Minutes

Board of Commissioners
August 9, 2012
7:00 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 August 9, 2012 at 7:00 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, Interim County Administrator Scott Bennett, County Attorney Floyd Jones, County Clerk

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Call to Order, Invocation and Pledge of Allegiance.

Chairman Frady called the August 9, 2012 Board of Commissioners' meeting to order at 7:01 p.m. Commissioner Hearn offered the Invocation and led the Audience in the Pledge of Allegiance.

Acceptance of Agenda.

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

PUBLIC COMMENT:

Randy Ognio: Mr. Randy Ognio thanked the staff who "put together" Consent Agenda Item 5. He said it was well put together, got the account numbers, shows where the money is coming from and going to, and that was something he looked forward to seeing on all of the agenda items in the future.

CONSENT AGENDA:

Commissioner McCarty moved to accept Consent Agenda Items 1-6. Commissioners Hearn and Brown seconded the motion. No discussion followed. The motion passed unanimously.

1. **Approval of the Sheriff's Office request to amend the Fiscal Year 2012 Overtime Budget for the Criminal Investigations Division by $637.39 for reimbursement for employees assigned to work with various federal agencies. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.**

2. **Approval of the Sheriff's Office request to amend the Fiscal Year 2013 Overtime Budget for the Criminal Investigations Division by $1,035.89 for reimbursement for employees assigned to work with various federal agencies. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.**

3. **Approval of staff's request to submit an application to the Georgia Emergency Management Agency (GEMA) for a 2012 Emergency Management Performance Grant, in the amount of $17,848.00, for the purchase and installation of a weather warning siren, and to authorize the Chairman to sign the application and related documents contingent upon the County Attorney's review. A copy of the request and grant application, identified as "Attachment 3", follows these minutes and is made an official part hereof.**

4. **Approval of staff's request to submit an application to Coweta-Fayette Trust, Inc. for a Coweta-Fayette EMC Operation Round Up Grant, in the amount of $2,007.83, for the purchase of a mobile sound system, and authorization for the Chairman to sign the application and any related documents contingent upon the County Attorney's review. A copy of the request and grant application, identified as "Attachment 4", follows these minutes and is made an official part hereof.**

5. **Approval of staff's request to transfer $1,480.00 from the Warning Siren- Safety Equipment CIP Account to the Public Safety- Operating Equipment Service Account for the purchase and installation of batteries for four weather warning sirens. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.**

6. **Approval of the July 26, 2012 Board of Commissioners' Minutes.**

<u>OLD BUSINESS:</u>

1. **Consideration of staff's recommendation to transmit a request to the Atlanta Regional Commission to reallocate PLAN 2040 federal funds from the West Fayetteville Bypass, Phase 3 (FA-235C) to the East Fayetteville Bypass (FA-236A and FA-236B).**

   [The following is a full transcript of the discussion of this agenda item, as requested by Commissioner Steve Brown. This transcript begins at 7:03:47 of the recording.]

   Chairman Herb Frady: Under Old Business, consideration of staff's recommendation to transmit a request to the Atlanta Regional Commission to reallocate PLAN 2040 federal funds from the West Fayetteville Bypass, Phase 3 (FA-235C) to the East Fayetteville Bypass. Mr. Mallon?

   Public Works Director Phil Mallon: Good evening. I'll say with that complement that it's kind of thrown the gauntlet down for the rest of us preparing agenda requests (laughter). {Mr. Mallon distributes paper documents to the Board, Interim County Administrator Jack Krakeel, and County Clerk Floyd Jones.} This is a follow-up to discussion we have had. (Pause) This is a follow-up to a discussion that was started, I think; at least twice

we've talked about it. And the issue is, how to address the potential insufficient funding for these bypass. I've met with each of you individually, and there seemed to be a lot of interest in taking the $12.8 million that is currently programmed long-range for Phase Three of the West Bypass and moving it to the East. I was, at one point, thinking we needed to have some action by the Board in July. It turns out ARC plans have been completely delayed or rescheduled because of failure of the TIA as well as passage of these federal legislation. So right now, there is no rush at all to do this. ARC would appreciate our input at any time, but it is unlikely they would make major changes to the plan, which this would be part of until spring or possibly even next summer, [but again] months before all that is finalized. Nonetheless, if you'll allow me, I would like to present what I have, and then y'all can decide if you want to take action tonight or if we just want to put it on the shelf and bring it back at an appropriate time. The three pages I handed to you are to kind of just set the stage to be certain we all are looking at this the same way. The first page, with the title "Existing PLAN 2040" up top, is just a rewrite of what you would see if you went to the ARC's PLAN 2040 today. It shows $7 million of federal funding in year 2015 for Phase One. It has $5.92 million long-range for Phase Two in construction. And all the design and right-of-way and utilities borne by the County. Page Two, what I titled "Pending PLAN 2040" reflects where I think we're really at today. The difference between page one and page two is, I have to send in updates to ARC periodically to revise things as our schedule and scope gets refined. Depending on the type of change, they can either make them with their quarterly updates or sometimes I have to wait for a larger change, so there is a handful of comments I sent to ARC that had been in the queue, in some cases for months now, and I will get to them when they make that major update. But this reflects where we really should be. What it shows is a total project cost for Phase One of $34.8 million. Total project cost for Phase Two of $13. 4 million. I want to stress to the Board and the public for the record that, keep in mind, as of today, we still don't have an official alignment that's been accepted by FHWA. And I know the Board has a preferred alignment, but the alignment hasn't been set, even the design criteria is still preliminary, so these numbers, I can't stress how preliminary they are at this point.

Commissioner Steve Brown: Sure . . .

Mallon: So, that, they will change. What this shows, though, is of the total project cost, the County's bearing the vast majority of it. We would be paying for nearly $28 million out of the $34.8 of Phase One, and over half of the $13.4 of Phase Two. So, one option is to take, and now I'm going to page three, or what I'm calling the "Option for Future Plan 2040". It's to take the $12.8 million out of the West Bypass Phase Three, that's long-range money, meaning it's sometime after 2018, there no really saying for certain when. And to move that money, all $12.8 of it into the construction for Phase One. That's the phase the currently has some TIP money available to it. And what I'm suggesting is we take that TIP money, and the TIP money means, it's a, it's programmed in the next few years. It's more real than the long-range money. I'm suggesting we take that $7 million that's currently in construction and ask that it be reallocated to right-of-way in a traditional 80(%)-20(%) split, and then there would be a small remainder of about $600,000, for now, we'd say we will use that for utilities. In reality, our right-of-way costs may go up or down, so that number may evaporate, or it may grow. One drawback to doing this, is it takes the schedule for construction for Phase One, which currently we're showing at 2017, and it moves it into that 2018 or beyond timeframe. And we don't have a lot of control over when that money would truly be available to us. However, it seems to me, and ARC staff kind of agrees, if you project is ready, if we reach 2017 and we have the design done, right-of-ways acquired, you stand a good chance of getting that money at that point. They reward those who deliver. So, there is a potential delay in construction, but the good news here, with this increase in federal funding, it would reduce the County's total cost of the two phases to just under or around $23 million, which currently could be funded with our available SPLOST dollars. I went over that kind of quick. Do you understand the general suggestion, I guess? And then, I'm open for comments or questions.

Commissioner Lee Hearn: Phil is, (interrupted), I'm sorry go ahead. In terms of the negatives of doing this, I mean, what are the negatives. I mean, the negatives, as I understand it, would be, any improvements we make on the Phase Three of the West Fayetteville Bypass would, including the bridge, would be with SPLOST funds.

Mallon: Well, I think the bridge could be treated differently. The bridge, and we are talking about Ebenezer Church Bridge over Whitewater, that is a separate program in the, in PLAN 2040. So I think we could, essentially, eliminate Phase Three from the RTP, but ask that the bridge project stay as is. So I think we could keep that project in there, but you're right on, we are, kind of eliminating any chance of federal aid for Phase Three.

Hearn: But with, and I understand staff hadn't had an opportunity at this point to come up with a cost estimate for the scale-down version of the, of this Phase Three, which would include an intersection improvements and some turn lanes and that sort of thing. Not massive realignments and that sort of thing. So, I mean, are there other negatives to this. I mean would this tend to push out the Phase One of the East Fayetteville Bypass if we piggybacked with this federal money. But I mean we are already kind of programmed to go that way anyway, aren't we?

Mallon: Well, it does push it out, as I said, but the draw, the other side to look at that is if you don't do something, it may be delayed because of lack of funding.

Hearn: Right . . .

Mallon: You know as the Board, whether it's this Board or whatever Board is sitting here in 2018, going to be willing to start a project that they can't, don't have enough money to finish. So, to me, it's a drawback of a loss of a year, possibly two in construction. But more importantly, if we can get that right-of-way acquired using some federal aid, to me, that's a big win. We've had this federal aid money sitting out on the horizon for a lot of years now. It would be nice to actually get some of it and use it since we've been going through the federal process.

Hearn: One thing too, if the right-of-way is purchased, and it's ours, we'll build that road at some point in time. It may not be this Board, but at some point in time that road will get built. If we don't ever buy that right-of-way, then the chances, I mean, it will be up to the next group or the next one or the next to make that determination, so I think it's a good approach, Phil.

Commissioner Robert Horgan: Phil, what is the $12.8 million. Would that complete Phase Three of the West Fayetteville Bypass?

Mallon: It all depends what, what the scope of Phase Three is. The alignment that the Board approved, boy I just put all this together in an email this morning, and I'm so bad with dates. But I think that they approved in December 2009, does that sound right? That cost estimate was right around $12 million. But it did not take into account, it was really what I'll say, what the County, what the locals wanted to do. If you use that $12 million of federal, suddenly you have to meet all the federal requirements. And the starting in any point of the project may change; they may insist we do certain widening that we don't think is necessary. So, I guess what I'm asking, or my answer to you is we had an estimate of about $12 million to complete that project without federal fundings. If we kept the federal funding, the scope has the potential to increase on us.

Horgan: And then the other things that concern me on the East Fayetteville part is one, it never comes up in any conversations on the cost is the wetlands that might have to be dealt with, as well as a golf course. And, I understand, you know, we just possibly have a plan that just cuts right through a golf course, but, you know, we don't know if that's the case. You know, you may have to, ending to have to buy a complete golf course or whatever, and those are some numbers that, you know, I can only imagine how much that is. So, soon as we move this money into a project where we are going to run into a bunch of different dead-ends, you know, through wetlands, and golf courses, and where, you know, we have the money right now that could complete West Fayetteville Bypass.

Mallon: Just in response, the right-of-way estimates are based on a parcel-by-parcel basis at this point. We assumed a certain value for a nonresidential use associated with the golf course, and we put in a certain amount, we called it cost to cure, but it definitely requires more analysis, probably beyond staff's experience to determine really what that cost would be. So, it is a big unknown that could sway these numbers a little bit.

Chairman Herb Frady: Well, I was thinking that a, with a scaled-down version of the Phase Three, that I don't have a problem with moving the federal funds over to the East Bypass. But, after scaling that down, I think there were some estimates that for it, you could probably finish that with the bridge from between $5 and $7 million. Is that something you worked on? Lee was alluding to that a little while ago.

Mallon: Yes, the scaled-down version, we could really design it to whatever budget the Board sets. There's a three or four intersections that could be improved, you have the bridge, do we keep it as part of the project, or do you keep it as a stand-alone federal aid project. So, I do not have a cost estimate for exactly what that would be, because it's a matter of, we could almost make it as large or as small . . .

Frady: I would like to see us do that, cause use existing roads and just improve intersections. And even if it takes roundabouts, something like that. I would like to see that happen, and if you want to move the federal funds over to the East Bypass that's fine. But I think we we'd have enough in our SPLOST to finish the south part. At least we'd get one of the roads finished. And buy property for the other one.

Mallon: Well, I, truth, I just hear different guidance on Phase Three of the West. I just need a . . .

Frady: Well, I'd like to make a motion . . .

Mallon: You give me a majority from the Board and I'll get it done.

Frady: I'd like to make a motion to do that if it's in order to do so . . .

Brown: Well, I don't particularly want to do the Phase Three of the West Fayetteville Bypass. I've made that pretty clear. The bridge, I think, we could do the bridge. Like you said, it's already programmed individually. I am astounded by the sheer lack of funding that we, Fayette County has allotted in the regional TIP anyway, so I think we ought to be pounding the table over at ARC asking where's our share of those funds, because, if you look at what the other counties are getting in the TIP and you look at what Fayette County is getting in the TIP, there is no comparison. I mean, we are just getting whitewashed on this thing. So, I think we could get that bridge money really, really quick. I think, you know, if you're looking at the East Fayetteville Bypass, you better buy that right-of-way as soon as you can. We've got money in that fund, and it would behoove us to buy the right-of-way, because you are never going to find real estate prices as low as you are going to find them today. And the market is starting to tighten up a little bit, the housing market, and you've gotta pray that

things are eventually going to get better. So, those market rates are going to go up. But, in terms of right-of-way, you are never going to find a better market than what you've got right now. So, I would take every dime we have in that SPLOST, before they dedicate it for the West Fayetteville Bypass Phase Three, and I would start looking at right-of-way purchases, and secure some of that property at record low rates.

Mallon: The problem with that is, as long as we stay in the federal program, we can't even talk to people about right-of-way until we reach a hurdle that we are really over a year away from still.

Hearn: Phil, I would make a motion, or Chairman, I would make a motion that we reallocate the federal funds from the West Fayetteville Bypass to the East Fayetteville Bypass.

Frady: What about the (indecipherable) . . .

Hearn: About Phase Three, I would say that we take the federal funds from Phase Three and reallocate them to the East Fayetteville Bypass.

Mallon: If I could, for point of clarity, we obviously can't do that at the local level, it will be a request that I make of ARC to get them and GDOT to buy into.

Frady: But you can make a motion to do a study down there to see what it costs to do Phase Three with roundabouts and what have you.

Hearn: Well, I would amend my motion to, you know, I think it would be appropriate, Phil, if staff would come up with a revised estimate for Phase Three of the Bypass with intersection improvements and kind of a scaled-down version like we've talked about several times.

Frady: I second that, oh . . .

Hearn: And, as part of that, you know, I guess at that time, we could decide whether to reallocate the funds over to the East Fayetteville Bypass once we see those, what those dollars are for the scaled-down version. Because we don't necessarily have to do that tonight.

Frady: So you motion would be that we would . . .

Hearn: Direct staff to come up with a estimate . . .

Frady: Local option sales tax rather than federal funds . . .

Hearn: Yes.

Mallon: And is that something you would, uh, for us to do in-house, or hire a consultant to do?

Hearn: In terms of an estimate, Phil, I, I mean, with an estimate that we've got for some of the work at on the West Fayetteville Bypass, on Phase Two, I believe, perhaps, some of that could be pretty applicable, apples with apples sort of thing. And, I just assume get the staff to do that.

Mallon: Yeah, I'm comfortable with staff doing it, I didn't know if the Board had a preference. A consultant would be faster, but not necessarily after you go through the bidding element.

Hearn: So I guess there is two parts to my motion. One, is I would ask staff to come up with an estimate on scaled-down version of the Phase Three of the West Fayetteville Bypass. And part two of that motion would be that we would go ahead and authorize staff to submit the necessary paperwork at ARC on reallocating the funding for the West Fayetteville Bypass Phase Three- federal dollars to the East Fayetteville Bypass.

Frady: Second.

Hearn: Is that clear?

Frady: Is that straight enough for you?

Mallon: Yes.

Frady: I made a motion, seconded it. Any comments?

Brown: If I could.

Frady: You certainly may.

Brown: I just don't think we should be pursuing more of the West Fayetteville Bypass, a road the people have made ultimately clear they just don't want to pursue. And, we are doing it, still, and I think those monies could be better used in many other ways.

Frady: Anything else?

Commissioner Allen McCarty: Well, I want to be sure that we don't count the cost of that bridge in there since you mentioned that we had other ways of taking care of that bridge. So that should not count into part of the cost of doing the West Fayetteville Bypass Phase Three.

Mallon: Yeah, I will keep that as a separate project.

McCarty: And, frankly, it wouldn't hurt me if we put all the bypasses on hold for a year or two until the economy got better.

Frady: Is there any more comments? All in favor signify by saying "Aye". *(Chairman Frady, Commissioner Horgan, and Commissioner Hearn voted in favor of the motion by saying "Aye").* Those opposed likewise. *(Commissioner Brown and Commissioner McCarty voted in opposition to the motion by saying "Nay".)*

Mallon: Okay, thank you.

Frady: You got your instructions.

Mallon: Yes, sir.

Frady: Alright, thanks.

Horgan: Thank you.

Hearn: Thank you, Phil.

[This transcript ends at 7:23:20 of the recording.]

Commissioner Hearn moved to direct staff to prepare a cost estimate for a scaled-down version of Phase III of the West Fayetteville Bypass and to authorize staff to submit the necessary paperwork to the Atlanta Regional Commission (ARC) reallocating federal funding for the West Fayetteville Bypass– Phase III to the East Fayetteville Bypass– Phase I. Chairman Frady seconded the motion. Discussion followed. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition. A copy of the request, 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:

There was no Attorney's Report.

COMMISSIONERS' REPORTS:

Commissioner Lee Hearn: Commissioner Hearn commented on recent allegations from Commissioner Brown, and he asked the people to make a decision on the veracity of those allegations.

Commissioner Allen McCarty: Commissioner McCarty said he had no comment other than he though the Commissioners were not supposed to talk about each other during the Commissioners' Reports.

Commissioner Steve Brown: Commissioner Brown responded to Commissioner Hearn's comments. He also spoke about Georgia House Bill 1200 and Georgia Senate Bill 474 by saying those bills call for all ten counties in the Atlanta Regional Commission to be involved in a regional transit system under regional transit governance.

Chairman Herb Frady: Chairman Frady replied to Commissioner Brown's comments, and he insisted that buses and transit would not come to Fayette County unless the people voted for it.

EXECUTIVE SESSION:

There was no Executive Session.

ADJOURNMENT:

Commissioner Hearn moved to adjourn the August 9, 2012 Board of Commissioners meeting. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners' adjourned their August 9, 2012 meeting at 7:39 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 23rd day of August 2012.

Floyd L. Jones, County Clerk