

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

April 21, 2015

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

1. Chairman Turner called the meeting to order.
2. Invocation was given by Pastor Dallas Wilson from Center of Hope Ministry, Inc. of Riverdale, Georgia. Pledge of Allegiance to the flag was led by Chairman Turner.
3. Amended the agenda by removing Item # 27, ZONING PETITION: **SKYVIEW MEDIA, INC./PUD-15/02-3** (The Applicant, Skyview Media, Inc. is requesting acceptance of the Conceptual Development Plan, the Detailed Development Plan, and an amendment to the official zoning map from Article 3.5 RS-180 Residential District to Article 7.2 Planned Unit Development for the construction of 93 single family lots located in existing residential subdivision, Phase II of the Lakes at Mundy's Mill, located off of Chappell Lane in Jonesboro, GA and otherwise known as parcel number 05-177-177-002. The subject property contains approximately 48 +/- acres of land. **Commission District # 3 – Commissioner Shana M. Rooks, The Zoning Advisory Group Recommended DENIAL**), Update on Item #20, Resolution 2015-103 (A Resolution authorizing Clayton County to provide funds to Royal Phoenix Boulevard Property Owners Association, to provide assistance in the formation of the Airport South Community Improvement District as identified on the exhibits attached hereto.), Update on the Intergovernmental Agreement for Item # 17, Resolution 2015-100 (A Resolution authorizing Clayton County to amend the Intergovernmental Agreement for the use and distribution of proceeds from the 2008 Special Purpose Local Option Sales Tax for Capital Outlay Projects.), and Update on the Intergovernmental Agreement on Item # 18, Resolution 2015-101, (A Resolution authorizing Clayton County to amend the Intergovernmental Agreement for the Use and Distribution of the 2015 Special Purpose Local Option Sales Tax for Capital Outlay Projects.); Removing Item # 1 (**Recommendation for Award: RFP PKG. #15-06 Special Local Option Sales Tax [SPLOST] Program Management Services for Clayton County Georgia.** (Moreland Altobelli Associates, Inc., located in Norcross, Georgia. Funding is available through the 2004, 2009 and 2015 SPLOST Funds). Per Section 2-136 [2] of the Clayton County Code of Ordinances, General Purchasing Methods; 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

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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.), Removing Item # 2, (**Recommendation for Award: RFB PKG. #15-09 SPLOST Milling and Resurfacing of Various Streets in Commission Districts 1 & 2, Clayton County, Georgia, Transportation and Development Department.** [\$4,405,088.88 / C.W. Matthews Contracting Co., Inc., located in Marietta, Georgia. Funding is available through the Transportation and Development Department's SPLOST Fund FYE 2009]. As requested by the Transportation and Development Department. Per Section 2-136 [1] of the Clayton County Code of Ordinances, General Purchasing Methods; Clayton County utilizes the competitive sealed bid method when the costs of goods and services are in excess of \$25,000.00. The Clayton County Board of Commissioners has the final award approval for all non-budgeted bids \$35,000.00 and greater. All approved budgetary goods and services and annual contract purchases can be authorized by the Finance Director and purchased by the Director of Central Services without Board of Commissioners' approval.), and Item #3, (**Recommendation for Award: RFB PKG. #15-10 SPLOST Milling and Resurfacing of Various Streets in Commission Districts 3 & 4, Clayton County, Georgia, Transportation and Development Department.** [\$4,335,414.51 / C.W. Matthews Contracting Co., Inc., located in Marietta, Georgia. Funding is available through the Transportation and Development Department's SPLOST Fund FYE 2009]. As requested by the Transportation and Development Department. Per Section 2-136 [1] of the Clayton County Code of Ordinances, General Purchasing Methods; Clayton County utilizes the competitive sealed bid method when the costs of goods and services are in excess of \$25,000.00. The Clayton County Board of Commissioners has the final award approval for all non-budgeted bids \$35,000.00 and greater. All approved budgetary goods and services and annual contract purchases can be authorized by the Finance Director and purchased by the Director of Central Services without Board of Commissioners' approval.). Motion made by Commissioner Rooks, second by Commissioner Edmondson, to approve the agenda as amended. Vote unanimous.

4. Approved the April 7, 2015 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. Blanche M. Jones, a Clayton County resident, spoke about being cited for having a basketball goal that is located on the side of her driveway. She stated that she was advised that the goal would have to be moved each time that her son wanted

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to use it, which is mostly every day. She stated that the goal is very large and is hard to move. Ms. Jones pointed out that the goal is not a hindrance to the driveway nor does it face the street. She questioned the Board as to what a suggestion may be, as she received another citation today when she returned home. Chairman Turner advised that the Board cannot advise as to what to do with the basketball goal, but if she were to contact Christie Barnes, Chief Staff Attorney, then she could review the specifics of the ordinance pertaining to this issue to see which options are available.

2. Harry A. Osborne, a Clayton County Board of Elections member, spoke in reference to the retirement of Annie Bright. He stated that she is hardworking, gracious, and pleasant and has been a great asset to Clayton County. Chairman Turner stated that the Board does recognize the long and effective career of Ms. Bright.
3. Dr. Wilbert Jordan, a Clayton County resident, spoke and thanked the Board for bringing MARTA to Clayton County. He stated that there have been a lot of concern and questions in regards to MARTA, and he felt that there should be a citizen review board set up to address these concerns and he would report this back to the Board of Commissioners. Commissioner Rooks questioned Dr. Jordan as to what in particular he would like to address based off of last Monday's meeting. He stated that there was a group of individuals there from Riverdale, Georgia that had seemed to have met with individuals from the MARTA Board that may have been upset due to the MARTA Board not possibly addressing issues discussed prior to the meeting.
4. Lisa Fleming, a Clayton County resident, spoke in reference to Animal Control. She stated that as she sat and waited to speak, she counted the blocks behind the Board on the wall. She stated that 48 animals died yesterday morning, and that was almost enough to fill the blocks on the wall that are behind the Board. Ms. Fleming stated that she owns a kennel that houses a lot of stray animals, and rescue groups are not coming around the way that they used to and she is now asking the question, why. She stated that a dog named Monty came into her kennel needing Rabies, Parvo, and Bordatella shots, and was also heartworm tested (which was negative) and also neutered. He was to be taken to Fulton County, but it was suggested by the rescue system that she get a \$30.00 health certificate to have him transferred up to Fulton County, or take him to Clayton County where he would be treated for kennel cough for 14 days, and forfeit her investment in him that is at least a minimum of \$ 300.00 to \$400.00, with the maximum

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being \$800.00. She stated that the county needs out-of-state rescue to help because there are not enough local rescues. She pleaded for the Board to make this an urgent need so that the animals would not have to continue to die.

Chairman Turner did advise that there has been a position opening budgeted within the Animal Control Division for a full time veterinarian, and the new budget goes into effect July 1.

Commissioner Rooks asked Ms. Fleming if she has spoken with Paige Turner, Chairman of the Animal Control Board. Ms. Fleming replied that she has been before the Animal Control Board, and has explained the same things.

5. Kimberly Kirby- no show.
6. Quen Howard, a Clayton County resident, stated that after having the meeting with the Southern Regional Hospital Board, that the Board would like to be present at board meetings on the first and third Tuesdays, so that any questions that need to be addressed by the citizens of Clayton County, they will be available 15 minutes prior to and after the meeting.
7. Kim Ryan, the CEO of Southern Regional Medical Center, shared with the Board a life that was saved through the utilization of one of the signature programs implemented at the hospital. She stated that the individual saved was a resident of Clayton County, was a 34 year old male who had previously had a stroke. The individual was found and brought to Southern Regional who called the Stroke Center. The individual had a CAT Scan, which found that half of the brain had no blood flow, due to a massive blood clot. He was given a blood thinning agent. He was then transported to Grady Hospital, where they removed a 1" blood clot. He will fully recover thanks to the efforts of everyone involved.
8. Linda Ingram, a Clayton County resident, spoke in reference to Animal Control. She stated that she has worked with "these dogs" since 2011. She mentioned a full bred German Shepherd dog by the name of Madison. She stated that he was returned by the people who owned him because they could not care for him, and has since been killed. She stated that dogs are being killed within three (3) days of being at Animal Control. She stated that she does keep a picture of a dog every time one is killed. She pleaded for help from the Board, as things are getting progressively worse.

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6. PROCLAMATION: "Clayton County Observes April 2015 as National Safe Digging Month". (Presented by Chairman Jeffrey E. Turner)
7. Debra Brewer, Director of Central Services, presented the Board with the following items which resulted in the following 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 the **Recommendation to Amend: RFB PKG. #13-53 Relocation of Clark Howell Highway and Realignment of Forest Parkway, Clayton County, Georgia, Change Order Request, First Contract Amendment.** (\$187,191.61 / E.R. Snell Contractor, Inc., located in Snellville, Georgia. Funding is available through the 2004 SPLOST Funds). As requested by the Transportation and Development Department. Per Section 2-136 (1) of the Clayton County Code of Ordinances, General Purchasing Methods; Clayton County utilizes the competitive sealed bid method when the costs of goods and services are in excess of \$25,000.00. The Clayton County Board of Commissioners has the final award approval for all non-budgeted bids \$35,000.00 and greater. All approved budgetary goods and services and annual contract purchases can be authorized by the Finance Director and purchased by the Director of Central Services without Board of Commissioners' approval. Motion passed 4-1. Commissioner Rooks opposed.

Commissioner Rooks stated that per the documents enclosed, the reason for changing the project price was the addition of a left turn only lane on Forest Parkway for Blalock Industrial Boulevard. She asked if this particular change was foreseeable when the bid was provided to the Board, or when the "not to exceed" amount was established. Jeff Metarko, Transportation and Development Director, stated that the turning lane was established based off of negotiations with a proprietor business that is located off of that road. He stated that this is a negotiated settlement to make the road project conducive to the current business. Mr. Metarko also stated that the county has gone back and forth with the business owners, and this is the end result.

Commissioner Rooks confirmed that in the past and with this particular contract that there are terms that say that the County will not exceed a certain price, which are negotiated terms between the County and the person holding the contract. Mr. Metarko stated that on a construction bid, there are no negotiations. The county is given bid prices based off the quantity, some simple multiplication and you come up with the maximum price. Commissioner Rooks confirmed that with this maximum price, it is placed in the contract, and the county and the vendor are not to exceed that maximum price. Ms. Brewer advised that if there are adjustments to be made, then they will be, and not to exceed the maximum price.

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Commissioner Rooks asked Ms. Brewer if she was saying that the contracts should not exceed the maximum price listed within. Ms. Brewer advised that the only way there should, if any be additional costs, is if there are unforeseen circumstances or additional work.

Commissioner Rooks questioned if there were provisions within the contract that spell out “in the event the scope of work changes, then the not to exceed price will also change.” Ms. Brewer replied that it should be listed. Commissioner Rooks advised that in the contract provided, it does not say that, and reads “you are now requesting that the not to exceed price, exceeds the prior not to exceed price.” so now we have exceeded what we (the County) said it would not exceed. Commissioner Rooks then stated that if the verbiage is not put in the contract that the scope of work allows for the price to be increased, then how does the County allow for the price to increase. Ms. Brewer stated that you cannot increase the price if the scope of work does not change. Commissioner Rooks replied that if the provision is not there, then there should be no allowance for the price to increase. Ms. Brewer advised that she did not have the original contract in question in front of her at that time, but could provide answers to Commissioner Rooks’ questions after the meeting.

Mr. Metarko advised that this has been brought before the Board before in November 2014 for a budget amendment and it was approved. He stated that this same situation was brought up then, as there was an oversight with staffing changes at the time the contract did not come forward. He advised that the budget has been amended, however the contract with the vendor has never been formally amended. Commissioner Rooks asked how is it that the money was allocated, but there was no contract in place. Mr. Metarko stated that the contract is now current so the work can begin on the project, and this is a pending change order that has obviously had some “shelf life” to it now since it has sat since November. He also stated that the contractor has not been performing work in this area; however, it is getting close to time where he needs to get into that area or we (the County) will be facing extension delays on this project.

2) Approved **Request a 61 Day Contract Extension, Third Amendment: RFP #09-28 In Home Services for the Aging, Annual Contract.** (May 1, 2015 thru June 30, 2015 / Southern HomeCare Services, Inc. d/b/a ResCare Home Care Inc., located in College Park, Georgia. Funding is available through the FYE 2015 Atlanta Regional Commission Grant). As requested by Senior Services Department. Per Section 2-136 (2) and (6) of the Clayton County Code of Ordinances, General Purchasing Methods; 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. Per Section 2-136 (6) of the Clayton

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County Purchasing Ordinance, Clayton County has developed annual contracts for frequently used items and services. These contracts are a result of a sealed bid. The contract allows the county to order goods and services directly from the awarded suppliers through the use of an annual contract document. Vote unanimous.

3) Approved the **Recommendation for Renewal: RFP PKG. #12-30 Clayton County Brokerage Services for Voluntary Employee Benefits Annual Contract.** (Alexander & Company, located in Woodstock, Georgia. This renewal period is on a month to month basis beginning May 1, 2015). The Board of Commissioners approved this award on November 20, 2012. Per Section 2-136 (2) and (6) of the Clayton County Code of Ordinances; 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. Per Section 2-136 (6) of the Clayton County Purchasing Ordinance, Clayton County has developed annual contracts for frequently used items and services. These contracts are a result of a sealed bid. The contract allows the county to order goods and services directly from the awarded suppliers through the use of an annual contract document. Motion passed 4-1. Commissioner Edmondson opposed.

Commissioner Edmondson stated that the Board did not vote to renew this contract this last month. He questioned as to when the rebidding process was started and when it is expected to be completed and why can this not be amended to have a maximum amount of days included. Renee Bright, Director of Human Resources, advised that they will meet with Central Services next week for the RFP process. She stated that the reason that this is presented tonight is due to Alexander & Company providing the bond hearing benefit service, but also due to them providing open enrollment and eligibility system. They have all of Clayton County data that has to be moved over to another product which may take four (4) months or longer. Commissioner Edmondson confirmed the length of the contract(s) held with Alexander & Company at one year. Ms. Bright confirmed since 2012. He questioned as to why it would take at least four (4) months to transfer all of the county information that they have only managed for 18 months or so. Ms. Bright explained that it is all of the insurance and medical plan information. Commissioner Edmondson also asked if the county had any information in terms of HIPPA compliance and security. Ms. Bright confirmed that all of the information has to be transferred under HIPPA guidelines. Ms. Bright also explained that it is anticipated that it should take approximately four (4) months for the bidding process on the RFP to be completed, approximately four (4) months for the data to be transferred over, and if the Board would allow six (6) months total for the data to be moved over, this should allow time to ensure everything is

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transferred over properly.

Commissioner Edmondson questioned as to how many other contracts the county has that are for 12 months that take six (6) months to replace, and why are they not presented to the Board six (6) months prior to the contract expiring. Ms. Bright advised that in this particular instance it was a renewal and she is not able to provide an answer for that. Ms. Brewer advised that it was anticipated that the contract would be renewed due to the two renewal terms remaining on the contract and when it was not renewed, a determination was made in regards to benefits and services for the employees until processing could proceed. Ms. Brewer explained that the contract is on a month to month basis, and it may take four (4) months, it may take six (6) months, and if the RFP process was sped up, there still may not be another vendor that would be able to come in and take over services.

Commissioner Gregory questioned what would happen if this were not approved this evening. She was advised by Commissioner Edmondson that according to the HIPPA contracts that nothing would happen. Ms. Bright also reiterated that the company would have all of the county employee information including the benefits and the county would still have to work with Alexander & Company to get all of that information transferred over from the HR Infinity enrollment system.

8. Ramona Bivins, Chief Financial Officer, presented the Board with the following budget amendments, which resulted in the following Board actions:

- 1) Approved Budget Amendment #2-27/Fire Department/FYE 6-30-15 – To amend the budget to recognize revenue received from Tensar to assist with facility upgrades, in the amount of \$4,000. Vote unanimous.
- 2) Approved Budget Amendment #2-28/Prison/FYE 6-30-15 – To amend the budget to recognize revenue received from Beall’s Communication to assist with boarding supplies, in the amount of \$9,063. Vote unanimous.
- 3) Approved Budget Amendment #2-29/State Court Technology Fund/FYE 6-30-15 – To amend in the budget to revise the Traffic Court system and purchase software due to a statute change, in the amount of \$10,000. Vote unanimous.
- 4) Approved Budget Amendment #2-30/Other General Government/FYE 6-30-15 – To amend in revenue from additional Insurance Premium Taxes to replace the environmental control system for the Justice Complex, in the amount of \$414,364. Vote unanimous.
- 5) Approved Budget Amendment #2-31/Prison/FYE 6-30-15 – To provide three replacement vehicles for the Clayton County Prison, in the amount of \$79,000. Vote unanimous.

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6) Approved Budget Amendment #2-32/Federal Narcotics Condemnation Fund/FYE 6-30-15 – To establish a budget from seized drug funds to purchase two used vehicles for the Sheriff's Department, in the amount of \$13,500. Vote unanimous.

7) Approved Budget Amendment #2-33/Other General Government/FYE 6-30-15 – To amend the budget to recognize rental income and miscellaneous revenue for a Community Improvement District, in the amount of \$50,000. Motion approved 4-1. Commissioner Edmondson opposed.

Commissioner Rooks questioned as to why the Board is voting on this budget amendment before a vote is placed on the resolution. She was advised by Ms. Bivins that it was expressed that the Board wanted to move forward with this particular project, therefore the money has been allocated so that it would not have to be presented before the Board again for approval. Christie Barnes, Chief Staff Attorney, also explained that at the end of the resolution there is language that authorizes the Chief Financial Officer to amend the budget to reflect the appropriate revenue source and expense.

Commissioner Edmondson asked where the additional \$26,000.00 in rental income came from. Ms. Bivins explained that there are several sources of rental income, and she is not exactly sure as to which line item this comes from. He requested that the Board receive documentation on the accounting of what additional rental incomes the county has that is above its budget. She advised that she would.

9. Considered the recommendation of Mr. Courtney Pogue, by Chief Operating Officer Alex Cohilas, for the Director of Economic Development.

Mr. Cohilas presented to the Board his recommendation for the Director of Economic Development. He explained that there were three (3) candidates ultimately interviewed. Mr. Cohilas stated that after the interviews, and scoring was composed, it was the consensus of the interview panel that Mr. Courtney Pogue's information and application be brought before the Board as their recommendation. Mr. Pogue holds a Bachelor's Degree in Business Administration from Howard University and a Master's Degree from the University of Notre Dame, as well as a multitude of certifications. References and criminal background checks have been conducted as well as a verification of his degrees held and professional associations.

Chairman Turner asked Mr. Cohilas to speak on Mr. Pogue's salary requirement. Mr. Cohilas advised that his present salary is \$110,000.00 yearly in Cook County. Mr. Cohilas stated that he could not guarantee that the Board would be willing to match his current salary, and that he did his best to advise that the cost of living here in Clayton County is cheaper than what it is living in Cook County. Mr. Cohilas stated that while Mr. Pogue is aware that Clayton County will be disinclined to match his current salary, he is not willing to accept an offer of less than \$100,000.00 yearly. Commissioner Rooks

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pointed out that on Mr. Pogue's application where it asks if the applicant will accept the listed salary of \$90,000.00, Mr. Pogue selected that yes he would. Mr. Cohilas acknowledged that he did, but stated that most candidates do that to reserve the right to discuss it at a later time.

Chairman Turner questioned Mr. Cohilas in his opinion, and the opinion of the hiring board, if he felt as though Mr. Pogue was a highly qualified candidate. Mr. Cohilas replied that Mr. Pogue interviewed extremely well, and has exhibited a strong mastery of all the issues presented and will be able to hit the ground running with no question. Mr. Cohilas also explained that Mr. Pogue had done a great deal of research on Clayton County and he felt as though he already resided here.

Commissioner Rooks asked when Mr. Pogue would be available to begin in this position. Mr. Cohilas advised that Mr. Pogue requested 30 days so that he could settle unfinished business there before moving here and starting.

Vice-Chairman Hambrick questioned as to who the interview panel members were. Mr. Cohilas stated that they were Dr. Tim Hines, Mr. Larry Vincent, Ms. Odessa Archibald, Ms. Renee Bright, HR Director, and Mr. Alex Cohilas, Chief Operating Officer.

Motion was made by Chairman Turner, second by Commissioner Edmondson, to accept Mr. Cohilas' recommendation of Mr. Courtney Pogue as the Economic Director for Clayton County, at a salary of \$100,000.00 yearly. Vote unanimous.

Commissioner Edmondson questioned if the salary offered of \$100,000.00 needed to be amended for the current year budget since the 30 days would be the beginning of a new fiscal year. Ms. Bright advised that there would be no need to since there has been a lapse in salary.

Commissioner Edmonson also questioned if the position of Economic Development Director was non-Civil Service. He was advised that this was correct.

10. Ordinance 2015-92 - An Ordinance adopted under the Home Rule Powers granted to Clayton County pursuant to Article IX, Section II, Paragraph I of the Constitution of the State of Georgia of 1983, amending the Clayton County Code of Ordinances, specifically, relevant sections of the Clayton County, Georgia Public Employee Retirement System. **(First Read)**

**Synopsis:** *This Ordinance will amend and restate the Pension Plan primarily to amend the pension benefit formula and increase the level of funding for the Plan.*

Vice-Chairman Hambrick questioned if there is something that the Board can do concerning this without involving the Pension Board. Commissioner Edmondson advised that it had already been approved by the Pension Board.

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11. Adopted Ordinance 2015-94 - An Ordinance to amend Code of Clayton County, Georgia, as amended, specifically Part II, Chapter 86 “Subdivisions”, Article II “Tree Protection”, so as to delete Section 86-60 in its entirety and replace with a new Section 86-60 to be entitled “Exemptions”, to include language exemption county trail and pathway projects. Vote unanimous.

**Synopsis:** *This Ordinance will amend the County’s Tree Protection Ordinance to exempt county initiated pathway/trail projects from compliance with the clearing and tree provisions of the Tree Ordinance.*

12. Adopted Ordinance 2015-95 - An Ordinance to amend Code of Clayton County, Georgia, as amended, specifically Part II “Administration”, Chapter 6 “Alcoholic Beverages”, Article 1 “In General”, Section 6-2 “Definitions” so as to delete the definition of “Restaurant” and replace with an updated definition, to include adjusted minimum seating requirements for serving alcoholic beverages; Amend Section 6-5 “License Eligibility”, so as to delete Section 6-5 in its entirety and replace with a new Section 6-5 entitled “License Eligibility”, outlining modified license eligibility criteria. Vote unanimous.

**Synopsis:** *This Ordinance will amend the definition of restaurant in the Business License Ordinance to establish new requirements for restaurants that will serve beer, wine, and distilled spirits.*

Ms. Barnes also pointed out that a suggestion was received from Commissioner Rooks to amend Section 6-5 (b), to say “No retail dealer license shall be issued to any applicant whose business does not have at least \$15,000.00 in inventory of food, tobacco, and household products.”

13. Approved Resolution 2015-96 - A Resolution authorizing Clayton County to enter into a Sponsor/Site Agreement with Girls First, Inc. providing for the terms and conditions under which the United States Department of Agriculture’s Summer Food Service Program will be administered through the Senior Services Department. Vote unanimous.

**Synopsis:** *This Resolution will allow the Senior Services Department to administer free breakfast and lunch to all Kinship Program Summer Camp participants at the Kinship Resource Center from June 1, 2015 through July 31, 2015.*

14. Approved Resolution 2015-97 - A Resolution to allow the Oak Forest Neighborhood Watch-Sector 4 to host its 5<sup>th</sup> Anniversary Picnic at Clayton County International Park. Vote unanimous.

**Synopsis:** *This Resolution will allow Oak Forest Neighborhood Watch-Sector 4 to utilize the St. Vincent Pavilion at Clayton County International Park to fellowship and discuss*

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*neighborhood crime and prevention on May 16, 2015 from 10:00 a.m. to 8:00 p.m.*

15. Approved Resolution 2015-98 - A Resolution to allow State Representative Ronnie Mabra to host a Town Hall Meeting at the South Clayton Recreation Center. Vote unanimous.

**Synopsis:** *This Resolution will allow State Representative Ronnie Mabra to utilize the South Clayton Recreation Center on April 27, 2015 from 6:00 p.m. to 7:30 p.m. to provide citizens with updates on the status of legislation affecting their district.*

16. Approved Resolution 2015-99 - A Resolution authorizing Clayton County, on behalf of Clayton County Juvenile Court to apply for and, if awarded, accept the 2015 Juvenile Justice Incentive Program Enhancement Grant to enhance current court services for high-risk youth at risk for commitment. Vote unanimous.

**Synopsis:** *This Resolution will allow Clayton County Juvenile Court to apply for a grant amount up to \$750,000.00 for the purpose of paying for direct services for youth in the community in lieu of committing them to the Department of Juvenile Justice.*

17. Died for a lack of a second. Resolution 2015-100 - A Resolution authorizing Clayton County to amend the Intergovernmental Agreement for the use and distribution of proceeds from the 2008 Special Purpose Local Option Sales Tax for Capital Outlay Projects.

**Synopsis:** *This Resolution will authorize the County to enter into an Intergovernmental Agreement pertaining to excess SPLOST funds and the administration of the SPLOST funds.*

18. Died for a lack of a second. Resolution 2015-101 - A Resolution authorizing Clayton County to amend the Intergovernmental Agreement for the Use and Distribution of the 2015 Special Purpose Local Option Sales Tax for Capital Outlay Projects.

**Synopsis:** *This Resolution will authorize the County to enter into an Intergovernmental Agreement pertaining to excess SPLOST funds and the administration of the SPLOST funds.*

Commissioner Edmondson stated that he did not have a copy of the old Intergovernmental agreement for Resolutions 2015-100 and Resolution 2015-101. He questioned Ms. Barnes in regards to what was deleted under 1D and 1E. She advised that the language in Section 1E stated "The counties and municipalities agree that each approved SPLOST project associated with this agreement shall be maintained as a public facility and in public ownership. If ownership of a project financed pursuant to this agreement is transferred to private ownership within 10 years of SPLOST expiration, the

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proceeds of the sale shall, for the purposes of this agreement, be deemed excess funds and disposed of as provided under O.C.G.A. 48-8-121G2.” That language shall be removed. Commissioner Edmondson questioned as to why it needed to be removed. Ms. Barnes replied that it would remove the requirement that public project is transferred to private ownership within 10 years that the proceeds would be deemed excess proceeds.

Commissioner Edmondson questioned that if the county built something with SPLOST money and then turned around and sold it to the private sector, since that language will be deleted, could the county be able to turn around and keep the money from the sale and not return the money to SPLOST. Ms. Barnes replied that the funds would be returned to the county’s general fund for the purpose of reducing Ad Valorem taxes. Commissioner Edmondson stated that it is redundant to the O.C.G.A. Ms. Barnes stated that the language in which she just read is, and would be removed from the contract. She stated that the language does not state anything in reference to transferring a public project into private ownerships, and just makes mention of what happens with excess proceeds.

Commissioner Rooks questioned that if it were sold to a private entity, then the money would go back to SPLOST. Ms. Bivins stated that the funds would come back to the general fund, and would be considered as excess SPLOST. Commissioner Rooks asked that if prior to this, if the aforementioned language is not removed then what occurs. She was advised by Ms. Bivins that the funds would come back to the county under general operating funds.

19. Approved Resolution 2015-102 - A Resolution authorizing Clayton County to enter into an Agreement with Forensic Photography, Inc. providing for the terms and conditions under which photography and related services will be provided. Vote unanimous.

**Synopsis:** *This Resolution will provide professional general and forensic photographic services to the Clayton County Board of Commissioners, District Attorney, Solicitor General, Sheriff, Police, and Fire and Emergency Management Services Departments.*

Commissioner Rooks questioned Ms. Bivins if the four (4) non-emergency vehicles provided to the photographer were new vehicles or if they were current vehicles that the county already has possession of. Ms. Bivins stated that they were in possession of three (3) vehicles, and that the fourth one would either be a new vehicle or one that the county already has possession of. Chairman Turner stated that they will be given an existent fleet vehicle.

20. Approved Resolution 2015-103 - A Resolution authorizing Clayton County to provide funds to Royal Phoenix Boulevard Property Owners Association, to provide assistance in the formation of the Airport South Community Improvement District as identified on the exhibits attached hereto. Motion passes 4-1. Commissioner Edmondson opposed.

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**Synopsis:** *This Resolution will provide funding in the amount of \$50,000.00 for the purpose of providing assistance in the formation of the Airport South Community Development Improvement District.*

Commissioner Rooks questioned if this was an investment for them to return the \$50,000.00. She stated that when the negotiation was done with Mr. Morsberger that it was done under the impression that it was an investment and he agreed that the property owners would return the monies to the county. She wanted to know why this was different this time. Commissioner Edmondson stated that the county was giving the money to the association and not the contractor this time, and last time it was given to the contractor. Ms. Barnes stated that it was given to the contractor for him to form an association designed to assist in forming the CID. She also stated that she did not have the contract with her, but did recall that the county was to be repaid by Mr. Morsberger.

Commissioner Edmondson asked Ms. Barnes why the money was being given to the property owner's association instead of to the contractor who is doing the work and the marketing. She replied that per Ms. Nicole Hall, the property owners and the property owner's association have already provided funding to her for her payment, and this would be a donation to the property owner's association for however they would need to use it to form the CID. Commissioner Edmondson expressed his discomfort in doing this.

Nicole Hall, a representative for the contractor, presented Mr. Frank Ferrell who is one of the property owners and a member of the association. She stated that the association hired Mr. Ferrell and stated that when she spoke with Ms. Barnes she expressed that she felt that she should not be the recipient of the funds to be used to form the CID. Ms. Hall stated that all funds previously had gone through the association, and in turn they paid her.

Commissioner Rooks stated that as a property owner, there have been discussions had with the airport and its expansion. She asked Mr. Ferrell if there was any concern that the airport expansion would impede on his property. He stated, no. Ms. Hall also stated that there have been no concerns expressed to her in regards that property would be lost due to airport expansion. Chairman Turner stated that not even the aerotropolis is buying up land and adding to the airport, so no it would not impede on that.

Commissioner Edmondson questioned if there should be a provision or a contract attached to this resolution that is specific to the CID. Ms. Barnes stated that from her understanding it is just a donation.

Commissioner Edmondson then asked if the county could take public funds to donate to a private association and if so could the county do the same to give to a private home owners association. Ms. Bivins stated that she would have to do research on that.

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Commissioner Rooks questioned if tax payer dollars could be used. Ms. Barnes and Chairman Turner stated that it would have to be used within the CID for improvements.

21. Approved **Order for Remission-** State of Georgia vs. Isidoro Palaciosponce and AAA Team Bonding Company. Vote unanimous.
22. Approved the appointment of Kysha Wright-Hill, Esq. to the Mental Health, Developmental Disabilities, and Addictive Diseases Community Service Board to fill the unexpired term of Kysha McPherson and a new full term (*No longer a resident of Clayton County*). The term is for three years expiring on June 30, 2018. (Full-Board Appointment) Vote unanimous.
23. Approved the appointment of Kysha Wright-Hill, Esq. to the Mental Health, Developmental Disabilities, and Addictive Diseases Community Service Board to fill the unexpired term of Timothy Carter and a new full term (*Resigned*). The term is for three years expiring on June 30, 2018. (Full-Board Appointment)
24. Nomination of Genus Powell to the Housing Authority Board to fill the expiring term of Curtis Green failed due to lack of a second. The term is for five years expiring on May 11, 2020. (Full-Board Appointment) (*Held from April 7, 2015 Meeting*). Reappointment of Curtis Green to the Housing Authority Board passes 3-2. Commissioner Edmondson and Commissioner Rooks opposed.
25. Approved ZONING PETITION: **RJE INVESTMENT/RECZ-15/02-16**

The Applicant, RJE Investment, is requesting a rezoning from Article 3.31, Heavy Industrial District to Article 3.21 General Business District for property located 9434 S. Main St. in Jonesboro, GA and known as parcel number 06-032-033-009. The subject property is zoned Heavy Industrial, contains 3.46 +/- acres of land, currently occupied by three existing buildings with various commercial and industrial businesses.

**Commission District # 4 – Commissioner Michael Edmondson**

**The Zoning Advisory Group Recommended APPROVAL w/condition**

Mr. Rodney Owen, with RJE Investments presented as representative for this zoning petition.

Commissioner Edmondson questioned what Mr. Owen's thoughts were on the way that the property would be used. Mr. Owen stated that he had no issues with the way that the property would be used.

Commissioner Edmondson asked Ms. Barnes if the county could define "corner grocery store". She stated that corner grocery store is not defined within any ordinance. Commissioner Edmondson asked Mr. Owen what his interpretation of a corner grocery store was. He stated that he thought of it as a grocery store period. Commissioner

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Edmondson stated if it could be defined as retail sales, and Mr. Owen stated that he had no problem with that at all. Ms. Kimberly Smith, a representative from Zoning and Planning, stated that she did not get a copy of this zoning petition, but according to her notes approval was recommended.

Commissioner Edmondson questioned if the general business zoning category currently provide for any type of adult entertainment, massage parlor- if so could the county consider excluding those uses as well. Ms. Barnes stated that it does not allow adult entertainment or anything close to that, as it is not a permitted use.

Commissioner Rooks questioned Mr. Owen if he knew what the property would be used for. He stated that the property that is there will allow for more flexibility and for a pool of potential users and tenants. Chairman Turner asked if there were currently tenants in the building and if so what type. Mr. Owen replied yes, a paint center, Curves, a bookkeeping service, and a contractor.

Motion by Commissioner Edmondson, second by Commissioner Rooks, to approve with the condition of no tattoo parlors, and no retail sales of groceries. Vote unanimous.

26. Approved ZONING PETITION: **DEWBERRY – DANIEL GIBBS/MOD-15/01-4**

The Applicant, Dewberry – Daniel Gibbs, is requesting a modification to existing zoning conditions pursuant to Article 13.13 Modifications for property located on Grant Road in Ellenwood, GA and known as parcel number 12-214C-A002. The subject property is zoned Heavy Industrial, contains 9.842 +/- acres of vacant land.

**Commission District # 1 – Commissioner Sonna Gregory**

**The Zoning Advisory Group Recommended APPROVAL**

Matt Stickers, a representative for this zoning petition on behalf of Dewberry presented to petition for the approval of a parking lot. Vote unanimous.

Ms. Barnes requested an executive session to discuss litigation and personnel matters.

Motion by Commissioner Edmondson, second by Commissioner Rooks, to go into Executive Session to discuss litigation and personnel matters in the Commissioner's Conference Room at 8:49 p.m. Vote unanimous.

Motion by Commissioner Edmondson, second by Commissioner Rooks, to go out of Executive Session at 9:19 p.m. Vote unanimous.

Motion by Commissioner Rooks, second by Vice-Chairman Hambrick, to reconvene the Regular Business Meeting in the Commissioner's Boardroom at 9:21 p.m. Vote unanimous.

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Approved Ms. Barnes request for Clayton County to enter into a settlement with or to provide settlement funds in the amount of \$17,500.00 to Web Antigory, LLC pertaining to matters involving Cyndi Lindo bringing a civil action against Eric Arroyo and Clayton County, Georgia. Vote unanimous.

Approved the appointment of Lateral Frances as the Interim Director of Board of Elections Office. Vote unanimous.

Motion died to extend the contract of Alex Cohilas as the Chief Operating Officer, which is due May 5, 2015. Motion by Commissioner Gregory, second by Vice-Chairman Hambrick, to cancel the contract of Alex Cohilas, effective immediately. Motion passed 4-1. Commissioner Edmondson opposed.

Motion by Commissioner Georgy, second by Commissioner Rooks, to appoint Detrick Stanford effective immediately as the Interim Chief Operating Officer. Motion passed 4-1. Commissioner Edmondson opposed.

Motion by Commissioner Rooks, second by Chairman Turner, to adjourn the Regular Business Meeting of April 21, 2015 at 9:27 p.m. Vote unanimous.