Minutes

Board of Commissioners
Special Called Meeting
August 19, 2014
3:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on August 19, 2014 at 3:00 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 Randy Ognio
Staff Present:	Steve Rapson, County Administrator Floyd L. Jones, County Clerk Tameca P. White, Deputy Clerk Dennis Davenport, County Attorney

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Call to Order

Chairman Brown called the Tuesday, August 19, 2014 Board of Commissioners- Special Called Meeting to order at 3:02 p.m.

Acceptance of Agenda

Chairman Brown moved to accept the Agenda as written. Commissioners Ognio and McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The Chairman turned the floor over to County Attorney Dennis Davenport. Mr. Davenport briefly explained to the Board what he intended to convey in this meeting.

1. Discussion of Parliamentary Procedures– Making the Meeting Work.

County Attorney Dennis Davenport briefed the Board for approximately thirty-three minutes on the Fayette County Code, Chapter 2, Articles 1-6- Administration and he answered questions from the Board. Mr. Davenport also suggested several changes that could be made to the County Code. He focused specific attention on following sections:

A) Section 2-49(g)- Chair or presiding officer affidavit

B) Section 2-51(a)- Three members of the board shall constitute a quorum and no action shall be taken by the board without the concurring vote of at least three members of the board. Mr. Davenport compared this Section2-51(a) with Section 2-49©) and spoke about how these sections conflict with each other.

C) Section 2-55. Parliamentarian.

D) Section 2-56. Rules of Order. Mr. Davenport suggested that it would be a good idea to have a textual reference to default to should a scenario arise that is not addressed in the County Code.

E) Section 2-56 (b)- Motions; general requirement. Mr. Davenport informed the Board that motions require action, and that a motion to "consider" an item is not a proper motion.

F) Section 2-56(b)(3)- Withdrawal.

G) Section 2-56(b)(4)- Tabling.

H) Section 2-56(6)(a)- A commissioner in favor of a motion shall say "aye" while holding up his right hand.

I) Section 2-56(d)- Special motions. Call the question.

J) Sections 2-56 (e) and (f)- Point of order and Out of order.

K) Section 2-56(h)- Public Discussion.

L) Section 2-60. Order of business.

M) Section 2-63. Decorum.

N) Section 2-64. Abstentions. Mr. Davenport explained the differences between abstentions and recusals.

The Board did not vote upon or give direction on this matter. A copy of the supporting material, identified as "Attachment 1," follows these minutes and is made an official part hereof.

2. Discussion concerning the Zoning Board of Appeals and its role in Fayette County.

County Attorney Dennis Davenport briefed the Board for approximately seven minutes on the Fayette County Code, Subpart B- Land Development and Use, Chapter 110- Zoning, Article VII. Zoning Board of Appeals. He answered questions from the Board during this explanation of this portion of the Fayette County Code of Ordinances. He focused specific attention to the following sections:

A) Section 9-5(B)(1-7)- Request for a Variance.

B) Section 9-5(A)(1-3)- Appeals from Actions from the Zoning Administrator.

The Board did not vote upon or give direction on this matter. A copy of the supporting material, identified as "Attachment 2," follows these minutes and is made an official part hereof.

3. Discussion about the Planning Commission– Makes Recommendations for Rezonings (Focus on Rezonings.)

County Attorney Dennis Davenport briefed the Board for approximately six minutes on the Fayette County Code, Chapter 110- Zoning, Article X. Planning Commission. Mr. Davenport answered questions from the Board about this portion of the County Code. He spoke about the differences and correlation between the Land Use Plan and the Zoning Map. He also spoke about "spot zoning" and "contract zoning." Mr. Davenport focused specific attention to the following section: *Section 11-11- Standards for Map Amendment (Rezoning) Evaluation.*

The Board did not vote upon or give direction on this matter. A copy of the supporting material, identified as "Attachment 3," follows these minutes and is made an official part hereof.

4. Discussion on the Role of the Fayette County Board of Commissioners in Rezonings.

County Attorney Dennis Davenport spoke about for approximately twenty-two minutes about the differences between the roles of the Zoning Board of Appeals and the Planning Commission in regards to rezoning matters, and he spoke about the procedure it takes to amend Fayette County's Zoning Ordinance document as opposed to the Fayette County Code of Ordinances. He explained the differences involved with Public Hearings in general compared to Public Hearings involving rezoning matters. Mr. Davenport answered questions from the Board. He focused on the following specific sections of the Fayette County Code, Chapter 110- Zoning, Article. Planning Commission:

A) Section 11-3.(B) Conduct of Hearing.

B) Section 11-8. Planning Commission Recommendation.

C) Section 11-10. Conditional Approval.

D) Section 11-13. Zoning Reversion.

Mr. Davenport spoke about the issues of "spot zoning" and "contract zoning" with the Board and told of problems associated with those types of zonings.

The Board did not vote upon or give direction on this matter.

5. Concluding Remarks.

County Attorney Dennis Davenport spoke about the differences between ordinances versus policies. He explained that ordinances always trump policies, and once an ordinance has been amended the policy must be changed. He reiterated that if an ordinance butts against policy that the ordinance will win.

Mr. Davenport asked the Board for liberty to look into the areas of the code that he brought up and that he thought was problematic, and to come to the Board at a future date with changed language. The Board agreed to his request. The Board did not vote on this matter. Copies of the sample ordinance and policy, identified as "Attachment 4," follow these minutes and are made an official part hereof.

ADJOURNMENT:

Chairman Brown moved to adjourn the August 19, 2014 Board of Commissioners Special Called Meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The August 19, 2014 Board of Commissioners Special Called Meeting was adjourned at 4:17 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 28th day of August 2014.

Floyd L. Jones, County Clerk