



BOARD OF COMMISSIONERS

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

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STAFF

Chris Cofty, County
Administrator
William R. McNally, Attorney
Carol Chandler, Executive Asst.
Peggy Butler, Executive Assistant
Karen Morley, Chief Deputy Clerk
Linda Rizzotto, Chief Deputy Clerk

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MEETING LOCATION

Administrative Complex
Commission Meeting Room
140 Stonewall Avenue
Fayetteville, GA

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MEETING TIMES

1st Wednesday each month at
3:30 p.m.
2nd and 4th Thursday each month
at 7:00 p.m

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COMMISSION OFFICE

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The Agenda of Actions

BOARD OF COMMISSIONERS

October 23, 2003

7:00 P.M.

Chairman Dunn called the meeting to order, offered the Invocation and led the pledge to the Flag.

PRESENTATION/RECOGNITION:

- A. Recognition of Chief Allen McCullough and Chief Tom Bartlett for their completion of the Chief Fire Officer Designation Program.

THE BOARD RECOGNIZED CHIEF ALLEN MCCULLOUGH AND CHIEF TOM BARTLETT FOR THEIR COMPLETION OF THE CHIEF FIRE OFFICER DESIGNATION PROGRAM.

PUBLIC HEARING:

- B. Consideration of request for a packaged beer and wine sales application for Quality Food Mart d/b/a Citgo, 2400 Highway 138 Riverdale, Georgia.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER PFEIFER TO APPROVE THE REQUEST FOR A PACKAGED BEER AND WINE SALES APPLICATION FOR QUALITY FOOD MART d/b/a CITGO. THE MOTION CARRIED 4-0. COMMISSIONER FRADY WAS ABSENT.

- C. Consideration of Petition No. RP-023-03, Dan Stinchcomb, Owner, and Randy Boyd, Agent, request to revise a recorded plat, Yates Crossing, Phase I, an existing residential subdivision, to add density and to change the use of 20.76 acres from Recreation/Open Space to a single-family residential lot. This property is located in Land Lot 13 of the 7th District, fronts on Lucky Leaf Place and Eastin Road, and is zoned R-45 Conditional. The Planning Commission recommended denial 5-0. Staff recommended denial. Petitioner requested to table this item to the November 13, 2003 Commission meeting.

CHAIRMAN DUNN ANNOUNCED THAT PETITIONER HAD REQUESTED THIS ITEM TO BE TABLED TO THE NOVEMBER 13, 2003 COMMISSION MEETING.

- D. Consideration of Petition No. 1113-03, Louise D. Kirby and Geraldine Bramblett as Power of Attorney for Dwight F. Kirby, Geraldine K. and Marcus L. Bramblett, Sr., and Dottie M. and Freeman G. Kirby, Owners, and John E. Ryckley, Agent, request to rezone 185.49 acres from R-70 to C-S to develop a proposed subdivision consisting of 76 single-family dwelling lots. This property is located in Land Lots 22, 23, 42, and 43 of the 7th District and fronts on Flat Creek Trail. The Planning Commission recommended approval subject to self-induced conditions 5-0. Staff recommended approval. Petitioner requested to table this item to the November 13, 2003 Commission meeting.

CHAIRMAN DUNN ANNOUNCED THAT PETITIONER HAD REQUESTED THIS ITEM TO BE TABLED TO THE NOVEMBER 13, 2003 COMMISSION MEETING.

- E. Consideration of Petition No. 1114-03, S.C. Butler, Owner, and Audrey Massey of Remax, Agent, request to rezone 0.502 acres from A-R to O-I to allow an existing residential use to convert to office-institutional uses. This property is located in Land Lot 70 of the 7th District and fronts on S.R. 54 West. The Planning Commission recommended approval 5-0. Staff recommended approval.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER VANLANDINGHAM TO APPROVE PETITION NO. 1114-03 AS PRESENTED. THE MOTION CARRIED 4-0. COMMISSIONER FRADY WAS ABSENT.

- F. Consideration of Petition No. RP-025-03, Dan & Cynthia Smith, John & Vickie Hendershot, and Rungrata McVey, Owners, and Brad Barnard of E.C. & A.L., Inc., Agent, request to revise the recorded plat of Busbin Road Properties, an existing residential subdivision, to extend and cul-de-sac Laura Lane, to add property (28.762 acres) and add density (4 proposed lots) to the subdivision. This property is located in Land Lots 223 and 226 of the 4th District, fronts on Laura Lane, and is zoned A-R. The Planning Commission recommended approval 5-0. Staff recommended approval.

ON MOTION MADE BY COMMISSIONER VANLANDINGHAM, SECONDED BY COMMISSIONER PFEIFER TO APPROVE PETITION NO. RP-025-03 AS PRESENTED. THE MOTION CARRIED 4-0. COMMISSIONER FRADY WAS ABSENT.

- G. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-20, L-C Limited-Commercial District and Article VII. Conditional Uses, Exceptions, and Modifications, Section 12.

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Convenience Commercial Establishment. Tabled for further discussion to the October 16, 2003 Planning Commission workshop.

CHAIRMAN DUNN ANNOUNCED THAT THIS ITEM HAD BEEN TABLED FOR FURTHER DISCUSSION TO THE OCTOBER 16TH PLANNING COMMISSION MEETING AND WOULD COME BEFORE THE BOARD OF COMMISSIONERS AT A FUTURE DATE.

- H. Consideration of proposed amendments to the Fayette County Sign Ordinance regarding Article II. Administration and Enforcement, Sec. 1-11. Powers and Duties of Personnel, B.1. The Planning Commission recommended approval 5-0.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER PFEIFER TO APPROVE THE AMENDMENTS TO THE FAYETTE COUNTY SIGN ORDINANCE REGARDING ARTICLE II. ADMINISTRATION AND ENFORCEMENT, SEC. 1-11. POWERS AND DUTIES OF PERSONNEL, B.1. THE MOTION CARRIED 4-0. COMMISSIONER FRADY WAS ABSENT.

- I. Consideration of the adoption of a Resolution to submit the Fayette County Comprehensive Plan to the Atlanta Regional Commission and the Georgia Department of Community Affairs for review and approval. The Planning Commission recommended approval of the land use plan text and map option b. 4-1. The Planning Commission recommended approval of the Resolution 5-0.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER VANLANDINGHAM TO APPROVE THE FAYETTE COUNTY COMPREHENSIVE PLAN WITH LAND USE OPTION "A" AND ADOPTION OF A RESOLUTION TO SUBMIT THE FAYETTE COUNTY COMPREHENSIVE PLAN TO THE ATLANTA REGIONAL COMMISSION AND THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS FOR REVIEW AND APPROVAL. THE MOTION CARRIED 4-0. COMMISSIONER FRADY WAS ABSENT.

- J. Consideration of the annual update of the Capital Improvement Element (CIE) and the Short Term Work program (STWP) for the imposition of impact fees for fire services and adoption of a Resolution to transmit the CIE and STWP to the Atlanta Regional Commission and the Department of Community Affairs.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER VANLANDINGHAM TO APPROVE ANNUAL UPDATE OF THE CAPITAL IMPROVEMENT ELEMENT (CIE) AND THE SHORT TERM WORK PROGRAM (STWP) FOR THE IMPOSITION OF IMPACT FEES FOR FIRE SERVICES AND ADOPTION OF A RESOLUTION TO TRANSMIT THE CIE AND STWP TO THE ATLANTA REGIONAL COMMISSION AND THE DEPARTMENT OF COMMUNITY AFFAIRS. THE MOTION CARRIED 4-0. COMMISSIONER FRADY WAS ABSENT.

NEW BUSINESS:

- K. Presentation by a representative of the Fayette County Board of Health concerning a proposed resolution prohibiting smoking in public places.

THE BOARD TOOK NO ACTION ON THIS MATTER.

CONSENT AGENDA: COMMISSIONER WELLS REQUESTED THAT ITEM NO. 2 BE REMOVED FOR DISCUSSION. ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER VANLANDINGHAM TO APPROVE CONSENT AGENDA ITEM NOS. 1, 3, 4, 5, 6, 7, 8, 9 AND 10 AS PRESENTED. THE MOTION CARRIED 4-0. COMMISSIONER FRADY WAS ABSENT.

1. Approval of D.O.T. Local Government Project Agreement BR-0005-00(568) Spalding Co. PI#0005568 Bridges S.R. 92 @Flint River 6.6 Miles West of Griffin.
2. Approval of D.O.T. Local Government Project Agreement No. STP-074-2(24) Fayette Co. PI#321960 - Widening S.R. 85 S/Fayetteville from S/Bernhard Road to Old S.R. 92/Fayetteville.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY CHAIRMAN DUNN TO APPROVE THE D.O.T. LOCAL GOVERNMENT PROJECT AGREEMENT NO. STP-074-2(24) FAYETTE COUNTY PI#321960 - WIDENING S.R. 85 S/FAYETTEVILLE FROM S/BERNHARD ROAD TO OLD S.R. 92/FAYETTEVILLE. THE MOTION CARRIED 4-0. COMMISSIONER FRADY WAS ABSENT.

3. Authorization for the Chairman to execute Agreements with the City of Fayetteville, City of Peachtree City and the Town of Tyrone regarding the conduct of their elections.
4. Approval of recommendation from Director of Purchasing Tim Jones to award bid to Martin-Robbins Fence Company in the amount of \$26,620 for guardrail installation and some additional posts.
5. Approval of request from Susan Steadman of Offshoot Productions to place a sign on the old courthouse lawn from June 10 to June 24, 2004 to advertise a Comedy of Errors to be held at the Villages Amphitheater from June 11 through June 27, 2004.
6. Approval of recommendation to approve a request for a refund for a boat tax to Doug Schooler in the amount of \$67.54 for the year 2002.

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7. Approval of recommendation to approve a Homestead Exemption tax refund to John M. Curry in the amount of \$685.30 for the years 2001 and 2002.
8. Approval of Director of Purchasing Tim Jones to award bid to the low bidders for Water System Distribution Parts to National Water Works in the amount of \$39,392.71, Tristate Pipe & Supply in the amount of \$674.92, Hayes Pipe Supply in the amount of \$18,472.29 and Delta Municipal Supply Company in the amount of \$3,135.12.
9. Ratification of approval to pave parking lots at Lake Horton boat ramp and entrance off Antioch Road.
10. Approval of minutes for Board of Commissioners meetings held on September 25, 2003 and October 1, 2003.

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.

Marcea Dunbar: Marcea Dunbar, 138 Highland Drive, Riverdale, Georgia asked about a cul-de-sac that was supposed to be constructed in her subdivision.

STAFF REPORTS:

EXECUTIVE SESSION: Attorney McNally requested an Executive Session to discuss two real estate matters and three legal items.

EXECUTIVE SESSION: ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER PFEIFER TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS TWO REAL ESTATE MATTERS AND THREE LEGAL ITEMS. THE MOTION CARRIED 4-0. COMMISSIONER FRADY WAS ABSENT.

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

ON MOTION MADE BY COMMISSIONER VANLANDINGHAM, SECONDED BY COMMISSIONER WELLS TO AUTHORIZE ATTORNEY MCNALLY TO PROCEED IN THIS MATTER. THE MOTION CARRIED 4-0. COMMISSIONER FRADY WAS ABSENT.

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

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER PFEIFER TO AUTHORIZE ATTORNEY MCNALLY TO PROCEED IN THIS MATTER. THE

MOTION CARRIED 3-1 WITH COMMISSIONER VANLANDINGHAM OPPOSING THE MOTION. COMMISSIONER FRADY WAS ABSENT.

LEGAL: Attorney McNally advised the Board on a legal item.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER PFEIFER TO AUTHORIZE ATTORNEY MCNALLY TO PROCEED IN THIS MATTER. THE MOTION CARRIED 4-0. COMMISSIONER FRADY WAS ABSENT.

LEGAL: Attorney McNally reported to the Board on a legal item.

THE BOARD TOOK NO ACTION ON THIS MATTER.

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

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY CHAIRMAN DUNN TO AUTHORIZE ATTORNEY MCNALLY TO PROCEED IN THIS MATTER. THE MOTION CARRIED 4-0. COMMISSIONER FRADY WAS ABSENT.

EXECUTIVE SESSION AFFIDAVIT: ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER VANLANDINGHAM TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE EXECUTIVE SESSION AFFIDAVIT AFFIRMING THAT TWO REAL ESTATE MATTERS AND THREE LEGAL ITEMS WERE DISCUSSED IN EXECUTIVE SESSION. THE MOTION CARRIED 4-0. COMMISSIONER FRADY WAS ABSENT.

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 9:00 p.m.

Karen Morley, Chief Deputy Clerk