

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

November 4, 2014

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PRESENT: Chairman Jeffrey E. Turner, Vice-Chairman Shana M. Rooks, Commissioner Sonna Gregory, Commissioner Michael Edmondson, Commissioner Gail Hambrick, and Clerk Sandra T. Davis.

1. Chairman Turner called the meeting to order.
2. Invocation was given by Pastor Lavoris Holloway of Grace International Church at Clayton. Pledge of allegiance to the flag was led by Chairman Turner.
3. Amended the agenda by adding Resolution 2014-298, a resolution authorizing Clayton County to enter into an agreement with Misty Mountain Productions, LLC providing for the terms and conditions under which filming will take place at the Steve Lundquist Aquatic Center, located in Jonesboro, Georgia, for a filming project associated with the production of the motion picture "Misty"; to authorize the Chairman to execute the agreement and otherwise perform all other acts necessary to accomplish the intent of the resolution; to provide an effective date of this resolution and for other purposes; and deferring item # 10 (appointment to the Hospital Authority Board to fill the unexpired term of Dr. Raju Vanapalli (resigned). The term is for three (3) years, expiring on October 31, 2017. Vote unanimous.
4. Approved the October 21, 2014 Regular Business Meeting minutes. Vote unanimous.
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 to be heard at the next Tuesday business meeting.
 1. Jeffery Benoit, a Clayton County resident, spoke to the Board concerning the appointment of Alex Cohilas as the Chief Operating Officer (COO). He stated that this particular item should have been held so that the community could have been at the business meeting. Mr. Benoit reiterated that Clayton County had a qualified COO, and she was fired without cause. He then asked of the Board if the candidate that was being hired meet the qualifications and needs of Clayton County. Mr. Benoit questioned as to where Mr. Cohilas' resume, application and qualifications lay that outlined him as being the best candidate qualified for the position.
 2. Dr. Wilbert Jordan, a Clayton County resident, stated that he is present to echo what Mr. Benoit stated. He stated he has been a resident in Clayton County for 28 years and part of that time he was in the military. Dr. Jordan stated to see Mr. Cohilas' name listed on the agenda is a smack in the face, and stated that the Board knows that the County can do

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better. He stated that the Board got rid of someone who worked with them and was qualified, and now the Board is going backwards. He pleaded for the Board to think about the decision made, and reconsider, because most of the citizens will “remember this”.

6. Ramona Thurman, Interim Purchasing Agent of Central Services, presented the following requests which resulted in these Board actions. (NOTE: The entire Purchasing Ordinance for Clayton County, Georgia can be viewed on the MuniCode website. Citizens can access this website via the following website address: <http://library.municode.com/index.aspx?clientId=10562>.)

1) Approved **RFP PKG #13-41 Telecommunication and Data Services, Annual Contract, Second Amendment.** (AT&T Corporation, located in Bedminister, New Jersey. Funding is available through the Information Technology and County’s General Fund FYE 2015. As requested by Information Technology Department). Per Section 2-136 (2) Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00. All goods and services in the excess of \$25,000.00 are required to be purchased through the sealed proposal process, or negotiated by the Director of Central Services with full Board of Commissioners’ approval. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

2) Approved **RFP #13-48 Asset Management Services for the Neighborhood Stabilization Program - Annual Contract with National Property Institute, LLC located in Ellenwood, Georgia, and Southern Crescent Habitat for Humanity located in Jonesboro Georgia, First Annual Renewal, First Amendment.** (The renewal period will be from December 1, 2014 through November 30, 2015. The remaining renewal on this contract is for two (2) additional one (1) year period. The Board of Commissioners approved this proposal on November 5, 2013. As requested by the Community Development Department). Per Section 2-136 (6) Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00. All goods and services in the excess of \$25,000.00 are required to be purchased through the sealed proposal process, or negotiated by the Director of Central Services with full Board of Commissioners’ approval. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote passed 4 to 1. Vice-Chairman Rooks abstained.

3) Approved **RFB PKG #14-45 Aluminum Sign Blanks and Printed Signs - Annual Contract.** (Universal Signs & Accessories, located in Fort Pierce, Florida. Funding is

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available through the 2009 SPLOST funds. As requested by the Transportation & Development Department). Per Section 2-136 (1) Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00. All goods and services in the excess of \$25,000.00 are required to be purchased through the sealed proposal process, or negotiated by the Director of Central Services with full Board of Commissioners' approval. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

4) Approved **RFB PKG #14-49 Lake Ridge Sidewalk Installation Clayton County, Georgia (re-bid)**. (\$282,240.00 / DAF Concrete, Inc., located in Marietta, Georgia. Funding is available through the 2009 SPLOST funds. As requested by the Transportation & Development Department). Per Section 2-136 (1) Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00. All goods and services in the excess of \$25,000.00 are required to be purchased through the sealed proposal process, or negotiated by the Director of Central Services with full Board of Commissioners' approval. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

5) Approved **Purchase of 350 Dell Computers for Various County Departments**. (\$225,046.50 / State Contract # #9999-SPD-T20120702 with Dell Computers, located in Round Rock, Texas. Funding is available through the Information Technology's Minor Computer Equipment Funds. As requested by the Information Technology Department). Per O.C.G.A, § 50-5-100 states, "The Department of Administrative Services is authorized to permit local political subdivisions, on an optional basis, to purchase their supplies through the state." Vote unanimous.

6) Approved **Resolution #2013-319, Internet Services for Clayton County, Second Amendment**. (Deltacom d/b/a EarthLink Business located, in Atlanta, Georgia. Funding is available through the Information Technology FYE 2015 Budget. As requested by the Information Technology Department). Per Section 2-136 (1) Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00. All goods and services in the excess of \$25,000.00 are required to be purchased through the sealed proposal process, or negotiated by the Director of

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Central Services with full Board of Commissioners' approval. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

7) Approved **Purchase of Vehicles for Various Departments in Clayton County.** (\$4,331,595.76/ Allan Vigil Ford Statewide Contract #99999-SPD-ES40199373-0002, located in Morrow, Georgia; Hardy Chevrolet Statewide Contract #99999-ES40199373-0005, located in Dallas, Georgia; Hardy Chevrolet Pursuit Vehicle Statewide Contract #99999-ES40199409-0002, located in Dallas, Georgia and Cooperative Purchase with Florida Fire Chief's Association, Florida Sheriffs' Association and Florida Association of Counties for Fire Rescue Vehicles and other Fleet Equipment Contract #11-10-1202 with Ten-8 Fire and Safety Equipment, located in Forsyth, Georgia. Funding is available through the 2015 SPLOST Bond Funds). Per Section 2-114 Clayton County Purchasing Ordinance and Per O.C.G.A, § 50-5-100 states, "The Department of Administrative Services is authorized to permit local political subdivisions, on an optional basis, to purchase their supplies through the state." Per Section 2-114 of the Clayton County Purchasing Ordinance; Cooperative Purchasing Methods, the County may join with other governmental units in cooperative purchasing plans when the best interest of the county would be served thereby. The Clayton County Board of Commissioners makes the final award for cooperative purchases of \$35,000.00 and greater. Vote unanimous.

7. Ramona Thurman, Chief Financial Officer, presented these requests which resulted in the following Board actions:

1. Approved Budget Amendment #2-81/ General Government/FY2014 Capital Expenditures – To provide funds for building and improvements in the amount of \$543,862. Vote unanimous.

2. Approved Budget Amendment #4-50/2009 Reimposition SPLOST/FYE 6-30-15 – To amend the budget in the amount of \$663, 015 in funding for design engineering services for the Valley Hill Bridge Road Project. Vote unanimous.

3. Approved Budget Amendment #4-51/2009 Reimposition SPLOST/FYE 6-30-15 - To amend the budget in the amount of \$154, 085 in funding for Panhandle Road Sidewalk Project acquisition services and land cost. Vote unanimous.

8. Renee Bright, Director of Human Resources, presented these requests which resulted in the following Board actions:

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1. Reclassification request from Superior / State Court Administration: Superior/State Court Administration requests to delete, create, and reclassify various positions. The changes will result in a savings to the County. Changes include:

- a. Delete vacant Principal Secretary Position in Indigent Defense.
- b. Reclassify Court Panel Assistant (2015) from 17/1 to 16/1.
- c. Reclassify Accountability Courts Coordinator (2001) from 22/1 to 24/1.
- d. Reclassify Felony Drug Court Case Manager (2001) from 18/1 to 22/1.
- e. Delete Principal Secretary Position (org 2001) and create Administrative Assistant 16/1.
- f. Delete Administrative Assistant position (2001) 16/1 and create Office Administrator/Superior Court 17/1.
- g. Reclassify DUI/Drug Court Case Manager (2101) from 18/1 to 20/1.

These changes will result in a savings of approximately \$9, 000.00. Vote unanimous.

2. Human Resources Director recommended the appointment of Robert Forbes as the Central Services Director. Motion by Chairman Turner, and second by Vice-Chairman Rooks, failed by a 2-3 vote. Commissioners Edmondson, Gregory, and Hambrick opposed.

Ms. Bright outlined that Mr. Forbes has over 20 years of purchasing, contracts administration, inventory control, and facilities administration. Ms. Bright stated that he received a Bachelor's Degree in Political Science from California State University, is a Georgia Certified Purchasing Associate and he had completed the University System of Georgia's Executive Ed. Leadership training. She stated that Mr. Forbes is willing to accept the starting salary, if offered the position.

Chairman Turner questioned if anyone interviewed for the Central Services Director position had procurement experience. Ms. Bright replied that Ms. Juanita Evans had extensive experience with procurement, but she did not have documentation as to how much experience she possessed in front of her.

Chairman Turner also questioned as to how many candidates were interviewed. Ms. Bright replied that there were seven (7) candidates. Chairman Turner confirmed with Ms. Bright that the job was posted, and Ms. Bright advised that it was indeed posted.

Vice-Chairman Rooks questioned Ms. Bright as to how many interview panels there were in reference to this position and also had each member on the interview panel conducted interviews in a similar fashion.

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Ms. Bright replied that this was the third (3) panel and recommendation. Ms. Bright also advised that she was not able to serve on each panel. Vice-Chairman Rooks confirmed with Ms. Bright that this candidate selected was done so out of a unanimous decision amongst the interview panel.

9. Christie Barnes, Chief Staff Attorney, presented the following resolutions and ordinance for Board consideration/approval.

1. Introduced Ordinance 2014-286, An Ordinance adopted under the Home Rule Powers specifically granted to the governing authority of Clayton County pursuant to Article IX, Section II, Paragraph 1(B)(1) of the Constitution of the State of Georgia of 1983, amending the Local Act of the General Assembly creating and composing the Clayton County Board of Commissioners and setting for the General provisions governing Clayton County Government; to amend the Clayton County Coded of Ordinances as amended, specifically Part I, Article II, Section 2-22 “Audits Generally” **(First Read)**.

2. Removed Ordinance 2014-287, An Ordinance adopted under the Home Rule Powers specifically granted to the governing authority of Clayton County pursuant to Article IX, Section II, Paragraph 1(B)(1) of the Constitution of the State of Georgia of 1983, amending the Local Act of the General Assembly creating and composing the Clayton County Board of Commissioners and setting for the General provisions governing Clayton County Government; to amend the Clayton County Coded of Ordinances as amended, specifically Part I, Article II, Section 2-4 “Meetings”, Part II, Chapter 2, Article I, Section 2-4- “Meetings”, Part II, Chapter 2, Article II, Section 2-32 “Days, Time and Place of Zoning Meetings”, and Section 2-34 “Days, Time of Business Meetings” **(First Read)**. Vote unanimous.

Vice-Chairman Rooks questioned if there were any cost that the County incurs for advertisements prior to the first read. Ms. Barnes advised that under the Provisions of Home Rule, the county is required to run an ad in the News Daily newspaper for three (3) consecutive weeks within the sixty (60) days preceding the adoption of the ordinance.

Vice-Chairman Rooks expressed that she asked those questions about the ad that ran in the News Daily, due to the possibility of eliminating the 6:30 p.m. Pre-Meeting that is held prior to the actual 7:00 p.m. Regular Business Meeting.

Commissioner Edmondson questioned if the Board were to eliminate the Pre-Meeting and start the Regular Business Meeting at 6:30 p.m., would the Board be able to amend that change and resume back to having the Regular Business Meeting begin at 7:00 p.m.? Ms. Barnes advised that there is no code provision for the Pre-Meeting, but there would need to be an ordinance to remove the Pre-Meeting.

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Commissioner Edmondson asked if there was an ordinance to create the Pre-Meeting. Ms. Barnes replied that there was not a resolution that she was aware of, but she suggested that a resolution be created to remove the Pre-Meeting.

Commissioner Hambrick stated that in the 1980's and early 1990's the Board met at 9:00 a.m. and a lot of the citizens were not able to make it then; the meeting was then changed to the early afternoon and the same thing occurred. Her recommendation is that the regular business meetings remain to be held at 7:00 p.m. so that the citizens can attend.

Vice-Chairman Rooks stated that she can consent to keeping the meeting at that time, however, she thought that by eliminating the Pre-Meeting, that the time for the Regular Business Meeting could be moved up to 6:30 p.m.

3. Tabled Ordinance 2014-288, An Ordinance to amend the Code of Clayton County, Georgia, as amended, specifically, Code of Clayton County, Georgia, Part II, Chapter 70 "Personnel" by deleting the existing Article II "Code of Ethics". Vote unanimous.

Vice-Chairman Rooks questioned as to why the sanctions listed were not done so in numerical order on how the Board intends to utilize the sanctions asking if the sanctions were progressive, or if the sanctions start with a written warning or a reprimand. Ms. Barnes replied that "as it is written any employee or county official would be subjected to learn more, as there is no requirement for it to be progressive or to choose one ahead of another; it's just those are the options available to the Board."

Vice-Chairman Rooks also referenced page 10, item number 7, vii. She wanted clarification as to how the rotation occurred. Ms. Barnes explained that there is no particular order and that whichever district the Board of Ethics appointee comes from, it would then rotate out to a different district upon time for reappointment. Ms. Barnes emphasized that it is the Board's decision as to which district is to begin with the rotation of the appointee from the four (4) districts within Clayton County.

Vice-Chairman Rooks recommended that Section 70-79 (b) **Board of Ethics; Creation; Duties**, Item No. 7, Subsection vii, should be listed separately so that the appointment year would only be one (1) year as opposed to four (4) years for the District Commissioner appointee. Ms. Barnes requested the Boards permission to further investigate this and bring it forth at the November 18th Regular Business Meeting.

4. Approved Resolution 2014-289, A Resolution authorizing Clayton Count to enter into a Grant Award Agreement with the Criminal Justice Coordinating Council and in accordance therewith accept grant funds to be used in connection with the Victims of Crime Act (VOCA) and the Clayton County Court Appointed Special Advocate Program. Vote unanimous.

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5. Approved Resolution 2014-290, A Resolution to amend Resolution 2014-160 so as to authorize the exchange of a condemned vehicle for other vehicles more suitable for police work in a manner as will be in the best interest of the County. Vote unanimous.

6. Approved Resolution 2014-291, A Resolution authorizing Clayton County, to enter into a Memorandum of Understanding with Troy University to provide high quality learning opportunities and tuition discounts to County employees. Vote unanimous.

7. Approved Resolution 2014-292, A Resolution authorizing Clayton County, to enter into a Right of Entry for an environmental assessment and response with the United States Army Corps of Engineers upon that certain County owned property located at 1800 Slate Road in Conley, Georgia. Vote unanimous.

8. Approved Resolution 2014-293, A Resolution authorizing Clayton County to accept a donation from Central Georgia Electric Membership Corporation on behalf of the Clayton County Department of Economic Development. Vote unanimous.

Vice-Chairman Rooks asked Grant Wainscott, Economic Development Director, to explain the film center Clayton Experience. Mr. Wainscott replied, that the County has two (2) of the four (4) suits at the old Ingles Shopping Center that had been repurposed into a film welcome center, utilizing monetary donation from Central Georgia EMC. He wants the department to use part of this donation to underwrite the experience that deals with the movie "Flight", and some of the other movies filmed in Clayton County, as well as the economic impact to Clayton County businesses and residents. The expectation is to open the center this coming spring.

9. Approved Resolution 2014-294, A Resolution approving the Clayton County Local Option Sales Tax (L.O.S.T.). Vote unanimous.

10. Approved Resolution 2014-295, A Resolution authorizing Clayton County to enter into an Agreement for Chief Operating Officer with Alex Cohilas. Vote passed 3-2. Chairman Turner and Vice-Chairman Rooks opposed.

Chairman Turner expressed that he felt the agreement was rushed and was not properly vetted and has circumvented Clayton County's hiring process. He stated that since he has been in office, there has always been a hiring process to seek out the most qualified candidate for the positions available. He asked Ms. Barnes did she have an application, resume, or list of qualifications for Mr. Cohilas, as he had not seen anything outlining his qualifications. Ms. Barnes replied that she did not have that information to provide. Chairman Turner confirmed with Ms. Barnes that Mr. Cohilas' contract was for a six (6) month period,

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and she did confirm that the contract was to begin on November 5, 2014 and end on May 5, 2015. He also questioned as to why the contract outlined an annual salary of \$130,000.00 yearly, as opposed to \$65,000.00 for six months, as it implies that he is to be retained for more than six (6) months.

Chairman Turner then asked Jack Hancock, County Attorney, if Mr. Cohilas would draw a pension as well as a salary. Mr. Hancock replied that Mr. Cohilas would receive both. Chairman Turner also questioned if Mr. Cohilas would be a temporary employee, working less than 32 hours per week according to the Civil Service Board rules or how exactly would he be classified. Mr. Hancock explained that there were no hour limits as to how many hours per week that a temporary employee could work, but did assure that the contract read he was a temporary employee for a period of six (6) months and not receive all the benefits of a regular full-time employee.

Johnette Smith, Assistant Finance Director, explained to the Board that when a temporary employee is entered into the system, they are treated as though they are a part-time employee because they do not receive any type of benefits.

Chairman Turner questioned if the pension attorney contacted Mr. Hancock about this contract. Mr. Hancock advised that he had spoken to the pension attorney and no concerns were expressed in reference to the contract between Clayton County and Alex Cohilas. Mr. Hancock explained that the pension attorney advised him of three (3) circumstances under which a person could be excluded from the pension plan: a contract employee, a temporary employee, or a part-time employee.

Ms. Bright advised the Board that a temporary employee can work 40 hours a week and still be considered a temporary employee, working under the six (6) month contract.

Vice-Chairman Rooks questioned how Mr. Cohilas would accrue sick leave and vacation benefits. Mr. Hancock advised that the position is not a temporary position under Civil Service. He also advised that if the Board wished to remove that particular part of the contract, then it may do so.

Chairman Turner reiterated that it seemed as though the process of hiring a permanent full-time COO is being circumvented, and should have been given to someone who has an interest in Clayton County. He expressed that there should be a nationwide search and look for a qualified applicant to fill this position as opposed to putting a band aid over a gaping hole.

Vice-Chairman Rooks asked Ms. Bright if Mr. Cohilas filled out an application for this position. Ms. Bright replied "No."

Chairman Turner asked if a resume was submitted. Ms. Bright replied, "No."

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Vice-Chairman Rooks questioned how does human resources maintain a file for temporary employees. Ms. Bright answered that it would be in the same manner that files are maintained for regular employees. She also asked if we had ever hired anyone without them filling out an application. Ms. Bright replied "No."

Vice-Chairman Rooks questioned as to if Mr. Cohilas would be referred to as the Interim COO? Mr. Hancock stated that the contract did not state that and that he would be the COO for a period of six (6) months.

Vice-Chairman Rooks questioned Commissioner Edmondson as to how Mr. Cohilas was selected for the position of COO. Commissioner Edmondson stated that he wanted to move to call a vote.

Vice-Chairman Rooks questioned Ms. Bright about Mr. Cohilas qualifications and education in regards to the position requirements. She also questioned if Mr. Cohilas had a degree when he worked for the County previously. Ms. Bright stated that he did not have one to her recollection.

11. Approved Resolution 2014-296, A Resolution authorizing Clayton County Juvenile Court, on behalf of Clayton County, to apply for and if awarded accept grant funds offered by the Criminal Justice Coordinating Council for the 2014 Juvenile Justice Delinquency Prevention and Treatment Program to serve youth requiring court intervention. Vote unanimous.

12. Approved Resolution 2014-297, A Resolution authorizing Clayton County to enter into a Settlement Agreement settling all claims set forth in the employment matters involving Willie Holliday. Vote unanimous.

13. Approved Resolution 2014-298, A Resolution authorizing Clayton County to enter into an agreement with Misty Mountain Productions, LLC providing for the terms and conditions under which filming will take place at the Steve Lundquist Aquatic Center, located in Jonesboro, Georgia for a filming project associated with the production of the motion picture "Misty". Vote unanimous.

Ms. Barnes requested an Executive Session to discuss litigation and personnel matters. The Board generally consented to hold an Executive Session for the aforementioned reasons.

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Motion by Commissioner Gregory, second by Commissioner Edmondson, to go into Executive Session to discuss litigation and personnel matters in the Commissioners' Conference Room at 8:04 p.m. Vote unanimous.

Motion by Vice-Chairman Rooks, second by Chairman Turner, to reconvene the Regular Business Meeting at 8:34 p.m. Vote unanimous.

Ms. Bright requested that the Board consider approving the Police Department to have an additional position as an Animal Control Officer until an existing position becomes vacant due to the reinstatement of an employee by the Civil Service Board, as there are no vacant positions. Vote unanimous.

Commissioner Edmondson questioned as to if the pay and pay grade would remain the same as when the employee left. Ms. Bright confirmed that it would remain the same.

Mr. Hancock presented the Board with two (2) cases that have settled previously and requested that the Chairman sign off on the following:

1. Case with Mark Sanders vs. Clayton County, Georgia and The Board of Commissioners: A term change, not a financial change, was negotiated by Mr. Hancock and Mr. Sanders' attorney that necessitates Chairman Turner's signature. The change outlined promotes Mr. Sanders to Lieutenant which has already been accomplished and the payment of some costs that were involved.

2. Settlement agreement that involved Clayton County and The Host Taxpayers which includes 21 concessionaires' parcels located at Hartsfield Jackson International Airport. Clayton County entered into a settlement agreement with The Host Taxpayers covering terms of appeals that were pending from 1999 through 2014. The agreement had been executed and the Board had previously approved the changes, for which Chairman Turner's signature is being requested. A copy of the executed agreement will be provided to the Clerk. Vote unanimous.

There being no further business to discuss, motion by Vice-Chairman Rooks, second by Chairman Turner, to adjourn the Regular Business Meeting of November 4, 2014 at 8:39 p.m. Vote unanimous.