

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

November 17, 2015

POST SUMMARY MINUTES

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 Christopher Mitchell, Sr. of Damascus Church International in Morrow, Georgia. Chairman Turner also called for a moment of silence to honor those slain in the Paris attacks. The Pledge of Allegiance to the flag was led by Chairman Turner.
3. Amended the agenda by adding a resolution to approve the Community Outreach Thanksgiving Basket give-away to be held on Friday, November 20, 2015, at the Virginia Gray Recreation Center. Vote unanimous. Removed budget amendment Item No. 3, Budget Amendment #2-15/Economic Development/FYE 6-30-16 - To provide funds for the development of a Countywide Economic Development Website, in the amount of \$20,000. Vote unanimous. Motion by Commissioner Rooks, second by Chairman Turner, to adopt the agenda as amended. Vote unanimous.
4. Approved the November 3, 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. Quen Howard, a Clayton County resident, thanked Commissioner Gregory for the proclamation that she received last minute for the volunteers that help at the county jail. She also stated that January is fast approaching, and as a coordinator for VITAL (Volunteer Income Tax Assistance Program), she is requesting that she be able to meet at a Clayton County Library; she has her federal tax identification number and it is too late to change it. If she is not able to be at that location, then she will not be able to provide assistance to those in need.
 2. Laketa Patrick, a Clayton County resident, spoke to the board in regards to the “bad renters” in her community. She stated that there is constant disrespect shown to the homeowners in the area. The renters bring drugs into the community, burglaries, gang shootings, and hate crimes. Ms. Patrick stated that she has asked for the last 16 years for the housing issue to be addressed

POST SUMMARY MINUTES

and a plan of action to take place. She stated that the police can only do so much; the county leaders have the power to change the county and take it to a positive level.

6. PRESENTATION: “Arts Clayton Update”. (Presented by Linda Summerlin- Executive Director of Arts Clayton)

Linda Christie (Summerlin) provided a quick overview as to what the accomplishments have been over the last year. She stated that nothing happens at Arts Clayton without a dedicated Board of Directors, which consists of 28 board members. Ms. Christie stated that board member, Pat Hussey was present in addition to staff members- Terry Williamson (gallery manager), Arlene Bellamey (Lead Art-Band teacher), and Elisa Galler (not present due to a family emergency). The Board members were presented with a folder that contains information in regards to Arts Clayton and its featured artist work. Ms. Christie advised that the Arts Clayton space has been revamped and invited the Board and community to visit.

Chairman Turner thanked Ms. Christie and her staff for what they do and helping to bring notoriety to our county on the state and national level.

7. Considered requests of Debra Brewer, 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) Approved the **Recommendation for Award: RFB #15-08 Lake Spivey Multi-Use Trail Construction, Phase I (International Park – Reid Stephens Park) for Clayton County, Georgia for the Parks and Recreation Department.** (\$1,985,000.00 / Lewallen Construction Company, Inc., located in Marietta, Georgia. Funding is available through the 2009 Greenspace SPLOST Funds). As requested by the Parks and Recreation Department. Pursuant to 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. Vote unanimous.

POST SUMMARY MINUTES

- 2) Approved the **Recommendation for Award: RFB #15-25 Mundy's Mill Road Shoulder Improvement and Culvert Extension at Swamp Creek for the Clayton County Transportation and Development Department.** (\$302,697.33 / McCoy Grading, Inc., located in Greenville, Georgia. Funding is available through the 2009 SPLOST Funds). As requested by the Transportation and Development Department. Pursuant to 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. Vote unanimous.

- 3) Approved the **Recommendation for Award: RFB #15-27 Demolition of Battle Creek Apartments for Clayton County, Georgia.** (\$264,650.00 / C&S Construction and Consulting, Inc., located in Jonesboro, Georgia. Funding is available through the Clayton County Community Development Block Grant). As requested by the Community Development Department. Pursuant to 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. Vote unanimous.

- 4) Approved the **Recommendation for Award: RFB #15-29 Thermoplastic Pavement Marking for Clayton County, Georgia – Annual Contract for the Clayton County Transportation and Development Department.** (Mid-State Striping, Inc., located in Eatonton, Georgia. Funding is available through the Transportation and Development Department's General Fund and 2009 and 2015 SPLOST Funds). As requested by the Transportation and Development Department. Pursuant to 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. Vote unanimous.

POST SUMMARY MINUTES

5) Approved the **Recommendation for Award: RFB #15-54 Clayton County Animal Control and Adoption Center for the Police Department.** (\$3,275,000.00 / MEJA Construction Inc., located in Peachtree City, Georgia. Funding is available through 2009 SPLOST funds). As requested by the Police Department. Pursuant to 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. Vote unanimous.

Vice-Chairman Hambrick questioned if this amount was in addition to what had already been spent. Ms. Brewer advised that the initial amount of \$3,275,000.00 was for the contractors. This is the new amount for a hard bid. Commissioner Rooks asked how much has been spent on this to this point. Ms. Brewer advised that some of the cost had been spent with Silverman previously, however, there is cost associated with this and she did not have the figures with her at the time. Chairman Turner asked her to email those figures to the board.

6) Approved the **Recommendation for Award: RFQ #2015-13 Aerial and Ground Ladder Inspection and Testing for Clayton County Fire and Emergency Services.** (Consolidated Fleet Services, Inc., located in Searcy, Arkansas. Funding is available through the Fire and Emergency Services Other Contract Services Fees). As requested by the Fire and Emergency Services Department. Pursuant to Section 2-136 (4) of the Clayton County Code of Ordinances, General Purchasing Methods; the written quote method is used for all purchases from \$500.00 to \$24,999.99. Buyers are required to solicit quotations and receive written responses from vendors. All reasonable efforts will be made to obtain three written quotations for each item solicited. Awards for written quotations are given strictly on a lowest quote. Vote unanimous.

7) Approved the **Recommendation for a Sole Source Award: SS #2015-23 Stars Professional Claims Management Software for Risk Management.** (\$34,550.00 / Marsh ClearSight, LLC, located in Chicago, Illinois. Funding is available through the Central Services Risk Management Other Contract Services Fees Fund). As requested by the Central Services Department. Pursuant to Section 2-136 (7) of the Clayton County Purchasing Ordinance, Sole Source purchases; Central Services must determine if other products or service providers can satisfy the procurement requirements before making a determination of sole source procurement. Sound procurement practice requires that sole source purchases be used when it is

POST SUMMARY MINUTES

the only option and not as an attempt to contract with a favored service provider for a favored product. The Purchasing Agent requires all sole source providers to supply a letter stating that they are the sole source for a given product or service and why they are considered to be the sole source (technology, patents, etc.). All sole source purchases will be clearly defined when presented to the Clayton County Board of Commissioners. Vote unanimous.

8. Considered the requests of Ramona Bivins, Chief Financial Officer.

1) Approved Budget Amendment #2-71/Debt Service Fund/FYE 6-30-15 - To transfer funds to cover the cost of debt service principal payment, in the amount of \$1,000. Vote unanimous.

2) Approved Budget Amendment #2-72/Worker's Compensation Fund/FYE 6-30-15 - To transfer funds to cover the cost of claims expenses, in the amount of \$345,000. Vote unanimous.

3) Approved Budget Amendment #2-16/Federal Narcotics Condemnation Fund/FYE 6-30-16 - To provide funds to purchase 55 new Taser X26P electronic control devices, in the amount of \$44,000. Vote unanimous.

4) Approved Budget Amendment #2-17/Economic Development/FYE 6-30-16 - To amend in a donation received from Central Georgia EMC, in the amount of \$1,700. Vote unanimous.

5) Approved Request for Refund of the Alcohol Retail License fees paid by Ms. Olivia Medrano dba Tienda Carniceria El Mercadito due to the non-recommendation by the Clayton County Police Department for criminal history, in the amount of \$1,800. Vote unanimous.

9. Approved Resolution 2015-280 - A Resolution to amend the Clayton County PY2015 Annual Action Plan to allow for the recapture and reallocation of funding to administer the Student Housing Initiative Program. Motion approved 4-1. Commissioner Edmondson opposed.

POST SUMMARY MINUTES

***Synopsis:** This Resolution will reallocate balances associated with projects that are inactive or complete to new or incomplete projects in support of the grantee's efforts with the administration of UGA Extension, upon the termination of the contract with Housing Authority of Clayton County.*

Commissioner Edmondson stated not to sound uncompassionate, but for the Board to consider the efforts that are made to improve the quality of life throughout the county. He stated that he has received requests to expand the amount of rental assistance given to homeless individuals whose children attend public schools throughout the county, and asked that the board consider this when voting on this item.

Commissioner Rooks asked Patrick Ejike, Director of Community Development, if the program was just shifting the party who actually administered those funds. Mr. Ejike stated that was the only change.

Commissioner Gregory stated that from her understanding that this is a transitional type program and if the board doesn't accept this program, there will be families on the street. She stated that the housing is actually in apartments and not the single family homes that people complain about. Commissioner Gregory asked the board to consider extending this program.

10. Approved Resolution 2015-281 - 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.

***Synopsis:** Central Georgia Electric Membership Corporation wishes to donate \$1,700.00 to Economic Development to further the department's business development efforts.*

11. Approved Resolution 2015-282 - A Resolution authorizing Clayton County to accept settlement and execute a release settling all claims in the matter involving Barbara Lou Cooper. Vote unanimous.

***Synopsis:** Clayton County will accept a settlement amount of \$25,000 from State Farm Insurance for property damage and execute a Release document formalizing the settlement of all claims involving Barbara Lou Cooper.*

POST SUMMARY MINUTES

12. Approved Resolution 2015-283 - A Resolution to approve the Summary Plan Description for the self-funded medical plan. Vote unanimous.

Synopsis: The Summary Plan Description details how the plan will be administered, including eligibility requirements, covered benefits and appeals procedures.

13. Approved Resolution 2015-284 - A Resolution authorizing Clayton County to enter into an amendment to the services agreement with Fire Recovery USA, LLC. Vote unanimous.

Synopsis: Fire Recovery USA, LLC will provide billing services on behalf of Clayton County Fire & EMS for services provided in connection with motor vehicle incidents and other emergencies.

14. Approved Resolution 2015-285 - A Resolution authorizing Clayton County to enter into a service agreement with Motorola Solutions, Inc. for maintenance of portions of the E-911 Communications System. Vote unanimous.

Synopsis: The service agreement will allow Motorola Solutions, Inc. to maintain E-911 Telephone Dispatch Console System for Clayton County.

15. Failed due to lack of a second-Resolution 2015-286 - A Resolution approving the Clayton County Local Option Sales Tax (L.O.S.T.).

Synopsis: This Resolution allows distribution of L.O.S.T. proceeds beginning January 1, 2016, and remains in effect until June 30, 2022.

Chairman Turner asked Ms. Barnes what happens now since the L.O.S.T. negotiation has fallen through. She advised that these funds have been negotiated over several years. The county would now have to provide a certificate of distribution to the State Department of Revenue by December 30 or 31st of this year. Chairman Turner questioned as to what type of impact that would have on the county. Ms. Barnes stated that she could provide that information to the Board, as she did not want to misspeak about any consequences if there are any. She stated that it is possible that the distribution of revenues will be suspended until further notice.

POST SUMMARY MINUTES

Vice-Chairman Hambrick stated that it was possibly changed in 2013 where the cities were receiving more funding, and unincorporated Clayton County is costing the cities and taxpayers approximately \$4 million.

Commissioner Edmondson stated that this item was not moved and seconded, so it is not up for discussion.

16. Approved Resolution 2015-287 - A Resolution authorizing Clayton County to enter into an Employment Agreement with Detrick Stanford for the position of Chief Operating Officer. Motion passed 4-1. Commissioner Edmondson opposed.

Synopsis: This Resolution provides the terms and conditions for an Employment Agreement with Detrick Stanford.

17. Approved Ordinance 2015-288 - An Ordinance to amend the Code of Clayton County, Georgia, as amended, specifically Part II, Chapter 42 "Fire Prevention And Protection", Article II "Fire Prevention Code", Section 42-40 "Fees". Vote unanimous.

Synopsis: This Ordinance will delete Section 42-40 and replace it with a new Section 42-40 to be entitled "Fees", including language reflecting changes in Georgia State Law.

18. Approved Resolution 2015-289 - A Resolution authorizing Commissioner Shana M. Rooks to partner with Community Outreach In Action to host a Thanksgiving Basket Giveaway at the South Clayton Recreation Center. Vote unanimous.

Synopsis: Commissioner Shana. M. Rooks and Community Outreach In Action will host a Thanksgiving Basket Giveaway on Saturday, November 21, 2015 from 9:00 am to 1:00 pm.

19. Approved added-on Resolution 2015-290- A Resolution authorizing Commissioner Gail B. Hambrick to partner with Community Outreach in Action to host a Thanksgiving Basket giveaway at the Virginia Gray Recreation Center.

20. Approved Order for Remission- State of Georgia vs. Alvin Louis Whitfield and A-Atlanta/Clayton Bonding. Vote unanimous.

Synopsis: The approval of this Order for Remission will authorize a refund to A-Atlanta/Clayton Bonding, Surety in the amount of \$10,640.00.

POST SUMMARY MINUTES

Ms. Barnes requested an Executive Session to discuss personnel, real estate, and litigation matters.

21. Approved the reappointment of Joe Hamilton to the Board of Appeals to fill the expiring term for which he is currently serving. The term is for three years expiring on December 31, 2018. (Full-Board Appointment) [Commissioner Edmondson recommendation] Vote unanimous.
22. Approved the reappointment of Dr. Aundria Cheever to the Board of Health to fill the expiring term for which she is currently serving. The term is for six years expiring on December 31, 2021. (Full-Board Appointment) [Chairman Turner recommendation] Vote unanimous.
23. Denied ZONING PETITION: **CHARLIE HOOD/RECZ-15/07-18** (*Tabled from September 15, 2015 Meeting*) Vote unanimous.

The Applicant, Charlie Hood on behalf of Big Lagoon, LLC is requesting a rezoning from Article 3, Section 3.21, General Business (GB) District Standards to Section 3.29, Light Industrial (LI) District Standards to allow for a fenced and graveled trailer storage yard. The subject property is located on **Quicktrip Way, Ellenwood, GA 30294** and otherwise known as parcel number 12-182C-B003. The subject property is approximately 7.168 +/- acres of land.

Commissioner District 1 – Sonna Gregory

The Zoning Advisory Group Recommended DENIAL

24. Denied ZONING PETITION: **CHARLIE HOOD/RECZ-15/07-19** (*Tabled from September 15, 2015 Meeting*) Vote unanimous.

The Applicant, Charlie Hood on behalf of Big Lagoon, LLC is requesting a rezoning from Article 3, Section 3.21, General Business (GB) District Standards to Section 3.29, Light Industrial (LI) District Standards to allow for a fenced and graveled trailer storage yard. The subject property is located on **Quicktrip Way, Ellenwood, GA 30294** and otherwise known as parcel number 12-182C-A001. The subject property is approximately 1.569 +/- acres of land.

Commissioner District 1 – Sonna Gregory

The Zoning Advisory Group Recommended DENIAL

POST SUMMARY MINUTES

David Flint, representative for the applicant (Charlie Hood) spoke in regards to Items 22 and 23. Mr. Flint did confirm the location of the property and stated that the staff of Big Lagoon, LLC is requesting approval. He stated that the largest track is between the Quicktrip truck stop and the Quicktrip commissary. Mr. Flint stated that Quicktrip has been contacted in regards to this and they have no objection to the rezoning. He stated that the property is surrounded by heavy industrial use.

25. Denied ZONING PETITION: **IVINIA LUCAS/CUP-15/09-19** Vote unanimous.

The Applicant, Ivinia Lucas, is requesting a conditional use permit (CUP) from Article 6.12 Personal Care Homes, Boarding Homes and Group Home Standards to allow for a personal care home use for 6 or more persons. The subject property is located at **6290 W. Fayetteville Road, Riverdale, GA 30296** and otherwise known as parcel number 13-122C-D016. The subject property contains approximately 31,924 square feet in area or 0.733 +/- acres of land and it is currently zoned Residential District (RS-180).

Commissioner District 2 – Gail Hambrick

The Zoning Advisory Group Recommended DENIAL

Ivinia Lucas, applicant, presented before the board her proposal for a personal care home. She stated that she was approved through three agencies in regards to the personal care home, two of which where the Fire Department and Health Department. Ms. Lucas also presented to the board a plan showing the improvements to be made.

Individuals presented in opposition are as follows:

1. Linda Granger, a Clayton County resident, presented before the board in opposition of the opening of this group home. She asked the board to please not approve any type of home of this nature to open anywhere within Clayton County. Ms. Granger stated that the property values would drop and the homes would not be safe for the community.

Ms. Lucas stated that if Ms. Granger had any questions that she would be more than happy to answer them and will be willing to address any concerns that she may have as well. She stated that things will be done correctly within the home.

Individuals presented in support of this petition are as follows:

POST SUMMARY MINUTES

1. Montemi Gaines, a Clayton County resident and resident of the community of the proposed group home, stated that she has seen so much work put into the home. She stated that she has worked at nursing homes before, and does not feel that this home would be over crowded or inappropriate for the residents to stay. Ms. Gaines stated that the home is a good place for individuals to be able to stay, come and go as they please and even invite their family members to visit. She stated that she didn't feel it would bring down the value of the home.

Vice-Chairman Hambrick asked Ms. Lucas where she resided. Ms. Lucas stated Coweta County.

26. Deferred ZONING PETITION: **LEMUEL WARD/MOD-15/09-7** until the December 15, 2015 Regular business meeting. Vote unanimous.

The Applicant, Lemuel Ward, on behalf of Anvil Block Land Partners, LLC is requesting a Major Modification to the Villages of Ellenwood Planned Unit Development (PUD) Conceptual Site Plan to change an existing 189 lot single-family residential subdivision use to Light Industrial use for proposed warehouse distribution center. The subject property is located at **4503 Bouldercrest Road, Ellenwood, GA 30294** and otherwise known as 12-234B-A001. The subject property is approximately 54.98+/- acres of land and currently has a PUD zoning district classification designated as Single-Family Residential on the approved Conceptual Site Plan.

Commissioner District 1 – Sonna Singleton Gregory
The Zoning Advisory Group Recommended APPROVAL

27. Deferred ZONING PETITION: **LEMUEL WARD/RECZ-15/09-21** until the December 15, 2015 Regular business meeting. Vote unanimous.

The Applicant, Lemuel Ward, on behalf of Anvil Block Land Partners, LLC is requesting a rezoning from Article 3, Section 3.5 Residential District Standards to Article 7, Section 7.2 Planned Unit Development Standards to allow for property to be combined with 4503 Bouldercrest Road, for a Light Industrial warehouse distribution center use. The subject property is located at **4371 Bouldercrest Road, Ellenwood, GA 30294** and otherwise known as 12-234B-A007. The subject property is approximately 2.0+/- acres of land.

Commissioner District 1 – Sonna Singleton Gregory
The Zoning Advisory Group Recommended APPROVAL

POST SUMMARY MINUTES

Motion made by Commissioner Edmondson, second by Chairman Turner, to go into Executive Session to discuss personnel, real estate, and litigation matters in the Commissioners' Conference Room at 7:58 p.m. Vote unanimous.

Motion made by Commissioner Rooks, second by Commissioner Edmondson, to go out of Executive Session at 8:34 p.m. Vote unanimous.

Motion made by Commissioner Edmondson, second by Chairman Turner, to reconvene the Regular Business Meeting in the Commissioners' Boardroom at 8:36 p.m. Vote unanimous.

Ms. Barnes presented to the board correspondence received from the City of Lovejoy regarding the proposed annexation of 1684 Lovejoy Road and 1518 McDonough Road. The county has found that the correspondence received in regards to the notice is inefficient and does not provide the information that would allow the board to determine in any way on how to proceed with zoning or the change of land use. Ms. Barnes recommended that the board object to the proposed annexation of the said intersection.

Motion by Commissioner Edmondson, second by Commissioner Rooks, to oppose the annexation of the intersection of 1684 Lovejoy Road and 1518 McDonough Road. Vote unanimous.

Ms. Barnes also requested that the Board of Commissioners authorize the approval of a criminal defense attorney for a Juvenile Court employee as it pertains to the performance of her job responsibility.

Motion by Commissioner Edmondson, second by Chairman Turner, to approve that a criminal defense attorney be provided (up to the standard county hourly rate of pay) at the Juvenile Court employees choice. Motion passed 4-1. Commissioner Rooks abstained.

Ms. Barnes stated that there was no litigation matters discussed in Executive Session.

There being no further business to discuss, motion by Commissioner Edmondson, second by Chairman Turner, to adjourn the Regular Business Meeting of November 17, 2015 at 8:39 p.m. Vote unanimous.