

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

March 1, 2011

POST SUMMARY MINUTES

PRESENT: Chairman Eldrin Bell, Vice-Chairman Wole Ralph, Commissioner Sonna Singleton, Commissioner Michael Edmondson, Commissioner Gail B. Hambrick, and Clerk Shelby D. Haywood.

1. Chairman Bell called the meeting to order.
2. A Moment of Silence was held in lieu of an Invocation. Pledge of allegiance to the flag was led by Chairman Bell.
3. Amended the agenda by adding an appointment to the Water Authority Board, as requested by Vice-Chairman Ralph. The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the February 15, 2011 Regular Business Meeting minutes. Vote unanimous.
5. PROCLAMATION: "Clayton County Board of Commissioners Recognizes National Consumer Protection Week, March 6 – 12, 2011" (presented by Commissioner Hambrick to Mr. Fred Elsberry, Jr.; President and CEO of the Metro Atlanta Better Business Bureau). [NOTE: Clerk Haywood read the proclamation for the benefit of the audience and group photos were taken.]
6. Rod Gray, Director of Central Services, presented the following requests which resulted in these actions:
  - 1) Approved a Purchase Request from the Police Department to buy Training Simulation Products for the Police Department's Shooting Range. This request is to purchase items from Ti Training Corp., located in Golden, Colorado as a sole source, at a cost of \$89,650.00. Funds are available through the Edward Byrne Memorial Grant Fund. The motion carried 4-1. Commissioner Edmondson opposed.

**Custom "Training Lab" Configuration**

**\$34,000.00**

Windows XP Professional Operating System; HD Video Projector; HD Projection screen; Surround sound speaker system; 17' flat panel monitor; keyboard & mouse; all wires, cables and connectors; 2 "Storm" travel cases; Scenario creation software; Self-calibrating; Audio controls; Trainee report generation; PIP viewing; Training scenario library; Skill builder shooting drills; 1 year warranty that includes 24/7 support; Laser devices included: 1 drop in recoil kit for Glock handgun; 1 OC laser canister; 1 Flashlight with filter; 1 Baton branching.

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**Requested Options**

**\$55,650.00**

2 Taser Laser weapons w/2 lasers at 8 spread of live Taser; 3 drop in recoil kits for Glock; 2 Shotgun drop in lasers; 2 drop in recoil kits for long gun; 1 Additional OC Laser canister; True distance 3D working w/active eyewear; 1 Range plus firing line; 3 additional G2 flashlights w/filters; 4 additional active eyewear glasses; Deluxe ceiling mount for projector/cameras; 50' cable upgrade for permanent installation; 2 additional flashlight filters; 4 Red Glock training weapons; Shadow fire out back; 4 additional recoil kit magazines; Additional Taser Laser; TR101-24 Key pad set w/receiver and Auxiliary device control box.

**Trainer Certification Course**

**Included**

A Certified Trainer will come to the site and train 6 students on site for 3 days (24 hours).

2) Approved a bid (RFB Pkg. #10-43; 12/15/10) for Design, Installation and Surfacing of Playground Equipment for Flat Shoals Park in Clayton County, as requested by the Parks and Recreation Department. A contract will be awarded to Game Time/Dominica Recreation Products, located in Longwood, FL, with the highest score of 425 and the cost not to exceed \$205,000.00. CDBG funds are available for this project. Vote unanimous.

3) Approved a request to waive the sealed bid requirement to purchase laundry dryers for the Sheriff's Department. The request is to waive the sealed bid requirement and allow Central Services to purchase five (5) dryers, using the competitive quotation process, at a cost not to exceed \$50,000.00 (due to a grant funding deadline of March 14, 2011). Vote unanimous.

7. Dennis Johnson, Budget Manager, presented the following items which resulted in these actions:

1) Approved Budget Amendment #2-27 (FYE 6-30-11) from Parks and Recreation, in the amount of \$358,600.00, to cover the cost of recreational software, International Park Stadium flooring, 3 underwater platforms, and a pool vacuum. Vote unanimous.

2) Approved Budget Amendment #2-28 (FYE 6-30-11) from the TAD Allocation District Fund, in the amount of \$2,500.00, to provide funds for the annual rebate calculation on the 2008 Ellenwood TAD Bonds. Vote unanimous.

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3) Approved Budget Amendment #2-29 (FYE 6-30-11) from Senior Services, in the amount of \$3,000.00, to provide funds for a part-time driver (for Chairman Bell while he is on a limited driving schedule due to medical reasons). Vice-Chairman Ralph amended this request to reflect that the monies would be appropriated to part-time wages in the Senior Services Department org. The motion carried 3-2. Chairman Bell and Commissioner Edmondson opposed.

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

1) Approved a request to purchase Public Official Surety Bonds for the period of March 1, 2011 – March 1, 2012. Surety Bonds are required of many public officials, either by State Statute or by local ordinance. The annual premium will be \$8,820.00. Western Surety Company (C.N.A. Surety) of Sioux Falls, South Dakota is the only company with a competitive low bid for required coverage. Vote unanimous.

2) Approved a request to renew the County's Crime Policy for the period March 1, 2011 – March 1, 2012 from National Union Fire Insurance Company (Chartis) of Pittsburgh, PA and to grant approval to the Finance Director to amend the budget as necessary. There will be a \$25,000.00 deductible with \$2,200,000 coverage limits, with a decrease in the 2011 premium cost from \$10,800.00 to \$9,856.00. Vote unanimous.

9. Approved Resolution 2011-26 requesting the Georgia General Assembly to adopt legislation designated in the County's 2011 Legislative Package. This resolution requests that the Georgia General Assembly adopt legislation to amend the Civil Service Act of Clayton County whereby all grievances will be heard by the Chairman or his designee instead of the Civil Service Board. (NOTE: Changing the responsibility from the Civil Service Board to the Chairman or his designee was a decision made in the February 18, 2011 Commissioners' Retreat.) Vote unanimous.

10. Approved Resolution 2011-27 establishing a hiring freeze on all Clayton County employee positions except as authorized by the Board of Commissioners. Vote unanimous.

Chairman Bell requested Mr. Smith to note that this resolution needs to be discussed further in an Executive Session following this meeting (as a personnel matter).

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11. Approved Resolution 2011- 28 to establish a Policy of Civility when receiving public comments with the stipulation to strike the sentence which read “Board members will not respond at this meeting to comments from speakers.” The motion carried 3-2. Chairman Bell and Michael Edmondson opposed.

Commissioner Edmondson did not believe this resolution adhered to the spirit of public speaking, and this Board should reconsider the adoption of it.

Chairman Bell stated that when the Board starts limiting what people can say and getting away in the rules for civility, civility becomes a very easy issue. He agreed with Commissioner Edmondson that this resolution should cover only about half as much as it has on it. Chairman Bell admitted that he had been hurt as much as anybody by “finger-pointing,” but he still supported people having the right to say what they felt like saying.

12. Approved Resolution 2011-29 authorizing Clayton County to enter into an agreement with Atlanta Pyrotechnics International, Inc. providing for the terms and conditions under which a fireworks display will be conducted at the Clayton County International Park. Vote unanimous.

13. Approved Resolution 2011-30 authorizing Clayton County to accept grant funds awarded by the Georgia Emergency Management Agency from the Department of Homeland Security for the Fiscal Year 2010 Homeland Security Grant Program/State Homeland Security Grant Program, in the amount of \$20,000.00, on behalf of the Clayton County Fire and Emergency Services Department. Vote unanimous.

Mr. Smith requested an Executive Session following the business meeting to discuss litigation, real estate, and personnel (as it relates to the hiring freeze resolution). The Board agreed to do so.

14. Accepted a street light petition for Country Lane South Subdivision (Bramble Court) in District #3 (Vice-Chairman Ralph). Vote unanimous.

15. Approved the reappointment of John Chafin to the Water Authority Board. The new term is for five (5) years; expiring on 2-28-16. Vote unanimous.

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**PUBLIC COMMENT:**

1. Shellie Youhoing, civil rights activist and Clayton County resident, stated that today marks the one year anniversary since fourteen Clayton County law enforcement officers came to her home, kicked in her front door, attacked her in her own home, and viciously murdered her unborn child. She alleged that she was held down and beaten to the ground, held at gunpoint, and tortured. Her unborn child is not present today due to the tactics of Clayton County law enforcement. Ms. Youhoing further alleged that she was dragged out of her home naked, taken to the hospital, and then taken to jail where she was not given any food or water. Thanks to Almighty God, she barely survived this attack. She believed the reason for this vicious attack was because, a year prior to the murder of her unborn child, dogs in her backyard did not have rabies tags around their necks. This was no excuse, however, for the vicious attack she experienced from the hands of Clayton County law enforcement officers. Ms. Youhoing informed Chairman Bell that following a subsequent investigation of this incident, it was revealed that the attack was not about rabies tags on her dogs but about an assassination against her as a civil rights activist who spoke up against the methods of the legal system. She wanted to know who from this county commission is going to step up to the plate and say “no more...enough is enough!”

Chairman Bell acknowledged that Ms. Youhoing’s concern is an administrative matter, and it will be taken into consideration at a future time and appropriately assigned to staff. He asked Ms. Youhoing to update her telephone and address with Michael Smith, Chief Staff Attorney. Mr. Smith stated he was familiar with Ms. Youhoing’s case and already had her updated contact information.

2. Joe Ballard, who resides at 9458 Fayetteville Road in Clayton County, stated he has been a resident there since March of 1946. He did not object to the proposed widening of Highway 54, but he did not appreciate how the residents in the area have been treated. Mr. Ballard said he and other concerned residents wanted to see some changes in the planning process. If the Board agreed with the changes they requested, then he wanted the Board to help him get the changes approved.

Chairman Bell stated the matter will be assigned to an administrator, and someone would be in touch with Mr. Ballard.

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3. Charles Durham, who resides at 9555 Margaret Lane in Clayton County, spoke on behalf of the Dad's Farm Subdivision Homeowners' Association. He admitted that the former speaker, Mr. Ballard, was a resident of this subdivision. The portion of Highway 54 that residents are questioning is a seven (7)-mile stretch from Whaley's Lake Drive near Mundy's Mill High School running north to Brown Road. As proposed by the Georgia Highway Department, a 24 foot median, two (2) additional lanes, two (2) bike lanes, and two (2) sidewalks will be placed there. Currently, there are no cut-throughs from Whaley's Lake Drive to Brown Road in the proposal. The Georgia Department of Transportation (GDOT) has promised to put a cut-through at Margaret Lane. That promises satisfies the Dad's Farm residents and it will also be beneficial to Greater Saint Peter's A.M.E. Church (near Mundy's Mill High School). There is a problem, however, that adversely affects the residents. All of the improvements will be placed on the east side of the highway, which completely wipes out the entrance to the subdivision. Mr. Durham believed unequivocally that the Dad's Farm Subdivision entrance is the best looking entrance on Highway 54. The residents propose that the improvements be placed on the west side of the current road where there is plenty of vacant land available for sale, and presumably the seller would be willing to sell the land to the State of Georgia.

Chairman Bell requested that Mr. Durham give a copy of his comments to Jeff Metarko, Director of Transportation and Development. He promised Mr. Durham that an administrative staff member would follow-up with him on this matter.

4. Vivian Baldwin, who did not give her county of residence, thanked the Board for passing the resolution regarding public comment this evening. She opined that public comment is not a time for attacks on public officials. Per Ms. Baldwin, people can make their wishes known at the ballot box during the next election or make an appointment with their elected commissioner to address personal issues. It made her feel very uncomfortable to sit in the audience and hear demeaning comments about public officials and employees. She knew that the Clayton County School Board does not allow persons to make such comments and, upon checking with other counties, she discovered that they do not allow personal attacks on public officials. Ms. Baldwin concluded that public comment should be relative to issues that would improve the quality of life for Clayton County. She again thanked the Board for its foresight in passing the Policy of Civility resolution regarding public comments.

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5. Margie Trawick, a resident of 599 Inman Road in Clayton County, said she was happy to comment on some good things in Clayton County. She commended Chairman Bell and Mr. Metarko for signs of improvements on roads in her area. Mr. Metarko has been very patient in listening to her concerns for the past three (3) years.

6. Alita Knox, a resident of Riverdale, Georgia in Clayton County, affirmed that county residents are covered under the First Amendment of the U.S. Constitution which guarantees them freedom of speech. She felt that the Board of Commissioners is attempting to suppress this freedom. The amount of time citizens can speak is already limited. According to Ms. Knox, the commissioners were elected to represent the citizens of Clayton County. At this time, she was ashamed to admit that the commissioners are her representatives. The Board has brought this county disgrace and dishonor. It recently spent taxpayers' money on a retreat and took time to draft a policy to curtail personal attacks. The Board, however, did not have a problem with dragging good people through the mud, scandalizing their names, or having a public lynching. Ms. Knox wondered if this policy would apply to Board members. She believed the Board owed the citizens and taxpayers a refund for this childish policy. A few clichés might "ring home" with some of the commissioners, such as "What you do in the dark will come to the light"; "If you can't run with the big dogs, stay on the porch"; "If you can't stand the heat, get out of the kitchen"; "A hit dog will holler"; "Don't throw rocks and hide your hand"; and a twist on her favorite line would be addressed to the commissioners as "Until you do right by the citizens of Clayton County, everything you do personally will fail." With this being said, Ms. Knox stated that the citizens will be heard – if not here in front of the Board, they will be heard through the media or social networks/blogs. She urged citizens of Clayton County to rise up and let their voice and vote be heard.

7. Tonya Lee Willis, a resident of College Park, Georgia in Clayton County, recited to the Board her version of the Preamble for this county as follows:

**We the people of Clayton County, in order to form a more perfect municipality, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our prosperity, do ordain and establish this code of conduct and ethics for the united peoples of Clayton County.**

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Ms. Willis noted that the Board now had this code of conduct and ethics before them. She recalled that during the summer/fall of 2007, almost a dozen residents spent countless evenings drafting a new code of ethics for conduct of Clayton County. That completed document was presented to this body during the fall of 2007. Since that time, the Board of Commissioners has apparently ignored or turned a deaf ear to this code. During the past few weeks, Clayton County has been the opposite of tranquil. This county's elected officials have been more concerned with serving their personal welfare rather than that of the people they have been elected to serve. To add further insult, these same elected officials have infringed on the citizens' basic blessings of liberty and taken actions to contradict the First Amendment of the U.S. Constitution. For the benefit of those who did not remember the First Amendment, she said it reads as follows:

**Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for redress of grievances.**

Ms. Willis emphasized that as elected officials, the commissioners serve as public officials who volunteered to serve and their actions are in the public domain. She reminded the commissioners that they are judged by not only their words, but their deeds. They should also re-evaluate the company that they keep.

8. Carolyn Draelle? (last name was not written clearly) did not respond or was not present when she was called to speak.

9. Robert L. Pannell, a resident of Clayton County, stated he only had one question this evening. He asked what measures were in place to prevent cost overruns on capital expenditures. There was a bid in tonight's meeting for \$250,000.00 to design, install, and surface playground equipment at Flat Shoals Park in Clayton County. Traditionally, bids require multiple quotes or requests for proposals. Mr. Pannell wanted to know who was checking the numbers, looking out for cost overruns, and ensuring that this was the best equipment to purchase for this park.

Chairman Bell told Mr. Pannell that the Board had his contact information, and an administrator would be in touch with him to address his request.

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10. Makeda Marcelle, a Mt. Zion High School graduate and pre-law student at Strayer University in Morrow, Georgia (Clayton County), was present to show support for her district representative, Commissioner Sonna Singleton. She stated that Commissioner Singleton has endured so much disrespect, yet she continues to serve and advocate for this county's future generation. Ms. Marcelle thanked Commissioner Singleton for being a strong and dignified woman who serves as an example for many young women in Clayton County who aspire to be in politics. To those adults who feel they have to participate in name calling, false allegations, and verbal attacks, Ms. Marcelle stated that the young people are watching them and are frankly disappointed in what they see. One of the first things youth are taught as children is to be civil and show respect for others. She felt that this same principle should apply to adults as well.

11. Chuck Ware, a resident at 300-A Riverview in Jonesboro, Georgia (Clayton County), relayed that Chairman Bell conducted a question and answer session for seniors this past weekend at a senior center (unidentified). Mr. Ware stated that Chairman Bell gave seniors an opportunity to open up and say what they needed to say. He believed it is very important to have such sessions because, if seniors are not allowed to speak, then they will be present before the Board with their inquiries. Mr. Ware encouraged the other commissioners to conduct similar sessions so that seniors would not have to come before the Board to speak. Seniors want to know what is happening in this county and hear from their elected representative (commissioner). He had never had such a session with his own commissioner, and that is a sad commentary. Mr. Ware stressed that he would be here for every Tuesday business meeting from now on until election day (in 2012). He requested to get a copy of Resolution 2011-28 because he detected a lot discrepancies in it. Chairman Bell assured Mr. Ware that he could get a copy of the resolution via an administrator.

12. Richard Fryza? (last name was not written clearly), a Clayton County resident and employee, directed a concern to the entire Board. He was aware that the county is still hiring new employees and did not understand how that could happen when furlough days are being implemented. If the county has monies to hire and promote people, then the furlough days need to be eliminated. Other county employees had this same concern, and he wanted an answer to his question.

Chairman Bell advised Mr. Fryza (?) to register his contact information with the Clerk so that his question could be answered by an appropriate administrator.

13. Al Gaynes of Gaynes Realty did not respond or was not present when he was called to speak.

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14. Ed Grant did not respond or was not present when he was called to speak.
  
15. Joe Eckler, President of International Brotherhood of Police Officers/Local #702, expressed support for this Board's commitment to hearing employees' grievances. In spite of having immense responsibilities, the Board has admirably taken on more responsibility. His organization also applauded anytime people discussed issues in a civil manner. IBPO Local #702 would continue to support the Board's vision to provide the best for Clayton County. Mr. Eckler thanked the Board for its valuable time and stated that his legal residence was at 401 Princeton Court in Henry County. He also maintained a Clayton County residence in District #3 at 1563 Sandpiper Court.
  
16. Senator Gail Davenport, a resident of Jonesboro, Georgia in Clayton County, voiced that she was present tonight as the President of the Concerned Black Citizens Coalition of Clayton County and President of the Rainbow Push Coalition (Clayton-Henry-Spalding Chapter). As a representative of seniors, she was concerned about the increase in senior center membership fees. It was brought to her attention that the in-county residents' fees have been raised from \$1.00 a year to \$12.00 a year and \$10.00 a year to \$180.00 a year for out-of-county residents (many of whom she represents just a little over the Clayton County line in Henry County). That increase is just a little excessive, and the organizations she represents feel that the county might not need that much money. She requested a copy of a senior center report that would outline how much money is collected from the senior citizens and how much money it takes to operate (fiscal notes). Senator Davenport heard that some department heads are getting large raises, but that has not been confirmed – so she wanted to know the status of department head salaries. At the Capitol today, a group of seniors from AARP approached her to say that some out-of-county residents are struggling to pay the \$180.00 senior center membership fee. Clayton County told them they could pay by the month, but an administrative fee of \$50.00 would be added to the \$180.00 senior center membership fee. That means out-of-county residents now have to pay \$230.00 if they decide to pay by the month. If an out-of-county spouse wants to be a senior center member, he/she has to pay these amounts as well. This would total \$460.00 for a man and his wife on the monthly plan, which is excessive.