                              |                        |                         |  |
| <b>Attorney's Comments</b>                                                                                                                                                                                                                                                                                                                                                                                                                               |                           |                                                                                                                                              |                        |                         |  |
| <b>Agenda Purpose Only</b> <input checked="" type="checkbox"/> <b>As To Form</b> <input type="checkbox"/> <b>Hold for Pickup?</b> <input type="checkbox"/>                                                                                                                                                                                                                                                                                               |                           |                                                                                                                                              |                        |                         |  |

## Financial Services Use Only

|                                   |                                                                            |                  |                        |                             |                            |
|-----------------------------------|----------------------------------------------------------------------------|------------------|------------------------|-----------------------------|----------------------------|
| <b>Financial Action Requested</b> | See attached schedule for transfers between various projects.              |                  |                        |                             |                            |
|                                   | <b>Budgeted</b>                                                            | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |
|                                   | Yes                                                                        | 2005 SPLOST      | *                      | \$1,737,881.40              | ajbovos (1/7/2013)         |
|                                   | Yes                                                                        | 2009 SPLOST      | *                      | \$7,452,351.66              |                            |
|                                   |                                                                            |                  |                        |                             |                            |
| <b>Finance Comments</b>           | * Funds available in multiple projects per attached justification support. |                  |                        |                             |                            |

## County Clerk Use Only

|                        |          |  |                                              |
|------------------------|----------|--|----------------------------------------------|
|                        |          |  | <b>PH was Held?</b> <input type="checkbox"/> |
| <b>Working Session</b> |          |  | Vote                                         |
| <b>Action</b>          | New Item |  |                                              |
| <b>Tabled</b>          |          |  |                                              |
| <b>Motion</b>          |          |  |                                              |
| <b>2nd by</b>          |          |  |                                              |

**Department of Transportation**

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(tel) 770.822.7400 • (fax) 770.822.7478  
www.gwinnettcountry.com

**M E M O R A N D U M**

TO: Board of Commissioners

FROM: Martin K. Conroy, P.E., Director  
Transportation

SUBJECT: **Approval to Modify the 2005 and 2009 SPLOST Programs**

DATE: January 15, 2013

The Department of Transportation requests Board of Commissioners approval to make modifications to the 2005 and 2009 Special Purpose Local Option Sales Tax programs. These modifications will provide funding for short term needs during the coming year including road surfacing, intersection improvements, school safety and pedestrian safety improvements, major road improvements and bridge improvements.

Savings from earlier projects, planning funds and funding from longer term projects would be allocated to current needs. Some of the major current needs being funded with this agenda item include road resurfacing, the County's commitment to the Walther Boulevard overpass at State Route 316, in-house widening of State Route 20 from I-985 to South Lee Street and road work associated with the Board of Education's new GIVE center. Several smaller projects including sidewalks and intersection improvements would also receive funding.

This agenda affects all Commission Districts.

Thank you for your consideration of this agreement. Should you have any questions, please feel free to contact me.

c: Alan R. Chapman, P.E.  
David S. Tucker

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION  
FUNDS TO BE REALLOCATED  
2009 SPLOST FUND (318)  
1/15/13 COMMISSION MEETING

| PROJECT                                              | CATEGORY          |  | PROJECT #         | FY 2013        | FY 2014        | TOTAL          |
|------------------------------------------------------|-------------------|--|-------------------|----------------|----------------|----------------|
| <b>2009 SPLOST FUND (318):</b>                       |                   |  |                   |                |                |                |
| Satellite - Hillcrest Connector at I-85              | Major Road        |  | F-0048-01-5-01    | \$1,048,947.69 | \$276,052.31   | \$1,325,000.00 |
| Nash Street Extension (Current end - Gwinnett Drive) | Major Road        |  | F-0833-01-5-01    | \$70,000.00    | \$0.00         | \$70,000.00    |
|                                                      |                   |  | F-0833-01-2-02    | \$30,000.00    |                | \$30,000.00    |
| Subtotal Major Roads Category                        | Major Road        |  |                   | \$1,148,947.69 | \$276,052.31   | \$1,425,000.00 |
| West Liddell - Club Connector at I-85                | Bridge            |  | F-0047-01-5-01    | \$1,532,581.10 | \$0.00         | \$1,532,581.10 |
|                                                      |                   |  | F-0047-01-2-02    | \$235,236.75   |                | \$235,236.75   |
| Smithtown - Old Peachtree Connector (I-85)           | Bridge            |  | F-0583-01-5-01    | \$400,274.00   |                | \$400,274.00   |
| Subtotal Bridge Category                             | Bridge            |  |                   | \$2,168,091.85 | \$0.00         | \$2,168,091.85 |
| Unallocated Sidewalks                                | Pedestrian Safety |  | F-0791-01-01-3-03 | \$0.00         | \$599,000.00   | \$599,000.00   |
| Subtotal Pedestrian Safety                           | Pedestrian Safety |  |                   | \$0.00         | \$599,000.00   | \$599,000.00   |
| Grayson New Hope Road (Near Meyers Drive)            | Safety & Align    |  | M-0698-01-5-01    | \$63,308.00    | \$0.00         | \$63,308.00    |
|                                                      |                   |  | M-0698-01-2-02    | \$23,317.00    |                | \$23,317.00    |
|                                                      |                   |  | M-0698-01-3-03    |                | \$606,375.00   | \$606,375.00   |
|                                                      |                   |  | M-0698-01-5-01    | \$173,250.00   |                | \$173,250.00   |
| North Berkeley Lake Road (Various Locations)         | Safety & Align    |  | M-0705-01-2-02    | \$6,075.67     | \$0.00         | \$6,075.67     |
|                                                      |                   |  | M-0705-01-3-03    | \$90,796.45    |                | \$90,796.45    |
| Subtotal Road Safety and Alignment Category          | Safety & Align    |  |                   | \$356,747.12   | \$606,375.00   | \$963,122.12   |
| Jimmy Carter Boulevard at I-85                       | Intersection      |  | M-0670-01-3-03    | \$0.00         | \$456,355.19   | \$456,355.19   |
| Pleasant Hill Road at I-85                           | Intersection      |  | M-0674-01-2-02    | \$0.00         | \$96,250.00    | \$96,250.00    |
|                                                      |                   |  | M-0674-01-3-03    |                | \$673,750.00   | \$673,750.00   |
|                                                      |                   |  | M-0674-01-5-01    |                | \$192,500.00   | \$192,500.00   |
| Subtotal Intersection Category                       | Intersection      |  |                   | \$0.00         | \$1,418,855.19 | \$1,418,855.19 |
| Transportation Planning                              | Trans Plan        |  | O-0127-01-1-02    | \$578,282.50   | \$0.00         | \$578,282.50   |
| Transportation Planning Category                     | Trans Plan        |  |                   | \$578,282.50   | \$0.00         | \$578,282.50   |
| Residential Speed Control                            | Speed Control     |  | M-0706-01-1-02    | \$75,000.00    | \$225,000.00   | \$300,000.00   |
| Subtotal Residential Speed Control                   | Speed Control     |  |                   | \$75,000.00    | \$225,000.00   | \$300,000.00   |
| TOTAL - 2009 SPLOST FUND                             |                   |  |                   | \$4,327,069.16 | \$3,125,282.50 | \$7,452,351.66 |

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION  
USE OF REALLOCATED FUNDS  
2009 SPLOST FUND (318)  
1/15/13 COMMISSION MEETING

| PROJECT                                                                     | CATEGORY          | Description                                 | PROJECT # | FY 2013        | FY 2014        | TOTAL          |
|-----------------------------------------------------------------------------|-------------------|---------------------------------------------|-----------|----------------|----------------|----------------|
| <b>PROJECTS NEED ADDITIONAL FUNDING (318) :</b>                             |                   |                                             |           |                |                |                |
| Walther Boulevard/SR 316                                                    | Bridge            | Bridge Over SR 316                          |           | \$0.00         | \$1,400,000.00 | \$1,400,000.00 |
| Subtotal Bridge Category                                                    |                   |                                             |           | \$0.00         | \$1,400,000.00 | \$1,400,000.00 |
| SR 20 (I-985 -South Lee Street)                                             | Major Road        | Widen to 6 Lanes                            |           | \$650,000.00   |                | \$650,000.00   |
| Britt Road to Highpoint Road                                                | Major Road        | New 2 Lane Road                             |           | \$0.00         | \$350,282.50   | \$350,282.50   |
| Main Street Realignment (US29 to Church Street)                             | Major Road        | Roadway Realignment                         | F-0861    | \$164,000.00   |                | \$164,000.00   |
| Five Forks Trickum Road (Oak Road to Killian Hill Road)                     | Major Road        | 2 Lane to 3 Lane                            | F-0549    | \$0.00         | \$750,000.00   | \$750,000.00   |
| Beaver Ruin Road S. of I-85 and I-85 to Shackelford Road                    | Major Road        | Spot Improvement                            |           | \$200,000.00   |                | \$200,000.00   |
| Subtotal Major Roads Category                                               |                   |                                             |           | \$1,014,000.00 | \$1,100,282.50 | \$2,114,282.50 |
| Cruse Road (Sugarloaf Road to Old Norcross) West Side                       | Pedestrian Safety | Sidewalk                                    |           | \$80,000.00    |                | \$80,000.00    |
| Beaver Ruin Road (Rockborough Trail - Bailey Drive) Northside               | Pedestrian Safety | Sidewalk                                    |           | \$250,000.00   |                | \$250,000.00   |
| McGinnis Ferry Road @ Peachtree Industrial Boulevard                        | Pedestrian Safety | Pedestrianize Intersection                  |           | \$75,000.00    |                | \$75,000.00    |
| Satellite Boulevard SW (Menlo Creek Apt Ent to Sattelite Point)             | Pedestrian Safety | Sidewalk                                    |           | \$130,000.00   |                | \$130,000.00   |
| Gwinnett Place Multiple Sidewalks                                           | Pedestrian Safety | Sidewalk                                    |           | \$64,000.00    |                | \$64,000.00    |
| SR 141 (Holcomb Bridge to Woodhill Drive, Spalding Drive to Triangle Drive) | Pedestrian Safety | Sidewalk                                    |           | \$250,000.00   |                | \$250,000.00   |
| Subtotal Pedestrian Safety                                                  |                   |                                             |           | \$849,000.00   |                | \$849,000.00   |
| GIVE Center West-Peachtree Industrial Boulevard                             | School Safety     | Technology Parkway Intersection Improvement |           | \$200,000.00   |                | \$200,000.00   |
| Subtotal School Safety Category                                             |                   |                                             |           | \$200,000.00   |                | \$200,000.00   |
| SR 324 at Morgan Road                                                       | Intersection      | Traffic Signal                              |           | \$225,000.00   |                | \$225,000.00   |
| US 78 at Langley Road                                                       | Intersection      | Operational Improvement                     |           | \$175,000.00   |                | \$175,000.00   |
| Arcado Road at Camp Creek/Cole Drive                                        | Intersection      | Operational Improvement                     |           | \$100,000.00   |                | \$100,000.00   |
| Lawrenceville Suwanee Road at Horizon Drive                                 | Intersection      | Dual Lefts                                  |           | \$125,000.00   |                | \$125,000.00   |
| Suwanee Dam Road @ West Price                                               | Intersection      | Operational Improvement                     |           | \$175,000.00   |                | \$175,000.00   |
| Venture Drive Relocation                                                    | Intersection      | Road Relocation                             | M-0676    | \$475,000.00   | \$625,000.00   | \$1,100,000.00 |
| Fence at SR 316                                                             | Intersection      | Right Turn Lane                             |           | \$75,000.00    |                | \$75,000.00    |
| SR 124 @ Jim Moore Road                                                     | Intersection      | Operational Improvement                     |           | \$125,000.00   |                | \$125,000.00   |
| SR 20 @ SR 324/Financial Center Way                                         | Intersection      | Additional Turn Lane Storage                |           | \$175,000.00   |                | \$175,000.00   |
| SR 141 (@ E. Jones Bridge, Peachtree Corners Circle and Triangle Parkway)   | Intersection      | Operational Improvement                     |           | \$150,000.00   |                | \$150,000.00   |
| Subtotal Intersection Category                                              |                   |                                             |           | \$1,800,000.00 | \$625,000.00   | \$2,425,000.00 |
| Resurfacing 2013                                                            | Resurfacing       | Resurfacing                                 | M-0663-13 | \$464,069.16   | \$0.00         | \$464,069.16   |
| Subtotal Resurfacing Category                                               | Resurfacing       |                                             |           | \$464,069.16   | \$0.00         | \$464,069.16   |
| REALLOCATION TOTAL - 2009 SPLOST FUND                                       |                   |                                             |           | \$4,327,069.16 | \$3,125,282.50 | \$7,452,351.66 |

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                            |                                                                                                                                                         |                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| <b>GCID #</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Group With GCID #:                                         | <input type="checkbox"/> Grants <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                            |
| <b>20130022</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 20082535                                                   |                                                                                                                                                         |                            |
| Department:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Water Resources                                            |                                                                                                                                                         | Date Submitted: 12/17/2012 |
| Working Session:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 01/15/2013                                                 | Business Session:                                                                                                                                       | 01/15/2013                 |
| Submitted By:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Purchasing - Pat Elliott - SC                              |                                                                                                                                                         | Multiple Depts? No         |
| Budget Type:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Operating                                                  |                                                                                                                                                         | Special Routing:           |
| Agenda Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Award                                                      | Rezoning Type                                                                                                                                           |                            |
| Item of Business: <span style="float: right;">Locked by Purchasing <input type="checkbox"/> No</span>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                            |                                                                                                                                                         |                            |
| OS045, maintenance agreement for the Invensys- Foxboro distributed control system on a multi-year contract, with Invensys Systems, Inc. The initial term of this contract shall be January 01, 2013 through December 31, 2013, base amount \$345,358.47. This contract shall terminate absolutely and without further obligation on the part of the County on December 31, 2013 and at the close of each succeeding calendar year for which it may be renewed. This contract may be automatically renewed on an annual basis for four additional twelve-month terms, for a total lifetime contract term of five years, total base amount \$1,698,792.35, upon the same terms and conditions as provided for in this agreement, unless previously terminated. Authorization for Chairman to execute contracts subject to approval by the Law Department. Contracts to follow award. This contract is funded through the Water & Sewer Operating Fund. District 1/ Brooks |                                                            |                                                                                                                                                         |                            |
| Attachments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Summary sheet, justification letter, justification support |                                                                                                                                                         |                            |
| Authorization:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Chairman's Signature? Yes                                  |                                                                                                                                                         |                            |
| Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Award                                                      |                                                                                                                                                         |                            |
| Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | arseibenhener (12/19/2012)                                 |                                                                                                                                                         |                            |
| Attorney                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | jbsavage (12/20/2012)                                      |                                                                                                                                                         |                            |
| Attorney's Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                            |                                                                                                                                                         |                            |
| Agenda Purpose Only <input checked="" type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                            |                                                                                                                                                         |                            |

## Financial Services Use Only

|                            |                                                                                                                                                                                                                                                                                                       |                     |                 |                      |                         |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------|----------------------|-------------------------|
| Financial Action Requested |                                                                                                                                                                                                                                                                                                       |                     |                 |                      |                         |
|                            | Budgeted                                                                                                                                                                                                                                                                                              | Fund Name           | Current Balance | Requested Allocation | Director's Initials     |
|                            | Yes                                                                                                                                                                                                                                                                                                   | Water & Sewer Oper. | *               | \$1,698,792          | ajbovos<br>(12/19/2012) |
|                            |                                                                                                                                                                                                                                                                                                       |                     |                 |                      |                         |
|                            |                                                                                                                                                                                                                                                                                                       |                     |                 |                      |                         |
| Finance Comments           | * The current balance is a checked as items are purchased or services provided. The requested allocation is a county-wide estimate based on the recommended base bid. \$345,358 is currently allocated in the FY13 budget. For fiscal years 2014-2017, the \$1,353,434 is subject to budget approval. |                     |                 |                      |                         |

## County Clerk Use Only

|                 |                                                           |                                                                                              |
|-----------------|-----------------------------------------------------------|----------------------------------------------------------------------------------------------|
|                 |                                                           | PH was Held? <input type="checkbox"/>                                                        |
| Working Session | <input style="width: 90%;" type="text"/>                  | <div style="border: 1px solid black; width: 100px; height: 100px; margin: auto;"></div> Vote |
| Action          | <input style="width: 90%;" type="text" value="New Item"/> |                                                                                              |
| Tabled          | <input style="width: 90%;" type="text"/>                  |                                                                                              |
| Motion          | <input style="width: 90%;" type="text"/>                  |                                                                                              |
| 2nd by          | <input style="width: 90%;" type="text"/>                  |                                                                                              |

| <b>SUMMARY – OS045</b><br><b>Maintenance Agreement for the Invensys- Foxboro Distributed Control System</b><br><b>on a Multi-Year Contract</b> |                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PURPOSE:</b>                                                                                                                                | Multi-Year maintenance agreement to provide software, repair parts and engineering time required to maintain the control system at the F. Wayne Hill Water Resources Center (FHWRC). |
| <b>LOCATION:</b>                                                                                                                               | 3320 Financial Center Way<br>Buford, GA 30518<br>District 1/ Brooks                                                                                                                  |
| <b>AMOUNT TO BE SPENT:</b>                                                                                                                     | \$345,358.47 First Term<br>\$1,698,792.35 Total Contract Term                                                                                                                        |
| <b>PREVIOUS CONTRACT AWARD AMOUNT:</b>                                                                                                         | \$105,000.00 First term<br>\$1,911,928.48 Total Contract Term                                                                                                                        |
| <b>AMOUNT SPENT PREVIOUS CONTRACT:</b>                                                                                                         | \$451,732.12 (one year)                                                                                                                                                              |
| <b>INCREASE/DECREASE<br/>(UNIT PRICES FROM PREVIOUS CONTRACT):</b>                                                                             | N/A                                                                                                                                                                                  |
| <b>NUMBER OF BIDS/PROPOSALS MAILED:</b>                                                                                                        | N/A                                                                                                                                                                                  |
| <b>NUMBER OF RESPONSES:</b>                                                                                                                    | N/A                                                                                                                                                                                  |
| <b>PRE-BID/PROPOSAL CONFERENCE HELD<br/>(YES/NO)<br/>IF YES, NUMBER OF FIRMS REPRESENTED:</b>                                                  | N/A                                                                                                                                                                                  |
| <b>REASONS FOR LIMITED RESPONSE (IF<br/>RELEVANT):</b>                                                                                         | N/A                                                                                                                                                                                  |
| <b>RENEWAL OPTION NUMBER</b>                                                                                                                   | N/A                                                                                                                                                                                  |
| <b>MARKET PRICES COMPARISON (FOR<br/>RENEWALS):</b>                                                                                            | N/A                                                                                                                                                                                  |
| <b>PROPOSED CONTRACT TERM:</b>                                                                                                                 | First term, January 01, 2013 through December 31, 2013<br>Total Contract Term, January 01, 2013 through December 31, 2017                                                            |

COMMENTS: The Yellow River Water Reclamation Facility (WRF) and the Crooked Creek WRF also use the Invensys-Foxboro Distributed Control System at their facilities; however these systems are not covered under this contract. The systems installed at these two facilities are currently under warranty and will not require the same level of maintenance and support as the FHWRC.

## MEMORANDUM

TO: Susan Clarke, Purchasing Associate III  
Purchasing Division

FROM: Richard Porter, Superintendent, F. Wayne Hill WRF  
Department of Water Resources

THRU: Ron Seibenhener, Department Director  
Department of Water Resources

SUBJECT: Award OS045, Maintenance Agreement for the Invensys- Foxboro Distributed Controls  
on a Multi-Year Contract

DATE: December 13, 2013

The Department of Water Resources recommends award of the above referenced Procurement to sole source provider Invensys Systems, Inc., base bid \$345,358.47 first term. This agreement provides for hardware replacement with hardware from the current family of products offered for sale commercially, so that we continue to have a fully supported reliable process control system for the water reclamation facility. This agreement may be automatically renewed on an annual basis for four (4) additional twelve-month terms, for a total lifetime agreement term of five (5) years for a total base bid of \$1,698,792.35, upon the same terms and conditions, unless previously terminated. Termination may happen for either cause, convenience or a lack of funding.

Amount spent previous contract \$451,732.12 (01/01/2012 – 12/31/2012)  
Estimated amount to be spent for current contract \$345,358.47 (01/01/2013 – 12/31/2013)

References Checked? N/A

1. Total obligations requested: \$345,358.47
2. Do total obligations agree with “Action Requested”? Yes X No
3. Budgeted: Yes X No
4. Contact name: Richard Platto Contact phone: (678) 376-6879
5. This contract is funded by the Water and Sewer Operating Fund:

| Fiscal Year (FY) | Fund | Fund Center | Cost Center | Commitment Item | WBS Element | Amount       |
|------------------|------|-------------|-------------|-----------------|-------------|--------------|
| 2013             | 501  | 111009      | 19090007    | 50401304        |             | \$345,358.47 |

6. Transfer required: Yes        No X

## Sole Source Approval Form

Requesting Department: Water Resources, Water Reclamation Division

Purchasing Associate: Susan Clarke, Purchasing Associate III

Description of proposed procurement: Invensys - Foxboro distributed control systems, including all components, software, system maintenance and service

Reason for sole source request: Currently the F. Wayne Hill Water Resources Center (Hill Plant), the Yellow River WRF, and Crooked Creek Water Reclamation Facility (WRF) have Invensys/Foxboro control systems installed. These computerized control systems monitor and control processes and equipment throughout the facilities 24 hours a day, 7 days a week, 365 days a year.

The primary expenditure included in this request is maintenance of the on-going service contract through the "Continuously Current" program. This service agreement covers replacement of failed components as well as replacement of obsolete components which are no longer available for purchase. As with any electronic system, components in the facility begin to reach the end of their life as they age. The control system is comprised of many different components which are all at different points in their life cycle. The extensive control systems at the Hill Plant, the Yellow River WRF and the Crooked Creek WRF allow Gwinnett County to operate these facilities effectively and efficiently. Under the Continuously Current maintenance contract, obsolete components in the Foxboro system are replaced with new components that are backwards compatible with the "control system". Replacement of these obsolete components must be done as a sole source since the current components must work on the rest of the existing system. This system uses proprietary components and software to configure and display screens throughout our facility.

These control systems represent an investment of over \$20,000,000 in capital expenditures and at least as much or more in engineering investment for the configuration and deployment of these systems at the Hill plant alone. Maintenance and repairs of this system are critical and must be done using Invensys/Foxboro supplied material. Invensys/Foxboro is an industry standard in reliable, fault tolerant controls which can withstand the harsh environments present in WRF's. The components and equipment used in the repair and maintenance of this system are only available through Invensys/Foxboro.

Failure to approve Invensys/Foxboro as a sole source for the Department will result in failed control systems, unreliable control and huge increases in labor cost as automated tasks have to be performed manually. Failures would likely result in N.P.D.E.S. permit violations. Replacement of Invensys/Foxboro controls with those from another manufacturer would require a capital investment similar to our original investments as well as the additional engineering costs to deploy such a system. Other control systems are not as robust and would be subject to increased maintenance costs in the future. In addition the other control systems currently available also employ their own proprietary hardware and software which would result in the need to identify any replacement system as a sole source as well.

Sole Source Provider: Invensys

**Additional cost/savings:** This equipment allows us to operate, monitor and control our equipment remotely and automatically from a control system. This allows for greater precision in treatment process control and helps to reduce treatment costs at all of our facilities. Utilizing a "Service Agreement" allows us to take advantage of special pricing on replacement components, engineering time and technical support. Making repairs or replacements on an "as needed" basis rather than keeping the system continuously current would result in extended downtime, more expensive repairs and require "emergency" labor from Invensys engineers. Having an approved sole source allows us to look at the entire system and put a service agreement in place that insures that the system remains operational and reliable at the least cost.

**Benefits to the County:** In addition to the savings identified through more accurate process control, the control system has allowed us to reduce staffing needs in Operations and allows Gwinnett County access to more historical data which is being used in the analysis of future treatment needs and infrastructure planning.

**Anticipated annual expenditure:** \$500,000 (This is the anticipated cost for FoxWatch Service and "Continuously Current" maintenance for all three facilities when they are no longer under warranty.)

Requested validity period: 5-years

Richard Porter  
Prepared By

7/20/2012  
Date

*NAE*  
*JK*

*Albert L. L.*  
Department Director

7-23-12  
Date

*Kesley Perot*  
Purchasing Director

8-15-12  
Date

*Mania Woods*  
Financial Services Director

8-16-2012  
Date

*8/17/2012*

*[Signature]*  
County Administrator

8/17/2012  
Date

8-31-2017  
Expiration of approval

Please return to the Purchasing Division after completion. If an agenda request is required, the Purchasing Division will prepare the agenda request for placement on the \_\_\_\_\_ agenda for approval by the Board of Commissioners.  
Anticipated Agenda Date

Department of Financial Services  
**Purchasing Division**



75 Langley Drive • Lawrenceville, GA 30046-6935  
(tel) 770.822.8720 • (fax) 770.822.8735

To: Maria Woods  
Financial Services Director

From: Roslyn Forstot *Roslyn*  
Purchasing Director

Date: August 13, 2012

RE: Standardization of Invensys Foxboro Distributed Control System  
Department of Water Resources

The Purchasing Policy and Review Committee recommends that Invensys Foxboro Distributed Control System (DCS) be approved as a standard. This was an existing standard and the department is requesting renewal for the purpose of maintaining existing equipment and for upgrades to existing equipment at the three waste water treatment facilities (F. Wayne Hill Water Resources Center, Yellow River Water Resource Center, and Crooked Creek Water Resources Center). Invensys holds the patents for this equipment and can only be obtained through Invensys.

Standardization of Invensys Foxboro Distributed Control System is required for the following:

1. Ensures integration of all processes at each facility under a single process control system
2. Provides consistent software, systems interface, and a single data base
3. Interchangeability of parts, configuration, diagnostics, and compatibility with the existing control network critical to operations
4. Consistent training of staff and field crews for efficient equipment utilization, supporting troubleshooting and minimizing training needs
5. Software is proprietary to Invensys and there are no other options to maintain continuity of operations at the waste water treatment facilities

Invensys is the sole source for Invensys brand products and services. This standardization request is for Invensys Foxboro Distributed Control Systems for seven (7) years.

Reason/Justification: The Department of Water Resources requires the Invensys Foxboro Distributed Control Systems that are currently utilized by the department for the three waste water treatment facilities. Approval of this request will ensure the continuity and utilization of existing and future Invensys Foxboro Distributed Control Systems.

All recommendations for standardization of products and services are subject to the approval of the Director of Financial Services. If you approve, I will notify the appropriate department of this action.

Approved: \_\_\_\_\_

*Maria Woods*

Maria Woods, Financial Services Director

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

*8/13/12*

*inven'sys*  
Operations Management

Invensys Systems Inc  
10900 Equity Drive  
Houston, TX 77041  
[www.invensys.com](http://www.invensys.com)

Date: July 24, 2012

Richard Porter  
Gwinnett County F. Wayne Hill Water Resource Center  
3320 Financial Center Way  
Buford, GA 30519

Subject: Invensys - Sole Source of Invensys brand products & Services

Dear Mr Porter:

Invensys Systems, Inc. (dba) Invensys Operations Management ("Invensys"), is the owner and sole source provider of all branded products (equipment), operating software, and system products, sold under the brand names Foxboro, InFusion, Triconex, SimSci-ESSCOR, Avantis, Wonderware, and Eurotherm. Invensys holds many patents as a result of developing these products which are registered with the US Patent Office.

All Foxboro, InFusion, Triconex, SimSci-ESSCOR, Avantis, Wonderware, and Eurotherm branded software products are the intellectual property of Invensys Systems, Inc. and are licensed for use via license agreement with Invensys.

Invensys technical and service personnel are the only individuals authorized by Invensys to provide service to Foxboro, InFusion, Triconex, SimSci-ESSCOR, Avantis, Wonderware, and Eurotherm branded products. Measurement & Instrumentation (M&I) products branded as Foxboro may be serviced by third party service providers trained and authorized by Invensys to perform such work.

Should you have any questions regarding the above, please contact me.

*Mel Folk*

Mel Folk

Product Sales Executive

Invensys Systems Inc

[Mel.folk@invensys.com](mailto:Mel.folk@invensys.com)

Cell: 678-576-0065

Invensys Operations Management, 5601 Granite Parkway, Suite 1000  
Plano, Texas 75024 469-365-6400 [iom.invensys.com](http://iom.invensys.com)

# 1. INVENSYS CUSTOMER FIRST EXECUTIVE OVERVIEW

|                        |  |                                                                                                                                                 |  |                                                    |  |  |
|------------------------|--|-------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------|--|--|
| PURCHASER INFORMATION: |  | Billing Address:                                                                                                                                |  | Ship to Address                                    |  |  |
| Company Name:          |  | Gwinnett County Department of Water Resources                                                                                                   |  | Gwinnett County F Wayne Hill Water Resource Center |  |  |
| Address Line 1:        |  | 684 Winder Highway                                                                                                                              |  | 3320 Financial Center Way                          |  |  |
| City, State, Zipcode   |  | Lawrenceville, GA                                                                                                                               |  | Buford, GA 30519                                   |  |  |
| Agreement Information: |  | <input type="checkbox"/> Renewal <input checked="" type="checkbox"/> New <input type="checkbox"/> Amendment                                     |  |                                                    |  |  |
| Billing Cycle:         |  | <input checked="" type="checkbox"/> Annually <input type="checkbox"/> Quarterly <input type="checkbox"/> Monthly <input type="checkbox"/> Other |  |                                                    |  |  |
| Contract Type:         |  | Premium Customer First- Labor and Material Inclusive                                                                                            |  |                                                    |  |  |

| SERVICE DESCRIPTION                    | Year 1       | Year 2       | Year 3       | Year 4       | Year 5       | ENCLOSURE                                           |
|----------------------------------------|--------------|--------------|--------------|--------------|--------------|-----------------------------------------------------|
| I. Premium Customer First              | \$194,809.50 | \$194,809.50 | \$194,809.50 | \$194,809.50 | \$194,809.50 | <input checked="" type="checkbox"/> Detail enclosed |
| Software Version Upgrade               | Included     | Included     | Included     | Included     | Included     | <input checked="" type="checkbox"/> Detail enclosed |
| Priority On-site Corrective Assistance | Included     | Included     | Included     | Included     | Included     | <input checked="" type="checkbox"/> Detail enclosed |
| Material Exchange Program              | Included     | Included     | Included     | Included     | Included     | <input checked="" type="checkbox"/> Detail enclosed |
| II. Embedded Services (from Table 6)   |              |              |              |              |              |                                                     |
| 1. Site Services: Implementation Plan  |              |              |              |              |              | <input checked="" type="checkbox"/> Detail enclosed |
| 2. Continuously Current Plan Fund **   | \$143,548.97 | \$143,548.97 | \$143,548.97 | \$143,548.97 | \$143,548.97 | <input type="checkbox"/> Detail enclosed            |
| 3. Site Services Third Party:          |              |              |              |              |              | <input type="checkbox"/> Detail enclosed            |
| 4. Standard Training:                  | 7,000.00     |              |              |              |              | <input type="checkbox"/> Detail enclosed            |
| 5. Custom Training:                    |              |              |              |              |              | <input type="checkbox"/> Detail enclosed            |
| 6. Alarm Management:                   |              |              |              |              |              | <input type="checkbox"/> Detail enclosed            |
| 7. Control Management:                 |              |              |              |              |              | <input type="checkbox"/> Detail enclosed            |
| 8. Condition Monitoring                |              |              |              |              |              | <input type="checkbox"/> Detail enclosed            |
| 9. Cyber Security:                     |              |              |              |              |              | <input type="checkbox"/> Detail enclosed            |
| 10. Wireless Solution:                 |              |              |              |              |              | <input type="checkbox"/> Detail enclosed            |
| III Yearly Agreement Totals:           | \$345,358.47 | \$338,358.47 | \$338,358.47 | \$338,358.47 | \$338,358.47 | US Dollar                                           |

|                            |                |           |
|----------------------------|----------------|-----------|
| IV. Total Agreement Value: | \$1,698,792.35 | US Dollar |
|----------------------------|----------------|-----------|

| PAYMENT SCHEDULE: | ANNUAL PAYMENT TOTAL | PERIOD PAYMENT | PERIOD LENGTH | STARTS & | ENDS DATE |
|-------------------|----------------------|----------------|---------------|----------|-----------|
| Year 1:           | \$ 345,358.47        | \$345,358.47   | Annual        | 01-01-13 | 12-31-13  |
| Year 2:           | \$338,358.47         | \$338,358.47   | Annual        | 01-01-14 | 12-31-14  |
| Year 3            | \$338,358.47         | \$338,358.47   | Annual        | 01-01-15 | 12-31-15  |
| Year 4            | \$338,358.47         | \$338,358.47   | Annual        | 01-01-16 | 12-31-16  |
| Year 5            | \$338,358.47         | \$338,358.47   | Annual        | 01-01-17 | 01-31-17  |

\*\* Note- The Continuously Current Plan Fund consists of bringing legacy equipment installed at the F. Wayne Hill WRC up to a level where they can be fully supported with like kind new equipment versus obsolete and/or used modules.

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                                                                                                                                                               |                                     |                                                                                                                                              |                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <b>GCID #</b>                                                                                                                                                                                                                                                                 | <b>Group With GCID #:</b>           | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                                   |
| <b>20130079</b>                                                                                                                                                                                                                                                               | 20120052                            |                                                                                                                                              |                                   |
| <b>Department:</b>                                                                                                                                                                                                                                                            | Water Resources                     |                                                                                                                                              | <b>Date Submitted:</b> 12/26/2012 |
| <b>Working Session:</b>                                                                                                                                                                                                                                                       | 01/15/2013                          | <b>Business Session:</b>                                                                                                                     | 01/15/2013                        |
| <b>Submitted By:</b>                                                                                                                                                                                                                                                          | Purchasing- Susan Clarke- SC        |                                                                                                                                              | <b>Public Hearing:</b>            |
| <b>Budget Type:</b>                                                                                                                                                                                                                                                           | Operating                           |                                                                                                                                              | <b>Multiple Depts?</b> No         |
| <b>Agenda Type</b>                                                                                                                                                                                                                                                            | Approval                            | <b>Rezoning Type</b>                                                                                                                         |                                   |
| <b>Item of Business:</b>                                                                                                                                                                                                                                                      |                                     |                                                                                                                                              |                                   |
|                                                                                                                                                                                                                                                                               |                                     | Locked by Purchasing                                                                                                                         | No                                |
| to renew BL141-11, purchase of pebble quick lime and bulk hydrated lime on an annual contract (January 18, 2013 through January 17, 2014), with low bidder, Cheney Lime & Cement Company, base bid \$260,786.00. This contract is funded by the Water & Sewer Operating Fund. |                                     |                                                                                                                                              |                                   |
| <b>Attachments</b>                                                                                                                                                                                                                                                            | Summary Sheet, justification letter |                                                                                                                                              |                                   |
| <b>Authorization: Chairman's Signature?</b> No                                                                                                                                                                                                                                |                                     |                                                                                                                                              |                                   |
| <b>Staff Recommendation</b>                                                                                                                                                                                                                                                   | Approval                            |                                                                                                                                              |                                   |
| <b>Department Head</b>                                                                                                                                                                                                                                                        | arseibenhener (12/31/2012)          |                                                                                                                                              |                                   |
| <b>Attorney</b>                                                                                                                                                                                                                                                               | fsfields (1/3/2013)                 |                                                                                                                                              |                                   |
| <b>Attorney's Comments</b>                                                                                                                                                                                                                                                    |                                     |                                                                                                                                              |                                   |
| <b>Agenda Purpose Only</b> <input checked="" type="checkbox"/> <b>As To Form</b> <input type="checkbox"/> <b>Hold for Pickup?</b> <input type="checkbox"/>                                                                                                                    |                                     |                                                                                                                                              |                                   |

## Financial Services Use Only

|                                   |                                                                                                                                                           |                  |                        |                             |                            |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------------|-----------------------------|----------------------------|
| <b>Financial Action Requested</b> |                                                                                                                                                           |                  |                        |                             |                            |
|                                   | <b>Budgeted</b>                                                                                                                                           | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |
|                                   | Yes                                                                                                                                                       | Water & Sewer Op | *                      | \$260,786                   | ajbovos (1/2/2013)         |
|                                   |                                                                                                                                                           |                  |                        |                             |                            |
|                                   |                                                                                                                                                           |                  |                        |                             |                            |
| <b>Finance Comments</b>           | *The current balance in Chemicals is checked as items are purchased. The requested allocation is a countywide estimate based on the recommended base bid. |                  |                        |                             |                            |

## County Clerk Use Only

|                        |                                          |                                              |
|------------------------|------------------------------------------|----------------------------------------------|
|                        |                                          | <b>PH was Held?</b> <input type="checkbox"/> |
| <b>Working Session</b> | <input style="width: 90%;" type="text"/> | Vote                                         |
| <b>Action</b>          | <input style="width: 90%;" type="text"/> |                                              |
| <b>Tabled</b>          | <input style="width: 90%;" type="text"/> |                                              |
| <b>Motion</b>          | <input style="width: 90%;" type="text"/> |                                              |
| <b>2nd by</b>          | <input style="width: 90%;" type="text"/> |                                              |

**SUMMARY – BL141-11****Purchase of Pebble Quick Lime and Bulk Hydrated Lime on an Annual Contract**

|                                                                                               |                                                                                          |
|-----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| <b>PURPOSE:</b>                                                                               | Provide chemicals to be used by the water reclamation facilities.                        |
| <b>LOCATION:</b>                                                                              | Various locations throughout Gwinnett County                                             |
| <b>AMOUNT TO BE SPENT:</b>                                                                    | \$260,786.00                                                                             |
| <b>PREVIOUS CONTRACT AWARD AMOUNT:</b>                                                        | \$182,219.70                                                                             |
| <b>AMOUNT SPENT PREVIOUS CONTRACT:</b>                                                        | \$239,913.00                                                                             |
| <b>INCREASE/DECREASE<br/>(CURRENT CONTRACT VS. PREVIOUS<br/>CONTRACT):</b>                    | 4 % Increase                                                                             |
| <b>NUMBER OF BIDS/PROPOSALS MAILED:</b>                                                       | N/A                                                                                      |
| <b>NUMBER OF RESPONSES:</b>                                                                   | N/A                                                                                      |
| <b>PRE-BID/PROPOSAL CONFERENCE HELD<br/>(YES/NO)<br/>IF YES, NUMBER OF FIRMS REPRESENTED:</b> | N/A                                                                                      |
| <b>REASONS FOR LIMITED RESPONSE (IF<br/>RELEVANT):</b>                                        | N/A                                                                                      |
| <b>RENEWAL OPTION NUMBER</b>                                                                  | This is option number one (1) out of one (1).                                            |
| <b>MARKET PRICES COMPARISON (FOR<br/>RENEWALS):</b>                                           | The current price of the low bidder is 10.18% lower than that of its closest competitor. |
| <b>PROPOSED CONTRACT TERM:</b>                                                                | January 18, 2013 through January 17, 2014                                                |

COMMENTS: \*This is a demand usage contract; usage will vary depending on the need of the County.

## Department of Water Resources



684 Winder Highway • Lawrenceville, GA 30045-5012  
678.376.6700  
www.gwinnettcountry.com

### MEMORANDUM

TO: Susan Clarke, Purchasing Associate III  
Purchasing Division

THRU: Richard Platto, Financial Manager  
Department of Water Resources

FROM: Ben Bagwell, Superintendent YR WRF  
Department of Water Resources

SUBJECT: Recommendation for BL141-11, Purchase of Pebble Quick Lime and Bulk Hydrated Lime on an Annual Contract

DATE: December 17, 2012

The Department of Water Resources recommends renewal of the above referenced procurement with the low bidder, Cheney Lime & Cement Company, base bid amount of \$260,786.00 which is based upon projected usages at each facility.

Amount spent previous contract \$239,913.00 for the previous 11 months.

**Estimated amount to be spent for current contract \$260,786.00.**

1. Total obligations requested: \$260,786.00
2. Do total obligations agree with "Action Requested"? Yes X No \_\_\_\_\_
3. Budgeted: Yes X No \_\_\_\_\_
4. Contact name Richard Platto Contact phone: 678-376-6879
5. Proposed funding.

| Fiscal Year (FY) | Fund | Fund Center | Cost Center          | Commitment Item | WBS Element | Amount       |
|------------------|------|-------------|----------------------|-----------------|-------------|--------------|
| 2013             | 501  | 111009      | 19090003<br>19090006 | 50701141        |             | \$260,786.00 |

6. Transfer required:                      Yes                      No X                      If yes, transfer from:

| Fiscal Year (FY) | Fund | Fund Center | Cost Center | Commitment Item | WBS Element | Amount |
|------------------|------|-------------|-------------|-----------------|-------------|--------|
|                  |      |             |             |                 |             |        |

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                     |                                                                                                                                              |                                                                                     |                        |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|------------------------|--|
| <b>GCID #</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Group With GCID #:</b>                                                           | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                                                                                     |                        |  |
| <b>20130029</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                     |                                                                                                                                              |                                                                                     |                        |  |
| <b>Department:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Water Resources                                                                     |                                                                                                                                              | <b>Date Submitted:</b>                                                              | 12/19/2012             |  |
| <b>Working Session:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 01/15/2013                                                                          | <b>Business Session:</b>                                                                                                                     | 01/15/2013                                                                          | <b>Public Hearing:</b> |  |
| <b>Submitted By:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Steve Leo                                                                           |                                                                                                                                              | <b>Multiple Depts?</b>                                                              |                        |  |
| <b>Budget Type:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Neither                                                                             |                                                                                                                                              | <b>Special Routing:</b>                                                             |                        |  |
| <b>Agenda Type</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Approval/authorization                                                              |                                                                                                                                              | <b>Rezoning Type</b>                                                                |                        |  |
| <b>Item of Business:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                     |                                                                                                                                              |                                                                                     |                        |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                     |                                                                                                                                              | Locked by Purchasing <span style="border: 1px solid black; padding: 2px;">No</span> |                        |  |
| for the Chairman to 1) execute and record a Declaration of Conservation Covenant and Restrictions and, 2) to execute and grant a Conservation Easement to the Georgia Piedmont Land Trust on the areas within the Sweetwater-Old Norcross Stream Restoration and Wetland Mitigation Bank Project, parcel number 7040-274, subject to review by the Law Department. The Declaration of Covenant and Restrictions and a Conservation Easement are required by the United States Army Corp of Engineers to satisfy the Clean Water Act, Section 404 Permit conditions and compensatory mitigation requirements resulting from unavoidable loss of natural resources, District 4/Heard |                                                                                     |                                                                                                                                              |                                                                                     |                        |  |
| <b>Attachments</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Memo, Conservation Easement, Declaration of Conservation Covenants and Restrictions |                                                                                                                                              |                                                                                     |                        |  |
| <b>Authorization: Chairman's Signature?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                     | Yes <span style="border: 1px solid black; padding: 2px;"></span>                                                                             |                                                                                     |                        |  |
| <b>Staff Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Approval                                                                            |                                                                                                                                              |                                                                                     |                        |  |
| <b>Department Head</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | arseibenhener (12/20/2012)                                                          |                                                                                                                                              |                                                                                     |                        |  |
| <b>Attorney</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | fsfields (1/3/2013)                                                                 |                                                                                                                                              |                                                                                     |                        |  |
| <b>Attorney's Comments</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                     |                                                                                                                                              |                                                                                     |                        |  |
| <b>Agenda Purpose Only</b> <input checked="" type="checkbox"/> <b>As To Form</b> <input type="checkbox"/> <b>Hold for Pickup?</b> <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                     |                                                                                                                                              |                                                                                     |                        |  |

## Financial Services Use Only

|                                   |                     |                  |                        |                             |                            |
|-----------------------------------|---------------------|------------------|------------------------|-----------------------------|----------------------------|
| <b>Financial Action Requested</b> |                     |                  |                        |                             |                            |
|                                   | <b>Budgeted</b>     | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |
|                                   |                     | N/A              | *                      | N/A                         | ajbovos<br>(12/27/2012)    |
|                                   |                     |                  |                        |                             |                            |
|                                   |                     |                  |                        |                             |                            |
| <b>Finance Comments</b>           | * No budget impact. |                  |                        |                             |                            |

## County Clerk Use Only

|                        |                                                                    |      |                                              |
|------------------------|--------------------------------------------------------------------|------|----------------------------------------------|
|                        |                                                                    |      | <b>PH was Held?</b> <input type="checkbox"/> |
| <b>Working Session</b> | <div style="border: 1px solid black; height: 15px;"></div>         | Vote |                                              |
| <b>Action</b>          | <div style="border: 1px solid black; padding: 2px;">New Item</div> |      |                                              |
| <b>Tabled</b>          | <div style="border: 1px solid black; height: 15px;"></div>         |      |                                              |
| <b>Motion</b>          | <div style="border: 1px solid black; height: 15px;"></div>         |      |                                              |
| <b>2nd by</b>          | <div style="border: 1px solid black; height: 15px;"></div>         |      |                                              |

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**MEMORANDUM**

**TO:** Ron Seibenhener, Director  
Department of Water Resources *Albert R. Seibenhener*

**THROUGH:** Steve Leo, Division Director  
Department of Water Resources - Stormwater Management *Steve Leo*

**FROM:** Pete Wright, Engineer V - Watershed Improvement Program *PW*

**SUBJECT:** Sweetwater-Old Norcross Stream Restoration and Wetland Mitigation Bank ("Bank") – Declaration of Conservation Covenant and Restrictions and Conservation Easement

**DATE:** November 8, 2012

We are requesting authorization from the Board of Commissioners for the Chairman to:

- 1) execute and record the attached Declaration of Conservation Covenant and Restrictions; and
- 2) execute and grant a Conservation Easement to the Georgia Piedmont Land Trust ("GPLT") on Parcel 7040 274.

These steps are required by the United States Army Corps of Engineers ("ACOE") prior to the release of mitigation credits that will be awarded for the completion of the Sweetwater-Old Norcross Stream and Wetland restoration project.

The county is partnering with GPLT in order to satisfy long term monitoring and maintenance requirements of the ACOE and to enable the creation of additional credits. The details of this partnership are contained in the attached letter. Execution of the Conservation Easement between Gwinnett County and GPLT is required by ACOE to secure these additional credits.

The credits can be sold internally or externally to those who are required by the ACOE to compensate for the unavoidable loss of natural resources occurring as a by-product of development projects.

**Attachments:** Letter of Agreement  
Restrictive Covenant  
Conservation Easement

STATE OF GEORGIA  
COUNTY OF GWINNETT

CONSERVATION EASEMENT

THIS INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_, 200\_, by and between \_\_\_\_\_ of \_\_\_\_\_, (hereinafter "Grantor"), and the GEORGIA PIEDMONT LAND TRUST, a Georgia non-profit corporation, having an address at PO Box 3687, Suwanee, Georgia 30024 (hereinafter "Grantee").

RECITALS:

WHEREAS, the Grantor is the owner in fee simple of certain real property in Gwinnett County, Georgia, more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein (hereinafter "Property"); and

WHEREAS, the Property possesses natural, scenic, and environmental values (collectively, "conservation values"), including riparian characteristics that can enhance water quality and protect Sweetwater Creek, of great importance to Grantor, the people of Gwinnett County and the people of the State of Georgia; and

WHEREAS in particular, conservation values include but are not limited to the contributions of a naturally functioning native riparian and wetland ecosystem to the maintenance and enhancement of water quality, flood protection, erosion control, riparian buffer enhancement, provision of natural habitat for plants and animals, the support of environmental education and protection of open space in an area that is developed, and connectivity to current and possible future conservation lands; and

WHEREAS, the specific conservation values of the Property are further documented in an inventory of relevant features of the Property, dated \_\_\_\_\_, on file at the offices of Grantee and incorporated herein by this reference ("Baseline Documentation"), which consists of reports, maps, photographs, and other documentation that the parties agree provide, collectively, an accurate representation of the Property at the time of this grant and which is intended to serve as an objective, though non-exclusive, information baseline for monitoring compliance with the terms of this grant; and

WHEREAS, Grantor intends that the conservation values of the Property be preserved and maintained by permitting only those land uses on the Property that do not significantly impair or interfere with them; and

WHEREAS, Grantor further intends, as owner of the Property, to convey to Grantee the right to preserve and protect the conservation values of the Property in perpetuity; and

WHEREAS, the Grantee, is a publicly supported, tax-exempt nonprofit organization and a qualified organization under Sections 501(c)(3) and 170(h), respectively, of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Internal Revenue Code"), whose primary purpose is the preservation and protection of land in its natural, forested, and/or open space condition; and Grantee adopted the Land Trust Alliance's "Statement of Land Trust Standards and Practices" on July 18<sup>th</sup> 2005 as guidelines for the Grantee's operations and committed to making continual progress toward implementation of those standards and practices; and

WHEREAS, the O.C.G.A. § 44-10-1 et seq., permits the creation of conservation easements for the purposes of, *inter alia*, maintaining or enhancing water quality and retaining or protecting the natural, scenic, or open space values of real property, and Grantor and Grantee wish to avail themselves of the provision of that law; and

NOW THEREFORE, in exchange for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Grantor, and of the covenants, mutual agreements, conditions and premises herein contained, the Grantor does freely give, grant, bargain, sell and convey unto the Grantee, its successors and assigns, forever, a conservation easement in perpetuity (hereinafter referred to as the "Conservation Easement") over the Property consisting of the following:

## A. PURPOSE

The purposes of this Conservation Easement (collectively, the "Purposes") are: 1) assuring the Property will be retained forever in its natural, scenic, and open condition; and 2) preventing any use of the Property that will significantly impair or interfere with the Conservation Values or interests of the Property. Grantor intends that this Conservation Easement will confine the use of the Property to such activities as are consistent with the Purposes of this Conservation Easement.

## B. AFFIRMATIVE RIGHTS

Grantee shall have the right, in a reasonable manner and at reasonable times, to enter the Property for the purposes of inspecting same to determine compliance herewith, which Grantee shall not unreasonably interfere with the Grantor's use and quiet enjoyment of the Property. Grantee shall also have the right to enforce by proceedings at law or in equity the covenants hereinafter set forth, including but not limited to, the right to require the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use, pursuant to the remedies set forth in Section E. Nothing herein shall be construed to entitle the Grantee to institute any proceedings against Grantor for any changes to the Property due to causes beyond the Grantor's control, such as changes caused by fire, floods, or storm.

## C. GENERAL COVENANTS

1. Prohibited Activities. Any activity on, or use of, the Property materially inconsistent with the Purposes of the Conservation Easement is prohibited. Without the prior written consent of the Grantee (which may be withheld in Grantee's absolute discretion), or except as expressly provided below in this paragraph or as otherwise expressly contemplated herein, the Property shall be maintained in a manner consistent with the following restrictions:
  - a. Industrial, Commercial, and Agricultural Use. Industrial and commercial activities, including but not limited to agricultural and horticultural uses are prohibited, except as permitted under Section D (hereinafter "Reserved Rights"). No right of access or ingress across or upon the Property may be allowed or granted if the right of access and ingress is used in conjunction with commercial or industrial activity except that the Grantor may use existing roads and additional roads constructed consistent with the provisions of this Conservation Easement for commercial activity permitted in the Reserved Rights herein, as long as such activities do not impair the Conservation Values of the Property.
  - b. Disturbance of Natural Features. Any change, disturbance, alteration or impairment of the natural, scenic and aesthetic features is prohibited, except as expressly provided under the Reserved Rights.
  - c. Structures. There shall be no construction or placing of temporary or permanent buildings, mobile homes, advertising signs, billboards, or other advertising material on the Property (except that Grantor or Grantee may place signs designating the Property as protected property), nor shall there be any construction or placing of radio, cell, or other communication towers, docks, bridges, piers or other structures except as necessary in maintenance and replacement of existing structures or structures hereafter placed on the Property in compliance with this Conservation Easement; nor shall there be any construction of temporary or permanent walkways, pervious or impervious bicycle paths, or nature trails for public use except as allowed herein under Reserved Rights; nor shall there be any construction of parking lots or placement of public facilities on the Property; except as permitted under Reserved Rights herein; nor shall there be any construction of temporary or permanent buildings except as permitted under Reserved Rights herein.
  - d. Roads. Except as otherwise permitted under Reserved Rights as contained herein, there shall be no building of any new permanent or temporary roads, nor widening of existing roads, nor shall abandoned roads be restored.
  - e. Topography and Minerals. Except as otherwise permitted under Reserved Rights, there shall be no filling, excavating, dredging, mining, or drilling; no removal of topsoil, sand, gravel, rock, peat, minerals, or other materials; nor any dumping of ashes, trash, garbage or other unsightly or offensive material; and no change in the topography of the land in any manner except as provided or permitted under this Conservation Easement for establishment, maintenance, or repair of roads, walkways and construction.
  - f. Vegetation. Except for controlled cutting of diseased vegetation, removal of non-native vegetation, and revegetation with native plants or as permitted in the Reserved Rights herein, there shall be no removal, destruction, cutting, trimming, mowing, alteration or spraying with biocides of any vegetation, nor any disturbance or change in the natural habitat in any manner on the Property. Except as otherwise stated under Reserved Rights herein, there shall be no timber harvesting on the Property.
  - g. Non-Native Invasive Plant Species. For the purposes of this easement, "non-native invasive plant species" is defined as any species listed by the Georgia Exotic Pest Plant Council (the "Council") or a similar body, in the event the Council no longer exists. There shall be no planting or introduction on the Property of any species listed by the Council. Upon reasonable notice to the Grantor, Grantee shall have the right, but not the obligation, to remove non-native invasive vegetation from the Property.

- h. Waters and Wetlands. Except as otherwise stated under Reserved Rights as contained herein, there shall be no disruption, pollution or alteration on or from the Property of existing surface or subsurface water flow or natural water courses, fresh water lake and pond shores, marshes, or other water bodies, nor any activities or uses detrimental to water purity or natural water levels and/or flow in or over the Property, nor shall there be any dredging, construction of ponds, groins, or dikes, nor any manipulation of natural water courses on the Property.
- i. Subdivision. There shall be no partitioning or subdivision of the Property, except as permitted in the Reserved Rights herein. A boundary line adjustment shall not be considered a subdivision provided that advance written approval of the boundary line adjustment is obtained from the Grantee.
- j. Prohibited Use. Any use of the Property and any activity thereon is prohibited, which in the opinion of Grantee, is or may become inconsistent with the Purposes of the Conservation Easement.

2. Reserved Rights.

- a. Grantor reserves to itself and to its successors and assigns, all rights accruing from its ownership of the Property, including the right to engage in, or permit or invite others to engage in, all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Easement. Without limiting the generality of the foregoing, and subject to the terms of paragraph C1, the following rights are expressly reserved:
- b. Certain restoration, enhancement, establishment and preservation of wetlands and/or stream and streamside lands according to a plan submitted to and approved by the US Army Corps of Engineers (USACE).
- c. Upon notice to the USACE, unsafe trees or exotic non-native vegetation may be removed in accordance with current scientific best management practices as set out by the US Forest Service or the Georgia Forestry Commission;
- d. As permitted or approved in writing by USACE, water utility easements shall be maintained and repaired to ensure good working order.
  - i. In connection with maintenance and repair of such water utility systems and associated improvements, and for emergency purposes, the limited right and easement for vehicular access (solely in connection with such emergency purposes, construction, maintenance or repair) over and across the trail and adjacent areas.
- e. Upon notice to USACE, conservation and wildlife habitat management plans may be implemented by the Georgia Department of Natural Resources Wildlife Resource Division, US Forest Service, GPLT, or other conservation management entities where the management does not result in any impacts to the wetlands/streams/riparian corridors or its buffers, or to property protected for its historical, cultural and/or archeological value, and where the proposal would enhance the management of the property for its conservation use.
- f. Subject to the limitation set forth below, Grantor retains the right to sell ecosystem service assets (the "Property Resources Values") on and associated with the Property, provided such sale does not physically harm the Property's Conservation Values and is

not inconsistent with the purposes of the Conservation Easement. Grantor may sell credits based upon and associated with such values. For example, Grantor may create a mitigation bank or participate with other parties to create a mitigation bank based upon the Property's carbon sequestration value and receive compensation for the sale of such credits from the bank. Each such sale of Property Resources Values shall be subject to the prior express written approval of Grantee, which approval shall not be unreasonably withheld if Grantee, in its sole discretion, determines that the sale does not physically harm the Property's Conservation Values and is consistent with the purposes of the Conservation Easement.

#### E. GRANTEE'S REMEDIES

1. Notice of Violation: Corrective Action. If Grantee determines that a violation of the terms of this Conservation Easement has occurred or is threatened, Grantee shall give written notice to Grantor of such violation and demand corrective action sufficient to cure the violation, and where the violation involves injury to the Property resulting from any use or activity inconsistent with the Purposes of the Conservation Easement, to restore the portion of the Property so injured to its prior condition in accordance with a plan approved by the Grantee. If an event or circumstance of non-compliance is corrected through negotiation and voluntary compliance, Grantor shall reimburse Grantee all reasonable costs, including staff time, incurred in investigating the non-compliance and in securing its correction.
2. Injunctive Relief. If Grantor fails to cure the violation within thirty (30) days after receipt of notice thereof from Grantee, or under circumstances where the violation cannot reasonably be cured within a thirty (30) day period, Grantor fails to begin curing such violation within the thirty (30) day period, or fails to continue diligently to cure such violation until finally cured, Grantee may bring an action at law or in equity, in a court of competent jurisdiction to enforce the terms of this Conservation Easement, to enjoin the violation, ex parte as necessary, by temporary or permanent injunction, and to require the restoration of the Property to the condition that existed prior to any such injury. Grantee's rights under this Section apply equally in the event of either actual or threatened violations of the terms of this Conservation Easement. Grantor agrees that Grantee's remedies at law for any violation of the terms of this Conservation Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in herein, both prohibitive and mandatory, in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Conservation Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this Section shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.
3. Damages. Grantee shall be entitled to recover damages for violation of the terms of this Conservation Easement or injury to any Conservation Values protected by this Conservation Easement, including without limitation, damages for the loss of scenic, aesthetic, or environmental values, attorneys' fees, costs, fines and punitive damages. Without limiting Grantor's liability therefor, Grantee may apply damages recovered to the cost of undertaking any corrective action on the Property.
4. Emergency Enforcement. If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the Conservation Values of the Property, Grantee may pursue its remedies under this Section without prior notice to Grantors, or without waiting for the period provided for cure to expire.
5. Costs of Enforcement. All reasonable costs incurred by Grantee in enforcing the terms of this Conservation Easement against Grantor, including without limitation, costs and expenses of suit and reasonable attorneys' fees, and any costs of restoration necessitated by Grantor's violation of the terms of this Conservation Easement shall be borne by Grantor; provided however, that if Grantor ultimately prevails in a judicial enforcement action each party shall bear its own costs.
6. Forbearance. Forbearance by Grantee to exercise its rights under this Conservation Easement in the event of any breach of any obligation of this Conservation Easement by Grantor, shall not be deemed or construed to be a waiver by Grantee of such breach or of any subsequent breach of the same or any other obligation of this Conservation Easement or of any of Grantee's rights under this Conservation Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver.
7. Waiver of Certain Defenses. Grantor hereby waives any defenses of laches, estoppel, or prescription.
8. Third Party Violations. Grantor and Grantee retain all remedies at law and equity to protect and defend its respective interest in the Property from any activities or uses by any third party, including Grantor licensees or lessees, which violate or are inconsistent with the Purposes of this Conservation Easement. Grantor agrees to promptly notify Grantee of any violation. In the event that either party pursues legal proceedings against a third party violator, then the other party may, in its sole discretion, join in such legal proceedings; provided that each party shall be responsible for its own legal costs and expenses.

9. Acts Beyond Grantor's Control. Nothing contained in this Conservation Easement shall be construed to entitle Grantee to bring any action against Grantor for injury to or change in the Property resulting from causes beyond Grantor's control, including without limitation, fire, flood, storm and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.

#### F. COSTS, LIABILITIES, TAXES, AND ENVIRONMENTAL COMPLIANCE

1. Costs, Legal Requirements, and Liabilities. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Property. Grantor remains solely responsible for obtaining any applicable governmental permits and approvals for any construction or other activity or use, permitted by this Conservation Easement, and all such construction or other activity or use shall be undertaken in accordance with all applicable Federal, State and local laws, regulations and requirements. Grantor shall keep the Property free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor.
2. Taxes. Grantor shall pay before delinquency, all taxes, assessments, fees and charges (collectively "taxes") of whatever description levied on or assessed against the Property by competent authority, including any taxes imposed upon, or incurred as a result of, this Conservation Easement, and shall furnish Grantee with satisfactory evidence of payment upon request.
3. Tax Deduction. Grantee makes no warranty, representation or other assurance regarding the availability, amount or effect of any deduction, credit or other benefit to Grantor or any other person or entity under United States or any state, local or other tax law to be derived from the conveyance of this Conservation Easement or other transaction associated with the conveyance of this Conservation Easement. The conveyance of this Conservation Easement is not conditioned upon the availability or amount of any tax deduction, credit or other benefit. Grantee makes no warranty, representation or other assurance regarding the value of this Conservation Easement or of the Property. As to all of the foregoing, Grantor is relying upon Grantor's own legal counsel, accountant, financial advisor, appraiser or other consultant and not upon Grantee or any legal counsel, accountant, financial advisor, appraiser or other consultant of Grantee. In the event of any audit or other inquiry of a governmental authority into the effect of this conveyance upon the taxation or financial affairs affecting Grantor or Grantor's successors or assigns or other similar matter, Grantor shall reimburse and indemnify Grantee for any cost or expense of any kind or nature whatsoever incurred by Grantee in responding or replying thereto.
4. Control. Nothing in this Conservation Easement shall be construed as giving rise, in the absence of a judicial decree, to any right or ability in Grantee to exercise physical or managerial control over the day-to-day operations of the Property, or any of Grantor's activities on the Property, or otherwise to become an operator with respect to the Property within the meaning of The Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), and Georgia's hazardous waste statutes.
5. Indemnification. Grantor hereby releases and agrees to hold harmless, indemnify and defend Grantee and its members, directors, officers, employees, agents, and contractors and the heirs, personal representatives, successors and assignees of each of them (collectively "Indemnified Parties") from and against any and all liabilities, penalties, fines, charges, costs, losses, damages, expenses, causes of action, claims, demands, orders, judgments, or administrative actions, including without limitation, reasonable attorneys' fees arising from or in any way connected with: (1) injury to or the death of any person, or physical damage to any property resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, regardless of cause, unless due solely to the negligence of any of the Indemnified Parties; (2) the violation or alleged violation of, or other failure to comply with, any Federal, State, or local law, regulation, or requirement, including without limitation, CERCLA and State hazardous waste statutes, by any person other than the Indemnified Parties, in any way affecting, involving, or relating to the Property; (3) the presence or release in, on, from, or about the Property, at any time, of any substance now or hereafter defined, listed, or otherwise classified pursuant to any Federal, State, or local law, regulation, or requirement as hazardous, toxic, polluting, or otherwise contaminating to the air, water, or soil, or in any way harmful or threatening to human health or the environment, unless caused solely by any of the Indemnified Parties; and (4) the obligations, covenants, representations, and warranties of Sections E(6), and F(1) through F(5) as contained herein.
6. Subordination. In the event the Property is subject to an existing mortgage, Grantor covenants and warrants it has obtained all lenders' consents to enter into this agreement, and has further obtained subordination agreements from all such lenders, whereby each lender has agreed to subordinate its interest to this Conservation Easement.

#### G. EXTINGUISHMENT AND CONDEMNATION

1. Extinguishment. If circumstances arise in the future that render the Purposes of this Conservation Easement impossible or impractical to accomplish, this Conservation Easement can be extinguished, whether in whole or in part, by mutual consent of the parties hereto or judicial proceedings in a court of competent jurisdiction.

2. Condemnation. If any or part of the Property is taken by exercise of the power of eminent domain, whether by public, corporate, or other authority, so as to terminate this Conservation Easement, in whole or in part, Grantor and Grantee may act jointly to recover the full value of their respective interests in the Property subject to the taking, and all direct or incidental damages resulting therefrom. If the Property is condemned and Grantee cannot recover the value of its Conservation Easement as a defendant in the condemnation proceedings then Grantee shall be entitled to a portion of the condemnation proceeds recovered by Grantor that is at least equal to the fair market value of the Conservation Easement be expressed as a percentage interest of the Property as a whole at the time of conveyance.

#### H. ASSIGNMENT

This Conservation Easement is transferable, but Grantee may assign its rights and obligations under this Conservation Easement only to an organization that is a qualified organization at the time of transfer under 26 USCS § 170(h) (or by any successor provision then applicable), and authorized to acquire and hold conservation easements under the Georgia Uniform Conservation Easement Act, O.C.G.A. § 44-10-1 *et seq.*, (or any successor provision then applicable) or the laws of the United States. As a condition of such transfer, Grantee shall require that the conservation Purposes that this grant is intended to advance continue to be carried out. Any transferee shall be required to assume grantee's obligations in writing, in a recordable instrument. Grantee agrees to give written notice to Grantor of an assignment at least twenty (20) days prior to the date of such assignment. The failure of Grantee to give such notice shall not affect the validity of such assignment, nor shall it impair the validity of this Conservation Easement or limit its enforceability in any way.

#### I. SUBSEQUENT TRANSFERS AND ZONING APPLICATIONS

1. Subsequent Transfers. Grantor agrees to incorporate the terms of this Conservation Easement by reference in any deed or other legal instrument by which he divests himself of any interest in all or a portion of the Property, including without limitation, a leasehold interest. Grantor further agrees to give written notice to Grantee of the transfer of any interest at least twenty (20) days prior to the date of such transfer.
2. Notice of Zoning Applications and Building Permits. Grantor, for himself, his heirs, successors and assigns, further agrees to notify Grantee in writing of any request to obtain a building permit or to amend the zoning of the Property at least twenty (20) days prior to the filing of such a request with the appropriate governmental agencies. The failure of the Grantor to perform any act required by this paragraph shall not impair the validity of this Conservation Easement or limit its enforceability in any way. Grantor hereby acknowledges that, pursuant to O.C.G.A. §44-10-4(b), Grantee is a necessary party in any proceeding of or before any governmental agency which may result in a license, permit or order for any demolition, alteration or construction on the Property.

#### J. RECORDATION

Grantee shall record this instrument and any amendments hereto in timely fashion in the official records of Gwinnett County, Georgia, and may record it at any time as may be required to preserve its rights in this Conservation Easement.

#### K. GENERAL PROVISIONS

1. Controlling Law. The interpretation and performance of this Conservation Easement shall be governed by the laws of the State of Georgia.
2. Liberal Construction. Any general rule of construction to the contrary notwithstanding this Conservation Easement shall be liberally construed in favor of the Grantee to effect the Purposes of this Conservation Easement and the policy and purpose of the Georgia Uniform Conservation Easement Act. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the Purposes of this Conservation Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.
3. Severability. If any provision of this Conservation Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Conservation Easement, or the application of such provision, to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.
4. Amendment. The parties hereto may amend this Conservation Easement to meet changing conditions, provided that no amendment will be allowed that is inconsistent with the Purposes or affects the perpetual duration of this Conservation Easement. Any such amendment shall result in equal or greater protection of the Conservation Values on the Property as identified in Section A. No amendment(s) to this Conservation Easement will be binding unless such amendment is signed by all parties hereto. Any such amendment shall be recorded in the official records of Gwinnett County, Georgia. Any amendment shall not conflict with the terms and conditions set forth in the recorded Declaration of Covenants and Restrictions, Exhibit C, pursuant to the Department of the Army Permit 200700357.

5. Successors. The covenants, terms, conditions and restrictions of this Conservation Easement shall be binding upon, and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property. The terms "Grantor" and "Grantee," wherever used herein, and any pronouns used in place thereof, shall include, respectively, the above-named Grantor and his personal representatives, heirs, successors, and assigns, and the above-named Grantee and its successors and assigns.
6. Termination of Rights and Obligations. A party's rights and obligations under this Conservation Easement terminate upon transfer of the party's interest in the Conservation Easement or the Property, except that liability for acts or omissions occurring prior to transfer, shall survive transfer.
7. Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.
8. Notice. Any notices required or permitted in this Conservation Easement shall be in writing and sent by registered or certified mail, postage prepaid, or overnight delivery, to the following addresses or such other substituted addresses as Grantor or Grantee may provide to the other for purposes of providing sufficient notice in their names. Notice is effective immediately if overnight or hand-delivered or three days following the day it is sent by United States Mail:

GRANTOR:

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

GRANTEE:

Georgia Piedmont Land Trust  
PO Box 3687  
Suwanee, Georgia 30024

9. No Merger. Grantor and Grantee agree that should Grantee, or any successor in interest to Grantee, come to own all or a portion of the fee interest subject to this Conservation Easement, (i) said owner shall observe and be bound by the obligations and the restrictions imposed upon the Property by this Conservation Easement, (ii) the Conservation Easement shall not be extinguished through the doctrine of merger in whole or in part in view of the public interest in its enforcement, and (iii) said owner as promptly as possible shall assign the Grantee interest in the Conservation Easement of record to another holder in conformity with the requirements of the Internal Revenue Code. The instrument of assignment shall refer to the provisions of this Section, and shall contain confirmatory language suitable to reimpose this Easement to the extent, if any, necessary to continue it in force.
10. Rights Cumulative. Nothing herein shall be construed to change, alter, or affect any rights that either party hereto may have at law or equity.
11. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Conservation Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Easement, all of which are merged herein.

TO HAVE AND TO HOLD, this Conservation Easement, together with all and singular the appurtenances and privileges belonging or in any way appertaining thereto, either in law or in equity, either in possession or expectancy, for the proper use and benefit of the Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the Grantor has caused these presents to be signed in his/her name on the day and year first above written, and Grantee has caused these presents to be signed in its name by its Governor, the day and year first above written.

Sworn and subscribed  
before me this \_\_\_\_\_  
day of \_\_\_\_\_, 200\_

GRANTOR:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Grantor

\_\_\_\_\_  
Notary Public

Sworn and subscribed  
before me this \_\_\_\_\_  
day of \_\_\_\_\_, 200\_

GRANTEE:

GEORGIA PIEDMONT LAND TRUST

\_\_\_\_\_  
Witness

BY: \_\_\_\_\_  
President

\_\_\_\_\_  
Notary Public

Attest: \_\_\_\_\_  
Executive Director

**EXHIBIT "A"**

**[INSERT LEGAL DESCRIPTION]**

# GWINNETT WATER RESOURCES RESTRICTIVE COVENANT EASEMENT TRACT DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING OR BEING IN LAND LOT 40 OF THE 7th LAND DISTRICT, GWINNETT COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE FROM THE POINT OF INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF OLD NORCROSS ROAD (HAVING A VARIABLE WIDTH RIGHT-OF-WAY) AND THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SWEET WOODS DRIVE (HAVING A 50 FOOT WIDE RIGHT-OF-WAY) AND ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF OLD NORCROSS ROAD NORTH 62 DEGREES 32 MINUTES 38 SECONDS WEST A DISTANCE OF 116.28 FEET TO THE POINT OF BEGINNING, THENCE FROM THE POINT OF BEGINNING AS THUS ESTABLISHED AND DEPARTING THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF OLD NORCROSS ROAD SOUTH 30 DEGREES 46 MINUTES 11 SECONDS WEST A DISTANCE OF 147.37 FEET TO A POINT; THENCE SOUTH 48 DEGREES 41 MINUTES 19 SECONDS WEST A DISTANCE OF 293.31 FEET TO A POINT; THENCE NORTH 80 DEGREES 49 MINUTES 48 SECONDS WEST A DISTANCE OF 91.20 FEET TO A POINT; THENCE NORTH 40 DEGREES 28 MINUTES 15 SECONDS WEST A DISTANCE OF 108.11 FEET TO A POINT; THENCE NORTH 77 DEGREES 59 MINUTES 15 SECONDS WEST A DISTANCE OF 159.30 FEET TO A POINT; THENCE SOUTH 83 DEGREES 42 MINUTES 45 SECONDS WEST A DISTANCE OF 133.25 FEET TO A POINT; THENCE SOUTH 74 DEGREES 21 MINUTES 43 SECONDS WEST A DISTANCE OF 99.10 FEET TO A POINT; THENCE SOUTH 36 DEGREES 17 MINUTES 50 SECONDS WEST A DISTANCE OF 41.30 FEET TO A POINT; THENCE SOUTH 03 DEGREES 23 MINUTES 25 SECONDS EAST A DISTANCE OF 98.00 FEET TO A POINT; THENCE SOUTH 31 DEGREES 50 MINUTES 45 SECONDS WEST A DISTANCE OF 380.00 FEET TO A POINT; THENCE SOUTH 52 DEGREES 21 MINUTES 45 SECONDS WEST A DISTANCE OF 89.10 FEET TO A POINT; THENCE SOUTH 70 DEGREES 21 MINUTES 45 SECONDS WEST A DISTANCE OF 165.00 FEET TO A POINT; THENCE SOUTH 50 DEGREES 21 MINUTES 45 SECONDS WEST A DISTANCE OF 50.00 FEET TO A POINT; THENCE NORTH 28 DEGREES 00 MINUTES 49 SECONDS WEST A DISTANCE OF 51.75 FEET TO A POINT AT THE CENTERLINE OF SWEETWATER CREEK; THENCE ALONG THE SAID CENTERLINE OF SWEETWATER CREEK THE FOLLOWING 21 COURSES AND DISTANCES: THENCE NORTH 62 DEGREES 32 MINUTES 38 SECONDS EAST A DISTANCE OF 77.10 FEET TO A POINT; THENCE NORTH 61 DEGREES 02 MINUTES 05 SECONDS EAST A DISTANCE OF 42.11 FEET TO A POINT; THENCE NORTH 79 DEGREES 13 MINUTES 30 SECONDS EAST A DISTANCE OF 38.88 FEET TO A POINT; THENCE NORTH 78 DEGREES 30 MINUTES 10 SECONDS EAST A DISTANCE OF 30.25 FEET TO A POINT; THENCE NORTH 30 DEGREES 54 MINUTES 40 SECONDS EAST A DISTANCE OF 33.87 FEET TO A POINT; THENCE NORTH 47 DEGREES 44 MINUTES 01 SECONDS EAST A DISTANCE OF 26.15 FEET TO A POINT; THENCE NORTH 76 DEGREES 19 MINUTES 15 SECONDS EAST A DISTANCE OF 28.91 FEET TO A POINT; THENCE NORTH 52 DEGREES 28 MINUTES 59 SECONDS EAST A DISTANCE OF 32.48 FEET TO A POINT; THENCE NORTH 44 DEGREES 34 MINUTES 30 SECONDS EAST A DISTANCE OF 30.81 FEET TO A POINT; THENCE NORTH 50 DEGREES 30 MINUTES 30 SECONDS EAST A DISTANCE OF 32.42 FEET TO A POINT; THENCE NORTH 03 DEGREES 01 MINUTES 31 SECONDS EAST A DISTANCE OF 82.86 FEET TO A POINT; THENCE NORTH 57 MINUTES 30 SECONDS EAST A DISTANCE OF 33.89 FEET TO A POINT; THENCE NORTH 82 DEGREES 09 MINUTES 33 SECONDS EAST A DISTANCE OF 110.21 FEET TO A POINT; THENCE NORTH 79 DEGREES 08 MINUTES 53 SECONDS EAST A DISTANCE OF 103.14 FEET TO A POINT; THENCE NORTH 02 DEGREES 42 MINUTES 03

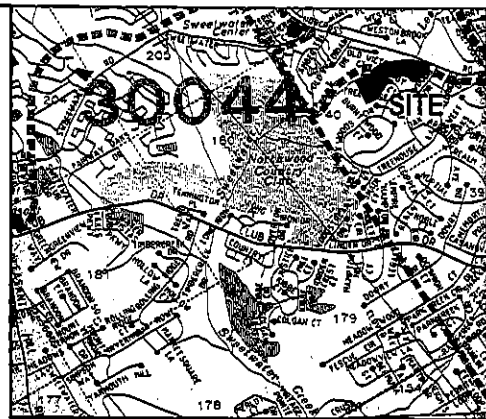
SECONDS EAST A DISTANCE OF 103.48 FEET TO A POINT; THENCE NORTH 79 DEGREES 37 MINUTES 04 SECONDS EAST A DISTANCE OF 102.14 FEET TO A POINT; THENCE NORTH 83 DEGREES 37 MINUTES 18 SECONDS EAST A DISTANCE OF 44.31 FEET TO A POINT; THENCE SOUTH 58 DEGREES 37 MINUTES 03 SECONDS EAST A DISTANCE OF 71.55 FEET TO A POINT; THENCE NORTH 53 DEGREES 01 MINUTES 48 SECONDS EAST A DISTANCE OF 23.37 FEET TO A POINT ON THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF OLD NORCROSS ROAD; THENCE ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF OLD NORCROSS ROAD THE FOLLOWING THREE COURSES AND DISTANCES: SOUTH 82 DEGREES 32 MINUTES 48 SECONDS EAST A DISTANCE OF 104.20 FEET TO A POINT; THENCE NORTH 27 DEGREES 27 MINUTES 22 SECONDS EAST A DISTANCE OF 30.00 FEET TO A POINT; THENCE SOUTH 02 DEGREES 32 MINUTES 38 SECONDS EAST A DISTANCE OF 207.02 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 12.056 ACRES (BEING 551,374 SQUARE FEET), INCLUDING ALL EASEMENTS.

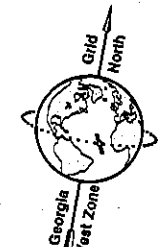
## GENERAL NOTES

1. THE BEARING STRUCTURE FOR THIS EXHIBIT IS BASED ON MONUMENTS FOUND IN THE FIELD AT THE TIME OF THIS SURVEY AND TIED INTO THE NATIONAL GEODETIC SURVEY AND GPS SOLUTION CONTINUOUSLY OPERATING REFERENCE SYSTEM BY USE OF TRIMBLE MODEL 5800 GPS SURVEY EQUIPMENT.
2. THE BOUNDARY INFORMATION SHOWN WAS TAKEN FROM PLAT BOOKS AND DEED BOOKS ON FILE WITH THE CLERK OF SUPERIOR COURT, GWINNETT COUNTY, GEORGIA AND REFERENCE IS SHOWN HEREON. THE DRAWING IS NOT A PROPERTY OR LAND SURVEY NOR IS IT INTENDED TO REPRESENT A TITLE SEARCH OR TITLE OPINION.
3. AREAS THAT ARE TO BE EXCLUDED FROM THE RESTRICTIVE COVENANT ARE SHADED.
4. RIPARIAN NOTE: THE PROPERTY LINE AS SHOWN ON THIS SURVEY RUNS ALONG THE CENTERLINE OF A CREEK AND IS SUBJECT TO THE GRADUAL CHANGES THAT OCCUR OVER TIME WITH THE NATURAL FLOW OF WATER.
5. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 386,907 FEET.
6. WETLANDS, STREAMS AND BUFFERS MAY BE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS BANKING INSTRUMENT NUMBER 200700357, AND ARE PROTECTED BY A RECORDED DECLARATION OF CONSERVATION COVENANT AND RESTRICTIONS.

| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| L1   | N82°28'17"E | 77.10    |
| L2   | N83°02'25"E | 42.11    |
| L3   | N78°13'30"E | 38.88    |
| L4   | N76°19'15"E | 30.25    |
| L5   | N52°28'59"E | 33.87    |
| L6   | N47°44'01"E | 26.15    |
| L7   | N76°19'15"E | 28.91    |
| L8   | N52°28'59"E | 32.48    |
| L9   | N44°34'30"E | 30.81    |
| L10  | N50°30'30"E | 32.42    |
| L11  | N03°01'31"E | 82.86    |
| L12  | N86°30'30"E | 52.42    |
| L13  | N85°01'31"E | 82.86    |
| L14  | N80°07'32"E | 53.89    |
| L15  | N82°09'33"E | 110.21   |
| L16  | N79°08'53"E | 103.14   |
| L17  | N02°42'03"E | 103.48   |
| L18  | N79°37'04"E | 102.14   |
| L19  | N83°37'18"E | 44.31    |
| L20  | S88°37'03"E | 71.55    |
| L21  | N53°01'48"E | 23.37    |
| L22  | S82°32'48"E | 104.20   |
| L23  | N27°27'22"E | 30.00    |



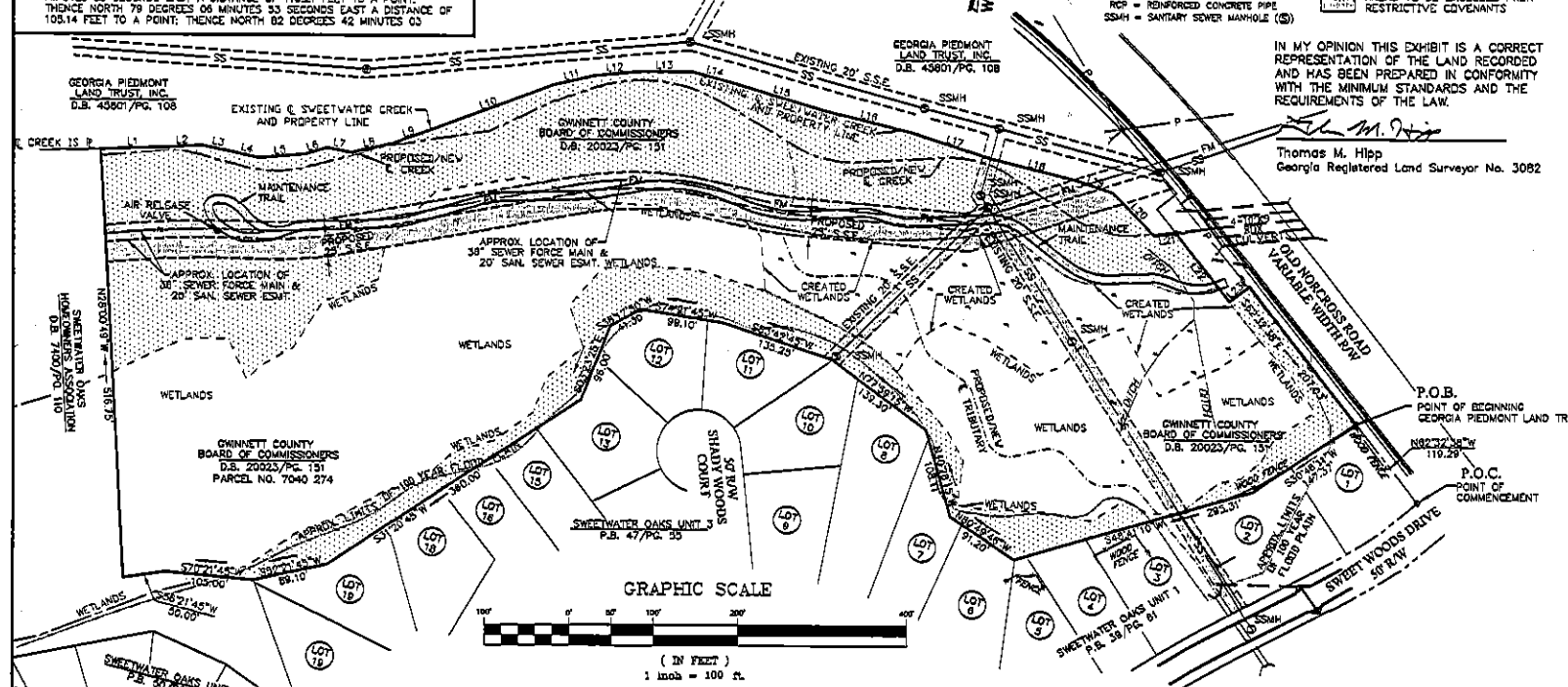
## LOCATION MAP NOT TO SCALE



- LEGEND**
- POB - POINT OF BEGINNING
  - POC - POINT OF COMMENCEMENT
  - IPF - IRON PIN FOUND
  - IPS - IRON PIN SET
  - CMF - CONCRETE MONUMENT FOUND
  - R/W - RIGHT OF WAY
  - LL - LAND LOT
  - CL - CENTER LINE
  - D.B. - DEED BOOK
  - PG - PAGE
  - CH - CHORD
  - IE - INVERT ELEVATION
  - PL - POWER LINE
  - SSE - SANITARY SEWER EASEMENT
  - SWCB - SINGLE WING CATCH BASIN
  - FDS - FLARED END SECTION
  - RF - ROAD WALL
  - RCP - REINFORCED CONCRETE PIPE
  - SSMH - SANITARY SEWER MANHOLE (S)
- LINE & SHADING LEGEND**
- PROPERTY LINE
  - SWEETWATER CREEK
  - CHEN NOT PROPERTY LINE
  - PROPOSED SWEETWATER CREEK
  - APPROX. 100 YR. FLOOD
  - WETLANDS
  - TRIBUTARY
  - CREATED WETLANDS
  - CREATED WETLANDS
  - BUFFER
  - AREAS TO BE EXCLUDED FROM RESTRICTIVE COVENANTS

IN MY OPINION THIS EXHIBIT IS A CORRECT REPRESENTATION OF THE LAND RECORDED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND THE REQUIREMENTS OF THE LAW.

Thomas M. Hipp  
Georgia Registered Land Surveyor No. 3082



**Hj**  
**Hayes | James**  
ENGINEERS, PLANNERS & SURVEYORS  
4145 SHACKLEFORD ROAD  
SUITE 300  
NORCROSS, GEORGIA 30093  
TEL: (770) 823-1600  
FAX: (770) 823-4202

RESTRICTIVE COVENANT  
EASEMENT EXHIBIT  
FOR  
GWINNETT COUNTY  
WATER RESOURCES

PROJECT LOCATION  
Land Lot 40  
District 7th  
Parcel: 7040 Z74  
County: Gwinnett  
State: Georgia

Project No. 09-107-pw  
Drawn By: TH  
Checked By: FP  
Date: May 22, 2012  
Scale: 1"= 100'

| DATE    | BY | APPR | TH   | TH | TH | TH | TH | TH | TH |
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| 8/14/12 | TH | TH   | TH   | TH | TH | TH | TH | TH | TH |
| 8/15/12 | TH | TH   | TH   | TH | TH | TH | TH | TH | TH |
| 8/16/12 | TH | TH   | TH   | TH | TH | TH | TH | TH | TH |
| 8/17/12 | TH | TH   | TH   | TH | TH | TH | TH | TH | TH |
| 8/18/12 | TH | TH   | TH   | TH | TH | TH | TH | TH | TH |
| 8/19/12 | TH | TH   | TH   | TH | TH | TH | TH | TH | TH |
| 8/20/12 | TH | TH   | TH   | TH | TH | TH | TH | TH | TH |
| 8/21/12 | TH | TH   | TH   | TH | TH | TH | TH | TH | TH |
| 8/22/12 | TH | TH   | TH   | TH | TH | TH | TH | TH | TH |
| 8/23/12 | TH | TH   | TH   | TH | TH | TH | TH | TH | TH |
| 8/24/12 | TH | TH   | TH   | TH | TH | TH | TH | TH | TH |
| 8/25/12 | TH | TH   | TH</ |    |    |    |    |    |    |

**EXHIBIT "B"**

**[Declaration of Covenants and Restrictions]**

**Declaration of Covenants and Restrictions shall be inserted here  
after execution and recording.**

---

Return to Forrest Fields, Esq., Senior Assistant County Attorney  
Gwinnett County Law Department  
75 Langley Drive  
Lawrenceville, GA 30045

STATE OF GEORGIA  
COUNTY OF Gwinnett

Cross reference to that certain \_\_\_\_ (deed) \_\_\_\_\_ dated \_\_\_\_\_ and  
recorded in Deed Book \_\_\_\_\_, Pages \_\_\_\_\_ (Name of County) County Records.  
Enter the Grantor/Grantee recorded deed/s relevant to place this document in the chain  
of title.

#### **DECLARATION OF CONSERVATION COVENANTS AND RESTRICTIONS**

THIS DECLARATION OF CONSERVATION COVENANTS AND RESTRICTIONS (this "Declaration") is hereby made by Gwinnett County, a political subdivision of the State of Georgia and a body corporate and politic, (hereinafter the "Declarant"). Declarant is the owner in fee simple of a certain tract or parcel of real property lying in Gwinnett County, Georgia. This tract of land was conveyed on January 17, 2000 from Liberty Land Corporation to Gwinnett County recorded in Deed Book 20023, Page 0151 to 0153 Gwinnett County Records. Declarant comes now and, for good and valuable consideration, declares conservation use restrictions on the property hereinafter described. A legal description of the specific parcel or parcels of Property subject to this Declaration is more particularly described in Exhibit "A" hereto attached and made a part hereof. The Declaration hereinafter stated shall apply to Property described in Exhibit "A" and is by reference, incorporated herein for a description and for all other legal purposes.

#### **PREMISES**

WHEREAS, Gwinnett County was authorized by that certain letter dated \_\_\_\_\_ to implement a Banking Instrument by the US Army Corps of Engineers ("USACE") Action Number 200700357 pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) or Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401) under the administrative regulatory authority of the USACE Savannah District, Regulatory Division, setting forth authorization for certain dredge and/or discharge of fill activities in waters of the United States, including wetlands and streams; and,

WHEREAS, said Banking Instrument Evaluation and Findings dated April 30, 2012 is attached hereto as Exhibit "B" and by this reference is made a part hereof; and,

WHEREAS, dredge and/or discharge of fill material in jurisdictional waters of the United States including wetlands and streams pursuant to the Clean Water Act, Section 404, and/or Rivers and Harbors Act of 1899, Section 10, requires compensatory mitigation and perpetual protection of the mitigation property; and,

WHEREAS, a dated platted survey with seal affixed by a Georgia registered surveyor of the bearings and distances and coordinate values of the boundary of the Property referenced as Exhibit A has been recorded at (plat book, drawer, page or otherwise) (the "Survey"). The survey approximately shows the actual or planned wetland, stream and buffer areas within the Property. The property contains 12.83 acres in 1 parcels of land. The property further contains approximately 5.5 acres of wetlands and 1,400 linear feet of Sweetwater Creek, a third order stream with buffer, and 830 linear feet of a first order unnamed tributary with buffer. The survey is made a part of this Declaration and is incorporated by reference..

WHEREAS, the Conservation Functions and Services are summarized and described in Exhibit "C", attached hereto and made a part hereof; and

WHEREAS, the Property is approved as a commercial wetland and/or stream mitigation bank pursuant to the terms and conditions of the Sweetwater Creek at Old Norcross Road, Rev.1, (File Number 200700357), March 29, 2012, said document being incorporated by reference. The purpose of the bank is to generate credits to compensate for wetland impacts that have been determined unavoidable after consideration of avoidance and minimization on Section 404, Clean Water Act or Section 10 Rivers and Harbors of 1899 permit actions. The banking instrument sets forth the success criteria required of the ecological project and the credit releases allowable. Declarant agrees to be responsible for certain restoration, enhancement, establishment and preservation of wetlands and/or stream and streamside lands on the Property pursuant to the banking instrument and any subsequent modifications. Credits from the bank are sold by the bank sponsor in return for a fee agreed upon by the bank sponsor and the permit holder where the Corps of Engineers has approved the use of banking credits as mitigation in whole or in part on permits issued. Each time credits are sold, Declarant shall provide the USACE with an accounting of the total number of credits in the bank, the number of credits released and the permit action associated with each release of credits. The Property is to remain subject to this Declaration of Conservation Covenants and Restrictions in perpetuity; and,

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the Declarant and each and every subsequent owner and occupant of the real property, and as required mitigation for dredge and/or discharge of fill material in waters of the United States including wetlands and streams, Declarant has promised to place certain restrictions on the Property exclusively for conservation purposes, in order that it shall remain substantially in its restored, enhanced, preserved, open, natural and/or scenic condition, in perpetuity.

**1**

**Transfers, Amendments & Extinguishment**

Declarant does hereby declare that all of the Property described hereinafter shall be held, transferred, sold, conveyed and occupied subject to the terms and conditions of the covenants, easements and affirmative obligations all of which shall run with the Property and will be binding on all persons, firms, associations, corporations or governmental entities having or hereafter acquiring any right, title or interest in said Property, or any part thereof, their heirs, executors, administrators, successors and assigns. The terms and conditions of this Declaration of Covenants and Restrictions shall be both implicitly and explicitly included in any subsequent transfer, conveyance, or encumbrance affecting all or any part of the conservation property. It shall set forth the terms and conditions of this document either by reference to this document and its recorded location or by attachment and incorporation by reference. The covenant shall not be amended or extinguished except by written approval of the USACE, or its successor in administration of the Clean Water Act or the Rivers and Harbors Act of 1899. Amendments to the restrictive covenant for the purpose of proposing additional impact are not favored and will be considered only in rare circumstances following the USACE policy and procedures and where posted on the web. Should an amendment be accepted, mitigation required will be at a substantially higher ratio. Amendments shall be signed by the USACE and shall be recorded in the official records of the county in which the Property is located.

**2**

**Property as Open and Common Area**

The Property is set aside for conservation use and shall be designated as an undeveloped lot, buffer, open and common area or greenway and will not now, nor in the future, be made part of any single lot or lots in a residential or mixed use subdivision or a subdivided commercial development, but rather the Property shall be held, maintained and managed by the owner, developer, corporation, homeowner or business association as an open, common and undeveloped conservation area. There shall be no legal or de facto division, subdivision or partitioning of the protected Property used as mitigation unless approved by USACE and addressed in the permit or banking instrument.

**3**

**Prohibited Uses**

Except as necessary (1) to carry out wetland/stream and/or buffer restoration, enhancement and/or establishment in keeping with the mitigation plan of the permit or banking instrument as approved by USACE; or, (2) to fence the property to keep out livestock, domestic animals, trespassers, or for protection or enhancement of the property; or, (3) to carry out management and maintenance of the property as approved in writing by the USACE; the actions encompassed as prohibited by this covenant shall include, but shall not be limited to the following:

- A. Clearing, cutting or mowing;

- B. Earthmoving, grading, removal of topsoil, cultivation, burning, filling or changes in the topography of the land in any manner;
- C. Placement of refuse, wastes, sewage, dredged spoil, solid waste, incinerator residue, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, or agricultural waste on the Property;
- D. Draining, ditching, diking, dredging, channelizing, pumping, impounding, excavating;
- E. Diverting or affecting the natural flow of surface or underground waters within, or out of the Property; manipulating or altering any natural water course, body of water or water circulation and any activities or uses detrimental to water quality;
- F. Mining, drilling;
- G. Burning, systematically removing or cutting timber or otherwise destroying any vegetation. Upon approval from the USACE, selective pruning, unsafe trees or exotic non-native vegetation may be removed in accordance with current scientific best management practices as set out by the U.S. Forest Service or the Georgia Forestry Commission;
- H. Spraying with biocides or use of herbicides or pollutants that violate water quality standards;
- I. Introducing exotic species on the Property, altering the natural state of the wetlands or streams or causing erosion or sedimentation;
- J. Grazing or use by domesticated animals such that animal wastes enter soil and water;
- K. Construction of any kind in the wetlands, streams, buffers or upland, whether temporary or permanent.
- L. Use of off-road vehicles and use of motorized vehicles except on existing roadways is prohibited.
- M. As permitted or approved in writing by USACE the property may have: (1) a narrow pedestrian walking trail in the uplands or upland buffer using pervious materials, (2) minimal structures and boardwalks for the observation of wildlife and wetland/stream ecology, (3) crops for wildlife or placement of temporary hunting stands in uplands.
- N. Display of billboards, signs, or advertisements on or over the Property, except for the posting of no trespassing signs, temporary signs indicating the property is for sale, signs identifying the trees, vegetation, wetlands or conservation values of the property and/or signs identifying the owner of the property.

O. Conservation and wildlife habitat management plans may be implemented by the Georgia Department of Natural Resources Wildlife Resource Division, US Forest Service, conservation land trusts holding conservation easements, or other conservation management entities where the habitat, wildlife or forest management does not result in any impacts to the wetlands/streams/riparian corridors and its buffers, or to property protected for its historical, cultural and/or archeological value, and where the proposal would enhance the management of the property for its conservation use.

#### 4

#### Easements

A. The protected property is free and clear of any and all liens, loans, claims, restrictions, easements and encumbrances, except as otherwise identified in this document and its exhibits.

B. Existing utility line easements, roads, right-of-ways, access easements and structures on the property, if any, are shown on the survey.

C. Environmental impacts, if any, caused by existing easements such as roads, utility lines or pipelines, where such easements are in place as of the date of the recording of this restrictive covenant, and where the easements are shown on the survey, shall not be considered as causing any prohibited impacts to the Property by their use and maintenance. See Exhibit E for existing easement documents.

#### Existing Easements:

| <b>Easement</b>                                  | <b>From</b>                        | <b>To</b>                             | <b>Date of Conveyance</b> | <b>Deed Book</b> | <b>Page</b> | <b>County</b> |
|--------------------------------------------------|------------------------------------|---------------------------------------|---------------------------|------------------|-------------|---------------|
| Right of Way                                     | G.W. Clower                        | Georgia Railway and Power Co.         | 4-13-23                   | 43               | 6           | Gwinnett      |
| Old Norcross Road Right of Way and Drainage, Etc | George W. Clower Et. Al.           | Gwinnett County                       | 2-18-63                   | 192              | 428         | Gwinnett      |
| Sewer                                            | Thomas M. Clower, Executor Et. Al. | Gwinnett County                       | 12-9-76                   | 1209             | 96          | Gwinnett      |
| Transaction                                      | A-9 Transaction                    | Gwinnett County Water Sewer Authority | 12-30-85                  | 3310             | 243         | Gwinnett      |
| Old Norcross Road Right of Way                   | Thomas M Clower, Executor Et. Al.  | Gwinnett County                       | 2-24-78                   | 1424             | 1           | Gwinnett      |

| <b>Easement</b>                             | <b>From</b>             | <b>To</b>                         | <b>Date of Conveyance</b> | <b>Deed Book</b> | <b>Page</b> | <b>County</b> |
|---------------------------------------------|-------------------------|-----------------------------------|---------------------------|------------------|-------------|---------------|
| Sewer                                       | Mitchell Clower Et. Al. | Embry Development Authority, Inc. | 4-28-81                   | 2180             | 70          | Gwinnett      |
| Old Norcross Road Right of Way and Drainage | Roddy S. Sturdivant     | Gwinnett County                   | 2-24-83                   | 2536             | 13          | Gwinnett      |
| Old Norcross Road Right of Way and Drainage | Roddy Sturdivant        | Gwinnett County                   | 4-12-83                   | 2536             | 34          | Gwinnett      |
| Sewer                                       | Roddy Sturdivant        | Gwinnett County                   | 2-23-84                   | 2761             | 170         | Gwinnett      |
| Sewer                                       | Roddy Sturdivant        | BDM-1                             | 12-13-84                  | 2761             | 168         | Gwinnett      |
| Right of Way                                | Gary Brock              | Jackson EMC                       | 4-23-84                   | 2773             | 141         | Gwinnett      |
| Right of Way                                | Gary Brock              | Jackson EMC                       | 4-23-84                   | 2773             | 142         | Gwinnett      |
| Sewer                                       | RSE Grading Co, Inc.    | Gwinnett County                   | 9-1-88                    | 5758             | 289         | Gwinnett      |
| Sewer                                       | Madison Ventures LTD    | Gwinnett County                   | 9-1-88                    | 5158             | 289         | Gwinnett      |

D. Should an easement or legal right of use of the Property, not listed in paragraph (4)(A), or not meeting the criteria of paragraph (4)(A) and prior in time and recording to this restrictive covenant, be exercised in such a manner that it conflicts with the prohibited uses of the Property set out in this restrictive covenant, then the owners of the Property, whether the Declarant of this covenant or any heirs, executors, administrators, successors or assigns, shall be responsible for providing alternative conservation mitigation in such amounts and of such service and function as the USACE or any enforcer of this covenant shall determine in accordance with the terms of the permit/banking instrument and with Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899 and their implementing regulations.

#### **Proposed Future Impacts to Property**

E. No future impacts or infrastructure plans are planned for the property.

### **5 Representations**

Declarant represents and warrants that after reasonable investigation, and to the best of its knowledge:

A. No substance defined, listed, or otherwise classified pursuant to any federal, state, or local law, or regulation, as hazardous, toxic, polluting, or otherwise contaminating to the water or soil, has been released, generated, treated, stored, used, disposed of, deposited, abandoned, or transported in, on, from, or across the Property;

B. There are no underground storage tanks located on the Property, whether presently in service or closed, abandoned, or decommissioned;

C. The Property is in compliance with all federal, state and local laws, regulations and permits and there is no pending or threatened litigation in any way affecting, involving or relating to the Property and its use.

D. The conservation property is not land-locked and there is access to the protected property by road, dedication of pathway or by an access easement.

## **6**

### **Affirmative Duties**

A. Declarant/Owner will take action to prevent the unlawful entry and trespass by persons whose activities may degrade or harm the conservation values of the Property or that are otherwise inconsistent with this Declaration.

B. A management plan shall be developed by Declarant and its successors for management of the property for its conservation duties. Adequate financial resources shall be allocated by owner of the mitigation property for protection of the property. Declarant shall take immediate action to cure violations of this restrictive covenant.

## **7**

### **Exclusive Possession**

Declarant, its (personal representatives, heirs, executors, administrators) (successors and assigns), reserve all other rights accruing from its ownership of the Property including but not limited to the exclusive possession of the property, the right to transfer or assign their interest in the same, the right to take action necessary to prevent erosion on the Property, to protect the property from losing its conservation functions and services, or to protect public health or safety; and the right to use the property in any manner not prohibited by this Declaration and which would not defeat or diminish the conservation purpose of this Declaration.

## **8**

### **Benefits to the General Public**

It is expressly understood and agreed that this covenant does not necessarily grant or convey to members of the general public, any rights of ownership, interest in, or use of the protected property unless so designated by the owner for such purpose. Nonetheless, the property has significant aesthetic and conservation value in its present or restored state as a predominately natural area which has not been subject to extensive development or exploitation. The protection of jurisdictional and non-jurisdictional waters of the United States,

their buffers and uplands, floodplains, vegetation, scenic, open space, aquatic and wildlife habitat are considered of great importance to the well being of the general public and to all citizens of Georgia and are worthy of preservation and conservation.

## **9**

### **Enforcement**

The USACE and/or the Environmental Protection Agency, or its successors, as third party beneficiaries hereof, are hereby specifically granted the authority to enforce the provisions of this Declaration pursuant to the Clean Water Act Section 404 and the Rivers & Harbors Act of 1899, Section 10, and implementing regulations. Appropriate remedy for violation of this section is contemplated to include, without limitation, injunctive relief to restrain such violation, restoration, administrative, civil or criminal penalties as well as any other remedy available under law or equity. However, no violation of this covenant shall result in a forfeiture or reversion of title. It shall not be a defense, for purposes of this covenant, that the conservation functions and services of the property were impacted without the owner's knowledge or consent, or that the waters on the property are deemed to be non-jurisdictional waters of the United States either by their function or by statute. The property was offered and accepted as mitigation and is therefore subject to the contractual terms of the permit/banking instrument and this Declaration. Loss of conservation functions and services shall not be required to be replaced if damage is due to "acts of God" as it generally referenced, so long as there has been completion of the mitigation requirements of the permit/banking instrument as to restoration, enhancement, establishment and monitoring.

## **10**

### **Right of Ingress and Egress**

The USACE, and/or the Environmental Protection Agency, their assigned agents and contractors, shall at reasonable times and upon notice to the owner, have an access easement for the right of ingress and egress to inspect the property in order to monitor and to ascertain whether there has been compliance with this Declaration. Posted signs declaring the property to be conservation property shall be posted by the owner in order to provide notice of the land use designation.

## **11**

### **Covenant Runs with the Land**

This covenant shall not terminate upon some fixed amount of time but shall run with the land in perpetuity both as to benefit and as to burden and shall be enforceable against Declarant and all present and future owners, tenants and other holders of any interest in the Property. This covenant is established for the purpose of preserving, enhancing and conserving wetlands and streams, non-jurisdictional wetlands and streams accepted as mitigation, buffers, uplands, open areas and the associated conservation values, services and functions. Furthermore, this covenant carries out the statutory requirement of Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act and the implementing regulations.

**12**  
**Intent of Clean Water Act**

The intent of the Clean Water Act ("CWA") Section 404 is to restore and maintain the chemical, physical and biological integrity of the Nation's waters. The intent of this document is that the Property be perpetually protected as conservation lands.

**13**  
**Written Notice of Legal Action against Property**

Pursuant to the CWA the District Engineer, c/o Office of Counsel, United States Department of the Army, Corps of Engineers, Savannah District, Savannah, Georgia, shall be provided with a 60-day advance written notice of any legal action concerning this covenant, or of any action to extinguish, void or modify this covenant, in whole or in part. The restrictive covenant is intended to survive foreclosure, tax sales, bankruptcy proceedings, zoning changes, adverse possession, abandonment, condemnation and similar doctrines or judgments affecting the property. A copy of this recorded document shall accompany said notice.

**14**  
**Eminent Domain**

It is the intent of this conservation covenant that the aquatic resources it protects shall not be altered or impacted by eminent domain. However, if any or part of the protected property is taken by exercise of the power of eminent domain, so as to terminate this covenant, in whole or in part, USACE shall be given 60-day notification for the purpose of providing the condemnor and the court authorizing the action, with the value and cost of the consequential damages or the costs of replacement in kind of the ecological units and the conservation functions, services and values of Clean Water Act jurisdictional or non-jurisdictional mitigation on the property. Subject to approval by the USACE, options for replacement of consequential environmental impacts due to eminent domain are governed by the CWA Section 404 or the Rivers & Harbors Act of 1899 Section 10 and their implementing regulations. Options for payment of consequential damages to waters of the United States impacted by the eminent domain taking may include: (1) Re-recording of the USACE model Declaration of Conservation Covenants and Restrictions on the property signed by the new owner thereby preserving the existing waters of the U.S and their buffers on the site without impact; (2) payment of funds sufficient for the acquisition and protection of alternative real property in the same hydrologic watershed providing equivalent conservation functions, services and values of wetlands, streams, creeks, shorelines, other waters of the U.S. and their buffers; or (3) if available, the option to fund the purchase of conservation mitigation credits from an authorized wetland/stream mitigation bank sufficient to replace the conservation mitigation functions, services and values of the wetlands, streams, creeks, shorelines, and other waters of the U.S. and their buffers; (4) payment of funds to an in-lieu fee mitigation wetlands/streams trust account approved by the USACE in an amount sufficient to purchase and protect alternative real property in the same hydrologic watershed that would provide the equivalent mitigation conservation functions, services and values, as the property impacted by eminent domain; or (5) Any other alternative consequential damages aquatic conservation mitigation as may be

approved by USACE in compliance with the regulations and requirements. Failure for the proponent to provide consequential damages through alternative mitigation due to impact to aquatic resources protected under the CWA associated with eminent domain shall be referred to the U.S. Justice Department for action.

**15**

**Removal to U.S. Federal District Court**

The USACE reserves the right to recommend to the U.S. Department of Justice that the legal action as it relates to the Clean Water Act be removed to the United States Federal District Court in the district where the land lies.

**16**

**Recordation of Instrument**

Declarant shall execute and record this instrument in timely fashion in the official records of the Office of the Clerk of Superior Court in the county in which this Property lies and shall provide the USACE with a copy of the recorded covenant and exhibits. Declarant may re-record this instrument at any time as may be required to preserve its rights.

IN WITNESS WHEREOF Declarant has duly executed this covenant on this the \_\_\_\_ day of \_\_\_\_\_

Attest:

Gwinnett County

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairman

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
Notary Public

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

[NOTARIAL SEAL]

## **EXHIBITS**

### **Exhibit A**

**Legal description of each parcel subject to the restrictive covenant.**

**(Please refer to survey for legal description)**

**GWINNETT WATER RESOURCES  
RESTRICTIVE COVENANT EASEMENT  
TRACT DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND LYING OR BEING IN LAND LOT 40 OF THE 7th LAND DISTRICT, GWINNETT COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE FROM THE POINT OF INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF OLD NORCROSS ROAD (HAVING A VARIABLE WIDTH RIGHT-OF-WAY) AND THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SWEET WOODS DRIVE (HAVING A 55 FOOT WIDE RIGHT-OF-WAY) AND ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF OLD NORCROSS ROAD NORTH 62 DEGREES 32 MINUTES 38 SECONDS WEST A DISTANCE OF 119.29 FEET TO THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING AS THUS ESTABLISHED AND DEPARTING THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF OLD NORCROSS ROAD SOUTH 30 DEGREES 48 MINUTES 11 SECONDS WEST A DISTANCE OF 147.37 FEET TO A POINT; THENCE SOUTH 48 DEGREES 41 MINUTES 10 SECONDS WEST A DISTANCE OF 205.31 FEET TO A POINT; THENCE NORTH 60 DEGREES 49 MINUTES 48 SECONDS WEST A DISTANCE OF 91.20 FEET TO A POINT; THENCE NORTH 40 DEGREES 28 MINUTES 15 SECONDS WEST A DISTANCE OF 108.11 FEET TO A POINT; THENCE NORTH 77 DEGREES 39 MINUTES 15 SECONDS WEST A DISTANCE OF 139.30 FEET TO A POINT; THENCE SOUTH 83 DEGREES 42 MINUTES 45 SECONDS WEST A DISTANCE OF 133.25 FEET TO A POINT; THENCE SOUTH 74 DEGREES 21 MINUTES 43 SECONDS WEST A DISTANCE OF 99.10 FEET TO A POINT; THENCE SOUTH 30 DEGREES 17 MINUTES 50 SECONDS WEST A DISTANCE OF 41.30 FEET TO A POINT; THENCE SOUTH 03 DEGREES 23 MINUTES 25 SECONDS EAST A DISTANCE OF 98.00 FEET TO A POINT; THENCE SOUTH 31 DEGREES 30 MINUTES 15 SECONDS WEST A DISTANCE OF 360.00 FEET TO A POINT; THENCE SOUTH 52 DEGREES 21 MINUTES 45 SECONDS WEST A DISTANCE OF 89.10 FEET TO A POINT; THENCE SOUTH 70 DEGREES 02 MINUTES 21 MINUTE OF 103.00 FEET TO A POINT; THENCE SOUTH 58 DEGREES 21 MINUTES 45 SECONDS WEST A DISTANCE OF 50.00 FEET TO A POINT; THENCE NORTH 28 DEGREES 00 MINUTES 40 SECONDS WEST A DISTANCE OF 218.72 FEET TO A POINT AT THE CENTERLINE OF SWEETWATER CREEK; THENCE ALONG THE SAID CENTERLINE OF SWEETWATER CREEK THE FOLLOWING 21 COURSES AND DISTANCES: THENCE NORTH 62 DEGREES 59 MINUTES 17 SECONDS EAST A DISTANCE OF 77.18 FEET TO A POINT; THENCE NORTH 01 DEGREES 52 MINUTES 05 SECONDS EAST A DISTANCE OF 42.11 FEET TO A POINT; THENCE NORTH 78 DEGREES 13 MINUTES 50 SECONDS EAST A DISTANCE OF 30.25 FEET TO A POINT; THENCE NORTH 30 DEGREES 32 MINUTES 38 SECONDS EAST A DISTANCE OF 25.57 FEET TO A POINT ON THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF OLD NORCROSS ROAD; THENCE ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF OLD NORCROSS ROAD THE FOLLOWING THREE COURSES AND DISTANCES: SOUTH 62 DEGREES 32 MINUTES 38 SECONDS EAST A DISTANCE OF 104.30 FEET TO A POINT; THENCE NORTH 27 DEGREES 27 MINUTES 22 SECONDS EAST A DISTANCE OF 30.00 FEET TO A POINT; THENCE SOUTH 62 DEGREES 32 MINUTES 38 SECONDS EAST A DISTANCE OF 207.02 FEET TO THE POINT OF BEGINNING.

SECONDS EAST A DISTANCE OF 103.48 FEET TO A POINT; THENCE NORTH 79 DEGREES 37 MINUTES 04 SECONDS EAST A DISTANCE OF 102.14 FEET TO A POINT; THENCE NORTH 83 DEGREES 37 MINUTES 16 SECONDS EAST A DISTANCE OF 44.81 FEET TO A POINT; THENCE SOUTH 68 DEGREES 37 MINUTES 03 SECONDS EAST A DISTANCE OF 73.95 FEET TO A POINT; THENCE NORTH 54 DEGREES 01 MINUTES 48 SECONDS EAST A DISTANCE OF 25.57 FEET TO A POINT ON THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF OLD NORCROSS ROAD; THENCE ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF OLD NORCROSS ROAD THE FOLLOWING THREE COURSES AND DISTANCES: SOUTH 62 DEGREES 32 MINUTES 38 SECONDS EAST A DISTANCE OF 104.30 FEET TO A POINT; THENCE NORTH 27 DEGREES 27 MINUTES 22 SECONDS EAST A DISTANCE OF 30.00 FEET TO A POINT; THENCE SOUTH 62 DEGREES 32 MINUTES 38 SECONDS EAST A DISTANCE OF 207.02 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 12,858 ACRES (BEING 551.374 SQUARE FEET), INCLUDING ALL EASEMENTS.

**GENERAL NOTES**

1. THE BEARING STRUCTURE FOR THIS EXHIBIT IS BASED ON MONUMENTS FOUND IN THE FIELD AT THE TIME OF THIS SURVEY AND TIED INTO THE NATIONAL GEODETIC SURVEY AND GPS SOLUTION CONTINUOUSLY OPERATING REFERENCE SYSTEM BY USE OF TRIMBLE MODEL 5800 GPS SURVEY EQUIPMENT.
2. THE BOUNDARY INFORMATION SHOWN WAS TAKEN FROM PLAT BOOKS AND DEED BOOKS ON FILE WITH THE CLERK OF SUPERIOR COURT, GWINNETT COUNTY, GEORGIA AND REFERENCE IS SHOWN HEREON. THE DRAWING IS NOT A PROPERTY OR LAND SURVEY NOR IS IT INTENDED TO REPRESENT A TITLE SEARCH OR TITLE OPINION.
3. AREAS THAT ARE TO BE EXCLUDED FROM THE RESTRICTIVE COVENANT ARE SHOWN.
4. RIPARIAN NOTE: THE PROPERTY LINE AS SHOWN ON THIS SURVEY RUNS ALONG THE CENTERLINE OF A CREEK AND IS SUBJECT TO THE GRADUAL CHANGES THAT OCCUR OVER TIME WITH THE NATURAL FLOW OF WATER.
5. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 399,907 FEET.
6. WETLANDS, STREAMS AND BUFFERS MAY BE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS BANKING INSTRUMENT NUMBER 200700337, AND ARE PROTECTED BY A RECORDED DECLARATION OF CONSERVATION COVENANT AND RESTRICTIONS.

| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| L1   | N82°59'17"E | 77.18    |
| L2   | N01°52'05"E | 42.11    |
| L3   | N78°13'50"E | 30.25    |
| L4   | N30°32'38"E | 25.57    |
| L5   | N59°54'40"E | 55.87    |
| L6   | N47°49'06"E | 26.13    |
| L7   | N76°18'15"E | 28.91    |
| L8   | N54°28'39"E | 52.48    |
| L9   | N44°58'38"E | 47.04    |
| L10  | N43°53'01"E | 124.42   |
| L11  | N52°13'04"E | 90.81    |
| L12  | N59°30'30"E | 62.42    |
| L13  | N89°01'31"E | 62.86    |
| L14  | N60°07'32"E | 33.89    |
| L15  | N52°06'33"E | 110.21   |
| L16  | N78°08'33"E | 103.14   |
| L17  | N82°49'03"E | 103.48   |
| L18  | N79°07'04"E | 102.14   |
| L19  | N63°57'16"E | 44.31    |
| L20  | S68°37'03"E | 71.90    |
| L21  | N55°01'48"E | 25.57    |
| L22  | S62°32'48"E | 104.30   |
| L23  | N27°27'22"E | 30.00    |

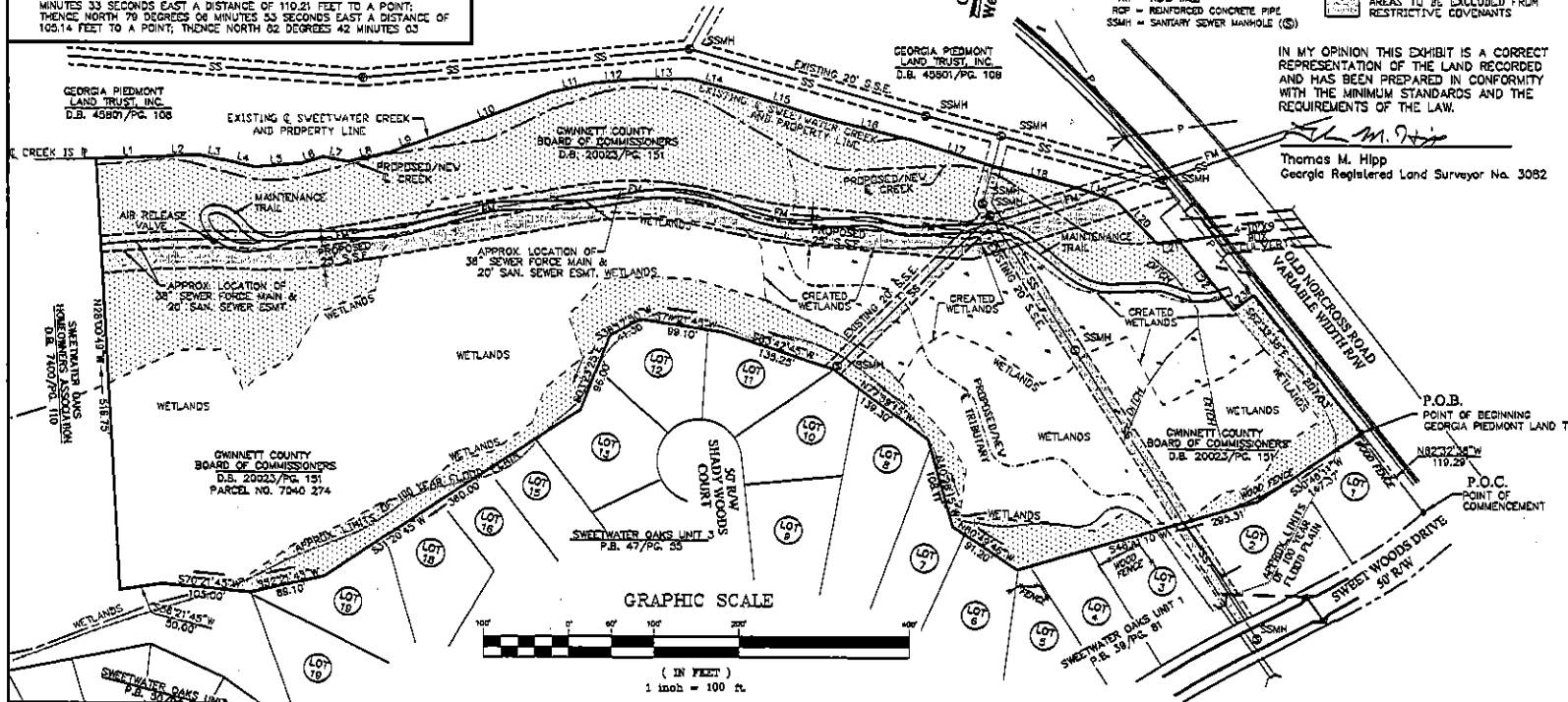


**LOCATION MAP  
NOT TO SCALE**

- LEGEND**
- POB - POINT OF BEGINNING
  - POC - POINT OF COMMENCEMENT
  - IPP - IRON PIN FOUND
  - UPS - IRON PIN SET
  - CAP - CONCRETE MONUMENT FOUND
  - R/W - RIGHT OF WAY
  - LL - LAND LOT
  - CL - CENTER LINE
  - D/L - DEED BOOK
  - PS - PAGE
  - R - RADIOS
  - CH - CHORD
  - IP - INVERT ELEVATION
  - SS - SANITARY SEWER EASEMENT
  - SWCB - SINGLE WING CATCH BASIN
  - FES - FLARED END SECTION
  - HW - HEAD WALL
  - ROP - REINFORCED CONCRETE PIPE
  - SSMH - SANITARY SEWER MANHOLE (S)
- LINE & SHADING LEGEND**
- PROPERTY LINE
  - SWEETWATER CREEK (WHEN NOT PROPERTY LINE)
  - PROPOSED SWEETWATER CREEK
  - APPROX. 100 YR. FLOOD
  - WETLANDS
  - TRIBUTARY
  - CREATED WETLANDS
  - CREATED WETLANDS
  - BUFFER
  - AREAS TO BE EXCLUDED FROM RESTRICTIVE COVENANTS

IN MY OPINION THIS EXHIBIT IS A CORRECT REPRESENTATION OF THE LAND RECORDED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND THE REQUIREMENTS OF THE LAW.

Thomas M. Hipp  
Georgia Registered Land Surveyor No. 3082



**Hj**  
**Hayes | James**  
ENGINEERS, PLANNERS & SURVEYORS

4145 SHACKLEFORD ROAD  
SUITE 300  
NORCROSS, GEORGIA 30083  
TEL: (770) 923-1800  
FAX: (770) 923-4202

RESTRICTIVE COVENANT  
EASEMENT EXHIBIT  
FOR  
GWINNETT COUNTY  
WATER RESOURCES

**PROJECT LOCATION**  
Land Lot: 40  
District: 7th  
Parcel: 7040 274  
County: Gwinnett  
State: Georgia



Project No. 09-107-pw  
Drawn By: TH  
Checked By: FP  
Date: May 22, 2012  
Scale: 1"=100'

| REVISIONS       | DATE | BY | APPROVED |
|-----------------|------|----|----------|
| DESCRIPTION     | 1    | TH | TH       |
| CLIENT COMMENTS | 2    | TH | TH       |
| CLIENT COMMENTS | 3    | TH | TH       |
| CLIENT COMMENTS | 4    | TH | TH       |
| CLIENT COMMENTS | 5    | TH | TH       |
| CLIENT COMMENTS | 6    | TH | TH       |

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Sheet Number  
**1 of 1**

**Exhibit B**

**Banking Instrument Approval Letter**

**Banking Instrument Evaluation and Findings**

## **BANK AUTHORIZATION**

A. Bank: Sweetwater Creek at Old Norcross Road Mitigation Bank

B. Permit Number: SAS-2007-00357

C. Bank Sponsors: Mr. Pete Wright  
Gwinnett County Department of Water Resources  
Storm Water Management  
684 Winder Highway  
Lawrenceville, Georgia 30345

Ms. Carol Hassell  
Georgia Piedmont Land Trust  
PO Box 3687  
Suwanee, Georgia 30024

D. Agent: Kevin Middlebrooks  
CH2MHill  
Northpark 400  
1000 Abernathy Road, Suite 1600  
Atlanta, Georgia 30328

E. Location: The Sweetwater Creek at Old Norcross Road Mitigation Bank is located directly west of the intersection Old Norcross Road culvert and Sweetwater Creek, near the City of Duluth, in Gwinnett County, Georgia (latitude 35° 57' 01", longitude 84° 5' 45").

F. Project Description: The bank sponsor is authorized to construct the Sweetwater Creek at Old Norcross Road Mitigation Bank as designed in the Final Banking Instrument, dated March 29, 2012. The Sweetwater Creek at Old Norcross Road Mitigation Bank will include the restoration of 2,230 linear feet of stream, creation of one acre of wetland, and the enhancement of 4.8 acres of wetlands.

The Sweetwater Creek Mitigation Bank is authorized to sell credits within the established geographic service areas for the bank, which includes the Upper Ocmulgee Hydrologic Unit Code (HUC) 03070103 as the primary service area, and the Upper Oconee HUC 03070101 as the secondary service area. The Sweetwater Creek Mitigation Bank is located within the 8-digit HUC 03070103, and the 12-digit HUC 030701030402. If constructed in accordance with the plans, and the success criteria are met, the Sweetwater Creek at Old Norcross Road Mitigation Bank has the potential to generate a total of 24,198 stream and 18,56 wetland credits. When a copy of the recorded restrictive covenant for this bank site is submitted to this office, 2,419 stream credits and 1.85 wetland credits, (10 %), will be released for use as compensatory mitigation, in accordance with the terms of the Banking Instrument (BI). A copy of the Banking Instrument Evaluation and Findings Form has been attached as an enclosure to summarize the components of the Sweetwater Creek at Old Norcross Road Mitigation Bank

and the Savannah District, US Army Corps of Engineers' (USACE) review of the Final BI. Because the Sweetwater Creek at Old Norcross Road Mitigation Bank was submitted prior to the effective date of the "Savannah District, US Army Corps of Engineers, Regulatory Guidelines To Evaluate Proposed Mitigation Bank Credit Purchases In The State of Georgia", dated November 18, 2009, this bank is not subject to the 8-digit HUC approach outlined within the above guidelines.

G. Permit Decision: We have completed our review of the BI, and determined that work proposed in waters of the United States for mitigation restoration and enhancement is authorized under Nationwide Permit (NWP) No. 27, as described in Part B (27) of our NWP Program; published in the February 12, 2012, Federal Register, Vol. 77, No. 34, Pages 10184-10290 (77 FR). The NWPs and Savannah District's Regional Conditions for NWPs can be found on our web site at [http://www.sas.usace.army.mil/regulatory/Nationwide\\_Permits.html](http://www.sas.usace.army.mil/regulatory/Nationwide_Permits.html).

H. Special Conditions: Your use of this NWP is valid only if it meets the terms and conditions below:

1. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by the NWP you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort, or if the site is eligible for listing in the National Register of Historic Places.
2. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary, to ensure that it is being or has been accomplished, in accordance with the terms and conditions of your BI.
3. The activity is conducted in accordance with the information submitted and meets the conditions applicable to the NWP, as described at Part C of the NWP Program and the Savannah District NWP Regional Conditions.
4. Prior to the commencement of work authorized under this NWP, the permittee shall perpetually protect the mitigation bank with a recorded Declaration of Covenants and Restrictions. An Attorney must prepare a draft Declaration of Covenants and Restrictions with exhibits for the permit holder and forward it to the Office of Counsel, Savannah District, USACE for written approval. All restrictive covenants should be drafted utilizing the latest version of the USACE's model document entitled, "Declaration of Covenants and Restrictions with Instructions." The model document is located on the Department of the Army, Savannah District, Corps of Engineers, website at [www.sas.usace.army.mil/regulatory/regulatory.html](http://www.sas.usace.army.mil/regulatory/regulatory.html). Select "Obtaining a Permit", scroll down to Compensatory Mitigation, to the Model Declaration of Conservation Covenants and Restrictions, dated October 15, 2008. Upon written approval from the Office of Counsel, the permittee shall record the restrictive covenant in the Land Records Office, of the Clerk of Court, in Gwinnett County. A copy of the recorded restrictive covenant, showing book and page numbers of its recorded location, shall be provided to the Office of Counsel. When a copy of the recorded restrictive covenant, showing book and page numbers,

and has been properly executed and is received by the Office of Counsel, this shall complete the requirement for a restrictive covenant.

5. RIBITS is an internet-based system, which will be used in the future for the purposes of tracking credit sales and bank information for Savannah District's mitigation banking program. Upon the Savannah District's total conversion to use of RIBITS, the bank sponsor will be required to upload all credit transaction data for those banks under their responsibility. Each credit transaction will be entered within 24 hours of that transaction. If the bank sponsor does not accurately enter all credit transactions within the required timeframe, credit sales will be stopped from the bank until the information is corrected.

6. In accordance with Section 7 of the Endangered Species Act (ESA), we reviewed the NWP. Based on the information we have available, we determined that the project would have no effect on any threatened or endangered species, or any critical habitat for such species. Authorization of an activity by a NWP does not authorize the "take" of threatened or endangered species. In the absence of separate authorization, both lethal and non-lethal "takes" of protected species are in violation of the ESA. See Part (C) of 77 FR for more information.

7. The NWP verification for the BI is valid for a period of two years from the date of this letter, or until the NWP is modified, reissued or revoked. All of the existing NWPs are scheduled to expire on March 18, 2017. It is incumbent upon you to remain informed of changes to the NWPs. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

8. Revisions to your proposal may invalidate this authorization. In the event changes to this project are contemplated, the permittee/sponsor should coordinate with us prior to proceeding with the work.

9. You must operate and maintain your bank in accordance with the terms and conditions identified in the Sweetwater Creek at Old Norcross Road Final Banking Instrument, dated March 29, 2012.

**10. IT SHALL NOT BE ACCEPTABLE TO DEVIATE FROM THE BANKING INSTRUMENT EITHER BEFORE OR AFTER COMPLETION OF THE WORK**, unless a plan reflecting the modification has previously been submitted to and approved by this office.

**I. Limits of this Authorization.**

1. Approval of this BI does not obviate the need to obtain other Federal, State, or local authorizations required by law.

2. Approval of this BI does not grant any property rights or exclusive privileges.

3. Approval of this BI does not authorize any injury to the property or rights of others.

4. Approval of this BI does not authorize interference with any existing or proposed federal projects.

J. Limits of Federal Liability. By approving this BI the Federal Government does not assume any liability for the following:

1. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
2. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
3. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
4. Design or construction deficiencies associated with work necessary to accomplish wetland restoration and/or enhancement activities.
5. Damage claims associated with any future modification, suspension or revocation of this BI.

K. Reevaluation of BI Decision. This office may reevaluate its decision on this BI at any time the circumstances warrant. Circumstances that could require reevaluation include, but are not limited to, the following:

1. You fail to comply with the terms and conditions of this BI.
2. The information provided by you in support of your BI proves to have been false, incomplete or inaccurate.

Your signature below, as Bank Sponsor, indicates that you accept and agree to comply with the terms and conditions of this BI (Department of Army Permit No. SAS-2007-00357). Therefore, as of the signature and date of this document, the BI is approved and the mitigation bank is authorized to begin operating under the terms of this document.

Pete Wright  
(BANK SPONSOR)

May 1, 2012  
(DATE)

Carol Hassell  
(BANK CO-SPONSOR)

May 1, 2012  
(DATE)

This Bank Instrument becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Russell L. Kaiser  
Russell L. Kaiser  
Chief, Regulatory Division

05/02/12  
(DATE)

Enclosure

Banking Instrument Evaluation and Findings  
Sweetwater Creek at Old Norcross Road Mitigation Bank, Department of the Army File No.  
SAS-2007-00357

**A. Background and General Bank Description:**

1. Describe the proposed project: The Sweetwater Creek at Old Norcross Road Mitigation Bank was designed with the primary goals of restoring stream and riparian conditions, enhancing wetlands, and improving habitat and water quality in the area. The resources to be provided include aquatic stream and wetland habitat as follows: 1) Restore 2,230 feet of degraded channels (1,400 feet in Sweetwater Creek and 830 feet in unnamed tributary) that are highly unstable and in a state of geomorphic evolution where rapid changes are occurring in the form of streambank erosion and channel widening; 2) Enhance physical stream resources by installing and creating components such as stable stream profile with pools, riffles, glides, vegetated buffers, bankfull benches, and improved habitat for aquatic biota; 3) Enhance biotic stream resources and improve habitat for aquatic biota; 4) Enhance over 5.2 acres of riparian buffers and increase overall plant and animal diversity through supplemental planting of native species and management of invasive plant species; 5) Restore and enhance 4.8 acres of wetland habitat that will include the restoration of natural wetland hydrology by plugging drainage ditches which have hydrologically altered the site, and restoration of vegetation diversity by removing exotic species and replanting native vegetation; 6) Create approximately 1.0 acre of wetland habitat.

Restoration, enhancement, creation, and upland buffer areas are shown in the attached Figure 1-24. (*Reference Section 1.10, of the Final BI*)

2. Identify location, service areas (primary/secondary), landscape position, and general site conditions/constraints: The Sweetwater Creek at Old Norcross Road Mitigation Bank site is located directly west of the intersection of Old Norcross Road and Sweetwater Creek. The site is located near the City of Duluth, in Gwinnett County, at latitude 35° 57' 01" N, longitude 84° 05' 45" W. The bank site includes approximately 21.98 acres and is comprised of two tracts of land which are separated by Sweetwater Creek. The northern parcel (Tract A) is 9.15 acres and is owned by the Georgia Piedmont Land Trust (GPLT). The southern parcel (Tract B) is 12.83 acres and is owned by Gwinnett County. Figure 1-1 shows the location of the two properties.

Tract A is bordered on the north by a single-family residential development. Sweetwater Creek forms the southern boundary of this tract, and Old Norcross Road forms the boundary to the northeast. Along the banks of Sweetwater Creek is a riparian forest that is bisected by a sewer line right-of-way (ROW) that parallels the main channel. Two interceptor sewer lines connecting to the residential areas cross through the bank site, perpendicular to Sweetwater Creek. Figure 1-1 shows that Tract A is divided into a 6.02-acre parcel and a 3.13-acre parcel. At this time, only the 6.02-acre parcel will be included within the bank site.

Tract B is 12.83 acres, all of which will be included in the bank site, and is bordered on the south and southwest by single-family residential developments located on a ridge. Old

Norcross Road borders the tract to the northeast and Sweetwater Creek borders this tract on the north. A force main sewer line ROW also parallels the main channel, similar to conditions on Tract A. Also, two residential connector sewer lines cross through the bank site, perpendicular to Sweetwater Creek. This tract includes two floodplain wetlands: a small 1.7-acre emergent and scrub-shrub/shrub system (Wetland A) and a 3.8-acre forested system (Wetland B).

Sweetwater Creek originates in Gwinnett County, with the headwaters forming within the city limits of Duluth. The creek flows south through urban environments consisting of residential and industrial land uses. Sweetwater Creek flows into the Yellow River and is part of the Upper Ocmulgee River watershed (HUC-03070103), which is the primary service area of this bank. The Upper Oconee River watershed (HUC 03070101) is the secondary service area of this bank. See attached Figure 1-17.

The project watershed encompasses approximately 19 square miles of densely developed area, and includes industrial, commercial, and residential land uses. The adjacent lands which surround the project site consist of residential communities. Within 1-mile of the site, the land use is predominately residential, with the inclusion of a small percentage of commercial property. The direct and indirect effects from the surrounding land uses are primarily streambank erosion and sedimentation. Streambank erosion is attributed to increased stormwater runoff from impervious surfaces. Since the area surrounding the project site has nearly reached built-out capacity, no additional direct or indirect effects from the increase of urban land uses are anticipated.

Initial assessment at the bank site shows that approximately 1,400 feet of Sweetwater Creek have been degraded due to past land use activities. The results of initial assessments show that Sweetwater Creek is severely degraded; the reach was classified as an "F" type using the Rosgen (1994) classification system. The channel is incised and erosion and mass wasting of banks is causing sedimentation throughout the reach.

In addition to the main channel, inflow of a tributary to Sweetwater Creek has also been degraded due to previous channelization and altered stormwater runoff. This tributary was relocated from its historic valley position which flowed through Wetland A to its current location along a steep ridgeline. The primary channel type along the tributary is best described as a "G" type stream, which has been caused by a significant head-cut that has migrated upstream from Sweetwater Creek.

The two wetlands (Wetlands A and B) proposed for the mitigation bank vary in size but have similar hydrology and soils. The two wetlands have been affected by past land use activities, which include being used for dumping rubbish, some off-road ATV recreation, and the site of a sewer conveyance. A cross ditch within Wetland A was cut through its entirety in an effort to drain this resource. As a result, the functional values of this wetland for flood storage and wildlife habitat have been substantially degraded. Wetland B has also been affected by the construction of a sewer line. A cross ditch was also cut through this wetland to help drain the site.

Attached Figure 1-8 includes a regional map showing the location of the project site.  
(Reference Section 1.4, 1.5 and 1.7 of the Final BI)

3. Explain environmental need and factors considered for selecting proposed mitigation bank site(s): The project is consistent with the County's watershed program and goals to restore streams, and rehabilitate and/or install BMPs for sediment reduction and water quality improvement. The watershed approach at this mitigation bank site takes into account a wide range of factors: such as the site's conditions that favor success; the needs of sensitive species; chronic environmental problems such as poor water quality; stemming current trends in habitat loss or conversion; and minimizing effects of current development trends on natural resources.

This site has been selected for restoration based primarily on the following three considerations: 1) Severe streambank erosion and mass wasting; 2) Poor water quality conditions in the watershed; 3) and opportunities for installation of BMP improvements at the site to treat runoff. (Reference Section 1.11 of the Final BI)

4. Summarize objectives of proposed bank: The primary objective of the mitigation bank is to restore Sweetwater Creek, its unnamed tributary, and associated wetlands. Specific stream and wetland objectives for the site are as follows:

**Stream Improvements:**

1. Reduce erosion and turbidity – streambank erosion is severe in both the unnamed tributary and Sweetwater Creek. Restored channel dimension, plan, and profile will stabilize the banks of both streams and reduce erosion and turbidity within the local watershed.
2. Ameliorate storm flow and restore floodplain connectivity – restored channel dimension, plan, and profile (with an enlarged bankfull bench) and increased cross-sectional area will reduce flood-flow energy, and hydrograph for storm events.
3. Increase DO levels– DO levels will be increased with the introduction of longer and stable riffle/run systems, which provide rough substrates that physically mix and aerate the water.
4. Improve biodiversity – the diversity will change with the improved habitat conditions. A shift in species composition from dominant tolerant species to more intolerant species will occur with restoration.

**Wetland Improvements:**

1. Restore natural hydrology – plugging and filling cross ditches in both wetlands and raising the incised channel bed in the unnamed tributary with grade control structures will improve the natural hydrology of both Wetlands A and B.

2. Improve biodiversity of wetland and riparian vegetation - biodiversity of vegetative populations will be enhanced as part of the planting plans.
3. Reduce abundance of invasive species – invasive species such as privet will be managed using eradication techniques, followed by planting with native species.  
(Reference Section 1.9, of the Final BI)

5. Present mitigation plan in tabular format and discuss the implementation schedule, below: Table 1 shows the proposed acres of wetland restoration, enhancement, and creation (establishment). The acreages shown exclude pipeline ROWs, since they are not used in calculating the restoration credit values. (Reference Section 1.10 and 3.12 of the Final BI)

TABLE 1 – STREAM RESTORATION

| Stream           | Mitigation Action | Sum of Mitigation Credit Factors | Segment Length (LF) | Mitigation Credits |
|------------------|-------------------|----------------------------------|---------------------|--------------------|
| Sweetwater Creek | Priority 2        | 9.25                             | 1,400               | 12,950             |
| Tributary        | Priority 1 and 2  | 9.45                             | 830                 | 7,844              |
|                  |                   | <b>Total</b>                     | <b>2230</b>         | <b>20,794</b>      |

TABLE 2 – RIPARIAN RESTORATION

| Stream                     | Mitigation Action                                                           | Sum of Mitigation Credit Factors | Segment Length (LF) | Mitigation Credits |
|----------------------------|-----------------------------------------------------------------------------|----------------------------------|---------------------|--------------------|
| Sweetwater Creek – Reach 1 | Riparian Habitat Improvement (one bank)                                     | 1.2                              | 210                 | 252                |
| Sweetwater Creek – Reach 2 | Substantial Restoration (both banks)                                        | 1.5                              | 555                 | 833                |
| Sweetwater Creek – Reach 3 | Substantial Restoration (one bank), Riparian Habitat Improvement (one bank) | 3.0                              | 125                 | 375                |
| Sweetwater Creek – Reach 4 | Substantial Restoration (one bank), Riparian Habitat Improvement (one bank) | 3.6                              | 540                 | 1,944              |
|                            |                                                                             | <b>Total</b>                     | <b>1430</b>         | <b>3,404</b>       |

\*Proposed buffer widths exclude pipeline ROWs, since they are not used in calculating the restoration credit values.

TABLE 3 – WETLAND RESTORATION

| Wetland   | Mitigation Action | Sum of Mitigation Credit Factors | Segment Area (Acres) | Mitigation Credits |
|-----------|-------------------|----------------------------------|----------------------|--------------------|
| Wetland A | Restoration       | 3.7                              | 1.4                  | 5.18               |
| Wetland B | Enhancement       | 3.2                              | 3.4                  | 10.88              |
| Wetland C | Creation          | 2.5                              | 1.0                  | 2.5                |
|           |                   | Total                            | 5.8                  | 18.56              |

The implementation of the Sweetwater Creek mitigation plan will be initiated according to Schedule 2 of the Guidelines. The project was let for bid on January 17th and a notice to proceed will be issued upon approval of the banking instrument by the IRT and signed contractual agreements with the USACE. Construction activities will be completed during the summer of 2012 and the vegetation planting will be implemented during late fall and winter.

TABLE 4 – MITIGATION SCHEDULE

| Timing             | Activity                                                                |
|--------------------|-------------------------------------------------------------------------|
| Spring/Summer 2012 | Construction Begins                                                     |
| Winter 2012/2013   | Construction Completed                                                  |
| Winter 2012/2013   | Restrictive Covenant and As-Built Submitted after Construction Complete |
| Fall 2013          | Year 1 Monitoring Report                                                |
| Fall 2014          | Year 2 Monitoring Report                                                |
| Fall 2015          | Year 3 Monitoring Report                                                |
| Fall 2016          | Year 4 Monitoring Report                                                |
| Fall 2017          | Year 5 Monitoring Report                                                |
| Fall 2018          | Year 6 Monitoring Report                                                |
| Fall 2019          | Year 7 Monitoring Report                                                |

6. Present credit generation plan in table format: The applicant has proposed to use Credit Release Schedule 2 and mitigation milestones published in the Guidelines are presented in Table 5 for the project. The USACE may suspend credit sales at any point during the monitoring period if mitigation milestones are not accomplished in accordance with the approved BI and/or if the Sponsor fails to satisfactorily demonstrate that performance measures are being met. Dates will be assigned to each activity after approval of this banking instrument. *(Reference Section 3.10 of the Final BI)*

**TABLE 5 – CREDIT RELEASE SCHEDULE**

| <b>Activity</b>                             | <b>Percent Release-<br/>(Schedule 2)</b> | <b>Stream Credits</b> | <b>Wetland Credits</b> |
|---------------------------------------------|------------------------------------------|-----------------------|------------------------|
| Banking Instrument and Restrictive Covenant | 10%                                      | 2,419.80              | 1.86                   |
| Construction Begins                         | 10%                                      | 2,419.80              | 1.86                   |
| Construction Completed                      | 10%                                      | 2,419.80              | 1.86                   |
| Year 1 Monitoring Report with Success       | 10%                                      | 2,419.80              | 1.86                   |
| Year 2 Monitoring Report with Success       | 10%                                      | 2,419.80              | 1.86                   |
| Year 3 Monitoring Report with Success       | 10%                                      | 2,419.80              | 1.86                   |
| Year 4 Monitoring Report with Success       | 10%                                      | 2,419.80              | 1.86                   |
| Year 5 Monitoring Report with Success       | 5%                                       | 1,209.90              | 0.93                   |
| Year 6 Monitoring Report with Success       | 5%                                       | 1,209.90              | 0.93                   |
| Year 7 Monitoring Report with Success       | 20%                                      | 4,839.60              | 3.72                   |
| <b>Total</b>                                | <b>100%</b>                              | <b>24,198.00</b>      | <b>18.6</b>            |

7. Are there any proposed deviations from SAS Regulatory SOP re: accounting procedures format? If yes, explain: No.

**B. Site Ownership and Protective Measures:**

1. Identify who will own proposed bank: Gwinnett County will be the Owner and Sponsor of the bank. The Gwinnett Department of Water Resources (DWR) will act as the County representative agency in establishing and operating the bank. In addition, DWR will have the authority to administer the daily activities and operations of the bank. Gwinnett County will be accountable for all project costs including administration, development, management, maintenance, long-term monitoring, and potential remedial measures. Further, Gwinnett County agrees to perform all necessary work to establish and maintain the aquatic areas comprising the Sweetwater Mitigation bank until it is demonstrated to the satisfaction of the federal and state agencies representing the IRT that the bank complies with the success criteria and conditions contained in this document, and until all credits are sold. Gwinnett County will retain ownership of the land described as Tract A.

The GPLT and Gwinnett County have entered into an agreement whereby GPLT, as the Co-Sponsor of the bank, will be responsible for signing and recording a restrictive covenant, as well as monitoring the site periodically to ensure that the site is maintained in accordance with the conservation easement and as required by the standards and procedures of the National Land Trust Alliance. GPLT will retain ownership of the land described as Tract B. *(Reference Section 1.1 of the Final BI)*

2. Describe proposed site protection instrument (i.e. Restrictive Covenants and Conservation Easements): Upon approval of the BI, the attorney for the bank sponsor will prepare a Declaration of Conservation Covenants and Restrictions using the most recent

model language provided on the USACE District web site and will submit it to Office of Counsel for review and approval prior to recording. The surveyor will follow the instructions provided for the platted survey and legal description. The Declaration shall be recorded in the record deeds office in the county in which the land lies and a recorded copy shall be provided to Office of Counsel showing the book and page numbers of its recorded location.

The covenant language has not been modified from the Savannah District, Regulatory Division's recommended covenant for easements or other uses.

A conservation easement held by GPLT will be recorded on the bank property owned by Gwinnett County. A conservation easement held by Gwinnett County will be recorded on the bank property owned by GPLT. *(Reference Section 3.3 of the Final BI)*

**C. Plans: Management, Mitigation and Monitoring:**

1. Explain proposed adaptive management plan and how the sponsor will account for unforeseen changes in site conditions: Gwinnett County, the bank Sponsor, acknowledges the potential for change to occur during construction and monitoring and the need for flexibility and responsiveness to address and correct such potential changes. As the County's representative, DWR is committed to constructing a successful project. If during construction it is determined that the project cannot be constructed in accordance with the design and goals of this Banking Instrument, or the project may not be successful, then steps will be taken to modify the project through adaptive management. *(Reference Section 3.5 of the Final BI)*

2. Explain long-term management and maintenance plan for proposed bank and identify financing amount/mechanism and responsible party, if applicable: The overall objective of the Sweetwater Creek at Old Norcross Road Mitigation Bank site is to develop a self-sustaining stream and wetland ecosystem. The restoration will use natural channel design strategies to develop a dynamically stable system that is neither aggrading nor degrading. By re-establishing natural wetland and stream processes no long-term management beyond the 7-year monitoring period is expected.

GPLT has committed to accept responsibility for the long-term maintenance of the bank after success is achieved following the 7 year monitoring period. Long-term maintenance activities will include sign replacement, litter control, invasive species control, property inspections, and reporting of encroachments. The cost of the long-term maintenance services will be set aside into a non-wasting endowment fund. Funds from this account will be managed by GPLT and used at their discretion to maintain the site. The following schedule of activities (see Table 6) has been included to determine annual costs for long-term maintenance.

**TABLE 6 – LONG TERM MAINTENANCE ANNUAL OPERATING COSTS**

| <b>Activity</b>                                                            | <b>Annual Maintenance Cost</b> |
|----------------------------------------------------------------------------|--------------------------------|
| Signage                                                                    | \$6.00                         |
| Litter control                                                             | \$65.00                        |
| Invasive plant species control for Chinese privet and Japanese honeysuckle | \$50.00                        |
| Reporting                                                                  | \$400.00                       |
| Records Management                                                         | \$25.00                        |
| <b>Total Annual Cost</b>                                                   | <b>\$546.00</b>                |

Assuming that the non-wasting endowment fund earns 4.0% annually, the total investment required to generate the \$546.00 for the annual maintenance cost would be approximately \$13,650.00. Based on this analysis, GPLT will establish a non-wasting endowment with an anticipated principal of \$13,650.00 prior to the release of credits following the sixth year of monitoring for the sole purpose of maintenance activities at the site.

GPLT has agreed to provide staff to perform an annual monitoring review of the bank site. General maintenance and repair work will be contracted to qualified service providers as needed. Service providers may include landscape architects, grading contractors, general contractors, and companies specializing exotic species control.

3. Present monitoring and reporting requirements in table format: The preliminary monitoring and reporting schedule is presented in Table 7. (*Reference Section 3.12 of the Final BI*)

**TABLE 7 - MITIGATION MONITORING PLAN**

|                                                       | <b>BASE-LINE</b> | <b>YEAR 1</b> | <b>YEAR 2</b> | <b>YEAR 3</b> | <b>YEAR 4</b> | <b>YEAR 5</b> | <b>YEAR 6</b> | <b>YEAR 7</b> |
|-------------------------------------------------------|------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Riparian and Wetland Vegetation Monitoring            | X                | X             | X             | X             | X             | X             | X             | X             |
| Channel Geomorphology Monitoring                      | X                | X             |               | X             |               | X             |               | X             |
| Benthic Macro-invertebrate Monitoring (Winter/Spring) | X                | X             |               | X             |               | X             |               | X             |
| Fish Population Monitoring (Spring)                   | X                | X             | X             |               | X             |               | X             |               |

3. Present in table format elements of financial assurance plan: In accordance with the USACE letter, dated March 31, 2011 from Acting Chief David Crosby, Gwinnett County has elected not to provide traditional financial assurances. Therefore the financial assurance table has not been included.

E. Other Legal Requirements:

1. Does banker have sufficient water rights to support mitigation bank and any proposed restoration activities? If not, explain: Yes, all property rights, including water rights, are held by Gwinnett County. *(Reference Section 3.6 of the Final BI)*

2. Does BI include a statement accepting legal responsibility for providing compensatory mitigation once a permittee has secured credits from sponsor? If not, explain: Yes, the legal responsibility for providing compensatory mitigation lies with the Gwinnett County. *(Reference Section 3.12 of the Final BI)*

3. Does the BI identify default and closure provisions? If not, explain: Yes, default and closure provisions have been included. *(Reference Section 3.12 of the Final BI)*

4. Were there any public comments received during the public comment period? If yes, explain how they were addressed?: No.

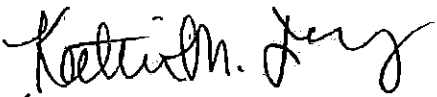
5. Are there any other outstanding issues with the proposed bank? If yes, explain: No.

F. Findings:

Based on a review of all information available to the District Office, I have determined the proposed bank submittal and resulting actions would not have significant effects on the quality of the human environment and comply with the Final Mitigation Rule dated April 10, 2008 (33 CFR Parts 325 and 332) and (40 CFR Part 230). The proposed action does not constitute a major Federal action significantly affecting the quality of the human environment; and, therefore, does not require the preparation of a detailed statement under Section 102(2)(c) of the National Environmental Policy Act of 1969 (42 USC 4321, et seq.).

I find the proposed action is based on a thorough analysis and evaluation of various practicable alternative courses of action for achieving the stated objectives. Wherever adverse effects are found to be involved, they cannot be avoided by following reasonable alternative course of action, which would achieve the specified purposes, and where the proposed action has adverse effect, this effect is either ameliorated or substantially outweighed by other considerations of national policy. The recommended action is consistent with national policy, statutes, and administrative procedures and issuance of this bank would not be contrary to the public interest.

PREPARED BY:

  
For Gary L. Craig  
Project Manager, Piedmont Branch

APPROVED BY:

  
Justin A. Hammonds  
District Mitigation Liaison

Enclosures

1. Figure 1-1, Parcel Map
2. Figure 1-8, Site Map
3. Figure 1-24, Proposed Restoration, Enhancement, Creation, and Upland Buffer Areas
4. Figure 1-17, Standard Service Area Map

## Parcel Map

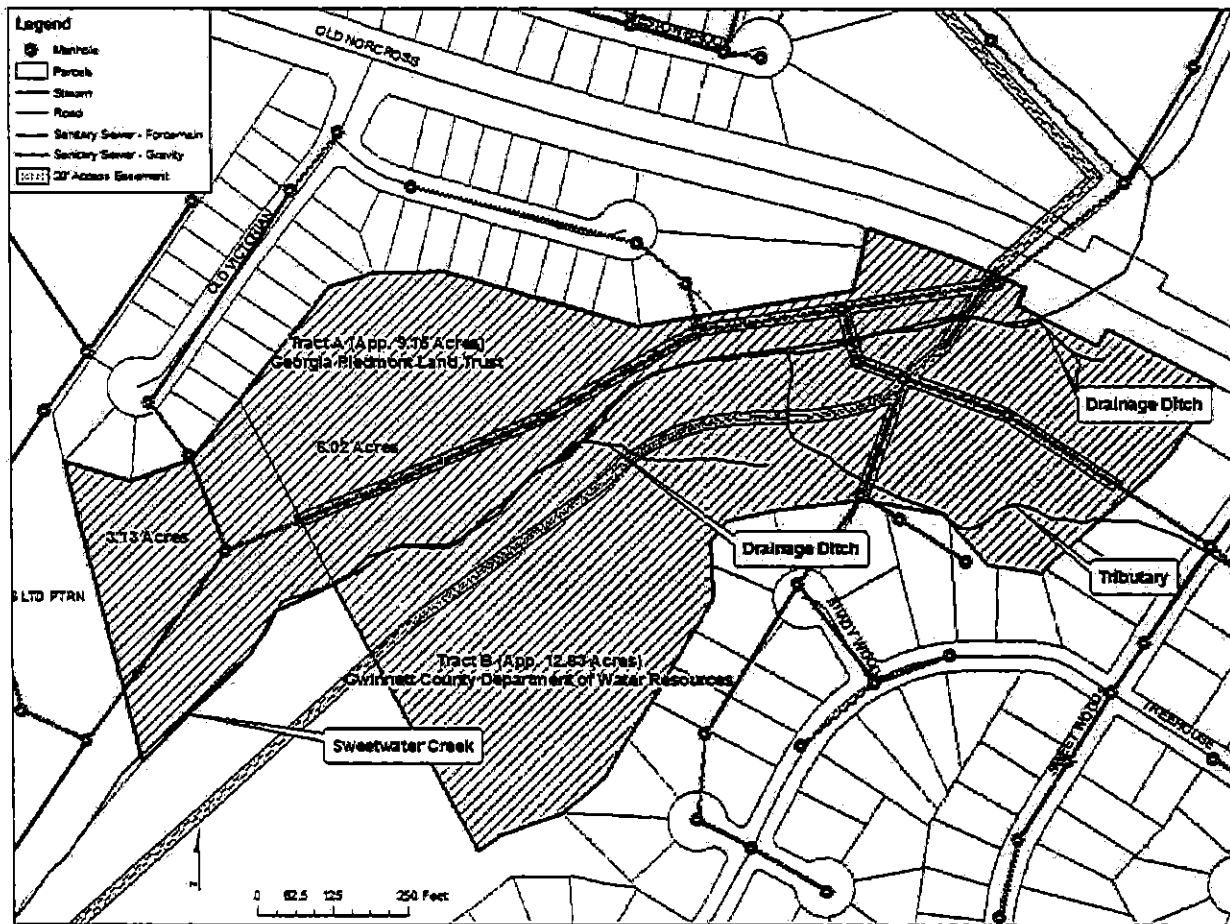


**FIGURE 1-1**  
**Property Map**  
*Final Banking Instrument – Sweetwater Creek at Old Norcross Road Stream and Wetland Mitigation Bank*

## Vicinity Map and Written Directions to Site

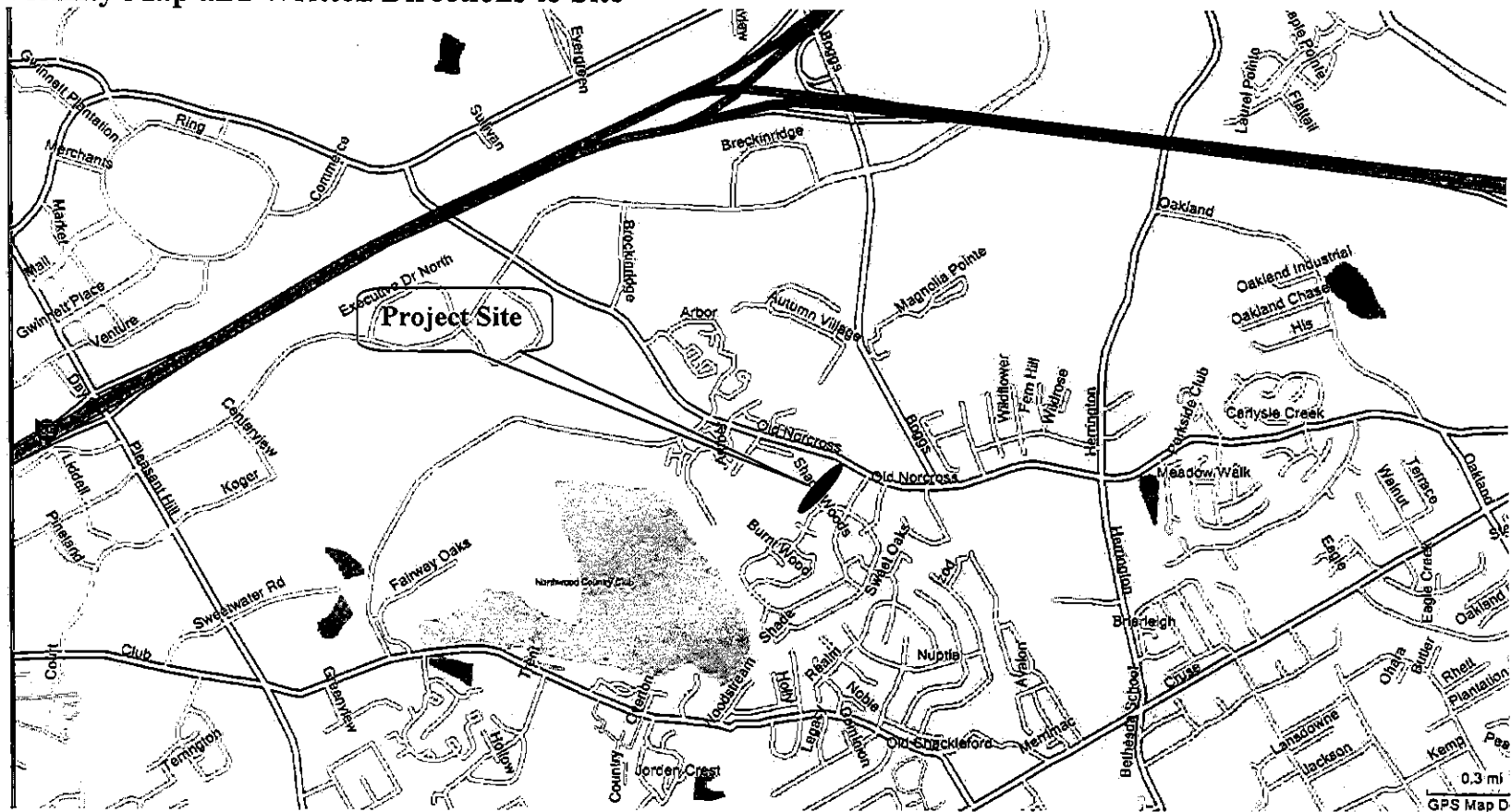


FIGURE 1-8

### Site Map

Final Banking Instrument – Sweetwater Creek at Old Norcross Road  
Stream and Wetland Mitigation Bank

# Map of Proposed Restoration, Enhancement, Creation, and Upland Buffer Areas

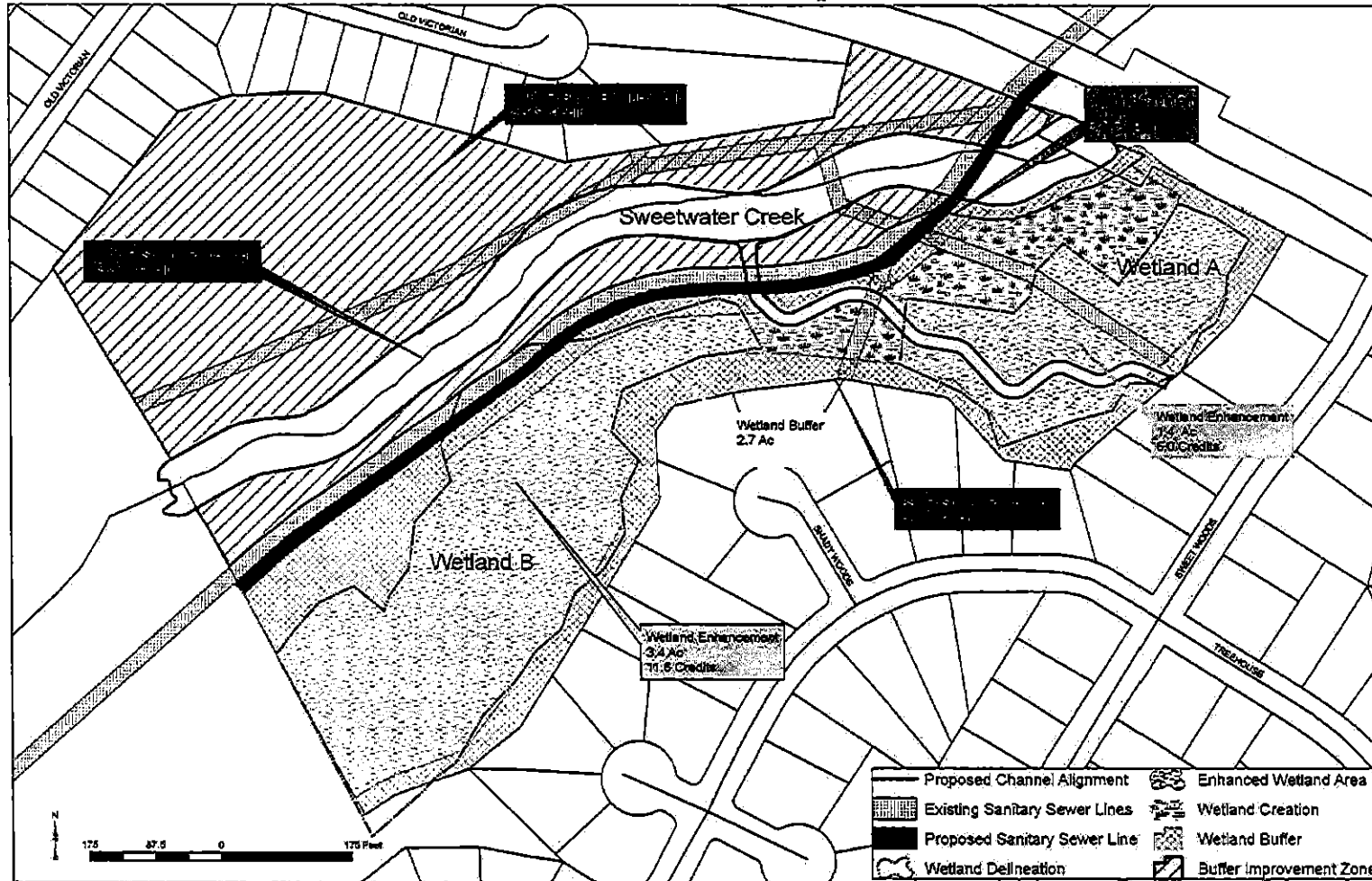


FIGURE 1-24  
**Proposed Restoration, Enhancement, Creation, and Upland Buffer Areas**  
*Final Banking Instrument – Sweetwater Creek at Old Norcross Road  
Stream and Wetland Mitigation Bank*

UPPER OCMULGEE

PRIMARY SERVICE AREA

SECONDARY SERVICE AREA

ECO-REGION BOUNDARY

The map displays the Upper Ocmulgee eco-region, which is bounded by a solid line. Within this region, two service areas are identified: the Primary Service Area, indicated by a cross-hatched pattern, and the Secondary Service Area, indicated by a wavy line pattern. The map also shows county boundaries and various county names, including Wilkes, Spalding, Baldwin, and others. Numerous numerical codes are scattered across the map, likely representing specific locations or data points.

**FIGURE 1-17**  
**Standard Service Area Map**  
*Final Banking Instrument – Sweetwater Creek at Old Norcross Road*  
*Stream and Welland Mitigation Bank*

**Exhibit C**  
**Conservation Function and Services**

### Exhibit C: Function and Values Summary

The Sweetwater Creek at Old Norcross Road stream and wetland mitigation bank site is located downstream of the Old Norcross Road culvert crossing at Sweetwater Creek. The creek flows south through urban environments consisting of residential and industrial land uses. Sweetwater Creek flows into the Yellow River and is part of the Upper Ocmulgee River watershed (HUC-03070103), which is the primary service area. The watershed encompasses approximately 19 square miles of densely developed area and includes industrial, commercial, and residential land uses. The site includes about 18.8 acres on two tracts of land separated by Sweetwater Creek. Facing downstream, the parcel on the right side of the channel is 9.2 acres and is owned by the Georgia Piedmont Land Trust (at this time, only the 6.02-acre parcel will be included in this bank site). The parcel on the left is 12.8 acres and is owned by Gwinnett County. The site includes a riparian forest along the banks of Sweetwater Creek that is interrupted by two sewer line right-of-ways on either side of the stream. The tract of land owned by Gwinnett County includes two floodplain wetlands: a small 1.7-acre emergent and scrub-shrub/shrub system and a 3.8-acre forested system. The mitigation bank project involves the following activities at the site:

- Restoration of approximately 1,400 feet of degraded Sweetwater Creek
- Restoration of approximately 830 feet of a degraded tributary to Sweetwater Creek on the east side of the project
- Improvements to over 5.2 acres of riparian buffer
- Construction of 1.0 acre of wetlands and enhancement/restoration of about 4.8 acres of existing wetlands. The pipeline ROW and sanitary sewer easement (0.7 acres) were excluded from wetlands acreage calculation.

There are a number of functional improvements that will result from the project. These improvements include:

| Stream Improvements                                                                                                                                                                                                                                                 | Wetland Improvements                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Reduce erosion and turbidity – streambank erosion is severe in both the unnamed tributary and Sweetwater Creek. Restored channel dimension, plan, and profile will stabilize the banks of both streams and reduce erosion and turbidity within the local watershed. | Restore natural hydrology – plugging and filling cross ditches in both wetlands and raising the incised channel bed in the unnamed tributary with grade control structures will improve the natural hydrology of both Wetlands. |
| Ameliorate storm flow and restore floodplain connectivity – restored channel dimension, plan, and profile (with an enlarged bankfull bench) and increased cross-sectional area will reduce flood-flow energy, and hydrograph for storm events.                      | Improve biodiversity of wetland and riparian vegetation – biodiversity of vegetative populations will be enhanced as part of the planting plans.                                                                                |
| Increase DO levels– DO levels will be increased with the introduction of longer and stable riffle/run systems, which provide rough substrates that physically mix and aerate the water.                                                                             | Reduce abundance of invasive species – invasive species such as privet will be managed using eradication techniques, followed by planting with native species.                                                                  |
| Improve biodiversity – the diversity will change with the improved habitat conditions. A shift in species composition from dominant tolerant species to more intolerant species will occur with restoration.                                                        |                                                                                                                                                                                                                                 |

For the exclusive use of:

GUINNETT COUNTY

Certificate  
of Title

36828  
#7-40-274

The undersigned having examined the title to the property in SCHEDULE "A" hereof, certifies that GOOD AND MARKETABLE TITLE to said premises is, on this date, vested of record in:

GUINNETT COUNTY subject  
ONLY to the liens, encumbrances, charges and/or objections set forth in SCHEDULE "B" hereof.

SCHEDULE "A"

- (X) 1. ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot \_\_\_\_\_  
of the \_\_\_\_\_ District, Gwinnett County, Georgia, being  
Lot \_\_\_\_\_ Block \_\_\_\_\_,  
as per plat recorded in Plat Book \_\_\_\_\_, page \_\_\_\_\_  
\_\_\_\_\_ Gwinnett County, Georgia Records, which plat is hereby  
incorporated herein by reference.  
See Schedule "A" attached. LOOSE H&M TRACT

SCHEDULE "B"

1. RECORDED PLAT shows the following: NA  
a. Building restriction lines: \_\_\_\_\_ Front \_\_\_\_\_ Rear \_\_\_\_\_ Sides.

2. RESTRICTIVE COVENANTS: NONE OF RECORD

- a. \_\_\_\_\_ Book \_\_\_\_\_, Page \_\_\_\_\_, aforesaid records.  
b. \_\_\_\_\_ Book \_\_\_\_\_, Page \_\_\_\_\_, aforesaid records.

3. EASEMENTS: SEE ATTACHED SCHEDULE

- a. From \_\_\_\_\_  
To \_\_\_\_\_  
dated \_\_\_\_\_, recorded in DB \_\_\_\_\_, page \_\_\_\_\_, aforesaid records.  
b. From \_\_\_\_\_  
To \_\_\_\_\_  
dated \_\_\_\_\_, recorded in DB \_\_\_\_\_, page \_\_\_\_\_, aforesaid records.  
c. From \_\_\_\_\_  
To \_\_\_\_\_  
dated \_\_\_\_\_, recorded in DB \_\_\_\_\_, page \_\_\_\_\_, aforesaid records.  
d. From \_\_\_\_\_  
To \_\_\_\_\_  
dated \_\_\_\_\_, recorded in DB \_\_\_\_\_, page \_\_\_\_\_, aforesaid records.  
e. From \_\_\_\_\_  
To \_\_\_\_\_  
dated \_\_\_\_\_, recorded in DB \_\_\_\_\_, page \_\_\_\_\_, aforesaid records.

4. DEEDS TO SECURE DEBT: *none of record.*

L.D. T. a. From \_\_\_\_\_  
To \_\_\_\_\_  
dated \_\_\_\_\_ in sum of \$ \_\_\_\_\_ filed for record on \_\_\_\_\_ at  
M, recorded in DB \_\_\_\_\_, page \_\_\_\_\_, aforesaid records;

L.D. T. b. From \_\_\_\_\_  
To \_\_\_\_\_  
dated \_\_\_\_\_ in sum of \$ \_\_\_\_\_ filed for record on \_\_\_\_\_ at  
M, recorded in DB \_\_\_\_\_, page \_\_\_\_\_, aforesaid records;

L.D. T. c. From \_\_\_\_\_  
To \_\_\_\_\_  
dated \_\_\_\_\_ in sum of \$ \_\_\_\_\_ filed for record on \_\_\_\_\_ at  
M, recorded in DB \_\_\_\_\_, page \_\_\_\_\_, aforesaid records;

L.D. T. d. From \_\_\_\_\_  
To \_\_\_\_\_  
dated \_\_\_\_\_ in sum of \$ \_\_\_\_\_ filed for record on \_\_\_\_\_ at  
M, recorded in DB \_\_\_\_\_, page \_\_\_\_\_, aforesaid records;

L.D. T. e. From \_\_\_\_\_  
To \_\_\_\_\_  
dated \_\_\_\_\_ in sum of \$ \_\_\_\_\_ filed for record on \_\_\_\_\_ at  
M, recorded in DB \_\_\_\_\_, page \_\_\_\_\_, aforesaid records;

5. TAXES, SPECIAL ASSESSMENTS, ETC.:

Taxes and Assessments are not certified.

*NOT CERTIFIED*

6. OTHER LIENS, ENCUMBRANCES CHARGES AND/OR OBJECTIONS:

- Any matter not shown by the public records of this county or improperly indexed of record.
- Any matter which could be disclosed by an accurate survey or inspection of the premises.
- Unrecorded liens of architects, laborers, materialmen or others for improvement of the premises.
- Positive proof must be had that the cost of all labor, material and fixtures used in improving caption lands within the past three months have been paid in full, and if a commercial transaction, that no broker is entitled to any commission, payment or fee, that could result in a Broker Lien.
- Rights, if any, of persons who may be in possession under claims not appearing of record.
- Any Federal Tax Lien not indexed in the applicable records of this county.
- Claims of usury or violation of consumer credit protection, truth in lending or similar laws.
- Any government use, occupancy or zoning actions, regulations, laws or ordinances.
- Water bills; street improvement or sewer assessment liens.
- Environmental protection liens provided for by any law, statute, ordinance or regulation in any use of premises which could result in such a lien. No use - past, present or future - of the premises is certified to.
- Taxes not due and payable as of the effective date hereof.
- This opinion is limited to the names of married women and other persons and entities, only as they appear in the chain of title.
- Title to any portion of the premises lying within the bounds of any public road.
- Riparian rights incident to the premises.

0. ADDITIONAL TITLE EXCEPTIONS -  
*SEE ATTACHED SCHEDULE.*

This is a limited report and shows only matters subsequent to

*1/1*  
Dated this *22<sup>nd</sup>* day of *JAN*, 20 *10*  
*[Signature]*



MARK R. HENOWITZ, P.C.  
GWINNETT COUNTY LAND TITLES

2762 Clearwater Springs Dr  
Bulord, GA 30519 8022

Cell 770-789-9099

#7-40-274

ADDITIONAL TITLE EXCEPTIONS

1. The property was acquired by a Tax Deed 9517/132.  
The Tax Deed purports to cut out the taxpayer-Consolidated Equities Group, Etal.  
Title was vested in Consolidated Equities Group, Inc. and R S E Grading  
Company, Inc.  
Require proof of levy.  
Require proof of adequate and not excessive price bid.  
Require proof that the right of redemption has been cut off.  
Require proof of terminating the interest of RSE, not recited in the deed.  
Subject to the interests of Consolidated and RSE.
2. The property described in the Tax Deed and the conveyance to Gwinnett County  
includes 9.6963 acres previously conveyed to Sweetwater Oaks Homeowners'  
Association by DB 7400/110 in 1992. This property is Tax # 7-40-252. This  
property is taxed to the HOA by the County. Less and Except this tract. No  
Certification as to this tract.
3. Tax FiFa As Follows:  
GBD 1038/87 Trans 1054/164 Rerecorded 1528/250  
GBD 1038/88 Trans 1054/165 Rerecorded 1528/251  
GBD 1038/89 Trans 1054/163 Rerecorded 1528/252  
GBD 878/234 Trans 907/59 Then satisfied by Tax Comm not transferee  
GBD 701/265 Trans 748/181 Then satisfied by Tax Comm not transferee
4. Judgments, Suits v. Gwinnett County-Not Reviewed.
5. Survey and comparison with deed descriptions required.

GWINNETT CO. GEORGIA  
REAL ESTATE TRANSFER TAX

*Bw*  
TOM LAWLER CLERK OF  
SUPERIOR COURT

FILED & RECORDED  
CLERK SUPERIOR COURT  
GWINNETT COUNTY, GA.  
2000 FEB 14 AM 8:00  
TOM LAWLER, CLERK

BK20023 PG0151

*Ret to Sav Dept*

STATE OF GEORGIA

COUNTY OF GWINNETT

QUITCLAIM DEED

THIS INDENTURE, dated and effective as of the *seventeenth* day of January, 2000, between LIBERTY LAND CORPORATION, of the State of Georgia (hereinafter collectively referred to as "Grantor"), and GWINNETT COUNTY, of the State of Georgia (hereinafter referred to as "Grantee"), the words "Grantor" and "Grantee" to include the respective heirs, executors, legal representatives, successors and assigns of said parties where the context requires or permits;

W I T N E S S E T H :

That Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged by Grantor, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and forever QUITCLAIM unto the Grantee, TOGETHER WITH all and singular the rights, members and appurtenances thereto, to the same being, belonging, or in anywise appertaining (hereinafter collectively referred to as the "Premises");

See Exhibit "A" attached hereto and made a part hereof by reference.

TO HAVE AND TO HOLD the Premises to Grantee, so that neither Grantor nor any person or persons claiming by, through, or under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to the Premises.

IN WITNESS WHEREOF, the Grantor has executed this instrument under seal, as of the date first above written.

Signed, sealed and delivered  
in the presence of:

LIBERTY LAND CORPORATION

*Kendrick West*  
Witness

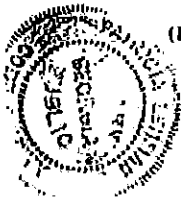
By: *Philip L. Goors* (SEAL)

Title: *Secretary*

*Patricia Lehman*  
Notary Public

(NOTARIAL SEAL)

016115



NOTARY PUBLIC, GWINNETT COUNTY, GEORGIA  
COMMISSION EXPIRES 12/31/01



BX20023 PG0152

All that tract or parcel of land lying and being in Land Lot 40 of the 7th District of Owinnett County, Georgia and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the point of intersection between the westerly right of way line of Sweetwood Drive (50 foot right of way) and the southerly right of way line of Old Hargrass Drive (100 foot right of way); thence north 63 degrees 04 minutes 23 seconds west for a distance of 119.29 feet to a point, said point being the TRUE POINT OF BEGINNING; thence south 30 degrees 14 minutes 26 seconds west a distance of 147.38 feet to a point; thence south 48 degrees 09 minutes 25 seconds west a distance of 295.31 feet to a point; thence north 81 degrees 21 minutes 31 seconds west a distance of 91.70 feet to a point; thence north 41 degrees 00 minutes 00 seconds west a distance of 108.11 feet to a point; thence north 78 degrees 31 minutes 00 seconds west a distance of 139.30 feet to a point; thence south 83 degrees 11 minutes 00 seconds west a distance of 135.25 feet to a point; thence south 73 degrees 50 minutes 00 seconds west a distance of 99.10 feet to a point; thence south 35 degrees 46 minutes 05 seconds west a distance of 41.30 feet to a point; thence south 03 degrees 55 minutes 10 seconds west a distance of 96.00 feet to a point; thence south 30 degrees 49 minutes 00 seconds west a distance of 160 feet to a point; thence south 51 degrees 50 minutes 00 seconds west a distance of 89.10 feet to a point; thence south 45 degrees 03 minutes 37 seconds east a distance of 177.85 feet to a point; thence north 79 degrees 49 minutes 19 seconds west a distance of 112.54 feet to a point; thence south 89 degrees 11 minutes 42 seconds west a distance of 94.52 feet to a point; thence south 53 degrees 17 minutes 12 seconds west a distance of 94.51 feet to a point; thence south 63 degrees 08 minutes 17 seconds west a distance of 88.40 feet to a point; thence south 38 degrees 29 minutes 13 seconds west a distance of 67.50 feet to a point; thence south 44 degrees 31 minutes 30 seconds west a distance of 63.27 feet to a point; thence south 41 degrees 43 minutes 49 seconds west a distance of 86.99 feet to a point; thence south 60 degrees 04 minutes 09 seconds west a distance of 60.00 feet to a point; thence south 69 degrees 49 minutes 18 seconds west a distance of 68.00 feet to a point; thence south 23 degrees 52 minutes 09 seconds east a distance of 104.00 feet to a point; thence along a curve to the left having a radius of 227.42 feet and an arc length of 96.29 feet, being subtended by a chord of south 57 degrees 51 minutes 58 seconds west a distance of 99.57 feet to a point; thence south 45 degrees 44 minutes 15 seconds west a distance of 54.82 feet to a point; thence along a curve to the left having a radius of 183.53 feet and an arc length of 31.30 feet, being subtended by a chord of south 40 degrees 51 minutes 08 seconds west a distance of 31.26 feet to a point; thence north 56 degrees 56 minutes 35 seconds west a distance of 73.00 feet to a point; thence north 14 degrees 15

EXHIBIT "A"

= A"  
LESS  
HOA TRACT

minutes 26 seconds west a distance of 335.00 feet to a point; thence south 59 degrees 31 minutes 07 seconds west a distance of 287.00 feet to a point; thence north 30 degrees 01 minutes 21 seconds west a distance of 149.01 feet to a point; thence south 81 degrees 31 minutes 21 seconds east a distance of 28.13 feet to a point; thence north 66 degrees 41 minutes 48 seconds east a distance of 31.79 feet to a point; thence north 45 degrees 35 minutes 16 seconds east a distance of 51.60 feet to a point; thence north 31 degrees 36 minutes 01 seconds east a distance of 91.56 feet to a point; thence north 44 degrees 03 minutes 54 seconds east a distance of 45.35 feet to a point; thence north 40 degrees 11 minutes 51 seconds east a distance of 61.76 feet to a point; thence north 34 degrees 47 minutes 09 seconds east a distance of 111.57 feet to a point; thence north 39 degrees 59 minutes 12 seconds east a distance of 84.83 feet to a point; thence north 42 degrees 46 minutes 24 seconds east a distance of 84.83 feet to a point; thence north 42 degrees 46 minutes 24 seconds east a distance of 82.49 feet to a point; thence north 45 degrees 45 minutes 59 seconds east a distance of 124.36 feet to a point; thence north 42 degrees 38 minutes 20 seconds east a distance of 47.13 feet to a point; thence north 39 degrees 19 minutes 24 seconds east a distance of 48.04 feet to a point; thence north 24 degrees 13 minutes 11 seconds east a distance of 31.92 feet to a point; thence north 65 degrees 08 minutes 10 seconds east a distance of 47.12 feet to a point; thence north 61 degrees 22 minutes 54 seconds east a distance of 48.38 feet to a point; thence north 62 degrees 27 minutes 32 seconds east a distance of 90.44 feet to a point; thence north 61 degrees 20 minutes 20 seconds east a distance of 42.11 feet to a point; thence north 75 degrees 42 minutes 05 seconds east a distance of 39.86 feet to a point; thence north 78 degrees 03 minutes 25 seconds east a distance of 30.25 feet to a point; thence north 59 degrees 22 minutes 53 seconds east a distance of 53.67 feet to a point; thence north 47 degrees 14 minutes 21 seconds east a distance of 26.15 feet to a point; thence north 75 degrees 47 minutes 30 seconds east a distance of 28.81 feet to a point; thence north 51 degrees 56 minutes 54 seconds east a distance of 52.48 feet to a point; thence north 44 degrees 26 minutes 53 seconds east a distance of 47.04 feet to a point; thence north 43 degrees 24 minutes 06 seconds east a distance of 154.42 feet to a point; thence north 51 degrees 41 minutes 19 seconds east a distance of 50.81 feet to a point; thence north 59 degrees 06 minutes 45 seconds east a distance of 52.42 feet to a point; thence north 64 degrees 29 minutes 46 seconds east a distance of 62.86 feet to a point; thence north 79 degrees 35 minutes 47 seconds east a distance of 53.69 feet to a point; thence north 81 degrees 37 minutes 48 seconds east a distance of 110.21 feet to a point; thence north 78 degrees 35 minutes 08 seconds east a distance of 105.14 feet to a point; thence north 82 degrees 10 minutes 10 seconds east a distance of 103.48 feet to a point; thence north 79 degrees 03 minutes 19 seconds east a distance of 102.14 feet to a point; thence north 83 degrees 25 minutes 31 seconds east a distance of 44.31 feet to a point; thence south 69 degrees 08 minutes 48 seconds east a distance of 71.55 feet to a point; thence north 54 degrees 30 minutes 03 seconds east a distance of 25.57 feet to a point; thence south 63 degrees 04 minutes 34 seconds east a distance of 104.2 feet to a point; thence north 26 degrees 55 minutes 37 seconds east a distance of 30.00 feet to a point; thence south 63 degrees 04 minutes 23 seconds east a distance of 207.20 feet to a point, said point being the TRUE POINT OF BEGINNING.

EXHIBIT "A"

"A"  
LESS  
HOA  
TRACT

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                                                                                                         |                                       |                                                                                                                                              |            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>GCID #</b>                                                                                                                                                                                                           | <b>Group With GCID #:</b>             | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |            |
| <b>20130032</b>                                                                                                                                                                                                         |                                       |                                                                                                                                              |            |
| <b>Department:</b>                                                                                                                                                                                                      | Water Resources                       | <b>Date Submitted:</b>                                                                                                                       | 12/20/2012 |
| <b>Working Session:</b>                                                                                                                                                                                                 | 01/15/2013                            | <b>Business Session:</b>                                                                                                                     | 01/15/2013 |
| <b>Public Hearing:</b>                                                                                                                                                                                                  |                                       |                                                                                                                                              |            |
| <b>Submitted By:</b>                                                                                                                                                                                                    | Richard Schoeck, PE                   | <b>Multiple Depts?</b>                                                                                                                       |            |
| <b>Budget Type:</b>                                                                                                                                                                                                     | Capital                               | <b>Special Routing:</b>                                                                                                                      |            |
| <b>Agenda Type</b>                                                                                                                                                                                                      | Approval/authorization                | <b>Rezoning Type</b>                                                                                                                         |            |
| <b>Item of Business:</b>                                                                                                                                                                                                |                                       | Locked by Purchasing <span style="float: right;">No</span>                                                                                   |            |
| for the Chairman to execute a Memoranda of Understanding with the Georgia Department of Transportation for work associated with the SR 20 Bridge Widening and Relocation project. No funding involved. District 4/Heard |                                       |                                                                                                                                              |            |
| <b>Attachments</b>                                                                                                                                                                                                      | Memo, Memoranda of Understanding, Map |                                                                                                                                              |            |
| <b>Authorization:</b>                                                                                                                                                                                                   | Chairman's Signature?                 | Yes                                                                                                                                          |            |
| <b>Staff Recommendation</b>                                                                                                                                                                                             | Approval                              |                                                                                                                                              |            |
| <b>Department Head</b>                                                                                                                                                                                                  | arseibenhener (12/20/2012)            |                                                                                                                                              |            |
| <b>Attorney</b>                                                                                                                                                                                                         | fsfields (1/3/2013)                   |                                                                                                                                              |            |
| <b>Attorney's Comments</b>                                                                                                                                                                                              |                                       |                                                                                                                                              |            |
| Agenda Purpose Only <input checked="" type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/>                                                                                   |                                       |                                                                                                                                              |            |

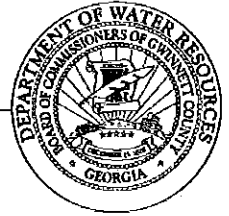
## Financial Services Use Only

|                                   |                                                                                                                                                                                                   |                        |                             |                            |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------------------|----------------------------|
| <b>Financial Action Requested</b> |                                                                                                                                                                                                   |                        |                             |                            |
| <b>Budgeted</b>                   | <b>Fund Name</b>                                                                                                                                                                                  | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |
|                                   | N/A                                                                                                                                                                                               | *                      | N/A                         | ajbovos<br>(12/27/2012)    |
|                                   |                                                                                                                                                                                                   |                        |                             |                            |
|                                   |                                                                                                                                                                                                   |                        |                             |                            |
| <b>Finance Comments</b>           | * No current budget impact. The Memorandum of Understanding with GDOT does not require funding at this time. After approval, a subsequent Contract Item Agreement will be submitted for approval. |                        |                             |                            |

## County Clerk Use Only

|                        |          |                                              |
|------------------------|----------|----------------------------------------------|
|                        |          | <b>PH was Held?</b> <input type="checkbox"/> |
| <b>Working Session</b> |          | Vote                                         |
| <b>Action</b>          | New Item |                                              |
| <b>Tabled</b>          |          |                                              |
| <b>Motion</b>          |          |                                              |
| <b>2nd by</b>          |          |                                              |

## Department of Water Resources



684 Winder Highway • Lawrenceville, GA 30045-5012  
678.376.6700  
www.gwinnettcountry.com

### MEMORANDUM

**TO:** Ron Seibenhener, Director, Department of Water Resources *RS*

**THROUGH:** Tyler Richards, Deputy Director of Engineering & Technical Services *TR*  
Richard Schoeck, Division Director of Engineering and Construction, DWR *RS*

**FROM:** Jason Moore, Construction Manager I *JM*

**SUBJECT:** MOU (Memorandum of Understanding) Between GDOT and Gwinnett County  
SR 20 PIB to Chattahoochee Utility Relocation and SR 20 Bridge Widening Utility Relocation  
DWR Project No. F-0841-07

**DATE:** December 28, 2012

#### REQUESTED ACTION

Request the Board of Commissioners, at their next scheduled meeting approve execution of the 2 Memorandums of Understanding (MOU) with the Georgia Department of Transportation (GDOT) for the SR 20 Bridge Utility Relocation project, and the SR 20 PIB to Chattahoochee Utility relocation project.

#### DESCRIPTION

Modifications made in 2008 to the GDOT Utility Accommodations Policy and Standards have offered utilities more effective approaches to utility relocation coordination associated with roadway improvement projects.

#### NEED/BENEFIT

Since 2010, six (6) roadway improvement projects within Gwinnett County have been awarded through GDOT with DWR utility relocation work included as part of the GDOT contract work. Each of these projects used the MOU approach with GDOT. The above referenced is the next anticipated project to be built by GDOT and it will use this process.

The SR 20 projects will include the widening of SR 20 from PIB to the bridge over the Chattahoochee River at the Forsyth and Gwinnett County lines. The utility relocation will consist of the relocation of approximately 34,800 LF of 12" of DWR water main.

With approval of the MOU this work will be included in the GDOT contract.

#### BUDGET

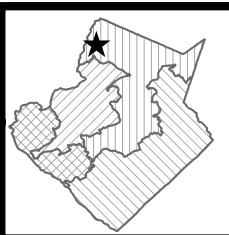
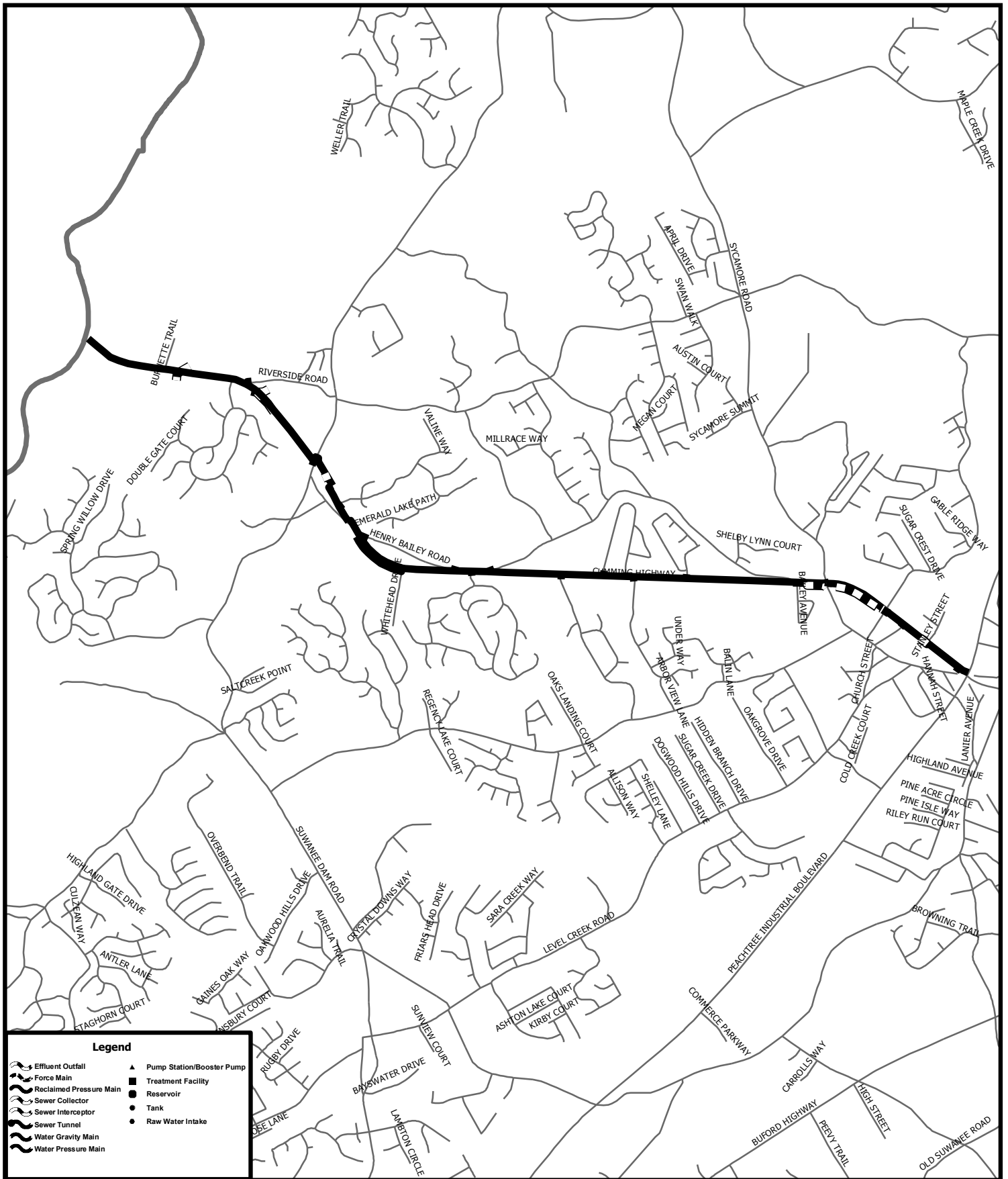
This MOU requires no funding. After the MOU is approved by Gwinnett County and GDOT, a Contract Item Agreement (CIA) will be developed and submitted to Gwinnett County by GDOT for approval, following the receipt of competitive bids. Current estimates for the utility relocation work are projected at approximately \$350,000.00 to relocate the aforementioned infrastructure included in the SR 20 Bridge Portion of the project. This cost expenditure has been included as part of the approved CIP Budget. This future step will come back before the BOC for approval. The SR 20 PIB to Chattahoochee is to be funded by GDOT as a Public Interest Project.

**RECOMMENDATION**

Request the Board of Commissioners, at their next scheduled meeting approve execution of the MOU's with the GDOT for the SR 20 PIB to Chattahoochee and SR 20 Bridge Utility Relocation project.

Attachments: Agenda Request, Financial Supplement Report, Location Map  
(List Attachments)

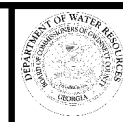
C: Richard Platto, DWR Financial Manager  
Marsha Cain, DWR Business Officer



# SR 20 from PIB to Chattahoochee Utility Relocation Project

Project #: F0841-07

Commission District 4



Gwinnett County  
Department of Water Resources  
Ron Seibenhenner, Director



Not To Scale

This map is a graphical representation of data obtained from aerial photography, recorded deeds, engineering drawings and other public records and data. Gwinnett County does not warrant the accuracy or currency of the data it has provided and does not guarantee the suitability of the data for any purpose, expressed or implied. ALL DATA IS PROVIDED AS IS, WITH ALL FAULTS, WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY OF FITNESS FOR A PARTICULAR PURPOSE. This map is the proprietary product of Gwinnett County and in no event will Gwinnett County be liable for damages, including any loss of profits, lost savings, or other incidental or consequential damages arising out of the use of or the inability to use this map.

## MEMORANDUM OF UNDERSTANDING

between the

Georgia Department of Transportation (hereafter the DEPARTMENT)

and

Gwinnett County (hereafter the OWNER)

---

Whereas the DEPARTMENT proposes to undertake a project to widen the bridge on SR 20 at the Chattahoochee River by contract through competitive bidding, and:

Whereas the OWNER has the following utility facilities which must be adjusted or relocated as a result of the proposed project: 6 inch, 8 inch, and 12 inch water mains and appurtenances and the adjustment of a sewer manhole.

Whereas the OWNER has requested to have this work included in the contract to be let by the DEPARTMENT and the DEPARTMENT has agreed to this request; and,

Whereas the OWNER has agreed to reimburse the DEPARTMENT for the cost of the work; now therefore:

The following is hereby mutually agreed to and understood by both parties:

1. The preliminary engineering, including preparation of detailed plans and contract estimate for the required water items will be accomplished by the OWNER'S Consultant, the cost of which will be the responsibility of the OWNER. The plans shall provide for adjustment or relocation of the OWNER'S facilities in accordance with the OWNER'S customary practices, standards, and details subject to conformance with the DEPARTMENT'S standard pay items and procedures for including such items in the project contract. In cases of discrepancy, the governing descending order will be as follows: (1) Special Provisions, (2) Project Plans (prepared by OWNER'S Consultant) including Special Plan Details, (3) Supplemental Specifications, (4) Standard Plans including Department Standard Construction Details, (5) Standard Specifications. The OWNER'S standard details should be labeled as "Special Plan Details" and included immediately in sequence

behind the OWNER'S plans to avoid confusion with the Department's Standard Plans and Standard Construction Details. The OWNER shall provide plans using the DEPARTMENT'S title block design and in Microstation file format, and, if requested, on mylar sheets.

2. The plans and estimate shall be subject to approval by both the DEPARTMENT and OWNER prior to advertising for bids.
3. All work necessary for the adjustment or relocation of the described facilities in accordance with the final plans when approved shall be included in the highway contract and let to bid by the DEPARTMENT except as follows:

If necessary, the Owner will provide additional temporary and permanent easements, at its own expense, for any work outside of the acquisition limits shown on the project right of way plans, and shall certify possession in accordance with DEPARTMENT requirements prior to the Certification deadline for the project.

4. All construction engineering (layout, inspection) and contract supervision shall be the responsibility of the DEPARTMENT and the DEPARTMENT shall be responsible to assure that all utility work is accomplished in accordance with plans and specifications and to consult with the OWNER before authorizing any changes or deviations which might affect the OWNER'S facility. Engineering for plan revisions for the OWNER'S facilities shall be the responsibility of the OWNER and OWNER'S Consultant.
5. The OWNER and OWNER'S Consultant shall have the right to visit and inspect the work at any time and advise the DEPARTMENT'S Engineer of any observed discrepancies or potential problems. The cost of any OWNER or OWNER'S Consultant's visits or inspections will be the responsibility of the OWNER. The DEPARTMENT agrees to notify the OWNER when all utility work is complete and ready for final inspection and invite the OWNER to attend the final inspection or provide a corrections list to the DEPARTMENT prior to the final inspection.
6. After award of the highway contract, the OWNER will continue to maintain its facilities until adjustment or relocation begins on any segment of the facilities. Once adjustment or relocation begins on a segment of the facilities, the DEPARTMENT or its contractor will be responsible for the maintenance of the adjusted or relocated facilities until final acceptance is made for the work. Upon acceptance of the work and upon certification by the DEPARTMENT'S engineers that the work has been completed in accordance with the plans and specifications, the OWNER will accept the adjusted or relocated facilities and will thereafter operate and maintain said facilities without further cost to the DEPARTMENT and its contractor.

7. A determination of payment due the DEPARTMENT shall be in accordance with a contract item agreement to be executed prior to award of the highway project. The OWNER shall provide an estimate of the cost of the facilities as proposed.
8. The DEPARTMENT and OWNER agree that all matters will be governed by the DEPARTMENT'S Utility Accommodation Policy and Standards. It is contemplated by the DEPARTMENT and OWNER that a Contract Item Agreement will be executed by both parties that will supersede this memorandum.

**APPROVED FOR THE OWNER BY:**

\_\_\_\_\_  
(Signature) Charlotte J. Nash

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

\_\_\_\_\_  
(Title) Chairman

**APPROVED FOR THE DEPARTMENT BY:**

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

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

\_\_\_\_\_  
(Title)

Contract Item Agreement to be required? Yes  
Preliminary Engineering Agreement to be required? No

Georgia DOT Project: MSL00-0004-00(430)  
GDOT P.I. 0004430

MEMORANDUM OF UNDERSTANDING  
between the  
Georgia Department of Transportation (hereafter the **DEPARTMENT**)  
and  
Gwinnett County (hereafter the **LOCAL AGENCY**)  
and  
Gwinnett County Department of Water Resources (hereafter the **OWNER**)

---

Whereas the **LOCAL AGENCY** proposes to undertake a project on behalf of the **DEPARTMENT** hereafter referred to as **PROJECT** to widen SR 20 from a two lane roadway to a four lane divided highway beginning approximately three hundred feet west of Burnette Trail and ending at Peachtree Industrial Boulevard, including realigning of side roads in Gwinnett County, Georgia by contract through competitive bidding procedures; and,

Whereas the **OWNER** has the following utility facilities which must be adjusted and/or relocated as a result of the proposed **PROJECT**: 2", 4", 6", 8", and 10" sewer main; 2", 6", 8", 10", 12" and 16" water main; hydrants, valves, manholes, valve markers, services, cut ins, taps, casing, bores, pump station decommissioning etc...

Whereas, where **OWNER** has property rights ("Prior Rights") at the location of the **PROJECT**, **OWNER** will provide written evidence as to said Prior Rights within the area and will provide written documentation of Prior Rights relating to any individual crossing or utility facility, at the location of the **PROJECT**; and

Whereas, **OWNER** acknowledges that, generally, absent a showing of Prior Rights, the costs of relocation, protection, removal, or adjustment performed by **OWNER** shall be borne by **OWNER**; and

Whereas, pursuant to O.C.G.A. § 32-6-170(b), the **DEPARTMENT** is authorized to pay or participate in the payment of the costs of relocation, protection, or adjustment of **OWNER'S** facilities where **DEPARTMENT** has made the determination that (i) such payments are in the best interest of the public and necessary in order to expedite the staging of the **PROJECT**; and (ii) the costs of the removal, relocation, protection, or adjustment of such facilities are included as part of the Contract between the **LOCAL AGENCY** and the **LOCAL AGENCY'S** highway contractor for the **PROJECT**, now therefore;

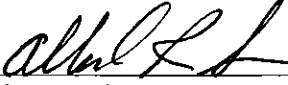
The following is hereby mutually agreed to and understood by both parties:

1. The identification of existing utility facilities including preparation of utility plans will be accomplished by the **LOCAL AGENCY** prior to award of the **PROJECT**.
2. The preliminary engineering, including preparation of detailed plans and contract estimate for the required water and sewer items will be accomplished by the **OWNER** and the cost of which will be the responsibility of the **OWNER** where Prior Rights have not been established or of the **DEPARTMENT** where Prior Rights have been established. The plans shall provide for adjustment or relocation of the **OWNER'S** facilities in accordance with standard pay items and

procedures for including such items in the **PROJECT** contract. In cases of discrepancy, the governing descending order will be as follows: (1) Special Provisions, (2) **PROJECT** Plans (prepared by **OWNER** and/or **OWNER'S** Consultant) including Special Plan Details, (3) Supplemental Specifications, (4) Standard Plans including Standard Construction Details, (5) Standard Specifications. The **OWNER'S** standard details should be labeled as "Special Plan Details" and included immediately in sequence behind the **OWNER'S** plans to avoid confusion with Standard Plans and Standard Construction Details. The **OWNER** shall provide plans using the **LOCAL AGENCY'S** title block design and in an appropriate/acceptable design file format, and, if requested, as PDF files.

3. The **OWNER** shall apply for and obtain a utility permit from the **DEPARTMENT** through the Georgia Utility Permitting System (GUPS) prior to award of the **PROJECT**.
4. The plans and estimate shall be subject to approval by the **DEPARTMENT, LOCAL AGENCY** and **OWNER** prior to advertising for bids.
5. All work necessary for the adjustment or relocation of the described facilities in accordance with the final plans when approved shall be included in the highway contract and let to bid by the **LOCAL AGENCY**.
6. All construction engineering and contract supervision shall be the responsibility of the **LOCAL AGENCY** to ensure that all utility work included in the **PROJECT** is accomplished in accordance with the **PROJECT's** plans and specifications. The **LOCAL AGENCY** will consult with the **OWNER** before authorizing any changes or deviations which affect the **OWNER's** facility.
7. The **OWNER** and **OWNER'S** Consultant shall have the right to visit and inspect the work at any time and advise the **LOCAL AGENCY'S** Engineer of any observed discrepancies or potential problems. The cost of any **OWNER** or **OWNER'S** Consultant's visits or inspections will be the responsibility of the **OWNER**. For certain products, assemblies and materials certification, the **OWNER** and **OWNER'S** Consultant shall provide the **LOCAL AGENCY** and/or the **DEPARTMENT** assistance at no cost to neither the **LOCAL AGENCY** nor the **DEPARTMENT** for certification of the work. The **LOCAL AGENCY** agrees to notify the **OWNER** and the **DEPARTMENT** when all utility work is complete and ready for final inspection and invite the **OWNER** and the **DEPARTMENT** to attend the final inspection or provide a corrections list to the **LOCAL AGENCY** prior to the final inspection.
8. After award of the highway contract, the **OWNER** will continue to maintain its facilities until adjustment or relocation begins on any segment of the facilities. Once adjustment or relocation begins on a segment of the facilities, the **LOCAL AGENCY** or its contractor will be responsible for the maintenance of the adjusted or relocated facilities until final acceptance is made for the work.
9. Upon maintenance acceptance or final acceptance of the work and upon certification by the **LOCAL AGENCY'S** engineers and the **OWNER** that the work has been completed in accordance with the plans and specifications, the **OWNER** will accept the adjusted or relocated facilities and will thereafter operate and maintain said facilities without further cost to the **LOCAL AGENCY, DEPARTMENT** and its contractor.
10. The **LOCAL AGENCY, DEPARTMENT** and **OWNER** agree that all matters will be governed by the **DEPARTMENT'S** Utility Accommodation Policy and Standards Manual, current edition.

**APPROVED FOR THE OWNER BY:**

  
(Signature)

1-7-13  
(Date)

Director, Department of Water Resources

(Title)

**APPROVED FOR THE COUNTY BY:**

Charlotte J. Nash  
(Signature)

(Date)

Chairman  
(Title)

**APPROVED FOR THE DEPARTMENT BY:**

(Signature)

(Date)

STATE UTILITIES ENGINEER

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                                                                                                                  |                               |                                                                                                                                              |                         |                        |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------------------|--|
| <b>GCID #</b>                                                                                                                                                                                                                    | <b>Group With GCID #:</b>     | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                         |                        |  |
| <b>20130033</b>                                                                                                                                                                                                                  |                               |                                                                                                                                              |                         |                        |  |
| <b>Department:</b>                                                                                                                                                                                                               | Water Resources               |                                                                                                                                              | <b>Date Submitted:</b>  | 12/20/2012             |  |
| <b>Working Session:</b>                                                                                                                                                                                                          | 01/15/2013                    | <b>Business Session:</b>                                                                                                                     | 01/15/2013              | <b>Public Hearing:</b> |  |
| <b>Submitted By:</b>                                                                                                                                                                                                             | Ron Peters                    |                                                                                                                                              | <b>Multiple Depts?</b>  |                        |  |
| <b>Budget Type:</b>                                                                                                                                                                                                              | Operating                     |                                                                                                                                              | <b>Special Routing:</b> |                        |  |
| <b>Agenda Type</b>                                                                                                                                                                                                               | Approval/authorization        |                                                                                                                                              | <b>Rezoning Type</b>    |                        |  |
| <b>Item of Business:</b> <div style="float: right; text-align: right;">           Locked by Purchasing <input type="checkbox"/> No <input checked="" type="checkbox"/> </div>                                                    |                               |                                                                                                                                              |                         |                        |  |
| for the Chairman to execute a Memorandum of Agreement in the amount of \$250,000.00 to participate in the Metropolitan North Georgia Water Planning District Toilet Retrofit Program, subject to approval by the Law Department. |                               |                                                                                                                                              |                         |                        |  |
| <b>Attachments</b>                                                                                                                                                                                                               | Memo, Memorandum of Agreement |                                                                                                                                              |                         |                        |  |
| <b>Authorization:</b> Chairman's Signature? <input checked="" type="checkbox"/> Yes                                                                                                                                              |                               |                                                                                                                                              |                         |                        |  |
| <b>Staff Recommendation</b>                                                                                                                                                                                                      | Approval                      |                                                                                                                                              |                         |                        |  |
| <b>Department Head</b>                                                                                                                                                                                                           | arseibenhener (12/20/2012)    |                                                                                                                                              |                         |                        |  |
| <b>Attorney</b>                                                                                                                                                                                                                  | fsfields (1/3/2013)           |                                                                                                                                              |                         |                        |  |
| <b>Attorney's Comments</b>                                                                                                                                                                                                       |                               |                                                                                                                                              |                         |                        |  |
| <b>Agenda Purpose Only</b> <input checked="" type="checkbox"/> <b>As To Form</b> <input type="checkbox"/> <b>Hold for Pickup?</b> <input type="checkbox"/>                                                                       |                               |                                                                                                                                              |                         |                        |  |

## Financial Services Use Only

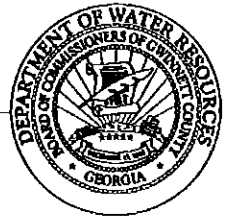
|                                   |                                                                                               |                  |                        |                             |                            |
|-----------------------------------|-----------------------------------------------------------------------------------------------|------------------|------------------------|-----------------------------|----------------------------|
| <b>Financial Action Requested</b> |                                                                                               |                  |                        |                             |                            |
|                                   | <b>Budgeted</b>                                                                               | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |
|                                   | Yes                                                                                           | Water & Sewer Op | * \$745,040            | \$250,000                   | ajbovos<br>(12/27/2012)    |
|                                   |                                                                                               |                  |                        |                             |                            |
|                                   |                                                                                               |                  |                        |                             |                            |
| <b>Finance Comments</b>           | *The current balance in Toilet Retrofit is check as items are purchased or services provided. |                  |                        |                             |                            |

## County Clerk Use Only

|                        |          |  |                                              |
|------------------------|----------|--|----------------------------------------------|
|                        |          |  | <b>PH was Held?</b> <input type="checkbox"/> |
| <b>Working Session</b> |          |  | Vote                                         |
| <b>Action</b>          | New Item |  |                                              |
| <b>Tabled</b>          |          |  |                                              |
| <b>Motion</b>          |          |  |                                              |
| <b>2nd by</b>          |          |  |                                              |

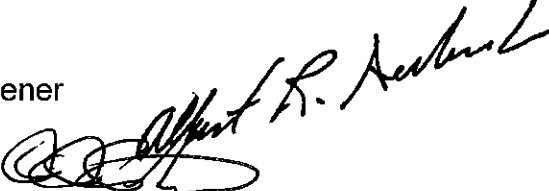
**Department of Water Resources**

684 Winder Highway • Lawrenceville, GA 30045-5012  
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www.gwinnettcountry.com



**MEMORANDUM**

TO: Ron Seibenhener

FROM: Ron Peters 

SUBJECT: Gwinnett Water Resources Participation in the North Georgia  
Metropolitan Water Planning District Toilet Rebate Program

DATE: December 14, 2012

A contract dated January 1, 2010 was entered into by Gwinnett County with the Metropolitan North Georgia Water Planning District (MNGWPD) to allow the Gwinnett Water Resources Department to participate in the MNGWPD's toilet rebate program. The Department of Water Resources wishes to participate in this important water conservation effort for calendar year 2013. The toilet rebate program is included in the latest Water Conservation Resolution approved by the Board of Commissioners as a part of our water conservation plan.

Replacing older inefficient plumbing fixtures is a requirement in the MNGWPD's Water Conservation and Water Supply Plan revised in May 2009. We believe that it is more efficient to participate in the District's program than to administer our own toilet rebate program. Therefore, we recommend that this contract amendment be placed on the agenda for the Board of Commissioners at the first opportunity.

C: Peter Frank  
Richard Platto  
Donna Joe

**MEMORANDUM OF AGREEMENT  
FOR PARTICIPATION IN THE DISTRICT-WIDE TOILET RETROFIT PROGRAM**

THIS AGREEMENT is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between Gwinnett County (hereinafter referred to as the "Utility") and the Metropolitan North Georgia Water Planning District (hereinafter referred to as the "District").

WITNESSETH:

WHEREAS, the Utility is responsible for developing and implementing a water conservation program within its service area; and

WHEREAS, the District will coordinate and manage a District-wide Toilet Retrofit Program ("the Program") for single family residential customers by providing administrative services as stated in Duties of the District; and

WHEREAS, the Utility desires to participate in the District-wide Program.

NOW, THEREFORE, in consideration of the premises of the mutual covenants herein contained, and for other good and valuable consideration, the parties hereto agree as follows:

1. Duties of the Utilities.

- a. Follows the administrative procedures developed by the District for the management of the program.
- b. Receives weekly notifications from the District of rebates to be processed and issue rebate credits to customers in a timely manner.
- c. Upon receipt of notification by the District of a customer's eligibility for the toilet rebate, the Utility will respond to the District within 5 business days with notification of acceptance or rejection of each eligible customer and reason for rejection.
- d. Answers customer questions about the status of their rebate credits (once their confirmation letters have been received).
- e. Agrees to pay District the processing fee for each toilet approved for rebate.
- f. Promotes the program through link on Utility websites, bill inserts, mailers, and/or other forms of communication.
- g. Verification of toilet installation is optional, but would be the responsibility of the Utility.

2. Duties of the District.

- a. Provides administrative services to process the rebate applications.
- b. Maintains a website, application form, and reporting database for utilities.

- c. Maintains a telephone number and email address for customer questions about the program and processing applications.
- d. Mails or makes available applications to single family residential customers only.
- e. Receives rebate application from customer, and verifies eligibility. Eligibility is determined based on date of home construction, receipt of original toilet purchase receipt, copy of recent water bill in name of applicant and confirmation of eligible toilet model.
- f. Notifies the Utility of rebate amount to credit customer.
- g. Sends a confirmation/rejection letter to each customer.
- h. Provides management reports for Utilities to access on a regular basis.
- i. Invoices the Utility for the \$10.00 administrative fee for each toilet approved for rebate.
- j. Maintains billing accounts and financial records for three years after the completion of this Agreement and provide periodic status updates to the Utilities.
- k. Provides periodic invoices to each participating Utility for administrative fees.

### 3. Costs Paid by the Utility.

The Utility hereby agrees to provide funding of \$250,000.00 for this program for the term of the agreement unless the agreement is terminated at which time the Utility would fund any applications that have been approved by the District and Utility prior to termination. Funding is the total amount allocated by the Utility for rebate and administration fees for the term of this Agreement. In the event the Utility meets the previously stated funding amount prior to the expiration of this Agreement, the Utility is no longer obligated to provide rebates or administration fees. The Utility further agrees that the District will only process rebates for single family residential toilets using 1.28 gallons per flush (gpf) or less and that have received the EPA WaterSense certification. Each rebate will have a maximum face value of \$100.00 per toilet. Additionally, the Utility agrees that an administrative charge of \$10.00 for each toilet approved for rebate will be charged. A customer cannot receive a rebate higher than \$200.00.

### 4. Payment Method.

Utility will pay the \$10.00 administrative fee for each toilet approved for rebate to the District through periodic billings. Rebates will be issued by the Utility to participating Utility customers until the allotted rebate amount for the Utility is exhausted. The Utility may add additional funding at anytime during their program participation by amending this Agreement.

### 5. Term.

This Agreement shall become effective as of the date first written above and shall continue in full force and effect until December 31, 2013. Either party may terminate this Agreement without cause by providing the other party written notice sixty (60) days prior to termination. This Agreement may be amended upon agreement of the parties. In the event of such

termination, the Utility shall be obligated to pay all issued rebates and administrative costs associated with rebates approved prior to such termination.

IN WITNESS WHEREOF, the parties have hereto executed this Agreement as of the date first above written.

WINNETT COUNTY

ATTEST:

\_\_\_\_\_

By: \_\_\_\_\_

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

METROPOLITAN NORTH GEORGIA  
WATER PLANNING DISTRICT

ATTEST:

\_\_\_\_\_

By: \_\_\_\_\_

Chairperson & CEO

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                            |                           |                                                                                                                                              |                      |                         |            |
|----------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------|------------|
| <b>GCID #</b>                                                                                                              | <b>Group With GCID #:</b> | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                      |                         |            |
| <b>20120082</b>                                                                                                            |                           |                                                                                                                                              |                      |                         |            |
| <b>Department:</b>                                                                                                         | Commissioners             |                                                                                                                                              |                      | <b>Date Submitted:</b>  | 01/10/2012 |
| <b>Working Session:</b>                                                                                                    | 01/15/2013                | <b>Business Session:</b>                                                                                                                     | 01/15/2013           | <b>Public Hearing:</b>  |            |
| <b>Submitted By:</b>                                                                                                       | Diane Kemp                |                                                                                                                                              |                      | <b>Multiple Depts?</b>  |            |
| <b>Budget Type:</b>                                                                                                        |                           |                                                                                                                                              |                      | <b>Special Routing:</b> |            |
| <b>Agenda Type</b>                                                                                                         | Approval                  |                                                                                                                                              | <b>Rezoning Type</b> |                         |            |
| <b>Item of Business:</b>                                                                                                   |                           |                                                                                                                                              |                      |                         |            |
|                                                                                                                            |                           |                                                                                                                                              |                      | Locked by Purchasing    | No         |
| of appointment to the Tree Advisory Committee. Term Expires December 31, 2013. Chairman's Appointment                      |                           |                                                                                                                                              |                      |                         |            |
| <b>Attachments</b>                                                                                                         | None                      |                                                                                                                                              |                      |                         |            |
| <b>Authorization: Chairman's Signature?</b>                                                                                |                           | No                                                                                                                                           |                      |                         |            |
| <b>Staff Recommendation</b>                                                                                                |                           |                                                                                                                                              |                      |                         |            |
| <b>Department Head</b>                                                                                                     |                           |                                                                                                                                              |                      |                         |            |
| <b>Attorney</b>                                                                                                            |                           |                                                                                                                                              |                      |                         |            |
| <b>Attorney's Comments</b>                                                                                                 |                           |                                                                                                                                              |                      |                         |            |
| Agenda Purpose Only <input type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/> |                           |                                                                                                                                              |                      |                         |            |

## Financial Services Use Only

|                                   |                  |                        |                             |                            |  |
|-----------------------------------|------------------|------------------------|-----------------------------|----------------------------|--|
| <b>Financial Action Requested</b> |                  |                        |                             |                            |  |
| <b>Budgeted</b>                   | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |  |
|                                   |                  |                        |                             |                            |  |
|                                   |                  |                        |                             |                            |  |
|                                   |                  |                        |                             |                            |  |
| <b>Finance Comments</b>           |                  |                        |                             |                            |  |

## County Clerk Use Only

|                 |            |        |                              |              |                          |
|-----------------|------------|--------|------------------------------|--------------|--------------------------|
| Working Session | Discussion | Motion | Nash                         | PH was Held? | <input type="checkbox"/> |
| Action          | Tabled     | 2nd by | Beaudreau                    |              |                          |
| Tabled          | 01/03/2013 | Vote   | (5-0); Nash-Yes; Brooks-Yes; |              |                          |

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                            |                           |                                                                                                                                              |                      |                         |  |
|----------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------|--|
| <b>GCID #</b>                                                                                                              | <b>Group With GCID #:</b> | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                      |                         |  |
| <b>20120082</b>                                                                                                            |                           |                                                                                                                                              |                      |                         |  |
| <b>Department:</b>                                                                                                         |                           |                                                                                                                                              |                      | <b>Date Submitted:</b>  |  |
| <b>Working Session:</b>                                                                                                    |                           | <b>Business Session:</b>                                                                                                                     |                      | <b>Public Hearing:</b>  |  |
| <b>Submitted By:</b>                                                                                                       |                           |                                                                                                                                              |                      | <b>Multiple Depts?</b>  |  |
| <b>Budget Type:</b>                                                                                                        |                           |                                                                                                                                              |                      | <b>Special Routing:</b> |  |
| <b>Agenda Type</b>                                                                                                         |                           |                                                                                                                                              | <b>Rezoning Type</b> |                         |  |
| <b>Item of Business:</b>                                                                                                   |                           |                                                                                                                                              |                      |                         |  |
| Locked by Purchasing                                                                                                       |                           |                                                                                                                                              |                      |                         |  |
| of appointment to the Tree Advisory Committee. Term Expires December 31, 2013. Chairman's Appointment                      |                           |                                                                                                                                              |                      |                         |  |
| <b>Attachments</b>                                                                                                         |                           |                                                                                                                                              |                      |                         |  |
| <b>Authorization: Chairman's Signature?</b>                                                                                |                           |                                                                                                                                              |                      |                         |  |
|                                                                                                                            |                           |                                                                                                                                              |                      |                         |  |
| <b>Staff Recommendation</b>                                                                                                |                           |                                                                                                                                              |                      |                         |  |
| <b>Department Head</b>                                                                                                     |                           |                                                                                                                                              |                      |                         |  |
| <b>Attorney</b>                                                                                                            |                           |                                                                                                                                              |                      |                         |  |
| <b>Attorney's Comments</b>                                                                                                 |                           |                                                                                                                                              |                      |                         |  |
| Agenda Purpose Only <input type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/> |                           |                                                                                                                                              |                      |                         |  |

## Financial Services Use Only

|                                   |                  |                        |                             |                            |  |
|-----------------------------------|------------------|------------------------|-----------------------------|----------------------------|--|
| <b>Financial Action Requested</b> |                  |                        |                             |                            |  |
| <b>Budgeted</b>                   | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |  |
|                                   |                  |                        |                             |                            |  |
|                                   |                  |                        |                             |                            |  |
|                                   |                  |                        |                             |                            |  |
| <b>Finance Comments</b>           |                  |                        |                             |                            |  |

## County Clerk Use Only

|                 |  |        |                            |              |                          |
|-----------------|--|--------|----------------------------|--------------|--------------------------|
| Working Session |  | Motion |                            | PH was Held? | <input type="checkbox"/> |
| Action          |  | 2nd by |                            |              |                          |
| Tabled          |  | Vote   | Howard-Yes; Beaudreau-Yes; |              |                          |

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                            |                           |                                                                                                                                              |                      |                         |  |
|----------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------|--|
| <b>GCID #</b>                                                                                                              | <b>Group With GCID #:</b> | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                      |                         |  |
| <b>20120082</b>                                                                                                            |                           |                                                                                                                                              |                      |                         |  |
| <b>Department:</b>                                                                                                         |                           |                                                                                                                                              |                      | <b>Date Submitted:</b>  |  |
| <b>Working Session:</b>                                                                                                    |                           | <b>Business Session:</b>                                                                                                                     |                      | <b>Public Hearing:</b>  |  |
| <b>Submitted By:</b>                                                                                                       |                           |                                                                                                                                              |                      | <b>Multiple Depts?</b>  |  |
| <b>Budget Type:</b>                                                                                                        |                           |                                                                                                                                              |                      | <b>Special Routing:</b> |  |
| <b>Agenda Type</b>                                                                                                         |                           |                                                                                                                                              | <b>Rezoning Type</b> |                         |  |
| <b>Item of Business:</b>                                                                                                   |                           |                                                                                                                                              |                      |                         |  |
| Locked by Purchasing <span style="border: 1px solid black; padding: 2px 20px;"></span>                                     |                           |                                                                                                                                              |                      |                         |  |
| of appointment to the Tree Advisory Committee. Term Expires December 31, 2013. Chairman's Appointment                      |                           |                                                                                                                                              |                      |                         |  |
| <b>Attachments</b>                                                                                                         |                           |                                                                                                                                              |                      |                         |  |
| <b>Authorization: Chairman's Signature?</b> <span style="border: 1px solid black; padding: 2px 40px;"></span>              |                           |                                                                                                                                              |                      |                         |  |
| <b>Staff Recommendation</b>                                                                                                |                           |                                                                                                                                              |                      |                         |  |
| <b>Department Head</b>                                                                                                     |                           |                                                                                                                                              |                      |                         |  |
| <b>Attorney</b>                                                                                                            |                           |                                                                                                                                              |                      |                         |  |
| <b>Attorney's Comments</b>                                                                                                 |                           |                                                                                                                                              |                      |                         |  |
| Agenda Purpose Only <input type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/> |                           |                                                                                                                                              |                      |                         |  |

## Financial Services Use Only

|                                   |                  |                        |                             |                            |  |
|-----------------------------------|------------------|------------------------|-----------------------------|----------------------------|--|
| <b>Financial Action Requested</b> |                  |                        |                             |                            |  |
| <b>Budgeted</b>                   | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |  |
|                                   |                  |                        |                             |                            |  |
|                                   |                  |                        |                             |                            |  |
|                                   |                  |                        |                             |                            |  |
| <b>Finance Comments</b>           |                  |                        |                             |                            |  |

## County Clerk Use Only

|                                                                                   |                                                                                 |                                       |
|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------|
| Working Session <span style="border: 1px solid black; padding: 2px 40px;"></span> | Motion <span style="border: 1px solid black; padding: 2px 40px;"></span>        | PH was Held? <input type="checkbox"/> |
| Action <span style="border: 1px solid black; padding: 2px 40px;"></span>          | 2nd by <span style="border: 1px solid black; padding: 2px 40px;"></span>        |                                       |
| Tabled <span style="border: 1px solid black; padding: 2px 40px;"></span>          | Vote <span style="border: 1px solid black; padding: 2px 40px;">Heard-Yes</span> |                                       |

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                                                               |                           |                                                                                                                                              |                         |                        |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------------------|--|
| <b>GCID #</b>                                                                                                                                                                 | <b>Group With GCID #:</b> | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                         |                        |  |
| <b>20130047</b>                                                                                                                                                               |                           |                                                                                                                                              |                         |                        |  |
| <b>Department:</b>                                                                                                                                                            | Commissioners             |                                                                                                                                              | <b>Date Submitted:</b>  | 12/21/2012             |  |
| <b>Working Session:</b>                                                                                                                                                       | 01/15/2013                | <b>Business Session:</b>                                                                                                                     | 01/15/2013              | <b>Public Hearing:</b> |  |
| <b>Submitted By:</b>                                                                                                                                                          | Diane Kemp                |                                                                                                                                              | <b>Multiple Depts?</b>  |                        |  |
| <b>Budget Type:</b>                                                                                                                                                           |                           |                                                                                                                                              | <b>Special Routing:</b> |                        |  |
| <b>Agenda Type</b>                                                                                                                                                            | Approval                  |                                                                                                                                              | <b>Rezoning Type</b>    |                        |  |
| <b>Item of Business:</b> <div style="float: right; text-align: right;">           Locked by Purchasing <input type="checkbox"/> No <input checked="" type="checkbox"/> </div> |                           |                                                                                                                                              |                         |                        |  |
| of appointment to the Gwinnett Historical Restoration & Preservation Board. Incumbent Kim Hall. Term Expires December 31, 2016. Chairman's Appointment                        |                           |                                                                                                                                              |                         |                        |  |
| <b>Attachments</b>                                                                                                                                                            | None                      |                                                                                                                                              |                         |                        |  |
| <b>Authorization: Chairman's Signature?</b>                                                                                                                                   |                           | No <input checked="" type="checkbox"/>                                                                                                       |                         |                        |  |
| <b>Staff Recommendation</b>                                                                                                                                                   |                           |                                                                                                                                              |                         |                        |  |
| <b>Department Head</b>                                                                                                                                                        |                           |                                                                                                                                              |                         |                        |  |
| <b>Attorney</b>                                                                                                                                                               |                           |                                                                                                                                              |                         |                        |  |
| <b>Attorney's Comments</b>                                                                                                                                                    |                           |                                                                                                                                              |                         |                        |  |
| Agenda Purpose Only <input type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/>                                                    |                           |                                                                                                                                              |                         |                        |  |

## Financial Services Use Only

|                                   |                 |                  |                        |                             |                            |
|-----------------------------------|-----------------|------------------|------------------------|-----------------------------|----------------------------|
| <b>Financial Action Requested</b> |                 |                  |                        |                             |                            |
|                                   | <b>Budgeted</b> | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |
|                                   |                 |                  |                        |                             |                            |
|                                   |                 |                  |                        |                             |                            |
|                                   |                 |                  |                        |                             |                            |
| <b>Finance Comments</b>           |                 |                  |                        |                             |                            |

## County Clerk Use Only

|                        |            |  |                                                                               |
|------------------------|------------|--|-------------------------------------------------------------------------------|
|                        |            |  | <b>PH was Held?</b> <input type="checkbox"/>                                  |
| <b>Working Session</b> | Discussion |  | 5-0 Hunter Yes; Nash-Yes;<br>Brooks-Yes; Howard-Yes; Beaudreau-;<br>Heard-Yes |
| <b>Action</b>          | Tabled     |  |                                                                               |
| <b>Tabled</b>          | 01/03/2013 |  |                                                                               |
| <b>Motion</b>          | Nash       |  |                                                                               |
| <b>2nd by</b>          | Hunter     |  |                                                                               |

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                               |                           |                                                                                                                                              |                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <b>GCID #</b>                                                                                                                                 | <b>Group With GCID #:</b> | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                                   |
| <b>20130055</b>                                                                                                                               |                           |                                                                                                                                              |                                   |
| <b>Department:</b>                                                                                                                            | Commissioners             |                                                                                                                                              | <b>Date Submitted:</b> 12/21/2012 |
| <b>Working Session:</b>                                                                                                                       | 01/15/2013                | <b>Business Session:</b>                                                                                                                     | 01/15/2013                        |
| <b>Submitted By:</b>                                                                                                                          | Diane Kemp                |                                                                                                                                              | <b>Public Hearing:</b>            |
| <b>Budget Type:</b>                                                                                                                           |                           |                                                                                                                                              | <b>Multiple Depts?</b>            |
|                                                                                                                                               |                           |                                                                                                                                              | <b>Special Routing:</b>           |
| <b>Agenda Type</b>                                                                                                                            | Approval                  | <b>Rezoning Type</b>                                                                                                                         |                                   |
| <b>Item of Business:</b>                                                                                                                      |                           |                                                                                                                                              |                                   |
|                                                                                                                                               |                           | Locked by Purchasing                                                                                                                         | No                                |
| of appointment to the Gwinnett Transit System Advisory Board. Incumbent Scott Haggard. Term Expires December 31, 2016. Chairman's Appointment |                           |                                                                                                                                              |                                   |
| <b>Attachments</b>                                                                                                                            | None                      |                                                                                                                                              |                                   |
| <b>Authorization:</b>                                                                                                                         | Chairman's Signature? No  |                                                                                                                                              |                                   |
| <b>Staff Recommendation</b>                                                                                                                   |                           |                                                                                                                                              |                                   |
| <b>Department Head</b>                                                                                                                        |                           |                                                                                                                                              |                                   |
| <b>Attorney</b>                                                                                                                               |                           |                                                                                                                                              |                                   |
| <b>Attorney's Comments</b>                                                                                                                    |                           |                                                                                                                                              |                                   |
| Agenda Purpose Only <input type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/>                    |                           |                                                                                                                                              |                                   |

## Financial Services Use Only

|                                   |                 |                  |                        |                             |                            |
|-----------------------------------|-----------------|------------------|------------------------|-----------------------------|----------------------------|
| <b>Financial Action Requested</b> |                 |                  |                        |                             |                            |
|                                   | <b>Budgeted</b> | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |
|                                   |                 |                  |                        |                             |                            |
|                                   |                 |                  |                        |                             |                            |
|                                   |                 |                  |                        |                             |                            |
| <b>Finance Comments</b>           |                 |                  |                        |                             |                            |

## County Clerk Use Only

|                        |            |                                                                               |
|------------------------|------------|-------------------------------------------------------------------------------|
|                        |            | <b>PH was Held?</b> <input type="checkbox"/>                                  |
| <b>Working Session</b> | Discussion | 5-0 Hunter Yes; Nash-Yes;<br>Brooks-Yes; Howard-Yes; Beaudreau-;<br>Heard-Yes |
| <b>Action</b>          | Tabled     |                                                                               |
| <b>Tabled</b>          | 01/03/2013 |                                                                               |
| <b>Motion</b>          | Nash       |                                                                               |
| <b>2nd by</b>          | Hunter     |                                                                               |

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                  |                           |                                                                                                                                              |                                   |
|----------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <b>GCID #</b>                                                                                                                    | <b>Group With GCID #:</b> | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                                   |
| <b>20130070</b>                                                                                                                  |                           |                                                                                                                                              |                                   |
| <b>Department:</b>                                                                                                               | Commissioners             |                                                                                                                                              | <b>Date Submitted:</b> 12/21/2012 |
| <b>Working Session:</b>                                                                                                          | 01/15/2013                | <b>Business Session:</b>                                                                                                                     | 01/15/2013                        |
| <b>Submitted By:</b>                                                                                                             | Diane Kemp                |                                                                                                                                              | <b>Public Hearing:</b>            |
| <b>Budget Type:</b>                                                                                                              |                           |                                                                                                                                              | <b>Multiple Depts?</b>            |
|                                                                                                                                  |                           |                                                                                                                                              | <b>Special Routing:</b>           |
| <b>Agenda Type</b>                                                                                                               | Approval                  | <b>Rezoning Type</b>                                                                                                                         |                                   |
| <b>Item of Business:</b>                                                                                                         |                           |                                                                                                                                              |                                   |
|                                                                                                                                  |                           | Locked by Purchasing                                                                                                                         | No                                |
| of appointment to the Water & Sewerage Authority. Incumbent Stephen Hill. Term Expires December 31, 2013. Chairman's Appointment |                           |                                                                                                                                              |                                   |
| <b>Attachments</b>                                                                                                               | None                      |                                                                                                                                              |                                   |
| <b>Authorization:</b>                                                                                                            | Chairman's Signature? No  |                                                                                                                                              |                                   |
| <b>Staff Recommendation</b>                                                                                                      |                           |                                                                                                                                              |                                   |
| <b>Department Head</b>                                                                                                           |                           |                                                                                                                                              |                                   |
| <b>Attorney</b>                                                                                                                  |                           |                                                                                                                                              |                                   |
| <b>Attorney's Comments</b>                                                                                                       |                           |                                                                                                                                              |                                   |
| Agenda Purpose Only <input type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/>       |                           |                                                                                                                                              |                                   |

## Financial Services Use Only

|                                   |                  |                        |                             |                            |
|-----------------------------------|------------------|------------------------|-----------------------------|----------------------------|
| <b>Financial Action Requested</b> |                  |                        |                             |                            |
| <b>Budgeted</b>                   | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |
|                                   |                  |                        |                             |                            |
|                                   |                  |                        |                             |                            |
|                                   |                  |                        |                             |                            |
| <b>Finance Comments</b>           |                  |                        |                             |                            |

## County Clerk Use Only

|                        |            |                                                                                 |
|------------------------|------------|---------------------------------------------------------------------------------|
|                        |            | PH was Held? <input type="checkbox"/>                                           |
| <b>Working Session</b> | Discussion | 5-0 Hunter - Yes; Nash-Yes;<br>Brooks-Yes; Howard-Yes; Beaudreau-;<br>Heard-Yes |
| <b>Action</b>          | Tabled     |                                                                                 |
| <b>Tabled</b>          | 01/03/2013 |                                                                                 |
| <b>Motion</b>          | Nash       |                                                                                 |
| <b>2nd by</b>          | Hunter     |                                                                                 |

# Gwinnett County Board of Commissioners Agenda Request

|                                                                                                                                                                     |                           |                                                                                                                                              |                      |                         |            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------|------------|
| <b>GCID #</b>                                                                                                                                                       | <b>Group With GCID #:</b> | <input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing |                      |                         |            |
| <b>20130075</b>                                                                                                                                                     |                           |                                                                                                                                              |                      |                         |            |
| <b>Department:</b>                                                                                                                                                  | Commissioners             |                                                                                                                                              |                      | <b>Date Submitted:</b>  | 12/21/2012 |
| <b>Working Session:</b>                                                                                                                                             | 01/15/2013                | <b>Business Session:</b>                                                                                                                     | 01/15/2013           | <b>Public Hearing:</b>  |            |
| <b>Submitted By:</b>                                                                                                                                                | Diane Kemp                |                                                                                                                                              |                      | <b>Multiple Depts?</b>  |            |
| <b>Budget Type:</b>                                                                                                                                                 |                           |                                                                                                                                              |                      | <b>Special Routing:</b> |            |
| <b>Agenda Type</b>                                                                                                                                                  | Approval                  |                                                                                                                                              | <b>Rezoning Type</b> |                         |            |
| <b>Item of Business:</b>                                                                                                                                            |                           |                                                                                                                                              |                      |                         |            |
|                                                                                                                                                                     |                           |                                                                                                                                              |                      | Locked by Purchasing    | No         |
| to appoint Barbara Seal, Jonathan Semerjian and Ron Peters to the Upper Ocmulgee River Resource Conservation & Development Council, Inc. Term Expires June 20, 2013 |                           |                                                                                                                                              |                      |                         |            |
| <b>Attachments</b>                                                                                                                                                  | None                      |                                                                                                                                              |                      |                         |            |
| <b>Authorization: Chairman's Signature?</b>                                                                                                                         |                           | No                                                                                                                                           |                      |                         |            |
| <b>Staff Recommendation</b>                                                                                                                                         |                           |                                                                                                                                              |                      |                         |            |
| <b>Department Head</b>                                                                                                                                              |                           |                                                                                                                                              |                      |                         |            |
| <b>Attorney</b>                                                                                                                                                     |                           |                                                                                                                                              |                      |                         |            |
| <b>Attorney's Comments</b>                                                                                                                                          |                           |                                                                                                                                              |                      |                         |            |
| Agenda Purpose Only <input type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/>                                          |                           |                                                                                                                                              |                      |                         |            |

## Financial Services Use Only

|                                   |                  |                        |                             |                            |  |
|-----------------------------------|------------------|------------------------|-----------------------------|----------------------------|--|
| <b>Financial Action Requested</b> |                  |                        |                             |                            |  |
| <b>Budgeted</b>                   | <b>Fund Name</b> | <b>Current Balance</b> | <b>Requested Allocation</b> | <b>Director's Initials</b> |  |
|                                   |                  |                        |                             |                            |  |
|                                   |                  |                        |                             |                            |  |
|                                   |                  |                        |                             |                            |  |
| <b>Finance Comments</b>           |                  |                        |                             |                            |  |

## County Clerk Use Only

|                        |            |  |                                                                                 |
|------------------------|------------|--|---------------------------------------------------------------------------------|
|                        |            |  | <b>PH was Held?</b> <input type="checkbox"/>                                    |
| <b>Working Session</b> | Discussion |  | 5-0 Hunter - Yes; Nash-Yes;<br>Brooks-Yes; Howard-Yes; Beaudreau-;<br>Heard-Yes |
| <b>Action</b>          | Tabled     |  |                                                                                 |
| <b>Tabled</b>          | 01/03/2013 |  |                                                                                 |
| <b>Motion</b>          | Hunter     |  |                                                                                 |
| <b>2nd by</b>          | Nash       |  |                                                                                 |