

FULTON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

February 1, 2006

10 a.m.

Fulton County Government Center
Assembly Hall
141 Pryor Street SW
Atlanta, Georgia 30303

POST AGENDA

The minutes of this meeting are tentative and have not been ratified or approved by the Board of Commissioners, and this document is not binding on the County or any officer.

Scheduled date for ratification: February 15, 2006

CALL TO ORDER: Commission Chair Karen C. Handel

10:07 a.m.

ROLL CALL: Mark Massey, Clerk to the Commission

Karen C. Handel, Chair (District 1, At-Large)	PRESENT
Emma I. Darnell, Vice Chair (District 5)	PRESENT
Robert L. "Robb" Pitts, Commissioner (District 2, At-Large)	PRESENT
Lynne Riley, Commissioner (District 3)	PRESENT
Tom Lowe, Commissioner (District 4)	PRESENT
Nancy A. Boxill, Commissioner (District 6)	PRESENT
William "Bill" Edwards, Commissioner (District 7)	PRESENT

INVOCATION: Reverend Howard Creecy Jr., County Chaplain

PLEDGE OF ALLEGIANCE: Recited in unison

06-0155 ADOPTION OF THE FEBRUARY 1, 2006 CONSENT AGENDA

All matters listed on the Consent Agenda, excluding *Item 06-0158, were considered routine by the County Commission and enacted by one motion.

*This Item was moved to the Regular Meeting Agenda for separate consideration as requested by Vice Chair Darnell.

A motion was made by Commissioner Riley and seconded by Commissioner Edwards to adopt the Consent Agenda as amended. The motion carried by a vote of 6-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Boxill, and Edwards voted yes. Commissioner Lowe did not vote.

The Consent Agenda consisted of the following items:

COUNTY MANAGER

ENVIRONMENT AND COMMUNITY DEVELOPMENT

06-0156 Request approval to file an objection to the annexation of 62.11 acres of unincorporated Fulton County by the City of East Point for land use and transportation issues.

06-0157 Request approval of a Resolution that reinstates and amends the Fulton County Tree Planting Program.

POLICE

06-0158 Request approval of an Intergovernmental Agreement with the City of Sandy Springs for animal control services. Amount: \$30,796.66

THIS ITEM WAS MOVED TO THE REGULAR MEETING AGENDA FOR SEPARATE CONSIDERATION AS REQUESTED BY VICE CHAIR DARNELL.

A. A motion was made by Commissioner Boxill and seconded by Vice Chair Darnell to approve with the elimination of Item #7 on page 2 of the agreement. The vote was 3-4-0. Vice Chair Darnell and Commissioners Boxill and Edwards voted yes. Commission Chair Handel and Commissioners Pitts, Riley, and Lowe voted no. (THE MOTION DID NOT RECEIVE FOUR AFFIRMATIVE VOTES; THEREFORE, NO ACTION WAS TAKEN)

B. A motion was made by Commissioner Lowe and seconded by Commission Chair Handel to approve the Item. The motion carried by a vote of 4-3-0. Commission Chair Handel and Commissioners Pitts, Riley, and Lowe voted yes. Vice Chair Darnell and Commissioners Boxill and Edwards voted no.

Commissioner Boxill requested the County Manager to prepare a checklist of the various contract services that the County could be involved in when cities are being formed.

Commission Chair Handel requested the County Manager to explore what can be done from an internal standpoint to get an early start on the County's involvement with an incorporation.

PUBLIC WORKS

06-0159 Request approval of an encroachment agreement with Atlanta Gas Light Company for work on the Buffington Road Project.

06-0160 Request approval of an encroachment and indemnification agreement with HN Real Estate Group, LLC to allow access to encroach the County's right-of-way for the purpose of replacing and maintaining their company sign located on Old Alabama Road.

CLERK TO THE COMMISSION

06-0161 **CERTIFICATES, PROCLAMATIONS, AND RESOLUTIONS - FOR SPREADING ON THE MINUTES:**

“North Fulton Community Arbor Day”
February 18, 2006 (**Riley**)

“Richard O. Groves Appreciation Day”
January 26, 2006 (**Pitts**)

ENVIRONMENT AND COMMUNITY DEVELOPMENT
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06-0162 ZONING EXTENSION

Request approval of a two-year extension of the compliance period for the following:

CASE NUMBER: 2001Z-0131 NFC

LOCATION: East Johns Crossing

ZONING: C-1

USE: Community Business

APPLICANT: Duane L. Hoover

HARDSHIP: Attempts to secure financing were unsuccessful.

RECOMMENDATION: Approval of a two-year extension.

06-0163 SUBDIVISION CONFIRMATIONS

The following Final Plats, Final Plat Re-recordings, Minor Subdivision, and Minor Subdivision Plat Re-recordings have been certified by the Director of the Department of Environment and Community Development. These documents have been recorded in the Fulton County Courthouse and are forwarded herewith for confirmation at this Board of Commissioners meeting.

1. Brittany Park Phase II **(Final Plat Re-recording #1)**
 Public Sanitary Sewer Johns Creek WWTP*
 Vicinity of Campbellton Dist/Sect. 14FF LLS 129 & 139
 Zoned CUP, provides for 65 lots on a total of 33.4467 acres
 Owner/Developer: Brittany Park, LLC
2. Causey-Varner Property **(Minor Subdivision Plat)**
 Individual Onsite Sanitary Sewer
 Vicinity of Jones Ferry Road Dist/Sect. 8 LLS 132 & 145
 Zoned AG-1, provides for 2 lots on a total of 43.05 acres
 Owner/Developer: Jennifer Causey & William R. Varner, Jr.
3. Cobblestone Glen Subdivision **(Final Plat Re-recording #2)**
 Public Sanitary Sewer Camp Creek WWTP
 Vicinity of Bohannon Road Dist/Sect. 9F LLS 11 & 12
 Zoned CUP, provides for 117 lots on a total of 59.119 acres
 Owner/Developer: Bohannon Road, L.L.C.
4. Deerfield Landing Phase 1 **(Final Plat)**
 Public Sanitary Sewer Big Creek WWTP
 Vicinity of McGinnis Ferry Road Dist/Sect. 2/1 LLS 975 & 976

Zoned TR Conditional, provides for 53 units on a total of 8.472 acres
Owner/Developer: McCar Homes

5. Heritage Park Phase Two (A.K.A. Old National Highway) **(Final Plat)**
Public Sanitary Sewer **Camp Creek WWTP**
Vicinity of Camp Valley Road Dist/Sect. 13 LL 156
Zoned CUP Conditional, provides for 130 lots on a total of 39.60291 acres
Owner/Developer: Legacy Investments Group
6. Johnson Estates **(Minor Subdivision Plat Re-recording #1)**
Individual Onsite Sanitary Sewer
Vicinity of Cochran Mill Road Dist/Sect. 7 LL 12
Zoned AG-1, provides for 3 lots on a total of 1075.53 acres
Owner/Subdivider: David J. Johnson
7. Kensington Woods (A.K.A. Kensington II) **(Final Plat)**
Public Sanitary Sewer **Camp Creek WWTP**
Vicinity of Welcome All Road Dist/Sect. 9F LLS 152 & 153
Zoned R4-A, provides for 29 lots on a total of 15.27 acres
Owner/Developer: Blackhawk Development
8. Oak Mills Subdivision **(Final Plat)**
Public Sanitary Sewer **Big Creek WWTP**
Vicinity of Waters Road Dist/Sect. 1/2 LL 917
Zoned NUP, provides for 12 lots on a total of 4 acres
Owner/Developer: Hamid Mashinchi
9. Oakley Township Pod G Phase III **(Final Plat Re-recording #1)**
Public Sanitary Sewer **Camp Creek WWTP**
Vicinity of Oakley Road Dist/Sect. 9F LLS 36 & 37
Zoned CUP, provides for 55 lots on a total of 24.971 acres
Owner/Developer: D.R. Horton, Inc.
10. Scarborough Park Townhomes **(Final Plat Re-recording #3)**
Public Sanitary Sewer **Camp Creek WWTP**
Vicinity of Scarborough Road Dist/Sect. 9F LL 150
Zoned TR, provides for 117 units on a total of 30.05 acres
Owner/Developer: Sharon McSwain Homes
11. Summit @ Stonewall Tell Road Phase 1B **(Final Plat Re-recording #1)**
Public Sanitary Sewer **Camp Creek WWTP**
Vicinity of Stonewall Tell Road Dist/Sect. 14FF LL 140
Zoned CUP Conditional, provides for 41 lots on a total of 32.545 acres
Owner/Developer: Stonewall Tell, LLC

12. Summit @ Stonewall Tell Road Phase 3 (Pod “C”) **(Final Plat Re-recording #1)**
Public Sanitary Sewer **Camp Creek WWTP**
 Vicinity of Stonewall Tell Road Dist/Sect. 14FF LL 140
 Zoned CUP Conditional, provides for 54 lots on a total of 23.527 acres
 Owner/Developer: Stonewall Tell, LLC
13. Tamrat Kassa **(Minor Subdivision Plat Re-recording #2)**
Public Sanitary Sewer **Camp Creek WWTP**
 Vicinity of Ben Hill Road Dist/Sect. 13/9 LLS 64/129
 Zoned R-3, provides for 2 lots on a total of 0.901 acres
 Owner/Developer: Tamrat Kassa
14. Wellesley Unit III-A **(Final Plat Re-recording #2)**
Public Sanitary Sewer **Camp Creek WWTP**
 Vicinity of Butner Road Dist/Sect.14FF LL 98
 Zoned CUP, provides for 67 lots on a total of 25.5731 acres
 Owner/Developer: Wellesley Development, LLC
15. Winfield on the River **(Final Plat Re-recording #9)**
 (F.K.A. Pine Bloom on the River)
Public Sanitary Sewer **Johns Creek WWTP**
 Vicinity of Medlock Bridge Road Dist/Sect. 1/1 LLS F21,F22,F23,F24 & F25
 Zoned CUP, provides for 78 lots on a total of 84.23 acres
 Owner/Developer: TGC, LLC – John H. Cowart

* * * *End of Consent Agenda Items* * * *

06-0164 **ADOPTION OF THE FEBRUARY 1, 2006 REGULAR MEETING AGENDA**

A. A motion was made by Vice Chair Darnell and seconded by Commissioner Edwards to support the County Manager’s request to remove Item 05-0145 from the Agenda. The vote was 2-4-0. Vice Chair Darnell and Commissioner Edwards voted yes. Commission Chair Handel and Commissioners Pitts, Riley, and Boxill voted no. Commissioner Lowe did not vote. (THE MOTION DID NOT RECEIVE FOUR AFFIRMATIVE VOTES; THEREFORE, NO ACTION WAS TAKEN)

B. A motion was made by Commissioner Riley and seconded by Vice Chair Darnell to adopt the Regular Meeting Agenda as amended to add Items 06-0216 through 06-0218, two Board Appointments (06-0039 and 06-0042) and to move up Item 06-0217. The motion carried by a vote of 6-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Boxill, and Edwards voted yes. Commissioner Lowe did not vote.

06-0165 RATIFICATION OF MINUTES

Regular Meeting Minutes, January 4, 2006
Recess Meeting Post Agenda, January 18, 2006
Special Call Meeting Post Agenda, January 25, 2006

A motion was made by Commissioner Riley and seconded by Commissioner Edwards to ratify. The motion carried by a vote of 5-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, and Edwards voted yes. Commissioner Boxill was present but did not vote. Commissioner Lowe did not vote.

06-0166 PRESENTATION OF CERTIFICATES, PROCLAMATIONS, AND RESOLUTIONS

NONE

06-0167 PUBLIC COMMENT

RULES: Citizens are allowed to voice County-related requests, concerns, opinions, etc. during the Public Comment portion of the Commission meeting. Before speaking, each participant must fill out a speaker card, located at the entryway, the podium, and the media and court reporter tables. Speaker cards must be submitted to the Clerk’s staff, who will accept them on a first-come, first-served basis. Once Public Comment begins, speaker cards will no longer be accepted. **Speakers will be granted up to two minutes each, and Public Comment will not exceed 15 minutes.** Those who could not speak during Public Comment will be allowed to speak first at a subsequent Board meeting. For more information or to arrange a speaking date, speak with a member of the Clerk’s Staff.

FOUR SPEAKERS: Mr. Ed Malloy (SSD Budget), Mr. Wayne Carrol (SSD Budget), Mr. Charles Miller (SSD Budget), and Mr. Harold Reid (SSD Budget)

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05-1177 2005ZM 0062 FCS Campbellton Fairburn Road

E & CD DEPT. Recommendation: Withdrawal

CLUP: N/A

Application of Butner Road Associates, LLC., by Todd Hager, seeks a zoning modification in an MIX (Mixed Use) zoning classification, to case number 2003Z 0020 to modify condition **3.a** to reduce the front building setback from 20' to 10' and rear setback from 20' to 10' for lots 13, 14, 15, 27, 28, 29, 30, 36, 37, 38, 39, 40, 41, 54, 55, 56, 79, 80, and 81; property located in land lots 12, 13, and 14 of district 9C also in land lot 167 of the 9F district, Fulton County, Georgia.

A motion was made by Commissioner Edwards and seconded by Commissioner Riley to permit withdrawal as requested by the applicant and Staff. The motion carried by a vote of 6-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Boxill, and Edwards voted yes. Commissioner Lowe did not vote.

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05-1284 Case #: 2005Z 0018 FCS Thurman Road

E & CD DEPT. Recommendation: Deferral – 60 Days

CZB Recommendation: Denial

CLUP: Consistent

**For Denial: Hood, Teters, Wiley, Maziar, Linsey & Hardy
Absent: Hall**

Application of James Jones of AmStar Builders seeks to rezone from an AG-1 (Agricultural) to an R-4 (Residential) zoning classification; property having a frontage of 829.60 feet on Thurman Road (north side and end), containing 21.63 acres and being in land lot 154 of the 9F district, Fulton County, Georgia.

Proposed use: Single-family residential subdivision

A. A motion was made by Commissioner Edwards to deny. (THE MOTION FAILED FOR A LACK OF A SECOND)

B. A motion was made by Commissioner Edwards and seconded by Commissioner Riley to defer for 60 days. The motion carried by a vote of 6-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Boxill, and Edwards voted yes. Commissioner Lowe did not vote.

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Two related cases:

05-1285 Case #: 2005Z 0064 FCS Washington Road
05-1286 Case #: 2005VC 0141

E & CD DEPT. Recommendation: Approval – Substitute MIX
CZB Recommendation: Approval – Substitute MIX

CLUP: Inconsistent

For Approval: Teters, Maziar, Linsey & Hardy
Opposed: Wiley
Abstained: Hood
Absent: Hall

The Community Zoning Board accepted the recommended findings of the Environment and Community Development staff.

Application of VFH Captive Insurance Company, by Core Development, by Steve Rothman, seeks to rezone from an AG-1 (Agricultural) and a C-2 (Commercial) to an A-L (Apartment Limited) zoning classification; also seeks a concurrent variance to delete the required 25-foot buffer and 10-foot improvement setback along the north side of the southern entrance drive off Washington Road (Article 4.23.1); property having several frontages: a frontage of 423.74 feet on Washington Road (east side), a frontage of 676.73 feet on Hathcock Drive (south side), a frontage of 931.95 feet on Roosevelt Highway, also having a frontage of 1,436.09 feet on I-285 (west side), containing 25.4 acres and being in land lot 63 of the 13th district, Fulton County, Georgia.

Proposed use: Apartments and Townhomes

A. A motion was made by Commissioner Edwards to defer for 60 days. (MOTION WITHDRAWN)

B. A motion was made by Commissioner Edwards and seconded by Vice Chair Darnell to approve as recommended and conditioned by Staff with the condition that before distribution of the land disturbance permit, the applicant must meet HUD standards regarding noise. (MOTIONS WITHDRAWN)

ITEM TABLED UNTIL LATER IN THE MEETING.

C. A motion was made by Commissioner Edwards and seconded by Commissioner Riley to defer for two weeks. The motion carried by a vote of 6-0-0. Commission Chair Handel and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes. Vice Chair Darnell was present but did not vote.

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05-1397

Case #: 2005Z 0101 FCS Zoning Resolution Amendment

E & CD DEPT. Recommendation: Deferral – 60 Days
CZB Recommendation: Approval

CLUP: N/A

For Approval: Hood, Teters, Wiley, Maziar & Hardy
Absent: Linsey & Hall

Application initiated by the Board of Commissioners of Fulton County seeks to amend the Fulton County Zoning Resolution as follows: **Part 1** - To amend Article III, Section 3.3.19. (S) to define *senior housing*. **Part 2** - To amend Article 19 to add Section 19.4.41(2) for a Use Permit for Senior Housing.

A motion was made by Commissioner Riley and seconded by Commission Chair Handel to defer for 60 days as requested by Staff. The motion carried by a vote of 6-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Boxill, and Edwards voted yes. Commissioner Lowe did not vote.

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05-1396

Case #: 2005Z 0060 FCN Zoning Resolution Amendment

E & CD DEPT. Recommendation: Approval – Parts 1-12 & 14
CZB Recommendation: Denial
Withdrawal - Part 13

CLUP: N/A

For Denial: Hood, Teters, Maziar & Hardy
Opposed: Wiley
Absent: Linsey & Hall

Application initiated by the Board of Commissioners of Fulton County seeks to amend the Fulton County Zoning Resolution as follows:
Part 1 – To amend Article III, Sections 3.3.4., 3.3.13., 3.3.15., 3.3.17., 3.3.18, and 3.3.19. to add the definitions of open space, quadruplex dwelling, special event, and triplex dwelling, and to revise the definitions of mobile home, modular home, multifamily dwelling, roadside produce stand, seasonal business use, accessory structure and structure.
Part 2 - To amend Article 4, Section 4.3.4.B.2. to restrict the location of permanent outdoor fireplaces and outdoor uncovered kitchens, Section 4.2.8. to include AG-1 for the purposes of multiple-zoned lots, and Section 4.3.1.E.1. to provide for the adjustment (increase or decrease) of minimum or maximum yards when rezoning results in nonconforming structures.
Part 3 - To amend Article 7, Section 7.2.2. (Use Regulations) to allow triplex and quadruplex as permitted uses in the TR Townhouse Residential District, Section 7.2.3. to

add side yard setback for attached single-family dwelling units on separate lots of record, and Sections 7.3.2. and 7.4.2. to add triplex and quadruplex as permitted uses in A (Medium Density Apartment District) and A-L (Apartment Limited Dwelling District) and to clarify that townhouses are a permitted use in A and A-L districts.

Part 4 - To amend Article 8, Section 8.2.2. and 8.2.2A. to add triplex and quadruplex as permitted uses and to clarify that, in addition to a residential component, an MIX development must include two of the following: commercial, office, or institutional uses.

Part 5 - To amend Article 11, Sections 11.1.2. and 11.1.4. to add triplex and quadruplex as permitted uses in the CUP (Community Unit Plan) district and to clarify that townhouses are a permitted use, and Section 11.3 (MHP Mobile Home Park District) to delete modular home as a permitted use.

Part 6 – To delete Article 12-B, Sandy Springs Overlay District, from the Fulton County Zoning Resolution.

Part 7 – To delete Article 12-B(1), Perimeter Community Improvement District, from the Fulton County Zoning Resolution.

Part 8 – To amend Article 19, Sections 19.3.3., 19.3.11, 19.3.11(1), and 19.3.11(2) to revise and add standards for administrative permits for special event, roadside produce stand, roadside vending, and seasonal business use.

Part 9 - To amend Article 19, Section 19.3.12.B.1. to allow a swimming pool to be located at the back of a house on a double frontage single-family residential lot.

Part 10 - To amend Article 19, Sections 19.4.20. (Group Residence), 19.4.20(1) (Group Residence for Children [5 to 8 Children]), and 19.4.20(2) (Group Residence for Children [9 to 15 Children]) to require a separation of a quarter mile between group residences and Section 19.4.20(1) to add SUB-A, SUB-B, SUB-C, NUP and CUP as required districts for a Group Residence for Children (5 to 8 Children).

Part 11 – To amend Article 28, Section 28.2.4. to require that a copy of the deed be added as a petition filing requirement.

Part 12 – To amend Article 33, Section 33.4.12.A.12.d. to delete the maximum square footage of a kiosk sign on a major thoroughfare.

Part 13 – To amend Article 33, Section 33.3 to prohibit apartment directional signs, weekend directional signs, and real estate directional signs and Sections 33.4.12.A.9, 33.4.12.A.11., and 33.4.12.A.12 to delete the provisions for all weekend directional signs.

Part 14 - To amend Article 34, Section 34.5.3. to clarify requirements for sidewalks and curb and gutter.

A motion was made by Commissioner Riley and seconded by Commission Chair Handel to defer for 60 days. The motion carried by a vote of 6-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Boxill, and Edwards voted yes. Commissioner Lowe did not vote.

Commission Chair Handel requested the rationale on part 10 and some additional clarity or details on parts 3, 4, and 5 on the triplex and quadruplex and exactly where they would apply. She also wants some information on the rationale of the deed versus power of attorney issue and how this would relate to overlays.

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05-1398

Case #: 2005Z 0102 FCS Zoning Resolution Amendment

E & CD DEPT. Recommendation: Deferral – 60 Days
CZB Recommendation: Denial

CLUP: N/A

For Denial: Hood, Teters, Wiley, Maziar & Hardy
Abstained: Hall
Absent: Linsey

Application initiated by the Board of Commissioners of Fulton County seeks to amend the Fulton County Zoning Resolution as follows:

Part 1 – To amend Article 3, Section 3.3.1. to revise the definition of alternative antenna support structure.

Part 2 – To amend Article 4, Section 4.3.1.D. to add provisions for nonconforming telecommunications facilities.

Part 3 - To amend Article 19, Sections 19.3.1(1), 19.3.1(2), and 19.4.7. to revise the intent of these regulations and to revise and add development standards for telecommunications facilities.

A motion was made by Commissioner Riley and seconded by Commission Chair Handel to defer for 60 days as recommended by Staff. The motion carried by a vote of 5-0-0. Commission Chair Handel and Commissioners Pitts, Riley, Boxill, and Edwards voted yes. Vice Chair Darnell was present but did not vote. Commissioner Lowe did not vote.

Commission Chair Handel requested some explanation or rationale on how the County’s existing cell tower ordinance pertains to the model ordinance for metro Atlanta.

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05-1399

Case #: 2005Z 0103 FCS Zoning Resolution Amendment

E & CD DEPT. Recommendation: Deferral – 60 Days
CZB Recommendation: Denial

CLUP: N/A

For Denial: Hood, Teters, Wiley, Maziar, & Hardy
Absent: Linsey

Application initiated by the Board of Commissioners of Fulton County seeks to amend the Fulton County Zoning Resolution as follows:

Part 1 – To amend Article 3, Sections 3.3.1., 3.3.8., 3.3.9., 3.3.13., and 3.3.16 of the Zoning Resolution to add definitions pertinent to inclusionary zoning.

Part 2 – To amend Article 4, Section 4.26 of the Zoning Resolution to add provisions for inclusionary zoning.

A motion was made by Commissioner Riley and seconded by Commissioner Lowe to defer for 60 days as recommended by Staff. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes.

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05-1400

Case #: 2005Z 0105 FCS Zoning Resolution Amendment

E & CD DEPT. Recommendation: Deferral – 60 Days CZB

Recommendation: Approval

CLUP: N/A

For Approval: Hood, Teters, Wiley, Maziar, Hall & Hardy

Absent: Linsey

Application initiated by the Board of Commissioners of Fulton County seeks to amend the Fulton County Zoning Resolution:

Part 1 – To amend Article 34, Section 34.7 of the Zoning Resolution to add standards for the protection of cemeteries.

A motion was made by Commissioner Edwards and seconded by Vice Chair Darnell to adopt the Resolution amendment with a black vinyl clad chain link fence requirement. The motion carried by a vote of 6-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Lowe, Boxill, and Edwards voted yes. Commissioner Riley was present but did not vote.

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05-1401

Case #: 2005Z 0108 FCS Zoning Resolution Amendment

E & CD DEPT. Recommendation: Approval

CZB Recommendation: Denial

CLUP: N/A

For Denial: Hood, Teters, Wiley, Maziar, Hall & Hardy

Absent: Linsey

Application initiated by the Board of Commissioners of Fulton

County seeks to amend the Fulton County Zoning Resolution as follows:

- Part 1** – To amend Article 4, Section 4.14., to provide standards for residential developments adjacent to power line easements and substations.
- Part 2** – To amend Article 4, Section 4.15., to add standards for the protection of residential developments and certain other uses from noise.
- Part 3** – To amend Article 4, Section 4.16., to add standards for the protection of residential developments from landfills.
- Part 4** – To amend Article 4, Section 4.17., to add standards for the protection of endangered species.
- Part 5** – To amend Article 4, Section 4.24.5, to revise the use regulations and permitted uses in special flood-hazard and flood-prone areas.
- Part 6** – To amend Article 19, Sections 19.4.25. and 19.4.26., to include additional standards for landfills.
- Part 7** – To amend Article 19, Section 19.4.32., to add a Use Permit for Quarry and/or Surface Mining Site.
- Part 8** – To amend Article 19, Section 19.4.43., to include additional standards for solid waste transfer stations.
- Part 9** – To amend Article 28, Section 28.4.3.1., to require that endangered species be identified as a part of the Environmental Site Analysis.
- Part 10** – To amend Article 28, Section 28.4.6., to include additional standards for noise study reports.
- Part 11** – To amend Article 34, Section 34.5.12., to include additional standards for wastewater facilities.

A motion was made by Vice Chair Darnell and seconded by Commissioner Edwards to defer for 30 days to allow the Board of Commissioners to review the amendments. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes.

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05-1402

Case #: 2005Z 0109 FCS Zoning Resolution Amendment

E & CD DEPT. Recommendation: Deferral – 60 Days

CZB Recommendation: Denial

CLUP: N/A

For Denial: Wiley, Maziar Hall & Hardy

Opposed: Hood & Teters

Absent: Linsey

Application initiated by the Board of Commissioners of Fulton County seeks to amend the Fulton County Zoning Resolution:

Part 1 – To amend Article 4, Section 4.9, of the Fulton County Zoning Ordinance to add provisions for a Night Sky Ordinance.

Part 2 – To amend Article 3, Definitions, of the Fulton County Zoning Ordinance to add and revise definitions that pertain to lighting consistent with the adoption of the Night Sky Ordinance.

A. A motion was made by Commissioner Riley and seconded by Commissioner Lowe to defer for 60 days as recommended by Staff. The vote was 3-4-0. Commission Chair Handel and Commissioners Riley and Lowe voted yes. Vice Chair Darnell and Commissioners Pitts, Boxill, and Edwards voted no. (THE MOTION DID NOT RECEIVE FOUR AFFIRMATIVE VOTES; THEREFORE, NO ACTION WAS TAKEN)

B. A motion was made by Commissioner Pitts and seconded by Commissioner Boxill to approve. The motion carried by a vote of 4-3-0. Vice Chair Darnell and Commissioners Pitts, Boxill, and Edwards voted yes. Commission Chair Handel and Commissioners Riley and Lowe voted no.

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05-1413

Case #: 2005Z 0113 FCN Findley Road

E & CD DEPT. Recommendation: Approval
CZB Recommendation: Approval

CLUP: Consistent

For Approval: Hood, Teters, Wiley & Hall

Opposed: Maziar & Hardy

Absent: Linsey

The Community Zoning Board accepted the recommended findings of the Environment and Community Development staff.

Application of Gene Findley & Jennifer Findley Warden, by Hendee-Barnes Properties, by Thomas Barnes, seeks to rezone from an AG-1 (Agricultural) and a CUP (Community Unit Plan) to a CUP (Community Unit Plan) zoning classification; property having a frontage of 720.0 feet on Findley Road (east side); containing 11.84 acres, and being in land lots 316, 317, 350, and 351 of the 1st district, 1st section, Fulton County, Georgia.

Proposed use: Single-family residential subdivision

A motion was made by Commissioner Riley and seconded by Commissioner Lowe to approve as recommended and conditioned by Staff with the amended condition 5.0 and to spread the private agreement on the minutes. The motion carried by a vote of 6-0-0. Commission Chair Handel and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes. Vice Chair Darnell did not vote.

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NEW BUSINESS:

ZONING & CONCURRENT VARIANCE APPLICATIONS

06-0168 **Case #: 2005Z 0104 FCS Zoning Resolution Amendment**

E & CD DEPT. Recommendation: Deferral – 60 Days
CZB Recommendation: Denial

CLUP: **N/A**

For Denial: Hood, Teters, Wiley, Maziar, Hall & Hardy
Absent: Linsey

Application initiated by the Board of Commissioners of Fulton County seeks to amend the Fulton County Zoning Resolution as follows:

Part 1 – To amend Article 3, Section 3.3.2. to add the definitions of *big box retail/service commercial structure and big box retail/service commercial development*.

Part 2 – To amend Article 4, Section 4.4 to add provisions for big box retail/service commercial structures and developments.

A motion was made by Commissioner Edwards and seconded by Commission Chair Handel to defer for 60 days as recommended by Staff. The motion carried by a vote of 6-0-0. Commission Chair Handel and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes. Vice Chair Darnell did not vote.

Commissioner Boxill requested Staff to provide her with some information on the Council for Quality Growth and its members. She also requested Staff to prepare a list of Fulton County resources that can be passed on to the Development Advisory Committee (DAC) and the Council for Quality Growth.

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06-0169 **Case #: 2005Z 0116 FCS Zoning Resolution Amendment**

E & CD DEPT. Recommendation: Deferral – 60 Days

CLUP: **N/A**

Application initiated by the Board of Commissioners of Fulton County seeks to discuss steep slopes and mass grading ordinance.

A motion was made by Commissioner Lowe and seconded by Commissioner Riley to defer for 60 days. The motion carried by a vote of 4-3-0. Commission Chair Handel

and Commissioners Pitts, Riley, and Lowe voted yes. Vice Chair Darnell and Commissioners Boxill and Edwards voted no.

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Two related cases:

06-0170 Case #: 2005Z 0097 FCS Vickers Road
06-0171 Case #: 2005VC 0209

E & CD DEPT. Recommendation: Withdrawal
CZB Recommendation: Withdrawal

CLUP: Inconsistent

For W'drawal: Hood, Teters, Wiley, Maziar, Linsey & Hardy
Absent: Hall

The Community Zoning Board accepted the recommended findings of the Environment and Community Development staff.

Application of David Black, by MCI Investment, Group, LLC., by Elizabeth McClendon, seeks to rezone from C-1 (Community Business) to C-1 (Community Business) zoning classification; also seeks a concurrent variance to allow an entry drive on Vickers Road to be located within the 25-foot undisturbed buffer and 10-foot improvement setback along the north property line (Article 4.23.1); property having a frontage of 481.5 feet on Vickers Road (east side), also having a frontage of 822.71 feet on Beve Ingram Parkway (north side); containing 4.0 acres and being in land lot 74 of the 9F district, Fulton County, Georgia.

Proposed use: Retail

A motion was made by Commissioner Edwards and seconded by Commissioner Riley to permit withdrawal as requested by the applicant and Staff. The motion carried by a vote of 6-0-0. Commission Chair Handel and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes. Vice Chair Darnell did not vote.

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Two related cases:

06-0172 Case #: 2005Z 0098 FCS Vickers Road
06-0173 Case #: 2005VC 0210

E & CD DEPT. Recommendation: Approval
CZB Recommendation: Approval

CLUP: Consistent

For Approval: Hood, Teters, Wiley, Maziar, Linsey & Hardy
Absent: Hall

E & CD DEPT. Recommendation: Withdrawal
CZB Recommendation: Withdrawal

CLUP: N/A

For W'Drawal: Hood, Teters, Wiley, Maziar, Linsey & Hardy
Absent: Hall

The Community Zoning Board accepted the recommended findings of the Environment and Community Development staff.

Application of David Black, by MCI Investment, Group, LLC., by Seth Crawford, seeks to rezone from a C-1 (Community Business) and a CUP (Community Unit Plan) to a CUP (Community Unit Plan) zoning classification; also seeks a concurrent variance to reduce the setback required for a new street from 50 feet to 25 feet along the north property line (Article 34.5.7); property having a frontage of 366.52 feet on Vickers Road (east side), containing 45.07 acres and being in land lots 74, 75 and 88 of the 9F district, Fulton County, Georgia.

Proposed use: Single-family residential subdivision

A motion was made by Commissioner Edwards and seconded by Commissioner Boxill to approve as recommended and conditioned by Staff and the CZB. The motion carried by a vote of 6-0-0. Commission Chair Handel and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes. Vice Chair Darnell did not vote.

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Two related cases:

06-0174 Case #: 2005U 0023 FCS Campbellton-Fairburn Road
06-0175 Case #: 2005VC 0243

E & CD DEPT. Recommendation: Deferral – 60 Days
CZB Recommendation: Denial

CLUP: N/A

For Denial: Hood, Teters, Wiley, Maziar, Linsey & Hardy
Absent: Hall

Application of Schlandra Hammond seeks a use permit in an AG-1 (Agricultural) zoning classification; also seeks a 3-part concurrent variance as follows:

1. To allow the facility to be developed on less than 10 acres (Article 19.4.28.B.L);

2. To reduce the 100-foot buffer and 10-foot improvement setback to a 25-foot buffer and 5-foot improvement setback along the north, south, and east property lines and to allow a fence inside the required buffers (Article 19.A.28.b.3); and
3. To reduce dumpster setback from 200 feet to 150 feet (Article 19.4.28.B.6); property having a frontage of 210.0 feet on Campbellton-Fairburn Road (SR 92)(west side), containing 3.786 acres and being in land lots 94 and 95 of the 9F district, Fulton County, Georgia.

Proposed use: Retreat facility

A motion was made by Commissioner Edwards and seconded by Vice Chair Darnell to deny. The motion carried by a vote of 6-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Lowe, Boxill, and Edwards voted yes. Commissioner Riley did not vote.

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Two related cases:

06-0176 Case #: 2005Z 0125 FCS Cascade Road
06-0177 Case #: 2005VC 0249

E & CD DEPT. Recommendation: Deferral – 60 Days
 CZB Recommendation: Denial

CLUP: Consistent

For Denial: Hood, Teters, Wiley, Maziar, Linsey & Hardy
Absent: Hall

E & CD DEPT. Recommendation: Denial
 CZB Recommendation: Denial

CLUP: N/A

For Denial: Hood, Teters, Wiley, Maziar, Linsey & Hardy
Absent: Hall

The Community Zoning Board accepted the recommended findings of the Environment and Community Development staff.

Application of Shell Oil, Frederick Landers, by Nancy L. Thompson, by Rebecca S. Landers, by Health Resources Management Association, by Wendy S. Butler, Esquire, seeks to rezone from R-3 (Residential) and C-1 (Community Business) to C-1 (Community Business) zoning classification; also seeks a concurrent variance to reduce the 10-foot landscape strip along the west property line to 5 feet (Article 4.23.1); property having a frontage of 158.42 feet on Cascade Road (south side), also having a frontage of 1,400.0

feet on Interstate 285 (east side); containing 6.302 acres and being in land lot 248 of the 14F district, Fulton County, Georgia.

Proposed use: Wellness center

THIS ITEM WAS MOVED UP AND HEARD AFTER ITEM 05-1413 AS REQUESTED BY COMMISSIONER EDWARDS.

A motion was made by Commissioner Edwards and seconded by Vice Chair Darnell to deny. The motion carried by a vote of 5-2-0. Vice Chair Darnell and Commissioners Pitts, Lowe, Boxill, and Edwards voted yes. Commission Chair Handel and Commissioner Riley voted no.

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Two related cases:

06-0178 Case #: 2005Z 0122 FCS Campbellton Road
06-0179 Case #: 2005VC 0240

E & CD DEPT. Recommendation: Approval
CZB Recommendation: Approval

CLUP: Consistent

For Approval: Hood, Teters, Wiley, Maziar, Linsey & Hardy
Absent: Hall

The Community Zoning Board accepted the recommended findings of the Environment and Community Development staff.

Application of Joi Mebane, by Joyce K. Blackshear, by Matt Kneeland, seeks to rezone from AG-1 (Agricultural) and R-3 (Residential) to an R-3 (Residential) zoning classification; also seeks a concurrent variance to reduce the required 50 foot front yard setback to 35 feet on all lots (Article 6.4.3.B); property having a frontage of 400.0 feet on Campbellton Road (west side), containing 4.71 acres and being in land lot 77 of the 14F district, Fulton County, Georgia.

Proposed use: Single-family residential subdivision

A motion was made by Commissioner Riley and seconded by Commissioner Lowe to approve as recommended and conditioned by Staff. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes.

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06-0180 Case #: 2005Z 0090 FCS Butner Road

E & CD DEPT. Recommendation: Approval
CZB Recommendation: Approval

CLUP: Consistent

For Approval: Hood, Teters, Wiley, Maziar, Linsey & Hardy
Absent: Hall

The Community Zoning Board accepted the recommended findings of the Environment and Community Development staff.

Application of Bazzle OSCP1, LLC., by Matthew Ornstein, seeks to rezone from an AG-1 (Agricultural) to a CUP (Community Unit Plan) zoning classification; property having a frontage of 1,102.33 feet on Butner Road (North side), containing 37.51 acres and being in land lots 156 and 168 of the 14F district, Fulton County, Georgia.

Proposed use: Single-family residential subdivision

A motion was made by Commissioner Edwards and seconded by Commission Chair Handel to approve with the removal of conditions 4.c, 4.g, and 4.h and to amend condition 1.c as requested by the applicant, and to spread the private agreement on the minutes. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes.

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06-0181 Case #: 2005Z 0124 FCS Reynolds Road

E & CD DEPT. Recommendation: Approval
CZB Recommendation: Approval

CLUP: Consistent

For Approval: Hood, Teters, Wiley, Maziar, Linsey & Hardy
Absent: Hall

The Community Zoning Board accepted the recommended findings of the Environment and Community Development staff.

Application of Gerald Webb, KAJ Real Estate Investments, by Carolyn Gerstler, seeks to rezone from SUB A (Residential) to a CUP (Community Unit Plan) zoning classification; property having a frontage of 704.2 feet on Reynolds Road (east side), containing 23.05 acres and being in land lot 107 of the 14F district, Fulton County, Georgia.

Proposed use: Single-family residential subdivision

A motion was made by Commissioner Edwards and seconded by Commissioner Lowe to approve as recommended and conditioned by Staff and to spread the Memorandum of Understanding upon the minutes. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes.

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Two related cases:

06-0182 Case #: 2005Z 0078 FCS Jones Road
06-0183 Case #: 2005VC 0166

E & CD DEPT. Recommendation: Approval
CZB Recommendation: Denial

CLUP: Consistent

For Denial: Hood, Teters, Wiley, Maziar, Linsey & Hardy
Absent: Hall

E & CD DEPT. Recommendation: Approval – Part 1
Withdrawal – Part 2
CZB Recommendation: Denial

CLUP: N/A

For Denial: Hood, Teters, Wiley, Maziar, Linsey & Hardy
Absent: Hall

Application of William Hubbard, by New Market Properties, by Amitabha Bose, seeks to rezone from an AG-1 (Agricultural) to a CUP (Community Unit Plan) zoning classification; also seeks a concurrent variance to reduce the 50-foot setback for a new street to allow the entrance road off Jones Road (Article 34.5.7); property having a frontage of 53.75 feet on Jones Road (north side), a frontage of 164.93 feet on East Stubbs Road (south side), also having a frontage of 761.42 feet on Hudgens Road (South side), containing 23.82 acres and being in land lot 164 of the 9F district, Fulton County, Georgia.
Proposed use: Single-family residential subdivision

A motion was made by Commissioner Edwards and seconded by Vice Chair Darnell to defer for 30 days. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes.

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Two related cases:

06-0184 Case #: 2005Z 0123 FCS Stonewall Tell Road
06-0185 Case #: 2005VC 0241

E & CD DEPT. Recommendation: Approval
CZB Recommendation: Approval

CLUP: Consistent

For Approval: Hood, Teters, Wiley, Linsey & Hardy
Opposed: Maziar
Absent: Hall

E & CD DEPT. Recommendation: Denial
CZB Recommendation: Denial

CLUP: N/A

For Denial: Hood, Teters, Wiley, Linsey & Hardy
Opposed: Maziar
Absent: Hall

The Community Zoning Board accepted the recommended findings of the Environment and Community Development staff.

Application of R. McGunty/L. Rollins, by ZKW Group, LLC., by Nathan V. Hendricks, III., seeks to rezone from AG-1 (Agricultural) to a CUP (Community Unit Plan) zoning classification; also seeks a concurrent variance to reduce the required 50-foot buffer and 10-foot improvement setback to a 25-foot landscape strip planted to buffer standards and no improvement setback on portion of the lots as shown on the site plan (Article 12L.4.A.3); property having a frontage of 926.24 feet on Stonewall Tell Road (south side), containing 49.5 acres and being in land lots 135 and 148 of the 9F district, Fulton County, Georgia.

Proposed use: Single-family residential subdivision

A motion was made by Commissioner Edwards and seconded by Commission Chair Handel to approve as recommended by Staff with the condition that there be two distinct entrances, as expressed, and that the agreement between the South Fulton Parkway Alliance and Cliftondale be spread on the minutes. The motion carried by a vote of 6-0-0. Commission Chair Handel and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes. Vice Chair Darnell did not vote.

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Two related cases:

06-0186 Case #: 2005Z 0131 FCS Yates Road
06-0187 Case #: 2005VC 0250

E & CD DEPT. Recommendation: Approval – 3.0 Units per acre
24 lots

CZB Recommendation: Approval – 3.0 Units per acre
24 lots

CLUP: Inconsistent

For Approval: Hood, Teters, Wiley, Maziar & Hardy
Abstained: Linsey
Absent: Hall

E & CD DEPT. Recommendation: Denial
CZB Recommendation: Denial
CLUP: N/A

For Denial: Hood, Teters, Wiley & Hardy
Abstained: Linsey
Absent: Hall

The Community Zoning Board accepted the recommended findings of the Environment and Community Development staff.

Application of Rosalyn Wright Davis, Gerald Duke, and Lawrence Greer, by R2D Development, LLC., by Rashad Davis, seeks to rezone from AG-1 (Agricultural) to an NUP (Neighborhood Unit Plan) zoning classification; also seeks a concurrent variance to reduce the perimeter setbacks along the north and south property lines from 40 feet to 35 feet (Article 11.2.4.I); property having a frontage of 500.0 feet on Yates Road (east side), containing 8.192 acres and being in land lot 35 of the 13th district, Fulton County, Georgia.
Proposed use: Single-family subdivision

A motion was made by Commissioner Edwards and seconded by Commission Chair Handel to approve based on Staff’s recommendation at 24 lots. The motion carried by a vote of 5-0-0. Commission Chair Handel and Commissioners Pitts, Riley, Lowe, and Edwards voted yes. Vice Chair Darnell and Commissioner Boxill did not vote.

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Two related cases:

06-0188 Case #: 2005U 0020 FCS Old Bill Cook Road
06-0189 Case #: 2005VC 0205

E & CD DEPT. Recommendation: Denial
CZB Recommendation: Denial

CLUP: N/A

For Denial: Hood, Teters, Wiley, Maziar, Linsey & Hardy
Absent: Hall

The Community Zoning Board accepted the recommended findings of the Environment and Community Development staff.

Application of Aaron & Claudine Lewis, by Steve Dukes, seeks a use permit in an AG-1 (Agricultural) zoning classification; also seeks a 5-part concurrent variance as follows:

1. To reduce the 100-foot building setback from the north, south, and east property lines to the extent necessary to allow the existing structure to remain (Article 19.4.10.B.1);
2. To allow parking within the minimum front yard setback (Article 19.4.10.B.2);
3. To reduce the 20-foot landscape strip along Old Bill Cook Road to 10 feet (Article 19.4.10.B.4);
4. To reduce the 60-foot front yard setback to the extent necessary to allow the existing structure to remain (Article 5.1.3.B); and
5. To allow the existing chain-link fence to remain inside the required buffers and landscape strips along the north, south, east and west property lines (Article 4.23.1);

property having a frontage of 223.84 feet on Old Bill Cook Road (east side), containing 0.62 acres and being in land lot 67 and of the 13th district, Fulton County, Georgia.

Proposed use: Church

A motion was made by Commissioner Edwards and seconded by Commissioner Lowe to deny as recommended by Staff and the CZB. The motion carried by a vote of 5-0-0. Commission Chair Handel and Commissioners Pitts, Riley, Lowe, and Edwards voted yes. Vice Chair Darnell and Commissioner Boxill did not vote.

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Two related cases:

06-0190 Case #: 2005Z 0119 FCS Old Bill Cook Road
06-0191 Case #: 2005VC 0236

E & CD DEPT. Recommendation: Denial
CZB Recommendation: Denial

CLUP: Inconsistent

For Denial: Hood, Teters, Wiley, Maziar, Linsey & Hardy
Absent: Hall

The Community Zoning Board accepted the recommended findings of the Environment and Community Development staff.

Application of Trina Thompson, by Skyla Hutchins, seeks to rezone from an AG-1 (Agricultural) to an R-5 (Residential) zoning classification; also seeks a concurrent variance to delete the required 50-foot setback for a new street (Article 34.5.7); property having a frontage of 178.65 feet on Old Bill Cook Road (west side), containing 5.87 acres and being in land lot 98 of the 13th district, Fulton County, Georgia.

Proposed use: Single-family residential subdivision

A motion was made by Commissioner Edwards and seconded by Commissioner Lowe to deny as recommended by Staff and the CZB. The motion carried by a vote of 5-0-0. Commission Chair Handel and Commissioners Pitts, Riley, Lowe, and Edwards voted yes. Vice Chair Darnell and Commissioner Boxill did not vote.

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06-0192 Case #: 2005U 0022 FCS Flat Shoals Road

E & CD DEPT. Recommendation: Approval
CZB Recommendation: Approval

CLUP: N/A

For Approval: Hood, Teters, Wiley, Maziar, Linsey & Hardy
Absent: Hall

The Community Zoning Board accepted the recommended findings of the Environment and Community Development staff.

Application of Earl & Anne Eidson, by Body of Christ Church International USA, by Gail Podolsky, seeks a use permit in an AG-1 (Agricultural) zoning classification; property having a frontage of 547.58 feet on Flat Shoals Road (north side), containing 5.83 acres and being in land lot 129 of the 13th district, Fulton County, Georgia.

Proposed use: Church Counseling Center

A motion was made by Commissioner Edwards and seconded by Commission Chair Handel to approve as recommended and conditioned by Staff. The motion carried by

a vote of 5-0-0. Commission Chair Handel and Commissioners Pitts, Riley, Lowe, and Edwards voted yes. Vice Chair Darnell and Commissioner Boxill did not vote.

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Two related cases:

06-0193 Case #: 2005Z 0120 FCS Fayetteville Road
06-0194 Case #: 2005VC 0238

E & CD DEPT. Recommendation: Approval
CZB Recommendation: Approval

CLUP: Consistent

For Approval: Hood, Teters, Wiley, Maziar, Linsey & Hardy
Absent: Hall

The Community Zoning Board accepted the recommended findings of the Environment and Community Development staff.

Application of William O. Cochran, Et Al, by Oakley Land Partners 1, LLC., by Mark Hawks, seeks to rezone from an AG-1 (Agricultural) to M-1A (Industrial Park) zoning classification; also seeks a concurrent variance to reduce the 50-foot undisturbed buffer and 10-foot improvement setback to a 50-foot landscape strip planted to buffer standards along the south property line (Article 4.23.1); property having a frontage of 750.31 feet on Fayetteville Road (west side), containing 39.754 acres and being in land lots 23, 35, and 36 of the 9F district, Fulton County, Georgia.

Proposed use: Distribution Center

A motion was made by Commissioner Edwards and seconded by Commissioner Lowe to approve as recommended by Staff and the CZB. The motion carried by a vote of 5-0-0. Commission Chair Handel and Commissioners Pitts, Riley, Lowe, and Edwards voted yes. Vice Chair Darnell and Commissioner Boxill did not vote.

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Two related cases:

06-0195 Case #: 2005Z 0121 FCS Old National Highway
06-0196 Case #: 2005VC 0239

E & CD DEPT. Recommendation: Approval
CZB Recommendation: Approval

CLUP: Consistent

For Approval: Hood, Teters, Wiley, Maziar, Linsey & Hardy
Absent: Hall

The Community Zoning Board accepted the recommended findings of the Environment and Community Development staff.

Application of Catholic Education of North, by Premis Equity Partners, LLC., by Mark Forsling, seeks to rezone from AG-1 (Agricultural) to a C-1 (Community Business) zoning classification; also seeks a 3-part concurrent variance as follows:

1. To reduce the required 50-foot buffer and 10-foot improvement setback to a 20-foot landscape strip planted to buffer standards along the east property line (Article 4.23.1);
2. To reduce the required 25-foot buffer and 10-foot improvement setback to a 20-foot landscape strip planted to buffer standards along the south property line (Article 4.23.1); and
3. To allow dumpsters to be located less than 50 feet from AG-1 (Agricultural) zoned property (Article 12D.3.B.1); property having a frontage of 355.53 feet on Old National Highway (SR 279)(east side), also having a frontage of 977.46 feet on Jonesboro Road (SR 138) (south side); containing 6.32 acres and being in land lot 197 of the 13th district, Fulton County, Georgia.

Proposed use: Retail with fast food

A motion was made by Commissioner Edwards and seconded by Commissioner Lowe to approve as recommended by Staff based on the amended condition 2.a to require a concept review of the site plan by E&CD with the agreement spread on the minutes. The motion carried by a vote of 6-0-0. Commission Chair Handel and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes. Vice Chair Darnell did not vote.

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06-0197 Case #: 2005Z 0126 FCS Woodward Road

E & CD DEPT. Recommendation: Approval
CZB Recommendation: Approval

CLUP: Consistent

For Approval: Teters, Wiley, Maziar, Linsey & Hardy
Opposed: Hood
Absent: Hall

The Community Zoning Board accepted the recommended findings of the Environment and Community Development staff.

Application of West Henry Land Corporation, Et Al, by Heritage Creek Development Corporation, by Larry Lucas, seeks to rezone from C-1 (Community Business) and O-I

(Office Institutional) to C-1 (Community Business) zoning classification; property having a frontage of 1,067.91 feet on Woodward Road (north side), also having a frontage of 1,652.80 feet on Old National Highway; containing 40.952 acres and being in land lot 132 of the 13 district, Fulton County, Georgia.

Proposed use: Retail

A motion was made by Commissioner Edwards and seconded by Commissioner Riley to defer for up to 60 days. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes.

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Two related cases:

06-0198 Case #: 2005Z 0127 FCS Old National Highway

06-0199 Case #: 2005VC 0244

E & CD DEPT. Recommendation: Approval – Substitute O-I
CZB Recommendation: Approval – Substitute O-I

CLUP: Inconsistent

**For Approval: Hood, Teters, Wiley, Maziar, Linsey & Hardy
Absent: Hall**

E & CD DEPT. Recommendation: Denial
CZB Recommendation: Denial

CLUP: N/A

**For Denial: Hood, Teters, Wiley, Maziar, Linsey & Hardy
Absent: Hall**

The Community Zoning Board accepted the recommended findings of the Environment and Community Development staff.

Application of Ernest Thomas, Et Al, by Kuang Hui Chia, by Mike Chia, seeks to rezone from AG-1 (Agricultural) to a C-1 (Community Business) zoning classification; also seeks a

5-part concurrent variance as follows:

1. To delete the requirement for a parking island every 6th parking space (Article 4.23.2);
2. To delete the 10-foot improvement setback adjacent to the 25-foot buffer along the north and south property lines (Article 4.23.1);
3. To reduce the 50-foot rear yard buffer and 10-foot improvement setback to a 25-foot landscape strip planted to buffer standards (Article 4.23.1);
4. To allow detention inside the required undisturbed buffer along the north property line

(Article 34.5.4); and
5. To reduce the required number of parking spaces to 75 (Article 18.2.1);
property having a frontage of 279.33 feet on Old National Highway (SR 279) (east side),
containing 1.556 acres and being in land lot 132 of the 13th district, Fulton County,
Georgia.
Proposed use: Retail/office

A motion was made by Vice Chair Darnell and seconded by Commissioner Edwards to approve as recommended and conditioned by Staff. The motion carried by a vote of 5-0-0. Vice Chair Darnell and Commissioners Pitts, Riley, Boxill, and Edwards voted yes. Commission Chair Handel and Commissioner Lowe did not vote.

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Two related cases:

06-0200 Case #: 2005Z 0128 FCS Feldwood Road
06-0201 Case #: 2005VC 0245

E & CD DEPT. Recommendation: Approval
CZB Recommendation: Approval

CLUP: Consistent

For Approval: Hood, Teters, Wiley, Maziar, Linsey & Hardy
Absent: Hall

The Community Zoning Board accepted the recommended findings of the Environment and Community Development staff.

Application of Eural Ray Jackson, Et Al, by Feldwood Road, LLC., by Nathan V. Hendricks, III., seeks to rezone from AG-1 (Agricultural) and CUP (Community Unit Plan) to a CUP (Community Unit Plan) zoning classification; also seeks a concurrent variance to delete the 50-foot setback for a new street (Article 34.5.7); property having a frontage of 75.0 feet on Feldwood Road (west side), containing 10.352 acres and being in land lot 106 of the 9F district, Fulton County, Georgia.
Proposed use: Single-family residential subdivision

HEARD AND VOTED UPON WITH ITEM 06-0202.

A motion was made by Commissioner Edwards and seconded by Commissioner Lowe to approve based on the recommendations of Staff and the CZB, and to delete condition 3.i, amend condition 3.j, and spread the two agreements on the minutes. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice

Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes.

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ZONING MODIFICATION & CONCURRENT VARIANCE APPLICATIONS

06-0202 2005ZM 0086 FCS Feldwood Road

E & CD DEPT. Recommendation: Approval

CLUP: N/A

Application of Feldwood Road, LLC., by Nathan V. Hendricks, III., seeks a zoning modification in a CUP (Community Unit Plan) zoning classification, to case number 2004Z 0013 FCS to modify condition **1.c** delete 9,000 sq. ft. lots adjacent to AG-1, allow 9,000 sq. ft. lot adjacent to Feldwood where 75' buffer was required, **2.a** to revise the site plan and **3.c** delete 100' buffer and 10' improvement setback around perimeter and replace with 100' buffer as shown on the site plan; property located in land lots 106 and 127 of the 9F district, Fulton County, Georgia.

HEARD AND VOTED UPON WITH ITEMS 06-0200 AND 06-0201.

A motion was made by Commissioner Edwards and seconded by Commissioner Lowe to approve based on the recommendations of Staff and the CZB, and to delete condition 3.i, amend condition 3.j, and spread the two agreements on the minutes. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes.

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Two related cases:

06-0203 2005ZM 0082 FCN Waters Road
06-0204 2005VC 0270

E & CD DEPT. Recommendation: Deferral – 30 Days

CLUP: N/A

Application of Hamid Alaei seeks a zoning modification in an R-4A (Residential) zoning classification, to case number 2005Z 0067 FCN to modify condition **3.b** to delete the requirement to install pedestrian bridge/sidewalk at Indian Creek; also seeks a concurrent variance to reduce the minimum 35-foot front setback to 20

feet (Article 6.7.3.B); property located in land lot 10 of the 1st district, 1st section, Fulton County, Georgia.

A motion was made by Commissioner Riley and seconded by Commission Chair Handel to defer for 30 days as requested by the applicant. The motion carried by a vote of 6-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Boxill, and Edwards voted yes. Commissioner Lowe did not vote.

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Two related cases:

06-0205 Case #: 2005ZM 0083 FCS Birmingham Crossroads
06-0206 Case #: 2005VC 0265

E & CD DEPT. Recommendation: Withdrawal

CLUP: N/A mystical

Application of Nayef Haddad – A. G. Armstrong, seeks a zoning modification in a CUP (Community Unit Plan) zoning classification, to case number 2004Z 0043 FCN to modify condition **1.a** to allow nail salons and beauty parlors as part of a full service spa and to allow liquor sales within cheese and wine stores; also seeks a 2-parts as follows:

1. To delete the detention pond buffer adjacent to the 75-foot zoning buffer on northern detention pond (Article 34.5.4) and
2. To delete the requirement for walls to be constructed of stone or brick (Article 12.H.3.2.G.3);
property located in land lot 380 of the 2nd district, 2nd section, Fulton County, Georgia.

A motion was made by Commissioner Riley and seconded by Commission Chair Handel to permit withdrawal as requested by the applicant. The motion carried a vote of 6-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Boxill, and Edwards voted yes. Commissioner Lowe did not vote.

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06-0207 2005ZM 0084 FCS Carondelett Cove

E & CD DEPT. Recommendation: Approval

CLUP: N/A

Application of Larry & Jean W. Ellis seeks a zoning modification in a CUP (Community Unit Plan) zoning classification, to case number 1994Z 0067 to modify condition **3.a** to reduce the south side building setback from 7' to 6';

property located in land lot 60 of the 14F district, Fulton County, Georgia.

A motion was made by Vice Chair Darnell and seconded by Commissioner Riley to approve as recommended by Staff. The motion carried by a vote of 5-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, and Edwards voted yes. Commissioners Lowe and Boxill did not vote.

Two related Cases:

06-0208 2005ZM 0085 FCN Webb Road

06-0209 2005VC 0268

E & CD DEPT. Recommendation: Approval

CLUP: N/A

Application of WB Holdings-Windward, LLC., by Adam D. Orkin, by Sembler Atlanta, Inc., by Mike Hagan by Nathan V. Hendricks, III., zoning classification, to case number 2003Z 0185 and 2003VC 0265 FCN to modify condition **2.a** to revise the site plan; also seeks a concurrent variance to delete the required 10' landscape strip along the northerly property line, which is a side yard (Article 12.G.4.A.2); property located in land lots 1042 and 1047 of the 2nd district, 2nd section, Fulton County, Georgia.

A motion was made by Commissioner Riley and seconded by Commissioner Lowe to approve as recommended by Staff. The motion carried by a vote of 6-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, and Edwards voted yes. Commissioner Boxill was present but did not vote.

06-0210 2005ZM 0087 FCS Creekside Cove

E & CD DEPT. Recommendation: Approval

CLUP: N/A

Application of James F. Bowersox, III. seeks a zoning modification in a CUP (Community Unit Plan) zoning classification, to case numbers 1996Z 0044 and 2001ZM 0054 FCS to modify condition **3.a** to reduce the rear setback from 20' to 5' and reduce side corner from 20' to 15' along Pullen Lane on lot 28; property located in land lot 151 of the 9F district, Fulton County, Georgia.

A motion was made by Commissioner Edwards and seconded by Commission Chair Handel to approve as recommended by Staff. The motion carried by a vote of 6-0-0.

Commission Chair Handel and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes. Vice Chair Darnell was present but did not vote.

COUNTY MANAGER – UNFINISHED BUSINESS

FINANCE

06-0140 Request approval of the following 2006 Final Budget(s) in accordance with law.

b) 2006 Final Special Services District Fund Budget

HEARD AS THE LAST ITEM ON THE AGENDA.

A. A motion was made by Commissioner Boxill and seconded (for discussion) by Commissioner Edwards to establish a special tax district in south Fulton with a millage rate of 6.731, and that \$15 million of the remaining fund balance go to the special tax district in south Fulton. The vote was 3-4-0. Vice Chair Darnell and Commissioners Boxill and Edwards voted yes. Commission Chair Handel and Commissioners Pitts, Riley, and Lowe voted no. (THE MOTION DID NOT RECEIVE FOUR AFFIRMATIVE VOTES; THEREFORE, NO ACTION WAS TAKEN)

B. A substitute motion to motion A was made by Commissioner Lowe and seconded by Commission Chair Handel to appropriate \$2.5 million to the city of Sandy Springs from the fund balance and split the remainder equally among the three other sub districts, with a friendly amendment by Commission Chair Handel to allocate \$10.5 million to south Fulton, \$3,321,138 to northwest Fulton, \$2 million to northeast Fulton, and \$2.5 million to Sandy Springs. The vote was 3-4-0. Commission Chair Handel and Commissioners Riley and Lowe voted yes. Vice Chair Darnell and Commissioners Pitts, Boxill, and Edwards voted no. (THE MOTION DID NOT RECEIVE FOUR AFFIRMATIVE VOTES; THEREFORE, NO ACTION WAS TAKEN)

C. A motion was made by Commission Chair Handel and seconded by Commissioner Lowe to appropriate \$10.5 million to the south Fulton sub district, \$4.3 million to the northwest Fulton sub district, and \$3 million to the northeast Fulton sub district. The vote was 3-4-0. Commission Chair Handel and Commissioners Riley and Lowe voted yes. Vice Chair Darnell and Commissioners Pitts, Boxill, and Edwards voted no. (THE MOTION DID NOT RECEIVE FOUR AFFIRMATIVE VOTES; THEREFORE, NO ACTION WAS TAKEN)

D. A substitute motion to motion C was made by Commissioner Edwards and seconded by Vice Chair Darnell to create a special tax district in south Fulton, and out of the \$18,321,138, place \$1,283,398 in the northwest Fulton sub district and the remaining \$17,037,740 in the south Fulton sub district, and implement a 2-mill increase. The vote was 3-4-0. Vice Chair Darnell and Commissioners Boxill and Edwards voted yes. Commission Chair Handel and Commissioners Pitts, Riley, and Lowe voted no. (THE MOTION DID NOT RECEIVE FOUR AFFIRMATIVE VOTES; THEREFORE, NO ACTION WAS TAKEN)

E. A motion was made by Commissioner Pitts and seconded by Commissioner Edwards to reconsider the action taken by the Board at the 1/25/06 meeting to set the Special Services District (SSD) fund balance at \$5 million. The vote was 3-4-0. Vice Chair Darnell and Commissioners Pitts and Edwards voted yes. Commission Chair Handel and Commissioners Riley, Lowe, and Boxill voted no. (THE MOTION DID NOT RECEIVE FOUR AFFIRMATIVE VOTES; THEREFORE, NO ACTION WAS TAKEN)

F. A motion was made by Commissioner Riley and seconded by Commission Chair Handel to allocate a total of \$7,821,138 of the fund balance (reserve) in the following amounts: \$3 million for northeast Fulton and \$4,821,138 for northwest Fulton. (NO VOTE TAKEN)

G. A substitute motion to motion F was made by Commissioner Edwards and seconded by Commissioner Boxill to establish a special tax district in south Fulton, implement a 3-mill rate increase, and allocate \$12 million from the fund balance to the south Fulton special tax district. Motion G carried by a vote of 4-3-0. Vice Chair Darnell and Commissioners Lowe, Boxill, and Edwards voted yes. Commission Chair Handel and Commissioners Pitts and Riley voted no.

H. A motion was made by Commissioner Riley and seconded by Commission Chair Handel to allocate a total of \$6,321,138 from the prior year's reserve funds in the following amounts: \$3,821,138 to northwest Fulton and \$2.5 million to northeast Fulton. The motion carried by a vote of 4-3-0. Commission Chair Handel and Commissioners Pitts, Riley, and Lowe voted yes. Vice Chair Darnell and Commissioners Boxill and Edwards voted no.

I. A substitute motion to motion H was made by Commissioner Boxill and seconded by Vice Chair Darnell to approve the final Special Services District budget to include all previously approved amendments. The vote was 3-4-0. Vice Chair Darnell and Commissioners Boxill and Edwards voted yes. Commission Chair Handel and Commissioners Pitts, Riley, and Lowe voted no. (THE MOTION DID NOT RECEIVE FOUR AFFIRMATIVE VOTES;

THEREFORE, NO ACTION WAS TAKEN)

J. A motion was made by Commissioner Riley and seconded by Commissioner Lowe to make amendments to the proposed budget in the northwest Fulton sub district fund in the following manner: change the Fire line to \$5,500,000; the Police line to \$4,380,000; the Non-Agency line to \$2,182,438; the Environment and Community Development line to \$1,300,000; the Parks and Recreation line to \$250,000; the Tax Commissioner line to \$100,000; the Public Works line to \$100,000; for a total expenditure of \$13,812,438. The motion carried by a vote of 4-3-0. Commission Chair Handel and Commissioners Pitts, Riley, and Lowe voted yes. Vice Chair Darnell and Commissioners Boxill and Edwards voted no.

K. A motion was made by Commissioner Riley and seconded by Commission Chair Handel to make amendments to the proposed budget in the northeast Fulton sub district fund in the following manner: change the Fire line to \$7,696,000; the Police line to \$5,674,821; the Environment and Community Development line to \$3,438,067; the Parks and Recreation line to \$1,002,510; the Tax Commissioner line to \$400,000; the Public Works line to \$250,000; and a change to the total of Non-Agency made up of the following breakdown: indirect costs, \$3,283,280; capital for road resurfacing and subdivision streets, \$6,446,810; Newtown Park improvements, \$800,000; Johns Creek greenway funds, \$250,000; a grant to the Greater North Fulton Chamber of Commerce, \$150,000 -- for a total Non-Agency detail of \$10,930,090 for a total expenditure in the northeast Fulton sub district of \$29,392,488. The motion carried by a vote of 4-3-0. Commission Chair Handel and Commissioners Pitts, Riley, and Lowe voted yes. Vice Chair Darnell and Commissioners Boxill and Edwards voted no.

L. A motion was made by Commissioner Edwards and seconded by Commissioner Boxill that \$600,000 be taken from the Non-Agency line and \$264,306 from the Environment and Community Development line to balance the budget for the south Fulton special tax district. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes.

M. A motion was made by Commission Chair Handel and seconded by Commissioner Edwards to account for the red light cameras project by reflecting the following revenues and expenses: the south and northeast Fulton sub districts should each show a \$302,400 increase in revenue and a \$190,000 increase in police expenditures. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes.

N. A motion was made by Vice Chair Darnell and seconded by Commissioner Lowe to approve the Special Services District Budget as previously amended. The motion carried by a vote of 6-1-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Lowe, Boxill, and Edwards voted yes. Commissioner Riley voted no.

PURCHASING

06-0145 Request approval of Recommended Proposals.
(Held 01/18/06)

2. Department: Sheriff
SERVICE/COMMODITY: Jail Food Services
RFP: 05RFP111124YB
AMOUNT: \$4,000,000
PRIME CONTRACTOR: Meat Masters, Inc. (Decatur, GA)

A motion was made by Commission Chair Handel and seconded by Vice Chair Darnell to hold this Item for two weeks (2/15/06). The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes.

Commissioner Pitts directed the County Manager to request that the Sheriff or his designee appear at the next Board meeting to discuss this Item.

COUNTY MANAGER – NEW BUSINESS

ENVIRONMENT AND COMMUNITY DEVELOPMENT

06-0211 Request approval for a reduction in cap on zoning/use permit applications.

A. A motion was made by Commissioner Riley and seconded by Commission Chair Handel to hold. (NO VOTE TAKEN)

B. A substitute motion to motion A was made by Commissioner Boxill and seconded by Commissioner Edwards to approve. The motion carried by a vote of 4-3-0. Vice Chair Darnell and Commissioners Lowe, Boxill, and Edwards voted yes. Commission Chair Handel and Commissioners Pitts and Riley voted no.

06-0212 Item number not used.

PURCHASING

06-0213 Request approval of Recommended Proposals.

1. DEPARTMENT: Public Works
SERVICE/COMMODITY: Aerial Photography
RFP #: 05RFP47608YC
TOTAL AMOUNT OF PURCHASE: \$468,930
PRIME CONTRACTOR: Ayres Associates (Atlanta, GA)
REQUESTED ACTION OF THE BOC: To approve a contract with Ayres Associates (Atlanta, GA) to provide Aerial Photography Services for the Fulton County Public Works Department in an amount not to exceed \$468,930. The contract term is for an initial twelve (12) month period from the date of award.

2. DEPARTMENT: Tax Assessors
SERVICE/COMMODITY: Analysis of Board of Assessors Property Tax System
RFP #: 05RFP00012YB-CL
TOTAL AMOUNT OF PURCHASE: \$174,940
PRIME CONTRACTOR: Almy, Gloudermans, Jacobs & Denne (Phoenix, AZ)
REQUESTED ACTION OF THE BOC: Approval of a contract with Almy, Gloudermans, Jacobs & Denne in an amount not to exceed \$174,940, to provide an analysis and evaluation of the Board of Assessors Property Tax System from date of award through December 31, 2006.

A motion was made by Commissioner Lowe and seconded by Commissioner Riley to approve numbers 1 and 2. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes.

Commissioner Boxill requested Staff to provide the Board with information on the kinds of tools used to perform a financial stability analysis and to describe the results of the tools' strengths and weaknesses when applied to a variety of vendors.

COMMISSIONERS' ITEMS – UNFINISHED BUSINESS

05-1360 Request approval of a Resolution to amend Fulton County Policy and Procedure 800-9 concerning evaluation and award of County contracts. **(Edwards)** *(Held 11/16/05, 12/7/05, 12/21/05, 1/4/06, 01/18/06)*

A motion was made by Commissioner Edwards and seconded by Vice Chair Darnell to approve. The motion carried by a vote of 5-2-0. Vice Chair Darnell and Commissioners Pitts, Lowe, Boxill, and Edwards voted yes. Commission Chair Handel and Commissioner Riley voted no.

Commissioner Boxill requested that the County Manager meet with her to explain how he would manage to resolve the level of confusion that occurred last week, with regard to what the Board just passed.

Commission Chair Handel requested some clarity on what Commissioners should do if the information they receive in the package from the Purchasing Department is unsatisfactory in addressing their questions.

05-1488 Request approval of a Resolution to revise permissible hours for construction activities in unincorporated Fulton County. **(Riley)** *(Held 12/21/05, 1/4/06, 01/18/06)*

A motion was made by Commissioner Riley and seconded (for discussion) by Commissioner Edwards to approve. The motion carried by a vote of 4-3-0. Vice Chair Darnell and Commissioners Riley, Boxill, and Edwards voted yes. Commission Chair Handel and Commissioners Pitts and Lowe voted no.

06-0147 Request approval of an agreement between Fulton County, Georgia; the City of Sandy Springs, Georgia; and the Tax Commissioner of Fulton County for the billing and collection of property taxes and fees. **(Lowe)** *(Held 01/18/06)*

A motion was made by Commissioner Lowe and seconded by Commission Chair Handel to approve. The motion carried by a vote of 6-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, and Edwards voted yes. Commissioner Boxill was present but did not vote.

06-0148 Request approval of a Resolution to amend provisions of the Fulton County Code establishing local preference in contracting so as to provide uniformity in purchases. (cross reference: 05-1370, 05-1495) **(Darnell)** *(Held 01/18/06)*

HELD AS REQUESTED BY VICE CHAIR DARNELL.

06-0149 Request approval of a Resolution indicating intent to support reduction in force due to the passage of House Bill 36. **(Darnell)** *(Held 01/18/06)*

HELD AS REQUESTED BY VICE CHAIR DARNELL.

COMMISSIONERS' ITEMS – NEW BUSINESS

06-0215 Request approval of a Resolution in support of the Fair Annexation Act, House Bill 962. (Edwards/Riley)

A motion was made by Commissioner Edwards and seconded by Commissioner Riley to approve. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes.

BOARD APPOINTMENTS

06-0039 FRESH CITIZENS ADVISORY BOARD (Fulton Roundtable Expanded Service Headquarters)

ONLY DISTRICT COMMISSIONERS TO MAKE NOMINATIONS.

Term = One (1) year

Terms below expired December 31, 2005:

Ms. Taffi I. Vincent (Edwards)
Ms. Dorothy Edmonds (Edwards)
Mr. Mose James (Edwards)

Commissioner Edwards nominated Ms. Taffi I. Vincent, Ms. Dorothy Edmonds, and Mr. Mose James for reappointment to terms ending December 31, 2006.

THE FOLLOWING NOMINATION WAS ADDED UPON THE ADOPTION OF THE REGULAR MEETING AGENDA:

Vice Chair Darnell nominated Ms. Evelyn Brown, Ms. Patricia Floyd, and Ms. Ruby Robbins for reappointment to terms ending December 31, 2006.

SOUNDED AND VOTED UPON WITH ITEMS 06-0042 AND 06-0058.

A motion was made by Commissioner Edwards and seconded by Vice Chair Darnell to approve these nominations. The motion carried by a vote of 5-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Riley, Boxill, and Edwards voted yes. Commissioners Pitts and Lowe were present but did not vote.

**06-0042 BOARD APPOINTMENT - FULTON COUNTY 911 ADVISORY BOARD
(Cross-Reference Items #97-0294 and #98-0371)**

Term = Two (2) years

Each Fulton County Commissioner to nominate one Fulton County citizen.

Term below expired April 2, 2003:

Mr. Phillip L. Graitcer (**Boxill**)

Terms below expired April 2, 2005:

Ms. Harriett Grant (**Lowe**)

Mr. Larry Phillips (**Darnell**)

**THE FOLLOWING NOMINATION WAS ADDED UPON THE
ADOPTION OF THE REGULAR MEETING AGENDA.**

**Vice Chair Darnell nominated Mr. Larry Phillips for reappointment to a
term ending April 2, 2007.**

SOUNDED AND VOTED UPON WITH ITEMS 06-0039 AND 06-0058.

**A motion was made by Commissioner Edwards and seconded by Vice Chair
Darnell to approve these nominations. The motion carried by a vote of 5-0-0.
Commission Chair Handel, Vice Chair Darnell, and Commissioners Riley,
Boxill, and Edwards voted yes. Commissioners Pitts and Lowe were present
but did not vote.**

06-0058 SOUTH FULTON COMMUNITY IMPROVEMENT DISTRICT BOARD

Term = Two (2) years

Terms below expired January 24, 2006:

Mr. Keith Knight (**BOC**)

Mr. Michael Palendat (**BOC**)

**Commissioner Edwards nominated Mr. Michael Palendat for reappointment
and Mr. Bill Watson to replace Mr. Keith Knight for terms ending January
24, 2008.**

SOUNDED AND VOTED UPON WITH ITEMS 06-0039 AND 06-0042.

A motion was made by Commissioner Edwards and seconded by Vice Chair Darnell to approve these nominations. The motion carried by a vote of 5-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Riley, Boxill, and Edwards voted yes. Commissioners Pitts and Lowe were present but did not vote.

ALCOHOLIC BEVERAGE LICENSES

POLICE

FOR PUBLIC HEARING ONLY

- 06-0214** **Center Court Sports Bar and Grill Inc.**
5495 Old National Hwy. Suites B9-12
College Park, GA 30349
Consumption on the premises of wine, malt beverages, and distilled spirits. There is no legal reason why this public hearing should not be conducted.

PUBLIC HEARING CONDUCTED. NO SPEAKERS.

ADDED UPON THE ADOPTION OF THE REGULAR MEETING AGENDA

- 06-0216** **COMMISSIONERS' ITEM** - Discussion of appointments to the Land Bank Authority and the Atlanta Development Authority. (**Boxill**)
- A motion was made by Commissioner Riley and seconded by Commissioner Edwards to appoint Vice Chair Darnell to the Atlanta Development Authority. The motion carried by a vote of 5-0-0. Vice Chair Darnell and Commissioners Pitts, Riley, Lowe, and Edwards voted yes. Commission Chair Handel and Commissioner Boxill were present but did not vote.**
- 06-0217** **COMMISSIONERS' ITEM** - Request approval of a Resolution in observance of the life and legacy of Civil Rights Leader Coretta Scott King. (**Initiated by Darnell and cosponsored by Handel, Pitts, Riley, Lowe, Boxill, and Edwards**)
THIS ITEM WAS MOVED UP AND HEARD AFTER ITEM 06-0165.
- A motion was made by Vice Chair Darnell and seconded by Commissioner Edwards to approve. The motion carried by a vote of 6-0-0. Commission**

Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Boxill, and Edwards voted yes. Commissioner Lowe did not vote.

EXECUTIVE SESSION

06-0218 **EXECUTIVE SESSION** – Discussion regarding litigation and real estate.
(County Attorney)

NO ACTION TAKEN.

PRESENT IN EXECUTIVE SESSION: Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards; County Manager Thomas Andrews; County Attorney O.V. Brantley; and Clerk to the Commission Mark Massey.

ADJOURNMENT

A motion was made by Commission Chair Handel to adjourn. The meeting adjourned at 7:48 p.m.