

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

November 13, 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 Rodney Williams of the Clayton County Sheriff's Office. Pledge of allegiance to the flag was led by Chairman Bell.
3. Adopted the agenda by deleting item #9 (Presentation: "Update on Partners for Pets, Inc.)/presented by Amy Adams and Maria Dorough of Partners for Pets, Inc.); adding an item to the requests presented by Theodis Locke, Director of Central Services/Risk Management (POR #1234 Purchase of Computers for the County Library System); and adding an appointment to the Water Authority Board (as requested by Commissioner Hambrick). Lastly, Clerk Haywood noted that the Executive Session conducted tonight pertained to a Worker's Compensation claim settlement. The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the minutes of the November 6, 2012 Regular Business Meeting. Vote unanimous.
5. PROCLAMATION: "Clayton County Honors Grassroots Leadership Institute Class of 2012" (presented by Chairman Eldrin Bell).
6. PROCLAMATION: "Clayton County Honors Education Support Professionals" (presented by Vice-Chairman Wole Ralph).
7. PROCLAMATION: "Clayton County Recognizes American Education Week, November 11-17, 2012" (presented by Commissioner Gail Hambrick).

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

8. PRESENTATION: "Update on I-75 Express Lane Project" (presented by Gerald Ross, Georgia Department of Transportation Chief Engineer).

Mr. Ross said the Georgia Department of Transportation would be building a two (2)-lane, reversible-lane system from State Route 138 to State Route 155, spanning almost 13 miles. Although it will be in Henry County, it will still impact Clayton County. This lane system will be a controlled toll road with

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few access points, so that once a driver enters onto it he/she will not be able to exit for approximately two miles. It is similar to what is being built in Cobb County.

The project involves taking three (3) southbound lanes on Interstate 75, and moving them to the outside. This toll road will be in the middle, between the north and southbound lanes. Emergency vehicles, registered car and van pools, and transit vehicles are exempt from the toll. All other drivers will pay. Pricing will vary on the time of day, based on congestion, and a toll will be determined to keep the speed of the road at 45 miles per hour. The toll will be collected electronically, as those opting to use it will need a Peach Pass sticker for their car. This sticker will be detected by an electronic reader and the driver will be billed accordingly. There will be no toll booths.

The first public hearing will be held during the first quarter of 2013. Construction is expected to begin in May 2013 at a cost of \$150,000,000.00, paid for with bonds set aside by the General Assembly and with federal funds through the Atlanta Regional Commission and the Georgia Department of Transportation. Mr. Ross acknowledged that he is retiring, so Mr. Kelvin Mullins will be the County's point of contact on the project.

Commissioner Hambrick asked how tourists, who do not have a Peach Pass, will be billed if they enter onto the toll road. Mr. Ross said GDOT is working with the other southern states and those along the eastern seaboard to make the toll road operable with other toll facilities in those states. Tourists that do not have a toll facility may call in prior to their arrival in Georgia and in Clayton and Henry Counties.

Commissioner Hambrick joked that she will be forced to use Highway 42 when she goes home to Henry County, because she has to exit at Highway 155. Commissioner Singleton advised her to clarify her remarks to note that she was born in Henry County and does not live there presently.

Chairman Bell thanked Mr. Ross for his 31 years of service to GDOT and congratulated him on his retirement, which began immediately after the meeting.

9. PRESENTATION: "Ceremonial Award of a \$1,000.00 Kinship Care Scholarship Check Donation" (presented to Kinship Care Staff and Senior Services by Chairman Eldrin Bell).

(NOTE: Group photos were taken of the Board of Commissioners and Kinship Care/Senior Services staff.)

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10. Theodis Locke, Director of Central Services/Risk Management, presented four (4) items for consideration which resulted in the following Board actions:

1) Approved RFP PKG #11-04 to amend, on behalf of the Director of Transportation and Development, the current On-Call Transportation Right of Way Acquisition Services Annual Contract. The contract is based upon unit price pay items that are applied to specific projects. In an effort to improve the County's delivery of right-of-way acquisitions and to ensure compliance with GDOT and the Federal Highway Administration, three additional pay items will need to be added to the existing annual contract. The vendor is Dianna Hunt & Associates located in McDonough, Georgia, who was originally awarded the contract by the Board of Commissioners on June 1, 2011. Dianna Hunt & Associates has agreed to accept the amendment. The additional pay items and unit prices are as follows:

Property Title Updates – \$50.00 per parcel; Property Appraisal Updates – \$ 600.00 to \$1,200.00 per parcel; and Appeals Officer – \$1,200.00 per parcel. Vote unanimous.

2) Approved RPF PKG #12-27 to demolish, on behalf of the Director of Parks and Recreation, the existing slide structure and construct fiberglass waterslides, slide tower and pump sets at the Clayton County International Park "The Beach." The Director's recommendation is to award a contract to Sunbelt Pools of Georgia, LLC located in Woodstock, Georgia, with the highest score of 486.00, and with a negotiated fee of \$1,035,000.00 that includes an owner-controlled contingency fund of \$10,000.00. Vote unanimous.

3) Approved RFB PKG #12-39 to purchase, on behalf of the Transportation and Development Department, a skid steer loader with attachments. The Director's recommendation is to award a contract to JCB of Georgia, located in Kennesaw, Georgia. This recommendation is based upon the lowest responsive bidder that meets the specifications of Transportation and Development in the amount of \$140,457.10. Vote unanimous.

4) Approved POR #1234 to purchase, on behalf of the Clayton County Library Director, library computers for the Forest Park, Morrow and Headquarters Libraries in the amount of \$94,343.92, and purchase 88 Dell Optiplex 7010 Personal Computers by utilizing State Contract #99999-SPD-T20120702. Vote unanimous.

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11. Renee Bright, Director of Human Resources, presented one (1) item for consideration which resulted in the following Board action:

1) Approved a request to create a new unclassified, grant-funded position (Mental Health Program Coordinator) at an annual salary of \$32,500.00. The position would not be eligible for benefits. Vote unanimous.

12. Approved Ordinance 2012-231 amending the Clayton County Zoning Ordinance, specifically Article 6 "Development Standards" so as to delete Section 6.9 "Accessory Use/Structures Standards (AS)" and insert in lieu thereof a new Section 6.9; to provide an effective date of this ordinance; to provide for repeal of conflicting ordinances; to provide for codification; to provide for severability; and for other purposes. Vote unanimous.

13. Approved Ordinance 2012-232 amending the Clayton County Zoning Ordinance, specifically Article 8 "Sign Regulations (SS)" so as to delete Sections 8.1 through 8.15 and insert in lieu thereof new Sections 8.1 through 8.15; to provide an effective date of this ordinance; to provide for repeal of conflicting ordinances; to provide for codification; to provide for severability; and for other purposes. Vote unanimous.

14. Approved Ordinance 2012-233 amending the Code of Clayton County, Georgia, as amended, specifically Code of Clayton County, Georgia, Part II, Chapter 6, "Alcoholic Beverages," Article V, "Operating Regulations," by deleting the existing Section 6-118 "Business Hours," and substituting in lieu thereof a new Section 6-118 "Business Hours"; to repeal conflicting laws, ordinances, and resolution; to provide severability; to provide an effective date, and for other purposes. Vote unanimous.

15. Approved Resolution 2012-234 authorizing Clayton County to enter into an authorized provider agreement with the Metropolitan Atlanta Chapter of the American National Red Cross providing for the terms and conditions under which professional aquatic safety and risk management services related to a lifeguard training program will be administered. Vote unanimous.

16. Approved Resolution 2012-235 authorizing Clayton County, through its Parks and Recreation Department, to enter into a license agreement providing for the terms and conditions under which Doyle Baseball, Inc. will sponsor and host two (2) coaching clinics and a player's clinic at Flat Shoals Park and Panhandle Park. Vote unanimous.

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17. Approved Resolution 2012-236 authorizing Clayton County to allow the Courtney S. Crooms Foundation, Inc., to host the 6th Annual Courtney S. Crooms Memorial Girls Basketball Tournament at the Carl Rhodenizer and Virginia Burton Gray Recreation Centers. Vote unanimous.
18. Approved Resolution 2012-237 authorizing Clayton County, on behalf of the Clayton County Parks and Recreation Department, to grant a special facility use request for Wal-Mart of Ellenwood to host an employee holiday party at the Carl Rhodenizer Recreation Center. Vote unanimous.
19. Approved Resolution 2012-238 authorizing the Clayton County Department of Parks and Recreation to apply for a 2012 Georgia Recreational Trails Program (GRTP) grant administered by the State Department of Natural Resources for the development of a trail from Rum Creek Park to the District 4 Recreation Center site. Vote unanimous.
20. Approved Resolution 2012-239 authorizing Clayton County to accept a forfeited vehicle from a Clayton County Police Department Criminal Investigation (one [1] 1993 White Ford Crown Victoria). Vote unanimous.
21. Approved Resolution 2012-240 authorizing Clayton County to accept two (2) forfeited vehicles from the Clayton County Police Drug Task Force; to authorize the Director of Central Services to effect the sale of such vehicles as surplus items (one [1] 2001 Freightliner Tractor and one [1] 1996 Mono Trailer). Vote unanimous.
22. Approved Resolution 2012-241 authorizing Clayton County to enter into an agreement with Six Flags Over Georgia, on behalf of the Clayton County Human Resources Department, providing for the terms and conditions under which Six Flags Over Georgia Park admission tickets will be provided to the county on a consignment basis. Vote unanimous.
23. Approved Resolution 2012-242 authorizing Clayton County to accept grant funds, on behalf of the Clayton County Adult Felony Drug Court, from the State of Georgia Accountability Court Finding Committee for surveillance, testing and supplies. Vote unanimous.
24. Approved Resolution 2012-243 authorizing Clayton County to enter into a grant award agreement with the Criminal Justice Coordinating Council and, in accordance therewith, accept grant funds to be used in connection with the Victims of Crime Act (VOCA) and the Clayton County District Attorney's Victim Assistance Program. Vote unanimous.

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Prior to the motion, Chairman Bell asked for a moment of personal privilege to recognize Detrick Stanford, Director of the Parks and Recreation Department, for being elected president of the Georgia Recreation and Park Association (GRPA) and for the Department being named the “GRPA 2012 Agency of the Year” under his leadership.

Interim County Attorney Jack Hancock requested that the Board conduct an Executive Session on a litigation matter involving a Worker’s Compensation settlement. The Board generally consented to do so.

25. The Board consented to hold making new appointments to the Clayton County Family and Children Services Board, until readiness issues are resolved and term lengths are properly determined. Replacements are needed for Mr. Thomas C. Mertl (Resigned) and Ms. Cynthia Freeman (Resigned).

26. Approved the appointment of Ms. Jameka Fields to the Hospital Authority Board to replace Mr. Roy Moore, whose term expired 10-31-11 (new term is for three [3] years, expiring on 10-31-14); approved the appointment of Ms. Danielle Hillman to replace Ms. LaCynthia Baskin, whose term expired on 10-31-12 (new term is for three [3] years, expiring 10-31-15); and approved the reappointment of Ms. Sophia Haynes, whose term expired 10-31-12 (new term is for three [3] years, expiring on 10-31-15). No action was taken on Dr. Cephus Jackson, whose term expired on 10-31-12. The motion carried 3-2. Chairman Bell and Commissioner Edmondson opposed.

27. Approved the appointment of Mr. Donald McCray to the Zoning Advisory Group (ZAG) Board to fill the vacancy created by the resignation of Mr. Joel Calleiro, whose term expired on 9-2-11. New term is for three (3) years; expiring on 9-2-14. The motion carried 3-2. Chairman Bell and Commissioner Edmondson opposed.

28. Approved the appointment of Ms. Sylvia Wright to the Water Authority Board to replace Mr. Pete McQueen, whose term expired 3-1-12. Commissioner Edmonson pointed out that he had spoken to Mr. McQueen who expressed to him that he would like to remain on the Water Authority Board. The motion carried 3-2. Chairman Bell and Commissioner Edmondson opposed.

29. ZONING PETITION: **Sid M. Kresses, Larry E. Wilensky & West Henry Land Corporation** **REZ2012010-01 and CUP2012010-02**

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The Applicant is requesting an amendment to the official zoning map from Article 3.27 Regional Mixed Use (RMX) to Article 3.21 General Business (GB) and a Conditional Use Permit from Article 8.18 Billboard Standards for an LED billboard upon the property located at 0 Mt. Zion Parkway in Jonesboro, GA, otherwise known as parcel 12074C B002 and 3100 Mt. Zion Parkway in Stockbridge, Georgia, otherwise known as 12074C B003. The subject parcels contain a total of approximately 7.66 acres of land and are currently vacant.

Due to the lack of a quorum at the November 5, 2012 ZAG Public Hearing, no recommendation was made.

COMMISSION DISTRICT #4 -- COMMISSIONER MICHAEL EDMONDSON

There was no opposition to the project. Mr. Sid Kresses, one of the property owners, said he has owned the property for over 30 years and there is a very large development throughout the property. Through a joint effort with Clayton County, Mt. Zion Parkway was built in 1997. Clayton County built the portion to the Clayton County line and the West Henry Land Corporation took it from the Clayton County line to Highway 138, which opened the road up for development and provided greater access to the Clayton County International Park. He and the other land owners entered into a three-way agreement with Clayton County and Henry County to extend the road from Fielder Road through Highway 138. Development along the road has been successful and has helped the economies of Clayton and Henry Counties.

When this current petition was filed Mr. Kresses stated he found out the property had been rezoned for mixed use. He would, however, like to have it rezoned in order to place the kind of billboard he would like in that zone. Mr. Kresses requested to have the property rezoned back to GB and then be granted a conditional use permit to allow the West Henry Land Corporation to build an LED multi-message sign on the property. The purpose of the sign would be to enable the West Henry Land Corporation to display advertising and signage to motorists on I-75 from some of its vendors located on parcels of the property that are not adjacent to the expressway. The sign would also help Southlake Mall and give it the benefit of expressway advertising, which would help the mall be more viable and successful.

Mr. Kresses believed the sign could help add 1,000 jobs and be a “win-win” for West Henry Land Corporation and the County. He noted erecting a sign of this scope costs \$400,000.00. The project was

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analyzed by BB&T Bank, according to Mr. Kresses, and the bank feels it would increase the success of the property.

Commissioner Hambrick questioned whether or not Southlake Mall would benefit from the sign as southbound motorists would already be past the mall when they read the sign. Mr. Kresses countered that northbound travelers would see the sign and be able to exit and visit Southlake Mall.

Chairman Bell asked if the project met all of GDOT's standards. Kc Krzic, Planning and Zoning Administrator, said it did and a permit from GDOT would come back to Planning and Zoning for approval. Essentially, it would have to go through the administrative review phase, followed by a review by Transportation and Development and the Fire Marshall.

Chairman Bell and Commissioner Hambrick asked why the project came to the Board without going through ZAG. Ms. Krzic said it did; however, there was not a quorum at the meeting, and so no action was taken. The presentation was held in front of the public at the meeting.

Commissioner Ralph said he had no problem with a sign on the expressway, as opposed to it being located on neighborhood roads. He asked, however, how the County would control exactly where the sign would be located. Ms. Krzic said the specific location of the sign is detailed in support documents outlining the project. The final location would be determined based on the topography and the footings needed. Usually that location does not vary more than a few feet.

Commissioner Ralph expressed concern that the sign could be too close to Mt. Zion Parkway. Ms. Krzic said it would be located in the southeast-most corner of the property, closest to the expressway.

Mr. Kresses said that after filing the plan with the property, two comments were made. One was from CarMax, which submitted a letter to the County supporting the sign. Additionally, West Henry Land Corporation will own the sign, which will allow it to pick the sign up and move it if a business objects to having the sign on its property.

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Commissioner Edmondson expressed a desire to hold over approval of the project until further discussion could be had on either rezoning the property or amending the zoning ordinances. Mr. Kresses said he would have no problem with that.

The Board unanimously voted to hold over the decision on the petition until a later date.

30. ZONING PETITION: **Gospel Faith Mission House of Restoration, Inc.**
REZ/CUP2012010-03

The applicant is requesting an amendment to the official zoning map from Article 3.31 Heavy Industrial (HI) to Article 3.19 Community Business (CB) for a place of worship upon the property located at 9594 Tara Boulevard in Jonesboro, Georgia, and otherwise known as parcel number 06-032-034-016 and 06-032-034-024. The subject property currently consists of approximately 3.4 acres of land and a vacant warehouse.

Due to the lack of a quorum at the November 5, 2012 ZAG Public Hearing, no recommendation was made.

COMMISSION DISTRICT #4 -- COMMISSIONER MICHAEL EDMONDSON

Mr. Mark Forsling spoke on behalf of Gospel Faith Mission House of Restoration, Inc. He said the church has purchased the property and would like to have it rezoned from Heavy Industrial to the Community Business classification. The property, which includes office space and a warehouse, was previously a Comcast Cable facility. The church would like to renovate the warehouse in the back, using half of it as a sanctuary and half as a fellowship hall. The offices would be used as classrooms and offices. For the record, the church has approximately 150 members with services held on Wednesday and Friday evenings, and on Sundays.

Chairman Bell said the Zoning Board was put in place for a purpose, so that zoning petitions may be reviewed at that level by the community. Ms. Krzic said a meeting was scheduled for October but there was no quorum. Another meeting was called for November, but there was no quorum for that meeting either. Chairman Bell said the Board should be notified about such instances so that the Board can reappoint members who will show up for meetings.

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Commissioner Ralph said in the future, the Board may need to develop an official means to remove members for absenteeism, because of the financial considerations that are on the line for property owners.

Chairman Bell said he would like to know what the discussions were in the meetings. Ms. Krzic said minutes for the meetings are available. She noted that there is a vacancy on the Zoning Board and two alternate slots need to be filled as well. Ms. Krzic said the problem is that the Zoning Board now has just five of its seven slots filled and it takes five members to be present to have a quorum. If one member does not show up for a meeting, there can be no quorum.

Commissioner Singleton wanted to know the method used for contacting ZAG members about meetings. Ms. Krzic said meetings are held every other month and members are sent packets and contacted several days prior to the meetings.

Commissioner Edmondson expressed concern that the property in question may not be appropriate for the proposed development, because it is not compatible with the businesses adjacent to the property – which has a reasonable economic use. As such, he recommended not rezoning the property to allow it to be used by the church.

Commissioner Singleton wanted to know if the zoning request would pertain to the one parcel in question, not the entire area where businesses are located. Ms. Krzic said it would pertain to just the one parcel.

The Board voted unanimously to deny the petition.

Commissioner Singleton expressed concern that zoning ordinances be adhered to, and that petitioners should not seek to maneuver around them. Mr. Forsling said this petition by the church was within the zoning category. Commissioner Singleton noted that she was standing by her vote.

31. ZONING PETITION: FIRST PRESBYTERIAN CHURCH OF JONESBORO REZ/CUP201210-04

The Applicant is requesting a conditional use permit from Article 3.1 Agricultural (AG) District for a private school from grade K through 8th grade, a daycare, an afterschool program, and an academic

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summer camp upon properties located at 1842 Lake Jodeco Road in Jonesboro, Georgia, and otherwise known as parcel numbers 06003A A001. The subject property contains approximately 17.96 acres and is currently operated as a place of worship.

Due to the lack of a quorum at the November 5, 2012 ZAG Public Hearing, no recommendation was made.

COMMISSION DISTRICT #4 -- COMMISSIONER MICHAEL EDMONDSON

Attorney Albert Wallace represented First Presbyterian Church. Commissioner Edmondson wanted to clarify that the property is already zoned for a church and that the petition is for the potential use as a school or daycare. Ms. Krzic agreed that this was the case. The Board voted unanimously to approve the petition.

Mr. Wallace expressed sadness over the recent passing of former Clayton County Probate Judge Eugene Lawson and said that Judge Lawson, because of his great public service to the County, would be an appropriate candidate for having a County building or property named in his honor. Mr. Wallace also complimented the efficiency of the County's zoning staff.

PUBLIC COMMENT:

1. Dr. Henry Anderson honored Chairman Bell and Commissioner Ralph for their eight years of service to the County.
2. Ms. Brenda Lowry expressed concern about possible increases in employee health and dental insurance due to brokerage fees.
3. Ms. Linda Slagle spoke on behalf of Laurel Schaeffer. She wanted to make sure that Board members are adhering to the oath they took when they were sworn into office.
4. Mr. Ken Slagle wanted to make sure that Board members were adhering to a Code of Ethics as public office holders.
5. Mr. Carl Swensson expressed concern about some of the expense reports turned in by a number of Board members.

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Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to go into Executive Session in the Commissioners' Conference Room to discuss a Worker's Compensation claim settlement at 8:35 p.m. Vote unanimous.

Motion by Vice-Chairman Ralph, second by Commissioner Hambrick, to go out of Executive Session in the Commissioners' Conference Room at 8:47 p.m. The motion carried 4-0. Commissioner Edmondson had already excused himself near the end of the Executive Session.

Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to reconvene the Regular Business Meeting in the Commissioners' Board Room at 8:50 p.m. The motion carried 4-0. Commissioner Edmondson was absent.

There being no further business to discuss, motion by Vice-Chairman Ralph, second by Commissioner Singleton, to adjourn the Regular Business Meeting of November 13, 2012 at 8:50 p.m. The motion carried 4-0. Commissioner Edmondson was absent.