

# The Agenda of Actions

BOARD OF COMMISSIONERS

JANUARY 25, 2007

7:00 P.M.

Chairman Smith called the meeting to order.

Senior Pastor Dr. Jim Ellison of Providence United Methodist Church gave the Invocation.

Pledge of Allegiance.

## **PUBLIC HEARING:**

- A. Consideration of Petition No. 1188-06, Peachstate Land Development, Inc., Owners, and Rod Wright, Agent, request to rezone 138.65 acres from A-R to EST to develop a single family residential subdivision consisting of 24 lots. This property is located in land Lots 36 and 61 of the 4th District and fronts on 85 Connector and Price Road. Withdrawn by applicant.

## **CHAIRMAN SMITH ANNOUNCED THAT THIS PETITION HAD BEEN WITHDRAWN BY THE APPLICANT.**

- B. Consideration of Petition No. 1189-06, Joseph D. Giovinco and 5335 Old National Partnership, Owners, and Richie Dearing, Agent, request to rezone 4.398 acres from C-C Conditional to C-C to develop Office and Retail Uses. This property is located in Land Lot 69 of the 7th District and fronts on S.R. 54 West and Sumner Road. Withdrawn by applicant.

## **CHAIRMAN SMITH ANNOUNCED THAT THIS PETITION HAD BEEN WITHDRAWN BY THE APPLICANT.**

- C. Consideration of Petition No. 1190-06, Arthur L. Cole, Owner, and Jerry Peterson, Agent, request to rezone 6.513 acres from A-R to R-45 to develop three (3) single-family dwelling lots. This property is located in Land Lot 89 of the 7th District and fronts on Sims Road and Dogwood Trail. The Planning Commission recommended approval as R-70 subject to one (1) recommended condition (5-0). Staff recommended denial of R-45 and approval as R-70.

**ON MOTION MADE BY COMMISSIONER PFEIFER, SECONDED BY COMMISSIONER HORGAN TO APPROVE PETITION NO. 1190-06 AS R-70 AS RECOMMENDED BY THE PLANNING COMMISSION AND STAFF. THE MOTION**

**CARRIED 5-0.**

- D. Consideration of the proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. S.R. 54 West Overlay Zone, B. S.R. 85 North Overlay Zone, and C. General State Route Overlay Zone as presented by the Planning & Zoning Department. The Planning Commission recommended approval (5-0).

**DIRECTOR OF COMMUNITY DEVELOPMENT PETE FRISINA REQUESTED THAT THIS ITEM BE TABLED TO THE FEBRUARY 7, 2007 BOARD OF COMMISSIONERS' MEETING.**

**PUBLIC COMMENT:**

Members of the public are allowed up to five minutes each to address the Board on any issues of concern.

**Bob McElroy:** Bob McElroy asked for the Board's consideration to evaluate a problem concerning a large tent that had been erected adjacent to his property.

**NEW BUSINESS:**

- E. Discussion by Commissioner Herb Frady regarding the completion of the third floor of the Fayette County Justice Center.

**ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER MAXWELL TO INSTRUCT STAFF TO GATHER INFORMATION TO PRESENT AT THE FEBRUARY 7<sup>TH</sup> BOARD OF COMMISSIONERS WORKSHOP MEETING REGARDING (1) VERIFICATION OF THE AMOUNT OF FUNDS IN THE BOND ACCOUNT; (2) SPATIAL REQUIREMENTS FOR OCCUPANTS AT THE JUSTICE CENTER INCLUDING SUPERIOR COURT, STATE COURT, PROBATE COURT, JUVENILE COURT, MAGISTRATE COURT, CLERK OF THE COURTS, DISTRICT ATTORNEY, SOLICITOR, SHERIFF; (3) HAVE CONSULTANTS MALLETT AND ASSOCIATES BE PREPARED TO GIVE INPUT REGARDING SPATIAL REQUIREMENTS AT THE CENTER; AND (4) HAVE A NEEDS ASSESSMENT DONE REGARDING SPATIAL NEEDS FOR THE ADMINISTRATIVE COMPLEX AS WELL AS ALL COUNTY OFFICES. THE MOTION CARRIED 5-0.**

**NOMINATION OF COMMISSIONER FRADY TO THE A.C.C.G. BOARD OF MANAGERS:**

Commissioner Maxwell asked for the Board's consideration in nominating Commissioner Frady to represent the Third District as a member of the A.C.C.G. Board of Managers. He noted that the Third District included Fulton, DeKalb, Cobb, Gwinnett, Cherokee, Fayette, Douglas, Clayton, Henry and Rockdale Counties.

**ON MOTION MADE BY COMMISSIONER MAXWELL, SECONDED BY COMMISSIONER PFEIFER TO SUBMIT AN APPLICATION TO THE ASSOCIATION OF COUNTY COMMISSIONERS OF GEORGIA TO NOMINATE COMMISSIONER FRADY AS THE**

**REPRESENTATIVE FOR THE THIRD DISTRICT ON THE A.C.C.G.'S BOARD OF MANAGERS. THE MOTION CARRIED 5-0.**

**CONSENT AGENDA: CHAIRMAN SMITH REQUESTED THAT ITEM #6 BE REMOVED FOR DISCUSSION. ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER PFEIFER TO APPROVE CONSENT AGENDA ITEMS NOS. 1, 2, 3, 4, AND 5 AS PRESENTED. THE MOTION CARRIED 5-0.**

1. Approval of the Water Committee meeting schedule for meetings to be held every second and fourth Wednesday of the month.
2. Approval of Water Committee recommendation to allow the Georgia Department of Transportation to add the waterline relocation to their S.R. 74 South Phase II project including authorization for the road contractor to relocate the waterline.
3. Approval of staff's recommendation to award Bid #590 for Water Distribution Parts to the four lowest bidders of 225 line items and authorization for the Chairman to execute subsequent contracts, subject to submission of applicable bonds and other documents.
4. Approval of Water Committee recommendation to prohibit installation of any antenna directly to a water tank, or erection of an antenna on a tank site that is not large enough to allow separate fencing for the antenna.
5. Approval to allow the disposal of old inmate clothing and bedding no longer serviceable.
6. Approval of minutes for Board of Commissioners meetings held on December 14, 2006 and January 11, 2007.

**ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER PFEIFER TO APPROVE THE MINUTES FOR THE BOARD OF COMMISSIONERS MEETING HELD ON DECEMBER 14, 2006. THE MOTION CARRIED 3-0 -2 WITH CHAIRMAN SMITH AND COMMISSIONER MAXWELL ABSTAINING.**

**ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER PFEIFER TO APPROVE THE MINUTES FOR THE BOARD OF COMMISSIONERS MEETING HELD ON JANUARY 11, 2007. THE MOTION CARRIED 5-0.**

**STAFF REPORTS:**

**EXECUTIVE SESSION:** Attorney McNally requested an Executive Session to discuss two legal items and one real estate acquisition.

Commissioner Maxwell requested an Executive Session to discuss four legal items.

**EXECUTIVE SESSION: ON MOTION MADE BY COMMISSIONER FRADY, SECONDED**

**BY COMMISSIONER PFEIFER TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS SIX LEGAL ITEMS AND ONE REAL ESTATE ACQUISITION. THE MOTION CARRIED 5-0.**

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

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

**LEGAL**: Commissioner Maxwell discussed a legal item.

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

**LEGAL**: Commissioner Maxwell discussed a legal item with the Board.

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

**LEGAL**: Commissioner Maxwell discussed a legal item with the Board.

**AFTER A BRIEF DISCUSSION, COMMISSIONER MAXWELL SAID HE WOULD LIKE TO MAKE A MOTION AND THIS WOULD BE DONE IN OPEN SESSION.**

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

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

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

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

**EXECUTIVE SESSION AFFIDAVIT**: ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER HORGAN TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE EXECUTIVE SESSION AFFIDAVIT AFFIRMING THAT FIVE LEGAL ITEMS (One item was a duplicate) AND ONE REAL ESTATE MATTER WERE DISCUSSED IN EXECUTIVE SESSION. THE MOTION CARRIED 5-0.

**CHAIRMAN SMITH RECONVENED THE PUBLIC SESSION AT THIS TIME.**

**COMMISSIONER MAXWELL REMARKED THAT HE WOULD LIKE TO MAKE A MOTION ON A LEGAL ITEM DISCUSSED IN EXECUTIVE SESSION.**

**ON MOTION MADE BY COMMISSIONER MAXWELL, SECONDED BY COMMISSIONER FRADY TO MOVE THE DIRECTOR OF PUBLIC SAFETY POSITION FROM A PAY GRADE 42 TO A PAY GRADE 44 EFFECTIVE JULY 1, 2006. THE MOTION CARRIED 5-0.**

There being no further business to come before the Board, Commissioner Frady made a motion and Commissioner Horgan seconded the motion to adjourn the meeting at 9:40 p.m.

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Karen Morley, Chief Deputy Clerk