



BOARD OF COMMISSIONERS

Greg Dunn, Chairman
Linda Wells, Vice Chair
Herb Frady
Peter Pfeifer
A.G. VanLandingham



STAFF

Chris Venice, Acting County
Administrator
William R. McNally, Attorney
Carol Chandler, Executive Asst.
Peggy Butler, Executive Assistant
Karen Morley, Chief Deputy Clerk



MEETING LOCATION

Administrative Complex
Commission Meeting Room
140 Stonewall Avenue
Fayetteville, GA



MEETING TIMES

1st Wednesday each month at
3:30 p.m.
2nd and 4th Thursday each month
at 7:00 p.m



COMMISSION OFFICE

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The Agenda of Actions

BOARD OF COMMISSIONERS

July 28, 2005

7:00 P.M.

Chairman Dunn called the meeting to order, offered the Invocation and led the Pledge to the Flag.

PUBLIC HEARING:

A. Consideration of Petition No. 1144-05, Cathryn Redwine Stephens and Elizabeth B. Stanley, Owners, and Jeff Ellis and R. M. Boyd, Agents, request to rezone 124.373 acres from R-75 to C-S to develop a proposed subdivision consisting of 46 single-family dwelling lots. This property is located in Land Lots 253 and 254 of the 4th District and fronts on S.R. 85 South. The Planning Commission recommended approval subject to one recommended condition (4-1). Staff recommended approval with one recommended condition.

ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER VANLANDINGHAM TO APPROVE PETITION NO. 1144-05 WITH TWO CONDITIONS. THE MOTION CARRIED 5-0.

B. Consideration of Petition No. 1145-05, Reese Developers, Inc., Owners, and Tom Reese, Agent, request to rezone 20.66 acres from A-R to O-I to develop a proposed office park consisting of 20 lots. This property is located in Land Lot 253 of the 4th District and fronts on S.R. 85 South and McBride Road. The Planning Commission recommended denial of o-l (4-0-1). Staff recommended denial of O-I and approval of r-40 subject to two recommended conditions.

ON MOTION MADE BY COMMISSIONER PFEIFER, SECONDED BY COMMISSIONER WELLS TO DENY O-I AND TO APPROVE R-70 FOR PETITION NO. 1145-05. THE MOTION CARRIED 3-2 WITH COMMISSIONER VANLANDINGHAM AND COMMISSIONER FRADY VOTING IN OPPOSITION.

C. Consideration of Petition No. 1146-05, Nancy Y. Morris, Owner, and Robert L. Outlaw, Agent, request to rezone 5.18 acres from A-R to R-75 to develop two (2) single-family dwelling lots. This property is located in Land Lot 31 of the 5th District and fronts on Harp Road. The Planning Commission recommended approval subject to one recommended condition (5-0). Staff recommended approval with one recommended condition.

ON MOTION MADE BY COMMISSIONER VANLANDINGHAM, SECONDED BY COMMISSIONER FRADY TO APPROVE PETITION NO. 1146-05 WITH ONE CONDITION. THE MOTION CARRIED 3-2 WITH COMMISSIONER WELLS AND COMMISSIONER

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- D. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, B. Conditional Uses Allowed, 14. Developed Residential Recreational/Amenity Areas. The Planning Commission recommended approval (5-0).

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER PFEIFER TO APPROVE AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, B. CONDITIONAL USES ALLOWED, 14. DEVELOPED RESIDENTIAL RECREATIONAL/AMENITY AREAS. THE MOTION CARRIED 5-0.

- E. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-2. EST Estate Residential District. The Planning Commission recommended approval (4-1).
- F. Consideration of proposed amendments to the Fayette County Comprehensive Plan Text and Map regarding Land Use Element, Agricultural Residential and the Land Use Plan Map Legend Agricultural-Residential (1 Unit/5 Acres). The Planning Commission recommended approval (5-0).

COMMISSIONER PFEIFER REQUESTED THAT ITEMS E. AND F. BE TABLED TO THE AUGUST 11, 2005 BOARD OF COMMISSIONERS' MEETING.

CONSENT AGENDA: ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER VANLANDINGHAM TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED 5-0.

1. Approval of request from the City of Fayetteville for the Fayette County Board of Elections to conduct the City's election scheduled for November 8, 2005 as in prior years with the City agreeing to be responsible for all costs associated with the election.
2. Approval to retain Mallett Consulting, Inc. to provide Project Management Services for Phase I of transportation projects funded by Fayette County Special Purpose Local Sales Tax.
3. Approval of a tax abatement request as recommended.
4. Approval of minutes for Board of Commissioners meetings held on July 6, 2005 and July 14, 2005.

PUBLIC COMMENT:

Members of the public are allowed up to five minutes each to address the Board on issues of concern other than those items which are on this evening's agenda.

Brenda Evans: Brenda Evans, 195 Shamrock Drive, Fayetteville asked the Board to reconsider the time period that a person or developer must wait before reapplying for a rezoning request be changed from six

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months to one year.

STAFF REPORTS:

PAY FOR PERFORMANCE ELEMENT: County Administrator Chris Venice remarked that the Pay for Performance Element was part of a new Employee Appraisal System adopted by the Board on July 14th. She said this Element would allow the Board to determine the amount of money to be dedicated to performance pay each year. She said the Board had included money in the fiscal year '06 budget for merit pay under the previous evaluation system. She said it was staff's proposal for this transition year to utilize this money already in the budget identified for merit pay less 10% for this new program. She asked for the Board's consideration in approving staff's proposal.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER VANLANDINGHAM TO APPROVE \$564,739.80 LESS 10% FOR PERFORMANCE PAY IN THE FY 2006 BUDGET. THE MOTION CARRIED 4-1 WITH COMMISSIONER FRADY VOTING IN OPPOSITION.

INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF FAYETTEVILLE FOR THE DIVISION OF S.P.L.O.S.T. FUNDING: Attorney McNally asked for the Board's consideration in authorizing the Chairman to execute the Intergovernmental Agreement with the City of Fayetteville for the division of S.P.L.O.S.T. funding.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER VANLANDINGHAM TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF FAYETTEVILLE FOR THE DIVISION OF S.P.L.O.S.T. FUNDING. THE MOTION CARRIED 5-0.

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss six legal items.

Commissioner VanLandingham requested an executive session to discuss one personnel matter.

EXECUTIVE SESSION: ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER VANLANDINGHAM TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS SIX LEGAL ITEMS AND ONE PERSONNEL MATTER. THE MOTION CARRIED 5-0.

LEGAL: Attorney McNally and Chief Jack Krakeel discussed a legal item with the Board.

THE BOARD TOOK NO ACTION ON THIS MATTER.

LEGAL: Attorney McNally updated the Board on a legal item.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER VANLANDINGHAM TO AUTHORIZE ATTORNEY MCNALLY TO PROCEED IN THIS MATTER. THE MOTION CARRIED 5-0.

LEGAL: Attorney McNally discussed a legal item with the Board.

THE BOARD TOOK NO ACTION ON THIS MATTER.

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THE BOARD TOOK NO ACTION ON THIS MATTER.

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THE BOARD TOOK NO ACTION ON THIS MATTER.

LEGAL: Attorney Davenport updated the Board on a legal matter.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY TO AUTHORIZE ATTORNEY MCNALLY TO PROCEED IN THIS MATTER. THE MOTION CARRIED 5-0.

PERSONNEL: Commissioner VanLandingham discussed a personnel matter with the Board.

THE BOARD TOOK NO ACTION ON THIS MATTER.

EXECUTIVE SESSION AFFIDAVIT: **ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY CHAIRMAN DUNN TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE EXECUTIVE SESSION AFFIDAVIT AFFIRMING THAT SIX LEGAL ITEMS AND ONE PERSONNEL MATTER WERE DISCUSSED IN EXECUTIVE SESSION. THE MOTION CARRIED 5-0.**

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 11:30 p.m.

Karen Morley, Chief Deputy Clerk