

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

August 4, 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 Captain Rebecca Brown with the Clayton County Police Department. The Pledge of Allegiance to the flag was led by Chairman Turner.
3. Amended the agenda by removing Item No. 7, PROCLAMATION: "Clayton County Recognizes Cecelia Williams for Community Activism". (Presented by Commissioner Shana M. Rooks). Vote unanimous. Removed Item No. 9, PRESENTATION: "With Regards to Resolution 2012-113 that authorized the discontinuation of Compensation for Personnel Working Out-of-Class or Position". (Presented by Mr. Kyle Sherrit, President of the Professional Firefighters of Clayton County Local 4998). Vote unanimous. Removed Item No. 15, Resolution 2015-200 - A Resolution authorizing Clayton County to enter into a License Agreement with MARTA for the installation and operation of a public bus shelter or bench and associated equipment.

Commissioner Edmondson recommended that Item No. 15 not be brought before the Board again until the trash collection has taken place around the existing bus stop areas, according to the contract with Clayton County that says they will. Chairman Turner stated that he wanted to make sure that the Board understood that this resolution simply provides for a bus stop to be located on county property; if this does not go through, there will have to be another location as a stop in front of the Justice Center or wherever it may be. Commissioner Edmondson expressed that hopefully the garbage will be picked up to the satisfaction of the county as it was contracted to be done, so that the county can begin saying "yes" to expanded bus stops. Vice-Chairman Hambrick added that there are bus stops that need shelters as well. Chairman Turner advised that MARTA was working on those efforts in getting shelters for the bus stops. Interim Chief Operating Officer (COO), Detrick Stanford advised that the Justice Center would be the only stop, county owned, that is allocated for the county. COO Stanford stated that there are a total of 14 stops, and 13 of those do not impact county property directly. Chairman Turner questioned if the Justice Center was a designated stop. Mr. Stanford advised that was correct. Chairman Turner also questioned what would happen if this resolution did not pass. Mr. Stanford advised that MARTA would have to identify another location within the same jurisdiction. Vice-Chairman Hambrick asked if this included any advertising as far as MARTA is concerned. Mr. Stanford advised that MARTA is designed to do advertising with their buses; however, they have had

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challenges with their third party media accommodations. He stated that their media department is responsible for handling advertisement on any locations built out by MARTA.

Motion passed 3-2, to remove this item. Chairman Turner and Commissioner Rooks opposed.

Added Resolution 2015-208, A Resolution to authorize and approve the execution and delivery of a third amendment to Intergovernmental Contract with the Clayton County Solid Waste Management Authority, dated as of August 1, 2015; and for other purposes. Vote unanimous. Added Resolution 2015-209, A Resolution authorizing Clayton County to enter into an Intergovernmental Economic Development Contract with The Development Authority of Clayton County for the repayment of bonds issued to refund Fire Revenue Refunding Bond, to refinance the cost of acquiring Rainwood Apartments, and to refinance the cost of acquiring land in Morrow, Georgia for a multi-use business park. Vote unanimous.

Commissioner Rooks questioned as to why Resolution 2015-209 was being added as an emergency item. She was advised by Ramona Bivins, Chief Financial Officer that this is for the refinancing of the outstanding bonds with The Development Authority while the interest rates are still low, as everything was just received back from the bond attorney in order for the Board to approve. Chairman Turner questioned what the savings were on the bonds. Ms. Bivins advised approximately \$2 million.

Motion by Commissioner Edmondson, second by Commissioner Rooks, to adopt the agenda as amended. Vote unanimous.

4. Approved the July 21, 2015 Regular Business Meeting, the July 23, 2015 11:00 am. Public Hearing on the Proposed FY-2016 Millage Rate Increase, the July 23, 2015 6:30 p.m. Public Hearing on the Proposed FY-2016 Millage Rate Increase and the July 30, 2015 Public Hearing / Special Called Meeting to Adopt the FY-2016 Millage Rate Increase 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. Linda Granger, a Clayton County resident, asked that the Board govern themselves accordingly. She spoke in regards to her rights as a citizen during an incident that occurred between her and a Clayton County Officer. She asked that the Board look into this incident, as she has a right and this was an injustice. Ms. Granger stated that her constitutional rights have been violated. She also stated that she has served her country, and has found that a lot of people do not respect individuals who have served the county, and those that have been killed. She asked that the Board members do what they have been elected to do. Ms. Granger asked why there were so

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many officers on duty during the Board meeting. She suggested that some officers be placed on patrol, as she didn't feel that the Board members were in any danger during the meeting. Ms. Granger stated that former Police Chief Greg Porter was very attentive and returned calls in a timely manner when he was called. She stated that she was the victim of a hate crime yesterday and had to make several calls to file a complaint and still received no assistance; a call was made to the Interim Chief of Police, and she is still waiting for a return call.

2. Linda Ingram, a Clayton County resident, spoke before the Board in regards to Interim Police Chief Register. A few months ago she started on a long journey in regards to Clayton County Animal Control. She knew that it would be a long one, and finally her journey has come to an end, as she has finally seen the light at the end of the tunnel. She thanked Interim Police Chief Register, as in a few short weeks there has been a huge difference seen in Animal Control. It is moving forward, and dogs are getting out; everyone is finally working together. Ms. Ingram stated that she never gave up on the shelter and she never lost faith. She wanted the Board to know that there is a Chief in place that not only cares about the people in the county, but about animal control and the dogs.
3. Kimberly Kirby, a Clayton County resident, stated that she was present to show appreciation for Interim Police Chief Register. She stated that although he has served in the position for less than a month, there has been change in Animal Control, in less than a week of him taking office. The changes may seem small to some, however, to a rescuer the changes are a tremendous step toward what she hopes to see Clayton County become- a "no kill county". She stated that when former Chief Porter was in office, she was unfair in her judgement about Interim Chief Register, and she was mistaken.
4. Jeffery Benoit, a Clayton County resident, congratulated the Board on passing the county budget. He stated that he would like to see capital investments within the community, as the county begins to collect the new taxes and not spend money frivolously. He asked that the Board govern itself accordingly and to do what's right. Mr. Benoit made reference to previous hiring practices, and asked that the Board enforce the proper way in which individuals are selected, interviewed, and hired. He stated to the Board of Commissioners that the citizens were watching. He asked that the hiring and firing process be done as expected. Finally, Mr. Benoit asked that the Board not spend the tax payer's money on things that do not prove to be fruitful for the county.
6. PROCLAMATION: "Clayton County Recognizes 100 Year Old Annie Grace Simpson".
(Presented by Commissioner Sonna Gregory)

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7. PROCLAMATION: "Clayton County Recognizes Community Outreach in Action". (Presented by Commissioner Shana M. Rooks)

8. Consider requests of Allegra Small, Assistant Director of Central Services. (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) **Recommendation for Renewal and/or Amendment of Annual Contracts.**

1. The following Annual Contracts are being recommended for renewal and/or amendment pursuant to Section 2-136: (1) and (6) of the Clayton County Code of Ordinances, General Purchasing Methods. Per Section 2-136 (1) of the Clayton County Purchasing Ordinance, 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. 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.
 - a. Approved **RFB #13-27 Annual Contract for Security Mattresses at the Prison Facility in Clayton County – Annual Contract with Bob Barker Company, Inc.**, located in Fuquay Varina, North Carolina, with a renewal period from October 1, 2015 through September 30, 2016. This is the final renewal on this contract. The Board of Commissioners approved this award on August 6, 2013. Vote unanimous.

 - b. Approved **RFB #14-46 Clayton County Transportation & Development Milling of Various Streets in Clayton County – Annual Contract with Atlanta Paving & Concrete Construction Inc.**, located in Norcross, Georgia, with a renewal period from October 1, 2015 through September 30, 2016. There is one remaining renewal on this contract. The Board of Commissioners approved this award on September 2, 2014. Vote unanimous.

2. The following Annual Contracts are being recommended for renewal and/or amendment

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pursuant to Section 2-136: (2) and (6) of the Clayton County Code of Ordinances, General Purchasing Methods. Per Section 2-136 (2) of the 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. 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.

- a. Approved **RFP #13-49 Real Estate Attorney Services – Neighborhood Stabilization Program – Annual Contract (Multiple Award) with (1) Brochstein & Bantley, P.C.**, located in Stockbridge, Georgia, and **(2) William A. Miller, P.C.**, located in College Park, Georgia, with a renewal period from December 1, 2015 through November 30, 2016. There is one remaining renewal on this contract. The Board of Commissioners approved this award on November 5, 2013. Vote unanimous.

- 2) Approved the **Recommendation for the Purchase of a 2016 Ford F350 Long Bed Truck utilizing Statewide Contract #SWC99999-SPD-ES40199373-002**. (\$39,804.42 / Allan Vigil Ford, located in Morrow, Georgia. Funding is available through the FYE 2016 Fire Fund Account). As requested by the Fire Department. Per Section 2-136 (6) of the Clayton County Code of Ordinances, General Purchasing Methods; 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 the Purchase of two (2) Pierce Pumper Fire Trucks utilizing the Florida Sheriffs Association Cooperative Contract #15-11-0116**. (\$899,857.28 / Ten-8, located in Forsyth, Georgia. Funding is available through the FYE 2015 SPLOST Vehicle Fund). As requested by the Fire Department. Per Section 2-114 of the Clayton County Code of Ordinances, 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.

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9. Consider the request of Ramona Bivins, Chief Financial Officer.
 - 1) Approved Budget Amendment #2-42/Various General Fund//FYE 6-30-15 - To provide additional funds for salaries and wages, in the amount of \$137,078. Vote unanimous.
 - 2) Approved Budget Amendment #2-43/Victims Assistance/FYE 6-30-15 - To provide additional funds for salaries and wages, in the amount of \$375. Vote unanimous.
 - 3) Approved Budget Amendment #2-44/Landfill Enterprise Fund/FYE 6-30-15 - To provide additional funds for salaries and wages, in the amount of \$1,659. Vote unanimous.
 - 4) Approved Budget Amendment #2-03/Parks and Recreation/FYE 6-30-16 - To amend the budget to roll over donations received prior to FY 2015 year end, to recognize a donation from Stephens Construction and re-appropriate funds to complete installation of four pavilions in Clayton County Parks and other various projects throughout the department, in the amount of \$144,713. Vote unanimous.
 - 5) Approved Budget Amendment #2-04/Fire Fund/FYE 6-30-16 - To carry forward a budget for repairs to fire stations, in the amount of \$14,006. Vote unanimous.
 - 6) Approved Budget Amendment #2-05/Probation Services/FYE 6-30-16 - To provide additional FY 2016 funds for salaries and benefits resulting from the reclassification approved by the Board of Commissioners on June 2, 2015, in the amount of \$5,317. Vote unanimous.
 - 7) Approved Budget Amendment #2-06/Fire Fund/FYE 6-30-16 - To amend in insurance proceeds from the settlement on Fire Pumper #9 accident, in the amount of \$55,266. Vote unanimous.
10. Approved Resolution 2015-197 - A Resolution authorizing Clayton County to enter into a Memorandum of Understanding with the Comprehensive Justice Information System Policy

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Board for the terms and conditions under which the Chairman will represent the Board of Commissioners as a Participating Agency. Vote unanimous.

***Synopsis:** The Comprehensive Justice Information System (CJIS) Policy Board, of which the Board of Commissioners is a Participating Member, will provide oversight regarding technological development of the SPLOST funded justice information system.*

11. Approved Resolution 2015-198 - A Resolution authorizing Clayton County to enter into a Cooperation Agreement with the Airport South Community Improvement District for the enhancement of services and facilities within the geographical boundaries of the district. Vote unanimous.

***Synopsis:** The Clayton County Community Improvement District Act requires that the services and facilities furnished within the District shall be provided for in a Cooperation Agreement executed by the Community Improvement District Board and the governing bodies within which the District is located.*

Commissioner Edmondson asked what this resolution accomplishes. Ms. Barnes stated that it simply means that the CID Board cannot be used by the county to supply or bring services or facilities that the county was obligated to do prior to the CID coming into existence. Commissioner Edmondson questioned, if the Board or county can't do that anyway, why this resolution is needed. Ms. Barnes stated that it is for the Board to have as a cooperation agreement which is required by the CID Act to cover how the facilities and services will be provided.

12. Approved Resolution 2015-199 - A Resolution of the Clayton County Board of Commissioners directing all County related boards and authorities with members appointed by the Board of Commissioners to submit minutes to the County Commission Clerk within 30 days of approval. Vote unanimous.

***Synopsis:** The Board of Commissioners is directing all County related boards and authorities to submit minutes to the County Commissioner Clerk to ensure access to the general public.*

Commissioner Gregory questioned if the county had the authority to insist that the different boards submit minutes. Christie Barnes, Chief Staff Attorney, stated that there are some boards and authorities that are created by state law, but this board (Board of Commissioners) can ask or direct the others to submit their minutes to the County Commission Clerk. The minutes are submitted to open records; however, the issue may be that some boards do not have a website where these are posted so that they

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may be reviewed. Commissioner Gregory asked once again if the boards can be made or directed to submit minutes. Commissioner Edmondson also asked if this is what this particular resolution is doing. Commissioner Rooks stated that she requested that this resolution be added due to her having a number of constituents calling and wanting information on a particular board within the county, especially if it is a county created board. She stated that she requested this of Ms. Barnes for the sake of transparency. Ms. Barnes advised that the boards in question, created by the Board of Commissioners, can be directed to comply with the direction of the Board of Commissioners. Commissioner Edmondson asked if the Board of Commissioners could direct said boards to provide a copy of the minute meetings under the Open Records Act. Commissioner Rooks stated that she doesn't believe that the Board of Commissioners should have to do so, but as the governing board over those boards created (within the county), the concern of the citizens is to receive clarity as to what is going on within the particular boards. The Board of Commissioners is subject to posting their minutes, and the other boards should be doing so as well, it's just that many of them do not have websites. Chairman Turner stated that this would be an excellent way to keep track of if the board members are actually showing up for the board meetings. Vice-Chairman Hambrick stated that she knows some of the boards are state boards that Clayton County appoints to, but does not feel that the Board of Commissioners can demand that they submit their minutes. Ms. Barnes stated that she was speaking of the boards that are created by the Board of Commissioners. Commissioner Edmondson stated that under the Open Records Act, the Board of Commissioners as a body could request the other minutes.

Vice-Chairman Hambrick asked if the Board of Commissioners could get a list of boards that are created by the county and also a list of those that are state mandated. Ms. Barnes stated that the list could be provided to the Board by first thing in the morning. Ms. Barnes also advised that the boards are public agencies just like the Board of Commissioners, and are subject to the Open Records Act. Ms. Barnes stated that the language within the resolution can be amended to say that if the resolution is applicable to county boards and authorities that were created by this Board of Commissioners, not pursuant to state law, but under some type of local act or authorization of this Board of Commissioners; if it so pleases the Board. Commissioner Edmondson stated that if that is done, the Board of Commissioners would not be getting records from half of the boards. Commissioner Edmondson asked why limit the boards that the minutes are requested from, if there is to be transparency; just make them readily available to everyone.

Vice-Chairman Hambrick asked why the Board would pass something that it wouldn't be able to enforce. Commissioner Gregory suggested that the Board of Commissioners speak with those boards and its members to see if the minutes and information can be made readily available to those who request it.

Commissioner Rooks asked Ms. Barnes if it was possible to have an open-ended Open Records Request. Ms. Barnes stated that she believed it would be possible to have an open-ended Open Records

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Request for minutes for the Board of Commissioners. Fortunately our Board of Commissioners has the ability to post them to the county website. Commissioner Rooks stated why not make it open so that all boards created by the Board of Commissioners and the state boards have to submit them through open records.

Motion by Commissioner Rooks, second by Commissioner Edmondson, to amend the resolution to request pursuant to the Open Records Act, a continuous request for all boards of authority to provide minutes of their meetings within 30 days after they have been approved or within 30 days of the meeting. Vote unanimous.

13. Approved Resolution 2015-201 - A Resolution authorizing acceptance of a State supplemental compensation to the Library Director. Vote unanimous.

Synopsis: The State of Georgia will allocate an annual supplemental salary to the Clayton County Library Director in the amount of \$8,460 to be inclusive of salary and benefits effective July 1, 2015.

14. Approved Resolution 2015-202 - A Resolution authorizing Clayton County to enter into a Performance Agreement with Freestyle Productions, LLC, providing for the terms and conditions under which live entertainment will be performed at Clayton County International Park. Vote unanimous.

Synopsis: Freestyle Productions, LLC, will provide live entertainment entitled "Wind Down Thursdays" on Thursday, August 27, 2015.

15. Approved Resolution 2015-203 - A Resolution authorizing Clayton County to enter into a License Agreement with Michael Lartey providing for the terms and conditions under which a private beach party will be hosted at Clayton County International Park. Vote unanimous.

Synopsis: Michael Lartey wishes to utilize the St. Martin's Pavilion at International Park to host a private beach event on August 9, 2015, consisting of food, alcohol, promotional and merchandise vendors, a DJ and live musical entertainment.

Commissioner Edmondson questioned if a discount was being offered for an individual or company that is no longer a 501(3)c organization, as it was dissolved approximately five (5) years ago. Ms.

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Barnes stated that the initial request was for the event to be held by the Vice Squad, but it was noted that there were some irregularities with their Secretary of State registration; the lead organizer Michael Lartey revised the request to ask the county for it to be him (individually) to promote this event. Commissioner Edmondson asked what the rationale other than due-process, to ask for a discount so that the county would not be offering a discount in fees for a for-profit individual to hold a fund raiser. Mr. Stanford advised that there are no discounted rates. Commissioner Edmondson questioned as to why it is being brought before the Board for consideration. Ms. Barnes advised it is due to the license agreement; he is hosting the event, the number of people he is expecting, and the insurance requirement.

16. Approved Resolution 2015-204 - A Resolution authorizing Clayton County to enter into an Aging Subgrant Contract and a Business Associate Agreement with Atlanta Regional Commission providing for the terms and conditions under which the County will receive grant funds to render services in connection with older adult programs. Vote unanimous.

Synopsis: Clayton County will receive a grant in the amount of \$642,663.00 with a required match by the County of local funds in the amount of \$530,000.00.

17. Approved Resolution 2015-205 - A Resolution authorizing Clayton County to accept a donation from Oliver Imprints, Inc., on behalf of the Clayton County Senior Services Aging Department's Meals on Wheels Program. Vote unanimous.

Synopsis: Oliver Imprints, Inc. wishes to donate \$1,000 to the Senior Services Aging Department's Meals on Wheels Program.

18. Approved Resolution 2015-208, A Resolution to authorize and approve the execution and delivery of a third amendment to Intergovernmental Contract with the Clayton County Solid Waste Management Authority, dated as of August 1, 2015; and for other purposes. Motion passed 4-1. Commissioner Edmondson abstained.

19. Approved Resolution 2015-209, A Resolution authorizing Clayton County to enter into an Intergovernmental Economic Development Contract with The Development Authority of Clayton County for the repayment of bonds issued to refund Fire Revenue Refunding Bond, to refinance the cost of acquiring Rainwood Apartments, and to refinance the cost of acquiring land in Morrow, Georgia for a multi-use business park. Motion passed 4-1. Commissioner Edmondson abstained.

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

20. Approved the appointment of Melinda Morgan to the Department of Behavioral Health and Developmental Disabilities Region 3 Advisory Council to fill a vacant seat. The term is for three years expiring on January 31, 2018. (Full-Board Appointment) (*Held from the July 21, 2015 Meeting*) [Chairman Turner recommendation] Vote unanimous.
21. Held the Appointment to the Solid Waste Management Authority to fill the expiring term of Rodney Givens. The term is for four years expiring on August 20, 2019. (Full-Board Appointment) (*Held from the July 21, 2015 Meeting*)
22. Approved the reappointment of Herman Turner to the Zoning Advisory Group to fill the expiring term of Herman Turner. The term is for three years expiring on September 2, 2018. (Full-Board Appointment) [Vice-Chairman Hambrick recommendation] Vote unanimous.

Motion made by Commissioner Edmondson, second by Commissioner Rooks, to go into Executive Session to discuss real estate and litigation matters in the Commissioners' Conference Room at 8:02 p.m. Vote unanimous.

Motion made by Commissioner Edmondson, second by Chairman Turner, to go out of Executive Session at 8:51 p.m. Vote unanimous.

Motion made by Commissioner Edmondson, second by Vice-Chairman Hambrick, to reconvene the Regular Business Meeting in the Commissioners' Boardroom at 8:53 p.m. Motion passed 4-1. Commissioner Rooks was absent for the vote.

There being no further business to discuss, motion by Commissioner Edmondson, second by Vice-Chairman Hambrick, to adjourn the Regular Business Meeting of August 4, 2015 at 8:54 p.m. Motion passed 4-1. Commissioner Rooks was absent for the vote.