

# The Agenda of Actions

BOARD OF COMMISSIONERS

June 24, 2004

7:00 P.M.

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

## **PUBLIC HEARING:**

A. Consideration of adoption of the budget for fiscal year 2004 - 2005.

**ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY TO ADOPT THE BUDGET FOR FISCAL YEAR 2004 - 2005. THE MOTION CARRIED 5-0.**

B. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-10. Accessory uses and structures, B. Incidental Uses, Section 6. Home Garden, F. Administration, and G. Temporary Accessory Storage and amend the sequencing order to reflect the proposed amendment. The planning commission recommended approval 5-0. This item was tabled from the May 13, 2004 Board of Commissioners' meeting.

**ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER PFEIFER TO APPROVE THE AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE V. GENERAL PROVISIONS, SECTION 5-10. ACCESSORY USES AND STRUCTURES, B. INCIDENTAL USES, SECTION 6. HOME GARDEN, F. ADMINISTRATION, AND G. TEMPORARY ACCESSORY STORAGE AND AMEND THE SEQUENCING ORDER TO REFLECT THE PROPOSED AMENDMENT. THE MOTION CARRIED 3-2 WITH COMMISSIONER VANLANDINGHAM AND COMMISSIONER FRADY VOTING IN OPPOSITION.**

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 and S.R. 74 South Overlay Zones; B. S.R. 85 North Overlay Zone; and C. General State Route Overlay Zone. The Planning commission recommended approval 4-0-1.

**ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER VANLANDINGHAM 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 AND S.R. 74 SOUTH OVERLAY ZONES; B. S.R. 85 NORTH OVERLAY ZONE AND C. GENERAL STATE ROUTE OVERLAY ZONE. THE MOTION**

**CARRIED 5-0.**

- D. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Section 6-17. O-I, Office Institutional, E. Auxiliary Conditional Uses and amend the sequencing order to reflect the proposed amendment. 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 ZONING ORDINANCE REGARDING SECTION 6-17. O-I, OFFICE INSTITUTIONAL, E. AUXILIARY CONDITIONAL USES AND AMEND THE SEQUENCING ORDER TO REFLECT THE PROPOSED AMENDMENT. THE MOTION CARRIED 5-0.**

- E. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, C-H Highway Commercial District, B. Permitted Uses, 7. Auto parts and Tire store; retail and C. Conditional Uses, 2. Automobile, Truck, Farm Equipment, or Motorcycle Sales and Repairs and 17. Self-Storage Facility and amend the sequencing order to reflect the proposed amendment. The planning commission recommended approval 5-0.
- F. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, M-1 Light Industrial District, B. Permitted Uses, 6. Automobile or truck sales, service station, paint shop, parts store including rebuilding of parts, parking lot or garage, tire recapping facility, upholstery shop and 39. Mini-storage facilities with a unit floor space not to exceed 425 feet and C. Conditional Uses, 8. Self-Storage Facility. The planning commission recommended approval 5-0.

**ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY CHAIRMAN DUNN TO APPROVE THE AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VI. DISTRICT USE REQUIREMENTS, C-H HIGHWAY COMMERCIAL DISTRICT, B. PERMITTED USES, 7. AUTO PARTS AND TIRE STORE; RETAIL AND C. CONDITIONAL USES, 2. AUTOMOBILE, TRUCK FARM EQUIPMENT, OR MOTORCYCLE SALES AND REPAIRS AND 17. SELF-STORAGE FACILITY AND AMEND THE SEQUENCING ORDER TO REFLECT THE PROPOSED AMENDMENT;**

**AND TO APPROVE THE AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VI. DISTRICT USE REQUIREMENTS, M-1 LIGHT INDUSTRIAL DISTRICT, B. PERMITTED USES, 6. AUTOMOBILE OR TRUCK SALES, SERVICE STATION, PAINT SHOP, PARTS STORE INCLUDING REBUILDING OF PARTS, PARKING LOT OR GARAGE, TIRE RECAPPING FACILITY, UPHOLSTERY SHOP AND 39. MINI-STORAGE FACILITIES WITH A UNIT FLOOR SPACE NOT TO EXCEED 425 FEET AND C. CONDITIONAL USES, 8. SELF-STORAGE FACILITY. THE MOTION CARRIED 5-0.**

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- G. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, B. Conditional Uses Allowed, 34. Self-Storage Facility. 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 ZONING ORDINANCE REGARDING ARTICLE VII. CONDITIONAL USES, EXCEPTIONS AND MODIFICATIONS, B. CONDITIONAL USES ALLOWED, 34. SELF-STORAGE FACILITY. THE MOTION CARRIED 5-0.**

- H. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions regarding Section 3-18. Cabana (Pool Cabana) and 3-80. Public Utility Facility and amend the sequencing order to reflect the proposed amendment. The planning commission recommended approval 5-0.

**ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY CHAIRMAN DUNN TO APPROVE THE AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE III. DEFINITIONS REGARDING SECTION 3-18. CABANA (POOL CABANA) AND 3-80. PUBLIC UTILITY FACILITY AND AMEND THE SEQUENCING ORDER TO REFLECT THE PROPOSED AMENDMENT. THE MOTION CARRIED 5-0.**

**OLD BUSINESS:**

- I. Consideration of request from Fayetteville to enter into an “Agreement to Proceed with Annexations” for the proposed Bellemeade Subdivision.

**ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER VANLANDINGHAM TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE “AGREEMENT TO PROCEED WITH ANNEXATIONS” WITH THE CITY OF FAYETTEVILLE FOR THE PROPOSED BELLEMEADE SUBDIVISION. THE MOTION CARRIED 5-0.**

**CONSENT AGENDA: ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER PFEIFER TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED 5-0.**

1. Approval of request from the Sheriff’s Department to transfer \$2,743.93 from the General Budget Fund to Sheriff’s Department Vehicle Maintenance Budget Category 10030323-522233.

2. Approval of recommendation to approve a tax refund to Jerry H. Bond in the amount of \$652.98 for the years 2001, 2002 and 2003.
3. Approval of recommendation to deny a tax refund to Nellie Bab in the amount of \$814.82 for the year 2003.
4. Approval of recommendation to approve a tax refund to John Duren in the amount of \$392.61 for the years 2001, 2002 and 2003.
5. Approval of recommendation to approve a tax refund to Donald J. Apking in the amount of \$1,460.51 for the years 2001, 2002 and 2003.
6. Approval of minutes for Board of Commissioners meetings held on May 27, 2004 and June 2, 2004.

**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.

**NONE.**

**STAFF REPORTS:**

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

Commissioner Frady requested an Executive Session to discuss one legal item.

**EXECUTIVE SESSION: ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER PFEIFER TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS SEVEN LEGAL ITEMS AND TWO REAL ESTATE ACQUISITION MATTERS. THE MOTION CARRIED 5-0.**

**REAL ESTATE ACQUISITION:** Attorney McNally discussed a real estate 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 5-0.**

**REAL ESTATE ACQUISITION:** Attorney McNally reported to the Board on a real estate item.

**ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER VANLANDINGHAM TO AUTHORIZE ATTORNEY MCNALLY TO PROCEED IN THIS MATTER. THE MOTION CARRIED 5-0.**

**LEGAL:** Assistant County Attorney Dennis Davenport updated the Board on a legal matter.

**ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY CHAIRMAN DUNN TO AUTHORIZE ASSISTANT COUNTY ATTORNEY DENNIS DAVENPORT TO PROCEED IN THIS MATTER. THE MOTION CARRIED 3-2 WITH COMMISSIONER VANLANDINGHAM AND COMMISSIONER FRADY VOTING IN OPPOSITION.**

**LEGAL:** Assistant County Attorney Dennis Davenport updated the Board on a legal matter.

**ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER WELLS TO AUTHORIZE ASSISTANT COUNTY ATTORNEY DENNIS DAVENPORT NOT TO PROCEED IN THIS MATTER. THE MOTION CARRIED 5-0.**

**LEGAL:** Assistant County Attorney Dennis Davenport updated the Board on a legal matter.

**ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY FOR ASSISTANT COUNTY ATTORNEY DENNIS DAVENPORT NOT TO PROCEED IN THIS MATTER. THE MOTION CARRIED 5-0.**

**LEGAL:** Assistant County Attorney Dennis Davenport reported to the Board on a legal matter.

**ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY CHAIRMAN DUNN TO AUTHORIZE ASSISTANT COUNTY ATTORNEY DENNIS DAVENPORT TO PROCEED IN THIS MATTER. THE MOTION CARRIED 5-0.**

**LEGAL:** Assistant County Attorney Dennis Davenport discussed a legal matter with the Board.

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

**LEGAL:** Commissioner Frady discussed a legal matter with the Board.

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

**LEGAL:** Attorney McNally and Commissioner Frady discussed a legal matter with the Board.

**ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER WELLS FOR THE ASSISTANT COUNTY ATTORNEY DENNIS DAVENPORT TO PROCEED IN THIS MATTER. THE MOTION CARRIED 4-1 WITH COMMISSIONER VANLANDINGHAM VOTING IN OPPOSITION.**

**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 SEVEN LEGAL ITEMS AND TWO REAL ESTATE ACQUISITION MATTERS WERE DISCUSSED IN EXECUTIVE SESSION. THE MOTION CARRIED 5-0.**

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 10:00 p.m.

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Karen Morley, Chief Deputy Clerk