



BOARD OF COMMISSIONERS

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

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STAFF

Chris Cofty, County Administrator
Carol Chandler, Executive Asst.
William R. McNally, Attorney
Karen Morley, Deputy Clerk
Linda Rizzotto, Deputy Clerk

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MEETING LOCATION

Administrative Complex
Commission Meeting Room
140 Stonewall Avenue
Fayetteville, GA

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MEETING TIMES

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

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COMMISSION OFFICE

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The Agenda of Actions

BOARD OF COMMISSIONERS

June 27, 2002

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 an Alcoholic Pouring Permit for Beer and Wine only for Kiku Japanese Restaurant, 190 Pavilion Parkway, Fayetteville, Georgia. Dong Chul Son, Owner/Applicant. This property is located in Land Lot 186 of the 5th District, fronts Pavilion Parkway, and is zoned C-H. This request is for a new location.
- B. Consideration of a Packaged Beer and Wine License for C.J.'s Hwy. 92 One Stop, 2708 Hwy. 92 South, Fayetteville, Georgia. Christopher Layne Poole and Julie Baker Poole, Co-owners, and Christopher Layne Poole, Applicant. This property is located in Land Lot 118 of the 4th District, fronts on Hwy. 92 South, and is zoned C-C. This request is for a change of ownership only.
- C. Consideration of a Packaged Beer and Wine Sales License for Pit Stop #17, 1183 Hwy. 54 East, Fayetteville, Georgia. Pit Stop Convenience Centers, Inc. (Katherine Margaret Palmer Hyde-100% stockholder), Owner, and W. Michael Hyde, Applicant. This property is located in Land Lot 137 of the 5th District, fronts on Hwy. 54 East and McDonough Road, and is zoned C-H. This request is for a new location.

ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER PFEIFER TO APPROVE ITEMS A, B, C AS PRESENTED. THE MOTION CARRIED 5-0.

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- D. Consideration of Petition No. 1091-02, John D. and Cathy A. Kegley, II, Owners/Agents, request to rezone 18.98 acres from R-40 and A-R to R-40 to establish one zoning district for Lot 69 of Huntington Creek Subdivision, Phase IV. This property is located in Land Lots 169, 170, and 183 of the 6th District and fronts on Downing Court. Planning Commission recommended approval and staff recommended approval.
- E. Consideration of Petition No. RP-019-02, John D. and Cathy A. Kegley, II, Owners/Agents, request to subdivide Lot 69 of Huntington Creek Subdivision, Phase IV consisting of 18.98 acres into a total of four (4) single-family dwelling lots. This property is located in Land Lots 169, 170, and 183 of the 5th District, fronts on Downing Court, and is zoned R-40 and A-R (see Petition No. 1091-02). Planning Commission recommended approval and staff recommended approval.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER PFEIFER TO APPROVE PETITION NO. 1091-02 AND RP-019-02 AS PRESENTED. THE MOTION CARRIED 5-0.

- F. Consideration of Petition No. 1092-02, K & R Mechanical Contractors, Inc., Owners, and Chuck Golden, Agent, request to rezone 1.646 acres from C-H Conditional to C-H to develop a Convenience Store and Gas Station. This property is located in Land Lot 137 of the 5th District and fronts on S.R. 54 East. Planning Commission recommended denial for C-H but approval C-C with one condition (5-0). Staff recommended denial C-H but approval C-C with one condition.
- G. Consideration of Petition No. 1093-02, Charles and Carol Lunsford, Owners, and Chuck Golden, Agent, request to rezone 2.838 acres from A-R to C-H to develop Retail Space. This property is located in Land Lot 137 of the 5th District and fronts on S.R. 54 East. Planning Commission recommended denial C-H but approval C-C with one condition (5-0). Staff recommended denial C-H but approval C-C with one condition.

ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER PFEIFER TO APPROVE PETITION NO. 1092-02 WITH ONE CONDITION AND PETITION NO. 1093-02 WITH ONE CONDITION. THE MOTION CARRIED 5-0.

- H. Consideration of Petition No. 1094-02, Joan Carlton Busey, Owner, and Attorney Donald M. Comer, Agent, request to rezone 148.1248 acres from A-R to R-40 to develop a single-family residential subdivision consisting of approximately 102 lots. This property is located in Land Lots 217, 218, 231, and 232 of the 13th District and fronts on Helmer Road. Planning Commission recommended approval with one condition (5-0). Staff recommended approval with one condition.

ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER VANLANDINGHAM TO APPROVE PETITION NO. 1094-02 WITH ONE CONDITION. THE

MOTION CARRIED 5-0.

- I. Consideration of Petition No. RP-020-02, Travis and April Parker, Owners/Agent, request to add 1.84 acres to Lot 7 of Meadowview Subdivision currently consisting of 7.72 acres. This property is located in Land Lots 124 and 125 of the 4th District, fronts on Haddock Point, and is zoned A-R. Planning Commission recommended approval (5-0). Staff recommended approval.

ON MOTION MADE BY COMMISSIONER VANLANDINGHAM, SECONDED BY COMMISSIONER FRADY TO APPROVE RP-020-02. THE MOTION CARRIED 5-0.

- J. Consideration of Petition No. 1095-02, Fayette Baptist Church, Owner, and THG Properties, LLLP, Agent, request to rezone 6.8 acres from A-R and R-40 to C-H to develop a convenience store with a gas station and retail shops. This property is located in Land Lot 39 of the 5th District and fronts on Seay Road and Hwy. 92 South. Planning Commission recommended denial (5-0). Staff recommended denial.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER PFEIFER TO DENY PETITION NO. 1095-02. THE MOTION CARRIED 5-0.

- K. Consideration of proposed budget for Fiscal Year 2003, beginning July 1, 2002 and ending June 30, 2003.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER PFEIFER TO ADOPT THE BUDGET FOR FISCAL YEAR 2003 BEGINNING JULY 1, 2002 AND ENDING JUNE 30, 2003 AS RECOMMENDED BY STAFF. THE MOTION CARRIED 5-0.

NEW BUSINESS:

- L. Consideration of Transfer Agreement Form 394 from AT&T Broadband to Comcast, Inc.

ON MOTION MADE BY COMMISSIONER VANLANDINGHAM, SECONDED BY COMMISSIONER WELLS TO GRANT AT&T'S REQUEST FOR AN EXTENSION TO JULY 25, 2002. THE MOTION CARRIED 5-0.

CONSENT AGENDA: COMMISSIONER VANLANDINGHAM REQUESTED ITEM 2(b) BE TABLED TO THE JULY 25, 2002 COMMISSION MEETING. ON MOTION MADE BY COMMISSIONER VANLANDINGHAM, SECONDED BY COMMISSIONER FRADY TO APPROVE CONSENT AGENDA ITEMS 1, 2(a), 3, 4 and 5 AS PRESENTED. THE MOTION CARRIED 5-0.

1. Approval of request from Finance Director Mark Pullium asking for authorization of the Chairman to execute Appropriation Certificate for the FY2003 Fiscal Year for the ACCG-

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GMA Local Government Equipment Lease Pool.

2. Approval of recommendation from Water System Director Tony Parrott to (a) award bid to low bidder Badger Meter for Salvage Water Meters; and (b) award the annual contract for Waterline Extensions to the low bidder Shockley Plumbing.
3. Approval of authorization for the Chairman to execute the County Right-of-Way Agreement regarding PR-359(113) Fayette County - Hampton Road @ Woolsey Creek 80' R/W.
4. Approval of amendment to Fayette County Code of Ordinances, Article V, Division II, Section 120, increasing the dollar value threshold of inventoried County property from \$1,000 to \$5,000, as recommended by the United States Government Finance Officers' Association for State and Local Governments.
5. Approval of minutes for Board of Commissioners meeting held on June 13, 2002.

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.

BOB McELROY: Bob McElroy commented on protecting Fayette County neighborhoods from commercial development.

STAFF REPORTS:

EXECUTIVE SESSION: Commissioner Frady requested an executive session to discuss one potential legal matter.

ATTORNEY MCNALLY: Attorney McNally asked for the Board's consideration in authorizing Chairman Dunn to execute the L.A.R.P. Agreements regarding paving for the City of Fayetteville and the City of Peachtree City. He said both Mayors had executed the Agreements.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER PFEIFER TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE L.A.R.P. AGREEMENT REGARDING PAVING FOR THE CITY OF FAYETTEVILLE AND THE CITY OF PEACHTREE CITY. THE MOTION CARRIED 5-0.

DATE SET FOR L.O.S.T. DISCUSSION: Attorney McNally asked for the Board's consideration in setting a date for a Special Called Meeting in order to discuss the Local Option Sales Tax distribution.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY TO HOLD A SPECIAL CALLED MEETING ON WEDNESDAY, JULY 24, 2002 AT

8:30 A.M. THE MOTION CARRIED 5-0.

ORDINANCE NO. 2002-08 ADOPTED: Attorney McNally explained to the Board the reason for item no. 4 on the consent agenda, and asked for the Board's consideration in authorizing the Chairman to execute Ordinance No. 2002-08 which would amend the Fayette County Code of Ordinances.

ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER WELLS TO ADOPT ORDINANCE NO. 2002-08 REGARDING AMENDMENT TO THE FAYETTE COUNTY CODE OF ORDINANCES, ARTICLE V, DIVISION II, SECTION 120 AND AUTHORIZE THE CHAIRMAN TO EXECUTE SAME. THE MOTION CARRIED 5-0.

COMMISSIONER VANLANDINGHAM: Commissioner VanLandingham remarked on the letter he had received from the Department Human Resources and the appointment to the Board of the West Georgia Emergency Council.

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss three legal items and one real estate acquisition.

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

LEGAL: Commissioner Frady advised the Board on a legal matter

THE BOARD TOOK NO ACTION ON THIS MATTER.

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

THE BOARD TOOK NO ACTION ON THIS MATTER.

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

THE BOARD TOOK NO ACTION ON THIS MATTER.

REAL ESTATE: Attorney McNally discussed a real estate matter with the Board.

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

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

THE BOARD TOOK NO ACTION ON THIS MATTER.

EXECUTIVE SESSION AFFIDAVIT: ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER PFEIFER TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE EXECUTIVE SESSION AFFIDAVIT AFFIRMING THAT FOUR LEGAL ITEMS AND ONE REAL ESTATE MATTER 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 11:15 p.m.

Karen Morley, Chief Deputy Clerk