



#### BOARD OF COMMISSIONERS

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



#### 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

1<sup>st</sup> Wednesday each month at  
3:30 p.m.  
2<sup>nd</sup> and 4<sup>th</sup> 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  
Fax: 770.460.9412

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# The Agenda of Actions

## BOARD OF COMMISSIONERS

August 25, 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. 1147-05, Christine Parker Newton and Claudine Banks Oakley, Owners, and Thomas B. Chandler, Agent, request to rezone 39.03 acres from A-R to R-45 to develop 31 single-family dwelling lots. This property is located in Land Lots 226 and 255 of the 5<sup>th</sup> District and fronts on New Hope Road. The planning commission recommended denial due to the lack of three (3) affirmative votes. Staff recommended approval with two (2) conditions.

### **PETITIONER REQUESTED THIS ITEM BE TABLED TO THE SEPTEMBER 22, 2005 BOARD OF COMMISSIONERS' MEETING.**

B. Consideration of Petition No. 1148-05, Berachah Bible Church, Owners, and W. Ronald Newton, Agent, request to rezone 13.34 acres from A-R to R-40 to develop additional church facilities. This property is located in Land Lot 202 of the 5<sup>th</sup> District and fronts on Corinth Road. The Planning Commission recommended approval with two (2) conditions. Staff recommended approval with two (2) conditions.

### **ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER WELLS TO APPROVE PETITION NO. 1148-05 WITH TWO CONDITIONS. THE MOTION CARRIED 4-0. COMMISSIONER VANLANDINGHAM WAS ABSENT.**

C. Consideration of Petition No. 1149-05, Ann Hammond and Agnes Scott College, Inc., Owners, and Gadson H. Woodall, III, Agent, request to rezone 164.22 acres from A-R to C-S to develop a proposed subdivision consisting of 65 single-family dwelling lots. This property is located in Land Lots 223 and 224 of the 13<sup>th</sup> District and fronts on Wagon Wheel Trail. The Planning Commission recommended denial due to the lack of three (3) affirmative votes. Staff recommended approval with four (4) conditions.

### **ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER WELLS TO APPROVE PETITION NO. 1149-05 WITH SIX CONDITIONS. THE MOTION CARRIED 4-0. COMMISSIONER VANLANDINGHAM WAS ABSENT.**

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- D. Consideration of Petition No. 1150-05, Ussiel Hernandez, Owner/Agent, request to rezone 7.50 acres from R-20 to A-R to allow agricultural-residential uses. This property is located in Land Lot 195 of the 5<sup>th</sup> District and fronts on S.R. 92 North. The Planning Commission recommended denial due to the lack of three (3) affirmative votes. Staff recommended denial.

**ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY CHAIRMAN DUNN TO DENY PETITION NO. 1150-05. THE MOTION CARRIED 3-1 WITH COMMISSIONER PFEIFER VOTING IN OPPOSITION AND COMMISSIONER VANLANDINGHAM WAS ABSENT.**

- E. Consideration of Petition No. 1151-05, 54 West, LLC, Owner, and Grover and Corlew, Agent, request to rezone 16.66 acres from A-R to O-I to develop a Professional Office Park. This property is located in Land Lot 8 of the 7<sup>th</sup> District and fronts on S.R. 54 West. The Planning Commission recommended to table the subject petition until september 1, 2005.

**CHAIRMAN DUNN ANNOUNCED THAT THIS PETITION WOULD BE HEARD BY THE BOARD OF COMMISSIONERS AT ITS SEPTEMBER 22, 2005 MEETING.**

- F. Consideration of Petition No. 1152-05, Humber Construction, LLC, Owner, and Brad Humber, Agent, request to rezone 80.44 acres from A-R to C-S to develop a proposed subdivision consisting of 32 single-family dwelling lots. This property is located in Land Lots 229 and 252 of the 4<sup>th</sup> District and fronts on McBride Road. The Planning Commission recommended denial due to the lack of three (3) affirmative votes. Staff recommended approval with two (2) conditions.

**PETITIONER REQUESTED THIS ITEM BE TABLED TO THE SEPTEMBER 22, 2005 BOARD OF COMMISSIONERS' MEETING.**

- G. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions, Section 3060. Kennel (amend), Section 3-62, Livestock (amend), Section 3-6. Animal (add in its entirety), Section 3-7, Animal, Exotic (add in its entirety), and renumber Article III, as required. The Planning Commission recommended approval 3-0.

**ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY TO ADOPT ARTICLE III. DEFINITIONS, SECTION 3-60 WITH THE NEW DEFINITIONS THAT WERE ADDED BUT THE NUMBER OF ANIMALS WOULD REMAIN AT THREE AS CURRENTLY STATED AND LIMITED TO NO MORE THAN ONE LITTER OF ANIMALS AT ANY ONE PERIOD OF TIME NOT MORE THAN SIX MONTHS OLD. THE MOTION CARRIED 4-0. COMMISSIONER VANLANDINGHAM WAS ABSENT.**

**CONSENT AGENDA: COMMISSIONER FRADY REQUESTED ITEM NO. 3 BE REMOVED FOR DISCUSSION. ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY TO APPROVE CONSENT AGENDA ITEM NOS. 1, 2 AND 4 AS PRESENTED. THE MOTION CARRIED 4-0. COMMISSIONER VANLANDINGHAM WAS ABSENT.**

1. Approval of Water Committee recommendation to adopt the changes to the operations at Lake Horton, Lake Kedron and Starr's Mill.

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2. Approval of Staff's recommendation for the installation of Identification signage at the Administrative Complex at a cost of \$6,150.44.
3. Approval of contract appointing Christine L. Venice as County Administrator.

**ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER WELLS TO APPROVE THE CONTRACT APPOINTING CHRISTINE L. VENICE AS COUNTY ADMINISTRATOR. THE MOTION CARRIED 4-0. COMMISSIONER VANLANDINGHAM WAS ABSENT.**

4. Approval of minutes for Board of Commissioners meetings held on July 28, 2005 and August 11, 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.

**Grace Caldwell:** Grace Caldwell, 235 South Ford Road, Tyrone commented on Shamrock Park and the location of Tyrone's proposed library.

**STAFF REPORTS:**

**COLLAPSED CULVERT ON WAGON WHEEL CIRCLE:** County Administrator Chris Venice asked for the Board's consideration to approve the amount of \$15,480 for engineering work to be done on the culvert located on Wagon Wheel Circle that collapsed during Hurricane Dennis as well as any additional construction costs that might be incurred.

**ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY TO APPROVE THE AMOUNT OF \$15,480 FOR ENGINEERING WORK TO BE DONE ON THE CULVERT ON WAGON WHEEL CIRCLE PLUS ANY ADDITIONAL CONSTRUCTION COSTS THAT WOULD BE INCURRED. THE MOTION CARRIED 4-0. COMMISSIONER VANLANDINGHAM WAS ABSENT.**

**ATTORNEY MCNALLY:** Attorney McNally asked for the Board's approval in adopting an Ordinance that would amend the County's Ordinance to reflect the State's updated codes regarding gas, electrical, and standard building codes. He said this only involved name changes.

**ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY TO APPROVE THIS ORDINANCE AMENDING THE COUNTY'S CURRENT ORDINANCE TO REFLECT THE STATE'S UPDATED CODES REGARDING GAS, ELECTRICAL AND STANDARD BUILDING CODES. THE MOTION CARRIED 4-0. COMMISSIONER VANLANDINGHAM WAS ABSENT.**

**INTERGOVERNMENTAL AGREEMENT WITH PEACHTREE CITY FOR S.P.L.O.S.T:** Attorney McNally asked for the Board's approval for the Chairman to execute the Agreement for distribution of S.P.L.O.S.T. proceeds with the City of Peachtree City.

**ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER WELLS TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT FOR DISTRIBUTION OF S.P.L.O.S.T. PROCEEDS WITH THE CITY OF PEACHTREE CITY. THE MOTION CARRIED 4-0. COMMISSIONER VANLANDINGHAM WAS ABSENT.**

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

**EXECUTIVE SESSION: ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS THREE LEGAL ITEMS. THE MOTION CARRIED 4-0. COMMISSIONER VANLANDINGHAM WAS ABSENT.**

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

**THE BOARD TOOK NO ACTION ON THIS MATTER.**

**LEGAL:** Attorney McNally reported on a legal item with the Board.

**IT WAS THE CONSENSUS OF THE BOARD THAT ATTORNEY MCNALLY PROCEED IN THIS MATTER.**

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

**IT WAS THE CONSENSUS OF THE BOARD THAT ATTORNEY MCNALLY PROCEED IN 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 4-0. COMMISSIONER VANLANDINGHAM WAS ABSENT.**

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 9:35 p.m.

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Karen Morley, Chief Deputy Clerk