

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

July 10, 2012

POST SUMMARY MINUTES

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

1. Chairman Bell called the meeting to order.
2. Invocation was led by Chaplain Gazzara Hill of the Clayton County Police Department. Pledge of allegiance to the flag was led by Chairman Eldrin Bell.
3. Amended the agenda by adding an Executive Session to discuss a litigation matter. The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the July 3, 2012 Regular Business Meeting minutes. Vote unanimous.
5. PROCLAMATION: "Clayton County Recognizes Community Activist Shirley Smith" (presented by Vice-Chairman Wole Ralph).
6. PROCLAMATION: "Clayton County Recognizes Community Activist Harriet Staten" (presented by Vice-Chairman Wole Ralph).
7. PROCLAMATION: "Clayton County Recognizes Community Activist Marla Thompson" (presented by Vice-Chairman Wole Ralph).

NOTE: Group photos were taken of the proclamation honorees with the Board of Commissioners. Clerk Haywood read the proclamations for the benefit of the honorees and audience.

8. PRESENTATION: "Expression of Appreciation to the Board of Commissioners" (presented by Linda Summerlin, Executive Director of Arts Clayton).

Ms. Summerlin announced that Arts Clayton had just conducted its 19<sup>th</sup> annual summer camp and teen camp programs, and it has become a tradition following completion of those camp programs to express appreciation to the Board of Commissioners for its continued cooperation and support. She was present tonight along with one of the arts instructors to extend thanks to the commissioners in the form of "goodie bags" which contained artistic gifts and food items. Per Ms. Summerlin, the bags themselves were given to Arts Clayton by one of its partners (Southern Crescent Hospital for Specialty Care). Since the bags were so attractive, Ms. Summerlin thought that the female commissioners would appreciate them and the male commissioners could pass them along to someone else. Each bag had been individually named for a respective commissioner with a special caricature of the commissioner inside it. These caricatures were drawn by an Arts Clayton artist who had visited the Board of Commissioners Office and used a picture of the commissioners in the reception area as a model base. Also inside each bag was a package of pecans, a Georgia grown product which Arts Clayton now sells

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to the public. She hoped the commissioners would enjoy and use them in any way they desired. As a matter of fact, Ms. Summerlin noted that Arts Clayton has accepted the idea that many Georgia grown products certified by the Agriculture Department that taste so good are representations of art as well. Lastly, she expressed that she had included an annual t-shirt in each bag from the young teen camp that the teens approved. Ms. Summerlin then mentioned that the Board had been very kind and generous to allow middle school students to exhibit art work in the main hallway outside the Board of Commissioners' receptionist area. She concluded that she wanted to give the commissioners these tokens of appreciation for all that they continuously do for Arts Clayton.

9. PRESENTATION: "Recognition of the 2012 Jekyll Island Scholarship Winners for the Kids Outdoor Initiative" (acknowledged by the Board of Commissioners and the Parks and Recreation Department).

Clerk Haywood read the following brief overview of the Kids Outdoor Initiative which included the recognition of this year's scholarship winners:

**For the third year, Parks and Recreation will accompany 12 Clayton County middle school students on a 3-day trip to Jekyll Island on July 17<sup>th</sup> to experience and study its natural environment. In 2011, the Board of Commissioners adopted Resolution 2011-140, supporting the Kids Outdoor Initiative and the Children's Outdoor Bill of Rights.**

**This Bill of Rights recommends that every child, by the age of 14, should have an opportunity to experience a list of ten distinct outdoor activities, such as:**

**Exploring Nature  
Camping under the stars  
Following a trail  
Playing on a team**

**The 7<sup>th</sup> and 8<sup>th</sup> grade students participating in this year's trip, courtesy of a scholarship provided from proceeds of the Kids Outdoor Initiative Festival, Barbeque Competition and Lake Spivey Road Race, were chosen by their participation in a 250-word essay competition.**

**The winners of this year's competition are:**

**AISSATOU BAH – North Clayton Middle School  
AALIYAH BRITTEN – Kendrick Middle School  
TREAZURE BROOME – Morrow Middle School**

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**KATIE DIXON – Babb Middle School**  
**CHASIDEY HARRIS – Forest Park Middle School**  
**CIERRA HENDRICKS – Elite Scholars Academy**  
**KENYATTA MERRITT – Kendrick Middle School**  
**EVETTE SIMS – Kendrick Middle School**  
**KLAY BROWN – Elite Scholars Academy**  
**NOAH GORE – Elite Scholars Academy**  
**COATA MALONE – Elite Scholars Academy**  
**MONTAVIOUS SMITH – Elite Scholars Academy**

After Clerk Haywood read the above overview and called the competition winners up to take a group photo, Mr. Raymond Baggarly (President of Lake Spivey Community, Inc.) made some remarks.

Mr. Baggarly expressed appreciation to the Board of Commissioners for allowing the kids to be recognized tonight for their achievements. He was actually present on behalf of State Representative Glenn Baker who was unable to be here due to a prior political commitment in this election year. Mr. Baggarly noted that he was president of Lake Spivey Community, Inc. and, in conjunction with the Clayton County's Parks & Recreation Department, he opined that it is the best parks and recreation department in the state of Georgia. His organization and the County's P&R Department work together in providing these scholarships to kids. Each year in the fall, Lake Spivey Community, Inc. hosts a road race. Through corporate sponsorships and individuals' entrance fees, the monies are raised to send these wonderful kids on such trips. The kids are going to the Georgia coast and will be able to participate in activities that the general public would not necessarily get to see. They will be treated to a weekend full of great activities on the beautiful Georgia coast, and it is a pleasure to participate in this venture and honor these kids who so deserve to go on this trip. Again, Mr. Baggarly thanked the Board for allowing him this opportunity to recognize these young people. Representative Baker sent his best wishes to all of the scholarship winners, and he and Representative Baker are looking forward to hearing about the trip when the kids return.

10. PRESENTATION: "Proposal for Clayton County's Disparity Study" (presented by Rodney Strong of Griffin & Strong, PC).

Interim County Attorney Jack Hancock reminded the Board it had authorized entering into an agreement a few months ago with Griffin & Strong, P.C. for the review of the Disparity Study conducted last year and the presentation of a resolution implementing recommendations. In order to introduce Mr. Strong to the Board, Mr. Hancock asked Mr. Strong's firm to send him a short

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biography. Per his biographical account, Mr. Strong graduated from Morehouse College with a B.A. in Political Science; received his J.D. from the Cecil C. Humphreys School of Law at the University of Memphis; started his career in this field serving as Director for the City of Atlanta's Contracts Compliance Program; and since 1993 he has been the CEO of Griffin & Strong, a firm that specializes in the development of disparity research and supplier diversity program development. On an interesting note, Mr. Hancock stated that Mr. Strong testified before the United States Senate Committee on Small Business & Entrepreneurship in September 2008 on the topics of business start-up programs in underserved communities, access to venture capital, and entrepreneurship training. That testimony is now a part of the congressional record. Next week, Mr. Hancock stated that he and Mr. Strong plan to bring to the Board the ordinance that Mr. Strong recommends for the County. Tonight, however, Mr. Strong would give the Board a general idea of what he has done and answer any questions that may arise.

Mr. Strong thanked Mr. Hancock and Board members for this opportunity to speak about his recommendations regarding the County's Disparity Study and briefly address how his firm has been engaged in this process during the last few months. The firm of Griffin & Strong has been hired by the County to review the Disparity Study presented last year. It has reviewed the study thoroughly and carefully in terms of how it would be supported by legislative recommendations. Additionally, his firm has discussed several of these recommendations with Interim County Attorney Hancock. From this exchange, Griffin & Strong has produced a relatively short document which is just a recommendation proposal for Clayton County that summarizes many of the points made in the disparity study for legislation. Presently, the County has a registration process whereby firms come in and file a registration affidavit; however, there are no real programs that help small businesses, minority businesses, and women businesses do more business in government. According to the Mason Tillman study, there are statistically significant disparities in several areas which need to be addressed. For the last twenty-three years since the United States Supreme Court ruled in the Croson decision, it has been essential to both conduct a disparity study and then determine the most narrowly tailored means to address any disparities found. Recommendations from his firm in this proposal are as follows:

1. Establish an overall small business program focusing on local small business enterprises. This will be helpful for the general economic development of Clayton County because it will attract companies to set up offices and warehouses and engage in commerce. Such a program will be race and gender neutral and, since it is a small business program, it will allow Griffin & Strong to help some of the smaller businesses that tend to be disproportionately disadvantaged based on the disparity study's statistical analysis. A preponderance of minority and women firms would also be advanced by a small business program, even though it is a perfectly race neutral program.

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2. Set up technical funding and financial assistance programs that will not entail the County getting into the business of providing these services. These services need to be coordinated so that small county businesses can have access to services provided by the Small Business Administration or the Clayton State University's Small Business Development program.
3. Develop more outreach and attempts to ensure that businesses understand how to do business with the County and how to get involved with County procurement. Suggestions would include mentor protégé programs where large businesses can mentor smaller businesses to help them grow and develop their ability to do more government work. Additionally, certain types of goals can be implemented for small businesses on various projects.
4. Put in place commercial non-discrimination and set certain requirements that companies commit to in order to avoid discrimination in the procurement process. The procurement process must be open to all potential applicants. There should also be an issuance of some type of a mandatory covenant of non-discrimination.
5. Create a certification process for businesses whereby they can certify and determine themselves to be small local businesses, minority businesses, or women-owned businesses.
6. Help businesses to generally make determinations about whether or not they are adequately using minority and women businesses through a monitoring and tracking system. An assessment can then made to determine if issues found in the disparity study continue to be issues over a long term period of time.

Mr. Strong concluded that this is just a quick summary of the recommendations his firm had made. More details will be forthcoming in the future, but he was available now to answer any questions the Board may have.

Commissioner Hambrick asked if the Board would get a copy of Griffin & Strong's recommendations.

Chairman Bell replied yes, the Board would be receiving a copy of those recommendations. He then asked Mr. Strong to introduce members of his staff who were present tonight.

Mr. Strong first introduced Ms. Michelle Eunice, who is president of the Pre-Law Society at Spelman College and working as an intern at Griffin & Strong, Inc. this summer. Ms. Eunice is involved in a special program from Yale University and was assigned to work with his firm. She has a particular

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emphasis and interest in public policy, so she was selected as an intern and assigned to work with Griffin & Strong, Inc. on this project. Next, Mr. Strong introduced Michelle Jenkins who did the majority of the work on this disparity study. Ms. Jenkins is head of his firm's consulting division and runs all the disparity studies and projects of this nature.

Chairman Bell thanked Mr. Strong for speaking to the Board and asked if there were any other questions or statements from the Board members.

Vice-Chairman Ralph stated that it was good to see Mr. Strong again. He was thankful for Mr. Strong's involvement in this process and they had both had numerous conversations about the need to do this in Clayton County. Chairman Bell and he have had those conversations as well. Vice-Chairman Ralph was glad the County had arrived at a point where it could move this process forward. This will mean a lot for Clayton County's future growth and development, and the citizens are eagerly looking forward to it. He only questioned when the County could anticipate implementation of the process.

Mr. Strong stated that assuming legislation moves forward expeditiously, this process can be implemented at the end of this year. It will, however, require making some decisions about how to incorporate staffing. By the end of the year, the process should definitely be implemented.

Chairman Bell added that the process will have a training component that will have to be done very meticulously by outside sources.

11. Theodis Locke, Interim Director of Central Services/Risk Management, presented one (1) item for Board approval that resulted in the following action:

1) Approved a bid (RFB #12-22; 6/20/12) for Clayton County Transportation and Development Thermoplastic Pavement Marking, Annual Contract. Vote unanimous.

The Director of Transportation and Development recommended awarding a contract to Mid State Striping, Inc., located in Eatonton, Georgia. This contract would be renewable for two (2) additional one (1) year periods. Mid State Striping, Inc. was the lowest overall responsive bidder. Funding is available through the General Fund.

12. Renee Bright, Director of Human Resources, submitted the following item that resulted in this action:

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1) Approved the renewal of the Workers' Compensation Third Party Administrator contract with Georgia Administrative Services for a two (2)-year period of August 1, 2012 through July 31, 2014. Vote unanimous.

The renewal of the contract with Georgia Administrative Services is in the amount of \$91,250.00, which is an increase of \$3,250.00 from the County's current rate of \$88,000.00. There has been no increase in rate for four (4) years and the new rate is guaranteed for two (2) years. The cost of this contract is charged to the Workers' Compensation fund.

13. Approved Resolution 2012-140 authorizing Clayton County to enter into an Agreement extending the existing Transportation Agreement with the State of Georgia, Department of Human Services providing for the terms and conditions under which transportation services related to the Clayton County Aging Program will be administered; to authorize the Chairman to execute the agreement extension and otherwise to perform all other acts necessary to accomplish the intent of the resolution; to authorize the Finance Director to amend the budget where necessary to reflect an appropriate revenue source and expense, and to transfer any required match of local funds, all as may be required under the terms of the agreement; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

Per Interim County Attorney Jack Hancock, the extension for Resolution 2012-140 is through September 30, 2012.

14. Approved Resolution 2012-141 authorizing Clayton County to execute an Encroachment Agreement with Atlanta Gas Light Company, in connection with certain asphalt parking lot construction; to authorize the Chairman to execute the Agreement, and otherwise to perform all acts necessary to accomplish the intent of the resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

15. Approved Resolution 2012-142 authorizing Clayton County to execute an Easement Agreement with Georgia Power Company, in connection with certain underground electrical line construction; to authorize the Chairman to execute the Easement Agreement, and otherwise perform all other acts necessary to accomplish the intent of the resolution; to provide an effective date of the resolution; and for other purposes. Vote unanimous.

16. Approved Resolution 2012-143 to rename "Justice Center" Road to "Richard Joseph Daly Memorial Boulevard"; to authorize the Department of Transportation and Development to erect signs on the subject street that reflect the renaming; to authorize the Chairman to otherwise perform all other acts necessary to accomplish the intent of the resolution; to authorize the Finance Director to amend the

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budget where necessary; to reflect an appropriate revenue source and expense, to provide an effective date of this resolution; and for other purposes. Vote unanimous.

17. Approved Resolution 2012-144, a Resolution by Commissioners on behalf of Chairman Eldrin Bell urging equitable, transparent, and inclusionary procurement and workforce development policies pertaining to the implementation of the pending Transportation Investment Act (TIA); to provide an effective date of the resolution; and for other purposes. Vote unanimous.

18. Approved Resolution 2012-145 authorizing Clayton County to enter into a Lease Agreement with the Clayton County Tourism Authority providing for the lease of property located at 123 North Main Street in Jonesboro, Georgia; to authorize the Chairman to execute the Lease Agreement, and otherwise perform all other acts necessary to accomplish the intent of this resolution; to authorize the Finance Director to amend the budget where necessary; to reflect the appropriate expense and revenue sources; to provide an effective date of the resolution; and for other purposes. Vote unanimous.

Interim County Attorney Jack Hancock requested an Executive Session tonight regarding a litigation matter. The Board generally consented to have an Executive Session as requested.

19. ZONING PETITION: **PP-Atlanta Jonesboro, LLC(REZ/CUP201206-01)**

The Applicant, Steven M. Fincher, on behalf of PP-Atlanta Jonesboro, LLC, is requesting an amendment to the official zoning map from Article 3.27 Regional Mixed Use (RMX) to Article 3.23 Medical Mixed Use (MMX) for an assisted living facility upon the property located at 6288 Old Dixie Road in Jonesboro, and otherwise known as parcel number 13115C C002. The subject property contains approximately 6.65 acres of land and is currently operated as a 180-room hotel.

ZAG Recommendation is approval of the amendment to the official zoning map request. **Commission District # 4 – Commissioner Michael Edmondson**

Chairman Bell asked if anyone were present in opposition to this petition. There was no response from the audience.

Attorney Steven M. Fincher stated that the Board members were familiar with the proposal. He then asked if there were any questions.

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Commissioner Edmondson interjected that if none of the commissioners had any questions, he wanted to make a statement. He alerted everyone that he had spoken to the applicant and Attorney Hancock earlier. Since this petition request pertained to his district, he made a motion to approve this petition with the stipulation that all taxes should be current before a Certificate of Occupancy is issued for the assisted living facility. Vice-Chairman Ralph seconded the motion. Before Chairman Bell asked for the ayes and nays, Commissioner Singleton requested that all fees should be current as well. Chairman Bell stated that Commissioner Singleton's request should be reflected in the record. The amended motion was as follows: Motion by Commissioner Edmondson, second by Vice-Chairman Ralph, to approve the petition with the stipulation that all taxes and fees should be current before a Certificate of Occupancy is issued for the assisted living facility. Vote unanimous.

20. ZONING PETITION: **David L. Miller (REZ/CUP201206-02)**

The Applicant, David L. Miller, is requesting an amendment to the official zoning map from Article 3.31 Heavy Industrial to Article 3.21 General Business for the operation of a convenience store upon the property located at 7415 Jonesboro Road in Jonesboro, and otherwise known as parcel number 12080C A012. The subject property contains approximately 0.89 acre of land and was previously operated with gasoline sales.

ZAG Recommendation is approval of the amendment to the official zoning map request to Community Business (CB) instead of General Business (GB). **Commission District # 4 – Commissioner Michael Edmondson**

Chairman Bell asked if anyone were present in opposition to this petition. There was no response from the audience.

Attorney David Miller told the Board that this is a fairly simple request. When this location was zoned Heavy Industrial (HI), it had a gas station. After the gas units were removed and the area was cleared, the site could no longer be Heavy Industrial. Although he had submitted a petition for General Business, he agreed with the ZAG recommendation that it should be Community Business. A rezoning to Community Business gives a broader opportunity if gasoline sales are considered for the future. Additionally, landscaping will be done to the area as requested to brighten up the site; the parking lot will be restriped; and the property will be opened up as a convenience store and no additional construction will take place.

Chairman Bell stated that Mr. Miller's stipulations were so noted in the record.

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Commissioner Edmondson made a motion that the Board approve this petition for a rezoning to Community Business with the stipulations that the applicant adhere to the landscaping plan as submitted and the restriping of the parking lot should be to the satisfaction of the Zoning Administrator.

Vice-Chairman Ralph stated he had a question prior to seconding Commissioner Edmondson's motion to approve this petition to Community Business. He then asked Kc Krzic, Zoning Administrator, what is allowable under a Community Business zoning. Ms. Krzic responded that a Community Business zoning basically incorporates retail businesses such as restaurants, professional offices, gasoline sales, etc. Vice-Chairman Ralph next questioned if a Community Business zoning included pawn shops. Ms. Krzic answered no. With that being said, Vice-Chairman Ralph seconded Commissioner Edmondson's motion to approve this petition with the aforementioned stipulations. Vote unanimous.

PUBLIC COMMENT:

1. Carl Swenson, a county resident, stated that the record should be corrected to reflect he had misspoken the last time he was here. He had mentioned that Attorney Hancock's firm (Freeman Mathis & Gary, LLP) had earned \$1.7 million from the County when it should have been \$1.2 million. Mr. Swenson expressed appreciation for the fine service Attorney Hancock had provided to the County. He acknowledged that the paper he had distributed earlier to the commissioners was a copy of an organizational chart taken from the Comprehensive Annual Financial Report (CAFR). Mr. Swenson wanted the Board to recognize that at the top of the structured food chain on this paper were the county citizens. As a county resident, he had asked that the citizens be able to address county issues at the beginning of the business meetings instead of at the end to encourage interaction and influence the vote of the commissioners. Also, if the Board wants this County to attract businesses, it must reduce taxes and give incentives to foster economic growth.