

# PUTNAM COUNTY BOARD OF COMMISSIONERS



117 Putnam Drive, Suite A ♦ Eatonton, GA 31024

## Agenda

Tuesday, December 19, 2023 ♦ 6:00 PM

*Putnam County Administration Building – Room 203*

### Opening

1. Welcome - Call to Order
2. Approval of Agenda
3. Invocation
4. Pledge of Allegiance (DB)
5. Special Presentation - Councilwoman Reid - Oconee Behavioral Health Board

### Zoning/Public Hearing

6. Request by Darin L. Simmons to rezone 10 acres on Pea Ridge Road from AG to C-2. [Map 088, Part of Parcel 008006, District 4]. (staff-P&D)
7. Request by Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust to rezone 1.03 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 086, District 1] (staff-P&D)
8. Request by Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust to rezone 1.03 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 087, District 1]. (staff-P&D)
9. Request by Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust to rezone 1.02 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 088, District 1]. (staff-P&D)
10. Request by Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust to rezone .38 acres on Old Phoenix Road from RM-3 to C-1. [Map 103A, Parcel 208, District 1] (staff-P&D)

### Regular Business Meeting

11. Public Comments
12. Consent Agenda
  - a. Approval of Minutes - November 21, 2023 Regular Meeting (staff-CC)
  - b. Authorization for Chairman to sign Memorandum of Agreement between The Office of Bridge Design and Maintenance and Putnam County for a bridge at Martins Mill Road and Little River (staff-CM)
  - c. Approval of 2023 Alcohol License (staff-CC)
  - d. Authorization for Chairman to sign First Amendment to Lease Agreement with Georgia Windstream (staff-CC)
13. Discussion and possible action regarding SWA Generator per the Homeland Security Hazard Mitigation Plan (staff-CM)
14. Request from Fire Department for Emergency Vehicle Purchase - 2027 Pierce Enforcer PUC Pumper (staff-Fire)
15. Appointment to Sinclair Water Authority Board (staff-CC)
16. Approval of 2024 BOC Meeting Schedule (staff-CC)
17. Appeal of Short Term Vacation Rental License denial by Kerri Smith/Sundown Cottage (staff-CC)
18. Discussion and possible action to amend House Bill 1364 (SH)

### Reports/Announcements

19. County Manager Report
20. County Attorney Report
21. Commissioner Announcements

### Closing

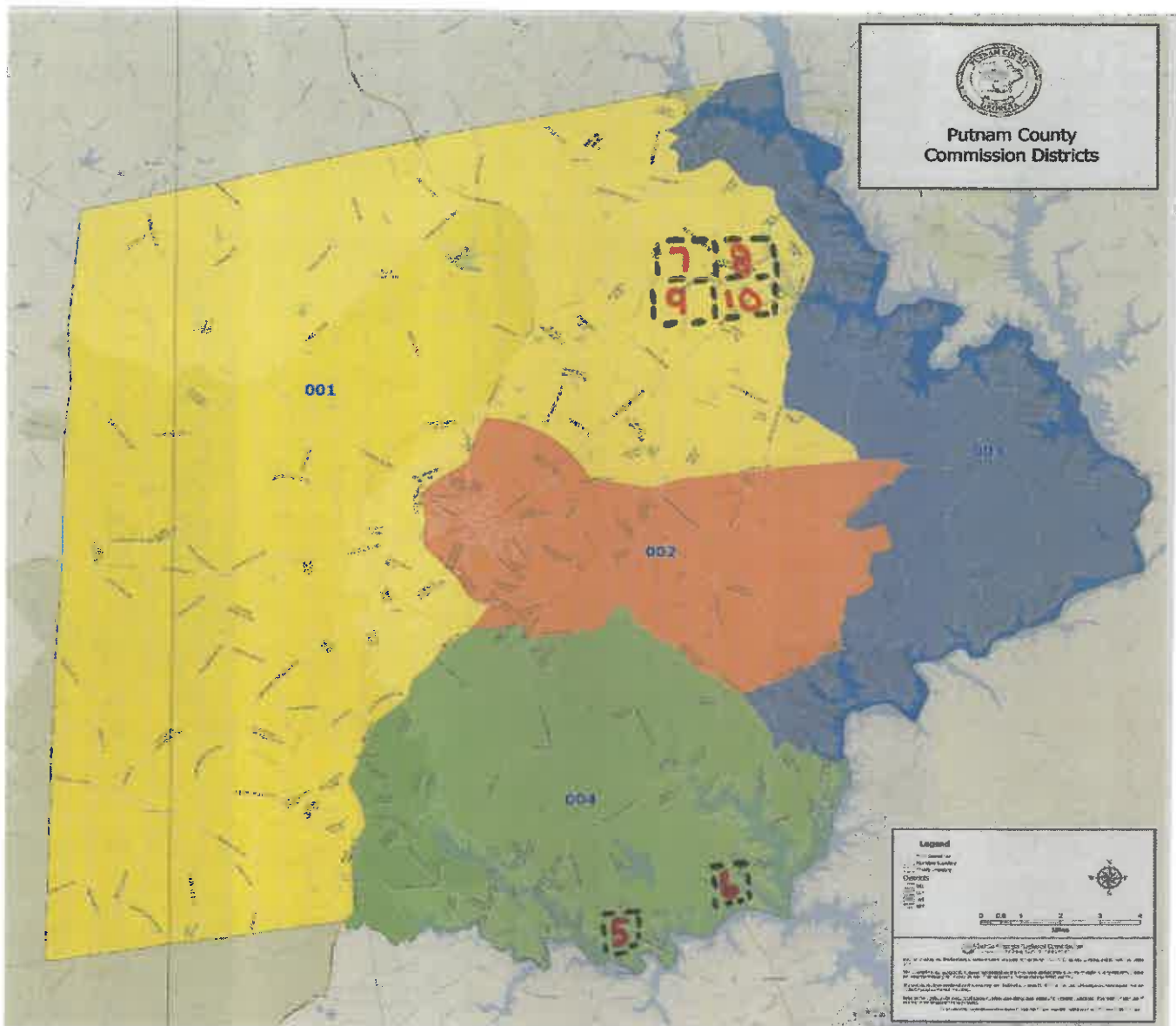
22. Adjournment

The Board of Commissioners reserves the right to continue the meeting to another time and place in the event the number of people in attendance at the meeting, including the Board of Commissioners, staff, and members of the public exceeds the legal limits. The meeting cannot be closed to the public except by a majority vote of a quorum present for the meeting. The board can vote to go into an executive session on a legally exempt matter during a public meeting even if not advertised or listed on the agenda. Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact the ADA Compliance Officer, at least three business days in advance of the meeting at 706-485-2776 to allow the County to make reasonable accommodations for those persons.

**File Attachments for Item:**

6. Request by Darin L. Simmons to rezone 10 acres on Pea Ridge Road from AG to C-2. [Map 088, Part of Parcel 008006, District 4]. (staff-P&D)





5. Request by **Bobby J. Wilder** for a conditional use at 641 Dennis Station Road. Presently zoned AG [Map 082, Parcel 059, District 4].
6. Request by **Darin L. Simmons** to rezone 10 acres on Pea Ridge Road from AG to C-2. [Map 088, Part of Parcel 008006, District 4].\*
7. Request by **Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust** to rezone 1.03 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 086, District 1].\*
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11. **Approval of the 2024 Planning and Zoning Public Hearing Agenda and Deadline Schedule**



# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

## APPLICATION FOR REZONING

APPLICATION NO 2023-REZONE-31 DATE: 7/12/2023

MAP \_\_\_\_\_ PARCEL 088 008 006 Page 1 608 B

1. Name of Applicant: Darin L Simmons 101 Plat #

2. Mailing Address: 106 Blue Gill Rd, Eatonton ga 31024

3. Phone: (home) [redacted] (office) - (cell) [redacted]

4. The location of the subject property, including street number, if any: 0 Pea Ridge Rd, Eatonton ga 31024

5. The area of land proposed to be rezoned (stated in square feet if less than one acre): 10 Acres

6. The proposed zoning district desired: C-2

7. The purpose of this rezoning is (Attach Letter of Intent) Agricultural land to C2, wanting to open a Country store and Meat Market

8. Present use of property: Ag Desired use of property: Commercial

9. Existing zoning district classification of the property and adjacent properties:  
Existing: \_\_\_\_\_  
North: Ag South: Ag East: Commercial West: Liquor Store C-2

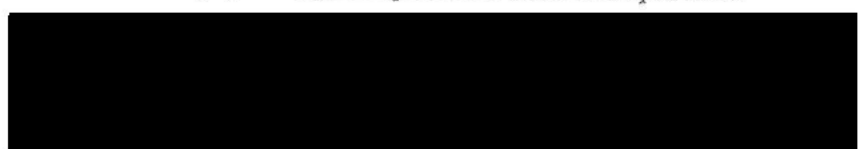
10. Copy of warranty deed for proof of ownership and if not owned by applicant, please attach a signed and notarized letter of agency from each property owner for all property sought to be rezoned.

11. Legal description and recorded plat of the property to be rezoned.

12. The Comprehensive Plan Future Land Use Map category in which the property is located. (If more than one category applies, the areas in each category are to be illustrated on the concept plan. See concept plan insert.): \_\_\_\_\_

13. A detailed description of existing land uses: Agricultural

14. Source of domestic water supply: well \_\_\_\_\_, community water X, or private provider \_\_\_\_\_. If source is not an existing system, please provide a letter from provider.



RCUD 2023 JUL 19 DE



- 15. Provision for sanitary sewage disposal: septic system X, or sewer \_\_\_\_\_. If sewer, please provide name of company providing same, or, if new development, provide a letter from sewer provider.
- 16. Complete attachment of Disclosure of Campaign Contributions Form by the applicant and/or the applicant's attorney as required by the Georgia Conflict of Interest in Zoning Act (O.C.G.A. 36-67A).
- 17. The application designation, date of application and action taken on all prior applications filed for rezoning for all or part of the subject property. (Please attach on separate sheet.)
- 18. Proof that property taxes for the parcel(s) in question have been paid.
- 19. Concept plan. If the application is for less than 25 single-family residential lots, a concept plan need not be submitted. (See attachment.)
- 20. Impact analysis. If the application is for less than 25 single-family residential lots, an impact analysis need not be submitted. (See attachment.)

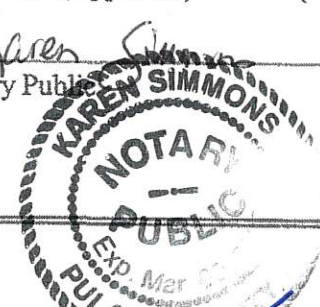
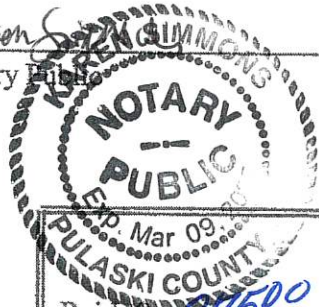
THE ABOVE STATEMENTS AND ACCOMPANYING MATERIALS ARE COMPLETE AND ACCURATE. APPLICANT HEREBY GRANTS PERMISSION FOR PLANNING AND DEVELOPMENT PERSONNEL OR ANY LEGAL REPRESENTATIVE OF PUTNAM COUNTY TO ENTER UPON AND INSPECT THE PROPERTY FOR ALL PURPOSES ALLOWED AND REQUIRED BY THE PUTNAM COUNTY CODE OF ORDINANCES.

[Signature] 7/12/23  
 Signature (Property Owner) (Date)

[Signature] 7/12/23  
 Signature (Applicant) (Date)

[Signature]  
 Notary Public

[Signature]  
 Notary Public



Office Use	
Paid: \$ <u>27500</u> (cash) _____ (check) _____ (credit card) _____	
Receipt No. _____	Date Paid: <u>9/11/2023</u>
Date Application Received: <u>9/11/23</u>	
Reviewed for completeness by: <u>[Signature]</u>	
Submitted to TRC: _____	Return date: _____
Date of BOC hearing: <u>12/19/23</u>	Date submitted to newspaper: <u>11/13/23</u>
Date sign posted on property: _____	Picture attached: yes _____ no _____

[Signature]

## Letter of Intent

D.O.P. Holdings- DBA The Meat Locker  
Darin Simmons [REDACTED]  
116 Crabapple Drive Hawkinsville, GA 31036  
[REDACTED]

9/1/2023

Re: rezoning of agricultural to commercial

Dear Zoning Board:

Our company D.O.P. Holdings, on behalf of our property owner, Darin Simmons, is proposing a project within Eatonton, GA 31024. This project is located at 0 Pea Ridge Road Eatonton, GA 31024. The project includes 10 acres along Pea Ridge Road frontage and is currently zoned for Agriculture and would like to propose the rezoning to C2 Commercial zoning. The proposed use is for a country store to be open to serve the public 6 days a week (plans have been submitted). Our company plans to employ 10+ local employees and use as much local produce and vendors as possible.

Sincerely,



Darin Simmons

RCVD 2023 SEP 1



PUTNAM COUNTY, GEORGIA  
CLERK OF SUPERIOR COURT  
FILED August 18, 2023

TIME 2:12 PM

PT-61 117-2023-001254

Deed BOOK 1125 PAGE 474

RECORDED August 18, 2023

Markis P. No

CLERK/DEPUTY CLERK

Putnam County, Georgia

Real Estate Transfer Tax

Paid \$ 142.50

Date 8/18/2023

Markis P. No

(Deputy) Clerk of Superior Court

Return Recorded Document to:  
G. Randall Veal, LLC  
2806 North Columbia Street  
Suite A - 359  
Milledgeville, Georgia 31061

WARRANTY DEED

File #: 23-231CD

STATE OF GEORGIA

COUNTY OF Putnam

This Indenture made this 15th day of August, 2023 between Johnson Land and Farm Holdings, LLC, of the County of Putnam, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and DOP Holdings, LLC, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

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

All that tract or parcel of land situate, lying and being in Land Lots 260 and 261, 2nd Land District, 313th G.M.D., Putnam County, Georgia, fronting on the eastern right-of-way of Pea Ridge Road, containing 26.80 acres, more or less, as more particularly shown on a plat of survey prepared by Edwin L. Thompson, GRLS No. 1759, dated November 4, 2004, recorded in Plat Book 29, Page 40 (Plat Cabinet D, Slide 75), Putnam County Superior Court Clerk's records. Said plat and the recorded thereof are incorporated herein for a more complete and accurate description of the property herein conveyed.

This being that same property conveyed unto William Alexander Brewer, III, by Warranty Deed of Jerry N. Cleveland dated July 14, 2007, recorded in Deed Book 608, Page 101, Putnam County Superior Court Clerk's records.

This Deed is given subject to all easements and restrictions of record, if any.

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

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

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

*[Handwritten Signature]*

Witness

Notary Public

Johnson Land and Farm Holdings, LLC

*[Handwritten Signature]*  
Robert Johnson, Its' Sole Member

(Seal)



RCUD 2023 SEP 1

*[Handwritten Signature]*



**NOTES:**

1. THERE HAS BEEN NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, OR OWNERSHIP TITLE EVIDENCE THAT MAY BE DISCLOSED BY A CURRENT AND ACCURATE TITLE SEARCH. THIS PROPERTY IS SUBJECT TO ANY AND ALL EXISTING DRAINAGE AND/OR UTILITY EASEMENT THAT MAY NOT BE SHOWN ON THIS PLAT NOR DOES THE SURVEYOR ASSUME ANY RESPONSIBILITY FOR ANY SUCH EASEMENTS THAT MAY AFFECT THIS PROPERTY.
2. BEARING DATUM ESTABLISHED FROM PLAT RECORDED IN PLAT BOOK 27, PAGE 46 LOCATED IN PUTNAM COUNTY COURT HOUSE.
3. REFERENCES - OLEDD:DB 409/833  
PLAT:PB 27/46
4. LAND LOT LINES ARE SHOWN IN APPROXIMATE LOCATIONS AS TAKEN FROM LOCAL COUNTY MAPS AND PLATS OF RECORD.

LEGEND	
R/W	RIGHT OF WAY
C	CENTER LINE
E	PROPERTY LINE
P.O.B.	POINT OF BEGINNING
P.O.R.	POINT OF REFERENCE
---	REFERENCE LINE
IPF	IRON PIPE FOUND
P.P.	POWER POLE
G.M.D.	GEORGIA MUTILA DISTRICT
RBF	REBAR FOUND
RBS	REBAR SET
○	COMPUTED POINT
⊥	LAND LOT LINE
CMF, ⊗	CONCRETE MARKER FOUND
---	FENCE
~	STREAM
●	1/2" RBF (UNLESS NOTED)
⊙	1/2" RBS (UNLESS NOTED)

ROAD 2028 SEP 1  
*RL*



**TREVOR J. ADDISON**  
 CLERK OF SUPERIOR COURT  
 100 S. JEFFERSON AVE., STE 236  
 EATONTON, GEORGIA 31024  
 MMLG 9/11/2023

PUTNAM COUNTY PLANNING & ENGINEERING

*Shayne Darlington*  
 11/4/04

GRAPHIC SCALE



( IN FEET )  
1 inch = 200 ft.

PUTNAM COUNTY, GEORGIA  
 CLERK OF SUPERIOR COURT  
 FILED & RECORDED  
 TIME: 11/4/04  
 CABINET: 11  
 BOOK: 29  
 PAGE: 20  
*Shayne Darlington*  
 CLERK DEPUTY CLERK



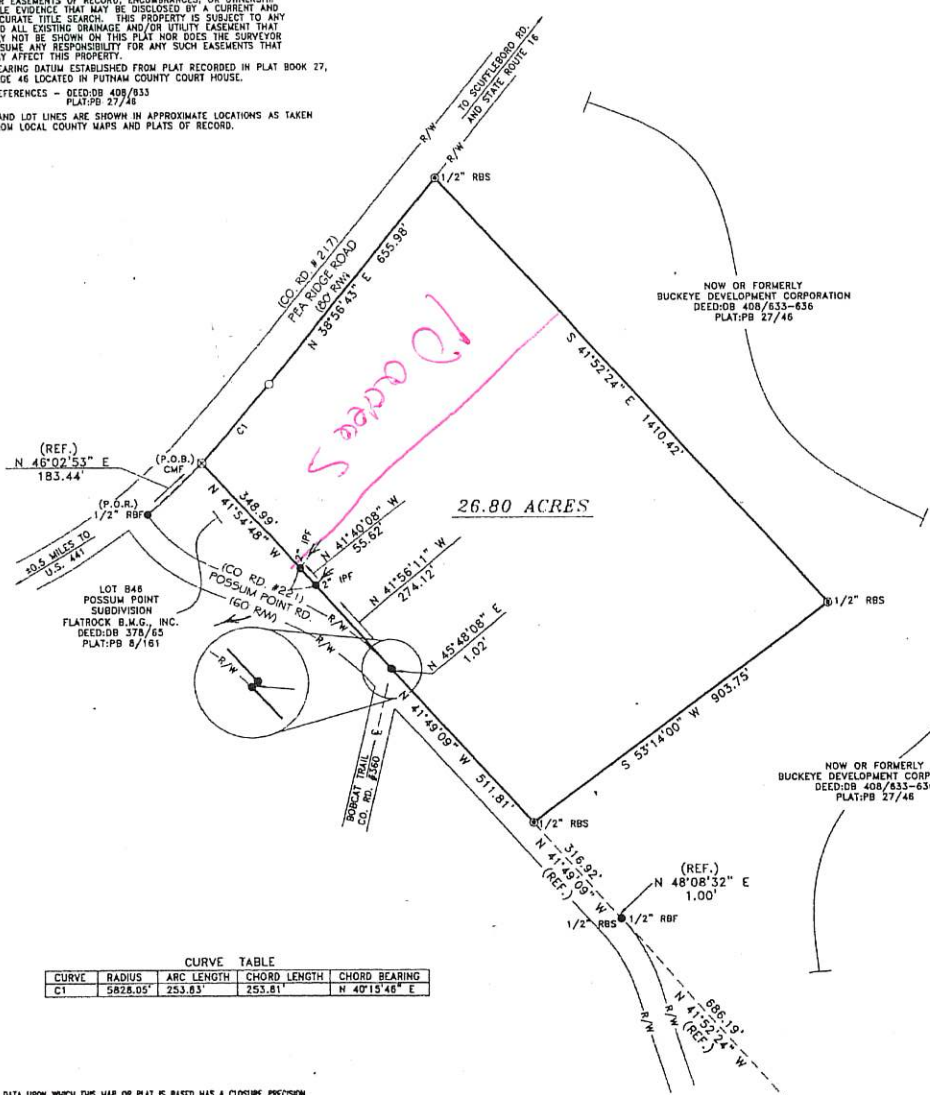
11/4/2004

SURVEY OF PROPERTY FOR:

**BUCKEYE DEVELOPMENT CORPORATION**

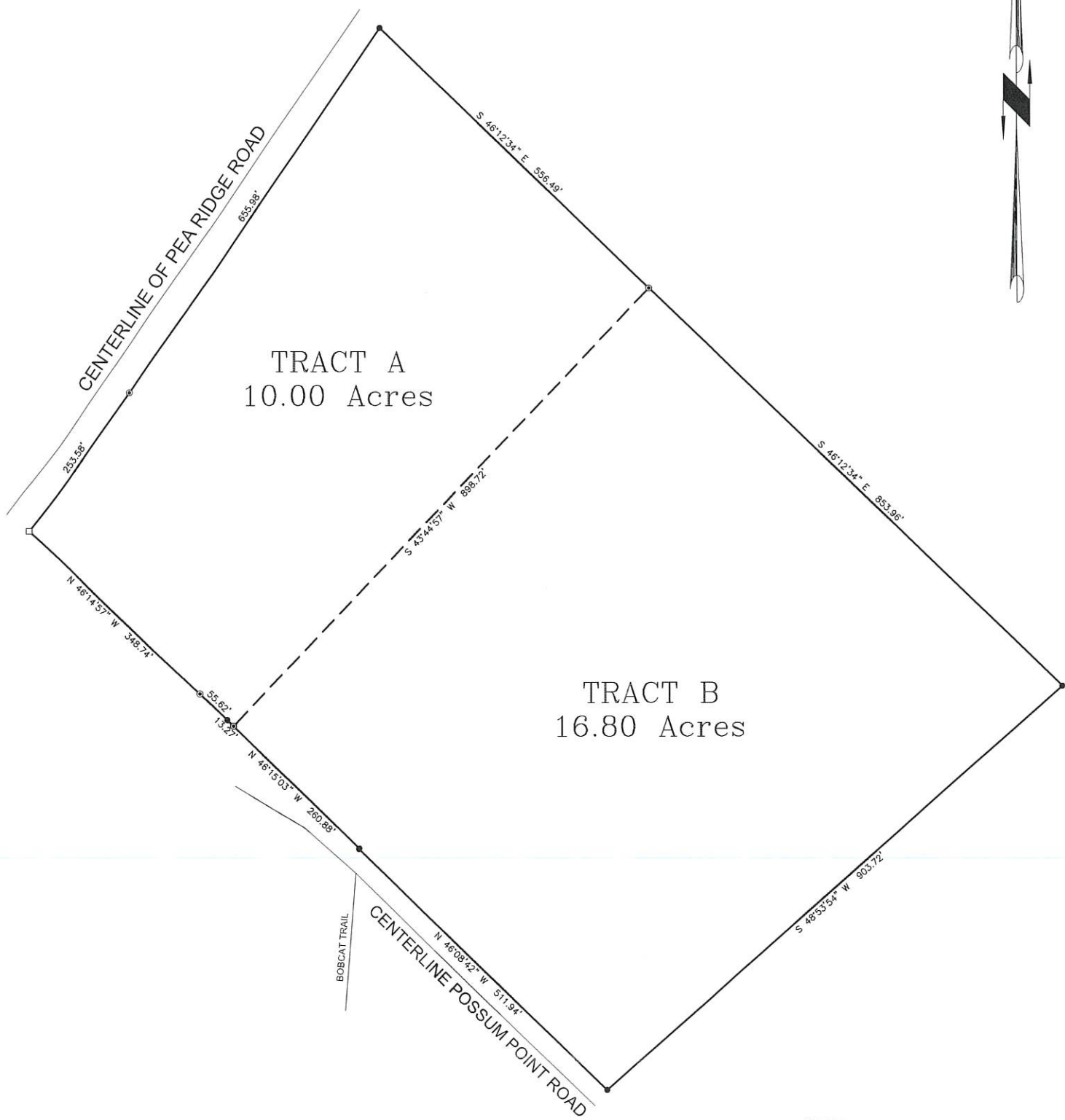
SALES TRACTS 87A.9 AND 10  
 2nd LAND DISTRICT  
 LYING IN LAND LOTS 260 & 261  
 313th G.M.D.  
 PUTNAM COUNTY, GEORGIA

SURVEYED: 10/18/2004	PLAT DRAWN: 11/01/2004
SURVEYOR:	SCALE: 1" = 200'
THOMPSON & FREEMAN LAND SURVEYORS, INC. 140 KENAM DR. NW WILLEDGEVILLE, GEORGIA 31061 PHONE: 478-414-1241	EQUIPMENT USED: TOPCON GTS-38 ELECTRONIC DISTANCE METER FILE: 818



CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	5828.05'	253.83'	253.81'	N 48°15'46" E

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 15,444 FEET AND AN ANGULAR ERROR OF 00'00"02" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPOUND SQUARE. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 556,098 FEET.



SCREEN & COORDINATE FILE : 23224P  
JAVAD GPS



RCUD 2023 OCT 24



# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

## DISCLOSURE OF APPLICANT'S CAMPAIGN CONTRIBUTION

The *Putnam County Code of Ordinances*, Section 66-167(c) states as follows:

“When any applicant or his attorney for a rezoning action has made, within two years immediately preceding the filing of that applicant’s application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

a. The name and official position of the local government official to whom the campaign contribution was made; and

b. The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution. The disclosures required by this section shall be filed within ten days after an application for the rezoning action is first filed.”

1. Name: \_\_\_\_\_

2. Address: \_\_\_\_\_

3. Have you given contributions that aggregated \$250.00 or more within two years immediately preceding the filing of the attached application to a candidate that will hear the proposed application? \_\_\_\_\_ Yes X No If yes, who did you make the contributions to? : \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_  
Date: 9/1/23

RCUD 2023 SEP 1



2022 002438 ACCT # 17295R 26.80 AC BUCKEYE DEV  
 BREWER WILLIAM A III 088 008 006

DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	TOTAL TAX DUE
FAIR MARKET VALUE	106,979	GROSS ASSESSMENT	42,792	113.35
COUNTY EXEMPTION	37,147	NET COUNTY ASSESSMENT	5,645	INTEREST
SCHOOL EXEMPTION	37,147	NET SCHOOL ASSESSMENT	5,645	
COUNTY	38.27			COLLECTION COST
SCHOOL	72.82			FIFA CHARGE
SPEC SERV	2.26			PENALTY
DUE 12/01/22	113.35	PAID IN FULL	10/18/2022	TOTAL
				113.35

00000 01 T BREWER WILLIAM A III  
 O % DOP HOLDINGS, LLC  
 116 CRABAPPLE DR  
 HAWKINSVILLE GA 31036

FROM PAMELA K. LANCASTER  
 PUTNAM COUNTY TAX COMM  
 100 S JEFFERSON ST # 207  
 EATONTON GA 31024

DUE IN FULL BY 12/01/2022

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 BREWER WILLIAM A III 088 008 006

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 100 S JEFFERSON ST # 207  
 EATONTON GA 31024

DUE IN FULL BY 12/01/2022

RCMD 2023 SEP 1 

IMPACT ANALYSIS

Impact analysis. If the application is for less than 25 single-family residential lots, an impact analysis need not be submitted. The impact analysis shall be prepared by a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person professionally involved in and familiar with land development activities.

1. The application must be accompanied by a written, documented analysis of the proposed zoning change with regard to each of the standards governing consideration, (which are enumerated under Putnam County Code of Ordinances, Chapter 66-Zoning, Sec. 66-165(d)) and are as follows:

- a. Is the proposed use consistent with the stated purpose of the zoning district that is being requested?
- b. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?
- c. Will the proposed use adversely affect the existing use, value or usability of adjacent or nearby property?
- d. Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?
- e. Are there substantial reasons why the property cannot or should not be used as currently zoned?
- f. Will the proposed use cause an excessive or burdensome use of public facilities or services or exceed the present or funded capabilities, including but not limited to streets, water or sewer utilities, and police or fire protection?
- g. Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?
- h. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, and a reasonable private use of the subject property?

2. A traffic impact analysis is to include the existing average daily traffic on road/streets leading to the nearest intersection and the projected average daily traffic. Additional requirements of the analysis may be provided by the Planning and Development Department and included with the application.

3. The estimated number of dwelling units and total floor area of non-residential uses (if applicable) of the proposed development.

4. Effect on the environment surrounding the area to be rezoned including the effect on all natural and historic resources. (State source of the information.)

5. Impact on fire protection with respect to the need for additional firefighting equipment or personnel. (State source of the information.)

6. What are the physical characteristics of the site with respect to topography and drainage courses?

7. Adjacent and nearby zoning and land use.

RECEIVED SEP 19 2023

1.
  - a. Yes, the proposed use of a country store is consistent with the requested zoning district of C-2.
  - b. Yes, the adjacent zoning includes C-2, R-2, and AG. The proposed use as a country store is suitable in view of the neighboring property. There is a liquor store on neighboring property.
  - c. No, the proposed use will not adversely affect the existing use, value or usability of nearby property.
  - d. Yes, The proposed use of a country store would complement the Comprehensive Plan for as a transition between residential and agricultural uses.
  - e. Yes, The current zoning doesn't allow for a country store.
  - f. No, The country store would not cause excessive of burdensome use of public facilities or services.
  - g. N/A
  - h. Yes
2. N/A
3. N/A
4. The environmental effect will be negligible as all necessary state and local codes regarding stormwater management will be adhered to.
5. This will be a small country store and standard fire fighting equipment would be adequate to fight fire at this facility if necessary.
6. The site is undeveloped land sloping southeast towards Lake Sinclair.
7. Adjacent and nearby zoning includes C-2, R-2, and AG. Nearby land use includes Residential, Agricultural and some Commercial. There is a neighboring liquor store. There is also a firestation and convenience center nearby.





Control Number : 23162566

# STATE OF GEORGIA

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

## CERTIFICATE OF EXISTENCE

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

**DOP Holdings LLC**  
a Domestic Limited Liability Company

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

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

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

Docket Number : 26065972  
Date Inc/Auth/Filed: 07/27/2023  
Jurisdiction : Georgia  
Print Date : 09/09/2023  
Form Number : 211



*Brad Raffensperger*

Brad Raffensperger  
Secretary of State

10/4/23  
*[Signature]*



# BUSINESS PLAN

## THE MEAT LOCKER

DATE PREPARED  
10/05/2023

### CONTACT

Darin Simmons  
116 Crabapple Dr.  
Hawkinsville, GA 31036 USA

Email: [REDACTED]  
Phone: [REDACTED]

RECEIVED OCT 05 2023



## TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	3
COMPANY OVERVIEW .....	4
PROBLEM & SOLUTION .....	5
THE PROBLEM .....	5
OUR SOLUTION.....	6
MARKET ANALYSIS .....	6
MARKET SIZE & SEGMENTS.....	6
COMPETITION .....	6
CURRENT ALTERNATIVES TARGET BUYERS ARE USING.....	6
OUR COMPETITIVE ADVANTAGES.....	7
PRODUCT OR SERVICE OFFERINGS .....	7
PRODUCT OR SERVICE .....	7
MARKETING.....	8
MARKETING PLAN .....	8
ORGANIZATION AND MANAGEMENT.....	9
MANAGEMENT AND TEAM: .....	9
MILESTONES & METRICS.....	11
MILESTONES.....	11
KEY PERFORMANCE METRICS .....	11
FINANCIAL FORECASTS .....	11
KEY ASSUMPTIONS.....	11
FINANCING .....	11
SOURCES OF FUNDING.....	11
USE OF FUNDING.....	12

## EXECUTIVE SUMMARY

The Meat Locker is innovative and ready to change the way business has been done in Putnam County for several years. Welcome to a traditional butcher shop where quality meat will speak for itself and lure first time shoppers to become repeat customers!

With the perfect location and no competitors in the market anywhere near us, this business is bound to thrive. We will invest in our community by bringing new jobs to Putnam County and hiring devoted workers that know the home-town people to ensure the perfect shopping experience.

As customers enter our brand-new building, the atmosphere will be welcoming and friendly. Customers will be able to select higher grade meat than they can at the local supermarket. A butcher on-site will hand cut beef, pork, and chicken for retail. All of the "fixings" for a meal will be available in the grocery section of our store. A consumer should be able to stop here for a one-stop-shop and have everything for his/her next meal. There will be grilled meats available on the weekends for those that want fresh meat but don't want to take the time to cook.

As a business owner in a different field for many years, I have the expertise to run a successful business and keep employees happy. I also have many advisors in the meat industry who can help navigate the selection of established, quality vendors for the meats we retail in the store.

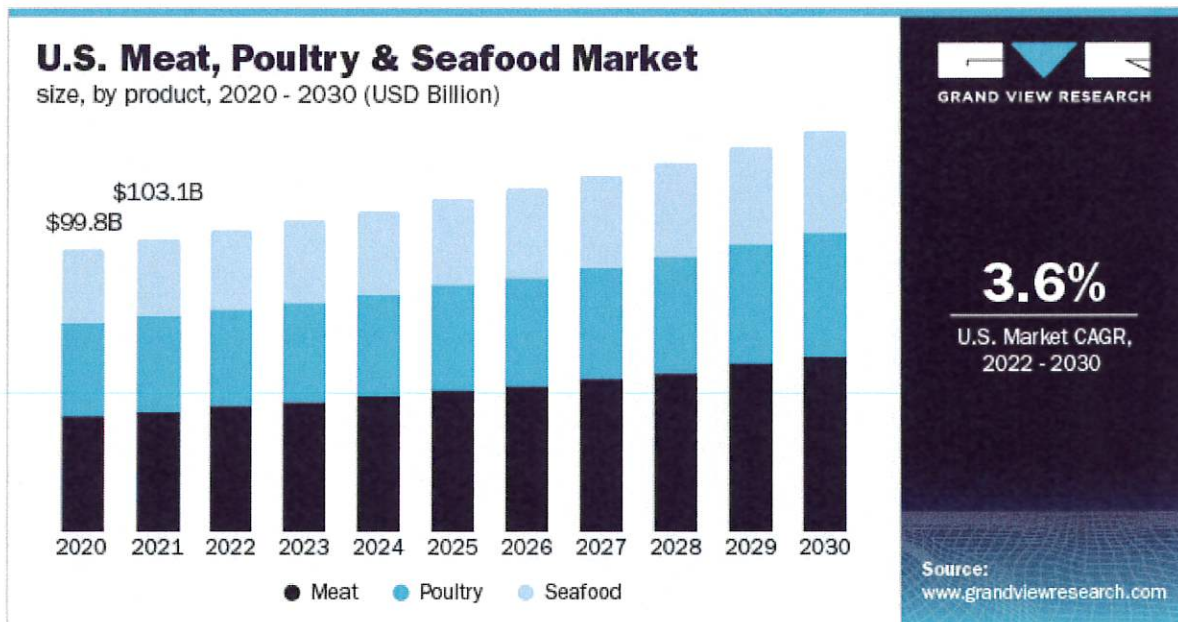
The market for meat is projected to rise for the foreseeable future. As people dine more and more at home, our store will be profitable for years to come. Our marketing plan is established and will promote our business as we get ready to open.

## COMPANY OVERVIEW

During a time of uncertainty in our economy, one thing is certain, people still have to eat. Our company will offer high-quality meats, produce, and groceries with a small-town atmosphere that large chain supermarkets cannot offer. Meats will be processed on-site instead of coming in pre-packaged like most of the chain stores. Basic grocery items will also be offered at our market, so it can become a one-stop-shop. Grilled items will be offered for those who don't have the time, energy, or need to cook as many at the lake are in "vacation mode."

Our company will achieve this with a clean, new building built to code to pass all government inspections. All equipment to process meats will be purchased in order to handle processing in-house. Vendors will be selected from reputable sources. Advisement and collaboration from an established meat market will also help in the start-up phase of the business.

Studies show the beef, poultry, and seafood markets are projected to climb by billions of dollars in the next several years. Consumers want quality meats, and the tendency to cook and eat at home has grown in the post-COVID-19 times. Consider the following graph by Grand View Research highlighting expected growth to these markets by 2030.





With the meat, poultry, and seafood market projections climbing, the opportunities abound to have a successful family-owned meat market where none are available. PR News Wire suggests a projected growth of 190.29 billion United States dollars from 2021 to 2025.



The fields are white for the harvest in the area of meat market sales.

## PROBLEM & SOLUTION

### THE PROBLEM

Currently, people in Putnam County who are in search of fresh cut meats must travel to Milledgeville or Greensboro. There is no where to locally purchase from a fresh meat market.

This is becoming more of a problem for people from Putnam County as the population around Lake Oconee has grown in recent years. Lots of people visit their lake homes on the weekends; however, many people have made their lake home their permanent residence. These people would frequent a local specialty meat shop if one was available locally.

Currently, the only available options for fresh meat are supermarkets in the area that are large chains. If a resident wants to purchase fresh meats from a specialty shop, the nearest such business is in Milledgeville for some and Greensboro for others.

## OUR SOLUTION

Located near the lake in Putnam County, our meat market will offer fresh cuts of beef, pork, chicken, and seafood processed on-site. This will give local residents access to quality meat with the added convenience of being able to shop close to home. This creates an alternate shopping experience from supermarkets.

## MARKET ANALYSIS

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### MARKET SIZE & SEGMENTS

Our target customers are the people local to Putnam County especially in the area of Lake Oconee. While some of the people who live at Lake Oconee are local, others vacation here. It is our goal to build relationships at a local market with those customers who visit on vacation as well. Then, they may take our products back to their hometowns and encourage others there to also be our customers. We also plan to incorporate online sales into the business to gain extra purchases & make the shopping experience easier.

The market for a custom cut meat shop is endless in Putnam County. Over ten thousand vehicles per day pass by on the highway where our store is being built with more than that passing on the weekend per Georgia Department of Transportation. Access to our building will be easily available to all of those passing.

People are willing to pay for quality meats and exceptional customer service. In general, our mark-up on products will be fifty percent of purchase price with some items being slightly more and a few items being slightly less. Receiving quality products and service will result in repeat sales.

## COMPETITION

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### CURRENT ALTERNATIVES TARGET BUYERS ARE USING

There is very little competition out there for the type of business we will have. The only local options currently for shopping in Putnam County are Piggly Wiggly and Ingles Supermarkets.

Meat markets are available in neighboring communities, but those all require at least a thirty-minute drive one-way.

## OUR COMPETITIVE ADVANTAGES

As a property owner myself in Putnam County, I identified the need for a specialty meat shop in this area after talking with friends and neighbors about the idea. I have always shopped at a custom meat store in my hometown, and realized that this is a definite need here. The quality of the meat alone will give an advantage to our shop over the competitors which provide lower grades of beef and pork. The meat at most supermarkets is delivered to the store pre-packaged and pre-cut. Customers at our store will be able to order cuts any thickness they prefer instead of having to go with standard supermarket cuts. The relatively small store, in comparison to the large supermarkets, will give customers more of a friendly, hometown, nostalgic feel.

## PRODUCT OR SERVICE OFFERINGS

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### PRODUCT OR SERVICE

Our store will center around fresh cut meat. Beef, pork, chicken, and seafood will be available to consumers with fresh chuck and/or beef being ground on-site. Steaks will be hand cut. Fresh pork will be processed in our store. Chicken will be fresh for the consumer. A frozen seafood selection will be available. Additionally, a grocery and produce section will be offered to customers on a small scale. The goal is for a shopper to be able to make our store a one-stop shop for dinner. Seasonings and sauces will be available as well as charcoal. Grilled meat will also be available on the weekends to try to give customers an added level of convenience when they don't feel like cooking but want a fresh meal.

The benefits of a service like this to the consumer in this area are substantial. People in Putnam County will be able to have access to fresh meat that is cut, processed, and packaged on-site. This is an excellent alternative to purchasing meat from a chain store that doesn't actually prepare the products in-house.

While quality meat tends to cost slightly more than that of a chain, the reward is worth the slight change in price simply by adding quality that the people of this area are not accustomed to.

## MARKETING

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### MARKETING PLAN

There are several aspects to our marketing plan including in person, local advertising, and social media options.

The first way of advertising our new business will be simple. People talk, especially in small towns. As our building is being developed, we will have a "Coming Soon" sign near the road. With over ten thousand vehicles passing by daily, this will be a great source for simple advertising to start people talking. Since the land at the road already belongs to our business, the only cost for this advertising is the cost of the sign or banner used.

We plan to join our local Chamber of Commerce to help spread the word and take advantage of the networking provided by the chamber to make connections with people who can help further develop our business. The cost of joining The Chamber is relatively inexpensive, and the benefit of being able to network as a new business owner in Putnam County is extremely valuable.

We will advertise through several social media platforms including Facebook and Instagram. These modes of interacting with customers and potential customers are free to use and reach thousands of people daily.

We will have a webpage for our business to encourage interaction with customers and potential customers. On our website, online ordering options will be available. Customers will be able to place their orders online, and when they get off work after a busy day, they can stop in for a completed order awaiting.

Promotional t-shirts will be made and used to advertise. Employees will have these shirts, and as customers begin to wear them, other people will see them and ask questions. Word of mouth from satisfied customers is the absolute best advertising!

Periodically, we may also advertise in the local newspaper in order to reach potential customers that receive the paper and may not receive news from social media. These advertisements will likely be on special occasions such as the grand opening and holidays.

## KEY PERFORMANCE METRICS

Success for our business means being profitable. We will monitor sales reports to keep up with profits and losses. Maximizing sales while minimizing waste is the goal in order to be profitable. Having a knowledgeable butcher who knows how to use every part of a loin when it is processed for the most profit will help reduce waste. Sales reports will be analyzed weekly in order to determine orders from vendors, products that may need to be placed on sale, and profits. Vendor invoices will be checked each time a delivery is received in order to keep up with fluctuating prices for retail sales. Success also means satisfying customers in order to have repeat customers.

## FINANCIAL FORECASTS

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### KEY ASSUMPTIONS

After discussion with established meat markets similar to this, approximately \$100,000 should cover the initial inventory for the business. Once the inventory is purchased, the doors open, and sales begin, by retailing products for at least a fifty percent mark-up, the business should remain profitable. This mark-up is sufficient to cover operating costs including utilities, payroll, purchases from vendors, and upkeep.

The market suggests that sales are higher for meat markets during certain times of the year. The beginning and end of the year have higher sales forecast than the hotter months of the year for most grocery and meat businesses. However, the location of our business near a lake where many people vacation in the summer should help gain business during months that are traditionally slower for most businesses.

## FINANCING

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### SOURCES OF FUNDING

The land has already been purchased. There is no need for a loan to clear land or build the building as these will come from money already saved in order to start the business. After the building is built, there may be a need to pursue a loan for initial operating costs from a local bank. That bank is to be determined after comparing rates.

## USE OF FUNDING

Once the building is built, equipment will need to be purchased for the cutting room, coolers & refrigeration units, shelving, cash register point of sale equipment, inventory, and supplies for the store. These things will be funded as much as possible with the money that is already saved for the purpose of developing this business, but some will come from a loan used for this purpose.







November 1, 2023

Mr. Darin Simmons  
Via E-mail

Re: Traffic Memorandum – Putnam County Store

Dear Mr. Simmons:

Coastal Engineering & Consulting is pleased to provide this traffic memo for the Putnam County Store development along Pea Ridge Road in Eatonton, Georgia. This memo will evaluate the existing conditions and provide information for all parties regarding how the proposed development will impact the existing corridor.

**PROJECT OVERVIEW**

The site is located along Pea Ridge Road, north of Possum Point in Eatonton, Georgia. The site is currently wooded. The proposed project will build a 5,000-sf country store.

**VEHICULAR VOLUMES**

Vehicle peak hour volumes were collected by GDOT near the intersection of Pea Ridge Road and Crooked Creek Road in May 2023. Table 1 summarizes the roadway peak hours during the collection.

<b>Table 1: Intersection Peak Hours</b>		
<b>Intersection</b>	<b>AM Peak Hour</b>	<b>PM Peak Hour</b>
Pea Ridge Road	7:15 – 8:15	4:45 – 5:45

**TRAFFIC ANALYSIS**

*Trip Generation*

The projected traffic for this site was determined using an applicable land use code provided in the 11<sup>th</sup> Edition of the ITE Trip Generation Manual. Based on the design elements and proposed use, it was determined that ITE Code 814 – Variety Store would be the best option to analyze the proposed data for the site. The Pass By trips used for this site are based on ITE recommendations. Table 2 provides ITE data based on the specified units.



**TABLE 2: ITE TRIP GENERATION DATA**

	Unit	Qty	Daily Trips	AM Total Trips	AM In	AM Out	Pass By	PM Total Trips	PM In	PM Out	Pass By
814 – Variety Store	KSF	5.000	318	15	8	7	0	34	11	11	12

*Background Traffic Growth*

Projected background traffic growth is defined as additional traffic anticipated on the roadway in the future that is not directly related to the project site. This is traffic that is expected to use the roadway in both a Build and No-Build scenario. This traffic is determined by using historical data provided by GDOT near the proposed site, short-term counter 237-0192. Table 3 shows the field volumes of this counter. No data was available for years not listed in the table.

**TABLE 3: HISTORIC TRAFFIC DATA, AADT**

Year	AADT
2023	6,168
2021	5,054
2019	4,538
2017	4,006
2015	3,847
2011	3,022

Based on the existing data, a 1.92% growth rate will be applied to the existing data for the design volumes.

*Peak Hour Volumes*

The existing data was determined from Sita Data provided at the temporary count station. Table 4 provides the peak hour volumes based on the existing data. Table 5 uses the growth rate and the traffic generated by the site to determine the 2026 Peak Hour volumes.

**TABLE 4: EXISTING PEAK HOUR VOLUMES**

	Pea Ridge Road NB			Pea Ridge Road SB		
<b>AM Peak</b>	<b>LT</b>	<b>Thru</b>	<b>RT</b>	<b>LT</b>	<b>Thru</b>	<b>RT</b>
	0	450	0	0	245	0
<b>PM Peak</b>	<b>LT</b>	<b>Thru</b>	<b>RT</b>	<b>LT</b>	<b>Thru</b>	<b>RT</b>
	0	188	0	0	351	0

**TABLE 5: 2026 PEAK HOUR VOLUMES**

	Pea Ridge Road NB			Pea Ridge Road SB			Putnam Country Store Access WB		
<b>AM Peak</b>	<b>LT</b>	<b>Thru</b>	<b>RT</b>	<b>LT</b>	<b>Thru</b>	<b>RT</b>	<b>LT</b>	<b>Thru</b>	<b>RT</b>
	0	475	5	3	260	0	4	0	3
<b>PM Peak</b>	<b>LT</b>	<b>Thru</b>	<b>RT</b>	<b>LT</b>	<b>Thru</b>	<b>RT</b>	<b>LT</b>	<b>Thru</b>	<b>RT</b>
	0	198	9	8	366	0	11	0	6

*Level-of-Service Analysis*

Capacity analysis techniques were used as described in the Highway Capacity Manual, Special Report 209, published by the Transportation Research Board, 2010. The Synchro Program (Version 10) from Trafficware was used to facilitate the analysis. The HCM level of service definitions are summarized in Table 6.

**TABLE 6: LEVEL OF SERVICE CRITERIA**

LEVEL OF SERVICE	STOP CONTROLLED INTERSECTIONS
	STOPPED DELAY PER VEHICLE (SECONDS)
A	≤ 10.0
B	10.1 to 15.0
C	15.1 to 25.0
D	25.1 to 35.0
E	35.1 to 50.0
F	≥ 50.0

The intersection of Pea Ridge Road at the Development has been analyzed with both the existing volumes and the projected build volumes. The 2026 volumes include both the existing volumes with the previously discussed growth rate and the trips generated by the site as described by the 11<sup>th</sup> Edition of the ITE Trip Generation Manual. Table 7 provides a summary of the level of service in both conditions.

Intersection	Approach	Existing 2023		Projected 2026 Build	
		AM Peak	PM Peak	AM Peak	PM Peak
Pea Ridge Road at Development (unsignalized)	Overall	A (0.00)	A (0.00)	A (0.20)	A (0.50)
	NBT	--	--	A (0.0)	A (0.0)
	NBR	--	--	A (0.0)	A (0.0)
	SBL	--	--	A (8.5)	A (7.7)
	SBT	--	--	A (0.0)	A (0.0)
	WBLR	--	--	B (14.2)	B (12.7)

Based on the analysis, the level of service for the Build condition is acceptable.

**CONCLUSION AND RECOMMENDATIONS**

The proposed project consists of constructing a 5,000 square foot country store.

Based on evaluating both the existing and proposed conditions, Coastal Engineering & Consulting recommends the following improvements for the site:

- The site will provide an acceptable level of service in the Build condition. No further improvements to the roadway will be needed.

Please feel free to contact this office if you have any additional questions.

Sincerely,



Scott Burns, P.E.  
Owner



Site 0000237\_0192

**0000237\_0192 - 237-0192**  
 Description: SR 002400 BEG AT  
 County: Putnam  
 Route number: 00021700  
 LRS section: 2372021700  
 Functional class: 5R - Major Collector (Rural)  
 Coordinates: 33.3031499846624

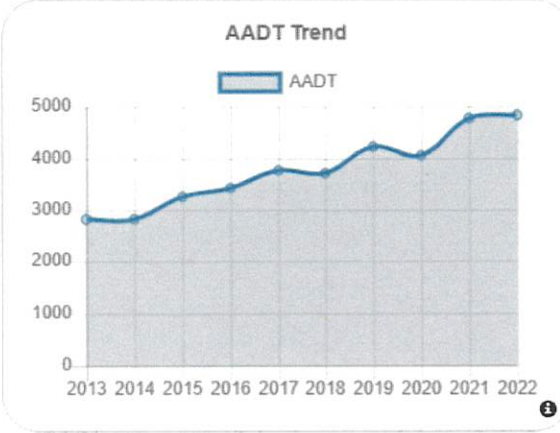
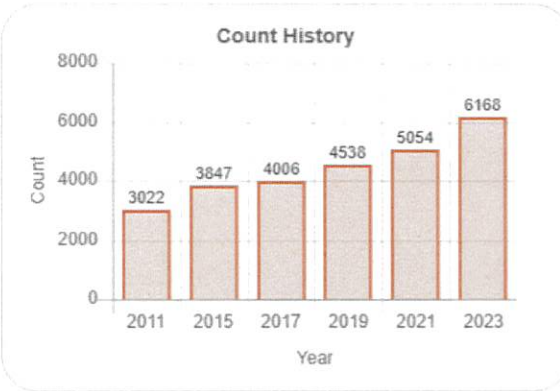
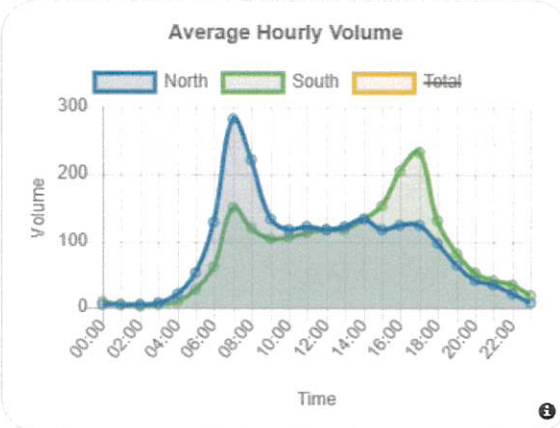
Site Data

Count History

Year	Month	Count type	Duration	C
2023	May	Class	48 hours	6,
2021	September	Class	48 hours	5,
2019	April	Class	48 hours	4,
2017	August	Class	48 hours	4,
2015	October	Volume	48 hours	3,
2011	September	Class	48 hours	3,

Annual Statistics

Data Item	2013	2014	2015	2016	2017	2018	2019	202
Statistics type	-	-	Actual	Estimated	Actual	Estimated	Actual	Esti
AADT	2,820	2,820	3,240	3,410	3,760	3,710	4,210	4,04
K-Factor	-	-	0.112	0.112	0.105	0.105	0.103	0.10
D-Factor	-	-	0.500	0.500	1.00	1.00	0.800	0.80
Future AADT	-	-	-	3,670	3,940	5,250	6,670	6,67



Vehicle Classification 2023

- Motorcycles** 0.24%  
2 axles, 2 or 3 wheels.
- Passenger cars** 68.12%  
2 axles. Can have 1- or 2-axle trailers.
- Pickups, panels, vans** 24.05%  
2-axle, 4-tire single units. Can have 1- or 2-axle trailers.
- Buses** 0.41%  
2- or 3-axle, full length.
- Single-unit trucks** 4.06%  
2-axle, 6-tire, (dual rear tires), single-unit trucks.
- Single-unit trucks** 0.54%  
3-axle, single-unit trucks.
- Single-unit trucks** 0.04%  
4 or more axle, single-unit trucks.
- Single-trailer trucks** 1.67%  
3- or 4-axle, single-trailer trucks.
- Single-trailer trucks** 0.81%  
5-axle, single-trailer trucks.

**Intersection**

Int Delay, s/veh	0.2					
<b>Movement</b>	<b>WBL</b>	<b>WBR</b>	<b>NBT</b>	<b>NBR</b>	<b>SBL</b>	<b>SBT</b>
Lane Configurations	Y		T			T
Traffic Vol, veh/h	4	3	475	5	3	260
Future Vol, veh/h	4	3	475	5	3	260
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	89	89	86	86
Heavy Vehicles, %	2	2	4	2	2	6
Mvmt Flow	4	3	534	6	3	302

<b>Major/Minor</b>	<b>Minor1</b>	<b>Major1</b>	<b>Major2</b>		
Conflicting Flow All	845	537	0	0	540
Stage 1	537	-	-	-	-
Stage 2	308	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12
Critical Hdwy Stg 1	5.42	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218
Pot Cap-1 Maneuver	333	544	-	-	1028
Stage 1	586	-	-	-	-
Stage 2	745	-	-	-	-
Platoon blocked, %			-	-	-
Mov Cap-1 Maneuver	332	544	-	-	1028
Mov Cap-2 Maneuver	332	-	-	-	-
Stage 1	584	-	-	-	-
Stage 2	745	-	-	-	-

<b>Approach</b>	<b>WB</b>	<b>NB</b>	<b>SB</b>
HCM Control Delay, s	14.2	0	0.1
HCM LOS	B		

<b>Minor Lane/Major Mvmt</b>	<b>NBT</b>	<b>NBRWBLn1</b>	<b>SBL</b>	<b>SBT</b>
Capacity (veh/h)	-	-	399	1028
HCM Lane V/C Ratio	-	-	0.019	0.003
HCM Control Delay (s)	-	-	14.2	8.5
HCM Lane LOS	-	-	B	A
HCM 95th %tile Q(veh)	-	-	0.1	0



**Intersection**

Int Delay, s/veh 0.5

**Movement** WBL WBR NBT NBR SBL SBT

Lane Configurations	↔		↔		↔	
Traffic Vol, veh/h	11	6	198	9	8	366
Future Vol, veh/h	11	6	198	9	8	366
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	94	94	78	78
Heavy Vehicles, %	2	2	7	2	2	4
Mvmt Flow	12	7	211	10	10	469

**Major/Minor** Minor1 Major1 Major2

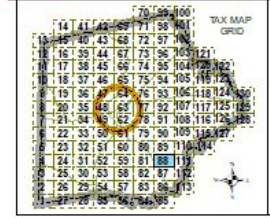
Conflicting Flow All	705	216	0	0	221	0
Stage 1	216	-	-	-	-	-
Stage 2	489	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	403	824	-	-	1348	-
Stage 1	820	-	-	-	-	-
Stage 2	616	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	399	824	-	-	1348	-
Mov Cap-2 Maneuver	399	-	-	-	-	-
Stage 1	812	-	-	-	-	-
Stage 2	616	-	-	-	-	-

**Approach** WB NB SB

HCM Control Delay, s	12.7	0	0.2
HCM LOS	B		

**Minor Lane/Major Mvmt** NBT NBRWBLn1 SBL SBT

Capacity (veh/h)	-	-	488	1348	-
HCM Lane V/C Ratio	-	-	0.038	0.008	-
HCM Control Delay (s)	-	-	12.7	7.7	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0	-



- Estonton Limits
- County Boundary
- Roads
- Parcels
- Parcel Hooks

**GEOGRAPHIC FEATURE LEGEND**

**Zoning**

Overlay District	AG-2	C-2 CITY	IND-2 CITY	R - 1 CITY	R-1	RM-2
No Code	C-1	I-M	MHP	R - 2 CITY	R-1R	RM-3
AG-1	C-1 CITY	IND-1 CITY	PUBLIC	R - 3 CITY	R-2	VILLAGE
AG-1 CITY	C-2	IND-2	PUBLIC CITY	R - 4 CITY	RM-1	

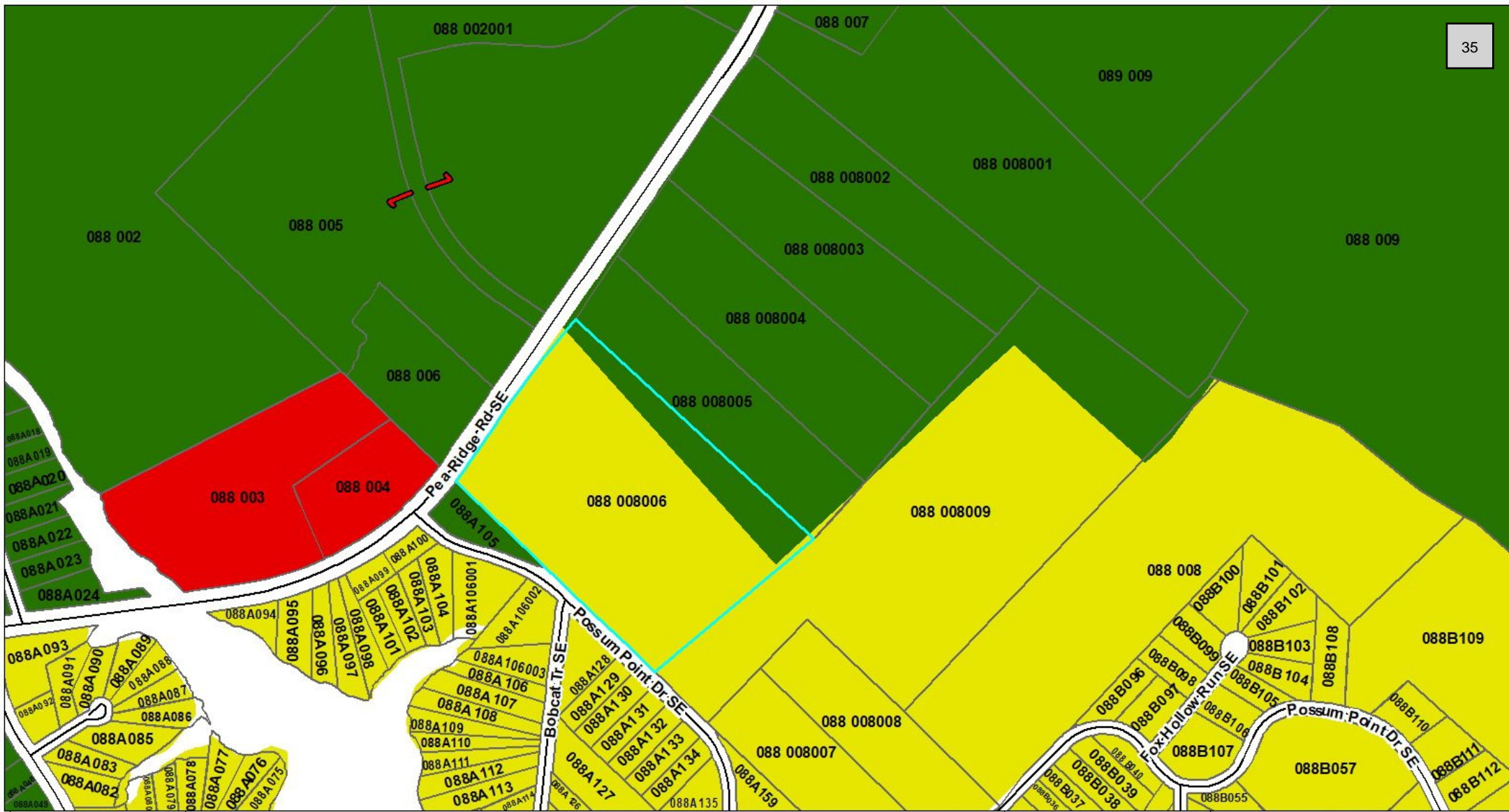
**MGRC**  
Middle Georgia Regional Commission  
175 Emery Hwy  
Suite C  
Macon, Georgia 31217  
(478) 751-6160  
Web:  
[www.middlegeorgia.org](http://www.middlegeorgia.org)

PUTNAM COUNTY, GEORGIA  
ZONING MAPS

**MAP 088**

MAP SCALE: 1" = 400'  
SCALE RATIO: 1:4,800  
DATE: NOVEMBER 2023





**GEOGRAPHIC FEATURE LEGEND**

Eatonton Limits	Agriculture/Forestry	Park/Recreation/Conservation	Residential
County Boundary	Commercial	Public/Institutional	Transportation/Communication/Utilities
Roads	Industrial	Undeveloped/Vacant	
Parcels			
Parcel_Hooks			
	Mixed Use		

**MGRC**  
Middle Georgia Regional Commission  
175 Emery Hwy  
Suite C  
Macon, Georgia 31217  
(478) 751-6160  
Web:  
[www.middlegeorgia.org](http://www.middlegeorgia.org)

PUTNAM COUNTY, GEORGIA  
FUTURE LAND USE MAPS

# MAP 088

MAP SCALE: 1" = 400'    SCALE RATIO: 1:4,800    DATE: NOVEMBER 2023

**Request by Darin L. Simmons to rezone 10 acres on Pea Ridge Road from AG to C-2. [Map 088, Part of Parcel 008006, District 4].**

**PLANNING & DEVELOPMENT-LISA JACKSON STAFF RECOMMENATION:**

Mr. Simmons is requesting to rezone 10 acres of his 26.8-acre AG tract from AG to C-2. If approved, he would like to establish a country store and meat market. The proposed project will be a 5,000-sf building. He plans to serve the public six days a week, employ 10 plus local employees, and use as many local produce and vendors as possible. His mission is to provide his customers with fresh meat etc. that is needed to complete a meal. There will also be an onsite butcher available to assist with cutting the meat. On the weekends, he will offer previously prepared grilled meats for purchase. According to his business plan, studies show the beef, poultry, and seafood markets are projected to climb by billions of dollars in the next several years.

The subject parcel is located along Pea Ridge Road, north of Possum Point Road. The proposed use of a country store is consistent with the requested zoning district of C-2. Although the Future Land Use Comprehensive Plan projects the future use as residential use, there are 10 C-2 parcels starting at the proposed parcel through the intersection of Pea Ridge Road and GA Hwy 441. There are also 12 additional commercial zoned parcels at the intersection of Pea Ridge Road, Martin Luther King Jr. Drive and Scuffleboro Road. Therefore, being consistent with the existing use of multiple parcels in the area. The proposed use is suitable in view of the neighboring properties and will not adversely affect the existing use, value, or usability and reflects a reasonable balance between the promotion of public health, safety, and private use of the subject property. According to the submitted traffic analysis, the level of service for the build condition is acceptable. Based on evaluating the existing and proposed conditions, Coastal Engineering & Consulting determined that the site would provide an acceptable level of service in the Build condition and no further improvements to the road will be needed. Moreover, the proposed development should not affect the flow of traffic.

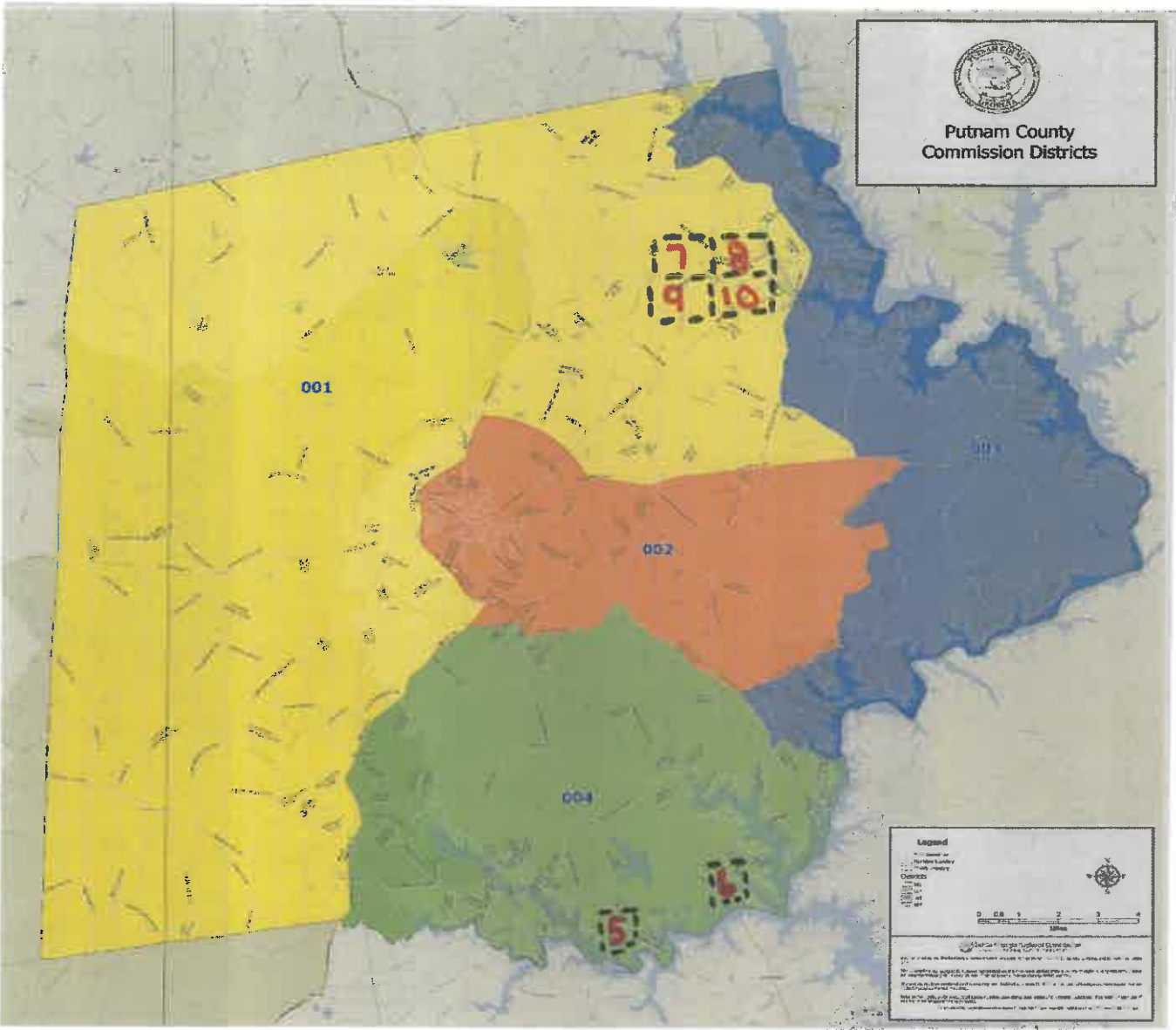
**The staff recommendation is for approval to rezone 10 acres on Pea Ridge Road from AG to C-2. [Map 088, Part of Parcel 008006, District 4].**

**PLANNING & ZONING COMMISSION RECOMMENDATION:**

*The Planning & Zoning Commission's recommendation is for approval to rezone 10 acres on Pea Ridge Road from AG to C-2. [Map 088, Part of Parcel 008006, District 4].*

**File Attachments for Item:**

7. Request by Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust to rezone 1.03 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 086, District 1] (staff-P&D)



5. Request by **Bobby J. Wilder** for a conditional use at 641 Dennis Station Road. Presently zoned AG [Map 082, Parcel 059, District 4].
6. Request by **Darin L. Simmons** to rezone 10 acres on Pea Ridge Road from AG to C-2. [Map 088, Part of Parcel 008006, District 4].\*
7. Request by **Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust** to rezone 1.03 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 086, District 1].\*
8. Request by **Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust** to rezone 1.03 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 087, District 1].\*
9. Request by **Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust** to rezone 1.02 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 088, District 1].\*
10. Request by **Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust** to rezone .38 acres on Old Phoenix Road from RM-3 to C-1. [Map 103A, Parcel 208, District 1].\*
11. **Approval of the 2024 Planning and Zoning Public Hearing Agenda and Deadline Schedule**





# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

## APPLICATION FOR REZONING

REZONING

APPLICATION NO. 2023-REZONE-37 DATE: 10-26-23

MAP 103A PARCEL 086 ZONING DISTRICT RM-1 Existing / C-1 Proposed

1. Owner Name: Eugene C Wheeler as Trustee for Eugene C Wheeler 2016 Trust

2. Applicant Name (If different from above): Rick McAllister

3. Mailing Address: 1341 Beverly Drive Athens, GA 30606

4. Email Address: [REDACTED]

5. Phone: (home) \_\_\_\_\_ (office) \_\_\_\_\_ (cell) [REDACTED]

6. The location of the subject property, including street number, if any: Old Phoenix Road

7. The area of land proposed to be rezoned (stated in square feet if less than one acre): 1.03 ac

8. The proposed zoning district desired: C-1

9. The purpose of this rezoning is (Attach Letter of Intent) See Impact Study

10. Present use of property: Undeveloped Residential Desired use of property: Commercial

11. Existing zoning district classification of the property and adjacent properties:  
Existing: RM-1  
North: C-1 South: RM-1 - Pending C-1 East: C-1 West: R-1

12. Copy of warranty deed for proof of ownership and if not owned by applicant, please attach a signed and notarized letter of agency from each property owner for all property sought to be rezoned.

13. Legal description and recorded plat of the property to be rezoned.

14. The Comprehensive Plan Future Land Use Map category in which the property is located. (If more than one category applies, the areas in each category are to be illustrated on the concept plan. See concept plan insert.): \_\_\_\_\_

15. A detailed description of existing land uses: Undeveloped Residential

RECEIVED OCT 26 2023



# PUTNAM COUNTY PLANNING & DEVELOPMENT

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16. Source of domestic water supply: well \_\_\_\_\_, community water \_\_\_\_\_, or private provider X.  
If source is not an existing system, please provide a letter from provider.

17. Provision for sanitary sewage disposal: septic system X, or sewer \_\_\_\_\_. If sewer, please provide name of company providing same, or, if new development, provide a letter from sewer provider.

18. Complete attachment of Disclosure of Campaign Contributions Form by the applicant and/or the applicant's attorney as required by the Georgia Conflict of Interest in Zoning Act (O.C.G.A. 36-67A).

19. The application designation, date of application and action taken on all prior applications filed for rezoning for all or part of the subject property. (Please attach on separate sheet.)

20. Proof that property taxes for the parcel(s) in question have been paid.

21. Concept plan.

- If the application is for less than 25 single-family residential lots, a concept plan need not be submitted. (See attachment.)
- A concept plan may be required for commercial development at director's discretion

22. Impact analysis.

- If the application is for less than 25 single-family residential lots, an impact analysis need not be submitted. (See attachment.)
- An Impact analysis (including a traffic study) is required when rezoning from residential zoned or used property to commercial or industrial districts.

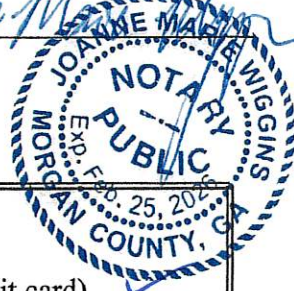
THE ABOVE STATEMENTS AND ACCOMPANYING MATERIALS ARE COMPLETE AND ACCURATE. APPLICANT HEREBY GRANTS PERMISSION FOR PLANNING AND DEVELOPMENT PERSONNEL OR ANY LEGAL REPRESENTATIVE OF PUTNAM COUNTY TO ENTER UPON AND INSPECT THE PROPERTY FOR ALL PURPOSES ALLOWED AND REQUIRED BY THE PUTNAM COUNTY CODE OF ORDINANCES.

FL Duhon 10/26/2023  
Signature (Property Owner) (Date)

Rick M. Allister 10-26-23  
Signature (Applicant) (Date)

Joanne Marie Wiggins  
Notary Public

Joanne Marie Wiggins  
Notary Public



Office Use		
Paid: \$ <u>300</u>	(cash) _____	(check) _____ (credit card) _____
Receipt No. _____	Date Paid: _____	
Date Application Received: <u>10-26-23</u>		
Reviewed for completeness by: <u>[Signature]</u>		
Date of BOC hearing: <u>12-19-23</u>	Date submitted to newspaper: <u>11-13-23</u>	



# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ [www.putnamcountyga.us](http://www.putnamcountyga.us)

Date sign posted on property: \_\_\_\_\_ Picture attached: yes \_\_\_\_\_ no \_\_\_\_\_

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**LETTER OF INTENT – PARCEL 103A-208 / 103A-068-088**  
**C1 ZONING REQUEST**

The parcels are located along Old Phoenix roads with a combined area of approximately 3.63 acres. The intent of the re-zone application is to combine these parcels to create a commercial tract with approximately 500 LF on Old Pheonix road frontage. Surrounding land uses include C-1 Zoned parcels to East, North and South and R-1 Zoned Parcels to West.

The intended land use for this property is a Convenience store and a future use to be determined. The attached conceptual plan illustrates the proposed amount of use including conceptual layout of interior roads.

We appreciate the consideration to promote quality development within Putnam County.

eFiled & eRecorded  
DATE: 11/3/2021  
TIME: 4:32 PM  
DEED BOOK: 01062  
PAGE: 00220 - 00221  
RECORDING FEES: \$25.00  
TRANSFER TAX: \$540.00  
PARTICIPANT ID: 4545272391  
CLERK: Trevor J. Addison  
Putnam County, GA  
PT61: 117-2021-002204

STATE OF GEORGIA  
COUNTY OF PUTNAM

THIS INSTRUMENT WAS PREPARED BY AND  
SHOULD BE RETURNED TO:

Bluegrass Church, Grant & Ashby, P.C.  
1021 Parkside Commons, Suite 104  
Gainesville, GA 30602  
(706) 537-1119  
FILE No: 07829-0024

LIMITED WARRANTY DEED

THIS INDENTURE made and entered into this 3rd day of November, 2021, by and between JERRY O. SMITH, as Grantor(s), and EUGENE C WHEELER AS TRUSTEE OF THE EUGENE C WHEELER 2016 TRUST, as Grantee(s),

WITNESSETH

That the said Grantor(s), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to-wit:

**TRACT ONE:** All those certain lots, tracts or parcels of land situate, lying and being in the 340th G.M.D., Land Lot 340, Putnam County, Georgia being designated and described as Lot 6 containing 1.03 acres, more or less; Lot 7 containing 1.03 acres, more or less and Lot 8 containing 1.03 acres, more or less, Hidden Lake Subdivision, Phase II and being more particularly and accurately described on that certain plat of survey dated July 9, 1996 by Corry and Associates and recorded in Plat Book 24, Page 79 in the Office of the Clerk of the Superior Court of Putnam County, Georgia. Said plat is incorporated herein and made part hereof by reference thereto.

Tax Map & Parcel Nos.: 103A-86, 103A-87, 103A-88 Prior Deed References: Deed Book 566, Page 197

**TRACT TWO:** All that tract or parcel of land lying and being in the 389th District, G.M. of Putnam County, Georgia, being in Land Lot 340 of the 3rd Land District and being Lot 31 of Hidden Lake Subdivision, Phase II, and containing 1.74 acres, more or less, as shown on that certain plat recorded in Plat Book 13, Page 174, Putnam County, Georgia records, which plat is incorporated herein by reference and made a part hereof.

Tax Map & Parcel No.: 103A-135 Prior Deed References: Deed Book 566, Page 196

**TRACT THREE:** All that tract or parcel of land, lying and being situate in 389th G.M., District of Putnam County, Georgia and shown as that portion of "Hidden Lake Ln.-60° R/W", containing 0.545 acres, more

eFiled & eRecorded  
DATE: 11/3/2021  
TIME: 4:32 PM  
DEED BOOK: 01062  
PAGE: 00221

or less, as shown on the survey attached hereto as Exhibit "A". Said property is more particularly described as follows; Beginning at a rebar found at the northwestern most corner of Lot 31, of Hidden Lake Subdivision, Phase II as shown on plat recorded at Plat Book 13, Page 174, Putnam County records, said rebar being the POINT OF BEGINNING. From said point of beginning, proceed thence North 22 Degrees 25 Minutes 44 Seconds East a distance of 60.64 feet to a point; thence South 75 Degrees 55 Minutes 14 East a distance of 91.19 feet to a rebar found; thence South 75 Degrees 55 Minutes 14 East a distance of 300.00 feet to a point; thence South 14 Degrees 04 Minutes 46 Seconds West a distance of 60.00 feet to a rebar; thence following a line (said line appearing to run parallel to the southern boundary line of Lot 31, and an approximate call of North 75 Degrees 55 Minutes 14 West) approximately 400.00 feet back to the POINT OF BEGINNING.

Tax Map/Parcel ID #: 103A135,208,088, 087,086

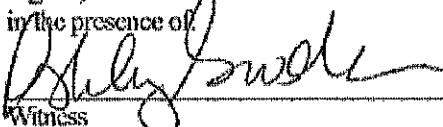
TO HAVE AND TO HOLD the said described property with all and singular the rights, members and appurtenances thereunto appertaining, to the only proper use, benefit and behoof of the said Grantee(s), in Fee Simple,

And the said Grantor(s) warrants and will forever defend the right and title to the said property conveyed hereby unto the said Grantee(s), against the lawful claims of all persons by, through and under the Grantor(s).

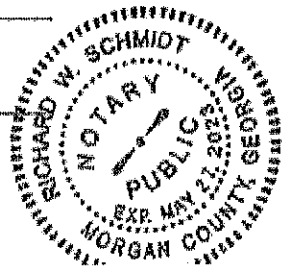
IN WITNESS WHEREOF, the Grantor(s) has hereunto set his/her hand, affixed his/her seal and delivered these presents on the day and year first written above.

  
\_\_\_\_\_  
Jerry O. Smith By his Attorney in Fact  
Tracy Harper-Bailey (SEAL)

Signed, sealed and delivered  
in the presence of

  
\_\_\_\_\_  
Witness

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





# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

LETTER OF AGENCY- Re-Zone

WE, THE UNDERSIGNED OWNERS OF REAL PROPERTY LOCATED IN THE CITY OF EATONTON/PUTNAM COUNTY, GEORGIA, HEREBY APPOINT Rick McAllister TO BE MY/OUR AGENT FOR THE PURPOSE OF APPLYING FOR Re-Zone OF PROPERTY DESCRIBED AS MAP 103A PARCEL 086, CONSISTING OF 1.03 ACRES, WHICH HAS THE FOLLOWING ADDRESS: Old Phoenix Road EATONTON, GEORGIA 31024. ATTACHED HERETO IS A COPY OF A DEED AND OR PLAT OF SURVEY DESCRIBING THE PROPERTY OWNED BY THE PROPERTY OWNER(S) TO WHICH THIS LETTER OF AGENCY APPLIES.

THE ABOVE-NAMED AGENT HEREBY IS AUTHORIZED TO COMPLETE AND SIGN THE CITY OF EATONTON/PUTNAM COUNTY APPLICATION FOR Re-Zone ON OUR BEHALF. WE UNDERSTAND THAT THIS LETTER OF AGENCY WILL BE ATTACHED TO AND MADE PART OF SAID FORM AND WILL BE RELIED UPON BY THE CITY OF EATONTON/PUTNAM COUNTY. FOR AND IN CONSIDERATION OF THE CITY OF EATONTON/PUTNAM COUNTY ACCEPTING THIS LETTER OF AGENCY, WE HEREBY INDEMNIFY AND HOLD HARMLESS THE CITY OF EATONTON/PUTNAM COUNTY AND ITS AGENTS AND/OR EMPLOYEES IN THE EVENT THAT THE ABOVE NAMED AGENT SHOULD MISUSE THIS LETTER OF AGENCY AND WE SUFFER DAMAGES AS A RESULT.

THIS 22 DAY OF September, 2023.

PROPERTY OWNER(S): Eugene C. Wheeler, Trustee Eugene C. Wheeler 2016 Trust  
NAME (Neatly PRINTED)

E. C. Wheeler  
SIGNATURE

ADDRESS: 1221 Lake Club Dr, Greensboro, GA 30642

PHONE: [REDACTED]

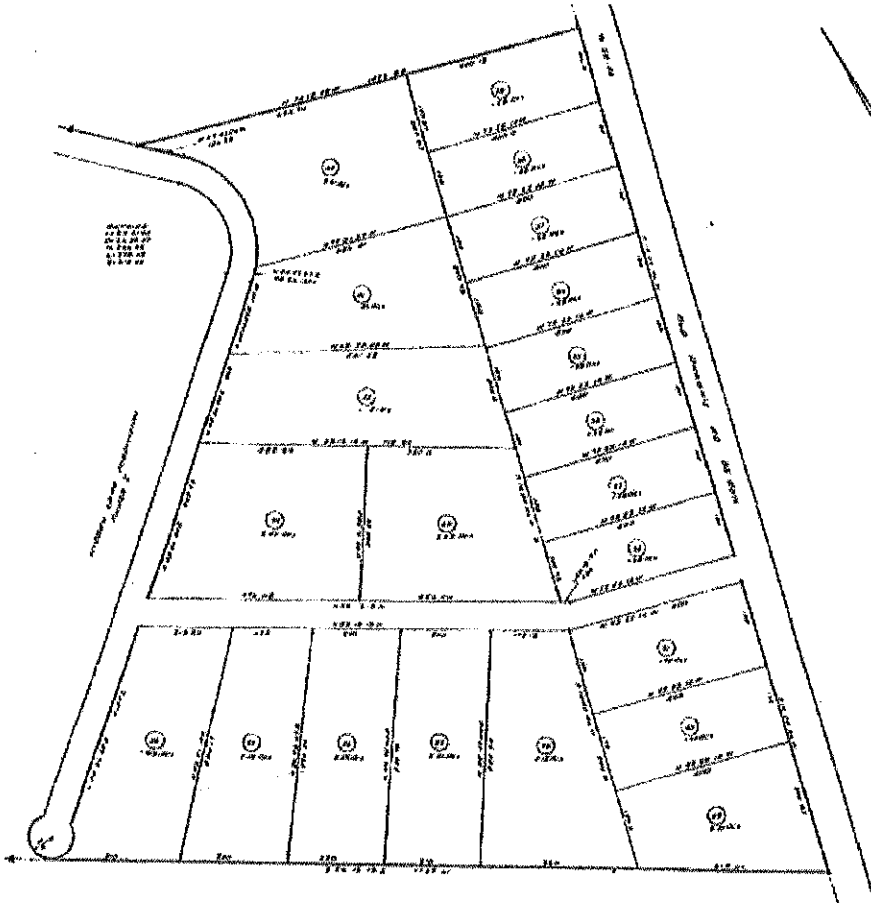
ALL SIGNATURES WERE HEREBY SWORN TO AND SUBSCRIBED BEFORE ME THIS 22 DAY OF September, 2023

NOTARY Belinda L Funez

MY COMMISSION EXPIRES: 8-31-24







174

CLYDE W. SHAW, INC.  
 100 N. W. 1st St., Miami, Fla.  
 Plat Book 12



174

MIDDLEBURY COLLEGE  
 1880  
 MIDDLEBURY COLLEGE  
 1880

174



September 26, 2023

Lisa Jackson  
Director  
Putnam County Planning and Development  
117 Putnam Drive, Suite B  
Eatonton, Georgia 31024

Subject: Sewer Availability – Parcels 103A-208 / 103A-086 to 088

Dear Ms. Jackson:

Piedmont Water Company (PWC) has reviewed the plans for the parcels listed above and has water and sewer capacity available for this project as shown on the MSC plans dated September 23, 2023. The project will require sewer grinder pumps.

Please feel free to contact me with any questions regarding this matter at 800-248-7689, extension 208, or by email: [jmatthews@piedmontwater.com](mailto:jmatthews@piedmontwater.com)

Sincerely,

A handwritten signature in black ink, appearing to read "W. J. Matthews", with a long, sweeping horizontal stroke extending to the right.

W. J. Matthews  
Vice President of Operations



# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

## DISCLOSURE OF APPLICANT'S CAMPAIGN CONTRIBUTION

The *Putnam County Code of Ordinances*, Section 66-167(c) states as follows:

“When any applicant or his attorney for a rezoning action has made, within two years immediately preceding the filing of that applicant’s application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

a. The name and official position of the local government official to whom the campaign contribution was made; and

b. The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution. The disclosures required by this section shall be filed within ten days after an application for the rezoning action is first filed.”

1. Name: \_\_\_\_\_

2. Address: \_\_\_\_\_

3. Have you given contributions that aggregated \$250.00 or more within two years immediately preceding the filing of the attached application to a candidate that will hear the proposed application? \_\_\_\_\_ Yes  No If yes, who did you make the contributions to? : \_\_\_\_\_.

Signature of Applicant: \_\_\_\_\_

Date: 9 / 12 / 23

DESCRIPTION	TAX AMOUNT	EXEMPTION	MILLAGE
FAIR MARKET VALUE	\$130,909		
COUNTY	\$354.98	\$0.00	6.779
SCHOOL	\$675.50	\$0.00	12.9
SPEC SERV	\$20.95	\$0.00	0.4

<b>ORIGINAL TAX DUE</b>
\$1,051.43
<b>INTEREST</b>
<b>COLLECTION COST</b>
<b>FIFA CHARGE</b>
<b>PENALTY</b>
<b>TOTAL PAID</b>
\$1,051.43
<b>TOTAL DUE</b>
\$0.00

Date Paid: 12/2/2022

TO WHEELER EUGENE C AS TRUSTEE  
759 KINGSTON CT  
APOLLO BEACH, FL 33572

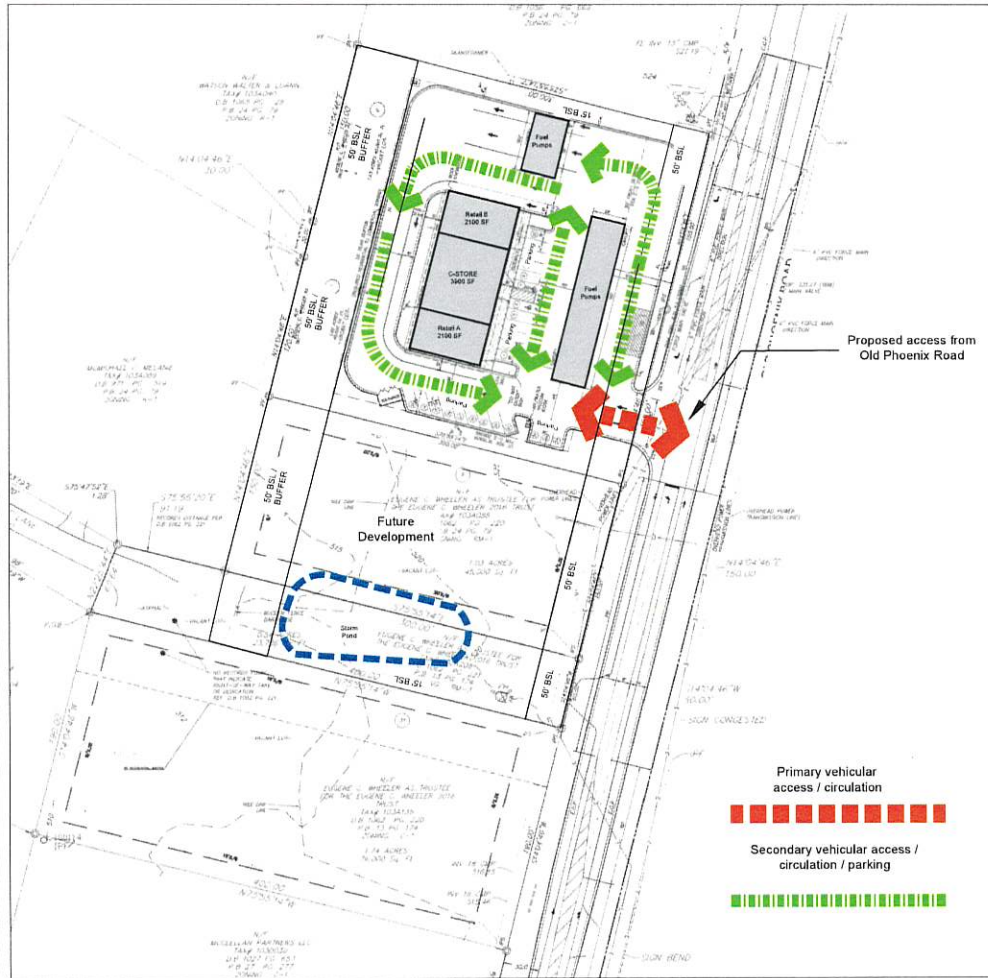
FROM Putnam County Tax Commissioner  
100 South Jefferson Ave Suite 207  
Eatonton, GA 31024-1061  
(706) 485-5441



Scan this code  
with your mobile  
phone to view this  
bill



This plan is conceptual in nature and is an approximate representation of potential land uses, sizes, locations and circulation patterns. The plan is intended to be developed over a period of time and should maintain flexibility to accommodate specific soil conditions, environmental concerns, physical constraints, market conditions and design parameters.



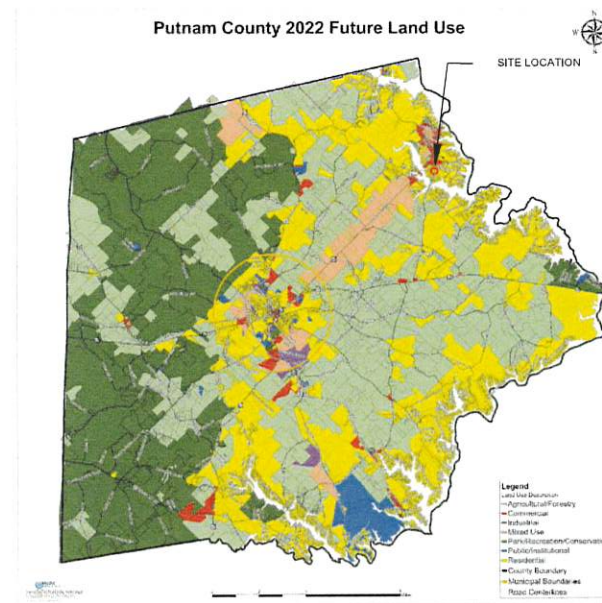
CURRENT ZONING AND PARCEL MAP NOT TO SCALE

Proposed Use: Convenience Store / Retail with Fuel Pumps. Maximum combination of building size of 79,650 square feet (15,000 sf / Acre): 3.63 AC X 15,000 = 54,450 SF

Concept Plan: Illustrates ~ 8,100 sf of Retail / Convenience Store with Fuel Pumps

Applicant: Rick McAllister  
1341 Beverly Drive, Athens GA. 30606  
706-206-5030

Intent: Amend zoning to C-1. Develop commercial use utilizing Convenience Store and Retail land use.



COMPREHENSIVE PLAN SCALE AS NOTED

CONCEPT PLAN EXHIBIT

SCALE: As Noted Subject to Change  
September 23, 2023

PARCELS 103A-208 / 103A-086 thru 088

CONCEPTUAL SITE PLAN  
PUTNAM COUNTY, GEORGIA



**IMPACT ANALYSIS  
PARCELS 103A –  
208 / 103A-086-088  
OLD PHOENIX ROAD  
PROPOSED C-1 DEVELOPMENT  
REZONING REQUEST.**



**MCALLISTER SITE CONSULTING, LLC  
RICK MCALLISTER  
1341 BEVERLY DRIVE  
ATHENS, GEORGIA 30606  
706-206-5030**

**TABLE OF CONTENTS**

Letter of Intent..... Page 3

Impact Study Information ..... Page 4

Traffic Study ..... Attachment

Plat of Property(s)..... Attachment

Existing Conditions ..... Attachment

Existing Zoning .....Attachment

Conceptual Site Plan ..... Attachment



**LETTER OF INTENT – PARCEL 103A-208 / 103A-068-088**  
**C1 ZONING REQUEST**

The parcels are located along Old Phoenix roads with a combined area of approximately 3.63 acres. The intent of the re-zone application is to combine these parcels to create a commercial tract with approximately 500 LF on Old Pheonix road frontage. Surrounding land uses include C-1 Zoned parcels to East, North and South and R-1 Zoned Parcels to West.

The intended land use for this property is a Convenience store and a future use to be determined. The attached conceptual plan illustrates the proposed amount of use including conceptual layout of interior roads.

We appreciate the consideration to promote quality development within Putnam County.

**IMPACT ANALYSIS INFORMATION**

**ITEM #1**

***Is the proposed use consistent with the stated purpose of the zoning district that is being requested?***

The proposed land use of the site is consistent and allowed within C1 Zoning. Proposed Use is listed as allowed per (Sec. 66-103)

***Is the proposed use suitable in view of the zoning and development of adjacent or nearby property?***

The parcels are surrounded by existing C-1 Zoned parcels. Only 1 side borders R-1 Zoning.

***Will the proposed use adversely affect the existing use, value or usability of adjacent or nearby property?***

The access to site is proposed along existing county roads, buffers and setbacks will be place per county requirements.

Proposed zoning is consistent with surrounding areas.

Drainage of site will be contained at or exceeding Putnam County storm water requirements.

***Is the proposed use compatible with the proposed intent of the Comprehensive Plan?***

The 2022 Putnam County Future land use plan illustrates this site within Residential future land use. As this area of the county develops, trends can be identified by zoning patterns. Please refer to the existing zoning map exhibit as an illustration of the land use pattern in proximity to the proposed parcel.

***Are there substantial reasons why the property cannot or should not be used as currently zoned?***

The property is currently zoned Residential and proposed use is not allowed in Residential Zoned parcels.

***Will the proposed use cause an excessive or burdensome use of public facilities or services or exceed the present or funded capabilities, including but not limited to streets, water or sewer utilities and police or fire protection?***

The proposed development will incur the cost of constructing streets interior to the project. Final plans will meet emergency vehicle equipment circulation requirements. Water and sewer will be provided by a private utility company and flow will be provided as private utility can supply.

***Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?***

The parcel is located well within an existing commercial corridor on one of Putnam County's arterial roads. The current comprehensive plan includes directives to be adjusted as existing and proposed uses reflect change in the county. The portion of Old Pheonix road corridor which this parcel is located is within an existing commercial growth pattern. This area reflects commercial and as the comprehensive plan is considered as a "living" document – future land use needs to be amended for this area of the county.

***Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, and reasonable private use of the subject property?***

The proposed use responds to the growing trend of C-1 use along Old Phoenix Road.

**ITEM #2 TRAFFIC ANALYSIS – (SEE ATTACHMENT)**

**ITEM# 3**

**The conceptual plan is based upon development standards for C-1 Zoning are as follows:**

The conceptual plan illustrates commercial use with C1 development Standards (see attached conceptual Plan)

**ITEM #4**

**Effect on environment surrounding the area:**

Natural:

The property is currently mixed open area and partially wooded with topography sloped into 1 drainage corridor. The entire parcel comprises of its own watershed directed to existing drainage corridors which eventually flow into Lake Oconee. A 25' State Waters buffer will be placed on all qualified pond or stream components. Some wetland areas

may exist on site and will be delineated by an Environmental Consultant. Wetlands will be mapped, surveyed and protected per environmental guidelines upon development of project areas(s). Source: Putnam County / City of Eatonton 2007-2030 Comprehensive Plan – Wetlands Map 6 Prepared by Middle Georgia RDC

**Erosion:**

The property is currently in open pasture and partially wooded state. Development plans will adhere to State and Local Regulations of Erosion Control and Storm water standards. Source: On site Observation

**Historic:**

The proposed site has no known or listed Cultural or Historical Resources located on site. Source: Putnam County / City of Eatonton 2007-2030 Comprehensive Plan Cultural and Historical Resources Map 13 prepared by Middle Georgia RDC

**Watershed:**

The proposed area is not within any small or buffered municipal watershed areas.

**ITEM #5**

**Impact on fire protection**

Proposed interior roads will allow emergency vehicle access to all property. Fire protection will be provided as Private Utility water main connections allow.

**ITEM #6 – PHYSICAL CHARACTERISTICS OF SITE (SEE ATTACHMENT)**

**ITEM #7 – ADJACENT AND NEARBY ZONING – See Conceptual p**





**SIMONTON**  
ENGINEERING

# OLD PHOENIX RD COMMERCIAL DEVELOPMENT

DRI Traffic Impact Study  
SE #2023-156



Paul Simonton  
paul@simontoneng.com

Hinesville, Georgia Phone: (912) 977-1502  
Greensboro, Georgia Phone: (706) 454-0870

## Old Phoenix Project Traffic Impact Study

### General

The project is a commercial development located on Old Phoenix Road in Putnam County. The development which includes three parcels will be planned for a convenience store, drive through restaurant and a third low traffic use on two of the parcels. The use of the third parcel is undetermined at this time. All three parcels combined is approximately one acre.



Predicted Traffic

Trip Generation software by Microtrans will be used to generate average daily traffic plus peak hour enter and exit projections for each use. The projected future traffic will be combined with existing counts provided by the GDOT Traffic data website to predict total roadway traffic.

Passer-by traffic, is generally defined as traffic that is already on the roadway and contained in existing counts but will also be included in projected counts. A commercial development that includes convenience store with gas has a relatively high passer-by rate and will be considered as about 60% for this project, so a significant reduction in traffic projections will be included.

The development will have one access points on Old Phoenix Road. The planned project has one access shown on the concept plan. Since the destination and generation point is from both directions, it is assumed that the traffic will be split evenly relative to in and out traffic.

**Table 1** below provides a detailed traffic projection that includes the land use, along with average daily volumes plus enter and exit projection for a.m. and p.m. peak. The projected traffic contained in **Table 1** is for a 100% build-out which is expected to take approximately three to five years.

**Table 1**

	Trips /day	Am Peak Enter	AM Peak Exit	PM Peak Enter	PM Peak Exit
C store 14 pmps	7596	120	120	135	135
Fast Food Rest	992	54	52	36	33
Pharmacy w. DT	176	3	2	8	9
<b>Total</b>	<b>8764</b>	<b>177</b>	<b>174</b>	<b>179</b>	<b>177</b>

The following assumptions and considerations were used to evaluate the impacts.

1. AADT on Old Phoenix is about 4600 Vehicles per day, so we would evaluate the above additional traffic based on existing traffic less than 6,000 VPD
2. Speed limit on Old Phoenix is 45 MPH
3. Pharmacy use doesn't generate very much traffic.
4. C Stores and fast food usually have a pretty high passer by rate so we take 60% (which is pretty aggressive) of the total trips = 8764 X 60% = 5,258 VPD generated but the site use.
5. Assume that the traffic is split 50/50 each direction gives us (5258/20 =2629 VPD each Direction

Existing Conditions and Growth

The traffic at GDOT Station ID 237-0178, in 2020 was AADT of 4,340 and was estimated in 2021 AADT at 4,570, an increase of 5.3% over the two year period. Truck traffic based on the data was measured at approximately 4.0%.

When considering the capacity of the roadway the ADT is well within the normal capacity for a typical two-lane roadway. The limiting factor on the capacity of a road of this nature is the turning movements that block through traffic. The impact of the development and the turning movements generated will be evaluated on the proposed intersection later in this report.

Future Conditions

Projections of traffic for the Old Phoenix Road tract is projected to more than 5,000 vehicles in the near future . Using the 5.3% growth over the two year period the traffic is still well within its capacity for a two-lane road and will still operate at an acceptable Level Of Service (LOS).

Intersection Evaluation

In order to fully evaluate the impacts on the State Route Regulations require that the entrance to any development that connects to a state road will meet all state and local requirements for intersection design. As required by this provision the GDOT right turn and left turn standards were used to complete the evaluation of the two intersections onto Ga. Hwy 16 for this project. For the right turn evaluation the GDOT *Regulations for Driveway and Encroachment Control (Driveway manual)* revision 5.0, dated July 3, 2019, Section 4.9.1.1 of the manual was consulted



**4.9.1.1 Minimum Requirements for Right Turn Deceleration Lanes**

Right turn deceleration lanes must be constructed at no cost to the Department if the daily site generated Right Turn Volumes (RTV) based on ITE Trip Generation (assuming a reasonable distribution of entry volumes) meet or exceed the values shown in Table 4-6. Passing lane sections fall under the criteria for two or more lanes.

Posted Speed	2 Lane Routes		More than 2 Lanes on Main Road	
	AADT		AADT	
	< 6,000	>=6,000	<10,000	>=10,000
35 MPH or Less	200 RTV a day	100 RTV a day	200 RTV a day	100 RTV a day
40 to 50 MPH	150 RTV a day	75 RTV a day	150 RTV a day	75 RTV a day
55 to 60 MPH	100 RTV a day	50 RTV a day	100 RTV a day	50 RTV a day
>= 65 MPH	Always	Always	Always	Always

**Table 4-6 Minimum Volumes Requiring Right Turn Lanes**

Speed limit on Old Phoenix Road is 45 MPH and daily traffic is below the 6,000 AADT for a two-lane road. This development falls within the area requiring the right turn lane at the proposed intersection.

For the left turn evaluation the GDOT *Regulations for Driveway and Encroachment Control (Driveway manual)* revision 5.0, dated July 3, 2019, Section 4.9.1.2 of the manual was consulted.

**4.9.1.2 Minimum Requirements for Left Turn Lanes**

Left turn lanes must be constructed at no cost to the Department if the daily site generated Left Turn Volumes (LTV) based on ITE Trip Generation (assuming a reasonable distribution of entry volumes) meet or exceed the values shown in Table 4-7a **Condition 1**. If the LTVs are below the requirements for **Condition 1**, the applicant may be required to construct a Right Hand Passing Lane (see **Figure 4-7** if they meet the criteria in Table 4-7b **Condition 2**). The District Traffic Engineer will use engineering judgment to determine if the field conditions would allow construction of the Right Hand Passing Lane. Passing lane sections fall under the criteria for two or more lanes.

**Condition 1**

LEFT TURN REQUIREMENTS-FULL CONSTRUCTION				
Posted Speed	2 Lane Routes		More than 2 Lanes on Main Road	
	ADT		ADT	
	<6,000	>=6,000	<10,000	>=10,000
35 MPH or Less	300 LTV a day	200 LTV a day	400 LTV a day	300 LTV a day
40 to 50 MPH	250 LTV a day	175 LTV a day	325 LTV a day	250 LTV a day
>= 55 MPH	200 LTV a day	150 LTV a day	250 LTV a day	200 LTV a day

**Table 4-7a Minimum Volumes Requiring Left Turn Lanes**

**Condition 2**

LEFT TURN REQUIREMENTS w/Right Hand Passing Lane Option		
Posted Speed	2 Lane Routes only	
	ADT	
	<4,000	>=4,000
35 MPH or Less	200 LTV a day	125 LTV a day
40 to 45 MPH	100 LTV a day	75 LTV a day
50 to 55 MPH	75 LTV a day	50 LTV a day

**Table 4-7b Minimum Volumes Requiring Right Hand Passing Lanes**

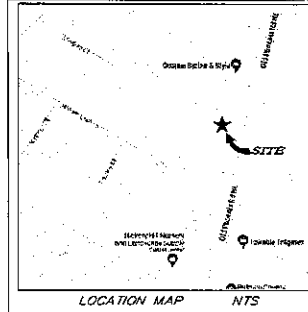
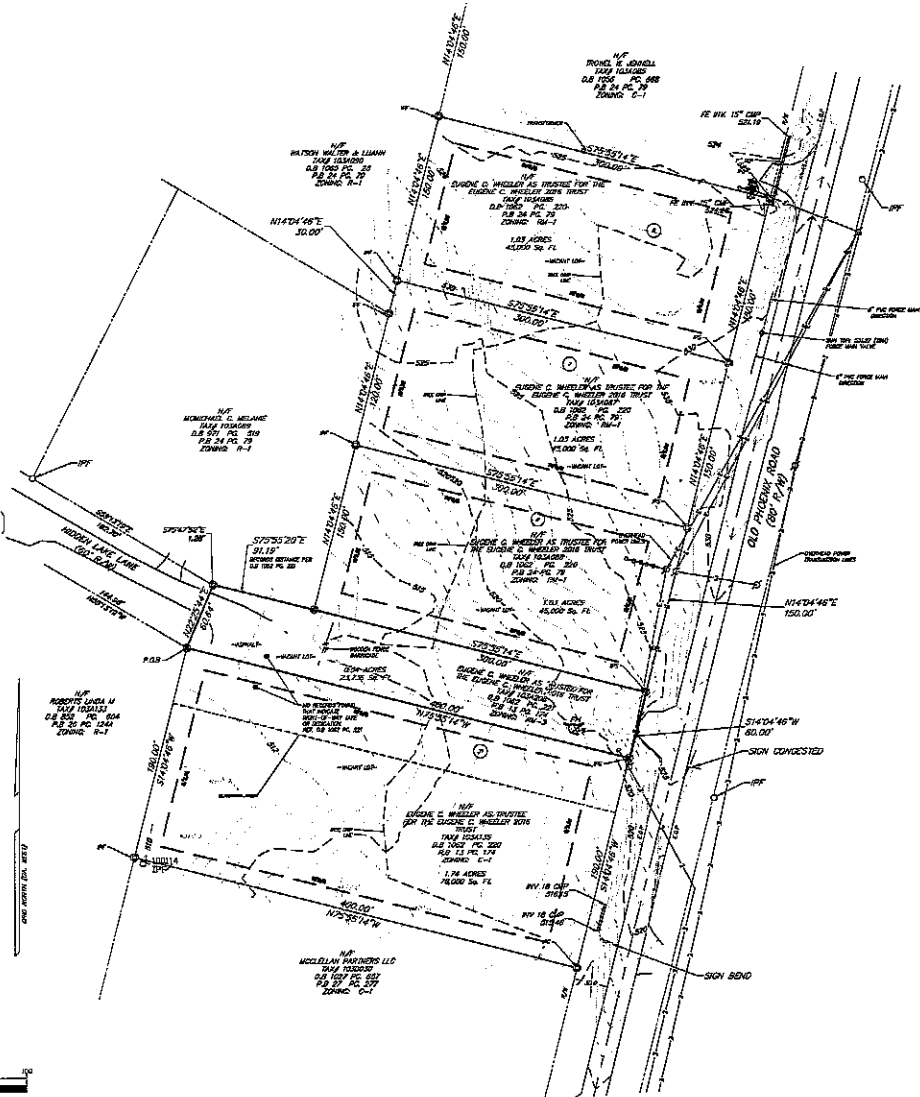
As noted above Old Phoenix Road has less than the 6,000 ADT and has a posted speed limit of 45 MPH, which would require a center left turn lane if projected left turns exceeded 1,314 LTV per day under condition 1. Projected distribution exceeds this threshold, the left turns exceed the 250 LTV per day. The center left turn lane should be designed to accommodate the expected traffic.

Conclusions & Recommendations

This study meets the requirements of the *Putnam County Traffic projection Study* in that it assesses and forecasts the impact of the development on the existing infrastructure based on the project site plan (included). As noted above, neither a right turn lane and a left turn lane is warranted based on GDOT guidelines.

FOR RECORDING

LEGEND	
□	P.R. - POWER POLE
⊗	L.P. - LIGHT POLE
⊕	P.W. - FIRE HYDRANT
⊕	M.H. - SANITARY SEWER MANHOLE
⊕	W.M. - WATER METER
⊕	G.M. - GAS METER
⊕	R.S. - REINFORCING BAR SET
⊕	R.S.P. - REINFORCING BAR FOUND
⊕	C.P. - CONCRETE PIPE FOUND
⊕	O.P. - OPEN TOP PIPE FOUND
⊕	R.M. - RIGHT-OF-WAY MARKING
TYPE OF FEDE	
⊕	J.B. - JUNCTION BOX
⊕	C.P. - DROP PILE / YARD PILE
⊕	C.B. - CURB BASIN
⊕	R.C.P. - REINFORCED CONCRETE PIPE
⊕	C.M.P. - CORRUGATED METAL PIPE
⊕	R.F.E. - FINISHED FLOOR ELEVATION
BY	
⊕	W. - WATER MAIN
⊕	T.M. - TELEPHONE MANHOLE
⊕	O.P.L. - OVERHEAD POWER LINES
⊕	H.W. - HEADWALL
⊕	P.W.S. - POWERBOX
⊕	W.L. - WATER LINE
⊕	U.T.L. - UNDERGROUND TELEPHONE LINE
⊕	C.L. - GAS LINE
⊕	E.L. - ELECTRICAL LINE



SURVEY OFFENSE  
 1. FEEL DOWN TO PAGE 79  
 2. FEEL DOWN TO PAGE 114  
 3. TAX RECORDS  
 4. DEED BOOK 1982 PAGE 230

ZONING: RM-1 & RM -3  
 SETBACK:  
 FRONT: 30'  
 REAR: 20'  
 SIDE: 20'

ZONING: C-1  
 SETBACK:  
 FRONT: 30'  
 REAR: 20'  
 SIDE: 20'  
 ZONING BUFFER: 50' (FROM RESIDENTIAL)

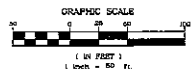
TOTAL AREA  
**0.39 AC.**  
 34,200 sq. ft.

ALL IRON PIN FOUND ARE 1/2" REBARS

- GENERAL NOTES:
1. WATER & SEWER SERVICE TO BE PROVIDED BY PUTNAM COUNTY.
  2. THE OWNER OF PROPERTY IS RESPONSIBLE FOR COMPLIANCE WITH THE CODES OF ENGINEERS REQUIREMENTS REGARDING METAL LINES.
  3. ALL UTILITIES WILL BE UNDERGROUND.
  4. PARCEL IS VACANT NO DEMOLITION NEEDED.
  5. VERTICAL DATUM: CGD (NAVD 83)

**SURVEYOR'S CERTIFICATE**

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREIN. RECORDECTION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNIICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 47-6-47.



THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTIONS, SURFACE CONDITIONS, OR OTHER MATTERS OF TITLE WHICH ARE NOT VISIBLE. NOT RECORDED, OR NOT DISCLOSED IN THE TITLE COMMITMENT PROVIDED BY THE OWNER, THE PRODUCE OF ANY SURVEY INSTRUMENT.

THIS PLAT IS FOR THE EXCLUSIVE USE OF THE PARTIES SET FORTH ON THE FACE OF THE SURVEY. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A THEODOLITE, DISTANCE MEASUREMENT, AND ELECTRONIC DISTANCE MEASUREMENT. THE MEASUREMENTS WERE MADE USING THE DISTANCE MEASUREMENT INSTRUMENTS LISTED BELOW. THE MEASUREMENTS WERE MADE ON THE DATE LISTED BELOW.

THIS PLAT IS FOR THE EXCLUSIVE USE OF THE PARTIES SET FORTH ON THE FACE OF THE SURVEY. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.

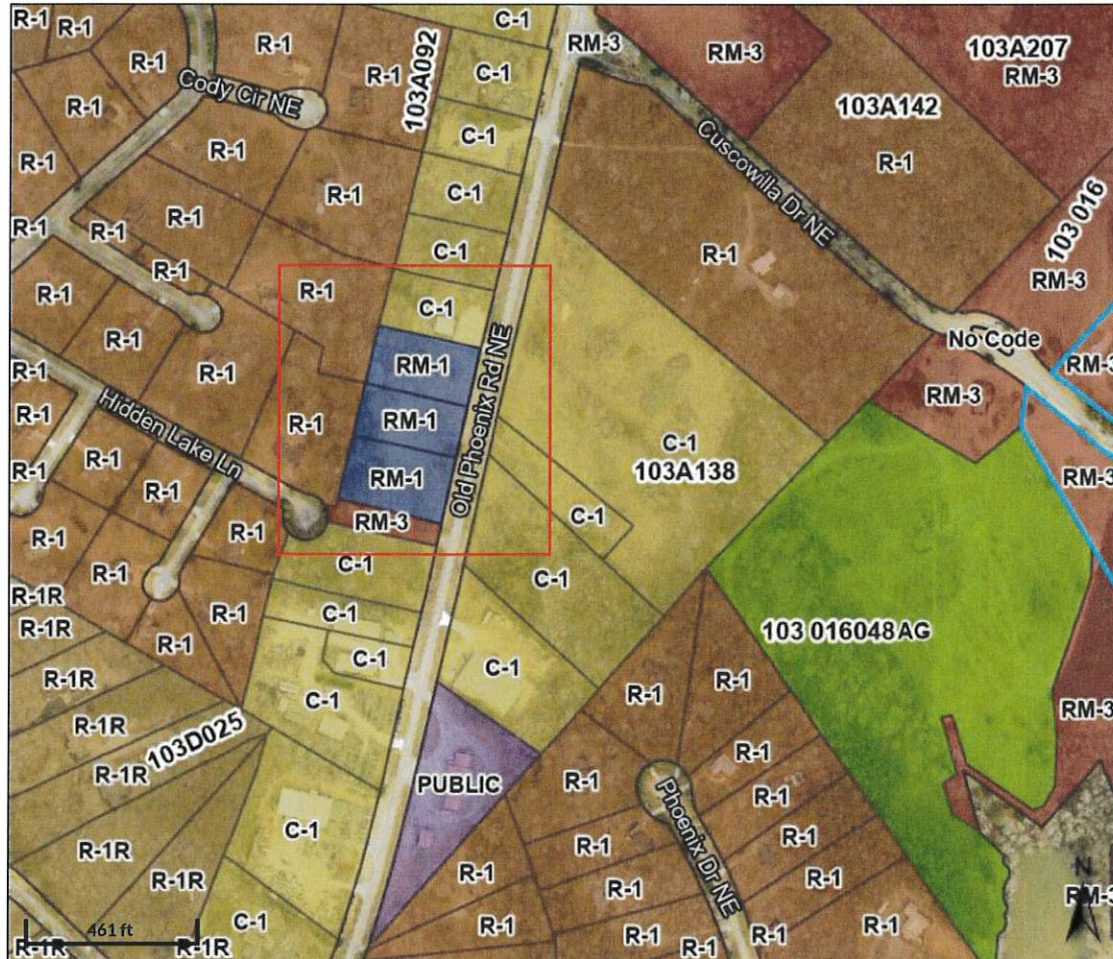


DATE: 12/01/2023  
 SCALE: 1"=50'  
 DRAWN BY: JMO  
 CHECKED BY: ECH  
 PROJECT NO. 2300

**LAND ENGINEERING & SURVEYING, INC.**  
 2740 Highway 100  
 Cumming, GA 30041  
 TEL: 404 795 8571  
 info@landeng.com

BOUNDARY AND TOPOGRAPHIC SURVEY FOR  
 EUGENE C. WHEELER AS TRUSTEE FOR THE  
 EUGENE C. WHEELER TRUST  
 LOT 7, 8 AND 9  
 (604) LAND LOT 340  
 3RD DISTRICT  
 PUTNAM COUNTY, GEORGIA





Overview

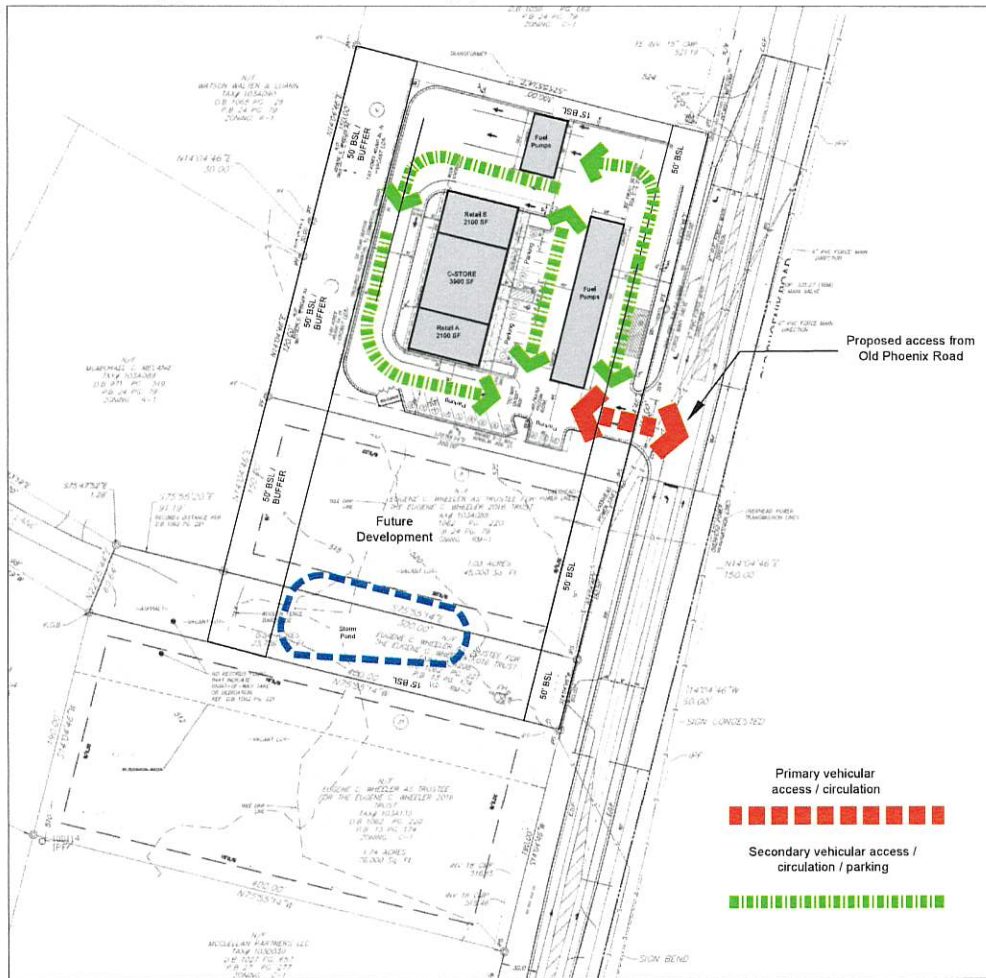


Legend

- City Limit
- Parcels
- Parcel Numbers
- Zoning**
- A-1 CITY
- A-1 and AG-1
- AG
- AG-1
- AG-2
- C-1
- C-1 CITY
- C-2
- C-2 CITY
- C-2 PUD
- C-PUD
- I-1 CITY
- I-2 CITY
- I-M
- MHP
- PUBLIC
- PUBLIC CITY
- R - 1 CITY
- R - 2 CITY
- R - 3 CITY
- R - 4 CITY
- R-1
- R-1R
- R-2
- R-PUD
- RM-1
- RM-2
- RM-3
- VILLAGE
- Roads



This plan is conceptual in nature and is an approximate representation of potential land uses, sizes, locations and circulation patterns. The plan is intended to be developed over a period of time and should maintain flexibility to accommodate specific soil conditions, environmental concerns, physical constraints, market conditions and design parameters.



**CONCEPT PLAN EXHIBIT**

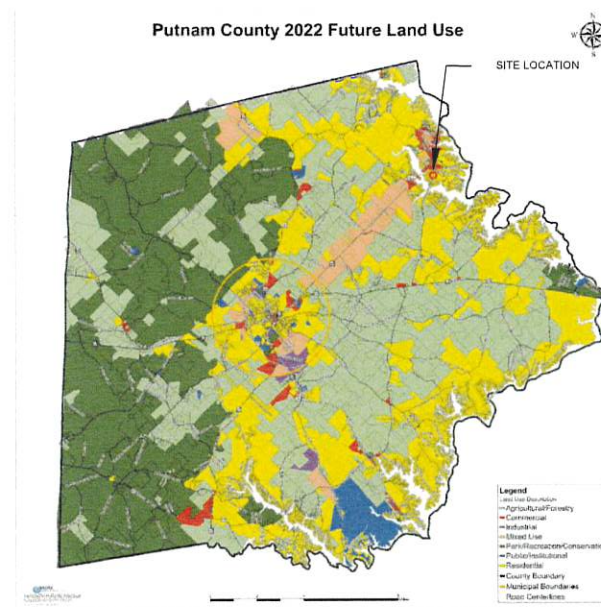
SCALE: As Noted Subject to Change  
September 23, 2023

**PARCELS 103A-208 / 103A-086 thru 088**

**CONCEPTUAL SITE PLAN  
PUTNAM COUNTY, GEORGIA**



**CURRENT ZONING AND PARCEL MAP  
NOT TO SCALE**



**COMPREHENSIVE PLAN  
SCALE AS NOTED**

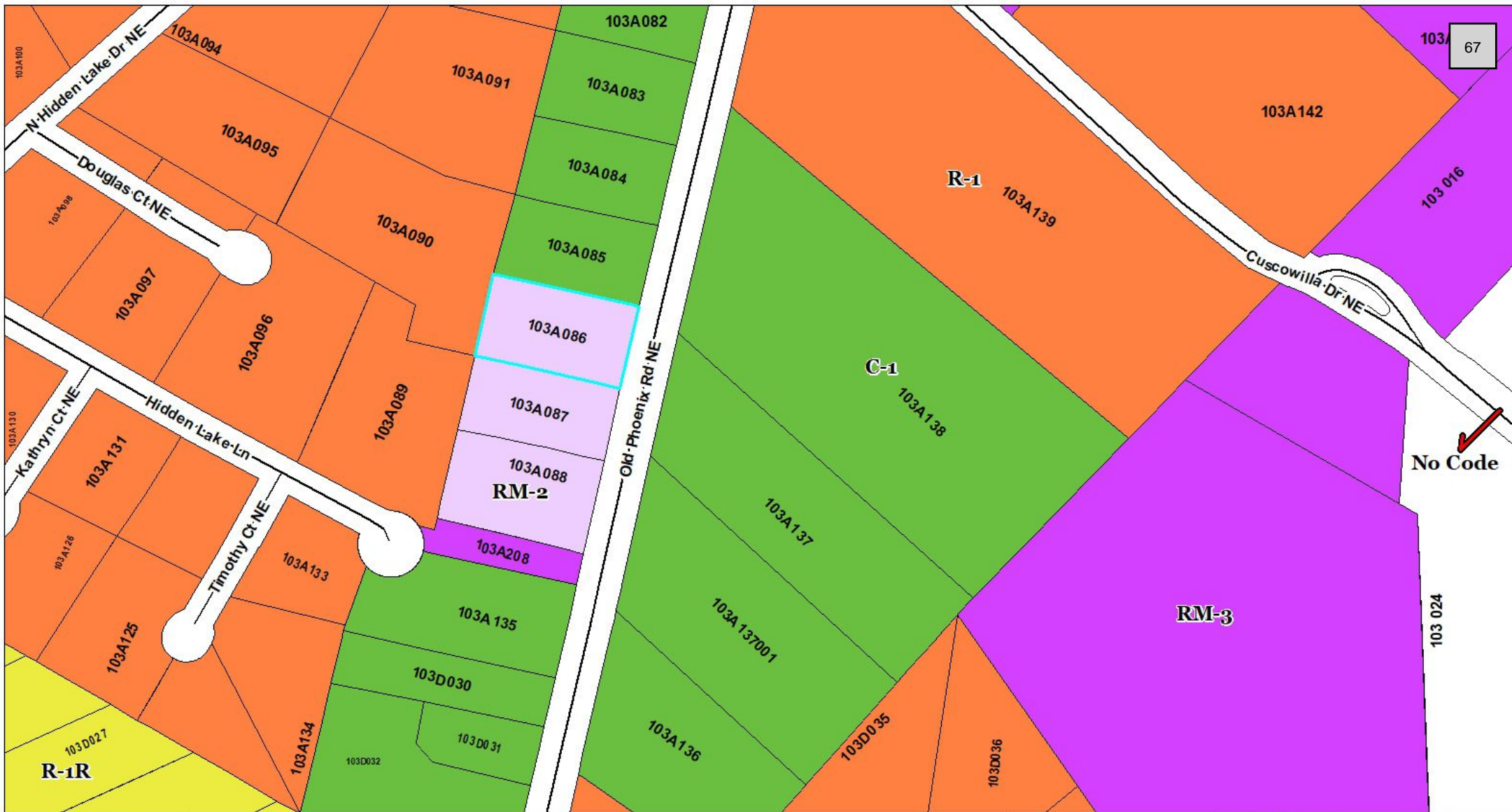
Proposed Use: Convenience Store / Retail with Fuel Pumps. Maximum combination of building size of 79,650 square feet (15,000 sf / Acre): 3.63 AC X 15,000 = 54,450 SF

Concept Plan: Illustrates ~ 8,100 sf of Retail / Convenience Store with Fuel Pumps

Applicant: Rick McAllister  
1341 Beverly Drive, Athens GA. 30606  
706-206-5030

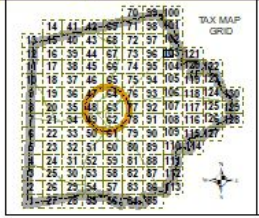
Intent: Amend zoning to C-1. Develop commercial use utilizing Convenience Store and Retail land use.





67

No Code



GEOGRAPHIC FEATURE LEGEND					
Eatonton Limits	Overlay District	AG-2	C-2 CITY	IND-2 CITY	R - 1 CITY
County Boundary	No Code	C-1	I-M	MHP	R - 2 CITY
Roads	AG-1	C-1 CITY	IND-1 CITY	R - 3 CITY	R-1R
Parcels	AG-1 CITY	C-2	IND-2	PUBLIC	RM-3
Parcel_Hooks			PUBLIC CITY	R - 4 CITY	VILLAGE
				R - 4 CITY	RM-1

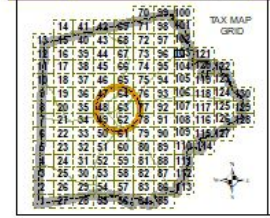
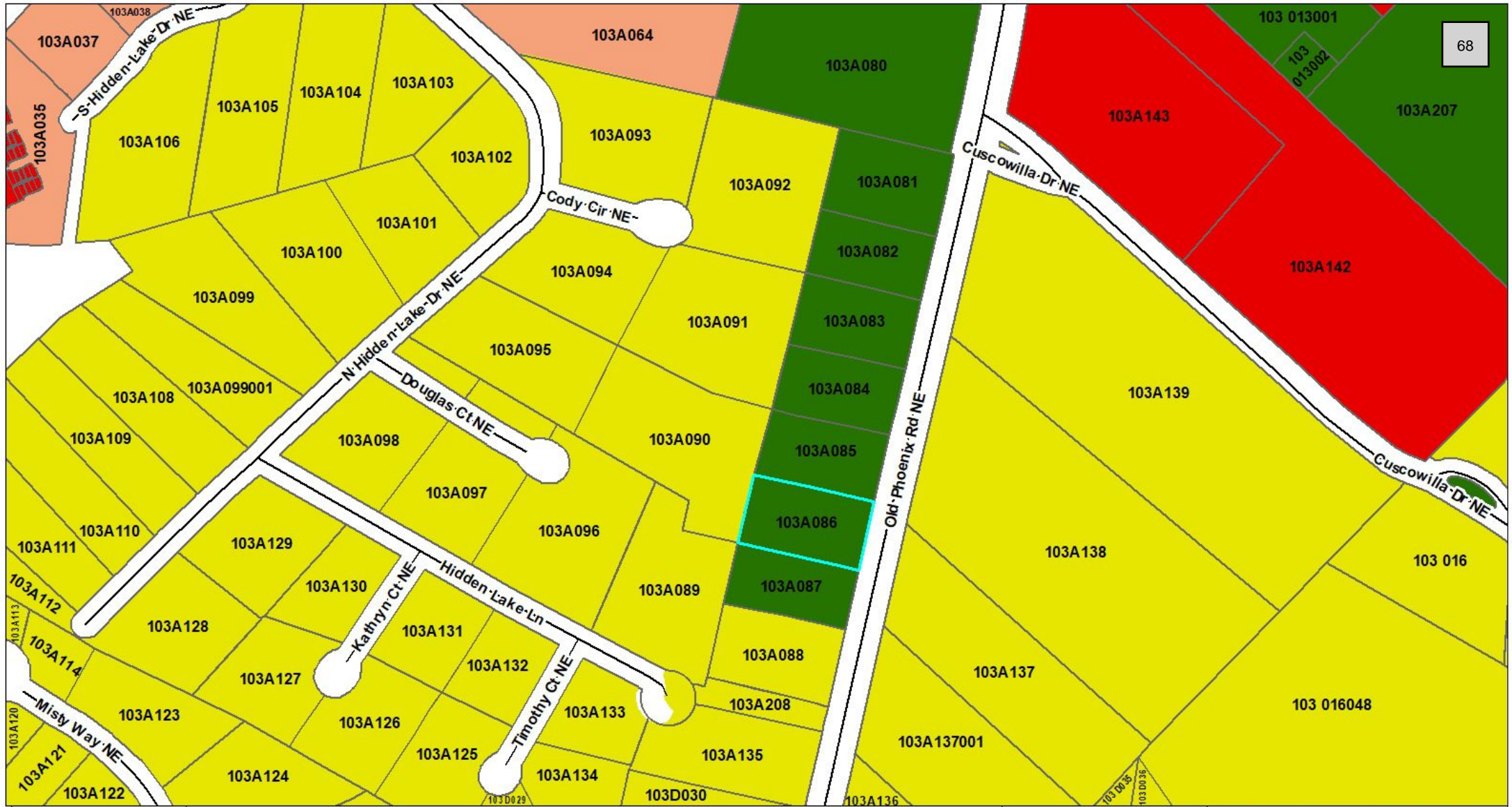
**LMGRC**  
 Middle Georgia Regional Commission  
 175 Emery Hwy  
 Suite C  
 Macon, Georgia 31217  
 (478) 751-6160  
 Web:  
[www.middlegeorgia.org](http://www.middlegeorgia.org)

PUTNAM COUNTY, GEORGIA  
 ZONING MAPS

**MAP 103A**

MAP SCALE: 1" = 166.67' SCALE RATIO: 1:2,000 DATE: NOVEMBER 2023





**GEOGRAPHIC FEATURE LEGEND**

Eatonton Limits	Agriculture/Forestry	Mixed Use	Residential
County Boundary	Commercial	Park/Recreation/Conservation	Transportation/Communication/Utilities
Roads	Industrial	Public/Institutional	Undeveloped/Vacant
Parcels			
Parcel_Hooks			

**MGRC**  
Middle Georgia Regional Commission  
175 Emery Hwy  
Suite C  
Macon, Georgia 31217  
(478) 751-6160  
Web:  
[www.middlegeorgia.org](http://www.middlegeorgia.org)

PUTNAM COUNTY, GEORGIA  
FUTURE LAND USE MAPS

**MAP 103A**

MAP SCALE: 1" = 200'    SCALE RATIO: 1:2,400    DATE: NOVEMBER 2023



**Request by Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust to rezone 1.03 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 086, District 1].**

**PLANNING & DEVELOPMENT-LISA JACKSON STAFF RECOMMENATION:**

The applicant is requesting to rezone 1.03 acres from RM-1 to C-1. If approved, he plans to create a commercial tract. In addition to the C-1 zoning request, the applicant is requesting to rezone two adjacent RM-1 zoned parcels (Map 103A, Parcel 087 & Parcel 088), and one RM-3 zoned parcel (Map 103A, Parcel 208). He plans to combine the four parcels to create an area of 3.46 acres. As stated in his letter of intent and concept plan, he would like to establish an 8,100 sq-foot convenience store with fuel pumps, and a drive-through restaurant. The subject parcel is located along Old Phoenix Road and will have approximately 500 ft of linear road footage if combined. The parcels must have the same zoning classification to be combined and the request is consistent with the allowed uses in C-1 as stated in Sec. 66-103 Uses allowed., of the Putnam County Code of Ordinances. The property is currently a mixed open area and partially wooded with topography sloped into one drainage corridor. The entire parcel comprises of its own watershed directed to existing drainage corridors which eventually flow into Lake Oconee. If approved, the developer will establish a 25-foot state water buffer that will be placed on all qualified pond or stream components. Although the proposed parcel can be used as it is currently zoned the surrounding land uses include C-1 zoned parcels to the north, east and south and only one side borders R-1 zoning.

Though there is a residential neighborhood behind the property and the Future Comprehensive Plan illustrates this site as residential, it is located along Old Phoenix and is in the middle of a commercial district. Old Phoenix is a major thoroughfare and connector between State Hwy 441, Georgia State Route 16, and the Lake Oconee area. Additionally, this rezoning request mirrors the nearby and adjacent properties use. Therefore, the proposed use is suitable in view of the adjacent and nearby properties and will not adversely affect the existing use, value, or usability of the properties. Moreover, the proposed use should not cause any excessive or burdensome use of public facilities or services. As this area of the county develops, trends can be identified by zoning patterns. This request responds to the growing trend of C-1 use along Old Phoenix Road. The development will have one access point on Old Phoenix Road. According to the submitted traffic study, the planned project has one access point shown on the concept plan. Since the destination and generation point is from both directions, it is assumed that the traffic will be split evenly relative to in and out traffic. Thus, neither a right nor left turn lane is warranted based on GDOT guidelines.

Continued...

Staff recommendation is for approval to rezone 1.03 acres from RM-1 to C-1 on Old Phoenix Road [Map 103A, Parcel 086, District 1] \* with the following conditions:

1. The developer shall develop and maintain a 50-foot undisturbed buffer or berm along the property lines that abut Map 103A Parcel 090.
2. The developer shall install a right turning lane at the proposed intersection per state and local guidelines and
3. The developer shall install a center left turn lane per state and local guidelines.

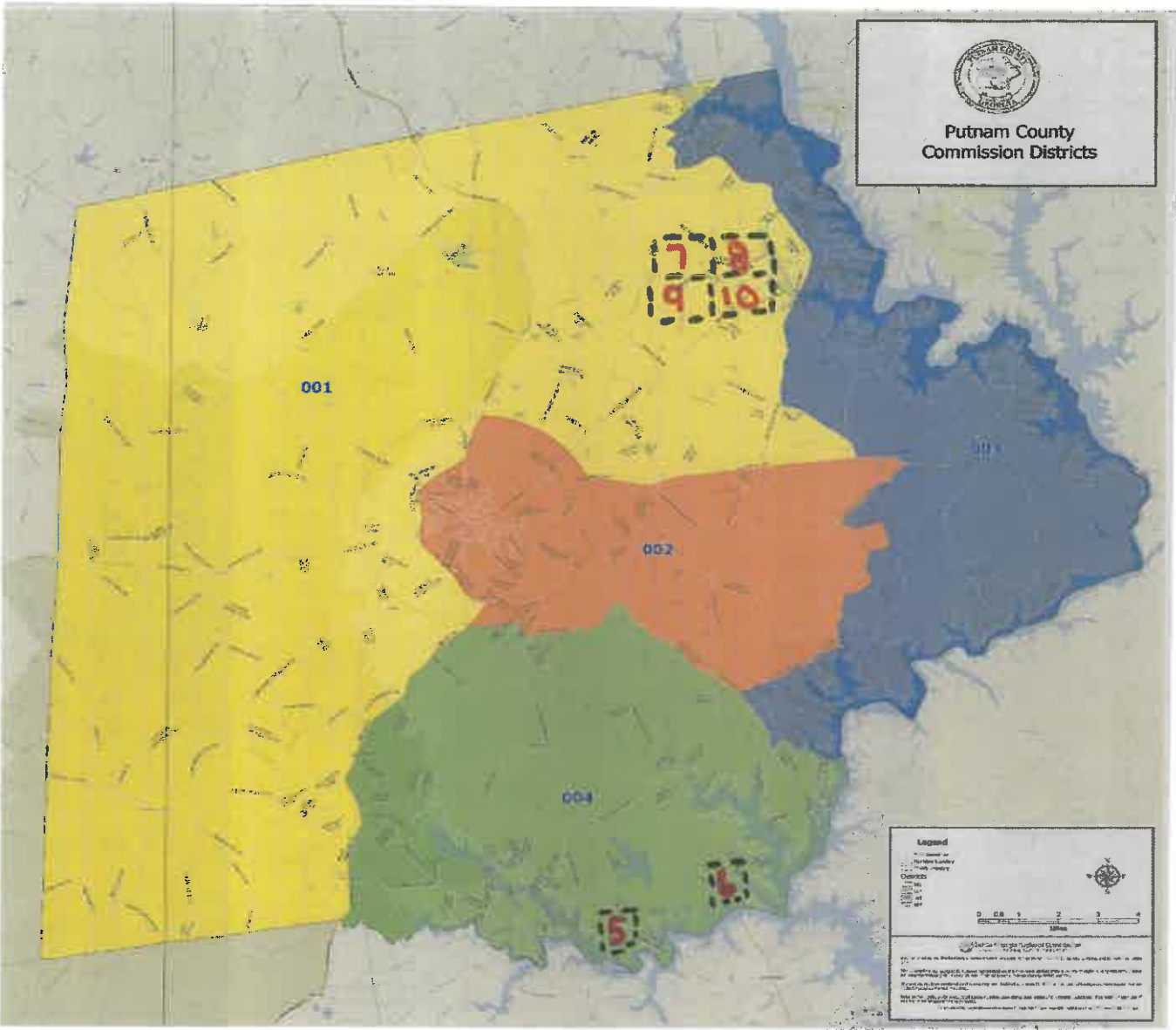
**PLANNING & ZONING COMMISSION RECOMMENDATION:**

*The Planning & Zoning Commission's recommendation is for approval to rezone 1.03 acres from RM-1 to C-1 on Old Phoenix Road [Map 103A, Parcel 086, District 1] \* with the following conditions:*

1. *The developer shall develop and maintain a 50-foot undisturbed buffer or berm along the property lines that abut Map 103A Parcel 090.*
2. *The developer shall install a right turning lane at the proposed intersection per state and local guidelines and*
3. *The developer shall install a center left turn lane per state and local guidelines.*

**File Attachments for Item:**

8. Request by Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust to rezone 1.03 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 087, District 1]. (staff-P&D)



5. Request by **Bobby J. Wilder** for a conditional use at 641 Dennis Station Road. Presently zoned AG [Map 082, Parcel 059, District 4].
6. Request by **Darin L. Simmons** to rezone 10 acres on Pea Ridge Road from AG to C-2. [Map 088, Part of Parcel 008006, District 4].\*
7. Request by **Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust** to rezone 1.03 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 086, District 1].\*
8. Request by **Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust** to rezone 1.03 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 087, District 1].\*
9. Request by **Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust** to rezone 1.02 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 088, District 1].\*
10. Request by **Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust** to rezone .38 acres on Old Phoenix Road from RM-3 to C-1. [Map 103A, Parcel 208, District 1].\*
11. **Approval of the 2024 Planning and Zoning Public Hearing Agenda and Deadline Schedule**





# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

## APPLICATION FOR REZONING

REZONING

APPLICATION NO. 2023-REZONE-30 DATE: 10-26-23

MAP 103A PARCEL 087 ZONING DISTRICT RM-1 Existing / C-1 Proposed

1. Owner Name: Eugene C Wheeler as Trustee for Eugene C Wheeler 2016 Trust

2. Applicant Name (If different from above): Rick McAllister

3. Mailing Address: 1341 Beverly Drive Athens, GA 30606

4. Email Address: [REDACTED]

5. Phone: (home) \_\_\_\_\_ (office) \_\_\_\_\_ (cell) [REDACTED]

6. The location of the subject property, including street number, if any: Old Phoenix Road

7. The area of land proposed to be rezoned (stated in square feet if less than one acre): 1.03 ac

8. The proposed zoning district desired: C-1

9. The purpose of this rezoning is (Attach Letter of Intent) See Impact Study

10. Present use of property: Undeveloped Residential Desired use of property: Commercial

11. Existing zoning district classification of the property and adjacent properties:  
Existing: RM-1  
North: RM-1 - Pending C-1 South: RM-1 - Pending C-1 East: C-1 West: R-1

12. Copy of warranty deed for proof of ownership and if not owned by applicant, please attach a signed and notarized letter of agency from each property owner for all property sought to be rezoned.

13. Legal description and recorded plat of the property to be rezoned.

14. The Comprehensive Plan Future Land Use Map category in which the property is located. (If more than one category applies, the areas in each category are to be illustrated on the concept plan. See concept plan insert.): Residential

15. A detailed description of existing land uses: Undeveloped Residential

RECEIVED OCT 26 2023



# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

16. Source of domestic water supply: well \_\_\_\_\_, community water \_\_\_\_\_, or private provider X.  
If source is not an existing system, please provide a letter from provider.

17. Provision for sanitary sewage disposal: septic system X, or sewer \_\_\_\_\_. If sewer, please provide name of company providing same, or, if new development, provide a letter from sewer provider.

18. Complete attachment of Disclosure of Campaign Contributions Form by the applicant and/or the applicant's attorney as required by the Georgia Conflict of Interest in Zoning Act (O.C.G.A. 36-67A).

19. The application designation, date of application and action taken on all prior applications filed for rezoning for all or part of the subject property. (Please attach on separate sheet.)

20. Proof that property taxes for the parcel(s) in question have been paid.

21. Concept plan.

- If the application is for less than 25 single-family residential lots, a concept plan need not be submitted. (See attachment.)
- A concept plan may be required for commercial development at director's discretion

22. Impact analysis.

- If the application is for less than 25 single-family residential lots, an impact analysis need not be submitted. (See attachment.)
- An Impact analysis (including a traffic study) is required when rezoning from residential zoned or used property to commercial or industrial districts.

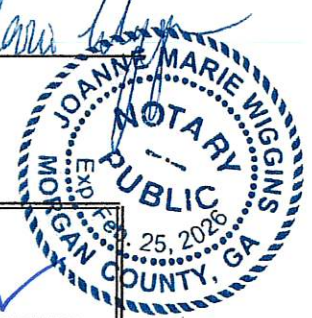
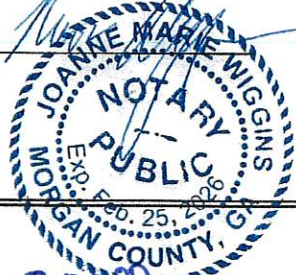
THE ABOVE STATEMENTS AND ACCOMPANYING MATERIALS ARE COMPLETE AND ACCURATE. APPLICANT HEREBY GRANTS PERMISSION FOR PLANNING AND DEVELOPMENT PERSONNEL OR ANY LEGAL REPRESENTATIVE OF PUTNAM COUNTY TO ENTER UPON AND INSPECT THE PROPERTY FOR ALL PURPOSES ALLOWED AND REQUIRED BY THE PUTNAM COUNTY CODE OF ORDINANCES.

EC Wheel 10/26/2023  
Signature (Property Owner) (Date)

Rock Mastalister 10-26-23  
Signature (Applicant) (Date)

Joanne Marie Wiggins  
Notary Public

Joanne Marie Wiggins  
Notary Public



Office Use			
Paid: \$ <u>300.00</u>	(cash) _____	(check) _____	(credit card) <input checked="" type="checkbox"/>
Receipt No. _____	Date Paid: _____		
Date Application Received: _____	<u>10-26-23</u>		
Reviewed for completeness by: _____	<u>Jo</u>		
Date of BOC hearing: <u>11-19-23</u>	Date submitted to newspaper: <u>11-13-23</u>		



# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ [www.putnamcountyga.us](http://www.putnamcountyga.us)

Date sign posted on property: \_\_\_\_\_ Picture attached: yes \_\_\_\_\_ no \_\_\_\_\_

---

---

**LETTER OF INTENT – PARCEL 103A-208 / 103A-068-088**  
**C1 ZONING REQUEST**

The parcels are located along Old Phoenix roads with a combined area of approximately 3.63 acres. The intent of the re-zone application is to combine these parcels to create a commercial tract with approximately 500 LF on Old Pheonix road frontage. Surrounding land uses include C-1 Zoned parcels to East, North and South and R-1 Zoned Parcels to West.

The intended land use for this property is a Convenience store and a future use to be determined. The attached conceptual plan illustrates the proposed amount of use including conceptual layout of interior roads.

We appreciate the consideration to promote quality development within Putnam County.



eFiled & eRecorded  
DATE: 11/3/2021  
TIME: 4:32 PM  
DEED BOOK: 01062  
PAGE: 00220 - 00221  
RECORDING FEES: \$25.00  
TRANSFER TAX: \$540.00  
PARTICIPANT ID: 4545272391  
CLERK: Trevor J. Addison  
Putnam County, GA  
PT61: 117-2021-002204

STATE OF GEORGIA  
COUNTY OF PUTNAM

THIS INSTRUMENT WAS PREPARED BY AND  
SHOULD BE RETURNED TO:

Elshiggans, Burch, Grant & Ashby, P.C.  
1024 Parkside Commons, Suite 104  
Greensboro, GA 30642  
(706)453-7139  
FILE NO.: 07329-0024

LIMITED WARRANTY DEED

THIS INDENTURE made and entered into this 3rd day of November, 2021, by and between JERRY O. SMITH, as Grantor(s), and EUGENE C WHEELER AS TRUSTEE OF THE EUGENE C WHEELER 2016 TRUST, as Grantee(s),

WITNESSETH

That the said Grantor(s), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to-wit:

**TRACT ONE:** All those certain lots, tracts or parcels of land situate, lying and being in the 340th G.M.D., Land Lot 340, Putnam County, Georgia being designated and described as Lot 6 containing 1.03 acres, more or less; Lot 7 containing 1.03 acres, more or less and Lot 8 containing 1.03 acres, more or less, Hidden Lake Subdivision, Phase II and being more particularly and accurately described on that certain plat of survey dated July 9, 1996 by Conry and Associates and recorded in Plat Book 24, Page 79 in the Office of the Clerk of the Superior Court of Putnam County, Georgia. Said plat is incorporated herein and made part hereof by reference thereto.

Tax Map & Parcel Nos.: 103A-86, 103A-87, 103A-88 Prior Deed References: Deed Book 566, Page 197

**TRACT TWO:** All that tract or parcel of land lying and being in the 389th District, G.M. of Putnam County, Georgia, being in Land Lot 340 of the 3rd Land District and being Lot 31 of Hidden Lake Subdivision, Phase II, and containing 1.74 acres, more or less, as shown on that certain plat recorded in Plat Book 13, Page 174, Putnam County, Georgia records, which plat is incorporated herein by reference and made a part hereof.

Tax Map & Parcel No.: 103A-135 Prior Deed Reference: Deed Book 566, Page 196

**TRACT THREE:** All that tract or parcel of land, lying and being situate in 389th G.M., District of Putnam County, Georgia and shown as that portion of "Hidden Lake Ln.-60' R/W", containing 0.545 acres, more or less, as shown on that certain plat recorded in Plat Book 13, Page 174, Putnam County, Georgia records, which plat is incorporated herein by reference and made a part hereof.

eFiled & eRecorded  
DATE: 11/3/2021  
TIME: 4:32 PM  
DEED BOOK: 01062  
PAGE: 00221

or less, as shown on the survey attached hereto as Exhibit "A". Said property is more particularly described as follows; Beginning at a rebar found at the northwestern most corner of Lot 31, of Hidden Lake Subdivision, Phase II as shown on plat recorded at Plat Book 13, Page 174, Putnam County records, said rebar being the POINT OF BEGINNING. From said point of beginning, proceed thence North 22 Degrees 25 Minutes 44 Seconds East a distance of 60.64 feet to a point; thence South 75 Degrees 55 Minutes 14 East a distance of 91.19 feet to a rebar found; thence South 75 Degrees 55 Minutes 14 East a distance of 300.00 feet to a point; thence South 14 Degrees 04 Minutes 46 Seconds West a distance of 60.00 feet to a rebar; thence following a line (said line appearing to run parallel to the southern boundary line of Lot 31, and an approximate call of North 75 Degrees 55 Minutes 14 West) approximately 400.00 feet back to the POINT OF BEGINNING.

Tax Map/Parcel ID #: 103A135,208,088, 087,086

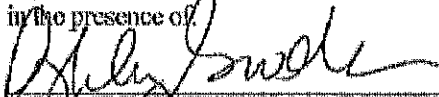
TO HAVE AND TO HOLD the said described property with all and singular the rights, members and appurtenances therunto appertaining, to the only proper use, benefit and behoof of the said Grantee(s), in Fee Simple,

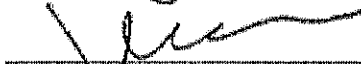
And the said Grantor(s) warrants and will forever defend the right and title to the said property conveyed hereby unto the said Grantee(s), against the lawful claims of all persons by, through and under the Grantor(s).

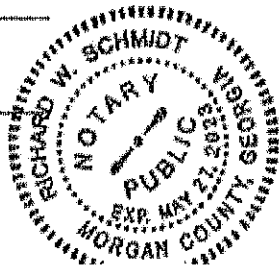
IN WITNESS WHEREOF, the Grantor(s) has hereunto set his/her hand, affixed his/her seal and delivered these presents on the day and year first written above.

  
\_\_\_\_\_  
Jerry O. Smith By his Attorney in Fact  
Tracy Harper-Bailey (SEAL)

Signed, sealed and delivered  
in the presence of:

  
\_\_\_\_\_  
Witness

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





# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

LETTER OF AGENCY- Re-Zone

WE, THE UNDERSIGNED OWNERS OF REAL PROPERTY LOCATED IN THE CITY OF EATONTON/PUTNAM COUNTY, GEORGIA, HEREBY APPOINT Rick McAllister TO BE MY/OUR AGENT FOR THE PURPOSE OF APPLYING FOR Re-Zone OF PROPERTY DESCRIBED AS MAP 103A PARCEL 087, CONSISTING OF 1.03 ACRES, WHICH HAS THE FOLLOWING ADDRESS: Old Phoenix Road EATONTON, GEORGIA 31024. ATTACHED HERETO IS A COPY OF A DEED AND OR PLAT OF SURVEY DESCRIBING THE PROPERTY OWNED BY THE PROPERTY OWNER(S) TO WHICH THIS LETTER OF AGENCY APPLIES.

THE ABOVE-NAMED AGENT HEREBY IS AUTHORIZED TO COMPLETE AND SIGN THE CITY OF EATONTON/PUTNAM COUNTY APPLICATION FOR Re-Zone ON OUR BEHALF. WE UNDERSTAND THAT THIS LETTER OF AGENCY WILL BE ATTACHED TO AND MADE PART OF SAID FORM AND WILL BE RELIED UPON BY THE CITY OF EATONTON/PUTNAM COUNTY. FOR AND IN CONSIDERATION OF THE CITY OF EATONTON/PUTNAM COUNTY ACCEPTING THIS LETTER OF AGENCY, WE HEREBY INDEMNIFY AND HOLD HARMLESS THE CITY OF EATONTON/PUTNAM COUNTY AND ITS AGENTS AND/OR EMPLOYEES IN THE EVENT THAT THE ABOVE NAMED AGENT SHOULD MISUSE THIS LETTER OF AGENCY AND WE SUFFER DAMAGES AS A RESULT.

THIS 22 DAY OF September, 20 23.

PROPERTY OWNER(S): Eugene C. Wheeler, Trustee Eugene C. Wheeler 2016 Trust  
NAME (Neatly PRINTED)

EC Wheeler  
SIGNATURE

ADDRESS: 1221 Lake Club Dr, Greensboro, GA 30642

PHONE: [REDACTED]

ALL SIGNATURES WERE HEREBY SWORN TO AND SUBSCRIBED BEFORE ME THIS 22 DAY OF September, 20 23

NOTARY Belinda L Funez

MY COMMISSION EXPIRES: 8-3-24



(SEAL)







September 26, 2023

Lisa Jackson  
Director  
Putnam County Planning and Development  
117 Putnam Drive, Suite B  
Eatonton, Georgia 31024

Subject: Sewer Availability – Parcels 103A-208 / 103A-086 to 088

Dear Ms. Jackson:

Piedmont Water Company (PWC) has reviewed the plans for the parcels listed above and has water and sewer capacity available for this project as shown on the MSC plans dated September 23, 2023. The project will require sewer grinder pumps.

Please feel free to contact me with any questions regarding this matter at 800-248-7689, extension 208, or by email: [jmatthews@piedmontwater.com](mailto:jmatthews@piedmontwater.com)

Sincerely,

A handwritten signature in black ink, appearing to read "W. J. Matthews". The signature is fluid and stylized, with a long horizontal stroke extending to the right.

W. J. Matthews  
Vice President of Operations



# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024  
Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

## DISCLOSURE OF APPLICANT'S CAMPAIGN CONTRIBUTION

The *Putnam County Code of Ordinances*, Section 66-167(c) states as follows:

“When any applicant or his attorney for a rezoning action has made, within two years immediately preceding the filing of that applicant’s application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

- a. The name and official position of the local government official to whom the campaign contribution was made; and
- b. The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution. The disclosures required by this section shall be filed within ten days after an application for the rezoning action is first filed.”

1. Name: \_\_\_\_\_

2. Address: \_\_\_\_\_

\_\_\_\_\_

3. Have you given contributions that aggregated \$250.00 or more within two years immediately preceding the filing of the attached application to a candidate that will hear the proposed application? \_\_\_\_\_ Yes  No If yes, who did you make the contributions to? : \_\_\_\_\_.

Signature of Applicant: \_\_\_\_\_

Date: 9 / 12 / 23

DESCRIPTION	TAX AMOUNT	EXEMPTION	MILLAGE
FAIR MARKET VALUE	\$130,909		
COUNTY	\$354.98	\$0.00	6.779
SCHOOL	\$675.50	\$0.00	12.9
SPEC SERV	\$20.95	\$0.00	0.4

<b>ORIGINAL TAX DUE</b>	
	\$1,051.43
<b>INTEREST</b>	
<b>COLLECTION COST</b>	
<b>FIFA CHARGE</b>	
<b>PENALTY</b>	
<b>TOTAL PAID</b>	
	\$1,051.43
<b>TOTAL DUE</b>	
	\$0.00

TO WHEELER EUGENE C AS TRUSTEE  
 1221 LAKE CLUB DRIVE  
 GREENSBORO, GA 30642

FROM Putnam County Tax Commissioner  
 100 South Jefferson Ave Suite 207  
 Eatonton, GA 31024-1061  
 (706) 485-5441



Date Paid: 12/2/2022

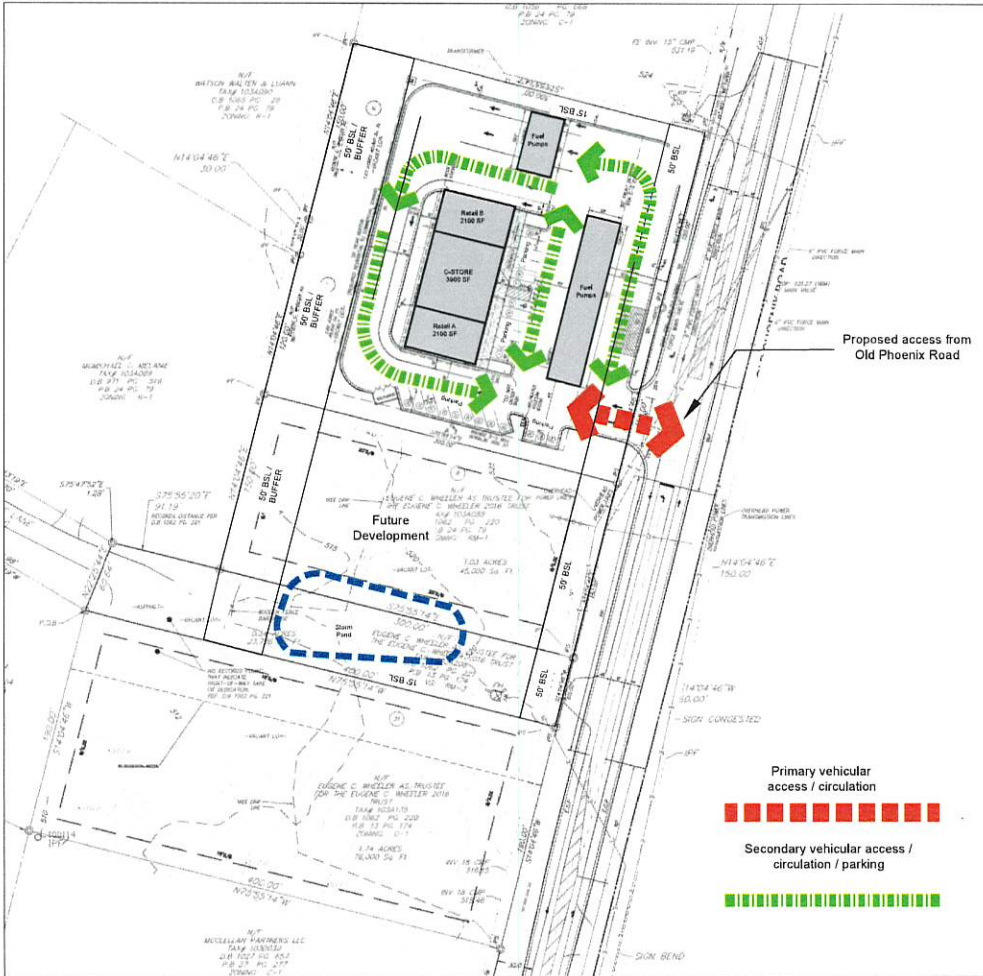


Scan this code  
 with your mobile  
 phone to view this  
 bill

INTERNET TAX RECEIPT



This plan is conceptual in nature and is an approximate representation of potential land uses, sizes, locations and circulation patterns. The plan is intended to be developed over a period of time and should maintain flexibility to accommodate specific soil conditions, environmental concerns, physical constraints, market conditions and design parameters.



**CONCEPT PLAN EXHIBIT**  
 SCALE: As Noted Subject to Change  
 September 23, 2023

**PARCELS 103A-208 / 103A-086 thru 088**  
**CONCEPTUAL SITE PLAN**  
**PUTNAM COUNTY, GEORGIA**



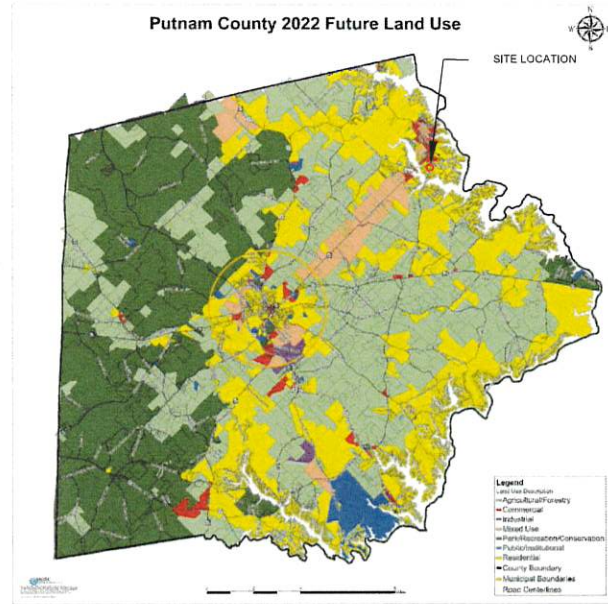
**CURRENT ZONING AND PARCEL MAP**  
**NOT TO SCALE**

Proposed Use: Convenience Store / Retail with Fuel Pumps. Maximum combination of building size of 79,650 square feet (15,000 sf / Acre): 3.63 AC X 15,000 = 54,450 SF

Concept Plan: Illustrates ~ 8,100 sf of Retail / Convenience Store with Fuel Pumps

Applicant: Rick McAllister  
 1341 Beverly Drive, Athens GA. 30606  
 706-206-5030

Intent: Amend zoning to C-1. Develop commercial use utilizing Convenience Store and Retail land use.



**COMPREHENSIVE PLAN**  
**SCALE AS NOTED**





**IMPACT ANALYSIS  
PARCELS 103A –  
208 / 103A-086-088  
OLD PHOENIX ROAD  
PROPOSED C-1 DEVELOPMENT  
REZONING REQUEST.**



**MCALLISTER SITE CONSULTING, LLC  
RICK MCALLISTER  
1341 BEVERLY DRIVE  
ATHENS, GEORGIA 30606  
706-206-5030**

**TABLE OF CONTENTS**

Letter of Intent..... Page 3

Impact Study Information ..... Page 4

Traffic Study ..... Attachment

Plat of Property(s)..... Attachment

Existing Conditions ..... Attachment

Existing Zoning ..... Attachment

Conceptual Site Plan ..... Attachment

**LETTER OF INTENT – PARCEL 103A-208 / 103A-068-088**  
**C1 ZONING REQUEST**

The parcels are located along Old Phoenix roads with a combined area of approximately 3.63 acres. The intent of the re-zone application is to combine these parcels to create a commercial tract with approximately 500 LF on Old Pheonix road frontage. Surrounding land uses include C-1 Zoned parcels to East, North and South and R-1 Zoned Parcels to West.

The intended land use for this property is a Convenience store and a future use to be determined. The attached conceptual plan illustrates the proposed amount of use including conceptual layout of interior roads.

We appreciate the consideration to promote quality development within Putnam County.

**IMPACT ANALYSIS INFORMATION**

**ITEM #1**

***Is the proposed use consistent with the stated purpose of the zoning district that is being requested?***

The proposed land use of the site is consistent and allowed within C1 Zoning. Proposed Use is listed as allowed per (Sec. 66-103)

***Is the proposed use suitable in view of the zoning and development of adjacent or nearby property?***

The parcels are surrounded by existing C-1 Zoned parcels. Only 1 side borders R-1 Zoning.

***Will the proposed use adversely affect the existing use, value or usability of adjacent or nearby property?***

The access to site is proposed along existing county roads, buffers and setbacks will be place per county requirements.

Proposed zoning is consistent with surrounding areas.

Drainage of site will be contained at or exceeding Putnam County storm water requirements.

***Is the proposed use compatible with the proposed intent of the Comprehensive Plan?***

The 2022 Putnam County Future land use plan illustrates this site within Residential future land use. As this area of the county develops, trends can be identified by zoning patterns. Please refer to the existing zoning map exhibit as an illustration of the land use pattern in proximity to the proposed parcel.

***Are there substantial reasons why the property cannot or should not be used as currently zoned?***

The property is currently zoned Residential and proposed use is not allowed in Residential Zoned parcels.



***Will the proposed use cause an excessive or burdensome use of public facilities or services or exceed the present or funded capabilities, including but not limited to streets, water or sewer utilities and police or fire protection?***

The proposed development will incur the cost of constructing streets interior to the project. Final plans will meet emergency vehicle equipment circulation requirements. Water and sewer will be provided by a private utility company and flow will be provided as private utility can supply.

***Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?***

The parcel is located well within an existing commercial corridor on one of Putnam County's arterial roads. The current comprehensive plan includes directives to be adjusted as existing and proposed uses reflect change in the county. The portion of Old Pheonix road corridor which this parcel is located is within an existing commercial growth pattern. This area reflects commercial and as the comprehensive plan is considered as a "living" document – future land use needs to be amended for this area of the county.

***Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, and reasonable private use of the subject property?***

The proposed use responds to the growing trend of C-1 use along Old Phoenix Road.

**ITEM #2 TRAFFIC ANALYSIS – (SEE ATTACHMENT)**

**ITEM# 3**

**The conceptual plan is based upon development standards for C-1 Zoning are as follows:**

The conceptual plan illustrates commercial use with C1 development Standards (see attached conceptual Plan)

**ITEM #4**

**Effect on environment surrounding the area:**

Natural:

The property is currently mixed open area and partially wooded with topography sloped into 1 drainage corridor. The entire parcel comprises of its own watershed directed to existing drainage corridors which eventually flow into Lake Oconee. A 25' State Waters buffer will be placed on all qualified pond or stream components. Some wetland areas

may exist on site and will be delineated by an Environmental Consultant. Wetlands will be mapped, surveyed and protected per environmental guidelines upon development of project areas(s). Source: Putnam County / City of Eatonton 2007-2030 Comprehensive Plan – Wetlands Map 6 Prepared by Middle Georgia RDC

Erosion:

The property is currently in open pasture and partially wooded state. Development plans will adhere to State and Local Regulations of Erosion Control and Storm water standards. Source: On site Observation

Historic:

The proposed site has no known or listed Cultural or Historical Resources located on site. Source: Putnam County / City of Eatonton 2007-2030 Comprehensive Plan Cultural and Historical Resources Map 13 prepared by Middle Georgia RDC

Watershed:

The proposed area is not within any small or buffered municipal watershed areas.

**ITEM #5**

**Impact on fire protection**

Proposed interior roads will allow emergency vehicle access to all property. Fire protection will be provided as Private Utility water main connections allow.

**ITEM #6 – PHYSICAL CHARATERISTICS OF SITE (SEE ATTACHMENT)**

**ITEM #7 – ADJACENT AND NEARBY ZONING – See Conceptual p**



**SIMONTON**  
ENGINEERING

# OLD PHOENIX RD COMMERCIAL DEVELOPMENT

DRI Traffic Impact Study  
SE #2023-156



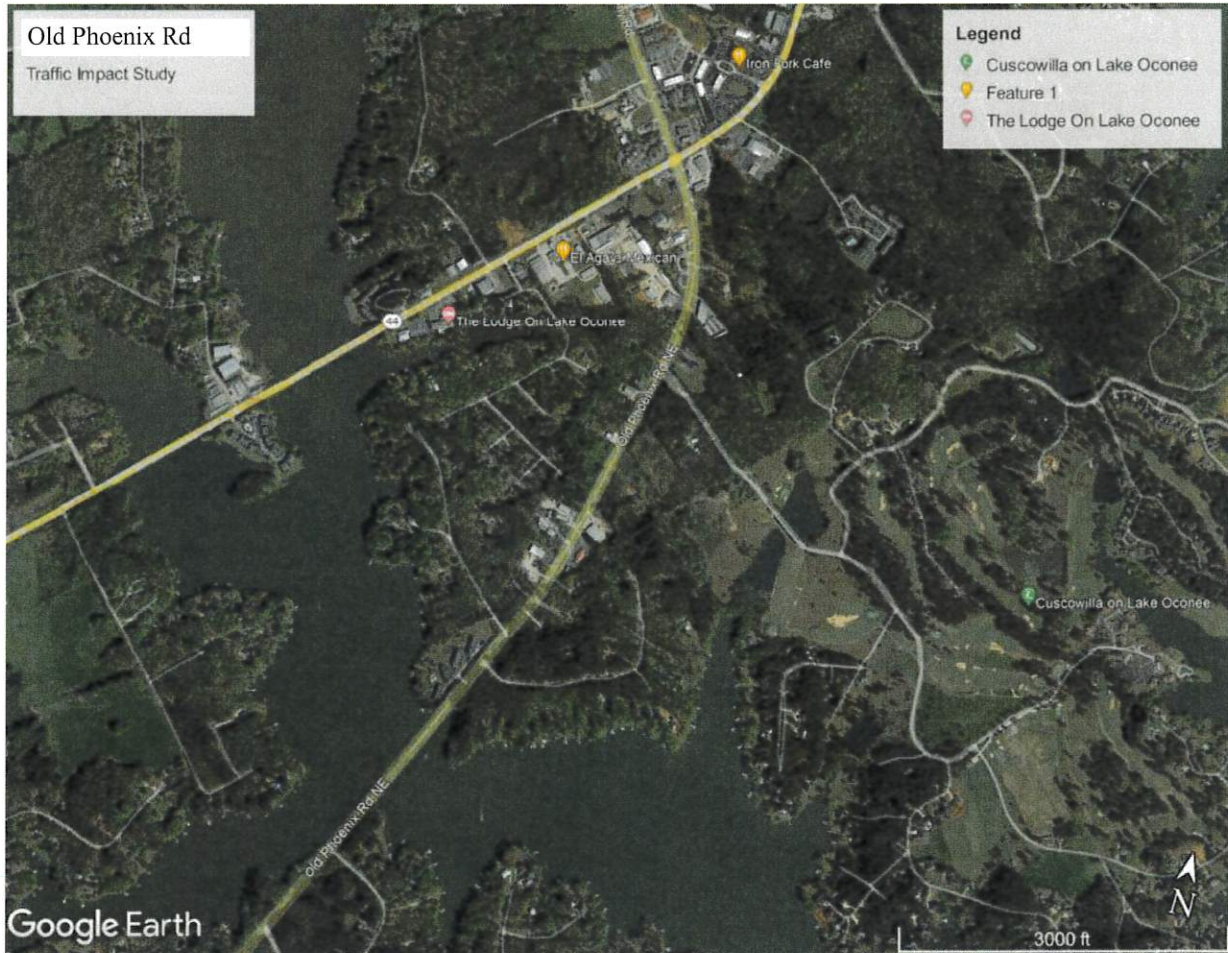
Paul Simonton  
paul@simontoneng.com

Hinesville, Georgia Phone: (912) 977-1502  
Greensboro, Georgia Phone: (706) 454-0870

# Old Phoenix Project Traffic Impact Study

## General

The project is a commercial development located on Old Phoenix Road in Putnam County. The development which includes three parcels will be planned for a convenience store, drive through restaurant and a third low traffic use on two of the parcels. The use of the third parcel is undetermined at this time. All three parcels combined is approximately one acre.





Predicted Traffic

Trip Generation software by Microtrans will be used to generate average daily traffic plus peak hour enter and exit projections for each use. The projected future traffic will be combined with existing counts provided by the GDOT Traffic data website to predict total roadway traffic.

Passer-by traffic, is generally defined as traffic that is already on the roadway and contained in existing counts but will also be included in projected counts. A commercial development that includes convenience store with gas has a relatively high passer-by rate and will be considered as about 60% for this project, so a significant reduction in traffic projections will be included.

The development will have one access points on Old Phoenix Road. The planned project has one access shown on the concept plan. Since the destination and generation point is from both directions, it is assumed that the traffic will be split evenly relative to in and out traffic.

**Table 1** below provides a detailed traffic projection that includes the land use, along with average daily volumes plus enter and exit projection for a.m. and p.m. peak. The projected traffic contained in **Table 1** is for a 100% build-out which is expected to take approximately three to five years.

**Table 1**

	Trips /day	Am Peak Enter	AM Peak Exit	PM Peak Enter	PM Peak Exit
C store 14 pmps	7596	120	120	135	135
Fast Food Rest	992	54	52	36	33
Pharmacy w. DT	176	3	2	8	9
Total	8764	177	174	179	177

The following assumptions and considerations were used to evaluate the impacts.

1. AADT on Old Phoenix is about 4600 Vehicles per day, so we would evaluate the above additional traffic based on existing traffic less than 6,000 VPD
2. Speed limit on Old Phoenix is 45 MPH
3. Pharmacy use doesn't generate very much traffic.
4. C Stores and fast food usually have a pretty high passer by rate so we take 60% (which is pretty aggressive) of the total trips = 8764 X 60% = 5,258 VPD generated but the site use.
5. Assume that the traffic is split 50/50 each direction gives us (5258/20 =2629 VPD each Direction

Existing Conditions and Growth

The traffic at GDOT Station ID 237-0178, in 2020 was AADT of 4,340 and was estimated in 2021 AADT at 4,570, an increase of 5.3% over the two year period. Truck traffic based on the data was measured at approximately 4.0%.

When considering the capacity of the roadway the ADT is well within the normal capacity for a typical two-lane roadway. The limiting factor on the capacity of a road of this nature is the turning movements that block through traffic. The impact of the development and the turning movements generated will be evaluated on the proposed intersection later in this report.

Future Conditions

Projections of traffic for the Old Phoenix Road tract is projected to more than 5,000 vehicles in the near future . Using the 5.3% growth over the two year period the traffic is still well within its capacity for a two-lane road and will still operate at an acceptable Level Of Service (LOS).

Intersection Evaluation

In order to fully evaluate the impacts on the State Route Regulations require that the entrance to any development that connects to a state road will meet all state and local requirements for intersection design. As required by this provision the GDOT right turn and left turn standards were used to complete the evaluation of the two intersections onto Ga. Hwy 16 for this project. For the right turn evaluation the GDOT *Regulations for Driveway and Encroachment Control (Driveway manual)* revision 5.0, dated July 3, 2019, Section 4.9.1.1 of the manual was consulted

**4.9.1.1 Minimum Requirements for Right Turn Deceleration Lanes**

Right turn deceleration lanes must be constructed at no cost to the Department if the daily site generated Right Turn Volumes (RTV) based on ITE Trip Generation (assuming a reasonable distribution of entry volumes) meet or exceed the values shown in Table 4-6. Passing lane sections fall under the criteria for two or more lanes.

Posted Speed	2 Lane Routes		More than 2 Lanes on Main Road	
	AADT		AADT	
	< 6,000	>=6,000	<10,000	>=10,000
35 MPH or Less	200 RTV a day	100 RTV a day	200 RTV a day	100 RTV a day
40 to 50 MPH	150 RTV a day	75 RTV a day	150 RTV a day	75 RTV a day
55 to 60 MPH	100 RTV a day	50 RTV a day	100 RTV a day	50 RTV a day
>= 65 MPH	Always	Always	Always	Always

**Table 4-6 Minimum Volumes Requiring Right Turn Lanes**

Speed limit on Old Phoenix Road is 45 MPH and daily traffic is below the 6,000 AADT for a two-lane road. This development falls within the area requiring the right turn lane at the proposed intersection.

For the left turn evaluation the *GDOT Regulations for Driveway and Encroachment Control (Driveway manual)* revision 5.0, dated July 3, 2019, Section 4.9.1.2 of the manual was consulted.

**4.9.1.2 Minimum Requirements for Left Turn Lanes**

Left turn lanes must be constructed at no cost to the Department if the daily site generated Left Turn Volumes (LTV) based on ITE Trip Generation (assuming a reasonable distribution of entry volumes) meet or exceed the values shown in Table 4-7a **Condition 1**. If the LTVs are below the requirements for **Condition 1**, the applicant may be required to construct a Right Hand Passing Lane (see **Figure 4-7** if they meet the criteria in Table 4-7b **Condition 2**). The District Traffic Engineer will use engineering judgment to determine if the field conditions would allow construction of the Right Hand Passing Lane. Passing lane sections fall under the criteria for two or more lanes.

**Condition 1**

LEFT TURN REQUIREMENTS-FULL CONSTRUCTION				
Posted Speed	2 Lane Routes		More than 2 Lanes on Main Road	
	ADT		ADT	
	<6,000	>=6,000	<10,000	>=10,000
35 MPH or Less	300 LTV a day	200 LTV a day	400 LTV a day	300 LTV a day
40 to 50 MPH	250 LTV a day	175 LTV a day	325 LTV a day	250 LTV a day
>= 55 MPH	200 LTV a day	150 LTV a day	250 LTV a day	200 LTV a day

**Table 4-7a Minimum Volumes Requiring Left Turn Lanes**

**Condition 2**

LEFT TURN REQUIREMENTS w/Right Hand Passing Lane Option		
Posted Speed	2 Lane Routes only	
	ADT	
	<4,000	>=4,000
35 MPH or Less	200 LTV a day	125 LTV a day
40 to 45 MPH	100 LTV a day	75 LTV a day
50 to 55 MPH	75 LTV a day	50 LTV a day

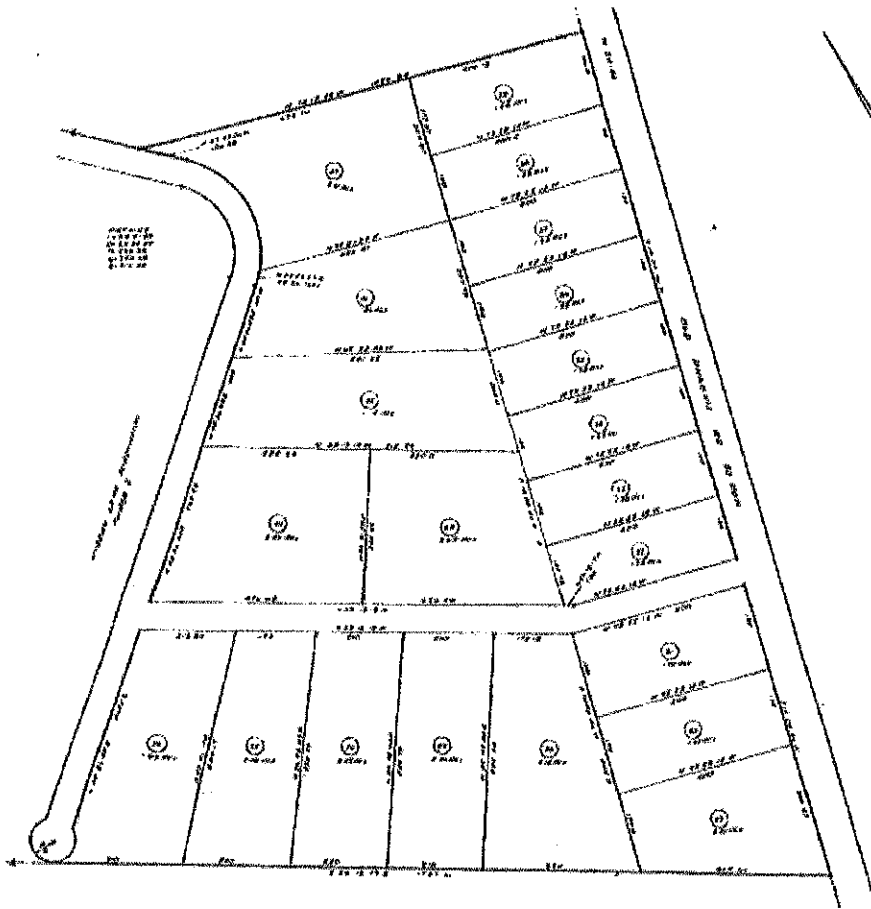
**Table 4-7b Minimum Volumes Requiring Right Hand Passing Lanes**

As noted above Old Phoenix Road has less than the 6,000 ADT and has a posted speed limit of 45 MPH, which would require a center left turn lane if projected left turns exceeded 1,314 LTV per day under condition 1. Projected distribution exceeds this threshold, the left turns exceed the 250 LTV per day. The center left turn lane should be designed to accommodate the expected traffic.



Conclusions & Recommendations

This study meets the requirements of the *Putnam County Traffic projection Study* in that it assesses and forecasts the impact of the development on the existing infrastructure based on the project site plan (included). As noted above, neither a right turn lane and a left turn lane is warranted based on GDOT guidelines.



174

CLINTON & SONS, INC.  
 PLAT BOOK 13

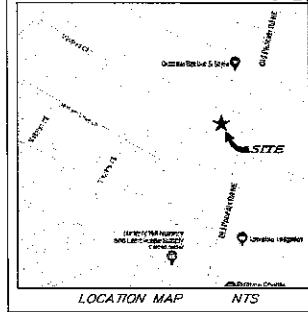
WIDEN ROAD SURVEY  
 1914  
 PLAT BOOK 13  
 CLINTON & SONS, INC.

174

174

FOR REDDING

LEGEND	
—	P.R. - POWER POLE
—	L.P. - LIGHT POLE
—	F.M. - FIRE HYDRANT
—	S.M. - SANITARY SEWER MANHOLE
—	W.M. - WATER METER
—	G.M. - GAS METER
—	R.S. - REINFORCING BAR SET
—	R.P. - REINFORCING BAR FOUND
—	O.P. - OPEN TOP PIPE FOUND
—	O.P. - OPEN TOP PIPE FOUND
—	R.W. MON. - RIGHT-OF-WAY MONUMENT
TYPE OF FENCE	
—	J.B. - JUNCTION BOX
—	C.P. - CONCRETE / YARD PALET
—	C.B. - CATCH BASIN
—	R.C.P. - REINFORCED CONCRETE PIPE
—	C.M.P. - CORRUGATED METAL PIPE
—	R.R. - FINISHED FLOOR ELEVATION
—	W. - WATER MAIN
—	T.M. - TELEPHONE MANHOLE
—	O.P.L. - OVERHEAD POWER LINES
—	H.W. - HEADWALL
—	P. - POWER POLE
—	S.A. - STREET ADDRESS
—	W.L. - WATER LINE
—	T.L. - UNDERGROUND TELEPHONE LINE
—	G.L. - GAS LINE
—	E.L. - ELECTRICAL LINE



PROPERTY RECORDS  
 1. PLAT BOOK 13 PAGE 174  
 2. RECORDS 100  
 3. RECORDS 1000 PAGE 300

ZONING: RM-1 & RM -3  
 SETBACK:  
 FRONT: 30'  
 REAR: 20'  
 SIDE: 20'

ZONING: C-1  
 SETBACK:  
 FRONT: 30'  
 REAR: 30'  
 SIDE: 15'

ZONING BUFFER: 30' (FROM RESIDENTIAL)

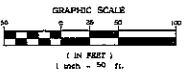
**TOTAL AREA**  
 2.59 AC.  
 224,500 sq. ft.

ALL IRON PIN FOUND ARE 1/2" REBAR'S

- GENERAL NOTES:
1. WATER & SEWER SERVICE TO BE PROVIDED BY PUTNAM COUNTY
  2. THE OWNER OF PROPERTY IS RESPONSIBLE FOR COMPLIANCE WITH THE CODES OF ENGINEERS REQUISITE REDEMPTION SETBACKS
  3. ALL UTILITIES WILL BE UNDERGROUND
  4. PARCEL IS VACANT NO DEMOLITION NEEDED
  5. VERTICAL DATUM EGPS (NAVD 88)

**SURVEYOR'S CERTIFICATE**

THIS PLAT IS A RETRACTION OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH LOCATED THE PARCEL OR PARCELS ARE STATED HEREON RECORDED OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF RECORDS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERGROUND LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A., SECTION 47-2-42.



THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTIONS, SUBSURFACE CONDITIONS, OR OTHER MATTERS OF THIS KIND WHICH ARE NOT SHOWN, AND RECORDS OF THIS PLAT DO NOT CONSTITUTE A WARRANTY BY THE ENGINEER OF THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER, THE PROVIDER, OR ANY OTHER PARTY.

THIS PLAT IS FOR THE EXCLUSIVE USE OF THE PARTIES STATED ON THE FACE OF THE SURVEY; ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.

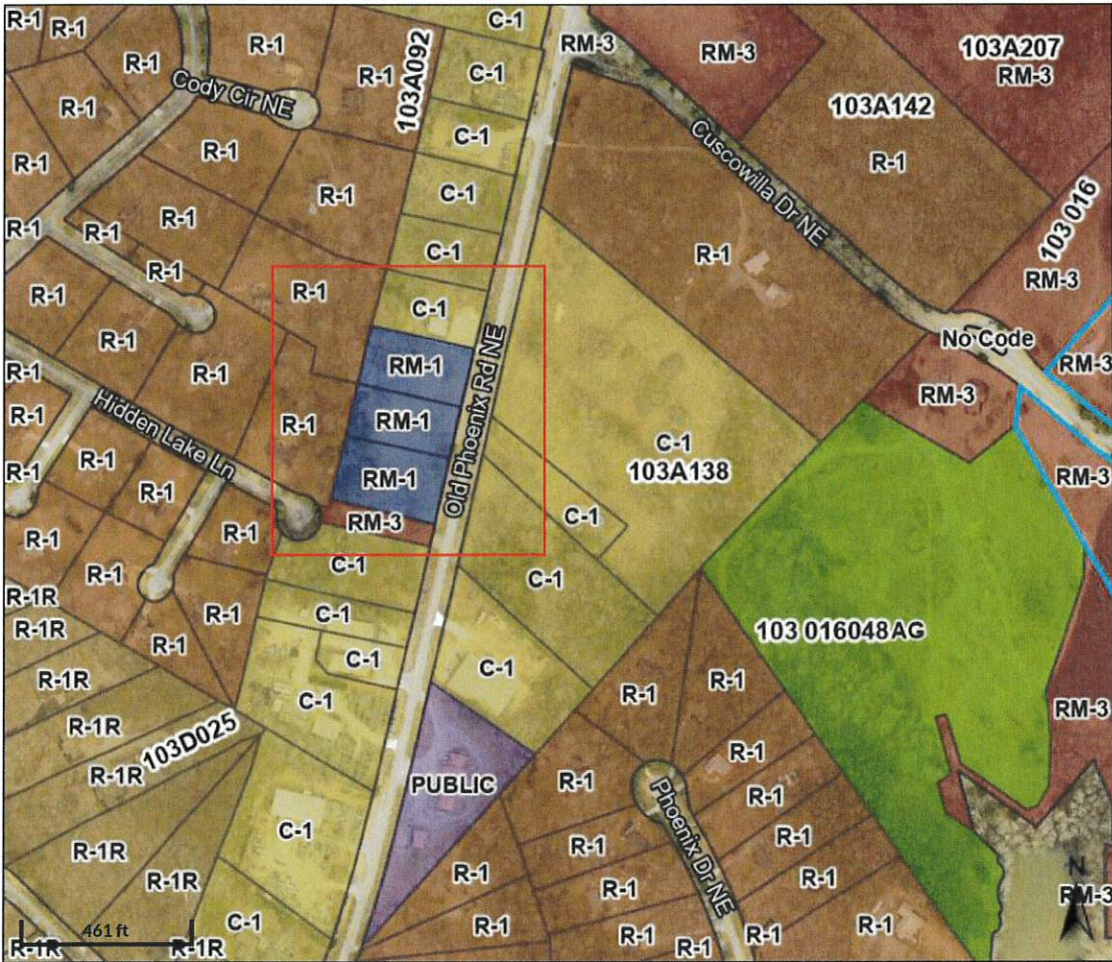
THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A THEODOLITE AND ELECTRONIC DISTANCE MEASUREMENT (EDM) INSTRUMENTS. THE MEASUREMENTS WERE MADE USING THE COMPARATIVE METHOD. (RANDOM ERROR OF THIS PLAT: 1/250,000). MEASUREMENTS OF THIS PLAT WERE MADE ON THE DATE: 1/26/2021.



DATE: 1/26/2021 NEWBORN  
 SCALE: 1"=50'  
 DRAWN BY: TMO  
 CHECKED BY: JCA  
 PROJECT NO: 2300

**LAND ENGINEERING & SURVEYING, INC.**  
 2000 Morris Drive  
 Lawrenceville, GA 30046  
 Tel: 404.395.8472  
 info@landeng.com

ASSURANT AND TOPOGRAPHIC SURVEY FIRM:  
 EUGENE C. WHEELER AS TRUSTEE FOR THE EUGENE C. WHEELER TRUST  
 LOT 6, 7, 8 AND 21  
 LOCATED IN  
 (GMD) LAND LOT 340  
 2ND DISTRICT  
 PUTNAM COUNTY, GEORGIA



Overview

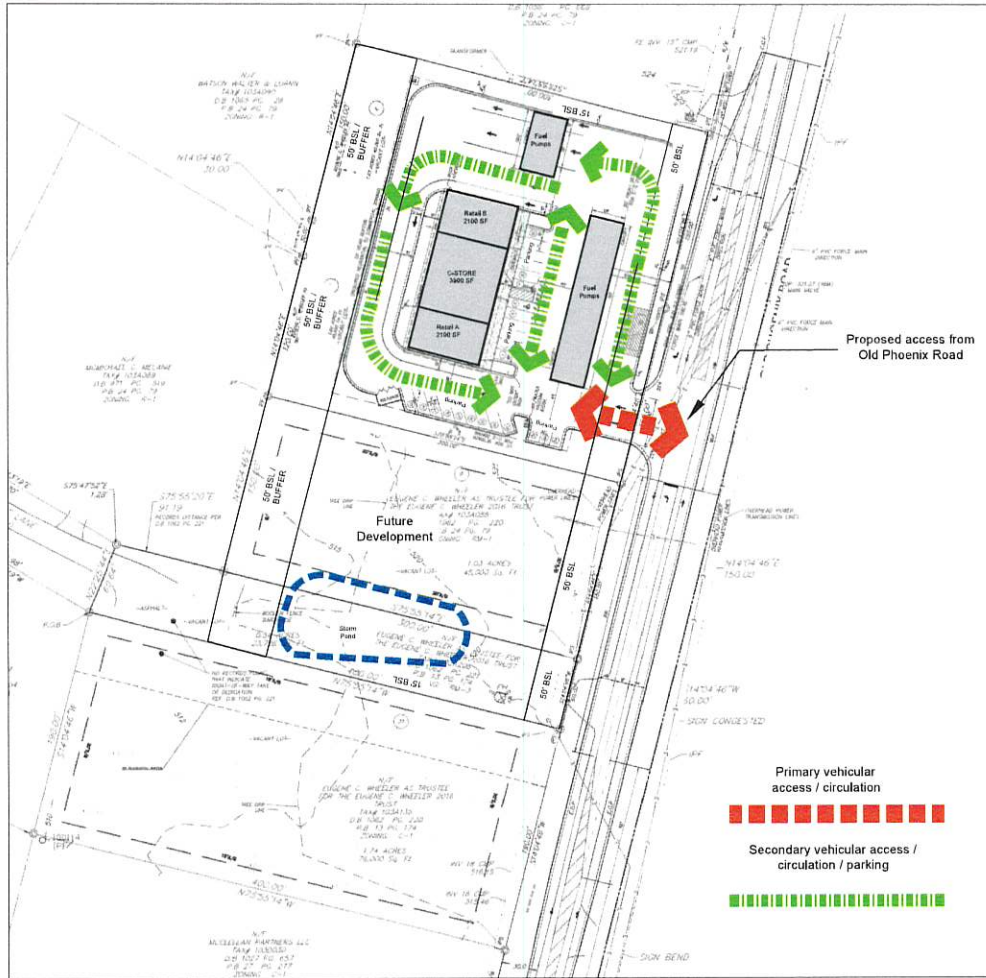


Legend

- City Limit
- Parcels
- Parcel Numbers
- Zoning**
- A-1 CITY
- A-1 and AG-1
- AG
- AG-1
- AG-2
- C-1
- C-1 CITY
- C-2
- C-2 CITY
- C-2 PUD
- C-PUD
- I-1 CITY
- I-2 CITY
- I-M
- MHP
- PUBLIC
- PUBLIC CITY
- R - 1 CITY
- R - 2 CITY
- R - 3 CITY
- R - 4 CITY
- R-1
- R-1R
- R-2
- R-PUD
- RM-1
- RM-2
- RM-3
- VILLAGE
- Roads**



This plan is conceptual in nature and is an approximate representation of potential land uses, sizes, locations and circulation patterns. The plan is intended to be developed over a period of time and should maintain flexibility to accommodate specific soil conditions, environmental concerns, physical constraints, market conditions and design parameters.



**CONCEPT PLAN EXHIBIT**

SCALE: As Noted Subject to Change  
September 23, 2023

**PARCELS 103A-208 / 103A-086 thru 088**

**CONCEPTUAL SITE PLAN  
PUTNAM COUNTY, GEORGIA**



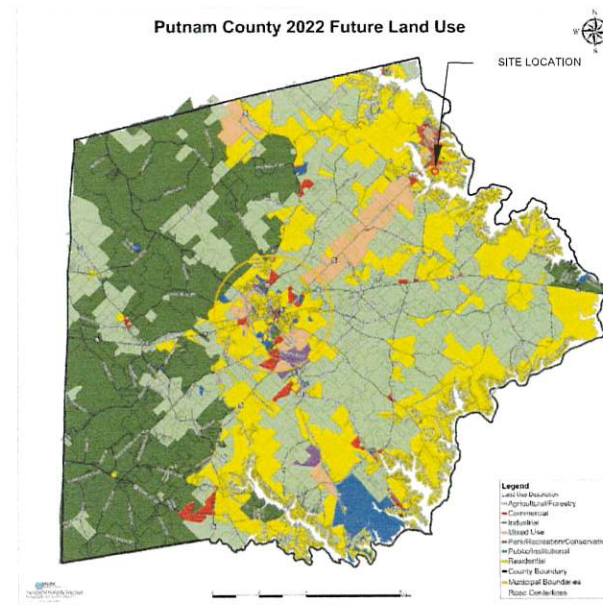
**CURRENT ZONING AND PARCEL MAP  
NOT TO SCALE**

Proposed Use: Convenience Store / Retail with Fuel Pumps. Maximum combination of building size of 79,650 square feet (15,000 sf / Acre); 3.63 AC X 15,000 = 54,450 SF

Concept Plan: Illustrates ~ 8,100 sf of Retail / Convenience Store with Fuel Pumps

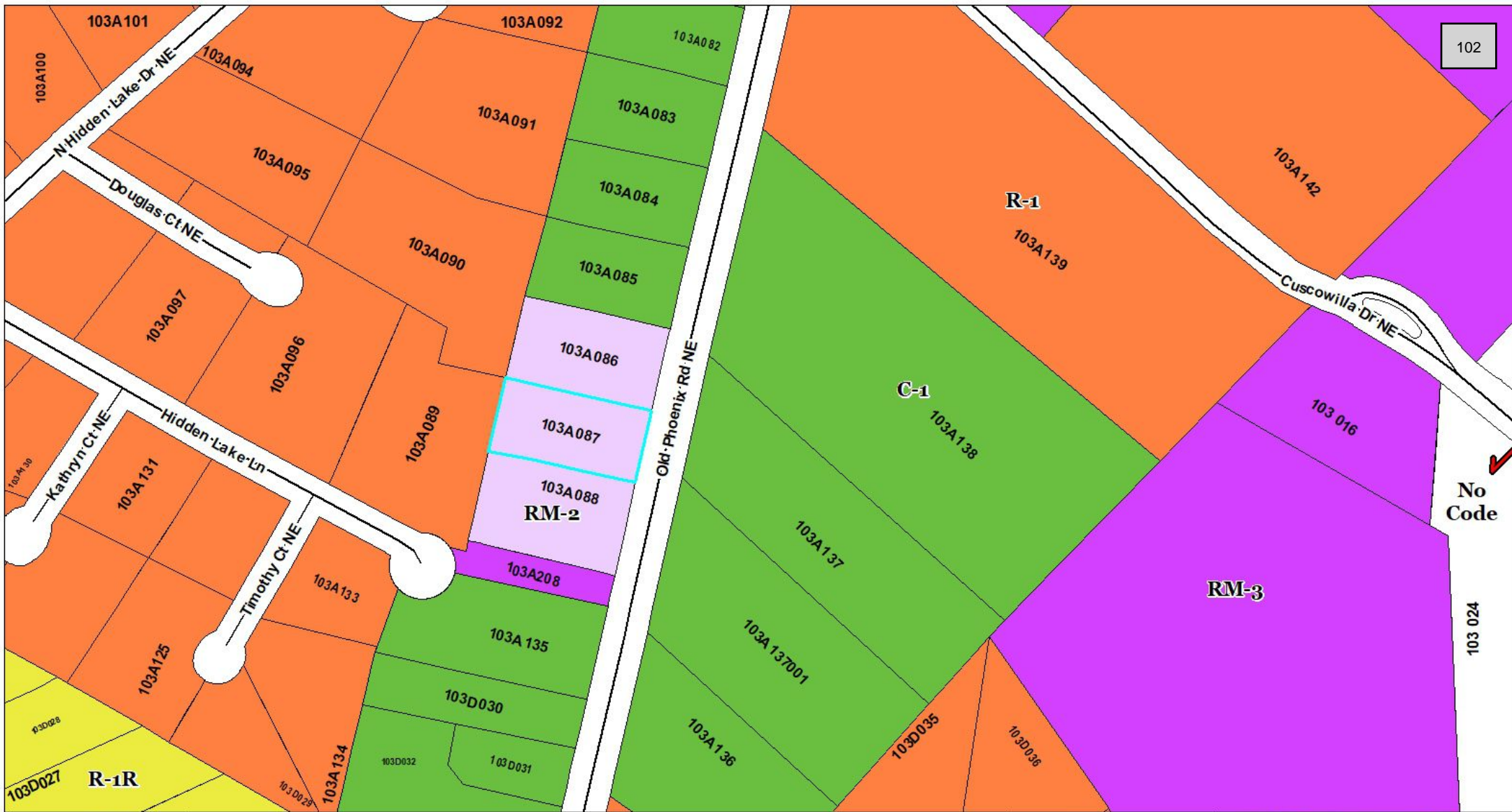
Applicant: Rick McAllister  
1341 Beverly Drive, Athens GA. 30606  
706-206-5030

Intent: Amend zoning to C-1. Develop commercial use utilizing Convenience Store and Retail land use.



**COMPREHENSIVE PLAN  
SCALE AS NOTED**

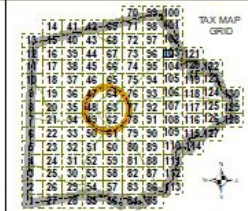




102

No Code

103 024



- Eatonton Limits
- County Boundary
- Roads
- Parcels
- Parcel Hooks

**GEOGRAPHIC FEATURE LEGEND**

Overlay District	AG-2	C-2 CITY	IND-2 CITY	R - 1 CITY	RM-2
No Code	C-1	I-M	MHP	R - 2 CITY	R-1R
AG-1	C-1 CITY	IND-1 CITY	PUBLIC	R - 3 CITY	RM-3
AG-1 CITY	C-2	IND-2	PUBLIC CITY	R - 4 CITY	VILLAGE

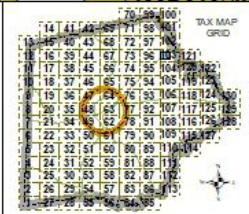
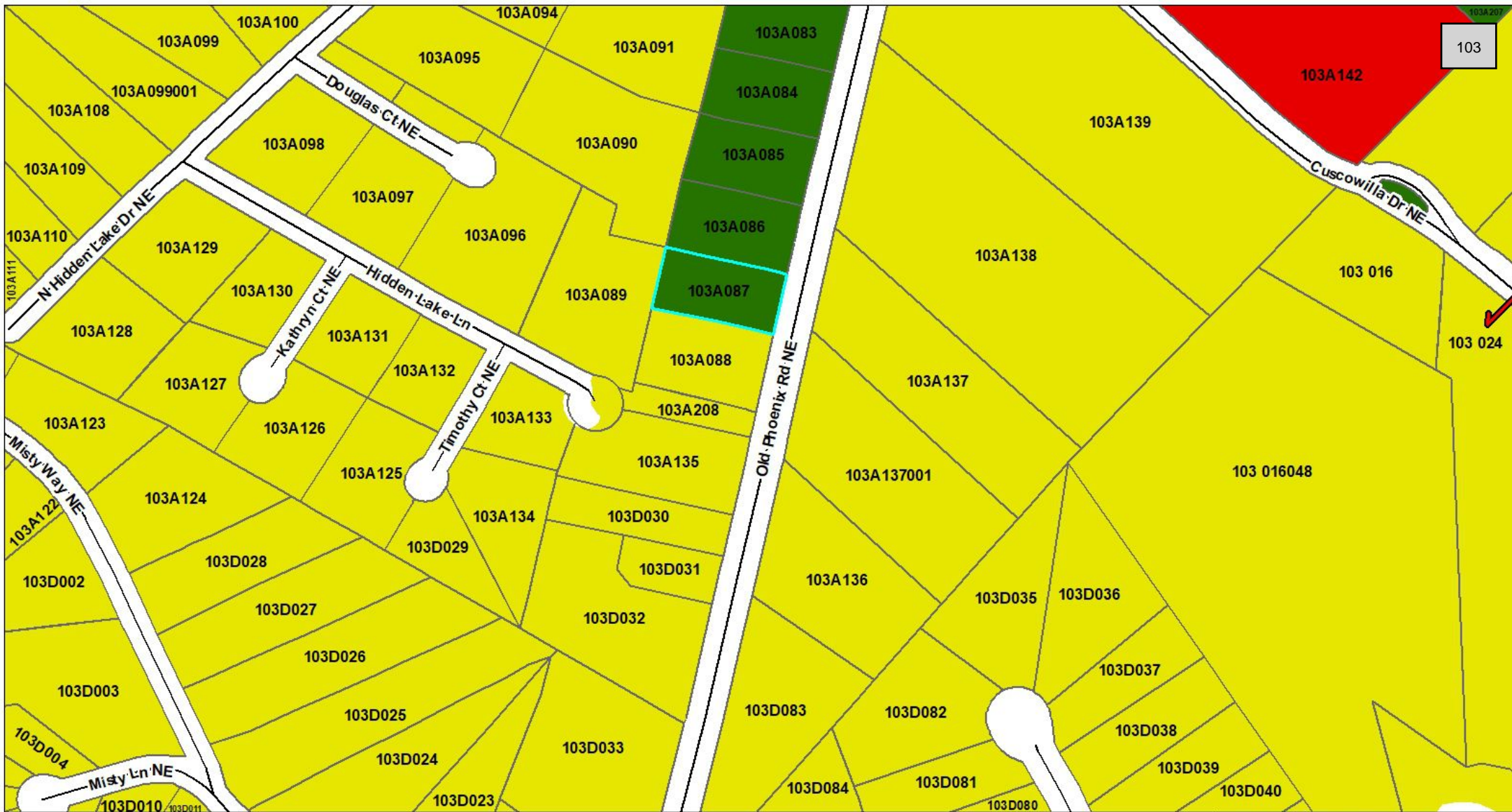
**MGRC**  
Middle Georgia Regional Commission  
175 Emery Hwy  
Suite C  
Macon, Georgia 31217  
(478) 751-6160  
Web:  
[www.middlegeorgia.org](http://www.middlegeorgia.org)

PUTNAM COUNTY, GEORGIA  
ZONING MAPS

# MAP 103A

MAP SCALE: 1" = 166.67'    SCALE RATIO: 1:2,000    DATE: NOVEMBER 2023





GEOGRAPHIC FEATURE LEGEND			
Eatonton Limits	Agriculture/Forestry	Mixed Use	Residential
County Boundary	Commercial	Park/Recreation/Conservation	Transportation/Communication/Utilities
Roads	Industrial	Public/Institutional	Undeveloped/Vacant
Parcels			
Parcel Hooks			

**MGRC**  
Middle Georgia Regional Commission  
175 Emery Hwy  
Suite C  
Macon, Georgia 31217  
(478) 751-6160  
Web:  
[www.middlegeorgia.org](http://www.middlegeorgia.org)

PUTNAM COUNTY, GEORGIA  
FUTURE LAND USE MAPS

**MAP 103A**

MAP SCALE: 1" = 200'    SCALE RATIO: 1:2,400    DATE: NOVEMBER 2023

**Request by Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust to rezone 1.03 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 087, District 1].**

**PLANNING & DEVELOPMENT-LISA JACKSON STAFF RECOMMENATION:**

Mr. McAllister is requesting to rezone 1.03 acres from RM-1 to C-1. If approved, he plans to create a commercial tract. In addition to the C-1 zoning request, the applicant is requesting to rezone two adjacent RM-1 zoned parcels (Map 103A, Parcel 086 & Parcel 088), and one RM-3 zoned parcel (Map 103A, Parcel 208). He plans to combine the four parcels to create an area of 3.46 acres. As stated in his letter of intent and concept plan, he would like to establish an 8,100 sq-foot convenience store with fuel pumps, and a drive-through restaurant.

The subject parcel is located along Old Phoenix Road and will have approximately 500 ft of linear road footage if combined. The parcels must have the same zoning classification to be combined and the request is consistent with the allowed uses in C-1 as stated in Sec. 66-103 Uses allowed., of the Putnam County Code of Ordinances. The property is currently a mixed open area and partially wooded with topography sloped into one drainage corridor. The entire parcel comprises of its own watershed directed to existing drainage corridors which eventually flow into Lake Oconee. If approved, the developer will establish a 25-foot state water buffer that will be placed on all qualified pond or stream components. Although the proposed parcel can be used as it is currently zoned the surrounding land uses include C-1 zoned parcels to the north, east and south and only one side borders R-1 zoning. Though there is a residential neighborhood behind the property and the Future Comprehensive Plan illustrates this site as residential, it is located along Old Phoenix and is in the middle of a commercial district. Old Phoenix is a major thoroughfare and connector between State Hwy 441, Georgia State Route 16, and the Lake Oconee area. Additionally, this rezoning request mirrors the nearby and adjacent properties use. Therefore, the proposed use is suitable in view of the adjacent and nearby properties and will not adversely affect the existing use, value, or usability of the properties. Moreover, the proposed use should not cause any excessive or burdensome use of public facilities or services. As this area of the county develops, trends can be identified by zoning patterns. This request responds to the growing trend of C-1 use along Old Phoenix Road. The development will have one access point on Old Phoenix Road. According to the submitted traffic study, the planned project has one access point shown on the concept plan. Since the destination and generation point is from both directions, it is assumed that the traffic will be split evenly relative to in and out traffic. Thus, neither a right nor left turn lane is warranted based on GDOT guidelines. If approved, staff recommends that the developer shall develop and maintain a 50-foot undisturbed buffer or berm along the property lines that abut Map 103A Parcel 089. The developer shall install a right turning lane at the proposed intersection per state and local guidelines and install a center left turn lane per state and local guidelines.

Staff recommendation is for approval to rezone 1.03 acres from RM-1 to C-1 on Old Phoenix Road [Map 103A, Parcel 087, District 1] \* with the following conditions:

1. The developer shall develop and maintain a 50-foot undisturbed buffer or berm along the property lines that abut Map 103A Parcel 089.
2. The developer shall install a right turning lane at the proposed intersection per state and local guidelines and
3. The developer shall install a center left turn lane per state and local guidelines.

**PLANNING & ZONING COMMISSION RECOMMENDATION:**

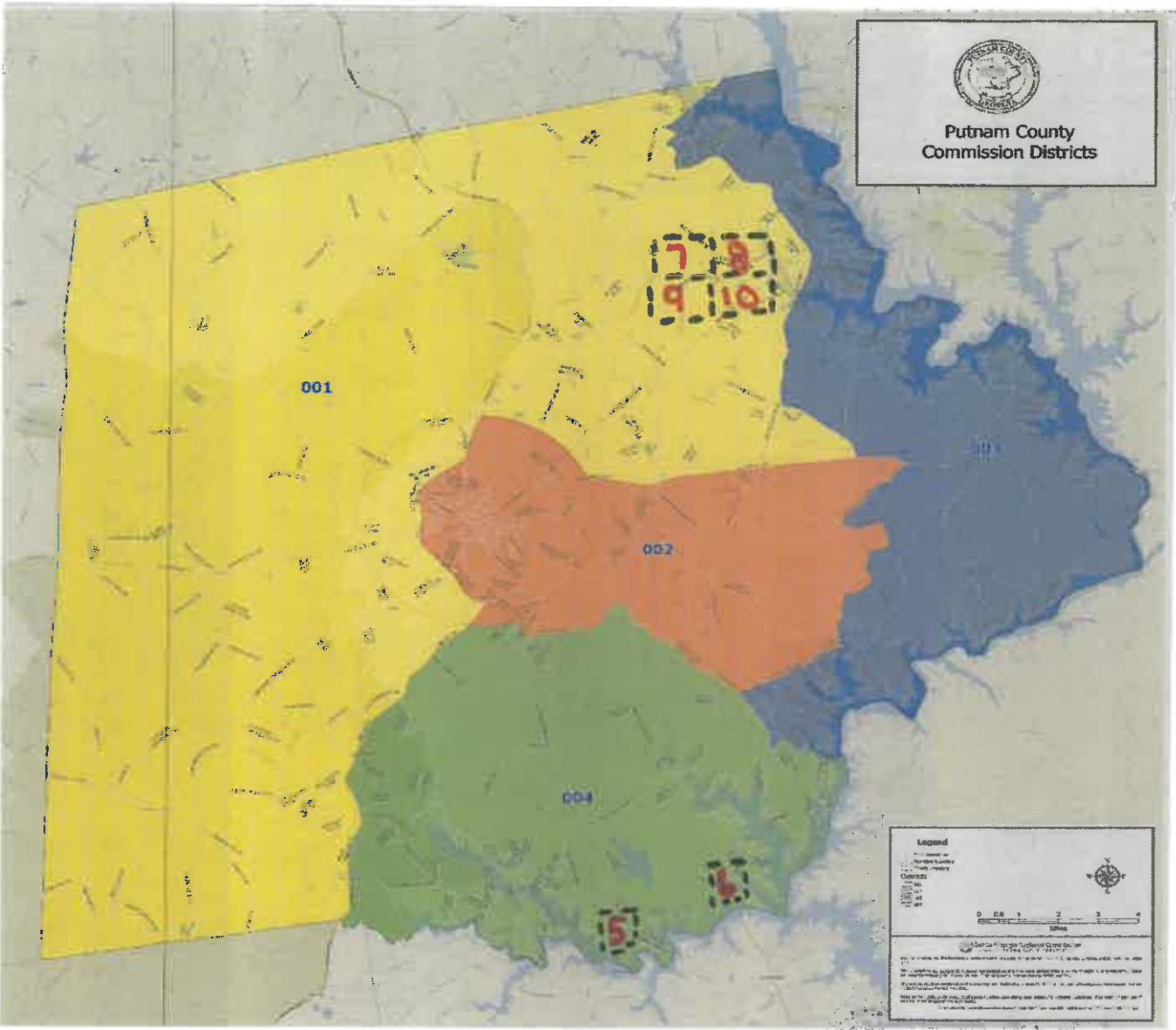
*The Planning & Zoning Commission's recommendation is for approval to rezone 1.03 acres from RM-1 to C-1 on Old Phoenix Road [Map 103A, Parcel 087, District 1] \* with the following conditions:*

1. *The developer shall develop and maintain a 50-foot undisturbed buffer or berm along the property lines that abut Map 103A Parcel 089.*
2. *The developer shall install a right turning lane at the proposed intersection per state and local guidelines and*
3. *The developer shall install a center left turn lane per state and local guidelines.*



**File Attachments for Item:**

9. Request by Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust to rezone 1.02 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 088, District 1]. (staff-P&D)



5. Request by **Bobby J. Wilder** for a conditional use at 641 Dennis Station Road. Presently zoned AG [Map 082, Parcel 059, District 4].
6. Request by **Darin L. Simmons** to rezone 10 acres on Pea Ridge Road from AG to C-2. [Map 088, Part of Parcel 008006, District 4].\*
7. Request by **Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust** to rezone 1.03 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 086, District 1].\*
8. Request by **Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust** to rezone 1.03 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 087, District 1].\*
9. Request by **Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust** to rezone 1.02 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 088, District 1].\*
10. Request by **Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust** to rezone .38 acres on Old Phoenix Road from RM-3 to C-1. [Map 103A, Parcel 208, District 1].\*
11. **Approval of the 2024 Planning and Zoning Public Hearing Agenda and Deadline Schedule**



# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

## APPLICATION FOR REZONING

REZONING

APPLICATION NO. 2023-REZONE-38 DATE: 10-26-23

MAP 103A PARCEL 088 ZONING DISTRICT RM-1 Existing / C-1 Proposed

1. Owner Name: Eugene C Wheeler as Trustee for Eugene C Wheeler 2016 Trust

2. Applicant Name (If different from above): Rick McAllister

3. Mailing Address: 1341 Beverly Drive Athens, GA 30606

4. Email Address: [REDACTED]

5. Phone: (home) \_\_\_\_\_ (office) \_\_\_\_\_ (cell) [REDACTED]

6. The location of the subject property, including street number, if any: Old Phoenix Road

7. The area of land proposed to be rezoned (stated in square feet if less than one acre): 1.03 ac

8. The proposed zoning district desired: C-1

9. The purpose of this rezoning is (Attach Letter of Intent) See Impact Study

10. Present use of property: Undeveloped Residential Desired use of property: Commercial

11. Existing zoning district classification of the property and adjacent properties:  
Existing: RM-1  
North: RM-1 - Pending C-1 South: RM-1 - Pending C-1 East: C-1 West: R-1

12. Copy of warranty deed for proof of ownership and if not owned by applicant, please attach a signed and notarized letter of agency from each property owner for all property sought to be rezoned.

13. Legal description and recorded plat of the property to be rezoned.

14. The Comprehensive Plan Future Land Use Map category in which the property is located. (If more than one category applies, the areas in each category are to be illustrated on the concept plan. See concept plan insert.): Residential

15. A detailed description of existing land uses: Undeveloped Residential

RECEIVED OCT 26 2023





# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024  
Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

- 16. Source of domestic water supply: well \_\_\_\_\_, community water \_\_\_\_\_, or private provider X.  
If source is not an existing system, please provide a letter from provider.
- 17. Provision for sanitary sewage disposal: septic system X, or sewer \_\_\_\_\_. If sewer, please provide name of company providing same, or, if new development, provide a letter from sewer provider.
- 18. Complete attachment of Disclosure of Campaign Contributions Form by the applicant and/or the applicant's attorney as required by the Georgia Conflict of Interest in Zoning Act (O.C.G.A. 36-67A).
- 19. The application designation, date of application and action taken on all prior applications filed for rezoning for all or part of the subject property. (Please attach on separate sheet.)
- 20. Proof that property taxes for the parcel(s) in question have been paid.
- 21. Concept plan.
  - If the application is for less than 25 single-family residential lots, a concept plan need not be submitted. (See attachment.)
  - A concept plan may be required for commercial development at director's discretion
- 22. Impact analysis.
  - If the application is for less than 25 single-family residential lots, an impact analysis need not be submitted. (See attachment.)
  - An Impact analysis (including a traffic study) is required when rezoning from residential zoned or used property to commercial or industrial districts.

THE ABOVE STATEMENTS AND ACCOMPANYING MATERIALS ARE COMPLETE AND ACCURATE. APPLICANT HEREBY GRANTS PERMISSION FOR PLANNING AND DEVELOPMENT PERSONNEL OR ANY LEGAL REPRESENTATIVE OF PUTNAM COUNTY TO ENTER UPON AND INSPECT THE PROPERTY FOR ALL PURPOSES ALLOWED AND REQUIRED BY THE PUTNAM COUNTY CODE OF ORDINANCES.

EC Webb 10/26/2023  
Signature (Property Owner) (Date)

Paul [unclear] 10-26-23  
Signature (Applicant) (Date)

Joanne Marie Wiggins  
Notary Public

Joanne Marie Wiggins  
Notary Public



Office Use			
Paid: \$ <u>300.00</u>	(cash)	(check)	(credit card)
Receipt No. _____	Date Paid: _____		
Date Application Received: <u>10-24-23</u>			
Reviewed for completeness by: <u>CJA</u>			
Date of BOC hearing: <u>12-19-23</u>		Date submitted to newspaper: <u>11-13-23</u>	





# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ [www.putnamcountyga.us](http://www.putnamcountyga.us)

Date sign posted on property: \_\_\_\_\_ Picture attached: yes \_\_\_\_\_ no \_\_\_\_\_

---

---

**LETTER OF INTENT – PARCEL 103A-208 / 103A-068-088**  
**C1 ZONING REQUEST**

The parcels are located along Old Phoenix roads with a combined area of approximately 3.63 acres. The intent of the re-zone application is to combine these parcels to create a commercial tract with approximately 500 LF on Old Pheonix road frontage. Surrounding land uses include C-1 Zoned parcels to East, North and South and R-1 Zoned Parcels to West.

The intended land use for this property is a Convenience store and a future use to be determined. The attached conceptual plan illustrates the proposed amount of use including conceptual layout of interior roads.

We appreciate the consideration to promote quality development within Putnam County.

eFiled & eRecorded  
DATE: 11/3/2021  
TIME: 4:52 PM  
DEED BOOK: 01062  
PAGE: 00220 - 00221  
RECORDING FEES: \$25.00  
TRANSFER TAX: \$540.00  
PARTICIPANT ID: 4545272391  
CLERK: Trevor J. Addison  
Putnam County, GA  
PT61: 117-2021-002204

STATE OF GEORGIA  
COUNTY OF PUTNAM

THIS INSTRUMENT WAS PREPARED BY AND  
SHOULD BE RETURNED TO:

Blochgate, Burch, Conrad & Ashby, P.C.  
1001 Parkside Commons, Suite 104  
Gresham, GA 30542  
(706) 537-1139  
FILE NO: 07829-0024

LIMITED WARRANTY DEED

THIS INDENTURE made and entered into this 3rd day of November, 2021, by and between JERRY O. SMITH, as Grantor(s), and EUGENE C WHEELER AS TRUSTEE OF THE EUGENE C WHEELER 2016 TRUST, as Grantee(s),

WITNESSETH

That the said Grantor(s), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to-wit:

**TRACT ONE:** All those certain lots, tracts or parcels of land situate, lying and being in the 349th G.M.D., Land Lot 349, Putnam County, Georgia being designated and described as Lot 6 containing 1.03 acres, more or less; Lot 7 containing 1.03 acres, more or less and Lot 8 containing 1.03 acres, more or less, Hidden Lake Subdivision, Phase II and being more particularly and accurately described on that certain plat of survey dated July 9, 1996 by Conry and Associates and recorded in Plat Book 24, Page 79 in the Office of the Clerk of the Superior Court of Putnam County, Georgia. Said plat is incorporated herein and made part hereof by reference thereto.

Tax Map & Parcel Nos.: 103A-86, 103A-87, 103A-88 Prior Deed References: Deed Book 566, Page 197

**TRACT TWO:** All that tract or parcel of land lying and being in the 389th District, G.M. of Putnam County, Georgia, being in Land Lot 340 of the 3rd Land District and being Lot 31 of Hidden Lake Subdivision, Phase II, and containing 1.74 acres, more or less, as shown on that certain plat recorded in Plat Book 13, Page 174, Putnam County, Georgia records, which plat is incorporated herein by reference and made a part hereof.

Tax Map & Parcel No.: 103A-135 Prior Deed References: Deed Book 566, Page 196

**TRACT THREE:** All that tract or parcel of land, lying and being situate in 389th G.M., District of Putnam County, Georgia and shown as that portion of "Hidden Lake Ln.-60° R/W", containing 0.545 acres, more or less, as shown on that certain plat recorded in Plat Book 13, Page 174, Putnam County, Georgia records, which plat is incorporated herein by reference and made a part hereof.

5210300251414

07829-004.PPL/07829-004024

eFiled & eRecorded  
DATE: 11/3/2021  
TIME: 4:32 PM  
DEED BOOK: 01062  
PAGE: 00221

or less, as shown on the survey attached hereto as Exhibit "A". Said property is more particularly described as follows; Beginning at a rebar found at the northwestern most corner of Lot 31, of Hidden Lake Subdivision, Phase II as shown on plat recorded at Plat Book 13, Page 174, Putnam County records, said rebar being the POINT OF BEGINNING. From said point of beginning, proceed thence North 22 Degrees 25 Minutes 44 Seconds East a distance of 60.64 feet to a point; thence South 75 Degrees 55 Minutes 14 East a distance of 91.19 feet to a rebar found; thence South 75 Degrees 55 Minutes 14 East a distance of 300.00 feet to a point; thence South 14 Degrees 04 Minutes 46 Seconds West a distance of 60.00 feet to a rebar; thence following a line (said line appearing to run parallel to the southern boundary line of Lot 31, and an approximate call of North 75 Degrees 55 Minutes 14 West) approximately 400.00 feet back to the POINT OF BEGINNING.

Tax Map/Parcel ID #: 103A135,208,088, 087,086

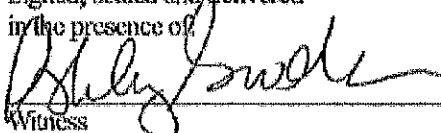
TO HAVE AND TO HOLD the said described property with all and singular the rights, members and appurtenances thereunto appertaining, to the only proper use, benefit and behoof of the said Grantee(s), in Fee Simple,

And the said Grantor(s) warrants and will forever defend the right and title to the said property conveyed hereby unto the said Grantee(s), against the lawful claims of all persons by, through and under the Grantor(s).

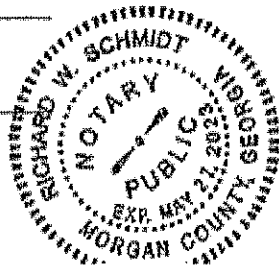
IN WITNESS WHEREOF, the Grantor(s) has hereunto set his/her hand, affixed his/her seal and delivered these presents on the day and year first written above.

  
\_\_\_\_\_  
Jerry O. Smith By his Attorney in Fact  
Tracy Harper-Bailey (SEAL)

Signed, sealed and delivered  
in the presence of

  
\_\_\_\_\_  
Witness

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







# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

LETTER OF AGENCY- Re-Zone

WE, THE UNDERSIGNED OWNERS OF REAL PROPERTY LOCATED IN THE CITY OF EATONTON/PUTNAM COUNTY, GEORGIA, HEREBY APPOINT Rick McAllister TO BE MY/OUR AGENT FOR THE PURPOSE OF APPLYING FOR Re-Zone OF PROPERTY DESCRIBED AS MAP 103A PARCEL 088, CONSISTING OF 1.03 ACRES, WHICH HAS THE FOLLOWING ADDRESS: Old Phoenix Road EATONTON, GEORGIA 31024. ATTACHED HERETO IS A COPY OF A DEED AND OR PLAT OF SURVEY DESCRIBING THE PROPERTY OWNED BY THE PROPERTY OWNER(S) TO WHICH THIS LETTER OF AGENCY APPLIES.

THE ABOVE-NAMED AGENT HEREBY IS AUTHORIZED TO COMPLETE AND SIGN THE CITY OF EATONTON/PUTNAM COUNTY APPLICATION FOR Re-Zone ON OUR BEHALF. WE UNDERSTAND THAT THIS LETTER OF AGENCY WILL BE ATTACHED TO AND MADE PART OF SAID FORM AND WILL BE RELIED UPON BY THE CITY OF EATONTON/PUTNAM COUNTY. FOR AND IN CONSIDERATION OF THE CITY OF EATONTON/PUTNAM COUNTY ACCEPTING THIS LETTER OF AGENCY, WE HEREBY INDEMNIFY AND HOLD HARMLESS THE CITY OF EATONTON/PUTNAM COUNTY AND ITS AGENTS AND/OR EMPLOYEES IN THE EVENT THAT THE ABOVE NAMED AGENT SHOULD MISUSE THIS LETTER OF AGENCY AND WE SUFFER DAMAGES AS A RESULT.

THIS 22 DAY OF September, 20 23.

PROPERTY OWNER(S): Eugene C. Wheeler, Trustee Eugene C. Wheeler 2016 Trust  
NAME (Neatly PRINTED)

EC Wheeler

SIGNATURE

ADDRESS: 1221 Lake Club Dr. Greensboro, GA 30642

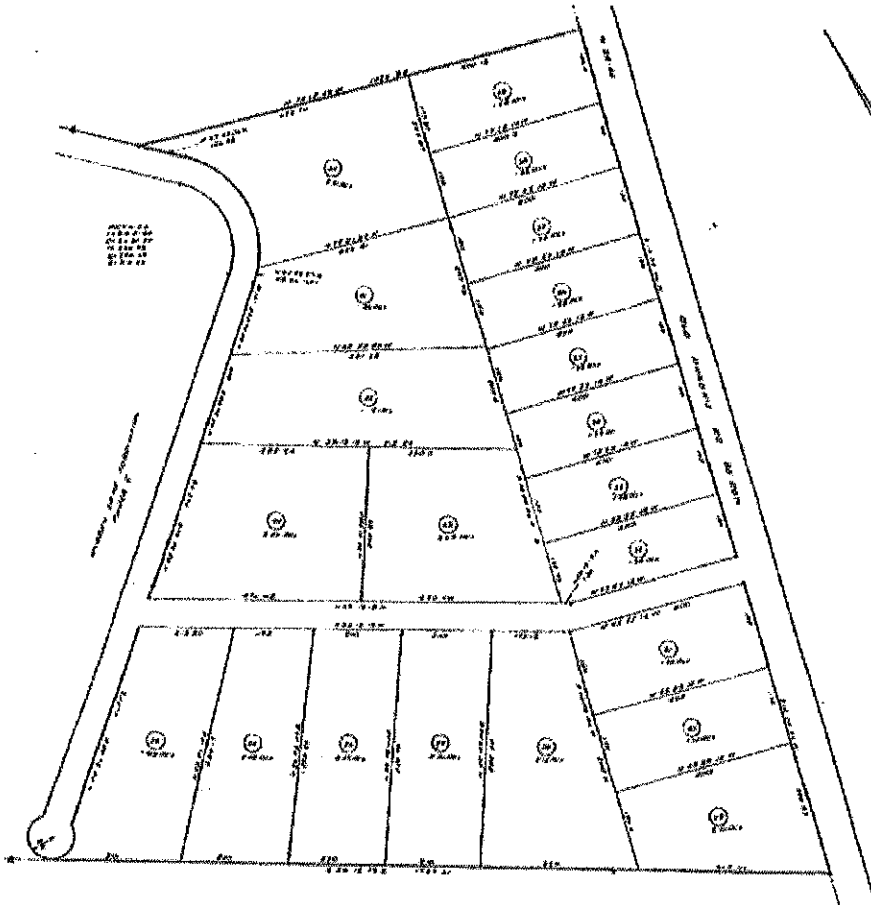
PHONE: [REDACTED]

ALL SIGNATURES WERE HEREBY SWORN TO AND SUBSCRIBED BEFORE ME THIS 22 DAY OF September, 20 23

NOTARY: Belinda L Funez

MY COMMISSION EXPIRES: 8-31-24





174

CLEVELAND & SONS, INC.  
 PLAT BOOK 13  
 FAYETTE COUNTY

174  
 174

HIGHWAY 100  
 174



September 26, 2023

Lisa Jackson  
Director  
Putnam County Planning and Development  
117 Putnam Drive, Suite B  
Eatonton, Georgia 31024

Subject: Sewer Availability – Parcels 103A-208 / 103A-086 to 088

Dear Ms. Jackson:

Piedmont Water Company (PWC) has reviewed the plans for the parcels listed above and has water and sewer capacity available for this project as shown on the MSC plans dated September 23, 2023. The project will require sewer grinder pumps.

Please feel free to contact me with any questions regarding this matter at 800-248-7689, extension 208, or by email: [jmatthews@piedmontwater.com](mailto:jmatthews@piedmontwater.com)

Sincerely,

A handwritten signature in black ink, appearing to read "W. J. Matthews", with a long horizontal flourish extending to the right.

W. J. Matthews  
Vice President of Operations



# PUTNAM COUNTY PLANNING & DEVELOPMENT

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Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

## DISCLOSURE OF APPLICANT'S CAMPAIGN CONTRIBUTION

The *Putnam County Code of Ordinances*, Section 66-167(c) states as follows:

“When any applicant or his attorney for a rezoning action has made, within two years immediately preceding the filing of that applicant’s application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

a. The name and official position of the local government official to whom the campaign contribution was made; and

b. The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution. The disclosures required by this section shall be filed within ten days after an application for the rezoning action is first filed.”

1. Name: \_\_\_\_\_

2. Address: \_\_\_\_\_

3. Have you given contributions that aggregated \$250.00 or more within two years immediately preceding the filing of the attached application to a candidate that will hear the proposed application? \_\_\_\_\_ Yes  No If yes, who did you make the contributions to? : \_\_\_\_\_.

Signature of Applicant: \_\_\_\_\_

Date: 9 / 22 / 23



DESCRIPTION	TAX AMOUNT	EXEMPTION	MILLAGE
FAIR MARKET VALUE	\$130,909		
COUNTY	\$354.98	\$0.00	6.779
SCHOOL	\$675.50	\$0.00	12.9
SPEC SERV	\$20.95	\$0.00	0.4

<b>ORIGINAL TAX DUE</b>
\$1,051.43
<b>INTEREST</b>
<b>COLLECTION COST</b>
<b>FIFA CHARGE</b>
<b>PENALTY</b>
<b>TOTAL PAID</b>
\$1,051.43
<b>TOTAL DUE</b>
\$0.00

TO WHEELER EUGENE C AS TRUSTEE  
1221 LAKE CLUB DRIVE  
GREENSBORO, GA 30642

FROM Putnam County Tax Commissioner  
100 South Jefferson Ave Suite 207  
Eatonton, GA 31024-1061  
(706) 485-5441



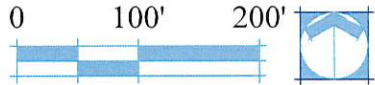
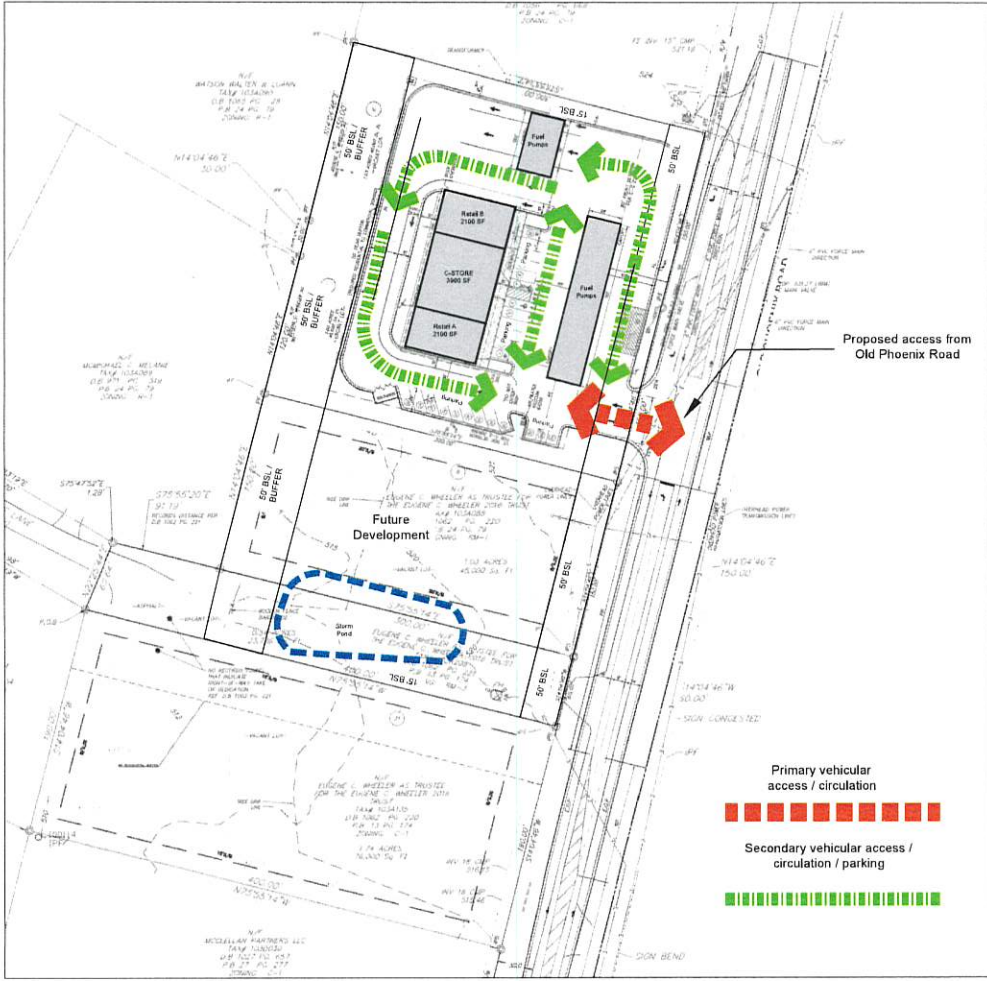
Date Paid: 12/2/2022



Scan this code  
with your mobile  
phone to view this  
bill

INTERNET TAX RECEIPT

This plan is conceptual in nature and is an approximate representation of potential land uses, sizes, locations and circulation patterns. The plan is intended to be developed over a period of time and should maintain flexibility to accommodate specific soil conditions, environmental concerns, physical constraints, market conditions and design parameters.



**CONCEPT PLAN EXHIBIT**

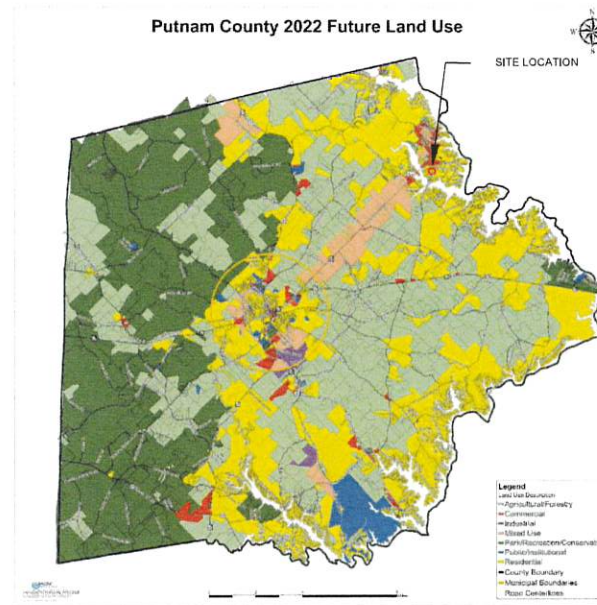
SCALE: As Noted Subject to Change  
September 23, 2023

**PARCELS 103A-208 / 103A-086 thru 088**

**CONCEPTUAL SITE PLAN  
PUTNAM COUNTY, GEORGIA**



**CURRENT ZONING AND PARCEL MAP  
NOT TO SCALE**



**COMPREHENSIVE PLAN  
SCALE AS NOTED**

Proposed Use: Convenience Store / Retail with Fuel Pumps. Maximum combination of building size of 79,650 square feet (15,000 sf / Acre): 3.63 AC X 15,000 = 54,450 SF

Concept Plan: Illustrates ~ 8,100 sf of Retail / Convenience Store with Fuel Pumps

Applicant: Rick McAllister  
1341 Beverly Drive, Athens GA. 30606  
706-206-5030

Intent: Amend zoning to C-1. Develop commercial use utilizing Convenience Store and Retail land use.



**IMPACT ANALYSIS  
PARCELS 103A –  
208 / 103A-086-088  
OLD PHOENIX ROAD  
PROPOSED C-1 DEVELOPMENT  
REZONING REQUEST.**



**MCALLISTER SITE CONSULTING, LLC  
RICK MCALLISTER  
1341 BEVERLY DRIVE  
ATHENS, GEORGIA 30606  
706-206-5030**

**TABLE OF CONTENTS**

Letter of Intent..... Page 3

Impact Study Information ..... Page 4

Traffic Study ..... Attachment

Plat of Property(s)..... Attachment

Existing Conditions ..... Attachment

Existing Zoning .....Attachment

Conceptual Site Plan ..... Attachment



**LETTER OF INTENT – PARCEL 103A-208 / 103A-068-088**  
**C1 ZONING REQUEST**

The parcels are located along Old Phoenix roads with a combined area of approximately 3.63 acres. The intent of the re-zone application is to combine these parcels to create a commercial tract with approximately 500 LF on Old Pheonix road frontage. Surrounding land uses include C-1 Zoned parcels to East, North and South and R-1 Zoned Parcels to West.

The intended land use for this property is a Convenience store and a future use to be determined. The attached conceptual plan illustrates the proposed amount of use including conceptual layout of interior roads.

We appreciate the consideration to promote quality development within Putnam County.

**IMPACT ANALYSIS INFORMATION**

**ITEM #1**

***Is the proposed use consistent with the stated purpose of the zoning district that is being requested?***

The proposed land use of the site is consistent and allowed within C1 Zoning. Proposed Use is listed as allowed per (Sec. 66-103)

***Is the proposed use suitable in view of the zoning and development of adjacent or nearby property?***

The parcels are surrounded by existing C-1 Zoned parcels. Only 1 side borders R-1 Zoning.

***Will the proposed use adversely affect the existing use, value or usability of adjacent or nearby property?***

The access to site is proposed along existing county roads, buffers and setbacks will be place per county requirements.

Proposed zoning is consistent with surrounding areas.

Drainage of site will be contained at or exceeding Putnam County storm water requirements.

***Is the proposed use compatible with the proposed intent of the Comprehensive Plan?***

The 2022 Putnam County Future land use plan illustrates this site within Residential future land use. As this area of the county develops, trends can be identified by zoning patterns. Please refer to the existing zoning map exhibit as an illustration of the land use pattern in proximity to the proposed parcel.

***Are there substantial reasons why the property cannot or should not be used as currently zoned?***

The property is currently zoned Residential and proposed use is not allowed in Residential Zoned parcels.

***Will the proposed use cause an excessive or burdensome use of public facilities or services or exceed the present or funded capabilities, including but not limited to streets, water or sewer utilities and police or fire protection?***

The proposed development will incur the cost of constructing streets interior to the project. Final plans will meet emergency vehicle equipment circulation requirements. Water and sewer will be provided by a private utility company and flow will be provided as private utility can supply.

***Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?***

The parcel is located well within an existing commercial corridor on one of Putnam County’s arterial roads. The current comprehensive plan includes directives to be adjusted as existing and proposed uses reflect change in the county. The portion of Old Pheonix road corridor which this parcel is located is within an existing commercial growth pattern. This area reflects commercial and as the comprehensive plan is considered as a “living” document – future land use needs to be amended for this area of the county.

***Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, and reasonable private use of the subject property?***

The proposed use responds to the growing trend of C-1 use along Old Phoenix Road.

**ITEM #2 TRAFFIC ANALYSIS – (SEE ATTACHMENT)**

**ITEM# 3**

**The conceptual plan is based upon development standards for C-1 Zoning are as follows:**

The conceptual plan illustrates commercial use with C1 development Standards (see attached conceptual Plan)

**ITEM #4**

**Effect on environment surrounding the area:**

Natural:

The property is currently mixed open area and partially wooded with topography sloped into 1 drainage corridor. The entire parcel comprises of its own watershed directed to existing drainage corridors which eventually flow into Lake Oconee. A 25’ State Waters buffer will be placed on all qualified pond or stream components. Some wetland areas

may exist on site and will be delineated by an Environmental Consultant. Wetlands will be mapped, surveyed and protected per environmental guidelines upon development of project areas(s). Source: Putnam County / City of Eatonton 2007-2030 Comprehensive Plan – Wetlands Map 6 Prepared by Middle Georgia RDC

**Erosion:**

The property is currently in open pasture and partially wooded state. Development plans will adhere to State and Local Regulations of Erosion Control and Storm water standards. Source: On site Observation

**Historic:**

The proposed site has no known or listed Cultural or Historical Resources located on site. Source: Putnam County / City of Eatonton 2007-2030 Comprehensive Plan Cultural and Historical Resources Map 13 prepared by Middle Georgia RDC

**Watershed:**

The proposed area is not within any small or buffered municipal watershed areas.

**ITEM #5**

**Impact on fire protection**

Proposed interior roads will allow emergency vehicle access to all property. Fire protection will be provided as Private Utility water main connections allow.

**ITEM #6 – PHYSICAL CHARACTERISTICS OF SITE (SEE ATTACHMENT)**

**ITEM #7 – ADJACENT AND NEARBY ZONING – See Conceptual p**





**SIMONTON  
ENGINEERING**

# OLD PHOENIX RD COMMERCIAL DEVELOPMENT

DRI Traffic Impact Study  
SE #2023-156



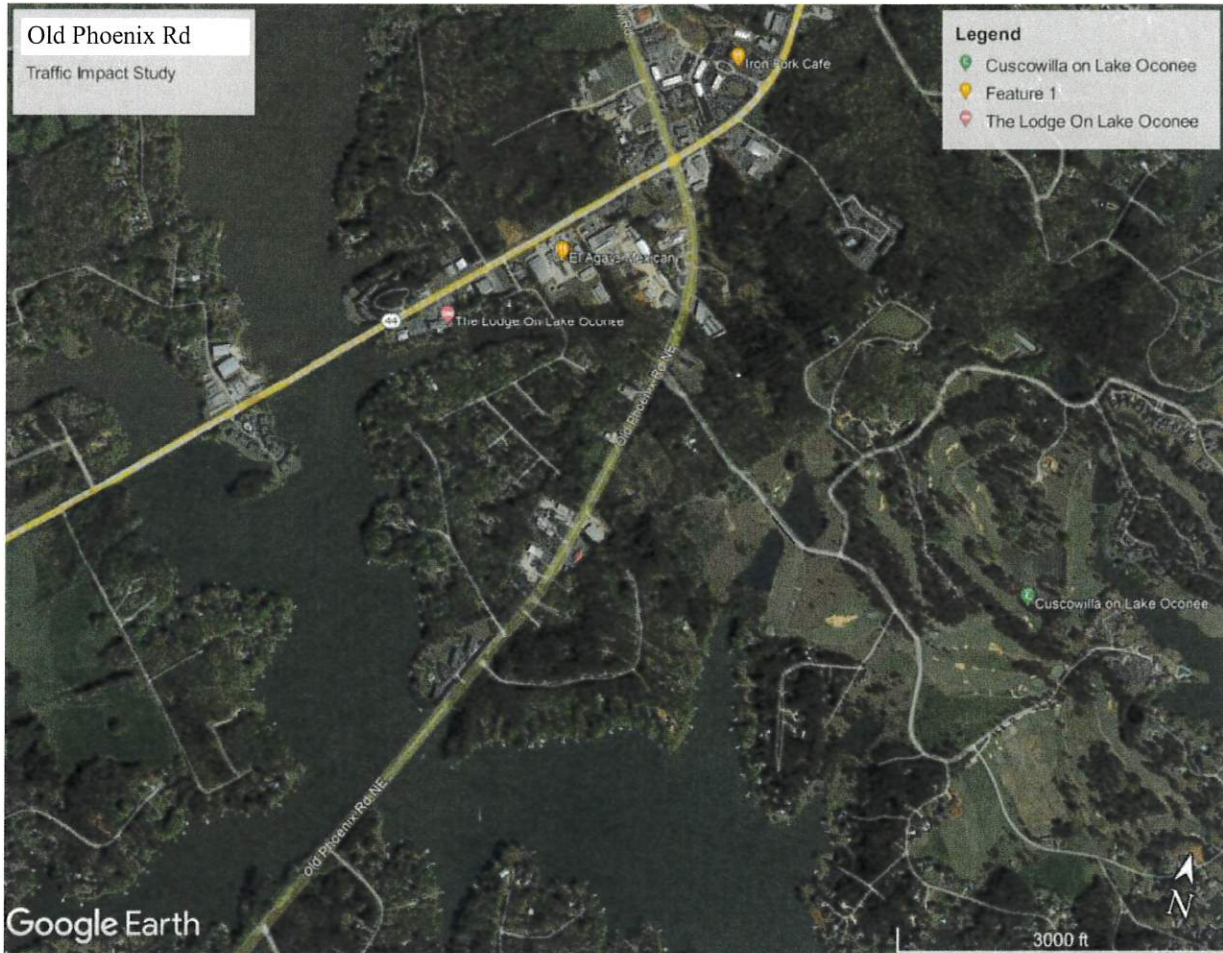
Paul Simonton  
paul@simontoneng.com

Hinesville, Georgia Phone: (912) 977-1502  
Greensboro, Georgia Phone: (706) 454-0870

# Old Phoenix Project Traffic Impact Study

## General

The project is a commercial development located on Old Phoenix Road in Putnam County. The development which includes three parcels will be planned for a convenience store, drive through restaurant and a third low traffic use on two of the parcels. The use of the third parcel is undetermined at this time. All three parcels combined is approximately one acre.



Predicted Traffic

Trip Generation software by Microtrans will be used to generate average daily traffic plus peak hour enter and exit projections for each use. The projected future traffic will be combined with existing counts provided by the GDOT Traffic data website to predict total roadway traffic.

Passer-by traffic, is generally defined as traffic that is already on the roadway and contained in existing counts but will also be included in projected counts. A commercial development that includes convenience store with gas has a relatively high passer-by rate and will be considered as about 60% for this project, so a significant reduction in traffic projections will be included.

The development will have one access points on Old Phoenix Road. The planned project has one access shown on the concept plan. Since the destination and generation point is from both directions, it is assumed that the traffic will be split evenly relative to in and out traffic.

**Table 1** below provides a detailed traffic projection that includes the land use, along with average daily volumes plus enter and exit projection for a.m. and p.m. peak. The projected traffic contained in **Table 1** is for a 100% build-out which is expected to take approximately three to five years.

**Table 1**

	Trips /day	Am Peak Enter	AM Peak Exit	PM Peak Enter	PM Peak Exit
C store 14 pmps	7596	120	120	135	135
Fast Food Rest	992	54	52	36	33
Pharmacy w. DT	176	3	2	8	9
Total	8764	177	174	179	177

The following assumptions and considerations were used to evaluate the impacts.

1. AADT on Old Phoenix is about 4600 Vehicles per day, so we would evaluate the above additional traffic based on existing traffic less than 6,000 VPD
2. Speed limit on Old Phoenix is 45 MPH
3. Pharmacy use doesn't generate very much traffic.
4. C Stores and fast food usually have a pretty high passer by rate so we take 60% (which is pretty aggressive) of the total trips = 8764 X 60% = 5,258 VPD generated but the site use.
5. Assume that the traffic is split 50/50 each direction gives us (5258/20 =2629 VPD each Direction

### Existing Conditions and Growth

The traffic at GDOT Station ID 237-0178, in 2020 was AADT of 4,340 and was estimated in 2021 AADT at 4,570, an increase of 5.3% over the two year period. Truck traffic based on the data was measured at approximately 4.0%.

When considering the capacity of the roadway the ADT is well within the normal capacity for a typical two-lane roadway. The limiting factor on the capacity of a road of this nature is the turning movements that block through traffic. The impact of the development and the turning movements generated will be evaluated on the proposed intersection later in this report.

### Future Conditions

Projections of traffic for the Old Phoenix Road tract is projected to more than 5,000 vehicles in the near future . Using the 5.3% growth over the two year period the traffic is still well within its capacity for a two-lane road and will still operate at an acceptable Level Of Service (LOS).

### Intersection Evaluation

In order to fully evaluate the impacts on the State Route Regulations require that the entrance to any development that connects to a state road will meet all state and local requirements for intersection design. As required by this provision the GDOT right turn and left turn standards were used to complete the evaluation of the two intersections onto Ga. Hwy 16 for this project. For the right turn evaluation the GDOT *Regulations for Driveway and Encroachment Control (Driveway manual)* revision 5.0, dated July 3, 2019, Section 4.9.1.1 of the manual was consulted

**4.9.1.1 Minimum Requirements for Right Turn Deceleration Lanes**

Right turn deceleration lanes must be constructed at no cost to the Department if the daily site generated Right Turn Volumes (RTV) based on ITE Trip Generation (assuming a reasonable distribution of entry volumes) meet or exceed the values shown in Table 4-6. Passing lane sections fall under the criteria for two or more lanes.

Posted Speed	2 Lane Routes		More than 2 Lanes on Main Road	
	AADT		AADT	
	< 6,000	>=6,000	<10,000	>=10,000
35 MPH or Less	200 RTV a day	100 RTV a day	200 RTV a day	100 RTV a day
40 to 50 MPH	150 RTV a day	75 RTV a day	150 RTV a day	75 RTV a day
55 to 60 MPH	100 RTV a day	50 RTV a day	100 RTV a day	50 RTV a day
>= 65 MPH	Always	Always	Always	Always

**Table 4-6 Minimum Volumes Requiring Right Turn Lanes**

Speed limit on Old Phoenix Road is 45 MPH and daily traffic is below the 6,000 AADT for a two-lane road. This development falls within the area requiring the right turn lane at the proposed intersection.



For the left turn evaluation the GDOT *Regulations for Driveway and Encroachment Control (Driveway manual)* revision 5.0, dated July 3, 2019, Section 4.9.1.2 of the manual was consulted.

**4.9.1.2 Minimum Requirements for Left Turn Lanes**

Left turn lanes must be constructed at no cost to the Department if the daily site generated Left Turn Volumes (LTV) based on ITE Trip Generation (assuming a reasonable distribution of entry volumes) meet or exceed the values shown in Table 4-7a **Condition 1**. If the LTVs are below the requirements for **Condition 1**, the applicant may be required to construct a Right Hand Passing Lane (see **Figure 4-7** if they meet the criteria in Table 4-7b **Condition 2**). The District Traffic Engineer will use engineering judgment to determine if the field conditions would allow construction of the Right Hand Passing Lane. Passing lane sections fall under the criteria for two or more lanes.

**Condition 1**

LEFT TURN REQUIREMENTS-FULL CONSTRUCTION				
Posted Speed	2 Lane Routes		More than 2 Lanes on Main Road	
	ADT		ADT	
	<6,000	>=6,000	<10,000	>=10,000
35 MPH or Less	300 LTV a day	200 LTV a day	400 LTV a day	300 LTV a day
40 to 50 MPH	250 LTV a day	175 LTV a day	325 LTV a day	250 LTV a day
>= 55 MPH	200 LTV a day	150 LTV a day	250 LTV a day	200 LTV a day

**Table 4-7a Minimum Volumes Requiring Left Turn Lanes**

**Condition 2**

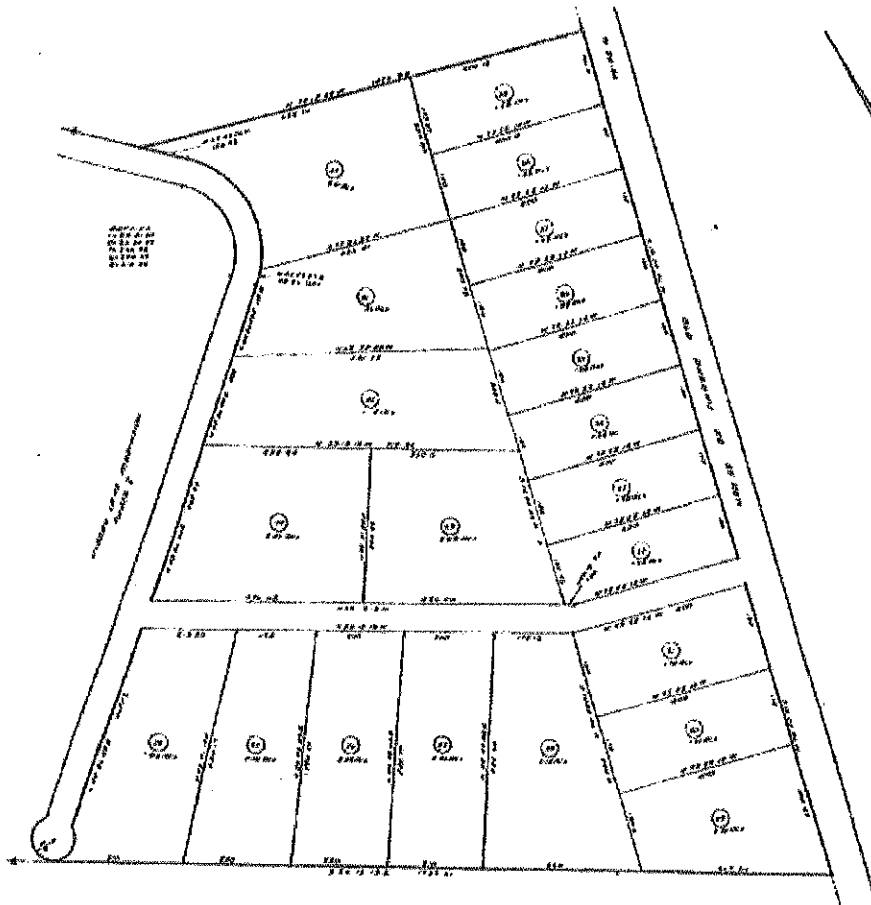
LEFT TURN REQUIREMENTS w/Right Hand Passing Lane Option		
Posted Speed	2 Lane Routes only	
	ADT	
	<4,000	>=4,000
35 MPH or Less	200 LTV a day	125 LTV a day
40 to 45 MPH	100 LTV a day	75 LTV a day
50 to 55 MPH	75 LTV a day	50 LTV a day

**Table 4-7b Minimum Volumes Requiring Right Hand Passing Lanes**

As noted above Old Phoenix Road has less than the 6,000 ADT and has a posted speed limit of 45 MPH, which would require a center left turn lane if projected left turns exceeded 1,314 LTV per day under condition 1. Projected distribution exceeds this threshold, the left turns exceed the 250 LTV per day. The center left turn lane should be designed to accommodate the expected traffic.

Conclusions & Recommendations

This study meets the requirements of the *Putnam County Traffic projection Study* in that it assesses and forecasts the impact of the development on the existing infrastructure based on the project site plan (included). As noted above, neither a right turn lane and a left turn lane is warranted based on GDOT guidelines.



174

CLYTONS & SONS, INC.  
 1000 ...  
 Plot Date 13 ...



174

60-7  
 HARRY ...  
 PUBLIC ...  
 174

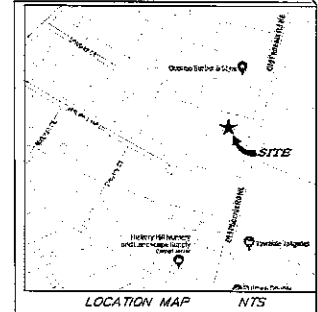
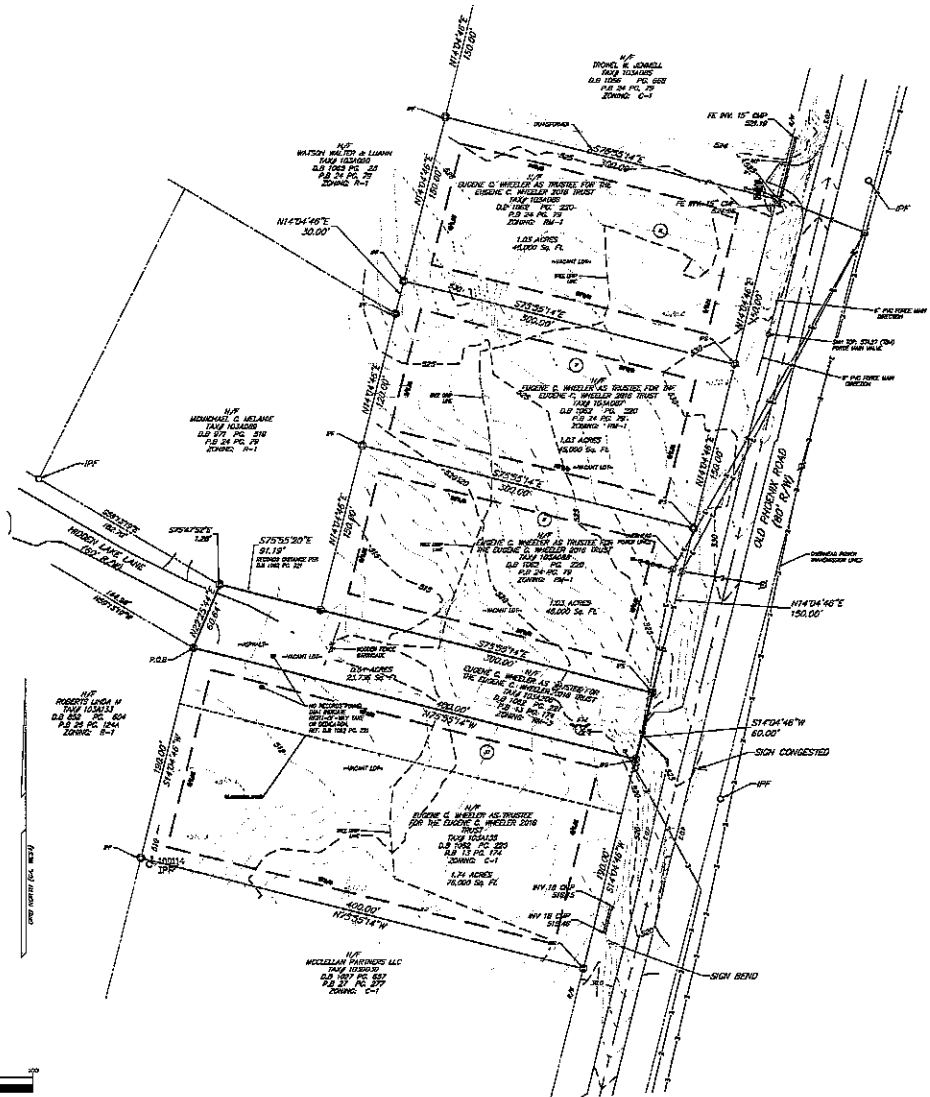
FOR RECORDING

**LEGEND**

⊖	P.P. - POWER POLE
⊕	L.P. - LIGHT POLE
⊗	C.M. - CURB MANHOLE
⊙	S.M. - SANITARY SEWER MANHOLE
⊚	W.M. - WATER METER
⊛	G.M. - GAS METER
⊜	R.S. - REINFORCING BAR SET
⊝	R.S. - REINFORCING BAR SET FOUND
⊞	C.T. - COVER TOP PIPE FOUND
⊟	O.T. - OPEN TOP PIPE FOUND
⊠	R.O.W. MON. - RIGHT-OF-WAY MONUMENT

**TYPE OF FENCE**

⊡	J.W. - JUNCTION BOX
⊢	D.I. - DROP INLET / YARD INLET
⊣	C.B. - CATCH BASIN
⊤	R.C.P. - REINFORCED CONCRETE PIPE
⊥	C.M.P. - CORRUGATED METAL PIPE
⊦	P.F.E. - FINISHED FLOOR ELEVATION
⊧	W.V. - WATER VALVE
⊨	T.M. - TELEPHONE MANHOLE
⊩	O.P.L. - OVERHEAD POWER LINES
⊪	H.W. - HEAD WALL
⊫	P. - POWER POLE
⊬	W.L. - WATER LINE
⊭	U.T.L. - UNDERGROUND TELEPHONE LINE
⊮	C.L. - GAS LINE
⊯	E.L. - ELECTRICAL LINE



- RECORDING INFORMATION**
- PLAT BOOK 25 PAGE 78
  - PLAT BOOK 25 PAGE 124
  - PLAT BOOK 25 PAGE 125
  - PLAT BOOK 25 PAGE 220

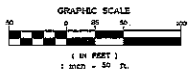
**ZONING: RM-1 & RM-3**  
**SETBACK:**  
 FRONT: 30'  
 REAR: 20'  
 SIDE: 20'

**ZONING: C-1**  
**SETBACK:**  
 FRONT: 30'  
 REAR: 20'  
 SIDE: 15'

**ZONING BUFFER: 50' (FROM RESIDENTIAL)**

**TOTAL AREA**  
**6.39 AC.**  
**240,000 sq. ft.**

ALL IRON PIN FOUND ARE 1/2" REBAR'S



THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTIONS, SUBSURFACE CONDITIONS, OR OTHER MATTERS OF TITLE WHICH ARE NOT KNOWN, NOT RECORDED, OR NOT DISCLOSED BY THE TITLE COMMITMENT PROVIDED BY THE OWNER. THE PURCHASER OF ANY ACRES HEREOF...

THIS PLAT IS FOR THE EXCLUSIVE USE OF THE PARTIES STATED ON THE FACE OF THE SURVEY. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.

THIS PLAT IS PREPARED FROM A REFS SURVEY USING A FIRST SECOND DIGITAL DISTANCE MEASUREMENT AND ELECTRONIC DISTANCE MEASUREMENT. A LINEAR PRECISION OF THIRDPARTS (1/300,000) ANGULAR PRECISION OF FOUR MINUTES (4") PER POINT. THE TRANSFORMER WAS RECORDED USING THE CORRECTED LINEAR MEASUREMENT OF ONE PLAT. 1/25/2011. MATTERS OF TITLE ARE DISCLOSED...

THIS PARCEL OF LAND IS IN THE 100 YEAR FLOOD PLAIN AND IS ZONED... (According to FEMA (FEMA) FLOOD HAZARD MAPS - 15222002D) DATE 1/29/2011

**GENERAL NOTES:**

- WATER & SEWER SERVICE TO BE PROVIDED BY PUTNAM COUNTY
- THE OWNER OF PROPERTY IS RESPONSIBLE FOR COMPLIANCE WITH THE CODES OF ENGINEERS REQUIREMENTS REGARDING WETLANDS
- ALL UTILITIES WILL BE UNDERGROUND
- PARCEL IS VACANT NO DEMOLITION NEEDED & VERTICAL DATUM EGDS (DAMD 88)

**SURVEYOR'S CERTIFICATE**

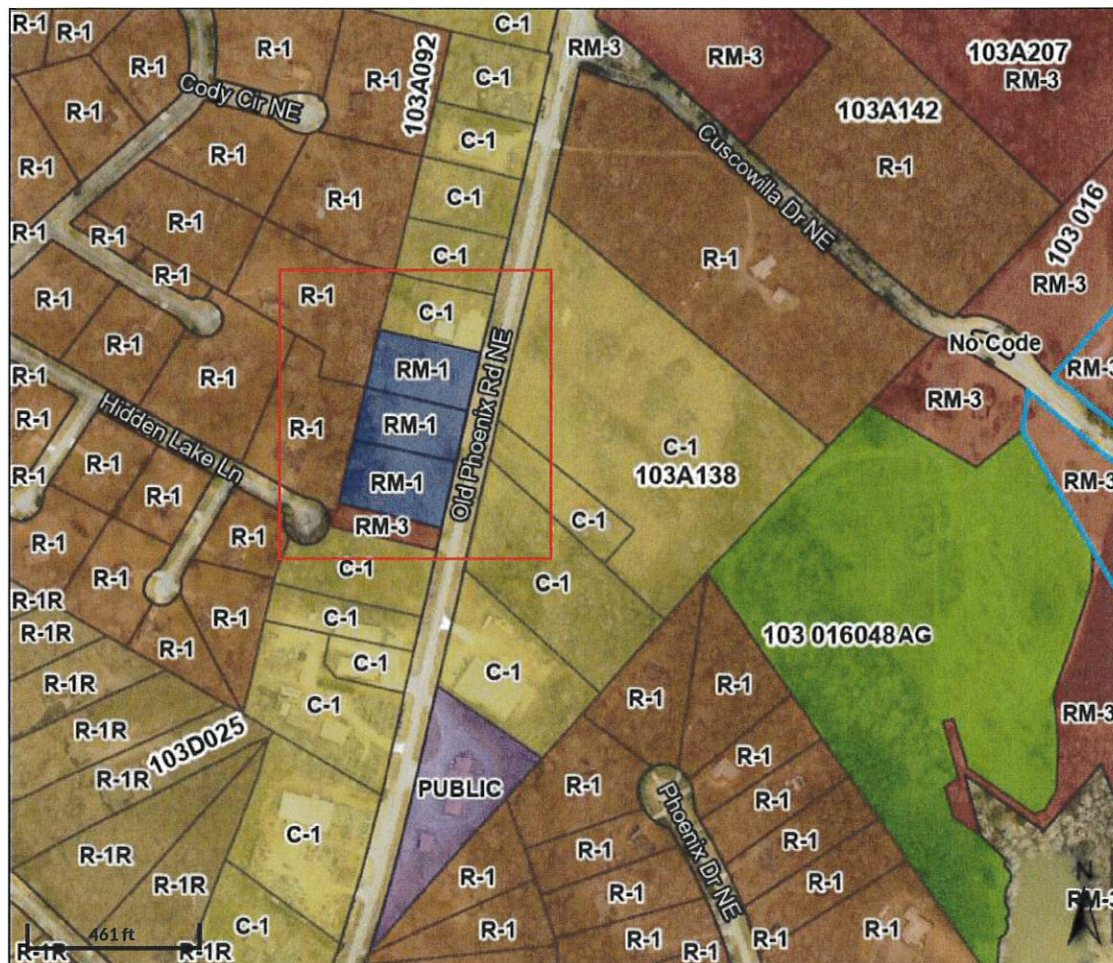
THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE EXISTING MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREIN. RECORDING OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERGROUND LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN G.G.G.A. SECTION 19-6-67.



DATE: 08/20/2011 REVISIONS:  
 SCALE: 1"=50'  
 DRAWN BY: TMO  
 CHECKED BY: LGA  
 PROJECT OR SUBD: 1200

**LAND ENGINEERING & SURVEYING, INC.**  
 2300 Murray Drive  
 Columbus, GA 31904  
 TEL: 601-286-0000  
 ejs@landeng.com

**BOUNDARY AND TOPOGRAPIHIC SURVEY FOR:**  
 EUGENE C. WHEELER AS TRUSTEE FOR THE EUGENE C. WHEELER TRUST  
 LOT 6, 7, 8 AND 21  
 (C&D) LAND LOT 340  
 3RD DISTRICT,  
 PUTNAM COUNTY, GEORGIA



Overview

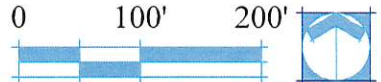
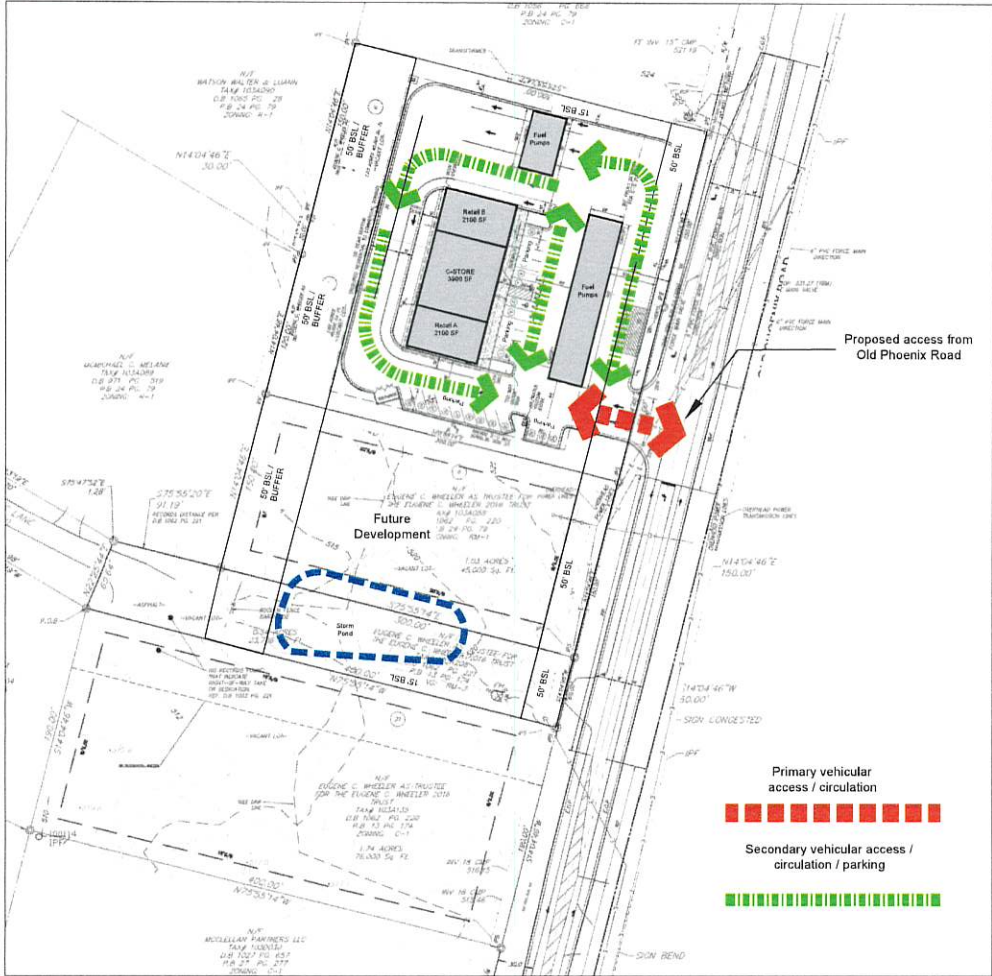


Legend

- City Limit
- Parcels
- Parcel Numbers
- Zoning
  - A-1 CITY
  - A-1 and AG-1
  - AG
  - AG-1
  - AG-2
  - C-1
  - C-1 CITY
  - C-2
  - C-2 CITY
  - C-2 PUD
  - C-PUD
  - I-1 CITY
  - I-2 CITY
  - I-M
  - MHP
  - PUBLIC
  - PUBLIC CITY
  - R - 1 CITY
  - R - 2 CITY
  - R - 3 CITY
  - R - 4 CITY
  - R-1
  - R-1R
  - R-2
  - R-PUD
  - RM-1
  - RM-2
  - RM-3
  - VILLAGE
- Roads



This plan is conceptual in nature and is an approximate representation of potential land uses, sizes, locations and circulation patterns. The plan is intended to be developed over a period of time and should maintain flexibility to accommodate specific soil conditions, environmental concerns, physical constraints, market conditions and design parameters.



**CONCEPT PLAN EXHIBIT**

SCALE: As Noted Subject to Change  
September 23, 2023

**PARCELS 103A-208 / 103A-086 thru 088**

**CONCEPTUAL SITE PLAN  
PUTNAM COUNTY, GEORGIA**



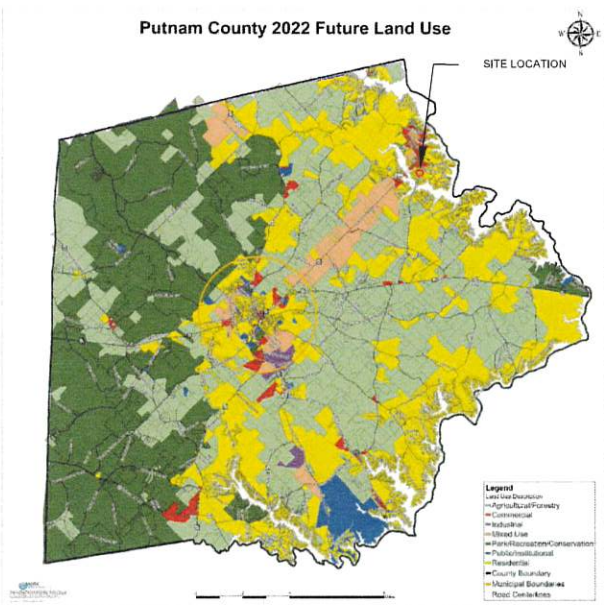
**CURRENT ZONING AND PARCEL MAP  
NOT TO SCALE**

Proposed Use: Convenience Store / Retail with Fuel Pumps. Maximum combination of building size of 79,650 square feet (15,000 sf / Acre): 3.63 AC X 15,000 = 54,450 SF

Concept Plan: Illustrates ~ 8,100 sf of Retail / Convenience Store with Fuel Pumps

Applicant: Rick McAllister  
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706-206-5030

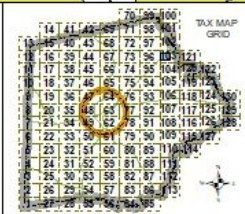
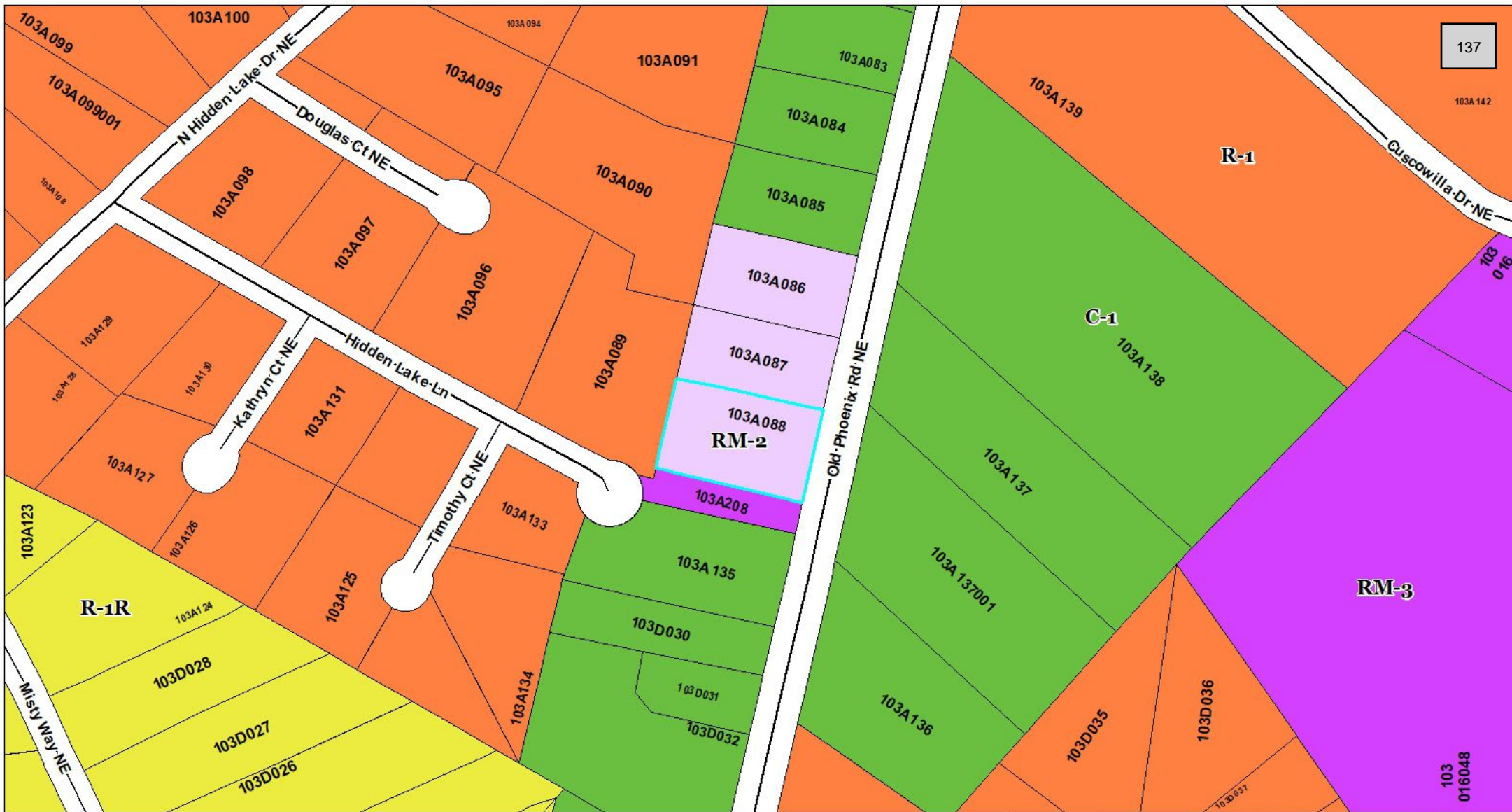
Intent: Amend zoning to C-1. Develop commercial use utilizing Convenience Store and Retail land use.



**COMPREHENSIVE PLAN  
SCALE AS NOTED**







**GEOGRAPHIC FEATURE LEGEND**

Eatonton Limits	Overlay District	AG-2	C-2 CITY	IND-2 CITY	R - 1 CITY	RM-2
County Boundary	No Code	C-1	I-M	MHP	R - 2 CITY	R-1R
Roads	AG-1	C-1 CITY	IND-1 CITY	PUBLIC	R - 3 CITY	RM-3
Parcels	AG-1 CITY	C-2	IND-2	PUBLIC CITY	R - 4 CITY	VILLAGE
Parcel Hooks						

**MGRC**  
Middle Georgia Regional Commission  
175 Emery Hwy  
Suite C  
Macon, Georgia 31217  
(478) 751-6160  
Web:  
[www.middlegeorgia.org](http://www.middlegeorgia.org)

PUTNAM COUNTY, GEORGIA  
ZONING MAPS

# MAP 103A

MAP SCALE: 1" = 166.67'    SCALE RATIO: 1:2,000    DATE: NOVEMBER 2023





**Request by Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust to rezone 1.02 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 088, District 1].**

**PLANNING & DEVELOPMENT-LISA JACKSON STAFF RECOMMENATION:**

The applicant is requesting to rezone 1.02 acres from RM-1 to C-1. If approved, he plans to create a commercial tract. In addition to the C-1 zoning request, the applicant is requesting to rezone two adjacent RM-1 zoned parcels (Map 103A, Parcel 086 & Parcel 087), and one RM-3 zoned parcel (Map 103A, Parcel 208). He plans to combine the four parcels to create an area of 3.46 acres. As stated in his letter of intent and concept plan, he would like to establish an 8,100 sq-foot convenience store with fuel pumps, and a drive-through restaurant.

The subject parcel is located along Old Phoenix Road and will have approximately 500 ft of linear road footage if combined. The parcels must have the same zoning classification to be combined and the request is consistent with the allowed uses in C-1 as stated in Sec. 66-103 Uses allowed., of the Putnam County Code of Ordinances. The property is currently a mixed open area and partially wooded with topography sloped into one drainage corridor. The entire parcel comprises of its own watershed directed to existing drainage corridors which eventually flow into Lake Oconee. If approved, the developer will establish a 25-foot state water buffer that will be placed on all qualified pond or stream components. Although the proposed parcel can be used as it is currently zoned the surrounding land uses include C-1 zoned parcels to the north, east and south and only one side borders R-1 zoning. Though there is a residential neighborhood behind the property and the Future Comprehensive Plan illustrates this site as residential, it is located along Old Phoenix and is in the middle of a commercial district. Old Phoenix is a major thoroughfare and connector between State Hwy 441, Georgia State Route 16, and the Lake Oconee area. Additionally, this rezoning request mirrors the nearby and adjacent properties use. Therefore, the proposed use is suitable in view of the adjacent and nearby properties and will not adversely affect the existing use, value, or usability of the properties. Moreover, the proposed use should not cause any excessive or burdensome use of public facilities or services. As this area of the county develops, trends can be identified by zoning patterns. This request responds to the growing trend of C-1 use along Old Phoenix Road. The development will have one access point on Old Phoenix Road. According to the submitted traffic study, the planned project has one access point shown on the concept plan. Since the destination and generation point is from both directions, it is assumed that the traffic will be split evenly relative to in and out traffic. Thus, neither a right nor left turn lane is warranted based on GDOT guidelines. If approved, staff recommends that the developer shall develop and maintain a 50-foot undisturbed buffer or berm along the property lines that abut Map 103A Parcel 089. The developer shall install a right turning lane at the proposed intersection per state and local guidelines and install a center left turn lane per state and local guidelines.

Staff recommendation is for approval to rezone 1.03 acres from RM-1 to C-1 on Old Phoenix Road [Map 103A, Parcel 088, District 1] \* with the following conditions:

1. The developer shall develop and maintain a 50-foot undisturbed buffer or berm along the property lines that abut Map 103A Parcel 089 as stated in Section 66-104(g) of the Putnam County Code of Ordinances.
2. The developer shall install a right turning lane at the proposed intersection per state and local guidelines and
3. The developer shall install a center left turn lane per state and local guidelines.

**PLANNING & ZONING COMMISSION RECOMMENDATION:**

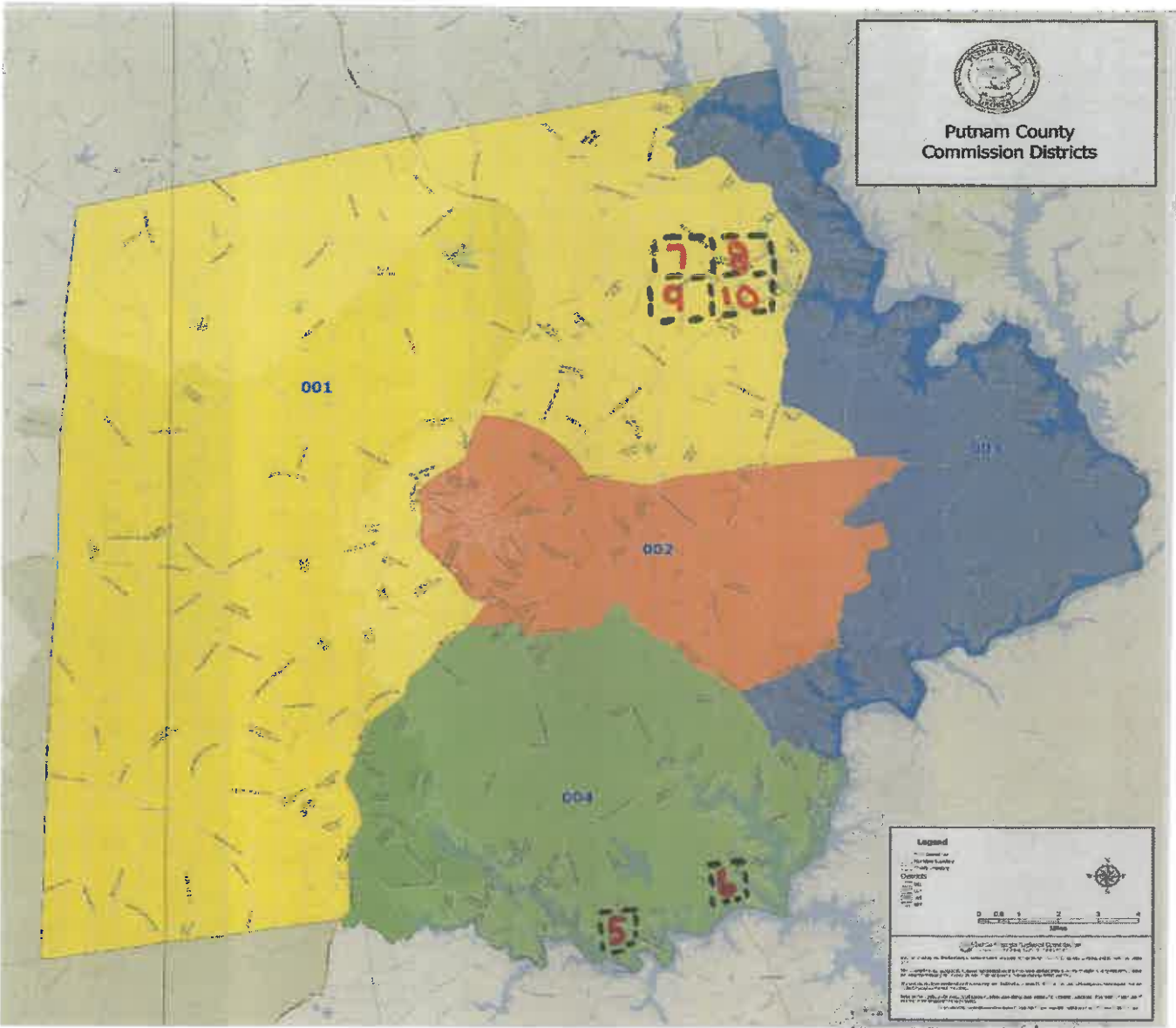
*The Planning & Zoning Commission’s recommendation is for approval to rezone 1.02 acres from RM-1 to C-1 on Old Phoenix Road [Map 103A, Parcel 088, District 1] \* with the following conditions:*

1. *The developer shall develop and maintain a 50-foot undisturbed buffer or berm along the property lines that abut Map 103A Parcel 089 as stated in Section 66-104(g) of the Putnam County Code of Ordinances.*
2. *The developer shall install a right turning lane at the proposed intersection per state and local guidelines and*
3. *The developer shall install a center left turn lane per state and local guidelines.*



**File Attachments for Item:**

10. Request by Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust to rezone .38 acres on Old Phoenix Road from RM-3 to C-1. [Map 103A, Parcel 208, District 1] (staff-P&D)



5. Request by **Bobby J. Wilder** for a conditional use at 641 Dennis Station Road. Presently zoned AG [Map 082, Parcel 059, District 4].
6. Request by **Darin L. Simmons** to rezone 10 acres on Pea Ridge Road from AG to C-2. [Map 088, Part of Parcel 008006, District 4].\*
7. Request by **Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust** to rezone 1.03 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 086, District 1].\*
8. Request by **Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust** to rezone 1.03 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 087, District 1].\*
9. Request by **Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust** to rezone 1.02 acres on Old Phoenix Road from RM-1 to C-1. [Map 103A, Parcel 088, District 1].\*
10. Request by **Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust** to rezone .38 acres on Old Phoenix Road from RM-3 to C-1. [Map 103A, Parcel 208, District 1].\*
11. **Approval of the 2024 Planning and Zoning Public Hearing Agenda and Deadline Schedule**



# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

## APPLICATION FOR REZONING

REZONING

APPLICATION NO. 2023-REZONE-39 DATE: 10-26-23

MAP 103A PARCEL 208 ZONING DISTRICT RM-3 Existing / C-1 Proposed

1. Owner Name: Eugene C Wheeler as Trustee for Eugene C Wheeler 2016 Trust

2. Applicant Name (If different from above): Rick McAllister

3. Mailing Address: 1341 Beverly Drive Athens, GA 30606

4. Email Address: [REDACTED]

5. Phone: (home) \_\_\_\_\_ (office) \_\_\_\_\_ (cell) [REDACTED]

6. The location of the subject property, including street number, if any: Old Phoenix Road

7. The area of land proposed to be rezoned (stated in square feet if less than one acre): 23,736 SF

8. The proposed zoning district desired: C-1

9. The purpose of this rezoning is (Attach Letter of Intent) See Impact Study

10. Present use of property: Undeveloped Residential Desired use of property: Commercial

11. Existing zoning district classification of the property and adjacent properties:  
Existing: RM-1  
North: RM-1 - Pending C-1 South: C-1 East: C-1 West: R-1

12. Copy of warranty deed for proof of ownership and if not owned by applicant, please attach a signed and notarized letter of agency from each property owner for all property sought to be rezoned.

13. Legal description and recorded plat of the property to be rezoned.

14. The Comprehensive Plan Future Land Use Map category in which the property is located. (If more than one category applies, the areas in each category are to be illustrated on the concept plan. See concept plan insert.): Residential

15. A detailed description of existing land uses: Undeveloped Residential

RECEIVED OCT 26 2023





# PUTNAM COUNTY PLANNING & DEVELOPMENT

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16. Source of domestic water supply: well \_\_\_\_\_, community water \_\_\_\_\_, or private provider X.  
If source is not an existing system, please provide a letter from provider.

17. Provision for sanitary sewage disposal: septic system X, or sewer \_\_\_\_\_. If sewer, please provide name of company providing same, or, if new development, provide a letter from sewer provider.

18. Complete attachment of Disclosure of Campaign Contributions Form by the applicant and/or the applicant's attorney as required by the Georgia Conflict of Interest in Zoning Act (O.C.G.A. 36-67A).

19. The application designation, date of application and action taken on all prior applications filed for rezoning for all or part of the subject property. (Please attach on separate sheet.)

20. Proof that property taxes for the parcel(s) in question have been paid.

21. Concept plan.

- If the application is for less than 25 single-family residential lots, a concept plan need not be submitted. (See attachment.)
- A concept plan may be required for commercial development at director's discretion

22. Impact analysis.

- If the application is for less than 25 single-family residential lots, an impact analysis need not be submitted. (See attachment.)
- An Impact analysis (including a traffic study) is required when rezoning from residential zoned or used property to commercial or industrial districts.

THE ABOVE STATEMENTS AND ACCOMPANYING MATERIALS ARE COMPLETE AND ACCURATE. APPLICANT HEREBY GRANTS PERMISSION FOR PLANNING AND DEVELOPMENT PERSONNEL OR ANY LEGAL REPRESENTATIVE OF PUTNAM COUNTY TO ENTER UPON AND INSPECT THE PROPERTY FOR ALL PURPOSES ALLOWED AND REQUIRED BY THE PUTNAM COUNTY CODE OF ORDINANCES.

EC Walsh 10/26/2023

Signature (Property Owner) (Date)

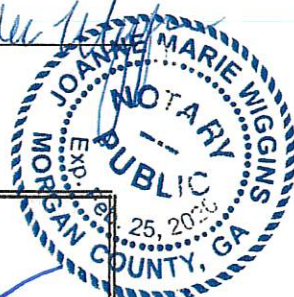
Paul M. Allister 10-26-23

Signature (Applicant) (Date)

Joanne Marie Wiggin  
Notary Public



Joanne Marie Wiggin  
Notary Public



### Office Use

Paid: \$ 30000 (cash) \_\_\_\_\_ (check) \_\_\_\_\_ (credit card)

Receipt No. \_\_\_\_\_ Date Paid: \_\_\_\_\_

Date Application Received: 10-26-23

Reviewed for completeness by: CJA

Date of BOC hearing: 12-19-23 Date submitted to newspaper: 11-13-23



# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ [www.putnamcountyga.us](http://www.putnamcountyga.us)

Date sign posted on property: \_\_\_\_\_ Picture attached: yes \_\_\_\_\_ no \_\_\_\_\_

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**LETTER OF INTENT – PARCEL 103A-208 / 103A-068-088**  
**C1 ZONING REQUEST**

The parcels are located along Old Phoenix roads with a combined area of approximately 3.63 acres. The intent of the re-zone application is to combine these parcels to create a commercial tract with approximately 500 LF on Old Pheonix road frontage. Surrounding land uses include C-1 Zoned parcels to East, North and South and R-1 Zoned Parcels to West.

The intended land use for this property is a Convenience store and a future use to be determined. The attached conceptual plan illustrates the proposed amount of use including conceptual layout of interior roads.

We appreciate the consideration to promote quality development within Putnam County.

eFiled & eRecorded  
DATE: 11/3/2021  
TIME: 4:32 PM  
DEED BOOK: 01062  
PAGE: 00220 - 00221  
RECORDING FEES: \$25.00  
TRANSFER TAX: \$540.00  
PARTICIPANT ID: 4545272391  
CLERK: Trevor J. Addison  
Putnam County, GA  
PT61: 117-2021-002204

STATE OF GEORGIA  
COUNTY OF PUTNAM

THIS INSTRUMENT WAS PREPARED BY AND  
SHOULD BE RETURNED TO:

Blitzgras, Birch, Goad & Ashby, P.C.  
1021 Parkside Commons, Suite 104  
Covington, GA 30092  
(706) 538-7119  
FILE NO: 07829-0004

**LIMITED WARRANTY DEED**

THIS INDENTURE made and entered into this 3rd day of November, 2021, by and between JERRY O. SMITH, as Grantor(s), and EUGENE C WHEELER AS TRUSTEE OF THE EUGENE C WHEELER 2016 TRUST, as Grantee(s),

**WITNESSETH**

That the said Grantor(s), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to-wit:

**TRACT ONE:** All those certain lots, tracts or parcels of land situate, lying and being in the 348th G.M.D., Land Lot 340, Putnam County, Georgia being designated and described as Lot 6 containing 1.03 acres, more or less; Lot 7 containing 1.03 acres, more or less and Lot 8 containing 1.03 acres, more or less, Hidden Lake Subdivision, Phase II and being more particularly and accurately described on that certain plat of survey dated July 9, 1996 by Curry and Associates and recorded in Plat Book 24, Page 79 in the Office of the Clerk of the Superior Court of Putnam County, Georgia. Said plat is incorporated herein and made part hereof by reference thereto.

Tax Map & Parcel Nos.: 103A-86, 103A-87, 103A-88 Prior Deed References: Deed Book 566, Page 197

**TRACT TWO:** All that tract or parcel of land lying and being in the 389th District, G.M. of Putnam County, Georgia, being in Land Lot 340 of the 3rd Land District and being Lot 31 of Hidden Lake Subdivision, Phase II, and containing 1.74 acres, more or less, as shown on that certain plat recorded in Plat Book 13, Page 174, Putnam County, Georgia records, which plat is incorporated herein by reference and made a part hereof.

Tax Map & Parcel No.: 103A-135 Prior Deed Reference: Deed Book 566, Page 196

**TRACT THREE:** All that tract or parcel of land, lying and being situate in 389th G.M., District of Putnam County, Georgia and shown as that portion of "Hidden Lake Ln.-60° R/W", containing 0.545 acres, more

eFiled & eRecorded  
DATE: 11/3/2021  
TIME: 4:32 PM  
DEED BOOK: 01062  
PAGE: 00221

or less, as shown on the survey attached hereto as Exhibit "A". Said property is more particularly described as follows; Beginning at a rebar found at the northwestern most corner of Lot 31, of Hidden Lake Subdivision, Phase II as shown on plat recorded at Plat Book 13, Page 174, Putnam County records, said rebar being the POINT OF BEGINNING. From said point of beginning, proceed thence North 22 Degrees 25 Minutes 44 Seconds East a distance of 60.64 feet to a point; thence South 75 Degrees 55 Minutes 14 East a distance of 91.19 feet to a rebar found; thence South 75 Degrees 55 Minutes 14 East a distance of 300.00 feet to a point; thence South 14 Degrees 04 Minutes 46 Seconds West a distance of 60.00 feet to a rebar; thence following a line (said line appearing to run parallel to the southern boundary line of Lot 31, and an approximate call of North 75 Degrees 55 Minutes 14 West) approximately 400.00 feet back to the POINT OF BEGINNING.

Tax Map/Parcel ID #: 103A135,208,088, 087,086

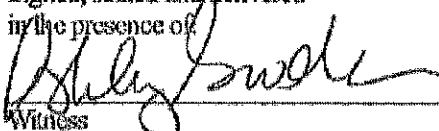
TO HAVE AND TO HOLD the said described property with all and singular the rights, members and appurtenances therunto appertaining, to the only proper use, benefit and behoof of the said Grantee(s), in Fee Simple,

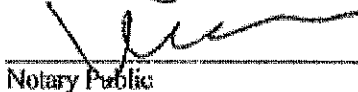
And the said Grantor(s) warrants and will forever defend the right and title to the said property conveyed hereby unto the said Grantee(s), against the lawful claims of all persons by, through and under the Grantor(s).

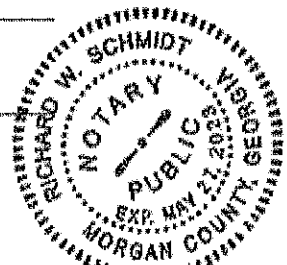
IN WITNESS WHEREOF, the Grantor(s) has hereunto set his/her hand, affixed his/her seal and delivered these presents on the day and year first written above.

  
\_\_\_\_\_  
Jerry O. Smith By his Attorney in Fact  
Tracy Harper-Bailey (SEAL)

Signed, sealed and delivered  
in the presence of

  
\_\_\_\_\_  
Witness

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





# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

LETTER OF AGENCY- Re-Zone

WE, THE UNDERSIGNED OWNERS OF REAL PROPERTY LOCATED IN THE CITY OF EATONTON/PUTNAM COUNTY, GEORGIA, HEREBY APPOINT Rick McAllister TO BE MY/OUR AGENT FOR THE PURPOSE OF APPLYING FOR Re-Zone OF PROPERTY DESCRIBED AS MAP 103A PARCEL 208, CONSISTING OF 0.54 ACRES, WHICH HAS THE FOLLOWING ADDRESS: Old Phoenix Road EATONTON, GEORGIA 31024. ATTACHED HERETO IS A COPY OF A DEED AND OR PLAT OF SURVEY DESCRIBING THE PROPERTY OWNED BY THE PROPERTY OWNER(S) TO WHICH THIS LETTER OF AGENCY APPLIES.

THE ABOVE-NAMED AGENT HEREBY IS AUTHORIZED TO COMPLETE AND SIGN THE CITY OF EATONTON/PUTNAM COUNTY APPLICATION FOR Re-Zone ON OUR BEHALF. WE UNDERSTAND THAT THIS LETTER OF AGENCY WILL BE ATTACHED TO AND MADE PART OF SAID FORM AND WILL BE RELIED UPON BY THE CITY OF EATONTON/PUTNAM COUNTY. FOR AND IN CONSIDERATION OF THE CITY OF EATONTON/PUTNAM COUNTY ACCEPTING THIS LETTER OF AGENCY, WE HEREBY INDEMNIFY AND HOLD HARMLESS THE CITY OF EATONTON/PUTNAM COUNTY AND ITS AGENTS AND/OR EMPLOYEES IN THE EVENT THAT THE ABOVE NAMED AGENT SHOULD MISUSE THIS LETTER OF AGENCY AND WE SUFFER DAMAGES AS A RESULT.

THIS 22 DAY OF September, 20 23.

PROPERTY OWNER(S): Eugene C. Wheeler, Trustee Eugene C. Wheeler 2016 Trust  
EChw NAME (Neatly PRINTED)

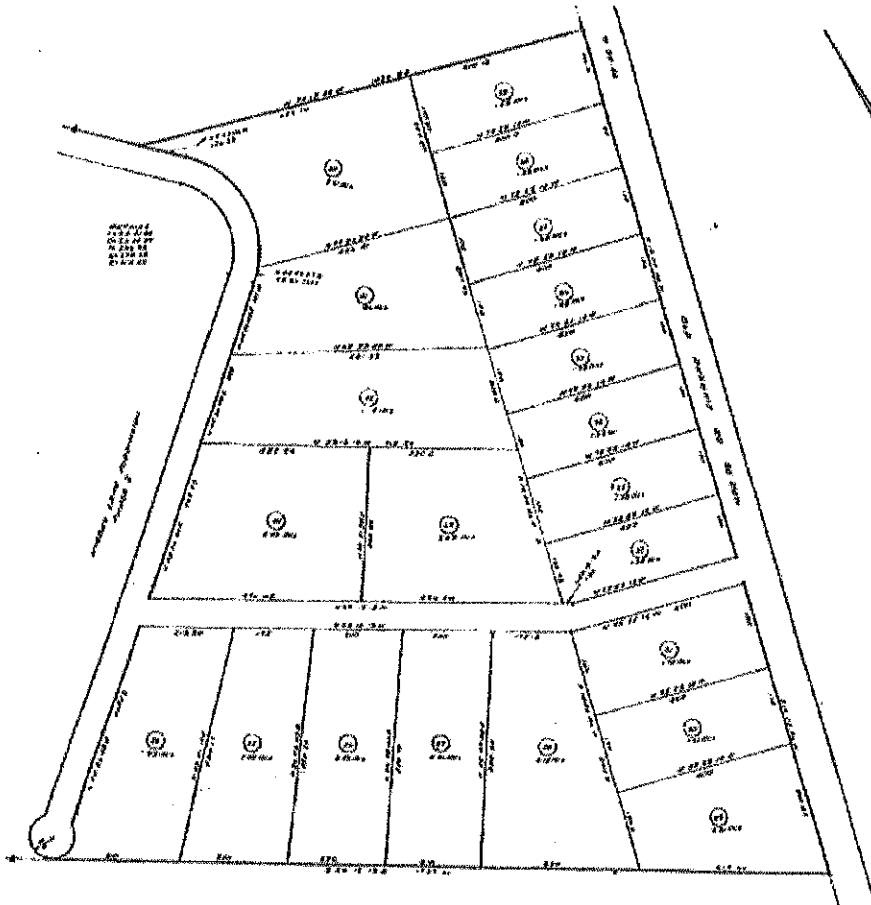
SIGNATURE  
ADDRESS: 1221 Lake Club Dr. Greensboro, GA 30642  
PHONE: [REDACTED]

ALL SIGNATURES WERE HEREBY SWORN TO AND SUBSCRIBED BEFORE ME THIS 22 DAY OF September, 20 23

NOTARY Belinda Huns  
MY COMMISSION EXPIRES: 8-31-24







174

CLYDE & SONS, INC.  
 1000 ...  
 First State 75 ...



174

WIDEEN ...  
 ...  
 ...

174



September 26, 2023

Lisa Jackson  
Director  
Putnam County Planning and Development  
117 Putnam Drive, Suite B  
Eatonton, Georgia 31024

Subject: Sewer Availability – Parcels 103A-208 / 103A-086 to 088

Dear Ms. Jackson:

Piedmont Water Company (PWC) has reviewed the plans for the parcels listed above and has water and sewer capacity available for this project as shown on the MSC plans dated September 23, 2023. The project will require sewer grinder pumps.

Please feel free to contact me with any questions regarding this matter at 800-248-7689, extension 208, or by email: [jmatthews@piedmontwater.com](mailto:jmatthews@piedmontwater.com)

Sincerely,

A handwritten signature in black ink, appearing to read "W. J. Matthews", with a long horizontal flourish extending to the right.

W. J. Matthews  
Vice President of Operations



# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

## DISCLOSURE OF APPLICANT'S CAMPAIGN CONTRIBUTION

The *Putnam County Code of Ordinances*, Section 66-167(c) states as follows:

“When any applicant or his attorney for a rezoning action has made, within two years immediately preceding the filing of that applicant’s application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

a. The name and official position of the local government official to whom the campaign contribution was made; and

b. The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution. The disclosures required by this section shall be filed within ten days after an application for the rezoning action is first filed.”

1. Name: \_\_\_\_\_

2. Address: \_\_\_\_\_

3. Have you given contributions that aggregated \$250.00 or more within two years immediately preceding the filing of the attached application to a candidate that will hear the proposed application? \_\_\_\_\_ Yes  No If yes, who did you make the contributions to? : \_\_\_\_\_.

Signature of Applicant: \_\_\_\_\_

Date: 9 / 12 / 23

2022 025295  
WHEELER EUGENE C AS TRUSTEE

INTERNET TAX RECEIPT  
OLD HIDDEN LAKE LN OUT TO OLD  
103A 208

153

DESCRIPTION	TAX AMOUNT	EXEMPTION	MILLAGE
FAIR MARKET VALUE	\$16,364		
COUNTY	\$44.38	\$0.00	6.779
SCHOOL	\$84.44	\$0.00	12.9
SPEC SERV	\$1.62	\$0.00	0.4

<b>ORIGINAL TAX DUE</b>
\$130.44
<b>INTEREST</b>
\$1.00
<b>COLLECTION COST</b>
<b>FIFA CHARGE</b>
<b>PENALTY</b>
<b>TOTAL PAID</b>
\$131.44
<b>TOTAL DUE</b>
\$0.00

Date Paid: 2/13/2023

TO WHEELER EUGENE C AS TRUSTEE  
1221 LAKE CLUB DRIVE  
GREENSBORO, GA 30642

FROM Putnam County Tax Commissioner  
100 South Jefferson Ave Suite 207  
Eatonton, GA 31024-1061  
(706) 485-5441

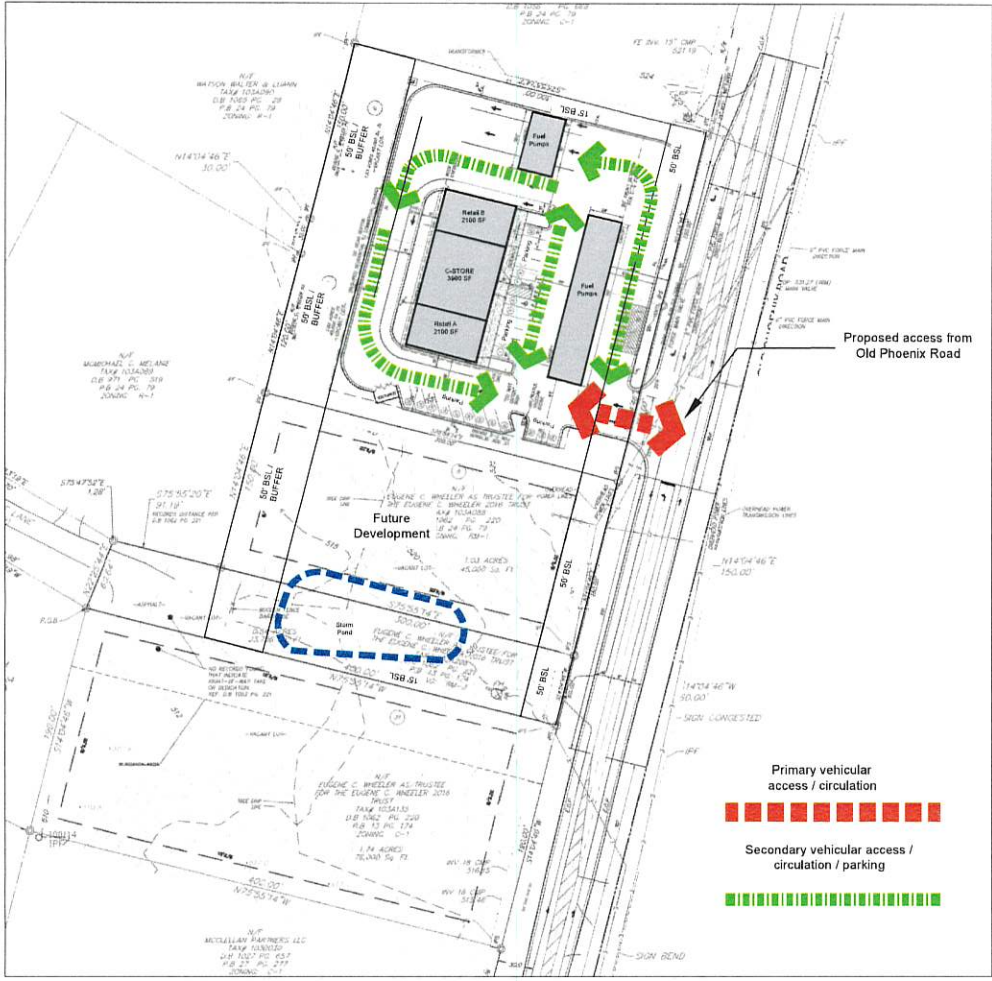


Scan this code  
with your mobile  
phone to view this  
bill

INTERNET TAX RECEIPT



This plan is conceptual in nature and is an approximate representation of potential land uses, sizes, locations and circulation patterns. The plan is intended to be developed over a period of time and should maintain flexibility to accommodate specific soil conditions, environmental concerns, physical constraints, market conditions and design parameters.



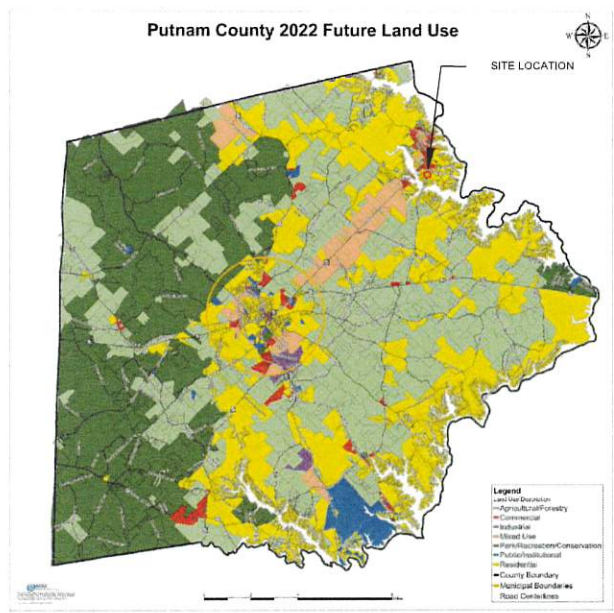
CURRENT ZONING AND PARCEL MAP  
NOT TO SCALE

Proposed Use: Convenience Store / Retail with Fuel Pumps. Maximum combination of building size of 79,650 square feet (15,000 sf / Acre): 3.63 AC X 15,000 = 54,450 SF

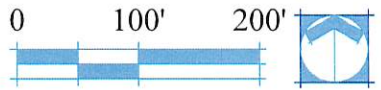
Concept Plan: Illustrates ~ 8,100 sf of Retail / Convenience Store with Fuel Pumps

Applicant: Rick McAllister  
1341 Beverly Drive, Athens GA. 30606  
706-206-5030

Intent: Amend zoning to C-1. Develop commercial use utilizing Convenience Store and Retail land use.



COMPREHENSIVE PLAN  
SCALE AS NOTED



CONCEPT PLAN EXHIBIT  
SCALE: As Noted Subject to Change  
September 23, 2023

PARCELS 103A-208 / 103A-086 thru 088

CONCEPTUAL SITE PLAN  
PUTNAM COUNTY, GEORGIA





**IMPACT ANALYSIS  
PARCELS 103A –  
208 / 103A-086-088  
OLD PHOENIX ROAD  
PROPOSED C-1 DEVELOPMENT  
REZONING REQUEST.**



**MCALLISTER SITE CONSULTING, LLC  
RICK MCALLISTER  
1341 BEVERLY DRIVE  
ATHENS, GEORGIA 30606  
706-206-5030**

**TABLE OF CONTENTS**

Letter of Intent..... Page 3

Impact Study Information ..... Page 4

Traffic Study ..... Attachment

Plat of Property(s)..... Attachment

Existing Conditions ..... Attachment

Existing Zoning .....Attachment

Conceptual Site Plan ..... Attachment

**LETTER OF INTENT – PARCEL 103A-208 / 103A-068-088**  
**C1 ZONING REQUEST**

The parcels are located along Old Phoenix roads with a combined area of approximately 3.63 acres. The intent of the re-zone application is to combine these parcels to create a commercial tract with approximately 500 LF on Old Pheonix road frontage. Surrounding land uses include C-1 Zoned parcels to East, North and South and R-1 Zoned Parcels to West.

The intended land use for this property is a Convenience store and a future use to be determined. The attached conceptual plan illustrates the proposed amount of use including conceptual layout of interior roads.

We appreciate the consideration to promote quality development within Putnam County.

**IMPACT ANALYSIS INFORMATION**

**ITEM #1**

***Is the proposed use consistent with the stated purpose of the zoning district that is being requested?***

The proposed land use of the site is consistent and allowed within C1 Zoning. Proposed Use is listed as allowed per (Sec. 66-103)

***Is the proposed use suitable in view of the zoning and development of adjacent or nearby property?***

The parcels are surrounded by existing C-1 Zoned parcels. Only 1 side borders R-1 Zoning.

***Will the proposed use adversely affect the existing use, value or usability of adjacent or nearby property?***

The access to site is proposed along existing county roads, buffers and setbacks will be place per county requirements.

Proposed zoning is consistent with surrounding areas.

Drainage of site will be contained at or exceeding Putnam County storm water requirements.

***Is the proposed use compatible with the proposed intent of the Comprehensive Plan?***

The 2022 Putnam County Future land use plan illustrates this site within Residential future land use. As this area of the county develops, trends can be identified by zoning patterns. Please refer to the existing zoning map exhibit as an illustration of the land use pattern in proximity to the proposed parcel.

***Are there substantial reasons why the property cannot or should not be used as currently zoned?***

The property is currently zoned Residential and proposed use is not allowed in Residential Zoned parcels.

***Will the proposed use cause an excessive or burdensome use of public facilities or services or exceed the present or funded capabilities, including but not limited to streets, water or sewer utilities and police or fire protection?***

The proposed development will incur the cost of constructing streets interior to the project. Final plans will meet emergency vehicle equipment circulation requirements. Water and sewer will be provided by a private utility company and flow will be provided as private utility can supply.

***Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?***

The parcel is located well within an existing commercial corridor on one of Putnam County's arterial roads. The current comprehensive plan includes directives to be adjusted as existing and proposed uses reflect change in the county. The portion of Old Pheonix road corridor which this parcel is located is within an existing commercial growth pattern. This area reflects commercial and as the comprehensive plan is considered as a "living" document -- future land use needs to be amended for this area of the county.

***Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, and reasonable private use of the subject property?***

The proposed use responds to the growing trend of C-1 use along Old Phoenix Road.

**ITEM #2 TRAFFIC ANALYSIS – (SEE ATTACHMENT)**

**ITEM# 3**

**The conceptual plan is based upon development standards for C-1 Zoning are as follows:**

The conceptual plan illustrates commercial use with C1 development Standards (see attached conceptual Plan)

**ITEM #4**

**Effect on environment surrounding the area:**

Natural:

The property is currently mixed open area and partially wooded with topography sloped into 1 drainage corridor. The entire parcel comprises of its own watershed directed to existing drainage corridors which eventually flow into Lake Oconee. A 25' State Waters buffer will be placed on all qualified pond or stream components. Some wetland areas



may exist on site and will be delineated by an Environmental Consultant. Wetlands will be mapped, surveyed and protected per environmental guidelines upon development of project areas(s). Source: Putnam County / City of Eatonton 2007-2030 Comprehensive Plan – Wetlands Map 6 Prepared by Middle Georgia RDC

**Erosion:**

The property is currently in open pasture and partially wooded state. Development plans will adhere to State and Local Regulations of Erosion Control and Storm water standards. Source: On site Observation

**Historic:**

The proposed site has no known or listed Cultural or Historical Resources located on site. Source: Putnam County / City of Eatonton 2007-2030 Comprehensive Plan Cultural and Historical Resources Map 13 prepared by Middle Georgia RDC

**Watershed:**

The proposed area is not within any small or buffered municipal watershed areas.

**ITEM #5**

**Impact on fire protection**

Proposed interior roads will allow emergency vehicle access to all property. Fire protection will be provided as Private Utility water main connections allow.

**ITEM #6 – PHYSICAL CHARACTERISTICS OF SITE (SEE ATTACHMENT)**

**ITEM #7 – ADJACENT AND NEARBY ZONING – See Conceptual p**



**SIMONTON**  
ENGINEERING

# OLD PHOENIX RD COMMERCIAL DEVELOPMENT

DRI Traffic Impact Study  
SE #2023-156



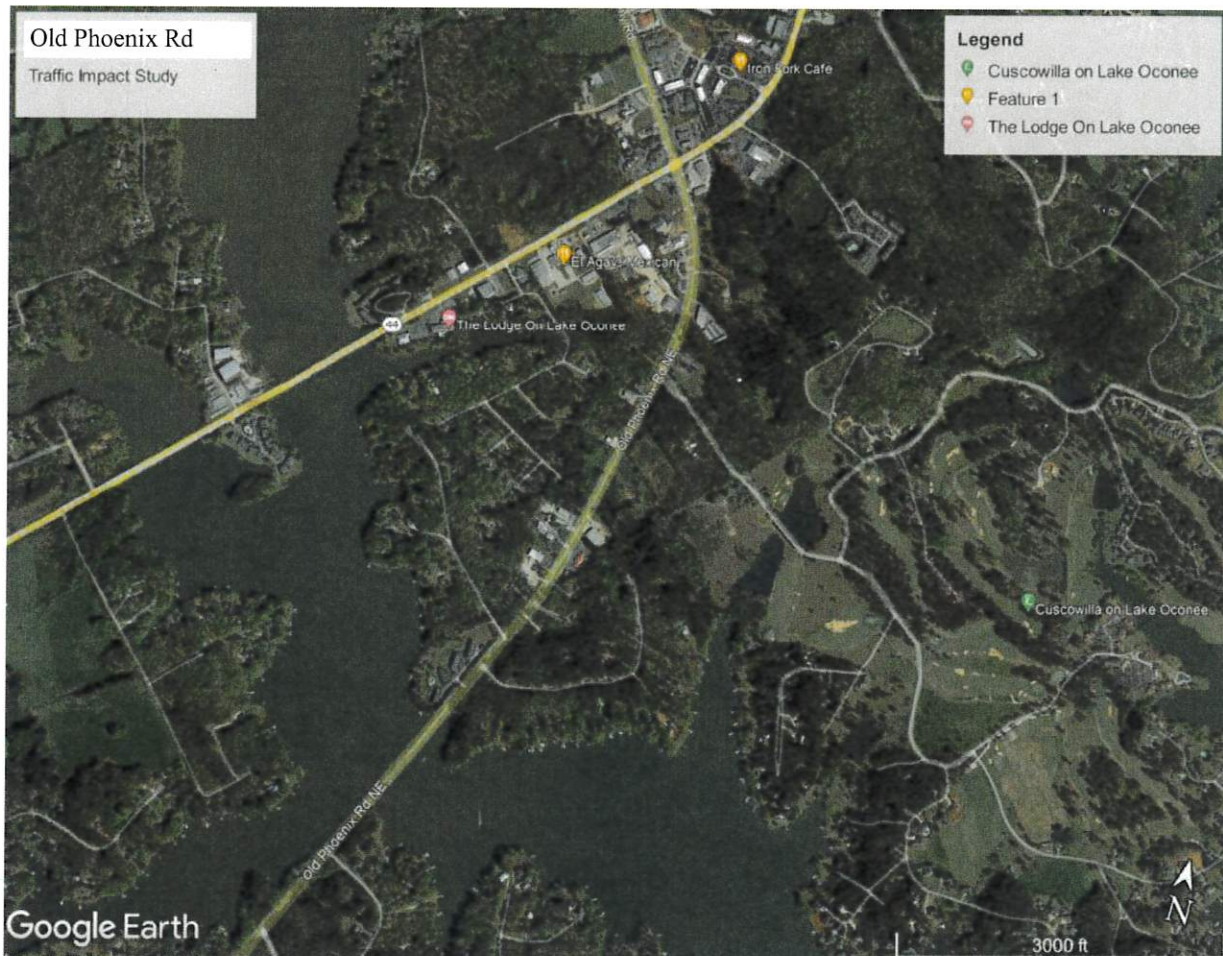
Paul Simonton  
paul@simontoneng.com

Hinesville, Georgia Phone: (912) 977-1502  
Greensboro, Georgia Phone: (706) 454-0870

## Old Phoenix Project Traffic Impact Study

### General

The project is a commercial development located on Old Phoenix Road in Putnam County. The development which includes three parcels will be planned for a convenience store, drive through restaurant and a third low traffic use on two of the parcels. The use of the third parcel is undetermined at this time. All three parcels combined is approximately one acre.



Predicted Traffic

Trip Generation software by Microtrans will be used to generate average daily traffic plus peak hour enter and exit projections for each use. The projected future traffic will be combined with existing counts provided by the GDOT Traffic data website to predict total roadway traffic.

Passer-by traffic, is generally defined as traffic that is already on the roadway and contained in existing counts but will also be included in projected counts. A commercial development that includes convenience store with gas has a relatively high passer-by rate and will be considered as about 60% for this project, so a significant reduction in traffic projections will be included.

The development will have one access points on Old Phoenix Road. The planned project has one access shown on the concept plan. Since the destination and generation point is from both directions, it is assumed that the traffic will be split evenly relative to in and out traffic.

**Table 1** below provides a detailed traffic projection that includes the land use, along with average daily volumes plus enter and exit projection for a.m. and p.m. peak. The projected traffic contained in **Table 1** is for a 100% build-out which is expected to take approximately three to five years.

**Table 1**

	Trips /day	Am Peak Enter	AM Peak Exit	PM Peak Enter	PM Peak Exit
C store 14 pmps	7596	120	120	135	135
Fast Food Rest	992	54	52	36	33
Pharmacy w. DT	176	3	2	8	9
Total	8764	177	174	179	177

The following assumptions and considerations were used to evaluate the impacts.

1. AADT on Old Phoenix is about 4600 Vehicles per day, so we would evaluate the above additional traffic based on existing traffic less than 6,000 VPD
2. Speed limit on Old Phoenix is 45 MPH
3. Pharmacy use doesn't generate very much traffic.
4. C Stores and fast food usually have a pretty high passer by rate so we take 60% (which is pretty aggressive) of the total trips = 8764 X 60% = 5,258 VPD generated but the site use.
5. Assume that the traffic is split 50/50 each direction gives us (5258/20 =2629 VPD each Direction

Existing Conditions and Growth

The traffic at GDOT Station ID 237-0178, in 2020 was AADT of 4,340 and was estimated in 2021 AADT at 4,570, an increase of 5.3% over the two year period. Truck traffic based on the data was measured at approximately 4.0%.

When considering the capacity of the roadway the ADT is well within the normal capacity for a typical two-lane roadway. The limiting factor on the capacity of a road of this nature is the turning movements that block through traffic. The impact of the development and the turning movements generated will be evaluated on the proposed intersection later in this report.

Future Conditions

Projections of traffic for the Old Phoenix Road tract is projected to more than 5,000 vehicles in the near future . Using the 5.3% growth over the two year period the traffic is still well within its capacity for a two-lane road and will still operate at an acceptable Level Of Service (LOS).

Intersection Evaluation

In order to fully evaluate the impacts on the State Route Regulations require that the entrance to any development that connects to a state road will meet all state and local requirements for intersection design. As required by this provision the GDOT right turn and left turn standards were used to complete the evaluation of the two intersections onto Ga. Hwy 16 for this project. For the right turn evaluation the GDOT *Regulations for Driveway and Encroachment Control (Driveway manual)* revision 5.0, dated July 3, 2019, Section 4.9.1.1 of the manual was consulted



**4.9.1.1 Minimum Requirements for Right Turn Deceleration Lanes**

Right turn deceleration lanes must be constructed at no cost to the Department if the daily site generated Right Turn Volumes (RTV) based on ITE Trip Generation (assuming a reasonable distribution of entry volumes) meet or exceed the values shown in Table 4-6. Passing lane sections fall under the criteria for two or more lanes.

Posted Speed	2 Lane Routes		More than 2 Lanes on Main Road	
	AADT		AADT	
	< 6,000	>=6,000	<10,000	>=10,000
35 MPH or Less	200 RTV a day	100 RTV a day	200 RTV a day	100 RTV a day
40 to 50 MPH	150 RTV a day	75 RTV a day	150 RTV a day	75 RTV a day
55 to 60 MPH	100 RTV a day	50 RTV a day	100 RTV a day	50 RTV a day
>= 65 MPH	Always	Always	Always	Always

**Table 4-6 Minimum Volumes Requiring Right Turn Lanes**

Speed limit on Old Phoenix Road is 45 MPH and daily traffic is below the 6,000 AADT for a two-lane road. This development falls within the area requiring the right turn lane at the proposed intersection.

For the left turn evaluation the GDOT *Regulations for Driveway and Encroachment Control (Driveway manual)* revision 5.0, dated July 3, 2019, Section 4.9.1.2 of the manual was consulted.

**4.9.1.2 Minimum Requirements for Left Turn Lanes**

Left turn lanes must be constructed at no cost to the Department if the daily site generated Left Turn Volumes (LTV) based on ITE Trip Generation (assuming a reasonable distribution of entry volumes) meet or exceed the values shown in Table 4-7a **Condition 1**. If the LTVs are below the requirements for **Condition 1**, the applicant may be required to construct a Right Hand Passing Lane (see **Figure 4-7** if they meet the criteria in Table 4-7b **Condition 2**). The District Traffic Engineer will use engineering judgment to determine if the field conditions would allow construction of the Right Hand Passing Lane. Passing lane sections fall under the criteria for two or more lanes.

**Condition 1**

LEFT TURN REQUIREMENTS-FULL CONSTRUCTION				
Posted Speed	2 Lane Routes		More than 2 Lanes on Main Road	
	ADT		ADT	
	<6,000	>=6,000	<10,000	>=10,000
35 MPH or Less	300 LTV a day	200 LTV a day	400 LTV a day	300 LTV a day
40 to 50 MPH	250 LTV a day	175 LTV a day	325 LTV a day	250 LTV a day
>= 55 MPH	200 LTV a day	150 LTV a day	250 LTV a day	200 LTV a day

**Table 4-7a Minimum Volumes Requiring Left Turn Lanes**

**Condition 2**

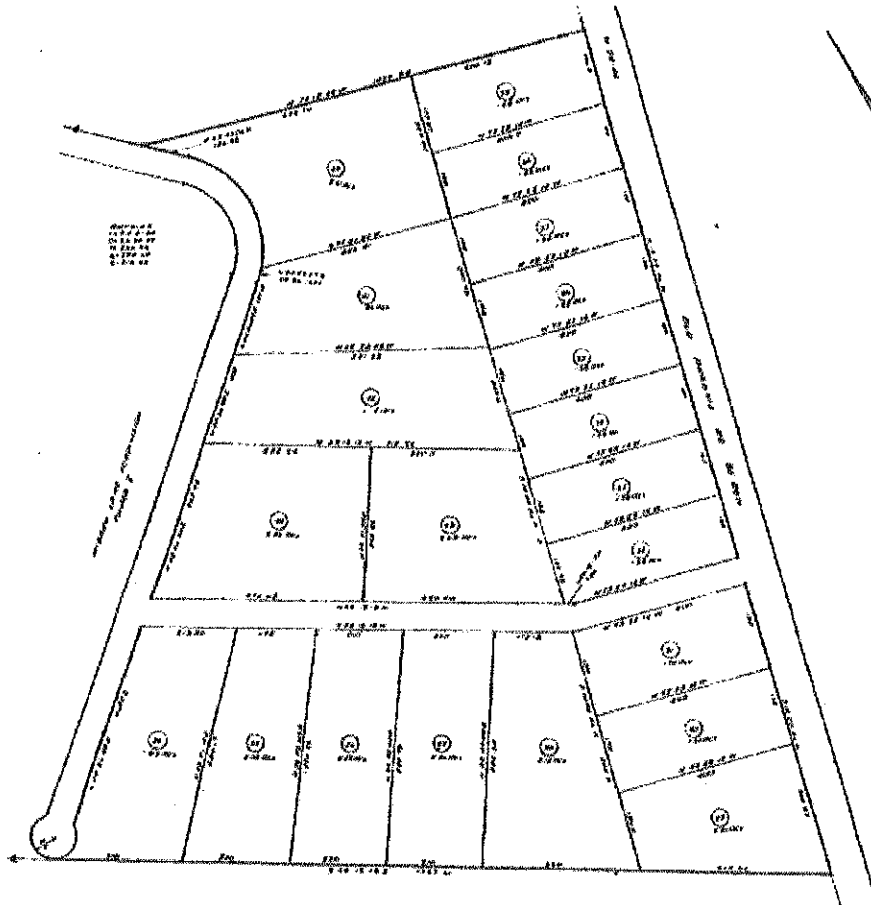
LEFT TURN REQUIREMENTS w/Right Hand Passing Lane Option		
Posted Speed	2 Lane Routes only	
	ADT	
	<4,000	>=4,000
35 MPH or Less	200 LTV a day	125 LTV a day
40 to 45 MPH	100 LTV a day	75 LTV a day
50 to 55 MPH	75 LTV a day	50 LTV a day

**Table 4-7b Minimum Volumes Requiring Right Hand Passing Lanes**

As noted above Old Phoenix Road has less than the 6,000 ADT and has a posted speed limit of 45 MPH, which would require a center left turn lane if projected left turns exceeded 1,314 LTV per day under condition 1. Projected distribution exceeds this threshold, the left turns exceed the 250 LTV per day. The center left turn lane should be designed to accommodate the expected traffic.

Conclusions & Recommendations

This study meets the requirements of the *Putnam County Traffic projection Study* in that it assesses and forecasts the impact of the development on the existing infrastructure based on the project site plan (included). As noted above, neither a right turn lane and a left turn lane is warranted based on GDOT guidelines.



174

JOHN W. COTREN & SONS, INC.  
 Surveyors  
 1000 ...  
 Plot Size 15 ...



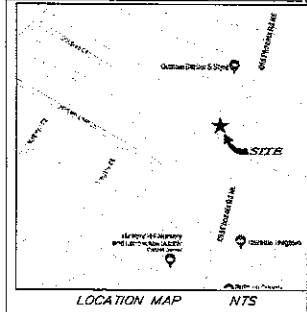
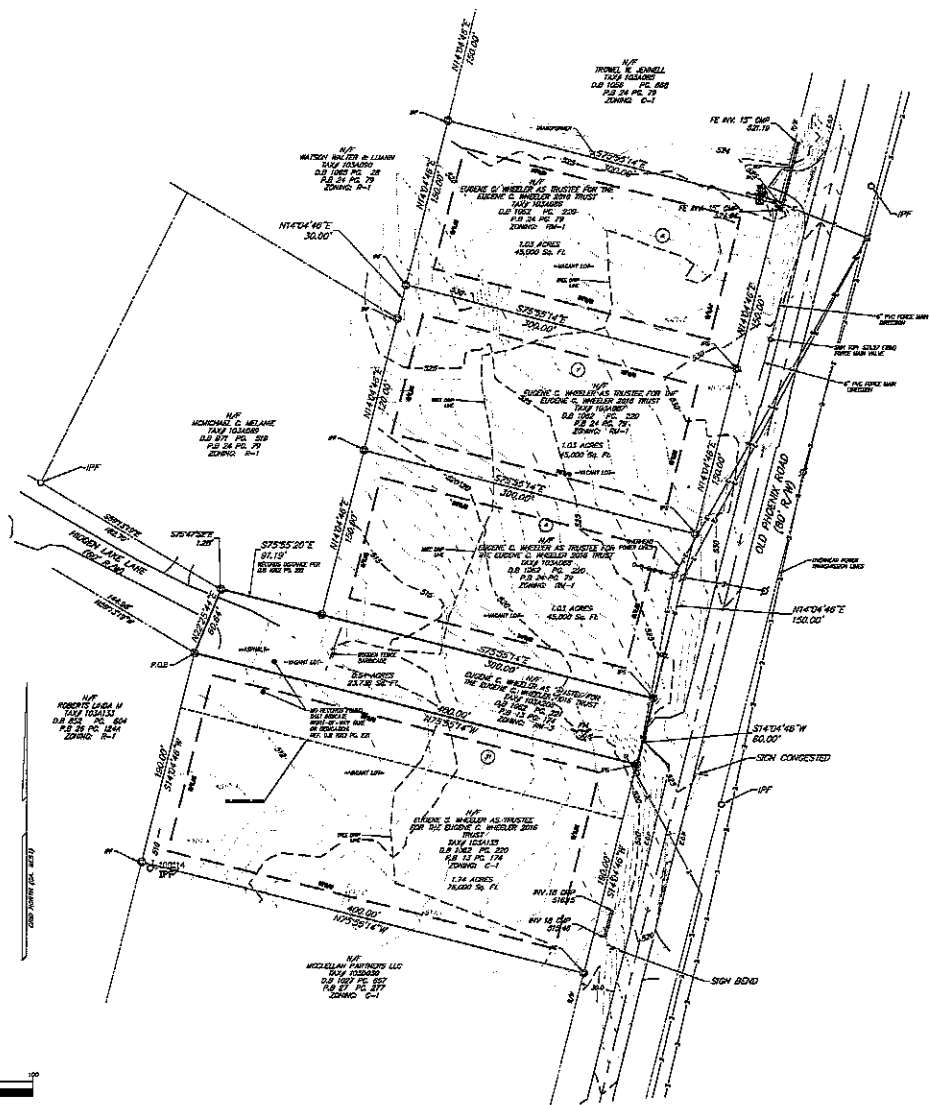
174

HIDDEN LAKE SUBDIVISION  
 JOHN W. COTREN & SONS, INC.  
 Surveyors  
 1000 ...  
 Plot Size 15 ...

174

FOR RECORDING

LEGEND	
□	FLR - FLOWER FIELD
□	L.F. - LIGHT POLE
◆	F.H. - FIRE HYDRANT
⊙	M.H. - SANITARY SEWER MANHOLE
⊙	W.M. - WATER METER
⊙	G.M. - GAS METER
⊙	RFB - REINFORCING BAR SET
⊙	RFP - REINFORCING BAR FOUND
⊙	CIT - CRIMP TOP PIPE FOUND
⊙	OIT - OPEN TOP PIPE FOUND
⊙	R/W MARK - RIGHT-OF-WAY MONUMENT
TYPE OF FOUND	
⊙	J.B. - JUNCTION BOX
⊙	D.I. - DUMP INLET / YARD INLET
⊙	C.B. - CATCH BASIN
—	R.C.P. - REINFORCED CONCRETE PIPE
—	C.M.P. - CORRUGATED METAL PIPE
—	E.F.E. - FINISHED FLOOR ELEVATION
*	W.V. - WATER VALVE
⊙	T.M. - TELEPHONE MANHOLE
—	O.P.L. - OVERHEAD POWER LINES
—	H.K. - HEADWALL
—	P.M. - POLE MOUNT
—	S.A. - STREET ADDRESS
—	W.F. - WIRE LINE
—	U.T. - UNDERGROUND TELEPHONE LINE
—	G.L. - GAS LINE
—	E.L. - ELECTRICAL LINE



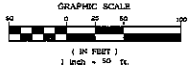
- SURVEY REFERENCE
1. PLAT BOOK 75 PAGE 74
  2. G.S. RECORD 11 PAGE 14
  3. G.S. RECORD 11 PAGE 200
  4. G.S. RECORD 11 PAGE 200

ZONING RM-1 & RM -3  
 SETBACK:  
 FRONT: 30'  
 REAR: 20'  
 SIDE: 25'

ZONING C-1  
 SETBACK:  
 FRONT: 30'  
 REAR: 20'  
 SIDE: 15'  
 ZONING BUFFER: 50' (FROM RESIDENTIAL)

TOTAL AREA:  
**6.39 AC.**  
 SAVED

ALL IRON PIN FOUND ARE 1/2" REBAR'S



THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTIONS, SUBSURFACE CONDITIONS, OR OTHER MATTERS OF TITLE WHICH ARE NOT SHOWN, NOT RECORDED, OR NOT KNOWN BY THE TITLE COMMITTEE MEMBERS BY THE SIGNER, THE APPLICANT, OR ANY AGENTS THEREOF.

THIS PLAT IS FOR THE EXCLUSIVE USE OF THE PARTIES STATED ON THE FACE OF THE SURVEY. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.

THIS PARCEL OF LAND IS IN THE 100 YEAR FLOOD PLAIN AND IS IN 30% (30%) ACCORDING TO FEMA (FEMA) CATEGORY 1 (1) ZONE. THE WATER HAS ALREADY BEEN COMPASS BARE UNDER PROVISION OF THIS PLAT. 1/20/2023. 1/20/2023.

GENERAL NOTES:

1. WATER & SEWER SERVICE TO BE PROVIDED BY PUTNAM COUNTY.
2. THE OWNER OF PROPERTY IS RESPONSIBLE FOR COMPLIANCE WITH THE CORPS OF ENGINEERS REQUIREMENTS REGARDING WEIRAGES.
3. ALL UTILITIES WILL BE UNDERGROUND.
4. PARCEL IS VACANT NO DEMOLITION NEEDED.
5. VERTICAL DATUM EGDS (NAVD 83).

**SURVEYOR'S CERTIFICATE**

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBSIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY REQUIREMENTS. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREIN. RETRACEMENT OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERGROUND LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN G.C.G.A. SECTION 19-6-67.

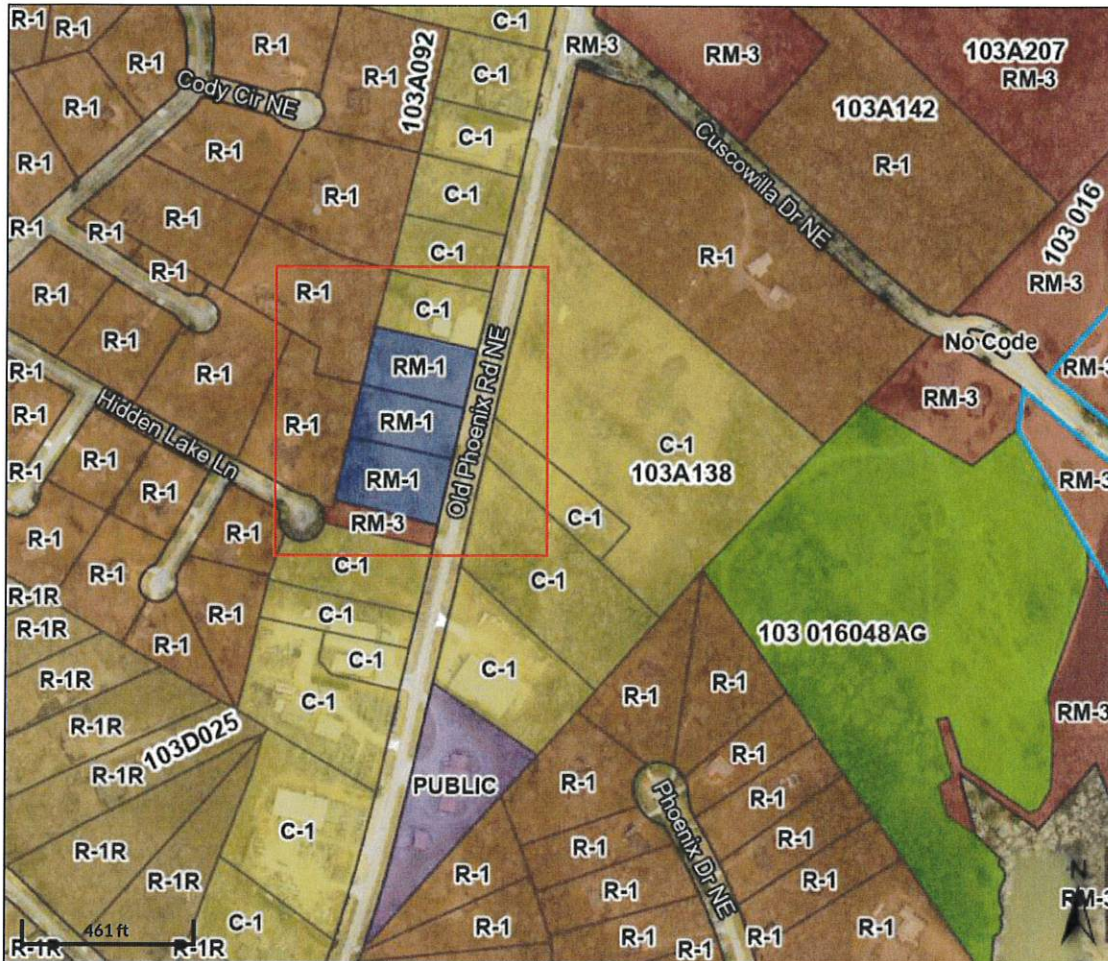


DATE: 1/20/2023  
 SCALE: 1"=300'  
 DRAWN BY: TAD  
 CHECKED BY: E.C.W.  
 PROJECT NO. 2300

**LAND ENGINEERING & SURVEYING, INC.**  
 2000 Aspen Drive  
 Marietta, GA 30066  
 TEL: 404-394-7000  
 ejs@landeng.com

BOUNDARY AND TOPOGRAHY SURVEY FOR:  
 EUGENE C. WEIDNER AS TRUSTEE FOR THE  
 EUGENE C. WEIDNER TRUST  
 LOT 6, P. 8 AND 91  
 LOCATED IN  
 (CMT) LAND LOT 340  
 3RD DISTRICT,  
 PUTNAM COUNTY, GEORGIA





Overview

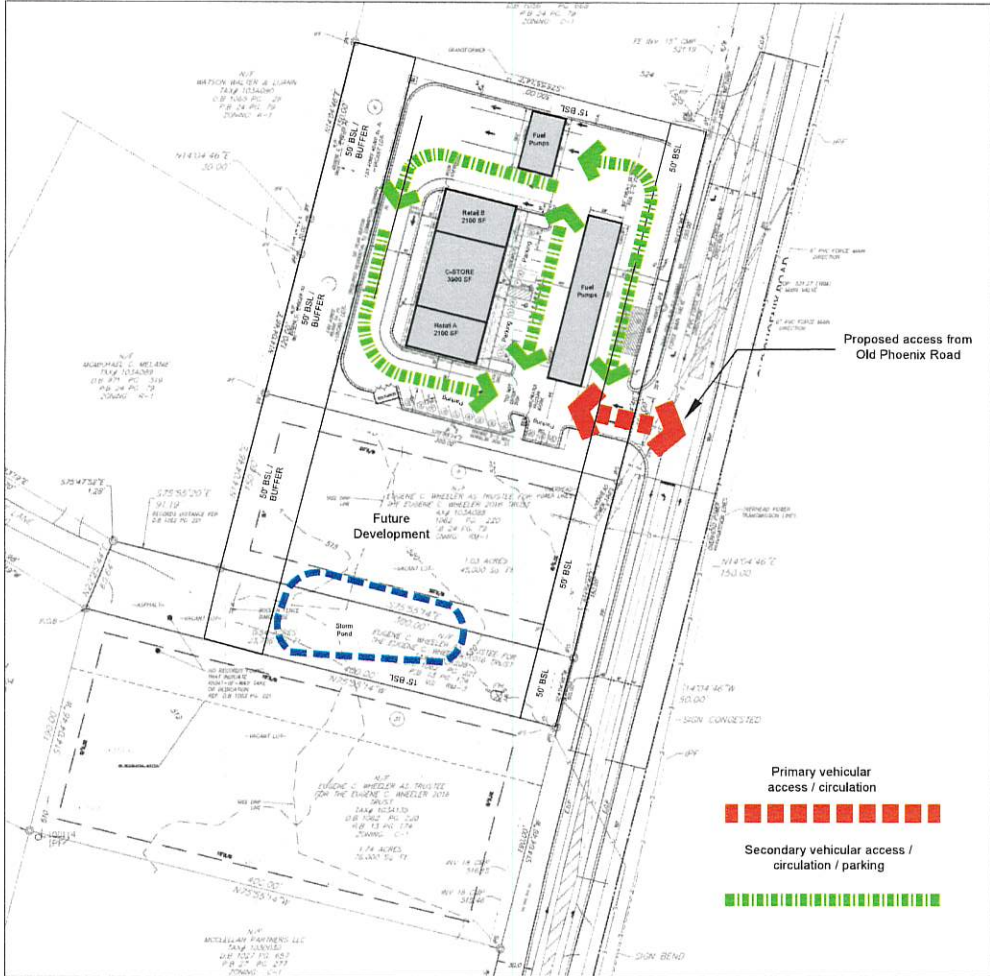


Legend

- City Limit
- Parcels
- Parcel Numbers
- Zoning
  - A-1 CITY
  - A-1 and AG-1
  - AG
  - AG-1
  - AG-2
  - C-1
  - C-1 CITY
  - C-2
  - C-2 CITY
  - C-2 PUD
  - C-PUD
  - I-1 CITY
  - I-2 CITY
  - I-M
  - MHP
  - PUBLIC
  - PUBLIC CITY
  - R - 1 CITY
  - R - 2 CITY
  - R - 3 CITY
  - R - 4 CITY
  - R-1
  - R-1R
  - R-2
  - R-PUD
  - RM-1
  - RM-2
  - RM-3
  - VILLAGE
- Roads



This plan is conceptual in nature and is an approximate representation of potential land uses, sizes, locations and circulation patterns. The plan is intended to be developed over a period of time and should maintain flexibility to accommodate specific soil conditions, environmental concerns, physical constraints, market conditions and design parameters.



**CONCEPT PLAN EXHIBIT**  
 SCALE: As Noted Subject to Change  
 September 23, 2023

**PARCELS 103A-208 / 103A-086 thru 088**  
**CONCEPTUAL SITE PLAN**  
**PUTNAM COUNTY, GEORGIA**



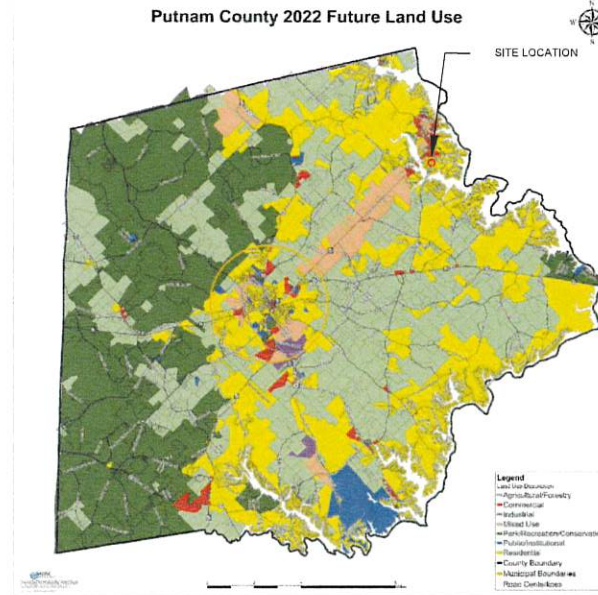
**CURRENT ZONING AND PARCEL MAP**  
 NOT TO SCALE

Proposed Use: Convenience Store / Retail with Fuel Pumps. Maximum combination of building size of 79,650 square feet (15,000 sf / Acre): 3.63 AC X 15,000 = 54,450 SF

Concept Plan: Illustrates ~ 8,100 sf of Retail / Convenience Store with Fuel Pumps

Applicant: Rick McAllister  
 1341 Beverly Drive, Athens GA. 30606  
 706-206-5030

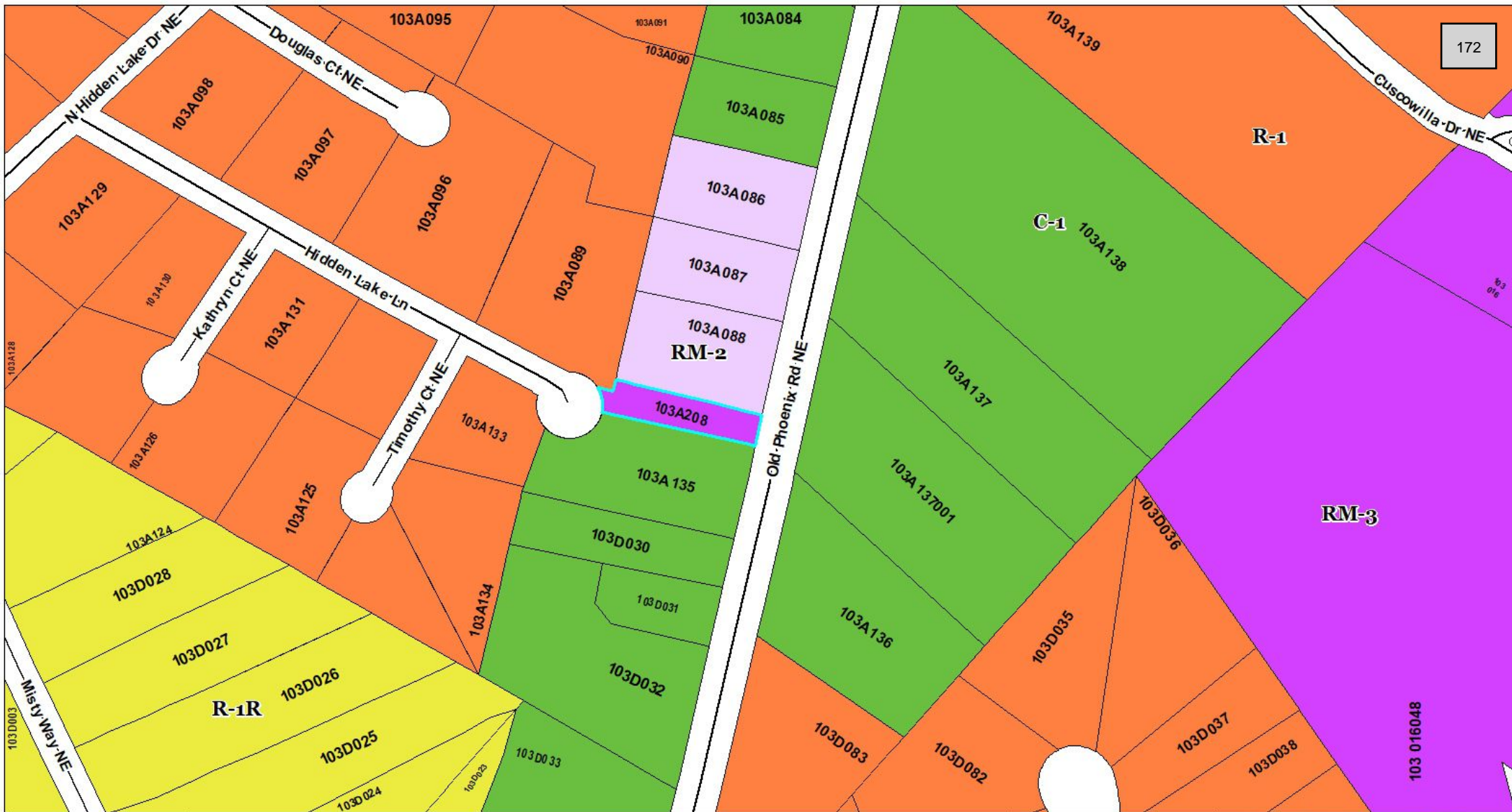
Intent: Amend zoning to C-1. Develop commercial use utilizing Convenience Store and Retail land use.



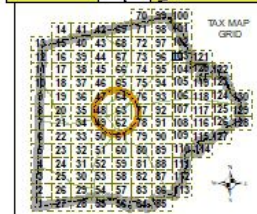
**COMPREHENSIVE PLAN**  
 SCALE AS NOTED







172



**GEOGRAPHIC FEATURE LEGEND**

Eatonton Limits	Overlay District	AG-2	C-2 CITY	IND-2 CITY	R - 1 CITY	RM-2
County Boundary	No Code	C-1	I-M	MHP	R - 2 CITY	R-1R
Roads	AG-1	C-1 CITY	IND-1 CITY	PUBLIC	R - 3 CITY	RM-3
Parcels	AG-1 CITY	C-2	IND-2	PUBLIC CITY	R - 4 CITY	VILLAGE
Parcel Hooks						

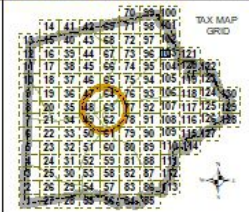
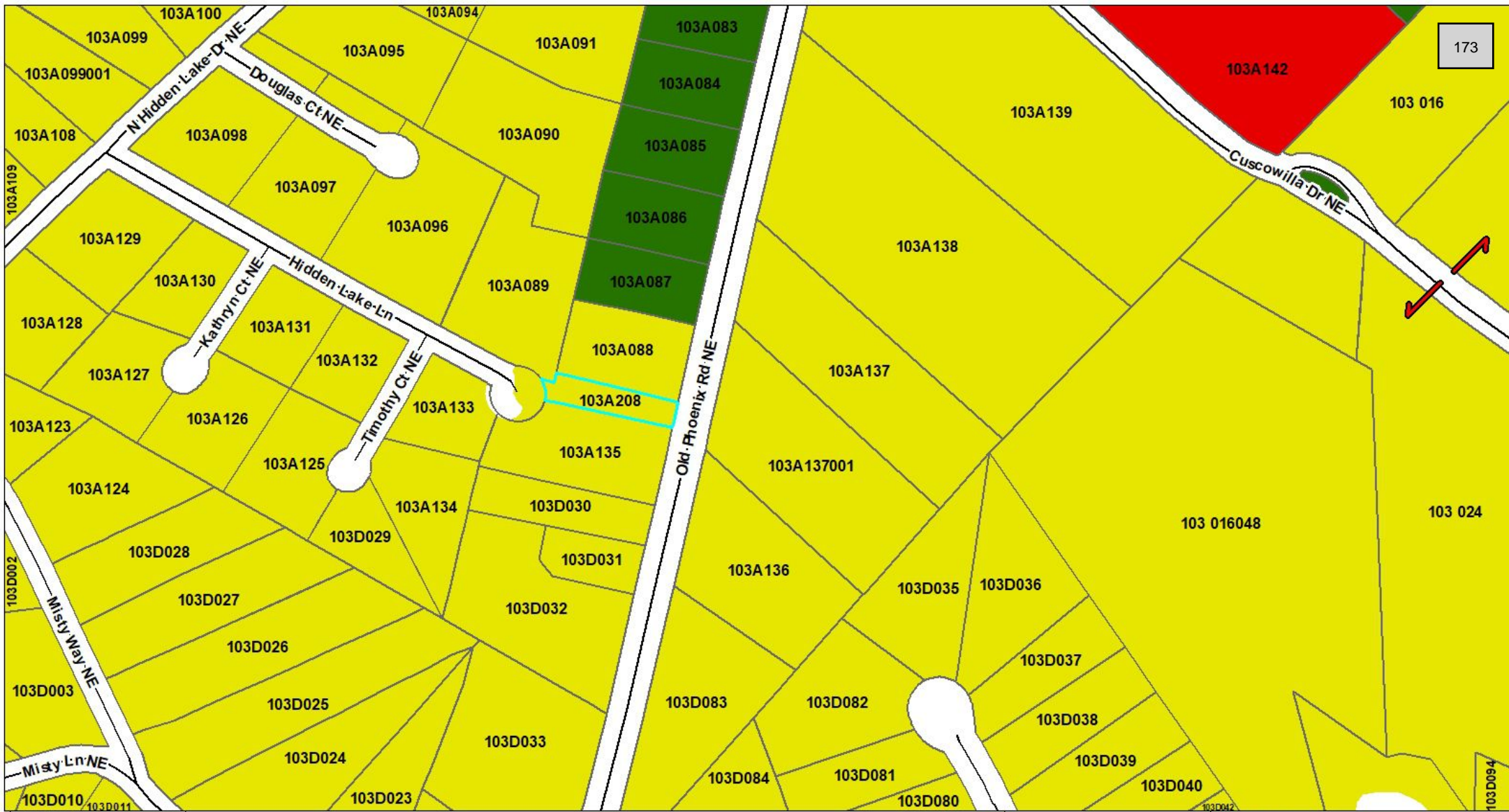
**LMGRC**  
Middle Georgia Regional Commission  
175 Emory Hwy  
Suite C  
Macon, Georgia 31217  
(478) 751-6160  
Web:  
[www.middlegeorgia.org](http://www.middlegeorgia.org)

PUTNAM COUNTY, GEORGIA  
ZONING MAPS

**MAP 103A**

MAP SCALE: 1" = 166.67' SCALE RATIO: 1:2,000 DATE: NOVEMBER 2023





GEOGRAPHIC FEATURE LEGEND			
Eatonton Limits	Agriculture/Forestry	Mixed Use	Residential
County Boundary	Commercial	Park/Recreation/Conservation	Transportation/Communication/Utilities
Roads	Industrial	Public/Institutional	Undeveloped/Vacant
Parcels			
Parcel Hooks			

**MGRC**  
 Middle Georgia Regional Commission  
 175 Emery Hwy  
 Suite C  
 Macon, Georgia 31217  
 (478) 751-6160  
 Web:  
[www.middlegeorgia.org](http://www.middlegeorgia.org)

PUTNAM COUNTY, GEORGIA  
 FUTURE LAND USE MAPS

# MAP 103A

MAP SCALE: 1" = 200'    SCALE RATIO: 1:2,400    DATE: NOVEMBER 2023

Request by Rick McAllister, agent for Eugene C. Wheeler as Trustee for Eugene C. Wheeler 2016 Trust to rezone .38 acres on Old Phoenix Road from RM-3 to C-1. [Map 103A, Parcel 208, District 1].

**PLANNING & DEVELOPMENT-LISA JACKSON STAFF RECOMMENATION:**

Staff recommendation is for approval to rezone .38 acres from RM-3 to C-1 on Old Phoenix Road [Map 103A, Parcel 208, District 1] \* with the following conditions:

1. The developer shall develop and maintain a 50-foot undisturbed buffer or berm along the property lines that abut Map 103A Parcel 089 as stated in Section 66-104(g) of the Putnam County Code of Ordinances.
2. The developer shall install a right turning lane at the proposed intersection per state and local guidelines and
3. The developer shall install a center left turn lane per state and local guidelines.

**PLANNING & ZONING COMMISSION RECOMMENDATION:**

*The Planning & Zoning Commission's recommendation is for approval to rezone 0.38 acres from RM-3 to C-1 on Old Phoenix Road [Map 103A, Parcel 208, District 1] \* with the following conditions:*

1. *The developer shall develop and maintain a 50-foot undisturbed buffer or berm along the property lines that abut Map 103A Parcel 089 as stated in Section 66-104(g) of the Putnam County Code of Ordinances.*
2. *The developer shall install a right turning lane at the proposed intersection per state and local guidelines and*
3. *The developer shall install a center left turn lane per state and local guidelines.*



**File Attachments for Item:**

## 12. Consent Agenda

- a. Approval of Minutes - November 21, 2023 Regular Meeting (staff-CC)
- b. Authorization for Chairman to sign Memorandum of Agreement between The Office of Bridge Design and Maintenance and Putnam County for a bridge at Martins Mill Road and Little River (staff-CM)
- c. Approval of 2023 Alcohol License (staff-CC)
- d. Authorization for Chairman to sign First Amendment to Lease Agreement with Georgia Windstream (staff-CC)

# PUTNAM COUNTY BOARD OF COMMISSIONERS



117 Putnam Drive, Suite A ♦ Eatonton, GA 31024

## Minutes

Tuesday, November 21, 2023 ♦ 6:00 PM

Putnam County Administration Building – Room 203

The Putnam County Board of Commissioners met on Tuesday, November 21, 2023 at approximately 6:00 p.m. in the Putnam County Administration Building, 117 Putnam Drive, Room 203, Eatonton, Georgia.

### *PRESENT*

- Chairman Bill Sharp
- Commissioner Gary McElhenney
- Commissioner Daniel Brown
- Commissioner Steve Hersey
- Commissioner Jeff Wooten

### *STAFF PRESENT*

- County Attorney Adam Nelson
- County Manager Paul Van Haute
- County Clerk Lynn Butterworth
- Deputy County Clerk Donna Todd

### **Opening**

1. Welcome - Call to Order

Chairman Sharp called the meeting to order at approximately 6:00 p.m.  
(Copy of agenda made a part of the minutes on minute book page \_\_\_\_\_.)

2. Approval of Agenda

#### **Motion to approve the Agenda.**

**Motion made by Commissioner McElhenney, Seconded by Commissioner Hersey.**

**Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Hersey, Commissioner Wooten**

Chairman Sharp welcomed Dr. Steve Hersey, District 3 Commissioner who was sworn in just before the meeting.

3. Invocation - Pastor James Smith - Wesley Chapel United Methodist Church

Pastor James Smith, from Wesley Chapel United Methodist Church, gave the invocation.

Draft Minutes	Page 1 of 7	
November 21, 2023		

4. Pledge of Allegiance (GM)

Commissioner McElhenney led the Pledge of Allegiance.

5. Special Presentation

Mr. Henry R. Craig, Baldwin County Commissioner and ACCG President, spoke about mental health services for Georgians, stating that lack of adequate mental health care is a problem in all 159 counties in Georgia. Chairman Sharp reminded participants that Putnam County passed a resolution at the last meeting, in support of improving mental health services in Georgia.

Chairman Sharp opened the Zoning Public Hearing at approximately 6:12 p.m.

**Zoning Public Hearing**

6. Request by Brandon Burgess, agent for Brett Mauldin, to rezone 1.21 acres on Harmony Road from C-1 to C-2 [Map 102A, Parcel 172, District 3] (staff-P&D)

Mr. Brandon Burgess spoke in support of the rezoning. No one signed in to speak against this item. Planning & Development staff recommendation was for approval.

**Motion to approve the request by Brandon Burgess, agent for Brett Mauldin, to rezone 1.21 acres on Harmony Road from C-1 to C-2 [Map 102A, Parcel 172, District 3].**

**Motion made by Commissioner Hersey, Seconded by Commissioner Brown.**

**Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Hersey, Commissioner Wooten**

7. Request by Rick McAllister, Agent for Nell J. McDonald to rezone 5.31 acres at 331 New Phoenix Road from AG to C-1 [Map 105, Parcel 016, District 1] (staff-P&D)

Mr. Rick McAllister spoke in support and provided a handout to Commissioners.

Ms. Kay Stevens spoke in support of the rezoning and provided a handout to Commissioners.

Mr. Joe Reitman, Attorney for the Manville Family, stated that, per the petition, 125 citizens are against the rezoning due to stormwater runoff concerns and concerns that it will ruin the land use area. Mr. Reitman provided a 4-page hand-out, copies of a petition signed by residents, and photos of the area to the Commissioners.

The following people spoke against the proposed rezoning:

Ms. Kathy Wardlaw

Ms. Jan Bloodworth

Mr. John Bloodworth

Ms. Lynn Youngblood

Mr. Willie Manville

Ms. Amy Manville

Ms. Karen McGinnis

Ms. Lauren Holder

Ms. Kim Robinson

Mr. Charles Sapper

Mr. William Vargo

Mr. Albert Frontz passed on his opportunity to speak.

Draft Minutes	Page 2 of 7	
November 21, 2023		

Mr. Rick McAllister used his remaining time to speak for rebuttal. He distributed a graphic to the Commissioners.

Planning & Development staff recommendation was for approval to rezone 5.31 acres at 331 New Phoenix Road from AG to C-1, [Map 105, Parcel 016, District 1], with the following condition: The developer shall develop and maintain a 50-foot undisturbed buffer or berm along the property lines that abut Map 105, Parcel 017 as stated in Section 66-104(g) of the Putnam County Code of Ordinances.

**Motion to approve request by Rick McAllister, Agent for Nell J. McDonald to rezone 5.31 acres at 331 New Phoenix Road from AG to C-1 [Map 105, Parcel 016] with the condition that the developer shall develop and maintain a 50-foot undisturbed buffer or berm along the property lines that abut Map 105, Parcel 017 as stated in Section 66-104(g) of the Putnam County Code of Ordinances.**

**Motion made by Commissioner McElhenney, Seconded by Commissioner Wooten.**

**Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Wooten**

**Voting Nay: Commissioner Hersey**

(Copy of handouts made a part of the minutes on minute book pages \_\_\_\_\_ to \_\_\_\_\_.)

Chairman Sharp closed the Zoning Public Hearing at approximately 7:13 p.m.

**Code of Ordinances Public Hearing**

**8. Proposed adoption of changes to the Putnam County Code of Ordinances - Chapter 32 (Fire Protection and Prevention)**

Commissioner Hersey raised a point of information to ask questions about the ordinance.

Chairman Sharp stated there would be no further action until the business was continued and at that point, questions would be answered. County Attorney Nelson responded to Commissioner Hersey with explanations about the state regulations.

Fire Chief Thomas McClain reviewed the proposed changes and explained that they are designed to support the growth of commercial and residential properties. During the review, he advised that “no burning on Sunday” needed to be removed from pages 17 & 18.

Commissioner Brown stated that he could not approve the changes to the ordinance and would like to schedule a work session to examine and carefully draft the changes to avoid putting a hardship on our citizens.

**Motion to table the adoption of the changes to the Putnam County Code of Ordinances – Chapter 32 (Fire Protection and Prevention) until next year when a work session with Chief McClain and the Commissioners could be scheduled.**

Rick McAllister signed in to speak but declined his turn when called.

**Motion made by Commissioner Brown, Seconded by Commissioner Wooten.**

**Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Hersey, Commissioner Wooten**

(Copy of proposed changes made a part of the minutes on minute book pages \_\_\_\_\_ to \_\_\_\_\_.)

Draft Minutes	Page 3 of 7	
November 21, 2023		

**Regular Business Meeting**

9. Public Comments

Mr. Charles Patten commented on the recent special election. He stated that because the public voted strongly for Dr. Hersey, their vote was a call for better control of short term rentals.

10. Consent Agenda

- a. Approval of Minutes - November 3, 2023 Regular Meeting (staff-CC)
- b. Approval of Minutes - November 3, 2023 Executive Session (staff-CC)
- c. Approval of 2024 Alcohol License(s) (staff-CC)
- d. Authorization for Chairman to sign Agreement between Putnam County Transit and Georgia DOT for Transit Trust Fund Program Allocation (staff-Transit)

**Motion to approve the Consent Agenda.**

**Motion made by Commissioner McElhenney, Seconded by Commissioner Hersey.**

**Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Hersey, Commissioner Wooten**

(Copy of documents made a part of the minute book on minute book pages \_\_\_\_\_ to \_\_\_\_\_.)

11. Request for final plat subdivision approval - Section E - Phase 2 Cuscowilla on Lake Oconee (staff - P&D)

Mr. Rick McAllister spoke in support of and explained the request.

**Motion to approve the request for final plat subdivision approval – Section E – Phase 2 Cuscowilla on Lake Oconee.**

**Motion made by Commissioner Hersey, Seconded by Commissioner Brown.**

**Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Hersey, Commissioner Wooten**

(Copy of plat made a part of the minutes on minute book pages \_\_\_\_\_ to \_\_\_\_\_.)

12. Authorization for Chairman to sign Resolution Calling a Referendum to Authorize the Issuance of General Obligation Bonds (staff-CM)

Mr. Doug Gebhardt from Davenport & Company made a presentation on the bonding process, issues, and other items related to bond issuance and distributed a copy of the presentation to the Commissioners.

**Motion to authorize the Chairman to sign the Resolution Calling a Referendum to Authorize the Issuance of General Obligation Bonds.**

**Motion made by Commissioner Brown, Seconded by Commissioner Wooten.**

**Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Wooten**

**Voting Nay: Commissioner Hersey**

(Copy of resolution and presentation made a part of the minutes on minute book pages \_\_\_\_\_ to \_\_\_\_\_.)



13. Discussion and possible action regarding proposal from Holland & Knight (staff-CM)  
County Manager Van Haute introduced the item, which was a proposal to hire a lobbyist to work on behalf of Putnam County for ARPA funds unencumbered by 2026. Unused ARPA funds are coming back to the state, and the County could use some of this money for infrastructure for high density work force housing.

**Motion to decline offer from Holland & Knight.**

**Motion made by Commissioner Hersey, Seconded by Commissioner Brown.**

**Voting Yea: Commissioner Hersey**

**Voting Nay: Commissioner McElhenney, Commissioner Brown, Commissioner Wooten**

**Motion to authorize the Chairman to sign the proposal with Holland & Knight.**

**Motion made by Commissioner Brown, Seconded by Commissioner McElheney.**

**Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Wooten**

**Voting Nay: Commissioner Hersey**

(Copy of proposal made a part of the minutes on minute book pages \_\_\_\_\_ to \_\_\_\_\_.)

14. Authorization for the Chairman to sign Eighth Amendment to Exclusive Contract for Solid Waste and Recycling Collection Services (staff-CM)

Commissioner Hersey made a point of inquiry about the dates in the contract being correct. County Manager Van Haute responded that Waste Management is holding the cost for another year.

Mr. Billy Webster commented that the previous agenda item is not allowed to be sole sourced according to the County’s financial policy and that the third largest expense for Putnam County is trash collection and disposal and that this would deplete the Special Service District fund balance.

County Manager Van Haute responded that professional services don't require bids.

**Motion to authorize the Chairman to sign the Eighth Amendment to Exclusive Contract for Solid Waste and Recycling Collection Services.**

**Motion made by Commissioner Brown, Seconded by Commissioner Wooten.**

**Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Hersey, Commissioner Wooten**

(Copy of amendment to contract made a part of minutes on minute book pages \_\_\_\_\_ to \_\_\_\_\_.)

**Reports/Announcements**

**15. County Manager Report**

County Manager Van Haute reported the following:

- Distributed to Commissioners a copy of the LMIG project list consisting of items that will be approved before the end of the year.
- Fire Chief McClain will be asking for equipment before the end of the year. The current wait time is 42 months to get trucks.
- Presented a sample of the new high-performance pavement, which can withstand 500,000 psi, is waterproof, and is a sub-base. It will be used on Sammons and Scott Road.
- Public Works has been paving the cart paths at the golf course and are doing a great job.

(Copy of LMIG list made a part of the minutes on minute book page \_\_\_\_\_.)

**16. County Attorney Report**

No report

**17. Commissioner Announcements**

Commissioner McElhenney: None

Commissioner Brown: Wished everyone a great Thanksgiving.

Commissioner Hersey: Wished everyone a Happy Thanksgiving and commented that it was an interesting first meeting.

Commissioner Wooten: Announced that Tommy Jefferson is the new Sinclair Water Authority Chairman. He thanked Bobby Brown for his service as Chair in the past. He reminded everyone that 31 years ago was one of the darkest times in Putnam County, when a tornado went from one end of the county to the other. He thanked Chief McClain for where we are today in terms of staff and equipment and how far we have come in the time since then.

Chairman Sharp: Wished everyone a Happy Thanksgiving, reminded everyone to count your blessings, and thanked the Commissioners for what they do.

**Closing**

18. Adjournment

**Motion to adjourn the meeting.**

**Motion made by Commissioner McElhenney, Seconded by Commissioner Wooten.**

**Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Wooten**

**Voting Abstaining: Commissioner Hersey**

Meeting adjourned at approximately 8:51 p.m.

ATTEST:

Lynn Butterworth  
County Clerk

B. W. "Bill" Sharp  
Chairman

Draft Minutes	Page 7 of 7	
November 21, 2023		



**Russell R. McMurry, P.E.,  
Commissioner**  
One Georgia Center  
600 West Peachtree Street, NW  
Atlanta, GA 30308

(404) 631-1000 Main Office

December 5, 2023

Bill Sharp  
Putnam County Chairman  
Putnam County Board of Commissioners  
117 Putnam Drive, Suite A  
Eatonton, GA 31024

RE: PI 0015658 – CR 29/MARTINS MILL ROAD @ LITTLE RIVER 4.5 MI NW OF EATONTON

Dear Chairperson:

The Office of Bridge Design and Maintenance (OBDM) has revised the Memorandum of Agreement (MOA) through the Georgia Department of Transportation’s (GDOT’s) updated and required legal guidance.

The OBDM respectfully requests that Putnam County review, sign and return the required pages of the attached MOA for further approval and execution with the Georgia Department of Transportation (GDOT). Pages three, and five through eight require county specific details, signatures, and seals where appropriate. Please ensure the seals are visible prior to scanning the pages and sending the pdf file via email. After approval by GDOT leadership, a final signed copy of the MOA will be emailed to Putnam County.

Please return the requested pages and any questions, comments, or concerns via email to [nwalker@dot.ga.gov](mailto:nwalker@dot.ga.gov) or contact Neoma Walker, Bridge Program Manager at 404-985-1545. Thank you for your assistance and support in this matter.

Sincerely,

Donn Digamon  
2023.11.28  
09:57:17-05'00'



Donn P. Digamon, P.E.  
State Bridge Engineer

cc: Todd Price, District Preconstruction Engineer

**MEMORANDUM OF AGREEMENT  
BY AND BETWEEN  
GEORGIA DEPARTMENT OF TRANSPORTATION  
AND  
PUTNAM COUNTY  
FOR  
RIGHT OF WAY**

**THIS MEMORANDUM OF AGREEMENT** (the "Agreement") is made and entered into as of \_\_\_\_\_ (the "Effective Date"), by and between the GEORGIA DEPARTMENT OF TRANSPORTATION, an agency of the State of Georgia (hereinafter called the "DEPARTMENT" or "GDOT"), and **Putnam County**, acting by and through its Chairman and Board of Commissioners (hereinafter called the "LOCAL GOVERNMENT").

**WHEREAS**, PI No. **0015658 – CR 29/MARTINS MILL ROAD @ LITTLE RIVER 4.5 MI NW OF EATONTON** (hereinafter called "PROJECT") has been added to the Statewide Transportation Improvement Plan; and

**WHEREAS**, the DEPARTMENT policy requires, and the LOCAL GOVERNMENT has agreed, that the LOCAL GOVERNMENT shall fund a portion of the DEPARTMENT expenses associated with Right of Way ("ROW") Phase (hereinafter called the "ROW Phase") for the PROJECT; and

**WHEREAS**, the DEPARTMENT has determined guidance for estimating the amount contributed by each Local Government for ROW contributions for each PROJECT based on the level of complexity for the particular project; and

**WHEREAS**, the LOCAL GOVERNMENT has agreed to pay the amount for the ROW Phase to the DEPARTMENT as set forth herein; and

**WHEREAS**, the Constitution authorizes intergovernmental agreements whereby state and local entities may contract with one another "for joint services, for the provision of services, or for the joint or separate use of facilities or equipment; but such contracts must deal with activities, services or facilities which the parties are authorized by law to undertake or provide." Ga. Constitution Article IX, §III, ¶I(a).

**NOW THEREFORE**, in consideration of the mutual promises made and of the benefits to flow from one to the other, the DEPARTMENT and the LOCAL GOVERNMENT hereby agree each with the other as follows:

- 1. **RECITALS.** The recitals set forth above are true and correct and are incorporated into this Agreement.
- 2. **PAYMENT BY THE LOCAL GOVERNMENT TO THE DEPARTMENT**
  - a. Based on the assessed level of complexity and subject to the provisions of this Section 2 of the Agreement, the LOCAL GOVERNMENT shall be responsible for providing payment in the amount of **fifty thousand dollars (\$50,000.00)** to the DEPARTMENT within thirty (30) days from the date listed on the GDOT invoice and billing request.
  - b. All payments by the LOCAL GOVERNMENT to the DEPARTMENT shall be sent to the following address:

For payments made by check:  
  
Georgia Department of Transportation  
P.O. Box 932764  
Atlanta, GA 31193-2764



- c. If there is an unused balance after completion of all the phases of the PROJECT for the PROJECT, pending audit by the DEPARTMENT, the remainder will be refunded to the LOCAL GOVERNMENT.
- d. The DEPARTMENT will prepare Specific Activity Agreements for funding applicable to other PROJECT activities, such as right of way, utilities and construction phases, when appropriate.
- e. Both the LOCAL GOVERNMENT and the DEPARTMENT hereby acknowledge that Time is of the Essence.
- f. If, for any reason, the LOCAL GOVERNMENT does not make payment to the DEPARTMENT pursuant to Section 2(a) above, the DEPARTMENT reserves the right, where applicable, to delay or cancel the PROJECT.

### **3. COMPLIANCE WITH APPLICABLE LAWS.**

- a. The undersigned, on behalf of the LOCAL GOVERNMENT, certifies that the provisions of Sections 45-10-20 through 45-10-28 of the Official Code of Georgia Annotated ("O.C.G.A.") relating to Conflict of Interest and State employees and officials trading with the State have been complied with in full.
- b. The provisions of O.C.G.A. §50-24-1 through 50-24-6 of the Official Code of Georgia Annotated relating to the "Drug Free Workplace Act" have been complied with in full, as stated in **Appendix A** of this Agreement.
- c. The LOCAL GOVERNMENT has read and understands the regulations for the State Audit Requirement and will comply in full with said provisions of O.C.G.A. § 36-81-7.
- d. By execution of this Agreement, the undersigned, on behalf of the LOCAL GOVERNMENT, certify under penalty of law that the LOCAL GOVERNMENT is in compliance with the service delivery strategy law (O.C.G.A. § 36-70-1 et seq.) and is not debarred from receiving financial assistance from the State of Georgia.
- e. The LOCAL GOVERNMENT hereby agrees that it shall comply with all applicable requirements of the American with Disabilities Act of 1990 (ADA), 42 U.S.C. 12101, et seq. and 49 U.S.C. 322; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791; and regulations and amendments thereto.
- f. The LOCAL GOVERNMENT hereby agrees that it shall comply with O.C.G.A. § 25-9-1 et. seq, Georgia Underground Facility Protection Act, CALL BEFORE YOU DIG 1-800-282-7411.
- g. Pursuant to O.C.G.A. § 13-10-91, the LOCAL GOVERNMENT is and shall be at all times, in compliance with the Federal Work Authorization Program. LOCAL GOVERNMENT agrees that it will comply with all E-Verify and Title VI requirements and execute any documents reasonably required related to such compliance.
- h. The LOCAL GOVERNMENT hereby agrees that it shall not discriminate on the basis of age, race, color, sex, national origin, religion or disability and that it shall comply, at a minimum, with the following Georgia laws: the Georgia Age Discrimination Act (O.C.G.A. § 34-1-2 et seq.); the Georgia Equal Employment for Persons with Disabilities Code (O.C.G.A. 34-6A-1 et seq.); and the Sex Discrimination in Employment (O.C.G.A. 34-5-1 et seq.). The LOCAL GOVERNMENT further agrees that it will comply with any and all state

and federal laws not specifically stated herein addressing discrimination to the extent that such is applicable.

- i. LOCAL GOVERNMENT acknowledges and agrees that failure to complete appropriate certifications or the submission of a false certification shall result in the termination of this Agreement.

**4. MISCELLANEOUS**

- a. Any notices, requests, demands or other communications that may be required hereunder, shall be in writing and transmitted via hand delivery, overnight courier, or certified mail to the Parties at the respective addresses set forth below. Notices may also be sent by email provided that the recipient acknowledges receipt. Notices will be deemed to have been given when received, unless otherwise noted in the Agreement.

<p><b>GEORGIA DEPARTMENT OF TRANSPORTATION</b>          Attn: Neoma Walker          Title: Bridge Program Manager          Address: 600 West Peachtree NW,          Atlanta, GA 30308          Phone: 404-985-1545          Email: nwalker@dot.ga.gov</p>	<p><b>PUTNAM COUNTY</b>  <b>Attn:</b> Paul Van Haute  <b>Title:</b> County Manager  <b>Address:</b> 117 Putnam Drive, Suite A          Eatonton, GA 31024  <b>Phone:</b> 706-485-5826  <b>Email:</b> pvanhaute@putnamcountyga.us</p>
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- b. The individual signing this Agreement on behalf of each party represents and warrants that (s)he has the actual authority to sign this Agreement on behalf of such party, and to bind such party to the terms and conditions of this Agreement.
- c. This Agreement may be modified or amended only by means of a written document executed on behalf of all parties to this Agreement.
- d. The section and paragraph headings contained in this Agreement are for reference purposes only and shall not affect the meaning or interpretation of this Agreement.
- e. 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.
- f. If any provision of this Agreement is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulation.
- g. Nothing contained herein shall be construed as conferring upon or giving to any person, other than the parties hereto, any rights or benefits under or by reason of this Agreement.
- h. It is mutually agreed between the parties hereto that this Agreement shall be deemed to have been executed in Fulton County, Georgia, and that all questions of interpretation and construction shall be governed by the laws of the State of Georgia.

i. This Agreement supersedes all prior negotiations, discussion, statements and agreements between the parties and constitutes the full, complete and entire agreement between the Parties with respect hereto; no member, officer, employee or agent of either party has authority to make, or has made, any statement, agreement, representation or contemporaneous agreement, oral or written, in connection herewith, amending, supplementing, modifying, adding to, deleting from, or changing the terms and conditions of this Agreement. No modification of or amendment to this Agreement will be binding on either Party hereto unless such modification or amendment will be properly authorized, in writing, properly signed by both Parties and incorporated in and by reference made a part hereof.

**[SIGNATURES TO FOLLOW]**

**IN WITNESS WHEREOF**, the DEPARTMENT and the LOCAL GOVERNMENT have caused these presents to be executed under seal by their duly authorized representatives as of the Effective Date.

GEORGIA DEPARTMENT OF  
TRANSPORTATION

PUTNAM COUNTY

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

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

Name: Russell McMurry

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

Title: Commissioner

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

Attest: \_\_\_\_\_

Attest: \_\_\_\_\_

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

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

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

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

This Agreement approved by Local Government,  
the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

FEIN: \_\_\_\_\_

**APPENDIX A  
CERTIFICATION OF LOCAL GOVERNMENT  
DRUG FREE WORKPLACE**

I hereby certify that I am a principal and duly authorized representative of Putnam County BOC  
whose address is 117 Putnam Drive, Suite A, Eatonton, GA 31024 and it is also certified that:

1. The provisions of Section 50 24 1 through 50 24 6 of the Official Code of Georgia Annotated, relating to the "Drug Free Workplace Act" have been complied with in full; and
2. A drug free workplace will be provided for the LOCAL GOVERNMENT's employees during the performance of the contract; and
3. Each subcontractor hired by the LOCAL GOVERNMENT shall be required to ensure that the subcontractor's employees are provided a drug free workplace. The LOCAL GOVERNMENT shall secure from that subcontractor the following written certification:

"As part of the subcontracting agreement with \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_ certifies to the LOCAL  
GOVERNMENT that a drug free workplace will be provided for the subcontractor's employees  
during the performance of this contract pursuant to paragraph (7) of subsection (b) of the Official  
Code of Georgia Annotated Section 50 24 3"; and

4. It is certified that the undersigned will not engage in unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana during the performance of the contract.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature  
Name: B. W. "Bill" Sharp  
Title: Chairman



**APPENDIX B  
CERTIFICATION OF COMPLIANCES  
WITH STATE AUDIT REQUIREMENT**

I hereby certify that I am a principal and duly authorized representative of Putnam County BOC whose address is 117 Putnam Drive, Suite A, Eatonton, GA 31024 and it is also certified that:

**I. PROCUREMENT REQUIREMENTS**

The below listed provisions of State Procurement requirements shall be complied with throughout the Agreement period:

- (a) Provisions of Chapters 2 and Chapters 4 of the Title 32 of the Official Code of Georgia Annotated. Specifically, as to the County the provisions of O.C.G.A. § 32-4-40 et seq. and as to the Municipality the provisions of O.C.G.A. § 32-4-92 et seq.

**II. STATE AUDIT REQUIREMENT**

The provisions of Section 36-81-7 of the Official Code of Georgia Annotated, relating to the "Requirement of Audits" shall be complied with throughout the contract period in full, including but not limited to the following provisions:

- (a) Each unit of local government having a population in excess of 1,500 persons or expenditures of \$550,000.00 or more shall provide for and cause to be made an annual audit of the financial affairs and transactions of all funds and activities of the local government for each fiscal year of the local government.
- (b) The governing authority of each local unit of government not included above shall provide for and cause to be made the audit required not less often than once every two fiscal years.
- (c) The governing authority of each local unit of government having expenditures of less than \$550,000.00 in that government's most recently ended fiscal year may elect to provide for and cause to be made, in lieu of the biennial audit, an annual report of agreed upon procedures for that fiscal year.
- (d) A copy of the report and any comments made by the state auditor shall be maintained as a public record for public inspection during the regular working hours at the principal office of the local government. Those units of local government not having a principal office shall provide a notification to the public as to the location of and times during which the public may inspect the report.
- (e) Provisions of Section Chapters 2 and Chapters 4 of the Title 32 of the Official Code of Georgia Annotated.

**III. SERVICE DELIVERY STRATEGY REQUIREMENT**

The provisions of Section 36-70-20 et seq. of the Official Code of Georgia, relating to the "Coordinated And Comprehensive Planning and Service Delivery By Counties And Municipalities", as amended, has been complied with throughout the Agreement period.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Name: B. W. "Bill" Sharp

Title: Chairman

Appendix C

GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT AFFIDAVIT

<b>Contractor's Name:</b>	PUTNAM COUNTY
<b>Solicitation/Contract No./ Call No. or Project Description:</b>	0015658 CR 29/MARTINS MILL ROAD @ LITTLE RIVER 4.5 MI NW OF EATONTON

CONTRACTOR AFFIDAVIT

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, entity or corporation which is engaged in the physical performance of services on behalf of the Georgia Department of Transportation has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91.

Furthermore, the undersigned contractor will continue to use the federal work authorization program throughout the contract period and the undersigned contractor will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. § 13-10- 91(b). Contractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

49222  
 \_\_\_\_\_  
 Federal Work Authorization User Identification Number  
 (EEV/E-Verify Company Identification Number)

10/17/2010  
 \_\_\_\_\_  
 Date of Authorization

Putnam County  
 \_\_\_\_\_  
 Name of Contractor

**I hereby declare under penalty of perjury that the foregoing is true and correct**

B. W. "Bill" Sharp  
 \_\_\_\_\_  
 Printed Name (of Authorized Officer or Agent  
 of Contractor)

Chairman  
 \_\_\_\_\_  
 Title (of Authorized Officer or Agent of Contractor)

\_\_\_\_\_  
 Signature (of Authorized Officer or Agent)

\_\_\_\_\_  
 Date Signed

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE  
 \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_

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

[NOTARY SEAL]

My commission expires: \_\_\_\_\_



---

Office of the County Clerk  
117 Putnam Drive, Suite A ♦ Eatonton, GA 31024  
706-485-5826 (main office) ♦ 706-485-1877 (direct line) ♦ 706-923-2345 (fax)  
[lbutterworth@putnamcountyga.us](mailto:lbutterworth@putnamcountyga.us) ♦ [www.putnamcountyga.us](http://www.putnamcountyga.us)

## Approval of 2023 Alcohol Licenses

The following alcohol license applications (which are available for review in the County Clerk’s office) have been approved by the Sheriff, Fire Marshal and/or Building Inspector, and Tax Commissioner and are ready for BOC approval:

<b>Individual Name</b>	<b>Business Name</b>	<b>Address</b>	<b>License Type</b>
Josh Sprayberry	Anchors Marina	1054 Lake Oconee Parkway	Retail Beer/Wine

**FIRST AMENDMENT TO LEASE AGREEMENT**

**THIS AMENDMENT TO LEASE AGREEMENT** (this “Amendment”) is entered effective on the date of the last signature below by and between Putman County Board of Commissioners (“**Lessor**”), and Georgia Windstream, LLC (“**Lessee**”), , with reference to the following:

**RECITALS**

**WHEREAS**, Original Lessor and Original Lessee entered into that certain Lease Agreement dated December 1, 2003 (the “Lease”) for the lease and use of certain space (the “Site”) located in the city of Eatonton, Putnam County, Georgia, and more particularly described in the Lease; and

**WHEREAS**, Lessor and Lessee entered into that certain Renewal Option Agreement dated October 17, 2016; and

**WHEREAS**, Lessor and Lessee desire, by this Amendment, to amend the Lease as set forth herein.

**NOW, THEREFORE**, in consideration of the Lease and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessor and Lessee hereby agree as follows:

1. **Recitals.** The Recitals set forth above are incorporated herein as though set forth in full here at.

2. **Definitions.** Unless the context clearly indicates otherwise, all initially capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Lease. Unless the context clearly indicates otherwise, all references to the “Lease” shall hereafter be deemed to refer to the Lease Agreement as amended hereby. In the event of any inconsistency between the terms of the Lease and the terms of this Amendment, the terms of this Amendment shall control.

3. **Extension of Lease Term.** The Lease is hereby extended and is in full force and effect in accordance with its terms, as amended hereby. Lessor and Lessee agree that the term of the Lease is hereby extended an additional period of ten (10) years (the “Extension Term”), commencing on December 1, 2023 (the “Extension Term Commencement Date”), and ending on November 30, 2033, unless sooner terminated in accordance with the terms of the Lease. Any reference in the Lease to the “term” or words of similar import shall include the Extension Term unless the context clearly indicates otherwise.

4. **Rent.** Notwithstanding anything to the contrary contained in the Lease, Lessee agrees to pay Lessor a one-time fee of Twelve Thousand Dollars (\$12,000.00) rental for the use of and occupancy of the Lease for the Extension Term (the “Extension Term Rent”). Lessor acknowledges that all rentals and other sums due and payable by Lessee under this Lease as of the date hereof have been paid and satisfied.

5. **Notices.** Paragraph 11 of the Lease, NOTICES, is hereby amended to include the following notice addresses:

Lessor: Putnam County Board of Commissioners  
117 Putnam Drive, Suite A  
Eatonton, GA 31024

Lessee: Georgia Windstream, LLC  
c/o Windstream  
4005 North Rodney Parham Road  
Little Rock, AR 72212  
Attn: Corporate Real Estate Email:  
Windstream.real.estate@windstream.com  
Attn: Legal Email: Windstream.legal.notices@windstream.com

6. **Ratification.** Except as otherwise specifically herein amended, the Lease is hereby ratified and affirmed and shall remain in full force and effect according to the terms thereof. In the event of any conflict between the Lease and this Amendment, this Amendment shall control.

7. **Miscellaneous.**

(a) This Amendment may be executed in several counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement. The parties acknowledge and agree that this Amendment may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature. Without limitation, “electronic signature” shall include, but not be limited to, faxed versions of an original signature or electronically scanned and transmitted versions (e.g., via pdf) of an original signature.

(b) Each party hereby represents and warrants to the other party that such party has the full power and authority to execute and deliver this Amendment and to perform hereunder without the necessity of any act or consent of any other person, entity, or enterprise.

(c) If any provision of this Amendment or any application of any such provision will be invalid, illegal, or unenforceable, the remainder of this Amendment and any other application of such provisions will remain effective.

(d) This Amendment, along with the Lease, is the entire agreement of the parties with respect to the subject matter hereof.



**IN WITNESS WHEREOF**, this Amendment has been executed by the parties as of the date first referenced above.

LESSOR

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

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

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

LESSEE

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

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

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

Parcel ID: 057B060  
Real Key / Acct: 6439  
Class Code: Exempt  
Taxing District: PUTNAM  
Acres: 0.35

Owner: PUTNAM CO BOC  
108 S MADISON AV  
EATONTON, GA 31024  
Physical Address: TWIN BRIDGES RD  
Land Value: \$18500  
Improvement Value:

Last 2 Sales			
Date	Price	Reason	Qual
11/14/1979	0	FM	Q
n/a	0	n/a	n/a

057A129  
057A130  
057B057  
057B059  
057B060  
057B109  
057B110  
057B165  
130  
Twin Bridges Rd SW  
esri  
253801104,1165870588



**Jana Sayers**  
**Network Deployment & Management**  
11101 Anderson Drive #100  
Little Rock, AR 72212 - 2475

Jana.K.Sayers@Windstream.com  
Phone: 501-748-4616 Fax: 501-748-5869

October 17, 2016

Putnam County Board of Commissioners  
117 Putnam Drive, Suite A  
Eatonton, GA 31024  
Attn: Paul Van Haute

Re: Extension to Lease Agreement dated December 1, 2003, between Putnam County Board of Commissioners and Georgia Windstream, LLC, successor in interest to Alltel Communications, for a lease of 0.07 acre of land located at Land Lot 139, Land District 2, Putnam County, Georgia.  
And  
Windstream Notice of Contact Information Change; (WIN LN#:L043-GA-006)

Windstream would like to exercise a renewal to the above-referenced Lease Agreement. The renewal term is effective December 1, 2013 through November 30, 2023. Windstream agrees to make a one-time payment of \$10,000 for the lease term.

If you are in agreement (1) that all rentals and other sums due and payable by Windstream under the Lease have been paid and satisfied as of October 17, 2016, (2) that Windstream is not in default under the Lease, and (3) that the Renewal may be exercised hereby, please sign both originals below and return to Windstream at the new address below. I will then have both signed and return 1 fully executed original to you, for your records.

Windstream is also hereby providing official Notice of change of Tenant's contact information pursuant to the Lease Agreement. The new contact information is:

Windstream Network Real Estate  
Attn: Network Deployment & Management (Leases)  
11101 Anderson Drive, Ste. 100  
Little Rock, AR 72212  
Mail Stop: 2523-B5-F01-1A

If you have any questions or concerns, please feel free to contact me at the information above.

Thank you for your cooperation.

Sincerely,

*Jana Sayers*  
Jana Sayers

Agreed and Accepted: Date 10-7-2016

By: *Stephen J. Hersey*  
Stephen J. Hersey  
Signatory

Countersigned by:

*Jamie Rucker*  
Jamie Rucker – Staff Manager - Engineering



# Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

**1** Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.  
**Putnam County Board of Commissioners**

**2** Business name/disregarded entity name, if different from above

**3** Check appropriate box for federal tax classification; check only **one** of the following seven boxes:  
 Individual/sole proprietor or single-member LLC  
 Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ \_\_\_\_\_  
**Note.** For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.  
 Other (see instructions) ▶

C Corporation     S Corporation     Partnership     Trust/estate

**4** Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  
 Exempt payee code (if any) \_\_\_\_\_  
 Exemption from FATCA reporting code (if any) \_\_\_\_\_  
*(Applies to accounts maintained outside the U.S.)*

**5** Address (number, street, and apt. or suite no.)  
**117 Putnam Drive**

**6** City, state, and ZIP code  
**Eatonton, GA 31024**

**7** List account number(s) here (optional)

Requester's name and address (optional)

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

**Note.** If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number								
			-			-		

or

Employer identification number									
5	8	-	6	0	0	0	8	7	8

**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

**Sign Here**      Signature of U.S. person ▶ *Jennifer Fricks*      Date ▶ *11-4-16*

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at [www.irs.gov/fw9](http://www.irs.gov/fw9).

**Purpose of Form**

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.



006503

516

PUTNAM COUNTY, GEORGIA  
 CLERK OF SUPERIOR COURT  
 FILED 9-26-2003  
 TIME 9:35AM  
 BOOK 434 PAGE 516-520  
 RECORDED 9-26-2003  
*Jeanne S. Vining*  
 CLERK/DEPUTY CLERK

DWIGHT FABERIN  
 430 LOKCHAPEE DR.  
 MACON, GA 31210

LEASE

THIS LEASE is made as of the 1<sup>st</sup> day of December, 2003, by and between Putnam County Board of Commissioners (the "landlord"), and ALLTEL Communications, a Delaware corporation (the "Tenant").

Landlord desires to lease to tenant and Tenant desires to lease from Landlord a parcel of real property located in Putnam County, Georgia in accordance with the terms and conditions hereinafter set forth. Accordingly, Landlord and Tenant hereby agree as follows:

1. Property Being Leased. Landlord hereby leases to Tenant and Tenant hereby leases from Landlord the real property in Putnam County, Georgia, described on Exhibit A attached to and made a part of this Lease (the "Property").
2. Term. The term of this Lease shall be for a period of ten (10) years, beginning on December 1, 2003 and continuing until November 30, 2013. (Tenant shall have the option to renew this Lease for an additional term of ten (10) years following the expiration of the original term hereof. Tenant may exercise such option by providing written notice to Landlord on or before October 1, 2013). If Tenant exercises such option, the extended term of this Lease shall begin on December 1, 2013 and continue until November 30, 2023.
3. Rental. In consideration for the use of the Property during the term of this Lease, Tenant shall pay to Landlord the sum of \$6,000.00 within thirty (30) days after Tenant's primary lender has approved this Lease as provided in paragraph 11 hereof. No further rental payments shall be due, from Tenant to Landlord for the original term of this Lease. If Tenant elects to extend the term of this Lease as provided in paragraph 2 hereof, the rental payment due from Tenant to Landlord for the extended term of this Lease shall equal to \$7,000.00. Tenant shall have the option to renew this Lease for an additional ten (10) years following the expiration of the original term thereof, with the written approval of the Putnam County Board of Commissioners, with a payment of Seven Thousand Dollars (\$7,000.00).
4. Condition of Property. The Property is presently an unimproved



remove any materials, equipment, supplies, or improvements placed or constructed on the Property by Tenant during the term of this Lease. Upon the expiration of this Lease, Tenant agrees to leave the Property in a neat and clean condition.

5. Use of Property. Tenant intends to use the Property to construct thereon, at the expense of Tenant, a building or other structure to contain operating telephone equipment. Tenant may construct such building or other structure either above or below ground at its option. Tenant shall have the right at its option and expense to remove trees, rubbish or other undergrowth from the Property. Tenant agrees to landscape the Property at its expense making the improvements thereon described in this paragraph 5. Tenant agrees not to use the Property in violation of any law or so as to create a nuisance. Landlord represents and warrants to Tenant that the Property is properly zoned for the use contemplated herein and that there are no governmental regulations prohibiting the use of the Property in the manner herein contemplated.
6. Taxes. Landlord shall be responsible for and shall pay all ad valorem or other taxes on the Property during the term of this Lease or any extensions or renewal hereof. Tenant shall be responsible for and shall pay all ad valorem or other taxes assessed against the operating telephone equipment placed on the Property by tenant during the term of this Lease or any extensions or renewals hereof.
7. Landlord's Title. Landlord represents and warrants to Tenant that he has the full power and authority to enter into this Lease with Tenant and that he owns the Property in fee simple, free and clear of all liens, mortgages, security deeds, or other encumbrances of any nature whatsoever.
8. Quiet and Peaceful Enjoyment and Access. Landlord agrees to give Tenant possession of the Property on the commencement date of this Lease and agrees to provide Tenant with quiet and peaceful enjoyment of the Property throughout the term of this Lease or any extensions or renewals thereof. Landlord agrees that Tenant during the term of this Lease and any extensions or renewals hereof shall at all times have access to the Property by means of a public roadway or by means of other form of access at least twenty (20) feet in width to be provided by Landlord.

9. Default and Remedies. If Tenant shall breach any provision of this Lease and fail to cure such breach within thirty (30) days after Tenant has received written notice of such breach from Landlord, then Landlord shall have the right to terminate this Lease and the right to any and all remedies provided by law, including the right to obtain a writ of possession. In addition to and not in limitation of the above, if Landlord fails to pay taxes or any other sum due to be paid by Landlord under this Lease, Tenant shall have the right to pay such amounts as shall or may jeopardize Tenant's undisturbed occupancy of the Property, and Landlord shall reimburse Tenant for such expenditures on demand with interest from the date of such expenditure by Tenant at the rate of eighteen percent (18%) per annum.

10. Assignment. Tenant shall have the right at any time or times without the consent of Landlord to assign this Lease to any corporation or entity that requires all or part of the telephone business now owned and operated by Tenant. Except as provided herein, Tenant may not assign this Lease without the prior written consent of Landlord, but Landlord agrees not to unreasonably withhold such consent.

11. Approval of Tenant's Lender. The obligations of Tenant under this Lease are subject to and conditioned upon the approval of this Lease by Tenant's primary lender, the United States of America, acting through the Administrator of the Rural Electrification Administration ("REA"). Tenant agrees to use its best efforts to obtain approval of this Lease by REA. In the event Tenant is unable to obtain such approval, then Tenant shall have the right to terminate this Lease by written notice to Landlord. If such right to terminate is exercised, then this Lease shall be null and void and of no further force and effect, neither Landlord nor Tenant shall have any further obligations or liabilities hereunder, except for obligations or liabilities hereunder accrued as of the date of such termination.

12. Notices. All notices, demands, and requests hereunder by either Landlord or Tenant shall be in writing and shall be hand delivered

or sent by certified or registered mail, return receipt requested. Such notices, demands, and requests shall be addressed to Landlord or Tenant, as the case may be, at the addresses set forth below or at such other place in the United States as Landlord or Tenant may from time to time designate in writing.

13. Successors and Assigns. This Lease shall inure to benefit of and shall be binding upon Landlord and Tenant and their respective successors and assigns.

IN WITNESS WHEREOF, the parties have executed this Lease under seal as of the day and year first above written.

LANDLORD:

Signed, sealed and delivered  
This 25th day of August, 2003.

Putnam County Board of Commissioners

Alex J. Carnes

Unofficial Witness

Andrea Lynn J. Jorgensen

Notary Public

Steve H. Layson

Steve H. Layson, Chairman

My Commission expires:  
Notary Public, Putnam County Georgia  
My Commission Expires Jan. 11 2005

SEAL AFFIXED

LANDLORD'S ADDRESS OF NOTICE:

108 South Madison Ave.  
Suite 300  
Eatonton, Georgia 31024

Tenant:

ALLTEL Communications

Carl Book

Area Manager Network Services

Unofficial Witness

Shirley L. Marshall

Engineering Coordinator

TENANT'S ADDRESS FOR NOTICE:

750 North Jefferson Street  
Milledgeville, Georgia 31061

Signed, sealed and delivered  
This 25th day of Sept., 2003.

Nancy M. [Signature]

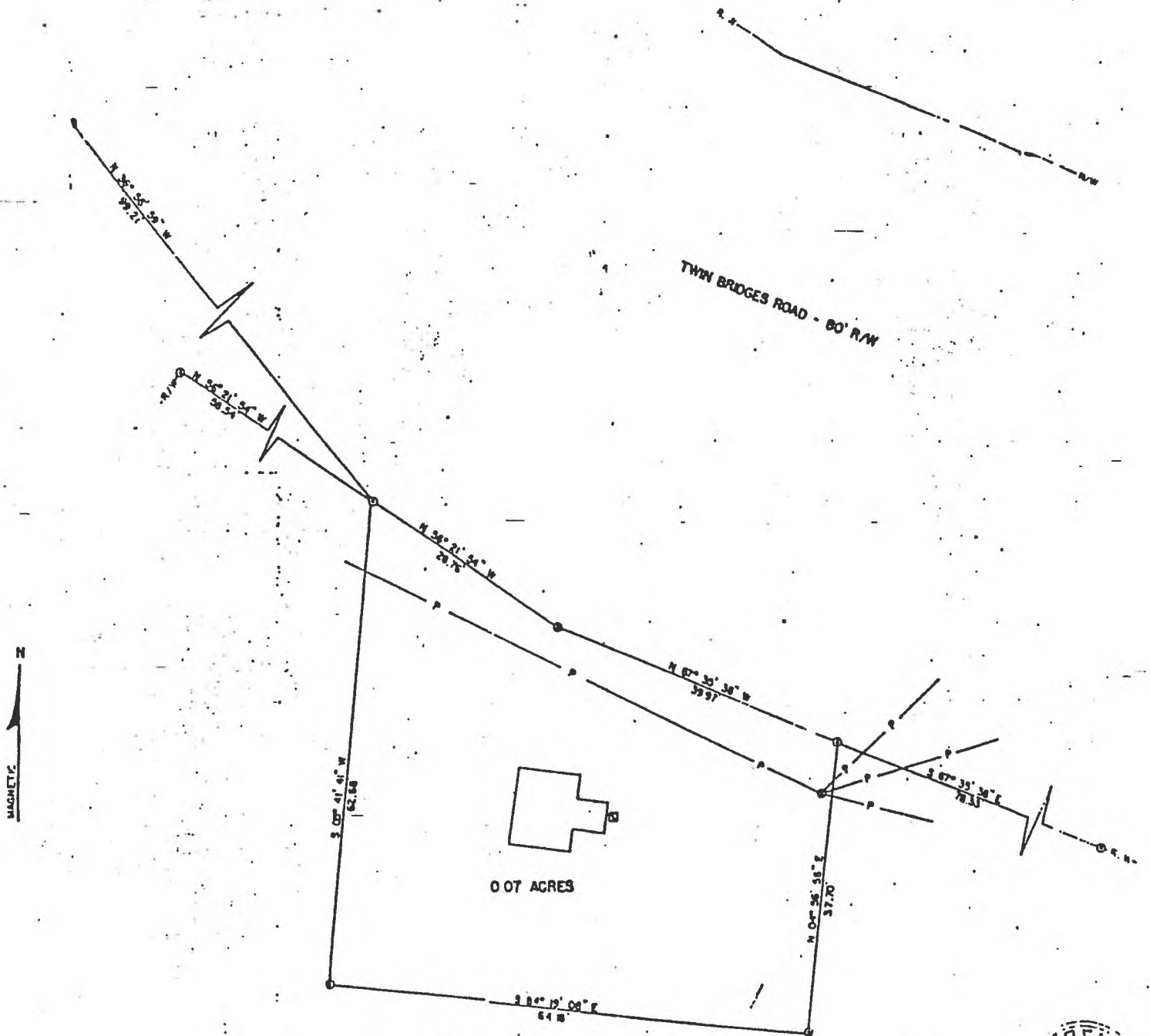
Attest: 12-21-03

Notary Public

SEAL AFFIXED

EXHIBIT A

0.07 acre of land – Land Lot 139, Land District 2, Putnam County, Georgia



Survey T. ...

**File Attachments for Item:**

13. Discussion and possible action regarding SWA Generator per the Homeland Security Hazard Mitigation Plan (staff-CM)



**I. Funding Sources**

The maximum FEMA share for HMGP projects is 75 percent. The other 25 percent can be made up of Local funds and in-kind services. HMGP funds may be packaged with other Federal funds, but other Federal funds (except for Federal funds, which lose their Federal identity at the State level – such as CDBG, ARS, HOME) may not be used for the Local match.

<i>Estimated FEMA Share</i>	\$340,005.75	_____ % of Total (75%)
<i>Non-Federal Share</i>		
Estimated Local Share	\$ 68,001.15	_____ % of Total (25%) Source of Funds <u>General Funds</u>
<b>Total Project Costs</b>	<u>\$453,341.00</u>	100% of Total

**II. Project Implementation Narrative:**

Please indicate who will be responsible for the oversight of the project:

\_\_\_\_\_ Mr. Joey Witcher – Sinclair Water Authority

\_\_\_\_\_ Mr. Alex Wiseman, P.E. – Carter & Sloope, Inc.

Please indicate who will be responsible for issuing the Request for Proposal for this project:

\_\_\_\_\_ Mr. Alex Wiseman, P.E. – Carter & Sloope, Inc.

**III. Generator Maintenance and Usage:** Please indicate who will be responsible for the maintenance of the generator and activating the use of the generator:

The Authority will contract annually with a third-party vendor to provide manufacturer recommended preventative maintenance services for each proposed generator. All refueling and regular exercise will be completed by Authority personnel. For activation, on-site Authority personnel will activate the generators as needed during loss of utility power.

**IV. Project Work Schedule:** Provided are the standard steps you will need to take to complete the project from start to finish and the number of days each step will require. This includes the time required pre-construction steps such as project design, bidding and bid award and close-out.

<b>Work Item</b>	<b>Number of Days to Complete</b>
Execute grant agreements	1-60
Bidding/Vendor Selection	61-120
Equipment Procurement & delivery	121-150
Site Work	151-175
Electrical Rough-in: interior conduit, modify/demo existing panels. Install/terminate wiring.	176-180
Integrate into existing controls	181-200
Start-up and Testing	200-230
Final Inspection	230-260
Project Close-Out	261-280

MAINTENANCE AGREEMENT

All applicants whose proposed project involves the retrofit or modification of existing public property; or whose proposed project would result in the public ownership or management of property, structures, or facilities; or a private, non-profit entity with a 501(c) designation must first sign the following agreement prior to submitting their application to FEMA.

Sinclair  
The Water Authority of Putnam County, State of Georgia, hereby agrees that \_\_\_\_\_

(*City or Entity Name, Town, County*) if it receives any Federal aid as a result of the attached project application, it will accept responsibility, at its own expense if necessary, for the **routine** maintenance of any real property, structures, or facilities acquired or constructed as a result of such Federal aid. Routine maintenance shall include, but not be limited to, such responsibilities as keeping vacant land clear of debris, garbage, and vermin; keeping stream channels, culverts, and storm drains clear of obstructions and debris; and keeping detention ponds free of debris, trees, and woody growth.

The purpose of this agreement is to make clear the Subrecipient's maintenance responsibilities following project award and to show the Subrecipient's acceptance of these responsibilities. It does not replace, supercede, or add to any other maintenance responsibilities imposed by Federal law or regulation and which are in force on the date of project award.

Signed by Jean Minton the authorized applicant agent  
(*printed or typed name of signing official*)

Chairperson of Sinclair Water Authority  
(*title*) (*name of applicant*)

this 12 (*day*) of Sept. (*month*), 2019 (*year*).

**Authorized Applicant Agent's Signature\*** 

\* An individual authorized to sign financial and legal documents on behalf on the local government or private non-profit entity (e.g., the Chairperson, Board of County Commissioners or the County Manager, etc.)

**Application for Federal Assistance SF-424**

* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): <input type="text"/>
		* Other (Specify): <input type="text"/>

* 3. Date Received: <input type="text" value="07/25/2019"/>	4. Applicant Identifier: <input type="text" value="Sinclair Water Authority"/>
--	---

5a. Federal Entity Identifier: <input type="text" value="Non-Federal"/>	5b. Federal Award Identifier: <input type="text"/>
--	---

**State Use Only:**

6. Date Received by State: <input type="text"/>	7. State Application Identifier: <input type="text"/>
---	---

**8. APPLICANT INFORMATION:**

* a. Legal Name: <input type="text" value="Sinclair Water Authority"/>
--

* b. Employer/Taxpayer Identification Number (EIN/TIN): <input type="text" value="54-2167372"/>	* c. Organizational DUNS: <input type="text" value="1961449970000"/>
--	---

**d. Address:**

* Street1:	<input type="text" value="126 Cay Drive"/>
Street2:	<input type="text"/>
* City:	<input type="text" value="Milledgeville"/>
County/Parish:	<input type="text"/>
* State:	<input type="text" value="GA: Georgia"/>
Province:	<input type="text"/>
* Country:	<input type="text" value="USA: UNITED STATES"/>
* Zip / Postal Code:	<input type="text" value="31061-8850"/>

**e. Organizational Unit:**

Department Name: <input type="text" value="N/A"/>	Division Name: <input type="text" value="N/A"/>
--	--

**f. Name and contact information of person to be contacted on matters involving this application:**

Prefix: <input type="text" value="Mr ."/>	* First Name: <input type="text" value="Joey"/>
Middle Name: <input type="text"/>	
* Last Name: <input type="text" value="Witcher"/>	
Suffix: <input type="text"/>	

Title: <input type="text" value="Plant Manager"/>
---

Organizational Affiliation: <input type="text" value="Sinclair Water Authority"/>
--

* Telephone Number: <input type="text" value="706-485-8993"/>	Fax Number: <input type="text" value="706-485-8994"/>
---	---

* Email: <input type="text" value="j.witcher@sinclairwaterauthority.com"/>
--

**Application for Federal Assistance SF-424**

**\* 9. Type of Applicant 1: Select Applicant Type:**

D: Special District Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

**\* 10. Name of Federal Agency:**

Federal Emergency Management Agency

**11. Catalog of Federal Domestic Assistance Number:**

97.039

CFDA Title:

Hazard Mitigation Grant Program (HMGP)

**\* 12. Funding Opportunity Number:**

DR-4400-FEMA-GA

\* Title:

HMGP 4400 Funding Opportunity

**13. Competition Identification Number:**

Title:

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

Add Attachment

Delete Attachment

View Attachment

**\* 15. Descriptive Title of Applicant's Project:**

Addition of two diesel powered generators to provide emergency power supply to the drinking water treatment plant during periods of utility power loss.

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments



**Application for Federal Assistance SF-424**

**16. Congressional Districts Of:**

\* a. Applicant

\* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

**17. Proposed Project:**

\* a. Start Date:

\* b. End Date:

**18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="340,005.75"/>
* b. Applicant	<input type="text" value="68,001.15"/>
* c. State	<input type="text" value="45,334.10"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="453,341.00"/>

**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

- Yes
- No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

**21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

\*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:  \* First Name:

Middle Name:

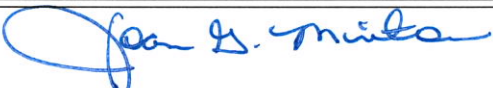
\* Last Name:

Suffix:

\* Title:

\* Telephone Number:  Fax Number:

\* Email:

\* Signature of Authorized Representative: 

\* Date Signed:

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.




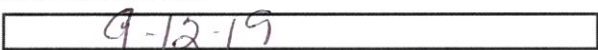
**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE 
APPLICANT ORGANIZATION 	DATE SUBMITTED 





# OFFICE OF THE SHERIFF PUTNAM COUNTY, GEORGIA

HOWARD R. SILLS, SHERIFF

P. O. BOX 3637  
EATONTON, GEORGIA 31024  
PHONE: (706) 485-8557  
FAX: (706) 485-4084  
ORI: GA1170000  
[www.putnamcountysheriff.org](http://www.putnamcountysheriff.org)

November 27, 2019

Mr. Joey Witcher  
Sinclair Water Authority  
126 Cay Drive  
Milledgeville, GA 31061

RE: Emergency Generator Additions at the Sinclair Water Treatment Plant  
EMA Endorsement Letter

Dear Mr. Witcher,

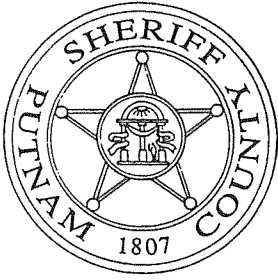
Acting in my capacity as the Director of the Putnam County Emergency Management Agency I have reviewed the proposed generator additions at the Sinclair water treatment plant consisting of one new backup generator for the main filtration building and a second backup generator for the high service pump station. The installation of these generators will comply with our approved Hazard Mitigation Plan to provide backup power supply at critical facilities and will greatly improve the plant's operational capability during power outage events.

The Office of Emergency Management fully endorses this project and supports the Sinclair Water Authority's efforts to obtain Federal grant funding for the project.

Yours truly,

Howard R. Sills  
Sheriff and EMA Director

hrs



**OFFICE OF THE SHERIFF  
PUTNAM COUNTY, GEORGIA**

**P. O. BOX 3637  
EATONTON, GEORGIA 31024  
PHONE: (706) 485-8557  
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**HOWARD R. SILLS, SHERIFF**

November 27, 2019

Mr. DeAngelo Bryant  
Georgia Emergency Management & Homeland Security Agency  
Hazard Mitigation Grant Division  
935 United Ave.  
Atlanta, Georgia 30316

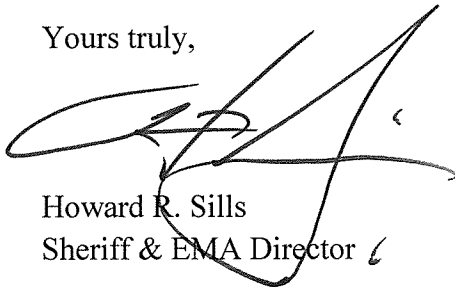
RE: Sinclair Water Authority  
Hazard Mitigation Assistance Grant

Dear Mr. Bryant,

Please accept this as my official endorsement of the Sinclair Water Authority's Hazard Mitigation Assistance Grant application for their acquisition of generators for their facility. This equipment will consist of backup generators to furnish power for the main filtration building and their high service pump station during power outages. Obviously, this is a critical infrastructure facility and there is a genuine need that they have the ability to continue operating during power outages.

Should you have any further questions or need additional documentation, please contact me.

Yours truly,



Howard R. Sills  
Sheriff & EMA Director

hrs





SWA

Sinclair Water Authority

126 Cay Drive Milledgeville, GA 31061  
Joseph D. Witcher Plant Manager  
Phone (706) 485-8993 Fax (706) 485-8994

March 17, 2020

Mr. Terry K. Lunn  
Mitigation Division  
Georgia Emergency Management and Homeland Security Agency  
P.O. 18055  
Atlanta, Georgia 30316-0055

Dear Mr. Lunn:

The Sinclair Water Authority is requesting sub-applicant management costs for the purchase and installation of two fixed generators at the Sinclair Water Treatment Plant. These funds will be used to manage this proposed project and ensure all requirements are met. If you have any questions, please contact Mr. Joey Witcher, Plant Manager at 706.485.8993 or [j.witcher@sinclairwaterauthority.com](mailto:j.witcher@sinclairwaterauthority.com)

Sincerely,

Robert E. Brown  
Chairman

**Sub-Applicant Management Costs Request**

**I. Project Implementation Narrative:** In one or two paragraphs, please detail what activities and who will perform the activities needed to manage this project.

The Sinclair Water Authority is requesting project management funds to oversee the purchase and installation of two fixed generators to be located the Sinclair Water Treatment Plant to ensure uninterrupted drinking water production and delivery to the water distribution system. These activities will include executing the grant agreement, bidding out the project and choosing a vendor, completing quarterly reports, ensuring FEMA guidelines are being followed, completing vendor payments, requesting reimbursements from GEMA/HS, coordinating site inspections, and assisting with possible audit requests. Due to the size of this project, we anticipate that one full time employee will be required for approximately 100 hours of work.

**II. Project Budget:** Please include name of project being requested that will require management costs. Also include number of staff that will be required to complete the management of this project, total cost of project that is being requested and total management costs. FEMA allows management costs of up to 5% of total project costs.

Project Type	Personnel	Fringe Benefits	Travel Equipment	Supplies	Contractual	Indirect Costs	Total (Max. 5% of Total Project Costs)
Admin. Staff	\$16.33/hr	\$7.51/hr				\$238.00	\$2,622.00
<b>Total:</b>							

\*see attached budget for total project costs associated with original project application

**Preliminary Opinion of Probable Project Costs  
for GEMA / Homeland Security Hazard Mitigation Assistance Grant Program  
for the Sinclair Water Authority**

<b>Item &amp; Description</b>	<b>High Service P.S. 600 kW Gen. Cost</b>	<b>Filtration Bldg. 750 kW Gen. Cost</b>
<b>1. Shipping and Installation</b>		
a. Equipment unloading and installation onto conc. pad for generator & ATS	\$1,500	\$1,500
b. Grounding for generator & ATS	\$2,000	\$2,000
c. Power and control cables/conduit and underground ductbanks for generator & ATS	\$16,000	\$20,000
d. Shipping is included in the generator equipment quote.	\$0	\$0
◆ Subtotal for Item 1	\$19,500	\$23,500
<b>2. Generator</b>		
a. Model C-18 diesel engine driven generator set complete with controls, weatherproof & sound attenuating enclosure, and integral fuel tank. See attached quotes from Yancey Power Systems for itemized details.		
◆ Subtotal for Item 2	\$135,722	\$157,119
<b>3. Fuel Tank</b>		
a. Each generator set shall be furnished with a single 1,000 gallon, double wall, fuel tank integrated into the equipment frame base. Fuel tank costs are included in each generator quote from Yancey Power Systems.		
◆ Subtotal for Item 3	\$0	\$0
<b>4. Concrete Pad for Generator</b>		
a. Cast-in-place, reinforced concrete pad. High Service P.S. pad shall be 8 ft. x 20 ft and filtration Building pad shall be 9 ft. x 25 ft.	\$3,000	\$3,500
b. Earthwork & stone foundation	\$500	\$500
◆ Subtotal for Item 4	\$3,500	\$4,000
<b>5. Generator and Fuel Tank Elevation</b>		
a. Both generators and integral fuel tanks shall be installed outside the extents of known flood zones as indicated on the submitted FIRMette map. No costs are necessary for elevation of these items.		
◆ Subtotal for Item 5	\$0	\$0

6. Facility Transfer Switch and Connections

a. ATS switch equipment	\$21,500	\$27,500
b. Shipping, mounting, and connections	\$6,500	\$7,500
◆ Subtotal for Item 6	\$28,000	\$35,000

7. Fuel for Initial Testing

a. Fuel costs for testing based on \$3.06 average cost per gallon for Lower Atlantic states in 2018 for diesel fuel as reported by the U.S. Energy Information Administration. Estimate shown includes delivery to the site plus sufficient volume for initial testing.		
◆ Subtotal for Item 7	\$2,000	\$2,000

8. Project Management

a. Engineering design of backup power equipment plus preparation of construction plans and specifications for installation by a General Contractor	\$8,500	\$8,500
b. Permitting assistance with GA EPD Drinking Water Program.	\$500	\$500
c. Bidding management for public advertisement, responding to RFIs, preparation of addenda, bid evaluation, and award recommendation.	\$3,000	\$3,000
d. Construction contract administration including pre-construction conference, shop drawing review, responding to RFIs, pay request review, contract close-out, and engineering certification.	\$4,500	\$4,500
e. On-site construction observation to verify conformance with approved project specifications, and observation of equipment startup and testing with the manufacturer.	\$1,500	\$1,500
◆ Subtotal for Item 8	\$18,000	\$18,000

9. Pre-Award Engineering

a. Engineering design for generator sizing and selection, preparation and submittal of the pre-application, plus funding assistance for Federal approvals.		
◆ Subtotal for Item 8	\$3,500	\$3,500

**Cost Summary**

Total Estimated Equipment & Construction Costs (Items 1 - 7)	\$188,722	\$221,619
Total Project Management & Pre-Award Engineering Costs (Items 8 - 9)	\$21,500	\$21,500
Total Estimated Project Costs (Items 1 - 9)	\$210,222	\$243,119

**Total Estimated Project Costs (Both Generators)**

**\$453,341**

*All construction, engineering, and project management costs in this document were presented to the Authority members at the January 2019 regular Board meeting. No revisions have been made since and all project costs shown are believed to be accurate as of March 2020.*

Carter & Sloope, Inc.

**File Attachments for Item:**

14. Request from Fire Department for Emergency Vehicle Purchase - 2027 Pierce Enforcer PUC Pumper (staff-Fire)





**Putnam County Board of Commissioners  
Agenda Item Request Form**

DATE OF MEETING REQUESTED: December 19, 2023

REQUEST BY: Thomas C. McClain

AGENDA ITEM: Request for Emergency Vehicle Purchase.  
2027 Pierce Enforcer PUC Pumper

AGENDA ITEM TYPE:

- Presentation
- Discussion
- Action\*
- Other (Please Specify) \_\_\_\_\_

\*ACTION REQUESTED: Approval of Emergency Vehicle Purchase  
Consistent with 10 year apparatus replacement plan.

SUPPORTING DOCUMENTATION PROVIDED:  Yes  No

BUDGET/FUNDING INFORMATION: Splost Funding

FACTS AND/OR ISSUES: Pricing is based on NPP.GOV contract.  
Lead time on this purchase is projected to be 45-48 months per manufacturer.

Quote includes \$142,440.00 prepay discount.



**Equipment Proposal**

**Proposal # 1102**

This Equipment Proposal (the “Proposal”) has been prepared by Ten-8 Fire & Safety, LLC (“Company”) in response to the undersigned Customer’s request for a proposal. This Proposal is comprised of the special terms set forth below, the Proposal Option List, Warranty, and Company’s Purchasing Terms and Conditions. Through its signature below or other Acceptance (as defined below), Customer acknowledges having received, read and being bound by this Proposal, all attachments and Company’s Purchasing Terms and Conditions.

**Date:** November 16, 2023 (“Proposal Date”)    **Customer:** Putnam Co Fire Dept (“Customer”)

**Customer Address:** \_\_\_\_\_

Qty	Product Description & Options	Price
1	<b>Pierce custom PUC pumper</b>	<b>\$1,107,900.00</b>
	<b>NPP.GOV discount</b>	<b>(\$8,140.00)</b>
	<b>Subtotal</b>	<b>\$1,099,760.00</b>
	<b>100% Prepay discount</b>	<b>(\$142,440.00)</b>
<b>Total:</b>		<b>\$957,320.00</b>
<p>** Pricing is subject to change as follows:</p> <p>(a) Commercial chassis price is an estimate; final chassis price will be determined when chassis is delivered by the manufacturer to the original equipment manufacturer (“OEM”). The OEM will notify Company of its final price, and Company will notify Customer of the final price.</p> <p>(b) Persistent Inflationary Environment: If the Producer Price Index of Components for Manufacturing [www.bls.gov Series ID: WPUID6112] (“PPI”) has increased at a compounded annual growth rate of 5.0% or more between the month the OEM accepts this order (“Order Month”) and a month 14 months prior to the then predicted “ready for pick up” date (“Evaluation Month”), then Company may update the pricing in an amount equal to the increase in PPI over 5.0% in each year or fractional year between the Order Month and the Evaluation Month. Company will document any such updated price for Customer’s approval, and Company will provide to Customer the option to cancel this Order for 45 days if Customer does not accept the updated price. If Customer accepts or fails to respond within such 45 day period, Customer will be obligated to complete the Product purchase at the updated Total price.</p>		

**Delivery Timing:** The Product described above in the Product Description and Options Section of this document will be built by and shipped from the manufacturer approximately **45-48** (months) after Company receives Customer’s acceptance of this Proposal as defined below, subject to market and production conditions, Force Majeure, delays from the chassis manufacturer, changes to Order Specifications, or any other circumstances or cause beyond Company’s or manufacturer’s control.

**Other:** Pricing is based on the NPP.GOV contract. Pricing includes factory travel, trainint, and delivery

Unless accepted within **30** days from date of proposal, the right is reserved to withdraw this proposal.

*Order continues on immediately following page.*

SIGNED BY AN AUTHORIZED REPRESENTATIVE, OR (B) A PURCHASE ORDER INCORPORATING THIS PROPOSAL, WHICH IS DULY APPROVED, TO THE EXTENT APPLICABLE, BY CUSTOMER'S GOVERNING BOARD. ACCEPTANCE OF THIS PROPOSAL IS EXPRESSLY LIMITED TO THE TERMS CONTAINED IN THIS PROPOSAL AND COMPANY'S PURCHASING TERMS AND CONDITIONS. ANY ADDITIONAL OR DIFFERENT TERMS, WHETHER CONTAINED IN CUSTOMER'S FORMS OR OTHERWISE PRESENTED BY CUSTOMER AT ANY TIME, ARE HEREBY REJECTED.

**INTENDING TO CREATE A BINDING AGREEMENT**, Customer and Company have each caused this Proposal to be executed by their duly authorized representatives as of date of the last signature below.

**Customer: Putnam Co Fire Dept**

**Ten-8 Fire & Safety, LLC**

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

By:

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

Title: **Authorized Sales Representative**

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

Print: **Jeff Amlong**

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

Date: **11/16/2023**

EXHIBIT A

**PROPOSAL OPTION LIST**

EXHIBIT B

**WARRANTY**



**PURCHASING TERMS AND CONDITIONS**

## PURCHASING TERMS AND CONDITIONS

These Purchasing Terms and Conditions, together with the Equipment Proposal and all attachments (collectively, the “Agreement”) are entered into by and between Ten-8 Fire & Safety, LLC, a Florida company (“Company”) and Customer (as defined in Ten-8 Fire & Safety LLC’s Equipment Proposal document) and is effective as of the date specified in Section 3 of these Purchasing Terms and Conditions. Both Company and Customer may be referred throughout this document individually as a “party” or collectively as the “parties.”

### 1. Definitions.

- a. **“Acceptance”** has the same meaning set forth in Company’s Equipment Proposal.
- b. **“Company’s Equipment Proposal”** means the Equipment Proposal provided by Company and prepared in response to Customer’s request for proposal for a fire apparatus or associated equipment.
- c. **“Cooperative Purchasing Contract”** means an Agreement between Company and a public authority, including without limitation, a department, division, agency of a municipal, county or state government (“Public Authority”), that adopts or participates in an existing agreement between Company and another non-party customer (including, but not limited to such non-party customer’s equipment proposal, its applicable exhibits, attachments and purchasing terms and conditions), often referred to as a “piggyback arrangement,” which is expressly agreed to, in writing, by Company. Company has sole discretion to determine whether it will agree to such a Cooperative Purchasing Contract.
- d. **“Delivery”** means when Company delivers physical possession of the Product to Customer.
- e. **“Manufacturer”** means the Manufacturer of any Product.
- f. **“Prepayment Discount”** means the prepayment discounts, if any, specified in Company’s Equipment Proposal.
- g. **“Product”** means the fire apparatus and any associated equipment manufactured or furnished for Customer by Company pursuant to the Specifications.
- h. **“Purchase Price”** means the Total price set forth in the Quotation, after applicable pricing adjustments set forth in the Quotation.
- i. **“Purchasing Terms and Conditions”** means these Purchasing Terms and Conditions; however, if the Company’s Equipment Proposal or the Customer’s related Purchase Order states that it is governed by a Cooperative Purchasing Agreement, “Purchasing Terms and Conditions” shall mean those terms and conditions set forth in the applicable Cooperative Purchasing Agreement.
- j. **“Specifications”** means the general specifications, technical specifications, training, and testing requirements for the Product contained in Company’s Equipment Proposal and its Exhibit A (Proposal Option List), prepared in response to Customer’s request for such a proposal.

2. Purpose. This Agreement sets forth the terms and conditions of Company’s sale of the Product to Customer.
3. Term of Agreement. This Agreement will become effective on the date of Acceptance as defined in Company’s Equipment Proposal (“Effective Date”) and, unless earlier terminated pursuant to the terms of this Agreement, it will terminate upon Delivery and payment in full of the Purchase Price.
4. Purchase and Payment. Customer agrees to pay Company the Purchase Price for the Product(s). The Purchase Price is in U.S. dollars. Where Customer opts for a Prepayment Discount that specifies that Customer will tender one or more prepayments to Company, Customer must provide each prepayment within the time frame specified in the Equipment Proposal in order to receive the Prepayment Discount for that prepayment installment. To the extent permitted by applicable law, Company may in its sole discretion charge a convenience fee if Customer elects to pay the Purchase Price by means of a credit card.
5. Representations and Warranties. Customer hereby represents and warrants to Company that the purchase of the Product(s) has been approved by Customer in accordance with applicable general laws and, as applicable, Customer’s charter, ordinances and other governing documents, and funding for the purchase has been duly budgeted and appropriated.
6. Cancellation/Termination. In the event this Agreement is cancelled or terminated by Customer before completion, Company may charge Customer a cancellation fee. The following charge schedule is based on costs incurred by

Manufacturer and Company for the Product, which may be applied and charged to Customer: (a) 12% of the Purchase Price after the order for the Product(s) is accepted and entered into Manufacturer's system by Company; (b) 22% of the Purchase Price after completion of approval drawings by Customer, and; (c) 32% of the Purchase Price upon any material requisition made by the Manufacturer for the Product. The cancellation fee will increase in excess of (c) in this Section 6, accordingly, as additional costs are incurred by Manufacturer and Company as the order progresses through engineering and into the manufacturing process.

7. Delivery. The Product is scheduled to be delivered as specified in the Delivery Timing section of the Equipment Proposal ("Delivery Timing"), which will be F.O.B. Company's facility. The Delivery Timing is an estimate, and Company is not bound to such date unless it otherwise agrees in writing. Company is not responsible for Delivery delays caused by or as the result of actions, omissions or conduct of the Manufacturer, its employees, affiliates, suppliers, contractors, and carriers. All right, title and interest in and to the Product, and risk of loss, shall pass to Customer upon Delivery of the Product(s) to Customer.
8. Standard Warranty. The manufacturer warranties applicable to this Agreement, if any, are attached to Company's Equipment Proposal as Exhibit B and are incorporated herein as part of the Agreement.
  - a. Disclaimer. EXCEPT AS OTHERWISE SET FORTH IN THIS AGREEMENT, COMPANY, INCLUDING ITS PARENT COMPANY, AFFILIATES, SUBSIDIARIES, AND THEIR RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES, SHAREHOLDERS, AGENTS OR REPRESENTATIVES DO NOT MAKE ANY REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO THE PRODUCTS PROVIDED UNDER THIS AGREEMENT, WHETHER ORAL OR WRITTEN, EXPRESS, IMPLIED OR STATUTORY. WITHOUT LIMITING THE FOREGOING DISCLAIMER, ANY IMPLIED WARRANTY OR CONDITION OF MERCHANTABILITY, IMPLIED WARRANTY AGAINST INFRINGEMENT, AND IMPLIED WARRANTY OR CONDITION OF FITNESS FOR A PARTICULAR PURPOSE ARE EXPRESSLY EXCLUDED AND DISCLAIMED. STATEMENTS MADE BY SALES REPRESENTATIVES OR IN PROMOTIONAL MATERIALS DO NOT CONSTITUTE WARRANTIES.
9. Limitation of Liability. COMPANY WILL NOT BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL, INDIRECT, ECONOMIC, PUNITIVE, SPECIAL OR EXEMPLARY DAMAGES ARISING FROM OR IN ANY WAY CONNECTED WITH THIS AGREEMENT WITHOUT REGARD TO THE NATURE OF THE CLAIM OR THE UNDERLYING THEORY OR CAUSE OF ACTION (WHETHER IN CONTRACT, TORT, STRICT LIABILITY, EQUITY OR ANY OTHER THEORY OF LAW) ON WHICH SUCH DAMAGES ARE BASED. COMPANY'S LIMIT OF LIABILITY UNDER THIS AGREEMENT SHALL BE CAPPED AT THE TOTAL AMOUNT OF THE MONIES PAID BY CUSTOMER TO COMPANY UNDER THIS AGREEMENT.
10. Force Majeure. Company shall not be responsible nor deemed to be in default on account of delays in performance due to causes which are beyond Company's control or which make Company's performance impracticable, including but not limited to wars, insurrections, strikes, riots, fires, storms, floods, other acts of nature, explosions, earthquakes, accidents, transportation or delivery delays or losses outside of Company's control, any act of government, inability or delay of Company or manufacture in obtaining necessary labor or adequate or suitable manufacturing components at reasonable prices, allocation regulations or orders affecting materials, equipment, facilities or completed products, failure to obtain any required license or certificates, acts of God or the public enemy, terrorism, epidemics, quarantine restrictions, failure of vendors to perform their contracts or labor troubles of Company or a manufacturer causing cessation, slowdown, or interruption of work.
11. Customer's Obligations. Customer shall provide its timely and best efforts to cooperate with Company and Manufacturer during the manufacturing process to create the Product. Reasonable and timely cooperation includes, without limitation, Customer's providing timely information in response to a request from Manufacturer or Company and Customer's participation in traveling to Manufacturer's facility for inspections and approval of the Product.
12. Default. The occurrence of one or more of the following shall constitute a default under this Agreement: (a) Customer's failure to pay any amounts due under this Agreement or Customer's failure to perform any of its obligations under this Agreement; (b) Company's failure to perform any of its obligations under this Agreement;

(c) either party becoming insolvent or becoming subject to bankruptcy or insolvency proceedings; (d) any representation made by either party to induce the other to enter into this Agreement, which is false in any material respect; (e) an action by Customer to dissolve, merge, consolidate or transfer a substantial portion of its property to another entity; or (f) a default or breach by Customer under any other contract or agreement with Company.

13. Manufacturer's Statement of Origin. Company shall retain possession of the manufacturer's statement of origin ("MSO") for the Product until the entire Purchase Price has been paid. If more than one Product is covered by this Agreement, Company shall retain the MSO for each individual Product until the Purchase Price for that Product has been paid in full.
14. Arbitration. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled by arbitration administered by the American Arbitration Association in accordance with its Commercial Arbitration Rules, and judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof. The Arbitration shall take place in Bradenton, Florida.
15. Miscellaneous. The relationship of the parties established under this Agreement is that of independent contractors and neither party is a partner, employee, agent, or joint venture of or with the other. Neither party may assign its rights and obligations under this Agreement without the prior written approval of the other party. This Agreement and all transactions between Ten-8 Fire & Safety, LLC will be governed by and construed in accordance with the laws of the State of Florida. The delivery of signatures to this Agreement may be via facsimile transmission or other electronic means and shall be binding as original signatures. This Agreement shall constitute the entire agreement and supersede any prior agreement between the parties concerning the subject matter of this Agreement. This Agreement may only be modified by an amendment, in writing, signed by duly authorized representatives of both parties with authority to sign such amendments to this Agreement. In the event of a conflict between the Ten-8 Proposal and these Terms and Conditions, the Ten-8 Proposal shall control except in the case of a Cooperative Purchasing Contract as set forth in Section 1(c) and (i) of these Purchasing Terms and Conditions. If any term of this Agreement is determined to be invalid or unenforceable by a competent legal authority, such term will be either reformed or deleted, as the case may be, but only to the extent necessary to comply with the applicable law, regulation, order or rule, and the remaining provisions of the Agreement will remain in full force and effect.

**File Attachments for Item:**

15. Appointment to Sinclair Water Authority Board (staff-CC)



Applicants for Sinclair Water Authority Board  
12/11/2023

<b>NAME</b>	<b>ADDRESS</b>	<b>DISTRICT</b>	<b>RESIDENT OF PUTNAM COUNTY</b>	<b>BACKGROUND</b>	<b>APPLICATION DATE</b>
Charles Gray	164 De Jarnett Road	3	Yes	Retired construction manager	11/17/2023
Joan G. Minton	224 Pine Knoll Lane	4	Yes	Retired Baldwin County Manager	11/29/2023

# PUTNAM COUNTY BOARD OF COMMISSIONERS



---

117 Putnam Drive, Suite A ♦ Eatonton, GA 31024  
706-485-5826  
[www.putnamcountyga.us](http://www.putnamcountyga.us)

## NOTICE

The Putnam County Board of Commissioners is seeking individuals interested in serving on the **Sinclair Water Authority Board**. To be eligible for appointment as a member of the Authority a person must be at least 21 years of age and a resident of Putnam County for at least two years prior to the date of his or her appointment. No person shall be eligible for appointment to the Authority who has been convicted of a felony or is an elected officer or employee of Putnam County. The Sinclair Water Authority Board manages the operations of the Sinclair Water Authority. This appointment is to fill the remainder of an unexpired term and a full four year term.

Interested persons should submit an **application** to the Putnam County Board of Commissioners, 117 Putnam Drive, Suite A, Eatonton, Georgia 31024. Applications will be accepted until the position is filled. The board application form can be found on the county website at [www.putnamcountyga.us](http://www.putnamcountyga.us) (in the "How Do I..." or "Forms & Documents" sections) or by calling 706-485-5826.

11/16/2023 & 11/23/2023

# PUTNAM COUNTY BOARD OF COMMISSIONERS



117 Putnam Drive, Suite A ♦ Eatonton, GA 31024  
706-485-5826 ♦ 706-923-2345 fax  
www.putnamcountyga.us

ccf  
'23 NOV 17 AM 9:39

## APPLICATION FOR BOARDS, COMMITTEES, & AUTHORITIES

Name: Charles Gray  
Address: 164 De Jamett Rd  
Occupation: Retired construction manager

Home Phone: \_\_\_\_\_  
Work Phone: \_\_\_\_\_  
Cell Phone: [REDACTED]  
E-mail: [REDACTED]

I would like to apply for appointment to the following Board, Committee, or Authority:  
Sinclair Water Authority

Which district do you live in?  1  2  3  4

Briefly explain your educational background Cincinnati State College/Construction Management

Are you an owner or officer in any business or corporation?  Yes  No

If yes, please list the name and activity of the business or corporation: \_\_\_\_\_

Please explain any previous experience with State or Local Government: 15 yrs. on Board of a 12,000 population HOA, worked closely with City of Sacramento City Council and Planning and Zoning Dept.

Briefly explain why you seek this appointment: Wanting to be active in the county working with and for the residents of Putnam County. I have actively served my community where I call home.

If appointed, I agree to serve.

Charles Gray  
Signature

11/17/2023  
Application Date

\*This application should be submitted to the Putnam County Board of Commissioners. Any additional information may be included on a separate page.



*ole*

NOV 29 2023 AM 10:19

117 Putnam County Administration Building, Eatonton, GA 31031  
706-485-8284  
www.putnamcountyga.us

**APPLICATION FOR BOARDS, COMMITTEES, & AUTHORITIES**

Name: Joan G Minton Home Phone: 706 485 4804  
Address: 224 Pine Knoll Lane Work Phone: \_\_\_\_\_  
Eatonton, GA Cell Phone: [REDACTED]  
Occupation: Retired Baldwin County Manager E-mail: [REDACTED]

I would like to apply for appointment to the following Board, Committee, or Authority:  
Sinclair Water Authority

Which district do you live in?  1  2  3  4

Briefly explain your educational background \_\_\_\_\_  
high school and some college

Are you an owner or officer in any business or corporation?  Yes  No

If yes, please list the name and activity of the business or corporation: \_\_\_\_\_  
\_\_\_\_\_

Please explain any previous experience with State or Local Government: 40 years in local government  
management and chaired SWA

Briefly explain why you seek this appointment: I am very interested and supportive of the plant.  
I understand the importance of plant now and to the future of Putnam County. Since I have an  
understanding of the operation and the finances of the plant, I feel I am in a position to contribute  
to the continued success of the plant.

If appointed, I agree to serve.

*Joan G. Minton*  
Signature

11/28/23  
Application Date

\*This application should be submitted to the Putnam County Board of Commissioners. Any additional information may be included on a separate page.

**SINCLAIR WATER AUTHORITY**

(Putnam and Baldwin County Water Authority)

<u>MEMBER</u>	<u>TERM EXPIRES</u>
Tommy Jefferson, Chairman 101 Dogwood Point Eatonton, GA 31024	12/31/2027
Sammy Hall 220 Countyline Church Road Milledgeville, GA 31061	12/31/2024
VACANT (to fill unexpired term ending 5/19/24 and filling a full 4-year term)	
Edward Walker Jr. 310 Old Monticello Rd NW Milledgeville, GA 31061	12/31/2025
Jeff Wooten 117 Putnam Drive, Suite A Eatonton, GA 31024	12/31/2026

Chairman of each county (or designee) serves concurrent to term of office.  
 12/8/2023  
 Each county has one appointment to serve a 4 year term  
 SWA Chairman appointed by the authority and serves a 4 year term

Last Updated



**File Attachments for Item:**

16. Approval of 2024 BOC Meeting Schedule (staff-CC)



117 Putnam Drive, Suite A ♦ Eatonton, GA 31024  
 706-485-5826 ♦ 706-923-2345 fax ♦ www.putnamcountyga.us

**2024 BOC MEETING SCHEDULE**

DATE	DAY	TIME
January 5, 2024	Friday	10:00 am
January 16, 2024	Tuesday	6:00 pm
February 2, 2024	Friday	10:00 am
February 20, 2024	Tuesday	6:00 pm
March 1, 2024	Friday	10:00 am
March 19, 2024	Tuesday	6:00 pm
April 5, 2024	Friday	10:00 am
April 16, 2024	Tuesday	6:00 pm
May 3, 2024**	Friday	10:00 am
May 21, 2024	Tuesday	6:00 pm
June 7, 2024	Friday	10:00 am
June 18, 2024	Tuesday	6:00 pm
July 5, 2024	Friday	10:00 am
July 16, 2024**	Tuesday	6:00 pm
August 2, 2024	Friday	10:00 am
August 20, 2024	Tuesday	6:00 pm
September 6, 2024	Friday	10:00 am
September 17, 2024	Tuesday	6:00 pm
October 4, 2024	Friday	10:00 am
October 15, 2024	Tuesday	6:00 pm
November 1, 2024	Friday	10:00 am
November 19, 2024	Tuesday	6:00 pm
December 6, 2024	Friday	10:00 am
December 17, 2024	Tuesday	6:00 pm

**\*\*Probable conflicts – see alternate suggestions**

## January

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

## February

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

## March

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

## April

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

## May

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

## June

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

## July

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

## August

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

## September

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

## October

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

## November

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

## December

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

### Possible Conflicts:

- Scheduling for the May 3, 2024 meeting will be difficult due to the ACCG Conference. Consider:
  - Moving May 3<sup>rd</sup> meeting to May 10<sup>th</sup> OR
  - Cancelling May 3<sup>rd</sup> and 21<sup>st</sup> meetings and have one in the middle of the month
    - Either May 14<sup>th</sup> at 6:00 PM or May 17<sup>th</sup> at 10:00 AM
- Scheduling and attendance for the July 16, 2024 meeting will be difficult due to the NACO Conference. Consider:
  - Moving July 16<sup>th</sup> meeting to July 23<sup>rd</sup> OR
  - Cancelling July 5<sup>th</sup> and 16<sup>th</sup> meetings and have one on July 9<sup>th</sup> at 6:00 PM

**File Attachments for Item:**

17. Appeal of Short Term Vacation Rental License denial by Kerri Smith/Sundown Cottage (staff-CC)

## **Sundown Cottage – Kerri Smith (113 B River Bend Court) Timeline of Events**

- 4/4/2023
  - Keeli Smith emailed County Clerk advising that two STR applications had been submitted in Trust Exchange online portal.
  
- 4/4/2023
  - STR Application for 113 B River Bend Court received along with \$30.00 payment.
  
- 4/4/2023
  - County Clerk emailed Keeli Smith regarding name and address clarification on the STR application.
  
- 4/6/2023
  - Keeli Smith emailed County Clerk with revised information for STR applications.
  
- 4/6/2023
  - County Clerk emailed Keeli Smith to confirm receipt of above email and information.
  
- 4/12/2023
  - County Clerk emailed Keeli Smith regarding name issue with STR application.
  
- 4/12/2023
  - Keeli Smith emailed County Clerk with new name information and corrected address information.
  
- 4/12/2023
  - County Clerk emailed Keeli Smith to let her know that name choice is ok.
  
- 4/12/2023
  - Keeli Smith emailed County Clerk to acknowledge above email.
  
- 5/10/2023
  - County Clerk emailed Kerri Smith to let her know that it had been reported that home is still under construction and that application cannot be accepted at this time.
  
- 5/10/2023
  - Kerri Smith emailed County Clerk to provide reasons why we need to accept application.



- 5/10/2023
  - County Clerk emailed Kerri Smith to let her know that her last email was forwarded to county attorney.
  
- 9/18/2023
  - County Clerk emailed Kerri Smith to let her know that her property was zoned R-1R and that I was unable to process her STR application. Offered to refund \$30 payment.
  
- 9/27/2023
  - County Clerk emailed Kerri Smith to confirm verbal conversation regarding how to file STR appeal.
  
- 10/3/2023
  - Joshua Williams, Attorney for Kerri Smith, emailed appeal to County Manager and County Clerk and County Attorney.
  
- 10/10/2023
  - County Clerk emailed Joshua Williams with date of appeal hearing, October 30, 2023 at 10 a.m.

# PUTNAM COUNTY BOARD OF COMMISSIONERS



117 Putnam Drive, Suite A ♦ Eatonton, GA 31024  
706-485-5826 ♦ 706-923-2345 fax ♦ www.putnamcountyga.us

## APPLICATION FOR SHORT TERM VACATION RENTALS IN PUTNAM COUNTY, GEORGIA

(A separate rental certificate shall be required for each establishment)

- Date of Application:** 4/4/2023
- For Calendar Year:** 2023
- Type of Certificate – please check one:**  New  Renewal
- Application Fee per Establishment, \$30.00**
- Type of Lodging:**  
 Bed & Breakfast  Boarding House  Private Home
- Owner on Record of Dwelling Unit for which a certificate is sought:**  
Full Legal Name\* Sunset Properties of Lake Oconee/Kerri Smith  
Address 113 B River Bend Ct  
City Eatonton State GA Zip Code 31024  
Phone Number [REDACTED] Email Address: [REDACTED]  
\*(If owner is not a natural person, use separate sheet to identify all partners, officers and/or directors of any such entity, including personal contact information.)
- Business Name (if applicable):**  
Business Name Sunset Properties of Lake Oconee  
DBA Name (if applicable) Sundown Cottage  
Address PO Box 4428  
City Eatonton State GA Zip Code 31024  
Phone Number [REDACTED] Email Address: [REDACTED]  
Mailing Address (if different) [REDACTED]  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_
- Unit to be used as a short term vacation rental:**  
Address 113 B River Bend Court  
City Eatonton State GA Zip Code 31024  
Parcel Number \_\_\_\_\_

9. **Maximum occupancy** (this shall be the same number as advertised and marketed to potential renters by or on behalf of the owner: 16)  
\*Owner shall not allow overnight occupancy to exceed the maximum capacity

10. **Who to contact if there are questions regarding the application:**

Name Keeli Smith Phone 

Email 

11. **Agent:** (if other than owner) \*Please provide 24 hour contact information

[This person shall:

- a. Be reasonably available to handle any problems arising from use of the rental unit;
- b. Appear on the premises within 24 hours following notification from the Planning and Development Director, or his/her designee, of issues related to the use or occupancy of the premises;
- c. Receive and accept service of any notice of violation related to the use or occupancy of the premises; and
- d. Monitor the rental unit for compliance with the Putnam County Code of Ordinances]

Full Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_ Email Address: \_\_\_\_\_

12. Owner agrees to use his or her best efforts to assure that use of the premises by short term vacation rental occupants will not disrupt the neighborhood and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties.

13. Applicant must attach the following:

A copy of the standard rental agreement form used between the owner and occupant(s). The agreement must contain the following language: "Occupant is obligated to abide by all of the requirements of the Putnam County ordinances, state and federal law, and such a violation of any of these rules may result in the immediate termination of the agreement and eviction from the premises, as well as potential liability for payment of fines levied."

Proof of the owner's current ownership of the short term vacation rental unit (i.e. deed, tax records, etc.)

Proof of homeowner's insurance (must list the owner's name, address of rental unit, and policy dates.)

14. Applicant agrees that the rental certificate applied for by him/her shall not, when granted, become a civil contract between the applicant and the governing authority of the County, but shall operate purely as a rental certificate to the applicant, and said rental certificate may be revoked by the Board of Commissioners of said County at any time.

15. Applicant hereby acknowledges his/her duty to collect a hotel/motel tax and remit same to the County Clerk monthly on or before the 20<sup>th</sup> day of the month following the month of collection unless you are renting only through an online platform (VRBO, Airbnb, etc.). Effective July 1, 2021, online platforms will remit your taxes for you.

16. Applicant herewith tenders the sum of \$30.00 as the rental certificate fee on the business proposed to be conducted by the applicant. Applicant asks that he/she be granted a rental certificate to operate the aforesaid business.





## Sunset Properties of Lake Oconee Rental Agreement

This Lease Agreement (this "Lease") is dated September 1, 2022, by and between Sunset Properties of Lake Oconee ("Landlord"), and 1 ("Tenant"). The parties agree as follows:

**PREMISES.** Landlord, in consideration of the lease payments provided in this Lease, leases to Tenant Cottage Cove (the "Premises") located at 113 B River Bend Court, Eatonton, Georgia 31024.

**TERM.** The Tenant will have full control and use of the Premises beginning on September 1, 2022 and will terminate at 11:59p.m. on TBD.

**LEASE PAYMENTS.** The total rental payment owed for this Lease is \$1050.00 payable in advance. A nonrefundable deposit of \$500 shall be paid on or before September 1, 2022, in order to reserve the Tenants reservation. Said deposit will be applied to the total rental payment. The balance of \$500.00 is due and must be delivered to the Landlord on March 1, 2022. Lease payments shall be made to Landlord at PO Box 4428, Eatonton, Georgia, 31024 which may be changed from time to time by Landlord.

**SECURITY DEPOSIT.** At the time of the signing of this Lease, Tenant shall pay to Landlord, in trust, a security deposit of \$500.00 to be held and disbursed for Tenant damages to the Premises or other defaults under this Agreement (if any) as provided by law. Security deposit will protect owner against damage or theft to the property and timely return of the door key. Deposit will be returned after Renter vacates property if the Property is not damaged, no theft has occurred, and key has been returned. Deposit may be applied by Landlord to satisfy damage repairs caused by Renter or to replace stolen items and such act shall not prevent Landlord from claiming damages in excess of the deposit. The Tenant is held financially responsible for damages to the Rental Property, whether made by themselves, their family, and another guest in their group or invitee.

**POSSESSION.** Tenant shall be entitled to possession on the first day of the term of this Lease, and shall yield possession to Landlord on the last day of the term of this Lease, unless otherwise agreed by both parties in writing. At the expiration of the term, Tenant shall remove its goods and effects and peaceably yield up the Premises to Landlord in as good a condition as when delivered to Tenant, ordinary wear and tear excepted.

**MINIMUM STAY.** This property requires a 2 night minimum stay. Longer minimum stays may be required during holiday periods.

**USE OF PREMISES/ABSENCES.** Tenant shall occupy and use the Premises as a dwelling unit. Tenant shall notify Landlord of any anticipated extended absence from the Premises not later than the first day of the extended absence. Tenant will maintain the premises in good order and appearance including keeping the premises free of trash and garbage. Reasonable wear and tear are the only exceptions to damage to the premises.



**OCCUPANTS.** No more than 16 person(s) may occupy the Premises at any one time unless the prior written consent of the Landlord is obtained. All guests over the age of 8 are counted towards the maximum. Any party falsely representing the number of people, or exceeding the maximum may be subject to immediate eviction without refund.

**FURNISHINGS.** The following furnishings will be provided by Landlord: \_ Tenant shall return all such items at the end of the lease term in a condition as good as existed at the beginning of the lease term, normal wear and tear excepted.

**PETS.** No pets shall be allowed on the Premises.

**KEYS.** Tenant will be given one door code to the Premises.

**LOCKOUT.** If Tenant becomes locked out of the Premises, Tenant will be charged \$0.00 to regain entry.

**PARKING.** The maximum number of cars allowed at the Property at any one time is 6. Parking exceeding this limit may result in immediate eviction and forfeiture of all amounts paid.

**PROPERTY INSURANCE.** Landlord and Tenant shall each be responsible to maintain appropriate insurance for their respective interests in the Premises and property located on the Premises. Tenant shall also maintain any other insurance which Landlord may reasonably require for the protection of Landlord's interest in the Premises. Tenant is responsible for maintaining casualty insurance on its own property. It is recommended that travel or vacation insurance is obtained by the Tenant.

**NON-SUFFICIENT FUNDS.** Tenant shall be charged \$50.00 for each check that is returned to Landlord for lack of sufficient funds.

**NON-DISTURBANCE CLAUSE.** Tenant and their guests shall not disturb, annoy, endanger (fireworks) or inconvenience neighbors nor use the premises for any unlawful purposes.

**CANCELLATIONS.** (a) If the Property becomes unavailable to the Tenant prior to occupancy, for any reason, Landlord agrees to refund the full amount paid to the date of cancellation, and Tenant agrees to release any claims against Landlord. (b) If, for any reason, the Tenant cancels this Agreement more than 30 days from the Arrival Date, Tenant will receive a 50% refund of amounts paid, less a \$150.00 cancellation fee. For Tenant cancellations made 7 days or less, all monies are forfeited unless Landlord is able to re-rent the Property under the same (or better) terms and conditions of this Agreement, for the full Term reserved. (c) There are no cancellations permitted within 14 days of Tenant Arrival Date. All amounts paid (Reservation Deposit and Final Payment) will be forfeited. Failure to pay the Final Payment in a timely manner will be considered a cancellation under this subparagraph and will result in forfeiture of the Reservation deposit.

**SMOKING.** Smoking is strictly forbidden inside the cottage or on porches of the cottage. Evidence of smoking inside the Property will result in immediate eviction and forfeiture of all amounts paid and will result in additional Cleaning Fee charges to Tenant as Excess Damage Cost and will be charged against the credit card on file or Tenant's security deposit at Landlord's election.

**COOKING.** Tenant may cook only in the specific areas set aside by Landlord for cooking. No open fires are allowed other than in the grill, outdoor fireplace, or in the stone fire pit. The grill must remain in open area, away from trees, house, etc. All fires must be thoroughly extinguished before leaving unattended .

**CLEANING.** The property will be inspected and cleaned after departure. The rental fee includes laundry service for the towels and linens. Tenant is required to leave the property in the same general condition that it was received in by making sure that the dishes are washed and put away, and the house is generally picked up and ready to be vacuumed, dusted and laundered.

**OTHER RECREATION.** The following may be available from time to time on the property and grounds: all boating activities (sailing, kayaking, canoeing and the like), fishing, biking, hiking and various lawn games. Any other recreational activities that occur on the premises will be permitted according to the discretion of the Landlord.

**CUMULATIVE RIGHTS.** The rights of the parties under this Lease are cumulative, and shall not be construed as exclusive unless otherwise required by law.

**ACCESS BY LANDLORD TO PREMISES.** Landlord shall have the right to enter the Premises to make inspections, provide necessary services, or show the unit to prospective buyers, mortgagees, tenants or workers. However, Landlord does not assume any liability for the care or supervision of the Premises while under the possession and of Tenant. As provided by law, in the case of an emergency, Landlord may enter the Premises without Tenant's consent. During this Lease, Landlord shall be allowed to display the usual "To Let" signs and show the Premises to prospective tenants.

**INDEMNITY REGARDING USE OF PREMISES.** To the extent permitted by law, Tenant agrees to indemnify, hold harmless, and defend Landlord from and against any and all losses, claims, liabilities, and expenses, including reasonable attorney fees, if any, which Landlord may suffer or incur in connection with Tenant's possession, use or misuse of the Premises, except Landlord's act or negligence.

**DANGEROUS MATERIALS.** Tenant shall not keep or have on the Premises any article or thing of a dangerous, flammable, or explosive character that might substantially increase the danger of fire on the Premises, or that might be considered hazardous by a responsible insurance company, unless the prior written consent of Landlord is obtained and proof of adequate insurance protection is provided by Tenant to Landlord.

**COMPLIANCE WITH REGULATIONS.** Tenant shall promptly comply with all laws, ordinances, requirements and regulations of the federal, state, county, municipal and other



authorities, and the fire insurance underwriters. However, Tenant shall not by this provision be required to make alterations to the exterior of the building or alterations of a structural nature. Occupant is obligated to abide by all of the requirements of the Putnam County ordinances, state and federal law, and such a violation of any of these rules may result in the immediate termination of the agreement and eviction from the premises, as well as potential liability for payment of fines levied.

**ASSIGNABILITY/SUBLETTING.** Tenant may not assign or sublease any interest in the Premises, nor assign, mortgage or pledge this Lease, without the prior written consent of Landlord, which shall not be unreasonably withheld.

**CASUALTY OR DESTRUCTION.** (a) Should the Property be destroyed or rendered uninhabitable by an Act of God (including, but not limited to, hurricanes, storms, floods or fires), or by environmental disaster, or loss of utilities prior to occupancy by Tenant, this Agreement shall become null and void, and all payments made hereunder shall be refunded to Tenant. (b) Should the Property be destroyed or rendered uninhabitable as above during occupancy, reimbursement on a pro-rated basis will be negotiated between Tenant and Landlord based on the following: No refund is due (or will be made) for inclement weather.

**NOTICE.** Notices under this Lease shall not be deemed valid unless given or served in writing and forwarded by mail, postage prepaid, addressed to the party at the appropriate address set forth below. Such addresses may be changed from time to time by either party by providing notice as set forth below. Notices mailed in accordance with these provisions shall be deemed received on the third day after posting.

**LANDLORD:**

Kerri Smith, PO Box 4428, Eatonton, Georgia 31024

**TENANT:**

Such addresses may be changed from time to time by either party by providing notice as set forth above.

**GOVERNING LAW.** This Lease shall be construed in accordance with the laws of the State of Georgia.

**ENTIRE AGREEMENT/AMENDMENT.** This Lease contains the entire agreement of the parties and there are no other promises, conditions, understandings or other agreements, whether oral or written, relating to the subject matter of this Lease. This Lease may be modified or amended in writing, if the writing is signed by the party obligated under the amendment.

**SEVERABILITY.** If any portion of this Lease shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Lease is invalid or unenforceable, but that by limiting such provision it

would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

**WAIVER.** The failure of either party to enforce any provisions of this Lease shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Lease.

**BINDING EFFECT.** The provisions of this Lease shall be binding upon and inure to the benefit of both parties and their respective legal representatives, successors and assigns.

**CAUSE FOR EVICTION.** The Tenant and all parties with the Tenant will be subject to immediate eviction from the Property if the Tenant or parties of the Tenant violate any terms of this Agreement, including but not limited to, violation of the occupancy limits, pet provision, smoking, noise ordinance or parking. In the event of eviction from the Property, the Tenant shall forfeit all amounts paid and there will be no refund of money.

**ATTORNEY'S FEES AND COSTS.** If Landlord employs the services of an attorney to enforce any conditions of this Agreement, to collect any amounts due, the eviction of the Tenant, or because Tenant takes any action to recover deposits not due, Tenant shall be liable to Landlord for reasonable attorney's fees and costs incurred by Landlord.

**ACKNOWLEDGMENT.** The Parties hereby understand and accept the terms and conditions on all pages of this Agreement.

By Booking 113 B River Bend Court, Tenant agrees to this Agreement.

\_\_\_\_\_  
Tenant



After Recording Return to:  
Dell Law Firm, P.C.  
1040 Founders Row, Ste B  
Greensboro, Georgia 30642  
C/M#: 3925-0020

**LIMITED WARRANTY DEED**

**STATE OF GEORGIA  
COUNTY OF GREENE**

**THIS INDENTURE**, made this **26th** day of **January 2023**, between **Jay Robert Christman**, as party or parties of the first part (hereinafter called "Grantor") and **Sunset Properties of Lake Oconee, LLC**, as party or parties of the second part (hereinafter called "Grantee").

**WITNESSETH:**

That the said Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee, their heirs and assigns, all the following described property, to-wit:

**All that tract or parcel of land lying and being in Land Lots 430, 2nd Land District, 308th G. M. D., Putnam County, Georgia, being described as Lot 3, containing 0.88 acres, more or less, River Bend Estates Subdivision, as shown on plat of survey prepared by T. Larry Rachels, Registered Land Surveyor, No. 1730, dated August 8, 1983, recorded at Palt Book 12, Page 173, Putnam County, Georgia records, which said plat and the record thereof are hereby incorporated herein and made a part hereof by reference. This being the same property as conveyed at Deed Book 5-Y, Page 165, and Deed Book 376, Page 508, Putnam County, Georgia records.**

**TO HAVE AND TO HOLD**, the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, their heirs and assigns, forever in FEE SIMPLE.

**AND THE SAID Grantor** will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor, subject to all encumbrances, easements and restrictions of record.



IN WITNESS WHEREOF, the said Grantor has hereunto set its hand(s) and affixed its seal(s) the day and year first above written.

Signed, sealed and delivered  
in the presence of:

Shelame Lease  
Unofficial Witness

Jay Robert Christman (SEAL)  
Jay Robert Christman

[Signature]  
Notary Public  
My Commission Expires: January 14, 2024  
(AFFIX NOTARY SEAL)







# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD) 251  
04/04/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b>  <b>McGarity Insurance</b> 60 Jonesboro St ; P.O. Box 130 McDonough, GA 30253	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">CONTACT NAME: <b>Angie Boyd</b></td> </tr> <tr> <td>PHONE (A/C. No, Ext): <b>(770)957-2926</b></td> <td>FAX (A/C. No): <b>(770)954-0716</b></td> </tr> <tr> <td colspan="2">E-MAIL ADDRESS: <b>aboyd@mcgarityinsurance.com</b></td> </tr> <tr> <td colspan="2" style="text-align: center;">INSURER(S) AFFORDING COVERAGE</td> </tr> <tr> <td>INSURER A : <b>BUILDERS INSURANCE</b></td> <td>NAIC # <b>11240</b></td> </tr> <tr> <td>INSURER B :</td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </table>	CONTACT NAME: <b>Angie Boyd</b>		PHONE (A/C. No, Ext): <b>(770)957-2926</b>	FAX (A/C. No): <b>(770)954-0716</b>	E-MAIL ADDRESS: <b>aboyd@mcgarityinsurance.com</b>		INSURER(S) AFFORDING COVERAGE		INSURER A : <b>BUILDERS INSURANCE</b>	NAIC # <b>11240</b>	INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :	
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<b>INSURED</b>  <b>SMITHBUILT HOMES LLC</b> STE 110, PMB 176 6350 LAKE OCONEE PKWY GREENSBORO, G 30642																					

**COVERAGES**                      **CERTIFICATE NUMBER: 00008627-173846**                      **REVISION NUMBER: 3**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b>  <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			GLP 0148866-09	06/15/2022	06/15/2023	EACH OCCURRENCE \$ <b>1,000,000</b>
							DAMAGE TO RENTED PREMISES (Ea occurrence) \$ <b>100,000</b>
							MED EXP (Any one person) \$ <b>5,000</b>
							PERSONAL & ADV INJURY \$ <b>1,000,000</b>
							GENERAL AGGREGATE \$ <b>2,000,000</b>
							PRODUCTS - COMP/OP AGG \$ <b>2,000,000</b>
	<b>AUTOMOBILE LIABILITY</b>  <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> OTHER:						COMBINED SINGLE LIMIT (Ea accident) \$
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE  DED    RETENTION \$						EACH OCCURRENCE \$
A	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below  Y/N <input checked="" type="checkbox"/> Y    N/A			WCV 0264873 04	06/15/2022	06/15/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER
							E.L. EACH ACCIDENT \$ <b>500,000</b>
							E.L. DISEASE - EA EMPLOYEE \$ <b>500,000</b>
							E.L. DISEASE - POLICY LIMIT \$ <b>500,000</b>

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
**Lot 113B Riverbend Court**

<b>CERTIFICATE HOLDER</b>  <b>SmithBuilt HOMes LLC</b> 6350 Lake Oconee Pkwy Ste 110, PMB 176 Greensboro, GA 30642	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  <div style="text-align: right;">(ASB)</div>
---	---

# PUTNAM COUNTY BOARD OF COMMISSIONERS



117 Putnam Drive, Suite A ♦ Eatonton, GA 31024  
706-485-5826 ♦ 706-923-2345 fax ♦ www.putnamcountyga.us

## LETTER OF INTENT FOR SHORT TERM VACATION RENTALS

I/We, the undersigned owner(s) of real property located in Putnam County, Georgia, do hereby state our intent is to rent our home to individuals or groups for the purpose of short term vacations (less than 30 days).

Address of rental home:


113 B River Bend Court  
Eatonton, Ga 31024

This 4<sup>th</sup> day of April, 2023.

Property owner(s):

Signature: 

Printed Name: Kerri Smith

Phone: 



# PUTNAM COUNTY BOARD OF COMMISSIONERS



117 Putnam Drive, Suite A ◊ Eatonton, GA 31024  
706-485-5826 ◊ 706-923-2345 fax ◊ www.putnamcountyga.us

## LETTER OF AGENCY FOR SHORT TERM VACATION RENTALS

I/We, the undersigned owner(s) of real property located in Putnam County, Georgia, hereby appoint Kerri Smith to be my/our Agent for the purpose of applying for a Short Term Vacation Rental Certificate for the following address:

113 B River Bend Cr  
Eatonton, Ga 31024

Attached hereto is proof of current ownership of the property to which this Letter of Agency applies.

The above named Agent hereby is authorized to complete and sign the application for a Short Term Vacation Rental Certificate on our behalf. We understand that this Letter of Agency will be attached to and made part of the application and will be relied upon by Putnam County. For and in consideration of Putnam County accepting this Letter of Agency, we hereby indemnify and hold harmless Putnam County and its agents and/or employees in the event that the above named agent should misuse this Letter of Agency and we suffer damages as a result.

This 4th day of April, 2023.

Property owner(s):

Signature: [Handwritten Signature]

Name: Kerri Smith

Address: PO Box 4428 Eatonton, Ga 31024

Phone: [Redacted]

Sworn to and subscribed before me

this 4th day of April, 2023.

Alicia G Bailey  
Notary Public (SEAL)



# PUTNAM COUNTY BOARD OF COMMISSIONERS



117 Putnam Drive, Suite A ♦ Eatonton, GA 31024  
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[www.putnamcountyga.us](http://www.putnamcountyga.us)

## SAVE Affidavit

**(U.S. Citizens are only required to provide this affidavit one time)**

By executing this affidavit under oath, as an applicant for a Putnam County Short Term Vacation Rental Certificate as referenced in O.C.G.A. § 50-36-1, from the Putnam County Board of Commissioners, the undersigned applicant verifies one of the following with respect to my application for a public benefit:

**Please check one box only**

- 1)  I am a United States citizen
- 2)  I am a legal permanent resident of the United States
- 3)  I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency

My alien number issued by the Department of Homeland Security or other federal immigration agency is:

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. § 50-36-1, with this affidavit.

The secure and verifiable document provided with this affidavit can best be classified as:

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20, and face criminal penalties as allowed by such criminal statute.

Executed in Eatonton (city), Ga (state).

Signature of Applicant: [Handwritten Signature]

Printed Name: Kerri Smith

Date 4/1/23

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE 4th DAY OF April, 2023

Notary Public Signature: Alicia Bailey

My Commission Expires: 9-8-23





# PUTNAM COUNTY BOARD OF COMMISSIONERS



117 Putnam Drive, Suite A ♦ Eatonton, GA 31024  
706-485-5826 ♦ 706-923-2345 fax  
www.putnamcountyga.us

## E-Verify Exemption Affidavit (For Businesses that have 10 or less employees) (Required with initial application only)

By executing this affidavit, the undersigned private employer verifies that it is exempt from compliance with O.C.G.A. § 36-60-6, stating affirmatively that the individual, firm or corporation employs fewer than eleven employees and therefore, is not required to register with and/or utilize the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-90.

Name of Business or Individual: Sunset Properties of Lake Oconee

Address: PO Box 4428

City, State, Zip Code: Eatonton, Ga 31024

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on the 4th day of April, 20 23 in Eatonton (city), Ga (state).

Signature of Owner, Authorized Officer or Agent: [Handwritten Signature]

Printed Name and Title of Owner, Authorized Officer or Agent: Kern Smith, owner

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE 4th DAY OF April, 20 23

Alicia G Bailey  
Notary Public Signature

My Commission Expires: 9-8-23



USA  
**Georgia**  
Department of Transportation

**DRIVER'S LICENSE**

DI NO. [REDACTED] DOB [REDACTED] 1960  
 CLASS C EXP [REDACTED] 2026

**KERRI LYN SMITH**

110 WATERS EDGE LN  
 EATONTON, GA 31024-5687  
 PUTNAM

Restrictions B End NONE

Iss 11/13/2018

Sex F Eyes BLU  
 Hgt 5'-07" Wgt 155 lb

DD: 362747503410040739

*Kerr Smith*

**DONOR** 

Rev 07/15/2016

 [www.dps.ga.gov](http://www.dps.ga.gov)  
 (878) 415-8400

**REAL ID ACT**  
 IDENTIFICATION REQUIREMENTS

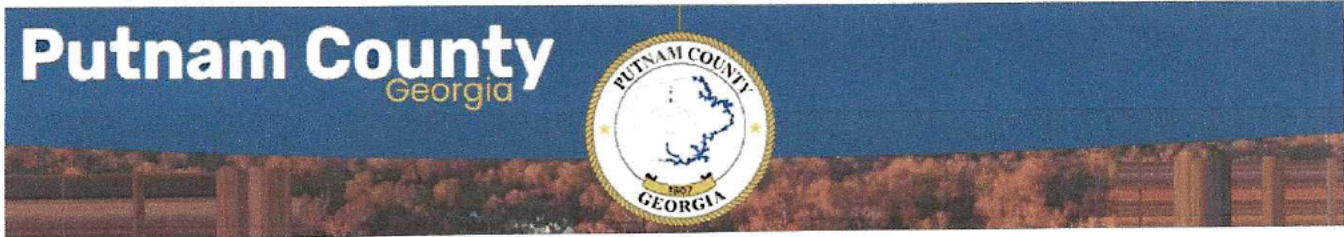
CLASS: C-S 24,000 lbs. GVWR and Trailer 2 10,000 lbs. ADJUSTED WEIGHT

ENDORSEMENTS: None

RESTRICTIONS: B-Corrective lenses required



10/22/1990



Step 1: Select Payments    Step 2: Review and Submit    **Step 3: Confirmation and Receipt**

### Step 3: Confirmation and Receipt

**Result: Payment Authorized**  
**Confirmation Number: 132983382**

Your payment has been authorized successfully and payment will be processed.

Putnam County thanks you for your payment. For questions about your account, please call 706-485-5826 Thank you for using our bill payment services.

Please save or print a copy of this receipt for record keeping purposes.

#### My Bills

Description	Amount
Short Term Rental Certificate payment of \$30.00 on Account Number/Name Sunset Properties of Lake Oconee - 113 B River Bend	\$30.00
<b>Subtotal:</b>	<b>\$30.00</b>
<b>Convenience Fee:</b>	<b>\$2.00</b>
<b>Total Payment:</b>	<b>\$32.00</b>

#### Customer Information

First Name: Kerri  
 Last Name: Smith  
 Address Line 1: 110 Waters Edge Lane  
 Address Line 2:  
 City: Eatonton  
 State: Georgia  
 Zip Code: 31024  
 Phone Number: [REDACTED]  
 Email Address: [REDACTED]

#### Payment Information

Payment Date: 04/04/2023  
 Card Type: MasterCard  
 Card Number: \*\*\*\*\*2779

Print

**Lynn Butterworth**

---

**From:** Keeli Smith [REDACTED]  
**Sent:** Tuesday, April 4, 2023 3:23 PM  
**To:** Lynn Butterworth  
**Subject:** STR

Hi Lynn,

Just submitted two applications within Trust Exchange - please let me know if you have any questions, etc.  
- 113 B River Bend Court, Eatonton, Ga 31024  
- 145 Collis Marina Road, Eatonton, GA 3104 (Cottage 5)

Thank you so much!

--  
Keeli Smith  
Sunset Properties of Lake Oconee  
[REDACTED]

**Lynn Butterworth**

---

**From:** Lynn Butterworth  
**Sent:** Tuesday, April 4, 2023 4:44 PM  
**To:** Keeli Smith  
**Subject:** RE: STR

Yes I do.

113 B River Bend Court:

- The name of the business as entered in Trust Exchange is “113 B East River Bend Court”. The business name on the application is “Sunset Properties of Lake Oconee”. These must match. In addition, you are already using the name “Sunset Properties of Lake Oconee” for the property at 117 Mags Path. So, you can’t use that name again. Each property must have a unique name. They can be similar, but something has to be different about them. So, I need page 1 of the application redone to reflect the final name choice.
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Lynn

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Thank you so much!

--  
Keeli Smith  
Sunset Properties of Lake Oconee  
[REDACTED]



**Lynn Butterworth**

---

**From:** Keeli Smith [REDACTED]  
**Sent:** Thursday, April 6, 2023 10:46 AM  
**To:** Lynn Butterworth  
**Subject:** Re: STR  
**Attachments:** CAAA7FD8-3BEF-4E44-BFE5-D66E34CBF9B6.jpeg; DA4815A7-5D2A-4811-805D-C118264E6AFA.jpeg; Cottage #5.pdf

Hi Lynn,

I have attached two updated front sheets with those changes as 113 B East River Bend will be Cozy Cottage and 145 Collis Marina "Cottage 5" will be Captains Cottage.

Please let me know if you have any questions!

Thanks so much!!

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Thank you so much!

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Keeli Smith

Sunset Properties of Lake Oconee

[REDACTED]

--

Keeli Smith  
Sunset Properties of Lake Oconee

[REDACTED]

**Lynn Butterworth**

---

**From:** Lynn Butterworth  
**Sent:** Thursday, April 6, 2023 12:06 PM  
**To:** Keeli Smith  
**Subject:** RE: STR

Got them, thanks!

*Lynn*

---

**From:** Keeli Smith [REDACTED]  
**Sent:** Thursday, April 6, 2023 10:46 AM  
**To:** Lynn Butterworth <[lbutterworth@putnamcountyga.us](mailto:lbutterworth@putnamcountyga.us)>  
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Keeli Smith

Sunset Properties of Lake Oconee

[REDACTED]

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Keeli Smith  
Sunset Properties of Lake Oconee

[REDACTED]

**Lynn Butterworth**

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**From:** Lynn Butterworth  
**Sent:** Wednesday, April 12, 2023 1:13 PM  
**To:** Keeli Smith  
**Subject:** RE: STR

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Keeli Smith

Sunset Properties of Lake Oconee

[REDACTED]

--



**Lynn Butterworth**

---

**From:** Keeli Smith [REDACTED]  
**Sent:** Wednesday, April 12, 2023 1:51 PM  
**To:** Lynn Butterworth  
**Subject:** Re: STR

Oh no!! We will change to Sundown Cottage! Fingers crossed you don't have that already, lol. 😊

It is 113 B River Bend Court - let me know me know if I need to refill out or anything!

Thank you again so much!

Get [Outlook for iOS](#)

---

**From:** Lynn Butterworth <lbutterworth@putnamcountyga.us>  
**Sent:** Wednesday, April 12, 2023 1:12:48 PM  
**To:** Keeli Smith [REDACTED]  
**Subject:** RE: STR

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Lynn

---

**From:** Keeli Smith [REDACTED]  
**Sent:** Tuesday, April 4, 2023 3:23 PM  
**To:** Lynn Butterworth <[butterworth@putnamcountyga.us](mailto:butterworth@putnamcountyga.us)>  
**Subject:** STR

Hi Lynn,

Just submitted two applications within Trust Exchange - please let me know if you have any questions, etc.  
- 113 B River Bend Court, Eatonton, Ga 31024  
- 145 Collis Marina Road, Eatonton, GA 3104 (Cottage 5)

Thank you so much!

--  
Keeli Smith  
Sunset Properties of Lake Oconee  
[REDACTED]

--  
Keeli Smith  
Sunset Properties of Lake Oconee  
[REDACTED]

**Lynn Butterworth**

---

**From:** Lynn Butterworth  
**Sent:** Wednesday, April 12, 2023 3:44 PM  
**To:** Keeli Smith  
**Subject:** RE: STR

That one is good. Thanks!

*Lynn*

---

**From:** Keeli Smith [REDACTED]  
**Sent:** Wednesday, April 12, 2023 1:51 PM  
**To:** Lynn Butterworth <[lbutterworth@putnamcountyga.us](mailto:lbutterworth@putnamcountyga.us)>  
**Subject:** Re: STR

Oh no!! We will change to Sundown Cottage! Fingers crossed you don't have that already, lol. 😊

It is 113 B River Bend Court - let me know me know if I need to refill out or anything!

Thank you again so much!

Get [Outlook for iOS](#)

---

**From:** Lynn Butterworth <[lbutterworth@putnamcountyga.us](mailto:lbutterworth@putnamcountyga.us)>  
**Sent:** Wednesday, April 12, 2023 1:12:48 PM  
**To:** Keeli Smith [REDACTED]  
**Subject:** RE: STR

Thanks Keeli. Don't hate me – we already have another business using the name Cozy Cottage. Can you pick again? Also, double check on that address – you had 113 B River Bend Court on the first app you submitted, which matches the tax records. Now you have submitted 113 B East River Bend (East added and no Court). I just want to be sure it's correct.

*Lynn*

---

**From:** Keeli Smith <[keeli@putnamcountyga.us](mailto:keeli@putnamcountyga.us)>  
**Sent:** Thursday, April 6, 2023 10:46 AM  
**To:** Lynn Butterworth <[lbutterworth@putnamcountyga.us](mailto:lbutterworth@putnamcountyga.us)>  
**Subject:** Re: STR

Hi Lynn,

I have attached two updated front sheets with those changes as 113 B East River Bend will be Cozy Cottage and 145 Collis Marina "Cottage 5" will be Captains Cottage.

Please let me know if you have any questions!

Thanks so much!!



On Tue, Apr 4, 2023 at 4:44 PM Lynn Butterworth <[lbutterworth@putnamcountyga.us](mailto:lbutterworth@putnamcountyga.us)> wrote:

Yes I do.

113 B River Bend Court:

- The name of the business as entered in Trust Exchange is “113 B East River Bend Court”. The business name on the application is “Sunset Properties of Lake Oconee”. These must match. In addition, you are already using the name “Sunset Properties of Lake Oconee” for the property at 117 Mags Path. So, you can’t use that name again. Each property must have a unique name. They can be similar, but something has to be different about them. So, I need page 1 of the application redone to reflect the final name choice.
- The address as entered in Trust Exchange is “113 B East River Bend Court” and the address on the application is “113 B River Bend Court” (no East). The Tax Assessor’s records match what you have on the application. Just an FYI
- Once we settle the name issue, I’ll get Trust Exchange to change everything to match

Cottage Cove at Lake Oconee/Cottage 5

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*Lynn*

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Thank you so much!

--  
Keeli Smith  
Sunset Properties of Lake Oconee  
[REDACTED]

--  
Keeli Smith  
Sunset Properties of Lake Oconee  
[REDACTED]

**Lynn Butterworth**

---

**From:** Keeli Smith [REDACTED]  
**Sent:** Wednesday, April 12, 2023 3:58 PM  
**To:** Lynn Butterworth  
**Subject:** Re: STR

Great, thank you!

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---

**From:** Lynn Butterworth <[lbutterworth@putnamcountyga.us](mailto:lbutterworth@putnamcountyga.us)>  
**Sent:** Wednesday, April 12, 2023 3:43:48 PM  
**To:** Keeli Smith [REDACTED]  
**Subject:** RE: STR

That one is good. Thanks!

*Lynn*

---

**From:** Keeli Smith [REDACTED]  
**Sent:** Wednesday, April 12, 2023 1:51 PM  
**To:** Lynn Butterworth <[lbutterworth@putnamcountyga.us](mailto:lbutterworth@putnamcountyga.us)>  
**Subject:** Re: STR

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Thank you again so much!

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---

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**Subject:** RE: STR

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---

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Please let me know if you have any questions!

Thanks so much!!

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- The address as entered in Trust Exchange is "113 B East River Bend Court" and the address on the application is "113 B River Bend Court" (no East). The Tax Assessor's records match what you have on the application. Just an FYI
- Once we settle the name issue, I'll get Trust Exchange to change everything to match

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- The name of the business as entered in Trust Exchange is "Cottage Cove 5". The business name on the application is "Cottage Cove at Lake Oconee/Cottage 5". These must match. I can get Trust Exchange changed to match the application.
- The proof of insurance that was supplied does not list Cottage 5 on it – only 1-4. I need something that includes #5.

*Lynn*

---

**From:** Keeli Smith <[sunsetpropertiesoflakeoconee@gmail.com](mailto:sunsetpropertiesoflakeoconee@gmail.com)>

**Sent:** Tuesday, April 4, 2023 3:23 PM

**To:** Lynn Butterworth <[lbutterworth@putnamcountyga.us](mailto:lbutterworth@putnamcountyga.us)>

**Subject:** STR

Hi Lynn,

Just submitted two applications within Trust Exchange - please let me know if you have any questions, etc.

- 113 B River Bend Court, Eatonton, Ga 31024

- 145 Collis Marina Road, Eatonton, GA 3104 (Cottage 5)

Thank you so much!

--  
Keeli Smith

--

**Keeli Smith**

Sunset Properties of Lake Oconee

**Lynn Butterworth**

---

**From:** Lynn Butterworth  
**Sent:** Wednesday, May 10, 2023 9:23 AM  
**To:** Kerri S  
**Subject:** Sundown Cottage-113 B River Bend Court

Good morning Kerri and Keeli,  
I'm contacting you about the STR application for Sundown Cottage at 113 B River Bend Court. It has been reported to me that the home is not even built at this location – that it is currently under construction. I was not aware this was the case. We can only accept applications for ready to rent properties. As you know, part of the approval process is an inspection by the Fire Marshal. All applicants must be ready for inspection at the time they apply. As there is not a bona fide home at this location, I cannot accept this application and you will need to reapply once the home is ready.

Thank you for your understanding.

*Lynn Butterworth, MCC*  
County Clerk/Open Records Officer  
[lbutterworth@putnamcountyga.us](mailto:lbutterworth@putnamcountyga.us)  
[www.putnamcountyga.us](http://www.putnamcountyga.us)  
Putnam County Board of Commissioners  
117 Putnam Drive, Suite A  
Eatonton, GA 31024  
706-485-5826 (Office)  
706-485-1877 (Direct Line)  
706-923-2345 (Fax)



**Lynn Butterworth**

---

**From:** [REDACTED]  
**Sent:** Wednesday, May 10, 2023 11:43 AM  
**To:** Lynn Butterworth  
**Cc:** [REDACTED]; Mark Smith  
**Subject:** RE: Sundown Cottage-113 B River Bend Court

**Importance:** High

Good Morning Lynn!

I have received your email and would like to further communicate regarding the issue of accepting the application for 113-B River Bend Court.

This property was purchased as an investment, with the intention of building a Vacation Rental home on it. Since this was our intention, we went ahead and completed the application for this home, including every requirement of Putnam County.

Upon purchase of the property, we submitted our application including:

1. Completed STR application (all 3 pages signed and notarized)
2. Letter of Intent (signed)
3. Rental Agreement Example (with required language)
4. Proof of Ownership
5. Proof of Homeowner’s Insurance
6. Letter of Agency (if applicable)
7. SAVE Affidavit (signed and notarized)
8. E-Verify Affidavit or E-Verify Affidavit Exemption (signed and notarized)
9. Copy of Valid Driver’s License
10. Application Fee of \$30 for STR Certificate

Per the instructions, “the application will not be accepted without all of the above documents”, all of the above documents were submitted, therefore, there is no reason this application should not be accepted. It is understood that the home will be inspected by the Fire Marshall upon completion, however, no where in the county application process is it stated that the home must be ready for this inspection at the time of application.

As you know the building process takes time! It begins with applying for permits which have done and have moved forward in complete compliance. We have submitted the required application, we are in the process of building this home, once the home is ready, we will have the Fire Marshall come out to inspect it for safety and the Trust Exchange process will be complete.

Considering the recent developments regarding STR’s, and a moratorium being put on applications, clearly our application was submitted in a timely manner and should be accepted as such so that we may move ahead with our business of building this home for this purpose. Unfortunately, we have neighbors and board members that are “against” a new STR being built, and looking for excuses to stop the permitting of our application and if this is the issue, we have a legal argument stating that there is no cause not to accept this application at this time.

Please consider this a request to accept this application and we will have the fire safety step completed as soon as possible.

Thank you for all that you do and have done.

Blessings,  
Kerri Smith

---

**From:** Lynn Butterworth <lbutterworth@putnamcountyga.us>  
**Sent:** Wednesday, May 10, 2023 9:23 AM  
**To:** Kerri S [REDACTED]  
**Subject:** Sundown Cottage-113 B River Bend Court

Good morning Kerri and Keeli,  
I'm contacting you about the STR application for Sundown Cottage at 113 B River Bend Court. It has been reported to me that the home is not even built at this location – that it is currently under construction. I was not aware this was the case. We can only accept applications for ready to rent properties. As you know, part of the approval process is an inspection by the Fire Marshal. All applicants must be ready for inspection at the time they apply. As there is not a bona fide home at this location, I cannot accept this application and you will need to reapply once the home is ready.

Thank you for your understanding.

*Lynn Butterworth, MCC*  
County Clerk/Open Records Officer  
[lbutterworth@putnamcountyga.us](mailto:lbutterworth@putnamcountyga.us)  
[www.putnamcountyga.us](http://www.putnamcountyga.us)  
Putnam County Board of Commissioners  
117 Putnam Drive, Suite A  
Eatonton, GA 31024  
706-485-5826 (Office)  
706-485-1877 (Direct Line)  
706-923-2345 (Fax)

**Lynn Butterworth**

---

**From:** Lynn Butterworth  
**Sent:** Wednesday, May 10, 2023 3:35 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]; Mark Smith  
**Subject:** RE: Sundown Cottage-113 B River Bend Court

Hi Kerri (and Keeli and Mark),  
I received your email and wanted to let you know that I have forwarded this matter to the county attorney for guidance. I will let you know what I hear back from him.  
Thank you!

*Lynn*

---

**From:** sunsetpropertiesoflakeoconee@gmail.com <sunsetpropertiesoflakeoconee@gmail.com>  
**Sent:** Wednesday, May 10, 2023 11:43 AM  
**To:** Lynn Butterworth <lbutterworth@putnamcountyga.us>  
**Cc:** [REDACTED]; Mark Smith [REDACTED]  
**Subject:** RE: Sundown Cottage-113 B River Bend Court  
**Importance:** High

Good Morning Lynn!  
I have received your email and would like to further communicate regarding the issue of accepting the application for 113-B River Bend Court.

This property was purchased as an investment, with the intention of building a Vacation Rental home on it. Since this was our intention, we went ahead and completed the application for this home, including every requirement of Putnam County.

Upon purchase of the property, we submitted our application including:

1. Completed STR application (all 3 pages signed and notarized)
2. Letter of Intent (signed)
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4. Proof of Ownership
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Blessings,  
Kerri Smith

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**Sent:** Wednesday, May 10, 2023 9:23 AM  
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**Subject:** Sundown Cottage-113 B River Bend Court

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I'm contacting you about the STR application for Sundown Cottage at 113 B River Bend Court. It has been reported to me that the home is not even built at this location – that it is currently under construction. I was not aware this was the case. We can only accept applications for ready to rent properties. As you know, part of the approval process is an inspection by the Fire Marshal. All applicants must be ready for inspection at the time they apply. As there is not a bona fide home at this location, I cannot accept this application and you will need to reapply once the home is ready.

Thank you for your understanding.

*Lynn Butterworth, MCC*  
County Clerk/Open Records Officer  
[lbutterworth@putnamcountyga.us](mailto:lbutterworth@putnamcountyga.us)  
[www.putnamcountyga.us](http://www.putnamcountyga.us)  
Putnam County Board of Commissioners  
117 Putnam Drive, Suite A  
Eatonton, GA 31024  
706-485-5826 (Office)  
706-485-1877 (Direct Line)  
706-923-2345 (Fax)

**Lynn Butterworth**

---

**From:** Lynn Butterworth  
**Sent:** Monday, September 18, 2023 3:11 PM  
**To:** Kerri S  
**Subject:** STR Application-113B River Bend Court

Good afternoon Kerri,

I received your application for a short term vacation rental license at 113 B River Bend Court. At the time of submission the home was still under construction and therefore was unable to be inspected by the Fire Marshal. As you know, the Board of Commissioners adopted new STR ordinances on Friday, September 1, 2023. These new ordinances prohibit issuing STR licenses for parcels that are designated R-1R zoning. Since your home was not completed and able to be inspected before the new ordinances went into effect, it must fall under the new rules. Unfortunately, your property is zoned R-1R, so we will not be able to accept or process your application. I will be glad to refund the \$30.00 fee you paid.

Per the new ordinances, you have the right to appeal this decision to the Board of Commissioners. Here is what the ordinance says:

**Section 22-126 – Appeal**

- (a) A person aggrieved by the County’s denial of a short term vacation rental license may appeal the decision to the Board of Commissioners. The appeal must be filed with the County Manager's office in writing, within 15 calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal.
- (b) The Board of Commissioners shall consider the appeal within 30 days after receipt by the County Manager of a request unless otherwise agreed in writing by the County and aggrieved party. All interested parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The Board of Commissioners shall render a determination, which will constitute a final ruling on the application.

If you would like to file an appeal, please follow the above instructions.

If you have any questions, please let me know.

*Lynn Butterworth, MCC*  
County Clerk/Open Records Officer  
[lbutterworth@putnamcountyga.us](mailto:lbutterworth@putnamcountyga.us)  
[www.putnamcountyga.us](http://www.putnamcountyga.us)  
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Eatonton, GA 31024  
706-485-5826 (Office)  
706-485-1877 (Direct Line)  
706-923-2345 (Fax)



**Lynn Butterworth**

---

**From:** Lynn Butterworth  
**Sent:** Wednesday, September 27, 2023 4:00 PM  
**To:** Kerri S  
**Subject:** Appeal Info

Hi Kerri,  
Per our conversation the STR Appeal needs to be filed with the County Manager’s office, in writing. You can send it via email to:  
Paul Van Haute  
Putnam County Manager  
[pvanhaute@putnamcountyga.us](mailto:pvanhaute@putnamcountyga.us)

Please “cc” me on the email as well.  
Thanks!

*Lynn Butterworth, MCC*  
County Clerk/Open Records Officer  
[lbutterworth@putnamcountyga.us](mailto:lbutterworth@putnamcountyga.us)  
[www.putnamcountyga.us](http://www.putnamcountyga.us)  
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117 Putnam Drive, Suite A  
Eatonton, GA 31024  
706-485-5826 (Office)  
706-485-1877 (Direct Line)  
706-923-2345 (Fax)

**Lynn Butterworth**

---

**From:** Joshua Williams <jwilliams@taylorenghish.com>  
**Sent:** Tuesday, October 3, 2023 12:09 PM  
**To:** Paul Van Haute; anelson@flemingnelson.com; Lynn Butterworth  
**Cc:** Steven Jones; Kerri Smith  
**Subject:** Appeal of STR Application -113B River Bend Court Denial  
**Attachments:** 2023.10.03 - Putnam County STR Application Denial Appeal Letter.pdf

Mr. Haute,

Please see attached Appeal of the STR Application -113B River Bend Court Denial.

Please also accept this letter as an open records request pursuant to the Georgia Open Records Act (O.C.G.A. 50-18-70; 50-18-71 and 50-18-72) for all documents and other records of, evidencing, or consisting of written, verbal, and nonverbal communications of former Putnam County Commissioner Alan Foster, at anytime within the past five (5) years, and regarding (1) the Property; (2) the Applicant; (4) Mr. David M. Smith; (5) Mrs. Kerri L. Smith; (6) Smith Built Homes; and/or (7) Smith Built Communities.

Cordially,

JW



**Joshua Williams**  
**Taylor English Duma LLP** | 1600 Parkwood Circle, Suite 200, Atlanta, GA 30339  
P: 678.426.4657 | jwilliams@taylorenghish.com  
[Website](#)

**Ask Me About Our TED Tenet of the Week: Maximize Your Time.**

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This communication (together with all attachments) may contain privileged or confidential information, and its sender reserves and asserts all rights that may apply to it. If you are not the intended recipient or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate or otherwise use the information. Also, please indicate to the sender that you have received this communication in error and delete the copy you received. If you have not executed an engagement letter with this firm, we do not represent you as your attorney and no duties are intended or created by this communication. Most legal rights have time limits, and this e-mail does not constitute advice on the application of limitation periods unless otherwise so expressly stated.

Steven L. Jones | Partner  
Direct Dial: 678.336.7282  
Cell Phone: 404.218.2756  
E-mail: sjones@taylorenglish.com

October 3, 2023

**VIA ELECTRONIC MAIL: pvanhaute@putnamcountyga.us; anelson@flemingnelson.com**  
**AND HAND DELIVERY TO MR. HAUTE'S OFFICE**

Putnam County, Georgia  
Attn: Paul Van Haute  
County Manager  
117 Putnam Drive, Suite A  
Eatonton, GA 31024  
[pvanhaute@putnamcountyga.us](mailto:pvanhaute@putnamcountyga.us)

F. Adam Nelson, County Attorney  
Fleming & Nelson LLP  
631 Ronald Reagan Drive  
Suite 201  
PO Box 2208  
Evans, GA 30809  
[anelson@flemingnelson.com](mailto:anelson@flemingnelson.com)

**Re: Appeal of Denial of the Putnam County Short Term Rental Certificate Application, dated April 4, 2023 (the "Application"), for real property located at 113 B River Bend Court, Eatonton, Georgia 31024 and identified as Putnam County Tax Assessor Parcel Number 119C075 (the "Property");**

Dear Mr. Haute,

Our firm represents Sunset Properties Of Lake Oconee, LLC, a Georgia limited liability company (the "Applicant"), in connection with the above referenced Application and Property. We are submitting this appeal (the "Appeal") in connection with the denial (the "Denial") of the Application received via email from Putnam County, Georgia (the "County") County Clerk/Open Records Officer Lynn Butterworth, on September 18, 2023. See Exhibit "A". This Appeal respectfully requests that the Board of Commissioners of the County (the "BOC") reverse the denial of, and approve, the Application and issue a Short Term Rental Certificate (a "Certificate") to the Applicant.

The Applicant Purchased the Property on or about January 26, 2023, as an investment property with the intention of using the Property for a short term rental property. The Property is zoned in the R-1R Single Family Restricted Zoning District ("R-1R") under the Zoning Ordinance, as defined below. The Applicant submitted the Application through the County's Trust Exchange online submission tool ("Trust Exchange"), and the Application was marked as complete on

April 4, 2023. At the time of submission of the Application, the Application was submitted in compliance with the then current Putnam County Code of Ordinances, Georgia, as amended (the “**Code of Ordinances**”), the then current Putnam County Zoning Ordinance of 2020, codified at Chapter 66 of the Code of Ordinances (the “**Zoning Ordinance**”), and the then current Putnam County Short Term Vacation Rental Ordinance, codified at Appendix D of the Code of Ordinances (the “**Applicable STR Ordinance**”).

Subsequent to the submission of the Application, on April 18 2023, the BOC adopted a moratorium entitled “RESOLUTION TO ENACT A MORATORIUM ON NEW SHORT TERM VACATION RENTAL APPLICATION” (the “**Moratorium**”), which stated that “no new Short Term Vacation Rental applications will be accepted pursuant to Section 4 of Appendix D.” Initially, the Moratorium was set to expire on July 18, 2023. The BOC, on July 18, 2023, extended the Moratorium through September 1, 2023.

Then, on September 1, 2023, the BOC adopted “AN ORDINANCE TO AMEND CHAPTERS 22, 66, & APPENDIX D OF THE CODE OF PUTNAM COUNTY, GEORGIA” (the “**New STR Ordinance**”), thereby enacting a new regulatory scheme regarding the licensing and regulation of short-term rentals.

**Because the Application was submitted under the Applicable STR Ordinance, the Applicant has a vested right to have its Application and the Appeal considered under the Applicable STR Ordinance. E.g., Southern States-Bartow County, Inv. v. Riverwood Farm Homeowners Association, 300 Ga. 609, 797 S.E.2d 468 (2017) (“Our constitution prohibits a legislative exercise of the police power that results in the passage of retrospective laws which injuriously affect the ‘vested rights’ of citizens . . . . This prohibition against restorative impairment of vested rights extends to the enactment of zoning regulations, which is an exercise of police powers.”); WMM Properties, Inc. v. Cobb County, 255 Ga. 436, 339 S.E.2d 252 (1986) (A property owner has a vested right to have an application considered under the law/ordinances in effect at the time the application was submitted.).**

The Application should have been granted because the Application satisfied all the requirements for issuance of a Certificate. Specifically, Section 4 of the Applicable STR Ordinance provided the only requirements to be satisfied for a Certificate to be issued. The Application satisfied all the requirements of Section 4 of the Applicable STR Ordinance.

And, the Applicable STR Ordinance, provides that if the Application meets the requirements under Section 4 of the Applicable STR Ordinance, the planning and development director shall grant the application. Applicable STR Ordinance § 5. To that end, under the Applicable STR Ordinance, an Application can only be denied if “the [A]pplicant fails to meet the conditions and requirements of th[e] [Applicable STR Ordinance] or otherwise fails to demonstrate the ability to comply with local, state, or federal laws.”

In contradiction of Section 5 of the Applicable STR Ordinance, the Denial stated the Application was denied because “[s]ince your home was not completed and able to be inspected before the new ordinances went into effect, it must fall under the new rules. Unfortunately, your

property is zoned R-1R, so we will not be able to accept or process your application.” As shown above, the New STR Ordinance is wholly inapplicable to the Property and the Application because the Applicant has vested rights to have its Application considered pursuant to the Applicable STR Ordinance, which was the ordinance in effect at the time the Application was submitted. In other words, the Denial was arbitrary, capricious, an abuse of discretion, unconstitutional, unlawful, illegal, unsupported by law or fact, and void. Therefore, the BOC should reverse the denial and issue to the Applicant a Certificate for the Property.

The Applicant and/or its affiliates own and operate numerous other short term rental properties in the County. All of the Applicant's and/or its affiliate's other properties have been issued a short term rental certificate by the County under the Applicable STR Ordinance. Each of the Applicant's short term rental properties, including the Application, went through the same Certificate submission and approval process (the “**STR Process**”), which the County has adopted as its de facto pattern, practice, and policy. The STR Process is as follows:

1. The Applicant and/or its related companies purchases undeveloped or underdeveloped land.
2. The Applicant applies for all applicable building permits under the Code of Ordinances to begin the construction phase of the short term rental unit located on the property, including the submittals required to be submitted for approval by the County fire marshal under, for example, Section 32-21 of the Code of Ordinances.
3. The Applicant and/or its related companies submits a notarized and completed short term rental certificate application (the “**STR Application**”) to the County's Planning and Development Department through Trust Exchange during the home construction phase and pays the application fee.
4. The County reviews the new STR Application and marks such application as “All Documents for a New STR Application have been Received” in Trust Exchange.
5. The County completes a Tax Payment Review upon receipt of the occupation tax certificate and marks such review as Complete in Trust Exchange.
6. In compliance with Code of Ordinances, the County and the County fire marshal inspects the property throughout the construction stage.
7. Upon completion of the home, the County completes a final inspection of the home and issues a Certificate of Occupancy. The County marks in Trust Exchange that the Certificate of Occupancy has been received.
8. The Fire Marshall inspects the property and issues an approval. The County then marks in Trust Exchange the fire marshal's approval.
9. The County issues the applicant a short term vacation rental certificate and marks “STR Certificate has been Issued & Is Current” in Trust Exchange.

The Application was submitted in accordance with the established pattern, practice, and policy that is the de facto STR Process and the Applicable STR Ordinance. The County accepted and marked the Application “All Documents for a New STR Application have been Received” in Trust Exchange on April 4, 2023. The Application was ready for step 6 of the STR Process when the Denial of the Application was issued, in direct contradiction of the STR Process, the Applicable STR Ordinance, and the Applicant's vested rights in the Property and the Application.



On May 10, 2023, Ms. Butterworth emailed the Applicant stating that the Application could not be accepted, stating “[i]t has been reported to me that the home is not even built at this location – that it is currently under construction. I was not aware this was the case. We can only accept applications for ready to rent properties. As you know, part of the approval process is an inspection by the Fire Marshal. All applicants must be ready for inspection at the time they apply. As there is not a bona fide home at this location, I cannot accept this application and you will need to reapply once the home is ready.” On May 10, 2023, the Applicant replied to Ms. Butterworth’s email stating that the application met all the requirements in the STR Ordinance and that there is no requirement that the home must be ready for inspection at the time of the application. On May 10, 2023, Ms. Butterworth replied to the Applicant, stating “I received your email and wanted to let you know that I have forwarded this matter to the county attorney for guidance. I will let you know what I hear back from him.” This was the last communication the Applicant received from the County until the Denial. **Exhibit “B”** (containing the above correspondence).

On September 1, 2023, the BOC adopted the New STR Ordinance. In addition to imposing more strict requirements for short term vacation rental certificates, the New STR Ordinance prohibited the use of short term vacation rentals in the R-1R Zoning District, of which the Property is located. Despite purporting to be a zoning ordinance, upon information and belief, the New STR Ordinance was not adopted under or in accordance the Zoning Ordinance or in accordance with the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*

On September 18, 2023, Ms. Butterworth emailed the Applicant the Denial of the Application, stating the following reason:

*I received your application for a short term vacation rental license at 113 B River Bend Court. **At the time of submission the home was still under construction** and therefore was unable to be inspected by the Fire Marshal. As you know, the Board of Commissioners adopted **new STR ordinances** on Friday, September 1, 2023. These new ordinances **prohibit issuing STR licenses for parcels that are designated R-1R zoning**. **Since your home was not completed and able to be inspected before the new ordinances went into effect, it must fall under the new rules**. Unfortunately, your property is zoned R-1R, so we will not be able to accept or process your application. I will be glad to refund the \$30.00 fee you paid.*

(emphasis added).

The Denial explicitly infringes upon the vested rights of the Applicant to have the Application considered pursuant to the law (*i.e.*, the Applicable STR Ordinance) in effect at the time the Application was submitted. In fact, the Denial references only the New STR Ordinance. Additionally, the Denial was contrary to the STR Process, which the County has followed as a pattern, practice, and policy with respect to the Applicable STR Ordinance, as evidenced by the numerous other Certificates the County has issued based on applications that were submitted while the subject dwelling was still under construction.

This Appeal follows the Denial of the Application under the Applicable STR Ordinance<sup>1</sup>, and sets forth the below reasons for why the Denial should be reversed and why Application should be approved under the Applicable STR Ordinance.

**I. The Applicant has a Vested Right for the Application to be considered for use as a short term vacation rental under the Applicable STR Ordinance.**

**The Georgia Courts have consistently and long held that a property owner has vested rights to consideration of its application under the ordinances in existence at the time its application is submitted, and the subsequent enactment of a contrary zoning ordinance have no effect.** *Banks County. v. Chambers of Ga.*, 264 Ga. 421, 421, 444 S.E.2d 783, 785 (1994) (Holding that an applicant had a vested right to have its request considered under the zoning ordinance in effect at the time the request was filed and a zoning ordinance enacted after the applicant submitted its request had no effect.). For instance, once a building permit is issued, the landowner has a vested right to use of the property at the time of its issuance and is not affected by a subsequent change in the ordinance. *Clark v. International Horizons, Inc.*, 243 Ga. 63, 63, 252 S.E.2d 488, 488 (1979) (A building permit vested a right to use of a property in accordance with the zoning ordinance in effect at the time the permit was issued, and that vested right was not affected by a subsequent change in the zoning ordinance). A landowner also has a vested right, enforceable by mandamus, to be issued a permit in accordance with an ordinance as such regulation exist at the time a proper application is submitted to the proper authority and where the landowner has incurred expenses in reliance upon such regulations. *E.g., City of Atlanta v. Westinghouse Electric Corp.*, 241 Ga. 560, 246 S.E.2d 678 (1978); *Gifford-Hill & Co., Inc. v. Harrison*, 229 Ga. 260, 191 S.E.2d 85 (1972); *Howard Simpson Realty Co. v. City of Marietta*, 220 Ga. 727, 141 S.E.2d 460 (1965); *City of Decatur v. Fountain*, 214 Ga. 225, 104 S.E.2d 117 (1958). Additionally, when a landowner makes expenditures in reliance on an existing ordinance and there are assurances from the county that such use is permitted, county officials may not impose a moratorium on the issuance of such permits for use. *Cannon v. Clayton County*, 255 Ga. 63, 335 S.E.2d 294 (1985).

The Applicant has a vested right for the Application to be considered for a Certificate, so that it may be used as a short term vacation rental, under the Applicable STR Ordinance because (1) the Applicant submitted the completed Application to the County, in accordance with the Code of Ordinance and the Applicable STR Ordinance prior to the Moratorium and the New STR Ordinance; (2) the County, in approving the Applicant's previous STR applications, established a pattern, practice, and policy for approval (i.e., the STR Process) that the Applicant could and did reasonably rely on; and (3) the Applicant expended large sums of money and substantial time developing the property for short term rental use.

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<sup>1</sup> The New STR Ordinance § 22-126 provides that an appeal must be provided within 15 days after the adverse action; however, the Applicant has a vested right in the provision under the Prior STR Ordinance which provides a 30 day appeal period. Nonetheless, out of prudence, this Appeal is being filed within 15 days of the Denial.

**II. The Applicable STR Ordinance does not establish or require that a home must be completed prior to an Application being accepted for review by the County.**

In the Denial, Ms. Butterworth contends that the Application was not submitted correctly because construction of the home had not been completed. However, the County marked the application as completed on April 4, 2023, and accepted payment for the Application. Additionally, in at least five (5) other instances, the County accepted and subsequently issued a Certificate for a dwelling that was under construction at the time an application for a Certificate was submitted. It was only after the Mortarium went into effect that the County decided to divine, without legislation, this new standard of requiring the completion of a home prior to an Application being submitted. Additionally, neither the Applicable STR Ordinance nor the New STR Ordinance require that a home be completed prior to an Application for a Certificate being filed.

In prior applications, the STR Process allowed the application to remain open until the Certificate of Occupancy is issued and the fire marshal inspection is completed; the County has established this procedure where applicants could submit STR applications during the construction phase of their project, prior to fire marshal approval, which is evidenced by the Applicant using this established procedure at least five (5) times prior to the Application being filed.

As neither the Applicable STR Ordinance nor the New STR Ordinance conditions a home being built prior to the submission of an STR application, and the County's established STR Process allows applications to be submitted during construction, the Denial of the Application is unwarranted, arbitrary, capricious, an abuse of discretion, unlawful, and unconstitutional. As established above, the Application must be considered in accordance with the Applicable STR Ordinance and the STR Process because the Applicant has a vested right to have the Application be considered under the Applicable STR Ordinance and the STR Process. Therefore, the Application, which meets all the requirements under the Applicable STR Ordinance for a Certificate, approved and a Certificate must be issued.

**III. The Denial of the Application was unduly influenced.**

Upon information and belief, the Denial of the Application was unduly influenced by former Putnam County Commissioner Alan Foster. **Please accept this letter as an open records request** for all documents and other records of, evidencing, or consisting of written, verbal, and nonverbal communications of Mr. Foster, at anytime within the past five (5) years, and regarding (1) the Property; (2) the Applicant; (4) Mr. David M. Smith; (5) Mrs. Kerri L. Smith; (6) Smith Built Homes; and/or (7) Smith Built Communities.

**IV. The Denial of the Application is unconstitutional.**

Attached hereto as **Exhibit "C"** and **Exhibit "D"**, for consideration by the BOC prior to the BOC's official action on the above styled Appeal of the Denial of the Application for the Property, are the enclosed Constitutional Objection and York Objection of the Applicant regarding the Application and Appeal. Decisions of Georgia's appellate courts require the Applicant to

submit to the BOC the enclosed objections prior to the BOC's decision and/or official action on the Application.

**V. Ante Litem Notice.**

Under the New STR Ordinance, there is a certain number of Certificates which the County may issue. In the event that cap is found to be applicable to the Property and the Property and Applicant are found to be entitled to a Certificate but for the cap being exceeded, then in such case the County's negligent and intentional actions with respect to the Application will cause the Applicant substantial monetary damages. Therefore, pursuant to O.C.G.A. § 36-11-1, this letter constitutes an ante litem notice serving to notify the County that failure to issue a Certificate for the Property will cause the Applicant substantial monetary damages. Accordingly, this letter serves as an offer to settle this matter for a payment of \$5,687,806.88, which represents the net present value of the income stream to be derived from the Property as a short term rental over its life cycle. This claim is being presented to the County Attorney for presentment to the BOC. Of course, the Applicant would prefer that the County approve the Appeal and issue the Certificate.

Sincerely,



Steven L. Jones

Enclosures

cc: Sunset Properties of Lake Oconee, LLC (via email);  
Joshua Williams, Taylor English Duma LLP (via email).

**EXHIBIT "A"**



**From:** [Kerri S](#)  
**To:** [Joshua Williams](#)  
**Subject:** Fwd: STR Application-113B River Bend Court  
**Date:** Thursday, September 28, 2023 10:20:06 AM  
**Attachments:** [external.png](#)  
[finance\\_warning.png](#)

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 External email >

 Contains topics of a financial nature >

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** September 26, 2023 at 10:34:00 AM EDT  
**To:** [sjones@taylorenghish.com](mailto:sjones@taylorenghish.com)  
**Subject:** FW: STR Application-113B River Bend Court

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**From:** Lynn Butterworth <[lbutterworth@putnamcountyga.us](mailto:lbutterworth@putnamcountyga.us)>  
**Sent:** Monday, September 18, 2023 3:11 PM  
**To:** Kerri S [REDACTED]  
**Subject:** STR Application-113B River Bend Court

Good afternoon Kerri,

I received your application for a short term vacation rental license at 113 B River Bend Court. At the time of submission the home was still under construction and therefore was unable to be inspected by the Fire Marshal. As you know, the Board of Commissioners adopted new STR ordinances on Friday, September 1, 2023. These new ordinances prohibit issuing STR licenses for parcels that are designated R-1R zoning. Since your home was not completed and able to be inspected before the new ordinances went into effect, it must fall under the new rules. Unfortunately, your property is zoned R-1R, so we will not be able to accept or process your application. I will be glad to refund the \$30.00 fee you paid.

Per the new ordinances, you have the right to appeal this decision to the Board of Commissioners. Here is what the ordinance says:

**Section 22-126 – Appeal**

- a. A person aggrieved by the County’s denial of a short term vacation rental license may appeal the decision to the Board of Commissioners. The appeal must be filed with the County Manager's office in writing, within 15 calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal.
  
- b. The Board of Commissioners shall consider the appeal within 30 days after receipt by the County Manager of a request unless otherwise agreed in writing by the County and aggrieved party. All interested parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The Board of Commissioners shall render a determination, which will constitute a final ruling on the application.

If you would like to file an appeal, please follow the above instructions.

If you have any questions, please let me know.

*Lynn Butterworth, MCC*  
County Clerk/Open Records Officer  
[butterworth@putnamcountyga.us](mailto:butterworth@putnamcountyga.us)  
[www.putnamcountyga.us](http://www.putnamcountyga.us)  
Putnam County Board of Commissioners  
117 Putnam Drive, Suite A  
Eatonton, GA 31024  
706-485-5826 (Office)  
706-485-1877 (Direct Line)  
706-923-2345 (Fax)

**EXHIBIT "B"**

**From:** [Kerri S](#)  
**To:** [Joshua Williams](#)  
**Subject:** Fwd: Sundown Cottage-113 B River Bend Court  
**Date:** Thursday, September 28, 2023 10:29:36 AM  
**Attachments:** [external.png](#)

 External email >

**From:** Lynn Butterworth <lbutterworth@putnamcountyga.us>  
**Date:** May 10, 2023 at 3:35:28 PM EDT  
**To:** [Redacted]  
**Cc:** [Redacted]; Mark Smith [Redacted]  
**Subject:** RE: Sundown Cottage-113 B River Bend Court

Hi Kerri (and Keeli and Mark),  
I received your email and wanted to let you know that I have forwarded this matter to the county attorney for guidance. I will let you know what I hear back from him.  
Thank you!

*Lynn*

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**From:** [Redacted]  
[Redacted]  
**Sent:** Wednesday, May 10, 2023 11:43 AM  
**To:** Lynn Butterworth <lbutterworth@putnamcountyga.us>  
**Cc:** [Redacted]; Mark Smith [Redacted]  
**Subject:** RE: Sundown Cottage-113 B River Bend Court  
**Importance:** High

Good Morning Lynn!  
I have received your email and would like to further communicate regarding the issue of accepting the application for 113-B River Bend Court.

This property was purchased as an investment, with the intention of building a Vacation Rental home on it. Since this was our intention, we went ahead and completed the application for this home, including every requirement of Putnam County. Upon purchase of the property, we submitted our application including:

1. Completed STR application (all 3 pages signed and notarized)

2. Letter of Intent (signed)
3. Rental Agreement Example (with required language)
4. Proof of Ownership
5. Proof of Homeowner's Insurance
6. Letter of Agency (if applicable)
7. SAVE Affidavit (signed and notarized)
8. E-Verify Affidavit or E-Verify Affidavit Exemption (signed and notarized)
9. Copy of Valid Driver's License
10. Application Fee of \$30 for STR Certificate

Per the instructions, "the application will not be accepted without all of the above documents", all of the above documents were submitted, therefore, there is no reason this application should not be accepted. It is understood that the home will be inspected by the Fire Marshall upon completion, however, no where in the county application process is it stated that the home must be ready for this inspection at the time of application.

As you know the building process takes time! It begins with applying for permits which have done and have moved forward in complete compliance. We have submitted the required application, we are in the process of building this home, once the home is ready, we will have the Fire Marshall come out to inspect it for safety and the Trust Exchange process will be complete.

Considering the recent developments regarding STR's, and a moratorium being put on applications, clearly our application was submitted in a timely manner and should be accepted as such so that we may move ahead with our business of building this home for this purpose. Unfortunately, we have neighbors and board members that are "against" a new STR being built, and looking for excuses to stop the permitting of our application and if this is the issue, we have a legal argument stating that there is no cause not to accept this application at this time.

Please consider this a request to accept this application and we will have the fire safety step completed as soon as possible.

Thank you for all that you do and have done.

Blessings,  
Kerri Smith





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**From:** Lynn Butterworth <[lbutterworth@putnamcountyga.us](mailto:lbutterworth@putnamcountyga.us)>  
**Sent:** Wednesday, May 10, 2023 9:23 AM  
**To:** Kerri S [REDACTED]  
**Subject:** Sundown Cottage-113 B River Bend Court

Good morning Kerri and Keeli,  
I'm contacting you about the STR application for Sundown Cottage at 113 B River Bend Court. It has been reported to me that the home is not even built at this location – that it is currently under construction. I was not aware this was the case. We can only accept applications for ready to rent properties. As you know, part of the approval process is an inspection by the Fire Marshal. All applicants must be ready for inspection at the time they apply. As there is not a bona fide home at this location, I cannot accept this application and you will need to reapply once the home is ready.

Thank you for your understanding.

*Lynn Butterworth, MCC*

County Clerk/Open Records Officer

[lbutterworth@putnamcountyga.us](mailto:lbutterworth@putnamcountyga.us)

[www.putnamcountyga.us](http://www.putnamcountyga.us)

Putnam County Board of Commissioners

117 Putnam Drive, Suite A

Eatonton, GA 31024

706-485-5826 (Office)

706-485-1877 (Direct Line)

706-923-2345 (Fax)

**EXHIBIT “C”**

**CONSTITUTIONAL OBJECTION**

As applied to the real property of Sunset Properties Of Lake Oconee, LLC, a Georgia limited liability company, (the “Applicant”) which is identified as Putnam County Tax Assessor Parcel Nos. (“TPN”): 119C075 (the “Property”) and is the subject of the previously filed Short Term Rental Vacation Certificate (a “Certificate”) Application (the “Application”), filed on April 4, 2023, which was subsequently denied (the “Denial”) on September 18, 2023 and is the subject of an appeal filed by the Applicant (the “Appeal”), if the Application and Appeal are not approved and a Certificate for the Property is not issued, without conditions or modifications, the Putnam County Code of Ordinances, Georgia, (the “Code of Ordinances”), including, but not limited to, Section 22-121 through Section 22-126 of Chapter 22 of the Code of Ordinances and Section 29-1(m), (t) of the Code of Ordinances (collectively, the “New STR Ordinance”), the Putnam County Zoning Ordinance of 2020, codified at Chapter 66 of the Code of Ordinances (the “Zoning Ordinance”), and the prior Putnam County Short Term Vacation Rental Ordinance, previously codified at Appendix D of the Code of Ordinances (the “Applicable STR Ordinance” and, collectively with the Code of Ordinances, the New STR Ordinance, and the Zoning Ordinance, the “Ordinance”), will be unconstitutional in that the Applicant’s property rights in and to the Property will be destroyed without first receiving fair, adequate, and just compensation for such property rights. As applied to the Property, in such case, such action on the Application and the Appeal, and the Ordinance, will deprive the Applicant of constitutionally protected rights in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the

United States of America.

If the Application and Appeal are not approved and a Certificate for the Property is not issued, without conditions or modifications, such action on the Application and Appeal, and application of the Ordinance to the Property, will be unconstitutional, illegal, arbitrary, capricious, null, and void, constitute a taking of the Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States of America thereby denying the Applicant (and the Owner) an economically viable use of the Property while not substantially advancing legitimate state interests.

Inasmuch as it is impossible for the Applicant to use the Property and simultaneously comply with the Ordinance, and if the Application and Appeal are not approved and a Certificate for the Property is not issued, without conditions or modifications, so to permit the Applicant to unequivocally utilize the Property for a short term vacation rental, such action on the Application and Appeal and application of the Ordinance to the Property will constitute arbitrary, capricious, and unreasonable acts by Putnam County, Georgia (the “County”), by and through the Putnam County Board of Commissioners (the “BOC”) or the County manager (the “County Manager”), without any rational basis therefor and constitute abuses of discretion in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United

States of America.

If the Application and Appeal are not approved and a Certificate for the Property is not issued, without conditions or modifications, such action and application of the Ordinance to the Property will be unconstitutional and discriminate against the Applicant in an arbitrary, capricious, and unreasonable manner between the Applicant and others similarly situated in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States of America.

Additionally, application of the New STR Ordinance to the Application, the Appeal, and/or the Property is an unconstitutional ex post fact law, in violation of Article 1, Section 10 of the Constitution of the United States of America and Article I, Section I, Paragraph X of the Constitution of the State of Georgia of 1983.

WHEREFORE, the Applicant requests that the County, BOC, and/or the County Manager approve the Application and Appeal, overturn the Denial, and issue a Certificate for the Property, as specified and designated in the Application, with only additional condition(s) consented to by the Applicant, and take all other action(s) necessary to permit the Applicant to utilize the Property as a short term rental.

[SIGNATURE ON NEXT PAGE]

Respectfully submitted this 3rd day of October 2023.

**TAYLOR ENGLISH DUMA LLP**  
Counsel for Applicant

/s/ Steven L. Jones  
Steven L. Jones  
Georgia State Bar No.: 639038

1600 Parkwood Circle  
Suite 200  
Atlanta, Georgia 30339  
(678) 336-7282  
sjones@taylorenghish.com



**EXHIBIT “D”**

**OBJECTION TO AND FOR HEARINGS BASED ON  
YORK V. ATHENS COLLEGE OF MINISTRY, INC.**

As applied to the real property of Sunset Properties Of Lake Oconee, LLC, a Georgia limited liability company, (the “Applicant”) which is identified as Putnam County Tax Assessor Parcel Nos. (“TPN”): 119C075 (the “Property”) and is the subject of the previously filed Short Term Rental Vacation Certificate (a “Certificate”) Application (the “Application”), filed on April 4, 2023, which was subsequently denied (the “Denial”) on September 18, 2023 and is the subject of an appeal filed by the Applicant (the “Appeal”), the public and/or other hearing(s) regarding, and any action of Putnam County, Georgia (the “County”), by and through the Board of Commissioners of the County (the “BOC”) and/or the County manager (the “County Manager”), on the Application and/or Appeal are objected to by the Applicant based on, but not limited to, the reasons set forth herein (collectively, the “York Objection” and each an “Objection”), in accordance with *York v. Athens College of Ministry, Inc.*, 348 Ga. App. 58, 821 S.E.2d 120 (Ga. Ct. App. 2018):

Contemporaneous with the filing of this *York* Objection, the Applicant is filing a Constitutional Objection to the Ordinances (as defined below) and any action by the County, BOC, and/or the County Manager that does not approve the Application and the Appeal and issue a Certificate for the Property, without condition or modification, and all Objections set forth therein are incorporated herein by reference as if fully restated.

The Applicant objects to any and every hearing before the BOC and/or the County Manager on the Application and/or Appeal because the time limitation, if any, imposed on the presentation of evidence and testimony in support of the Application and the Appeal deprives the Applicant a meaningful opportunity to be heard and preserve issues, in violation of the Due Process Clause of

the Fourteenth Amendment to the Constitution of the United States and Article I, Section I, Paragraphs I, II, XI, and XII of the Constitution of Georgia of 1983. Likewise, the Applicant objects to any and all members of the public (and/or other persons) who appear (or otherwise give testimony or opinion) at the hearing on the Appeal and/or the Application, if any, to the extent that (but not limited to) said individuals (a) do not satisfy the substantial interest-aggrieved citizen test; (b) are not under oath; (c) are not subject to cross-examination; (d) present evidence on and/or make statements that qualify as (or must or should be assessed with the aid of) expert opinion without any or all individuals being qualified as expert witnesses; (e) present evidence on and/or make statements that are not germane to the purview of the BOC and/or the County Manager, as applicable, with respect to the Application and Appeal as set out in the Putnam County Code of Ordinances, Georgia, (the “Code of Ordinances”), including, but not limited to, Section 22-121 through Section 22-126 of Chapter 22 of Code of Ordinances (the “New STR Ordinance”), to the extent the same is constitutionally applicable to the Application and/or the Appeal, the Putnam County Zoning Ordinance of 2020, codified at Chapter 66 of the Code of Ordinances (the “Zoning Ordinance”), and the prior Putnam County Short Term Vacation Rental Ordinance, previously codified at Appendix D of the Code of Ordinances (the “Applicable STR Ordinance” and, collectively with the Code of Ordinances, the New STR Ordinance, and the Zoning Ordinance, the “Ordinance”); and/or (f) present evidence and/or make statements that are founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, and/or lay, nonexpert opinion evidence.

Additionally, the Applicant objects to any BOC and/or County Manager action that does not approve the Application and the Appeal and issue a Certificate for the Property, without condition or modification, to the extent that (but not limited to) such action is: (a) in violation of

Section 50-13-19(h) of the Official Code of Georgia Annotated or otherwise: (1) in violation of any constitutional, statutory, and/or ordinance provisions; (2) in excess of the constitutional, statutory, and/or ordinance authority of the BOC and/or the County Manager; (3) made upon unlawful procedure; (4) affected by other error of law; (5) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; (b) founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, and/or lay, nonexpert opinion evidence; (c) contrary to or outside of the purview of the BOC and/or the County manager, and/or procedure, for the Application and/or the Appeal set out in the Ordinance; (d) based, in whole or part, on evidence or other information received outside of the hearing(s) on the Application and/or Appeal and/or in any manner which does not afford the Applicant an opportunity to review or respond to the same; and/or (e) not made pursuant and in conformance with the Ordinance; the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*, and/or any other law of the state of Georgia or the United States of America.

By and through this *York* Objection, the Applicant hereby preserves all the above and incorporated Objections, and any and all evidence, arguments, and objections made and/or tendered by the Applicant at or prior to the BOC and/or County Manager hearing on the Application’s Appeal, and asserts them on and within the record before, and for consideration and resolution (prior to any formal decision) by, the BOC and/or County Manager, as applicable.

WHEREFORE, the Applicant requests that the County, BOC, and/or the County Manager approve the Application and Appeal, overturn the Denial, and issue a Certificate for the Property, as specified and designated in the Application, with only additional condition(s) consented to by the Applicant, and take all other action(s) necessary to permit the Applicant to utilize the Property

as a short term rental.

Respectfully submitted this 3rd day of October 2023.

**TAYLOR ENGLISH DUMA LLP**  
Counsel for Applicant

/s/ Steven L. Jones  
Steven L. Jones  
Georgia State Bar No.: 639038

1600 Parkwood Circle  
Suite 200  
Atlanta, Georgia 30339  
(678) 336-7282  
sjones@taylorenghish.com

**Lynn Butterworth**

---

**From:** Lynn Butterworth  
**Sent:** Tuesday, October 10, 2023 11:21 AM  
**To:** 'Joshua Williams'; Paul Van Haute; anelson@flemingnelson.com  
**Cc:** Steven Jones; Kerri Smith  
**Subject:** RE: Appeal of STR Application -113B River Bend Court Denial

Good morning,  
The Putnam County Board of Commissioners has scheduled your appeal hearing for Monday, October 30, 2023 at 10 a.m.  
If you have any questions, please let me know.

*Lynn*

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**From:** Joshua Williams <jwilliams@taylorenghish.com>  
**Sent:** Tuesday, October 3, 2023 12:09 PM  
**To:** Paul Van Haute <pvanhaute@putnamcountyga.us>; anelson@flemingnelson.com; Lynn Butterworth <lbutterworth@putnamcountyga.us>  
**Cc:** Steven Jones <sjones@taylorenghish.com>; Kerri Smith [REDACTED]  
**Subject:** Appeal of STR Application -113B River Bend Court Denial

Mr. Haute,

Please see attached Appeal of the STR Application -113B River Bend Court Denial.

Please also accept this letter as an open records request pursuant to the Georgia Open Records Act (O.C.G.A. 50-18-70; 50-18-71 and 50-18-72) for all documents and other records of, evidencing, or consisting of written, verbal, and nonverbal communications of former Putnam County Commissioner Alan Foster, at anytime within the past five (5) years, and regarding (1) the Property; (2) the Applicant; (4) Mr. David M. Smith; (5) Mrs. Kerri L. Smith; (6) Smith Built Homes; and/or (7) Smith Built Communities.

Cordially,

JW



**Joshua Williams**  
**Taylor English Duma LLP** | 1600 Parkwood Circle, Suite 200, Atlanta, GA 30339  
P: 678.426.4657 | [jwilliams@taylorenghish.com](mailto:jwilliams@taylorenghish.com)  
[Website](#)

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Click [here](#) to learn more about our TED Tenets.

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J. PATRICK GOFF  
CHRISTOPHER J. ARNOLD  
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October 29, 2023

**Via Email and Hand Delivery**

Putnam County Board of Commissioners  
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**RE:** Short-Term Rentals in Putnam County

Dear Board of Commissioners:

We write in opposition to Sunset Properties, LLC’s application for a short-term rental certificate (“the Application”) for the property at 113B River Bend Ct. (“the Property”). Our firm represents Mike Sleeth, who resides and owns the property at 113 River Bend Ct., which abuts the Property. As an abutting landowner, Mr. Sleeth’s use and enjoyment of his property would be adversely affected by Sunset Properties, LLC’s proposed use of 113B River Bend Ct. for short-term rentals.

The proposed use is unlawful, and the Board of Commissioners should affirm the County’s previous denial of the Application.

On September 1, 2023, the County passed an ordinance prohibiting issuance of new short-term rental licenses in the R-1R (single-family residential restricted) district (“the STR Amendment”). That ordinance clearly prohibits issuance of a short-term rental certificate for the Property. As such, the Application was properly denied.

In its October 3, 2023 letter to the Board of Commissioners, Sunset Properties did not dispute that the STR Amendment applies to the Property. Instead, Sunet Properties, through

counsel, argued that it had a “vested right” to issuance of a permit because it filed its application on April 17, 2023, before the STR Amendment (and before a moratorium) went into effect.

Under Georgia law, an applicant may acquire a vested right by filing an application, but only if the applicant satisfies all requirements to have the permit issued. As the Georgia Supreme Court has written, “[t]he issuance of a building permit results in a vested right only when the permit has been legally obtained and is valid in every respect . . . Where a permit is issued by a governing body in violation of an ordinance, even under a mistake of fact, it is void, and its holder does not acquire any rights.” *Union Cnty. v. CGP, Inc.*, 277 Ga. 349, 351 (2003) (quoting *Matheson v. DeKalb County*, 257 Ga. 48, 49(3) (1987)); *WMM Properties, Inc. v. Cobb Cnty.*, 255 Ga. 436, 438 (1986) (landowner can acquire vested rights by a “proper application” under the regulations in effect at the time of the application) (emphasis added).

The April 17, 2023 Application was not proper and did not comply with then-existing law. First, the original Short-Term Rentals Ordinance, codified at Appendix D to the Code, clearly requires “proof of homeowner’s insurance.” In the Application, Sunset Properties did not attach proof of homeowner’s insurance. Instead, it attached General Commercial Liability and Worker’s Compensation Insurance held by SmithBuilt Homes, LLC, which was a contractor building a home. That is not homeowner’s insurance, so the Application was unlawful and was due to be denied even at the time it was submitted.

Similarly, Applicant failed to submit proof of ownership of any “short-term vacation rental unit.” The Ordinance’s definition of “short term vacation rental” means the renting of a “residential dwelling unit.” Appendix D, Section 2(a). The Putnam County Zoning Ordinance defines “Dwelling unit” as “one or more rooms connected together . . .”. At the time the Application was filed, Applicant owned the Property, but that Property did not have any rooms or other structures on it. Accordingly, Applicant’s submission of proof of ownership of the Property did not establish that it owned any short-term vacation rental units. Because construction had not even commenced, it is clear that Applicant did not own any short-term vacation rental units at 113B River Bend Ct. at the time the Application was filed. For that reason, too, the Application was due to be denied even at the time it was submitted.

Further, as noted in our prior letter of May 5, 2023, the plain language of the Putnam County Code of Ordinances (hereinafter the “Code”) makes clear that short-term rentals are not allowed in the R-1R District. Section 66-34(c) of the Code states that “no land, building or structure shall be used as a matter of right except in accordance with the uses and standards of this chapter.” Section 66-77 of the Code then explains that the uses in the R-1R District are “severely restricted as compared to other single-family districts.” That is then expressly established in Section 66-78(a), which states that there are only two “Allowed uses” in the R-1R District: “Dwelling, Single-family detached” and “Religious facilities.” To ensure that there is no confusion about whether any other uses are allowed in the R-1R District, Section 66-78 states that “uses not listed herein are not permitted in this district.”

Appendix D to the Code did not change this outcome. Nowhere in Appendix D does it say that short-term rentals are allowed in the R-1R District. Therefore, it does nothing to change

the requirement in Section 66-78 that any use allowed in the R-1R District must be specifically listed in said Section.

In sum, the Application violated Appendix D at the time it was filed, and the proposed use was prohibited for R-1R by the Zoning Ordinance. For both those reasons, the permit law required that the County deny the Application even before the moratorium and the STR amendment went into effect. Because both the permit Application and the proposed use were unlawful even on April 17, 2023, Applicant did not acquire any vested rights.

For those reasons, the Putnam County Code requires that the Board of Commissioners affirm the denial of the Application. Please be advised that if the Board of Commissioners reverses the County's prior decision and approves the unlawful use of 113B River Bend Ct. for short-term rentals, our client will pursue all available remedies to protect the use and enjoyment of his property, and certain other homeowners in the River bend Estates subdivision have stated their intent to do the same.

Thank you for your consideration of this letter, and please let us know if we can provide any additional information.

Sincerely,

/s/ Will McDavid  
William B. McDavid, Jr.  
R. Matthew Shoemaker

Cc: Lisa Jackson  
Director of Planning & Development  
117 Putnam Drive, Suite B  
Eatonton, Georgia 31024  
[ljackson@putnamcountyga.us](mailto:ljackson@putnamcountyga.us)

**File Attachments for Item:**

18. Discussion and possible action to amend House Bill 1364 (SH)

**Lynn Butterworth**

---

**From:** herseysj <herseysj@bellsouth.net>  
**Sent:** Thursday, November 30, 2023 9:51 AM  
**To:** Paul Van Haute; Lynn Butterworth; anelson@flemingnelson.com;  
b Fleming@flemingnelson.com; Bill Sharp  
**Subject:** Agenda Item  
**Attachments:** 2004-05-17 Act 687-HB 1364 Homestead.pdf

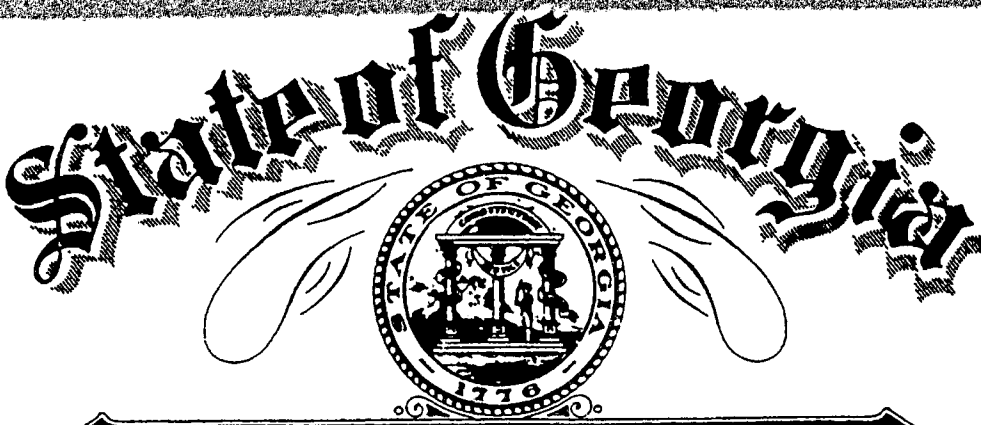
Pursuant to PCCO Section 2-37, I am placing the following item on the Agenda for the December 19, meeting of the County Commission:

"Discussion and possible action to amend HB 1364"

I attach a copy of HB 1364

The proposed amendment would be only to strike the limitation on the definition of "homestead" to the "primary residence".

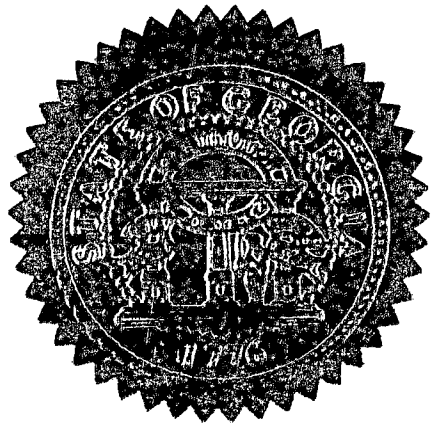
Steve Hersey  
District Three



OFFICE OF SECRETARY OF STATE

I, Cathy Cox, Secretary of State of the State of Georgia, do hereby certify that the five pages of photocopied matter hereto attached, Act No. 687(H.B. 1364) approved by the Governor on May 17, 2004 contain a true and correct copy of an Enrolled Act affecting your county; all as the same appear of file and record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 7th day of June, in the year of our Lord Two Thousand and Four and of the Independence of the United States of America the Two Hundred and Twenty-eighth.



Cathy Cox

SECRETARY OF STATE



ENROLLMENT

April 12 2004

The Committee of the House on Journals has examined the within and finds the same properly enrolled.

H.B. No. 1364 General

Act No. 687 Assembly



AN ACT

To provide for a homestead exemption from Putnam County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead for residents of that county who are 70 years of age or older; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Douglas Tapan Chairman

Willy Coleman Speaker of the House

Robert Rivers Clerk of the House

Madison President of the Senate

Frank Eldridge Secretary of the Senate

Received APR 20 2004 Secretary, Executive Department

This 12 day of April 20 04

Approved Sonny Perdue Governor

This 17 day of May 20 04

IN HOUSE

Read 1st time 2-5-04
Read 2nd time 2-6-04
Read 3rd time 2-23-04

And Passed
Yeas 157

Nays 0
Robert Rivers Clerk of the House

IN SENATE

Read 1st time 2-24-04
Read 2nd time
Read 3rd time

And Passed 4-1-04
Yeas 44

Nays 0
Passed Both Houses

Frank Eldridge Secretary of the Senate

By: Reps. Channell of the 77th and Hudson of the 95th

## AN ACT

To provide for a homestead exemption from Putnam County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead for residents of that county who are 70 years of age or older; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

## SECTION 1.

(a) As used in this Act, the term:

(1) "Ad valorem taxes for county purposes" means all ad valorem taxes for county purposes levied by, for, or on behalf of Putnam County, including, but not limited to, any ad valorem taxes to pay interest on and to retire county bonded indebtedness.

(2) "Base year" means the taxable year immediately preceding the taxable year in which the exemption under this Act is first granted to the most recent owner of such homestead.

(3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended, with the additional qualification that it shall include only the primary residence and not more than five contiguous acres of land immediately surrounding such residence.

(4) "Senior citizen" means a person who is 70 years of age or over on or before January 1 of the year in which application for the exemption under this Act is made.

(b)(1) Each resident of Putnam County who is a senior citizen is granted an exemption on that person's homestead from Putnam County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of that homestead exceeds the base year assessed value of the homestead.

(2) In the event a senior citizen is granted the exemption under this Act and that person was receiving another base year assessed value homestead exemption with respect to Putnam County taxes for county purposes, the base year assessed value for purposes of the exemption under this Act shall be the most recent adjusted base year assessed value that person received pursuant to such other base year assessed value homestead exemption.

H. B. 1364

- 1 -

(3) This exemption shall not apply to taxes assessed on improvements to the homestead or additional land that is added to the homestead after January 1 of the base year. If any real property is removed from the homestead, the base year assessed value shall be adjusted to reflect such removal and the exemption shall be recalculated accordingly. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) Any person who, as of December 31 of the year prior to the first year such person applies for and receives the homestead exemption under this Act, has applied for and is eligible to receive any other base year assessed value local homestead exemption with respect to Putnam County school district ad valorem taxes for additional purposes shall be eligible automatically for the exemption granted by this Act without applying therefor. Otherwise, a person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the tax commissioner of Putnam County giving such person's age and such information relative to receiving such exemption as will enable the tax commissioner to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The tax commissioner of Putnam County shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the tax commissioner of the county in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county or independent school district ad valorem taxes for educational purposes, or municipal ad valorem taxes for municipal purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to county ad valorem taxes for county purposes with the exception that it shall be in lieu of any other base year assessed value homestead exemption applicable to county ad valorem taxes for county purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2005.

## SECTION 2.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Putnam County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of Putnam County for approval or rejection. The election superintendent shall conduct that election on the date of the November, 2004, state-wide general election, and shall issue the call and conduct that election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Putnam County. The ballot shall have written or printed thereon the words:

- "( ) YES Shall the Act be approved which provides a homestead exemption from Putnam County ad valorem taxes for county purposes in an amount equal
- ( ) NO to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead for residents of that county who are 70 years of age or older?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, Section 1 of this Act shall become of full force and effect on January 1, 2005. If the Act is not so approved or if the election is not conducted as provided in this section, Section 1 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by Putnam County. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

**SECTION 3.**

Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

**SECTION 4.**

All laws and parts of laws in conflict with this Act are repealed.

**NOTICE OF INTENTION TO INTRODUCE LOCAL LEGISLATION**

Notice is given that there will be introduced at the regular 2004 session of the General Assembly of Georgia a bill to provide for a homestead exemption from Putnam County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead for residents of that county who are 70 years of age or older; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; and for other purposes.

GEORGIA, FULTON COUNTY

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Mickey Channell, who on oath deposes and says that he is the Representative from District 77 and further deposes and says that the attached Notice of Intention to Introduce Local Legislation was published in the Eatonton Messenger which is the official organ of Putnam County on January 29, 2004, and that the notice requirements of Code Section 28-1-14 have been met.

s/ Mickey Channell  
Mickey Channell  
Representative, District 77

Sworn to and subscribed before me, this 3rd day of February, 2004.

s/ Deana Coker  
Deana Coker  
Notary Public, Henry County, Georgia  
My Commission Expires Aug. 25, 2007  
(SEAL)



APPROVED  
MAY 17 2004  
BY GOVERNOR