Minutes

Board of Commissioners
April 4, 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 Wednesday, April 4, 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 Karen Morley, Chief Deputy Clerk

---

Chairman Frady called the meeting to order.

Acceptance of Agenda: Commissioner Brown made a motion to approve the agenda as presented. Commissioner Horgan seconded the motion. The motion carried 5-0.

Presentation:

1. **Presentation by the Atlanta Regional Commission staff regarding the Transportation Investment Act:**

Director of Public Works Phil Mallon introduced Cain Williamson of the Atlanta Regional Commission who presented a power point presentation for educational purposes regarding the Transportation Investment Act and the referendum scheduled for a vote on July 31, 2012. A copy of the request and backup, identified as "Attachment No. 1", follow these minutes and are made an official part hereof.

Chairman Frady said there have been numerous transportation meetings regarding the Transportation Investment Act both here and in Fayetteville. He said it was felt that a presentation could be held during the day so that individuals who had not been able to attend the evening meeting would have the opportunity to hear the presentation. He said at the end of the presentation, any questions or comments would be welcome.

Public Works Director Phil Mallon introduced Cain Williamson and Regan Hammond from the Atlanta Regional Commission who would be making the presentation. He said the purpose of the presentation is educational. He said the vote for the Transportation Investment Act Referendum would be on July 31, 2012 and staff felt it was their responsibility to provide educational information on this so that the public can make a decision as to whether they will support it or not. He remarked that as of early March the ARC staff has conducted over 30-50 educational meetings throughout the Atlanta region. He noted that this meeting was at the direction of the Board during the March 10 Retreat meeting. He said there had also been a similar presentation at a public meeting in the evening independent of a Board meeting. He said after the presentation, staff would like to receive input from the Board and the public as to whether or not this exact type for mat would be good for the second presentation or if it should be tailored more toward County projects. He introduced Cain Williamson who would be making the presentation and noted that comments and questions would be entertained at the end.

Cain Williamson of the Transportation Demand Management Office of the ARC presented a power point presentation regarding the Regional Transportation Referendum. Mr. Williamson remarked that this presentation was for educational purposes only and pointed out that staff was legally prohibited from advocating for anything. He said staff had been spending time educating the public on the process by which they have gotten to where they are and where this will end up on July 31st which is the date for the vote. He encouraged citizens to educate themselves on the projects that are listed and the need to voice their support or lack of support on July 31st.

Mr. Williamson stated how staff had gotten to this point in putting together a list of projects and the reason for the movement to create this opportunity. He remarked approximately 30%-35% of all trips in the region cross some type of jurisdictional boundary lines. He said approximately 64% of just trips used for commuting to work across a jurisdictional boundary line in the morning and evening going to and from work. He commented on the financing of the way transportation was funded now. He said the primary mechanism for funding transportation at the Federal level was the Highway Trust Fund which is funded through the gas tax and it has been that way for fifty years or more. He said as vehicles get more fuel efficient there is less and less gasoline purchased and as a result of that there is less money going into the Highway Trust Fund. He said at the State level the gas tax has not been raised in the State of Georgia since 1971. He remarked the State's transportation system was basically being run on the same revenues that it was being run on almost 40 years ago. He said the region is certainly not getting smaller and it was projected that over the next 30 years, it was expected that 3-5 million residents would be added. He said with the additional residents, there would be additional vehicles and the need to travel among jurisdictions in the Atlanta region. He said the Atlanta region is the ninth worst region in the Country in terms of congestion and the 48th in the County in terms of the amount of money spent on the transportation system as a State. He noted that there are only two States in the union that spend less money than Georgia on transportation. He said this comes down to the Atlanta region having seven of the worst bottlenecks in the United States. He said this brings us to a decision point as to whether or not to continue with the lack of funding for transportation projects or should new alternative ways be investigated. He said this was when the State Legislature essentially decided that they were going to offer the State an opportunity to raise additional revenue for the purpose of transportation in districts around the State which came to be known as the Transportation Investment Act. He said a list of transportation projects has been put together and there will be a Transportation Investment Act referendum on the ballot on July 31, 2012.

Mr. Williamson further remarked that the TIA encompasses 10 counties in the Metropolitan Atlanta Region. He pointed out that the vote would be for a one cent sales tax for 10 years or until $8.5 billion is raised. He said whichever comes first is when the tax would end. He said 100% of that money comes back to the Atlanta region and none of it is used to fund projects outside of the Atlanta region. He said 85% of the money raised will be spent on regional projects that the Regional Round Table comprised a list of. He also noted that 15% of the money would be returned to the local jurisdictions for the purposes of spending on transportation projects that they deem appropriate for themselves. He said

a lot of time is spent in the list development process talking to the public. He said they had approximately 200,000 residents in the Metropolitan Atlanta Region participate in one form or another in the list development process. He remarked that the referendum would accelerate the implementation of the transportation project list. He said the Regional Transportation Plan and Transportation Improvement Program totals approximately $21.7 billion. He noted that $13.2 billion of that amount was used to maintain the existing network. He remarked that 70% of the money that was expected to be spent currently over the next 10 years would be exclusively for the purposes of maintaining the existing network and not expanding it. He said the maintenance of the existing network would include repaving, filling potholes, making sure sidewalks are in working order, and those sorts of things. He stated that the referendum project list was $8.5 billion and would add a substantial amount of money on top of what was expected and will allow expansion of the system in a meaningful way rather than just maintaining and operating the existing system. He said of the $8.5 billion there was $7.2 billion of that was for approximately approximately 157 projects. He said $1.3 billion of the money would go toward local projects. He said in the 157 projects there would be 57 new miles of rail and bus rapid transit, 14 major interchange repairs and 165 miles of new or expanded roadways and also miles and miles of sidewalks and multipurpose trails.

Mr. Williamson further commented on the economic benefits to the region. He said it was expected that there would be 200,000 jobs supported as a result of the investment that was being made by the public. He said there would be a $34 billion impact on the regional GDP and approximately $18 billion rise in personal income. He said it was projected that over $9 billion would be saved in terms of wasted time and wasted fuel over the life of the sales tax. He said there would be a reduction in emissions of approximately 1.2 million pounds of fewer tailpipe pollution daily or approximately 72,000 less vehicles on the roadway every day. He said all of this will lead to cleaner air for all of us and the ability to spend more time doing the things that we care of about doing. He said it was also expected that some of this money would help improve the efficiency of the roadways rather than expanding the roadways. He said there were approximately 45 projects listed that were meant to improve intersections across the region which would really increase the efficiency of these roadways anywhere from 15% to 40% depending on the roadway itself and the nature of the change to the intersection. He said it was also expected that there would be better access to jobs by car or by transit. He said this would help our region stay competitive with other places such as Charlotte, Phoenix, Denver and Minneapolis. He said these cities have all recently made decisions to tax themselves for the purpose of expanding and improving their transportation systems.

Mr. Williamson said this completed his presentation and he reminded everyone that on July 31, 2012 every citizen will be part of the decision making process. He said he would be glad to answer any questions that anyone might have.

Director of Public Works Phil Mallon pointed out that the list of 157 projects at this point in time are set and locked into place and cannot change. He said the flexibility is in the $1.3 billion that would be given back to the counties for their use. He said this was discretionary money and could be used on any type of transportation related project.

Chairman Frady asked for the amount of money that would come back to Fayette County out of the 15%. Mr. Mallon replied that he believed it was approximately $45,606,000 that the County could expect to get back over the 10 year period. Chairman Frady asked if the project lists are being done for the cities and the county. Mr. Mallon responded that he was not exactly sure what the cities had done but he would pass this information along to them. He said a proposed breakdown of the spending was discussed at the Board's Retreat meeting and he had just recently incorporated the comments that he had received back from the Board and he would be sending these to the Board for further comment and review in the next day or two.

Chairman Frady asked if there were any questions or comments on this presentation.

Bob Ross commented on the current annual operating losses of the current transit system MARTA and questioned the sustainability of this plan beyond the ten year planned tax. He said in looking at the annual operating losses of the current transit system in excess of half a billion dollars per year and it was accruing approximately six hundred million dollars worth of unfunded maintenance in a year. He said there would be more transit added on top of that and he questioned how this was going to be sustained particularly beyond the 10 year planned tax.

Mr. Williamson remarked that $13.2 billion will be spent in the coming years to maintain and operate the existing transportation system which includes the roadway network and the transit network. He felt it important to point out that the entirety of the transportation system has operating and maintenance costs. He said once infrastructure is built it has to be maintained whether it is a roadway, rail line, sidewalk, airport, and so forth. He stated that the roadways enjoy the benefit of Federal transportation dollars to operate and maintain them at a higher degree than the transit system does. He said the transit system operates at a deficit and only recovers approximately 30% of its operating expenses from people paying the fares to get on the train or bus every day. He said there was a significant issue in terms of how the operation of the transit system would be paid for over the long term. He said currently that he did not have an answer to that. He remarked that the MARTA system in Fulton and DeKalb Counties was currently offset by a one cent sales tax that Fulton and DeKalb Counties levy on themselves. He said this was what helps make up that difference. He said obviously sales taxes have been declining and this was what leaves MARTA in the gap that it is in. He said the same thing is true for Cobb County and Gwinnett County with those systems also operating at a deficit and only recover4 approximately 30% of their operating expenses from fares. He said the local governments there pick up the tab to maintain those systems just like the local governments in Fulton and DeKalb Counties are picking up the tab for MARTA. He felt this was a question that would have to be addressed some time in the future the same way that we have addressed how the operations and maintenance of the roadway network would be paid for.

Chairman Frady asked if there was a limitation as to where the TIA money can be spent. He also questioned if it could be spent on the maintenance for MARTA.

Mr. Williamson replied that the State law prohibits the TIA dollars from being spent on maintaining and operating the MARTA system as it existed on January 1, 2012. He said anything that was in operation at that point, these dollars by State law cannot be spent to sustain it. He said the dollars could be spent to offset operational costs for new projects that would be built as a result of this.

Commissioner Brown remarked that this would be adding a significant amount of infrastructure and no one could give him an answer as to how we are going to pay for this plan. He said he has asked the same question to the leadership at DOT and the Speaker of the Georgia House of Representatives and no one can give him an answer about how this enormous amount of infrastructure was going to be paid for. He said this should be the first question that should be answered and then plan from that point forward. He remarked that DeKalb CEO Burrell Ellis, at the annual ARC Legislative Roundtable on December 6, 2011, said that a regional system where everyone participates and everyone pays and Fayette County was part of everyone. He said this was what was starting to bother him because the MARTA system was bleeding red ink in a dire way. He said another issue that needed to be taken into consideration that absolutely must have attention was the one cent sales tax agreement between the City of Atlanta, Fulton County and DeKalb County drops from 1% to a half percent in 2032. He said the cost of the present system could not be covered with the current one cent sales tax and it would be dropping to .5. He said this was going to be the largest economic drain in history on the Metropolitan Atlanta area. He said he was really concerned about this. He said there could be discussions about fancy bridge projects and road projects and he felt there were some really great bonafide projects to have. He said then there were the beltlines, the Cumberland CID's which are special interest projects and some of the most expensive projects in the entire plan. He said when looking at the sum of what the county would be getting, it was not the project list for Fayette County that was important but what the County would be getting into. He said the County

was about to get into something that was way above its head and dragged into paying for a lot of this. He noted that the money was not there now and everybody has admitted, even in the Legislature, that the money would not be there in the future. He said a recipe for success at ARC is to take a system that is $3 billion in arrears in operations and maintenance that loses half a billion dollars per year and expand the infrastructure by $3.2 billion and wonder how it would be paid for.

Mr. Williamson agreed with Commissioner Brown that in 2032 the sales tax was scheduled to drop to half a penny but this was a routine thing. He said over the life of MARTA, Fulton County, DeKalb County and the City of Atlanta have voted repeatedly to re-up that half penny. He said the three jurisdictions will have the opportunity to decide again before the tax goes away as to whether or not they want to have any sales tax.

Commissioner Brown interjected at the same dinner Roswell Mayor Jerre Wood in Fulton County said the exact same thing that Burrell Ellis had said and that was that it was time for everybody in the region to pay for it.

Mr. Williamson said he was not arguing and was just clarifying the funding for MARTA works and was written into the State law. He said the other thing that he wanted to clarify was that this was not an ARC program or proposal. He said this is the result of a State law that required the creation of a regional roundtable to come together to create this list of projects.

Commissioner Brown said he was referring to the Transit Planning Board, the Transit Implementation Board Concept III which is what this plan is based on. He said he had information from slides contained in ARC presentations where they are looking at emulating Chicago as a governance model and this is mentioned throughout the entire process. He pointed out that Chicago has a permanent regional sales tax and he felt like Atlanta was heading in the same direction. He felt it would be in the best interest of the leadership to show some character and show some backbone and say if a permanent regional sales tax was going to be used to cover all of this, that people needed to be told this before they vote on July 31st rather than hitting them with it after that. He remarked that mass transit was only half funded in this plan. He said one thing that he was getting very upset about with all of the groups who are supposedly supporting this was they are telling everyone about all of the transit that they will get but forgetting to mention that it was only half funded.

Chairman Frady interjected that transit would not come to Fayette County unless the people vote to have it in Fayette County.

Denise Ognio remarked that all of these fancy road projects would not be paid for. She said she was very concerned with where the money was going to come from for the operation of transit. She said the bottom line was that there was no money to pay for these road projects. She said in working for a family business herself, she plans first where the money would come from and not vice versa.

Mr. Williamson remarked that the State law required this to be a ten year tax or it would need to end when the amount of $8.5 billion was reached. He said a ten year tax would not fund transit in perpetuity and they were just operating in the constraints of the State law. Chairman Frady said he wanted to remind everyone that Mr. Williamson was only the messenger and this was only for informational purposes.

Don Rehwaldt, former Mayor of Tyrone, remarked that Fayette County would be receiving 15% return and all of the other metro counties will receive 25% but that is State law. He said he did not think citizens would vote to approve this. He said he wanted it clear that this was a ten year and they fail to mention that this is a ten year renewable plan forever.

Mr. Williamson replied that this plan would have to be voted on again by the population every time it woud be put forward.

Commissioner McCarty interjected that Fayette County previously had a SPLOST here and it was voted down 3-1. He pointed out that there was no MARTA included in this plan, however, there is a transportation facility included in this plan that could then take over MARTA and MARTA would then become part of that new plan. He said according to what he had read in the original referendum that had come out, the authority of the new transportation assembly that was put together under this plan can go into any county in this region and tell them that they are putting transit in their county. He said Fayette County would have nothing to say about that. He also expressed concern with the citizens in Fayette County not voting in favor of the T-SPLOST, then Fayette County would be penalized and the money taken away anyway.

Mr. Williamson remarked that the Regional Referendum which is the funding piece is a separate entity and function entirely than the conversation about the creation of a regional transit governance structure. He remarked that if the sales tax at the regional level does not pass, the entirety of the region suffers. He said if the sales tax does pass, the entirety of the region does not suffer.

Commissioner McCarty said the county would not have a choice over the creation of a regional transit governance structure. He said it would happen and then come to Fayette County as a pre-done deal through the Legislature. He said another concern he had about this plan was the fact that if the citizens of Fayette County did not pass the T-SPLOST, then we would be penalized and the State would take the money from the Fayette County citizens anyway.

Mr. Williamson replied no, and said that was not correct. He said if the sales tax at the regional scale did not pass, then the entirety of the region would suffer. He said if the sales tax did pass, then the entirety of the region would not suffer.

Commissioner Cain said Fayette County citizens were told in a previous meeting when they came here to discuss this that if Fayette County did not pass this T-SPLOST, then Fayette County would not get the return of the money that it would end up paying in the tax that would be imposed.

Mr. Williamson replied no, that was not correct. He said the ten counties would hang together or hang separately.

Commissioner McCarty suggested Mr. Williamson read the fine print in this proposal and remarked that if Fayette County did not vote for this, then the citizens of Fayette County would have to pay the sales tax anyway as part of the region.

Chairman Frady remarked if Fayette County did not vote for the referendum the citizens would have to pay the sales tax anyway as part of the region but Fayette County would still receive 30% and Commissioner McCarty interjected that was still a penalty. He said he wanted to clarify Commissioner McCarty's comment regarding the SPLOST being voted down 3-1. He pointed out that this was not a continuation of the Local Option Sales Tax of 2003.

Commissioner McCarty remarked that he had been hired to represent the constituents of this county and the people that he has talked to in this County do not want this T-SPLOST. He said the citizens of Fayette County do not want to pay another penny tax to anybody for anything at this point in time. He said when the economy recovers and we all recover and the County starts to grow again, it might be brought up for consideration again but right now it was his job to say no to this tax. He said this was what the constituents who have hired him want him to do.

Bob Ross said he would like to thank Cain Williamson for coming down to Fayette County and making this presentation. He said he had a lot of respect for the work that the ARC staff has done and it was very detailed work. He said he had looked at the Three Rivers Commission website and all of the information that they provide their voters versus what the ARC provides on its website and there was no comparison. He said one of the considerations that he sees in the material put out by Mavin and the ARC talking about the benefits of reduced congestion resulting in less accidents, less fuel consumed, better air quality and the number of people using transit to go to and from work . He said he concluded from figures in this material that the transit's impact on the region's overall problem was very little. He said the road component, the bike path component and pathway component was what was really accounting for 98% of the benefit of relieving traffic congestion, air quality, gasoline reduction and given this very lopsided contribution to the amount of money that was being paid by taxpayers, he felt was somewhat disingenuous in some of the voter education mechanisms not to point some of that out so that all of the information is available.

Mr. Williamson said he was not going to get into a debate about transit and he had discussed this before with Mr. Ross and he was not going to change his mind on anything. He said the package of projects was the package of projects. He said when citizens go to the polls to vote on this Referendum, they would be voting for all of the projects or none of them. He said a person would either believe that this was a good package of projects or it was not a good package. He said in picking apart how much of a benefit comes from one project versus another one was relatively unimportant. He said this decision is made and this is the list of projects.

Mr. Mallon said he would like to add that this presentation as well as his job to answer questions in a neutral manner and present the facts, the public should be aware that there is a fact sheet for each project which really is the official word on what a certain project contains. He said he agreed with Commissioner Brown that if anyone is interested in these projects, to please read them carefully because how they are quickly discussed did not really match the details. He said there was a distinction between this public outreach today presentation and remaining neutral and the groups out there that are paid to promote the SPLOST.

John Munford said he had attended some of the Roundtable meetings and one of the points that were made in talking about the big question of how all of the transit operations would be funded for all of the buses and rails that would be put in place. He said of the approximately $7 billion after that would take out $3.5 billion of road projects that otherwise would have to have been funded. He asked if it was possible that the $3.5 billion of freed up money could be spent on the transit and if that was the case then that information needed to get to the citizens.

Mr. Williamson replied that it was conceivable that the money could be spent on capital for transit meaning the construction of transit and possibly the maintenance of it but it could not be spent on the operations of the transit system. He pointed out that Federal dollars could not be spent to operate the transit system.

Mr. Rehwaldt asked for Mr. Mallon to explain what Fayette County would be getting now through 2016. Commissioner Brown said the project list had been provided several times. Mr. Rehwaldt remarked that Fayette County was not getting anything but a cart path and part of a road and that was all for the next four years out.

Mr. Mallon interjected that there are ten projects on Fayette County's list for now until 2016. He remarked that this was a ten year plan. Mr. Rehwaldt said he was pointing out that Fayette County did not have anything programmed to be done during the first four years. Mr. Mallon said the scheduling was an ongoing exercise. He said he had completed staff's recommendation for those ten projects and the majority of those have kick off for preliminary engineering or right-of-way in the next three or four years. He commented on the SR 92 to SR 138 connector project and he had recommended that project be pushed out but the vast majority of the projects have a very quick start off. He commented

on the East Fayetteville Bypass and said engineering was already underway and this was a great candidate to get some immediate funding to finish the design and start right-of-way and construction.

Commissioner Brown expressed concern with the low figure for new home sales as well as job growth, sales tax, new retail, and everything across the board. He said there had been mention of 200,000 jobs and he felt the citizens have a perception that there are people who would get a job that they would keep into perpetuity or whenever. He felt this was really not the case. He said this was not 200,000 long term jobs. Mr. Williamson replied that this was the reason the term "job supported" was used as opposed to "jobs" because this was some combination of jobs that are kept as a result of money coming into the economy so as to not put people out of work . Mr. Williams remarked that this did not mean these 200,000 jobs were permanent jobs that are being created. Commissioner Brown commented on the population figure of 6 million and that figure being held onto going forward and all of the other numbers in the statistical analysis have been shifted downward. Commissioner Brown further remarked that he has studied land planning and transportation in Metropolitan Atlanta for the last twenty years and very rarely has the ARC been hitting the numbers. He said in looking at plan for 2025 and the projections for mass transit. He said these projections for mass transit were so outrageous that the region was not even in the universe for the predictions for plan 2025. He said the rider ship for transit was projected to increase 40% between 2000 and 2025 and currently the region was on the negative end of that projection.

Mr. Williamson interjected that in regard to the rider ship projection, the economy has tanked and less people are working.

Commissioner Brown remarked that the MARTA bus rider ship was projected to increase 70% with no increase in the number of buses and he felt this projection was outrageous. Mr. Williamson interjected that routes had been cut and this reduced the amount of service partially because sales taxes have declined because people are not working. Mr. Williamson also remarked that if the buses were not there, then people could not ride them.

Commissioner Brown said in 2000 this was an actual projection of a 70% increase in bus rider ship during a bad economy. Mr. Williamson said this projection was for 2000 to 2025. Commissioner Brown noted there was no increase in the number of buses. Mr. Williamson replied that there was no money to buy buses and this was the reason the region has put forward this potential investment in the region's transportation system. Commissioner Brown remarked that the projection was unrealistic and many transportation experts across the Country have said that number was so unrealistic that it was not even in the realm of possibility. Mr. Williamson said he was not sure which projection Commissioner Brown was referring to but he would have to see that information.

Commissioner Brown concluded by asking if the region should expect the same outcomes with the projections that are presented today. He pointed out that we are in a bad economy and how could anyone know for sure that these projections are going to be fruitful. Mr. Williamson replied that was the nature of a projection and it was hard to predict the future.

Randy Ognio said he just wanted to make a comment. He remarked that the economy was bad, people have less money, gas prices are high and MARTA rider ship was going down and he expressed concern with spending billions of dollars more on mass transit. He said it looked like to him if the economy and gasoline prices were so high that MARTA rider ship should be increasing. Mr. Williamson remarked that the service that MARTA provides is pretty productive. Mr. Ognio remarked that if MARTA was so productive, then why were bus routes cut and now the push to spend more money on it. He said he also had a problem with the cost and all of the advertising for this tax. He said it was being promoted as a plus for the region and people do not realize what their money would really go toward. He said the transit system was actually failing.

Hearing no further questions or comments, Chairman Frady and the Board thanked Mr. Williamson for his presentation.

Old Business:

1. **Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article III. Definitions, Article IV. Establishment of Districts, Article VI. District Use Requirements, Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, Commercial Development Standards and Land Use Element (Future Land Use Map and Narrative of the Comp Plan regarding Nonconforming Lots:**

Director of Zoning Dennis Dutton presented this item for discussion. A copy of the request and backup, identified as "Attachment No. 2", follow these minutes and are made an official pat hereof. He said at the Board's Workshop meeting held on October 5, 2011, staff was directed to work with County Attorney Scott Bennett in order to provide options pertaining to illegal nonconforming lots and to return later with recommendations. At the Board's Workshop held on January 4, 2012, staff presented three alternatives and the Board directed staff to continue working on Alternative #2 and come back to the Board at a future meeting with recommendations. He said an example of Alternative #2 would basically be taking a property that was an illegal nonconforming lot and give them the opportunity to rezone the property in an area that was land used for what that property was zoned and could not meet the requirements and then put the LNS (Legal Nonconforming Status) onto that zoning. He pointed out that the zoning designation would not change but the subcategory would be added as opposed to a variance or a total out rezoning. He said the Zoning Ordinance was not an issue with this and remarked that the main issue was the Future Land Use Plan which is the County's legal binding document for zoning decisions, rezonings or uses for future development.

Mr. Dutton asked for the Board's permission to proceed with the proposed amendments and to advertise these proposed amendments to the Zoning Ordinance regarding illegal nonconforming lots to be heard by the Planning Commission on May 3, 2012 and by the Board of Commissioners on May 24, 2012.

Commissioner Brown expressed concern with trying to adapt nonconforming lots and decisions made in five years on requests. He recommended the private sector and the courts handle this.

Chairman Frady commented on some other situations that had occurred in prior years and he felt this amendment was necessary.

After some further discussion, there was a consensus by the Board to move this item forward in the public hearing process and come back to the Board at a future meeting for consideration.

2. **Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article III, V, VI, VII, IX and XI:**

Director of Zoning Dennis Dutton presented this item for discussion. A copy of the request and backup, identified as "Attachment No. 3", follow these minutes and are made an official part hereof. He reviewed the proposed amendments with the Board including the adding of verbiage for thoroughfare, definition of training facility and recreational vehicle, front yard setbacks and common areas, accessory structures, buffers, and standards for telecommunications antennas and towers.

Commissioner Brown questioned notifying adjacent landowners of a variance request. He asked if there had been any discussion regarding notification to these adjacent landowners. Mr. Dutton replied that based on discussions with the Planning Commission there was no practice of mailing out letters to adjacent landowners. He said the newspaper

advertising and posting of the property are done but it was felt that mailing out notices would not be economical. He said he would be glad to bring this issue back up again for discussion, but the Planning Commission felt the signage was sufficient. Commissioner Brown said he would like to at least have something sent to the adjacent landowners notifying them that the County has received an application for a cell tower. He said this could be a good faith effort and be sent certified mail return receipt requested.

County Attorney Scott Bennett expressed concern with the time frame for the County to make a decision on a cell tower application which is 150 days for review and a decision. He said mailing out a notice to adjacent landowners would place the responsibility on the property owners and not the Planning and Zoning Department. He said this would be up to the Board to add this extra step in the process.

After some further discussion, there was consensus by the Board not to make any change in this and to follow the normal zoning procedures that are currently in place.

Mr. Dutton also discussed page 13 of the summary regarding independent expert review for existing and planned towers. Also discussed were walking paths and running trails for churches which included the language for setbacks and buffers as well as outdoor lighting for churches and recreational purposes.

There was a consensus of the Board to move this item forward in the public hearing process and come back to the Board at a future meeting for consideration.

3. Discussion of the process for recommending a firm for development of the architectural and engineering drawings, construction specifications and bid proposal documents for the proposed new Fire Station No. 3:

Director of Public Safety Allen McCullough and Chief Tom Bartlett presented this item to the Board. A copy of the request and backup, identified as "Attachment No. 4", follow these minutes and are made an official part hereof. He reviewed the RFP process and remarked that there were four recommended vendors who were selected to come back for a more specific interview.

After a brief discussion, Mr. McCullough said it was staff's recommendation to award Proposal #P817 for Fire Station Architectural services to The Howell Group. He said the cost that the County would incur was in the amount of $98,000. He said this item was only for discussion purposes tonight and it would come back to the Board on April 12, 2012 for consideration by the Board.

4. Discussion of information and detailed cost analyses for repair/modification work to bring the old Jail building back into operation:

Major Charles Cowart of the Sheriff's Office presented this item to the Board for discussion. A copy of the request and backup, identified as "Attachment No. 5", follow these minutes and are made an official part hereof. He remarked that the old jail has been vacant for the last nine years since staff has moved into the current facility. He noted that the inmate population has steadily increased and there was now an increased length of stay for these inmates. He said at some point there would have to be an additional space provided for the increase in inmates. He pointed out that the general rule of thumb was when 80% of the design capacity was reached, there would have to be planning for additional space. He said the jail has reached this capacity. He said he had enlisted the expertise of Mallett Consulting along with the architectural firm of IPG and Mr. Jim Ingram. He said he was just presenting this information to the Board so that

this Board or a future Board could decide whether or not to bring the old jail back into operation, add on to the current facility or even send inmates to another facility.

Commissioner Brown expressed concern with the age of the building and the continued cost of keeping the building up. He suggested a projection be done for the cost of a new building as well as the cost of keeping the building up and maintaining it and Major Cowart agreed.

Major Cowart remarked that he believed that adding on to the new jail probably would cost more than projected. He noted that the inmate population for the new facility has a capacity for 384 with an additional 20 beds in the medical wing. He said the population is staying around 200 and this morning it was 285 with 11 more being booked, and also 19 inmates that were located at other facilities including the Mental Hospital in Columbus. He also discussed staffing that would be required for a new jail.

County Administrator Jack Krakeel remarked that these type of projects are capital projects and should be properly budgeted for on an annual basis. He recommended that all of the alternatives that the Board has discussed today with Major Cowart be researched and then presented in a budgeting workshop. He said then a decision could be made in what year the Board would implement any or all of those alternatives and then properly be able to begin to allocate funds on an annual basis. He said this would need to include the operational impact of those various decisions.

Major Cowart said this would be a decision that the Board would have to make whether the jail would be remodeled, add onto the existing jail or transfer inmates to other facilities. He said he would be glad to discuss alternatives with the Board during budget workshops.

Chairman Frady called for a short recess at 5:50 p.m. He reconvened the meeting back to session at 6:00 p.m.

New Business:

1. Discussion of request by the Cooperative Extension Office to build a permanent shade structure next to the Intern Garden behind the Administrative Complex building for the purpose of education in an outdoor classroom setting:

Ag Agent Kimberly Jackson of the Fayette County Extension Office presented this item for discussion. A copy of the request and backup, identified as “Attachment No. 6", follow these minutes and are made an official part hereof. She said this was only a discussion to get the process started for a permanent shade structure at the garden located behind the Stonewall Complex. She said this structure would be used for educational purposes, classes, 4-H and so forth. He said she only had samples in the Board’s packet today . She said staff would be preparing blueprints and would bring these to the Board for consideration at a future meeting. She said staff would also be consulting the Building and Grounds Maintenance Department regarding this project. She said she was just asking for a consensus of the Board today to start this process. She also remarked that there would be no cost to the County for this project.

It was the consensus of the Board to proceed with the process of gathering materials and blueprints for the construction of this structure and bring it back to the Board at a future meeting for consideration.

2. Discussion regarding the completion of the third floor of the Justice Center:

Chairman Frady said he had suggested this item be placed on the agenda for discussion. A copy of the request and backup, identified as “Attachment No. 7", follow these minutes and are made an official part hereof. He said Consulting

Engineer David Jaeger of Mallett & Associates, Inc. would be reviewing information regarding the third floor with the Board.

Mr. Jaeger presented a draft floor plan for the Board's review and discussion. A copy of the floor plan, identified as "Attachment No. 8", follows these minutes and is made an official part hereof. He remarked that each floor at the Justice Center was over 51,000 square feet. He said the estimated cost for completion of the third floor would be approximately $75 per square foot or $3,750,000 and this would result in a finished space ready for move in. He remarked on some of the additional site improvements that would be necessary including additional parking, landscaping and erosion control, storm sewer, furniture, communication issues and cabling.

Commissioner Brown questioned the report for a needs assessment for the completion of the third floor back in 2007. He asked if this report had ever been generated County Administrator Jack Krakeel replied that this needs assessment was regarding the judicial requirements specifically if there was going to be a need for additional judicial space for the third floor. Mr. Krakeel remarked that part of that discussion is really influenced by whether or not, from a long term perspective, the County continues to be a part of the current judicial circuit as opposed to having its own independent circuit.

Mr. Krakeel further remarked that the current value of the Administrative Complex facility was $5,975,129. He suggested looking at alternatives for that facility. He noted that in the next two to three years the Fire and Emergency Services as well as the Marshal's Office will vacate the Administrative Complex and move to the new headquarters facility that was going to be constructed. He said there had also been discussions of moving the Physical and Environmental Health Departments out of this facility and utilizing the old fire station on Johnson Avenue and pursuing some retrofit grants through public health.

Chairman Frady felt this was something that need to be pursued and he suggested obtaining more information on this as well as final costs.

County Administrator Jack Krakeel recommended a spatial analysis be done for the exact needs for the third floor in terms of current staff at the Administrative Complex and how that scenario would work.

Commissioner Brown said his focus was on the emergency services facility and then addressing the public health offices. He said if the spaces occupied by those offices was freed up at the complex, it would leave a lot of extra space for use by existing departments. He expressed concern with the Administrative Complex turning into a big box store thus creating more traffic problems for Fayetteville. He noted that there are currently no traffic signals leading in and out of this complex. He suggested looking at the bigger picture regarding the moving of County offices such as the complex, the old jail and so forth. He said this would involve moving a lot of personnel around and it needed to be planned out. He provided an example of the Fayette County Tax Commissioner's Office and all of the foot traffic that goes in and out of that office month after month. He asked how the third floor of the Justice Center would work for the Tax Commissioner's Office.

Mr. Jaeger said a similar analysis had been done when the design was set up for the Justice Center and interviewing each of the departments that would be occupying the Center and determining their current spatial needs as well as future needs and interdepartmental relationships between those departments.

Administrator's Reports: County Administrator Jack Krakeel said he had received the actuarial valuation from GEBCorp regarding the county's Defined Benefit Plan as of January 1, 2012. A copy of the actuarial valuation, identified as "Attachment No. 9", follows these minutes and is made an official part hereof. He said he was pleased to report that

as of that date the County's asset to liability ratio now stands at 118%. He noted that 100% was considered fully funded. He said the recommended contribution to the County's plan was $732,000 which is 2.3% of salary as opposed to the historical 2.5% of salary that has been contributed. He said it was his recommendation that the Board continue its historical posture of contributing 2.5% and he felt that was a prudent fiscal decision. He said the required contribution in order to maintain the financial strength of the plan was actually 0%. He said it was his recommendation for the Board to continue as it had which would lead to the target funding ratio which should be 125%. He felt this would put the County's plan in the top tier of Defined Benefits Plan in terms of funding and asset values versus accrued liability.

Attorney's Reports: None.

Commissioners Reports: Commissioner Brown questioned, with the latest judicial ruling on the districts, what districts were going to be used for the upcoming election.

County Attorney Scott Bennett said technically there were no districts right now. He said the County had a court order that says the old districts cannot be used and the new districts must be used which is the map that the Board approved. He said the County cannot implement those districts until the Justice Department says that they get pre-clearance on them. He said the packet with those districts has been sent to the Justice Department and now the County was waiting on Mr. Holder and his staff to tell the County that the map can be used. He said he expected that this would take approximately six weeks for them to make a decision. He said the Justice Department has sixty days to respond and if the County did not have a decision, the County would probably go back to the judge and asked him to stay the qualifying until the Justice Department makes a decision. He said the worst case scenario would delay qualifying until the County receives the Justice Department's approval back on pre-clearance. He said right now he would expect something back in six weeks which would be before the qualifying period. He said he fully anticipated that the maps that the Board passed by resolution to use were part of the Consent Order. He said he could not say for certain that would happen until the Justice Department makes a ruling.

Commissioner Brown questioned what would occur if the Justice Department did not make its ruling in the time expected and a stay had to be put on qualifying, would there be a pre-determined period of time that absolutely would have to occur between qualifying and an election and would this effect an election.

Attorney Bennett replied that the judge could set that by Order. He felt the judge had recognized that the County's prior three district map was not in any sort of balance and determined that the county could not use that map. He said he was not sure if this would affect the date of the election that is scheduled for July 31, and he would ask the County's Attorneys who specialize in election law for an answer to that question. He said no one had mentioned this as a concern and he did not foresee that situation. He said he would ask the attorneys for their opinion on that question.

Adjournment: Commissioner Hearn made a motion to adjourn the meeting at 6:30 p.m. Commissioner Horgan seconded the motion. The motion carried 5-0.

Karen Morley, Chief 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 10th day of May, 2012.

Karen Morley, Chief Deputy Clerk