

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, November 18, 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  
William R. McNally, 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.

**ORDINANCE NO. 2004-22 - 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:**

Director of Zoning Aaron Wheeler asked for the Board's 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. He said the Planning Commission recommended approval 5-0. This item was tabled from the October 28, 2004 Board of Commissioners' meeting.

Mr. Wheeler remarked that currently this ordinance had a provision that allowed someone to exceed the limitation on height which was 35 feet by setting the building back two feet for every one foot in height above this limit. He said staff was proposing to change that to a standard 35 feet. He said this would make it consistent with the rest of the ordinance and also would put a limitation on the allowance of occupiable space above 35 feet. He said currently there was nothing that would regulate that. He said if someone had enough property they could go far enough back to have as many stories as the setback would allow.

Mr. Wheeler said he had also included in the Commissioners' packets several proposals for the Board's review. He said if those met with the Board's approval, staff would ask for the Board's consideration to approve those changes as opposed to having a standard 35 feet.

Chairman Dunn asked if anyone wished to speak in favor or in opposition to this item. Hearing none, he asked for the Board's pleasure in this matter.

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Commissioner Frady remarked that the Planning Commission had stated that the county did not have a ladder truck and this amendment would also ensure safety.

Mr. Wheeler said he would like to introduce David Scarbrough who was the County Fire Marshal.

Mr. Scarbrough asked Commissioner Frady to rephrase the question.

Commissioner Frady said something had been mentioned about a ladder truck in regard to the building height. He questioned what the Planning Commission's feeling was regarding the ladder truck.

Mr. Scarbrough replied that he was not sure he could give the thoughts of the Planning Commission regarding the county having or not having a ladder truck. He said the only thing that he could truly comment on was paragraph B. as a change. He said the Fire Department did not have a ladder truck or anything greater than a 35 foot ground ladder. He said this was part of the reason that the language read as it did for human occupation. He said the intent that they believed historically was in place was the allowance in A-R for agricultural uses such as silos and those kinds of things.

Commissioner Frady said he understood that building heights would now be raised from 35 feet to 40 feet.

Mr. Scarbrough said that was not proposed in this section but was in the O-I which was next.

Chairman Dunn said one of the concerns that the Board had last time was the definition of 35 feet. He asked how 35 feet was measured.

Mr. Wheeler replied that the definition of building height in Article III included the procedure for measuring the height. He said it stated that the vertical distance of a building measured from the average grade elevation to the mid point of the highest roof. He remarked that said mid point shall be measured from the ceiling joist of the highest floor level to the top of the highest roof surface.

At this time Mr. Scarbrough passed out a diagram to demonstrate how this was measured. A copy of the diagram, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

Chairman Dunn remarked that the height of the building in all likelihood was going to be more than 35 feet and Mr. Wheeler agreed.

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Chairman Dunn said they wanted to make sure that nobody would be occupying space above 35 feet. He said there was concern with both aesthetics and safety. He said this change should make this known to everybody.

On motion made by Commissioner Wells, seconded by Commissioner Frady to approve amendments to the Fayette County Zoning Ordinance regarding Article VI. district use requirements, Section 6-1. A-R Agricultural-Residential District, D. Dimensional requirements, 7. Height limit, discussion followed.

Commissioner Frady asked if a building could have a balcony if it measured less than 35 feet to the balcony from the middle grade and Mr. Scarbrough replied yes it could.

The motion carried 5-0. A copy of Ordinance No. 2004-22, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

**ORDINANCE NO. 2004-23 - 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.:**

Director of Zoning Aaron Wheeler asked for the Board's 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. He said the Planning Commission recommended approval 5-0. This item was tabled from the October 28, 2004 Board of Commissioners' meeting.

Mr. Wheeler remarked that basically this was the same item as the previous ordinance on tonight's agenda. He said the O-I district was another district that did not have just a standard straight limit. He said initially it was proposed to limit it at 35 feet but after discussions there were issues raised as to different types of buildings. He said the height limit in O-I was 35 feet within 150 feet of an existing residential development or four floors at locations other than as qualified in 7-A above. He said initially staff had proposed to limit it to 35 feet. He called the Board's attention to page 5 in the handout regarding O-I. He said they changed this to 40 feet as defined in Article III, Section 3-12 and when a structure reaches a minimum height of four floors including basements, it shall be sprinkled. He said the idea had been brought up that there were new buildings that could be built with four floors in the O-I being an office building. He said four floors in a non-residential building structure would require 13 feet 4 inches to be built per story. He said because it was possible with a basement, based on the definition of measuring, to have four floors open that would put the fourth floor out of reach for the fire department to rescue somebody should they be stranded or in danger up there. He said staff had put in the second requirement to say that the building would need to be sprinkled in order to meet the safety issue.

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Mr. Scarbrough commented on the possibility of a fourth floor. He said the only way that could be built was with a grade change.

Commissioner Frady said in discussing this with Mr. Scarbrough, one could actually build a building under State fire codes as high as the person wanted as long as it was sprinkled.

Chairman Dunn questioned why the height was being changed to 40 feet in O-I but no other zoning category.

Mr. Scarbrough replied the ability to build a three story office building with a flat roof concept typically required thirteen feet four inches from floor to floor in order to get the mechanicals and HVAC in between the floors. He said the 40 feet was his suggestion in order to try and meet the intent of what the 35 feet with the four floors was listed in O-I. He said this was in order to try and realistically understand the architectural and engineering requirements to get a four story building in place in the unincorporated portion of the county and still meet safety requirements. He said staff felt like O-I was where one would see typical office type buildings as opposed to something in A-R.

Mr. Wheeler interjected that the purpose of the 40 feet was to be able to achieve the three to possibly four floor height. He commented that industrial buildings traditionally tended to be one story buildings. He said office buildings for the most part tended to be more than one story and sometimes more than two stories to three stories. He said an office building might have the need to rise higher than 35 feet to 40 feet in order to achieve three floors without spreading it out.

Chairman Dunn asked what the maximum height was that could be put in industrial and Mr. Wheeler replied 35 feet.

Chairman Dunn asked if 35 feet was the maximum height that could be put in residential and Mr. Wheeler replied that was correct.

Chairman Dunn clarified that the maximum height in O-I was 40 feet.

Mr. Wheeler said that was the proposed height.

Chairman Dunn said he did not understand why every zoning category was not consistent.

Commissioner Frady remarked that it was rare that an industrial building was the regular height of an office building. He said industrial buildings could be as high as 40 feet high and be just one floor.

Commissioner Frady asked if there had to be sprinkler systems in any industrial building.

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Mr. Scarbrough replied that this was done on a case by case basis depending on square footage, the purpose of the building and so forth.

Chairman Dunn said he would like the ordinances to be consistent.

Commissioner Frady said the Board could instruct staff to come back with a recommendation.

Chairman Dunn said the Board could go ahead and vote on this item that was on the agenda tonight.

Chairman Dunn asked if anyone wished to speak in favor or in opposition of this item. Hearing none, he asked for the Board's pleasure in this matter.

On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to approve 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 motion carried 5-0. A copy of Ordinance No. 2004-23, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

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

**FLEET MAINTENANCE - WADE TRACTOR EQUIPMENT AWARDED BID:**

Approval of recommendation from Director of Purchasing Tim Jones to award bid to Wade Tractor Equipment for a utility tractor in the amount of \$25,113.75; and to award bid to Lashley Tractor Sales in the amount of \$7,632.10 for a Flail Mower. A copy of the memorandum, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

**SHERIFF'S DEPARTMENT - TRANSFER OF FUNDS:**

Approval of request from the Sheriff's Department to transfer an insurance reimbursement in the amount of \$749.69 from the General Fund to the Sheriff's Department-Criminal Investigations Division budget account code 10030321-522233 for an accident involving a Fayette County departmental vehicle. A copy of the memorandum, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

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**MCCURRY PARK PAVING - METRO ASPHALT PAVING AWARDED BID:**

Approval of recommendation from Director of Purchasing Tim Jones to award Bid #492 to the low bidder Metro Asphalt Paving in the amount of \$60,816 for paving at McCurry Park. A copy of the memorandum, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

**MINUTES:** Approval of minutes for Board of Commissioners meetings held on October 28, 2004 and November 3, 2004.

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**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.

**FAYE CAPERS:** Faye Capers remarked that she was a parent of a consumer who was currently being trained at Fayette Community Options where Dean Roach is the Director and the center is managed by McIntosh Trail Community Service Board and the Executive Director is Cathy Johnson. She said both of these individuals were present tonight. She thanked the Board for the opportunity to speak tonight on a project very close to her heart and one she was sure the Board would share an interest in. She said this was the training of Fayette County Citizens who have disabilities and who wish to contribute to the community in which they live. She said Fayette Community Options was the center who currently trained persons with disabilities in Fayette County. She stated that this was located on Walker Parkway and was managed by the McIntosh Trail Community Service Board with the primary funding support provided from the State of Georgia Department of Human Resources. She said funding was also provided by Federal Medicaid dollars, grant and aid and the Fayette County Commissioners. She said the county had been very generous in responding to their budget requests in recent years to off set the straight line funding provided by the State.

Ms. Capers further remarked that she wanted to keep the Commission up to date on present conditions. She said these were seriously deficient and she wanted the Commission to know what was being done to address these shortfalls. She said they had been blessed with the gift of time and talent from an architect in North Atlanta who was developing a requirements document that would identify their needs today and for the next 10 years. She said his evaluation was based on an onsite evaluation. She remarked that this document should be available on or before December 31, 2004.

Ms. Capers further stated that while some of the Commissioners had visited their training facility, she was tonight formally inviting the Board to attend an Open House Luncheon at their facility which would be held on December 10<sup>th</sup> from 11:00 a.m. to 1:00 p.m. She said they were also asking for the Board's support in highlighting their needs to the State so they could improve disability training in Fayette County. She said this was critical for the citizens of Fayette County who need training if they are going to contribute to this community. She

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concluded by saying that once they had the required document in hand, they would be requesting the Commissioners to provide a member of the county staff to assist them in sorting out the opportunities available to secure a new and suitable facility that would meet the needs of consumers and staff. She said they were considering a Community Development Block Grant, donations from charitable organizations, and individual donations to a Capital Fund. She said they were aware that the economy was currently tight but stated that they were taxpaying citizens in Fayette County and the disabled citizens of Fayette County needed an adequate facility to help them contribute to this community and improve their quality of life. She said that now was the time to start and ask that the county provide a staffer to attend their monthly Task Force meeting. She thanked the Board for allowing her to speak.

Commissioner VanLandingham remarked that a while back the County Administrator Chris Cofty and himself visited this facility to see how things were going. He said he had been talking to a developer. He said he had since that time been trying to get this individual to find a place to build a building for this organization.

Ms. Capers said they had also located some possible sites for their facility and she would get that information to the Board.

Commissioner VanLandingham said he would let the developer know about these sites and have him call her and see if something could be worked out.

**STAFF REPORTS:**

**EXECUTIVE SESSION:** Chairman Dunn requested an executive session to discuss one legal item.

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

**LEGAL:** Chairman Dunn discussed a legal item with the Board.

Staff was given direction 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 one legal item was discussed in executive session. The motion carried 5-0. A copy of the 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 8:00 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 9<sup>th</sup> day of December, 2004.

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Karen Morley, Chief Deputy Clerk