

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

December 4, 2012

POST SUMMARY MINUTES

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

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 Bell.
3. Adopted the agenda by adding an appointment to the Clayton County Development Authority Board, as requested by Vice-Chairman Ralph; adding a budget amendment from Angela Jackson, Director of Finance, (Budget Amendment #2-29 – Arts Clayton/FYE 6-30-13, in the amount of \$10,000.00, to provide funds to Arts Clayton for the Gee’s Bend Quilt exhibit); and moving two (2) agenda items to be considered following the Executive Session (#11 – Resolution 2012-251 authorizing Clayton County to provide the City of Lovejoy with Notice of Termination of the Intergovernmental Agreement for the provision of fire services; etc.) and (#12 – Resolution 2012-252 authorizing Clayton County to enter into an Agreement and General Release settling all claims set forth in the employment matters involving Chrystal Lurry, etc.). The motion carried 4-0.
4. Approval of the November 20, 2012 Regular Business Meeting minutes. (NOTE: The initial vote was 4-0, however, later in the meeting, Commissioner Singleton noted that she needed to abstain because she was absent from the November 20, 2012 Regular Business Meeting. The final vote was 3-0-1, with Commissioner Singleton abstaining. It was taken later in the meeting, following the presentation of Renee Bright, Director of Human Resources.)
5. Theodis Locke, Director of Central Services/Risk Management, presented the following eight (8) items which resulted in these Board actions:
  - 1) Approved RFB PKG #12-45, a bid for an annual contract for Asphalt Supply Services, as requested by the Director of Transportation and Development, whose recommendation is to award a contract to C.W. Matthews Contracting Co., Inc., located in Marietta, Georgia. The firm was the overall lowest responsive bidder and GDOT approved. The contract would be renewable for two (2) additional one (1)-year periods. The motion carried 4-0.
  - 2) Approved RFB PKG #12-46, a bid for an annual contract for Milling of Various Streets in Clayton County, as requested by the Director of Transportation and Development, whose

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recommendation is to award a contract to Atlanta Paving & Concrete Construction, Inc., located in Norcross, Georgia. The firm was the overall lowest responsive bidder and GDOT approved. The contract would be renewable for two (2) additional one (1)-year periods. The motion carried 4-0.

3) Approved RFB PKG #12-48, a bid for an annual contract for Stone Material Services, as requested by the Director of Transportation and Development, whose recommendation is to award a contract to Stephens Rock & Dirt, Inc., located in College Park, Georgia. The firm was the overall lowest responsive bidder. The contract would be renewable for two (2) additional one (1)-year periods. The motion carried 4-0.

4) Approved RFP PKG #10-05, a Work Authorization Request #004 from Silverman Construction Program Management, located in Atlanta, Georgia, which has been approved by the Board as the project manager to provide services on designated SPLOST projects. The Work Authorization Request from Silverman is to provide programming services for the Clayton County Police Precinct as listed in the scope of Silverman's project management contract. It is for pre-design, contracted services, design, construction and transition, at a proposed fee of \$75,200.00. The motion carried 4-0.

5) Approved a request to renew the Property and Boiler Machinery Insurance coverage for the period of January 1, 2013 to December 31, 2013, and to grant approval to the Finance Director to amend the budget as necessary. The Property and Boiler Insurance provide coverage on County owned and leased buildings and their contents, as well as owned and leased vehicles and equipment. The recommendation is to purchase the insurance through Travelers (incumbent carrier) with a total policy limit of \$200,000.00 at an annual cost of \$184,581.00. The motion carried 4-0.

6) Approved a request to purchase Public Entity Excess Liability Insurance coverage for the period of December 31, 2012 to December 31, 2013, and to grant approval to the Finance Director to amend the budget as necessary. The Public Entity Excess Liability Insurance covers claims against the County alleging bodily injury, property damage, public officials' liability, law enforcement liability, errors and omissions, employment practices liability, and employee benefits liability. The recommendation is to continue coverage with the current carrier, Starr Indemnity and Liability Company (A.M. Best Rating A/Excellent), at a level premium of \$453,900.00, the same amount as the current year, with an increase in the Self-Insured Retention from \$750,000.00 to \$1,000,000.00. The motion carried 4-0.

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7) Approved a request to provide a Software License and Services Agreement for Claims Servicing for Clayton County, effective December 11, 2012, with CS STARS. The software program will provide a system to be used for storing, processing and managing the data for Clayton County liability claims. Reports produced by the system will allow Risk Management to provide information to County insurance carriers on liability losses sustained by the County. The initial contract term shall be one year. By mutual consent between the Provider and the County, the contract may be renewable for two (2) additional one (1)-year periods. The motion carried 4-0.

8) Approved a request to purchase Aviation Insurance coverage, including Aircraft, Airport Owners and Associated Liability Coverage for the period of January 1, 2013 to January 1, 2014, and to grant approval to the Finance Director to amend the budget as necessary. The Aviation Insurance will provide coverage for Clayton County's pilots, helipad, aircraft and associated liabilities. Risk Management recommends continuing the coverage with the incumbent carrier, Ace Property and Casual Insurance Company, at the expiring premium of \$30,255.00. The motion carried 4-0.

6. Angela Jackson, Director of Finance, brought forth one (1) Budget Amendment for FYE 6-30-13 and one (1) Purchase Request which resulted in the following Board actions:

1) Approved Budget Amendment #2-26 – Other General Government/FYE 6-30-13, in the amount of \$275,000.00, to purchase a SWAT vehicle for the Clayton County Police Department. The motion carried 4-0.

2) Approved Budget Amendment #2-29 – Arts Clayton/FYE 6-30-13, in the amount of \$10,000.00 to provide funds to Arts Clayton for the Gee's Bend Quilt exhibit. The motion carried 4-0.

3) Approved a request to purchase three (3) cell phones for three newly approved Building & Maintenance positions, at an additional monthly charge of \$95.28 and a one-time hardware charge of \$112.47. The motion carried 4-0.

7. Renee Bright, Director of Human Resources, submitted two (2) requests, which resulted in the following Board actions:

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1) Approved a request to provide adequate staffing level for the new Forest Park Branch Library by adding one (1) Library Youth Services Assistant (Pay Grade 15) position and one (1) Library Assistant (Pay Grade 12) position, at a total cost of \$78,064.00. The motion carried 4-0.

2) Deferred a request to move the pharmacy benefits for the Self-Funded Medical Plan (Humana) from CVS/Caremark to Humana to the December 11, 2012 Regular Business Meeting. The CVS/Caremark contact expires December 31, 2012. Changing the pharmacy benefits manager from CVS/Caremark to Humana is expected to reduce the claims and administrative costs of the Self-Funded Medical Plan by \$191,000.00 in the first year, as well as improve the County's Disease Management for participants. The cost reduction is reflected in an annual savings of \$28,000.00 in administrative fees, \$138,000.00 in claims, and \$30,000.00 in Disease Management.

Ms. Bright said that due to the short time frame and to ensure a smooth transition, CVS has agreed to extend the current contract for one (1) month to January 31, 2013.

Regarding the pharmacy benefits package, Commissioner Hambrick recommended, in the form of a motion, to go with Aetna. Commissioner Singleton seconded the motion. The vote was 2-1-1. Commissioners Hambrick and Singleton voted in favor of the motion, Chairman Bell voted no, and Vice-Chairman Ralph abstained with cause.

Interim County Attorney Jack Hancock said Vice-Chairman Ralph had made him aware of his concerns previously, and that such concerns would amount to cause under the County's ordinance. By rule, the 2-1-1 result is equivalent to a no vote, because it takes at least three (3) votes to approve a motion.

As such, Chairman Bell said the item should be brought back before the Board at the next Regular Business Meeting on December 11, 2012.

Vice-Chairman Ralph asked what the ramifications would be for this action. Ms. Bright said if the County cannot move the pharmacy benefits from CVS by January 31, 2012, then the County is obligated by the current contract to remain with CVS through December 31, 2013. She noted that the process of transitioning from one benefits provider to another would take at least 30 days.

Vice-Chairman Ralph asked how this would impact the potential savings, to which Ms. Bright responded that there would be no savings within the current contract. Chairman Bell said he hoped

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within the next week to learn more about Aetna in regards to employee benefits. The additional week, he thought, may provide an opportunity to think more about the issue.

Prior to moving on to the next item on the agenda, Commissioner Singleton noted that she was not present at the last Regular Business Meeting, November 20, 2012, and needed to change her vote on approval of the minutes of the November 20, 2012 Regular Business Meeting to "abstaining." A motion to reconsider the earlier vote was made by Commissioner Singleton (seconded by Vice-Chairman Ralph). The motion carried 4-0. Then a motion to approve the minutes of the November 20, 2012 Regular Business Meeting was made by Vice-Chairman Ralph (seconded by Commissioner Hambrick). The motion carried 3-0-1. Commissioner Singleton abstained.

Additionally, prior to his presentation of resolutions for the evening, Mr. Hancock called for a motion to rescind Resolution 2012-218, on the grounds that the resolution did not include the City of Morrow, which did not opt in at that time. The motion carried 4-0.

8. Approved Resolution 2012-248 authorizing execution, by the Chairman of the Clayton County Board of Commissioners, of an intergovernmental agreement between the County and certain municipalities of Clayton County concerning an energy excise tax enacted pursuant to O.C.G.A. § 48-13-110 Et Seq.; repealing prior resolutions in conflict; and for other purposes. The motion carried 4-0.

9. Approved Resolution 2012-249 authorizing Clayton County to extend an existing Program Management Services agreement with Silverman Construction Program Management ("SCPM"); to approve a Work Authorization form for an additional service request from SCPM due to a schedule delay for the Forest Park Library project; to authorize the Chairman to execute any documents as may be necessary to accomplish the intent of this resolution; to authorize the Finance Director to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required; to provide an effective date of this resolution; and for other purposes. The motion carried 4-0.

10. Approved Resolution 2012-250 authorizing Clayton County to enter into a grant agreement with the Georgia Emergency Management Agency in association with the FY-2012 Performance Partnership Award and accept grant funds in accordance therewith; to authorize the Chairman to execute the agreement and to 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 appropriations and

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expenditures relating thereto and to transfer the required match of local funds; to provide an effective date of this resolution; and for other purposes. The motion carried 4-0.

11. Approved Resolution 2012-251 authorizing Clayton County to provide the City of Lovejoy with Notice of Termination of the Intergovernmental Agreement for the provision of Fire Services; to authorize the Chairman to execute any documents as may be necessary to accomplish the intent of this resolution; to authorize the Finance Director to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required; to provide an effective date of this resolution; and for other purposes. The motion carried 4-0. (NOTE: This vote took place following a discussion in the Executive Session.)

12. Approved Resolution 2012-252 authorizing Clayton County to enter into an Agreement and General Release settling all claims set forth in the employment matters involving Chrystal Lurry; to authorize the Chairman to execute the agreement and otherwise perform all acts necessary to accomplish the intent of this resolution; to authorize the Finance Director to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required under the terms of the settlement agreement; to provide an effective date of this resolution; and for other purposes. The motion carried 4-0. (NOTE: This vote took place following a discussion in the Executive Session.)

13. Approved Resolution 2012-253 designating the County Manager as the Point of Contact between Clayton County and the Clayton County Sheriff-Elect; to provide an effective date of this resolution; and for other purposes. The motion carried 3-1. Chairman Bell opposed.

Interim County Attorney Hancock requested an Executive Session to discuss litigation, personnel and real estate matters. The Board generally consented to conduct an Executive Session concerning the aforementioned matters.

14. DISCUSSION ITEM:

Consider a legislative request form requesting the Board of Commissioners to consider and determine the name for the new District 3 Recreation Center in Lovejoy, Georgia.

The discussion was led by Detrick Stanford, Director of Parks and Recreation, who presented the process for naming a new recreation center in District 3. The Department of Parks and Recreation

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sought guidance from Vice-Chairman Ralph, who suggested that the public be made part of the naming process.

As such, the KWarren Group established a framework for a promotional opportunity called the “I-Lovejoy Recreation Naming Competition,” playing off of the Apple Computers I-product line. First, second, and third-place winners would receive an I-Pad, a Nano 4, and I-Tune cards. The contest attracted 20-plus names from the general public, most of which featured names that utilized variations of “Wole Ralph” and “Lovejoy.” Mr. Stanford said all of the names were now in the hands of the Board for its recommendation.

Commissioner Singleton suggested, in the form of a motion, that because the center was a County facility and having “Lovejoy” in the name may cause some confusion, it should be named the “Wole Ralph Recreation Center.” The motion carried 4-0.

15. BOARD APPOINTMENT:

Vice-Chairman Ralph o qv kppgf "q"cr r qlpv Paul Redding vq "hkn"vj g"wpzr ktgf "vgtto "qh Richard Rice" \*Tguki pgf +on the Clayton"County Development Authority."cpf "'Eqo o kukqpgt"Ukpi rgvqp"ugeqpf gf "vj g o qvkqp. O t0Tgf f kpi u"vgtto "gZR ktgu"qp"O ctej "3."42370"The motion carried 4-0.

PUBLIC COMMENT:

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1. Bobby Cartwright, Mayor of Lovejoy, expressed concern about the service delivery negotiations between the County and the City of Lovejoy, in which fire services for the City have been terminated. Chairman Bell assured Mayor Cartwright that the citizens of Lovejoy will not go without fire services.
2. Arthur Hughes of Riverdale, Georgia, asked the Board to hold a press conference for the purpose of encouraging citizens to refrain from firing guns in celebration of the New Year on January 1, 2013.
3. Carl Swensson expressed concern over travel expenditures by Vice-Chairman Ralph to a National Association for the Advancement of Colored People (NAACP) convention in Washington, D.C., which Mr. Swensson said he discovered via an Open Records Request.

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Vice-Chairman Ralph responded that he did not attend a convention in Washington, D.C., nor did he misuse County funds. Vice-Chairman Ralph also thanked the Board and citizens for the honor of naming the new recreation center after him.

Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to go into Executive Session in the Commissioners' Conference Room at 7:40 p.m. to discuss matters of litigation, personnel and real estate. The motion carried 4-0.

Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to go out of Executive Session at 7:58 p.m. The motion carried 4-0.

Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to reconvene the Regular Business Meeting in the Commissioners' Boardroom at 8:00 p.m. The motion carried 4-0.

1. Mr. Hancock brought forward a request to authorize the Finance Director to reimburse the SPLOST Fund in the amount of \$2,478,042.00, with monies from the General Fund. The transfer was necessary because the Ingles Building, which was purchased by the County with the original intent to use part of it as a recreational facility, will now be used for other non-recreational purposes. Therefore, the building was not eligible to be purchased with SPLOST funds. The line item is 306-5332-7500. Commissioner Hambrick motioned (seconded by Vice-Chairman Ralph) to reimburse the SPLOST Fund in the amount of \$2,478,042.00, with monies from the General Fund. The motion carried 4-0.

2. Mr. Hancock provided further clarification on the purpose of Resolution 2012-251 (see Page 5, above). He said the Resolution simply notifies the City of Lovejoy that the fire services agreement with the County will be terminated in six (6) months. Per Mr. Hancock, this move was necessary as a matter of procedure in order to negotiate a new fire services agreement. Commissioner Singleton motioned (seconded by Commissioner Hambrick) to approve Resolution 2012-251. The motion carried 4-0.

3. After further discussion in Executive Session, Vice-Chairman Ralph motioned (seconded by Commissioner Singleton) to approve Resolution 2012-252 regarding the settlement of all claims set forth in the employment matters of Chrystal Lurry (see Page 5, above). The motion carried 4-0.

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4. Mr. Hancock presented a litigation item involving a property on Tara Boulevard previously occupied by Comcast. At a previous Zoning Meeting, an application was made to rezone the land from Heavy Industrial to Commercial, which the Board denied. The applicants' counsel sent a letter to Mr. Hancock asking the Board to reconsider its decision on the grounds that its denial of the rezoning application was in violation of the federal Religious Land Investment Act. Vice-Chairman Ralph motioned (seconded by Commissioner Singleton) to rescind the denial. The motion carried 4-0. Vice-Chairman Ralph then motioned (seconded by Commissioner Singleton) to rezone the property as corrected to Commercial. The motion carried 4-0.

5. Mr. Hancock presented a matter on behalf of Wade Starr, County Manager. Mr. Starr asked that his contract be modified to reflect that the Board must notify him no later than 5:00 p.m. on January 16, 2013, as to whether or not his contract will be renewed or extended when it expires on June 30, 2013. Commissioner Singleton motioned (seconded by Vice-Chairman Ralph) to modify Mr. Starr's contract as so noted. The motion carried 3-1. Chairman Bell opposed.

There being no further business to discuss, motion by Vice-Chairman Ralph, second by Commissioner Singleton, to adjourn the Regular Business Meeting of December 4, 2012 at 8:15 p.m. The motion carried 4-0.