

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

March 16, 2010

POST SUMMARY MINUTES

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

1. Chairman Bell called the meeting to order.
2. Invocation led by Chaplain Fred Shillow of the Clayton County Sheriff's Office. Chairman Bell asked for a moment of silence to honor the passing of Chaplain John Pace (formerly of the Clayton County Sheriff's Office). Pledge of allegiance to the flag led by Chairman Bell.
3. Amended the agenda by holding Item #8 (Resolution 2010-72 – Authorizing Clayton County to amend and renew the Health Services Agreement with CorrectHealth Clayton, LLC which provides for the terms and conditions under which inmate healthcare services are rendered to the Clayton County Prison); holding Item #12 (Resolution 2010-76 – Authorizing Clayton County to apply for and to accept grant funds awarded by the U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Justice and Mental Health Collaborative Program Planning and Implementation Grant [the “BJA”] on behalf of the Clayton County Probate Court); adding an announcement from Marci Fluellyn (Lovejoy City Council Member) before the Economic Development Update presentation from Grant Wainscott, Director of Economic Development; adding Resolution 2010-77 (Authorizing Clayton County to collaborate with Keep Clayton County Beautiful, Inc., Atlanta Recycling Solutions, LLC and Shred Doctor, LLC, and to sponsor the “American Recycles Day” event at the Clayton County Recycling Drop Off Center); adding Resolution 2010-78 (Authorizing Clayton County to utilize U.S. Treasury CDBG Program funds for the limited purpose of funding operating costs for transit service provided by and under guidelines established by the County's Senior Services Department); and adding Resolution 2010-79 (Authorizing the transfer of the federal interest in three L-Vans from the Georgia Regional Transportation Authority [“GRTA”] to Clayton County, Georgia; to authorize GRTA to take possession and control of twenty-four buses funded by the Federal Transit Administration [“FTA”]). The agenda was adopted, as amended, as all commissioners had copies before them.
4. Approved the March 9, 2010 Regular Business Meeting minutes.
5. Marci Fluellyn, Lovejoy City Council Member, thanked the Board for giving her an opportunity to speak. She reminded everyone that one of the City of Lovejoy's initiatives is to host a raffle to give away a ‘Polaris’ with a trailer (valued at \$12,500.00). The purpose of the raffle is to raise funds for the Lovejoy Marching Band to help purchase uniforms and band equipment. Per Ms. Fluellyn, the raffle tickets are still on sale in the City of Lovejoy at City

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Hall. The raffle will be held at the Grand Opening of the new Municipal Building on March 27, 2010 (Saturday), and a wonderful music program is being planned for the occasion.

6. PRESENTATION: "Update on Clayton County's Economic Development" (presented by Grant Wainscott, Economic Development Director).

Mr. Wainscott thanked the Board and audience for the opportunity to speak tonight. He admitted that he and Randall Toussaint, Assistant Director of Economic Development, have a fantastic job in the county and they were here to broadcast good news on the economic development perspective. Following is the power point presentation that Mr. Wainscott brought before the Board:

OVERVIEW OF TOPICS

- The Year in Review – Our First 12 Months
- Organizational Development
- Key Industry Clusters
- Major Corporate Attractions
- Public Outreach By The Numbers
- Current Major Initiatives
- What's Next?

ORGANIZATIONAL DEVELOPMENT

- Competitive Analysis & Incentives Review
- Targeted Industry Cluster Analysis
- Economic Development Resource Inventory
 - Accessibility to the Public & Corporate Sector
 - Marketing & Brand Development
 - Shared Intergovernmental Resources

KEY INDUSTRY CLUSTERS

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- Logistics and Distribution
- Bio/Life Sciences
- Aerospace/Aviation
- Genealogical & Heritage Tourism
- Foreign Relations & International Trade
- Film, Sports & Entertainment

MAJOR CORPORATE ATTRACTIONS

- QT Kitchens (\$23 Million Investment; 227 new jobs)
- Fed Ex SmartPost (Southpark Business Park; 200 Jobs, 201,000 Square Foot Expansion)
- US Xpress (\$12 Million Investment; 300 projected jobs)
- Gulf Coast Pre-stress (\$10.2 Million Investment; 90 new jobs)

ECONOMIC IMPACT

\$45.2 Million in Investment

817 New Projected Jobs

PUBLIC OUTREACH BY THE NUMBERS

- **30** confidential major project site selections completed in the past 12 months
- **208** requests for economic & statistical information completed (average 4 per week)
- **1,257** work ready certificates earned by Clayton County residents (average 24 per week)

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CURRENT MAJOR INITIATIVES

- Mountain View
- Historic Rex Village

The Clayton County Office of Economic Development seeks to revitalize Historic Rex Village using historic preservation and quality growth principles. To accomplish this goal, Clayton County is working with Historic Rex Village's business and property owners; and with local, state, and federal partners.

COUNTY & CITY REDEVELOPMENT PROJECTS

- Fort Gillem/Forest Park
- College Park
- Gateway Village
- Olde Town Morrow
- Riverdale Town Center
- Highway 138 Corridor

WHAT'S NEXT?

- Grow Department to Meet Increasing Needs
- Enhance Development Incentives

7. Rod Gray, Director of Central Services, presented the following items which resulted in these actions:

1) Approved a request to rescind the Pool Preventive Maintenance Annual Contract award with Aquatic Management, Inc. of Atlanta, Georgia, as presented and approved by the Clayton County Board of Commissioners during a Regular Business Meeting on August 4, 2009. After the award, Aquatic Management, Inc. requested to withdraw its proposal as it no longer wished to continue servicing the pools for Clayton County. Vote unanimous.

2) Approved a bid (RFB Pkg. #09-14; 6/30/09) to establish an annual contract for two bi-monthly preventive maintenance inspections, and repairs of the County-owned pools and spas, as requested by the Building and Maintenance Department. Les Markland, Interim

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Director of the Building and Maintenance Department, and his staff reviewed and evaluated the bid. The recommendation is to award a contract to Commercial Pool Solutions, LLC, located in Jonesboro, Georgia. This firm is the second lowest bidder of total preventive maintenance with an estimated annual cost of \$28,800.00. Vote unanimous.

3) Approved a purchase request for five (5) Aerial Fire Trucks; four (4) combination engine/ladder trucks and one (1) 100' tiller truck, as requested by the Clayton County Fire Department. Vote unanimous.

Chairman Bell asked Fire Chief Alex Cohilas to state the total cost of the above purchases. Chief Cohilas responded that the total cost would be \$3.4 million dollars (provided through the Fire Fund and SPLOST monies). NOTE: These purchases will be made in order to take delivery in advance of the county's ISO inspection scheduled for Spring 2011.

8. Johnette Smith, Assistant Director of Finance, presented the following items which resulted in these actions:

1) Approved Budget Amendment 2-34 (Federal Narcotics Fund), for FYE 6-30-10, in the amount of \$25,000.00, to provide funds to cover the cost for the remaining FY-2010 for crime prevention and investigation supplies. Vote unanimous.

2) Approved a Request for a Business License Refund, from Goldie Nwanne of Norcross, Georgia, in the amount of \$160.00. Vote unanimous.

9. Approved Resolution 2010-73 authorizing Clayton County to enter into an amendment to extend the agreement with Katherine Dodson, providing for the terms and conditions under which professional consulting services will be rendered to the County. Vote unanimous.

10. Approved Resolution 2010-74 authorizing Clayton County to enter into a professional services agreement with Mendola and Associates, LLC, providing for the terms and conditions under which auditing services will be rendered to the County. Vote unanimous.

11. Approved Resolution 2010-75 authorizing Clayton County to enter into a license agreement with National Museum of Commercial Aviation, Inc., providing for the terms and conditions under which an aerobatic and automobile show will be conducted at the Tara Field Airport. Vote unanimous.

12. Approved Resolution 2010-77 authorizing Clayton County to collaborate with Keep Clayton County Beautiful, Inc., Atlanta Recycling Solutions, LLC and Shred Doctor, LLC, and

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to sponsor the “American Recycles Day” event at the Clayton County Recycling Drop Off Center. Vote unanimous.

13. Approved Resolution 2010-78 authorizing Clayton County to utilize U.S. Treasury CDBG Program funds for the limited purpose of funding operating costs for transit service provided by and under guidelines established by the County’s Senior Services Department. The motion carried 4-1; Chairman Bell opposed.

14. Approved Resolution 2010-79 authorizing the transfer of the federal interest in three L-Vans from the Georgia Regional Transportation Authority [“GRTA”] to Clayton County, Georgia; to authorize GRTA to take possession and control of twenty-four buses funded by the Federal Transit Administration [“FTA”]. The motion carried 4-1; Chairman Bell opposed.

For the record and prior to the motion of Resolutions 2010-78 and 2010-79, Vice-Chairman Ralph requested to make a statement which would explain to the public what the above two (2) resolutions would accomplish. Following is his statement in **verbatim**:

This Board has taken it upon itself to try and find a way to provide Para-Transit services throughout this county to those people who are most in need. We recognized that with C-Tran no longer running after the 31st of this month (March) that there were a number of people that would need Para-Transit services. And so that’s what this resolution (Resolution 2010-78) does. It speaks to...it allows for three (3) Para-Transit vehicles to be transferred to our Senior Services Department and for the county to take the responsibility of using CDBG (Community Development Block Grants) dollars in order to transport those people to medical appointments, doctors’ appointments, and so that they can continue their way of life as it relates to their needs in the county. This Board is also working with Congressman Scott’s office. Yesterday, I had a long meeting with Congressman Scott and Congressman Scott has written a letter to the Federal Transit Administration that appeals to our original decision. We have every confidence that with Congressman Scott’s letter that we will indeed be able to utilize the three (3) GRTA buses to provide service to up to 66% of the people who were using C-Tran to get back and forth to work. This service would allow us to provide \$2.4 million worth of funding from this county in order to fund that service for three (3) years, as opposed to the \$24 million that this county would have been spending for a comparable service under C-Tran. It speaks to two (2) things. One, it speaks to the Board of Commissioners trying to identify real solutions to the problematic economic conditions that we are facing...that we are struggling with. It speaks to the Board recognizing that we cannot just pull on the heart strings of

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those people who are disadvantaged by decisions, but we also have to pull on the purse strings and make sure that we are making financially prudent and financially sound decisions. And it also speaks to the fact that the Board does care...that this Board is committed to trying to find the services that can support as many people as we can with the limited dollars that we have available.

Now, as I said last night and I continue to say this Board was presented with a \$19 million...with the realization that we were going to have a \$19 million decline in revenue going forward. The Chairman has acknowledged it; each member of this Board has acknowledged it; the department heads and directors have acknowledged it. A \$19 million decline in revenue is a very real decline in revenue. It's of great concern to everybody and should be of great concern to everybody in this county. It's not caused by bad budgeting, but it is caused by the real estate values that are declining in this county. We are the smallest county in the region...we are much smaller than Cobb and we are much smaller than Gwinnett. We have a much smaller tax base than Cobb and Gwinnett...and so what might be hiccups to Cobb and Gwinnett become flus to Clayton County. And so this Board recognized that given that stark reality that we had to find a way to provide the service without bankrupting the county. There was no plan forthcoming from our Chairman, and so this Board then took upon itself to take on the responsibility to develop a plan. And as I said, the plan that we've put forth provides service of up to 66% -- up to two-thirds of the people -- who are utilizing C-Tran. Plus, in addition to that, it provides service to those people who are dependent upon Para-Transit services for a greatly reduced cost. So, with that Mr. Chairman, I would offer a motion to approve these two (2) resolutions as we continue to work to find ways to support and represent the great citizens of Clayton County.

(NOTE: Following Vice-Chairman Ralph's statements, the following motions were made:

Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to approve Resolutions 2010-78 and 2010-79. The motion carried 4-1; Chairman Bell opposed.

Chairman Bell then voiced his reasons for voting in opposition. Following is his statement in verbatim:

This resolution, as many other resolutions of its type, came to our desk in violation of our rules this evening. None of us or very few of us have had an opportunity to even read it. And we're here voting on monies to come from CDBG (Community Development Block

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Grant) which are federal funds which require unusual rules and regulations be met prior to operation and oversight...special oversight...in addition to that, due diligence in the area of who is eligible to ride the transit once it is approved. After that, we must then guard carefully those funds. We have already been deemed by HUD and put on warning by HUD...and I report to them every two (2) weeks...of the progress that we are making by being behind in the expenditure of our funds. We are now only \$460,000.00 away and I assure you, by the close of this month, we will be less than one hundred away. We intend to meet those challenges, but to add yet another challenge to me without even having the benefit of having a discussion of these regulations I think is irresponsible at the least. Second it is...I am going to happily carry out what the Board has given me to do with all diligence because I, too, want to see the Para-Transit (service) remain. But, even at our own expense, the \$19 million has to do with the value of homes, not what comes totally into our budgets. We have many, many other responsibilities within the budget, but we must weigh them with priorities to meet your needs. If we can spend 40-45 million dollars on roads for the rich, why can't we spend 6 of the 45 million that is...why can't we spend 6 million for the poor and needy of our communities? It is time we stopped playing politics with this and get serious about what you asked us to do. You asked us...you asked us to fund this transit system. You gave us the means by which we could fund it out of your money. We're just simply refusing to do it. The General Assembly has asked us to be responsible and tell them whether we're serious about it. They sent us a resolution. Did we pass it? Yes, after we took a poison pen to it. And the same federal government (FTA) that we're now asking for money offered us then \$2.7 million through MARTA and 10% at our own rate to use. We turned it down. Now, if we want to be serious about it, let's not ask the federal government to change their minds, let's ask Congressman Scott to help us change our minds. Thank you. (NOTE: At this time, there was a loud applause. Chairman Bell requested order in the Boardroom.)

Vice-Chairman Ralph started to ask a question of Chief Staff Attorney Michael Smith, but Chairman Bell proceeded with asking for all of those in favor (aye) or in opposition (nay). (NOTE: The audience responded with a resounding "aye.") Vice-Chairman Ralph insisted that he had a point of order with the posing of a question. Chairman Bell rebutted that he had not released the floor yet. He stated that the Board had voted on this issue, so now if there were a question to be asked, Vice-Chairman Ralph could have the floor.

Vice-Chairman Ralph commented that everyone had heard this argument from the Chairman that the county can spend \$45 million that is currently being spent on the roads to fund public transit. He understood that the \$45 million the county has been spending on roads comes from a

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SPLOST (Special Purpose Local Option Sales Tax), and that transit is not an allowable expenditure to be used – particularly for operating costs – under the SPLOST. Vice-Chairman Ralph asked Chief Staff Attorney Michael Smith if that were true by state law. Mr. Smith replied that under the county’s 2004 SPLOST, projects were identified and those projects did not include operating costs for transit. Vice-Chairman Ralph then asked if operating costs for transit would be an allowable expenditure under the state guidelines for SPLOST. Mr. Smith said no, it has to be capital. Vice-Chairman Ralph thanked Mr. Smith for his answer and stated that for the Chairman to suggest to the public that the money the county is now spending on roads can be spent on transit is simply untrue (as confirmed by the County Attorney). He stressed that most of what the Chairman says continues to be untrue, and the truth of the matter is that the Chairman has not yet come up with a plan before this Board to fund transit (for C-Tran or anything else). Per Chairman Ralph, all the Chairman has done is vote against the plans that this Board has brought forward which would serve up to 66% of the people who depend on transit and in addition serve Para-Transit riders. To suggest that anyone is playing politics is problematic, and he understood Chairman Bell enjoyed the political game encumbered by doing that. To align the Board members as suggested was unfair.

Chairman Bell responded that he had stated if the county can spend up to \$45 million on repairing roads, he did not understand why the county could not spend \$6 million on transit. He emphasized that Vice-Chairman Ralph had acknowledged where it came from (SPLOST). Chairman Bell understood that these monies are used as matching monies, but he knew that Vice-Chairman Ralph knew that the county often transitions from one to the other in using these monies. He reiterated that he had said, “if we can spend...” Chairman Bell then concluded that he did not want 66% or one third of the people served; he wanted all of the people served as they asked to be.

15. Appointed Dr. Hugh Herrod (Commissioner Hambrick) of Jonesboro, Georgia to the Mental Health, Developmental Disabilities, Addictive Diseases Community Service Board to fill the unexpired term of Connie Whitlock (**resigned**) in District 2/Commissioner Hambrick. The term commences immediately and expires on June 30, 2012. Vote unanimous.

16. Accepted a street light petition for Tanbark Subdivision (**Tanbark Court**) in District 3/Vice-Chairman Ralph. Vote unanimous.

PUBLIC COMMENT:

1. Gary Frank stated that C-Tran riders have two (2) weeks left before the close of service,

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and the Board is still running the service and trying to shortchange the citizens. He felt the Board should be accountable for being redundant in eliminating the services; nevertheless he could not fathom the thought of the commissioners being “tattletales” to Congressman Scott. The commissioners are asking Congressman Scott to send a letter to a Federal Transit Administration that had already turned their resolution down, and now they are asking for more monies (??). According to Mr. Frank, the Greater Regional Transit Authority (GRTA) Xpress bus services that the Board is requesting will only serve one-third of Clayton County. There are six (6) other cities throughout the county that C-Tran currently services. Cities that are being considered for direct services would only include Riverdale and a portion of College Park. Forest Park, Jonesboro, Morrow, and Clayton State University will be served by GRTA only under complaint. At the same time, Mr. Frank stated he wanted all of the commissioners to take the time to re-evaluate the C-Tran situation. If the Board does not take the necessary steps to re-evaluate this issue, it will encounter hard times.

2. Xavier Ross expressed that based upon what the public has seen from the county’s Economic Development report, everyone would be convinced that the Board is actually doing something. He was now hurt because he knew what it took to get some of the commissioners on the Board. Some of the persons ran with a platform of bold leadership, but all the citizens have seen is cold leadership since being elected. Commissioner term expirations at the end of this year and 2012 could not really come soon enough for him because the citizens will demand that some serious changes occur. If C-Tran service ends like the commissioners want it to, then they should consider their days numbered while serving out their terms.

3. Chrisangela Kitts voiced that she was a proud member of the Amalgamated Transit Union #732 which represents MARTA, C-Tran, Cobb County Transit, and Gwinnett County Transit. She was troubled that the citizens who depend on C-Tran service will be abandoned by the same people they elected to protect their best interests. Ms. Kitts was also disturbed that the jobs, healthcare, and education of the county’s citizens are considered expendable by this Board.

4. Representative Roberta Abdul Salam addressed some of the concerns that she has been talking about since May 2009. She stated that it is considerably noted that she still has not had a conversation with the commissioners other than this platform. Also considerably noted is that the members of the Clayton County Legislative Delegation have not received any instructions or requests from this Board regarding transportation. Representative Abdul Salam expressed appreciation for Resolution 2010-61 that the Board signed/approved on February 16, 2010; however, she was not aware of this resolution when she was here on March 2, 2010 because the delegation never received it. She stressed that the Board was cognizant of the fact that the

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requests made in this resolution could not be valid. In Resolution 2010-61, the Board requested that Senator Emanuel Jones (on behalf of the Georgia Legislative Black Caucus) introduce legislation in the 2010 Georgia General Assembly to provide a mechanism for full funding of operating and maintenance costs of the C-Tran public transit system of Clayton County, Georgia. According to Representative Abdul Salam, she also knew that the Board knew Senator Jones could not do that task. The Board was aware that the Georgia Legislative Black Caucus does not introduce legislation and, if nobody received the resolution, nobody can act on it. In response to what the commissioners said to her at the last business meeting on March 2nd, today the delegation introduced House Bill #93 which is a funding bill for a 1¢ sales tax to fund public transit for Clayton County. Also, as a companion with the bill (and the Board will receive notice of it and it will be published this week), is local legislation to give the voters of Clayton County an opportunity to vote to become full-fledged member of the MARTA system – so here is the funding source and what the Board asked for in the record.

5. Frank Razzano alerted the Board that there are high school and college students who ride the C-Tran buses. If they lose the service, their futures will be taken away. The Board may be concerned about real estate dropping in the county, but the people are losing their jobs and some are in transition (like him) trying to find jobs. Mr. Razzano concluded that there will be more crime in Clayton County with the loss of C-Tran.

6. Alvatina Upshaw identified herself as secretary for Area Coalition for Transit Now, and she was also a rank and file member of Local #732. She stated that ACT NOW is a non-profit grassroots organization that advocates state-wide transit funding. Ms. Upshaw said she was here today as a representative of this organization to do whatever is necessary to maintain the service that is currently provided within Clayton County until the State is able to secure monies for transit funding. She further stated that public transit is a great economic boost, and it baffled her that the county is this close to elimination of service. Per Ms. Upshaw, the county is financially capable of providing this service. Hartsfield-Jackson International Airport, Southlake Mall, Clayton State University, ITT Tech, and WalMart in Morrow, and Riverdale depend on the county to be able to maintain their businesses and now the commissioners have failed them. She attended the Legislative Black Caucus meeting at the State Capitol where the Clayton County Chamber of Commerce said boldly that if the Board cancels C-Tran service, it is going to do something extremely devastating to the finances of this county.

7. Sabrina McMillan was not present to speak when her name was called.

8. Tommy J. Lewis was not present to speak when his name was called.

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9. Chioke Perry announced that he and two (2) of his closest associates purchased a property at 1064 Sugar Creek Way on January 25, 2010 because they recognized the potential of Clayton County. He did not stand before the Board tonight in the capacity of a recent property owner but, rather, as a member of the Greater Metro Atlanta Public Sector Alliance and a Clayton County transit rider. Mr. Perry earnestly demanded that this Board have the opportunity to reverse what could only amount to being an insensitive, cold, calculating public policy in transit deficiencies.

10. Senator Emanuel Jones stated that he was present for one reason only, and that was for this Board to reconsider its action regarding the termination of bus service in Clayton County. The Board has asked state officials and federal officials to help. He was here to affirm that, as a state official, he has done what this Board asked him to do. Legislation has been introduced to give Clayton County a way to raise the tax. Now, he was here to ask what the Board was going to do and when was this Board going to listen to its constituents; i.e., those who attend colleges, universities, and technical institutes in this community; those who shop; those who ride Para-Transit buses; those who are union employees (drivers and mechanics); those who are members of the Chamber of Commerce; those who comprise 61% of the people who depend on bus service to their jobs and schools; those who make up 81% of bus riders who earn less than \$35,000.00, and those who make up 12.5% of the unemployed. He felt it was not productive to be here tonight wishing that the issue will go away after March 31st. That will be just the beginning. Those who have made a commitment to this bus system will be here fighting until it is re-established, and he requested that the Board reconsider its actions.

11. Nichelle Phillips informed everyone that she was a proud public servant, C-Tran bus driver, friend of the community, citizen, and resident of Clayton County. She represented some of her passengers tonight (Juanita Watkins in the Senior Citizens Home in Forest Park; Betty Ector, a member of the EDAAC Committee, a teacher who rides Para-Transit, and a homeowner in Forest Park; Michael Wilson who is a dialysis patient in Morrow who rides three (3) times a week for dialysis treatments; and Bernard Barnes who is a Jonesboro resident who receives dialysis treatments via Para-Transit and is about to become an amputee). Ms. Phillips appreciated what this Board was trying to do with keeping three (3) vehicles for Para-Transit but, as a driver who experiences the amount of ridership she does every day, a three (3) vehicle extension will not be adequate for an already overwhelmed system.

12. Charlie Fleming said he had the honor and privilege of heading up the Atlanta North

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Georgia Labor Council, representing almost 90,000 union workers in the metro Atlanta and approximately 11,000 in Clayton County. Mr. Fleming voiced his utter distaste for the commission's lack of compassion for the community by taking away their livelihood and ability to commute. The Board has not been able to come up with a deal, but his labor movement has committed to working with community partners to honor the people's agenda.

13. Dexter Matthews, President of the Clayton County NAACP, spoke on behalf of Ed Dubois who spoke at the capitol today and supports the continuation of C-Tran 100%. He was also speaking on behalf of the Clayton County NAACP. They all want the Board to find a way to fully fund C-Tran. He knew this would be a difficult task for the Board because there are only two (2) weeks left for C-Tran to run. Although the state and federal officials were considering a plan, Mr. Matthews felt that the citizens needed support from the county to keep the service going. Otherwise, jobs will be lost and foreclosures will continue to rise.