

The Board of Commissioners of Fayette County, Georgia met in Official Session on November 8, 2001, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

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

STAFF MEMBERS PRESENT: Chris W. Cofty, County Administrator  
Carol Chandler, Executive Assistant  
William R. McNally, County Attorney  
Linda Rizzotto, Chief Deputy Clerk

-----

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

**PUBLIC HEARING:**

**APPROVED AMENDMENTS TO THE FAYETTE COUNTY THOROUGHFARE PLAN TO CHANGE THE STREET CLASSIFICATION OF ANTIOCH ROAD BETWEEN WOOLSEY-BROOKS ROAD AND LAKE HORTON RESERVOIR FROM A COLLECTOR STREET (80' OF RIGHT-OF-WAY) TO A LOCAL STREET (60' OF RIGHT-OF-WAY) BY THE PLANNING DEPARTMENT:**

Planning Director Chris Venice requested that the Board consider changing the street classification of that portion of Antioch Road between Woolsey-Brooks Road south to the reservoir, from a collector street to a local street. She mentioned a collector road was generally intended to carry larger volumes of traffic, meaning it collects traffic at one point and moves it to another. She said Antioch Road use to do this before the reservoir and now that portion of Antioch dead ends into the reservoir so it will no longer be serving the function of a collector road.

Chairman Dunn asked if there was anyone from the public who wished to comment on this matter, hearing none, he brought it back to the Board.

Commissioner Frady asked if the Board should deed the property back to the owners.

Ms. Venice advised the Board there was only 60' of right-of-way there now which was what was required for a local road. She said a collector road called for 80' feet of right-of-way but we only have 60 and this was another reason to go to a local road.

Minutes

November 8, 2001

Page 2

***On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to accept the proposed amendments to the Fayette County Thoroughfare Plan. The motion carried 5-0.***

**ORDINANCE NO. 2001-15 APPROVING THE PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, SECTION 7-6. TRANSPORTATION CORRIDOR OVERLAY ZONE BY THE ZONING DEPARTMENT:**

Zoning Director Kathy Zeitler advised the Board that her staff and the Planning Board had been working since July on establishing an overlay for the 85 south corridor. She mentioned they took it further in their discussions with other overlays on other highways. She highlighted some of the changes that were under consideration.

Ms. Zeitler stated that staff and the Planning Commission added State Route 74 south to the 54 west overlay, to ensure that this area had a residential look for the nonresidential uses there. She said they also proposed to delete State Route 314 and 74 north overlays currently in the ordinance and replace this with the establishment of overlays on all of the other State Route highways, including 314 and 74 north. She advised there were provisions for access from arterials or collectors, the standard setbacks for overlays, the 50 percent impervious, and architectural standards which would blend in with the surrounding development. She said there was not necessarily a residential look everywhere. She said there were also lighting, signage and landscaping restrictions.

Chairman Dunn asked if there was anyone who wished to comment on this subject to please come forward.

Robert D. McElroy, 120 Dawn Drive, Fayetteville, 30215, referred to his letter dated November 1, 2001, identified as "No.1," follows these minutes and becomes an official part hereof. He said concerning his letter and the proposal itself, that the architectural standards were an appropriate guideline for conditional uses as he saw it. He said our county's Zoning Office and our Planning Commission have developed standards that should be applied to the entire county and should not limit this strictly to state highways. He commented that when you start reading the architectural standards and seeing the things about no plastic and some other issues, that these needed to be included in our entire county ordinance.

Mr. McElroy stated secondly, several of our state roads remain two-lane roads and with setbacks that we would impose on two-lane roads, we may lose a lot of those improvements, yet that two-lane road is extended to a four-lane road. He said Highway 92 south for instance, was an active project at one time before the EPA got involved and this road may again become a four-lane project. He said if we lose that, for instance, if we impose a 100-foot building setback, a 50-foot parking setback, and a 50-foot landscape area, if that two-lane

Minutes

November 8, 2001

Page 3

road is widened to a four-lane road, we may lose the landscape area. He said further we may have the 50-foot parking lot sitting on the street and the building may be only 50-feet from the street. He remarked essentially he would like to see something in our amendment that would address that and give us a potential for providing an alternative. He said the way it was written now, he felt we would be required to approve a 50-foot setback on impervious surfaces. He commented that he thought we could address this in our ordinance somehow so that there could be an option to give more setback or evaluate the right-of-way somehow.

Chairman Dunn asked Ms. Zeitler if she would like to comment on what Mr. McElroy had said.

Ms. Zeitler stated there were many lots that were just 1-acre for commercial zoning already requiring a 100-foot setback for the buildings and 50-feet from the road to any parking area. She said this still left 50-feet of landscaping so if the road were widened, it would reduce the landscaping a little bit, but the whole 50-foot was not planted anyway, and we could require them to plant on the inside of that 50-feet in case the road were to be widened and this way the landscaping would still be there. She remarked with the 1-acre lots to push any building further back on the lot may make it to where there would have to be a lot of variances required for a 1-acre lot.

Chairman Dunn said it seemed to him that if the road was not widened, the county would be depriving the land owner of a good piece of their land. He clarified what Ms. Zeitler was saying was if the county ever did widen the road, the landscaping would be less.

Ms. Zeitler stated what the city required was a 50-foot setback and we require double that so she felt this was already very restrictive.

Commissioner VanLandingham made a motion that the Board accept the recommendation with the following exceptions: (1) 3-j. He said if we were going to have conditions they needed to be spelled out. He did not want to leave anything hanging out there that could be imposed. He said if we need it, we ought to put it in the ordinance. (2) 4-c. He said this restricts large display windows that have to be visually broken by individual frames and if a car dealership wished to locate on a highway, this would be detrimental to their display. He said there needed to be some additional work done here. He said leave this out until we can get a good reading on it. (3) C-2.a. He said we should leave out the wording, "To improve the overall aesthetics." (4) C-8.a. he said he read where internal illuminated signs caused less glare and less illumination to the surrounding areas and here we are saying that a sign cannot be internally placed. (5) C-8.c. he thought this would be subject to review and he felt we should have a standard spelled out so a person would know what they could be doing and not have to go back and forth to determine what kind of sign they could have.

Minutes

November 8, 2001

Page 4

Chairman Dunn asked Commissioner VanLandingham if he was referring to the second sentence in 8-c and Mr VanLandingham said he did not object to the first sentence, only the second sentence. He asked what Commissioner VanLandingham objected to in C-2.a.

Commissioner VanLandingham remarked he thought the word "aesthetics" was objective but to have it be the leading reason for doing this was wrong. He said he thought we were trying to project and image to protect the quality of life style and this would include aesthetics, but when we put aesthetics as the leading reason then he thought we might be opening ourselves up to some problems.

Commissioner Frady clarified that Commissioner VanLandingham wished to have the word aesthetics removed and reword it so that aesthetics was not the most prominent thing in the sentence.

Ms. Zeitler said we could change the order of that to where we swap [a] and [c] around.

Chairman Dunn said this was the wording in the current ordinance and this was the one that covered the 54 corridor as well.

Ms. Zeitler said on most of the comments Commissioner VanLandingham brought up, already existed in the current ordinance for either the 85 north overlay or the 54 west overlay.

Commissioner Frady inquired if 8.a. was stating that we lit the signs by flood lights.

Ms. Zeitler stated that 8.a. was talking about illumination on the building exterior where you don't use neon or lighting on the building itself, other than a wall sign that was permitted.

Commissioner Frady said he was talking about an exterior freestanding sign and Ms. Zeitler was talking about any external architectural sign.

Ms. Zeitler said she was referring to the architectural element of the building. She stated 8.a. was not talking about a freestanding sign or a wall sign.

Commissioner Frady asked if a back-lighted sign on a building would be lit by flood lights?

Ms. Zeitler said, no, there could be an internally illuminated wall sign on the building. She said 8.a. was referring to the building itself, the architectural features could not be outlined by lighting or neon.

Commissioner Frady said some signs were not necessarily internally lit, even though there back-lighted, which left a different effect.

Minutes

November 8, 2001

Page 5

Ms. Zeitler stated this was not referring to signage on this particular one, it was referring to lighting only, and the lighting being an architectural feature on the building such as a neon highlight across the facade. She commented this was wording already in the ordinance per the 85 north corridor.

Chairman Dunn confirmed Commissioner VanLandingham had five changes he wished to make. He asked if Commissioner VanLandingham wished to eliminate them or change them.

Commissioner VanLandingham asked to have the wording changed on C-2.a.

Chairman Dunn asked Commissioner VanLandingham to repeat his motion.

Commissioner VanLandingham made a motion to accept the overlay that was presented with the exception of the items he mentioned previously.

Chairman Dunn asked Commissioner VanLandingham if he wished to remove the items he previously mentioned and then approve this and Commissioner VanLandingham said yes.

Commissioner VanLandingham stated he would like for the staff to come back with rewording on the changes he mentioned and not leave it to interpretation. He said for example, 3-j says, "establish as a condition of zoning approval".

Ms. Zeitler said the wording here could be deleted. She said with reference to 4.c., that the wording was already in the 54 west overlay and we were just adding 54 south to that, so if we delete that, we're deleting it for both areas.

Chairman Dunn reminded Commissioner VanLandingham that he was asking to delete an area that was already being guided by this and building had already occurred using these standards.

The motion by Commissioner VanLandingham died for lack of a second.

Attorney McNally stated since the Board had the public hearing on the matter, perhaps the Board would like to continue this to give Ms. Zeitler the chance to work on the wording and vote on it at the Board's next meeting.

***Vice Chair Wells said she didn't feel there was that much change. She said she agreed with 3.j, she did not like the ambiguity of that particular one and she would like to see it taken out. She said in reference to 4-C, it was something we were already using and she didn't think the Board needed to change this just in case somebody wanted a car dealership or something like it. She added the Board would be addressing these***

***individually. She stated concerning C-2.a., to change the order and reverse [a] and [c] would be just fine. She said concerning the external architectural element was simply to prevent somebody from illuminating every arch, or shape on their building. She said it would not have anything to do with signage and would not be something that would be necessary for them to conduct business. She said from her perspective she would like to see the removal of 3.j., and reorder or swap [a] and [c] under C-2.a. She said this was her motion.***

***The motion was seconded by Commissioner Frady.***

Chairman Dunn asked if there was any comment.

Commissioner Pfeifer stated at the last meeting he read the minutes of the Planning Commission work sessions and he realized the other night what was troubling him about this. He said except for some expressions from Al Gilbert, there wasn't any input that would describe to him what real effect this was going to have on a business. He commented he tried to call and talk to the Development Authority about it and they were somewhat aware of it. He said based on that, he would probably vote against the motion. He said, however, in the future when we do something that has an impact on business like this, that we at least send it out for comment, to the Chamber and the Development Authority.

Commissioner Frady asked what Mr. Pfeifer saw in the proposed amendments as an impact against business.

Commissioner Pfeifer said he wasn't sure and he knew Mr. Gilbert had a lot of problems with it because of that. He said further he didn't know either what kind of expense this was going to put them to.

Commissioner Frady said he remembered Mr. Gilbert mentioned something about people trying to rebuild their business. He said he didn't understand this exactly because if 60 percent of the building was destroyed then one could rebuild it and insurance would be involved here. He said further if it was an "Act of God," the owner would have to take it down or they could build back the building or restore it. He said if they had a small fire the building can be restored if it was not more than 60 percent destroyed.

Commissioner Pfeifer stated if the building was destroyed more than 60 percent then they would be subject to these standards.

Commissioner Frady said the building would be grandfathered in as long as it was not destroyed and normally it would not cost them any money to build back any building that would match these designs. He said he didn't think it would cost that much more for most buildings

Minutes

November 8, 2001

Page 7

out there to look like any other kind of building if you used the same materials. He remarked about the only thing he saw in this was the proposal includes eaves and things that make a building look more like residential in areas along Highway 54.

Chairman Dunn commented the basic purpose of this whole idea was to protect the residential zonings and it has been very successful being done this way along the 54 corridor. He asked Ms. Zeitler when she referred to the 74 south corridor he assumed she meant 74 south from the Peachtree City line to 85 and then south to the county line.

Ms. Zeitler stated this only applied to the few nonresidential zoned or land use properties which have road frontage on S.R. 74 south from the city limits to the intersection of S.R. 85.

Chairman Dunn asked about the commercial store at the corner of S.R. 85 and 74 south and Ms. Zeitler said the store was actually located on S.R. 85 south. She said subject property was A-R.

Chairman Dunn confirmed that this corridor stopped at S.R. 85 and 74 and said it should be made clearer in the amendment.

Commissioner VanLandingham said he thought the purpose of ordinances was to have a procedure in place that people could follow and he asked if he was looking at this wrong. He mentioned that he still had trouble with lighting and signage, A and C of 8 when it says, "it shall be subject to review only to prevent obtrusive signs." He added what was obtrusive to him may not be obtrusive to others and he just didn't see having an ordinance that didn't spell out what we want. He remarked if it was going to be subject to review, then let's review it when it comes in.

Vice Chair Wells said sometimes there was a problem with that because you can't always list things conclusively. She commented that what they were talking about on 8.a., truly, would be somebody who would decide to illuminate all of their arches in orange, blue or green lights. She stated this was part of the architectural elements, this has nothing to do with the business, it is decorating the external facade with lights.

Commissioner VanLandingham said that was not what "C" said, it says, "Signage".

Vice Chair Wells said she was explaining what [a] meant.

Commissioner VanLandingham said he was referring to [a] and [c]. He said they go together.

Vice Chair Wells replied that [a] and [c] did not necessarily go together.

Ms. Zeitler stated that [a] and [c] were under the heading called lighting and signage, they both were included under the same heading, but [a] deals with the lighting of the building and the architectural features of that building. She said [c] talks about signage and these are straight out of the 85 north corridor overlay that we have already in the ordinance.

Commissioner VanLandingham asked if the ordinance allows for a sign to be placed on the building that will become part of the facade of that building.

Ms. Zeitler said this was not what 8.a. was talking about though. She said a sign is not considered an architectural detail of the building.

Commissioner VanLandingham said {a} refers to the sign ordinance. He asked what we were doing with a sign ordinance if it was architectural? He commented that he may be off base here but when he saw the words sign ordinance, he thought we were referring to a sign.

Ms. Zeitler remarked the wording said "Any exterior architectural element shall not be internally illuminated except as allowed by the sign ordinance". She explained that would be accepting the wall sign that was allowed. She said it would just be talking about the architectural details of the building itself, that you could not highlight with lighting or neon. She added that this portion allows what was acceptable by the sign ordinance which would be your wall sign.

Commissioner Frady remarked that the Sign Ordinance would govern this matter.

***The motion carried 3-2 with Commissioners Pfeifer and VanLandingham opposing the motion.*** A copy of Ordinance No. 2001-15, identified as "Attachment No. 2", follows these minutes and becomes an official part hereof.

-----

**APPROVE SUBMISSION OF THE TRANSMITTAL RESOLUTION FOR THE CAPITAL IMPROVEMENT ELEMENT AND SHORT TERM WORK PROGRAM FOR THE FIRE SERVICES IMPACT FEE TO THE ATLANTA REGIONAL COMMISSION AND THE DEPARTMENT OF COMMUNITY AFFAIRS:**

Planning Director Chris Venice advised the Board that now that we were assessing impact fees, the State required the county to prepare an annual accounting of the impact fee funds collected, and to complete an annual update of the C.I.E. and STWP. She mentioned that the last two elements you use to see on a five-year basis, but again, since we were assessing impact fees, we have to do this annually. She stated the C.I.E. that the Board had in front of them remained unchanged as did the actual impact fee. She said it would be \$600.57 per residential unit this fiscal year, with the same variations for nonresidential as we currently have.



Minutes

November 8, 2001

Page 9

Ms. Venice advised that the Short Term Work Program now reflects fiscal year 2003-2007 and basically, the projects have generally remained the same. She added the STWP just reflects current estimates of initiation and completion dates of projects.

Ms. Venice said the accounting period for the monies collected for fiscal year 2001, which was the reporting period for us which was less than two months, from May 7 to the end of June. She commented for that period, the county collected a total of \$40,247.90. She said that State law requires that these items be sent to them for their review and approval. She said the State would hold a public hearing, they send this back to us at which time the Board would be asked to adopt this. She mentioned that the Board had to adopt this by February 27, 2002.

Chairman Dunn asked for comment under public hearing and there was none.

Ms. Venice asked that the Resolution be adopted tonight.

***On motion made by Vice Chair Wells, seconded by Commissioner Frady to authorize Chairman Dunn to sign the Transmittal Resolution as presented. The motion carried 5-0.*** A copy of the Transmittal Resolution, identified as "Attachment No. 3", follows these minutes and becomes an official part hereof.

-----

**CONSENT AGENDA:** ***On motion made by Commissioner VanLandingham, seconded by Commissioner Pfeifer to approve the Consent Agenda as presented. The motion carried 5-0.***

**EMERGENCY MEDICAL SERVICES EQUIPMENT:** Approve request from Emergency Medical Services to purchase (1) Life pack 12 Cardiac Monitor-defibrillator, including 1 non-invasive blood pressure monitor @ \$24,270 and (4) non-invasive blood pressure monitors @ \$3,300 each = \$13,200. The above items were included in the approved budget for this fiscal year.

**GRANT AWARD, \$3,500 FOR SERVICES FOR JUVENILE OFFENDERS PROGRAM:** Approve request from the Finance Department to accept a grant award of \$3,500 for the purchase of "Services for the Juvenile Offenders Program" from the Council of Juvenile Court Judges of Georgia. A copy of the Statement of Grant Amount and General Conditions, identified as "Attachment No. 4", follows these minutes and becomes an official part hereof.

**FINANCE TO ENTER INTO CONTRACT WITH MUNIS FOR SOFTWARE:** Approve request from Finance to enter into contract with Munis to purchase Financial Management

Minutes

November 8, 2001

Page 10

Information Systems Software in the amount \$350,000, to be used by the Finance, Human Resources and Purchasing Departments.

**WATER SYSTEM BID AWARD FOR FENCING TO TEXAS COMMERCIAL FENCE COMPANY:** Approve recommendation from the Water Committee to award the low bidder for fencing various water sites to Texas Commercial Fence Company in the amount of \$96,695. A copy of the bid tally sheet, identified as "Attachment No. 5", follows these minutes and becomes an official part hereof.

**COUNTY OFFICES CLOSED MONDAY, DECEMBER 31, 2001:** Approve request to close County Offices on Monday, December 31, 2001 per memo from Commissioner Wells.

**BID AWARD TO CONKLE'S TREE SERVICE FOR GRINDING:** Approve bid award to Conkle's Tree Service in the amount of \$22,000 for vegetative debris grinding.

**APPROVE PURCHASE OF COMPUTER/PLOTTER ON STATE CONTRACT AND CADD SOFTWARE FROM EAGLE POINT:** Approve request from Director of Engineering Ron Salmons to purchase a computer and plotter on state contract and CADD software from Eagle Point.

**PUBLIC WORKS, BID AWARD TO LOW BIDDER BURCH LOWE FOR A POWER BROOM:** Approve request from Director of Public Works Lee Hearn to award the low bidder, Burch Lowe, to purchase a power broom at a net cost of \$19,993.

**AMENDMENT VII TO THE EMPLOYEE'S HEALTH PLAN APPROVED:** Approve request from Director of Human Resources Connie Boehnke to approve Amendment VII to the Employee's Health Plan. A copy of Amendment VII, identified as "Attachment No. 6", follows these minutes and becomes an official part hereof.

**MAINTENANCE DEPARTMENT, BID AWARD TO LOW BIDDER, MIDDLE GEORGIA SEALCOATING FOR A LOADING/UNLOADING ZONE:** Approve request from the Maintenance Department to award the low bidder, Middle Georgia Seal coating in the amount of \$896.00 for a loading/unloading zone.

**MINUTES APPROVED:** Approval of minutes for Board of Commissioners meeting held on October 25, 2001.

**PUBLIC COMMENT:**

Members of the public are allowed up to three minutes each to address the Board on issues of concern other than those items which are on this evening's agenda.

Minutes

November 8, 2001

Page 11

None

**STAFF REPORTS:**

County Attorney, Bill McNally, stated he had three items of real estate acquisition and four legal items to discuss in Executive Session.

**CABLE FRANCHISE AGREEMENT:**

Finance Director, Mark Pullium advised the Board in accordance with our cable franchise agreement, AT&T has agreed to provide the cost of studio equipment to bring up our government access channel. He provided the Board with a cost proposal for \$12,660 for the studio equipment necessary to activate this program. He requested the Board to approve a budget increase for these funds which AT&T will refund to the county

***On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to, (1) authorize Mark Pullium to proceed with procurement and, (2) to increase the budget to allow funds to be available. The motion carried 5-0.***

***On motion made by Vice Chair Wells, seconded by Commissioner Pfeifer to adjourn after a brief recess into Executive Session to discuss three items of real estate and four legal items. The motion carried 5-0.***

This portion of the meeting adjourned at 7:37 p.m.

**EXECUTIVE SESSION:**

**REAL ESTATE ACQUISITION:**

Attorney McNally briefed the Board regarding a real estate acquisition.

***No action taken by the Board.***

**REAL ESTATE ACQUISITION:**

Attorney McNally briefed the Board concerning a matter of real estate acquisition.

***On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to authorize the County Attorney to proceed in this matter. The motion carried 5-0.***

**REAL ESTATE ACQUISITION:**

Attorney McNally briefed the Board concerning a matter of real estate acquisition.

***The Board voted unanimously to proceed to investigate whether or not the site is suitable.***

**LEGAL:**

Attorney McNally briefed the Board regarding a legal matter.

***On motion made and approved to authorize the County Attorney to settle the subject matter.***

**LEGAL:**

Attorney McNally briefed the Board regarding an offer to settle a legal matter.

***The Board voted not to accept said offer.***

**LEGAL:**

Attorney McNally briefed the Board concerning a legal matter.

***On motion made by Chairman Dunn, seconded by Vice Chairman Wells to proceed with action in a legal matter. The motion carried 5-0.***

**LEGAL:**

Attorney McNally advised the Board on a legal matter.

***The Board voted the County Attorney to proceed to negotiate on a sum to be determined.***

**EXECUTIVE SESSION AFFIDAVIT:**

***On motion made by Commissioner Frady, seconded by Vice Chair Wells to authorize the Chairman to execute the Executive Session Affidavit affirming that three items of real estate acquisition and four legal items were discussed in Executive Session. The motion carried 5-0.*** A copy of the Executive Session Affidavit, identified as "Attachment No. 7", follows these minutes and becomes an official part hereof.

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 9:15 P.M.

---

Linda Rizzotto, Chief Deputy Clerk

---

Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 5<sup>th</sup> day of December, 2001.

Minutes  
November 8, 2001  
Page 13

---

Linda Rizzotto, Chief Deputy Clerk