

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

February 17, 2015

POST SUMMARY MINUTES

PRESENT: Chairman Jeffrey E. Turner, Vice-Chairman Gail Hambrick, Commissioner Sonna Gregory, Commissioner Michael Edmondson, Commissioner Shana M. Rooks, and Clerk Sandra T. Davis.

1. Chairman Turner called the meeting to order.
2. Invocation was given by Dr. William Hill of First Baptist Church of Jonesboro, Georgia. Pledge of Allegiance to the flag was led by Chairman Turner.
3. Amended the agenda by removing Item No. 29, ZONING PETITION: **CLAYTON NORTHBRIDGE, LLC./MOD-14/11-3** [The Applicant Clayton Northbridge, LLC, is requesting a modification of the Northbridge Estates Subdivision, Unit Five, located in Land Lots 77, 78, and 84 of the 5th District to reduce the number of homes having a side entry garage. The final subdivision plat was recorded in plat book 37, pages 21-26, and dated 5-24-2005. The applicant is requesting the reduction of the condition requiring two car garage with 33% of units with side entry garage to 9% of units with side entry. The subject properties are zoned Residential District (RS-180), consists of 114+/- acres of land, and have primary access off of Northbridge Road. **Commission District # 3 – Commissioner Shana M. Rooks, ZAG recommended DENIAL**] Vote unanimous. Approved the motion for the adoption of the agenda as amended. Vote unanimous.
4. Approved the February 3, 2015 Regular Business Meeting minutes. Vote unanimous.
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. Dr. Henry Anderson, a Clayton County resident, spoke before the Board concerning the increased crime that would be worse once MARTA services begin on March 24, 2015. He stated the gang problem is already an epidemic in the county. Dr. Anderson stated that he attended a Police Academy meeting held last October presented by Officer McKay on gang awareness. He stated that even though crime statistics have been lower over the past several years, the gang problem has increased; Clayton County still has over 75 street gangs. Dr. Anderson stated that he hopes that money will be placed into the budget to help in fighting the gang problem within Clayton County.
 2. Paige Turner, a Clayton County resident and member of the Animal Control Board, spoke in reference to the 305 animals that have come through the animal shelter's doors so far this year.

POST SUMMARY MINUTES

She stated that in 2014 there were over 4,391 animals that had come through the shelter. She stated that owning an animal is a right, it's a privilege, and with the privilege comes responsibility. The responsibility of caring for the pets comes from the pet owners. She asked the Board if they would review the ordinances that are in place right now to find a way to hold the pet owners responsible for the care of the pets. She stated that it is not fair for the tax payers to have to pay for this. Ms. Turner stated that there should be some type of registration in place to have accountability for the animals. She also stated that she was working with the Animal Control Board to come up with a solution to present to the Board of Commissioners.

3. Michael Sullivan, a Clayton County resident, stated that he is a local minority business owner who has applied to participate in the county's local small business owner program. He stated that has he come before the Board in reference to RFP 160-6 which is the Special Local Option Sales Tax (SPLOST). He stated that as a small local firm, he finds that there is language included within this particular RFP that will make it difficult for local small minority firms to participate at the highest level, as well as for a large number of major firms to participate due to the language that states that there has to be extensive experience in SPLOST programs. He is asking that the requirements be reworded to reflect that there needs to be a minimum amount of time served in program management and not just in SPLOST related programs.

Chairman Turner directed Mr. Sullivan to give his information to Ms. Debra Brewer, Central Services Director, to further assist him.

4. Samuel Ibanez, a Clayton County resident, spoke before the Board asking for support in the development of a man-made lake similar to that of Lake Lanier. He stated that he presented information before to Chairman Bell and never received a response. He is also asking if a MARTA route could be placed along the route of the lake if approved.

Chairman Turner asked Mr. Ibanez if he had anything in writing that he would like to provide to the Board for review. Mr. Ibanez stated that he did not have anything at this time, but would get the information prepared to give to the Board.

5. PROCLAMATION: "Clayton County Recognizes the Clayton County Rotary Club in Observance of Rotary Day on February 23, 2015. (Presented by Chairman Jeffrey E. Turner)."
6. PROCLAMATION: "Clayton County Recognizes the Lake Spivey Rotary Club in Observance of Rotary Day on February 23, 2015. (Presented by Chairman Jeffrey E. Turner)."

POST SUMMARY MINUTES

(On February 23, 2015, there will be a lighting of the Rotary Club logo on the Historic Courthouse in observance of this day.)

7. PRESENTATION: "Establishment of the Clayton County Youth Commission". (Presented by Detrick Stanford, Director of the Department of Parks and Recreation).

Mr. Stanford stated that his presentation references Resolution 2015-45, the establishment of the Clayton County Youth Commission. He stated that the rationale behind that is to promote the early involvement of youth in government process to increase their awareness and to enable them to become more effective leaders within our community. The structural makeup of the members within this commission would consist of nine (9) members between the ages of 14 years to 21 years of age, and all appointments of this commission would be made by the Board of Commissioners. All members shall serve one (1) year terms with a minimum of one appointee from each Commission district in the county. An individual can sit up to a maximum of four (4) full terms reappointed; except for if anyone reaches age 18 during that term shall not be reappointed. He stated that once the members were selected, the frequency of their meetings would be determined. Mr. Stanford requested that \$2,000.00 be allocated for meeting supplies and materials.

Commissioner Rooks questioned as to why the age for program participants went up to age 21. She wanted to know why the 14 year olds were able to mingle with the 21 year olds. Mr. Stanford stated that one of the things that were being looked at were those individuals who were graduating during that period of time.

Commissioner Edmondson questioned as to how many high school kids were age 21. Mr. Stanford replied that unfortunately there were a few.

Commissioner Edmondson also questioned the supervision of the participants with there being children and legal adults. He suggested revising the age group to reflect 14 years to 18 years of age. Mr. Stanford stated that would not be a problem, and that this would be an issue presented before the Board of Commissioners to make the recommendation of adult advisors and the overseers of the youth commission.

Chairman Turner questioned Mr. Stanford if he was referring to county supervision or employee supervision for the youth commission. Mr. Stanford replied that with the models that have been researched, there is usually a county staff representative on the actual commission and volunteers that have specialized skill sets that could be appointed by the Board at large.

POST SUMMARY MINUTES

Commissioner Gregory asked what Mr. Stanford was recommending. He stated at least one staff advisor that brings a specialized skill set to the youth commission, and civil engagement where they are able to learn about parliamentary procedures.

Commissioner Rooks questioned Mr. Stanford as to which staff member he was recommending. Commissioner Gregory stated that a constituent aid should be selected since they are the nuts and bolts to what the Board of Commission does. Commissioner Rooks also questioned as to whom or what department would implement the rules and guidelines for the youth commission. Mr. Stanford replied that there are two methods of determining this; you could have an initiating board or initiating advisory group that would get them started and then you have individuals that would maintain the actual facilitation of the program throughout or you have individuals from its inception and continue to serve in an advisory capacity throughout. He stated there is a model group that they have researched located in Savannah, GA where there is an initial advisory group that in turn turned over duties to this body of people that serve as liaisons that took care of the work for the advisory group.

Commissioner Edmondson questioned if the Board of Commissioners would have to appoint the staff and board of volunteers for the youth commission. He was advised by Commissioner Gregory that suggestions, ideas, and changes are welcomed, and that nothing had been set in stone. She stated that someone from the community or even with the school system may want to be considered as an advisor, or someone within the community that is within a leadership role.

Chairman Turner questioned if it would be prudent for the Board to hold this discussion until the language has been clarified. Commissioner Gregory suggested that emails be sent to Mr. Stanford for further suggestions. She also recommended that this youth commission should be started before the end of the current school year. Chairman Turner recommended bring this issue back at the next Regular Business Meeting which is March 3, 2015.

Vice-Chairman Hambrick suggested inviting a representative and possibly one (1) or two (2) of the students from Savannah, Georgia to provide more information in regards to the program there. Mr. Stanford stated that there has also been talk with Fulton and DeKalb County to provide information about their programs.

8. Debra Brewer, Director of Central Services, presented the Board with the following item which resulted in the following Board action:

(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>.)

POST SUMMARY MINUTES

1) Approved the **Request for 90 Day Contract Extension, Second Amendment: RFB PKG #11-40 Clayton County Generators Inspections and Services, Annual Contract.** (Power Pro Tech Services, located in Altamonte Springs, Florida. As requested by the Building Maintenance Department). (Section 2-136: (1) and (6) of the Clayton County Code of Ordinances). 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. 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.

Commissioner Rooks questioned as to why there are extensions on this matter every year. She also questioned as to why the contracts could not be set for a more specific amount of time as opposed to the way that it has been conducted in the past up until now. Commissioner Rooks expressed to Ms. Brewer that she understood that she was just hired, and that this was not her fault, however, this happens often due to lack of planning accordingly and not having the bid process starting earlier.

Ms. Brewer explained that her intentions are to get everything arranged so that they are set up on at least a six (6) months in advance on bidding so that moving forward everything will be set up so that there is sufficient time to renew contracts and paperwork.

Commissioner Rooks questioned if this would cost the county any additional funds. She was advised by Ms. Brewer that it would not and that everything would be billed exactly how it is currently under the contract.

2) Approved the **Recommendation for Award: RFB PKG #14-74 Clayton County Police Department Purchase of Vehicles.** (\$77,190.00 / Langdale Chevrolet, Inc., located in Sylvester, Georgia. Funding is available through the Police Department's SPLOST Bond Fund FYE 2015. As requested by the Police Department). (Section 2-136: (1) of the Clayton County Code of Ordinances). Per Section 2-136 (1) of the Clayton County Code of Ordinances, General Purchasing Methods; 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

POST SUMMARY MINUTES

authorized by the Finance Director and purchased by the Director of Central Services without Board of Commissioners' approval. Vote unanimous.

3) Approved the **Recommendation for Award: RFB PKG #14-76 Clayton County Police Department Purchase of Vehicles.** (\$55,538.00 / Wade Ford, located in Smyrna, Georgia. Funding is available through the Police Department's SPLOST Bond Fund FYE 2015. As requested by the Police Department). (Section 2-136: (1) of the Clayton County Code of Ordinances). Per Section 2-136 (1) of the Clayton County Code of Ordinances, General Purchasing Methods; 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.

4) Approved the **Recommendation for Award utilizing a Statewide Contract to Purchase VMware Software Support for the Information Technology Department.** (\$44,246.33 / SHI International Corporation, located in Piscataway, New Jersey. Funding is available through the Information Technology's Other Contract Services Account. As requested by the Information Technology Department). (Section 2-114 and 2-136: (6) of the Clayton County Code of Ordinances). Per Section 2-114 of the Clayton County Purchasing Ordinance; Cooperative Purchasing Methods, the County may join with other governmental units in cooperative purchasing plans when the best interest of the county would be served thereby. The Clayton County Board of Commissioners makes the final award for cooperative purchases of \$35,000.00 and greater. 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.

5) Approved the **Recommendation for Award utilizing a Fuel Cooperative to purchase Gasoline and Diesel Fuel by Fleet Maintenance for use by Various County Departments.** (North Georgia Fuel Cooperative #BL044-14. Petroleum Traders Corporation, located in Fort Wayne, Indiana, (Primary Awardee) and Mansfield Oil Company, located in Gainesville, Georgia, (Secondary Awardee). Funding is available through the respective user department's General Fund FYE 2015. As requested by Fleet Maintenance Division of Transportation & Development). (Section 2-114 of the Clayton County Code of Ordinances). Per Section 2-114 of the Clayton County Purchasing Ordinance; Cooperative Purchasing Methods, the County may join with other governmental units in cooperative purchasing plans

POST SUMMARY MINUTES

when the best interest of the county would be served thereby. The Clayton County Board of Commissioners makes the final award for cooperative purchases of \$35,000.00 and greater. Vote unanimous.

Commissioner Edmondson questioned as to what the prices were for the gasoline, because it appears that the county is paying \$3.06 a gallon and that is more than the retail price. She advised that the county has to have contracts to guarantee that there will be a sufficient quantity that is available, and so that the gasoline will be delivered directly to Clayton County. She explained that with the contracts that are currently in place, there are negotiations that can take place based upon market trends and that the prices that are within the contract now are guaranteed for the district and if Clayton County chooses to move forward it may do so. She also stated that if prices drop considerably lower than the contracted price, there is verbiage within the contract that states the price will be lowered.

Commissioner Edmondson also asked if the prices listed within the contract were aged and if there were a possible better deal on fuel per gallon available for the county. He was advised by Ms. Brewer that we currently do have a contract with landfill oils; however, the cost per gallon right now is higher.

Commissioner Edmondson questioned if the county was obligated to utilize this particular fuel for which the county is contracted or could the county utilize that of Quik Trip (QT) and save the county almost fifty percent (50%). Ms. Brewer advised that the county could take advantage of other sources, however, she was unsure if that would indeed save the county money since the fuel that we are contracted to use is for fleet purposes.

Commissioner Rooks questioned as to how much the county was paying now. She was advised that the prices of the gas are based upon the market, and are updated every Monday based upon what OPUS is reporting. If the prices are lower, then the county pays the lower price.

6) Approved the **Recommendation for Renewal of the County's Crime Policy for the period March 1, 2015 through March 1, 2016.** (As requested by the Central Services Department). Vote unanimous.

7) Approved the **Recommendation for Renewal of the County's Public Official Position Schedule Bond for the period March 1, 2015 through March 1, 2016.** (As requested by the Central Services Department). Vote unanimous.

8) **Recommendation for Renewal of Annual Contracts:** (Section 2-136: (1) and (6) of the Clayton County Code of Ordinances). Per Section 2-136 (1) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed bid method when the

POST SUMMARY MINUTES

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. 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.

- a. Approved **RFB #12-47 Full Services Preventative Maintenance of Clayton County's Interruptible Power Systems – Annual Contract with AC & DC Power Technologies, LLC, located in Forest Park, Georgia.** This final renewal period is from March 1, 2015 through February 29, 2016. The Board of Commissioners approved this award on December 18, 2012. Vote unanimous.
- b. Approved **RFB #12-48 Clayton County Transportation & Development Stone Materials Services - Annual Contract with Stephens Rock & Dirt, Inc., located in College Park, Georgia.** This final renewal period is from March 1, 2015 through February 29, 2016. The Board of Commissioners approved this award on December 4, 2012. Vote unanimous.
- c. Approved **RFB #12-51 Clayton County Transportation & Development Roadway Construction Concrete Services - Annual Contract with Larry Ford Construction Co., Inc., located in Ellenwood, Georgia.** This final renewal period is from March 1, 2015 through February 29, 2016. The Board of Commissioners approved this award on January 8, 2013. Vote unanimous.
- d. Approved **RFB #13-52 Clayton County Elevator Maintenance - Annual Contract with Mowrey Elevator Company of FL, Inc., located in Marianna, Florida.** This renewal period is from March 1, 2015 through February 29, 2016. There is one remaining renewal on this contract. The Board of Commissioners approved this award on January 7, 2014. Vote unanimous.

9) **Recommendation for Renewal of Annual Contracts:** (Section 2-136: (2) and (6) of the Clayton County Code of Ordinances). 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

POST SUMMARY MINUTES

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. 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.

- a. Approved **RFP #13-56 Turf and Lawn Management for Clayton County – Annual Contract with TruGreen, located in Austell, Georgia.** This renewal period is from March 1, 2015 through February 29, 2016. There is one remaining renewal on this contract. The Board of Commissioners approved this award on December 17, 2013. Vote unanimous.

9. Ramona Thurman Bivins, Chief Financial Officer, presented one (1) budget amendment which resulted in the following Board actions:

- 1) Approved Request for Refund of Alcohol Retail License fees paid by Ms. Chong Sabina d/b/a Moe's Outlet, due to the non-recommendation by the Clayton County Police Department for criminal history, in the amount of \$1,800.00. Vote unanimous.

Commissioner Gregory questioned if this business was closing. She was advised by Chief Greg Porter of the Police Department that the business submits its application to the Community Development Department, it is then reviewed and a determination is then made.

Patrick Ejike, Community Development Director, stated that the business is not closing completely. He stated if the business is under case study and sell food items and the primary business is that of alcohol sells, then yes the store would have to shut down. Vice-Chairman Hambrick asked who regulates this and checks to make sure that the business is shut down. Mr. Ejike replied that the Community Development Department does. Mr. Ejike also advised that the alcohol supply would be locked so that the employees and public would not have access to sell or purchase it. This will allow time for the alcohol will be shipped back to the manufacturer.

Commissioner Rooks questioned if this is the second time that this business has requested a refund because of a business owner having a criminal background. She also asked if there was a better way to stream line this so that the county is not taking the money and having to refund it back. Mr. Ejike stated the only way that he could see doing so is to start the process by performing the criminal history check first through the Police Department.

Commissioner Rooks also asked if the county budget is being managed based upon the money received from the business because the county has been refunding a great deal of money.

POST SUMMARY MINUTES

Commissioner Edmondson replied that the county made a schedule of non-refundable fees years ago and the criminal background check and administrative costs were included in those non-refundable fees. Mr. Ejike advised that if there are any infractions against the individual applying for the alcohol license or permit, that this would cause the Police Department not to issue an approval of the license to sell the alcohol.

Vice-Chairman Hambrick questioned if the business could renew the license or is it just the one person that has the problem. Mr. Ejike advised that the problem is with the entire establishment. He stated that if the employee is the individual guilty of the infraction, it affects the entire business.

10. Adopted Ordinance 2015-29 - An Ordinance adopted under the Home Rule Powers granted to Clayton County Pursuant to Article IX, Section II, Paragraph 1 of the Constitution of the State of Georgia of 1983, amending the Clayton County Code of Ordinances, specifically relevant sections of the Clayton County, Georgia Public Employee Retirement System to define the term "Leased Employee" as such term is used by the plan. **(Second Read)** Vote unanimous.

Synopsis: This Ordinance will amend the Pension Plan to add a definition for the term "leased employee" as requested by the Internal Revenue Service.

Vice-Chairman Hambrick questioned what read this was on the ordinance. It was verified that this was the second read.

11. Adopted Ordinance 2015-37 - An Ordinance to amend the Code of Clayton County, Georgia, as amended, specifically, Code of Clayton County, Georgia, Part II, Chapter 62 "Offense and Miscellaneous Provisions", Article I "General". By repealing and deleting the existing Subsection (D) of Section 62-7 "Loitering" and Substituting in lieu thereof a new Subsection (D). Vote unanimous.

Synopsis: This Ordinance will delete the existing Subsection (D) of Section 62-7 "Loitering" and substitute it with a new Subsection (D).

12. Approved Resolution 2015-38 - A Resolution authorizing Clayton County to enter into a License Agreement with Streetwhipz Projections LLC providing for the terms and conditions under which a 2015 Car Show project will be hosted at the Clayton County International Park. Vote unanimous.

Synopsis: This Resolution will allow Streetwhipz Production LLC to utilize the back parking lot of Clayton County International Park to host a 2015 Car Show Project consisting of food vendors, a car show, and musical entertainment on Sunday, July 13, 2015 from 2:00 pm until 9:00 pm.

POST SUMMARY MINUTES

13. Approved Resolution 2015-39 - A Resolution authorizing Clayton County to enter into an Agreement with Atlanta Pyrotechnics International, Inc. providing for the terms and conditions under which a fireworks display will be conducted at the Clayton County International Park. Vote unanimous.

Synopsis: *This Resolution will allow Atlanta Pyrotechnics International, Inc. to provide fireworks displays at certain holiday events (May 23, 2015 and July 4, 2015) at Clayton County International Park.*

14. Approved Resolution 2015-40 - A Resolution authorizing Clayton County to enter into a license Agreement to allow Hailey Bankhead Foundation, Inc. to sponsor and host a 5K walk/run for Childhood Cancer Awareness at Clayton County International Park. Vote unanimous.

Synopsis: *This Resolution will allow the Hailey Bankhead Foundation, Inc. to raise funds to increase awareness of childhood cancer on March 28, 2015 from 8:00 am to 2:00 pm at Clayton County International Park.*

15. Approved Resolution 2015-41 - A Resolution authorizing Clayton County to accept a forfeited vehicle from a Clayton County Police Department Drug Investigation. Vote unanimous.

Synopsis: *This Resolution will allow for the sale of a seized vehicle to be used as directed by the Superior Court Order 2014-CV-03866-8.*

16. Approved Resolution 2015-42 - A Resolution authorizing Clayton County to enter into a License Agreement to allow Arthur Mitchell to sponsor and host the “Albany Fest Atlanta” reunion at Clayton County International Park. Vote unanimous.

Synopsis: *This Resolution will allow Arthur Mitchell to sponsor and host an “Albany Fest Atlanta” on May 30, 2015 from 10:00 am to 8:00 pm to celebrate the City of Albany, Georgia relating to health, family and careers, and will include a health and fitness walk, Zumba classes, kickball, and athletic games.*

17. Approved Resolution 2015-43 - A Resolution to approve a Special Facility Use request to allow the Riverdale High School Cosmetology Department to utilize Clayton County International Park, VIP Complex, to host a Hair Show fundraiser. Vote unanimous.

Synopsis: *This Resolution will allow Riverdale High School Cosmetology Department to host a hair show fundraiser on Friday, May, 1, 2015 from 4:00 pm to 10:30 pm.*

18. Approved Resolution 2015-44 - A Resolution authorizing Clayton County to execute two Title V Permit Annual Compliance Certifications for the Clayton County Landfill. Vote unanimous.

POST SUMMARY MINUTES

Synopsis: *This Resolution will allow the County to execute two Title V Permit Annual Compliance Certifications for the Landfill as required under 40 CFR 70.2(b)(9).*

19. Tabled Resolution 2015-45 - A Resolution authorizing Clayton County to establish a Clayton County Youth Commission. Vote unanimous.

Synopsis: *This Resolution will establish a Clayton County Youth Commission aimed at the involvement of Clayton County's youth in the planning, development and implementation of community activities and services.*

20. Approved Resolution 2015-46 - A Resolution authorizing Clayton County to accept a donation of television station equipment from Clayton County Public Schools. Vote unanimous.

Synopsis: *This Resolution will allow Clayton County, on behalf of the County's TV-23 Station, to accept a donation of a news desk and a television news set that will provide upgrades to the Station's current setup from Clayton County Public Schools.*

21. Approved Resolution 2015-47 - A Resolution authorizing Clayton County to enter into a Natural Gas Extension Contract for gas service with Atlanta Gas Light Company. Vote unanimous.

Synopsis: *This Resolution will allow the County to enter into a Non-Residential Gas Extension Contract for gas service with Atlanta Gas Light Company for certain property located at 7810 Highway 85, Riverdale, GA, 30274.*

22. Approved Resolution 2015-48 - A Resolution authorizing Clayton County to enter into a Real Estate Purchase and Sale Agreement with EF Golf I, LLC to purchase real property in connection with the 2009 special one percent sales and use tax. Vote unanimous.

Synopsis: *This will allow the County, through the Parks and Recreation Department, to purchase 199 acres of real property to be used as green space and trail land.*

23. Approved Resolution 2015-49 - A Resolution authorizing Clayton County to accept the resignation of Silverman Construction Program Management, Inc. for SPLOST Project Management and Consultant Services. Motion passed 3-2. Vice-Chairman Hambrick and Commissioner Gregory opposed.

Synopsis: *This Resolution will allow Silverman Construction Program Management, Inc. to end their contractual relationship with Clayton County.*

Commissioner Gregory questioned Christie Barnes, Chief Staff Attorney, if the Legal Department was a part of the discussions leading to the Silverman Groups resignation, or was the legal department consulted prior to Silverman sending their letter of resignation. Ms.

POST SUMMARY MINUTES

Barnes replied that the Legal Department was not a part of any discussions with Silverman Construction in reference to their services under the contract. Ms. Barnes also stated that the Legal Department was made aware that Silverman submitted a letter of resignation.

Chairman Turner asked that Alex Cohilas, Chief Operating Officer, come forward to clarify what took place. He also stated that there were no negotiations in the resignation of Silverman Construction, as he tendered their resignation.

Commissioner Gregory asked if the contract that the county entered into with Silverman provide that the company can just resign and leave. Ms. Barnes advised that the contract does not include any language that states specifically the way in which Silverman is able to resign, but it does have language that allows the contractor to provide written notice of termination.

Commissioner Gregory also questioned if COO, Alex Cohilas, has the ability to negotiate with the vendor without the direction of the Board. Ms. Barnes advised that she would not use the term "negotiate", however, the Board has a series of resolutions that authorize the Chief Operating Officer to deal with matters pertaining to SPLOST related projects. She stated that those resolutions were approved in 2013 and 2014.

Commissioner Gregory asked the question again, if the COO had the authority to negotiate with the vendors in matters such as this. Chairman Turner asked exactly what negotiations Commissioner Gregory was referring to. She stated the negotiation of the resignation of Silverman. Chairman Turner reiterated that there was no negotiation, just talk in reference to the projects to be completed. Commissioner Gregory stated that the sudden resignation was just a little troubling to her and she just wanted further clarification. Ms. Barnes clarified for Commissioner Gregory that the resolutions do not state that the COO can negotiate a resignation, but that the resolutions authorize the COO to provide some supervision to SPLOST projects.

Commissioner Gregory questioned Ms. Barnes that if there were issues that arose, should those not have been brought back before the Board for discussion. Chairman Turner advised that there were several issues that were on-going, and if the Board had to take on every issue, projects would never ever get finished.

Commissioner Gregory questioned if the contracts with Pond Inc. and Brown Design provide program management functions. Ms. Barnes replied that the Legal Department has received information from Central Services that indicate either the existing contracts that are in place with the A&E service providers or the CM and risk providers either already provide some sort of project management for provision of services or the county can request that those A&E companies perform those project management services. Vice-Chairman Hambrick asked if that should have been brought forth to the Board. Commissioner Rooks stated if the contract states that those services are to be provided, there is not a need for the issue to be brought forth to the Board.

POST SUMMARY MINUTES

Commissioner Gregory asked if Brown Design would provide project management services. Ms. Barnes stated that she could not confirm if the contract specifically stated that, but when you look at what project management services encompasses and she stated that Ms. Brewer could better assist with this issue and the information for the additional contract providers for project management services.

Commissioner Rooks stated that the Board was provided with a book that contained SPLOST management projects and throughout the book Ms. Brewer outlined the duplications of services between A&E and the project managers. Commissioner Edmondson stated that there are 23 of them. Commissioner Rooks stated that her question is was A&E and the project managers able to do the same functions. Ms. Barnes replied, yes.

Commissioner Gregory stated that her position is not whether they can or cannot resign, but that Legal should have been a part of the modification of any of the contracts and the Board should have been briefed on any of the issues that were going on.

Commissioner Edmondson questioned if any contracts had been modified or proposed to be modified. Chairman Turner stated that any issues that occurred had been talked through and for whatever the reason, Mr. Silverman decided to tender his resignation.

Vice-Chairman Hambrick confirmed that the letter of resignation was dated January 29, 2015 and stated that she received a booklet from the Silverman Company. She stated that somewhere within that time, the Commissioners should have been made aware of what was going on with Silverman from the beginning.

Commissioner Rooks stated that the county did overpay and each resolution that came to the desks of the commissioners to extend and grant more time, provided for a dollar figure that the county had to pay in addition. She asked if there could be an internal investigation and audit into Silverman's practice and what they charged the county for that practice. Commissioner Rooks stated that reading what has been provided to the commissioners, the community has stated the SPLOST projects were already taking too long to complete. There are four (4) projects in the contract that says he (Mr. Silverman) was supposed to oversee, and only one (1) was built with three (3) remaining and he has gotten paid more than what the contract was originally provided for. This shows that he did not have the county's best interest at heart because he allowed for delays, which allowed him to get more money and decrease the amount of money that could be put towards the other projects especially the Animal Control building that now has to be reduced because there is not enough money in the budget to fund what was originally planned.

Commissioner Gregory clarified that she was not arguing for Silverman, but is arguing the procedure that led up to this point. Commissioner Rooks expressed that she understood that, however, she is requesting that the county investigate this.

POST SUMMARY MINUTES

Alex Cohilas, COO, addressed the issue of procedures. He stated that at the time the Board of Commissioners authorized Resolution 2013-12 on January 8, 2013, establishing the position of Chief Operating Officer, they authorized a companion document entitled job classification and authority that goes with that position. Specifically oversees, monitors, and advises contractors and/or Department Directors assigned to the Special Purpose Local Option Sales Tax (SPLOST) projects to ensure all SPLOST projects are implemented as required. He stated that furthermore the Board has Resolution 2013-316, which the Board passed on December 17, 2013. In that ordinance, it enumerates the COO giving the COO specifically paragraph 1, subsection E : The Chief Operating Officer shall supervise the following positions and persons holding said positions shall report directly to the Chief Operating Officer- The Capital Improvements Manager (or assigned Project Manager of countywide Capital/SPLOST Programs); and section 5 which reads: The Chief Operating Officer shall oversee, monitor and advise contractors and/or Department Directors that are assigned to SPLOST projects to ensure that all SPLOST projects are implemented as required in the Chief Operating Officer's classification specification. He stated that he enumerated to the Board in a memo that was sent and was comprehensive in nature outlined not only the RFP referencing overall SPLOST program management, but also covered cost over-runs due to delays in projects starting and stopping which would in turn cause an alarming rise in solid costs. This delay thus caused the projects to go over budget and the only way to make up for the short fall is to decrease the functionality, square footage, or quality of the building to include the Animal Control building and Fire building. This would require taking them out of owner contingency before the projects are even begun. Mr. Cohilas stated that he has met personally with Silverman in his office, and Silverman has personally expressed his frustration that projects he committed to completing had not gone any faster than they had. He also knew the only way for the county to proceed was for him to obtain more work authorizations extended from the Board of Commissioners and the only way to fund the work was through contingency. Mr. Cohilas ended his comments in advising that he did not write the contract with Silverman Construction four (4) years ago.

Vice-Chairman Hambrick thanked Mr. Cohilas for the information that he provided, but expressed that she feels the county has missed a step back and stated that the information that he provided to the Board should have been provided at the very least 30 days ago. Mr. Cohilas stated that Mr. Silverman offered his resignation in one (1) meeting. Vice-Chairman Hambrick insisted that even prior to the resignation given by Mr. Silverman, the Board should have been aware.

Commissioner Rooks questioned if Mr. Silverman has provided a statement of all disbursements made unto him. Mr. Cohilas advised that a record is being pulled of everything that has been done and hasn't been done, with a lot of the financial reporting being done by staff. He stated that he has seen a series of emails from Mr. Silverman's staff asking Clayton County staff to carry out certain functions in providing them with certain information. He stated that he would like to gather all the documentation prior to misinforming the Board with incorrect information.

POST SUMMARY MINUTES

Commissioner Rooks questioned if Mr. Cohilas were aware if Clayton County had ever audited Mr. Silverman. He replied that it does not appear that he has been audited ever.

Commissioner Rooks referenced Section 8.3.2 Paragraph 11 which states that if a project is placed on hold, a payment is not due. Mr. Cohilas stated that this helps the county; however, final payments have not been made to Mr. Silverman. There is a list of documents that he must provide, and inspections have been made on the progress to the Police Precinct thus far by Mr. Cohilas and Ms. Brewer. Mr. Cohilas confirmed that if Mr. Silverman does not complete the project with the Police Precinct that the document being read does give the county the ability to hold final payment to Mr. Silverman.

Commissioner Rooks advised Mr. Cohilas that the Board of Commissioners was never aware that there was a problem with the RFPs prior to him coming aboard. She asked how far along Mr. Cohilas was in looking at the RFPs to ensure that the Board is not preventing local, minority, and women owned businesses from participating in the SPLOST project. Ms. Brewer stated that she spoke with Mr. Sullivan and he stated he that misread the RFP requirements.

Commissioner Rooks questioned if the commissioners had the ability to review the RFP before it is completed to ensure that the county commission is in agreement with whom will be selected to complete the said project. Ms. Brewer stated that the current RFP question period has already expired and that the current RFP will close on March 11, 2015. Mr. Cohilas replied that there was a huge turnout for this particular RFP. He stated that there were 107 questions asked of the document presented which is a huge indicator that the information presented was not clear and needed to be reevaluated. There were 45 different companies represented for that session, some small local businesses and some larger. Mr. Cohilas advised that currently he is working on policy to ensure that bonds cannot be transferred from one contractor to the other while working on county related contracts. Vice-Chairman Hambrick questioned if that would come before the Board, and Mr. Cohilas confirmed that it would.

Commissioner Gregory advised Ms. Brewer that years ago the Board of Commissioners implemented the diversity study that brought about the “disadvantage (dv)” program. She asked if the practices that are currently being used by the purchasing department, falling under those guidelines set forth during that time. Ms. Brewer replied that Central Services is operating under those guidelines and are looking to track and monitor participation under the program guidelines and are looking to implement an electronic tracking system to assist with that.

Motion by Commissioner Rooks, second by Commissioner Edmondson, to conduct an investigation on the Silverman Construction Group.

Ms. Barnes questioned the Board if it were ok with the investigation being an independent investigation. The Board agreed as a unit that it would be ok with that decision with the amendment of an “independent investigation”. Vote unanimous.

POST SUMMARY MINUTES

Ms. Barnes requested an executive session for litigation matters.

24. Approved the appointment of Gloria McCain to the Animal Control Board to fill the unexpired term of Tim Koby (resigned). This term expires on March 12, 2016. (Full-Board Appointment) Vote unanimous.
25. Approved the appointment of Quen Howard to the Hospital Authority Board to fill the unexpired term of Cephus Jackson (resigned). This term expires on October 31, 2015. (Full-Board Appointment) Vote unanimous.
26. Held the appointment to the Development Authority Board / Redevelopment Authority Board to fill the expiring term of Chandler Sharma until the next Regular Business Meeting of March 3, 2015. The term is for four years expiring on March 1, 2019. (Full-Board Appointment) *(Removed from the February 3, 2015 Agenda)*
27. Held the appointment to the Urban Redevelopment Agency of Clayton County to fill the expiring term of Chandler Sharma until the next Regular Business Meeting of March 3, 2015. The term is for four years expiring on March 1, 2019. (Full-Board Appointment) *(Removed from the February 3, 2015 Agenda)*

Motion by Commissioner Rooks, second by Chairman Turner, to go into Executive Session in the Commissioner's Conference Room at 8:54 p.m. Vote unanimous.

Motion by Commissioner Edmondson, second by Commissioner Rooks, to go out of Executive Session at 9:23 p.m. Vote unanimous.

Motion by Chairman Turner, second by Commissioner Edmondson, to reconvene the Regular Business Meeting in the Commissioner's Boardroom at 9:24 p.m. Vote unanimous.

Motion by Commissioner Edmondson, second by Chairman Turner to adjourn the Regular Business Meeting of February 17, 2015 at 9:25 p.m. Vote unanimous.