

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

May 20, 2014

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PRESENT: Chairman Jeffrey E. Turner, Vice-Chairman Shana M. Rooks, Commissioner Michael Edmondson, Commissioner Sonna Singleton, Commissioner Gail Hambrick, and Clerk Shelby D. Haywood.

1. Chairman Turner called the meeting to order.
2. Invocation was led by Chaplain Stanley Owen of the Clayton County Sheriff's Office. Pledge of allegiance to the flag was led by Chairman Turner.
3. Amended the agenda by deleting item #16 (Ordinance 2014-118 **(First Reading)** – An Ordinance adopted under the Home Rule Powers specifically granted to the governing authority of Clayton County pursuant to Article IX, Section II, Paragraph I (B)(1) of the Constitution of the State of Georgia of 1983, amending the local act of the General Assembly creating and composing the Clayton County Board of Commissioners and setting forth the general provisions governing Clayton County Government; to amend the Clayton County Code of Ordinances, as amended, specifically, Part I, Article II, Section 2-22 “Audits Generally”; subparagraph (B); to provide severability; to provide an effective date of this ordinance; and for other purposes); deleting item #13; subsection 8, under requests of Carol Rogers, Contract Compliance Manager of Central Services (**RFP PKG #13-31 SPLOST Construction Management-At-Risk Services for the Construction of Clayton County Police Precinct, N.E., Contract GMP Amendment** [Hogan Construction Group, LLC]. Per Section 2-136 (2) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00. All goods and services in the excess of \$25,000.00 are required to be purchased through the sealed proposal process, or negotiated by the Director of Central Services with full Board of Commissioners' approval. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater); and revising #15; (Consider requests of Renee Bright, Director of Human Resources); subsection 1, the Request to renew the Self-Funded Medical Plan Stop Loss Coverage for Plan Year June 1, 2014 – May 31, 2015, from a 2.26% increase in premium to no increase in premium. Clerk Haywood announced that an Executive Session would be held tonight to discuss litigation and personnel matters. The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the May 6, 2014 Regular Business Meeting minutes. Vote unanimous.

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5. PUBLIC COMMENT: Citizens will be given a three (3)-minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Following thirty minutes of hearing from the public, the Board of Commissioners will allow the remainder of citizens who have signed up to be heard at the next Tuesday business meeting.

1) Jazzmen Patton voiced her concerns about the lack of integrative social media in the Clayton County transit input meetings. Ms. Patton stated she would not have known about the meeting if it had not been for a parent living in the County. She expressed that she is in support of public transit and having it will increase young active voters and young adult participation in spending money in the County. Ms. Patton concluded that she and other peers are forced to spend money in North Atlanta due to the County not providing enough retail stores, commerce, and transportation.

2) Anne McCallum, a Clayton County resident, also expressed concerns regarding transit in Clayton County. Ms. McCallum stated she has attended the transit input meetings and providing mass transit for Clayton County citizens has to happen. She stressed that it was not clearly presented what the County would get for ½ penny, the whole penny and what type of transit system the County would be getting. Ms. McCallum concluded that Clayton County citizens would like to be provided with a complete MARTA system.

3) Dr. Wilbert Jordan greeted the Board and thanked it for conducting the transportation feasibility study. Dr. Jordan emphasized that residents who needed to attend the Clayton County transit input meetings could not attend them because they had no transportation. He informed the Board that those who attended the meetings selected routes that did not address the needs of the workers who required transportation. Dr. Jordan stressed that the feasibility study should be geared more towards the residents whose lives would be greatly impacted by having transportation. He stated that most residents were concerned about property taxes increasing than about those depending on public transit. Dr. Jordan further stated that most people disregarded that these meetings were about a sales tax and not a property tax. He concluded that a community that will not consider the needs of the least is not a community that will grow and prosper.

4) John Duke expressed he was not a resident of Clayton County, but transit is a regional issue. Mr. Duke noted that he had distributed to the Board an analysis on infrastructure cost, if the County tried to mimic the same services MARTA currently provides to Dekalb and Fulton counties. During one of the transit input meetings, Mr. Duke said questions were asked about expeditiously submitting the 20/40 plan, when bus routes would be replaced by rail, and how much of a burden a one percent (1%) sales tax would be to the County. He noted that in order to have a good regional transit system, it was not going to be cheap and that fact should be made clear.

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5) Cathy Schley, a Mental Health Counselor at the Clayton County Jail, came before the Board to advocate her support for the Mental Health Court. Ms. Schley stated the Mental Health Court started last June through a grant and she hoped that the Board would assist in funding another position to keep this program running. She noted that the program has had ten (10) participants and has so far been successful. Ms. Schley believed the benefits of having a Mental Health Court save time, money, lives and urged the Board to fund another position.

6) Kimberly Kirby, a Clayton County resident, thanked Chairman Turner and Commissioner Hambrick for accepting her invitation to visit Animal Control. Ms. Kirby stated that she was concerned that Lake City, Georgia pays Forest Park, Georgia to bring animals to Clayton County Animal Control without payment, which only over-populates and puts more stress on the County's Animal Control. She reiterated to the Board the need to provide Clayton County citizens with a No Kill Facility and to increase the number of general holding pens. Ms. Kirby apprised the Board about the Companion Animal Protection Act, a law which mandates that the programs and services which have proven successful at lifesaving in shelters be continually implemented. Ms. Kirby insisted more pens are needed at the shelters to hold animals at five days for rescue, and the County needs to take the necessary initiative to gain the public, governmental, and financial support to become a no-kill organization.

7) Danny Kirby, a Clayton County resident, voiced his concerns about the euthanization of animals in Clayton County. Mr. Kirby proposed that the County and citizens work together to place them in rescue and stop the killing of animals.

8) Timothy Jefferson of J.E. Group, LLC, expressed he was following up on his presentation at the May 6, 2014 Regular Business meeting on the subject of "The Plex Arena." Mr. Jefferson requested permission to present another presentation at the June 3, 2014, Regular Business Meeting.

9) Jean Claude Bourget wanted to know how many of the commissioners are in favor of the ½ penny or the whole penny if MARTA is utilized, because he felt the ½ penny would be a waste of time and effort. Mr. Bourget stated a whole penny would allow for more use of the MARTA system and he would like for it to be clearly noted which sales tax would be the best option. He felt MARTA would increase economic development in the County and the Board should proceed in making this happen.

10) Miyoshi Bourget, a Clayton County resident for seventeen (17) years, expressed she is proud of the changes in the County. Ms. Bourget acknowledged and gave accolades to Parks and Recreation Director Detrick Stanford for making positive changes in Clayton County parks. She commended General Manager Michael Thomas for Clayton County Water Authority receiving top

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honors in the industry as having one of the best water systems in the State of Georgia. Ms. Bourget also gave accolades to Fire Chief Landry Merkison and the Clayton County Fire and Emergency Management Services for being awarded with the “2013 Agency of the Year” award. She gave strong evaluations on the actions of Detrick Stanford, Michael Thomas and Landry Merkison and stated they deserved an “A” on their hard work to improve this county. Ms. Bourget further stated that as she looks around the county the landscape consists of abandoned and vacant business buildings. She noted that one hundred thousand people travel from other counties to work in Clayton County, but she wondered how much of those employees are spending money here. Clayton County offers few outlets where that money can be spent because of few retail stores, restaurants and entertainment. Ms. Bourget mentioned the closing of Old Navy on Mount Zion Boulevard and asked what is happening to economic development in Clayton County. She noted that Economic Development Director Grant Wainscott is responsible for overseeing more than a quarter of a billion dollars in development and redevelopment projects within the Department of Economic Development and the Film, Sports & Entertainment Office. Ms. Bourget questioned the leadership of Mr. Wainscott and what is he doing with the budget to bring businesses to Clayton County. She concluded that his work evaluation should be an “F” in job performance, and Mr. Wainscott in the past five (5) years has proven he is not the economic development leader.

6. PROCLAMATION: "Clayton County Observes May 2014 as National Water Safety Month" (presented by Chairman Jeffrey E. Turner).
7. PROCLAMATION: "Clayton County Observes May 2014 as Community Action Month" (presented by Chairman Jeffrey E. Turner).
8. PROCLAMATION: "Clayton County Recognizes Phillip J. Watson as the 2014 Jonesboro High School Star Student" (presented by Commissioner Michael Edmondson).
9. PROCLAMATION: "Clayton County Recognizes and Honors the Drew High School 2014 Lady Tigers Regional Basketball Champions" (presented by Commissioner Gail Hambrick).
10. PROCLAMATION: "Clayton County Recognizes and Honors Mt. Zion High School Track Team, the 2014 Class AAAAA State Champions (presented by Commissioner Sonna Singleton).
11. PROCLAMATION: "The Board of Commissioners Honors the Clayton County Convention and Visitors Bureau for being featured on the cover of the 2014 Georgia Travel Guide" (presented by Commissioner Sonna Singleton).

[NOTE: Group photos were taken of the honorees and Board of Commissioners. Clerk Haywood read all the proclamations for the benefit of the honorees, Board, and audience].

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12. PRESENTATION: Scholarship Letters presented by Commissioner Sonna Singleton to District 1 Scholarship Recipients, Matthew Faulk and Lauren Jennings of Morrow High School.

[NOTE: Group photos were taken of the honorees and Board of Commissioners. Clerk Haywood read the Scholarship letters for the benefit of the honorees, Board, and audience].

Commissioner Sonna Singleton presented a check in the amount of \$ 1,000.00 each to Matthew Faulk and Lauren Jennings of Morrow High School for their outstanding academic and athletic accomplishments.

13. Carol Rogers, Contract Compliance Manager of Central Services, presented eight (8) requests which resulted in the following Board actions.

(NOTE: The entire Purchasing Ordinance for Clayton County, Georgia can be viewed on the MuniCode website. Citizens can access this website via the following website address: <http://library.municode.com/index.aspx?clientId=10562>.)

1) Approved a **Request to Sell County Surplus Items**, utilizing GovDeals.com, as requested by the Central Services Department. Vote unanimous.

2) Approved **RFP PKG #14-08 Deferred Prosecution Programs for Clayton County, Annual Contract** (Multi-Award Contract: The Road to Recovery, Inc., located in Forest Park, Georgia; Clayton Center Community Service Board, located in Jonesboro, Georgia; and NNK Consulting, LLC, located in College Park, Georgia. This project is funded by the participants; therefore, there will be no cost to the County), as requested by the District Attorney Office. Per Section 2-136 (2) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00. All goods and services in the excess of \$25,000.00 are required to be purchased through the sealed proposal process, or negotiated by the Director of Central Services with full Board of Commissioners' approval. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

3) Approved **Agreement for Balotar Solution Equipment** (Election Systems and Software, located in Omaha, Nebraska), as requested by the Elections Department. Per Section 2-136 (7) of the Clayton County Purchasing Ordinance, Central Services must determine if other products or service providers can satisfy the procurement requirements before making a determination of sole source procurement. Sound procurement practice requires that sole source purchases be used when it is the only option and not as an attempt to contract with a favored service provider for a favored product.

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The purchasing agent requires all sole source providers to supply a letter stating that they are the sole source for a given product or service and why they are considered to be the sole source (technology, patents, etc.). All sole source purchases will be clearly defined when presented to the Clayton County Board of Commissioners. Vote unanimous.

4) Approved **RFP PKG #11-43 Sports Photography Services for Clayton County Parks and Recreation, Annual Contract, First Amendment Request for Price Increase** (Score Photo, Inc., located in Kennesaw, Georgia), as requested by the Parks and Recreation Department. Per Section 2-136 (2) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00. All goods and services in the excess of \$25,000.00 are required to be purchased through the sealed proposal process, or negotiated by the Director of Central Services with full Board of Commissioners' approval. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

5) Approved **RFB PKG #12-04 Clayton County Firefighter Turnout and Protective Gear, Annual Contract, Amendment Request for Price Increase** (Bennett Fire Products Company, located in Woodstock, Georgia), as requested by the Fire Department. Per Section 2-136 (6) of the Clayton County Purchasing Ordinance, Clayton County has developed annual contracts for frequently used items and services. These contracts are a result of a sealed bid. The contract allows the county to order goods and services directly from the awarded suppliers through the use of an annual contract document. Vote unanimous.

6) Approved **RFB PKG #13-11 Clayton County Solid Waste Service, Annual Contract, First Amendment Request** (Waste Pro of Georgia, located in Doraville, Georgia), as requested by the Correctional Institute. Per Section 2-136 (6) of the Clayton County Purchasing Ordinance, Clayton County has developed annual contracts for frequently used items and services. These contracts are a result of a sealed bid. The contract allows the county to order goods and services directly from the awarded suppliers through the use of an annual contract document. Vote unanimous.

7) Approved **RFP PKG #13-17 Concession Operations at Clayton County International Park, Annual Contract, First Amendment Request** (NEA-BBQ, LLC, d/b/a Sonny's Bar-B-Q, located in Buford, Georgia), as requested by the Parks and Recreation Department. Per Section 2-136 (2) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and

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when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00. All goods and services in the excess of \$25,000.00 are required to be purchased through the sealed proposal process, or negotiated by the Director of Central Services with full Board of Commissioners' approval. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

8) Approved **RFB PKG #14-31 Athletic Uniforms & Equipment for the Clayton County Parks & Recreation Department, Annual Contract** (Four Seasons Sporting Goods, Inc., located in College Park, Georgia. Funding is available through the Parks and Recreation Department's 2014 General Budget), as requested by the Parks & Recreation Department. Per Section 2-136 (1) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed bid method when the costs of goods and services are in excess of \$25,000.00. The Clayton County Board of Commissioners has the final award approval for all non-budgeted bids \$35,000.00 and greater. All approved budgetary goods and services and annual contract purchases can be authorized by the Finance Director and purchased by the Director of Central Services without Board of Commissioners' approval. Vote unanimous.

14. Ramona Thurman, Chief Financial Officer, presented seven (7) requests which resulted in the following Board actions.

1) Approved Request for Budget Amendment #4-84/Fund 307 – 2009 Reimposition SPLOST/FYE 6-30-14 – to amend the budget to purchase a video storage server for site security for the Public Safety Digital Network (PSDN) project, in the amount of \$19,821.00. Vote unanimous.

2) Approved Request for Budget Amendment #4-85/Fund 307 – 2009 Reimposition SPLOST/FYE 6-30-14 – to amend the budget to purchase equipment needed to gain access to newly acquired greenspace and trail properties throughout the park system, in the amount of \$9,400.00. Vote unanimous.

3) Approved Request for Budget Amendment #4-86/Fund 306 – 2004 Roads and Recreation SPLOST/FYE 6-30-14 – to amend the budget for environmental testing of the Independence Park site for the At-Large Recreation Center, in the amount of \$2,700.00. Vote unanimous.

4) Approved Request For Budget Amendment #4-87/Fund 307 – 2009 Reimposition SPLOST/FYE 6-30-14 – to amend the budget for the Beach Fencing Project at the Clayton County International Park, in the amount of \$44,990.00. Vote unanimous.

5) Approved Request for Budget Amendment #4-88/Fund 307 – 2009 Reimposition

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SPLOST/FYE 6-30-14 – to amend the budget for the Pavilions and Front Entrance Wall Renovation Project at Clayton County International Park, in the amount of \$161,316.00. Vote unanimous.

6) Approved Request for Budget Amendment #4-89/Fund 307 – 2009 Reimposition SPLOST/FYE 6-30-14 – to amend the budget for additional funds needed for the Bridge Maintenance Project land cost, in the amount of \$175,000.00. Vote unanimous.

7) Approved Request for Budget Amendment #4-90/Fund 307 – 2009 Reimposition SPLOST/FYE 6-30-14 – to amend the budget for the Panhandle Road Turn Lane at Eddie White Academy Project for right-of-way acquisition services and land cost, in the amount of \$15,000.00. Vote unanimous.

15. Renee Bright, Director of Human Resources, presented three (3) requests which resulted in the following Board actions.

1) Approved a Request to renew the Self-Funded Medical Plan Stop Loss Coverage for Plan Year June 1, 2014 – May 31, 2015. The Stop Loss coverage protects the Self-Funded Medical Plan in the event of large claims. Recommendations are to move the coverage from HCC to Symetra. This proposal includes a \$175,000.00 claims deductible (the county's deductible level) with no lasering and no increase in premium. Vote unanimous.

2) Approved a Request to reclassify a vacant Police Officer position to create a Community Relations Officer position at Pay Grade 21. The Community Relations Officer position will assist the Police Department with outreach to the community to promote community policing, problem oriented policing, and intelligence driven policing. This classification will work through traditional and social media to keep the public informed of significant events, lookouts, and requests for information. Vote unanimous.

3) Approved a Request to revise class specification for the Director of Central Services to include Risk Management responsibilities and remove those duties from the Director of Human Resources' class specification. Vote unanimous.

Requirements include a Bachelor's Degree in Public Administration, Business Administration, or closely related field; supplemented by six (6) years previous experience that includes progressively responsible purchasing, inventory control, and supervision/management; or any equivalent combination of education, training, and experience which provides the requisite knowledge, skills, and abilities of this job.

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16. Approved Ordinance 2014-119, an Ordinance to amend the Code of Clayton County, Georgia, as amended, specifically, Code of Clayton County, Georgia, Part II, Chapter 2 “Administration,” Article I “In General,” by deleting the existing Section 2-6 “Travel Outside County” and substituting in lieu thereof a new Section 2-6 “Employee Travel”; to repeal conflicting laws, ordinances, and resolutions; to provide severability; to provide an effective date; etc. Vote unanimous.
17. Approved Ordinance 2014-120, an Ordinance to amend the Code of Clayton County, Georgia, as amended, specifically, Code of Clayton County, Georgia, Part II, Chapter 62 “Offenses and Miscellaneous Provisions,” Article I “General” by adding a new Section 62-47 “Keeping a Disorderly Place”; to repeal conflicting laws, ordinances and resolutions; to provide for severability; to provide an effective date of this ordinance; and for other purposes. Vote unanimous.
18. Approved Resolution 2014-121, a Resolution providing for the restatement of the “Clayton County Board of Commissioners’ Premium Conversion Flexible Benefit Plan” to include the Flexible Spending Account (Health Spending Account and Dependent Care Account) for Plan Year June 1, 2014; to authorize the Chairman to execute any documents necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; etc. Vote unanimous.
19. Approved Resolution 2014-122, a Resolution authorizing Clayton County, on behalf of Clayton County Library Services, to enter into an agreement with the University System of Georgia, on behalf of Clayton State University to provide a federal work-study program; to authorize the Chairman to execute the agreement and otherwise to perform all other acts necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; etc. Vote unanimous.
20. Approved Resolution 2014-123, a Resolution authorizing Clayton County to enter into a Performance Agreement with Solid Soul Band Phase II providing for the terms and conditions under which live entertainment will be performed at the J. Charley Griswell Senior Center; to authorize the Chairman to execute the agreement, and otherwise perform all acts necessary to accomplish the intent of this resolution; to authorize the Chief Financial Officer to amend the 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.
21. Approved Resolution 2014-124, a Resolution to terminate a Lease Agreement for property located at 7535 Southlake Parkway in Clayton County; to authorize the Chairman to execute any necessary documents and otherwise to perform all acts necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.
22. Approved Resolution 2014-125, a Resolution authorizing Clayton County to convey property

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located at 114 Broad Street to the City of Jonesboro, Georgia; to authorize the Chairman to execute all documents necessary to effectuate the transfer, and otherwise to perform all acts necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

23. Approved Ordinance 2014-126, an Ordinance providing for the additional duties for the Chief Operating Officer; to provide an effective date of this ordinance; and for other purposes. The motion carried 3-2. Commissioners Hambrick and Singleton opposed.

Chairman Turner asked for a motion.

Before the motion was made, Commissioner Hambrick stated she had a suggestion for this ordinance regarding item #3 where it denoted disciplinary actions. She then read Section 3 as follows: ***The Chief Operating Officer shall have the authority to conduct investigations and take disciplinary actions regarding Department Directors provided that only the Board of Commissioners shall have the authority to demote or terminate a Department Director. The Chief Operating Officer shall have the authority to investigate allegations regarding Department Directors and to submit a recommendation for the demotion or termination of a Department Director.***

Commissioner Hambrick stated she wanted to amend Section 3 to read as follows: ***The Chief Operating Officer shall have the authority to conduct investigations and take disciplinary actions regarding Department Directors provided that only the Board of Commissioners shall have the authority to demote or terminate a Department Director. The Chief Operating Officer shall have the authority to investigate allegations regarding Department Directors and to submit a recommendation for disciplinary actions, demotion or termination of a Department Director before the Board of Commissioners.***

For clarification, Chairman Turner asked if the Chief Operating Officer should not have the right to take disciplinary actions, such as write-ups, written reprimands, etc.

Commissioner Hambrick replied yes, recommendations for disciplinary actions should come before the commissioners.

Chairman Turner stated he sees the commission's role as a policy-making board.

Chairman Turner then asked if Commissioner Hambrick would like to amend the ordinance.

Commissioner Hambrick answered yes, and she requested to amend Section 3 as follows: ***The Chief Operating Officer shall have the authority to conduct investigations and take disciplinary actions regarding Department Directors provided that only the Board of Commissioners shall have the***

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authority to demote or terminate a Department Director. The Chief Operating Officer shall have the authority to investigate allegations regarding Department Directors and to submit a recommendation for disciplinary actions, demotion or termination of a Department Director before the Board of Commissioners.

Motion by Commissioner Hambrick, second by Commissioner Singleton, to amend Ordinance 2014-126. The motion failed to pass by a 3-2. Chairman Turner, Vice-Chairman Rooks, and Commissioner Edmondson opposed.

Motion by Commissioner Edmondson, second by Vice-Chairman Rooks, to approve Ordinance 2014-126 "as is." The motion carried 3-2. Commissioners Hambrick and Singleton opposed.

Chief Staff Attorney Christie Barnes requested an Executive Session to discuss litigation and personnel matters. The Board generally consented to have an Executive Session for the aforementioned reasons.

24. **DISCUSSION ITEM:**

Reconsideration of Appointee (James Fambrough) to the Clayton County Housing Authority Board. The term of Kenneth Gilmore expired on 5/11/14. New term is for five (5) years; expiring on 5/11/19.

Commissioner Hambrick asked if Ms. Barnes would report her findings regarding James Fambrough.

Ms. Barnes noted that she was recently asked to provide to the Board a report regarding James Fambrough and his actions involving a former Clayton County employee. For privacy and HIPAA purposes, she was going to refrain from using the employee's name. Ms. Barnes stated she also was able to locate a file in the Legal Office that contained an undated letter from an organization called the Concerned Citizens of Clayton County. Ms. Barnes emphasized that the letter was undated and unsigned. The person who wrote the letter indicated being at the commission office often and noted two (2) employees were taking two (2) hour lunches, and coming to work between 10:00 a.m. and 12:00 noon. The letter also stated that employees were being paid for eight (8) hours or more based on time sheets. The letter referenced one employee using sick leave and clocking in late without disciplinary action being taken. Ms. Barnes noted that she searched the county meeting minutes and found the November 6, 2007 meeting minutes where Mr. Fambrough spoke during public comment. Mr. Fambrough's comment contained most of what was stated in the unsigned letter located in the Legal Office file. The Legal Office was then asked to research whether the County could seek a temporary protective order on the employee's behalf. The office researched this issue and responded by stating, ***An employer may seek a temporary restraining order pursuant to state law where an employee has suffered unlawful violence or a credible threat of violence from any individual which can reasonably be construed and/or be carried out at the employee workplace. The same statute***

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goes on to say that nothing in that code section should be construed as authorized in a court to issue a temporary restraining order or injunction which prohibits free speech or other activities that are protected by the Georgia Constitution or the United States Constitution. Ultimately, the County did not seek a restraining order against Mr. Fambrough, but the Legal Office file contained a letter from one of the County's outside counselor attorneys asking him to cease and desist with any further conduct.

Chairman Turner asked if Mr. Fambrough were watching one employee or several employees.

Ms. Barnes replied the letter indicates he was watching at least three (3) county employees.

For clarification, Chairman Turner questioned at that time if Mr. Fambrough had been a part of the Concerned Citizens of Clayton County group, which was looking to hold employees accountable for county time and pay.

Ms. Barnes replied yes, and that group is who the letter is sent by and who authored the letter.

Commissioner Hambrick interjected she thought these were two separate issues, and she attended Board meeting in 2007 when all this transpired. Per Commissioner Hambrick, this was not part of the Concerned Citizens of Clayton County. This was being done by this person individually.

Chairman Turner asked if there were a police report on file or written request of any sort.

Ms. Barnes answered not to her knowledge.

Commissioner Edmondson noted that Commissioner Hambrick was not on the Board in 2007.

Commissioner Hambrick affirmed that was correct, but she has attended all Clayton County Regular Business Meetings.

Commissioner Edmondson reminded the Board that there were Open Records Requests regarding employee time sheets, and he believed at that time the legal counsel provided those as part of the public record request. He then asked Ms. Barnes if the Legal Department knew who made that public record request.

Ms. Barnes replied that the files in the Legal Office did not contain any Open Records Request.

Commissioner Edmondson asked if there were any investigation as to who the Concerned Citizens of

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Clayton County Group was or if it had ever been determined if Mr. Fambrough or any other individual was actually the author of the letter.

Ms. Barnes answered that the files do not reflect that Mr. Fambrough was part of the organization. The letter in the file is from the Concerned Citizens of Clayton County and the verbiage from the public comment was the same.

Commissioner Edmondson asked if this matter had been reviewed for transparency.

Chairman Turner stated he was Chief of Police at that time and no employees brought this matter to his attention.

Commissioner Singleton affirmed she was on the Board then and it was like a stalking matter to her. For the record, she said she had personally had an incident with Mr. Fambrough.

Vice-Chairman Rooks asked if anyone filed a protective order.

Ms. Barnes replied no.

Commissioner Hambrick acknowledged that all employees were aware and this behavior continued meeting after meeting. Mr. Fambrough basically harassed this one employee.

Chairman Turner inquired if the Legal Office received anything in writing stating this employee was being harassed.

For the record, Commissioner Singleton stated that Mr. Fambrough alleged that she had county workers working on her roof.

Chairman Turner asked if there were any other discussions from the Board. No one responded.

Chairman Turner asked Mr. Fambrough to come before the Board in his defense.

Mr. Fambrough told the Board that the Concerned Citizens of Clayton County asked him to investigate Clayton County Commission employees being late and having lunch more than two hours or more. He stated during the investigation, that is exactly what was happening and he filed an Open Records Request for time cards and was given time sheets. Mr. Fambrough said he then filed a second Open Records request for time cards which indeed showed the concern being questioned. He never received a letter from anyone, and within that time he found out one of the commissioners was having an

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employee pick up the Office Manager. Mr. Fambrough stated he received a call from Commissioner Singleton that this employee was fired and escorted off the property. He concluded that he was qualified to be on the Board, and the difference between the people on the commission and him was that he is honest and truthful.

For the record, Commissioner Singleton stated she wanted to clear up that no county workers have ever worked on her house. She has also received reports of a car resembling Mr. Fambrough's parked outside of her house.

Vice-Chairman Rooks stated she had concerns that there are citizens who are allowed to monitor whether or not employees are stealing time and, if citizens can do that, she wondered how that is germane to serving on the Board.

Commissioner Hambrick stressed that it was harassment to her at that time. She saw what emotional trauma this employee experienced.

Motion by Commissioner Hambrick to rescind the appointment of James Fambrough to the Clayton County Housing Authority Board, second by Commissioner Singleton. The motion failed to pass 3-2. Chairman Turner, Vice-Chairman Rooks, and Commissioner Edmondson voted in opposition. Commissioners Hambrick and Singleton voted in favor.

25. ZONING PETITION: LEE MAYWEATHER/REZONING NEIGHBORHOOD BUSINESS DISTRICT TO COMMUNITY BUSINESS DISTRICT/CASE NUMBER REZ 201404-01

Motion by Vice-Chairman Rooks, second by Commissioner Edmondson, to deny the applicant, Lee Mayweather, requesting a rezoning from Article 3.17 Neighborhood Business District (NB) to Article 3.19 Community Business District (CB) to allow for gasoline sales for a convenience store as the anchor tenant of a retail shopping plaza upon the property located at 1489 Mundy's Mill Road, Jonesboro, GA 30238 and otherwise known as parcel number 06-033-064-007. The subject property is approximately 4.2 acres of land, occupied by a retail strip shopping center and is currently zoned Neighborhood Business (NB). Vote unanimous.

**Commission District # 3 – Commissioner Shana M. Rooks
ZAG Recommendation – Denial**

Mr. Lee Mayweather informed the Board that there is an existing vacant retail space located at 1489 Mundy's Mill Road which he wanted to have rezoned for gasoline sales and a convenience store. Mr. Mayweather stated that he had met with the Clayton County Planning and Zoning staff and also with

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the Transportation and Development Department to discuss a list of concerns. He noted that ZAG had denied his request for rezoning but, from a technical point of view, he could not see what reasons would be detrimental to the residents other than the residents not wanting another gas station in their community.

Clerk Haywood asked if there were any opposition to this zoning petition. There were four (4) persons in opposition as follows:

1) Rajpal Patheja stated he was from India and came here to pursue the American dream. As a concerned citizen of this county, along with seven hundred (700) other petitioners, he wanted to express his objection to the rezoning request. Mr. Patheja noted that he is the owner of 1480 Mundy's Mill Road, Jonesboro, GA with access to water from a groundwater deep well, and the threat of groundwater contamination is very real from the gasoline facility. He stressed that the increased traffic will aggravate the traffic congestion that is already bad, especially during school time due to Mundy's Mill Middle School and a busy daycare center being on both sides of this property. Mr. Patheja emphasized there are already two convenience stores with gasoline sales on both sides of Mundy's Mill Road and the Tara Boulevard intersection, just yards from the above-mentioned property. He concluded he did not see a need for another gas station for the neighboring community.

Mr. Mayweather rebutted that Mr. Patheja is also an owner of a gas station, and he cannot deny him the American right to pursue his own endeavor for business. He stated all tanks will be double-walled as required by the Environmental Protection Act (EPA) to prevent a hazardous substance release. Mr. Mayweather concluded that all underground tanks will be inspected by the State Fire Marshall's Office and it will make the determination if further action is needed.

2) Freddie Heron, a Clayton County resident, stressed that the neighboring community already has two (2) gas stations (Shell and Exxon) and does not need three (3). Mr. Heron confirmed that in the past seventeen (17) years all businesses at that location have failed. He emphasized that there is a Publix, a Kroger, Mundy's Mill Middle School and a daycare all within proximity of that location, and Mr. Mayweather's rezoning request will only increase noise and traffic.

3) (First name inaudible?) Kenneth, Jr. expressed that aside from affecting property values and noise concerns, the gas station posed a risk of groundwater contamination. He concluded that they have seven hundred eighty-four (784) petitioners and having another gas station in the community will increase traffic that is already bad and will lead to the addition of liquor stores.

4) William Meade, a property owner next to the retail shopping plaza concurred with the previous comments. Mr. Meade also expressed he was concerned about contamination of groundwater.

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Chairman Turner asked if there were any other opposition to the zoning petition. No one responded.

Commissioner Rooks reminded Mr. Mayweather that he said the citizens did not want a gas station and, because of this reason, she was concerned that the residents would not patronize his business.

Mr. Mayweather replied there are other convenience stores and retail stores in the area and people will go where the cheapest gas is offered.

Commissioner Rooks said that is a concern as well because, if no one is shopping at the other gas stations, those businesses will fail leaving them vacant.

Vice-Chairman Rooks made a motion for the Board to keep the recommendation of the Zoning Advisory Group to deny the petition. Commissioner Edmondson seconded the motion. Vote unanimous.

26. ZONING PETITION: **DR. CARROLL BRADDY/CONDITIONAL USE PERMIT/7265
MT. ZION BOULEVARD/CASE NUMBER CUP 201404-02**

(NOTE: The Board took no action on this petition because the motion Commissioner Edmondson made to deny this petition died due to a lack of a second motion).

The applicant, Dr. Carroll Braddy, is requesting for a conditional use permit (CUP) from Article 3.1 Agricultural District (AG) to allow for a group home for a residential substance abuse treatment facility to house no more than ten (10) residents upon the property located at 7265 Mt. Zion Boulevard, Jonesboro, GA 30236 and otherwise known as parcel number 12078A A011. The subject property contains approximately 2.10 acres of land and is currently zoned Agriculture District (AG), having licensing as a group home for a residential substance abuse treatment facility with no more than five (5) residents.

**Commission District # 4 – Commissioner Michael Edmondson
ZAG Recommendation – Approval**

Liz Carlson identified herself as a Substance Abuse Counselor at 7265 Mt. Zion Boulevard, a residence that houses a small number of patients. Ms. Carlson explained that the neighbors were unaware that this residential home was a substance abuse treatment facility because the patients are in a controlled environment. She stated the facility has not had any incidents of patients being a nuisance to neighbors. This facility has a well-trained clinical staff that monitors patients twenty-four hours/seven days a week. In closing, she asked that the Board approve the zoning petition.

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Dr. Carrol Braddy greeted the commissioners and thanked them for allowing him to speak. He informed the Board that his facility has been licensed since January 2014 and serves Juvenile Justice and the adolescent community between the ages of twelve (12) and fourteen (14) years. Dr. Braddy explained that he is contracted with the State of Georgia Department of Juvenile Justice and the facility treats youth with substance abuse conditions. He stated that mental illness is increasing in the community and these children need to be served. Dr. Braddy requested the Board to consider ZAG's recommendation for approval.

Zephron Wills expressed to the Board that these are kids who made bad decisions and this facility is there to reach out to the youth who had no guidance. This facility has been operating for six (6) months and is a safe and secure environment, and none of the neighbors was aware that it existed. Mr. Wills emphasized there has been no crime and no serious impact on the neighborhood character, schools, and property values. The sprinkler system has been updated and the Fire Marshall has approved an increase in patients from five (5) to ten (10). He concluded that this is a matter of the Board approving the zoning petition.

Chairman Turner asked if there were any opposition to this petition. There were five (5) persons in opposition as follows:

1) Darrell Turner, a Clayton County resident, stated he owns property next door to the facility. Mr. Turner informed the Board that Dr. Braddy is a resident of Dekalb County and visits the facility twice a month. He explained that there was an article in the "Atlanta Journal Constitution" (AJC) about troubled youth and gangs in Dekalb County and he wondered why Dr. Braddy was not opening a facility there. Mr. Turner expressed that there is no doubt that the youth in the community need guidance, but he did not want the facility in his "backyard." He further stated that group homes lower property values, increase traffic, and change the character of neighborhood.

2) Patricia Hammett concurred with Darrell Turner's comments. As a grandmother raising grandchildren, she had concerns about the group home becoming a nuisance or worse, a danger to the neighborhood. She stated that no one knows what serious behavior or criminal issues these kids have. Ms. Hammett further stated she had concerns that the septic tank could not support that many people. She concluded that she wanted to keep her neighborhood safe and clean, and the facility would lower the property value of her home.

3) Phyllis Oliver stated that she lived next door to the facility and realized it already had five (5) patients, but ten (10) was too many. Ms. Oliver acknowledged that as a piano teacher, she has children enter her house on a daily basis. The increase of patients in the facility leaves her with safety concerns.

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She further stated that she has seen the inside of the facility, and there is no way to monitor ten (10) boys twenty-four hours/seven days a week. Ms. Oliver said she would no longer feel safe and would be confined to her house.

4) Jean Perry, a Clayton County resident, also concurred with the previous comments. Ms. Perry stated she is eighty-one years old and was forced to move from her property located at 7289 Mt. Zion Boulevard after her husband passed. She was present to support her former neighbors. She concluded that if she were still residing at her former residence, she would not approve having such a facility in her neighborhood that made her feel unsafe.

Dr. Braddy expressed to the Board that he was not a felon and his patients are young men. He stated that when there is a discussion about rehabilitation, it has to provoke change. No one can institutionalize these young men at such a young age because they would end up dead or in Clayton County Jail. This program is fully licensed by the State of Georgia Department of Community Health and adheres to state standards. Dr. Braddy affirmed he did not think persons who had not been trained clinically or had any form of experience could determine if ten (10) kids cannot be served in this area. He acknowledged that on the left of his facility is a business (a music school) and he has reached out to the owner to integrate the boys into the community. Dr. Braddy confirmed that he is not a resident of Dekalb County and he owns his property as well. He informed the Board that sprinklers have been installed and the septic system has been upgraded. Dr. Braddy further stated this is not a matter of profit because there is no money in social services, and he gave examples of young men who were victims to crime. He concluded that the community has to take back the young men.

Doris Long came before the Board and stated she did not live in the county, but lived in Atlanta. Ms. Long acknowledged she, too, lives across from a substance abuse facility and does not feel unsafe. She further stated she supports the establishment of group homes in neighborhoods and justice requires that all persons and situations be treated alike unless there are morally relevant reasons for treating them differently.

Dr. O. Bailey also concurred with Ms. Long's comments and stated people may dislike coming into contact with people who are perceived as "not like us." Such discomfort is certainly not to be counted as a morally relevant reason for excluding this facility from the neighborhood. He expressed that persons should invest in all children and share what they have. Dr. Bailey felt this facility is a challenge and not a threat, and the entire community can benefit.

Clerk Haywood informed Chairman Turner that a support letter was sent to the Clayton County Community Development Department Use Permit Division from the Andrew Young Foundation and would be filed for the record.

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Commissioner Edmondson acknowledged that this treatment facility sounded like a great program, and he wished it much success. He then asked Zoning Administrator Kc Krzic to state the age of the structure.

Kc Krzic asked if he meant the home itself.

Commissioner Edmondson replied yes.

Ms. Krzic stated she did not have that information.

Commissioner Edmondson asked if the residence had been in the community thirty-eight (38) years ago.

Patricia Hammett stated it was built after she moved there.

Commissioner Edmondson stated although Dr. Braddy said the ages of these youth range from twelve (12) to fourteen (14) years, his concern was the petition application stated sixteen (16) to twenty-four year ages of male patients. It also stated that the structure is a 3,900 square foot single family residence that has nine (9) bedrooms, including one for staff. Commissioner Edmondson said putting ten (10) patients into eight bedrooms in a single family residence built at least a couple decades ago and the intent of the conditional use versus the existing structure caused him concern.

Commissioner Edmondson affirmed that the County's Future Land Use Map states, *the proposed zoning request is not in conformance with the Policies, Intent, and Future Land Use Map of the Comprehensive Plan*. In talking about the land and the actual building in question, he could not see how it could fit in that specific piece of property because the conditional use runs with the land and not the structure.

Commissioner Edmondson made a motion to the Board to deny the petition.

Chairman Turner asked if there were a second to the motion. No board member responded.

Chairman Turner then asked if there were an alternative motion. No board member responded.

The motion died for lack of a second, which constituted "no action."

Motion by Chairman Turner, second by Vice-Chairman Rooks, to go into Executive Session in the

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Commissioners' Conference Room at 9:38 p.m. to discuss litigation and personnel matters. Vote unanimous.

Motion by Commissioner Edmondson, second by Vice-Chairman Rooks, to go out of Executive Session at 9:50 p.m. Vote unanimous.

Motion by Vice-Chairman Rooks, second by Chairman Turner, to reconvene the Regular Business Meeting in the Commissioners' Boardroom at 9:50 p.m. Vote unanimous.

Motion by Chairman Turner, second by Vice-Chairman Rooks, to appoint Randal Holsey as Interim Warden as of 5:00 p.m. on Friday, May 23, 2014. Vote unanimous.

Motion by Chairman Turner, second by Vice-Chairman Rooks, to appoint Chief Financial Officer Ramona Thurman as Interim Purchasing Agent. Vote unanimous.

Motion by Chairman Turner, second by Vice-Chairman Rooks, to appoint Chief Operating Officer Arrelle Anderson as Interim Director of Central Services. The motion carried 3-2 in favor. Commissioners Hambrick and Singleton opposed.

There being no further business to discuss, motion by Vice-Chairman Rooks, second by Commissioner Edmondson, to adjourn the Regular Business Meeting of May 20, 2014 at 9:53 p.m. Vote unanimous.