

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, October 28, 2004, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

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

STAFF MEMBERS PRESENT: Chris W. Cofty, County Administrator  
Dennis Davenport, Assistant County Attorney  
Carol Chandler, Executive Assistant  
Karen Morley, Chief Deputy Clerk

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Chairman Dunn called the meeting to order, offered the invocation and led the pledge to the Flag.

**REZONING PETITIONS:**

Commissioner Wells remarked at this point in the agenda the Board would consider requests for the rezoning of property in our county. She said the policy required at least two public hearings — the first before the Planning Commission and the second before the County Commissioners. She said at this hearing the Board would listen to the concerns of everyone, whether in favor or opposition to the rezoning petition. She pointed out when a rezoning petition was called, the petitioner or representative for the petitioner would be allowed 15 minutes in which to present the details of the request, followed by anyone who wanted to voice support for the request. She stated that the Chairman would then allow all those individuals who were opposed to the rezoning to stand for a moment to display their opposition. She said the Chairman would then ask those individuals who wished to come to the podium to speak to remain standing so the Board and staff could get an idea of how to allocate its time. She said the Board would allow up to 3 minutes for each speaker. She said when the persons speaking in opposition had finished, the petitioner would be given an opportunity to rebut any of the points raised. She remarked in fairness to all parties, the petitioner would be entitled to equal time to address the Commissioners as all those in opposition.

Commissioner Wells further remarked that these hearings were a part of the permanent record and speaking at the podium with the microphone helped staff with their task of recording comments and ensured everyone being heard. She remarked when it was an individual's turn to speak that they come to the podium, state their name and address and direct their comments to the Board only. She asked that after individuals speak that they sign the sheet that would be provided by the Marshal in order for names to be spelled correctly for the record.

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Commissioner Wells stated that the Board wanted to hear from everyone who had something to say and they would pay close attention to each point raised. She said it would not be necessary for the same point to be raised over and over. She thanked everyone for their participation and announced that the Zoning Administrator would begin introducing each request in the order they appeared on tonight's agenda.

**PETITION NO. 1132-04:**

Zoning Administrator Aaron Wheeler read Petition No. 1132-04, Myrtle Cooper Wilson, Owner, and Douglas F. Fields, Agent, request to rezone 2.026 acres from A-R to R-40 to develop one (1) single-family dwelling lot. He said this property was located in Land Lot 70 of the 5th District and fronted on S.R. 85 South. He said the Planning Commission recommended approval subject to one (1) recommended condition (4-1) and Staff recommended approval subject to one (1) recommended condition.

Doug Fields remarked that he was the agent for Ms. Wilson. He said Ms. Wilson was requesting a rezoning of 2.026 acres from A-R to R-40 for the purpose of building a single-family residence on the property. He said the subject property would be purchased from Ms. Wilson and a house was going to be built for her nephew. He said the reason the two acres was requested to be rezoned was that the property that fronted on S.R. 85 South was over 570 feet deep. He said in order to get it wide enough to be a building lot it had to go back far enough to make two acres. He stated there was just enough property to build only one house. He said even though the property was in the land use designated for commercial, it was currently zoned A-R and it was surrounded by A-R property. He said the property on either side was owned and occupied by family members. He stated this property was where the intended property owner grew up, where his mother grew up and where his grandmother grew up. He said this property would remain family property. He remarked that the commercial encroachment would not have any affect on the family property there since all of the property surrounding it was owned by family. He said he would be glad to answer any questions that the Board might have.

Chairman Dunn asked if anyone wished to speak in favor of this petition. Hearing none, he asked if anyone wished to speak in opposition. Hearing no comments in opposition, he asked for the Board's pleasure in this matter.

On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to approve Petition No. 1132-04 with one recommended condition, discussion followed.

Commissioner VanLandingham said the reason he made the motion was that he wanted to point out two things. He said the recommended condition would have to apply. He said this seemed like a strange request to him to place a house so close to a commercial zone but he saw no reason to deny that. He said he saw where it might create a problem for someone in the future.

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Commissioner Pfeifer said he had a question. He said in reading the background information there was talk about this being a demarcation line. He questioned if the land use plan would need to be changed because of that.

Chairman Dunn said he wanted to point out that in the not too distant future S.R. 85 would be a four lane highway.

Mr. Fields remarked that they were aware of that.

Chairman Dunn said he personally would rather see a family home there than see commercial.

Commissioner Wells remarked that she had a problem with possibly setting a precedent. She said if this was the other way around with this being commercial being built in a residential area there would be a lot of questions. She said she loved the idea of this proposal but she was reluctant as far as the standard that the Board had set in the past and the standard that might be set in the future. She remarked that she was going to vote in opposition to this request simply because of that. She said she had consistently opposed spot zoning and changing things of this nature in the past and because this was addressing a spot within an area.

Chairman Dunn remarked that if this was the opposite, he would not support it but since it was going to less density and less intense land use he would always support that.

The motion carried 4-1 with Commissioner Wells voting in opposition. A copy of the recommended condition and Staff's Analysis and Investigation, identified as "Attachment No. 1", follows these minutes and is made an official part hereof. A copy of the Ordinance and Resolution granting Petition No. 1132-04, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

**B. CONSIDERATION OF PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VI. DISTRICT USE REQUIREMENTS, SECTION 6-1 AGRICULTURAL RESIDENTIAL DISTRICT, D. DIMENSIONAL REQUIREMENTS, 7. HEIGHT LIMIT. THE PLANNING COMMISSION RECOMMENDED APPROVAL 5-0.**

**C. CONSIDERATION OF PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VI. DISTRICT USE REQUIREMENTS, SECTION 6-17. O-I, OFFICE-INSTITUTIONAL DISTRICT, F. DIMENSIONAL REQUIREMENTS, 7. HEIGHT LIMIT, A. AND B. THE PLANNING COMMISSION RECOMMENDED APPROVAL 5-0.**

Commissioner Frady said he would like to request that these two items be tabled. He said he would like to speak to the Zoning Administrator Aaron Wheeler at some point in the next

few days. He said he felt the Board needed to take into consideration the formula that was in place before.

Commissioner VanLandingham said he would like to point out under permitted uses in A-R the county was permitting non-profits to do something but was not letting anyone else do it.

Chairman Dunn said he had also expressed concerns earlier to the Zoning Administrator.

On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to table item nos. B. and C. to the November 18, 2004 Board of Commissioners' meeting. The motion carried 5-0.

**CONSENT AGENDA:** On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to approve the consent agenda as presented. The motion carried 5-0.

**SHERIFF'S DEPARTMENT:** Approval of request from the Sheriff's Department to transfer insurance reimbursement from the General Fund to Sheriff's Department-Criminal Investigation Division budget account code 10030321-522233 in the amount of \$8,792.26. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

**FINANCE DEPARTMENT:** Approval of request from Director of Business Services Mark Pullium to approve FY 2004 year-end budget adjustments required for compliance with Budgetary Laws and to satisfy the Georgia Department of Audits and Accounts. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

**COMMISSION MEETING CHANGE:** Approval to change County Commission meeting from Thursday, November 11<sup>th</sup>, 2004 (Veterans' Day) 7:00 p.m. to Thursday, November 18<sup>th</sup>, 2004 at 7:00 p.m.

**MALLETT & ASSOCIATES - CONTRACT FOR LAKE MCINTOSH PROJECT:** Approval of Water Committee recommendation to issue a contract to Mallett & Associates for the Lake McIntosh project. A copy of the contract, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

**MINUTES:** Approval of minutes for Board of Commissioners meeting held on October 14, 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.

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There was no public comment.

**STAFF REPORTS:**

**SEWER LINE EASEMENT:** Assistant County Attorney Dennis Davenport asked for the Board's consideration in approving ratification of the sewer line easement between the City of Fayetteville and Fayette County for the area in front of the library.

On motion made by Commissioner Wells, seconded by Commissioner Frady to approve ratification of the sewer line easement agreement between the City of Fayetteville and Fayette County. The motion carried 5-0. A copy of the agreement, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

**EXECUTIVE SESSION:** Assistant County Attorney Dennis Davenport requested an executive session to discuss three legal items.

**EXECUTIVE SESSION:** On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to adjourn to executive session to discuss three legal items. The motion carried 5-0.

**LEGAL:** Assistant County Attorney Dennis Davenport discussed a legal item with the Board.

On motion made by Commissioner Wells, seconded by Commissioner Frady for Attorney Davenport to proceed in the direction that the Board discussed. The motion carried 5-0.

**LEGAL:** Assistant County Attorney Dennis Davenport reported on a legal item with the Board.

On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to authorize Attorney Davenport to deny this request. The motion carried 5-0.

**LEGAL:** Assistant County Attorney Dennis Davenport discussed a legal item with the Board.

The Board took no action on this matter.

**EXECUTIVE SESSION AFFIDAVIT:** On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize the Chairman to execute the Executive Session Affidavit affirming that three legal items were discussed in executive session. The motion carried 5-0. A copy of the Executive Session Affidavit, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

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There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 8:05 p.m.

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Karen Morley, Chief Deputy Clerk

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Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 18<sup>th</sup> day of November, 2004.

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Karen Morley, Chief Deputy Clerk