

The Agenda of Actions

BOARD OF COMMISSIONERS

FEBRUARY 22, 2007

7:00 P.M.

Chairman Smith called the meeting to order.

Reverend Mike Stachura of Grace Evangelical Church led the Invocation.

Pledge of Allegiance.

PRESENTATION/RECOGNITION:

A. Proclamation for Master Gardener Appreciation Day on March 17, 2007.

CHAIRMAN SMITH READ AND THE BOARD PRESENTED A PROCLAMATION TO MEMBERS OF THE FAYETTE COUNTY MASTER GARDENER PROGRAM PROCLAIMING MARCH 17, 2007 AS MASTER GARDENER APPRECIATION DAY.

PUBLIC HEARING:

B. Consideration of a Packaged Beer and Wine Sales Permit for Davis Country Store, LLC, 1619 Hwy. 92 South, Fayetteville, Georgia, Matt Johnston, Owner/Applicant. This property is located in Land Lot 247 of the 4th District, fronts on Hwy. 92 South, and is zoned A-R. This request is for a Change of Ownership.

ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER HORGAN TO APPROVE THE PACKAGED BEER AND WINE SALES PERMIT FOR DAVIS COUNTRY STORE, LLC. THE MOTION CARRIED 5-0.

C. Consideration of Petition No. 1191-07, Russell Peacock, Owner, and Brian Corbin, Agent, request to rezone 6.521 acres from A-R to R-70 to develop three (3) single-family dwelling lots. This property is located in Land Lot 22 of the 5th District and fronts on Inman Road. The Planning Commission recommended approval subject to one (1) condition (4-1). Staff recommended approval subject to one (1) recommended condition.

ON MOTION MADE BY FRADY, SECONDED BY COMMISSIONER HORGAN TO APPROVE PETITION NO. 1191-07 WITH ONE RECOMMENDED CONDITION. THE MOTION CARRIED 5-0.

- D. Consideration of the proposed amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-10. Accessory uses and structures as presented by the Planning & Zoning Department. The Planning Commission recommended approval (5-0).

ZONING DIRECTOR DENNIS DUTTON REMARKED THAT THE FAYETTE COUNTY PLANNING COMMISSION HAD REQUESTED THAT THIS ITEM BE WITHDRAWN FROM THE AGENDA.

- E. Consideration of the proposed amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-14. Landlocked Property as presented by the Planning & Zoning Department. The Planning Commission recommended approval (5-0).

ON MOTION MADE BY COMMISSIONER PFEIFER, SECONDED BY COMMISSIONER FRADY TO APPROVE THE AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE V. GENERAL PROVISIONS, SECTION 5-14. LANDLOCKED PROPERTY. THE MOTION CARRIED 5-0 .

- F. Consideration of the proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-21. M-1 Light Manufacturing District as presented by the Planning & Zoning Department. The Planning Commission recommended approval (5-0).

ON MOTION MADE BY COMMISSIONER PFEIFER, SECONDED BY COMMISSIONER HORGAN TO APPROVE THE AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VI. DISTRICT USE REQUIREMENTS, SECTION 6-21. M-1 LIGHT MANUFACTURING DISTRICT. THE MOTION CARRIED 4-1 WITH COMMISSIONER MAXWELL VOTING IN OPPOSITION.

PUBLIC COMMENT:

Members of the public are allowed up to five minutes each to address the Board on any issues of concern.

Connie Biemiller: Connie Biemiller commented on the situation at the Phillips Service Corporation in North Fayette.

George Nicholson: George Nicholson remarked on the chemical waste at the Phillips Service Corporation.

Dr. Lois Speaker: Dr. Speaker commented on the treatment process of the sewage at Phillips Service Corporation.

Ken Schall: Ken Schall expressed concern with the possible closing of the Fayette

County Counseling Center.

John Lane: John Laos spoke in support of Jane Fanslow, Director of the Fayette County Counseling Center, and also expressed concern with the possible closing of the Counseling Center due to funding.

Linda Lane: Linda Lane commented on the tremendous positive impact the Fayette Counseling Center had on their family.

CONSENT AGENDA: COMMISSIONER MAXWELL REQUESTED THAT ITEM NO. 8 BE WITHDRAWN FOR DISCUSSION. ON MOTION MADE BY FRADY, SECONDED BY COMMISSIONER PFEIFER TO APPROVE CONSENT AGENDA ITEMS 1, 2, 3, 4, 5, 6, AND 7 AS PRESENTED. THE MOTION CARRIED 5-0.

1. Approval of staff's recommendation to transfer a 1999 Ford F-150 assigned to Engineering to Solid Waste and replace 1991 Solid Waste vehicle with a new F-250 to be used by Engineering. A replacement vehicle was approved in the FY 07 budget for \$20,000.
2. Approval of staff's recommendation to utilize an automatic bank draft procedure for the processing of the county's utility bill payments.
3. Approval of staff's recommendation for a budget adjustment for FY 2006 to increase the Sheriff's Criminal Investigation Division Vehicle Repair Services Account 10030321-522233 by \$446.31 for money received from an insurance claim.
4. Approval of staff's recommendation to destroy old and unserviceable uniforms at the Sheriff's Office that are no longer serviceable.
5. Approval of the adoption of Resolution No. 2007-04 regarding the Updated Capital Improvements Element (CIE) and Short Term Work Program (STWP) FY 2007 to FY 2011 as required for the continued collection of impact fees.
6. Approval of Nextel/Sprint Planning Funding Agreement for 821 MHZ Rebanding and authorization for the Chairman to execute the Agreement.
7. Approval of staff's recommendation to approve a budget adjustment to move funds from the Contingency Account to the Information System Budget to purchase a replacement Firewall/VPN device to be used at the Stonewall Administrative Complex in the amount of \$5,452.59.
8. Approval of list of tax refund and abatement requests as recommended.

MOTION WAS MADE BY COMMISSIONER MAXWELL TO CHANGE THE PROCESS REGARDING TAX REFUNDS AND TAX ABATEMENTS AND TO ALLOW THE TAX COMMISSIONER'S OFFICE TO DO THE REVIEW AND REPORT TO THE BOARD RATHER THAN HAVING THE COUNTY ATTORNEY HANDLE THIS. THE MOTION DIED FOR LACK OF A SECOND.

ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER HORGAN TO APPROVE THE LIST OF TAX REFUNDS AND TAX ABATEMENTS AS RECOMMENDED. THE MOTION CARRIED 5-0.

COMMISSIONER FRADY SUGGESTED THIS ITEM GO ON THE COMMISSIONERS' WEDNESDAY WORKSHOP MEETING FOR FURTHER DISCUSSION.

STAFF REPORTS:

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss one legal item.

Commissioner Maxwell requested an executive session to discuss one legal item and one personnel matter.

EXECUTIVE SESSION: ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER PFEIFER TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS TWO LEGAL ITEMS AND ONE PERSONNEL MATTER. THE MOTION CARRIED 5-0.

LEGAL: Commissioner Maxwell discussed a legal item with the Board.

THE BOARD TOOK NO ACTION ON THIS MATTER.

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

THE BOARD TOOK NO ACTION ON THIS MATTER.

PERSONNEL: Commissioner Maxwell discussed a personnel matter with the Board.

THE BOARD TOOK NO ACTION ON THIS MATTER.

EXECUTIVE SESSION AFFIDAVIT: ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER PFEIFER TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE EXECUTIVE SESSION AFFIDAVIT AFFIRMING THAT TWO LEGAL ITEMS AND ONE PERSONNEL MATTER WERE DISCUSSED IN EXECUTIVE SESSION. THE MOTION CARRIED 5-0.

CHAIRMAN SMITH RECONVENED THE MEETING TO OPEN SESSION.

CHAIRMAN SMITH STATED THAT THE BOARD HAD DISCUSSED TWO LEGAL

ITEMS AND ONE PERSONNEL MATTER AND HAD TAKEN NO ACTION ON ANY OF THESE MATTERS.

ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER HORGAN TO ADJOURN THE MEETING AT 9:20 P.M. THE MOTION CARRIED 5-0.

Karen Morley, Chief Deputy Clerk