



BOARD OF COMMISSIONERS

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



STAFF

Chris Coffy, 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

Administrative Complex
Suite 100
140 Stonewall Avenue
Fayetteville, GA 30214
Phone: 770.460.5730 Ext. 5400
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Agenda of Actions

BOARD OF COMMISSIONERS

May 27, 2004

7:00 P.M.

Call to order, invocation and pledge to the flag.

PRESENTATION:

A. Recognition of the County's Automatic Defibrillator Program.

THE BOARD OF COMMISSIONERS RECOGNIZED THE IMPLEMENTATION OF THE FAYETTE COUNTY PUBLIC ACCESS DEFIBRILLATOR PROGRAM.

PUBLIC HEARING:

B. Consideration of a Packaged Beer and Wine Sales Permit for The Right Stuff Food Store #38, 2866 S.R. 85 North, Fayetteville, Georgia. Robert Wendell Eaves, Jr. and Robert Wendell Eaves, III, Owners, and Robert Wendell Eaves, III, Agent. This property is located in Land Lots 232 and 233 of the 5th District, fronts S.R. 85 North and S.R. 279, and is zoned C-H. This is a new location approval.

MOTION WAS MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER PFEIFER, TO APPROVE A PACKAGED BEER AND WINE SALES PERMIT FOR THE RIGHT STUFF FOOD STORE #38. MOTION CARRIED 3-2, WITH COMMISSIONER VANLANDINGHAM AND COMMISSIONER WELLS VOTING IN OPPOSITION.

C. Consideration of Petition No. 1127-04, Cynthia Somers, Owner, and Audrey Massey, Agent, request to rezone 1.6 acres from R-70 to O-I to develop O-I uses. This property is located in Land Lot 128 of the 5th District and fronts on Sandy Creek Road (old alignment) and S.R. 54 West. The Planning Commission recommended approval with one condition 5-0. Staff recommended approval with one condition. **THIS ITEM WAS TABLED FROM THE APRIL 22, 2004 BOARD OF COMMISSIONERS' MEETING.**

THIS ITEM WAS WITHDRAWN AT THE REQUEST OF THE PETITIONER.

- D. Consideration of Petition No. 1128-04 Lee Center North, LLLP, Owners, and Julian H. Lee, Jr., Agent, request to rezone 12.698 acres from M-2 to M-1 to permit light industrial uses. This property is located in Land Lot 219 of the 5th District and fronts on S.R. 314, Bethea Road and Longview Road. **THE PLANNING COMMISSION RECOMMENDED APPROVAL SUBJECT TO THE RECOMMENDED CONDITION (4-0). STAFF RECOMMENDED APPROVAL SUBJECT TO THE RECOMMENDED CONDITION.**

MOTION WAS MADE BY COMMISSIONER VANLANDINGHAM, SECONDED BY COMMISSIONER FRADY TO APPROVE PETITION NO. 1128-04 WITH ONE CONDITION. MOTION CARRIED 5-0.

- E. Consideration of Petition No. 1129-04 H. Brian Jackson, Owner, and Southeast Properties, Inc., Agent, request to rezone 4.766 acres from O-I to C-H to develop Retail Development. This property is located in Land Lot 182 of the 5th District and fronts on S.R. 54 East and Corinth Road. **THE PLANNING COMMISSION RECOMMENDED APPROVAL SUBJECT TO A REVISED RECOMMENDED CONDITION #3, AND THE DELETION OF RECOMMENDED CONDITIONS #1 AND #2. (4-0). STAFF RECOMMENDED APPROVAL WITH THREE (3) RECOMMENDED CONDITIONS.**

MOTION WAS MADE BY COMMISSIONER VANLANDINGHAM, SECONDED BY COMMISSIONER DUNN, TO APPROVE PETITION NO. 1129-04 WITH THE REZONING FROM O-I TO CC AND WITH ONE CONDITION. MOTION CARRIED 4-1 WITH COMMISSIONER WELLS VOTING IN OPPOSITION.

- F. Consideration of proposed abandonment of a portion of Lisbon Road.

MOTION WAS MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER VANLANDINGHAM, TO APPROVE THE ABANDONMENT OF A PORTION OF LISBON ROAD AS DISCUSSED. MOTION CARRIED 5-0.

OLD BUSINESS:

- G. Consideration of Resolution 2004-09 calling for a Special Local Options Sales Tax Referendum on the November General Election ballot. **THIS ITEM WAS TABLED FROM THE MAY 5, 2004 BOARD OF COMMISSIONERS' MEETING.**

MOTION WAS MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER VANLANDINGHAM, TO ADOPT RESOLUTION 2004-09 CALLING FOR A SPECIAL LOCAL OPTIONS SALES TAX REFERENDUM TO BE PLACED ON THE NOVEMBER GENERAL ELECTION BALLOT. MOTION CARRIED 5-0.

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

1. Approval to release the title of a vehicle from the Sheriff's Department that was totaled in an accident and approval to order replacement vehicle.
2. Approval to accept the HRSA Phase II Grant in the amount \$20,800 for the purpose of hosting a national board course in Basic and Advanced Disaster Life Support.
3. Approval to allow the Board of Education to continue using the old Fire Station No. 7.
4. Approval of the Water Conservation Plan and the Drought Contingency Plan as updated.
5. Approval to amend FY04 budget to increase revenues and expenditures in the amount of \$1,355.22 to recognize a donation from the Soccer Association to upgrade the toilets to automatic flush systems.
6. Approval of minutes for Board of Commissioners meetings held on May 5, 2004 and May 13, 2004.

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.

SUSAN LLOYD: Susan Lloyd, 200 Shoreline Drive, expressed her concern about a house on her street that had been abandoned for quite some time.

SAM CHAPMAN: 175 Brechin Drive, expressed his concern about laws regarding equitable distribution and the fairness of the S.P.L.O.S.T. distribution.

STAFF REPORTS:

ATTORNEY DAVENPORT: County Attorney Dennis Davenport asked for the Board's consideration in authorizing the Chairman to execute the Old McElroy Road Parking Agreement.

MOTION WAS MADE BY COMMISSIONER VANLANDINGHAM, SECONDED BY

COMMISSIONER WELLS, AUTHORIZING THE CHAIRMAN TO SIGN THE “OLD MCELROY ROAD PARKING AGREEMENT”. MOTION CARRIED 5-0.

COMMISSIONER A.G. VANLANDINGHAM: Commissioner VanLandingham reported to the Board that he had received a telephone call from an out-of-county citizen who wanted to pay a small fee to use the Farmers Market to sell their produce.

IT WAS THE CONSENSUS OF THE BOARD NOT TO ALLOW OUT-OF-COUNTY RESIDENTS USE THE FARMERS MARKET TO SELL THEIR PRODUCE.

ATTORNEY DAVENPORT: Attorney Davenport asked for an Executive Session to discuss two real estate items and four legal items.

MOTION WAS MADE BY COMMISSION WELLS, SECONDED BY COMMISSIONER PFEIFER, TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS TWO REAL ESTATE ITEMS AND FOUR LEGAL ITEMS. MOTION CARRIED 5-0.

REAL ESTATE: Attorney Davenport advised the Board on a real estate matter.

MOTION WAS MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY, FOR THE COUNTY ATTORNEY TO PROCEED IN THIS MATTER. MOTION CARRIED 5-0.

REAL ESTATE: Attorney Davenport advised the Board on a real estate matter.

THE BOARD TOOK NO ACTION ON THIS MATTER.

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

THE BOARD TOOK NO ACTION ON THIS MATTER.

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MOTION WAS MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY, FOR THE COUNTY ATTORNEY TO PROCEED IN THIS MATTER. MOTION CARRIED 5-0.

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

THE BOARD TOOK NO ACTION ON THIS MATTER.

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THE BOARD TOOK NO ACTION ON THIS MATTER.

EXECUTIVE SESSION AFFIDAVIT: MOTION WAS MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY, TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE EXECUTIVE SESSION AFFIDAVIT AFFIRMING THAT TWO REAL ESTATE ITEMS AND FOUR LEGAL ITEMS WERE DISCUSSED IN EXECUTIVE SESSION. MOTION CARRIED 5-0.

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 9:45 p.m.

Peggy Butler, Chief Deputy Clerk