

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

August 2, 2016

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PRESENT: Chairman Jeffrey E. Turner, Vice-Chairman Sonna Gregory, Commissioner Gail Hambrick, 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 Chaplain LaVoris Holloway of the Clayton County Police Department, Jonesboro, Georgia. The Pledge of Allegiance to the flag was led by Chairman Turner.
3. Amended the agenda by Adding Resolution 2016-155- A Resolution authorizing the Clayton County Board of Commissioners to conduct a hearing consistent with O.C.G.A. § 8-3-53 to determine whether any members of the Housing Authority of Clayton County shall be removed from office. Motion passed 3-2. Chairman Turner and Commissioner Rooks opposed. Motion by Vice-Chairman Gregory, second by Commissioner Hambrick, to adopt the agenda as amended. Motion passed 3-2. Chairman Turner and Commissioner Rooks opposed.

Chairman Turner asked Vice-Chairman Gregory could she state what the emergency is for adding Resolution 2016-155. Vice-Chairman Gregory stated the emergency is that Mr. Starr has 30 days to respond to the Housing Authority Board members and that 30 days expires on August 6, 2016. It is very important that this Board of Commissioners address those actions by the Housing Authority members.

Commissioner Rooks asked Vice-Chairman Gregory when we would be addressing that to the board members. Vice-Chairman Gregory answered at the next board meeting. This resolution will just call to appear and notify them. Commissioner Rooks then asked that if he has until August 6, 2016 then wouldn't that be before the next board meeting. Commissioner Hambrick then called the question. Chairman Turner stated that we just need clarification on the emergency item; he asked Interim Chief Staff Attorney, Jack Hancock, how we can determine if this is of an emergency nature if we have to add it without asking the question. Interim Chief Staff Attorney, Jack Hancock answered that there is a motion to call the question and that is not debatable- you have to vote on that motion. If it passes, then we go back to the original motion and it has to be voted on. The issue on whether or not to call the question is not debatable. Motion by Commissioner Hambrick, second by Vice-Chairman Gregory, to call the question passed by a vote of 3-2. Chairman Turner and Commissioner Rooks opposed.

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4. Approved the July 19, 2016 Regular Business Meeting minutes. Motion passed 4-1. Vice-Chairman Gregory abstained due to her absence from the meeting. Approved the July 19, 2016 Public Hearing on the Proposed FY-2017 Millage Rate Increase minutes. Motion passed 4-1. Vice-Chairman Gregory abstained due to her absence from the meeting.

Commissioner Rooks asked for a copy of the newly added Resolution 2016-155.

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 of Hampton, Georgia stated to the board that it is now time for their evaluations and they begin now. The first area for evaluation is in regards to the passing of the Clayton County Sign Ordinance Revision. This area is a non-priority for the board so the evaluation he gives them is that the board is operating in a failure level. The only positive area of this evaluation is that it is not a permanent mark; and, if they have a change of heart in caring for Clayton County, and take the right corrective direction towards Clayton County's Sign Ordinance Revision Legislation, then and only then will he remove his evaluation of failure. In conclusion, Dr. Anderson stated he no longer has the trust, confidence and assurance in the board that they would get the job done in this area; and, that his evaluations will continue at the next board meeting.
2. Mr. Anthony Williams, a resident of Clayton County stated that when he moved to Clayton County it was because of the growth of the county, but at this time, he is appalled at the leadership of the county- especially leadership of the various districts. Somewhere there has been a flaw over the way we communicated with one another on that adoption; it is shameful. Citizens of Clayton County are not going to tolerate this; they will stand up and let the board know who their bosses are because the board did not hire us, we hired the board. Mr. Williams stated that what the board needs to understand is that the eyes of the citizens are watching and that he will be evaluating the board individually. In conclusion, he stated to the board to watch us very carefully because as concerned citizens of Clayton County, they will be seeing us standing up for our rights and what we respectfully ask them to do which is to govern us. If they can't, we will be replacing them and now they have our attention and to pay attention.
3. Ms. Cathy Loving of Riverdale, Georgia stated that her concern is the MARTA bus stops on Taylor Road where she resides. On Taylor Road, there is an acceleration lane and a

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- deceleration lane. When she comes out of her driveway, she has to get into that lane to feed into the traffic if she is going toward Highway 138 or if she is going towards Flint River Road. The MARTA bus stop is placed right in the middle of her neighbor's yard, which is 5 yards to the left of her property. There is going to be a head on collision because the speed limit is supposed to be 35 miles per hour. She thanked the board and her commissioner for that district for sending a MARTA Representative out to this location and thanked the City of Riverdale for sending out a Code Enforcement Representative; they saw the hypocrisy and fallacy of where those signs are placed. This is a dangerous situation and somebody is going to be killed. Jonesboro, Georgia put this bus stop on a corner between two lakes, where there are copperheads and water moccasins in the grass on any given day. So people have to get off the bus in that with no place to walk. In conclusion, these signs need to be moved post haste because it is a danger.
4. Mr. Orlando Gooden of Jonesboro, Georgia stated that he is here to talk about allocation and distribution of funds in Clayton County. If Wade Starr did not know he needed approval from the board in consulting work, then that is incompetence. If he knew this and he did it anyways, that is larceny. How does the board explain giving Wade Starr \$36,000.00 for a no show job. He passed with a 3-2 vote by the Board of Commissioners- he asked what the justification in that was. There is a \$470,000.00 proposal for a concession building; he stated that is a poor use of county funds. District 2 does deserve their new concession building, but not for a half million dollars. For that amount of money we can get 13 new police officers. Mr. Gooden stated that Commissioner Edmondson has a sharp eye and spoke up about the \$50,000.00 for television monitors but then got \$36,000.00 for a no show job and he did not say a word about the \$470,000 proposal for the concession building. For over two years, Mr. Gooden stated he has sent letters and has had several meetings about the unsanitary conditions about the Aquatic Center in Clayton County but cannot get the funds allocated for these conditions. There is mold, mildew, bacteria and fungus in the shower stalls, unsanitary floors and rusted lockers and things falling from the ceiling to the pool.
 5. Mr. Timothy Jefferson of Clayton County, Georgia stated that first he would like to recognize that we have a shining star in Chief Register and he did a wonderful job in reference to Clayton County and thanked him for his service. As we move forward on the agenda, Resolution 2016-155 which was currently introduced by Vice-Chairman Gregory, it has now become a Sunshine Violation. Mr. Wade Starr sent the email to the board and Attorney Hancock a month ago; there was plenty of time. In regards to the Sunshine Violation that means there was ample time to put the resolution on the agenda and to notify the citizens; therefore, this emergency resolution is out of order. Mr. Jefferson stated that also, Mr. Wade Starr did not go before the Housing Authority Board to get approval prior to

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- bringing this resolution to the board; therefore, he is out of order as well. Not only is he controlling the vote of the Board of Commissioners but also seemingly attempting to control the vote of the Clayton County Housing Authority by getting rid of the three people who voted against him. In conclusion, Mr. Jefferson stated that the Jamco Properties situation was a win-win for the county and could have been about a \$26 million profit for the county. The Clayton County Development Authority approved it but, since Mr. Wade Starr had the three votes on the Board of Commissioners, had it voted down.
6. Ms. Rae James of Clayton County stated that she is almost speechless which is rare for her. She stated that her commissioner is Commissioner Shana Rooks and will be through the end of the year. In her experience, she has consistently looked out for what we wanted, needed, and if there was a reason we could not get it she let us know that. She stated her experience with Chairman Turner is that if she called, he responded. Even though it was election time, he always turned up in our community when we wanted to do things with no cameras or entourage; he sat down and listened to what it was we needed and to give us guidance. In conclusion, Ms. James stated she cannot speak on what the audience has going on with their grievances, but that what she can say is the experiences for her personally and Northbridge Estates has been Chairman Turner and Commissioner Rooks looking out for our best interests.
 7. Mr. Jeffery Benoit of Clayton County stated that he is embarrassed at the board. He stated that he sat in the Housing Authority Board meeting and read the contract. Even a 5th grader would have read that there is an exclusive contract that needed to be revised before the signatures; in that the board chose to go into a consulting business that is not even relevant with Clayton County. In conclusion, making reference to Commissioner Edmondson, Mr. Benoit stated that right after Wade Starr's lost in the run for Chairman of this Board of Commissioners, he brought forth that particular job as well. Mr. Benoit stated that even Chairman Turner said why we don't give him twelve months to see what his experience is and job performance is. Add up what he put in his campaign for the Board of Commissioners and it can be seen the 18 month contract at \$3,000.00 a month equals around the same amount of money he lost in that campaign. He is in violation of his contract where the attorney should have held him accountable and now he is pushing an emergency item on the agenda- there is no special need or emergency for this resolution- there should be a professional agenda and not a personal one. Now, Mr. Starr was voted back in and wants to get rid of those that voted him out and he is greatly insulted by this situation.
 8. Mr. Robert Johnson, a former candidate for District 2 Commissioner, of Clayton County, Georgia stated that during the last meeting he asked who had voted for Mr. Wade Starr. He

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stated that he has an email and a notation sent out to all who supported the vote. He asked could his question be answered on why we need an economic advisor, Mr. Wade Starr. In conclusion, Mr. Johnson stated to the board that since they are silent right now, if they choose to answer later to contact him via his website: "RJohnson1938".

6. PROCLAMATION: "Clayton County Congratulates The U12 Red Sox Baseball Team on their Accomplishment of Becoming the GRPA State Baseball Champions". (Presented by Commissioner Gail Hambrick)

Chairman Turner stated to the audience to give the parents of the GRPA State Baseball Champions- the U12 Red Sox Baseball Team- a round of applause.

Commissioner Hambrick stated in conclusion that not only has Flat Shoals Park succeeded in the State Baseball Championship, but we had 3 other teams competing. She thanked everyone that came out to support on Sunday for the Clayton County Back to School Bash, which really was a "bash" and we had double attendance for this one.

7. PRESENTATION: "MARTA Update". (Presented by Mr. Keith Parker- MARTA's General Manager / CEO)

Keith Parker, the CEO/General Manager of MARTA stated that he would like to give an update on the current MARTA Transportation System and answer any questions the board may have. Mr. Parker started showing a PowerPoint presentation to the board and stated that he will be discussing the state of fiscal standing, the highlights of 2016 legislative session, the FY2017 adopted budgets-both operating and capital, an update on the state of service and some future initiatives.

Prior to 2012, the accounting firm for MARTA did a study on the MARTA finances and found that the agency was losing between \$25 million to \$33 million per year, and would be fiscally insolvent to the point where MARTA would have a zero balance in its "rainy day fund" by fiscal year 2017-2018. In time, we were able to turn those deficits into surpluses and add quite a bit of funds to our reserves. In fiscal year 2011, the agency lost \$35 million and in the last two fiscal years we've added \$35 million and are projected to add \$40 million this year. So instead of having a fiscal balance in our "on rainy day fund" of less than zero, we are expected to close out this fiscal year with a quarter of a billion dollars in budget reserves. Mr. Parker stated that we took that good news to the folks on Wall Street and for the 2nd year in a row, we have had a credit rating upgrade which we then refinanced some of our debt, which translated into a \$48 million savings to the tax payers from the last 18 years.

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Mr. Parker stated that as we look upon our legislative session, Clayton County was the first expansion of MARTA since the agency was formed forty years ago. We took some of that momentum and went to the State Legislature to see if there was more appetite for additional MARTA expansion. We are pleased to say that Atlanta will now have a referendum vote this November (November 8, 2016) to expand the MARTA sales tax by a half a penny and if it passes, we will be building an additional \$2.6 billion worth of infrastructure, bus services, rail services and this will be a good thing in the city.

Mr. Parker then explained the FY2017 adopted budgets. For the FY2017 operating budget, the budget summary reflects gross operating expenditures of \$518.1 million; there is expected to be no fare increase-which has been for 5 years in a row- we will be looking to reduce the cost of monthly passes, maintain of rail frequencies, and a Discount Partnership Monthly Pass Program. For the FY2017 Capital Budget, the capital funds budget reflects total capital expenditures of \$402.5 million; there is \$200 million to \$400 million of current Capital Budget devoted to keeping the system running- expected to be spent in the next decade to keep the system running. There is a state of good repairs project which includes tunnel ventilation, fire protections, electrical power and equipment, security, bus procurement, audio and visual information system and train control system upgrades- all to keep the system running.

Mr. Parker explained an update of state of service, which mainly focused on the safety and security of the system. He showed a chart on the PowerPoint presentation that compared MARTA to the other 10 largest transit authorities in the nation, we are 2nd from the top in terms of fewest part 1 crimes with a total of 531 crimes. These part 1 crimes include homicide, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft and arson. To continue the confidence we have with the public, we will be introducing body cams for all of our police officers. We have a pilot project that is underway now and beginning January 1, 2017 we intend to have all of our officers equipped with body cams. In the last 2.5 years or so, we have issued more than 8,000 suspensions from the Transit Services for people violating various rules of the system and our officers handle these citizens with dignity so as to not exacerbate or escalate an exchange. We will continue to add more things to give our officers and staff the tools they need to properly keep the system safe. Mr. Parker showed a PowerPoint slide which illustrated examples of the 12 different angles on every train. We just did full installations so every MARTA train now has camera systems- making MARTA the dumbest place for a criminal to commit a crime and we will start an ad campaign to remind people of that very shortly.

Mr. Parker explained Clayton County satisfaction, stating that ridership has exceeded our expectations and we do statistical and scientific surveys of our customers and we find out a lot. We found out that 80% of our Clayton County customers are either satisfied or very satisfied with our transit services. We promised that we would open up a Police precinct in Clayton County and he stated that we opened up a service for this; we continue to allow our Police force to operate out of that facility and it has been a success thus far.

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Mr. Parker explained that we are continually trying to introduce new and different things into the county, those of which include an introduction to double decker buses and we had it operating in Clayton County for about a month. Our Airport Service continues to be the best in the nation. On the rail side, one can go from downtown Atlanta all the way to the airport in about 16 minutes for a total of \$2.50. In addition, we have recently entered into a partnership with the airport to make the airport station one of the very best in the country. As a part of our overall improvement of the bus services, we are also introducing a number of new options- including our 60 foot buses- which will be able to hold up to 50% more people than traditional buses and because of the weight distribution proportions, they would cause no more damage to roadways than a traditional 40 foot bus. In addition, we would be adding the smaller vehicles some even shorter than 30 foot, to get in and out of neighborhoods a lot easier. Over the last two years, we have been replaced old buses with newer ones and in the next two years, the other half of the older vehicles will be replaced so all buses will be 5 years old or less.

In conclusion of the PowerPoint presentation, Mr. Parker explained the future initiatives of MARTA. He expressed that in the future we will have the ability to pay with cellphones to use the transit system to reduce the time wait; one will be able to go online to purchase passes and tickets for the transit system. Also included in future initiatives are Wi-Fi and cellular service on buses which we intend to have on MARTA trains as well, a new MARTA website which is designed to function flawlessly across all platforms-desktop, tablet, and smartphone; restrooms-which can call for assistance if a customer is having trouble- it is also vandal proof, and replacing every older train (from as far back as 1979) in the system with new ones. We will also be looking at making a big commitment to public art with an Art in Transit project, which goes to dedicating 1% of the capital budget to add public art to all of our transit systems. He showed on his PowerPoint presentation pictures of art work which showcases how local heroes are honored through art. We will start an Art Commission with the agency, which will be heard more about in the future. Our next briefing will be in a few months, where we will give an update on the high capacity transit and options update which includes rail services to Clayton County.

Commissioner Rooks asked Mr. Parker when we will be receiving the Maintenance Building we were supposed to get. Mr. Parker answered we are still looking for properties, but the goal was to have that done within the first five years of service to Clayton County; therefore, we are still on pace to make that happen. Commissioner Rooks also asked about the double decker buses, we were using those here in Clayton County because of the high ridership. Mr. Parker answered that one of the things we would like to do is just test them in various areas so that everyone has a chance to see, feel, and experience it and then give us feedback; Clayton County was the first place that we tested the double decker buses on.

Commissioner Rooks asked how we are determining where the actual stop is placed and when do we get an opportunity to have another review panel for citizens to come to see where the future stops could be placed; so, that if they have any objection, they will be able to make those at that time. Mr. Parker

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answered that there was a safety concern raised so we won't wait until the next "mark-up" where we change bus stops, and if we deem the stop as unsafe; then, we will be looking at an alternative. Commissioner Rooks asked when we will have a general meeting for the citizens. Mr. Parker answered that we do those about every 6 months but we take feedback at all times, which contributes to possible changes if need be. In conclusion, Commissioner Rooks asked do we have anything planned before December 31, 2016 and Mr. Parker answered yes about mid-September will be the next general meeting. Chairman Turner stated to Mr. Parker that the board be provided with the exact date and we appreciate the good work and thanked him for the presentation.

8. Consider requests of Phyllis Stewart, Purchasing Administrator of Central Services. (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 the **Recommendation for Award: RFP #16-45 Deferred Prosecution Program Gun Safety Course for Clayton County, Georgia – Annual Contract (Solicitor General's Office)**. (Operations 21, LLC, located in Cumming, Georgia. Funding is available through the Pre-Trial Intervention Program). As requested by the Solicitor General's Office. Pursuant to Section 2-136 (2) of the Clayton County Code of Ordinances, General Purchasing Methods; 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.

2) Approved the **Recommendation for First Contract Amendment: SS#2016-29 for the Support and Maintenance of the Clayton County Public Safety 700 MHz Project 25 Radio Communications System (Information Technology)**. (\$438,374.00 to \$301,637.00 for one (1) year / Motorola Solutions, Inc., located in Schaumburg, IL). As requested by the Department of Information Technology. Pursuant to section 2-136 (7) of the Clayton County Code of Ordinances, General Purchasing Methods; 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

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for a favored product. 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.

9. Consider requests of Ramona Bivins, Chief Financial Officer.

Chairman Turner stated that he would like to take this opportunity to congratulate Chief Financial Officer, Ramona Bivins and her staff, once again, for receiving an award for the Comprehensive Annual Financial Report that they submitted last year. They will be receiving the Certificate of Achievement for Excellence in Financial Reporting. He asked everyone to give them a round of applause, thanked them and stated that they are doing a great job.

- 1) Approved Budget Amendment #2-01/Parks and Recreation/FYE 6-30-16 - To amend the budget to roll over donations received prior to FY 2016 year end and to recognize donations from Stephens Construction which were received during fiscal year 2016, in the amount of \$63,604. Vote unanimous.
- 2) Approved Budget Amendment #2-02/Federal Narcotics Condemnation Fund/FYE 6-30-17 - To amend in funds to purchase two vehicles for the Sheriff's Office, in the amount of \$21,044. Vote unanimous.

Chairman Turner stated that he would like to take this opportunity to recognize Judge Garrett in the audience and stated that he appreciates him being present.

10. Approved Resolution 2016-145 - A Resolution to allow State Senator Valencia Seay to host a Town Hall Meeting and Dinner at the Frank Bailey Senior Center. Vote unanimous.

Synopsis: This Resolution allows Georgia State Senator Valencia Seay to host a Town Hall Meeting and Dinner at the Frank Bailey Senior Center on Tuesday, October 20, 2016 from 5:30 p.m. until 7:30 p.m.

11. Approved Resolution 2016-146 - A Resolution authorizing Clayton County to enter into an agreement with Central of Georgia Railroad Company to facilitate the Battle Creek Road widening project. Vote unanimous.

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***Synopsis:** This Resolution allows the County to enter into an agreement with Central of Georgia Railroad Company under which preliminary engineering services needed for the Battle Creek Road widening project for an estimated \$34,683.00.*

12. Approved Resolution 2016-147 - 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 the County to sell at auction a 2001 Honda Accord EX, VIN 1HGCG56661A062856.*

13. Approved Resolution 2016-148 - A Resolution authorizing Clayton County to accept a vehicle seized for forfeiture by the Clayton County Police Department Drug Task Force. Vote unanimous.

***Synopsis:** This Resolution allows the County to accept title to a 2006 Lincoln Mark LT, VIN 5LTPW16546FJ05911 seized during a drug investigation and to assign the vehicle to the Clayton County Police Department.*

14. Approved Resolution 2016-149 - A Resolution authorizing Clayton County to enter into an agreement with the City of College Park, Georgia, providing for the terms and conditions under which Clayton County will conduct the City of College Park's elections. Vote unanimous.

***Synopsis:** This Resolution allows the City of College Park to contract with the County to conduct municipal elections for the citizens of the City pursuant to the applicable laws of the State of Georgia.*

15. Approved Resolution 2016-150 - A Resolution to amend the Clayton County PY2013 and PY2014 Annual Action Plans to allow for the recapture and reallocation of funding to the Department of Parks and Recreation for the PY2013 Flat Shoals Park Concession Project. Vote unanimous.

***Synopsis:** This Resolution allows Parks and Recreation to recapture \$15,446.59 awarded in PY2013 for an After School Program, \$37,147.00 awarded in PY2014 to Ball Field Scoreboards, and \$559.07 awarded in PY2014 to Ball Field Equipment for a total of \$53,152.66 and reallocates the recaptured funds to the PY2013 Flat Shoals Park Concession Project.*

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Interim Chief Staff Attorney Jack Hancock pointed out to the board that the correct amount for the award in PY2014 is a total of \$559.07 and not \$55.07 as listed; however the total of \$543,152.66 is accurate.

Commissioner Rooks asked how does the recapturing of funds work exactly. Community Development Director, Patrick Ejike approached the board and answered that we appropriate funds for HUD grants that the board approves; therefore, at the end of each cycle, we go back and recapture funds to be able to clean out those accounts and make up for any gaps we may have had during the year. Commissioner Rooks asked what is a cycle. Mr. Ejike answered that a cycle is the funding year. She then asked why we are recapturing from 2013 if it's recaptured after each cycle, at this time, Mr. Ejike answered that some of the projects have been completed and have some residual funds in them. He further explained that we use those funds for newer projects. Commissioner Rooks asked are there any other areas where we can recapture funds to use for something else and is there any other monies out there to recapture. When Mr. Ejike stated he is not sure but that all of the funds have to do with park projects because you have to stay within the same activities, Commissioner Rooks added that she has park projects she would like to do; and reiterated the question is there any other monies out there to be recaptured and why are we recapturing funds in 2016 from 2013. Mr. Ejike further responded that we would have to review other budgets to determine if there are any funds available.

Commissioner Rooks asked what precipitated him reviewing for this particular resolution to determine whether or not there were funds to recapture. Mr. Ejike answered that this project started years ago and in 2012, there was some money in this project that wasn't moving. He then shared that he had a conversation with the district commissioner regarding taking this money out of the account; so, we could spend it with the promise that we would come back and replace the money. He advised of a table that shows all of the allocations that have been done for the parks; therefore every year, all of the departments that do public projects apply; Parks and Recreation usually apply for all of the parks. Commissioner Rooks said per your assessment, if we do not spend the money HUD takes it back. Mr. Ejike stated that HUD does not take it back, but we would like to clean up our accounts. Commissioner Rooks said there is \$15,446.59 from 2013 for after school programs; so, did we not use that money for these programs or what happened. Mr. Ejike pointed out that we in the HUD Division, do not do direct service; we award money; therefore, the departments become sole recipients of the funds and they get reimbursements based on invoices they are submitting. So, we do not spend the money ourselves, we grant money to different departments and agencies and they submit the invoices; therefore, it is a reimbursement type of process and we monitor what they are doing. At the end of the activity, whatever money is not spent stays with the program.

Commissioner Rooks asked how are we as commissioners to know if money is still out there because this is 2016 and it has been 3 years that monies have just been sitting out there; how are we supposed to

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know that this money was available. Mr. Ejike stated that commissioners will approach them with projects and then we go and look to see if there are funds available and if they are we let them know. He stated that we could make a routine to tell the board on a quarterly basis what may or may not be available. She then asked could she assume this after school program ended in 2014 and was just sitting there as unused funds. Sule Carpenter, HUD Program Manager of Clayton County, approached and stated that we have program years in which funding is awarded. However, our projects are not bracketed within the specific funding year. We have many projects taking place and actually extend beyond their actual funding year- so in this case, he cannot say that it ended in 2014, because we still had grant activity associated with that project up until the request was received to reallocate the remaining balance of funds; we internally track the balances.

Chairman Turner asked is there money left over from 2014 and 2015, because if there is, we need to be doing other things with those funds but we have to know that monies exist, at which time, Mr. Ejike pointed out that there is a caveat with this HUD money. Mr. Ejike stated that in two weeks we will look at the accounts to inform the board if there is left over monies available. He stated that HUD has a table that determines what classifies as low to moderate and we use the census tract to determine where our citizens are that meet that requirement. If a project does not fit in the census tract; then, we will not review that project. He restated to the board that he will bring something back in two weeks to submit to the board the closed activities to see what is available; however, if the activity is still current, we would not be touching those projects. Commissioner Rooks also asked Mr. Ejike to tell her if her area qualifies.

16. Approved Resolution 2016-151 - A Resolution authorizing Clayton County, on behalf of the Clayton County Juvenile Court, to enter into an Affiliation Agreement and Contract for Services with Georgia Court Appointed Special Advocates, Inc. to accept grant funds and to set forth the terms and conditions under which the grant funds will be utilized for fiscal year 2017. Vote unanimous.

Synopsis: This Resolution allows the County to enter into an Affiliation Agreement and Contract for Services with Georgia Court Appointed Special Advocates, Inc. and to accept grant funds in the amount of \$46,831.20, to be used for the salary payment for CASA Supervisors to recruit, screen, train coordinate and supervise CASA volunteers.

17. Approved Ordinance 2016- 152 - An Ordinance to amend the Code of Clayton County, Georgia, as amended, specifically Part II, Chapter 94 "Traffic and Vehicles," Article III "Parking, Stopping, and Standing", Section 94-57 "Prohibited Parking of Vehicles During Certain Hours" so as to modify the times which it is prohibited to park vehicles on certain roadways. Vote unanimous.

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Synopsis: This ordinance makes it unlawful for a parked vehicle to be on the right-of-way of a two-laned traffic street in unincorporated areas of the County between the hours of 6:00 a.m. - 8:30 a.m. and 2:15 p.m. - 5:30 p.m.

18. Approved Resolution 2016-153 - A Resolution to provide for the establishment of the net mill rates after credit (rollback) for values added by reassessment for Clayton County's fiscal year 2016-2017. Vote unanimous.

Synopsis: This Resolution allows the mill rates to be set at a rate of 21.596 mills on all taxable property lying within the unincorporated areas of Clayton County and 16.596 mills on all taxable property lying within the incorporated areas of Clayton County.

19. Approved Resolution 2016-154 - A Resolution to acknowledge receipt of the permanent and final net mill rate after credit (rollback) for values added by reassessment for 2016-2017 adopted by the Clayton County School District. Vote unanimous.

Synopsis: This Resolution allows the County to set the Clayton County Board of Education 2016-2017 mill rate at 19.095 mills for both the incorporated and unincorporated areas of Clayton County.

20. Approved Add-On Resolution 2016-155 - A Resolution authorizing the Clayton County Board of Commissioners to conduct a hearing consistent with O.C.G.A. § 8-3-53 to determine whether any members of the Housing Authority of Clayton County shall be removed from office. Motion passed 3-2. Chairman Turner and Commissioner Rooks opposed.

Synopsis: This Resolution allows the Board to conduct a hearing to determine whether any members of the Housing Authority shall be removed from office for voting to suspend the Executive Director or for changing the locks at 732 Main Street., Forest Park, Georgia and disconnecting the computer of the Executive Director without board authorization and against the advice of the authority's legal counsel.

Commissioner Rooks addressed Interim Chief Staff Attorney Jack Hancock and asked him about the language in this resolution and to clarify a part of the language to see if it has been legally vetted. Attorney Hancock stated that it is his understanding that the part she pointed out is an accurate statement as to what happened at the Housing Authority and that part has been voted on by them. Commissioner Rooks asked what kind of legal liability does the Board of Commissioners have if that language turns out to not be accurate if we approve it. Attorney Hancock said all they would be approving is the calling for a hearing in order to determine the facts surrounding this. Commissioner

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Rooks stated that are we asserting that what they told us happened, indeed happened; and, is there any way for us to confirm that occurred. Attorney Hancock stated that this resolution asserts that is one of the allegations that is being made and that the board cannot be sued for language in a resolution- the board is immune from that- but that he does understand her question. He explained to her that there is no liability for language in a resolution if the wording is inaccurate; specifically, what would happen with that, would be subject to evidentiary proof prior to a hearing if the board wishes to call a hearing. Commissioner Rooks asked Attorney Hancock are we not just adopting what we were told happened. Attorney Hancock explained that the “whereas” part of a resolution merely lays out the basis for the ultimate action part of the resolution; this is an allegation and may well be a fact.

Commissioner Rooks asked do we need this “whereas” part in order for the resolution to be passed since all they want is a hearing and Attorney Hancock answered no, we do not need any of the factual allegations if the board chooses to call a hearing; it was only drafted in that manner to give as much notice as possible for the basis for the calling of the hearing. The facts as alleged are in the resolution because they provide the basis for the board calling a hearing. It has been alleged that these things occurred and therefore a hearing will determine whether or not those facts occurred. Commissioner Rooks stated that the way our other resolutions are drafted the “whereas” sections are factual statements that we deem factual; therefore, if that is our policy then, why are we submitting a clause that says “whereas” and it is not something factual that the Board of Commissioners has found. Attorney Hancock says it does not need to be included and the resolution could be amended to say alleged instead of occurred if that would make her more comfortable; the amendment would have no impact of the possibility of a hearing.

Chairman Turner stated that he has a question on whether this is an emergency item or not and that what he finds is that it looks like we are trying to remove people from office and we are trying to hold somebody accountable. Just as we are trying to hold them accountable that Mr. Starr has asked us to remove them, they have asked to hold Mr. Starr accountable for the breach of contract. At the end of the day, it does not look right and it does not smell right. He knows it will pass but at the end of the day, within his privilege, he definitely plans to consult with the State Attorney General to see if the Open Meetings Act was not violated and if it was, he will ask him to act accordingly.

Commissioner Rooks stated that she has a procedural question on how the hearing takes place; who calls for the evidence, who is the hearing officer and what are the procedures and guidelines for that hearing. Attorney Hancock stated that the Board of Commissioners is the hearing board and the Chairman of the Board of Commissioners would serve as presiding officer. There is no written procedure for this hearing, lawyers can be brought in and questions can be asked, then a vote will be taken. In conclusion, Chairman Turner asked that this action will occur at the next board meeting at 6:00 p.m. and they will be given notice to appear and will state their case; and, they have received a 10

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day notice and until that hearing date, are still members of the board with full operational rights. Attorney Hancock confirmed that is correct.

21. Approved Order for Remission: State of Georgia vs. Winston Charles Naulta, Jr. and Easy Bail Bonding LLC. Vote unanimous.

Synopsis: An Order to pay Surety 95% of the bond amount under O.C.G.A § 17-6-72(e) (2), which will be \$2,280.00.

Interim Chief Staff Attorney Jack Hancock requested an executive session on litigation and personnel.

22. Accepted a Street Light Petition Addition to Existing Street Light District Sycamore Court in District 4 - Commissioner Michael Edmondson. Vote unanimous.
23. Approved the reappointment of Frances Solomon to the Board of Appeals (Zoning) to fill the expiring term for which she is currently serving. The term is three years expiring on September 3, 2019. (Full Board Appointment). Vote unanimous.
24. Denied the appointment of Ricky Clark to the Zoning Advisory Group to fill the expiring term of Frenda Norwood. The term is three years expiring on August 19, 2019. (Full Board Appointment). *(Held from the July 19, 2016 Meeting)*. Motion failed 2-3. Vice-Chairman Gregory, Commissioner Hambrick and Commissioner Edmondson opposed.
25. Approved the reappointment of Addie Whittaker to the Zoning Advisory Group to fill the expiring term for which she is currently serving. The term is three years expiring on August 19, 2019. (Full Board Appointment). *(Held from the July 19, 2016 Meeting)*. Vote unanimous.

Motion made by Commissioner Rooks, second by Chairman Turner, to go into Executive Session to discuss litigation and personnel at 8:37 p.m. Vote unanimous.

Motion made by Commissioner Edmondson, second by Chairman Turner, to go out of Executive Session at 10:09 p.m. Vote unanimous.

Motion made by Commissioner Edmondson, second by Chairman Turner, to reconvene the Regular Business Meeting at 10:11 p.m. Vote unanimous.

Chairman Turner called for a motion to appoint Ramona Bivins as Interim Purchasing Agent position until August 8, 2016 or until Carol Rogers returns. Vote unanimous.

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Chairman Turner called for a motion to hire Ms. Kimberly Smith as the Planning and Zoning Administrator at the posted salary. Vote unanimous.

There being no further business to discuss, motion by Commissioner Rooks, second by Chairman Turner, to adjourn the Regular Business Meeting of August 2, 2016 at 10:12 p.m.