



BOARD OF COMMISSIONERS

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



STAFF

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



MEETING LOCATION

Administrative Complex
Commission Meeting Room
140 Stonewall Avenue
Fayetteville, GA



MEETING TIMES

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



COMMISSION OFFICE

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The Agenda of Actions

BOARD OF COMMISSIONERS

January 13, 2005

7:00 P.M.

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

PRESENTATION/RECOGNITION:

A. Proclamation for "Wear Red Day" on February 4, 2005 sponsored by the American Heart Association.

COMMISSIONER WELLS READ AND THE BOARD PRESENTED A PROCLAMATION TO REGIONAL DIRECTOR IDA BURNS-FOWLER REPRESENTING THE AMERICAN HEART ASSOCIATION PROCLAIMING FEBRUARY 4, 2005 AS "WEAR RED DAY" IN FAYETTE COUNTY.

PUBLIC HEARING:

B. Consideration of Petition No. 1134-04, Clayton O. Carmack, Owner, and Mukut Gupta, President of Crown Development, Agent, request to rezone 40.55 acres from A-R to C-S to develop a single-family residential subdivision consisting of 18 lots. This property is located in Land Lots 4 and 29 of the 5th District and fronts on Old Senoia Road. The Planning Commission recommended approval subject to one (1) recommended condition (4-0-1). Staff recommended approval subject to one (1) recommended condition.

ON MOTION MADE BY CHAIRMAN DUNN, SECONDED BY COMMISSIONER WELLS TO TABLE PETITION NO. 1134-04 TO THE FEBRUARY 10, 2005 COMMISSIONERS' MEETING. THE MOTION CARRIED 5-0.

C. Consideration of Petition No. 1135-04, Charles M. and Judith R. Wood, Owners/Agents, request to rezone 1.42 acres from A-R to R-40 to develop one (1) single-family dwelling lot. This property is located in Land Lot 120 of the 5th District and fronts on Callaway Road. The Planning Commission recommended approval subject to one (1) recommended condition (5-0). Staff recommended approval subject to one (1) recommended condition.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER PFEIFER TO APPROVE PETITION NO. 1135-04 WITH ONE RECOMMENDED CONDITION. THE MOTION CARRIED 5-0.

Agenda of Actions
January 13, 2005
Page 2

- D. Consideration of Petition No. RP-028-04, DMD Properties, LLC, Owner, and Mark Darby, Agent, request to subdivide Lot 3 of Bylock Acres into a 1.717 acre tract and a 1.513 acre lot. This property is located in Land Lot 34 of the 5th District, fronts on Redwine Road, and is zoned R-40. The Planning Commission recommended approval subject to two (2) recommended conditions (3-2). Staff recommended approval subject to one (1) recommended condition.

ON MOTION MADE BY COMMISSIONER VANLANDINGHAM, SECONDED BY COMMISSIONER WELLS TO APPROVE PETITION NO. RP-028-04 WITH ONE RECOMMENDED CONDITION. THE MOTION FAILED 0-5 WITH CHAIRMAN DUNN, COMMISSIONER WELLS, COMMISSIONER FRADY, COMMISSIONER PFEIFER AND COMMISSIONER VANLANDINGHAM VOTING IN OPPOSITION.

- E. Consideration of proposed amendments to the Fayette County Zoning Ordinance, Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-1.B. Conditional Uses Allowed, 34. Self-Storage Facility. The Planning Commission recommended approval (5-0).

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY TO APPROVE AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE, ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, SECTION 7-1.B. CONDITIONAL USES ALLOWED, 34. SELF-STORAGE FACILITY WITH ADDITIONAL RECOMMENDED CONDITIONS. THE MOTION CARRIED 5-0.

- F. Consideration of proposed amendments to the Fayette County Zoning Ordinance, Article V. General Provisions regarding Carports, Detached. The Planning Commission recommended approval (4-1).

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER VANLANDINGHAM TO TABLE THIS ITEM TO THE FEBRUARY 24, 2005 BOARD OF COMMISSIONERS' MEETING. THE MOTION CARRIED 5-0.

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

1. Approval of recommendation from Director of Purchasing Tim Jones to award bid to Cummins South in the amount of \$25,656.38 as the lowest bidder that met the specifications for the purchase of a standby emergency generator.
2. Approval of recommendation from Director of Purchasing Tim Jones to award bid to Motorola in the amount of \$30,560 for a Channel Bank Upgrade for the 911 center.

Agenda of Actions
January 13, 2005
Page 3

3. Approval of Water Committee request to adopt an Ordinance to amend the Code of Ordinances for Fayette County as it pertains to cross connection control (Article V of Chapter 19).
4. Approval of request from the Marshal's Office to transfer \$953.43 from the general budget fund to Marshal's Account #522233 for Vehicle Repair.
5. Approval of request from the Sheriff's Department to transfer \$108.84 from the General Fund to Budget Category 10030330-522233 as a result of insurance compensation for a motor vehicle crash.
6. Approval of request from Director of Business Services Mark Pullium to approve a request from McIntosh Trail to use budgetary funds for Day Support instead of Supported Employment during FY 2005.
7. Approval of a tax abatement to Barter Enterprises in the amount of \$10,127.89 for the years 2002 and 2003.
8. Approval of minutes for Board of Commissioners meeting held on December 9, 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 three legal items.

Commissioner VanLandingham requested an executive session to discuss one legal item.

EXECUTIVE SESSION: ON MOTION MADE BY COMMISSIONER WELLS , SECONDED BY COMMISSIONER FRADY TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS FOUR LEGAL ITEMS. THE MOTION CARRIED 5-0.

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

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

**Agenda of Actions
January 13, 2005
Page 4**

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

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

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

THE BOARD TOOK NO ACTION IN THIS MATTER.

LEGAL: Commissioner VanLandingham advised the Board on a legal item.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY TO AUTHORIZE STAFF TO PROCEED IN THIS MATTER. THE MOTION CARRIED 5-0.

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 FOUR LEGAL ITEMS 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 10:20 p.m.

Karen Morley, Chief Deputy Clerk