Workshop Minutes

Board of Commissioners
March 2, 2011
3:30 P.M.

Notice: A complete audio recording of this meeting can be heard by accessing Fayette County's Website at www.fayettecountyga.gov. Click on "Board of Commissioners", then "County Commission Meetings", and follow the instructions. The entire meeting or a single topic can be heard.

The Board of Commissioners of Fayette County, Georgia, met in an Official Workshop Session on Wednesday, March 2, 2011, at 3:30 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Herb Frady, Chairman Robert Horgan, Vice Chairman Steve Brown Lee Hearn Allen McCarty
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Floyd L. Jones, Deputy Clerk

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Call to Order.

Chairman Frady called the March 2, 2011 Board of Commissioners Workshop Meeting to Order at 3:30 p.m.

Acceptance of Agenda.

Commissioner Horgan moved to accept the Agenda as published. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

OLD BUSINESS

1. Report from Parks and Recreation Director Anita Godbee on progress of efforts to form a Kenwood Park and Recreation Association.

Parks and Recreation Director Anita Godbee gave a report to the Board on the progress of efforts to form a Kenwood Park and Recreation Association. She explained that in the summer of 2010, a group of citizens began discussions with the Fayette County Recreation Commission about forming an association for Kenwood Park. She explained that this particular association formed a Steering Committee once they came to the

Recreation Commission, and the Steering Committee was led by Mr. David Brill. She continued that the Committee met several times and they began the process of forming an association. She explained that the purpose of the association was to assist in coordinating the efforts regarding Kenwood Park and the efforts with the Parks and Recreation Department. She told the Board that the Kenwood Park Association will promote community use of the park, and will raise awareness of the benefits of the park through their volunteer efforts and public relations programs. She added that the association will also raise and distribute funds for improvements and maintenance of the park, facilitate the use of the park for special events that they host, and they will offer membership to all interested patrons. She informed the Board that the Kenwood Park Association will follow all the guidelines that the Parks and Recreation Department already has in its policies and procedures manual that the youth associations are currently using.

Mrs. Godbee told the Board that in February 2011, at the Recreation Commission meeting, the Kenwood Park Association's Steering Committee presented to the Recreation Commissioners a finalized copy of their bylaws. She told the Board that the Recreation Commission will review the bylaws to ensure they are in compliance with the policies and procedures manual. She continued that the Kenwood Park Association and the Recreation Commission wanted to advise the Board of Commissioners that the Kenwood Park Association is ready to move forward in obtaining its nonprofit status and also becoming an official association under the Parks and Recreation Department Authority. Discussion followed.

Mrs. Godbee informed the Board that the next step for the Kenwood Park and Recreation Association would be to elect temporary officers in order to apply for their nonprofit status. She said once the Association is officially nonprofit, the County would require to Association to sign a contract with Fayette County, as is required for all the other similar associations. She concluded that before the Kenwood Park and Recreation Association signs a contract with Fayette County she would return to the Board and provide an additional update.

County Administrator Jack Krakeel recommended that the Board direct the County Attorney to review the Kenwood Park and Recreation Association's bylaws, since ultimately the Board would have to approve it in order for the Association to function under Fayette County's Recreation Commission. The Board consented to the County Administrator's request.

2. Consideration of staff's request for updates and minor modifications to various Human Resources policies. This item was tabled from the December 9, 2010 meeting pending further clarification.

Assistant Human Resources Director Lewis Patterson explained the need for minor modifications to the Human Resources polices, and he answered the Board's question. He explained that the updates and modifications affected nine separate County policies, and that they were "housekeeping" in nature. He reminded the Board that these modifications were tabled at the December 9, 2011 agenda due to an abundance of caution and for further review, so he, County Administrator Jack Krakeel, and County Attorney Scott Bennett have reviewed the changes and believe they are ready for adoption. He asked for the Board's authority to place the recommended changes on the March 10, 2011 Agenda for formal approval. Discussion followed.

County Administrator Jack Krakeel added that part of the changes being requested are due to the result of the last performance evaluation process the County enacted last December. He explained that the performance evaluation process was the first time since the institution of the evaluation program where there was a monetary allotment for performance since the program was introduced in 2008. He said subsequent to the process, he had asked the committee that developed the performance instrument in accordance with the University of Georgia, to return to the evaluation process and look at the impact of the performance evaluation process to

determine if there was any modification that needed to be made; recognizing this was the first time there was truly a financial impact on one's performance. He reported that some of the changes are reflective of the committee's work subsequent to its conduct and performance evaluation process. He said the committee found that there were several areas where slight adjustment needed to be made to ensure that employees were not put into position of termination but were put in a position of potentially needing improvement. He said the adjustments built in a little flexibility, and that was reflected in the updated policies.

The Board directed that staff's request for updates and minor modifications to various Human Resources policies be placed on the March 10, 2011 Consent Agenda.

3. Discussion with Human Resources Staff regarding possible changes in the County's self-insured employee health plan in preparation for the annual renewal date of June 1, 2011.

Human Resources Director Connie Boehnke and Ms. Jackie Turner, representing Pacific General, discussed possible changes to the County's self-insured employee health plan with the Board. Mrs. Boehnke informed the Board that the County's self-insured employee health plan is reviewed and renewed each year, and she introduced Ms. Turner to the Board to explain the need for and possible changes to the plan.

Ms. Turner gave a PowerPoint presentation, and she informed the Board that in 2008 the County was on a fully-insured program managed by Blue Cross/Blue Shield of Georgia, and Pacific General was asked to review and research the aspects of what could be done for long-term improvements and strategies for "getting a grasp" on plan improvements and the financial aspects of the program. She said at the time, there were not some of the reporting capabilities that are available today, and there was a severe lack of data and transparency and how the make-up of the claims were calculated. She said based on the information available, Pacific General looked at programs that could be implemented. She continued that in 2009, Blue Cross/Blue Shield issued a renewal cost for June 2009 that would cost the County over $5.6 million for the fully insured program. To that end, the decision was made to change to a partially self-funded format, and with the information available, the County expected a bill of approximately $4.2 million but not to exceed $5.6 million. She said, with those numbers, Pacific General focused on improving data and its transparency in order to make better decisions, be less reactionary, and be more proactive in how the plan is assessed and in how benefit decisions are made. She said Pacific General also wanted to eliminate the renewal shock that could be experienced. She explained that at the year end for 2011, the County would exceed the expected $4.2 million cost, but that if anticipated the cost would be below $5.6 million. She noted that today, with the County's revenues down and no increases to the premium cost for the past two years, and she asked for the Board to consider an increase not to exceed 12% of the total plan cost for the upcoming plan year. She then explained the reason for her request for consideration, and ways to mitigate increasing costs. Discussion followed.

County Administrator Jack Krakeel added that the employees have not had any increases in their premiums, however, prior to becoming fully self-insured the County was under Blue Cross/Blue Shield for approximately four years during which time the County faced increases of 17%, 23%, and 21% in its annual premiums. He said the County was able to negate the annual increases by modifying the plans in each of those subsequent years, so while the employees are not paying any additional premium, they have incurred additional out of pocket expense because the plans were fundamentally changed to include increased co-pays for physician visits, increased co-pays for pharmaceuticals, and the application of a deductible both for the individual and families under the health plan. He stressed that he wanted the Board to know that the employees have absorbed additional costs with the projected increases the County was facing. After some further discussion,

Mr. Krakeel informed the Board that if it moved forward with this proposal, that the employees' health care coverage would increase substantially for both the employees and the County, unless the employees chose to elect other plans which would be less costly but would include higher deductibles and co-pays.

The Board tabled the request from Human Resources until its March 10, 2011 meeting.

4. Discussion of proposed transportation projects to be submitted to the Atlanta Regional Roundtable for consideration under the Transportation Investment Act.

County Administrator Jack Krakeel and Public Works Director Phil Mallon discussed the proposed transportation projects to be submitted to the Atlanta Regional Roundtable for consideration under the Transportation Investment Act. Mr. Krakeel briefly explained that the County and its various municipalities have been meeting over the course of the last four to six months developing a list of projects for consideration to be submitted to the Atlanta Regional Commission (ARC) and the Regional Transportation Roundtable in accordance to the requirements of Georgia House Bill 277 for the Transportation Improvement Act, and in preparation for its possible approval by the voters of a 1% regional Local Option Sales Tax for Transportation in 2012. He explained that County staff had prepared a list of County projects, as well as projects for the City of Fayetteville and the Town of Tyrone, and that earlier this week other projects proposed from the City of Peachtree City had been received by the County. He stated that the request was for the Board to assist staff in identifying the priorities, from their perspectives, so that on Tuesday, March 8, 2011, during the joint Association of Fayette County Government (AFCG)meeting, that at the end of the meeting there will be a consolidated and prioritized project list that will be submitted in accordance with the requirements of House Bill 277.

Public Works Director Phil Mallon then distributed a report listing projected budget-level estimates of what staff projected revenues from Base Case Projected Sales Taxes to be in the 10-County Atlanta Regional Commission to the Board, and he explained how he calculated the figures. Discussion followed.

Mr. Krakeel noted that after discussions with his counterparts in the municipalities, it was recommended that once the Board of Commissioners reached its conclusion on the priority list and once the AFCG reaches their conclusion, that each of the jurisdictions adopt a resolution in support of the unconstrained project list that will then be submitted to the Atlanta Regional Commission and the Regional Roundtable. Commissioner Brown added that it was imperative that the projects "be ready to roll at the AFCG meeting, and have as many citizens show up as possible [since] there was a lot on the line."

Mr. Mallon reminded the Board that the three key criteria that will be used to decide which projects make the list and will be considered for funding will be those that:

1) Focus on the Construction Phase: He explained that a project can receive funding for design and right-of-way, but it is "going to take a backseat to those projects that are ready for construction."

2) Projects that Demonstrate Full-Funding: He explained if the Regional SPLOST dollars are used for the construction phase, the County needs to be able to demonstrate the County has funding in place for design, environmental, and right-of-way requirements.

3) Project Delivery: He again explained that the Atlanta Regional Commission and the Regional Roundtable were hoping that up to 40% of the money is spent on projects that could be completed within six years, and that all the projects could be completed or underway within 10 years.

He informed the Board that he though Fayette County had several projects, because of its existing SPLOST funds, that place the County in a "good position to have very competitive projects from those three criteria." Further discussion followed.

The Board took no action based on this discussion. County Administrator Jack Krakeel requested the Commissioners to either individually or collectively provide feedback to Mr. Mallon concerning their thoughts on the proposed transportation projects, and the Board consented to the request.

NEW BUSINESS

5. Consideration of Resolution No. 2011-06 regarding Fiscal Responsibility and Protecting Fayette County's Quality of Life, as presented by Commissioner Brown.

Commissioner Steve Brown gave prepared remarks concerning Resolution 2011-06. The following are his prepared remarks:

Mr. Chairman, I am going to do my utmost to keep Fayette County leadership from unilaterally destroying the county's quality of life and creating a devastating budgetary scenario where transit costs create higher levels of taxation.

Mr. Chairman, one of the themes behind the regional transit plan dubbed "Concept 3" is providing a unified, seamless transit network which incorporates the development of land use regulations that encourage high density, urbanized development around the proposed transit nodes, including Fayette County.

Mr. Chairman, I cite the minutes for the regional ***Transit Planning Board – Thursday, October 25, 2007****: "The primary goal of Concept 3 is to connect people throughout the region to the major employment/activity centers. This will be accomplished by providing an interconnected and expanded regional transit network; that will capture a large portion of the employment trips to activity centers and to include the supporting network of local bus service and the development of land use regulations and patterns that support transit uses. This will be a multi-modal network that: Is activity center focused; is an expansion of the rail network and existing transit infrastructure; has different types of bus service; is not constrained by political boundaries (is regionally seamless for the user)."*

Mr. Chairman, our former Board Chairman Jack Smith was present at that meeting and presented no objections to the preceding appraisal. Mr. Chairman, our former Board Chairman voted in favor of Concept 3 which includes mass transit in Fayette County as did our other regional representative Fayetteville Mayor Ken Steele.

Again, Mr. Chairman, our former Board Chairman as well as our other representative to the Atlanta Regional Transportation Roundtable, Mayor Steele, voted on December 17, 2010 to approve a funding formula allowing up to ***60 percent*** *or* ***4.5 billion*** *of our tax dollars for the 2012 Transportation Sales Tax referendum to be used for capital projects, maintenance and operations for mass transit.*

Mr. Chairman, I cite the minutes for the regional ***Transit Planning Board - Thursday, September 25, 2008*** *regarding passage of Concept 3 by the Transit Planning Board's planning partners MARTA, GRTA, GDOT and ARC: "This action by our partners will formally incorporate Concept 3 into the regional transportation planning process and will facilitate positive actions towards the advancement of regional transit."*

Mr. Chairman, our former Board Chairman was present at that meeting and presented on objections to the preceding statement of purpose on regional mass transit.

Mr. Chairman, on February 4, 2011, the Editorial Board of the Atlanta Journal-Constitution wrote, "It is sound fiscal practice to establish a single entity that can plan, finance, build and operate, or contract for, transit service and infrastructure across jurisdictional borders. Doing so is especially important in today's lean times, where each taxpayer dollar must be spent to maximum effect. Let's use economies of scale and scope to our advantage as other cities have done."

Mr. Chairman, Georgia House Speaker David Ralston said a regional transit agency is among the "reasonable options that we have this session" in the Atlanta Journal-Constitution on February 17, 2011.

As we have learned from the Regional Transportation Roundtable process, having little control over where 85 percent of our Fayette County special transportation tax dollars would go, so too would we have little control over the implementation of mass transit projects.

Mr. Chairman, the convoluted threat of future higher gas prices as the stick to beat Fayette County into keeping our mass transit projects in the regional plan is absurd.

The direct and honest retort is thousands upon thousands of families accepted higher transportation costs by merely moving to Fayette County. Mr. Chairman, no one moved to Fayette County to be close to anything.

In fact, many of us are refugees from the current mass transit counties in Metro Atlanta. Therefore, Mr. Chairman, if we were overly concerned with the costs of transportation, we would have saved hefty amounts of money annually by living in the mass transit counties; where, by the way, we could also find lesser expensive housing.

Is it any wonder, Mr. Chairman, that the stats related to a better quality of life are significantly higher in Fayette County?

From a purely technical point-of-view, it makes absolutely no sense to have mass transit planned for Fayette County in the first place. No intelligent transportation planner could justify the one size fits all approach of placing mass transit in a county consisting of 105,000 inhabitants in a 200 square-mile area.

Even by 2030, our anticipated population is not expected to reach 170,000.

By contrast, Mr. Chairman, let's take a look at a reasonable comparison. DeKalb County is close in size at 271 square miles, but their population is around 670,000.

DeKalb County has a population density of 2,483 persons per square mile. On the other hand, Fayette County has a population density of 528 persons per square mile.

DeKalb County, along with financial powerhouse Fulton County, cannot afford to keep MARTA afloat. How could anyone reasonably conclude a far less dense Fayette County would ever be able to support mass transit? The cost in additional taxes for mass transit capital projects, operations and maintenance for Fayette County would make rising gas prices look like a bargain.

When regional transit committees endorse the "development of land use regulations and patterns that support transit uses," what they are really saying is they want our population density to be more like DeKalb County, nearly five times greater, in order to support mass transit.

Mr. Chairman, thinking that our county could ever afford to sustain mass transit with our current low density policies and anything close to our current rate of taxation is pure folly. The citizens of Fayette County demand that their leaders protect our quality of life which includes the perseveration of our low density land use and low rates of taxation.

The citizens of Fayette County moved here to avoid the urbanization and mass transit. They want their priorities to be espoused by their elected officials.

Therefore, I make a motion on behalf of all citizens of Fayette County to have the ***RESOLUTION ON "FISCAL RESPONSIBILITY AND PROTECTING FAYETTE COUNTY'S QUALITY OF LIFE" REQUESTING THE ELIMINATION OF ALL PLANNED PUBLIC MASS TRANSIT PROJECTS WITHIN FAYETTE COUNTY'S BOUNDARIES, INCLUDING CONCEPT 3, PLAN 2040 AND ALL OTHER PLANS THAT INCLUDE MASS TRANSIT*** *Placed on the next Board of Commissioners meeting agenda for approval.*

Commissioner Frady mentioned that the Board had worked hard to keep light density in Fayette County, and that Fayette County was not close to being DeKalb County. He continued that Commissioner Brown may be "looking somewhat backward with that" since no one at the Atlanta Regional Commission thinks that Fayette County is near to being ready, willing, or wanting to have any mass transit. He added that he will never vote for mass transit, that he sits on the Transit Committee and that he knows the plans, that mass transit will not come to Fayette County without the voters approving a referendum, and that he did not want to "shoot myself in the foot at this particular time when we are trying to get money to build roads that comes through the ARC (Atlanta Regional Commission), it is tantamount to pulling out of the ARC what you are suggesting." He continued that while some may agree to withdrawing from the ARC, Fayette County should not because it could not afford to do so.

Commissioner Hearn explained that every individual county in the metro-Atlanta region that has bus and transit service supported their bus and transit service at the local level. He stated that while Commissioner Brown "continues to talk about a Regional Transit Authority that pushes transit on Fayette County whether we want it or not, that is unprecedented in this region at this time; not to say it couldn't happen but so far it has not happened." His second point was that the Fayette County Board of Commissioners controls land-use density plan in unincorporated Fayette County, and that this Board as well as many previous Boards have agreed to "stick by" the land-use plan. He explained that the current land-use plan does not have the density to support transit, despite the ARC's suggestion that Fayette County should modify its land-use plan to support it. He told the audience that Fayette County's current and past Commission boards have "always refused to modify the plan as suggested by the ARC." He stated that Fayette County does not need transit in Fayette County, but as he looked down the road when the County reaches the projected

population of 160,000 people it would translate into approximately 55-60% of additional traffic on County roads. He challenged the "good traffic planners to say that our commutes would be intolerable at times with that additional traffic." He also mentioned that being part of a region required counties to be good neighbors, and that meant the counties plan together although there may be different philosophies, but it would be foolish not to get input from Coweta County on their plans. He asked staff to communicate with Coweta County concerning their plans for a light-rail line in order to understand their thoughts and motivations. He repeated that he was not supportive of transit in Fayette County since it does not make sense for the county, but he asked what would the County look like in 20 or 30 years.

Commissioner Horgan agreed with Commissioner Brown saying Fayette County does not need transit, and he agreed with Commissioner Hearn saying transit will not work in Fayette County. He continued that whether the county likes it or not, "working with the ARC is very important", and he thought a classic example is "Peachtree City pulling out and doing what they have been doing with the ARC, and they have lost funding for projects." He explained that what was being discussed was a Concept Plan, and it is a plan that people are thinking out into the future about what may happen or be a reality. He said that if the County does not "have planning it is very poor on our part not to have something out there." He stated that the citizens needed to be empowered in order to make the decision since the decision for mass transit is ultimately not up to the Board but up to the citizens. He encouraged the citizens to contact the ARC and to be a part of the process and discussion rather than work to remove Fayette County completely from the region.

Commissioner McCarty replied that if the County participated in the vote [for the Concept Plan], then the ARC would make the determination regarding what Fayette County does since they would provide the county guidelines and would expect Fayette County to follow them. The Board disagreed with Commissioner McCarty's statement.

Commissioner Brown replied that the Regional process has been ongoing for the past 10 years, and that issues that were "a pipe dream in 2004" such as a regional sales tax for roads, become realities as demonstrated in last year's approval of House Bill 277. He rhetorically asked how many citizens would be able to select the projects to be constructed, and in what counties, should the referendum pass in 2012. He answered that none of the citizens would have a choice in the matter and welcomed them to Regional government. He agreed with the Board saying that currently mass transit could only come to Fayette County by a referendum by the voters, but that the Regional government was trying to change the system by creating a Regional Transit Authority. He cautioned that in Regional government, local control 'starts to erode and disappear" and then control is left to a group of individuals in Atlanta to make decisions on Fayette County's behalf.

Chairman Frady asked Commissioner Brown who was voting for mass transit. Commissioner Brown replied that former County Chairman Jack Smith and Fayetteville Mayor Ken Steele were voting for mass transit projects. Chairman Frady noted that Chairman Smith was no longer on the Board of Commissioners, and he repeated that he would not vote for mass transit for Fayette County. He added that he would not vote in favor of House Bill 277 if Fayette County did not get its money back, and he asked that the Board and people not vote in favor of the bill if it did not benefit Fayette County.

After further discussion, the Board decided, via a 3-2 consensus, not to proceed with discussion or passage of Resolution No. 2011-06 until more information concerning how Coweta County is impacted with mass transit being conceptualized for Senoia becomes available and after the vote on House Bill 277.

RECESS: The Board of Commissioners moved into a temporary recess at 5:02 p.m. and returned to the Official Workshop Meeting at 5:16 p.m.

6. Discussion of Senate Bill 86 which relates to eliminating some statewide planning mandates.

County Administrator Jack Krakeel and Director of Community Development Pete Frisina explained Senate Bill 86 to the Board and answered the Board's questions. Mr. Krakeel explained that the Georgia State Legislature was currently in session, and it was considering Senate Bill 86 and House Bill 260 concerning a joint effort between the Association of County Commissioners of Georgia (ACCG) and the Georgia Municipal Association (GMA) about state requirements of local governments with respect to comprehensive planning as well as developments of regional impact. He reported that counties are required to provide to the State of Georgia updates to its Comprehensive Growth Management Plan, its Fire Impact Plan, and its Capital Project Plan on an annual basis. He continued that this process has been in place since approximately 1985, and that the Fayette County Planning and Zoning Department spends a considerable amount of time each year preparing the information to submit to the Georgia Department of Community Affairs (DCA). He continued that failure to submit the required plans could result in the County losing potential grant funds that may be available through the state. He explained that Senate Bill 86 and House Bill 260 are designed to eliminate the requirements on local governments to submit the information on an annual basis. He concluded that a number of Commissioners had expressed interest to him concerning this bill, and that some had requested a letter be sent to the County's legislative delegation in Atlanta, however, it was not clear from the emails he received from the Commissioners whether or not the Board would support these bills. He said his goal was to get a consensus from the Board on this matter in order for staff to know how to proceed.

Commissioner Frady commented that he had a spoken about this item at the ARC and that the ARC, which is against the bill, is trying to meet with the GMA and ACCG, who are in favor of the bill, to try to find common ground for all three entities.

Commissioner Brown stated that if you are a lightly populated county in southwest Georgia, and as such you have limited means, and you have to draw plans each year, he could see how the regulations could be a severe problem in terms of cost, and he thought the thrust for this change was coming from the rural southern Georgia counties. He contrasted those counties with those in the metropolitan Atlanta area, and he said the annual planning should be an "absolute requirement" because of issues like transportation, quality of life, and other factors.

Mr. Frisina told the Board that having had to work on planning in Fayette County, and since the County first initiated its first plan in the early 1990s based on the Planning Act of 1989, the state's vision for comprehensive planning was it would be the centralized document for everything the county does, but it has never functioned like that. He said there are aspects of that plan that the county "compiles and turns in to the DCA just to meet the mandates", but the county does not use those documents because it does not function in that fashion. He said the chapter that is normally consulted is the Land Use and Planning chapter, but all the other chapters are almost never used. He said it was his opinion that, while planning should not completely go away, the process needed a "retrofit" because much of what the state asks of Fayette County is just work that is done and then forgotten. He was concerned that the State of Georgia had developed a "one size fits all" plan regardless of a jurisdiction's situation or size, and that it was inflexible and impractical. Discussion followed.

The Board consented to sending a letter to the County's legislative delegation tentatively supporting Senate Bill 86 as long as language is included stating the total abolishing of the statewide planning mechanisms could be dangerous to the Fayette community and that specific reforms be listed.

7. Ms. Kiana Robinson, owner of Kidology Preschool in College Park, would like to request the Board's consideration of amending the Zoning Ordinance related to set-backs and buffers, which would allow her to establish a similar facility in north Fayette County.

Ms. Kiana Robinson, her associate Mr. Farmer, and Director of Community Development Pete Frisina discussed Ms. Robinson's request with the Board. Ms. Robinson told the Board that she desired to bring a preschool to the Fayette community off Westbridge Road, and that the particular location she was considering had been abandoned for several years. She reported that she has spoken to several members of the Westbridge community concerning the property, and those neighbors supported having a preschool at the location. She explained that the problems that she experienced with the property concerned the buffers and the setbacks, and she stated that the property under consideration was across the street from Old Ford Road at a green, two-story building.

Mr. Frisina explained that the property under question really involved two separate properties at the intersection of Old Ford Road and Westbridge Road, and that both of the tracts were legal, non-conforming lots with legal, non-conforming structures and have had legal, non-conforming uses within them. He said there are different types of uses in the County's Zoning Ordinance: permitted uses and conditional uses. He explained that the problem with the lots in question were zoned A-R, which requires five acres, but both properties, if combined, would not compose one acre of property. He further explained that under their current, non-conforming use and status, basically one property had a small general or convenience store at it, and the other building had a car or tire repair business in it. He explained that there was no way the lots could meet the conditional use requirements for a daycare center or preschool, and that the setbacks and buffers could not be met on anything less than a three-acre tract of land. He added that if the Board changed the ordinance in order to accommodate Ms. Robinson then it would have to change the ordinance for the entire county. He concluded that the County does not have a mechanism for a special use.

Commissioner Brown informed Ms. Robinson that he could not support her request since the property was "so far out of compliance", and he suggests that she look at other locations that may be available due to the current real estate market. Chairman Frady replied that he was not in favor of forwarding the request. Commissioner Horgan said he would be concerned if there were underground storage tanks for fuel, oils, and greases since it was an automobile shop, and he recommended looking elsewhere.

The Board consented not to amend the Zoning Ordinance as requested, and to not consider this request at a later date.

8. Director of Community Development Pete Frisina will discuss how the Zoning Ordinance relates the number of animals allowed; and the issue of beekeeping.

Director of Community Development Pete Frisina discussed the Zoning Ordinance that relates to the number of animals allowed, and he also spoke about beekeeping issues that had recently arisen in the County. Mr. Mike Maxwell, a local beekeeper in Fayette County, also spoke to the Board.

Mr. Frisina reported that the first round of amendments to the current Zoning Ordinance had been accomplished on December 9, 2010, and they encompassed issues that the County was trying to find agreement with, but he was asked by the Board to remove the two issues currently under consideration, and to return to the Board to get direction on how the Board wanted staff to address the numbers of permitted animals and, more recently, issues related to beekeeping.

He explained that the current Zoning Ordinance permits a set number of dogs and cats that can be kept on a residential lot, and basically it states that any resident in an R district, be it R-40 or R-20, is limited to three dogs and cats. He continued that in areas zoned as A-R, C-C, C-H, and M-1, where a kennel being the criteria used for everything, including a commercial kennel all the way to someone owning four dogs or four cats. He reported that the initial recommendation was to do away with the limitations on cats and only deal with dogs since "kennels" are more readily associated with dogs than cats. He asked if it was the Board's desire to continue to regulate the number of cats that can be kept in a residential zoning district, and if that is the Board's desire it needs to be stated outright, because kennels need to be dealt with as kennels. He continued that when the issue is pets, the County has seen situations where a person says they have four dogs, and they do not have pens or runs since the dogs are kept in the house, and the County is required to say that the house has to meet the setback. He spoke about surrounding communities and counties, and how they handle the issue, including some that regulate pets based on the nuisance they could cause without regard to the actual numbers of cats or dogs located at a residence.

Commissioner Hearn asked if a person resided in A-R zoning, how many pigs could a person own. Mr. Frisina replied the number of pigs were unregulated. Commissioner Hearn clarified that he could have 40 pigs on his property if he lived in A-R zoning but he would be limited to three dogs if he could not meet the 300-foot setback. Commissioner McCarty asked if he could have unlimited numbers of pigs without the 300-foot setback, and Mr. Frisina replied there were no setback requirements for pigs.

Commissioner Horgan said he agreed with Mr. Frisina, to separate the cats from the dogs in the ordinance. Commissioner Brown added that it was "kind of bizarre" to put cats or dogs in a zoning ordinance, since they should be regulated in their own separate ordinance, but that commercial kennels should be regulated under zoning and there should be dictation concerning what type of zoning classification they should be placed in. He thought classifying someone who lives in a single-family dwelling as having to have a kennel was far-fetched and that language should be removed. He suggested that there be a dog and cat ordinance, and then a commercial kennel ordinance. Commissioner Horgan also favored the City of Fayetteville's approach of regulating pets on a nuisance basis instead of a numerical basis. Commissioner McCarty suggested removing the "noncommercial kennel" language from the current Zoning Ordinance as well. Commissioner Hearn also favored not regulating pets based on their numbers, but rather on their nuisance. Discussion followed.

The Board suggested that the Ordinance should separate requirements placed on dogs from requirements placed on cats. The Board further thought that commercial kennels should be regulated under Zoning, that it was "far-fetched" to required a single-family dwelling to be a kennel, and that the language concerning noncommercial kennels be removed with animals regulated under a dog and cat ordinances. The Board also considered that regulating pets and animals based on a nuisance factor, rather than a numerical factor may be the best approach to consider. The Board also considered removing the term "kennel" from residential zoning.

The Board directed Mr. Frisina to prepare a recommendation that address its suggestions concerning regulating dogs and cats, and to return to the Board at a later date.

The secondary area of concern was about regulations on beekeeping in Fayette County. He explained that the County's ordinance does not mention bees or beekeeping at all, but under Section 5-3, the County looks at uses or classes of uses, and in researching bees and beekeeping, they are regulated by the Department of Agriculture. He explained his thinking that bees are related to agriculture and therefore would be allowed in A-R districts, but would not be allowed in a residential districts since they are not agricultural districts. He said the two situations that drew the County's attention was based on citizens' complaints within residential subdivisions. He acknowledged that beekeeping is becoming a very popular hobby, but that the bees cause problems that generate complaints. He asked the Board for direction on how to address this issue. He informed the Board that one of the complaints involved a resident who told his neighbors that he would put a beehive in his one-acre residential lot so the neighbors called the County; one of whom complained about his son being highly allergic to bees. The second incident involved bees swarming around a person's pool for a good portion of a day.

Commissioner Frady commented that bees were beneficial to the County since they pollinate the plants, and Commissioner Horgan suggested that regulations on beekeeping be determined on the size of a person's property, and not based on the zoning district they reside in.

Mr. Mike Maxwell, a beekeeper in Fayette County, addressed the Board about his understanding of the Zoning Ordinance. He suggested that since beekeeping is not explicitly prohibited from the R-40 zoning. He spoke about why he was cited over his honeybees, and he asked the Board to specify or create an exception for a certain amount of bees. He suggested that the Board conduct a hearing to listen to beekeepers discuss what types of hives would be appropriate for different sized lots. Discussion followed.

Concerning beekeeping, the Board considered regulations could be written based on the size of the beekeeper's property. The Board further suggested creating a committee of local beekeepers, for the committee to include Planning and Zoning staff, and for the committee to study the beekeeping issue with the view of presenting a draft ordinance before the Board.

9. Director of Community Development Pete Frisina will update the Board on the County's requirements to perform a Full Plan Update of the Fayette County Comprehensive Plan.

Director of Community Development Pete Frisina explained and discussed the County's requirements to perform a Full Plan Update of the Fayette County Comprehensive Plan, and he answered questions from the Board.

Mr. Frisina explained that this discussion was the first step in the County's Full Plan Update that had been previously discussed by the Board concerning Senate Bill 86. He explained that the State required a three-step process, and that what was being worked on were the first two steps: namely Community Assessment and the Community Participation Program. He explained that this work had been previously accomplished six years ago and that the County would use the same format since he did not know of anything in the County that has changed so drastically that requires a major change. He told the Board that the Community Participation Program is required by the Georgia Department of Community Affairs (DCA). He told the Board that the County would "really need to have a Steering Committee" comprised no more than ten citizens, and he explained how they would interact with the Stakeholders' Group. He further added that

this plan met the minimally required standards and that the work would be required at the Atlanta Regional Commission (ARC) and the DCA for approval before the County could move to the next step. He also spoke about the Community Assessment section of the plan, and told the Board that there were only certain portions of the plan that currently needed the Board's review, and that most of the plan involved collecting and reporting various aspects of information. He then briefly spoke about "Issues and Opportunities".

Commissioner Brown said he wanted attention to be paid to the amount of SPLOST money to improve the flow of traffic congestion and ways to protect transportation corridors through zoning, as an example by limiting the number of curb cuts and accesses via parcel size, and overlay zones. Mr. Frisina suggested that the County "put something under both the land use and the transportation issues and opportunities that talks about access management plans." Discussion followed, during which time Mr. Frisina also spoke of other possible projects outlines in three other sections of the Comprehensive Plan.

The Board consented to allow staff to perform a Full Plan Update of the Fayette County Comprehensive Plan, to take the update through the Public Hearing process with the Planning Commissioner and the Board of Commissioners, and to eventually submit the "Community Agenda" to the ARC and the DCA for review and approval.

10. Director of Community Development Pete Frisina will ask for direction on how to redesignate remnants of old road right-of-way resulting from the reconfiguration of property that was formerly portions of Huiet and Lester Roads, as related to existing platted properties known as Waterlace and Postal Commons.

Director of Community Development Pete Frisina asked for direction on how to redesignate two remnants of the old road right-of-way resulting from the reconfiguration of property that was formerly portions of Huiet and Lester Roads, as related to existing platted properties known as Waterlace and Postal Commons. He explained that the County is in the process of modifying or revising the final plats in those areas based on exchanges of property the County has made for the roadway. He specified there were two areas that staff "did not have a good feel for" since the County has never been in a situation where it has abandoned roads with other roads being built right next to them. He pointed out section 5-15 of the Zoning Ordinance, and he explained how it could apply to the immediate situation.

County Attorney Scott Bennett gave further explanation, saying the County was "actually planning to abandon it as a remnant and then, once we have abandoned it, then we do a land swap value for value." He continued explaining that Mr. Frisina's issue was "after they take it, it is a void piece of land, he doesn't know what to do with it" concerning either its zonings or setbacks. He added that the problem was complicated further due to the fact that the abandoned roads are so old there are no records showing how their properties were originally zoned to begin with since a typical abandonment would revert to its original zoning.

County Administrator added that another problem was that if the County maintains ownership of the property then where would the right-of-way be measured from. He explained that if the County retained the properties in question, and then measured the right-of-way from the edge of the County's property, the County would "end up with a nonconforming lot or a building that may not be allowed on a particular piece of property." He asked the Board to provide direction since there were a couple of property owners affected by this problem. Discussion followed.

County Attorney Bennett recommended that the County needed to pass a resolution abandoning the properties as right-of-way, and once that occurred the properties would become general county property regardless of how it is defined. He added that once the resolution was passed it would also solve the setback issue since it is no longer right-of-way.

The Board consented to authorize the County Attorney to draft a resolution abandoning the old road right-of-way in order for the areas in question to become general County property, and to place the resolution on the March 10, 2011 Agenda for approval.

ADMINISTRATOR'S REPORT

11. New Hope Baptist Church has contacted the County concerning a site across S.R. 74 South, formerly known as Starr's Mill Baptist Church, but used in recent years as a part of the New Hope South Campus.

County Administrator Jack Krakeel asked for Agenda Item 11 to be discussed in Executive Session as Real Estate Acquisition.

EXECUTIVE SESSION

Commissioner Horgan moved to recess into Executive Session to discuss Agenda Item 11 as Real Estate Acquisition. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 6:34 p.m. and returned to Official Workshop Session at 6:42 p.m.

COMMISSIONERS' REPORTS

Commissioner Steve Brown: Commissioner Brown spoke about three different instances where the dog park in Peachtree City has had dogs "dumped" on the site that people have picked up on the sides of the roads because the County's Animal Shelter cannot accept them on weekends. He said the problem being experienced at the dog park is that they cannot accept the liability for the dog at the park. He suggested for a system to be established utilizing local police or some other agency so that a dog can be taken to a designated place during the weekend.

County Administrator Jack Krakeel replied that he would be glad to look into the issue.

ADJOURNMENT:

Commissioner Horgan moved to adjourn the February 24, 2011 Board of Commissioners meeting. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously. The Board adjourned its March 2, 2011 Workshop Meeting at 6:47 p.m.

Floyd L. Jones, Deputy Clerk

Herbert E. Frady, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 24th day of March 2011.

Floyd L. Jones, Deputy Clerk