

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

March 12, 2013

POST SUMMARY MINUTES

PRESENT: Chairman Jeffrey E. Turner, Vice-Chairman Michael Edmondson, Commissioner Sonna Singleton, Commissioner Gail Hambrick, Commissioner Shana M. Rooks, and Clerk Shelby D. Haywood.

1. Chairman Turner called the meeting to order.
2. Invocation was led by Pastor Hayward White of Macedonia A.M.E. Church in Rex, Georgia. Pledge of allegiance to the flag was led by Chairman Turner.
3. Amended the agenda by holding item #13 (Appointments to the Development Authority/Redevelopment Authority Board. The terms of Shi Shailendra (Vice-Chairman) and Lee Camp (Secretary-Treasurer) expired on 3-1-13. New terms are for four (4) years, expiring on 3-1-17). The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the March 5, 2013 Regular Business Meeting minutes. Vote unanimous.

Per a request from Mayor Bobby Cartwright of Lovejoy, Georgia, Clerk Haywood read into the record a letter from the Mayor complimenting the County's Fire & EMS Department. The letter, dated March 12, 2013, read as follows:

Dear Chairman Turner:

It is my pleasure to write to you today to commend the outstanding service delivered by Clayton County Fire & Emergency Services. On Sunday, March 10, 2013, several CCFES Units responded to a fire in the Callaway Crossing Subdivision in Lovejoy. I was thoroughly impressed that they were able to promptly and effectively contain the fire, preventing an unpredictable amount of damage in a matter of minutes; but more so with the overwhelming support and dedication displayed by Chief Lee and the entire department.

I had the pleasure of meeting several Fire Fighters and other members of staff on the site of the fire as well as those that attended the Lovejoy City Council Meeting on March 11th. It brings a great sense of comfort to see such cohesiveness in our community. I commend you, as well as all

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of our County Leaders, from the Fire Department to the Board of Commissioners, for fostering the tremendous growth we have been experiencing.

Regards,

Mayor Bobby Cartwright, City of Lovejoy

5. PUBLIC COMMENT: Citizens will be given a three (3)-minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Following thirty minutes of hearing from the public, the Board of Commissioners will allow the remainder of citizens who have signed up for public comment to be heard at the next Tuesday business meeting.

1) Dr. Henry Anderson, a Clayton County resident, requested that the Board take immediate action regarding the code violations of many businesses throughout Tara Boulevard, particularly used tire stores, that have dilapidated and decaying structures and unkempt/littered landscaping. He noted that several of these businesses as well as apartment homes also have unsightly dumpsters in front of them. Per Dr. Anderson, Tara Boulevard is Clayton County's most well-known, most traveled, and highly visible road. He encouraged the Board to ensure that appropriate County authorities enforce the on-record codes, ordinances, rules, regulations, and laws on these blatant and flagrant violators. Dr. Anderson told the Board that he had taken his personal time to meet with then County Manager Wade Starr and Community Development Director Patrick Ejike on May 1, 2012 to ride along Tara Boulevard and point out the untidy used tire stores to them. As a result, Director Ejike sent him an e-mail on May 30, 2012 summarizing inspection efforts from the Tara Boulevard ride. Violations found were thirty-six temporary signs requiring permitting, twenty prohibited sign standards, eight AS-03 outdoor storage violations, seven businesses that were operating without an active business license, etc. Correction notices/citations were given for each violation at that time. Since then, Dr. Anderson noted several other instances where he had contacted Mr. Ejike about business code violations and no follow-up was ever taken to correct the situation – especially the untidy/unkempt Majesty New and Used Tires Store on Tara Boulevard between the Chevron Service Station and McDonald's just before Mount Zion Boulevard. He further stated that even some businesses that used to be in compliance are starting to get lax, and the County needs to tighten up on all of these businesses because they have been in violation too long. Dr. Anderson affirmed he would

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come before the Board again in the future with accolades and praises if these code violations are corrected. He thanked the Board for its time and attention to his concerns.

2) Cynthia Freeman, a resident of Clayton County, stated she was pleased to meet Commissioner Shana M. Rooks (her district commissioner) and wanted to volunteer her services to the community. As a long-standing member of the Ethics Advisory Committee, Ms. Freeman wondered if she still had a role on that committee since it has not met in a long time. If she had no such role, Ms. Freeman stated she was ready to work in any capacity where the County needed assistance. Chairman Turner assured Ms. Freeman that someone would definitely be in touch with her, and Commissioner Rooks asked Ms. Freeman to contact her.

3) Terrence Moore introduced himself to the Board as the new City Manager of College Park, Georgia. He said he was looking forward to working with the Board on any financial/fiscal challenges as well as other intergovernmental issues. With a concerted effort, he hoped they would have a productive relationship.

4) Gayle A. Zinn, a Clayton County resident, asked the County to intercede on the repair of Forest Parkway. Apparently, there is a problem with Lake City and the County on maintaining that road. Its state of disrepair is dangerous for citizens to traverse, especially with large potholes. This road has already cost him \$168.00. Yesterday, Mr. Zinn stated he witnessed a near head-on collision due to someone trying to avoid such potholes. He presented to the Board a map from the state of Georgia verifying that it is a county road. Chairman Turner asked Mr. Zinn to give the map to Interim County Attorney Jack Hancock to follow-up on this matter. Mr. Zinn concluded that if nothing is done to fix the road, someone will definitely get hurt.

6. PROCLAMATION: "Clayton County Recognizes Information Technology as Recipient of the Sunshine Review's 2012 Sunny Award" (presented by Chairman Jeffrey E. Turner). (NOTE: Group photos were taken of the honorees and Board. Clerk Haywood read the proclamation for the benefit of the honorees, Board, and audience.)

Chairman Turner acknowledged the presence of the following elected officials, dignitaries, and special guests in the audience: Dr. Evelyn Wynn Dixon, Mayor of Riverdale; Bobby Cartwright, Mayor of

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Lovejoy; Willie Oswalt, Mayor of Lake City; Terry Baskin, Tax Commissioner; Maudie McCord, Member of the Forest Park City Council; John Parker, City Manager of Forest Park; Jack Longino, Mayor of College Park; Jeff Eady, City Manager of Morrow, Wallace Norrington; Member of Jonesboro City Council; Joy Day, Mayor of Jonesboro; and Terrence Moore, new City Manager of College Park.

7. Theodis Locke, Director of Central Services/Risk Management, presented one item that resulted in the following Board action. (NOTE: The entire Purchasing Ordinance for Clayton County, Georgia can be viewed on the MuniCode website: <http://library.municode.com/index.aspx?clientId=10562>.)

1) **Approved CAD Dispatch Software Upgrade, Contract Amendment I for Additional Services and Fees, (Module services/\$28,220.00; Annual Maintenance/\$3,344.00; Training/\$6,220.00), per Section 2-136 (7) Clayton County Purchasing Ordinance (Sole source purchases).** Before making a determination of sole source procurement, Central Services must determine if other products or service providers can satisfy the procurement requirements. Sound procurement practice requires that sole source purchases be used when it is the only option and not as an attempt to contract with a favored service provider for a favored product. The purchasing agent requires all sole source providers to supply a letter stating that they are the sole source for a given product or service and why they are considered to be the sole source (technology, patents, etc.). All sole source purchases will be clearly defined when presented to the Clayton County Board of Commissioners (as requested by the Police Department). Vote unanimous.

The Chief of Police is requesting an amendment to the current contract with SunGard Public Sector, Inc., located in High Point, North Carolina, to add the services of Crime Analysis Polus.Net Module services in the amount of \$28,220.00 with an annual maintenance agreement in the amount not to exceed \$3,344.00. SunGard will provide training for the software at a cost not to exceed \$6,220.00. The Board of Commissioners awarded this contract to SunGard Public Sector, Inc. on September 7, 2010. SunGard Public Sector, Inc. has agreed to accept the amendment. Funding is available in the E-911 Fund.

8. Angela Jackson, Director of Finance, presented the following requests which resulted in these Board actions.

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1) Approved Budget Amendment #2-46 (Other General Government) for Fiscal Year Ending 6-30-13, in the amount of \$105,000.00, to transfer funds to replace four Police vehicles where the repair cost exceeds the remaining value. Vote unanimous.

2) Approved Budget Amendment #2-47 (E-911) for Fiscal Year Ending 6-30-13, in the amount of \$37,784.00, to provide funds for the Crime Analysis Plus.Net Module, maintenance and training. Vote unanimous.

3) Approved Budget Amendment #4-70 (Fund 307 – 2009 SPLOST Projects) for Fiscal Year Ending 6-30-13, in the amount of \$30,000.00, to establish the budget for widening, sidewalk, curb and gutter of Evans Drive. Vote unanimous.

4) Approved Budget Amendment #4-71 (Fund 306 – Roads & Recreation Projects) for Fiscal Year Ending 6-30-13, in the amount of \$7,050,000.00, to establish the budget for the construction of Panola Road. Vote unanimous.

9. Approved Ordinance 2013-73, An Ordinance to amend the Code of Clayton County, Georgia, as amended, specifically Part II, Chapter 2, Article 2, Section 2-56 by deleting it in its entirety and substituting a new Section 2-56 entitled "Board and Authority Members Appointment; Removal; Length of Service; Number of Terms"; to repeal conflicting laws, ordinances, and resolutions; to provide an effective date of this ordinance; and for other purposes. Vote unanimous.

10. Approved Resolution 2013-74, a Resolution authorizing Clayton County to enter into a license agreement with Variety Entertainment, Inc. providing for the terms and conditions under which "The Atlanta Harley's Only Bike Show and Day Party" will be hosted at the Clayton County International Park; to authorize the Chairman to perform all acts necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

11. Approved Resolution 2013-75, a Resolution to allow representatives of the Brook Manor/Lee subdivisions to host a Neighborhood Watch meeting at the Virginia Burton Gray Recreation Center; to authorize the Chairman and the Director of the Parks and Recreation Department to perform all acts necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

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Interim County Attorney Jack Hancock requested an Executive Session pertaining to litigation, personnel, and real estate matters. The Board generally consented to do so.

12. The Board made the following appointments to reconstitute the Animal Control Board for three (3)-year terms.

Motion by Vice-Chairman Edmondson, second by Commissioner Rooks, to appoint Dr. Don McMillian, Sr. and Dr. Tim Koby to the reconstituted Animal Control Board. Vote unanimous.

Motion by Commissioner Rooks, second by Vice-Chairman Edmondson, to appoint Tameka West and Paige Turner to the reconstituted Animal Control Board. Vote unanimous.

Motion by Chairman Turner, second by Vice-Chairman Edmondson, to appoint Jim Carter to the reconstituted Animal Control Board. Vote unanimous.

13. Motion by Vice-Chairman Edmondson, second by Chairman Turner, to reappoint John L. Westervelt to the Water Authority Board. New term is for five (5) years, expiring on 3-1-18. Vote unanimous.

Motion by Vice-Chairman Edmondson, second by Commissioner Rooks, to go into Executive Session in the Commissioners' Conference Room to discuss litigation, real estate, and personnel matters at 7:30 p.m. Vote unanimous.

Motion by Commissioner Rooks, second by Vice-Chairman Edmondson, to go out of Executive Session in the Commissioners' Conference Room at 8:12 p.m. Vote unanimous.

Motion by Vice-Chairman Edmondson, second by Commissioner Rooks, to reconvene the Regular Business Meeting in the Commissioners' Boardroom at 8:18 p.m. Vote unanimous.

14. Discussion of LOST/Service Delivery Strategy.

As a result of a discussion in Executive Session regarding LOST/SDS negotiations, Interim County Attorney Jack Hancock presented Resolution 2013-76 for Board consideration/approval. He stated that

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the purpose of this resolution was to authorize the County to approve settlement negotiations pertaining to the Local Option Sales Tax (LOST) and the Service Delivery Strategy (SDS); to authorize the Chairman to perform all acts necessary to accomplish the intent of this resolution; to authorize the Finance Director to amend the budget where necessary to reflect an appropriate revenue source and expense; to provide an effective date of this resolution; and for other purposes. Per Mr. Hancock, this resolution calls for the execution of a LOST distribution beginning July 1, 2013, and continuing for 10 years under the following terms:

1 st Year	County – 68.59%	Cities – 31.41%
2 nd Year	County – 67.59%	Cities – 32.41%
3 rd – 10 th Year	County – 66.59%	Cities – 33.41%

This approval would be subject to the drafting and final ratification of an SDS Agreement between Clayton County and each of the Cities including the terms listed below as well as those terms in the existing agreement:

1. Clayton County will continue to provide fire services to the City of Lovejoy and the City of Jonesboro under prior agreements with payment to come from taxes collected from fire tax within those jurisdictions.
2. Agreement will call for Clayton County Fire Department to provide aid to all of the Cities. Payment for those services shall come from revenues paid into the general fund by taxpayers located within the cities. Clayton County will be permitted to transfer funds into the Fire Fund from the General Fund to pay for said services by the Fire Department.
3. The Clayton County Police Department will continue to provide aid as requested to the Cities.
4. There will be no new special tax district.
5. Clayton County will provide labor and equipment and the Cities will provide materials for road projects on City streets on a schedule to be agreed upon by the Cities personnel and the Director of Transportation and Development of the County or his designee.
6. Clayton County will return the equipment removed from park facilities in the City of Jonesboro.

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Following Mr. Hancock's reading of the above-listed terms, this motion was made:

Motion by Vice-Chairman Edmondson, second by Commissioner Rooks, to approve Resolution 2013-76 with the aforementioned distributions and terms. The motion carried 3-2. Commissioners Singleton and Hambrick opposed.

For the record, Commissioner Singleton stated she opposed this resolution because any time a credit is taken away for what she pays on her taxes means money is being taken away. She was not content that there would be no tax increase for her and other citizens in the County.

Chairman Turner expressed his sincere gratitude to the Cities and the Mayors for working out this negotiated deal with the County. He also thanked them as well as the Board for having confidence in him as Chairman to work through this negotiation and come to an agreement that would be in the best interest of the citizens of Clayton County.

Chairman Turner introduced several firms represented tonight as lobbyists to be interviewed by the Board. For informational purposes, he stated that he had been approached by a delegation to obtain lobbyist help – particularly for House Bill 399 which will take away revenue from the County. In searching for help, the Board thought it prudent to invite several firms tonight to see what they have to offer the county in this endeavor. The following firms are listed per order of introduction with the appropriate discussions.

McKenna Long & Aldridge, LLP (represented by Chuck McMullen, Managing Director; Sharon Gay, Partner; and Daniel Baskerville, Senior Advisor).

Mr. McMullen offered apologies to the Board for the absence of other colleagues who could not be present tonight due to job obligations in Washington, D.C. On behalf of a sixteen member team, he stated his firm will have a unique partnership with Clayton County by providing federal, state and local government relations counsel focused on public policy, politics, and the law. This team will offer a bi-partisan approach to issues that may impact Clayton County, including ad valorem taxes and economic development. All of the firm's public policy professionals have worked with high ranking government officials; i.e., elected officials, chiefs of staff, and other executive positions. With a limited time frame

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to work with the Georgia General Assembly right now, Mr. McMullen acknowledged that his firm had provided the Board with a proposal to review tonight and, at this time, he just wanted to highlight a few items. He described the team that would work with the County as a bi-partisan team. Six members have already worked with the County and additional members can be brought in as necessary to work through the House Bill 399 issue as well as any other issues that have an impact on the County. Mr. McMullen turned the discussion over to Sharon Gay, who would expound on the firm's unique local, state, and legal practice.

Ms. Gay thanked the Board for the opportunity to speak tonight. She stressed that ML&A, LLP brings a broad bench strength, diversity, and bi-partisanship at the federal, state, and local levels. It utilizes persons who have legal and non-legal experience. This firm has a history of working with Clayton County on various issues, such as economic development, and maintaining a strong relationship with local and federal levels. Such experience will be useful in quickly strategizing and framing the issue on House Bill 399 that Clayton County now faces. Ms. Gay asked if the Board had any questions.

Commissioner Rooks asked Ms. Gay what the charge would be if the Board chose McKenna Long & Aldridge, LLP as a lobbyist for the County. Ms. Gay replied that the charge remains to be negotiated, depending on the scope of services.

Twelve Oaks (represented by Murphy Talmadge).

Mr. Talmadge stated he understood the issues tonight are two-part; House Bill 399 and long-term lobbying for the County. The present status of the bill is that it was passed in the House and is now sitting in Finance, which is a separate process. Given that the lobbying process is so complex, Mr. Talmadge stated he was here tonight to offer his firm's services. Not only did he have specific knowledge of House Bill 399 by working with various groups involved, but he had a specific interest in this issue because he was raised in Clayton County. Mr. Talmadge said he would be happy to provide the Board a proposal, but he was mainly here to answer any questions pertaining to House Bill 399 because it is a pertinent issue that would affect the County's budget.

Vice-Chairman Edmondson noted that McKenna Long & Aldridge, LLP had referenced its relationship with the City of Atlanta and the airport in its presentation to the Board. He asked Mr. Talmadge if his

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firm had represented these two entities as well. Mr. Talmadge responded yes, but he could not disclose the full nature of the business.

Georgia Public Affairs (represented by John Clayton and Karen Pope of Pope Consulting).

Mr. Clayton introduced himself as being in a joint venture with Georgia Public Affairs and Pope Consulting. Ms. Pope would present what she would offer in representation later. He acknowledged that the Board had already seen his proposal and understood that Clayton County is up against three (3) interests. The current legislation of House Bill 399 would take away the ad valorem tax on property that the City of Atlanta owns. Georgia Public Affairs would work with the Senate Finance Committee and Rules Committee to modify the bill in a manner that the County would appreciate. Clayton County currently stands to take a \$13 million hit with this bill and, if it passes, the County will have to make extreme cuts. Mr. Clayton opined that it was unfair for the state legislators to singlehandedly orchestrate legislation for Clayton County. No other county has an international airport. Georgia Public Affairs wants to work with the County on mitigating this issue and being successful. He stated that Ms. Pope would speak to the Board about the 2nd interest of public transportation and he would close on the interest of maintaining an ongoing relationship with the County.

Ms. Pope said she was pleased to work with Georgia Public Affairs as a team with great effectiveness and as partners with an individual point of view. Regarding her background, Ms. Pope stated she has worked ten (10) years in municipal contracting for local governments. Ten years ago, she went out on her own and worked with Fortune 500 companies. Each of these companies was given individual attention, and she could apply that type of attention to this county's issues very quickly within the next eight (8) days of the Georgia General Assembly session. Regarding the resolution of transit issues, Ms. Pope stated there are federal dollars flowing through the Atlanta Regional Commission for public transportation, and some of the rules are changing for air quality. She believed Clayton County was in a position to bid for these ARC dollars which total \$16 million annually. Ms. Pope expressed her desire to find solutions for the County after the session and to review long-term goals. She would be willing to work with the County and the mayors within it, particularly in finding ways to address unique budget situations. If the Board had any questions, Ms. Pope said she would be happy to answer them.

Commissioner Singleton inquired where Mr. Clayton had received his information about the \$13 million hit on the County in the event House Bill 399 passed.

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Mr. Clayton answered that he had seen this figure in the newspaper.

Commissioner Singleton also asked Mr. Clayton where he had received information concerning a hit on the County's General Fund.

Mr. Clayton replied that he had seen this information in the newspaper as well.

Mr. Clayton concluded that having worked with the Georgia General Assembly for the past thirty days, he could appreciate the public service of the Board and mayors in Clayton County. He stated that he would be willing to meet with the heads of each department in the County to help solve any problems with legislation.

Commissioner Singleton commented that she was concerned about Mr. Clayton receiving information regarding the potential \$13 million hit on the General Fund from the newspaper instead of from a person in Finance.

Vice-Chairman Edmondson questioned if Georgia Public Affairs had a relationship with the City of Atlanta and the airport that would present a conflict with Clayton County.

Mr. Clayton responded that he has represented cities and counties in the past, but he currently does not; therefore, there would be no conflict with the City of Atlanta or the airport. Ms. Pope volunteered that she had relationships with clients, but not with the City of Atlanta or the airport.

Vice-Chairman Edmondson asked Mr. Clayton what the cost would be for his services with eight (8) days left in the Georgia General Assembly session. He further questioned if Mr. Clayton had an idea of whether or not the services would be month-to-month.

Chairman Turner interjected that this is a matter of dollars and cents that should be submitted in the form of a written proposal. The County would be entering into a professional services contract, so he wanted a proposal with service charges submitted to him that could be disseminated to the Board. This proposal has to be submitted quickly in order to run with it in the next eight (8) days, and the County has to be smart in vetting these proposals properly. He stressed that the submission of proposals would apply to all three (3) firms represented tonight.

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Vice-Chairman Edmondson surmised that Chairman Turner did not wish to consider any of the three (3) firms tonight.

Chairman Turner agreed and stated this is what he was asking.

There being no further business to discuss, motion by Vice-Chairman Edmondson, second by Commissioner Rooks, to adjourn the Regular Business Meeting of March 12, 2013 at 8:33 p.m. Vote unanimous.