



BOARD OF COMMISSIONERS

Greg Dunn, Chairman
Linda Wells, Vice Chair
Herb Frady
Robert Horgan (absent)
Peter Pfeifer



STAFF

Christine Venice, County Admin.
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

July 27, 2006

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 a Packaged Beer and Wine Sales Permit for BP Kenwood, 1866 Hwy. 85 North, Fayetteville, Georgia. Noorjehan Sabzali Pirani, Owner/Applicant. This property is located in Land Lots 232 and 233 of the 5th District, fronts on Hwy. 85 North and Hwy. 279 and is zoned C-H. This request is for a Change of Ownership only.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY TO APPROVE THE CHANGE OF OWNERSHIP FOR A PACKAGED BEER AND WINE SALES PERMIT FOR BP KENWOOD. THE MOTION CARRIED 4-0. COMMISSIONER HORGAN WAS ABSENT.

B. Consideration of Petition No. 1178-06, Shelton B. Sykes, Owner, and Andre L. Sykes, Agent, request to rezone 5.094 acres from A-R to R-75 to develop two (2) single-family dwelling lots. This property is located in Land Lot 225 of the 13th District and fronts on Wagonwheel Trail. The Planning Commission recommended approval with one (1) condition (4-0). Staff recommended approval with one (1) condition.

ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER PFEIFER TO APPROVE PETITION NO. 1178-06 AS PRESENTED WITH ONE RECOMMENDED CONDITION. THE MOTION CARRIED 4-0. COMMISSIONER HORGAN WAS ABSENT.

C. Consideration of Petition No. 1179-06 and Petition No. RP-038-06, Peachstate Land Development Corporation, Owners, and Rod Wright and Donald Brandenburg, Agents, request to rezone 28.87 acres from Unclassified Property to A-R and a revision of 30.55 acres to the final plat of Platinum Ridge Subdivision to develop three (3) additional lots. This property is located in Land Lot 64 of the 7th District and fronts on Diamond Pointe. The Planning Commission recommended approval of both petitions (4-0). Staff recommended approval.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER PFEIFER TO APPROVE PETITION NO. 1179-06 AND PETITION RP-038-06 AS PRESENTED. THE MOTION CARRIED 4-0. COMMISSIONER HORGAN WAS ABSENT.

- D. Consideration of proposed amendments to the Fayette County Sign Ordinance regarding Division III. Non-Residential Districts, Section 5-32. Freestanding Signs, E. Temporary signage as presented by the Planning & Zoning Department. The Planning Commission recommended approval (4-0).

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY TO APPROVE THE AMENDMENTS TO THE FAYETTE COUNTY SIGN ORDINANCE REGARDING DIVISION III. NON-RESIDENTIAL DISTRICTS, SECTION 5-32. FREESTANDING SIGNS, E. TEMPORARY SIGNAGE. THE MOTION CARRIED 4-0. COMMISSIONER HORGAN WAS ABSENT.

- E. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-2. EST, Estate Residential District as presented by the Planning & Zoning Department. The Planning Commission recommended approval (4-0).

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY TO APPROVE THE AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VI. DISTRICT USE REQUIREMENTS, SECTION 6-2. EST, ESTATE RESIDENTIAL DISTRICT. THE MOTION CARRIED 4-0. COMMISSIONER HORGAN WAS ABSENT.

CONSENT AGENDA: ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER PFEIFER TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED 4-0. COMMISSIONER HORGAN WAS ABSENT.

1. Approval to award bid to Headley Construction, Inc. to construct the proposed Multi-Purpose Senior Center in the amount of \$4,108,500 and authorization for the Chairman to execute the contract.
2. Approval of staff's recommendation to use budgeted GIS funds for related GIS projects and use the technical services of Information Technology Outreach Services (ITOS), a Division of the University of Georgia's Carl Vinson Institute of Government for GIS projects for a total of \$147,375.
3. Approval of staff's recommendation for a budget adjustment for FY 2006 to increase the Sheriff Criminal Investigation's Vehicle Repair Service expenditure account by \$3,793.12 for money received from an insurance claim.
4. Approval of staff's recommendation for a budget adjustment for FY 2006 to increase the Sheriff Jail's Vehicle Repair Services expenditure account by \$341.99 for monies received from the State of Georgia for damage claim.
5. Approval of staff's recommendation for a budget adjustment for FY 2006 to increase revenue by \$1,902.38 and increase CID's Overtime Expenditure account by \$1,902.38 for monies received to date from the U.S. Department of Justice and Treasury Department.

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6. Approval of staff's recommendation for a budget adjustment for FY 2006 to increase Sheriff Patrol's Vehicle Repair Services expenditure account by \$557.03 for money received from an insurance claim.
7. Approval of staff's recommendation to award the engineering and surveying contract for Snead Road to Mallett Consulting in the amount of \$137,000 and authorization for the Chairman to execute the contract.
8. Approval of staff's recommendation to award Bid #546 for Water System painting to the lowest bidder capable of performing the work, All Seasons Painting in the amount of \$98,600 and authorization for the Chairman to execute the contract.
9. Approval of staff's recommendation for a budget adjustment for FY 2006 to increase the Marshal's Vehicle Repair Services expenditure account by \$790.65 for money received from an insurance claim.
10. Approval to purchase software upgrade for the MOSCAD Siren System and for a budget adjustment for FY 2006 in the amount of \$2,400 to be transferred from Emergency Management's FY 2006 Budget Operating Equipment #522232.
11. Approval of staff's recommendation to award Bid #578 for Asphalt to low bidder APAC for eight items and to low bidder Baldwin Paving Company for five items.
12. Approval of minutes for Board of Commissioners Special Called Meeting held on June 7, 2006 and the regular Commissioners' meeting held on July 5, 2006.

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.

Grace Caldwell: Tyrone Councilwoman Grace Caldwell thanked the Board for the \$18,000 that was designated for recreation in the Town of Tyrone. She said she hoped this would go for improvements to Shamrock Park. She said she also appreciated all of the Board's help in clean up day in Tyrone.

Gloria Furr: Tyrone Councilwoman Gloria Furr thanked the Board and everyone who was involved in the onion smell situation.

Sierra Leone: Sierra Leone commented on the issue of the number of people living in a home and the County's ordinance. She asked for the Board's consideration to consider amending this ordinance.

Connie Biemiller: Connie Biemiller thanked the Board and staff for everything that had been done in regard to the Propyl Mercaptan. She remarked if the plant was not closed down on Friday as hoped, concerned citizens would be protesting on S.R. 74 on Saturday.

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Johnny Bell: Johnny Bell, 350 Greenview Circle, Fairburn expressed concern with the onion smell and a health condition that he had recently been diagnosed with that might possibly be related to the smell.

STAFF REPORTS:

CHIEF JACK KRAKEEL: Chief Jack Krakeel updated the Board on the onion smell situation. He said a healthcare questionnaire had been developed to begin tracking the number of citizens in this community who had complained of some type of illness that was believed at this juncture to be associated with this issue. He said the Environmental Protection Division conducted a multi-media site investigation this week of the PSE facility which resulted in a review by experts of all facets of this plant. He said results of that investigation would be forthcoming. He said the District Health Office and the State Health Department were being requested to immediately begin an epidemiology investigation of this incident. He remarked that water sampling would also be ongoing of the Whitewater Creek area for volatile organic compounds. He pointed out that a continuous air monitoring system using a more sophisticated methodology than what was previously utilized post July 4th weekend was being done for a period of thirty days. He said the Commission's counterparts on the Fulton County Commission and all of the local agencies would need to be kept up to date regarding all of these findings and requests since this plant was in Fulton County's jurisdiction. He expressed concern with the plant receiving any future material that might have the potential for creating this kind of environmental impact. He felt there should be pretesting done on any product coming into the facility to eliminate the potential for an accidental vapor release which could create a significant odor problem for surrounding communities. He said if this facility continued to operate that a plan be developed by not only the facility but with the Fayette County and Fulton County communities so that Emergency Services would be immediately notified of any situation that had the potential to affect the community so that appropriate action could be initiated.

EXECUTIVE SESSION: Assistant County Attorney Dennis Davenport requested an executive session to discuss two real estate items and three legal matters.

REAL ESTATE: Attorney Davenport discussed a real estate item with the Board.

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

LEGAL: Attorney Davenport reported to the Board on a legal matter.

THE BOARD TOOK NO ACTION ON THIS MATTER.

REAL ESTATE: Attorney Davenport discussed a real estate item with the Board.

THE BOARD TOOK NO ACTION ON THIS MATTER.

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LEGAL: Attorney Davenport updated the Board on a legal matter.

THE BOARD TOOK NO ACTION ON THIS MATTER.

LEGAL: Attorney Davenport reported to the Board on a legal matter.

THE BOARD TOOK NO ACTION ON THIS MATTER.

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

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 8:20 p.m.

Karen Morley, Chief Deputy Clerk

