Minutes

Board of Commissioners
November 7, 2012
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 Official Session on November 7, 2012 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 Floyd Jones, County Clerk

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Call to Order.

Chairman Frady called November 7, 2012 Board of Commissioners Workshop meeting to order at 3:31 p.m.

Acceptance of Agenda.

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

OLD BUSINESS:

1. Appointment of members to the Ethics Board.

County Attorney Scott Bennett informed the Board that the last time the Board selected a committee, Jack Smith was the Chairman of the Board. He said at that time there was a process where the Board would nominate people for each post, and then staff would pass out sheets of paper for each Commissioner to circle whom they wanted to serve in each position. Chairman Frady suggested that each Commissioner should pick a name and what post the person should serve in, and whoever gets the most votes wins. Discussion followed on how to best nominate and vote on appointments to the various posts on the Ethics Board. Commissioner Brown said he appreciated Mayor Langford's willingness to serve on the Ethics Board, but he suggested that

there probably should not be an elected official on the Ethics Board since it would essentially have people engaged in the County's politics engaged on the Ethics Board. He said that the mayor's appointment would not be kosher for what was being done with the Ethics Board. He said any of the other candidates would be fine, but he was not sure the County wanted someone who is engaged in local county politics and in a political position on the Ethics Board. County Attorney Scott Bennett replied that there is nothing illegal about having the mayor on the Ethics Board, so it would essentially be a policy matter for the Board, and that he did not have an opinion about the issue since the Board could pick whomever it wanted. Chairman Frady said he did not have a problem with the mayor since he knew the mayor to be an honest person who would do what he thought was right.

Three-Year Appointment to the Ethics Board: Commissioner Hearn nominated Mr. Dan Langford to serve for three years on the Ethics Board. Commissioner Brown nominated Ms. Larris Marks to the three-year post on the Ethics Board. No other nominations were submitted and Chairman Frady called for a vote on the nominations. The nomination to appoint Mr. Dan Langford to serve for three years on the Ethics Board passed 3-2 with Commissioners Brown and McCarty voting in opposition. Ms. Marks' nomination failed by default.

Two-Year Appointment to the Ethics Board: Commissioner Hearn nominated Ms. Sheila Huddleston to serve for two years on the Ethics Board. Commissioner Brown nominated Ms. Pota Coston to the two-year post on the Ethics Board. No other nominations were submitted and Chairman Frady called for a vote on the nominations. The nomination to appoint Ms. Sheila Huddleston to serve for two years on the Ethics Board passed 3-2 with Commissioners Brown and McCarty voting in opposition. Ms. Coston's nomination failed by default.

One-Year Appointment to the Ethics Board: Commissioner Hearn nominated Mr. Scott Rowland to serve for one year on the Ethics Board. Commissioner Brown nominated Ms. Larris Marks to the one-year post on the Ethics Board. No other nominations were submitted and Chairman Frady called for a vote on the nominations. The nomination to appoint Mr. Scott Rowland to serve for one year on Ethics Board passed 3-2 with Commissioners Brown and McCarty voting in opposition. Ms. Marks' nomination failed by default.

Three-Year Alternate Appointment to the Ethics Board: Commissioner Hearn nominated Ms. Larris Marks to serve as an alternate member on the Ethics Board with said appointment to run concurrent with the three-year appointment. No other nominations were submitted and Chairman Frady called for a vote on the nomination. The nomination to appoint Ms. Larris Marks as the three-year alternate member to the Ethics Board passed unanimously.

Two-Year Alternate Appointment to the Ethics Board: Commissioner Brown nominated Ms. Pota E. Coston to serve as an alternate member on the Ethics Board with said appointment to run concurrent with the two-year appointment. No other nominations were submitted and Chairman Frady called for a vote on the nomination. The nomination to appoint Ms. Pota E. Coston as the two-year alternate member to the Ethics Board passed unanimously.

The Board directed the County Marshal to conduct background checks on each of the appointees and to report any problems discovered with the appointees to the Board. The Board further directed that County Clerk Floyd Jones should arrange a meeting of the Ethics Board by November 9, 2012, and should distribute the Ethics complaint to the Ethics Board once the background checks are complete. It was noted that the Ethics Board would have to meet by November 9, 2012 for an organizational meeting, to determine its next steps, and to actually receive the Ethics complaint. He explained that Ethics complaints come to the County Clerk, and the Clerk will then distribute the Ethics complaints to the members for scheduling and to take action. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.

2. Discussion of proposed amendments to Fayette County Code, Chapter 8, Development Regulations, Article VI, Tree Retention, Protection and Replacement.

Stormwater Management Director Vanessa Birrell stated that the proposed amendments were housekeeping items. She continued that the Board approved the Ordinance last March, however, staff needed to add a more detailed variance section to the ordinance after it ran into a couple of items where it needed more details on the variance process. She said the proposed amendments are in accordance with other development regulations. Commissioner Brown said he had no problems with the proposed amendments. Chairman Frady agreed. Ms. Birrell stated she would place the proposed amendments on the next Consent Agenda for a formal vote.

The Board directed that the proposed amendments be placed on the November 15, 2012 Consent Agenda for a vote. The Board took no formal action with this request. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

NEW BUSINESS:

1. Mrs. Elizabeth Whitlock requests the Board's consideration to amend Fayette County's Zoning Ordinance as it relates to pet grooming in the O-I (Office-Institutional) Zoning District.

Zoning Director Dennis Dutton briefly explained that Ms. Elizabeth Whitlock called him a few weeks ago saying she had a potential tenant for a building she owns at the intersection of Georgia Highway 54 and Sumner Road. He said she asked if pet grooming would be allowed at the location since it was zoned O-I. He then asked Ms. Whitlock to explain her case.

Ms. Whitlock passed photographs of the location in question to each of the Board members and to the County Clerk, and she said her request to allow pet grooming into O-I zoned properties was reasonable and appropriate since the area is already approved for veterinarians. Ms. Whitlock said Ms. Theresa Franks had accompanied her to the meeting that Ms. Franks has operated a successful pet grooming business in Peachtree City in one location for the last eight years. She said in Peachtree City, pet salons and dog groomers and similar operations are approved for O-I zoning. She said she was recently approached by two other businesses which have far more traffic and will have much more of a presence in that location than the groomers will. She felt that the pet salon is in keeping with the spirit of the ordinance that protects the corridor. She said the business would be quiet that there would not be a lot of traffic, and that the pictures also show the interior of Ms. Frank's current operation. She stated that nonetheless, she would rather lease to the pet groomers based on what she knows about their business. She asked the Board to consider adding pet salons to the approved businesses along the corridor.

Commissioner Brown asked what current zoning allows for pet grooming at this time. Mr. Dutton replied that Fayette County does not have pet grooming specified, but that they have been allowed into retail establishments. Commissioner Brown clarified if the pet grooming business wanted to move into the Publix Shopping Center then they could move in per the ordinance. Mr. Dutton replied that they would be able to move into the Publix Shopping Center.

Chairman Frady asked Mr. Dutton if he had any comments or suggestions on the request. Mr. Dutton replied that he did not have any comments other than if the Board decided to allow for pet grooming in O-I then there would have to be a change to the Zoning Ordinance.

Commissioner Hearn noted that if veterinary clinics could be allowed in the zoning district then pet grooming businesses could too since they have similarities. He said he was not a veterinary expert, but he did not have a problem with going forward to include pet grooming in O-I since it made good sense. Chairman Frady agreed with Commissioner Hearn. Commissioner Horgan added that while growing up in Fayette County his parents had two pet shops, and he agreed that allowing pet grooming in O-I was not a nuisance. He said the pet groomers are not boarding dogs since usually people pick their pets up that afternoon. He thought there was no problem at all.

Commissioner Brown noted that veterinary clinics are allowed under certain conditions, and he asked what the downside would be to changing the ordinance, before suggesting that if the whole ordinance was changed then the County might have a business park with really nice offices for white collar jobs with the possibility of a pet grooming facility in the middle of all that. He asked how that would work with the uses and what would the downside be to amending the ordinance to allow for pet grooming services. Mr. Dutton replied that the downside would be if you open up an O-I for too much development, then the intention was to have either an office-institutional such as medical, office uses, anything of a low-impact, basically as a transitional zone next to residential areas. He said that in this area, the County actually has C-C and C-H zoning districts on the same side of the street. He said the answer depends on whether the Board wants to look at institutional uses as a service industry, and how does it indicate if it wants animals. Mr. Dutton said he did not know if he had a total objection to that, but in some places it could affect the character of the County since it could affect retail business. He said he has seen pet grooming in other zoning districts where it is allowed.

Commissioner Brown said that with that facility under consideration, since it is a stand-alone unit, there would probably be no problems, but he questioned if it were an office park under discussion if pet grooming could be allowed in that office park. He said the reason he asked that question was because in Peachtree City, the county had aircraft hangars near the airport that would be used for aviation, but there was a gymnastics studio in one aircraft hangar and other uses in other hangars. He said it killed the businesses and the momentum it was carrying. He asked how that would be dealt with. Mr. Dutton replied that the answer really depended on how tight of a line the Board wanted to make the Zoning Ordinance. He said one issue the County is already facing in the O-I zoning district are dance studios since they involve heavy traffic. He said it was hard for him to say certain uses cannot be allowed since some uses have already been allowed under conditional uses. He said other uses would also have to be considered for inclusion to the O-I such as nail salons and other uses.

The Board agreed to send the issue forward for further consideration.

Commissioner Brown noted that the County allows the beauty salons if they are in office parks with more than 100,000 square feet. He asked if a precedent would be set if it allowed for a pet groomer in a smaller building. Commissioner Hearn replied that he did not believe the Board could come up with rules that work with everything, and he felt that the County should use good common sense and when it comes up it is dealt with. Commissioner Brown asked County Attorney Bennett at which point is the code being nullified once a number of exceptions are made. Mr. Bennett replied that he was not sure about the nullification, but it was really a judgment call on what the Board would allow, and if it is compatible. He said the purpose of zoning is to get compatible businesses together. He continued that the County has a zoning classification that allows it, and that there are other properties nearby that are C-C around there. He said that it seemed to him that the Board was considering changing a bunch of properties in the County to accommodate one piece of property in the County, and he asked if that was the way the Board wanted to effectuate its zoning ordinance. He said if the County is going to change the zoning ordinance to allow the type of business in an O-I, then the Board will have to look at every property zoned O-I and the impact of those businesses. He suggested that maintaining the Zoning Ordinance's integrity would require a lot of research and study as well as consideration on how the county ended up with the zoning ordinance that it has in each district. Commissioner Hearn repeated that the

county is already allowing veterinary clinics in O-I and he scoffed at the idea that a pet groomer would have more of an impact on an office park than a veterinary clinic. He said the grooming facility would probably have healthy dogs and a veterinary clinic would likely have some dogs that are not so healthy.

Chairman Frady pointed out that four of the Commissioners had decided to send the issue forward.

County Attorney Bennett suggested that as part of moving the issue forward is to have staff prepare an analytical report with recommendations on what it considers is best for the zoning ordinance, but added the study would take time. He said the expedient and the short-path to the issue would be to rezone the property, but the long term path may be to look at the issue as a change. He said he just did not know how fast staff would be prepared with a recommendation that is going to having bearing on properties throughout Fayette County. He said if the Board considered making amendments to the zoning ordinance based on one case study or one piece of property then it might as well allow everything into every district since there will be exceptions everywhere. He said it is part of smart zoning ordinances that staff is allowed to conduct a thorough review of the county, to not make a recommendation on a single parcel, but to make recommendations on the county's structure as a whole.

Commissioner Horgan asked if it made a difference if the building under consideration is a stand-alone building whereas the other considerations involved office complexes. He noted that veterinarians typically work in stand-alone buildings and that he has never really found them to be in an office complex. He suggested that it makes sense for the pet grooming business to be in Ms. Whitlock's building, and he agreed with Commissioner Brown that an office complex with attorneys and doctors would not be conducive with a pet grooming business. Commissioner Brown agreed that reviewing stand-alone buildings versus attached buildings or business parks should be considered. Mr. Bennett replied that the way the zoning is structured now is that there are certain allowances in general office uses, there are certain allowances in a big retail strip center, and then there are conditional uses. He said the County has already subdivided its O-I, and that it would not likely be a far stretch to create a third category that lists stand-alone businesses, especially businesses with a good amount of traffic.

Ms. Whitlock stated that Ms. Franks was looking to lease the property, and that she did pet grooming in a veterinarian office down the street in the same zoning, so the activity was going on.

The Board agreed to move forward with a study on the issue and to pay close attention to stand-alone buildings

The Board directed staff to provide an analytical report with recommendations on the impact of allowing pet grooming in Fayette County's Zoning Ordinance. The Board further directed that the reports take into consideration the impact of allowing stand-alone buildings for pet grooming and similar-type businesses. The Board took no formal action with this request. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

2. Discussion of the Floodplain Management Program and recent Class 6 recertification through the National Floodplain Insurance Program Customer Rating System.

Stormwater Management Director Vanessa Birrell informed the Board that during the last couple of months Fayette County received its Class 6 recertification through the Community Rating System program. She spoke of its importance, and she shared information about the Floodplain Management Program and the Community Rating System program. She explained that the National Floodplain Insurance Program is supported by three

smaller programs, namely the Floodplain Management, Flood Insurance, and Hazard Identification programs, and she briefly explained all three of the smaller programs. Ms. Birrell then answered questions from the Board.

Commissioner Hearn noted that the whole purpose of the Floodplain Management program was to protect the public, and that it was a good program since it keeps people out of major problems. Ms. Birrell stressed that Fayette County is way ahead of many other counties in this area because of its Watershed Protection Ordinance which was required by the Environmental Protection Division when Lake Horton was designed. She stated that there are no repetitive losses in Fayette County unlike Gwinnett County and some of the other larger, more developed counties in the Atlanta area since Fayette County does not allow development near floodplains.

Commissioner Brown noted that Fayette County is rated "six" because it meets certain relevant criteria above the federal minimum and he noted there are additional monetary savings at the rating of "five." He asked what would it take to move from a rating of six to a rating of five, and he asked if it was a goal or if it was something the federal government assigns. Ms. Birrell replied that to achieve a five rating could be a goal, but it would cost money. She said the County is doing "the paper chase" in submitting the information and making it available, and that Fayette County is not doing anything more than what is mandated to do by the state. She said many of the counties do not go through the process of making sure they are taking credit for all the credits they can, and in 2008, Fayette County realized that it was not taking credit for processes that were already in place. She said this work does not cost Fayette County any money but it does create considerable savings. She noted that the savings between a class seven rating to a class six rating is substantial, but it is only about a $4,000 savings moving to a class five rating. She noted that there is only one other community in the state of Georgia with a rating of five, and that was the City of Griffin. She said she did not consider it a goal to move from a class six to a class five rating.

The Board gave no direction and took no formal action with this request. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

3. Discussion of appointing two members to the Public Facilities Authority.

Interim County Administrator Jack Krakeel informed the Board of two vacancies to the Public Facilities Authority, of the requirements that must be met by each appointee, and of the functions of the Public Facilities Authority. He explained that the only time the Public Facilities Authority will meet would be in an instance of issuing bonds for the construction of some Public Facility. He said unless there is a new structure or a new initiative, he did not know that there would be a need for the Authority to meet, however, the County's ordinance requires the appointment of three members to sit on the Board. He said there are state requirements with respect to training for members of the Public Facilities Authority that have to be accomplished by the first year of their appointment. He said there are also reporting requirements to the state on an annual basis with respect to these bodies, so the Board needed to make decisions regarding whom they want to appoint to the two vacated terms.

The Board agreed to provide nominees for the Public Facilities Authority for the November 15, 2012 meeting. The Board took no formal action with this request. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.

4. Discussion of an appointment to the Region Six Mental Health Regional Planning Board.

Commissioner Horgan nominated Ms. Jackie Begg to fill the vacancy at the Region Six Mental Health Regional Planning Board, but it was pointed out that Ms. Begg had already been appointed at a previous meeting. The Board then inquired about the person who called about the vacancy. County Clerk Floyd Jones informed the Board that Ms. Pam McKenzie Rumble contacted the county inquiring about the position, but that he did not have any information about her.

The Board agreed to provide nominees for the Region Six Mental Health Regional Planning Board for the November 15, 2012 meeting. The Board took no formal action with this request. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.

5. Update on current SPLOST projects in Fayette County.

Public Works Director Phil Mallon updated the Board on current SPLOST projects in Fayette County, and he answered questions from the Board. The Board took no formal action with this request. A copy of Mr. Mallon's Transportation SPLOST Update notes, identified as "Attachment 6", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORTS:

There was no Administrator's Report.

ATTORNEY'S REPORTS:

County Attorney Scott Bennett reported that litigation needed to be discussed in Executive Session. No other Attorney's report was provided.

COMMISSIONERS REPORTS:

There were no Commissioners Reports.

EXECUTIVE SESSION:

Litigation: Commissioner Hearn moved to recess into Executive Session to discuss litigation. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners recessed into Executive Session at 4:38 p.m. and returned to Official Session at 4:59 p.m.

Executive Session Affidavit: Chairman Frady asked for the record to show that one legal item was discussed in Executive Session and that the Board provided direction to the County Attorney. Commissioner Hearn moved to authorize the Chairman to sign an Executive Session Affidavit stating litigation had been discussed in Executive Session. Commissioner Brown seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 7", follows these minutes and is made an official part hereof.

ADJOURNMENT:

Commissioner Brown moved to adjourn the November 7, 2012 Workshop Meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners adjourned the November 7, 2012 Workshop Meeting at 5:00 p.m.

Floyd L. Jones, County Clerk

Herbert Frady, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 13th day of December 2012.

Floyd L. Jones, County Clerk