



#### BOARD OF COMMISSIONERS

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



#### STAFF

Christine Venice, County Admin.  
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> Wed. each month at 3:30 p.m.  
2<sup>nd</sup> and 4<sup>th</sup> Thurs. 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

#### Web Site:

[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

#### e-mail contact:

[administration@fayettecountyga.gov](mailto:administration@fayettecountyga.gov)

# The Agenda of Actions

## BOARD OF COMMISSIONERS

September 22, 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 Packaged Beer and Wine Sales License for Fayette Village B.P., 1580 Highway 54 West, Fayetteville, Georgia. Murad K. Jooma and Shiraz M. Aly, Co-Owners, and Murad K. Jooma, Applicant. This property is located in Land Lot 25 of the 7<sup>th</sup> District, fronts on Hwy. 54 West and Huiet Road, and is zoned C-H. This request is for a new location.

**ON MOTION MADE BY COMMISSIONER VANLANDINGHAM, SECONDED BY COMMISSIONER WELLS TO APPROVE THE PACKAGED BEER AND WINE SALES LICENSE FOR FAYETTE VILLAGE B.P. THE MOTION CARRIED 5-0.**

B. Proposed amendments to the Fayette County Comprehensive Plan (Fayette County Land Use Plan) along the S.R. 54 West Corridor. The Planning Commission recommended approval (5-0).

**ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER PFEIFER TO APPROVE THE AMENDMENTS TO THE FAYETTE COUNTY COMPREHENSIVE PLAN (FAYETTE COUNTY LAND USE PLAN) ALONG THE S.R. 54 WEST CORRIDOR. THE MOTION CARRIED 5-0.**

C. 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. This item has been withdrawn and will not be heard tonight. It is being reprocessed for hearings in October.

**CHAIRMAN DUNN ANNOUNCED THAT THIS ITEM HAD BEEN WITHDRAWN AND WOULD BE HEARD AT THE OCTOBER 27, 2005 MEETING.**

**Agenda of Actions**  
**September 22, 2005**  
**Page 2**

- D. 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 7th District and fronts on S.R. 54 West. The Planning Commission recommended approval subject to the two recommended conditions (5-0). Staff recommended approval with two conditions.

**ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY TO APPROVE PETITION NO. 1151-05 WITH TWO CONDITIONS. THE MOTION CARRIED 5-0.**

- E. 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 from the Board of Commissioners' August 25<sup>th</sup> meeting to the September 22, 2005 Board of Commissioners' meeting.

**ON MOTION MADE BY COMMISSIONER VANLANDINGHAM, SECONDED BY COMMISSIONER PFEIFER TO APPROVE PETITION NO. 1152-05 AS R-70 ZONING FOR TWO ACRE LOTS. THE MOTION CARRIED 5-0.**

- F. Consideration of Petition No. 1153-05, Ms. Bobbie J. Roberts, Executrix of the Estate of Grace Prayor, Owner, and Rufus Prayor, Agent, request to rezone 2.15 acres from A-R to R-70 to develop one (1) single-family dwelling lot. This property is located in Land Lot 22 of the 5th District and fronts on Weldon Road. The Planning Commission recommended approval (5-0). Staff recommended approval.

**ON MOTION MADE BY COMMISSIONER PFEIFER, SECONDED BY COMMISSIONER WELLS TO APPROVE PETITION NO. 1153-05. THE MOTION CARRIED 5-0.**

- G. Consideration of Petition No. 1154-05, Allen and Judy Pendergrass, Owners, and Attorney Geoffrey Slade, Agent, request to rezone 4.756 acres from A-R to R-40 to develop two (2) single-family dwelling lots. This property is located in Land Lot 250 of the 13th District and fronts on Mitchell Road and S.R. 279. The Planning Commission recommended approval of tract 1 with no conditions (5-0) and approval of tract 2 subject to the one recommended condition (5-0). Staff recommended approval with one condition.

**ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER PFEIFER TO APPROVE PETITION NO. 1154-05 WITH ONE RECOMMENDED CONDITION. THE MOTION CARRIED 5-0.**

- H. Consideration of Petition No. T-015-05, William and Betty Shubert, Owners, and Jeffrey Evans of Powertel/Atlanta, Inc., Agent, request to construct a 150 foot Monopole Telecommunications Tower

**Agenda of Actions**  
**September 22, 2005**  
**Page 3**

plus a 4 foot lightning rod. This property is located in Land Lot 104 of the 7th District, consists of 49.75 acres, fronts on Dogwood Trail Road, and is zoned A-R. Proposed tower does not comply with the 2 mile separation between tower facilities. The Planning Commission recommended approval subject to the four recommended conditions (3-2). Staff recommended with four conditions.

**ON MOTION MADE BY COMMISSIONER VANLANDINGHAM, SECONDED BY COMMISSIONER WELLS TO DENY PETITION NO. T-015-05. THE MOTION CARRIED 5-0.**

**OLD BUSINESS:**

- I. Mike Smola, representing the Tyrone Town Council, will appear to ask the County to consider releasing deed restrictions on Shamrock Park and to present results of a recent town-wide survey.

**ON MOTION MADE BY COMMISSIONER VANLANDINGHAM, SECONDED BY COMMISSIONER WELLS TO DENY THE REQUEST FROM THE TOWN OF TYRONE TO WITHDRAW THE REVERSION CLAUSE FOR SHAMROCK PARK. THE MOTION CARRIED 5-0.**

**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 Chief Jack Krakeel for adoption of the Fayette County Pre-Disaster Mitigation Plan.
2. Approval of request from Director of Central Support Services Mark Pullium to transfer \$20,000 from contingency to perform repairs on roof leaks at the Stonewall Administrative Complex.
3. Approval of request from Director of Central Support Services Mark Pullium to transfer \$140 for FY 2006 from contingency to cover legal expenditures paid in FY 2004; reversal of \$11,623 legal budget transfer recorded and place back in Sheriff Administration FY 2005 cleaning supplies budget line, and (3) reclass of legal expenditures originally charged to the Sheriff during FY 2005 to the Commissioners' legal expenditure line item.
4. Approval of request from the Town of Tyrone for the County to adopt an Agreement allowing the County to conduct Tyrone's 2005 Municipal Election and authorization for the Chairman to execute the Agreement.
5. Approval of request from Director of Purchasing Tim Jones to approve Staff's recommendation to award Proposal #P522 (Ambulance Billing and Collections) to the company with the best proposal, Hinson Systems, Inc.
6. Approval of request to waive \$25 service fees as requested by Tony Parrott, Water System Manager.

**Agenda of Actions**  
**September 22, 2005**  
**Page 4**

7. Approval of "Statement of Support for the Guard and Reserve" sponsored by the Association of County Commissioners of Georgia.
8. Approval of Intergovernmental Agreement For Distribution of S.P.L.O.S.T. Proceeds between Fayette County and the Town of Brooks.
9. Approval of Intergovernmental Agreement For Distribution of S.P.L.O.S.T. Proceeds between Fayette County and the Town of Tyrone.
10. Approval of Agreement with Town of Brooks for the provision of Animal Control services inside Brooks by the County.
11. Approval of amendment to County Capital Improvement Plan as requested by County Administrator.
12. Approval of minutes for Board of Commissioners' meeting held on August 25, 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.

**John Munford:** John Munford commented on libraries in general. He also thanked the Board for the County's support for families of Hurricane Katrina.

**Georgia Lungaro:** Georgia Lungaro, 507 Gingercake Road, Fayetteville read a letter to the Board on behalf of her husband regarding the County's employment structure.

**STAFF REPORTS:**

**COMMUNITY RATING SYSTEM ANNUAL RECERTIFICATION:** County Administrator Chris Venice asked for the Board's consideration in authorizing the Chairman to execute the Community Rating System Annual Recertification as a result of the National Flood Insurance Program award to Fayette County of a Class 7 rating in May 2004. She said this rating had resulted in a 15% discount for Fayette County residents requiring NFIP insurance in Special Flood Hazard Areas.

**ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE COMMUNITY RATING SYSTEM ANNUAL RECERTIFICATION. THE MOTION CARRIED 5-0.**

**EXECUTIVE SESSION:** Attorney McNally requested an executive session to discuss four legal matters and one real estate item.

**EXECUTIVE SESSION: ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS FOUR LEGAL MATTERS AND ONE REAL ESTATE ITEM. THE MOTION CARRIED 5-0.**

**REAL ESTATE:** Attorney McNally discussed a legal matter with the Board.

**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 Davenport discussed a legal matter with the Board.

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

**LEGAL:** Attorney Davenport reported to the Board on a legal matter.

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

**LEGAL:** Attorney Davenport discussed a legal matter with the Board.

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

**LEGAL:** Attorney McNally updated the Board on a legal matter.

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

**EXECUTIVE SESSION AFFIDAVIT: ON MOTION MADE BY COMMISSIONER VANLANDINGHAM, SECONDED BY COMMISSIONER WELLS TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE EXECUTIVE SESSION AFFIDAVIT AFFIRMING THAT FOUR LEGAL MATTERS AND ONE REAL ESTATE ITEM 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 10:30 p.m.

---

Karen Morley, Chief Deputy Clerk