

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

April 6, 2010

POST SUMMARY MINUTES

PRESENT: Chairman Eldrin Bell, Vice-Chairman Wole Ralph, Commissioner Sonna Singleton, Commissioner Michael Edmondson, Commissioner Gail B. Hambrick, and Acting Clerk Jamie Carlington.

1. Chairman Bell called the meeting to order and apologized for the Board being ten minutes late. (NOTE: Several issues were discussed in the pre-meeting which required additional attention.)
2. Invocation led by Pastor Harry Riley of the Lakewin Christian Center in Riverdale, Georgia. Pledge of Allegiance to the flag was led Chairman Bell.
3. Amended the agenda by holding an item (Request for Budget Amendment #2-40 – Hotel/Motel Tax Fund, in the amount of \$11,000.00, to provide funds for Georgia Chamber of Commerce dues) under requests by Angela Jackson, Director of Finance, and adding a discussion regarding the Housing Authority by Commissioner Hambrick. The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the minutes of the March 16, 2010 Business Meeting. Vote unanimous.
5. PROCLAMATION: “Clayton County Proclaims April 4-10, 2010 as National Community Development Week.” The proclamation was presented to Lance Crawford, Director of Clayton County Housing and Community Development; Mickey Williams, Neighborhood Stabilization Manager; and Peryenthia Hudson, Clayton County Housing and Community Development Office Manager.
6. Chairman Bell recognized the Mayors and City Council Members of Riverdale, Jonesboro, Forest Park, and Lovejoy.
7. Mr. Rod Gray, Director of Central Services, presented the following item which resulted in this action:
 - 1) Approved a request for proposal (RFP Pkg. #09-43) to acquire Real Estate Attorney Services related to the purchase and sale of foreclosed real estate, as requested by Clayton County Housing and Community Development. The recommendation is to issue a multiple award contract to William A. Miller, PC located in College Park, Georgia, with the highest score of 463.75; and Brochstein & Bantley, PC located in Stockbridge, Georgia with the next highest score of 338.75. Vote unanimous.
8. Ms. Angela Jackson, Director of Finance, presented the following budget amendments which resulted in these actions: (NOTE: The Board voted on all of the requests at once.)

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1) Approved Budget Amendment #2-37, in the amount of \$2,995.00 for the Police Department, to fund safety supplies at the range. Vote unanimous.

2) Approved Budget Amendment #2-38, in the amount of \$841,696.00, for the Fire Department to purchase Fire Engines that were approved in the March 16, 2010 Board Meeting. Vote unanimous.

3) Approved Budget Amendment #2-39, in the amount of \$6,000.00, to clean the windows at the Justice Complex. Vote unanimous.

9. Mrs. Renee Bright, Director of Human Resources, presented the following item which resulted in this action:

1) Approved the creation and hiring of a Risk Management position for Human Resources at Pay Grade 31. The Risk Manager will be responsible for managing and assessing the risk throughout the County, as well as acquiring and administering the County's liability insurance policies, ensuring compliance with mandated coverages, and recommending and developing loss control policies. This position will replace Mrs. Katherine Dodson (former Insurance/Risk Manager Director). Vote unanimous.

10. Mr. Michael Smith, Chief Staff Attorney, presented the following items which resulted in these actions:

1) Approved Resolution 2010-76 authorizing Clayton County to apply for and to accept grant funds (\$50K/\$12,500 match) awarded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance and Mental Health Collaborative Program Planning Grant (the "BJA") on behalf of the Clayton County Probate Court. Vote unanimous. (NOTE: Mr. Smith indicated that this resolution has been revised to reflect an acceptance of and application for a planning grant instead of a planning and implementation grant.) Vote unanimous.

2) Approved Ordinance 2010-80, which is an Ordinance to amend the Code of Clayton County, Georgia, as amended specifically Part II, Chapter 2, Article 2, Section 2-56 by deleting it in its entirety and substituting a new Section 2-56 entitled "Board and Authority Members Appointment, Removal, Length of Service, Number of Terms"; to repeal conflicting laws, ordinance, and resolutions; to provide an effective date of this ordinance; and for other purposes with modifications. (NOTE: Paragraph three [3] on page two [2] will change from: "[3] Preference shall be given to those individuals that reside in the county; however, unless otherwise provided by the law, there is no residency requirement relative to Clayton County to

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[3] Unless otherwise provided by law, Board and Authority members are required at the time of their appointment and for the duration of their appointment to reside in Clayton County. The second part of paragraph three [3] on page two [2] will change from: “Further, unless otherwise provided by law, members of the boards and authorities may be removed by order of the board of commissioners for: [i] misfeasance, malfeasance, nonfeasance; [ii] failure to attend three successive meetings of the board or authority without good and sufficient cause...” to “**Further, unless otherwise provided by law, members of the boards and authorities may be removed by order of the board of commissioners for: [i] misfeasance, malfeasance, nonfeasance, [ii] excessive absences from meetings of the board or authority...**” The motion carried 3-2. Chairman Bell and Commissioner Edmondson opposed having all members of boards and authorities as Full Board appointments. They both voiced disapproval of eliminating equity in district representation on five (5)-member boards/authorities. Chairman Bell added that the Board had not been given adequate time to discuss these changes properly.

3) Approved Resolution 2010-81 authorizing the County to accept a grant award of \$54,000.00 from the United States Department of Justice Criminal Justice Coordinating Council awarded under the 2009 American Recovery and Reinvestment Act, and the Edward Byrne Memorial Justice Assistance Grant. No County matching funds are required. Funding will be used to increase the technology capabilities of the Police Department. Vote unanimous.

4) Approved Resolution 2010-82 authorizing the acceptance of condemned vehicles (2002 Dodge Intrepid & 2006 Pontiac Grand Prix) to be assigned to the Police Department fleet in a manner as will be in the best interest of the County. Vote unanimous. (NOTE: Resolutions 2010-81, 2010-83, and 2010-84 were voted on at the same time.)

5) Approved Resolution 2010-83 authorizing the acceptance of one condemned vehicle (2000 Lexus GS300) to be assigned to the Clayton County Police Department Fleet in a manner as will be in the best interest of the County. Vote unanimous. (NOTE: Resolutions 2010-81, 2010-83, and 2010-84 were voted on at the same time.)

6) Approved Resolution 2010-84 authorizing the acceptance of one condemned vehicle to be assigned to the Clayton County Sheriff’s Department fleet; to authorize the acceptance and sale of one condemned vehicle at public auction; to provide for the disbursement of sale proceeds, as will be in the best interest of the County (two 1999 Jeep Grand Cherokees). Vote unanimous. (NOTE: Resolutions 2010-81, 2010-83, and 2010-84 were voted on at the same time.)

7) Approved Resolution 2010-85 authorizing Clayton County to host and sponsor the first “Wild Azalea Festival” at the Reynolds Nature Preserve. Vote unanimous.

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8) Approved Resolution 2010-86 authorizing Clayton County to allow Dream Big Educational Services, Inc. to sponsor and host a 5K Walk-A-Thon event which will commence from and finish at the Clayton County International Park. Vote unanimous.

9) Approved Resolution 2010-87 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 (Memorial Day, 05/29/10). Vote unanimous.

10) Approved Resolution 2010-88 authorizing Clayton County to accept a water play structure donated by Dreampark International to be used in conjunction with the Clayton County Parks and Recreation Department's business operations. Vote unanimous.

11) Approved Resolution 2010-89 authorizing Clayton County to enter into a Second Amendment Agreement with the Secretary of State of the State of Georgia, on behalf of Clayton County Elections and Voter Registration Department which provides for the terms and conditions under which voting equipment is provided to Clayton County. Vote unanimous.

12) Approved Resolution 2010-90 authorizing Clayton County to amend an Intergovernmental Agreement with the Georgia Department of Corrections on behalf of the Clayton County Prison for the care and custody of State inmates (addition of 16 inmates). Vote unanimous.

13) Approved Ordinance 2010-91, which is the Ordinance by the Clayton County Board of Commissioners to modify Civil Service Code Section 4-104, "Class Specifications." (NOTE: The Board voted on Ordinances 2010-91 and 2010-92 together.) The motion carried 3-2. Chairman Bell and Commissioner Edmondson opposed.

14) Approved Resolution 2010-92 authorizing the establishment of a policy for amending existing class specifications. (NOTE: The Board voted on Ordinances 2010-91 and 2010-92 together.) The motion carried 3-2. Chairman Bell and Commissioner Edmondson opposed.

Commissioner Edmondson expressed disapproval of taking away Board review/approval of class specifications and giving review/approval to a procedural set-up (Department Director to Human Resources Director to Director of Policy and Planning to the Chief of Staff who will give the ultimate approval/denial of job specifications). Chairman Bell felt that these ordinances would impact the pay grade/budget process.

Mr. Smith requested an Executive Session following the Regular Business Meeting to discuss litigation and a personnel issue.

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11. Commissioner Gail Hambrick stated that two (2) issues have come to her attention regarding the Clayton County Housing Authority. She was gravely concerned with some actions that have been taken and others that are in the process of being taken. Commissioner Hambrick recalled that the Housing Authority was created in the 1980's (per her history) to generally mirror the Board of Commissioners on any housing issues that needed to be resolved for low to moderate income persons. Recently, she questioned the awarding of a contract for a feasibility study for a Veteran's retirement home and for a work release program. Commissioner Hambrick felt that a study of this magnitude should actually be addressed by the Clayton County Board of Commissioners. She furthered stated that this feasibility study will cost over \$55,000.00. Commissioner Hambrick asked that the County Attorney (Michael Smith) investigate this matter, and she would put this in the form of a motion. Commissioner Hambrick's second concern was regarding a contract that is currently on hold called "Boots on the Ground," which is a very questionable contract with the amount being paid out and what is coming out of it. She then made a motion to have the County Attorney send a letter to the Clayton County Housing Authority requesting that it delay execution of any contract to conduct a feasibility study until the Commission has had a chance to review both that study and any further issues, and to also examine the operations and procedures that are taking place at the Clayton County Housing Authority. Vice-Chairman Ralph seconded the motion. Vote unanimous.

Vice-Chairman Ralph added that a work release program is a major endeavor. He personally had not talked to any persons who were excited about bringing prisoners into their neighborhoods or on their blocks. Vice-Chairman Ralph further stated that the county had a lot of consul group homes in the past, and this Board has tried to narrow the interest in those facilities in the county. There have also been instances where non-family members live together in residences as a faux pas business, and that type of business really alarmed him. He really hoped that this Board would get some objectives regarding this type of program.

Commissioner Edmondson questioned the legal process of this matter. The Clayton County Housing Authority and Water Authority members are voted in by the Clayton County of Commissioners. If they are independent entities, he wondered if this Board had the legal authority to ask the Clayton County Housing Authority to stop what it is doing or to request it to stop. Mr. Smith answered that it would be a request in the form of a letter.

12. Chief Alex S. Cohilas, Chief of Staff, presented the following items which resulted in these actions. (NOTE: These actions will facilitate the Mountain View Project, the Rex Village Project, and the Aviation Museum with the use of existing positions – thereby eliminating the need to create jobs during this county's budget crisis.)

1) Approved the Economic Development Organizational Chart as presented – including the request for the addition of a Development Officer & Grants Writer/Administrator. The Grants Writer position is presently a fully-funded, but unfilled position in the Clayton County Board of Commissioners' Office that can be transferred to the Clayton County Economic

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Development Department to spur growth of public/private projects (as requested by Grant Wainscott, Economic Development Director). Additionally, a Research Analyst position should be created and filled by transferring and eliminating the position of Assistant Planning and Zoning Administrator. Given the reduction of building in this county, this would be a prudent move and an on-point transfer as far as grade and step are concerned. Vote unanimous.

Chairman Bell advised that the Grants Writer position be considered for a salary increase because the current pay of \$47,000.00 is unacceptable to solicit an expert to fill it.

2) Approved plans by general consent for the Transition of the Para-Transit System; i.e., dialysis patients and persons who need medical treatment. An action plan was established following several meetings with the Clayton County Senior Services Department (directed by Mary Byrd), Community Services Authority, Inc. (headed by Rev. Charles Grant), Clayton County Housing & Community Development Program (directed by Lance Crawford), and Transportation & Development staff. Senior Services will serve as the Fund Administrator for Community Development Block Grant (CDBG) funds and ensure that all administrative requirements are met in using those funds for that Para-Transit service. A screening process of persons who had already been using Para-Transit services for extreme medical needs has been set into motion. In addition, Senior Services will contract with CSA and facilitate the expansion of CSA's present program in order to further determine the needs of those who meet the screening criteria. A very detailed screening questionnaire has already been assimilated to ascertain needs of persons who have used this service before. On April 8, 2010, a Public Hearing will be held regarding the use of CDBG funds for this purpose. As part of the action plan, all of the buses that have been turned in are being assessed to determine which ones are in the best shape. Transfer documents are being coordinated by the county's Legal Department. It has been recommended that the County put together an annualized budget rather than a "per trip" cost assessment, so that maintenance can be allowed and operational costs can be handled when they arise throughout the year. Jeff Metarko, T&D Director, and Franklin Buford, Public Transit Coordinator, have made an effort to reach out to former MARTA drivers who were previously driving these Para-Transit services to determine their interest in pursuing jobs for this new type service. A complete action plan, including a proposed budget, will be prepared and ready for review by the first meeting in May. Compliance with FTA requirements is also being handled.

Of the 400 Para-Transit riders currently on file, Chairman Bell asked how many would be served under this Action Plan. Chief Cohilas answered that 316 were identified on the first spread sheet from MARTA, and this satisfied the Board's request to meet those persons with extreme medical needs – especially dialysis patients. These individuals needed to be transported to either the Phoenix Boulevard or the Jonesboro location. Following a screening of those riders, it turns out that 14 riders have expressed a continued interest in using this service once it is implemented. Due to the publicizing of the C-Tran system shut-down, he believed that many riders had solicited and received alternative transportation. The county has worked very hard to secure the names and addresses of such persons from the MARTA headquarters.

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Chairman Bell acknowledged that the administration of this process and program will be done by “aging” services. He wondered if that would be done in accordance to aging rules or some other rules. Chief Cohilas replied that by using CDBG funds, Senior Services has been working hand-in-hand with Chuck Johnson of Clayton County Housing and Community Development to ensure adherence to all federal guidelines and criteria. Chairman Bell reminded Chief Cohilas that the administration of this process and program is to be governed by HUD rules, not by any other rules. The rules are strict and specific. He understood that there were six (6) buses and questioned the number of buses that will be used for this service. Chief Cohilas stated that there was a total of twelve (12) buses, but six (6) of them had been used a long time. Only two (2) of them were actually running; six (6) were in very poor condition; and this left three (3) buses identified as GRTA vehicles and three (3) buses identified as MARTA vehicles. The evaluation took place recently, and the county is seeking to get the best three (3). Given what appears to be the present scope of those interested in using the Para-Transit service, the action plan calls for two (2) buses to be used regularly and one (1) to be used as a reserve. Chief Cohilas surmised that the initial plan will utilize three (3) buses, but the county is trying to “cherry pick” three (3) of the best buses out of the entire fleet to minimize complaints about the quality of service. Chairman Bell alerted Chief Cohilas that HUD requires an annual budget. He inquired if the county is preparing one. Chief Cohilas said yes, that is correct. Chairman Bell advised Chief Cohilas to have his staff stay in touch with his office. At least six (6) dialysis patients have called for transportation services – they were already at the dialysis facility but had no way to get home. Chairman Bell suggested that the county address all the people when it certifies them. Chief Cohilas said he advised the Chairman’s staff to redirect such calls to the Senior Services Department so that they can be properly screened. He promised to redouble his efforts in this process.

Commissioner Edmondson questioned whether the annual budget model would anticipate other revenue sources besides CDBG funds for operation and maintenance. Chief Cohilas responded that it would be CDBG funding. He was trying to stay within the parameters of the Board’s action per resolution. Chairman Bell agreed and further stated that the federal government allows up to 15% of those funds to be used for this type of operation. Commissioner Edmondson said he was aware of that. He just wondered if Chief Cohilas anticipated an annual budget with additional revenues. Chief Cohilas said he just had CDBG funds to work with right now.

13. Approved the appointment of Mr. Richard Rice of Morrow, Georgia (Commissioner Singleton) to the Development/Redevelopment Authority Board to fill the unexpired term of Mr. Jenaro Roberts (resigned). The term expires 03/1/2011. Vote unanimous.

PUBLIC COMMENT:

1) John Marxen asked for clarification on what taxes should be paid for and when. In

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January 2009, he implemented the process to appeal his property taxes. Due to so many people appealing property taxes in the county, he did not get to appear before the Board of Equalization until January 2010. The first thing he was told when he appeared before this Board was that it was not accepting any information for 2009. Apparently, the taxes he was paying for 2009 actually applied to 2008. Ironically, every document he has been sent was signed "taxes for the year of" whatever the year was at the time. He never saw any documentation that said it was for taxes of 2008. Mr. Marxen questioned if taxpayers are paying taxes a year in arrears for the month of November or not. Everybody in the county's tax office says taxpayers are paying taxes a year in arrears. If that is the case, he had a garage built that was not finished until April of that year; yet his taxes that year were increased to include the garage. He just wanted some clarification so that everyone would understand the circumstances. Chairman Bell referred Mr. Marxen to talk to Terry Baskin, Tax Commissioner, to give him the best qualified answer.

2) Matthew W. Talmadge expressed that he was a member of the Riverdale and Griswell Senior Centers. He was interested in starting a prayer service once a month for thirty minutes at a time at one of these centers (hopefully at both). There are several people who would love to have this service. Mr. Talmadge wondered if the county would allow a non-denominational, non-political, non-financed prayer meeting at this center with no minister or no one promoting anything except God's prayer. He asked if the Board had any objections to his request and, if so, he wanted to know what they were. On behalf of the Board, Chairman Bell said there probably would be no objections to his request. He directed Mr. Talmadge to Mary Byrd, Director of Senior Services, to assist him. Mr. Talmadge said he had already sent Ms. Byrd a letter, and Ms. Byrd told him he could not hold a prayer meeting at the center. He told Ms. Byrd that he would formally make the request before the Board. Chairman Bell finally referred Mr. Talmadge to Alex Cohilas, Chief of Staff, to resolve the matter.

3) Peggy Meadows and Robert C. Mitchell said they had been before this Board in the past regarding a drainage problem. Mr. Mitchell thanked the Board for making sure that the problem was addressed, and it was solved on one half of the street behind Mr. Collins' property (his neighbor) but not behind Ms. Meadows' and his property. With rain, it has gotten much worse. Mr. Cunningham from the Water Authority came out and observed the problem. He told them that they would have to go back before the commissioners before anything could be done. The Board was not aware that the total problem had not been solved. Since then, the total main drainage has caused a huge sink hole. With the summer coming and the children being out of school, he prayed that the sink hole would be under a vacant house. Grass is starting to grow and cover this sink hole. The Water Authority put a caution tape around it today to prevent anyone from falling into it. This problem is on a list to be fixed, but the Water Authority is getting behind. He and Ms. Meadows are seeking the Board's help to get this problem resolved. Chairman Bell asked them to call his office tomorrow morning to schedule an appointment for him to visit the property again with Commissioner Edmondson to get the drainage problem fixed on their side of the road. Commissioner Edmondson asked Mr. Mitchell if Mr. Cunningham of the Water Authority had said the Water Authority could not fix the problem without the Board's

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permission. Mr. Mitchell said the sink hole has developed since some of the commissioners had observed the drainage problem in the past. The whole situation has gotten worse with the tremendous rain. He just wanted Chairman Bell and Commissioner Edmondson to assess the problem and get someone to fix it. Chairman Bell promised Mr. Mitchell and Ms. Meadows that he and Commissioner Edmondson would visit the site soon to determine a resolution to this problem.

4) Dorothy Wedlow waived her right to speak.

5) Jeff Piazza requested to have the C-Tran service return because it is very hard for the citizens to be able to get to work and to be on time. Many people have come to him and said that they are going to lose their job. He has been praying along with others to get C-Tran service back quickly. People depended on C-Tran in the past, and now the riders have been kicked to the curb. Mr. Piazza stated that he was not happy with being kicked to the curb and described himself as an honest, hard-working person. He reiterated that he wanted to see C-Tran running again.

6) Debra Nicholson stated that many workers have lost their jobs due to the elimination of C-Tran service. Hopefully, the county can get C-Tran service running again.

7) Frank Razzano said he was present to support C-Tran, and he appreciated the Board trying to help the dialysis patients with Para-Transit service. His concern was for the students who attended college and depended on C-Tran to transport them to school. Also, there are several handicapped persons in the county who have mental deficiencies as well as physical ones. They are low income people who cannot afford a taxi or buy a car. He has tried to help transport some of them at no charge, but he cannot do it by himself. Mr. Razzano urged the Board to reconsider providing transportation to county citizens.

8) Dr. Raju Vanapalli was not present when his name was called.

9) Wayne Madden said there were some insinuations about his personal reputation in the Board of Commissioners' office. From now on, he will bring witnesses whenever he visits. For the record, he wanted the Board to know that he did not hit on females period.

10) Chris Gallagher questioned if the county still planned to do a road extension from Georgia 85 down Flint Road and a proposed four-lane road or a divider in the road. He recalled hearing that there would be a 300% increase in the next ten years in Fayette County to by-pass it. Chairman Bell admitted that there are a number of proposed road changes, and he referred Mr. Gallagher to Jeff Metarko, Director of Transportation and Development, to answer his question.

11) Gary Frank thanked the Board for ending the C-Tran services. Since the bus stops are

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gone, trash lines the streets of each commission district. He requested that the Board establish a plan to designate a clean-up force to get the cities and county clean like they need to be. Mr. Frank said the Board had mentioned hiring some former C-Tran employees to work with the transitioned Para-Transit service. He wanted to know how to apply for such work because he never received any information about it. Chairman Bell referred Mr. Frank to Alex Cohilas, Chief of Staff, to discuss this matter.