



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
William R. McNally, Attorney
Carol Chandler, Executive Asst.
Peggy Butler, Executive Assistant
Karen Morley, Chief Deputy Clerk
Linda Rizzotto, Chief 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

November 13, 2003

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 Petition No. RP-023-03, Dan Stinchcomb, Owner, and Randy Boyd, Agent, request to revise a recorded plat, Yates Crossing, Phase I, an existing residential subdivision, to add density and to change the use of 20.76 acres from Recreation/Open Space to a single-family residential lot. This property is located in Land Lot 13 of the 7th District, fronts on Lucky Leaf Place and Eastin Road, and is zoned R-45 Conditional. The Planning Commission recommended denial 5-0. Staff recommended denial. This item was tabled from the October 23, 2003 commission meeting by petitioner.

PETITIONER REQUESTED THIS ITEM TO BE WITHDRAWN.

B. Consideration of Petition No. 1113-03, Louise D. Kirby and Geraldine Bramblett as Power of Attorney for Dwight F. Kirby, Geraldine K. and Marcus L. Bramblett, Sr., and Dottie M. and Freeman G. Kirby, Owners, and John E. Ryckley, Agent, request to rezone 185.49 acres from R-70 to C-S to develop a proposed subdivision consisting of 76 single-family dwelling lots. This property is located in Land Lots 22, 23, 42, and 43 of the 7th District and fronts on Flat Creek Trail. The planning commission recommended approval subject to self-induced conditions 5-0. Staff recommended approval. This item was tabled from the October 23, 2003 commission meeting by petitioner.

ON MOTION MADE BY COMMISSIONER PFEIFER, SECONDED BY COMMISSIONER WELLS TO APPROVE PETITION NO. 1113-03 WITH CONDITIONS. THE MOTION CARRIED 5-0.

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- C. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-20. L-C Limited-Commercial District and Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-1.B., Conditional Uses, Section 12. Convenience Commercial Establishment. The Planning Commission recommended approval 4-0.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY NOT TO ADOPT AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VI. DISTRICT USE REQUIREMENTS, SECTION 6-20. L-C LIMITED-COMMERCIAL DISTRICT AND ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, SECTION 7-1.B., CONDITIONAL USES, SECTION 12. CONVENIENCE COMMERCIAL ESTABLISHMENT. THE MOTION CARRIED 5-0.

- D. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. S.R. 54 West and S.R. 74 South Overlay Zones. The planning commission recommended approval 4-0.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER VANLANDINGHAM TO APPROVE THE AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, SECTION 7-6. TRANSPORTATION CORRIDOR OVERLAY ZONE, A. S.R. 54 WEST AND S.R. 74 SOUTH OVERLAY ZONES. THE MOTION CARRIED 3-1 WITH CHAIRMAN DUNN AND COMMISSIONER FRADY OPPOSING THE MOTION.

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 a Resolution adopting amendments to the County's 457 Deferred Compensation Plan to bring the Plan into compliance with the final 457 Treasury Regulations issued in July, 2003.
2. Approval of adoption of the final report of the Transportation Plan Update as prepared by URS Corporation.
3. Approval for authorization for the Chairman to execute documents accepting a \$5,100 grant from the Council of Juvenile Court Judges of Georgia for Juvenile Psychological Evaluation Services.

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4. Approval for authorization for the Chairman to execute an Agreement with Blue Cross/Blue Shield allowing the County to enroll/update employees' health benefits on line. This complies with the H.I.P.P.A. privacy provisions.
5. Approval of Amendments to the County's Vehicle Replacement Procedures.
6. Approval of recommendation to approve a request for a tax refund to John Wieland Homes for taxes paid for Woodcreek Homeowners Association for the years 2000, 2001 and 2002 in the amount of \$991.64.
7. Approval of recommendation to approve a request for a tax refund to John Wieland Homes for taxes paid for Whitewater Homeowners Association for the years 2000, 2001 and 2002 in the amount of \$38.85.
8. Approval of recommendation to approve a request from Texatron for duplicate taxes paid for Hoshizaki for the year 2002 in the amount of \$3,018.97 and to deny a request for reimbursement for the years 2000 and 2001 due to lack of proof of duplicate payment.
9. Approval of minutes for Board of Commissioners meeting held on October 23, 2003.

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.

JILL HOLMES LONG: Jill Holmes Long, 218 Claridge Curve, Peachtree City commented on the Board of Health's proposed Resolution to declare a clean indoor air act in the county.

STAFF REPORTS:

MARK PULLIUM: Finance Director Mark Pullium said he was making a recommendation to the Board to reduce the force in the Information Systems Department and that the position, as listed in the memo before the Board, be abolished and all employees holding that position be laid off.

Chairman Dunn said it was his understanding that the county was going to outsource service. He said this would be substantially cheaper than the way the county was doing it now.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER VANLANDINGHAM TO APPROVE THE FINANCE DIRECTOR'S RECOMMENDATION TO REDUCE THE FORCE IN THE INFORMATION SYSTEMS DEPARTMENT AND THAT THE POSITION BE ABOLISHED AND ALL EMPLOYEES HOLDING THAT POSITION BE LAID OFF. THE MOTION CARRIED 5-0.

FUNDING FOR THE TDK BOULEVARD EXTENSION: Chairman Dunn remarked on TDK Boulevard extension into Coweta County. He said the Secretary of Transportation was going to provide funding in the amount of \$1,065,000 to take care of some of the expenses on the building of TDK Boulevard extension.

ENGINEERING/SURVEYING/CONSTRUCTION MANAGEMENT PROPOSAL FOR TDK BOULEVARD: Public Works Director Lee Hearn asked for the Board's consideration in approving Mallett Consulting Engineers' fee schedule in order to proceed with this project.

ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER PFEIFER TO APPROVE MALLETT CONSULTING ENGINEERS' FEE SCHEDULE IN ORDER TO PROCEED WITH THIS PROJECT. THE MOTION CARRIED 5-0.

AMENDMENTS TO THE SWIMMING POOL CODE: Attorney McNally asked for the Board's consideration in adopting the newest amendments to the swimming pool code.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY TO APPROVE THE AMENDMENT TO THE SWIMMING POOL CODE. THE MOTION CARRIED 5-0.

RMD ADOPTION AGREEMENT AMENDMENT: Attorney McNally asked for the Board's consideration in authorizing the Chairman to execute the RMD Adoption Agreement Amendment relating to the Employee Retirement Plan.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE RMD ADOPTION AGREEMENT AMENDMENT. THE MOTION CARRIED 5-0.

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss four legal matters.

Commissioner VanLandingham requested an executive session to discuss two legal matters.

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

LEGAL: Attorney McNally discussed a legal matter 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.

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

THE BOARD TOOK NO ACTION ON THIS MATTER.

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

THE BOARD TOOK NO ACTION ON THIS MATTER.

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

THE BOARD TOOK NO ACTION ON THIS MATTER.

LEGAL: Commissioner VanLandingham sought an opinion on a legal matter.

ATTORNEY MCNALLY ADVISED THE BOARD ON THIS MATTER.

LEGAL: Commissioner VanLandingham requested a legal opinion.

ATTORNEY MCNALLY ADVISED THE BOARD 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 SIX LEGAL MATTERS 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 9:20 p.m.

Karen Morley, Chief Deputy Clerk