Minutes

Board of Commissioners
January 24, 2008
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, January 24, 2008, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Jack Smith, Chairman Herb Frady, Vice-Chairman Robert Horgan Eric Maxwell Peter Pfeifer
Staff Present:	Jack Krakeel, Interim County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Karen Morley, Chief Deputy Clerk Floyd Jones, Deputy Clerk

---

Chairman Smith called the meeting to order.
Commissioner Pfeifer led the Invocation.
Pledge of Allegiance.

ACCEPTANCE OF AGENDA:
Commissioner Frady made a motion and Commissioner Horgan seconded the motion to approve the agenda as presented. The motion carried 5-0.

PUBLIC HEARING:
RULES FOR REZONING HEARINGS: Director of Community Development Pete Frisina read the rules for rezoning hearings. A copy of the rules, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

PETITION NO. 1204-07:

A. Consideration of Petition No. 1204-07, Roza K. Adamczyk and Rosa E. Clemente, Owners, and Attorney Newton Galloway of Galloway & Lyndall, LLP, Agent, request to rezone 9.70 acres from A-R to O-I to develop a Medical Office Park. This property is located in Land Lots 7 and 8 of the 7th District and fronts on Huiet Road and Lester Road. Staff recommended denial. The Planning Commission recommended denial 5-0.

Chairman Smith remarked that the Board had received a request from the Petitioners' attorney for a continuance of this matter. He said the rules and regulations that this Board operated under required that when a request for a continuance was received, it would have to be for a sixty (60) day period minimum before it could be reheard. He said the next available meeting to hear this matter would be at the March 27th Board of Commissioners' meeting.

Commissioner Frady made a motion and Commissioner Pfeifer seconded the motion to accept the petitioners' request for a continuance to the March 27th Board of Commissioners' meeting. The motion carried 5-0. A copy of the request, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

PETITION NO. RP-041-07:

B. Consideration of Petition No. RP-041-07, Case Estates Subdivision, Wanda C. Case, Owner/Agent, request to revise the Final Plat to subdivide Lot 2 into three (3) lots and to reduce the acreage of Lot 1. This property is located in Land Lots 44 and 45 of the 7th District, fronts on Sandy Creek Road, and is zoned R-70. Staff recommended approval with four (4) recommended conditions. The Planning Commission recommended approval 5-0.

Wanda Case remarked that she was the owner of the property and had lived there for forty-three years. She said she wanted to subdivide Lot 2 into three lots and to reduce the acreage of Lot 1 so that she could build herself a smaller home. She said she agreed with all four (4) of the recommended conditions proposed by the Planning Commission which were (1) The owner/developer shall dedicate, at no cost to Fayette County, twenty (20) feet of additional right-of-way to create a total of fifty (50) feet of right-of-way as measured from the centerline of Sandy Creek Road; (2) The newly established property lines shall not be located within five (5) feet from the individual sewage disposal system currently serving the property at 813 Sandy Creek Road; (3) A Letter of Confirmation signed by the owner of the pipeline giving allowance for the curb cut and driveway within the pipeline easement must be presented and noted at time of final plat; and (4) Power lines shown on proposed Lot #1 shall be abandoned or established in an easement if they are to remain. Contiguous area for this lot must be adjusted as needed for any easement.

Chairman Smith asked if anyone wished to speak in favor of this petition. Hearing none, he asked if anyone wished to speak in opposition to this petition. Hearing none, he declared the public hearing closed. He asked for the Board's pleasure in this matter.

Commissioner Frady made a motion and Commissioner Horgan seconded the motion to approve Petition No. RP-041-07 as presented with the four (4) recommended conditions, discussion followed.

Commissioner Maxwell noted that the surrounding properties were already zoned R-70 and Mr. Frisina stated that this was an area that was blanket zoned by the County back in the early 1970's. Mr. Frisina remarked that this was a huge area and zoned R-70.

The motion carried 5-0.

ORDINANCE NO. 2008-01 - 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, 4. ARCHITECTURAL STANDARDS; B. S.R. 85 NORTH OVERLAY ZONE, 4. ARCHITECTURAL STANDARDS; AND C. GENERAL STATE ROUTE OVERLAY ZONE, 4. ARCHITECTURAL STANDARDS:

C. Consideration of 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, 4. Architectural Standards; B. S.R. 85 North Overlay Zone, 4. Architectural Standards; and C. General State Route Overlay Zone, 4. Architectural Standards as presented by the Planning and Zoning Department. The Planning Commission recommended approval 5-0.

Director of Community Development Pete Frisina remarked that this item related to the overlay zone which required certain architectural standards for buildings in the overlay. He said it required that buildings have a certain characteristic that was a residential characteristic. He said an allowance had been made for any building that was existing in the overlay that did not meet these architectural requirements for a one time addition to that building which would be an addition of 50% of the existing square footage. He said there would be a sunset provision included that this exception would only last for seven (7) years from the date of approval.

Chairman Smith asked if anyone wished to address this proposal to amend the Fayette County Zoning Ordinance. Hearing none, he declared the public hearing closed. He asked for the Board's pleasure in this matter.

Commissioner Frady made a motion and Commissioner Pfeifer seconded the motion to approve the 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, 4. Architectural Standards; B. S.R. 85 North Overlay Zone, 4. Architectural Standards and C. General State Route Overlay Zone, 4. Architectural Standards as presented, discussion followed.

Commissioner Horgan asked what would be the definition of the ordinance after the seven year period.

Mr. Frisina replied at that point any new construction would have to meet the requirements of the ordinance.

The motion carried 5-0. A copy of Ordinance No. 2008-01, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

ORDINANCE NO. 2008-02 - AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE III. DEFINITIONS AND ARTICLE V. GENERAL PROVISIONS, SECTION 5-10. ACCESSORY STRUCTURES AND SECTION 5-11. GUEST HOUSE:

D. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions and Article V. General Provisions, Section 5-10. Accessory Structures and Section 5-11. Guest House as presented by the Planning and Zoning Department. The Planning Commission recommended approval 5-0.

Director of Community Development Pete Frisina remarked that this was another item that had been looked at for a very long time. He said the major change that was being made was the change in size of accessory structures that would be allowed. He said prior to this, each lot was allowed two accessory structures not to exceed 900 square feet. He said now there would be a provision to still have the two 900 square feet accessory structures or one 1,800 square feet accessory structure in lieu of two with the provision that any structure of that nature could not be larger than the square footage of the home. He said there was also another provision regarding a free standing guest house and it could not exceed 700 square feet and under that option there could be an 1,100 square foot accessory structure in addition to that. He said another concept that the planning staff was seeing was the concept for outdoor kitchen living area which was a structure that was usually more like a pavilion type structure with no walls but included seating, dining and cooking facilities. He said in this ordinance these type structures would also be allowed only for these types of uses and would not be allowed for storage or anything of that nature. He said with Attorney Scott Bennett's help, staff had been able to reduce a lot of the redundancy and take a lot of the extraneous language out of the ordinance without changing any of the substantive ordinance.

Chairman Smith asked if anyone would like to speak in favor of this amendment. Hearing none, he asked if anyone wished to speak in opposition.

Angela Hinton-Fonda remarked that she lived in the Westbridge subdivision. She said she was not necessarily speaking in opposition but felt the proposed ordinance would allow for guest houses that had lofts. She said she could envision someone essentially erecting a temporary stair to a loft area for a bedroom and cheating on the number of square feet that were permitted under this proposed amendment. She asked for consideration for staff to look into this.

Chairman Smith asked if anyone else wished to speak in regard to these amendments. Hearing none, he declared the public hearing closed. He asked Mr. Frisina to address Ms. Fonda's comment.

Mr. Frisina remarked that the ordinance reads that any living space that would be considered a guest house was limited to 700 square feet of heated area and there were only a few options where it could be combined with additional square footage for an accessory structure that would just be for storage.

Commissioner Frady said he felt staff had done a great job preparing this ordinance and the Board as well as staff had spent a lot of time on it and he was ready to make a motion.

Commissioner Frady made a motion and Commissioner Horgan seconded the motion to approve the Amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions and Article V. General Provisions, Section 5-10. Accessory Structures and Section 5-11. Guest House as presented. The motion carried 5-0. A copy of Ordinance No. 2008-02, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

PUBLIC COMMENT:
There was none.

CONSENT AGENDA: Commissioner Horgan made a motion and Commissioner Pfeifer seconded the motion to approve the consent agenda as presented. The motion carried 5-0.

HUMAN RESOURCES - EMPLOYEE ASSISTANCE PLAN:

1. Approval of contract with One Source Counseling and Employee Assistance Program Services as the new Employee Assistance Plan provider effective January 1, 2008. A copy of the request and contract, identified as "Attachment No. 5", follows these minutes and are made an official part hereof.

FINANCE DEPARTMENT - CHERRY, BEKAERT & HOLLAND AWARDED AUDITING CONTRACT:

2. Acceptance of the letter of engagement with Cherry, Bekaert & Holland, L.L.P., the County's auditing firm, to determine the County's compliance with Municipal Solid Waste Landfill Criteria of the Resource Conservation Recovery Act, and authorization for the Chairman to execute said letter. A copy of the request and letter of engagement, identified as "Attachment No. 6", follows these minutes and are made an official part hereof.

MINUTES:

3. Approval of minutes for Board of Commissioners' Special Called Budget Workshop held on May 24, 2007 and Board of Commissioners' meetings held on January 2, 2008 and January 10, 2008.

OLD BUSINESS:
PUBLIC WORKS/FLEET MAINTENANCE - C & M EQUIPMENT, INC. AWARDED FUEL TANK UPGRADES:

E. Approval of staff's recommendation to award contract to C & M Equipment, Inc. for fuel tank upgrades at the Public Works/Fleet Maintenance Facility in the amount of $290,800.

Director of Fleet Maintenance Bill Lackey remarked that this project had been ongoing since the beginning of 2006. He said part of it was to increase storage capacity so that the County would have at least a minimum of thirty day supply of gasoline and diesel fuel. He said the other part was to bring the County up to requirements for the E.P.D. He said currently his department was doing the inventory control manually and in the next two years the E.P.D. was going to require automatic tank gauging systems as well as a leak detection system. He said when the planning of this project first started, two additional tanks were going to be added to the existing site and during the design phase with the engineers it was discovered that the existing tanks did not have the fittings to allow for installation of additional equipment. He said after that discovery, the scope of the project changed and these tanks would have to be dug up and new tanks installed. He said the

original estimate was $160,000 and since the scope of the work had changed, the cost was now going to be $290,800. He said $200,000 was already budgeted and $35,650 of that amount was committed to Mallett and Associates for project management. He said more than likely there would be another $7,000 added to the figure for soil analysis after the tanks were dug up. He said the budget was short by $133,450.

Chairman Smith asked for the status of these tanks.

Mr. Lackey replied that every three years the County was required to have testing for the amount of corrosion on the underground tanks. He said this test was performed in April and the results were below the allowable figures. He said it was his recommendation that the tanks would need to be replaced.

Chairman Smith asked if there were any further questions. Hearing none, he asked for the Board's pleasure in this matter.

Commissioner Frady made a motion and Commissioner Pfeifer seconded the motion to approve staff's recommendation to award contract to C & M Equipment, Inc. for fuel tank upgrades at the Public Works/Fleet Maintenance Facility in the amount of $290,800. The motion carried 5-0. A copy of the request and contract, identified as "Attachment No. 7", follows these minutes and are made an official part hereof.

PUBLIC WORKS/FLEET MAINTENANCE - TRANSFER OF FUNDS:

F. Approval of staff's recommendation to transfer $133,450 from the Contingency Fund to Fleet Maintenance Account #37540900-541210 (project code P7019) to complete the underground storage tank upgrades at the Public Works/Fleet Maintenance Facility.

Commissioner Frady made a motion and Commissioner Horgan seconded the motion to approve staff's recommendation to transfer $133,450 from the contingency fund to Fleet Maintenance Account #37540900-541210 (project code P7019) to complete the underground storage tank upgrades at the Public Works/Fleet Maintenance facility. The motion carried 5-0. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

WATER COMMITTEE RECOMMENDATION - DRAINAGE EASEMENT AGREEMENT:

G. Approval of the Water Committee's recommendation for approval of a Drainage Easement Agreement between Fayette County, PCH Investments, LLC, and Sequoia Golf Planterra Ridge, LLC., owners of the Planterra Ridge Golf Course.

Water System Director Tony Parrott remarked that the golf course would be relocating two of the holes. He said in doing that, some of the runoff from these holes would be improved. He said the sand trap located at the hole would become the best management practice for the hole. He said the water would go through the sand trap and out of the pipe across an easement with PCH Investments into Fayette County property which was the future Lake McIntosh. He said there was water runoff there now but because it would come through the sand trap and through a pipe, Peachtree City would like an easement for the flow of water.

Chairman Smith asked if there were any further questions. Hearing none, he asked for the Board's pleasure in this matter.

Commissioner Pfeifer made a motion and Commissioner Horgan seconded the motion to approve the Water Committee's recommendation for approval of a Drainage Easement Agreement between Fayette County, PCH Investments, LLC, and Sequoia Golf Planterra Ridge, LLC, owners of the Planterra Ridge Golf Course. The motion carried 5-0. A copy of the request and Agreement, identified as "Attachment No. 9", follows these minutes and are made an official part hereof.

Chairman Smith requested that the Executive Session portion of the agenda be moved to this location on the agenda.

EXECUTIVE SESSION:
Commissioner Frady made a motion and Commissioner Horgan seconded the motion to move the Executive Session portion of the agenda to this location on the agenda and for the Board to adjourn to Executive Session to discuss one litigation matter. The motion carried 5-0.

Commissioner Frady made a motion and Commissioner Horgan seconded the motion to adjourn the Executive Session and reconvene to the open meeting. The motion carried 5-0.

LITIGATION:
Chairman Smith stated that the Board had met in Executive Session and discussed a matter of litigation and the Board had authorized the Attorney to proceed in this matter.

EXECUTIVE SESSION AFFIDAVIT:
Commissioner Horgan made a motion and Commissioner Pfeifer seconded the motion to authorize the Chairman to execute the Executive Session Affidavit affirming that one litigation matter was discussed in Executive Session. The motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORT
FAYETTE COUNTY PUBLIC LIBRARY: Interim County Administrator Jack Krakeel reported to the Board that the Fayette County Public Library would be closed to patrons after 12:00 noon on Friday, February 1st due to the installation of new shelving and the relocation of existing shelving at the Library.

ATTORNEY'S REPORTS
TEMPORARY CONSTRUCTION EASEMENT FOR THE WIDENING OF JIMMY MAYFIELD BOULEVARD:
Attorney Scott Bennett asked for the Board's consideration to approve a Temporary Construction Easement for the City of Fayetteville's widening of Jimmy Mayfield Boulevard and authorization for the Chairman to execute said Agreement.

Commissioner Frady made a motion and Commissioner Horgan seconded the motion to approve a temporary construction easement for the City of Fayetteville's widening of Jimmy Mayfield Boulevard and authorization for the Chairman to execute said Agreement. The motion carried 5-0. A copy of the Agreement, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

TEMPORARY DRIVEWAY EASEMENT FOR THE D.O.T. TO RESTORE A DRIVEWAY AS A RESULT OF THE WIDENING OF S.R. 74 NEAR S.R. 85:
Attorney Scott Bennett asked for the Board's consideration to approve a temporary driveway easement for the Department of Transportation to restore a driveway as a result of the widening of S.R. 74 near S.R. 85 and authorization for the Chairman to execute said Agreement.

Commissioner Horgan made a motion and Commissioner Pfeifer seconded the motion to approve a temporary driveway easement for the D.O.T. to restore a driveway as a result of the widening of S.R. 74 near S.R. 85 and authorization for the Chairman to execute said Agreement. The motion carried 5-0. A copy of the Driveway Easement, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

BOARD REPORTS
GRAND OPENING OF THE NEW SENIOR CENTER: Commissioner Pfeifer commented on the grand opening of the new Senior Center and suggested that all former Commissioners who participated in this endeavor be invited to attend the grand opening.

Chairman Smith directed Executive Assistant Carol Chandler to make sure that this was done.

STAFF REPORTS
There were none.

ADJOURNMENT
Commissioner Frady made a motion and Commissioner Horgan seconded the motion to adjourn the meeting at 8:30 p.m. The motion carried 5-0.

_____ _____
Karen Morley, Chief Deputy Clerk Jack R. Smith, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 14th day of February, 2008.

_____
Karen Morley, Chief Deputy Clerk