Minutes

Board of Commissioners
July 25, 2013
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on July 25, 2013 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Steve Brown, Chairman Charles Oddo, Vice Chairman David Barlow Allen McCarty
Commissioner Absent:	Randy Ognio
Staff Present:	Steve Rapson, County Administrator Floyd L. Jones, County Clerk Tameca P. White, Deputy Clerk Dennis Davenport, Interim County Attorney

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Call to Order, Invocation, Pledge of Allegiance

Chairman Brown called the July 25, 2013 Board of Commissioners meeting to order at 7:01 p.m.
Permits and Inspections Director Joe Scarborough offered the invocation.
Commissioner McCarty led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Chairman Brown moved to accept the Agenda and to add two additional items to the Agenda: Item 17– Intergovernmental Agreement with the Town of Brooks allowing the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Brooks in 2013, and Item 18– nine-acre annexation request from the City of Fayetteville for the address of 183 South Sandy Creek Road. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Ognio being absent from the meeting.

PRESENTATION / RECOGNITION:

Chairman Brown introduced Intern Kyra Parks. He explained that Ms. Parks attends Whitewater High School, and he told everyone that she recently won a scholarship from the Governor's Office before he asked for the audience to give her a big hand. He concluded the introduction by saying the Board was very proud of Ms. Parks.

1. Recognition by Mr. Christopher Dunn, editor of Fayette Game Day Youth Sports Magazine, of Mr. Brad Hort and Ms. Gabby Seiler as Fayette County's Athletes of the Year.

Mr. Christopher Dunn, editor of *Fayette Game Day Youth Sports Magazine*, said it was good to honor the best individual athletes among Fayette County's high schools. He explained that every high school in Fayette County nominated their top male and female athletes of the year, and that the top male and female athletes were selected from those nominations. He said this year, both athletes attended McIntosh High School, namely, Ms. Gabby Seiler and Mr. Brad Hort. Mr. Dunn explained why Ms. Seiler was selected as Fayette County's Female Athlete saying she was a star in both basketball and soccer, and he told of her individual accomplishments. Coach Charles Buckle then spoke about Mr. Hort, explaining that he was a phenomenal athlete who is the best distance runner that he has ever coached at McIntosh High School. Coach Buckle also spoke about Mr. Hort's individual achievements. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.

PUBLIC HEARING:

2. Consideration of staff's request to approve a new beer and wine package sales license for Amir Shahzad operating as BP Kenwood at 1866 GA Hwy. 85 N., Fayetteville, Georgia 30214.

No one spoke in favor of or in opposition to this request.

Commissioner Barlow moved to accept staff request to approve a new beer and wine package sales license for Amir Shahzad operating at BP Kenwood at 1866 GA Hwy. 85 N., Fayetteville, Georgia 30214. Commissioner Oddo seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Ognio being absent from the meeting. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

3. Consideration of Petition RDP-010-13 requesting approval of the Revised Development Plan for Ballard's Terrace Subdivision to change the proposed Community Clubhouse containing a pool and cabana to a Landscaped Park consisting of 1.62 acres.

Ms. Donna Black, representing Ballard's Terrace Subdivision, confirmed that they were requesting a change to the development plan, and she explained the purpose for the request.

No one else spoke in favor of or in opposition to this request.

Commissioner Oddo moved to accept Public Hearing Item 3 consideration of Petition RDP-010-13 requesting approval of the Revised Development Plan for Ballard's Terrace Subdivision to change the proposed Community Clubhouse containing a pool and cabana to a Landscaped Park consisting of 1.62 acres. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Ognio being absent from the meeting. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

4. Consideration of Ordinance 2013-05, consisting of either Option 1 or Option 2, adopting proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article III, Definitions and Article VI, Sec. 6-26., G-B General Business District regarding building height.

Community Development Director Pete Frisina addressed the Board concerning Ordinance 2013-05, and he spoke about the differences and concerns related to Option 1 and Option 2 as presented. He reminded the Board that it recently approved rezoning for a movie studio, and that one of the issues that came from that rezoning was that the building height for the proposed movie studio was 65-feet tall. He explained that the County's ordinance does not have an allowance for a building that tall, and that he informed the Board at the time that staff would review the ordinance. He reported that staff has been working on this issue several months, and that the work has included the Planning Commission, staff, and Fayette County citizens. He explained that the original General Business (G-B) Zoning District, which was established in December 2012, has a maximum 40-foot building height, and that it is the highest building height allowed in Fayette County apart from those buildings in Office-Institutional (O-I) Zoning Districts. He continued reporting that new developments create new issues, so most of the work that was done for these issues involved the movie studio that was recently permitted on State Route 138 as well as the Pinewood Studios property. He stated that the work was an effort to get "where we wanted to be on Pinewood and still protect the area around [State Route] 138". He explained that the collaboration of citizens, staff, and the Planning Commission resulted in a good compromise. Mr. Frisina explained that what the County has in other parts of its ordinances is that when a building is above a prescribed height limit additional setbacks are required. He said the proposed changes to the ordinance has setbacks that increase for every additional foot over 40-feet tall, with the front setback increasing by eight-feet and the side setback increasing by five-feet. He said the proposed changes give latitude for what is needed for Pinewood Studios, and it gives Mr. Alvin Williams (who wants a studio at State Route 138) some flexibility to build to a higher limit than initially prescribed. Mr. Frisina stated that the Mr. Williams was very interested in having a movie studio that was 65-feet tall, but the neighbors around the area were not as interested. He explained that the compromise was to add some acreage requirements to the proposed changes, but that differences between staff and the Planning Commission pertaining to the acreage requirements resulted in the two options that were being presented to the Board.

Mr. Frisina said the first option, recommended by the Planning Commission, would increase the building height to 45-feet with a required acreage of 10 to 25 acres. He said this option would give the property on State Route 138 a 45-foot height. He explained that staff looked at the issue a little differently by considering the competitive aspect of the issue and by considering that the property owner on State Route 138 was asking for a 50-foot height limit in order to be competitive. He said staff, therefore, proposed Option Two– a 50-foot height increment with a 20 to 50-acre tract. He clarified that for each additional five-feet of height that is added to a building, additional acreage would be required. He noted that both Options One and Two would work for Pinewood Studios, but that staff recommended Option Two since it also benefits the movie studio on State Route 138. Discussion followed.

Donald Fowler: Mr. Donald Fowler said he wanted to see lighting restrictions incorporated into the ordinance. He suggested that if a building was going to be constructed that was 65-feet tall that it would have spotlights and floodlights up that high as well. He thought that the lighting restrictions should be added into the ordinance in order to protect the neighbors. He concluded his comments saying it was bad enough to have a 65-foot building in front of his home and his neighbors' homes, but that there would be problems if floodlights were shining down on them all night.

David Brill: Mr. David Brill, President of the North Fayette Community Association (NFCA), reported that the NFCA held several meetings, which included Mr. Alvin Williams who is the owner of the studio that is intended to be built off of State Route 138. He reported that all in all, there was no negative feedback from the members of the NFCA, save for one member who is opposed to any studios being built based on her

experience living in Los Angeles. He informed the Board that apart from the one person in opposition, he had not come across anyone in the NFCA membership who has raised any negative comments about this issue. He informed the Board that while there was no vote held by the NFCA (meaning he was speaking on his own behalf); his sense was that Option Two was favored over Option One.

Tom Waller: Mr. Tom Waller expressed concerns about the berms in the area, and if raising the height of the buildings would require the berms to be higher. He asked if the developer would accept higher berms since every time soil had to be moved it would cost a lot of money. He suggested that the height of the berms needed to be reconsidered due to the height of the buildings, since "you can't go higher and higher without increasing the height of the berms."

No one else spoke in favor of or in opposition to this request.

Commissioner Barlow moved to accept Ordinance 2013-05, consisting of Option 2, adopting proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article III, Definitions and Article VI, Sec. 6-26., G-B General Business District regarding building height. Commissioner McCarty seconded the motion.

Commissioner Oddo said he had looked at the proposed amendments and weighed the options that were provided in an effort to ensure the right decision was being made. He said the proposals create a delicate balance since there are people who live in the area who have a business that they want to establish there. He mentioned he called some people and spoke to them about this issue, and it all seemed to boil down to the fact that there really is no opposition to speak of and that the homeowners are fairly satisfied. He concluded that the issue then comes down to height, and he believed that if the Board could help any business in the county that it would be good for the county. He repeated that this issue creates a delicate balance, but he could see where the proposals could be a win-win for everyone. He said he was ultimately coming down on the 50-foot option as provided in Option Two.

Chairman Brown addressed Mr. Fowler's comments by saying the County was looking at what the visual appearance is from the street, and he said the County would watch that very closely. He said Mr. Frisina has been working on the issue in conjunction with the City of Fayetteville. Concerning Mr. Waller's comments, he said that Pinewood Studios has all the soil that they could possibly want and is trying to figure out how to get the soil off of the site. He suggested that extending berms and associated work would not be as big a problem for the Pinewood site.

Commissioner Barlow said he understood, with regard to the 65-foot height of the Pinewood Studios building, that the berms that were to be installed are sufficient to block any visual from the roads as they are established today; since Pinewood Studios is going to construct the floor of the buildings at approximately 40 to 45-feet below the road's visual. He asked if Pinewood Studio's building would look like a five-foot tall building from the road due to the berm that would be built, and if Pinewood Studios would not be adding any additional height to the berms. Mr. Frisina replied that Pinewood Studios had planned to create berms in anticipation of the buildings "being built high". He explained that the site happens to drop by a considerable amount in elevation in the areas they are building in. He said the county's regulations require that a 65-foot building to be a minimum of 200-feet off of the road, and that Pinewood has actually pushed the building back further than the county requires. He explained that the planned berms, coupled with existing trees in the area, would work to block a large majority of the tall buildings from the road; albeit someone could probably see the tops of the buildings from the road.

Commissioner Oddo said he attended one of the Planning Commission meetings about this matter, and he said there was a lot of thought that went into this issue. He acknowledged that the Planning Commission did a really good job, but that there was a little bit of a different opinion of how the issue should be addressed. He commended the Planning Commission since this issue took a lot of thought and consideration. He said this issue was well thought out, acknowledged that changes were coming to the County, and pointed out that everyone was doing the best they could.

The motion to accept Ordinance 2013-05, consisting of Option 2, adopting proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article III, Definitions and Article VI, Sec. 6-26., G-B General Business District regarding building height passed 4-0-1 with Commissioner Ognio being absent from the meeting. A copy of the request and Ordinance 2013-05, identified as "Attachment 4", follow these minutes and are made an official part hereof.

5. Consideration of Ordinance 2013-06 adopting proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article V, Sec. 5-16., regarding church or place of worship structures permitted above the height limit.

Community Development Director Pete Frisina addressed the Board concerning Ordinance 2013-06. He said this was another issue that staff encountered, namely, that a church wants to construct above the current height limit. He said the county has certain structures under Zoning Ordinance, Article V, Sec. 5-16. that are allowed to be above the height limit. He said some of those structures are spires, steeples, belfries and other structures that are often associated with churches. He said the problem staff had was specifically with the way the ordinance read in regard to the proposed height limit that could not be exceeded with a vaulted cathedral ceiling. He said staff has added the term "vaulted cathedral ceiling" to the list of structures that can be constructed above the height limit. He added that the ordinance also included some minor changes, some grammatical changes, and some changes in an effort to conduct some housekeeping.

No one spoke in favor of or in opposition to the request.

Chairman Brown said he was one of the people who helped to push this issue along. He said one of the considerations for height ordinances, traditionally, was for fire suppression. He said that, historically, four or five story structures could not be constructed because the County did not have the ability to suppress fires in taller structures. He added that this concern formed the evolution of many city and county height ordinances in past years. He said that, obviously, people are not in vaulted cathedral ceilings of a sanctuary. He continued that, from an architectural standpoint, he would take a vaulted cathedral ceiling any day. He pointed out that many churches, due to economic circumstances, are going with commercial-style office looking buildings or retail-looking buildings. He said the look is not the traditional architectural value that communities derive from churches. He pointed out that when a church really wants to build a really nice structure that would complement the surrounding area, it would be a shame not to build the church because the tip of the vaulted ceiling is three-feet over the height requirement. He thought the change would be good, and it would allow churches to build really nice structures that benefit the aesthetics of the community.

Commissioner Oddo moved to accept Public Hearing Item 5 consideration of Ordinance 2013-06 adopting proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinances, Article V, Sec. 5-16., regarding church or place of worship structures permitted above the height limit.

Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Ognio being absent from the meeting. A copy of the request and Ordinance 2013-06, identified as "Attachment 5", follow these minutes and are made an official part hereof.

6. Consideration of Ordinance 2013-07 adopting proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article V, Sec. 5-20., regarding accessory structure size in residential zoning districts.

Chairman Brown informed the audience that the Board had an additional item on the dais. He said it was the coding "that was in the book with new language". He said the page was titled "#6 New Language Ordinance 2013-07". He added that the County Clerk could provide a copy of the information following the meeting.

Community Development Director Pete Frisina addressed the Board concerning Ordinance 2013-07. He said this issue was brought up by the Board as well as by the Planning Commission. He said the section in consideration has been in place for many years and it pertains to accessory structure sizes allowed in residential zoning areas. He explained that accessory structures include detached garages, pool houses, storage buildings, mother-in-law suites, and guest houses. He said a suggestion was made to raise the size of the accessory structures, which are currently limited to 1,800 square feet, to 3,600 square feet. He explained that the criteria that the County were using was for a minimum of five acres, and for no accessory structure to be larger than the home. He said the Planning Commission was not in favor of the proposed changes to the ordinance, as presented, since they had concerns– especially with respect to subdivisions. He said the Planning Commission's concern was that the changes would allow only some lots within a subdivision to have accessory structures while other lots would not be allowed to have any accessory structures. Mr. Frisina said he studied the issue and found that one-acre subdivisions mostly have one-acre lots, but sometimes there will be larger lots, some of them with five acres or more. He said those lots would be allowed to have accessory structures twice the size of the lot next to them. He added that five acres alone is not always a good indication of how much "buildable" area is on the lot, for various reasons such as floodplains, and that those reasons could result in a five-acre lot having less buildable area than a one-acre lot. He said, due to those concerns, staff was not supportive of the proposed changes either. He informed the Board that Chairman Brown drafted new language to be incorporated with the proposed changes, and the new language adds more criteria to the five-acre requirement that the county currently uses for subdivisions currently under construction. He said those additional requirements to the five-acre lots would include a two-acre contiguous area. He suggested that the additional requirements would eliminate many of the lots that caused him concern.

Dennis Chase: Mr. Dennis Chase said he had a question as much as anything else about certain definitions. He thought the proposals should specify what could and could not be done. He suggested that the clarity may already be in the ordinance, but he wanted more clarity on the definition of accessories.

Larry Bush: Mr. Larry Bush stated that he submitted paperwork on two different occasions to enlarge accessory structures. He commented that there is a problem when people buy ten-acre lots thinking they have plenty of room to make enlargements, only to find out later that rules are set in place, regardless of how much paperwork is submitted, that prevent people from building. He alluded that it leads to a lot of people not coming to the county and a lot of unused land. He said he had spoken to Chairman Brown about the issue, said that the answers were still unclear, and he asked how to make changes. Mr. Bush suggested that the proposed changes would not effect any real changes, and the reasons that are being given are the same reasons that were given in the past.

No one else spoke in favor of or in opposition to this request.

Mr. Frisina replied to Mr. Chase's comments by speaking about the accessory structures definition and clarified its intent. Chairman Brown replied to Mr. Bush's comments by telling about how Fayette County had large agricultural lots, and how the county did not allow for the lots to be used for anything other than agricultural uses. He said times have changed, and Fayette County has a number of people living in it who have the ability to add accessory structures. He suggested that the ability to add accessory structures that would increase property values and would work to the welfare of everyone in Fayette County. He then reported that there was a change in the proposed language with respect to the floodplain. He then read the following changes into the record saying that would be included in addition to the minimum of five (5) acres:

- Section C(1)(a) "and a minimum contiguous area of two (2) acres clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, 100 year floodplain area, and easements of any kind."

- Section C(1)(c) "and a minimum contiguous area of two acres (2) acres clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, 100 year floodplain area, and easements of any kind, not to exceed 3,600 square feet of floor area.

Chairman Brown agreed with Mr. Bush by saying people did want to come to the county and to build accessory structures. He said there are accessory structures that he knows of in Peachtree City where one gentleman owns a classic car collection who built a tastefully structured accessory structure behind his house, but that he would not be able to live in the unincorporated county due to the county's ordinances. He said another person has a tractor collection and he was told he could not build an accessory structure. He suggested that some of the people bring a wealth of knowledge and their financial backing with them, their accessory structures raise the property value, and he could not see harm in allowing these types of structures in Fayette County.

Commissioner Barlow said he understood that Mr. Frisina recommended that Board not approve the proposed amendments, and he asked if he correctly understood Mr. Frisina's recommendation. Mr. Frisina replied that both staff and the Planning Commission were not comfortable with the requirements as presented, however, the language added by Chairman Brown gave him a little more confidence that the county will not be creating the problems that it was thought the earlier proposals would create. He pointed out that the Planning Commission has not had a chance to review the additional language. Commissioner Barlow asked Mr. Frisina if he, personally, was comfortable with the changes and additional language. Mr. Frisina answered that he was more comfortable than he was, that he is never comfortable with a lot of change, but that the amended proposals were better than what was started with since they provide another level of protection. He mentioned the changes would help some people, but it would not help everybody.

Commissioner Oddo said he read the request that he was trying to get around the notion that if someone has enough land that they cannot do something with it, and he did not see any real problem with the request. He understood Mr. Frisina's point of view, but thought that if someone has five or more acres of land which is enough to be subdivided for two or three more homes, then an accessory structure was not out of line.

Chairman Brown moved to approve Ordinance 2013-07 adopting proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article V, Sec. 5-20., regarding accessory structure size in residential zoning districts as amended in the document on the dais with the title "New Language", and to add the following statement in two sections: a minimum contiguous area of two (2) acres clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, 100 year floodplain area, and easements of any kind, added to Section C (1)(a) and(c). Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Ognio being absent from the meeting. A copy of the request and Ordinance 2013-07, identified as "Attachment 6", follow these minutes and are made an official part hereof.

7. Consideration of Ordinance 2013-08 adopting proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article VII, Sec. 7-1., regarding church and / or other place of worship and existing residential structures that do not meet the Conditional Use setbacks and / or buffers.

Community Development Director Pete Frisina addressed the Board concerning Ordinance 2013-08. He said this issue, which came up recently, deals with the church that was also part of the issue concerning height limitations. He said when someone changes a residential lot to Conditional Use property, which is allowed in a residential district, there are different setbacks and buffers that have to be met. He explained that a church has buffer and setback requirements that are greater than a residential lot requires. He said the current consideration involves an existing home and an existing accessory structure that are on a property that does not meet those new setback requirements, and that a small portion of the accessory building does not meet the buffer requirements. He said staff recommends amending the ordinance in a way that has language in the Office-Institutional (O-I) Zoning District and in the County's Overlay in an effort to encourage the reuse of existing structures when someone is converting from either Commercial or Office-Institutional. He said the County has many homes that have been converted into offices, and many times those homes do not meet the O-I Zoning District, even though they make great structures for offices. He said staff borrowed language from another ordinance, modified it for a church context, and made it so that it allows these structures to be within the setback, but not within the buffer since buffers exist to protect the adjacent property owners. He explained the proposed changes would allow the house to stay, but the church would still have to modify its accessory structure. He mentioned that the church intends to use the house as an administration building. He said staff has limited the use of the structure to just those uses of parsonage or administration buildings, but the house was not to be used for a worship center, a daycare center, or other such uses. He closed saying there were churches built many years ago in Fayette County, and that the proposed changes would help them as well.

Commissioner Barlow said it was his understanding that the church would temporarily use the house for their administrative offices, and then once the permanent structure was constructed, that, potentially, if they had to, the church would tear down the house. Mr. Frisina stated that the church wanted to construct a sanctuary and wanted to keep the house for administrative uses. He said the house would be allowed to stay, but that its use would be limited.

Tim Perrin: Mr. Tim Perrin, representing the Building Committee for All Saints Anglican Church, said that the church was interested in building church offices. He explained some of the building projects at the church, and he said the church was in agreement with the proposed changes.

No one else spoke in favor of or in opposition to this request.

Chairman Brown explained that churches and similar structures are classified as Conditional Use, and that the house, as it was situation on the property, was well within the setbacks for zoning for residential property. He said that house was later considered a church, and that change came with additional setback requirements. He said he agreed with Commissioner Barlow that where there is a house with a bedroom or other portion of the house that is just over the setback, and if the house was going to be used for an office, that he did not see a problem with it. He said it is an existing house, but no one could build a structure in that buffer since that would be totally prohibited. He added that this not an invitation to do the wrong thing and build something in the setback.

Interim County Attorney Dennis Davenport pointed out that the agenda item reads to consider changes in setbacks and / or buffers, but that Mr. Frisina was saying that the County does not want to allow any type of reduction in the buffers. He said the language that he was looking at for the proposed amendment only addresses setbacks. He emphasized that the issue was only a relaxation of the setbacks for the existing structure; not the buffers.

Commissioner Barlow moved to approve Ordinance 2013-08 adopting proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article VII, Sec. 7-1., regarding church and / or other place of worship and existing residential structures that do not meet the Conditional Use setbacks. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Ognio being absent from the meeting. A copy of the request and Ordinance 2013-08, identified as “Attachment 7", follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

Tom Waller: Mr. Tom Waller spoke about the proposed Stormwater Special Purpose Local Option Sales Tax (SPLOST), saying it should not be called SPLOST since what the Board plans to spend the money for things that should have been taken care of a long time ago. He suggested that the Stormwater SPLOST should be called the Failure Tax, since former Commissioners Herb Frady, Jack Smith, and other predecessors did not count on paying for what a normal mortgage company counts on paying it for. He mentioned that when a person pays their mortgage, there is an escrow account established for the taxes that are going to be due. He said Fayette County knew that the culverts would have to be taken care of, but instead it did not reserve money for the repairs. He said the County now has a backlog of essential maintenance requirements that has continued to grow and has reached a size where something has to be done. He suggested that the Board would not cut County government, that the tax should be called the Failure Tax since it is due to the failure of the preceding commissioners. Secondly, Mr. Waller cautioned the Board by saying each member was selected because they are individuals. He counseled them not to be swayed by the strength of a personality into agreeing to something in a closed conference that they have not asked their constituents about. He said the Board was blessed with strong personalities, but each Commissioner was selected because they are individuals.

Frank Gardner: Mr. Frank Gardner reminded the Board that at the last meeting, Commissioner McCarty commented about annexation. He said he had been thinking of a way to encourage keeping the County’s green spaces. He suggested that if the County could encourage horse owners that they would have places for their houses that it may work to keep green spaces in Fayette County. He hoped the County would consider promoting such an effort.

CONSENT AGENDA:

Chairman Brown noted that the Board had an item on the dais for Consent Agenda Item #14 that includes the associated Agenda Request Form, a form from the federal government entitled "Equitable Sharing Agreement Certification", and another form entitled "Equitable Sharing Agreement" with a list of terms and definitions, and an affidavit that reads "Existing Participant" at the top of the page.

Chairman Brown noted that the Board had an additional document on the dais, that Consent Agenda Item 17 had been added to the Agenda at the beginning of the meeting, and that the document was from the Elections Department related to the Town of Brooks Intergovernmental Agreement for the Fayette County Elections Department to conduct the town's municipal elections for 2013. He said there were a series of documents associated with the request including one dated July 20, 2013 and the other being an Intergovernmental Agreement for Conducting Municipal Elections; a contract between Fayette County and the Town of Brooks.

Chairman Brown stated that Consent Agenda Item #18 was added to the Agenda and that there were additional documents on the dais related to the request. He said the first document was an email from County Administrator Steve Rapson to the Commissioners entitled "Annexation", and that there was another document dated July 22, 2013 for the Board of Commissioners from Community Development Director Pete Frisina related to annexation for property at 183 South Sandy Creek Road in Fayetteville, and that quit claim deeds and letter from the City of Fayetteville are attached, along with ordinance data.

Commissioner Oddo asked to remove Consent Agenda Item #8 and #18 for consideration.

Chairman Brown moved to approve the Consent Agenda as written with the exception of Consent Agenda Item #8 and Consent Agenda Item #18. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Ognio being absent from the meeting.

8. Consideration of the City of Fayetteville's request to annex 21 properties totaling about 1,200 acres located in the area of Veterans Parkway, Sandy Creek Road, SR 54 West, Tyrone Road, South Sandy Creek Road and Hood Road, to rezone said properties from A-R, R-70 and G-B (County Zoning) to R-70 and PCD (City Zoning), and to enter into an Annexation Consent Agreement between all parties.

Commissioner Oddo acknowledged that annexation is peculiar because the county really has no power over the issue; if the city wants the property the city can basically have it. He said the Board can make objections in an effort to express concerns, and he had concerns. He said he would not vote against the annexation request, but he wanted the city to consider that they are requesting a large area of land. He cautioned that no one really knows what is coming, and that while everyone is excited about the fact that Pinewood Studios is coming, one of the reasons they chose the area was because they were enamored with the rural atmosphere and laid-back nature of Fayette County. He thought it would behoove the city to try as much as possible, to guide the annexation in keeping with the quality of life that everyone likes. He said it seemed like there were three major chunks to the annexation request with Pinewood in the center and with eastern and western sections. He cautioned that if the western section of the annexation was not needed, since he had not heard an explanation of why it was needed, that it would be better not to annex that portion of the land. He suggested that if the western section was not annexed into to city at this time the city would have better control later when the issue of annexation does come up. He closed by repeating that he had not heard the reason for annexing the western portion of the annexation, that he does not like to do something without having a reason, even though the county is very limited in what it can do with this annexation request. He hoped the city would look at their request and reconsider how it would pull the annexed property into their jurisdiction.

Chairman Brown moved to approve the City of Fayetteville's request to annex 21 properties totaling about 1,200 acres located in the area of Veterans Parkway, Sandy Creek Road, SR 54 West, Tyrone Road, South Sandy Creek Road and Hood Road, to rezone said properties from A-R, R-70 and G-B (County Zoning) to R-70 and PCD (City Zoning), and to enter into an Annexation Consent Agreement between all parties. Commissioner McCarty seconded the motion. Discussion followed. The motion passed 4-0-1 with Commissioner Ognio being absent from the meeting. A copy of the request and Annexation Consent Agreement, identified as "Attachment 8", follow these minutes and are made an official part hereof.

9. Consideration of staff's recommendation to enter into a Permitting and Inspection Services Agreement between the City of Fayetteville and Fayette County, for the purpose of the County providing building inspection services to the City, and for other purposes. A copy of the request and the Permitting and Inspection Services Agreement, identified as "Attachment 9", follow these minutes and are made an official part hereof.

10. Approval of staff's request to enter into an Intergovernmental Agreement with the City of Fayetteville allowing the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Fayetteville in 2013, and authorization for the Chairman to sign said Intergovernmental Agreement. A copy of the request and Intergovernmental Agreement, identified as "Attachment 10", follow these minutes and are made an official part hereof.

11. Approval of staff's request to enter into an Intergovernmental Agreement with the City of Peachtree City allowing the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Peachtree City in 2013, and authorization for the Chairman to sign said Intergovernmental Agreement. A copy of the request and Intergovernmental Agreement, identified as "Attachment 11", follow these minutes and are made an official part hereof.

12. Approval of staff's request to enter into an Intergovernmental Agreement with the Town of Tyrone allowing the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Tyrone, and authorization for the Chairman to sign said Intergovernmental Agreement. A copy of the request and Intergovernmental Agreement, identified as "Attachment 12", follow these minutes and are made an official part hereof.

13. Approval of staff's request to enter into an Intergovernmental Agreement with the Town of Woolsey allowing the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Woolsey in 2013, and authorization for the Chairman to sign said Intergovernmental Agreement. A copy of the request and Intergovernmental Agreement, identified as "Attachment 13", follow these minutes and are made an official part hereof.

14. Approval of the Sheriff's request to authorize the Chairman to sign the annual Equitable Sharing Agreement and Certification document, as required by the United States Department of Justice and the United States Department of the Treasury. A copy of the request, Equitable Sharing Agreement, and Certification document, identified as "Attachment 14", follow these minutes and are made an official part hereof.

15. Approval of staff's request to approve and submit both a pre-application and an application to Georgia Emergency Management Agency- Homeland Security in order to receive the 2013 Emergency Management Performance Grant Response and Recovery Award, and authorization for County Administrator Steve Rapson to sign as the authorized agent. A copy of the request, identified as "Attachment 15", follows these minutes and is made an official part hereof.

16. Approval of the July 9, 2013 City of Fayetteville / Fayette County Joint Meeting Minutes and the July 9, 2013 Board of Commissioners Meeting Minutes.

17. Approval of staff's request to enter into an Intergovernmental Agreement with the Town of Brooks allowing the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Brooks in 2013, and authorization for the Chairman to sign said Intergovernmental Agreement. A copy of the request and Intergovernmental Agreement, identified as "Attachment 16", follow these minutes and are made an official part hereof.

18. Consideration of the City of Fayetteville's request to annex approximately nine (9) acres located at 183 South Sandy Creek Road, Fayetteville, Georgia 30214, and to rezone said acreage from Office-Institutional (County Zoning) to Office-Institutional (City Zoning).

Commissioner Oddo said this issue was presented at last minute due to a timing requirement, otherwise it would not have come to the Board for consideration so quickly. He said he discussed this issue with the County Administrator earlier in the day, and he wanted to ensure that this annexation request falls into the Intergovernmental Agreement as well. He said he did not want this annexation to not be a part of the overall agreement.

County Administrator Steve Rapson replied that the Intergovernmental Agreement with Fayetteville "is defined in the PCD area" and that this annexation request is not in that area since it is "southeast of the area". He said the annexed property would encompass all of the areas that staff wrote about in the documents before the Board on the dais. He said the annexation has been accounted for by Public Safety and all the different areas associated with it in the recommendation by staff.

Chairman Brown moved to approve the annexation request for the City of Fayetteville for the nine-acre site located at 183 South Sandy Creek Road. Commissioner Oddo seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Ognio being absent from the meeting. A copy of the request, identified as "Attachment 17", follows these minutes and is made an official part hereof.

OLD BUSINESS:

There were no Old Business Items for consideration.

NEW BUSINESS:

There were no New Business Items for consideration.

ADMINISTRATOR'S REPORTS:

August 2013 Board of Commissioners Meeting Schedule: County Administrator Steve Rapson reported that the August meeting schedule of the Board of Commissioners is a little different than the typical meeting schedule. He explained that the Board typically meets on the second and fourth Thursdays of each month, but the schedule was shifted in August to meet on the third and fifth Thursday. He said the August meeting dates were August 15 and August 29, and that the meeting dates have already been published.

Special Called Meeting to be held on Thursday, September 5, 2013: County Administrator Steve Rapson informed the Board that the Special Purpose Local Option Sales Tax (SPLOST) project meeting will be held on Thursday, August 29, 2013 and that the Board would adopt its project list at that time. He continued reporting that

the cities were to provide the Board with their project lists by August 30, 2013. He then told the Board that the County has called for a Special Called Meeting on Thursday, September 5, 2013, and that the Board would actually take its final vote for actual SPLOST projects as defined at the County.

Board of Commissioners to Travel to Alabama for Former County Commission Chairman Harold Bost's Induction into the Air Force Hall of Fame: County Administrator Steve Rapson publically notified everyone that the Board of Commissioners will be traveling together, jointly in a charter bus, to Montgomery, Alabama to participate in a social event with former County Commission Chairman Harold Bost, who will be inducted into the Air Force Hall of Fame. He said this travel arrangement has been advertised as well, but he wanted to make sure the word was out publically.

Updated Audio / Visual System: County Administrator Steve Rapson publically thanked County Clerk Floyd Jones, Deputy Clerk Tameca White, Chief Information Officer Russell Prince, and all others who have helped bring the technology to life that is currently being shown right now. He said there was a representative from Show Business at the meeting to ensure everything is working. He acknowledged that there were still a few kinks in the system, but it seems to be working as intended, and it was nice to be in the 21st century.

ATTORNEY'S REPORTS:

There was no Attorney's Report given.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow said he was working at the Fayette Market Day, and while there Mr. Tom Waller came to him and asked, "What do you Commissioners do anyway? You really don't do anything, do you?" Commissioner Barlow said he thought about that question, and he decided to answer the questions by reviewing his past nine days. Commissioner Barlow then gave a PowerPoint presentation of his past nine days and his work as a Commissioner. He concluded his report by saying that for the next three and a half years he will continue serving the citizens of Fayette County. A copy of Commissioner Barlow's PowerPoint presentation, identified as "Attachment 18", follows these minutes and is made an official part hereof.

Commissioner McCarty: Commissioner McCarty announced an event that would be held on Sunday, July 28, 2013 called "Right on Target". He said the event would celebrate American's 2nd Amendment right to keep and bear arms. He said the event would occur from noon until 5 p.m. at Autry's Armory, that there would be free admission, that he would cook the hotdogs, and that there would be food and fun for the whole family. He said there would be free kid's activities such as face painting and a jump house. He added that the Fayette County Sheriff would participate at the event, and that people would be able to compete with the Sheriff by shooting against him. He said the winner would receive a plaque reading "I Outshot the Sheriff".

Commissioner Oddo: Commissioner Oddo said he was admiring the big screen, and that he could see things out there that he could not see before. He congratulated everyone who had a hand in putting the system into place.

Chairman Brown: Chairman Brown said the Board was getting input from the Core Infrastructure Special Purpose Local Option Sales Tax (SPLOST) Stormwater projects, and that a press release was sent out last week concerning the projects. He said if anyone had any questions, comments, concerns, or opinions related to stormwater, the email address is: stormwaterinput@fayettecountyga.gov. He said the County would try to respond to inquiries as quickly as possible, and that some of the questions and answers are being sent to the news media as they come in.

ADJOURNMENT:

Commissioner Barlow moved to adjourn the July 25, 2013 Board of Commissioners meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Ognio being absent from the meeting.

The Board of Commissioners adjourned the July 25, 2013 meeting at 8:27 p.m.

Floyd L. Jones, County Clerk

Steve Brown, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 15th day of August 2013.

Floyd L. Jones, County Clerk